

EXPLANATION OF THE THESIS OF BISHOP GUÉRARD DES LAURIERS

BY MOST REVEREND DONALD J. SANBORN

The theological problem of the papacy after Vatican II

Anyone familiar with the traditional movement knows that it has undertaken a resistance to the changes of Vatican II. He also knows that there are different levels or manners of resisting.

The weakest resistance is that of the *Indult Mass*, together with the congregations which have permission to use the traditional Mass, such as the Fraternity of St. Peter. I shall refer to this whole section of the traditional movement as the *indultists*. Indultists accept Vatican II and its many changes as Catholic and legitimate, but merely *prefer* the traditions of the Catholic Church because they are “better.” They clearly have no problem with the papacy of Benedict XVI, since they reduce their resistance to mere preference, and do not see any defection from Catholic Faith, morals, or discipline in Vatican II or Benedict XVI.

Next in line are the *lefebvrists*, the Society of Saint Pius X. They do see defection from Catholic Faith, morals, and discipline in Vatican II and Benedict XVI. Consequently, they have established a parallel apostolate against the will of the person they claim is the Holy Father, and have been excommunicated by him. They naturally have, therefore, a theological problem to solve concerning the papacy. They solve it in this way. They say that while Benedict XVI is the pope, they will not obey him in anything which runs contrary to Catholic Faith, morals, or discipline. They make appeal to Tradition, something which they say is beyond and above the Roman Pontiff.

Then come the *sedevacantists*. They too see defection from Catholic Faith, morals, and discipline in Vatican II and Benedict XVI. They object, however, to the solution of the lefebvrists, because it is incompatible with Catholic teaching concerning the Church. Sedevacantists hold that

the indefectibility and infallibility of the Church prevent us from saying that the pope has promulgated false teachings, false liturgy, evil disciplines, etc. If Benedict XVI has done these things, say the sedevacantists, he cannot be the pope. To this they add the argument that Benedict XVI is a public heretic, and therefore a non-Catholic. But a non-Catholic cannot be the pope.

Some sedevacantists are *opinionists*, since they say that the question of whether Benedict XVI is the pope or not is an open one, a question of mere theological opinion. One could go either way on it legitimately, saying either that he is the pope or he is not. There are many opinionists in the Society of Saint Pius X, where it is well known and tolerated that sedevacantist priests among them leave out the name of Benedict XVI in the canon of the Mass. Nonetheless, they must make public profession of his papacy. In other words, they are secret sedevacantists, and this is made possible only by opinionism.

Another distinction among sedevacantists is that of *totalists* and *material-formalists*. The totalists say that Benedict XVI is not pope in any way, that is, he has neither the papal jurisdiction nor even a valid election to be pope. The material-formalists say that he is not the pope because he lacks the jurisdiction, but that he is in possession of a valid election to the papacy, and is in the position to *become* the pope.

Where is the truth?

Indeed, this array of answers to the problem of Vatican II and Benedict XVI must be bewildering to the average lay person who merely wants to preserve his faith and practice his Catholic religion.

This bewilderment should not lead the lay person, or even certain priests, for that matter, to a spirit of bitterness over the inability of priests to

agree. Nor should he mock something because he does not understand it.

All of the priests and lay people, I believe, in all of the categories which I described above, have a sincere desire to preserve Catholic Faith, morals, and discipline. They would all love to wake up from a bad dream and find out that Vatican II never took place. They would all like to see Vatican II go. In this sense, they are all united.

They are divided in matters which demand a theological explanation of what they are doing. Faced with the necessity to resist Vatican II and its changes, one must offer a coherent explanation, in accordance with Catholic dogma and theology, of why it is a good idea that we are resisting.

It is clear that there is a substantial difference among the three general categories of resistance, (1) the indultist, (2) the lefebvrists, and (3) the sedevacantist. To resist Vatican II merely because of preference is too weak for the lefebvrists (at least at this point) and the sedevacantists. The lefebvrists differ from the sedevacantists in this way: the lefebvrists say that we have no right to judge Benedict XVI, whereas the sedevacantists respond that to consider his New Mass, his teaching, and his universal disciplines as false and evil, which the lefebvrists do, logically leads to Ratzinger's non-papacy.

This article, however, does not concern the differences among the indultists, lefebvrists, and sedevacantists. I have discussed these at length in other places. It concerns the differences among sedevacantists.

Let it be stated, first of all, that there is a substantial unity of position among the sedevacantists: that Benedict XVI is not the pope, and that his name does not belong in the canon of the Mass. All agree on this point, and it is essential, for it removes from the Church the stain of defection from Christ, which would be the case if Ratzinger were a true pope.

