

Communion and Schism in the Catholic Church

Communio
κοινωνία

FAITH • SACRAMENTS • GOVERNANCE

Canonical reflections in light of the Society of Saint Pius X

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FOR CANON LAWYERS & JURISTS, CLERGY, TRIBUNAL PERSONNEL & STUDENTS

What We Will Explore

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Overview of ecclesiology of *κοινωνία*, *Communio* and the offenses against it — heresy, apostasy and schism

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I

Communio: Theological and Juridical Overview

The Church is visible, sacramental and hierarchically ordered.

VISIBLE STRUCTURE · THREE BONDS · FULL COMMUNION

The Church's Communion is Visibly Structured

The theological description and the juridic formulation converge.

“

Those baptized are fully in the communion of the Catholic Church on this earth who are joined with Christ in its visible structure by the bonds of the profession of faith, the sacraments and ecclesiastical governance.

Canon 205

THE THEOLOGICAL FORM

Lumen gentium 8

The Church of Christ, constituted and organized as a society, subsists in the Catholic Church.

THE JURIDIC FORM

cc. 204, §2

This Church, established and ordered in this world as a society, subsists in the catholic Church, governed by the successor of Peter and the Bishops in communion with him.

Lumen gentium 8; Code of Canon Law, cc. 204 §2 and 205.

The Fundamental SSPX Question: Ecclesial Communion

Liturgy and doctrine matter, but the crux of the juridic issue is communion with ecclesiastical governance.

“

**Communion is not only private and spiritual
nor is it an optional administrative arrangement;**

Communion is constitutive.

3

visible bonds

faith
sacraments
governance

This thesis governs every later distinction: status, validity, liceity, faculty, imputability, penalty and reconciliation.

The Three Bonds of Full or Perfect Communion

For the baptized – presupposed to be valid - *communio* has three visible, juridically distinguishable dimensions.

Faith

United to the faith as professed and handed down — Scripture, the Catechism and other sources.

cc. 750–754

Sacraments

Not merely valid sacraments possessed or received, but participation in the sacramental communion of the Church.

cc. 840–844

Governance

United to the legitimate pastors. “The Christian faithful are always obliged to maintain communion with the Church.”

cc. 209, §1; 212, §1

Disagreement and questions remain possible. What is not optional is the objective hierarchical dimension — visible, and therefore externally observable.

II

Imperfect Communion

Baptism creates real communion; full communion has visible and juridically distinguishable bonds, but not all communion is full.

DEGREES OF COMMUNION · HERESY · APOSTASY · SCHISM

Imperfect Communion

One is Christian by baptism; one need not be Catholic to be Christian. *Lumen gentium* 14–16 develops a graduated understanding of relationship to the Church.

Profound elements of communion shared

- Baptism — and faith in Christ by it
- Incorporation into His Body
- The gift of the Holy Spirit
- Shared aspects of Holy Scripture
- Shared aspects of prayer and worship
- In some cases, a valid sacramental life

What remains divided

- Valid succession — the bedrock of most of it
- Ecclesial authority
- Doctrine and dogma
- The sacraments
- Scripture and Tradition, and more

Communion with the Catholic Church can be partial rather than full: real, but incomplete.

Offenses against *Communio*: Heresy, Apostasy and Schism

Canon 751 distinguishes three major offenses against faith and ecclesial communion.

Heresy

Obstinate denial or doubt concerning dogma that must be believed with divine and Catholic faith. A theologically based problem.

Apostasy

Total repudiation of the Christian faith — the baptized person wholly abandoning the Christian religion and renouncing Christ.

Schism

“The refusal of submission to the Supreme Pontiff or of communion with the members of the Church subject to him.”

Note the “or.” There is a unity in the authority of the magisterium: there can be no schism limited to one's pastor, order or diocese. Heresy concerns doctrine; schism concerns communion and governance.

Practical rule: do not presume schism from doctrinal disagreement — and do not presume its absence from doctrinal orthodoxy.

