

GENERAL SACRAMENTAL ABSOLUTION: PASTORAL REMARKS ON PASTORAL NORMS

The following remarks have to do with the Instruction "Pastoral Norms concerning the Administration of General Sacramental Absolution," issued on June 16, 1972 by the Sacred Congregation for the Doctrine of the Faith. The Note is divided into three sections: (1) certain background facts that should be kept in mind; (2) remarks on the Pastoral Norms; (3) an over-all critique of the Instruction.

BACKGROUND FACTS

1) Jn 20:22-23 is a capital text, indicating the Church's ministry of reconciliation: "Receive the Holy Spirit. For those whose sins you forgive, they are forgiven; for those whose sins you retain, they are retained."

2) In the tradition of the Church, Eucharist is the primary liturgical celebration of reconciliation. While this aspect of the tradition has not received active attention in the West for some years, it is beginning to receive that attention again; this element of the tradition, moreover, was preserved more actively in the East. The meaning of this tradition is this: in the Eucharist we are reconciled from our serious (i.e., "grave") sins (cf. *DS* 1743). The tradition excepts apostasy, wilful homicide, and adultery, which require further penitence. All the essential facts on this will be found in the classic article of Louis Ligier, S.J., "Pénitence et eucharistie en Orient," *Orientalia christiana periodica* 29 (1963) 5-78.

3) To explain Eucharist as the primary liturgical/ritual celebration of reconciliation, New Testament scholars have recourse to what they describe as Jesus' ministry of table-fellowship, in which He symbolized His preaching concerning the kingdom: all men are invited to the kingdom, i.e., to the table, to share the same life (food) together, forever. Thus, these texts of the NT must be added to Jn 20:22-23, as centrally pertinent to the Church's ministry of reconciliation. A helpful explanation of this point will be found in N. Perrin's *Rediscovering the Teaching of Jesus*, and in the article of Jean-Marie Tillard, "The Bread and the Cup of Reconciliation," *Concilium* 61 (1971) 38-54.

4) The sacrament of penance (in its various forms of Christian practice) is, like the other sacraments, an elaboration of the central celebration of Eucharist. Further, like the other sacraments, it is also oriented to Eucharist.

5) The history of the sacrament of penance reveals that there have been several forms of it over many centuries of practice; most historians refer to the public form of penance, known as "canonical penance," and to the subsequent development of private auricular confession through "tariff penance," imported to western Europe from the Orient and Ireland.

6) The purpose of private auricular confession, revealed in its origins, was that a sincerely repentant sinner might pray with a holy confessor over his sinfulness, discern with him the motions of good and evil spirits within him, seek advice for the future, praying for forgiveness.

7) The form of private auricular confession finally became the more normal (i.e., most used) form of the sacrament of penance in the West, especially after the decree *Omnis utriusque* of the Fourth Lateran Council. It was Trent, however, which expressed most clearly the need for the "integrity" of such individual confession.

8) The meaning of "integrity" is that all serious sins previously unconfessed need to be confessed to a priest according to their species and number, inasmuch as this is possible—all of this being *iure divino*, God's will. Excusing causes were, of course, envisioned. Furthermore, the concept of "integrity" was never intended to be understood as applying to *each single instance* of penance in its private auricular form. Moreover, the *necessity* of integrity of confession was a *conditioned* necessity. As Carl Peter explains, "What is often forgotten is that the necessity in question was seen as conditioned. This was explicitly recalled in the debates over and over. . . . Trent asserted the obligatory character of such confession and made no effort to determine when circumstances called for it by God's will and when they did not" ("Integral Confession and the Council of Trent," *Concilium* 61 [1971] 106-7).

9) It is clear, therefore, from the history of the liturgy of penance that the concept of "integrity" has been misunderstood by many since the time of Trent. As Peter remarks, "The Council of Trent is done no service if it is made to answer the question regarding the situations in which integral confession takes precedence over other values that are to be realized in conversion. If it is pastorally desirable to have a variety of forms of confession and absolution, the Tridentine decree cannot be used as an argument to the contrary" (*ibid.*, p. 108).

10) Once it is understood that "integrity" was not intended to extend to each private auricular confession, another question may be raised as to whether the principle of integrity *must* be invoked at *some* time, in some future confession (outside the cases of an excusing cause). The answer is that this cannot be shown to have been Trent's intention.

