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

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Introduction

The previous article (part I) in this two-part series described the origin, purpose, and nature of the charism of the Priestly Fraternity of Saint Peter (FSSP), which was erected by the Pontifical Commission *Ecclesia Dei* in 1988. The discipline and patrimony specified in the decree of erection and the Constitutions of this community were also analyzed. This clerical society of apostolic life of the pontifical right has its own charism, which is to maintain unity with the Roman Pontiff while maintaining the liturgy according to the books of the Roman Rite which were in force in 1962.

This second study will show the FSSP's *iusta autonomia vitae* and the possibility of implementing canon 586 of the CIC/83 during the validity of the apostolic letters *motu proprio Summorum Pontificum* of 2007 (SP) and *motu proprio Traditionis custodes* of 2021 (TC) (Pietras 2025c). These documents created completely different legal situations related to the celebration of the *earlier rites*, which influenced the implementation of the rightful autonomy of the FSSP's life. The basic regulations arising from these papal documents will only be presented in general outline, as they have already been described in detail in other studies. However, the main research goal will be to implement the FSSP's autonomy from a canonical and practical perspective in the context of changing universal church law.

As in the first article, this study uses the historical-legal method. In addition to the two papal documents mentioned above, the analysis will also focus on the decree the Fraternity received from Pope Francis on 11 February 2022, to ensure the fulfillment of its charism. An attempt will be made to clarify the legal nature of this document, which was issued during the validity of the *motu proprio Traditionis custodes* (DECR.). The issue of the FSSP's rightful autonomy has not yet been extensively developed. Only a few aspects have been addressed by the author of this study (Pietras 2021, 360-370; 2022b, 145; 2023c, 87; 2023h, 141, 146-148; 2023i, 82-83; 2025c, 324-326), as well as by Réginald-Marie Rivoire (Rivoire 2022, 100-104), and Piotr Kutynia (Kutynia 2025, 422-423, 571, 575).

1. The FSSP's Rightful Autonomy During the Validity of the 2007 Motu Proprio Summorum Pontificum

1.1. Legal Regulations (General Outline)

The legal basis for celebrating the liturgy of the Roman Rite according to the books used in 1962 changed in 2007, when Pope Benedict XVI issued the *motu proprio Summorum Pontificum*. This liturgy was introduced by universal law as the *Extraordinary Form of the Roman Rite*, and any canonically regular priest could celebrate it (SP 2, 5 § 4; UE 1-2, 23; Pietras 2021, 190-196; 2022b, 140-142). The faithful were

therefore given the right to this liturgy in a broad scope, although with certain restrictions. For example, when using the *Rituale Romanum* with the permission of the parish priest (SP 5 § 3; Pietras 2023d, 379-390). Likewise, institutes of consecrated life and societies of apostolic life, which were not subject to the Pontifical Commission *Ecclesia Dei*, could celebrate this liturgy with the permission of their own superiors (SP 3; Pietras 2021, 85-87, 220-223; Ghirlanda 2019). Despite the general permissions introduced, the Priestly Fraternity of Saint Peter undertook the celebration of the liturgy under its own law, i.e., the special law contained primarily in the Constitutions approved by the Apostolic See (can. 20, 586-587; Szewczul 2002, 257-284). The FSSP was subordinated to the Pontifical Commission *Ecclesia Dei*, which in 2009, became a part of the Congregation for the Doctrine of the Faith, and since 2019, the IV Section of that Dicastery (SP 7-8, 11-12; UE 9-12; EU 5-6; DOTA; Pietras 2023i, 51-120).

In the instruction *Universae Ecclesiae*, which was issued on 4 April 2011, to the motu proprio *Summorum Pontificum*, it was pointed out that, in dioceses without suitable priests, diocesan bishops may request the collaboration of priests from communities erected by the Pontifical Commission *Ecclesia Dei*, both in matters of celebration and possible instruction for how to celebrate the liturgy (UE 22¹). This instruction also mentioned that, only in institutes of consecrated life and societies of apostolic life that are subject to the abovementioned Commission and in those where the custom of using liturgical books of the *Forma Extraordinaria* is maintained, the use of the *Pontificale Romanum* of 1962 is permitted for the conferring of minor and major orders (UE 31²). The right to celebrate these ordination rites, which the FSSP had already enjoyed since 1996, by virtue of special law, as

¹ “In Dioecibus ubi desint sacerdotes idonei, fas est Episcopis dioecese sanis iuvenem a sacerdotibus Institutorum a Pontificia Commissione *Ecclesia Dei* erectorum exposcere, sive ut celebrent, sive ut ipsam artem celebrandi doceant.”

² “Dumtaxat Institutis Vitae Consecratae et Societatibus Vitae Apostolicae Pontificiae Commissioni *Ecclesia Dei* subditis, et his ubi servatur usus librorum liturgicorum *formae extraordinariae*, licet Pontificali Romano anni 1962 uti ad Ordines maiores et minores conferendos.”

mentioned in the first article, was therefore confirmed. Furthermore, the same instruction provided the important regulation that, with regard to tonsure, minor orders, and the subdiaconate, the *motu proprio Summorum Potificum* does not introduce any changes to the norms of the 1983 Code of Canon Law. Consequently, in societies of apostolic life that are subject to the Pontifical Commission *Ecclesia Dei*, anyone who has been definitively incorporated in them, through diaconal ordination is incardinated as a cleric in accordance with canon 266 § 2 of the CIC/83 (UE 30³).

