

## Steven Speray responds to Robert Siscoe and *The Remnant*

I sent my rebuttal to *The Remnant*, but they haven't returned my two emails in over a week. Therefore, I'm publishing it now to prove the veracity of sedevacantism and the errors of those "*traditionalists*" who are in union with modernist Rome.

Robert Siscoe's critique begins by deriding my person for things like creating a pseudonym, which he also did on my blog to defend himself and a *novus ordo* priest. My alias was created for secular media which I deleted once my identity was revealed. Siscoe made a big deal out of the issue to bolster his position, a tactic needed when losing a debate. Siscoe deleted his fake name so as not to look like a hypocrite. It's not important anyway. The issues are what are important.

While Siscoe publishes articles against sedevacantism and is preparing a book on the subject - not to mention the hundreds of comments he's amassed on my blog and other sede's websites where he refuses to answer the questions - he accuses me of being obsessed.

In 2012, Siscoe teamed up with Rev. Shannon Collins in a CD scoffing at sedevacantism. They spent enormous time on the necessity of warnings to establish manifest heresy, never once quoting reputable authorities who say otherwise, such as De Lugo and Tanqueray. [1] Additionally, Shannon and Siscoe never mention Pope Paul's bull *Cum Ex Apostolatus* because it destroys their arguments. They make reference to Cardinal Manning's 1861 teaching about the prophecy that Rome will lose the faith and drive away the pope, but they omit the full context: "*Rome shall apostatize from the faith,. ...Then the Church shall be scattered, driven into the wilderness, and shall be for a time, as it was in the beginning, invisible hidden in catacombs, in dens, in mountains, in lurking places; for a time it shall be swept, as it were*

*from the face of the earth. Such is the universal testimony of the Fathers of the early Church.”*

Before Siscoe published his *Remnant* article against me, he asked that I remove his name from my article for personal reasons. In the process, I revised it to deal with Siscoe’s complaints which were sent to me weeks before his piece was published. Unfortunately, Siscoe replied to the older article.

The following analysis shows how Siscoe twists my points and the teachings of theologians, saints, and popes.

#### **[a.] The Contradiction between John of St. Thomas and the Law**

Siscoe quotes several credible sources saying or implying that heretical popes can be judged, which is true, because heretical popes are not true popes. That’s why they can be judged. Siscoe misses the nuance by assuming that heretical popes remain true popes of the Church.

I agree with Bellarmine and Pope Innocent III that men judge popes who’ve fallen into heresy, because as Bellarmine said, *“A pope who is a manifest heretic automatically (per se) ceases to be pope and head of the Church, just as he ceases automatically to be a Christian and a member of the Church. Wherefore, he can be judged and punished by the Church. All the early Fathers are unanimous in teaching that manifest heretics immediately lose all jurisdiction. St. Cyprian, in particular, laid great stress on this point.”* (*De Romano Pontifice*, II. 30)

Siscoe and John of St. Thomas absolutely denied Bellarmine’s assertions by saying popes who are manifestly heretical remain popes until declared otherwise. Theologian and Superior of the Birmingham Oratory, Fr. Henry Ignatius Dudley Ryder (1837-1907) acknowledged John of St. Thomas as being against St. Robert Bellarmine whose position I hold:

*“It has always been maintained by Catholic theologians that for heresy the Church may judge the Pope, because, as most maintain, by heresy he ceases to be Pope. There is no variance on this head amongst theologians that I know of, **except that some, with Torquemada and Bellarmine, hold that by heresy he ipso facto ceases to be Pope: whilst others, with Cajetan and John of St. Thomas, maintain that he would not formally [as opposed to materially] cease to be Pope until he was formally deposed.**”* (Catholic Controversy, 6th ed., Burns & Oates, pp. 30-31)

Doctor of the Church, St. Robert Bellarmine teaches the position of sedevacantists.

