A Canonical Comment on the Fathers of Mercy
Official Statement on “Healing of Families”

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I have been following to some extent the public discussion that has taken place on the internet since the religious community to which I belong, the Fathers of Mercy, have posted an “official” statement on the “spiritual and pastoral dangers” the Fathers of Mercy have found in the book Healing of Families by Fr. Yozefu-B. Ssemakula. In particular, the Healing of Families Team (HOF Team) has published a four-page preliminary response to the Fathers of Mercy official statement that can be found here. The HOF Team takes issue with the Fathers of Mercy for “second guessing Fr. Joseph’s Bishop, who they know is currently reviewing the book AND allowing the ministry to continue… Did they perhaps imagine that Fr. Joseph’s Bishop is not able to make a good analysis of the book, so that they feel compelled to help him? Helping Father’s Bishop is not a problem, but they are not helping him by publicly telling him how to review the book, in effect setting up their own Inquisition.”

That is a rather scathing attack on the official statement of the Fathers of Mercy, to say the least. Is there any validity to the claim that the Fathers of Mercy have in effect set up their own Inquisition by publicly telling Fr. Ssemakula’s bishop, His Excellency Most Rev. Gregory Parkes of the Diocese of Pensacola Tallahassee, how he is to review the book Healing of Familes? The HOF Team ends its four-page official response by saying that a detailed response to the Fathers of Mercy will be forthcoming. The purpose of this blog post is not to settle this controversy but make a single canonical observation.

At the bottom of the official statement of the Fathers of Mercy, three priests of the Fathers of Mercy are identified as the ones who prepared the statement, and it also says at the bottom of the statement that the statement was approved by the Superior General of the Fathers of Mercy. Canon 118 states: “Representing a public juridic person and acting in its name are those whose competence is acknowledged by universal or particular law or by its own statutes.” The Fathers of Mercy, as a religious institute of pontifical right, is a public juridic person and therefore it seems to me that this kind of action by the Fathers of Mercy as a public juridic person can only be carried out by the persons designated in universal law, particular law, or in the statutes of the Fathers of Mercy, which for religious institutes are usually referred to as the constitutions or fundamental code of the religious institute, as described in canon 587. In order for the Superior General to have the authority to approve, in the name of the Fathers of Mercy, an official statement of this kind, that is, a statement about a book by a priest that touches on faith and morals, it seems to me there must be some basis in universal law or in particular law or in the constitutions of the Fathers of Mercy that gives him such authority.
As I search the sacred canons, I find difficulty identifying precisely which canons grant the Superior General of the Fathers of Mercy the authority to approve a statement of this kind about a book authored by a priest not subject to his jurisdiction that touches on faith and morals in such a way that the statement can be claimed to be an official statement of the Fathers of Mercy rather than just the private opinion of the Superior General of the Fathers of Mercy and the three priests that are identified as the ones who prepared the statement. Specifically, canons 822-832 grant individual bishops, particular councils, conferences of bishops, local ordinaries, the Apostolic See, major superiors, and the supreme authority of the Church various competencies regarding the regulation of books that touch on faith and morals, but I cannot find any canons that explicitly grant the Superior General of a religious institute of pontifical right any such competency, except regarding books that are authored by persons subject to his authority, namely, the members of the Fathers of Mercy. This is true because the Superior General of the Fathers of Mercy is a major superior, and canon 832 requires the members of religious institutes to obtain the permission of the major superior before publishing writings dealing with religion or morals. The difficulty here is the fact that Fr. Ssemakula is not a member of the Father of Mercy.

To conclude, it seems to me it is doubtful that the Superior General of the Fathers of Mercy enjoys any official competency to approve a statement about a book authored by a priest that is not a member of the Fathers of Mercy in such a way that the statement must be accepted as an official statement of the public juridic person he governs, namely, the Fathers of Mercy.