

Hora Est!

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On the feast of St. Joseph, Patron of the Church, March 19, 2019

The sudden and unexpected declaration of Pope Benedict XVI in the consistory of 10 February 2013 has been a shock for the Church. Still, after six years, she has not recovered from this traumatic experience. Rather, the situation of the Church, *Mater et Magistra*, has since become ever more critical. Since these six years Benedict lives, after his announcement *‘ingravescente aetate’*, hidden within the walls of the Vatican, preserves his lucid spirit – and remains silent. The rare moments that his written words penetrate into the outside world appear each time sufficient to cause panic in the court of the one who has taken his place and is utilising the time given to him to dedicate himself to an irreversible transformation of the Church. Benedict XVI opens his introduction of the book *‘The force of silence’*¹ with a citation from the letters of St. Ignatius of Antioch. This citation contains the following sentence: *‘He who has truly made the words of Jesus his own is able also to bear His silence, so that he may be perfect: so that he may work through his word and be recognised through his silence’*.

The Gospel relates (Luke 7:14) that Jesus spoke to the dead boy being carried out from the city gate of Nain: ‘Young man, I say to you, get up!’. And to the dead Lazarus he addressed these words (Joh. 11:43): ‘Lazarus, come out!’. At these words, to the amazement of the spectators, the dead boy indeed got up from the bier, and Lazarus came out, still bound in strips of linen. God Himself *Being Par Excellence* - the ‘One Who Is’, and therefore also the Sustainer of all created reality, the words spoken by the Incarnate Word of God changed reality according to their unique meaning.

When the college of cardinals, gathered in conclave, have made a successful election, the cardinal-dean asks the following question to the elected: *‘Acceptasne electionem de te canonice factam in Summum Pontificem?’* When the legitimately elected answers positively (normally ‘accipio’), this

¹ Robert Card. Sarah & Nicolas Diat, *‘Kraft der Stille. Gegen eine Diktatur des Lärms’*, Fe-Medienverlag, 2017.

expression of his acceptance of the result of the election has an immediate consequence, at the interface of the natural and the supernatural: God, as *causa efficiens*, joins the person and the office. Like the expression of the acceptance, also the - symmetric - expression of abdication of the office is a declaration of a special kind. The formulas have a precise, ontological effect (an effect in the order of being), embedded in the Divine constitution of the Church, with juridical implications. Unlike in the case of a press statement, a judicial sentence or even a dogmatic declaration, there is a proportionality between the spoken word and their ontological effect. And here, a partial analogy applies with the words spoken by Christ². When He would have said ‘Young man, I say to you: move your right arm!’ no one would have expected the boy to get up, whereas the words ‘Come out’ directed to Martha would not have led to Lazarus coming out of the tomb. Because of this proportionality, and the invisibility of the supernatural effect, a precise, ritual framework has been established by the Church for the expression of acceptance of the Petrine office, to eliminate any positive doubt. For an abdication however there is no ritual form. Even when also in this case only that - and no other - effect is being entailed than is uniquely determined and expressed.

De internis non indicat Ecclesia. According to this maxim, intentions, in as far as they are internal and hidden, have no significance in the Church as a public and juridical society. The intention is only relevant in as far as she appears objectively from the spoken words themselves. Alternatively formulated: the intention of the author counts in as far as she is manifested externally. Also here a partial analogy can be invoked, this time with Sacramental theology³. The validity of a sacrament, its supernatural effectuation, is determined by the proper acting of the minister in accordance with the ritual precepts of the Church with respect to form and matter (*facere quod facit Ecclesia*). Therefore the intention is sufficient in as far as she is manifested externally, whereas the internal and hidden intention is not relevant. The Council of Trent formulated this as ‘*Sacramentum operat opere operato*’.

The declaration of Benedict XVI on February 10, 2013 came abruptly and totally unexpected, for a worldwide community of auditors in no way prepared. From the side of her author however, the formulation was thoroughly pondered on; according to his own testimony ‘*conscientia mea iterum et iterum coram Deo explorata*’. It may be clear by now that it is eminently important, to the extent possible, to give ear to the words of the declaration itself with respect to their objective and unique significance, in order to establish their ontological effect.

² A partial analogy: in the cases from the Gospel being referred to, the words of Christ are the direct *causa efficiens*; also in the acceptance of the office and its abdication God remains *causa efficiens*, however not acting arbitrarily but in perfect agreement with the expression of the will of the elected successor of Peter, within the given framework of the Divine institution.

³ In the administration of a Sacrament the minister acts *in persona Christi*, and is therefore instrumental. As observed, this is essentially different in the acceptance of the Petrine office.

