

Deposing a Heretical Pope

Part II

By Robert J. Siscoe

...continued from last month.

Warning a Pope

We have seen that a canonical warning is required before a cleric can be deposed for the crime of heresy. As noted in part one, this aspect of canon law is derived from *divine law*, which teaches that a heretic should be avoided, “after one or two warnings” (Titus 3:10). The theologians are unanimous in affirming that this applies equally to a pope. If a Pope were to remain hardened in heresy after, being duly warned by the proper authorities, he would thereby manifest his pertinacity and would reveal to all that, of his own will, he had rejected the Faith.

This point was explained at length by the eminent 18th Century Italian theologian, Fr. Pietri Ballerini (who was an adherent of Bellarmine’s famous Fifth Opinion). In the following quotation, Fr. Ballerini begins by responding to the question of who would be responsible for warning a Pope, and then explains what such a warning would accomplish:

“Is it not true that, confronted with such a danger to the faith [a Pope teaching heresy], any subject can, by fraternal correction, warn their superior, resist him to his face, refute him and, if necessary, summon him and press him to repent? The Cardinals, who are his counselors, can do this; or the Roman Clergy, or the Roman Synod, if, being met, they judge this opportune. For any person, even a private person, the words of Saint Paul to Titus hold: ‘Avoid the heretic, after a first and second correction, knowing that such a man is perverted and sins, since he is condemned by his own judgment’ (Tit. 3, 10-11). For the person, who, admonished once or twice, does not repent, but continues pertinacious in an opinion contrary to a manifest or defined dogma - not being able, on account of this public pertinacity to be excused, by any means, of heresy properly so called, which requires pertinacity - this person declares himself openly a heretic. He reveals that by his own will he has turned away from the Catholic Faith and the Church, in such a way that now no declaration or sentence of anyone whatsoever is necessary to cut him from the body of the Church. Therefore the Pontiff who, after such a solemn and public warning by the Cardinals, by the Roman Clergy or even by the Synod, maintained himself hardened in heresy and openly turn himself away from the Church, would have to be avoided, according to the precept of Saint Paul. So that he might not cause damage to the rest, he would have to have his heresy and contumacy publicly proclaimed, so that all might be able to be equally on guard in relation to him. Thus, the sentence *which he had pronounced against himself* would be made known to all the Church, making clear that by his own will he had

turned away and *separated himself from the body of the Church*, and that in a certain way he had *abdicated the Pontificate...*"¹

By remaining hardened in heresy after a public and solemn warning, the pope would essentially pronounce sentence against himself, thereby revealing to all that he had rejected the Faith he was duty bound to defend.

Objection Answered

At this point, an objection needs to be addressed. Some have claimed that a Pope who professes a heresy cannot be warned. They say that a warning requires a judgment, and since "the first See is judged by no one," no one is permitted to warn a pope. They further maintain that a warning must come from a superior, and because the Pope has no superior on earth, it follows that he cannot be warned.

Both of these objections fail to consider that a warning can be an act of *justice* (which is proper to a superior), or a work of mercy and therefore an act of *charity*. As an act of charity, an inferior can certainly warn, or fraternally correct, a superior, "provided," as St. Thomas noted, "there be something in the person that requires correction."²

Fr. Ballerini (quoted above) made this very point when he wrote: "whatever would be done against him [a heretical Pope] before the declaration of his contumacy [form] and heresy [matter], in order to call him to reason, *would constitute an obligation of charity, not of jurisdiction.*"³ This statement of Fr. Ballerini also shows that a pope who professed heresy would remain pope at least until he had been warned by the competent authorities and publicly demonstrated his pertinacity.

