

## GENERAL ABSOLUTION; NEW LAW, OLD TRADITIONS, SOME QUESTIONS

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**F**OR THE LIFE of the Christian community to be wholesome and integrated, doctrine and law must be in harmony. After all, doctrine is nothing else than some knowledge and a little understanding of God's mighty deeds in our history, and law is no more than rules and norms helping the community to respond to God's gifts in an orderly fashion. The knowledge about the kingdom being at hand would remain sterile if no decisions and actions followed to build it; but if the ensuing structures and directives are not rooted in a theological vision, they become empty formalities.

There should be a steady endeavor, therefore, to examine every new law in the light of old traditions to see how far the law expresses dogmatic beliefs, how far it is a historically-conditioned, prudential judgment. Only after such investigation can the law be responsibly evaluated and, if necessary, suggestions be made for its revision.

This is precisely what I intend to do concerning the new law, found in the new Code, regulating the reception of the sacrament of penance in the form of general absolution.

For many years now there has been a sustained interest in the topic. Ever since the promulgation of the *Ordo paenitentiae* in 1973, scholars kept discussing its various theoretical and practical aspects. Many diocesan bishops issued guidelines and allowed different pastoral initiatives. The Roman Synod of Bishops in 1983 debated at length about its advantages and disadvantages. The same year the International Theological Commission made a statement about it. Interest in the subject is not lacking. Nor are the discussions closed; the more intense the arguments have become, the more signs we have that a point of doctrine is evolving through the usual dialectical process of conflicts and confrontations, not to mention hesitations, until eventually the whole Church comes to a better understanding and renewed practices.

So, the purpose of this short study is to compare the new law with the old traditions, or, to put it in a different way, to hold up the law and examine it in the mirror of doctrine; then to see if there are any potentials for development. After all, not every canon in the Code is an expression of dogma; some owe their existence to theological opinions, defensible perhaps but not authenticated by the Church; some others represent prudential decisions conditioned by historical contingencies. Each canon

must be treated according to its nature: some must be kept, some adjusted to new theological insights, some changed as prudence dictates.<sup>1</sup> Thus the sciences of canon law and theology together can play a double role. They can promote fidelity to our enduring traditions *and* offer ways and means to implement the mandate of Vatican II: there should be in the Church an ongoing process of reformation, *reformatio perennis* (cf. *Unitatis redintegratio*, no. 6).

To compare the new law with old traditions and to identify some avenues for future development is not as difficult an enterprise as it may appear. The existing laws can be determined with reasonable certainty. The relevant points of doctrine can be recalled, partly from history, partly from the systematic reflection of theologians. A comparison between the two can be made. Then some potentials for future growth can be pointed out.

To proceed in good order, I raise four questions. (1) What does the new Code say about general absolution? Which is equivalent to asking what the presently valid law is, since on this particular issue the Code left no room for the survival of other norms. (2) What are our doctrinal traditions relevant for throwing light on the law of general absolution? Which is to limit our inquiry about doctrine to some specific points only. (3) How far do the new norms represent our past traditions? That is, how far do they express dogmatic beliefs, how far do they represent theological opinions, how far are they prudential guidelines conditioned by concrete historical circumstances? (4) What are the potentials for future development?

## I

First, what is in the law? The Code's concept of general absolution can be best understood dialectically, when it is contrasted with its understanding of individual absolution.

<sup>1</sup> We must get away from the idea that in the Code of Canon Law we have an even document where every paragraph has the same weight and authority. Not quite so. In the Code we have different literary forms (to refer here to the composition of the Bible is not such a farfetched analogy): apart from the strictly legal norms which create right-and-duty situations, there are canons expressing dogmatic beliefs, canons grounded in historically-conditioned theological opinions (they are there because often the community must take action long before the disputes can be settled), canons representing prudential decisions (very much subject to cultural and historical influences), canons which are pointers to spiritual perfection, etc. A sound norm of interpretation is that whenever a canon contains doctrine, it should be judged by theological criteria and interpreted from theological sources; in other terms, one should never assume that the legislator intended to use the promulgation of a law for determining a point of doctrine. This rule has a special importance in these post-Vatican II years; on all doctrinal points the Code must be interpreted in function of the Council, not vice versa. On the issue of those literary forms in the Code (not of small importance for correct interpretation), see Ladislav Orsy, "The Interpretation of Laws: New Variations on an Old Theme" *Studia canonica* 15 (1983) 95-133.

