

POPE, PAPACY AND THE VACANT SEE

IN A TEXT OF SAINT ANTONINUS OF FLORENCE
AND IN THE THOUGHT OF BISHOP GUÉRARD DES LAURIERS

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IN THE CONSISTORY OF FEBRUARY 11, 2013, Benedict XVI announced his “*resignation from the office of Bishop of Rome, Successor of Saint Peter*”. He specified the See would be vacant effective

February 28, at 8 p.m. On March 13, Jorge Mario Bergoglio was elected in Joseph Ratzinger’s place, presenting himself to the world as the new “*Bishop of Rome*”. Our views (for what they are worth) were expressed in two press releases: one of February 11, in which we foresaw “*the night would get darker still*”; the other on March 15, in which we saw in Bergoglio’s election the realization of a forecast made all too easily. In this article, I do not plan to zoom in on Bergoglio’s actions (I cannot say *government*), for these are seen by everyone. Rather, we will review what is a Sovereign Pontiff in the Church, especially in the process by which a man who was not born as Successor of Peter and Vicar of Christ becomes or ceases to be one, or finds an obstacle to become one. In short, I will once again treat of the election to the Sovereign Pontificate, a topic our review already touched upon in the past, albeit from other points of view.¹ Joseph Ratzinger’s

¹ *Sodalitium* has dedicated itself on several occasions to the topic of papal elections: e.g., in issue 54 (December 2002) with an article entitled *The election of the Pope*; in issue 62 (May 2009), when we asked the question *Is Episcopal Consecration necessary to be Pope?*; in issue 55 (November

resignation could indeed serve as a concrete example to help us understand the distinction between the man elected to the Papacy, the Papacy itself, and the accidental union² between this person and the Papacy, which depends also (although not exclusively) on a human act elicited by the will. For if Benedict XVI was Pope,³ he was Pope only until February 28 at 8 p.m., and the next instant he would have absolutely ceased to be Pope, putting to an end by a single act of



2003), in a response to *La Tradizione cattolica* on the subject of sedevacantism.

² What is meant by ‘accidental union’? For the reader’s understanding, it should suffice to point out the difference between an *unum per se* and an *unum per accidens*. An *unum per se* is the union in a subject of two things which have to be one by the very essence of the subject, in such a way that, if the union is broken, the essence of the subject is lost. E.g., body and soul together form an *unum per se* which constitutes the essence of man. At death, body and soul are separated, and the essence man is lost: there remains only a corpse and the separated soul. An *unum per accidens*, on the other hand, is the union in a subject of things which go together, but not essentially or necessarily, in such a way that, if the accident is separated from the subject, the subject does not lose its essence. E.g.: the color of a wall. If the color is changed, the wall will still be a wall. The union of the Papacy with a man is also an *unum per accidens*, for a man retains his human nature with or without the Papacy, regardless of whether he is Pope or not. (T.N.)

³ “If he was Pope,” Benedict XVI would have ceased to be Pope by his resignation. But since Benedict XVI was not – formally – Pope, but was pope only materially, he did not cease to be Pope (for he has never been it), but he only canonically ceased to be the elect of the conclave and the canonical occupant of the Apostolic See, which became completely vacant at that moment.

his will that special relation in his person to Christ in which the Papacy formally consists, as we shall discuss shortly.

An interesting text of Saint Antoninus of Florence will come to our aid. The text is taken from his *Summa Sacrae theologiae*,⁴ to which our attention was brought by one of our mindful readers.⁵ Antoninus Pierozzi of Florence (1389-1459) was a Dominican (1405) and founder of the convent of San Marco in Florence. He was consecrated a Bishop of his home town in 1446, and was canonized in 1523.⁶ The reader will become aware of the fact that the famous distinction *materialiter-formaliter* in the Papacy, adopted by Bishop Guérard des Lauriers, was already found in the writings of the great commentators on St. Thomas, such as Cardinal Cajetan and John of St. Thomas,⁷ and that it was well-known to both St. Antoninus as to Agostino Trionfo, who was a contemporary of St. Thomas.



⁴ *Eximii Doctoris Beati Antonini Archiepiscopi Florentini, Ordinis Prædicatorum, Summæ Sacrae Theologiae, juris pontificii et cæsareii* (tertia pars, titulus XXI, § 3).

⁵ Patricio Shaw, to whom we are very grateful.

⁶ In the relevant passages, St. Antoninus naturally quotes the Augustinian Agostino Trionfo d'Ancône (1243-1328), who was ordered by John XXII to write the *Summa de Potestate Ecclesiastica* (1324-1328), against the errors of Marcellius of Padua. In another writing, Trionfo also defended the reasons and memory of Boniface VIII.

⁷ Thomas de Vio, better known as Cajetan (1468-1533), was a Dominican, and Superior-General of the Order (1508). He became Cardinal in 1517 and wrote his *De Auctoritate Papæ et Concilii* in 1511 (last edition: Rome, *Angelicum*, 1936). A long citation of this work can be found in chapter XX of Bishop Donald J. Sanborn's *De Papatu Materiali* (ed. *Centro Librario Sodalitium*). John of St. Thomas (1589-1644), a Dominican Portuguese, treats of this question in his *Cursus Theologicus; Tractatus de auctoritate Summi Pontificis*, disp. II.

ST. PETER, FIRST SOVEREIGN PONTIFF, WAS ELECTED IMMEDIATELY BY CHRIST

First, let us recall the difference between Peter and his successors with regard to the election: Peter was elected Pope directly by Christ, whereas all other Popes were elected by the Church.⁸ It was Christ Himself who, after Peter's divinely assisted confession of faith in His divinity,⁹ gave to Simon the name *Peter*.¹⁰ Christ also explained the meaning of this name: "*Thou art Peter, and on this rock I will build My Church*".¹¹ Jesus Christ is Himself the stone which is the 'head of the corner' on which the building has to be built,¹² the unshakable rock on which to build the house,¹³ and He promises that Simon would be this Rock with Him. Christ promises the keys to the Kingdom of Heaven which is the Church, and the power to bind and loose.¹⁴ After

the Resurrection, Christ fulfilled His promise in His first apparition in Galilee. Christ is the Good Shepherd, who gives His life for His sheep: there

⁸ Cajetan, *De Comparatione Auctoritatis Papæ et Concilii*, #269, 284, 563, etc.

⁹ "*Thou art Christ, the Son of the living God*" (Mt. 16:16). St. Peter confessed with divine assistance, in the name of the whole Church, faith in the messianic mission (*Thou art Christ*) and in the divinity of Jesus (*Thou art the Son of the living God*). It should be noted how Caiphaz the High Priest, condemned Our Lord to death as a blasphemer for the same reasons: "I adjure thee by the living God, that thou tell us if thou be the Christ the Son of God" (...). The Sanhedrin of the Jews thus opposes itself to the Church, as Peter to Caiphaz, and as God the Father, who revealed to Peter Jesus's divinity, opposes Himself to the Father of Lies, of whose side Caiphaz and the Jews are (cf. John 18:14).

¹⁰ Jn. 1:42; Lk. 6:14.

¹¹ Matt. 16:18.

¹² Matt. 21:42; Mk. 12:10; Lk. 20:17-18; Acts 4:11; Romans 9:31; 1 Cor. 10:4; 1 Peter 2:4-8; cf. Ps. 117:22.

¹³ Matt. 7:24.

¹⁴ Matt. 16:19.

would be one fold, under one Shepherd, Who is Jesus Christ.¹⁵ By becoming a single thing with Christ, however, Peter also receives the care over Christ's fold: "*Feed My lambs, feed My sheep.*"¹⁶ Thus, it is *only* in the case of Peter the Apostle that both the formal aspect of the Papacy ("*Behold I am with you*" and "*Feed My lambs, feed My sheep*"¹⁷), and the material aspect (the designation and the election) come immediately from Christ "*Tu es Petrus.*"¹⁸

THE SUCCESSORS OF PETER, ON THE CONTRARY, ARE DESIGNATED BY THE CHURCH

The other Popes after St. Peter are not designated immediately by Christ, but through the mediation of the Church; and in particular by the Roman Church, since the Apostle Peter established his See in Rome by disposition of Divine Providence.¹⁹ The Pope alone, successor of Peter, has the right to establish the modalities of this canonical designation. The ancient usage of the Church foresaw that the bishop, in this case the bishop of Rome, would be designated by the diocesan clergy and by the neighboring bishops. The Cardinals, to whom belongs the exclusive right to elect the Pope,²⁰ indeed represent the three orders of the Roman clergy: Cardinal deacons, Cardinal priests and Cardinal bishops. The laity (people, Emperor, etc.) never had a deliberative role, but a merely consultative one.²¹ Let us therefore discuss the election or designation to the Papacy.



St. Antoninus of Florence

THE MATERIAL ASPECT OF THE PAPACY: THE ELECTION

Since we chose to quote Saint Antoninus, let us see what the Dominican bishop writes on the subject matter: "*Such power remains in the Church and in the College with respect to that which is material in the Papacy, since after the death of the Pope the College is able, through election, to determine a person to the Papacy, that it be such or such a one*"; "*if by the term 'Papacy' one means the election and the determination of the person, this is what constitutes in the Papacy the material element*"; "*(...) as to the election and the determination of the person, this is like to the material element.*"²²

The distinction in the Papacy between a material aspect and a formal aspect was thus never 'invented' by Bishop Guérard des Lauriers. This distinction exists, moreover, by analogy in every created being.

The election of the Pontiff by the electoral college is therefore the material aspect of the Papacy. The purpose of this election is to determine the person who, among all the potential designees, will be canonically elected to the Papacy. In the article 'The election of the Pope',²³ I recalled who has the right to partake of this electoral college and who does not have this right.²⁴ But this question is, at least

²² "... *illud quod est in papatu materiale, quia papa mortuo potest collegium per electionem personam determinare ad papatum, ut sit talis vel talis*"; "... *si nomine papatus intelligimus personae electionem et determinationem, quod est in papatu materiale...*"; "... *quantum ad personae electionem et determinationem, quod est tamquam quid materiale*"...

²³ Published in *Sodalitium* n° 54.

²⁴ The said article discusses the canonical dispositions which are currently in force, as also what was foreseen by theologians for extraordinary situations. In particular, I reminded the reader that neither lay people (p. 8-10) nor Bishops without jurisdiction (p. 7-8) are able to elect a Pope. It is well known that only the Cardinals are, at least since 1179 A.D., the papal electors. "*In this way the most ancient ecclesiastical tradition is maintained, that the bishop ought to be elected by his clergy and the neighboring Bishops. The Cardinals are, indeed, the principal members of the Roman clergy (deacons*

¹⁵ Jn. 10:11-16.

¹⁶ Jn. 21:15-17.

¹⁷ Matt. 28:20; Jn. 21:15-17.

¹⁸ Matt. 16:18.

¹⁹ *Lamentabili*, proposition 56, DS 3456; cf. Vatican I, *Pastor Aeternus*, DS 3050.

²⁰ Cf. Agostino Parravicini Bagliani, *Morte ed elezione del Papa. Norme, riti e conflitti. Il Medioevo*, Viella editore, 2013, p. 19.

