

## THE GENERIC CONFESSION OF DEVOTION

GERALD KELLY, S.J.

*St. Mary's College*

THE most direct approach to my subject can be made, I think, by means of a brief *casus conscientiae*: One Saturday afternoon, when confessions were not particularly heavy, a penitent entered Father Anselm's confessional and made the following accusation: "Father, my last confession was two weeks ago. Since then I have not committed any serious sins, but I want to accuse myself of all the sins of my life. I am sorry for my sins and ask you for a penance and absolution." Though the penitent was a perfect stranger, Father Anselm judged from his manner and the tone of his voice that he was not the much abused *rudis* of moral theology. He apparently knew the meaning of sin and of sorrow for sin and was sincerely seeking the graces annexed to the sacrament of penance. Without doubt he could have mentioned some specific sins of his past life if he were asked to do so. But Father Anselm asked no questions. He assigned a small penance, gave absolution, and dismissed his penitent.

Concerning Father Anselm's conduct, the moral theologian would pose three questions: (1) Is the accusation made by the penitent sufficient for the certain validity of the absolution? (2) Supposing it to be sufficient for validity, is it lawful for the confessor to permit such a generic accusation? (3) Supposing that absolution could be given both validly and licitly, is it nevertheless advisable that the confessor always ask the penitent to confess at least one sin in particular?

These questions are answered in most modern manuals of moral theology. Yet a bothersome hesitancy characterizes many answers, especially those to the first question. The firm personal conviction that such hesitancy is unnecessary was my principal incentive for preparing this article. The problem is of considerable importance, both speculatively and practically. The study of it leads to a better understanding of the nature of the sacrament of penance; and the practical conclusions can be a decided aid to confessors, who, in these days of frequent confessions, are almost sure to have many penitents who either confess what is only doubtfully sinful or mention no specific matter at all.

Before discussing the three questions proposed above, I should like to make some presuppositions. I take for granted that some external accusation is necessary for the certain validity of the sacrament of penance, although I am inclined to think that the Thomist opinion was considerably weakened by the recent Instruction of the Sacred Penitentiary concerning general absolution in case of necessity.<sup>1</sup> I also assume that in case of necessity the generic accusation of sins is undoubtedly sufficient for the valid reception of the sacrament. A further assumption that needs no proof is that the penitent who is able to do so is bound to make a specific and numerical confession of mortal sins from which he has not yet received direct absolution. In fine, I am speaking of the generic confession of devotion, in its simplest and clearest form. The penitent has no necessary matter to confess; he mentions no optional matter in particular; he is not in danger of death; nor is there any circumstance which makes it either physically or morally impossible for him to make some particular accusation. Nevertheless, he does include his own real sins in his confession and is sincerely sorry for his sins. And all these factors are clear to the confessor.

#### IS THE GENERIC ACCUSATION VALID?

Is the generic accusation sufficient for the certain validity of absolution? This is, of course, the most important of the three questions. If there is a solid doubt concerning validity, it is clearly unlawful to permit such an accusation without necessity. On the other hand, even if the accusation is valid, it may be forbidden. And even though it should be both valid and lawful, it might still be inadvisable.

Historically, the problem of the validity of the generic accusation of devotion has grown in importance and in clarity of treatment. The classic moralists of the early seventeenth century were mainly occupied with establishing the validity of the generic accusation in

<sup>1</sup> AAS, XXXVI (1944), 156. Perhaps the Instruction presupposes that those who wish absolution have given some external sign to that effect, but nothing is said about this in the directions. With regard to contrition, the priest is to warn the people: "Necessarium . . . esse ut se quisque paeniteat admissorum suorum et a peccatis abstinere proponat . . . *Convenit* [italics mine] etiam Sacerdotes opportune monere paenitentes, ut contritionis actum externo aliquo modo ostendant, si possibile sit, verbi gratia suum percutiundo pectus."

case of necessity. De Lugo, who is often cited as favoring the validity of the purely devotional accusation, does not seem to have explicitly considered the case; when he spoke of the generic accusation of venial sins, he had in mind a penitent in danger of death.<sup>2</sup> Suarez clearly referred to the generic accusation of venial sins outside the case of necessity; he was inclined to consider it speculatively valid, but was unwilling to have the opinion reduced to practice.<sup>3</sup> Laymann wrote in much the same vein as Suarez.<sup>4</sup> Busenbaum contented himself with nodding approval to Laymann's solution to a practical case.<sup>5</sup> A century later St. Alphonsus merely repeated Busenbaum's text without specific comment.<sup>6</sup>

This is not to say that the writings of the older theologians offer no basis for an argument in favor of the validity of the generic accusation of devotion. Lacroix said that authors commonly held it to be valid.<sup>7</sup> Two centuries later the eminent Redemptorist, Joseph Aertnys, defended its validity on speculative grounds and cited many classic authors for this opinion.<sup>8</sup> Father W. MacDonald, who published a masterful defense of the affirmative opinion in the *Irish Ecclesiastical Record*,<sup>9</sup> also appealed to classic authorities, though with greater reserve than Aertnys. Father MacDonald pointed out the decided reluctance of the older authors to allow their speculation to be reduced to practice but also gave what appears to be a reasonable explanation of this reluctance: the principles justifying the generic accusation, even in time of necessity, had not yet been universally accepted.

Today the background has changed. Since the validity of the generic confession in time of necessity is unquestioned by theologians, and since this opinion is clearly in keeping with the mind of the Church, theologians can more readily consider the purely devotional accusation. The tendency is decidedly in favor of validity. Among the authors

<sup>2</sup> *De Sacramento Poenitentiae*, Disp. XVII, n. 21.

<sup>3</sup> *De Poenitentia*, Disp. XXIII, sect. 1, n. 10.

<sup>4</sup> *Theologia Moralis*, Lib. V, tr. 6, c. 8, nn. 7, 8.

