Catholic Family News is pleased to publish the full translation of John of St. Thomas On the Deposition of a Pope in conjunction with an explanation of the text in our paper, courtesy of Father Albert, OP.

But it is asked if in no matter whatever case of heresy and in no matter what way a pope is a heretic, whether he can be deposed; or whether certain conditions are required without which heresy alone is not sufficient to depose a pope. The response is that a pope cannot be deposed, nor lose the papacy, unless two conditions concur, namely that the heresy not be occult but public and juridically notorious; secondly, he must be incorrigible and pertinacious in heresy. Provided these two conditions are fulfilled the pope can be deposed, not, however, without them and no matter how much he might not be an infidel interiorly, if, nonetheless, he behaves exteriorly as a heretic, he can be deposed and the sentence of deposition will be valid. And with regard to the first condition even some Catholics disagree and think that even because of occult heresy a pope loses papal jurisidiction, which is founded on the true faith and its correct profession and for this opinion are cited Turrecremata [and others…]. And some defend this in such a way that even because of mental heresy they think he falls from the papacy because for him to be pope it is required as a necessary condition that he be a member of the Church, since he is the supreme head, and that he be joined to the rock itself upon which the Church is founded, that is, upon faith and the confession of Peter. For just as without even mental faith there is no Church, thus neither is there a papacy, which is founded upon the same confession upon which the Church is founded and thus Christ asked Peter this profession of faith before He promised him the papacy. (…)

V. Others think that it is necessary that the heresy be external and externally proven for him to be able to be deposed from the papacy: thus say Soto [Cano, Cajetan, Suarez, Bellarmine, etc.]. And the reason is because occult heretics, as long as they are not condemned and cut off, are parts of the Church and communicate with her by an exterior communication, although not by an internal spirit; therefore also if the pope is an occult heretic he is not thereby cut off from the Church: therefore he can still be her head, just as he is still a part and a member, although not a live member

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VI. This is confirmed by the fact that without faith they [priests] can exercise acts of Order and of ecclesiastical jurisdiction upon priests inferior to them, for a heretical priest can confect the sacraments and absolve in extreme necessity; therefore even faith is not required for a pope to exercise jurisdiction as long as he is not deposed by the Church, especially because he does not, like his inferiors, incur excommunication by the fact of his being heretical, since he is incapable of this. And finally, because if by the very fact he was an occult heretic he fell from the papacy, even before the Church knew this and judged it, then if he immediately repented by a true penance he would no longer be able to exercise his function and office of pope, because he lost that dignity nor would it be restored by God through penance like grace is restored. Now if he could not exercise it he would be required to resign the papacy, which is certainly something very grave; for it is to oblige him to accuse himself, because he must reveal the cause of his renunciation or at least consult about it, and many other difficulties would follow if by the very fact that the pope was an occult heretic he lost the papacy, for everything would be perplex and the way to schisms would be opened, if before the publication of the judgment of the Church, he would fall *ipso facto* form the papacy because of a fault known, perhaps, to himself alone

VII. And from this is also solved the basis of the contrary argument, because for someone to be a pope it is required that he be a member of the Church according to exterior communication, at least as so far as someone is said to be a member of the Church with regard to government, according to which the pope is the head of the Church, even if he does not participate in her interior spirit by reason of occult heresy or sin and it suffices that he be joined in this way to the rock, and to the Church, that is, according to exterior communication, because he is reputed by the Church as being joined as long as he has not been cut off from her or delcared a heretic. To the objection that the Church cannot remain the true Church without interior faith, we respond that in the same way one could prove that the pope could not remain in the papacy without grace, which was the heresy of Wycliff, condemned among his articles in the Council of Constance, because just as the Church universally speaking cannot be without the true faith, even mental, so also she cannot be without grace. Thus the authority of the papacy is founded on the true faith, not, however, on the personal faith of some person and as anyone according to his own opinion might profess it, but rather on the common faith of the whole Church, in which the pope cannot fail, in the sense that even if he be a heretic personally, nevertheless he cannot teach anything against the faith *ex cathedra*. In this faith, therefore, that is the faith of the chair (*cathedra*) of Peter and his confession, in this the papacy is founded, not in the personal faith even of the person of the pope. But since the Church includes the congregation of all the faithful, it is impossible that they all be without the true faith of God even mentally, just as also all the faithful cannot be without grace

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VIII. The second condition for the deposition of a pope, namely that he be incorrigible and contumacious in heresy, is obvious, for if he is prepared to be corrected and is not pertinacious in heresy, he is not considered to be a heretic, as is said in the text *Dixit Apostolus* XXIV, q. III: therefore if the pope is prepared to be corrected, he can never be deposed as a heretic. Also, since the Apostle only prescribed that a heretic be avoided after a first and a second rebuke, therefore if rebuked he repents, he is not to be avoided : therefore, since the pope must be deposed because of heresy in virtue of this apostolic precept, it follows from the same precept that if he is willing to be corrected he must not be deposed. And since before being deposed the pontiff must be urged to repent, obviously if having been admonished he corrects himself, it seems that it is not possible to proceed farther and depose him. The case of Pope Marcellinus, as is seen in the chapter *Nunc autem*, distinction XXI which we treated of in the preceeding dispute, is pertinent here. For having been declared to be an infidel by the Council of bishops, nevertheless, because he repented and wished to be corrected, he remained in the papacy, and as pope later died for the faith; therefore unless he remain pertinacious and incorrigible in heresy, he must not be deposed from the papacy. See the gloss with Hugo on the chapter *Si papa, citata distinctione* XL, where he holds and declares that if a pope falling into heresy and rebuked falls again, he can be corrected again; but after two rebukes, if afterwards he fall again, even if he is prepared to be corrected, he must not be allowed to, but must be held to be incorrigible and to be deposed. Cajetan gives as grounds for this in his opuscula on the authority of the pope, chapter XXII, the words of the Apostle : “after the first and second admonition, avoid him: Knowing that he that is such an one is subverted (Tit 3:11).” Therefore one who has, according to human judgment, relapsed after a first and second admonition, is considered to be incorrigibile, and thus, lest the admonitions continue forever, the second is held to be enough to consider him as incorrigible after a second admonition

[IX speaks of the loss of the pontificate *ipso facto* by one who loses his mind (it is as if he were dead) and X-XIII deals of other cases, including that of a doubt over who is pope, in which case it belongs to the bishops to convene a Council (as happened in the Great Schism in the fourteenth century)]

XIV. But you will ask whether another case besides the ones mentioned can be admitted for which a pope can be deposed. We respond in the negative : all that can possibly be imagined are reduced to these and for no other can he be deposed. This is the common sentence of theologians [a long list of references follows here…]

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The reason is, first of all, because in law the pope can be deposed for no other crime except heresy as is gathered in the chapter already quoted *Si papa, distinctione XL*, where it is affirmed that the faults of a pope can be rebuked by no mortal unless he be discovered to be erring in the faith; therefore besides the case of faith the pope is to be rebuked for no faults and the same exception is had in the chapter *Oves, XX, questione VII.* Secondly, and more strongly, this argument is based on the fact that according to the law: "the pope is judged by no one," as is found in several codes in which it is said that such ones and their cases are reserved to be judged by God alone [several references are given…] Therefore, the deposition of the pope cannot be done directly by way of judgment or punishment, since he has no superior on earth by which he might be punished or corrected. Therefore he can be deposed only by reason of the indisposition on his part to be the head of the Church, namely because he is separated and segregated from her by abandoning the faith, in such a way that the Church must avoid him; the Church is never bound to avoid him for whatever other sins, no matter how grave they might be, because he has not been segregated from the Church, nor can he be separated from her by excommunication, therefore neither must he be excluded from the papacy: for if he were excluded it would not be because the Church cannot adhere and remain united to him, but because by reason of the faults of the pope she would repulse him as being unworthy of the papacy. This, however, cannot happen except by him who has authority and jurisdiction over the guilty one who is punished for his faults. Therefore, since this power is found in no one, not even in the Church, because the pope has no superior on earth, consequently neither is he to be judged for these crimes. And neither is the pope judged directly for heresy, but because by divine law the Church is required to segregate herself from and not communicate with a heretic, therefore, once the declaration has been made that he is a heretic the Church cannot regard him as her head, because she cannot communicate with him. Now a head to which a body is not united and with which it cannot communicate is not a head

XV. By this doctrine can be resolved the arguments of canonists who hold an opposing opinion with regard to the quoted chapter *Si Papa* (…) and say that the pope can be deposed for simony and other crimes which cause grave damage or scandal to the Church. (…)

XVI.