Scripture itself provides an example of an inferior warning a superior, who, in this case, just happened to be the Pope. In Galatians, Chapter 2, we read that St. Paul withstood St. Peter to his face "because he was to be blamed" (Galatians 2:11). As noted above, we are permitted to fraternally correct a superior, but as St. Thomas observes, "to withstand anyone in public exceeds the mode of a fraternal correction". Yet God willed that this event be recorded in Scripture for our instruction. Why? St. Thomas gave the reason. He explained that this act of St. Paul, which normally would have exceeded what was permitted, was justified for one reason: because of an imminent danger to the Faith. He wrote:

"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 and scandal concerning the faith."⁴

¹ P. Ballerini, *De Potestate Ecclesiastica* (Monasterii Westphalorum, Deiters 1847) ch 6, sec 2, p 124-25

² II-II Q. 33, A. 4

³ *De Potestate Ecclesiastica*, p 125

⁴ II-II Q. 33 A. 4, ad. 2

The Angelis Doctor then quotes St. Augustine who said, “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.”⁵ Clearly, if a subject is permitted to fraternally correct a superior (which is what the warning would constitute), and if St. Paul was justified in going further by withstanding St. Peter to his face because of an imminent danger to the Faith, a council is certainly able to issue a public warning to one of St. Peter’s successors if he is endangering the Faith by his words or actions.

In his *Commentary on the Book of Galatians*, St. Thomas made a necessary distinction regarding this point, as well as an important observation. He wrote:

“[T]he Apostle opposed Peter in the *exercise* of authority, *not in his authority of ruling*. Therefore, from the foregoing, we have an example: for prelates, an example of humility, that they not disdain corrections from those who are lower and subject to them; *while subjects have an example of zeal and freedom, that they fear not to correct their prelates, particularly if their crime is public and verges upon danger to the multitude.*”⁶

Declaratory Sentence

Once the pope’s pertinacity has been sufficiently established, the Church issues a declaratory sentence of the crime of heresy (rendering him notorious by law), which states that the Pope has openly professed heresy (matter) and has shown himself to be incorrigible (form). While some recent authors have said a declaratory sentence is not necessary, Suarez noted that it has been the common opinion among the doctors that a pope would not lose his office for heresy without the Church issuing a declaratory sentence of the crime.⁷ John of St. Thomas said there are two conditions for a pope to be deposed for heresy: he must 1) show himself to be incorrigible, and 2) he must be notorious by law (i.e. declared a heretic).⁸ He also explains that declaration must come from a general council. He wrote: “regarding the deposition of the pope with respect to the declaration of the crime, it in no way pertains to the cardinals but to a general council.”⁹

It should also be noted, as the renowned Canonist, Fr. Wernz S.J. observed, that the declaratory sentence of the crime “does not have the effect of judging a heretical pope, but of demonstrating that he has already been judged.”¹⁰ This calls to mind the earlier quotation from Fr. Ballerini, who said a pope who openly remains hardened in heresy after a public

⁵ Ibid.

⁶ Super Epistulas S. Pauli, Ad Galatas, 2: 11-14 (Taurini Romae: Marietti, 1953) nn 77.

⁷ “I affirm: If he is a heretic and incorrigible, the Pope ceases to be Pope as soon as a declaratory sentence of his crime is pronounced against him by the legitimate jurisdiction of the Church. This is the common position held by the doctors.” ~ Suarez, *De Fide*, Vol. XII (Paris: Vivès, 1958), p. 317.

⁸ The pontiff cannot be deposed and lose the pontificate unless two conditions are fulfilled together: that the heresy is not hidden, but public and legally notorious; then that he must be incorrigible and pertinacious in his heresy.” (*Cursus Theologici II-II De Auctoritate Summi Pontificis, Disp II, Art. III, De Depositione Papae* p 133)

⁹ Ibid. p. 137

¹⁰ Ius Decretalium (1913) II.615

and solemn warning, thereby *pronounces sentences against himself*, by showing that of his own will he has turned away from the Faith. The declaration simply confirms, with a sufficient degree of certitude, what the Pope himself had already demonstrated. Pope Innocent III made this same point, which highlights a distinction made by the theologians between judging the Pope and *declaring him judged*. Commenting on the verse “if the salt loses its savor, it is good for nothing” (Mt. 5:13), Innocent wrote:

“[T]he Roman Pontiff ... should not mistakenly flatter himself about his power, nor rashly glory in his eminence or honor, for the less he is judged by man, the more he is judged by God. I say ‘less’ because he can be judged by men, *or rather shown to be judged*, if he clearly loses his savor to heresy, since he ‘who does not believe is already judged’ (John 3:18)...”¹¹

The Fall From the Pontificate

A point that is debated by the theologians is exactly when, and precisely how, the Pope falls from the pontificate. Does it take place immediately after the Pope’s pertinacity has been manifest to the authorities who issued the warning, or does it occur after the Church issues the declaratory sentence of the crime (which Suarez said was the common opinion)? Another question is whether the Church herself actually *deposes* the Pope after issuing the declaratory sentence, or if the Pope is deprived of his office immediately by Christ once the crime has been established by the Church?