<sup>5</sup> *Medulla Theologiae Moralis*, Lib. VI, tr. 4, c. 1, *Causae excusantes ab integritate materiali*, n. 5.

<sup>6</sup> *Theologia Moralis*, Lib. VI, n. 488.

<sup>7</sup> *Theologia Moralis*, Lib. VI, p. 2, n. 623.

<sup>8</sup> *The Casuist*, III, 225, "Indefinite and General Accusation in Confession."

<sup>9</sup> Third Series, III (1882), 385-98, "Confession of Sin *in Genere*."

that I have been able to consult, only four—Lehmkuhl,<sup>10</sup> Pesch,<sup>11</sup> Sabetti,<sup>12</sup> and Ubach<sup>13</sup>—clearly hold the negative opinion. A few others must be listed as doubtful.<sup>14</sup> Defending the validity are D'Annibale,<sup>15</sup> Arregui,<sup>16</sup> Ballerini,<sup>17</sup> Bucceroni,<sup>18</sup> Cappello,<sup>19</sup> Davis,<sup>20</sup> Genicot-Salsmans,<sup>21</sup> Jone,<sup>22</sup> Prümmer,<sup>23</sup> Tanquerey,<sup>24</sup> Vermeersch,<sup>25</sup> and Wouters.<sup>26</sup> To this group may be added Aertnys and MacDonald, as previously cited, and Edmund O'Reilly, S.J., whose arguments were published posthumously by the *Irish Ecclesiastical Record*.<sup>27</sup>

If the present article is to be of any value, it must compare the arguments of the opposing sides and determine, without bias, whether the affirmative position is sufficiently strong to be called morally certain. Logically, therefore, this discussion will include three steps: (a) a brief explanation of the affirmative position; (b) a critical appraisal of the objections offered by the negative; and (c) an examination of the authors whom I referred to as doubtful. This last step seems to be called for as a final check on the conclusions drawn from a comparison of the opposing sides.

The basic argument for the affirmative is that the minimum essentials of a sacrament are always the same. Therefore, since the generic

<sup>10</sup> *Theologia Moralís*, II (ed. 12a), n. 363.

<sup>11</sup> *Praelectiones Dogmaticae*, VII (ed. 4a et 5a), nn. 203–5.

<sup>12</sup> *American Ecclesiastical Review*, XIII (1895), 241–52, “De Confessione Generica.” In this article Sabetti manifested much stronger opposition to the generic confession of devotion than he did in subsequent editions of his book; cf. his *Theologia Moralís*, n. 725, q. 5.

<sup>13</sup> *Theologia Moralís*, II (ed. 2a), nn. 1811–17.

<sup>14</sup> In the “doubtful” class, for the time being at least, I place Ferreres, Gury, Iorio, Marc, Merkelbach, Slater, Noldin, Ojetti, and Piscetta-Gennaro.

<sup>15</sup> *Summula Theologiae Moralís*, III (ed. 5a), n. 302.

<sup>16</sup> *Summarium Theologiae Moralís*, n. 576.

<sup>17</sup> Cf. his long note in Gury, II (ed. 15a), n. 233.

<sup>18</sup> *Institutiones Theologiae Moralís*, III (ed. 6a), n. 673.

<sup>19</sup> *De Poenitentia* (ed. 3a) nn. 57–62.

<sup>20</sup> *Moral and Pastoral Theology*, III (ed. 4a), 351.

<sup>21</sup> *Theologia Moralís*, II, n. 262.

<sup>22</sup> *Précis de Théologie morale*, n. 551.

<sup>23</sup> *Manuale Theologiae Moralís*, III (ed. 8a), n. 325.

<sup>24</sup> *Synopsis Theologiae Moralís et Pastoralís*, I (ed. 12a), nn. 207–10.

<sup>25</sup> *Theologia Moralís*, III (ed. 3a), n. 545.

<sup>26</sup> *Theologia Moralís*, II, n. 310.

<sup>27</sup> Third Series, IX (1888), p. 945, “Regarding Sufficiency of Confession of Sin in General.” Father O'Reilly's contribution is of special value because it is a letter giving his own opinion, the reasons for it, and safe, practical direction.

accusation is sufficient in case of necessity, it must also be sufficient outside the case of necessity. The judicial nature of the sacrament is preserved if the accusation enables the confessor to judge that some real sin (that is, the *ratio peccati commissi*) is being confessed and that the penitent has the proper disposition for absolution. The sacramental tribunal thus differs radically from the criminal forum. The principal purpose of the latter is to judge whether the accused be guilty, and what precise punishment is to be meted out to the guilty. The principal purpose of the former is to reconcile the self-accused sinner to God. It is true that the sinner who culpably violates the divine law of integrity is invalidly absolved; but the precise reason for the invalidity is to be found, not in an essentially defective accusation, but in a deficient disposition. The culpable failure to keep the law of integrity is incompatible with true contrition.

Such, in brief outline, is the affirmative position. It is strong. It is logical. The opponents admit its strength, but they are not convinced that it can be called certain. Their arguments must be carefully weighed.

Lehmkuhl may be justly styled the father of the opposition. He objects to the principle that what is valid in case of necessity is also valid outside the case of necessity. To prove his point he cites the case of the *confessio facta per nuntium*. Such confession, he says, is valid in the case of a dying man who loses consciousness before the priest arrives, but in other circumstances it would be invalid.<sup>28</sup> Wouters answers this objection by denying the supposition that the *confessio per nuntium* is ever valid.<sup>29</sup> The objection need not be treated so brusquely, yet Lehmkuhl is hardly justified in using it as a cudgel against the affirmative side. All theologians who hold that the acts of the penitent constitute the *materia proxima* of the sacrament have the same difficulty reconciling the absolute prohibitions of Clement VIII and Paul V concerning the *confessio per nuntium* with the explicit direction of the Roman Ritual to absolve an unconscious dying man who has manifested through others his desire to receive the sacrament.<sup>30</sup> The more usual explanation is that Clement and Paul referred to cases in which there is no moral unity between the con-

<sup>28</sup> II, n. 363.