Siscoe said there was no contradiction between Rev. Augustine and John of St. Thomas who taught that: *“**The Church is able to declare the crime of a Pontiff...**”*, but not according to Rev. Augustine who explains why in Canon 1556 that no one can judge the Holy See. That’s why I provided the full commentary of Rev. Augustine. To declare a crime of a pontiff necessarily entails judging the Holy See.

Next, Siscoe tried to show the difference between deposing the pope and the ministerial function required for deposition which comes from a council. Siscoe professes the latter, but he sidesteps Rev. Augustine’s teaching: *“**A general council could not judge the Pope, because, unless convoked or ratified by him, it could not render a valid sentence.**”* Keep in mind John of St. Thomas taught, *“**The Church must render a judgment before the pope loses his office.**”* That requires judging the Holy See. Therefore, there is a contradiction between John of St. Thomas and Rev. Augustine and the Law! The Catholic position is that a pope who loses office at the moment of professing heresy is no longer the Holy See and no judgment is made against it.

Again, Siscoe misses the distinction from the Catholic Encyclopedia, Bellarmine, etc. that a heretical pope is not pope, the reason why he can be judged and punished. To the contrary, John of St.

Thomas, as we just stated, believed, *“The Church must render a judgment before the pope loses his office.”*

Siscoe can't acknowledge the obvious because it destroys his entire position. (See footnote [2] on how his authorities contradict popes, saints, and the law.) Siscoe does a fine job confusing the issues, but if we compare Siscoe's side (sedepenist) with my side (sedevacantist), much of the confusion is eliminated.

Both sides agree that the Church needs to make a declaration on a pope who falls into heresy:

Sedepenists – Depend on it before it can be recognized as fact.  
Sedevacantists – Don't depend on it to make loss of office, but it's needed for the greater good so the Church can advance to the next step of election.

Both sides agree that laymen have no authority to declare deposition on their own authority:

Sedepenists – Don't recognize the operation of law that deposition happens by fact alone.  
Sedevacantists – Recognize operation of law as the Church's definitive judgment.

## [b.] Pope Pius XII Proves the Principle of Sedevacantism

Siscoe completely misrepresents and confuses *Mystici Corporis Christi* by Pope Pius XII by introducing the subject of internal sins and falsely attributing the internal forum as a basis for the sedevacantism. Sede's don't believe that internal sins separate someone from the Body of the Church. Siscoe didn't read my article closely because I was abundantly clear the Body of the Church refers to the external forum. Therefore, Pope Pius XII was referring not to internal sins, but external sins. The good pope already stated, *“Actually only those are to be included as members of the Church who have been baptized and profess the true faith.”* To *“profess”* means external forum. We're dealing with public heresy, not occult. Siscoe's explanation about internal sins

doesn't apply to sedevacantism, thus his entire argument is irrelevant. Pope Pius XII's declaration that sins of heresy by their very nature severs, "*a man from the Body of the Church*, [as opposed to the Soul of the Church] is utterly denied by Siscoe! He used the internal forum argument as a smoke-screen to hide the fact that Pope Pius XII reinforces sedevacantism and condemns John of St. Thomas and his position.

Siscoe continues, "*What Steve doesn't understand is that saying heresy "of its nature" severs a person from the Body of the Church does not eliminate the necessity of the proper authorities performing the necessary judgments that the crime (sic) has been committed.*"

But I never denied this. That's what penalties are for. In fact, I wrote, "*Sedevacantists admit that a declaration need be made for the good of the Church in order to proceed to an election of another pope. The same rule applies to Canon 2223.4 that a declaration is necessary for order to be maintained, but its absence doesn't nullify the censure of automatic excommunication.*"

#### [c.] Siscoe Reverses the Meaning of My Words:

Siscoe wrote: *Steve believes that if the Church declares a pope to be a heretic, this declaration must necessarily "cause" the pope to fall from the Pontificate.*

No I don't. I specifically implied otherwise: "*Smith doesn't say that a declaration is needed to make the deposing of the pope happen, as Bellarmine taught no declaration is needed. In fact, a declaration to make it so wouldn't be an ipso facto loss of office.*" It was Siscoe who used the quote from Smith to say that a declaration is needed for a pope to be deposed.