The *declaratio*⁴ has been drafted and orally recited in Latin by Benedict, the latter in the Consistory of February 10, 2013. The text refers five times in total to the papal office. The first two times he designates this office with the term ‘munus’. The next three times, the expression ‘ministerium’ is used. The translations of the Vatican treat both terms consistently as synonymous. In the period immediately following the Consistory of February 2013 worldwide little attention has been paid to the precise formulation of the text, because of the shock effect of the message it conveyed. Stefano Violi is the first author who, in his study of 2014⁵, has pointed to a difference between both terms. He uses this difference as a key to disclose the text and its inner harmony, however without going into possible or factual consequences. Recent and qualified statements⁶ suggest that the expressions can be synonymous, designate the office, and assume for that reason that they are being used identically as a matter of fact.

The Latin terms ‘munus’ and ‘ministerium’ can indeed have the same meaning, namely ‘office’ or ‘function’. Even when both concepts overlap, they are however not identical, with two major distinctions:

- i. ‘Munus’ belongs to the order of *being* – ‘ministerium’ to the order of *acting*. Or: the ‘munus’ *exists*, the ‘ministerium’ is being *performed* (however not necessarily). According to the axiom of Thomistic philosophy *agere sequitur esse*: the ‘ministerium’ ensues ontologically from and presupposes the ‘munus’ (and not vice versa)⁷;
- ii. ‘Munus’ can designate an aspect which ‘ministerium’ *cannot*, namely a transcendent, supernatural character. ‘Munus’ designates (or can designate) the ‘vertical dimension’ of the office; that which is granted to the successor of Peter in virtue of the Divine institution of the office. ‘Ministerium’ by definition indicates the ‘horizontal dimension’, the social aspect of that same office. In other words: whereas ‘munus’ refers to the *office as gift*, ‘ministerium’ refers to the *office as service*⁸.

⁴ http://w2.vatican.va/content/benedict-xvi/la/speeches/2013/february/documents/hf_ben-xvi_spe_20130211_declaratio.html

⁵ Stefano Violi, *The Resignation of Benedict XVI Between History, Law and Conscience*, Theological Faculty of Emilia Romagna (Lugano), 2014.

⁶ <https://www.lifesitenews.com/news/did-benedict-really-resign-gaenswein-burke-and-brandmueller-weigh-in>

⁷ Against this background the remark of Benedict XVI in the earlier mentioned preface to ‘The power of silence’ appears in a special light: ‘Since I have read in the fifties for the first time the letters of St. Ignace from Antioch, a word from his letter to the Ephesians has followed me in a particular way: *‘Better to stay silent and be than to speak and not be...’*’.

⁸ In this sense also the triple function or office (‘munus’, ‘potestas’) of Christ, transferred by him to the Church, is being designated as the ‘tria munera’, comprising the ‘munus docendi, sanctificandi et regendi’. Its symbolism is reflected in the triple crown or tiara of the pope as Vicar of Christ, exercising the fullness of his power. In an entirely different context, the gifts from the three Magi from the Orient to the Child Jesus are being designated in the liturgy as ‘tria munera’. The liturgy of the Latin rite of the Mass often uses the term ‘munus’ to designate an oblation or sacrificial gift; such a gift always has a ‘vertical’ dimension, in the transcendent relationship between God and his creation. Finally, the French language, a Roman language close to Latin, knows the expression ‘démuni’;

Canon Law uses exclusively the term ‘munus’ when dealing with the pope (CIC, De Romano Pontifice, Canones 330-335⁹). Canon 331 specifies its transcendent character mentioned under (ii)¹⁰: this ‘munus’ is *granted*, by the Lord in particular to Peter, the first of the Apostles; besides, it must be transmitted to his successors. *Universae Dominici Gregis*¹¹, the apostolic constitution which regulates the period of *sede vacante* and conclave, deals in chapter 7 with ‘*De Acceptatione, Proclamatione et Initio Ministerii Novi Pontificis*’, or: ‘The acceptance, proclamation and the beginning of the ministry of the new Pontifex’. The term ‘ministerium’ appears exclusively at this place in the constitution, and is clearly being used in consistence with both points stipulated above: he who has become the new Pontifex (in the order of being) starts with the execution (in the order of acting) of his ‘ministerium’.

