

THEOLOGICAL TRENDS

THE NEW PENITENTIAL RITE I

NOT LONG AGO, a friend of mine contributed a survey of recent writing on celibacy. I was appalled to find, on reading this article, how much easier it appeared to deal with celibacy than with penance, for the literature connected with the sacrament is now enormous. The Catholic Periodical and Literature Index for 1975 lists well over sixty items, and it is far from covering all available publications, particularly in languages other than English. There is, however, a focal point for our consideration, and that is the promulgation of the new Order of Penance. The present survey assumes no specialist knowledge on the part of the reader, and will confine itself to the major influences which have led to the new rite being deemed necessary. The Order¹ itself consists of lengthy *praenotanda*, three forms or rites of the sacrament, and a long appendix of alternative prayers and bible services. The opening section of the *praenotanda* reflects the biblical background to conciliar documents like *Lumen Gentium*. This in turn leads to a consideration of sin in more scriptural and personal terms, above all as the rupture of friendship with God. Christ is seen as the Mediator, the restorer of friendship with God, and the Church continues his work. In this connection, the word Reconciliation is used; although very traditional, it had undergone a period of eclipse. There is thus an emphasis both on the ecclesial dimension of forgiveness and reconciliation in the Church, and on the personal nature of sin and of conversion. Not surprisingly, there can be something of a tension between the individual and the corporate aspects of the sacrament. This tension might remain – or be resolved – at the level of abstract theological debate, were it not for the enormous pastoral problems connected with the administration of the sacrament. In many parts of the world, a dire shortage of priests has led to a call for some form of general absolution without prior individual confession. Elsewhere, an articulate laity is increasingly expressing its dissatisfaction with the traditional way the sacrament has come to be administered. The new rite is thus the product of many factors – historical and biblical scholarship, theological reflection and pastoral concern.

The Order proper comprises three rites or forms of the sacrament. The first consists of individual confession and absolution, the one-to-one situation with which we are all familiar. Here there is an important change of emphasis, reflected in the insistence on kindness on the part of the priest, on the role given to scripture, and in the reconciling activity of Christ and of the holy Spirit in the Church. The second form provides for individual confession within the context of a fully elaborated service of penance. The third form consists of a service of penance in which general sacramental confession will

¹ *Ordo Paenitentiae* (Rome, 1974) and translations.

be given to penitents who have manifested their sincere sorrow for their sins. Certain conditions are attached to the granting of general absolution, and these will be discussed in more detail later. The appendix consists of a large number of freshly composed prayers and of specimen bible services. These may be combined with either the second or the third form of the sacrament, and include some services specially composed for children.

The new Order is thus a *terminus ad quem*. It is also a *terminus a quo*, for it marks a fresh start in sacramental practice, and is giving rise to a growing literature, which will doubtless continue to centre on explaining the insights behind the new rite, while treating of certain key points, like the relation between individual confession and general absolution. The present survey will endeavour to present at least the main antecedents of the new rite, and indicate some lines of future discussion, and perhaps practice.

Reconciliation with the Church: the history

The first half of the twentieth century saw the publication of several major studies on the history of penance in both the early church and middle ages. Some, like that of the immensely learned Anglican, Watkins,² retain their usefulness for the invaluable amount of primary material they assembled, although the wood may be difficult to find for the trees. The polemical purpose of the non-catholic scholar, H. C. Lea,³ was only too apparent. He was obsessed with the idea that confession gave the Church an instrument of power over individual consciences which could be turned to dangerous use. Comparing the rival merits of catholic and protestant morality, he concluded:

If the sacrament of penance thus fails in its ostensible purpose of strengthening the soul against temptation, it at least has succeeded in establishing the domination of the priest over the conscience of the faithful in a manner which no other institution could effect, and which has no parallel in human history. It behooved every peasant and every burgher to stand well with his pastor, and a sinful girl who had once confessed her frailty was virtually at his mercy.⁴

A more convenient collection of sources than either Lea or Watkins is that of Palmer (now unhappily out of print), who links together his extracts with a clear and helpful commentary.⁵ Palmer follows the great german historian Poschmann in his analysis of the complex development of the history. Poschmann's own mature work has been translated into English,⁶ and although a

² Watkins, O.D.: *History of Penance*, 2 Vols (London, 1920).