An Act, a State — and What Schism is Not

A schismatic act

A particular act can objectively constitute schism. John Paul II so described the 1988 episcopal consecrations (*Ecclesia Dei Adflicta*, 3).

A state or condition of schism

By not acting, or by manifest attitude, one may place oneself in a continuing state of separation — through enduring contumacy or intransigence, especially when public.

Schism is not, of itself:

- Criticism of the Pope, or disagreement with a bishop
- Dislike of a liturgical reform, or opposition to a disciplinary law
- Attachment to the traditional Roman liturgy — *Ecclesia Dei Adflicta*, 5, honored those aspirations
- Difficulties interpreting Vatican II (cf. Benedict XVI, Letter, 10 March 2009)

Contention or Critique v. Rejection of Legitimacy and/or Authority

The distinction restrains both overreach and naïveté.

QUESTION 1

— What precisely is being denied, doubted, criticized or resisted?

QUESTION 2

— Is the person disputing prudence or interpretation—or refusing the authority competent to teach and govern?

QUESTION 3

— What external conduct manifests the internal position, and with what knowledge and freedom?

Again:

Do not presume schism is present in the absence of agreement;

Do not presume schism is absent in the presence of orthodoxy.

III

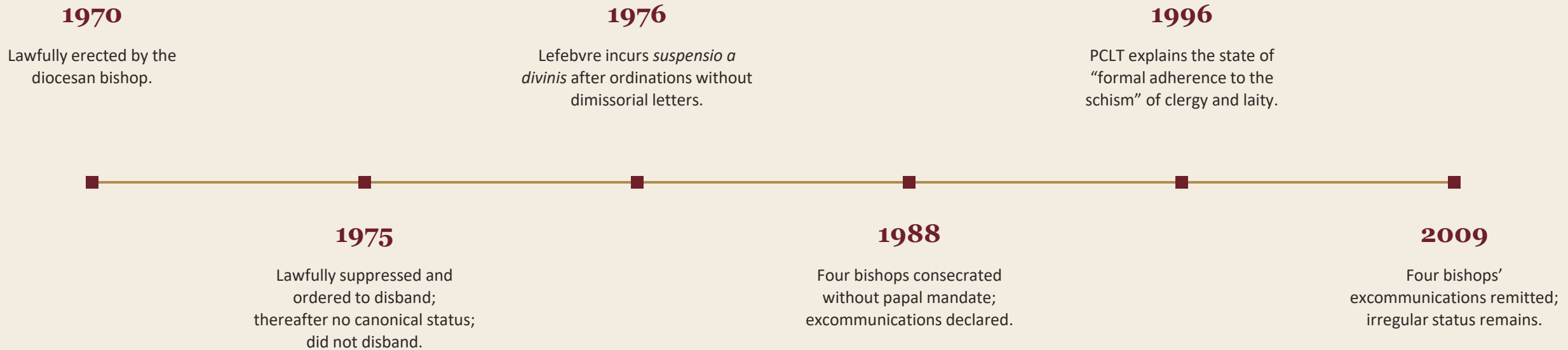
SSPX: A Brief Historical Synopsis

The Society's status develops from lawful erection through suppression, suspension and penalty.

1970–2009 • CANONICAL STATUS • SUPPRESSION • SUSPENSION

From Establishment to Suppression to Excommunication

Later acts must be read against the unresolved consequences of suppression and suspension.



IV

SSPX: 1988 Acts and Penalties

One episcopal act carried several juridic dimensions and consequences.

CONSECRATIONS · ROMAN PRIMACY · CONTUMACY · EXCOMMUNICATION

1988: One Act; Multiple Canonical Dimensions

On 30 June 1988, Archbishop Lefebvre consecrated four bishops without the pontifical mandate and against the will of the Holy Father. This was not merely an irregular ordination.

c. 1013

Violation of the law on episcopal consecration

c. 1382 [now 1387]

The delict of consecration without mandate

c. 751

Schismatic significance for the co-consecrator

c. 1364, §1

The penalty for schism, its requirements fulfilled

c. 1364, §2

Aggravation by ongoing contumacy

The important point is not merely the missing mandate, but what consecration against the express will of the Roman Pontiff, after repeated warning, signifies about Roman primacy — which places us squarely in the realm of communion.

