

Basis of the July 1990 Papal Election

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RIGHTS OF THE UNIVERSAL CHURCH TO VOTE

We have covered all of the basics in connection with the qualification of electors, either by class or individually in this special 'Update'. Now we come to some of the unanswered questions.

By devolution the election of a Pope has fallen to the Universal Church. Who, then, is the Universal Church and which members of her can vote?

Basic Law

According to Canon 162 three months from the date the vacancy becomes known to the voters they must proceed to an election. On January 25th the possibility of an election became obtainable. According to Canon 9, law which is published becomes effective three months from the date of publication. In our case that date is April 25th, so the election must be completed by July 25th. On July 26th our class of voters would become disqualified. However, our disqualification as the last possible voters would be impossible, so the election will take place on or before July 25th, 1990, as Canon 162 is bound also in heaven.

The immediate question which comes to mind concerns the disqualification of all preceding classes of voters. The Cardinals are certainly disqualified, (as are the Canons of St. John Lateran and the Bishops), because they are presumed to know the true facts and yet failed to act. The clergy are also disqualified as a class, because the laity waited for them to act as they normally would. The structure of the Church is such that the laity expect the ecclesiastical goods, especially the necessary means of salvation to be supplied by the clergy. This expectation of the laity places an obligation on the clergy, which constitutes a dominative power of the laity over the clergy. The clergy who remained in the Church not only knew of the vacancy, but were morally certain of it and should have' know of the necessity of a Papal Election. Some of these clerics knew of the possibility of a Papal Election over a decade ago, before the sede vacante theory was known among the laity at all. The

clergy had the ability to know these things and were obliged to find the truth for themselves and for the laity. Although barred from ecclesiastical function, the clergy still has a duty in charity to the laity to provide us with the truth, as they have far easier access to it than we do and are trained to use these tools. Until January 25th of this year (1990) there was not available an adequate dissertation on the problems in the Church, including the sede vacante and a road map to a absolution. As such, then, it was not possible for the majority of the laity to know of the alarming proportions of the the problem and the fact that there is a solution much less a detailed prescription of how to proceed. Therefore the laity did not know of the necessity of the election until this year and could not be disqualified, as the Canonists hold that ignorance of the vacancy and the necessity of election excuse.

CONCLUSION 1: Only the laity remain qualified as a class to elect a Pope under the principle of devolution and presumption of law. THEREFORE anyone who qualifies as an elector must qualify as a layman.

QUALIFICATION OF LAYMEN TO VOTE

Having narrowed the voters to the laymen, we now know that we, the laity, are obliged to proceed with a Papal Election. Those members of the laity present on July 16th and qualified to vote will be the electors of the next Pope. In addition to the qualifications enumerated above, we must consider several other qualifications. To do this we must review the various proofs of our rights as laymen.

Is Election A Jurisdictional Act?

In 'WILL THE CATHOLIC CHURCH SURVIVE THE TWENTIETH CENTURY?' we presented proofs of the laity's right to vote based on the assumption that election is an act of jurisdiction. These proofs hold true whether election is an exercise of dominative power or an exercise of ecclesiastical jurisdiction. However, certain members of the laity may not be allowed to exercise jurisdiction. although they certainly possess their dominative power unimpaired. We shall examine this question syllogistically

1. Election is the filling of a vacant office by those INFERIOR to the office holder.
2. But jurisdiction cannot be exercised over a superior.

THEREFORE, election is not a jurisdictional act.

Offices are filled by the superior through appointment, and by inferiors through election. Normally elections consist of several people. although if only one elector remains, he still elects his superior. In both cases the jurisdiction connected with the office does NOT come from the electors but from God through the office holder's superiors. Papal jurisdiction comes from God to the one the Church designates. Although we may elect the Pope we cannot exercise any power over him, or bind him in any way as the Pope has no superior on earth.

CONCLUSION 2: Election is an act of dominative power. Our dominative power gives us an unlimited right to Divine truth which comes from the Pope. THEREFORE, we not only can but must elect a Pope, who can give us the words of salvation.

Is Election a Privilege

We have already proven that it is our privilege in these dire circumstances, a privilege extended by Nicolaus II to us to elect a Pope. Although this privilege extends to the clergy and people, the clergy have resigned their privilege to the laity by their actions, leaving the laity, as the only possessors of this privilege. ¹ This privilege overrides the ecclesiastical laws barring laymen from electing and barring women from any voice in ecclesiastical affairs. This privilege is possessed by ALL who are qualified by Natural and Divine law to vote. This includes all Catholics over the age of 14 with the exception of formal heretics and apostates. Those doubtfully baptized are not qualified, nor are those incapable of a human act or insane.

Can Clerics Qualify as Laymen?

