

2nd September 2018 (22th Sunday in Ordinary Time, Year B)

Catholic Church Response to the Report by the Royal Commission into Institutional Responses to Child Sexual Abuse: A Comment

Yesterday the response by the Catholic Church in Australia to the final report by the Royal Commission into Institutional Responses to Child Sexual Abuse, was published by Archbishop Mark Coleridge, as president of the Australian Conference of Catholic Bishops, and Sister Monica Cavanagh, president of Catholic Religious Australia.

Firstly I once again acknowledge the enormous amount of work done by the commissioners and the great pain suffered by survivors of abuse at the hands of members of the Catholic Church. I thank the commissioners for helping us realise the large amount of injustice that has been carried out by abusers and by a number of leaders in the Church who protected these abusers, rather than condemned them. It is very shameful that an institution that is supposed to have children at its heart, has been used by some for their own selfish benefits. The information presented at the Royal Commission is terrible and we, as Church, need to acknowledge the damage done and offer support to the survivors.

Two items from the Church's response have hit the news in a special way: priestly celibacy and the confessional secret or seal. I will try to offer some personal reflections on the second topic.

Firstly, the secret attached to the sacrament of reconciliation has a very old tradition in the Church. It has often been challenged and a number of priests have been put to prison or even murdered because they refused to repeat what they had heard under the confessional secrecy. The confessional secret binds the priest not to reveal whether a person has been to confession, as well as information shared during the confession. Often the confession develops into a spiritual conversation and some information is shared because the penitent is comfortable that what is being shared cannot be used in any way.

Some have made a distinction between a person's sins, and reports about what someone else has done; so there seems to be a distinction between Sally's confession that she has stolen sweets from the shop and her sharing that she has been abused by the parish priest. A careful priest would listen to Sally's story and then gently encourage Sally to repeat her allegation outside of the confessional. The priest may even offer to accompany Sally as she tells her story to a school counselor or parent. Would I go running to the police to report the incident? I would much rather help Sally to report it herself.

The second instance is when a perpetrator comes to confess his sins. One needs to make a clear distinction between divine and human justice; while reconciliation forgives sins, or rather one is reconciled to God, it does not exempt one from the consequences of human justice. If a murderer were to come to me in confession and admit that he has killed someone, I would point out that, before he can be reconciled to God he would need to do penance; in this case he would need to hand himself to the police and face human justice. Again while divine justice forgives, human justice needs to take its just course of action and the perpetrator needs to face the consequences for his misdeeds.

Furthermore, can the priest report this incident to the police? If a perpetrator were to go to reconciliation, he would surely go to a priest who does not know him. In many places there is still the practice of going to reconciliation behind the grill, making it very difficult for the priest to identify the penitent. Unlike doctors, solicitors and counselors, when priests sits at the confessional, they do not take appointments nor would they ask the name of the penitent. Hence, unless there is a pre-existing relationship between penitent and priest, it would be very difficult for the priest to know who the penitent is, and once the confession has been made, I very much doubt that the penitent will stay around for him to be apprehended by the priest and handed in to the police! The priest has a right, and dare I say a duty, to withhold absolution from the penitent until he has handed himself over to the police, thus rendering the sacrament invalid and the penitent un-reconciled.

To present a third scenario, where the penitent is known to the priest and he confesses to pedophilia, the question arises as to whether it is more important to protect the child/ren or protect the identity of the penitent. In their innocence children are, more than any one else, sacred and need to be protected from all harm and I promise to do 'all in my power' to protect and defend children and indeed vulnerable adults who cannot defend themselves. The issue that is very hard to describe is the fact that it is not within my power to break the confessional secret; that goes to the very heart of the sacrament and the relationship between priest and penitent. The priest at the confessional stands in God's presence, it is almost as if it is God himself who is present to the penitent. Would God approve of child abuse, certainly not, and that is why the careful priest will do all within his power to lead the abuser to hand himself to the police before he can be reconciled to God, but breaking the seal of confession is not one of the tools available to the priest.

I respect the right and duty of the legislator to legislate in ways that seems appropriate to different circumstances. I see the legislation forcing priests to break the confessional seal can have a number of outcomes. Some priests may choose not to hear any confessions at all, this means that if a perpetrator had found it in his heart to speak to someone, which could then lead to him handing himself over to the police, this opportunity is now lost. Some priests are advocating the use of the third rite form of reconciliation, where confession is not required and reconciliation is granted to the whole group of people present. Once again this means that the confession is never made, and so the information is not gathered and any good that could have been achieved is lost. On a positive note, the legislation may put pressure on the priest to guide and insist that the perpetrator hand himself over to the police, and therefore a more positive outcome achieved.

I understand that this issue will continue to divide our already rattled Church community, but we also need to understand that while the Church works among humans, it also operates in the name of the divine. The trouble is that some people have used the divine authority provided them in the name of the Church to abuse those entrusted to their care, and we need to do 'all within our power' to protect vulnerable members of our communities.

Fr Mario