

## Note of the Apostolic Penitentiary on the importance of the internal forum and the inviolability of the sacramental seal

"With the Incarnation, the Son of God has united in a certain way with every human being"<sup>[1]</sup> ; by his gestures and his words, he illuminated the human being's highest and inviolable dignity; in himself, dead and risen, he restored fallen humanity, overcoming the darkness of sin and death; to those who believe in him he enabled a relationship with his Father; with the outpouring of the Holy Spirit, he consecrated the Church, a community of believers, as his true Body, participating in his own prophetic, royal and priestly power, so that it would be in the world as the extension of his own presence and mission, proclaiming the truth to men and women in every age, guiding them to the splendour of its light, allowing their life to be truly touched and transfigured.

In this troubled time in human history, increasing techno-scientific progress does not seem to be matched by corresponding ethical and social development but rather a real cultural and moral "involution" which, forgetful of, if not hostile towards God becomes incapable of recognizing and respecting, in every sphere and at every level, the essential coordinates of human existence and of the very life of the Church.

"If technical progress is not matched by progress in the ethical formation of the human being, in the growth of the interior person [...], then it is not progress but a threat to humanity and the world"<sup>[2]</sup> . In the field of private and mass-media communications too "technical possibilities" increase disproportionately but not love for the truth, the commitment to search for it and the sense of responsibility before God and humanity; a worrying disproportion between means and ethics emerges. Communications overload seems to turn against the truth and, consequently, against God and humanity; against Jesus Christ, God made man, and the Church, his historical and real presence.

A certain craving for information has spread in recent times, almost regardless of its reliability and appropriateness, to the point that the world of communication seems to want to replace reality both by conditioning perception and by manipulating the understanding of it. Unfortunately the Church itself, which lives in the world and can at times assume the world's criteria, is not immune from this tendency which can have morbid aspects. Often enough, even among believers, precious energies are wasted in the search for "news" – or "scandals" – to satisfy a certain type of public opinion, but with goals and objectives that certainly do not match the divine and human nature of the Church. All this is to the grave detriment of the proclamation of the Gospel to every creature and the requirements of the Church's mission.

In fact, invoking the judgment of public opinion as the ultimate tribunal, information of all kinds is disclosed too often, even touching the most private and confidential areas, which inevitably affects the life of the Church. This induces – or at least favours – rash and even illegitimate judgments and irreparably damages the good reputation of others, as well as the right of all persons to defend their privacy (cf. can. 220 CIC). In this scenario, the words of Saint Paul to the Galatians sound particularly current: "You, brothers and sisters, have been called to freedom; only do not use your freedom as a pretext for living according to the

flesh [...] . If you bite and devour each other, take care that you are not consumed by one another" (Gal 5:13-15).

In such a situation, a troubling negative prejudice towards the Catholic Church seems to assert itself. The Church's life is culturally understood and socially re-interpreted, on the one hand, in the light of the tensions that can occur within a single hierarchy and, on the other hand, in the light of the recent scandals of abuse, horribly perpetrated by some members of the clergy. This prejudice, oblivious of the true nature of the Church, of her real history and of the clear beneficial influence the Church has always had and still has in human societies, translates at times into the unjustifiable claim that the Church herself, in certain matters, should conform her own legal order to the civil systems of the states in which she lives, as the only guarantee of correctness and good citizenship.

Faced with all this, the Apostolic Penitentiary has considered it appropriate to offer this Note to reaffirm the importance and promote a better understanding of those concepts, typical of communication in the Church and society, which today seem to have become more alien to public opinion and at times to civil legal systems: the sacramental seal, the confidentiality inherent in the internal extra-sacramental forum, professional confidentiality, the criteria and limits proper to any other communication.

## **1. Sacramental seal**

Speaking recently of the Sacrament of Reconciliation, Pope Francis reaffirmed the indispensability and inviolability of the sacramental seal: "Reconciliation itself is a good that the wisdom of the Church has always safeguarded with all her moral and juridical strength with the sacramental seal. Although not always understood by the modern mentality, it is indispensable for the sanctity of the sacrament and the freedom of conscience of the penitent who must be certain, at all times, that the sacramental conversation will remain in the secret of confession, between one's own conscience that opens to the grace of God, and the necessary mediation of the priest. The sacramental seal is indispensable and no human power has jurisdiction over it, nor can it claim it".<sup>[3]</sup>

The inviolable secrecy of confession comes directly from revealed divine law and is rooted in the very nature of the Sacrament, to the point of not admitting any exception in the ecclesial context nor, still less, in the civil context. In fact, in the celebration of the Sacrament of Reconciliation the very essence of Christianity and the Church is contained: the Son of God became man to save us and decided to involve, as a necessary agent in this work of salvation, the Church and, in her, those he has chosen, called and constituted as his ministers.