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Notwithstanding, by the foundation given all these arguments are dissolved: for even if it be true that a criminal pope is a great prejudice to the Church, nonetheless the Church is not bound, nor can she separate herself from communication with him, nor punish him judicially, and thus must hold him to be her head; in the case of heresy, however, she is bound to separate herself from him, as has

212 been said, and because of this heresy she must not treat him as her head. However, she may defend herself, not by deposing him, but by repelling him with force if he proceeds with violence or tyrannically, if, for example, he wished to do something against justice by the force of arms, one could repulse him with arms; and similarly, if he were to establish something against good morals he is not to be obeyed, because an unjust law does not oblige (…)

On the Deposition of a Pope

XVII: There remains a second difficulty that must be treated, namely by what authority this deposition of the pope must take place. And the whole question turns around two things, namely whether the declarative sentence by which the crime of the pope is declared must be done by cardinals or by a general Council: and if it is by a general Council, by whose authority it must be called and to whose power does it belong to judge such a cause. And secondly, with regard to the deposition itself, which is to be done after the declarative sentence of the crime, whether it happen by the power of the Church or rather by Christ Our Lord Himself immediately once the declaration has been made. And with regard to the first point it must be said that this process with regard to the declaration of the crime of the pope does not pertain in any way to the cardinals but to a general Council. This is clear, firstly, by the custom of the Church: (…) and in the laws quoted above it is seen that popes who wished to make satisfaction for some crimes of which they were accused did so before a Council. Secondly, it also is clear that this power to treat of the causes of popes and those things which belong to his deposition has not been committed to the cardinals: it remains therefore in the deposition of the Church whose authority the general Council represents […]

XVIII. But now it remains to explain by whose authority this Council is to be convoked, for it cannot be called by the authority of the pope, since it is called against him; however, a legitimate Council cannot be called except by the authority of the pope, thus the pope could refuse and annul it, if it were assembled against his will, since before the declaration of the crime he is the true pope; therefore whatever Council is convened is under his authority and consequently he can dissolve it if he so wish

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XIX. It is responded that this Council can be called by the authority of the Church which is in the bishops themselves, or in the major part of them; for the Church has the right to separate herself from a heretical pope by divine law and consequently to employ all the means *per se* necessary to accomplish that segregation: now it is a medium necessary and *per se* that such a crime be juridically manifest; however it cannot be juridically manifest unless a competent judgment be formed, but in such a grave matter there cannot be a competent judgment except by a general Council because it is a question of the universal head of the Church, thus it pertains to the judgment of the universal Church which is a general Council […] This is why a pope cannot annul such a Council or refuse it, because he himself is a party [of the dispute] and the Church by divine right has the power to call it for this purpose, because she has the right to separate herself from a heretic

XX. With regard to the second question, however, that is, by whose authority this declaration and this deposition is to be done, there is disagreement among theologians, for it is not apparent by whom this deposition is to be made, since it is an act of judgment and jurisdiction, which cannot be exercised by anyone against a pope. Cajetan in his treatise *De potestate papæ* chapter XX describes two positions which are opposite extremes and two others in between them. One of the extreme positions is that the pope by the very fact (*ipso facto)* that he is a heretic, is deposed without any human judge: the other extreme position is to say simply that the pope has a power superior to him by which he can be judged. One of the intermediate positions says that the pope does not have a superior absolutely, but only for the case of heresy, while the other says that neither absolutely, nor for the case of heresy does he have a superior power over him on earth, but only a ministerial power, just as the Church has a ministerial power to elect [the pope] in so far as it designates the person [who is the pope], not however in such a way that she gives him his authority, because this comes immediately from Christ, as we said in the first article of this question. Similarly also in the deposition, or the destruction of this conjunction by which the papacy is joined to this particular person the Church has a ministerial power of deposing him ministerially; Christ, however, can deprive him [of his power] authoritatively. Azorius follows the first of these two (intermediate) positions, namely that the Church is superior to the pope in the case of heresy. Cajetan, however, follows the second and explains it in detail. Bellarmine recalls his opinion and attacks it in Liber II *De Romano Pontefice*, chapter XX, especially in two things, namely that Cajetan says that a pope who is a manifest heretic is not deposed *ipso facto* and that he is truly deposed by the Church and authoritatively. Suarez in the disputation often quoted, sect. VI, num. VII also opposes Cajetan because he says that the Church in the case of heresy is over the pope as a private person, not in so far as he is pope. Cajetan, however, does not say this, but that the Church is not over the pope absolutely, even in the case of heresy, but that she is over the conjunction of the papacy with this person by dissolving it, in the way that she formed it by the election, which power

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of the Church is ministerial, for Christ the Lord alone is superior to the pope *simpliciter.* And thus Bellarmine and Suarez think that the pope, by the very fact that he is a manifest heretic and declared incorrigible, is immediately deposed by Christ the Lord, not by any authority of the Church

XXI.

Thus the opinion of Cajetan is contained in three statements.

1) The first is that a heretical pope precisely by the very fact of heresy is not deprived of the papacy, nor is he deposed;

2) the second is that the Church has no authority (*potestas*) or superiority, even in the case of heresy, over the pope from the point of view of the authority of the pope, as if there were an authority over his authority even in such a case, but in no way is the authority of the Church over the authority of the pope, and consequently neither is it over the pope absolutely;

3) the third is that the authority of the Church has as its object the application of the authority of the pope to a person, designating him by election and the separation of this authority from a person by declaring him a heretic and to be avoided by the faithful. Thus although the declaration of a crime is a sort of antecedent disposition, and is related ministerially to the deposition itself, nonetheless dispositively and ministerially it attains also the form, in so far as tending to the disposition it tends in a mediate manner towards the form; just as in the generation or corruption of a man, the one who generates does not produce or educe the form, nor does one who corrupts destroy it, but (they effect) only the conjunction or the separation of the form, attaining immediately the dispositions of the matter to the form and through these the form itself

XXII.

The first statement of Cajetan is manifest by what was said before, nor is it legitimately attacked by Bellarmine. And its truth is obvious: firstly, because the pope, no matter how much he be truly and publicly a heretic, if, nonetheless, he is prepared to be corrected he cannot be deposed (as we said before) nor can the Church by divine right depose him, because neither can she, nor ought she avoid him, as the Apostle says : “A man that is a heretic, after the first and second admonition, avoid” (Tim. 3:10); therefore before a first and a second admonition he is not to be avoided by the Church and consequently neither is he to be deposed: therefore it is false to say that *ipso facto* by the fact of being a public heretic the pope is deposed: for he may be a public heretic, but not yet admonished by the

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Church nor declared to be incorrigible: [1] or again, because (as Azorius correctly pointed out above) no bishop, no matter how exterior a heretic he might be, although he incur excommunication *ipso facto*, does not, nonetheless, *ipso facto* lose his jurisdiction and episcopal authority, until he be declared by the Church and deposed; for only those excommunicated as not to be tolerated lose their jurisdiction *ipso facto*, that is, those who are excommunicated by name, or who are manifest aggressors of clergy; therefore, if a bishop or any other prelate does not lose his authority *ipso facto* by heresy alone, why would the pope lose it before the declaration of the Church, especially when the pope cannot incur excommunication because, as I suppose, no excommunication is given by divine law itself ; but he cannot be excommunicated by human law because he is superior to all human law

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[1] – [This is a key passage which shows that the position of Cajetan and John of Saint Thomas is not different from that of Bellarmine and Suarez with regard to the fundamental point of the necessity of an intervention of some authority in the deposition of a pope. For as John of Saint Thomas just said, Bellarmine and Suarez accept that "the pope, by the very fact that he is a manifest heretic and declared incorrigible, is immediately deposed by Christ the Lord" : therefore their *ipso facto* does not exclude some sort of declaration by an authority, namely the Bishops, since they are the only other divinely instituted authority in the Church. This is shown in their own texts. Suarez writes :

"*Dico tertio : si Papa sit hæreticus et incorrigibilis, cum primum per legitimam Ecclesiæ jurisdictionem sententia declaratoria criminis in eum profertur, desinit esse Papa. Est communis Doctorum ; colligitur ex Clemente I, epistola prima, ubi ait Petrum docuisse hæreticum Papam esse deponendum.* : If the Pope is heretical and incorrigible, when first by the legitimate jurisdiction of the Church a declaratory sentence of the crime is proffered against him, he ceases to be Pope. This is the common opinion of Doctors, which is gathered from Clement I, in his first epistle, where he says that Peter taught that a heretical Pope must be deposed (docuisse hæreticam Papam esse deponendum)." (n. 6)

And in n. 7 he goes on to ask:

"*Primo, a quo ferri debeat hujusmodi sententia*. Firstly, by whom must this sentence be given ?" and answers :*"dicendum per se pertinere ad omnes Ecclesiæ Episcopos* It must be said that it belongs *per se* to all the Bishops of the Church (n. 7).

