

Open letter to the bishops of the Catholic Church

Easter Week, 2019

Your Eminence, Your Beatitude, Your Excellency,

We are addressing this letter to you for two reasons: first, to accuse Pope Francis of the canonical delict of heresy, and second, to request that you take the steps necessary to deal with the grave situation of a heretical pope.

We take this measure as a last resort to respond to the accumulating harm caused by Pope Francis's words and actions over several years, which have given rise to one of the worst crises in the history of the Catholic Church.

We are accusing Pope Francis of the canonical delict of heresy. For the canonical delict of heresy to be committed, two things must occur: the person in question must doubt or deny, by public words and/or actions, some divinely revealed truth of the Catholic faith that must be believed with the assent of divine and Catholic faith; and this doubt or denial must be pertinacious, that is, it must be made with the knowledge that the truth being doubted or denied has been taught by the Catholic Church as a divinely revealed truth which must be believed with the assent of faith, and the doubt or denial must be persistent.

While accusing a pope of heresy is, of course, an extraordinary step that must be based on solid evidence, both these conditions have been demonstrably fulfilled by Pope Francis. We do not accuse him of having committed the delict of heresy on every occasion upon which he has seemed to publicly contradict a truth of the faith. We limit ourselves to accusing him of heresy on occasions where he has publicly denied truths of the faith, and then consistently acted in a way that demonstrates that he disbelieves these truths that he has publicly denied. We do not claim that he has denied truths of the faith in pronouncements that satisfy the conditions for an infallible papal teaching. We assert that this would be impossible, since it would be incompatible with the guidance given to the Church by the Holy Spirit. We deny that this could even appear to be the case to any reasonable person, since Pope Francis has never made a pronouncement that satisfies the conditions for infallibility.

We accuse Pope Francis of having, through his words and actions, publicly and pertinaciously demonstrated his belief in the following propositions that contradict divinely revealed truth (for each proposition we provide a selection of Scriptural and magisterial teachings that condemn them as contrary to divine revelation; these references are conclusive but are not intended to be exhaustive.)

I. A justified person has not the strength with God's grace to carry out the objective demands of the divine law, as though any of the commandments of God are impossible for the justified; or as meaning that God's grace, when it produces justification in an individual, does not invariably and of its nature produce conversion from all serious sin, or is not sufficient for conversion from all serious sin.

[Council of Trent, session 6, canon 18: "If anyone says that the commandments of God are impossible to observe even for a man who is justified and established in grace, let him be anathema" (DH 1568). See also: Gen. 4:7; Deut. 30:11-19; Ecclesiasticus 15: 11-22; Mk. 8:38; Lk. 9:26; Heb. 10:26-29; 1 Jn. 5:17; Zosimus, 15th (or 16th) Synod of Carthage, canon 3 on grace, DH 225; Felix III, 2nd Synod of Orange, DH 397; Council of Trent, Session 5, canon 5; Session 6, canons 18-20, 22, 27 and 29; Pius V, Bull Ex omnibus afflictionibus, On the errors of Michael du Bay, 54, DH 1954; Innocent X, Constitution Cum occasione, On the errors of Cornelius Jansen, 1, DH 2001; Clement XI, Constitution

Unigenitus, On the errors of Pasquier Quesnel, 71, DH 2471; John Paul II, Apostolic Exhortation *Reconciliatio et paenitentia* 17: AAS 77 (1985): 222; *Veritatis splendor* 65-70: AAS 85 (1993): 1185-89, DH 4964-67.]

II. A Christian believer can have full knowledge of a divine law and voluntarily choose to break it in a serious matter, but not be in a state of mortal sin as a result of this action.

[Council of Trent, session 6, canon 20: “If anyone says that a justified man, however perfect he may be, is not bound to observe the commandments of God and of the Church but is bound only to believe, as if the Gospel were merely an absolute promise of eternal life without the condition that the commandments be observed, let him be anathema” (DH 1570).

See also: Mk. 8:38; Lk. 9:26; Heb. 10:26-29; 1 Jn. 5:17; Council of Trent, session 6, canons 19 and 27; Clement XI, Constitution *Unigenitus*, On the errors of Pasquier Quesnel, 71, DH 2471; John Paul II, Apostolic Exhortation *Reconciliatio et paenitentia* 17: AAS 77 (1985): 222; *Veritatis splendor*, 65-70: AAS 85 (1993): 1185-89, DH 4964-67.]

III. A person is able, while he obeys a divine prohibition, to sin against God by that very act of obedience.

[Ps. 18:8: “The law of the Lord is unspotted, converting souls.”

See also: Ecclesiasticus 15:21; Council of Trent, session 6, canon 20; Clement XI, Constitution *Unigenitus*, On the errors of Pasquier Quesnel, 71, DH 2471; Leo XIII, *Libertas praestantissimum*, ASS 20 (1887-88): 598 (DH 3248); John Paul II, *Veritatis splendor*, 40: AAS 85 (1993): 1165 (DH 4953).]

IV. Conscience can truly and rightly judge that sexual acts between persons who have contracted a civil marriage with each other, although one or both of them is sacramentally married to another person, can sometimes be morally right, or requested or even commanded by God.

[Council of Trent, session 6, canon 21: “If anyone says that Jesus Christ was given by God to men as a redeemer in whom they are to trust but not also as a lawgiver whom they are bound to obey, let him be anathema”, DH 1571.

Council of Trent, session 24, canon 2: “If anyone says that it is lawful for Christians to have several wives at the same time, and that this is not forbidden by any divine law, let him be anathema”, DH 1802.

Council of Trent, session 24, canon 5: “If anyone says that the marriage bond can be dissolved because of heresy or difficulties in cohabitation or because of the wilful absence of one of the spouses, let him be anathema”, DH 1805.

Council of Trent, session 24, canon 7: “If anyone says that the Church is in error for having taught and for still teaching that in accordance with the evangelical and apostolic doctrine, the marriage bond cannot be dissolved because of adultery on the part of one of the spouses and that neither of the two, not even the innocent one who has given no cause for infidelity, can contract another marriage during the lifetime of the other, and that the husband who dismisses an adulterous wife and marries again and the wife who dismisses an adulterous husband and marries again are both guilty of adultery, let him be anathema”, DH 1807.

See also: Ps. 5:5; Ps. 18:8-9; Ecclesiasticus 15:21; Heb. 10:26-29; Jas. 1:13; 1 Jn. 3:7; Innocent XI, *Condemned propositions of the ‘Laxists’*, 62-63, DH 2162-63; Clement XI, Constitution *Unigenitus*,

On the errors of Pasquier Quesnel, 71, DH 2471; Leo XIII, encyclical letter *Libertas praestantissimum*, ASS 20 (1887-88): 598, DH 3248; Pius XII, Decree of the Holy Office on situation ethics, DH 3918; 2nd Vatican Council, Pastoral Constitution *Gaudium et spes*, 16; John Paul II, *Veritatis splendor*, 54: AAS 85 (1993): 1177; Catechism of the Catholic Church, 1786-87.]

V. It is false that the only sexual acts that are good of their kind and morally licit are acts between husband and wife.

[I Corinthians 6:9-10; "Do not err: neither fornicators, nor idolaters, nor adulterers, nor the effeminate, nor liars with mankind, nor thieves, nor covetous, nor drunkards, nor railers, nor extortioners, shall possess the kingdom of God."