Excommunication Restricts Participation, It Does Not Erase Incorporation

The name can mislead if it is heard as expulsion from the Church.

WHAT IT DOES

Restricts

Celebration and reception of sacraments
Exercise of offices, ministries and acts of governance
Additional effects when the penalty is declared

c. 1331

WHAT IT DOES NOT DO

Erase

Baptismal character
Sacred ordination
Christian identity or membership

cf. c. 96

WHY IT EXISTS

Fairness

Restore Justice
Reform of the offender
Repair of scandal

cc. 1311 §2; 1312

Semel catholicus; semper catholicus—the censured person remains within the Church’s solicitude.

cc. 1311–1312, 1331; seminar manuscript, Part IV.2.

V

The Faithful in Relation to the SSPX

Association is not self-interpreting; formal adherence and imputability require individual analysis.

1996 CRITERIA · SUBJECTIVE INTENTION · IMPUTABILITY

Criteria to Determine “Formal Adherence to the Schism”

The PCLT note describes a double-faceted condition.

INTERNAL

A free and informed agreement with the substance of the schism—choosing the SSPX above obedience to the Pope.



EXTERNAL

Conduct that manifests the internal choice in the external forum.

Both elements require proof appropriate to the competent forum; neither is safely presumed from mere attendance.

Sin v. Delict

They are related realities, addressed through different questions and remedies.

MORAL EXISTENCE

Conscience, culpability, repentance and pastoral care

JURIDICO-PENAL EXISTENCE

External violation, imputability, proof, competent authority, penalty and remission

“Always bear in mind that we are dealing with souls, not case files.”

The Value of Subjective Intention

A Catholic might attend an SSPX Mass because of...

- Liturgical preference, or exploration
- Travel, or the availability of the sacraments
- Invitation, advertising, social media
- Ignorance of the canonical situation
- Confusion about the Society's status, or deception
- “It's just a parish and a Mass that I like.”

*None of this automatically establishes formal adherence.
Motive does not settle every case, but it prevents association from being mistaken for proof.*

So the canonist investigates:

- What did the person believe, and intend?
- Did he know the SSPX's canonical situation?
- Did he understand what rejecting the authority of the Roman Pontiff means?
- Did he deliberately separate himself from the Church?
- Was the conduct moved by ignorance, confusion or deception?
- Did he intend to enter a separate ecclesial communion?

Imputability: Bridge from External Violation to Penalty

Canon 1321 requires grave imputability by malice or negligence.

01 Objective participation

02 Subjective adherence

03 Knowledge

04 Freedom

05 Intention

06 External manifestation

The bishops' imputability was readily evidenced; an individual layperson's is not straightforward.

Remission of a Penalty is Just That

Benedict XVI’s action removed specified censures while preserving decisive distinctions.

REMISSION OF PENALTY	≠	CANONICAL REGULARIZATION
CANONICAL REGULARITY	≠	SACRAMENTAL VALIDITY
SACRAMENTAL VALIDITY	≠	LICEITY
VALID ORDERS	≠	LEGITIMATE MINISTRY

The SSPX still had no canonical status; its ministers did not and do no legitimately exercise ministry in the Church.

Benedict XVI, Letter, 10 March 2009; Ecclesiae unitatem, 4.

Validity Does Not Equal Legitimacy of Ministry

VALID ORDERS

Holy Orders imparts an indelible sacramental character (cc. 1008–1009).

≠ CANONICAL STATUS

The SSPX has none; remission of a penalty is not regularization.

≠ LEGITIMATE MINISTRY

Its ministers do not legitimately exercise ministry in the Church.

