The Chair Is Still Empty:

A Reply to John Salza (Part 2) by Gregorius www.NovusOrdoWatch.org

This second installment of our response to Milwaukee-based attorney John Salza's critiques of sedevacantism will focus on Mr. Salza's second article, "Sedevacantism and the Sin of Presumption," published in April of 2011 in *Catholic Family News*. It is also available online from Salza's web site, at http://www.scripturecatholic.com/feature-articles/CFN%20-%20Sedevacantism%20and%20the%20Sin 20of%20Presumption.pdf

Evaluating "Sedevacantism and the Sin of Presumption" as a whole, it is by no means an exaggeration to say that the essay is an extremely shoddy work of intolerably poor scholarship, indeed nothing short of a canonical and theological disaster. Even though the author managed to include as many as six footnotes this time – definitely a step up from his first article, which had none – it would have been good if the references in those footnotes actually supported his case. What is more, the entire paper reads as though it had been put together in a hurry, perhaps to meet a publication deadline, almost as though it were merely a rough draft rather than the finished product.

One might expect such from a sophomore in college who's trying to "wing" a paper he didn't want to write in the first place, but not from a man who holds a doctorate degree in law and presents himself as a competent apologist on matters of Church law and theology. His writings are being treated by some as though they were the ultimate rebuttal to the sedevacantist position, when in fact they are hardly more than an embarrassing pseudo-scholarly attempt to defend the apostasy of the New Church as somehow "not proven" or "not provable." Put bluntly, when a man who claims to be the Pope invites demon worshippers to pray for "peace" and facilitates their satanic rituals by providing them with rooms to use for this purpose in a Roman Catholic monastery, smart-alecky questions like "How do you know he's pertinacious?" and ridiculous excuses like "Maybe he doesn't know better" are simply out of place. (But coming from a defense lawyer, perhaps they are understandable.)

A Potpourri of Embarrassing Errors

These are no rhetorical exaggerations. In fact, the first serious problem in Salza's article is its very title, accusing sedevacantists of the sin of presumption. But we'll leave the juicy details on that for later. Let us begin simply by examining the first paragraph:

(1) What is the Worst Sin?

Trying to sound like he knows what he's talking about, John Salza confidently states:

The Church has always taught that sins against the faith (apostasy, heresy, schism) are the worst of all sins. This is because it [sic] is a sin against God's truth committed by one who has been enlightened with the truth and then rejects it. In short, it means a baptized person has willfully and publicly defected from the Faith (like Martin Luther). Thus, it is a sin even worse than paganism. Consequently, it results in the worst of all punishments: being severed from the Body of Christ and set on the road to eternal damnation.

(John Salza, "Sedevacantism and the Sin of Presumption", p. 1)

Sounds really impressive, doesn't it? The only problem is that it isn't true. Salza simply hasn't done his research. Though they are terrible and grave sins that, *if public*, separate one from the unity of the Church, nonetheless, apostasy, heresy, and schism are *not* the worst of all sins. The worst of all sins is *hatred of God* (which, by the way, does *not* cause loss of membership in the Church, unless apostasy, heresy, or schism accompany it). The Universal Doctor of the Church, St. Thomas Aquinas, whom Salza references twice in his article on other matters, teaches:

The best is opposite to the worst, according to the Philosopher [Aristotle] (Ethic. viii, 10). But hatred of God is contrary to the love of God, wherein man's best consists. Therefore hatred of God is man's worst sin.

(St. Thomas Aquinas, *Summa Theologica*, II-II, q. 34, art. 2; http://www.newadvent.org/summa/3034.htm#article2)

Responding specifically to the objection that unbelief (i.e., either infidelity, heresy, or apostasy) would seem to be a greater sin than hatred of God, the Angelic Doctor says:

Even unbelief is not sinful unless it be voluntary: wherefore the more voluntary it is, the more it is sinful. Now it becomes voluntary by the fact that a man hates the truth that is proposed to him. Wherefore it is evident that unbelief derives its sinfulness from hatred of God, Whose truth is the object of faith; and hence just as a cause is greater than its effect, so hatred of God is a greater sin than unbelief.

(Aguinas, Summa Theologica, II-II, q. 34, art. 2, ad 2)

So, right at the beginning Salza couldn't be more wrong. *Hatred of God* is the worst of all sins, not any sin of unbelief or the sin of schism, as bad as they are. Thus, what Salza claims "[t]he Church has always taught" is simply not so. He doesn't, of course, reference any authority on which he bases his claim, and this is not surprising, as the claim is false.

(2) Sin and Church Membership

The next error in Salza's first paragraph is to make the severing from the Church into a *punishment* for (what he claims are) the gravest of all sins: "Consequently, it [sic] results in the worst of all punishments: being severed from the Body of Christ and set on the road to eternal damnation." Salza is wrong again. The reason why public apostasy, heresy, and schism have as their consequence loss of membership in the Church is not because they are so *grave* (which, of course, they are, but that's not the reason why), but because they are in and of themselves incompatible with being a member of the Church. In other words, it is the *nature* of these sins – not their *gravity* – that brings about the loss of membership in the Church. The dogmatic theologian Msgr. Gerardus Van Noort explains:

It is not the *gravity* of the sin of heresy which causes one to lose membership, but the antisocial nature of that sin which militates against the unity of the Mystical Body:

... Heresy is not the greatest of all mortal sins: hatred of God is greater... Public heretics are excluded [from Church membership] not because of the gravity of their fault.... The reason for their exclusion is the nature of the Church as a society which demands a unity in the profession of the same faith [quoting Ludovicus Lercher, *Institutiones Theologiae Dogmaticae*, Vol. I, p. 239, e].

(Msgr. G. Van Noort, *Dogmatic Theology, Vol. 2: Christ's Church* [Westminster, MD: The Newman Press, 1957], p. 243)

This is exactly what Pope Pius XII taught in his encyclical on the Church, *Mystici Corporis*, as already discussed in Part 1 of this rebuttal. The Pope taught clearly: "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" (Pope Pius XII, Encyclical *Mystici Corporis*, June 29, 1943, par. 23; http://www.papalencyclicals.net/Pius12/P12MYSTI.HTM). It probably would have been a good idea for John Salza to review basic dogmatic theology before pompously presuming to indict sedevacantists for theological "errors."

To sum up: Loss of membership in the Church due to apostasy, heresy, or schism, is not due to it being a *punishment* for these sins *per se*, but due to the inherent incompatibility of this kind of sin with Church membership. Just as it is inherently incompatible for a triangle to have four sides, so it is inherently incompatible for someone who does not profess the true Faith to be a member of the Church which, as a unified society, professes that true Faith.

So, already in the very first paragraph, John Salza fails utterly to present the Catholic case. All he has demonstrated so far is that he is not well-versed in Catholic theology and thus totally unfit to "rebut" anything. (Perhaps his article does have something to do with "presumption" after all...)

(3) Publicity, Pertinacity, and Notoriety in Heresy

But this is just the beginning. In his second paragraph, Mr. Salza argues:

Under the 1917 Code of Canon Law, to be guilty of formal heresy, the Church requires that one's heresy must be "public and notorious" under canon 2197.3 (which means the heretic acts with malice which is widely known by the Church) or "pertinacious" under canon 1325.2 (which means the heretic remains obstinate in his errors after being confronted with them). The Church's theologians throughout the years have underscored the high evidentiary standard that is required to prove "notorious" heresy, particularly when dealing with one duly elected to the papal throne.

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(Salza, "Presumption", p. 1)
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Here he goes again reducing the question of heresy to a question of ecclesiastical law. Part 1 of this rebuttal talks about this at length, the failure to sufficiently draw the proper distinction between heresy as a *crime* against Church law and heresy as a *sin* against God, and how part of the sedevacantist case is based on the *sin* of heresy, not the canonical delict. There is no need to repeat the arguments here.

Still, some comments are in order regarding the publicity, notoriety, and pertinacity of the heresy and apostasy of the Novus Ordo "Popes." That their falling away from the Faith is *public* is obviously evidenced by the fact that we're talking about it. If it were all hidden away for no one to see, we wouldn't be having this controversy. There is no "secret" heresy or apostasy going on – that is, in fact, part of the very problem: It's all out in the open, having affected over a billion souls.

Pertinacity, which means "with conscious and intentional resistance to the authority of God and the Church" (Rev. T. Lincoln Bouscaren and Rev. Adam C. Ellis, *Canon Law: A Text and Commentary*, 3rd rev. ed. [Milwaukee, WI: The Bruce Publishing Company, 1957], p. 725), is clear from the fact that all the perpetrators in question had to take the anti-modernist oath and/or were more than sufficiently familiar with the Church's teachings against modernism and liberalism. Joseph Ratzinger in particular –

who was the supposed "watchdog of orthodoxy" for nearly 25 years in Rome – is the last individual on earth who could plead ignorance regarding the Church's teaching, for it was his job to know Catholicism inside and out. (We will deal with Salza's specific arguments on this later on.)

It is important to emphasize that, as the Bouscaren-Ellis quote above makes clear, all that is required for pertinacity is that the individual is willfully denying or doubting dogma, i.e., he is clinging to his heresy even though he is aware that the Catholic Church dogmatically teaches otherwise – it is *not* necessary that he be confronted by a superior or receive a canonical warning. Canon E. J. Mahoney explains:

We have defended the view that guilt or culpability, or in other words good or bad faith, does not enter into the definition of heresy, because the word "pertinaciter" does not necessarily convey this notion: it is merely a convenient and brief way of stating that a person knows some doctrine to be taught by the Catholic Church and nevertheless withholds his assent.

(Canon E. J. Mahoney, *Priests' Problems*, ed. by Rev. L. L. McReavy [New York, NY: Benziger Brothers, Inc., 1958], p. 440)

Lastly, *notoriety*, which would include not only the publicity of the delict but also of the perpetrator's guilt, is very much a reasonable inference from the foregoing, inasmuch as it is clear that once it is known ("public") that heresy has been committed by someone who *obviously* knows the Faith inside and out, especially in virtue of his putative office, then it is likewise certain that his guilt is real, for it is inexcusable (that's why Pope Liberius was legitimately thought of as having lost his office, according to St. Robert Bellarmine), and the laughable "counter-examples" Salza gives to this in his essay later on only serve to underscore this very point all the more forcefully.

But first, Salza recycles the old and oft-misused quote from St. Robert Bellarmine regarding the lawfulness of resisting a Pope who is "trying to destroy the Church." This time, however, it is given a new spin: Salza argues that

... even in the case where a Pope is "trying to destroy the Church," notoriety is not presumed, but the Pope is recognized as validly holding his office. . . . St. Robert acknowledges that a true Pope can willfully attack the Body, harm souls and even try to destroy the Church – without being presumed a public heretic who has lost his office.

(Salza, "Presumption", p. 1; italics given.)

The answer to this argument is quite simple: Attacking the Body, harming souls, and trying to destroy the Church are not in and of themselves signs of heretical depravity, because one could do such things out of hatred rather than out of unbelief. Admittedly, they are most wicked sins, but of their nature they are not incompatible with Church membership, as are apostasy, heresy, and schism.

But if Mr. Salza wishes to give the impression of faithfully expounding and following the teaching of St. Robert Bellarmine, how come he didn't bring up this quote from the very same book?

Then two years later came the lapse of [Pope] Liberius, of which we have spoken above. Then indeed the Roman clergy, stripping Liberius of his pontifical dignity, went over to Felix, whom they knew [then] to be a Catholic. From that time, Felix began to be the true Pontiff. For although Liberius was not a heretic, nevertheless he was considered one, on account of the peace he made with the Arians, and by that presumption [oops! – *Gregorius*] the pontificate could rightly be taken from him: for men are not bound, or

able to read hearts; but when they see that someone is a heretic by his external works, they judge him to be a heretic pure and simple, and condemn him as a heretic.

(St. Robert Bellarmine, *De Romano Pontifice*, lib. IV, c. 9, no. 15; transl. by Mr. James Larrabee; at http://www.sedevacantist.com/bellarm.htm)

This only agrees with common sense. In ordinary human conduct, people act in accordance with their beliefs; what is in their minds is made manifest externally through their actions. Unless there is evidence to the contrary, extenuating circumstances are presumed not to exist:

Since subjective or internal facts cannot be proved by merely external arguments, they can be established only by presumptions and conjectures. The presumption is, moreover, in accord with common experience. Ordinarily it is assumed that when a man performs an action he is in possession of his faculties, that is, that he knows what he is doing and realizes the ordinary implications, both physical and moral, of his own conduct.

(Rev. Innocent Robert Swoboda, *Ignorance in Relation to the Imputability of Delicts* [Washington, D.C.: The Catholic University of America Press, 1941], p. 180)

So, for example, if a man walks out of a store with several items he didn't pay for, we reasonably presume that the man knowingly committed theft. The prosecution would only have to prove that the suspect did in fact enter the store and took the items in question without paying for them. That is the burden of proof the prosecution would have to meet. The prosecution would *not* have to prove that the suspect *wasn't* sleepwalking, *wasn't* on mind-altering medication, *wasn't* hypnotized, and so forth. It would be totally unreasonable to require the prosecution to do such a thing; in fact, almost no one would be convicted of anything if that were the case. If the defense wants to argue that, despite the evidence, the individual in question was *guiltless* in his theft, that's fine, but then *they* would need to prove that there were circumstances which absolve the suspect of all guilt (for example, if there was clinical testimony that the suspect was afflicted with Alzheimer's disease and at times doesn't know what he's doing). But that's *proof* we're talking about, not mere assertions.

(4) St. Peter's Sin in Galatians 2:11

Next, Salza makes reference to St. Thomas' teaching on fraternal correction, how even subjects are permitted (or even bound) to correct their superiors in certain cases. Mention is made of Galatians 2:11, where St. Paul rebuked St. Peter in public "on account of the imminent danger of scandal concerning faith" (Aquinas, *Summa Theologica*, II-II, q. 33, a. 4, ad 2). It's hard to see what that has to do with anything we're discussing, but Salza insists that this is evidence that "it is not only licit but even necessary to oppose a Pope who endangers the Faith, *without labeling him a formal heretic*" (Salza, "Presumption", p. 1; italics added).

To answer this, we need only to look at what St. Peter *did* that caused St. Paul's rebuke. Just what was it that St. Peter was doing? Was he telling the Jews who were persecuting him that their covenant with God was still valid, as John Paul II did? Was he inviting pagans to offer sacrifice to their idols to obtain true peace, thus legitimizing their false religion, as John Paul II and Benedict XVI did in Assisi?

