

THE SEAL OF THE CONFESSIONAL

The seal of the confessional is under attack in Australia via the hard case of child abuse. In the southern Australian state of Victoria legislation is proposed to compel Catholic priests to report to authorities suspected child abuse revealed to them in the course of Confession. One advocate for change has asserted that children are sacrosanct and that this character supervenes over any duty a priest may have to maintain the secrecy of the confessional.

The argument is based in the shallow perceptions of materialism the philosophy which denies the reality of what is formal or determinative in things and ignores their ultimate reasons. That it serves the atheistic imperative to denounce true religion is the unstated subtext.

Why the Child is Sacrosanct

The word 'sacrosanct' derives from two Latin words with a particular religious significance, for both mean 'holy'. It is right to assert that the child is sacrosanct. It is because the child comes straight from God. Parents are but the instruments of God's creative work as saw, hammer and plane are but instruments in the hands of the house builder. Though he had his limitations, Wordsworth put the issue well in these lines of his celebrated poem:

"... trailing clouds of glory do we come
From God who is our home:
Heaven lies about us in our infancy..."¹

The chief mark of this Divine provenance is the child's innocence of evil.

The child is holy because possessed of an absolute value by reason of being a person, a being made in the image and likeness of God, endowed with the *immaterial* faculties of intellect and will. These realities are immaterial ones because they do not derive, or depend for their existence upon, any material organ in the human body.² Every child, as every adult, is sacrosanct because immortal: he will live forever. Every man ('man' signifying here *genus* not *gender*) is an end in himself and he may not lawfully be used as a means for the gratification or the ends of another.

This is the reason why sexual abuse of the child is so abhorrent. It is the reason why induced abortion is abhorrent; why slavery is abhorrent; why any sin (any failure to comply with the rule of morals) is abhorrent, especially those sins denominated *mortal* because they kill the eternal life in a man's soul. Every lie, every theft, every murder, every blasphemy, every act of fornication or adultery, or suppression of the natural order of the human body—as occurs in contraception—destroys the life of the soul and renders a man a slave as Christ taught (*John* 8: 34). It attacks the one who commits it and it harms the common good of society. Mortal sin is the modern plague the graphic details of whose effects one may read in any issue of the news.

¹ Ode, *Intimations of Immortality from Recollections of Early Childhood*

² Which is not to deny that human intellect and will need material instruments for their operations.

Murders and murderous attacks on the innocent used to be rare: now they are a daily occurrence and society is suffering grievously.

This plague is not to be resolved by the imposition of greater checks on freedom, or by the keeping of arms or by acts of revenge. There is only one way to address it, through contrition and repentance for their sins by the perpetrators, dispositions which serve the good of all.

Enter the Catholic sacrament of Penance.

But before we consider its function, force and necessity in the life of the human community there are principles to be considered.

The Principles

1. There abides in every man, notwithstanding the reality of human mortality, the desire to endure beyond death. Every culture, every nation, manifests this yearning of the human heart. Even the atheistic and irreligious, in the midst of their unbelief, admit it. The simplest story told to our children concludes with the expression “and they lived happily ever after”.

A fundamental principle of sound philosophy is *agere sequitur esse*: do follows be; what something is determines its mode of operation. An axiom of this principle is that there is a fixed proportionality between natures, the powers proper to them, the acts of these powers and the ends to which they tend.

natures	powers	acts	ends
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To illustrate: a dog enjoys canine nature, exercises canine powers, does canine acts and achieves canine ends. A man enjoys human nature, exercises powers proper to a man (including those of knowing and freely choosing or rejecting a thing), does human acts in line with these powers, and achieves an end that befits him as man. In other words, the essence of each creature is contained within the bounds of its nature.

The principle applies to *immaterial* beings. A being essentially immaterial—that is one which does not need matter in order to exist—

enjoys an immaterial nature	exercises immaterial powers	does immaterial acts	achieves immaterial ends
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Now when a man knows a thing he knows not only *that* the thing is—something he shares with the brute animal³—but *what* the thing is. He knows its quiddity or nature in which activity he proves he is far above the brute. But to know *what*

³ True the brute animal knows a thing as suitable, or unsuitable, to its nature—as grass is no food for a dog but is food for a cow—or as a something indifferent to it, as it knows a rock or a tree only as an obstacle to its passage, in accordance with the way it is programmed by its Author.

something is, its quiddity, is to perform an *immaterial* act, for the quiddity of a thing is not something material. Man holds this reality in conceptual form; gives it a name which reflects the concept; and he keeps a collection of these realities. The collection is called 'a dictionary'.

But if man does immaterial acts he must be possessed of *the power to do* such acts; and if he has such a power he must, consistent with the proportionality mentioned, *be essentially* an immaterial being, a being which, though it has a body, is not rooted in matter, and which the death of the body will not destroy.

