

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

On the occasion of the recent audience with the participants in the Course on the internal forum organized by the Apostolic Penitentiary (29 March 2019), Pope Francis repeatedly emphasized two themes so central to theology, law and the practice of the Church, extraneous to current public opinion: the sacredness of the internal forum and the inviolability of the sacramental seal.

At the beginning of his address, the Holy Father recalled, in the first place, the sacred nature of the internal forum, the intimate sphere of the relationship between God and the faithful, which is not always understood and correctly protected, even within the ecclesial community itself:

"And I would like to add — beyond the text — a word on the term "internal forum". This is not a trivial expression: it is stated seriously. The internal forum is an internal forum, and it cannot go "outside". And I say this because I have noticed that some groups in the Church, representatives, superiors — let us put it this way — blend the two things and take from the internal forum to make decisions in the external one, and vice versa. Please, this is a sin! It is a sin against the dignity of the person who trusts the priest, and who expresses his or own situation to ask for forgiveness, and then this is used to organize matters for a group or a movement, perhaps — I don't know, I am improvising — perhaps even a new congregation, I don't know. But the internal forum is an internal forum. And it is a sacred thing. I wanted to say this because I am concerned about this."

The Pope then went on to reiterate the absolute inviolability of the sacramental seal, an indispensable guarantee of the sacrament of reconciliation:

"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 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 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 can lay any claim to it."

The Apostolic Penitentiary, which for eight centuries has been the Apostolic Tribunal responsible for matters concerning the internal forum, knows well the inestimable value of the sacramental secret, of the reserve, and of the inviolability of the conscience. In writing the *Note* that is now presented, he wished to place himself at the service of Peter, the Church and all men of good will, reaffirming their importance and promoting a better understanding of such concepts that currently seem to be widely misunderstood or even, in some cases, opposed.

The document begins with the observation that in today's highly mediated society, technological development and the implementation of the media do not correspond, in general, to a similar commitment to the search for truth, but rather to the morbid desire of circulating news, true or false, amplified or diminished according to interests. Today everything is displayed, everything must be known. "By invoking, in fact, the judgment of public opinion as the final court, information of all kinds, belonging also to the most private and reserved spheres, which inevitably (...) induce, or at least favour reckless judgments, unlawfully and irreparably damage the good reputation of others". This generalized attitude is also reflected on the Church, whose legal order is expected, at times, to conform to that of the States in which it lives in the name of a supposed correctness and transparency.

In this context, the Apostolic Penitentiary considered it urgent to recall, in the first place, the absolute inviolability of the sacramental seal, which is based on divine law and does not admit any exception. The priest confessor, acting *in persona Christi capitis*, knows the sins of the penitent "not as a man, but as God", according to a well-known expression of Saint Thomas Aquinas. For this reason, he is called to defend the secret of the content of the Confession not only through "loyalty" to the penitent, but, moreover, out of respect for the sanctity of the sacrament.

In this sense, it is essential to insist on the incomparability of the seal of confession to the professional secrecy proper to certain professional groups (doctors, pharmacists, lawyers, etc.) in order to prevent secular laws from applying to the seal, which is inviolable, the exceptions legitimately applied to professional secrecy.

The secrecy of confession is not an obligation imposed from the outside, but rather an intrinsic requirement of the sacrament and, as such, can not be dissolved even by the penitent. The penitent does not speak to the confessor as a man, but to God, so to stake a claim to what rightfully belongs to God would be a sacrilege. It concerns the defence of the sacrament itself, instituted by Christ to be a safe harbour of salvation for sinners. If trust in the seal were to be defrauded, the faithful would be discouraged to access the sacrament of Reconciliation, which would obviously lead to serious damage to souls. On the other hand, it is precisely this concern for the *salus animarum* that moves the Church to establish the most severe penalties for those who violate the seal (see canon 1388 CIC 728, § 1, No. 1 and can. 1456 CCEO). Secondly, the *Note* considers the juridical-moral scope of those acts of the internal forum that take place outside the sacrament of Penance. The classic example is that of spiritual direction. Also in these cases, canon law guarantees a special reserve for spiritual conversation, which involves the most intimate and personal sphere of the faithful in order to listen and discern the will of God. Thus, for example, on the occasion of admission to the sacred Order, it is forbidden to ask the opinion not only of the confessor but also of the spiritual director of the candidate, to avoid any possible abuse of power.

Finally, the last point of the *Note* deals with the other "types" of secrecy that fall outside the scope of the internal forum. In this sense, the principle of the natural right to keep secrecy is reaffirmed, "save in exceptional cases where keeping the secret is bound to 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" (CCC, No. 2491). More generally, when communicating or concealing the truth, the Note

proposes as a general criterion that of “conforming one’s life to the precept of brotherly love, with an eye toward good and security, respect for private life and the common good”. It should be noted that the text of the *Note* cannot and does not seek to be any way a justification or a form of tolerance towards the execrable cases of abuse perpetrated by members of the clergy. No compromise is acceptable when it comes to promoting the protection of minors and vulnerable people, and of preventing and combating all forms of abuse, in the spirit of what Pope Francis has constantly reiterated and has recently regulated with the Motu Proprio *Vox estis lux mundi* (7 May 2019).

By publishing a *Note* on the importance of the internal forum and the inviolability of the sacramental seal, the Penitentiary has the absolute conviction that “the defence of the sacramental seal and the sanctity of confession can never constitute a form of connivance with evil; on the contrary, it represents the only true antidote against the evil that threatens man and the whole world, are the real possibility of surrendering to the love of God, of allowing himself to be transformed and transformed by this love, learning to correspond to it concretely with his own life”.

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