“The fact that the Society of Saint Pius X does not possess a canonical status in the Church is not, in the end, based on disciplinary but on doctrinal reasons.”

Benedict XVI, Letter, 10 March 2009 — reiterated in motu proprio *Ecclesiae unitatem*, 02 July 2009. The 2009 remission of the four bishops' excommunications did not regularize the Society.

VI

The Francis Provisions

Narrow sacramental accommodations altered specific juridic conditions without regularizing the Society.

ABSOLUTION · MARRIAGE · FACULTY · DELEGATION · C. 144

Absolution: A Faculty Granted without Institutional Regularization

Valid sacramental absolution requires sacred Orders and the faculty to exercise them.

ORDERS + **FACULTY** = **VALID ABSOLUTION**

Francis supplied the missing faculty for a defined sacramental function. The grant did not establish canonical status for the priest or the Society.

Matrimony: Mechanism for Valid Form; Not General Declaration of Validity

The Ordinary remained the juridic hinge.

PREFERRED

— A fully regular priest receives consent; the SSPX priest celebrates the Nuptial Mass.

EXCEPTIONAL

— Where that is impossible, the local Ordinary may delegate the SSPX priest directly.

NOT SAID

— The Holy See did not declare all SSPX marriages valid or regularize the Society.

Authorization of the Ordinary → delegation → satisfaction of canonical form

Absolution and Matrimony

Specific authorization can alter the validity or liceity of an act without curing institutional status.

2016

Absolution

Misericordia et misera granted SSPX priests the **faculty** to absolve those approaching them validly and licitly.

c. 966 §1; *Misericordia et misera*, 12

2017

Marriage

PCED authorized local **Ordinaries** to arrange delegation for marriages of SSPX followers under specified conditions.

PCED Letter, 27 March 2017

Narrow favors ≠ canonical regularization

Common Error and Supply of Power are Not Universal Cures

They respond to a community's mistaken belief about executive power or faculty.

ERROR COMMUNIS

A public or communal mistaken belief that a person possesses a required power or faculty.

ECCLESIA SUPPLET

The Church supplies missing executive power of governance for the spiritual good of the faithful.

The Church never supplies the power of Orders. Apply c. 144 carefully; do not use it mechanically.

VII

2026: New Acts and Juridic Responses

Lather. Rinse. Repeat.

New consecrations generated new acts, penalties and clarification of communion.

WARNING · PAPAL APPEAL · CONSECRATIONS · DDF DECREE & NOTE

The 2026 Repeat Structures of 1988

Warning and papal appeal preceded the act; declaration and explanation followed it.

13 MAY

DDF warns planned consecrations without mandate would be schismatic.

01 JULY

The Society proceeds with episcopal consecrations.

29 JUNE

Leo XIV appeals in writing that the SSPX not proceed.

02 JULY

DDF declares penalties and issues an explanatory note.

The July 2026 events are new juridic acts concerning new juridic conduct.

DDF Statement, 13 May 2026; Leo XIV Letter, 29 June 2026; DDF documents, 2 July 2026.

The DDF Explanatory Note, 02 July 2026

Perhaps the most important document for present canonical practice. It expressly incorporates the 1996 criteria while addressing clergy, laity and sacramental ministry.

1	CLERGY	SSPX sacred ministers are described as schismatic and subject to c. 1364 §1.
2	LAITY	Those who formally adhere under the 1996 criteria are described as schismatic and excommunicated.
3	SACRAMENTS	SSPX ministers act illicitly; Penance and assisted marriages are described as invalid.
4	THE FAITHFUL	The faithful are exhorted to remain in communion and abstain from SSPX celebrations and activities.

DDF, Decree and Explanatory Note, 2 July 2026, as presented in the manuscript.

VIII

Recourse and Suspension of Penalties

The juridic object determines whether—and how—recourse suspends execution.