It should also be noted that on 30 January 2018, the FSSP received permission (Prot N. 153/2009 – ED) to celebrate the Holy Week rites with the liturgy from before the reform of Pope Pius XII for three years (the so-called *pre-55*). This liturgy was celebrated *ad experimentum* by virtue of this indult, according to the 1920 *Missale Romanum* from 2018 to 2020 (CDF 2018⁴; Pietras 2021, 270-272, 369; 2023i, 92-93).

³ “Quoad primam Tonsuram, Ordines Minores et Subdiaconatum, Litterae Apostolicae *Summorum Pontificum* nullam obmutationem in disciplina Codicis Iuris Canonici anno 1983 introduxerunt: hac de causa, pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae Pontificiae Commissioni *Ecclesia Dei* subditis, sodalis votis perpetuis professus aut societati clericali vitae apostolicae definitive incorporatus, per receptum diaconatum incardinatur tamquam clericus eidem instituto aut societati, ad normam canonis 266 § 2 Codicis Iuris Canonici.”

⁴ “(...) Pontificia Commissione la richiesta di poter celebrare, in alcuni dei luoghi di apostolato affidati a codesto Istituto e *ad experimentum* per tre anni, i riti della Settimana Santa nella loro forma anteriore alle riforme del 1951 e del 1955. Dopo aver attentamente studiato tanto i motivi fatti presenti quanto la nota da Lei allegata, questo Dicasterio si pregia comunicarLe che la Sua richiesta è stata accolta *juxta preces*, ovvero in modo limitato agli apostolati dipendenti da un massimo di venticinque case dell’Istituto, nonché per un periodo *ad experimentum* di tre anni. (...) Si conta sulla massima prudenza pastorale sia da parte Sua sia da parte dei membri dell’Istituto che saranno coinvolti nell’esperienza onde evitare ogni confusione o smarrimento presso i fedeli. Le sarei peraltro grato se al termine dei tre anni, la moderazione suprema di codesto Istituto facesse pervenire a questa Pontificia Commissione un parere sui risultati dell’esperienza.”

1.2. Statements by Officials of the Roman Curia and Pope Francis

In analyzing the FSSP's rightful autonomy, it is worth recalling the homily given in 2008 by Cardinal Darío Castrillón-Hoyos, President of the Pontifical Commission *Ecclesia Dei*, on the occasion of the twentieth anniversary of the founding of the Fraternity. He spoke of twenty priests who desired to place themselves and their particular charism at the Pope's disposal. In a speech (which was delivered in German), he emphasized that the Roman Pontiff approved this charism as an authentic gift of the Holy Spirit for the Church (*als eine echte Gabe des Heiligen Geistes an die Kirche gutgeheißen*). He noted that the FSSP placed itself under the protection of Saint Peter the Apostle, in order to clearly demonstrate its intention to make an apostolic work only *cum et sub Petro* and under the leadership of the Holy Father. He emphasized that the Fraternity's priests celebrate rites in the *Forma Extraordinaria* and bring this treasure of the liturgy closer to the faithful (Castrillón-Hoyos 2008⁵). In this way, the first objective of the papal motu proprio *Summorum Pontificum* was achieved, which was to make the Roman liturgy in the *usus antiquior* available to all the faithful, as it is considered a *precious treasure* (*pretiosum thesaurum*) that should be preserved (UE 8 a⁶). The activities of the Pontifical Commission *Ecclesia Dei* were consistent with the goals of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. According to John Paul II's 1988

⁵ "Vor zwanzig Jahren hat der Herr eine bescheidene Gruppe von Priester um sich versammelt, um auch sie in die Welt zu senden; diese Priestergemeinschaft wollte sich und ihren besonderen Charisma dem Heiligen Vater zur Verfügung stellen. Sie wurde vom Statthalter Christi als eine echte Gabe des Heiligen Geistes an die Kirche gutgeheißen. Nicht umsonst hat sich diese Gemeinschaft daraufhin unter den Schutz des Apostelfürsten Petrus gestellt, um deutlich ihre Absicht zu zeigen, nur "cum et sub Petro" apostolisch zu wirken, und nur mit dem Segen und unter der Leitung des Heiligen Vaters den Menschen die Reichtümer der Barmherzigen Liebe Christi zu öffnen. In besonderer Weise tut Ihr das, meine lieben Freunden, durch die Feier der Liturgie der Kirche, in der Form des 'Außerordentlichen Ritus'. (...) Seit eurer Gründung bemüht ihr euch diesen Schatz dem Volk näher zu bringen."

⁶ "Liturgiam Romanam in Antiquiore Usu, prout pretiosum thesaurum servandum, omnibus largiri fidelibus."

apostolic constitution *Pastor Bonus*, this Dicastery ensured that institutes of consecrated life and societies of apostolic life would grow and develop in accordance with the spirit of their founders (*secundum spiritum Fundatorum*) and sound traditions (*sanas traditiones*), faithfully pursue their own goals, and truly contribute to the saving mission of the Church (PB 107⁷).