The question that arises is the following: is Benedict aware of the difference and does he apply both terms differently, or does he employ them synonymously? The text itself contains three keys to find the answer to this question. Firstly, in his formulation of the object to which he renounces, Benedict adds a specification. Taken in itself, this specification is not necessary, and its role must be therefore to clarify and particularize the object. He renounces to ‘the ‘ministerium’ of the bishop of Rome, the successor of St. Peter’, ‘*entrusted to me by the hand of the Cardinals on 19 April 2005*’. The ‘ministerium’ – horizontal and commissioned by the hand of the cardinals, contrasts here with the earlier mentioned ‘munus’ – vertical and granted as a gift by the Lord in particular to Peter and his successors. The text contains a second key. At the beginning of the declaration he formulates, with regard to the ‘munus’: ‘I am well aware that this ‘munus’, due to its essential spiritual nature, must be carried out not only by acting and speaking, but no less by suffering and praying’. In case he would renounce to *all* specified forms of execution, this statement and the therein contained nuancing would lose any sense at this place in the context. On the contrary, the text makes very clear that Benedict does *not* renounce to the last two modes of execution, and furthermore that these two full modes of executing are also a real execution of the ‘munus’. Moreover, who does not renounce to two modes of execution of the ‘munus’, does not renounce to the ‘munus’ itself.

Antonio Socci, in his recent book on the subject¹², brings forward another consideration with respect to the text of the declaration. When one of both partners contracting marriage, during the

etymologically this stems from ‘de’-‘munus’, ‘strip from’. And typically in French can be said that someone is ‘*démuni de son pouvoir*’ (stripped from his power), whereas ‘*démuni de son ministère*’ (stripped from his ministry) is not a proper use of language.

⁹ http://www.vatican.va/archive/cod-iuris-canonici/latin/documents/cic_liberII_lt.html#SECTIO_I

¹⁰ ‘Ecclesiae Romanae Episcopus, in quo permanet munus a Domino singulariter Petro, primo Apostolorum, concessum et successoribus eius transmittendum, Collegii Episcoporum est caput, Vicarius Christi atque universae Ecclesiae his in terris Pastor; qui ideo vi muneris sui suprema, plena, immediata et universali in Ecclesia gaudet ordinaria potestate, quam semper libere exercere valet’.

¹¹ https://w2.vatican.va/content/john-paul-ii/la/apost_constitutions/documents/hf_jp-ii_apc_22021996_universi-dominici-gregis.html

¹² Antonio Socci, ‘*Il Segreto di Benedetto XVI – Perché è ancora Papa*’, Rizzoli, 2018

exchange of marriage vows, answers: ‘Yes, I will; starting from the first day of next month at 12.00 PM’, the contract would be invalid and the marriage non-existent. Socci points to the fact that Benedict announces his renunciation 18 days in advance, and raises the question both about its sense and implications with respect to the validity. Putting the question in the framework of the text of the declaration itself however can solve the problem and at the same time provide a third key. Announcing in advance an abdication of the ‘munus’, which goes along with a change of ontological state, does not make sense and raises concerns about its validity. But announcing a renunciation from actively executing the ministry of the ‘munus’ well in advance *does* make perfect sense. All three keys in the text of the declaration therefore point consistently in the same direction: Benedict understands and uses the terms differently.

For the object, validity and ontological effect of the ‘abdication’ exclusively the declaration read out on February 10, 2013 is decisive. It is important nonetheless to verify whether public or publicly known statements by Benedict XVI after this date are in line with the conclusions from the text itself or show a discrepancy. Even when an afterward explanation cannot bring about retroactively any ontological effect, it still may shed light on the intention of the author. In the case of a discrepancy this might indicate a misunderstanding in the formulation of the declaration, whereas in the opposite case the conclusion is confirmed that the author has intentionally adopted his terminology.

The principal explanation of his decision is given by Benedict during his last general audience¹³, on February 27, 2013. A few citations: ‘I have made this step in the full awareness of its gravity *and even novelty*... Allow me to return once more to April 19, 2005. The



Lightning bolt in St. Peter, the evening of the ‘novità’ (Ben. XVI) – a singularity in the life of the Church, February 10, 2013.

¹³ ‘...Ho fatto questo passo nella piena consapevolezza della sua gravità *e anche novità*, ma con una profonda serenità d’animo. ...Qui permettetemi di tornare ancora una volta al 19 aprile 2005. La gravità della decisione è stata proprio anche nel fatto che da quel momento in poi ero impegnato sempre *e per sempre* dal Signore. *Sempre – chi assume il ministero petrino* non ha più alcuna privacy. Appartiene *sempre* e totalmente a tutti, a tutta la Chiesa. Alla sua vita viene, per così dire, totalmente tolta la dimensione privata. ...Il “*sempre*” è anche un “*per sempre*” - non c’è più un ritornare nel privato. *La mia decisione di rinunciare all’esercizio attivo del ministero*, non revoca questo. Non ritorno alla vita privata, a una vita di viaggi, incontri, ricevimenti, conferenze eccetera. Non abbandono la croce, ma resto in modo nuovo presso il Signore Crocifisso. Non porto più la potestà dell’ufficio per il governo della Chiesa, *ma nel servizio della preghiera resto, per così dire, nel recinto di san Pietro...*’