To express this truth, the Church has always taught that priests, in the celebration of the sacraments, act *in persona Christi capitis*, that is, in the person of Christ the head: "Christ allows us to use his "I", we speak in the "I" of Christ, Christ "draws into himself" and allows us to unite, unites us with his "I". [...] It is this union with his "I" that is realized in the words of Eucharistic consecration. Also in the "I absolve you" - because none of us could absolve from sins - it is the "I" of Christ, of God, who alone can absolve".<sup>[4]</sup>

Every penitent who humbly goes to the priest to confess his or her sins, bears witness to the great mystery of the Incarnation and the supernatural essence of the Church and of the ministerial priesthood, through which the Risen Christ comes to meet us, touches our life sacramentally – that is, really – and saves us. For this reason, the defence of the sacramental seal by the confessor, if necessary *usque ad sanguinis effusionem*, represents

not only an act of dutiful loyalty towards the penitent, but much more: a necessary testimony – a "martyrdom" – given directly to the uniqueness and salvific universality of Christ and the Church.<sup>[5]</sup>

The matter of the seal is set forth and regulated by cann.983-984 and 1388, § 1 of the CIC and of can.1456 of the CCEO, as well as from n.1467 of the *Catechism of the Catholic Church*, where it is stated not that the Church "establishes", by virtue of her own authority, but rather that she "declares" – that is, recognizes as an irreducible datum, deriving precisely from the sanctity of the Sacrament instituted by Christ – "that every priest who hears confessions is obliged, under very severe penalties, to maintain absolute secrecy concerning the sins that his penitents confessed to him".

The confessor is never allowed, for any reason whatsoever, "to betray the penitent with words or in any other way" (can.983, §1 CIC), as well as "it is totally forbidden for the confessor to make use of the knowledge acquired from confession when it might harm the penitent, even excluding any danger of revelation" (can.984, §1 CIC). The doctrine also helps to specify further the content of the sacramental seal, which includes "all the sins of both the penitent and others known from the penitent's confession, both mortal and venial, both hidden and public, as declared for the sake of absolution and therefore known to the confessor by virtue of sacramental knowledge"<sup>[6]</sup>. The sacramental seal, therefore, regards everything the penitent has confessed, even in the event that the confessor does not grant absolution: if the confession is invalid or for some reason the absolution is not given, the seal must be maintained.

The priest, in fact, becomes aware of the sins of the penitent *non ut homo sed ut Deus* – not as a man, but as God<sup>[7]</sup>, to such an extent that he simply "does not know" what he was told during confession, because he did not listen to him as a man but, precisely, in the name of God. The confessor could therefore also swear, without any prejudice to his conscience, to "not know" what he knows only as a minister of God. Because of its peculiar nature, the sacramental seal manages to bind the confessor also inwardly, to the point that he is forbidden to remember voluntarily what is confessed and he is obliged to suppress any involuntary recollection of it. The secret deriving from the seal is also held by those who, in any way, have become aware of the sins of confession. An interpreter, if there be one, is also required to observe the seal.

The absolute prohibition imposed by the sacramental seal is such as to prevent the priest from speaking of the content of the confession with the penitent outside the Sacrament, "unless there is explicit consent – and better still if not sought – from the penitent"<sup>[8]</sup>. The seal therefore goes beyond the availability of the penitent who, once the Sacrament is celebrated, does not have the power to relieve the confessor of the obligation of secrecy, because this duty comes directly from God.

