

The Sacramental Seal Under Prosecution

Canon 959 of the Code of Canon Law, states: «In the sacrament of penance the faithful who confess their sins to a lawful minister, are sorry for those sins and have a purpose of amendment, receive from God, through the absolution given by that minister, forgiveness of sins they have committed after baptism, and at the same time they are reconciled with the Church, which by sinning they wounded». The sacrament of penance, which is commonly called confession or sacrament of reconciliation, consists of a Christ's faithful being (a) sorry for his/her sins, (b) is resolved to amend his/her life, (c) confesses his/her personal sins, (d) to a lawful minister, and (e) receives from God forgiveness of sins, through the absolution of the minister, at the same time, is also (f) reconciled with the Church.

It is clear from the canon that the sacrament of penance deals with sin and forgiveness; not counselling, spiritual direction or complaining about others. Those who have the right for this sacrament are Christ's faithful only (can. 204); thus, excluding all others. Although all the baptised are Christ's faithful, within the catholic Church only the catholic members have the right for the sacrament (can. 844 § 1); in certain situations, under specific conditions, however other baptised can have access to it (can. 844 §§ 3-4).

In recent months we read online of state law in Australia wanting priests to report to police sexual abuse of minors, which they heard in the act of confession¹. What conclusions are we to draw from this development? Of all, two of them appear clear: (a) the Christ's faithful do not know what exactly the sacrament of penance is, and (b) those against the Church use child abuse as a pretext to strike the Church at its core².

Speaking on the confessional seat, the code demands that there be «a fixed grille between the penitent and the confessor» (can. 964 § 2), and it further states: «Except for a just reason, confessions are not to be heard elsewhere than a confessional» (can. 964 § 3). In drafting the canon, the attention was on the penitent and not on the confessor. The grille between the penitent and the confessor meant that a penitent could make his/her confession in anonymity.

1 CATHOLIC NEWS AGENCY, *Australian Priests 'Willing to Go to Jail' rather than Break Confessional Seal*, in <https://cruxnow.com/global-church/2018/06/18/australian-priests-willing-to-go-to-jail-rather-than-break-confessional-seal/> [http://www.webcitation.org/70rOciPLG].

2 For a study on whether abolishing the seal of confession will protect children from abuse and whether such an act violates right to religious freedom, see: Keith THOMPSON, *Should Religious Confession Privilege Be Abolished in Child Abuse Cases? Do Child Abusers Confess Their Sins?*, "The Western Australian Jurist" 8 (2017), 3, 95-136.

In the past few decades, favouring a dialogue between a penitent and the confessor, the grille is done away with from the confessionals. Confessors themselves have become more of spiritual directors and counsellors, and people make use of the confessional to seek advice.

The sacrament of penance, being a liturgical act, is a celebration of the Church (can. 837 § 1), and therefore must be distinguished from any other spiritual guidance. Regarding the role of the confessor the Catechism of the Catholic Church teaches: «When he celebrates the sacrament of penance, the priest is fulfilling the ministry of the Good Shepherd who seeks the lost sheep, of the Good Samaritan who binds up wounds, of the Father who awaits the prodigal son and welcomes him on his return, and of the just and impartial judge whose judgment is both just and merciful. The priest is the sign and the instrument of God's merciful love for the sinner» (n. 1465). The confessor is a «judge and healer» of «divine justice and divine mercy» (can. 978 § 1). He must judge penitent's repentance, willingness to change life, applying divine justice and mercy at the same time; his duty is to bring about healing in the penitent; restore the penitent to the glory he/she had at the time of baptism. This, naturally calls for some dialogue. However, the sacrament of penance cannot be confused with counselling, spiritual direction or psychotherapy.

In the confessional, it is normal that some penitents desire to speak to the confessor face to face, while others prefer the grille. It was asked if a confessor could decide on his own to receive a penitent behind the grille even if the penitent wanted it otherwise; the Pontifical Council for Legislative Texts replied in the affirmative³. This makes clear that the legislator also intends to protect the confessor from harmful behaviour of a "false penitent". In the backdrop of civil authorities attempting to sabotage the sacrament of penance, using the dividing grille may help to some extent as the confessor will not know the identity of the penitent. Those wanting to put the sacramental seal itself under prosecution may still say that it is not important who confessed, but the fact that someone did confess of sexual abuse, the confessor must inform the police. Therefore, there is a need to instruct Christ's faithful on the sacrament of penance. The confessor, on his part, should never ask the identity of the accomplice, victim, or the malefactor (can. 979), not even of the penitent. He may ask questions, only to know penitent's disposition, that is repentance and resolve to change life; if there is no doubt on these and the penitent asks for absolution, the confessor is not to deny or defer it (can. 980).

³ PONTIFICIUM CONSILIUM DE LEGUM TEXTIBUS INTERPRETANDIS, Responsio ad propositum dubium: de loco excipiendi sacramentales confessiones, *Utrum attento praescripto can. 964, § 2*, (16 Iunii 1998), in AAS XC (1998), 711.

