

## Private Absolution and the Confessional Seal

In the New Testament our Lord Jesus directed Christians to announce the forgiveness of sins or absolution to all people. This is the proclamation of the Gospel (Mark 16:15). On Easter night He said to His disciples, "Peace to you! As the Father has sent Me, I also send you." And when He had said this, He breathed on them, and said to them, "Receive the Holy Spirit. If you forgive the sins of any, they are forgiven them; if you retain the sins of any, they are retained" (John 20:21-23). This is the wonderful comforting word, "Son be of good cheer; your sins are forgiven you" (Matthew 9:2). Here Jesus tells believers to forgive and not forgive sins. Earlier He stated, "I will give you the keys of the kingdom of heaven, and whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven" (Matthew 18:18). He commanded men to speak His forgiveness in His place (John 20:23; Luke 10:16). There are no directives given as to how the rite of absolution is to be conducted. It simply states that the church is to forgive the sins of the penitent sinner, and retain the sins of the impenitent as long as they do not repent.

While all Christians have the right and responsibility to announce forgiveness in the name of Christ, the public use of absolution is the responsibility of the public ministry. Pastors are stewards of the mysteries of God (1 Corinthians 4:1).

Christians also use the keys publicly or officially when scripturally qualified individuals, who have been called by Christ through the church, forgive, and retain sins on behalf of Christ and His church (Romans 10:14-17, Acts 14:23, Treatise on the Power and Primacy of the Pope, 67).<sup>1</sup>

In the early church when an individual committed a grievous sin such as adultery, murder, or denying the faith, there were questions about whether that person could be restored. Correctly, the fathers taught that these sins could be forgiven. When such a person was sorry for his sin and desired to be reinstated in the church, he was given absolution and asked to do certain acts of repentance that showed that he was sorry for his sin and trusted in the Savior. Slowly the idea arose in the popular mind that these acts of penitence in some way helped the individual complete his salvation, and not that he was saved totally by Christ's work on the cross. Together with this, the idea arose that all mortal sins must be confessed to a priest in order for them to be forgiven. This remained the predominant doctrine of the confession and absolution throughout the Middle Ages.

In the Reformation, Luther rejected the idea that works of penance in any way helped in obtaining the forgiveness of sins. Also he contested the idea that auricular confession was necessary for one's sins to be forgiven. These Roman conceptions of confession and absolution caused pangs of conscience and made absolution uncertain. Rather, absolution was to be a comfort to the Christian, assuring him that he was indeed forgiven. It is a real impartation of Christ's forgiveness obtained for all. Thus, Luther in his *Small Catechism* says confession consists of two parts: "One, that we confess our sins; the other, that we receive absolution or forgiveness from the pastor or confessor as from God Himself, and in no way doubt, but firmly believe that our sins are thereby forgiven before God in heaven." No third part of penance was required, namely, works of

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<sup>1</sup> "The Public Ministry of the Word," *Synod Report* (Evangelical Lutheran Synod) 2005: 68.

satisfaction. In accord with Scripture, Luther taught that absolution is not a work of man, but God's free impartation of forgiveness.

The Lutheran Confessions speak of the value of private absolution:

It is taught among us that private confession should be retained and not allowed to fall into disuse. However in confession it is not necessary to enumerate all trespasses and sins, for this is impossible. Psalm 19:12, "Who can discern his errors?"<sup>2</sup>

Since absolution or the power of the keys, which was instituted by Christ in the Gospel, is a consolation and help against sin and a bad conscience, confession and absolution should by no means be allowed to fall into disuse in the church, especially for the sake of timid consciences and for the sake of untrained young people who need to be examined and instructed in Christian doctrine.<sup>3</sup>

The early Lutherans continued to practice private absolution. Before receiving Communion people would come to their pastor and confess their sins individually. If there were any particular sins that were bothering them, these sins were also confessed. Thereupon, the minister would lay his hands on them and pronounce the forgiveness. This rite usually occurred in the chancel of the church, outside of a normal worship service. In the German language, it was called the *Beichtstuhl*. At the same time, there were churches that had public absolution in their divine service.<sup>4</sup> Private confession and absolution was practiced among Lutherans in a fairly uniform way.<sup>5</sup>

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<sup>2</sup> AC XI 1-2 (Tappert, *Book of Concord*, 34).

<sup>3</sup> SA III VIII 1 (Tappert, *Book of Concord*, 312).

<sup>4</sup> Luther Reed, *The Lutheran Liturgy* (Philadelphia: Fortress Press, 1960), 257-259. C. F. W. Walther, *American-Lutheran Pastoral Theology*, trans. Christian C. Tiews (St. Louis: Concordia Publishing House, 2017), 187.

