

The Chair Is Still Empty:

A Response to the Alleged “Errors of Sedevacantism” by John Salza (Part 1)

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On July 15, 2010, *The Remnant* published an article by Milwaukee-based Mr. John Salza, J.D., critiquing the theological position known as sedevacantism (from the Latin *sede vacante*, “the chair being empty”), which basically holds that the claimants to the papal throne after the death of Pope Pius XII on October 9, 1958, are illegitimate and not true Popes at all, and that the church of which John XXIII, Paul VI, John Paul I, John Paul II, and Benedict XVI have been the heads is not the Catholic Church of our Lord Jesus Christ but a modernist institution masquerading as the Catholic Church, with the ultimate aim to eradicate true, traditional Catholicism from the face of the earth in order to lead souls to hell.

Mr. Salza, a Novus Ordo Catholic, is a former Freemason and editor of www.ScriptureCatholic.com. He has long been engaged in apologetics against Freemasonry, Protestantism, and other errors, and has recently become somewhat of a “rising star” even in pseudo-traditionalist circles (that is, among people who desire to practice traditional Catholicism but espouse the patently absurd and quasi-schismatic “recognize-but-resist” position of “recognizing” Benedict XVI as the Pope but at the same time “resisting,” i.e., “refusing,” his teachings, laws, canonizations, and anything else that doesn’t fit with their idea of Tradition).

Salza has recently been tackling sedevacantism in different pseudo-traditionalist publications, and I have been made aware that, unfortunately, a good number of people have been affected by his ostensibly “powerful” arguments. In this essay, I purpose to show how weak Salza’s case against sedevacantism really is and expose that what may, at first sight, appear to be powerful arguments are little more than unfounded and easily-disproved assertions based on rather shallow research.

That sedevacantism should be attacked openly and at some length is a good sign, actually, for it shows that, more and more, people recognize it as the true position, and so it is becoming a threat to the pseudo-traditionalist establishment, whose comfortable “have your Pope and beat him” stance is falling apart as the apostasy in Rome and over the world rages on, all to the detriment of souls. People are starting to realize that the good tree of the Catholic Church is incapable of producing the evil fruits of the Novus Ordo Church, and that Catholic theology does not allow for lower clerics or even laymen to act as the theological baby-sitters or doctrinal watchdogs of the Pope, who is the highest teaching authority in the Church, and whose teachings demand, in and of themselves, our complete assent, usually under pain of mortal sin, even if they are not proposed under conditions of infallibility. The “Pope” of the “recognize-and-resist” crowd is nothing but a sorry mockery of the true Catholic papacy, for he is reduced to an essentially meaningless pseudo-shepherd whose teachings, laws, and canonizations are sifted at will by self-appointed Denzinger-thumping clergy and laity.

It is ironic, therefore, that people who espouse this nonsensical position should accuse sedevacantists of adhering to a “non-Catholic” stance—but contradiction and absurdity are really the hallmark of the semi-traditionalists at *The Remnant*, *The Fatima Crusader*, *Catholic Family News*, etc.

Mr. Salza’s first essay against sedevacantism, entitled “The Errors of Sedevacantism and Ecclesiastical Law,” was published by *The Remnant* on July 15, 2010, and a copy of it may be accessed at this link

directly from Salza's web site:

http://www.scripturecatholic.com/feature-articles/Feature_-_The_Errors_of_Sedevacantism.pdf

Upon analyzing Mr. Salza's arguments, which are not presented in a very systematic manner, it will become clear that his article contains serious errors and does not present a genuine refutation of the sedevacantist position. In what follows, we will examine and respond to the claims Mr. Salza makes.

(In April of 2011, Salza followed up with another article on the subject, entitled "Sedevacantism and the Sin of Presumption," published in *Catholic Family News*. A refutation of this particular essay will be the subject of "Part 2" of this response.)

The "Errors" of Sedevacantism

Because of Salza's non-systematic and rather sloppy and unclear presentation of the subject matter, it is not all that easy to figure out precisely what he is arguing, but I hope that the following is a fair summary of the salient points of his first essay. In it, Salza argues that (1) sedevacantism is based on ignorance of church law (canon law) regarding alleged heresy in clerics, especially cardinals; (2) Catholics are required to look to canon law to resolve the issue of sedevacantism; (3) sedevacantism depends upon illicit usurpation of authority by the sedevacantists; (4) sedevacantism ignores the fact that the law of the Church allows even excommunicated cardinals to be elected Pope validly; and (5) sedevacantists are schismatics.

As they stand, every single one of these claims is false. (If, for some reason, I should have misunderstood or mistakenly misrepresented Salza's arguments, please contact the editor of *Novus Ordo Watch*. It is my intention to deal with Salza's arguments accurately and fairly.)

Before proceeding to refute and comment on Salza's erroneous arguments, it will be useful to point out that Salza does not quote a single Catholic theological manual or commentary on the Code of Canon Law in his first piece. Instead, he takes it upon himself to explain and expound the Church's alleged position. For someone who accuses sedevacantists of usurping authority that isn't theirs, that's a curious thing to do. Certainly, Mr. Salza is a lawyer, but canon law is quite different from secular law, and different principles are at work in American jurisprudence compared to the sacred law of the Catholic Church. This is true even for the 1983 Code of Canon Law of the Modernist Church, as an official *Novus Ordo* commentary makes clear:

Because of the historical interrelationship of ecclesiastical and civil law, one might easily yield to the temptation to equate civil and canonical concepts. Similarities, however, often conceal significant differences.

(John A. Alesandro, "General Introduction", in *The Code of Canon Law: A Text and Commentary*, ed. by James A. Coriden et al. [Mahwah, NJ: Paulist Press, 1985], p. 11)

Interestingly enough, caution is urged specifically for those who attempt to deal with church law while at the same time being involved with secular law:

A proper attitude toward canon law is not an easy task for those who find themselves with one foot in the world of civil law and the other in the world of canon law.
(Alesandro, "General Introduction", p. 14)

Perhaps this is one reason for the errors in Mr. Salza's article. With this in mind, let us now take a detailed look at Salza's arguments:

Salza Error #1: The Claim that Sedevacantism is based on Ignorance of Canon Law regarding Public Heresy in Clerics

From the very start, Salza reduces the issue of sedevacantism to a problem of alleged public heresy in individual claimants to the papacy, as though the whole issue were one of certain individuals having publicly defected from the Faith, and nothing more than that. (Sedevacantism does not just assert that certain individual claimants to the papacy are charlatans, but that the entire Novus Ordo Church *as an institution* is a false church and not the Mystical Body of Christ.)

Conceding that heresy, by divine law, results in automatic self-expulsion from the Catholic Church, Salza asks: "How does one determine whether a Cardinal was a heretic prior to his election to the papacy? How does one know whether self-expulsion for pre-election heresy has occurred?" (John Salza, "The Errors of Sedevacantism and Ecclesiastical Law," p. 1)

In order to answer this question properly, Salza would now have to draw a distinction between heresy as a crime against the law of the Church on the one hand, and heresy as a sin, that is, heresy as a crime against divine law, on the other. This distinction is absolutely essential, and the fact that, for all intents and purposes, he misses it, is one of the reasons why his conclusion against sedevacantism is erroneous. (He *does* concede a distinction between the two but not sufficiently so and not clearly enough, as will become apparent in what follows.)

