

PROTECTING THE RIGHT TO PRIVACY WHEN EXAMINING ISSUES AFFECTING THE LIFE AND MINISTRY OF CLERICS AND RELIGIOUS

SUMMARY

Within the present climate of the Church, clergy and religious are frequently finding themselves directed by their bishops and superiors to undergo psychological assessments against their will and to provide the results of these assessments to their bishops or superiors. At times they will also be directed under obedience to enter into therapeutic programs with the threat that sanctions or the removal from ministry will be imposed if they refuse to accede to these directives.

The Church has traditionally provided for the protection of personal privacy. Canon 220 of the Code of Canon Law presents this basic principle by stating that “no one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.” Within the context of Institutes of Consecrated Life and Societies of Apostolic Life, canon 630, §5, provides that members are to be able to approach superiors with trust so that they can freely and on their own initiative open their minds to them. “Superiors, however, are forbidden to induce the members in any way to make a manifestation of conscience to them.” And within the context of the relationship between priests and their bishop, canon 384 specifically states that a diocesan bishop “with special solicitude...is to protect their rights...”

An article written by Gregory Ingels, J.C.D., examines a specific case in which a Pastor was ordered by his bishop under obedience to submit to a psychological assessment. The priest in question considered this directive an undue intrusion of his right to privacy, and he eventually presented a petition to the Congregation for the Clergy challenging the bishop’s directive.

In a response issued on October 8, 1998, the Congregation for the Clergy stated that the consistent teaching of the Magisterium provides for the privacy of the intimate psychological and moral status of the interior life of any member of the Christian faithful. For this reason, the Congregation determined that the Pastor could not be directed to undergo such an assessment unless he freely consented to do so. The decision rendered by the Congregation also specifically informed the bishop that he could not under pain of obedience oblige this Pastor to undergo a psychological evaluation.

This article, “Protecting the Right to Privacy when Examining Issues Affecting the Life and Ministry of Clerics and Religious,” was published in the year 2000 in the canon law journal of St. Paul University in Ottawa and examines this case in detail and the ramifications which it has on the life and ministry of priests and religious.