

# THEOLOGICAL TRENDS

## THE NEW PENITENTIAL RITE II

THE MAJORITY of the writers who were mentioned in the first part of this survey were all *periti* at Vatican II; so that it is not surprising to find their converging approach enshrined in its teaching. 'The rite and formulas are to be revised so as to bring out the nature and effects of the sacrament'. These are later described as 'obtaining pardon from the mercy of God for offences committed against him, and being reconciled with the Church which they (sinners) have wounded by their sins and which, by charity, example and prayer, seeks their conversion'.<sup>1</sup> Two years later, the Apostolic Constitution *Paenitemini* of Paul VI repeated this teaching, while stressing the need for an interior change of heart, *metanoia*.<sup>2</sup> Although concerned primarily with introducing a change in fasting laws, the document did not confine itself to external ascetical practice, but treated of the virtue of penance, a necessary element in the christian life. It thus marks a further stage in the preparation of the new rite.

It will be useful to end this section of the background to the new rite by listing some useful collections of articles which provide the reader with a somewhat fuller treatment of many key issues, as well as containing ample scriptural and historical material.<sup>3</sup> These are good examples of the vital work of education and popularization which was and still is so necessary.

This point was made at some length in a pastoral letter of Paul VI when he was still Archbishop of Milan. It was reprinted in a special issue of *La Maison-Dieu*.<sup>4</sup> Unless priests and faithful are educated in the liturgy, it cannot play its part in the life of the Church. This special double number reprinted the papers and discussions of two special study weeks organized in 1958 by the *Centre Pastorale de Liturgie* of France, and attended by several hundred priests and religious. As with the North American liturgical weeks, these national conferences represented a serious attempt to educate and prepare the clergy; and in this field France was something of a pioneer. The papers, covering topics like sin and repentance in the bible, the history of the sacrament, frequent confessions, the age of first confessions, still retain their useful-

<sup>1</sup> *Sacrosanctum Concilium*, 72, *Lumen Gentium*, 11.

<sup>2</sup> Paul VI: *Apostolic Constitution Paenitemini*, *Acta Apostolicae Sedis*, 58 (1966), english translation (London, 1966).

<sup>3</sup> *Mystery of Sin and Forgiveness* (ed Taylor, M. J., New York, 1971). *Penance, Virtue and Sacrament* (ed Fitzsimons, J., *Concilium*, vol 1 no 7 (January 1971).

Rahner, K., in *Sacramentum Mundi* (New York, London, 1969), vol 4, pp 385-399. Most recently, in french, *La Maison Dieu* no 117 (1974).

<sup>4</sup> *La Maison Dieu* nos 55, 56 (1958).

ness. More important for the development of the rite are the conference resolutions and the pastoral recommendations. The preaching of repentance is not confined to the sacrament of penance, a word which is inadequate to translate the biblical concept of *metanoia*: repentance is above all a deeply religious attitude which should grow throughout life. Repentance is both ecclesial and personal. Anyone who has read the *praenotanda* to the new rite will recognize that its main lines were already there in 1958. A comparison of the pastoral recommendations made by this representative body of priests and others with the actual practice of the new rite is even more revealing, both for the broad similarities, and also for one important difference. Where individual confession was concerned – the present first form of the sacrament – priests were reminded that their attitude and words should reveal the goodness and personal love of God, with his mercy for sinners. More help in discerning basic sinful tendencies was thought desirable, while frequent confession as an aid to personal growth was stressed. The gestures made by the priest should be explained to the faithful, and the words of absolution ought to be heard. All these *desiderata* are met within the new rite, with the added bonus of an optional passage from scripture.

Much time was spent in 1958 describing and evaluating various types of services of penance which combined a liturgy of the word with individual confessions. This is the direct ancestor of the second form of the sacrament. Great stress was laid on the pedagogical value of such services, and their value in the formation of a more mature christian conscience, although the possible tensions between this ecclesial celebration and the needs of the individual to ask for and receive personal advice were also noted.

What was not discussed then was the question of general absolution. No suggestions were made for a form of service which would anticipate the third form of the sacrament. The nearest was a discussion of the giving of absolution collectively after a number of people had made their confession individually. This suggestion was discouraged, on the grounds that the priest acts as a judge: it would limit his freedom to give or refuse absolution if several people were to be absolved collectively. This emphasis on the judicial role of the priest was natural, particularly in view of the current canon law and received theological positions. The new rite also refers to the duty of the priest to judge the penitent's dispositions, although it softens the legalism of an earlier generation by glossing this as an exercise of the discernment of spirits. As will be seen in a later section, the new code of canon law appears to carry this modification of the older judicial image even further.