No, not exactly. The popular Challoner Douay-Rheims Bible has the following note on this passage:

The fault that is here noted in the conduct of St. Peter, was only a certain imprudence, in withdrawing himself from the table of the Gentiles, for fear of giving offence to the Jewish converts; but this, in such circumstances, when his so doing might be of ill

consequence to the Gentiles, who might be induced thereby to think themselves obliged to conform to the Jewish way of living, to the prejudice of their Christian liberty.

(Challoner Note on Galatians 2:11; at http://www.drbo.org/chapter/55002.htm)

What John Salza wants to raise to the level of a materially heretical offense (which would then allow him to argue, "But see, notoriety or pertinacity weren't presumed!") is nothing but a "certain imprudence" in the conduct of St. Peter. That's it. This is seconded in the Bible commentary of the famous Fr. George Haydock: "... the opinion of St. Augustine is commonly followed, that St. Peter was guilty [only] of a venial fault of imprudence" (Haydock Note on Galatians 2:11; at http://haydock_1859.tripod.com/id194.html). St. Peter was simply afraid of giving offense to the Jewish converts by eating with the Gentiles; hence, he withdrew from the Gentile converts when the Jews arrived. Because this conduct *can* give the false impression that Christians are still bound by the Old Law, it was imprudent for St. Peter to act this way, though he probably simply sought to avoid giving so-called "scandal of the weak," and so his intention was good. In any case, St. Peter humbly accepted St. Paul's rebuke, and that was the end of it.

We see, then, that there is absolutely nothing in here to help Salza's case. For, while an action indifferent in itself can nonetheless, due to special circumstances, "accidentally" endanger the Faith, such as St. Peter's conduct mentioned here (eating separately with Jewish converts was not wrong *in and of itself*, after all, but only became imprudent due to particular circumstance), this is in no wise comparable to actions which are *directly* and *in and of themselves* sins against the Faith, such as joining today's apostate Jews in singing a hymn awaiting the Messiah, or approving of the religions of the pagans (such as Jainism, Voodoo, Hinduism, etc.), or saying that papal primacy as defined at the First Vatican Council may be erroneous, as John Paul II and Benedict XVI have done.

What John Salza is doing here is simply grasping at straws. He is desperate to find any sort of argument he can to make sedevacantism look flawed. And this is really saying more than a mouthful, for if he had really good, strong arguments, then we may surmise he would have used them, no? Instead, he resorts to these old taken-out-of-context "proof-texts," polishes them up by giving them a new spin, and hopes perhaps that the reader will be impressed by all the complicated canonico-theological lingo he is throwing around.

(5) Presuming Presumption?

But it gets worse – much worse. The most embarrassing of all of Salza's errors is located in his sixth paragraph. Continuing with his scholarly-sounding tone, and with a straight face, our Wisconsin lawyer proclaims:

Contrary to the sedevacantist thesis, the Church's greatest theologians do not presume that an alleged heresy is "notorious" or "pertinacious," for that would constitute the sin of presumption. [Footnote: See, for example, *Summa Theologica*, II-II, Q 21, Art 1-2.]

(Salza, "Presumption", p. 2; footnote in original as footnote no. 4; italics given.)

As anyone who has taken even just basic instructions in Roman Catholicism knows, the "sin of presumption" has nothing to do with presuming notoriety or pertinacity in a case of heresy, but with presuming one's salvation without adequate repentance. A simple quote from the Baltimore Catechism will suffice to make the point: "Presumption is a rash expectation of salvation without making proper use of the necessary means to obtain it" (Rev. Thomas Kinkead, *An Explanation of the Baltimore Catechism of Christian Doctrine*, Answer to Q. 328 [Rockford, IL: TAN Books and Publishers, Inc.,

1988], p. 270). There is nothing confusing or controversial about this.

So, what in the world is John Salza doing here? Why is he making such an idiotic and ludicrous assertion? His reference to St. Thomas' *Summa Theologica*, though perhaps giving his contention the *appearance* of being based on weighty Catholic authority, only buries him even deeper, because in the reference on the sin of presumption that Salza cited, St. Thomas says *absolutely nothing* about it having anything to do with presuming pertinacity or notoriety in determining heresy! To the contrary, St. Thomas treats of the sin of presumption precisely as Catholic theology defines it, namely, as a rash expectation of salvation without the necessary preparations.

Anyone is welcome to examine St. Thomas' treatise on the sin of presumption, located here:

http://www.newadvent.org/summa/3021.htm

There's nothing in here to back up Salza's argument – not even in the least! (Someone really needs to tell John Salza that he should *read* the material he cites. Or perhaps he did – and that's why he chose not to *quote* St. Thomas but only made reference to him?)

This error on Salza's part is not only hilariously embarrassing but also downright *bizarre*. It's one thing to make a lousy argument based on pride, confusion, or ignorance – but it's quite another to then cite a Catholic authority as a source to back up your argument when that proof-text does not even address the same subject and only shows that you have no idea what you're talking about!

What is going on here? Is John Salza the biggest moron to ever have put pen to paper, or is he a malicious shyster who seeks to deceive his readership? Honestly, neither of these two scenarios is very plausible. Obviously, Mr. Salza is an extremely intelligent man; at the same time, he must have known that if he puts a fake citation in his article, sooner or later someone will discover it, especially in our days of the internet, where a wealth of information is available to most people within seconds.

What, then, do we make of this? That's for the readers of this rebuttal to decide. Perhaps Salza will care to explain this howler in public, on his web site? It would certainly be called for. As far as Salza's overall "refutation" of the sedevacantist case is concerned, this latest blunder should put the final nail in its coffin.

(6) Reasonable vs. Unreasonable Doubt

But let us continue examining the writing of our Wisconsin lawyer:

In accordance with the principles of justice and due process, the heresy must be proven beyond any reasonable doubt. This is particularly the case when dealing with a potential loss of office, as St. Alphonsus Liguori says, "the condition of the possessor is better." In other words, when there is a doubt as to who is the rightful possessor of something, the law favors the one who is in fact in possession of the good or right in question. Thus, a pope is to be considered the rightful pope unless and until he is proven to be a formal heretic beyond a reasonable doubt.

(Salza, "Presumption", p. 2)

There is really nothing to take issue with here. Of course it must be *proven*, that is, *clear* that the person in question does not actually hold the Catholic Faith, and does so against better knowledge. We are not talking about doubt here – there is no doubt, none whatsoever, that Paul VI, John Paul II, and Benedict

XVI did not (do not) profess the Roman Catholic Faith of all time. (The case of John XXIII is a bit more difficult, but it is likewise clear after thorough examination. The case of John Paul I is practically irrelevant, as he only "reigned" for 33 days.)

It is not the purpose of this article to review, once more, the manifold pieces of evidence that these men did not (do not) hold the Roman Catholic Faith (men, by the way, who all swore the Oath against Modernism). It will suffice here simply to recall two extremely important points: (1) The public and obviously pertinacious defection from the Catholic Faith is perhaps best demonstrated and summarized by considering in detail what took place at the Assisi "multi-religious prayer for peace" events of 1986, 2002, and 2011, events which were the fruit of the strange new theology of Vatican II and the entire Novus Ordo magisterium, represented in the persons of Paul VI, John Paul II, and Benedict XVI; (2) it must be born in mind that while it is possible to prove sedevacantism by demonstrating that the false "Popes" after 1958 were not Roman Catholics, this is not, in the opinion of the current writer, the only way to prove sedevacantism, nor the best or most effective way (another, more effective way is to prove that the Novus Ordo church cannot be the Roman Catholic Church, and hence its heads are not true Popes, nor is its hierarchy legitimate, something which has been demonstrated elsewhere; we will return to this towards the end of this rebuttal).

We are not, then, dealing with a "doubtful" situation, as though the Catholic Church were simply going through a "little crisis" and the Pope had simply made an ambiguous statement at one time or another, and we don't know what he meant. If this were the case, then it would be quite wrong, of course, to presume the Pope to be a heretic. But this is not at all what's going on here, and it is quite puzzling to see people in the "recognize-but-resist" camp still acting this way.

No, there is a genuine *apostasy* afoot, imposed from the very top of the New Church, and this complete falling away from the Faith has been amply demonstrated day in and day out, most clearly since 1965, and most especially in the abominable interfaith prayer meetings of Assisi, Italy. The out-of-print book *No Crisis in the Church?*, edited by Simon Galloway (*not* a sedevacantist), juxtaposes quite powerfully the magisterial statements of the Catholic Church with those of the Novus Ordo Church, to show that there is a clear rupture, a clear discontinuity, with the truths of Catholicism that this strange new church is putting forth. (At the time of this writing, copies of this book are still available from the Mary Immaculate Queen Center in Spokane, Washington, at http://www.miqcenter.com/books/0-problems.shtml or 509-467-1077). Don't be fooled by the gratuitous "hermeneutic of continuity" nonsense some of the Novus Ordo authorities want you to believe in now!

(7) Perhaps They Didn't Mean It?

While Salza's argument that in case of doubt, the benefit ought to be given to the *actual possessor* of the putative papal office, need not concern us further as it is not applicable because there is, reasonably speaking, *no* doubt, nonetheless we shall take a look at how Salza elaborates on this point; if anything, just because it is downright hysterical:

To ensure against a presumption of heresy, canon law (2199ff) provides seven defenses to culpability, which includes "habitual inculpable ignorance" and "actual inculpable inadvertence or error." Given their apparent desire to please the world, it is possible that the conciliar popes have an habitual inculpable ignorance or actual inadvertence or error concerning the harm they have caused the Church by actions they thought would benefit the Church.

(Salza, "Presumption", p. 2)

As usual, Salza has it all backwards. As far as the external ordering of the Church is concerned, the Church actually *presumes bad will* on the part of the one violating the law through public heresy. The "defenses to culpability" to which Salza refers do not exist to "ensure against a presumption of heresy," but are the only ways by which, *if proven*, the Church's presumption of bad will ("dolus") could be defeated:

... [I]f the fact of the violation of a law is certain, the intention or *dolus* is presumed until the contrary is proved. Hence the proof of ignorance rests on the perpetrator.

(The Rev. P. Chas. Augustine, *A Commentary on the New Code of Canon Law*, vol. VIII, [St. Louis, MO: B. Herder Book Co., 1922], p. 23; italics given.)

Oops – minor detail, eh? The perpetrator is the one who has to *prove ignorance*...that's not exactly what John Salza has been telling us, is it?

Fr. Charles Augustine's commentary lengthily discusses these defenses to culpability (vol. VIII, pp. 22-54); there is no need to treat of them all in this essay, as the commentary is available for free download at Google Books (interested readers might want to send a copy to John Salza): http://books.google.com.

As regards the specific defenses of "habitual inculpable ignorance" and "actual inculpable inadvertence or error" Salza touts, neither of them could possibly apply to the false "Popes" since 1958, for *habitual ignorance* regarding the Faith and heresy, even if it were possible, would certainly not be *inculpable*; nor could we reasonably ascribe a certain *inculpable inadvertence* to their systematic destruction of Catholicism and Christian civilization. (An example of an inculpable inadvertence would be, "Oh sorry, I didn't mean to step on your chasuble; I didn't realize it was lying on the floor, and the lights are so dim in here I couldn't see it." That's a far cry from demolishing the bastions of the Faith and systematically injecting modernism into every corner of the Church.)

Salza feebly continues:

It is certainly possible, if not probable, which means their statements and actions do not in themselves prove formal heresy. Such defenses to moral imputability are matters of justice.

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(Salza, "Presumption", p. 2)
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Here, ladies and gentlemen, we see a typical lawyer at work. His intent is to *persuade* – not necessarily *convince* – you of his position, not because of genuine evidence, but by means of lawyerly strategy. His argument is basically this: "You can't quote me a heretical statement from a Novus Ordo Pope and then tell me that he's a heretic because, what do you know, maybe he's convinced himself somehow that it's *not* heresy." We could call this the "perhaps-he-didn't-mean-it" argument.

That's very clever, but it has nothing to do with reality. We have already seen that the "seven defenses" he just brought up from canon law are of no help at all to Salza's case, because the law says that bad will is presumed and extenuating circumstances must be proved.

But even outside of church law, just right reason and common sense tell us that the "perhaps-he-didn't-mean-it" argument is silly in light of the facts surrounding the Novus Ordo apostasy.

For example, in his March 4, 1979 "encyclical" *Redemptor Hominis*, the false "Pope" John Paul II taught the disgusting blasphemy that "the firm belief of the followers of the non-Christian [!] religions"

is "a belief that is also an effect of the Spirit of truth operating outside the visible confines of the Mystical Body" (Chapter 6; at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_04031979_redemptor-hominis_en.html). In other words, he taught that the firm adherence of non-Christians (i.e., Jews, Muslims, pagans) to their false religious beliefs is the result of the Holy Ghost working in the world! How much more obviously anti-Christ can it get?!

It is examples like this one that underscore the unreasonableness of John Salza's argumentation that perhaps there is some "inculpable [!] ignorance" or "inculpable inadvertence" or "inculpable error" going on! Oh, sure, John Paul II *innocently wasn't aware* that the Holy Ghost, who is the "Spirit of truth" who "will teach you all truth" (John 16:13), doesn't at the same time lead and keep non-Christians in infidelity! Sure, John Paul II had no idea – and couldn't really have discovered (it's *inculpable*, remember?!) – that the Holy Ghost, the Third Person of the Most Holy Trinity, *doesn't* lead Jews to reject Christ, *doesn't* lead Muslims to reject the Blessed Trinity, *doesn't* lead Voodoo witchdoctors to sacrifice chickens, *doesn't* lead Hindus to worship Shiva's penis! How could Karol Wojtyla possibly have known this, right? "For what participation hath justice with injustice? Or what fellowship hath light with darkness? And what concord hath Christ with Belial?" (2 Corinthians 6:14-15).

Ladies and gentlemen, *this* is the situation we're in! No, we're not talking about an occasional "confusing" statement accidentally made by an "inculpably inadvertent" Pope. We're talking about a clearly willful, systematic, and complete defection from the Gospel, so much so that now the Spirit of Truth is blasphemed as being the author of lies – God is made equal to the devil! What is there to be confused about?!

It's interesting to note that whenever the "recognize-and-resisters" choose sedevacantism for their target, the awful truth is conveniently ignored, minimized, or otherwise dismissed, and they don their disingenuous "surprise face" mask – "Huh? Heresy? What are you talking about?" But, curiously, this is done *only* when they argue against sedevacantism. At other times, they are quite aware of how bad the situation is, and how irreconcilable it all is with genuine Catholicism, so much so that they are not afraid to say that Benedict XVI is the head of a *new religion*! Well, hello?! Can the Pope now have his own new religion and still be the head of the Catholic Church?