³ Lea, H. C.: *A History of Auricular Confession and Indulgences in the West*, 3 Vols (London, 1896).

⁴ Lea, Vol II, pp 437-8.

⁵ Palmer, P. F.: *Sacraments and Forgiveness: sources of christian Theology*, Vol II (Westminster Md & London, 1959).

⁶ Poschmann, B.: *Penance and the Anointing of the Sick* (London, 1964).

taxing book to read, it remains indispensable. In contrast to Galtier,⁷ who had maintained that private penance could be traced back to early times, Poschmann drew a clear distinction between early canonical penance, with its marked ecclesial character, and the later private system introduced by Irish monks in the sixth and seventh centuries, and with which we are all familiar. The earlier system had been excessively harsh, and the inflexible law which developed, of according sinners only one chance of penance in their lifetime, and that with lifelong disabilities, led to a pastoral vacuum:

At the close of Christian antiquity, canonical penance had come to a dead end in its development. The increasing rigidity of its forms had gradually brought it to the utopian objective of obliging all the faithful sooner or later to a kind of monastic renunciation of the world. The result of such an excessive demand was that ecclesiastical penance ceased to play any practical part in life, and was almost exclusively regarded simply as a means of preparing for death. Precisely in the years when sins importuned men most strongly, there was no sacramental remedy at their disposal.⁸

Later writers have not been slow to appeal to this serene condemnation of excessive rigidity, and also to the fact that the present day practice of repeatable private penance began its career as something of an abuse. A later historian, the Alsatian, Vogel,⁹ in technical studies and in two remarkable works of *haute vulgarisation*, modified some of Poschmann's conclusions. In particular, he drew a sharper threefold distinction between canonical, tariffed and modern penance. His basis for the latter distinction lay in the order in which the traditional parts of the sacrament were administered. Tariffed penance followed the canonical in this, that the sinner had first to complete his penance (lasting years, perhaps) before being granted episcopal or priestly forgiveness. In the modern dispensation, absolution (as it came to be called) follows on immediately after confession of sins. These are not merely learned quibbles. Vogel and others showed how the great medieval syntheses were worked out on the basis of a contemporary practice which did less than justice to certain important aspects of the sacrament. Hence the administration became over-judicial and individualistic. To remedy this state of affairs, a mere historian might argue that since sacramental practice had changed twice in the past, there was no reason why it might not change again in the future. A mere historian . . . but what of a theologian?

Theological reflection on reconciliation

Seminal works need not be of ponderous dimensions. A slim volume¹⁰ in

⁷ Galtier, P.: *L'Eglise et la rémission des péchés aux premiers siècles* (Paris, 1932).

⁸ Poschmann, *op. cit.*, p 123.

⁹ Vogel, C.: *Le pécheur et la pénitence dans l'église ancienne* (Paris 1966); *Le pécheur et la pénitence au moyen âge* (Paris, 1969).

¹⁰ Xiberta, F. M.: *Clavis Ecclesia* (Rome, 1922).

the neat latin of the pre-conciliar Church argued that the *res et sacramentum* of penance was reconciliation with the Church. Xiberta's argument aimed backwards at the then current protestant view that in the early Church the public ceremony of reconciliation at which the bishop presided was without effect when it came to forgiving sins. God alone forgives sins: the Church only declares that the sinner is forgiven. A similar objection is often made in less technical language, but no less searchingly, by those who ask 'why to a priest? I can't see the point'. Xiberta explained that the primary effect of the sacrament was reconciliation with the Church. Friendship with God followed infallibly on the basis of Christ's promise to the Church. The fifty years since the publication of Xiberta's book have largely been concerned with expanding and popularizing this fundamental insight. One of the most penetrating treatments of the biblical basis for this teaching is to be found in an important article by the Dominican, Jerome Murphy O'Connor.¹¹ His work includes a long account of the meaning of the phrase 'Binding and Loosing'. Two quotations must suffice to represent his summary of the community understanding of the early Church, and to explain her practice in regard to post-baptismal sin.

