

## SUITABLE PENANCES FOR DIFFERENT CLASSES OF PENITENTS

*Status Quaestionis:* The Council of Trent in the memorable 14th session provides us with the most succinct statement of the doctrine of the sacrament of Penance; in the same session, the Church summarizes the truth concerning satisfaction. She balances nicely the weight of Patristic commendation and the burden of the then current errors of the Reformers; she provides the outline of argument both from Sacred Scripture and from Tradition; she adds reasons of fitness; she makes it clear that *all* of man's satisfaction is through Jesus Christ. Then the Council provides the injunction which 'inspires' this present paper:

Debent ergo sacerdotes Domini,  
quantum spiritus et prudentia suggesserit,  
pro qualitate criminum et poenitentium facultate,  
salutares et convenientes satisfactiones iniungere,  
ne, si forte peccatis conniveant et indulgentius cum  
poenitentibus agant, levissima quaedam opera  
pro gravissimis delictis iniungendo,  
alienorum peccatorum participes efficiantur.  
Habeant autem prae oculis, ut satisfactio, quam  
imponunt,  
non sit tantum ad novae vitae custodiam et infirmitatis  
medicamentum,  
sed etiam ad praeteritorum peccatorum vindictam et  
castigationem. <sup>1</sup>

This injunction is substantially repeated in the Code and made even more explicit in the Roman Ritual.

Pro qualitate et numero peccatorum  
et conditione poenitentis  
salutares et convenientes satisfactiones  
confessarius iniungat;  
quas poenitens volenti animo excipere atque  
ipse per se debet implere. <sup>2</sup>

<sup>1</sup> Concilium Tridentinum, Sess. XIV, cap. 8 (DB 905).

<sup>2</sup> C.I.C., can. 887.

Postremo salutarem et convenientem satisfactionem, quantum spiritus et prudentia suggererint, injungat, habita ratione status, conditionis, sexus, et aetatis et item dispositionis poenitentium.

Videatque, ne pro peccatis gravibus levissimas poenitentias imponat, ne si forte peccatis conniveat, alienorum peccatorum particeps efficiatur.

Id vero ante oculos habeat, ut satisfactio non sit tantum ad novae vitae remedium, et infirmitatis medicamentum, sed etiam ad praeteritorum peccatorum castigationem.<sup>3</sup>

These directions of the Council of Trent, of the Code and the Ritual must enter into the attempt we now make to review the principles guiding the injunction of sacramental penances.

The doctrine of the Church concerning the necessity of satisfaction (persistence of debt of temporal punishment *post remissionem*), of the possibility and conditions of satisfaction, the wider aspects of the notion of Sacramental Satisfaction and some historical information can and must be supposed. On the other hand, we do not intend to merely pronounce a 20th century penitential canon. Hence the following view of the assignment of this paper.

- I. A brief sketch of pertinent data from the doctrine of sacramental satisfaction;
- II. A brief survey of some of the current practice in the assignment of penances;
- III. A review of the theological principles governing the obligation of the confessor;
- IV. A more detailed examination of the meaning of proportioned penance;
- V. Conclusions.

#### I. PERTINENT OBSERVATIONS CONCERNING SACRAMENTAL SATISFACTION.

The imposition by the confessor is the link which makes the satisfaction of the penitent sacramental, i.e. an element of the sacrament of Penance.

<sup>3</sup> *Rituale Romanum*, Titulus III, cap. I, n. 19.