Taking his clue from the fact that heresy as a crime against church law does not result in immediate excommunication, even if the individual is certainly a true and proper heretic (i.e., a baptized person who willfully and against better knowledge denies or doubts a dogma of the Catholic Church), it should have occurred to Salza that the same is not true for heresy as a crime against divine law, because the very *sin* of heresy is what results in loss of membership in the Church, and hence the membership is lost *as soon as the sin is committed*, at least inasmuch as this sin is publicly divulged and not secret. We shall now examine Pope Pius XII's explicit teaching on this matter, and then consult a major Catholic theologian who confirms that we are correctly understanding Pope Pius XII:

Nor must one imagine that the Body of the Church, just because it bears the name of Christ, is made up during the days of its earthly pilgrimage only of members conspicuous for their holiness, or that it consists only of those whom God has predestined to eternal happiness. It is owing to the Savior's infinite mercy that place is allowed in His Mystical Body here below for those whom, of old, He did not exclude from the banquet. **For not every sin, however grave it may be, is such as of its own nature to sever a man from the Body of the Church, as does schism or heresy or apostasy.** Men may lose charity and divine grace through sin, thus becoming incapable of supernatural merit, and yet not be deprived of all life if they hold fast to faith and Christian hope, and if, illumined from above, they are spurred on by the interior promptings of the Holy Spirit to salutary fear and are moved to prayer and penance for their sins.

(Pope Pius XII, Encyclical *Mystici Corporis*, June 29, 1943, par. 23; emphasis added; <http://www.papalencyclicals.net/Pius12/P12MYSTI.HTM>)

Note here that Pope Pius XII is talking about *sin*—a crime against God, that is, against the divine law;

he is not speaking about offenses against church law here. And the Pope makes very clear that the *sin* of heresy “of its own nature” cuts one off “from the Body of the Church.” That is the reason why heretics—at least *public* ones (who do not *profess* the true Faith)—are not members of the Church:

Actually only those are to be included as members of the Church who have been baptized and profess the true faith, and who have not been so unfortunate as to separate themselves from the unity of the Body, or been excluded by legitimate authority for grave faults committed.

(Pius XII, *Mystici Corporis*, par. 22)

See how the Pope here is distinguishing explicitly between the different categories of non-members of the Church: (1) infidels (those who are not baptized); (2) heretics and apostates (the baptized who do not profess the true faith); (3) schismatics (the baptized who have separated themselves from the unity of the Body); and (4) excommunicates (those excluded by legitimate Church authority for grave faults committed).

These are the four different ways one can be a non-member of the Catholic Church, and in addressing Salza’s argument, we are concerned solely with option no. (2), that is, heretics and apostates, *not* option no. (4), that is, the excommunicated.

This “interpretation” of Pius XII is not disputed or controversial; in fact, the dogmatic theologian Gerardus van Noort confirms it:

b. *Public heretics* (and *a fortiori*, *apostates*) are not members of the Church. They are not members because **they separate themselves from the unity of Catholic faith and from the external profession of that faith**. Obviously, therefore, they lack one of three factors—baptism, profession of the same faith, union with the hierarchy—pointed out by Pius XII as requisite for membership in the Church. The same pontiff has explicitly pointed out that, unlike other **sins**, heresy, schism, and apostasy **automatically sever** a man from the Church. “For not every sin, however grave and enormous it be, is such as to sever a man automatically from the Body of the Church, *as does schism or heresy or apostasy*” (MCC 30; italics ours).

By the term *public heretics* at this point we mean all who *externally* deny a truth (for example Mary’s Divine Maternity), or several truths of divine and Catholic faith, **It is certain that public, formal heretics are severed from Church membership.**

(Msgr. G. Van Noort, *Dogmatic Theology, Vol. 2: Christ’s Church* [Westminster, MD: The Newman Press, 1957], pp. 241-42; bold print added; italics in original)

The Catholic teaching on heresy and automatic loss of membership in the Church, then, is quite clear. John Salza’s error lies in his claim that “Catholics are required to look to the ecclesiastical law of the Church to resolve” the issue of whether someone is a heretic or not. Note that Salza does not quote any proof for this claim—he merely makes the assertion, hoping everyone will accept it. But the assertion is false. While canon law can help us understand divine law, it is crucial not to mix the two or to reduce divine law to canon law. This is easily apparent when we consider, for example, that there is no ecclesiastical law against entertaining impure thoughts. Are we, then, to conclude that it is not an offense against divine law? Are we to conclude that unless there be an ecclesiastical trial, no one can know if someone has entertained such thoughts? What if the person in question makes this fact manifest by his actions?

This takes us back to the question Salza raised, namely, how to tell whether or not a cardinal has committed the *sin* of heresy and divulged it in public, thereby causing himself to be expelled from the Church. If Salza can quote any theological manuals or magisterial documents to the effect that public heresy is detected differently in cardinals or clerics than in anyone else, let him show the quotes. But Salza quotes no such document and instead brings up the 1917 Code of Canon Law, which, however, deals with heresy as an ecclesiastical crime and not with heresy as a sin which causes self-expulsion from the Church, so right from the start Salza's argument is going to be flawed. Argues Salza:

First, the 1917 Code says that the Pope is the sole judge of the Cardinals. Canon 1557, par. 1-2 says: "It belongs entirely to the Roman Pontiff to judge...Cardinal Fathers / Cardinal Priests." Moreover, canon 1558 says: "In the causes of which canon 1556, 1557 treat, the incompetence of any other judge is absolute." In other words, only the Pope – and no one else – can judge a Cardinal in doctrinal or disciplinary matters. The Pope's authority is absolute (*est absoluta*) in this regard. Unlike the Pope, who has no judge, the Cardinals *do* have a judge – and it is *the Pope alone*. Therefore, the Pope alone determines if a "Cardinal...prior to his elevation as Roman Pontiff, has deviated from the Catholic Faith or fallen into some heresy."

(Salza, "The Errors of Sedevacantism and Ecclesiastical Law", p. 1)

The problem with this line of argumentation is that it is not relevant. Sedevacantism does not depend upon any cardinals being on ecclesiastical trial. No sedevacantist is trying to judge a cardinal in a canonical trial. No sedevacantist is presuming to make a legal pronouncement before the law of the Church that the Holy See is vacant. It is not something a sedevacantist can do—or needs to do—as the following section will explain.

In addition, it is by no means *necessary* that any of the Novus Ordo "Popes" *must* have been public heretics before their election – there are other possible reasons for why their subsequent "elections" to the papacy could have been invalid, for example, because some other cardinal was validly elected first, as was the case with Pope Innocent II in 1130, whose valid papacy was illegitimately usurped by Antipope Anacletus II on the very same day. It took almost 8 years for the true Pope to gain full recognition and physical possession of the Papal Throne!

Salza Error #2: The Claim that Catholics are required to look to canon law to resolve the issue of sedevacantism

If the question of who can hold the papal office were merely or essentially a matter of *Church law*, then John Salza would be right in asserting that Catholics must look to canon law to resolve the problem of the post-Pius XII "Popes." In fact, sedevacantism would fall quickly to the ground because any argument that is essentially canonical could never really be effectively used against a Pope because the Pope, being the Supreme Legislator, is, strictly speaking, *above* canon law; and, at any rate, considering that the Pope has no superior on earth and cannot be judged by anyone in the canonical sense (see Canon 1556), it would be entirely futile to attempt to make a canonical case against a Pope. No Pope could ever be subjected to a canonical trial because he has no superior who could subject him to one.

However, the sedevacantist case against the false Vatican II "Popes" – if we choose to use the argument from personal heresy in the papal claimants rather than from the impossibility of the New Church being the Catholic Church – is not essentially a matter of Church law. We do *not* say that Benedict XVI is not the Pope because *Church law* prevents him from being one. We say he is not the Pope because *divine*

law makes this impossible; this being so because he is manifestly not a Roman Catholic as he does not profess the Roman Catholic but a different faith, and he who does not profess Roman Catholicism cannot be a member of the Catholic Church, as we saw in the authoritative magisterial teaching of Pope Pius XII, confirmed by the theologian van Noort. (And, needless to say, he who isn't a member of the Church can hardly be her very head, the Pope!)