Individual and integral confession and absolution constitute the only ordinary way through which the faithful conscious of being guilty of mortal sin is reconciled with God and the Church; from such confession only physical or moral impossibility excuses, in which case reconciliation can be obtained in other ways.<sup>2</sup>

Right from the beginning the Code sets up two categories: the "ordinary" and "extraordinary" ways of reconciliation. Individual absolution falls into the former, general absolution into the latter. It should be stressed immediately that since the canons are not doctrinal definitions, the categories are not necessarily theological; they can be disciplinary. This will have to be decided later.

Also, the Code starts from a fundamental assumption: it considers those only who are "conscious of being guilty of mortal sin." It follows that the categories of "ordinary" and "extraordinary" need not be applied to those who are not so conscious, that is, to those who receive the sacrament out of devotion.

Let us see now the norms for general absolution as the extraordinary form of the sacrament. We know already that no one is entitled to it unless he is in a situation which makes it physically or morally impossible to confess his sins. Such situations are determined by the Code *taxative*, that is, through an exclusive list of cases which allows no extension to analogous circumstances. Two cases only are admissible: "danger of death" and "grave necessity" (cf. can. 961 #1). The former needs no explanation beyond saying that it must be understood broadly; an actual danger must be there, but no individual life need to be in immediate jeopardy. The latter is explained by the law itself, and in some detail: "...in proportion to the number of penitents there are not enough confessors to hear properly the confession of each one within reasonable time, so that the penitents without their fault would be forced to be deprived of the sacramental grace or Holy Communion for a long time." Then a further restriction is added: "but the necessity is not judged sufficient when confessors cannot be available just because of the large number of penitents, such as may occur at a great festivity or on the occasion of a pilgrimage."<sup>3</sup>

Thus "grave necessity" in the canonical sense arises when the faithful are in a situation where they would be deprived for a long time from "sacramental grace" unless they received general absolution. At times such judgment may be easy, such as when all the penitents are returning to places where churches and priests abound. At times it may be impossible to make, such as when a large crowd will disperse in every direction. Moreover, what about those countries where there are churches and priests but visits to them are under surveillance?

<sup>2</sup> CIC, can. 960; my translations unless otherwise noted.

<sup>3</sup> CIC, can. 961.

The Code has foreseen some of these problems. It urges the episcopal conferences to work out a common policy which would be effectively a local definition of "grave necessity." This provision represents a commendable restraint in the law; no universal definition is given; the judgment is left to living persons who know the concrete circumstances.

There is, however, another condition that must be fulfilled before the absolution given generally can be effective personally: "That the faithful may validly benefit . . . it is required not only that he should be correctly disposed but at the same time should have the intention [*sibi proponat*: must make up his mind] to confess in due time one by one the grave sins which he cannot so confess presently."<sup>4</sup>

The correct disposition is certainly necessary: no repentance, no reconciliation—an evangelical doctrine. But the requirement for the validity of the absolution that the penitent must have the intention, that is (according to the text), must have made up his mind, *sibi proposuit*, to confess one by one his grave sins in due course is surprising. The message of the canon sounds clear enough: no such intention, no absolution. But how can anyone ascertain its presence in the minds and hearts of the people? Could such determination be virtual, habitual, interpretative, or must it be actual? Could it be implicit (not thought of), or must it be explicit (in the mind)—to use some of the technical distinctions? Does the law really mean that in the case of danger of death the priest must make sure that everybody elicits the intention? Or when general absolution is given with the sound knowledge that there will be no other priest around except in similar circumstances, the faithful still must be instructed about the required intention? Does it follow that when, under the pressure of circumstances, it occurs to no one to think or to speak of the intention, the absolution is invalid? Clearly, Christian common sense should take precedence over the letter of the law. Nor should anyone assume that the Church is not compassionate enough to let mercy prevail.

