RODRIGUEZ AND THE CONFESSION OF DOUBTFUL MORTAL SINS

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Contents

Rodriguez and the Confession of Doubtful Mortal Sins 3

Rodriguez and the Confession of Doubtful Mortal Sins

The Practice of Perfection and Christian Virtue by Alphonsus Rodriguez, S.J., has long been a standard ascetical work for religious, especially in novitiates. Excellent though it is, there are occasional points which, to say the least, could well profit from revision. One rather important instance of this, in the treatise on the virtue of chastity, is Rodriguez' statement on the obligation of confessing doubtful mortal sins. He says:

> There are other things about which it is not easy to determine whether they amount to mortal sins or not, because they are very doubtful; and these also you are bound to confess under pain of mortal sin, saying that you were in doubt whether such a thing that you did was a mortal sin or not, or that you doubt whether you consented or took delight voluntarily and with advertence in the thing or not. Thus it is enough for one to be in doubt whether his fault amounted to mortal sin or not, to be bound to confess it under pain of mortal sin; and if he does not confess it, his confession will be sacrilegious, and his Communion also.[1]

1 Alphonsus Rodriguez, S.J., *Practice of Perfection and Christian Virtues* 3 (tr. J. Rickaby, S.J.; Chicago: Loyola University Press, 1929) 238.

A number of points are included in this brief paragraph, most of which are contrary to present teaching on the matter. A suggested revision might read:

> If one is in doubt whether a certain action is mortally sinful or not, and goes ahead with full advertence and consent without resolving the doubt, he commits a mortal sin and is bound to confess it. But if, after an action, one doubts whether or not he has committed a mortal sin, there is no obligation to confess it, whether the doubt is about the gravity of the matter or the fulness of advertence or consent. Ascetically, it is usually more perfect to confess such doubts, but not obligatory.

This is the common teaching of theologians of the past two centuries.[2]

2 E.g., St. Alphonsus Liguori, *Theologia moralis* (ed. L. Gaudé; Rome: Vatican Polyglot, 1909) lib. 6, n. 473; J. Aertnys, C.SS.R., and C. Damen, C.SS.R., *Theologia moralis secundum doctrinam s. Alfonsi de Ligorio doctoris ecclesiae* 2 (12th ed.; Turin: Marietti, 1932) n. 300, q. 1; J. Busquet, C.M.F., and J. Garcia-Bayon, C.M.F., *Thesaurus confessarii* (10th ed.; Madrid: "Coculsa," 1940) n. 834; F. Cappello, S.J., *De poenitentia* (4th ed.; Turin: Marietti, 1944) n. 162, 1; H. Davis, S.J., *Moral and Pastoral Theology* 3 (6th ed.; London and New York: Sheed and Ward, 1949) 377, nn. 1, 2; E. Healy, S.J., *Christian Guidance* (Chicago: Loyola University Press, 1949) p. 172; H. Jone, O.F.M.Cap., and U. Adelman, O.F.M.Cap., *Moral Theology* (3rd ed.; Westminster, Md.: Newman, 1953) n. 565; G. Kelly, S.J., *Review for Religious* 2 (1943) 371; A. Koch and A. Preuss, *A Handbook of Moral Theology* 2 (St. Louis: Herder, 1919) 154; C. Marc, C.SS.R., F. Gestermann, C.SS.R., and J. Raus, C.SS.R., *Institutiones morales alphonsianae* 2 (19th ed.; Lyons: Vitte, 1934) n. 1695, reg. 2; L. Muller, C.S.Sp., *Somme de théologie morale sous forme de code* (rev. ed.; Paris, Tournai, Rome: Desclée, 1937) n. 879, 1; H. Noldin, S.J., and A. Schmitt, S.J., *Summa theologiae moralis iuxta codicem iuris canonici* 3 (30th ed.; Innsbruck: Rauch, 1954) n. 280, 1, 2; D. Pruemmer, O.P., *Manuale theologiae moralis secundum principia s. Thomae Aquinatis* 3 (10th ed.; Barcelona: Herder, 1946) n. 375; E. Regatillo, S.J., and M. Zalba, S.J., *Theologiae moralis summa* 3 (Madrid: Biblioteca de Autores Cristianos, 1954) n. 549; A. Sabetti, S.J., and T. Barrett, S.J., *Compendium theologiae moralis* (33rd ed.; New York: Pustet, 1931) n. 744; A. Tanquerey, S.S., *Synopsis theologiae moralis et pastoralis* 1 (10th ed.; Tournai: Desclée, 1925) n. 230; A. Vermeersch, S.J., *Theologiae moralis principia, responsa, consilia* 3 (4th ed.; Rome: Gregorian University, 1948) n. 541.