C. 1353 • CC. 1734–1736 • PENAL DECREE • ADMINISTRATIVE ACT

The *Remonstratio* Starts a Two-Stage Recourse Clock

A preliminary petition suspends execution of a penal decree, but it normally does not leave the process open indefinitely.

NOTICE

The ten canonical days run from lawful notification of the decree.

30 DAYS

The author may respond; silence is treated as rejection.
c. 1735.

10 DAYS

Written *remonstratio* asks the author to revoke or amend.
c. 1734 §§1–2.

NEXT STEP

Canon 1735 allows 30 days after silence to lodge hierarchical recourse.

cc. 1353, 1734–1735;

A Lapsed Next Step Would End the Suspensive Posture

If no hierarchical recourse was lodged, the present reading is that the decree is executable and the penalties are in force.

- 1

11 JULY

The SSPX reports that it lodged a preliminary canonical recourse.
- 2

RESPONSE WINDOW

The author had 30 days under c. 1735 to respond to the petition.
- 3

NEXT STEP

After silence, the Petitioner can lodge hierarchical recourse within the applicable period.
- 4

PUBLIC RECORD

No such filing is known from the materials before us; unpublished procedural facts could change the conclusion.

cc. 1353, 1734–1737; Part VIII.

Silence Can Serve Opposite Strategic Interests

Juridic ambiguity may postpone the decisive institutional confrontation.

SSPX PREMISE

Filing under c. 1353 is treated as freezing the decree in suspension as long as no public rejection appears.

OPERATIONAL BENEFIT

Continue activity under a claimed suspensive posture.

RISK AVOIDED

Formal escalation invites a prompt, definitive decision by higher authority.

HOLY SEE

Silence may function as tacit denial without producing a detailed ruling to contest.

In Forma Specifica Would Close the Ordinary Route

The decisive issue is not presumed papal involvement, but the juridic form of approval.

- 1 Specific-form papal approval makes the act unappealable within the ordinary hierarchy.

- 2 Canon 1404 states: “The First See is judged by no one.”

- 3 Approval *in forma specifica* ordinarily must be stated in the act.

- 4 The July 2 decree reportedly does not use that formula.

- 5 **Later papal confirmation could alter the forum; its terms and temporal effect could make it unappealable from day 1.**

c. 1404; seminar manuscript, Part VIII.2. Legal effect depends on the instrument actually issued.

The Dispute Has Shifted from Legal Papers to Implementation

Public activity now concerns reconciliation, sacramental practice and internal messaging.

DDF FOCUS

Manage individual reconciliations and create avenues for priests and faithful seeking full communion.

PRACTICAL OBJECT

Defection from the SSPX and restoration of ecclesial communion.

SSPX FOCUS

Reassure adherents that the excommunications are “objectively unjust and invalid.”

INTERNAL FRAME

Invoke the 1988 consecrations as a precedent for resisting deadlines and penalties.

The Francis Provisions Were Positive Legal Concessions

They were not inherent rights; their revocation may therefore stand apart from the penal decree.

ABSOLUTION

A faculty positively granted to priests otherwise not authorized to exercise ministry.

A FAVOR

May be revoked or modified by competent authority.

MARRIAGE

Permission for an Ordinary to grant delegation—not a universal delegation.

LOCAL DISCRETION

An Ordinary could always decline to delegate within his jurisdiction.

Recourse Suspends According to the Juridic Object

Canon law distinguishes between different species of decree.

PENAL OBJECT

A decree imposing or declaring a penalty

c. 1353

suspends execution of the penalty during recourse

ADMINISTRATIVE OBJECT

Revocation or modification of a favorable concession

cc. 1734–1736

govern recourse against ordinary administrative decrees

The Juridical Nature of the Francis Provisions

Recourse against the penalties as sought does not logically suspend the revocations.

- 1 The provisions were extraordinary favors, positive legal concessions; not inherent rights of ordination or in any other way.

- 2 The Pope, as Supreme Legislator and Administrator, may revoke or modify them.