John Salza is a lawyer, and lawyers tend to think *legalistically*. It is somewhat understandable, therefore, that Salza would turn to canon law to try to make his case against sedevacantism. Unfortunately for him, he wasted a lot of time beating a dead horse.

The question that is of utmost importance, then, is whether or not Benedict XVI and his predecessors of unhappy memory *professed the Catholic faith*, as is required for membership in the Church, or whether they publicly deviated from that faith, whether by words or by actions. And this, we are bound to inform Mr. Salza, is not a matter of *law* but of *fact*: Did they or didn't they?

Salza Error #3: The Claim that Sedevacantism depends upon illicit usurpation of authority by Sedevacantists

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

The order of fact tells us what is actually the case, regardless of who recognizes or disputes it; the order of law tells us what is recognized as true by the law (which could be an actual fact or, for example, merely a legal *presumption*). A very simple example will illustrate the difference: If you see your neighbor commit an act of murder, then you know that your neighbor is a murderer (order of fact), regardless of whether or not he is pronounced guilty in court or legally acquitted (order of law). Before the law, he may not be a murderer, but in the order of fact, he is one ...*and you know it*.

Salza, in effect, argues that we cannot know what the case is (fact) unless or until we have a legal judgment from the Church (law), but this claim he does not prove; he merely asserts it. Which canonists or theologians, which theological manuals, which Church documents, can Salza quote to show that someone cannot be known to be a heretic unless or until the Church renders a legal judgment on the case? Did people not know Martin Luther was pertinaciously denying Church dogma until the excommunication threatened by Pope Leo X took effect? And how could Pope Leo threaten an excommunication (a matter of law) if it was not already *apparent* that Luther was a heretic (a matter of fact)?

Salza's failure to properly distinguish law from fact is the most fundamental error of his entire piece. He makes everything into a matter of Church law, when the sedevacantist position is based on the order of fact, not the order of law. Even if there were no church law whatsoever, it would not make a difference to the sedevacantist case. Benedict XVI is not a Roman Catholic – not because of some canonical trial declaring him not to be one, but because he publicly manifests by his words and his actions that, against better knowledge, he does not adhere to all the dogmatic teachings of the Church's magisterium until the death of Pope Pius XII.

Similarly, Martin Luther was a heretic in the order of fact long before the Church's law recognized him to be guilty of the ecclesiastical crime of heresy; in fact, the Church's judgment, in a way, is based on and *presupposes* the order of fact, because the law can only be applied to cases that have actually

occurred. What made Luther a heretic wasn't a decree of excommunication or any other Church law declaring him to be one. What made him a heretic was his pertinacious doubt or denial of dogma.

Just like Martin Luther ceased being a Catholic the moment he publicly manifested his pertinacious denial of Church dogma, and not the moment when Pope Leo X's bull of excommunication took effect, so any Novus Ordo cleric – whether it be Roncalli, Montini, Luciani, Wojtyla, Ratzinger, or any cleric of lesser rank – ceased being a Catholic likewise at the moment of the public denial, regardless of any possible ecclesiastical trial. We are concerned with detecting who is and isn't professing the Catholic Faith, not with legally judging individuals before the Church or imposing canonical sanctions in ecclesiastical trials.

A very important point to note here is that the order of fact is sufficient for us to take action. Just like you know your neighbor is a murderer if you have witnessed him commit the act of murder and therefore avoid him like the plague, so you can act on the fact that Fr. Joseph Ratzinger is not the Pope because you are privy to his public acts of heresy or apostasy.

So, all of Salza's points about how canon law allows only a Pope to judge a cardinal, etc., are not relevant to the issue of sedevacantism, because we are not pretending to be judging a Pope or a cardinal in a canonical trial. Instead, we are merely *discerning* that a certain cleric does not profess the Catholic Faith and hence cannot be a member of the Church.

But are we even able and permitted to do such a thing? Absolutely! Consider the following lines written by Fr. Felix Sarda y Salvany in his book *Liberalism is a Sin* (this has to be quoted at length to understand the context):

How is one to tell on his own authority who or what is Liberal, without having recourse to a definitive decision of the teaching Church? When a good Catholic accuses anyone of Liberalism or attacks and unmasks Liberal sophisms, the accused immediately seeks refuge in a challenge of the accuser's authority: "And pray, who are you to charge me and my journal with Liberalism? Who made you a master in Israel to declare who is or who is not a good Catholic? And is it from you that I must take out a *patent on Catholicity*?" Such is the last resort of the tainted Catholic [i.e. tainted with Liberalism] on finding himself pushed to the wall. How then are we to answer this opposition? Upon this point, is the theology of Liberal Catholics sound?

That we may accuse any person or writing of Liberalism, is it necessary to have recourse to a special judgment of the Church upon this particular person or this particular writing? By no means. If this Liberal paradox were true, it would furnish Liberals with a very efficacious weapon with which, practically speaking, to annul all the Church's condemnations of Liberalism.

The Church alone possesses supreme doctrinal magistry in fact and in right, *juris et facti*; her sovereign authority is personified in the Pope. To him alone belongs the right of pronouncing the final, decisive and solemn sentence. But this does not exclude **other judgments less authoritative but very weighty, which cannot be despised and even ought to bind the Christian conscience.** Of this kind are:

1. judgments of the Bishops in their respective dioceses.
2. judgments of pastors in their parishes.
3. judgments of directors of consciences.
4. judgments of theologians consulted by the lay faithful.

These judgments are of course not infallible, but they are entitled to great consideration and ought to be binding in proportion to the authority of those who give them, in the gradation we have mentioned. But it is not against judgments of this character that Liberals hurl the peremptory challenge we wish particularly to consider. There is another factor in this matter that is entitled to respect, and that is:

5. The judgment of simple human reason, duly enlightened.

Yes, human reason, to speak after the manner of theologians, has a theological place in matters of religion. Faith dominates reason, which ought to be subordinated to faith in everything. But it is altogether false to pretend that reason can do nothing, that it has no function at all in matters of faith; it is false to pretend that the inferior light, illumined by God in the human understanding, cannot shine at all because it does not shine as powerfully or as clearly as the superior light. **Yes, the faithful are permitted and even commanded to give a reason for their faith, to draw out its consequences, to make applications of it, to deduce parallels and analogies from it. It is thus by use of their reason that the faithful are enabled to suspect and measure the orthodoxy of any new doctrine presented to them, by comparing it with a doctrine already defined. If it be not in accord, they can combat it as bad, and justly stigmatize as bad the book or journal which sustains it. They cannot of course define it *ex cathedra*, but they can lawfully hold it as perverse and declare it such, warn others against it, raise the cry of alarm and strike the first blow against it. The faithful layman can do all this, and has done it at all times with the applause of the Church.** Nor in so doing does he make himself the pastor of the flock, nor even its humblest attendant; he simply serves it as a watchdog who gives the alarm. *Opportet allatrare canes*—“It behooves watchdogs to bark,” very opportunely said a great Spanish Bishop in reference to such occasions.

(Fr. Felix Sarda y Salvany, *Liberalism is a Sin*, trans. and adapted by Conde B. Pallen [Rockford, IL: TAN Books, 1993], 151-153; italics given; bold print added; <http://www.ewtn.com/library/theology/libsin.htm#32>)

Notice that Fr. Sarda doesn't say anything about an ecclesiastical trial, or about how this would in effect be a pretense of a formal legal judgment before the Church. No, not at all! To the contrary: “the faithful are ... commanded to ... make applications of [their Faith]” so much so that, done properly, this allows them to “suspect and measure the orthodoxy of any new doctrine presented to them, by comparing it with a doctrine already defined.”

