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## **THE RIGHTFUL AUTONOMY OF THE PRIESTLY FRATERNITY OF SAINT PETER (CAN. 586, 732 CIC/83) (PART I)**

**Contents:** Introduction; 1. The Concept of the Rightful Autonomy of an Institute’s Life; 2. The Genesis of the FSSP’s Charism and the *Motu Proprio Ecclesia Dei Adflicta* (1988); 3. The FSSP’s Rightful Autonomy According to the Erection Decree; 4. The FSSP’s Rightful Autonomy According to the Fundamental Code; Conclusions

### **Introduction**

“At the center of this charism is our faithful celebration of the traditional Mass and Sacraments (*Extraordinary Form of the Roman Rite*). The members of the Priestly Fraternity of St. Peter, nourished through the spiritual riches of the Church’s ancient Roman Liturgy, strive to accomplish our mission in a twofold manner: first, through the formation of priests in our two international seminaries, and second, by the care of souls and pastoral activities in the service of the Church. The Fraternity has chosen St. Peter as their special patron in order to express their gratitude, filial love, and loyalty to the Supreme Pontiff (FSSP 2025).”

These words, posted on the website [www.fssp.com](http://www.fssp.com), define the charism of the Priestly Fraternity of Saint Peter (FSSP – *Fraternitas Sacerdotalis Sancti Petri*). It is the largest community of clergy in

the Latin Church who celebrate the rites of the *ancient form of the Roman Rite*, acting in full communion with the Apostolic See. It was established by the Pontifical Commission *Ecclesia Dei* in 1988 as a clerical society of apostolic life of the pontifical right.<sup>1</sup> The FSSP emerged from the Society of Saint Pius X (SSPX, FSSPX – *Fraternitas Sacerdotalis Sancti Pii X*) in order to maintain full ecclesial communion, while continuing the *ancient liturgical and disciplinary traditions* that were in force in 1962 according to the 1988 apostolic letter *motu proprio Ecclesia Dei adflicta* of Pope John Paul II. This charism of the FSSP was further defined in the decree of its erection, the approved Constitutions, and the internal directories of the community. These documents, therefore, compose the basis for the legal analyses carried out (PCED 1988c; CONST.).

The purpose of this article is to present the FSSP from the perspective of the rightful autonomy of an institute's life, as expressed by the legislator in canon 586 CIC/83. Every society of apostolic life, like an institute of consecrated life, has the right to maintain its own discipline and its own *patrimonium*, that is, charism. This is regulated by the fundamental code of that community and universal law. Maintaining this autonomy is essential to avoid losing the community's identity and, consequently, its specific, approved mission in the Church.

This article is the first part of a broader study conducted using the historical-legal method, which involves examining the genesis, development, and evolution of legal institutions and their associated norms in a historical context. The issue of rightful autonomy was addressed by canonists such as Bożena Szewczul (2002), Voahanginirina Claire Ravaoarisoa (2016), and Gerardo Ángeles Pérez (2011). However,

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<sup>1</sup> The FSSP has 386 priests. It operates in 151 dioceses on five continents, with 277 apostolates and 48 personal parishes. The General House is located in Fribourg, Switzerland. There are two seminaries in Wigratzbad (Germany) and Denton (USA, Nebraska), where over 150 seminarians are undergoing formation. The FSSP is divided into districts (French District, German-speaking District, Oceania District) and the American Province, established in 2002 (according to the 2024 *Ordo Administrativus*).

the author of this article (Pietras 2021, 180-190, 360-370; 2023d, 33-35, 38-39; 2022b, 139-140; 2023c, 117), as well as Piotr Kutynia (2025, 175-179), Patrick du Faÿ, and Louis-Marie de Blignières (2006, 23-28) has undertaken research on the FSSP's canonical status. The second part of the study will show the implementation of the principle of the FSSP's rightful autonomy during the period of validity of the apostolic letters *motu proprio Summorum Pontificum* of 2007 and *Traditionis custodes* of 2021.

### 1. The Concept of the Rightful Autonomy of an Institute's Life

The legislator states in canon 586 § 1 of the CIC/83<sup>2</sup> that the rightful autonomy of life (*iusta autonomia vitae*) of individual institutes is recognized, especially in the area of governance, so that they have their own discipline in the Church and can keep their own patrimony (*patrimonium*) – also called “charism” – intact (Kallumkal 1989; Ravaoarisoa 2016, 397-418; Szewczul 2002, 23-165, 257-284; 2015, 65-85; Chciałowska 2022). This heritage is comprised of the thoughts and intentions of the founders, approved by the competent ecclesiastical authority, and discusses the nature, purpose, spirit, and character of an institute, as well as its sound traditions (can. 578, 579, 589). In order to most diligently safeguard an institute's own vocation and identity, its heritage should be defined in a fundamental code, which usually consists of constitutions or statutes that have been approved by the competent ecclesiastical authority (can. 587; Szewczul 2002, 257-311; Kałowski 1986; Firszt 2016; Necel 2006, 27-37). The legislator also stipulates that, provided canon 586 of the CIC/83 remains in force, institutes of the pontifical right are directly and exclusively subjected to the authority of the Apostolic See in the matter of internal governance and discipline (can. 593). However, in matters of pastoral care, the public exercise of divine worship, and other apostolic works, members of institutes are subject to the authority of bishops.

