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THE LEGAL POSITION OF THE CHRISTIAN FAITHFUL AFFILIATED WITH THE PRIESTLY FRATERNITY OF SAINT PIUS X SINCE 1 JULY 2026*

NIELS MARIS

Summary: This contribution examines the canonical position of the Christian faithful connected with the Priestly Fraternity of Saint Pius X (FSSPX) after the episcopal ordinations of 1 July 2026. After situating these events within the longer history of tensions between FSSPX and the Apostolic See, it analyses the distinction between sacramental validity and liceity, the requirements of full ecclesial communion, and the canonical meaning of formal adherence to schism. The study then assesses the legal consequences for the bishops involved, the other clerics of the Fraternity, and the lay faithful affiliated with it. Finally, it considers the new procedures for reconciliation and regularisation, showing how canonical penalties remain ordered towards the restoration of justice, conversion, the removal of scandal, and full ecclesial communion.

Zusammenfassung: Dieser Beitrag untersucht die kanonische Rechtsstellung von Christgläubigen, die mit der Priesterbruderschaft St. Pius X. (FSSPX) verbunden sind, nach den Bischofsweihe vom 1. Juli 2026. Nach einer Einordnung dieser Ereignisse in die längere Geschichte der Spannungen zwischen der FSSPX und dem Apostolischen Stuhl analysiert der Beitrag die Unterscheidung zwischen sakramentaler Gültigkeit und Erlaubtheit, die Voraussetzungen voller kirchlicher Gemeinschaft sowie die kanonische Bedeutung eines formellen Anschlusses an das Schisma. Anschließend werden die rechtlichen Folgen für die beteiligten Bischöfe, die übrigen Kleriker der Bruderschaft und die mit ihr verbundenen Laiengläubigen untersucht. Abschließend werden die neuen Verfahren zur Versöhnung und zur kirchenrechtlichen Regelung des Status betrachtet, wobei gezeigt wird, dass kanonische Strafen weiterhin auf die Wiederherstellung der Gerechtigkeit, die Umkehr des Täters, die Beseitigung des Ärgernisses und die volle kirchliche Gemeinschaft hingeordnet bleiben.

1 Introduction

On 1 July 2026, the Priestly Fraternity of Saint Pius X (*Fraternitas Sacerdotalis Sancti Pii X*, hereafter FSSPX) consecrated four bishops in Écône, Switzerland, without the required pontifical mandate. Images of the episcopal consecrations, broadcast live over the internet, show that the event was attended by a large crowd. According to the FSSPX, approximately 15.000 members of the Christian faithful and 1.300 clerics and religious were expected¹. On the same day, independent news agencies reported that the final number of faithful in attendance was approximately 16.500². The ceremony was received with evident enthusiasm by those present.

* Der vorliegende Artikel unterlag einem doppelt-blinden Peer-Review.

¹ *Society of Saint Pius X*, The Official Website for the July 1 Consecrations Is Now Online (16 May 2026), *FSSPX.News*, at: <https://fsspx.news/en/news/official-website-july-1-consecrations-now-online-59140> (02.07.2026).

² These figures were published by the American news agency Associated Press (AP): *Winfield, Nicole / Keaten, Jamey*, Defying Pope Leo XIV. Traditionalists Go Ahead with Bishop Consecrations in Switzerland (1 July 2026), *Associated Press*, at:

A picture can speak louder than a thousand words. That afternoon, storm clouds gathered over the Rhône Valley. The episcopal consecrations took place without the required pontifical mandate. Ever since the FSSPX announced on 2 February 2026 its intention to ordain four new bishops³, the Apostolic See had repeatedly warned of the canonical consequences⁴. In a final attempt to prevent a radical rupture, Pope Leo XIV addressed a personal letter⁵ to the Superior General of the Priestly Fraternity, Davide Pagliarani (1970), two days before the scheduled ordinations. In that letter, he urged him in the strongest terms to refrain from proceeding with the episcopal ordinations, since, in his view, they would constitute a grave rupture of ecclesial communion.

The fact that the ordinations nevertheless took place despite the Pope's explicit disapproval raises questions concerning the legal position of the bishops involved, as well as of other clerics and lay members of the Christian faithful who participated in the episcopal ordinations, attended them, or are otherwise affiliated with the FSSPX. This contribution approaches these questions from the perspective of canon law. It first outlines the historical development of the FSSPX's place within the canonical legal order. It then examines how the affiliation of certain Christian faithful with the FSSPX should be assessed under canon law. Next, it discusses the conditions required for the commission of a canonical delict and for the imposition of a canonical sanction, applying them to the various categories of persons involved. Finally, it analyses the current situation and considers the prospects for the future relationship between the Holy See and FSSPX.

2 The Position of FSSPX within the Canonical Legal Order

The episcopal ordinations of 2026 do not constitute an isolated incident but rather form part of decades-long tensions between FSSPX and the Apostolic See concerning the Fraternity's place within the hierarchical constitution of the Church.

FSSPX was founded in 1970 by Archbishop Marcel Lefebvre (1905-1991), former Superior General of the Congregation of the Holy Spirit under the protection of the Immaculate Heart of the Virgin Mary (*Congregatio Sancti Spiritus sub tutela Immaculati Cordis Beatissimae Virginis Mariae*) or Congregation of the Holy Spirit. During the Second Vatican Council (1962-1965), Lefebvre emerged as one of the principal representatives of the traditionalist minority. As president and

<https://apnews.com/article/vatican-traditionalist-pope-latin-975a7dd408e151310f5e515030cd6c97> (02.07.2026). In addition, Reuters likewise confirmed that the ceremony was attended by thousands of members of the Christian faithful, although it did not provide an exact figure: *McElwee, Joshua*, Defying Pope Leo XIV, traditionalists go ahead with bishop consecrations in Switzerland (1 July 2026), *Reuters*, at: [https://www.pbs.org/newshour/nation/defying-pope-leo-xiv-traditionalists-go-ahead-with-bishop-consecrations-in-switzerland#:~:text=ECONC%2C%20Switzerland%20\(AP\)%20—,to%20defend%20the%20Catholic%20faith](https://www.pbs.org/newshour/nation/defying-pope-leo-xiv-traditionalists-go-ahead-with-bishop-consecrations-in-switzerland#:~:text=ECONC%2C%20Switzerland%20(AP)%20—,to%20defend%20the%20Catholic%20faith) (02.07.2026).

³ *Society of Saint Pius X*, The SSPX Announces Future Episcopal Consecrations (2 July 2026), *SSPX.org*, at: <https://fsspx.org/en/publications/sspx-announces-future-episcopal-consecrations-57012> (02.07.2026).

⁴ A formal expression of this can be found in: *Dicastery for the Doctrine of the Faith*, Statement of His Eminence Cardinal Víctor Manuel Fernández, Prefect of the Dicastery for the Doctrine of the Faith (13 May 2026), *The Holy See*, at: https://www.vatican.va/content/francesco/en/letters/2026/documents/rc_dcf_doc_20260513_dichiarazione-fernandez-fsspx_en.html (02.07.2026). See also, for example: *Allaire, Delphine*, Holy See Proposes Theological Dialogue with the Society of St. Pius X (12 February 2026), *Vatican News*, at: <https://www.vaticannews.va/en/vatican-city/news/2026-02/holy-see-fernandez-ssp-x-theological-dialogue-ordinations.html> (02.07.2026).

⁵ This letter is dated 29 June 2026 and was published on 30 June 2026. See: *Leo XIV*, Letter to the Reverend Davide Pagliarani, Superior General of the Priestly Fraternity of Saint Pius X (29 June 2026), *The Holy See*, at: <https://www.vatican.va/content/leo-xiv/en/letters/2026/documents/20260629-lettera-fraternita-sanpiox.html> (02.07.2026).

leading figure of the *Coetus Internationalis Patrum*⁶, he played a significant role in coordinating the Council Fathers who adopted a critical stance towards a number of the draft conciliar texts. The criticism advanced by Lefebvre and the *Coetus* was not equally fundamental with respect to all the conciliar documents but focused particularly on several key texts⁷. Thus, Lefebvre voted *non placet* in the final vote on *Dignitatis humanae*⁸, the Declaration on Religious Freedom⁹, and also opposed, on substantive grounds, *Gaudium et spes*¹⁰, the Pastoral Constitution on the Church in the Modern World¹¹.

The immediate impetus for the establishment of the Priestly Fraternity came from a request by a group of seminarians, principally from the French Seminary in Rome, who sought a priestly formation that would remain faithful to the traditional liturgy and theological formation. With the support of Bishop François Charrière (1893-1976) of Lausanne, Geneva and Fribourg, the Priestly Fraternity obtained canonical approval on 1 November 1970 as a *pia unio* of the Christian faithful (cc. 686 § 2; 707-708 CIC/17). Later that same year, it established its international seminary at Écône, in the Swiss canton of Valais, where former premises of the Canons Regular of the Great St Bernard had been placed at its disposal¹².

Serious tensions with the Apostolic See nevertheless arose in the years that followed concerning the interpretation and reception of the Second Vatican Council, particularly with regard to the liturgical reform, religious freedom, ecumenism, and episcopal collegiality. After the canonical recognition of FSSPX had been withdrawn in 1975, and the ensuing administrative and judicial proceedings have failed to produce a solution, the Priestly Fraternity continued its activities without a canonical structure recognised by the Church¹³.

Notwithstanding the withdrawal of its canonical recognition, the Apostolic See continued, during the years that followed, to seek a canonical solution. Particularly during the pontificate of Pope John Paul II (1978-2005), several attempts were made to achieve reconciliation through dialogue. These discussions culminated on 5 May 1988 in the signing of a protocol between Cardinal Joseph Ratzinger (1927-2022), the future Pope Benedict XVI (2005-2013), then Prefect of the Congregation for the Doctrine of the Faith, and Lefebvre. In that agreement, Lefebvre declared, among other things, his fidelity to the Catholic Church and her Magisterium, while the Apostolic See expressed its willingness to grant FSSPX a regular canonical structure and envisaged the appointment of a bishop from among its members. The negotiations, however, broke down over

⁶ The *Coetus Internationalis Patrum* was a coalition of predominantly conservative Council Fathers, established in 1963 during the Second Vatican Council, dedicated to defending traditional Catholic doctrine and ecclesiastical discipline. Its leading figures included, among others, Marcel Lefebvre and Antônio de Castro Mayer. More extensive discussions of this subject may be found, for example, in: Roy-Lysencourt, *Philippe*, *Histoire du Coetus Internationalis Patrum au concile Vatican II*, in: *Laval théologique et philosophique* 69 (2013) 261-279.