Theologians are accustomed to distinguish satisfaction *in voto* and satisfaction *in re*. The former is the will to accept and fulfill the penance to be imposed by the confessor and, at least in the case where the penance will bind *sub gravi*, such intention is essential to the reception of the sacrament. Its lack would point to a deficiency of the necessary purpose of amendment and would invalidate the sacrament. Satisfaction *in re* is the actual fulfillment of the penance assigned. It is an integral part of the sacrament (of the proximate matter), generally follows the absolution of the priest, and, if omitted, does not invalidate the sacrament, but only renders it imperfect and incomplete.<sup>4</sup>

Our concern is sacramental satisfaction, and indeed satisfaction *in re*. As such it may be defined as the penance imposed by the confessor in the sacrament of Penance, to compensate for the injustice inflicted upon God through sin and to secure the remission of the temporal punishment due to sin.<sup>5</sup>

Furthermore we must observe that the term *penance* (*opus bonum et poenale*) is included in the definition precisely because sacramental satisfaction of its very nature is a chastisement. It is only by performing a good work which is pleasing to God and burdensome and painful to himself that man can actually compensate for the offense and injustice inflicted on God through sin.

This definition stresses the punitive or vindictive aspect of satisfaction. It is quite proper that it does so; the proper and primary objective of satisfaction is to punish sin, to expiate the temporal punishment due to sin. But satisfaction must also be medicinal (though secondarily), that is, it must prevent relapses into sin and cure the spiritual weakness caused by sins. Both of these aspects are always intended according to the mind of the Church.<sup>6</sup>

The more probable and more common theological view teaches

<sup>4</sup> A. Vermeersch, *Theologiae Moralis Principia, Responsa, Consilia*, III (ed. 3a; Roma: Università Gregoriana, 1935), n. 554, p. 498.

<sup>5</sup> Noldin-Schmitt, *Summa Theologiae Moralis* (ed. 25a; Innsbruck: F. Rauch, 1937-1938), III, n. 299, p. 304. Other manuals generally agree in this and in the majority of matters presented in this paper; hence citations will be omitted save where the point seems to counsel inclusion.

<sup>6</sup> Cf. DB 904 and the other sources cited previously.

likewise that sacramental satisfaction *in re* is an integral part of the proximate matter of Penance, and hence partakes of the efficacy of that sacrament. Practically, the import of this teaching in the context is this: such satisfaction produces the remission of the temporal punishment due to previously remitted sins *ex opere operato*. This gives to the performed works a much greater dignity and efficacy than their own objective nature would warrant. Of course as good works of a man in the state of grace, those assigned penances also remit temporal punishment *ex opere operantis*.<sup>7</sup>

## II. SURVEY OF CURRENT PRACTICE

The facts to be presented concerning the actual practice followed in the confessional are necessarily limited to two sources: (1) occasional research from individual priests concerning their practice and/or opinion concerning the assignment of sacramental satisfaction; (2) some indications gathered both from books and articles by theological writers.

With some hesitancy, it would seem that there is rather considerable reason to judge, or at least suspect the widespread use of the following practices:

1. Almost universally, there is consideration of the state of the penitent, quite often with the presumption that, for one reason or another, he will not be able to perform a *proportionately* grave penance.
2. Even in the proportion of the gravity of the penance to the gravity and number of sins confessed, several confessors admitted to an identical injunction in cases of rather widely divergent gravity, especially at times when more numerous penitents approach the sacred tribunal.
3. Further, it seems that widely varied interpretations exist as to what constitutes a grave penance.
4. There seems to be little or no attempt to fit the assignment of penance to the *quality or kind* of sin, and a rather thorough abandonment to the assignment of a series of prayers. Some confessors indicated an attempt to fit the *prayers* to the fault.

<sup>7</sup> Vermeersch, *op. cit.*, III, n. 501, 2, b, p. 450.

5. That these limited observations are not without more substantial foundation is learned from writings which confirm many of the facts given above, and which point out in particular the need for more prudent use of the medicinal side of sacramental penance.<sup>8</sup>

### III. THE OBLIGATION OF THE CONFESSOR TO ENJOIN SATISFACTION.

Against this sketch of the doctrinal background, the question to be asked at this point concerns the obligation which the confessor has in the assignment of sacramental satisfaction.

1. He *has the power to enjoin satisfaction*. Trent makes clear that this power is included in the transmission to the Church of the powers of binding and loosing, the power to remit and retain sins. For in the very words in which He granted these powers, Christ made no limitations, unless one insists that the power be limited by the purpose of the Church and by the full and perfect remission of sin; but these too really exclude limitation of the power.

