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An Information Statement by Fr. Tissa Balasuriya OMI

An administrative declaration which includes *my Ex-communication* from the Catholic Church is being made, dated 8th December, 1996, by the Congregation of the Doctrine and Faith (CDF) condemning me and my book "Mary and Human Liberation", with the approval of Pope John Paul II.

It gravely violates my rights both as a Catholic and a human person.

In his 1994 Apostolic Letter "Tertio Millennio Adveniente", "On Preparation for the Jubilee of the Year 2000", the Pope acknowledged the centennial blunders of the Catholic Church:

"Another painful chapter of history to which the sons and daughters of the Church must return with a spirit of repentance, is that of the acquiescence given, especially in certain centuries, to *intolerance and even the use of violence* in the service of truth." (No. 35)

I am a Sri Lankan Oblate of Mary Immaculate, and a Catholic priest ordained in Roviano (Rome) in 1952. Since 1945, I have given all my adult life to the service of the Church. I have been:

- a founder Registrar since 1953 and later Rector of Aquinas University College, Colombo from 1964-1971.
- Founder Director of the Centre for Society and Religion, Colombo from 1971,
- Founder member of the Civil Rights Movement of Sri Lanka since 1971,
- Asian Chaplain of International Movement of Catholic Students, 1969-1979,
- Founding member of Ecumenical Association of Third World Theologians (EATWOT) since 1976, and its Asian Co-ordinator, 1976-1986,
- Founding member of the Citizens Committee for National Harmony, Sri Lanka since 1977

- Founder member and international secretary of the International Forum of Religions for Global Solidarity since 1993.
- Visiting Professor of Faith and Justice in St. Paul University, Ottawa, Canada, 1993/1994.
- Founding member and co-ordinator of the African and Asian Forum for Spirituality since 1992, and organizer of the 1998 Jubilee campaign.
- Author of several books and Editor of the Reviews Logos, Quest, Social Justice, Vimukthi Prakashana, Sadharanaya, Viduthalai Publications, and of Voices of Third World.
- During the past three decades, I have been on mission in numerous countries in all the continents of the world for the Post Vatican II renewal of the Church, and for Global Justice.

After having given all my life to the cause of the Church, I am perturbed that the authorities of the CDF should take such unilateral and unjust action concerning my book "Mary and Human Liberation" and condemn me, without due process, as if I had defected from the faith of the Catholic Church. I find it difficult to understand it when executed by a Pope who has made truth, human dignity and human rights, a principal leitmotif of his mission. I quote:

"It is true that an accurate historical judgment cannot prescind from careful study of the cultural conditioning of the times, as a result of which many people may have held in good faith that an authentic witness to the truth could include suppressing the opinions of others or at least paying no attention to them. Many factors frequently converged to create assumptions which justified intolerance and fostered an emotional climate which only great spirits, truly free and filled with God, were in some way able to break free. Yet, the consideration of mitigating factors does not exonerate the Church from the obligation to express profound regret for the weakness of so many of her sons and daughters who sullied her face, preventing her from fully mirroring the image of the crucified Lord, the supreme witness of patient love and of humble meekness." (No. 35).

Pope John Paul II in Apostolic Letter of "Tertio Millennio Adveniente", No. 35.

A. Process

1. During the past four years of this case, I have consistently appealed to every relevant Church authority in Sri Lanka and Rome for a judicial inquiry into the charges made against my book. But I am being condemned without any trial or even dialogue with me.

2. There has been no observance of the procedure laid down
a) in Canon 50

"Before issuing a singular decree, the person in authority is to seek the necessary information and proof and, as far as possible, is to consult those whose rights could be harmed",

b) in Canon 221

"# 1. Christ's faithful may lawfully vindicate and defend the rights they enjoy in the Church, before the competent ecclesiastical forum in accordance with the law,

2. If any members of the faithful are summoned to trial by the competent authority, they have the right to be judged according to the provisions of the law, to be applied with equity,

3. Christ's faithful have the right that no canonical penalties be inflicted on them, except in accordance with the law."

c) and in the November, 1971, Synod of Bishops on "Justice in the World".

"The Church recognizes everyone's right to suitable freedom of expression and thought. This includes the right of everyone to be heard in a spirit of dialogue which preserves legitimate diversity within the Church.

The forum of judicial procedure should give the accused, the right to know his accusers and also the right to a proper defence." (Section III)

The accusers, witnesses, judges and executors, in this instance, are the same viz. the CDF.

3. The CDF made "observations" of 11 pages against my book in July, 1994. On 14th March, 1995, I replied in detail in a 55 page study to each of the observations, pointing out also several misrepresentations and mistakes on their part. They replied on 20th November, 1995 in one word that my response was "unsatisfactory". Later, on 2nd May, 1996, they added a one-sentence explanation: "The Congregation (CDF) found your response of March, 1995 unsatisfactory because it did not address directly the doubts which have arisen concerning your book *Mary and Human Liberation* and expressed in the Observations."

4. The CDF made a unilateral decision in May, 1995 that I should sign the Profession of Faith draft by them specifically for me, and that failure on my part to do so would lead to my ex-communication in terms of Canon 1364.

