

QUAESTIO DISPUTATA

UTRUM RENUNTIATIO PAPAE BENEDICTI XVI
SECUNDUM ACTUM EXPRESSUM IN DECLARATIONE,
NON SOLUM PROPTER, VALIDA AD EFFICIENDAM PAPATUS
RENUNTIATIONEM SIT.

by Br. Alexis Bugnolo

State of the Question:

Recently, the noted Vatican theologian, and former member of the Congregation for the Faith, Msgr. Nichola Bux publicly opined¹ that the validity of the resignation of Pope Benedict XVI should be studied in regard to the question of what appears to be substantial error in the formula of resignation². (For a correct English translation of the formula³).

Msgr. Bux was not the first to raise this issue. In fact, doubts as to the validity of the act of resignation were raised immediately upon the news being made known. Flavien Blanchon, a French journalist working at Rome, writing only 2 days afterwards, cited an eminent Latin scholar⁴ who pointed out errors in the text of abdication, and who noted that the presence of any error, according to canonical tradition, was held to be a sign of lack of deliberation, rendering the act null and void. These errors in the Latin were also reported by Luciano Canfora, *Corriere della Serra*, Feb. 12, 2013, p. 17.⁵

More importantly, the famous Italian Philosopher, Prof. Enrico Radaelli wrote a supplication to Pope Benedict XVI, on Feb. 18, begging him to withdraw the resignation, because, inasmuch as it was done in a secular fashion, it would result in the consequent election of an Anti-Pope. His article was entitled: *Perché Papa Ratzinger-Benedetto XVI dovrebbe ritirare le sue dimissioni: non è ancora tempo per un nuovo papa, perché sarebbe quello di un Anti-Papa*.⁶ Which warning, alas, was ignored, even by myself at the time, for frivolous reasons.

Then a year later, Antonio Socci openly speculated⁷ that the resignation might be invalid on account of the lack of interior will given by Benedict. In the same year, a very noteworthy study published by a Professor in canon law at the Theological Institute of Legano, Switzerland, in 2014 by Fr. Stefano Violi, which discussed canonically the renunciation: *The Resignation of Pope Benedict XVI Between History, Law and Conscience*,⁸ without, however, raising the question of its invalidity. (Its a must read on account of its rich citation to the canonical history of papal resignations.) However, the study, by identifying the matter of the renunciation to regard the active ministry, not the *munus*, made it clear that

¹ <https://pjmedia.com/faith/noted-vatican-theologian-calls-for-examination-of-validity-of-pope-benedicts-xvis-resignation/>

² http://w2.vatican.va/content/benedict-xvi/la/speeches/2013/february/documents/hf_ben-xvi_spe_20130211_declaratio.html

³ <https://fromrome.wordpress.com/2018/11/23/literal-english-translation-of-benedict-xvis-discourse-on-feb-11-2013-a-d/>

⁴ <https://fr.novopress.info/132011/un-acte-nul-et-etranges-fautes-de-latin-dans-la-renonciation-de-benoit-xvi/>

⁵ <http://www.chiesaepostconcilio.eu/dimissioni/errori-latino.htm>

⁶ <http://www.internetica.it/dimissioni-BenedettoXVI.pdf>

⁷ <https://www.antoniosocci.com/forse-non-e-canonicamente-valida-la-rinuncia-di-papa-benedetto/>

⁸ <http://archive.fatima.org/news/newsviews/newsviews031315.pdf>

the question of substantial error invalidating the resignation was a real question, founded upon the text of the act itself.

On Nov. 14, 2014, in a public conference,⁹ Fr. Nicholas Gruner, "the Fatima Priest" affirmed of Pope Benedict, on Feb 11, 2013, that "whatever he was doing, he was not resigning the papacy".

However, on June 19, 2016, Ann Barnhardt raised specifically the question of a doubt arising from canon 188, which cites substantial error as sufficient grounds to establish the grounds for a canonical determination of invalidity in any resignation. She did this following the remarkable comments¹⁰ by Pope Benedict's personal Secretary on May 20th earlier, in which he claimed that Benedict still occupied the Papal Office (Full Text, English Translation¹¹).

Then the blogger, Sarmaticus, discussed the issue raised by Ganswein's words on August 5, 2016, with a post drawing out the significance of what the Archbishop had said at the Gregorian University, in a post entitled: "Ockham's Razor Finds: Benedict Still Pope, Francis Is False Pope, Universal Church in State of Necessity since 24 April, 2005."¹²

Msgr. Henry Gracida, Bishop Emeritus of Corpus Christi, Texas, in the United States, and a former member of Opus Dei, has also sustained this same doubt¹³ and others regarding the validity of the resignation. I understand that the Bishop has written many members of the Sacred Hierarchy and Curia about these matters urging action be taken (He suggests a public declaration by 12 pre-Bergoglian Cardinals).

According to Ann Barnhart,¹⁴ in the following year, Attorney Chris Ferrara and Mrs. Anne Kreitzer also sustained this same doubt. The historian Richard Cowden Guido¹⁵ opined the same on May 11, 2017. And, the famous Italian controversialist, Antonio Socci quoted Violi at length on May 31, 2017 and sustained the same thesis.¹⁶

On August 11, 2017, the popular Catholic TV program, Cafe con Galat, in an English edition,¹⁷ discussed why Pope Benedict XVI is still the true pope. While this program emphasizes the lack of freedom in the act, it does include the matter regarding the lack of conformity to Canon 332 §2 and canon 188.

⁹ <https://vimeo.com/228833627>

¹⁰ <http://www.ncregister.com/blog/edward-pentin/archbishop-gaenswein-recalls-dramatic-struggle-of-2005-conclave>

¹¹ <https://aleteia.org/2016/05/30/complete-english-text-archbishop-georg-gansweins-expanded-petrine-office-speech/>

¹² <https://sarmaticusblog.wordpress.com/2016/08/05/ockhams-razor-finds-benedict-still-pope-francis-is-false-pope-universal-church-in-state-of-necessity-since-24-april-2015/>

¹³ <https://abyssum.org/i-believe/>

¹⁴ <https://www.barnhardt.biz/2017/05/05/another-public-endorsement-of-the-canon-188-substantial-error-position/>

¹⁵ <https://lesfemmes-thetruth.blogspot.com/2017/05/guest-post-invalid-abdication.html>

¹⁶ <https://benedettoxviblog.wordpress.com/2017/06/01/il-canonista-stefano-violi-studiando-la-declaratio-di-benedetto-xvi-conclude-benedetto-xvi-dichiara-di-rinunciare-al-ministerium-non-al-papato-seco/>

¹⁷ https://youtu.be/9bf_qlFyXf0

Sometime before March of this year, Fr. Paul Kramer sustained¹⁸ also that canon 188 nullified the resignation, on account of the lack of the resignations conformity to canon 332 §2 in mentioning *ministerium* rather than *munus*.