<sup>5</sup> The minister, vested in cassock, surplice, and violet stole, sat in a confessional chair at the communion rail or the rood screen. Thus, confessions were made in the open church and yet in a place which afforded the necessary privacy to the individual making his confession. There is a notice of the dedication of such a confessional chair in Neuseidlitz (Erzgebirge) as late as 1719, two hundred years after the Reformation. It is worthy of note that in the Roman Church confessional booths were additions subsequent to the Council of Trent. They were introduced in northern Italy by Charles Borromeo, Archbishop of Milan (who died in 1584), and were prescribed by the First and Fourth Councils of Milan (1565 and 1576). Up to that time moveable seats had been used and the confessions had been held in the open church in the choir (the entrance to the chancel) or at the choir screen.

Time was especially set aside for confession on Wednesdays and Fridays, the two station days, and on Saturdays after vespers. The individual making his confession would come up to the confessional chair and kneel, and then both the penitent and the minister would use a prescribed rite of confession and absolution. The formula most generally used was Luther's "Brief Form of Confession" provided in the Small Catechism:

*The penitent says:* Dear confessor, I ask you please to hear my confession and to pronounce forgiveness in order to fulfill God's will.

I, a poor sinner, plead guilty before God of all sins. In particular I confess before you that ... I am sorry for all of this and I ask for grace. I want to do better.

[Let the penitent confess whatever else he has done against God's commandments and his own position.]

When our forefathers came to America, they encouraged the use of private absolution but did not make it a dogmatic necessity. Private absolution can be very beneficial in our midst. Here forgiveness is offered to the poor lost sinner individually. At times it is hard to experience the intended confidence and security of forgiveness, but when the Word of God's grace is spoken to us personally by another it is a powerful assurance of forgiveness.<sup>6</sup> However, private absolution should not become a legalistic demand in our midst. We do not want our congregation members to feel coerced to use private absolution.<sup>7</sup> Nor should they be made to think they are less than confessional Lutherans if they do not regularly confess privately to the pastor. Rather, Lutheran congregations should desire to use also this form of absolution because of the comfort of forgiveness there offered. In the explanation of the fifth chief part of the *Small Catechism*, we have always invited people to use private absolution. Confessional Lutherans would agree with Luther's statement concerning private confession in his *Formula Missae*, "Now concerning private confession before communion, I still think as I have held heretofore, namely, that it neither is necessary nor should be demanded. Nevertheless, it is useful and should not be despised."<sup>8</sup>

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*Then the confessor shall say:* God be merciful to you and strengthen your faith. Amen.

*Furthermore:* Do you believe that my forgiveness is God's forgiveness?

Yes, dear confessor.

*Then let him say:* Let it be done for you as you believe. And I, by the command of our Lord Jesus Christ, forgive you your sins in the name of the Father and of the Son and of the Holy Spirit. Amen. Go in peace.

[A confessor will know additional passages with which to comfort and to strengthen the faith of those who have great burdens of conscience or are sorrowful and distressed.] (P. H. D. Lang, "Private Confession and Absolution in the Lutheran Church: A Doctrinal, Historical, and Critical Study," *Concordia Theological Quarterly* 56:4 [October, 1992]: 249-250.)

This form of private confession was still common at the time of Paul Gerhardt. It was at this point that the Great Elector tried to do away with private confession in the Prussian lands. The Great Elector was influenced by those who accused the Lutherans of having four dumb idols: the font, the altar, the pulpit, and the confessional (F. Stoeffler, *German Pietism During The Eighteenth Century* [Leiden: E. J. Brill, 1973], 180). Paul Gerhardt, an orthodox Lutheran pastor, tried to preserve private absolution in Berlin. He was followed in the St. Nikolaus Church by a Pastor Schade who preached against private confession, calling it the *Beichtstuhl Höllenpfuhl*, i.e., the confessional stool is the bottomless pit of hell (H. Schmid, *Die Geschichte des Pietismus* [Nördlingen: C. H. Beck, 1863], 262). Private confession slowly fell into disuse.

<sup>6</sup> Rather than demanding private absolution in the congregations in a legalistic way, men like Dr. C. F. W. Walther emphasized its blessings for the Christian. Walther explains the great benefits of private absolution in his sermon on the Gospel pericope for the nineteenth Sunday after Trinity. He uses this illustration: The citizens of a city rebelled against their king. They were defeated and had to flee. First, all of them were condemned to death, but later the king issued a decree granting full pardon. Trusting this general pardon, the majority returned. But suppose that the ringleaders had committed several murders. Might they not think, "Perhaps we are not included in this pardon?" Then would it not be especially consoling if they received a separate pardon, one drawn up especially for them showing that the pardon was theirs? Likewise it is of special comfort for a Christian who is burdened by his sins to hear not only the general word, "All believing sinners, be of good cheer," but also the specific declaration, "You (*du*, thou) be of good cheer, your sins are indeed forgiven" (C. F. W. Walther, *Evangelien Postille* [St. Louis: Concordia Publishing House, 1870], 320).