5. This specially drafted "Profession of Faith" is

- a) ominously incomplete and potentially misleading in its quotation of Vatican II "*Lumen Gentium*", "*Dogmatic Constitution on the Church*", especially concerning salvation of those not of the Catholic faith. It strangely omits the references to the paths of salvation open to persons of other religions and to all persons of good conscience as affirmed in Vatican II.
- b) It contains elements that are not necessarily defined Catholic doctrine such as that "the Church has no authority, whatsoever, to confer priestly ordination on women".
- c) Enforcing the signing of a Profession of Faith, specially drafted for one person (ad personam), and that under threat of ex-communication, would seem to be a selective discrimination against me. Should not a Profession of Faith be one applicable to all Catholics or to all theologians?
- d) This CDF Profession of Faith is imposed on me as a punitive measure, presuming that I have defected from the faith, without proving it. It is contrary to natural justice to insist that I accept this unilateral judgement, without any formal hearing or trial.
- e) Why does the CDF want me to sign its PoF without any riders, even with reference to Vatican II and the freedom

and responsibility of Christians and theological searchers under Canon Law? Canon 218. Is this not an unjust discrimination against me?

6. The Congregation for the Doctrine and Faith has authoritatively impeded the Catholic Bishops' Conference of Sri Lanka from arriving at a settlement of this issue by a process of inquiry and/or mediation within Sri Lanka. The Archbishop of Colombo wrote to me on 14th May, 1966:

“At our conversation of 14th February, 1996, your proposal was that the issues related to your book “Mary and Human Liberation” should be referred to a mediation body within the Church. My reply was that I would present your proposal at the next meeting of the CBCSL (Catholic Bishops Conference of Sri Lanka) as correctly stated in your present letter. I did present the proposal but then it was observed that the matter was now with the Congregation of the Doctrine for the faith. *I have now received a personal letter from the same Congregation in which it is stated that competence in this particular case of your book pertains exclusively to that particular dicastery.*” (ital added)

This seems contrary to episcopal Collegiality, the principle of subsidiarity, and the letter and spirit of Canon 1733:

“When a person believes that he or she has been injured by a decree, it is greatly to be desired that contention between that person and the author of the decree be avoided, and that care be taken to reach an equitable solution by mutual consultation, possibly using the assistance of serious-minded persons to mediate and study the matter. In this way, the controversy may by some suitable method, be avoided and or brought to an end.”

B. Content

7. The signing of a Profession of Faith, especially under such extreme duress, is not an answer to issues or doubts concerning faith, if any. In any case, I signed the 1968 Profession of Faith of Pope Paul VI. This includes what is in the CDF Profession of Faith drafted for me and much more in

terms of Vatican II, except for the CDF statement concerning the priestly ordination of women.

8. I hold that what I have written is within the limits of orthodoxy. No one has still proved to any judicial tribunal that what I have written is a defection from the Catholic faith. Many Catholic theologians hold views similar to mine, but they have had no comparable sanctions imposed on them. In fact, some others hold views quite contrary to official Church teachings but they are not even questioned by the authorities. Is this not a case of inequity?

9. Since the only element that is in the CDF PoF and is not in the Paul VI PoF, is the issue of the non-ordainability of women as priests, this action against me seems to be an attack on the thinking promoted by the Feminist movement in the Catholic world.

10. I have repeatedly written to all authorities concerned, that I am prepared to correct myself publicly if I am proven wrong in terms of contemporary theological scholarship before a fair tribunal.

11. Faith is a free assent to God's revelation. It cannot be extracted by threats such as that of ex-communication. Your Holiness has written recently of the need of repentance for the Church's

"intolerance and even the use of violence in the service of truth" especially in certain centuries.

"From these painful moments of the past, a lesson can be drawn for the future, leading all Christians to adhere fully to the sublime principle stated by the Council.

"The truth cannot impose itself except by virtue of its own truth, as it wins over the mind with both gentleness and power." (in *Tertio Millennio Adveniente, on Preparation for the Jubilee Year 2000*, No. 35, quoting Second Vatican Council Declaration on Religious Freedom 1).

C. Automatic Dismissal from the Congregation of the Oblates of Mary Immaculate (OMI).

12. The judgment of the CDF, that I have defected from the Catholic faith, is said to lead automatically to my dismissal

from the OMI religious congregation in terms of Canon 694. This is a further injustice in this case:

- a) Some unknown persons decide on my religious life without a trial, whatsoever, to arrive at this judgment.
- b) The Superior General and General Administration of the Oblates, and the Provincial and Council of the Oblates in Sri Lanka, who have known me and my work during the past 51 years, are apparently not able to have a say concerning this.
- c) If the CDF could treat a very senior religious like me in this arbitrary and imperious manner, what could the younger generation of religious expect from the Church to which they commit their lives in the 21st century? It is to be feared that the lack of vocations to religious life in the Western countries may spread to our countries too.

D. The Appeal

In the circumstances I have appealed to His Holiness, the Pope, to see that there is a formal judicial trial into this case which has been a cause of grave distress to me during the past four years, and in the meantime to suspend the sanctions being imposed on me by the CDF.

The Pope has strenuously defended such rights against authoritarian regimes of the Left and of the Right. Strangely, his name is being invoked for an injustice within the Church, the like of which has not been seen, at least, in this concluding half century of the 20th century.

E. For the Future

At the age of 72, after 51 years in the Congregation of the Oblates and 44 years, a priest, I wish to remain a member of the Catholic Church. I will be in ecclesial and spiritual communication with the Church of Jesus, even if legally excommunicated by the ecclesiastical authorities.

Conscious of my limitations, and relying on the never failing grace of God, and the communion and companionship of

kindred persons, I commit the few remaining days also of my life.

- For the Church to be ever more Jesus-like, united, prophetic, just and lovable,
- to work for the development of Christian theology in relation to global and local justice, our Asian situation in these times,
- to try to safeguard human dignity, gender justice and due freedom and rights of all.
- for the honour and better understanding of Mary, the fearless mother of Jesus and our mother, who supportively and courageously co-suffered with her son Jesus,

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8th December, 1996—Feast of the Immaculate Conception