

No apostolic successors, no pope

Laity excluded from election process

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Introduction

The following collection of articles appeared on this site from 2007-2009. They have been compiled here and somewhat revised to form a concise explanation of why, during these fateful times, we cannot accept the false christs and prophets in our midst who lay claim to the papacy. Yet we must not act of our own accord to elect a pope, since any candidate for the papacy would need to issue from licit as well as valid clergy, who themselves possess the necessary jurisdiction issuing originally from Pope Pius XII. Without these faculties, the Church infallibly teaches, they cannot claim to possess the apostolic succession Christ taught as essential to the apostolicity of the Church, (see [Only true bishops are successors of the Apostles, <http://www.betrayedcatholics.com/ApostolicSuccession.html>](http://www.betrayedcatholics.com/ApostolicSuccession.html)). And lacking this apostolicity, the Catholic Encyclopedia says, they lack all of the three attributes and four marks, which alone distinguish the Church of Christ as One, Holy, Catholic, Apostolic and Roman.

First it is necessary to identify those who falsely lay claim to the papacy. Then it is our duty to discover the absolute falseness of their claims and refute the heresies they teach and the schisms they foster. Next we must understand that it is not in our power to “fix” this situation or discover ways to provide the Church with a true Pope. God in His infinite wisdom has obviously decided to withhold the means of electing a pope from His Church at this time, since he has seen fit to deprive us of the hierarchy and thereby the Holy Sacrifice. What could Christ's Sorrowful Mother do when he hung upon the Cross? What could St. John and the holy women do, weeping beneath that same cross? All they could do was pray and watch. And this was true until Christ reappeared at His Resurrection. If we are living the Passion of the Mystical Body, we cannot run to find St. Peter, and the rest of the Apostles, (although we may indeed wonder where we might find St. John). If we wish to remain faithful to our Lord, we must patiently suffer with Him, comfort His mother and remember Jesus' words in Gesthemane: “How can the prophecies be fulfilled, that so it must be done?”

Beware of wolves in sheep's clothing

The following is a list of the known false claimants to the papacy since the death of Pope Pius XII, last true pope:

- Roman claimants: [John 23](#), [Paul 6](#), [John Paul I](#) and [John Paul 2](#), [Benedict 16](#) — 1958 to present (All these men were heretics pre-election and unable to accept the papacy, as proven in many different works.)

- Guiseppe Siri — Cardinal created by Pope Pius XII; “Gregory XVII;” died May 1989. Siri theorists say elected to papacy in 1963 or 1958 but never accepted; has a successor “in hiding.”
- Michael Collin — “Pope Clement XV,” 1950. France. Excommunicated by Pope Pius XII. Deceased.
- Gaston Tremblay — called himself “Pope Gregory XVII,” 1968, Canada; deceased.
- Clemente Dominguez Gomez — called himself “Pope Gregory XVII,” 1978-2005, The One Holy Palmarian Catholic Church, in Spain; deceased. Succeeded by Manuel Alonso Corral, “Peter II.”
- Chester Olszewski — “Pope Peter II,” 1980, Pennsylvania, USA (?)
- David Bawden — “Pope Michael I,” 1990, Delia, Kansas; layman “elected” by his mom, dad and three friends; to date not ordained or consecrated. The three friends later denounced their votes.
- Francis Konrad Schuckhardt — “Pope Hadrian VII,” 1984, Chicago, Ill., USA; deceased.
- Fr. Valeriano Vestini, O.F.M.Cap. — “Pope Valeriano I,” 1990; Avezzano, Italy
- Fr. Victor von Pentz — “Pope Linus II,” 1994, Rome, Italy
- Maurice Archieri — “Pope Peter II,” 1995, France
- Fr. E. Lucien Pulvermacher, O.F.M. Cap. — Elected during a phone-in election by layman, 1998, Kalispell, Mont., USA; called himself “Pope Pius XIII,” then “Peter II”. A priest himself, created priests, cardinals. Denounced by several followers for playing with pendulums.
- Julius Tischler — “Pope Peter” II, 19xx. Germany.
- Blasio Jesheck Ahitila — 1991, died 12 June 1998
- William Kamm, “The Little Pebble,” Australia, “Pope Peter Romanus II;” charged with sexual abuse of children
- Pope Francis I, Canada, 2007; unknown, (Hans Lorenz?)

Unknown — called himself “Pope Benedict XXV,” 19??

Unknown — called himself Pope Leo XIV, 19??.

Unknown — called himself Pope Peter Athanasius II, 1984, (Belgium, then Canada)

Unknown — called himself Pope Emmanuel I, 19??

(Other claimants will be added to this list as they are discovered or announced.)

Trads, conclavists reinvented Gallicanism

If Traditionalists and Conclavists wonder how we got to the point we have reached today, they can lay it all at the door of Gallicanism, a heresy assumed forever defeated at the first and only Vatican Council. All the errors we have endured since the death of Pope Pius XII find their origins in this pervasive heresy. The failure to understand and abide by the Vatican Council documents proclaiming infallibility de fide has contributed not only to the founding and proliferation of non-Catholic sects by Traditionalist clergy, but also has resulted in disdain and disregard for the office of the papacy, infallible Church teaching and Church discipline (Canon Law). If we wished to cite one all-inclusive reason for why there has been no restoration of the Church and no resolution of the crisis

in the Church we have lived out for the balance of our mortal lives, it would be the resurgence of this heresy accompanied by the advent of the “black paganism” (secular humanism, naturalism) which shortly before his death, Pope Pius XII warned was about to descend on the world. We begin this work, therefore, with an overview of this “neo-Gallicanism,” followed by a study of how it has affected Traditionalists and Conclavists in general. This will give readers a good background for the other articles included in this work on the inability of laity to act in the place of the clergy, and illicit clergy to function without the necessary jurisdiction.

The Gallicanist heresy: a brief overview

As Rev. Denis Fahey pointed out, it was the Reformation that first separated the life of the Christian from that of the citizen. “The principle of private judgment prepared the way for the opposite extreme error of ‘holy rebellion,’ and the right of the people to overthrow authority whenever it pleases them.” (“The Kingship of Christ and Organized Naturalism”). Josephism and Gallicanism, Fahey explained were only “a revival of Roman paganism.” And the separation of the Christian from the citizen, beginning with the triumph of these heresies paved the way for Liberalism, Naturalism and ultimately Modernism. It is this ‘holy rebellion’ and defiance of all legitimate authority, even that of the civil sector, so zealously practiced by Traditionalists that has desacralized any early intent they ever had to preserve Catholic Tradition and safeguard the faith. Retaining their Americanist flavor, these “Catholics” unleashed their ‘holy rebellion’ against the very structure of the Church established by Christ Himself. Rather than laboring to discover the solution to the manufactured Church crisis according to the teaching, laws and practices of the Church Herself, they did all in their power to assist Her enemies in their attempts to administer the death blow long planned by Freemasonry, perpetrators of Naturalism. Whether these individuals were secret society members themselves or unwilling dupes, the result was the same.

The origins of Gallicanism and epikeia

Walter Ullmann revealed that the principle of epikeia was used to arrive at the conclusion that in the present crisis, an ecumenical council should be called to depose the papal claimants and resolve the Western Schism. Speaking of epikeia and the Conciliarists, Ullmann said: "As a glance at Canon Law confirms, all these proposals (based on epikieia) however ingenious they may have been were, from the point of view of Canon Law, illegal." (“Origins of the Western Schism,” 1948).

A footnote listed on this same page states that nearly all the supporters of a General Council referred to this panacea, “especially Jean Gerson, who made great use of this idea,” and first promoted the idea that a true pope could become a heretic. “There was, it is true, great uneasiness about this interpretation...” (He goes on to say that several bishops and a patriarch did not advocate deposition except in the case of heresy.) We see that the very arguments that precipitated Gallicanism have been revived today, the only difference being that the Catholics of the 14th and 15th centuries eventually restored a true pope to the throne despite these obstacles, unlike Catholics today. Ullmann noted that those in error concerning the Church’s constitution reasoned then much as Traditionalists reason now: “The pope is only a secondary head of the Church, Her primary and principal head being Christ, Himself...Christ still reigns over Christianity. The pope may

die or be killed and Christianity lives. Even if there were no pope at all, the body and members of the Church would continue to exist," (Ibid.,). Although various popes later condemned these errors, they continue to exist today.

Henry Cardinal Manning traces the birth of the Gallicanist heresy to the time of the Council of Constance and stated that the root of this heresy can be found in a minority of the ancient French hierarchy until the appearance of the Gallicanist Articles in 1682. "The (Vatican Council's) full and final declaration of the Divine Authority of the Head of the Church (was) needed to exclude from the minds of the pastors and faithful all the political influences which have generated Gallicanism, Imperialism, Regalism and Nationalism, the perennial sources of error, contention and schism," ("The Vatican Council Decrees and Their Bearing on Civil Allegiance," 1875). Ullmann commented concerning the stance of theologians during the Schism: "This trend was not only illegal; it was, above all, against a fundamental article of faith...Measures palpably against law and dogma were thus propounded by canonists and theologians of 'the highest repute. Furthermore, not a single writing can be produced which would show that the illegal and anti-dogmatic character of these proposed measures was recognized. Anti-papalism became the watchword.... The idea that the dogma of the primacy of St. Peter was attacked in its most naked form failed to be recognized, since we cannot discover any theory of the time which attempts to reconcile these heretical ideas with the teaching of the Church." ("The Origins of the Western Schism").

Yet as seen in Sec. 1, Pope Paul IV settled the 'pope in heresy' argument in his 1559 Bull, Cum ex, by stating that if it ever APPEARS that a pope has fallen into some heresy, such a man was a heretic before his election and never truly became pope. This is necessarily true because Christ guaranteed St. Peter and his successors the gift of unfailing faith, a statement making no distinction between the public vs. private capacity of the Pope. Baldus de Ubaldis, one of the great (and more orthodox) jurists of the Western Schism era wrote, "Canon Law expressly states that nobody shall try a pope. On the contrary, Canon Law lays down the dictum that **in doubtful situations the man (canonically) elected has to be held as pope**, (Dist., lxxix, 8)." (Note here that the Council of Pisa was illegal and the Council of Constance legal only because it proceeded following the resignation of Gregory XII, later declared the true pope during the schism by Pope Benedict XIV.)

At the Council of Trent, Gallicanist bishops arrived to demand that the questions of whether episcopal jurisdiction comes directly from God or through the pope, whether a council must receive the confirmation of its decrees from the sovereign pontiff, etc... be settled there. (The Vatican Council decrees and later Pius XII's Mystici Corporis would forever settle the source of episcopal jurisdiction in favor of the papacy. Pope Alexander condemned the idea of a council being superior to the Roman Pontiff, as did the Vatican Council, (DZ 1325 and 1839). A particular disdain for both Canon Law and the primacy of the Roman Pontiff can be detected both in the invocation of epikeia in the 14th century and the comments of Fleury in the Catholic encyclopedia concerning the "novelties introduced by Ultramontane canonists." Those exhibiting Gallicanist affiliation today can

be identified likewise. Gallicanists champion the pre-eminence of State over Church, something put into practice today in America by the exercise of separation of Church and State, or state excluding the Church from its affairs, which is the first step to national churches. The Americanist heresy in this country condemned by Leo XIII secretly infected far more of the clergy than at first thought, and this contagion later became one of the contributing factors in the Church's demise. The council over pope idea was the first attempt at a Church run along democratic, not monarchical lines. The Gallican fight for secularization of the Church culminated in the French Revolution. Today Catholic churches in both Italy and France are owned by the state.

Pope Pius VI condemned the idea, advanced by the Jansenist successors of the Gallicanists at the Synod of Pistoia, that there is no need of "ordinary or delegated jurisdiction" in absolving penitents, (DZ 1537). "That ipso facto [excommunications] have no other force than that of a serious threat without any actual effect," was another of the propositions taught at the Synod of Pistoia condemned by Pope Pius VI, (DZ 1547).

The Material/Formal heresy

The basis for the material/formal heresy, first advanced by Rev. Gerard des Laurier (founder of the Guérardists) can be found in the infamous fourth Gallican Article, condemned by Alexander VIII and later Pope Pius VI. In his article on Gallicanism for the 1913 Catholic Encyclopedia, A. Degert stated that the "Whole Gallican argument can be reduced to the position that the Doctors of the Church — St Cyprian, St. Augustine, St, Basil, St. Thomas and the rest — had not known pontifical infallibility; that pronouncements emanating from the Holy See had been submitted to examination by councils; and that Popes Liberius, Honorius, Zosimus and others had promulgated erroneous dogmatic decisions. The contention, therefore, of the Gallicanists, used to explain away the primacy, was that only the line of popes, the Apostolic See was infallible; but each pope, taken individually was liable to error. Formally, as a body, the popes were infallible. Materially, individually, they could err."

As Degert commented, this convoluted theology was "stricken to death, as a free opinion, by the Council of the Vatican." It survived in the Old Catholic heresy for decades and that group, which had lain in wait patiently for the calling of a "people's" council such as Vatican II, was only too glad to gather up any remaining priests and faithful into their nets. We should not be surprised, then, if today we see them immersed in the very heresy that contributed to the destruction of the Church, eager to pass it on to others. Today, the cry of epikeia is used as a blanket excuse to escape the condemnation of Pope Pius VI, just as it was used to justify the council over pope theory before its condemnation. Gallicanist-minded clerics have ignored the confirmation of ipso facto excommunications against them for more than a decade. And the revival of the material/formal heresy is used merely as a stalling tactic to prevent the resurrection of the Church. If a reasonable man takes a good, hard look at all the traits Gallicanists of today and of yesteryear have in common, there is no denying that the two are but one and the same.

The work "Necessity of Canonical Fitness in the Ordination of a Lay Pope," previously available on this site, has not been removed because this author *in any way* admits that

the article was heretical or incorrect. The article has been removed because it was written at a stage in this author's research (Nov. 30, 2006) when it was not yet realized that the lay election of a pope ITSELF was both heretical and punished by excommunication, (see article on Conclavist heresies, free downloads section of this site). There is no longer any need to debate the necessity of examination and verification of fitness in a lay pope-elect since this is now immaterial. The arguments on which this article was based, however, had a firm foundation in Apostolic Tradition and canonical teaching, and hopefully in the future the proper hierarchical and clerical authorities can decide on the merits of these arguments.

In the article, this author explained that the term *lay pope-elect* is used to designate one who has merely been elected as pope but has not yet accepted election. It is important to remember that the opinion professed in this previous article applied in no way to validly elected pontiffs of the past, nor to any pontiffs that are canonically elected by clergy in the future. I merely pointed out that a pope-elect cannot accept papal election unless he is deemed fit for the priesthood according to the teaching of Pope Pius XII. One who has been elected but has not accepted the papacy is not yet a pope and has not yet received Divine jurisdiction. As such he can be examined and investigated, as indeed Holy Scripture and divine Apostolic Tradition attest. The Second Council of Lyons says candidates for the episcopacy must be examined before their appointment. Canon Law clearly states that no one becomes pope unless and until they accept election, (Canons 109, 219). Therefore there is no "judging of the Pope," as some infer, or slighting ecclesiastical discipline; for such a one is *not yet pope*. Ecclesiastical discipline and Divine law is indeed breached by a lay papal election, but not by questioning the integrity of the *candidate*. And in re-examining the particular lay election in question at the time, using the sure teachings of popes, not the opinions of amateurs, it became abundantly clear that the "lay-pope" in question never managed to become more than a pope-elect and could never accept election. At the time, this is something I had not yet thought through. Yet owing to a lack of fitness on several counts, the truth was inescapable.

The meaning of Gallicanist condemnations

What was falsely condemned as supporting the Gallicanist heresy was stated by this author as follows: "The Roman Pontiff is never above the rules, although he can introduce new legislation, abolish merely ecclesiastical laws and issue binding decrees of his own. To disregard Canon Law would be to inspire contempt for the law itself as well as Church teaching." The charge has been made that in stating this, it places the pope in an inferior position that makes him subject to the penalties of the law as applied by inferiors. But this was never the author's intent, because it is not the case where the pope is concerned. The part of the supposedly condemned articles can be found in Denzinger's "Sources of Catholic Dogma," DZ 1324: "(3) Hence the use of the apostolic power must be moderated by the canons which have been established by the Spirit of God and consecrated by the reverence of the whole world..." The question arises: what is meant here by the word "canons"? Under the article on Gallicanism in the Catholic Encyclopedia (1911 — www.newadvent.org) the author A. Degert, a professor of Latin literature at the Catholic Institute in Toulouse, France, lists article (3) as follows: "The exercise of this Apostolic authority must also be regulated in accordance with the canons

made by the Spirit of God and consecrated by the respect of the whole world. The rules, customs and constitutions received within the kingdom and the Gallican church must have their force and their effect, and the usages of our fathers remain inviolable, since the dignity of the Apostolic See itself demands that the laws and customs established by the consent of that august see and of the Churches be constantly maintained.”

He then further defines “canons” in (3) as follows: “...*The papal primacy was limited by the canons and customs of particular Churches*, which the pope was bound to take into account.” In his “A Catholic Dictionary,” under Gallicanism, Donald Attwater identifies this same third article as referring to “*laws, customs and constitutions of the Gallican and other churches.*” In his “A Summary of Catholic History,” Vol. II, Rev. Newman C. Eberhardt, C.M. relates that article (3) states: “Exercise of papal jurisdiction was also restricted *by local conciliar decrees and the customs of the Gallican Church,*” (all emph. mine). In their “A Compendium of Catholic History,” written by the Notre Dame sisters in 1911, we find the same estimation of Gallican article (3) given by Attwater. One of the reasons the French believed that their canons were sacrosanct and could not be changed by the decisions of a future pope is that, at one time, Popes Leo IX and Urban II convened local councils in both Italy and France and presided at them personally, (“A Popular History of the Catholic Church,” Philip Hughes, 1951; pg. 94). It can be safely assumed that no laws or articles touching faith and morals were passed at these councils without the pope’s approval. The French obviously attached a greater significance to their local laws because of this and believed they could not be revoked.

Later in the Encyclopedia article, which should be read in full to properly understand the reference, the canons (laws or rules) are referred to as “liberties” or “privileges” granted to the ancient French Church during this time period and even before. Those promoting Gallicanism believed that bishops were equal to the pope in the sense that they received their commission directly from Christ and without any need for its activation or regulation by the pope. Pope Pius XII later condemned these teachings by stating the Church’s true teaching in “Mystici Corporis Christi” and in “Ad Apostolorum Principis.” The bishops did receive their divine mission from Christ, but with Peter as their head; therefore Peter has the right to regulate its exercise. And regardless of what laws some believe may have existed in the earlier centuries of the Church, only the laws now in force govern Episcopal consecration and jurisdiction, (“Ad Apostolorum Principis”). This constitution, which has often been quoted and recommended on this site, *upholds* the Pope’s ability to make new laws or to modify earlier laws, but a true pope could never contradict Divine law, positive or natural.

There can be no confusion here with these *Gallican* canons or privileges and the Roman Church’s own collection of canon laws, since Canon Law is based primarily on *papal* laws and (sometimes infallible) teachings and the laws and teachings of *General* Councils. A successor of St. Peter would not be above the infallible laws of his predecessors repeated in Canon Law or above those canon laws based on Divine Law, positive or natural. It is important to distinguish here that the canons of the Gallican Church and other churches were based on the laws of bishops and provincial synods and councils, not papal and conciliar law. Even though the pope must have ratified these

laws, they were not laws issuing from the ordinary magisterium of the Holy See; otherwise future popes would never have been able to revoke them. Canon Law is universal law; the laws of different local Churches are particular law. Canon Law binds everyone everywhere; particular law binds only those in certain locales, (Can. 13). So the canons referred to in Gallican article (3) were not general laws binding the whole Church. The reason that the Gallican bishops protested the pope rescinding their laws is that they believed, the Catholic Encyclopedia notes, that, "...the popes...had been quite willing to divest themselves of a part of their authority in favor of the bishops or kings of France." They held themselves equal to the pope in jurisdiction, and when in council, gathered as a worldwide body, even superior to him. This was the epitome of the Gallican errors, which stated that the rule of the bishops and temporal leaders supersede that of the pope.

