

Document

**NOTE OF THE APOSTOLIC PENITENTIARY
ON THE IMPORTANCE OF THE INTERNAL FORUM
AND THE INVIOABILITY OF THE SACRAMENTAL SEAL**

“By His incarnation the Son of God has united Himself in some fashion with every man”;[1] with his gestures and his words, he illuminated his 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 opened the relationship with his Father; with the outpouring of the Holy Spirit, he consecrated the Church, a community of believers, as his true body and participated in his own prophetic, royal and priestly power, so that he would be in the world as the extension of his own presence and mission, announcing to men of all times the truth, guiding them to the splendour of its light, allowing their life to be truly touched and transfigured.

In this time of human history so troubled, the increasing technoscientific progress does not seem to correspond to an appropriate ethical and social development, but rather to a real cultural and moral “involution” which, forgetting God – if not actually hostile – becomes unable to recognize and respect, in every sphere and at every level, the essential coordinates of human existence and, with them, the very life of the Church.

“If technical progress is not matched by corresponding progress in man’s ethical formation, in man’s inner growth ..., then it is not progress at all, but a threat for man and for the world”.[2] Also in the field of private and mass-media communications the “technical possibilities” grow inordinately, but not love for the truth, the commitment in seeking it, the sense of responsibility before God and men; a worrying disproportion between means and ethics becomes apparent. Communicative hypertrophy seems to turn against the truth and, consequently, against God and against man; against Jesus Christ, God-made-man, and the Church, his historical and real presence.

A certain “longing” for information has spread in recent decades, almost regardless of its real trustworthiness and timeliness, to the

point that the “world of communication” seems to want to “replace” reality, both by conditioning the perception of it and by manipulating the understanding of it. Unfortunately, from this tendency, which can take on the disturbing traits of morbidity, the ecclesial structure itself – which lives in the world and sometimes assumes its parameters – is not immune. Frequently, even among believers, precious energies are employed in the search for “news” – or true and proper “scandals” – suited to the sensitivity of a certain section of public opinion, with goals and objectives that certainly do not belong to the theandric nature of the Church. All this is to the grave detriment of the proclamation of the Gospel to every being, and the needs of the mission. It must be humbly admitted that at times, even the ranks of the clergy, up to the highest levels, are present in this trend.

Too often, invoking the de facto judgment of public opinion as the ultimate tribunal, information of all kinds is released concerning the most private and confidential spheres, which inevitably touches the life of the Church, which breeds – or at least favours – rash judgments, unlawfully and irreparably damages the good reputation of others, as well as the right of every person to defend his or her reputation (cf. can. cic 220). In this scenario, Saint Paul’s words to the Galatians sound particularly timely: “For you were called to freedom, brethren; only do not use your freedom as an opportunity for the flesh.... But if you bite and devour one another take heed that you are not consumed by one another” (Gal 5:13-15).

In this context, there seems to be a certain disturbing “negative prejudice” expressed against the Catholic Church whose existence on one hand is culturally presented and socially re-constituted in light of the tensions that can occur within the hierarchy itself and, on the other, emanates from the recent dreadful scandals of abuse perpetrated by some members of the clergy. This prejudice, forgetful of the true nature of the Church, of her authentic history and of the real, beneficial presence that she has always had and has in human life, sometimes transforms into the unjustifiable “claim” that the Church herself, in certain matters, should conform her own juridical system to the civil systems of the States in which she is present, as the only possible “guarantee of correctness and rectitude.”

In consideration of all this, the Apostolic Penitentiary has held it appropriate to intervene, with this *Note*, to reaffirm the importance

of and to promote a better understanding of those concepts, typical of ecclesial and social communication, which today seem to have become more alien to public opinion and sometimes to the same civil juridical systems: the sacramental seal, the confidentiality inherent in the internal extra-sacramental forum, the professional secrecy, the criteria and the limitations proper to all other communication.

1. *Sacramental seal*

Recently, speaking of the Sacrament of Reconciliation, the Holy Father Francis wished to reaffirm the indispensability and the inaccessibility of the sacramental seal: "Reconciliation itself is a benefit that the wisdom of the Church has always safeguarded with all her moral and legal might, with the sacramental seal. Although it is not always understood by the modern mentality, it is indispensable for the sanctity of the sacrament and for the freedom of the conscience of the penitent, who must be certain, at any time, that the sacramental conversation will remain within the secrecy of the confessional, between one's own conscience that opens to grace, and God, with the necessary mediation of the priest. The sacramental seal is indispensable and no human power has jurisdiction over it, nor lay any claim to it".[3]

The inviolable secrecy of Confession comes directly from the revealed divine right and is rooted in the very nature of the Sacrament, to the point of not admitting any exception in the ecclesial sphere, nor, least of all, in the civil one. Indeed, it is as if the celebration of the Sacrament of Reconciliation contained the very essence of Christianity and of the Church: the Son of God became man to save us and decided to involve the Church as a "necessary instrument", and in her, those whom he chose, called and constituted as his ministers.