In May of this year, at the latest, Fr. Juan Juarez Falcon expounded the canonical reason for the invalidity of the resignation, on the basis of substantial error, in an article entitled, "Dos Graves Razones".¹⁹ Finally, Pope Benedict XVI in his private letters to Cardinal Brandmueller,²⁰ published in the summer of 2018, openly asks for suggestions for a better way to resign, if he did not do it correctly.

There being a number of notable Catholics sustaining this doubt, and since Msgr. Bux called for an investigation of this matter, I will add here in Scholastic Form, some arguments in favor of sustaining it, in course of which will refute all substantial arguments against it.

All the arguments for and against should be understood in context of canon 124 §1, which reads: *For the validity of a juridic act it is required that the act is placed by a qualified person and includes those things which essentially constitute the act itself as well as the formalities and requirements imposed by law for the validity of the act.*

Can. 188, *A resignation made out of grave fear that is inflicted unjustly or out of malice, substantial error, or simony is invalid by the law itself.*

And Canon 322 §2: *If it happens that the Roman Pontiff resigns his munus, it is required for validity that the resignation is made freely and be properly manifested (rite manifestatur), but not that it be accepted by anyone at all.*

Its also important to note, for native speakers of German, that the German translation of the Code of Canon Law gives the erroneous translation of *munus* as *Dienst* in canon 145 §1, where *munus* if it be translated at all, should be rendered *Verantwortung*, which is a proper synonym of the Latin *munus*, as an *onus*. Moreover, the correct sense of *munus* in canon 332 §2 is “office, charge and gift of grace” (*Amt, Verantwortung, Geschenk der Gnade*), not ministry or service (*dienst*), for only this full sense of *munus*, as an *officium*, *onus*, *donum* reflects the magisterial teaching of Pope Boniface VIII in his rescript, *Quoniam*.²¹

¹⁸ <https://abyssum.org/2018/03/21/much-has-been-written-about-benedicts-resignation-and-francis-election-here-is-the-best-analysis-i-have-read-up-to-now/>

¹⁹ <https://comovaradealmendro.es/2018/11/29/dos-graves-razones-de-derecho-canonical-que-confirman-que-bxvi-sigue-siendo-papa/>

²⁰ <https://www.thetablet.co.uk/news/9764/benedict-xvi-defends-resignation-in-leaked-letter>

²¹ <https://fromrome.wordpress.com/2019/03/04/boniface-viiiis-magisterial-teaching-on-papal-renunciations/>

Whether Pope Benedict XVI by means of the act expressed in his address, "Non solum propter", resigned the office of the Bishop of Rome?

And it seems that he did not:

1. First, because substantial error, in an act of resignation, regards the *vis verborum*, or signification of the words, as they regard the form and matter of the act. But the act of renouncing a ministry regards one of the proper accidents of the office (canon 41) by which that ministry can be rightfully exercised. Therefore, if one renounces a ministry, he does not renounce the office. And if he believes to have renounced the office, by renouncing one of the ministries, he is in substantial error as to the signification of the words he has used. But in the text, *Non Solum Propter*,²² Benedict XVI renounces the *ministerium* which he received as Bishop of Rome, when he was elected. Therefore, to understand that act as a renunciation of the office is to be in substantial error as to the effect of the act. Therefore as per canon 188, the resignation is invalid.
2. Saint Peter the Apostle exercised many ministries in many places. But no one is the real successor of Saint Peter except the Bishop of Rome (canon 331). If one renounces a petrine ministry, therefore, he does not renounce the office of Bishopric of Rome (cf. canons 331 & 332), who has other ministries in virtue of his office. Therefore, if one believes he has renounced the Bishopric of Rome by renouncing a petrine ministry, he is in substantial error, and thus as per canon 188, the resignation is invalid.
3. According to Saint Paul (1 Corinthians 12) there are diverse graces, ministries and offices in the Church, inasmuch as the Church is the Body of Christ. Therefore, since the Bishop of Rome can exercise several of these ministries, it follows that one does not renounce the Bishopric of Rome if one renounces one of these ministries, since no one ministry is coextensive with the Bishopric of Rome. Ergo in such a renunciation, if one believes he has sufficiently signified the renunciation of the Bishopric of Rome, he is in substantial error. Therefore, as per canon 188, the resignation is invalid.
4. According to Seneca (*Moral Essays*, vol. 3, John W. Basore, Heineman, 1935), one must distinguish between benefices, offices and ministries. Benefices are that which are given by an alien, offices by sons, mothers and others with necessary relationships, and ministries by servants who do what superiors do not do. The Petrine ministry is a service to the Church. But the office of the Bishop of Rome is a duty to Christ. If one renounces the ministry of a servant, he does not renounce the office of a son. Ergo in such a renunciation etc...
5. The validity of an act of resignation cannot be founded upon the subjective definition of words, or the mere intention of the one renouncing. If that were the case, the interpretation would make the act an act of resignation. The act itself would not declare it. But the Church is a public society founded by the Incarnate Living God. Therefore, the renunciation of offices must be not only intentional but public, to give witness to the fact that the office was established by the Living and Incarnate God. But the office of the Bishop of Rome is such an office. Ergo in such a renunciation etc..

²² http://w2.vatican.va/content/benedict-xvi/la/speeches/2013/february/documents/hf_ben-xvi_spe_20130211_declaratio.html

6. As Msgr. Henry Gracida argues on his blog, abyssum.org: If Christ did not accept the resignation of Benedict as valid, because the act itself was not canonically valid per canon 188, then Christ would be obliged in justice to deprive Bergoglio of grace, so that his lack of being pope be most evident to all with Faith, Hope and Charity. But it is most evident to everyone, even non Catholics, that he has not the grace of God in him or in his actions. Ergo, either Christ is unjust, or Christ is just. He cannot be unjust. Ergo, Bergoglio is not pope. But the Cardinals hold that his election was in accord with the procedures required by the Papal Law on Elections. Therefore, if he is not the pope, it can only be because someone else is still the Pope. Therefore, Benedict is still the pope, because in a resignation of this kind, the substantial error of renouncing the ministry, rather than the munus, renders it invalid.