Now if Siscoe actually quotes me and then says exactly opposite of my meaning and explanation, it should come to no surprise that he does this with Bellarmine and everyone else he quotes. If you remember anything, remember this point.

In my revision, I added: *“A declaration simply doesn’t cause the pope to fall from the pontificate, and a declaration is not needed for the faithful to render a fallen pope as a fallen pope”* to make absolutely clear where I stand.

#### [d.] Canon Gregory Hesse and the First Vatican Council:

I called Canon Gregory Hesse a quack and Siscoe defended him by deriding my education, a red-herring. However, Hesse contradicts Siscoe’s entire position here: *“We may conclude that, since only a declaratory sentence makes a person a formal heretic, and since a declaratory sentence must be issued by a superior to the transgressor (Canon 2223:4), and since there is no superior to the pope on earth, therefore the pope cannot be a formal heretic.”*

Hesse also did a video explaining why Vatican II wasn’t an ecumenical council of the Catholic Church. See link below...

[https://www.youtube.com/watch?v=xnEQIq4\\_AKI](https://www.youtube.com/watch?v=xnEQIq4_AKI)

Does anyone of credibility agree with such quackery?

Hesse is the only post-Vatican I canonist Siscoe cites because after the First Vatican Council and the promulgation of the 1917 Code of Law, the dynamic changed. The authority of the pope was defined and clarified to the extent that John of St. Thomas’ teaching can’t be accepted because his position presupposes the popes can be impaired with error against the Faith. The First Vatican Council declared, *“this See of St. Peter always remains unimpaired by any error.”* The fathers of the council made this statement after finding forty historical papal errors, meaning that popes can error, but not against the Faith as it’s defined.

Interestingly enough, the topic of a pope becoming a heretic was addressed at the First Vatican Council by Archbishop Purcell, of Cincinnati, Ohio: *“The question was also raised by a Cardinal, ‘What is to be done with the Pope if he becomes a heretic?’ It was answered that*

*there has never been such a case; the Council of Bishops could depose him for heresy, for from the moment he becomes a heretic he is not the head or even a member of the Church. The Church would not be, for a moment, obliged to listen to him when he begins to teach a doctrine the Church knows to be a false doctrine, and he would cease to be Pope, being deposed by God Himself.*

*“If the Pope, for instance, were to say that the belief in God is false, you would not be obliged to believe him, or if he were to deny the rest of the creed, 'I believe in Christ,' etc. The supposition is injurious to the Holy Father in the very idea, but serves to show you the fullness with which the subject has been considered and the ample thought given to every possibility. If he denies any dogma of the Church held by every true believer, he is no more Pope than either you or I; and so in this respect the dogma of infallibility amounts to nothing as an article of temporal government or cover for heresy.”* (*The New Princeton Review*, Volume 42 p. 648, also *The Life and Life-work of Pope Leo XIII.* By James Joseph McGovern p. 241)

This Vatican I's address is precisely what Siscoe, *The Remnant*, and other trad-cats refuse to accept! Siscoe only quotes the minority canonists pre-Vatican I, whereas the vast majority of canonists are pro-sedevacantism. Regardless, Vatican I ended the debate once and for all. John of St. Thomas' teaching that a pope can be *“externally a heretic: truly, he is able to be so publicly as long as he has not yet been warned by the Church....”* is now a total heresy!

Siscoe makes the same mistake with John of St. Thomas as the Jansenists did with St. Augustine. In *Errors of the Jansenists*, #30: Pope Alexander VIII condemned the proposition, *“When anyone finds a doctrine clearly established in Augustine, he can absolutely hold it and teach it, disregarding any bull of the pope.”* (D. 1320)

[e.] **Novus Ordo Canon Lawyers Prove the Principle of Sedevacantism:**

Siscoe quotes my brother, *“Yet Steve is inaccurately posting on his website he talked to two canon lawyers that supposedly agree with him.”* However, Siscoe doesn’t quote my reply to my brother, which explains what happened.