2. The priest must *use* his power to enjoy satisfaction in every case in which he absolves.<sup>9</sup> The Church has settled the matter practically in the texts cited previously. But it is clear also that the priest-confessor in his triple role of Minister, Judge, Physician is obliged to use this power of binding. (a) As *minister* of the sacrament: he is obliged to secure the integrity of the sacrament and sacramental penance is an integral part of its proximate matter. Further, the sacrament does not signify and hence does not effect the remission of temporal punishment except where penance is assigned toward that remission. (b) As the *judge*, constituted by Divine and Ecclesiastical authority, he must restore the order of justice. Now Divine Justice does not remit gratuitously the temporal punishments to be paid for post-baptismal sins.<sup>10</sup> Hence even as the judicial sentence of absolution remits guilt and eternal punishment, so judicial injunction of penance must announce the temporal penalty

<sup>8</sup> Joseph P. Donovan, C.M., J.C.D., "Cocklebur John, the Man of One Medicine," *The Homiletic and Pastoral Review*, Vol. 44 (June, 1944), pp. 652-657. Vermeersch, *op. cit.*, III, nn. 500-501, pp. 447-451.

<sup>9</sup> B. H. Merkelbach, *Summa Theologiae Moralis* (ed. 3a; Paris: Desclee de Brouwer, 1938-1939), III, n. 540, pp. 492-493.

<sup>10</sup> DB 904.

yet to be paid. (c) As the *physician*, the confessor must provide for the spiritual health of his penitent: not only freedom from temporal punishment but also cure of his wounds and preservation from future sin.<sup>11</sup>

3. *The obligation* of the confessor to impose penance is *per se* grave. This means that he is bound *sub gravi* to impose penance for necessary matter. Hence it is certain that to omit enjoining penance for necessary matter is a mortal sin. Concerning free matter, a pseudo-controversy exists: one group holds the confessor bound only *sub levi*, the other *sub gravi*, because the omission of injunction would involve irreverence for the sacrament; but in any case, satisfaction must always be imposed upon a penitent capable of performing it.<sup>12</sup>

4. This obligation is further *to enjoin proportioned penance*: "salutary and suitable satisfactions, in keeping with the nature of the crimes and the ability of the penitents."<sup>13</sup> Hence the confessor is bound to impose, according to *the quantity* of the sins, grave penance for necessary matter, light penance for light matter. Moreover, as the mortal sins are multiplied or become more grave, the confessor should assign a penance which is *morally* better proportioned to the quantity—i.e. morally heavier.

The confessor should also assign a penance proportioned to the *quality* of the sins confessed; i.e. a penance contrary to the kind of sin. Thus in the mind of theologians in general and the Ritual in particular, certain punishments are more directly proportioned to certain kinds of sins: e.g. almsgiving for the sin of avarice.

The penance must also be proportioned *to the penitent*. Hence the Council of Trent directs: "in keeping with . . . the ability of the penitents." The Code says: "according to . . . the condition of the penitent." The Ritual becomes still more explicit: "taking into consideration the state, condition, sex, age, and disposition of the penitents." The principle involved: do not exceed the capacity of the penitent ("lest he be overwhelmed by too much sorrow" . . . II Cor. 2, 7) and thus act against the primary end of the sacrament.

<sup>11</sup> Vermeersch, *op. cit.*, III, n. 500, p. 447.

<sup>12</sup> Vermeersch, *op. cit.*, *loc. cit.* Merkelbach, *op. cit.*, III, n. 550, p. 503.

<sup>13</sup> DB 905.

