

Necessity, Not Schism: The Case for Écône

Executive Summary

by Donald Jenkins

This is a summary of the full article, available [here](#).

On 1st July, 2026, at Écône, two ageing bishops of the Society of Saint Pius X consecrated four successors without a mandate from Pope Leo XIV. Rome answered within a day: automatic excommunication for all six bishops, and a decree declaring the whole Society, its clergy, and any faithful who ‘formally adhere’ to it, schismatic. This article argues that neither penalty holds, on the Church’s own law, and that Rome’s response reveals more about its own institutional priorities than about the Society’s actual canonical status.

The consecrations were not contrary to divine law. The strongest objection against the Society holds that consecrating a bishop without papal mandate is impossible in principle — that no necessity, however grave, could make it licit. This rests on treating episcopal order and jurisdiction as inseparable: that a bishop consecrated outside communion with Rome cannot truly be a bishop at all. But the Church’s own theology, going back centuries before the present crisis, distinguishes the two. Order — the sacramental character conferred at consecration — is effective immediately; jurisdiction — the authority to govern a diocese — is a separate grant, and its absence does not undo the first. The Society’s bishops hold no diocese, claim no governing authority, and were deliberately structured this way from 1988 onward. What they lack is jurisdiction’s actuation, not the underlying validity of their order. Nor does the Church’s own indefectibility foreclose the argument, as some object: indefectibility guarantees the Church herself cannot fail, not that no pope or dicastery can ever act wrongly — a distinction the classical tradition drew explicitly, and which cases like Liberius and Honorius I illustrate without threatening the doctrine itself.

The Society is not in schism, on the Church’s own legal test. Canon 751 defines schism as refusal of submission to the Pope, or refusal of communion with those subject to him — not disobedience on a single point, however grave. Cardinal Cajetan’s own classical distinction, invoked by both sides of this dispute,

holds that disobeying a specific command is not schism unless the superior's authority as such is denied. The Society names the Pope in the Canon of the Mass, has repeatedly sought audiences with him, and continues to obey Rome on matters unconnected to the crisis — none of which a body in the third, schismatic category would do. Nor has it built a parallel church: its bishops hold no territory, exercise no governing jurisdiction, and were structured from the outset to avoid exactly that. Rome's own conduct since 1988 — lifting the prior excommunications in 2009, extending confession and marriage faculties, never once requiring a reconciled priest's past sacraments to be redone — is very hard to square with having treated the Society as standing outside the Church throughout that period. A schism this settled does not look like this.

The excommunications themselves do not survive canon law's own conditions. Canon 1323 exempts from penalty anyone who, even mistakenly, believed himself to be acting under genuine necessity — and the Society's necessity claim is not new, but the same one its bishops invoked, consistently, since 1988. Rome has never treated an identical case as binding on itself: it lifted the 1988 excommunications in 2009 without any retraction being offered or required, and in 1977 let Cardinal Slipyj's three unmandated Ukrainian consecrations pass without penalty at all, on a weaker necessity claim than the Society's. Most tellingly, the very penalty invoked here was written for a specific target — Communist China's state-controlled episcopate — and has never once been applied there, across four pontificates and numerous unmandated Chinese consecrations continuing into 2026 itself.

Rome had a fairer option, and chose severity instead. A papal mandate for four titular bishops would have cost Rome nothing doctrinally, exactly as Benedict XVI's 2009 remission and Francis's 2017 marriage faculties cost nothing doctrinally — both precedents for granting real concessions while leaving the underlying dispute over Vatican II unresolved. Leo XIV had this option and refused it. Set against Rome's parallel warmth toward the Coptic Orthodox and its decades of ecumenical courtship of Anglicans — whose orders Rome's own 1896 ruling declared invalid, however disputed that finding remains today — the asymmetry is stark: bodies further from Rome receive patience the Society, closer in every respect, was denied.

None of this settles whether Écône was, all things considered, the right course. That deeper question is not really a legal one. The case for the Society was always going to rest less on canon law than on its seminaries: the faithful rarely set foot in them, but it is what they produce — priests of exceptional quality — that draws people through the doors of its chapels.