I spoke to a prominent local canon lawyer about whether a bishop loses office automatically without declaration if he were to declare in a homily, *“Mary is a sinner.”* The lawyer said, *“Yes, absolutely!”* My brother called this same canon lawyer and asked if a pope said something materially heretical would he lose office? The answer the lawyer gave was no and that the Vatican 2 popes have done nothing heretical. Interestingly enough, a friend and I had lunch with the same canon lawyer last year who admitted that if anyone says the Eastern Orthodox are part of the Church of Christ and their patriarchs are *“pastors in the Church of Christ”* he is a heretic and outside of the Church. When I told the lawyer that the Vatican 2 popes have said so repeatedly, the lawyer’s reply to us was, *“I don’t have to follow them. I have my own faith.”*

The second lawyer is a *Novus Ordo* priest who I recently spoke with for an hour and a half. He confirmed, using two commentaries, that clerics lose office automatically without declaration when teaching heresy.

I, at least, consult canon lawyers. Siscoe admitted he does not, yet having no training, he portrays himself as the expert in the field.

#### [f.] **Rev. Augustine’s Teaching:**

Siscoe fails to mention that Rev. Augustine explains *“tacit resignation”* in canon 188.4 is public heresy, not just joining another religion. Regardless, Siscoe still rejects the law because when I asked him if he would be a sede if his pope joined another religion, he replied that he’d only become a sede when the church declares his pope is not the pope. In other words, it doesn’t matter if his pope joined another religion. A declaration is still needed for Siscoe.

Laws are rendered meaningless by Siscoe, especially those laws that say, “*without declaration*” “*automatically*” and “*by operation of law*” because they simply don’t fit in Siscoe’s living nightmare where true popes promulgate heresies in the Church for fifty plus years.

[g.] **Liberius, Nestorius and St. Robert Bellarmine:**

Siscoe used the *sede impedita* argument that says popes lose office when in exile, thus Liberius lost his pontificate. It’s abundantly clear that *Sede impedita* was not what Bellarmine was referring to because he tells us that Liberius appeared to be a heretic and on that account, Liberius lost his office. *Sede impedita* is another red-herring because Bellarmine rejects the necessity of the warning system that Siscoe relies on.

Siscoe did the same with Bellarmine on the Nestorius incident. St. Robert Bellarmine said heretics lose jurisdiction [office] **before** sentence of excommunication, and he explains how Pope St. Celestine said Nestorius lost his office “*after the latter began to preach heresy.*” That’s immediately, not after warnings and declaration. Bellarmine continued by quoting St. Jerome who taught that heretics have been “*cut off from the body of the Church*” and lose jurisdiction “*without excommunication.*”

[h.] **Dogmatic Facts:**

Siscoe revisits dogmatic facts already addressed on my blog at ([Robert Siscoe Caught in His Own Trap Against Sedevacantism](#)), and uses it to accuse sedevacantists of rejecting the Church’s infallibility by claiming a heretic is pope when he is universally accepted as pope. Siscoe quotes papal expert Cardinal Billot as proof.

Cardinal Billot didn’t imply that heretics could be pope, but he nonetheless said that God, “*cannot however permit that the whole Church accept as Pontiff him who is not so truly and legitimately.*” If Billot meant absolutely everyone or the acceptance must be absolutely

certain to the whole Church so long as there is no appearance of wrongdoing, then we can accept this view. If Cardinal Billot simply meant the vast majority, then he'd be incorrect because history defies this assumption. A case in point was Boniface VIII who was accepted as pope by the vast majority and was on the *Annuario Pontificio* (the official list of popes) for a thousand years before being removed in 1904.