IV. ABOUT PROPORTIONED PENANCE.

In the light of the principles enunciated, it is already quite clear that the confessor is not free to impose penances according to his own personal whims. As Father Merkelbach puts it: the priest must impose satisfaction,

according to a reasonable decision, regulated both by prudence and the impulse of God, with consideration given to . . . the quantity and gravity of the sins and the quality and disposition of the penitent.<sup>14</sup>

Sacramental satisfaction has two functions: to pay a debt of temporal punishment and to provide a remedy for the soul. Both must be kept in mind if the penance is to be truly *proportioned*:

1. *to the gravity of the sins*: here the *general* rule (which admits of exceptions) is: the confessor must enjoin a grave penance for sins which are certainly mortal; hence a confessor who would presume, *without a just excusing reason*, to assign a slight penance in such a case, would be guilty of mortal sin. In the light of this principle it would seem that some confessors err seriously by always presuming that a penitent *hodie* with grave matter will be incapable of performing a grave penance. To such is addressed the stern warning of Trent concerning penance proportioned to the gravity of sin: assigning very light penances for very grave offenses is a connivance in those sins and makes the confessor in some way a sharer in the sins of his penitents.<sup>15</sup>

Concerning proportion of the gravity of sins a few comments should be added. First of all, what is the norm for a penance that is *grave*. A *grave* penance, as Father Kelly writes, according to the common teaching of theologians, "must involve the equivalent of something that the Church is accustomed to impose under pain of mortal sin."<sup>16</sup> Examples of grave penance would be: assistance at one Holy Mass, fasting for one full day, recitation of five decades of the rosary, recitation of the Little Office of the BVM, the devotion of

<sup>14</sup> Merkelbach, *op. cit.*, III, n. 549, p. 501.

<sup>15</sup> DB 905.

<sup>16</sup> Gerald Kelly, S.J., *The Good Confessor* (New York: Sentinel Press, 1951), p. 74.

the Way of the Cross, performance of mental prayer or reading of a spiritual book for the space of one quarter hour. The penance must be equivalent to something which the Church prescribes *sub gravi* because of the burden or quantity of work involved (*ratione oneris seu quantitatis*), not because of some other reason. Hence the recitation of a Little Hour of the Office would not constitute a grave penance: the Church commands it *sub gravi ratione qualitatis*.<sup>17</sup>

A slight penance would be one of the following: the Miserere, one of the Psalms of penance, one of the Litanies in common usage, the acts of faith, hope, and charity; 5 Paters and Aves. It should also be stated that a penance slight *in itself* can become grave for some added circumstance: e.g. the repetition of the penance for eight days or more in the case of a relapsing sinner.

2. *Proportioned to the ability of the penitent*: This obligation implies that the confessor must proportion the penance:

a. *to the strength* of the penitent: thus special directions are given by the Church for the care of the *sick* in this regard: no grave or burdensome penance now; possibly indicate what is to be done on recovery (some authors mention the need for satisfying through members of the family etc.); but assign just a slight prayer or other penance; and then, at least where the penitent is very weak, assist him in its immediate performance.

Even to well penitents, certain kinds of penance should *ordinarily* not be assigned because, as incongruous, they are beyond the penitent's strength. Among these incongruous penances (which others call extravagant and indiscreet) are the following classes: those of long duration (except for habitual sinners); public or manifest penances which in some way seem to reveal the commission of a grave sin or at least arouse suspicion thereof; unaccustomed penances; those repugnant to nature; those too burdensome (e.g. entrance into monastery or matrimony); those which are too complicated.

b. The confessor also must proportion the penance *to the dispositions* of the penitent. Father Vermeersch sees as the supreme rule of this ministry: make a distinction between penitents of less and

<sup>17</sup> Vermeersch, *op. cit.*, III, n. 500, p. 448.



those of greater good will. Treat those of less good will as leniently as possible *according to the principles*; but provide well for those of good will through their penances.<sup>18</sup>

Here the confessor must carefully avoid two extremes: the penance he assigns must *not be too slight* because of the danger of scandal or relapse; on the other hand, the penance must *not be too grave* lest the penitent refuse to accept it, or having accepted, refuse to perform it.<sup>19</sup>