The text of the papal blessing from 2013 on the occasion of the 25th anniversary of the FSSP is also worth mentioning. Its author, the Apostolic Nuncio in France, Bishop Luigi Ventura, announced that Pope Francis had called upon the Fraternity's members to take an active part in the Church's mission in the contemporary world, in accordance with their own charism (*selon leur charisme propre*), through the witness of a holy life, a strong faith, and a creative and generous love (Ventura 2013⁸). In this text, the Nuncio signaled that Pope Francis joined in the thanksgiving of the Fraternity's members for the work it had done over the last quarter of a century, in the service of ecclesial communion *cum Petro et sub Petro*. He noted that the Fraternity was born during a time of great trial for the Church. Its founders, in a spirit of profound trust and hope, appealed to the Successor of Saint Peter the Apostle to ensure that the faithful attached to the 1962 *Missale Romanum* could remain in full communion with the Church. Pope Francis encouraged the FSSP to continue its mission of reconciling all the faithful, regardless of their sensitivities, and thus to work towards professing the same faith and bonds of deep brotherly love in the Church's community. Bishop Ventura expressed Pope Francis' desire that the Fraternity, by celebrating the liturgy according to the *Extraordinary Form of the Roman Rite* and the guidelines of the conciliar constitution *Sacrosanctum Concilium*, as well

⁷ "Congregatio pro sua parte curat, ut Instituta vitae consecratae ac Societates vitae apostolicae secundum spiritum Fundatorum et sanas traditiones crescant et floreant, finem proprium fideliter persequantur atque salvificae missioni Ecclesiae reapse prosint."

⁸ "Le Saint-Père les exhorte, selon leur charisme propre, à prendre une part active à la mission de l'Église dans le monde d'aujourd'hui par le témoignage d'une vie sainte, d'une foi ferme et d'une charité inventive et généreuse."

as by transmitting the apostolic faith as it is presented in the Catechism of the Catholic Church, contribute to fidelity of the members of the Fraternity of Saint Peter to the living Tradition of the Church, also including a better understanding and implementation of the principles of the Second Vatican Council (Ventura 2013⁹).

2. The FSSP's Rightful Autonomy During the Validity of the 2021 *Motu Proprio Traditionis Custodes*

2.1. Legal Regulations (General Outline)

The legal status of the liturgy of the Roman Rite (according to the books of 1962) was substantially changed by the *motu proprio Traditionis custodes* of Pope Francis of 21 July 2021. This document significantly limited the possibility of celebrating the *older rites* (can. 18). This decree was also accompanied by the 2021 *Responsa ad dubia* and the 2023 *Rescriptum ex Audientia Ss.mi* of the Dicastery for Divine Worship and the Discipline of the Sacraments (RESP.; RESCR.; Pietras 2023a; 2023b, 91-114; 2023c, 83-104; 2025c, 326-331). Since the entry into force of this papal law, priests have had to obtain permission from their diocesan bishop or the Apostolic See to celebrate

⁹ “À l’occasion du vingt-cinquième anniversaire de la fondation de la Fraternité sacerdotale Saint-Pierre, le Pape François s’unit à l’action de grâce de ses membres pour l’œuvre accomplie au cours du quart de siècle écoulé au service de la communion ecclésiale cum Petro et sub Petro. C’est dans un moment de grande épreuve pour l’Église qu’est née la Fraternité sacerdotale Saint-Pierre. Dans un grand esprit d’obéissance et d’espérance ses fondateurs se sont tournés avec confiance vers le successeur de Pierre afin d’offrir aux fidèles attachés au Missel de 1962 la possibilité de vivre leur foi dans la pleine communion de l’Église. Le Saint-Père les encourage à poursuivre leur mission de réconciliation entre tous les fidèles, quelle que soit leur sensibilité, et ainsi à œuvrer afin que tous s’accueillent les uns les autres dans la profession d’une même foi et le lien d’une intense charité fraternelle. Qu’en célébrant les Mystères sacrés selon la forme extraordinaire du rite romain et les orientations de la Constitution sur la Liturgie Sacrosanctum Concilium, ainsi qu’en transmettant la foi apostolique telle qu’elle est présentée dans le Catéchisme de l’Église catholique, ils contribuent, dans la fidélité à la Tradition vivante de l’Église, à une meilleure compréhension et mise en œuvre du Concile Vatican II.”

the rites according to the 1962 *Missale Romanum*. They have also lost the right to celebrate the rites according to the 1952 *Rituale Romanum*, and bishops have lost the right to celebrate according to the *Pontificale Romanum* of 1961/62 (TC 2, 4-5; RESP. 1-8, 4, 5; RESCR.; Pietras 2023a, 419-420; 2023c, 91-95; 2025b, 146). The Holy Mass following the 1962 *Missale Romanum* cannot be celebrated in parish churches, new personal parishes for this liturgy cannot be established, and new groups of the faithful cannot be formed (TC 3 § 2, 3 § 6; RESP. 3 § 2; RESCR.; can. 518; Pietras 2023a, 417-419; 2023b, 88-91; 2025b, 145). This liturgy ceased to be the *Extraordinary Form of the Roman Rite*, and the motu proprio *Summorum Pontificum* was abrogated (TC 1, 8; RESP. 1, 8; can. 20; Pietras 2025c, 322-323).