<sup>29</sup> II, n. 310.

<sup>30</sup> *Rituale Romanum*, Tit. III, c. 1, n. 25.

fession and the absolution: in other words, to a *confessio facta absenti*, or to an *absolutio data absenti*. Understood in this sense, the *confessio per nuntium* is, as Wouters remarked, always invalid. On the other hand, the dying man's manifestation through another of his desire to confess seems to be the equivalent of making a generic confession through an interpreter; and confession through an interpreter is, strictly speaking, always sufficient for validity.

Lehmkuhl's first argument, therefore, does not weaken the position of his adversaries. His second objection is even weaker. He holds that venial sin in itself is not sufficiently determined matter for absolution, whereas mortal sin, even generically considered, is sufficiently determined. Applying his theory to the present controversy, he says that the accusation, "I have sinned," when made by a dying person can be interpreted as at least probably including the confession of mortal sin, whereas the same accusation made outside the case of necessity means only that the penitent has sinned venially.<sup>31</sup>

This objection is, to say the least, strange. It provokes many questions. Must the mortal sin included in the dying man's confession be a sin not yet confessed, or would it suffice if it were a sin of the past life? And if a mortal sin of the past life is implicitly included in that accusation of the dying penitent, why is it implicitly excluded from the same accusation made by a penitent who is not in danger of death? And is the absolution given to the dying penitent valid only in the event that he has committed a mortal sin? Is a saint who has preserved his baptismal innocence excluded from the privilege of death-bed absolution unless he can mention some venial sin in particular? Finally, if the confessor is not certain that a dying man's generic accusation includes mortal sins, must he give absolution only conditionally? Lehmkuhl himself interprets the Ritual to mean unconditioned absolu-

<sup>31</sup> Lehmkuhl, *loc. cit.* In Lehmkuhl's own words, the objection is stated as follows: "Et revera, qui materiam determinatam praeberere cum possit, non facit, aperte declarat se venialiter tantum peccasse: cum e contra desiderium moribundi, quo ostenderit se absolutionem postulare sumi potest pro accusatione sive certa sive dubia *gravis* peccati. In *gravis* autem peccati declaratione habetur, ut dixi, materia aliquo sensu omnino determinata; non autem in peccati venialis generica declaratione: siquidem peccatum mortale infert notionem offensae Dei secundum respectum privativum plane determinatae et definitae, peccatum veniale non ita. Quare causa judicialis videtur manere prorsus incognita: sed de causa prorsus incognita et indeterminata sententia non fertur." Lehmkuhl seems to have been hunting for objections against the generic accusation of devotion.

tion,<sup>32</sup> but it is difficult to see how he can square this interpretation—which is, of course, the commonly accepted interpretation—with his theory that mortal sin is the minimum essential for sufficiently determined matter.

Lehmkuhl's objections, it seems to me, fail to budge the defenders of validity from their strong position. Pesch and Ubach employ a different method of attack. They admit the principle that the essentials of the sacrament do not change, but they object to the way this principle is applied to the case of the generic confession. According to Pesch, the Tridentine explanation of the law of integrity makes it clear that the judicial nature of the sacrament demands a distinct confession, "in so far as this is morally possible."<sup>33</sup> Ubach's contention is that the essence of the sacrament, from the point of view of the accusation, is "sufficient matter for a prudent judgment."<sup>34</sup>

These are substantial objections, but they are not insuperable. Pesch's argument applies to some extent to the case of the penitent who has necessary matter to confess. It is truly essential for such a penitent to confess his mortal sins according to species and number in so far as this is morally possible, and his culpable failure to do so would invalidate his confession. But as I have already indicated, the defenders of the affirmative position explain the invalidity quite reasonably on the score of defective disposition. On this precise point no one could speak more clearly than Laymann, whom Pesch cites as favoring his position. In explaining the law of integral confession, Laymann states explicitly and emphatically that it does not pertain to the essence of the sacrament:

... sed potius spectat ad necessitatem praecepti divini, cujus tamen voluntaria transgressio indirecte redundat in defectum sacramenti, ut nimirum valide non suscipiatur. Nam ad substantiam Sacramenti Poenitentiae per se requiritur saltem attritio: haec autem consistere non potest cum peccato actuali, videlicet sacrilegio mortali, quod confitens committit, unum vel plura peccata absque justa causa, seu per malitiam seu per crassam negligentiam, reticendo.<sup>35</sup>

With regard to the confession of venial sins and of sins of the past life, the application of Pesch's principle will depend on the conclusion reached in the second part of this article. If there exists a gravely

<sup>32</sup> Lehmkuhl, II, n. 362.

<sup>33</sup> Pesch, *op. cit.*, n. 203.

<sup>34</sup> Ubach, *op. cit.*, n. 1811.

<sup>35</sup> Cf. Laymann, *op. cit.*, c. 8, n. 2.

binding precept to confess even optional matter according to species, then the penitent who wishes absolution is bound by this precept and would confess invalidly if he culpably violated it. Yet the explanation of the invalidity would be the same as that previously indicated: the substantial defect would be, not in the accusation, but in the disposition.