Since the primary purpose of the sacrament of Penance is the salvation of men rather than the satisfaction of divine justice, if both goals cannot be reached, then the secondary one of satisfaction is minimized so that the primary one can be achieved. St. Thomas comments on this point beautifully, warning that the confessor must not extinguish the tiny spark of contrition enkindled in the soul by putting upon it too heavy a load of satisfaction.<sup>20</sup>

Hence the reasons which justify the confessor in assigning a penance lighter than the general rule demands, would look first of all to the penitent: his *physical* weakness, as mentioned explicitly earlier; his *moral* weakness—where the penitent is prudently foreseen unwilling to accept or to fulfill the penance or that he will be kept away from confession—i.e. a graver penance will harm rather than help his soul; *a special solid hope of a greater good or utility* from a lighter penance, such as more frequent confession, Communion; *the special fervor or extraordinary contrition* of the penitent (this on the authority of St. Thomas and theologians generally; yet it ought to be observed that here is a case where a greater penance is ordinarily desired, promises greater fruit).<sup>21</sup>

A confessor may also diminish penance in those cases where he himself wills to make satisfaction for the penitent, or where there is rich opportunity of Indulgences for the penitent; e.g. Holy Year, member of the Sodality of Our Lady or other richly endowed societies.

<sup>18</sup> Vermeersch, *op. cit.*, III, n. 501, p. 449.

<sup>19</sup> Vermeersch, *ibid.* Merkelbach, *op. cit.*, III, n. 550, p. 505.  
*Quodlibetum*, III, q. 13, a. 1.

<sup>20</sup> *Quaestiones Quodlibetales* (Spiazzi, edit. 8a. Turin: Marietti, 1949),

<sup>21</sup> Kelly, *op. cit.*, p. 76.

But in all these cases of diminished penance, the confessor should clearly warn the penitent that the prescribed work is quite insufficient in view of the crimes confessed, should explain the reason why a slighter penance has been given, and should exhort him to freely undertake other works of satisfaction (especially to which Indulgences are attached)—all this *lest his horror of sin should vanish*.<sup>22</sup>

3. The confessor must also proportion the penance to the quality or kind of sin, i.e. the penance assigned should be medicinal, it should work the spiritual cure of the soul. The traditional principle is that the cure should be contrary to the sin. Tradition has also consistently indicated the triple class to which all satisfactory works can be and are properly reduced: prayer, fasting, and almsgiving.

Theologians offer a second triple classification of medicinal penances: (a) those which diminish the force of the occasion or temptation, e.g. earnest consideration of the eternal truths, prompt access to the confessor prior to the return of the regularly recurring danger, avoidance of idleness or of the person enticing to sin; (b) those which diminish the force of concupiscence and passion e.g. various interior and exterior mortifications; (c) those which augment the spiritual resources of the penitent, e.g. prayer, almsgiving, frequent ejaculatory prayers, visits to the Blessed Sacrament, more frequent use of the sacraments.<sup>23</sup>

The assignment of a medicinal penance does not imply that the confessor will proportion a part of the penance to each of the kinds of sins confessed; but it does imply that according to the principle handed down by the Church he will attempt to make his injunction oppose that sin which is more frequently repeated, the cause of other sins, etc. The Ritual repeats the traditional principle and indicates *in a general way* that "almsgiving should be enjoined on the greedy, fasting or other bodily affliction on the lustful, humble works on the proud, works of devotion upon the spiritually lazy."<sup>24</sup>

In keeping with our present purpose, however, we can gather from wise teachers certain *indicative prescriptions* for some of the

<sup>22</sup> Merkelbach, *op. cit.*, III, n. 551, p. 506.

<sup>23</sup> Merkelbach, *op. cit.*, III, n. 553, p. 509.

<sup>24</sup> *Rituale Romanum*, Tit. III, cap. I, n. 20.

classes of sins and some of the kinds of penitents normally met in confessional practice.<sup>25</sup>

For the proud: prescribe the attentive consideration of man's own misery and weakness and the meditation of revealed principles such as: *Quid habes quod non accepisti?* (I Cor. 4:7).

