

# Church recognises right to a good reputation

by ROWENA OREJANA

Most Catholics approach the Tribunal of the Catholic Church for New Zealand to seek an annulment of their marriage, but they can also go to the tribunal to seek redress for matters that have to do with employment in the Church, or one's good reputation.

Judicial Vicar Msgr Brendan Daly outlined some of the rights that Catholics have at a webinar sponsored by the Te Kupenga — Catholic Theological College, called "A Taste of Theology". The webinar took place on Zoom on April 9. It was the first in a series of such events.

"In civil law, people tend to have rights, but in the Church system, people have both rights and obligations," Msgr Daly said.

"If I have a right to something, someone else has an obligation to provide it. So, for sacraments, I have a right to baptism or Eucharist, then, there will be someone such as a parish priest who has an obligation to provide them."

Msgr Daly said that, as emphasised with the Synod on Synodality and taught by Lumen Gentium 10, all members of the Church "are equal and no one is holier or better than anyone else simply because they're a priest or a religious".

Msgr Daly said that a major issue in society at the moment is the "right to a good name and privacy".

He said that canon 220 of the Code of the Canon Law states "no one may unlawfully harm the good reputation which a person enjoys, or violate the right of every person to his or her privacy".

Msgr Daly cited the case of a parishioner who suffered negative comments from a priest during a parish council meeting.

"The parishioner got some canonical advice, and she actually ended up taking a case in the tribunal against the priest over what he said. So, a tribunal can sometimes be involved in defending cases to do with people's rights, and can be making decisions about what needs to be done to rectify the harm that has been done to them," he said.

Msgr Daly also said that people have a lot of employment rights in the Church, as well as "worthy remuneration".

He said that lay people employed by the Church have a duty to acquire appropriate formation, but they also have a right to that education.

He also explained that a worthy remuneration has to befit the employee's condition, and to fit in with provisions of civil law so that the employee can provide for his or her own need and for his or her family.

With regard to marriage, Msgr Daly said that, while canon law states that people have a right to know their marital state in the Church, they do not have an automatic right to have a declaration of nullity.

"In contrast to the civil systems that we are used to, when you have an action in the Church, you don't have a jury, you don't have things like precedent like you do in the common law system," he explained.

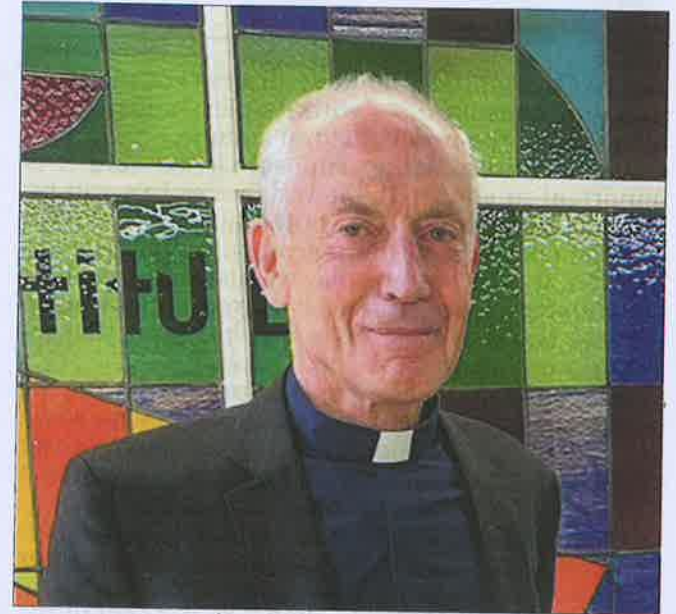
He said that judges in the tribunal decide on whether it is a marriage based on the Catholic Church's criteria.

"There is no interest in who broke up the marriage, etc. It purely becomes: was this a marriage as far as the Catholic Church is concerned?" he said.

Msgr Daly said that there are limitations to one's rights within the Church. Canon 223 paragraph 1 states "in exercising their rights, Christ's faithful, both individually and in associations, must take account of the common good of the Church, as well as the rights of others and their own duties to others".

As an example, Msgr Daly talked about a situation in which an abuse victim tells a priest or a religious about an abuse, but does not want it reported.

"Their individual right to keep things private is actually coming into conflict with the common good of the Church, as in the rights of other people to be protected from a paedophile. Sometimes, our individual rights may be in conflict with what is the common good of the Church. So, the priest or



Msgr Brendan Daly

the religious has got the obligation to tell Church authorities," he said.

He said that a priest or a religious has to work out why the person didn't want the abuse reported, whether it is due to fear or something else.

"The alternative is . . . as I've been in that situation, I've made an anonymous complaint to NOPS and got that situation addressed that way," he said.

Msgr Daly said that, if people have complaints, the simplest way forward is to go to the higher authority or the bishop.

"But if you've got a case related to . . . something like what the parish priest says in the homily, then it could be better to deal with it in the tribunal," he said.

"The tribunal is a tribunal for all cases. A lot of the conflict is to do with the parish priest, but the diocese(s) have tribunal offices, and so the simplest port of call is just to ring or email the tribunal office and see where to go from there."