Again, Peter: "Whether and when subsequent private confession of serious sin would be required is another question. Again, Trent does not offer an answer" (*ibid.*). This is a careful statement. It does not deny that the spiritual situation of the penitent may be such that to get real help and assistance, to take real steps in his process of conversion, integral confession would be for him a necessity, and thus be God's will (*iure divino*) for him.

To judge from the history of penance and, in particular, from the history of private auricular confession, the degree of specificity and enumeration in self-accusation is expected to be governed by the degree of *need* for help and judgment intrinsic to the situation of the penitent as he stands before God's judgment and mercy. Thus, this need is not subjectivistic, but must be regarded as objectively structured (even though, quite possibly, not recognized by the penitent). The need for *integral* confession is, therefore, a conditioned necessity, a need which varies with the objective spiritual situation of the penitent.

REMARKS ON THE PASTORAL NORMS

1) The Introduction states that the Council of Trent teaches that "it is necessary by divine law to confess to a priest each and every mortal sin and the circumstances that alter the species of sins that are remembered after a careful examination of conscience." But that statement cannot be read out of context, as it frequently is. In the light of the points made above, such a statement could be quite misleading, since, given the context of a tradition that is much larger than this statement, it is an incomplete statement. As incomplete, it could be dangerously misleading. Such "integrity" of confession is not only not applicable to each confession (and the general, popular conviction among the faithful is that it is applicable to each confession), but, furthermore, the necessity of such integrity is a *conditioned* necessity (cf. above).

2) The next section (1) refers to "the growing tendency to introduce the improper practice of granting general sacramental absolution to people who have made only a generic confession." To reprobate this supposed evil, Trent is given as reference and support, with the (again) incomplete affirmation that integral confession is imposed "by divine precept as declared by the Council of Trent." As shown above, this statement is *not true enough* as it stands. There is more to be said. The rest of the tradition may not be allowed to be silent on such important points. Since, therefore, this statement is also incomplete, it too could seriously mislead the faithful.

3) Again, in section 1, the Instruction states that "Individual and integral confession and absolution remain the only ordinary way for the faithful to be reconciled to God and the Church unless physical or moral impossibility excuses from such confession." As already noted, a statement like this does not adequately represent the authentic tradition of the Church and so must be regarded as incomplete and dangerously misleading, at least potentially so. In fact, since its use of language tends to be absolute in character (e.g., "the *only ordinary* way"), it may be objected that the statement is not only inaccurate but even false, since it is the Eucharist which is the *ordinary* way "for the faithful to be reconciled to God and the Church." One recalls the words of Trent: "Et quoniam in divino hoc sacrificio, quod in Missa peragitur, idem ille Christus continetur et incruente immolatur, qui in ara crucis 'semel se ipsum cruento obtulit' (cf. Heb 9:27): docet sancta Synodus, sacrificium istud vere propitiatorium esse (can. 3), per ipsumque fieri, ut, si cum vero corde et recta fide, cum metu et reverentia, contriti ac paenitentes ad Deum 'accedamus, misericordiam consequamur et gratiam inveniamus in auxilio opportuno' (Heb 4:16). Huius quippe oblatione placatus Dominus, gratiam et donum paenitentiae concedens, crimina et peccata etiam ingentia dimittit" (DS 1743). We should especially note "etiam ingentia": even our greatest offenses and sins are forgiven.

4) The next two sections (2, 3) diminish the absoluteness of the affirmations which have gone before, placing so much emphasis on the practice of integral confession. Section 2 notes that certain circumstances may permit or even urge the granting of general absolution without individual confession. The cases mentioned would be those of the imminent danger of death where there were not enough priests to hear the confessions of all present; or, apart from the danger-of-death cases, other cases of necessity in which the number of penitents and the insufficient number of priests would force penitents to do without sacramental grace or Holy Communion "for a long time." It is noted that this may happen in mission lands "especially," but also noted that it can occur in other places "and within groups where it is clear that this need exists."