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<sup>2</sup> “Singulis institutis iusta autonomia vitae, praesertim regiminis, agnoscitur, qua gaudeant in Ecclesia propria disciplina atque integrum servare valeant suum patrimonium, de quo in can. 578.”

In conducting the external apostolate, members of institutes are also subject to their own superiors and must remain faithful to the discipline of an institute. Furthermore, in organizing apostolic works, diocesan bishops and religious superiors should act in consultation with each other (can. 678; Wenz 2006, Szewczul 2002, 240-246). It is worth emphasizing the Council Fathers' remark in the decree *Christus Dominus*, that in exercising their authority, local Ordinaries should preserve the diversity of rites (CD 35, 4°).

Furthermore, orderly cooperation between an institute and the diocesan clergy in their apostolic works and initiatives should take place under the authority of the diocesan bishop, while still maintaining the nature and purpose of the institute (can. 680; CD 35, 5°). Importantly, the code legislator also stipulates that the works entrusted to members of an institute by the diocesan bishop are subject to his authority and direction, without violating the rights of religious superiors, in accordance with canon 678 § 2-3 of the CIC/83. In such situations, the diocesan bishop and the relevant superior should negotiate a written contract regarding the work to be performed and its associated financial matters (can. 681).

The legislator in the cited canon 586 § 2 of the CIC/83<sup>3</sup> states that local Ordinaries should preserve and protect the autonomy of institutes (discipline and patrimony) (Szewczul 2002, 167-210). The task of ecclesiastical authority is to ensure that institutes grow and develop in accordance with the spirit of their founders and sound traditions (principle of subsidiarity) (can. 576<sup>4</sup>; Szewczul 2002, 211-221). In a diocese, the local Ordinaries are primarily diocesan bishops, as successors of the Apostles, but also vicars general and episcopal vicars (can. 134). In the 1978 note *Mutuae Relationes*, the Apostolic See emphasized the existence of an internal order within an institute that has its own scope of competence. It includes – as mentioned – a kind of true autonomy, which can never reach the point of independence

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<sup>3</sup> “Ordinariorum locorum est hanc autonomiam servare ac tueri.”

<sup>4</sup> “(...) curare ut instituta secundum spiritum fundatorum et sanas traditiones crescant et floreat.”

in the Church. The proper degree of autonomy, and the scope of its powers, are determined by universal law and the constitution (fundamental code) of each institute (MR 13<sup>5</sup>; CD 35, 3-5<sup>o</sup>; Wenz 2006, 81-112; Necel 2006, 141-145). The decree *Christus Dominus* states that the religious who are involved in apostolate carried out outside of their monastery should be imbued with the spirit of their institute and persevere in faithful observance of their congregation's rule and submission to their own superiors. The Council Fathers emphasized that the bishops themselves should emphasize fulfilling this obligation (CD 35, 2<sup>o</sup>). The rightful autonomy of an institute's life stems from *ius nativum*, which is rooted in the fundamental right of the faithful of the Church. This autonomy is a characteristic that is not granted to an institute, but is recognized by the competent authority if a specific institute fulfills the requirements of law (Chrąpkowski and Krzywda 2006, 19; Pietras 2024c). Canonist Thomás Rincón-Pérez aptly noted that this autonomy is not absolute, but is externally limited by the authority of the Apostolic See to that of an institute of the pontifical right. Simultaneously, the exercise of external power is not absolute either, as it is limited by the legal autonomy of each institute (Rincón-Pérez 2011, 487).

Concluding the definition of the principle of *iusta autonomia vitae* concerning institutes, it should be emphasized that this rule also applies to societies of apostolic life, while preserving the character of each society, as the code legislator stipulates it in canon 732 of the CIC/83<sup>6</sup>. This will be important in the later analyses concerning the Priestly Fraternity of Saint Peter.

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<sup>5</sup> “Exstat igitur ordo Institutorum internus (cfr. CD, 35, 3), qui proprium competentiae campum habet, ad quem genuina quaedam autonomia spectat, quae tamen in Ecclesia numquam ad independentiam redigi potest (cfr. CD, 35, 3 et 4). Congruus vero autonomiae graduseiusque definita competentiae descriptionem iure communi atque in Regulis, seu Constitutionibus, uniuscuiusque Instituti continentur.”

<sup>6</sup> “Quae in cann. 578-597, et 606 statuuntur, societatis vitae apostolicae applicantur, salva tamen uniuscuiusque societatis natura societatis vero, de quibus in can. 731, § 2, etiam cann. 598-602 applicantur.”