gravity of the decision was precisely also in the fact that from that moment on, I was henceforth laid hands on always *and for always* by the Lord. Always – who accepts the Petrine ministry has no single privacy anymore. Belongs always and entirely to all, to the entire Church. From his life, the private dimension is, so to say, cancelled. ... *The 'always' is also a 'for always'* – there is no return to the private anymore. *My decision to renounce the active exercise of the ministry* ("ministerium") does not revoke this. I do not return to the private life... *I do not abandon the cross, but remain in a new way with the crucified Lord.* I do not carry anymore the power of the office for the governance of the Church, *but in the service of prayer I remain, so to say, within the enclosure of Saint Peter.*' Multiple elements appear from this text. Firstly, Benedict considers his step as a novelty. In view of the historic precedents of papal abdications (for example that of pope Celestine V, alias Pietro del Morrone, in 1294¹⁴) his step is therefore not comparable and of a different nature than these precedents. Next, Benedict considers himself as bound forever to the vocation as successor of Peter; there is no way back for him. He specifies that to which he renounces: the active exercise of the 'ministerium' and the power of the office, expressed in the governance of the Church. And he specifies also that to which he does not renounce: the cross (the service of suffering) and the service of prayer. This fourfold specification is perfectly in line with the declaration of February 10, with the fourfold specification of the 'executio muneris': '*non solum agendo et loquendo*' – '*sed non minus patiendo et orando*'. He renounces the first two, active modes of exercising the 'munus' and continues with the last two, silent and hidden, modes¹⁵. The words of the last general audience of Benedict XVI on February 27 are therefore in perfect inner harmony with his declaration of February 10.

¹⁴ His abdication formula read: 'Ego Caelestinus Papa Quintus motus ex legitimis causis, idest causa humilitatis, et melioris vitae, et conscientiae illesae, debilitate corporis, defectu scientiae, et malignitate Plebis, infirmitate personae, et ut praeteritae consolationis possim reparare quietem; *sponte, ac libere cedo Papatui, et expresse renuncio loco, et Dignitati, oneri, et honori,* et do plenam, et liberam ex nunc sacro caetui Cardinalium facultatem eligendi, et providendi duntaxat Canonice universali Ecclesiae de Pastore.'

https://it.wikipedia.org/wiki/Papa_Celestino_V

¹⁵ Antonio Socci remarks in his mentioned book that Benedict himself motivates his choice for the primacy of prayer with a particular calling. He has expressed this in his last Angelus address of February 17, 2013, on the occasion of the Transfiguration of Christ on the Tabor. The text is as follows: 'Meditando questo brano del Vangelo, possiamo trarne un insegnamento molto importante. Innanzitutto, il primato della preghiera, senza la quale tutto l'impegno dell'apostolato e della carità si riduce ad attivismo. Nella Quaresima impariamo a dare il giusto tempo alla preghiera, personale e comunitaria, che dà respiro alla nostra vita spirituale. Inoltre, la preghiera non è un isolarsi dal mondo e dalle sue contraddizioni, come sul Tabor avrebbe voluto fare Pietro, ma l'orazione riconduce al cammino, all'azione. «L'esistenza cristiana – ho scritto nel Messaggio per questa Quaresima – consiste in un continuo salire il monte dell'incontro con Dio, per poi ridiscendere portando l'amore e la forza che ne derivano, in modo da servire i nostri fratelli e sorelle con lo stesso amore di Dio» (n. 3). Cari fratelli e sorelle, *questa Parola di Dio la sento in modo particolare rivolta a me, in questo momento della mia vita. Grazie! Il Signore mi chiama a "salire sul monte", a dedicarmi ancora di più alla preghiera e alla meditazione.* Ma questo non significa abbandonare la Chiesa, anzi, se Dio mi chiede questo è proprio perché io possa continuare a servirla con la stessa dedizione e lo stesso amore con cui ho cercato di farlo fino ad ora, ma in un modo più adatto alla mia età e alle mie forze'.

http://w2.vatican.va/content/benedict-xvi/it/angelus/2013/documents/hf_ben-xvi_ang_20130224.html

Between the public moments of February 10 and 27 there is the farewell address to the Roman clergy on February 14, 2013¹⁶. This address contains only a brief reference to his declaration of February 10. Benedict uses the term ‘ministerium’ (‘prima di lasciare il *ministero petrino*’); the term ‘munus’ does not appear anymore.