⁷ Roy-Lysencourt, *Histoire du Coetus Internationalis Patrum* (note 6), 273-277.

⁸ *Second Vatican Council*, Declaration “*Dignitatis Humanae*” on Religious Freedom (7 December 1965), in: AAS 58 (1966) 929-946.

⁹ Further discussion of this issue may be found in: *Bobrowicz, Ryszard*, *Dignitatis Humanae: Aufnahme und Vermächtnis im europäischen Kontext*, in: *Bosschaert, Dries / Pękala, Urszula* (Hg.), *Das Zweite Vatikanische Konzil in Europa. Vermächtnis und Auftrag des Zweiten Vatikanischen Konzils. Interkontinentale Geschichte und Kommentar: Rezeption und Orientierungen für das Leben der Kirche. Europäische Perspektive*, Freiburg 2025, 598-611.

¹⁰ *Second Vatican Council*, Pastoral Constitution “*Gaudium et Spes*” (7 December 1965), in: AAS 58 (1966) 1025-1115.

¹¹ *Blanchard, Shaun*, *The Ghost of Modernism: Evocations of Anti-Modernist Doctrinal Documents at Vatican II*, in: *Theological Studies* 86 (2025) 220-244, 240-241.

¹² *Lessard-Thibodeau, John G.*, *Arriving at the Juridic Status of the Priestly Fraternity of Saint Pius X*, Research Seminar (DCA 6395), Ottawa 2018, 1-50, 6-7.

¹³ *Lessard-Thibodeau*, *Arriving at the Juridic Status* (note 12), 7-10. See also: *Paul VI*, Letter to Lefebvre (11 October 1976), in: *Notitiae* 12 (1976) 417-427.

the implementation of these arrangements. Lefebvre considered that the episcopal ordination would be postponed for too long and that the continuity of FSSPX would thereby be insufficiently safeguarded. As early as 6 May 1988, he informed Cardinal Ratzinger of his serious reservations concerning the protocol, principally because no fixed and imminent date had been established for the episcopal ordination. When the subsequent negotiations failed to produce a new agreement, he decided to proceed with the episcopal ordinations without a pontifical mandate¹⁴.

On 30 June 1988, Lefebvre, together with Bishop Antônio de Castro Mayer (1904-1991), Bishop Emeritus of Campos in Brazil, ordained four priests as bishops¹⁵. The Apostolic See regarded this act as a grave violation of ecclesial communion and declared that the bishops involved had thereby incurred the penalty of *latae sententiae* (i.e. automatic) excommunication provided for by the law then in force (c. 1382 in the version in force in 1988; see also: cc. 751, 1013 and 1364 § 1). In the Apostolic Letter *Ecclesia Dei*, Pope John Paul II described the act as a schismatic act because it constituted a concrete refusal of submission to the primacy of the Roman Pontiff and to the hierarchical constitution of the Church¹⁶.

The significance of *Ecclesia Dei* was subsequently clarified in the *Nota explicativa* (Explanatory Note) issued by the Pontifical Council for Legislative Texts on 24 August 1996¹⁷. It emphasised that not every form of affiliation with FSSPX amounts to schism. The decisive question is whether the concrete conduct of the individual demonstrates a formal adherence to the movement initiated by Lefebvre and, by that very fact, a conscious withdrawal from hierarchical communion with the Catholic Church.

A significant turning point came in 2009, when Pope Benedict XVI remitted the excommunication of the four bishops ordained in 1988¹⁸. This decision, however, by no means amounted to a complete canonical regularisation of FSSPX. The remission of the penalty concerned solely the personal canonical position of the bishops involved and left the institutional legal position of the Priestly Fraternity unchanged. Benedict further emphasised that FSSPX possessed no canonical status within the Church and that its ministers exercised no legitimate ecclesiastical ministry. The measure was intended as a step in a process of reconciliation and an invitation to continue the doctrinal dialogue, not as recognition of a regular place for the Priestly Fraternity within the canonical legal order.

This fundamental assessment likewise remained unchanged under Pope Francis (2013-2022). Although FSSPX did not obtain any canonical status or canonical mission within the Church, a number of special provisions were introduced, for pastoral reasons, for the benefit of the faithful who approached its ministry. The significance of these measures can only be properly understood by distinguishing between the validity (*validitas*) and the liceity (*liceitas*) of acts of ministry. A sacrament is valid when it is truly brought about and produces its intended

¹⁴ Lessard-Thibodeau, Arriving at the Juridic Status (note 12), 10-16.

¹⁵ The bishops ordained were Bernard Fellay (1958), Bernard Tissier de Mallerais (1945-2024), Richard Williamson (1940-2025), and Alfonso de Galarreta (1957).

¹⁶ John Paul II, Motu Proprio "Ecclesia Dei" (2 July 1988), in: AAS 80 (1988) 1495-1498.

¹⁷ Pontifical Council for the Interpretation of Legislative Texts, Explanatory Note on the Excommunication for Schism Incurred by the Adherents to the Movement of Bishop Marcel Lefebvre (24 August 1996), in: Communicationes 29 (1997) 239-243.

¹⁸ Congregation for Bishops, Decree Remitting the Excommunication Latae Sententiae of the Bishops of the Society of St. Pius X (21 January 2009), in: AAS 101 (2009) 150-151.

sacramental juridical effect; it is licit only when it is administered in accordance with the prescriptions of canon law. These two concepts do not necessarily coincide.

The priests of FSSPX are validly ordained (cc. 1008-1009) and are therefore able to validly celebrate the Eucharist (c. 900 § 1). Likewise, by virtue of their valid priestly ordination, they validly administer the sacrament of the anointing of the sick (c. 1003 § 1). With regard to the sacrament of confirmation, a priest validly confers the sacrament only when the law grants him the requisite faculty (cc. 882-883). Validity in this case therefore depends not solely upon the validity of priestly ordination. Certain sacraments, however, require not only valid ordination but also a specific juridical faculty. Thus, for the valid absolution of sins in the sacrament of penance, a valid faculty to hear confessions is required in addition to priestly ordination (c. 966 § 1), while valid assistance at marriage requires the faculty prescribed by c. 1108 § 1. These particular requirements explain why Pope Francis adopted separate provisions regarding the faculty to hear confessions and the faculty to assist at marriages exercised by priests of FSSPX.

Proceeding from this distinction, Pope Francis granted priests of FSSPX, during the Extraordinary Jubilee of Mercy (8 December 2015 - 20 November 2016), the faculty to administer the sacrament of penance validly and licitly¹⁹. At the conclusion of the Jubilee Year, this faculty was extended indefinitely²⁰. In addition, provision was made for marriages to be celebrated validly and licitly in churches of FSSPX under certain conditions and with the cooperation of the local Ordinary²¹. These special faculties related exclusively to the administration of these sacraments. They did not constitute recognition of any canonical status or canonical mission of the Priestly Fraternity, nor did they alter its institutional legal position within the Church²². Francis repeatedly reaffirmed that FSSPX possesses neither canonical status nor canonical mission and that its clerics exercise no legitimate ecclesiastical ministry.

The events of 1 July 2026 must likewise be assessed against this background. Here too, the distinction between validity and liceity is of fundamental importance. An episcopal ordination without a pontifical mandate does not merely constitute a violation of a disciplinary norm but directly affects the hierarchical constitution of the Church and the canonical structure of the episcopal office. The Code expressly provides that no one is permitted to ordain a bishop unless it is first evident that a pontifical mandate has been issued (c. 1013). The episcopal office has a twofold dimension. On the one hand, episcopal ordination confers the fullness of the sacrament of orders (cc. 375 § 1; 1008-1009). On the other hand, the lawful exercise of the episcopal office requires a canonical mission conferred, in accordance with the law, by the competent ecclesiastical authority (cc. 377-380). Moreover, a diocesan bishop cannot validly exercise his office until he has taken canonical possession of his diocese (c. 382 § 1). Although an episcopal ordination without a pontifical mandate may, under certain conditions, be sacramentally valid, it necessarily lacks the canonical legitimacy required for the lawful exercise of the episcopal

¹⁹ Francis, Letter to Archbishop Rino Fisichella According to Which an Indulgence Is Granted to the Faithful on the Occasion of the Extraordinary Jubilee of Mercy (1 September 2015), in: AAS 107 (2015) 974-976, 976.

²⁰ Francis, Apostolic Letter *Misericordia et Misera* at the Conclusion of the Extraordinary Jubilee of Mercy (20 November 2016), in: AAS 108 (2016) 1311-1327. See in particular: n. 12.

²¹ Pontifical Commission *Ecclesia Dei*, Letter to the Ordinaries of the Episcopal Conferences Concerned Regarding the Celebration of Marriages of the Faithful of the Society of Saint Pius X (27 March 2017), in: AAS 109 (2017) 426-427.

²² For a detailed canonical analysis of the canonical status of FSSPX and the concessions granted by Pope Francis concerning confession and marriage, see: Lessard, John G., *The Society of Saint Pius X: Current Status and Concessions Granted for the Faithful*, Proceedings of the Canon Law Society of America 86 (2024) 228-248.

office. It is precisely for this reason that canon law attaches particularly severe juridical consequences to an episcopal ordination carried out without a pontifical mandate.

It does not follow, however, that the same canonical assessment can be applied indiscriminately to every person affiliated with FSSPX in varying ways and to varying degrees. The canonical irregularity of FSSPX as a community lacking canonical status within the Church is an objective juridical fact. The legal position of an individual member of the Christian faithful, by contrast, is determined not primarily by the canonical position of the community or institution with which he or she identifies, but by his or her own juridical status as one of the Christian faithful (cc. 96; 204 § 1) and by whether he or she preserves the three bonds of full communion in the Church required by canon 205: the profession of faith, the sacraments, and ecclesiastical governance. In this regard, every member of the Christian faithful remains bound to preserve communion with the Church (c. 209 § 1). Even where the objective facts raise the question whether a canonical delict has been committed, penal liability cannot simply be presumed. In accordance with the principle of legality, the Christian faithful may be punished with a canonical penalty only in accordance with the prescriptions of the law (c. 221 § 3), while penal laws are to be interpreted strictly (c. 18). Moreover, canonical penal law always requires an individual assessment both of the objective conduct and of its subjective imputability, with due regard for the presumption of innocence and for the requirement of grave personal imputability based on malice or negligence (c. 1321 §§ 1-2).