Jude 1:7; "As Sodom and Gomorrha, and the neighbouring cities, in like manner, having given themselves to fornication, and going after other flesh, were made an example, suffering the punishment of eternal fire."

See also: Romans 1:26-32; Ephesians 5:3-5; Galatians 5:19-21; Pius IX, *Casti connubii*, 10, 19-21, 73; Paul VI, *Humanae vitae*, 11-14; John Paul II, *Evangelium vitae*, 13-14.]

VI. Moral principles and moral truths contained in divine revelation and in the natural law do not include negative prohibitions that absolutely forbid particular kinds of action, inasmuch as these are always gravely unlawful on account of their object.

[John Paul II, *Veritatis splendor* 115: "Each of us knows how important is the teaching which represents the central theme of this Encyclical and which is today being restated with the authority of the Successor of Peter. Each of us can see the seriousness of what is involved, not only for individuals but also for the whole of society, with the reaffirmation of the universality and immutability of the moral commandments, particularly those which prohibit always and without exception intrinsically evil acts", DH 4971.

See also: Rom. 3:8; 1 Cor. 6: 9-10; Gal. 5: 19-21; Apoc. 22:15; 4th Lateran Council, chapter 22, DH 815; Council of Constance, Bull *Inter cunctas*, 14, DH 1254; Paul VI, *Humanae vitae*, 14: AAS 60 (1968) 490-91; John Paul II, *Veritatis splendor*, 83: AAS 85 (1993): 1199, DH 4970.]

VII. God not only permits, but positively wills, the pluralism and diversity of religions, both Christian and non-Christian.

[John 14:6; "I am the way, and the truth, and the life. No man cometh to the Father, but by me."

Acts 4:11-12; "This is the stone which was rejected by you the builders, which is become the head of the corner. Neither is there salvation in any other. For there is no other name under heaven given to men, whereby we must be saved."

See also Exodus 22:20; Exodus 23:24; 2 Chronicles 34:25; Psalm 95:5; Jeremiah 10:11; 1 Corinthians 8:5-6; Gregory XVI, *Mirari vos*, 13-14; Pius XI, *Qui pluribus*, 15; *Singulari quidem*, 3-5; First Vatican Council, Profession of Faith: Leo XIII, *Immortale dei*, 31; *Satis cognitum*, 3-9; Pius XI, *Mortalium Animos*, 1-2, 6].

These heresies are interconnected. The basis of Catholic sexual morality consists in the claim that sexual activity exists for the sake of procreation within marriage and is morally wrong if knowingly

engaged in outside of this sphere. The claim that forms part of (IV) above, that persons who are civilly divorced from their spouse can licitly engage in sexual activity with another who is not their spouse, repudiates this basis. Consequently, to assert (IV) is to permit the legitimation of many kinds of sexual activity outside of marriage, not just sexual intercourse between the civilly married. Pope Francis has protected and promoted homosexually active clerics and clerical apologists for homosexual activity. This indicates that he believes that homosexual activity is not gravely sinful. These beliefs fall under the broader claim made in (V), to the effect that not all sexual acts between persons who are not married are morally wrong. The claim that a Christian believer can have full knowledge of a divine law and voluntarily choose to break it in a serious matter, and not be in a state of mortal sin as a result of this action, depends on Pope Francis's endorsement of Luther's claim that justification does not demand observance of the divine law. Taken together, all these positions amount to a comprehensive rejection of Catholic teaching on marriage and sexual activity, Catholic teaching on the nature of the moral law, and Catholic teaching on grace and justification.

Evidence for Pope Francis's being guilty of the delict of heresy

This evidence is twofold: Pope Francis's public statements, and his public actions (the statements quoted below from *Amoris laetitia* should not be read as isolated utterances, but in their true meaning in the context of the whole of chapter VIII of that document.) These two forms of evidence are related. His public actions serve to establish that the public statements listed below were meant by him to be understood in a heretical sense.¹

(A) Pope Francis's public statements contradicting truths of the faith

1. *Amoris laetitia* 295: 'Saint John Paul II proposed the so-called "law of gradualness" in the knowledge that the human being "knows, loves and accomplishes moral good by different stages of growth". This is not a "gradualness of law" but rather a gradualness in the prudential exercise of free acts on the part of subjects who are not in a position to understand, appreciate, or fully carry out the objective demands of the law.' (I, II, IV)

2. *Amoris laetitia* 298: 'The divorced who have entered a new union, for example, can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for a suitable personal and pastoral discernment. One thing is a second union consolidated over time, with new children, proven fidelity, generous self-giving, Christian commitment, a consciousness of its irregularity and of the great difficulty of going back without feeling in conscience that one would fall into new sins. The Church acknowledges situations "where, for serious reasons, such as the children's upbringing, a man and woman cannot satisfy the obligation to separate [footnote 329: In such situations, many people, knowing and accepting the possibility of living "as brothers and sisters" which the Church offers them, point out that if certain expressions of intimacy are lacking, "it often happens that faithfulness is endangered and the good of the children suffers".] There are also the cases of those who made every effort to save their first marriage and were unjustly abandoned, or of

¹ We indicate the heresy or heresies supported by each statement or act, by providing in brackets the Roman numeral of the heresy in the list above.

“those who have entered into a second union for the sake of the children’s upbringing, and are sometimes subjectively certain in conscience that their previous and irreparably broken marriage had never been valid”. Another thing is a new union arising from a recent divorce, with all the suffering and confusion which this entails for children and entire families, or the case of someone who has consistently failed in his obligations to the family. It must remain clear that this is not the ideal which the Gospel proposes for marriage and the family. The Synod Fathers stated that the discernment of pastors must always take place “by adequately distinguishing”, with an approach which “carefully discerns situations”. We know that no “easy recipes” exist.’ (III, IV)

3. *Amoris laetitia* 299: ‘I am in agreement with the many Synod Fathers who observed that “the baptized who are divorced and civilly remarried need to be more fully integrated into Christian communities in the variety of ways possible, while avoiding any occasion of scandal. The logic of integration is the key to their pastoral care, a care which would allow them not only to realize that they belong to the Church as the body of Christ, but also to know that they can have a joyful and fruitful experience in it. They are baptized; they are brothers and sisters; the Holy Spirit pours into their hearts gifts and talents for the good of all. ... Such persons need to feel not as excommunicated members of the Church, but instead as living members, able to live and grow in the Church and experience her as a mother who welcomes them always, who takes care of them with affection and encourages them along the path of life and the Gospel.”’ (II, IV)

4. *Amoris laetitia* 301: ‘It is [sic] can no longer simply be said that all those in any “irregular” situation are living in a state of mortal sin and are deprived of sanctifying grace. More is involved here than mere ignorance of the rule. A subject may know full well the rule, yet have great difficulty in understanding “its inherent values, or be in a concrete situation which does not allow him or her to act differently and decide otherwise without further sin.”’ (II, III, IV)

5. *Amoris laetitia* 303: ‘Conscience can do more than recognize that a given situation does not correspond objectively to the overall demands of the Gospel. It can also recognize with sincerity and honesty what for now is the most generous response which can be given to God, and come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one’s limits, while yet not fully the objective ideal.’ (II, IV, V)