Commenting on the 'sin unto death' of the first letter of St John (1 Jn 4 & 5), he points out that:

John does *not* say that such sins are unforgivable. All the text says is that he is abstracting from them completely. The motive for this attitude is not made explicit. From the context we can only infer that the author was not sure if the petition for their forgiveness was according to God's will. This scruple is indirect witness to the power of prayer emanating from a fraternal charity whose measure is the love of Christ. So confident is John of God's desire to save, that, given a minimum of good will on the part of the sinner, he makes forgiveness an almost automatic consequence of fraternal intercession . . . (p 68).

The consensus of New Testament teaching is that Christ is in his Church, and christians

have experienced the messianic forgiveness of sins through the ministry of Jesus and are aware that that forgiveness is being extended to men. The function of the forgiveness of sins is exercised by Jesus present in the community, physically during his earthly ministry, through his Spirit in his exalted state (p 81).

Any selection among the writers who have treated different aspects of this whole subject must appear somewhat arbitrary, yet some do stand out. One such is Karl Rahner, influential both in the Council and in the early stages

¹¹ Murphy O'Connor, J.: 'Sin and Community: the New Testament', in *The Mystery of Sin and Forgiveness* (ed Taylor, M. J., New York, 1971), pp 55-89; also in *Sin and Repentance* (ed O'Callaghan, New York, 1965), pp 18-50.

of the revision of the rite of penance. His work does not lend itself to neat summaries, but the very titles of his contributions in the volumes of *Theological Investigations*¹² are indications of the main areas of reflection: 'Forgotten truths concerning the sacrament of penance', 'Guilt and its remission' (vol 2), 'The meaning of frequent confession of devotion', and 'Problems concerning confession' (vol 3), 'A Church of sinners' (vol 6), 'Penance as an additional act of reconciliation with the Church' (vol 10).

A different figure, but one who has also had a great influence, is Bernard Häring.¹³ The opening sentence of his monumental work strikes a prophetic note: 'The principle, centre and goal of christian moral theology is Christ'. Hence his unfolding of the christian vocation as a response to the call of God, a response which involves conversion, a 'turning away from the evil attitude and disposition which is estrangement from God. . . a most utterly personal movement, the restoration of the bonds of personal intimacy with God, a recovery and re-acceptance of the most personal and holy rights, the rights of a child'. There is of course a sacramental side to the following of Christ. Baptism is an encounter with Christ in faith, an assimilation to him who welcomes the sinner home to the Father's house. Yet the convert has a share in the process of conversion: the traditional 'parts' of the sacrament, confession and satisfaction, are spoken of as signs of his conversion. This emphasis on Christ and on conversion will re-appear in the new rite, although it is a case of general influence rather than of direct dependence. Häring does occasionally speak of reconciliation: 'The sacred community intervenes to reconcile the sinner' (p 415); but this term does not feature as prominently in his work as it does in the new rite. Again, if his writing is far more biblical in inspiration than that of previous generations of moralists, it lacks the wide sweep of salvation history which is so prominent in the major documents of the Council, and reappears in the *praenotanda* to the new rite of penance. The exegetes who have familiarized us with the idea of the Church as people of God, and with a more biblical understanding of sin,¹⁴ are almost too numerous to mention; but without their work, too, the new rite of penance would hardly have been what it is.