In his work "The Church in Crises: A History of the General Councils," the well respected historian Philip Hughes states: "In 1690, Pope Alexander VIII reproved this [Gallican] Declaration stating that oaths sworn to them were null and void, (DZ 1322-26, 1598)...But the doctrines implied were never condemned as heretical," (pg. 353, ft. nt. 38). Certainly articles two through four of this declaration were especially condemned at the Vatican Council as heretical after the fact, as the Catholic Encyclopedia article referenced above also notes. So to *now* hold that infallibility is found only in a General Council or that the Council or temporal government is above the Pope is heretical; to *now* hold ***that canons and privileges granted to the Gallican and other churches and their bishops are not subject, as ecclesiastical norms, to the pope is heretical.*** But these things I have never held and *would* never hold. This has nothing to do with Canon Law

It appears that the only penalty of the Code that could apply or be applied to a "Pope" is Can. 188 §4, and as Pope Paul IV's Bull "Cum ex Apostolatus Officio" explains, even this Canon is not applied to a pope, *per se* but to one who was guilty of a heresy pre-election that was discovered only after the fact. The Gallicanists believed that the Pope was answerable to a Council and to his Cardinals for crimes *other* than those involving faith and morals. They believed that a Council or the Cardinals could depose a pope for these crimes. This is quite a far cry from stating, as this author has repeatedly stated in the past, that a true Pope must be a pattern for his flock. For a truly Holy Father would sedulously avoid the sins of those hypocrites condemned by Christ for sitting on the seat of Moses and instructing the Jewish people to do as they said, but not as they themselves actually did.

Popes still subject to Divine and natural law

Canon Law is the Church's code of ecclesiastical discipline. We find this teaching of the Vatican Council in Henry Denzinger's "Sources of Catholic Dogma": "***We teach and declare that the Roman Church...the Roman Pontiff...holds the sovereignty of power over all others...not only in things which pertain to faith and morals, but also in those which pertain to the discipline and government of the Church...This is the doctrine of Catholic truth from which no one can deviate and keep his faith and salvation,***" (DZ 1827, 326). Here the Vatican Council ranks discipline alongside faith and morals. If it can be said that the Roman Pontiff is above the rules in the sense that he can violate those

canons as a body, or any laws based in part on Divine and natural law, such a statement itself is heretical. Nor can the pope ignore those laws based on the infallible decrees of his predecessors, or the condemnation of heretical propositions, such as Can. 147, which as Pope Pius XII clearly teaches is taken from the Council of Trent. The pope is not a despot or one unable of committing sin simply because he possesses the charism of infallibility. He is human, not a god, and is subject to God's laws and the human laws that are either explicitly or implicitly based on God's laws. To even suggest that a true pope could exempt himself from Divine or natural law is at least an implicit denial of all the Vatican Council defined and is thus heresy itself. Therefore if such a thing happens, the faithful know, from Pope Paul IV's "Cum ex Apostolatus Officio," that the heresy existed before any alleged "election."

Another consideration must also factor into the illogical assumption that a Pope can arbitrarily ignore, modify or abrogate Canon Law. Everyone knows in what high contempt the public holds civil authorities who rigorously enforce the law, yet violate it themselves at will. To even imply, therefore, that a true pope would not obey ecclesiastical laws, in order to give good example to his flock, and in obedience to God's will is scandalous at the very best. Scandal, Revs. McHugh and Callan explain, is "conduct which is *evil at least in appearance* [emph. theirs], that is sinful or at least seemingly sinful... The word scandal is also used to signify moral injuries distinct from inducement to sin. Thus the shock and offense given to virtuous persons... is sometimes said to scandalize," (as in using blasphemous language or even omitting grace before meals, etc...). McHugh and Callan go further to distinguish active from passive scandal, active scandal being the intention to lead others into sin and passive scandal "when one makes the good action rightly performed by another an occasion of sin." To infer that the Roman Pontiffs could arbitrarily disregard observing ecclesiastical laws such as fasting and abstinence, correct observance of the rubrics in saying Holy Mass or administering the Sacraments, or following the correct order of certain other liturgical acts is to impugn the virtue and dignity of these Pontiffs, which leads to a disdain for all authority.

In his "The Holy Will of God," Rev. Leo Pyzalski teaches: "***A reliable sign of perfect superiority consists in unrestricted and willing subordination of a superior to Canon Law and to all regulations of the higher authorities.*** Failing this, the unfaithful superior should not be surprised by the recalcitrant attitude of his subjects... Though the excuse of subjects is unwarranted and vain in such circumstances [assuming the superior is legitimate], still the unfaithful superiors are partly responsible for the disorders creeping into their community... ***The superior should be the first to practice what he teaches....***" It is true that the Pope is not bound by Canon Law in the sense that he can, "for serious reasons and after mature deliberation," (Revs. Woywod-Smith, Can. 22) interpret and adjust these laws as the need arises. But it is definitely NOT true that the Pope can arbitrarily and completely disregard the very laws he enforces.

Catholics left the Novus Ordo decades ago because the usurpers of the Holy See first ignored and disobeyed the laws and teachings of the Church, then abolished and rewrote them. St. Paul calls the Antichrist "the lawless one," indicating that one of the primary

distinguishing marks of Antichrist will be a blatant disregard for the law. The Catholic Encyclopedia article on Canon Law reminds us that all these laws have their ultimate basis, at least, in Divine law. Contempt of the laws of the Church, then, is ultimately contempt for God and the Church He founded on earth. But this is not all that the Gallicanist heresy was about; and its true source will tell us more about those who harp upon it and misinterpret it than they would wish us to know.

Gallicanism began with an abuse of privileges

As A. Degert explains in the Catholic Encyclopedia, the defenders of the Gallicans' stance championed their cause on the basis of certain privileges accorded French bishops in the early ages by the Roman Pontiffs. They insisted that these privileges still applied to them, despite the fact they were long ago revoked. "Gallican ideas and liberties were simply privileges, concessions made by the popes, who had been quite willing to divest themselves of a part of their authority in favor of the bishops or kings or France" Degert writes. "The [Gallicans] by no means admitted that the Liberties were privileges since a privilege can be revoked by him who has granted it; and, as they regarded the matter, these Liberties could not be touched by any pope." The Gallicans claimed their "liberties" were "a revival of the most ancient traditions of Christianity; a persistence of the common law. The rules, customs and constitutions received within the kingdom and the Gallican Church must have their force and their effect, and the usages of our fathers remain inviolable since the dignity of the Apostolic See itself demands that the laws and customs established by consent of that august see and of the Churches be constantly maintained... It was in the assembly which voted on this measure [to withdraw from obedience to anti-pope Benedict XIII in 1398] that for the first time there was any question of bringing back the Church of France to its ancient liberties and customs — of giving its prelates once more the right of conferring and disposing of benefices. When the Vatican Council opened, in 1869 [and] declared that the pope has in the Church the plenitude of jurisdiction in matters of faith, morals discipline, and administration — that his decisions *ex cathedra* are, of themselves and without the assent of the Church, infallible and irreformable — it dealt Gallicanism a mortal blow." (For a more detailed discussion of Gallicanism, go to www.newadvent.org).

Gallicanists championed the rights of civil governments and the king. They believed that the faithful and especially nobility had rights equal or superior to those of the Pope. They advocated a democratic form of government for the Church of France and the Church in general, following the teachings of John of Paris, whose writings were later condemned. It also arose from the earlier teachings of Marsilius of Padua and Jean of Jandun in "Defensor Pacis," according to the Catholic Encyclopedia. Marsilius, also Jean of Jandun taught that while God is the source of all power, nevertheless "It [said power] sprang immediately from the people who had in addition the power to legislate. Law was the expression of... the will of the people, who, by the voice of the majority, could enact, interpret, modify, suspend and abrogate it at will. In the Church, according to [the heretical work] 'Defensor Pacis,' the faithful have these two great powers, *the elective and the legislative*." The Gallicans were supporters of lay investiture, believing they could fill vacant sees without papal intervention. The not-yet-condemned heresy died

down for a time during the Protestant Reformation, because then the result of the actual application of the principals they were advocating became all too apparent. But people forget, and in the birth of the age of democracy and rights of the people, Gallicanism became popular once again. It seemed to die for a time following the Vatican Council, only to rebound with a vengeance in the 1950s and 1960s. Without realizing it, even Traditionalist imbibed this poison, carrying it over into their ideas on extraordinary mission, lay operated chapels and the ability of the Church to exist independently of any direction from the Roman Pontiff. When Sedevacantism emerged, and some insisted that the Church needed a Pope, once again the remnants of Gallicanism reared its ugly head. Surprisingly, its method of operation has changed very little over time.

Those promoting papal elections chose to employ laity and deposed clergy (who in effect are reduced to the lay state) as electors, based on “privileges” granted by previous popes. They insisted that no one could gainsay these privileges, just as the Gallicanists insisted, because it was “a revival of the most ancient traditions of Christianity; a persistence of the common law,” (Cath. Encyclopedia quoted above). They ignored the disciplinary decrees and election law of Pope Pius XII in stating this, pretending that laity could so manipulate Canon Law that it was actually possible they could find a way to override Pius XII’s election decree. “Law was the expression of...the will of the people, who, by the voice of the majority, could enact, interpret, modify, suspend and abrogate it at will,” (Cath. Encyclopedia quoted above). This may not have been the intent of those promoting these elections, but it most certainly was the end result. It clearly is a revival of Gallicanist teaching and belief and as such can be qualified only as heretical. This has been demonstrated from other proofs elsewhere on this site.

But attempting to demand accountability from one claiming to be pope, to whom my original article on a lay pope-elect was addressed, could scarcely be considered as heresy unless it is considered outside its true context. Invoking privileges long ago revoked is clearly within the context of what happened in at least one “papal election.” That the people have the right to interpret, modify, and suspend law at will is what Traditional-minded laymen and Traditional clerics have claimed for themselves all along. This they have done in exercising jurisdiction outside the law, by setting up Mass Centers and establishing non-Catholic sects against the law and by receiving sacraments illicitly and sacrilegiously. They also invoke a custom abrogated centuries ago to support the creation of their “bishops” and priests.

According to Revs. Woywod-Smith: "In the 12th century the right of electing the bishop had passed into the hands of the Cathedral Chapters in many countries in Europe. In the 13th century we frequently find that the Supreme Pontiff reserved to himself the right to choose the bishops for vacant dioceses. At about the same time the Roman Pontiffs reserved to themselves the right of confirmation of the election by the Cathedral Chapters and the consecration of the new bishop," (commentary on Can. 953). It would seem, then, that the bishops Traditionalists point to as consecrated at this time most likely were validly nominated and consecrated without the need for papal approval, as this was the custom in those days. They may or may not have been required to receive confirmation

from the Pope once elected, depending on the laws existing for this procedure in the different countries. What then passed as a custom in those days has since been abrogated by the Code of Canon Law, and cannot be revived except by a future Roman Pontiff, (see sidebar: Only clergy can elect a Pope.) And here it is important to note that there are several obvious differences between the situation in the 13th century and our own:

- 1.) Heresy, apostasy and/or schism were not issues in that time period.
- 2.) There was no question whatsoever of the allegiance of the bishops ordaining and consecrating during this time to the Roman Pontiff or the Church.
- 3.) The ordinations/consecrations were all performed *during a protracted conclave*, with full expectation that a Roman Pontiff soon would be elected.
- 4.) These consecrations took place over a three-year period; not a 50-year period with 20 years intervening before any Traditional "bishops" were even consecrated!
- 5.) At that time the laws governing the papal election obviously did not prohibit acts of jurisdiction from being posited during the interregnum. These laws now are abrogated and cannot be revived, according to "Ad apostolorum principis" and the election law of Pope Pius XII currently in force.
- 6.) The infallible teaching of the Vatican Council and Pope Pius XII's definitive teaching on the nature of the jurisdiction enjoyed by bishops, contained both in "Mystici Corporis" and "Ad apostolorum principis" had not yet appeared.

We read from Rev. W. Wilmers, S. J., an advisor at the Vatican Council: "The Apostles, not the faithful, were directly invested with that power which He conferred on His Church...Luther, Calvin, Febronius and the Gallicans maintained that Christ conferred His power *on the body of the faithful*...The Catholic doctrine, contained in Holy Scripture, is that *Christ conferred His authority immediately on the Apostles, to be exercised by them independently of the faithful*; consequently the Church is an unequal society consisting of superiors and subjects...It was to Peter alone and not to the people at large that Christ promised the supreme power, (Matt. 16: 18, 19)...The power promised was likewise conferred on the Apostles alone, since Christ...addressed it...to them only...It was the Apostles alone who transferred this power to others; and thus they proved that they, not the faithful, possessed it...The Church, it is true, chose the seven deacons, and presented them to the Apostles, but it was the Apostles who imposed their hands upon them and invested them with authority...*In later times the Church granted the people, or the secular power, a voice in the designation of those who were to be promoted to ecclesiastical offices; but it was neither the people nor the secular power but the Church that invested them with authority.* As often as this privilege was abused by the rulers or people, the Church did not fail to restrict its use, or at least to protest such abuse as a usurpation...Christian antiquity unanimously testifies that the bishops are the successors of the Apostles. The faithful have no share in the government of the Church nor have they any right to prescribe how the Church is to be governed...*A right must be proven, not supposed. But in the constitution of the Church, there is no vestige of such a right.*"

The Gallicanist interpretation of *epikeia*

In his "The Origins of the Great Schism," historian Walter Ullmann reveals that the principle of *epikeia* was used to arrive at the conclusion that in the crisis faced by the Church in the 14th and 15th centuries, an ecumenical council should be called to depose the papal claimants and resolve the Western Schism. Speaking of *epikeia* and the Conciliarists, Ullmann said: "As a glance at Canon Law confirms, all these proposals (based on *epikeia*) however ingenious they may have been were, from the point of view of Canon Law, illegal." Ullmann mentioned that there is a proper way to harmonize equity with the law that is used by theologians, but condemned what he called "this extra-legal, meta-juristic method of explaining canonistic enactments" known as *epikeia*. And this is the same abuse we are witnessing today. According to Ullmann, *epikeia* is an entirely Aristotelean concept, first expounded upon to any extent by the layman Marsilius of Padua in his "Defensor Pacis" in 1326, whose teachings on the rights of the laity to interpret and manipulate Church law are quoted above. In discussing "the qualities or dispositions of the perfect ruler" Marsilius invoked the Aristotelian concept of "equity" (*epikeia*) as a means of serving justice when the existing positive laws prove unworkable, owing to their fallibility and deficiency. Conrad of Gelnhausen, one of the layman who promoted a move to end the Western Schism, used Marsilius' reasoning, also that of John of Paris, to formulate his own theories for arriving at a solution to the schism.

In due time, the Church condemned Marsilius of Padua and John of Paris for their heretical teachings. But this has not prevented both Traditionalists and conclavists alike from appealing to the distinctly Gallican concept of *epikeia* as it suits them. Traditionalists appeal to it to justify their manipulation of Canon Law, which allows their "clergy" to function. Conclavists, even those who fiercely condemn Trads for using this principle to avail themselves of the Sacraments, are no better: they hypocritically invoke this principle to excuse themselves from the confines of the law concerning lay participation in papal elections, allowing the circumvention of Pope Pius XII's 1945 election law. Some conclavists even dare to cite Canon Law and other dissertations of those urging caution in using *epikeia* to justify their stance against Traditionalists. Yet they conveniently fail to mention one such dissertation that collectively blows Trads and conclavists alike out of the fetid swamplands of disbelief.

The following is excerpted from "The History, Nature, and Use of Epikeia in Moral Theology," by Rev. Lawrence Joseph Riley, Copyright 1948, The Catholic University of America Press, Inc. Imprimatur: + Richardus Jacobus Cushing. D.D., 7 May, 1948:

1. *Epikeia* may be used only with the greatest discretion; in the internal forum it may be applied to affirmative precepts and to negative precepts (ecclesiastical and civil), but very infrequently with regard to affirmative precepts, because the latter, binding *semper* but not *pro semper*, are more susceptible of interpretation than of *epikeia*.
2. *Epikeia* is not to be identified with interpretation, dispensation, presumed permission, excusing cause, or popular acceptance of human law.

3. *Epikeia* may not be applied to precepts of the natural law, nor to precepts of the divine positive law of the New Testament.
4. It seems probable that the use of *epikeia* was not permissible in reference to precepts of the divine positive law of the Old Testament.
5. Human invalidating laws sometimes cease to bind; but *epikeia* may not be applied to human invalidating laws.

Rev. Riley observes on page 344, 347: “In short, it may be concluded that in regard to matters which touch the essence of the Sacraments, the use of *epikeia* is always excluded...In regard to the essence of these Sacraments, what has been explained above of all the Sacraments is applicable to them – viz., that *epikeia* is never licit.”

Rev. Riley writes on page 387: “At most, *epikeia* can excuse the individual from the precept, but it can never confer the capacity to act. *Epikeia* cannot bestow upon him the power which he does not now possess, nor can *epikeia* restore the power which the law has withdrawn. For such bestowal or restoration of power a positive act is required.”

Rev. Riley tells us on pages 232 and 233: “Intimately connected with this problem is the question of whether or not *epikeia* has any standing in the external forum. It would appear to be the rather general consensus of authorities today that it has not.

“Writing in *Apollinaris*, D' Angelo points out that St. Thomas considers *epikeia* to be a merely moral element, and that modern writers believe it to have reference only to moral, and not to juridic matters... Van Hove contends that, since *epikeia* is not an act of jurisdiction, it has value only in the internal forum. ...Hilling seems almost unwilling to give any standing to *epikeia* at all. Believing that it practically amounts to self-dispensation, which is in contradiction to law as a binding norm, he concludes at the most that it may be recognized in the internal forum.” Revs. Cicoganni, Bouscaren-Ellis, Woywod-Smith, Rev. Francis Miaskiewicz, Rev. Raymond Kearney — all these canonists also warn of the great caution that must be used in applying *epikeia*, and the many dangers of abuse in attempting this application.

So all this makes everything quite clear. Traditionalists may not use *epikeia* to justify their use of illicit clergy to administer the Sacraments. Conclavists and Traditionalists both may not use it to interpret the law, dispense from the law, presume permission or otherwise excuse themselves from obeying the law. This is especially true of papal elections; in fact this statement of Rev. Riley's is almost a mirror image of Pope Pius XII's statements concerning the observance of his law in “*Vacantis Apostolica Sedis*.” Furthermore, as stated in the Canon Laws concerning jurisdiction and the constitution of the Church Herself, both the necessity of jurisdiction and the distinction between the hierarchy as the governing body and the laity as the ones governed proceeds directly from Divine law. Rev. Riley points out that *epikeia* cannot be applied to the Divine or natural laws, once again precluding its use in the reception of the Sacraments and participation of the laity in a papal election. So conclavists insisting that the natural law can be

contravened by invoking *epikeia* where the qualifications of papal candidates are concerned, or the Divine law which forbids lay participation, are in error. Nor, as they likewise insist, can *epikeia* be used to dismiss invalidating laws. Pope Pius XII's election law contains invalidating laws; invalidating laws such as Canons 147, 153-154, 167 and 453. These all protect the necessity of canonical election and apostolic succession. They cannot be summarily dismissed, dispensed from or ignored.

Finally, the common opinion of theologians, which cannot be cast aside to follow the less probable opinion, teaches that *epikeia* is to be used only in moral, not juridical matters. Jurisdiction, the constitution of the Church and the matter of papal elections all are juridical matters. Moreover, *epikeia* is to be used in matters only of the internal, not the external forum. Administration of the Sacraments belongs to the external forum, as does the matter of choosing candidates for the priesthood and papal elections. So on all counts, Trads and conclavists behave exactly as their Gallicanist forbearers; they champion interpretation, dispensation and presumed permission, violate the Divine and natural law and ignore invalidating laws.

