

ON THE PRESENT STATE OF THE CHURCH OF CHRIST

A Defense of the Theological Sedevacantist Position

– by Rev. John Okerulu –

INTRODUCTION

When I first became a traditional Catholic, there were many questions or objections which I had, some of which were answered satisfactorily, and others were not. The key question which I sought to have an answer to was on the state of the Church with regard to her head.

Having become a sedevacantist, other questions arose as I realised the various positions held on the subject. Some traditional Catholics hold the Thesis of Bishop Guerard des Lauriers,¹ Others hold to what is known as Totalism, or better put, Theological Sedevacantism.² These seemingly divergent views on the state of the Church, or different explanations on the present state of the Church as some will describe it, presented a new difficulty for me, especially as it seemed either side considered the other side to either be in error or to imply a loss of something essential to the Church.

Therefore, I decided to put pen to paper concerning the findings which I had made, from not only hearing from, and reading the articles of, the chief proponents of both sides, but also making an extensive research on the key issues from manuals of Dogmatic Theology and commentaries on Canon Law.

OVERVIEW OF THIS ARTICLE

In this article, we will prove that the institution that convoked the Second Vatican Council is in fact, and must be considered, a non-Catholic sect, and that therefore the ministers of this sect cannot be valid electors of the Roman Pontiff. We will also prove that the means of electing the Roman Pontiff remains with and in the Roman Catholic Church.

The two major positions on this subject are as follows:

The Cassiciacum Thesis

The Thesis was first proposed by Bishop Guèrard de Lauriers of blessed memory, but has had defenders, chief among whom is His Excellency Bishop Donald

Sanborn. In his article titled “On Being a Pope Materially,” Bishop Sanborn, explaining the Thesis, states the following:

With regard to the one elected (in this case the Novus Ordo papal claimant): “Through an impediment of the moral order, both voluntary and removable, he cannot receive papal power who posits a certain moral obstacle namely, the intention of teaching errors or of promulgating harmful general disciplines... This obstacle is reduced to an absence of the intention of promoting the common good. For God therefore, who is subsistent Good, is not able to infuse power in him who posits a voluntary impediment toward the promotion of the common good.”... He continues, “Therefore he who is designated (elected) to the papacy, even if he does not receive authority, because of an obstacle either of heresy or of refusal of Episcopal consecration or for any other reason, nevertheless he is able **to nominate** others to receive authority, (e.g. bishops) and even electors of the Pope, because all these acts pertain merely to the continuation of the material part of authority, and do not involve jurisdiction because in nomination no law is made.”

With regard to those electing: “In the case of the electors of the Pope, only he who has the right of nominating the electors (i.e. a Pope at least materially) has the right of removing them legally.”

“Although there is no authority which is able to judge the Pope, nevertheless the body of electors is able to take away from him the designation. For the designation comes from God only mediately, but immediately from the electors”.³

Theological Sedevacantism

The proponents of Theological Sedevacantism hold that according to the consensus of canonists, a public heretic cannot validly be elected. Therefore, since cardinals of the Novus Ordo Sect adhere publicly and pertinaciously to the heresies of the Second Vatican Council, they are public heretics and cannot elect one, or be elected, to the office of the Roman Pontiff.

¹ From henceforth, the Thesis of Bishop Guerard des Lauriers will be called the Cassiciacum Thesis and it is held by renowned traditionalist clergy such as Bishop Sanborn, Fr Ricossa, etc.

² Theological Sedevacantism is held by renowned traditionalist clergy such as +Fr Cekada, +Bishop Dolan, Bishop Pivarunas, etc.

³ Bishop Sanborn, “On Being a Pope Materially,” nn 9-14, mostholytrinityseminary.org/articles.

What Both Positions Agree On

Both positions agree that the papal claimants since the Second Vatican Council (hereafter referred to as Novus Ordo popes) are false popes, that is, they have not received the authority of Christ which formally constitutes the papacy.

Difference Between Both Positions

The Cassiciacum Thesis maintains that to ensure the Roman Catholic Church preserves her Apostolicity, at least with regards to the continuity of material succession, the Novus Ordo popes retain a valid election to the papacy, and are therefore capable of appointing cardinals who in turn are capable of validly electing one to be the pope. They say this is so because the power of appointing cardinals does not require formal authority, and those elected to the office of the papacy are validly so and able to perform these acts which pertain merely to the material part of authority since they have not been condemned by the Church. As a result, if the one validly elected should convert, he thereby removes the obstacle to the reception of authority (namely, the intention to impose heresy on the Church) and would immediately receive supreme jurisdiction from Christ to teach, rule and sanctify the Universal Church.

Theological Sedevacantism maintains that the Novus Ordo popes have not been validly elected to the papacy, such that even if they convert, they would not become pope automatically.

FIRST CONCLUSION

First Conclusion: The institution that proceeded from the Second Vatican Council,⁴ together with its entire hierarchy, must be considered a non-Catholic sect distinct from the Roman Catholic Church, and it cannot not be considered as a separate non-Catholic sect.

The three parts of this conclusion are proved.

First Part: The institution that proceeded from the Second Vatican Council must be considered as a non-

⁴ “The institution that proceeded from the Second Vatican Council” is the term used to describe the institution that held the Second Vatican Council and is headed by the Novus Ordo pope, Jorge Bergoglio, as at the time of this writing, It is also referred to as the “Novus Ordo Sect” in this article.

⁵ Vermeersch Creusen, *Epitome Iuris Canonici*, Tome 3, n.513; Salucci, R, *Il diritto penale secondo il Condice di diritto Canonico*, Vol. II, 1930, n16

Catholic sect.

Proof.

Major: In the strict sense, a sect is defined as a religious assembly, which although it retains the Christian name, nevertheless denies by its deeds (practice) and doctrine the Catholic faith.⁵

In the broad sense, a non-Catholic sect is defined as any sect, whether Christian or Jewish, even pagan, which is not Catholic, provided that the sect is considered religious or which promotes a non-Catholic religious worship as its more principal end.⁶

Minor: But the institution that proceeded from the Second Vatican Council, by the promulgation of its dogmatic decrees, denies the Catholic Faith, having officially taught doctrines that have been condemned by the Roman Catholic Church as heretical.

Conclusion: Therefore the institution that proceeded from the Second Vatican Council is a non-Catholic sect.

Major is explained. From the formal definition of a sect, we see that this definition accurately embraces all institutions that have deviated from the Catholic Church even if they retained the Catholic structures and offices. It is interesting to note that the essential definition of a sect does not include a prior condemnation by the Church. In fact history proves that this condemnation is not even required on the part of the Church. A religious assembly must be considered a non-Catholic sect as long as their negation of the Catholic Faith is public.

Minor is explained. The institution that proceeded from the Second Vatican Council, formally promulgated its doctrine on religious liberty contained in *Dignitatis Humanae*, which nearly word for word asserts the very doctrine condemned by Pope Pius VII in *Post tam Diuturnas* in the year 1814, just as the doctrine which it promulgated concerning the unity of the church, ecumenism and collegiality is either outright heretical or has specifically been condemned by the Roman

⁶ Cocchi, *Commentarium in Codicem*. 8, n.1863; D Annibale Jos, *Summula theologiae moralis*. Romae, 1897, page 79; Augustine, *A Commentary on the New Code of Canon Law*, London, 1919, page 279. However, the term non-Catholic sect must be understood to also include atheistic sects and religious assemblies that are not Christian: *Enchiridion Iuris Canonici*, Stephanus Sipos, 1954, page 608; Cp. 30. Jul.1934 ad I (AAS XXVI. 494).

Catholic Church as heretical prior to the Council.⁷

Second part. This institution is distinct from the Roman Catholic Church.

Proof.

Major: The Church of Christ as founded by Christ must always have the four marks, namely; Unity, Sanctity, Catholicity, and Apostolicity by which she will be recognised easily as the true Church.

Minor: But the institution that proceeded from the Second Vatican Council does not have all the four marks with which Our Lord endowed His Church and through which it can be recognised as the true Church.

Conclusion: Therefore the institution that proceeded from the Second Vatican Council is not the Roman Catholic Church but a distinct false sect.

Major is explained: The Catholic Church is defined as the congregation of all those who profess the faith of Christ, partake of the same sacraments, and are governed by their lawful pastors under one visible Head.⁸ The Church of Christ, as a society instituted to perpetuate the mission of Christ on earth, must be endowed with certain qualities necessary for the proper performance of that mission. Necessary qualities are those so perpetually bound up with the Church, that the loss of any one of them would make the Church other than that established by Christ, and render it incapable of accomplishing the purpose of its existence. Hence, all theologians teach that in the absence of even one of the four marks/notes of the Church in any given society, that society would not be the true Church of Christ.⁹

Minor is explained. The Novus Ordo Sect lacks the unity of faith, since it is impossible for the true Church of Christ **to officially teach** anything contrary to the teaching of Christ (Matt 28:18-20). The Novus Ordo Sect lacks unity of worship: Unity of worship applies only to those things that are of divine institution, which may be summed up in the sacrifice of the Mass and the sacraments.¹⁰

⁷ For more on the heresies of the Second Vatican Council see "Vatican II, the Pope and SSPX" by Most Rev. Donald J. Sanborn.

⁸ Baltimore Catechism 1885, Q115

⁹ Joachim Salaverri, *On the Church of Christ; Sacrae Theologiae Summa* IB n.1217.

¹⁰ Sylvester Berry, *The Church of Christ*, page 99.

