



Decree of the Canadian Conference of Catholic Bishops

for the purpose of
applying the norms of the

APOSTOLIC LETTER
IN THE FORM OF *MOTU PROPRIO*

MISERICORDIA DEI

On Certain Aspects of the Celebration
of the Sacrament of Penance

Adopted by the Plenary Assembly of the Canadian Conference of Catholic Bishops, 19 October 2007.

Most Reverend André Gaumond
Archbishop of Sherbrooke
President of the Canadian Conference of Catholic Bishops

Msgr. Mario Paquette, P.H.
General Secretary

Received the *recognitio* of the Holy See, 20 November 2007.

Promulgated 30 January 2008 by the Permanent Council of the Canadian Conference of Catholic Bishops.

COPIE CONFORME d'un document officiel Document officiel de la CECC	No : 2008-01 Date : 30-01-2008	TRUE COPY of an official document CCCB Official Document
--	---------------------------------------	--

Preliminary note

1. Whereas Article 6 of the *Motu Proprio Misericordia Dei* establishes that “the various Conferences, observing Canon 455, § 2 of the Code of Canon Law, shall send as soon as possible to the Congregation for Divine Worship and the Discipline of the Sacraments the text of the norms which they intend to issue or update in the light of this *Motu Proprio* on the application of Canon 961”;
2. Whereas the objective noted in the aforementioned article 6 is to “foster an ever greater communion among the Bishops of the Church as they encourage the faithful everywhere to draw abundantly from the fountains of divine mercy which flow unceasingly in the Sacrament of Reconciliation”;
3. Taking into account that on 5 December 2003 the General Secretary of the Conference asked the Bishops of Canada for the information indicated in Article 6 of the *Motu Proprio* and that he received sufficient information to support the Decree of the Conference;

The Canadian Conference of Catholic Bishops hereby decrees:

Art. 1. Individual and integral confession and absolution are the sole ordinary means by which the faithful, conscious of grave sin, are reconciled with God and the Church, apart from cases of physical or moral impossibility.ⁱ

Art. 2. Bearing in mind that the faithful have a right to individual and integral confession of their sins (cf. canon 213), “all to whom by virtue of office the care of souls is committed, are bound to provide for the hearing of the confessions of the faithful entrusted to them, who reasonably request confession, and they are to provide these faithful with an opportunity to make individual confession on days and at times arranged to suit them.”ⁱⁱ

Art. 3. All priests with faculties to administer the Sacrament of Penance are always to show themselves wholeheartedly disposed to administer it whenever the faithful make a reasonable request.ⁱⁱⁱ

Art. 4. Local Ordinaries, as well as parish priests and rectors of churches and shrines, are to verify periodically that the greatest possible provision is being made for the faithful to confess their sins.^{iv}

a) It is particularly recommended that in places of worship confessors be visibly present at the advertised times, that these times be adapted to the real circumstances of penitents, and that confessions be available especially before Mass, and even during Mass if there are other priests available, in order to meet the needs of the faithful.^v

i Cf. Apostolic Letter in the form of *Motu Proprio Misericordia Dei*, n. 1, a).
ii *Code of Canon Law (CIC)*, canon 986, § 1, quoted in *Misericordia Dei*, n. 1, b).
iii Cf. *Misericordia Dei*, n. 1, b).
iv Cf. *Misericordia Dei*, n. 2.
v Cf. *Misericordia Dei*, n. 2.

b) To this end, a schedule showing the times and places of confessions is to be posted where convenient and made public through other habitual means of communication such as the parish bulletin and the website of the parish or shrine, if one exists. Confessions should normally be scheduled at least weekly in parish churches and other Mass centres, at times of convenience to the faithful. If this is not possible, other arrangements should be made, but with opportunities for individual confession available, in each of these locations, at least once per month.

c) In order to encourage the welcoming of penitents, priests can be reminded that “other works, for lack of time, may have to be postponed or even abandoned, but not the confessional.”^{vi} An estimate of the number of hours that each priest spends weekly in receiving penitents can permit a better evaluation of his availability and the needs of penitents.^{vii}