Conclusion

Whether Conclavists or Mass Center Traditionalists, the only difference in the espousal of Gallicanist ideas by these two groups lies in their point of view. For Mass Center Trads, the direct grant of the episcopacy by Divine right, independent of any direction or confirmation from the Roman Pontiff where consecrations and jurisdiction are concerned is essential, because it supports the authority of illicit (and in some cases, even invalid) Traditionalist bishops. This obviously was either a privilege or custom in the Church in early times that later was discarded. Appealing to *epikeia* also allows illicit (and invalid) priests lacking jurisdiction to sacrilegiously administer the Sacraments. For the Conclavist "popes," the Gallicanist proposition that the one elected need only be minimally qualified, if qualified at all, violating the natural law; and that the people can validly elect or assist in electing and can even "convey" minor orders is the subject matter for *epikeia*. These departures from Church law and teaching were essential in establishing the "papacies" of these false popes. In one "papal" election, the (expired) "privilege" granted the clergy and laity by Pope Nicholas II was invoked. A benefice also was claimed that both did not exist and could not exist. All these things are recurring themes in the history of the Gallicanist heresy throughout the ages and the resulting heresies that mushroomed during the Protestant Reformation. As Holy Scripture tells us, there is nothing new under the sun.

Many Traditionalists and conclavists are undeniably "all-Americanist." It bears repeating here that many among these groups were, in the early years, John Birchers; some were even organizers and administrative heads for this organization. The ultra-nationalistic beliefs of most Traditionalists are an open secret. The Gallicanist fomenters of the French Revolution likewise were nationalists. The Germans meriting censure for anti-Catholic activities in the late 1800s were nationalists. Aggressive nationalism on the part of Germany was the cause of both World Wars. The Bolshevik Revolution was originally advertised as the people's uprising against Czarist oppression, a ruse soon drowned in the blood of countless Catholic martyrs and other Russian citizens. The Nazis were National

Socialists, and the Chinese clerics Pope Pius XII condemned in “Ad apostolorum principis” were nationalists. All these governments attempted to usurp the Church’s right to appoint and install bishops. Traditionalists usurp this right whenever they illicitly install their own bishops contrary to “Ad apostolorum principis” or allow their priests to celebrate the Mass and administer the Sacraments. Conclavists violate this right by dispensing with Pope Pius XII’s “Vacantis apostolica sedis” and other laws in admitting the laity to participate in those things reserved only to senior clergy and by qualifying the unworthy and unfit for election. The indicators of heresy here — in both cases — are too clear to ignore, yet that is what nearly all those involved in these errors have done or attempted to do.

In the end, conclavists fell into only a different species of the very same heresies they accused Traditionalists of committing. The grave scandal these two sects present as “Catholic” to the word has turned away many souls and caused others to forfeit their membership in the Church. And still the travesty continues, with no end in sight

Lay Election of Popes Disproved by Church History

Introduction

Appearances can be deceiving; that is why Our Lord tells us in the Gospel to “Judge not by appearances...” In general reviews of Church history, law and teaching, the statement is often found that in the early ages of the Church, clergy and people elected the Pope. This statement leads one to believe that bishops and priests, in conjunction with the people voted for who would become pope and shared an active role in papal elections. But this is nothing more than an assumption, in reality. On closer investigation, the current laws of the Catholic Church governing papal election (Pope Pius XII’s “Vacantis Apostolica Sedis”) are far closer to what existed from the beginning than it appears. And while it is true that laymen can be elected pope, it is not true, as some have claimed, that this occurred with relative frequency in the first millennia A.D. Nor is it true, in any way, that the election of laymen is an indifferent matter; that the selection of laymen as papal candidates is in any way “business as usual,” for the Church, or something that is looked upon as desirable. Church history reveals that only during one disastrous period were laymen elected or appointed pope (with the participation of laymen), and the results of these elections were nothing to brag about. Following Our Lord’s advice then, we have taken a closer look not only at the history and practice of the Church where lay participation in papal elections is concerned, but at what Christ Himself has indicated as His will in this important matter.

What Did Jesus do?

Protestants have popularized the slogan “What would Jesus do?” on bracelets, in publications on coffee cups and so forth. Just as they took off with Fr. Lord’s “The family that prays together stays together,” the Protestants adopted “WWJD” as their own slogan, although it first appeared in print in a work by the Cistercian Abbot, Dom J. B. Chautard (“Soul of the Apostolate”) over 60 years ago. Chautard’s exact words to Catholics seeking to advance in the spiritual life were: “What would Jesus do? How would He act

in my place? What would He advise? What does He ask of me at this moment? Such are the questions which arise of their own accord in the soul eager for interior life.”

To know what Jesus *would* do, we must first know what He *did* do and use this as our template, since no one can know the mind or motives of Our Lord in any other way. The Apostles and early Christians constantly looked to the life and works of Christ for inspiration, striving to imitate their Savior in every possible detail. Before the times of massive Church membership and government, before the Gospels were even set down in written form and distributed to the Churches, Apostolic tradition and preaching were all that existed to keep the faith alive; that and the blood of the martyrs, known to all as the seed of the faith. In this sacrifice of life itself, the Apostles and early Christians found perfection in imitating their Master. The Apostles preached, offered the Holy Sacrifice and administered the Sacraments in obedience to Our Lord. Likewise they were martyred in obedience to His teachings and instructed their followers to sacrifice all in obedience to His teachings; teachings which ultimately came from God the Father. It was and remains the most important lesson of all time.

Obedience

Obedience to God’s will in all things was the most predominant virtue in Our Lord. Here we have a God, obedient unto death to His heavenly Father, when at any moment a legion of angels could have delivered Him from any evil which threatened Him. Even as a Child, He could have freed Himself from the chill of the stable, the rigors of the flight to Egypt, the poverty of His life in Nazareth and the need to apprentice Himself to His stepfather as a lowly carpenter. He could have lived in a palace with servants, but He chose to stay where His Father had placed him, in obedience.

Even though it worried and frightened Mary and Joseph, He was bound to go to the Temple following His Bar Mitzvah, for in this way he was giving the first fruits of his newly declared spiritual manhood to His Father, and claiming His rightful place on the very site He would one day preach. After St. Joseph’s death, He would remain with His Mother as her only support, continuing to work in the trade of His stepfather. And at her request and in obedience, He performed His first miracle by changing the water to wine at a relative’s wedding. Thus began His Public Life.

In the Garden of Gethsemane shortly before His death, Christ renewed His intent to obey His Father in all things. He willed to suffer a horrible agony and death to accomplish that obedience and our redemption. He told His disciples that on the other side of this horrible suffering and ignominy was new life, the Resurrection. And still they begged Him not to do His Father’s will; to escape His fate instead. Many beg us to escape our own suffering and forget we must obey. They urge us to attend illicit or invalid Masses and receive invalid or sacrilegious Sacraments; to place ourselves under some illicitly ordained and/or consecrated cleric, or accept some lay-appointed “pope” as our leader. Like Christ we have only one choice we can make if we are to accomplish our eternal goal.

What Christ taught and did

Many of us have gone to great lengths to discover what all this true obedience entails. But years of studying theological and other works seemed to provide only incomplete answers. That is because the answer lay *in what Christ said and did*. This we learn from

one of the great Fathers of the Church, St. Cyprian, who wrote: "Most of the bishops...set over the Lord's churches throughout the world, hold to the method of evangelical truth and of the Lord's tradition, and depart not by any human and novel institution, **from that which Christ our master both taught and did...The Will of God is what Christ has done and taught,**" (Faith of Catholics, Vol. 1, Msgr. Capel, editor). Likewise the Asiatic bishops, commenting on the approbation of the canonical books of Scripture, stated that: "**As, on this principle of what Christ had done and taught,** the writings of which we are speaking were admitted as **sacred and divine...**" (Ibid; all emph. mine).

How can what Christ taught and did lead us to the truth concerning who are valid and lawful successors of the Apostles? We need only trace Jesus' actions in the Gospels to see the will of God in the Divine laws Christ enacted for the selection and identification of His Apostles and their true successors.

Holy Scripture tells us that:

- 1) Christ received his Divine commission from His Father in Heaven; He was appointed to teach, to govern and to sanctify the faithful.
- 2) He was the High Priest and King.
- 3) He did not assume this power on His own, because this would have destroyed the Divine chain of command; He was **sent** by His Father.
- 4) When He began His public ministry, Jesus first "called" his apostles to their vocation, then trained them for three years before ordaining and consecrating them all at the Last Supper.
- 5) He first promised St. Peter the keys (the papacy) and made him the leader of the rest. But he did not make him Pope until after the Resurrection, because until then Christ Himself was the visible Head of the Church.
- 6) Also after the Resurrection He sent the Apostles to baptize and convert the whole world, investing them with the powers that He promised them and later sending them the Holy Ghost.
- 7) He promised to be with His Church, as He constituted it, "until the consummation of the world," and he made this promise to *all* the Apostles, Peter included. Therefore the Pope and His successors and the Apostles and their successors, the bishops, would exist until Christ comes again, and the earth is destroyed by fire.
- 8) Sending priests to preach in God's name dates back to the Old Testament.
- 9) Christ commissioned His Apostles to: teach (teaching them all things); to govern (He gave all the Apostles jurisdiction after the Resurrection); and to sanctify (baptizing converts and doing all that He commanded).
- 10) Evil men would try to enter the sheepfold to steal, kill and destroy the flock.
- 11) Some of these would enter secretly.
- 12) And they would deny the Divinity of Christ.

Bishops and the ordination of priests

Men are called to the priesthood by the proper bishops of their diocese, and a true pope must grant these bishops the necessary jurisdiction to call these men. The pope granting the jurisdiction can only have been legitimately elected according to all the rules for election laid down by a previous true pope, and must be ordained and consecrated by valid and licit bishops either before or immediately following his election. He then must

be accepted by a reasonable number of faithful, (on Pentecost a few thousand accepted Peter; during the Western Schism different papal claimants had anywhere from 3,000 to 5,000 followers, and this when the world population was much smaller.) Priests are trained for eight years or more and personally receive much spiritual education and direction from their instructors and confessors. If these priests feel that these students are not advancing as they should, they can ask them to leave the seminary at any time. So they are called and trained as Christ called and trained the Apostles. If this training deviates in any one detail from what Christ taught and did, and what His Church says He taught and did, the calling and training of men for the ministry is not a blessing, but a curse. As St. Thomas Aquinas says, it is better to have fewer, but holier priests.

Those rightly and licitly trained and retained are eventually ordained and some are consecrated bishops. But this ordination and consecration, to truly make these men priests and bishops, must come from one who belongs to a line of bishops proving their succession from the Apostles. And because Christ placed all the Apostles under St. Peter, and made them subject to him, these bishops must be in communion with the true pope. These are two indispensable conditions of what the Church calls Apostolic Succession. The Apostles and all the men who succeeded them create an unbroken line reaching directly back to Christ. There can be absolutely no break in the matter of orders or jurisdiction received from this line, or the Church is not the Church Christ constituted when He was on earth. He promised it would last as He constituted it until the end of time and His promises are always true. If we say there can be a break either where orders or jurisdiction are concerned, we say that He is a liar and was only a man; a great prophet perhaps, but not God. But only God could have guided the ship that is the Church all these years through so many hurricanes and gales and over so many dangerous reefs without shipwreck where Apostolic Succession is concerned.

The noted *senior pars* Scholastic theologian Rev. Francisco Suarez, S.J., quoted by Rev. Timothy Champoux in his work, "The Juridical Position of the Laity in the Church," (1939), taught that it was not impossible that a layman legitimately elected to the papacy could validly exercise pontifical jurisdiction prior to receiving orders. Suarez qualified this statement, however, by observing that: "This has never happened in the Church and should never be done because both of the danger and the novelty. If it should happen, then, he advises that the elected ***be ordained immediately***. To his mind, a layman so elected should not attempt to use this jurisdiction until he had received at least minor orders." ***This confirms the fact that both Orders and jurisdiction must eventually be present to assure apostolic succession***; that without at least the certainty that such Orders can be validly and licitly received, the one elected cannot accept election, (Pope Pius XII in the address, "Six ans se sont").

Lay participation in the selection of priests and bishops

First we will hear from St. Alphonsus Liguori, that great Doctor of the Church. Quoting Salmeron, speaking at the Council of Trent, he writes: "If the people had sometimes chosen priests or deacons, the election was made by the concession of the Holy See; but the right of confirming it and of giving spiritual power, belonged exclusively to the Church," ("Exposition and Defence of Faith").

Later in the same work, St. Alphonsus writes: “The Lutherans say that the *vocation* of the sacred ministers should come from the people or the secular power. But they err; for the ministers of religion should be called in the manner in which Christ called His disciples and sent them to found the Church, without waiting for any consent from the people or from the secular authorities. We do not find in any part of ecclesiastical history that any priest was ever ordained by a person who was not a bishop...It is true that in the first ages of the Church the people assisted at the election of ministers of religion, but this was a mere gratuitous concession, like the right of nominating, or of presenting to certain offices or ecclesiastical benefices, which is at present granted to laymen. ***But they never had power to appoint, or ordain;*** when the people assisted at the election of the minister, it was generally to give testimony to the good conduct of the persons who were to be ordained. This is in accordance to the words of the Apostle, (1 Tim. 3:7). ***In reality, it would be a great deordination that the sheep should appoint their own pastor,***” (all emph. within quotes is ours).

The Church teaches infallibly that the bishops are the successors of the Apostles. Bishops alone have the completion of the priesthood Christ granted the Apostles when he placed them in charge of the worldwide Church, with Peter as their head. In the early ages of the Church, the bishops allowed the laity to nominate the clergy they believed would be good priests and bishops, then the bishops would choose the most worthy from among these men for consecration. “St. Cyprian...never promoted anyone to Holy Orders without first taking the advice of his people and clergy,” (Rev. J. Tixeront, “Holy Orders and Ordination”). “The bishop was elected by the people, by the clergy of the Church over which he was to preside, and by the bishops of the province. We hasten to add that the strict right to elect belonged to the bishops of the province ***while the people and inferior clergy were merely consulted...***But beginning in the sixth century, the Church began by degrees to withdraw the power granted to the people and the inferior clergy to elect priests and deacons. From that time on, the only vestige of their former right was the power they had to oppose the Ordination of candidates whom they deemed unworthy,” the “scrutiny,” still retained today in the rite of Ordination. (Ibid; emph. mine).

The theologian Suarez also notes, concerning claims that laymen were routinely made bishops in the early ages: “***Though it appears that certain laymen have been elected to the episcopacy, it does not seem that they exercised their jurisdiction until after the reception of Orders. In practice, the Roman Pontiff never confers episcopal jurisdiction on a layman.***”

In Rome, for the first 1,000 years or so, the clergy (bishops and priests) of Rome elected the pope but just as in any other diocese, they accepted the recommendations of the people regarding who should be eligible for election. Rev. Tixeront reports that deacons were typically elected to the papacy, because in the course of their active ministry they acquired a greater range of pastoral experience. This does not indicate that in these early centuries, laymen were elected pope. Nor is any credence given here to the idea that laity claimed an active vote in papal elections. Some have intimated that the laity actually cast votes directly for the popes in these elections, but an “ancient canon,” quoted by a priest writing a biography on St. Bernard, shows that the faithful had only the power to

nominate, as was the case with selecting priests and bishops. This Canon states: “The Church ordains that the preference shall always be given to him who, at the request of the people, *with the consent and concurrence of the clergy*, has been first placed *by the Cardinals* in the chair of Blessed Peter,” (“St. Bernard,” by Rev. Albert Luddy).

Lay participation in papal elections

It was this old law to which Pope Nicholas II referred in 1059 when he officially limited the election of a pope to the cardinals. Referring to one of the earliest laws governing elections, Pope Nicholas II wrote: “However, it would certainly be correct and even lawful, if the order of selection carefully weighed in the opinion of Pope Leo the Great was resumed...If the perversity of depraved and wicked men shall so prevail that a pure, sincere and free election cannot be held in Rome, the cardinal bishops, with the clergy of the Church and the Catholic laity may have the right and power, even though few in numbers, of electing a pontiff for the Apostolic See wherever it may seem most suitable,” (April 12, 1059). When we investigate the history of Pope Leo the Great (Pope Leo I), we discover why Luddy referred to an ancient canon — Pope Leo the Great reigned from 440-461 A.D. Hughes reports that during the time of Pope Gelasius I, “A carefully noted collection of all the canons of the councils and decrees of the different popes deciding cases” already had been collected, and among these easily could have been this ancient canon. It is most likely, then that the ancient canon referred to by Luddy appeared in this early collection, later included in other official collections. So very early in the Church’s history Her laws clearly limit the laity to the nomination of papal candidates only. We know this because a later law limited even this level of participation in an election.

This original law of Pope Leo I was echoed again in 769, when Pope Stephen III decreed at the Lateran Synod that the Pope was to be chosen “only from the Cardinals of the Church or the deacons of Rome,” Rev. Ronald Cox, *A Study on the Juridic Status of Laymen in the Writing of the Medieval Canonists*). There had to be a good reason for Pope Stephen to make this decision. We can only assume that he believed that even lesser clergy were not qualified as papal candidates, far less laymen. At the same time, Pope Stephen placed further restrictions on the role played by the laity: “None but clerics should take part...in the election. The laity’s share (nomination) was reduced to the opportunity of cheering the newly-elected Pope and of signing the *Acta* of the election in sign of agreement,” (*A History of the Church*, Vol. II, by Philip Hughes). So the myth of the laity’s right to actually *cast* a vote for a papal candidate cannot find support in ancient canon law, in papal law or in Church history. Divine law permits only the clergy to actually elect, because to them was entrusted the government of the Church by Christ Himself. The confusion surrounding the laity’s role in papal elections is much easier to understand once Church history is explained.

Rev. George Stebbing C.S.S.R., in his “The Story of the Church,” adds that Pope Nicholas II decreed that: “(1) The selection of a candidate should first be considered by the cardinal bishops, who then, with the other cardinals, should proceed to an election to be afterwards acclaimed by the rest of the clergy and the laity; (2) A Roman member of the clergy should be chosen if possible; (3) The election should be held in Rome, [but if not] the new Pope would exercise full authority even before being enthroned. The decision to accord the Roman emperor only the right of acclamation in the election had

“The effect of taking the choice out of the hands equally of the German emperors and the Roman clergy.” So how was the myth of lay involvement and the election of lay popes perpetuated and used to justify lay election today?

The Siege of Christendom

Lay involvement in elections was at its height during a period Hughes describes as “The Siege of Christendom.” At the beginning of this period, contravening the laws of Pope Leo I and Stephen III, a part in papal elections was restored to the laity and the papal election was limited to the Roman clergy and people, (822-827), although the people had only that power they possessed before; the power of recommending candidates. The emperor also commanded that the pope swear an oath of allegiance to him, and that no pope would be consecrated until the emperor’s representative had decided that the election laws laid down by the emperor were followed to the letter. First the Italian, then the German emperors either designated their choice for pope openly or reserved the right to approve the choice of the electors. Far from benefiting and providing stability to the Church, these concessions, agreed to only reluctantly by the Church, proved disastrous. Hughes calls these concessions ”unfavorable to the popes,” and describes the time period of the siege, 814-1046, as “the end of even the elementary decencies of life... These years are perhaps the darkest in all known European history. Nowhere are they darker than in Rome, where for sixty years one family dominated, making and unmaking popes at its pleasure... The details of this story are so grotesque, they lose all relation to reality.”

Rev. Stebbing adds: “[All] was covered with a cloud of ignorance, barbarism and corruption which almost seemed to envelope everything... And out of the darkness we have to make out what we are able of the persons or things that appear by the aid of the few and by the no means unimpeachable historians who lived in the period. The general barbarism and violence of the age told very disastrously on the position of the Holy See and the character of its occupant. Never was there a time when its subjection to the secular powers around it were so oppressive and so never has there been a time when so many unworthy pontiffs made their way to Peter’s chair. It was as if Divine Providence would furnish an object lesson of what the consequences would be if the Pope were anything but free, sovereign and independent.” Popes were rumored to have mistresses, they were implicated in murder and torture plots, and they were involved in all manner of intrigues. One pope was poisoned and beaten, another strangled to death in prison, and another very nearly died from a beating but survived. One, it is said, had his nose cut off. Another lay rotting in the streets before his burial and another was dug up from his grave to be deposed in full papal regalia. The features of the face of one antipope was obliterated, he was drug through the streets of Rome and later was beheaded.

