

## Sedevacantism and the Sin of Presumption

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The Church has always taught that sins against the faith (apostasy, heresy, schism) are the worst of all sins. This is because it is a sin against God's truth committed by one who has been enlightened with the truth and then rejects it. In short, it means a baptized person has willfully and publicly defected from the Faith (like Martin Luther). Thus, it is a sin even worse than paganism. Consequently, it results in the worst of all punishments: being severed from the Body of Christ and set on the road to eternal damnation.

Under the 1917 Code of Canon Law, to be guilty of formal heresy, the Church requires that one's heresy must be "public and notorious" under canon 2197.3 (which means the heretic acts with malice which is widely known by the Church) or "pertinacious" under canon 1325.2 (which means the heretic remains obstinate in his errors after being confronted with them). The Church's theologians throughout the years have underscored the high evidentiary standard that is required to prove "notorious" heresy, particularly when dealing with one duly elected to the papal throne.

For example, Woywod Smith says, "both the fact of the offense and the imputability or criminal liability must be publicly known."<sup>1</sup> In other words, not only must the heresy be known throughout the Church, but the heretic's malice and pertinacity must also be widely known. St. Robert Bellarmine says it "is licit to resist a Sovereign Pontiff who is trying to destroy the Church. I say that it is licit to resist him in not following his orders and in preventing the execution of his will."<sup>2</sup> St. Bellarmine reveals how high the "notorious" standard is; even in the case where a Pope is "trying to destroy the Church," notoriety is not presumed, but the Pope is recognized as validly holding his office.

St. Robert Bellarmine also says, "Just as it is licit to resist the [Roman] Pontiff who attacks the body, so also it is licit to resist him who attacks souls, or who disturbs civil order, or, above all, him who tries to destroy the Church. I say that it is licit to resist him by not doing what he orders and by impeding the execution of his will; it is not licit, however, to judge, punish or depose him, since these are acts proper to a superior." St. Robert acknowledges that a true pope can willfully attack the Body, harm souls and even try to destroy the Church – without being presumed a public heretic who has lost his office.

In referring to St. Paul's rebuke of St. Peter at Antioch, St. Thomas Aquinas also teaches that it is not only licit but even necessary to oppose a Pope who endangers the Faith, without labeling him a formal heretic: "It must be observed, however, that if the faith were endangered, a subject ought to rebuke his prelate even publicly." Hence Paul, who was Peter's subject, rebuked him in public, on account of the imminent danger of scandal concerning the Faith, and, as the gloss of Augustine says on Gal 2:11, "Peter gave an example to superiors, that if at any time they should happen to stray from the straight path, they should not disdain to be reproved by their subjects."<sup>3</sup>

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<sup>1</sup> A Practical Commentary on the Code of Canon Law, 1943.

<sup>2</sup> *De Romano Pontifice*, Lib. II. C.29.

<sup>3</sup> *Summa Theologica*, II-II, Q 33, Art 4, ad 2.

Contrary to the sedevacantist thesis, the Church's greatest theologians do not presume that an alleged heresy is "notorious" or "pertinacious," for that would constitute the sin of presumption.<sup>4</sup> In accordance with the principles of justice and due process, the heresy must be proven beyond any reasonable doubt. This is particularly the case when dealing with a potential loss of office, as St. Alphonsus Liguori says, "the condition of the possessor is better."<sup>5</sup> In other words, when there is a doubt as to who is the rightful possessor of something, the law favors the one who is in fact in possession of the good or right in question. Thus, a pope is to be considered the rightful pope unless and until he is proven to be a formal heretic beyond a reasonable doubt. One cannot imagine a more important principle when dealing with the elected Vicar of Christ.

To ensure against a presumption of heresy, canon law (2199ff) provides seven defenses to culpability, which includes "habitual inculpable ignorance" and "actual inculpable inadvertence or error." Given their apparent desire to please the world, it is possible that the conciliar popes have an habitual inculpable ignorance or actual inadvertence or error concerning the harm they have caused the Church by actions they thought would benefit the Church. It is certainly possible, if not probable, which means their statements and actions do not in themselves prove formal heresy. Such defenses to moral imputability are matters of justice. After all, when our earthly fathers make mistakes and even do evil, they still remain our fathers. It is only when they act with malice against their children that the State can publicly intervene and take their jurisdiction of fatherhood away.

Notwithstanding the many defenses to formal heresy, sedevacantists often refer to canon 188.4 of the 1917 Code which says that "all offices whatsoever fall vacant and without any declaration if the cleric...publicly defects from the Catholic Faith." Since the popes have made their "heretical" statements publicly, the sedevacantist automatically concludes that canon 188.4 applies and the pope loses his office. This conclusion is erroneous and shows a lack of understanding of both divine and canon law.

First, a pope who makes heretical statements is not presumed to be a formal heretic based on those statements alone. A person can make heretical statements while maintaining orthodox internal dispositions, that is, he may not necessarily believe what he says, based on many factors (peer pressure, misplaced zeal, emotional imbalance, even diabolical disorientation). In fact, after retracting a statement he made about Islam, Pope Benedict XVI admitted that his speeches (which form an indispensable foundation for the sedevacantist position) do not necessarily reflect his personal beliefs. In other words, *Pope Benedict confessed that what he says and what he believes may be two different things* (evidence that he may be laboring under an inculpable inadvertence or error of mental reservations). Further, the pope, above all men, would have the right to rebut any evidence that he is intentionally departing from the Catholic Faith as a matter of justice and due process. That goes without saying.