7. Likewise, Christ prayed for Peter that his faith might not fail, and so that he could confirm his brethren in the Apostolic College. Now this prayer of Christ must be efficacious, since Christ is God and the Beloved Son of the Eternal Father, and because of the office of Saint Peter is not something merely useful to the Body of Christ, but necessary in matters of faith and unity. Therefore, Christ's prayer for the Successors of Saint Peter must be efficacious in some manner as regards the faith and unity of the Church. But Bergoglio manifestly attacks both the faith and unity of the Church. Far be it, therefore, to judge that in this one man Christ's prayer was not intended to be effective. Ergo, Bergoglio is not a valid successor of Saint Peter. But the Cardinals hold that his election was etc...

8. From the text of the act of resignation. Pope Benedict admits in the first sentence that he holds the *munus petrinum*. But further down, he says he renounces the *ministerium* which he had received as Bishop of Rome. Therefore, he has not renounced the munus. But *munus* means office and gift of grace (cf. Canon 145 §1 and Paul VI, *Christus Dominus*²³). Therefore, he has not stated that he has renounced the office and gift of grace. Therefore, in such a resignation etc..

9. From the sense of the Latin tongue, which lacks the definite and indefinite article. When you say: *Renuntio ministerio*, you do not say whether you have renounced the ministry or a ministry. Therefore, you leave unsaid what ministry you have renounced. Therefore, in such a resignation etc..

10. From the papal law *Universi Dominici Gregis*, on Papal elections: One is not elected to the Petrine Ministry, but to be the Bishop of Rome.²⁴ Therefore, unless one renounce the Bishopric of Rome one has not vacated the See of Saint Peter. But in public statements²⁵ Pope Benedict XVI after March 2013 says only that he has renounced the *ministerium*. Therefore, he is in substantial habitual error as regards what is required in an act of resignation of the office of the Bishopric of Rome. Therefore, in such a resignation etc..

11. From the Code of Canon Law: Canonical resignations are valid if 3 things are valid: liberty from coercion, right intention, unambiguous signification. This is confirmed in canon 332, § 2 which expressly denies that the acceptance of a resignation affects its validity or non-validity. But Pope Benedict admits in his letters to Cardinal Brandmueller²⁶ that his intent was to retain something of the Pontifical Dignity. His private secretary also publicly has affirmed that he occupies the See of Peter

²³ http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19651028_christus-dominus_lt.html

²⁴ http://w2.vatican.va/content/john-paul-ii/en/apost_constitutions/documents/hf_jp-ii_apc_22021996_universi-dominici-gregis.html

²⁵ <https://www.lastampa.it/2014/02/25/vaticaninsider/ratzinger-my-resignation-is-valid-speculations-are-simply-absurd-nM4DttQk4owMXqUzr4GRWO/pagina.html>

²⁶ <https://www.thetablet.co.uk/news/9764/benedict-xvi-defends-resignation-in-leaked-letter>

but shares the Petrine Ministry still. This is incontrovertible evidence that the act of resignation is ambiguous. For either it means he has renounced the See or has not renounced the See, that he has renounced the ministry, or has not renounced the ministry. Therefore, in such a resignation etc..

12. From Pneumatology, that is, from the theology of the Holy Spirit. After Feb 2013 the whole Church still recognizes and accepts Pope Benedict with the title of pope and with papal prerogatives. All call him Benedict, not Ratzinger or Joseph. But the whole Church cannot be deceived. Nevertheless, according to Divine Institution, the Papacy cannot be held by more than one person at one time. And he who holds it first, has the valid claim to the office. Therefore, the Church does not understand the act as one which renounces the office. Therefore, in such a resignation etc..

13. From insufficiency of intention: If a Pope renounces eating bananas, he has not renounced the office of Bishopric of Rome. Therefore, if he says, "I have renounced eating bananas, to vacate the See of Rome", he is in substantial error as to the effect of his act. But in his text of renunciation he says he has renounced the ministry so as to vacate the see of Saint Peter [ut sedes Sancti Petri vacet]. But that is a substantial error, since the ministry is only a proper accident of the Bishopric of Rome, for to be the Bishop of Rome is the first act of its being [esse primum], to exercise the ministries of the Bishopric of Rome is the second act of its being [esse secundum]. Therefore, since the second act of being is in potency to the first act, and potency is divided from act as accident to substance, to renounce a or all ministries of an office is an act regarding the accidents not the substance of the office. Therefore, one could just as well renounce any or all of its ministries and retain the office. Therefore, by renouncing a or the ministry he does not renounce the office. Indeed, in public statements, he explicitly affirms only to have renounced the ministry.²⁷ Therefore, his insufficiency of expressed intention does not save the act from substantial error. Therefore, in such a renunciation etc..

14. The Pope is not more powerful than God the Son. But God the Son in becoming the Most Blessed Sacrament of the Altar, at the moment of Consecration, renounces all the accidents and action of His Sacred Humanity, yet remains still God and Man. Hence, even if a Pope were to renounce all his actions and ministries as Pope, he remains the Pope. But Pope Benedict XVI in his declaration of Feb. 11, 2013, renounces only the *ministerium* of his office, not the office. Therefore, he remains the Pope.

15. If you get up from your chair, but to not give the chair to another, the chair becomes vacant but remains your property. Now the office of St. Peter's Successor is to Saint Peter's Successor as a throne is to the one enthroned. So if a Pope renounces the ministry of his office, but not the office, even if he intends by such a renunciation that the Throne of St. Peter be vacant, he does not cede his right and holding of the office. So when Pope Benedict writes *declaro me ministerio ... renuntiare ita ut Sedes Petri vacet* its clear that while he renounces serving as Pope, he does not renounce the Papacy.

16. If any President, Prime Minister or father of a family renounces fulfilling the duties of his office, he nevertheless has not ceased to be President, Prime Minister or father. Likewise with the Pope, if he textually renounces only the ministry of his office, he has not lost his office.

