THE AGE OF FIRST CONFESION

The syndicated Catholic press carried a wire story in early June of this year indicating that in the diocese of Richmond, Virginia, beginning next autumn the sacrament of penance will normally be administered to children one year after they have made their first communion (presumably therefore at the age of eight), and that the age of confirmation is to rise from around the age of eleven to around the age of thirteen. One recalls immediately the directive deferring the first reception of penance issued by Petrus Moors, the late bishop of Roermond, Holland, on May 15, 1964, which proposed the start of an instruction period on the virtue and sacrament of penance in the third grade, communal sacramental celebrations of this virtue in the fourth grade, and individual reception of absolution by children in the fifth grade. First communion is normally to be distributed in the second grade. (Cf. The Living Light, 2, 1 [Spring, 1965], in 146-55 for the documentation).

There probably have been other instances in the United States of attempts at diocesan-wide settlements of some of the pastoral problems attending the first reception of the sacrament of penance, but if so the present writer has missed them. The change reported above, consisting not only in the separation of the two sacraments but their reversed order, comes in response to a widespread demand of pastoral theologians.1 This demand is twofold: that the first reception of the bread of life should not be clouded over by an introspective search for

guilt in childhood, thus marring it forever after by close association with this guilt-search (the danger of the child’s supposing that the eucharist must always be preceded by penance is one that is largely past, I should think); and the demand that pastoral practice concerning penance—virtue and sacrament—should not get off to a bad start by the sacrament’s being administered on the wide scale to those who are not fit subjects for it; some would even go so far as to say, “valid subjects for it.” The Richmond proposal attends to the first problem, namely that of association; aside from allowing for another twelve months in the maturing process it does not seriously attend to the second problem, namely the capability of eight-year olds to profit from this experience, whether as fit subjects for forgiveness or as optimum learners at this age about the reality of personal sin, strictly so-called, later in life.2

From the fact that infants have traditionally been baptized absolutely and that the unconscious have been both absolved and anointed conditionally, it is no doubt possible to put forward a sacramental theology which will justify a rite which verbally absolves from sin those who are at the time of reception incapable of personal sin. They are, after all, members of a sinful race and belong to a Church of sinners despite their baptismal justification, hence they can be considered fit subjects for a rite concerned with removing the guilt of the post-baptismal sin which they will certainly incur. I simply spell out the main argument that could be developed in terms of human and ecclesial solidarity in sin, and the possibility of subsequent, fully conscious ratification of a sign participated in as a child.

2 The words of Aquinas on the subject are helpful here. He writes: “Cum vero usum rationis habere inceperit, non omnino excusatur a culpa venalis et mortalis peccati. Sed primum quod tunc homini cogitandum occurrat, est deliberare de seipso. Et si quidem seipsum ordinaverit ad debitum finem, per gratiam consequetur remissio originalis peccati. Si vero non ordinet seipsum ad debitum finem, secundum quod illa actae est capax discretionis, peccabit mortalitas, non faciens quod in se est. Et ex tunc non erit in eo peccatum veniale sine mortale, nisi postquam totum fuerit sibi per gratiam remissum.” (Ia, Iiae, q. 89, a. 6c)

Exactly when a person “orders himself to his proper end”—God as bonum salutare—is the very matter of the question. Joseph J. Sikora, writing on “Faith and First Moral Choice,” in Sciences Ecclésiastiques, 17 (1965), 327-37 favors the possibility of a “formal and actual, although preconscious,” knowledge of God as one’s end; in this case, “the truth of the doctrine of St. Thomas that the first moral act must result in either mortal sin or justification seems clear,” p. 337.
Since, however, penance traditionally befits those Christians who have, in fact, sinned seriously after baptism, the doctrinal and pastoral theological justification for administering it to the young has been that they are capable of serious sin after the age of "reason" or "discretion." Even if this may not be true, it is fallen back on as axiomatic that they are capable of venial sin (the very matter put in question by Aquinas). Ranwez sees in the confessions of the young a ratification of their baptism as infants, in an attempt to keep the triad of initiation baptism, confirmation, and eucharist somehow together.3