The New Mass promulgated by the Novus Ordo Sect has so altered the essential nature of the sacrifice as to render it a new form of worship distinct from that which was instituted by Christ.¹¹ The Sacrament of Holy Orders for the consecration of a bishop has also been altered in the Form essential for validity so as to render the sacrament invalid.¹²

The Novus Ordo Sect furthermore lacks the *Apostolicity of Origin*, for it only began to exist around the time of the Second Vatican Council. It lacks the *Apostolicity of Doctrine*, for by its promulgation of heresies it broke its link with the doctrines taught by Christ and handed over to the Apostles and their successors to faithfully expound to the world and to keep and guard. The Novus Ordo Sect finally lacks *Apostolicity of Ministry* or the *Apostolicity of Legitimate Succession* (whether with regards to orders or jurisdiction) in the ministry of the Church of Christ.¹³ Even if her ministers lay a claim to positions of authority, it can be said to be *de facto* only, inasmuch as they possess the sees physically, as understood properly by canonists.

The Novus Ordo Sect lacks the mark of holiness/sanctity. Without faith, as St. Paul said, it is impossible to please God.¹⁴ It lacks the ordinary means of sanctification, viz, the True Mass, the Priesthood, without which the administration of some sacraments, e.g. Penance, is impossible.

Third part. It cannot not be considered as a separate non-Catholic sect.

Explanation.

Since a religious sect is defined by its official doctrines and worship, we must look to the religious character of the Novus Ordo Sect to determine its nature. And it is obvious that the officially recognised religious character of the Novus Ordo sect is distinct from that of the Catholic Church as explained above. If we concede that the Novus Ordo Sect is but the Roman Catholic Church merely overridden by impostors holding its sees yet lacking authority, this same argument can truly be made for the Anglicans and Eastern Schismatics, for these sects as well, truly

¹¹ For more see Fr. Cekada's book *Work of Human Hands*.

¹² See Fr. Cekada's article "Utterly Null and Void."

¹³ More on Apostolicity of succession with regards to the power of ruling will be treated in the next conclusion concerning the election of the Roman Pontiff.

¹⁴ Heb. 11:16.

comprise of impostors invalidly holding Catholic Sees. It must be understood that the formal condemnation of a sect does not constitute a sect as a sect, but only confirms it as such. A formal condemnation does not enter into the definition of a non-Catholic sect. In fact, a formal condemnation according to the Code, is only required for those sects whose ends, means and constitutions are kept secret by its members, e.g. the Masonic Sect or other associations of this sort, and which at the same time machinate against the Church or legitimate civil powers.¹⁵

Furthermore, the "Church of England" has never formally been condemned as a non-Catholic sect since after it was restored to the Catholic Church under Queen Mary as one of her particular Churches. What was required for it to be considered a sect were its formal acts, namely, the publication in January 1563 of the Thirty-Nine Articles by Queen Elizabeth, which denied the primacy of the pope, the Sacrifice of the Mass, transubstantiation, among others.¹⁶ Pope St Pius V only formally condemned the Book of Common Prayer – it was on this account, and not because the Anglican Sect was condemned, that he granted to refugees, Harding and Sanders, authority to reconcile to the Church those of the faithful who had made themselves guilty of schism by their presence at the condemned offices.¹⁷ In a similar manner, the very doctrines promulgated at the Second Vatican Council by the Novus Ordo Sect have been condemned, particularly her doctrine on religious liberty. This therefore confirms the institution that proceeded from this Council as a non-Catholic sect, i.e. a heretical sect.

Corollary

From the foregoing, it should be a lot easier to see the intrinsic problem with Masses in which the Novus Ordo heresiarchs are mentioned. It is certain that traditional Catholic Masses in which the names of the Novus Ordo "Pope" and his "bishops" are mentioned are in practice equivalent to Masses in which the King of England and the Anglican hierarchy or the Patriarch of Constantinople and his hierarchy are mentioned. The true nature of such Masses, intrinsically sacrilegious, is taken from this key consideration and a firm understanding of the essential nature of heresy, a formal heretic and a non-Catholic sect.

¹⁵ Canon 2335; Vermeersch, *Epitome*, n.535.

¹⁶ *History of the Catholic Church*, Rev Fernand Mourret, S.S. page 432, Volume V, B. Herder Book Co.

OBJECTIONS

Objection 1: The members and ministers of this sect still possess the sees of the Catholic Church, therefore they have not founded a New Church.

Response: The same argument was brought forth by some regarding the Anglican sect, who held the continuity theory, concerning which an Anglican writer contends, "The facts of history compel us to assume the absolute identity of the Church of England after the Reformation with the Church of England before the Reformation. No act was done by which legal and historical continuity was broken."¹⁸ On the contrary however, just as the Church of England lost the faith after it had been re-established by Mary through its rejection of the authority of the Pope, rejection of five sacraments, the doctrine of Purgatory etc., the change of the Mass, and by so doing constituted a New Church¹⁹ even without the declaration of the Authority of the Church, so also the Novus Ordo by promulgating heresies, establishing a false worship, promulgating erroneous discipline containing all its errors (1983 Code of Canon Law), has by its doctrine and practice founded a New Church, not identical with the Roman Catholic Church even if its members still lay a false claim to the sees of the Catholic Church as do the Greek Schismatics and Anglicans.

Objection 2: The Novus Ordo is not a New Church because traditional Catholic Clergy receive those coming from the Novus Ordo without requiring an abjuration.

Response: The question here is with regard to what the presumption of the law is with regard to lay faithful of the Novus Ordo Sect, and consequently, what the correct course of action should be with regard to their conversion and requirement for abjuration.

The Novus Ordo Hierarchy

The entire Novus Ordo hierarchy has defected into public heresy because of its public, manifest and pertinacious adherence to the heresies of Vatican II. This external act having been placed, namely, knowingly adhering to a sect or to its false doctrines, is an external violation of the law and *dolus* in the external

¹⁷ *Ibid.* pg 432

¹⁸ E.A Freeman, "Disestablishment and Disendowment."

¹⁹ Berry, *Church of Christ*, page 180-182.

forum is presumed.²⁰ **This is a solid basis for the sedevacantist argument.**

For this reason, most traditional Catholic bishops and priests will most certainly require an abjuration if Ratzinger, for example, converted. I have heard firsthand the most ardent proponents of the Thesis admit this. But they do not require this abjuration for the lay Catholic. And the solid basis for this practice is as explained below.

The Novus Ordo Lay Faithful

Not all who belong to non-Catholic sects ought to be considered as non-Catholics. It is commonly held by all theologians and canonists that all infants who are baptised validly in non-Catholic sects before they attain the use of reason are members of the Church.²¹ Before the Code it was disputed whether children who have attained the age of reason incur automatic excommunication or not, but the Code settled the dispute by insisting that they are free from contracting any censure until they have attained puberty (14 years). Hence contrary to what some still hold, children validly baptised in non-Catholic sects who have attained the use of reason if they return to the Church, are not to make any abjuration. They need not be absolved from any excommunication (cf. Canon 2230) but instead are to make a simple profession of faith.²²

The Canonist Augustine explains the reason with this general principle of law “Ignorance of fact not of law, excuses” (See Appendix 1 for details). Hence although Canon 2200 § 2 says that “the external violation of the law having been placed, *dolus* (deceit) is presumed in the external forum,” it added, “*until the contrary is proved.*”²³ It is easy to see how a child, though he has attained the age of reason, can be ignorant of the fact that he is in a non-Catholic Church. This same principle adopted by the Code in the case of children baptised in non-Catholic sects who have attained the age of reason, can and is indeed applied by Traditional Catholic Clergy to members of the Novus Ordo sect who sincerely think the Novus Ordo Sect to be the Catholic Church for the following reasons:

1) The Novus Ordo Sect retains the name

Catholic

2) The hierarchy of the Novus Ordo Sect lays a false claim to the Sees and offices of the Catholic Church.

Most of the simple faithful in the Novus Ordo Sect are unaware of the facts concerning the changes made by the Novus Ordo, in doctrine, worship and discipline, which as we have seen constitute the Novus Ordo institution as a new sect. Many comfortably read the lives of the saints and history of the Church while retaining confidence that they belong to the same Church!

With the aforesaid, the lay faithful of the Novus Ordo Sect are rightly presumed to be deceived rather than pertinacious in adhering to the heresies of Vatican II.

Nevertheless, the Church enjoins her clergy to request a profession of faith from such as return to the Catholic Church.

Objection 3: I concede the Novus Ordo Religion is a new religion but no new Church was formed.

Response: Although the concept of “religion” is distinct from the concept of “Church”, one is nowhere found without the other. They are perfectly coextensive. In the same way that the Catholic Church is not exactly the same thing as the Catholic Religion but is inseparably connected with it.²⁴

We will next see that it is impossible for the Novus Ordo hierarchy to validly hold office in the Catholic Church.

SECOND CONCLUSION

Second Conclusion: The ministers of the Novus Ordo hierarchy are prevented both by Divine Law and Canon Law from electing or being elected into any office in the Catholic Church but most especially into the office of the Roman Pontiff.

²⁰ Canon 2200 no. 2

²¹ Berry, *Church of Christ*, page 223.

²² Holy office, March 8, 1882 (collect de P.F II, n.1566) as cited by Stanislaus Woywood, O.F.M in, *A Practical Commentary on the Code of Canon Law*, Volume II, n.2156, page 466; Benedict XIV “Singulari nos,” Feb 9, 1749. “We hold for certain that those baptised by heretics are separated from the Church and deprived of all the blessings enjoyed by her members, if they have arrived at the age of discretion AND HAVE ADHERED TO THE ERRORS OF THEIR SECT.”