To explain it a little more fully, point by point: first, one may not act with a doubtful conscience. If one doubts whether an action is mortally sinful or not, one must resolve the doubt before acting. If one does not resolve the doubt and deliberately does the action anyhow, it means that he is willing to offend God gravely, and therefore he commits a mortal sin. However, if he first settles his doubt legitimately in his own favor, whether by asking his confessor, by looking up the matter in a reliable book, or by correctly applying the principles of probabilism, then he commits no sin.

If, after an action, a person doubts about whether the matter was grievous, or about whether he had any realization of its being grave when he performed the action, then he is not obliged to confess it. However, if the doubt is about the gravity of the matter, he should find out before he does the action again. One way would be to ask his confessor, but he is not obliged to solve the doubt in that precise way, if he can do it legitimately in some other way.

Sometimes doubts arise about the fulness of advertence or consent after an action which is undoubtedly grievous matter, such as actions against the sixth commandment. Again, there is no strict obligation to confess such doubts, although it will usually be advisable to do so. If one deliberately omits such doubtful mortal sins from his confession, provided he is sorry for whatever fault there may have been in them, they are remitted by the absolution, even if they were in fact mortal sins. If there is real doubt about such sins, and not just scruples or feelings of guilt about them, then one must either make an act of perfect contrition[3] before receiving Holy Communion, or go to confession. But confession is not necessary if the act of contrition is made; and if one does go to confession, he need not mention the doubtful mortal sins.

3 The ordinary act of contrition of the catechism is an act of perfect contrition. The fact that motives of imperfect contrition are also elicited does not exclude perfect contrition. The two can exist simultaneously.

In any case, when one does confess doubtful mortal sins, they should be confessed as doubtful, and not simply as mortal sins.

As was said before, this is and has been the common doctrine of theologians throughout the Church for the past two centuries, following St. Alphonsus Liguori, and so is perfectly safe to follow in practice. Most theologians add a few distinctions for confessors in proposing this doctrine to their penitents. Uninstructed penitents who doubt about the gravity of matter are to be told to confess such doubts, since the confessor is their only practical source of finding out what is or is not grave matter, for future practice. Penitents with obviously lax consciences should be told to confess all doubtful mortal sins; not because the law is different for them, but because it is true in general that a lax conscience will often judge a sin to be doubtfully mortal without any good reason; that is, when a sin is clearly a mortal sin. At the other extreme, penitents with scrupulous consciences should be ordered not to confess doubtful sins. In between, penitents with ordinary tender consciences are to be exhorted to confess doubtful mortal sins, but not obliged to do so.[4]

4 On the uninstructed or *rudes*, cf. Davis, Noldin-Schmitt, Pruemmer, Vermeersch, *loc. cit.*; for other categories, cf. these same authors and also Jone-Adelman, Kelly, Muller, Regatillo-Zalba, *loc. cit.* Only J. Card. D'Annibale, *Summula theologiae moralis* 3 (5th ed.; Rome: Desclée, 1908) n. 306, thinks it better for those of tender conscience not to confess doubtfully committed sins.

If all this is the common teaching of theologians in the Church today, one may readily wonder how Rodriguez came to propose so severe a doctrine. The explanation lies partly in the fact that theological opinion was divided in his day,[5] and many theologians held an opinion similar to his.

Such were some of the popular Spanish moralists then more or less current, as Martin Azpilcueta ("Doctor Navarrus") and Emmanuel Sà, S.J.,[6] or, a more likely source for Rodriguez, the Parisian ascetical and mystical theologian, John Gerson, whom he cites so often. Gerson would oblige a person to confess a doubtful mortal sin unless he judged it more probable that he had not committed it.[7] Rodriguez, however, does not even make allowance for such probability. His language is more like that of Louis Molina, S.J., who in an incidental statement in his treatment of sins of detraction, says that "in doubt whether the sin was mortal, there is an obligation under pain of mortal sin to confess it."[8]

5 His work was published in 1609.

6 Navarrus, *Manuale confessariorum et poenitentium* (Antwerp: Belleros, 1625) cap. 9, n. 14; Sà, *Aphorismi confessariorum ex variis doctorum sententiis collecti* (Cologne: Christophori, 1603) verb. *Confessio*, n. 7. Both of these authors have phrases that could be interpreted to allow the more liberal opinion, although it would seem to be stretching their meaning. Navarrus says that they must not omit confessing doubtful mortal sins "from shame, hypocrisy or other unjust cause." He admits the possibility of just causes excusing, but does not seem to include positive probability against the existence of mortal sin. Sà is milder but still seems to lean to the more severe opinion. "Confession is to be repeated . . . if one knowingly omits a mortal sin or what he thinks was such even though with some doubt (but not if he thinks it was not a mortal sin)."