Finally, there is a correspondence from 2014 with vaticanist Andrea Tornielli, on the occasion of worldwide speculation about an abdication under external pressure and an international complot, resulting in eventual invalidity. The letter from Tornielli and his precise query is unknown; the response from Benedict, dated February 18, 2014, is. He writes, briefly and concisely¹⁷: ‘There is not the least doubt with respect to the validity of my renunciation from the ‘*ministero Petrino*’; the only condition for the validity of the renunciation is the entire freedom of the decision’¹⁸. He confirms therefore his renunciation expressed the year before, using again the term ‘ministerium’.

Words are one way of communication; images another. Consistent communication requires conformity of oral and visual communication. Let us therefore consider this complementary communication form after February 28, 2013. Firstly, there is the choice of a residence in Rome. The location of the monastery Mater Ecclesiae within the Vatican corresponds to the ‘*executio muneris patiendo et orando*’. Next, there is the consistent wearing of the papal white, and the maintaining of the name, chosen at the moment of the ‘*accipio*’ in 2005. The choice of a new name has a profound significance; as always in the Christian tradition a new name stands for a new reality that transcends nature. In this case the making from Simon Bar-Jonah to Cephas. In this case, Joseph Ratzinger has chosen to keep his papal name Benedict XVI. The ‘novelty’ attributed by Benedict to his step comes to light here even more clearly. The hermit-monk Pietro del Morrone, alias Pope Celestine V, has never worn the papal white after his abdication in 1294, and his successor, Boniface VIII, had locked him up at a safe place outside

¹⁶ http://w2.vatican.va/content/benedict-xvi/it/speeches/2013/february/documents/hf_ben-xvi_spe_20130214_clero-roma.html

¹⁷ The full response reads: ‘1) Non c’è il minimo dubbio circa la validità della mia rinuncia al ministero petrino. Unica condizione della validità è la piena libertà della decisione. Speculazioni circa la invalidità della rinuncia sono semplicemente assurde.’

<https://www.lastampa.it/2014/02/27/vaticaninsider/ratzinger-la-mia-rinuncia-valida-assurdo-fare-speculazioni-TqCQ4ay9Qph1uR86dVb7Rj/pagina.html>

At <http://www.andreatornielli.it/?p=7289> a transcript can be found of the reply.

¹⁸ Benedict avoids answering the crucial question at the basis from the query from Tornielli clearly and directly (e.g.: ‘my renunciation has occurred freely, independent from eventual external pressure’). Instead, he makes an abstract, impersonal statement: ‘the only condition for the validity of the renunciation is the entire freedom of the decision’. But that generality was not under discussion. Herewith, the formulation leaves expressly room for the presence of external pressure (documented elsewhere), independent from its eventual influence on his decision. The words of Benedict have been incorrectly translated in the widely disseminated English version (‘The only condition for the validity of my resignation is the complete freedom of my decision’) – the sentence has been partially personalised, as a result of which this has remained unnoticed. See:

<https://www.lastampa.it/2014/02/25/vaticaninsider/ratzinger-my-resignation-is-valid-speculations-are-simply-absurd-nM4DttOk4owMXqUzr4GRWO/pagina.html>

Rome. No chronicle mentions that Boniface subsequently, during his pontificate, addressed him publicly as ‘Pope Celestine V’, as Francis does in January 2019, six years afterwards, with respect to Benedict for a worldwide audience¹⁹, and again in February 2019 during a general audience, in the context of the liturgical feast of the Chair of St. Peter²⁰. In the mentioned letter to Tornielli Benedict answers the question on the preservation of his papal name and white dressing as follows: ‘The maintaining of the white dress and of the name Benedict is simply a practical matter. At the moment of the renunciation there were no other clothes available. For the rest, I wear the white garment in a way that is clearly distinct from that of the Pope. Also here it concerns speculations without the least foundation’²¹. Benedict assures Tornielli different things in his short statement. Firstly, the keeping of the papal name ‘Benedict’ ‘is a purely practical matter’. And also the maintaining of the white dressing is a purely practical matter, because ‘at the moment of renunciation no other clothes were available’. Only the mozetta he wears no longer. Or, because the pope, in the city of Rome, in the year 2013, could impossibly find a different colour at the occasion of his renunciation, announced several weeks in advance, he is wearing already for 6 years, uninterruptedly, the papal white, including the jacket on some pictures. There is only one serious conclusion possible with respect to this answer: Benedict, at the moment of writing, cannot speak, for whatever reason that may be. And therefore he provides answers that are grotesque, so that he *cannot* be taken seriously.

¹⁹ World youth days, Panama, January 24, 2019: ‘...Do you know who has said that? Do you know? It is *Pope Benedict XVI*, who is watching us, and we are going to send him an applause – let us send him a greeting from here! He is watching us on television – a greeting – everyone – everyone with the hand – to *Pope Benedict!*’
http://w2.vatican.va/content/francesco/en/speeches/2019/january/documents/papa-francesco_20190124_panama-apertura-gmg.html; in the video from minute 58:50.