<sup>7</sup> Walther, *Pastoral Theology*, 184.

<sup>8</sup> LW 53:34.

In the practice of private absolution, the privacy of the confession must be maintained (Matthew 18:15; Proverbs 11:13). Sins that are confessed to the pastor are to remain in confidence. He will not share the information with his wife, family members, or congregational members.<sup>9</sup> “Since the pastor acts in Christ’s stead when he absolves a sinner (Luke 10:16; 2 Corinthians 2:10), he acts in Christ’s stead also when he hears a confession. He may therefore not reveal what Christ Himself does not reveal” (Isaiah 43:25; Jeremiah 31:34).<sup>10</sup> Even according to most state laws the pastor is not allowed to reveal such privileged information without the consent of the person who confessed.

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**As questions are arising concerning the privacy of absolution, here are summary points concerning private absolution:**

1. The Evangelical Lutheran Synod practices and encourages private absolution, which is a function of the public ministry.
2. Historically, confessional Lutherans have maintained the confessional seal (*sigillum confessionis*), that is, the private nature of confessions. This is supported by Scripture and the Confessions.
3. A distinction should be made between the confession in private absolution, which is to be held in strict confidence, and other conversations and discussions with a pastor.
4. While civil law should be respected as it relates to confidential communications to a pastor, it does not determine or dictate a pastor’s decision as to whether and to what extent a conversation is to be revealed.

**General guidelines concerning confidential communication in a parish:**

1. A confession made by an individual seeking absolution for a particular sin must not be revealed, even if the act was criminal and even if the law may compel its disclosure.

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<sup>9</sup> Armin W. Schuetze and Irwin J. Habeck, *The Shepherd under Christ* (Milwaukee: Northwestern Publishing House, 1989), 91. Richard H. Warneck, *Pastoral Ministry: Theology and Practice* (St. Louis: Concordia Publishing House, 2018), 207.

<sup>10</sup> John H. C. Fritz, *Pastoral Theology* (St. Louis: Concordia Publishing House: 1932), 136; Walther, *Pastoral Theology*, 194.

Mueller and Kraus’ *Pastoral Theology* states concerning confidentiality:

To the extent that speaking the absolution is being the voice of God, so hearing the confession is being the ears of God. To the confessional prayer of Psalm 51, to “wash away all my iniquity and cleanse me from my sin ... [to] create in me a clean heart,” the absolution responds with Ps. 103:12, “As far as the east is from the west, so far has he [God] removed our transgressions from us.” Therefore, under no circumstances should a pastor reveal anything told him in confession by a penitent. (Norbert H. Mueller and George Kraus, *Pastoral Theology* [Saint Louis: Concordia Publishing House, 1990], 122.)

2. A private conversation made outside the context of private absolution by a person, who recognizes the sinfulness of the conduct communicated and who is not likely to put others in danger by repeating, is not to be revealed.
3. Where an exchange with a pastor is intended to be confidential, it should not be disclosed merely because the penitent shared the discussion in the presence of a third person.
4. Where information is offered (whether inside or outside the context of a confession) indicating an intended and/or imminent harmful act, such that the person's or someone else's safety would be jeopardized if steps were not taken to hinder the individual, a pastor must inform the "penitent": that what and how the information was revealed is not considered by the pastor as a sincere confession of sin; that no absolution would be granted; and that the pastor must exercise his judgment in protecting the interests of those in danger.
5. When a sin is confessed, which is commonly associated with addictive ill/criminal behavior, special pastoral counsel will likely need to be provided to prepare for future temptations. This means that the fruits of repentance will include a willingness to seek appropriate help.
6. In such a case (cf. 5), if all efforts to persuade a person (who has recently been involved in addictive ill/criminal behavior) to confess to the proper authorities prove fruitless, the pastor may question the sincerity of the individual. In the event that a pastor feels that he must report the information for the safety of others, he should inform the individual of his intention to do so. The pastor must protect the interests of those in danger.<sup>11</sup>

Certainly situations may arise that are difficult to place within these guidelines. In such circumstances a pastor should seek the counsel of his fellow pastors and above all seek to discern God's will through prayerful examination of Scripture, the Lutheran Confessions and the writings of the fathers and teachers of the church.

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<sup>11</sup> Fecht (1636-1716) explains: "'Those sins which, if they remain concealed, involved the destruction of either an entire community or several [people] should not be kept secret, since a community should be the object of greater concern than an individual. In this all theologians agree unanimously. However, one should proceed as considerately in such a disclosure as the holiness of the seal of confession demands. The persons must be protected as long and as far as possible' ([*Instruct. Past.*], p. 152)" (Walther, *Pastoral Theology*, 196; see also the L. Hartmann quote on page 197).