It is precisely this nuance that is often overlooked in pastoral practice. Although for many years there was little uncertainty regarding the place of FSSPX as such within the canonical legal order, the legal position of individual members of the Christian faithful could differ considerably depending upon the nature and degree of their affiliation with the Priestly Fraternity. Canon law ultimately assesses not abstract sympathies or sociological affiliation but concrete juridical facts and personal conduct.

The events of 1 July 2026 and the subsequent response of the Apostolic See have, however, significantly changed the canonical assessment of that legal position. By decree of 2 July 2026²³, the Dicastery for the Doctrine of the Faith determined that the episcopal ordinations carried out without a pontifical mandate constituted a schismatic act and declared that the bishops involved had incurred the *latae sententiae* excommunication prescribed by the Code (cc. 1364 § 1 and 1387; cf. cc. 751 and 1013). At the same time, a simultaneously published *Nota explicativa*²⁴ provided a broader canonical assessment of the consequences of these events for the other clerics of FSSPX and for those lay members of the Christian faithful who formally adhere to the Priestly Fraternity. In this way, the Apostolic See not only authoritatively determined the canonical character of the episcopal ordinations themselves but also indicated, within the existing framework

²³ Dicastery for the Doctrine of the Faith, Decree on the Excommunication Incurred as a Result of the Illicit Episcopal Consecrations Performed by the Priestly Fraternity of Saint Pius X (2 July 2026), at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_ddf_doc_20260702_decreto-scomunica-fsspx_it.html (03.07.2026).

²⁴ Dicastery for the Doctrine of the Faith, Explanatory Note concerning the situation arising from the episcopal consecrations celebrated by the Priestly Fraternity of Saint Pius X (2 July 2026), at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_ddf_doc_20260702_nota-espliativa-fsspx_it.html (03.07.2026).

of universal canon law, how the legal position of the various categories of persons concerned was to be assessed.

Against this background, it is now necessary to examine the specific juridical consequences that these developments entail for the bishops involved, the other clerics of FSSPX, and the lay members of the Christian faithful who are affiliated with the Priestly Fraternity to varying degrees.

3 Canonical Assessment of the Affiliation of the Christian Faithful with the FSSPX

The legal position of the Christian faithful affiliated with the FSSPX cannot simply be derived from a single general notion of affiliation. The term "*affiliation*" itself has no fixed technical meaning in the Code of Canon Law. It may refer to a variety of situations, including occasional participation in a liturgical celebration, regular pastoral involvement, active cooperation in apostolic activities, institutional affiliation, or a conscious identification with the ecclesial position of FSSPX. These different forms of affiliation do not all carry the same canonical significance.

A distinction must first be drawn between clerics and lay members of the Christian faithful. Clerics exercise a sacred ministry and, by virtue of their clerical state, stand in a particular relationship to the hierarchical constitution of the Church. Consequently, membership in, or the continued exercise of ministry within, a priestly community lacking regular canonical status has a different juridical significance for clerics than the participation of a lay person in a liturgical celebration or pastoral activity. In the case of clerics, the issue concerns not merely personal conviction or spiritual preference, but also the lawful exercise of sacred ministry within the hierarchical communion of the Church. Accordingly, the long-term exercise of ministry within FSSPX may, in the canonical assessment, constitute a strong indication that the cleric identifies himself with its ecclesial position.

Nor is the situation uniform among the laity. Some members of the Christian faithful attend an FSSPX celebration only occasionally. Others participate regularly, or even predominantly, in its liturgical life and habitually receive the sacraments there. Still others take part in its activities, support its apostolate, or publicly identify themselves with its ecclesiological and doctrinal positions. In addition, FSSPX has a Third Order into which lay persons may be formally admitted after a period of formation. Such institutional affiliation is canonically more significant than mere occasional participation, although its precise juridical significance must still be assessed in light of the concrete circumstances of the individual case.

Terms such as "*sympathiser*", "*regular attendee*", "*supporter*", "*participant in activities*", or "*member*" do not constitute independent juridical categories in the Code of Canon Law. They are primarily descriptive in nature and may assist in distinguishing between the various factual situations encountered in pastoral practice. The canonical assessment, however, remains focused upon concrete juridical facts, personal intention, and external conduct. Particularly in the case of lay persons, the decisive question is whether their involvement remains merely factual, liturgical, pastoral, or spiritual, or whether it develops into a more formal affiliation through which they consciously and freely identify themselves with an ecclesial position affecting hierarchical communion with the Catholic Church.

The analysis must therefore proceed not from sociological labels but from the criteria provided by the Code itself. The decisive question is whether the Christian faithful concerned continue to preserve the three bonds of full communion in the Church required by canon 205: communion in the profession of faith, in the sacraments, and in ecclesiastical governance. Together, these three bonds constitute the visible expression of ecclesial communion. The essential question, therefore, is not whether a member of the Christian faithful identifies sociologically with FSSPX, but whether his or her concrete conduct impairs one or more of these bonds.

The first bond is communion in the faith. This presupposes not only personal religious conviction but also acceptance of the faith as professed by the Church and proposed by her authentic Magisterium. Canon 209 § 1 obliges all the Christian faithful always to maintain communion with the Church, while canon 212 § 1 provides that they are bound to follow with Christian obedience what the sacred Pastors, as authentic teachers of the faith, declare or determine. This obedience extends not only to solemnly defined dogmas but also to the authentic Magisterium, albeit with differing degrees of assent according to the nature of the doctrine proposed. A distinction must therefore be drawn between truths to be believed with divine and Catholic faith under canon 750 § 1, doctrines to be definitively held under canon 750 § 2, and other teachings of the authentic Magisterium to which canon 752 requires religious submission of intellect and will. This distinction is also relevant for the canonical qualification of dissent. Heresy, as defined in canon 751, consists only in the obstinate denial or doubt, after baptism, of a truth that must be believed with divine and Catholic faith and therefore concerns the truths referred to in canon 750 § 1. Consequently, disagreement with or rejection of a conciliar teaching cannot automatically be characterised as heresy. It is first necessary to determine the doctrinal authority with which the particular teaching was proposed. Nevertheless, the obstinate rejection of teachings that do not fall within canon 750 § 1 may still constitute a serious failure to maintain ecclesial communion and, depending on the nature of the teaching and the circumstances, may fall within the scope of canons 750 § 2, 752, 1371 or other applicable canonical provisions.

The doctrinal difficulties between FSSPX and the Apostolic See arise principally in this area. The Priestly Fraternity does not reject the Catholic profession of faith as such, but raises serious objections to certain doctrinal developments, particularly regarding the interpretation of the Second Vatican Council and certain elements of the subsequent Magisterium. These objections concern, among other matters, religious freedom, ecumenism, collegiality, and the relationship between the Church and modern society. Nevertheless, caution is required in assessing the position of individual members of the Christian faithful. The doctrinal position of FSSPX cannot simply be attributed to everyone who participates in its liturgical or pastoral life.

It does not follow, therefore, that every member of the Christian faithful who participates in the liturgical or pastoral life of FSSPX thereby personally breaks communion in the faith. Nor does every critical approach to conciliar or post-conciliar documents, in itself, constitute a canonically relevant rejection of the Church's Magisterium. Canon 212 §§ 2-3 expressly recognises the right of the Christian faithful to make known their needs, wishes, and opinions concerning the good of the Church, provided that they always respect the integrity of faith and morals, show due reverence towards ecclesiastical authority, and safeguard the good reputation of others.

The decisive consideration, therefore, is not the mere existence of questions, objections, or theological difficulties, but the manner in which the individual relates to the authentic Magisterium of the Church. Communion in the faith is truly placed in jeopardy only when a

member of the Christian faithful personally, knowingly, and persistently rejects what the Church proposes as binding.

The second bond concerns communion in the sacraments. In relation to FSSPX, this bond must be assessed with particular care. Sacramental practice cannot be viewed solely from the perspective of the personal devotion of the faithful or a preference for a particular liturgical form, since such preferences must also be situated within the canonical regulation of the liturgy and the visible communion of the Church²⁵. The sacraments belong to the visible life of the Church and are ordinarily celebrated within the communion of faith and ecclesiastical governance. Participation in sacramental celebrations outside the ordinary ecclesiastical structures may therefore, particularly where it becomes habitual or exclusive, acquire significance for assessing the individual's relationship with ecclesial communion²⁶.

It does not follow, however, that the mere participation in a liturgical celebration or the reception of the sacraments within FSSPX, of itself, amounts to a rupture of full ecclesial communion or to an explicit or formal adherence to a schismatic attitude. A member of the Christian faithful may participate in such celebrations for a variety of reasons without necessarily intending to separate himself or herself from the Church or from her hierarchical constitution. This may occur, for example, where someone attends a Mass without previously knowing, or being certain, that it is celebrated by FSSPX, makes an occasional visit out of curiosity, attends the funeral or wedding of relatives or friends, or has no other opportunity to participate in the Eucharist. The canonical significance of such participation depends upon the broader context in which it occurs, including its frequency, exclusivity, the individual's motives, his or her relationship with the proper pastors, and the degree to which he or she identifies with the ecclesiological position of FSSPX.

The third bond concerns communion in ecclesiastical governance. It is here that the core of the canonical problem is situated. Although FSSPX recognises the Pope as the Successor of Peter, its clerics exercise their ministry without regular canonical status and without an ordinary canonical mission within the hierarchical constitution of the Church. For individual members of the Christian faithful, the question therefore arises whether their affiliation with FSSPX also implies that they personally withdraw from the authority of the Pope and of their own diocesan bishop.

Moreover, not every form of criticism, disobedience, or liturgical preference constitutes a rupture of hierarchical communion. A preference for the traditional liturgy, a greater or lesser degree of sympathy for FSSPX, or occasional or even regular participation in its liturgical celebrations is therefore not, in itself, sufficient to conclude that a member of the Christian faithful has broken communion in ecclesiastical governance. The assessment may be different, however, where an individual in practice and on a lasting basis submits to an ecclesiastical authority that lacks a canonical mission, effectively replaces the ordinary pastoral authority of

²⁵ See also: *Maris, Niels*, Canonical Reflections on Requests by the Faithful for the Usus Antiquior in Light of the Rights of the Faithful, in: *Stato, Chiese e pluralismo confessionale* (2026/9) 83-128, and the references cited therein.

