

Bishop Terry Curtin – Comments on the Sacrament of Confession Prepared for the Royal Commission for Panel 4.2

Operation of the Seal

- The seal of confession arises from the nature of the exchange between priest-confessor and penitent in the celebration of the sacrament.
- In the sacrament one confesses one's sins to God. The priest gives absolution in God's name. What is confessed is not the priest's possession.
- The celebration of the sacrament takes place in the context of a dialogue between the penitent and God. The nature of the dialogue is set in the welcome extended to the penitent and the invitation to turn to God's forgiving and merciful love. In the reading of a passage from Scripture, God's word is heard and the penitent responds in sorrow with the confession of his or her sins.
- The priest-confessor is bound by Canon Law not to reveal, by word or action, what is confessed by the penitent in the celebration of the sacrament to a third party.

Disclosure by a child

- When in the sacrament the child reveals he/she has been abused, the priest-confessor should advise the child to tell another responsible person, not the priest-confessor, outside of the sacrament what has happened. Due to the seal of confession the priest-confessor is not free to follow this up. The initiative rests with the child, so the conversation in the sacrament between the priest-confessor and the child needs to be understanding, compassionate and encouraging.

Confession by a perpetrator

- Where a perpetrator confesses to have abused a child, the priest-confessor needs to see true repentance and a firm purpose of amendment, i.e. the intention never to do such a thing again.
- There are four essential parts in the sacrament:
 - contrition (genuine sorrow for one's sins) which is essential for forgiveness
 - confession (the telling of one's sins in order to be reconciled to God and the Church); sincerity here requires that whatever has separated the penitent from God and the Church be acknowledged.
 - satisfaction, i.e. an act of penance, where inner conversion of heart extends out to the community harmed by their sin, traditionally in three forms – prayer, self-denial, service of neighbour. It assumes a willingness to make restitution for any injustice done. It acts as a healing remedy for renewal of one's life and a new beginning.
 - absolution (the forgiveness of one's sins), where God meets the penitent's whole condition brought before the Church represented by the priest-confessor, and now effects his pardon through this sacramental sign. Where abuse of a child is confessed, a condition for absolution would be for the penitent to report this to the police and to undertake counselling.

Withholding absolution

- Absolution would be withheld where in the priest-confessor's judgement something is lacking in any one of the first three essential parts of the sacrament, namely a lack of sorrow for sin, a refusal to admit what has been done, and no evidence of a change of heart with the resolve to amend the harm caused.

Barriers to removing the seal for mandatory reporting purposes

- The Church's Code of Canon Law c.983 states that the obligation to keep the seal is "absolutely inviolate." This comes from the nature of the sacrament. The seal assures the penitent of absolute secrecy and so encourages the penitent in telling his/her sins. The priest-confessor is not free to share with another what has been confessed by the penitent. Direct violation of the seal incurs immediate excommunication of the confessor and forgiveness of this penalty is reserved to the Holy See. (c.1388,1)

Current operation of sacramental confession and the safety of children

- The sacrament is celebrated with clear lines of sight between the priest-confessor, the penitent, and the community. The confession of children is often celebrated in the open on the sanctuary of the church, where those present can see, but not hear, what is taking place. Where a confessional room is used, there needs to be a glass panel in the door so that what happens there is clearly visible to those outside.

Role of the Bishops Commission for Doctrine and Morals

- The role of the Bishops' Commission for Doctrine and Morals within the Australian Catholic Bishops' Conference (ACBC) is to act as a point of referral for matters of doctrine and morals that may come up in the ACBC's deliberations or those of its other Commissions. The opinion of the Commission may be sought on questions of orthodoxy and Catholic faith and tradition in relation to what has been raised. It has no power to legislate or to change the Church's laws.

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