In order 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 very person of Christ the Head: "Christ allows us to use his 'I', we speak in the 'I' of Christ, Christ is 'drawing us into himself' and allows us to be united. He unites us to his 'I'. [...] It is this union with his 'I' which is realized in the words of the 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".[4]

Every penitent who humbly goes to the priest to confess his sins or her 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 men, sacramentally – that is, really – touches their life and saves them. 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 “allegiance” towards the penitent, but much more: a necessary testimony – a “martyrdom” – rendered directly to the uniqueness and salvific universality of Christ and the Church.[5]

The matter of the seal is currently expounded and regulated by can. 983-984 and 1388, §1 of the *cic*, and can. 1456 of the *cceo*, as well as n. 1467 of the *Catechism of the Catholic Church*, where significantly, we read that the Church “establishes”, by virtue of her own authority, rather than that she “declares” – that is, recognizes as an irreducible datum, which derives precisely from the sanctity of the sacrament instituted by Christ – “that every priest who hears confessions is bound under very severe penalties to keep absolute secrecy regarding the sins that his penitents have confessed to him”.

The confessor is never allowed, for any reason whatsoever, “to betray in any way a penitent in words or in any manner” (*cic* can. 983, §1), just as “a confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded” (*cic* can. 984, §1). The doctrine also helped to further specify 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 occult and public, as manifested with regard to absolution and therefore known to the confessor by virtue of sacramental knowledge”. [6] The sacramental seal, therefore, concerns everything the penitent has admitted, 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 in any case.

The priest, in fact, becomes aware of the sins of the penitent “*non ut homo, sed ut Deus* – not as man, but as God”, [7] 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 "interiorly", to the point that he is forbidden to remember voluntarily the confession and he is obliged to suppress any involuntary recollection of it. The secrecy deriving from the seal also binds those who, in any way, have become aware of the sins during confession: "The interpreter, if there is one, and all others who in any way have knowledge of sins from confession are also obliged to observe secrecy" (cic can. 983, §2).

The absolute prohibition imposed by the sacramental seal is such as to prevent the priest from speaking of the content of the confession to the penitent himself, outside of the sacrament, without the "explicit (and all the more so if not requested) permission" of the penitent.[8] The seal therefore lies beyond the reach of the volition of the penitent who, once the sacrament has been celebrated, does not have the power to relieve the confessor of the obligation to secrecy, because this duty comes directly from God.

Defence of the sacramental seal and the sanctity of Confession can never constitute any form of connivance with. On the contrary they represent the only true antidote to the evil that threatens man and the whole world; they constitute the real possibility of surrendering to the love of God, of allowing oneself to be converted and transformed by this love, learning to correspond to it concretely in one's life. In the presence of sins that involve criminal offenses, it is never permissible, as a condition for absolution, to place on the penitent the obligation to turn himself in to civil justice, by virtue of the natural principle, incorporated in every system, according to which "*nemo tenetur se detegere*". At the same time, however, belonging to the very "structure" of the Sacrament of Reconciliation, as a condition for its validity, is sincere repentance, together with the firm intention to reform and not repeat the evil committed. Should there be a penitent who has been a victim of the evil of others, it will be the concern of the confessor to instruct him regarding his rights as well as about the practical juridical instruments to refer to in order to report the fact in a civil and/or ecclesiastical forum to invoke justice.

Any political action or legislative initiative aimed at "breaching"

the inviolability of the sacramental seal would constitute an unacceptable offense against *libertas Ecclesiae*, which does not receive 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 wretched man within 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 concealed but external to the Sacrament of Penance. In it too the Church exercises her mission and saving authority: not by forgiving sins, but by giving graces, breaking juridical constraints (such as censures) and caring for all that concerns the sanctification of souls and, therefore, the proper, intimate and personal sphere of each believer.

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

The priest exercises this ministry by virtue of his mission to represent Christ, conferred upon him by the Sacrament of Orders and exercised in the hierarchical communion of the Church, through the so-called *tria munera*: the task of teaching, sanctifying and governing the laity by virtue of the baptismal priesthood and the gift of the Holy Spirit.

In the spiritual direction, the believer freely reveals his conscience’s secret to the spiritual director/guide, in order to be oriented and supported in listening and in fulfilling the will of God.

Thus, this particular area also demands a certain secrecy *ad extra*, inherent to the content of spiritual colloquies and deriving from each person’s right to the respect of his or her own privacy (cf. *cic can. 220*). Although in a merely “analogous” way to what happens in the Sacrament of Confession, the spiritual director becomes aware of the individual believer’s conscience by virtue of his “special” relationship with Christ, which derives from holiness of life and – if a cleric – from the received sacred order itself.