By 1968, however, *Notitiae*, the official journal of the Consilium for implementing the liturgical reforms of the Council, reported that its working party on the new rite of penance would be including a rite for those occasions when general absolution might be given without previous individual confession, on occasions when this was permitted by the holy See.<sup>5</sup> What had happened in

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<sup>5</sup> *Notitiae* (1968), p 187.

the meantime? Much discussion behind closed doors, evidently. But it seems highly likely that two rather different types of pastoral situation led to the new prominence given to general absolution. The first was the case of countries where there is – and has been for some time – a chronic shortage of priests. This case is specifically mentioned in the new rite, which is here echoing the Pastoral Norms issued in 1972 by the Congregation of the Faith.<sup>6</sup> But it is in this type of case that general absolution is presented as a sort of second best. Others, however, would press for its inclusion on its own merits. Here, the action of certain priests in parts of Holland may have had a role to play. Although not approved of by the dutch hierarchy, the practice seems to have been introduced. Something of the feel of this period comes across in a stimulating little book by F. J. Heggan, whose account of Services of Penance first appeared in dutch in 1964.<sup>7</sup> The contrast with a similar book produced by the community of Saint Séverin is instructive.<sup>8</sup>

If the Dutch may be said to have forced the pace – thus playing a role akin to that of the celtic monks some nine centuries previously – it is more than likely that theologians would have turned to the question of general absolution in any case. As well as various antecedents in east and west, there was the recent experience of the war. In 1939, permission had been given to grant general absolution to all front-line troops,<sup>9</sup> and this was soon extended to civilians in air-raids, prisoners of war and those in forced labour camps. Those who had experienced the harshest features of war at first hand were not likely to forget the experience, and the pastoral discoveries made in such circumstances are one of the forgotten factors in liturgical revival. How long do you have to be in Dachau before coming to the conclusion that it is not necessary to wear vestments in order to say Mass? Well after the war, there were at least isolated cases of general absolution being allowed by the holy See without any subsequent obligation of individual confession. One such case occurred in 1963, and it is the task of theologians to investigate precisely this sort of case.<sup>10</sup>

The role of the Eucharist in forgiving sins, and the practice of the eastern churches, were areas of particular interest, as well as the precise import of the tridentine decrees. J. M. Tillard, a specialist in eucharistic theology, stressed that in the Eucharist, Christ, who is at-one-ment in person, is present: the sacrament of penance spells out this particular role of the Eucharist, but Trent certainly accepted that God forgives sins, even grave sins, through the Eucharist.<sup>11</sup> It is clear, however, that in the view of the fathers of Trent, this does not happen independently of the sacrament of penance, which still

<sup>6</sup> Cf *Clergy Review* (1972), pp 874–9.

<sup>7</sup> Heggan F. J.: *Confession and the Service of Penance* (London, 1967).

<sup>8</sup> Community of Saint-Severin, *Confession* (London 1967).

<sup>9</sup> *Acta Apostolicae Sedis*, 36 (1944).

<sup>10</sup> Cf Morison, D.: 'The Renewal of Penance' in *Clergy Review*, (1972), p 850 n 4.

<sup>11</sup> Cf Tillard, J. M., in *Nouvelle Revue Théologique*, 84 (1962); *Concilium* (Jan 1971).

remains in some sense necessary. Starting from the practice of the medieval western Church, others came to the same conclusion. Before scholastic teaching had become fixed, there was less insistence on the need for individual confession, and a form of general absolution was sometimes granted at the end of the sermon. Thus it could be argued that the penitential rite of Mass could well incorporate sacramental absolution, provided there was the intention of going to individual confession later – the *votum sacramenti* of thomistic theology. Another approach was to examine the practice of the east, where some rites either had no form of individual confession, or certainly also had a form of general absolution as part of their eucharistic liturgies.<sup>12</sup>