Those who are clerics are held to a higher standard as proven above. This higher standard provides that AS A CLASS clerics are disqualified. However, they are yet members of the Universal Church. Provided they can prove their ignorance in accordance with their state of life they are permitted to join with the laity and vote, although they are deprived of their rights as clerics, because of the crimes of the clergy in general. This should include their right to wear ecclesiastical garb, which right has been abandoned by the majority of Traditionalist clergy. (The 'clerical shirt' is not clerical garb in accordance with law and custom in the United States and other English speaking countries.) The clergy should wear the clerical shirt WITHOUT COLLAR, suit coat and black pants. If they have abandoned clerical garb completely, they should not take it up now but wait until the Pope can decide what shall be done.

CHANGES IN ELECTION PROCEDURE

Since our right, as laymen, to elect has been proven to be a privilege, this necessarily changes our election procedure. The procedure outlined in 'WILL THE CATHOLIC CHURCH SURVIVE THE TWENTIETH CENTURY?' was based on the presumption that the electors would elect as replacements of the Cardinals and not based on their privilege to act as electors IN THEIR OWN RIGHT in this extreme case. Therefore the presumption must yield to truth. We shall now outline the changes in election procedure based on the privilege of the laity to elect, when all other classes have failed.

Amendment of Election Procedure

To begin with, the electors shall wear lay dress, since they are acting as laymen exercising a privilege granted them by Nicolaus II. ² Even the clergy, who may per chance qualify, can only qualify as laymen, since they have already disqualified themselves as a class. Although Canon Law directs them, ordinarily to wear the proper ecclesiastical dress, the clergy has abandoned this dress and their abandonment shall be carried on into the election, if they are qualified to vote. It is most likely that no cleric can qualify; and even if he

could he is disqualified because his class of electors is barred from electing by their disqualification for failure to elect.

Secondly, the election procedure must be amended to have all electors sit outside the Communion rail as they would have done in people and clergy elections before Nicolaus 11. Therefore, the sanctuary will be small to provide for an altar to lend the appearance of a church, although we cannot licitly erect a church per se. The tellers shall sit at a table directly outside the communion rail and the electors shall sit in pews or stand as the laity are want to do in churches throughout the world.

Thirdly, officers of the election shall be selected solely by date of Baptism, (or date of Profession of Faith for validly baptized non-Catholics later received into the Church). The sacristan shall recite the Veni Creator and prayer according to the rubrics standing before the altar outside the communion rail. Only men shall serve in official capacity as officers of the election according to the tradition of the Church and the spirit of Canon Law.

Fourthly, women shall be qualified to vote, as the privilege is extended to the PEOPLE, that is, men and women without distinction. Canon 68 dealing with the interpretation of privileges states, privileges which grant an exemption from the law in favor of private individuals must be strictly interpreted: in no case should the interpretation be so rigorous that the privilege confers no benefit for some benefit must accrue from the privilege. A STRICT interpretation would mandate the INCLUSION of woman voters. Women shall have the right of vote along with men, subject to the same qualifications as men. Of course women cannot validly receive a vote or be elected, as Divine law prohibits this. The women shall have their heads covered and remain silent in the election with the exception of the recitation of the prayer immediately preceding their vote and the joining in the prayer before each ballot according to the rubrics. Women possess dominative power-and privilege in this election, and any denigration of this noble state of women shall not be tolerated.

Fifthly, our privilege was granted prior to the establishment of the conclave and the circumstances of permitting women to vote require that the conclave method be abandoned in favor of an open election. The law establishing the conclave as the ONLY method to be used for papal election did not exist until the thirteenth century. The privilege again, must be interpreted STRICTLY; and Pope Leo the Great's law legislated for an OPEN election, so the privilege allowing us to vote calls also for a return to this method. It is obvious that the ecclesiastical law of conclave binds only clerics and possibly only Cardinals, and our privilege being an exception in an extraordinary case requires us to abide by the implicit presumption of open election existing when the privilege was granted.

Catholics including children, (although not qualified to vote), are nevertheless permitted to be present at the election as they were in previous elections where people voted. Of course, non-Catholics, heretics, apostates and notorious excommunicates are barred from the place of election altogether.

WE PLACE THIS ELECTION IN THE HANDS OF THE HOLY GHOST

The Staff

<http://www.VaticanInExile.com/ElectionUpdate/RightsoftheUniversalChurchtoVote.html>

¹ Nicholas II's law made obsolete the clergy/people method of election, which Pope Leo the Great had promulgated. So in changing this law, Nicholas II, in deference to his predecessors wrote: "However it would

certainly be correct and even lawful, if the order of selection carefully weighed in the opinions of Pope Leo the Great, was resumed.” From Will the Catholic Church Survive the Twentieth Century? pages 301-2

² See footnote above.