John of St. Thomas’ explanation is the most erudite I have found. This brilliant professor of scholastic theology and philosophy, who is recognized as one of the foremost Thomists the Church has known, addresses each point with the precision of a true Thomist, while carefully avoiding the error of Conciliarism. What follows is a summary of his teaching on the how the warning and public declaration relate to the loss of office.

He explains that once pertinacity is manifest (following the twofold warning), the Church issues a declaratory sentence of the crime and informs the faithful that, according to divine law (Titus 3:10), he is to be avoided (*Vitadnus*). Now, because a person cannot effectively govern the Church as its head while simultaneously being avoided by those he is to govern, the Pope is effectively rendered impotent by this declaration. John of St. Thomas explains it this way:

“The Church is able to declare the crime of a Pontiff and, according to *divine law*, propose him to the faithful as a heretic that must be avoided. The Pontiff, however, by the fact of having to be avoided, is necessarily rendered impotent by the force of such

¹¹ Between God and Man: Sermons of Pope Innocent III, Sermon IV (Catholic University of America Press, 2004), pp. 48-49

a declaration, since a Pope who is to be avoided is unable to influence the Church as its head."¹²

Being incapable of effectively ruling the Church as a result of the Vitandus declaration, which necessitates that he be avoided by the faithful, Christ immediately severs the bond that unites the man to the office, and he falls, *ipso facto*, from the Pontificate – even before being formally *declared deprived* of the Pontificate by the Church.

John of St. Thomas goes on to explain that the Church plays a *ministerial* part in the deposition, rather than an *authoritative* part, since the Church has no authority over a Pontiff – even in the case of heresy. He employs the Thomistic concepts of *form* and *matter* to explain how the union between the man and the pontificate is dissolved. A distinction is made between the man (the matter), the Pontificate (the form), and the bond that unites the two. He explains that the Church plays a ministerial part in the deposition of a Pope, just as she plays a ministerial part in his election. During the election, the Church designates the man, who is to be joined to the pontificate immediately by God. Something similar happens when a Pope loses his office due to heresy. Since “the Pope is constituted Pope by the power of jurisdiction alone”¹³ (which he is unable to effectively exercise if he *must* be avoided), when the Church issues the declaratory sentence of the crime and presents him to the faithful as one that must be avoided, *the Church thereby induces a disposition into the matter (the man) that renders him incapable of sustaining the form (the Pontificate)*. God freely responds to this legitimate act of the Church (which it has a right do to in accord with *divine law*) by withdrawing the form from the matter, thereby causing the man to fall from the Pontificate.

The brilliant Thomist delves deeper into this point by clarifying that the Church acts directly on the matter (the man), but only indirectly on the form (the Pontificate). He describes this point using the analogy of procreation and death. He explains that just as the generative act of man does not produce the form (the soul), neither does that which corrupts and destroys the matter (disease, etc.) directly touch the form (the soul) – nor does the corrupting element directly *cause* the separation of the form from the matter (but only renders the matter incapable of sustaining the form) – so, too, is it with the election and deposition of a Pope.

During the election, the Church merely designates the man (matter) who is to receive the form (Pontificate). God freely responds to this legitimate act of the Church by joining the man to the Pontificate. In like manner, when it comes to deposing a heretical Pope, the Church first declares the man a heretic and then commands the faithful, by a juridical act, that he must be avoided, which essentially *separates the Church from the Pope*. While the Church has no jurisdiction or authority over the Pope, it does possess jurisdiction over the faithful, and therefore can issue commands that they are obliged to obey. Now, because divine law teaches that a heretic must be avoided after one or two warnings, the Church has the divine right to command that a pope, who has remained hardened in heresy after a public warning, is to be avoided by the faithful. Because one who is being avoided cannot

¹² Cursus Theologici II-II, Disp II, Art. III

¹³ Conciliarism & Papalism, p. 76

effectively rule the Church, God freely responds to this declaration by severing the bond that unites the form to the matter, thereby causing the man to fall from the Pontificate.

