

The Church has a sacred responsibility to offer Christ's mercy to all, and must never hinder the penitent from approaching our Lord for the grace of forgiveness. Without this assurance of the seal of confession, many people would be reluctant to come forward to confess and receive absolution for their sins. –Bishop John Folda

The seal of confession

As I write this column in late January, the Church in North Dakota is facing a serious challenge. A bill has been introduced in the North Dakota Senate that would violate the religious rights of the faithful. Senate Bill 2180 imposes a reporting mandate on those who learn of abuse of a minor even in the context of spiritual advising. This would include every priest who hears sacramental confessions.

No one should doubt that the Church condemns the abuse of minors by any person. We all denounce the abuse of minors and are committed to preventing it, especially in the life of the Church. Priests and deacons are already mandated reporters of any suspected abuse of a minor. Up until now, spiritual advising has been exempted from this mandate in recognition of the right to religious liberty, but SB2180 would end this exemption.

This proposed law would require priests to violate the sacramental seal of confession under threat of imprisonment and fines. And of equal importance, it would violate the rights of all people of faith to practice their religion without government interference. Every penitent has the right to confess their sins anonymously in the sacrament of Reconciliation, and the seal of confession is inviolable. No priest may reveal anything he hears in confession, and he may not identify any person who comes to confession. This obligation is so serious that a priest who breaks the seal of confession would face the penalty of excommunication. SB2180 would violate that right of religious practice and undermine the confidentiality of these most personal and sacred encounters with God's mercy.

Not only is this proposed law a violation of religious liberty, but it is also inherently biased against religion. If it were not, then the sponsors would have included other confidential relationships in the bill, like the attorney-client privilege. Moreover, it sets a dangerous precedent for further incursions by civil authority into the spiritual lives and religious practice of all people of faith. Once this mandate of disclosure is imposed, others will surely follow. What would prevent authorities from requiring priests to reveal other sins as well? What would prevent priests from being used in surveillance operations by law enforcement officials? For centuries, tyrants have attempted to infiltrate the sanctity of the confessional for their own ends. Many know the story of St. John Nepomucene, who was killed by order of the king of Bohemia because he would not reveal what the queen had told him in confession. This bill is yet another attempt to violate the sacred confidentiality of the sacrament of Reconciliation.

But why is the confession of sins so important, and why does the seal of confession matter so much? Why should the Church require such confidentiality even to the point of the imprisonment or martyrdom of its priests? We must always remember what is actually happening in the sacrament of Reconciliation. With the help of God's grace, the penitent has arrived at an understanding of his or her own sinfulness and seeks the mercy and forgiveness of God through sacramental confession. Recall what Jesus said to the apostles after his resurrection: "Receive the Holy Spirit. Whose sins you forgive are forgiven, and whose sins you hold bound are held bound (John 20:22-23)." Our Lord has conferred on the apostles and on every bishop and priest who continues their ministry the power to grant absolution for sins. But the priest does not absolve in his own name; he absolves sins in the name of God. The priest who hears confessions is the minister of the sacrament. He acts in the person of Christ not only by receiving the confession of the penitent, but also by offering absolution. The seal of confession respects the fact that the penitent is actually confessing to God, and the priest is acting as his instrument of mercy in the context of the sacrament.

Every person, even the gravest sinner, can experience the mercy of God if he is truly repentant. Apart from any civil obligations, the penitent is entitled to confidentiality as he reveals the sins and struggles of his life in Reconciliation. The seal of confession assures the penitent that his sins will not be revealed to others. He can be assured that what he tells the priest will be held in the strictest confidence as

if it were known only to God himself. If there were no seal of confession, how many of us would freely confess our sins to a priest? If we feared that our sins would be made public, would we entrust this most intimate part of our lives to a priest? Probably not. The Church has a sacred responsibility to offer Christ's mercy to all, and must never hinder the penitent from approaching our Lord for the grace of forgiveness. Without this assurance of the seal of confession, many people would be reluctant to come forward to confess and receive absolution for their sins. But this isn't about hiding abusers or other criminals from prosecution; it's about protecting the right of every person to seek God's forgiveness.

Soon we will begin the holy season of Lent, a time of reflection and repentance, but also a time of hope and healing. At this time, more than any other, we celebrate the saving mercy of God, knowing that Christ has died for our sins and lives now in eternal glory. During these forty days, many of us will respond to our Lord's call to conversion and approach the sacrament of Reconciliation out of a desire to confess our sinfulness and receive the grace of God's forgiveness. We should be free to receive this grace without fear of outside interference, and without concern for the integrity of the sacraments. I pray that our elected officials will act with wisdom and prudence in representing us and acting for the common good, which includes protecting our right to freely live our Catholic faith. The bill now before our lawmakers is a stark reminder that we should never take this right for granted.