The 1972 pastoral norms went some way towards clarifying the position. They settled beyond doubt that there was such a thing in the life of the Church as general sacramental absolution, and that the new rite would include a liturgical setting for its administration. Such a rite would meet those situations when large numbers of penitents combined with shortage of priests made it impossible for the latter to hear confessions satisfactorily, with the result that the faithful would be deprived of the graces of the sacrament, and even of the Eucharist. These norms were incorporated verbatim into the new rite of penance. Inevitably, there is room for a difference of interpretation: what meaning do you give to ‘a large number’, or to terms like *proprie* (in a satisfactory manner) or *diu* (for a long time)? Some critics were trenchant. The norms were unduly restrictive on two counts. The prior conditions for general absolution ought to be more generous, and the obligation to confess grave sins in a subsequent individual confession was both unreasonable and unworkable. In fairness to the pastoral norms, the case of mission territories with an avowed shortage of priests was only presented as a clear instance where the need for general absolution is met with. The norms do not exclude those more delicate situations, involving military, prison, hospital and school chaplains, where commentators feel the norms should be invoked. In more ordinary parish situations also, experienced pastors have argued that the burden of hearing routine confessions, particularly on feast days, and the expectations raised by the new rite of individual confession, would warrant general absolution. Thus J. D. Crichton, in one of the first full-length commentaries on the new order of penance, argues strongly in favour of general absolution in parishes, particularly in connection with Feast days, House Masses and meetings of teenagers:

Missionary territories now exist almost everywhere, and that inexhaustible supply of confessors the manuals speak of are hard if not impossible to come by. With the decreasing number of priests almost everywhere, the situation is not likely to get better. Instead, then, of allowing ourselves to be dictated to by events, it would be better to

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<sup>12</sup> Cf Ligier, L.: in *Orientalia Christiana Periodica*, 29, (1963) etc; and Nikolasch, F., in *Concilium* (Jan 1971).

anticipate the new situation when there will be an insufficiency of priests to confess the people at least on the occasion of the great feasts . . . permission for general absolution would need to be given quite frequently. In effect, the bishop would have to give a general permission to be used by the local clergy according to circumstances, and with all the conditions required by the Order. It is to be hoped that this is the way it will be taken.<sup>13</sup>

Crichton is arguing from an English context, and it is perhaps worth noting that, at the time of writing, the new Order of Penance is not expected to be in use in England and Wales before Lent 1976. However, it is clear that some hierarchies in other parts of the world have already acted in the manner hoped for by Crichton. Information is not always easy to come by; and perhaps the best available survey is one by Monique Brulin.<sup>14</sup>

The position varies considerably. Thus Germany feels that the conditions for general absolution are not present. Austria and Belgium are less certain. France holds that they are present on occasions of pilgrimages, great feasts, and in many school situations. Outside Europe, the bishops of the Montreal region were in favour of general absolution, those from Quebec were against it. The Latin American sample was more uniform. Parts of Chile and Colombia held that the conditions for general absolution were clearly present, and the same is true for Mexico, where hospitals, prisons and schools, as well as parishes on the occasions of great feasts and pilgrimages, are specifically mentioned. In Africa, the dioceses of Ruanda and Burundi, and many in Zaire, have also granted the permission. Inevitably, this list is far from complete: but it does indicate that pastoral practice varies considerably in different parts of the world.

The second area of discussion and even criticism of the pastoral norms is the insistence that grave sins forgiven in this manner must subsequently be confessed individually. This is made a condition *ad valorem sacramenti*: but the use of this term in preference to the more usual *ad validitatem* makes it at least doubtful whether it should be translated as 'required for validity'. Why did the Sacred Congregation of the Faith insist on subsequent confession? The only reason given is an appeal to Trent, and the import of conciliar decrees has naturally come under scrutiny. As long ago as 1966, a leading canonist like L. Örsy could write, in discussing Trent, that when the Fathers said that the obligation to confess all grave sins was a precept of divine law, they meant, 'unless the opposite can be clearly shown'. However, he added: 'The enumeration of grave sins in ordinary circumstances is necessary. Yet it is not an indispensable part of the sacrament'.<sup>15</sup>

<sup>13</sup> Crichton J. D.: *The Ministry of Reconciliation* (London, 1974), pp 57-8.

<sup>14</sup> In *La Maison Dieu*, n 117.

<sup>15</sup> Örsy L.: 'The Sacrament of Penance in Religious Communities', in *Worship* 42 (1968), p 161.