John XII was one of the most scandalous popes to be elected during this approximately 225-year period, to be outdone only by Benedict IX. Benedict was one of two very young men made popes during these times, although several respected historians firmly state that he was 20, not 12 at the time of his election and was also a cleric. It was over a several year time period during this dark age, when various governmental factions struggled to control Rome and the papacy — and the papacy needed the protection of the civil arm for its very existence — that three lay popes were elected. The first, Leo VIII, was elected in 963. A council decreed the election invalid because Leo was a layman, but

the emperor Otto later reinstated him. He reigned for only two years. Benedict VIII was the second layman “forcibly” elected and he is said to have been at least not incompetent or scandalous. Some believe he was a cleric on election. John XIX, brother of John XVIII was the third layman elected, and Hughes reports that he “revived the worst traditions of his tenth century predecessors.” But Rev. Stebbing disagrees: “John XIX was clearly aware of his lack of preparation for this sacred office, and deplored it openly. He determined to guide his conduct by the advice of the best and wisest men he could find to counsel him. In this way...he was able to bear himself with dignity and escape the pitfalls laid for his want of ecclesiastical knowledge.”

Even after Pope Nicholas II’s law was passed in 1059, ending the reign of the emperors over the papacy, the Church’s affair with imperialism was not over. On Nicholas II’s death, a pope was elected according to the new law, then another man favored by the nobility of Rome was elected by German and Lombard bishops (antipope Honorius II). A schism ensued which lasted three years. It took a council to condemn Honorius before Pope Alexander II could begin his reign. (Over one-fourth of the entire list of antipopes in the Church’s history can be found during the time period from 814-1061.) As Hughes comments, the condemnation of lay involvement “suffered somewhat of an eclipse.” The next round against imperialism came with the condemnation of lay investiture. Emperors, foiled at interfering with papal elections, still did not hesitate to engage in simony and appoint bishops to sees without papal approval. A Roman council was convened which declared all those receiving sees from laymen excommunicated as well as the laymen who were offering them. King Henry of Germany failed to take Pope Gregory VII’s decision seriously, and prepared to appoint five bishops to sees. Gregory VII threatened him with censure, and Henry responded by trying to unseat the pope. For a time Gregory was even kidnapped, but was eventually returned to the Vatican. The excommunication was delivered to Henry, and later, the pope was taken prisoner again. He died with Italy divided, imperialism still threatening, but the excommunication of Henry left a lasting impression, or should have. With time and troubles that demanded greater attention, imperialism subsided. It would come to life again during the Great Western Schism, the Reformation and, cloaked in the garb of liturgical renewal at the insistence of the laity, in our own times.

Perpetuity of Pope Nicholas II’s law

The experiment of laymen even nominating other laymen as popes, or confirming a nomination made by the emperor, should have left a very bad taste in the mouths of Catholics, as Rev. Stebbing notes above. It resulted in the most shameful behavior and painfully embarrassing history for the Church. The Church only agreed to the conditions imposed by the emperors in fear of their lives and in hopes of purchasing what little modicum of order remained. Certainly *no one* should point to these regrettable years to prove that the feasibility of laity actually casting votes for the unworthy (whether the one “elected” is a cleric or layman) is anything worthy of repetition. Most certainly it is not something that can be cited as a precedent that would grant permission. (Even during the Siege period, clerics assisted in the election by at least confirming the emperor’s nomination.) The very last vestige of any participation in an election by an emperor came with Pope St. Pius X’s removal of the emperor’s right to veto a papal candidate prior to election. This is the reverse of nominating a candidate in that it

amounts to deflecting the nomination of a candidate considered unworthy. This power was not the grant of an actual vote. It was a refusal right exercised by the last remaining Catholic emperors in St. Pius X's own papal election. He later abrogated this veto in his 1904 papal election law, "Vacante sede apostolica."

Both the historian Hughes, writing in 1935 and Rev. Anscar Parsons in his canon law commentary Canonical Elections (1939) state that Pope Nicholas II's law was still in effect at the time that they wrote their works, since his "decree fixed the law for all future times," (Hughes). This however is contested by Glenn Kittler in his "The Papal Princes," where he explains the situations following the promulgation of Pope Nicholas II's law that resulted in changes to the clause concerning the participation of the laity. He notes that Pope Gregory VII, in asserting his Supreme Apostolic authority, tried to "wrest Church authority from the hands of laymen and disobedient bishops... There simply was too much lay interference in the Church. To claim that laymen, in the Church for their spiritual salvation, ought to have had a voice in its administration would have been the same as claiming that a patient, in a hospital bed for physical salvation, should have a voice in [hospital] administration." From the time of Alexander III, who abrogated Nicholas II's law, and even after the confirmation of Alexander III's law by Pope Bd. Gregory X, the laity were forced, on several occasions, to pressure the cardinals to elect a pope, and did not hesitate to do so. On one well-known occasion, they removed the roof of the conclave hall. On another occasion, two individuals were bodily removed from the conclave. Food often was restricted to the cardinals. Finally, however, the laws had their effect and the Cardinals complied. It began with Alexander III's troubles with an emperor, as related below.

Pope Nicholas II's privilege revoked

The following, contained in the work "Cabinet of Catholic Information," was excerpted from Ferraris' "Papa" and Zoepffel's "Die Papstwahlen," Gottinger, 1871. "In the course of the dark ages the secular rulers of Rome made various attempts to interfere with the freedom of papal election. A statement even appears in the Decretum of Gratian (and was used in argument by James I and Bishop Andrewes, when attempting to justify the subjection of the Anglican Church to the crown), to the effect that Pope Hadrian granted to Charlemagne the right of electing the Pope and regulating the Apostolic See. But this Canon was shown by Bellarmine to be spurious; it was probably invented by Sigismond of Gemblours, a strong supporter of Imperial pretensions, and being found in his chronicles, imposed upon the unwary Gratian. Another Canon, also found in Gratian, states that Leo VIII granted a similar privilege to Otho I soon after the commencement of the revived Holy Roman Empire." [This was one of the reasons that Leo VIII, a layman on his election to the papacy and therefore favorable to lay causes, was not counted among the true popes for many centuries. — Ed].

"In 1059, an important decree was made by Nicholas II in a council at Rome, assigning the election of future Popes to the Cardinal Bishops, with the consent of other cardinals, and the clergy, and the people of Rome, saving also the honor due to King Henry, king of the Romans, and to any of his successors on the imperial throne in whose favor the Holy See should make the same reservation. The partial recognition of a right to interfere in the

election proved to be fertile in antipopes and vexations of every kind; and Alexander III, having experienced what trouble an arbitrary emperor could cause, in his long struggle with Frederick Barbarossa, resolved with a wise boldness to take away from the Imperial line the *locus standi* [local standing] in Papal elections which the Canon of 1059 had allowed, and to vindicate her ancient freedom for the Church.” This decision was confirmed at the Third Lateran Council and was ratified by Bd. Pope Gregory X at the Council of Lyons in 1274. The text from these councils is provided below.

Third Lateran Council

(The Daily Catholic www.dailycatholic.org/history/11ecume1.htm)

'The particular object of this council was to put an end to the schism within the church and the quarrel between the emperor and the papacy. It was summoned by **Pope Alexander** in 1178, “so that according to the custom of the ancient fathers, the good should be sought and confirmed by many, and that with the cooperation of the grace of the holy Spirit, by the efforts of all, there should be carried out what was required for the correction of abuses and the establishment of what was pleasing to God.”

1. “Although clear enough decrees have been handed down by our predecessors to avoid dissension in the choice of a sovereign pontiff, nevertheless in spite of these, because through wicked and reckless ambition the church has often suffered serious division, we too, in order to avoid this evil, on the advice of our brethren and with the approval of the sacred council, have decided that some addition must be made. Therefore we decree that if by chance, through some enemy sowing tares, there cannot be full agreement among the cardinals on a successor to the papacy, and though two thirds are in agreement a third party is unwilling to agree with them or presumes to appoint someone else for itself, *that person shall be held as Roman pontiff who has been chosen and received by the two thirds*. However, as a result of this decree, let no prejudice arise to the canons and other ecclesiastical constitutions according to which the decision of the greater and senior {1 } part should prevail, because any doubt that can arise in them can be settled by a higher authority; whereas in the Roman church there is a special constitution, since no recourse can be had to a superior.

2. “Renewing the decision taken by our predecessor of happy memory, Innocent, we decree that the ordinances made by the heresiarchs *Octavian*, *Guido* and also by *John of Struma* (antipopes Victor IV, 1159-1164; Paschal III, 1164-1168 and Callistus III, 1168-1178) — whoever followed them, and by those ordained by them, are void; and furthermore that if any have received ecclesiastical dignities or benefices through the foresaid schismatics, they are to be deprived of them. Moreover alienations or seizures of ecclesiastical property, which have been made by these schismatics or by lay persons, are to lack all validity and are to return to the church without any burden to it. If anyone presumes to act against this, let him know that he is excommunicated. We decree that those who of their own accord have taken an oath to remain in schism are suspended from sacred orders and dignities.”

Council of Lyons, (Const. II)

DailyCatholic.org/history/14ecume1.htm#CONSTITUTIONS%20II

2. {7} “Where there is greater danger, there must certainly be greater foresight. We learn from the past how heavy are the losses sustained by the Roman church in a long vacancy, how perilous it is; we see this all too clearly when we wisely consider the crises undergone. Reason therefore openly challenges us, while we devote ourselves skillfully to the reform of lesser evils, certainly not to leave without appropriate remedy those of greater danger. We judge therefore that everything wisely instituted by our predecessors and especially by Pope Alexander III of happy memory, for avoiding discord in the election of the Roman pontiff, should remain altogether intact. We intend in no way to detract from this legislation, but to supply by the present constitution what experience has shown to be missing.” (He here goes on to add several stipulations concerning the actual conduct of the conclave itself.)

7. {15} “We decree that nobody, after voting for someone whose election follows, or after giving consent to an election made by others, may oppose him concerning the election itself, *except for reasons coming to light afterwards, or unless the elect's evil character previously hidden from the objector is now disclosed, or the existence of some other hidden vice or defect, of which in all probability he could have been ignorant, is revealed. He is however to guarantee his good faith regarding this lack of knowledge by oath.*” (Emph. mine.)

Papal election law in the 20th century

Inasmuch as the law that Nicholas II wrote limited papal electors to the cardinals who were to elect a cleric, *this* part of the election has never changed. Hughes notes that Nicholas’ law stated that, “henceforth, the only electors were the cardinal bishops and the cardinal clergy of Rome. They were to elect, by preference, a cleric of the Roman Church. The emperor is not accorded any rights...” Pope Pius XII’s papal election law “Vacantis Apostolica Sedis” retained the perpetuity of Pope Nicholas II’s law; he changed none of this. It is well known that he admits the possibility that a layman could be elected (“Six ans se sont,” 1957), but only if “fit” in the Church’s eyes. This because three laymen already were officially listed as valid popes, a dogmatic fact which is indirectly infallible. Pius XII’s papal election law makes no specific mention of the election of a layman, however, although he orders that anyone elected who is not yet a priest must be ordained and consecrated. He addressed the matter of electing a layman only because those clamoring for novelty and change in the Church brought it up and the matter needed to be clarified. One would think that Traditional conclavists, decrying innovations at every turn would have been the last to resort to one.

In writing his papal election law, Pius merely added that a two-thirds plus one majority was needed for valid election and eliminated Pope St. Pius X’s requirement: that cardinal-deacons not yet ordained could not participate in the election unless they had first received permission from the Pope before his death. (This reflected the former law of Pope Sixtus V, who in 1586 decreed that there would be three levels of Cardinals: six cardinal bishops, 50 cardinal priests, age 30 or greater and 14 cardinal deacons. The

cardinal deacons, he said, “could be 22 *provided they became priests within one year of their appointment*,” (“The Papal Princes, by Glenn D. Kittler; emph mine). When Pope St. Pius X wrote his papal election law in 1904, Canon Law had not yet been codified. When it was codified, with this saint as the primary author of the Code and Pope Pius XII as one of his many assistants, this law was strengthened. It was incorporated into the Code under Can. 232. This Canon states: “Cardinals...must be *at least priests* and be endowed with exceptional learning, training and experience,” (Revs. Woywod-Smith, emph. mine). Some have tried to say that the restriction of the right to election to Cardinal priests and bishops was an innovation strengthened by antipope John 23. But Pope Stephen III’s law above proves this is far from the truth.

We have explained before that the interpretation of the stipulation for emergencies found in Pope Nicholas II’s law cannot be interpreted as a privilege allowing the laity only to elect. We must refer the interpretation of this law to the hierarchy, wherever they may be, who logically would succeed the cardinals in electing a true pope since this is the only manner in which this duty could devolve. It is included in a law intended to be in effect in perpetuity. It does lay down the method for proceeding in an emergency, and we do find ourselves in such an emergency. However, as Pope Nicholas himself explains, in his reference to Pope Leo the Great’s law, it is not up to the laity to determine the application of this law. “If the perversity of depraved and wicked men shall so prevail that a pure, sincere and free election cannot be held in Rome, the cardinal bishops, with the clergy of the Church and the Catholic laity may have the right and power, even though few in numbers, of electing a pontiff for the Apostolic See wherever it may seem most suitable,” (April 12, 1059). All this provision says is that an election may be held *outside* of Rome with the usual provisions made for the laity; that of nomination at best and affirmation at the least. This is a restatement of an ancient law included in a law specifically designed to exclude direct lay participation in elections, (actual vote or appointment). The Church’s laws in this regard have not changed in nearly 1600 years. There should no longer be any doubt about this.

And finally we must note the provisions of Canon Law. Canon 6 # 6 states: “All other disciplinary laws of the old law, which were in force till now and which are neither explicitly nor implicitly contained in the Code, have lost all force of law with the exception of the laws contained in the approved liturgical books and laws derived from the natural law and the positive divine law.” Under Can. 160 governing papal election, no mention is made in the *Fontes* of Pope Nicholas II’s law. Mention is made, however, that Pope Pius XII’s “Vacantis Apostolica Sedis” abrogates all previous papal election law, and Can. 22 states that when such abrogation is specifically mentioned, the former law ceases. And it cannot be said that Nicholas II’s law in anyway derives from the natural or divine positive law. Those who have proceeded to illegal conclaves by violating Pope Pius XII’s election law precisely on the argument that it was “only an ecclesiastical law” will scarcely be able to contest this point.

Apostolic succession never absent

Even during the tumultuous times of the Church’s “Siege” era, despite any irregularities in papal elections, one thing never changed, and this can be proven historically: whether

laymen or clerics in minor orders, whether appointed by emperors or clergy and laity, the one elected was always ordained and/or consecrated as soon as possible, and confirmed by election of the cardinals. We read from Rev. W. Wilmers, S. J., an advisor at the Vatican Council: "The Church, it is true, chose the seven deacons, and presented them to the Apostles, but it was the Apostles who imposed their hands upon them and invested them with authority... ***In later times the Church granted the people, or the secular power, a voice in the designation of those who were to be promoted to ecclesiastical offices; but it was neither the people nor the secular power but the Church that invested them with authority.*** As often as this privilege was abused by the rulers or people, the Church did not fail to restrict its use, or at least to protest such abuse as a usurpation..." Those who maintain that "it makes no difference" whether the Church confirmed these men as pope or not, after designation by the civil power, reveal their ignorance and true lack of faith concerning the doctrine of apostolicity. Christ gave His apostles a real and vibrant power of authority, and only those proven to be descended from the apostles can transmit this power that Christ Himself bestowed. On this foundation rests the entire edifice of the Catholic faith.

Again we hear from Rev. Wilmers, citing Matt. 16: 16-19, (Christ delivering the promise of the power to bind and loose to Simon Peter): "*Peter was promised the power of the keys, which implies supreme power in the Church...* Upon him, therefore the Church was to be built. Christ on earth was doubtless the *visible head* of the little community which clustered around Him... After His departure from this earth, [He] remained the *invisible head* and pastor of the faithful, (1 Peter 2:35), while He was to be visibly represented by the authority established in His Church... ***It is one thing to nominate or elect one as the successor of the prince of the Apostles and another thing to confer power on him.*** Therefore it was defined by the Council of Florence that the full power to feed, rule, and govern the whole Church was given to the pope directly by Our Lord Jesus Christ... The pope in the person of St. Peter certainly received the power to feed the lambs and sheep of Christ; consequently the pastoral jurisdiction over the entire Church," ("Handbook of the Christian Religion;" all emph. mine). And in turn, Christ gave His power to the Apostles and their successors to confer His Divine jurisdiction upon future popes, just as He had conferred it upon St. Peter.

Following the election and confirmation by the hierarchy of those men elected pope, they were acclaimed afterward by the entire Church. Inexperienced popes had full benefit of all the great minds at the Vatican for training, advice and briefing. In this manner they obtained full Apostolic succession since they were ordained and consecrated by successors of the apostles, to continue the Church's Divine mission. No *lay* pope-elect has ever ruled the Church for any meaningful period of time without benefit of ordination/consecration. The instances of this occurring were generally in the early ages of the Church when lay interference in elections was at its peak or Rome was undergoing attack from barbarians or foreign armies. These popes were elected validly by the cardinals and clergy, were accepted by the faithful and on election all were clerics. This is a far cry from lay people electing a priest or a layman, or lay people and/or illicit clergy electing an illicitly ordained priest who is then consecrated by an illicitly consecrated bishop.

Some allege there were two popes in history who were never ordained and consecrated before their deaths. Research to date ascertains that four popes experienced delays in their *consecrations*, meaning that they were either deacons or priests at the time of their valid and licit elections. Only one of these popes, Adrian V, a cardinal-**deacon** elected in July 1286, is recorded as dying before receiving consecration. He reigned for 36 days and died in August, after annulling what was then considered an overly strict law regarding Conclave rules enacted by his predecessor Gregory X, (1911 Catholic Encyclopedia). As for the other three, Pope Leo St. II was not consecrated for 17 months, being elected in January 681, sometime after the death of Pope Agatho on Jan. 10, 681. It is interesting to note that several historians do not date Leo II's reign as Pope until 682, following his consecration, even though he was elected in 681. Pope St. Leo II was consecrated on Aug. 17, 682 and on this same day confirmed the Ecumenical Council of Constantinople, which had been in session at the time of Pope Agatho's death, (Rev. Newman C. Eberhardt, C.M., "A Summary of Catholic History," Vol. I. Eberhardt cites this confirmation as being made in "a letter to the emperor.") Pope St. Leo II is listed as reigning from 682-683 on the Council of Constantinople documents cited by Henry Denzinger's "Sources of Catholic Dogma," (1957 edition). Pope St. Leo II died in 683, shortly after his consecration. His successor Benedict II, also had to wait for 11 months before receiving consecration. Pope Gregory IV, elected as a cardinal-priest, waited six months for his consecration in March, 828.

One thing, however, *is* certain: the Church had every **intention** of bestowing the necessary orders. Because in the past the hierarchy supplied for any lack of Orders for these popes, there was no lack of apostolicity. This supplying cannot happen today, because the whereabouts of the hierarchy are unknown.

The Western Schism

While Martin V was only a subdeacon, he was initially a cardinal from the Roman obedience of Gregory XII, later declared the valid pope, (although Martin left the Roman line as many others did). And immediately following his election, over a three-day period he was made a deacon, a priest and a bishop. Martin V, however, did not publicly *declare* himself a schismatic prior to his election; he was a valid cleric even if only in minor orders and he obviously believed that he was following the true pope. Commenting on the teachings of Cardinal Zabarella, one of the most well respected cardinals during the Schism, historian Walter Ullmann noted: "There seems to be a genuine dislike on the part of Zabarella for anything approaching so-called self-help by the citizens, in the sense that they could take the law into their own hands: if the faithful of either [papal] obedience **believe in the justness of their cause**, they will be saved," (The Origins of the Great Western Schism). This is precisely the position taken by Pope Paul IV in his 1559 Bull, "Cum ex Apostolatus Officio;" he did not hold the cardinals who left the obedience of one they held to be a doubtful pope as bound by any censures or guilty of schism, regardless of the time spent in that obedience or whether they acted as electors. He approved of calling upon the civil power to facilitate a new election, which was done at Constance. Even a great Saint, Vincent Ferrar, had endorsed a false pope, (Benedict XIII). And 140 years later, Pope Paul IV held none of them to any censures, and indicated that those only were to be considered heretics and schismatics who knowingly

and willingly embraced error or departed from the obedience of one certainly known to be a true pope.

