

Bless me, Father, for I have sinned: paedophilia laws put priests in firing line

The seal of the confessional is no excuse if a priest doesn't report a predator. They face three years in jail.



The Bible doesn't say anything in particular about people who inflict sexual violations upon children.

Interestingly, the gospels mention a teaching by Jesus to the effect that an adult who entices a child to sin should have a millstone hung about their neck and be flung into the sea. This is an early iteration of the surprisingly resilient notion that children are somehow responsible for what predators do to them.

The Catholic Church certainly has no time for paedophiles. I mean, it heartily disapproves of their actions.

As the royal commission exposed, the church hasn't done a great job preventing child sexual abuse. On the evidence, if the church had never existed, the sheer volume of victims would have been very substantially reduced.

The royal commission pointed to some practical things the church could do to help — one of which was to have its priests report to the police any admissions they heard from offenders during confession.

Several state governments have followed that up, including Queensland recently, passing laws that compel priests — and all adults — to report such information when

they hear it, on pain of a three-year jail term. The laws explicitly state the “seal of the confessional” is not an excuse.

The church isn't happy about this at all. The archbishops of Melbourne and Brisbane have spoken out strongly against the laws — backed by Rome which had reminded Australia's bishops earlier this year: “the longstanding and constant teaching of the church on the inviolability of the sacramental seal, as something demanded by the nature of the sacrament itself and thus as deriving from divine law”.

The conflict is thus established between the secular law of the land and the internal laws of the Catholic Church. Which should priests obey?

The question of which law Australian courts will apply is straightforward: the church loses. Our laws are made up of parliamentary statutes and the common law. Religious doctrines, whether they're called “laws” or not, have no legal status. So if a priest defies his legal obligation to report he will commit a crime and be subject to punishment.

The church says that's really unfair and, worse — Brisbane Archbishop Mark Coleridge said — would make priests “less a servant of God than an agent of the state” and raise “major questions about religious freedom”.

That last bit is a nod to the Australian constitution and the sole human right it explicitly protects, by preventing the Commonwealth from making any law “prohibiting the free exercise of any religion”.

The church hasn't pushed that line very hard because it has the fatal flaw of absolute irrelevance; it doesn't bind state governments.

Which brings us back to the impossible dilemma: priests are going to break someone's law, whatever they decide.

The seal of confession certainly has very ancient roots. It's referred to in church rulings back to the 12th century at least, and current canon law reinforces it: “it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason”.

The penalty is excommunication.

Canon law of the church is like the by-laws of a golf club: an internal rulebook that binds its members on pain of punishments for infractions and, in the worst case, being kicked out of the club.

However, the rules' force is not contractual — agreed by mutual consent — but spiritual. Whole forests have been felled exploring and explaining Catholic canon law, but the point is that, for the church's purposes, compliance is synonymous with maintaining the faith that the church represents. It's not an academic exercise, but one of eternal consequence for its adherents.

The church's law is not, however, immutable. In 2019 Pope Francis abolished the "rule of pontifical secrecy" that had been a key plank in the church's systemic refusal or failure to deal with the endemic child sexual abuse committed by its clergy. Now it can no longer claim that rule as a reason for not reporting or giving evidence.

However, the confessional remains sacrosanct. According to the Holy See: "the confessional provides an opportunity — perhaps the only one — for those who have committed sexual abuse to admit to the fact". As a result, contrition and absolution become possible.

However, if priests were to start reporting these confessed crimes: "no such penitent would ever approach the sacrament and a precious opportunity for repentance and reform would be lost".

There's no arguing against the spiritual; all we can do is say our society is bound by the rule of law and personal belief must always give way to that, whatever that belief says will be the consequence. Basically, tough.

However, on the question of logic, the Catholic Church has no standing to declare that it knows better than parliament what will best serve to fight the plague of sexual predation on children. In that respect it has been, itself, the whole problem.

For anyone seeking help, [Lifeline](#) is on 13 11 14 and [Beyond Blue](#) is 1300 22 4636. Survivors of abuse can find support by calling [Bravehearts](#) at 1800 272 831 or the [Blue Knot Foundation](#) at 1300 657 380. The [Kids Helpline](#) is 1800 55 1800.

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