

DiReSoM

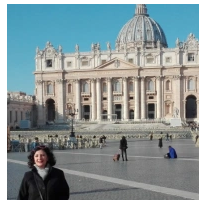
Diritto e Religione nelle Società Multiculturali/ Law and Religion
in Multicultural Societies/ Derecho y Religión en las Sociedades
Multiculturales/ Droit et Religion dans les Sociétés
Multiculturelles/ Recht und Religion in Multikulturellen
Gesellschaften/ 多元化社会中的法与宗教 / القانون والدين في المجتمعات
متعددة الثقافات

“I ABSOLVE YOU”. THE PRIEST MEDICUS ANIMARUM AT THE
TIME OF THE COVID-19

□ DIRESOM



20 APRILE 2020



by Daniela Tarantino*

mail: daniela.tarantino@unige.it

EN VERSION [Download the article](#)

(<https://diresomnet.files.wordpress.com/2020/04/tarantino-20-apr-eng.pdf>) Download

(<https://diresomnet.files.wordpress.com/2020/04/tarantino-20-apr-eng.pdf>)

ITA VERSION [Scarica l'articolo](#)

(<https://diresomnet.files.wordpress.com/2020/04/tarantino-pdf-ita-version-2.pdf>) Download

(<https://diresomnet.files.wordpress.com/2020/04/tarantino-pdf-ita-version-2.pdf>)

This year's period of Lent, among the tribulations that have marked it, has also been characterized by the impossibility to participate in the liturgy and the sacraments, making the situation even more difficult for believers. The Catholic Church has reacted by accommodating certain rules on the carrying out of its *munera* to take care of *salus animarum*, the supreme law of the Church, also with reference to the sacrament of Reconciliation. Can. 960 of *Codex Iuris Canonici* provides that individual confession is ordinarily carried out, although collective absolution is foreseen as an exception in the event of imminent danger of death (Can. 961 § 1 CIC), or of grave necessity (Can. 961 § 1, 2 CIC). The competence to decide, in case these exceptions occur, belongs to the diocesan Bishop, according to criteria agreed on with the other members of the Italian Bishops' Conference (Can. 455 § 2 CIC). In any case, the validity of absolution remains subordinate to the *votum sacramenti*, that is, the engagement that the penitent must make to confess, as soon as possible, the individual serious sins which, for the mentioned reasons, he or she was unable to confess (Can. 962 § 1 CIC). In case of necessity, according to an ancient medieval tradition, the individual priest can still impart the general sacramental acquittal, notifying in advance the diocesan bishop or in any case informing him as soon as possible (see *Ordo Paenitentiae*, no. 32)^[1]. The Apostolic Penitentiary, with a Note dated 20th March 2020, specified that «especially the places most affected by the pandemic infection, and until the phenomenon does not return under control, fall in the cases of serious need, to which the aforementioned Can. 961 § 2 CIC applies». On 19th March 2020 the Penitentiary had already issued a decree *ex auctoritate Summi Pontificis*, by virtue of which it granted «the gift of special Indulgences to the faithful affected by the Covid-19 disease, commonly known as “Coronavirus”, as well as to health workers, family members and all those who, under any title, even with prayer, take care of them». The Note has remembered how «Even in the time of Covid-19, the sacrament of Reconciliation is administered in accordance with the universal canon law and in accordance with the provisions of the *Ordo Paenitentiae*».

In this regard, during the homily of the Mass in Santa Marta on Friday 20 March, recalling the richness of the tradition and remembering that there is always a way for God's mercy that is open to all, Pope Francis said that, in the impossibility to find a priest for the confession, one can “speak” sincerely with God, entrusting him with pains, afflictions, sins, asking for his forgiveness with contrition, because with «a well-done Act of Pain, our soul will become as white as snow». This position is also present in numbers 1451 and 1452 of the Catechism of the Catholic Church which, in the wake of the Tridentine Council^[2], teaches that in the impossibility to receive sacramental absolution, the “perfect contrition” – expressed by a sincere request for forgiveness from the penitent, as he or she is able to express it and accompanied by the *votum confessionis* – results in the forgiveness of, even mortal, sins.

The “serious need” determined by the current pandemic requires the search for exceptional forms to carry out the confession, different from the ordinary ones experienced so far. For example, Mgr. Reinaldo Nann, Peruvian bishop of the Prelature of Caravelí authorized the priests to make confessions by telephone, accentuating the medicinal aspect of the sacrament and attributing to the confessor the role of *medicus animarum*^[3] before that of *iudex peccatorum*.

The image of the confessor as a physician of souls is also present in the *Codex Iuris Canonici* of 1917 (Can. 888 § 1), in the *Ordo Penitentiae* of 1974 – issued on the basis of conciliar ecclesiology (no. 10 a, c) – and in the current Latin and Eastern Codes^[4]. Moreover, the Catechism of the Catholic Church also defines penance – together with the anointing of the sick – as a healing sacrament, recalling in turn the image of the medical priest of souls^[5].