Among the absolutely worst offenders of this "Vicar of Christ *and* Satan" schizophrenia is Bp. Richard Williamson, SSPX, as well as the individuals behind the *Traditio* web site. With their pseudo-theological position they have reduced the papacy and the Church to complete meaninglessness; both can be contradicted, ignored, or minimized at will, by anyone with a copy of Denzinger. One can only imagine what St. Pius X would have said about that!

But we must return to John Salza and his "stunning" critique. Our Wisconsin lawyer keeps going:

After all, when our earthly fathers make mistakes and even do evil, they still remain our fathers. It is only when they act with malice against their children that the State can publicly intervene and take their jurisdiction of fatherhood away.

(Salza, "Presumption", p. 2)

This is a really old hat, and one of the most fallacious arguments put forth by those who oppose sedevacantism. Yes, earthly fathers can do evil and still remain our fathers. But that's because earthly fatherhood is fundamentally a biological reality and entirely depends on a biological event in the past. It is irrevocable. And this proves a bit more for John Salza than he had hoped to prove, for nothing, absolutely nothing, can make my earthly father cease to be my father. Not heresy, not apostasy, not joining the Masons, not publicly disavowing his fatherhood – not even becoming a lawyer!

Because earthly fatherhood is irrevocably tied to a biological event in the past, the attempt to draw an analogy here to the spiritual fatherhood of the Pope over the members of the Catholic Church is completely out of place. And so is the reference to the possibility of the secular state intervening, because it is based on secular human law, and, because such law is secular-human and not divine in origin, it could be changed or rescinded at any time as it is solely dependent on democratic vote, which means it is not a reliable foundation for a theological argument. Besides, if the state takes the jurisdiction of fatherhood away, even then my father still remains my father. He may not be able to *act* as my father in many ways, but he is still my father. So, here Salza dishes up an argument that proves "too much" – and therefore, proves nothing at all.

(8) "Papal" Heresy – Don't you hate it when that happens?

Next, Salza accuses sedevacantists of "a lack of understanding of both divine and canon law" because we often cite Canon 188 n.4 in support of our position:

Notwithstanding the many defenses to formal heresy, sedevacantists often refer to canon 188.4 of the 1917 Code which says that "all offices whatsoever fall vacant and without any declaration if the cleric...publicly defects from the Catholic Faith." Since the popes have made their "heretical" statements publicly, the sedevacantist automatically concludes that canon 188.4 applies and the pope loses his office. This conclusion is erroneous and shows a lack of understanding of both divine and canon law.

First, a pope who makes heretical statements is not presumed to be a formal heretic based on those statements alone.

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(Salza, "Presumption", p. 2)
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We must interrupt Salza's pontificating for a moment and draw attention to the craziness of it all: Salza is acting as though it were a totally normal and common occurrence for a Pope to make heretical statements. He talks about heresy coming from the mouth of a Pope with no detectable surprise or worry, the same way one would talk about the Yankees winning yet another baseball game. (Then again, in *his* church, "papal" heresy *really is* a frequent happening!)

While, in general, it is true that an individual who makes *a* heretical statement (when it's *several* heretical statements, it gets a bit more unsettling) does not have to be pertinacious – he could simply be making a good-faith mistake, after all, or have misspoken – the typical benefit of the doubt is not given if the person in question is a cleric, especially one who holds a doctorate in Sacred Theology, and certainly not one who in virtue of his putative office is *obliged* to know – and therefore legitimately *presumed* to know – the Catholic Faith inside and out:

For example, ignorance would not be presumed on the part of one who is versed in the law, or on the part of one who holds an office, in regard to the things pertaining to his office. It is for this reason also that even though ignorance is proved, it will be judged crass and non-excusing in these cases.

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(Swoboda, Ignorance, pp. 185-186)
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In presuming knowledge of law the legislator merely supposes that the individual has not failed in this obligation [to know the law].

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(Swoboda, Ignorance, p. 180)
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For example, the evidence that a certain priest actually preached in public a doctrine condemned by the Holy See (*but not as heretical* [!]) does not as yet furnish proof that the preaching was done pertinaciously, as canon 2317 demands for the incurring of penalties.

(Swoboda, *Ignorance*, p. 176; italics added.)

Note, in this last quote, that an explicit exception is made for doctrines that are *heretical* – for public heresy is a whole different ballgame, not to be lumped together with lesser doctrinal error, for it results not only in penalties but also in tacit renunciation of office (this will be discussed in greater detail later).

Of course, the problem of a cleric spouting heresy is greatly compounded when it becomes clear that the individual in question did not simply misspeak but shows by his actions or subsequent statements that he truly holds the heresy in question. A popular canon law study on the heresy as a crime against Church law points out:

If the delinquent making this claim [of being ignorant that what he expressed was heresy] be a cleric, his plea for mitigation must be dismissed, either as untrue, or else as indicating ignorance which is affected, or at least crass and supine. . . .

(Rev. Eric F. MacKenzie, *The Delict of Heresy* [Washington, D.C.: The Catholic University of America Press, 1932], p. 48)

This means that if a Roman Catholic cleric wishes to offer *ignorance* as an excuse, we must hold it as either a *lie* ("untrue" – as in, "I really *did* know but, regardless, I have a good lawyer to make the case that I didn't"), or as ignorance that was *deliberately sought* ("affected" – as in, "I deliberately didn't check my dogmatic theology manual because I was afraid it might tell me that pagans don't worship the Holy Trinity"), or as ignorance that was gravely culpable ("crass and supine" – as in, "Even though I didn't know this, it was my obligation to know, and I could have found out easily but didn't bother to; and so it is my fault that I didn't comply with this obligation").

What makes these considerations even more important is the fact that the more affected or the more culpable the ignorance, the greater the implied consent of the cleric to the heresy. This is stated in Canon 2199, which Salza made reference to, but didn't quote:

Imputability of [i.e., moral responsibility for] a delict depends on the dolus of the offender or on *his fault in ignorance* of the violation of law or *failure with regard to due diligence*; therefore all causes that can *increase*, decrease, or remove dolus or culpability likewise *increase*, decrease, or remove imputability of the delict.

(Canon 2199; taken from Edward N. Peters, ed., *The 1917 Pio-Benedictine Code of Canon Law* [San Francisco, CA: Ignatius Press, 2001]; italics added.)

Salza cleverly brought up this canon in favor of *his* position only, conveniently neglecting to tell you that this law doesn't just offer reasons for lessening culpability but also for *increasing* it – namely, *fault* in ignorance and failure in *due diligence*. Too often, we rashly equate ignorance with blamelessness, forgetting that ignorance can very much be *culpable* and therefore make the perpetrator extremely *blameworthy*.

In addition, the First Vatican Council teaches unambiguously that "those who have accepted the faith under the guidance of the church can never have any just cause for changing this faith or for calling it

into question" (Dogmatic Constitution *Dei Filius*, Ch. 3, par. 15; at http://www.ewtn.com/library/councils/v1.htm) – thus defeating at the very outset any attempts to excuse meddling with the Faith, under whatever pretext.

In short: It's not looking so good for Benedict XVI, John Paul II, and Paul VI.

(9) The Lyin' King

Continuing his pseudo-scholarly defense of the Novus Ordo "Popes," John Salza comes up with what is perhaps the funniest and most laughable line ever printed in the entire sedevacantist controversy:

A person can make heretical statements while maintaining orthodox internal dispositions, that is, he may not necessarily believe what he says, based on many factors (peer pressure, misplaced zeal, emotional imbalance, even diabolical disorientation).

(Salza, "Presumption", p. 2)

Yes, brethren in Christ, this is what the Novus Ordo defense of Modernist "Popes" has come to: 'We don't know for sure that Benedict XVI is a non-Catholic even when he utters clear and unambiguous heresy, on the grounds that he might not actually believe what he says!!'

That's right. Heck, the "Pope" could just be *lying* to us, right? What if he's only *pretending* to be a Protestant, a Mason, a Modernist, a Pagan? With a straight face (he must have practiced for a while!), Counselor Salza castigates sedevacantists for "presuming" that when Fr. Ratzinger teaches religious liberty, he does so because he actually believes in religious liberty. How dare we! (This is the Salzanian version of the "sin of presumption"!)

The scariest part is that Salza believes he's dealt a serious blow to the sedevacantist position here. Back in 2006, when another U.S. lawyer critiqued sedevacantism (Christopher Ferrara of infelicitous *Remnant* memory), at least the challenge was still, "Show Us The Heresy!" But now, five years later, after we've shown them the heresy, the challenge has degenerated into, "Now prove he actually means it!"

OK then, Counselor, if you wish to kick reason out of this debate, go right ahead. But don't think for a minute your position has prevailed, because the moment you have to disregard reason in order to justify your position, you are conceding that your position is preposterous; it is simply not worthy to be taken seriously by humans, who are *rational* creatures.

It is quite apparent here that John Salza is simply being a lawyer – not a Catholic theologian, canonist, or philosopher. He's simply pulling out all the tricks he can think of to defend his client, Benedict XVI, hoping you'll be persuaded by at least one of them.

Think about it: The idea that we cannot hold Ratzinger accountable even when he expresses his heretical mind in words and actions, on the grounds that "peer pressure," "misplaced zeal," "emotional imbalance," or "diabolical disorientation" could be leading him to say and do things that are at odds with what he holds inside – does this sound like genuine Catholic theology to you? Is this something a Fr. Reginald Garrigou-Lagrange would argue, or a St. Robert Bellarmine, or a St. Pius X? Does it not, rather, sound like the desperate claptrap of a lawyer who's about to lose his case and is pulling out all the stops he can find, even to the point where he is practically insulting the very intelligence of the jury?!

Imagine a defense lawyer arguing thus:

"Members of the jury, it is true that my client has confessed to having committed the crime. And still today he affirms his own guilt. However, at some point in our lives, we have all said things we didn't really believe, have we not? Therefore, the prosecution must now prove that the defendant's own admission of guilt is genuine and not a lie."

Would the jury not break out in hysterical laughter at such an idiotic defense?

And what is "misplaced zeal," anyway? Are we to think that Ratzinger is so desirous of converting the pagans that he fails to tell them they must accept the Gospel? Or that Benedict so much seeks to have the Protestants rejoin the Catholic Church that he's willing to change Catholic teaching on the matter, and yet somehow we are to think of him as blameless in this and still orthodox? Does Ratzinger seem to you like he's desperately trying to convert Protestants, lest they should suffer damnation? Let's get real!

"Emotional imbalance" is another funny one. Yes, we can explain the last 50 years of having Catholicism destroyed by the Novus Ordo religion on the grounds that the "Popes" after Pius XII forgot to take their Prozac! They were all beacons of pristine orthodoxy inside, of course, they just didn't allow anyone to see it because, in their "misplaced zeal," they didn't take their medicine and so slipped into "emotional imbalance." That such nonsense should come from the pen of an attorney who claims to be a Roman Catholic defies belief.

But my favorite of all these is "peer pressure." We can all think of a realistic scenario here. Just imagine Cardinal Tarcisio Bertone ambushing Benedict XVI in the sacristy before Sunday Mass and telling him in no uncertain terms, "If you don't deny the Social Kingship of Christ in your sermon today, you're going to get a blanket party!" Of course, the only realistic response Bertone could expect from Fr. Ratzinger would be: "Gee, I did that yesterday already when I visited the local synagogue and told the Jews that they had a right to offer their Trinity-denying worship in public."

John Salza's arguments simply have nothing to do with reality. The Novus Ordo apostasy began quite voluntarily from the very top, begun with John XXIII, who called the council out of the blue and announced it to a shocked audience of cardinals.

Lastly, Salza pulls the joker, the one-size-fits-all, ever-present "blank check" that allows the "recognize-and-resisters" to excuse anything and everything they disagree with from the Modernist Vatican, while still not having to draw the uncomfortable and inconvenient conclusion that the Chair of St. Peter is vacant and the Novus Ordo Church is not the Catholic Church: "diabolical disorientation"!

Asserting "diabolical disorientation" allows Salza to dismiss whatever he likes or needs to, with no ugly consequences. He can use it to suspend Church teaching, canon law, even reason and the laws of logic. "No rules, just right" would be a fitting advertising slogan for this ready-made concept allowing convenient, custom-tailored conclusions and explanations where we cannot allow the necessary and ugly conclusions of human reason and Church teaching to get in the way because the reality would be too horrifying to contemplate.

One will look in vain, of course, for such a concept as "diabolical disorientation" in either the Church's sacred theology texts or canon law manuals. It is another device manufactured by the blind leading the blind, rooted in the words of a woman who claimed to be Sr. Lucy of Fatima, but whose identity is suspect (see http://www.traditioninaction.org/HotTopics/g12htArt2 TwoSisterLucys.htm).

Since "diabolical disorientation" is a concept utterly foreign to sacred theology and Catholic philosophy,

the burden of proof is on John Salza to define it, defend it, and show how it applies to the controversy at hand. Of course, he would have to do this not on his own authority, but on the authority of Catholic theologians, philosophers, or magisterial teachings – good luck!

With all these fancy excuses from John Salza, whose only real purpose, of course, is to vindicate Ratzinger from a just indictment for heresy, just picture the following scenario in the SSPX's headquarters in Econe, Switzerland:

Fr. Schmidberger to Bp. Fellay: "Your Excellency, the Holy See just released a new encyclical. It's the usual modernistic drivel about ecumenism and religious liberty. Looks like Ratzinger is off his meds again."

Bp. Fellay to Fr. Schmidberger: "Thank you for the notification, Father. Don't worry, I will tell the faithful not to read it, or, if they do read it, at least not to believe it. You shouldn't be so rash in your judgment of Benedict XVI, though. How do you know he's off his medicine? He could simply have been subjected to some diabolical disorientation; or he could be suffering from misplaced zeal; or perhaps Cardinal Bertone is once again applying some peer pressure. In any case, this will be a good opportunity to remind the faithful of our perpetual campaign for Tradition, 'Read Denzinger, not Ratzinger.'"

Once one tries to apply the Salzanian excuses to a practical scenario, one sees how absurd it all is.

In short, Salza's argument that "papal heresy" could simply be the result of, essentially, a lying Pope, a sort of "Lyin' King," must be rejected as nothing short of a preposterous and daring insult to every thinking man's intelligence.