It is significant that, by virtue of the motu proprio *Traditionis custodes*, the Priestly Fraternity of Saint Peter and other communities established by the Pontifical Commission *Ecclesia Dei* came under the competence of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, and currently – the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life (TC 6¹⁰). The Dicastery for Divine Worship and the Discipline of the Sacraments and the previously-mentioned Dicastery, in matters within their competence, were henceforth to exercise the authority of the Apostolic See, ensuring compliance with the provisions introduced by Pope Francis in the motu proprio *Traditionis custodes* (TC 7¹¹; PE 93¹²). It is significant that, in no other place in the text of the three documents aforementioned regarding the discipline

¹⁰ “Instituta vitae consecratae et Societates vitae apostolicae erecta eo tempore a Pontificia Commissione « Ecclesia Dei », sub iurisdictionem Congregationis pro Institutis vitae consecratae et Societatibus vitae apostolicae transeunt.”

¹¹ “Congregatio de Cultu Divino et Disciplina Sacramentorum et Congregatio pro Institutis vitae consecratae et Societatibus vitae apostolicae, quaeque pro competentis suis, auctoritatem Sanctae Sedis exercent, observantiae harum dispositionum invigilantes.”

¹² “Il Dicastero si occupa della regolamentazione e della disciplina della sacra liturgia per quanto riguarda l’uso – concesso secondo le norme stabilite – dei libri liturgici precedenti alla riforma del Concilio Vaticano II.”

of celebrating the liturgy in the *usus antiquior* is there any mention of the communities previously subject to the Pontifical Commission *Ecclesia Dei* (Rivoire 2022, 103-104).

2.2. Private Audience with Pope Francis on 4 February 2022

The new restrictive legal norms for the use of rites according to the 1962 books, stemming from the *motu proprio Traditionis custodes*, raised questions about the authorizations held by the FSSP's priests. Subsequently, questions arose regarding the discipline of celebrating the *ancient rites*, including the possibility of conferring ordinations according to the *Pontificale Romanum* of 1961/62 for seminarians at the seminary in Wigratzbad (Germany) and Denton (USA, Nebraska). The FSSP has not received a special exemption according to canon 591 of the CIC/83 and is therefore subject to diocesan bishops in matters of worship and apostolate, just as other societies of apostolic life of the pontifical right (can. 678; CD 35, 3^o; Pérez 2011; Szewczul 2002, 221-227). Certain questions arose: After the issuance of the *motu proprio Traditionis custodes*, do the FSSP priests have to obtain permission from the diocesan bishop to celebrate the liturgy according to the 1962 books for a Mass *sine populo* or a Mass celebrated in public? Can they celebrate it in parish churches? Are the FSSP priests required to participate in sacramental concelebration, according to the 2002 *Missale Romanum*, in light of the Congregation for Divine Worship and the Discipline of the Sacraments' *Responsa ad dubia* (RESP. 3; PL 3)?

In order to clarify these doubts, on 4 February 2022, two members of the Priestly Fraternity of Saint Peter, Father Benoît Paul-Joseph (Superior of the District of France) and Father Vincent Ribeton (Rector of the Seminary of Wigratzbad), were received by Pope Francis in a private audience in Vatican. An official statement on the website www.fssp.org stated that, during the meeting, which lasted almost an hour, the circumstances of the FSSP's foundation in 1988 were recalled. The Pope expressed his profound impression of the founders' approach, their desire to remain faithful to the Roman Pontiff, and their trust in the Church. He stated that this gesture should be

preserved, protected, and supported. Furthermore, during the audience, the Pope made it clear that the general provisions of the *motu proprio Traditionis custodes* do not apply to the FSSP, since the use of the ancient liturgical books is fundamental to the existence of this community and is provided for in its Fundamental Code. Therefore, Pope Francis emphasized that seminarians of the Fraternity can be ordained according to the *Pontificale Romanum* of 1961/62. The communiqué further stated that the Pope had promised to issue a decree confirming the FSSP members' right to use the liturgical books in force in 1962. At the end of the communiqué, it was noted that the members of the Fraternity expressed their gratitude to Pope Francis for confirming their community's mission (FSSP 2022; KAI 2022a).

2.3. Papal Decree for the FSSP of 11 February 2022

2.3.1. Legal Nature

As a result of the FSSP representatives' above-described audience with Pope Francis, which took place on 4 February 2022, a decree was issued, which was signed by the Roman Pontiff himself on 11 February 2022. The decree was sent to the Fraternity's General House in Fribourg, Switzerland (DECR.; Rivoire 2022, 100-104; Pietras 2023c, 87; 2023h, 146-148; KAI 2022b¹³). It is linked to the apostolic constitution *Praedicate Evangelium* of 2022. According to this, the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life ensures that the communities under its jurisdiction develop in accordance with the Gospel, following Christ according to the proper charism born from the spirit of their founders and in accordance with sound tradition, faithfully pursuing their own goals, and effectively

¹³ "Papież «z całą mocą» przypomniał, że dekret zwalniający księży z Bractwa Kapłańskiego św. Piotra (FSSP) z przepisów Motu proprio był jego autorstwa."

contributing to the building up of the Church and her mission in the world (PE 123¹⁴).