## 2. The Genesis of the FSSP's Charism and the *Motu Proprio* *Ecclesia Dei Adflicta* (1988)

The origins of the Priestly Fraternity of Saint Peter are connected with the Society of Saint Pius X (SSPX), which was founded by Archbishop Marcel Lefebvre in 1970 in opposition to the changes introduced after the Second Vatican Council. This Society fell into canonical irregularity and conflict with the Apostolic See. As a result, on 30 June 1988, four bishops of this community were illegally ordained in Écône, Switzerland. After this, the Congregation for Bishops declared that these bishops had incurred the penalty of excommunication (can. 751, 1364, 1387; DML; Pietras 2021, 415-444). The SSPX's history and current canonical status have already been extensively discussed in various articles and monographs (Pietras 2021, 415-489; 2024b; 2022a; 2022c; 2023a; 2023b; Glendinning 2014; Reyes Vizcaíno 2015; Aznar Gil 2009; Lessard-Thibodeau 2018). What is important for the topic under discussion is that, after these ordinations, Pope John Paul II issued the apostolic letter *motu proprio Ecclesia Dei adflicta* on 2 July 1988. In his letter, he asked the faithful previously associated with the SSPX to stop supporting this movement. By remaining in unity with the Roman Pontiff and the community of the Church, he explained, they would avoid the penalty of excommunication. The Holy Father also expressed the desire that, concerning Catholics who are attached to some of the *ancient forms of liturgy and discipline of the Latin tradition (formis liturgicis et disciplinaribus traditionis Latinae)*, the bishops and those who undertake ministry in the Church should facilitate ecclesial communion for them through decisions aimed at guaranteeing respect for their right wishes (EDA 5c<sup>7</sup>; Pietras 2022b, 139-140; du Fay and de Blnières 2006, 23-25).

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<sup>7</sup> “Hisce in adiunctis ante omnia cupimus sollemnem et concitatam, paternam ac fraternam provocationem ad eos omnes interponere, qui quoquo modo hucusque cum navitate Archiepiscopi Lefebvre coniuncti sunt, ut grave servent officium adhaerendi ad Christi Vicarium in unitate Ecclesiae Catholicae, neque velint ullo modo tam pravam usque sustinere agendi rationem. Omnes scire debent formalem schismati adhaesionem gravem esse in Deum iniuriam atque excommunicationem prae se ferre lege Ecclesiae rite statutam. His omnibus fidelibus catholicis, qui se

This letter also established the Pontifical Commission *Ecclesia Dei*. This Commission, by working with bishops, dicasteries of the Roman Curia, and interested groups, will have the task of facilitating the achievement of full ecclesial communion for priests, seminarians, religious communities, and those individuals who have been associated with the SSPX in various ways. This included those who wish to remain in union with the Successor of Saint Peter the Apostle while maintaining their spiritual and liturgical traditions (*traditiones spirituales et liturgicas*), in light of the *Protocol of Agreement*, which was signed on 5 May 1988, by Cardinal Joseph Ratzinger and Archbishop Marcel Lefebvre (EDA 6a<sup>8</sup>; SCDF 1985; Pietras 2023d, 24-36).

On the day of the issuance of the aforementioned *motu proprio*, Father Josef Bisig and a dozen clergy and seminarians of the SSPX issued a declaration in which they – as a group – expressed their unity with the Apostolic See and their regret over the aforementioned episcopal ordinations that had been conducted *contra legem*. They referred to the above-mentioned *Protocol of Agreement*, according to which the SSPX was to obtain a regular legal status. They therefore expressed the hope that they would be canonically erected by the Apostolic See, and so be able to devote themselves to the care of the People of God, thereby undertaking the formation of priests in an authentically Catholic spirit. The group also expressed the desire to be able to celebrate the liturgy according to the indications of *immemorial*

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vinctos sentiunt quibusdam antecedentibus formis liturgicis et disciplinaribus traditionis Latinae, significare optamus etiam voluntatem Nostram – quacum petimus ut consocientur voluntates Episcoporum eorumque omnium, qui in Ecclesia ministerium exercent pastorale – facilem iis reddendi communionem ecclesiam rationibus necessariis ad tuendam observantiam eorum appetitionum.”

<sup>8</sup> “Instituatur *Commissio*, cuius erit Episcopis cooperari, Dicasteriis Curiae Romanae et circulis quorum interest, ut plenam expediat communionem ecclesiam sacerdotum, seminariorum alumnorum, communitatum aut singulorum religiosorum coniunctorum Fraternalitati conditae ab Archiepiscopo Lefebvre, qui cupiant Petri Successori in Ecclesia Catholica cohaerere, suas servantes traditiones spirituales et liturgicas, iuxta Protocollum superiore die 5 mensis Maii obsignatum a Cardinali Ratzinger et ab Archiepiscopo Lefebvre.”

*tradition*. At the end of the declaration, they announced that, in order to clarify their ecclesiastical status as soon as possible, they would immediately contact the Apostolic See to begin their work under the protection and blessing of the Roman Pontiff (Bisig et al. 1988<sup>9</sup>; SCDF 1985; Pietras 2024a, 39-41). Then, on 18 July 1988, the community was founded in the Cistercian Abbey of Hauterive in Switzerland and submitted a request to the Pontifical Commission *Ecclesia Dei* to erect a society of apostolic life of the pontifical right called *Fraternitas Sacerdotalis Sancti Petri*. The name of the Fraternity was established after consultation with Cardinal Ratzinger, as Prefect of the Congregation for the Doctrine of the Faith, and was intended to express the Fraternity's connection with the successors of Saint Peter the Apostle (Bisig et al. 2010<sup>10</sup>).

