

In response to the 2019 Easter Open Letter by various scholars etc, to the Catholic Bishops of the World, asking for them to accuse the person referred to as Pope Francis, of heresy.

The instructions given to the Bishops at the end of the open letter, advising them as to the canonical process of removing a Pope currently in office; seemed to follow the theory of Cardinal Cajetan, i.e. that the Church has the right to judge the Pope, and until judged by the Church, a heretical Pope remains in his position as Pope and head of the Catholic Church. But, as shall be shown below, St. Robert Bellarmine, Doctor of the Church, showed that this theory is untenable, and hence false.

Hence these copied articles from the cmri website, are put down here as a refutation to the canonical instruction at the end of the aforementioned open letter.

God bless.
Fr. Brendan Legg

[Answering the Objections to the Sedevacantist Position](#)

Compiled by Bishop Mark A. Pivarunas, CMRI

Objection IV: Even if a pope fell into heresy, he would remain pope until the Church declared him a heretic and no longer pope.

Answer: Pope Paul IV, in *Cum Ex Apostolatus*, Pope Innocent III in *Si Papa*, and theologians teach that a heretical pope is deposed by God.

Proof:

A. Bull: *Cum Ex Apostolatus* [16 Feb. 1559], Pope Paul IV

— “Further, if ever it should appear that any bishop (even one acting as an archbishop, patriarch or primate), or a cardinal of the Roman Church, or a legate (as mentioned above), or even the Roman Pontiff (whether prior to his promotion to cardinal, or prior to his election as Roman Pontiff), has beforehand deviated from the Catholic faith or fallen into any heresy, We enact, decree, determine and define:

— “Such promotion or election in and of itself, even with the agreement and unanimous consent of all the cardinals, shall be null, legally invalid and void... Those so promoted or elected, by that very fact and without

the need to make any further declaration, shall be deprived of any dignity, position, honor, title, authority, office and power.”

B. *Si Papa* [1198], Pope Innocent III

— “The Pope should not flatter himself about his power nor should he rashly glory in his honor and high estate, because the less he is judged by man, the more he is judged by God. Still the less can the Roman Pontiff glory because he can be judged by men, or rather, can be shown to be already judged, if for example he should wither away into heresy; because he who does not believe is already judged. In such a case it should be said of him: 'If salt should lose its savor, it is good for nothing but to be cast out and trampled under foot by men.'”

C. *Institutiones Juris Canonici* [1950] - Coronata

— “If indeed such a situation would happen, he [the Roman Pontiff] would, by divine law, fall from office without any sentence, indeed, without even a declaratory one. He who openly professes heresy places himself outside the Church, and it is not likely that Christ would preserve the Primacy of His Church in one so unworthy. Wherefore, if the Roman Pontiff were to profess heresy, before any condemnatory sentence (which would be impossible anyway) he would lose his authority.”

D. St. Robert Bellarmine [1610]

— “A Pope who is a manifest heretic automatically ceases to be a Pope and head, just as he ceases automatically to be a Christian and a member of the Church.”

E. St. Antoninus [1459]

— “In the case in which the Pope would become a heretic, he would find himself, by that very 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.”

F. St. Francis de Sales [1622]

— “Now when the Pope is explicitly a heretic, he falls ipso facto from his dignity and out of the Church ...”

G. *Canon Law* - [1943] - Wernz-Vidal

— “Through notorious and openly divulged heresy, the Roman Pontiff, should he fall into heresy, by that very fact (ipso facto) is deemed to be deprived of the power of jurisdiction even before any declaratory judgment by the Church ... A Pope who falls into public heresy would cease ipso facto to be a member of the Church; therefore, he would also cease to be head of the Church.

H. *Introductio in Codicem* [1946] - Udalricus Beste

— “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.”

I. *Epitome Juris Canonici* [1949] - A. Vermeersch

— “At least according to the more common teaching the Roman Pontiff as a private teacher can fall into manifest heresy. Then, without any declaratory sentence (for the supreme See is judged by no one), he would automatically (*ipso facto*) fall from power which he who is no longer a member of the Church is unable to possess.”