(10) Pulpit Fiction?

Trying to drum up some support for his hysterical contention that Benedict XVI doesn't believe what he teaches, John Salza writes:

In fact, after retracting a statement he made about Islam, Pope Benedict XVI admitted that his speeches (which form an indispensable foundation for the sedevacantist position) do not necessarily reflect his personal beliefs. In other words, Pope Benedict confessed that what he says and what he believes may be two different things (evidence that he may be laboring under an inculpable inadvertence or error of [sic] mental reservations).

(Salza, "Presumption", p. 2)

That is absolutely untrue. Curiously, Salza did not see fit to either present a quote from Benedict's original speech or from his retraction, nor did he so much as cite a single document. Why is that?

Let's get some facts straight. First, though Benedict's speeches obviously reveal to us the thought of the man Joseph Ratzinger, it is not true that they form an "indispensable foundation" for sedevacantism. Sedevacantism was around long before Fr. Ratzinger ever greeted anyone from the balcony of St. Peter's in a white cassock.

Second, it is simply not true that Benedict "admitted that his speeches . . . do not necessarily reflect his personal beliefs." Assuming that Salza is referring here to the controversy engendered by Benedict's lecture at a meeting with the representatives of science on September 12, 2006, at the University of Regensburg, Germany, the fact of the matter is simply that the "Pope" quoted the Byzantine emperor

Manuel II Paleologus denouncing Mohammed for spreading false new teachings (Islam) by means of the sword. Benedict calls the emperor's wording "brusque" but notes beforehand what his intention is in quoting him:

... [H]ere I would like to discuss only one point - itself rather marginal to the dialogue as a whole - which, in the context of the issue of 'faith and reason', I found interesting and which can serve as the starting-point for my reflections on this issue.

The actual quote of the emperor is as follows:

"Show me just what Mohammed brought that was new, and there you will find things only evil and inhuman, such as his command to spread by the sword the faith he preached."

(Benedict XVI, "Lecture of the Holy Father", September 12, 2006; http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg_en.html)

This one is another no-win for Salza. Just what is our Wisconsin lawyer trying to tell us? That Benedict does *not* believe Mohammed's practice of spreading Islam by means of the sword was a bad thing? ...Seriously? Or perhaps that Mohammed did *not* only bring new things that were evil and inhuman into the world? (The irony in all this, of course, is that the Muslims threatened precisely death and violence [!] in retaliation for such an "offensive" statement – QED! Long live the emperor!)

Regardless, it goes without saying that one can quote someone without necessarily implying agreement with the quote; it depends on the context. In this lecture, Ratzinger quoted the emperor as a starting point for a reflection, a monologue, on faith and reason and how using violence to impose a religion is unreasonable – and that *is* an expression of *his own* beliefs. The fact that he referred to the emperor's statement as possessing a "startling brusqueness" indicates he is distancing himself at least from the polemical tone, the way in which the statement is expressed. But it has nothing to do with Salza's idea that this is a proof that Ratzinger's speeches do not reflect his personal beliefs. Read the entire speech and ask yourself if you can reasonably infer that this speech as a whole represents the thought of Benedict XVI. Of course it does. If it's not Benedict's, whose is it?

So, Ratzinger didn't admit that his speeches don't necessarily reflect his personal beliefs, he simply clarified that just because he quotes someone doesn't mean he agrees with the particular quote or with its tone; the context must be investigated to get the whole picture and the purpose the quote serves in the larger context of the entire lecture. This is certainly true and quite reasonable, and not at all an indication that the lecture does not reflect his personal views. (And it should give the "recognize-and-resisters" pause when they read Ratzinger quoting an *orthodox* Catholic source – perhaps he doesn't agree with it! In addition, by Salza's reasoning, one might as well infer that St. Thomas Aquinas didn't really believe what he wrote in the *Summa Theologica* because in Part I, Objection 1 of Question 2, Article 3, he writes, "It seems that God does not exist..." [http://www.newadvent.org/summa/1002.htm].)

At the same time, there is a funny paradox to be discovered here. If we take Salza's argument at face value, what he's really saying is that Benedict XVI said that he personally disagrees with the emperor's assessment that Mohammed only brought new things that were evil and inhuman, such as spreading the Islamic religion by means of the sword. Well, if he disagrees with that, he disagrees with a statement quite obviously true and entirely orthodox. So, if anything, Ratzinger just "clarified" that he rejects a laudable and orthodox statement in favor of its opposite! That's not exactly helpful to Salza's case, who was using this whole episode to argue that Ratzinger states *heretical* things he later clarifies he meant in

an *orthodox* sense. Oops!

As usual, there is no better witness to Ratzinger's apostasy than Ratzinger himself. In Footnote 3, which was appended to the published text of the lecture, Benedict XVI "clarifies" as follows:

In the Muslim world, this quotation has unfortunately been taken as an expression of my personal position, thus arousing understandable indignation. I hope that the reader of my text can see immediately that this sentence does not express my personal view of the Qur'an, for which I have the respect due to the holy book of a great religion.

(Benedict XVI, "Lecture of the Holy Father", fn. 3)

Thanks for removing all doubt, Fr. Ratzinger! (At this point, I will spare the reader what this "holy book" which Benedict "respects" so much, has to say about Christians and the Most Holy Trinity.)

A final consideration pertinent to this point would be: If Ratzinger is lying in his speeches, not giving us what he truly believes, how do we know he's not lying in his "clarifications" or "retractions" afterwards? What sort of wicked game is this – theological Balderdash?

No, Mr. Salza, this argument, too, buries your position rather than vindicates it. This has nothing whatsoever to do with mental reservations, or inculpable inadvertent anything.

(11) Trial and Error

Our Wisconsin lawyer continues his make-it-up-as-you-go-along approach to apologetics and asserts:

Further, the pope, above all men, would have the right to rebut any evidence that he is intentionally departing from the Catholic Faith as a matter of justice and due process. That goes without saying.

(Salza, "Presumption", p. 2)

This may sound good to the untrained layman or to an American attorney, but this claim is quite problematic theologically and canonically. "Due process"? In what court? According to what law? (The Pope himself is the Supreme Legislator.) Let us remember that the Pope cannot be subjected to a trial, because he has no superior on earth and so there could be no judge (see Part 1 of this essay for details on this and related arguments). There would be no one to decide whether the "rebuttal" the Pope gives is sufficient to excuse him from guilt, in other words, if it would suffice to declare his innocence. And finally, there would be no one to render a judgment. Thus, Salza's argument is shown to be entirely unreasonable, and definitely not based on Church teaching or law; he simply made it up.

So, keep in mind that just because Salza says something "goes without saying" is absolutely no indication that it is even true.

But the question, of course, deserves an answer: How can we know that a man claiming to be the Pope has in fact departed from Catholic teaching? We know it for sure by the time it becomes *reasonably evident* that it is so. To put it into philosophical language, what suffices is "moral certitude" that someone has departed from the Catholic Faith, which means a reasonable certitude that allows for a *possibility*, but not a *probability*, of error, according to what is customary in ordinary human conduct.

For example, a man who always manifests Catholicism in his conduct, demonstrating his concern for the

temporal and eternal welfare of souls, meticulously striving for piety and orthodoxy in his life, could not reasonably be accused of being a heretic if one statement comes from his lips that, on the face of it, seems at odds with right doctrine or reason. In such a case, one would certainly be bound, at least in charity, to seek clarification from him, and, should further questions or doubts persist, to ask him how what he said is conformable to Catholic teaching.

But this is not at all what's been going on since the death of Pope Pius XII. Rather, since then, we've had bold innovators usurping the Catholic structures of authority, who, though once in a while crying crocodile tears over how many "abuses" there are, are nonetheless thoroughly imbued with the spirit of modernism and novelty, entirely condemned by the Church up until that fateful year of 1958, trying to impose upon Catholic souls the very errors the Church had warned against until that point.

A deliberate and malicious departure from Catholic orthodoxy is clearly and reasonably evident in these men, for wherever ambiguity may exist in their words, this ambiguity is ultimately resolved in favor of heterodoxy – not orthodoxy – by their actions.

It is not the place now to once more recount all the sundry examples one could give of clearly heretical or apostate intent in the words and actions of the "Popes" since the death of Pius XII. Some examples have been given in this essay earlier, and there are many other sources online, esp. *Novus Ordo Watch* (novusordowatch.org) and even the non-sedevacantist *Tradition In Action* (traditioninaction.org).

The Vatican's departure from orthodoxy is now so stark and so blatant that anyone who even has a rudimentary idea of the essential message of the Holy Gospels cannot fail to notice that these men do not just depart from Catholicism, but even from any semblance of Christianity. In other words, they are not just heretics, but apostates. They simply do not believe that the entire world strictly needs a Redeemer, a Savior, and that all who do not die in His grace cannot have eternal life. It is clear that from all their actions and teachings, considered as a whole, they have no urgency in preaching the Gospel to anyone, but rather work towards the establishment of a "more humane" world, a temporal paradise of "peace" and "harmony," in unison with all the world's religions, where everyone is free to embrace whatever religion he pleases – with no genuine thought being taken of our eternal destiny.

This apostasy, condemned by St. Pius X as "Sillonism" in his apostolic letter "Our Apostolic Mandate" (1910), is now so obvious that the conservative Protestant denominations now resemble orthodox Catholicism more than the "authorities" in the Vatican. At least many Protestants believe that Christ's Redemptive Sacrifice on the Cross was necessary for our sins to be taken away – unlike the "Archbishop" of Freiburg, Germany, Fr. Robert Zollitsch (see http://www.lifesitenews.com/news/archive/ldn/2009/apr/09042107). True, Protestants are totally in error about the nature of that Sacrifice and how it takes away our sins, but at least they acknowledge the necessity of a Redeemer! "Archbishop" Zollitsch, who is the head of the German Novus Ordo bishops' conference, does not even believe that much. And why not? Because, like all modernists, he denies the reality of original sin.

But we must return to the remainder of John Salza's article.

(12) Misfiring more Can(n)ons

Continuing his pseudo-scholarly critique, Salza argues that Canon 188 n.4, which legislates that those who have publicly defected from the Catholic Faith lose all offices upon that very fact and without a declaration, "requires ecclesiastical inquiry before formal heresy can be determined":

This is because canon 18 says: "Ecclesiastical laws are to be understood according to the meaning of their own words considered in their text and context; as for those things that

remain unclear or in doubt, reference should be made to parallel provisions in the Code, if there are any, to the purposes and circumstances of the law and to the mind of the legislator." As applied here, canon 188 must be harmonized with other parallel provisions of the code. To that end, canon 2314 (and 2379 and 2388) is referenced in Canon 188. That means canon 2314 sheds further light on the meaning and reach of canon 188.

(Salza, "Presumption", pp. 2-3)

There are many things to be said in response to this half-baked argument, and it is a bit difficult to figure out where to begin. First, perhaps it's best to simply quote Canon 188 n.4:

Any office becomes vacant upon the fact and without any declaration by tacit resignation recognized by the law itself if a cleric: . . .

4.° Publicly defects from the Catholic faith

(Canon 188 n.4; taken from Peters, The 1917 Pio-Benedictine Code of Canon Law)

There is really nothing "unclear" or "in doubt" about this canon. It specifically says that *any* office becomes vacant *upon the fact* of the public defection from the Catholic Faith, *without* a declaration by competent authority being necessary for this. What's unclear?

Second, Salza'a confident assertion that "canon 2314 (and 2379 and 2388) is referenced in Canon 188" is simply not true. It is true that these canons, as well as others, are cross-referenced next to the heading "Canon 188" in Dr. Edward N. Peters' *English edition* of the Code (p. 83), published in 2001, but these cross-references were added by Dr. Peters, the editor – they are not part of Canon 188 or referenced "in" that canon! This is easily proved by consulting the Latin original of the Code. (A photographic reproduction of the original of Canon 188 in its entirety, including footnotes, can be found at the end of this article, as an appendix.)

Apparently, Mr. Salza did not consider it necessary to do so much as consult the Latin original of the Code of Canon Law to verify his idea before firing this salvo against sedevacantists; he simply saw fit to rely on a vernacular edition that came with cross-references in the margin – after all, it served his purpose.

The reason why Dr. Peters added Canons 2314, 2379, and 2388 as cross-references (as well as Canons 156, 1444, and 2168) is simply that all these canons explicitly mention Canon 188 in one way or another – *not* because Canon 188 cannot be understood without referring to these canons! So, Salza has it exactly backwards: Canon 188 does not mention these canons at all; rather, *they* mention Canon 188! That's why they're cross-referenced!

Salza's lack of familiarity with the subject matter he presumes to pontificate on is becoming woefully apparent. Once again, we see that our Wisconsin lawyer is simply blowing steam – he presents disgracefully-shallow theses under a veneer of scholarship, and thus he cannot be taken seriously as an authority writing on these matters. As is clearly evident here, his doctorate degree in American jurisprudence isn't helping him any.

Third, Salza's idea that before the tacit resignation can be known to have occurred, formal heresy must first be determined by an "ecclesiastical inquiry" (just who would investigate the Pope, by the way?), runs afoul of the fact that Canon 188 n.4 says that the office becomes vacant as soon as the defection from the Faith is *public* (if we cannot *know* that a cleric no longer validly holds a certain office by the time he is no longer publicly professing the Faith, what is the point of him losing his office then?). The

following quotes from authoritative sources in canon law will underscore my point:

The defection from the faith must be public . . . according to the definition of publicity which is found in canon 2197, n. 1[.]

(Rev. Gerald V. McDevitt, *The Renunciation of an Ecclesiastical Office* [Washington, D.C.: The Catholic University of America Press, 1946], p. 139)

A delict is: 1.° Public, if it is already known or is in such circumstances that it can be and must be prudently judged that it will easily become known.

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(Canon 2197 n.1; italics removed.)
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All that is necessary is that the cleric perform one of the acts or be accountable for one of the omissions to which the law attaches the effect of a tacit renunciation of office. In reality a tacit renunciation resembles a privation, but it can not be considered a privation since the law terms it a tacit renunciation.

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(McDevitt, Renunciation, p. 113)
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Thus the defection from the faith may be public by reason of the fact that it is already known to a notable part of the community. The law does not prescribe any special number as being necessary to constitute a notable part of the community. *Determination of this point is left to man's prudent judgment*. [!] Besides being public by reason of actual divulgation, the defection from the faith may be public also because of the fact that the circumstances force one to conclude that it will be easily divulged in the future. Thus if even only a few loquacious persons witnessed the defection from the faith, or if the sole and only witness was a taciturn person who later threatened to divulge the crime because of an enmity that has arisen between him and the delinquent, the delict would be public in the sense of canon 2197, n. 1.