Also, n. 10 he writes :

"*Quando ergo Ecclesia Papam hæreticum deponeret, non ipsa tanquam superior id*

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præstaret [Forc. : Praestare sæpissime est efficere, perficere, facere], *sed ex consensione Christi Domini iuridice declararet eum hæreticum esse, atque adeo prorsus indignum Pontificis dignitate; tuncque ipso facto immediate a Christo deponeretur, depositusque maneret inferior, ac posset puniri. (…) Unde vero constet jure divino statim deponi Pontificem lata Ecclesiæ sententia, respondeo primo jam attulisse me testimonium Clementis ex ore Petri; secundo, sacras Scripturas, quæ præcipiunt vitare hæreticos, hoc satis indicare; tertio, ex communi consensu Ecclesiæ et Pontificum id haberi; quarto, rationem naturalem ita docere, quia non est credendum Christum destituisse Ecclesiam omni remedio in tanto periculo; quod vero adduxi maxime accommodatum apparet causæ de qua disputamus*. When, therefore, the Church would depose a heretical Pope, she would not do this as a superior, but by the consent of Christ the Lord she would juridically declare him to be a heretic and thus completely unworthy of the dignity of Pope ; then, *ipso facto* immediately he would be deposed by Christ and remain an inferior and could be punished. (…) From whence it is clear that by divine right the Pope is deposed once the sentence of the Church has been pronounced (*lata Ecclesiae sentientia)*. I respond, firstly, that I already gave the testimony of Clement by the mouth of Peter ; secondly, I sufficiently indicated the Holy Scriptures which command to avoid heretics; thirdly, by the common consensus of the Church and Popes that this is the case; fourthly, by the teaching of natural reason, because Christ is not to be believed to have left the Church without any remedy in such a danger; however,, what I have said seems most adapted to the cause which we are discussing" (n. 10).

Bellarmine doesn't go into as much detail as Suarez, but he does say very clearly, with regard to the second opinion he treats, which says that the Pope ceases to be Pope by the very fact (*ipso facto*) of being a heretic :

"*Mihi non probatur. Nam iurisdictio datur quidem pontifici a Deo, sed hominum opera concurrente, quia ab hominibus habet iste homo qui antea non erat papa, ut incipiat esse papa ; igitur non aufertur a Deo nisi per hominem ; at hæreticus occultus non potest ab homine iudicari ; ergo* : For me, this is not proved. For it is true that jurisdiction is given to the pope by God, however it is by the concurrent work of men, because it is from men that this man who before was not pope begins to be pope; therefore it is not taken away by God except by men; but an occult heretic cannot be judged by men. Therefore. (*De Romano Pontifice,* II, c. 30).

This is basically the very same point made by Cajetan and John of Saint Thomas : the papacy "is not taken away by God except by men," and obviously not just *any* men, but by the only other men who have divine authority in the Church, namely, the Bishops. Cf Salza, John and Siscoe, Robert, *True or False Pope ?*, STAS Editions, 2015, p. 273-6.]

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XXIII.

The second statement of Cajetan is proven because the authority of the pope absolutely is an authority derived from Christ the Lord and not from the Church and Christ subjected the whole Church to that authority, that is, all the faithful without exception, so that it is certainly *de fide*, as was proven clearly previously; therefore in no case can the Church have an authority superior over that one, unless in the case in which that authority is rendered dependent on the Church and inferior to her, and by the very fact that it is rendered inferior for that case that authority is already changed and does not remain the same as before, since before it was above the whole Church and independent from her, but for this case it is rendered dependent and inferior; therefore it is never verified that the Church has authority over the authority of the pope formally, because in order that she have authority over it for some case, that authority must be formally other, and not as ample and supreme as before. Neither is it seen by any source that Christ the Lord has given in this way authority to the Church over the authority of the pope, for those things that are said in the case of heresy do not show superiority over the authority of the pope formally, but only avoidance, separation, the refusal of communication, etc. which can be present without any authority that is formally superior to that of the pope. Nor is there any foundation for saying that Christ the Lord, who gave supreme and independent authority without any restriction to Peter and his See, determined that in the case of heresy it would be dependent and inferior to the authority of the Church formally as such, so that it would remain a subordinate authority with respect to the Church and not superior as it was before. With regard to what the second statement of Cajetan says, namely that the Church does not have an authority superior to that of the pope, accepted absolutely, previously it has been proven clearly that the Church must be subject to the pope, for his authority does not have its origin from the Church, like a political authority, but immediately from Christ of whom he is the vicar . The fact that in the case of heresy she is not superior to the pope in authority is obvious, firstly because the authority of the pope itself is in no case derived or owing its origin to the Church but comes from Christ, therefore in no case is the authority of the Church superior; secondly because the authority of the pope as it originated from Christ has been instituted as supreme over all authority in the Church on earth (as has been proven above by many authorities) and no exception has been made by Christ the Lord in which this authority is limited and subjected to another, but always and with regard to everything He speaks of it as being supreme and monarchical. When He speaks of heresy, however, He does not attribute any authority over the pope, but only commands to avoid and separate from and not communicate with the heretic, all of which does not indicate any superiority and can take place without it; therefore the authority of the Church is not superior with respect to the authority of the pope even in the case of heresy. And this is shown clearly by the laws which say that the first See is judged by no one, which also applies in the case of infidelity,

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for the fathers congregated in the case of Pope Marcellinus said: *You judge yourself*

XXIV.

The third statement follows from what has been said previously. For the Church can declare the crime of a pope and propose him to the faithful as someone to be avoided according to divine law, in virtue of which a heretic is to be avoided. Now the Pontiff to be avoided is necessarily rendered impotent, in virtue of such a disposition, of being the head of the Church, because he is a member that must be avoided by her and consequently he cannot have any influence over her; therefore by virtue of such a power [1] the Church dissolves in a ministerial and dispositive manner the conjunction of the pontificate with this person. This consequence is obvious, because an agent that can introduce a disposition in a subject to which is necessarily attached the separation of the form and with which the form cannot remain in the subject, has power over the dissolution of the form and mediately touches the form itself, not in so far as it is to be destroyed in itself, but as it is to be separated from the subject. Similarly it happens in the case of an agent that causes the corruption [that is, the death] of a man, for it does not destroy the form but rather induces the dissolution of the form, placing a disposition in the matter with which the form cannot remain. Thus, therefore, since the Church can declare that the pope must be avoided, she can induce a disposition in that person together with which the papacy cannot continue and thus it is ministerially and dispositively dissolved by the Church, but authoritatively by Christ, just as by designating him by election the Church disposes him in an ultimate manner to receive the collation of authority from Christ the Lord and thus ministerially creates the Pope. And when Cajetan says that the Church has an authoritative power over the person's conjunction to or separation from the papacy, but a ministerial power over the papacy itself, it is to be understood in the sense that the Church has the authority to declare the crime of a pope, just as [she has the authority] to designate him as pope, and what is authoritative with regard to the declaration is dispositive and ministerial with regard to the form that is to be joined or separated, for in the form absolutely and in herself the Church can do nothing, because that power is not subordinated to her. And thus are concorded the laws which say, on the one hand, that the deposition of the pope pertains to God alone, and on the other that in the case of heresy he can be judged by his inferiors, for both are true. The ejection or deposition of the pope is reserved to God alone authoritatively and principally, as it is said expressly in the chapter *Ejectionem, septuagesima nona distinctione* and in many other laws quoted previously, which say that the judgment of the apostolic see is reserved to God alone; ministerially, however, and dispositively, by declaring the crime and proposing the

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pope as someone to be avoided, the Church judges concerning the pope, as is said in *in capite Si papa, xl distinctione, et capite Oves ii, quæst. vii*

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[1] – *Potestas*, that is the "*potest declarare crimen pontificis*" mentioned at the beginning of this paragraph : " the Church *can* declare the crime of a pope".