7 J. Gerson, *Opera omnia* 2 (Antwerp: Societatis, 1706) *Sermo de poenitentia, in Cena Domini*, consideratio 4, Quaeritur de dubiis. Even his phraseology seems to leave a loophole for the liberal opinion. He says that "a man either believes more that he sinned mortally in this fact or that, and so is bound to confess or to resolve (*deponere*) his conscience." This seems to mean that in doubts about mortal sins the penitent must either confess them or resolve the doubts. However, he does not seem to consider a solidly but less probable judgment as sufficient for resolving the doubt.

8 *De iustitia et iure* 5 (Antwerp: Hetsroy, 1609) tract. 4, disp. 29, n. 7: ". . . atque in dubio, num culpa fuerit lethalis, obligatio est sub culpa lethali de ea confiteri."

While this may explain how Rodriguez himself came to propose the severe opinion, it does not explain how such an opinion came to be held by so many theologians. The explanation can be pushed back one step further by pointing out that most of these theologians were following St. Thomas Aquinas.

St. Thomas did not treat the question directly, but in answering an objection on another point he did say:

> When one doubts whether a sin is mortal, he is bound to confess it as long as the doubt remains; because he who does or omits anything while he doubts about its being a mortal sin, sins mortally, by exposing himself to the risk. In a similar manner, he exposes himself to danger, who fails to confess what he doubts is a mortal sin. However, he should not assert that it was a mortal sin, but he should say that it is doubtful and leave it to the judgment of the priest, whose duty it is to distinguish leprosy from leprosy.[9]

9 *In IV Sent.*, d. 21, q. 2, a. 3, ad 3m: "Ad tertium dicendum, quod quando aliquis dubitat de aliquo peccato an sit mortale, tenetur illud confiteri dubitatione manente; quia qui aliquid committit vel omittit, in quo dubitat esse mortale peccatum, peccat mortaliter, discrimini se committens. Et similiter periculo se committit qui de hoc quod dubitat esse mortale, negligit confiteri. Non tamen debet asserere illud esse sed cum dubitatione loqui, et judicium sacerdotis expectare, cujus est discernere inter lepram et lepram." (Also given in the Supplement to the *Summa theologica*, q. 6, a. 4, ad 3m.)

Since the authority of St. Thomas is so great in theology, those who hold the more liberal view have tried to explain away this passage. Some, including St. Alphonsus,[10] say that he was speaking only of doubts about the gravity of the matter and was saying that the ordinary way for an uninstructed person to learn correctly what is or is not grave matter would be to ask his confessor; that the Angelic Doctor was not talking about doubts of advertence or consent. Otherwise, he should have said that it was the confessor's duty to distinguish leprosy from health, and not leprosy from leprosy.[11]

10 *Op. cit.*, lib. 6, n. 474.

11 Cf. Pruemmer, *op. cit.*, 3, n. 375.

Or perhaps St. Thomas is only saying that if one doubts about whether or not he is bound gravely to confess a sin, and deliberately omits confessing it while that doubt still remains ("manente dubitatione"), he is acting with a doubtful conscience and so sins mortally. If this be his meaning, he should have added that if one resolves the doubt by properly applying the principle that a doubtful obligation is no obligation, he would not sin in failing to confess it.

The simplest explanation, however, would seem to be that this is an example of that rare but not unknown occurrence, an error in the Saint's reasoning. He seems to infer that it is a mortal sin to omit confessing a doubtful mortal sin because it is always a mortal sin to act with a doubtful conscience. If that truly represents his reasoning, he is guilty of a *non sequitur* or at least of a lack of precision. All admit that to act with a doubtful conscience is sinful; but one can resolve a doubt about liceity in favor of freedom and act without sin. So, St. Thomas should have concluded that he who omits confessing something while doubting whether or not he is bound to confess it, sins; but he who resolves his doubt in favor of freedom and omits the confession does not sin.

Some authors attempt to explain away the difficulty by saying that St. Thomas is using the word *doubt* in a technical sense, which would mean that one's judgment was entirely suspended; that he was not talking about cases in which one judges that probably he did not commit a mortal sin, even though it is also probable that he did.