The differences among sedevacantists are found in the explanation of *how* and *why* he is not the pope. These are not differences of Catholic dogma, but differences of theological explanation of things which pertain to Catholic dogma. Such differences — of theological explanation of dogmas — have always existed in the Church. Most notable is that between the Dominicans and the Jesuits over the working of grace in the soul. There are many others. While each contends that his position is true, and the other false, each also affirms that it is not a heresy to affirm one or the other theological explanation. So just as

Dominicans and Jesuits disagreed quite fiercely over issues of theology, nothing prevented them from working together and living in peace as members of the Mystical Body.

In this article, I will give the reader the simplest presentation possible of the thesis of Bp. Guérard des Lauriers concerning the papacy after Vatican II. It takes some thought to understand it. One of the complaints against it is that it is too difficult to understand, and is far-fetched, too theological. This is not a legitimate complaint, however, since the same may be said of nearly every theological explanation of every dogma. The dogma of the Trinity, for example is simple: there are three Persons in one God. But the theological explanation of *how* there are three Persons in one God is extremely involved and difficult. For theology must respect two things which are apparently contradictory: the unity of divine essence and the trinity of Persons. If a lay person were to read an explanation of the Trinity in a seminary textbook, he would close the book after a few paragraphs.

So here, the lay person should not say, "I don't understand it; therefore it can't be true." There are many things which are very difficult to understand in Sacred Theology, but which are nonetheless absolutely true.

The "thesis" of Bp. Guérard des Lauriers, as it has come to be called, is an explanation which respects the two demands of Catholic dogma: (1) that he who promulgates false doctrine, false worship, and evil disciplines cannot be the Roman Pontiff; (2) that there must be an uninterrupted line of legitimate successors of St. Peter from St. Peter himself to the Second Coming of Christ.

How to find the truth

As I stated above, the thesis is merely a theological explanation of Catholic dogma. Therefore to determine whether or not it is true, one must first know and understand the Catholic dogmas which it is explaining. I will set forth, consequently, the Catholic dogmas concerning the Church and the papacy which must be respected in any explanation of the situation of papal authority after Vatican II. I will also expound some truths which are theologically certain, that is, theological conclusions which are admitted by all, as well as some other truths drawn from both philosophy and common sense. Having done these things, I will proceed to an explanation of the thesis, and finish by some questions and answers.

The demands of Catholic dogma

I. The Catholic Church is infallible. By the assistance of Christ, the Church is infallible in the preservation and exposition of the deposit of revelation. This quality of the Church is expressed in the words of Christ, *Thou art Peter, and upon this rock I will build my Church, and the gates of hell shall not prevail against it,*¹ and in the words of St. Paul, who called the Church *“the pillar and ground of truth.”*² Neither of these things could be true, however, if the Church could err in her official teaching. Therefore the Church is infallible. Furthermore, if the Church taught error in matters of faith and morals, it would be a society of leading souls to hell, rather than a society of leading souls to heaven.

II. The Catholic Church is indefectible. This quality of the Church means that the Church will endure until the end of time without any essential variation of her constitutive elements, namely unity, holiness, catholicity and apostolicity. This doctrine is based on the same texts and reasoning as the infallibility of the Church. To these we add, *“Behold, I am with you all days, even to the consummation of the world,”*³ and Our Lord’s promise to the Apostles that the Holy Ghost would remain with them forever.⁴ The Vatican Council of 1870 declared: *“Moreover what the Chief of pastors and the Great Pastor of sheep, the Lord Jesus, established in the blessed Apostle Peter for the perpetual salvation and perennial good of the Church, this by the same Author must endure always in the Church which was founded upon a rock and will endure firm until the end of the ages.”*⁵

III. It is impossible that he who is the Roman Pontiff could officially teach doctrines contrary to Catholic faith and morals, or could approve or even permit a false liturgy or evil disciplines for the whole Church. This doctrine is merely a conclusion of the two foregoing doctrines, since the Roman Pontiff, the Vicar of Christ, is the one who enjoys the assistance from Christ, whereby the Church cannot err or defect. Pope Gregory XVI declared: *“Is it possible that the Church, which is the pillar and ground of truth and which is continually receiving from the Holy Spirit the teaching of all truth, could ordain,*

*grant, permit what would turn to the detriment of the soul’s salvation, to the contempt and harm of a sacrament instituted by Christ?”*⁶

IV. It is impossible that he who officially teaches doctrines contrary to Catholic faith and morals, or who approves or even permits a false liturgy or evil disciplines for the whole Church, could be the Roman Pontiff. This is merely the obvious corollary from # 3.