Before attempting an answer to Ubach's objection, it would be desirable to know just what he meant by a "prudent judgment." With certain limitations it can be admitted that the essential accusation of the penitent must be sufficient to enable the confessor to form a prudent judgment. Yet the prudence of the confessor has degrees. He exercises prudence when he gives advice and assigns a proportionate penance, but these acts do not pertain to his essential function of judging a case. It seems to me that the logical way to determine the minimum essentials in this matter is to examine once more the case which is now indisputable: namely, the absolution of the dying sinner who can do no more than make a sign that he desires absolution. This sign tells the priest only that the man accuses himself of his sins and that he is sorry for them. Since they are the sins of *this person*, they are certain and determined, though not specific, matter; since the penitent is sorry for his sins, he has the requisite disposition for absolution. Vasquez stated long ago in reply to an objection similar to Ubach's: "Materia ergo circa quam sacerdos, dum absolvit, fert sententiam prudentiae in particulari est poenitens, quem in tali dispositione iudicat absolvendum."<sup>36</sup>

Vasquez was speaking of the case of necessity. But the principle applies even outside the case of necessity. The confessor has sufficient matter for a prudent judgment if the penitent clearly indicates to him that (1) he includes real sins, even though nothing specific, in his confession; (2) he has at least attrition for his sins; and (3) he has no necessary matter to confess. This last step seems to be necessary in the purely devotional confession as a means of enabling the confessor to judge the penitent's disposition. Granted that these three points are clear to the confessor, it is difficult to see how he fails in *essential* prudence in giving absolution without questioning his penitent. As Billot aptly remarks: "...causam satis cognoscit sacerdos

<sup>36</sup> *De Poenitentia*, q. 91, a. 2, dub. 1, n. 37.



hoc ipso quod scit eam esse hujusmodi ut nec possit peccatum retineri, nec debeat poenitens ad gravem satisfactionem ligari."<sup>37</sup>

Sabetti added three objections to those we have already considered: (1) The generic accusation is merely an act of humility; it is not a confession. (2) Furthermore, it does not contain *determined* matter—something which is required in the other sacraments and must also be required in the sacrament of penance. (3) Finally, as we know from the criminal forum, no judge can pass a just sentence without knowing the cause.<sup>38</sup>

These objections can be dealt with very briefly. All of them were urged against the validity of the generic accusation of necessity, and all were satisfactorily answered during the course of that controversy. In the first objection, Sabetti failed to distinguish between a mere admission of guilt and an admission of guilt *in ordine ad absolutionem*. The former may be merely an act of humility, but the latter is a genuine confession. The argument that the generic accusation is not sufficiently determined confuses *determined* matter with *specific* matter. That the penitent's declaration of his own sins is sufficiently determinate matter for the sacrament has already been explained in answering Ubach's objection. Finally, the parallel drawn from the criminal forum simply does not hold; the essential judgment to be made by the confessor concerns the worthiness of the penitent to be reconciled to God.

It is far from my intention to make light of Sabetti's third argument. Normally we associate the act of judging with an accurate knowledge of the case to be judged; and the Council of Trent itself argued from the judicial nature of the sacrament of penance to the necessity of making an integral confession. But in matters of doctrine we have to look at the complete picture. Trent did not apply this argument to the confession of optional matter; and the Church has long approved of absolving without condition the dying sinner who can make only a generic accusation. The only logical inference is that specific accusation is at most a precept, and that the essential judgment need not concern specific matter.

<sup>37</sup> *De Sacramentis*, II (ed. 1929), p. 210.

<sup>38</sup> For a development of Sabetti's arguments see his *casus* in the *American Ecclesiastical Review*, XIII (1895), 241 ff.

We have now considered all the intrinsic arguments advanced against the validity of the generic accusation of devotion. I believe that, in all fairness, it must be said that these objections do not noticeably weaken the affirmative position. There remains but one argument—that drawn from authority. Pesch, Lehmkuhl, and Sabetti all cite Suarez and Laymann as holding the negative view. Pesch adds the name of Vasquez; Sabetti appeals to Coninck. It was not my intention to try to build an argument for the affirmative from older authorities, because I believe that this question of the generic confession of devotion is primarily a question of our times and should be settled by our own theologians. Furthermore, as I mentioned previously, Lacroix stated that theologians commonly held the generic accusation of devotion to be valid, and both Aertnys and MacDonald examined the works of the classic authors and cited many in favor of validity. Despite all this, it seems necessary to say something here about the four authors claimed by the negative; for if these eminent authorities really held the generic accusation of devotion to be invalid it would be rather hazardous to claim moral certainty for the affirmative. As a matter of fact, the same authors are often referred to as defending the affirmative position. We can hardly pass judgment on these rival claims without weighing the words of the authorities themselves.

Suarez deals with the generic confession of devotion in one paragraph of a chapter whose principal theme is the generic confession in case of necessity. He first cites a number of authors who hold the generic accusation to be invalid, even in the case of a dying man. Having given their objections against the validity, he proceeds to answer these objections in explaining what he called the "more probable opinion," and at the conclusion of these arguments he introduces a rebuttal of his own making:

Dices: hoc argumento probaretur illam confessionem peccati venialis in genere esse per se sufficientem in eo, qui non habet conscientiam peccati mortalis, etiam extra casum necessitatis. Respondetur, fortasse speculative tantum loquendo, posse hoc defendi, tum propter rationem dictam, tum etiam quia qui confitetur verba otiosa censetur dare sufficientem materiam, et tamen non plus declarat conscientiam suam quam qui dicit se peccasse venialiter, nec magis variat iudicium confessoris.<sup>89</sup>

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<sup>89</sup> *De Poenitentia*, Disp. XXII, sect. 1, n. 10.

Thus reads the first part of the paragraph. It is frequently quoted by those who say that Suarez held the generic confession of devotion to be valid. But the opponents of validity point triumphantly to the remainder of the paragraph:

Nihilominus tamen practice negandum hoc est, propter incertitudinem materiae. Dico ergo, licet homo absolute non teneatur species peccatorum venialium confiteri, tamen supposito quod vult confiteri, teneri ad exhibendam materiam omnino certam, si potest, et ideo debere aliquod peccatum veniale in particulari suo arbitrio confiteri; adjuncta vero necessitate seu impotentia aliud dicendi, sine dubio illa materia erit sufficiens.<sup>40</sup>

Unquestionably this latter part of the paragraph favors the negative view. Unless the affirmative can give a reasonable explanation of the text, Suarez must be listed with the adversaries. I believe that Father MacDonald has given that explanation; and, since the proper interpretation of the Suarezian text is a key to the attitude of many older theologians, I think that Father MacDonald's words should be quoted in full:

Here a person will naturally ask, how I can represent an opinion as certain which Suarez and the great body of theologians who follow him think only more probable. For why do these writers refuse to allow this doctrine to be followed in practice? 'Propter incertitudinem materiae.'