17. God, who is Being, as the institutor of the Office of Peter, cannot regard as resigned from the office of the Successor of Saint Peter, any Roman Pontiff, validly elected, who only renounces accidents or second acts of the being of that office. But Pope Benedict XVI renounced only the *ministerium*, or

²⁷ <https://www.lastampa.it/2014/02/25/vaticaninsider/ratzinger-my-resignation-is-valid-speculations-are-simply-absurd-nM4DttQk4owMXqUzr4GRWO/pagina.html>

exercise of the office, which he had received, not the *munus*, which is the office itself. Therefore, since the exercise of office is the second act of the being of the office, God cannot acknowledge such a resignation as valid. And if God does not recognize it as valid, neither can the Church. Therefore, in such a resignation, etc..

18. The essence of 'being the Pope' is the dignity of the office held. The essence of a ministry is the service rendered. Therefore, just as renunciation of a service does not cause the loss of dignity, so the renunciation of the Petrine Ministry does not cause the loss of Papal office. Therefore, in such a resignation, etc..

19. In Canon Law *ministerium* is not the locus of right (*ius*), that is found only in sacraments (*sacramenta*) and offices (*munera*). Therefore, he who renounces *ministerium*, renounces no right. But Pope Benedict XVI in his renunciation, *Non solum propter*, renounces the *ministerium* he received from the hands of the Cardinals. Therefore, he does not renounce any right. And if he renounces no right, he retains all rights, and thus remains the Pope. If it be objected, that he renounced the *ministerium* so as to vacate the See of St. Peter (*ita ut Sedes S Petri vacet*), it must be responded that, since *vacare*, in Latin has 2 senses: that of conceding right and that of simply going away, as on a vacation, the assertion of renouncing *ministerium* so as to *vacet* the Roman See implies no necessity of signifying a renunciation of right. Therefore, in such a resignation etc..

20. As the learned canonist Juan Juárez Falcó argues:²⁸ Canon 332 which is the only canon regarding Papal renunciations speaks of the renunciation of the *munus*, not of the *ministerium*. But Benedict XVI speaks only of renouncing the *ministerium*, not the *munus*. Ergo per canon 188, the renunciation is invalid to effect a renunciation of *munus*. But as per canon 145, the *munus* is the office. Therefore, in such a resignation, etc..

IN CONTRARIUM:

And it seems that he did:

1. Because, Pope Benedict XVI as pope is above Canon Law. Therefore, he does not need to resign according to the form of Canon 332 §2. Therefore, he resigned validly.

Ad obj. 1: To argue that the Pope is above Canon Law, and therefore the resignation is valid, is a sophism, which when examined is equivalent to 2 other erroneous propositions, namely: "The Pope as pope is above canon law, ergo etc.", and "The Pope as the man who is the pope is above the Law, ergo etc." To the first, I say: In the first case it is true that the Pope as pope is above canon law. However, the Pope when renouncing his office, does not renounce as Pope, but as the man who is the pope. Therefore the argument is *praeter rem*. To the second, I say: It is false to say the Pope as the man who is pope is above Canon Law, because the mind of the Legislator of the Code of Canon law, Pope John Paul II, in canon 332 §2, expressly declares when a papal resignation is such and is to be regarded as valid. Therefore, if a pope resigned in a way which was valid, but which the Faithful had to regard as invalid according to the norm of that Canon, there would be chaos in the Church. However, in interpreting the mind of a legislator, one cannot presume any thesis which would make the law defective. Therefore, Pope

²⁸ <https://comovaradealmendro.es/2018/11/29/dos-graves-razones-de-derecho-canonico-que-confirman-que-bxvi-sigue-siendo-papa/>

John Paul II did intend to bind the man who is pope, in a papal resignation. Therefore, the second is false also.

2. Because it is clear that Pope Benedict wanted to resign. Therefore, he did resign. Therefore, his resignation is valid.

Ad obj. 2.: To argue that the Pope wanted to resign, therefore he did resign, is to employ a sophism which conceals an undistributed middle term. For if the pope wanted to resign the *ministerium* of the office, then he did resign the *ministerium*. But such a resignation is not conform with Canon 332 §2, since it does not resign the *munus*. Therefore, it is invalid. Likewise, if the pope wanted to resign the *munus*, then he did NOT resign the *munus* if he said *ministerium*. And then even if he thought he did, its invalid, per canon 332 §2 according to the act, and according to canon 188 on account of substantial error.

3. Because Pope Benedict, after his resignation, publicly declared that he validly resigned. Therefore, he validly resigned.

Ad obj. 3.: To argue that the Pope resigned validly because after his resignation he publicly declared that he resigned validly, is to employ a subterfuge. Because in that public declaration he declares that he resigned the Petrine ministry validly. That he resigned the Petrine ministry validly, is not disputed. But if that is what he resigned, then he did not resign the *munus*. Therefore, that act did not effect a resignation of the office. Therefore if it be asserted to be a valid papal resignation, the assertion is false according to canon 332 §2.

4. Because, Pope Benedict, after his resignation, publicly declared that he freely resigned, therefore he resigned.

Ad obj. 4.: It is true that liberty in a resignation is one of the necessary conditions of a papal resignation according to Canon 332 §2, but it is not true that it is the only condition. The first condition is that it be a resignation of *munus*. It was not. Therefore, this argument is *praeter rem*.

5. Because, Cardinal Sodano, as Dean of the College of Cardinals, in convoking the College, acted as if it were valid, therefore it is valid.

Ad obj. 5: There is no Canon of the Church or special delegation by the Roman Pontiff which makes the decision of the Cardinal Deacon to call a conclave efficacious of the validity of an invalid resignation, or authoritatively determinative of the validity of a resignation. Therefore, that he did so, proves nothing. Nay, canon 332 §2 expressly denies this.

6. Because the College of Cardinals convened to elect a Successor of Pope Benedict, therefore by that act declared or made the resignation valid.

Ad obj. 6.: There is no Canon of the Church or special delegation by the Roman Pontiff which makes the decision of the College of Cardinals to conclave or elect a Pope, efficacious of the validity of an invalid resignation, or authoritatively determinative of the validity of a resignation. Therefore, that they did so, proves nothing. Nay, canon 332 §2 expressly denies this.