But Fr. Sarda isn't done yet. He explains the reason *why* the faithful are able and allowed to do this:

Of what use would be the rule of faith and morals if in every particular case the faithful could not of themselves make the immediate application, or if they were constantly obliged to consult the Pope or the diocesan pastor? Just as the general rule of morality is the law in accordance with which each one squares his own conscience ... in making particular applications of this general rule (subject to correction if erroneous), so the general rule of faith, which is the infallible authority of the Church, is and ought to be in consonance with every particular judgment formed in making concrete applications—subject, of course, to correction and retraction in the event of mistake in so applying it. It would be rendering the superior rule of faith useless, absurd and impossible to require the supreme authority of the Church to make its special and immediate application in every case and upon every occasion which calls it forth.

(Sarda, *Liberalism is a Sin*, p. 154)

This is an extremely important point. The reason any Catholic can do this is that Catholic doctrine has *objective meaning* that cannot change, and because the rule of Faith and morals is *practical* and *useful* to Catholics in applying it to concrete cases.

Now, before anyone tries to dismiss this as simply “Fr. Sarda’s opinion,” let me point out that the Vatican’s Sacred Congregation of the Index, under Pope Leo XIII, wrote the following about Fr. Sarda’s *Liberalism is a Sin*:

Whereupon, the Sacred Congregation has carefully examined [*Liberalism is a Sin*] and decided . . . not only is nothing found contrary to sound doctrine, but its author, D. Felix Sarda, merits great praise for his exposition and defense of the sound doctrine therein set forth with solidity, order and lucidity, and without personal offense to anyone.

(Fr. Jerome Secheri, O.P., Secretary of the Sacred Congregation of the Index, in Sarda, *Liberalism is a Sin*, “Preface”, p. x)

Therefore, we have every right to use this solidly-orthodox book in the refutation of the errors of John Salza. In fact, *Liberalism is a Sin* is one of the best books to read against modernism and liberalism; in it, the Vatican II Church finds its certain death.

To sum up: Sedevacantists do not usurp any ecclesiastical authority in arriving at the conclusion that Benedict XVI is not the Pope, because this conclusion is not arrived at by means of putative “legal” judgments, which no sedevacantist has the right to make, but because any Roman Catholic can *discern* as a matter of *fact* (not law) that Benedict XVI does not adhere to all the dogmatic teachings of the Magisterium of the Church until 1958. This is evidenced by Benedict’s words and actions, both before and after his alleged “election to the papacy” on April 19, 2005.

Salza Error #4: The Claim that Sedevacantism ignores the fact that the law of the Church allows even excommunicated cardinals to be elected Pope validly

Surprisingly enough, John Salza saw fit to repeat an old long-refuted argument against sedevacantism from Pope Pius XII’s constitution *Vacantis Apostolicae Sedis*, promulgated in 1945, regarding the election of a Pope. Salza quotes the Pope as follows:

None of the Cardinals may, by pretext or reason of any excommunication, suspension, or interdict whatsoever, or of any other ecclesiastical impediment, be excluded from the active and passive election of the Supreme Pontiff.

(Pope Pius XII, Apostolic Constitution *Vacantis Apostolicae Sedis*, 1945; qtd. in Salza, “Errors,” p. 3)

What may seem at first like a powerful strike against sedevacantism is easily refuted simply by drawing the proper distinctions, which Mr. Salza fails to do. What the Pope is doing here is lifting all *ecclesiastical* censures, including that of excommunication, which any cardinal may be laboring under at the time of the conclave, for the purposes of allowing him to licitly elect the Pope – and licitly be elected himself. In other words, the Pope is saying that no one may bar from the conclave a cardinal

who has any ecclesiastical penalty against him. Note that the emphasis is on the word “ecclesiastical.” The Pope, obviously, can only dispense from *ecclesiastical* penalties, not from divine ones, for he has no power to reinstate into the Mystical Body of Christ those who have been cut off from it by the *divine* law. (The same Pius XII alludes to this in his 1951 address to midwives, where he refers to the “natural law, from which . . . not even the Church has the power to dispense” [Pope Pius XII, “Address to Midwives on the Nature of their Profession,” Oct. 29, 1951; <http://www.papalencyclicals.net/Pius12/P12midwives.htm>]). Of course, if the Church has no power to dispense from the natural law, then, all the more so, she does not have the power to dispense from the divine law, either.)

What this means, quite simply, is that heretics, schismatics, and apostates are, *of course*, banned from a conclave, but not because they are excommunicated by the Church, but because they are not members of the Church to begin with, because of their heresy, schism, or apostasy. Put differently: The heretic is excluded from the valid election of the Pope not under the aspect of being ecclesiastically excommunicated, but under the aspect of being a heretic, i.e., a non-Catholic. Note that Pius XII’s legislation merely speaks of “any . . . ecclesiastical impediment.” However, being a non-Catholic is not *per se* an ecclesiastical impediment, it is, first and foremost, a *divine* impediment, and, naturally, not one the Pope has any power to dispense from. If the Pope, *hypothetically*, had wished to do the impossible and include even heretics as “licit” electors or recipients of an election, he would have said so – he would have written, “None of the Cardinals may, by pretext or reason of any *apostasy, heresy, schism*, excommunication, suspension, or interdict whatsoever, or of any other ecclesiastical *or divine* impediment, be excluded from the active and passive election of the Supreme Pontiff.” But of course, such a statement would have been absurd on the face of it, especially considering that, just as a “heretical Pope” is no Pope at all, neither is a “heretical cardinal” even a cardinal.

We recall here, as seen earlier, what Pius XII explicitly taught regarding apostasy, heresy, and schism in *Mystici Corporis*: “For not every sin, however grave it may be, is such *as of its own nature* to sever a man from the Body of the Church, as does schism or heresy or apostasy.” These three sins are such as to expel a man from membership in the Church by their very nature (meaning that they are in and of themselves incompatible with being a Roman Catholic) – not because of some ecclesiastical punishment, such as an excommunication. The reason why an apostate, then, is not a Catholic, is not because a bishop or a Pope has excommunicated him, but because the sin of apostasy is in and of itself incompatible with being a Roman Catholic, just as it is in and of itself incompatible for a triangle to have no angles.

Therefore, the fact that Pius XII lifted all excommunications from cardinals for the purposes of holding a licit conclave is irrelevant to the question of sedevacantism. Salza is merely demonstrating his ignorance on this point, failing to realize that Pius XII is speaking of Catholics who are excommunicated, not of non-Catholics. As this may be somewhat confusing for some, let me try to give an example of where this papal legislation would apply. Imagine a wayward cardinal who directly violates the seal of confession. By doing so, he incurs an automatic excommunication from which only the Pope can absolve him (see Canon 2369 §1). Let’s say that before the cardinal can reconcile with the Holy See and have his excommunication lifted, the Pope dies. Now what? Is the cardinal allowed to participate in the conclave, and could he even validly and licitly be elected Pope himself, even though he is under excommunication? Pius XII’s legislation says “yes.” That’s all we’re talking about. It has nothing to do with the ridiculous notion that someone can become Pope who denies the Catholic religion again and again in his words and actions.

For more on the argument from Pope Pius XII’s Apostolic Constitution *Vacantis Apostolicae Sedis*, please see this article:

<http://www.traditionalmass.org/blog/2007/06/25/can-an-excommunicated-cardinal-be-elected-pope>

Salza Error #5: The claim that Sedevacantists are Schismatics

On page 5 of his critique, Salza writes:

By withdrawing submission from the Holy Father and the faithful in communion with him, Sedevacantists are schismatic and hence automatically excommunicated from the Church under both Divine and ecclesiastical law (canon 1325, par. 2).