V. By divine right, there must be a perpetual line of successors of St. Peter . This doctrine was *defined* by the Vatican Council (1870): *“If anyone should say that it is not from the institution of Christ the Lord Himself, or by divine right that the blessed Peter has perpetual successors in the primacy over the universal Church, or that the Roman Pontiff is not the successor of blessed Peter in the same primacy, let him be anathema.”* It is also clear from the very nature of the Church. For the divine authority was given by Christ to St. Peter. It is only by being a legitimate successor of St. Peter that one could claim the authority of the Catholic Church.

Truths which are theologically certain

I. It is impossible that a public heretic be the Roman Pontiff. This is true because public heresy automatically destroys the effect of baptism whereby we are incorporated as members of the Church. But he who is not a member of the Church cannot be the head of the Church. This principle is common sense, and is admitted by 99% of Catholic theologians, and is confirmed by the document *Cum ex apostolatus* of Pope Paul IV.

II. There is such a thing as material succession. Material succession is to succeed to a position of power, without receiving the power. This term is universally used by Catholic theologians to describe the claim of apostolic succession made by the Greek schismatics. They claim that they have apostolic succession because they have perpetually nominated bishops to succeed to bishoprics established by the Apostles (e.g., Alexandria in Egypt). Catholic theologians respond that their succession is merely material, that is, they occupy the place, but have no jurisdiction to rule the faithful. They cannot have jurisdiction, since it must derive from the Roman Pontiff, whom they reject. Theologians contrast

¹ Matt. XVI: 18

² I Tim. III: 15

³ Matth. XXVIII: 20

⁴ John XIV: 16

⁵ Denz. 1824

⁶ *Quo graviora*, October 4, 1833

material succession with *formal* succession, which is to occupy the position of authority and to have jurisdiction at the same time. Greek schismatics, however, do not have a *legal* and *legitimate* designation to hold the place of authority, since their designation comes from those who have been legally excluded from the Catholic Church.

III. The Novus Ordo “popes” have material succession. I do not think that anyone would deny that the Novus Ordo “Popes” are *at least* in the same condition as Greek Schismatic bishops in Apostolic sees. The kernel of the question is whether nomination of Novus Ordites to the place of authority is *legal* and *legitimate* or not. Totalists would say that they are in no better condition than Greek schismatics, that is, they succeed materially, but without legitimate designation. Material-formalists say that they succeed materially, but with legal and legitimate designation. Both sides agree that they have no jurisdiction, and are, therefore, false popes.

Truths which are drawn from philosophy and common sense

I. Natural things are composed of matter and form. The matter of something is *that from which it is made*. A statue, for example, is made from marble. Marble is the matter of a statue. Form is *what makes a thing to be what it is*. So the likeness of a statue to Our Lady is the *form* of a statue of Our Lady. This likeness must be carved into the marble by the sculptor. When matter and form come together, you have a statue of Our Lady. Clay is the matter of a pot. When the potter gives the clay its shape, he gives it *form*, and therefore makes the clay be a pot. Likewise the soul is the form of the body.

II. There is a matter and form in authority. The matter of authority is the person who is legally and legitimately selected to receive the authority. The form of authority is the *power*, the *jurisdiction* to rule. So on the first Tuesday of November, the new President of the United States is legally and legitimately selected, but he has no power. He is not the President. On January 20th, he becomes the President, since on that day he receives the power. From November to January, he is *materially* the President, since he is officially designated. In January, he is *formally* the President.

All authority, even civil authority, comes from God. Designation to be President, king or ruler, or

in the case of the Church, the pope, comes from men. When the designee (e.g., the President-elect) and the power come together, you have a ruler.

III. There is a real difference between the power to designate and the power to rule. Designation to be the ruler comes from a source different from the power by which someone is truly a ruler; the first comes from men, the second from God. These two powers, therefore, can exist separately, that is, one can have the power to designate without having the power to rule. For example, voters have the power to designate, but they have no power to rule. The object or purpose of the power to designate is the selection of a candidate to bear the authority. The object or purpose of the power to rule is to order the society to its proper good, its proper ends, by means of laws. So someone who is merely designated for an office cannot make a law. The President-elect is not the President, and is utterly powerless. He does appoint cabinet members, however, who only come to power when he comes to power. To him who is duly designated we owe only *recognition*; to him who is truly a ruler, we owe *obedience*. So, for example, in the Great Western Schism, the cardinals of Avignon withdrew their recognition of the Roman Pontiff as the one having a true designation. They were wrong, since they owed him the recognition of his designation to be pope.