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<sup>9</sup> “Zur Ehre der heiligen, katholischen Kirche, zum Troste der vielfach verwirrten Gläubigen und zur Entlastung ihres Gewissens geben die hier unterfertigten bisherigen Mitglieder der Priesterbruderschaft St. Pius X. kund, daß sie in tiefem Bedauern über die erfolgten unrechtmäßigen Bischofsweihen vom 30. Juni als „pars senior“ der genannten Bruderschaft in der katholischen Kirche verblieben sind und nur den einen Wunsch haben, als religiöse Genossenschaft eben dieser Kirche in selbstverständlicher Unterordnung unter deren Oberhaupt, den römischen Papst, in der Kirche zu leben und für die Kirche zu wirken. Mit großer Genugtuung stellen sie fest, daß in den großzügigen und wahrhaft mütterlichen Vorschlägen, die die Kirche der Bruderschaft in dem Übereinkommen vom 5. Mai 1988 gemacht hat, die Grundlagen für eine segensreiche und zweifelsfrei katholische Zukunft ihrer Gemeinschaft niedergelegt sind. Sie geben der Hoffnung Ausdruck, zur Verwirklichung ihrer besonderen Berufung von der hiefür zuständigen kirchlichen Obrigkeit kanonisch neu errichtet zu werden, sich der Sorge um das Gottesvolk und insbesondere der Heranbildung von Priestern in authentisch katholischem Geiste widmen zu können und hierbei, wie es der ehrwürdigen Überlieferung der katholischen Kirche entspricht, den göttlichen Kult nach den Richtlinien einer unvordenklichen Tradition feiern zu dürfen. Zum Zweck der ehebaldigen Klärung ihres kirchlichen Status werden die im Gebet versammelten Unterzeichner dieser Erklärung unverzüglich an den Heiligen Stuhl herantreten, um ihre Arbeit unter dem Schutze der Apostelfürsten Petrus und Paulus und mit dem Segen des Heiligen Vaters in Angriff zu nehmen.”

<sup>10</sup> “Par cet acte, les clercs soussignés fondent la Fraternité sacerdotale Saint-Pierre, comme société cléricale de vie apostolique conformément aux dispositions du CIC (can. 731-746), compte tenu de l'exemption prévue dans le Protocole du 5 mai 1988 et

In response to a request from this community, in a letter dated 22 July 1988, the Pontifical Commission *Ecclesia Dei* reaffirmed the prospect of founding this Fraternity to serve the Church and promote its unity. The Commission announced that the Fraternity would be a society of apostolic life in accordance with canons 731-746 of the CIC/83, the aforementioned *Protocol of Agreement*, and the *motu proprio Ecclesia Dei adflicta* (PCED 1988a<sup>11</sup>; Szewczul 2002, 231-236). Then, on 10 September 1988, the Commission issued a decree, by which it authorized (*facultatem concedit*) the community to use the books of the Roman Rite according to the *editio typica* used in 1962, i.e. the *Missale Romanum*, *Pontificale Romanum*, *Rituale Romanum*, and *Breviarium Romanum*. It was ruled that these texts could be used in the Fraternity's own churches and chapels. However, outside of these, the permission of the local Ordinary (*consensus Ordinarii loci*) would be required, excluding the celebration of so-called *private masses* (PCED 1988b<sup>12</sup>; can. 134; EDA 5c, 6c; Pietras 2021, 197-203, 361).

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au Motu proprio *Ecclesia Dei adflicta* du 2 juillet 1988. Cette société peut s'agréger des frères co-adjuteurs. Les Constitutions qui préciseront les buts et la spiritualité de cette société s'inspireront des statuts approuvés de la Fraternité Sacerdotale St. Pie X, en se réservant le droit d'effectuer les changements qui s'avéreront nécessaires en raison des circonstances actuelles. Les soussignés prient le Saint Siège de daigner approuver la dite société dans les plus brefs délais, afin qu'ils puissent agir efficacement pour l'unité et le bien de l'Église."

<sup>11</sup> "Die Päpstliche Kommission erklärt hiermit ihre Bereitschaft, die genannte Bruderschaft als 'societas vitae apostolicae', nach der Norm der canones 731 – 746 des C.I.C., zu errichten und, nach vorheriger Prüfung und der notwendigen Anerkennung der Statuten 'ad experimentum', ihr den Status eines Institutes päpstlichen Rechtes zu seiner Zeit zu verleihen, gemäss dem Protokoll von 5. Mai 1988 und dem genannten Motu proprio vom 2. Juli 1988. Ihre Wahl zum Oberen der neuen Bruderschaft, die bei der gleichen Gründungsversammlung getätigt wurde, und deren Protokoll uns ebenfalls vorliegt, erkennen wir als gültig an. Zu diesem Amt wünschen wir Ihnen von Herzen Gottes Segen und die Hilfe der Gottesmutter und des hl. Apostels Petrus, damit die neue Bruderschaft unter Ihrer Leitung gedeihe und dem Wohl der Kirche und ihrer Einheit diene."