Mortal sin

The thrust of this article has been to suggest that the new rite is very much a *terminus ad quem* in that it represents consensus positions. Conversion to Christ, and reconciliation to the Father through Christ's priestly people, are no longer new ideas. One might even speak of the new rite as conservative, or perhaps better, middle of the road in its theology. A good example, maybe, of

¹² Rahner, K.: *Theological Investigations* (London, 1963).

¹³ Häring, B.: *The Law of Christ*, Vol I (Cork, 1961).

¹⁴ E.g. Gelin A. & Descamps A.: *Sin in the Bible* (New York, 1964); also articles in *Dictionary of the Bible*, McKenzie, J. L. (London, 1966); and in Léon-Dufour, X. (ed) *Dictionary of Biblical Theology*, (London, 1973).

this is in its treatment of serious sin. Surprisingly, it does not use the term mortal sin: it refers instead to 'grave sin'. However, it nowhere decides what is or is not a grave sin: but then, this is not the province of the liturgist. This is perhaps the reason why the new rite does not avail itself more of the possible nuances introduced into our understanding of serious sins by writers who use the term 'fundamental option'. What is the meaning of a term which, with variations (Basic Orientation, *Grundintention*), has gained widespread acceptance in the last twenty-five years? An inkling of its meaning, and of the interplay of theology with psychology which it represents, is afforded by the title of a valuable analysis by a psychologist of some 300 cases histories of priestly vocation. He called his work *l'option vitale*,^{14a} and it is referred to by eminent moral theologians like Alszeghi, Flick and Monden.¹⁵ A good discussion of the matter in english is by another conciliar peritus, Piet Fransen, who speaks of the basic choice behind our everyday free choices and what we ordinarily mean by liberty of action.

If it is to become truly human, this early form of liberty of action must be directed by something deeper and more stable. It must be supported and directed by a profound and total commitment, by a fundamental option in which *I express myself* and all that I wish to be in this world and before God. The fragmentary variety of daily options is therefore unthinkable – I might say, inhuman and therefore animal – without a totalizing, profound, stable and spontaneous orientation of my life, of the whole of myself before the totality of the real, which I either accept or refuse. Note well: these two forms of liberty have *no separate existence*. . . the fundamental option is not one important action, more important than others. . . (but) this existential and total engagement is impossible if it is not *at the same time* actualized in a series of particular actions, forming the visible warp and woof of our life. It is therefore not a concrete action, it is an orientation freely imposed on our whole life, It is *implied* in every truly human and free action.¹⁶

Fransen and others who explore this line of thinking are theologians of grace; and one can see how this concept of fundamental option can go a long way to explaining the 'anonymous christian'. In a chapter on 'Basic Freedom and Morality', Josef Fuchs sums up this position:

His (the non-christian's) self-realization in basic freedom in making himself open to the Absolute is also acceptance of the grace of Christ, and therefore in some sense christian love of God; and his sinful closing up of himself within himself is a sin against the grace of Christ. The love that according to the saying of Christ enables us to keep his

^{14a} Ernst, P.: in *Nouvelle Revue Théologique*, 1947, pp 735ff.

¹⁵ Monden L.: *Sin, Liberty and Law* (London/Dublin 1966).

¹⁶ Fransen, P.: *Intelligent Theology* (London, 1969), Vol 3, pp 12-13.

word, is the grace offered and accepted in basic freedom or else its effect. Sin (in the singular) which is present in all sins (in the plural) as their fundamental reality is the self-sufficient refusal to accept the love of the God of our salvation that is offered us (pp 109-10).¹⁷

This concept also offers a refinement of the traditional requirement of 'full consent' before a subjective mortal sin is committed. Speaking of 'a-social' people, whose way of life does not conform at all to the moral standard, he notes that 'it is indeed not impossible that such people, despite their outwardly immoral and a-social way of life, have not refused the grace of Christ in basic free self-activation, but have accepted it - or, after willed failures, have accepted it anew'. He also raises the question of the failures of otherwise good and even outstanding christians. 'If at some weak point in their life there are repeated failures, cannot sometimes the manner of their life as a whole become a sign that the individual failures do not always correspond to a rejection of grace in the depths of basic freedom: that such acts, perhaps, do not arise from sufficient freedom of choice?'