However, there is a problem with specifying the legal nature of the discussed papal decree of 11 February 2022, and therefore, two perspectives emerge. On the one hand, it can be assumed that this document is a general executory decree, as it is titled in the text itself, but one that was issued at the request of the FSSP's superiors (can. 31 § 1). It is significant, however, that the text of this decree was not published in the *Acta Apostolicae Sedis* and no other method of its promulgation was specified (can. 8, 31 § 2). On the other hand, it can be assumed that this document is a rescript, i.e., an administrative act issued at the request of the FSSP, by which the Pope granted the faculty (*facultas*) to the clergy of the Fraternity to celebrate the liturgy according to the books of 1962 (can. 59 § 1). The FSSP was therefore granted the privilege *contra vel praeter legem communem* to celebrate this liturgy (can. 76 § 1; Rivoire 2022, 100-101; Dzierżon 2015; Jagodziński 2009). Regardless of whether it is called a decree or a rescript, this permission was issued directly by the Roman Pontiff's supreme executive power (can. 331, 333 § 1). It seems, therefore, that it should not be understood in terms of a law, but rather of a papal executive decree or rescript.

2.3.2. Contents

In the text of the decree, it was stated that Pope Francis granted (*facultatem concedit*) to each member of the FSSP, as a society of apostolic life of the pontifical right, founded on 18 July 1988, and recognized by the Apostolic See, the faculty to celebrate the Holy Sacrifice of the Mass, the sacraments and other sacred rites, including the *Officium Divinum*, in accordance with the typical editions

¹⁴ “Il Dicastero si adopera affinché gli Istituti di Vita Consacrata e le Società di Vita Apostolica progrediscano nella sequela di Cristo come è proposta dal Vangelo, secondo il carisma proprio nato dallo spirito del fondatore e le sane tradizioni, perseguano fedelmente le finalità loro proprie e contribuiscano efficacemente alla edificazione della Chiesa e alla sua missione nel mondo.”

of the liturgical books in force in 1962, namely the Missal, the Ritual, the Pontifical, and the Roman Breviary (DECR.¹⁵). This is consistent with the content of the first 10 September 1988 decree to the FSSP, regarding the use of the earlier liturgical books, and the 18 October 1988 decree of erecting the Fraternity, which used phrases such as *facultatem concedit* (PCED 1988a¹⁶) and *usus conceditur* (PCED 1988b¹⁷; Rivoire 2022, 102). This *facultas* was finally approved by the Apostolic See in the FSSP Constitutions, where the *liturgical and disciplinary traditions* of the motu proprio *Ecclesia Dei adflicta*, i.e., the books in force in 1962, were mentioned (CONST. 8; EDA 5c). Therefore, these questions arise: Has this authorization been abolished by the motu proprio *Traditionis custodes*? Does a universal law repeal fundamental codes that are contrary to this law if the legislator does not mention it? The code legislator states that a general law does not change particular or specific law, unless something else expressly provides for it in the law (can. 20¹⁸; du Faÿ and de Blignières 2006, 25; de Blignières 2022). It should therefore be assumed that the papal document confirmed the authorization held by the FSSP, according to its own Constitution and the decree of erection. If we were to assume that this authorization was lost by the motu proprio *Traditionis custodes* and re-granted by the decree of 11 February 2022, then, as a consequence, the other communities erected by the Pontifical Commission *Ecclesia Dei* would also have to receive this authorization. Meanwhile, only the FSSP received such a decree.

¹⁵ “Sanctus Pater Franciscus, omnibus et singulis sodalibus Instituti vitae consecratae ‘Fraternitas Sancti Petri’ nuncupati, die 18 iulii 1988 erecti et a Sancta Sede pontificii iuris declarati, facultatem concedit celebrandi sacrificium Missae, sacramentorum necnon alios sacros ritus, sicut et persolvendi Officium divinum, iuxta editiones typicas librorum liturgicorum, scilicet Missalis, Ritualis, Pontificalis et Breviarii, anno 1962 vigentium.”

¹⁶ “(...) facultatem concedit Missae sacrificium celebrandi, ritus sacramentorum aliosque sacros ritus (...)”

¹⁷ “(...) usus conceditur librorum liturgicorum iam anno 1962 vim habentium.”

¹⁸ “Lex universalis minime derogat iuri particulari aut speciali, nisi aliud in iure expresse caveatur.”

The papal decree states that FSSP clergy may exercise the right (*facultate*) to use the above-mentioned liturgical books in their own churches and chapels. Outside of these places, they may use it only with the consent of the local Ordinary (can. 134, 368). In a diocese, such permission may be issued by the diocesan bishop, but also by the vicar general and the episcopal vicar, if he has been given the necessary competences (can. 475, 476, 479; Pietras 2025b, 150-160). The decree in question states that the celebration of Holy Mass *privato modo (sine populo)* does not require the permission of the Ordinary (DECR.¹⁹; Pietras 2021, 197-203). In this way, the regulations contained in the decree of the Pontifical Commission *Ecclesia Dei* of 10 September 1988, were repeated verbatim. There, too, the need to obtain permission from the local Ordinary outside of the Fraternity's own churches and chapels was mentioned, although this did not apply to private celebrations of the Mass (PCED 1988a²⁰).