For the avaricious and the unjust: almsgiving. Father Vermeersch notes that this work is revealed in Scripture as having a special efficacy in redeeming sin and yet is rarely, too rarely used. It should be assigned. For obvious reasons the destination of the alms should be left to the penitent completely, though a goal or ideal may be prudently suggested: e.g. that at least a part would be wisely designated for Masses.<sup>26</sup>

The Confessor should be concerned in a special way with youth, so that his medicinal injunction may prevent (*in quantum possibile*) the formation of adults returning to the same sins in a more serious form. Thus for children or youths guilty of sins of theft—what about the advisability of assigning youthful restitution. A child guilty of 'stealing' from parents could be assigned to save something from allowance to make an equivalent return to the parents in the form of an extra gift, to perform without any return extra chores at home, to make some offering to the Missions or the St. Vincent de Paul Society. Such penances will not only remedy the present fault but may well produce strength against extravagance and selfish expenditures in later life.<sup>27</sup>

For the lustful: in addition to the proportion mentioned by the Ritual, a prudent choice may be made from the following as penances to be enjoined (not merely as remedies to be suggested): the fleeing of occasions, mortification of the senses, avoidance of idleness, subtraction of some of the comforts and duration of sleep, of delicacies in food and drink.

Here too the attention of confessors is called to the need of properly choosing penances for youthful penitents guilty of sins of impurity. *Some form* of denying the food and drink appetite will not

<sup>25</sup> Merkelbach, *op. cit.*, III, n. 553, pp. 509-510.

<sup>26</sup> Vermeersch, *op. cit.*, III, n. 501, pp. 450-451.

<sup>27</sup> Donovan, *op. cit.*, pp. 655-656.

only develop the virtues of abstinence and sobriety, but also that of chastity. Such youth will hardly become adults guilty of those sins which defile the holiness of marriage. It might be said that a somewhat similar treatment would be efficacious in dealing with early sins of drunkenness, thus eliminating some of those whose lives are later sunk in alcoholism.<sup>28</sup>

For the indolent—physically and spiritually: for the former, after instruction on the necessity of diligent performance, to actually assign as part of penance the supernaturally motivated performance of duties; for the latter, constancy and perseverance in certain forms of prayers for a certain time: e.g. fidelity to morning and evening prayers for several days, or even the making of the Spiritual Exercises.

For habitual and relapsing sinners: here the penance may be of longer duration. The reason: repeated acts of virtue strongly attack the existing bad habits, favor the constant renewal of hatred of sin, and at least open the door to the formation of the contrary good habits. Saints and theologians explicitly favor greater rigor in dealing with such penitents even if there is danger of them neglecting the penance, because otherwise these sinners make little of their sins, commit them more often, and confess them without due sorrow.<sup>29</sup>

For penitents of good will, for the devout, particularly for priests and religious: because of the extraordinary value of satisfaction as sacramental, such penitents can be persuaded to desire and to request heavier penances which the confessor should enjoin.<sup>30</sup>

In all these matters we have endeavored to select instances somewhat representative of the practical situations faced by priests today. Some theologians are wont to make very clear classification of the types of penitents and then treat each type and each subdivision. Such was our original intent. But it will be noticed that if the more

<sup>28</sup> Donovan, *op. cit.*, pp. 653-655.

<sup>29</sup> St. Leonard of Port Maurice, *Counsels to Confessors* (Westminster; Newman, 1946), p. 74.

<sup>30</sup> Vermeersch, *op. cit.*, III, n. 501, p. 450.

detailed treatment was impracticable here, nonetheless we have touched upon *some* of those usually listed.<sup>31</sup>

#### V. CONCLUSIONS

Our final task is to review the more significant items which the study of the practice-doctrine situation has revealed and thus to suggest matters to which we may wish to give attention in our discussion.