6. *Amoris laetitia* 304: ‘I earnestly ask that we always recall a teaching of Saint Thomas Aquinas and learn to incorporate it in our pastoral discernment: “Although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects... In matters of action, truth or practical rectitude is not the same for all, as to matters of detail, but only as to the general principles; and where there is the same rectitude in matters of detail, it is not equally known to all... The principle will be found to fail, according as we descend further into detail”. It is true that general rules set forth a good which can never be disregarded or neglected, but in their formulation they cannot provide absolutely for all particular situations.’ (VI)

7. On Sept 5th, 2016 the bishops of the Buenos Aires region issued a statement on the application of *Amoris laetitia*, in which they stated:

6) En otras circunstancias más complejas, y cuando no se pudo obtener una declaración de nulidad, la opción mencionada puede no ser de hecho factible. No obstante, igualmente es posible un camino de discernimiento. Si se llega a reconocer que, en un caso concreto, hay limitaciones

que atenúan la responsabilidad y la culpabilidad (cf. 301-302), particularmente cuando una persona considere que caería en una ulterior falta dañando a los hijos de la nueva unión, *Amoris laetitia* abre la posibilidad del acceso a los sacramentos de la Reconciliación y la Eucaristía (cf. notas 336 y 351). Estos a su vez disponen a la persona a seguir madurando y creciendo con la fuerza de la gracia. ...

9) Puede ser conveniente que un eventual acceso a los sacramentos se realice de manera reservada, sobre todo cuando se prevean situaciones conflictivas. Pero al mismo tiempo no hay que dejar de acompañar a la comunidad para que crezca en un espíritu de comprensión y de acogida, sin que ello implique crear confusiones en la enseñanza de la Iglesia acerca del matrimonio indisoluble. La comunidad es instrumento de la misericordia que es «inmerecida, incondicional y gratuita» (297).

10) El discernimiento no se cierra, porque «es dinámico y debe permanecer siempre abierto a nuevas etapas de crecimiento y a nuevas decisiones que permitan realizar el ideal de manera más plena» (303), según la «ley de gradualidad» (295) y confiando en la ayuda de la gracia.

...

6) In other, more complex cases, and when a declaration of nullity has not been obtained, the above mentioned option may not, in fact, be feasible. Nonetheless, a path of discernment is still possible. If it comes to be recognized that, in a specific case, there are limitations that mitigate responsibility and culpability (cf. 301-302), especially when a person believes they would incur a subsequent wrong by harming the children of the new union, *Amoris Laetitia* offers the possibility of access to the sacraments of Reconciliation and Eucharist (cf. footnotes 336 and 351). These sacraments, in turn, dispose the person to continue maturing and growing with the power of grace. ...

9) It may be right for eventual access to sacraments to take place privately, especially where situations of conflict might arise. But at the same time, we have to accompany our communities in their growing understanding and welcome, without this implying creating confusion about the teaching of the Church on the indissoluble marriage. The community is an instrument of mercy, which is “unmerited, unconditional and gratuitous” (297).

10) Discernment is not closed, because it “is dynamic; it must remain ever open to new stages of growth and to new decisions which can enable the ideal to be more fully realized” (303), according to the “law of gradualness” (295) and with confidence in the help of grace.]

This asserts that according to *Amoris laetitia*, although the indissolubility of marriage is not denied, the divorced and remarried can receive the sacraments, and that persisting in this state is compatible with receiving the help of grace. Pope Francis wrote an official letter dated the same day to Bishop Sergio Alfredo Fenoy of San Miguel, a delegate of the Argentina bishops' Buenos Aires Region, stating that the bishops of the Buenos Aires region had given the only possible interpretation of *Amoris laetitia*:

Querido hermano:

Recibí el escrito de la Región Pastoral Buenos Aires «Criterios básicos para la aplicación del capítulo VIII de *Amoris laetitia*». Muchas gracias por habérmelo enviado; y los felicito por el trabajo que se han tomado: un verdadero ejemplo de acompañamiento a los sacerdotes... y todos sabemos cuánto es necesaria esta cercanía del obispo con su clero y del clero con el obispo. El prójimo «más prójimo» del obispo es el sacerdote, y el mandamiento de amar al prójimo como a sí mismo comienza para nosotros obispos precisamente con nuestros curas.

El escrito es muy bueno y explícita cabalmente el sentido del capítulo VIII de *Amoris Laetitia*. No hay otras interpretaciones.

[Beloved brother,

I received the document from the Buenos Aires Pastoral Region, “Basic Criteria for the Application of Chapter Eight of *Amoris laetitia*.” Thank you very much for sending it to me. I thank you for the work they have done on this: a true example of accompaniment for the priests ... and we all know how necessary is this closeness of the bishop with his clergy and the clergy with the bishop. The neighbor ‘closest’ to the bishop is the priest, and the commandment to love one’s neighbor as one’s self begins for us, the bishops, precisely with our priests. The document is very good and completely explains the meaning of chapter VIII of *Amoris laetitia*. There are no other interpretations.]

This letter to the Bishops of Buenos Aires was then published in the *Acta Apostolicae Sedis* of October 2016, with a note saying that Pope Francis had ordered their publication as an act of the authentic magisterium. This note does not assert that the statements of *Amoris laetitia* or of the Buenos Aires bishops themselves constitute part of the authentic magisterium; it states with magisterial authority that the Buenos Aires bishops' understanding of what Pope Francis meant to say in *Amoris laetitia* is correct.

It must be noted that the denial of Communion to divorced and invalidly remarried or cohabiting couples is, in itself, a doctrine based on Sacred Scripture and founded upon the divine law.² To assert the possibility of giving Holy Communion to divorced and invalidly remarried couples implies, by a necessary inference, the belief in heresies II, IV, and V, or else a denial of the dogma of the indissolubility of marriage.³

8. On June 16th, 2016, at a Pastoral Congress for the diocese of Rome, Pope Francis stated that many ‘co-habiting’ couples have the grace of matrimony. (II, IV, V)

9. In a press conference on June 26th, 2016, Pope Francis stated:

I think that the intentions of Martin Luther were not mistaken. He was a reformer. Perhaps some methods were not correct. ... And today Lutherans and Catholics, Protestants, all of us agree on the doctrine of justification. On this point, which is very important, he did not err. (I)

10. In a homily in the Lutheran Cathedral in Lund, Sweden, on Oct 31st, 2016, Pope Francis stated:

² Cf. *Familiaris consortio* 84. See also: Dichiarazione del Pontificio Consiglio per i Testi Legislativi: *Circa l'ammissibilità alla Santa Comunione dei divorziati risposati* (*L'Osservatore Romano*, 7th July, 2000, p. 1; *Communicationes*, 32 [2000]).

