

## BRIEFING NOTE FOR CLINICAL STAFF

### THE ROMAN CATHOLIC PRACTICE OF CONFESSION

#### 1. What is it?

Confession is one of the formal rituals (“sacraments”) of the Roman Catholic Church,<sup>1</sup> which takes place privately between a priest, and any baptised member of the Roman Catholic Church. The person making a confession is known as the “penitent”, and the priest receiving it is referred to as the “confessor”.

In Roman Catholic belief, human beings have free will and can choose to do right or wrong. To freely choose to do wrong, in the knowledge that an action *is* morally wrong, is called SIN. A person who has committed a sin and later regrets having done so, will wish to make their peace with God. The normal way to make peace with God is to state your sins to a priest, who will pronounce forgiveness in God’s name.

The normal structure of a confession is this:

- The penitent says how long it is since their previous confession, and if hidden from the priest behind a screen, gives some basic facts about the kind of person they are (married/single, working/retired etc.).
- The penitent states what wrongful actions they have done.
- The priest *may*, but is not required to, give advice on avoiding such actions in future.
- The priest proposes a PENANCE. This is a prayer or a good work which the penitent is to carry out as a sign of thanksgiving to God.
- The priest prays a formal prayer of forgiveness over the penitent (the ABSOLUTION).

#### 2. Who is it for?

Confession is for baptised members of the Roman Catholic Church.

It may also be offered to baptised members of other Christian churches who believe in the practice of making confession to a priest, and who cannot access a minister of their own tradition.

In the UK, it might happen that an Eastern Orthodox or Oriental Orthodox Christian would have recourse to a Catholic priest, since their own ministers are scarce.

Some Anglicans practice confession, but – except in a situation where someone was dying – a Catholic priest would send for an Anglican vicar rather than hear an Anglican’s confession.

Christians from other denominations would not normally practice confession in the way the Roman Catholic Church understands it.

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<sup>1</sup> The institution commonly known in Britain as the “Roman Catholic Church” officially entitles itself simply the “Catholic Church”, and there is a theological meaning behind that; but for clarity of communication I will use the term “Roman Catholic” in this document.

### 3. Confidentiality

In the normal course of their pastoral work, Roman Catholic priests operate under the same terms of confidentiality as other caring professionals; that is, the priest has a duty to make a disclosure to the appropriate authorities if he learns that a child or vulnerable adult is at risk, or that a terrorist action or (in a secure institution) a security breach is possible.

In the law of the Catholic Church, confession is covered by a special kind of confidentiality, known as the **seal of confession**. The law is here stated on the Vatican website:<sup>2</sup>

Can. 983 §1. The sacramental seal is inviolable; therefore it is absolutely forbidden for a confessor to betray in any way a penitent in words or in any manner and for any reason.

Can. 984 §1. A confessor is prohibited completely from using knowledge acquired from confession to the detriment of the penitent even when any danger of revelation is excluded.

In plain English, this means that any information a priest *learns* through a penitent's confession cannot be passed on to any third party, nor may it be used to harm the penitent in any way. The possibility is not excluded of the priest using the knowledge to *help* the penitent, as long as the priest reveals no information about what the penitent disclosed.

#### ***When does a conversation with a priest becomes a confession?***

A conversation with a priest becomes a confession, and is therefore covered by the seal of confession, if:

- The penitent explicitly asks to make a confession.
- The penitent uses words which normally begin the ritual, such as "Bless me Father, for I have sinned..."
- The conversation takes place in a confessional box or other location explicitly designated as a place for hearing confessions.

A conversation with a priest does **not automatically** become a confession if, *in a context other than one of those listed above*, the person speaking to the priest happens to mention that he or she has committed a sin. In such a conversation, the priest **may** say "Would you like to make this a formal confession?", thus causing the seal of confession to apply retrospectively. But if the subject matter has already touched on matters requiring statutory disclosure, the priest would be bound to indicate to the other party that anything said from this point **will** be subject to disclosure, and cannot become a confession.

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<sup>2</sup> [http://www.vatican.va/archive/ENG1104/\\_\\_\\_P3G.HTM](http://www.vatican.va/archive/ENG1104/___P3G.HTM)

#### 4. Confession and Information ordinarily subject to disclosure

Confession normally deals with *past events*, but may indicate future risks (e.g. that a person tends to act abusively, or may have a concealed weapon in a secure environment). It is rare for the penitent to discuss intended future actions, but possible that, for example, suicidal thoughts might be manifested.

When a priest becomes aware of this kind of risk during a confession, he will remind the penitent that they can only receive God's forgiveness if they are sincere about turning away from their pattern of wrongful behaviour. He will discuss with the penitent, ways that the penitent can seek help or make an admission to the authorities. He may suggest that the penitent speaks again to the priest outside the context of confession, in which case the priest would be free to make a disclosure in the usual way. In any case, the priest will want to be thoroughly satisfied that the penitent has identified a course of action, and is ready and willing to follow that course of action. But ultimately, if the penitent resists, the priest has no power to compel their course of action.