In general, to legislate externally about internal acts, and to make the validity of a sacrament dependent on a thought or movement hidden in the mind and the heart of a person, is always a delicate operation. One has just to think of the difficulties we are having all the time concerning the intention of the parties in concluding the marriage covenant. To introduce similar problems into the administration of the sacrament of penance can be justified only by some kind of divine law from which the Church cannot dispense. Otherwise an unnecessary burden is imposed, precisely at a moment when God is there to lift the burden of sins.

So much for the meaning of the law. Let us now look at the canonical norms in the light of our theological traditions.

<sup>4</sup> CIC, can. 962 # 1.

## II

Second, what is in our traditions? There is no sacrament that has had such a varied history as the sacrament of penance, but my intention here is not to rewrite that history. Rather, I want to recall some typical forms used by the Church to grant pardon. Those forms taken singly and together can give us a good understanding as to what is permanent and what is changeable in our traditions. Then we are in a better position to distinguish the laws which express or protect our enduring beliefs from the laws which provide prudent provisions for our times.<sup>5</sup>

A theologian so inclined could say also that we are going to describe the models of the process of forgiveness, as they succeeded one another historically. Indeed, they can be called models, composite pictures in a way, representing the main stages of development. But, of course, the reality was much more varied than any such image can tell.<sup>6</sup>

*On the evangelical model.* From the apostolic traditions, as witnessed in the documents of the New Testament, I single out three elements as singularly helpful for the understanding of the drama of sin and forgiveness, or revolt and mercy.

a) In the NT the pattern of the sin that plunges a person into perdition is variously described. There is the resistance of the Pharisees who hear the word and see the signs but deliberately prefer to remain deaf and blind; the inhabitants of Nineveh will arise and condemn them (cf. Lk 11:32). There is the parable of the prodigal son: with much deliberation he pressed his father to give out his inheritance (a complex legal process in those days, perhaps no less than today) and then walked out of his father's house. This theme of "going out" repeats itself in the story of Judas: after he practiced thievery and bargained with Jesus' enemies, he

<sup>5</sup> The best history of the sacrament of penance is by Herbert Vorgrimler, *Busse und Krankensalbung* (Handbuch der Dogmengeschichte 4/3; Freiburg: Herder, 1978). It completes or supersedes all earlier published works; it is remarkable especially for its objectivity. A judiciously chosen collection of historical documents can be found in the two volumes by Cyrille Vogel, *Le pécheur et la pénitence dans l'église ancienne* (Paris: Cerf, 1966), and *Le pécheur et la pénitence au Moyen-âge* (Paris: Cerf, 1969); the short introductory and explanatory passages by the author are balanced and insightful. A historical textbook widely used and quoted is by Bernhard Poschmann, *Penance and the Anointing of the Sick* (New York: Herder and Herder, 1964), translation from the German original published in 1951, a fine comprehensive work but some of the author's apologetic interpretations of history are questionable.

<sup>6</sup> For an explanation on the use of models in theology, see, e.g., Avery Dulles, *Models of Revelation* (New York: Doubleday, 1983) 19-35. As long as they are considered as aids to understanding and not full or even adequate representations of reality, they can be useful. Eventually good theology must go beyond them, not unlike the scientist, who must go beyond the model of the atom to achieve a better understanding of it. Note also that while in English to speak of theological models makes good sense, it may not do so in some other modern languages.

too "went out" from the upper room into the darkness of the night to betray the Just One. Such attitudes and acts are presented in the NT as potentially leading to death; there is the authentic description of the pattern of "mortal sin."