1. There are several points upon which this study did not touch directly, but which must have a place in the more perfect application of the theological principles set down. Among these two stand out: (a) we will improve our pastoral performance in general if we give to each type of penitent sufficient time.<sup>32</sup> Often this will mean at least the correcting of the psychological impression that the only rule obeyed in the confessional is the completion of the case even at the expense of the integral solution of it. (b) In order to provide sufficient time, the growing practice of providing more and more hours for confessions must be encouraged still further; all factors considered, it would seem that the old one day-afternoon and evening sessions no longer suffice at least in the modern city parish.

2. As a general conclusion, it might be observed that there is surely substantial conformity with the teaching and direction of the Church on the part of confessors ordinarily; the suggestions arising out of this study have to do with the improvement of the performance already in vogue.

3. In particular:

a. The doctrine of the Church calls for grave penance for grave sins; a *morally* greater penance for a greater number of mortal sins. Here the common teaching of theologians concerning a *grave* penance should be followed.

While defending the primary purpose of the sacrament of Pen-

<sup>31</sup> The complete application of the principles to various classes could be without end. Much help can be gained from works of Pastoral Theology. e.g. Merkelbach, *Quaestiones de Variis Poenitentium Categoriis* (Liège: La Pensée Catholique, 1933);—*Quaestiones de Variis Peccatis in Sacramentali Confessione Medendis* (1935).

<sup>32</sup> Donovan, *op. cit.*, p. 653-654.

ance in the salvation of the penitent, and thus not assigning too grave a penance, the confessor might well consider the following elements in admitting excusing causes.

If satisfaction has a secondary place in the sacrament, it nevertheless has a TRUE place, which must be kept for it. It is good to avoid that extreme of gravity which would deter a penitent from Confession; it is evil to incline toward such lenity that the penitent will be deceived concerning the gravity of his sins and be led into a more facile relapse, or, because of the confessor's negligence, be left with too great punishments to be suffered in the future—which he could and would have preferred to satisfy now.<sup>33</sup> The point here is: by his injunction, the confessor must strive never to diminish, but always to increase the penitent's horror of sin and realization of its gravity (and one notes that Pope Pius XII has made rather frequent mention of the lack of this horror of sin). It is in this light that we must judge the practice of those indiscreet confessors who would almost always give a slight penance and exactly the *same* penance for even the greatest sins.

The following directions might be of some value in procuring obedience to the direction of the Church and the teaching of her theologians:

- (1) *be slow to diminish* the penance beyond due proportion;
- (2) follow the pattern of the great confessors in the history of pastoral care and attempt to dispose the penitent to truly accept the penance proportioned to his case. Perhaps enjoin it to be performed for the family, children, deceased parents, etc.<sup>34</sup>
- (3) for penitents unwilling even then to accept the due penance, try never to diminish it *simpliciter*; rather supply what is wanting in some other way: e.g. assign a less than proportioned *free* work plus some other work which the penitent is going to do or is already bound to do (Sunday Mass, Friday abstinence).<sup>35</sup>

(b) The conclusion concerning medicinal penances simply repeats the teaching of the Church: this is the secondary purpose of satisfac-

<sup>33</sup> Vermeersch, *op. cit.*, III, n. 501, p. 449.

<sup>34</sup> Merkelbach, *op. cit.*, III, n. 554, p. 510.

<sup>35</sup> Kelly, *op. cit.*, pp. 72-73.

tion, the confessor is obliged to assign penance which will fulfill that purpose.

Against this conclusion the practice of always assigning the *same* penance likewise offends. It is expected that the confessor will know how to provide an injunction of apt remedies for the usual sins presented in confession.

Competent theologians, with a certain air of resignation, seem to indicate that we are more or less limited to assigning certain forms or quantities of prayers. But others refuse to be thus resigned and simply state: "Penance is *too uniformly* reduced to a certain recitation of prayers; it would seem that this custom is to be corrected by prudent but constant effort."<sup>36</sup>

Thus by properly adhering to the commands of the Church, the confessor, by his injunctions of penance, will aid in the growth of a Catholic people endowed with due hatred for sin and efficacious love of virtue; in a special manner, by his medicinal penances for youthful penitents, he can aid the formation of strong Catholic adults whose incipient vices have been promptly cured in their early stages.