5) It is important to note that section 3 makes use of the word "lawful" in a way that must be taken into account when reading such carefully worded documents. In view of the fact that the word "lawful" has a very particular and classical meaning when used in such a regulatory document, and also in view of the fact that the word "validity" is used in this same document (section 6), it becomes clear that the cases suggested in sections 2 and 3 are not to be taken as the only cases in which

the granting of general absolution would be *valid*, but rather as the cases in which this document views such absolution as *lawful* (without commentary on the validity of *other* cases).

6) Likewise, in section 5 it is further noted that the judgment as to when the conditions mentioned in section 3 are fulfilled belongs to the local ordinary, and that this judgment is a decision as to when it is "lawful" to do so.

7) In this connection it is helpful to recall the experience of one local ordinary, Bishop Francis T. Hurley of Juneau, Alaska. Basing his decision on the Instruction of the Sacred Apostolic Penitentiary of March 25, 1944, Bishop Hurley (as he explains in his article in *America*, Sept. 23, 1972, entitled "Communal Absolution—Anatomy of a Decision") judged that he could approve of general absolution's being granted in his diocese in situations where his priests considered the guidelines of the 1944 Instruction to be fulfilled. Bishop Hurley refers particularly to the section of the Instruction which reads as follows, as he quotes it in his article: "Outside of cases where there is danger of death . . . it is allowed if some other altogether grave and urgent necessity arises, which is proportionate to the gravity of the divine precept to make an integral confession, for example if the penitents otherwise without any fault of their own would be deprived for a long time of sacramental grace and Holy Communion."

8) Section 6 notes the conditions for the *validity* of general sacramental absolution, pointing out that the penitent should be suitably disposed, should repent of his sins, determine to keep from sin, to repair any scandal or loss caused, and have the purpose of confessing "in due time each serious sin that he is at present unable to confess." As already noted, this section makes particular use of the word "validity" as contrasted with the use of "lawful" in earlier sections.

9) It is important to observe that the condition of having the "purpose of confessing in due time each serious sin" that one is unable to confess at the time of the general absolution must be estimated in the light of everything which we have said above, especially in the section on background. That is, one must observe again that, in general, the necessity of integral confession is a conditioned necessity; therefore, without at all denying that such conditions may well be verified in some particular cases or in many particular cases, one is not justified in asserting that having the purpose of confessing "in due time each serious sin" is an absolute obligation. In all of this, of course, as in all such regulatory and legal situations, there is always the situation of excusing causes, *epikeia*, etc. That goes without saying, to anyone who knows the principles of ecclesiastical law. Such excusing causes, however, are to be invoked *after* the law itself is ex-

amined. Our purpose here has been to discover what the document itself says and means, before one considers how an excusing cause or *epikeia* may be applied.

10) Section 7 directs that penitents who have serious sin forgiven by general absolution "should make an auricular confession before receiving absolution in this collective form another time, unless a just cause prevents them." While this use of language may be questionable, because suggestive of magic, at least, implying that forgiveness takes place as a result of absolution ritual *only* and not making mention of the process of repentance already worked in the penitent's heart by the power of God's Holy Spirit, it is nevertheless important to notice that there is no question, in this Instruction's view, that the process of reconciliation is brought to complete fulfilment in the case of general sacramental absolution (serious sins "are forgiven").

11) Considerable liturgical difficulty is raised by section 10, which attempts to indicate that liturgical celebrations and community rites of penance are not to be confused with "sacramental confession and absolution." One is inclined to say that nothing could be more obvious. But that does not deal sufficiently with the difficulty here. What is at stake is a serious misunderstanding, expressed in the document, concerning the history of penance. First, one gathers the impression from the text that this Instruction does not view "sacramental confession and absolution" as a liturgical ritual action. Otherwise, why is such a strong distinction drawn here? This may really manifest a great deal about the thinking of the Sacred Congregation. If it does, suggesting that the Congregation does not regard auricular confession as liturgy, it will be very difficult to reconcile this kind of thinking with the history and tradition of liturgical penance in the Church, the origin of auricular confession *within* (not outside) that tradition, and the purpose, past and present, of auricular confession. Secondly, even allowing that the Congregation does regard auricular confession to be liturgy (it seems a safe presumption), the Instruction clearly places communal celebrations in second place to "confession of sins and amendment of life." What view of liturgical communal celebrations does such an affirmation require as its presupposition? One is surprised to have the liturgy apparently dismissed in so summary a way.