b) The pattern of forgiveness is simplicity itself: the prodigal son is embraced before he can say a word; the woman caught in adultery is protected in her shame and sent home with a few healing words; Peter, who boasted of his strength before the Passion and displayed his weakness three times during it, is asked to make a threefold confession of love. Grace comes to the sinners with a gentleness that knows no re-tribution, no imposition, no inquisition, no condemnation—in fact, no limits. Such pattern is not there for pious reading only; it is normative for all Christian generations to come.

c) The NT bears ample witness that the early communities believed that the Lord had given power to the apostles to forgive sins. There is no indication, however, that they were aware that he instituted any specific sign for the act of forgiveness. This is all the more striking in that they had no hesitation in affirming that there was just one sacred sign for the admittance into the community: baptism. Also, there was just one precise way of remembering the passion and resurrection of the Lord: through a meal where a mysterious blessing was pronounced over the bread and the wine. But they never spoke of a specific sign of pardon ordered by the Lord.

*On the models of the early centuries.* In the early centuries there was a long-drawn-out process of penance and reconciliation, reserved to those who were permitted by the bishop to join the order of penitents. They formed a small group, were well known to the rest of the community. Each one of them was doing the penance assigned to him, waiting (sometimes for years) for full reconciliation. They were all, as a rule, guilty of serious offenses, such as apostasy from the faith, attempt on the life or good reputation of another, hurting the sacredness of a family through adultery, and so forth. They repented, as it were "in the midst of the community," and they were sustained by the prayers of all.

But there must have been lesser sinners; what happened to them? That is, what happened to ordinary people, the kind of people who fill our churches on Sundays, struggling to live up to the Christian ideal and yet failing? How did they obtain forgiveness? The honest answer is that the evidence about their case is scarce. Some authors claim that they must have gone to confession in secrecy, but this is mere speculation; there are no historical proofs to show that such general practice existed. A better-grounded answer must be found.

The answer is probably in the strong penitential spirit of the early

communities and in the liturgical practices created by that spirit. They were conscious of their sinfulness; they sought pardon from God. Their liturgies testify that they lived with a contrite heart; they fasted, gave alms, held vigils, asked for forgiveness in the Eucharistic prayers—and they broke out in jubilation on great feasts, knowing that they were indeed forgiven, as the *Exultet* witnesses.

The only reasonable answer to our question is that forgiveness was granted to ordinary Christians precisely through those liturgies and observances. All the necessary elements were there. The hearts were contrite, the Church had the power to forgive, the bishop prayed over them during the Easter vigil (to use an example); so the grace of the sacrament descended on them, without anyone being able to explain in precise scholastic terms what was happening. The development of dogma had still a long way to go. But as we look back at the facts, it is impossible to deny that something happened between the humble and somber penitential prayers of Lent and the unrestricted joy of the Easter season. The mood of the community has changed. They experienced the sacramental grace of forgiveness. In all probability, therefore, in the early centuries this was the “ordinary” way of obtaining pardon; the “extraordinary” way was through public penance, if such a distinction is appropriate for that age.

*On the model that originated in Ireland.* As Christianity took roots in Ireland in the fifth century, the faith in the power of the Church to forgive sins was affirmed as always, but the granting of pardon took a new form.

This was part of a general picture. St. Patrick had not come from Rome and had little familiarity with the way of life of the churches around the Mediterranean. Thus, with the acceptance of the old faith, new structures were created, affecting the organization of the communities, observances, and devotions, including the penitential discipline. Following a monastic practice, the penitent asked a priest to assign him a penance so that he could do proper satisfaction for his sins. To know what the amount of satisfaction should be, the priest had to know about the sins to be expiated. Hence the need for more or less precise confession arose, and the system of “tariffed” penance was born. “Tariffed” it was called because there had to be a correct proportion between the sins committed and the penance to be done. The emphasis was not on the confession but on the satisfaction. The community played no role in this process; all took place in secrecy between the priest and the penitent.