IV. There can be a difference between what is *in fact* true, and what is *legally* true. Someone can be in fact a murderer, if he has killed an innocent person, but is not a murderer *before the law*, until he has been convicted of it. If his trial should find him innocent, he remains *before the law* an innocent man, even though he is *in fact* a murderer. The opposite could happen. An innocent man can be falsely accused of murder and convicted. *Before the law*, he is a murderer; *in fact* he is not.

A man who secretly withholds his intention to marry a woman, but performs the external ceremony, does not contract a true marriage, *in fact*. But *before the law*, because the defect is not known or recognized by the authorities, the couple is married, and they enjoy the *legal* rights and obligations of marriage, but not the spiritual ones. Tax laws, ownership laws, etc. would regard them as married; but they could not morally act as husband and wife in the eyes of God.

So it is possible that someone could enjoy a legal status which does not reflect the reality of what he is. Usually the law is slow to recognize the

reality. Nestorius, for example, was a public heretic in 428, but was not legally declared a heretic and legally deposed from his see until 431. Luther was a public heretic in 1517, but was not excommunicated legally until 1521. In both cases these heretics *in fact* ceased to be Catholics when they published their heresies, but remained *legally* Catholics until their *legal* separation from the Church by the Church authorities.

The reason for this twofold and sometimes conflicting standard is that society — any society, including the Church — is not a mob. Society is a *moral person*, and like a person, has its own senses, its own intellect, and its own will, which may lag behind the reality, and may even at times err in its assessment of reality. So the innocent may at times be condemned as guilty, and the guilty may at times be declared innocent. But in reality, before God, they remain what they truly are, innocent or guilty.

A brief explanation of the thesis

The thesis, as I said, is a theological explanation of the situation of authority after Vatican II. It wants to present a system which does two things: (1) to show why the Vatican II “popes” have no authority, and are therefore not true popes, and (2) to show how the uninterrupted line of popes from St. Peter continues. Both of these assertions, as we have said, are demanded by Catholic dogma.

The Vatican II “popes” are not true popes since they posit an obstacle to the reception the authority of Christ. Just as someone can posit an obstacle to the reception of grace from a sacrament (e.g., attachment to mortal sin in the case of Confirmation), so someone can posit an obstacle to the flow of authority from Christ. And this is true even if he has gone through all of the necessary legal steps to attain the authority. In the same way, the person who posits an obstacle to the grace of the Sacrament of Confirmation nonetheless *exteriorly* receives the sacrament. If the pope-elect should remove the obstacle to the flow of authority, he would become the pope, just as he who confesses his sins with true sorrow then receives the effect of the Sacrament of Confirmation.

What is this obstacle to authority? It is the intention of promulgating to the whole Church false doctrines, false liturgy, and evil disciplines, all of which constitute an essential change of the Catholic Faith. The primary duty of the ruler is to

assure the good, the proper end, of society. So the President must swear to uphold the Constitution before he receives the authority. If he did not so swear, he would not receive the authority, *but would remain the President-elect until such time as he should be legally removed as President-elect*. So someone who is legally designated to be pope, but who intends *essential* evil for the Church, cannot receive the authority of Christ to rule, *and remains a pope-elect until such time as this designation should be legally removed from him*.

Who removes it? Those who gave it. The legally constituted electors, and only they, are empowered to take it away.

The thesis also holds that the Vatican II “popes” succeed as *legal designees* to the papacy, and therefore continue the line of St. Peter *materially*. This means that the Vatican II “popes” are legitimate designees to be true popes, but lack jurisdiction, because of the obstacle that they posit to the reception of the authority. This is so because the law has never severed the Novus Ordo religion from the Catholic Church. It *ought* to be severed, but it is not severed, just as a murderer ought to be prosecuted and condemned, but is not. Therefore while the Novus Ordo members of the hierarchy are *in fact* public heretics and outside the Church, nonetheless, owing to absence of legal action, they retain their legal designations and their purely legal posts. They are not the authority, they are not true popes or true bishops, but are legally in the position to *become* true popes and bishops, if they should remove the obstacle to authority.

Imagine a pottery factory in which there is plenty of clay, but no pots. The clay can *become* pots, but the form is lacking to the clay by which they can be true pots. So Ratzinger and his hierarchy are a vast amount of clay, that is, the matter of the hierarchy, but without the form, that is, the authority by which they would be the true hierarchy of the Catholic Church.

Imagine a cadaver, which looks like a live person to a certain extent, and which could be raised from the dead by the power of God, but which remains dead. The Novus Ordo hierarchy could be compared to a cadaver of the true Catholic hierarchy.