The priest does have one sanction: he can withhold the prayer of forgiveness, if he is not satisfied that the penitent is sincere about wishing to change their pattern of behaviour. Nevertheless, even if the penitent is found to be utterly insincere, the priest is still bound by the seal of confession.

*There is now a national code of practice directing priests on what to do if a person reveals, during confession, that they have been committing child abuse; this is attached as an appendix.*

#### 5. Confession and the Law

In some jurisdictions, the law may require caring professionals to make disclosures without providing any explicit exemption for clergy. Nevertheless, legislation also advocates religious freedom as a human right: in the UK, Article 9 of the Human Rights Act 1998 states that "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to ... manifest his religion or belief, in worship, teaching practice and observance."<sup>3</sup>

It is a well-established, and centuries old, practice of the Roman Catholic Church that the seal of confession guarantees absolute confidentiality. Therefore, any reasonable court would acknowledge that one of the observances of the Roman Catholic Faith is that of ***being able to confess sins to a priest under the guarantee of absolute confidentiality***. Case law in England and Wales has not explored the resolution of the tension created here between religious freedom and statutory duties to disclose information. In some US jurisdictions, the priest-penitent privilege is explicitly recognised.<sup>4</sup>

Roman Catholic priests are aware that as priests, they are required to obey the law of the Church; and while they will try anything within their power to persuade a penitent to self-disclose in such cases, they know that as priests, they cannot break the seal of confession – even if they should be called as witnesses in a trial, and risk contempt of court.

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<sup>3</sup> <http://www.equalityhumanrights.com/human-rights/what-are-human-rights/the-human-rights-act/freedom-of-thought-belief-and-religion/>

<sup>4</sup> [http://defensewiki.ibj.org/index.php/Priest-Penitent\\_Privilege](http://defensewiki.ibj.org/index.php/Priest-Penitent_Privilege)

## 6. Confession and Mental Health

In the normal course of hearing confessions, the priest may learn or suspect that a penitent has mental health issues. In this case, standard questions the priest might ask would be: “Have you talked to your GP? Are you on medication? Are you taking it? Are you seeing a therapist?”

The priest, who knows he is not a specialist in mental health, will make every effort to encourage a penitent in need of specialist help, to seek it. This is not always easy, especially when penitents present paranoid symptoms.

In the special context of a secure unit, the priest will know from the context that his penitent will be under a regime of medication and/or therapy. He will make every effort to encourage the penitent to engage with their treatment; he will remind the penitent that making peace with God requires a personal commitment to do right and use the means of support available. It is even possible for the priest to assign “taking part in a voluntary therapeutic activity” as the penance to be carried out.

If a resident in a secure unit requests an audience with a priest for the explicit or implicit purpose of confession, it greatly assists the priest to be briefed beforehand on certain matters:

- Is it safe for the priest to be in a room alone with this resident?
- Is this resident delusional or likely to lie?
- Has the resident been generally co-operative with their therapeutic regime?

Following the confession, the priest is at liberty to make comments about the general mood of a penitent; if he is concerned about the penitent’s well-being, he might tell staff that the patient should be watched especially carefully. But he is **not** at liberty to reveal the reason for his concern (suicidal tendencies? carrying a weapon? etc.) because of the seal of confession.

Priests will recognise the difficult tension which exists between the need to preserve the security of a secure unit, and the idea of allowing in a religious professional who is exempt – even in narrowly defined circumstances – from the normal duty of disclosure. **Priests in no way desire to put the security of such institutions at risk, and are committed to the well-being of residents.** But if they were unable to enter on those terms, then residents in the secure unit would be *de facto* denied the right of religious observance of the Roman Catholic practice of confession.

It is difficult to see that affording Catholic residents this opportunity could generate any **new** risk (are they likely to act out behaviour they would not otherwise have considered, precisely *because* they have told their priest?); and the opportunity for confession may in fact provide a stepping stone for guiding a resident towards making a disclosure in the near future.

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Endorsed by Mgr Canon Robert Reardon, Vicar General of the Archdiocese of Cardiff, 7<sup>th</sup> July 2011.

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## APPENDIX

This is the Catholic Church's National Policy effective in England and Wales concerning disclosure of Child Abuse in the context of confession (referred to here by the technical term "Sacrament of Reconciliation").

It can be found on the web at [http://www.csasprocedures.uk.net/chapters/p\\_nat\\_pol\\_crea.html](http://www.csasprocedures.uk.net/chapters/p_nat_pol_crea.html)

### 4.1 National Policies for Creating a Safe Environment for Vulnerable People in the Catholic Church in England and Wales

*The following text will be found half way down the page.*

#### SACRAMENT OF RECONCILIATION

Children and young people should be able to celebrate the Sacrament of Reconciliation in a way that is both in accordance with the nature of sacramental [Confession](#) and offers protection to both themselves and the confessor.