At the end of the decree, it is noted that Pope Francis suggested that, whenever possible, the provisions of the motu proprio *Traditionis custodes* should also be taken into account (DECR.²¹; Rivoire 2022, 104, footnote 122). This is the Pope's suggestion and request, per the current universal law. However, taking into account the limiting norms of this motu proprio is a difficult task for the FSSP, as doing so would violate the rightful autonomy of this community's life, based on the special law of the Fraternity. However, it seems possible to include elements relating to the celebration of the liturgy itself. During the liturgy celebrated by the FSSP, readings may be read in the vernacular, according to the provisions of the motu proprio *Traditionis custodes* (TC 3 § 3; RESP. 3 § 3; SP 6; UE 26; Pietras 2021, 231-238; 2023c, 97). In addition, new prefaces may be used and new

¹⁹ "Qua facultate uti poterunt in ecclesiis vel oratoriis propriis, alibi vero nonnisi de consensu Ordinarii loci, excepta Missae privatae celebratione."

²⁰ "Qua facultate uti poterunt in ecclesiis vel oratoriis propriis; alibi vero nonnisi de consensu Ordinarii loci, excepta Missae privatae celebratione."

²¹ "Quibus rite servatis, Sanctus Pater etiam suadet ut sedulo cogitetur, quantum fieri potest, de statutis in litteris apostolicis motu proprio datis *Traditionis Custodes*."

Saints may be included, according to the decrees *Quo magis* and *Cum sanctissima* of the Congregation for the Doctrine of the Faith of 22 February 2020 (CS; QM; Pietras 2021, 225-231, 252-254; 2023g; 2023h, 140; 2023i, 111-113; Ward 2020). Moreover, the FSSP complies with the guidelines of the motu proprio so as to not exclude the validity and legitimacy of the liturgical reform (including sacramental concelebration), and the teachings of the Second Vatican Council's Fathers and the Magisterium of the Popes (TC 3 § 1; RESP. 3 § 1; Pietras 2023c, 94-95). The Fraternity – as already demonstrated – maintains its patrimony, without denying the validity and liceity of the reformed liturgy following *Vaticanum II*. However, the FSSP priests have the right to celebrate the liturgy exclusively according to the books of 1962, according to their own charism, and cannot be forced to sacramental concelebration during a liturgy celebrated according to the 2002 *Missale Romanum*. As the code legislator states, members of a society of apostolic life are subject to their own superiors, and while conducting their external apostolate should remain faithful to the discipline of their own society (can. 678 § 2). The above-articulated guidelines of the motu proprio, regarding the reformed liturgy, Vatican II, and papal teachings, must be taken into account in the sermons delivered by the FSSP clergy during liturgical celebrations (Pietras 2024b; PAP). Priests of the Fraternity may also be nominated by the diocesan bishop to be delegates for this liturgy in a diocese, after obtaining the prior consent of their competent superior (TC 3 § 4; can. 678, 681; Pietras 2023c, 92). This seems justified also in view of the experience they have, since this liturgy is part of their own charism. It also seems that the FSSP priests, outside of their own parish churches (personal and territorial parishes), should follow the norms of the motu proprio *Traditionis custodes* in its prohibition against the celebration of this liturgy in a parish church. Therefore, they must follow the guidelines issued by the diocesan bishop regarding the place and time of celebration (TC 3 § 2-3; RESP. 3 § 2; Pietras 2023c, 88-91). Similarly, it is not possible to establish personal parishes for the *older rites*, even if they were to be entrusted to the FSSP priests (TC 3 § 2; RESP. 3 § 2; RESCR.; Pietras 2023c, 90-91).

2.4. Private Audience with Pope Francis on 29 February 2024

On 29 February 2024, a private audience was held in the Vatican with the FSSP's Superior General – Fr. Andrzej Komorowski – and two other priests of the community with Pope Francis.²² As the Fraternity stated in its official communiqué, the meeting was an opportunity to express profound gratitude to the Roman Pontiff for the decree of 11 February 2022, by which he confirmed the liturgical specificity of the community. Representatives of the FSSP shared with Pope Francis the difficulties encountered in the decree's application. The Pope showed great understanding and encouraged the FSSP to continue to deepen ecclesial communion through its own charism. The Superior General informed the Holy Father that the decree was issued on the day of the consecration of the Fraternity to the Immaculate Heart of Mary, the feast of Our Lady of Lourdes. Pope Francis recognized this date as a sign of Divine Providence (FSSP 2024).

At this point, it is worth recalling a statement made by Fr. John Berg, Superior General of the FSSP, on 8 August 2025. He stated that the FSSP's charism and special law have already developed very well over the 36 years of the community's existence. The Fraternity has its own identity and is stable. The Holy Father's decree of 11 February 2022 reaffirms the FSSP's charism as a part of its identity. The act of establishment of this community and the papal decree in question demonstrate that there is no need to question the *currentness* of the FSSP charism. The Fraternity was established by the Church as a society of apostolic life under the pontifical right *for the unity and good of the Church*, and one of the ways it fulfills this mission is by receiving and administering the sacraments in accordance with the earlier liturgical books. The Superior General stated that limiting the FSSP's right to use these books would be like forcing the Franciscans to stop serving the Church by observing poverty (Berg 2024).

²² Fr. Andrzej Komorowski was accompanied by Fr. Benoît Paul-Joseph (Superior of the District of France) and Fr. Vincent Ribeton (Rector of St. Peter's Seminary in Wigratzbad).