<sup>12</sup> "Pontificia Commissio 'Ecclesia Dei' (...), facultatem concedit Missae sacrificium celebrandi, ritus sacramentorum aliosque sacros ritus peragendi necnon Officium Divinum persolvendi secundum editiones typicas librorum liturgicorum anno

This decree was in line with the 1990 Norms of the Apostolic See, according to which the liturgy should be celebrated in accordance with the spirit and character of the specific institute of consecrated life (*celebrationem liturgicam secundum spiritum et indolem instituti*), offering it. The Congregation emphasized that the liturgy should be celebrated rigorously, in accordance with the traditions and rites proper to the various institutes, and should be studied historically, according to the diversity of its forms and theological meaning (PI 47, 77<sup>13</sup>; Szewczul 2002, 209).

### 3. The FSSP's Rightful Autonomy According to the Erection Decree

On 18 October 1988, the Pontifical Commission *Ecclesia Dei*, endowed with special competences by the Pope, erected the Priestly Fraternity of Saint Peter as a clerical society of apostolic life of the pontifical right by decree (Prot. N. 234/88) and approved its Constitutions *ad experimentum* for three years (can. 587 § 2, 589). The decree of erection emphasized that this community strives for the sanctification of priests through the exercise of pastoral ministry, and in particular by adapting their lives to the Holy Sacrifice of the Mass, and by observing the *liturgical and disciplinary traditions* (*traditionum liturgicarum et disciplinarum*), which were recalled by Pope John Paul II in the motu proprio *Ecclesia Dei adflicta* (PCED 1988c<sup>14</sup>;

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1962 vigentium, scilicet Missale, Rituale, Pontificale, et Breviarium Romanum. Qua facultate uti poterunt in ecclesiis vel oratoriis propriis; alibi vero non nisi de consensu Ordinarii loci, excepta Missae privatae celebratione.”

<sup>13</sup> “(...) curandum est ergo ut non solum celebretur accurate iuxta traditiones et ritus proprios diversorum institutorum, sed etiam pervestigetur historice, iuxta varietatem formarum suarum atque theologiae significationis.”

<sup>14</sup> “Pontificia Commissio *Ecclesia Dei*, vi specialium facultatum a Summo Pontifice sibi tributarum, petitionem Rev.di D.ni Ioseph Bisig benigne accipiens, Fraternitatem Sacerdotalem Sancti Petri – quae sibi proponit sacerdotum sanctificationem per ministerii pastoralis exercitium, praesertim in vita sua sacrosancto Eucharistiae sacrificio conformanda, atque per observantiam traditionum liturgicarum et disciplinarum a Romano Pontifice memoratarum Litteris Apostolicis ‘Ecclesia Dei’ Motu Proprio datis die 2 mensis Iulii h.a. – in societatem clericalem vitae apostolicae

QPM 3<sup>15</sup>; du Faÿ and de Blignières 2006, 26-28). The decree of erection is vital for understanding the Fraternity's charism. According to this decree, members of the FSSP, as well as other priests who reside in the houses of the Fraternity or who exercise sacred ministry in their churches, were granted permission (*usus conceditur*) to use the liturgical books that were in force in 1962. It was stipulated that, in the exercise of pastoral ministry, the provisions of law should be observed, especially those concerning the valid and licit celebration of the sacraments of penance and marriage, as well as the provisions of canon 535 § 1 of the CIC/83 regarding the recording of these events in parish books (PCED 1988c<sup>16</sup>; Pietras 2023c, 117-118). It was also noted that, in order to better foster the necessary unity of the Church, members of the FSSP strive with particular zeal to maintain communion with the bishop and diocesan priests, in accordance with canons 679-683 of the CIC/83 (PCED 1988c<sup>17</sup>).

The erection decree also stated that the FSSP was subject to the authority of the Pope, which was transferred to the Pontifical Commission *Ecclesia Dei* in all matters concerning it, unless otherwise

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iuris pontificii ad normam praescriptorum iuris canonici hoc Decreto iuxta omnes iuris effectus erigit.”

<sup>15</sup> “a) erigendi ‘Fraternitatem Sacerdotalem Sancti Petri’ in Societatem clericalem vitae apostolicae iuris pontificii, illis servatis notis peculiaribus, de quibus in Litteris Apostolicis ‘Ecclesia Dei’, n. 6, a, Motu Proprio datis, atque approbandi eiusdem Societatis Constitutiones”; b) erigendi Seminarium ‘Fraternitatis Sancti Petri’ in loco Wigratzbad in dioecesi Augustana Vindelicorum, praevisio consensu Episcopi dioecesanii.”

<sup>16</sup> “Sodalibus Fraternitatis Sacerdotalis Sancti Petri necnon aliis sacerdotibus, qui in domibus Fraternitatis hospites sint vel in ipsius ecclesiis ministerium sacrum exercent, usus conceditur librorum liturgicorum iam anno 1962 vim habentium. (...) Itemque in exercendo ministerio pastorali praescripta iuris servant, praesertim ea quae ad validam et licitam celebrationem sacramentorum Paenitentiae et Matrimonii pertinent necnon ad adnotationes in libros paroeciales transcribendas iuxta can. 535, § 1.”

