Note of the Apostolic Penitentiary on the Importance of the Internal Forum and The Inviolability of the Sacramental Seal

"By the Incarnation, the Son of God has in a certain way united with every man" ,[1] with His gestures and His words he has illuminated the highest and inviolable dignity of man; in himself, dead and risen, he has restored fallen humanity, overcoming the darkness of sin and death; to all who believe in him, he has disclosed a relationship with His Father; with an outpouring of the Holy Spirit, he consecrated the Church, the community of believers, as His true body and who participates in his prophetic power, royal and priestly, because in the world it is the extension of His own presence and mission, announcing the Truth to men in every age, guiding them to the splendor of His light, permitting that their life be really touched and transformed.

In these troubled times of human history, the growing progress of Techno-Science does not seem to correspond to an adequate ethical and social development, but rather a real cultural and social "decline", forgetful of God – if not even hostile – becomes incapable of recognizing and respecting, in every area and at every level, the essential order of human existence and, with them, the life of the Church herself.

"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 communications private and mass-media enhance "technical possibilities" beyond measure, but they enhance the love for truth, the commitment to its research, the sense of responsibility before God and men; this results in an alarming disproportion between means and ethics.

This communication hypertrophy seems to turn against the truth, and therefore against God and mankind; against Jesus Christ, God made man, and the Church, His historical and real presence.

In these last decades a certain "hunger" for news, almost forgetting their reliability and convenience, to a point in which the "communication world" seems to take reality's "place", both conditioning its perception and counterfeiting it's understanding. Unfortunately people of the Church, which live in the world and sometimes think as the world does, are not immune to such thoughts, that can become someway morbid. Also within believers precious energies are wasted in the search of "news" – or downright "scandals" – that can find consent with public opinion, with purposes that are strangers to the Churches divine and human purposes. This jeopardizes the proclamation of the Gospel to every creature and the mission's needs. We must humbly recognize that not even the clergy, even at the highest hierarchies, are immune from this trend.

Calling for the judgment of public opinion, as the final court, often all kinds of information, even private and personal, have been disclosed and thus have touched the ecclesiastical life – or at the very least – have led to rash judgments, affecting illegitimately and irreparably the good reputation of others, not only the right of every person to defend their own privacy (cf. can 220 CIC). The words of St. Paul to the Galatians are heard, in this scenario, particularly useful: For you were called for freedom, brothers. But do not use this freedom as an opportunity for the flesh; But if you go on biting and devouring one another, beware that you are not consumed by one another (Gal 5:13-15).

In this context a certain worry is asserted, a "negative bias" seems to be affirmed towards the Catholic Church, whose existence is culturally present and re-understood socially, on the one side, in light of the tension that can occur within the same hierarchy and, on the other, from the recent scandals of abuse, horribly perpetrated by some members of the clergy. This prejudice forgets the true nature of the Church, of

[1] VATICAN II ECUMENICAL COUNCIL, Pastoral Constitution on the Church in the Modern World, Gaudium et spes (7 December 1965), n. 22.
[2] BENEDICT XVI, Encyclical Letter, *Spe salvi* (20 November 2007), n. 22.

her true history and of the real, beneficial effect that it has always had and still has in the lives of men, and it sometimes claims, unjustifiably, that the Church itself, in certain matters, reaches to conform its own legal system to the civil laws in the States which it resides, as the only possible “guarantee of correctness and rectitude.”

In the face of all this, the Apostolic Penitentiary has considered it appropriate to intervene, with this “Note” to reaffirm the importance and promote a better understanding of those concepts, typical of ecclesial and social communications, that today seem more alien to public opinion and sometimes to civil juridical systems: the sacramental seal, the confidentiality in the extra-sacramental internal forum, the professional secrecy, the criteria and real limits of all other communications.