The argument from “schism” is one of the most curious hurled at sedevacantists by the semi-adherents of Benedict XVI. It is curious because (1) apparently they haven’t noticed that their Church, since Vatican II, doesn’t have a problem with schism or schismatics, but welcomes them, dialogues with them, celebrates liturgical actions with them in common, says they have a positive right to exist, claims they have been divinely appointed to be a witness to “the Faith,” and proclaims that the Holy Ghost uses them as means of salvation; (2) considered subjectively, the real schismatic is the one who believes Benedict to be the Pope but *nonetheless* refuses submission to him, a reality that fits the semi-traditionalist “recognize-and-resist” crowd, not the sedevacantist.

The sedevacantist answers the charge of schism rather calmly. First of all, he admits that he does indeed refuse communion with and submission to Benedict XVI and all of the false “Popes” after Pius XII. In fact, few things are more consoling to the sedevacantist than to know and be able to state in public that he has nothing whatsoever to do with the religion of Benedict XVI. However, at the same time it must be stated quite forcefully that he only does so because he does not believe Benedict to be in fact the Pope of the Catholic Church or to be even a member of that church. *Therefore*, and *only* therefore, he refuses submission to and communion with him. While this would make the sedevacantist a schismatic *objectively* if Benedict were indeed the Pope, nonetheless there would be no *sin* of schism here and consequently no true severing from the Mystical Body of Christ, because the man to whom submission is refused is *not recognized* to be the Pope, i.e., the lawful Supreme Pontiff with the right and authority to demand such submission.

An authoritative commentary on the Code of Canon Law clarifies this:

Finally, one cannot consider as schismatics those who refuse to obey the Roman Pontiff because they would hold his person suspect or, because of widespread rumors, doubtfully elected (as happened after the election of Urban VI) or who would resist him as a civil authority and not as pastor of the Church.

(Franz Xaver Wernz, *Ius Canonicum*, ed. by Pietro Vidal [Rome: Gregorian University, 1937], vol. 7, p. 398; no translator given; qtd. at http://sedevacantist.com/isit_catholic.html)

True and *proper* schism, instead, consists in the refusal of submission to the man *acknowledged to be* the lawful Pope, at least subjectively, that is, insofar as the question of *sin* is concerned (and that is the more important question, as sin is what can keep us from attaining Eternal Bliss). In fact, Fr. Ignatius Szal emphasizes that one essential ingredient to true and proper schism is that the schismatic, in spite of his disobedience, “must recognize the Roman Pontiff as the true pastor of the Church, and he must profess as an article of faith that obedience is due the Roman Pontiff” (Rev. Ignatius Szal, *The Communication of Catholics with Schismatics* [Washington, DC: The Catholic University of America Press, 1948, p. 2).

At this point, one must pose the question to Mr. Salza and those of his persuasion: Who is the *real*

(even if only subjective) schismatic here?

After all, the simple fact of the matter is that it is impossible even for semi-traditionalists like *The Remnant* crowd to properly *submit* to Benedict XVI. This alone is a powerful argument for the fact of Ratzinger's non-papacy: You cannot submit to him without denying the Faith yourself! (This curious fact, which is further evidence for the impossibility of Fr. Ratzinger's claim to the papacy, is always conveniently ignored when the "recognize-and-resist" crowd thunders against sedevacantism.)

As we all know – all disingenuous protestations to the contrary notwithstanding – the adherents of the "recognize-and-resist" position do not *really submit* to the man they so forcefully insist is the Pope; rather, their submission is conditional and dependent on whether what he teaches, commands, permits, legislates, or decrees is in accordance with their understanding of pre-Vatican II teaching, discipline, etc., either until 1958 or 1962 or some other date they arbitrarily set. (Just who gets to determine what is and isn't traditional is unclear, but people like Bp. Bernard Fellay, Bp. Richard Williamson, Fr. Nicholas Gruner, Fr. Paul Kramer, Mr. Michael Matt, and Mr. Christopher Ferrara are always popular candidates for this position.) Hence we like to refer to them as "Pseudo-Traditionalists," "Semi-Traditionalists," or "Neo-Traditionalists." After all, it is a very curious and certainly *novel* idea to restrict the force of papal teaching, universal discipline, beatifications, canonizations, conciliar decrees, etc., to only certain Popes and councils before a particular date in time – the rest being "up for grabs," so to speak, until, we may suppose, any of these "papal baby-sitters" decide for the rest of the faithful that it's once again safe to listen to the Pope and the Vatican, *regardless* of who occupies this position of authority.

This is a bitter reality our "recognize-and-resist" friends must face: They all know that they do not submit to Benedict XVI the way they would to St. Pius X – and yet, according to the First Vatican Council, the Pope *as such* (i.e., regardless of *who* is Pope) holds a primacy of jurisdiction that requires the firm submission of each and every Catholic, regardless of personal preferences:

If anyone thus speaks, that the Roman Pontiff has only the office of inspection or direction, but not the full and supreme power of jurisdiction over the universal Church, not only in things which pertain to faith and morals, but also in those which pertain to the discipline and government of the Church spread over the whole world; or, that he possesses only the more important parts, but not the whole plenitude of this supreme power; or that this power of his is not ordinary and immediate, or over the churches altogether and individually, and over the pastors and the faithful altogether and individually: let him be anathema.

(Vatican Council, Session IV, Dogmatic Constitution *Pastor Aeternus* on the Church of Christ, Chapter 3, July 18, 1870; Denzinger 1831).

The theologian Van Noort comments on this dogmatic teaching, explicating it as follows:

Assertion 1. The power enjoyed by the supreme pontiff is a real jurisdiction.

It is a real binding authority which demands as its correlative effect a duty, not simply of reverence, but of obedience in the strict sense of the term. The primacy, then, is worlds apart from any mere function of a presiding officer over his associates or confreres. Such an officer is merely an equal among equals and has primacy over the others only insofar as he directs the order to be followed in debating, voting, etc. Neither is the primacy of the pope simply an office of direction, for the notion of *direction* connotes counsel and persuasion rather than the exercise of genuine authority.

(Van Noort, *Christ's Church*, p. 280; italics given.)

What we see here is that, if Benedict XVI were Pope, he would hold a genuine jurisdictional authority over all the faithful, who, in turn, would be bound to it by strict obedience. In other words, merely having a picture of “the Pope” in the sacristy and saying some nice prayers for him, while virtually ignoring him at all other times (not to mention actually taking exception to the teachings in his encyclicals, his beatifications, his canonizations, his liturgical rites and disciplines, etc.), doesn't cut it.

Van Noort continues with his exposition of the *dogma* (!) of papal primacy:

Assertion 2. The jurisdiction of the supreme pontiff is universal.

It is universal both in regard to *place* and to the *business* involved. It is universal in regard to place because it extends to all the churches spread throughout the entire world; in regard to the business involved, because it extends not only to matters of faith and morals (the ecclesiastical magisterium) but also to the discipline and government (*rule-imperium*) of the entire Church. Finally, it is universal in regard to *persons*, because no Christian is exempt from it.

(Van Noort, *Christ's Church*, p. 280; italics given.)

Note well: The Pope has the *authority and right* to govern the entire Church (and therefore, the faithful have a corresponding *duty* of obedience and submission). *No Catholic is exempt from it* – not even bishops from Switzerland or lawyers from the United States, as also the First Vatican Council makes clear: “...the judgment of the Apostolic See, whose authority is not surpassed, is to be disclaimed by no one, nor is anyone permitted to pass judgment on its judgment” (Vatican Council, *Pastor Aeternus*; Denzinger 1830). One may surmise that not even the old and ever-convenient panacean excuse of “diabolical disorientation” would be considered a justifying reason for withholding submission. Ah, how shall the “recognize-and-resisters” square their habitual “take from the Pope what is good; reject what is bad” cafeteria Catholicism with these straightforward words from the Church's highest authority!