It has almost been a watchword of Catholic orthodoxy to hold that somewhere around seven years of age a child is capable of committing serious sin. If the case should be—on theological, not on psychological grounds—that the first moral choice which properly deserves that name is an option which can justify in faith and charity, and conversely can reprobate in virtue of the preference of self or creatures to God, then the popular pastoral position which holds that seven-year olds are capable of venial sin at least, in virtue of analogous moral decisions whereby theirs is real but analogous moral conduct, must also be abandoned.4 I repeat, if such a theory is correct, then a child or adolescent becomes capable of committing any and all sin, grave or light, at the same time. In the twofold event that the making of this fundamental option for or against God comprises the first possibility of venial sin as well as mortal, and that the possibility of making it does not occur until high adolescence, we then have a whole Church-full of little people regularly submitting deviant childhood behavior to adjudication which cannot be termed sinful even by analogy, our usual description of the character of venial offense.

We are not even right in saying that these actions (childhood lies, disobedience, anger, sexual curiosity) are fittingly confessed because they are the raw material for post-adolescent sinfulness. Their very material coincidence with sinful behavior without the essential character of sin, which is a fundamental choice against God and his love, seems to disqualify them from being submitted for absolution lest the

confusion between normal childhood development and genuine moral fault be implanted for life. Yet to argue in this way is to get ahead of ourselves, for the question at issue is whether the young—say children of six through ten, twelve, or fourteen—find themselves in a situation in response to which the sacrament of penance is fitting behavior on the part of the whole Church. Theirs is a “condition of sin,” they have a dawning moral consciousness, and at this age they need a fitting pedagogy of the virtue of penance—of which the sacramental discipline is but a part. Question: Is the sacrament of penance the right expression of the virtue and discipline at this point in childhood? Everything hangs on the phrases “usum rationis” and “aetas discretionis” and this paper will attempt to explore their meaning.

Needless to say, human development is a continuum. Since this is so it is not to be supposed that even the most dependable research into child psychology will yield a certain year when all of youth has arrived at the moral consciousness proper to responsible human beings. The best that can be hoped for is “around seven,” “around ten,” “around fourteen.” No one supposes that every blunder in pastoral psychology can be avoided but only the more serious ones, and with the greatest number. The hope is that in adolescent and adult life the saving sign of reconciliation which penance is will be resorted to lovingly, at need, by Roman Catholics. They will have begun to seek it out from the time they first enjoyed usum rationis, whenever that is.

The Code of Canon Law requires annual reception of the eucharist and the annual reception of penance at the same time, namely when a person has come to “the age of discretion, that is, the use of reason.” This age is not specified at that point in the Code, but elsewhere it is stated that all who have attained the use of reason except those who are not yet seven are bound to observe the ecclesiastical law unless it is expressly stated to the contrary. There is a diminished discipline with respect to penal legislation. In Canon 88, § 3, it is defined

5 Can. 859, § 1 (eucharist); 906 (penance—the same phrases used). The presumption is that the precept of annual penance binds those who have serious sins to confess (“omnia peccata sua”).
6 Cf. Can. 12; 88, § 3.
7 The canons on the age proper to the incurring of ecclesiastical penalties for crimes speak of the diminution of guilt as one descends from puberty to pre-puberty to infancy. Cf. Cans. 2204, 2230.
that those who have attained their seventh year are presumed to have reached the use of reason. I think there can be no doubt that Canon Law takes for granted that seven-year olds are capable of mortal sin and hence need to go to confession.8

