



## Settimo Cielo



di Sandro Magister

19 lug

## Global Attack Against the Seal of the Confessional. Either Prison Or Excommunication



> Italiano  
> English  
> Español  
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> All the articles of Settimo Cielo in English

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The latest attack was thwarted a few days ago in California. On July 13 state senator Jerry Hill took off the docket of the California Assembly Public Safety Committee the bill he had sponsored, SB 360 - already approved by the senate - to abolish the secrecy of the sacrament of confession.

In reporting the story, "Vatican News" emphasized that "it took 140,000 letters, 17,000 e-mails, and hundreds of phone calls" to forestall that "threat for the conscience of every American," in the words of Los Angeles archbishop José Horacio Gomez, who led the mobilization.

Back in 2000 the international criminal court had rejected, in a debate over the "Rules of Procedure and Evidence," the request by Canada and France that religious ministers no longer be granted the right to abstain from testifying on matters ascertained through the seal of the confessional.

And again in 2016 the supreme court of the state of Louisiana had reiterated that a "priest, rabbi, duly ordained clerical deacon or minister" could not be defined as a "mandatory reporter," or required to report knowledge acquired "during a confession or other sacred communication."

Meanwhile, however, amid the onslaught of the scandal of sexual abuse committed by sacred ministers, attacks on the seal of sacramental confession were **multiplying**. For example in 2011 in Ireland, at the hands of then-prime minister Enda Kenny. Or in 2014 in Geneva, on the part of the UN committee for the convention on the rights of the child. Each time with the Catholic Church in the defendant's seat.

Until on June 7 2018 the seal of the confessional capitulated in Australia, in the territory of the capital, Canberra, where with the approval of all the parties a law was passed that requires Catholic priests - and analogously the ministers of other faiths - to violate the sacramental seal whenever they become aware of sexual abuse committed against minors. The law went into effect on March 31, 2019.

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So far these are matters of relatively well-known facts. What few know is that the seal of the confessional is in serious danger even where one would least expect.

Italy is one of these cases that have so far been met with silence, even on the part of Church authorities. Here a **ruling** by the supreme court of cassation, no. 6912 of January 14 2017, established that a priest called to testify in a criminal trial for sexual abuse commits the crime of perjury if he refuses to say what he has learned about in confession apart from the sins committed by the penitent, for example if he told him that he had undergone abuse, not that he had committed it.

So then, it is precisely this Italian ruling that prompted Andrea Bettetini, a professor of canon law at the Catholic University of Milan and a "visiting professor" at various universities in Europe and America, in an article in the latest issue of "Vita e Pensiero," the magazine of his university, dedicated to the attacks on the seal of the confessional.

Bettetini presents the Italian ruling alongside the new law enacted in Australia to show that they are much more alike than they appear to be, because both are in favor of obligatory reporting and detrimental to that "fundamental legal and moral right" which is "the protection of the conscience of the person who opens his soul to a minister of religion."

In the central part of his text, Bettetini expounds the protection of the sacramental seal in the Catholic Church, in canon law and in the magisterium, demonstrating how this protection includes everything that the priest learns about in confession, and not only the sins of the penitent.

He does not cite, because it was published after the article went to print, the "Note of the Apostolic Penitentiary on the importance of the internal forum and the inviolability of the sacramental seal" **promulgated** last June 29 with the approval of Pope Francis. But this came not a moment too soon, seeing the growing "negative prejudice" of many civil powers against the extension of this secrecy.

Moreover, Bettetini shows how also in Italian law the seal of the confessional would be well protected, if not for the 2017 intervention of that ruling by the court of cassation.

And here are the dramatic conclusions that he draws in the final part of his article. As for the religious minister, he is obliged to choose between prison and excommunication.

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## SEXUAL ABUSE AND THE SEAL OF THE CONFESSATIONAL

by Andrea Bettetini

[...]

For the sake of drawing conclusions from what has been presented here, we can affirm that the two examples [of Italy and Australia] cited at the beginning of our article are paradigmatic of a neo-jurisdictionalism of dubious outcome that is insinuating itself into various political structures through legislation and legislative interpretation that, with little commotion but to great effect, is in fact modifying the arrangement of equilibria (and of the relative responsibilities) between temporal order and spiritual order. Meaning by this latter not only the Catholic Church's area of autonomy; but likewise that of action of the religious confessions different from the Catholic, and more in general, that of religion.

Christopher Prowse, archbishop of Canberra and Goulburn, has harshly criticized the new Italian law in the "Canberra Times," highlighting the ultimate reason for its incoherence: "Without that vow, who would be willing to unburden themselves of their sins, seek the wise counsel of a priest and receive the merciful forgiveness of God?" The law of the Church and in the Church serves precisely to preserve its nature as instrument of salvation for every man, the life and experience of which move in a dimension of law and justice, committing itself to giving visibility and content to norms that correspond, within the limits of human linguistic mediation, to truth and justice.

And so it is that in balancing two capital values like freedom of conscience and of religion on the one hand, and the exercise of penal action to punish an inhuman crime on the other, in the Western juridical tradition it is the former that prevails, both because it constitutes the deepest nucleus of the freedom and responsibility of man, and because it is the reality that, after the good of life, in the most fundamental and irremovable way belongs to the human person, and is due to him in justice.

And this other is nothing but the reflection of that which is the most valuable contribution of the Western world to the juridical structure of global civilization: the concept of the person and his dignity, in the protection of his inalienable rights, the first of which is precisely that of religious freedom. Acting otherwise would bring about a setback of juridical civilization, and therefore human, which after all was what the archbishop of Canberra feared most when, on the eve of the enforcement of the law that requires the confessor, if necessary, to violate the sacramental seal, he stated: "Now we priests in the ACT [Australian Capital Territory] find ourselves on the brink of an impossible choice. We will have to either respect the seal of confession and face prosecution, or comply with the law and face automatic excommunication."

Condividi:



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## NESSUN COMMENTO

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