

From The Secretaries of

The Irish Episcopal Conference

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31st March 2015



I write to acknowledge your letter of 18th February 2015 and the attached paper written by Thomas P. Doyle. This correspondence and documentation was circulated to all Bishops at the March 2015 meeting of the Irish Episcopal Conference and was discussed.

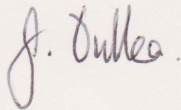
On the question of the Catholic ethical considerations related to 'Confidentiality Agreements', the following can be stated.

1. It is possible to enter legitimately a confidentiality agreement if the parties enter it ***freely with the primary purpose of protecting the best interests of the child.*** The paramount concern here ought to be the moral agency of the mother and the best interests of the child. But there are many caveats.
 - a. Such an agreement is unjust if, firstly, it compromises the consent of the parties involved. For example, if undue pressure is brought to bear on the mother.
 - b. Secondly, such agreements may also be unjust if they hinder the basic goods of mother and child. For example, if they are used primarily to protect the reputation of the priest or the institutional Church by creating a veil of secrecy that isolates the mother and child from relationships, knowledge and resources, which they are owed in natural justice.
 - c. Thirdly, systemic power can distort the workings of natural justice, as consistently asserted in the Catholic Social Teaching (See *Compendium of Catholic Social Teaching*, 118). The power imbalance needs to be acknowledged in such cases.
2. It may happen that such a confidentiality agreement is proposed by the mother of the child as a legitimate expression of her moral autonomy, and in her role as a primary arbiter of the best interests of the child.

3. In and of themselves, such legal agreements are neither moral nor immoral. As the Second Vatican Council put it when writing about legal agreements, "Any legal instruments are moral to the extent that they facilitate and protect the common good, that is, the conditions that allow access to the basic human goods that lead to human flourishing" (See *Gaudium et Spes*, 26).
4. Key components of a valid contract/ agreement are consent and full knowledge. If a contract/ agreement is to have legal standing, and be legally just, the parties should enter it with freedom and full knowledge of the facts.

I hope that these considerations are helpful to you.

With every good wish and blessing for Holy Week and Eastertide, I remain,
Yours sincerely,

A handwritten signature in dark ink, appearing to read "J. Dullea". The signature is written in a cursive, slightly stylized script.

Monsignor Gearóid Dullea
Executive Secretary