- 3 Withdrawal is characterized as an administrative act, not a penalty.

- 4 The SSPX self-reports that they seek recourse invoking c. 1353, *not* cc. 1734–1736.

- 5 **This canonist concludes the revocations were not suspended, maintaining that only the Holy See has competence.**

This is the manuscript author's legal analysis, not an independent determination.

Acknowledgment of Uncertainty

Characterization—not rhetoric—determines the route.

“

If the July 2 revocation itself is intended as an additional penal restriction, canon 1353 becomes directly relevant.

DRAFTING LESSON

**Put distinct
juridic acts in
distinct decrees.**

Clear objects reduce the
need to dissect each phrase
for its juridic weight.

IX

Practical Juridic Methods

Time, facts, authority and subjective responsibility precede conclusions.

TEMPORAL PRINCIPLE · TRIBUNALS · DEFENDER · PROMOTOR · ORDINARY · CANONICAL ADVISOR

Practical Methods: Timing

The temporal principle of penal law

What law was in force when the act occurred? What faculty, delegation, privilege or papal provision existed then? A marriage celebrated in 2017 cannot be judged by the situation of July 2026.

The tribunal must still determine:

- The date
- The applicable law and faculty
- The minister's canonical circumstances
- The circumstances of the sacramental act

Four different matters — four different questions

Valid?

Did the sacramental act actually take place?

Licit?

Was it performed according to ecclesiastical law?

Legitimate?

Does the minister possess the juridic authorization required?

In communion?

What is the ecclesiological status of the persons involved?

They overlap — but they are not identical. A conclusion in one category does not automatically answer the others.

Changes in Governing Law: A Question Can Receive Different Answers

The Temporal Principle of Law: Determine the date before you determine validity, liceity or legitimacy.

01

BEFORE 20 NOV 2016

No Francis faculty for SSPX absolution under the manuscript's account.

02

20 NOV 2016–01 JUL 2026

Absolution examined under the granted faculty; marriage from 27 March 2017 under the delegation framework.

03

27 MAR 2017 - 01 JUL 2026

Matrimony examined under the under the delegation framework.

Always establish: date · applicable law · faculty/delegation · minister's status · circumstances of the act

Practical Methods: The Judges and Defender of the Bond

“My marriage was celebrated by an SSPX priest.” — It would be inadequate to conclude immediately that the marriage was invalid.

The tribunal must establish:

- The date and place of celebration
- The canonical status and ordination of the clergy assistens
- Whether the assistens possessed faculties, or was granted delegation
- Whether a diocesan priest was involved
- Whether any special Holy See or diocesan provision applied
- Whether common error or positive and probable doubt is relevant
- Whether the marriage was subsequently convalidated or sanated

Reconstruct the juridic circumstances of the act — do not decide the case upon the institutional label “SSPX.”

Practical Methods: The Promotor of Justice and the Ordinary

The Promotor of Justice May Encounter

Alleged schism,
canonical penalties,
unauthorized sacramental ministry,
irregular exercise of functions affecting the rights and obligations of the faithful.

The Ordinary Must Determine

What occurred, if a delict was committed, if a penalty was incurred, if the penalty was declared or reserved, imputability, what authority is competent to remit the penalty, if there are additional requirements of doctrine or ministry, if the person seeks ecclesiastical office or ministry, if there needs to be a process for reconciliation.

The Promotor distinguishes:

valid Orders · faculty · delegation · canonical form · dispensation from form · common error · supplied power · convalidation or sanation.

Legal Principle

Even if manifestly guilty:
A delict never dispenses with due process;
Feelings and opinions must never sully due process;
Souls deserve our very best.

Each Role Protects a Dimension of Truth, Procedure and *Communio*

The method is shared; the responsibilities are not interchangeable.

DEFENDER OF THE BOND	— Demand proof concerning form, delegation, applicable law and any cure of defect.
PROMOTOR OF JUSTICE	— Separate objective irregularity from subjective culpability; preserve due process.
ORDINARY	— Determine act, delict, penalty, reservation, imputability, competence and ministerial requirements.
CANON LAWYER	— Prevent slogans from replacing distinctions; identify the correct authority and remedy.