²⁶ *Coccopalmerio, Francesco*, La «communicatio in sacris» come tema canonistico ed ecumenico, in: *Periodica* 107 (2018) 1-36, 5-10. See also: *Errázuriz M., Carlos José*, L'intrinseca doverosità liturgica e giuridica del culto ecclesiale, in: *Ius Ecclesiae* 28 (2016) 301-322, 316-320. More extensive discussions on the canonical validity and legal effects of the sacraments and juridical acts performed by priests of the FSSPX may be found in: *Reyes Vizcaíno, Pedro María*, Relevancia canónica de los sacramentos y actos jurídicos realizados por sacerdotes de la Fraternidad Sacerdotal de San Pío X, in: *Forum Canonicum* 10 (2015) 71-98.

the diocesan bishop, or recognises papal authority only insofar as it accords with his or her own interpretation of Tradition²⁷.

In this regard, the distinction between factual involvement and formal adherence is of particular importance. The concept of "*formal adherence*" (*adesione formale*) was introduced in the *motu proprio Ecclesia Dei*²⁸ of 2 July 1988 and further clarified by the Pontifical Council for the Interpretation of Legislative Texts in its declaration of 24 August 1996 concerning the followers of Archbishop Lefebvre²⁹. Factual involvement may consist in attendance, pastoral proximity, liturgical preference, or personal sympathy. Formal adherence, by contrast, requires something more. It comprises, first, an internal element: a free and conscious choice by which the individual knowingly embraces the substance of the schism and places his or her allegiance to FSSPX above obedience to the Pope. Secondly, it comprises an external element: the manifestation of that interior choice through concrete conduct. The clearest external indication is exclusive participation in the ecclesiastical life of FSSPX to the exclusion of participation in the life of the Catholic Church. Even this indication, however, is not automatically conclusive, since outward participation does not invariably reveal the person's interior disposition³⁰.

For lay members of the Christian faithful, this means that occasional participation in the liturgical celebrations or other activities of FSSPX, without adopting its doctrinal and disciplinary attitude of separation, is not in itself sufficient to constitute formal adherence. In pastoral practice, the assessment will often be difficult and must take account both of the individual's intention and of the manner in which that intention is manifested externally. The various situations must therefore be assessed on a case-by-case basis, both in the *forum externum* and, where appropriate, in the *forum internum* (cf. *infra*).

Ultimately, the three bonds referred to in canon 205 must be assessed together. A member of the Christian faithful may find himself or herself in a canonically irregular or pastorally problematic situation without formally breaking full ecclesial communion. Conversely, a lasting combination of doctrinal rejection, sacramental separation, and the complete or partial withdrawal in practice from ecclesiastical governance may seriously impair full communion. The assessment must therefore remain concrete and must take account of the individual's own legal position, intention, and conduct.

This assessment under canon 205 does not, however, answer the separate question whether a canonical delict has been committed and, if so, whether a penalty has been incurred or should be imposed. The assessment of ecclesial communion, the moral evaluation of a possible sin against the unity of the Church, and the penal assessment of the delict of schism do not necessarily coincide. Penal liability requires that the statutory definition of a delict, personal imputability, and the other conditions laid down in Book VI of the Code be satisfied. For this reason as well, caution is required when making general statements concerning members of the Christian faithful affiliated with FSSPX. That distinct issue will be examined in the following section.

²⁷ A detailed illustration of such parallel structures of ecclesiastical governance and the claim to supplied jurisdiction within FSSPX may be found in: *Pietras, Dawid*, Institutions of Supplied Jurisdiction in the Society of Saint Pius X. A Canonical Analysis, in: *Studia Canonica* 58 (2024) 639-686.

²⁸ *Ecclesia Dei*, n. 5c.

²⁹ *Pontifical Council for the Interpretation of Legislative Texts*, Explanatory Note 1996 (note 17), n. 2 and 5.

³⁰ *Pontifical Council for the Interpretation of Legislative Texts*, Explanatory Note 1996 (note 17), n. 5.

4 Delicts and Sanctions

4.1 General Principles

The foregoing analysis concerned the question whether affiliation with FSSPX impairs the bonds of full communion required by canon 205. This, however, does not yet determine when a canonical delict has also been committed. The assessment of ecclesial communion and the penal assessment of conduct do not necessarily coincide. In the canonical penal tradition, an ecclesiastical delict has classically been understood as comprising three constitutive elements: an external violation of a norm protected by penal law, the existence of a legal provision attaching a sanction to that violation, and the personal imputability (*imputabilitas*) of the offender. It is this final element that constitutes the subjective core of the canonical delict. Accordingly, canon 1321 § 2 provides that no one is punished unless the external violation of a law or precept is gravely imputable to the person by reason of malice (*dolus*) or negligence (*culpa*). This principle expresses the fundamental penal maxim "*nulla poena sine culpa*", already formulated by Pope Boniface VIII (1294-1303) in the legal maxim "*sine culpa (...) non est aliquis puniendus*" (Reg. iur. in VI, 23), and builds upon the principle of legality reflected in canons 18 and 221 § 3. The focus is therefore not on the person as such, nor on his or her convictions or interior disposition, but on a concrete external act or omission that can be attributed to that person as its author. The penal assessment thus concerns not the sinfulness of a particular attitude or way of life, but a specific external act for which the individual may be held personally responsible. Consequently, personal imputability must always be examined separately in each individual case, taking into account the circumstances that may exclude or diminish it (cc. 1323-1324)³¹.

Proceeding from this principle, the 1983 Code abandoned the former possibility of imposing collective sanctions or penalties upon a body of persons as such (cf. cc. 1243-1254 CIC/1917). Not every member of a group is necessarily guilty, nor can personal imputability invariably be established with respect to each individual member. Pope Innocent IV (1243-1254) had already maintained that no community or college as such should be subjected to excommunication, since this would create the danger of condemning the innocent together with the guilty. Only those whose personal negligence has been established may be subjected to a sanction (Reg. iur. VI, 5.11.5). This does not exclude the possibility that those who govern or represent juridic persons may themselves commit an ecclesiastical delict through their own acts or omissions and may therefore be held personally liable. It follows that mere affiliation with a particular community or movement does not, of itself, constitute a sufficient basis for penal liability. This is all the more true in the case of FSSPX, which possesses no canonical status within the Catholic Church and is not a juridic person under canon law. For that reason, the distinction between the various forms and degrees of affiliation with FSSPX assumes particular importance. Consequently, even where one or more of the bonds required by canon 205 have objectively been violated, it does not automatically follow that a canonical delict has been committed or that a canonical sanction may be imposed³².

Where, however, all the legal requirements for a canonical delict are fulfilled, the competent ecclesiastical authority has the responsibility to respond appropriately. Since canon 1311 § 2

³¹ Huysmans, Ruud G.W., Liber VI. Kerkelijk strafrecht. Sancties in de Kerk. De sanctionibus in ecclesia (=Novum Commentarium Lovaniense in Codicem Iuris Canonici, 5), Leuven 2005, 133-135.

³² Huysmans, Liber VI (note 31), 135.

expressly emphasises that the Church has not only the right (c. 1311 § 1) but also the duty, whenever necessary, to impose penal sanctions for the protection of the common good of the Church and the rights of the Christian faithful. Canon 1341 further provides that the Ordinary is to initiate a judicial or administrative penal process whenever he determines that fraternal correction, rebuke, or other pastoral means are insufficient to restore justice, reform the offender, and repair scandal. The imposition of a penalty therefore remains an *ultimum remedium* but, once the legal conditions are satisfied and pastoral means have proved inadequate, it forms part of the responsibility of the competent ecclesiastical authority.

Against this general penal background, it is now possible to examine the canonical consequences that the various forms of affiliation with FSSPX may entail for the different categories of the Christian faithful.

4.2 Bishops

The most immediate penal liability unquestionably rests with the bishops who proceeded with the episcopal ordinations without a pontifical mandate. By ordaining bishops without the pontifical mandate required by canon 1013, they directly infringed the hierarchical constitution of the Church. Under the law currently in force, this conduct incurs the *latae sententiae* sanction of excommunication prescribed by canon 1387.

The juridical effects of excommunication depend on whether the penalty has merely been incurred or has subsequently been imposed or declared. From the moment the excommunication is incurred, canon 1331 § 1 prohibits the offender from celebrating the sacrifice of the Eucharist and the other sacraments, from receiving the sacraments, from administering sacramentals, and from taking any active part in the celebrations listed in the canon. Once the excommunication has been imposed or declared, the additional effects set out in canon 1331 § 2 also apply, including restrictions concerning ecclesiastical offices, ministries, functions, acts of governance, and the acquisition of ecclesiastical dignities or offices. Although the sanction was incurred *ipso facto* by virtue of canons 1387 and 1364 § 1, the Dicastery for the Doctrine of the Faith expressly declared by decree of 2 July 2026³³ that Bishop Alfonso de Galarreta (1957) and the four³⁴ bishops ordained without a pontifical mandate had incurred the prescribed *latae sententiae* excommunication. The decree did not bring the sanction into existence, but authoritatively established for the external forum that the legal requirements for its incurrance had been fulfilled. At the same time, by formally declaring the excommunication, it rendered applicable the additional juridical effects attached by canon 1331 § 2 to a penalty that has been imposed or declared, thereby providing juridical certainty regarding the canonical status of the bishops concerned.

The same penal provision applies to the four bishops who received episcopal ordination as to those who ordained them. Unlike the ordaining bishop, they did not confer the ordination but knowingly received it without the pontifical mandate required by canon 1013. The Code treats both forms of conduct identically for penal purposes. Their canonical position nevertheless possesses a particular characteristic. At the very moment they sacramentally received the

³³ Dicastery for the Doctrine of the Faith, Decree (2 July 2026), at:

https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_dcf_doc_20260702_decreto-scomunica-fsspx_it.html (02.07.2026).

³⁴ These are: Pascal Schreiber (1972), Michael Goldade (1981), Michel Poinssinet de Sivry (1984), and Marc Hanappier (1990).

fullness of the sacrament of orders (cc. 375 § 1; 1008-1009), they also incurred the *latae sententiae* excommunication prescribed by canon 1387. They thus became bishops and excommunicated persons simultaneously. Although their episcopal ordination is sacramentally valid, it confers no canonical mission, with the result that they cannot lawfully exercise the episcopal office within the Church (cc. 375 § 2; 377-382)³⁵.

The decree of 2 July 2026, however, is not limited to the ordaining bishop and the four newly ordained bishops. It further declares that Bishop Bernard Fellay (1958), by his direct participation in the episcopal ordinations and his public adherence to the schismatic act, incurred the *latae sententiae* excommunication provided for in canon 1364 § 1. Unlike the excommunication of Bishop Alfonso de Galarreta and the four newly ordained bishops, which follows directly from the penal provision of canon 1387, the excommunication declared with respect to Bishop Fellay is based solely upon the application of canon 1364 § 1 for the delict of schism. The decree thus expressly distinguishes between the excommunication attached by the Code to an illicit episcopal ordination and the excommunication resulting from formal and public adherence to the schismatic act.