–“Converts who are under fourteen years of age do not make the formal abjuration and are not absolved from censure. If they have reached the age of reason, they make a simple profession of faith, for example, by reciting the Apostles’ Creed.” Fortescue & O’Connell, *The Ceremonies of the Roman Rite Described*, London, Burns & Oates, 1962, page 413

²³ Augustine, *Commentary* Volume VIII, Pg 23.

²⁴ Edmund J. O’Reilly, SJ; *The Relations of the Church to Society, Theological Essays*, 1892, page 20

ERRORS

a) The position of the Society of St. Pius X: The Society of St. Pius X recognises the Novus Ordo hierarchy as the Catholic hierarchy, despite its apparent resistance to the changes in doctrine, Mass and sacraments of the Novus Ordo sect. Their recognise-and-resist position is based on the errors they hold on the papacy and the nature of the Church.²⁵ The SSPX position is erroneous because it concedes, contrary to Catholic doctrine, that heretics retain authority in the Roman Catholic Church.

b) The Cassiciacum Thesis:

This thesis errs in conceding to members of a non-Catholic sect the right to elect and be elected to offices in the Roman Catholic Church.

SECOND CONCLUSION IS PROVED

FIRST PROOF

Major: To be validly elected to the Roman Pontificate, it is required that one must be, among other things, a male Catholic, even if lay.

Minor: But the members of the Novus Ordo hierarchy are not Catholics.

Conclusion: Therefore they cannot be validly elected.

Explanation of Major: This is the consensus of canonists who say that by Divine Law all public heretics are excluded from being validly elected to the Roman Pontificate.

With regard to elections in general: Election in the broad sense signifies any form of Canonical provision or any designation of promoting a person to an ecclesiastical office. In the strict sense, it is the designation or promoting a worthy person to an

ecclesiastical office through the vote of the college, to which belongs the right of electing for the vacant office to be confirmed by a superior or to be perfected by the acceptance of the one elected.²⁶

Those prohibited from participating in an Ecclesiastical election are the following.²⁷

- 1.) Those incapable of a human act.
- 2.) Those below the age of puberty.
- 3.) Those affected with a censure or infamy of law, though after a declaratory or condemnatory sentence.
- 4.) Those who have given their name to a heretical or schismatic sect **or [who] publicly adhere to the same.**
- 5.) Those lacking an active voice either from a legitimate sentence of a judge or by common or particular law.

With regard to the election of the Roman Pontiff:

(Canon 219) The Roman Pontiff, legitimately elected, immediately (*statim*) upon accepting the election, obtains by divine law the full power of supreme jurisdiction.^{28 29}

Conditions required **for validity** of a papal election: It suffices that the candidate elected be of the male sex even if only lay, a baptised Catholic, **capable of accepting the election** and of exercising the jurisdiction attached to the office.³⁰ For this reason, those who are incapable of being validly elected by divine law are all women, children who have not reached the age of reason, those afflicted with habitual insanity, the unbaptised, and public non-Catholics, i.e. apostates, heretics and schismatics (at least public ones).³¹

²⁵ This will be treated in detail in another article on the SSPX position.

²⁶ Sipos, *Enchiridion*, page 122 § 30.

²⁷ Canon 167 §1

²⁸ This Canon is understood by all canonists without exception to mean that once the one so elected, accepts the election, and if he is not impeded by Divine Law he immediately receives supreme jurisdiction over the entire Church, otherwise the election would be invalid. For the sense of this Canon as understood by all canonists is :- election + acceptance = jus in re/jurisdiction- Bouscaren and Ellis, *Canon Law: A text and commentary*, page 125.

²⁹ Jurisdiction is the public power to rule subjects. Ecclesiastical jurisdiction is the public power to rule, to judge, to coerce the baptised with a view to their sanctification and supernatural happiness, which is the end of the Church. This jurisdiction is exercised over all the baptised, as they alone are the subjects of the Church. This power which is of divine institution includes

legislative, executive and judicial authority... This power of jurisdiction or government springs from the very nature of the Church as a supreme and perfect society that needs to be guided and governed in order fully to attain her spiritual end. - Francisco Cardinal Roberti, *Dictionary of Moral Theology*, page 669.

³⁰ Vermeersch, *Epitome*, Tome 1, n.297 ; Abbo and Hannan, *The Sacred Canon*, Volume I, Page 284.

³¹ Badius, C., *Institutiones Juris Canonici*. Florence: Fiorentina 1921, Volume 1, n.415 ; Cocchi, G. *Commentarium in Codicem Juris Canonici*, 4th ed Turin: Marietti , 1940, Volume 2, n.151 ; Coronata, M. Conte, *Institutiones Juris Canonici*. Rome: Marietti 1950, Volume 1, n. 312 ; Ferreres, J. *Institutiones Canonici*. Barcelona: Subirana 1920, Volume 1, n. 407; Naz, R., *Traité de Droit Canonique*. Paris: Letouzey; Volume 1, n.407 ; Sipos, *Enchiridion*, n.153; Wernz, F.X., P. Vidal, *Jus Canonikum*. Rome: Gregorian 1943 Tome I, 415

Explanation of Minor:

Definitions

A few definitions relating to heretics are required.

A heretic is one who after the reception of baptism, retaining the name Christian, pertinaciously denies or doubts something to be believed from the truth of divine and Catholic Faith.³²

A heretic can be either

Formal: i.e he to whom the authority of the Church is sufficiently known, but refuses to embrace the faith of the true Church and denies it in at least one point.³³

Material Heretic: Is one who denies the authority of the Church in proposing the Faith without pertinacity, since it was not sufficiently proposed.³⁴ Cardinal Billot maintains that the term material heretic must be used for only those heretics who belong to non-Catholic sects but do so in good faith. Catholics, he continues, who deny something defined by the Church or hold a proposition contrary to the Catholic doctrine because they falsely think that it was taught by the Church, ought not to be considered as material heretics but rather as having committed a simple error of fact concerning that which the rule, namely, the magisterium of the Church, teaches.³⁵

Further divisions of a heretic are as follows:

Public heretic: Is one whose offence is public, if it has already been divulged, or if it was committed under or attended by such circumstances that its divulgation may and must be prudently considered easily possible.

A public heretic is said to be notorious (manifest) by **notoriety of law**, after a sentence of a competent judge which has become irrevocable (*res judicata*), or after a confession of the delinquent made in court in the manner described in Canon 1750.

A public heretic is said to be notorious (manifest) by **notoriety of fact**, if it is publicly known and committed under such circumstances that cannot be concealed by any subterfuge, nor excused by any excuse admitted in law (i.e both the fact of the offence and the imputability or criminal liability must be publicly known).

An occult heretic is one whose offence is not public.

It is materially occult, if the offence itself is not publicly known; it is formally occult if the fact is public, but its imputability is not public.³⁶

From the aforesaid, the following principles can

be deduced:

1st Principle: A formal heretic can either be one who was born and raised Catholic or one who was born and raised in a non-Catholic sect.

2nd Principle: A material heretic applies only to those in non-Catholic sects.

3rd Principle: A public heretic, if he be formal, applies either to anyone who was born and raised Catholic or born and raised in a non-Catholic sect. A public heretic, if he be material, applies only to those in non-Catholic sects.

4th Principle: A public notorious heretic whether by notoriety of law or of fact applies both to anyone born and raised as members of the Catholic Church and also to members of non-Catholic sects.

Explanation

It was amply demonstrated under the first conclusion that the Novus Ordo Sect is a non-Catholic sect and formal adherence to it separates one from the Catholic Church. The members of the Novus Ordo hierarchy are lawfully presumed to be public heretics and *ipso facto* non-Catholics, contrary to what the adherents of the Material/Formalist Thesis hold, namely, that by public heretics are meant only those who are sentenced. This limitation is found in no author who treats the issue concerning requirements for validity of the election of the Roman Pontiff. For all canonists make a distinction between the Papacy and other offices in the Church. Therefore, the term public heretics must include all the distinctions laid down by canonists. I see no escape route for them nonetheless, since members of the Novus Ordo hierarchy fall under at least one of the four main divisions of public heretics as enumerated above.

Additional Proof of the Minor

Major: Those who have given their names to a heretical or schismatic sect or who publicly adhere to the same are prohibited from participating validly in an ecclesiastical election, *a fortiori* (for a greater reason), in the election of the Roman Pontiff.

Minor: But members of the Novus Ordo hierarchy have either given their names to the Novus Ordo sect and/or publicly adhere to the same.

Conclusion: Therefore members of the Novus Ordo hierarchy are prohibited from participating validly in an

³² Canon 1325 § 2

³³ Merkelbach, *Summa Theologiae Moralis*, Volume I, n.746.

³⁴ *Ibid*, n.746.

³⁵ Ludovico Billot, S.J., *Tractatus De Ecclesia Christi*, Tome I, 3rd edition, page 292-293.

³⁶ Canon 2197; Woywood, *Practical Commentary*, Volume 2, page 402-403.

ecclesiastical election, *a fortiori*, in the election of the Roman Pontiff.

Furthermore the Cardinals of the Novus Ordo hierarchy are not Cardinals of the Catholic Church but rather Cardinals of this new sect and for that reason do not enjoy the right of electing the Roman Pontiff. They ceased being Cardinals of the Roman Catholic Church the moment that they as a body embraced the New Church, just as the Chapter of Utrecht ceased to exist since the exchange of religion in Holland during the eighteenth century, during the Pontificate of Benedict XIII (May 1724-1730).³⁷

OBJECTIONS

Objection 1: Billuart states that a Pope who becomes a manifest heretic retains his jurisdiction (supplied) until he is declared a heretic by the Church. Therefore the Novus Ordo papal claimants retain the supplied jurisdiction to elect Cardinals and Bishops.

