Reputation & Privacy

Canon 220

No one is permitted to damage unlawfully the good reputation of another person enjoys nor to violate the right of another person to protect his or her own privacy.

Commentary

Two rights are expressed in this canon – both in a passive manner. The first is a right to a good reputation, which is not to be damaged unlawfully. The second is the right to privacy, which is not to be violated. Both rights are basic human rights; the first is expressly listed in Gaudium et Spes 26. It is listed in De Populo Dei (c. 32) and in the Lex Ecclesiae Fundamentalis; and the wording of the first part of the canon is taken from canon 20 of the latter. The second, to privacy, is a fundamental right listed in De Populo Dei (c. 33) but not found in the Lex Ecclesiae Fundamentalis. In its earlier form it referred specifically to privacy in correspondence and other personal matters, but here it is expressed in a more general form.

A good reputation need not be based on fact in order to be enjoyed. The 1917 Code made a distinction between infamy and law – a legal state even though a person’s reputation had not suffered in public – and manifest infamy, referring to the loss of reputation for serious reason. The 1983 Code has dropped the sanction of infamy but retains the recognition that some people can lose their reputation with juridic effects.

The canon prohibits unlawfully damaging a good reputation that a person may enjoy. Such a reputation may be lawfully damaged if there is a cause, for the reputation may be false. Yet, just because a reputation is not warranted is not sufficient to damage it; criminal action or other grave sin, admonition by Church authorities, and obstinacy in the wrongful activity would be required for someone to intervene actively with the purpose of damaging another’s reputation (cc. 1341; 1717, §2).

The right to privacy is less attended to the law. Only one other reference is made to it in the Code, at canon 642 on admission to the novitiate, whereby consultation with experts on the suitability of a candidate is subject to the right to privacy. The intimacy of family relations is respected in exempting family members from having to respond as witnesses in a church trial (c. 1548 §2. 2°) and in providing that only spouses can petition a dispensation from non-consummated marriages (c. 1697) or attack the validity of their marriage if the nullity is not already public (c. 1674).

Even in civil law, the right to privacy is a developing area of jurisprudence. Its application in admissions to the seminary, disciplinary action in the Church, the conduct of ecclesiastical rituals, dismissal of teachers, and a host of other concerns will be a debate and development over the coming years.