SOLUTION TO THE ARGUMENTS

The arguments of Bellarmine and Suarez against this opinion are easily solved. For Bellarmine objects that the Apostle says that a heretical man must be avoided after two admonitions, that is, after he appears manifestly pertinacious before any excommunication and sentence of a judge, as Jerome writes, because heretics *per se* leave the body of Christ. And the reason is that a non-Christian cannot be pope, for he who is not a member is not a head; but a heretic is not a Christian, as the Fathers all teach; therefore a manifest heretic cannot be pope. It doesn't matter that the character remains in him, for if by reason of a character he remained pope, since it is indelible, he could never fall from the papacy. Thus the Fathers all teach that a heretic, by reason of his heresy, and independently of excommunication, lacks all jurisdiction and authority, as Cyprian, Jerome, and Ambrose say.

XXVI. We respond that a heretic is to be avoided because of two admonitions, that is, done juridically and by the authority of the Church and not according to private judgment; for there would follow great confusion in the Church if it sufficed for this admonition to be done by a private person and that once the heresy was manifested (but not declared by the Church and proposed by her to all that they avoid the pope) all be held to avoid him, for the heresy of a pope cannot be public for all the faithful unless by the report of others: this report, however, since it is not juridical does not oblige all to believe it and avoid him. It is required, therefore, that just as the Church designating him to all, juridically proposed him as being elected, similarly declaring and proposing him as a heretic to be avoided she depose him. Thus we see it to have been the practice in the Church that in the case of the deposition of a pope the cause itself was first discussed in a general Council before he was held not to be pope, as we related before (n. VIII). Therefore not by the very fact that the pope is a heretic does he also publicly cease to be pope before any sentence of the Church and before she proposes him to the faithful as one to be avoided. Neither does Jerome, when he says that a heretic *per se* leaves the body of Christ, exclude the judgment itself of the Church in such a grave matter as is the deposition of a pope, but he judges the quality of the crime, which *per se* without any other censure having been added, excludes one from the Church, however, as long as it be declared by the Church; for although of itself (*ex se*) it separates from the Church, nonetheless for us (*quoad nos*) the separation is not known

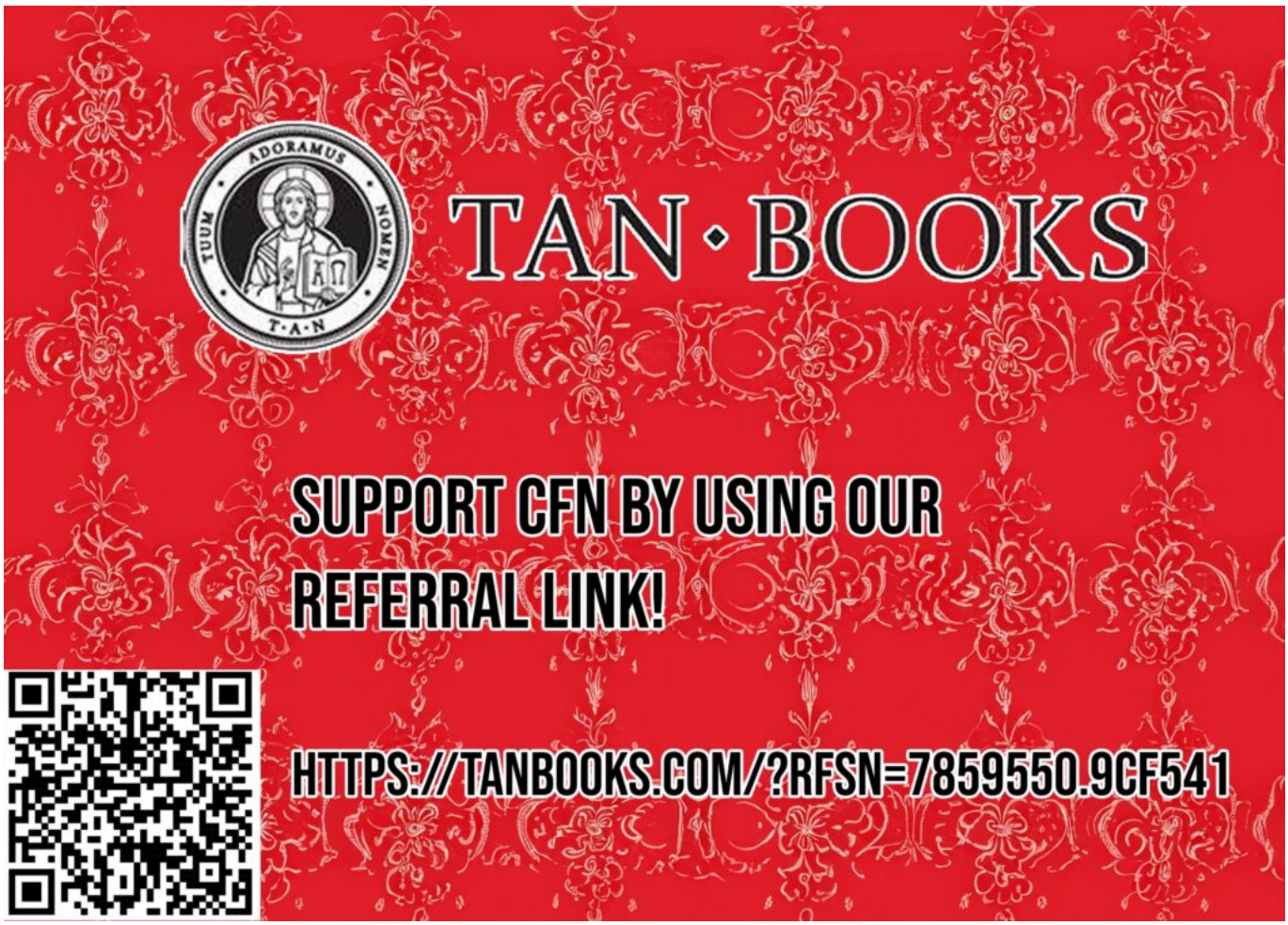
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without this declaration. And similarly we respond to the argument by saying that a non-Christian who in himself (*quoad se*) and for us (*quoad nos*) is not a Christian cannot be pope; if, however, in himself he not be a Christian because he has lost the faith, but for us he has still not been juridically declared as an infidel or heretic, no matter how manifest he be so according to private judgment, still for us he is a member of the Church and consequently the pope. Therefore, there is required a judgment of the Church by which he is proposed as a non-Christian and to be avoided and then he ceases to be pope for us and consequently before this he does not cease to be so either in himself, because all the things that he did were valid in themselves.

XVII. Secondly it is objected that the Church cannot have authority over the conjunction of the papacy with the person unless she have authority of the papacy itself, for a pope does nothing more when he deposes a bishop than destroy his conjuncton with the episcopacy, for he does not destroy the episcopacy itself, therefore if the Church has authority over the conjunction of the papacy with a person, consequently she can act or she has authority over the papacy and the person of the pope. And this is confirmed by the fact that the pope is deposed unwillingly; therefore he is punished by this deposition, but to punish belongs to a superior and a judge. Therefore the Church, when she deposes or punishes by the penalty of deposition, has superiority over the person of the pope. Finally, he who has power over the parts together or in their conjunction has power *simpliciter* over the whole: thus he who generates a man, has power *simpliciter* over the whole man himself; therefore if the Church has authority over the conjunction of the papacy with the person, she has power *simpliciter* over the pope, which Cajetan denies.