Response: Billuart's position as you well know is not the common opinion. Be that as it may, Billuart maintains that he, the Pope, retains 'all/supreme jurisdiction' and not only the jurisdiction of creating Cardinals and appointing Bishops. This tallies with the position of the SSPX. It is interesting to see the Thesis adherents side by side with them. However, we have the benefit of Vatican II to see why the position of Billuart was wrong. In fact if he were living in our day, he would reject his position. Billuart gives two reasons why Christ would supply a heretical Pope with jurisdiction, viz, on account of the common good and the tranquillity of the Church. However those ends are nothing compared to the fact that by the Will of Christ, the Pope is prevented from promulgating heresies to the whole Church, and by the fact that the Novus Ordo Popes have promulgated heresies and in effect created a new false Church, it is a confirmation that Christ does not supply jurisdiction to the Novus Ordo Papal claimants.

Objection 2: On account of colored title to the papacy because of an election that took place, each Novus Ordo papal claimant, though merely a material Pope/Pope-elect, can appoint Cardinals in virtue of supplied jurisdiction.

³⁷ Darass Joseph, *A General History of the Catholic Church*, Seventh Period, page 448.

³⁸ Bouscaren and Ellis, *Canon Law: A text and commentary*, page 142.

Response:

Titulus coloratus (Colored title): Means a title which is not valid, but is based on an *invalid act of the competent superior*. For example, the competent superior confers an office, but confers it invalidly, the incumbent has a *titulus coloratus* to the office, and hence apparently has the jurisdiction attached to the office. It is now certain that this *titulus coloratus* is not necessary to make a case of common error.³⁸

Colored title properly understood means a title which is not valid, but is based on an invalid act of the competent superior, by which the incumbent apparently has the jurisdiction attached to the office.

The Novus Ordo Cardinals, as was explained above, neither enjoy the right of electing the Roman Pontiff, nor do the Novus Ordo papal claimant receive the jurisdiction attached to the office of the papacy. If they do, even if supplied, we have no business maintaining an apostolate contrary to theirs. The idea that somehow the Novus Ordo papal claimants can receive jurisdiction to only appoint Cardinals and Bishops is alien to both dogmatic theology or Canon Law. In a word, it is a **novelty**.

Objection 3: Schismatics in case of necessity receive supplied jurisdiction to absolve validly a Catholic who is at the point of death (*articulus mortis*). Therefore, the Novus Ordo heretical papal claimants receive supplied jurisdiction to appoint Cardinals and Bishops.

Response:

A brief explanation of when jurisdiction is supplied by the Church: In the common error or in positive and probable doubt of law or fact, the Church supplies jurisdiction for both the external and internal forum.³⁹ To supply jurisdiction means *to give it in the very acts (per modum actus) which are placed without jurisdiction from any other source*.

Hence when jurisdiction is supplied by the Church, the person acting is entirely without jurisdiction both before and after the act in question. He has jurisdiction supplied by the Church only in the act itself.⁴⁰

Schismatics, in case of necessity, receive supplied jurisdiction to absolve validly and licitly Catholics who are at the point of death: for the internal forum, I concede; that such absolution would have any

³⁹ Canon 209

⁴⁰ Ibid, page 141.

effect in the external forum, I deny,⁴¹ therefore, I deny the consequent. It is inconceivable that schismatics or members of the Novus Ordo hierarchy who are not members of the Catholic Church, will receive the power of jurisdiction or government (even if supplied) which springs from the very nature of the Church as it is a perfect society for the purpose of guiding and governing the Church. This surely renders the Church imperfect, whereby her existence would depend on those that are not part of her.

Objection 4: If all you are saying is true, how is it that John XXIII and Paul VI were validly elected, since they were elected before the promulgation of Vatican II and its reforms?

Response: As we have previously stated, “a public heretic is prevented by Divine Law from being validly elected.” John XXIII was suspect of heresy even before his accession to the Cardinalate, but he moved into being an occult heretic and so was not condemned before his election, but his pertinacity was evidently present before his election, which can be confirmed from his acts as a putative Pope.

Objection 5: The whole Church recognised John XXIII as Pope, therefore he was Pope.

Response: The Church’s acceptance of a papal claimant does not intrinsically affect the validity or invalidity of his election. It can only render the election doubtful if a great many Catholics reject/do not recognise the election. Moreover, the possibility of all the cardinals recognising a false invalidly elected Pope was conceded in the bull of Pope Paul IV *Cum ex Apostolatus Officio*, 16 February, 1559.

Furthermore it could be said that John XXIII and Paul VI, before the promulgation of the heresies of the Second Vatican Council, on account of their being elected by *true Cardinals* and on account of the *universal acceptance* of their election, enjoyed only a colored title without however receiving supreme jurisdiction from Christ over the whole Church. This is because since they were public heretics, they could not have been validly elected and the confirmation of this fact was shown from their ‘papal acts, or rather, non-

⁴¹ Pontifical Commission, October 1919 as cited by Halligan, in *Administration of the Sacraments*, page 188.

⁴² ON THE CARDINALS

Origin: The College of Cardinals is an institution established by ecclesiastical law, a logical extension of the administrative arm of the central government of the Church. The Cardinals form the senate of the Roman Pontiff as his chief counsellors and ministers in the government of the Church (Canon 230). They also possess the right of electing his successor

papal acts.’

Summary:

- The members of the Novus Ordo hierarchy cannot elect or be elected into any office in the Church.
- They are prevented by Divine Law as well as by Canon Law.
- The College of Cardinals ceased to exist once they as a body embraced the New Church. This is so because the College of Cardinals is of ecclesiastical origin. Consequently, the Novus Ordo Cardinals do not enjoy the right of electing the Roman Pontiff.
- The Apostolic See and other Sees of the Catholic Church are therefore vacant *de jure*, namely, they lack legitimate titulars, i.e someone who holds the office legally. However, they are not vacant *de facto*, namely, they have actual incumbents i.e ministers of the Novus Ordo hierarchy. This is the true understanding of *SEDE VACANTE*, contrary to what the Thesis adherents propose.

Having seen that the Novus Ordo hierarchy does not enjoy the right of electing the Roman Pontiff, we will then proceed in the next conclusion to show to whom this right belongs.

THIRD CONCLUSION

Third Conclusion: In the absence of cardinal electors,⁴² the right of electing the Roman Pontiff, by way of devolution of rights and of natural preservation of the Church of Christ as a perfect society, pertains today to the Universal Church or the Catholic Hierarchy, which is necessarily perennial, and to which all traditional Catholic bishops belong today. However, for the valid exercise of this right, it is required on the part of the faithful (i.e. members of the Catholic Church) as a necessary condition, a morally unanimous recognition (at least of the major part of the faithful) of the exercise of this right and subsequent submission to whomsoever shall be elected.

(which right flows immediately from their being appointed Cardinals). Their relation to the Supreme Pontiff is similar to that of the Cathedral chapter in relation to a Bishop.

Creation of Cardinals: This act is reserved to the Roman Pontiff who, using the unqualified freedom of choice which he enjoys, selects them from any nation (Canon 232 § 2), and since the twelfth century, even from among clerics resident outside Rome. - Abbo and Hannan, *The Sacred Canons*, page 292-294.

First Part: In the absence of Cardinal Electors, the right of electing the Roman Pontiff, by way of devolution of rights and of natural preservation of the Church of Christ as a perfect society, pertains today to the Universal Church or the Catholic Hierarchy.

Explanation.

A. Absence of cardinal electors

The current absence of cardinal electors has been proved in the preceding conclusion.

B. The right of electing is not an act of jurisdiction and so can be passed on to others who do not possess ordinary jurisdiction.⁴³

It is a moral faculty where the one elected to fill an office is disposed and gains a right to the office (*jus ad rem*), and after confirmation by a superior if needed, he receives a right in the office (*jus in re*). If the office however needs only the acceptance by the one elected, he receives both the right to and the right in the office (*jus ad rem et jus in re*) as in the case of the election of the Roman Pontiff.⁴⁴

C. By way of devolution of rights and of natural preservation of a society:⁴⁵

The principle of devolution is well accepted in the Code. **Canon 178** states that the right of electing devolves upon the superior who would have been the one to confirm the election or to whomever the right of provision belongs successively owing to a delay in conducting the election or if the College is deprived of the right. In the case of the electors of the Roman Pontiff, since the Cardinals who would otherwise have elected the one to be Pope have no other superior but the Pope, the principle of devolution descends to the body closest to the Cardinals.

The Church as a most perfect society, explains Cardinal Billot and Victoria,⁴⁶ just as other societies, inasmuch as it is required for the preservation of the society and to escape the difficulties of extreme necessity, must retain the means/right of electing her head.

Proof.

Major: What was divinely instituted by Christ or by divine right by the Apostles in the Church, that necessarily will be perennial in the Church.

Minor: But what was divinely instituted by Christ or by divine right by the Apostles in the Church is that the subject of the office of the Roman Pontiff be established in a hierarchical way.

Conclusion: Therefore, in the Church the hierarchical way or the means of establishing the subject of the office, viz, the right of electing the Roman Pontiff necessarily will be perennial.⁴⁷

D. The right pertains to the Universal Church:

The term **Universal Church** as understood by theologians in its:

1. Strictest and proper sense refers to the Pope and the bishops in union with him.⁴⁸ The reason is because by Divine Law, the Pope and the bishops (i.e. bishops of dioceses, enjoying ordinary jurisdiction) in union with him are rulers of the Church of God.⁴⁹

2. Stricter sense or less properly: The Universal Church refers to the bishops of dioceses when the Apostolic See is vacant. Hence they are by Divine Law summoned to an Ecumenical Council.⁵⁰

3. Broad sense or improperly: Titular bishops or bishops who have no dioceses can be said to be representatives of the Universal Church only inasmuch as they are part of the Sacred Hierarchy and as such are entitled to certain rights, namely, power of teaching, sanctifying and ruling in a limited way.

