

The Right of a Cleric to "bona fama" by Michael J. Mazza
Pontificia Università della Santa Croce
Relatore: Prof. Eduardo Baura

## OUTLINE

ABBREVIA	TIONS		vii
INTRODUC	TION		1
CHAPTER I	: DEFINING	BONA FAMA	7
I.A	Distinguish	ing Terms	7
	I.A.1 Fa	ma	11
	1.A.2 Bo	na Fama	18
	1.A.3 Ho	nos 🐉	26
	1.A.4 Inj	<sup>c</sup> amia	33
	1.A.5 Ini	uriae	39
	I.A.6 Se	ction Summary	49
I.B	Determinin	g the Scope of the Right to <i>Bona Fama</i>	50
	I.B.1 W	hat is the nature of a "right"?	51
	1.B.2 W	hat is the precise content of the right to bona fama?	57
	I.B.3 Ar	e there "limits" to the right to bona fama?	67
	I.B.4 W	ho holds the right to bona fama?	84
CHAPTER	I: VALUING	BONA FAMA	93
II.A	The Ratio	uris in Sacred Scripture	99
	II.A.1 Th	ne power of the spoken word	99
	II.A.2 Th	ne power of a name	101
II.B	The Witne	ss of the Early Church	109
	II.B.1 Th	ne Didaché and the Didascalia Apostolorum	109
	II.B.2 Th	ne Fathers of the Church	110
II.C	The Testim	ony of the Scholastics	119
	II.C.1 Id	entifying types of harm to bona fama	120
	II.C.2 Es	tablishing the foundations for rights in general	126
II.D	Moral and	Legal Contributions from the 18th and 19th Centuries	130
		. Alphonsus Liguori	130
		arly U.S. defamation laws	132

II.E The Magisterium of the 20th Century	136
II.E.1 Pope Pius XI and Pope Pius XII	136
II.E.2 Pope St. John XXIII and the Second Vatican Council	139
II.E.3 The Catechism of the Catholic Church	142
II.E.4 Pope St. Paul VI and Pope St. John Paul II	144
II.E.5 The Revision of the Codex Iuris Canonici	146
II.F The Evidence from Modern Science	150
II.F.1 The use of scientific studies	150
II.F.2 The 2016 Oxford Study	153
CHAPTER III: PROTECTING BONA FAMA	161
III.A Historically	161
III.A.1 The Ancients	161
III.A.2 The "Leges Barbarorum"	169
III.A.3 The Canonical Tradition	174
III.A.3.a The lus Antiquum	174
III.A.3.b The lus Novum	177
III.A.3.c Defamation Cases in England to 1600	179
III.A.3.d The Purgatio Canonica	185
III.A.3.e Defamation in the Post-Classical Canonical Period	188
III.A.4 The 1917 Code of Canon Law	193
III.B Contemporary Protection	202
III.B.1 At the Supranational Level	203
III.B.2 At the International Regional Level	210
III.B.3 At the National Level	219
III.B.3.a Protecting "reputation"	219
III.B.3.b The mode of defamation	222
III.B.3.c The identity of the one defamed	225
III.B.3.d "Privileges" and "Fair Comment"	229
III.B.3.e Publishing the defamation	231
III.B.3.f Truth as a defense	238
III.B.3.g The potential claimants	241
III.B.4 Within the Catholic Church	246
III.B.4.a Preparing the 1983 Code	246
III.B.4.b Rights to privacy and information	252
III.B.4.c Textual analysis of canon 220	255
III.B.4.d Related codicial provisions	260
III.B.4.e The canonical delict of defamation	263
III.B.4.f Related extra-codicial provisions	265

CHAPTER IV: VINDICATING BONA FAMA		
IV.A Status quaestionis	271	
IV.A.1 In the age of the internet and social media	271	
IV.A.2 In the wake of the clerical sexual abuse scandals	272	
IV.A.3 In view of the current antinomian environment	276	
IV.A.4 Ignoring Bona Fama	281	
IV.B Defending Bona Fama Canonically	291	
IV.B.1 The Notitia Criminis	295	
IV.B.2 Restrictions on Ministry	299	
IV.B.3 The Investigatione Praevia	302	
IV.B.4 Administrative v. Judicial	309	
IV.B.5 Recovering Damages	314	
IV.C Defending Bona Fama Civilly	327	
IV.C.1 Theological Challenges	328	
IV.C.2 Legal Challenges	331	
IV.C.3 Practical Challenges	340	
IV.C.4 Recovering Damages	346	
CONCLUSION	349	
BIBLIOGRAPHY	359	