Siscoe's reply was Boniface was not accepted universally and peacefully, as if popes can only be popes if they are peacefully elected and accepted. This, of course, rules out the integrity of the many true popes who were not peacefully elected and accepted. However, Boniface ruled for over a year as "*pope*" and was accepted as pope by the vast majority. What the "*whole Church*" includes and how his statement applies in every situation, Billot doesn't tell us. However, he did leave a qualifier: "*He [God] can also permit that doubt arise about the legitimacy of this or that election.*"

Siscoe continued by citing Rev. Sylvester Berry:

*"The practically unanimous consent of the Bishops and faithful in accepting a council as ecumenical, or a Roman Pontiff as legitimately elected, gives absolute and infallible certainty of the fact".*

Recall Canonist Hesse whom Siscoe must condemn for rejecting the "*dogmatic fact*" that Vatican 2 was an ecumenical council.

However, it's certain that Rev. Berry's "*practically unanimous consent*" doesn't include heretics, like the ones who signed off on the heresies of Vatican 2, which would eliminate most if not all of the cardinals who elected the first Vatican 2 popes. A conspiracy to fix a papal election, which the modernists and Freemasons planned and boasted about for a hundred years, would not fit under Cardinal Billot's or Rev. Berry's rubric of the "*whole Church*" and "*practically unanimous consent.*" Because Cardinal Billot's point on doubt arising on the legitimacy of this or that election, his teaching, as with Rev. Berry's,

would pertain to ordinary circumstances, not to extraordinary ones. In fact, Rev. Berry foretold the very situation we're in now:

*“The prophecies of the Apocalypse show that Satan will imitate the Church of Christ to deceive mankind; he will set up a church of Satan in opposition to the Church of Christ. Antichrist will assume the role of Messias; his prophet will act the part of Pope, and there will be imitations of the Sacraments of the Church. There will also be lying wonders in imitation of the miracles wrought in the Church.” (The Church of Christ, 119)*

*“There seems to be no reason why a false Church might not become universal, even more universal than the true one, at least for a time.”* (ibid. 155)

Nevertheless, what canonists and theologians teach are opinions until the Church says otherwise. If the Church had a definition on the subject, Siscoe would have pointed to it, but didn't, because it doesn't exist. We've seen how St. Thomas Aquinas was wrong about the Immaculate Conception and how Pope St. Leo IX was wrong about the validity of holy orders of simoniacs. Since the Church hasn't defined the issue at hand, Billot and Berry could be wrong as well. However, I just showed the more probable interpretation of the instructions of Cardinal Billot and Rev. Berry, since both of them qualified their positions with Berry providing the pivotal teaching on the future Church, which mirrors our situation today.

While Siscoe calls sedevacantists heretics for not interpreting his canonists as he does, he doesn't even listen to his own popes at all!

Another argument against Siscoe's alleged dogmatic fact comes from Pope Paul IV's bull, *Cum ex apostolatus officio* of 1559, which declared:

*In addition, [by this Our Constitution, which is to remain valid in perpetuity We enact, determine, decree and define:] that if ever at any time it shall appear that any Bishop, even if he be acting as an Archbishop, Patriarch or Primate; or any Cardinal of the aforesaid*

Roman Church, or, as has already been mentioned, any legate, or even the Roman Pontiff, prior to his promotion or his elevation as Cardinal or Roman Pontiff, has deviated from the Catholic Faith or fallen into some heresy:

(i) the promotion or elevation, even if it shall have been uncontested and by the unanimous assent of all the Cardinals, shall be null, void and worthless;

(ii) it shall not be possible for it to acquire validity (nor for it to be said that it has thus acquired validity) through the acceptance of the office, of consecration, of subsequent authority, nor through possession of administration, nor through the putative enthronement of a Roman Pontiff, or Veneration, or obedience accorded to such by all, nor through the lapse of any period of time in the foregoing situation;

(iii) it shall not be held as partially legitimate in any way;

(iv) to any so promoted to be Bishops, or Archbishops, or Patriarchs, or Primates or elevated as Cardinals, or as Roman Pontiff, no authority shall have been granted, nor shall it be considered to have been so granted either in the spiritual or the temporal domain;

(v) each and all of their words, deeds, actions and enactments, howsoever made, and anything whatsoever to which these may give rise, shall be without force and shall grant no stability whatsoever nor any right to anyone;

(vi) those thus promoted or elevated shall be deprived automatically, and without need for any further declaration, of all dignity, position, honour, title, authority, office and power.