7. Because the whole College of Cardinals after the resignation and after the Conclave of 2013 acts and holds that Jorge Mario Bergoglio is the true and valid pope.

Ad obj. 7: I reply the same as for obj. 7.

8. Because the whole world accepts that Jorge Mario Bergoglio is Pope Francis.

Ad obj. 8: Canon 332 §2 in saying, "and not whether it be accepted or not by anyone whomsoever" in its final phrase, expressly denies this. Therefore, it is false.

9. Because, a Catholic must hold as Pope, whomsoever the Cardinals, or the Bishops, or the Clergy of Rome, hold to be the Pope.

Ad obj. 9.: I reply the same, as to obj. 8.

10. Because the election of a Pope by the Cardinals is a dogmatic fact, which all Catholics must accept.

Ad obj. 10.: While it be true that the valid election of a Pope by the Cardinals is a dogmatic fact which all Catholics must accept, it is not true if the election were invalid. But an election is invalid if the previous pope is still living and has not yet validly resigned. Therefore, this objection is invalid, inasmuch as the resignation be invalid. Therefore, of its self it is insufficient to prove the point argued.

11. Because the resignation of Pope Benedict XVI is a papal act, which cannot be questioned, according to the adage: *prima sedes a nemini iudicatur*.

Ad obj. 11.: While it is true that the acts of the Roman Pontiff are juridical acts which cannot be questioned, it is not true that declarations made in the first person by the man who is pope, which are the matter of such acts or declarations, cannot be judged. That such an act can be judged is proven by Canon 332 §2 which judges such acts. That such matter of the papal act is not an act of the pope as pope, has already been proven above.

12. Because, a Catholic in good conscience must presume, that if the resignation were not valid on account of the use of the word *ministerium* not *munus* in the key phrase of the act, that the Cardinals, in accord with canon 17, either demonstrated to themselves that he sufficiently resigned the papacy, or held private council with the Holy Father, Pope Benedict, to know his mind and meaning, at which time he privately signified that he had resigned the papacy in resigning the ministry of the Papacy.

Ad obj. 12.: While it is true that a Catholic should be disposed to presume such, such presumption does not make an invalid resignation valid. Nay, in accord with Canon 332 §2, one must note that the final cause of an invalid resignation is that it not be manifested according to the norm of law (*rite manifestatur*). Which norm requires a public act, that is, an act witnessed by at least 2 witnesses and made verbally. Such an act has never been published. So even if it were made, its a secret act, and it would not make an invalid resignation, valid.

13. Because Pope Benedict said, "I declare that I renounce the ministry which I had received from the hands of the Cardinals, ... so that the See of St. Peter be vacant on ...", he clearly indicated that his

renunciation was to effect a loss of office (munus), therefore his resignation was in accord with Canon 332 §2, despite not explicitly using the word munus, as that Canon requires for validity. Therefore, the resignation was valid.

Ad obj. 13.: This objection was refuted in the arguments of the First Part, but its complexity deserves a fuller answer for those minds which cannot understand how it is invalid. First, as demonstrated in the First Part of this Article, a resignation is valid if it includes a resignation of munus; it is not valid if it does not. And according to Canon 17, if there is any doubt as to whether munus is included in canon 332 §2 as a sine non qua condition or according to its signification in a broader sense, one must have recourse to other parts of the Law, the canonical tradition, and to the mind of the Legislator (John Paul II) of the Code. As has been shown *elsewhere*, there is no basis for an argument from canon 17 that ministerium can mean munus. However, since ministerium is followed by 2 subordinate clauses, the argument that it is invalid, must respond to that condition. For in Latin, some subordinate clauses can alter the signification of the main clause. And it is true that there is a poetical form, in which part of a thing can substitute for the whole, as when at Mass in the Latin Rite we say, "Come under my roof" to mean "come into my soul". However, as regards the Latin of the text of the renunciation, to say, "which I received from the hands of the Cardinals" imposes no necessity of reference to the Petrine Ministry per se, because Ratzinger also at that time received the Episcopal and Pastoral Ministry for the Diocese of Rome. The second clause, "so that the See of St Peter be vacant", has been shown in Part I to necessitate no necessity. For those who do not understand Latin grammar, this needs to be explained. Because, in a subordinate clause such as "so that ... be vacant", the clause is a clause of purpose of the kind which begins with the particle "ut", and thus is a pure clause of purpose which indicates only a goal. If the subordinate clause of purpose had begun with "in the kind of way which" (quomodo) or "in such a way as to" (in tali modo quod) it would have been a purpose clause of characteristic which has the power to alter the manner of signification in the main clause, and allow the use of metonymic signification, that is, when a part refers to the whole. Since Pope Benedict did not say anything of that kind, this way of reading the subordinate clause is not possible. Hence it remains invalid. However, even if a metonymic signification was had, it remains invalid per canon 332 §2, since it would not be duly manifested. Because just as if one were to pronounce marriage vows by saying, "I take you to be my Viennese strudel" instead of saying "I take you to be my wife", an interpretation would be necessary to be resorted to, to make the phrase signify taking a wife, so in an act of resignation a metonymic manner of signification renders the act invalid because it publicly does not duly manifest the intention.

14. In his act of resignation Pope Benedict XVI declared two things. The First regarding his resignation, the second regarding the convocation of a Conclave "that a Conclave to elect a new Supreme Pontiff be convoked by those whose duty it is". He would not have said this, if his intention was not to resign the office of the Papacy. Therefore, he did resign the office of the papacy.

Ad obj. 14.: This argument is a conflation of two arguments, one of which has previously been refuted, viz. that one which regards his intention, which was refuted in Ad obj. 2. Here I will respond to the other, that which regards the papal command to convene a Conclave. That the Pope declared that a conclave be convened to elect a new Roman Pontiff forms the second independent clause of his verb, "I declare". Thus it is logically independent and bears no necessity in the alteration of the signification of the first clause, which regards the resignation. Thus if the resignation not be duly manifested in accord with Canon 332 §2, that

the Pope declares a Conclave be called is a papal declaration which is totally vitiated by the substantial error in his first declaration. Thus canon 188 invalidates the execution of this command. This is especially true, because in the declaration of convocation he does not require the convocation to take place before or after he ceases to be pope, or on a specific date or even during his life time. To see this more clearly, recall the example from the arguments against the validity, wherein a hypothetical pope declares, "I renounce bananas so that on Feb. 28, at 8 PM, Roman Time, the see be vacant" and simply add, "and that a Conclave be convened to elect a new Roman Pontiff". As can be seen in this hypothetical, the second declaration does not make the first valid, it just continues the substantial error: a substantial error which also makes the Conclave of 2013 and all the acts of Bergoglio as pope invalid.