When the Celtic missionaries began to penetrate the Continent, mainly from the sixth century, they brought with them their new ways, often codified in their so-called Penitential Books. Inevitably a conflict devel-

oped between those who wished to protect or restore the ancient discipline (hardly in use any more) and those who sensed a great value in the ways of the Irish monks (used more and more). At times the conflict turned ugly, especially during the restoration drive of the Carolingian reformers in the ninth century, when local synods ordered the missionaries preaching the new ways to be expelled and their books to be burned.

Eventually the unerring instinct of the Church, the faithful, and their bishops came to see that there was nothing wrong with the new ways; the Church could give pardon in many ways. Fidelity to old traditions joined with pastoral prudence, and the method introduced by the Irish became the "ordinary" form of the sacrament. Lateran Council IV in 1215 canonized the new ways, imposing confession once a year on all the faithful. But this is not the end of the story.

*On the model of the Council of Trent.* At the Council of Trent, in its fourteenth session in 1551, the emphasis shifted to the confession of sins: "If anyone should say that in the sacrament of penance for the remission of sins it is not necessary by divine law to confess all mortal sins and each . . . and the circumstances that change the specific kind of sin . . . let him be anathema."<sup>7</sup>

As a result, the amount of satisfaction became less and less important, to the point where in the majority of cases the penance imposed bore no real relationship to the gravity of the offense. Also, the attention of moral theologians and canonists centered more and more on how to make a confession increasingly accurate; hence the unending analyses of various kinds of sins and of their aggravating circumstances. Compared to the early Church's perception of "sins unto death" to be expiated publicly, the net of mortal sin expanded enormously. Not only were many minor acts caught in it, but also little children; they were deemed to be capable of standing up in revolt against God. But, comforting to say, many of these secondary developments have never been authenticated by the Church; at best they were "theological opinions," not commanding much respect any more.

The precise meaning of the Tridentine decree quoted above is still a matter of dispute. There are some pending issues. There is the problem of what exactly constitutes a mortal sin; the Council did not say. There is the question of what is meant by "divine law"; the Council did not define it. There is also the issue of interpreting the meaning of the *anathemata* attached to the canons: Are they always used to designate the heretics, or are they at times directed against troublemakers who contested a point of discipline but were not of heretical persuasion? A great deal of research done by well-known scholars (Lennerz, Fransen)

<sup>7</sup> Can. 7 (DS [ed. 1963] 1707 [917]).



has helped us to raise better questions but not, as yet, to have the final answers.<sup>8</sup>

To sum up this historical review, the following models can be identified as typical ways of granting pardon in the Christian community: the model of the evangelical simplicity used by the Lord; the model of the public satisfaction and reconciliation, or of the absolution through liturgical actions, used in the early centuries; the model of the tariffed penances introduced by the Irish; the model of the precise confession confirmed at Trent; the model of the modern general absolution developed mainly for emergencies. After apostolic times, in the construction of these models, legal norms and rules played their part.

### III

Third, how does the law relate to our traditions? We have reached a critical point in this study. We know what the law is. We have in memory the principal stages of historical evolution. Now we must set them side by side and see how far the law is an expression of substantially unchanging beliefs, or of changing theological views, or of historically conditioned prudential judgments. Once this comparison is done, we are in a good position to point out some possibilities for future development.

a) The historical evidence is overwhelming in favor of the Church's power and freedom to determine the sacred rite that both signals and brings forgiveness. Public penance, penitential observances and liturgies, "tariffed" satisfaction, and confession as Trent determined it were vastly different systems, yet at a given period of history each played the role of being the accepted form of the sacrament. It follows that when canon 960 says that "Individual and integral confession and absolution constitute the only ordinary. . .," "ordinary" means "according to present discipline." That is, the canon contains a prudential judgment and decision for our times. As such, it must be honored and obeyed; as such, it can be modified if necessary or advisable.