XXVIII. We respond that the pope has power over a bishop when he deposes him in a different manner than the Church has power over the pope: for the pope deprives him of his power as someone who is subject to him and having a power that is subject to and dependent on himself which he can limit and restrict, and thus although he takes away the episcopate from the person and does not destroy the episcopate, nonetheless he takes it away by reason of the superiority he has over the person, also by reason of the power that is subordinate to him, and thus he removes it from the person and not only the person from it. The Church, however, takes away the papacy by the superiority she has over the power itsef, but a superiority that is ministerial and dispositive by which she can induce a disposition that is incompatible with the papacy, as was said.

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XXIX To the confirmation we respond that the pope is deposed unwillingly ministerially and dispositively by the Church, authoritatively by Christ the Lord, and so by Him, and not by the Church, is he punished properly speaking. To the last objection we say that he who has power over the conjunction of the parts has power over the whole *simpliciter*, but not, however, if he has power over that conjunction only ministerially and dispositively, except in the case of corporal things, in which the physical dispositions have a natural connection with the being itself of the whole, which, when it is communicated by the agent producing the dispositions conjunctive of the parts, produces the whole itself *simpliciter.* In moral things, however, the disposition that is made by someone, since it only has a moral conjunction with the form, and, as it were, by a voluntary institution, he who disposes is not considered to produce the whole itself *simpliciter* and authoritatively but, as it were, ministerially: as if the pope were to concede to someone that the places he would designate would have the privilege of enjoying indulgences, and those he would declare has not having it would not have it, this designation or declaration would not have the power to take away or concede indulgences authoritatively and principally, but only ministerially.

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JOANNIS A SANCTO THOMA, CURSUS THEOLOGICUS In Summa Thelologicam D. Thomas, Tomus VII, IN SECUNDAM SECUNDÆ
DIVI THOMÆ, Quæstio I, DE FIDE, DE AUCTORITATE SUMMI PONTIFICIS, Parisiis Ludovixus Vivês, Editor, 1886, p. 207, sq.
Sed dubitatur, an in quocumque casu haeresis, et quomodocumque papa haereticus sit, possit deponi ; an vero aliquae conditiones requirantur
sine quibus haeresis sola non sit sufficiens ad deponendum pontificem. Respondetur pontificem non posse deponi, nec amittere pontificatum, nisi duae
conditiones concurrant, scilicet quod hæresis non sit occulta, sed publica, et iuridice notoria ; secundo debere esse incorrigibilem, et pertinacem in hæresi. His
duabus conditionibus stantibus potest pontifex deponi, non vero sine illis, et quantumcumque interius infidelis non sit, si tamen exterius tamquam hæreticum se gerat, potest deponi, et sententia depositionis erit valida. Et de prima conditione aliqui etiam inter catholicos dissentiunt existimantes quod etiam propter
hæresim occultam pontifex amittit jurisdictionem pontificalem, quae fundatur in vera fide, et recta confessione ejus, et pro hac sententia citantur Turrecremata
[et alii…]. Et quidam ita hoc defendunt quod etiam propter hæseresim mentalem ipsum putant excidere a pontificatu eo quod ut sit pontifex requirit
tamquam necessarium conditionem quod sit membrum Ecclesiæ, si quidem est supremum caput, et quod conjunctus sit ipsi petrae, super quam fundatur
Ecclesia, id est super fidem, et confessionem Petri, sicut enim sine fide etiam mentali, non est Ecclesia, ita neque pontificatus, qui super eamdem confessionem
fundatur super quam Ecclesia, et ideo Christus petiit a Petro hanc professionem fidei priusquam ei promitteret pontificatum. (…)

V. Alii existimant necessarium esse quod hæresis sit externa, et externe probata, ut possit a pontificatu deponi ; sic Soto [Cano,

Cajetanus, Suarez, Bellarminus…]. Et fundamentum est, quia hæretici occulti quamdiu ab Ecclesia non condemnantur, et praescinduntur, sunt partes
Ecclesiæ, et cum ipsa communicant in exteriori communicatione, licet non in spiritu interno ; ergo etiam pontifex si est occulte haereticus, non
propterea est præcise ab Ecclesia : ergo potest adhuc in ipsa esse caput, sicut adhuc est pars, et membrum, etsi non vivum.

VI. Confirmatur, quia sine fide exerceri possunt actus ordinis, et jurisdictionis ecclesiasticæ in inferioribus sacerdotibus, nam sacerdos

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hæreticus potest conficere sacramenta, et absolvere in extrema necessitate ; ergo non requiretur etiam fides ut pontifex exerceat jurisdictionem suam quamdiu ab Ecclesia non est depositus, præsertim quia per hoc quod sit hæreticus, non incurrit excommunicationem sicut inferiores, cum non sit capax illius. Ac denique, quia si sit occultus hæreticus, eo ipso caderet a pontificatu, etiam antequam Ecclesia id cognosceret et judicaret; ergo si statim resipisceret per veram paenitentiam jam non posset exercere munus, et officium pontificis, quia amisit eam dignitatem, nec illa per pœnitentiam a Deo restituitur, sicut restituitur gratia. Quod si non potest exercere ; ergo tenebitur cedere pontificatui, quod certe est gravissimum ; est enim hoc obligare ut se prodat, quia oportet causam suæ renunitiationis publicare, aut saltem consulere, et plura alia inconvenientia sequerentur, si eo ipso quod esset pontifex hæreticus, et occultus pontificatum amitteret, omnia enim essent perplexa, et via ad schismata aperiretur, si non spectato Ecclesiæ judicio, hoc ipso a pontificatu decideret propter culpam ipsi soli forsitan notam.

VII. Et ex hoc etiam solvitur fundamentum contrarium, quia ut aliquis sit pontifex requiritur, quod sit membrum Ecclesiæ secundum exteriorem communicationem saltem secundum quam sufficienter dicitur aliquis membrum Ecclesiæ in ordinem ad gubernationem , secundum quam pontifex est caput Ecclesiæ, etsi non participet interiorem ejus spiritum ratione occultæ hæresis, vel peccati, et hoc modo sufficit quod sit conjunctus petræ, et Ecclesiæ, scilicet secundum exteriorem communicationem, quia reputatus ab Ecclesia, ut conjunctus, quamdiu ab illa non est præcisus, aut declaratus ut hæreticus. Quod vero additur, Ecclesiam non posse manere veram Ecclesiam sine fide interiori respondetur eodem modo probari posse non remanere posse pontificem in pontificatu sine gratia, et hoc ipso quod incidit in peccatum mortale, quæ fuit hæresis Wiclephi condemnata inter ejus articulos in Concilio Constantiensi, quia sicut Ecclesia universaliter loquendo non potest carere vera fidei etiam mentali, sic etiam non potest carere gratia. Itaque auctoritas pontificatus fundatur super fidem veram, sed non super fidem personalem cujuscumque personæ, et prout a quolibet secundum sensum suum proferri potest ; sed in fide communi totius Ecclesiæ, in qua pontifex non potest deficere taliter quod etiamsi personaliter sit hæreticus, ut tamen docet ex cathedra non potest contra fidem docere ; in hac ergo fide quæ est fides cathedræ, et non personæ et quae fuit fides Petri, et confessionis ejus, in hac fundatur pontificatus, non in fide personali etiam ipsius personæ pontificis. Ecclesia vero cum importet congregationem omnium fidelium, repugnat quod omnes sint sine vera fide Dei etiam

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mentali, sicut etiam non possunt omnes fideles esse sine gratia.