Thus the thesis sees the Novus Ordo in a different position than that of the Greek Schismatics and Lutherans. These have been legally severed by the Church, and are truly sects in the full sense of the term, since they are cut off from the Church both in fact, by their schism and

heresy, and by legal severing. The Novus Ordo, on the other hand, is in fact not Catholic, is a sect inasmuch as it professes apostasy, but has not been legally severed from the Catholic Church. **Indeed, this sad fact, that the Novus Ordo has not been severed, is the very heart of the problem which we face today.** If it were clear, by legal declaration, that Vatican II was a defection from the faith, the problem in the Church would cease. It is only due to the fact that the heretics have the mask of legality that so many Catholics are being led astray. Furthermore, it is the Catholics who are being legally ostracized.

From here I will proceed to questions and answers, in which a few objections will be addressed.

Questions and answers

Q. According to the thesis, is Ratzinger the pope or not?

A. He is not the pope.

Q. If he is not the pope, then what is he?

A. He is a pope-elect.

Q. How can cardinals, who are themselves heretics, have the power to elect a legitimate pope-elect?

A. There are two theories to answer this question. One says that they receive the power to do this extraordinarily, since the Church is in absolute need of it. In the same way the defrocked and excommunicated priest, even a Greek schismatic, receives the sacramental jurisdiction to perform the Sacrament of Penance when a Catholic is in danger of death. Why? Because the Catholic needs it. The same is true in the papal election process. Why? Because unless the power of legitimate election were there, the papal lineage would be snuffed out. The Church absolutely needs legitimate electors and a legitimate election.

The other theory is that since the power to designate comes from the Church and not from God — no one is divinely anointed to elect the pope — the power to designate remains valid even though the power to rule (jurisdiction) is absent. It remains valid since it pertains to the purely legal order, and no one has legally removed it from them.

Q. But how could heretical cardinals have the jurisdiction to select a pope, when

they too are guilty of defection from the faith?

A. They do not have jurisdiction. The right to vote (the power of designation) is not the power to rule (jurisdiction). Furthermore, their defection from the Faith is an obstacle to jurisdiction, but not to the election of a pope.

Q. Why would not defection from the Faith be an obstacle to the power to elect a pope?

A. Because public heresy has no *legal* effect until it is declared and recognized by the legal authority. So their legal right to elect a pope remains until such time as it is legally removed from them. Heresy is not an obstacle to the power to designate, but to the power to rule. For by heresy one is in fact separated from the Church, and becomes, therefore, radically incapable of ruling the Church. But because the cardinals are not heretics in the legal order, that is, they are not legally declared heretics, they remain capable of actions which pertain to the purely legal order, such as the election of a candidate to be pope.

Q. Are not public heretics automatically excommunicated?

A. Yes, they are. But automatic excommunication only has legal effect if (1) the guilty person admits his own guilt; or (2) his legitimate superior requires him to observe the excommunication. If either of these is lacking, the excommunication is null. But both of these things are lacking in regard to the cardinals, the electors of the pope. Therefore it has no effect. Furthermore, Pope Pius XII declared that all censures (e.g., excommunication) are lifted when cardinals enter the conclave.

Q. How can we have real cardinals anyway, if Ratzinger is not the pope? Wouldn't they be phony cardinals?

A. They may be phony cardinals, but they are not phony electors. Ratzinger has the authority to appoint electors to the papacy for the same reason that the cardinals themselves have the power to elect. All of this pertains to the order of *designation*, and not to the order of *jurisdiction*. But it is the power of *jurisdiction* (power to rule) which makes a pope a pope, and not the power of designation. The thesis maintains that the Novus Ordo retains the power to designate people to receive the power of jurisdiction in the Church. It is an unfortunate reality, but it is reality.

Q. Can a papal election be convalidated by the general acceptance of the Catholic people?

A. Yes. This is generally conceded by Catholic theologians. The ultimate guarantee of a valid election is the universal acceptance of Catholics that a certain man has been elected. Note that this pertains only to *election*, i.e., designation, *and not to jurisdiction*. For the Catholic people cannot confer jurisdiction, but only confirm designation to jurisdiction.

Q. But if the Novus Ordo Catholics are in heresy together with the Vatican II cardinals, how can they convalidate an election?

A. They can do so because, again, they have not been legally severed from the Catholic Church, and therefore, despite the fact that they adhere to the heresies of Vatican II, are still *legally* Catholics, and retain the power to *legally* accept an election.

Their legal status as Catholics is confirmed by the fact that all traditional priests admit them to the practice of the traditional Faith without any lifting of excommunication, and without any public or formal abjuration of error.

