

A NOTE ON CONFESSIONAL PRACTICE

IN a recent article designed to cope with certain types of penitents, it is said that the penitent has the right to expect the confessor to be judicial, in the sense of objective. But that we cannot expect the priest to decide for us whether or not we have been sinning, or to what extent: he can tell us what is objectively moral or immoral, not what is our particular measure of guilt (BLACKFRIARS, 1943, p. 409). This statement, if it is not to be misleading to both confessors and penitents, calls for further clarification. There is no possibility of doubt that it is the duty of the confessor, as divinely appointed, to judge the objective and subjective morality of sins, and, as far as he is able on the evidence, to assess the objective and subjective measure of guilt. In this respect the penitent has every right to expect the confessor to be judicial, and to be able to advise him on his subjective state.

In a parallel and an anonymous article, translated from the French, entitled 'A Spiritual Cure for Scrupulosity,' it is asserted but not proved that the juridical element, herein after to be called 'precise legalism,' introduced by moral theologians is responsible for the disease of scrupulosity. Experience, however, shows that scrupulosity may be found in the simplest of individuals, who have not had the remotest connection with the so-called legalism of theologians.

The writer assumes that the obligation of confession of mortal sins before Communion and the celebration of Mass, which was enforced by the Council of Trent, is purely of ecclesiastical origin. The suggestion, therefore, is that this rule may be held in abeyance to liberate the scrupulous from the shackles of legalism, by the application of a kind of generalised equity, or 'epikeia.' This contention is supported by a little inventive commentary on the Tridentine law. But it is worthy of observation that the Church never in any circumstances dispenses from this law. And secondly, it is very commonly held that the measure itself is of divine origin, in which there is no room for 'epikeia.' As supporters of the divine origin are cited St. Leo, St. Augustine and St. Cyprian. The two very great theologians who had been present at the Council of Trent, Dominic Soto and Peter Soto, were upholders in their writings of the same view. To them may be added Suarez, Lugo, Vasquez, St. Alphonsus, Benedict XIV, and among modern theologians Ballerini-Palmieri, Prummer, Vermeersch, Cappello. Benedict XIV indicates that the Council of Trent re-enforces the custom and tradition which stand as witness to the divine law as promulgated by St. Paul in his epistle to the Corinthians. With this weight of authority the writer's strictures on legalism are wide of the mark.

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