

A response to the clarification of the Pontifical Commission Ecclesia Dei concerning Msgr. Perl's statement

The "Clarification" by the Ecclesia Dei Commission concerning the controversy aroused by its intervention in the internal dispute currently taking place within the Fraternity of St Peter, read to the General Assembly of the International Una Voce Federation in Rome on Sunday 14 November 1999, and subsequently published in *l'Osservatore Romano*, is evidently critical of statements made by the International President, Michael Davies, and of the letter sent to the Commission on 22nd October from the Council of the Federation, and endorsed by Pro Missa Tridentina and the Ecclesia Dei Society of Australia. The Commission has not had the courtesy to reply to this letter, despite the fact that it is signed by a number of very eminent laymen, and with the agreement of Pro Missa Tridentina and the Ecclesia Dei Society of Australia, it has been decided to make it public. The following comments concerning the Commission's "Clarification" have been provided by Michael Davies, and refer to the numbered paragraphs in the statement.

Preliminary paragraph. The International Una Voce Federation (FIUV) did not publish in its journals or websites any documents that had not already been published elsewhere on the Internet. Once this had been done by those who are not members of our Federation we were entitled to include such documents on our websites with appropriate clarification. All our comments were based on facts and not on questionable information.

Para 1. As our letter of 22nd October makes clear, the FIUV did not criticise the PCED for collaborating with the bishops, and, as stated above, the FIUV did not publish any documents that were not already on the Internet. Our right to make known our views concerning the crisis within the FSSP, a matter which concerns traditionalist laymen as much as it concerns traditionalist clergy, derives from Canon 212, paragraphs 2 & 3.

(2) The Christian faithful are free to make known their needs, especially spiritual ones, and their desires to the pastors of the Church.

(3) In accord with the knowledge, competence and pre-eminence which they possess, they have the right and even at times a duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church, and they have a right to make their opinion known to the Christian faithful, with due regard for the integrity

of faith and morals reverence toward their pastors, and with consideration for the common good and the dignity of persons.

Para 2. The FIUV has not stated that the PCED intended to change the statutes of the FSSP.

Para 3. The fact that these priests had the right to complain directly to the PCED does not mean that they were right to do so behind the back of their legitimate superior and the vast majority of their confrères. They admit in their letter that such a procedure is "contrary to clerical custom" - and they are correct. It would be said in Britain that their behaviour was "not cricket". The response of the PCED to this deplorable letter came with amazing speed (I would say "unholy haste") when one compares it to the dozens if not hundreds of appeals for help which it has received from the faithful asking for its intervention with bishops who refuse to implement the Pope's will clearly expressed in the Motu proprio "Ecclesia Dei" that Mass according to the 1962 Missal should be made available to all those who request it. Since Cardinal Mayer retired as President I know of only one case where the PCED has intervened with a bishop, and it is far from unusual for those "making use of their right to appeal to the Holy See" to have their appeals ignored completely without even the courtesy of a note of acknowledgement.

As regards an abuse of power, no one denies that the PCED exercises the full authority of the Holy See over the FSSP - if it did not possess the power it could not abuse it! Thomas Aquinas explains that a just man is one who renders habitually to others what is their due (ST II, Q. 58, art. 1.). When a complaint is made to a person in authority concerning someone subject to him, what is due to the subject is that the person in authority should hear his side of the case before taking any action - *audi alteram partem*. Before taking the measures against Father Bisig set out in the Commission's letter Protocol 512/99 of 13 July 1999, he was not only not given the opportunity of putting his side of the case, but Cardinal Felici refused to receive him when he came to Rome. This is either true or not true, and if true there could hardly be a more evident example of a violation of natural justice.

Para 4. It is correct that the word "exclusive" is not used in the Statutes of Erection of the FSSP, but it was within the context of the 5 May 1988 protocol signed by Cardinal Ratzinger and Mgr Lefebvre that the founding of the FSSP took place. The pertinent text that sheds light on the act of foundation is a passage from the Motu proprio "Ecclesia Dei" which states:

A Commission is instituted whose task it will be to collaborate with the bishops, with the Departments of the Roman Curia and with the circles concerned, for the purpose of facilitating full ecclesial communion of priests, seminarians, religious communities, or individuals until now linked in various ways to the Fraternity founded by Mgr. Lefebvre, who may wish to remain united to the Successor of Peter in the Catholic Church, while preserving their spiritual and liturgical traditions, in light of the Protocol signed on 5 May last by Cardinal Ratzinger and Monsignor Lefebvre.

It was evidently understood that the Protocol of 5 May 1988 guaranteed the exclusive usage of the liturgical books of 1962 for members of the SSPX although even here exclusivity is not explicitly stated as it was taken for granted. It was also evidently taken for granted by the founding members of the FSSP that those belonging to it should use the 1962 liturgical books exclusively, of this there can be no doubt, and the Ecclesia Dei Commission must have been aware of this intention. Although the Decree of Erection of the FSSP stated that its members were "conceded the use of the liturgical books in force in 1962", and that by invoking the strict letter of the law this did not rule out their using subsequent liturgical books, neither the founders nor the Commission could so much as have considered this happening. Moreover, the priests, religious, and seminarians who entered the FSSP did so on the clear understanding that the Fraternity would use the books in use in 1962 exclusively, and to change this situation now against the wishes of the overwhelming majority of its members would constitute a breach of trust and an offence against natural justice. The only equitable solution would be for those members who wish to use the 1970 Missal to leave and either found their own Fraternity or join one which uses both Missals, e.g. the Society of Jesus and Mary.

Para 5. This paragraph puts pressure of the majority of members of the FSSP to concelebrate by stating that a refusal to do manifests a refusal of communion with the hierarchy. If this is the case why was concelebration not so much as mentioned in the Statutes of the FSSP, and why have its members not concelebrated for eleven years without having their communion with the hierarchy questioned? Rather than signifying a refusal of communion with the hierarchy the exclusive use of the 1962 Missal signifies fidelity to the charism of the Fraternity and the intentions of its founding priests. This is made clear in the excellent study of this question by Father

Louis-Marie de Blignières, *Actes Fondateurs et Gestes de Communion*, translated by the Society of St John and published on the *Una Voce* website.