

## *Sedevacantist Watch...*

### **MARIO DERKSEN'S ELEMENTARY ERROR ON "FACT VERSUS LAW"**

Mario Derksen runs the Sedevacantist website "NovusOrdoWatch" which he uses as his platform to attack and belittle Catholics who oppose the Sedevacantist sect (even those who are very critical of the conciliar Popes and think Pope Francis is a menace to the Church, as we do). Evidently, Derksen has an insecurity problem, since he conceals his identity by hiding behind the pen-name "Gregorius." And his efforts to respond to critiques of Sedevacantism are just as juvenile as his masquerading behind a Latinized pseudo-name, all the while he calls out Catholics (by their real names) and disparages them. Like the approach of Fr. Cekada, Derksen's website is filled with humorous caricatures and comical satire aimed at discrediting his opponents and maligning their character, which is the customary effeminate response of those who cannot engage their opponents at an intellectual level.

For example, after John Salza gave an interview on papal infallibility for the *Voice of Catholic Radio* on March 30, 2014, Derksen revealed his juvenility by publishing a supposed "rebuttal" of Salza's presentation which he called "Comedy Hour with John Salza," and posted a graphic of Salza's face with a clown's nose on the webpage. Catholic writer Paul Folbrecht, offended by such childish assaults on a fellow Catholic (not to mention Derksen's amateurish scholarship), wrote an extensive rebuttal to the NovusOrdoWatch piece, revealing the many errors, omissions and misrepresentations it contains (which, like Salza's extensive critique of Derksen's arguments, currently remains unanswered).<sup>1</sup>

We have become accustomed to Derksen's immature behavior and use of abrasive invective against Catholics. These are merely smokescreens to camouflage his insecurities and the weakness of his case. What else can you say about a person who has no shame in calling his opponent "moron," "idiotic," "hilarious," "ludicrous," "dumber," "asinine" (words that Derksen used in a single piece that he wrote in response to John Salza's articles refuting Sedevacantism)?<sup>2</sup>

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<sup>1</sup> See Folbrecht, <http://www.acatholicthinker.net/a-response-to-novus-ordo-watch>.

<sup>2</sup> Derksen's piece is called "The Chair is Still Empty" at [www.novusordowatch.com](http://www.novusordowatch.com). John Salza has written a detailed refutation of Derksen's arguments called "The Chair is Still Empty? Says Who?" at [www.johnsalza.com](http://www.johnsalza.com).

However, Derksen recently hit a new moral low when he released a podcast in response to John Salza's interview about Sedevacantism on *TradCatKnight* radio.<sup>3</sup> In the podcast, Derksen, who offers no substantive rebuttals to any of Salza's arguments, actually tells his audience that John Salza, a cradle Catholic, cannot be trusted on the question of Sedevacantism because Salza joined a Masonic lodge in ignorance - 20 years ago! And at the same time Derksen was a Protestant! - and only after getting permission from his parish priest (before he came to Tradition)! Is Derksen serious? Is this how Mario wants to fight his battles? If anyone can be accused of failing to abandon the errors of their past, it is Mario Derksen, who continues to hold his private judgment above the public judgment of the Catholic Church, just as he did when he was a Fundamentalist Protestant and self-described "early pioneer of the internet (1996)," spreading his anti-Catholic garbage around the world.<sup>4</sup>

Is Derksen really not aware that as soon as Salza (who, unlike Derksen, never publicly defended his errors) discovered his mistake (again, nearly 20 years ago!), he has not ceased to publicly speak out against the errors of Freemasonry, traveling the globe to give talks and writing books and articles to that end (which has helped lead many men out of Masonry)? To bring this up shows just how desperate Derksen is to tarnish the credibility of his opponents. To top it off, Derksen linked to a blog comment by an anonymous blogger (another "courageous" Sedevacantist) from another website in which the blogger actually questions whether Salza is still a Freemason who is really out to defend Pope Francis!<sup>5</sup> Such desperate smear tactics only confirm everything we put forth in our last chapter of *True or False Pope?*, called "The Bitter Fruits of Sedevacantism." This present article provides us with yet another opportunity to reveal just *why* Derksen continually engages in such *ad hominem* tactics: Because he cannot defend Sedevacantism on its own merits, a defense that is riddled with the most elementary errors of theology and logic that one could commit.