Carl Peter is one of those who have gone into this question more fully.<sup>16</sup> Following the great historian of Trent, Hubert Jedin, he points out that Trent was above all concerned to safeguard catholic teaching where this was thought to be under attack. Hence the need to uphold the efficacy of the sacrament, not apart from but in connection with a confident faith in Christ's promises. Further, the particular form of penance common in the medieval west was not something repudiated by God; its insistence on man's need to be clear and unambiguous in acknowledging his guilt was not latent pelagianism. Confession is thus not a purely human disposition, but is in accord with God's will and required because of Christ's institution of penance as a religious judgment. However, in saying this, Trent did not envisage, still less reject, alternative forms of the sacrament; this accounts for their regarding the *de facto* sixteenth century form of the sacrament as being God's will – *iure divino*.

The Council of Trent is done no service if it is made to answer the question regarding situations in which integral confession takes precedence over other values that are to be realized in conversion . . . Absolution conferred after a generic confession . . . may well be a necessary form of the sacrament today. Whether and when subsequent private confession of serious sin would be required is another question. Trent does not offer an answer.

Elsewhere he adds that, although Trent taught that for the forgiveness of serious sins committed after baptism, a confession clearly manifesting the guilt involved is necessary, and this to the Church, represented in its ordained minister, 'What is often forgotten is that the necessity in question was seen as *conditioned* (my italics). This was explicitly recalled in the debates over and over again'.

It is not surprising that, in the later article, Peter should express a certain disappointment with the pastoral norms. What is needed is credibility, not mere assertion: and herein, no doubt, lies the main problem with the sacrament. It is in the manner in which it is administered by priests and experienced by penitents that the new rite will stand or fall. A much more severe attack on the pastoral norms, and particularly on the principle of confessing grave sins after general absolution, was made in a mildly notorious article by John Gallen.<sup>17</sup> He echoed Peter's discussion of the council of Trent, and went on to describe the norms as being negative and repressive. Based on misleading statements (about the Council of Trent), they evinced an attitude, a desire to control the faithful and not 'let them get away with anything'. In short, they showed a lack of awareness of true pastoral needs. For all that,

<sup>16</sup> Cf Peter, C.: 'Integral Confession and the Council of Trent', in *Concilium* (Jan 1971), and *Worship* (1973).

<sup>17</sup> Gallen, J.: 'General Sacramental Absolution', in *Theological Studies* 34 (1973), pp 114-121.

Gallen admitted that they were a step in the right direction. This is perhaps the most extreme criticism that there has been of the attitude represented by the pastoral norms, but milder criticism has been fairly widespread. Thus Pierre Jounel complains of a certain lack of audacity with regard to general absolution, and the sacramental status of the penitential rite of Mass.<sup>18</sup> He notes that a number of questions are left unanswered, notably concerning the obligation of annual confession, the nature of grave sin, and even, in the light of modern psychological studies on determinism and diminished responsibility, whether a man can indeed commit a grave sin at all. These criticisms are noteworthy when it is remembered that Jounel is himself a consultant of the Sacred Congregation for Worship, and was chairman of the second working party that drafted the new Order.

To describe the vicissitudes to which succeeding drafts were submitted would be beyond the scope of this paper. Suffice it to say that the full story, were it ever to emerge, would undoubtedly reveal a fascinating interplay of differing viewpoints and emphases. Jounel's final comment is as fair as any to the new rite. It represents a discreet but firm basis for a new legislation, suited to a fresh situation.

If the shortage of priests throughout the world becomes more marked, then the reconciliation of penitents with general absolution will often become a necessity. A rite has now been provided and it is not without a certain beauty. The doors have also been opened to a renewal of individual reconciliation. This can now be celebrated in conditions which are better suited to the needs of modern man, who is less concerned with maintaining the secret of his identity in some dark confessional than in being able to achieve dialogue and assume mature responsibility for his actions. The ministerial role of the priest is also revitalized, and his subordinate position with respect to the Fatherhood of God is more clearly expressed.<sup>19</sup>

Jounel's mention of new legislation may merely be a compendious way of referring to the new rite, with its attendant directives. It could however, be taken as a proleptic reference to the likely treatment of the sacrament in the revised code of canon law. The indications are that the role of priest as judge will be modified by an emphasis on his equally traditional roles as spiritual father and healer of souls. Since Trent, the role of judge has been over-emphasized, and the point is relevant to pastoral practice as a whole, as well as to the thorny question of confession after general absolution. Thus in 1965, the dutch hierarchy had occasion to issue a directive on the subject. How do they present the obligation? What values do they see in this further act of the penitent?