In this legal corpus the child is considered a *homunculus* or small adult. Throughout the more than fifteen centuries of normative sway of the concepts basic to the Code, the idea of developmental psychology was known in only the crudest way. The rhetorical question which appears regularly in modern pastoral theological writing, “Would any court think of condemning a child of ten or twelve to death for a crime?” rings hollow in light of the fact that as late as the eighteenth century in England they were still hanging children for petty theft. There is even record of the hangman’s having to pull the child’s tiny body by the feet since its weight alone would not suffice. If the assumptions of Church law concerning child development are gravely wrong, as some contend they are, there should be no difficulty in revising the canons these assumptions led to, in light of better contemporary knowledge. It is sufficiently widely held that all legal and disciplinary settlements in church life are products of their times; certain council documents like that on *The Church in the Modern World* make this very clear. Hence there should be no basic difficulty in revising the law.

A graver difficulty for some than the Code is the fact that Pope Pius X in his decree, *Quam singulari*, on children’s communions puts the use of reason at “about the seventh year” and adds that “from that time on the obligation begins of fulfilling both precepts, confession and communion.”9 Some theologians see in both the Code and the papal decree, but more especially the latter, what they call “the ruling of the Church” or “the attitude of the Church,” hence a position

---

8 Robert O’Neil and Michael Donovan in *Psychological Development and the Concept of Mortal Sin* (Chicago: Franciscan Herald Press, 1966) go into the history of this canonical presumption in detail. “The use of the arbitrary age of seven years to mark the beginning of rational evaluation of motives and goals . . . derives from the jurisprudential norms in the ancient *Corpus Juris Civilis* of the Byzantine Emperor Justinian I, promulgated in 529 A.D. This norm of Roman civil law was incorporated into the general law of the Church,” p. 12. This pamphlet of 23 pages is based on material which first appeared in *Insight, A Review of Religion and Mental Health*.

9 DS 2137 (3530).
which one challenges only in a spirit of offense against Catholic faith in the papal office.\textsuperscript{10}

\textit{Quam singulari} does hold, however, that

The obligation of confession and communion binding the child rests principally on those who must care for the child, that is the parents, the confessor, the teachers, and the parish priest.

.. .The custom of not admitting children to confession when they have reached the use of reason or of never absolving them is to be reprobated throughly (\textit{omnino reprobanda}).\textsuperscript{11}

F. J. Connell derives from the first statement the warning that no pastor may withhold penance from a child whose parents insist that it precede communion. Quite clearly the target of the pope's stricture in the second statement is the lazy pastor who does not wish to give any time to children's needs. It should be obvious that the primacy of parents over clergy and teachers is intended by the order in which those persons are listed who are presumed to know the child's deepest thoughts: parents, confessor, teachers, parish priest. It is interesting to observe that the child's own demand for first confession is not made much of by theologians who write in favor of his ability to sin grievously. The conduct of adults is the chief matter discussed, and yet it is the child who theoretically should be most conscious of his grave spiritual need.

The case can be made, I think, that \textit{Quam singulari} as it is worded requires no special church-wide or diocese-wide legislation to authorize today's pastors—understood to mean bishops—to instruct their adult parishioners and their children in such a way that the sacrament will not be asked for until the "use of reason," meaning as advanced an age—derived from the serious study of pastoral theology—as the bishop may propose to parents and children. In such cases he would have to be careful to indicate why the centuries-old norm used by church law and Pope Pius X is still "on the books," so to say. He must have an equal care for the consciences of both the traditionalists among his parishoners who know how the law reads and those who are


\textsuperscript{11} DS 2140 (3533); 2143 (3535).
shocked by the retention of such a norm when the delicate psyches of children are at stake.

