

VATICAN

Dismissals and promotions, the Pope cannot act as an absolute sovereign

ECCLESIA

09_01_2025



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The Pope "by virtue of his office has supreme, plenary, immediate and universal ordinary power over the Church, a power which he can always exercise freely" (Code of Canon Law, canon 331). Supreme, plenary, immediate and universal: four adjectives that

express the Catholic faith regarding the power given to the Successor of the Apostle Peter, Vicar of Christ and Pastor of the universal Church. No abuse committed by those chosen to exercise the Petrine primacy can lead to the sacrifice, in theory or in fact, of this truth of faith.

However, we must be careful not to understand this power according to the canons of absolutism or even despotism, as if it were an unlimited power. The authority of the Supreme Pontiff is truly full and supreme because it comes from Christ and is exercised as the Vicar of Christ; this means that the plenitudo potestatis is by definition limited, as long as it is understood as a limitation not from below but from above. The Pope is above all the one who must refrain from any arbitrariness, from any whim, in order to be fully available to exercise his function as the Vicar of Christ, and not as the servant of his own personal feelings or of the deviant logic of this world. He is, therefore, the most bound of all to what comes from the divine will: divine natural law, divine positive law, the divine constitution of the Church, the salvation of souls.

The Pope's power has limits: before this truth, both the delirious waves of absolutism, which conceive of authority as free from all higher norms, and that relativism and democraticism which see in the Pope's authority the execution and representation of a vague popular sovereignty, break down. But it is clear that, in view of the new decisions of Pope Francis, it is more urgent to reiterate the first horn of the dilemma, and in particular that the Pope can act *contra legem* (human), but not *contra iustitiam*. This refers in particular to [the appointment of Sister Simona Brambilla](#) as Prefect of the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life and the ["removal" of Bishop Dominique Rey](#) of the diocese of Fréjus-Toulon.

The Apostolic Constitution *Prædicare Evangelium* had already established that "any one of the faithful" could "preside over a dicastery or an organism, in view of its particular competence, power of governance and function" (II.5). Cardinal Ghirlanda had justified this novelty by stating that the presidency of a curial body depends directly on the power conferred by the Supreme Pontiff, regardless of having received Holy Orders. In the appointment of the new Prefect, the potestas regimini seems to be completely independent of the Sacrament of Orders, a sign that the line that Cardinal Ghirlanda has been developing since his doctoral thesis has now taken hold during this pontificate.

This is an important point. The power of order and the power of jurisdiction are indeed different: the former is sacramentally conferred to perform sacramental acts and cannot be revoked (although it can be limited); the latter is non-sacramentally conferred by the Church to perform acts of governance and can be revoked. Nor is it a secret that

some lay persons who have received the faculty may perform certain acts of governance, such as judicial acts.

However, canon 129, § 1, goes on to affirm that those who have been given the sacred faculties in accordance with the prescriptions of the law are "qualified for the power of governance, which is properly vested in the Church by divine institution and is also called the power of jurisdiction". In a reply of 8 February 1977, the Congregation for the Doctrine of the Faith stated that "dogmatically, the laity are excluded only from those intrinsically hierarchical ministries whose capacity is linked to the reception of the sacrament of Holy Orders". This means that the attribution of certain hierarchical ministries to the laity would be in contradiction with the hierarchical structure of the Church, since they derive precisely from the hierarchical structure of the Church willed by the Lord Himself. The response added that the determination of what these ministries are "is a matter for the "ad hoc" bodies established by the Holy See" and also recommended "the greatest care to avoid the creation of a lay pastoral ministry in competition with the ministry of the clergy". It goes without saying that this definition is not arbitrary, but the result of an appropriate theological study.

It is legitimate to ask which of these "ad hoc institutes" identified these intrinsically hierarchical ministries and by what document they were made known. Similarly, it is legitimate to ask whether the appointment of a nun as Prefect of an important dicastery, as well as the appointment of lay women as episcopal delegates, who in fact exercise all the powers of an episcopal vicar (see here), have not already reached the point where they are not only a matter of theology, but also of the Church's authority, have not only reached the limit of competition with the ministry of the clergy, but have gone far beyond it, since it is incomprehensible what urgent and grave need could have led the Pope to appoint a "prefect of nuns", if not to pay homage to the ideology of ministeriality and to "Catholic feminism".

No less perplexing is the forced resignation of a bishop, Mgr Dominique Rey, which sounds like yet another unjustified dismissal (for a non-exhaustive list, see here). Msgr. Rey, having seen his authority and even priestly and diaconal ordinations frozen in his own diocese, has preferred to comply with the resignation requests made by Pope Francis through the Nuncio, thus distinguishing his situation from that of Msgr. Joseph Strickland, who instead refused to submit his resignation, forcing Francis to make an unjust removal. It is likely that the French bishop wanted to avoid more serious retaliation against the diocese of Fréjus-Toulon and its clergy; a possible refusal by Rey, perhaps desirable, would most likely have led the Pope to commit a new abuse of his

authority (see here), an authority used to commit an injustice.

And here we return to the starting point: the Pope cannot do whatever he wants, he cannot act against the common good, he cannot destroy the Church, he cannot act against justice. The fact that no one in the Church has the power to judge the reigning Pope does not mean that one cannot and must not judge his actions, and possibly even resist him when he contradicts divine decrees. Just as it is right and proper for those who share with him in the government of the Church to correct and admonish him. It may be discouraging that the Church has no means of removing and punishing the Pope, but it must always be remembered that the reality of the Church is completely incomprehensible outside a perspective of faith, the faith that led St Thomas to indicate recourse to God as an effective solution in those situations in which it is not possible to appeal to a superior: "If there is no superior, let him have recourse to God, who corrects him or takes him out of the way" (Commentary on the Sentences of Peter Lombard, IV, d. 19, q. 2, a. 2, qc. 3, ad 2).