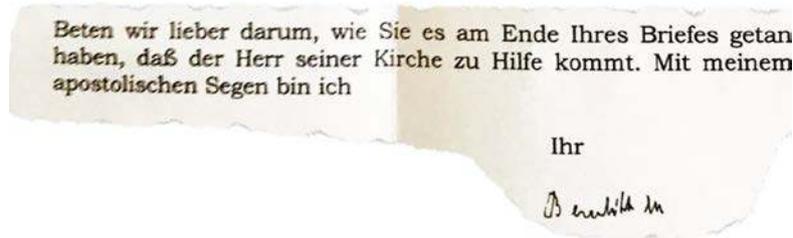
²⁰ General Audience, February 20, 2019: ‘Venerdì prossimo celebreremo la festa della Cattedra di San Pietro Apostolo. Pregate per me e per il mio *ministero*, anche per *Papa Benedetto*, affinché confermi sempre e ovunque i fratelli nella fede.’
http://w2.vatican.va/content/francesco/it/audiences/2019/documents/papa-francesco_20190220_udienza-generale.html

²¹ ‘2) Il mantenimento dell’abito bianco e del nome Benedetto è una cosa semplicemente pratica. Nel momento della rinuncia non c’erano a disposizione altri vestiti. Del resto porto l’abito bianco in modo chiaramente distinto da quello del Papa. Anche qui si tratta di speculazioni senza il minimo fondamento’.



Joint public appearances of Benedict XVI and Francis (freely online available): figurative language for the two subsets of two forms of the 'executio muneris'

Finally, there is the fact that Benedict continues to give the Apostolic Blessing after February 2013. This blessing is often given by the pope at the end of his letters and is a prerogative of the successor of Peter²². The blessing can also be given by others when they receive a delegation. In this case however, it remains the blessing of the pope and not of the delegated person. Benedict XVI closes a letter from November 2017 to Card. Brandmüller with ‘his apostolic blessing’. Without ‘munus’ no apostolic blessing.



Closure of the letter of Benedict XVI from November 2017 to cardinal Brandmüller: with his apostolic blessing²³

Canon 332 of Canon Law (1983) deals in nr. 2 with the papal abdication. It reads: ‘Si contingat ut Romanus Pontifex *muneri suo* renuntiet, ad validitatem requiritur ut renuntiatio libere fiat *et rite manifestetur*, non vero ut a quopiam acceptetur²⁴. Or: ‘If it happens that the Roman Pontifex renounces his office, it is necessary for the validity that the renunciation be free and duly manifested, however not that she is accepted by anyone’. This canon replaces canon 221 of the previous Codex from 1917, reading as follows: ‘Si contingat ut Romanus Pontifex renuntiet, ad eiusdem renuntiationis validitatem non est necessaria Cardinalium aliorumve acceptatio’. Or: ‘If it happens that the Roman Pontifex renounces, for the validity of this renunciation the acceptance of the cardinals or others is not necessary’. Comparison of both canons shows the implementation of a few important changes. The renunciation should, according to the new edition, happen freely and be expressed duly – the Latin word ‘rite’ can also be translated as ‘ritually’. Next, the specification ‘*muneri suo*’, as the object of renunciation, has been inserted explicitly. The Codex from 1983 has been promulgated by John Paul II. Prefect of the Congregation for the Doctrine of the Faith was at that moment: cardinal Joseph Ratzinger. It is difficult to imagine that this modification would have escaped him. It is however much harder to imagine that the same man, known as someone who has pondered every word throughout his career, later as a Pope in 2013, would not have consulted Canon Law at his historical step. Benedict remarked during his last general audience: ‘I have made this step in the full awareness of its gravity *and even novelty*’. There is therefore no precedent for his step, marking a historical singularity. Which is consistent with the previous: the ‘renuntiatio ministerii’, expressed in the declaration of February 10, 2013 is not envisaged in

²² See: https://en.wikipedia.org/wiki/Apostolic_Blessing

²³ Source: <https://www.bild.de/politik/ausland/politik-ausland/controversial-letters-pope-benedict-xvi-concerned-about-his-church-57358166.bild.html>

²⁴ http://www.vatican.va/archive/cod-iuris-canonici/latin/documents/cic_liberII_lt.html#SECTIO_I

Canon Law and from a different order as the ‘renuntiatio muneris’ of the Roman Pontifex according to Canon 332. Or, there is no abdication according to Canon Law.