An Extract from St. Robert Bellarmine, De Romano Pontifice, lib. II, cap. 30

The fourth opinion is that of Cajetan, for whom (*de auctor. papae et con.*, cap. 20 et 21) the manifestly heretical Pope is not “*ipso facto*” deposed, but can and must be deposed by the Church. 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. The argument from authority is based on St. Paul (*Titus*, c. 3), who orders that the heretic be avoided after two warnings, that is, after showing himself to be manifestly obstinate — which means before any excommunication or judicial sentence. And this is what St. Jerome writes, adding that the **other sinners are excluded from the Church by sentence of excommunication, but the heretics exile themselves and separate themselves by their own act from the body of Christ**. 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?

This principle is **most certain**. The non-Christian cannot in any way be Pope, as Cajetan himself admits (*ib.* c. 26). The reason for this is that he cannot be head of what he is not a member; now he who is not a Christian is not a member of the Church, and 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.

Besides that, the second affirmation of Cajetan, that the Pope heretic can be truly and authoritatively deposed by the Church, is no less false than the first. For if the Church deposes the Pope against his will it is certainly above the Pope; however, Cajetan himself defends, in the same treatise, the contrary of this. Cajetan responds that the Church, in deposing the Pope, does not have authority over the Pope, but only over the link that unites the person to the pontificate. In the same way that the Church in uniting the pontificate to such a person, is not, because of this, above the Pontiff, so also the Church can separate the pontificate from such a person in case of heresy, without saying that it is above the Pope.

But contrary to this it must be observed in the first place that, from the fact that the Pope deposes bishops, it is deduced that the Pope is above all the bishops, though the Pope on deposing a bishop does not destroy the episcopal jurisdiction, but only separates it from that person. In the second place, to depose anyone from the pontificate against the will of the deposed, is without doubt punishing him; however, to punish is proper to a superior or to a judge. In the third place, given that according to Cajetan and the other Thomists, in reality the whole and the parts taken as a whole are the same thing, he who has authority over the parts taken as a whole, being able to separate them one from another, has also authority over the whole itself which is constituted by those parts.

The example of the electors, who have the power to designate a certain person for the pontificate, without however having power over the Pope, given by Cajetan, is also destitute of value. For when something is being made, the action is exercised over the matter of the future thing, and not over the composite, which does not yet exist, but when a thing is destroyed, the action is exercised over the composite, as becomes patent on consideration of the things of nature. Therefore, on creating the Pontiff, the cardinals do not exercise their authority over the Pontiff for he does not yet exist, but over the matter, that is, over the person who by the election becomes disposed to receive the pontificate from God. But if they deposed the Pontiff, they would necessarily exercise authority over the composite, that is, over the person endowed with the pontifical power, that is, over the Pontiff.

Therefore, the true opinion is the fifth, according to which the Pope who is manifestly a heretic ceases by himself to be Pope and head, in the same way as he ceases to be a Christian and a member of the body of the Church; and for this reason he can be judged and punished by the Church. This is the opinion of all the ancient Fathers, who teach that manifest heretics immediately lose all jurisdiction, and outstandingly that of St. Cyprian (lib. 4, epist. 2) who speaks as follows of Novatian, who was Pope [i.e. antipope] in the schism which occurred during the pontificate of St. Cornelius: "He would not be able to retain the episcopate [i.e. of Rome], and, if he was made bishop before, he

separated himself from the body of those who were, like him, bishops, and from the unity of the Church.”

According to what St. Cyprian affirms in this passage, even had Novatian been the true and legitimate Pope, he would have automatically fallen from the pontificate, if he separated himself from the Church.

This is the opinion of great recent doctors, as John Driedo (lib. 4 de Script. et dogmat. Eccles., cap. 2, par. 2, sent. 2), and also the opinion of the other authors whom we cite in book I De Ecclesia.

The foundation of this argument is that the manifest heretic is not in any way a member of the Church, that is, neither spiritually nor corporally, which signifies that he is not such by internal union nor by external union. For even bad Catholics [i.e. who are **not** heretics] are united and are members, spiritually by faith, corporally by confession of faith and by participation in the visible sacraments; the occult heretics are united and are members although only by external union; on the contrary, the good catechumens belong to the Church only by an internal union, not by the external; but manifest heretics do not pertain in any manner, as we have already proved.