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(McDevitt, Renunciation, p. 139; italics added.)
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Laws, however, must regard what usually happens and the common estimation of men, and when a fact is manifest it would be absurd to expect some authority to affirm what is already well known.

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(Mahoney, Priests' Problems, p. 441)
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Does this sound like a Church trial or official judgment is needed to be able to determine that the cleric in question fulfills the conditions required for "public heresy"? Certainly not. I have not found anything in my research on Canon 188 n.4 that would require an ecclesiastical trial to determine public heresy before tacit resignation would take effect or could be known to have taken effect. On the contrary. We wonder, therefore: What sources does Mr. Salza have to back up his contention that repeated warnings, a Church trial, etc., are necessary before tacit resignation occurs or is known to have occurred? Surely it should be easy for him to find some. If he cannot, he ought to admit that his argument is entirely based on his own non-existent "authority" in interpreting canon law, not on what the *Church's* authorities have

actually said.

Fourth, it is very instructive to examine closely the *wording* of Canon 188 n.4. In it, the Church says that public defection from the Faith results in a "tacit *resignation*" of the office held – she does *not* call it a *privation*.

Why should this be important? Let us consider the difference. When a cleric resigns his office, he gives it up himself; it is his own doing. Privation, on the other hand, is a taking away of the office by a competent authority; it is someone else's doing, typically as a punishment. A cleric who is *deprived* of his office, then, has his office taken from him, against or at least independent of his consent; but a cleric who resigns it, gives it up freely. (The term "resignation" is synonymous with "renunciation," and the Code uses both terms interchangeably; see McDevitt, *Renunciation*, p. 8.)

Let us, then, look more closely at the notion of resignation:

The renunciation of an office may be express or tacit. The former type is one which is made in accordance with all the solemnities prescribed in the law. The latter, on the other hand, is one that is contained in an act or omission, imputable to the incumbent, to which the law attaches the effect of a resignation. No solemnities are required. It suffices that the incumbent be accountable for the act or omission to which the law attaches the effect of a tacit renunciation. The vacancy follows immediately without the need of any declaration on the part of the superior. Canon 188 contains an all-inclusive list of the acts and omissions which beget a tacit renunciation of office.

(McDevitt, Renunciation, p. 9)

So, the cleric who publicly defects from the Faith by that very fact resigns his office. Just as the public defection from the Faith is his own doing, so is the resignation, though it is automatic and a necessary consequence of the public defection. This entails that it is impossible to publicly defect from the Faith and still retain one's office – and this makes perfect sense, given that it is necessary to the unity of the Church that all those who hold an ecclesiastical office must also profess the same Faith. (Duh!)

What is extremely noteworthy is that *any* cleric can resign his office (whether expressly or tacitly), including the Pope. Fr. Henri Ayrinhac, seminary professor of canon law and moral theology, makes clear that the rule that a cleric can resign his office "applies to all offices, the lowest and the highest, not excepting the Supreme Pontificate" (Very Rev. H. A. Ayrinhac, *General Legislation in the New Code of Canon Law* [New York, NY: Blase Benziger & Co., Inc., 1923], p. 346), and Canon 221 specifically talks about express *papal* resignation.

Really, it is not all that difficult to understand Canon 188 n.4. Yet, John Salza tries to make us believe that despite all the clarity in the text and the commentaries on canon law, somehow we cannot identify a public heretic apart from ecclesiastical inquiry. Salza continues his essay with the following totally unfounded assertions (remember, he had just told us that we must interpret Canon 188 in light of Canon 2314):

Canon 2314.1-2 says: "All apostates from the Christian faith and each and every heretic or schismatic: <u>Unless they respect warnings</u>, they are deprived of benefice, dignity, pension, office, or other duty that they have in the Church, they are declared infamous, and [if] clerics, with the warning being repeated, [they are] deposed."

While canon 188.4 says the office becomes vacant when one publicly defects from the

Faith, canon 2314.2 requires formal warnings followed by the obstinate refusal to heed the warnings before the public defection can be established. These warnings serve to demonstrate whether the heresy is notorious or pertinacious and, if not, whether a special investigation (under canon 1939.1) and a declaratory sentence (under canon 2223.4) are required. Sedevacantists simply "jump the gun" by declaring (without any authority to do so) the "public defection" of canon 188.4 without any consideration for the "repeated warnings" requirements of canon 2314.2. However, canon law itself requires us to interpret canon 188.4 in light of canon 2314.2. While canon 188.4 states the consequence of public heresy (loss of office), canon 2314.2, among other canons, mandates the procedures for *determining* public heresy.

(Salza, "Presumption", p. 3; italics and underlining given.)

Unfortunately for Mr. Salza, as already mentioned in Part 1 of this rebuttal, cardinals are exempt from penal law (see Canon 2227), so he cannot use penal Canon 2314 to support his argument at all – he is simply revealing that he doesn't know what he's talking about.

But let's leave that consideration aside for the moment. Salza's argument is simply wrong: Canon 188 n.4 does *not* require public heresy to be determined by an ecclesiastical judgment after warnings have been issued and ignored. Salza is confusing the loss of office through tacit *resignation* effected through public defection, with the *penalties* imposed by the Church for such defection.

But these are two completely different things. Canon 188 is listed in the Code under Book II, Part I: "On clerics" (see Peters, *The 1917 Pio-Benedictine Code of Canon Law*, p. 61), whereas Canon 2314 is part of Book V, Part III: "On penalties for individual delicts" (*ibid.*, p. 735). There is a reason for that, because the tacit resignation effected by public heresy in Canon 188 n.4 is not, *per se*, a punishment (though it certainly has the effect of one) – it is simply an inevitable consequence of the public defection from the Faith. The following authoritative quotes will underscore my point and demonstrate that John Salza has missed the mark entirely:

It is plainly evident that a distinction is being made between the threatened or enacted penalty [of Canon 2314] on the one hand, and the tacit renunciation [of Canon 188] on the other. Nowhere in the Code is the tacit renunciation called a penalty.

(McDevitt, Renunciation, p. 116)

Since the writer holds the opinion that a tacit renunciation is not of the nature of a penalty, he holds also that the prescriptions of canon 2229 concerning excusing causes with reference to *latae sententiae* penalties do not apply to the case of a tacit renunciation of office on the part of a cleric who has perpetrated the act which is mentioned in canon 188, n. 4 [i.e., public defection from the Faith]. Thus the writer believes that even if it were thinkable that a cleric was excused from incurring the excommunication involved in a defection from the faith in view of the prescriptions of canon 2229, § 3, n. 1, he still would lose his office by a tacit resignation.

(McDevitt, *Renunciation*, pp. 139-140; italics given.)

Before the next quote can properly be appreciated, it is necessary to quote also the text of n.3 of Canon 2314 §1: "If they give their names to non-Catholic sects or publicly adhere [to them], they are by that fact infamous, and with due regard for the prescription of Canon 188, n. 4 [!], clerics, the previous

warnings having been useless, are degraded." Now see what the renowned canonist Fr. Charles Augustine (as opposed to the not-so-renowned pseudo-canonist John Salza) has to say about this very part of Canon 2314:

A cleric must, besides, be degraded if, after having been duly warned, he persists in being a member of such a [non-Catholic] society. *All the offices he may hold become vacant, ipso facto*, without any further declaration. This is tacit resignation recognized by the law, and therefore the vacancy is one *de facto et iure* [i.e., one of fact and of law].

(Augustine, A Commentary on the New Code of Canon Law, vol. VIII, p. 280; italics partially changed.)

Again, Salza's position is fully contradicted once one bothers to look up authoritative commentaries on canon law. (And why didn't Salza do that?) The silence of canonists on the supposed requirement for a Church trial to be able to determine public defection from the Faith is deafening!

While it is true that McDevitt carefully categorizes his view as merely an "opinion," it still holds a lot more weight than anything Salza has to offer, who isn't even trained in traditional canon law and yet doesn't call *his* view an opinion at all, but rather hammers it home as the gospel truth – with absolutely *no* authority cited to back him up. Now, whom will you choose as your authority? A secular lawyer from Milwaukee whose intent is to excuse his modernist client Joseph Ratzinger, no matter how absurd the defense or how unreliable and specious his "scholarship" – or a canonist from the 1940s, who, being properly trained, knew what he was talking about and who lived before our crazy times and therefore was not biased one way or another regarding sedevacantism?

The idea that Canon 188 is not penal in nature finds support also in the canonist Matthaeus Conte a Coronata (see McDevitt, *Renunciation*, pp. 115-116). McDevitt elaborates:

Certainly the tacit renunciation can not be considered a penalty for a religious profession, which according to canon 188, n. 1, effects a tacit renunciation. There is certainly nothing in such an act that would warrant a penalty.

(McDevitt, Renunciation, p. 116)

This is important because if tacit resignation is not an ecclesiastical *penalty*, but rather simply an implicit but necessary *consequence* of public defection (arising out of the inherent incompatibility between being a member of the Church and not professing the true Faith), then cardinals *are* very much subject to Canon 188. McDevitt himself makes this point:

The direct purpose of this discussion was to demonstrate that cardinals are subject to the prescriptions of canon 188. Concomitantly the presentation of the arguments served the further purpose of clarifying that in this canon the law is not imposing a penalty, but is rather accepting the specified acts as tantamount to an express renunciation of office. It may here be noted also that a tacit renunciation and a privation of office are very similar, but that the law nevertheless consistently places them in different categories.

(McDevitt, Renunciation, p. 117)

It will further be useful to point out that a heretical cleric's express intent to *remain* in office cannot frustrate the tacit resignation, which occurs automatically and, if necessary, against the cleric's will:

The vacancy of the office is effected by the placing of these acts, even if the person should manifest his intention of retaining the office at the time he places the act. The tacit renunciation occurs in spite of any contrary intention on the part of the incumbent.

(McDevitt, Renunciation, p. 114)

This is what makes tacit resignation look similar to a penalty and have the *effect* of a penalty, but it really is merely the necessary consequence of the cleric's own voluntary act of defecting from the Faith.

The canonists T. Lincoln Bouscaren and Adam C. Ellis likewise agree that tacit resignation is not a penalty, explicitly *distinguishing* it from one:

Deprivation [of office] is effected by operation of law: (a) in the cases of tacit resignation . . . under canon 188; (b) in certain cases where the law declares privation from office as a penalty: e.g., upon sentence of excommunication. . . .

(Bouscaren and Ellis, *Canon Law*, p. 129; italics removed.)

All of this very much agrees with common sense, especially when we keep before us why there are offices in the Church to begin with: "The purpose of an ecclesiastical office has always been that of aiding the Church in the attainment of her end, namely, the eternal salvation of men" (McDevitt, *Renunciation*, p. 1). It is not hard to understand that such a purpose would be entirely frustrated if it were possible for a public heretic or apostate to validly hold office in the Church:

Since it is not only incongruous that one who has publicly defected from the faith should remain in an ecclesiastical office, but since such a condition might also be the source of serious spiritual harm when the care of souls in concerned, the Code prescribes that a cleric tacitly renounces his office by public defection from the faith.

(McDevitt, *Renunciation*, p. 136)

The bottom line is: You can't publicly deny the Faith and still hold office in the Church, just like you can't be both a bachelor and have a wife at the same time. It is unfortunate if this doesn't fit into John Salza's conception of things, but it is the truth nonetheless.

So then, Mr. Salza: We have just provided ample backup to demonstrate that Canon 188 is not penal in nature; what evidence do *you* have to suggest the contrary? ...Counselor?

One final point that needs to be noted before moving on is that Canon 2314 provides regulations for the punishment of *all* heretics, schismatics, and apostates *in general*, not merely for *public* defectors from the Faith (the canon speaks of "[a]ll apostates from the Christian faith and each and every heretic or schismatic" [§1]). Yes, it is quite possible that a cleric could be a non-public (so-called "secret") heretic and that the local bishop becomes aware of this matter. In such a case, the cleric does *not* tacitly resign his office, because the defection from the Faith is not public (cf. Canon 188 n.4). Yet, Canon 2314 provides the means to punish him accordingly, and this punishment includes deprivation of "benefice, dignity pension, office," up to deposition – the difference being that these things do not happen automatically and tacitly (as with Canon 188 n.4) but happen as a sentence of punishment. On the other hand, Canon 2314 §1 n.3 is clear that if there is *public* defection, the tacit resignation of Canon 188 n.4 kicks in automatically ("with due regard for the prescription of Canon 188, n. 4") and the cleric in question is then punished by degradation, the worst punishment that could befall a cleric.

Fr. Ayrinhac describes the different kinds of punishment:

By deposition a cleric is deprived permanently of all offices, benefices, dignities, pensions and functions in the Church and becomes unable to acquire them in the future....

Deposition implies more than suspension or privation of office, but less than degradation. It takes away the office or benefice, like privation, and not simply the right to exercise certain powers like suspension; and it creates moreover an inability for future promotion; but it does not, like degradation, deprive the offender of the clerical privileges.

[...] Degradation includes deposition, perpetual privation of the ecclesiastical dress and reduction of the cleric to the status of a layman, which implies the loss of the clerical privileges. . . . He retains the powers conferred upon him by ordination and can exercise them validly but not lawfully; and he remains bound to observe the law of celibacy and to recite the Divine Office.

(Very Rev. H. A. Ayrinhac, *Penal Legislation in the New Code of Canon Law* [New York, NY: Benziger Brothers, 1920], pp. 163, 165-166)

And once again, we recall that Canon 188 n.4 speaks of a tacit *resignation* – not a deposition, not a privation, not a degradation – of the cleric's office, which is simply a fact necessitated by the public defection; it is not, *per se*, a punishment. John Salza's position is simply not backed up by Catholic teaching or canon law – or even common sense. That's why he can't really quote any sources to support him and has to misconstrue the little bit that he does quote.

Certainly, one might wonder if chaos would not result if public defection alone is sufficient for a cleric to lose his office, with no Church judgment being necessary. This objection has been answered quite well elsewhere, so please allow me to quote it:

Results are not arguments in a matter governed by divine law. What God has established, He has established. But if results were to be considered relevant to the question of truth in this matter, then the argument would cut the other way.