<sup>17</sup> “Quo melius necessaria Ecclesiae unitas foveatur, sodales Fraternitatis Sacerdotalis Sancti Petri peculiari diligentia communionem cum Episcopo et presbyterio dioecetano prosequantur ad normam can. 679-683.”

decided. The activities of the Fraternity are regulated by the norms of the 1983 Code of Canon Law, the provisions of the decree in question, its Constitutions, and other relevant laws. Therefore, competent superiors can erect houses of the community with the permission of the diocesan bishop. This gives them the right to lead a life in accordance with the nature and goals of the Fraternity, to undertake their own works, as well as to have a church and to exercise sacred services there in accordance with the provisions of law (PCED 1988c<sup>18</sup>; can. 611; du Faÿ and de Blignières 2006, 26<sup>19</sup>).

It should also be added that, on 24 March 1996, the FSSP received a rescript from the Pontifical Commission *Ecclesia Dei* (Prot. N. 64/96), by virtue of which it could celebrate the rite of tonsure and ordination according to the *Pontificale Romanum* 1961/62.

#### 4. The FSSP's Rightful Autonomy According to the Fundamental Code

While researching the FSSP's autonomy of life, its Constitutions – which were definitively approved by the Pontifical Commission *Ecclesia Dei* on 29 June 2003 (Prot. N. 108/2003) – are also important (PCED 2021<sup>20</sup>). This Fundamental Code states that the Fraternity is

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<sup>18</sup> “Huiusmodi erectio secumfert etam ius, de quo in can. 611. Fraternitas sacerdotalis normis regitur CIC, huius Decreti praeceptis atque constitutionibus aliisque iuris proprii praescriptis. (...) Attentis peculiaribus adiunctis, Fraternitas Sacerdotalis Sancti Petri quoad omnes effectus subicitur auctoritati Sedis Apostolicae ope huius Pontificiae Commissionis, donec aliter provideatur.”

<sup>19</sup> “Comme toute personne juridique, les instituts ont en effet le droit et le devoir de mettre en oeuvre les *moyens* nécessaires pour poursuivre leurs *fins* approuvées. Le rit traditionnel latin entrant dans le légitime patrimoine de nos instituts, ceux-ci peuvent *ipso iure* déterminer les moyens aptes à ‘garder intacte’ son observance. Les Constitutions et codes secondaires peuvent donc légitimement préciser la discipline spéciale, sous forme de *loi particulière*.”

<sup>20</sup> “Instatne Reverendissimo Domino Arnaldo Devillers, Superiore Generali Fraternitatis Sacerdotalis Sancti Petri, Pontificia Commissio ‘Ecclesia Dei’ vigore facultatum sibi a Summo Pontifice Ioanne Paulo II tributarum textum Constitutionum praedicate Fraternitatis a Capitulo Generali huius Instituti anno MM habito emendatum et ad approbationem definitivam Sanctae Sedis propositum, uti exstat in

a clerical society of apostolic life of the pontifical right, whose members, according to the principles of law, pursue the proper apostolic purpose of the community. This is accomplished by living a common life according to a special form, striving for perfect charity through observance of the Constitutions (CONST. 1; can. 731 § 1). In this Code of the Fraternity, as in the decree of erection, it is emphasized that the FSSP was founded in the spirit of the *motu proprio Ecclesia Dei adflicta*, and therefore the Fraternity professes fidelity to the Roman Pontiff (CONST. 6; can. 590 § 2). For this reason, the FSSP members celebrate the patronal feast of the Chair of Saint Peter as a first-class feast and the feast of Saint Peter in Chains as a third-class feast in their own houses and apostolates according to the rescripts granted to the Fraternity (Prot. N. 153/2009) (CDF 2024a; 2024b; *Officia propria* 3, 7-11; Pietras 2023d, 82). The main purpose of the Fraternity – according to its Constitutions – is the sanctification of priests through priestly ministry, and – in particular – the Holy Sacrifice of the Mass, which forms the heart of the spirituality of the community’s members (CONST. 3, 7, 9). The Constitutions specify that this basic purpose of the FSSP is realized through the faithful observance of *liturgical and disciplinary traditions* according to the provisions contained in the *motu proprio Ecclesia Dei adflicta* (CONST. 8; EDA 5c). The Fraternity dedicates itself to parish ministry and other activities, according to its own charism, per the diocesan bishop’s permission (CONST. 13; can. 611).

In addition to the FSSP’s Constitutions, the directories are also important, especially the *General Directory for the Sacred Liturgy* (FSSP 2021a; can. 587 § 4).<sup>21</sup> This Directory specifies the Constitutions,

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exemplari huic Decreto adnexo, tribus annis prolongatae experimentationis elapsis, libenter approbat et confirmat. In imprimendo textu harum Constitutionum mentio fiat approbationis ab Apostolica Sede concessae.” The FSSP’s Constitutions were modified by the General Chapter in 2012 and 2018 with the approval of the Apostolic See (Prot. N. 153/2009).