Q. Why is the lineage from St. Peter so important?

A. Because without it, there is no apostolic succession, and no title of authority. The Church must be apostolic, that is, it must be able to trace its bishops, and especially the bishop of Rome, by an unbroken line of legitimate succession, back to the Apostles. If it cannot, it has no title to rule the faithful, since this authority was confided to St. Peter and the Apostles by Christ. Without this lineage, the Church would be substantially altered; the word *apostolic* would have to be removed from the Creed.

Q. Why are we not merely in a prolonged interregnum, as if in the vacancy of the see between any two popes?

A. Because in such an interregnum, there is no legal designee to the papacy. But in a normal interregnum, there remain legitimate electors, who have the power to bind the Church to recognize the person whom they designate. In the totalist system, which recognizes no legal designators of the pope, there remains no way of designating a successor of St. Peter.

Q. Is there a precedent for this situation in the Church?

A. There is precedent in Nestorius, who was the heretical patriarch of Constantinople. Nestorius was a public heretic in 428, but was not officially condemned until 431. But already in 428, the clergy of Constantinople broke communion with Nestorius, and said “an Emperor we have, but no bishop.” Nestorius remained legally named to the patriarchate of Constantinople, although he lost jurisdiction through public heresy. There is no precedent in the papacy, since no pope ever promulgated error, false liturgy, or evil disciplines for the whole Church.

Q. Does not *Cum ex apostolatus* of Pope Paul IV contradict the thesis?

A. *Cum ex apostolatus* is an apostolic constitution, a law, made by Pope Paul IV, which says that if a pope should be a heretic, his elevation to this dignity would be null. It was made in order to ensure that no Protestant could ever become the Pope.

It does not apply to the present case for two reasons. The first is that it is no longer the law. It was derogated (made obsolete) by the 1917 Code of Canon Law. The second reason, and the more important, is that even if it should for some cause still have force, it could only apply to Ratzinger if he were *legally recognized* as a public heretic. But, as we have seen, there is no legal condemnation of Ratzinger. Before the law of the Church he does not have the status of heretic because (1) he himself does not hold himself guilty of heresy, and (2) no legitimate superior holds him guilty of heresy.

Cum ex apostolatus certainly expresses the mind of the Church with regard to heretics holding office. It makes an excellent theological argument, but it does not make a legal argument. It argues very strongly that in the order of fact Ratzinger is no pope, but not in the order of legality.

Q. Does not the cardinal who is elected become the pope immediately, when he accepts the election? If so, how could one have a pope-elect, a designee without authority?

A. It is true that the cardinal who is chosen in the conclave becomes the pope immediately upon his acceptance, provided, obviously, that he not posit an obstacle to that power. Pope Pius XII alluded to such a possibility. “*If a layman were*

elected the pope, he would not be able to accept the election unless he were someone apt to receive ordination and disposed to being ordained." (Speech to the Second World Congress for the Lay Apostolate, October 5, 1957).

Q. The thesis is soft and compromising with regard to Ratzinger and the Novus Ordo, conceding too much to them.

A. Theological arguments are not true because they happen to be the hardest thing you can say. Theological arguments are true because they conform to reality.

Many traditional Catholics are disgusted with Ratzinger and rightly so, and are uncomfortable with a system which concedes anything to him. Even Bp. Guérard des Lauriers himself said that his "lips burned to say this about Wojtyła," but that he was constrained to do so because of the demands of Catholic dogma and the very nature of the situation.

As a matter of fact, however, in the array of sedevacantists it is the material-formalists who take the hardest line against Ratzinger and the Novus Ordo. For example, all of the material-formalists whom I know say that it is objectively seriously sinful to attend the *una cum* Mass, the Mass in which Ratzinger's name is mentioned in the canon. On the other hand, nearly all of the totalists whom I know say that it is all right to attend the *una cum* Mass. The material-formalists say that the question of Benedict XVI's papacy is *not* a matter of opinion, whereas many totalists, if not most, hold that it is merely a matter of opinion. Indeed, Bp. Guérard des Lauriers was most probably the first sedevacantist.