Connell says he does not believe it can be proved psychologically that children are always (italics his) to be excused from the possibility of grave sin for the several years following their seventh year, though they may be sometimes. He concludes: "I do not think that the procedure of Holy Communion before confession has sufficient arguments in its favor to warrant a change in our traditional custom." Presumably, from this statement, if it were "proved psychologically" and if the arguments in favor of the change were sufficient he would require that "our traditional custom" yield. In that case the principle contra factum non est argumentum would guide him. The "fact" he asks for, however, is the psychological proof that no seven-year old can sin mortally. This proof, we suggest, is not forthcoming, since the science of psychology does not provide "proofs" about cognitive or evaluative judgments. What it does supply is indications about human behavior in childhood on the basis of which improved pastoral practice can be begun. Since current pastoral practice is based on similar indications and not on "proof" there should be no difficulty here.

Some pastors find it sobering to consider the possibility that small children may be living in a state of unforgiven mortal sin. They are likewise worried about their being launched early on a "habit of sin." Still, one cannot escape the conclusion that the scruples of moral theologians derive from sources other than sustained worry about youthful enemies of God abroad in the world. These, we suggest, are mainly four: (1) the observation, from the limited experience of such theologians of the young (much of it in the confessional), that small children can be intelligent, wilful, and capable of verbalizing their guilt, hence—in the theologians' reckoning—capaces peccati mortalis; (2) the recollection of the theologians' own intelligence and tender conscience at an early age (this, we tentatively suggest, may be the most influential factor of all); (3) the fear that no "school" of pastoral preparation exists to prepare the young for sorrow for sin as adults if the sacrament of penance is not used early in this role, coupled with the suspicion that confessions of devotion are being.

12 Connell, op. cit., p. 268.
13 Ibid., p. 269.
impugned as part of the claim that children cannot commit mortal sin; (4) the fear that the Church will "lose face" if, in its official teaching, it has long been wrong over a matter so important as "the age of reason" and the proffering of this sacrament to subjects incapable of its benefits, or, as some would say, of any benefit. This last consideration touches immediately on the theme of this convention: can the science of theology, pastoral in this case, come to conclusions at variance with the Church's teaching authority in such a way as to provide a corrective for that authority?

In proceeding to a tentative solution of some of the problems which attend the age of first confession, we should keep in mind that there is question here of part of the discipline of the sacrament which has had a very checkered history in both East and West. Never did the Church presume to say who could and could not commit serious sin, who had and had not committed it. The most that was ever spelled out was the overt behavior which deserved censure. It is a confusion for either side in this dispute to claim that knowledge of either the possibility or the fact of sin by Christians of any age is the point at issue. What the Church has done is demanded metánoia or conversion to the Lord in all its members. The Church has instructed its members to search their hearts and make confession—sometimes public, sometimes private—of their guilt. The Church has had various disciplines and catechetical practices with respect to the need for penance. One of these—the one best known to the West, beginning some time before the year 1000—has been the submission of the guilt one is conscious of to a priest in private for God's forgiveness through Christ and the Church. The point at issue is, does the practice of proposing to seven-year olds that they receive this sacrament because they may well need it (to be rid of serious sin) accord well or ill with our knowledge of the mental and emotional condition of children at this age? In general, does this practice square with what can be deduced by adults of the realities of childhood?

A church-wide law or Western Church-wide law is made for the general run of men. It does not try to deal with every exception: the precocious, the retarded, the juvenile saint or sinner. God can take care of the exceptions. Not everything needs to be done by the Church ad cautelam. The whole faith community does need to conduct itself
in such a way that it will instruct the young well, relieve them of youthful anxieties and not multiply them, and give to the young the means to Christian holiness they need when it seems they need them.