<sup>21</sup> Other directories: *General Directory of the Administration of Temporal Goods*, *General Directory for Common Life*, *General Directory of Formation*, *General Administrative Directory*, *General Capitular Directory*, and *General Provincial Directory*.

indicating that the Fraternity celebrates the rites contained in the books used in 1962, including the *Caeremoniale Episcoporum* in force at that time. The liturgy celebrated in the *usus antiquior* is therefore a pillar of the Fraternity's charism and testifies to the community's liturgical identity, according to the intentions of the founders. The Directory mentions the *Extraordinary Form of the Roman Rite*, as this liturgy was named in Pope Benedict XVI's *motu proprio Summorum Pontificum* of 7 July 2007 (FSSP 2021a, 2-5, 19, 24; SP 1; UE 6; Pietras 2021, 367-368).

When undertaking research on the Priestly Fraternity of Saint Peter's rightful autonomy, it is necessary to recall Pope John Paul II's 26 October 1998 address, which was given on the occasion of the 10th anniversary of the *motu proprio Ecclesia Dei adflicta*, which is at the source of the FSSP's charism. The Pope called on Catholics to make gestures of unity and to renew their attachment to the Church, so that legitimate diversity and different sensitivities, which are all worthy of respect, do not divide the faithful from each other – but instead encourage them to proclaim the Gospel together. In this way, moved by the Holy Spirit, who makes all charisms contribute to unity, all of the faithful will be able to praise the Lord. John Paul II noted that the Church, by reaffirming the validity of the liturgical reform carried out after the Second Vatican Council, also offers a sign of understanding to those who are attached to certain *ancient liturgical and disciplinary forms*. The Pope stated that the *motu proprio Ecclesia Dei adflicta* should be understood in this perspective (Joannes Paulus II 1998<sup>22</sup>; EDA 5c).

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<sup>22</sup> “(...) j'exhorte tous les catholiques à faire des gestes d'unité et à renouveler leur adhésion à l'Église, pour que la légitime diversité et les différentes sensibilités, dignes de respect, ne les séparent pas les uns des autres, mais les poussent à annoncer ensemble l'Évangile; ainsi, stimulés par l'Esprit qui fait concourir tous les charismes à l'unité (...) Tout en confirmant le bien fondé de la réforme liturgique voulue par le Concile Vatican II et mise en œuvre par le Pape Paul VI, l'Église donne aussi un signe de compréhension aux personnes « attachées à certaines formes liturgiques et disciplinaires antérieures » (Motu proprio *Ecclesia Dei*, n. 5). C'est dans cette perspective que l'on doit lire et appliquer le Motu proprio *Ecclesia Dei*.”

In this spirit, the Pontifical Commission *Ecclesia Dei* entered into correspondence with the superiors of the FSSP in 2000 (Prot. N. 748/2000). It recalled that celebrating the 1962 liturgy is a privilege of the FSSP's members, who may also reasonably exercise their universal right to celebrate from the books reformed after the Second Vatican Council. The Apostolic See also stressed that the Fraternity's priests will not be forced to celebrate the rites of the liturgy reformed after Vatican II (can. 593). In response to the Commission's letter, the superiors of the FSSP emphasized that unity in the Fraternity is achieved by the faithful observance of the *specific element* (*elemento specifico*) for which the FSSP was founded, i.e., the exclusive celebration of the liturgy according to the books of the *editio typica* of 1962 (PCED 2000<sup>23</sup>; FSSP 2000<sup>24</sup>; CCDDS 1999, 3; Pietras 2021, 368-369). This approach was in line with the principle expressed by the code legislator, that superiors and members should faithfully uphold the FSSP's mission and their own works related to a society of apostolic life (can. 677 § 1).

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<sup>23</sup> "Ihre Bruderschaft hat das Privileg, in ihren eigenen Kapellen und Kirchen nach den liturgischen Büchern von 1962 zu zelebrieren. Die Priester des Institutes zelebrieren normalerweise nach diesem Ritus, aber sie haben das Recht? unnötig das zu wiederholen? auch nach den derzeit geltenden Büchern zu zelebrieren in besonderen Fällen, die nicht häufig sein werden, die jedoch der vernünftigen und taktvollen Entscheidung der Priester überlassen bleibt. Ich ermutige zur Konzelebration mit dem Ortsbischof, besonders in der Ölweihmesse. (...) Andererseits ist es klar, dass kein Priester gezwungen wird von diesem Recht Gebrauch zu machen. So kann eine Atmosphäre der Freiheit und des Vertrauens in diesem Bereich entstehen, die im Gegensatz steht zu jeder Ausschließlichkeit und jedem liturgischen Extremismus."

<sup>24</sup> "A noi sembra che questa crisi possa essere risolta solo con il ritorno alla fedele osservanza dell'*elemento specifico* della nostra società, lo stesso per il quale è stata fondata. Come giustamente rileva Vs. Em., il contributo caratteristico della nostra società è la celebrazione dell'antica e venerabile forma della liturgia romana. Questa celebrazione, dunque, dev'essere favorita nella sua osservanza conseguente ed efficace (senza opposizione nei confronti di chi celebra diversamente). (...) Al contrario, introdurre, su un punto così essenziale alla nostra comune spiritualità, una tale diversità tra i membri, comporterà fatalmente il temuto disfacimento, indipendentemente dalla scelta del Superiore Generale."