Before Pope Martin V's election all the papal claimants were deposed, so Martin accepted none of them in the end; he accepted the Council's determinations, the judgment of the Church. He was held in good repute according to the Catholic historians consulted, and many in his family served as cardinals before him. He was an expert in Canon Law. Some believe that he was a heretic and/or schismatic prior to his "election." But there is no evidence that this was true of Martin V or any of those during the Western Schism. When modern theologians teach in their works that such was actually the case, they do not always distinguish between how we must view what happened during the schism *today* and what the actual circumstances were at the time of the schism, according to the best judgment of the senior theologians at that time. It must be remembered that schism was not formally ranked with heresy until the issuance of "Cum ex Apostolatus Officio" in 1559, according to Rev. Ignatius Zal and Rev. Ayrinhac in his work on Canon Law. Doctrine has developed immensely in the past 600 years, and to hold them to the standards we must observe today would be violate their standing in the Church and theological teaching on that standing.

What would Jesus do? Christ set down the essentials for apostolicity: this by His own ordination and consecration of the Apostles, lending Orders its divine origin, then His appointment of Peter to the papacy. Thus was the Divine form for this most essential mark of the Church established, a mark without which the other marks cannot exist, (1911 Catholic Encyclopedia). He gave the power of binding and loosing to the Apostles, and this they used to determine the method for designating Peter's successors. St. Peter appointed Linus to succeed him, but all the rest, save the exceptions mentioned above, were elected by at least some members of the clergy of Rome. Nowhere in Holy Scripture does Jesus accord any power in the administration of His Church to laymen. He set St. Peter over the sheep (bishops) and the lambs (the rest of the faithful) in appointing him pope. This is why Pope Nicholas, following Pope Leo I, groups them in precisely the same way: "the cardinal bishops, with the clergy of the Church and the Catholic laity." He gave the power of binding and loosing to Peter primarily and the Apostles as governed by Peter. The people do not share this power. The Church has condemned the teaching that the people themselves can *directly* elect or appoint their own ministers. (DZ 570, 960, 967, 1502; Denzinger's "Sources of Catholic Dogma"). Their participation was always confined to nomination and/or acclamation. If emperors appointed the popes, or had a major share in their appointment, the Church supplied for such a situation, but only reluctantly. At the earliest opportunity she condemned the abuse to return to Her common and constant practice. And She has repeated these condemnations throughout Her history.

Doctrine develops; and the doctrine of the Church concerning the role the laity could rightfully play in ecclesiastical government developed slowly and painfully. But today there can be no doubt how the Church has decided in this matter. Hughes relates that it also was Pope Leo I who, although agreeing to ordain and consecrate a certain number of men elected to Episcopal sees who were not clerics, insisted that the law that they be clerics prior to election must be observed in the future. And this in the fifth century! The specious objection that this law was often not observed later on must be totally

disregarded. It was the stated will of the legislator that it certainly be observed, and the legislator possessed the power to bind and loose in Christ's name. This is upheld in DZ 967 and 424: Those not rightly ordained or sent are not *lawful* ministers. This means that while a *priest* who is a bishop-elect has the power to rule his diocese prior to consecration, (external jurisdiction only), this is not necessarily true of one who is not a cleric. If such a one is invalidly or illicitly ordained, or not ordained at all; and/or if the one ordained has not received the proper jurisdiction, they cannot in anyway lawfully occupy an ecclesiastical office.

This ancient fact is reflected in the 1917 Code of Canon Law (Canons 147, 153, 154 and 453). First of all, governing all the rest, Can. 147 states that no office in the Church can be validly obtained without a canonical appointment, understood as "the conferring of an ecclesiastical office by the competent ecclesiastical authority in harmony with the sacred canons," (the canon in this case being Can. 160, which refers readers to Pope Pius XII's papal election law, "Vacantis Apostolica Sedis." The canonists Bouscaren-Ellis report that this includes the papacy and Canon 109 and 219 confirm this.) Then Can. 153 declares that only a cleric may be elected to an office and must have the qualifications demanded by common law or particular law; if not properly qualified, conferral of the office is at least voidable. Canon 154 pronounces as null and void any office involving the care of souls that is granted to one not a priest. These two laws are repeated in Can. 453 in the case of pastors.

Some have tried to sidestep these laws by saying that a layman elected pope (by laymen, no less) receives jurisdiction directly from God and may exercise it (indefinitely) without the benefit of ordination and consecration. Church history and practice (tradition), Canon Law and infallible Church teaching tell us this cannot be true. *Competent ecclesiastical authority only* may elect, in accordance with the sacred canons, which *always* insisted on the participation of the *clergy*. The acquisition of Divine jurisdiction is entirely dependent on this *legitimate* election. Even the ancient laws demand that a *certainly qualified cleric* be elected, or in the rare case of a layman elected, that at the very least, the one elected be *confirmed* (ordained and/or consecrated), by *valid and licit clergy* and *acclaimed* by the entire Church. The only reason the papacy survived the "Siege" era is because ***Apostolic Succession was always guaranteed***. Valid and licit clergy always supplied for the election of even an *unworthy* cleric or layman, at the request of a layman (emperor) and with the participation of cardinals as well as lesser clergy other than cardinals. The definition of Apostolicity/Apostolic Succession given in the old Catholic Encyclopedia leaves no doubt that unless a man possesses not merely valid and licit appointment or election but the actual valid and licit orders necessary to his particular office, he can never be counted as a successor of the Apostles.

- a) The one who is claiming apostolicity must be able to prove that he possesses Orders which proceed in a direct and unbroken line from the Apostles to a bishop yet possessing them today.
- b) This bishop must be lawful, (i.e., he must have received his episcopacy from Pope Pius XII or one who possessed special faculties from Pope Pius XII to lawfully and validly convey them).

- c) The doctrine he teaches must be unchanged from the time of the Apostles to the present, with no deviation, either, from those teachings of the Supreme Pontiffs proceeding from the ordinary or extraordinary magisterium.
- d) The transmission of power must be both material and formal, meaning it must consist of actual succession from an unbroken line of orders conveyed by those with the authority (jurisdiction) to transmit it, for no one can give an authority he does not possess.
- e) An authoritative mission is absolutely necessary for apostolicity to exist and a man-given mission is not authoritative. Unless apostolicity exists, none of the other marks can exist.
- f) No new mission can arise because the mission given by Christ to the Apostles must pass from themselves to their legitimate successors in an unbroken line until the end of the world.
- g) This notion of apostolicity derives from the teaching of Christ Himself.
- h) Any concept of apostolicity that excludes authoritative union with the apostolic mission robs the ministry of its Divine character. No one may disregard any teaching based on Divine law and retain membership in the Church.

This also is testified to by the unanimous teaching of theologians, (<http://www.betrayedcatholics.com/ApostolicSuccession.html>).

Conclusion

What did Jesus do? He separated the laity from the hierarchy that they might be the *ecclesia doscens*; Divine law says that the laity have no governing power in the Church, (Can. 108). He promised that not only the papacy, but also the bishops and priests — the Church as He constituted it — would last “unto the consummation.” He demonstrated by his actions that unless these priests and bishops were first ordained (and consecrated), as he first ordained and consecrated His Apostles before sending them on the Divine mission, they could not be His successors. He gave the power concerning binding and loosing to His Church, and She has never failed to teach that cardinals must elect (preferably) a cleric as pope and that only in emergencies can the Universal Church — cardinals and other bishops and priests, with laymen allowed only to nominate candidates or to acclaim them — act outside this law. Christ came to earth solely to do his Father’s will, and we must do as *He* did. Therefore, we must “depart not by any human and novel institution, ***from that which Christ our master both taught and did...The Will of God is what Christ has done and taught.***”

It is as the Vatican Council solemnly proclaimed: "The doctrine of Faith, which God has revealed, has not been given over ***to be perfected by human intelligence***, as though it were a philosophical theory," (DZ 1800, emph. mine). It is not for us to question how Christ will revive His Church in these seemingly impossible circumstances, or even if, instead of reviving, He will arrive for the General Judgment. One of the two must occur. We are dealing with doctrines of faith with which cannot be questioned. A paraplegic cannot propel a bicycle forward, and a man missing the two legs of orders and jurisdiction can never claim succession to the Apostles. It is what Jesus said, and what He did. It is what His Church unquestionably teaches that He said and did. If we once admit that any man can state otherwise and speak the truth, then we admit that man is a god in

his own right and we deny Christ's Divinity. "God alone is true and every man a liar."

"The pope has [jurisdiction] immediately from God on his *legitimate* election. The legitimacy of his election depends on the observance of the rules established by previous popes regarding such election...In the *absence* of legitimate election, *no jurisdiction whatsoever* is granted, neither *de jure*, nor despite what some have tried to maintain, *de facto*...A doubtful pope may be really invested with the requisite power, but he has not *practically* in the Church the same right as a *certain* pope — he is not entitled to be acknowledged as Head of the Church, and may be legitimately compelled to desist from his claim...*That the Church should remain thirty or forty years without a thoroughly ascertained Head and representative of Christ on earth, this could not be* [Catholics reason]. Yet it has been, and we have no guarantee that it will not be again... We must not be too ready to pronounce on what God will permit... We, or our successors in future generations, may see stranger evils than have yet been experienced...*contingencies regarding the Church, not excluded by the Divine promises, cannot be regarded as practically impossible, just because they would be terrible and distressing.*" ("The Relations of the Church to Society — Theological Essays," Rev. Edmund James O'Reilly, S.J.; *from the chapter "The Pastoral Office of the Church," all emphasis by Rev. O'Reilly in the original. Rev. O'Reilly was the theologian of choice in Ireland for local Irish Councils and Synods, was a professor of theology at the Catholic University of Dublin and was at one time considered as a candidate for a professorship at the prestigious Roman College by his Jesuit superior.*)

Jesus promised He would be with us into the consummation. Lift up your heads, He tells us, for your redemption is at hand. If we keep our eyes on Heaven and remember what Jesus said and did while on earth, we cannot lose sight of our salvation.

The Lay Election Heresy in a Nutshell

Presumption must yield to truth

When I co-authored the book "Will the Catholic Church Survive...?" in 1989, I stated that once a presumption of law was established then that presumption stood unless and until it was proven unsound or erroneous. I also indicated, in the section on Moral Certitude, that this type of certitude is sufficient, yet not absolute. But the book failed to explain sufficiently that while moral certitude can help one arrive at a truly probable course of action, it does not exclude the possibility of revision or error. Theological or supernatural certitude is the only form of certainty that does not admit of revision.

Theological certitude is mentioned in the book, but it is not always distinguished, in its application to the election principle, from moral certitude. Nor were the principles governing Canon Law adhered to as they should have been, seeing that no one was allowed to interpret or dispense from Canon Law during an interregnum per Pope Pius XII's papal election law. (The book itself even states that this law was so dispensed from on pgs. 438-439.) Justification for this dispensation given in the book was "the higher law" of Jesus Christ, Who willed that the Church as He constituted it should last "unto the consummation," and who taught through His Vicars that without a true pope the

Church cannot exist. Based on these truths, those promoting the election demanded the need for a true Pope, with little thought given to the equally grave dangers to the common good (Can. 21) should an unfit or unworthy man be invalidly elected. Also much to do was made about the fact that the law could be declared inapplicable because no true cardinals existed to see that it was followed.

But in his “Handbook of Moral Theology,” Rev. Dominic Prummer states: “A doubtful law has no binding force whenever the doubt concerns the *lawfulness* of an act and not its validity.” Pope Pius XII’s constitution on papal election was a disciplinary decree that invalidated any election held contrary to the rules laid down during an interregnum and those regulating the Conclave. So the decision made that this law no longer bound anyone could not be made because Pius XII beforehand had authoritatively invalidated future acts or attempts to elect a pope contrary to his constitution. Also, Rev. Bernard Wuellner states in his “Summary of Scholastic Principles”: “In doubt about the validity of a positive law, the law is presumed to be valid for the sake of the common good and to preserve the certain right of authority.” Rev. Wuellner does qualify his statement by adding that the law must be physically and morally capable of fulfillment, and the point of Pope Pius XII’s law concerning the cardinals is not capable of fulfillment because they no longer exist.

But Rev. Amleto Cicognani, in his commentary on Can. 21, which determines when an *invalidating* law may cease, states that if such a law ceases only inadequately (meaning that only some particular purpose of the law ceases), “the law ceases neither for the community nor for individuals, for the reason or soul of the law still exists.” Most of Pope Pius XII’s law still applies wherever it does not directly concern the cardinals and both Pius XII’s law and the laws for ecclesiastical elections were quoted and followed in the pre-election book. Yet many of these election laws were never followed to the letter as required. This includes the interpretation of the meaning of the Church contrary to Divine law (Can. 107) used in allowing the laity to vote, and the violation of Can. 167 §5 concerning the Catholicity of electors. It is a denial of scholastic principles to pretend that something has lawfully and validly taken place when the preponderance of evidence clearly says otherwise — and such antics cannot fool those who truly wish to follow the laws and teachings of the Church. These laws and teachings existed long before the death of Pope Pius XII and will exist until the consummation.

The mind of the legislator, Pope Pius XII, was clear where the division between laity and clergy is concerned when he wrote “Mystici Corporis” and “Six ans se Sont,” (see Can. 18). Pius XII did say that in the absence of the hierarchy the laity could assume all their duties, providing that “nothing... be undertaken against the explicit or implicit will of the Church, or contrary in any way to ***the rules of faith or morals, or ecclesiastical discipline***,” (“Mission of the Catholic Woman,” Sept. 29, 1957). Sadly, those promoting a papal election to restore the Church in this devastating crisis violated the rules of faith and ecclesiastical discipline in many ways, although that was never this author’s intent. Many mistakes were made; many wrong turns were taken, with disastrous results all around. But in the end, presumption must yield to Divine truth. Can. 107 states that by Divine law, the Church can consist only of the CLERGY and laity, not the laity alone.

This is a matter of Divine faith as taught by the Catholic Church. Deny this truth and one is *ipso facto* excommunicated for heresy.

In the book “Will the Catholic Church Survive...?,” this author states that once a presumption of law has been established, the burden of proof is then shifted to one’s opponents. If the latter cannot disprove the presumption, it stands. This is true only when the thing being discussed is doubtful; and I once believed that what was to be done during an interregnum concerning a papal election was doubtful and the law could be dispensed from where cardinals and other matters were concerned. That doubt concerning certain Canon Laws was later removed, placing me in the unenviable position of disproving the case presented in the book. Examining the law with a view to making certain deductions concerning a mode of action and conduct which may or may not be lawful is the province of theologians and their students. It is important today that laymen who do study Canon Law view it rather as ordinances of reason reflecting the will of God, to be obeyed and not dispensed from or adjusted in any way. It is one thing to conduct such studies under the supervision of the proper spiritual authorities, who can bring attention to errors in reasoning and in theology. But when this is not possible it is fatal to presume to arrive at personal deductions and present them to others as correct and worthy of belief, without a superior’s approval. I have a strict obligation to correct any errors found in my book, to undo the spiritual damage done as far as possible. And until I feel these errors are properly and completely corrected I will continue to make them known.

The laity are forbidden to elect

“The good of the Church demands that we take all possible care that the stability of Canon Law be not endangered by the uncertain opinions and conjectures of private parties regarding the true sense of the canons, and that interpretations which rest on subtleties and cavils against the clear will of the legislator do not result in undue indulgence toward violators of the law, a thing which disrupts the nerve of ecclesiastical discipline,” (decision concerning Can. 2319 § 1,1; Pope Pius XII Motu Proprio 1953).

In retrospect, and in view of Pope Pius XII’s words above, there are things in Canon Law and Church teaching on the “papal” election held in 1990 that need to be further addressed. These observations have come about over a period of time and serve to simplify as well as summarize much of what appeared on this site in regards to that invalid election and the heretical teachings connected to it. For those looking for a more understandable explanation, the following will suffice:

1. Divine Law says that the Church is made up of the clergy and laity in DZ 966 and Can. 107. To remain members of the Church, we must obey Divine Law and infallible Church teaching.
2. The Vatican Council teaches infallibly that dogma must always be understood in the same sense as the Church has always taught it, and that sense must be always retained, (DZ 1800). The Vatican Council then teaches concerning the Church: “That the episcopacy itself might be one and undivided, and that the entire multitude of the faithful through priests closely connected with one another might

be preserved in the unity of faith and communion, placing the blessed Peter over the other Apostles, He established in him the perpetual principle and visible foundation of both unities, upon whose strength the eternal temple might be erected, and the sublimity of the Church to be raised to Heaven might rise in the firmness of faith.” Pope Leo XIII also wrote: “...the divine Founder decreed that the Church be one in faith, and in government, and in communion,” and only the hierarchy may authoritatively teach, govern and sanctify the Church. We must believe it and cannot question it.

3. In “Quartus Supra,” Pope Pius IX says that the laity has never been able to elect bishops or ministers under either divine or ecclesiastical law. We unquestionably believe what he said.
4. The Council of Trent in two different places (DZ 960, 967) and also Pope Pius VI (DZ 1502) state that it is heretical to believe that the community or the people can elect a bishop or pastor. The Church has said it and we must believe it.
5. Pope Nicholas II’s law mandating that cardinals only are to elect a pope states that in an emergency clergy AND laity can elect a pope. “Will the Catholic Church Survive...?” says that Can. 178 on devolution permits laity only to elect in the absence of clergy. Other writers discussing the election rightly teach that devolution could go only as far as the clergy, because to say only the laity can elect denies that the Church is made up of the clergy and laity. It also denies that the Church, *as Christ Himself founded it* will last until the end of time, meaning that not the papacy only, but also the hierarchy MUST BE VISIBLE. St. Francis de Sales says that this visibility will be interrupted only during the time of Antichrist, when all will see the Church going into the desert (during the false Vatican II Council) and emerging from it, (“The Catholic Controversy”).
6. The 1990 “Election Update” article on privileges says that Nicholas II gave the clergy (and laity) a privilege that is still in effect that allows them to elect a pope in unsettled times. In case of doubt concerning a privilege, Canon 68 sends us to Canon 50. Canon 50 tells us that when a privilege involving private parties goes against the usual law, it must be interpreted strictly. Canon 49 says that the privilege is to be understood according to the proper meaning of the words as they are *commonly used*. Canon 67 says a privilege cannot be “extended or restricted.” So strictly speaking these Canons were never observed because the words “universal Church” were not taken in the sense in which the Church commonly uses them (meaning clergy AND laity). The clergy unlawfully was excluded, restricting any emergency election only to laity.
7. But these Canons on privileges (and customs) become irrelevant after reading Canons 4 and 5, then referring to Can. 160. In their summaries of Pope Pius XII’s 1945 election law, Revs. Bouscaren-Ellis and Woywod-Smith agree that Pope St. Pius X’s and Pope Pius XII’s election laws “abrogate” all earlier documents and that Pius XII’s “Vacantis Apostolica Sedis” now “exclusively” governs papal

elections. Canon 4 says that privileges granted by the Holy See before the Code that are still in use at the time the Code was issued are not revoked unless expressly revoked by the Code. The privilege given by Pope Nicholas II was never invoked (an emergency election by clergy and laity), even after it was granted; so that privilege is now clearly revoked. Canon 77 states that a privilege ceases when the superior decides it has become harmful, or its use has become illicit. It is obvious that Pope Pius IX already believed this even before the Code was written. And it is equally obvious that Pope St. Pius X's and Pope Pius XII's papal election laws summarized all previous papal election law and abrogated any rights once accorded to the clergy and laity.