Robert Siscoe believes the Vatican 2 popes are heretics, but maintains they are true popes because warnings and a declaration are needed by the Church before his heretical popes lose office (he doesn't say exactly how or by whom because there's no official protocol). His

entire thesis, all his arguments, and all of his writings hinge on this point and to maintain his position, he has to twist St. Robert Bellarmine, St. Jerome, Pope St. Celestine I, and the majority canonists that say or imply that no warnings or declaration are necessary (not to mention, Vatican I condemns Siscoe's position). Yet, since Siscoe argues it's a dogmatic fact that John XXIII through Francis I are popes now, no declaration could be made to nullify that *"fact"* now. A fact is a fact and nothing can change a fact.

While he accuses sedevacantists of dissing dogmatic facts, Siscoe himself rejects dogmatic facts of what he maintains is the Catholic Faith. For instance, he rejects the canonizations of John XXIII and John Paul II, the new mass, several *novus ordo* sacraments, canon laws, and papal decrees. This rejection causes him to be not only declared *"reprobated, proscribed, and condemned"* by Pope Pius IX, but to be *"held by all children of the Catholic Church as reprobated, proscribed and condemned."* (*Quanta Cura* n. 6)

Robert Siscoe can malign sedevacantism and me all day long, but it's Siscoe who'll have to answer on Judgment Day for his misrepresentations and hypocrisy.

## FOOTNOTES

[1] Tanquerey: *"For there to be pertinacity, it is not necessary that the person should be admonished several times and persevere for a long time in his obstinacy, but it is sufficient that consciously and willingly (sciens et volens) he refused a truth proposed in a sufficient manner, be it through pride or delight in contradiction or for any other reason."* (Tanquerey, *Syn. Th. Mor. et Past.*, pg.473.) Even if he denies it 'brevi mora', ie. for a moment, a very brief space of time (Tanquerey, *Brevior Syn. Th. Mor.*, pg.95) because pertinacity in this context "does not indicate duration of time, but perversity of reason" (Zalba, pg.28). There

*can be pertinacity in a sin of heresy committed by simple weakness (cf. Caietano in II; II, II.2.).*

De Lugo: *“...Neither is it always demanded in the external forum that there be a warning and a reprimand as described above for somebody to be punished as heretical and pertinacious, and such a requirement is by no means always admitted in practice by the Holy Office. For if it could be established in some other way, given that the doctrine is well known, given the kind of person involved and given the other circumstances, that the accused could not have been unaware that his thesis was opposed to the Church, he would be considered as a heretic from this fact... The reason for this is clear because the exterior warning can serve only to ensure that someone who has erred understands the opposition which exists between his error and the teaching of the Church. If he knew the subject through books and conciliar definitions much better than he could know it by the declarations of someone admonishing him then there would be no reason to insist on a further warning for him to become pertinacious against the Church.”* (De Lugo, *disp.XX, sect.IV,n.157-158*). (See also: *Diana, resol.36; Vermeersch, pg.245; Noldin, vol.i, “Compl. de Poenis Eccl.”, pg.21; Regatillo, pg. 508*)

[2] John of St. Thomas, Cardinal Cajetan, Suarez, and Robert Siscoe

VS

Code of Law, Saints, Doctors, and canonists of the Church

**John of St. Thomas: "The Church is able to declare the crime of a Pontiff..."**

also

**“The Church must render a judgment before the pope loses his office. Private judgment of the laity in this matter does not suffice.”**