Second, sedevacantists miss or ignore the fact that canon 188, when harmonized with the rest of the code, requires ecclesiastical inquiry before formal heresy can be determined. This is because canon 18 says: "Ecclesiastical laws are to be understood according to the meaning of their own words considered in their text and context; as for those things that remain unclear or in doubt, reference should be made to parallel provisions in the Code, if there are any, to the purposes and circumstances of the law and to the mind of the legislator." As applied here, canon 188 must be harmonized with other parallel provisions of the code. To that end, canon

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<sup>4</sup> See, for example, *Summa Theologica*, II-II, Q 21, Art 1-2.

<sup>5</sup> Confess. Dirett. cap.1, n.11.

2314 (and 2379 and 2388) is referenced in Canon 188. That means canon 2314 sheds further light on the meaning and reach of canon 188.

Canon 2314.1-2 says: “All apostates from the Christian faith and each and every heretic or schismatic: Unless they respect warnings, they are deprived of benefice, dignity, pension, office, or other duty that they have in the Church, they are declared infamous, and [if] clerics, with the warning being repeated, [they are] deposed.”

While canon 188.4 says the office becomes vacant when one publicly defects from the Faith, canon 2314.2 requires formal warnings followed by the obstinate refusal to heed the warnings before the public defection can be established. These warnings serve to demonstrate whether the heresy is notorious or pertinacious and, if not, whether a special investigation (under canon 1939.1) and a declaratory sentence (under canon 2223.4) are required. Sedevacantists simply “jump the gun” by declaring (without any authority to do so) the “public defection” of canon 188.4 without any consideration for the “repeated warnings” requirements of canon 2314.2. However, canon law itself requires us to interpret canon 188.4 in light of canon 2314.2. While canon 188.4 states the consequence of public heresy (loss of office), canon 2314.2, among other canons, mandates the procedures for *determining* public heresy.

Knowing they cannot avoid the application of canon 2314.2, sedevacantists will attempt to argue that the popes have been warned and have disregarded the warnings. Such argumentation, of course, simply begs the question. Who warned the pope? When? About which doctrines? What was the pope’s response? Was the pope given an opportunity to explain himself? Did the pope intend to depart from Church teaching? As Scripture reveals, St. Paul publicly warned St. Peter about his behavior which appeared to contradict a dogma of the Faith and St. Peter responded favorably to the warning. St. Peter was *not* presumed to have lost his office.

This means that such warnings for heresy (and the obstinate refusal to heed such warnings) must be firmly established as a matter of divine law, as is acknowledged and mandated by ecclesiastical law. As Pope Leo XIII explained in *Libertas*, ecclesiastical law *applies* the divine law to the facts and circumstances of a particular case. With no evidence that the pope was formally warned about an allegation of heresy, much less obstinately refused to heed the warning, means the sedevacantist cannot meet the requisite burden of proof for formal heresy.

Some sedevacantists will attempt to dismiss the relevance of ecclesiastical law and focus solely on the Divine Law. Not only is such approach nonsensical, it also does nothing for their case. While canonical imputability is in the external forum (dealing with the loss of office), moral imputability is in the internal forum (dealing with the pope’s heart and mind). If the sedevacantist wishes to disregard the ecclesiastical laws addressing canonical imputability, he is stuck with having to prove the moral imputability of the pope by judging his internal dispositions. But this is impossible. For example, a pope may have a mental reservation when he makes a heretical statement (again, this means stating a heresy in public does not always equate to “public heresy”). This fact forces him back to ecclesiastical law, which requires investigations, warnings and declaratory sentences to determine the level of the pope’s culpability.

Of course, to arrogate to oneself the authority to determine a pope’s level of malice or lack of ignorance through an act of private judgment is ridiculous. So says the Church. While affirming the objective truth of the Catholic Faith and acknowledging those who misunderstand or reject it in ignorance, Blessed Pius IX declared, “Now, in truth, who would arrogate so much to himself as to mark the limits of such an ignorance, because of the nature and variety of peoples, regions, innate dispositions, and of so many other things?...it is unlawful to proceed further in

inquiry.”<sup>6</sup> If the Church tells us we cannot even inquire, much less judge, the ignorance of non-Catholics, how much less should we formally judge the state of mind of the reigning pope and strip him of his office in the process?

God did not promise that He would prevent the pope from using his authority in confusing or even destructive ways. That a pope harms the Church by engaging in ecumenism or common worship does not mean he is no longer the pope. The example of St. Peter is clear: by his words and actions, St. Peter appeared to deny the Church’s infallible dogma that the Gentiles were equal members of the New Covenant, and yet he did not lose his privileged office. Because a pope does not lose his jurisdiction for his sinful conduct or negligent behavior means he, like St. Peter, can repair the damage he has done by correcting his erroneous ways, without having to be re-elected or re-installed as pope. The Lord’s special prayers for the pope certainly can and do make that happen. Even if a pope appears to have severed himself from the unity of the Church, the loss of his canonical office requires an ecclesiastical inquiry and, ultimately, a canonical declaration, if for the common good of the Church (which would always be the case for a claimant to the papal throne).

While I don’t wish to minimize the conciliar popes’ responsibility for the unprecedented crisis in the Church, the sedevacantist should admit that it is possible that these popes, while perhaps gravely ignorant or even negligent, are not acting with malice. *It is possible*. By admitting this possibility, though, means that sedevacantists cannot definitively conclude the conciliar popes are not true popes. To do so would constitute the sin of presumption. Even if the sedevacantist won’t admit this possibility (and honesty requires the admission because we can’t read the popes’ minds and hearts), they must admit that their conclusion – and, ultimately, their salvation or damnation – rests upon their own private judgment, which is reason alone to reject their position. This is contrary to letter and spirit of the Catholic Faith and a burden that Christ would never have imposed upon us.

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<sup>6</sup> *Singulari quadem*, December 9, 1854; Denz. 1647