Titular bishops are entitled to the power of ruling in a limited way because the power of ruling is only able to be exercised when they are summoned by the Roman Pontiff to an Ecumenical Council, in which they enjoy a deliberative vote in the same way as bishops of dioceses.⁵¹ Their claim lies in the fact that their order, the episcopal consecration, entitles them, by divine law (*jure divino*), to take part in the administration/governing of the Church, and that a general council seems to afford a proper sphere for the exercise of a right which the want of a proper diocese keeps in abeyance.⁵²

⁴³ Sipos, Enchiridion, page 122 § 30

⁴⁴ Bouscaren, Commentary, pages 122-125

⁴⁵ Cajetan, De Comparatione Auctoritatis Papae et Concilii, Chapter 13, nn. 742 & 745,- Victoria OP, Arbor magna jurisdictionis ecclesiasticae suos extendes ramos ad Potestas Ecclesiae, Papae, Concilii page 92-94

⁴⁶ Ibid. See footnote 45

⁴⁷ Salaverri, On the Church of Christ, no. 307

⁴⁸ Van Noort, Christ's Church, Volume II, n. 204.

⁴⁹ Abbo, Sacred Canons, Volume I, pg. 292; Van Noort, Christ's Church, n. 204

⁵⁰ Van Noort, Christ's Church, n. 208

⁵¹ Canon 223 no. 2

⁵² Catholic Encyclopedia, General Councils, <https://www.newadvent.org/cathen/04423f.htm>

E. ... or [to the] Catholic Hierarchy, which is necessarily perennial.

A Hierarchy is a sacred leadership, both because the office itself has been determined positively by God, and because the subject exercising it is designated positively by God.⁵³

The Catholic Hierarchy, composed of bishops, necessarily will be perennial. For the hierarchy in the Church to be perennial, two things are required:

- i. That the hierarchical office itself be perennial, that is, that the threefold power of teaching, sanctifying and governing, instituted by Christ, be perennial in the Church.
- ii. That the hierarchical way of constituting the subject of the office be perennial, that is, the subject of the office is established by divine right, not by the community of the faithful nor by the secular power, **but by God or at least by other bishops.**⁵⁴

Now, to ensure that the Divine Mission of Christ to his Church continues till the end of time, Christ committed certain powers to the hierarchy necessary for this mission.

The three powers committed to the hierarchy are as follows:

- The **power of ruling** is the right of directing and obligating members of a human society to work for a common end.
- The **power of teaching** is the right of handing on, so that those to whom it is given are required to embrace it.
- The **power of sanctifying** is the right of dedicating to God or uniting with God other people by means of some religious right.⁵⁵

These powers were given by Christ to His Apostles and their successors **to continue His Divine Mission**, for which reason this hierarchy is therefore called by canonists a *Sacred Hierarchy*.

Second Part: ... to which belong all traditional Catholic bishops.

Proof

Major: The Catholic Hierarchy, composed of bishops, must necessarily be perennial, exercising the powers of

the Church in continuation of the mission of Christ.

Minor: But traditional Catholic bishops, alone today, continue the mission of Christ by exercising the powers of the Church, albeit incompletely.

Conclusion: Therefore, the traditional Catholic bishops are the Catholic hierarchy and compose the Universal Church.

Explanation of the Major:

This is *de fide*. The Catholic Hierarchy belongs to the essential constitution of the Church, and by its very nature, must be perennial.

Explanation of the Minor:

As demonstrated in the second conclusion, the hierarchy of the Novus Ordo Sect is not the hierarchy of the Catholic Church in any sense. Yet, it is certain that traditional Catholic bishops receive the power of sanctifying by reason of sacred ordination;⁵⁶ they likewise receive the power of teaching, by reason of a delegated and supplied jurisdiction, broadly so called, from Christ through the Church for the continuation of the Divine Mission of Christ committed by Him to his Apostles and to their successors. With regard to the power of ruling, traditional Catholic bishops are no more than titular bishops, being without assignment to any dioceses in the Church. However, since the power of ruling (which is the power of jurisdiction strictly speaking) is conferred by Christ but through the Pope,⁵⁷ traditional Catholic bishops are rightly said to be ordered potentially, truly and properly so, to the reception of **Ordinary Jurisdiction**, since they are more apt to receive it whenever there is a pope. For the pope receives supreme jurisdiction immediately from Christ and communicates to the bishops.

It is impossible to concede, as some do, that traditional Catholic bishops only exercise the power of sanctification, since the power of teaching, at least, precedes the power of sanctification in the order of nature. (See Appendix 5 for more explanation. The proof of this is taken from the specific distinction of the powers among themselves.)

From the aforesaid, it follows that, in the absence of cardinal electors who ordinarily enjoy the right of electing the Roman Pontiff, traditional Catholic

⁵³ Salaverri, On the Church of Christ, no. 287.

⁵⁴ Ibid, no. 306.

⁵⁵ Ibid, no. 119.

⁵⁶ The power of the Church is conferred on the subject in two ways: namely, partly by Sacred Ordination, and partly by an authoritative

mission, and hence the hierarchical power is rightly divided into two categories, that is, by reason of Orders and by reason of Jurisdiction. - Pope Pius XII, *Mystici Corporis*, par. 1294.

⁵⁷ Pope Pius XII, *Mystici Corporis*, par. 63

bishops, on account of their being subjects of the sacred hierarchy and in accordance with the principle of devolution of rights, enjoy the right or faculty of electing the Roman Pontiff.

Corollary: Despite the absence of bishops with ordinary jurisdiction in the Church today, the Apostolicity of the Church is still preserved till this day.

From the foregoing, it is clear that Apostolicity is continued till this day, since Apostolicity fundamentally is the **perennial identity in the Church of the mission**, which Christ gave the Apostles when he instituted the Church.⁵⁸

Apostolicity of Origin, which is the essential identity, not only specific but also individual of the constitution of the contemporary Church with that which took its beginning with the Apostles and from the Apostles, continues till this day.

Apostolicity of doctrine, which is the objective and individual identity of the doctrine of the contemporary Church with the deposit of doctrine received from the Apostles and handed on, continues till this day.

Apostolicity of succession, which is the juridical identity of the power of teaching, sanctifying and ruling of the contemporary Church with the ordinary power of the Apostles handed on by a **legitimate succession**, continues and is preserved by traditional Catholic Clergy because in them, material succession is preserved and this succession is not illegitimate.⁵⁹

It should be noted however that the hierarchy with regard to the office e.g. the Apostolic See, is said to remain even when there is no subject wielding the authority of the office because power or authority is understood to be a fount of faculties, rights and obligations⁶⁰ which depends in this case on the will of Christ rather than on the subjects possessing the office. If the office depended on the subject possessing it, with regard to its very existence and not its exercise, which would be opposed to Catholic doctrine, the papacy would rightly be said to have ended after the death of St Peter.

Third part. However, for the valid exercise of this right, it is required on the part of the faithful (i.e.

members of the Catholic Church) as a necessary condition, a morally unanimous recognition (at least of the major part of the faithful) of the exercise of this right and subsequent submission to whomsoever shall be elected.

This follows from the universally accepted axiom "*papa dubius est papa nullus*", that is, "a doubtful pope is no pope." The recognition by the faithful of the rights of the Catholic Hierarchy in electing the Roman Pontiff is the principle behind this axiom. This disposition of the faithful in recognising the rights of the electors to elect the pope has always been present in the Church and consequently taken for granted. The reason for this recognition is the same reason every ordaining bishop gives during the ordination of a priest for the old practice of requiring the assent of the people to the election of the one to be ordained: "Neither was it without reason what the Fathers instituted, that concerning the election of those to minister at the altar, the people also be consulted ... and it is necessary, so that everyone more easily yield obedience to the one ordained, assent to whose ordination he had granted."⁶¹

This recognition, however, must be understood as something extrinsic to the election albeit necessary, for as Canon Law states, "Those who are taken into the ecclesiastical hierarchy are not bound thereto by the consent or call of the people or secular power, but are constituted in the ... grades of jurisdiction, by canonical mission."⁶²

Thus applying the axiom: "a doubtful pope is no pope," Suarez, SJ argues that: "At the time of the Council of Constance, there were three men claiming to be Pope... it could have been that not one of them was the true Pope, and in that case, there was no Pope at all, because not one of them had been accepted by the sufficient consent of the Church."⁶³

Furthermore, the morally unanimous recognition and subsequent acceptance of the one so elected by the faithful is a necessary condition for the valid exercise of the right of electing the Roman Pontiff by the traditional Catholic bishops because as Cardinal Billot says: "the peaceful and universal adhesion of the Church would always be an infallible sign of the legitimacy of the person of the Pontiff and therefore of the existence of all the conditions which are required for legitimacy itself."⁶⁴ For without the morally

⁵⁸ Salaverri, On the Church of Christ, no. 1176.

⁵⁹ We shall expand more on this point in a future article.

⁶⁰ Ibid, no. 119.

⁶¹ Pontificale Romanum Summorum. Pontificum Jussu Editum a Benedicto XIV et Leone XIII, Marietti: 1941.