To begin, Derksen has swallowed Fr. Cekada's "sin of heresy causes the loss of office" theory hook, line and sinker. In a piece he wrote called "The Chair is Still Empty" (a failed attempt to respond to Salza's articles demonstrating that the Pope would lose his office only

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<sup>3</sup> "Response to John Salza's Interview about Sedevacantism on TradCatKnight Radio" at [www.novusordowatch.com](http://www.novusordowatch.com).

<sup>4</sup> <http://www.dailycatholic.org/marioder.htm>.

<sup>5</sup> "John Salza: Double Agent?" at <http://introiboaldaltaredei2.blogspot.com/2016/01/double-agent.html>.

for the *crime* of heresy – a point that his fellow Sedevacantist, John Lane, concedes), Derksen parrots Cekada almost verbatim when he says “the Sedevacantist case is based on the *sin* of heresy, not the canonical delict.”<sup>6</sup> Then, based upon his erroneous premise, Derksen imagines that if he personally “discerns” that the Pope has committed the “sin of heresy,” his private judgment constitutes a “fact,” which then gives him the right to publicly declare the man recognized as Pope by the Church, is not, in fact, a true Pope.

Based upon this erroneous reasoning, and proving St. Thomas’ teaching that an error in principle (beginning) results in an error in conclusion (the end), Derksen concludes that the case for Sedevacantism is solely a “question of fact” (discerned by the private judgment of individuals), and not a question of Church law (as judged by the proper authorities). For example, Mr. Derksen writes:

“The reason why Salza believes sedevacantists are ‘taking matters into their own hands,’ allegedly ‘usurping’ rightful ecclesiastical authority, is that he fails to distinguish the order of law from the order of fact. This is a crucial mistake.”<sup>7</sup>

Then, a few paragraphs later, he adds:

“Salza’s failure to properly distinguish law from fact is the most fundamental error of his entire piece. He makes everything into a matter of Church law, when the Sedevacantist position is based on the order of fact, not the order of law.”<sup>8</sup> (emphases added)

Obviously, Mr. Derksen wants to play ball by running to second base before he gets to first base. It’s a classic case of *petitio principii* (“begging the question”). Whether the Pope is a heretic is indeed a “question of fact,” but *who* is authorized to judge the facts is a question of law that must *first* be resolved, as any high school student taking an introductory course in logic would realize. Individual members of a society can have a personal opinion, but a public judgment must come from the public authority, as St. Thomas teaches.<sup>9</sup> Furthermore,

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<sup>6</sup> “The Chair is Still Empty,” found at [http://www.novusordowatch.org/the\\_chair\\_is\\_still\\_empty.htm](http://www.novusordowatch.org/the_chair_is_still_empty.htm).

<sup>7</sup> Ibid

<sup>8</sup> Ibid.

<sup>9</sup> “Since judgment should be pronounced according to the written law, as stated above, he that pronounces judgment, interprets, in a way, the letter of the law, by applying it to some particular case. Now since it belongs to the same authority to interpret and to make

precisely *how* and *when* a heretical Pope loses his office is an additional question of law – *a question that the Church herself has never settled*.

In light of this, we can see that the complex question concerning how a heretical Pope loses his office is not based “solely on the order of fact” as Derksen imagines, or even solely on the applicable questions of law. Rather, it is what legal scholars classify as a “mixed question of fact and law” (*de facto et iure*). The reason it is a mixed question of fact and law is because the Church cannot look *solely* to the law, or *solely* to the facts, to resolve the question of whether the Pope has lost his office for heresy, as we explain in great detail in our book *True or False Pope?*<sup>10</sup>

The following illustrates the critical distinction between the question of law versus fact, which Derksen (and Cekada et. al.) have conveniently overlooked:

**First Base: Question of Law** – Does a Pope lose his office for heresy? (If so, when, how and who judges?)

**Second Base: Question of Fact** – Is the Pope a manifest heretic who has lost his office (according to the law)?

Not only does Derksen skip over first base (questions of law), but in so doing, he fails to realize that he has no authority to render a judgment when he gets to second base (question of “fact”).

