

Canon 10 of the Fourth Council of Constantinople and Sedevacantism

Just when you think you've heard all the arguments against sedevacantism, Robert Siscoe emails me his private interpretation of canon 10 of the Fourth Council of Constantinople, and declared, *"This is the nail in the coffin for Sedevacantism."*

Below is the relevant canon and Siscoe's private interpretation...

The Fourth Council of Constantinople: *"As divine scripture clearly proclaims, 'Do not find fault before you investigate, and understand first and then find fault.' And does our law judge a person without first giving him a hearing and learning what he does? Consequently this holy and universal synod justly and fittingly declares and lays down that no lay person or monk or cleric should separate himself from communion with his own patriarch before a careful inquiry and judgment in synod. If anyone shall be found defying this holy synod, he is to be debarred from all priestly functions and status if he is a bishop or cleric; if a monk or lay person, he must be excluded from all communion and meetings of the church [i.e. excommunicated] until he is converted by repentance and reconciled"* (Canon 10).

Siscoe: *"The Fourth Council of Constantinople attached an excommunication to any layman who separated himself from his patriarch before the Church itself rendered a judgment. There was no exception made for the layman who personally believed his patriarch had professed heresy. Even in that case, the Church must establish the crime...It condemns you and every other Sedevacantist..."*

If you arrive at your particular judgment damned for doing precisely what the Council attaches an excommunication to laymen for doing, you won't be able to claim ignorance. And the

fact that you would strive to get others to follow you into this misfortune, by trying to persuade them to also do precisely what the Council condemns, is even worse. It is one thing for you to publicly flaunt this teaching and do precisely what the council condemns, and another to try to persuade others to do the same. How will you answer for that on judgment day? Instead of attacking the one true Church, outside of which there is no salvation or remission of sin, you should further reflect on what this council teaches...

Constantinople Four buries the entire Sedevacantists position. Hopefully you will consider tht teaching, abandon the heretical sedevacantist sect, and convert to the true Church, outside of which there is no salvation. Only then will your eyes be opened. As the Fathers taught, those outside the Church simply cannot see. And those who spend their lives attacking the true Church as it endures its Passion (as do the Sedevacantists), reap the fruit of a special species of blindness. That is the only explanation I can come up with to explain the inability of Sedevacantists to see their way out of their glaring errors.”

Siscoe presents what he thinks is another one of his be-all-end-all of arguments against sedevacantism. We’ve seen how he’s done this before with his “dogmatic facts” argument which I answer here: [Robert Siscoe Caught in His Own Trap Against Sedevacantism](#) and “warning” argument answered here: [Definitive Proof that St. Robert Bellarmine Supports the Sedevacantist Position](#), and here: [Steven Speray responds to Robert Siscoe and The Remnant](#). In both arguments, Siscoe grossly misrepresented St. Robert Bellarmine, Cardinal Billot, and Fr. Sylvester Berry. His latest is no different. Siscoe creates an argument that’s not there because his interpretation of canon 10 and his understanding of Catholic theology are severely flawed.

The reason Canon 10 was established is due to the fact that layman Photius usurped the office of Patriarch of Constantinople from the rightful Patriarch Ignatius. Theodora’s son, Emperor Michael III, deposed Ignatius for refusing Communion (on the great Feast of the

Epiphany) to Theodora's brother, Bardas, for living in incest with his daughter-in-law Eudocia. Photius and the Emperor Michael III rashly judged and misrepresented the facts about Ignatius and gathered supporters, thereby withdrawing their allegiance to Ignatius. Photius also preached heresy.

Since history also tells us that emperors have the power to validly appoint patriarchs, Photius would appear to be a valid patriarch on that point alone. Yet, canon 10 couldn't refer to usurpers to the throne such as Photius. Waiting around for some trial would only cause one to be condemned (as Photius' supporters) for obedience to the canon, which would be absurd. Therefore, the canon is only referring to valid patriarchs, not usurpers. This is an important distinction.