²¹ Cf. *Sodalitium* n° 54, p. 8-11.

for now, of little interest to the subject matter. What is of greater interest, is to point out that the said election is accomplished by means of free and deliberate human acts on the part of the electors. Furthermore, even though the electors do have particular graces, they do not enjoy infallible divine assistance (contrary to what is commonly believed). For this reason, the election is able to be invalid, doubtful, or valid but not *de facto* the choice of the best candidate.²⁵ In short, as is proven from the history of conclaves, the electors chose their candidate through a free act of their human will, which is subject to all the distresses, contingencies, imperfections and deficiencies of a human act.

The canonical election makes the elect to be the designated person to become Pope: he – and he alone, to the exclusion of anyone else – has by this election the material aspect of the Papacy, and is ‘pope’, even though only *materially*.²⁶



and priests), united to the Bishops of the neighboring or suburban dioceses, who are themselves Cardinals.” (p. 10) Only in extraordinary situations – when, for example, there are no more Cardinals – that the electoral college is to be found in the universal Church, i.e. by the general Council (which is imperfect, since it is deprived of a Pope) which includes the ordinaries and not the titular bishops, who are in any case deprived of any jurisdiction whatsoever (p. 6-7) (cf. canon 223 in the 1917 Code of Canon Law).

²⁵ Cf. *Sodalitium* n° 54, p. 15.

²⁶ At least in the case of a valid canonical election. What to think of a doubtful or invalid canonical election (which could happen from a default in the electors, the elect, or the election itself)? In this case the invalidly or doubtfully designated person could not validly accept the election, if he had not in the meantime remedied the electoral defect. But as long as the invalid or doubtful election has not been declared such by him who has the right and the duty to do so (or by the Church, and in particular by the electoral college), the designee remains in a certain way designated. Therefore he could still be considered as the material occupant of the See.

But the election alone is, as we know, not sufficient by itself. It is also necessary that the elect canonically accepts the election.

THE ACCEPTATION OF THE ELECTION

Indeed, the elected person has not yet become Pope formally, but he is only the designee to become Pope. This is what Cardinal Cajetan points out when he writes: “*Three points ought to be addressed. First, there are three elements in a Pope: the Papacy, the person who is Pope, e.g., Peter, and the union between the two elements, i.e., the Papacy in Peter, from which union results ‘Pope Peter’.* Second, by recognizing and applying each cause to the effect to which it is proper, we find that the Papacy proceeds immediately from God; Peter comes from his father, etc.; but ever

since the immediate institution of the first ‘Peter’ by Christ Himself, the union between the Papacy and Peter does not come from God but from man. This is made evident from the fact that this union is produced through the intermediary of a human election. Two human consents contribute to this effect, namely that of the electors and that of the elect. It is indeed necessary that the electors elect voluntarily, and that the elect accepts the election voluntarily, for otherwise nothing happens (nihil fit). Therefore, the union of the Papacy in Peter does not proceed from God immediately, but from a human minister, on the part of the electors and on the part of the elect. (...) From the fact that the union between the Papacy and Peter is an effect of the human will, since this constitutes Peter as Pope. It follows that even though the Pope depends only on God in being and in becoming (in esse et in fieri), nevertheless Pope Peter also depends on man in the process of becoming Pope (in fieri). Indeed, Peter is made Pope by man when, elected by men, the elected

man accepts, and thus the Papacy is united to Peter.”²⁷ This intervention of the human will in the process of becoming (*fieri*) Pope is confirmed by Cajetan from the opposite process, *i.e.*, when by a single act of his will, Peter ceases to be Pope by resigning from the Papacy. In other words, he separates the Papacy from his person. “‘*Pope Peter*’, who has his proper cause in his consent and that of the electors, can be ‘annulled’ by the same cause.”²⁸

The Apostolic Constitution *Vacantis Apostolicæ Sedis*²⁹ of Pius XII says: “After the election has been canonically carried out (...) let the consent of the man elected be asked by the Cardinal Dean in the name of the entire Sacred College with these words: ‘Do you accept the canonically carried-out election of yourself as Supreme Pontiff?’ After this consent has been furnished within a time limit to be determined by the prudent judgment of the Cardinals by a majority of votes (to the extent it is necessary), the man elected is instantly the true Pope, and he acquires and can



exercise full and absolute jurisdiction over the entire world.”³⁰ As soon as the canonically elected Roman Pontiff has accepted the election, he obtains by divine right the plenitude of the supreme power of jurisdiction.”³¹

Next, we shall see how and from whom the elect (who has accepted the election) receives jurisdiction over the whole Church and becomes a true Pope. But let us first consider the necessity of the acceptance of the election. In the interval between the election and the acceptance, the elect and he alone has, as we have seen, the material aspect of the Papacy, but not yet the formal aspect. The duration of this interval is able to be determined by the electors, but in itself it is indefinite. As a matter of fact, the elect can either accept or refuse the election, or even neither accept nor refuse. In the case of acceptance, he becomes a true Pope, if

there are no obstacles. In the case of refusal, he returns to the state he was in before the election, and someone else could and should be elected in his place. In the case of neither acceptance nor refusal, which is the more interesting, he remains the elect of the Conclave without as yet being a true Pope (*‘pope’ materially, but not formally*), for as long as he does not make a decision. Such is, as we shall see, the current situation of the Church and the Papacy.³²

²⁷ *De comparatione Auctoritatis Papæ et Concilii*, chapter XX, cited in Bishop Sanborn, *De Papatu Materiali*, Centro Librario Sodalitium, Verrua Savoia, 2001, p. 98-101.

²⁸ *Ibidem*, p. 101. Ever since the resignation of Celestine V, it is clear to everyone that the Pope can, by an act of his will, resign to the Papacy. What is even more controversial, however, is how the Papacy can be separated from the Pope in case of heresy of the latter as a private doctor. For Cajetan, this intervention is possible and necessary (*Papa hæreticus deponendus est*: the heretical Pope ought to be deposed). For Bellarmin, this is neither possible nor necessary, since *Papa hæreticus depositus est*: the heretical Pope is deposed by the very fact itself, by God. It is not true to say, however, that Bellarmin excludes any intervention of the electoral college or of the teaching Church, since it is Her right to establish the presence of a true heresy and to legally establish the fact of the deposition by God.

²⁹ December 8, 1945.

³⁰ *Vacantis Apostolicæ Sedis*, n° 100-101.

³¹ *C.I.C.*, canon 219.

³² To be even more precise: in the current situation, the elect of the Conclave has accepted exteriorly, but not truly (*realiter*). The case thus situates itself “halfway” between the case of someone who accepts truly and the case of someone who has not yet accepted. He who accepts while at

**THE ELECT IS CONSTITUTED POPE BY GOD,
AND NOT BY THE CHURCH**

The election to the Papacy comes from the Church through a human act of the electors. The acceptance of the election, too, comes from man, through a human act of consent to the election in the will of the elect. The *formal* element of the Papacy, however (*i.e.*, what constitutes a person as Pope, Vicar of Christ and successor of Peter), does not come from man or from below, but from Christ and from above. This is pointed out by the already cited Canon 219: “*As soon as the canonically elected Roman Pontiff has accepted the election*” (which is the *material* aspect coming from man), “*he obtains the plenitude of the supreme power of jurisdiction BY DIVINE RIGHT*” (which is the *formal* aspect coming from God): *jure divino*, and not *jure humano* or by ecclesiastical right. As

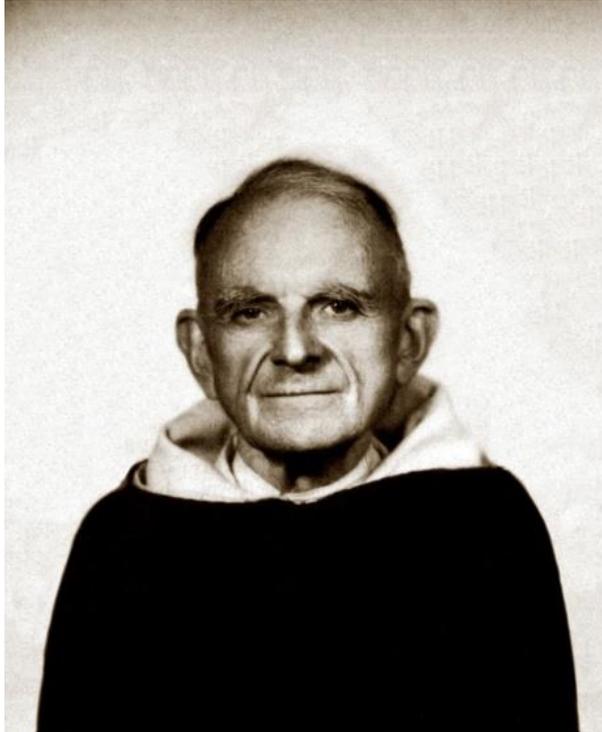
we shall see, neither the Church nor the electoral college has the supreme power which pertains to the Pope. As a consequence, neither can this power be communicated by the Church or the electoral college. This power resides in Christ, Head of the Church, and He is the only one who can communicate it to Peter.

the same time putting an obstacle which conditions the acceptance is, as we shall see, *pope materially*, but his situation is partly different from someone who has not yet accepted.

**IN WHAT DOES THE PAPACY CONSIST
FORMALLY (*I.E.*, ITS FORMAL ASPECT)**

**ACCORDING TO BISHOP
GUÉRARD DES LAURIERS?**

According to the Code of Canon Law, the Pope is Pope precisely because he receives from God “*the plenitude of the supreme power of jurisdiction*”. In the Code, the Church and its



*The Dominican theologian
Bishop Guérard des Lauriers
(1898-1988)*

Authority are mainly presented inasmuch as the Church militant is a ‘human collective’, a visible and perfect society. Obviously, we adhere to this proposition which is not merely juridical, since it also pertains to the Faith. Yet, this article of Faith is open to further study and more profound considerations. This I will do in the footsteps of the Dominican theologian M.-L. Guérard des Lauriers.³³ He points out, as Pius XII did already in his encyclical *Mystici Corporis*, that the Church is principally, as an

object of faith, the ‘Mystical Body of Christ’.³⁴ Of this Body, Christ is the Head. The Head governs

³³ M.-L. Guérard des Lauriers O.P., “Le Siège Apostolique est-il vacant? (Lex orandi, lex credendi)”, in: *Cahiers de Cassiciacum* n° 1, May 1979. The first unpublished version of the text dates from March 26, 1978.