Coming back to the instruction of Christ's faithful on the sacrament, in general, people are asked to make their confession, but there is hardly any preparation as to how to make a proper confession or what is to be confessed. There is a need to explain what sin is. Most people, today, do not have a sense of sin. Moreover, what is committed by a number of people is not considered sin, because everyone does it! Ethical values are decided by the mass-media. There has been a tendency, in the past, to over emphasise sins related to sexual behaviour; today the sexual promiscuity has become so a commonplace, many have lost the sense of guilt attached to it. There is a need to examine sin, under the lens of Jesus' new commandment, which includes all other commandments: «A new commandment I give to you, that you love one another: just as I have loved you, you also are to love one another» (Jn 13,34). We are called to imitate Christ in our daily lives: doing good to others, as he did; which is the opposite of not doing this or that.

The Church has been under attack from various quarters right from its origin. The demand on confessors to report to civil authorities the confessional matter is nothing new as far as state interference in faith matters is concerned. Under the authoritarian governments, in the past, a number of priests have sacrificed their lives on account of the confessional seal⁴.

Today, attack on what is held sacrosanct in the Church by ideologically-led governments, must not come as a surprise. The abuse of minors has become a trump card strategy to create animosity against the Church. It is a ploy to alienate Christ's faithful from the Church. There is no doubt that those in authority, within the Church, have not always acted in the interest of children. However, the act of confession cannot be mixed up with ordinary administration. A sacramental confession is a matter between God and a penitent, where the confessor is a mediator. He has no right over the matter heard, it is given to God, in other words, it is sealed for ever (can. 983 § 1). It is not right on the part of Christ's faithful to use the confessional for administrative matters: for example, to lodge a complaint. There is no doubt whatsoever, when the dignity of a Christ's faithful is offended or a right is denied, he/she has the right for justice within the Church (can. 1400 § 1, 1°). Christ's faithful, in such cases, can approach one with the administrative power: bishop, vicar general, episcopal vicar, superior major; even a spiritual director can guide a person to get justice in the Church.

⁴ Cf. *These Priests Were Martyred for Refusing to Violate the Seal of Confession* (16 December 2017), in <https://www.catholicnewsagency.com/news/these-priests-were-martyred-for-refusing-to-violate-the-seal-of-confession-44847> [<http://www.webcitation.org/70sTYU9p>].

One should not forget the words of Jesus to Peter: «And I tell you, you are Peter, and on this rock I will build my church, and the gates of hell shall not prevail against it» (Mt 16, 18). Jesus himself had foretold of attacks of all sorts against the Church; they are unavoidable! In some autocratic countries being a Christian in itself is a “crime”; in others, which are “apparently” democratic, cunning strategies are used to discredit the Church and its work. The Church is often persecuted for its stand for the poor and weak in the society. Christ stood for the poor and that is what he wants us to do. While we have the assurance from the Lord himself that “they will not prevail against the Church”, the same assurance also makes us clear that individual persons within the Church will suffer. However, the target of “the gates of hell” is not a particular priest but the Church itself. By destroying the trust of the faithful in the confessor and in the Church, they intend to achieve their end. Let us take comfort in the words of Jesus: «Blessed are you when others revile you and persecute you and utter all kinds of evil against you falsely on my account. Rejoice and be glad, for your reward is great in heaven, for so they persecuted the prophets who were before you» (Mt 5, 11-12).

Extraordinary Missionary Month October 2019

*On 30 November 2019 it is hundred years since pope Benedict XV issued the apostolic letter *Maximum Illud*, calling on everyone in the Church for a new thrust in the propagation of the faith throughout the world. In order to mark the hundredth year, on 22 October 2017, in a letter addressed to Fernando Card. Filoni, the prefect of the Congregation for the Evangelisation of Peoples, pope Francis declared October 2019 as an Extraordinary Missionary Month (EMM OCT2019)⁵.*

*The Congregation for the Evangelisation of Peoples (CEP), together with the Pontifical Mission Societies (PMS), in order to celebrate that month in the best way possible, has put in an enormous effort in preparing a guide book titled: *Baptised and Sent: the Church of Christ in mission in the world* – which is also the theme of the EMM OCT2019. The book itself is a fruit of collaboration between a six-member Working Team OCT2019 – formed of two members each from CEP, PMS and Pontifical Urbaniana University – and enthusiastic people from all the continents, which includes bishops, priests, those in consecrated life and lay faithful.*

⁵ http://w2.vatican.va/content/francesco/en/letters/2017/documents/papa-francesco_20171022_let-tera-filoni-mese-missionario.html.

The book consists of three parts. The first part is titled: Encounter with Jesus Christ; it offers meditations based on daily Mass readings and saints of the day for the whole month of October. The second part, titled: The mission witnesses, is about men and women, saints and martyrs, canonised and non; some of them not known outside their own local Church, are presented as missionary models, intercessors in the faith and the mission of the universal Church. The last part: Journeying together, offers relevant topics, proposed by the PMS National Directors, for the formation and pastoral animation for missionary work.

The purpose of the guide is to offer some useful tools to Bishops, all over the world – not just those under the jurisdiction of CEP – to plan the EMM OCT2019 in advance and make it truly an ecclesial event. Today, the mission of evangelisation is not limited to ad gentes, it has become inter gentes; that is, the mission territory is where we live. It is hoped that the guide will offer insights to reignite the missionary zeal in every baptised, beginning with those who have the responsibility to organise and stimulate the evangelisation mission.

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