The ministerial function of the Church, then, is to establish the crime and issue the declaratory sentence, while simultaneously declaring the man Vitandus (to be avoided). It is important to note that the Church's authority, in this respect, is not one of subjection (with the Pope being subject to the Church), but one of separation,¹⁴ according to which the Church separates from the Pope. Cardinal Cajetan explains that the Church possesses the ministerial power necessary to bring about this separation:

"In short, nowhere do I find superiority and inferiority from divine law in the case of heresy, but only separation [*Withdraw yourselves* - 2 Thess. 3:6, '*Receive him not*' - 2 John 1:10, Tit. 3:10]. Now it is obvious that the Church can separate itself from the pope by only the ministerial power whereby it can elect him. Therefore, the fact that it is laid down by *divine law* that a heretic should be avoided and banished from the Church, does not create a need for a power which is greater than a ministerial one. Such power is sufficient; and it is known to reside in the Church."¹⁵

John of St. Thomas also teaches that the Church can separate itself from a pope without requiring an authority over him:

"One cannot cite any authority stating that Christ the Lord has given the Church authority over the pope. Those who were cited in the case of heresy, do not indicate any superiority over the Pope formally, but only speak of avoiding him, separating from him, refusing the communion with him, etc., all of which can be done without requiring a power formally above the Pope's power."¹⁶

Now, because the juridical act commanding the faithful to avoid the Pope relates essentially to the loss of office (since a Pope who *must* be avoided cannot effectively rule the Church), it is evident why the declaration must come from the proper authorities. For if such a command came from one with no authority, it would not bind, and consequently none would be obliged to avoid/separate from him. Regarding this point, John of St. Thomas wrote:

"Let no one say that a Pope, whose manifestly heretical acts have not been declared by the Church, is to be avoided. For the pope's heresy cannot be public to all of the faithful except by an indictment brought by others. But the indictment of an individual does not bind, since it is not juridical, and consequently none would be obliged to accept it and avoid him. Therefore, it is necessary that, just as the Church designates the man and proposes him to the faithful as being elected Pope, thus also the Church declares him a heretic and proposes him as one to be avoided."¹⁷

¹⁴ Ibid. p. 83

¹⁵ Ibid. p. 84

¹⁶ *Cursus Theologici* II-II p. 138 (emphasis added).

¹⁷ *Cursus Theologici* II-II, Disp II, Art. III

Because the warning is necessary to demonstrate pertinacity, which must be established before the declaratory sentence is issued, we can also see why John of St. Thomas would say that before being warned the heretical pope remains pope. He explains:

“The pope insofar as he is externally a heretic, if he is prepared to be corrected, cannot be deposed (as we have said above), and the Church, by divine law, cannot declare him deposed, as it cannot yet avoid him, since, according to the Apostle, ‘a man who is a heretic is to be avoided, after the first and second warning’. *Therefore, before the first and second warning, he is not to be avoided by the Church...* Therefore, it is false to say that a Pontiff is deposed by the very fact that he is externally a heretic: truly, he is able to be so publicly as long as he has not yet been warned by the Church....”¹⁸

Having fallen from the pontificate by an act of Christ following the ministerial functions of the Church, the former pope “can then be judged and punished by the Church”, as Bellarmine himself taught.¹⁹ At this point, a second declaration is issued stating that the See is Vacant, so that the Cardinals can proceed to the election of a new Pope.

Declaration of Deprivation

We now reach the final phase in the process: the declaration of deprivation. It must be observed that this final declaration is distinct from the *declaratory sentence* of the crime. Before the punishment can be handed down, the crime must first be established. The distinction between 1) the establishing of the crime and issuing the *declaratory sentence*, and 2) the punitive phase in which the punishment is handed down and the See is declared vacant, is analogous to what we see in our secular legal system, in which the two distinct phases usually require separate legal proceedings. Even if one holds to the common opinion that the manifestly heretical Pope is deprived *ipso facto* of the Pontificate by God (divine punishment), there is still the human aspect of the punishment that must follow (excommunication, etc.). The following are the three phases:

- 1) Human judgement: the criminal phase, wherein the crime is established and the declaratory sentence issued;
- 2) Divine punishment: fall from the pontificate;
- 3) Human punishment: public excommunication and declaration that the See is vacant.