This distinction further underscores that the canonical assessment of the events of 1 July 2026 concerns not only the illicit episcopal ordinations as such but also their ecclesiological significance. By ordaining new bishops without a pontifical mandate, in conscious defiance of the Pope's explicit will, those involved not only violated the disciplinary norm contained in canon 1013 but also undermined the hierarchical constitution of the Church. Accordingly, the decree of 2 July 2026 and the accompanying *Nota explicativa*³⁶ explicitly place these events within the framework of schism as defined in canon 751 and attach to them the juridical consequences which the Code prescribes for that delict.

This canonical qualification must, however, be distinguished from the separate assessment of penal imputability. Although an external violation gives rise to the rebuttable presumption of imputability under canon 1321 § 4, the bishops' invocation of a state of necessity must be examined under canon 1323, 4°. If they in fact acted by reason of necessity or grave inconvenience, they would not be liable to a penalty, unless the act was intrinsically evil or tended to be harmful to souls. Even in the latter case, necessity would constitute a mitigating circumstance under canon 1324 § 1, 5°, with the result that no *latae sententiae* penalty would be incurred (c. 1324 § 3)³⁷. An error concerning the existence of such necessity must likewise be taken into account: an inculpable error excludes liability under canon 1323, 7°, whereas a culpable error falling within canon 1324 § 1, 8° likewise precludes the incurrance of a *latae sententiae* penalty by virtue of canon 1324 § 3. The repeated warnings of the Apostolic See and the explicit appeal of Pope Leo XIV are relevant to the assessment of the bishops' knowledge, freedom, and imputability, but they do not in themselves dispose of the claimed state of necessity or of a possible error concerning its existence. A declaration that the *latae sententiae*

³⁵ Pighin, Bruno Fabio, Le ordinazioni episcopali senza mandato pontificio e le loro conseguenze canoniche, in: *Ius Ecclesiae* 24 (2012) 401-420, 410-414.

³⁶ *Dicastery for the Doctrine of the Faith*, Explanatory Note (2 July 2026), at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_dcf_doc_20260702_nota-espliativa-fsspx_it.html (02.07.2026).

³⁷ See also: *Pontifical Council for Legislative Texts*, Declaration on the Correct Application of Canon 1382 of the Code of Canon Law (6 June 2011), in: *Communiones* 43 (2011) 30-33, nn. 4-5. Although the Declaration concerns former canon 1382, its observations concerning personal imputability and canon 1324 § 3 remain relevant to canon 1387 currently in force.

excommunication was incurred therefore presupposes that the competent authority determined that neither an exempting circumstance under canon 1323 nor a mitigating circumstance falling within canon 1324 § 1 was present³⁸. Objectively, the conduct at issue implicated not only the prohibition contained in canon 1013 and the delict defined in canon 1387, but also the hierarchical constitution of the Church. Episcopal collegiality presupposes communion with the Pope as Head of the College of Bishops (c. 336), while bishops may lawfully exercise their office only in hierarchical communion with the Pope and the episcopal college by virtue of a canonical mission (c. 375 § 2).

Against this background, the Dicastery for the Doctrine of the Faith expressly confirmed in its decree of 2 July 2026 that the illicit episcopal ordinations constituted a schismatic act. The competent ecclesiastical authority thereby authoritatively established the canonical qualification of these events for the external forum. Consequently, any doubt concerning the canonical assessment of the episcopal ordinations of 1 July 2026 has been removed, since the Apostolic See has now formally determined their juridical character.

The excommunication, however, does not necessarily exhaust all the possible canonical consequences of the delict for the bishops concerned. Canon 1335 § 1 expressly provides that, when the competent authority imposes or declares a censure in a judicial process or by an extrajudicial decree, it may also impose such expiatory penalties as it considers necessary to restore justice or repair scandal. Accordingly, when declaring the *latae sententiae* excommunication, the competent authority may additionally impose one or more of the expiatory penalties enumerated in canon 1336, provided that the general requirements of Book VI, including the principles of legality and proportionality, are respected. By virtue of canons 18 and 221 § 3, penal provisions must be interpreted strictly and no sanction may be imposed without an adequate legal basis. Canon 1335 § 1 supplies such a basis in the specific context of the imposition or declaration of a censure, but it does not render every penalty listed in canon 1336 indiscriminately available. The authority must select only those penalties that are legally applicable, necessary to restore justice or repair scandal, and proportionate to the gravity and circumstances of the delict. Such penalties may include, inter alia, prohibitions, prescriptions, or deprivations concerning particular rights, faculties, offices, functions, titles, or places of residence. Dismissal from the clerical state, however, may be imposed only in those cases in which the law expressly provides for it, including canon 1364 § 2. Unlike the censure of excommunication, whose immediate purpose is medicinal and directed towards the offender's amendment, these additional expiatory penalties are intended to protect the canonical legal order, repair the harm caused to the common good of the Church, and, where necessary, alter or terminate aspects of the offender's juridical position. They do not arise automatically from the excommunication itself but require a distinct and reasoned decision by the competent authority.

Excommunication is unquestionably the principal penal sanction in the present case. The juridical consequences of the events of 1 July 2026, however, are not limited to the individual declarations of excommunication concerning the bishops involved. The simultaneously

³⁸ For a detailed case study illustrating the procedural and substantive assessment required before declaring a *latae sententiae* excommunication for schism, see: *Pietras, Dawid*, Extrajudicial Roman Penal Process of the Declaration of Excommunication: Archbishop Carlo Maria Viganò's Case, in: *Teka Komisji Prawniczej PAN Oddział w Lublinie* 19 (2026) 605-620. See especially: 615-616.

promulgated *Nota explicativa* also attaches general juridical consequences to the same facts for the other sacred ministers and for those lay members of the Christian faithful who formally affiliate themselves with FSSPX. The individual penal assessment of the bishops concerned therefore constitutes only the first element of a broader canonical framework established by the Apostolic See in response to the episcopal ordinations of 1 July 2026. The consequences for the other clerics and for the lay members of the Christian faithful will be examined separately in the following sections.

4.3 Priests

The position of the other clerics of FSSPX immediately following the episcopal ordinations of 1 July 2026 was initially fundamentally different from that of the ordaining bishop and the bishops who received episcopal ordination. They were not subject to the penal provision of canon 1387 unless they had actually cooperated in the illicit episcopal ordinations in a manner that canon law regards as participation in the delict. At that stage, their canonical legal position was characterised not primarily by the imposition of a canonical sanction but, as before, by the absence of canonical status and canonical mission within the Church. FSSPX possessed neither juridic personality nor canonical status within the Catholic Church, and its clerics exercised their ministry without the requisite canonical mission. Although the sacramental acts performed by them could be valid, provided that the requirements for validity of the particular sacrament were fulfilled and the law did not expressly provide otherwise, they were, as a matter of principle, performed illicitly. By virtue of their clerical state, they furthermore remained bound to exercise their ministry in communion with the Church and in accordance with the obligations arising from the clerical state (cc. 209 § 1, 273, and 276 § 1). Consequently, not every priest of FSSPX necessarily found himself in identical canonical circumstances. The assessment had to take account of his concrete ministry, his relationship to the authentic Magisterium and hierarchical communion, any involvement in the episcopal ordinations, and the possibility that he had expressly distanced himself from them.

It did not follow, however, that every priest of the Priestly Fraternity had, as of 1 July 2026, necessarily committed a canonical delict. Neither mere membership of FSSPX nor simple attendance at the episcopal ordinations, in itself, gave rise to penal liability. Nor did the Code at that time provide for a general excommunication or any other canonical sanction based solely on membership of the Priestly Fraternity. Only where the concrete conduct of an individual cleric demonstrated that he had personally committed a delict defined by the Code of Canon Law, such as schism or heresy within the meaning of canon 751, or another penal offence, could a canonical sanction be incurred, imposed, or declared pursuant to the applicable penal provision, including canon 1364 § 1. Even then, it remained necessary that the requirements of canon 1321 §§ 1-2 were fulfilled, that none of the circumstances mentioned in canons 1323 and 1324 excluded or diminished penal imputability, and that the competent ecclesiastical authority had determined, in accordance with canon 1341, that pastoral means were insufficient to restore justice, bring about the offender's reform, and repair scandal.

The canonical assessment of this existing legal position was, however, significantly clarified on 2 July 2026 by the decree of the Dicastery for the Doctrine of the Faith and the accompanying *Nota explicativa*, which presented their conclusions as applications of the existing norms of universal canon law to the situation arising from the episcopal ordinations. The Apostolic See did not confine itself to an assessment of the episcopal ordinations themselves but also addressed the

canonical implications of those events for the other clerics of FSSPX. The *Nota explicativa* expressly states that the sacred ministers belonging to the Priestly Fraternity are in schism and must therefore be regarded as schismatics. The *Nota explicativa* expressly states that the sacred ministers belonging to the Priestly Fraternity are in schism and must therefore be regarded as schismatics. Referring to canon 1364 § 1, it further declares that they are subject to the excommunication prescribed by law. The *Nota explicativa* extends the canonical assessment beyond the individuals expressly named in the decree. Whereas the decree formally declares that the ordaining bishop, the four newly ordained bishops, and Bishop Bernard Fellay have incurred excommunication, the *Nota explicativa* addresses the position of the other sacred ministers belonging to the Priestly Fraternity. It characterises them in general terms as being in schism and as falling within the scope of the excommunication prescribed by canon 1364 § 1. The *Nota explicativa* therefore does more than explain the consequences of the decree for the bishops directly involved. It formulates a general canonical qualification intended to guide the future canonical treatment of sacred ministers who belong to, and exercise their ministry within, FSSPX. This general qualification must, however, be distinguished from the formal declaration of a penalty against specifically identified persons.

