

## PRESERVING THE SACRAMENTAL SEAL: CONFESSION UNDER ATTACK

Americans do not typically pay much attention to events “down under” but in this case they ought to do so. Rocked by the sexual abuse crisis, the Royal Commission into Institutional Responses to Child Sexual Abuse in Australia proposed that the Church abandon the **sacramental seal**, making **all priests** mandated reporters of abuse, **even if** they learned of it in the midst of sacramental confession. Recommendation #35 reads in part: “The legislation should exclude any existing excuse, protection or privilege in relation to religious confessions to the extent necessary to achieve this objective.” The law was passed and takes effect on 31 March 2019, allowing time for the Catholic Church to continue to share its grave concerns about the law’s application. No, the Church is not trying to protect abusers— she is trying to protect the very substance and nature of the sacrament. It was instituted by Christ to heal us from our sins; and is “the sole ordinary means by which a member of the faithful who is conscious of grave sin is reconciled with God and with the Church.” (Code of Canon Law, #960) Confidentiality is a major factor in people’s trust in the sacrament.

I myself am loathe to ever discuss particulars about my experience as a confessor, regularly demurring when asked questions such as, “Has anyone ever confessed (insert sin) to you?” I will **never, ever** entertain such questions, even if there is no chance of revealing anything specific. My advice to any priest asked such a question— “Don’t.Go.There!” The reasons for the confessional seal are ancient and grave, and worth exploring in greater depth. But the latest from Australia ought to concern every Catholic. You may recall that something similar happened in Eugene, Oregon in 1996. Unbeknown to the priest, prosecutors had recorded a confession he heard at a county jail with an inmate. It took place over a phone sitting in front of a glass partition, and authorities subsequently tried to present that evidence against the man standing trial for murder. The Vatican quickly got involved and, urged the destruction of the recording.

The ecumenical **Lateran Council IV** is one of the most important in the history of the Church for many reasons. It opened on November 1, 1215 A.D. and all bishops were to attend, except two in each province, who were exempted in order to attend to the general affairs of the Church. As many as 412 bishops went to the council, along with some 800 abbots and priors of the monastic orders. There were also present ambassadors from the emperor at Constantinople, from the kings of Germany, France, England, Aragon, Portugal, Hungary, and Jerusalem, and from the various Italian states. Among regulations for which it is known is the so-called “**Easter Duty**,” whereby Catholics who have attained the age of discernment “should individually confess all their sins in a faithful manner to their own priest at least once a year,” as well as “perform the penance imposed on them.” It goes on to say that these same persons ought to “reverently receive the sacrament of the Eucharist at least at Easter,” and in the absence of this duty “shall be barred from entering a church during their lifetime and they shall be denied a Christian burial at death.” Yes, those are strong words! (Lateran Council IV, canon #21).

But that same Council decree has **strong words** for priests, cautioning them to be “discerning and prudent” like a “skilled doctor” and who would “pour wine and oil over the wounds of the injured one.” Thanks, but if it’s all the same, I’ll take penicillin! But’s here is the kicker...” Let him take the utmost care, however, not to betray the sinner at all by word or sign or in any other way.” That is an **unqualified command**. There ought to be no doubt whatsoever! If a priest reveals a sin, he is to be “deposed from his priestly office” and “confined to a strict monastery to do perpetual penance.” It is a safe bet that strict monasteries in 1215 A.D. lacked all amenities. No, I do not mean internet service or cable TV— think a life exclusively vegetarian, chopping your own wood for a stove, wearing hair shirts, etc. No exceptions, period!

Not every matter discussed with a priest can claim to be privileged in the sense of the seal outlined above. Only those discussions that occur within the sacrament are so protected. But even if a sin or crime is publicly known, the priest to whom the person may have confessed such a crime is still bound by the seal. The seal also applies to others, if for example, someone happens to come into knowledge of confessional matters, by overhearing (deliberately or accidentally) another’s confession or by having served as an interpreter for confession (e.g. as a translator). Canon #984 expressly forbids a confessor from using **any information gained** from confession against the penitent even if all danger of disclosure is excluded. A priest could neither demand that someone

turn himself in as a condition of absolution, nor could he fire an employee based upon knowledge gained from a confession. The only thing a priest could ever say would be to assert the priest-penitent privilege, by refusing to answer a question.

Our own Cathedral honors the aptly named “martyr of the confessional” **St. John Nepomucene**, a 14th century Bohemian (Czech Republic) priest who was martyred and his body thrown into the Moldau River. Why? Because he purportedly would not divulge the contents of the confession he had heard of the queen of Bohemia. The one asking for the details? Her husband, the king! In a window above the confessional nearest the Sacred Heart Chapel, St. John is appropriately depicted with his fingers over his mouth. (See photo in the sidebar) The ways things are shaking out in Australia, will history repeat itself? Stay tuned, as this is a developing story.

- The papacy ought **never** be guided by **opinion polls**, period! But it is disconcerting to see the precipitous drop in the popularity of Pope Francis last year. According to a CNN Poll, **fewer than half** (48%) of Americans have a favorable view of Pope Francis, down from 66% in 2017. Among self-identified Catholics, 63% view him favorably, down from 83% five years ago. Clearly, the abuse scandals factor in. I pray daily for him— accountability and transparency are the only way forward. May we together remain united in this goal.
- Another one bites the dust— In the growing movement to purge any 18th century mindsets from our modern consciousness, Stanford University is removing the name of **St. Junipero Serra** from two of its campus buildings. Between 1769 and 1782, Serra founded the first nine missions in the California mission system, and the architectural style of the missions was deliberately adopted by the founder of the university. But the “mission system’s violence against California Native Americans” was found to be “in tension” with the school’s “goal of full inclusion”. Where does it all end?
- Three strikes and you’re out! Or perhaps three misses? **Vikings** rookie kicker **Daniel Carlson** had a rough day at the office against the Packers, missing three field goals, including a 35-yard attempt that would have won the game in overtime. On Monday, he was unemployed. Make no mistake— football is a business! He seemed like a nice young man— I hope he gets a second chance somewhere.

Sincerely in Christ,

Fr. John L. Ubel,  
Rector



St. John Nepomucene,  
14th century Bohemian (Czech Republic) priest