Among these are several theologians whose works would have been available to Rodriguez, such as Silvester A. Prierias, O.P.,[12] Thomas Sanchez, S.J.,[13] and Rodriguez' esteemed friend, Francis Suarez, S.J. These theologians might seem at first glance to hold the severe opinion, but they really teach the more liberal opinion. For example, Suarez, in his commentary on the above passage of St. Thomas, proposes as the common doctrine that "it is necessary to confess doubts about mortal sins."[14] Whereupon he proceeds to apply this doctrine to doubts about gravity of matter and about advertence and consent.[15] The doctrine of the first two paragraphs of this section of his writings might well be summed up in Rodriguez' statement. But a little further on in the same section, Suarez goes on to describe three kinds of doubts, only one of which must always be confessed.

12 *Summa sylvestrina* (Venice: Polum, 1601) Pars prima, verb. *Confessio*, 2, q. 2.

13 *Opus morale in praecepta decalogi* 1 (Lyons: Anisson, 1661) lib. 1, cap. 10, nn. 66, 68, seem to give the strict view; but the further explanation of what he means by doubt and what he holds of "probable judgments," is given in nn. 74, 75.

14 *Commentaria in tertiam partem d. Thomae* (*Opera omnia* 22 [Paris: Vivès, 1866] disp. 22, sec. 9, n. 1): "In hac re communis doctrina . . . est, necessarium esse confiteri dubia peccatorum mortalium."

15 *Ibid.*, nn. 1, 2.

> I answer that there are three grades in this kind of doubt. The first is when a man judges one side to be probable, and has no probable judgment for the opposite, but only a sort of suspicion or fear that it might be so; and then there is no doubt but what a man should follow a judgment of this kind, in such a way that if he judges probably that he has sinned mortally, or has never confessed such a sin, he would be bound to confess it; on the other hand, if he judges the opposite, he would be free of such an obligation. . . .
>
> The second grade is when he judges both sides probable, even though he inclines to one side with greater or less probability; and then the matter seems doubtful, and that is a probable doubt. . . . Nevertheless, I assert that whenever a man judges that he probably did not sin mortally, or that he has probably already confessed such a sin, even if he also has a probable opinion to the contrary, he can conform to the former judgment so that he is not obliged to confess such a sin.[16]

16 *Ibid.*, nn. 5, 6: "Respondeo, tres gradus posse esse in hoc genere dubii. Primus est quando homo probabiliter judicat unam partem, et de alia non habet judicium probabile, sed suspicionem aliquam, vel timorem, aut formidinem; et tunc non est dubium quin homo possit vel debeat sequi tale judicium, ita ut si judicet probabiliter se peccasse mortaliter, vel nunquam esse confessum tale peccatum, teneatur illud confiteri; et e converso si oppositum judicat, exoneretur tali obligatione. . . .
"N. 6. Secundus gradus est, quando pro utraque parte habet judicium probabile, quamvis in alteram cum majori vel minori probabilitate inclinet; et tunc videtur res dubia, quia illud est probabile dubium. . . . Nihilominus assero, quoties homo judicat probabiliter se non peccasse mortaliter, vel jam esse confessum tale peccatum, etiamsi in contrarium habeat conjecturas etiam probabiles, posse conformari priori judicio, ut non teneatur tale peccatum confiteri."

He adds that this is true even when he judges that the opposite is more probable.[17] He applies his first-mentioned doctrine obliging confession only to the third grade of doubt which is "when a man has probable reasons for doubting, and cannot determine himself to pass even a probable judgment for either side."[18]

17 *Ibid.*

18 *Ibid.*, n. 7: "Tertius igitur gradus est, quando homo habet probabiles rationes dubitandi, et non potest determinari ad ferendum judicium probabile pro altera parte; et in hoc eventu procedit proprie communis doctrina. . . ."

Thus Suarez clearly holds the liberal doctrine. But in attempting to salvage St. Thomas' opinion with a distinction, he creates another difficulty. It is hard to see just what would be a real case of the third grade of pure or negative doubt, which one would be bound to confess. His own definition calls for a case in which one did not have sufficient reason for even a probable judgment for *either* side. If this means that a man has no reason to think that he has committed a mortal sin, to say that he would be obliged to confess it is unintelligible. The only acceptable meaning can be that if one judges that he has committed a mortal sin, and, although he is not absolutely certain that it was a mortal sin, he has no good reason to think that it was not, then he is bound to confess it. But that seems rather to be Suarez' first grade of doubt.