VIII. Secunda conditio ut possit papam deponere scilicet quod sit incorrigibilis, et contumax in hæresi patet, quia qui est paratus corrigi, nec pertinax in hæresi, non censetur hæreticus, ut habetur in capite Dixit Apostolus XXIV, q. III : ergo si papa sit paratus corrigi, nequaquam tamquam hæreticus deponi debet. Item quia Apostolus solum præcipit vitari hæreticum post primam, et secundam correptionem ; ergo si correptus resipiscat, non est vitandus, cum ergo papa deponi debeat propter hæresim in vi istius apostolici præcepti, ex eodem sequitur quod si sit corrigibilis non debet deponi. Et quidem cum ante depositionem pontifex moveri debeat ut resipiscat, plane si admonitus se correxerit, non videtur posse procedi ad ulteriora deponendo ipsum.
Factum etiam Marcellini papæ, ut habetur in capite Nunc autem. xxi distinctione quod etiam supra disputatione praecedenti tractavimus, aliquid juvat, declaratus enim pro infideli a Concilio episcoporum, tamen quia resipuit, et corrigi voluit in pontificatu mansit, et tamquam pontifex mortuus est postea pro fide; ergo nisi pertinaciter et incorrigibiliter in hæresi permaneat, non debet a pontificatu deponi. Vide glossam cum Hugone in capite Si papa, citata distinctione XL, ubi hoc idem tenet, et declarat, quod si papa incidens in hæresim et correptus, iterum relabatur, potest iterum corrigi ; post duas autem correptiones, si postea relabatur, etsi paratus sit corrigi, non est admittendus, sed tamquam incorrigibilis habendus est, et deponendus, quod bene fundat Cajetanus opusculo de auctoritate papæ, capite xxii, in dicto Apostoli : Post primam. et secundam correptionem devita, sciens quia subversus est hujusmodi, facta ergo prima et secunda correptione juxta humanum judicium relapsus, censetur incorrigibilis, et ideo ne infinitum correptiones perducantur, sistitur in secunda habendo ipsum pro incorrigibili post secundam correptionem.

XlV. Sed inquires, an aliquis alius casus præter relatos admittendus sit pro quo pontifex

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deponi possit. Respondetur negativo ; sed omnes
quotquot fingi possunt, ad hos reducuntur, et propter nullum alium deponi potest. Quae est communis sententia theologorum (…) Ratio est in primis, quia in
jure propter nullum crimen papa deponi potest, excepta hæresi sicut colligitur ex capite Si papa, distinctione xl jam citata, ubi culpas papæ nullum mortalium
redarguere posse affirmatur, nisi deprehendatur a fide devius ; ergo præter casum fidei propter nullas culpas est redarguendus pontifex et eadem exceptio
habetur capite Oves, xx, quaestione vii. Secundo, et fortius, instatur ista ratio quia secundum jus, papa a nemine judicatur, ut habetur in pluribus juribus, in
quibus dicitur, eos eorumque causas soli Deo reservari judicandas (…) ergo depositio papæ directe non potest fieri per viam judicii, et punitionis, cum non
habeat superiorem in terris, a quo puniatur, aut corrigatur. Solum ergo potest deponi propter indispositionem ex parte ipsius, ut sit caput Ecclesiæ, quia scilicet
est separatus, et segregatus ab ipsa relinquendo fidem, ita quod Ecclesia debeat illum vitare ; propter reliqua vero peccata quantumcumque gravia nunquam
tenetur Ecclesia eum vitare, quia ipse non est segregatus ab Ecclesia, nec per excommunicationem separari potest, ergo neque debet a pontificatu excludi : nam
si excluderetur non id fieret quia Ecclesia non potest illi adhærere, et manere conjuncta, sed quia propter demerita pontificis ipsum tamquam indignum repellit
a pontificatu. Hoc autem secundum non potest fieri nisi ab habente auctoritatem, et jurisdictionem [257] supra ipsum reum, qui punitur propter demerita ; ergo
cum haec potestas in nullo reperiatur, neque etiam in Ecclesia, quia papa non potest habere superiorem in terra, consequenter neque propter ista crimina
judicandus est. Et neque propter hæresim directe judicatur papa, sed quia ex Scriptura, et jure divino Ecclesia tenetur segregare se, et non communicare
hæretico, ideo facta declaratione quod sit hæreticus Ecclesia non potest ipsum respicere ut caput, quia non potest ei communicare, caput autem cui corpus non
est unitum, et cui non communicat, non est caput.

XV. Ex hac autem doctrina solvere potest motiva canonistarum tenentium oppositum cum glossa in dicto capite Si Papa (…) Qui propter crimen
simoniae, et alia crimina, quæ vergerent in grave damnum, et scandalum Ecclesiæ, sentiunt papam deponi posse (etc…)

XVI. Nihilominus ex fundamento posito haec omnia diluuntur : nam et si verum sit quod

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papa criminosus magnum præjudicium inferat Ecclesiæ,
tamen Ecclesia non tenetur, nec potest se ab ejus communicatione separare, nec ipsum judicialiter punire, et ideo tamquam caput debet ipsum sustinere, in casu
vero hæresis tenetur se ab eo separare, ut dictum est, et propter eam debet ipsum pro capite non habere. Potest autem se defendere, non quidem ipsum
deponendo, sed eum vi repellendo si violenter, et tyrannice procedat, sicut si armis vellet contra justitiam aliquid moliri, posset armis repelli ; et similiter si
contra bonos mores aliquid statueret non est illi parendum, quia lex injusta non obligat.]

Restat secunda difficultas tractanda, scilicet a qua potestate debeat fieri haec papæ depositio. Et tota quaestio versatur circa duo, scilicet
circa declarativam sententiam qua declaratur crimen papæ a quo debeat fieri an a cardinalibus ; vel a Concilio generali : et, si a Concilio generali per cujus
auctoritatem debet congregari, et cujus virtute cognoscere de tali causa. Et secundo, circa ipsam depositionem, quæ facienda est post declarativam criminis
sententiam, an fiat per potestatem Ecclesiæ ; an vero ab ipso Christo Domino immediate supposita declaratione. Et quoad primum dicendum est tractationem
hanc de depositione papæ quoad declarationem criminis nullo modo pertinere ad cardinales, sed ad Concilium generale. Quod patet primo ex usu quidem
Ecclesiæ : (…) et in juribus supra citatis habetur, pontifices, qui de aliquibus criminibus sibi objectis satisfacere voluerunt, coram Concilio id fecisse. Secundo
etiam constat hanc potestatem tractandi causas pontificum, et ea quae ad depositionem ejus spectant non esse commissam cardinalibus ; remanet ergo in
depositione 10 Ecclesiæ, [259] cujus auctoritatem repraesentat Concilium generale […]

XVIII. Sed nunc restat explicare cujus auctoritate convocandum est hoc Concilium, non enim auctoritate papæ congregari potest, cum contra
ipsum congregetur ; non potest autem esse legitimum Concilium nisi auctoritate papæ congregetur, unde pontifex posset illud recusare et annullare, si contra
ipsius voluntatem congregaretur, si quidem ante declarationem criminis est verus papa ; ergo subest ejus potestati quodcumque Concilium congregetur, et
consequenter si velit, potest illud dissolvere.

(Quia ipse est pars.)

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XIX. Respondetur, quod illud Concilium congregari potest auctoritate Ecclesiæ, quæ est in ipsis episcopis, vel maiore eorum parte : habet
enim jus Ecclesia ad segregandum se a papa hæretico ex jure divino et consequenter ad adhibendum omnia media ad talem segregationem per se
necessaria : medium autem necessarium, et per se est ut juridice constet tale crimen ; non potest autem juridice constare nisi formetur competens judicium, non
potest autem in re tam gravi competens esse judicium, nisi per Concilium generale, quia tractatur de universali capite Ecclesiæ, unde pertinet hoc ad judicium
universalis Ecclesiæ, quod est Concilium generale. […] Quare pontifex non potest tale Concilium annullare, aut recusare, quia ipse est pars, et Ecclesia
habet ex jure divino posse illud congregare ad hunc finem, quia habet jus ut segreget se ab hæretico.