The answer will appear from what has been stated in the beginning of this article. It will be remembered that Soto and a number of the older theologians taught that, even in case of necessity, a confession of sin *in genere* would not suffice for the validity of the Sacrament. At present no one thinks their opinion probable; but it was not so in the time of Suarez. If, in case of necessity, there was a doubt about the validity of such a confession, it is no wonder that there was equal doubt when there was no necessity at all. But since all now hold that there can be no question of the validity in case of necessity, the ground is cut from under the difficulty; and I am quite convinced that, if Suarez were to come back again, we should hear no more from him of the 'incertitudo materiae.'<sup>41</sup>

Father MacDonald's explanation is impressive. It is a quite logical reconciliation of the two distinct sections of the frequently quoted Suarezian paragraph. Suarez did hold as his own speculative opinion that the generic confession of devotion is valid but, in the face of the

<sup>40</sup> *Loc. cit.*

<sup>41</sup> "Confession of Sin *in Genere*," in the *Irish Ecclesiastical Record*, Third Series, III (1882), 394.

authorities who opposed the validity of the generic confession even in necessity, he could not give his thesis a higher practical note than "more probable." He could allow, even recommend, the following of a more probable opinion in case of necessity; but outside the case of necessity the *tutior pars* had to be followed. Today, since the same intrinsic arguments that have established the certainty of the generic confession of necessity also apply to the generic accusation of devotion, there is no solid ground for hesitating to call the affirmative opinion morally certain and therefore safe in practice.

Sabetti is the only one to cite Coninck as favoring the negative; and upon examination of Coninck's doctrine one wonders what induced Sabetti to claim him. In fact, the very text that Sabetti used—but did not quote in full—is clearly against him. Coninck is considering the case of an ignorant penitent who, even when questioned minutely by the confessor, can do no more than say that he has sinned, that he repents of his sins and wishes absolution. The eminent Belgian's solution is very much to the point: ". . . si tales vere apprehendant se peccasse, et de eo attriti vere intendant confiteri, eos valide absolvi."<sup>42</sup> This is the one part of Coninck's text that precisely touches our present discussion. In terms of the present article, Coninck's reply would be: "Granted the conditions indicated in the *casus conscientiae*, the generic accusation is sufficient for validity."

Having pronounced the generic accusation valid, provided that the penitent really understands the meaning of sin and is truly sorry, Coninck adds that absolution should not ordinarily be given to these ignorant penitents because they do not seem to have the necessary realization. And in conclusion he states that it is fitting that something particular be confessed. Sabetti quotes only this conclusion, in which the words *convenire* and *decet* occur, and argues from this that Coninck questions the validity of the generic accusation.

Laymann's complete doctrine on this matter is practically identical with Coninck's. In one text, treating of persons who are bound by statute or rule to confess and who wish to satisfy this obligation by making a merely generic accusation, he strongly opposes this practice—in fact, so strongly that his words, if taken without reference to other

<sup>42</sup> *De Poenitentia*, Disp. VII, dub. 1, n. 6.

texts, might well be interpreted as questioning the validity of the accusation. He writes:

Huic enim doctrinae communis bonorum confessoriorum praxis repugnat, qui extra casum extremae necessitatis sacramentalem absolutionem poenitenti non conferunt, nisi is certum aliquod seu mortale seu veniale peccatum confessus sit. Cum enim Sacramentum Poenitentiae conferatur per modum judicialis absolutionis, apparet conveniens omnino esse, atque sacramenti hujus institutionem postulare, ut efferatur et subjiatur materia certa, quo absolutionis iudicium magis determinate ferri possit, accedente praesertim Ecclesiae praxi et fidelium sensu. Quare licet aliquis nulla lege ad confitendum venialia obligatus sit, posito tamen quod sacramentaliter confiteri et absolvi velit, debet aliquod peccatum in specie explicare.<sup>43</sup>

Without doubt, this text *can* mean that the generic accusation of devotion is not sufficient for the valid reception of the sacrament. Yet it *need* not refer directly to validity; it could also mean that Laymann held the generic accusation to be unlawful, except in case of extreme necessity, but not invalid. An examination of the text in the light of other statements by Laymann amply justifies the latter interpretation.

I have already quoted Laymann's clear words to the effect that the law of integrity does not pertain to the essence of the sacrament.<sup>44</sup> Shortly after enunciating this doctrine, he applies it to the case of the dying sinner in words that even more closely touch our present point. The dying penitent, he says, is to be absolved, even though he cannot manifest anything in particular, because "... confessio qualiscumque, etiam generalis, peccatorum, ex animi dolore profecta, potest esse sufficiens materia absolutionis, siquidem, ut supra dixi, specifica et particularis peccatorum explicatio absolute non est de necessitate sacramenti, sed per se ac directe solum de necessitate praecepti divini . . . ."<sup>45</sup>

Someone might say that I am begging the question by citing Laymann on the generic confession of necessity. It is true that the author was considering the case of the dying sinner, but if his words are taken in their full meaning they carry us beyond the case of necessity and show that Laymann did not hold the generic accusation to be *per se*

<sup>43</sup> Laymann, *op. cit.*, c. 5, n. 14.

<sup>44</sup> Cf. *supra*, note 35.