St. Alphonsus Liguori and most later theologians accepted the liberal doctrine as expressed in the first and second grades of doubt by Suarez and simply rejected the unintelligible doctrine of the third grade. Perhaps Rodriguez took his doctrine from this obscure use of the word doubt by Suarez, and merely omitted mention of *probable* doubts. However, it seems more likely that he was following the

more severe opinion, as expressed by those mentioned before, such as Azpilcueta, Sà, Gerson or Molina, or St. Thomas himself.

It is interesting to note that both sides in the controversy cite the Council of Trent in their favor. The Council did not specifically treat the question of doubtful mortal sins. It merely taught that

> all mortal sins of which they have knowledge after a diligent self-examination, must be enumerated by the penitents in confession. . . .
>
> . . . for it is known that in the Church nothing else is required of penitents than that each one, after he has diligently examined himself and searched all the folds and corners of his conscience, confess those sins by which he remembers to have mortally offended his Lord and God. . . .[19]

19 Sessio 14, *De sacramento poenitentiae*, cap. 5 (*DB* 899, 900): "Ex his colligitur, oportere a poenitentibus *omnia* peccata mortalia, quorum post diligentem sui discussionem conscientiam habent, in confessione recenseri. . . .
". . . constat enim, nihil aliud in Ecclesia a poenitentibus exigi, quam ut, postquam quisque diligentius se excusserit et conscientiae suae sinus omnes et latebras exploraverit, ea peccata confiteantur, quibus se Dominum et Deum suum mortaliter offendisse meminerit; . . ." English translation, H. Schroeder, O.P., *Canons and Decrees of the Council of Trent* (St. Louis: Herder, 1941) pp. 93, 94.

And in the canon the Council defined: "If anyone says that in the sacrament of penance it is not required by divine law for the remission of sins to confess each and all mortal sins which are recalled after a due and diligent examination . . . let him be anathema."[20]

20 *Ibid.*, can. 7; *DB* 917; Schroeder, *op.cit.*, p. 103. "Si quis dixerit, in sacramento poenitentiae ad remissionem peccatorum necessarium non esse iure divino confiteri omnia et singula peccata mortalia, quorum memoria cum debita et diligenti praemeditatione habeatur . . . A.S."

The holders of the severer view would interpret these words to mean that mortal sins must be confessed as they are in one's conscience: certain as certain, doubtful as doubtful.[21] Those who favor the more liberal view say that the various expressions used by the Council, "conscientiam habere, meminisse, memoriam habere," apply only to certain mortal sins, not to doubtful ones.[22]

21 According to Suarez, *loc. cit.*, n. 1.

22 E.g., Aertnys-Damen, D'Annibale, Marc-Gestermann-Raus, Noldin-Schmitt, Regatillo-Zalba, Sabetti-Barrett, Tanquerey, *loc. cit.*

A further point not mentioned by Rodriguez but treated in this connection by most of the other authors, is a doubt whether one has already confessed a mortal sin. On this, the more liberal opinion, namely, that as long as there are good reasons for thinking that one has already confessed a certain mortal sin, one need not confess it now, is the teaching of the vast majority of theologians[23] and so is safe doctrine in practice. Those who differ,[24] following St. Alphonsus Liguori,[25] say that a certain obligation demands a certain fulfilment; but the obligation to confess certain mortal sins is a certain obligation and so cannot be satisfied by a probable fulfilment. The majority answers that, if a certain mortal sin has probably been confessed, there is no longer a certain obligation to confess it. There is at most a doubtful obligation, and all now admit that a doubtful obligation is no obligation.

23 Cappello, Davis, Healy, Jone-Adelman, Kelly, Koch-Preuss, Muller, Noldin-Schmitt, Regatillo-Zalba, Tanquerey, Vermeersch, *loc. cit.*

24 E.g., D'Annibale, *loc. cit*. Others hesitantly follow St. Alphonsus but mention the opposite opinion; e.g., Aertnys-Damen, Marc-Gestermann-Raus, *loc. cit*. Still others simply give a break-down of the opinions; e.g., Busquet-Garcia-Bayon, *loc. cit.*; B. Merkelbach, O.P., *Summa theologiae moralis ad mentem d. Thomae et ad normam iuris novi* 3 (2nd ed.; Paris: Desclée, 1936) n. 523, 3; Sabetti-Barrett, *loc. cit*.

25 *Op. cit.*, lib. 6, n. 477.

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