If someone denies this conclusion, he must contend with much more troublesome alternatives. He must affirm that for many centuries there were no "ordinary" means of granting pardon in the Church, or that the

<sup>8</sup> We have a recently published study on the pronouncements of the Council of Trent concerning the sacrament of penance by Hans-Peter Arendt, *Bussacrament und Einzelbeichte: Die tridentinischen Lehraussagen über das Sündenbekenntnis und ihre Verbindlichkeit für die Reform des Bussacramentes* (Freiburger theologische Studien; Freiburg: Herder, 1981), a scrupulously careful scholarly work with some fifty pages of bibliography attached to it; the author's conclusions concerning the possible reforms are much broader than the laws found in the Code. We have also an interesting study, mainly from a sociological and psychological point of view, by Thomas N. Tentler, *Sin and Confession on the Eve of the Reformation* (Princeton: Princeton University, 1977); the data gathered by the author are enlightening for the sacrament of penance, provided the reader puts them into a theological context.

Church acted erroneously by allowing diverse practices. To pretend that there were really no significant changes, just one uninterrupted line of development, is to opt for a hypothesis contradicted by facts. Those bishops who repeatedly and over a long period ordered the Irish missionaries to be expelled and their books burned certainly thought otherwise.

b) The Code explicitly states that individual confession and absolution is the only ordinary means of forgiveness for those who know themselves to be guilty of mortal sin. It follows that if there is a group of penitents among whom, for all intent and purposes, no mortal sin can be assumed, there is no prohibition against using the general absolution as the ordinary form of the sacrament. This would be the case with small children, since today not even the most rigorous moral theologian is likely to admit that a child (before the age of puberty?) has the capacity to sin mortally.

c) The Code grants power to the episcopal conferences to determine what constitutes a "grave necessity." That is, the law does not give a definition but designates living persons, the bishops of a particular nation or region, to set practical policies. Rightly so, because the policy must be firmly grounded in concrete situations, which can be known to local pastors only. A uniform definition in the abstract is neither feasible nor desirable. If at some later date the Pontifical Commission for the Interpretation of the Code, or an office of the Holy See, issued a definition of "grave necessity" and imposed it on the bishops, their freedom of judgment granted by the Code would for all practical purposes have been withdrawn.

d) There are problems with the canon that requires the penitent to have the intention of confessing all mortal sins for the very validity of the general absolution. It is one thing to say on solid theological grounds that to be truly contrite means to be willing to do what the Church requires from a penitent; it is another thing to make a law and condition the validity of the absolution on an existing intention. At best, the law is unnecessary: the duty, if it exists, is of a moral nature and can be explained when such explanation is appropriate. At worst, the law will introduce hairsplitting distinctions and unnecessary scruples and hesitations in both the priest and the penitent. Besides, we must admit that there is no agreement among theologians as to why someone absolved from his sins through a sacramental act should bring those sins into another sacramental act. Once forgiven, they cannot constitute any valid matter for absolution. Be it as it may, our traditions do not require the legislative sanction. It is interesting to note that the *Ordo paenitentiae* contained no such invalidating clause.<sup>9</sup>

<sup>9</sup> The *Ordo paenitentiae* was less restrictive in its approach to general absolution than the new Code of Canon Law; more precisely, in its wording it left room for broader

## IV

Fourth, what are the potentials for future development? Such potentials do exist; but before we identify them, some preliminary remarks are necessary.

a) The law of the new Code should not be interpreted as the full expression of divine revelation: there remains a long way to go in understanding the mystery of forgiveness through the ministry of the Church, and even longer to make laws accordingly. Our present structures and norms contain historically conditioned elements which can be changed.

b) In the search for avenues of legitimate evolution, which ought to be theological and canonical, considerations from extraneous sources should play no decisive role. Thus, when the various models of forgiveness are considered, no weight should be given to the fact that one appears "easy," another "hard." Ease or hardship has never been the criterion of divine revelation. Pardon through baptism may be "easy," through individual confession it may be "hard," but the issue is not there. This is, of course, a theological commonplace, but one has to read the old documents against the "easy" ways of the Irish, or read some of the new arguments against the "easy" character of the general absolution, to see that the perennial Pelagian temptation is never too far away. Similarly, arguments from psychology or psychiatry should be handled with the greatest caution. Truly, many persons have experienced a kind of natural healing through the implicit therapy of confession; equally truly, many persons were hurt deeply by imprudent confessors. But the point is not there. Potentials for future development should be identified on theological grounds. Ministers of divine mercy have not been called to act as amateur psychiatrists.