A further area where modern psychology throws light on traditional concepts is that of venial sins and minor good works, where the 'matter' is so superficial that there could be no activation of basic freedom, and thus no possibility of simultaneously contradictory fundamental options, although they may well be 'superficial' signs and effects of grace freely accepted or refused. Naturally, the writers who use these insights from the field of modern psychology are far from reducing sin and grace to psychological phenomena; nor do they equate the sacramental encounter of confession with a visit to the psychiatrist.

One last example of 'fundamental option' thinking must suffice. It concerns the question of final impenitence, and, in practice, the attitude taken by the Church towards the persistent sinner. Is it ever possible that sins should so harden a sinner that he becomes impervious to grace, incapable of responding to God's offer of forgiveness? We may abandon God, but God, surely does not abandon us? How then justify the rigorism of a Tertullian, or even the 'once only in a lifetime' attitude of the early Church with regard to the sacrament of forgiveness? Here some moralists employ a threefold distinction between the biblical 'sin unto death', mortal sin and venial sin. Thus Monden, following Schoonenberg,¹⁸ regards the archetypal sin as Sin unto death (1 Jn 5, 16), the sin against the holy Spirit (Mk 3, 25), the absolute, conscious and total rejection of God.

In this sense it is quite evident that man in this life is unable to commit such a sin. By definition, this total commitment cannot be discovered in the course of this life . . . However . . . a rejection of God within a

¹⁷ Fuchs, J.: *Human Values and Christian Morality* (Dublin, 1970). Fr Fuchs is professor of moral theology at the Gregorian University, Rome.

¹⁸ Schoonenberg, P.: *Man in Sin* (Notre Dame, Indiana, 1965).

provisional but still important choice, deriving from a central option: this does occur, not as frequently as a rigid moral catalogue would make us accept, but still as something which remains within the normal possibilities of a free human choice . . . (but) . . . a first wrong choice is generally neutralized, long before confession, by a new breakthrough of the basic option towards the good.¹⁹

It is interesting to compare the theologian with the exegete. This is how Murphy O'Connor sees the relation between the mercy of God and the refusal of the sinner, when commenting on the same passage in John, and the similar passages in the epistle to the Hebrews, where the author speaks of those who have been once enlightened and have become partakers of the holy Spirit, yet have fallen. It is impossible for them to renew again to repentance those who are crucifying again the Son of God on their own account (Heb 6, 4-6):

The severity of tone must be understood in function of the religious psychology of the first christians for whom the experience of salvation was so vivid as to make deliberate sin seem an impossibility . . . The sinner's refusal is so absolute that he has made himself impervious to the ordinary solicitations of grace. Of what has he to repent, since he no longer believes in Christ, or in God, or in grace, or in sin, or in judgment? Thus on the human level, the impossibility of repentance is absolute, but if we include God within our horizon the impossibility is only relative. A new divine initiative, as gratuitous and as unmerited as the first, could change his disposition, could infuse a light in which the decision of faith would again appear as truth.²⁰

The questions which 'fundamental option' thinking attempts to answer are neither new nor trivial. Some are relevant to the day-to-day use of the sacrament: others concern more special cases, such as the obligation to confess grave sins *after* the reception of general sacramental absolution. It is not a criticism of the *praenotanda* to the new rite that it does not discuss such issues. Broad agreed principles are laid down, while the function of the theologian to explore the further implications is left intact. (*to be concluded*)

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¹⁹ Monden, *op. cit.*, pp 37-8.

²⁰ Murphy O'Connor, *art. cit.*, pp 68-9.