³⁴ This is an essential definition, compared with the one given by Bellarmine, repeated by the catechism. “The Church militant could not be adequately defined except as being the whole of the faithful submitted to the Pope. She is essentially the Mystical Body of Christ; She is composed of Christ’s members who are still making their pilgrimage on earth. Submission to the Pope is normally a necessary condition to be, on earth, a member of Christ. But membership of Christ is not constituted by what is only its condition. Being a member of Christ is to receive the

the Body. It follows – and we ought never to forget – that “*the divine government in the Church is exercised by Christ who is the Head of the Church.*”³⁵ In His Body which is the Church, Christ as Head communicates to all His members His divine Life, the supernatural Life of grace. He who receives this divine Life and does not place any obstacle to this Communication becomes “*a member of Christ, and ‘son in the Son,’*”³⁶ i.e., adoptive son of God whose only natural Son is Jesus Christ. “*This Communication is, of itself, that of divine Life. It can, generally only temporarily, be reduced to the Communication which the ‘Author of Faith’ makes of the grace of Faith. He who has the Faith, even if it is a dead faith, remains a member of the Church.*”³⁷ But there is a second Communication which proceeds from Christ to the Church: that which formally constitutes the Authority in the Church. Indeed, “*nothing subsists in the Church except by relation to Christ who is its Head.*”³⁸ This Communication is different from

Communication of Life which proceeds from Christ” (Bishop Guérard des Lauriers, *op. cit.*, p. 58)

³⁵ *Cahiers de Cassiciacum* n° 1, p. 47; henceforth quoted in the rest of the article as *C.d.C.*

³⁶ *C.d.C.* n° 1, p. 47.

³⁷ *C.d.C.* n° 1, p. 45, note 36.

³⁸ *C.d.C.* n° 1, p. 44. A partly similar perspective (although similar in this aspect only), was found in an article of Antonio Livi on the occasion of the discussion between Palmaro and Cascioli concerning the current occupant of the Apostolic See: “*First, it is to be recalled that for us Catholics, the main (and at times the only) reason for our duty to be interested in the words and deeds of the Pope, is that he is the Head of the Church of Christ by the explicit will of Christ Himself, as we know by faith. Thus, it is the convinced adherence to the dogma of the Mystical Body which justifies the unconditional obedience to the pastoral orders of the Pope and which motivates the affective and effective union with him, this devotion which made St. Catherine of Sienna say in the 14th century that the Pope is “the gentle Christ on earth” (which did not hinder her from going to Avignon in order to rebuke him about his residence outside of Rome). (...) What the Pope does and says in the exercise of the petrine ministry ought to interest all the faithful (...) always and only for a motive of faith: since Christ wanted him as Pastor of the universal Church, or rather because he is in an eminent way truly the ‘Vicar of Christ’. This means that the Pope – whatever there may be of him in a given moment in history – is not so much interesting as he is a human personality or as ‘private doctor’, i.e. as a simple theologian, but rather as the supreme guarantee of the divine truth confided to the Church by Her only Master, Christ. In short (...), the Pope interests us relatively, i.e., he interests us only as he is in relation to Christ, of whom he receives the authority to ‘feed His lamb’ in*

the preceding one, but it is also attested to by Sacred Scripture: “*And behold I AM WITH YOU all days, even to the consummation of the world.*”³⁹ Jesus ‘IS WITH’ His Apostles – and in a special way with their Head, St. Peter – “all days”, i.e., habitually, daily, in the accomplishment of their mission which is the same Mission received by Christ Himself from His Father: “*All power is given to me in heaven and in earth. Going therefore, teach ye all nations; baptizing them in the name of the Father, and of the Son, and of the Holy Ghost. Teaching them to observe all things whatsoever I have commanded you.*”⁴⁰ “*He that believeth and is baptized, shall be saved: but he that believeth not shall be condemned.*”⁴¹ Bishop Guérard remarks that “*St. Mark*⁴² *confirms this ‘BEING WITH’ post factum: “but they going forth*⁴³ *preached everywhere: the Lord working withal,...*”⁴⁴ *For this reason, Our Lord can say in all truthfulness: “He that heareth you, heareth me.”*⁴⁵ *Thus, what constitutes the Pope in act as Head of the Church is the ‘BEING WITH’ promised by Christ. “Christ spoke in the present tense: “I AM WITH!”, with those of whom He requires that they be with Him: “He who is not with me, is against me”. It is this same ‘BEING WITH’ which, by its very nature, requires reciprocity.*”⁴⁶

Christ is thus always present in His Body which is the Church: in His members, by communicating the Life of grace, or at least the supernatural gift of Faith; and in the visible Head, in the Authority, by communicating to

His Name; only in relation to Christ, whose Word he must guard, interpret and announce to the world, “without adding or removing anything”; only in relation to Christ, whose first Pope, St. Peter, said that “neither is there salvation in any other, for there is no other name under heaven given to men, whereby we must be saved” (Acts 4:12) (...).” A. Livi, “Obbedienza al Papa, solo in relazione a Cristo”, in: *La nuova bussola quotidiana*, January 18, 2014. What was interesting to me was to recall that the Authority in the Church is in relation to Christ, Head of the Church.

³⁹ Matt. 28:20.

⁴⁰ Matt. 28:18-19.

⁴¹ Mark 16:16.

⁴² Mark 16:20.

⁴³ i.e., after the Ascension.

⁴⁴ In Greek: τοῦ κυρίου συνεργούντος: “the Lord being in unity of act with them”.

⁴⁵ Luke 10:16.

⁴⁶ *C.d.C.* n° 1, p. 37

him His 'BEING WITH' in an habitual and daily manner.⁴⁷ Christ sanctifies as Priest, governs as King, and teaches as Prophet, Master and Doctor, "with Authority": "He that heareth you, heareth me; and he that despiseth you, despiseth me; and he that despiseth me, despiseth him that sent me."⁴⁸ And this not only extraordinarily, when for example the charism of infallibility is exercised, but habitually and daily: it is an habitual state.⁴⁹

"And the religious and theological submission which is due to the Authority in the Church, and in the Church only,⁵⁰ is founded formally on the fact that the Authority is supposed to receive Christ's Communication of the 'BEING WITH' habitually. The submission addresses itself to Christ Himself in the Authority: since Christ 'IS WITH' the Authority: "He who hears you, hears Me!"⁵¹ This supposes of course – we repeat it – that the Authority receives the Communication of the 'BEING WITH' habitually, which alone constitutes the Authority formally."⁵²

⁴⁷ This Communication – from Christ to the Authority – is a 'relation' of the Authority to Christ. In the distinction of grace (*gratis data* or *gratum faciens*, both actual and habitual), the 'being with' is "of the type *charisma*" (*gratia gratis data*) "and not of the type 'actual grace'" (*C.d.C.*, p. 48-49).

⁴⁸ Luke 10:16.

⁴⁹ The objective intention to procure the good and the end of the Church must be habitual, just as Christ's Communication of the 'being with' is habitual. On the contrary, the 'being with' is 'actual' when the Authority teaches and rules *in act*, and in a particular way when the infallible Magisterium is exercised.

⁵⁰ "In the Church only." Other human societies, even if they are perfect, such as the State, are indeed essentially natural, and not supernatural as the Church is. In these 'natural' societies, the authority does not enjoy the 'being with' promised by Christ! We have already discussed in *Sodalitium* (n° 61, p. 18-28) the grave error which confuses the Authority in the Church with the authority in the State. These two societies are indeed analogical, but not univocal (*C.d.C.* n° 1, p. 90-99). At the root of this error is a naturalism proper to certain non-thomistic theologians.

⁵¹ Luke 10:16.

⁵² *C.d.C.* n° 1, p. 46-47.

THE PAPACY AND THE CHURCH DURING THE VACANCY OF THE SEE

So far we examined how a Pope is comes into being, and what the material and formal aspect in the Papacy is. Before discussing the acceptance of the election and Christ's

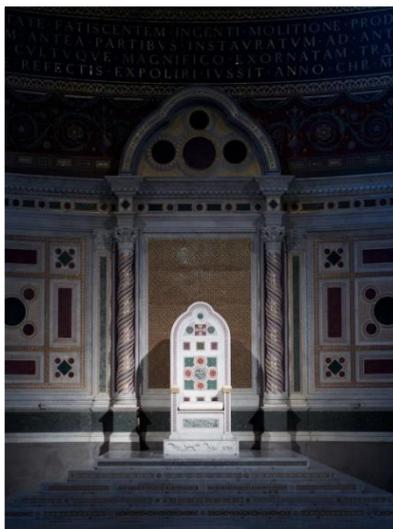
Communication of the 'BEING WITH' to the Pope, we shall consider what happens when the See is vacant. St. Antoninus, ever following in the footsteps of Agostino Trionfo, addresses this question explicitly.

The Holy Doctor makes a threefold distinction regarding the power of the Pope:

- the *material* element, which is the election and the determination of the elect;
- the *formal* element, which is the jurisdiction and the authority;

- the element which is *both material and formal*, which is the actual exercise of jurisdiction by the elect.

St. Antoninus explains that, when the Pope dies (or after his resignation, or in any case during a vacancy of the See), the formal element does not 'die', nor does the material element; but the union between the formal element and the material element 'dies', so to speak, which consists in the actual exercise of jurisdiction. Let me explain. During the vacancy of the See, the material element – the election and the determination of the subject occupying the See – does not 'die', *i.e.*, does not disappear, but it remains in its root in the 'college' (a moral person), capable of electing a Pope. Normally, this is the College of Cardinals: for the College of Cardinals is the proximate root, whereas the Church is the remote root. Neither does the formal element 'die': "If by the term 'papal authority' one understands his authority and his jurisdiction, which is as its formal element, this power



The See of Peter in the church of St. John Lateran, Rome.

never dies, because it remains always in Christ, who, having risen from the dead, henceforth cannot die anymore". Yet, the union between the material element and the formal element does 'die' when the Pope dies: "but if by the words 'papal power' one understands the actual exercise, which is something at once material and formal in the Papacy, then the actual exercise does effectively die when the Pope dies. For, the Pope having died, on the one hand the actual exercise of the papal power does not remain in the College except insofar as this has been established by his predecessors. Neither does it remain in Christ according to this mode, for ever since His Resurrection, Christ does not exercise this power except by the intermediary of a Pope. Even though Christ is the door,⁵³ He had indeed appointed Peter and his successors as His porters, by whose mediation the door which gives access to Him is opened or closed". St. Antoninus sums up and concludes: "Thus, the authority of the Church does not die when the Pope dies with regard to jurisdiction, which is as its formal element,

but it remains in Christ. Neither does it die with regard to the election and the determination of the person, which is as its material element, but it remains in the College of Cardinals. It does die, on the contrary, with regard to the actual exercise of jurisdiction. For, the Pope having died, the Church is vacated (Ecclesia vacat) and is deprived of the exercise of such power (et privatur administrationis talis potestatis)". The Church is – in Bishop Guérard's words – in the 'state of privation' of Authority.

Let us give an example. On October 9, 1958, Pope Pius XII died. On this day, the Church went from one state to another, without changing Her essence willed by Christ. In the morning, She was governed by Pius XII; in the evening, She was deprived of Her Shepherd

⁵³ John 10:9.



The burial of Pope Pius XII.

(*viduata Pastore*). Did the papal power also change with this shift? The elements which were united in the person of Pius XII were then separated. The Authority proper to Pius XII – his jurisdiction, and above all, as we have seen, the 'BEING WITH' Christ – were no longer in him, since he died. Nevertheless, the power was, so to speak, still alive in Christ, Head of the Church, His Mystical Body, ready to be given to the legitimate successor of Pius XII. After the death of Pius XII, the designation of his person to the Papacy, accomplished by the Conclave of 1939, now no longer had any effect. But this material element remained *in radice* (in its root) in the College of Cardinals. These latter who had

elected Cardinal Pacelli in 1939 by designating him in preference to another, could and should, together with the other Cardinals 'created' in the meantime by Pius XII, now elect someone else in his place. But on the evening of October 9, 1958, neither the College of Cardinals, nor the College of Bishops,

nor the Church (now a widow deprived of Her Supreme Shepherd on earth) enjoyed the exercise of papal jurisdiction. Doubtless, this '*actualis administratio*'⁵⁴ could 'resurrect' in the person of a legitimate successor to Pius XII, but for the moment it was – as St. Antoninus said – as 'dead' with the deceased Pope. Even though persons who had jurisdiction normally retain this jurisdiction during the vacancy of the See,⁵⁵ nevertheless nobody enjoys the jurisdiction and

⁵⁴ The actual exercise.