This general qualification should not, however, be understood as constituting a collective sanction in the strict sense (cf. *supra*). This is already evident from the difference in wording between the decree and the *Nota explicativa*. With regard to the bishops expressly named, the decree employs a formal declaratory penal formula, stating that they have incurred excommunication by declaring that they “have incurred *ipso facto* the *latae sententiae* excommunication”³⁹. In the case of Bishop Bernard Fellay, it likewise states that he “è *incorso*” in the excommunication prescribed by canon 1364 § 1. The *Nota explicativa*, by contrast, adopts different language with respect to the other sacred ministers of FSSPX. It states that those sacred ministers belonging to the Priestly Fraternity “are in schism and must therefore be regarded as schismatics”⁴⁰, referring in this regard to earlier documents⁴¹, and further provides, with reference to canon 1364 § 1, that they “are therefore subject to the excommunication prescribed by law”⁴². Accordingly, the *Nota explicativa* does not contain an individual declaration of excommunication with respect to each sacred minister of FSSPX comparable to that contained in the decree for the named bishops. Rather, it formulates a general canonical qualification of membership in, and the exercise of sacred ministry within, FSSPX following the schismatic episcopal ordinations. In the light of the earlier interpretation of the Pontifical Council for Legislative Texts, that situation is regarded as an external sign of formal adherence to the schism. This qualification, however, leaves untouched the general principles of canonical penal law. Penal liability continues to require, subject to the presumption of innocence (c. 1321 § 1), that the external violation be personally and gravely imputable by reason of malice or negligence in accordance with canon 1321 §§ 1-2, and that none of the grounds excluding or diminishing liability provided for in canons 1323 and 1324 are present.

³⁹ “sono incorsi *ipso facto* nella scomunica *latae sententiae*”. See: *Dicastery for the Doctrine of the Faith*, Decree 2026 (note 33).

⁴⁰ “sono nello scisma e devono pertanto essere considerati scismatici”. See: *Dicastery for the Doctrine of the Faith*, Decree 2026 (note 33).

⁴¹ *Ecclesia Dei*, n. 5c.; *Pontifical Council for the Interpretation of Legislative Texts*, Explanatory Note 1996 (note 17), n. 5-6.

⁴² “risultando soggetti alla scomunica prevista dal diritto”. See: *Pontifical Council for the Interpretation of Legislative Texts*, Explanatory Note 2026 (note 36).

As has already been explained with regard to the bishops concerned (cf. *supra*), the excommunication provided for in canon 1364 § 1 does not preclude the imposition of other canonical sanctions upon the remaining clerics. Where canon law so provides, expiatory penalties under canon 1336 may also be imposed, provided that they produce an independent juridical effect not already resulting from the excommunication itself. Such sanctions may include, among other things, the deprivation of certain rights, faculties, offices, functions, or titles, removal from ecclesiastical office, or, in those cases expressly provided for by law, dismissal from the clerical state. Such additional sanctions, however, require their own legal basis and are distinct from the general juridical consequences flowing directly from the decree and the *Nota explicativa*.

The canonical consequences of this general qualification must nevertheless be stated with precision. Insofar as the *Nota explicativa* does not individually declare the excommunication of every sacred minister of FSSPX, the additional effects attached by canon 1331 § 2 to an imposed or declared excommunication cannot simply be applied to all of them. Where the *latae sententiae* excommunication has in fact been incurred, canon 1331 § 1 prohibits the minister from celebrating or receiving the sacraments, administering sacramentals, exercising ecclesiastical offices, duties, ministries or functions, and performing acts of governance.

These prohibitions render acts performed in contravention of them illicit, but do not of themselves render sacramental acts invalid. Even where canon 1331 § 2 applies, the provision directly invalidating acts already performed concerns acts of governance. The *Nota explicativa* nevertheless states that the sacrament of penance administered by the ministers of the Priestly Fraternity and marriages at which they assist are invalid. That conclusion cannot therefore be derived from excommunication alone. Valid absolution requires the faculty referred to in canon 966 § 1, whereas valid assistance at marriage ordinarily requires the faculty or delegation prescribed by canons 1108 and 1111⁴³. Pope Francis personally extended, until further provisions are made the faculty under which the faithful could validly and licitly receive absolution from priests of FSSPX⁴⁴. In 2017, he also authorized local ordinaries, under specified conditions, to grant priests of the Fraternity the necessary delegation to assist at marriages⁴⁵. The *Nota* may be understood as expressing the position that these earlier concessions no longer produce legal effects following the schismatic episcopal ordinations. This interpretation had already been anticipated by Pope Leo XIV's warning that the schismatic act would deprive the faithful of the licit and, in some cases, even valid reception of the sacraments.

Nevertheless, neither the papal letter nor the *Nota* expressly revokes the faculty granted for the sacrament of penance, withdraws the 2017 authorization concerning marriages, or revokes any delegation already granted pursuant to that authorization. Nor do they specify the juridical mechanism by which those concessions are considered to have ceased. Moreover, although the *Nota* was issued by the Dicastery for the Doctrine of the Faith, it does not state that it was approved by the Roman Pontiff *in forma specifica*. Its statement concerning invalidity should therefore be understood as a declarative canonical assessment of the continued existence and

⁴³ For a detailed analysis of the validity of marriages celebrated with the assistance of FSSPX priests, particularly the possible application of canon 144 § 2 where the required faculty or delegation is lacking, see: *Otter, Josef*, Zur Frage der Gültigkeit der Eheschließungen unter Assistenz von Priestern der Priesterbruderschaft St. Pius X. Zugleich ein Kommentar zu RR c. Monier, Nullitatis matrimonii, sent. diei 19 maii 2006, in: *De processibus matrimonialibus* 29 (2022) 227-252.

⁴⁴ Francis, Apostolic Letter 2016 (note 20), n. 12.

⁴⁵ Pontifical Commission *Ecclesia Dei*, Letter 2017 (note 21).

exercise of the relevant faculties, rather than as a self-evident consequence of canon 1331 or an unambiguous constitutive act of revocation. The matter remains disputed: Cardinal Gerhard Ludwig Müller (1947), who served as the Cardinal-Prefect of the Congregation for the Doctrine of the Faith from 2012 until 2017, has maintained that absolutions imparted by FSSPX priests remain valid, although illicit, and has treated the validity of marriages as a more complex question⁴⁶. Moreover, whether assistance at marriage constitutes an act of governance for the purposes of canon 1331 § 2, 2° is itself contested.

Consequently, it is too categorical to state without further qualification that the provisions introduced under Pope Francis automatically ceased to apply. The *Nota* clearly expresses the position of the Dicastery that they are no longer effective, but the precise juridical basis and legal force of that conclusion, and the capacity of such a document to withdraw concessions personally granted or approved by the Roman Pontiff, remain in need of further authoritative clarification.

A separate assessment is required for clerics who are not members of FSSPX but who were present at the episcopal ordinations or publicly identified themselves with them. Even after the decree, mere attendance at the episcopal ordinations does not, in itself, constitute a canonical delict. Their canonical legal position nevertheless differs from that of the clerics of FSSPX, since they exercise their ministry within the regular hierarchical structures of the Church. If their own concrete conduct demonstrates that they have personally committed the delict of schism, heresy, or another delict defined by the Code of Canon Law, they may, in addition to any excommunication already incurred or subsequently declared, be subjected to suspension, expiatory penalties, or, in those cases for which the law expressly provides, dismissal from the clerical state. In relation to these clerics as well, the general principles of canonical penal law remain fully applicable, including the requirement of personal and grave imputability by reason of malice or negligence (c. 1321 § 2), the grounds excluding or diminishing liability (cc. 1323-1324), and the obligation of the competent ecclesiastical authority, in accordance with canon 1341, first to determine whether pastoral means are sufficient before recourse is had to penal proceedings.

4.4 Lay Christian Faithful

The canonical legal position of lay members of the Christian faithful requires the most nuanced assessment. Immediately following the episcopal ordinations of 1 July 2026, no penal provision existed that sanctioned mere attendance at an illicit episcopal ordination as such. By virtue of the principle of legality and the principle of personal penal liability (cc. 18, 221 § 3, and 1321 §§ 1-2), neither a canonical delict nor penal liability could be inferred from such attendance alone. Nor could it automatically be concluded that the member of the Christian faithful concerned had thereby withdrawn from hierarchical communion with the Catholic Church. The same applied to the various forms of affiliation with FSSPX distinguished in Part 3 of this contribution. Neither regular participation in its liturgical life, nor the frequent reception of the sacraments from its ministers, nor a lasting institutional affiliation, such as admission to the Third Order of FSSPX, constituted, in themselves and without further individual assessment, a canonical delict. Such

⁴⁶ INFOVATICANA, Müller contradicts Fernández and maintains that the confessions of the FSSPX are valid (9 July 2026), at: <https://infovaticana.com/en/2026/07/09/muller-contradicts-fernandez-and-maintains-that-the-confessions-of-the-fsspx-are-valid/> (03.08.2026).

forms of affiliation could certainly amount to canonically relevant indications, but they always had to be evaluated in the light of the individual's concrete conduct, personal intention, knowledge, and freedom. Accordingly, even where the objective facts justified the conclusion that full ecclesial communion had been seriously impaired, it did not automatically follow that a canonical delict had also been committed. For that purpose, the constituent elements of the applicable penal provision, the general requirements for penal imputability, and the remaining conditions laid down by canonical penal law likewise had to be fulfilled.

A particular position was occupied by those members of the Christian faithful who had knowingly and permanently affiliated themselves with FSSPX. As explained above, such affiliation could assume various degrees, ranging from occasional participation in its liturgical life to lasting institutional affiliation through admission to the Third Order or another form of formal affiliation with FSSPX. Under the universal law in force prior to the documents of 2 July 2026, however, the Code of Canon Law contained no penal provision sanctioning such affiliation as such. For these members of the Christian faithful as well, the assessment necessarily remained individual and depended upon their own concrete conduct, personal intention, and penal imputability in accordance with canon 1321 §§ 1-2.

This approach was consistent with the administrative practice of the Apostolic See since the *motu proprio Ecclesia Dei* of 1988. Although the Apostolic See condemned the schismatic act constituted by the illicit episcopal ordinations, it did not conclude that every member of the Christian faithful affiliated with the Priestly Fraternity thereby became a schismatic. This approach was further developed in the *Nota explicativa* issued by the Pontifical Council for the Interpretation of Legislative Texts in 1996. It explained that schism could be established only where a member of the Christian faithful formally adhered to the movement initiated by Archbishop Marcel Lefebvre. Such formal affiliation required more than sympathy for the Priestly Fraternity, a preference for the traditional liturgy, or regular participation in its liturgical celebrations. The decisive consideration was whether the concrete conduct of the individual demonstrated that he or she knowingly and freely identified with the schismatic position and thereby withdrew from hierarchical communion with the Catholic Church. The assessment therefore necessarily remained individual and had to be based upon the concrete facts of each particular case.