³ Cf. Card. G. Müller, in: Riccardo Cascioli, “Vogliono far tacere Benedetto perché dice la verità”, *La Nuova Bussola quotidiana*: <http://www.lanuovabq.it/it/vogliono-far-tacere-benedetto-xvi-perche-dice-la-verita>: “An emeritus bishop, when he celebrates Mass, shouldn't he tell the truth in the homily? Should he not talk about the indissolubility of marriage just because other active bishops have introduced new rules that are not in harmony with divine law? Rather, it is the active bishops who do not have the power to change divine law in the Church. They have no right to tell a priest that he must give communion to a person who is not in full communion with the Catholic Church. No-one can change this divine law; if anyone does so, he is a heretic, a schismatic.” Cf. <http://magister.blogautore.espresso.repubblica.it/2019/04/17/between-the-two-popes-there-is-%E2%80%9Cfracture-%E2%80%9D-the-silence-of-francis-against-benedict/>

The spiritual experience of Martin Luther challenges us to remember that apart from God we can do nothing. “How can I get a propitious God?” This is the question that haunted Luther. In effect, the question of a just relationship with God is the decisive question for our lives. As we know, Luther encountered that propitious God in the Good News of Jesus, incarnate, dead and risen. With the concept “by grace alone”, he reminds us that God always takes the initiative, prior to any human response, even as he seeks to awaken that response. The doctrine of justification thus expresses the essence of human existence before God. (I)

11. On 31st October, 2016 Pope Francis signed the Joint Statement on the occasion of the Joint Catholic-Lutheran Commemoration of the Reformation, which included the assertion: “We are profoundly thankful for the spiritual and theological gifts received through the Reformation.” (I)

12. On February 4th, 2019, Pope Francis and Ahmad Al-Tayyeb, the Grand Imam of Al-Azhar Mosque, publicly signed and issued a statement entitled 'Document on Human Fraternity'. In it, they made the following assertions:

Freedom is a right of every person: each individual enjoys the freedom of belief, thought, expression and action. The pluralism and the diversity of religions, colour, sex, race and language are willed by God in His wisdom, through which He created human beings. This divine wisdom is the source from which the right to freedom of belief and the freedom to be different derives.⁴
(VII)

(B) Pope Francis’s public actions that indicate a rejection of truths of the faith

Understood in their most obvious sense, the statements listed above are heretical. This was pointed out, in regard to many of them, in the *Filial Correction* sent to Pope Francis and in the theological censures of *Amoris laetitia* that were sent to the college of cardinals by 45 Catholic scholars. They have been understood in a heretical sense by a large part of the church, which has taken them to legitimize belief and actions that conform to them. Pope Francis has not corrected anyone who has publicly interpreted these statements in a heretical sense, even when the persons upholding these heretical understandings have been bishops or cardinals.

These statements are not however the only evidence for Pope Francis’s public adherence to heresy. It is possible to demonstrate belief in a proposition by actions as well as by words. Canon law has always admitted non-verbal actions as evidence for heresy; for example, refusing to kneel before the Blessed Sacrament has been considered to furnish evidence for disbelief in the doctrine of the Real Presence. Non-verbal actions on their own can indicate belief in a heresy, or they can do so in conjunction with verbal and written statements. In the latter case, they provide a context that makes clear that the verbal and written statements in question are to be understood in a heretical sense. A large number of Pope Francis’s public actions have manifested his belief in the heresies listed above, in one

⁴ Pope Francis has offered some informal explanations of this statement, but none of these explanations offers an unambiguous interpretation that is compatible with the Catholic faith. Any such interpretation would have to specify that God positively wills the existence only of the Christian religion. Since the statement is a joint statement with the Grand Imam, it cannot be interpreted in a sense that the Grand Imam would reject. Since the Grand Imam rejects the position that God positively wills only the existence of the Christian religion, it is not possible to give an orthodox interpretation to the statement. We therefore understand this statement in its natural sense as a denial of a truth of the Catholic faith.

or the other of these two ways. We provide a summary list of such actions below. This list is not meant to be exhaustive. Nor does it need to be exhaustive; when taken in conjunction with the statements of Pope Francis given above, the number and gravity of the actions listed below are sufficient to establish beyond a reasonable doubt that Pope Francis has publicly manifested his belief in the heresies we accuse him of holding.

Pope Francis's actions manifest his belief in the heresies listed above in several ways. Such actions include protecting, promoting, and praising clerics and laymen who have manifested their beliefs in these heresies, or who have consistently acted in ways that defy the truths which these heresies contradict. Canon law has traditionally considered that protecting, promoting and helping heretics can itself be evidence of heresy. By praising clerics and laity who advance these heresies, or by naming them to influential posts, or by protecting clerics of this kind from punishment or demotion when they have committed gravely immoral and criminal acts, he assists them to spread their heretical beliefs. By choosing heretical prelates for the most important posts in the Roman Curia, he manifests an intention to impose these heresies upon the whole Church. By protecting clerics who are guilty of immoral and criminal sexual acts even when this protection causes grave scandal to the Church and threatens to lead to calamitous action by the civil authorities, he manifests disbelief in Catholic teaching on sexual morality, and shows that support of heretical and criminal clerics is more important to him than the well-being of the Church. By publicly praising individuals who have dedicated their careers to opposing the teaching of the Church and the Catholic faith, and to promoting and committing crimes condemned by divine revelation and natural law, he communicates the message that the beliefs and actions of these individuals are legitimate and praiseworthy.

It is noteworthy that his public approval and endorsement are not indiscriminate; he does not often extend his praise to Catholics who are known for being entirely faithful to the teaching of the faith, or hold up the behaviour of individual Catholics of this kind as examples to follow. And it is also to be observed how he has demoted or sidelined those of faithful and orthodox stamp.

The following is a list of actions that indicate belief in the heresies above.

Cardinal Domenico Calcagno

Cardinal Calcagno was known to have protected Nello Giraudo, a priest who had abused a same-sex minor, before Pope Francis's election. Pope Francis retained him in office as president of the Administration of the Patrimony of the Holy See until he reached retirement age in 2017. (II, V)

Cardinal Francesco Coccopalmerio

Cardinal Coccopalmerio publicly stated in 2014 that Catholic leaders must emphasise the positive elements in homosexual relationships, and that in certain circumstances it would be wrong to deny communion to persons living in adulterous relationships or to require them to dissolve their relationship. He has shown other indications of approval of homosexual activity. Pope Francis has appointed him to a number of important posts including a working group tasked with speeding up the process for assessing the nullity of marriage, and to the board of review within the Congregation of the Doctrine of the Faith that reviews appeals from clergy found guilty of sexual abuse of minors. (II, IV, V)

Cardinal Blase Cupich

At the 2015 Synod on the Family Cardinal Cupich supported the proposals that persons living in adulterous relationships and sexually active homosexuals could receive the Eucharist in good conscience under certain circumstances. Pope Francis appointed him as Archbishop of Chicago in 2014, named him a Cardinal in 2016, and named him a member of the Congregation for Bishops and

the Congregation for Catholic Education. (II, IV, V)

Cardinal Godfried Danneels

Cardinal Danneels was requested in 1997 and 1998 to take action on the catechism textbook *Roeach*, which was used in Belgium under his authority. This textbook corrupted minors with a sexual education contrary to Catholic principles, teaching them to seek whatever sexual lust they like, solitary, heterosexual, or homosexual. It presented standard propaganda claims used for legitimizing the sexual abuse of pre-pubescent children. He defended the textbook and refused to have it altered or removed, even when Belgian parents objected that it encouraged pedophilia. He acted to protect the pedophile Bishop Roger Vangheluwe after it became known that Vangheluwe sexually abused his own nephew, beginning when the nephew was five years old. When the nephew, then an adult, asked Danneels to take some action against Vangheluwe, Danneels refused, told the nephew to keep quiet about the abuse, and told the nephew that he should acknowledge his own guilt. All these actions were public knowledge in 2010. Cardinal Danneels stood at the side of Pope Francis on the balcony of St. Peter's when the Pope made his first public appearance after his election. Pope Francis named him as a special delegate to the 2015 Synod on the Family. At his death in 2019, Pope Francis praised him as a 'zealous pastor' who 'served the Church with dedication'. (II, IV, V)

