

## **Affirming Catholicism response to the proposals on modifying the rules relating to the seal of the confessional**

To prepare this response, Affirming Catholicism consulted its supporters via its monthly newsletter and also drew on the experience and expertise of the Board. The following points were made:

### **What is your practice in respect of confession?**

Some priests hear confessions regularly; others occasionally; others rarely if at all. Our response draws on the experience of priests in all three categories.

We are sure that, similarly, some lay people make their confession regularly; others occasionally or never. Those who responded tended to belong to the first category.

One priest commented that they had received no training at all in the hearing of confession, and felt: "This should absolutely be included in IME." We would propose that training should be required as part of specific preparation for priesthood, that it should be given by an experienced local confessor, and as part of this training diocesan systems for assistance could be explained. On-going training in these questions should also be a part of safeguarding training.

*The remaining questions are directed at priests only. On reflection we found this somewhat problematic: are lay people not expected to have a view on this question?*

### **\* Do you operate any boundaries with regards to confidentiality? Are there occasions when these boundaries have led you to encourage a penitent to inform relevant authorities, or to do so yourself?**

- There was a strong sense that nothing would be gained by requiring confessors to report penitents who confess abuse, and that much could be lost. It was thought that an abuser is most unlikely to make a confession to a priest who knows him/her, so few if any abusers will be reported as a result, whilst the perception that confession is no longer confidential might prevent many more people from coming to unburden themselves of other sins.
- Several respondents emphasised that the seal of confession is and should remain absolute. One said that s/he would if necessary seek professional advice (e.g. from the Diocesan Safeguarding Adviser ) without mentioning the person concerned: that is, by ensuring that the enquiry remained non-specific and confidential. The need for support for priests was emphasised: in the kind of situations that are being discussed, it is very important that priests can have quick access to good advice so that they can be confident of their position, both legally and spiritually.
- No respondent had been in a situation where someone had used confession to reveal having committed a crime or abuse, to having been the accomplice in the committing a crime. There was consensus that, for any sin, absolution could legitimately be withheld (and indeed should be) if no remorse or repentance had been expressed: repentance, remorse, penitence and amendment of life are the pre-requisites for receiving absolution. Several respondents felt that

in the case of abuse or any other crime an essential part of expressing remorse would take the form of the penitent's working out a plan for reporting the abuse. However, no-one would be happy to pass on this information themselves.

- Several respondents commented that it might make a difference if the perpetrator is personally known to the priest.
- One respondent observed that much more thought needs to be given to the culture created when there is no expectation that such information should be disclosed. The example of the Roman Catholic Church in places where it has later been discovered that sexual offences against children were all too common: this was a situation in which a large number of confessors were holding information and knew that others also knew. This is not only collusion on a large scale, but raises the danger that such offences cease to be seen as the abhorrence they actually are.
- One respondent noted that in the USA, confessors already hear confessions in a context in which they are mandated, by law, to report abuse and endangerment of children or of those who are vulnerable by age, infirmity or illness. S/he explained: "If I were to learn of such, I would withhold absolution until I had worked out with the abuser a plan for reporting. If I heard from the abusee, I would not withhold absolution, but would still work out a plan for reporting." The same respondent also observed: "I tell children that I talk to that I'll keep everything secret, except if they're being abused or hurt in some way. Every time, this has actually encouraged the child to tell me if they are being abused. Sadly, too many times."

**\* Are there circumstances in which you would not give absolution? If so, what? Do you offer conditional absolution?**

- It was suggested that conditional absolution might be more appropriate for minor misdemeanours, such as conditional upon apologising to a certain person. In certain circumstances, it might be appropriate to defer absolution (rather than offering conditional absolution) until after confession of a crime to the appropriate authorities.
- Based on experience in prison chaplaincy, one respondent thought that this was the wrong question: in his/her experience of working with convicted sex offenders, "the 'confession' was often about the 'penitent' enjoying the telling of his offence. Absolution was not the desired outcome – more a search for sympathy and understanding. The confessional can therefore be a place where the confessor is groomed. Withholding absolution is not going to prevent more victims."
- The same respondent pointed out that being penitent is one thing; not reoffending is another. The compulsion to offend will not go away, however much confession and absolution is given or withheld. Moreover, some churches seem to suggest that because Christ has taken away our sin and forgiven us, there is therefore no need to pursue treatment or counselling. That would be to 'doubt' the power of God to make us a 'new creation'. This is a dangerous teaching and another form of denial.
- One respondent commented that s/he had no experience of hearing a confession when a disclosure arose concerning a safeguarding issue, but that s/he had been the recipient of such information as a Spiritual Director. This situation seems not to be uncommon and is covered by several dioceses and organisations in their guidelines for spiritual directors (two examples of which are appended to this submission). The Diocese of Chelmsford Guidelines observe:  
"There is no legal duty to pass on information of this type. There is a moral duty to do so, and *Protecting All God's Children* states that where a child is at risk of significant

harm usually it will be legally possible, appropriate and highly desirable to disclose information to the public authorities for the sake of protecting children.”

- This observation highlights a related issues: the need to be clear of the distinction between confession – and information given under the seal of the confessional – and pastoral discussion, spiritual direction, counselling, advice – which yields confidential information but which is not under the seal of the confessional. Again, robust training is needed here to help priests to find clarity on this distinction.

**Other points which were raised included:**

When a witness reports abuse, this is not strictly confession, so reporting it might well be appropriate. Nonetheless, a procedure for doing so should be agreed with that witness.

When a victim reports abuse, they may well need the assurance of absolution: their perception is likely to be that they have sinned, even if that is not the objective reality. Desirable though it would be for the abuse to be reported, if the victim has revealed the abuse in context of formal confession, it is hard to justify reporting it against their will. But every effort should be made to gain their consent to report it, or to help them report it themselves.

Referral to an agency such as child-line is a possibility

Our attention was also drawn to a thought-provoking reflection on this question from a victim of abuse, arguing against requiring the confessor to break the seal of the confessional:

<http://aqueercalling.com/2014/07/09/sexual-abuse-and-the-seal-of-confession/>

Key points which emerge are:

- a strong sense amongst many respondents that the seal of the confessional should not be broken;
- however, if this is not to become collusion, in the case of the confession of serious crime or abuse, repentance should be expected to include a plan for reporting that crime/abuse by the perpetrator (if necessary with the support of the priest), and absolution should be withheld until that is done;
- the need to engage with the reality that situations of abuse are at least as likely (if not more so) to be “confessed” by victims or witnesses than by perpetrators;
- an awareness that reporting of cases of abuse arises more frequently in the context of spiritual direction and pastoral conversations; it is necessary to distinguish clearly between confession and forms of pastoral conversation;
- the need for robust training in hearing confession (including in how to make these distinctions) should be a required part of preparation for priesthood for curates of all traditions, and should also be integrated into regular safeguarding training;
- the need for all priests to have access to sources of advice should such a situation arise.