⁵⁵ For what concerns the functions and faculties during the vacancy of the Apostolic See (what faculties cease, what acts can be done, etc.), see the Apostolic Constitution *Vacantis Apostolicae Sedis* of Pius XII (December 8, 1945), published together with the documents of the Code of Canon Law: Title I. *De Sede Apostolica vacante*; Chapter I: *De Potestate S. Collegii Cardinalium Sede Apostolica Vacante*; Chapter III: *De Nonnullis Peculiaribus Officiis, Sede Apostolica Vacante*; Chapter IV: *De Sacris Romanis Congregationibus et Tribunalibus eorumque Facultatibus Sede Apostolica Vacante*.

the authority proper to the Sovereign Pontiff. No one has the primacy over the whole Church: neither the College of Cardinals, nor the College of Bishops, nor the ecumenical Council (which is not even able to be convoked without the Roman Pontiff⁵⁶). No one – not the College of Cardinals, nor the College of Bishops, nor the Council, nor the Chamberlain – enjoys this supreme Authority which is proper to the monarchical (and non-collegial) constitution of the Church. Neither does anyone enjoy the charism of infallibility: not the College of Cardinals, nor the College of Bishops: not as it is dispersed throughout the world, nor as it is reunited in a Council, for the said College lacks the Head which is the Roman Pontiff. In the same way, to the Church is missing Her supreme legislator, the Roman Pontiff, who regulates ecclesiastical discipline and the worship of



God. From this point of view (and from this point of view only!), the existence or non-existence of the power of jurisdiction or of Magisterium in the College of Bishops is of little impact. We have amply answered this question in *Sodalitium*.⁵⁷ Consequently, even though the permanence of ordinary jurisdiction or the power of Magisterium in the subordinate Episcopate would obviously be very useful, nevertheless this permanence is not absolutely necessary for the indefectibility of the Church.⁵⁸ However, the

⁵⁶ A Council reunited during the vacancy of the See is not an ecumenical Council, but is defined as 'an imperfect general council'.

⁵⁷ *Sodalitium* n° 55, p. 50-52.

⁵⁸ Concerning the indefectibility of the Church, see *Sodalitium* n° 55, p. 48-49.

permanence of an electoral college able to designate a true and legitimate Roman Pontiff (since the 'BEING WITH' remains in Christ) is solely and exclusively necessary for indefectibility. This is the case during a normal period of vacancy of the See (*e.g.*, after the death of a Pope), as it is during a period of occupation of the See, and as it is now (in a situation in which the elect does not receive the Authority from Christ). In this regard, Bishop Guérard writes: "If Christ no longer exercises the Communication of the 'BEING WITH' which constitutes the Authority formally, it does not follow that Christ no longer governs the Church militant.

*Provisionally, He governs Her in another way than through the Authority: by 'BEING WITH' those of His members who 'are with' Him..."*⁵⁹ We have seen indeed that, according to St.

Antoninus, Christ governs the Church also

during a period of normal vacancy of the See, although differently from the way in which He 'ordinarily' governs Her (*i.e.*, through the mediation of the Pope). The Church militant is always ruled by Christ: 'ordinarily' by the Authority of the Pope; provisionally without it, but in such a way that the ordinary mode is able to be re-established. It seems to me that the considerations presented in this little chapter respond thoroughly to certain objections recently brought up against the Thesis, which essentially repeat those brought up by Fr. Cantoni in 1980.⁶⁰

⁵⁹ *C.d.C.* n° 1, p. 57.

⁶⁰ Fr. Piero Cantoni, *Réflexions à propos d'une thèse récente sur la situation actuelle de l'Église*, Écône, May-June 1988; Fr.

**CHRIST COMMUNICATES HIS ‘BEING WITH’,
HIS PRESENCE, TO THE ELECT WHO TRULY
ACCEPTS THE ELECTION**

Let us return to the election of the Pope. We have seen that the material element consists in the election and the designation of the subject to the Papacy by the electors; we have seen that the formal element consists, on the contrary, in the Communication of the ‘BEING WITH’ on the part of Christ to the elect of the Conclave (with everything else following from it: the divine assistance, the primacy of jurisdiction, infallibility); we have seen that, for the elect to effectively become Pope, it is yet necessary that he accepts the canonical election of his person.⁶¹

This is (apparently) not that clear. If we admit for example that Paul VI was canonically elected, there should indeed not be the slightest doubt about the fact that he effectively accepted the election, and thus became

Sovereign Pontiff, receiving from Christ the Communication of His ‘BEING WITH’.

Ordinarily indeed no one asks the question about the acceptation given by the elect, if it has taken place exteriorly. At most, there is a preoccupation⁶² with the correct pronunciation of the ritual “*acchetto*” without the slightest ambiguity. Thus, for example, when Cardinal Sarto – who would become the great St. Pius X – was elected, he replied to the question of the Cardinal Chamberlain by the following words: “*acchetto in cruce*”, since the Papacy appeared to him above all as a terrible cross on which he would be immolated. The Chamberlain was not

Curzio Nitoglia, *La Tesi di Cassiciacum: il Papato material. Per un dibattito sereno*, published on the website of the author and the editor Effedieffe.

⁶¹ Canon 209; Pius XII, *Vacantis Apostolicae Sedis*, n° 100-101.

⁶² Although this preoccupation is already an indication...

satisfied with the response (which was nevertheless affirmative), and insisted to be absolutely sure of the acceptation. As far as I know, the law does not require anything else than the external acceptation. However, the law does not abolish the nature of things, nor is it able to do so. The acceptation, therefore, retains its nature as a human act, and must be considered as such.

**WHAT IT MEANS
TO TRULY ACCEPT THE ELECTION**

To accept the election thus is a human act, an act of the intellect and the will, by which

the elect accepts the Papacy voluntarily. This implies the knowledge of what the Papacy is, and the will to exercise this role. A person deprived of the use of reason, for example, would be incapable of truly accepting the

election and the Pontificate, because such a person is incapable of a human act, and therefore also incapable of understanding the implications of his acceptation. When the elect of the Conclave accepts his election to the Sovereign Pontificate, by his very act of accepting the election, he also accepts and assumes the role and the function of the Sovereign Pontificate, which is independent of his will, but is found in the nature of things. He who accepts the Papacy agrees to be Pope,⁶³ to fulfill the functions of the

⁶³ In French: “*de faire le Pape*”. For want of a similar expression in English, a translation according to sense was provided by adding the words “to fulfill the functions of the Papacy”. In the argument, this is a critical point, for the elect has to be truly willing to fulfill the role of the Pope *as such* (which, by the way, necessarily means *to teach the Catholic Faith to the Church*), and not to fulfill some other role which is objectively different from that of the Roman Pontificate, such as the leadership of a worldwide

Papacy, to realize the goal of this task. And since the finality of the Papacy is determined by God, the elect is not allowed to invent it. Let us explain.

THE ESSENCE OF TEMPORAL AUTHORITY: TO PROCURE THE COMMON GOOD

In a civil society, the authority is necessary to realize the end of said society: the temporal common good. The authority, in order to be a true authority, must have the will to realize the 'end' of the society itself, the common good. This intention must be...

- *objective*, that is, it must concern the acts to be done to realize the said end, and not the subjective intention which animates it;
- *real*, that is, it must realize the common good *de facto*, at least in its essentials;
- *stable* and *habitual*, since the society must be governed in a stable way.

*“The authority, defined by its proper function of assuring the unity of action of the members [of the society] in view of the common good, is constituted formally by the specific relation which the leader maintains to the common good. The proper foundation of this relation is the habitual, objective and real intention to procure the common good.”*⁶⁴ In short, the authority has a relation to the common good which it has to realize, and the foundation of this relation is the objective, real, and habitual

ecumenical or humanitarian movement. In other words, the elect should not apply for the wrong job. (Translator's note)
⁶⁴ Fr. Bernard Lucien, *The current situation of Authority in the Church. The Thesis of Cassiciacum*, Documents de Catholicité, 1985, p. 34-35.

intention to realize it. This is so true that the authority which does not have the said intention IS NOT the authority, or ceases to be such. The right to command and the duty to obey presuppose necessarily that the authority is by its very essence related to the accomplishment of the common good.⁶⁵

THE AUTHORITY IN THE STATE AND THE AUTHORITY IN THE CHURCH: ANALOGY, SIMILARITIES AND DIFFERENCES

There is an analogy (*i.e.*, something similar and, even more, something different) between the civil society and the Church,



Stalin, the Communist leader of Soviet Russia, did not objectively intend the common good of the society he was in charge of.

between the temporal authority and the Pope. The Church is also a society, and Her Authority is also necessarily related to the end of the divinely founded society. From a human perspective, *“the Church is a human collective, in the sense that She is composed of human beings who, by grace and by free will, have a common End. This End, which can be called the divine Good, is*

*the Glory of God realized in the sanctification of the members who form the Church. The Church has an Authority which is divinely instituted in view of the divine Good, the realization of which is confided to the Church. This Authority is branched in three powers; it is exercised in two ways: ordinary or extraordinary; it is constituted by a hierarchical group of consecrated persons.”*⁶⁶ So far, the dissimilarities between Church and State have already become visible. Nevertheless, *“from this point of view,”* the Church is still *“similar to any other human collective,”* particularly by the fact that *“the Relation which the Authority sustains with the*

⁶⁵ *ibid.*, p. 39
⁶⁶ C.d.C. n° 1, p. 42-43.

common good is the foundation and the norm of all orders which emanate from the Authority.” If the Authority realizes the end, it must be obeyed; if the Authority does not realize the end, its reason for existence is lost.

Bishop Guérard remarked that “the faithful, the priests and the bishop who remained attached to Tradition” have *de facto* behaved in such a way, by refusing submission and even by resisting to an ‘authority’ which no longer realizes the end and the common good of the Church.⁶⁷

A former confrere pointed out that the argument can also be used to draw the opposite conclusion:

sometimes it is necessary to obey a government which does not realize the common good on several points, if only it were to assure public order and to avoid anarchy. We have already responded to this objection.⁶⁸ There is a difference of critical

importance between the Authority in the Church and the authority in the State. In the Church, a supernatural society, the Authority is constituted by the ‘BEING WITH’: by the fact that Jesus IS WITH the Church, IS WITH the Authority, IS WITH the Pope. This is something which cannot be said of the civil authority, even if the latter is consecrated by the power of Orders. In the Church, the intention to realize the common good is not the essence of the Authority, but is only a necessary condition. I repeat that the ‘BEING WITH’ is the essence of Authority in the

Church, whereas the intention to realize the common good is not the essence but only the condition *sine qua non* and the sign that Christ IS WITH the Authority. One falls in a dangerous naturalism by reducing the Church to her natural aspect of human collective, in which the legitimacy of authority depends only on the effective intention for the realization of the common good. In this way, the reality of the Authority proper to the Church is confused with what is merely a necessary condition for it.⁶⁹ Since the civil authority does not govern ‘WITH Christ’, as does the Authority of the Church, it is understood why it can still be legitimate despite

grave deficiencies, and why one can at times even resist this authority (*e.g.*, by refusing the ‘law’ on abortion, or, in the times of paganism, the sacrifices to the idols), and at times obey (*e.g.*, by paying just taxes). This is not the case with the Authority of



St. Louis IX, King of France.