8. Among the ecclesiastical laws upon which the attempted 1990 "election" was based, Can. 167§5 is mentioned. The old law on which this canon rests is none other than Pope Paul IV's "Cum ex Apostolatus Officio," written in 1559. This Canon states that those who are deprived of the active vote by the common or particular law may not cast a vote. If they do the election is not invalid unless this vote was needed for the two-thirds plus one majority necessary to elect. Pope Pius XII's election law forbids laymen to vote, therefore all their votes were invalid because the laity could never have elected a pope. Also, none of those electing could certainly prove they were members of the Church since they were never absolved from their membership in non-Catholic Novus Ordo and Traditionalist sects by a valid and licit priest or bishop, (as the 1990 book stated was necessary to validly vote in the election). Canon 2248 states that, "any censure once contracted cannot be removed except by legitimate absolution." Revs. Woywod-Smith comment: "Only a superior who has power to attach a censure to his precept can absolve under such a condition, unless the law gives the confessor faculty to absolve under that condition." Even in these "extraordinary times," no law gives the laity the right to absolve each other from censures as suggested in "Election Update." For if electors are laity, and among them women, could it then be said that women have the right to function as confessors and priests?
9. Under the heading "Ecclesiastical offices..." Canon 145 includes the papacy as an ecclesiastical office, (Bouscaren-Ellis). Canon 145 reads: "In the strict sense, an ecclesiastical office means a stable position created either by the **divine** or the ecclesiastical law, conferred according to the rules of the sacred canons and entailing some participation at least in ecclesiastical power, whether of orders or of jurisdiction. In law, the term ecclesiastical office is used in its **strict sense**, unless the context clearly indicates the contrary." Canon 146 treats of ecclesiastical benefices, which as Revs. Bouscaren-Ellis comment are "permanently established by ecclesiastical authority." Ecclesiastical benefices can be conferred only on clerics (Can. 118), so unless one is a cleric either before or after appointment to an office, depending on the law, he is not entitled to the revenues from an ecclesiastical benefice.

Canon 147 §2 informs us that ecclesiastical offices cannot be "**validly** obtained without canonical appointment...which is the conferring of an ecclesiastical office by the **competent ecclesiastical authority** in harmony with

the sacred canons.” When ecclesiastical authority does not elect and the sacred canons are not followed, there can be no valid election. This is further testified to by Pius XII himself who states in “Vacantis Apostolica Sedis”: “Laws given by the Roman Pontiffs are in no way able to be corrected or changed through the meeting of the cardinals of the Roman Church [the See] being vacant; nor is anything able to be taken away or added, *nor is there able to be made any dispensation in any manner concerning the laws themselves or some part of them.* This is very evident from pontifical Constitutions [on]...the election of the Roman Pontiff. *But if anything contrary to this prescript occurs or is by chance attempted, we declare it by Our Supreme authority to be null and void.*”

Some contend that Can. 160 does not govern papal election; that no canons govern papal election. But this is a specious evasion, for the very first line of Can. 160 refers us specifically to the Constitution of Pope St. Pius X. Rev. Charles Augustine devotes an entire section to papal elections past and present under this canon. The first line of the law itself reads that Pope Pius X’s election law now “exclusively” governs papal election, and then in a footnote Revs. Woywod-Smith explain that Pope Pius XII’s “Vacantis Apostolica Sedis,” amends and revises this law. Under Can. 218, Revs. Bouscaren-Ellis state that (“Vacantis Apostolica Sedis”) “explicitly abrogates all other previous ordinances on the subject.” and elsewhere Woywod-Smith assert that Pope Pius XII’s constitution “abrogated and supplanted all previous legislation regulating the election of the pope.” Pope Pius XII’s law is entered into the “Acta Apostolica Sedis,” Vol. 38, pgs., 65-99. This means, as Pius XII explains in “Humani Generis,” that the conduct of the faithful during an interregnum and the exclusion of any lay influence on papal elections is no longer open to discussion.

Commenting on Can. 162, Revs. Bouscaren-Ellis write: “If more than a third of the electors failed to be convoked, the election is invalid.” When no valid and licit clergy responded to a call for election, the promotion of the election should have ended. Instead, a concerted effort should have been made to locate true clergy before any further steps were taken.

In “Will the Catholic Church Survive...?” Can. 18 is used to explain why ecclesiastical election laws can be appealed to in a doubt of law to determine electors when the cardinals are all excluded from voting. This law refers those able to authoritatively apply the law to parallel passages in the Code, to the purpose of the law and its circumstances and to the mind of the lawgiver, (in this case Pope Pius XII). Canon 167 is such a canon, and should have stopped everyone in their tracks. Canon 167 §4 forbids anyone who has been involved with heretical or schismatic non-Catholic sects any vote in ecclesiastical elections. And Can. 167 §5 forbids anyone to participate who is deprived of a vote by the common or particular law, which would include Pope Pius XII’s election law. All those attempting to elect in 1990 at one time had been members of NO and Traditionalist sects, both schismatic and heretical. They could not find valid and licit clergy to absolve them, when the 1990 book states this is necessary for readmission into the Church, (pg. 445). And Can. 2248 above insists that for such a censure to be lifted, the absolution must be lawful. Therefore these laypersons remained under censure.

10. In his 1945 election law “Vacantis Apostolica Sedis,” Pope Pius XII ruled that even the Cardinals could not change the laws, detract from them in any way at all or dispense from them. Everything was to be left for a future Pope to decide. He said that if anything contrary to his constitution took place or was attempted, it would automatically be null and void. (This same statement can be found in the Catholic Encyclopedia, Vol. VIII, page 751.) Pope Pius XII’s law was further protected from any violation by an oath. This means that only a future Pope could change it in any way, although the Cardinals could interpret it in an emergency by unanimous vote. In illicitly dispensing from this law, the laity effectively usurped the rights and privileges of the Roman Pontiff. And anyone acting against his constitution would incur God’s indignation and the wrath of the holy Apostles Peter and Paul.

After reading all this, it doesn’t take a rocket scientist to figure out that there is no way the laity can ever validly elect a pope. There is no privilege and could never be such a privilege that allows this. In fact there are several condemnations of any attempt by the laity to elect their leaders (see below) that were condemned by the Popes hundreds of years ago! There are probably many other reasons why such an election has never happened and could never happen, but this one goes to the root of the problem. No one can promote such a proposition without denying what the Church and Christ Himself teaches about the Church. We must believe God and not men.

Lay investiture and other errors

Below, the teachings of the Church on lay elections and conferral of rights on the one elected will be examined. The meaning of *lay investiture* above is the attempt by laypersons to grant an ecclesiastical office. It is condemned in Can. 147 and the footnote to this Canon leads us to the Council of Trent. In 1950, under Can. 147 (Canon Law Digest, Vol. 3), Pope Pius XII levied excommunications reserved in a special manner to the Holy See against “anyone who [against] the sacred canons occupies an ecclesiastical office...or allows anyone to be lawfully intruded into the same, or who retains the same; also those who have any part in [this]...” Below are listed the Council of Trent’s condemnations and also the condemnation of this same heresy by Pope Pius VI and others.

“For the doctrine of faith which God revealed has not been handed down as a philosophic invention to the human mind to be perfected, but...as a Divine deposit to the Spouse of Christ to be faithfully guarded and infallibly interpreted. Hence also that understanding of its sacred dogmas must be perpetually retained, which Holy Mother Church has once declared; and there must never be any recession from that meaning,” (DZ 1800).

"If anyone says that in the Catholic Church a hierarchy has not been instituted by divine ordinance which consists of **bishops, priests and ministers [deacons]**, let him be anathema," (The Council of Trent, DZ 966; Canons 108-109).

"This Holy Synod teaches that, in the ordination of bishops, priests and other orders...**those who are called and instituted only by the people**, or by the civil power...**and proceed to exercise these offices**, and...**those who take these offices upon**

themselves, are not ministers of the Church, but are to be regarded as 'thieves, robbers and those who have not entered by the door,'" (DZ 960; Canons 108-109; Can. 147.) *Here it must be noted that tonsure is officially ranked with the ceremonies of Holy Orders under Can. 950, since without tonsure there can be no further advancement to the minor orders. The first sentence of the reference above to "other orders" would include tonsure as defined in Canon Law. So to imply or explicitly state that the laity has conveyed such a species of Orders is to heretically attribute to the laity the power to confer what the Church includes in Her definition of Holy Orders. Preaching and teaching are functions reserved to those who possess both Holy Orders and jurisdiction.*

Condemnation of the Jansenists by Pope Pius VI: "Power has been given by God to the **Church** that it might be communicated to the pastors who are its ministers for the salvation of souls.' If thus understood that the power of **ecclesiastical** ministry is derived from the **community of the faithful to the pastors** — heretical," (DZ 1502; Canons 108-109). *Here we see the danger of interpreting the word "Church" in a sense that limits it to "the community of the faithful," bypassing the hierarchy. For this implies that this community, not the bishops and the Pope, may appoint their own priests and bishops or convey a minor order. This results in heresy.*

"If anyone says that ... those who have neither been **rightly ordained nor sent by ecclesiastical authority**, but come from a different source, **are the lawful ministers of the Word and of the Sacraments**, let him be anathema." (The Council of Trent, Sess. 23, July 15, 1563; DZ 967, 424). *The minister intended here need not be a cleric prior to the attempt to preach or confer the Sacraments. All that is needed to incur this anathema is for someone to come "from a different source," meaning one outside the necessary ecclesiastical authority required by Can. 147. The laity is obviously not included in the definition of ecclesiastical authority as laid out here and in Can. 147 § 1, 2.*

We have already seen that Pope St. Pius X and a commission of cardinals condemned the idea of command vocations, teaching instead that "No one ever has any right to ordination antecedently to the free choice of the bishop...The requisite which has to be examined and which is called priestly vocation by no means consists, at least necessarily and as a general rule in a certain interior attraction of the subject or in invitations of the Holy Ghost, to enter the clerical state," (July 2, 1912). In the Catholic Encyclopedia article on vocation, Rev. Vermeersch tells us it is the semi-Quietists who placed emphasis on Divine attraction by insisting that once a man received this call the vocation was "obligatory...practically necessary." Vermeersch then mentions Pope St. Pius X's condemnation of this idea. But long before Pius X ever rendered his decision on the true definition of a vocation, St. Francis de Sales wrote the following:

"No one should allege an extraordinary mission unless he prove it by miracles...If they allege an extraordinary mission, let them show us some extraordinary works...Never must an extraordinary mission be received when disowned by the ordinary authority which is in the Church of Our Lord...An extraordinary vocation is never legitimate where it is disapproved of by the ordinary...Where will you ever show me a legitimate extraordinary vocation which has not been received by the ordinary authority? St. Paul was extraordinarily called, but was he not approved and authorized by the ordinary once

and again? And...the mission of St. John the Baptist cannot properly be called extraordinary because he taught nothing contrary to the Mosaic church,...was of the priestly race and...his doctrine was approved by the ordinary teaching office of the Jewish Church...(Jn. 1: 19)...The vocation of Aaron was made by the ordinary Moses, so it was not God who placed his holy word in the mouth of Aaron immediately, but Moses...And if we consider the words of St. Paul we shall further learn that the vocation of pastors and Church rulers **must be made visibly...**,” (“The Catholic Controversy,” chapter on Mission).

Pope Pius IX in “Quartus Supra”: ***“For no power of electing bishops or other ministers of religion has ever been given to the people by either divine or ecclesiastical law.”***

Pope Pius XII states in “Ad Apostolorum Principis”: “All ecclesiastical discipline is overthrown if it is in any way lawful for ***one to restore arrangements which are no longer valid because the Supreme Authority of the Church long ago decreed otherwise.***”

Can. 147, which says even the Pope must receive his office from “***competent ecclesiastical authority, made according to the sacred canons.***” Only the Roman Pontiff, ***legitimately and canonically elected*** has ever been considered a true Pope, (see DZ 570d, 650, 658 and 674; Can. 147; also “Cum ex Apostolatus Officio.” *So papal election is necessarily determined by the sacred canons. Under Can. 145, Bouscaren-Ellis comment that the ecclesiastical offices under consideration are established either by Divine or ecclesiastical law, and the papacy is established by Divine law. So Can. 147 applies to the papacy as well as other offices. The very definition of canonical provision under Can. 147 §2 is “the grant of an ecclesiastical office, by competent ecclesiastical authority, made according to the sacred canons.” As noted above, some wrongly and dishonestly assert that Can. 160 does not apply to a papal election, when it must for an election to be considered canonical. When in doubt, define. What is a canon? In his dictionary, Rev. Attwater tells us: “(Ecclesiastical) canons are rules, laws, decrees, definitions concerning the Christian faith or life.” For those who insist that Pope Pius XII’s Constitution is a “special” law governing papal elections that can be disassociated from the canons, we define constitution, papal, from Rev. Attwater: “Those laws which the Pope issues in his own name.” We must remember that when Pope St. Pius X wrote his constitution on elections in 1904, he was already beginning the work of codifying Canon Law. In his law he summarized all previous election laws, summarizing and abrogating them. There then was one law, vs. many rules, laws, decrees, definitions to consult, and this also was true with Pope Pius XII’s law. Basically Pope St. Pius X’s and Pius XII’s constitution are the same, being laws on the matter written solely by these Popes. So how is this different from any of the other Canons, based on Bulls or constitutions written by Popes of the past?*

Having read through this however, we need to better understand why the rite of tonsure cannot be conveyed by anyone except a clerical candidate’s proper bishop.

What is tonsure?

Tonsure is the ceremony that distinguishes the clergy from the laity. The fact that there is such a distinction is a divinely revealed teaching according to Can. 107. Canons 108 and

948 also tell us that tonsure marks this separation to distinguish the ones governing from the governed, and that the sacred hierarchy of Order was Divinely instituted (bishops, priests and deacons) while the hierarchy of jurisdiction exists in the bishops and the Supreme Pontiff and was likewise instituted by Christ. The Church Herself established the orders of the lesser clergy. Ironically, As Bouscaren-Ellis point out under Can. 118 and Rev. Miaskiewicz states in his “Supplied Jurisdiction According to Canon 209,” a layman does not need to receive clerical status in *accepting* the papacy. For a layman, this does not come prior to but antecedent to papal election according to the 1945 election law of Pope Pius XII. And Pope Pius XII forbids us to attenuate his law in any way.

Canon Law also forbids the laity to confer sacramentals. Tonsure is usually described as a sacramental, although it is actually more than that in the eyes of the law. For as Can. 950 explains, while tonsure is not considered an actual Sacrament, nevertheless where Canon Law is concerned, it is essential to Orders and is classified under the law *with* Orders. Canon 950 reads: “The terms: to *ordain, order, ordination, sacred ordination*, comprise besides Episcopal consecration, all the orders enumerated in Can. 949, *as well as first tonsure*, unless some other meaning is to be taken by reason of the nature of the matter treated or from the context of the wording of the law,” (and this last phrase ultimately would be a matter for the Committee for the Authentic Interpretation of the Code to decide, not laymen). .

Canon 1146 teaches that only clerics can confer sacramentals. Commenting on this canon, Rev H. A. Ayrinhac also says that lay persons are never permitted to administer the sacramentals, (“Legislation on the Sacraments in the New Code of Canon Law”). Sacramentals are like the sacraments: they are outward signs instituted by the *Church* to give grace, (although in the Roman Ritual, the editor, Rev. Weller, comments: “Some of the sacramentals definitely come from Christ, [but] how many and actually which ones is not clear.”) A bishop of the proper diocese is always the minister of tonsure, unless the Pope or the Bishop delegate another **cleric** for this purpose. Pope Innocent III said, “By tonsure given according to *the form of the Church* is the clerical status conferred,” (Revs. Woywod-Smith, Can. 950). St. Francis de Sales tells us the confirmation of any vocation in the Church must be “*made visibly*,” (“The Catholic Controversy,” Mission).

From these observations it is clear that only the actual ceremony of tonsure and the subsequent conferral of the minor and major orders by the proper bishop can grant clerical status; nor can the laity “send” their pastors; and if they attempt to do so they commit heresy. As Pope Pius XII states in “Mystici Corporis”: “Bishops must be considered as the nobler members of the Universal Church,” that same Universal Church which others, with rare temerity, say may be considered only as the laity.

Divine right and canonical jurisdiction

The grant of ecclesiastical (canonical mission) jurisdiction cannot be confused with the reception of jurisdiction by Divine law, (Can. 109, 219). In the histories of the three laymen historically elected Pope (Leo VIII, Benedict VIII and John XIX) the Catholic Encyclopedia entries for Popes Leo VIII and John XIX state that they received the full round of minor and major orders in succession, and this would necessarily have included tonsure which is the key to the door that unlocks the Sacrament of Holy Orders.

Ecclesiastical jurisdiction is **not** divine right (*jure divino*) jurisdiction; ecclesiastical jurisdiction is received by canonical mission and is distinct from *jure divino* jurisdiction. Canon 109 explains this: "In the supreme pontificate, the person **legitimately** elected and freely accepting the election receives jurisdiction by the divine law itself; **in all other degrees of jurisdiction, by canonical appointment.**" Rev. Charles Augustine comments on Can. 109 as follows: "The *missio canonica* is necessary for all who are inferior to the Pope. For as the Lord sent His Apostles, so in turn He sent others to exercise their spiritual power with authority, **and without such credentials no one has authority in the Church.**" The jurisdiction Christ gave to the Apostles was distinct from that given to Peter alone. Peter received his power *first* (*jure divino*) Holy Scripture tells us, and all the Apostles received theirs as a group at a later time, (*missio canonica*). A layman legitimately elected Pope by the proper ecclesiastical authority receives tonsure following his election, prior to ordination and consecration.

As Pope Pius XII teaches in "Six ans se Sont," clerical fitness must be determined prior to the acceptance of election to assure validity. This is the "clear will of the legislator," as he states above, and Canons 149, 153 and 154 also demand it. Under Can. 118, Revs. Bouscaren and Ellis point out in their volume on Canon Law that "jurisdiction presupposes Orders," and if not Orders itself, at least the fitness necessary to receive them. **Rev. Raymond Kearney, also Rev. H. A. Ayrinhac state concerning the laws demanding fitness in priestly candidates that "Ecclesiastical as also natural and divine positive law demand in a candidate for Orders certain qualifications,"** ("Legislation on the Sacraments," pg. 325). Divine law requires that a candidate for papal election be a baptized male possessing the use of reason. (As long as there are valid and licit hierarchy available to ordain and consecrate a layman, one may still be elected, but today we do not have access to the hierarchy.) In the article "Papal Elections" in the Catholic Encyclopedia, William H. Fanning writes: "A layman may also be elected as pope...Even the election of a married man would not be invalid...**Of course the election of a heretic, schismatic, or female would be null and void.** Immediately on the **canonical** election of a candidate and his acceptance, he is true pope and can exercise full and absolute jurisdiction over the whole Church."

Heresy and schism

In the May 31, 1990 "Election Update" we find: ""**Heresy invalidates the election; even suspicion of heresy is sufficient.** However, if one has not been declared a heretic and has removed any cause for suspicion, he is capable of election...Forming a merely schismatic sect is [also] sufficient to incur the censure of Can. 2314...Does starting a [non-Catholic] sect subject one to further censure? We can find no specific censure for this horrendous crime, but the Church has followed a pattern in these cases. She has always declared the people who have started non-Catholic sects **excommunicatus vitandus**. Luther and Henry VIII are two notable examples."

So let us suppose an hypothesis. Let us say that someone was assumed to be validly elected pope. But later this man was found to have unquestionably admitted in writing to joining a non-Catholic sect shortly before election and incurring excommunication for heresy and schism. Let us say more. Let us say that this excommunication remained unknown or at least not fully known for many years. What would be the outcome of such

a discovery? Once the commission of an offense is divulged, it is known that it is an actual offense, and its divulgence is easily possible, it is public, (Can. 2197 §1). If other statements or actions show that this offense or others like it have been committed, this is further proof. Those who have not read Pope Paul IV's "Cum ex Apostolatus Officio" before might think that such a thing is not addressed; but it is indeed addressed and the answer to the problem is quite simple: such a man would be considered as never having become pope once the divulged heresy is CLEAR to even a small number of people, in a small community.