2.5. Practical Implications of the *Motu Proprio Traditionis Custodes*

The Superior General's statement quoted in the previous point leads to conclusions related to the current situations that some members of the FSSP encounter after the issuance of the *motu proprio Traditionis custodes*. Although this document does not directly concern the Fraternity (KAI 2022b²³), in practice, some diocesan bishops have limited the FSSP's priests possibility to celebrate the *earlier liturgy* to some extent. In some dioceses, they were even completely denied the opportunity to continue serving the faithful.²⁴ This was done in light of Pope Francis's apostolic letter *Desiderio desideravi*, according to which the purpose of the *motu proprio Traditionis custodes* is to return to the celebration of the liturgy reformed after the Second Vatican Council (DD 61²⁵; Pietras 2022b, 142-145).

Moreover, the ban on establishing new personal parishes, the ban on liturgical celebrations in parish churches, and the formation of new groups celebrating the *ancient liturgy* limits the development of the FSSP in particular Churches (TC 3 § 2, 3 § 6; RD 3 § 2; RES). It is similarly difficult to find a minister of the Sacrament of Confirmation

²³ "W lutym b.r. papież przyjął dwóch liderów tej wspólnoty i wyjaśnił im, że nie dotyczy jej Motu proprio z lipca 2021 roku."

²⁴ Examples of such places are the Archdiocese of Dijon and the Diocese of Valence in France. See <https://www.ncregister.com/news/france-valence-fssp-dismissal>. Accessed 7 July 2025; <https://www.catholicnewsagency.com/news/248015/why-is-a-french-catholic-archdiocese-expelling-the-fssp>. Accessed 7 July 2025.

²⁵ "Identidem vocamur divitias reterege principiorum generalium, quae inter primos numeros Sacrosanctum Concilium proponuntur, artissimum complectentes vinculum inter primam Concilii Constitutionum et ceteras. Idcirco non possumus ad illam formam ritus reverti, cuius instaurandi Patres conciliares, cum Petro et sub Petro, necessitatem senserunt, Spiritu Sancto ductore et secundum suam pastorum conscientiam, illa approbantes principia ex quibus instauratio orta est. Sancti Pontifices Paulus VI et Ioannes Paulus II approbantes libros liturgicos ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratos, instauracionis fidelitatem erga Concilium praestiterunt. Quamobrem Traditionis Custodes scripsimus, ut Ecclesia per linguarum varietatem tollere queat «unam eandemque cunctorum precatorem», unitatem suam ostendere evalescens. Hanc unitatem, sicut iam scripsimus, instauratam volumus in tota Ritus Romani Ecclesia."

according to the *Pontificale Romanum* 1961/62, when bishops cannot use that book. However, the diocesan bishop can authorize a priest of the Fraternity to administer Confirmation and use the old Pontifical (TC 1, 8; RD 1, 8; can. 882-884). It should be noted here that, despite the limiting norms of the motu proprio *Traditionis custodes*, a bishop who has erected an FSSP house/houses in his diocese (can. 611, 616; Szewczul 2002, 236-240; 2013) cannot prohibit members of the Fraternity from exercising their charism through apostolic work and the celebration of the liturgy according to the books of 1962. He should not prohibit the use of the 1952 *Rituale Romanum*, for example, in the celebration of the Sacraments of Baptism and Marriage, or, for example, limit the public celebration of Mass to two Sundays a month. The bishop's task is to respect and care for the preservation of the charism of a community that exists in his particular Church (can. 586 § 2). This is especially true since these communities often achieved their stability during the validity of Pope Benedict XVI's motu proprio *Summorum Pontificum*, as testified by Pope Francis (DOTA 13²⁶; Pietras 2023d, 121, 379-390). Respect for the FSSP's autonomy of life is also connected with the right of the faithful to worship according to an approved rite and to follow their own path of spiritual life, in accordance with the doctrine of the Church (can. 214; Zubert 2001; Mazur 2020).

Practice also shows that limiting the FSSP's liturgical service leads to a some *tension* among the faithful, a sense of injustice, and, as a result, they may turn to the ministry of priests from the Society of Saint Pius X (SSPX), and even permanently move to this canonically irregular community (Pietras 2021, 415-489; 2022a, 2022c, 2023e; 2023f; 2024a; 2025a, 29-42; Reyes Vizcaíno 2015). Meanwhile, it is precisely the FSSP that was founded to preserve Catholic unity. The FSSP promotes it by providing service to the faithful attached to the *ancient*

²⁶ “Constatando che gli Istituti e le Comunità religiose che celebrano abitualmente nella forma straordinaria, hanno trovato oggi una propria stabilità di numero e di vita.”

rites, so that they may remain in full communion with the Roman Pontiff and the other local Ordinaries.

Conclusions

From the very beginning of its activity, the FSSP, as a society of apostolic life of the pontifical right, has had a just autonomy of life guaranteed by universal law, the decree of erection, and its approved Constitutions (can. 586-587). The research conducted in this article has shown that, despite the changing universal law regarding the celebration of the liturgy from the 1962 books of the Roman Rite, this rightful autonomy persists and is consolidated through over 30 years of service in the Church. Therefore, the Fraternity received confirmation of its charism from representatives of the Roman Curia and ultimately from three Popes: John Paul II, Benedict XVI, and Francis. This conformation was given during private audiences and finally through the papal decree of 11 February 2022. This decree confirmed the FSSP's own right to celebrate according to the 1962 books of the Roman Rite.

