

## The Sacrament of Confession and Washington law

### Q & A

Q: What is the new Washington law, and why have the bishops in Washington filed a lawsuit?

A: Washington State recently adopted a law targeting Catholic priests by requiring them to break the seal of the confessional by reporting to civil authorities suspected child abuse and neglect disclosed during the Sacrament of Confession, subject to imprisonment and fines for violation. This law goes into effect July 27, 2025. The bishops have filed a lawsuit because the law violates the U.S. Constitution's First Amendment.

Q: What is the seal of the confessional, and why is it important?

A: The seal of the confessional is the absolute obligation of a priest to maintain complete confidentiality regarding anything revealed during the Sacrament of Confession. This obligation, rooted in divine law and centuries of Catholic tradition, allows penitents to seek forgiveness and spiritual guidance in an atmosphere of trust and mercy. Canon law explicitly states that "the sacramental seal is inviolable" and that a priest who violates it faces automatic excommunication. The seal protects the sacred encounter between the penitent and God, mediated by the priest, as instituted by Christ. Throughout history, priests have been martyred rather than violate this sacred duty.

Q: Why can't priests comply with the law and report certain confessions?

A: The seal of the confessional is a divine mandate, not a human rule. Priests are bound to uphold the seal, even at personal cost, as a matter of fidelity to their sacred duty. Breaking it would betray the penitent's trust and violate the sanctity of the sacrament, which is a means of grace and reconciliation. The Church holds that forcing priests to report confessions undermines the freedom to practice faith and could deter penitents from seeking forgiveness, harming their spiritual lives, which must be seen in the view of eternity.

Q: Doesn't this law aim to protect people, like victims of abuse?

A: The intention to protect individuals, most especially children, is praiseworthy, but the law's targeting of the priest-penitent relationship in the confessional is misguided. The Church has robust measures to address abuse, including mandatory reporting by clergy in non-confessional settings and cooperation with civil authorities where the seal is not involved. In fact, each diocese in Washington has safe environment and mandatory reporting policies that go beyond what is required in state law. The confessional is a unique, sacred space where penitents seek God's mercy. Compelling Catholic priests to breach its confidentiality does not guarantee better outcomes but risks deterring penitents from seeking reconciliation, which could prevent voluntary disclosures outside the sacrament that lead to justice and healing.

Q: How does this law violate religious freedom?

A: The law violates religious liberty by compelling priests to act against a core Catholic doctrine, forcing the Church to conform to state demands over divine law. It seeks to make the Sacrament of Confession an instrument of the state rather than a place of encounter with God's mercy. The First Amendment protects the free exercise of religion, which includes the Church's right to uphold its sacraments without the government seeking to redefine aspects of those sacraments. The Church's mission to offer forgiveness through the sacraments is rooted in Christ's command, and courts have historically recognized confessional privilege as essential to religious practice. The law also specifically targets the priest-penitent relationship while permitting other recognized, secular privileges to remain, such as the attorney-client privilege, some counselor privileges, and spousal privilege.

Q: What are the bishops hoping to achieve with this lawsuit?

A: The bishops seek to have the offending provisions of the law declared unconstitutional, ensuring priests can remain faithful to their sacred duty of upholding the seal of the confessional, and the mediation of God's mercy to the penitent, without legal penalty. The lawsuit aims to protect the Church's right to practice its faith freely and safeguard the confidentiality that encourages penitents to seek reconciliation. A favorable ruling would affirm religious freedom and preserve the integrity of the Sacrament of Confession for all Catholics.

#### Additional Resources

- *Catechism of the Catholic Church*, paragraphs 1440 – 1470.
- *Code of Canon Law*, c. 983, 1386.
- [\*Note of the Apostolic Penitentiary on the Importance of the Internal Forum and the Inviolability of the Sacramental Seal\*](#) (Approved by Pope Francis, June 21, 2019).