It will further be useful to consider that “[t]he pope is not bound by customs or by ecclesiastical laws laid down in any way whatsoever,” even though, of course, he has no right to abuse his power and “turn things topsy-turvy in the Church at mere whim” (Van Noort, pp. 282-283), and no sedevacantist would suggest such a thing, because the Pope “is by divine law strictly bound by the laws of justice, equity, and prudence” (Van Noort, p. 283).

But what the Semi-Traditionalists tend to minimize as mere “bad commands” from a Pope who is abusing his power, which they are merely “resisting,” is in truth quite different. For the “recognize-and-resist” traditionalist does not simply resist evil commands (e.g., “Go and steal from your neighbor so I can buy another tiara”) but dismisses, ignores, resists, and refuses submission to the *licit* exercise of the putative papal authority, namely, teaching the faithful in encyclicals, speeches, sermons, and other writings, legislating for the universal church in the Code of Canon Law, promulgating liturgical rites and laws for all the faithful, offering to the entire Church new role models for Christian living in beatifications and canonizations, and so forth.

The truth is that, *at least in practice*, the Neo-Traditionalist concedes Benedict (or any other post-1958 “Pope”) merely a primacy of honor, not one of jurisdiction, inasmuch as he is ready to refuse submission at any moment he happens to disagree with Benedict on a matter he thinks to be at odds with what has gone before. (That darn “diabolical disorientation” again! Apparently the words of a nun

– Sr. Lucy – trump even “papal” authority in neo-traditionalist circles).

And, of course, concerning such matters these Neo-Traditionalists are bound to disagree even with one another: For example, should they or should they not accept Benedict’s novel Good Friday Prayer for the “Conversion” of the Jews? What one author immediately and enthusiastically hailed as a “papal masterstroke” was cautioned against by his associate as a dangerous tampering with tradition leading to division and misunderstanding. On this particular issue, the latter author demonstrated a lot greater prudence and foresight than his colleague did, because two years later, Benedict XVI revealed in his book *Light of the World* [pp. 106-107] that he changed the Good Friday Prayer because, among other reasons, he thought it was “offensive” to Jews and so came up with the new prayer to replace the traditional idea of conversion in the missionary sense with a sort of “plea that the Lord might bring about the hour in history when we may all be united.” Thus speaks the great “Restorer of Tradition”! Of course, only the gullible and the deluded were surprised to hear of such an admission. Ah, in what chaos they persist, when they first practice to resist!

The question that presents itself, then, is whether the semi-traditionalist must consider himself guilty of schism, heresy, or both. For, if he hold the refusal of submission as a matter of belief, i.e., if he were to believe that he does not owe the Pope this submission, he would be a heretic because he is contradicting the dogma of Vatican I; if, on the other hand, he were to concede this submission in theory but would simply refuse it in practice, he would be a schismatic.

Fully realizing, of course, that the great majority of “recognize-and-resisters” are good, pious people whose only desire is to be faithful Roman Catholics, we nonetheless find it necessary to point out to them that this position they have adopted is not supportable or sustainable in the light of Catholic teaching. Only the sedevacantist position can deliver them from this contradictory idea that self-appointed authorities outside of the Vatican can somehow be the final judge of what is and isn’t to be accepted from Rome.

We can see, then, that Catholic teaching does not allow one to believe Benedict is the Pope. He *is not* the Pope because he *cannot be*.

The chutzpah of the semi-traditionalist position in accusing sedevacantists of being schismatics and usurping ecclesiastical authority while they themselves sit in judgment on everything that comes out of the Vatican, which they *believe to be* the rightful authority, is nothing short of flabbergasting.

Other Errors in Salza’s Critique

Having identified the most essential errors in John Salza’s “The Errors of Sedevacantism and Ecclesiastical Law,” a few words ought to be said about the remaining mistakes and confusion in his writing.

First, Salza argues that Cardinal Angelo Roncalli, the man who claimed to be Pope John XXIII from 1958-1963, was never investigated by Pope Pius XII for heresy. While such an investigation may never have taken place during the pontificate of *Pius XII*, it is nonetheless easy to demonstrate that Roncalli was *indeed* investigated for heresy by the Church. In fact, it is well-known that after his “election,” Roncalli went to the Holy Office (of which Pius XII was the head until his death) and asked to see the file which had been compiled on him. His file was marked “SUSPECTED OF MODERNISM” (see Paul Johnson, *Pope John XXIII* [Boston, MA: Little, Brown and Company, 1974], p. 37). Obviously, *someone* must have investigated him in the Holy Office. Whether or not Roncalli was guilty of *public*

and notorious heresy, and whether or not this has any bearing on sedevacantism (arguing from public “papal” heresy, we remember, is only *one* way to argue for sedevacantism), will be addressed in Part 2 of this essay. Regardless, there is no doubt that Roncalli’s following years as “Pope” certainly confirmed the Holy Office’s suspicion.

Second, we turn to Salza’s curious claim that Pope Paul IV’s Apostolic Constitution *Cum Ex Apostolatus* (1559), which decrees that any putative papal election is null and void if it should turn out that the man elected was a heretic before his election, is dependent upon an ecclesiastical trial to tell us whether indeed any cardinal so elected was a heretic. Salza asks: “How does one determine whether a Cardinal was a heretic prior to his election to the papacy?” (Salza, “Errors,” p. 1) The answer he gives, which he tries to base on canon law, is that “the Pope alone determines” this.

We have already seen that Salza is confusing the order of law with the order of fact, and there is no need to repeat the same arguments given before. However, there is another essential consideration that Salza must have missed: His argument makes absolutely no sense because the whole point of Pope Paul’s bull *Cum Ex Apostolatus* is to *prevent* a heretic from being able to claim the papacy. How, then, does Salza think the “Pope” will judge the heretical “cardinal” if that very “cardinal” is now the one claiming the papal throne? Is the heretical “Pope” supposed to judge himself? Or are we to wait until the heretic’s bogus “reign” is over, and a genuine papal successor declares that the man everyone thought was Pope in the prior years really wasn’t? Is this – in all seriousness – Salza’s glorious “answer”? Do we now have to fear that some future Pope may declare that perhaps Popes Leo XII, Gregory V, Pius III, or Damasus II really weren’t Popes, after all? Or what about Gregory XVI, Leo XIII, and Pius XII? Can we be sure anyone is *ever* Pope at any time, if any claimant’s status is always subject to later revision by another Pope who may himself eventually turn out to have been but a charlatan?

No, Pope Paul IV’s bull would not make any sense if John Salza were right; in fact, Paul IV specifically added that, should the false “Pope” in question try to prolong his “reign,” the faithful may have recourse to the secular authority to remedy the situation: “To the greater confusion, moreover, of those thus promoted or elevated, if these shall have wished to prolong their government and authority, they shall be permitted to request the assistance of the secular arm against these same individuals thus promoted or elevated” (Pope Paul IV, Bull *Cum Ex Apostolatus*, par. 7; <http://www.sedevacantist.com/encyclicals/Paul04/cumex.html>).

Thus, Salza’s argument is reduced to absurdity, because it is impossible that a false “Pope” should have to investigate himself for heresy and then remove himself from office, or that a later true Pope should have to investigate a cardinal suspected of heresy years before, after all the damage of an invalid papacy has already been done, to the detriment of the faithful, and in contradiction to Pope Paul IV’s decree that putative subjects of a heretical “Pope” may have recourse to the secular authority to remove him from office, an absurdity if Paul IV had meant that only a future true Pope can declare a current papal claimant to be a charlatan. If such were a plausible scenario, one would then have to fear that yet another Pope to come even later could expose the Pope who judged the heretical papal charlatan as a papal impostor himself! There would be nothing but the wildest chaos in the Church.

