

## Religious Confession Privilege And The Common Law By A Keith Thompson

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### Religious Confession Privilege And The

In United States law, confessional privilege is a rule of evidence that forbids the inquiry into the content or even existence of certain communications between clergy and church members. It grows out of the First Amendment to the United States Constitution, the common law, and statutory enactments which may vary between jurisdictions.

### Confessional privilege (United States) - Wikipedia

The origin of the privilege in the canon law in the first millennium AD is traced and its reception into common law is documented. Proof that religious confession privilege continues unbroken at common law through to the present day is of obvious importance in jurisdictions where there is no relevant statute.

### Religious Confession Privilege and the Common Law (Studies ...

This analysis shows that most of the cases relied upon for the 'no religious confession privilege conclusion' are not authority for that conclusion. The origin of the privilege in the canon law in the first millennium AD is traced and its reception into common law is documented. Proof that religious confession privilege continues unbroken at common law through to the present day is of obvious importance in jurisdictions where there is no relevant statute.

### Religious Confession Privilege and the Common Law | brill

The clergy-penitent privilege, clergy privilege, confessional privilege, priest-penitent privilege, clergyman-communicant privilege, or ecclesiastical privilege is a rule of evidence that forbids judicial inquiry into certain communications between clergy and members of their congregation. The law recognises certain communication as privileged and not subject to otherwise obligatory disclosure; for example, this often applies to communications between lawyers and clients. In many ...

### Priest-penitent privilege - Wikipedia

confession privilege but a more encompassing confidential religious communications privilege are then measured against Australian jurisprudence to suggest whether the High Court of Australia would come to a similar conclusion.

### Religious Confession Privilege at Common Law: A Historical ...

This change is significant, but SB 360 does not apply to most confessions and, as currently written, would not change California's Evidence Code, which retains the priest-penitent privilege and...

### The seal of confession and mandatory reporting: a survey ...

The confessional seal and priestly privilege is central to Catholic doctrine. A Commonwealth law compelling clergy to violate the seal is likely to breach Section 116 of the Australian Constitution, which provides that "The Commonwealth shall not make any law for...prohibiting the free exercise of any religion".

### **Religious freedom, the confessional and the Royal ...**

Statements made to a minister, priest, rabbi, or other religious leader are generally considered privileged or confidential communications. State laws generally exempt a pastor from having to testify in court, or to law-enforcement, about what was discussed in a church confession. The so-called priest-penitent privilege, however, can be challenged in court.

### **Church Confessions Admissible in Court?**

However, it will not be a contravention if the relevant information would be privileged under the Evidence Act 2008 (Vic) - section 127 states that a member of the clergy is entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession.

### **Religious Confessions and Child Protection Reporting (Part ...**

Many nontheistic writers and activists have selected the theory of "privilege" as a model of the normalized religious identity in America, and to describe their own disadvantage as American atheists. Both The Friendly Atheist and The Atheist Experience Blog have taken this approach. In a piece titled "Religious Privilege and Citizenship," Ed Brayton discussed how nonreligious folks are disadvantaged by U.S. citizenship tests which request that you provide a "religious objection ...

### **The Problem With 'Religious Privilege' | HuffPost**

Religious confessions. 15.85 A specific privilege in respect of religious confessions was not recommended by the ALRC in its earlier inquiry because it was considered that confessions fell under the confidential communications privilege. [118] Such a privilege was nevertheless enacted in s 127 of the uniform Evidence Acts. The religious confessions privilege applies in pre-trial matters, as it relates not only to the adducing of evidence but also allows a member of the clergy (of any ...

### **Religious confessions | ALRC**

The Ryan Commission in Ireland and the Royal Commission in Australia both addressed strident calls for the abolition of Religious Confession Privilege (RCP) in cases of suspected child sex abuse. But while the Australian Commission supported that recommendation, the Ryan Commission did not. Is this because less clerical abuse was uncovered in Ireland, or did the Irish Commission think such a ...

### **The persistence of religious confession privilege ...**

While no such privilege does exist under the common law or statute law in Canada, Justice L'Heureux-Dubé's analysis notes the practical difficulty that when religious communication is made with an...

### **Analysis: the state of clergy-parishioner privilege in ...**

"Removing the privilege associated with religious confession will set a dangerous precedent which may be relied on, in the future, to remove or restrict legal professional privilege," he said.

### **Law body wary about legislative moves against religious ...**

The legislative changes to capture persons in religious ministry as mandatory reporters and the removal of religious confessional privilege in relating to child abuse reports will be significant for organisations. Failure to comply with the reporting requirements could lead to imprisonment of up to three years under the Crimes Act.

### **Breaking news: Religious and spiritual leaders to be ...**

The CLAA states its main goals are "to include persons in religious ministry as mandatory reporters" and to clarify that any "mandatory reporter is not able to rely on the religious confession..."