## Conclusions

The analyses conducted have revealed the Priestly Fraternity of Saint Peter (FSSP) to be a clerical society of apostolic life of the pontifical right, which was founded in 1988. This community, erected by the Pontifical Commission *Ecclesia Dei*, emerged from the Society of Saint Pius X with the intention of maintaining ecclesial unity with the Roman Pontiff. This was combined with the preservation of the *liturgical and disciplinary traditions* that were in force in 1962, in light of the 1988 papal *motu proprio Ecclesia Dei adflicta*. In this way, the *patrimonium* of the Fraternity was formed, i.e., the charism according to which – as specified in *The General Directory of Formation* – apostolic life consists of: a special bond with Saint Peter the Apostle and his successors; the faithful observance of the *liturgical and disciplinary traditions* and documents related to the *ancient liturgy of the Roman Rite*; philosophical and theological studies based on the principles and method of Saint Thomas Aquinas, who, along with Saint Peter, is the community's patron (FSSP 2021b, 1.1.3; can. 252 § 3; CDF 2024a; *Officia propria* 3-7).<sup>25</sup>

From the very beginning of its existence, the FSSP has possessed a rightful autonomy of life regarding its own discipline and *patrimonium*. This autonomy is guaranteed to it by the universal law, the decree of erection, and the definitively approved Constitutions (can. 586-587). In this charism of the Fraternity, the liturgy, defined as the *Extraordinary Form of the Roman Rite*, has become a *specific element* that testifies to the identity of the community and its mission in the Church. This form of liturgy is at the center of the spirituality of FSSP members. Exclusively celebrating the rites according to the books that were in force in 1962 (*Missale Romanum, Rituale Romanum, Breviarium Romanum, Pontificale Romanum, and Caeremoniale Episcoporum*) is therefore a condition for maintaining the unity of the community, which is connected with the fulfillment of its own *patrimonium*. This charism became an organic element of the Church's life when it was approved by the highest ecclesiastical

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<sup>25</sup> The Feast of Saint Thomas Aquinas is celebrated as a first class feast in the FSSP.

authorities. It is exercised primarily in parishes and houses of the FSSP (which were canonically erected by diocesan bishops), where apostolic service to the faithful is undertaken.

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**Abstract:** The rightful autonomy of the life of an institute was expressed by the legislator in canon 586 of the CIC/83. According to this principle, each institute of consecrated life and society of apostolic life has the right, and even the obligation, to maintain its own discipline and *patrimonium*. Local Ordinaries should also show concern for preserving this charism. This principle also applies to the Priestly Fraternity of Saint Peter (FSSP), which was erected in 1988. The charism of this congregation is to preserve the *liturgical and disciplinary traditions* of 1962, while remaining in full communion with the Roman Pontiff. The charism of this clerical society of apostolic life of the pontifical right has been expressed in decrees issued by the Pontifical Commission *Ecclesia Dei*, the approved FSSP Constitutions, and Pope Francis's decree of 11 February 2022. The conditions for realizing the rightful autonomy of the FSSP's life are linked to universal law regarding a celebration of the *ancient rites*. This law was amended by the issuing of the papal motu proprio *Summorum Pontificum* of 2007 and *Traditionis custodes* of 2021, when the possibility of using the 1962 books of the Roman Rite was significantly limited.

**Keywords:** institute, society, rightful autonomy, FSSP, SSPX, *patrimonium*, charism, *Summorum Pontificum*, *Traditionis custodes*

*Translated by Dawid Pietras*

#### SŁUSZNA AUTONOMIA BRACCTWA KAPŁAŃSKIEGO ŚWIĘTEGO PIOTRA (KAN. 586, 732 KPK) (CZĘŚĆ I)

**Abstrakt:** Słuszna autonomia życia instytutu została wyrażona przez ustawodawcę w kanonie 586 KPK. Według tej zasady każdy instytut życia konsekrowanego i stowarzyszenie życia apostołskiego ma prawo, a nawet obowiązek zachowywania własnej dyscypliny i *patrimonium*. Troskę o zachowanie tego charyzmatu powinni okazywać także ordynariusze miejsca. Ta zasada dotyczy również Bractwa Kapłańskiego Świętego Piotra (FSSP) erygowanego w 1988 r., którego charyzmatem jest zachowanie *tradycji liturgicznych i dyscyplinarnych z 1962 r.* przy trwaniu w pełnej jedności z Biskupem Rzymskim. Charyzmat tego kleryckiego stowarzyszenia życia apostołskiego na prawie papieskim został wyrażony w dekretach wydanych przez Papieską Komisję *Ecclesia Dei*, zatwierdzonych Konstytucjach Bractwa oraz w dekrete papieża Franciszka z 11 lutego 2022 r. Warunki realizacji słusznej autonomii życia FSSP są powiązane z prawem powszechnym dotyczącym celebracji *dawnych obrzędów*. Prawo to zmieniało się poprzez papieskie motu proprio *Summorum Pontificum z 2007* oraz *Traditionis custodes z 2021 r.*, kiedy znacznie ograniczono możliwość stosowania ksiąg rytu rzymskiego z 1962 r.

**Słowa kluczowe:** instytut, stowarzyszenie, słuszna autonomia, FSSP, FSSPX, *patrimonium*, charyzmat, *Summorum Pontificum*, *Traditionis custodes*