Consider St. Thomas, S. Th., II-II, Q. 12, art. 1, ad. 2: "The result is that he [i.e. an apostate] sows discord, endeavouring to sever others from the faith even as he severed himself." This holds true for schismatics and heretics also. The truth is that when Christ's enemies are treated as pastors of the flock, chaos results. This is why Canon 188 §4 exists - it protects Holy Church from the ravages of heretics who are apparently in positions of authority. Our own experience tells us that this is true - chaos reigns at present. This fact can be attributed to the failure of Catholics to reject the heretics along with their heresy from the beginning of the crisis.

It remains true that some disorder is bound to result from the failure of authority to act. This is only natural, given that it is precisely the role of authority to ensure order. It is no solution to treat heretics as legitimate pastors of the faithful - that merely compounds the disorder. It is also a failure to act in accordance with truth, in favour of an imagined legal fiction.

(John Lane, "The Loss of Ecclesiastical Offices: Is Holy Church Unprotected?", Answer to Objection 4; at http://www.sedevacantist.com/offices.html; italics given.)

In other words: If you object to the sedevacantist reality for fear of "chaos," accepting the modernist Novus Ordo Church as legitimate may not be the route you'll want to go – for one thing, because the presence or absence of chaos is not an indicator of the truth, and secondly, because the Novus Ordo Church is the biggest producer of theological chaos bearing the name "Catholic" you will ever find.

Having discussed at length the theoretical aspects of clerics losing their offices upon public defection from the Faith, we should also look at some of the practical aspects of this consoling truth, because consoling it is indeed: In practice, it means that no heretic or apostate can validly hold office in the Church, even if he should be in material possession of the office (i.e., even if he should physically occupy the church or building where the office is exercised, or if he should present himself in public as the only one holding the office).

Consider the absurd scenarios that John Salza's idea would have caused back at the time of the Protestant Reformation: If each and every cleric who had defected to Protestantism had first had to be tried and convicted by a Church court before anyone could know he lost his Catholic office, chances are the courts would still be in session today! Imagine the time it would have taken to haul in all the witnesses, both pro and con the defendant, who, under a presumption of innocence (according to Salza's strange canon law), could calmly lean back in his chair and smirk at the judge, telling him: "No, no, no, you can't convict me just yet! My uncle Wilbert and aunt Martha are still on their way over here to testify on my behalf – they will assure you I was laboring under an inadvertent inculpable something-or-other!"

Huh?? - The Church would practically have been rendered powerless over heretics!

Likewise, the fact that public heretics lose their ecclesiastical offices immediately, and that this can be known right away by all, was of special practical concern in 16th century England, when almost the entire Catholic hierarchy of that country defected from Catholicism to the newly-created Anglican religion. Without any declaration or legal proceeding being necessary, all these defectors ceased to hold their offices. Therefore, whatever they did in their dioceses, abbeys, parishes, etc., from the moment of their defection on, was not valid; their acts were not recognized by the Catholic Church. Thus, the entire force of their putative power was taken from them, by divine law, but also by Church law. And because the resignation from office took effect "upon the [very] fact" ("ipso facto") of the public defection from the Faith, and "without any declaration" from the Church being necessary, they could not hide behind the absence of a Church judgment. Deo gratias!

The same still holds true today, except that today we are dealing with *Modernist* usurpers, not Anglicans. That's what Canon 188 n.4 is all about. And that's why John Salza couldn't be more wrong in his superficial "explanation" of what this canon means. So, Mr. Salza, just who is "show[ing] a lack of understanding of both divine and canon law" here?

(13) Warning Me, Warning You

Based on his forlorn "interpretation" of Canons 188 and 2314, John Salza then continues his essay by asking how the "warnings" requirement of Canon 2314 has been fulfilled in the case of the "Popes" after Pius XII:

Who warned the pope? When? About which doctrines? What was the pope's response? Was the pope given an opportunity to explain himself? Did the pope intend to depart from Church teaching?

(Salza, "Presumption", p. 3)

In section (12) above, we have exhaustively proved that Salza's idea that a canonical warning is required before a cleric loses his office for public defection from the Faith is untrue. The reason we want to look at Salza's rhetorical questions about who warned the Pope and when, etc., is that it shows Salza is incredibly unfamiliar with recent Church history. Apparently, he is unaware that Paul VI, John Paul II, and "Cardinal" Joseph Ratzinger *were* warned and challenged – by the non-sedevacantist French priest Abbe Georges de Nantes (1924-2010)!

Though the Abbe de Nantes is now deceased, his so-called "Books of Accusation" against Paul VI, John Paul II, and "the Author of the New Catechism" are still available online:

http://www.crc-internet.org/lib1.htm http://www.crc-internet.org/lib2.htm http://www.crc-internet.org/lib3.htm

These books of accusation were hand-delivered and presented in person to the Vatican in 1973, 1983, and 1993, respectively, in the presence of a grand total of 510 delegates. As the 1992 Novus Ordo Catechism bears the *imprimi potest* of "Cardinal" Joseph Ratzinger, it will not be unfair to consider him, whether literally or figuratively, the "author-at-large" of the New Catechism.

So, to answer Mr. Salza's first question, "Who warned the pope?" - "The Abbe Georges de Nantes did." The second question, "When?", is answered as well: "In 1973, 1983, and 1993." The third question is answered in each of the books.

As to the fourth question, "What was the pope's response?", let's say . . . it wasn't so good. (Imagine that!) But don't take my word for it. The Abbe de Nantes himself relates what happened:

Last month (April 1973, no 38), I told you of our trip to Rome and of our unsuccessful attempt to obtain an audience with the Pope, in order to hand him the Book containing our charge against him of "Heresy, Schism, and Scandal". The Book – known otherwise as the "Libellus" – was nevertheless handed over by two of our brave friends, on two separate occasions, the first being on the 10th April, when it was left with Mgr Martin, and the second, in the course of the public audience on the following day, when it was deposited within the hands of the Holy Father himself, before the eyes of the whole crowd of pilgrims. The fact that both His Holiness and Mgr Martin refused to accept it when it was handed to them does not change the situation in any way, except to pinpoint the state of affairs more effectively.

[...]

In the present case, this is what happened: the Pope would neither receive us nor delegate anyone else to do so. He would not even send the Swiss Guard to put us in our place, but only a band of plain clothes police, acting, as it were, casually, not on the official instructions of a lawful authority. And all this simply in order to avoid being handed the Book. Even though, when taken by surprise, he held it momentarily in his hands, he did not consent to receive it, and let it go immediately. [It's not like it was the Koran! --Gregorius] Since that day, the Accusation is like a loaded grenade which the person at whom it was aimed has thrown away. It explodes there, in the open, and all can hear its message: Pope Paul VI is guilty of heresy, schism, and scandal! And he knows it, he has no need to open the book to know what it contains. He makes no attempt to defuse it, knowing that to disprove our allegations would be impossible... It is too facile to suggest that he simply regards it as beneath his dignity to give a thought to the matter.

(R. P. Georges de Nantes, "The Catholic Counter-Reformation in the XXth Century", May

1973; at http://www.crc-internet.org/may73.htm)

To answer Salza's further questions would be useless. He is so unfamiliar with the things he pontificates on that even his rhetorical questions can be deflated by making him aware that they have long been answered.

But even if we leave all of this aside for the moment, there are some nastily inconvenient questions that Mr. Salza will have to answer before long: Just who would have the authority to send a canonical warning to the Pope to begin with, considering he is the highest authority on earth and has no human superior? Who would decide whether the Pope's response is sufficient to clear him from the accusation of public defection from the Faith – who would decide whether he "intended to depart" from Catholic teaching? In short, who would be his judge?

The fact that Salza thinks the entire canonical procedure of determining heresy and pertinacity could possibly apply to a *true Pope* is as absurd as it is scary. And not only that – the very idea that a Pope could be judged by other cardinals, bishops, or even a council is – *heresy*:

Since the Roman Pontiff, by the divine right of the apostolic primacy, governs the whole Church, we likewise teach and declare that he is the supreme judge of the faithful, and that in all cases which fall under ecclesiastical jurisdiction recourse may be had to his judgment. The sentence of the Apostolic See (than which there is no higher authority) is not subject to revision by anyone, nor may anyone lawfully pass judgment thereupon. And so they stray from the genuine path of truth who maintain that it is lawful to appeal from the judgments of the Roman pontiffs to an ecumenical council as if this were an authority superior to the Roman Pontiff.

(Vatican Council, Dogmatic Constitution *Pastor Aeternus*, Ch. 3, par. 8; at http://www.ewtn.com/library/councils/v1.htm)

So, the very idea of anyone even being *able* to issue a genuine warning against the Pope, much less to try or judge him, is heretical and impossible. What in the world is Salza thinking??

To make matters worse, Salza then once again dishes up the incident recorded in Galatians 2:11, already discussed in section (4) above, where St. Paul rebuked St. Peter:

As Scripture reveals, St. Paul publicly warned St. Peter about his behavior which appeared to contradict a dogma of the Faith and St. Peter responded favorably to the warning. St. Peter was *not* presumed to have lost his office.

(Salza, "Presumption", p. 3; italics given.)

Apparently, Salza is trying to make you believe that St. Paul issued the equivalent of a canonical "warning" to St. Peter, accusing him of heresy! But, as shown in section (4) above, nothing could be further from the truth. St. Paul merely exercised some fraternal correction regarding St. Peter's possibly scandalous *imprudence* in withdrawing from the Gentile converts to eat with the Jewish converts. This had absolutely nothing to do with denying a dogma of the Faith or with a bishop "warning" a supposedly heretical Pope.

It is very telling that John Salza feels the need to engage in such superficial attempts to bolster his case. Obviously, he's got nothing better. One would think that if he had such a strong case, he could simply quote sundry Catholic Scripture commentaries, saints, Popes, etc., commenting on this passage and

making that very point. Yet, Salza has nothing to back him up – he must resort to using his *own* interpretations of canon law and Sacred Scripture.

(14) Theological Peek-a-boo

At this point, Salza comes back to his "Prove he's pertinacious!" argument:

If the sedevacantist wishes to disregard the ecclesiastical laws addressing canonical imputability, he is stuck with having to prove the moral imputability of the pope by judging his internal dispositions. But this is impossible. For example, a pope may have a mental reservation when he makes a heretical statement (again, this means stating a heresy in public does not always equate to "public heresy"). This fact forces him back to ecclesiastical law, which requires investigations, warnings and declaratory sentences to determine the level of the pope's culpability.

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(Salza, "Presumption", p. 3)
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No doubt, here our would-be canon lawyer thinks he's scored a home-run. We will respond to him step by step.

First, as shown, the sedevacantist does *not* "disregard the ecclesiastical laws addressing canonical imputability" – he simply recognizes that public defection from the Faith is (a) objectively recognizable without a Church judgment (e.g., by the time a "Pope" invites demon worshippers to pray for peace or teaches that the Church has changed her *nature* [!], an inference to "public defection from the Faith" isn't exactly a stretch), and that (b) such public defection automatically results in loss of ecclesiastical office, per Canon 188 n.4. This is how the Church, by divine law, protects herself against heretics posing as Catholic authorities.

Second, if Salza knew anything about applying the principles of canon law to the case at hand, he would know that Church law does not allow for a *presumption* of ignorance with regard to what one has to know to be able to properly exercise one's ecclesiastical office. Earlier we already looked at the following quote, but it bears repeating:

For example, ignorance would not be presumed on the part of one who is versed in the law, or on the part of one who holds an office, in regard to the things pertaining to his office. It is for this reason also that even though ignorance is proved, it will be judged crass and non-excusing in these cases.

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(Swoboda, Ignorance, pp. 185-186)
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Get this! Even if ignorance were *proved*, this ignorance would be considered *crass* by Church law, which is a technical term meaning, basically, "due to one's own careless lack of effort to find the easily-ascertainable truth" (see *ibid.*, pp. 146-148). You see, just because one is ignorant on a matter doesn't mean one is blameless (too often, people think that ignorance is always blameless – not so). *Crass* ignorance is a lack of knowledge stemming from one's *blameworthy* failure to do one's *light* duty.

So, Salza is proven wrong once again, showing he does not have the faintest idea about the matter he so brazenly pontificates on. If anyone is disregarding ecclesiastical laws, it's our lawyer from Milwaukee.

Third, Salza is not too shy to use the old "mental reservation" canard: "...a pope may have a mental reservation when he makes a heretical statement." Such a mindless assertion, made so carefree, can only

come from a lawyer trying to defend a modernist. (Could anyone imagine this claim coming from, say, a St. Robert Bellarmine, a St. Pius X, a Cardinal Billot, or a Msgr. Joseph Fenton?)

To understand just how widely off the mark Salza is in this claim, let us take a brief look at what a mental reservation even is, and when it is (and isn't) permissible to use it:

A *strict mental reservation* is used when the actual meaning of the utterance can in no way be inferred from the external circumstances, e.g., one says: "I have not stolen" – and adds mentally – "with the left hand, but with the right."

The *broad mental reservation* is had if the real meaning of the expression can be inferred either from the circumstances of the question or the answer, or from customary usage, even if, as a matter of fact, such inference is not actually made; such as the conventional polite phrases, e.g., "the mistress is not at home," meaning "not at home to receive visitors."

- ... The strict mental reservation is, like the lie itself, always forbidden.
- . . . The broad mental reservation is permissible, sometimes it is even obligatory, provided there is a sufficient reason for using it and the questioner has no right to know the truth.

(Rev. Heribert Jone, *Moral Theology*, 18th ed. [1961], trans. and ad. by Rev. Urban Adelman [Rockford, IL: TAN Books, 1993], p. 249; italics given.)

So, we can easily see here that Ratzinger could not legitimately hide behind a mental reservation, because, for one thing, a mental reservation that results in a statement of heresy (such as saying, "There is no purgatory," while adding in one's mind, "...for the damned") would obviously be a strict mental reservation, and therefore be impermissible; but even if it were a broad mental reservation, he could have no legitimate "sufficient reason" for using it, and certainly the general public has a right to know the truth, namely, what it is that he, supposedly the Head of the Catholic Church and Universal Teacher of all Christians, believes and confesses.

Thus, Salza's tactic to just yell, "Mental reservation!", thereby hoping to neutralize all evidence of heresy, won't work. But it goes to show just how poor Salza's defense is. He's trying to tell us that if Ratzinger were going around in public saying, "Heaven does not exist," then you couldn't know he's a public heretic because, unbeknownst to all of us, he might secretly be adding mentally, "...in *this* world." (That's what Salza's idea of a tribunal-which-can-judge-the-Pope is supposed to do: find out if he *did* use a mental reservation. Presumably, it would not permit the "Pope defendant" to use more mental reservations when questioned, though, again, just who Salza thinks has the authority to "judge the Pope" – without judging the Pope, of course – is anyone's guess.)