1. The Sacramental Seal

Recently, speaking of the Sacrament of Reconciliation, the Holy Father, Pope Francis wanted to confirm the essential and inalienable seal in the sacrament: “Reconciliation itself is a good that the wisdom of the Church has always safeguarded with all her moral and legal force with the sacramental seal. Although 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 in the secrecy of the confessional, between one’s conscience that opens to grace, and God, with the necessary mediation of the priest.”[3]

The inviolable secrecy of the Confession comes directly from Divine Law revealed and is rooted in the very nature of the sacrament, which admits no exceptions in the ecclesial context, nor, even less, in the civil context. Indeed, in the celebration of the Sacrament of Reconciliation it is enclosed, in fact, the very essence of Christianity and the Church: the Son of God became man to save us and has decided to engage, a “necessary tool” which in this work of salvation, the Church and, in it, those whom He chose, called, and commissioned as His ministers.

To express this truth, the Church has always taught that priests, in the celebration of the sacraments, act “*in persona Christi capitis*” [in the person of Christ as 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 with his "I". So, through this action, the fact that he "draws" us to himself so that our "I" becomes united to his, he realizes the permanence, the uniqueness of his Priesthood. Therefore, he is at all times the unique Priest. Yet, he is very present to the world because he "draws" us to himself and so renders present his priestly mission. This means that we are "drawn" to the God of Christ. 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]

Any penitent who humbly goes to the priest to confess his sins, thus bears witness to the great mystery of the Incarnation and the supernatural essence of the Church and of the ministerial priesthood, through which men encounter the Risen Christ, touched their lives sacramentally – thus really –and He saves them. For this reason, the defense of the sacramental seal by the confessor, and if necessary to the shedding of blood (*usque ad sanuinis effesionem*) represents not only an act of dutiful “loyalty” towards the penitent, but much more: a necessary testimony – a “martyrdom” – made directly to the uniqueness and salvific universality of Christ and of the Church.[5]

The matter of the seal is currently expressed and regulated by can. 983-984 and 1388, § 1 [can. 1386, § 1 after the revision of the Book VI in 2021] of the Code and in can. 1456 of the Eastern Code of Canon Law, as well as from n. 1467 in the *Catechism of the Catholic Church*, we read not that the Church

[3] FRANCIS, Message to the participants in the 30th Course on the Internal Forum organized by the Apostolic Penitentiary (29 March 2019).
[4] BENEDICT XVI, Meeting of priests (10 June 2010).
[5] Cf. CONGREGATION FOR THE DOCTRINE OF THE FAITH, Declaration *Dominus Iesus*, about the uniqueness and salvific universality of Jesus Christ and the Church (6 August 200).

“establishes”, by virtue of her own authority, but rather that she “declares” – that is, recognizes as an irreducible fact, which is derived precisely from the sanctity of the sacrament instituted by Christ – every priest that hears confessions is obligated, under great and severe pain, to keep absolute secret with regards to the sins that his penitent has confessed.

The confessor is absolutely forbidden, ever for any reason, to betray the penitent in word or in any manner (Can. 983, § 1 CIC), as well, the confessor is prohibited completely from using any knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded (Can. 984, § 1 CIC). 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 in order to absolution and therefore known to the confessor by virtue of sacramental science".[6] The sacramental seal, therefore, regards everything the penitent has accused, 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, however the seal must be maintained.

The priest, in fact, becomes aware of the sins of the penitent “*non ut homo, sed ut Deus*” - not as man, but as God knows it,[7] so much so that he simply “does not know” what he was told in confession, because he did not listen as a man, but, precisely, in the Name of God. The confessor could, therefore, also, “swear”, without any prejudice to one’s conscience, to “not know” what he knows only as a minister of God. Because of its peculiar nature, the sacramental seal comes to bind the confessor also “inwardly”, to the point that remembering a confession voluntarily is prohibited and he is obliged to suppress every involuntary memory of it. The secret deriving from the seal is also held by those who, in any way, came to know the sins of 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.” (Can. 983, § 2 CIC).

The absolute prohibition imposed by the sacramental seal is as such to prevent the priest of speaking of the context of the confession with the same penitent, outside the sacrament, “unless explicit, and even better if not requested, consent from the penitent”.[8] The seal therefore goes beyond the ability of the penitent, which once the sacrament is celebrated, does not have the power to raise the confessor from the obligation of secrecy, because this duty comes directly from God.