6. "Further, if ever at any time *it becomes clear* that any Bishop...Archbishop, Patriarch, or primate; or any Cardinal of the aforesaid Roman Church...*or likewise if any Roman Pontiff before his promotion or elevation as a Cardinal or Roman Pontiff, [has strayed from the Catholic Faith or] fallen into some heresy, [or has incurred schism], then his promotion or elevation shall be null, invalid and void. It cannot be declared valid or become valid through his acceptance of the office, his consecration, subsequent possession or seeming possession of government and administration, or by the enthronement of or homage paid to the same Roman Pontiff, or by universal obedience accorded him, or by the passage of any time in said circumstances, [nor shall it be held as quasi-legitimate.]* It shall not be considered to have given or to give any power of administration in matters spiritual or temporal, to such persons...elevated as Cardinals or as the Roman Pontiff. Rather, each and, *every one of their statements, deeds, enactments, and administrative acts, of any kind, and any result thereof whatsoever, shall be without force and shall confer no legality or right on anyone. The persons themselves so promoted and elevated shall, ipso facto and without need for any further declaration, be deprived of any dignity, position, honor, title, authority, office and power...*

"It shall be lawful for all and sundry who would have been subject to persons so promoted and elevated, had these not first strayed from the Faith or been heretics, or incurred or incited or committed schism; for clerics, secular or regular, and *for laymen*; likewise for Cardinals, *even for those who participated in the election of one straying from the Faith*, or of a heretic or schismatic to the Papacy, or who otherwise presented and pledged him obedience and paid him homage...*to depart with impunity at any time from obedience and allegiance to said promoted and elevated persons and to shun them as sorcerers, heathens, publicans, and heresiarchs* — though subjects of the same remain, nevertheless, bound in fealty and obedience to future Bishops, Archbishops, Primates, Cardinals *and the canonically established Roman Pontiff*. For the greater confusion of persons thus promoted and elevated, if they attempt to continue their government and administration, *all may implore the aid of the secular arm against those so advanced and elevated. Nor shall they be liable to reprisal through any censure or penalty, as renders of the Lord's robe, for departing, for the reasons set forth above, from fealty and obedience to said promoted and elevated persons...*"

Anyone can be mistaken or fooled into believing that something is either not what it appears to be or is something it is not. But once the truth becomes clear, and the mistake is evident, then the obligation to act exists. Pope Paul IV says when this happens, anyone may depart "with impunity, at any time" without fear of censures or reprisals. His law is

sympathetic to those laboring under such strong delusions. Why? Because in his Bull, Pope Paul IV states that he writes in order that the abomination of desolation may not be seen to stand in the Holy Place. He wrote for us, that we may walk with the light, and walk safely.

The Church's True Assessment of Antipopes

The following excerpts from the Council of Florence should send chills down the spine of anyone presuming to elect a pope or be elected one in the future. If we want to point to something from a Council that needs to be taken seriously and which certainly applies, regardless of any time lapse, it can be found in what is below. The Church does not play patty cakes with Her enemies. Her real attitude towards those who pertinaciously flaunt Her laws and teachings is sobering, to say the least. And her absolute contempt of and the extent of Her righteous anger toward those daring to usurp the papal see must be read to be believed.

The Council of Florence

The Council of Florence was held in Florence, Italy from 1438-1447. The Council was a continuation of the Council of Ferrara, and that council in turn was a continuation of the Council of Basel, in Switzerland. It was convoked in 1431 by Pope Martin V. Following Martin's death, his successor Blessed Pope Eugene IV opened it and met open resistance from many of the bishops. Therefore he dissolved the Council, moving to Ferrara, Italy in 1438 because of the schismatic bishops who elected the antipope Felix V. Felix attempted to depose Eugene IV. While it appears he was a layman on election, the Catholic Encyclopedia says only that he was consecrated following his election in 1439. He then was excommunicated by Bd. Eugene IV.

In 1439 the bubonic plague forced the entire Council to move again, this time to Florence where it was closed eight years later in 1447 by Eugene IV. The following text is taken from the ninth session of the Council of Florence which condemned in session the antipope Felix V and demanded he cease and desist from all pretensions to the papacy..

(See the Daily Catholic, <http://www.dailycatholic.org/history/17ecum10.htm>):

“...Say with the psalmist: I will pursue my enemies and crush them, and I shall not return until I consume them. I shall consume and crush them and they will not rise; they will fall at my feet.. For it is wrong that so wicked a deed and so detestable a precedent should be allowed to pass by disguised, lest perhaps unpunished daring and malice find an imitator, but rather let the example of punished transgressions deter others from offending.

[Concerning Amadeus aka Felix V and his bishop friends]: “They adopted an attitude of opposition and, prodigal of their good name and enemies to their own honour, they strove to their utmost with pestilential daring to rend the unity of the holy Roman and universal church and the seamless robe of Christ', and with serpent-like bites to lacerate the womb of the pious and holy mother herself.

“The leader and prince of these men and the architect of the whole nefarious deed was that first-born son of Satan, the most unfortunate Amadeus, once duke and prince of Savoy. He meditated this scheme for long. Several years ago, as is widely said, he was seduced by the trickery, sooth sayings and phantoms of certain unfortunate men and women of low reputation (commonly called wizards or witches or Waldensians and said to be very numerous in his country), who had forsaken their Saviour to turn backwards to Satan and be deceived by demonic illusions, to have himself raised up to be a monstrous head in God's church. He adopted the cloak of a hermit, or rather of a most false hypocrite, so that in sheep's clothing, like a lamb he might assume the ferocity of a wolf. Eventually he joined the people at Basel. By force, fraud, bribery, promises and threats he prevailed on the majority of those at Basel, who were subject to his sway and tyranny, to proclaim him as an idol and Beelzebub, the prince of these new demons, in opposition to your holiness, the true vicar of Christ and the undoubted successor of Peter in God's church.

“Thus that most ill-starred Amadeus, a man of insatiable and unheard of greed, whom avarice (which, according to the Apostle, is the service of idols) has always blinded, was set up as an idol and like a statue of Nebuchadnezzar in God's church by that most wicked synagogue, those offscourings of forsaken men, that shameful cesspool of all Christianity, from among whom certain heinous men, or rather demons hiding under the form of men, had been deputed as electors or rather as profaners. He himself, agitated by the furies of his own crimes and sinking into the depth of all evils, said after the manner of Lucifer: ***I will set my throne in the north and I shall be like the most High. He grasped with avid and detestable greed at the above-mentioned election, or rather profanation made of him, which he had earlier sought with intense fever of mind and anguish of heart. He did not shrink from adopting and wearing papal robes, ornaments and insignia, from behaving, holding himself and acting as Roman and supreme pontiff, and from having himself venerated as such by the people.*** Further, he was not afraid to write and despatch to many parts of the world letters which were sealed with a leaden seal after the manner of the Roman pontiffs. By these letters, in which he calls himself Felix even though he is the most unhappy of mortals, he tries to spread the poisons of his faction among the people of Christ.

“With the approval and help of this sacred ecumenical council, avenge with condign penalties this new frenzy which has become inflamed to your injury and that of the holy Roman church, your spouse, and to the notorious scandal of the whole Christian people. By the authority of almighty God and of the blessed apostles Peter and Paul and by your own authority, remove and separate from God's holy church, by a perpetual anathema, the aforesaid wicked perpetrators of this prodigious crime and their unfortunate heresiarch and veritable antichrist in God's church together with all their supporters, adherents and followers and especially his execrable electors or rather profaners.

“May he and all the aforesaid be cast out like an antichrist and an invader and a destroyer of the whole of Christianity. Let no appeal in this matter ever be allowed to him or to them. Let them and their posterity and successors be deprived without appeal of every

ecclesiastical or secular rank and dignity whatsoever. Let all of them be condemned by a perpetual anathema and excommunication and may they be counted among the wicked who will not rise at the judgment. May they feel the anger of God against them. May they feel the rage of saints Peter and Paul, whose church they dare to throw into confusion, both in this life and in the next. May their dwelling be a desolation, let no one dwell in their tents. May their children be orphans and their wives be widows. May the world fight against them and all the elements be opposed to them, so that they may be cast out, destroyed and eliminated by all and so that, as they grovel in permanent penury, death may deservedly be their refuge and life their punishment. May the merits of all the saints cast them into confusion and display open vengeance on them in their lifetime. May they receive a deserved fate with Korah, Dathan and Abiram. ***Finally, unless they repent from their hearts, perform deeds worthy of repentance and make worthy satisfaction to your holiness and the universal church for the enormity of their sins, may they be thrust with the wicked into the everlasting darkness, doomed by the just judgment of God to eternal torments.***

“For our part, as soon as we were aware from the reports of trustworthy people that so great an impiety had been committed, we were afflicted with grief and sadness, as was to be expected, both for the great scandal to the church and for the ruin of the souls of its perpetrators, especially Amadeus that antichrist whom we used to embrace in the depths of charity and whose prayers and wishes we always strove to meet in so far as we could in God. Already for some time we had it in mind to provide salutary remedies, in accordance with our pastoral office, against an abomination of this sort. Now, however, challenged publicly before the church to confront these evils, we propose to rise to the defence of the church and tackle this great crime more quickly and more urgently. Therefore, in order that so enormous and execrable a deed may, with the help of God whose cause is at stake, be destroyed from its very roots, we are applying, in conjunction with this holy council and with the least possible delay, a remedy in accordance with the holy canons.

“We are aware that the above petition of the promoter and the procurator is just and in conformity with both divine and human law, and although the aforesaid crimes and excesses are so very public and notorious that nothing can conceal them and no further information is required, [further investigations were conducted]...Action could have been taken against the said infamous and scandalous men without waiting further, by means of severe penalties in accordance with canonical sanctions. Nevertheless we and this holy synod, imitating the mercy of God who desires not the death of the sinner but rather that he be converted and live, have decided to show all possible mercy and to act, in so far as we can, in such a way that the proposed mildness may recall them to heart and lead them to recoil from the above-mentioned excesses, and so that when at last they return to the bosom of the church like the prodigal son, we may receive them with kindness and embrace them with fatherly love.

“Therefore, through the tender mercy of our God and by the shedding of the precious blood of our lord Jesus Christ, in whom and by whom the redemption of the human race and the foundation of holy mother church were effected, from the depths of our hearts we

exhort, beg and beseech the antichrist Amadeus and the aforesaid electors, or rather profaners, and whoever else believes in, adheres to, receives or in any way supports him, straightaway to stop violating the church's unity for which the Saviour prayed so earnestly to the Father, and to cease from rending and lacerating the fraternal charity and peace which the same Redeemer, as he was about to leave this world, repeatedly and so insistently commended to his disciples and without which neither prayers nor fasts nor alms are acceptable to God, and utterly to desist as quickly as possible from the aforesaid destructive and scandalous excesses, and so to find with us and this sacred council, if they really obey as they are bound to do, the affection of a father in respect of everything.

“However, so that fear of penalties and harshness of discipline may force them if perchance love of justice and virtue does not withdraw them from sin, with the approval of this sacred council we demand and warn the antichrist Amadeus and the aforesaid electors, or rather profaners, and believers, adherents, receivers and supporters, and we strictly enjoin and order him and them in virtue of holy obedience and under the penalties of anathema, heresy, schism and treason which have been inflicted in any ways against such persons, whether by men or by the law:

“That within fifty days immediately following the publication of this letter, the antichrist Amadeus should cease from acting any more and designating himself as the Roman pontiff and should not, in so far as he can, allow himself to be held and called such by others, and should not dare hereafter in any way to use papal insignia and other things belonging in any way to the Roman pontiff; And that the aforesaid electors, or rather profaners, and adherents, receivers and supporters should no longer, either in person or through others, directly or indirectly or under any pretext, aid, believe in, adhere to or support the said Amadeus in this crime of schism...

“If Amadeus and the said electors, believers, adherents, receivers and supporters shall act otherwise -- though may it not be so -- and do not effectively fulfill each and all of the aforesaid points within the appointed time, we wish and decree that from then as from now they automatically incur the stated penalties...,” *(end of Council quote. All emphasis within quotes in this document is the author's. Many thanks to the Daily Catholic for allowing the use of this material.)*

This is the faith at its best; the faith boldly and unhesitatingly defended, the faith giving no quarter because no quarter can be given. It is the faith I have always known, loved and believed — even if I was not always able to properly explain and defend it; the faith of the ages I chose to champion over the puerile protestations of a modern latecomer. It is encouraging to note that eventually Felix the antipope submitted to the true pope Nicholas V and was appointed as the Cardinal of St. Sabina. He did not become a saint, as did St. Hippolytus, but pray God, at least we have hope that he saved his soul. We must never, ever minimize, as this council did not minimize, the truths of faith, nor forget our duty to defend them at all costs. Nor can we ever afford to forget, as Rev. Felix Sarda so eloquently explains in his work, “What Is Liberalism?” that true charity does not hesitate to offend the offender when the honor of God and the salvation of souls is at

stake. Offending man for the sake of God, Sarda tells us, is charity and perfect charity. Not to do so is a sin. We can love enemies of the faith when ridiculing and humiliating them, when heaping burning coals upon them, even when depriving them of life, in certain cases. When God and holy faith come first and foremost in our lives, all else fades into insignificance.

The Truth About Papal Claims

What is the definition of doubt in Canon Law? Rev. Amleto Cicognani (“Canon Law”) tells us that the word doubt comes from the Latin root *du* meaning two. So a doubt of law or fact is withholding assent between two contradictory propositions — such a one was validly elected Pope, or he was not validly elected Pope. This amounts to a lack of certitude, and as Cicognani points out, ***the common good demands certitude concerning the validity of acts.*** (Here we again encounter Can. 21.) ***This is especially true since the valid election of a Pope constitutes a dogmatic fact.*** Rev. A.C Cotter (“ABC of Scholastic Philosophy”) tells us that formal certitude is “Firm assent (or dissent) based on motives in themselves infallible and [which are] known to be infallible.” Cicognani says doubt must be absolutely removed by a reflex principle. Rev. Pierre Gury gives some of these principles in his work, “Dogmatic Theology.” Here we have a doubt of fact, e.g., whether this or that person truly was able to become pope. Gury says that this fact must not be merely presumed, but must be demonstrated. What is provided below will help demonstrate what is necessary to resolve doubts concerning the validity of papal claimants.

Theologians on legitimate papal election

Traditionalists quote the theologian Billot as follows: “God cannot...permit that the whole Church accept as Pontiff him who is not so truly and legitimately. ***Therefore, from the moment in which the Pope is accepted by the Church and united to her as the head to the body, it is no longer permitted to raise doubts about a possible vice of election or a possible lack of any condition whatsoever necessary for legitimacy. For the aforementioned adhesion of the Church heals in the root all fault in the election and proves infallibly the existence of all the required conditions.***” When the Church (bishops, priests, religious laity) once again can reunite and when the hierarchy can elect a Pope, then and not till then can this principle be applied.

From Rev. Francis Connell we read: “What certainty have we that the reigning Pontiff is actually the primate of the universal Church – that is, that he became a member of the Church through valid baptism, and that he was validly elected Pope? ***We have human moral certainty that the reigning Pontiff was validly elected in conclave and accepted the office of Bishop of Rome, thus becoming head of the universal Church. The unanimous consensus of a large group of Cardinals composing the electoral body gave us this assurance... For if we did not have infallible assurance that the ruling Pontiff is truly in the eyes of God the chief teacher of the Church of Christ, how could we accept as infallibly true his solemn pronouncements?*** This is an example of a fact that is not contained in the deposit of revelation but is so intimately connected with revelation that it must be within the scope of the Church's magisterial authority to declare it

infallibly. The whole Church, teaching and believing, declares and believes this fact, and from this it follows that this fact is infallibly true. We accept it with ecclesiastical – not divine – faith, based on the authority of the infallible Church."

These two theologians both agree that only when the election itself is *certainly valid* and *the Church as a whole accepts a man as pope* (meaning clergy first of all, *then* people, since St. Antoninus below tells the people to follow the clergy) can he be considered truly pope. There must be *at least* moral certainty concerning the validity of the election. All this is necessary because we must have "*infallible assurance that the ruling Pontiff is truly in the eyes of God the chief teacher of the Church of Christ,*" in order to be able "*to accept as infallibly true his solemn pronouncements,*" and infallible assurance comes only from the laws and teachings of the Popes and councils defining. Rev. Journet and John of St. Thomas — as well as others — agree with the theologians above, as shown below.

Rev. Charles Journet writes, in his "The Church of the Word Incarnate," (under validity and certitude of election):

"[The papal] election, remarks John of St. Thomas, *may be invalid when carried out by persons not qualified*, or when, although effected by persons qualified it suffers from defect of form *or falls on an incapable subject*, as for example, one of unsound mind or unbaptized [*or an apostate, heretic or schismatic*]. But the peaceful acceptance of the universal Church given to an elect as to a head to whom it submits is an act in which the Church engages herself and Her fate. It is therefore an act in itself infallible and is immediately recognizable as such. (Consequently and mediately, it will appear that all conditions prerequisite to the validity of the election have been fulfilled.) Acceptance by the Church operates either negatively, when the election is not at once contested; or positively, when the election is first accepted by those present then gradually by the rest.

"The Church has the right to elect the Pope, and therefore the right to certain knowledge as to who is elected. As long as any doubt remains and the tacit consent of the universal Church has not yet remedied the possible flaws in the election, there is no Pope; papa dubius, papa nullus. As a matter of fact, remarks John of St. Thomas, insofar as a peaceful and certain election is not apparent, the election is regarded as still going on. And since the Church has full control, not over a Pope certainly elected but over the election itself, she can take all measures needed to bring it to a conclusion. The Church can therefore judge a Pope to be doubtful. Thus, says John of St. Thomas, the Church judged three popes to be doubtful, of whom two were deposed and the third resigned." Journet also writes, under loss of the pontificate: "*The Pope was considered as having resigned when he was so placed that he could not possibly exercise his powers. 'It appears that in those times when a bishop was removed from his see...by death, exile or resignation, or an equivalent measure...the see was considered as vacant,'*" (Duchesne, The Early History of the Church, Vol. III).

Now by Church must always be understood the Church's own definition of Herself as established by Christ: bishops, priests and laity. So immediately someone is going to

object: only the clergy can determine if a Pope is doubtful. And I answer here that this is not about not any certain "pope." This is not the same as questioning the integrity of a thing already accepted by many Catholics as certainly existing, as happened during the Western Schism. This is about a candidate's ability to qualify for election according to Church and Divine law PRIOR to any election event that is being questioned here. Any man can walk up to any person on the street and tell them: I was elected governor by 50 people from three different counties last night and you must follow me and do what I say. Does that make him governor? Wouldn't you consult the laws of the State to see if he really could be elected this way? Wouldn't you demand proof of his integrity, expect him to prove his citizenship and to provide proof of previous experience in some branch of government? Would you follow him as governor without conducting such an investigation and obey his "laws," even though they were not the same as those observed in your state? (Well you could, but you might land in jail.) All this is simple common sense. This reasoning concerns only secular authorities: how much more must we demand from those who hold our eternal salvation in their hands?! No one goes from desk clerk to CEO overnight, unless Daddy dies and he inherits the business. Every man is answerable to those he intends to represent, or can be made answerable by the people. The Church is a divinely instituted society, so Her laws are a little different. But all the same basic principles remain, as further demonstrated below.

Cardinal Manning's nephew, Rev. Henry Ryder, likewise writes: "The privilege of infallible teaching belongs only to an undoubted Pope; on the claims of a doubted, disputed Pope, the Church has the right of judging [as occurred at the Council of Constance.]...During a contested papacy, the state of things approximates to that of an interregnum. The exercise of active infallibility is suspended." This statement only reflects the teachings of Journet and John of St. Thomas, also Cardinal Cajetan, and is the long practice of the Church in the matter of "rival" papacies. It has taken the Church hundreds of years in some cases to decide whether this or that papacy was true or false, even with what would appear to us now as solid evidence. For example, Pope Gregory XII was not determined to be the true Pope during the Western Schism (14th and early 15th century), until the 19th century despite the fact that a) He resided in Rome and b) by accepting his resignation as Pope, the Council of Constance implicitly recognized his legitimacy. The Church demands a high degree of certitude where electing a Pope is concerned. And without the participation of valid and licit clergy in the selection and nomination process, also the actual election, we cannot obtain that degree of certitude.