**Cajetan** (Master General of the Dominican order and the trusted adviser to Pope Clement VII): "A perfect council *according to the present state of the Church* [i.e. an imperfect council] can be summoned without the pope and against his will, if, although asked, he himself does not wish to summon it; but it does not have the authority to regulate the universal Church, but only to provide for the issue then at stake. Although human cases vary in infinite ways ... there are only two cases that have occurred or can ever occur, in which, I declare, such a council should be summoned. The first is when the pope must be deposed on account of heresy; for then, if he refused, although asked, the cardinals, the emperor, or the prelates can cause a council to be assembled, in which will not have for its scope the care of the universal Church, but only the power to depose the Pope. (...) "The second is when one or more Popes suffer uncertainty with regard to their election, as seems to have arisen in the schism of Urban VI and others. Then, lest the Church be perplexed, those members of the Church who are available have the power to judge which is the true pope, if it can be known, and if it cannot be known, [it has] the power to provide that the electors agree on one or another of them." (38)

**Fr. Francisco Suarez**, whom Pope St. Pius V called *Doctor Eximus et Pius* (Excellent and Pious Doctor): "I affirm: If he is a heretic and incorrigible, the Pope ceases to be Pope **as soon as a declarative sentence of his crime is pronounced** against him by the legitimate jurisdiction of the Church."

**Robert Siscoe**: John of St. Thomas, Suarez, Cajetan, and others all teach that a **general council alone would be the competent authority to oversee the matter of an heretical Pope**. John of St. Thomas explained why. He wrote: "since the matter at hand concerns the universal Church, it must be overseen by the tribunal that represents the

universal Church, which is that of a general council". (30) He cites three historical examples to confirm the point:

"This is indeed evident from the practice of the Church, for in the case [Pope] Marcellinus, who offered incense to idols, a synod was gathered together for the purpose of discussing this case, as is recorded in *Cap. Hunc c, distinct. 11*. And in the case of the schism in which there were three reputed pontiffs, the Council of Constance gathered for the purpose of settling that schism. And also in the case of Pope Symmachus, a council at Rome was gathered to treat those things which were presented to it. It is known, from the resources cited above, that the pontiffs, who, being accused of various crimes and wanting to excuse themselves of charges, did so in the presence of a council." (31)

## VERSUS

Canon 1556: Prima Sedes a nemine iudicatur.

The first or primatial see is subject to no ones judgment. This proposition must be taken in the fullest extent, not only with regard to the object of infallibility. For in matters of faith and morals it was always customary to receive the final sentence from the Apostolic See, whose judgment no one dared to dispute, as the tradition of the Fathers demonstrates. 1 Neither was it ever allowed to reconsider questions or controversies once settled by the Holy See. 2 **But even the person of the Supreme Pontiff was ever considered as unamenable to human judgment, he being responsible and answerable to God alone, even though accused of personal misdeeds and crimes.** A remarkable instance is that of Pope Symmachus (498-514). He, indeed, submitted to the convocation of a council (the Synodus Palmaris, 502), because he deemed it his duty to see to it that no stain was inflicted upon his character, but that synod itself is a splendid vindication of our canon. The synod adopted the Apology of Ennodius of Pavia, in which occurs the noteworthy sentence : " God wished the causes of other men to be

decided by men; but He has reserved to His own tribunal, without question, the ruler of this see." 3 **No further argument for the traditional view is required. A general council could not judge the Pope, because, unless convoked or ratified by him, it could not render a valid sentence.** Hence nothing is left but an appeal to God, who will take care of His Church and its head.

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**John of St. Thomas:** "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 a declaration, since **a Pope who is to be avoided** is unable to influence the Church as its head."

Versus

**Bellarmino:** *Now, a Pope who remains Pope cannot be avoided, for how could we be required to avoid our own head? How can we separate ourselves from a member united to us?*

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**John of St. Thomas:** 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...."

Versus

**St. Antoninus, O.P.** (1389-1459) “In the case in which the pope would become a heretic, he would find himself, **by that fact alone** and without any other sentence, separated from the Church. A head separated from a body cannot, as long as it remains separated, be head of the same body from which it was cut off. ‘A pope who would be separated from the Church by heresy, therefore, would by that very fact itself cease to be head of the Church. He could not be a heretic and remain pope, because, since he is outside of the Church, he cannot possess the keys of the Church.’” (*Summa Theologica* cited in *Actes de Vatican I. V.* Frond pub.)