XX. Quoad secundum, vero, scilicet cujus auctoritate declaratio, et depositio facienda est, est dissentio inter theologos, nec enim apparet a quo
sit facienda ista depositio, cum sit actus judicii, et jurisdictionis, quae in papam a nullo exerceri potest. Cajetanus in opusculo de potestate papæ, capite xx.
refert duos modos dicendi extreme oppositos ; duos etiam medios. Inter extreme oppositos unus est quod papa ipso facto quo est hæreticus, est depositus absque humano judice : alter est quod simpliciter papa habet superiorem potestatem a qua possit judicari. Inter modos mediate se habentes alter dicit, quod papa non absolute habet superiorem, sed solum pro casu hæresis; alter quod nec absolute, nec pro casu hæresis habet superiorem potestatem in terris, sed solum
ministerialem, sicut Ecclesia habet ministerialem potestatem eligendi quoad designationem personæ, non quoad collationem potestatis, quia hæc fit
immediate a Christo, ut diximus articulo primo. Sic etiam in depositione, seu destructione hujus conjunctionis qua pontificatus est conjunctus isti personæ in
particulari Ecclesia habet ministerialem potestatem deponendo ipsum ministerialiter ; Christus autem auctoritative ipsum privare. Et ex his duobus modis
dicendi primum sequitur Azorius II, tom. ii, cap. vii, scilicet Ecclesiam esse pontifice superiorem in casu hæresis. Alterum vero modum dicendi sequitur
Cajetanus et late illum explicat. Ejus tamen sententiam refert, et impugnat Bellarminus libro II de Romano pontifice. cap. xx, præsertim in duobus, scilicet
quod Cajetanus dixerit papam hæreticum manifestum non esse ipso facto depositum, et quod papa ab Ecclesia deponitur vere, et ex auctoritate. Suarez quoque disputatione sæpe citata, sect. vi, num. vii Cajetanum impugnat, quod dixerit Ecclesiam in casu hæresis supra papam tamquam privatam personam, non
inquantum papa est. Quod tamen Cajetanus non dixit, sed quod Ecclesia non est supra

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papam absolute etiam in casu hæresis, sed quod est supra conjunctionem pontificatus cum ista persona dissolvendo illam, eo modo quo illam per electionem conjunxit, quæ potestas Ecclesiæ ministerialis est, nam simpliciter superior solum est Christus Dominus respectu papæ. Et ideo Bellarminus, et Suarez censunt papam hoc ipso quod est hæreticus manifestus, et pro incorrigibili declaratur, a Christo Domino immediate deponi, non ab aliqua auctoritate Ecclesiæ.

XXI. Igitur Cajetani sententia tribus dictis continetur.
1) Primum est, papa hæreticus per ipsum factum hæresis præcise non privatur pontificatu, nec deponitur :
2) secundum est, Ecclesia nullam potestatem nec superioritatem, etiam in casu hæresis habet supra papam ex parte potestatis papæ, quasi sit potestas supra potestatem etiam in tali casu, sed nullo pacto potestas Ecclesiæ est supra potestatem papæ, et consequenter neque supra papam absolute :
3) tertium dictum est, potestas Ecclesiæ habet pro objecto applicationem potestatis papæ ad personam, designando illam per electionem, et separationem hujus potestatis a persona, declarando illum pro hæretico, et evitando a fidelibus. Itaque licet declaratio criminis sit quasi dispositio antecedens, et ministerialiter se habens ad depositionem ipsam, tamen dispositive, et ministerialiter attingit etiam formam, quatenus tendendo in dispositionem tendit mediate in formam ; sicut in generatione, aut corruptione hominis, neque generans producit, aut educit formam, neque corrumpens destruit, sed solum conjunctionem aut separationem formæ, attingendo immediate dispositiones materiæ ad ipsam, et mediantibus illis formam.

XXII. Primum dictum Cajetani ex supra dictis est manifestum, nec legitime impugnatur a Bellarmino. Et ejus veritas constat; tum, quia papa quantumcumque sit vere et publice hæreticus, si tamen corrigi sit paratus non potest deponi (ut supra diximus) nec Ecclesia secundum jus divinum potest illum deponere, quia nec potest, aut debet ipsum evitare, cum Apostolus dicat : Hæreticum hominem post primam, et secundam correptionem devita; ergo ante primam, et secundam correptionem non est devitandus ab Ecclesia et consequenter nec deponendus : ergo falso dicitur quod ipso facto quod pontifex est

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publicus hæreticus est depositus : potest enim esse publicus, sed nondum ab Ecclesia correptus, nec declaratus ut incorrigibilis : tum etiam, quia (ut bene advertit Azorius ubi supra) nullus episcopus quantumcumque hæreticus exterior licet ipso facto incurrat excommunicationem, non tamen ipso facto amittit jurisdictionem, et potestatem episcopalem, quousque ab Ecclesia declaretur, et deponatur ; soli enim excommunicati non tolerati ipso facto jurisdictionem ammittunt, scilicet qui nominatim excommunicantur, vel sunt manifesti percussores clerici ; ergo si episcopus, nec aliquis alius prælatus ex sola hæresi exteriori non amittit ipso facto potestatem, cur amittet papa ante declarationem Ecclesiæ, praesertim cum papa excommunicationem incurrere non possit, quia ut suppono, nulla excommunicatio datur lata ipso jure divino ; ex jure autem humano excommunicari non potest, cum sit superior omni humano jure.

XXIlI. Secundum vero dictum Cajetani probatur, quia potestas papæ absolute est potestas derivata a Christo Domino, et non ab Ecclesia, et illi potestati subjecit Christus totam Ecclesiam, id est omnes fideles sine ulla restrictione, ut de fide certum est, et supra late probatum ; ergo in nullo casu potest Ecclesia habere superiorem potestatem ad istam, nisi pro illo casu reddatur illa potestas dependens ab Ecclesia, et inferior ad illam, et hoc ipso quod redditur inferior pro illo casu jam potestas illa mutata est, et non manet eadem quae ante, si quidem ante erat super ad totam Ecclesiam et independens ab illa ; pro illo autem casu redditur dependens et inferior; ergo nunquam verificatur quod Ecclesia habet potestatem supra potestatem papæ formaliter, quia ut habeat potestatem supra illam pro aliquo casu, debet illa potestas esse formaliter alia, et non ita ampla, et suprema sicut ante. Neque ex aliqua auctoritate constat Christum Dominum dedisse hoc modo potestatem Ecclesiæ supra potestatem papæ, ea enim quae in casu haeresis loquuntur, non indicant superioritatem supra potestatem papæ formaliter, sed solum evitationem, separationem, negationem communicationis, etc. quæ salvari possunt sine potestate superiori formaliter supra potestatem papæ. Nec est fundamentum, ut dicamus Christum Dominum, qui sine ulla restrictione dedit supremam, et independentem potestatem Petro, ejusque sedi, determinasse, ut pro casu hæresis esset dependens et inferior ad potestatem Ecclesiæ formaliter in ratione potestatis, ita quod maneret subordinata potestas respectu Ecclesiæ, et non superior sicut ante. Quoad id vero quod dicit dictum secundum Cajetani, videlicet Ecclesiam non habere potestatem superiorem papa, si absolute accipiatur, in superioribus late probatum est, cum Ecclesia debeat esse subjecta papæ, nec ejus

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potestas ab Ecclesia originetur, sicut potestas politica, sed immediate a Christo cujus gerit vices. Quod vero neque in casu hæresis sit superior papa ex parte potestatis papæ patet; tum, quia ipsa potestas papæ in nullo casu est derivata, et originata ab Ecclesia, sed a Christo ; ergo in nullo casu est potestas Ecclesiæ superior; tum, quia potestas papæ ut originata a Christo instituta est tamquam suprema super omnem potestatem Ecclesiæ, quae in terris est (ut supra probatum est ex pluribus auctoritatibus) nullus autem casus exceptus est a Christo Domino, in quo ista potestas limitetur, et subjiciatur alteri, sed semper, et respectu omnium loquitur de illa tamquam de suprema, et monarchia. Quando autem loquitur in casu hæresis non superioritatem attribuit respectu papæ, sed solum praecipit evitari, separari, et non communicare hæretico, quae omnia superioritatem non indicant, et sine illa salvari possunt ; ergo potestas Ecclesiæ non est superior respectu potestatis papæ etiam in casu hæresis. Et hoc etiam convincunt jura quae dicunt primam sedem a nemine judicari, quod etiam in casu infidelitatis procedit, nam patres congregati in casu Marcellini papæ dixerunt : Tu teipsum judica. Potestas, that is the “potest declarare crimen pontificis” mentioned at the beginning of this paragraph : ” the Church can declare the crime of a pope”.