X

Ministerial Consequences

Canonical precision serves reconciliation and restoration to full communion.

FORMAL RECONCILIATION · LAITY WHO ARE NOT IMPUTABLE

Our System's Destination is Reconciliation, Not Classification

The law truthfully names schism so that communion can be restored responsibly.

1

Establish what
objectively occurred

2

Determine delict and
imputability

3

Identify penalty,
reservation and
competent authority

4

Address doctrine,
ministry and
sacramental status

5

Complete the
appropriate path to
full communion

*The processes for formal reconciliation of clergy and laity are unique for the SSPX situation;
They are not the Rite of Reception into Full Communion that the Church provides for baptized non-Catholics.
The Holy See continues to treat SSPX adherents as Latin-Rite Catholics.*

THESIS RESTATED

The canonical problem presented by the SSPX is fundamentally that of ecclesial communion: whether and how a person remains united to the Roman Pontiff and to the bishops in communion with him — and what consequences follow when that communion is deliberately ruptured.

For there to be a rupture, there must first be a whole *something* from which to split. That *something* is *Communio*. The SSPX is an exemplary study because we can see, in real time, unity with Catholic doctrine and sacramental life alongside disunity with hierarchical governance.

The Church's unity is a visible communion.

Not merely shared doctrine. Not merely valid sacraments. Not merely institutional belonging.

FAITH

————

SACRAMENT

————

GOVERNANCE

As jurists for Mother Church, we serve *communio* by identifying schism truthfully, protecting sacramental and hierarchical life and guiding persons toward reconciliation with the Successor of Peter and the bishops united with him.

Truth · precision · due process · mercy

*“What does it mean, juridically and ecclesiologicaly,
when the Church calls herself **One**?”*

Use this question to test every distinction identified in the preceding presentation.

Thank you sincerely for your interest and attention.

May our shared study of the law serve the unity of the Church,
the greater honor and glory of God
and the salvation of souls.



Use the slides as a guided legal reading—not a shortcut to judgment

Each movement builds a distinction needed for the next.

I

Foundation

Begin with the visible ecclesiology of *communio* and the three bonds of full communion.

II–IV

Case study

Trace the SSPX from lawful erection through the acts of 1988 and 2026.

V

Application

Apply the distinctions to faithful, faculties, penalties, tribunals and reconciliation.

Reading discipline

At each step ask: What is the juridic object? Which authority acted? What was the person's knowledge and intention? What law applied at that time?

Central Terms Answering Different Legal Questions

Keep them distinct before combining them in a conclusion.

Communion	Visible ecclesial unity in faith, sacraments and governance.	Canonical status	The juridic standing of a person or institution in the Church.
Validity	Whether an act takes canonical or sacramental effect.	Licuity	Whether an act is performed according to law.
Faculty	Authorization required to exercise a power validly or licitly.	Delegation	Conferral of authority for a specified juridic act.
Imputability	Responsibility attributable by malice or negligence.	Censure	A medicinal penalty directed toward reform and restoration.

A Small Set of Authorities Carries Most of the Argument

Use the manuscript's full notes for exact bibliographic detail.

ECCLESIOLOGY

***Lumen gentium* 8, 14–16**
cc. 204–205, 209, 212

OFFENSES & PENALTIES

cc. 751, 1321–1324, 1331, 1353, 1364, 1387

SACRAMENTAL AUTHORITY

cc. 144, 966, 1013, 1108

1988–2009

Ecclesia Dei Adflicta
1996 PCLT Note
Benedict XVI, 10 March 2009
Ecclesiae unitatem

2016–2017

Misericordia et misera
PCED Letter, 27 March 2017

2026

DDF Statement, 13 May
Leo XIV Letter, 29 June
DDF Decree & Note, 2 July