Although the temporal authority, being essentially ordered to the common good, has its power from God, nevertheless it does not enjoy the 'BEING WITH' promised by Christ, as the Church alone does.

the Pope, in which the ‘BEING WITH’ habitually guarantees the divine assistance.

The Pope must be willing to realize the divine Good which is the end of the Church. A necessary condition which is not fulfilled is an obstacle to the Communication of Authority to the elect of the Conclave.

Let us return to our subject. We have said that the elect must accept the election as Sovereign Pontiff: he must accept the Sovereign Pontificate. Thus, the condition *sine qua non*, absolutely necessary for this acceptance is the

⁶⁷ *C.d.C.* n° 1, p. 44.

⁶⁸ *Sodalitium* n° 61, p. 18-28.

⁶⁹ *Cf. C.d.C.*, p. 57-64.

objective, real and habitual intention to procure the common good of the Church. It is objected that this condition is not found in the theological and canonical manuals. But it is found in the very nature of things. The acceptance is a human act. Every human act has an object which is knowable by the intellect, and on which the will acts. The Sovereign Pontificate is ordered to its end, which is the realization of the 'end' of the Church, the divine Good, which is assigned to it by Christ Himself.

After having recalled the relation between the act of Faith and the arguments of credibility (*"the Faith requires rational proof, which it yet transcends: there is no reason to found the Faith; but one should not believe without any reason"*), Bishop Guérard explains:

"It is an object of Faith that Christ communicates to the Authority that which constitutes it formally as Authority, and that, as a consequence one ought to be submitted to this Authority. But to make an act of Faith requires that this act has a rational foundation. It is impossible to believe that Christ exercises the Communication constituting the Authority, except if the condition for the exercise of this Communication is fulfilled. And the observable sign that the Authority fulfills this condition, consists in the habitual intention to realize the divine Good. One can, and even should, apply these words of Leo XIII to the Authority: "One cannot judge about the mind and intention, in so far as it is something by its nature internal; but insofar as it is manifested externally she is bound to judge concerning it". Thus, for every object of Faith, for the existence of the Authority in particular, the act of faith ought to be

*founded by signs of credibility which are nevertheless transcended."*⁷⁰

In other words: normally, the faithful have no need whatsoever to see if the elect of the Conclave has *truly* accepted the election to the Sovereign Pontificate. It is taken for granted. This, however, does not take away the fact that this acceptance includes by its very nature an intention in the elect, who is 'pope' *materially*, and a condition to be fulfilled: he must have the

objective, real and habitual intention to realize the end of the Church, the divine Good.

- *Objective*, that is, the intention which regards external acts, the *finis operis*: the finality of the act itself rather than the finality which the subject has in mind;

- *Real*, that is, it must be efficacious, in facts, deeds and acts;

- *Habitual*, that is, it must be constant and stable, which admits of a greater or lesser, more or less perfect realization, which nevertheless always has to be habitual and constant.

The end of the Church, also called the divine Good, is realized...

- By assuring the celebration of the Divine Sacrifice by the Church;
- By teaching true doctrine to the souls (and, as a consequence, to condemn error);
- By sanctifying the souls by the sacraments;
- By governing the souls by Catholic laws.

"If this intention is not real, i.e., if the 'authority' does not habitually intend, as it ought to, the realization of the Relation which it maintains

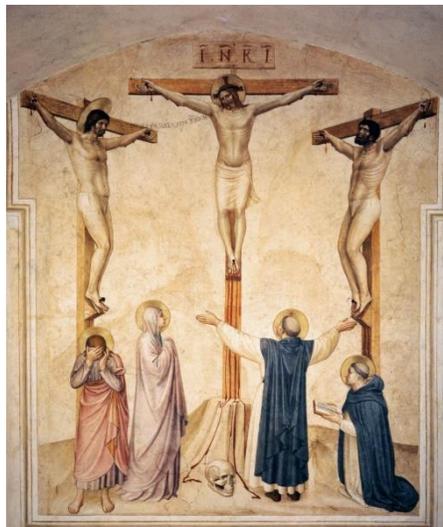
"It is objected that this condition is not found in the theological and canonical manuals. But it is found in the very nature of things. The acceptance is a human act. Every human act has an object which is knowable by the intellect, and on which the will acts. The Sovereign Pontificate is ordered to (...) the realization of the 'end' of the Church, the divine Good, which is assigned to it by Christ Himself."

⁷⁰ C.d.C. n° 1, p. 63.

with the Good-End, then the 'authority' is no longer a subject metaphysically able to receive the Communication of the 'BEING WITH' which could be given by Christ; and as this Communication cannot be received, it is not given. The Shepherd, even if He permits their doings, is not 'with' the wolves. Christ is not 'with' the destroyers of the Church. Christ is not divided against Himself."⁷¹

**EXAMPLES AND ANALOGIES OF A MERELY
VERBAL AND APPARENT CONSENT
WHICH IS NOT REAL**

It is well-known and indisputable that the elect of the Conclave has to give his consent to the election. By its very nature, however, this consent has to be real and not merely verbal and apparent, but *verbis et factis*. That is to say, its object has to be the end and the good of the Church, which the elect of the Conclave must be objectively willing to realize. Next, the same good or end of the Church must be realized not only *verbis* (in words), but also *factis* (in deeds, in acts). Bishop Guérard points out that, in the case of Paul VI, "the *verba* serve better the purpose of insuring the efficacy of the *facta*."⁷² The sometimes reassuring words (*verba*) of Paul VI have, in concrete terms – and thus habitually and constantly –, served the purpose of realizing facts (*facta*) diametrically opposed to his words.⁷³



"But, though Christ died for all, yet do not all receive the benefit of His death, but those only unto whom the merit of His Passion is communicated."

Let us consider some analogies in order to reach a better understanding of the aforesaid.

Justification. This analogy was forgotten in the years that followed the first publication of the Thesis of Bishop Guérard. Yet it is precisely this analogy which was presented in the first issue of the *Cahiers de Cassiciacum*. As we have seen, Christ as Head of the Mystical Body exercises indeed a double Communication to His Body: that of grace to all the (living) members of His Mystical Body, and that of the 'BEING WITH' to the Authority (which is a grace *gratis datae*). It is obvious there must be an analogy between the two Communications. This is how Bishop Guérard des Lauriers expresses it:

"Just as a human being is not constituted as a [living] member of the human collective 'Church militant', except by the habitual reception of the Communication of Life from the Head of the Church, in the same way the Authority is not constituted as Authority in the Church militant except by the habitual reception of the 'BEING WITH' communicated by Christ. The 'subjects', i.e., 'the member of the Church militant' or 'the Authority of the Church militant' exist materialiter as 'subjects', even

before the Communication proceeding from Christ; but they are not formaliter members of the Church or the Authority of the Church except in virtue of and in the Act of the Communication given by the Head of the Church.

It is possible that a human being refuses the Communication of Life proceeding from Christ. This is possible; for the Council of Trent states: "But, though He died for all,"⁷⁴ yet do not all receive the benefit of His death, but those only unto whom the

⁷¹ *C.d.C.*, n° 1, p. 56.

⁷² *C.d.C.*, n° 1, p. 68.

⁷³ Bishop Guérard gives various examples: the doctrine on collegiality contained in *Lumen Gentium* which was 'corrected' by a '*nota praevia*' (the reassuring words of which remained merely words on a page); the *Novus Ordo Missae* corrected by reassuring speeches on November 19 and 26, 1969, which have also lead nowhere; the passages in Vatican II on the keeping of Latin in the liturgy, contradicted by the facts; the words of *Humanae Vitae*, while Paul VI allowed the

episcopal conferences to freely deny this encyclical. Today, the situation is much graver and clearer, both in words and in deeds, than at the time.

⁷⁴ II Cor. 5:15.

merit of His Passion is communicated.”⁷⁵ And if a human being refuses the Communication proceeding from the Head of the Church, he is not in any way a [living] member of the Church, although it is not impossible that he becomes a member. Similarly, the ‘authority’ refusing the Communication of the ‘BEING WITH’ proceeding from the Head of the Church, is not in any way the Authority of the Church. It can be such materialiter, since it is not impossible that this ‘subject’ becomes the Authority; but this ‘subject’, deprived of what constitutes the Authority in the Church formaliter, would have no Authority whatsoever in the Church. The analogy which we have indicated concerns certain states or qualities. To be the Authority in the Church is, just as to be a member of the Church, a state or a quality. The Communication of Life or of the ‘BEING WITH’ proceeding from Christ includes a first instant as to the reception in each concerned ‘subject’ (ever capable of refusal). But once inaugurated, it is habitual in the ‘subject’ which is its term, as it is permanent in Christ who is its principle.”⁷⁶

To simplify the matter: one becomes a member of the Church, the Mystical Body, by receiving grace from Christ (or at the very least the Faith). But on the part of man, it is possible to put an obstacle to reception of grace or of the Faith. Analogically, the elect of the Conclave can put an obstacle to the Communication of the ‘BEING WITH’ constituting the Authority in the Church. And as Scripture affirms that “*Christ died for all*”, and yet not everyone is saved by receiving grace, in the same way it is written “*I*

⁷⁵ *De Justificatione*, chapter 3; Denz. 1523.

⁷⁶ *C.d.C.*, n° 1, p. 44-45. Bishop Guérard specified in note 36 that, to be a member of the Church, the Communication under discussion is normally that of divine Life, sanctifying grace, but that it can be reduced temporarily to the Communication of Faith: “He who has the Faith, even if it is dead, remains a member of the Church.” The analogy was developed and applied to the current situation of the Church on pages 50-51 and 56, which are also a wonderful summary of the treatise on grace. Bishop Guérard also explains – in a more profound way than I had done in my response to Fr. Paladino (F. Ricossa, *L’abbé Paladino et la ‘Thèse de Cassiciacum’*. Réponse au livre: ‘*Petrus es tu?*’, p. 9-10 and note 19) – the relation between the divine Communication and the human consent, concerning both the infusion of Grace (justification) and, analogically, the Communication of Authority in the Church.

AM WITH YOU”, and yet the Communication of this ‘BEING WITH’ is able to be impeded by man.⁷⁷

The intention necessary for the sacraments, or other possible obstacles, and the case of matrimonial consent in particular.

Another interesting analogy is founded on the matrimonial consent.⁷⁸ This example is, as we shall see, particularly fitting, since the sacrament of marriage (as also natural marriage) is constituted by a human act, the consent of the spouses, just as the acceptance of the election is constituted by a human act.