The defense of the sacramental seal and the sanctity of confession will never be able to constitute some form of tacit consent with evil, on the contrary they represent the only true antidote to evil that threatens man and the entire world; there is a real possibility to indulge in the love of God, to let oneself be converted and transformed by this love, learning to correspond concretely in one’s own life. In the presence of sins that integrate offenses, one is never allowed to ask the penitent, as a condition for absolution, the obligation to go to civil justice, by virtue of the natural principle, implemented in every legal system, according to which “Nemo tenetur se detergere” (“No one is obliged to disclose”). At the same time, however, it belongs to the very “structure” of the Sacrament of Reconciliation, as a condition for its validity, the sincere repentance, along with a firm resolution to amend and not to commit the sin (evil) again. If a penitent comes along who has been the victim of the sin of others, it will be the confessor’s care to instruct him regarding his rights, as well as the concrete facts legally to be used to denounce the fact in the civil and/or the ecclesiastical system and invoke justice.

Any political action or legislative initiative aimed at “forcing” the inviolability of the sacramental seal would constitute an unacceptable offense against the “libertas Ecclesiae” (“freedom of the Church”), who does not receive its legitimacy from individual States, but from God; would also constitute a violation of religious freedom, legally founding every other freedom, including the freedom of conscience of individual citizens, both penitents and confessors. Violating the seal would be tantamount to the poor who is in the sinner.

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[6] V. DE PAOLIS –D. CITO, *Sanctions in the Church*. *Commentary on the Code of Canon Law, Book VI*, Vatican City, Urbaniana University Press, 2000, p. 345.
[7] THOMAS AQUINAS, *Summa Theologiae*, Suppl., 11, 1, ad 2.
[8] JOHN PAUL II, *Message to the Apostolic Penitentiary*, 12 March 1994, n.4

2. Extra-sacramental Internal Forum and Spiritual Direction

The so-called judicial –moral of the internal forum also belongs to the "extra -sacramental internal forum", always hidden, but external to the sacrament of Penance. Also, in it the Church exercises her mission and saving power: not forgiving sins, but granting graces, breaking legal constraints (such as censures) and dealing with everything concerning the sanctification of souls and, therefore, the proper, private and personal sphere of each faithful.

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

The priest exercises this ministry by virtue of the mission he has of representing Christ, conferred on him by the Sacrament of [Holy] Orders and to be exercised in the hierarchical communion of the Church, through the so-called "three functions": the task to teach, to sanctify and to govern, and the laity in virtue of the baptismal priesthood and the gift of the Holy Spirit.

In spiritual direction, the believer freely opens the secret of his own conscience to the spiritual director/companion, to be oriented and supported in listening and in fulfilling the will of God. Also this particular area, therefore, asks for some certain secrecy "outside", inherent to the content of spiritual discussions and deriving from the right of each person to respect his own privacy (cf. Can. 220 CIC). In an analogous way to what happens in the sacrament of confession, the spiritual director takes part of the conscience of the individual believer by virtue of his "special" relationship with Christ, which derives from holiness of life and – if a cleric – from the very Sacred Orders received.

To testimony of the special confidentiality accorded to spiritual direction, we must consider the prohibition, sanctioned by law, of not only asking for the opinion of the confessor, but also that of the spiritual director, on the occasion of the admission to Holy Orders or, vice versa, for dismissing candidates for the priesthood, from the seminary (cf. can. 240, § 2 CIC; can. 339, § 2 CCEO). Similarly, the teaching of Sanctorum Mater in 2007, relating to the conduct of the diocesan or eparchial investigations in the Causes of the Saints, "Regular confessors or spiritual directors of the Servant of God must not be admitted to testify concerning anything they have come to know about the Servant of God in the forum of conscience outside sacramental confession."[9] The necessary confidentiality will be all the more "natural" for the spiritual director, he will learn much more and "be moved" before the mystery of freedom of the faithful who, through him, turn to Christ; the spiritual director will have to understand one's own mission and life exclusively before God, the service of His glory, for the good of the person, the Church and for the salvation of the whole world.