Let us turn now to the issues where the seeds of future development may be hiding. I shall try to identify them by simply raising a number of questions. That is, my intention is not to make strong affirmations but to point out avenues of search and research. Once a good question is raised, it will not go away.

a) In determining the models of granting forgiveness, should the Church pay more attention to the pattern of extreme simplicity used by the Lord? If that simplicity (cf. the story of the adulterous woman, the parable of the prodigal son, and other similar ones) is put side by side with the complexity of some of our historical models (cf. elements of rigorism present in several of our models), the contrast is striking. Why

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interpretations than what we find in the Code. For a commentary on the *Ordo*, see Ladislav Orsy, *The Evolving Church and the Sacrament of Penance* (Denville, N.J.: Dimension, 1978) 131-60.

is it that the Lord's ways are not held up as binding, while certain texts are continually invoked as obligatory? Have we found the right balance? Should we look for a better one? In the evangelical model *all* the emphasis is on the contrite heart; once proven by whatever means, no more is asked for. Just how far is such procedure relevant for the future development of the sacrament? I am not defending a reductionist point of view; I am simply asking why not all the aspects of the scriptural doctrine together with later traditions are taken into account as we develop our practices. The search for the correct answer may lead to new developments.

b) Has the model of general absolution been examined critically from every angle? That is, were its advantages and disadvantages brought to light and weighed carefully before the model was pronounced suitable for extreme situations only? I prefer to comment on this question by quoting from my notes, taken as I was listening to a bishop from South America who described how the sacrament of penance has come alive in his diocese. (I have changed his colloquial style very little.)

Our people live in small communities, each in its own village, and many communities together (30, or 50, or even 70) form a parish. Mostly we have one priest for such a large parish. But we have a great number of catechists, all very capable in teaching the people how to live their Christian life. All know that the proper reception of the sacrament of penance is most important, and during Lent everyone wants to go to confession.

Each small community has a couple of days assigned to it for the sacrament of penance. Well before, the catechists prepare them. On the first day they all come to the main church of the parish, arriving around two o'clock in the afternoon. For an hour all pray and sing together. Then they break up into small groups, to pray, to sing, and to hear the explanation of one of the parables on God's mercy. Then a catechist leads them in an examination of conscience, but not allowing any public confession of sins—even if some try to do it.

Around six o'clock there is a meal; all sit down to it in a large circle. After it they go into the church. There the priest speaks again of the goodness of God and asks them to be sorry for their sins. Then he invites them to stand around the altar.

Then they go three: a catechist, a priest or the bishop, another catechist. The first catechist carries a crucifix; the penitent kisses it. The priest lays his hand on the head of the penitent and says very distinctly the words of the absolution. The second catechist holds up the Bible; the penitent kisses it as a sign that he will obey the law of the Lord in the future. The whole community remains there singing and praying until all have had their turn; it may take a couple of hours. Then they make their satisfaction together by saying specific prayers as they were instructed beforehand.

Once the ceremony is concluded, they may go to bed, but often they prefer to stay awake, singing and praying through the night.

Early next morning the preparation for the Eucharist begins. The catechists

speak to them on the proper dispositions required, how much God loves them, how much they should love God. A wonderfully participated Eucharist follows; they come to Holy Communion with great devotion.

After the Mass, in front of the church, the community meets again. Each person goes to everyone else and asks for forgiveness and gives forgiveness. Every person must talk to everyone.