As we demonstrate in our book, St. Robert Bellarmine said there were *five* different opinions concerning the question of law,<sup>11</sup> *none of which have been definitively adopted by the Magisterium*. This point alone proves that whether a Pope has lost his office for heresy is not “solely a question of fact” (second base) but involves more fundamental questions of law (first base) that must be resolved first.

Even if one agrees with Bellarmine’s opinion on the question of law – that is, that a manifestly heretical Pope loses his office *ipso facto* (which the theologians unanimously hold would happen only after *the Church*

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a law, just as a law cannot be made except by public authority, so neither can a judgment be pronounced except by public authority, which extends over those who are subject to the community” ST, II-II, q. 60, a. 6 (emphasis added).

<sup>10</sup> For example, in our book we provide Fr. Augustine’s commentary on canon 188.4 of the 1917 Code of Canon Law, in which he explains that “public defection” under this canon is a question “*de facto et iure*” (from fact and law), since whether a cleric has joined a non-Catholic sect is a question of fact, while the requirement for a canonical warning in such case, followed by the process of his loss of office (tacit resignation), are questions of law – both of which must be judged by the Church.

<sup>11</sup> Four opinions pertain to *how* a heretical Pope would lose his office, or if a Pope can lose his office for heresy. The other opinion addresses whether a Pope can fall into heresy in the first place.

establishes the *crime* of heresy) - the opinion has not been adopted by the Church, and there are reputable theologians who disagree with, *and have indeed refuted*, Bellarmine's opinion (such as John of St. Thomas).<sup>12</sup> And it should be pointed out that Bellarmine did not present his *opinion* concerning this question as if it were a dogma. He defended his personal opinion, but never declared that those with whom he disagreed were certainly wrong. This is evident when one considers how he responds to the opinions of the others.

For example, in responding to the "Third opinion" (which maintains that a heretical Pope *cannot* be deposed or lose his office), Bellarmine only says the opinion is "exceedingly improbable," not certainly false. Likewise, in responding to the "Fourth opinion" of Cajetan, Bellarmine does not say, as Sedevacantists do, "Cajetan is wrong!" but only says "*in my judgment*, this opinion cannot be defended." Bellarmine knows *only the Church* has the authority to decide which of the theological opinions concerning questions of law (first base) is correct.

What this shows is that Sedevacantists cannot get to second base with their "question of fact" approach until they get to first base by resolving these "questions of law"; and yet *resolving these complex questions is not within their power*. For this reason alone, no Sedevacantist can publicly hold his opinion as a *fact*.

Of course, with his facile "question of fact" approach, Derksen doesn't explain what happens when individual Catholics in the pew disagree about the "facts." When this happens, who decides who is correct? For example, Sedevacantist John Lane judges the "facts" and concludes that Pope Honorius remained a true Pope, even though he was condemned as a heretic by the Church. Sedevacantist Steve Spray, on the other hand, reaches a completely different conclusion when judging the "facts," by concluding that Pope Honorius lost his office and became an antipope. Who decides who is right? To what higher authority can the Sedevacantists appeal? And what about the Sedevacantist author, Richard Ibranyi, who considers it to be a "fact" that all of the Popes since Innocent II (1130-1143) - 102 in all! - have been antipopes?<sup>13</sup> This dilemma underscores the Protestant nature of Sedevacantism, where private judgment, and not the Church, serves as the final court of appeals. And what has been the result? Sectarian division and infighting within the movement, resulting in dozens of individual Sedevacantist sects - *and dozens of antipopes being elected* (the

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<sup>12</sup> In *True or False Pope?* we provide John of St. Thomas' refutations of each and every objection that Bellarmine raised against Cajetan's opinion.