One could, at this point, present the results of studies in the development of moral consciousness done over several decades by scholars such as Gesell and Ilg,14 Piaget,15 Werner,16 and Kohlberg17; to them one could add the studies in the consciousness of guilt done by Roman Catholics Eve Lewis,18 C. Sandron,19 and J. J. Larivière.20 The evidence is overwhelming that the thinking of the young is syncretic or global, that it is non-logical, concrete, and non-relational. As late as the age of eleven or twelve years, according to Piaget, concepts are not readily comprehended, and two-way relationships are mastered only with difficulty. The higher level of thought, which is articulated, abstract, and relational, is placed by Werner at between thirteen and fifteen years of age. Kohlberg says that by the first grade most children know the basic taboos in our society, namely what things adults are against, although often they do not know why they are against them. He proposes three levels of awareness or response: The Premoral Level (punishment and obedience; instrumental hedonism), The Morality of Conventional Role Conformity (approval of others; authority-maintaining morality), and The Morality of Self-Accepted Principles. The last two of his six "types" are the morality of contract and democratically accepted laws, and the morality of individual principles and conscience. In his studies, chronological age correlates high with moral internalization, whereas I. Q. correlates low

with it, indicating that high intelligence alone cannot overcome the development obstacle. None of the authors cited above considers conceptual thinking possible in a consistent and sustained way before eleven to thirteen years of age. Most of them would put the perfection of moral awareness somewhere between thirteen and fifteen years.

These psychological data do not settle who is and who is not capable of mortal sin. They do establish that early childhood, up through and including seven, has memory and mimicry as its better developed faculties than thought. This fact can easily deceive as to what children “know” about behavior. Children know what they remember having been told about behavior; they do not readily make it their own possession. Social acceptance is a high-value item with them; they regret or are sorry for what they know it behooves them to be sorry for. In general they are not yet capable even by age eleven of a genuine reciprocal relation with other human beings, much less with God; yet the latter relation is the essence of Christian virtue, as its absence is of sin. We are not maintaining that conceptual thought is the only avenue to a personal commitment in faith. There is such a thing as a preconceptual and prejudgemental reaching out to the good, that God who saves. Evaluative cognition in its perfection—i.e., the type proper to adult ethical life—comes later in the lives of most young people, namely with the onset of puberty. This is not the same as to say that the first opportunity to accept grace or refuse it consciously comes at that time. When that is, no man knows or needs to know. What the Church must do is conduct itself in such a way that no false ideas about imputability and sin are wrongly deduced from its penitential practice. Moral awareness comes slowly and gradually. Something that seems to resemble it comes long before it, standing in the relation of acorn to oak with respect to it. The acorn may not be declared an oak by fiat; the properties of the tree may not be assigned to the fruit on the theory that they are there latently or in potency. They are not there, in fact, now, and the acorn that is dealt with as if it were an oak can be crushed or stunted by any such anticipation of its possibilities. Similarly, the child who will as an adolescent or adult freely choose for or against God may not be assumed to be capable of such free choice at every moment of his development. He may come to be that adult provided he is not untimely assumed to be such beforehand.
The small child needs help in coming on to an awareness of his sinfulness and his need for repentance as he comes to realize his latent power to choose for and against God in his daily life. The whole Church must help him in this. Is not the sacrament of penance the best means to school him in the need for repentance? Some say that it is. Ranwez deplores the standard catechesis on this sacrament—admitting readily that it is full of bad theology, bad psychology, and bad liturgy. He asks that this catechesis be done well, and if it is he sees no cogent arguments against early confession. The child of six is in an optimum condition of openness, he holds, to the awakening of his religious sense. From the fact that he tends to think globally the child can take in the whole rite of conscious initiation as a unit; penance, confirmation, and eucharist in that order. Ranwez admits that penance should probably be administered to some with confession between seven and eight and a half, and for others be a “first celebration on the subject of confession” (p. 25); in this way he attends to the problem of differences in maturation. Ranwez holds that if the child is not opened to his religious possibilities at six or seven there is real question whether this can successfully be done at nine or ten. For him the one is a necessary preliminary to the other.