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**Digest of the Discussion:**

The discussion opened with the proposition by Monsignor Francis Carney of Cleveland of a particular difficulty that he said had been presented to him by two Catholic psychiatrists. It seems that with the development of Mariology in recent years there has been a tendency on the part of habitual sinners to place undue reliance on devotion to the Blessed Virgin Mary. They will often stay away from the sacraments and yet continue their devotion to Mary. It is not uncommon to find those who have the idea that their sins were offenses against Mary rather than against God. Father cited the example of a married woman who persisted in her practice of birth control but insisted that she was not afraid to die during the night because she always said her rosary every night before going off to sleep. Monsignor thought, therefore, that there might be a danger of not reforming the penitent if too much stress were placed on reliance on Mary and the penances assigned were consistently prayers

<sup>36</sup> Vermeersch, *op. cit.*, III, n. 501, p. 451; Merkelbach, *op. cit.*, III, n. 554, p. 510.

directed to her. He made it clear that it was not a question of directing the penitent away from Mary but rather away from non-salutary penances directed to Mary.

*Father Spitzig*, in reply, indicated that this difficulty might be related to his remark that confessors are too accustomed to restrict themselves to prayers as penances. Often they neglect to fit the penance to the type of sin. This encourages relapse by not getting to the root of the evil. People, consequently, are not being given a horror of sin.

*Monsignor George Shea* of Darlington then made the point that the real problem concerned not only the penances assigned and need of satisfaction generally but also, and more particularly, the necessity of the resolution not to sin again. This is more vitally important than the assignment of proper penances. *Monsignor Shea* said also that he would not agree that reliance on the Blessed Virgin would imply the conviction that one would be saved through her, no matter what. This attitude might be present in some cases, he said, but he did not think it was widespread. If it were, then he thought that there was a real need to preach these doctrines more effectively. In this sentiment, *Father Spitzig* concurred. He cited the fact that the Holy Office had recently condemned as minimalist a book published in Europe that opposed the tendency to put too much stress on devotion to Mary. Concerning the remark of *Monsignor Shea* on the purpose of amendment, *Father Spitzig* pointed out that long term penances might be encouraged since they had for their purpose the renewal of the resolution not to sin again. *Father Alphonsus Thomas, C.S.S.R.*, of Woodstock, Ontario, returning to the question of devotion to Mary, noted that *Pius XII* had stated in his encyclical on virginity that all other devotions are included in devotion to Mary.

*Father John Harvey, O.S.F.S.*, of Washington, D. C., then proposed two practical difficulties. In the case of an absent minded confessor who, distracted by his concern to give adequate advice, might then inadvertently assign a light penance for a grave fault, should the confessor change the penance if he notices his error before the penitent leaves the confessional? *Father Spitzig* answered that one approach might be to apply *Father Gerald Kelly's* remark to the effect that if God hadn't wanted to make up for mistakes, He wouldn't have had human confessors. *Father Spitzig* said, however, that in the case mentioned he would be inclined to change the penance. This, he thought, would be somewhat parallel to the case where a penitent adds a new sin after the penance has been assigned. Then the confessor can and should add something to the penance.

*Father Harvey's* second case concerned a situation where three children would come to confession in succession, two of them confessing slight faults and one confessing a mortal sin. Would the confessor, aware of



the probability that the children would compare penances, be justified in giving a grave penance to all three in order to protect the one who had confessed the grave fault? Father Spitzig thought that it would be best to judge each case on its own merits, that the priest is responsible to God only for this penitent here and now. He fulfills his obligations as long as the penance he assigns in itself and by its nature does not betray the mortal sin. He did remark, however, the practice of some priests during missions who announce that they want all the people to be making the stations during the mission. They do this with the realization that they will be frequently assigning the stations as a penance in the confessional. At this point the time allowed had run its course and the discussion was brought to an end.

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