As evidence of the special confidentiality accorded to spiritual direction, consider the proscription, sanctioned by law, against asking not only the opinion of the confessor, but also that of the spiritual director, on the occasion of admission to sacred Orders or, vice versa, for the dismissal of candidates to the priesthood from the seminary (cf. *cic can.* 240, §2; *cceo can.* 339, §2). In the same way, the 2007 *Sanctorum Mater* instruction, concerning the carrying out of diocesan or eparchial inquiries in the Causes of Saints, forbids the admission of testimony not only of confessors, in defence of the sacramental seal, but also that of the Servant of God's spiritual directors, as well as all they learned in the forum of conscience, outside sacramental confession.[9]

This necessary confidentiality will be all the more "natural" for the spiritual director, the more he learns to recognize and "be moved" before the mystery of the freedom of the faithful who, through him, turn to Christ; the spiritual director must understand his own mission and his own 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

Different in nature from the internal sacramental and extra-sacramental forum, are the confidences shared under the seal of secrecy, as well as the so-called "professional secrets" belonging to certain types of people, both in civil society and in the ecclesial structure as a whole, by virtue of a special office that they carry out for individuals or for the community.

Such secrets, by virtue of natural law, must always be preserved "save" – the *Catechism of the Catholic Church* states at n. 2491 – "in exceptional cases where keeping the secret is bound to cause very great 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 secrecy is that of the "pontifical secret", which is binding by virtue of the oath connected to the exercise of certain offices in the service of the Apostolic See. If the oath of secrecy always binds *coram Deo* the one who issued it, the oath connected to the "pontifical secret" has as its ultimate *ratio* the public good of the Church and the *salus animarum*. It presupposes that this good is the very requirement of the *salus animarum*, thus including the use

of information that does not fall under the seal, 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.[10]

With regard to the other areas of communication, both public and private, in all its forms and expressions, Church wisdom has always indicated as a fundamental criterion the “golden rule” pronounced by the Lord and contained in the Gospel of Luke: “as you wish that men would do to you, do so to them” (Lk 6:31). In this way, in the communication of truth as in the silence that pertains to it, when one who seeks it does not have the right to know it, one must always conform one’s life to the precept of fraternal love, keeping before one’s eyes the good and safety of others, respect for private life and the common good.[11]

As a particular duty of communicating the truth, dictated by fraternal charity, one cannot fail to mention the “fraternal correction”, in its various degrees, taught by the Lord. It remains the horizon of reference, where necessary and according to what the concrete circumstances allow and require: “If your brother sins against you, go and tell him his fault, between you and him alone. If he listens to you, you have gained your brother. But if he does not listen, take one or two others along with you, that every word may be confirmed by the evidence of two or three witnesses. If he refuses to listen to them, tell the Church” (Mt 18:15-17).

In a time of the “massification” of communication, in which all information is “frittered away” and with it, unfortunately, also a part of people’s lives, it is necessary to re-learn 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 ecclesial ministry is always jealously guarded, having as its sole horizon truth and the integral good of persons.

Let us invoke from the Holy Spirit, for the whole Church, an ardent love for truth in every area and circumstance of life; the ability to preserve it in its entirety in the proclamation of the Gospel to every being, openness to martyrdom in order to defend the inviolability of the sacramental seal, as well as the prudence and wisdom necessary to avoid any instrumental and erroneous use of that information proper to private, social and ecclesial life, which can

turn into an offense against the dignity of the person and the Truth itself, which is always Christ, Lord and Head of the Church.

In the careful safekeeping of the sacramental seal and the necessary discretion linked to the internal extra-sacramental forum and to the other acts of ministry shines a particular synthesis of the Petrine and Marian dimensions in the Church.

With Peter, the Bride of Christ guards, until the end of history, the institutional ministry of the "power of the keys"; like Mary Most Holy, the Church keeps "all these things in her heart" (Lk 2:51b), knowing that in them the light that illuminates every man is reverberated and that, in the sacred space between personal conscience and God, it must be preserved, defended and safeguarded.

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

Given in Rome, from the seat of the Apostolic Penitentiary, 29 June, Year of the Lord 2019, on the Solemnity of Saints Peter and Paul, Apostles

Card. Mauro Piacenza, Major Penitentiary Mons. Krzysztof Nykiel, Regent

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

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

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

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

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

[6] V. De Paolis - D. Cito, *Le sanzioni nella Chiesa. Commento al Codice di Diritto Canonico. Libro VI*, Vatican City, Urbaniana University Press, 2000, p. 345.

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

[8] John Paul II, *Address to the Apostolic Penitentiary*, 12 March 1994.

[9] Cf. Congregation for the Causes of Saints, *Sanctorum Mater*. Instruction for conducting 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* (21 November 1964), n. 18.

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

See:

http://www.vatican.va/roman_curia/tribunals/apost_penit/documents/rc_trib_appen_pro_20190629_forointerno_en.html