

Australia, The Catholic Church in Resistance: Priests, Child Abuse, and Breaking the Seal of the Confessional

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The tradition is represented as noble, the confiding link between confessor and penitent, a bridge never to be broken, even under pain of death. Taken that way, the confessional is brandished as the Catholic Church's great weapon against the wiles and predations of secular power. The State shall have no say where the priest's confidence is concerned, for all may go to him to seek amends.

"The sacramental seal," goes the relevant code of canon law, "is inviolable; therefore it is absolutely forbidden for the confessor to betray in any way a penitent in words or in any manner and for any reason."

Those points certainly have merits, even if these seem a touch faded after the sex abuse imbroglio the Church has found itself in. Confession, which functions as a barometric reading of Catholic guilt, has developed its own succour and relish, an ecosystem of ritual and understanding resistant to the prying of the criminal law. Not merely does its ironclad protection provide a dispensation from the laws of the land in certain troubling cases; the confession, in effect, serves as an economy of ordered guilt, reassurance for the next binge of sin. To remove it, or at the very least heavily qualify it, would be an unsettling challenge to a distinct *Weltanschauung*.

The process effectively permits all – including erring priests – to engage the process from either side of the grille. Historically, the process also imperilled children. Pope Pius X, in decreeing in 1910 that confession should commence at the tender age of seven, permitted an army of celibates access to vulnerable, and in certain instances titillating flesh.

Legislators troubled by the enduring force and fascination with the seal of the confessional have gotten busy, most notably in Australia. This was prompted, in no small part, by the findings and recommendations of the [Royal Commission into Institutional Responses to Child Sexual Abuse](#).

"We are satisfied," went the Australian report, "that confession is a forum where Catholic children have disclosed their sexual abuse and where clergy have disclosed their abusive behaviour in order to deal with their own guilt."

[One recommendation](#) specifies that institutions "which have a religious confession for

children should implement a policy that requires the rite only to be conducted in an open space within the clear line of sight of another adult.” But the members of the Royal Commission went beyond the spatial logistics of the confessional. Institutional jolting was required.

Each state and territory government, argued Commission members, should pass legislation creating “a criminal offence of failure to report targeted at child sexual abuse in an institutional context”. This, it was suggested, would extend to “knowledge gained or suspicions that are or should have been formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.” The law would also exclude existing excuses, protections or privileges.

Despite treading delicately, such recommendations were not merely matters for demurral by the Church, but considerations to be sneered at from the summit of spiritual snobbery. President of the Australian Catholic Bishops Conference and Melbourne Archbishop **Denis Hart** reduced the matter to one of neat sophistry veiled by religious freedom.

“Confession in the Catholic Church,” [he reasoned](#) in August last year, “is a spiritual encounter with God through the priest” being “a fundamental part of the freedom of religion”.

Hart’s protestations did not go heeded in the South Australian legislature, making it the first in Australia to legally oblige priests to report confessions of child abuse from October 1.

Omitting to do so will result in a fine of \$10,000. Bishop of Port Pirie and acting Adelaide Archbishop Greg O’Kelly, much in Hart’s vein, [saw the move](#) as having “much wider implications for the Catholic Church and the practice of the faith.” Such comments could only come across as archaic and insensitive, given the [conviction](#) of his predecessor, Archbishop Philip Wilson, for concealing child sex abuse.

More to the point, the remarks by Bishop O’Kelly are brazenly selfish, permitting the priest an all-exclusive gold card for [reasons of amendment](#), “that the penitent actually is sincere about wanting forgiveness, is sincere about anting reparation”. The conspicuous absentee here is the victim, always abstracted, if not totally hidden, by matters of the spirit.

While accounts such as **John Cornwell**’s, whose stinging personal [The Dark Box](#) makes the sensible point that abolishing the confession and its lusty pull would essentially address the problem, the Church is already finding fewer penitents. In a sense, it is already losing the appeal, the allure, and even the danger, of the confessional. Musty physical convention has given way to digital releases and outpouring. Social media, crowned by the confessional fetish that is Facebook, takes the disturbed soul and expresses it to the globe.

From the vacuity of the Kardashian phenomenon to the newly enlisted grandparent keen to reflect on banal deeds, these platforms have stolen an irresistible march on those in the land of Catholicity. Such confessions of sin or achievement – the distinctions are not always clear – have become the preserve of **Facebook**, rather than a local priest desperate to remain relevant. But that age old resistance against the laws of the civic secular domain remains the Church of Rome’s stubborn, practised specialty. The elusive spirit, in dialogue with an unverified Sky God, continues to be its invaluable alibi for crimes of the flesh.

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