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<sup>18</sup> In *La Maison-Dieu*, n 117.

<sup>19</sup> *Loc. cit.*, p 36.

We must submit our personal judgment to the control of others. We must ask ourselves if we are not avoiding a sincere confession of our faults. A grave fault demands a greater reparation than an inadvertent act which does not provoke such grave consequences. Do we consider ourselves seriously guilty? Let us have the courage to admit it. Let us recognize that we have seriously damaged the Church and have hindered her growth.<sup>20</sup>

This is well said. But is it enough? What other values can one hold up to people who ask the crucial question, 'but why to a priest?' If this means why to a representative of the Church, and not to God directly, the answer must lie in the fact that, for a christian, authentic repentance includes the determination to confess and thus achieve that full reconciliation with Christ in his Church which entitles a man to return to eucharistic communion. But what of the further objection that this is surely achieved by the generic admission of guilt to Christ in his Church which is involved in the penance service incorporating general absolution? I come because I want to be reconciled, to be put right. Is it enough merely to suggest that I could be fooling myself? In the case of grave sin, there could be the question of possible restitution. There could be the need for advice and help. But even this is not enough to meet the objection. Individual confession provides the sinner with the opportunity he needs to make the most fully personal avowal that he can of his earlier, provisional rejection of the Father, and of his present acceptance of the Father's offer of pardon, as well as of his determination to remain in the Father's love for the future. General absolution may well be an efficacious sign of reconciliation with the Father and with the Church community. But a man must also be reconciled with himself, and this can be the most difficult of all. The grace of the sacrament is offered: but for it to be fully effective in a person's life, modern psychology and traditional theology are agreed that the mediating role of another individual is required. I need to express to another human being the guilt and sorrow that I feel. I need to receive a personal assurance that I am accepted, guilt and all, and yet forgiven. It is in this sense that personal confession is ideally required, even after general absolution has been given. This need for confession is a permanent value, even if it is not the only value in the process of reconciliation, and may at times have to give way before other values. This said, discussion with a number of priests who have experience of general absolution suggests that in practice, far from finding the rule irksome, persons who have been away from the sacraments for a long time and have been initially reconciled through general absolution will spontaneously welcome the chance to confide in a priest. His role as accredited minister of Christ's pardon will be much more that of spiritual father and of healer.

The numerous questions connected with the confession of children are

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<sup>20</sup> Text in *Worship* 40 (1966), pp 276 ff.



treated more fully elsewhere.<sup>21</sup> Suffice it to say here that up-to-date catechetical practice is reflected in the new rite. Age-structured services for young children and for adolescents are provided; and it is recommended that the priest should if possible prepare these in conjunction with the children. Although nothing is said about the age of first confession, nor its relation to first communion, an important clarification on this matter was issued by the Congregations for the Sacraments and for the Clergy in 1973.<sup>22</sup> In response to a query from the Canadian bishops, it is clear that there is no intention of 'compelling or regimenting every child to receive first penance before first communion'. The aim of the declaration was simply to emphasize that during one and the same initiation period, children should be given a positive and pastoral catechetical preparation for the fruitful celebration of these two sacraments.

To correct any impression that, despite talk of reconciliation with the Church, the main thrust of the new rite and of much current writing has been centred on the technicalities of personal confession, it would be well to refer to several important statements on reconciliation produced by national conferences of bishops. Thus, in 1974, the Spanish hierarchy issued an extremely far-reaching document.<sup>23</sup> It developed the theme of the brotherhood of man, and confronted this with the weight of sin in the world. Christ is the great reconciler between man and God, and between man and his fellow man. The Church exists as a sign of this reconciliation, in an age when the dignity of man is violated by economic oppression and physical torture. The declaration then went on to spell out particular areas where reconciliation operates. Foremost comes personal conversion to God. Then human relations, particularly as they affect families, youth, and industrial and labour relations. At a wider level still, political concord and pluralism within the Church call for the exercise of Christ's reconciling activity. A programme as vast and as outspoken as this shows that talk about reconciliation need neither be trivial nor academically theological.

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<sup>21</sup> Cf Brusselmans, Christine: 'The Catechesis of Reconciliation', *The Way*, 15 (October, 1975), pp 285-94.

<sup>22</sup> Text in *Clergy Review*, 1974, pp 690-94.

<sup>23</sup> Text in *Documentation Catholique*, no 1769, 8 May 1975.