The defence of the sacramental seal and the sanctity of confession can never amount to some form of connivance with evil. On the contrary, they represent the only true antidote to evil which threatens the human being and the whole world. They offer the real possibility of surrendering to the love of God, of allowing oneself to be converted and transformed by this love, learning to respond to it concretely in one's life. In the case of sins that are civil or criminal offenses, it is never permissible to impose upon the penitent, as a condition for absolution, the obligation to submit to civil justice, by virtue of the natural principle, incorporated in every code, according to which *nemo tenetur se detegere*. At the same time, however, sincere repentance belongs to the very structure of the Sacrament of Reconciliation, as a condition of validity, together with a firm intention to amend and not to

repeat the evil committed. If a penitent has been a victim of the evil of others, it will be up to the confessor to instruct him or her regarding his or her rights, as well as about the legal procedures used to report the fact in the civil and/or ecclesiastical forum and seek justice.

Any political or legislative action aimed at forcing the inviolability of the sacramental seal would constitute an unacceptable offence against the *libertas Ecclesiae*, which does not derive its legitimacy from individual states but from God. It would also constitute a violation of religious freedom, legally fundamental to all other freedoms, including the freedom of conscience of individual citizens, both penitents and confessors. Breaking the seal would be tantamount to violating the poor person who is in the sinner.

## **2. Internal extra-sacramental forum and spiritual direction**

The juridical-moral sphere of the internal forum also includes the so-called “extra-sacramental internal forum”, always hidden, but external to the Sacrament of Penance. In it too the Church exercises her mission and saving power: not by forgiving sins, but by granting graces, removing legal constraints (such as censures) and attending to everything concerning the sanctification of souls and, therefore, the intimate and personal depth which is proper to each believer.

Spiritual direction belongs in a particular way to the internal extra-sacramental forum, in which the individual believer entrusts his or her own path of conversion and sanctification to a specific priest, consecrated person or lay director.

The priest exercises this ministry by virtue of the mission he has of representing Christ, conferred upon him by the Sacrament of Orders and exercised within the hierarchical communion of the Church, through the so-called *tria munera*: the office of teaching, sanctifying and governing. Religious and laity do so in virtue of the baptismal priesthood and the gift of the Holy Spirit.

In spiritual direction, the believer freely opens the secret of his or her conscience to the spiritual director/companion, to be guided and supported in listening to and doing the will of God.

Also this particular area, therefore, there is a need for a certain secrecy *ad extra*, inherent to the content of spiritual interviews and deriving from the right of every person to have his or her privacy respected (cf. can. 220 CIC). Although in a merely analogous way to what happens in the Sacrament of Reconciliation, the spiritual director comes close to the conscience of the individual believer by virtue of his or her special relationship with Christ, which derives from holiness of life and – if a cleric – from the sacred Order received.

As evidence of the special confidentiality accorded to spiritual direction, consider the prohibition, sanctioned by law, of having recourse not only to the opinion of the confessor, but also that of the spiritual director, on the occasion of admission to sacred Orders or, vice versa, for dismissal from the seminary of candidates to the priesthood (cf. can. 240, § 2 CIC; can. 339, § 2 CCEO). In the same way, the instruction *Sanctorum Mater* of 2007, concerning the process of diocesan or eparchial inquiries in the Causes of Saints, forbids recourse not only to confessors to protect the sacramental seal but also to the spiritual directors of the Servant of God, even for anything they learned in the forum of conscience, outside sacramental confession.<sup>[9]</sup>

This necessary confidentiality will be all the more natural for the spiritual director the more he or she learns to recognize and be moved by the mystery of the freedom of the faithful who, through the director, turn to Christ. A spiritual director must see his or her own mission and life exclusively before God, in the service of his glory, for the good of the person, of the Church and for the salvation of the whole world.

### **3. Secrets and other limits inherent to communication**

Other than the internal sacramental and extra-sacramental forum, these are the confidences offered under the seal of confidentiality, as well as the so-called "professional confidences" conceded to certain categories of people, both in civil society and in the Church, by virtue of a special office which they carry out for individuals or for the community.

Such confidences, in virtue of natural law, must always be kept, "except - the *Catechism of the Catholic Church* states at n. 2491 - in the extraordinary cases in which keeping the confidence would cause very grave harm to the one who confided it, to the one who received it or to a third party and where the very grave harm can be avoided only by divulging the truth".

