

FORWARD IN FAITH

COMMENTS ON THE SEAL OF THE CONFESSIONAL

1. Forward in Faith is grateful for the opportunity to comment on the issues under consideration by the Working Group on the Seal of the Confessional, and in particular on its task of assisting the Archbishops' Council and the House of Bishops in considering whether they wish to recommend to the General Synod that it legislate to amend the un-repealed proviso to Canon 113 of the Code of 1603. This reads:

‘Provided always, that if any man confess his secret and hidden sins to the minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we do not in any way bind the said minister by this our Constitution, but do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatsoever any crime or offence so committed to his trust and secrecy (except they be such crimes as by the laws of this realm his own life may be called into question for concealing the same), under pain of irregularity.’

The Sacrament of Reconciliation

2. The Sacrament of Reconciliation (or Penance) is the rite by which, through the authoritative ministry of the Church, any baptized person whose conscience is ‘troubled with any weighty matter’ may make ‘a special Confession’, so that he or she may experience personally the limitless mercy of God (if he/she ‘humbly and heartily desire it’),¹ receive the assurance of the forgiveness of sins (John 20.22f), be reconciled to the fellowship (communion) of the Church, and pursue the life of holiness. Through this sacrament of mercy we share ‘not only in the forgiven but in the forgiving Church’.² Traditionally, it is closely associated with the rite of the anointing for the healing and restoration of the sick.
3. Christ entrusted the ministry of reconciliation to his Apostles, thereafter to the bishops and to their collaborators the priests. It forms an essential part of the ‘cure of souls’ that a bishop shares with parochial incumbents (Canon C 24.6). The rite is made up of a sequence of necessary and distinct parts, traditionally understood as grace-filled contrition, confession, and penance. The ‘sacramental seal’ guarantees the possibility of a complete confession and manifestation to God of a burdened conscience,³ and is absolutely unbreakable by priest and penitent – even after the death of the penitent. A

¹ Book of Common Prayer: Visitation of the Sick.

² H. McCabe, *The Teaching of the Catholic Church: A New Catechism of Christian Doctrine* (London, 2000), p. 117n.

³ *Doctrine in the Church of England. The Report of the Commission on Christian Doctrine appointed by the Archbishops of Canterbury and York in 1922* (London, 1938), pp. 197-8: ‘The confession is heard under the “seal” of absolute secrecy. This rule is necessary *in order that freedom of confession may be secured*. It is essential to the due discharge of the confessor’s office that this rule should be held to be so binding on the priest’s conscience that he cannot consider himself released therefrom by the authority of the civil or other power’ (emphasis added). Similarly, the Convocations passed in 1959 a resolution reaffirming ‘as an *essential principle of Church doctrine* that if any person confess his secret and hidden sin to a priest for the unburdening of his conscience, and to receive spiritual consolation and absolution from him, such priest is strictly charged that he do not at any time reveal or make known to any person whatsoever any sin so *committed to his trust and secrecy*’ (emphasis added): H. Riley and R. J. Graham (eds), *Acts of the Convocations of Canterbury and York* (London, 1971), p. 111.

superior would not normally hear the confession of a subordinate, in order to safeguard the strict separation of the sacrament from the realm of accountability.

4. The necessity of the Seal relates to the sacramental character of the encounter between the Church's minister and the penitent. What is said in the confessional cannot be treated as a 'personal' disclosure, confidentially imparting 'information' in the normal sense. The Church's minister guides the penitent (who is prompted by the grace of contrition and moved by the Holy Spirit) to a full manifestation *to God* both of his or her sin and of their determination not to sin again, and the minister exercises his power of forgiving sins in the Triune Name. The Seal also makes plain that the encounter between minister and penitent (as sacramental) is also a 'covenant', with genuine scope for various outcomes, including the confrontation of a person with serious temptations and/or serious patterns of sinful and damaging conduct on the basis of an honest admission, the possibility of withholding of absolution, and the need 'where [the penitent] hath done injury or wrong to any man that he make amends to the uttermost of his power'.⁴
5. It is essential that the penitent is genuinely sorry for the sins (s)he recounts and is seriously determined to make amends. Amendment is not just a promise 'not to sin again' – important though that is – but a firm intention, where it is possible, 'to put things right' (or clear evidence that, in so far as they can be, things have already been put right). Where genuine sorrow or amendment or both are not present, the priest should not give absolution, because the confession is not real.
6. No one can be allowed to use the sacrament to cover or camouflage their wrongdoing. The priest is, and must not be afraid to be, judge of this, and must be bold enough to refuse absolution where there is doubt.
7. Forgetfulness on the part of the priest, both as to the content and as to the name of the penitent (if known to him) is also important. The penitent is not telling the priest intimate things about her or his life and behaviour for the personal delight of the hearer. Nor is the priest keeping records as a doctor does. The priest represents God and ministers God's forgiveness. A good confessor will deliberately embrace this 'discipline of forgetfulness'.
8. Every priest should know that when a crime (of whatever kind) against another is confessed the confession should be stopped and the penitent *instructed* (not merely advised) to go to the Police. Absolution should not be given until that has happened. Is the confession up to that point a real confession? Potentially it is, and becomes so if the penitent acts on the priest's instruction.

Defence of the Sacrament

9. The obligation of a priest not to reveal what is confessed in sacramental confession was not created by Canon 113 of the Code of 1603. The Seal is intrinsic to the sacrament: this Canon merely recognizes it and gives expression to it. Repealing it would not remove the duty of non-disclosure, because it is part of the nature of the sacrament.