2. To those who accept that *what* they are and *that* they are cannot be explained by facile materialist theories such as evolutionism it is eminently reasonable to believe in the existence of God. It is as reasonable to accept that God is not only a superior being but a *person* possessed of the powers they enjoy, intellect and will, because more does not come from less. *Whatever, or Whoever, made me and keeps me in existence must be greater than me.* With these foundations established they see it as inevitable that this personal God must have revealed himself to mankind and they go about, like prospectors searching for gold, seeking to discover in which, among the many religions, God has revealed himself.

Once they have found this true religion they realize that it is not necessary to engage in the philosophical study set out above, for God, Who must be the source of the moral law within them, can be trusted to tell the truth in what he has revealed about the universe of being and about himself. Their acceptance of the reality of their own being inclines them, against the spirit of the age, to accept that they are not self-sufficient and are utterly dependent on this personal God.

Why the Sacrament of Penance is Sacrosanct

Of all the religions on the earth one and one only has been established by God. He is its founder: he is its underlying spirit; he is its end. This religion is the one practised in the Catholic Church whose founder, the God-Man, Jesus Christ, proved it to be so by performing miracles, actions that only God could perform. St Thomas Aquinas put the issue succinctly: *a visible action that can be only divine reveals an invisibly inspired teacher of truth.*⁴ The end of this religion and of this Church is the salvation of all men.

The precondition of the reward of eternal salvation is adherence to the Church's teachings and the use of her seven Sacraments as essential means to that end. Foremost among these means is the Sacrament of Penance. Every man, even the atheist and the utterly irreligious, stands in need of this Sacrament to ensure his eternal salvation. It is *essential* to his ultimate wellbeing. It is essential to resolution of the question whether he will spend eternity in heaven, united with his Creator and Redeemer, or separated from Him in hell.

From this essentiality derives the necessity of the secrecy of the operations of the confessional for the Sacrament concerns not the temporal order and the punishment

⁴ *Summa Contra Gentiles* Bk.I, 6 [4]

of some guilty individual at the hands of transient State authorities—who may or may not (such is the uncertainty attending human acts) succeed in punishing the guilty. It concerns the eternal destiny of the individual soul in the sight of God.

Why must the Priest keep silent?

It is well to quote the answers of Dr Leslie Rumble MSC to a series of difficult questions broadcast over the radio in the 1930s.

Must a priest keep silent about the sin of a murderer confessed to him?

“[E]vidence in civil law courts is given by witnesses in their capacity as citizens. But the criminal [does] not confess to the priest in his capacity as a citizen of the State, but in his capacity as the agent of God. And as God Himself keeps silent, allowing even mistaken human procedure to take its course, so must the priest keep silent... [I]f the priest did act as you suggest he should, far greater evils would arise from his conduct than the one you think he could avert. If Catholics are subject to the obligation of confessing their sins in order to secure God’s forgiveness, they must know that they can do so with absolute confidence and security... [T]he Catholic law that the seal of confession obliges everywhere and always, and permits of no exceptions whatever, is the only just law.”

To my mind the priest should be treated as an ordinary accessory after the fact.

“Since God knows, even as the priest shares in the knowledge proper to God, would you hold God as equally guilty for His silence?”

What if the priest’s own innocent father or brother or mother were condemned? Could he expose the real murderer then?

“If the priest had no other knowledge from external sources independently of the murderer’s Confession he would be bound to absolute silence. No sin submitted for absolution in the confessional may be used in any way at all by the priest outside of Confession. This law admits of no exceptions... There are many grave reasons for this severe legislation. Firstly, every penitent who manifests his sins to a priest in order to obtain absolution does so only on the understanding that the priest will respect his confidence absolutely. And the moment a priest agrees to hear anyone’s Confession, he practically enters into a contract to preserve silence concerning all sins manifested to him. Secondly, besides this contract, Christ intended the Sacrament to be in favour of the penitent. If people thought that, under certain circumstances, the priest could reveal what he hears in the confessional, they would either stay away or be gravely tempted to conceal their sins; which would turn a Sacrament meant for their good into an occasion of grave spiritual injury. Thirdly, the legislation of the Church demands obedience. And the Fourth Lateran Council manifested clearly how strict is the mind of the Church in this matter... as follows: *Let the priest be most careful not to betray any penitent by word or sign or in any other way. Any priest who presumes to reveal a sin manifested to him in Confession must not only be deposed from his priestly office, but must be sent to an enclosed monastery there to do penance for the rest of his life.*”

But if the priest does not speak, would he not be morally guilty of his innocent mother’s death?