Q. If, as you say, a heretic cannot be a pope, then how could Ratzinger be a pope even materially?

A. Because the material side of the papacy comes from ecclesiastical authority, whereas the formal side of the papacy — what makes a man the pope — comes *directly* from Christ. Public adherence to heresy or apostasy is an obstacle to the flow of authority to rule which comes directly from Christ. But public heresy is not an obstacle to designation *unless it is declared, that is, recognized by the ecclesiastical law*. For example, a felon cannot hold public office in the United States. But in order for the election to be invalid, it is necessary that he be a felon *in the eyes of the law*. Thus if someone murders his wife, but is not condemned as a criminal by a court of law, he could be legally

elected to public office, since he is *not guilty before the law*. So Ratzinger is not guilty of heresy or apostasy before the law, has no legal censure upon him, and is therefore capable of receiving validly a legal election to the papacy. Therefore he is not the pope *formally* — that is, in fact, — but he is the pope *materially* — that is, he is in possession of a valid election.

Q. Why is not totalism a viable solution?

A. Because it deprives the Church of the means to elect a legitimate successor of St. Peter. It ultimately destroys its apostolicity.

Totalists try to solve the problem of lineage in two ways. The first way is by *conclavism*. They argue that the Church is a society which has an inherent right to elect its leaders. Therefore the remnant faithful could get together and elect a pope.

Even if this task could ever be accomplished, it is fraught with problems. First, who would be legally designated to vote? How would they be legally designated to vote? Second, what principle would oblige Catholics to recognize the winner of such an election as the legitimate successor of St. Peter? Conclavism is simply a fancy name for mob rule, where the ones that shout the loudest carry the rest of the mob. The Catholic Church is not a mob, but a divinely constituted society with rules and legality.

Third, and most importantly, one cannot make the jump from the natural right of men of choosing for themselves heads of government to their right to vote for a pope. The Church is not a natural institution, as civil society is. There is no inherent natural right in the members of the Church to choose the Roman Pontiff. The choice of Roman Pontiff was originally made by Christ Himself in St. Peter, and the mode of choice thereafter was regulated by law.

The second solution proposed by totalists is that Christ Himself will choose a successor by a miraculous intervention. If Our Lord did such a thing, and certainly He could, the man He chose to be pope would certainly be His Vicar on earth, *but he would not be the successor of St. Peter*. Apostolicity would be lost, because such a man could not trace his lineage, by an uninterrupted line of legitimate succession, back to St. Peter. Rather, like St. Peter, he would be chosen by Christ. In effect, Our Lord would be starting a new Church.

Q. But would not Our Lord be a legitimate elector? Why could not He select a pope, who would be at the same time the successor of St. Peter?

A. Yes, obviously, Our Lord could select a pope, just as He selected St. Peter. But a divine intervention, of the type that the totalists imagine, would amount to a new public revelation, which is impossible. All public revelation is closed with the death of the last Apostle. This is an article of faith. Any revelations which take place after the death of the last Apostle are in the category of private revelation. Hence, in the totalist system, a private revelation would reveal the identity of the pope.

It is needless to say that such a solution destroys the visibility of the Catholic Church, and well as its legality, and makes the very existence of the Catholic Church dependent on seers. It is also needless to say that it opens the papacy to the lunatical world of apparitionists.

The very purpose of the Church is to propose divine revelation to the world. If the nomination of the pope, who is the very one who proposes revelation, were to come from a *private* revelation, the whole system would fall apart. Then the highest authority in the Church would be the seer, who could make or break popes. And there would be no authoritative way in which to determine whether the seer were a hoax or not. Ultimately everyone's act of faith would be dependent on the veracity of some seer.

Rather, the Catholic Church is a visible society, and has a legal life. Our Lord is the *Invisible* Head of the Church. The Church could no longer claim visibility, if the selection of its hierarchy is made by an invisible person, even our Lord Himself.

But if for a moment we should admit this possibility, we still must assert that Our Lord's selection would not be a legitimate successor of St. Peter. Legitimate succession happens according to the dictates of ecclesiastical law or of established custom. But a succession by divine intervention happens according to neither of these things. Therefore he would not be a legitimate successor of St. Peter.

Q. What solution to the Church's problem does the thesis offer?

A. There are many possible solutions.

(1) *Ratzinger converts to the Catholic Faith*, repudiates Vatican II and its reforms, and receives the jurisdiction to rule, and becomes the pope.

(2) *Some cardinals (even one would be sufficient) convert*, repudiate Vatican II, and publicly declare the see vacant, and call for a new conclave. This act would remove from Ratzinger the title of valid election.

It is even probable that # 2 would apply to Novus Ordo diocesan bishops, who would accede to true jurisdiction if they repudiated Vatican II.

It is also true, according to the thesis, that these possibilities would endure indefinitely, even beyond the death of Ratzinger.

Q. The priesthood and episcopacy in the Novus Ordo is probably invalid. So how could they be anything or become anything?