Cardinal John Dew

Cardinal Dew argued for the admission of adulterous couples to the Eucharist at the synod on the Eucharist in 2005. Pope Francis named him a cardinal in 2015 and named him as a special delegate to the 2015 Synod on the Family. (II, IV, V)

Cardinal Kevin Farrell

Cardinal Farrell has expressed support for the proposal that the divorced and remarried should receive communion. Pope Francis has named him prefect of the newly established Dicastery for Laity, Family and Life, promoted him to the rank of cardinal, and made him cardinal camerlengo. (II, IV, V)

Cardinal Oswald Gracias

Cardinal Gracias has publicly expressed the opinion that homosexuality may be an orientation given to people by God. Pope Francis appointed him as one of the organisers of the Vatican summit on sexual abuse in February 2019. (II, IV, V)

Cardinal Jozef de Kesel

In 2014 Cardinal de Kesel, then bishop of Bruges, appointed Father Tom Flamez as a pastor after he had been convicted of sexual abuse. He did not remove Fr. Antoon Stragier from ministry until 2015, although Stragier's crimes were known to the diocese in 2004. Pope Francis chose Bishop de Kesel as Archbishop of Mechelen-Brussels in November 2015 and named him a Cardinal in November 2016. (II, IV, V)

Cardinal Rodriguez Maradiaga

In an address to the University of Dallas in 2013, Cardinal Maradiaga stated that the Second Vatican Council 'meant an end to the hostilities between the Church and modernism, which was condemned in the First Vatican Council', and claimed that 'modernism was, most of the time, a reaction against injustices and abuses that disparaged the dignity and the rights of the person'. He stated that 'within the people, there is not a dual classification of Christians – laity and clergy,

essentially different’, and that ‘to speak correctly, we should not speak of clergy and laity, but instead of community and ministry’. He asserted: ‘Christ himself did not proclaim or preach Himself, but the Kingdom. The Church, as His disciple and His servant, ought to do the same.’

Cardinal Maradiaga failed to act on accusations of sexual misbehaviour with seminarians and peculation by Jose Juan Pineda Fasquelle, auxiliary bishop of Tegucigalpa. These accusations were the subject of an apostolic visit carried out by Bishop Alcides Jorge Pedro Casaretto, who presented a report to Pope Francis in May 2017. Bishop Fasquelle resigned his office in July 2018 at the age of 57. Maradiaga refused to investigate complaints made by 48 out of 180 seminarians about homosexual misbehaviour at the Honduras seminary, and attacked the complainants. Pope Francis named Maradiaga as a member and coordinator of the council of nine cardinals that he set up in 2013 to advise him in the government of the universal church. (II, IV, V)

Former Cardinal Theodore McCarrick

According to numerous credible accusers, former Cardinal McCarrick pressured seminarians to engage in homosexual relations with him. These charges were known to the Holy See as early as 2002. Between 2005 and 2007, the Diocese of Metuchen and the Archdiocese of Newark paid financial settlements to two priests who had accused McCarrick of abuse. Pope Francis was personally informed of this behaviour in 2013, and was told that Pope Benedict had placed restrictions upon him. Pope Francis brought McCarrick out of retirement and used him for many important tasks, including trips as a representative of the Holy See to Israel, Armenia, China, Iran and Cuba. He accompanied Pope Francis on his trips to Israel and Cuba. When Archbishop Carlos Maria Viganò asserted in August 2018 that Pope Francis had known from 2013 that McCarrick was a serial predator, the pope refused to answer this claim. In February 2019, the former cardinal was returned to the lay state. Despite the example of the former cardinal’s behavior, the subject of the homosexual abuse of adults, and in particular of seminarians, was excluded from discussion at the summit on sexual abuse that took place in Rome in the same month. (II, IV, V)

Cardinal Donald Wuerl

Cardinal Wuerl allowed Fr. George Zirwas to continue in ministry after learning that he had committed numerous crimes of sexual abuse. Wuerl resigned as Archbishop of Washington after his actions in this and other cases of sexual abuse were criticised by a Pennsylvania grand jury report. When Wuerl resigned as a result of these failures, Pope Francis praised him for his nobility, kept him in charge of the Archdiocese of Washington as apostolic administrator, and retained him as a member of the Congregation for Bishops. (II, IV, V)

Archbishop Mario Enrico Delpini

As vicar general of the archdiocese of Milan, Delpini moved Fr. Mauro Galli to a new parish after being informed that Galli had sexually abused a young man. Delpini admitted this in a court deposition in 2014. The Holy See was made aware of this. Pope Francis named him as Archbishop of Milan in 2017. (II, IV, V)

Bishop Juan Barros Madrid

Barros covered up the grave sexual crimes of Fr. Fernando Karadima, who was convicted of sexual abuse by a Church tribunal in 2011. Pope Francis appointed Barros bishop of Osorno in 2015 despite strong protests from the faithful and described his critics as calumniators. Bishop Barros accepted responsibility and resigned in 2018 after Pope Francis admitted he had made “serious mistakes” in dealing with his case. (II, IV, V)

Bishop Juan Carlos Maccarone

Maccarone was bishop of Santiago de Estero in Argentina and dean of the Faculty of Theology of the Pontifical University of Buenos Aires. In 2005, a video of Maccarone being sodomized by a taxi driver was made public. He subsequently retired as bishop. After this incident, Archbishop Bergoglio signed a declaration of solidarity with Maccarone issued by the Argentine Bishops' conference, of which he was then the head. (II, IV, V)

Bishop José Tolentino Mendonça

In 2013 Mendonça praised the theology of Sr. Teresa Forcades, who defends the morality of homosexual acts and claims that abortion is a right, and who stated that 'Jesus of Nazareth did not codify, nor did he establish rules'. Pope Francis made him an archbishop and head of the Vatican Secret Archives in 2018. He also chose him to preach the Lenten retreat to the pope and high curial officials in 2018. (II, IV, V, VI)

Bishop Gustavo Óscar Zanchetta

Zanchetta had been named by Pope Francis as bishop of Oran in Argentina in 2013. Zanchetta engaged in homosexual misconduct, including the sexual harassment of seminarians. Photographic evidence of this was submitted to the Holy See in 2015. In December 2017 Pope Francis named Zanchetta as assessor of the Administration of the Patrimony of the Apostolic See. (II, IV, V)

Mgr. Battista Mario Salvatore Ricca

Battista Ricca was engaged in grave homosexual misbehaviour while employed in the papal nunciature in Uruguay. This included getting trapped in an elevator with a male prostitute and having to be rescued by the fire department. After these scandals had become public, Pope Francis put him in charge of his residence, the Casa Santa Marta, and named him as prelate of the Istituto delle Opere di Religione. (II, IV, V)

Fr. Julio Grassi

Grassi was convicted in 2009 of sexually abusing a teenage boy. The Argentine Bishops' Conference under the chairmanship of Cardinal Bergoglio made great efforts to prevent Grassi's conviction. The Bishops' Conference commissioned a four-volume work for this purpose that slandered Grassi's victims. Grassi stated that all through his legal process, Archbishop Bergoglio had 'held his hand'. (II, IV, V)

Fr. Mauro Inzoli

Fr. Inzoli was condemned for sexual abuse to minors to reduction to the lay state by the CDF in 2012 in the first instance, but the enforcement of that sentence was suspended after he appealed, and in 2014 Pope Francis changed it into the much milder prescription to a retired life. In 2016 he was arrested and condemned by an Italian court. Only after he fell under the civil judgement did Pope Francis finally reduce him to the lay state. (II, IV, V)

Fr. James Martin S.J.

