

The Inviolability of the Seal of Confession

We've seen in the wake of the Royal Commission moves to remove legal protections from the Seal of Confession, with the extension of mandatory reporting of child abuse to include even what is revealed to a priest in Reconciliation. This has already been legislated in some states, and it is possible that it will happen across the country.

Our bishops have spoken up firmly in defence of the Seal, presenting considerations that can be appreciated even from a secular outlook. I'll quote a few points they've already argued well, showing how the net practical result of such legislation would (at best) be no effect on child safety, or would (more likely) actually be to make children less safe.

If reporting of their confessions were mandated, abusers would almost certainly not confess; so even if a priest was prepared to violate the Seal, there would be no benefit for child safety, since the confession would never take place. Also, any perpetrator who did confess would almost certainly do so anonymously, so no meaningful reporting would be possible; again, children would be no safer.

But further, if trust in the absolute confidentiality of Confession were thus undermined, any chance a perpetrator would face the evil of their actions through Confession would be lost; any chance a priest-confessor might have to impress upon the penitent the seriousness of their actions, the duty to self-report to the authorities and to get professional help, would also be lost. Children would be less safe.

Finally, if trust in the absolute confidentiality of Confession were undermined, any chance a victim would mention this in Confession to a priest would also be seriously diminished; any chance a priest might have to impress upon the victim the need to inform responsible adults (outside Confession) would also be lost. Children would be less safe.

(Needless to say, if a priest knows of a crime from *non-confessional* sources, he remains fully able to report that non-confessional knowledge, even if he *also* learns of the same crime within Confession. Of course, this fact that he also heard the crime in Confession, and any extra details known only from Confession, remain under the Seal. (St Thomas Aquinas *Summa Theologiae* Suppl. 11, 5))

As I said, the above considerations that bishops have presented are points that can be appreciated even from a secular viewpoint: the legislation does not achieve its purported aims, and actually hinders them. The matter is made even more decisive by the further knowledge we have from Catholic theology. The priest has confessional knowledge only inasmuch as he is acting as God's representative: he knows it 'as God knows it', not as man – and God himself chooses not to reveal crimes that are confessed. (St Thomas Aquinas *Summa Theologiae* Suppl. 11, 1) God's law, in view of the supreme good of the salvation of souls, is that the Seal of Confession be inviolable, and the Church cannot change this. And we may never do evil (such as defying God's law) even that good may come. (*Rom* 3:8)

Take away divine authority, and the basis is removed for the moral obligation of obeying even civil law. A civil law opposed to God's law lacks all moral force (cf. Pius XI *Mit Brennender Sorge* 30-31; John Paul II *Evangelium Vitae* 71-73) and any good person will let themselves

suffer state persecution rather than violate the laws of what is good and right, as enjoined on the whole human race by God. 'We must obey God rather than men.' (*Acts* 5:29)

Once we understand this, we can appreciate more deeply that attempting to legally force a priest to break the Seal infringes his human rights to freedom of conscience, religious belief and practice, by punishing his morally obligatory action of keeping the Seal. Such laws also violate the right of every Catholic to confess in full confidence of the inviolability of the Seal. Once legal protection is removed in the one case of the crime of child abuse, it is easy to see the same justification being progressively applied to other crimes as well.

One sometimes hears the accusation that Confession facilitates crime with its promise of 'easy forgiveness', so it's good to look at this in more depth. Confession, in the mind and motivation of the sinner seeking it, chiefly has to do with preventing punishments after death, in particular the punishment of hell for mortal sin. (No form of religion claims, or is able, to cancel punishments in *this* world for a criminal who gets convicted.) Compared to forms of Christianity not having the requirement of confessing all mortal sins to a priest, but which believe someone can be saved from hell simply by directly confessing to God, Catholicism obviously makes forgiveness a bit *harder*, and provides *more* of a deterrent, not less.

Or moving outside Christianity, most other Australians would say hell simply doesn't exist at all. So the very threat and deterrent that Catholic teaching raises before the criminal's mind (but also gives him the possibility of escaping from, if he sincerely repents and confesses with a firm purpose of amendment) is simply abolished altogether in the secular mindset, without repentance or confession of any sort. So in every prominent feature, Catholicism and its requirement of confession is plainly the system that facilitates crime the *least*.

So the respect given up until now by civil law to the Seal of Confession is not (even considered from a non-Catholic perspective) a special 'loophole' whereby Catholics can escape the civil consequences of their actions while non-Catholics must suffer those consequences. Non-Catholics will continue to consider themselves as safe from hell without confessing at all (and without putting themselves theoretically 'at risk', by confessing, of being reported to the police).

So for the civil authority to try to force priests to report sins confessed to them is really to try to take advantage of the comparatively stricter discipline that the Catholic Church has concerning sin and repentance, and use that to catch Catholic criminals in a way not available to the authorities in the case of non-Catholic criminals. The point here is not that we don't want Catholic criminals to face the legal consequences of their crimes, but simply that respect given by civil law for the Seal of Confession does not constitute a 'pro-Catholic bias'.

It has been good to see various priests from all points on the theological spectrum declaring their commitment never to break the Seal on any matter whatsoever. We will accept prison rather than violate God's law and the absolute confidence rightly placed in priest-confessors by the Catholic people. Please keep this matter in your prayers, so that the state authorities will refrain from any violation of the sacrament and so that all Catholics retain their full confidence in the Seal, and so the readiness to always freely come to the sacrament, and receive the salvation offered there by Christ our Lord.