Pope Benedict XVI has declared on February 10, 2013 his decision to renounce his ministry as active and public ‘executio muneris’, ‘agendo et loquendo’; the exercise of his ‘potestas officii’. He has declared his decision to continue his ministry as silent and hidden ‘executio muneris’, ‘patiando et orando’. From both text and context it appears that the terms ‘munus’ and ‘ministerium’ have deliberately been interpreted and employed differently. No reason has been found to assume a discrepancy between his objective and subjective intention. The precise nature of this declaration entails that it cannot have brought about any ontological effect with respect to the ‘munus’. Or: because Benedict did not *express* to renounce the ‘munus Petrinum’, he has not renounced *de facto* the ‘munus Petrinum’.

In the context of the question under discussion, the most offered – and at first sight also most convincing – argument, in favour of a view of the abdication on the part of Benedict as complete (therefore involving the ‘munus’) and valid, is the so-called *universalis Ecclesiae adhaesio*²⁵: the peaceful and universal acceptance on the part of the Church, starting with the college of cardinals and bishops, of the elected in a legitimate conclave is both an infallible sign and effect of a legitimate choice of a successor of Peter. Applied to the current situation this would imply the validity and unicity of the Petrine office in the person of Francis. The context, both historical and concerning the content, of this argumentation is however from an entirely different order than the current situation. The whole reasoning departs from a situation with objective vacancy of the Apostolic See, where no living person claims in any way the Petrine office. The question that does matter is this: is a ‘universal acceptance’ able to transform a declaration ‘to renounce the exercise of the ministry – agendo et loquendo’ to a real abdication from the Petrine office as such? A positive answer to this question entails new difficulties, such as the question to the moment in time at which God decouples the physical person of the pope and his office, even apart from the conflict that arises with the metaphysical causality principle when effects no longer follow causes in time but may precede them. Furthermore, the reply that the Church provides a certain, infallible answer to the question who is the current and valid holder of the office does not help: *ubi Petrus ibi Ecclesia*, and precisely the *locus Petri* is object of discussion. Even literally, the Apostolic palace has been empty for the past six years, and the monastery *Mater Ecclesiae* and the *Domus Sanctae Marthae* are both ‘in the enclosure of St. Peter’.

Subjacent to the argumentation of the universal acceptance, leading to the recognition of the elected as a dogmatic fact on the part of the ecclesiastic community, is the promise by Christ of Divine aid to the Church and its indefectibility; the apostolic succession on the Chair of Peter in relation to the danger of schism - or its elimination. The importance of this subjacent

²⁵ See for an extensive discussion of this argument and point of view: Robert Siscoe and John Salza, ‘Is Francis or Benedict the True Pope?’ <http://www.trueorfalsepope.com/p/is-francis-or-benedict-true-pope.html>

Also: Roberto de Mattei, ‘Socci’s Thesis Falls Short: Review of ‘The Secret of Benedict XVI’’, Cath. Fam. News, Jan. 2019. <https://www.catholicfamilynews.org/blog/2019/1/4/soccis-thesis-falls-short-review-of-the-secret-of-benedict-xvi>

relationship, the faith in the concrete and enduring Divine assistance of the Church, is independent from the point of departure: vacancy of the Chair or ‘renunciation of the active ministry’. And precisely this importance raises also new questions. Is the Petrine office essentially a juridical affair? The exercise (‘agere’) of the power of the keys? Card. Walter Brandmüller formulates as follows: ‘*The Petrine primacy is - notwithstanding the Divine institution - of a juridical nature. “Papa est nomen iurisdictionis”...*’²⁶. ‘*I will give you the keys of the kingdom of heaven, and whatever you bind on earth shall be bound in heaven, and whatever you loose on earth shall be loosed in heaven*’ (Matth. 16, 19). Or is the Petrine office at first instance a factual, ontological affair (‘esse’), consisting in the coupling between the person (nature) and the ‘munus’ (supernatural), aimed at the guaranteeing in time (*traditio*) of the *depositum fidei* by means of the *professio fidei* at the Chair of Rome as a *locus privilegiatus*? ‘*And I say to thee: Thou art Peter, and upon this rock I will build my church, and the gates of hell shall not prevail against it*’ (Matth. 16, 18). Also these words stem from the Divine founder of the Church, and they precede the key-words, in accordance with the axiom ‘*agere sequitur esse*’.

The particular, supernatural and personal gift pertaining to the ‘munus’, granted for the first time to Simon Bar-Jonah, thereby becoming Cephas-Peter, cannot be ‘shared’ between or given to multiple persons simultaneously. In virtue of the institution of the Divine founder of the Church, our Lord Jesus Christ, there can only be one successor. The rock cannot be split without ceasing from being a foundation. The gift of the office is either in possession of a unique person or nobody possesses her. As long as Benedict XVI possesses the ‘munus’ – a situation that will cease only with his death or with his voluntary and valid abdication from the ‘munus’, nobody else can receive her. And neither exercise, since *agere sequitur esse*.