Martin is a well-known advocate for the legitimising of homosexual relationships and homosexual activity. In 2017 Pope Francis appointed him as a consultant to the Secretariat of Communications of the Holy See. (II, IV, V)

Father Timothy Radcliffe O.P.

In 2013 Radcliffe stated that homosexual activity can be expressive of Christ's self-gift. Pope Francis appointed him as a consultor to the Pontifical Council for Justice and Peace in May 2015. (II, IV, V)

Emma Bonino

Emma Bonino is the foremost political activist on behalf of abortion and euthanasia in Italy, and has boasted of personally performing many abortions. In 2015 Pope Francis received her at the Vatican, and in 2016 he praised her as one of Italy's 'forgotten greats.' (II, IV, V, VI)

Pontifical Academy for Life

In 2016 Pope Francis dismissed all 132 members of the Pontifical Academy for Life. He removed the requirement that members of the Academy swear to uphold Catholic teachings on human life and not perform destructive research on the embryo or fetus, elective abortion, or euthanasia. The 45 new members of the Academy whom he appointed include several persons who reject Catholic moral teaching. Fr. Maurizio Chiodi has argued for euthanasia through denial of food and water, and has rejected Catholic teaching on the morality of contraception. Fr. Alain Thomasset has rejected the idea of intrinsically evil actions and has stated that some homosexual relationships can be paths of holiness. Fr. Humberto Miguel Yanez holds that artificial contraception can be licit under some circumstances. Professor Marie-Jo Thiel rejects the Church's teaching that homosexual acts are intrinsically evil and her teaching that contraception is morally wrong. Prof. Nigel Biggar holds that abortion up to 18 weeks of pregnancy can be licit, and accepts that euthanasia can in some cases be justified. (II, IV, V, VI)

Promoting reception of the Eucharist by divorced and remarried persons

Pope Francis has persistently promoted the reception of the Eucharist under certain circumstances by persons who have civilly divorced their spouse and are living in a sexual relationship with someone else. His letter to the bishops of Buenos Aires cited above explicitly endorsed this practice. He intervened in the composition of the *Relatio post disceptationem* for the 2014 Synod on the Family. His addition to the *Relatio* proposed allowing Communion for divorced-and-remarried Catholics on a "case-by-case basis", and said pastors should emphasize the "positive aspects" of lifestyles the Church considers gravely sinful, including civil remarriage after divorce and premarital cohabitation. These proposals were included in the *Relatio* at his personal insistence, despite the fact that they did not receive the two-thirds majority required by the Synod rules for a proposal to be included in the *Relatio*. He issued guidelines for the diocese of Rome permitting the reception of the Eucharist under certain circumstances by civilly divorced and remarried Catholics living *more uxorio* with their civil partner. These teachings and actions are themselves an offence against the faith, since the teaching that Catholics with a living spouse who are openly cohabiting with someone else may not receive the Eucharist is at least a truth belonging to the secondary object of the infallibility of the Church. It is at least a truth whose acceptance is necessary in order that the deposit of faith can be effectively defended or proposed with sufficient authority. We do not deny that it is part of divinely revealed Sacred Tradition. Its denial has not been listed as a heresy espoused by Pope Francis because some Catholic theologians worthy of respect have maintained that it does not form part of the divinely revealed deposit of faith. Denial of this truth gives support to heresies (IV) and (V) listed above.

Other indications

On June 9, 2014, Pope Francis received the leaders of the militantly pro-homosexual Tupac Amaru organisation from Argentina at the Vatican, and blessed their coca leaves for use in their pagan religious rituals, which involve recognition of the coca plant as sacred. (II, IV, V, VII)

Pope Francis has failed to speak a word in support of popular campaigns to preserve Catholic countries from abortion and homosexuality, for example, before the referendum to introduce abortion into Ireland in May 2018. (II, IV, V, VI)

At the opening mass of the Synod on Youth in 2018, Pope Francis carried a staff in the form of a 'stang', an object used in satanic rituals. (VI, VII)

During the Synod on Youth in 2018, Pope Francis wore a distorted rainbow-coloured cross, the rainbow being a popularly promoted symbol of the homosexual movement. (II, IV, V)

Pope Francis has concluded an agreement with China that permits the Chinese government to choose Catholic bishops in that country, and has ordered a number of faithful Catholic bishops to yield their dioceses to bishops appointed by the state. China is an atheist state that persecutes Christians, and enforces an immoral population policy that includes promotion of contraception, and coerced abortion on a massive scale. This population policy is a high priority for the Chinese government and has caused incalculable harm. Control of the Church by the Chinese government will ensure that the Church in China can offer no resistance to this policy. (II, VI)

Pope Francis has refused to deny that *Amoris laetitia* teaches heresies (IV), (V) and (VI) listed above, when requested to do so in the *dubia* submitted to him by Cardinals Brandmüller, Burke, Caffarra, and Meisner in September 2016. These *dubia* specifically mentioned grave disorientation and great confusion of many faithful concerning matters of faith and morals resulting from *Amoris laetitia*. The submission of *dubia* by bishops and the provision of an answer to them is an entirely traditional and normal procedure, so the refusal to answer these *dubia* is a deliberate choice on the part of Pope Francis.

(C) Pope Francis's pertinacity in adhering to heretical propositions

Pope Francis completed the theological studies necessary for ordination, obtained a licentiate in philosophy and a licentiate in theology, and became a university professor in theology at the Facultad de Filosofía y Teología de San Miguel, a Jesuit university and seminary in Argentina. He subsequently became the Rector of these faculties. The apostolic exhortation *Familiaris consortio* and the encyclical *Veritatis splendor*, which condemn many of the heresies listed above, were issued while he was a priest and a bishop respectively. He has cited *Familiaris consortio* in his writings, and took part in a theological conference on *Veritatis splendor* in 2004 in which he made a contribution to the conference asserting the doctrine denied in heresy (VI) given above. The *dubia* mentioned above, which were sent to Pope Francis privately in September 2016 and made public in November of the same year, recall the passages in *Veritatis splendor* and *Familiaris consortio*. He can therefore be presumed to be well informed enough on Catholic doctrine to know that the heresies he is professing are contrary to Catholic doctrine. Their heretical nature was also documented and pointed out to him in a filial

correction addressed to him by a number of Catholic scholars in August 2017, and made public in September of the same year.⁵

The request we make to you as bishops

We therefore request that your Lordships urgently address the situation of Pope Francis's public adherence to heresy. We recognise with gratitude that some among you have re-affirmed the truths contrary to the heresies which we have listed, or else have warned of serious dangers threatening the Church in this pontificate. We recall, for example, that His Eminence Cardinal Burke already stated in October 2014 that the Church appears like a rudderless ship, and along with His Eminence Cardinal Pujats, the late Cardinal Caffarra, and several other bishops, signed a *Declaration of Fidelity* to the Church's unchangeable teaching on marriage in September 2016. We recall also the statement of His Eminence Cardinal Eijk in May last year that the present failure to transmit doctrine faithfully, on the part of the bishops in union with the successor of St Peter, evokes the great deception foretold for the last days; and somewhat similar remarks made more recently by His Eminence Cardinal Gerhard Müller in his *Manifesto of Faith*. For these and other such interventions by cardinals and bishops, which have gone some way to reassure the faithful, we give thanks to God.