3. Secrets and other limits proper to communication

Of a different nature compared to the internal forum, sacramental and extra-sacramental, are confidences made under the secrecy of the seal, as well as so-called "professional secrets", of which particular categories of people are in possession, both in civil society and in the ecclesial structure, by virtue of a special office carried out by these individuals or the community. Such secrets, under natural law, must always be kept, "except" as stated in the *Catechism of the Catholic Church* n. 2491 " 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."

A special case of secrecy is that of the "pontifical secret", which binds in strength of the oath connected with the exercise of certain offices at the service of the Apostolic See. If the oath of secrecy always binds "before God" who issues it, the oath connected to the "pontifical secret" has as its ultimate "reason" in the public good of the Church and the "salvation of souls". It assumes that this good is itself

[9] Cf. CONGREGATION OF THE CAUSES OF SAINTS, *Sanctorum Mater*, Instructions for carrying out diocesan and eparchial investigations into the causes of saints (17 May 2007), art. 101, § 2.

needed for the “salvation of souls”, including therefore the use of information that does not fall under the seal, can and must be correctly interpreted by the Apostolic See, in the person of the Roman Pontiff, whom Christ the Lord constituted and put as a visible principle and foundation of the unity of the faith and communion with the whole Church.[10]

As regards the other areas of communication, both public and private, in all its forms and expressions, the wisdom of the Church has always indicated the fundamental criterion is the “Golden Rule” pronounced by the Lord and recorded in the Gospel of Luke: “Do to others as you would have them do to you” (Lc 6:31). In this way, in the communication of truth as in silence concerning it, when those who did not have the right to know it, they must always conform their lives to the precept of brotherly love, having before his eyes the good and safety of others, respect for private life and the common good.[11]

What a particular duty to communicate the truth, dictated by fraternal charity, one cannot fail to mention “fraternal correction”, in its various degrees, taught by the Lord. It remains the reference point, where necessary and according to what concrete circumstances allow and demand: “If your brother sins [against you], go and tell him his fault between you and him alone. If he listens to you, you have won over your brother. If he does not listen, take one or two others along with you, so that ‘every fact may be established on the testimony of two or three witnesses.’ If he refuses to listen to them, tell the church” (Mt 18:15-17).

In a time of mass communication, in which all information comes “burned” and with it, unfortunately, also a part of people’s lives, it is necessary to re-learn the power of the word, its constructive power, but also its own destructive potential; we must be vigilant so that the sacramental seal never becomes violated by anyone and the necessary confidentiality connected to the exercise of the ecclesial ministry is always jealously guarded, having truth and only the integral good of people as its horizon [ultimate goal].

We invoke the Holy Spirit, for all the Church, for an ardent love of truth in every area and circumstance of life; the ability to keep proclaiming the Gospel in its entirety to every creature, to defend the inviolability of the sacramental seal with a willingness unto martyrdom, as well as the prudence and wisdom necessary to avoid any instrumental and erroneous use of the information proper to private life, social and ecclesial, which can be turned into an offense against the dignity of the person and of Truth itself, which is always Christ, Lord and Head of the Church.

In the jealous custody of the sacramental seal and the necessary discretion linked to the internal forum extra-sacramental and to the other ministerial acts shines a particular synthesis between the Petrine and Marian dimensions of the Church.

With Peter, the bride of Christ [the Church] guards the ministry of the institutional “power of the keys” until the end of history; like Mary Most Holy, the Church keeps “all these things in her heart” (Lk. 2:51b), knowing that the light reverberates in every man and that, in the sacred place between personal conscience and God, it must be preserved and defended.

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[10] Cf. VATICAN II ECUMENICAL COUNCIL, Dogmatic Constitution on the Church, *Lumen gentium* (21 November 1964), n. 18.
[11] Cf. *Catechism of the Catholic Church*, n. 2489.