

Who runs the church when Holy See is vacant?

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can't decide on a new pope for a long period of time — as was the case in 1294?

And what happens if — rather than dying or resigning — the pope lapses into a coma? Or becomes so ill that he cannot perform his duties? Or is imprisoned — as was the case with Pius VII (1800-1823), held captive by Napoleon of France for five years?

Some of these concerns are addressed by the 1983 Revised Code of Canon Law. If a pope dies or freely resigns, the canons direct the College of Cardinals simply to elect a successor.

While the cardinals endeavor to do so, canon 335 stipulates that nothing will be "innovated in the governance of the universal church."

The canon does permit the enacting of "special laws" to cover such circumstances, however.

Among such "special laws" are those contained in Pope Paul VI's 1975 document, *Romano pontifici eligendo*, reported Father James J. Provost, chairman of the theology department at the Catholic University of America in Washington, D.C. The priest's commentary on Canon 335 is contained in the 1985 book *The Code of Canon Law: A Text and Commentary*.

In his document, Pope Paul VI said the "government of the universal Church is in the hands of the College of Cardinals during a vacancy of the Apostolic See," Father Provost wrote.

The CUA professor explained in his commentary that the papal chamberlain — assisted by three cardinals elected by the College of Cardinals — handles the church's governance until a new pope assumes control.

But Father Provost noted that any issues requiring papal approval — such as the naming of bishops or dispensing priests from their vows — "must be put off until a new pope is elected."

During this interim period, local churches would feel little immediate impact on a practical level, noted Father Kevin E. McKenna, who serves as chancellor of the Rochester diocese

and canonical consultant to Bishop Matthew H. Clark.

"In a spiritual sense, in an emotional sense, there's going to be a connection to every diocese (when a pope dies)," Father McKenna said. As a result of the Second Vatican Council, however, local bishops have been given greater "influence in the life of the local church," the priest added.

"On a day-to-day basis," Father McKenna continued, "the bishop is able to function quite well and take control of the governance of the local church."

Thus, Father McKenna noted, a diocese would not feel the impact on a short-term basis if the church had to function without a pope — unless the local bishop were to die or resign. In such a case, the diocese would have to function without a bishop until a new pope was elected to appoint one.

Even with a pope leading the church, Father McKenna added, dioceses frequently have to wait months before a successor is named to replace a deceased bishop.

But canon law makes no mention of "the complex issue of the impeded see, for example, when a pope might suffer a coma or other total disability, become insane, or be otherwise truly incapacitated from either exercising his office or resigning," Father Provost wrote.

The CUA professor suggested that Canon 412, which covers impeded diocesan sees, could be applied in such a case since the pope is Bishop of Rome. That canon covers "captivity, banishment, exile or incapacity."

Still, the situation is murky, Father McKenna admitted.

In the case of serious illness, "the hope is that the pope would be mentally aware enough to resign," Father McKenna suggested. If not, the church could function through its curial offices, bishops' conferences and local bishops. Major decisions, however, would have to wait, the priest said.

Some theologians have argued that a pope who was clearly insane would be "ipso facto" deprived of his juridical

Few rules cover papacy transfers

According to the 1983 revised code, the following are canon laws concerning popes:

Canon 332.2 — If it should happen that the Roman Pontiff resigns his office, it is required for validity that he makes the resignation freely and that it be duly manifested, but not that it be accepted by anyone.

Canon 335 — When the Roman See is vacant or entirely impeded nothing is to be innovated in the governance of the universal church; however, special laws enacted for these circumstances are to be observed.

Statistics show troubled history

In his 1980 book, *The Papacy in Transition*, Father Patrick Granfield notes that the Catholic Church has experienced:

- 263 popes;
- 37 antipopes;
- 10 popes believed to have abdicated;
- three popes believed to have been mentally unstable;
- 11 times when the Holy See was vacant a year or more;
- "numerous" popes forcibly removed from office or murdered.

power," Father Patrick Granfield noted in his 1980 book, *The Papacy in Transition*.

According to this line of thinking, Father Granfield observed, "Mental illness is seen as the legal equivalent to death. Only the human acts of the pope are valid, and an insane pope is incapable of exercising his ministry."

Some theologians have gone so far as to argue that a similar rationale could be used in the case of a pope in a coma or one who is so ill that he is unable to decide for himself to resign, Father Granfield continued.

Yet Father McKenna suggested that problems could arise from a policy that would allow the deposition of an incapacitated pope.

"I would suspect there's been a fear that what happened to the church in the past could happen again," Father McKenna said. Politics could play a role in such decisions, the priest said, meaning such a policy could "compromise the papacy."