...Is this sort of "gotcha" lunacy supposed to be serious Catholic theology?

Essentially, this argument repeats Salza's earlier claim that you can't know Ratzinger is a public heretic even if he spouts heresy in public because, heck, he might just be *lying* to you about what he believes. (That's right: From 1958 onwards, we haven't had any *heretics* in the Vatican, only a bunch of traditional Catholic *liars*. See section (9) – *The Lyin' King* – for more information on that idea.)

By means of his lawyerly tactics, Salza is shifting all the burden of proof on the *victims* of public heresy, and off the perpetrators. How convenient – for the modernists! (If only Martin Luther could have had Salza as his defense lawyer! He'd still be arguing with Pope Leo X today!) But, as we have seen, Church law places the burden of proof on the *perpetrator*, not on the prosecution.

(15) Ignorance ‡ Ignoring Stuff

Next, Salza argues that, if we wish to leave ecclesiastical law aside (which he butchered completely for us – thanks), then we are left with presuming to judge a Pope's subjective state of soul:

Of course, to arrogate to oneself the authority to determine a pope's level of malice or lack of ignorance through an act of private judgment is ridiculous. So says the Church. While affirming the objective truth of the Catholic Faith and acknowledging those who misunderstand or reject it in ignorance, Blessed Pius IX declared, "Now, in truth, who would arrogate so much to himself as to mark the limits of such an ignorance, because of the nature and variety of peoples, regions, innate dispositions, and of so many other things?...it is unlawful to proceed further in inquiry" [Pius IX, *Singulari quadem*; Denz. 1647]. If the Church tells us we cannot even inquire, much less judge, the ignorance of non- Catholics, how much less should we formally judge the state of mind of the reigning pope and strip him of his office in the process?

(Salza, "Presumption", pp. 3-4)

In all seriousness and presumably with a straight face, John Salza is comparing the "Popes" since Pius XII with the unevanglized who are invincibly ignorant of the Catholic religion. Wow!

Just to put this in the proper perspective, let us look at the full context of what Pius IX said, let us read the sentence that immediately precedes what Salza quotes Pius IX as saying. The Pope stated:

For, it must be held by faith that outside the Apostolic Roman Church, no one can be saved; that this is the only ark of salvation; that he who shall not have entered therein will perish in the flood; but, on the other hand, it is necessary to hold for certain that *they who labor in ignorance of the true religion*, if this ignorance is *invincible* [note well!], are not stained by any guilt in this matter in the eyes of God.

(Pope Pius IX, Allocution Singulari Quadem, Dec. 9, 1854; Denz. 1647; italics added.)

Stop and think about this for a minute. Salza is making (what in his mind are) true and genuine Roman Catholic Vicars of Christ, in terms of their theological knowledge and understanding, equal to infidels and heretics who don't know any better because they've never heard about the Catholic Church or the Gospel! *You can't make this stuff up!*

No, Mr. Salza, not all ignorance is the same. Some ignorance is invincible, which means it cannot be overcome, and this alone is the kind of ignorance Pius IX is referring to. (For example, he would have had in mind un-evangelized Eskimos in northern Siberia, indigenous tribes in remote parts of the world where no missionary had yet come to, certain Protestants who had never heard of a Catholic Church, etc.) But not all ignorance is of this kind. Some of it is *vincible*, i.e., it *can* be overcome, some of it even with relatively little effort. There's no need to get into more detail, but just for the record, "canonists have quite generally identified four sets of divisions [of ignorance], namely: antecedent-(concomitant)-consequent, involuntary-voluntary, invincible-vincible and inculpable-culpable" (Swoboda, *Ignorance*, p. 125). Care to comment, Counselor?

Now, please pardon us if we ascertain that someone like Giovanni Battista Montini, the bishop who styled himself "Pope Paul VI" from 1963 to 1978, who had served in the Roman Curia for 30 years, was Under-Secretary of State under Pius XII, and later became Archbishop of Milan, doesn't exactly fall into the same category as the Siberian Eskimo when it comes to knowing whether or not the Catholic Church

claims to be the only true religion. Paul VI simply wasn't *ignorant* of what we expect every Catholic child to know, and pointing this out is simply admitting the obvious – it has nothing to do with "usurping" God's authority or "judging" Montini's soul. It's simply common sense, and everyone would have considered you a lunatic to think or say anything different. Or does Salza think that if in 1966 you had told a cardinal in the Vatican that you are "not sure that the Pope knows more basic catechism than an Eskimo," you would have gotten an "I'm so glad you're not judging"-attaboy? No, you would have gotten smacked all around the Holy Office (or what was left of it by then)!

Let's take a concrete practical example: In his 1977 book *Sign of Contradiction*, Bp. Karol Wojtyla (later "Pope" John Paul II) stated brazenly "that the Church succeeded, during the second Vatican Council, in re-defining her own nature" (Karol Wojtyla, *Sign of Contradiction* [New York, NY: The Seabury Press, 1979], p. 17; see scan of page at http://www.novusordowatch.org/soc-17.jpg). So, Bp. Wojtyla believed that the Church could change her nature, and that this is what happened at Vatican II.

Well, there's just one little problem: The Church *can't* redefine her nature, because her nature cannot change, it having been given to her by God Almighty (for the dogmatic teaching on the Church's nature, see, for example, Rev. Ludwig Ott, *Fundamentals of Catholic Dogma* [1954], trans. by James Canon Bastible [Rockford, IL: TAN Books, 1974], pp. 270-324). For someone who boasts a doctorate in Sacred Theology, this shouldn't be too difficult to remember. Then again, for a modernist heretic, it's all a different story. But here we go "jumping the gun" once again (wink, wink).

For those who now jump up and scream, "No, this is just ambiguous, maybe he meant it in an orthodox sense," let's just kindly remind them that any idea that he could have meant it in an orthodox sense – whatever that would be – was positively and irrevocably destroyed in the 26 years of his "pontificate," in which he made clear that the church *he* believed in was ecumenical in nature and definitely *not* identical with the Catholic Church of Pope Pius XII! Twenty-six years of Wojtyla's theology in action simply leave no room for doubt.

They leave no room for genuine ignorance, either. Even so, we have already seen that ignorance regarding things that pertain to one's ecclesiastical office, even if real, would be entirely *non-excusing* from a penalty, according to the mind of the Church (see Swoboda quote in section (14) above). Therefore, if it could not even excuse from incurring a non-automatic penalty (and penalties can only be applied if there is actual *guilt* in the accused), much less could it somehow prevent automatic loss of office, which is *not* a penalty.

As a rule of thumb: Next time you hear from a modernist-defending lawyer that a certain cleric in the Novus Ordo Vatican is possibly "ignorant" of some basic Catholic teaching, just remind yourself that he's probably not *ignorant* of it, just *ignoring* it.

There's a difference.

(16) Some Philosophical Considerations

Before wrapping up this rebuttal, let us delve into a few *philosophical* considerations that never get much attention in the controversy about sedevacantism and the New Church, but that are of great importance: We must distinguish *cause* from *effect* and keep in mind that knowledge of the effect can be had without knowledge of the cause. Put into everyday language: We must distinguish knowing *that* something is the case from knowing *the reason why* it is the case.

Applied to our discussion, the *effect* is that Joseph Ratzinger is not the Pope. The *cause* would be the reason why he is not the Pope: because he is not a Roman Catholic (but an apostate or at least a heretic).

But is it necessary to know *why* he is not the Pope to know *that* he is not the Pope? Is it necessary to know *why* it is raining to know *that* it is raining? Not at all.

According to right reason – exemplified in traditional Catholic scholastic philosophy – there are two ways something can be demonstrated to be true: (1) directly and (2) indirectly.

In a *direct* demonstration, a truth is shown to follow directly from (because it is implicitly contained in) two premises. For example, the truth "Socrates is mortal" follows directly and necessarily as a conclusion from the premises "All men are mortal" and "Socrates is a man." The premises virtually contain the conclusion already – all we need to do is make the conclusion explicit.

In an *indirect* demonstration, sometimes called *reductio ad absurdum*, a truth is proved by assuming its opposite and then demonstrating that this opposite leads to absurdity. For example, the Principle of Identity, which is one of the first principles of philosophy and thereby of all reality, states (put in simple terms) that *a thing is what it is*; a thing is identical with itself, and, therefore, not with anything else. This principle is so basic and elementary that it cannot be demonstrated *directly* because it underlies all of reality. It can, however, be demonstrated *indirectly*, by assuming its opposite and then showing that this opposite leads to absurdity: If it is not true that a thing is what it is, then a thing is what it is not. So, let's take a sheep, for example. If a sheep is not a sheep, then it is everything that is not a sheep. Hence, a sheep is a fly, a radio, a week, ink, a boundary, a letter, an uncle, etc. But this is silly and clearly false; it is absurd. Thus we have demonstrated that the *opposite* of the Principle of Identity is absurd; but if the opposite of the Principle of Identity is absurd, then the Principle of Identity itself must be true.

All of this is basic traditional logic. What does it have to do with John Salza and sedevacantism?

Quite simply, throughout his two articles against sedevacantism, Salza seems to imply that we can only know sedevacantism is true if we can demonstrate it *directly*, that is, if we can demonstrate that the cause (Joseph Ratzinger is not a Roman Catholic) necessarily entails the effect (he is not the Pope). But this is not true. It is *one* way to argue for sedevacantism, but not the only way. Another way – and this is the way the present writer prefers very much – is to demonstrate the truth of sedevacantism *indirectly*.

We just saw that to demonstrate something indirectly, we must assume its opposite and then show that this opposite leads to absurdity. So let's go ahead and do just that; but, to simplify things, let's use the broader argument for sedevacantism and argue not only that Benedict XVI is not the Pope but that the Novus Ordo Church is not the Catholic Church:

<u>Truth we want to demonstrate:</u> The Novus Ordo Church is *not* the Catholic Church.

Assuming the opposite: The Novus Ordo Church is the Catholic Church.

Argument: If the Novus Ordo Church is the Catholic Church, then, according to Catholic theology, she is incapable of doing certain evil things (such as promulgating evil disciplinary laws for the whole Church, teaching false doctrine, leading the faithful into impiety). But the Novus Ordo Church *has* done such evil things (she has promulgated the 1983 Code of Canon Law, the 1993 Directory on Ecumenism, the New Mass and New Sacraments, the New Catechism, etc.). This is a contradiction and therefore absurd.

<u>Conclusion:</u> Since the opposite we have assumed leads to absurdity, the truth we want to demonstrate must be true. Therefore, the proposition "The Novus Ordo Church is *not* the Catholic Church" is true.

Note that the above argumentation leads with certitude to the conclusion *that* the Novus Ordo Church is not the Catholic Church. The issue of *why* the Novus Ordo Church is not the Catholic Church, has not been addressed, but, as is plain to see here, the reason why need not be known to know the *fact*.

Ultimately, for our practical purposes, the reason *why* all of these things are so is not as important as knowledge of the fact *that* they are so. So, for people who find all this theological stuff about heresy and pertinacity and canon law, etc., to be over their heads, it will be consoling for them to remember that there is no need to figure all of this out. To be able to know that Fr. Ratzinger is not a true Pope, it suffices to know that the Novus Ordo Church has done things the Catholic Church is divinely protected from doing. It therefore cannot be the Catholic Church. Likewise, the Novus Ordo "Popes" have done things true Popes cannot do (such as promulgating the 1993 Directory on Ecumenism). They therefore cannot be true Catholic Popes.

It's really as simple as that. It would therefore behoove John Salza to keep in mind that even if it could *not* be proven that Benedict XVI, John Paul II, etc., have been public heretics, sedevacantism would suffer no blow. All it would mean is that the *cause* of their non-papacy is something other than public defection from the Faith (there are other things that can keep a papal claimant from being a valid Pope, such as there already being a validly reigning Pope when the claimant was elected).

Will anyone who calls himself traditional really deny that the Novus Ordo Church has been the direct cause of unspeakable spiritual harm to the world? And yet, how could this harmful *effect* possibly have had as its *cause* the Immaculate Bride of Christ?

Dear non-sedevacantist reader: Is the Pope Catholic? (This was always a rhetorical and funny question because everyone understood that there is no such thing as a Pope who isn't a Catholic!)

(17) Concluding Thoughts: A new Lowlight for the Anti-Sedevacantists

We have to hand it to John Salza: He definitely knows how to make a poor case look impressive. That's good for his defendant, but not good for those objectively searching for the truth. His "Sedevacantism and the Sin of Presumption" was a preposterous attempt to fight the only position that makes sense in this whole disaster: that the "authorities" in Rome are not what they claim to be, and that the very institution there is a false modernist church masquerading as the Roman Catholic Church, while undermining the True Faith from within. Pope St. Pius X had warned us:

Although they [the Modernists] express their astonishment that We should number them amongst the enemies of the Church, no one will be reasonably surprised that We should do so, if, leaving out of account the internal disposition of the soul, of which God alone is the Judge, he considers their tenets, their manner of speech, and their action. Nor indeed would he be wrong in regarding them as the most pernicious of all the adversaries of the Church. For, as We have said, they put into operation their designs for her undoing, not from without but from within. Hence, the danger is present almost in the very veins and heart of the Church, whose injury is the more certain from the very fact that their knowledge of her is more intimate. Moreover, they lay the ax not to the branches and shoots, but to the very root, that is, to the faith and its deepest fibers. And once having struck at this root of immortality, they proceed to diffuse poison through the whole tree, so that there is no part of Catholic truth which they leave untouched, none that they do not strive to corrupt. Further, none is more skillful, none more astute than they, in the employment of a thousand noxious devices; for they play the double part of rationalist and Catholic, and this so craftily that they easily lead the unwary into error. . . .

(Pope Pius X, Encyclical *Pascendi*, par. 3; at http://www.papalencyclicals.net/Pius10/p10pasce.htm)

Does this warning not describe the Novus Ordo Church to a T?

Unfortunately, this rebuttal has turned out a lot more lengthy than originally anticipated (especially when you add Parts 1 and 2 together). This wasn't meant to be, but the errors of John Salza are so numerous, so grave, and so goofy that about 10 pages of Salza on sedevacantism necessarily result in roughly 60 pages of rebuttal. Unlike Salza's indictment, this rebuttal tried very hard not to simply *assert* things but also to offer genuine researched *evidence* as backup for these assertions, showing that the sedevacantist position is correct and Salza's arguments are flawed.