The *Nota explicativa* of the Dicastery for the Doctrine of the Faith of 2026 did not alter this legal position for lay members of the Christian faithful in the same manner as it did for the sacred ministers of FSSPX, but it did expressly clarify and strengthen it for the external forum. Unlike its treatment of the sacred ministers, the *Nota* introduces no new substantive criteria for determining formal adherence in the case of the laity. On the contrary, it provides that those who formally affiliate themselves with FSSPX are to be regarded as schismatics and excommunicated persons under the conditions already described in the *Nota explicativa* of the Pontifical Council for the Interpretation of Legislative Texts of 1996. The *Nota* expressly confirms that those interpretative criteria remain in force and adopts them as the Dicastery's own assessment. The Apostolic See thus reaffirms that not every form of sympathy for FSSPX, not every preference for the traditional liturgy, and not even every occasional or regular participation in its liturgical life leads to schism or excommunication. The decisive question remains whether the concrete facts demonstrate a formal adherence by which the individual knowingly and freely identifies with the schismatic position of FSSPX in accordance with the criteria established by the

Nota explicativa of 1996. The change introduced by the new documents therefore does not consist in a redefinition of the concept of formal affiliation, but in the express confirmation that anyone meeting those criteria is to be regarded as a schismatic and incurs the *latae sententiae* excommunication provided for in canon 1364 § 1.

Accordingly, the analysis contained in Part 3 of this contribution retains direct normative significance for assessing the various forms of affiliation with FSSPX. The degrees of affiliation distinguished there provide the analytical framework for determining whether a particular case involves merely factual, liturgical, pastoral, or spiritual involvement, or rather a formal affiliation that, in accordance with the *Nota explicativa*, entails the canonical consequences provided for by canon 1364 § 1. The canonical assessment of each individual member of the Christian faithful must therefore continue to proceed from the concrete facts demonstrating, or failing to demonstrate, such formal affiliation. Here too, the general qualification of the schismatic situation of FSSPX cannot be equated with the imposition of a collective sanction (cf. *supra*) upon all lay persons affiliated with it in one way or another.

For any member of the Christian faithful covered by the general qualification formulated in the *Nota explicativa*, the juridical effects of excommunication arise only if the *latae sententiae* penalty has actually been incurred in the individual case in accordance with the general principles of penal law. The mere fact that a person is generally described as being in schism or as falling within the scope of canon 1364 § 1 does not by itself suffice to establish that the penalty has been incurred. Where the excommunication has in fact been incurred but has not been imposed or declared, only the effects prescribed by canon 1331 § 1 apply. The person concerned is prohibited from celebrating the Eucharist and the other sacraments, insofar as he or she is capable of doing so, from receiving the sacraments, from administering sacramentals or celebrating other ceremonies of liturgical worship, and from taking an active part in such celebrations (c. 1331 § 1, 1°-4°). The prohibition against receiving the sacraments also extends to marriage; excommunication does not, however, constitute a diriment impediment and therefore does not of itself render a marriage invalid. Except in a case of necessity, assistance at the marriage of a person under censure requires the permission of the local ordinary (c. 1071 § 1, 5°). An excommunicated person is likewise prohibited from exercising ecclesiastical offices, obligations, ministries, or functions and from performing acts of governance (c. 1331 § 1, 5°-6°). This prohibition already encompasses the exercise of liturgical ministries such as those of lector, acolyte, and extraordinary minister of Holy Communion.

A merely incurred but undeclared *latae sententiae* excommunication does not, however, automatically exclude a person from serving as a sponsor under canon 874 § 1, 4°, since that provision refers only to a penalty that has been legitimately imposed or declared. Whether the person nevertheless satisfies the requirement of leading a life of faith in keeping with the function of sponsor under canon 874 § 1, 3°, applicable also to confirmation through canon 893 § 1, requires an assessment of the individual circumstances and cannot be inferred solely from the presumed incurrence of the penalty. Only where a *ferendae sententiae* excommunication has been imposed or a *latae sententiae* excommunication has been declared do the additional effects prescribed by canon 1331 § 2 apply.

The position is different, however, for lay persons who exercise functions within the Church by virtue of an ecclesiastical office, ministry, canonical mission, or ecclesiastical mandate, such as judges, defenders of the bond, or promoters of justice in ecclesiastical tribunals, teachers of the

sacred sciences for whom a canonical mission is required, teachers of religion holding a *missio canonica*, or other members of the Christian faithful who perform ecclesiastical functions in the name of the Church. For them, excommunication may entail important additional consequences for the continued exercise of their ecclesiastical office or function. Where canon law so provides, expiatory penalties under canon 1336 may also be imposed, provided that they produce an independent juridical effect not already resulting from the excommunication itself. Such sanctions may include, for example, removal from ecclesiastical office or the deprivation of certain rights, faculties, or titles attached to the person's ecclesiastical function. These sanctions differ from excommunication in that they do not merely prohibit the exercise of rights but alter or terminate the underlying juridical position itself. Furthermore, where a legal basis exists under the applicable administrative law, the competent ecclesiastical authority may decide to revoke or terminate a canonical mission, ecclesiastical mandate, or other ecclesiastical appointment. Such administrative measures must, however, be distinguished from the canonical sanctions provided for in Book VI, even though in practice they may coincide with the juridical effects of excommunication.

5 Current Situation and Future Prospects

Following the canonical assessment of the events of 1 July 2026, attention shifts to the question of how full ecclesial communion may be restored. The documents⁴⁷ issued by the Dicastery for the Doctrine of the Faith on 2 July 2026 are not confined to determining the juridical consequences of the illicit episcopal ordinations. They are complemented by new procedural guidelines governing the reconciliation of priests and certain lay Christian faithful originating from FSSPX.

These procedural documents make it clear that the Apostolic See does not intend to organise the return to Catholic communion through a new special commission modelled on *Ecclesia Dei*, but rather through the existing competence of the Dicastery for the Doctrine of the Faith and the respective Ordinaries. They do not introduce a new body of universal penal law. Instead, they regulate the concrete procedure by which persons leaving FSSPX may obtain the remission of censures, the restoration of visible communion, and, where necessary, canonical regularisation, in accordance with the general norms governing the remission of penalties and censures, especially canons 1354-1361.

Their significance therefore lies not in redefining the delict or repeating the general juridical effects of excommunication. Those matters have already been examined in the preceding sections. Rather, the distinctive contribution of the new documents consists in organising, from procedural, doctrinal, and pastoral perspectives, the path of return to the Church.

For priests wishing to leave FSSPX, the practice of the Dicastery for the Doctrine of the Faith provides for a procedure that extends beyond the mere remission of a censure (cf. cc. 1354-

⁴⁷ *Dicastery for the Doctrine of the Faith, Procedures for the Reconciliation of Priests Originating from the Priestly Fraternity of Saint Pius X* (2 July 2026), at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_ddf_doc_20260702_nota-espliativa-fsspx_it.html (06.07.2026); *Dicastery for the Doctrine of the Faith, Procedures for the Reconciliation of Certain Lay Christian faithful Originating from the Priestly Fraternity of Saint Pius X* (2 July 2026), at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_ddf_doc_20260702_nota-espliativa-fsspx_it.html (06.07.2026).

1358). The priest must first find an Ordinary willing to receive him *ad experimentum* (i.e. on an experimental basis). He must then address a handwritten letter to the Pope introducing himself and requesting the remission of any censures he has incurred. This request must be accompanied by his certificate of priestly ordination, the *Professio fidei* (Profession of faith), and the *Formula adhaesionis* (Formula of adherence). These documents are transmitted by the Ordinary to the Dicastery for the Doctrine of the Faith, which prepares the rescript of remission and authorises the Ordinary to receive the priest *ad experimentum* for a probationary period of not less than one year and not more than three years.

The essential characteristic of this procedure is that the remission of canonical censures is inseparably linked to reintegration into the hierarchical structure of the Church. The priest is not merely released juridically from a censure but must also be enabled once again to exercise his ministry lawfully within the visible hierarchical communion of the Church. For that reason, the Ordinary performs a central role. He is not merely an intermediary in an administrative procedure but assumes responsibility for supervision, guidance, and evaluation throughout the probationary period. Only after its successful completion may incardination be considered, in accordance with the general principle laid down in canon 265 and the provisions governing excardination and incardination contained in canons 267-272.

The doctrinal requirements likewise serve a clear canonical purpose. The *Professio fidei* and the *Formula adhaesionis* give concrete expression to the restoration of communion with the Church's Magisterium, the Roman Pontiff, and the common discipline of the Church. Accordingly, the required acceptance of the Second Vatican Council as interpreted by the Magisterium, of the validity of the reformed liturgical books, of papal authority, and of the Code of Canon Law does not constitute an additional sanction but rather a visible sign that the *contumacia* (contumacy) underlying the censure has been abandoned. This is fully consistent with canon 1347 § 2, according to which *contumacia* ceases when the offender has truly repented and has repaired, or at least seriously promised to repair, the scandal and damage caused, and with canon 1358 § 1, which expressly makes the remission of a censure dependent upon the cessation of such *contumacia*.

The approach adopted with respect to the lay Christian faithful⁴⁸ is considerably more restrained. The procedure is not based on the assumption that every lay person who attended FSSPX or was affiliated with it is excommunicated. Rather, it builds upon the distinction drawn earlier in this contribution between merely liturgical or spiritual involvement, on the one hand, and formal adherence to the schismatic position, on the other. That distinction must be understood against the background of the concept of full ecclesial communion in canon 205, the obligation to preserve communion with the Church contained in canon 209 § 1, and the general requirements of personal penal imputability established by canon 1321.

Where a lay person has incurred or been subjected to a sanction on account of formal adherence and subsequently requests admission into the full communion of the Catholic Church, an informal declaration alone is insufficient. The individual must perform a formal act of adherence to Catholic doctrine and obedience to the Catholic hierarchy under the jurisdiction of the local Ordinary. In practice, this is accomplished by presenting the signed and dated *Professio fidei* and

⁴⁸ In the absence of specific procedures, it may be assumed that the seminarians of SSPX are also included within this category. It should, however, be noted that they must have a clear and demonstrable institutional affiliation.

Formula adhaesionis to the Ordinary, who may then receive the individual in whatever manner and within whatever period he considers appropriate. Where a censure has in fact been incurred or imposed, such reconciliation must also be understood within the framework governing the remission of censures, particularly canons 1358 and 1361.

For those lay Christian faithful who attended FSSPX exclusively for liturgical or spiritual reasons, or who, despite being aware of the tensions with the Holy See, did not reject the Magisterium or the authority of the Roman Pontiff, the practice of the Dicastery for the Doctrine of the Faith provides a considerably simpler path. It is sufficient for them to approach a priest in full communion with the Church and to refrain from attending FSSPX in the future. In this way, the procedure confirms that the pastoral path of return must remain proportionate to the individual's concrete canonical situation and that penal liability cannot be presumed in the absence of personal and grave imputability, in accordance with canon 1321 §§ 1-2 and with due regard for the grounds excluding or diminishing liability contained in canons 1323-1324.