No. It would of course be a terrible trial for any priest. But he would have to accept the trial and permit things to take their course... [T]he priest’s hearing of the murderer’s Confession does not cause his mother’s death... If you say that at least the priest could save his mother by speaking, I can but reply that he is not

morally free to speak, and that he would not therefore be morally guilty of her death. He is not morally free to speak because he has no information as a human being, and in his capacity as a citizen of this world. St Thomas Aquinas... thus explains the matter. *Whilst hearing Confessions, the priest acts in the name of God and should behave as God Himself behaves. But God does not reveal but keeps silent concerning sins manifested in Confession.* The priest may use only that knowledge which he acquires in the ordinary way in which other men acquire knowledge. But what he hears in Confession is to be regarded as unknown, since he does not know as a man, but shares in a knowledge proper to God alone..."⁵

The Objections

It has been argued that the evidence of a priest, Michael McArdle, in an affidavit lodged in court proceedings to the effect that he had confessed to having abused boys to some 30 priests over a 25 year period supports the case against the secrecy of the confessional.

The first thing to be said is that it is difficult to see how the claim allegedly made in the affidavit could be relevant in any court proceedings brought against Fr McArdle and might reasonably be expected to be struck out by the presiding judge as irrelevant. One might conclude, then, that the claim was made by Fr McArdle with no purpose other than to do mischief.

Secondly, those advancing the argument assume the priest was speaking the truth when he made the claim. It is entirely likely that he was not, or that he gave a tailored version of the facts. One of the conditions of the effectiveness of Confession is that the penitent has a firm purpose to amend his life and behaviour. Sorrow for sin is incompatible with an intention to return to the offending behaviour at the earliest opportunity. One must wonder whether, in a matter of so great a grievousness, that firm purpose was ever present in Fr McArdle.

Thirdly, in order for absolution to be effective all relevant circumstances must be revealed by the penitent to the tribunal (constituted by the Confessor-priest). It is not stated whether Fr McArdle revealed to the priests to whom he said he had confessed the critical issue *that he was himself a priest*. Nor is it stated whether he was always given absolution. It is improbable in the extreme that a priest hearing the Confession of a priest who had confessed such offences would not require *as a condition of his absolution and prior to its taking effect* (quite apart from other elements of the penance to be performed) that the offender reveal his offences, book and verse, to his bishop and to relevant state authorities, and that he accept the penalties they might impose.

But even if the Sacrament was abused by Fr McArdle and the priests to whom he confessed aided and abetted him by the weakness of the judgements and penalties they imposed, this does not argue against the validity of Confession or to the abandonment of its essential condition of secrecy. The abuse of a good thing does not justify its abolition but removal of the abuse.

⁵ *Radio Replies In Defence of Religion*, Pellegrini & Co. Lte, 1936, Volume II, nn. 689-693.

Let us restate the principles against the objectors.

The child is holy because God, his Creator, is holy. And God who created the child established the Sacrament of Penance that sinful man might be restored to the original holiness accorded him in Baptism and fit him for the end God desires, union with him in heaven for all eternity. The absolute secrecy of what passes between the penitent and God (manifest in the person of the priest) is essential to that Sacrament as it is to the attainment of that end. No lesser good, such as evidence to ground the prosecution of an offender, is sufficient to justify an attack on the integrity of that Sacrament. No temporal advantage can weigh against an eternal advantage.

The Advantages of the Sacrament to Individual and to Society

The writer was once told by a man in the course of a taxi journey that the best year of his life was the one he spent in Goulburn Gaol⁶ because he learned there the need to overcome his vices and to take control of his life. There are, as foreshadowed above, immense advantages for society in the Sacrament of Penance because its proper operation contributes to the life of virtue of the individual and of society as a whole. Contrition is an act of virtue in which a man condemns himself for his vicious self will. It is principally an act of Justice, a restoration of what is due by the penitent to other individuals and to society. Confession conduces to, and confirms that contrition and offers satisfaction for past offences. It turns an evil man into a good one and good men are essential if the common good of society is to flourish.

An Argument *Ignoratio Elenchi*⁷

An argument beside the point—*ad hominem* but compelling—addresses the hypocrisy of those promoting the alteration of the law in regard to a priest's duty of confidentiality in the confessional. The very people who argue that children are sacrosanct, atheistic in inclination if not in fact, see no contradiction in lending their support to legislation which permits induced abortion of the innocent unborn.

If children are sacrosanct, *a fortiori* the unborn are sacrosanct. More than this; no matter how great the evil of the sexual abuse of an innocent child, the murder of an unborn innocent is far greater for it deprives the child not just of his innocence but of his life.

Michael Baker

August 22, 2019—Immaculate Heart of Mary (*forma extraordinaria*)

Queenship of Mary (*forma ordinaria*)

⁶ Goulburn is a country town in New South Wales. Its gaol is one for serious offenders.

⁷ *Ignoratio elenchi* is Latin for 'ignorance of the nature of the refutation'. It is a logical fallacy which consists in appearing to refute an opponent while in fact disproving something not asserted.