We can see all three of these phases in the following quotation from Suarez:

“Therefore on deposing a heretical Pope, the Church would not act as superior to him, but juridically and by the consent of Christ she would declare him a heretic [declaratory sentence] and therefore unworthy of Pontifical honors; he would then *ipso*

¹⁸ Ibid.

¹⁹ De Romano Pontifice, lib. II, cap.

facto and immediately be deposed by Christ [divine punishment], and once deposed he would become inferior and would be able to be punished.” [human punishment]²⁰

Regarding this final declaration, J.M. Herve’s *Manuale Theologiae Dogmaticae* teaches that, as with the declaratory sentence of the crime, it too must come from a general council of the Church.

“Given that, as a private person, the Pontiff could indeed become a *public, notorious, and obstinate* heretic... only a Council would have the right to declare his See vacant so that the usual electors could safely proceed to an election.”²¹

Two Opinions

There are two opinions regarding this final declaration. One maintains that a Pope who is found guilty of heresy is by, divine law (*jure divino*), removable. This is accomplished by the Vitandus declaration, by which *the Church separates from the Pope*. The other opinion is that a pope who is guilty of the crime of heresy (according to the Church’s judgment), *separates himself from the Church*, and is therefore immediately deposed by Christ. In both cases, it is the separation of the pope and the Church (either the Church separating from the Pope, or the Pope separating from the Church) that results in the fall from the Pontificate. But in both cases he must be found guilty of heresy by the Church’s judgment, not as an act of private judgment. Whichever opinion one holds, it is merely an academic question pertaining to the speculative order, since, on the practical level, both opinions agree that the man must at least have been found guilty of heresy by the Church before losing his jurisdiction. This point was explained by Fr. Sebastian B. Smith, professor of Canon Law. In his classic work, *Elements of Ecclesiastical Law* (1881), which was meticulously reviewed by two canonists in Rome, we read the following:

“Question: Is a Pope who falls into heresy deprived, *ipso jure*, of the Pontificate?

Answer: There are two opinions: one holds that he is by virtue of divine appointment, divested *ipso facto*, of the Pontificate; the other, that he is, *jure divino*, only removable. *Both opinions agree that he must at least be declared guilty of heresy by the Church - i.e., by an ecumenical council or the College of Cardinals.*”²²

Sedevacantist Errors

In trying to make sense of the current crisis in the Church, some have read the writings of theologians (such as Bellarmine), who teach that a manifestly heretical Pope is *ipso facto* deposed, and then drawn the erroneous conclusion that if they themselves personally judge the pope to be a heretic, it must mean he is not the pope. What such people have failed to

²⁰ De Fide, Disp. 10, Sect 6, n. 10, p. 317

²¹ Hervé. *Manuale Theologiae Dogmaticae* (1943) I.501.

²² *Elements of Ecclesiastical Law*, Rev. SB Smith DD (Benzinger Br., New York, 1881), 3rd ed., p. 210

realize is that these theologians are only referring to the *speculative opinion* about how the Pope loses falls from office, which does not eliminate the need for the Church to perform the ministerial functions necessary to establish the crime. The pope must be a manifest heretic *according to the judgment of the Church*, not according to the private judgment of individual Catholics in the pew. John of St. Thomas addressed this point directly. He explained that a pope who is a manifest heretic according to private judgment alone remains pope.

“So long as it has not been declared to us juridically,²³ that he is an infidel or heretic, *be he ever so manifestly heretical according to private judgment*, he remains, as far as we are concerned, a member of the Church and consequently its head. *Judgment is required by the Church*. It is only then that he ceases to be Pope as far as we are concerned" (John of St. Thomas).²⁴

Prior to the judgment by the Church, a heretical Pope remains a valid pope. The visibility of the Church (both formally and materially) is too necessary for the contrary to be the case.

