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Polemic against Francis

Universal acceptance of the Pope is always valid

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Luisella Scrosati

A well known Italian Carmelite and spiritual director of a large group of faithful, Father Giorgio M. Farè, is the latest to denounce the validity of Pope Francis's election and being a priest he has also announced he no longer celebrates mass in communion with the Pope. He recently explained his position in a very long homily, delivered on Sunday 13 October, and in a paper of some 30 pages (plus bibliography) titled, *Non consegnerò il Leone. The case of Benedict XVI's Declaratio: a canonical-historical analysis*

, (Never Give up on that Lion. Benedict's XVI's declaratio: A Canonical and Historical Analysis) creating considerable disorientation among the faithful. In essence, the Carmelite priest brings a series of arguments to support a position that he summarises as follows: 'Benedict XVI never really resigned and, therefore, Pope Francis is not Pope'. In our analysis, to which in time several articles will be devoted, taking in to account the text and not the audio, for the simple reason that, as a rule, a written text allows the author to express his thoughts in a more extended, complete and argued manner.

A first aspect that stands out negatively is the brief space Father Farè dedicates to the Church's peaceful and universal acceptance of the pope as confirmation of the legitimacy of his election: just over twenty lines and barely four notes. The author extracts an initial argument from a dissertation by lawyer Guido Ferro Canale, published on 26 June 2015, in the midst of the uproar agitated by Antonio Socci's book, Non è Francesco (Francis is not the one), published in October of the previous year. Ferro Canale argued that the Church's acceptance would be an argument even contrary to canon law: the law would provide for the null election of the pope under certain conditions, while instead the pacifica et universali adhæsio would affirm that even under those conditions, if there is such an adhesion, the election would be valid.

Farè seems to make this thesis his own, reporting, again on the basis of Ferro Canale, a historical example that would be proof of how 'universal adhesion has not always been a guarantee of the Pope's truthfulness', namely the case of the 'antipope John XXIII (c.a.1370 -1419) whose name remained in the Pontifical Yearbook for 500 years before being expunged'.

This article is dedicated to this historical pretext: is the case of John XXIII, born Baldassarre Cossa, really proof that universalis adhæsio is not reliable? When Cardinal Cossa was elected, on 17 May 1410, to replace the Pisan anti-pope Alexander V, who had died two weeks earlier, Gregory XII (who turned out to be the legitimate pope), supported by some bishops, was still alive. He abdicated only five years later, to allow the Council of Constance to elect a new pope. Thus, Gregory and his side did not accept Cossa's election as legitimate. Neither did the cardinals bound to the obedience of the antipope Benedict XIII accept it. Therefore, of the election of John XXIII everything can be said, except that it was peacefully and universally accepted by the Church.

The fact that until 1946 his name appeared in the Pontifical Yearbook, in no way proves a peaceful adherence of the Church. First of all because his legitimacy was by no means accepted; for example, the entry 'Jean XXIII' in the Dictionnaire de Théologie Catholique (t. VIII/I, coll. 641-644), which dates back to 1924, acknowledges that his

legitimacy was far from universally accepted: ‘Although the Catholic Hierarchy, the official organ of the Vatican, considers him to be the 212th successor of St. Peter, this is uncertain’. And this is not surprising, because, as already shown, Cossa's election was by no means universally recognised, but was blatantly contested; although he had the majority of bishops and cardinals on his side, other bishops and cardinals, including two who were themselves considered popes, did not accept his election. It is therefore more than evident that the evidence brought by Ferro Canale and taken up by Father Faré is not at all supportive of the untenability of universal peaceful accession.

Another serious error is made just before, when the author invokes the fact that he cannot be considered schismatic by virtue of the principle of papa dubius, papa nullus. According to this principle, when doubts are raised about the legitimacy of an election by the cardinals, it is not possible to accuse of schism those who share these doubts and therefore believe that such a pope is not really such. The author quotes a statement by the Jesuit Franz Xaver Wernz in support: ‘Those who refuse to obey the Roman Pontiff because they are suspicious of his person or believe that he was elected in a dubious manner because of widespread rumours, as happened after the election of Urban VI, cannot be considered schismatics’. The quotation, taken from No. 398 of volume VII of Wernz-Vidal's Ius Canonicum, is a classic of sedevacantist literature and is also invoked by those who believe that the See has been vacant since the time of John XXIII (this time, Pope Roncalli).

Let us reconstruct the full context of Wernz-Vidal's statement. The two canonists are dealing with the crime of schism and are therefore expounding which constituents are necessary for such a crime to occur and which do not involve schism. Among those that do not essentially constitute schism, we find disobedience to ecclesiastical laws and doubt regarding the legitimate election of the Pope, if motivated by unspecified ‘rumores ’. The example given is more than sufficient to clarify what is meant by these rumores: the election of Urban VI. What happened to bishop Bartolomeo Prignano, elected on 8 April 1378? That, just four months after the closure of the conclave, his election was contested by almost all the cardinal electors (for the record, the election of Urban VI would instead prove valid). The two canonists, therefore, affirm that in the case of an election contested by the cardinals, doubt as to the legitimacy of the pontiff does not incur the crime of schism, because of the doubt raised.

As can easily be assumed, this statement is perfectly in line with the doctrine concerning universal peaceful acceptance: if the election is openly contested by the cardinals or at least by the legitimate bishops, there is no obligation to consider such a pope as legitimate and therefore the doubt raised does not constitute schism. Not so,

however, for a universally and peacefully accepted election. Father Farè contests - and this constitutes his second argument - that in Bergoglio's case there is no such acceptance. This will be second subject of the next article.