But in any case, the analogy is true for all the sacraments. It is well-known that the sacrament is effected *ex opere operato*, i.e., by the fact itself of effecting its elements, matter and form, by Christ’s action itself, the author of grace and the sacraments. But this does not take away the possibility of invalidity or inefficiency, caused by an obstacle (*obex*) put by man. Among the obstacles, the intention should be mentioned, or rather the absence of a true intention, not only in the minister who confers the sacrament, but also in the subject who receives it, as, for example, the attachment to sin in the recipient.

He who receives the sacrament of Baptism in an apparently normal way, but who has an explicit intention not to receive the sacrament completely, receives it invalidly: he would not be validly baptized, and would not receive sanctifying grace, nor the character of Baptism. On the contrary, he who is baptized with the intention of receiving Baptism, while retaining the attachment to sin (thus putting deliberately an *obex*, an obstacle) would receive the character of Baptism, but not sanctifying grace.⁷⁹

⁷⁷ Cf. p. 56, and on the relations between the act of Christ and the consent of man, p. 50-51.

⁷⁸ It was presented by Fr. Bernard Lucien and Fr. Hervé Belmont. Cf. Fr. B. Lucien, *The current situation of Authority in the Church. The Thesis of Cassiciacum*, Documents de Catholicité, 1985, p. 61, note 69. Fr. H. Belmont, *L’exercice quotidien de la Foi dans la crise de l’Église*, published by the author, Bordeaux, 1984, p. 25.

⁷⁹ An allusion to this was made in the *C.d.C.*, n° 1.

In the sacrament of Confession, the absence of sufficient contrition (attrition) in the penitent invalidates the sacrament (since the acts of the penitent constitute the quasi-matter of the sacrament).

The most fitting example is that of marriage, which is generated specifically by the consent of the contractors. Although the consent must be external, this alone is not sufficient: a defect in the consent, even interiorly, even in only one of the spouses, invalidates the consent and therefore the marriage itself. If the spouses are not truly married *in the eyes of God*, and they are aware of this, they are not allowed to consider themselves married, and in conscience they may not consummate the marriage. Nevertheless, the situation of the putative spouses is not the same as before the matrimonial consent, even though it was only apparent and invalid. For, juridically and *in the eyes of the Church*, they are still considered as married (because of the external consent given before witnesses), for as long as the marriage has not been declared null canonically by the legitimate ecclesiastical authority. Moreover, the external consent, even though invalidated by a defect in the consent or a nullifying impediment, still has consequences. First of all, the putative spouses are juridically bound to respect the marital bond for as long as there is no juridical declaration of nullity. For this reason, a new marriage would be invalid. Second, the children born from this apparent marriage are considered legitimate by Church law, as if they were born from a valid marriage. Finally, in



A Catholic marriage.

The intention to have, for example, absolutely no children whatsoever is a defect in the verbal, apparent consent of the spouses, and renders the marriage invalid in the eyes of God, even though it is legally valid in the eyes of the Church.

case the obstacle invalidating the consent⁸⁰ is suppressed, the two putative spouses can validate their marriage, once the obstacle is removed, perhaps only by renewing the consent validly, even without new external ceremonies.⁸¹ The similarities with the case of the Papacy should be obvious to the reader.

The elect of the Conclave has to give his external consent to the election of his person to the Pontificate. So also, the spouses must express externally their consent to the marriage contract. Normally, the canonical observation of the consent is sufficient, and no one puts it into doubt. Juridically and in the eyes of the Church, the elect of the Conclave is normally considered as Sovereign Pontiff, in the same way as the two spouses are considered legitimate spouses. However, it is possible that the matrimonial consent be null, before God and the conscience of the spouses who are aware of it, caused by a defect in the consent or a canonical impediment which represents an obstacle to the validity of the consent. In particular, if the

contractors do not have, in one way or another, an intention toward the object of the matrimonial contract, but toward something altering its substance, the marriage cannot be valid. Analogically, the elect of the Conclave can ‘defect’ in his consent and put an obstacle to the reception of the ‘BEING WITH’ from Christ, by lacking the objective and habitual intention to realize the good and the end of the Church. It follows that, just as the putative spouses are not

⁸⁰ A defect in the consent of one or both spouses, or an impediment able to be dispensed by the Church, or which is able to cease.

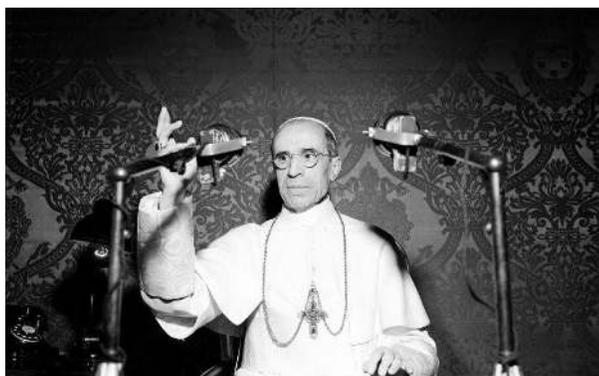
⁸¹ Canon 1036, § 2.

truly married, so the ‘pope’ *materialiter* is not truly and formally Pope, is not the Authority, is not ‘WITH’ Christ to rule the Church. Nevertheless, the putative spouses are not in the same situation as they were before the external consent was given (even though invalidly) before the Church. For example, they cannot validly contract a new marriage for as long as the previous bond has not been declared null; their descendants are legitimate; in certain cases it is possible, by the removal of the obstacle, to validate the consent and the marriage. In the same way, the elect of the Conclave who has only externally and not truly given his consent to the election is not in the same situation as he was before the Conclave (when he was not yet elected) and before the acceptance (when he was only the elect without having given his external acceptance). He is a ‘putative’ Pontiff or ‘pope’ *materialiter*. The See is occupied by him, and cannot be occupied by someone else for as long as the election has not been declared null by the Church. Certain juridical acts which are indispensable for the life of the Church can have juridical effect (either in themselves, or by supplianc of Christ, Head of the Church).⁸² And finally, the acceptance of the election can be validated, in case of the removal of the obstacle which was placed earlier and brought about the defect in the consent (on the condition that the nature of the obstacle allows for such a removal). The analogies are certainly only analogies (in which the differences are more important than the similarities), but it should be admitted that this example is truly persuasive and easily understood.

⁸² This is a point of particular importance. The main application is found in the fact that the ‘cardinals’ created by a ‘pope *materialiter*’ are able to elect a Pope.

The intention to receive Episcopal Consecration on the part of the elect of the Conclave.

If canonists would look in the Apostolic Constitutions on papal elections for an allusion to this ‘condition’ for the validity of the acceptance, their search would be in vain. None of them make any mention of it, not even those of Pius XII. Nevertheless, the same Pius XII explained in an often quoted speech to the Catholic laity⁸³ that if a lay person were elected



Pope Pius XII taught that a lay person elected to the Papacy would need to have an intention to be consecrated a bishop in order to validly accept the election.

to the Sovereign Pontificate, he would immediately become the Sovereign Pontiff, with universal jurisdiction, in the same instant of his acceptance of the election, even before having received priestly Ordination and Episcopal Consecration.⁸⁴

However, Pius XII specified that, in accepting the election, the lay person should necessarily have the intention to receive Episcopal Consecration. (Note that Pius XII did not say that he must be consecrated, but that he must *have the intention* to be consecrated.) For this reason, the Pope is the Bishop of Rome, and *normally* must be such with regard to both the power of jurisdiction and the power of Orders. To be deprived of the power of Orders does not deprive him of the Pontificate; but to have an intention contrary to the Pontificate (*e.g.*, by having the intention that the Pontiff be a lay person and not a Bishop) introduces a defect in the consent, and therefore prevents the elect who merely gives an apparent consent from being

⁸³ Allocution to the Second World Congress of Lay Apostolate, October 5, 1957. The merit of finding this example is Fr. Lucien’s (*op. cit.*, p. 59, note 65).

⁸⁴ We point this out for the sake of those who say that the Thesis is outdated if one admits the hypothesis Ratzinger was never validly consecrated and Bergoglio was never validly ordained; cf. *Sodalitium*, n° 62, p. 40

formally the Authority. *A fortiori*, to lack the habitual and objective intention to want the good and the end of the Church, *i.e.*, that in view of which he should be the Authority, is a defect in accepting the election and impedes Christ's Communication of the 'being with', which constitutes the Authority in the Church formally.

GOD HIMSELF CANNOT BRING ABOUT THAT A 'SUBJECT' WHICH IS UNABLE TO RECEIVE THE COMMUNICATION OF THE 'BEING WITH' (I.E., THE AUTHORITY) BE ABLE TO RECEIVE IT (FOR AS LONG AS THE OBSTACLE PERSISTS)

It is objected that these statements about the election of the Pope are not found in canon law (or rather, in the Apostolic Constitutions concerning the election of the Pope, for the Code does not treat the question) or in the classical authors. As to the law, we have already given the example taken from the speech of Pius XII to the lay congress. As to the 'classical' authors, we remark once more that today's completely new situation calls for a theological approach which is different from that of, for example, the 'hypothesis of a heretical Pope'. This was perceived already by Vidigal da Silveira,⁸⁵ who was among the first to draw attention to the theological studies in this regard and who is even today still repeatedly quoted and wrecked by his epigones. But theology and the history of theology are two different sciences (and theology consists, at least at times, in reflecting and not merely in repeating⁸⁶). This should suffice to

⁸⁵ Arnaldo Xavier Vidigal da Silveira, *La nouvelle messe de Paul VI: qu'en penser?*, Diffusion de la Pensée Française, 1975, p. 215-216, where the author asks for new studies on the question of the 'heretical Pope', which would allow to let the stagnation and doubts concerning various hypotheses on this topic pass away. After the publication of the Thesis of Bishop Guérard in the *Cahiers de Cassiciacum*, Fr. Georges Vinson wrote in his *Simple Lettre* that the works of Bishop Guérard had answered and satisfied Vidigal da Silveira's desires.

⁸⁶ As Bishop Guérard recalled in *C.d.C.*, n° 1, p. 30.

refute, once again, any philosophical and theological voluntarism.⁸⁷

Finally, it should be remarked that the metaphysics of being has precedence over positive human law and theological authorities:

*"Christ no longer communicates His 'BEING WITH' to such a 'subject' who occupies the See of Authority, but who does not fulfill the necessary and sufficient conditions to receive from Christ what would constitute Him formaliter as Authority. By its nature, the 'Communication' is an act common to Him who communicates and to him who receives. God, who is 'He who is'⁸⁸ cannot suspend the laws of being. If it be somehow impossible that the Communication be received, then it is not exercised. This should be either accepted or refuted."*⁸⁹

**PROOF OF THE THESIS:
NON-PERSUASIVE ARGUMENTS VS.
INDUCTIVE AND DEDUCTIVE PROOF**

Non-persuasive arguments. The majority of those who are called 'sedevacantists' think they can prove the vacancy of the Apostolic See with certainty by various arguments. Among the most important are the theological hypothesis of the 'heretical Pope', or the argument drawn from the bull *Cum ex Apostolatus* of Pope Paul IV, or, lastly, by the legislation against heretics in the Code of Canon Law⁹⁰ which, besides, repeats in large part the said bull of Pope Paul IV.