⁴ Book of Common Prayer: Visitation of the Sick.

10. As the Declaration of Assent says, the Church of England is only '*part* of the One, Holy, Catholic and Apostolic Church'. The sacraments belong to the whole Church, not just the Church of England, and the General Synod of the Church of England therefore does not have the authority to alter them.
11. We are confident that, if repeal of this Canon were to remove such protection as it might offer to a priest, or (even worse) if the General Synod were to seek to impose a duty of reporting, priests would go to prison or accept ecclesiastical penalties rather than break the seal. We hope that the Working Group, the Archbishops' Council, the House of Bishops and the General Synod will think very carefully before taking any action which could, in theory, ultimately result in priests being imprisoned for the sake of conscience. This has occurred before in the history of the Church of England and it is not a precedent that should be repeated.
12. Forward in Faith understands the defence of the sacraments as part of its purpose, and we shall feel obliged to resist as strongly as we can any attack on the integrity of sacramental Confession.

Is Change Necessary?

13. Even if it were possible for the General Synod to alter the sacrament by removing the Seal, we do not believe that the necessity for such a change has been or can be made out.
14. We share the general abhorrence of the crimes against children and vulnerable adults that have given rise to consideration of this issue, and agree that it is essential to ensure that the Church is as safe a place as possible for them and for the Church to do all that it can to promote safeguarding in wider society. But we are not aware of any evidence that amending the proviso to Canon 113 of the Canons of 1603 would have any positive effect on this.
15. We hope that the Working Group will report on the question of whether there is any evidence that in any specific case breach of the Seal of the Confessional by a priest would have made any difference to the safety of any specific child or vulnerable adult. We are not aware of any. Without such evidence, we suggest, there is no justification for even considering a change that would purport to remove the duty of non-disclosure or seek to impose a duty of disclosure. It would simply be an emotional gesture.
16. Those of us who have significant experience of hearing confessions are doubtful as to the frequency with which offences against children and vulnerable adults are confessed. We believe this to be very rare indeed.

Is Change Desirable?

17. Even if it were possible for the Church of England unilaterally to alter the nature of the sacrament, our strong view is that it would be undesirable to do so.

18. It is important for nothing to be done that would discourage someone who has committed offences against children or vulnerable adults from confessing them to a priest. If it became generally known that the confidentiality of the confessional could no longer be relied upon in the case of safeguarding matters, the effect would be to reduce even further the likelihood of such offences being confessed, and remove the possibility which currently exists of a priest counselling the offender to report him- or herself to the Police. The change would therefore be counterproductive and could result in the continuance of harm to children and vulnerable adults (precisely the opposite of what its proponents would hope to achieve).
19. The very significant amount of time and energy that would need to be invested in promoting such a controversial piece of legislation (which would be Article 7 Business, because it would include ‘a provision touching doctrinal formulae or the services and ceremonies of the Church of England or the administration of the sacraments or sacred rites thereof’) would be much more profitably deployed in other ways that would be more likely to promote safeguarding with the Church of England. Any such proposal to legislate would be a damaging distraction.
20. In the history of secular legislation there have been a number of examples of acts of Parliament that were passed in response to events and the tides of emotion that they generated. In some cases, legislation has been an empty gesture reflecting a government’s need to be seen to have ‘done something’. Sometimes it has served as a distraction from other action that ought to have been taken. Sometimes the legislation has been of no practical benefit or effect, has remained unused and has effectively been a ‘dead letter’. Sometimes its effects have been adverse. Sometimes it has eventually been recognized as bad or unnecessary law and has been repealed. We are concerned that many of these things could be said of legislation to repeal or amend the proviso to Canon 113 of 1603.

The Working Group

21. We note that the Working Group includes at least some members with experience of hearing confessions. We wonder, however, how many members of the group have experience of hearing large numbers of confessions on a weekly or even daily basis, and especially in circumstances where the identity of the penitent is not known to the priest. We hope that the Working Group will take oral evidence from a significant number of such priests.

Positive Proposals

22. Forward in Faith will strongly oppose any proposal to repeal the proviso to Canon 113 of 1603 or to amend it so as to purport to remove the duty of non-disclosure or to seek to impose a duty of disclosure. This does not mean that we believe that no action can or should be taken.
23. The Canons, ordinals and liturgy of our church identify the ministry of reconciliation as a fundamental aspect of the ministry of a priest. In the 1662 Ordinal, the formula of ordination begins ‘Receive the holy Ghost for the Office and Work of a Priest in the Church of God, now committed unto thee by the Imposition of our hands. Whose sins thou dost forgive, they are forgiven...’. In Common Worship the ordination prayer

includes the phrase ‘may they... absolve in Christ’s name those who turn to him in faith’. We are concerned that many priests receive little or no training for this important ministry.

24. There is often a burden of pain to be borne by a priest who hears confessions. Training is needed for priests to be able to learn how to carry that pain. Lack of training can result not only in poor performance but also in inappropriate behaviour. We therefore hope that the Working Group will recommend that the deficit in training be addressed. Training in the hearing of confessions should form a core element in Initial Ministerial Education. Such training should emphasize that, where a serious crime is confessed, absolution should be withheld until the penitent has reported him- or herself to the Police.

On behalf of Forward in Faith

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Chairman

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