A variety of means can be adopted to achieve this goal. These are:

- a. public penitential services.
- b. use of the traditional confessional box where there is a fixed grill or a separate entrance for the priest and [Penitent](#).
- c. an area where either the penitent or the priest is within sight, although not within hearing of others.
- d. behind a "frosted" screen. It should be in a location where other adults are present although these adults should not be behind the screen with the penitent and the priest. This will be required when a deaf child is celebrating the Sacrament so that their conversation cannot be observed.

When deciding which approach is adopted, consideration should be given to the child's needs, wishes and feelings; e.g. older children may wish to use a traditional confessional box as opposed to celebrating the sacrament face-to-face. The confessor is free to exercise his personal choice. Whatever the choice, it must be in accordance with the principle of taking all reasonable steps to create a safe environment.

The Code of Conduct applies to priests celebrating the Sacrament of Reconciliation with children and young people.

A priest hearing a Confession must take care that he does not confirm a mistaken sense of responsibility in an individual who has experienced abuse. He should also be aware that the disclosure of maltreatment and/or abuse during the Sacrament of Reconciliation raises safeguarding issues.

The relevant extract from the Responding to Allegations policy is set out below for information:

## DISCLOSURE OF ABUSE AND THE SACRAMENT OF RECONCILIATION

The following guidance is issued in accordance with current sacramental practice.

1. The Sacrament of Reconciliation offers the Penitent the seal of absolute confidentiality; in this context alone is the Priest bound to keep secret what is disclosed. Knowledge of the information is for the Priest, the penitent and God. Where there is involvement of an interpreter, e.g. during the Confession of a deaf person, a duty of complete confidentiality is extended to this person. Information gained in the context of the sacramental confession may not be used in any other forum. Disclosure of an incident of sexual abuse in the context of the sacramental confession is very rare but a Priest must know what to do in these circumstances.
2. Be aware of the guidance offered in respect of disclosure of abuse by a child or by an adult . Always reassure the person that he or she has acted properly in seeking help from you. See the following procedures:

[How to Respond to Concerns About a Child or Young Person](#)

[How to Respond to Concerns About a Vulnerable Adult](#)

[How to Respond to Concerns About a Person in a Position of Trust](#)

3. A Priest must be clear with the penitent about the status of a conversation. Make sure there is no misunderstanding about whether the Seal of Confession applies.
4. An abused person is a victim or survivor of abuse and as such is not guilty of any sin in respect of the abuse suffered. In part, their healing relies on the recognition of this fact. Abusers will often tell their victims that they are to blame and that they will be punished if they tell of the abuse. The Priest should help the victim/survivor to place the responsibility where it belongs, i.e. with the offender.
5. Survivors and victims of abuse will usually need help. From within the context of the sacramental confession the Priest can encourage the penitent to seek such help outside the sacrament. They should also be given encouragement to pass on the information to an appropriate person. It is not the Priest's role to engage in counselling in the context of the sacramental confession, even if he is appropriately professionally qualified to do so, since this leads to a confusion of roles and might give rise to conflicts of interest for himself and the penitent.
6. If an abuser discloses his or her activities to a Priest in the confessional, the Priest must inform the penitent that the addictive nature of abusive behaviour will demand external intervention and that he or she must seek help and advice outside of the context of the Sacrament of Reconciliation.
7. The person disclosing abuse should always be advised that they should bring this matter to the attention of the Statutory Authorities and that the diocesan Safeguarding Commission can help in making any necessary contacts.

8. The Priest should ask for action consistent with a firm purpose of amendment as a constituent of a [Penance](#). He should direct the penitent to make contact with an appropriate person outside of the [Seal of the Confessional](#), so that matters may be properly addressed.
9. If the Priest is subsequently contacted by the penitent, outside of the Seal of the Confessional, the Priest must make it clear to the penitent that the Seal of Confession no longer applies. If the information is repeated (he should not assume knowledge gained in the confessional), the Priest must explain that he has a responsibility to take all reasonable steps to protect children who may be at risk of abuse.
10. If an abuser discloses his or her abuse outside of the sacramental confession, the procedures described in relevant procedures must be followed e.g.

[How to Respond to Concerns About a Child or Young Person](#)

[How to Respond to Concerns About a Vulnerable Adult](#)

[How to Respond to Concerns About a Person in a Position of Trust](#)

In the preparation for the Sacrament of Reconciliation, children will learn about the "Sacramental seal", by which a confessor is bound to keep secret all that is said to him. The priest cannot insist that such secrecy binds the Penitent, who has the right to speak outside the confessional, especially if the penitent considers what was said has gone beyond the requirement of sacramental practice.