I concede readily with him that this is so. At the same time, while holding for a beginning of the catechesis on penance at the early age of six, I nonetheless do not think that administering the sacrament at seven is wise. I propose, rather, experimenting to discover whether ten or eleven should be the first time at which children confess individually, though they may have received absolution communally before that. My proposal, it should be needless to say, makes sense only in a context of a parish or school life where there is good liturgical celebration of the sacraments, chiefly the eucharist and penance, and where the formal catechesis on penance has been carried on in well-planned stages culminating in the sacrament. My reason for the deferment—on those terms, understand—is that I am convinced that any earlier attempts to teach the meaning of mortal sin to the young will end in convicting them of mortal sin in a state of false conscience. No matter what delicacy is employed, very shortly the discussion will arrive at what is, or could be, mortal sin for them. Given their stage of psychological development and their studiousness to please, given their response to authority figures (sisters and clergy in particular,
and all catechists and teachers in preference to all parents), children will accommodate themselves. They will have mortal sins.

In this sense I agree fully with the theologians who say that small children can sin seriously from a subjective point of view. They can because they have been taught to think they can, and since this is so they will not know well into adolescence or adult life whether they can or not. Genuine metánoia or conversio to God, the real purpose of confession, is so important that it should not be threatened by anything, least of all by a counterfeit of itself. The words used in expressing sorrow may be the same, the ideas discussed may be the same, but the reality is different. A real turning away from self and creatures to God has very probably not taken place. Worst of all, it is thought by both adults and children that it has, at least in some childlike or beginning way. The child was fed meat when it could only assimilate milk. If it would gag or choke before people’s eyes they might then stop the feeding process. But the meat seems to go down and because it does all alike are deceived. The harm that was done is apparent only years later in psychiatrists’ offices, in broken marriages which have sexual ignorance or false guilt as their basis, in the broken lives of those who have been ordained or professed as religious, in the continuing childishness of the confessions of adults and their corresponding inability to conceive genuine sorrow over real sins.

I should like to make it clear that I favor as the primary goal an improved catechesis for the young on sin and repentance. This will include good beginnings in these matters by parents, which in turn means good adult formation by clergy and other teachers. I include the deferment of the sacrament of penance as an important, even a necessary part of good catechesis. I do not think that the deferment of the sacrament should ever be thought of as an independent good. Such a procedure would undoubtedly induce fewer traumas, but if it came after a vacuum catechesis on humanity-wide and personal sin and guilt, then indeed the question, “How could you ever get them to confess?” would be valid. Ten or eleven is not a good time to start from the egg something that is of great importance for life.

My compelling reason for omitting the confession of sins while pressing for an effective catechisis of penance is the evidence provided by those who know the consciences of the young best, both scientifi-
cally and non-scientifically. They have not “proved” that the young cannot commit serious sins, any more than the assumption and long-standing practice of the Church have “proved” that they can. What child experts have established is a set of clear indications pointing to the need of a pastoral practice which will omit trying to inform children on the nature of *hamartia*, the reality of sin, when they appear incapable of such assimilation. We are going to act on a probability in this matter in any case, and I suggest that the state of childhood incapacity is the greater probability. In the case of children who may be guilty of serious sin before God in childhood, they should be given enough help in their penance catechesis both to conceive and, in celebration, to express sufficient sorrow that their guilt will be wiped away. Banking on such extra-sacramental forgiveness does not derogate from the sacrament of penance. It is rather a vote of confidence of the whole Church with respect to what was once called *poenitentia secunda* and *baptismus laboriosus*.

Perhaps Paul Horgan says better all that I have been trying to say in the paper above. His childhood memoir, *Things As They Are*, begins this way (the first chapter in entitled “Original Sin”): 21

> “Richard, Richard,” they said to me in my childhood, “when will you begin to see things as they are?”

But they forgot that children are artists, who see and enact through simplicity what their elders have lost through experience. The loss of innocence is a lifelong process—the wages of original sin. Guilt is the first knowledge.

> “Richard,” they said, “are you terribly sorry?”

> “Oh, yes.”

Gerard S. Sloyan

*Catholic University of America*

*Washington, D.C.*