The new procedures also make clear that not every form of reconciliation can take place in the same manner. Where the rupture has been public, where a cleric has exercised a public ministry, or where the canonical situation has been officially determined, a purely internal solution will ordinarily not suffice. In such cases, communion must be restored not only interiorly or sacramentally but also visibly and juridically in the *forum externum*.

This explains why the procedure for priests proceeds through the Ordinary and the Dicastery for the Doctrine of the Faith. The remission of the censure must be linked to a concrete place within the hierarchical structure of the Church, together with supervision, a probationary period, and possible subsequent incardination. For the lay Christian faithful, the external procedure is simpler, since their return ordinarily does not affect the exercise of public ministry or a canonical mission. Nevertheless, even in their case, the local Ordinary remains the guarantor of the unity of the particular Church where formal adherence and an incurred or imposed sanction are involved. The limited possibility of remission in the sacramental forum under canon 1357 does not alter this conclusion, since a publicly established or publicly relevant situation will ordinarily require restoration in the external forum.

The publication of general procedures is therefore not inconsistent with the restraint required by canon law concerning the publication of individual remissions. These documents do not necessarily disclose individual cases but establish general norms for addressing a public ecclesial crisis. Individual rescripts and specific acts of canonical regularisation remain administrative acts relating to particular cases. This is consistent with canon 1361 § 2, which provides that remission in the external forum is ordinarily to be granted in writing, and with canon 1361 § 3, according to which neither the petition for remission nor the remission itself is to be made public unless this is useful for protecting the good name of the individual concerned or necessary to repair scandal.

The current practice of the Dicastery for the Doctrine of the Faith demonstrates that the events of 1 July 2026 have received not only a penal response but have also opened a procedural path towards reconciliation. The protection of ecclesial communion is thus not separated from the possibility of return. On the contrary, precisely because the rupture was public and grave, the process of canonical regularisation is carefully structured. At the same time, the canonical assessment of the events of 1 July 2026 has not yet become procedurally definitive. According to the Priestly Fraternity's own public statement, it submitted to the Dicastery for the Doctrine of

the Faith the preliminary petition provided for in canon 1734 seeking the revocation or amendment of the decree⁴⁹. No response from the Dicastery has yet been made public, and the preliminary procedure therefore appears to remain pending. In accordance with canons 1353 and 1736 § 1, the petition has suspensive effect with respect to the execution of the challenged decree. The pendency of that procedure does not in itself resolve the substantive question whether the *latae sententiae* penalties were incurred by operation of law, but it does mean that the declaration contained in the decree remains subject to the ordinary procedural guarantees provided by canon law.

For priests, the emphasis is placed upon the remission of censures, doctrinal adherence, supervision by an Ordinary, a probationary period, and possible subsequent incardination. For the lay Christian faithful, the emphasis lies upon personal imputability and a proportionate pastoral path, in which formal affiliation with FSSPX is distinguished from merely liturgical or spiritual involvement. Accordingly, the new procedures do not constitute an alternative general law governing excommunication but rather a particular application of the existing canonical law on penal sanctions and the remission of censures to the exceptional context of FSSPX. Thus, canonical penal law remains directed towards its proper purpose: the restoration of justice, the reform of the offender, the repair of scandal, and, ultimately, the restoration of full ecclesial communion. This objective corresponds to canon 1341, which links the penal intervention of the Ordinary to the restoration of justice, the reform of the offender, and the repair of scandal.

6 Conclusions

The episcopal ordinations of 1 July 2026 constitute a decisive moment in the canonical assessment of the Priestly Fraternity of Saint Pius X and of the Christian faithful affiliated with it in various ways. They do not stand in isolation but form part of a long history of tensions between FSSPX and the Apostolic See concerning the reception of the Second Vatican Council, the liturgical reform, the exercise of the Magisterium, and the place of FSSPX within the hierarchical constitution of the Church. Nevertheless, the events of 2026 significantly intensified the existing situation. Whereas previously the principal canonical issue lay in the absence of canonical status for FSSPX within the Church and in the exercise of ministry by its clerics without a canonical mission, the Apostolic See subsequently determined that the episcopal ordinations constituted a schismatic act and articulated their juridical consequences for the various categories of persons concerned.

The foregoing analysis demonstrates that canon law must observe a number of important distinctions. First, the distinction between validity and liceity remains fundamental. Although the episcopal ordinations may be sacramentally valid, they lack the requisite canonical legitimacy because they were carried out without a pontifical mandate and conferred no canonical mission. The same distinction is equally relevant to the sacramental ministry exercised by the clerics of FSSPX. Valid ordination does not invariably suffice for either the valid or the licit administration of the sacraments, particularly where the law requires an additional faculty or delegation, as in the case of the sacrament of penance and assistance at marriages. The particular pastoral provisions introduced under Pope Francis must therefore be understood not as a general

⁴⁹ *Society of Saint Pius X*, General House Communiqué: The Society Files a Recourse Against the Decree of 2 July 2026 (13 July 2026), at: <https://fsspx.news/en/news/official-website-july-1-consecrations-now-online-59140> (03.08.2026).

canonical regularisation of FSSPX but as limited measures adopted for the benefit of the faithful. Their continued juridical effectiveness following the events of 1 July 2026 cannot, however, simply be regarded as having automatically ceased. Although the *Nota explicativa* clearly expresses the position that these earlier concessions no longer produce legal effects, the precise juridical basis and legal force of that conclusion remain in need of further authoritative clarification.

This contribution further demonstrates that the legal position of individual members of the Christian faithful cannot simply be inferred from the canonical position of FSSPX as a whole. Nor can the assessment of ecclesial communion be equated with the separate penal assessment of a canonical delict. Canonical penal liability cannot be inferred merely from sympathies, liturgical preferences, or sociological affiliation, but requires a concrete external violation and personal imputability. The three bonds referred to in canon 205 nevertheless constitute the fundamental criterion for assessing full ecclesial communion. Neither participation in a liturgical celebration of FSSPX, nor a preference for the traditional liturgy, nor pastoral or spiritual involvement necessarily ruptures that communion. The situation may be different, however, where a member of the Christian faithful knowingly and freely identifies with an ecclesial position that withdraws in practice from the authority of the Roman Pontiff and the hierarchical constitution of the Church.

The juridical consequences are most evident in the case of the bishops concerned. Bishop Alfonso de Galarreta and the four bishops who knowingly received episcopal ordination without the required pontifical mandate incurred the *latae sententiae* excommunication prescribed by canon 1387. The decree of 2 July 2026 formally declared those excommunications for the external forum. Bishop Bernard Fellay, by contrast, was declared to have incurred the excommunication prescribed by canon 1364 § 1 on account of his direct participation in and public adherence to the schismatic act. The decree thus distinguishes between the excommunication attached by law to an illicit episcopal ordination and the excommunication resulting from formal and public adherence to schism. At the same time, the general requirements of penal imputability, including the possible relevance of necessity or error concerning necessity under canons 1323 and 1324, remain conceptually distinct from the objective canonical qualification of the act. The declaration of the penalties necessarily presupposes that the competent authority considered that no circumstance excluding or diminishing liability prevented their incurrence.

The canonical position of the other clerics of FSSPX was significantly clarified, rather than replaced by an entirely new penal regime, on 2 July 2026. The *Nota explicativa* characterises the sacred ministers belonging to FSSPX as being in schism and as subject to the excommunication prescribed by canon 1364 § 1. It thereby treats membership in, and the exercise of sacred ministry within, FSSPX following the episcopal ordinations as an external sign of formal adherence to the schism. This general qualification must nevertheless be distinguished from the individual declaration of a penalty contained in the decree with respect to the named bishops. It does not constitute a collective sanction in the strict sense. The actual incurrence of excommunication by an individual cleric continues to require that the external violation be personally and gravely imputable in accordance with canon 1321 and that none of the grounds excluding or diminishing liability contained in canons 1323 and 1324 apply. Where the penalty

has been incurred but has not been individually imposed or declared, only the effects prescribed by canon 1331 § 1 apply.

The assessment of the lay Christian faithful remains the most nuanced. The *Nota explicativa* of 2026 does not introduce new substantive criteria for determining formal adherence but expressly confirms the criteria previously developed by the Apostolic See. Only where the concrete conduct of a lay person demonstrates that he or she knowingly and freely adheres to the schismatic position of FSSPX can that person fall within the scope of canon 1364 § 1. Mere attendance, even when regular, frequent reception of the sacraments, preference for the traditional liturgy, spiritual proximity, financial or pastoral support, or institutional affiliation does not, without further individual assessment, automatically constitute the delict of schism. Moreover, the juridical effects of excommunication arise only where the *latae sententiae* penalty has actually been incurred in the individual case in accordance with the general principles of penal law. In this way, canon law preserves the necessary balance between safeguarding the unity of the Church and protecting the rights and juridical position of the individual faithful.

The new procedures governing reconciliation likewise deserve particular attention. They demonstrate that the canonical response is not exclusively penal or repressive in nature. Its ultimate objective remains the restoration of full ecclesial communion. For priests wishing to leave FSSPX, this requires not only the remission of any censures incurred but also doctrinal adherence, reception and supervision by an Ordinary, a probationary period, and, where appropriate, subsequent incardination. For the lay Christian faithful, a proportionate path is provided according to the nature of their affiliation and whether formal adherence and the incurrance of a penalty can actually be established. These procedures do not constitute a new general law governing excommunication but a particular application of the existing canonical law concerning penal sanctions, the remission of censures, and canonical reintegration.

Finally, the canonical assessment of the events of 1 July 2026 has not yet become procedurally definitive. According to the public statement of FSSPX, a preliminary petition under canon 1734 seeking the revocation or amendment of the decree of 2 July 2026 has been submitted. In accordance with canons 1353 and 1736 § 1, that petition has suspensive effect with respect to the execution of the challenged decree. The pendency of this procedure does not in itself determine whether the *latae sententiae* penalties were incurred by operation of law, but it does mean that the declaration contained in the decree remains subject to the ordinary procedural guarantees provided by canon law. Thus, canonical penal law continues to serve its proper ecclesial purpose: the restoration of justice, the reform of the offender, the repair of scandal, and, ultimately, the restoration of the visible unity and full communion of the Church.