⁶² Canon 109

⁶³ Francis X. Doyle, SJ, Defense of the Catholic Church, pg. 259

⁶⁴ L. Billot, De Ecclesia, Thesis 29 Q. 4, Third Edition, p. 609

unanimous recognition and subsequent submission, the legitimacy of the one elected would be called into doubt, and therefore, the axiom “*papa dubius est papa nullus*” would apply and such a one could not be considered the pope.

For the valid possession of an office occupied *de facto* but not *de jure*, a declaration is needed.⁶⁵ Except however in the case in which the actual incumbent (*de facto* occupier) is notoriously known as an intruder, in which case a declaration is not necessary nor required.⁶⁶ By the term “notoriously known” must be understood “notoriety of fact.”⁶⁷ The condition is already verified today and consequently a declaration is not required before the election.

A convocation of the election by him who has the authority to do so furthermore is not necessary for the validity of the election provided that those who are to participate in it are present (at least more than a third part must not be absent).⁶⁸

OBJECTIONS

Objection 1: Sts. Robert Bellarmine, Francis de Sales and a host of other theologians of great renown teach that before the election of a Roman Pontiff, after the prior Pontiff as a private teacher has become a manifest heretic, a declaration by him who has the authority to do so must precede. But the traditional Catholic bishops do not have such authority. Ergo.

Response: Sts. Robert Bellarmine, Francis de Sales and others, were referring to one who was a Pope, was accepted by the whole Church as a Pope, but who then as a private teacher fell into heresy. This is obviously true and is taught by canonists as well, because the Pope still retains at least an apparent title/colored title to the office, having been legitimately elected by true Cardinals and accepted universally by the whole Church as the Roman Pontiff. Hence before an election is held, a declaration must be made by him who has such authority.⁶⁹ However the Novus Ordo claimants are not Catholics, were not legitimately elected and so do not have a colored title, but they are known by many as notorious intruders, which according to canonists

does not require a declaration.⁷⁰ The reason is because notoriety (of fact) according to the principles of Canon Law is equivalent to a legal declaration.

Objection 2: Traditional Catholic bishops do not enjoy colored titles therefore the right of electing the Roman Pontiff does not pertain to them.

Response: Colored title is neither required for electing in an ecclesiastical election nor is jurisdiction, but even if we concede jurisdiction is required, it is certain that colored title is not needed for the grant of supplied jurisdiction by Christ.⁷¹ Furthermore, since the Church supplies jurisdiction in a case of doubt, there is sufficient positive doubt, i.e. reasons justifying the belief that the jurisdiction was given, for the valid performance of the act, namely, the election of the Roman Pontiff by traditional Catholic bishops⁷² as has been proved above. (See Appendix 4 for more on supplied jurisdiction.)

Objection 3: If the traditional Catholic bishops enjoy the right of electing the Roman Pontiff, they should go ahead and do so.

Response: Having a right to something, and actually exercising the right are two different things. We have already shown that a necessary condition must be fulfilled before the right can be validly exercised. While Our Lord had the power to change water into wine at the wedding feast at Cana, He would not have done so, because His hour had not yet come, had His Mother not requested it of Him.⁷³

Objection 4: Suarez says that the right of electing the Roman Pontiff, in the absence of Cardinals, devolves to the Universal Church. By this he means Residential Bishops, i.e. bishops of dioceses. But traditional Catholic bishops are not bishops of dioceses, neither do they have legal titles to any diocesan see. Therefore they cannot be electors of the Roman Pontiff.

Response: That Suarez maintains that in the absence of Cardinal electors or when the Pope leaves no provision

⁶⁵ Canon 151

⁶⁶ Chelodi Joan, *Jus de personis*, Tridenti, 1922, no. 135 as cited by Abbo in *Sacred Canons*, vol I, page 215; Schmalzgrueber, F., *Jus ecclesiasticum universum*, Neapoli, 1738, n. 14 as cited by Vermeersch, in *Epitome*, Tome I, n. 232, II; Coronata, *Institutiones*, vol 1, page 250 no. 215, footnote 9; Philip Maroto, *Institutiones Juris Canonici*, Tome I, n. 593, B, b.; Ojetti, B, *Synopsis rerum moralium et juris pontificii*, Romae, 1911-1914, IV p. 20, as quoted by Wernz, in *Jus Cononicum*, De personis, Tome II, 3rd Edition, page 269-270, footnote 103

⁶⁷ For meaning, see divisions of a heretic earlier provided.

⁶⁸ Canon 162 §2-4

⁶⁹ Ojetti, *Synopsis*, IV, pg. 20

⁷⁰ See footnote 66

⁷¹ Bouscaren, *Commentary*, page 142

⁷² Roberti, *Dictionary*, page 672

⁷³ John 2: 4

for the election of the Roman Pontiff, the right of electing the Roman Pontiff devolves to the Universal Church, i.e. Residential Bishops, to the extent that the residential bishops can convoke with authority an imperfect council, for the purpose of summoning bishops to elect a Roman Pontiff, I concede; that such a convocation is necessary for electing the Roman Pontiff, I deny.⁷⁴ I deny the consequent. Suarez did not mean to limit such rights to bishops of dioceses, because if that were the case, titular bishops when summoned to a general council by the Pope would not enjoy the same rights as Residential Bishops, namely deliberative votes.⁷⁵ Furthermore, traditional Catholic bishops, inasmuch as they alone principally continue the mission of the Church, represent the Universal Church, i.e. the Catholic hierarchy, albeit without ordinary jurisdiction, and therefore, enjoy the right of electing the Roman Pontiff.

Objection 5: If we understand the axiom “a doubtful pope is no pope” the way you present it where morally unanimous recognition is required, then we must conclude that there was no pope during the time of the so-called Great Western Schism. But no author admits this. Ergo.

Response: I distinguish: That this morally unanimous recognition is required both before and after the election, for the election to be considered legitimate, I concede; that after the unanimous recognition has been rendered and subsequently denied the election loses its legitimacy, I deny.

The Roman Pope during the Western Schism was recognised by the Church as the true Pope before some Cardinals receded their recognition. This withdrawal of recognition did not render the Pope illegitimate. For this reason the names of the Roman Pontiffs of the Roman succession are recognised by Popes after the schism as the true successors of St Peter. This only goes to prove that the recognition is something extrinsic to the election although necessary as a confirmation of legitimacy as at the time of and immediately after the election.

Objection 6: The recognition of the Cardinals and not

⁷⁴ Canon 162 §2-4

⁷⁵ See footnote 51

⁷⁶ Vacancy of an office means the want of a legitimate titular or of an actual incumbent. An office is:

- Vacant both de jure and de facto if it lacks both a legitimate titular and an actual incumbent.

the recognition of the faithful was required to show legitimacy of the Roman Pontiff elected during the Western schism. Therefore the recognition of the faithful is not necessary for confirmation of legitimacy.

Response: From its very nature, it can be seen that the recognition of the legitimacy of an election by the cardinals in itself already enjoys and presupposes the recognition by the faithful, of the rights of the cardinals to elect and be governed by the one elected. Even during the Western Schism, the rights of the cardinals was rightly presumed to be recognised by the faithful. Given the events since the Second Vatican Council, this recognition can no longer be presumed. Therefore, before the traditional Catholic bishops can exercise a right which now belongs to them, they must have the morally unanimous recognition of the faithful whom the one elected by them would govern.

Summary:

- In the absence of Cardinal electors the right of electing the Roman Pontiff pertains to the traditional Catholic bishops.
 - This happens by way of devolution of rights to the Universal Church of which the traditional Catholic bishops are her representatives by Divine Law.
 - Neither declaration nor jurisdiction are required either before the election or during the election because in this case, the vacancy *de jure*⁷⁶ is notorious, in which case a declaration is not necessary by law.
 - However, for a valid exercise of the right of electing by the traditional Catholic bishops, a morally unanimous recognition of the right and subsequent submission to the one elected, is required from at least a majority of the faithful, which follows necessarily from the universally accepted axiom, “a doubtful pope is no pope.”
 - By the term “faithful” must be understood, all (at least the majority of) Traditional Catholics and a number of Catholics in the Novus Ordo Sect who do not formally adhere to the sect due to ignorance or confusion.
- Vacant de jure only, if it lacks a legitimate titular but has an actual incumbent.
 - Vacant de facto only, if it lacks an actual incumbent but has a legitimate titular. - Bouscaren and Ellis, Canon Law: A text and commentary, page 125.

CONCLUSION AND PIOUS EXHORTATION

The Church is first and foremost a perfect society whose ends are supernatural, being as it is, spiritually animated by sanctifying grace and the infused virtues of faith and charity, and essentially ordered towards the sanctification of souls, and ultimately, the glory to God. Ecclesiastical law must be subordinate to this end rather than subdue it.

By the virtue of faith in us, all traditional Catholics (sedevacantists, proponents of the Thesis, members of the SSPX, the FSSP and all indult societies) have wholeheartedly rejected Vatican II and all that has proceeded from it. Unfortunately, a false notion of ecclesiastical law and/or a misunderstanding of the essential constitution of the Church now restrains many animated by the true faith to remain connected to what should be completely repudiated, the Novus Ordo Sect, a non-Catholic religion. These traditional Catholics commit an error somewhat similar in certain respects to the error of the lay Catholics and simple clergy who accepted Vatican II and its changes in totality under the guise of false obedience and submission to the hierarchy.

Experience proves the virtue of faith inclines us to completely repudiate the Novus Ordo.