In brief, the destructive element in this section is the effort, deliberate or indeliberate, to drive a wedge between private confession and communal rituals, and this in spite of the attempt to say that the communal rite is oriented to an alleged fulfilment in private confession.

12) There is another difficulty in section 10: the recommendation is given that individual confession take place within communal celebrations of penance. Such recommendation does not give sufficient

respect to the particular emphases that belong to both communal celebration of penance and the more individual (but still liturgical) celebration of penitent with priest. The history of the development of penance can clear up this difficulty, and the pastoral needs of the community today can suggest some guidelines for the use of each particular liturgy. The communal celebration was the first, and its character as such is that it helps to lay emphasis on the communal dimensions of our situation; in particular, it points to our solidarity in sin and our solidarity in salvation. The more private form has its origins in the monastic practice, in the Orient and in Ireland, of the discerning of spirits with a holy man (or woman), trying to find the causes and roots of the good and evil spirits within one, then praying together for forgiveness. Clearly one is not challenged to choose between these two forms of penance, but to *use both* for one's spiritual growth, depending on the need.

In spite of the fact that such individual confession is suggested within a communal penance celebration, thereby diminishing the appropriate emphasis of each of these forms, section 10 also enjoins that, when general sacramental absolution is given, the formula be that presently in use for individual confession, changing the form to the plural.

13) Section 12 urges that priests not discourage the faithful from frequent or devotional confession. As a pastoral norm, more needs to be said. The point at issue is not simply the commendation that may be given to individual confession, but rather the manner in which individual confession may be restored to its original purpose and meaning in the spiritual life of the community.

Those who object that individual confession is not to be confused with "mere spiritual direction" not only attack (perhaps with reason) the state of spiritual direction in some places, but open themselves to the charge of historical naïvete. As indicated above, the practice of individual confession began with the process of mutual discerning of spirits, but did not stop there. It went on to prayer for forgiveness, and from this practice came the form of private auricular confession that has been in use so widely. The need to be confronted is that of reforming individual confession so that it conforms more clearly to its original purpose of more reflective, discerning examination of the different motions at work within one.

OVER-ALL CRITIQUE OF THE INSTRUCTION

- 1) It has a negative, repressive tone in many of its parts.
- 2) It is often misleading because of inaccurate or incomplete statements.

3) It causes one to question whether the Sacred Congregation views the purpose of individual confession to be a way of “controlling” the lives of the faithful by obliging them to this practice, almost suggesting that its real purpose is so that people “cannot get away with” anything in the long run.

4) Many priests and lay people will react negatively to it because they will regard it as unaware of true pastoral needs and situations in today’s world.

5) In spite of its negative elements, this document can be interpreted (once its inaccuracies are corrected) as a step in a process towards the full acceptance of communal celebration of penance as one of the normal and usual forms of the sacrament. Before that happens, however, latent prejudices that appear to reside in official circles will need to be eliminated, and respect for a broader tradition than evidenced by the text of this Instruction will need to be encouraged. As Robert Hovda writes in *Living Worship* (October 1972): “Even though hedged with restrictions and cautions . . . the document clearly does not prohibit general absolution. . . . The problem is that it doesn’t seem to have occurred to the writers of these norms that there are other reasons besides danger of death, shortage of priests, and the involvement of some clergy ‘in secular affairs’ for the need for communal penance. Until our leaders hear our current questions, we cannot reasonably expect them to give answers that address us where we are. ‘Norms,’ like sacraments, are for people, not for archives.” The document is not a condemnation of general absolution in principle. It does not even deny the validity of current practice (current, though “unofficial”) in which such general absolution is given, especially in communal liturgical celebrations of penance—celebrations which are regarded widely, by priests and people alike, as sacramentally efficacious in the strict sense.

6) Neither this document, nor much of contemporary commentary on general absolution imparted in communal liturgies, deals with other basic questions like the fundamental one of precisely in what situations serious (mortal) sin may be found. While this Instruction cannot be expected to cover or deal with all matters, an authoritative pastoral suggestion for the community might be expected to raise and deal with such basic questions. The fact that this document fails even to raise the question may justly be regarded as a defect in the document because it fails to respond to a pressing pastoral need of the faithful.



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