Yet in so grave and unprecedented an emergency we believe that it will no longer suffice to teach the truth as it were abstractly, or even to deprecate 'confusion' in the Church in rather general terms. For Catholics will hardly believe that the pope is attacking the faith unless this be said expressly; and hence, merely abstract denunciations risk providing a cover for Pope Francis to advance and to achieve his goal.

Despite the evidence that we have put forward in this letter, we recognise that it does not belong to us to declare the pope guilty of the delict of heresy in a way that would have canonical consequences for Catholics. We therefore appeal to you as our spiritual fathers, vicars of Christ within your own jurisdictions and not vicars of the Roman pontiff, publicly to admonish Pope Francis to abjure the heresies that he has professed. Even prescindng from the question of his personal adherence to these heretical beliefs, the Pope's behaviour in regard to the seven propositions contradicting divinely revealed truth, mentioned at the beginning of this Letter, justifies the accusation of the delict of heresy. It is beyond a doubt that he promotes and spreads heretical views on these points. Promoting and spreading heresy provides sufficient grounds in itself for an accusation of the delict of heresy. There is, therefore, superabundant reason for the bishops to take the accusation of heresy seriously and to try to remedy the situation.

Since Pope Francis has manifested heresy by his actions as well as by his words, any abjuration must involve repudiating and reversing these actions, including his nomination of bishops and cardinals who have supported these heresies by their words or actions. Such an admonition is a duty of fraternal charity to the Pope, as well as a duty to the Church. If - which God forbid! - Pope Francis does not bear the fruit of true repentance in response to these admonitions, we request that you carry out your duty of office to declare that he has committed the canonical delict of heresy and that he must suffer the canonical consequences of this crime.

These actions do not need to be taken by all the bishops of the Catholic Church, or even by a majority of them. A substantial and representative part of the faithful bishops of the Church would have

⁵ See <http://www.correctiofilialis.org> A selected bibliography to support the case made in the *Open Letter* concerning the heresies of Pope Francis has also been made available by its organizers.

the power to take these actions. Given the open, comprehensive and devastating nature of the heresy of Pope Francis, willingness publicly to admonish Pope Francis for heresy appears now to be a necessary condition for being a faithful bishop of the Catholic Church.

This course of action is supported and required by canon law and the tradition of the Church. We provide below a brief account of the canonical and theological basis for it.

We ask the Holy Trinity to enlighten Pope Francis to reject every heresy opposed to sound doctrine, and we pray that the Blessed Virgin Mary, mother of the Church, may gain for your Lordships the light and strength to defend the faith of Christ. Permit us to say with all boldness that in acting thus, you will not have to face that reproach of the Lord: 'You have not gone up to face the enemy, nor have you set up a wall for the house of Israel, to stand in battle in the day of the Lord' (Ezekiel 13:5).

We humbly request your blessing, and assure you of our prayers for your ministry and for the Church.

Yours faithfully in Christ,

Georges Buscemi, President of Campagne Québec-Vie, member of the John-Paul II Academy for Human Life and Family

Robert Cassidy STL

Fr Thomas Crean OP

Matteo d'Amico, Professor of History and Philosophy, Senior High School of Ancona

Deacon Nick Donnelly MA

Maria Guarini STB, Pontificia Università Seraphicum, Rome; editor of the website *Chiesa e postconcilio*

Prof. Robert Hickson PhD, Retired Professor of Literature and of Strategic-Cultural Studies

Fr John Hunwicke, former Senior Research Fellow, Pusey House, Oxford

Peter Kwasniewski PhD

John Lamont DPhil (Oxon.)

Brian M. McCall, Orpha and Maurice Merrill Professor in Law; Editor-in-Chief of *Catholic Family News*

Fr Cor Mennen JCL, diocese of 's-Hertogenbosch (Netherlands), canon of the cathedral Chapter. lecturer at de diocesan Seminary of 's-Hertogenbosch

Stéphane Mercier, STB, PhD, Former Lecturer at the Catholic University of Louvain

Fr Aidan Nichols OP

Paolo Pasqualucci, Professor of Philosophy (retired), University of Perugia

Dr Claudio Pierantoni, Professor of Medieval Philosophy, University of Chile; former Professor of Church History and Patrology at the Pontifical Catholic University of Chile

Professor John Rist

Dr Anna Silvas, Adjunct Senior Research Fellow, Faculty of Humanities, Arts, Social Sciences and Education, University of New England

Prof. dr. W.J. Witteman, physicist, emeritus professor, University of Twente

Canon law and Catholic theology concerning the situation of a heretical pope

The situation of a pope falling into heresy has long been a subject of discussion by Catholic theologians. This situation was brought into prominence after the ecumenical Third Council of Constantinople anathematized the Monothelite heresy in 681, and posthumously anathematized Pope Honorius for his support of this heresy; this condemnation of Honorius as a heretic was repeated by Pope St. Leo II when he ratified the acts of that Council. Since that time, Catholic theologians and canonists have reached a consensus on several essential points concerning the implications of a pope falling into public heresy. We will briefly present these points here.

It is agreed that no pope can uphold heresy when teaching in a way that satisfies the conditions for an infallible magisterial statement. This restriction does not mean that a pope cannot be guilty of heresy, since popes can and do make many public statements that are not infallible; many popes indeed never issue an infallible definition.

It is agreed that the Church does not have jurisdiction over the pope, and hence that the Church cannot remove a pope from office by an exercise of superior authority, even for the crime of heresy.

It is agreed that the evil of a heretical pope is so great that it should not be tolerated for the sake of some allegedly greater good. Suarez expresses this consensus as follows: 'It would be extremely harmful to the Church to have such a pastor and not be able to defend herself from such a grave danger; furthermore it would go against the dignity of the Church to oblige her to remain subject to a heretic Pontiff without being able to expel him from herself; for such as are the prince and the priest, so the people are accustomed to be.' St Robert Bellarmine states: 'Wretched would be the Church's condition if she were forced to take as her pastor one who manifestly conducts himself as a wolf' (*Controversies*, 3rd controversy, Bk. 2, cap. 30).

It is agreed that ecclesiastical authorities have a responsibility to act to remedy the evil of a heretical pope. Most theologians hold that the bishops of the Church are the authorities that have an

absolute duty to act in concert to remedy this evil.