And thus we find that, once thought through, John Salza’s position leads to all kinds of absurdities and ridiculous scenarios, revealing that Salza is not, as he likes to think, genuinely expounding Catholic law and teaching for us, but rather cooking up a mishmash of errors and half-truths in a forlorn attempt to defend the Vatican II Sect as the Catholic Church of Our Lord Jesus Christ. One wonders if Salza isn’t just “making it up as he goes along” – it certainly appears that way.

Next, Salza's point that "it is in the best interests of the Catholic Church to know whether we have a valid Pope" (p. 3), and that therefore it is required that a declaratory sentence be pronounced against any heretical cardinal who was later elected "Pope," likewise suffers from the defects enumerated above. Perhaps it did not occur to Salza, as another sedevacantist writer has pointed out, that it is precisely the fact that a declaratory sentence is *not* necessary that serves the best interests of the Church, so that no charlatan may hide behind the absence of such a declaration. And besides, when there is confusion about who has the authority to render such a declaratory sentence because it is not clear who genuinely holds the papacy, such a declaration would be of no help anyway. But regardless, since such a declaration could not come until after a true Pope has been elected at some point in the future (by cardinals appointed by the papal impostor?), for no one in the Church has the authority to judge the Pope, such a charlatan could wreak havoc in the Church undisturbed for the rest of his life, and this would be considered as being "in the best interests of the Catholic Church" for Salza.

But it gets worse still for our Wisconsin lawyer. Having first conceded that a heretical cardinal does indeed, per the divine law and *Cum Ex Apostolatus*, incur self-expulsion from the Church without the need for a declaration ("Pope Paul IV's decree on the invalidity of the papal election of a heretic affirms the Divine Law that formal heresy results in self-expulsion from the Church, without the need for ecclesiastical censure" [p. 1]), he then proceeds to argue that nonetheless a declaratory sentence is required in order to *know* that a certain papal claimant is not a true Pope because otherwise "the Church would never know with certainty whether Divine Law has been violated, and this uncertainty would undermine the Church's very mission and existence" (p. 3). So, apparently, then, we can have a situation in which formal heresy prevents a cardinal from being validly elected Pope, but unless the Church officially recognizes this to be so, we cannot *know* it to be the case. So, what does this mean as regards the status of the papal claimant? Is he Pope or isn't he? According to Salza's argument, he is *not* the Pope in reality, but since the Church hasn't "recognized" this (can the Church be blind?), we *think* him to be the Pope and so, *for us*, he *is* the Pope. In other words, he would be, per Salza's reasoning, non-Pope because of his violation of divine law through heresy; yet, he would also be Pope for the Church as long as she does not tell us he is not the Pope.

What sort of ridiculous mess is this? Is this seriously supposed to be "in the best interests" of the Church? Are we to believe that men like Paul VI, John Paul II, and Benedict XVI have been essential instruments of God in "safeguarding" the mission and existence of the Catholic Church – when we all know that these monsters have been essential in doing the very opposite, namely, in corrupting, harming, defiling, minimizing, relativizing, and destroying the Mystical Body, they more than anyone else? Regardless, Salza somehow arrives at the conclusion that because Canon 2223 §3, par. 4 (he actually references it wrong) says that in order to incur a particular penalty automatically, a declaratory sentence must be given *if the common good requires it*, therefore, since the common good of the Church requires it (so *Salza* thinks – without citing any authoritative evidence, of course), there needs to be a "declaratory sentence proclaiming a Cardinal's pre-election heresy" (p. 3).

Unfortunately for Salza, Canon 2223 §3, par. 4 does not speak about the validity of elections, papal or otherwise, but about the time when a *superior* is *obliged to declare* that an automatic penalty has been incurred:

Generally, the declaring of an automatic penalty is committed to the prudence of the Superior; but a declaratory sentence must be given either at the request of an interested party or when so required by the common good.

Note that whether the automatic penalty is declared or not has no bearing on its having been *incurred*, so that Salza's case once again crumbles, for, supposing Salza's understanding of this canon to be

sound and relevant, it would mean only that the superior (who would that be?) has the obligation to *declare* that the papal claimant has automatically excommunicated himself for heresy; it would not in any way change the *status* of the heretic-posing-as-Pope.

(As an aside: Keep in mind once more that this canonico-theological mess Salza is dishing up is being argued entirely on his own authority – he does not quote canonists, theologians, or other secondary sources; he goes straight to the primary sources of Church law and doctrine and does all the interpreting himself. Can he not find any Church authorities at all who agree with his interpretation?)

But there is yet another problem for Mr. Salza: Despite his best efforts at canon law, apparently he missed Canon 2227, which expressly states that only the Roman Pontiff can impose or declare penalties against cardinals, and that cardinals are *excluded from penal law*. This is a problem for Salza because he just argued that Canon 2223 §3, par. 4 requires a declaratory sentence to be issued against a heretical cardinal-thought-to-be-Pope. But if such a cardinal – or the cardinal(s) “judging” him – are excluded from penal law, then this canon has no relevance. Besides, since only the Pope can judge a cardinal, considering that this heretic was thought to be the Pope, there obviously is no true Pope who could judge the cardinal. If we suppose that Salza is referring to a future true Pope, then he cannot argue that this is necessary for the good of the Church on the grounds that we must “know whether we have a valid Pope,” since at that point we *would* have a valid Pope, and all he’d have left to do is clean up the mess of the prior, invalid one.

It is certainly evident by now that John Salza has unwittingly argued himself into a veritable “jungle” of assertions, elucidations, clarifications, and contradictions that he cannot get out of anymore. This is underscored in the next paragraph of his essay, where he says:

Further, it should go without saying that the required declaratory sentence must be given by ecclesiastical authority (Mt 18:17; Titus 3:10-11). Of course, nothing in either positive law or Divine Law permits just any Catholic individual or group to issue declaratory sentences and ecclesiastical censures, nor does the law permit Catholics to licitly resist [tell that to *The Remnant!* –*Gregorius*] a duly elected Pope in the absence of these required ecclesiastical adjudications. As applied here, since the elected Pope would be the object of the investigation, any declaratory sentence would have to come from the College of Cardinals – the next highest authoritative rank in the Church. Further, we are reminded that a declaratory sentence of heresy against an anti-pope would simply affirm that he excommunicated himself (ecclesiastical law determining that self-expulsion occurred under Divine Law), and that a valid Pope has no judge on earth but God.

(Salza, “Errors,” pp. 3-4)

It is amazing to watch Salza affirm and then immediately deny a thesis – in the very same paragraph! Notice that though he affirms that a Pope has no judge on earth but God, nonetheless somehow the cardinals have the authority to force “the elected Pope” (!) to become “the object of [an] investigation” into whether or not he holds his claimed office legitimately – at the end of which they then *judge* him to be the Pope or not! But if he *is* the Pope, then no cardinal can judge him; if he is *not* the Pope, according to Salza’s thesis, the cardinals won’t know this until they’ve already subjected him to a trial and thus overstepped their authority. This is what Salza is offering his readers as top-notch apologetics against sedevacantism? What better advertisement *for* sedevacantism could we have hoped for than Salza’s half-baked hodgepodge of pseudo-canonical concepts?

And what would Salza do if the Pope-suspected-of-not-being-the-Pope said to his cardinals, “How dare you attempt to subject me to a trial! I hereby deprive all of you of the status of cardinal and will select

other bishops to be my cardinals” – what would Salza do then? Further, the consideration that the “investigating” cardinals are the very agents who *elected* the dubious Pope to begin with, isn’t exactly helpful to Salza’s case, either.