The first issue of the *Cahiers de Cassiciacum*⁹¹ explains already why these arguments, even though "impressive, especially

⁸⁷ Cf. *Cahiers de Cassiciacum* n° 1, p. 30-31, 76-77. Voluntarism, historicism and juridicism are three interrelated erroneous intellectual options which have caused profound damage in philosophy and theology. To this day they are an obstacle, including for numerous well-meaning people, to a correct understanding of the current situation of Authority in the Church.

⁸⁸ Exodus 3:14.

⁸⁹ *C.d.C.*, n° 1, p. 56.

⁹⁰ Canon 188, 4° and canon 2314, § 1.

⁹¹ *C.d.C.*, n° 1, p. 76-87; see also p. 22, 30, 36 etc.

by their convergence,⁹² do not conclude with certainty. Bishop Guérard then referred to the issues 3 and 4 for a profound study on the different ‘pathologies of faith’ (schism and heresy⁹³). Afterwards, Fr. B. Lucien exposed and refuted each of these arguments in detail.⁹⁴

The inductive proof. Let us recall then what is the inductive argument which concludes with certainty (even though with ‘probable certitude’ proper to induction). Paul VI is not the Authority, is not Pope *formaliter*, because he does not have the ‘BEING WITH’ Jesus Christ, Head of the Church. And he does not have the ‘BEING WITH’ Jesus Christ, Head of the Church, because he does not have the habitual and objective intention to realize the good or end of the Church. This intention constitutes the condition *sine qua non* to be the Authority in the Church. The Authority, whether it be temporal or spiritual, is never an end in itself: it is not *auto-referential*. By its very nature, the Authority is ordered to its end: *the common good of the society* which it has to govern. A society composed of disparate members must indeed be directed to *an end* by the Authority, and this end is the common good. “*Certain people want to reduce the authority to the subject designated as the ruler, while neglecting or forgetting its real relation to the common good. But one must bear in mind that an ‘authority’ thus defined does not possess the right to*

⁹² *C.d.C.*, n° 1, p. 36.

⁹³ The series was planned to be completed by a study on modernism as a ‘pathology of faith’.

⁹⁴ Fr. B. Lucien, *op. cit.* To the arguments of the ‘heretical Pope’ are dedicated chapters 6 and 7 (p. 63-92); to the canonical argument, chapter 8 (p. 85- 92); to the Bull of Paul IV, chapter 9 (p. 93-96). This work, written under the supervision of Bishop Guérard, has been translated into English: see mhtseminary.org, under the section ‘Articles’.

command, nor does it oblige its ‘subordinates’ (...) *The unanimous doctrine, according to which the authority has the right to command and obliges its subordinates, supposes necessarily that the authority be by its essence relative to the accomplishment of the common good.*⁹⁵ The authority realizes the common good by means of human acts, which are therefore voluntary. “*This deliberate will to do an act, we call the objective and real (or efficacious)*



Bishop Guérard des Lauriers O.P.
“Theology consists, at least at times,
in reflecting and not merely in repeating.”

intention. ‘Objective’, to distinguish it from the ‘subjective’ intention which concerns the motive for which the person acts. This ‘subjective’ intention can remain partially or even completely inaccessible to the external observer. Whereas the ‘objective’ intention, which immediately concerns the act and not the motives for the act, is discernable by the external observer, if not always, at least in most cases.”⁹⁶ So: OBJECTIVE intention, and not subjective: “*what a man does is, in reality, what he wants: such is the norm of the objective intention*” (*ibid.*)⁹⁷

Moreover, “*just as a society is a reality which is of itself permanent, so the authority, inherent to its essence, must be a stable and permanent reality. The function defining authority thus consists of a set of acts produced in time converging toward the same common good. (...) This deliberate stable will (...) we call habitual intention.*”⁹⁸

To simplify the matter (and therefore perhaps imprecisely): every society requires an authority. The authority is not an end in itself: it is charged with power to achieve the common good of the society. It will provide for the common good by means of human acts, which in

⁹⁵ B. Lucien, p. 38-39.

⁹⁶ B. Lucien, p. 34.

⁹⁷ See also *C.d.C.* n° 1, p. 78.

⁹⁸ B. Lucien, p 35.

a convergent and habitual way (and not rarely or sporadically) realize the common good efficaciously. An authority which realizes the common good *de facto*, truly and efficaciously, has the right to the obedience of its subjects; an ‘authority’ which does *not* realize the common good habitually (not rarely or sporadically) of the society which it is to direct – that common good which is its whole reason for existence – is *no longer* formally the authority, has no longer a right to the obedience and submission of the members of the society. This is the case, whatever there may be of the subjective *motives* for which the ‘authority’ acts in this way, since it does not pertain to individuals to judge these motives, for subjectively they could be full of good intentions, *God may know*. What we have just said is true for every authority, including for the temporal authority of the State, and for the spiritual Authority: for grace does not suppress nature, but perfects it. The Authority of the Church does furthermore enjoy a divine assistance which the temporal authority does not enjoy, since it is constituted by the fact of the ‘BEING WITH’ Jesus Christ, Head of the Church: to be one single thing with Him, morally speaking, by governing, sanctifying and teaching the Church, and to direct Her thus to Her last end, which is the glory of God and the realization of the ‘Mission’ confided by the Father to Jesus Christ for the salvation of souls by the teaching of revealed Truth, the celebration of the Sacrifice, the administration of the sacraments, and the practice of Christian life. Since the temporal authority (which nonetheless holds its authority from God) does not enjoy the ‘BEING WITH’ promised by Christ to the Church, it is thus able to guarantee only a minimum of the common good with grave deficiencies. Hence,

“In the end, the Authority in the Church is exercised – even though mediately – by Him who is the Truth. It is therefore impossible that the Authority as it is in the Church HABITUALLY does not accomplish those functions which are INTRINSICALLY those of the Authority.”

the subjects are allowed and even obliged not to obey unjust laws: “we ought to obey God, rather than men.”⁹⁹ The Authority in the Church, on the contrary, ‘IS WITH’ Jesus Christ, and Jesus Christ ‘IS WITH’ it habitually and daily. For which reason the Authority realizes the good and the end of the Church habitually and daily: the Mission confided by the Father to Christ, and by Christ to the Church (“*As the Father hath sent me, I also send you: Going therefore, teach ye all nations, baptizing them...*”). Except for the case of extraordinary Magisterium, it is not impossible that by a single act, the Authority can carry some defects.¹⁰⁰ It is impossible, on the

⁹⁹ Acts 5:29.

¹⁰⁰ *C.d.C.* n° 1, p. 52, where the controversial case of Pope Honorius is examined. In the conclusion, Bishop Guérard writes: “*If the inadvertence or casualness of Honorius I was real, then still it was only occasional; it did not exclude the habitual intention to serve the Good-End confided to the Church. This defection, if it really took place, did not deprive Honorius I of the Communication of the ‘being with’ proceeding from Christ which constituted him as Pope formaliter during his whole Pontificate. Whereas the defective behavior of Paul VI is numerous and convergent. Only this accumulation permits, and sadly requires, to conclude that the current occupant of the Apostolic See does not have the habitual intention to realize the Good-End committed to the Church. Hence it follows that, to the contrary of Honorius, he is not Pope formaliter*” (*C.d.C.*, n° 1, p. 53, note 43). It is to be noted how the Thesis retains all its validity of argument, despite so many arguments under discussion in the past, such as the theological hypothesis of a ‘heretical Pope’ (the example of Honorius was used by both the defenders as by the accusers of Paul VI, as Bp. Guérard remarked), or the (im)possibility of errors, not only in the papal government, but also in the texts of the papal Magisterium. No one doubts or contests that some Pontiffs have governed the Church better than others, or different from others; yet, sometimes Pontificates were judged differently by historians, who are themselves certainly less infallible than the Pope. There was a lot of discussion on the possibility of errors in the authentic (official) Magisterium of the Church (and thus of its Head), as in ecclesiastical laws and disciplines (liturgy, canon law, canonizations, approbation of religious orders), just as on the extension of the infallibility defined by the First Vatican Council (DS 3074 on the solemn Magisterium of the Pope) and DS 3011 on the solemn and ordinary Magisterium of the Church). The

contrary, that the Authority which forms a single thing with Christ would not guarantee the Good of the Church *habitually*. “*We present an obvious fact, namely that the Authority in the Church is divinely instituted, and that, in the end, it is exercised – even though mediately – by Him who is the Truth. It is therefore impossible that the Authority as it is in the Church HABITUALLY does not accomplish those functions which are INTRINSICALLY those of the Authority. Such a hypothesis is contradictory, and against the principle of non-contradiction which is in play not only in the natural order, but also in the order the permanent principle of which is the Incarnate Word.*”¹⁰¹ So if the ‘authority’ habitually does not accomplish the functions which are inherently those of the Authority, it follows that the ‘authority’ is not the Authority; for, if the ‘authority’ were the Authority, it should, in virtue of the ‘being with’ which was promised to it, accomplish habitually the functions which are proper to it...”. All those who are called ‘traditionalists’ (understood as

Brazilian author Arnaldo Xavier Vidigal da Silveira is the undisputed ‘Father’ – sometimes quoted, sometimes not, but always plagiarized directly or indirectly – by the defenders of the possibility of errors in the documents of the papal Magisterium and in the liturgical texts of the Church (e.g., in his book *La messe de Paul VI, qu’en penser?*, and in his article *Vi può essere errore nei documenti del Magistero?* Published by *Catolicismo* n° 223, July 1969, translated by *Cristianità* n° 10, p. 11, March-April 1975, and published recently by *Radio Spada*). Recently, Fr. Nitoglia and the historian Roberto de Mattei (in his *Apologie de la Tradition*, which is a true act of accusation against every single Pope in history) have also made references to Vidigal da Silveira. We absolutely disapprove of this ‘fallibilist’ tendency. Da Silveira cannot quote a single magisterial document in favor of his thesis. Nevertheless, we point out that even if this (false) hypothesis were conceded, Bp. Guérard’s Thesis would still stand, since it is founded on an habitual, lasting, convergent absence of intention to realize the end and the good of the Church, and not on occasional deficiencies which would not have compromised the realization of the good and the end of the Church.

