



MEDIA STATEMENT

Most Rev Timothy Costelloe SDB, Archbishop of Perth

Date: Thursday 23 May 2019.

The announcement that the State Government will seek to legislate later this year to remove the legal protections around the confidentiality of “religious confessions” will cause great concern and distress to many people of faith, including Catholics. While everyone will understand and support the apparent intention behind this proposal – to protect children and young people from sexual predators – many will question whether the proposed legislation will achieve such an outcome.

The practice of religious confession varies from denomination to denomination. While it is closely connected to the practice of religious figures acting as counsellors or “sounding boards” for people in difficulty, it should not be confused with these practices. Certainly in the Catholic tradition, which is the only one for which I can speak, the Sacrament of Penance (also called Reconciliation or Confession) is an essential dimension of our faith. Many people, understandably, are frustrated or offended by the Church’s insistence that it is not in a position to alter its teaching on the requirement of absolute confidentiality in relation to what is disclosed in Confession, but it is the particular nature of Confession in the Catholic tradition, and the unique role played by the priest in the sacrament, which explains this insistence.

Put simply, a person does not confess his or her sins to the priest, but rather to Christ who is present in and through the ministry of the priest. The priest has no right to reveal anything he hears in the confessional because in a very real sense what is revealed is made known only to God. The absolute freedom and confidence to reveal the depths of our shame and sorrow to God in order to experience his mercy in a truly human way through the ministry of the priest, requires that there be no possibility of self-incrimination before the law in such an encounter.

This is clearly a matter of faith and such faith is not shared by everyone. For Catholics, however, it is an essential dimension of our understanding of our relationship with God. To threaten priests with prosecution if they remain faithful to this foundational teaching of the Church is to run the risk of interfering with the free practice of the Catholic faith.

There are also practical reasons why the proposed legislation, whatever form it takes, will be ineffective. Firstly it seems very unlikely that child abusers will come to confession to confess their sins, which are also of course crimes. You don’t come to confession unless you have recognised the sinful nature of your behaviour, are filled with sorrow and shame because of it, and are determined never to commit such sins again. It is often noted that child abusers are notoriously unrepentant and often convinced that their actions are neither sinful nor shameful and are in fact part of the normal range of acceptable human behaviour. Such pathology would work against any notion of personal responsibility for the harm done to a child or young person.

However, on those rare occasions when an abuser might come to confession, it should be remembered that is an essential aspect of the Catholic practice of Confession that there must always be the possibility of anonymous confession. In every diocese of the Catholic Church, including Perth, there will be local parishes and other communities where anonymous confessions are provided for. This has been the practice for many centuries. Even with the confidentiality of the confessional preserved, it is more likely that a perpetrator will go to Confession anonymously than in a setting in which he or she is easily identified. In such a scenario the priest will almost always have no clear idea or certainty as to the identity of the penitent. Should the legal protections around the confidentiality of the confessional be removed, it is so unlikely as to be practically impossible to conceive of a person going to confession in a setting in which his or her identity can be known or guessed. To do so would be to incriminate yourself and ensure that you would be reported to the police.

This is important because it means that, if the legal protections for the confidentiality of the Confessional are removed, so is the admittedly slim chance that a perpetrator might come to Confession thus providing the priest with an opportunity to counsel the penitent about his or her behaviour, encourage them to hand themselves in to the police and offer to assist them to do so.

When we consider these various dimensions of the theory and practice of Confession in the Catholic tradition many of us are asking ourselves what exactly will be achieved by the proposed legislation. If the suggested change will not make children any safer, and may even make them less so, would it not be better to assist the leaders of the Church in our efforts to respond to the other recommendations of the Royal Commission which have the potential to make children and young people not only safer in Catholic institutions but in society generally?

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