It is agreed that a pope who is guilty of heresy and remains obstinate in his heretical views cannot continue as pope.⁶ Theologians and canonists discuss this question as part of the subject of the loss of papal office. The causes of the loss of papal office that they list always include death, resignation, and heresy. This consensus corresponds to the position of untutored common sense, which says that in order to be pope one must be a Catholic. This position is based on patristic tradition and on fundamental theological principles concerning ecclesiastical office, heresy, and membership of the Church.⁷ The Fathers of the Church denied that a heretic could possess ecclesiastical jurisdiction of any kind. Later doctors of the Church understood this teaching as referring to public heresy that is subject to ecclesiastical sanctions, and held that it was based on divine law rather than ecclesiastical positive law. They asserted that a heretic of this kind could not exercise jurisdiction because their heresy separated them from the Church, and no-one expelled from the Church could exercise authority in it.⁸

The canon law of the Church supports this theological consensus. The first canon to give explicit consideration to the possibility of papal heresy is found in the *Decretum* of Gratian. *Distinctio* XL, canon 6 of the *Decretum* states that the pope can be judged by no-one, unless he is found to have deviated from the faith:

Cunctos ipse iudicaturus a nemine est iudicandus, nisi deprehendatur a fide devius ('he, the one who is to judge all, is to be judged by none, unless he be found straying from the faith.')

The wording of this statement seems to have been influenced by Cardinal Humbert's *De sancta Romana ecclesia* (1053), which stated that the pope is immune from judgment by anyone except in questions of faith: 'a nemine est iudicandus nisi forte deprehendatur a fide devius.' The claim made in the canon is a development of Pope Gregory the Great's statement that evil prelates must be tolerated by their subjects if this can be done while saving the faith (*Moralia* XXV c. 16: 'Subditi praelatos etiam malos tolerant, si salva fide possint ...').

The canonical assertion that the pope can be judged for heresy came into being as an explication of the canonical principle that the pope is judged by no-one. The statement in this canon is an enunciation of a privilege; its object is to assert that the pope has the widest possible exemption from judgement by others.

This canon was included, along with the rest of the *Decretum* of Gratian, in the *Corpus iuris canonici*, which formed the basis of canon law in the Latin Church until 1917. Its authority is supported by papal authority itself, since the canon law of the Church is upheld by papal authority. It was taught

⁶ See e.g. Thomas de Vio Cajetan, *De Comparatione auctoritatis papae et concilii cum Apologia eiusdem tractatus* (Rome: Angelicum, 1936); Melchior Cano, *De Locis theologicis*, book 6, chapter 8; Bañez, *In IIaIIae* q. 1 a. 10; John of St. Thomas, *Cursus theologici* II-II, *De auctoritate Summi Pontificis*, d. 8, ad. 3, *De depositione papae*; Suarez, *De fide*, disp. 10; St. Robert Bellarmine, *De Romano Pontifice*, book 2; Billuart, *Cursus theologiae*, Pars II-II; St. Alphonsus Liguori, *Vindiciae pro suprema Pontificis potestate adversus Iustinum Febronium*; Cardinal Charles Journet, *L'Église du Verbe Incarné, vol. 1: l'hérarchie apostolique* (Éditions Saint-Augustin, 1998), pp. 980-83

⁷ See e.g. St. Augustine, Sermon 181; Pope Pius IX, Bull 'Ineffabilis' defining the doctrine of the Immaculate Conception

⁸ This principle is applied to the loss of the papal office for heresy by St Robert Bellarmine, *De Romano Pontifice*, Book 2, Chapter 30. Later authors have qualified this assertion by accepting that heretical clerics can exercise jurisdiction in certain extraordinary circumstances, because it is supplied to them by the Church. None of these authors have however accepted that a pope whose heresy is manifest and established can possess or exercise papal jurisdiction. The Church cannot grant papal jurisdiction, and a heretical pope cannot grant this jurisdiction to himself.

by Pope Innocent III, who asserted in his sermon on the consecration of the Supreme Pontiff that "God was his sole judge for other sins, and that he could be judged by the Church only for sins committed against the faith" ["In tantum enim fides mihi necessaria est, ut cum de caeteris peccatis solum Deum iudicium habeam, propter solum peccatum quod in fide committitur possem ab Ecclesia iudicari."]. Rejection of the canon in the *Decretum* would undermine the canonical foundation for papal primacy itself, since this canon forms part of the legal basis for the principle that the Pope is judged by no-one.

The canon was universally accepted by the Church after the compilation and publication of the *Decretum*. The heresy referred to in this canon is understood by virtually all authors to mean externally manifested heresy (the thesis that a pope loses his office for purely internal heresy was advanced by Juan de Torquemada O.P., but it has been conclusively refuted and has been rejected by all canonists and theologians ever since.) Neither the 1917 Code of Canon Law nor the 1983 Code of Canon Law abrogate the principle that a heretical pope loses the papal office. This is agreed by all commentators on these codes, who state that this principle is correct.⁹

The early canonical tradition generally requires that in the specific case of papal heresy, the pope must be admonished several times before being treated as a heretic. The *Summa* of Rufinus, the *Summa antiquitate et tempore* (after 1170), and the *Summa* of Johannes Faventinus (after 1171) all assert that the pope must be warned a second and third time to desist from heresy before he can be judged to be a heretic. The *Summa* of Huguccio states that before the pope can be judged a heretic, he must be admonished to abandon heresy and must contumaciously defend his error in response to such admonition.

Sedevacantist authors have argued that a pope automatically loses the papal office as the result of public heresy, with no intervention by the Church being required or permissible. This opinion is not compatible with Catholic tradition and theology, and is to be rejected. Its acceptance would throw the Church into chaos in the event of a pope embracing heresy, as many theologians have observed. It would leave each individual Catholic to decide whether and when the pope could be said to be a heretic and to have lost his office. It should instead be accepted that the pope cannot fall from office without action by the bishops of the Church.¹⁰ Such action must include adjuring the pope more than once to reject any heresies that he has embraced, and declaring to the faithful that he has become guilty of heresy if he refuses to renounce these heresies. The incompatibility between heresy and membership of the Church is what leads to the loss of the papal office by a heretical pope. The Church's determining that a pope is a heretic, and the announcement of his heresy by the bishops of the Church, is what makes the pope's heresy a juridical fact, a fact from which his loss of office ensues.

There are some lesser differences of opinion between Catholic theologians concerning the measures that the Church must take in dealing with a heretical pope. The school of Cajetan and John of St. Thomas asserts that in order for the papal office to be lost, the Church, after ascertaining and pronouncing that the pope is a heretic, must also command the faithful to avoid him for his heresy. The school of St. Robert Bellarmine does not reject the step of commanding the faithful to avoid the pope

⁹ See e.g. *Jus Canonicum ad Codicis Normam Exactum*, Franciscus Wernz and Petrus Vidal (Gregorianum, 1924-1949), II (1928), n. 453; *Introductio in Codicem*, 3rd ed., Udalricus Beste, (Collegeville: St John's Abbey Press, 1946), Canon 221; *New Commentary on the Code of Canon Law*, John P. Beal, James A. Coriden, and Thomas J. Green eds. (New York: Paulist, 2000), p. 1618.

¹⁰ We do not reject the possibility that a pope who publicly rejected the Catholic faith and publicly converted to a non-Catholic religion could thereby lose the papal office; but this hypothetical case does not resemble the current situation.

as a heretic, but it does not consider it a necessary precondition for the pope's losing office for heresy. Both these schools have adherents, up to and including the present day. We do not take a position on these disputed questions, whose resolution is a matter for the bishops of the Church.