**St. Alphonsus Liguori, C.S.S.R.** (1696-1787) “If ever a pope, as a private person, should fall into heresy, **he would at once fall** from the pontificate. If, however, God were to permit a pope to become a notoriously and contumacious heretic, he would **by such fact** cease to be pope, and the apostolic chair would be vacant.” (*Verita della Fede*, Pt. III, Ch. VIII. 9-10)

**F.X. Wernz, P. Vidal** (1943): “Through notorious and openly revealed heresy, the Roman Pontiff, should he fall into heresy, **by that very fact is deemed to be deprived of the power of jurisdiction** even before any declaratory judgment of the Church...” (*Ius Canonikum*. Rome: Gregorian 1943. 2:453)

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**Cajetan:** The manifestly heretical Pope is not “*ipso facto*” deposed, but can and must be deposed by the Church. "Three things have been established with certainty, namely, 1) that the pope, because he has become **a heretic is not deposed *ipso facto* (26) by human or divine law;** 2) that the pope has no superior on earth; and 3) that if he deviates from the faith, *he must be deposed.*"

**John of St. Thomas:** “The Church must **render a judgment** before the pope loses his office.”

**Fr. Francisco Suarez**, whom Pope St. Pius V called *Doctor Eximus et Pius* (Excellent and Pious Doctor): “I affirm: If he is a heretic and incorrigible, the Pope ceases to be **Pope as soon as a declarative sentence of his crime is pronounced** against him by the legitimate jurisdiction of the Church.”

VS

**Bellarmino**: To my judgment, this opinion cannot be defended. For, in the first place, it is proven with arguments from authority and from reason that the manifest heretic is “*ipso facto*” deposed.

**Udalricus Beste (1946)**: “Not a few canonists teach that, outside of death and abdication, the pontifical dignity can also be lost by falling into certain insanity, which is legally equivalent to death, as well as through manifest and notorious heresy. In the latter case, a pope would automatically fall from his power, and **this indeed without the issuance of any sentence**, for the first See [i.e., the See of Peter] is judged by no one.

“The reason is that, by falling into heresy, the pope ceases to be a member of the Church. He who is not a member of a society, obviously, cannot be its head. We can find no example of this in history.” (*Introductio in Codicem*. 3rd ed. Collegeville: St. John’s Abbey Press 1946. Canon 221)

**Eduardus F. Regatillo (1956)**: “The Roman Pontiff ceases in office: (4) *Through notorious public heresy?* Five answers have been given:

“1. ‘The pope cannot be a heretic even as a private teacher.’ A pious thought, but essentially unfounded.

“2. ‘The pope loses office even through secret heresy.’ False, because a secret heretic can be a member of the Church.

“3. ‘The pope does not lose office because of public heresy.’ Objectionable.

“4. ‘The pope loses office by a judicial sentence because of public heresy.’ But who would issue the sentence? The See of Peter is judged by no one (Canon 1556).

“5. ‘The pope loses office *ipso facto* because of public heresy.’ This is the more common teaching, because a pope would not be a member of the Church, and hence far less could he be its head.” “*Institutiones Iuris Canonici*. 5th ed. Santander: Sal Terrae, 1956. 1:396. His emphasis)

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**Cajetan:** “The heretic, having lost the faith, is still in some way united to the Church and is capable of jurisdiction: therefore, he is also Pope, but ought to be removed...”

**John of St. Thomas:** 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...."

VS

**Bellarmino:** “*A manifest heretic is not a Christian, as is clearly taught by St. Cyprian (lib. 4, epist. 2), St. Athanasius (Scr. 2 cont. Arian.), St. Augustine (lib. de great. Christ. cap. 20), St. Jerome (contra Lucifer.) and others; therefore the manifest heretic cannot be Pope.*”