We find that people are very receptive; they go home with that happiness that is described in the Gospel.

[A remark by the notetaker: Does this account recall something of the life and creativity of the early Christian communities?]

Enough of the quotation; but here are some questions. Are there not precious elements in this practice which, once judiciously adapted to different cultural circumstances, could enrich all our parishes, wherever they may be? Further, could the Church find a better balance than what we have now between the individualism of private confessions and some type of communitarian celebrations? One model need not be favored to the exclusion of the other; they could complement one another. Can we learn something about this art of balancing from the experience of the South American churches?

c) Are we giving enough attention to that *sensus fidei*, present in the whole Christian community, that Vatican Council II praised so highly? The so-called crisis of the sacrament of penance may well contain a legitimate message that a more extensive renewal of the sacrament is desirable than what was given to our people. It may be useful to recall that the extinction of public penance and the introduction of private confession began with the neglect of the former and the popularity of the latter. Legislation came after the events. So, is it conceivable that we are witnessing some authentic manifestation of this *sensus fidei*? If so, what does it tell us?<sup>10</sup>

d) How can we rekindle a penitential spirit in the Church? Such spirit is the correct environment for the sacrament; if it is there, the modalities

<sup>10</sup> Cf. this statment in *Lumen gentium*, no. 12 (tr. Abbott-Gallagher 29-30): "The body of the faithful as a whole, anointed as they are by the Holy One (cf. 1 Jn 2:20, 27), cannot err in matters of belief. Thanks to a supernatural sense of the faith which characterizes the People as a whole, it manifests this unerring quality when, from the bishops down to the last member of the laity, it shows universal agreement in matters of faith and morals. For, by this sense of faith which is aroused and sustained by the Spirit of truth, God's People accepts not the word of men but the very Word of God (cf. 1 Th 2:13). It clings without fail to the faith once delivered to the saints (cf. Jude 3), penetrates it more deeply by accurate insights, and applies it more thoroughly to life." Two questions: First, how can people apply their insights more thoroughly to life if our modern canon law does not give them any opportunity to introduce new customs into the life of the community? Second, if the *sensus fidei* of the people can make genuine contributions to the development of doctrine, why should they not contribute to the development of norms and structures?

of the discipline become less important; if it is missing, the richest symbols can become empty formalities. In the course of history the steadily increasing legislation about devotional practices has done much to extinguish the spirit. Since the burden imposed by the law was heavy, much of the energies and ingenuities of the community went into seeking to lighten it by distinctions, excuses, dispensations, etc. The great traditional observances and liturgies of Lent were not born from such mean disposition. There is no other way of rekindling the spirit of penance than by decreasing the role of the law and trusting the internal goodness and energies of Christian people. Paul VI did precisely that in his apostolic constitution *Paenitemini* (1966).<sup>11</sup> The new Code is of different orientation, stressing again the legal aspect of spiritual observances. Be that as it may, the question is still there: What can we do to rekindle the spirit of penance?

d) Can we learn anything from the experience of other Christian churches? Such a question and the honest search that must follow it up cannot be omitted in this ecumenical age. At the end we may conclude that our Catholic traditions are unique and to be kept, or we may conclude that we can indeed learn something from other churches and ecclesial communities.

### *Conclusion*

My conclusion can be brief and simple. The wealth of our traditions is greater than our laws can express. As our understanding of the mystery continues to develop, our laws too will have to change. But the fact that the presently valid laws are not perfect does not mean they are not binding; they are. But we all, the whole Church, are under obligation to seek increasingly better means to proclaim and to grant the mercy of God to all who seek it with a contrite heart.

<sup>11</sup> This document is commonly known as the one that has abolished fasting and abstinence. An incorrect assessment. In this constitution Paul VI made a significant step towards lifting devotional observances out of the realm of legal obligations and restoring their character of spontaneous spiritual offering. A similar trend is present in *Laudis canticum* (1970), promulgating the new Liturgy of the Hours. The new Code is of different inspiration.