Among the problems would be the subsequent confusion in the church if the deposed pope lived and asserted his right to the papacy, or when popes were deposed because of the influence of secular rulers.

Examples of such such problems abound during the Middle Ages. For example, German Emperor Otto I, displeased with Pope John XII (955-64), had him deposed and selected a re-

placement, Leo VIII (963-64). Pope John regained the papal throne after a bloody uprising, however, deposing Pope Leo.

When Pope John died in 964, the Roman people elected Pope Benedict V (964), but Leo, with the military backing of Emperor Otto, was restored to the papacy following a siege of Rome.

The deposed Benedict lived to see Leo's death in 965, and the election of yet another pope, John XIII (965-72), at the suggestion — and with the military support — of Emperor Otto.

Another circumstance not covered by canon law is the possibility of a pope being held captive.

Such a situation developed when Napoleon imprisoned Pope Pius VII from 1809 to 1814 in France and occupied the Vatican.

During that five-year period, "the Church was almost totally disorganized," J. Derek Holmes wrote in his 1978 book, *The Triumph of the Holy See*.

The problem worsened when Pius VII refused "to institute the bishops nominated by Napoleon and the number of vacant sees increased throughout Europe," Holmes observed.

That situation was resolved after Napoleon's defeat, and the pope's escape. More recent popes — including Pope Leo XIII (1878-1903) — developed plans to address the possibility that they might be imprisoned. Currently, however, the church has no formal policy on the matter.

In fact, Father McKenna suggested that Pope John Paul II could establish a formal policy by writing guidelines on what church officials should do under certain circumstances — just as Pope Paul VI did concerning the period between a pontiff's death or resignation and the new pope's election.

In addition to delegating some of his powers to the College of Cardinals, Father McKenna said, the pope could establish a list of people who would take over key positions that might become vacant while the papacy was impeded.

"He could say all (decisions) will be ratified when he returns, or when a successor is named," he said. Father McKenna noted, however, that the pope cannot delegate certain of the powers — including infallibility — that are unique to his office.

Another option is for the church to make no provisions, opting to contend with such situations only as they arise, Father McKenna said.

Indeed, unless an impeded pope's condition is clearly a threat to the church, the best course simply may be to carry out day-to-day functions as well as possible and wait, Father Granfield noted.

"It seems preferable," Father Granfield wrote, "for the conclusion of a papal reign to be left to the wisdom of Divine Providence rather than to the uncertainties of partisan politics and the inevitable controversies over whether the pope should be pressured to resign or be forcibly deposed."

"In short, the peace and unity of the church may, in the meantime, be best served by reliance on that final deposition that is death," the priest concluded.

Obituary

Sr. Frances Aloysia Remery, SSJ; served as diocesan school teacher

PITTSFORD — Sister Frances Aloysia Remery, SSJ, who taught in diocesan elementary and high schools for 50 years, died Friday, June 19, 1992, in the Sisters of St. Joseph Convent Infirmary, 4095 East Ave. She was 79.

Born in 1912 in Canandaigua, Sister Frances Aloysia entered the Sisters of St. Joseph from St. Mary's Parish in 1931. She earned a bachelor's degree in science and Latin from Nazareth College of Rochester, and a master's degree in biology, natural science and anatomy from St. Bonaventure University in Olean.

Sister Frances Aloysia taught in diocesan elementary schools for 22 years, including stints at St. Augustine and Holy Rosary schools in Rochester and St. Francis de Sales School in Geneva.

In 1955, she joined the faculty at St. Agnes High School in Rochester, where she taught science for two years. She later became part of the founding faculty at Auburn's Mount Carmel High School, where she taught science for the ensuing 13 years.

Sister Frances Aloysia returned to St.

Agnes in 1970 to teach and to serve as chair of the science department. She served in both capacities until retiring from teaching in 1982 due to ill health. She lived at the Our Lady of Lourdes Convent, assisting at the parish until 1990, when she moved to the motherhouse.

In addition to her love of teaching and science, Sister Frances Aloysia enjoyed music. According to her fellow sisters, she played the violin in an orchestra in her earlier years.

Father Robert Schrader served as the principal celebrant for the Mass of Christian Burial for Sister Frances Aloysia at the SSJ motherhouse on Tuesday, June 23. Father Schrader was assisted by Monsignor William Shannon and Fathers John O'Connor, Donald Curtiss and Walter Wainwright.

In addition to an aunt and several cousins, Sister Frances Aloysia is survived by her fellow Sisters of St. Joseph.

Interment was in Holy Sepulchre Cemetery.

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