<sup>45</sup> Laymann, *op. cit.*, c. 8, n. 4.

insufficient for validity. In this and in the text previously cited concerning the law of integrity he explains that the penitent who violates the law of integrity is invalidly absolved, not by reason of deficient accusation, but by reason of deficient disposition. Surely, in speaking of the *violation* of the law, Laymann was not thinking of an occasion of necessity; he must have had in mind a situation in which the penitent could make a specific accusation. This interpretation is confirmed by his own words concerning the ignorant penitent who does no more than say he has sinned and is sorry for his sins. For many reasons that we shall consider later in this article, Laymann was against giving absolution to such a penitent, yet his reply to the precise question of the validity of the absolution was: “. . .speculative rem considerando, si ponamus talem hominem vere attritum esse de peccatis in genere, sed ob ruditatem et simplicitatem nullum in specie recordari aut explicare posse, etiam extra mortis articulum valide absolvi.”<sup>46</sup>

Laymann's position, therefore, seems to be quite clear. He very definitely held the generic accusation of devotion to be illicit; but with regard to validity, “confessio qualiscumque, etiam generalis, peccatorum, ex animi dolore profecta,” is sufficient.

Vasquez is the last of the older authorities cited for the negative view. My own conclusion, after a study of Vasquez, is that neither side can justifiably claim him. In one place, speaking of a penitent who says, “I have no mortal sins but I have offended in many things,” Vasquez decided: “. . .non deberet sacerdos nec potuit huic confessioni concedere absolutionem.”<sup>47</sup> Later, in defending the validity of the generic accusation in case of necessity, he said that the confessor can absolve, “. . .sicut etiam sacerdos potest absolvere aliquem qui tantum confessus esset peccata venialia in genere ut verba otiosa, mendacia, etc., et nullum in particulari.”<sup>48</sup> I believe that, if anything, these texts favor the negative view: Vasquez would question the validity of the purely generic accusation of devotion. Yet they can hardly be called conclusive.

From what I have written, I judge that the argument from authority appealed to by the negative is not very strong. Three of the authors

<sup>46</sup> *Ibid.*, n. 7.

<sup>47</sup> *De Poenitentia*, q. 90, a. 2, dub. 2, n. 19.

<sup>48</sup> *Ibid.*, q. 91, a. 2, dub. 1, n. 37.

cited are very reasonably interpreted as holding the affirmative opinion, at least on speculative grounds; one may be hesitantly listed on the negative side.

Before drawing a final conclusion on the question of validity, we must briefly consider the authors whose position I characterized as doubtful. Marc<sup>49</sup> and Merkelbach<sup>50</sup> treat the subject too vaguely to allow for even a useful criticism of their texts. Piscetta-Gennaro<sup>51</sup> are content with citing the two opinions, affirmative and negative, without taking sides. Slater<sup>52</sup> briefly explains both opinions, with an apparent personal leaning towards the affirmative. Noldin's<sup>53</sup> terminology is somewhat peculiar. He says that the generic confession of devotion is probably valid; yet he gives only the argument for validity without mentioning any of the arguments against it. Furthermore, Noldin very definitely opposes the lawfulness of the generic accusation and gives a complete set of arguments to prove his point. One might expect that if he held the confession to be doubtfully valid he would insist on this point in proving it illicit. But he does not resort to this argument at all. Finally, he says that if a penitent has only very slight or *doubtful* (italics mine) sins since his last confession, it would be sufficient, absolutely speaking for him to conclude his confession with a purely generic accusation of the sins of his past life. It seems, therefore, that Noldin really belongs on the affirmative side.

Gury's<sup>54</sup> treatment presents somewhat the same problem as Noldin's. He refers to the validity, not as certain, but as "much more probable." The question immediately arises: what does he mean by "much more probable"? Following the same plan of analysis that was used in the case of Noldin, I should say that Gury really means "morally certain." For Gury, unlike Noldin, also holds the generic accusation to be probably licit; yet how can he do this if he considers it only probably valid? And Gury likewise holds that it is sufficient for pious penitents to conclude their confessions with a merely generic accusation of the

<sup>49</sup> Marc-Gestermann-Raus: *Institutiones Morales*, II (ed. 19a), n. 1658.

<sup>50</sup> *Summa Theologiae Moralis*, III (ed. 2a), n. 527.

<sup>51</sup> *Elementa Theologiae Moralis*, V (ed. 2a), nn. 610-11.

<sup>52</sup> *A Manual of Moral Theology*, II (ed. of 1908, with notes by Martin), 150.

<sup>53</sup> Cf. Noldin-Schmitt: *Summa Theologiae Moralis*, III (ed. 23a), nn. 266-68.

<sup>54</sup> *Compendium Theologiae Moralis*, II (ed. of 1907, edited by Ballerini and Palmieri) n. 233.

sins of their past life. Yet the confessions of these pious penitents frequently contain only doubtful matter, and doubtful matter cannot be rendered certain by a concluding accusation which is itself only doubtfully valid. Hence, Gury, too, may be said to favor the opinion for validity. And with him may be listed Ojetti,<sup>55</sup> Ferreres,<sup>56</sup> and Iorio.<sup>57</sup>

My discussion of the first point has been long; but I think that the importance of the question called for completeness. A concluding summary of this point may be stated as follows: The generic accusation of devotion is, in itself, certainly sufficient for valid absolution. The authorities for this view are many and eminent; and their argumentation is logical and convincing. Since the negative side has but few defenders, whose objections can be satisfactorily answered, it cannot be said to cast a solidly probable doubt on the arguments for validity. The affirmative position is safe, and it may be allowed in practice unless there exists a precept to the effect that even in a devotional confession specific matter must be confessed when that is possible. That brings us to our second question.

#### IS THE GENERIC ACCUSATION PERMISSIBLE?

Is the generic accusation of devotion permissible? It goes without saying that those who hold it to be only probably valid must logically hold that it is illicit; hence in this brief discussion I need not refer again to those few authors who have been cited as questioning the validity of the accusation. The survey must be limited to the defenders of certain validity. But it need not be so exacting as the first part; for in the realm of mere licitness probabilism may be invoked. If the opinion holding the generic accusation of devotion to be permissible is solidly probable, it must be allowed in practice. Having studied the literature on the subject, I believe that it is solidly probable, at least today.