Another important distinction in the canon is the fact that it's referring to particular types of sins and/or crimes. Note the key words in the canon, *“investigate”, “understand first”* and *“learning what he does.”*

These words necessarily exclude manifest heresy, because manifest heresy is not something that needs to be investigated, or else it wouldn't be manifest. It's already understood because the facts are already established. There's no need to learn what a manifest heretic does since he doesn't profess the Faith, rather, he rejects it publicly. Manifest heresy is not merely a crime, but a sin against God.

Robert Siscoe (along with John Salza) repeatedly teaches the error that the sin of heresy belongs to the internal forum only. However, Pope Pius XII hammers the real nail in Siscoe and Salza's coffin by declaring in *Mystici Corporis Christi*: *“That the Church is a body is frequently asserted in the Sacred Scriptures. ‘Christ,’ says the Apostle, “is the Head of the Body of the Church.” If the Church is a body, it must be an unbroken unity, according to those words of Paul: “Though many we are one body in Christ.” But it is not enough that the body of the Church should be an unbroken unity; it must also be something definite and perceptible to the senses as Our predecessor of happy memory, Leo XIII, in his Encyclical *Satis Cognitum* asserts: ‘the Church is visible because she is a body.’...”*

.... For not every sin, however grave it may be, is such as of its own nature to sever a man from the Body of the Church, as does schism or heresy or apostasy.” (emphasis mine).

If the sin of heresy was merely in the internal forum, then it wouldn't be something perceptible to the senses. Therefore, contrary to Siscoe and Salza's assertion, public sin of heresy is in the external forum, which is why Pope Pius XII declared “Body” rather than “Soul” of the Church. Since the sin of heresy separates one from the Body of the Church by its very nature, a patriarch wouldn't be a patriarch during some trial to determine what the Church has already decreed. A patriarch who professed heresy would *ipso facto* cease to be patriarch without trial. Therefore, the canon couldn't be referring to a patriarch who fell into manifest heresy, because such a person wouldn't be a patriarch for the canon to apply.

We have historic precedent with another Patriarch of Constantinople, Nestorius, who was chosen to be the patriarch by Emperor Theodosius II in succession to Sisinnius. In 429, Nestorius preached heresy against Our Lord and Our Lady. Three years before Nestorius was condemned by the Council of Ephesus in 431, Pope St. Celestine I condemned Nestorius and his doctrine in 429.

St. Robert Bellarmine writes about it:

“Pope St. Celestine I (epist. ad Jo. Antioch., which appears in Conc. Ephes., tom. I, cap. 19) wrote: ‘It is evident that he [who has been excommunicated by Nestorius] has remained and remains in communion with us, and that we do not consider destituted [i.e. deprived of office, by judgment of Nestorius], anyone who has been excommunicated or deprived of his charge, either episcopal or clerical, by Bishop Nestorius or by the others who followed him, after they commenced preaching heresy. For he who had already shown himself as deserving to be excommunicated, could not excommunicate anyone by his sentence.’

And in a letter to the clergy of Constantinople, Pope St. Celestine I says: 'The authority of Our Apostolic See has determined that the bishop, cleric, or simple Christian who had been deposed or excommunicated by Nestorius or his followers, after the latter began to preach heresy shall not be considered deposed or excommunicated. For he who had defected from the faith with such preachings, cannot depose or remove anyone whatsoever.'

St. Nicholas I (epist. ad Michael) repeats and confirms the same. Finally, St. Thomas also teaches (S. Theol., II-II, q. 39, a. 3) that schismatics immediately lose all jurisdiction, and that anything they try to do on the basis of any jurisdiction will be null.