- The members of the FSSP and indult societies groan as they constrain the full expression of the virtue of faith under this false notion of submission to the establishment headquartered in the Vatican.
- The members of the SSPX constrain the full expression of faith by only mentally (at most) assenting to union with the Novus Ordo Sect yet correctly repudiating its doctrines and disciplines in practice.
- The proponents of the Thesis, while arguably being some of the most indefatigable in preaching this true faith to the whole world, continuing the indefectible mission of the Church, err under the misapplication of law and confusion of the essential constitution of the Church by placing the continuity of the Church in the hands of arch-heresiarchs of this evil anti-Catholic sect.

No, let us all rise and see the Novus Ordo Sect for what it truly is and reject it whole and entire and confidently continue the mission of the Church under the infallible and indefectible guidance of the Holy Ghost!

First published on the Feast of the Immaculate Conception of the Blessed Virgin Mary, December 8, 2022.

APPENDICES

Appendix 1

On Ignorance: Canon 16

Canon Law by Amleto Giovanini Cicognani Second Revised Edition, pages 590-597

Ignorance is defined as “lack of due knowledge.” Considering its subject, ignorance is invincible and vincible. Ignorance is said to be invincible when a person is unable to rid himself of it, notwithstanding the employment of moral diligence; obviously such ignorance is involuntary and hence not imputable. (We may say that the diligence required is such as the father of a family or a prudent person employs in managing his affairs, under various vicissitudes.)

Ignorance is termed vincible, if it can be dispelled by the use of moral diligence; this is culpable and is at least indirectly voluntary.

Vincible ignorance may be crass or supine and merely vincible.

It is said to be crass or supine when practically no effort is exerted to dispel it, because of heedlessness and laziness. It is termed supine, that is, a stupid, reckless person.

It is merely vincible when a person makes some effort to remove it, but it proves insufficient.

Another kind of ignorance is that which is called affected ignorance. It is ignorance that is sought on purpose, directly intended and is foreseen and willed in its cause; according to that verse in Psalm 35: “They would not understand that they might do well.” Consequently, in law affected ignorance is held equivalent to fraud, so much so that it does not excuse from any penalty, *latae sententiae* penalties included.

With respect to its object, ignorance may concern the law or the facts of the case. There is ignorance of the law, when one is unaware of the existence of the law itself, or that a particular case is comprised under its provisions;

Ignorance of the fact, when not the relation of something to the law but the thing itself or some circumstance is unknown (e.g., if a person does not know that today is a vigil, or that a certain book is heretical).

There can be no doubt that Canon Law abides by the commanding notion of law “ignorance of fact not of law excuses”... Hence we conclude that Regula Juris 13 in VI still obtains, “Ignorance of fact not of law excuses,” but it is to be understood or restricted after this fashion: “Ignorance of fact, but not of invalidating and disqualifying law excuses.”

Appendix 2

On the Mission of the Church

A. Homily by St. Jerome, Priest at Bethlehem Book IV, Commentary on the end of St. Matthew

Teaching them to observe all things whatsoever I have commanded you. The order of the Lord’s commands to the

Apostles is markedly this: first, to teach all nations. Secondly, to make them partake in the sacrament of the faith.

Thirdly, when they had believed and been baptised, to teach them what to observe. And lest we should think that He commanded things light and few, He hath said all things whatsoever I have commanded you, so that all, who have believed and been baptised in the name of the Trinity, are bound to observe all things whatsoever He hath commanded. And, lo, I am with you always even unto the end of the world, doth give them thereby to know that they will always be conquerors, and that He will never fail any who believe in Him.

B. On Sacred Orders: Merkelbach: Summa Theologiae Moralis III, 723

Power of character is twofold.

1. Principal, regarding the real Body of Christ, namely of consecrating, offering and administering the Body and Blood of the Lord, as is evident from the very form of the sacrament, from the words of Christ: Do ye this in commemoration of Me (Luke XXII, 19).
2. Secondary, concerning the Mystical Body of Christ; or rendering the faithful apt and worthy for the Sacrament of the Eucharist, through the preaching of the divine word and the administration of the sacraments, especially of Baptism and Penance (Mt. XXVIII, 19: John XX);...

The power of confecting and dispensing the Eucharist includes the power of giving all things which are required for the worthy reception of the Eucharist. Men however are disposed remotely to the Eucharist through the preaching of the word, proximately through the administration of the sacraments, especially of Penance.

C. Concerning the role and status of Traditional Catholic Clergy, i.e. Bishops and Priests.

Traditional Catholic clergy, inasmuch as they have been validly ordained and inasmuch as they keep and defend the Catholic faith, continue the mission of the Church, namely of sanctifying souls through the preaching of the true faith and the administration of the sacraments. The mission of the Church is that for which the Church was established by Christ and hence it must continue in the Church till the end of time. From this it follows that by divine law and by virtue of the Sacrament of Orders, in the absence of those canonically deputed to continue the mission of the Church, traditional Catholic clergy are bound in charity to continue the mission of the Church.

D. Status of Traditional Catholic Bishops

Since an office can be held *de facto* or *de jure*, from the fact that Traditional Catholic Bishops continue the mission of the Church in dioceses already created before the usurpation of the Catholic Sees by the Novus Ordo sect and from the fact that the exercise of the episcopal functions are recognised explicitly by the faithful, though few, of these dioceses, they enjoy a certain title as auxiliary Bishops of the diocesan see

in which they reside or in which they fulfill chiefly their episcopal functions. Canon 355 § 3. However since a coadjutor/auxiliary whether given for the person of the Bishop with/without a right of succession or given to the See, must be appointed/confirmed by the Roman Pontiff. The title of Traditional Catholic Bishops, during this period of sedevacante is that of De Facto Auxiliary Bishops enjoying a certain *jus ad rem* (explicit recognition by the faithful of the diocese) but not however a *jus in re* on account of the want of a confirmation by a Roman Pontiff.

E. Status of Traditional Catholic Priests

Traditional Priests who provide for the needs of the faithful in the dioceses in which they reside enjoy a certain title as *de facto* vicar cooperators. This status enables them to carry out their functions as would a canonically appointed parish priest in a canonically erected Church. It is important to note that in the absence of Bishops with ordinary jurisdiction, certain things cannot be fulfilled. The use of supplied jurisdiction ought to be for those things that pertain immediately to the mission of the Church or to the very conservation of the Church as a perfect society.

F. Concerning the Lay Faithful, Abbo, Sacred Canons, Can 91 Status:

The Catholic lay faithful are a part of that diocese in which at the time of their birth, their father had a domicile. A domicile is acquired by residence in any parish or quasi-parish or at least in a diocese, vicariate apostolic or prefecture apostolic, provided that this residence is either combined with the intention of remaining there permanently (unless some future contingency should make a change of residence desirable), or is continued for ten full years.

Appendix 3

Canon 188.4 and Notoriety of Fact

Canon 188: “Any office becomes vacant upon the fact and without any declaration by tacit resignation recognised by the law itself if a cleric, §4: Publicly defects from the Catholic faith.”

Interpretation of this Canon by A. Vermeersch S.J.: Epitome Juris Canonici, Tome I n. 268 and Tome III n. 384, 3; 513, 2

“He defects from the faith who denies pertinaciously its foundation or who by word or deed severs every bond with the Catholic religion, e.g. by adhering to a heretical or schismatic sect. The defect is public, when it is known by a greater part of the community or ought to be known soon afterwards (*cum est in majore parte communitatis notum aut mox cognosci debet*). Public here specifically is taken by opposition to notorious and occult; although the word “public” per se is generic which designates a notorious, manifest or simply public defect.”

- Hence from the following, it is evident that Canon

188.4 applies and this without a declaratory sentence, in those cases in which the defect is notorious by notoriety of fact e.g. when an office holder adheres to a non-Catholic sect or if his defect is publicly known and committed under such circumstances, that it cannot be concealed by any subterfuge, nor excused by any excuse admitted in law.

- A declaratory sentence on the other hand is required in those cases where, though the defect is public, it is not known by a greater part of the community and for this reason can be concealed by any subterfuge. The declaratory sentence is necessary and renders the defect notorious. For this to take place, the norm of Canon 2314 ought to be followed.

Appendix 4

The Church supplies jurisdiction in the case of positive doubt: Dictionary of Moral Theology; Francesco Cardinal Roberti, Newman press, 1962.

The Church also supplies jurisdiction in a case of doubt. The doubt, however, must be positive, i.e. there must be reasons justifying the belief that the jurisdiction was given. If, on the contrary, the doubt is negative, i.e., if sound motives for doubt are absent, a distinction must then be made. If the doubt exists on both sides, i.e., if there are no reasons for believing either that the jurisdiction was given or that it was not given, certainly the Church does not supply the jurisdiction, and the absolution (if the question is about confession) will be doubtfully valid, because the value of absolution depends exclusively on whether the priest *de facto* has the jurisdiction or not. Therefore, in this case, the use of a doubtful jurisdiction and the conditional absolution of the penitent is permitted only in case of grave necessity, that is, if it is likely that the penitent will remain without absolution for a long time. Properly speaking, the confessor should then warn the penitent to submit again to the power of the keys the sins confessed under such circumstance.

In a case of positive doubt, the Church supplies the necessary jurisdiction. In particular: (a) The Church supplies jurisdiction in a case of probable jurisdiction based on probability of law, when the doubt, really probable and serious, concerns a common question of law in which authors do not agree, and the opinion holding to the possession of jurisdiction is probable. (b) The Church supplies jurisdiction in a case of probable jurisdiction based on probability of fact, that is to say, when the positive and probable doubt revolves around a private fact. Thus, if a priest is uncertain about whether or not the time of his faculties has elapsed, or whether or not a certain sin is reserved in the diocese, or whether or not the superior granted the faculty, and if, after having reasonably examined the various circumstances,

there still remains a probable reason to believe that the jurisdiction is still in force, the priest absolves the penitent validly, because if the jurisdiction is really lacking the Church will supply it.