15. Canon 332 §2 does require the resignation of office. But *ministerium* also means office. Therefore, when Pope Benedict renounced the *ministerium*, he renounced the *munus*.

Ad obj. 15.: Canon 332 §2 reads as follows: *If it happens that the Roman Pontiff renounce his munus, there is required for its validity alone that it be freely made and manifested rite, and not that it be accepted by anyone whomsoever.* As can be seen from this Canon — which is the only one dealing with papal resignations — the fundamental condition is that the Pope resign his "munus". Now while some modern translations translate that as office (English), others as charge (Spanish), others as function (Italian), its clear from the Code of Canon Law that its primary canonical meaning is office. This can be seen from its use in the Headings of the New Code for chapters on Ecclesiastical Offices. This is confirmed by a direct citation of canon 145 §1, where every ecclesiastical office is called a "munus", not a *ministerium*. An examination of the Code also reveals that a *ministerium* is never called an "office". Now since the Code of Canon Law requires in Canon 17, that the Code itself be read in accord with the tradition of canonical texts, the sources of canon law and the mind of its legislator (Pope John Paul II), these facts should be sufficient evidence to exclude the possibility that "ministerium" can be read as *munus*. This is confirmed by the comparison of Canon 332 §2 with the corresponding canon in the Code of Canon Law promulgated under Pope Benedict XV, where it speaks of a Pope renouncing, but does not say what he renounces. Its evident and significant that Pope John Paul II in the 1983 code added the word "munus" to specify what must be renounced to effect a papal resignation. Its also evident that in that Code of Canon Law "ministerium" refers to the exercise of an office. Furthermore, if one examines all previous papal resignations for which there is textual evidence of the formula of resignation, the words which signify office are always found: *onus*, *munus*. *Ministerium* is not found. Proper names for the office are found, such as *episcopatus* or *papatus*. Or the dignity resulting from the office is named with the words honor or dignitas. Thus, in accord with Canon 17, all the sources of authoritative interpretation conclude upon 1 result: that a Pope only resigns when he resigns the *munus*, the office, not the execution of the office, *ministerium*. Therefore, even if Pope Benedict intended, and in private afterwards asserted or asserts or will assert, that he intended to use "ministerium" for *munus*, his act of renunciation is invalid on account of that substantial error, in virtue of canon 188, and it cannot be made valid by any subsequent act. It would have to be redone with the word, "munus". So the argument is invalid by a sophistry, of reading "munus" in its major according to its Latin signification, but reading "ministerium" in the minor according to its vernacular usage. Thus, its conclusion is reached through an undistributed middle term, and thus is invalid also.

16. There is no petrine *ministerium* without a petrine office, for the two are inseparable according to right and being [secundum ius et esse]. Therefore, although Canon 332 §2 does require that a Pope renounce his *munus* to validly resign, nevertheless, a renunciation of *ministerium* is sufficient to effect this, because though “*munus*” names the papal office in relation to God’s gift of grace and duty, “*ministerium*” names the same office according to its relation to the Church. Therefore, to renounce the petrine *ministerium*, is to renounce the petrine *munus*.

Ad. obj. 16.: It must be said, that this argument must be responded to by interemption, for it is false in both its major and minor propositions. In its minor, it is false in being founded upon an error of interpreting the obligations of Canon 332 §2 according to the general custom of the science of theology, and not according to the norm of law. In its major, or premise, it is furthermore false in asserting that *ministerium* is not separable from office according to right and being [secundum ius et esse]. — In regard to the first, one must respond thus: For in the science of theology, words can have differing significations in respect of the same or dissimilar things. But all this is *praeter rem* in regard to a discussion of the canonical signification of an act of resignation of ecclesiastical office, even more so, in regard to an office established by the Incarnate Word of God. For in such a matter, the argument must turn upon the office according to its being in the Divine Will and Intention, not upon the office as it is understood according to the personal theology of the man who is Roman pontiff. This is also true in regard to the Roman Church, whose Bridegroom is not the Roman Pontiff, but Christ Jesus Himself, now reigning in Glory. For that reason, not only is She bound to give the consent of Her will to the Redeemer, but also the assent of Her mind. Therefore, one would propose a manner of observing canon law which would be tantamount to adultery, if one held that it was licit for the Roman Church to regard the signification of a canonical act after the manner of the world, the flesh, or even private interpretation. Thus, not only is Christ by His promise to Saint Peter bound by canon 332 §2, promulgated by His Vicar, Pope John Paul II, to not withdraw the grace and office [munus] unless it be explicitly renounced, so also the Roman Church, which is His most faithful virgin Bride and virgin Spouse. Therefore, the Church must regard the obligations of canon 332 §2 as requiring a renunciation of *munus*, inasmuch as canon 17 requires that term to be understood in canon 145 §1. Nowhere in the Code of Canon law is a *ministerium* regarded as the office itself. So even if it was the intention of the author of *Non Solum Propter*, inasmuch as he was man, to signify the Papal Office in its relation to the service it renders, it does not by that fact alone become an act which the Church can accept as *rite manifestatum*, for an interpretation would have to be resorted to, and a reading of the text, outside the rules of signification of the Code of Canon law would have to be employed. And as such, it would not be canonically valid, even if one could sustain that it was theologically sufficient. Nevertheless, even if one were to grant that the words *ministerium commissum* spoke of the *munus petrinum* in its relation to the Church, since nothing is renounced but what is explicitly renounced, the act would effect nothing more canonically speaking than a renunciation of the office inasmuch as it is in such a relation, not of the office itself. And thus it would not be efficacious to renounce nor sufficient to signify the renunciation of the office in its relation to God and His gift of grace. But since this very relation refers to it according to its principle of being [secundum essendi principium] – for it is a gift immediately from Christ and established by an act of His will – such a renunciation does not effect what is essential to it. The act remains, therefore, vitiated by substantial error in its manner of signification, and thus is invalid *ipso iure*, by canon 188. — Finally, in

regard to the premise of the argument, namely, that *ministerium* is not separable from office *secundum ius et esse*, it must be said that this is falsified by liturgical and canonical law. For since the suppression of minor orders, the state of the acolyte and lector are termed “ministries” [Canon 230 §1], yet such ministries confer no right to exercise such service at any time, but only the suitability to do so at the request of the celebrant of a liturgical act. Therefore, *ministeria* are separable in right and being from *munus*. — Thus, in conclusion, it appears obvious that the entire argument is false, since a conclusion which is drawn from a false premise and a false minor is entirely falsified.