There is no basis for that which some respond to this: that these Fathers based themselves on ancient law, while nowadays, by decree of the Council of Constance, they alone lose their jurisdiction who are excommunicated by name or who assault clerics. This argument, I say, has no value at all, for those Fathers, in affirming that heretics lose jurisdiction, did not cite any human law, which furthermore perhaps did not exist in relation to the matter, but argued on the basis of the very nature of heresy. The Council of Constance only deals with the excommunicated, that is, those who have lost jurisdiction by sentence of the Church, while heretics already before being excommunicated are outside the Church and deprived of all jurisdiction. For they have already been condemned by their own sentence, as the Apostle teaches (Tit. 3:10-11), that is, they have been cut off from the body of the Church without excommunication, as St. Jerome affirms.

There again, we see the phrase *“body of the Church.”* A patriarch manifestly professing heresy demands that you personally believe in the teaching of the Church that such a person is not member of the Body of the Church. A crime might be established later by the Church which in turn would constitute penalties, but the loss of office for public heresy is not a penalty. It happens immediately as St. Robert Bellarmine explains!

Siscoe and Salza's position is to privately judge that manifest heretics are really part of the Church until the Church declares a second time what it already declared by law and decree. In fact, if we follow Siscoe and Salza's rule, Photius would have to be recognized as patriarch until the council declared him never the patriarch, which Constantinople IV did with Photius. Not only would Siscoe and Salza be condemned as Photius' supporters, but it shows that Siscoe and Salza need the Church to tell them that we sedevacantists were right all along. How ironic that they would use an argument against us that proves us right!

As we've seen, Siscoe and Salza necessarily reject the teaching of Pope Pius XII and insist that canons be interpreted against the teachings of the Church so it fits their private judgment. Their hatred for sedevacantism causes them to reject the very Faith they're trying to defend.

As demonstrated, Canon 10 has nothing to do with sedevacantism because sedevacantism is not a position of rash judgment, nor is it a position that condemns patriarchs for crimes. Sedevacantism is a position that recognizes the operation of law and follows all the teachings of the Church. Private judgment is never used against the Faith.

Lastly, Siscoe says we sedevacantists need to *"abandon the heretical sedevacantist sect, and convert to the true Church, outside of which there is no salvation."* Yet, Siscoe already admits that his church is heretical. He wants us sedevacantists to abandon our heretical sect and to join his heretical sect. In other words, truth doesn't really matter as long as you're in the church. And he says we're blind?

The primary difference between Siscoe and Salza and me is that they stay bound to a church they believe is heretical by law and decree with a pope who they personally believe is a total apostate. I stay bound to the Church which permits no errors, much less, teaches and promotes heresies by apostate popes.

In summary:

1. The Council and Canon 10 have nothing to do with sedevacantism.
2. The Council condemned usurpers to the throne AND their supporters, which would, in principle, condemn Francis I, Siscoe, and Salza who represent the new Photius and his support group.
3. The Council deposed Photius and at the same time said he never had office which means being deposed doesn't presuppose one ever had office. Siscoe reads deposed as the time when one is actually deposed, but as we see from history, that's not how it works. In fact, revisit Can. 4 of the Council of Ephesus: *But if some of the clergy should rebel, and dare to hold the opinions of Nestorius or Celestius either in private or in public, it has been judged by the holy synod that they too are deposed. (emphasis mine)*
4. The Catholic Encyclopedia states that, "By this act Photius committed three offences against canon law: he was [ordained bishop](#) without having kept the interstices, by an [excommunicate consecrator](#), and to an already occupied see. To receive [ordination](#) from an [excommunicate person](#) made him too [excommunicate ipso facto](#)." Yet, Siscoe and Salza don't believe a person is excommunicated *ipso facto* by law, but only after warnings or a declaration.
5. Canon 10 condemns judging rashly a patriarch. It's not about judging rightly about one who manifestly professes heresy whereby such individuals lose office *ipso facto*, because they *ipso facto* cease to be members of the Body of the Church before trial, judgment, and excommunication.
6. Pope Pius XII undermines the entire position of Robert Siscoe and John Salza in one sentence.