I have already indicated that the decided tendency of the older authors was to consider the generic accusation to be licit only in a case of necessity. One reason for this was, of course, the fact that

<sup>55</sup> *Synopsis Rerum Moralium*, n. 3170.

<sup>56</sup> *Compendium Theologiae Moralis*, II (ed. 16a), n. 529.

<sup>57</sup> *Theologia Moralis*, III (ed. 6a), n. 359.



the validity was not yet put beyond question. But that was not the only reason, as is evident from the writings of Laymann. However, even in the seventeenth century there must have been some authority on the other side; for Lacroix, after stating that it is more probably illicit, testified that Dicastillo, Burghaber, and "others" held it to be licit.<sup>58</sup>

Whatever may be said about seventeenth-century writers, it is clear to me that among strictly modern authors a fairly representative group can be cited as holding the generic accusation to be either probably or certainly lawful. Even allowing for a certain degree of mutual dependence, yet Ballerini, Bucceroni, Cappello, Ferreres, Genicot-Salsmans, Gury, Iorio, MacDonald, Ojetti, O'Reilly, and Wouters would constitute a formidable phalanx for any opinion.<sup>59</sup> But I am not interested here merely in counting heads. Reasons are of more value than names.

The basic argument for the lawfulness of the generic accusation of devotion is extremely simple and allows for little or no development. The defenders take their stand on the principle that obligations are to be proved, not presumed. Their main task, therefore, is to give satisfying explanations of the adversaries' claims that there is an obligation to make a specific accusation of even optional matter—that is, a hypothetical obligation: if the penitent wishes absolution, he must confess something in particular.

What are the arguments advanced to prove this hypothetical obligation, and how are these arguments answered? Coninck<sup>60</sup> and Laymann,<sup>61</sup> treating of the ignorant penitent already described, said that such a penitent is apt to have no real appreciation of sin or no real contrition. The difficulty is truly a serious one, but it applies, not to the generic accusation in itself, but only to the generic accusation made by an ignorant penitent. On this score alone one could not bind a well-instructed penitent to make a specific accusation of optional matter.

"If the generic accusation were allowed, lax confessors would abuse the practice." Thus argued Laymann.<sup>62</sup> Noldin made the argument

<sup>58</sup> *Theologia Moralis*, Lib. VI, p. 2, n. 622.

<sup>59</sup> Cf. these various authors, *locis citatis*.

<sup>60</sup> *De Poenitentia*, Disp. VII, dub. 1, n. 6.

<sup>61</sup> *Op. cit.*, c. 8, n. 8.

<sup>62</sup> *Loc. cit.*

more definite by saying that the lax confessors would permit even the generic accusation of mortal sins.<sup>63</sup> Howsoever the argument is phrased, it is not very impressive. It attempts to establish a universal obligation for penitents lest a comparatively few confessors abuse their office.

"Some penitents would fail to fulfill the law of integral confession, for they would confuse mortal and venial sins and would simply include them all in their generic accusation."<sup>64</sup> Ballerini can be the spokesman in replying to that objection. He very wisely remarked that if the claim has any value it would prove too much, for it would require a specific confession of all venial sins.<sup>65</sup>

"The generic accusation deprives the penitent of the opportunity of getting helpful advice." For the most part, this is true; and it is a reason for counseling the confession of particular sins. But is it sufficient reason for an obligation? And just how much advice does the penitent get who accuses himself as follows: "I have not committed any mortal sins since my last confession. But I accuse myself of all the sins of my life, especially of having missed Mass on one occasion"? The accusation is sufficient to satisfy the requirements of the strictest theologians, yet it offers no better handle for advice than would a purely generic confession.

The reasons thus far adduced to prove the necessity of some kind of specific accusation are all based on certain dangers that are apt to accompany the generic confession. They are valid only in so far as these dangers exist and only to the extent in which it is obligatory to avoid the respective dangers. Two other reasons are more serious—more intrinsic to the generic accusation, if I may use the expression. These reasons are drawn (*a*) from the judicial nature of the sacrament, and (*b*) from the long-standing practice of the faithful.

*a*) The argument drawn from the judicial nature of the sacrament runs somewhat as follows: The generic accusation, though sufficient for validity, offers material for only an imperfect judgment, whereas reverence for the sacrament, which Christ Himself instituted in the form of a judicial process, demands that the accusation allow for a perfect judgment when this is possible. In answering the argument, we must clearly distinguish two questions: First, does the objection

<sup>63</sup> III, n. 267.

<sup>64</sup> Noldin, *loc. cit.*

<sup>65</sup> Cf. Note in Gury, II, n. 233.

provide theologians with food for thought concerning the true nature of the devotional confession? And secondly, does it prove the existence of an obligation, and particularly a serious obligation, to make a specific accusation even in a devotional confession?

That this appeal to the judicial nature of the sacrament offers food for thought is evident. We have many problems yet to solve. For instance, suppose three men have each committed ten mortal sins of exactly the same species since their last good confessions. One of them is dying and can make only a generic accusation; one makes a formally integral confession, inculpably omitting two sins; and one makes a materially integral confession. In each case, supposing the penitents to have universal attrition, the judicial act (the absolution) reaches in some sense to all mortal sins: that is, it restores grace. Yet only the third penitent makes a really perfect accusation, and only he receives the complete benefit of the absolution; the others have the obligation of confessing the omitted sins later, if that is possible. But one might well ask if the sole difference between direct and indirect absolution is that which pertains to the obligation of confessing later. In other words, is the internal effect of the absolution precisely the same in all three cases, provided the penitents have exactly the same degree of attrition? And what if each of these penitents had committed some venial sins and his attrition also extended to them—would the absolution affect them, if they were not included in the confession? And if it is necessary to include them in the confession in order that the absolution affect them, is a merely generic accusation sufficient?