Art. 5. At the beginning of the third millennium, Pope John Paul II asked for “renewed pastoral courage in ensuring that the day-to-day teaching of Christian communities persuasively and effectively presents the practice of the Sacrament of Reconciliation,” adding that “it is probably necessary that pastors should arm themselves with more confidence, creativity and perseverance in presenting it and leading people to appreciate it.”^{viii} In this regard, Bishops are to:

a) Invite all priests to undertake without delay a vigorous revitalization of the Sacrament of Reconciliation, understood as a requirement of genuine charity and true pastoral justice,^{ix} reminding them that all the faithful - clergy and laity - when they have the proper interior dispositions have the right to receive personally the sacramental gift;^x

b) Constantly encourage the faithful to seek out the graces of the Sacrament of Penance, particularly within the foreseen schedules (in accordance with the norms of Art. 4, above), bearing in mind, however, that the desire of the faithful to have recourse to the Sacrament of Penance is greatly increased in the periods of Advent, Lent and until Trinity Sunday (i.e., the time of Easter duty), and on the occasion of important feasts of the liturgical year. It is, hence, necessary in these times to do whatever possible to provide additional periods for individual confession and similarly to arrange liturgical celebrations for the reconciliation of several penitents with individual confession and absolution, in accordance with the rites prescribed in the liturgical books.

vi Pope Paul VI, Allocution of 20 April 1978, *Acta Apostolicae Sedis (AAS)*, Vol. 70 [1978], pp. 328-332; *Origins*, Vol. 7 [1977-1978], pp. 721, 723-724.

vii Cf. *Misericordia Dei*, n. 1, b).

viii Pope John Paul II, Apostolic Letter *Novo millennio ineunte*, n. 37, quoted in *Misericordia Dei*, preamble.

ix Cf. *CIC*, canons 213 and 843, §§ 1 and 2.

x Cf. *Misericordia Dei*, preamble.

Art. 6. The “integral confession of mortal sins”, which is to say, the confession of each and every mortal sin, as well as any specifying moral circumstances, is by divine decree a constitutive part of the Sacrament, and thus in no way subject to the discretion of pastors. Therefore, in order that the minister of the Sacrament may know the dispositions of penitents with a view to granting or withholding absolution and imposing a suitable penance, it is necessary that the faithful, as well as being aware of the sins they have committed, of being contrite and resolved not to fall into them again, should also confess their sins. The Church has always seen an essential link between the judgment entrusted to the priest in the Sacrament and the need for penitents to name their own sins, except where this is not possible.^{xi}

Art. 7. “The faithful are bound to confess, in kind and in number, all grave sins committed after baptism, of which after careful examination of conscience they are aware, which have not yet been directly pardoned by the keys of the Church, and which have not been confessed in an individual confession.”^{xii} Thus, any practice which restricts confession to a generic accusation of sin or of only one or two sins judged to be more important is to be reprobated. Indeed, as all the faithful are called to holiness, it is recommended they also confess venial sins.^{xiii}

Art. 8. In view of the above norms, the simultaneous absolution of a number of penitents without previous individual confession, as envisaged by Canon 961, § 1 of the *Code of Canon Law (CIC)*, is exceptional in character, cannot be imparted in a general manner, and is in no way interchangeable with individual and integral confession. Specifically, it cannot be imparted unless either: *the danger of death is imminent* and there is not time for the priest or priests to hear the confessions of the individual penitents or else a *grave necessity* exists, according to the terms and conditions indicated in the canons cited above and as set forth in ***Misericordia Dei***, n. 4, and in this Decree.

Art. 9. Since this norm of Canon 961, § 1 of the *CIC* constitutes an exception to the general rule of law, it is to be interpreted strictly.^{xiv}

Art. 10. It is not the role of this Decree to specify *danger of death*. The *Motu Proprio* asks only that it specify the cases of *grave necessity* that can appear in Canada and would justify, even by way of exception, the absolution of a group of penitents without prior individual confession, when the diocesan bishop decides that the requirements of Canon 961 are duly met.^{xv}

Art. 11. According to the survey of Canadian dioceses, the conditions of *grave necessity* do not normally exist, but could arise in the following cases:

xi Cf. ***Misericordia Dei***, preamble, citing the Council of Trent.

xii *CIC*, canon 988, § 1.

xiii Cf. *CIC*, canon 988, § 2; Catechism of the Catholic Church, n. 1458; ***Misericordia Dei***, n. 3.

xiv Cf. *CIC*, canon 18 and the Response of the Pontifical Council for Legislative Texts, Prot. 5309/96 in *Communicationes*, Vol. 28 [1996], pp. 177-188.

xv Cf. *Misericordia Dei*, n. 6.

a) in Christian communities in isolated areas of the country where there is no priest, and which are visited only once or very few times a year by a priest who, due to the number of those wishing to confess their sins, cannot celebrate the Sacrament in a proper manner and within an appropriate time,^{xvi} as might happen when particularly severe and prolonged weather conditions strike such areas;^{xvii}

b) in Christian communities in isolated regions far from major centres and which can only count on the occasional presence of an extremely limited number of priests, often of an elderly age, who, due to the number of those wishing to confess their sins, cannot celebrate the Sacrament in a proper manner and within an appropriate time.