Another point sedevacantists have apparently not considered is that it is God Himself who severs the bond uniting the man (the pope) to the office (the Pontificate). Now, because the actions of man (both good and bad) do not directly move God to act, the crime of heresy, even if it has been established by the Church, or the Vitandus declaration, does not *cause* God to deprive a heretical Pope of the Pontificate. The crime of heresy (one opinion) or the Vitandus declaration (another opinion) is only an antecedent which *disposes*²⁵ him to lose his office. The fall from the Pontificate itself, however, is immediately and directly *caused* by Christ, the perfective efficient cause, Who disjoins the man from the pontificate by a divine act. It is important to note that the actions of man are the *dispositive cause*, while Christ Himself is the *efficient cause*.

Monsignor Van Noort used the concept of *dispositive cause* in his response to the objection that “the sin of heresy immediately severs a person from the Body of the Church.” In responding, he explains that “internal heresy, since it destroys that interior unity of faith from which unity of profession is born, separates one from the body of the Church *dispositively*, but not yet formally.”²⁶

The same principle is true with the Pope’s fall from the pontificate. Because it is God Himself who severs the bond uniting the man to the pontificate (just as it was God who joined the man to the pontificate following the election), even a notoriously heretical Pope is only *disposed* to lose the pontificate, but neither the crime of heresy, as such, nor even the declaration Vitandus, directly *causes* or directly *moves* God to act.

²³ Notice that the object of the juridical act is the faithful, not the Pope.

²⁴ Cursus Theologici II-II, Disp II, Art. III

²⁵ The *dispositive cause* “prepares matter for a certain form, but does not induce that form...” (Commentary on Aristotle's Metaphysics, by St. Thomas Aquinas, bk. 5, less. 2).

²⁶ Van Noort, *Christ's Church*, p. 242.

The reason this is important is because since the loss of office occurs immediately by an act of God, and *not* as a direct *consequence* of the crime, Christ can continue to give jurisdiction to even a notoriously heretical Pope as long as he is being tolerated by the Church and recognized as its head. This is possible because the relation between heresy and jurisdiction is not one of total metaphysical incompatibility; and it will actually take place because Christ will not depose a pope while he continues to be recognized as Pope by the Church. Pope Alexander III (d. 1181) explained that “a heretic retains his jurisdiction *as long as he is tolerated by the Church*; he loses it at the time he is reprobated by Her.”²⁷ This is also taught in the *Summa Tractatus Magister* which states that a heretic retains his power (*potestas*) as long as he is tolerated by the Church (*quamdiu toleratur ab ecclesia potest*).²⁸ This, of course, makes perfect sense; for if God were to secretly sever the bond uniting the man to the pontificate, while the Church continued to recognize him as its head, the actions of God, “who can neither deceive nor be deceived”, would effectively deceive His Church into following an antipope – one elected by the Cardinals, and publicly presented to the faithful as Pope, but secretly deposed by God. If such were the case, the man recognized as Pope by the Church could use the full force of his apparent authority to bind the faithful to believe heresy, and this would only be possible due to the secret act of God, since infallibility would prevent one who remained pope from doing so. This explains why Billuart said that the common opinion of the Church’s theologians is that,

“Christ by a particular providence, for the common good and the tranquility of the Church, continues to give jurisdiction to an even manifestly heretical pontiff until such time as he should be declared a manifest heretic by the Church.”²⁹

This was also confirmed by Fr. Paul Laymann, S.J., (d. 1635), who was considered “one of the greatest moralists and canonists of his time.”³⁰ Fr. Laymann explained that if a Pope were to fall into heresy, even “notorious heresy,” he would remain a true Pope *as long as he was being tolerated by the Church and publicly recognized as its head*. He wrote:

“It is more probable that the Supreme Pontiff, as concerns his own person, could fall into heresy, even a notorious one, by reason of which he would deserve to be deposed by the Church, or rather declared to be separated from her. (...) Observe, however, that, though we affirm that the Supreme Pontiff, as a private person, might be able to become a heretic and therefore cease to be a true member of the Church, (...) nevertheless, for as long as the Pope is tolerated by the Church and publicly recognized as the universal pastor, he is still endowed, in fact,

²⁷ *Summa*, in C. 24, q. 1. p. 100. Peter Huizing, S. J. “The earliest development of excommunication *latae sententiae*,” *Studia Gratiana* 3 (1955) 277-320, 286.

²⁸ Quoted in Huizing, 287.

²⁹ Billuart, *De Fide*, Diss. V, A. III No. 3, Obj. 2.

