

CANON LAW

It takes more than priests and laity to declare a Pope illegitimate

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In the [previous article](#), dedicated to Father Giorgio Maria Faré's [Never Give up on that Lion Never Benedict's XVI's declaratio: A Canonical and Historical Analysis](#), two questions were left open for consideration: that the doctrine of the peaceful and universal

adherence (APU) of the Church contradicts canon law; that in any case this doctrine would not apply to the present situation.

Let us begin with the second and consider Faré's explanation: 'even if one considers the principle [of the APU, ed.] valid, it would not apply to the case we are addressing because it presupposes profound communion and consensus within the Church itself, elements that are currently undermined by the presence of numerous and dissenting voices, even if they are a minority. Consequently, one cannot speak of "universal and peaceful" consensus. Additionally, it is important to consider that the debate about the validity of Bergoglio's election has been subject to 'media and ecclesiastical censorship'. Similarly, the cardinals' adherence may also, according to Faré, not be free because it could be "coerced by blackmail or fear".

Let us look at each of these statements. Unfortunately, it is a serious misunderstanding of the doctrine of the APU to hold that it only applies when there is an unspecified 'profound communion' with the Pontiff, or persistent dissenting voices are absent. In reality, the APU simply requires that none of the cardinal electors, or at least of the college of bishops, have raised doubts about the legitimacy of the Pontiff's election in due time and have therefore refused to endorse a specific cardinal as Pontiff. That there are lay people or priests to contest this fact, moreover not a few years after the conclave had closed, in no way invalidates the principle of *adhæsiō*, which does not require a particular quality of 'communion and consensus' in the Church, a condition that is moreover very difficult to assess, nor does it depend on the presence or absence of an alleged fear on the part of the cardinals, a criterion that is no less problematic to verify. That one must refer to the doubt of the cardinals and the episcopal body, who do not adhere in their entirety to the 'Pope', and not to the 'delayed' dissent of a group of simple faithful, is also confirmed, as seen in the previous article, by the case of Urban VI, which Faré, citing a text of canon law, reports. The election of Urban VI, in fact, was contested by almost all the cardinal electors and therefore in that case one cannot evidently speak of such an *adhæsiō*.

Let us now suppose that the generic discordant voices, hypothesised by the author, would suffice to legitimately question the election of a pope. We should conclude from this that no pope, from Roncalli onwards, would certainly be such, since the discordant voices of the sedevacantists and the various sedevacantist branches persist and increase over time. Similarly, we would also have to assume that no papal election would be safe from the possibility of contestation by potentially adverse groups and thus there would rarely be any certainty of a pope's legitimacy. A situation that Faré

himself would certainly not accept. And so it is precisely for this reason that the Church teaches the certain doctrine of the APU as a dogmatic fact.

So, it is one of two things: either this doctrine is substantially nullified, since 'discordant and persistent voices' of laypeople or priests would suffice to cast doubt on the legitimacy of the reigning Pontiff, with the aforementioned consequences and leaving the Church perpetually at the mercy of disputes between canonists, journalists, groups; or it refers to the 'dissent' not of any voice, but of the voice of those directly involved in the election of the Pope, namely the cardinals, and of those who share with the Pope, as a college, supreme power in the Church, with whom presbyters and the faithful can certainly also associate. Their possible challenge is in fact easy to verify and safeguards against undue extensions of 'dissent' that would make the question of the legitimacy of the present Pope, questionable.

The argument that the faithful could not have developed doubt about the validity of the election because of alleged media censorship (but which ones? The web is overflowing with people who do not recognise Bergoglio as pope!); nor does it make sense to resort to a hypothetical fear of the cardinals, which is far from demonstrable and, among other things, denied by those cardinals that the *Daily Compass* has contacted in recent years on this issue, and who have categorically denied that there are elements to support the invalidity of the election of Pope Francis. As we will see in a future article, this position stems from a misunderstanding and denial of the doctrine concerning the APU.

Let us now look at the objection of an alleged contradiction of this doctrine with canon law. This is what Faré states: 'as demonstrated by the lawyer Ferro canale [cf. Dissertation in point of Canon Law on Socci's thesis and Boni's reply, n.d.a.], this principle - which, I recall, is not a legal norm - is at odds with Canon Law'. First consideration: the legal norms laid down for the validity of the conclave are precisely the instrument that the cardinals have to oversee the correctness of the election of the Pope; which means that it is precisely on the basis of them that they can challenge the legitimacy of an election. Moreover, they are also the instrument for settling the matter when the *adhæsiō* is lacking; something that is not always easy, as is shown by the fact that, in the course of Church history, a number of pontiffs have been included in the list of popes who, on closer inspection, were then expelled. But these were precisely cases of contested elections by cardinals and bishops, who therefore did not recognise a certain cardinal as pope and caused the universal and peaceful adherence to fail.

The doctrine of the APU does not annul these juridical instruments, but simply

affirms that when the universal Church, represented by its legitimate pastors, adheres to the elected, recognising him as Pope, this means that all the requirements have been fulfilled, or, according to for example, the theologian Cardinal Louis Billot, that any problems are in fact healed.

It is therefore surprising that the thesis is put forward that the APU is seen as a dangerous encumbrance for canon law, to the extent that it is considered necessary to sacrifice it. It is quite evident that, in this way, 'canonical reason' completely detaches itself and even sets itself on a collision course with dogmatics. Because the 1998 Doctrinal Note of the Congregation for the Doctrine of the Faith, commenting on and clarifying the 1989 *Professio fidei*, expresses the following with regard to the APU: 'With reference to the truths connected with revelation by historical necessity, which are to be held definitively, but which cannot be declared as divinely revealed, one can indicate as examples the legitimacy of the election of the Supreme Pontiff or the celebration of an ecumenical council, the canonisations of saints (dogmatic facts); the declaration of Leo XIII in the Apostolic Letter *Apostolicæ Curæ* on the invalidity of Anglican ordinations'. The faithful are thus obliged to assent fully and irrevocably to those truths connected with Revelation, which the Church proposes as such. And among these we find precisely the question of the legitimacy of the Pope universally and peacefully recognised by the Church. To hold, therefore, that the APU is contrary to canon law is tantamount to asserting that a teaching that the Church proposes to believe in a definitive manner would in fact be detrimental to law. Faré's position therefore demands that what the Church asks to be accepted with full and irrevocable consent is instead to be rejected, so as not to harm the law; and therefore that that consent to be given definitively is in fact revocable. This creates a serious short-circuit, potentially extendable also to other teachings that the Church requires to be believed definitively, such as the prohibition against ordaining women, the condemnation of euthanasia, the condemnation of contraception, etc.

To doubt that the pope whom the Church has recognised as such - since no cardinal or bishop has challenged the validity of Bergoglio's election - is in fact the pope, is to hold that what the Church proposes to the faithful as definitive teaching is in fact revocable, thereby dynamiting the entire structure of the Church's magisterial teaching.

In the next article we will examine the content, meaning and cogency of the APU.