True, sedevacantism is a "difficult" position to accept; difficult in an *emotional* sense, that is. It's just not fun, and it creates a lot of inconveniences and complications in life. Moreover, there are many questions with no certain or only open-ended answers. It is better, however, to have questions with no certain answers than to have *contradictions*. That is what distinguishes the sedevacantist position from the SSPX-like "recognize-but-resist" position; the former may have difficulties, but the latter has contradictions. The former can simply use the old theology and canon law books and lay them out as the truth, as this essay has done; the latter has to come up with new ideas to justify its stance and suppress or change the prior teachings, for example, regarding the binding authority of the Church's Ordinary Magisterium, or regarding the Church's infallibility in her universal disciplinary laws.

Whenever someone has to come up with a new idea to justify a position or twist and butcher Church teachings or laws, that is a reliable indicator that you're probably being given not sound doctrine but, to put it bluntly, pseudo-Catholic poppycock. The best way to ensure you're not being fed balderdash is to challenge the person you are speaking with to produce quotes from reliable Catholic theologians (pre-1958, obviously), canonists, and similar authorities, rather than quotes from primary sources, such as papal encyclicals, councils, canon law, or Holy Scripture.

The reason for that is that it is easy for people to use selected quotes from primary sources to cobble together their own ideas (as the Feeneyites like to do, and as John Salza has done here), even unwittingly. What really matters is whether the Church's approved theologians – that's the clerics whom the Church herself has commissioned and tasked with expounding, explaining, and defending sacred doctrine, and through whose contributions many magisterial statements are drawn up – understand Church teaching and laws in the same way. If not, consign the ideas to the theological wastebasket, because then they are "novel," most probably false, and definitely not reliable. (The Church has always viewed novelty with great suspicion, to say the least.)

A case in point is what one famous "recognize-but-resist" author has recently stated, namely, that in his opinion, a Pope ceases to be a valid Pope when enough of the faithful refuse him obedience. (Yes, seriously, that was his argument.) Needless to say, he did not quote any theologian or canonist to back up this hapless idea – it was simply himself, his own reasoning, cobbled together from different things he thought he had found in history, Sacred Scripture, and Church teaching. But if history, Sacred Scripture, and the Church taught such a concept, surely at least one theologian would have picked up on it, no?

To sum up: Whenever someone only uses primary sources to back up a certain position he seeks to put forth, unless he can quote Church-approved theologians, canonists, etc., he is simply being his *own* theologian, doing theology *on his own*, and, of course, such a thing is neither praiseworthy, nor permitted, nor can it be done without grave danger to himself and others.

We have seen that John Salza's efforts to debunk sedevacantism have not only failed but also backfired tremendously. Not only was sedevacantism not refuted, he actually gave it all the more credence by using arguments which, when analyzed, researched, and challenged, actually confirmed the idea that there is *no way* Ratzinger could possibly be the Pope.

What is very puzzling about Salza's approach (for example, his pontificating on what Canon 188 n.4 does and doesn't mean or imply) is that it apparently never occurred to him to go to the library and *just look it up*. Why speculate about what the Church means? Why interpret canon law on your own? Why not simply go and look it up? It's not like nothing has been written on this. It's not like the Church has left us all in doubt since 1917 about what this canon means or when and how it applies. Why not do the research? Why not at least go through some digitized works on Google Books to see what canonists have written about this? This is puzzling, simply puzzling.

In truth, it would not be unfair to say that with John Salza's two essays on sedevacantism, the antisedevacantist "recognize-but-resist" crowd has reached a new low. There is nothing wrong with discussing and debating these issues on genuine philosophical, theological, moral, and canonical grounds, with a sincere interest to arrive at the truth. But what we ought very much to shy away from is these pseudo-scholarly, pseudo-theological "pop articles," which often are no more than selectivelyresearched opinion pieces by people who don't know what they're talking about (would the Church really want lawyers and journalists doing theology?). This is the second time now that the "recognizebut-resist" crowd has had a secular American lawyer try to deconstruct sedevacantism, only to have it all blow up again in their face.

It is one thing to pen an article that has incomplete research behind it and that therefore unintentionally contains serious error. But with "Sedevacantism and the Sin of Presumption," John Salza has definitely exceeded the bounds of the tolerable. It is such a shoddy work that in almost every single sentence one can find a flaw, an exaggeration, an untruth, an ipse dixit, a misunderstanding. What is perhaps the most astounding is that *Catholic Family News* would stoop so low as to publish it. Many of Salza's errors are so glaring and elementary – such as his claim that presuming pertinacity in "papal" heresy is the "sin of presumption," or his casual assertion that sins against the Faith are the worst of all sins – that one is puzzled that no one at *Catholic Family News* caught this before it went to press. Perhaps they are all equally blinded by their zeal against sedevacantism.

We must always keep before us that all this is not a game. This is all very serious, and many souls are at stake. We are talking about properly identifying an institution in Rome as either the Spotless Bride of Christ or the Whore of Babylon; as either the Mystical Body of Christ or the "ape" thereof; as one that either guarantees the purity of sound doctrine or cunningly disseminates every pernicious error under the sun.

Honestly, it's not that hard. In fact, asking the very question, "Is this the Immaculate Bride of Christ, or a devilish whore?", is providing the answer in the same breath. For no one could hesitate in his answer without gravely insulting Our Lord and His Church. Even so much as having to ask the question betrays the fact that it cannot be the Catholic Church, for about the Catholic Church there can be no doubt. When Christ's Bride stands in front of you, no one can doubt whether She be His Bride. To doubt it would be an insult, a blasphemy, against Our Lord and Redeemer. If you notice a stain, a defilement, a wrinkle, then you are not looking at His Bride. If you have to "suspect" her of impiety, of doctrinal infidelity, of leading souls astray, then she cannot be His Church. If you have to "resist" her to keep yourself from losing the Faith or good morals, or from engaging in liturgical sacrilege, then you know you are not dealing with the Church Our Lord founded.

We all have friends in the "recognize-but-resist" crowd, and we know that they, too, hold their noses at

the abominable stench of modernism that emanates from Rome and pervades the entire "Catholic" world. This suffices to show we are not dealing with the Catholic Church but with an imitation, and a pretty sorry one at that. Our Lord would never want us to *resist* His Church, but to *embrace* her. The Catholic faithful do not have to "guard" themselves against the Church, lest they be led astray, but know her to provide for them, faithfully and lovingly, all they need for their eternal welfare.

Did Our Savior not guarantee that the See of Rome would always be *the* reliable guide of orthodoxy for us? His promise to St. Peter was, "But I have prayed for thee, that thy faith fail not: and thou, being once converted, confirm thy brethren" (Luke 22:32). Our Lord Himself guarantees that the faith of St. Peter will not fail, which means that the See of St. Peter will never be stained by error:

- 4. It was for this reason that the bishops of the whole world, sometimes individually, sometimes gathered in synods, according to the long established custom of the Churches and the pattern of ancient usage referred to this Apostolic See those dangers especially which arose in matters concerning the faith. This was to ensure that any damage suffered by the faith should be repaired in that place above all *where the faith can know no failing*. [...]
- 6. For the Holy Spirit was promised to the successors of Peter not so that they might, by his revelation, make known some new doctrine, but that, by his assistance, they might religiously guard and faithfully expound the revelation or deposit of faith transmitted by the apostles.

Indeed, their apostolic teaching was embraced by all the venerable fathers and reverenced and followed by all the holy orthodox doctors, for they knew very well that *this See of St. Peter always remains unblemished by any error*, in accordance with the divine promise of our Lord and Savior to the prince of his disciples: I have prayed for you that your faith may not fail; and when you have turned again, strengthen your brethren.

(Vatican Council, Dogmatic Constitution *Pastor Aeternus*, Ch. 4, par. 4,6; italics added)

It's kind of hard to apply that to the New Church with a straight face, isn't it?

Based on what John Salza has argued, one pretty much has to reinterpret Our Lord's words from "Thy faith shall not fail" to "Thy faith shall indeed fail but no one will be able to know for sure you actually meant it because no one will have access to your mind." Likewise, Our Lord's assurance to St. Peter that "the gates of hell shall not prevail" against the Church (see Matthew 16:18) would become caricatured as, essentially, "the gates of hell shall not prevail, for no one can assume you actually mean what you say." This, of course, makes a total mockery of Our Lord's glorious protection of indefectibility for His Church. In fact, if the Novus Ordo Church could still be the Catholic Church, despite everything, of what use would indefectibility be? What significance would it have? Isn't it supposed to be a *protection* – rather than a meaningless product of rhetorical sophistry?

It is clear that when the Holy Catholic Church teaches that the Holy See can never fail, can never be stained by any error, then she means exactly that – and not that in the event it *does* fail, there will be a self-appointed doctrinal babysitter (such as the Society of St. Pius X, Christopher Ferrara, or John Salza) to do plenty of sifting and resisting. Such a scenario could only qualify as "absurdity on stilts."

The Catholic Church does not need a doctrinal watchdog. She *is* the doctrinal watchdog. The Holy See's doctrine is subject to review by no one, not even by the Society of St. Pius X. When, in the history of the Church, was the Holy See ever *wrong* on any doctrine? Never, of course! That's the whole point! The people in the Society of St. Pius X ought to know that by the time you have to "negotiate" with

Rome and try to "convert" them back to the True Faith (which they sneakily refer to simply as "Tradition" – sounds so much smoother), you are no longer dealing with the Holy See. For the Holy See, forever unimpaired by any error, will never need conversion, but rather rightly demand people convert to it.

It is not difficult to see, then, why a heretic could never validly ascend to the papacy, nor validly retain it. But by Mr. Salza's reasoning, apparently even the notorious apostate Hans Küng could become Pope, if only he were elected. He was never excommunicated by the New Church and was even hosted by Benedict XVI for a friendly chit-chat one day in 2005, so, according to Salza, he must be a Roman Catholic. And, who knows? Maybe all his life he was subjected to peer pressure or was the victim of misplaced zeal or diabolical disorientation. (Poor Hans!) Besides, remember that for Salza even an apostate can validly be elected Pope (see Part 1 of this rebuttal for that discussion), so Küng has his bases covered.

Tragically, it is this sort of pseudo-theological silliness that has kept the Modernist Anti-Church in operation for so long.

Please allow me to close this rebuttal by quoting the brilliant Fr. Felix Sarda y Salvany, praised by Pope Leo XIII for his fierce opposition to modernism and liberalism:

There is then no sin against charity in calling evil *evil*; its authors *abettors* and its disciples *bad*; all its acts, words, and writings *iniquitous*, *wicked*, *malicious*. In short, the wolf has always been called the wolf; and in so calling it, no one ever has believed that wrong was done to the flock and the shepherd.

If the propagation of good and the necessity of combating evil require the employment of terms somewhat harsh against error and its supporters, this usage is certainly not against charity. This is a corollary or consequence of the principle we have just demonstrated. We must render evil odious and detestable. We cannot attain this result without pointing out the dangers of evil, without showing how and why it is odious, detestable and contemptible. Christian oratory of all ages has ever employed against impiety the most vigorous and emphatic rhetoric in the arsenal of human speech. In the writings of the great athletes of Christianity, the usage of irony, imprecation, execration and of the most crushing epithets is continual. Hence the only law is the opportunity and the truth.

But there is another justification for such usage. Popular propagation and apologetics cannot pre-serve elegant and constrained academic forms. In order to convince the people, we must speak to their heart and their imagination, which can only be touched by ardent, brilliant, and impassioned language. To be impassioned is not to be reprehensible – when our heat is the holy ardor of truth.

(Fr. Felix Sarda y Salvany, *Liberalism is a Sin* [1899], trans. and adapted by Conde B. Pallen [Rockford, IL: TAN Books, 1993], pp. 97-98; italics given)

Fr. Sarda y Salvany's book *Liberalism is a Sin* is an absolute masterpiece. Every Catholic ought to read it. Fr. Sarda takes liberalism and modernism apart; he tears off their mask, exposes their tactics, and destroys their excuses. At the end of that work, there is not one scrap left of the Novus Ordo religion – he buries it completely, about 60 years before it ever came into being.

Dear traditional Catholic reader, follow such brilliant Church-endorsed thinkers as Fr. Felix Sarda y Salvany, Msgr. Joseph Clifford Fenton, Fr. Reginald Garrigou-Lagrange, St. Robert Bellarmine, and St.

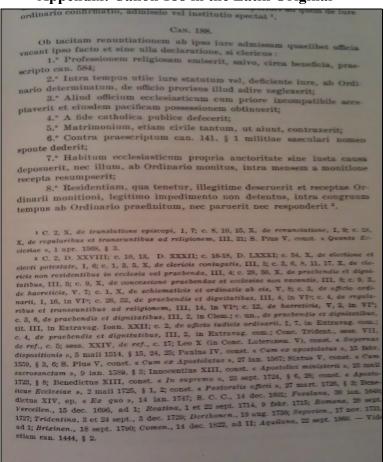
Thomas Aquinas – not the rhetoricians, journalists, and lawyers of the "recognize-and-resist" crowd, whose "research" is only geared towards towards defending Fr. Ratzinger's claim to the papacy, a claim which, if upheld, merely serves to give false legitimacy to the apostate church in Rome, thus keeping the True Church fettered and humiliated. These people may mean well, but they are simply blind, whether by choice or by circumstance: "And if the blind lead the blind, both will fall into the pit" (Matthew 15:14b).

Yet, let us not allow the truth about the *sede vacante* state of our Holy Mother the Church be a cause of consternation to us, but one of hope. The passion and eclipse of the Church will end, just as did the Passion of Our Lord – of that we are infallibly certain: "O foolish, and slow of heart to believe in all things which the prophets have spoken. Ought not Christ to have suffered these things, and so to enter into his glory?" (Luke 24:25-26). If Our Lord, who is the Invisible Head of the Church, had to suffer and undergo the Passion, why not also His entire Mystical Body, the Church, with her Visible Head, the Vicar of Christ, the Pope?

The sooner more and more people recognize that the False Church of Vatican II in Rome *is not* and *cannot be* the Roman Catholic Church of Our Lord Jesus Christ, the sooner, no doubt, Our Blessed Lord will deign to bring to an end the eclipse of His Church and restore her to full glory.

Gregorius I-VI-MMXII

Appendix: Canon 188 in the Latin Original



(Source: Codex Iuris Canonici, New York, NY: P. J. Kenedy & Sons, 1918, p. 47)