<sup>13</sup> Ibranyi, Richard, "No Popes since 1130" (January 2014).

number of antipopes produced by the Sedevacantist sects during the past 40 years is completely without precedent in Church history). For those with eyes to see, this alone proves that Sedevacantism is a false and dangerous movement.

Now, because Mr. Derksen and his colleagues do not have the authority to resolve the threshold questions of law concerning *whether* and *how* a Pope loses his office for heresy, it follows that they have no authority to judge that the Pope *has, in fact, lost his office for heresy*. Legal standards must *first* be established before they are applied to the facts of a case, whether in secular or ecclesiastical jurisprudence. And the anticipated and convenient appeal to “Divine law” won’t help the Sedevacantist either, since the Church is the final judge on matters of ecclesiastical law precisely *because she is the final judge on matters of the Divine law* (canon law being a specification of the principles of Divine law). In short, if individual Catholics don’t have the authority to settle such speculative questions of law and theology - much less bind themselves and others to their opinions - then Sedevacantism *necessarily proves itself to be a self-defeating, erroneous and nonsensical theory*.

Mr. Derksen might be surprised to learn that his mentor, Fr. Cekada, along with Bishop Sanborn and seven of their colleagues, practically conceded this point (before they became public Sedevacantists). These prelates have admitted that individual Catholics *have no authority to settle speculative questions of theology and law that have not been resolved by the Church*. You read that correctly.

In 1983, these nine priests (former members of the Society of St. Pius X) wrote a letter to Archbishop Lefebvre complaining that they were not permitted to question the validity of the New Mass and the new rite of ordination. They complained that forbidding them to do so was infringing on their liberty since, as they said, these speculative questions of law had not been resolved by the Church.

Here is what these nine priests wrote in their 1983 letter:

“The Society must not presume to settle such speculative questions [validity of the New Mass] in an authoritative and definitive fashion, since it has absolutely no authority to do so. Any attempt by the Society to teach and impose its conclusions on matters of speculative theology as the only positions suitable for a Catholic to embrace is dangerous and opens the door to great evils, for it assumes a magisterial authority which belongs not to it but to the Church alone. Now, while in theory the Society may deny any

claim to such teaching authority, in practice it has acted as though it did have such an authority.”<sup>14</sup>

At the end of the letter, these nine priests (who were soon to be expelled from the Society), added the following “resolution”:

“Respect for the magisterial authority of the Church as the sole arbiter of theological questions shall be enforced. Therefore, the Society shall faithfully adhere to the teachings of the Church, but shall never usurp that teaching authority by attempting to settle definitively questions of speculative theology.”<sup>15</sup>

So, according to the reasoning of the priests who signed this letter (most or all of whom are now Sedevacantists), the Society of St. Pius X is not permitted to insist on the *validity* of a Mass that was approved by the Catholic Church, yet Sedevacantists themselves (including Fr. Cekada who signed the letter) are permitted to settle speculative questions of theology and law regarding when and how a Pope loses his office for heresy! And they do so *dogmatically* by condemning those who are “in union” with the conciliar Popes, even claiming they are forbidden from attending a Mass in which the Pope’s name is mentioned in the canon!

Needless to say, these priests are guilty of doing precisely what they complained about in 1983 – namely, usurping Magisterial authority “by attempting to settle definitively questions of speculative theology,” which have not been resolved by the Church. Indeed, in the Sedevacantists’ own words, their entire thesis “is dangerous and opens the door to great evils, for it assumes a magisterial authority which belongs not to it but to the Church alone.”

Thus, “we are bound to inform Mr. Derksen” and the rest of his Sedevacantist colleagues that they have erred by “usurping that teaching authority” which does not belong to them, and “acting as though they did have such authority,” even as they make the most elementary errors on the distinction between questions of fact and law when presenting their case. Perhaps Mr. Derksen will want to write his next piece under another phony name, since the pieces written by “Gregorius” have proven to be complete disasters.

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<sup>14</sup> “Letter of ‘the Nine’ to Abp. Marcel Lefebvre,” (March 25, 1983; emphasis added), <http://www.traditionalmass.org/articles/article.php?id=48&catname=12>.

<sup>15</sup> Ibid.