Despite papal approval, the restrictive norms of the 2021 *motu proprio Traditionis custodes* have, in practice, impacted the scope of the FSSP's ministry, including by prohibiting the celebration of the liturgy in parish churches and the formation of new groups of the faithful devoted to these rites. Furthermore, implementing the Fraternity's own discipline and maintaining its *patrimonium* has become difficult in some dioceses, due to the lack of favorable attitudes of diocesan bishops. In implementing the aforementioned *motu proprio*, it was necessary to take into account the rightful autonomy of the Fraternity's life, and therefore the possibility of celebrating the *earlier liturgy*, especially in dioceses with canonically erected FSSP houses and parishes (can. 518, 611, 616).

In light of the challenges arising since the issuance of the *motu proprio Traditionis custodes*, the question arises as to whether some degree of exemption should be introduced for the FSSP and similar communities (so-called *Ecclesia Dei* communities) to ensure the protection of their *patrimonium* (can. 591). This is especially true

since the Pontifical Commission *Ecclesia Dei*, which established these communities and helped safeguard their charism, has been abolished. Although the celebration of the liturgy is carried out under the authority of the bishops, they should respect the charism of the FSSP, and in particular, the form of liturgy celebrated by this priestly community – according to its own law (can. 20, 678). This potential attitude of Ordinaries will help in fulfilling the mission in the Church for which the FSSP was established, including in the matter of caring for ecclesial unity among the faithful attached to the *ancient liturgical and disciplinary forms*. For, as noted in the 1994 document of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, *Congregavit nos*, the best form of service to the Church is fidelity to one's own charism (CN 61).

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Abstract

The problem addressed: The article presents the issue of the rightful autonomy (can. 586) enjoyed by the Priestly Fraternity of Saint Peter (FSSP) as a society of apostolic life of the pontifical right (can. 732). This rightful autonomy of life concerns the preservation of the charism, that is, above all, the right to celebrate rites according to the books of the 1962 *editio typica* and one's own discipline. This issue was examined during the period of validity of two papal laws: the motu proprio *Summorum Pontificum* of 2007 and the motu proprio *Traditionis custodes* of 2021.

The aim of the research conducted: The purpose was to examine the correlation between the special law for the celebration of the Roman liturgy according to the 1962 books, which the FSSP possesses, and the universal law promulgated since 2007 to regulate the discipline concerning the celebration of these rites.

Methods: The historical-legal method was used in the article.

The results of the research: The study demonstrates that the rightful autonomy of the FSSP continues and has been strengthened despite the changing discipline of celebrating the *ancient form of the Roman Rite*. The charism of this community was appreciated by Popes John Paul II, Benedict XVI, and Francis. The latter confirmed it in the decree issued on 11 February 2022. However, analyses have revealed practical difficulties in implementing the FSSP *patrimonium* in particular Churches due to the restrictive norms of the motu proprio *Traditionis custodes*.

The conclusions drawn from the research: The existence of the FSSP rightful autonomy demonstrates a need to respect and preserve diverse charisms of institutes and societies of apostolic life. Such an attitude strengthens the *unitas in varietate* within the Church community.

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

SŁUSZNA AUTONOMIA BRACTWA KAPŁAŃSKIEGO ŚWIĘTEGO PIOTRA
(KAN. 586, 732 KPK) (CZĘŚĆ II)

Abstrakt

Podjęty problem: W artykule ukazano problematykę słusznej autonomii (kan. 586), jaką posiada Bractwo Kapłańskie Świętego Piotra (FSSP) jako stowarzyszenie życia apostołskiego na prawie papieskim (kan. 732). Owa słuszna autonomia życia dotyczy zachowania charyzmatu, czyli przede wszystkim prawa do celebracji obrzędów według ksiąg *editio typica* z 1962 r. oraz własnej dyscypliny. Zagadnienie to zostało zbadane w okresie obowiązywania dwóch papieskich ustaw, jakimi są motu proprio *Summorum Pontificum* z 2007 r. oraz motu proprio *Traditionis custodes* z 2021 r.

Cel przeprowadzonych badań: Celem było zbadanie korelacji między prawem specjalnym do sprawowania liturgii rzymskiej według ksiąg z 1962 r., jakie posiada FSSP, a prawem powszechnym promulgowanym od 2007 r. w celu regulacji dyscypliny związanej z celebacją tych obrzędów.

Metody: W artykule posłużono się metodą historyczno-prawną.

Wyniki badań: W opracowaniu wykazano, że słuszna autonomia FSSP trwa i umocniła się mimo zmieniającej się dyscypliny celebracji *dawnej formy rytu rzymskiego*. Charyzmat tej wspólnoty doceniali papieże Jan Paweł II, Benedykt XVI i Franciszek. Ten ostatni potwierdził go dekretem wydanym 11 lutego 2022 r. Analizy wykazały jednak praktyczne trudności w realizacji *patrimonium* FSSP w Kościołach partykularnych ze względu na restrykcyjne normy motu proprio *Traditionis custodes*.

Wnioski wyciągnięte z badań: Istnienie słusznej autonomii FSSP ukazuje konieczność uszanowania i zachowania różnorodnych charyzmatów instytucji i stowarzyszeń życia apostołskiego. Taka postawa umacnia bowiem *unitas in varietate* we wspólnocie Kościoła.

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