XXlV. Tertium dictum sequitur ex praecedentibus. Nam Ecclesia potest declarare crimen pontificis, et ipsum ut evitandum proponere fidelibus secundum jus divinum, quo hæreticus evitandus est. Pontifex autem evitandus ex vi talis dispositionis necessario redditur impotens, ut sit caput Ecclesiæ, quia est membrum evitandum ab illa, et consequenter non potest in illam influere ; ergo ex vi talis potestatis Ecclesia dissolvit conjunctionem pontificatus cum ista persona ministerialiter et dispositive. Patet consequentia, quia agens quod potest inducere dispositionem in subjecto cui necessario annexa est separatio formæ et cum qua forma stare non potest in subjecto, potest supra dissolutionem formæ et mediate tangit ipsam formam, ut separandam a subjecto, non ut in se destruendam, sicut patet in agente corrumpente hominem, nec enim formam destruit, sed dissolutionem formæ inducit, ponendo dispositionem in materia, cum qua forma non potest stare. Sic ergo cum Ecclesia potest ut evitandum pontificem declarare, potest inducere dispositionem in illa persona, cum qua pontificatus stare non potest, et sic dissolvitur ministerialiter et dispositive ab Ecclesia, auctoritative autem a Christo, sicut designando ipsum per electionem disponit ipsum ultimate, ut recipiat collationem potestatis a Christo Domino : et sic ministerialiter creat papam. Et si quando dicit Cajetanus Ecclesiam posse auctoritative in conjunctionem, vel

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separationem pontificatus a persona, ministerialiter vero in ipsum pontificatum intelligendus est hoc modo, quod Ecclesia habet auctoritatem declarandi crimen papæ, sicut et designandi ipsum in papam, et quod auctoritativum est respectu declarationis est dispositivum, et ministeriale respectu formæ, ut conjungendæ vel separandæ, nam in ipsam formam absolute, et in se nihil potest Ecclesia, cum non sit ei subordinata potestas. Et ex his concordantur jura, quæ aliquando dicunt pontificis depositionem pertinere ad solum Deum, aliquando in causa hæresis posse judicari ab inferioribus, utrumque enim verum est, et quod ejectio, seu depositio pontificis soli Deo reservatur auctoritative, et principaliter ut dicitur expresse in capite Ejectionem, septuagesima nona ; distinctione, et in aliis multis juribus supra citatis, quae dicunt judicium sedis apostolicae sibi Deum reservasse : ministerialiter autem, et dispositive declarando crimen, et proponendo papam, ut evitandum Ecclesia judicat de pontifice, ut dicitur in capite Si papa, xl distinctione, et capite Oves ii, quæst. vii.

XXV. Argumenta Bellarmini, et Suarez contra praedictam sententiam facilis solutionis sunt. Objicit enim Bellarminus, quod Apostolus dicit hæreticum hominem post duas correptiones esse evitandum, id est, postquam manifeste apparet pertinax ante omnem excommuni-
[263] cationem, et judicis sententiam, ut ibi scriblt Hieronymus, quia hæretici per se discedunt a corpore Christi. Et ratio est quia non Christianus non potest esse papa, nec enim est caput, qui non est membrum ; hæreticus autem Christianus non est, ut docent communiter patres ; ergo manifestus hæreticus papa esse non potest. Nec obstat quod in ipso adhuc manet character, nam si ratione characteris maneret papa, cum hic sit indebilis nunquam dejici poterit. Unde patres communiter, docent hæreticum ratione hæresis, et independenter ab excommunicatione carere omni jurisdictione, et potestate ut Cyprianus, Hieronymus et Ambrosius.

XXVI. Respondetur hæreticum esse evitandum propter duas correptiones juridice scilicet factas, et ab Ecclesiæ auctoritate, et non secundum privatum judicium ; sequeretur enim magna confusio in Ecclesia si sufficeret

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hanc correptionem esse factam ab homine privato et quod
facta manifestatione hæresis non tamen declarata ab Ecclesia, et proposita omnibus ut evitent pontificem teneri omnes illum evitare, nec enim omnibus fidelibus potest esse publica hæresis papæ, nisi ex relatione aliorum : relatio autem ista cum non sit juridica non obligat, ut ei omnes credant et illum evitent :
requiritur ergo quod sicut Ecclesia designando ipsum omnibus juridice ipsum ut electum proponit, sic declarando et proponendo eum ut hæreticum
evitandum eum deponat. Unde sic videmus practicatum in Ecclesia, quod in casu depositionis papæ causa ipsa in generali Concilio prius tractata est quam pro
non papa habitus, sicut supra retulimus (n. VIII). Non ergo papa ipso facto quo hæreticus est, etiam publice desinit esse papa ante omnem Ecclesiæ sententiam,
et antequam ipsum, ut evitandum fidelibus proponat. Nec Hieronymus quando dicit hæreticum per se discedere a corpore Christi excludit ipsum Ecclesiæ
judicium præsertim in re tam gravi, qualis est depositio papæ, sed criminis judicat qualitatem, quod per se sine alia censura superaddita excludit ab Ecclesia,
dummodo tamen per Ecclesiam declaretur ; licet enim ex se separet ab Ecclesia, tamen quoad nos non intelligitur facta separatio sine ista declaratione. Et
similiter ad rationem respondetur, quod non Christianus, qui quoad se, et quoad nos Christianus non est, non potest esse papa, si tamen quoad se Christianus
non sit quia fidem amisit ; quoad nos autem adhuc non fit juridice declaratus, ut infidelis, vel hæreticus, quantumcumque manifestus sit secundum privatum
judicium, adhuc quoad nos est membrum Ecclesiæ, et consequenter caput. Requiritur ergo judicium Ecclesiæ, quo proponatur, ut non Christianus et evitandus,
et tunc desinit quoad nos esse papa, et consequenter antea non desierat etiam in se, quia omnia quae faciebat erant valida in se.

XXVII. Secundo objicitur : Quia non potest Ecclesia habere potestatem in conjunctionem pontificatus cum persona, nisi in ipsum pontificatum
habeat potestatem, nec enim amplius facit papa cum deponit episcopum, quam destruere conjunctionem ejus cum episcopatu, nam episcopatum ipsum non
destruit, ergo si potest Ecclesia in conjunctionem pontificatus cum persona, consequenter potest, seu potestatem habet supra pontificatum et personam papæ. Et
confirmatur, quia papa deponitur invitus ; ergo punitur in tali depositione, punire autem est superioris et judicis : ergo Ecclesia deponens, seu depositionis pœna
puniens, supra personam papæ superioritatem habet. Denique , qui potest in partes simul, seu in conjunctionem earum potest simpliciter in totum : sicut
generans hominem, simpliciter potest in ipsum totum hominem ; ergo si Ecclesia potest in

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conjunctionem pontificatus cum persona, simpliciter potest in papam, quod negat Caietanus.

XVIII. Respondetur, quod aliter potest pontifex in episcopum quando ipsum deponit, aliter Ecclesia in pontificem : nam pontifex privat ipsum tamquam sibi subjectum, et habentem potestatem sibi subordinatam et dependentem, quam limitare, et coarctare potest, unde licet tollat episcopatum a persona, et non destruat episcopatum, tamen hoc tollit ex superioritate quam habet ad personam, etiam ex parte potestatis sibi subordinatae, ratione cujus illam amovet a persona, et non solum personam ab ipsa. Ecclesia vero tollit pontificatum ex superioritate ad potestatem ipsam, sed ex ministeriali, et dispositiva potestate qua potest inducere dispositionem incompossibilem cum pontificatu, ut dictum est.

XXIX. Ad confirmationem respondetur, papam disponi invitum ministerialiter, et dispositive ab Ecclesia, auctoritative a Christo Domino, unde ab ipso, non ab Ecclesia punitur proprie loquendo. Ad ultimum dicitur, quod qui potest in conjunctionem partium, potest in totum simpliciter, non tamen si ministerialiter solum, et dispositive possit in talem conjunctionem, nisi in naturalibus, in quibus physicae dispositiones habent naturalem connexionem cum ipso esse totius, quod cum communicetur ab agente producente dispositiones conjunctivas partium, simpliciter producit ipsum totum : in moralibus autem dispositio, quae fit ab aliquo, cum solum habeat rnoralem conjunctionem cum forma, et quasi ex institutione voluntaria, qui disponit non censetur facere ipsum totum simpliciter, et auctoritative, sed quasi ministerialiter : sicut si pontifex alicui concedat, ut loca quae designaverit habeant privilegia lucrandi indulgentias, et quae declaraverit non habere, non habeant, designatio, vel declaratio ista non habet tollere, aut concedere indulgentias auctoritative et principaliter, sed ministerialiter solum.

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