Art. 12. When the conditions enumerated in paragraphs a) or b) of Article 11 exist and, when despite the efforts to implement Articles 2, 3, 4, and 5, the faithful are still deprived of sacramental grace for a period beyond two months, the conditions of *grave necessity* may not be judged to be present, unless the faithful cannot find a priest for the duration of that period within less than two hour's travel by normal means.

Art. 13. In the cases foreseen in Articles 11 and 12, the diocesan bishop^{xviii} is to take the necessary measures to offer these communities the possibility of receiving the Sacrament of Reconciliation as soon as possible. If no other possibility exists, the absolution of a group of penitents without prior individual confession still cannot take place and is gravely unlawful, unless the concrete case has been previously referred to the diocesan bishop, and has received in writing a favorable judgment based upon the requirements of law (cf. canon 961, §§ 1 and 2).^{xix} In such a case, the absolution given to a group of penitents without prior confession must always be preceded by an appropriate catechesis as explained below.

Art. 14. This catechesis is to be undertaken by the celebrant before granting absolution to a group of faithful without prior individual confession, so as to prepare them to be properly disposed to receive the Sacrament of Penance in this exceptional form. The catechesis is to include the following points:^{xx}

a) The need to make an act of contrition and a firm personal resolution to confess at the opportune time - and always before again receiving absolution given simultaneously to several people - each mortal sin that one had not been able to confess personally;^{xxi}

xvi Cf. *Misericordia Dei*, n. 4, 2°, c).

xvii Cf. *Misericordia Dei*, n. 4, 2°, a).

xviii Cf. *CIC*, canon 961, § 2.

xix Cf. *Misericordia Dei*, n. 5. It is to be borne in mind that diocesan bishops do not have the authority "to change the required conditions, to substitute other conditions for those given, or to determine grave necessity according to their personal criteria however worthy" (Pope Paul VI, Allocution of 20 April 1978, *AAS*, Vol. 70 [1978], p. 330). Indeed, the diocesan bishop makes "this judgement *graviter onerata conscientia*, and with full respect for the law and practice of the Church" (Pope John Paul II, Apostolic Exhortation *Reconciliatio et Paenitentia*, 2 December 1984: *AAS*, Vol. 77 [1985], p. 270).

xx Cf. *Misericordia Dei*, n. 7, b).

xxi Cf. *CIC*, canon 962 and *Misericordia Dei*, n. 7, a) and n. 8.

b) The profound conviction that the obligation to confess grave sins to a priest is only delayed by general absolution but not rescinded. Indeed, the Precept of the Church obliging all the faithful to confess mortal sins at least once a year obliges even in this case;^{xxii}

c) The certainty that a member of the faithful cannot have recourse again to general absolution without first having recourse to a personal and integral confession of his or her sins as soon as there is an opportunity to do so, unless a just reason intervenes;^{xxiii}

d) The reminder that penitents who live in a habitual state of grave sin and have no intention of changing their situation cannot validly receive absolution.^{xxiv}

Art. 15. With regards to the *place* and *confessional* for the celebration of the Sacrament, Decree No. 20 of the Canadian Conference of Catholic Bishops (CCCB), dated 12 December 1987,^{xxv} is in conformity with Canon 964 and with Article 9 of the *Motu Proprio Misericordia Dei*, provided that it is understood in accord with the authentic interpretation of the Pontifical Council for the Interpretation of Legislative Texts of 7 July 1998,^{xxvi} which states that the minister of the Sacrament “for a just reason and apart from a case of necessity, can lawfully decide, even if the penitent may request otherwise, that a sacramental confession be heard in a confessional equipped with a fixed grille.”^{xxvii} All future references to CCCB Decree No. 20 should, therefore, include reference to the above mentioned authentic interpretation.

xxii . Cf. *Misericordia Dei*, n. 3, and *CIC*, canon 989.

xxiii . Cf. *CIC*, canons 963 and 989.

xxiv . Cf. *Misericordia Dei*, n. 7, c).

xxv . DO n° 579.

Canadian Conference of Catholic Bishops, *Complementary Norms to the 1983 Code of Canon Law*, Ottawa, 1996, pp. 69, 71.

xxvi . AAS, Vol. 90 [1998], p. 711.

xxvii . *Origins*, Vol. 32 [2002-2003], pp. 13-16.