A. Even lay people can be nominated to ecclesiastical positions of authority. St. Ambrose was not only a layman, but was not even a Catholic, when he was selected to be the bishop of Milan. The key is that, in order to obtain the jurisdiction, a Novus Ordo bishop or cardinal would have to consent to be validly consecrated. God, in His infinite Providence, has preserved true valid orders during this crisis in the Church.

Q. Does not the thesis cause a rift among sedevacantists?

A. No. This discussion has been going on since the 1970's among sedevacantists. Totalists and material-formalists respectfully disagree on the issue, but it has never caused any kind of rift among them. They commonly work together and have friendly contacts one with another.

Q. How many sedevacantist priests hold to the thesis?

A. A minority, but not a small minority. But I add that *in practice*, all sedevacantist priests hold to the thesis.

I say this because they do not consider Novus Ordites to be *legally* non-Catholics. When Novus Ordites return to the traditional faith, they merely need to tell the priest, in all the cases I know, that they want to become members of their parish (i.e., Mass center). They make no abjuration, public or private, and no excommunication is lifted. On the other hand, if a Lutheran should approach a traditional priest, the priest rightly requires that he make a public abjuration, in which the excommunication is lifted.

Furthermore, if Lutherans were to approach the communion rail, the priest would refuse them Holy Communion, even without previous warning. But I know of no priest who refuses Holy

Communion, without previous warning, to Novus Ordites who wander into the traditional Mass for the first time. Why this difference? Because the Novus Ordites have not been legally severed from the Catholic Church.

If the theory of the totalists were true about Ratzinger, that owing to his public heresy he has no legal status in the Catholic Church, then it would be necessary to apply the same rules to all Novus Ordites. They would have to be reconciled in the same way as Protestants. I know of no priest, even the staunchest of totalists, that does this.

Rather, the passage from Novus Ordite to Catholic is easy, since there is no legal impediment. The effect of their baptism by which they became legally united to the Church as a society has never been destroyed. One merely needs to give up Vatican II and Ratzinger (and many totalists do not even require this) and return to the true sacraments.

In practice, all traditional priests are material-formalists.

Summary

The thesis holds that, owing to the fact that the Novus Ordites gained positions of authority by legal means, they possess legally and legitimately the positions of power, but do not have the power which ordinarily goes with these positions.

They lack this power since they intend to impose upon the Church false doctrines, false worship, and evil disciplines, which are contrary to the Church's essential ends and goals.

Because the power of designation to office pertains to the purely legal and material side of authority, the Novus Ordites possess the power to legitimately designate to positions of power, until such time as this power is legally removed from them.

As a result there is a material hierarchy in place, i.e., someone legally nominated to be a pope, and others legally nominated to be bishops, and others legally nominated to be electors of popes, but none of these has any jurisdiction, and obedience is owed to none of them. Because they lack the authority, which is the form which makes them to be what they are, Ratzinger is a false pope and the bishops are false bishops. The cardinals are true electors, to the extent that they are legally nominated to be designators of the pope. But their role pertains to the material order of authority, the order of designation only.

Conclusion

The thesis renders to the factual what is fact, and renders to legality what is legal. The factual is the *formal*; the legal is the *material*.

The key to understanding the thesis is this: jurisdiction comes directly from divine authority; designation to receive jurisdiction comes from the ecclesiastical authority. What comes directly from God is nullified by the contrary intentions of Ratzinger; what comes from ecclesiastical authority can only be nullified by ecclesiastical authority.

Designation comes from duly authorized electors; only duly authorized electors can undo the designation.

So Ratzinger is in fact no pope. Materially, however, he is the pope, inasmuch as he is in possession of a legal election.

If one does not respect the distinction between the factual and the legal orders, the formal and the material, he turns the Church into a mob.

Furthermore the totalist theory ruins the apostolicity of the Church. To my knowledge, I have never seen any totalist even address the problem of apostolicity in the present crisis. They generally respond with, "God will take care of that." Yes, He will, but God-will-take-care-of-that is not Sacred Theology. The Church did not respond to the objections to the Trinity by saying "Somehow or other He is three Persons in one God," but carefully, by the work of the holy Doctors and ultimately in magisterial declarations defined certain truths about the Trinity whereby the unity of divine essence and the trinity of Persons are respected.

So if the totalists can successfully address the problem of the continuity of the hierarchy founded upon St. Peter, we material-formalists are listening.

June 29th, 2002
Most Rev. Donald J. Sanborn
Rector
Most Holy Trinity Seminary
20120 Barnett Road
Brooksville, Florida 34601
U.S.A
bpsanborn2002@yahoo.com
Tel. 352 797 7829