

### **The Divine Law of Confession**

With the recent debates around the Seal of Confession and the actual or proposed removal of some of its legal protections, it's a good moment to recall why the explicit confession of sins in the Sacrament of Reconciliation isn't just a changeable Church law, but God's own law.

The *Catechism of the Catholic Church* tells us, 'Individual and integral [i.e. complete] confession of grave sins followed by absolution remains the only ordinary means of reconciliation with God and with the Church, unless physical or moral impossibility excuses from this kind of confession'. (n. 1484)

The Church's most authoritative statements about the Sacrament are the infallible definitions of the Council of Trent from 1551. (cf. F. Sullivan *Creative Fidelity* pp. 49-55; Vatican II *Lumen Gentium* 25) According to the Council, the Sacrament was instituted by Christ primarily when he said to the Apostles on the first Easter night, 'Receive the Holy Spirit. If you forgive the sins of any, they are forgiven; if you retain the sins of any, they are retained' (*Jn* 20:22-23) (DS 1670, 1701, 1703). This authority to either forgive or retain sins implied that the ministers of the Sacrament, the bishops and priests, must be made aware by the penitent of what those sins are.



And so the Council defined (whether as a divinely revealed dogma or at least as a truth to be held definitively) that for the forgiveness of post-baptismal mortal sin it is necessary 'by divine law to confess each and all mortal sins that one remembers after a due and diligent examination'. (DS 1707; cf. DS 1679-80; *Catechism* n. 1456) That this is of divine law means the Church does not have the power to remove this obligation. (And even when, through an act of perfect contrition, mortal sin is forgiven before actually receiving the Sacrament, our forgiveness is not simply from the contrition itself without *the desire for the Sacrament* necessarily included in it. (DS 1677))

How does all this fit with variations in earlier times in how this Sacrament has been celebrated? (cf. *Catechism* n. 1447) Here a right understanding of *development of doctrine* is useful. God's definitive revelation in Christ was complete with the death of the last apostle. But the Church's *understanding* and *expression* of that revelation deepens and develops over the centuries, gradually becoming crystallised in the teachings of the Magisterium under the guidance of the Holy Spirit. What was formerly merely implicit thereby becomes explicitly expressed.

(So 'development' does not mean a formless evolution in which the Church might even abandon, or alter the meaning of, 'infallible' teachings already proclaimed. If such teachings could be reversed, obviously they were never really 'infallible' in the first place, and the Church's claim to infallibility would be meaningless.)

The Church's infallible declarations at Trent were part of the legitimate development of doctrine. The essentials of existing practice were confirmed; but this also meant discerning

(in effect) which, if any, past local practices and theological opinions might not yet have fully accorded with Christ's deep plan for the Sacrament. Trent's declarations were thenceforth permanently binding on all Catholics, freeing them to know and live the truth of the Sacrament more completely, and marking a new stage in the Church's growth.

This is one reason why appeals sometimes made to some variations in the practice of the Sacrament in the first millennium are not decisive in showing that confession of all mortal sins is not of divine law. An analogy is the dogmatic definition in 1854 of Our Lady's Immaculate Conception. In times prior to 1854, the doctrine was still debated, and even saints could be found denying it. But once it was defined, the truth was clearly known to all, and no further doubt was possible.

If the confession of all mortal sins belongs to divine law, how then is the Church able to ever permit general absolution (the Third Rite) even in emergency situations? The answer is that God does not command impossibilities, so if we are truly prevented at this moment from confessing all the sins we would normally be obliged to confess, we can still be absolved as long as we have the *intention* to confess these, if and when the impossibility ceases. (In this way the essential element of integral confession is preserved in the Sacrament.)

Thus the Church is authorised to permit general absolution in cases of 'grave necessity'. The *Catechism* mentions the case of 'imminent danger of death without sufficient time for the priest or priests to hear each penitent's confession. Grave necessity can also exist when, given the number of penitents, there are not enough confessors to hear individual confessions properly in a reasonable time, so that penitents through no fault of their own would be deprived of sacramental grace or Holy Communion for a long time. In this case, for the absolution to be valid the faithful must have the intention of individually confessing their grave sins in the time required.' (n. 1483; cf. *Code of Canon Law* nn. 961-63)

Some were artificially inflating the concept of 'grave necessity', thus twisting general absolution into a way of administering the Sacrament even when there was no real impossibility of confessing. So in 2002, in order to safeguard the divine law of confession of mortal sins, St John Paul II's *Misericordia Dei* specified various further conditions determining when there truly was 'grave necessity'. For example, in the phrase, 'so that penitents through no fault of their own would be deprived of sacramental grace or Holy Communion for a long time', *a long time* could not be understood as less than a month. (An impossibility of finding a priest to hear one's confession for a whole month could scarcely happen in a city such as Melbourne, but might well arise on a remote mission station.)

Sixteen years after Pope John Paul's letter, one still hears people say the Third Rite should become an ordinary way of celebrating the Sacrament. But from the above, it is clear that the Church has gone as far as she can in this regard, in view of God's law as defined at Trent. The obligation to confess can be postponed, but not removed.

Here we need to trust the wisdom and balance of the divine plan. God does give a once-only total forgiveness (even of mortal sins) without the need of confessing – and that is Baptism. But if this kept happening after Baptism without limit, we can see how easily we might thereby become accustomed to mortal sin, to our great moral detriment. (And the

non-Catholic accusation that Reconciliation even facilitates crime would gain just slightly more truth!) God's law continues to offer the possibility of forgiveness for every sin, but provides something of a deterrent through the more onerous requirement of naming each grave sin explicitly. His infinite mercy and love thus best provide for our true spiritual good, and our eternal salvation.