¹⁰¹ Cf. note 20 in the *C.d.C.*

Catholics who oppose Vatican II and the new liturgy), including Abp. Lefebvre, have *de facto* acted and still act as if the ‘authority’ were not the Authority; because ever since Paul VI, neither doctrine, nor the Mass, nor the sacraments, nor discipline, nor the defense against heresy and heretics have been safeguarded for the sake of the faithful and the Church. Bishop Guérard noted: “*By its very subsistence, Écône witnesses in concrete terms to what we affirm intelligibly*”. He concluded almost prophetically that “*if Abp. Lefebvre refuses to admit*

*“By its very subsistence,
Écône witnesses in concrete
terms to what we affirm
intelligibly.”*

*that the ‘authority’ is not the Authority, sooner or later, this will inevitably result in Écône finding itself emptied or mixed up.”*¹⁰²

It is to be remarked how the inductive argument at issue¹⁰³ is

conclusive in itself, independently of all successive discussions on the infallibility of the Magisterium, and the critique on the (non-

¹⁰² The reaction of the SSPX to the publication of the *Cahiers de Cassiciacum* was, at least in intellectual terms, inexistent; in the practical order, there was a complete break with Bishop Guérard. The only exception was Fr. Piero Cantoni, at the time a Seminary professor at Écône, who objected to the Thesis that if Christ had deprived not only the Pope of the ‘being with’, but also of all the bishops in communion with him, then an unacceptable hypothesis would follow, namely that of a ‘vacant Church’ and the non-realization of the divine promise, “I am with you even to the consummation of the world”. This objection is not easily answered, even though it is not insolvable (see for example *Sodalitium* n° 55, p. 48-58 concerning the indefectibility of the Church). Among other things (*C.d.C.* n° 6, May 1981, p. 111-112 and 116-117), Bishop Guérard responded in an *ad hominem* argument that everyone who is opposed to Vatican II and the liturgical reform is obliged to admit that the Church today is still ‘with’ Christ, but in a different way from the way it was before Vatican II. If Fr. Cantoni were consistent, he would have to refuse this position and therefore leave the SSPX. In fact, this is what Fr. Cantoni consistently did by accepting the new liturgy and the Council in its entirety.

¹⁰³ This inductive argument was the only exposition by Bishop Guérard des Lauriers in the first typed version of the Thesis – at the time not yet ‘of Cassiciacum’ – dated March 26, 1978.

habitual) ‘accidental deficiencies’ on the part of the Pope.¹⁰⁴

The deductive proof. In the final version of the Thesis, published in n° 1 of the *Cahiers de Cassiciacum* (May 1979), a ‘Notice’ was added as an introduction,¹⁰⁵ in which another argument was developed, founded on the opposition of contradiction between the Magisterium of the Church on religious liberty (e.g., in the encyclical *Quanta Cura* of Pope Pius IX) and that of the conciliar declaration *Dignitatis Humanae Persona* ‘promulgated’ on December 7, 1965. The said declaration had to be guaranteed, if not by the infallibility of the solemn Magisterium of the Church to which a Council normally pertains, at least by the infallibility of the universal ordinary Magisterium.¹⁰⁶ It can be concluded that, at least from December 7, 1965 onwards, Paul VI did not enjoy the Authority (anymore), he was not Pope *formaliter* (anymore). This reasoning, which could be applied to numerous other conciliar documents, was afterwards completed by arguments founded on the secondary object of the infallibility of the Church, which, as is known, extends itself to the promulgation of



universal laws, whether they be canonical or liturgical,¹⁰⁷ just as to the canonization of Saints.

The connection between the various arguments was pointed out by Bishop Guérard des Lauriers in an interview,¹⁰⁸ where he explains that there are immanent requirements for the Communication of the ‘BEING WITH’, and others which are, on the contrary, consequent requirements. The immanent requirements are of the natural order, but stem from ontology (i.e., from being itself): to receive from Christ the Communication of the ‘BEING WITH’, it is presupposed that there is a real and habitual intention to procure the good and the end of the Church. This is the inductive argument. The other requirements are consequent to the Communication of the ‘BEING WITH’, and are of the supernatural order: the most important consequent being infallibility, both of the solemn Magisterium and of the ordinary universal Magisterium. This is what concerns the deductive argument.

¹⁰⁴ Cf. *Cahiers de Cassiciacum* n° 1, p. 51-55.

¹⁰⁵ Dated February 11, 1979.

¹⁰⁶ The different parts of this argumentation were analyzed in depth by Fr. Bernard Lucien in the following works: *L’infailibilité du magistère ordinaire et universel de l’Église*, Documents de Catholicité, Brussels, 1984, and *Grégoire XVI, Pie IX et Vatican II. Études sur la liberté religieuse dans la doctrine catholique*, Forts dans la Foi, Tours, 1990. After having abandoned the Thesis in 1992 (which he had correctly explained in *The current situation of Authority in the Church. The Thesis of Cassiciacum*, 1985), Fr. Lucien continued to write valuable studies on the Magisterium, for example *Les degrés d’autorité du Magistère* (La Nef, 2007) which is also useful for those who do not agree with the author’s decision taken in 1992. In the past, numerous articles, particularly by Fr. Giuseppe Murro, were published on this topic in *Sodalitium*.

¹⁰⁷ Obviously, this does not mean that the discipline or the liturgy of the Church is irreformable, or that every canonical law or liturgical rubric expresses a truth of faith. Nevertheless, it does mean that the Church, both in Her laws as in Her worship, cannot approve or even permit something that is harmful to faith or morals and to Christian life. If the liturgical reform (of the Missal, the Pontifical and the Ritual) and the canonical reform came from the Church, and thus from the Pope, we would have the guarantee of their sanctity and their conformity to Christian faith and morals; there would be no motive whatsoever to abstain from embracing said reforms by simply obeying the Authority. Naturally, the various arguments imply and corroborate each other.

¹⁰⁸ Cf. *Sodalitium* n° 13. The interview has been published again in the book *Le problème de l’Autorité et de l’Épiscopat dans l’Église* (Centro Librario Sodalitium, Verrua Savoia, 2006). The point under discussion was treated on p. 36.

CONCLUSION

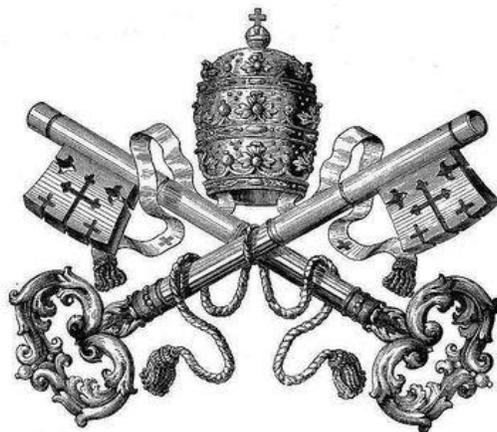
At the end of this commentary (which I hope to be not too incorrect...), we can underline certain consequences of our thesis (or rather: of the Thesis which we make ours).

First of all, that the Church (the only Church founded by Christ: Catholic, Apostolic and Roman) is currently *in the state of privation* of Authority. Yet, the Apostolic See is occupied by the elect of a Conclave – for as long as the Authority of the Church does not declare anything to the contrary – who is not an ‘anti-pope’, since there is no legitimate Pope to oppose himself to. The said occupant is in a state of ‘capital schism’, a type of ‘schism’ (not in the canonical sense of the term), proper to him who should be the visible ‘head’ of the Church (without being such, due to the absence of the objective intention to direct the Church to its end) and in which they participate who declare themselves to be in his ‘obedience’ (*‘una cum’*).

In such circumstances, the duty of Catholics is to refuse to recognize in any way he who is not the Authority as the Authority. For priests, this implies not to celebrate *‘una cum’*, and for the faithful, not to assist at a Mass

celebrated *‘una cum’* the present occupant of the Apostolic See.

For the continuity of the *Missio*, the Mission confided by the Father to Christ and by Christ to the Church and particularly for the maintaining of the Sacrifice of the New Testament, the clean Oblation – source of grace – and therefore of the Priesthood, and for the administration of the sacraments, it is licit (even if only in case of grave necessity) to confer and to receive Episcopal Consecration, naturally under the conditions required by the Church (in so far as possible) and only if one recognizes the formal vacancy of the Apostolic See. For the re-establishment of the *Sessio*, one must pray, witness to the Truth and strive for the condemnation of heresy and the public profession of the Catholic Faith on the part of the occupants of the episcopal Sees and the Apostolic See itself, thus removing the obstacles in such a way that they can act legitimately *‘una cum Christo’* for the good of the Church: for the gates of Hell will indeed never prevail. That Our Lord, Head of the Church, may make haste to help Her through the mediation of Mary, His Immaculate Mother.



APPENDIX: THE TEXT OF SAINT ANTONINUS

EXIMII DOCTORIS BEATI ANTONINI
ARCHIEPISCOPI FLORENTINI, ORDINIS
PRÆDICATORUM, SUMMÆ SACRÆ THEOLOGIÆ,
JURIS PONTIFICII, ET CÆSAREI, TERTIA PARS.
VENETIIS, APUD JUNTAS MDLXXXI.
TITULUS VIGESIMUS PRIMUS

§ 3. *Whether the power of the Pope remains in the College of Cardinals after the death of the Pope?* Augustine of Ancona responds in the third Question of the aforesaid book: After his death the power of the Pope remains in the College of Cardinals in two ways. First with respect to the root, for the College is compared to the Pope as the root to the tree or the branch. But just as the power of the tree or the branch, by which it blossoms and produces fruit, remains in the root even after the tree itself or its branch are destroyed, so the papal power remains in the Church or the College after the death of the Pope. It remains in the College as in the proximate root and in the church of the prelates and other faithful as in the remote root. Secondly, such power remains in the Church and in the College with respect to that which is material in the papacy, since after the death of the Pope the College is able, through election, to determine a person to the papacy, that it be such or such a one. Wherefore just as the root produces the tree through which it produces the flowers and fruit, so also the College makes a Pope who has jurisdiction and administration in the Church. Hence, if by the name of papacy we understand the election and determination of the person (which is the material thing in the papacy, as has been said before) then such power remains in the College after the death of the Pope. But if by the name of papal power we understand his authority and jurisdiction (which is the formal thing), then such power never dies, because it always remains in Christ, who rising again from the dead, dieth now no more.

Wherefore St. Augustine, commenting on the words “all power is given to me in heaven and in earth ... and behold I am with you all days, even to the consummation of the world” (Mat. 28), says that the Apostles, to whom Christ

spoke, were not going to remain until the consummation of the world, but He spoke to them in the person of all those that would succeed them, as to a single body of the Church. If, however, by the name of papal power we understand the actual administration, which is the material and formal thing in the papacy, then it is true that this actual administration dies with the death of the Pope, since the actual administration of the papal power does not remain in the College after the death of the Pope (except to the extent that it was entrusted to them by a decree of the predecessor), nor does it remain, in this manner, in Christ, because, according to the common law, Christ has not exercised such power, after His resurrection, except through the mediation of the Pope; for although He Himself is the door, He has nevertheless constituted Peter and his successors as the His porters, by whose mediation the door of access to Him is opened and closed.

The power of the Church therefore with regard to jurisdiction (which is, as it were, the formal thing in the papacy) does not die with the death of the Pope but persists in Christ. Nor does it die with regard to the election and determination of the person, (which is like the material element), but it persists in the College of Cardinals; it dies, however, with respect to its actual administration and jurisdiction, because after the death of the Pope, the Church is vacant and is deprived of the administration of such power. Nor is that conclusion hindered by saying that the priesthood of Christ will endure forever, just as Christ, and that therefore, after the death of the Pope, his power remains, because this is true with regard to what is formal in the priesthood. For just as all priests, as regards the power of consecration, are but one priest, Christ, inasmuch as all consecrate in the person of Christ); so all Popes are but one Pope, Christ, because all Popes receive jurisdiction and the power of ruling immediately from God; and yet the actual administration of the said power dies with the death of this or that Pope.