³⁰ Volume IX, *Catholic Encyclopedia*, 1913, p. 95.

with his power as pontiff, in such a way that all his decrees would have no less force and authority than they would if he were truly faithful.”³¹

Popes Alexander VI, John XXII, and Honorius I, were all accused of heresy by their contemporaries (by private judgment), yet none was declared deprived of the Pontificate while still living. Consequently, they have always been considered true Popes, even though Pope Honorius, after his death, was “expelled from the holy Church of God and anathematized,”³² for heresy, by the Third Council of Constantinople. For this reason, the 1913 Catholic Encyclopedia said: “It is clear that no Catholic has the right to defend Pope Honorius. He was a heretic...”³³ Yet not even Pope Honorius was considered by the Church to have lost the Pontificate while living.

St. Bellarmine himself taught that heretical bishops must be deposed by the proper authorities. After explaining how a false prophet (meaning a heretical pastor) can be spotted, he wrote:

“...if the pastor is a bishop, they [the faithful] cannot depose him and put another in his place. For Our Lord and the Apostles only lay down that false prophets are not to be listened to by the people, and not that they depose them. And it is certain that the practice of the Church has always been that *heretical bishops* be deposed by bishop’s councils, or by the Sovereign Pontiff.”³⁴

Here we see the true thinking of Bellarmine regarding the loss of office for manifest heresy. He explains that a heretical bishop can be spotted by the faithful (meaning his heresy has been externalized), but they can “not depose him,” or, what amounts to the same thing, “declare” him deposed due to “manifest heresy.” If the intervention of the Church is necessary for other bishops to lose their office, how much more necessary when the bishop is the Supreme Pontiff?

Now, sedevacantists will likely object by saying that because “the First See is judged by no one,” Bellarmine could not have meant that a council would oversee the deposition of a heretical Pope, since this would require a “judgment” which the Church is not permitted to render. They will then argue that this is why Bellarmine said a heretical Pope loses his office *ipso facto*, since he cannot be judged by the Church. But this is clearly not the case. For one, Bellarmine did not only say a manifestly heretical Pope is *ipso facto* deposed, but all manifest heretics who hold office. Yet in the above citation he explicitly states that *heretical bishops* (whose heresy can be spotted by the faithful) can only be deposed by the Church. What this shows is that a “manifest heretic,” according to Bellarmine, is one who is such *by the Church’s*

³¹ Laymann, Theol. Mor., bk. 2, tract 1, ch. 7, p. 153.

³² Nicene and Post-Nicene Fathers, P. Schaff, Series II, Vol 14, p 343

³³ Volume VII, Catholic Encyclopedia (1913) p. 455

³⁴ De Membris Ecclesiae, Lib. I De Clericis, cap. 7 (Opera Omnia, Paris: Vives, 1870) pp. 428-429

judgment, not by private judgment. Secondly, Bellarmine himself defended the opinion that a heretical Pope can be judged by a council.

In his response to the Third Opinion (which holds that a heretical Pope *cannot* be deposed, even if his heresy is manifest) Bellarmine objects by saying:

“Firstly, because, that a heretical Pope can be judged is expressly held in the Canon, Si Papa, Dist. 40, and with Innocent. (Serm. II de Consec. Pontif.) And what is more, in the Fourth Council of Constantinople, Act 7, the acts of the Roman Council under [Pope] Hadrian are recited, and in those it was contained that Pope Honorius appeared to be legally anathematized, because he had been convicted of heresy, the only reason where it is lawful for inferiors to judge superiors.”³⁵

Bellarmino went on to explain that even if Pope Hadrian mistakenly condemned Honorius (which he personally believed), “nevertheless, we cannot deny, in fact, that Hadrian, and with him the Roman Council, nay more the whole 8th General council judged that, *in the case of heresy a Roman Pontiff can be judged.*”

Clearly, Bellarmine held the opinion that a heretical Pope can be judged by a council in the case of heresy. And by saying inferiors can judge superiors in the case of heresy, he is confirming that the pope would remain pope (superior) at least until his *inferiors* had judged him to be guilty of the crime - just as the Canonist, Fr. Smith, said in the citation quoted earlier. Now, because Bellarmine explicitly stated that heretical bishops must be deposed by a council, the same would obviously apply to a heretical bishop of Rome - even if the “deposition” merely consisted of establishing the crime (rendering him a “manifest heretic” by the Church’s judgment), at which time Christ Himself would depose the pope by severing the bond that unites the man from the Pontificate.