17. The peaceful and universal acceptance of a Pope is caused by and is the effect of a valid papal election. Therefore, since 6 years have passed, even if the resignation of Pope Benedict XVI were invalid, his *de facto* silence at the usurpation of the Papal Office by Bergoglio is tantamount to a resignation. Therefore, whether the resignation was invalid or not, it now must be regarded as valid.

Ad obj. 17.: Though, in common law, possession is nine tenths of right, and thus, usurpation can lead to acquisition of right; and though in Roman Law *usucapione* can obtain legal right to property after a long time, such a principle is not valid for two reasons. First, it is not valid theologically in regard to an ecclesiastical office which was established by Jesus Christ, the Incarnate Word, by an immediate personal act. Of which kind is the office of Pope. The theological reason is this: that *no one can snatch anything out of the Hand of the Living God* (John 10:28). And thus, no usurpation of the papal office can constrain the Godhead, Who is Infinite Justice and Omnipotence Himself, to transfer the grace of the Papal *munus* to another. To hold otherwise, would be a theological impossibility and absurdity. — Second, it is not valid canonically, on account of Canon 359, which specifies that the College of Cardinals has authority to elect a Roman Pontiff only during a *sede vacante*. Therefore, if the resignation of Pope Benedict XVI was invalid, there was no *sede vacante*, and therefore the College had no authority to elect a successor. — As for tacit acquiescence: it is clear from Church History, that against the claims of an Anti-Pope no rightful claimant of the Apostolic See was considered to have relented merely for not prosecuting his right. Moreover, the argument of tacit acquiescence, however, has no application in the case under dispute, because that one acts on substantial error does not constitute tacit acquiescence, since tacit acquiescence requires the capacity of consent, a thing which is impossible through invincible ignorance in the case of substantial error. — Finally, as regards the universal and peaceful acceptance of a papal election: while this principle is certainly a valid reflex principle for troubled consciences in the case of a valid election, there is no possibility of a valid election when the College had no right to act, for it is contrary not only to Canon Law but to Divine Law to elect another Roman Pontiff while the Pope still lives and has not validly resigned. It is also not valid, as regards its implicit minor: namely, that there has been a peaceful and universal acceptance of the Papal resignation. There has not, as the preface to this disputed question demonstrates. Hence, the application of this reflex principle to the present case is at best *praeter rem*, and worse a subterfuge.

18. Benedict’s renunciation of *ministerium* validly effects a resignation of office, because, on account of Canon 10, which expressly says only those conditions of invalidity cause an act to be invalid, since canon 332 §2 speaks of invalidity only regard to liberty from coercion and due manifestation, not the naming of the office, since it was Benedict’s intention to name the papal office, as is evident from his accepting the title of Pope Emeritus, the naming of the *ministerium* instead of *munus* does not make the

act of renunciation invalid. Furthermore, Benedict as pope is the supreme legislator, therefore he officially interprets the law (cf. Canon 16 §1), therefore he is able to resign the Petrine *munus* by resigning the Petrine *ministerium*.

Ad obj. 18.: While it is true that canon 332 §2 speaks of invalidity only in regard to the conditions of the act, nevertheless canon 188 speaks expressly of invalidity of resignations which are vitiated by a substantial error. Now, there is no more substantial of an error in resigning an ecclesiastical office, than to resign an accident of it or its second act of being (*ministerium*) and believe that in doing so one sufficiency signifies the office (*munus*). Furthermore, Canon 18 requires that the terms of canon 332 §2 be understood strictly, since the latter canon restricts the one who is renouncing. Therefore, the renunciation must *explicitly* regard the *munus* of the papal office, which in that canon and in canon 749 §1, like all episcopal offices (cf. Paul VI, *Christus Dominus*) in the entire Code, is referred to *exclusively* as a *munus*, because it is not merely an ecclesiastical office (*officium*) or service (*ministerium*) established by custom or the Church, but is a *gift of grace and office* (*munus*) established by the Living God by an immediate Personal Act (cf. Matthew 16:18 ff). That each such office (*munus*) can exercise one or more *ministeria* is not only NOT an argument for the validity of Benedict's resignation, but nay rather an argument *against* the validity, on account of canon 188, canon 17 and canon 41 (in the Latin), the latter of which expressly associates *ministerium* with the *mere execution* of an ecclesiastical office; and this, because the execution of an office or its services can be renounced by the infirm, who still wishes to retain the dignity of the office, as the history of the Church demonstrates. Thus, in virtue of canon 17, which explicitly requires that the texts of each Canon be understood according to the proper meaning of the words they contain as the context of the Code of Canon Law uses them, the argument drawn from canon 10, here, is invalid because it is *praeter rem*, that is, applicable only to the conditions of invalidity in canon 332 §2, not canon 188. — If you say, yes, Canon 10 applies only to the terms of validity expressed in Canon 332 §2 and thus allows a broad interpretation of the conditional clause which speaks of a resignation of the petrine *munus*: then it must be responded, that such a reading of canon 10 would nullify the requirements of canon 17, that terms must be understood properly, or at least fails from insufficiency, since the broad meaning of *munus* in the Code of Canon Law is *officium* not *ministerium*; which sense of *officium* refers to office, not execution of a ministry. — Regarding Canon 16 §1, it must be said, that yes, Pope Benedict as Pope is the supreme legislator and interpreter of canon law. But he is only legislator, when he legislates; whereas Canon 332 §2 was legislated by Pope John Paul II. Furthermore, though any Pope can officially interpret Canon Law, he must do so by a papal act, not by a substantial error. Thus, canon 16 does not apply in such a case. Nay, rather, Canon 38 expressly rules in this case, when it says: *An administrative act, even if it be enacted by a rescript given Motu Proprio, lacks effect to the extent that it harms the rights of another or is contrary to the law or proven custom, unless the competent authority expressly has added a derogating clause.* — Finally, as regards the Pope's manifest intention to resign the papal *munus*, I have responded to this above in the reply to objections 2, 3 and 4.