I have put these questions without any pretense of being able to give perfect answers to them; and I think that the questions increase in number when we consider the purely devotional accusation. For instance, let us consider the case of a dying man who has no mortal sins to confess but who wishes the benefit of absolution. Suppose that he can make only a generic accusation—does the absolution affect only those sins that he would confess if he could, or does it reach to all the sins included in his sorrow? And if a person who is not in danger of death makes an ordinary confession of devotion and mentions only one of several venial sins he has committed, is that the only sin that is remitted by the sacrament? Would all his other venial sins also be the object of the absolution if they were merely included in general?

Perhaps I am mistaken, but I have been under the impression that it is sound ascetical counsel to tell penitents to "choose" two or three of their smaller sins, direct their contrition towards these in particular, and confess them specifically, while including the others in a merely general formula. Why include the others at all, if the absolution affects only those mentioned in particular? Or why not advise penitents to confess all their venial sins, if they would thus receive greater benefits from the sacrament?

I had better conclude this list of problems with an abrupt "et cetera." Answers to many of the questions have been proposed, as is well known to anyone who has read De Lugo's treatise on the sacrament of penance;<sup>66</sup> but the answers are not apodictical and they do not cover all cases. And until we get better answers to these various questions, it seems to me that it is impossible to prove an obligation to confess optional matter in particular by reasoning from the judicial nature of the sacrament. Our Lord clearly intimated to us the requirements for a "perfect judgment" with regard to the confession of mortal sins. We have not the same guiding norm for the devotional accusation; and it is not clear that the confessor's judgment is imperfect, provided that he can clearly decide that the penitent has no mortal sins to confess, does confess real sins, and does have sorrow for his sins. One can readily see how this judgment can become more and more perfect as the penitent opens his soul more and more. But there is no obligation to do the more perfect thing. Furthermore, even those authors who contend that the judicial nature of the sacrament calls for the confession of something in particular admit that the penitent satisfies this obligation by mentioning even one specific sin of his past life: for example, one lie, one violation of charity. Since, according to them, this accusation satisfies the obligation, it must be sufficient for what they call a perfect judgment. This unrealistic distinction between an imperfect and a perfect judgment is simply too frail to serve as the basis for an obligation.<sup>67</sup>

b) "For centuries the faithful have been accustomed to accuse

<sup>66</sup> Cf. for example, Disp. XIV, n. 142; or see Lacroix, n. 623.

<sup>67</sup> Suarez is sometimes criticized for saying that the penitent who confesses an idle word does not manifest his conscience any more than he would by a merely generic accusation. But I wonder if the criticism is justified?

themselves of something in particular, even in a devotional confession. This long-standing and universal custom can be reasonably explained only on the supposition that such an accusation is obligatory." This is the last objection against the lawfulness of the generic accusation, and the one most frequently appealed to. Laymann made much of it and of the corresponding custom of good priests to give absolution only when some specific accusation was made, except, of course, in case of necessity.<sup>68</sup> Genicot<sup>69</sup> and MacDonald<sup>70</sup> wisely pointed out that the custom of the faithful may well be the result of the counsel given by all authors to confess something in particular. And I might further observe that, since the generic accusation used to be considered doubtfully valid, the custom may have arisen from an obligation that has now ceased. Referring to this argument from custom, Wouters<sup>71</sup> reminds his adversaries that they might in the same manner prove an obligation to confess doubtful sins.

I think that I have now given a complete statement of the pros and cons relative to the licitness of the generic accusation of devotion. And I believe that an unbiassed conclusion must be that there is at least solid probability that the accusation is licit. We are not, therefore, justified in obliging penitents to do more than that; nor is a confessor justified in refusing absolution to the penitent who fulfills the requisites for validity. It remains now to say but a word concerning the advisability of the generic accusation.

#### IS THE GENERIC ACCUSATION ADVISABLE?

All moralists agree that the generic accusation is at least ordinarily inadvisable, and that a specific confession, even of venial sins, has many advantages. Much has been written concerning these advantages, but very likely nothing surpasses the words of Pope Pius XII in the encyclical, *Mystici Corporis*. Speaking of the frequent confession of venial sins—and I take this to refer to something more than a generic accusation—the Holy Father said:

. . . to hasten daily progress along the path of virtue We wish the pious practice of frequent confession to be earnestly advocated. Not without the inspiration of the Holy Spirit was this practice introduced into the Church. By it genuine self-knowledge is increased, Christian humility grows, bad habits are corrected, spiritual

<sup>68</sup> Laymann, *op. cit.*, c. 5, n. 14; and c. 8, nn. 7, 8.

<sup>69</sup> II, n. 262.

<sup>70</sup> *Irish Ecclesiastical Record*, Third Series, III (1882), 395.

<sup>71</sup> II, n. 310.

neglect and tepidity are conquered, the conscience is purified, the will strengthened, a salutary self-control is attained and grace is increased in virtue of the sacrament itself.<sup>72</sup>

Concerning the Supreme Pontiff's words, I would make only this observation: they apply in their full value only to penitents who can use frequent confession with more than ordinary intelligence and earnestness. It is our task, inside and outside the confessional, to instruct people to use confession in that way; yet we are bound to encounter many who are unable to profit by this instruction. It seems to me that, in the case of penitents of this latter class, the generic confession, granted the minimum conditions, is sufficient. It will enable them to get some degree of sacramental grace. The forceful "extracting" of some specific sin, at least of the past life, even though recommended by eminent authors, seems to be entirely unnecessary.<sup>73</sup>

<sup>72</sup> *AAS*, XXXV (1943), 235. My translation is taken from the text published by the America Press, p. 38, n. 103.

<sup>73</sup> The idea of "digging," "fishing," and so forth, for a sin is carried so far that the confessor is told to suggest one to the penitent if the latter cannot mention one. Despite the number and the authority of the authors who commend this method, I think that its benefits are questionable. Unlearned penitents, and particularly children, are apt to agree with anything suggested by the confessor, yet have no special contrition for the sin mentioned—in fact, they may not really recall ever having committed such a sin.