Cardinal Zabarella, writing in the 14th and 15th centuries, believed that in the event of a contested papacy, a General Council (the "universal Church...or congregation of the faithful") was to decide which claimant was the true Pope, ("The Origins of the Great Schism," by Walter Ullmann). Even here, however, Zabarella restricts the actual decision to those at the Council deemed *the most capable and senior in position*. The Canonist Baldis de Ubaldis, Zabarella's student, disagrees with Journet, stating that "Canon Law lays down the dictum that in a doubtful situation, the man elected has to be held as Pope," (Ullmann). But yet another author qualifies this statement. According to "an ancient canon...the first election should be considered valid *until the contrary is proved*: 'the Church ordains that the preference shall always be given to him who, at the request of the

people, *with the consent and concurrence of the clergy*, has been first placed *by the Cardinals* in the chair of Blessed Peter.' Now Peter de Leone and his party proceeded to the second election without attempting to prove the invalidity of the first which, as not being self-evidently null, gave Innocent at least a presumptive right," ("St. Bernard," by Albert Luddy).

We must make several distinctions in what is quoted above. First of all, it must be realized that Ullmann's quotes came from a cardinal and his student forced to deal with the Gallicanist heresy, then rampant in the Church. Secondly, Rev Luddy is quoting an ancient canon that was extant during the first millennia of the Church, a canon that contradicts what some are trying to say about how elections by the clergy and laity were conducted and who conducted them. The laity may have chosen a candidate; but it was the CLERGY who elected or confirmed him, or not, as the sense of the canon indicates. And finally, it was the CARDINALS who actually elected or placed him, since the first law limiting the election to cardinals was enacted by Pope Stephen IV in 769, although it was not faithfully observed until the 13th century. It must be noted here that nowhere is it stated that the **election** of the pope was ever limited to the laity; all the laity ever had the right to do is to nominate a candidate to be approved by the clergy and elected by the cardinals or the clergy (bishops and priests) of Rome; the extent of the laity's role in this bare nomination has been long disputed by various theologians and Catholic historians. So only the CLERGY, assisted to an unknown degree by the laity, ever presented these nominees to the cardinals or senior clergy for election.

In stating that a pope could be cleared of any irregularities save heresy by election and acceptance of the election, Ubaldis (and Luddy) assume it will be the **cardinals** electing. Even though medieval canonists had considered the case of a layman elected Pope, and Ubaldis was a contemporary of these canonists, no one considered the case of the election of a layman who could not be ordained for an extended length of time. Ubaldis himself did observe that only a General Council could remove a Pope guilty of "notorious heresy" who will not abdicate. But it must be remembered that he wrote before the infallible Bull of Pope Paul IV, "Cum ex Apostolatus Officio" was issued, which decrees that when a Pope publicly teaches heresy, this means he was **never** a pope because he was a heretic pre-election and hence can be disposed of even by the civil power. This Bull removes the necessity of the *Church* to declare the one elected a heretic and request deposition by stating that the heresy itself deposes. It requires only that the fact of the heresy be demonstrated and the offender corrected and removed.

Journet, citing Hurtaud refers to the interesting case of Pope Alexander VI: "By divine law, he who shows himself to be a heretic is to be avoided *after one or two admonitions*, (Titus 3: 10). There is therefore an absolute contradiction between the fact of being Pope and the fact of persevering in heresy after one or two admonitions. . . Savonarola, [Hurtaud says] regarded Alexander VI as having lost his faith. . . Savonarola wished to collect together the Council, not because, like the Gallicans, he placed a Council above the Pope, (the letters to the Princes are legally and doctrinally unimpeachable) but so that the Council, before which he would prove his accusation, should declare the heresy of Alexander VI in his status as a private individual." (Journet further notes here that

Savonarola's case is still open.) It must be pointed out here that Savonarola was not dealing with heresy publicly manifested; only with heresy committed in a "private capacity," as Journet says. Also, once again, Savonarola lived prior to the issuance of Pope Paul IV's infallible bull, which teaches that anytime a "Pope" appears to commit heresy of any kind, he was never validly elected Pope. "Cum ex..." basically states that whenever it *appears* that a "Pope" has committed "***an error in respect of the faith,***" he committed the initial error pre-election and may be judged. This dispenses with any question of *private* heresy.

Catholic Encyclopedia on doubtful elections

Under "Elections," the Catholic Encyclopedia states that an ecclesiastical election may be disputed, hence become doubtful "by whoever is interested in it," (see www.newadvent.com) The article lists the following reasons why an ecclesiastical election can be called into question.

1. Unless there has been a frank and fair discussion of the merits of the candidate(s), "Some maintain that an election without such a discussion ***is null or could be annulled.***"
2. "The principle duty of an elector is to vote according to his conscience...In order, however to fulfill his duty, the elector has a right to be free and entirely uninfluenced by the dread of any unjust annoyance which might affect his vote, whether such annoyance be...civil or ecclesiastical."
3. An election may be defective...if the electors are not properly qualified." The Encyclopedia article states that persons eligible for election (including that of the pope) are those who "meet the requirements of common ecclesiastical law, or special statutes, for the charges or function in question; hence, ***for each election it is necessary to ascertain what is required of the candidate.***" This is in perfect agreement with the need for a canonical provision under Canons 20 and 147.
4. If the one elected is unfit or unworthy
5. If all the qualified electors were not summoned, (Revs. Bouscaren-Ellis under Canon 162 state that if one-third of the electors are not summoned, the election is invalid.)
6. The election of an unworthy person is to be annulled. (See # 4.)

Journet and others were quoted in the book "Will the Catholic Church Survive...?" pre-election on the subject of universal acceptance of the election, which is a means of remedying any possible defects in the election form. In the absence of such an acclamation, the election is still technically in progress, as Cardinal Cajetan observes above. It would be imprudent, to say the least, if the opinions of Journet and John of St. Thomas were set aside because no acclamation could be obtained. So the following facts support the opinion that all other things aside, the papal election is still underway.

Therefore, until the clergy are located, it is not possible to elect a true pope.

On obeying doubtful popes

According to the opinions of seven different theologians, fulfilling the requirements of Can. 20 and the moral prerequisites for establishing true probability, "***There is no schism involved...if one refuses obedience [to a pope] inasmuch as one suspects the person of the Pope or the validity of his election...***" ("The Communication of Catholics with Schismatics," Rev. Ignatius J, Szal, A.B., J.C.L.). Of course one would need to offer valid reasons for such doubts, reasons provided elsewhere by this author. Notice that one need only ***suspect*** that the man claiming to be Pope is a heretic or invalidly elected, (Can. 2200). What Szal presents, then, is a solidly probable opinion, one which establishes certitude, and according to the laws and teachings of the Church it may be followed ***at will***. Consequently, no one may accuse one following their conscience in this matter of being in schism, since the Church condemns those as heretics who believe that "It is not permitted to follow a (probable) opinion, or among the probables, the most probable," (condemned as absolute tutiorism (rigorism) by Alexander VIII; DZ 1293). Furthermore, in his bull "Cum ex Apostolatus Officio," Pope Paul IV has exonerated all those from heresy or schism who rightfully denounce an heretical usurper: "***...all may implore the aid of the secular arm against those so advanced and elevated. Nor shall they be liable to reprisal through any censure or penalty, as renders of the Lord's robe, for departing, for the reasons set forth above, from fealty and obedience to said promoted and elevated persons...***" And Pope Paul IV's laws on heresy and schism are retained in the 1917 Code of Canon Law.

We also have this from St. Antoninus, who in commenting on the Great Western Schism noted:

"The question was much discussed and much was written in defense of one side or the other. For as long as the schism lasted each obedience had in its favor men who were very learned in Scripture and Canon Law, and even very pious people, including some who – what is much more – were illustrious by the gift of miracles. Nonetheless the question could never be settled without leaving the minds of many still in doubt. Doubtless we must believe that, just as there are not several Catholic Churches, but only one, so there is only one Vicar of Christ who is its pastor. But if it should occur that, by a schism, several popes are elected at the same time, ***it does not seem necessary for salvation to believe that this or that one in particular is the true pope, but just in general whichever of them was canonically elected.*** The people are not obliged to know who was canonically elected, just as they are not obliged to know Canon Law; ***in this matter they may follow the judgment of their superiors and prelates.***" In the absence of the hierarchy, we can only obey the laws and teachings of the Fathers speaking unanimously, all the Popes and the General Councils; these have always been the measure of Divine Faith. But we do NOT need to heed or obey the dictates of those passing themselves off as "pope" or some other leader, for they have a vested interest in claiming our allegiance, and their deductions, when not in strict accord with Church law and teaching are worthless. Without certainly valid and licit clergy electing, there can be no true pope.

The laity may not validly elect a pope and have never elected a Pope; this statement contradicts Divine law as expounded in Can. 107 and results in heresy. No such papal claimants elected outside the laws of the Church are certainly valid, and a doubtful pope is no pope unless elected by the cardinals according to the sacred canons. Pope St. Pius X's 1904 election law revised by Pope Pius XII's 1945 election law ***abrogate all previous papal election laws***, as every canonist consulted in the matter attests. Pope Pius XII's election law stands until a future Pope is elected, as the law itself states.

Qualifications of past papal candidates

Not many Catholics are aware of the vast experience occupants of the Chair of Peter brought to their office. Below is a brief summary from the papal biographies and the Catholic Encyclopedias of the qualifications held by those who became pope.

To begin with, many of these earlier Popes studied at the feet of the Apostles, their disciples, the Fathers of the Church or those who were ordained and consecrated by them. Secondly, a great many of the "nobles" listed were members of illustrious (usually Roman) families, usually in minor orders, with previous successful and respectable secular careers to commend them. Several Popes had been brought up within the circle of papal life in the Lateran Palace. For the most part we must assume these men also led devout lives, although political intrigue and simony led some who were not religious minded to the papacy. Of course there were the simple clerics of humble birth who led holy lives and brought whatever modest talent they had to the papacy. Fortunately, these men had capable theologians and saintly clerics as advisors and assistants, to help shoulder the burden of their duties. But also among the early clerics elected Pope, many were archdeacons, attached to administrative offices "of great importance and power" (Attwater), administering on behalf of the bishop. Some were archpriests, who assisted the bishop and took his place in public worship. Attwater describes both archdeacons and archpriests as "the chiefs of local centers of clergy." Most of these men held more than one illustrious position, especially in the second millennia.

And so we find that these Popes before their elections held successive positions such as, monks, abbots, priests and bishops; or scholars, theologians, canon lawyers, cardinals; or Cardinal-deacons, linguists, Church administrators. Most of these men excelled in all fields they put their hand to, and were greatly respected by their peers. We find that a great number were in papal service in some capacity from their teen years or early adulthood, and others were placed in the service of the Vatican as legates, diplomats and ambassadors. Their experience, overall, was extensive and varied; most had attended universities and were highly educated in different subjects. They were, for the most part, men who dealt daily with people from all walks of life and every imaginable social strata. And it was this vast array of talent and experience, leavened with holiness then brought to the Chair of Peter, that made the Church the remarkable institution we remember — the winner of souls to Christ. Even those elected as minor clerics or religious usually weren't just clerics or religious — they were seasoned men often well-versed in both the secular and the spiritual life who by holiness alone, if not also by great learning, carefully steered St. Peter's bark away from the sandbars and shipwreck. It must also be understood that in

earlier times, many men attained a certain minor order and remained in that order for their entire lives, never receiving Holy Orders but faithfully serving the Church according to their position in orders and their abilities. The Church does not allow this today; all men in minor orders must intend to proceed to major orders and ordination, although no one can force them to do so if they refuse, (see Woywod-Smith's commentary on Can. 973).

But certainly a man who had persisted for many years in a minor order and lived a holy life — even though he lacked certain theological knowledge, providing no other impediments or defects existed — would qualify for ordination. The main requisite here, as Pope Pius XI taught, is not knowledge but holiness of life. The Pope is addressed as Holy Father; above all those elected Pope, then, should possess this quality in the highest degree possible. It is far more likely that clerics and religious will possess such piety than it is that the laity will attain to it, since clerics are bound by Canon Law to lead a holier life than the laity. It is this quality of holiness in clerics that the Popes insist must exist first and foremost in those who believe they are called to the priesthood, even before confirmation of their vocation and prior to undertaking theological studies. But what if there comes a time such as our own, when neither priests nor laity are holy and the entire process for electing a Pope of any kind is totally skewed? Then we must follow all the Church's teachings and ecclesiastical laws, the signified will of God, and take the safer course in matters that involve the Sacraments or our eternal salvation.

How many men in the Church's history were laymen when elected Pope? Pope Leo VIII was the first layman elected Pope. (The Catholic Encyclopedia and one other source reports that in the case of Pope Leo VIII, all the orders received were conferred over a two-day period contrary to the rules of Canon Law, something that was somewhat of a scandal then.) The Encyclopedia and other works report that Benedict VIII was the second layman elected and John XIX, Benedict VIII's brother was the third lay pope to be elected. Some also hold that St. Fabian, elected in the early days of the Church was a layman. These are the only Popes that historians specifically list as laymen. The others are listed as nobles, Romans, Tuscans, Greeks, etc. . . ., but are listed in various works as priests or minor clerics. According to several papal biographical sources, over half the past Popes were priests, bishops or deacons. The rest, not including the exceptions noted above, were clerics who were in Minor Orders before their election, many of whom already were in the service of the Vatican or had achieved notable accomplishments of some sort in the religious or secular sector.

Out of 258 popes, studies show that perhaps as many as 30 of these (whose history we know something about) were men not especially distinguished by any learning or prior experience, clerical accomplishments or even extraordinary holiness. Three or four were laymen when elected, but were not necessarily inexperienced or uneducated. Ambitious politicians or the Roman nobility unduly influenced others and yet others were public sinners or are remembered only for their weaknesses and/or unremarkable careers. This is only one-eighth or 12 1/2 percent of all the popes who ever reigned. If we include those whose histories are uncertain, let's increase this percentage, say, to 20 percent. It is still a remarkable testimony to the perpetual occupants of Peter's Chair.

Ecclesiastical experience important

So over half the past Popes were priests, bishops or deacons. The rest, not including the exceptions noted above, were clerics who were in Minor Orders before their election, many of whom already were in the service of the Vatican or had achieved notable accomplishments of some sort in the religious or secular sector. It is this invaluable ***experience in ecclesiastical matters***, combined with holiness and faithful service, which determined their overall worthiness in the eyes of the Church. One layman elected pope, at least, was aware of his shortcomings and realized the importance of ecclesiastical experience in fulfilling his papal duties. According to the historian, Rev. Stebbings: "John XIX was clearly aware of his lack of preparation for this sacred office, and deplored it openly. He determined to guide his conduct by the advice of the best and wisest men he could find to counsel him. In this way...he was able to bear himself with dignity and escape the pitfalls laid for his want of ecclesiastical knowledge."

Sadly this was not the case concerning some of John XIX's fellow pontiffs, especially those also elected as laymen during this period in history. And today, because the location of the hierarchy cannot be determined, even if a pope could be elected without them, something contrary to the Catholic faith, they would lack the benefit of the experience they sorely lack without their assistance. This is an unprecedented circumstance, despite the fact that so many liken these times to the Western Schism. The Popes of the Western Schism, including Urban VI were elected by *Cardinals*, even though small in number at times, so they had their assistance and the assistance of experienced clergy. In fact experience enters into the picture long before a papal election takes place and this was true of the Western Schism. One cardinal had suggested that the schism could be resolved based on this experience, although we know his suggestion went unheeded. But the schism was successfully resolved.

In his "The Origins of the Great Western Schism," Walter Ullmann relates that Cardinal Zabarella, writing at the time of the Western Schism proposed that in the event of two claimants to the papal see, only a Council composed of ***the most capable and senior in position*** can decide who is truly pope. Reasoning from the standpoint of the cardinals as electors, Canonist Baldus de Ubaldis, Zabarella's student, observes that, "Canon Law lays down the dictum that in a doubtful situation, the man elected has to be held as Pope," (Ullmann). But yet another author qualifies this statement by citing canons from the first millennia A. D. According to "***an ancient canon***...the first election should be considered valid ***until the contrary is proved***: 'the Church ordains that the preference shall always be given to him who, at the ***request*** of the people, ***with the consent and concurrence of the clergy***, has been first placed ***by the Cardinals*** in the chair of Blessed Peter,'" (Albert Luddy, "St. Bernard." Imprimatur Fr. Joannes Baptista Ollitrault de Kerryvallon, Abbot General, Cist.; Imprimi Potest Eduardus, Abp. of Dublin, 1927.) This is only a description of how the Church has always conducted papal elections throughout her history; this canon, after all, is described as "ancient." If those senior clergy left when the false Vatican II council convened had gathered together the faithful, or if the faithful had insisted they gather them and act, something might have been done to rectify things then;

but this was not to be.

In trying to resolve the Western Schism, Zabarella deplored the “incalculable damage...inflicted upon the Faith and the Church if the latter were in the hands of an heretical pope,” something we have witnessed in our day. Ullmann reports that Zabarella favored the calling of a Council by the Emperor, and presumed that “good clerics and loyal believers and followers of the Church” would support such a council; and they did. Indeed the Emperor Sigismund insisted on the calling of Constance, following Zabarella’s reasoned line of thinking. But that was in the day of Catholic emperors. The popes of the Western Schism were not publicly heretical; also cardinals originally appointed by a true pope elected these claimants, so they had some claim to valid election. Nevertheless, those senior in position worked to either obtain their resignation, or in the end deposed them. Among them was St. Vincent Ferrar, who abandoned Benedict XIII when he refused to resign in order to advance the resolution of the schism.

Conclusion

Zabarella clearly condemned the idea of *subtractio*, the mass withdrawal of allegiance from all papal claimants by the faithful, and the organized opposition of the faithful against the government of the Church. (However we must remember here that one of these men, Gregory XII, *was* a true pope.) *Subtractio* was the proposition of the Gallicanists, but again it must be reconciled with Zabarella’s own comments on the dangers posed by an heretical “pope.” Without valid and licit clergy to sort out the mess discussed throughout this essay, and given the proliferation of the many false popes over the past 50 years, Catholics must do what they can. While they cannot elect a pope themselves, they are obligated under Can. 1325 and 1935, and also under the law of Pope Paul IV’s “Cum ex Apostolatus Officio,” to withdraw from one *appearing* to be pope who teaches manifest heresy, and certainly this supersedes anything Cardinal Zabarella proposed. But in apparent approval of at least part of Cardinal Zabarella’s propositions, Paul IV wrote over 100 years after the Western Schism: “It shall be lawful...for laymen, likewise for Cardinals...*even for those who participated in the election of one straying from the Faith, to depart with impunity at any time from obedience and allegiance to said promoted and elevated persons...All may implore the aid of the secular arm against those so advanced and elevated. Nor shall they be liable to reprisal through any censure or penalty, as renders of the Lord's robe, for departing, for the reasons set forth above, from fealty and obedience to said promoted and elevated persons...*”

Catholics may and must depart, but could not convene a General Council according to current Canon Law, reflecting Pope Pius II’s bull “Execrabilis.” Only an imperfect council could be convened according to St. Robert Bellarmine. Writing in his “De conciliis” after the Western Schism, St. Bellarmine limits the calling of an imperfect council, when the Church has no pope, to *the cardinals, or “bishops [who] of their own accord come together in one place.”* And the council — not a papal election — is the only option Zabarella offers in the case of rival papacies *or* an heretical pope. Conclavists, some of whom at least first proposed an imperfect council, had the right idea. And when the hierarchy returns, by whatever means, perhaps such a council could be feasible. Until the advent of that blessed day, or our Lord’s arrival in the clouds to

collect the faithful among the remnant, we must pray and watch, lest the bridegroom cometh while we sleep.