19. As Dr. Taylor Marshall sustains on his video, [“The Resignation of Pope Benedict: an Analysis”](#), “*ministerium*” and “*munus*” name the same thing: the papal office, therefore to renounce the one is to renounce the other. Therefore, the resignation is valid.

Ad obj. 19.: To a gratuitous assertion, no reply need be made, because it is not an argument. However, against this assertion, one must respond, since it attacks the very nature of reality itself. For words have meaning, otherwise they would not be signs of communication. And different words can have different meaning, or there would be no reason to use them. Thus human language of necessity sustains the assertion that *ministerium* and *munus* can have different significations. Any dictionary of Latin also sustains this, as anyone can demonstrate who has one. But that *ministerium* and *munus* in Canon Law mean the same thing, is entirely false, as has been demonstrated above by referring, in accord with the requirements of canon 17, to the Code itself which in canon 41 associates “*ministerium*” with the mere exercise of office, and canon 145 §1 which defines an ecclesiastical office as a “*munus*,” not a *ministerium*. Thus, the Code of Canon Law itself uses the terms in different senses, and do not equate their significations as referring to an ecclesiastical office, in the sense that “*bishopric*” or “*papacy*” refer to an office. — This is a sufficient refutation according to the norm of Canon Law. But since the assertion conceals a grave error of the kind of Nominalism promoted at Tübingen, it merits to be refuted according to the science of philosophy. For just as there are 10 categories of being according to the Philosopher in his *Praedicamenta*, so words can be said in reference to one or more category of being. Now in canon 145 §1, the Supreme Legislator predicates *munus* of every ecclesiastical office. But no where in the Code does he predicate *ministerium* of any ecclesiastical office, only of roles or services rendered by one who holds an office or in his stead. Therefore it is clear from canon 17 that this represents in the mind of the Legislator that *munus* signifies the being of something real, namely an office, but *ministerium* signifies the action or service rendered by one who holds such an office. Therefore, *munus* is said to be a substance itself, and *ministerium* is said of a substance in act. But this is the distinction of being and act, of substance and accident, according to the *Praedicamenta*. Therefore, there is a real distinction between *munus* and *ministerium*, in the senses used in Canon 332 §2, 145 §1 and canon 41, just as there is a real distinction between any agent and the actions of the agent, though the latter inheres in the former. If this be denied, then the walking of Peter, which in Peter is Peter, when imitated perfectly by Paul would be just as much Peter in Paul as Peter in Peter, which is absurd. Therefore, the walking of Peter in Peter is not a substance but an accident, like the color of Peter’s skin or the accent of his voice, which can be duplicated in other things, without making them Peter. Likewise, the Petrine ministry, which is the action or service which the one who holds the Petrine Office should and can render, can be perfectly imitated in another, without making that other the Pope. This is the entire basis for the Roman Curia’s collaboration with every true Pope, when He delegates the execution of some part of his Petrine *Munus* to Cardinals and Bishops and priests at the Vatican or elsewhere. Therefore, to name the Petrine munus it does not suffice to name the Petrine Ministry (even if it be conceded that Benedict did this, which I have shown is not the case in the arguments of the first part), because just as when Peter renounces his walking, he remains Peter, so when the Pope renounces his ministry, he remains the pope. The semiotic rationale or *ratio significandi* for this is, that just as substance and accident are separable, so their unity is not necessary; therefore, the signification of the one which is the accident in the other signs no necessary or determinative reference to the one which is the substance. Therefore, in accord with canon 332 §2, which requires a manifestation of liberty and intention which is accord with the norm of law, such a manner of signification is invalid, because it requires an interpretation which the Law does not sustain as possible in accord with canon 17.

In summation:

As the eminent Canon Lawyer, **Fr. Juan Ignacio Arrieta**, says, commenting on Canon 126: *When the ignorance or error regards the essential object of the act, ... then the act must be considered as never having been posited, invalid.* (Codice di Diritto Canonico, e Leggi Complementari: Commentato, Coletti a San Pietro, 2004, commentary on canon 126).

RESPONDEO: It must be said, from the arguments against the validity, that it appears, that if a Pope were to intend to retire from active ministry, but retain the Papal Office in all its fullness, that he could just as well read out loud the statement made by Pope Benedict XVI, *Non solum propter*, since the *vis verborum* of that text is that he renounced the ministry of the office of the Bishop of Rome, but not the office. Herein lies the substantial error, and thus that act of Benedict XVI on Feb. 11, 2013 must be judged to be invalid, as per canon 188, if it be asserted to be an act of resignation of the office of Bishop of Rome. However, if one were to assert that it is only the act of renunciation of active ministry, not of office, then yes, it should be said to be a valid act, containing no substantial error.

In Conclusion, Philosophical Reason

Though there can be many kinds of substantial error in an act of resignation, there is NONE more SUBSTANTIAL than the one which involves confusing the accidents of the office to be resigned *as sufficient terms to signify* the substance of the office itself. Now, according to canon 188, where substantial error is present in such an act, the act is invalid in its effect "*by the law itself*". Therefore, the text of *Non solum propter*, of Benedict XVI does not effect validly his resignation from the office of the Bishopric of Rome.

In Conclusion, Canonical Reason

This is corroborated by undisputed facts of law, namely that the only Canon in the Code of Canon Law, Canon 322 §2, which speaks expressly of a papal resignation, requires that the man who is pope resign the *munus* and do so *rite* (i.e. properly according to the norms of law). But the text of Benedict's resignation speaks only of a renunciation of *ministerium*. Therefore, since it regards an act wholly outside the meaning of Canon 322 §2, the act is invalid to effect a Papal resignation. It is also thus invalid to effect the same by the law itself, according to Canon 188, and by canon 126.

Indeed, the inherent separability of *ministerium* from *munus* in Ecclesiastical history and canonical tradition is the fundamental reason why no renunciation of *ministerium* can be equated in law as a due manifestation of the resignation of an office. For that reason, the resignation of Pope Benedict XVI made through the act, *Non solum propter*, of February 11, 2013 A.D., has no valid canonical effect regarding the office of the Papacy. He remains the Pope, therefore, with all rights and privileges.