Clearly, the position espoused by Mr. Salza is entirely erroneous and not compatible with Church teaching, canon law, or even common sense. It is a boost for, rather than a disproof of, the sedevacantist position, because supposing Salza’s argumentation to be sound for a moment, of course it would follow that, precisely since no cardinal is the superior of the Pope, the only way the cardinals could hurl “a declaratory sentence of heresy against an anti-pope” (p. 4), which canon law says can only be done by a superior (Canon 2223 §3, par. 4), would be by *privately discerning*, before any canonical trial or legal judgment would even be *possible*, that the man claiming to be the Pope is in fact an impostor – which is exactly what sedevacantists do.

Before concluding Part 1 of this response to the errors of John Salza, we must still address this lawyer’s horrendous claim, made rather nonchalantly, that St. Peter committed the crime of *apostasy* by denying Our Lord three times on Good Friday. Salza writes:

St. Peter committed a public act of apostasy by denying Our Lord before validly ascending to the papal office. Hence, ecclesiastical law requires the Church to presume that the elected Pope has reconciled with Christ (as St. Peter did) and thus pre-election heresy, apostasy or schism does not automatically invalidate his election (whether the offense continues after the election is a separate question determined by the same procedures of ecclesiastical law requiring special investigations and declaratory sentences).

(Salza, “Errors,” p. 4)

What sources, what authorities, does Salza quote or reference to substantiate his contention that St. Peter committed public “apostasy” on Good Friday? None, of course. His allegation is as unsupported as it is outrageous. We know that the crime of “apostasy” is defined as a complete rejection of the Faith (as opposed to a few individual dogmas) by a baptized person. Could Salza not find a single Catholic authority who identified St. Peter’s sin as the sin of apostasy? Apparently not. This is not surprising, for St. Peter did *not*, of course, commit apostasy.

The great Doctor of the Church St. Francis de Sales teaches as follows on this point:

...[T]he denial which S. Peter made on the day of the Passion must not trouble you here; for *he did not lose the faith*, but only sinned as to the confession of it. Fear made him disavow that which he believed. He believed right but spoke wrong.

(St. Francis de Sales, *The Catholic Controversy* [Rockford, IL: TAN Books and Publishers, 1989], Part II, Art. VI, Ch. IV, p. 259; emphasis added.)

Being engaged in apologetics against Protestantism as he is, surely John Salza is quite familiar with St. Francis’ sermons against Protestantism, from which this quote is taken. Note well that the saint is clear that St. Peter did *not* lose the Faith, as Salza tries to make people believe (for abandoning the Faith is the essence of apostasy), but merely *lied about* what he inwardly believed. And he did so out of grave fear, as the Scriptures reveal to us, and as the circumstances make evident.

The great Dominican Fr. Reginald Garrigou-Lagrange, surely the most eminent Thomistic philosopher and theologian of the 20th century, known for his impeccable orthodoxy and heroically virtuous life, echoes St. Francis’ teaching:

Peter's sin, committed in the threefold denial of Christ in his Passion, was a sin against the outward confession of faith: "I know not Christ." *It did not prove loss of faith.* The Apostle would have lost faith and sinned mortally against the obligatory interior act of faith, had he admitted the denial into his own heart or deliberately doubted any revealed truth about which he had received sufficient instruction. Exterior cursing and swearing through fear, fall short of evidence that he did so.

(Fr. Reginald Garrigou-Lagrange, O.P., *The Theological Virtues*, Vol. 1: *On Faith* [St. Louis, MO: Herder, 1965], p. 249; italics added.)

Again, we see that St. Peter's sin was not that of loss of faith (heresy or apostasy), as Salza so rashly and casually asserts, but one "against the outward confession of faith." It is obvious that his motive for sinning in this manner was grave fear, and his immediate remorse confirms further that he simply *lied outwardly* about what he *believed inwardly*.

It is clear that our Wisconsin lawyer simply hasn't done his research. Though he duly notes that St. Peter's denial took place *before* he was invested with papal authority, Salza rushes to the absolutely laughable conclusion that this demonstrates that "ecclesiastical law requires the Church to presume that the elected Pope has reconciled with Christ (as St. Peter did) and thus pre-election heresy, apostasy or schism does not automatically invalidate his election." Needless to say, Salza once again provides *no source whatsoever* to back up this absurd and – pardon the term – outright *asinine* assertion! He argues it on his own (non-existent) authority.

In other words, Salza contends that when a public apostate is "elected Pope," we *must presume* that the apostate is not really an apostate any longer but has reconciled with Christ and the Church and now professes the true Faith – any evidence to the contrary, apparently, notwithstanding. (One wonders what Salza thinks one ought to do when the "apostate-elected-Pope" continues to manifest his apostasy even *after* his "election.") And this idea he takes from St. Peter's denial of Our Lord! But, in his argumentation, Salza totally ignores two very important facts: (1) God has *revealed* to us, through the testimony of Scripture, that St. Peter did not lose the Faith but merely lied about it, and therefore we *know* he did not commit apostasy – it has nothing to do with a presumption; (2) St. Peter wept bitterly immediately after his sin and continued his *public remorse*, visible to *anyone*, until his death.

For Salza's argument to have even just a little value, one would have to believe that the false "Popes" after Pius XII *lied about* what they truly believed in all their Novus Ordo teachings, actions, laws, and disciplines; which would, in effect, give us a "lying Church" – yet another absurdity that Salza would have to deal with. Does our Wisconsin lawyer really want us to believe that John XXIII through Benedict XVI truly held the Catholic Faith but, in the face of an unbelieving world which they themselves helped to keep in unbelief, simply succumbed through human weakness and, again and again, taught ecumenism and religious liberty and a host of other evil doctrines and ideas, in contradiction to what they *truly* believed and wanted to see taught – without, of course, showing any remorse whatsoever?

Sorry to be blunt, but at some point one simply has to ask: How much dumber can it get?

Even James Cardinal Gibbons, legendarily known for his Americanist views that were condemned by Pope Leo XIII in the Apostolic Letter *Testem Benevolentiae* (1899), managed to expound a simple and manifest truth about the papacy when he wrote:

The Pope, as shepherd, must feed the flock not with the poison of error, but with the

healthy food of sound doctrine; for he is not a shepherd, but a hireling, who administers pernicious food to his flock.

(James Cardinal Gibbons, *The Faith of Our Fathers*, 11th ed. [Rockford, IL: TAN Books and Publishers, 1980], p. 104.)

Whom do John XXIII, Paul VI, John Paul I, John Paul II, and Benedict XVI resemble more? A true shepherd – or a hireling? Did they speak with the voice of St. Peter – or the voice of Judas? “[I]mmaculate doctrine has always been preserved and preached in the Roman See,” Cardinal Gibbons echoed the First Vatican Council (*ibid.*; italics removed). Not so in the Novus Ordo Church – thus it cannot be the True Church of Our Blessed Lord, and therefore we must flee from it.

As it turns out, though it may have looked impressive to some, John Salza’s “The Errors of Sedevacantism and Ecclesiastical Law” is nothing but a work of pseudo-theological and pseudo-canonical sophistry, composed by a lawyer who thought himself equipped to handle canon law but instead revealed that he has no idea what he is talking about. In fact, it appears as though Salza’s preconceived conclusion (“sedevacantism is false”) more or less dictated his premises, rather than the other way around; this accounts for the sundry errors in his article. Of course, as servants of the truth, we cannot begin with a desired conclusion and then try to find premises that lead to this conclusion. This would be putting the cart before the horse. But then again, isn’t that precisely what lawyers do?

Sadly, regardless of his intent, Salza’s position is in fact a great aid to the *enemies* of Holy Mother Church.

This concludes Part 1 of this rebuttal. Part 2, to be published shortly, will tackle Salza’s second article, “Sedevacantism and the Sin of Presumption.”

Gregorius
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