A doubt must be objective and morally insoluble, for if the doubt is merely subjective, i.e., dependent upon a lack of diligent investigation which in that case can and must be conducted, the Church does not supply the jurisdiction.

These principles find their broadest application in the administration of the sacrament of penance; thus, in order to avoid possible errors or doubts, besides the power of orders, a priest must also possess the power of jurisdiction.

Until a short time ago, canonists wondered whether the principles concerning a common error and a positive and probable doubt could also be extended to a case of doubtful faculty in assisting at a marriage, or other such errors; in other words, whether a marriage celebrated before a putative pastor, held by error to be a true pastor, when by a hidden defect he had invalidly received the pastorship, was valid or not. The opinion in the affirmative is common today, and according to an authentic interpretation of March 26, 1952, it is called certain (AAS 44 [195], 497). Thus, too, his assistance at a marriage in case of positive and probable doubt, whether of law or of fact, is held valid by virtue of supplied jurisdiction.

Appendix 5

While the three powers of the Church are really and specifically distinct among themselves, they are not divided in the subject having them by divine right.

It is proved from the mandate of Christ in Matt 28:18-19 according to the explanation of St Jerome:

“Go therefore and teach all nations, baptising them in the name of the Father and of the Son and of the Holy Ghost.” First, they teach all nations, then they sprinkle all who have been taught, with water. For it cannot happen that the body receives the Sacrament of Baptism, unless beforehand the soul has received the truth of the faith: “... teach them to observe everything I have commanded you.” The order is excellent: He commands the Apostles that they first teach all nations, then they wash them with the Sacrament of Faith, and after faith and baptism, they prescribe what is to be observed ... so that those who believe, who had been baptised in the Trinity, should do what has been prescribed.⁷⁷

Proof:

Major: From the mandate of Christ according to the explanation of Jerome, of the three powers, some are broader than others and by nature take precedence.

Minor: But the powers of which some are broader than others and by nature take precedence really and specifically are

⁷⁷ Ibid, no 1313; St Jerome, Comment. In Evang. Mt 28:19ff

different.

Conclusion: Therefore the three powers of the Church of teaching, sanctifying and ruling are really and specifically different.

Explanation:

The major is clear from the cited text, for the power of teaching is prior to the others, by its nature and is directed to absolutely all men, both baptised and non-baptised; the power of sanctifying through baptism is a medium between the power of teaching and ruling and is extended only to those who believe, finally the power of ruling is the last of the three, and is only extended to the baptised. (It is not clear why this is here. To show the powers and their ends in order to argue that traditional bishops have more powers than just to sanctify through orders)

From the aforesaid, the following things can be concluded:

1. The power of teaching in its total amplitude is the power of a legate to those called to the Church, or which is extended to all men, both baptised and non-baptised

2. The power of ruling or of jurisdiction in the strict sense is the power of a Superior over subjects of the Church, who are all and only the baptised.

3. The power of sanctifying in its fullness, not only by baptism, but also by the other means of sanctification, is the power of a minister over the members of the Body of the Church, or which is extended of itself only to the baptised, who also by the bonds of faith, obedience to the laws of the Church, and communion are united with the Church, for the life of grace, which the power of sanctifying confers, of itself only comes from Christ the Head to the members of His Mystical Body.⁷⁸

The power of ruling by its nature does not include the power of teaching:

The Church to that extent has the power of “true and proper jurisdiction” in as much as it is a society “not less than the State itself, perfect in its nature and law”.⁷⁹ But the civil society, although its power of jurisdiction is thought to be perfect, in the proper sense lacks both the power of teaching authentically and the power of sanctifying. Therefore the power of sanctifying cannot be said to be a part of the true and proper power of jurisdiction understood specifically.⁸⁰

The Church obtains the power of teaching and the power of sanctifying not precisely as a perfect supernatural society of men, but because the Lord positively made it His Supernatural Kingdom “of grace and truth”⁸¹

And because of this, since the power of teaching is not part of the formal nature itself of the power of jurisdiction in the strict sense, God could institute His Church with the perfect supernatural power itself of jurisdiction, without the

power of teaching; namely in other words, by reserving to His Providence the truths of religion and morals whether natural or revealed by God.

Therefore, from these disputed points we conclude that the three offices of teaching, priesthood and ruling, which the Church received from Christ, formally between themselves and specifically are to be distinguished.

However, they are not divided in the subject having them by divine right. For just as in Christ the three messianic offices of teaching, priesthood and ruling were joined together, so also in the Pope and in the bishops, successors of the Apostles, the same offices are joined together.⁸²

Appendix 6

Comparison between the Election of the Roman Pontiff and baptism based on the principle of devolution of the right of electing

Institutiones Juris Canonici

P. Matthaeus Conte a Coronata, O.F.M., Vol. 1, 1820, Marietti: pg. 239 n. 208, 3°

<p>Election of the Roman Pontiff 1. Ordinary Electors of the Roman Pontiff is the College of Cardinals.</p>	<p>Baptism Ordinary minister of solemn baptism is a priest – Canon 738</p>
<p>2. Extraordinary electors of the Roman Pontiff in absence of Cardinal Electors are residential Bishops i.e. Bishops with Ordinary Jurisdiction</p>	<p>Extraordinary Minister of Solemn baptism is a deacon – Canon 741</p>
<p>3. Valid and legitimate electors of the Roman Pontiff in the case of grave necessity in the absence of Cardinals or Bishops with Ordinary Jurisdiction are traditional bishops. without a convocation (this not being necessary), with the necessary condition having been fulfilled namely; the recognition by majority of the faithful of the right of electing the Roman Pontiff by Traditional Catholic Bishops</p>	<p>In the case of necessity e.g. danger of death, minister of baptism not solemn (i.e. private) but licit and valid, can be a subdeacon, cleric etc. – Canons 742 & 759</p>

⁷⁸ Ibid, no. 1313-1315

⁷⁹ Denziger 3171

⁸⁰ L. Billot, De Ecclesia, Q. 8 §. 1

⁸¹ John 1:17, 1:14

⁸² Pope Pius XII, *Mystici Corporis*, par. 1316, 1317

BIBLIOGRAPHY

1. Abbo and Hanan, the Sacred Canons
2. Acta Apostolicae Sedis, 30 July, 1934 ad I, XXVI
3. Augustine, A Commentary on the New Code of Canon Law, London, 1919
4. Badius, C., Institutiones Juris Canonici, Florence, Fiorentina. 1921
5. Baltimore Catechism, 1885
6. Benedict XIV, Singulari nos, Feb 9, 1749
7. Ludovico Billot, SJ, Tractatus De Ecclesia Christi, 3rd Edition
8. Bouscaren and Ellis, Canon Law a text and Commentary
9. Sylvester Berry, The Church of Christ
10. Cajetan, de comparatione auctoritatis papae et concilii
11. Catholic Encyclopedia, General Councils, <https://www.newadvent.org/cathen/04423f.htm>
12. Fr. Anthony J. Cekada, Work of Human Hands
13. Cocchi, Commentarium in Codicem Juris Canonici, 4th edition
14. Codex Juris Canonici
15. Coronata, M. Conte a Institutiones Juris Canonici, Rome, Marietti 1950
16. Francis X. Doyle, SJ, Defense of the Catholic Church
17. Ferrerres J, Institutiones Canonici, Barcelona: 1920
18. Fortescue & O'Connell, *The Ceremonies of the Roman Rite Described*, London, Burns & Oates, 1962
19. Rev Fernand Mourret S.S., *History of the Catholic Church*, Volume V, B. Herder Book Co.
20. Nicholas Halligan OP, The Administration of the Sacraments Holy Office, March 8, 1882
21. Chelodi Joannes, Jus de personis, Tridenti, 1922
22. D'Annibale Jos, Summula theologiae moralis Romae, 1897
23. Darass Joseph, A General History of the Catholic Church
24. Merkelbach, Summa Theologiae Moralis
25. Naz, R. Traité de Droit Canonique, Paris
26. Ojetti, B. Synopsis rerum moralium et juris pontificii, Romae, 1911-1914
27. Philippo Maroto, Institutiones Juris Canonici, Rome
28. Edmund J.O. Reilly, SJ, The Relations of the Church to Society, Theological Essays, 1892
29. Francesco Cardinal Roberti, Dictionary of Moral Theology
30. Sacra Scriptura, Douay Rheims Version
31. Salaverri Joachim, On the Church of Christ
32. Sacrae Theologiae Summa IB
33. Salucci,R, penale secondo il condice di diritto canonico, 1930
34. Schmalzgrueber F., Jus ecclesiasticum universum, Neapoli, 1738
35. Stephanus Sipos, Enchiridion Juris Canonici, 1954
36. Van Noort, Christ's Church
37. Vermeersch-Creusen, Epitome Juris Canonici
38. Victoria OP, Arbor magna jurisdictionis ecclesiasticae suos extendens ramos ad Potestas Ecclesiae, Papae, Concilii
39. Wernz, F.X., P. Vidal, Jus Canonicum, Rome 1943

40. Woywood, a Practical Commentary on the Code of Canon Law
41. Pope Pius XII, MYSTICI CORPORIS CHRISTI: Encyclical letter

ARTICLES

1. Fr. Anthony J. Cekada, "Utterly Null and Void"
2. Bishop Donald J. Sanborn, "On Being a Pope Materially"
3. Bishop Donald J. Sanborn, "Vatican II, The Pope and SSPX"
4. E.A. Freeman, "Disestablishment and Disendowment"