A special case of confidentiality is "the pontifical secret", which is binding under the oath connected with the exercise of certain offices in service of the Apostolic See. If the oath of secrecy always binds *coram Deo* who issued it, the oath connected to the "pontifical secret" has as its ultimate rationale the public good of the Church and the *salus animarum*. It presupposes that this good is the very requirement of *salus animarum*, including therefore the use of information that does not fall under the seal. It can and must be correctly interpreted by the Apostolic See alone, in the person of the Roman Pontiff, whom Christ the Lord constituted and placed as the visible principle and foundation of the unity of faith and of the communion of the whole Church.<sup>[10]</sup>

As regards other areas of communication, both public and private, in all its forms and expressions, the wisdom of the Church has always noted as a fundamental criterion the "golden rule" pronounced by the Lord and found in the Gospel of Luke: "What you want others to do to you, you do also to them" (6:31). In this way, in the communication of truth as in silence with regard to it, when the questioner had no right to know, it is always necessary to adhere to the precept of fraternal love, having the good and safety of others before our eyes, respecting both the life of the individual and the common good.<sup>[11]</sup>

As a particular duty of communicating the truth, commanded by fraternal charity, one cannot fail to mention fraternal correction, in its various degrees, taught by the Lord. It remains the point of reference, where necessary and according to what concrete circumstances allow or require: "If your brother sins against you, go and admonish him when the two of you are alone; if he listens to you, you will have regained your brother; if you are not listened to, take one or two more people with you, so that everything is confirmed by the word of two or three witnesses. If he does not listen to them, tell the community" (Matt 18:15-17).

In an era of mass communication, in which all information "goes up in smoke" and with it, unfortunately, also part of people's lives, it is necessary to relearn the power of speech, its constructive power, but also its destructive potential. We must be vigilant so that the sacramental seal is never violated by anyone and the necessary confidentiality connected to the exercise of the Church's ministry is always carefully guarded, having as its sole horizon the truth and the integral good of persons.

Let us invoke from the Holy Spirit, for the whole Church, an ardent love for the truth in every area and circumstance of life. The ability to guard it integrally in the proclamation of the Gospel to every creature, the preparedness for martyrdom to defend the inviolability of the sacramental seal, as well as the prudence and wisdom necessary to avoid any instrumental and erroneous use of the information proper to privacy in society and the Church, which can turn into an offence against the dignity of the person and even against Truth, which is always Christ himself, Lord and Head of the Church.

In jealously protecting the sacramental seal and the necessary discretion linked to the internal extra-sacramental forum and to the other acts of ministry, there shines forth a particular synthesis of the Petrine and Marian dimensions of the Church.

With Peter, the Bride of Christ guards, until the end of time, the institutional ministry of the "power of the keys". Like Mary most holy, the Church preserves "all these things in her heart" (Luke 2:51b), knowing that in them the light which illuminates everyone shines forth and that, in the sacred space between personal conscience and God, that light must be preserved, defended and guarded.

*The Supreme Pontiff Francis, on 21 June 2019, approved the present Note and ordered its publication.*

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Mauro Cardinal Piacenza  
*Major Penitentiary*

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*Regent*

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[1] Vatican II Ecumenical Council, Pastoral Constitution on the Church in the Contemporary World *Gaudium et Spes* (7 December 1965), n.22.

[2] Benedict XVI, Encyclical *Spe Salvi* (November 30, 2007), n.22.

[3] Francis, *Address to the participants in the XXX Course on the Internal Forum organized by the Apostolic Penitentiary* (March 29, 2019).

[4] Benedict XVI, *Colloquium with Priests* (10 June 2010).

[5] Cf Congregation for the Doctrine of the Faith, Declaration *Dominus Iesus* concerning the uniqueness and salvific universality of Jesus Christ and the Church (6 August 2000).

[6] V. De Paolis - D. Cito, *Sanctions in the Church. Commentary on the Code of Canon Law. Book VI*, Vatican City, Urbaniana University Press, 2000, p.345.

[7] Thomas Aquinas, *Summa Theologiae, Suppl.*, 11, 1, ad 2.

[8] John Paul II, Post-Synodal Apostolic Exhortation *Reconciliatio et Paenitentia* (2 December 1984), n.31

[9] Cf Congregation for the Causes of Saints, *Sanctorum Mater*, Instruction for carrying out diocesan or eparchial inquiries in the causes of saints (17 May 2007), art.101, §2.

[10] Cf Second Vatican Ecumenical Council, Dogmatic Constitution on the Church *Lumen Gentium* (November 21, 1964), n.18.

[11] Cf *Catechism of the Catholic Church*, n.2489.