Bellarmino’s thinking regarding this matter is perfectly consistent with the mind of the Church, as we see expressed in Canon 10 of the *Fourth Council of Constantinople*, the very council Bellarmine mentioned in the above citation. In response to the schism of Photius, the Council attached the penalty of excommunication to any layman or monk who formally³⁶ separated himself from his patriarch (the Pope is Patriarch of the West) *before a careful inquiry and judgment by a synod.*

“As divine scripture clearly proclaims, ‘Do not find fault before you investigate, and understand first and then find fault’. And does our law judge a person without first giving him a hearing and learning what he does? Consequently *this holy and universal synod justly and fittingly declares and lays down that no lay person or monk or cleric should*

³⁵ De Romano Pontifice, Bk II, Chapter 30, (emphasis added).

³⁶ For the distinction between a formal and material separation, see: *True or False Pope: Refuting Sedevacantism and Other Modern Errors*, by John Salza and Robert Siscoe (St. Thomas Aquinas Seminary, Winona, MN 2015) pp. 634-635.

separate himself from communion with his own patriarch before a careful inquiry and judgment in synod, even if he alleges that he knows of some crime perpetrated by his patriarch, and he must not refuse to include his patriarch's name during the divine mysteries or offices. (...) If anyone shall be found defying this holy synod, he is to be debarred from all priestly functions and status if he is a bishop or cleric; if a monk or lay person, he must be excluded from all communion and meetings of the church [i.e. excommunicated] until he is converted by repentance and reconciled”.

The errors of Sedevacantism will be fully addressed in an upcoming book co-authored by myself and John Salza, which will be available very soon.

Conclusion

In light of what the theologians and canonists have taught, it is evident that the Church does indeed possess a remedy by which she can rid herself of a heretical Pope, and therefore is not forced to wait for the “biological solution” to solve the problem. Of course, it is one thing to ask if the Church can remove an heretical pope, and another to ask if the current crop of Bishops will actually so do. Given the current situation in the Church, it seems much more likely that the biological solution (in the form of a chastisement) will be the remedy God will have to use.

Bellarmino’s thinking regarding this matter is perfectly consistent with the mind of the Church, as we see expressed in Canon 10 of the *Fourth Council of Constantinople*, the very council Bellarmine mentioned in the above citation. In response to the schism of Photius, the Council attached the penalty of excommunication to any layman or monk who formally³⁷ separated himself from his patriarch (the Pope is Patriarch of the West) *before a careful inquiry and judgment by a synod.*

“As divine scripture clearly proclaims, ‘Do not find fault before you investigate, and understand first and then find fault’. And does our law judge a person without first giving him a hearing and learning what he does? Consequently *this holy and universal synod justly and fittingly declares and lays down that no lay person or monk or cleric should separate himself from communion with his own patriarch before a careful inquiry and judgment in synod, even if he alleges that he knows of some crime perpetrated by his patriarch, and he must not refuse to include his patriarch's name during the divine mysteries or offices. (...) If anyone shall be found defying this holy synod, he is to be debarred from all priestly functions and status if he is a bishop or cleric; if a monk or lay person, he must be excluded from all communion and meetings of the church [i.e. excommunicated] until he is converted by repentance and reconciled”.*

³⁷ For the distinction between a formal and material separation, see: *True or False Pope: Refuting Sedevacantism and Other Modern Errors*, by John Salza and Robert Siscoe (St. Thomas Aquinas Seminary, Winona, MN 2015) pp. 634-635.

The errors of Sedevacantism will be fully addressed in an upcoming book co-authored by myself and John Salza, which will be available very soon.

Conclusion

In light of what the theologians and canonists have taught, it is evident that the Church does indeed possess a remedy by which she can rid herself of a heretical Pope, and therefore is not forced to wait for the “biological solution” to solve the problem. Of course, it is one thing to ask if the Church can remove an heretical pope, and another to ask if the current crop of Bishops will actually so do. Given the current situation in the Church, it seems much more likely that the biological solution (in the form of a chastisement) will be the remedy God will have to use.