The Church is - also - a public and juridical society. Members of this society can make factual observations and reach conclusions with moral certainty, depending on the nature and rigidity of their analysis. This certainty can and should become a shared certainty. Both the declaration of Benedict XVI and the mentioned conclusions have however also implications pertaining to public law. It is therefore eminently important that the ongoing impasse is being *addressed, adequately and convincingly*, by those in the Church within whose calling and competency it falls. At the first place that concerns the college of cardinals; every single member of those who have turned to holding the conclave on the basis of the unambiguous declaration of pope Benedict with ambiguous implications, and who have presented Jorge Bergoglio to the universal Church to be accepted. It is known, and it has been a bitter experience for the Church over the past six years, that revolutions proceed, step by step, by simply creating facts. Facts that seem irreversible, thus determining irrevocably the direction of history. But where man may try to manipulate nature, he cannot manipulate God, the Author of reality and the real Master of history. Rocks and revolutions are essentially incompatible. Where Jesus Christ has founded His Church on the immutable Rock, in virtue of his Incarnation, bitter Passion and Death, the revolution has been founded on sand. The recognition of the factual situation is a *conditio sine qua non* for the beginning of healing. *Hora est!*

²⁶ Walter Brandmüller, ‘*Renuntio Papae. Alcune riflessioni storico-canonistiche*’, Archivio Giuridico 3-4, pp. 655-674, 2016. https://www.statoechiense.it/images/uploads/articoli_pdf/brandmuller.m_renuntiatio_1.pdf

Post Scriptum

'Infallibility' is a quality that, on earth, primarily belongs to *the Church*, as the undivided Body of Christ, inhabited by the Holy Spirit and as such the pillar and foundation of the truth (1 Tim. 3:15). Also the exercise of the papal infallibility is a particular way of exercising this infallibility (*docendi*), in the capacity and prerogative of the pope as the head of the Church, gifted with the Petrine *charisma veritatis*. Even in the case of a solemn definition *ex cathedra* however, this active exercise is embedded in the larger framework of the infallibility of the entire Church, which implicitly held this belief and receives an explicit confirmation.

A part of the body of the Church, taken on its own and non-complete, can never be the subject of infallibility, since the Holy Spirit does not work in division. That is the reason that, as put forward by John of St. Thomas, in the case of universal and peaceful acceptance of a claimant of the papacy designated by a conclave, the papacy of this uniquely designated person becomes an *infallible dogmatic fact*, to be accepted *de fide*²⁷. There is only one claimant, his papacy is not being contested by another claimant, and this claimant is united to the Church in the acceptance of the papacy in his person. This united Church is protected against and free from error in her belief.

Also in the case of an irregular or corrupt election, God can perform a '*sanatio in radice*' (card. Billot) of this human designation process, thus bestowing the papacy on someone improperly designated. As long as there is one uniquely designated claimant God may ratify this designation. The office of the pope does not exist for the person of the pope, but for the good of the Church; Peter serves the Church - Peter does not serve Simon. Therefore, as so often, God may simply make use of an imperfect means and act in view of the greater good of the Church: her indefectibility. However, in such a case there is no (and there can never be any) 'retroactive ontological effect' brought about by a 'universal acceptance'. Universal acceptance is a kind of recognition that *presupposes* a fact: the unique determination of the person expected to become a Pope, which provides a sufficient base for God to add His action. It is important to make proper use of words: a mere fact cannot be 'inspired by the Holy Spirit'; only human action can be. A fact either exists or does not exist. The existence of the ontological fact *and* its recognition by the entire Church - who is infallible in this recognition - *together* establish the '*infallible dogmatic fact*'.

In case the Chair has not been vacated, the situation is essentially different. No conclave has the power to overrule the still existing, and universally accepted, result of a previous conclave. Designating a new claimant to the 'munus', whereas this 'munus' still resides in a living successor of Peter, *in casu* Benedict XVI, can - and therefore will - not be ratified by God. The recognition of a non-existent fact can never constitute an 'infallible dogmatic fact'; instead it is the precise definition of 'deception'. The wider the recognition, the greater this deception. And how was this great deception possible, the Church being explicitly protected by the Holy Spirit? The Church was not *united*. She swiftly allowed - and largely still allows - herself to be separated from her head.²⁸

'When will these things happen, and what will be the sign of Your coming and of the end of the age?' Jesus answered: '*See to it that no one deceives you*' (Matth. 24, 3-4).

²⁷ <http://www.trueorfalsepope.com/p/peaceful-and-universal-acceptance-of.html>