This does not mean that the role of the priest is associated to that of the psychologist, nor that the medicinal function of confession should be confused with psychotherapeutic remedies^[6]. [V1] The priest is *medicus animarum* as a minister of divine mercy. For this reason, the use of digital tools for the administration of reconciliation, which at first glance might appear extravagant or even impractical, do nothing but bring to the attention the opportunity to use instruments that can make effective the administration of a sacrament otherwise impossible. In a sense, it is a way to take advantage of ways of administering a therapy that were once unthinkable, while today they are within everyone’s reach.

A recurring objection to the use of technological tools, which allow distance confession, consists in the lack of security of the inviolability of the sacramental seal, given the potential interception of the conversation by third parties or the presence of other people in the place from which the penitent speaks. In this regard, it is useful to remember that Canon Law already envisages hypotheses of intervention by third persons in the context of an individual confession – such as the interpreter, for example – and that it does not prescribe under penalty of invalidity that the sacrament must be celebrated in places inaccessible to others. This shows that the guarantee of secrecy does not constitute a condition of inadmissibility or invalidity of the sacrament. Furthermore, unlike the 1917 Code which did not distinguish between seal and secret (see Can. 889 §§ 1- 2), the current Code expressly refers to sealing only as regards the confessor (see Can. 983 § 1), while it uses the term ‘secret’ when referring to any interpreters and anyone who has come to know the content of the confession (see Can. 983 § 2)^[7]. This is meant precisely to distinguish the role of the confessor from that of others who might listen to the conversation, and to safeguard the medicinal function attributed to the minister, who acts *in persona Christi*, as *medicus animarum par excellence*.

In this historical moment, characterized by the importance of the work done by the doctors of the “body” to treat the sick and contain the contagion, it seems even more appropriate to enhance the importance of the work of the doctors of the souls, by providing them with the appropriate tools to carry out their sacramental reconciliation ministry. And it is at this juncture that Canon Law can offer practical solutions^[8], which are useful to overcome the difficulties of material and spiritual life, so that the Church can manifest itself not only as an institution, but also as «freedom of the Spirit ... That doesn’t mean that canon law is not important: it is, it helps, and please let’s make good use of it, it is for our good ... (because) the whole of canon law is for the salvation of souls»^[9]. As «the difficulties of the moment have stimulated the creativity and inventiveness of many priests, who – by using the new means of communication – make themselves present in the life of communities and families locked up in houses of semi-deserted cities»^[10], the same technological and digital means of interconnection can now play an important role in curing souls, so that «this evil will not harm our trust in the Father and solidarity between us, but will become an opportunity to look at what is truly essential for our lives»^[11].

* Research fellow in Canon Law, University of Genova.

[1] The modalities of administration of the sacrament of confession have evolved over time. In the early Church only public, unique and unrepeatable penance was practiced. As early as the fourth century, it began to give way to other forms as (see E. Mazza, *La celebrazione della penitenza. Spiritualità e pastorale*, EDB, Bologna, 2001, pp. 11-37 and O. Condorelli, *Dalla penitenza pubblica alla penitenza privata, tra Occidente Latino e Oriente Bizantino: percorsi e concezioni a confronto*, in *Lex Iustitia Veritas. Per Gaetano Lo Castro. Omaggio degli allievi*, Jovene, Napoli, 2012, p. 131 ss.). Approximately in the sixth century the practice of the so-called Celtic penance was administered on the basis of the first penitential books (see B. Ferme, *Introduzione alla storia del diritto canonico. I. Il diritto fino al Decretum di Graziano*, Pontificia Università Lateranense, Roma, 1998, pp. 108-194 and L. Musselli, *Chiesa e società politica dalla fine del mondo antico alla "Renovatio Imperii"*, in *La Chiesa e l'Europa*, edited by G. Leziroli, Pellegrini Editore, Cosenza, 2007, pp. 11-19). This insisted more on the vindictive rather than medicinal aspect of penance. This practice officially imposed itself throughout the Church from the thirteenth century, also featuring some additional peculiarities such as repeatability, secrecy (not only of sins but also of the penitent), satisfaction of punishment (see A. Grillo, *Il Rito della Penitenza e la guarigione dal peccato. La terminologia del IV sacramento e il suo rapporto con l'iniziazione cristiana*, in *Vita monastica*, LVII/2003, n. 224, pp. 16-52).

[2] The Council of Trent emphasized the importance of absolution as a judicial act, emphasizing a conception of sin as transgression of a divine law and subjecting the ecclesiological dimension of reconciliation to the priestly power to absolve or condemn. Thus, the judicial function of the confessor prevailed over the medicinal one (cf. D. Tarantino, *Il sigillum confessionis: dalla tutela dell'intimità alla realizzazione della metanoia*, in *Diritto e religioni*, 2/2016, pp. 58-87).

[3] In St. Luke's Gospel we read: «et respondens Iesus dixit ad illos: non egent qui sani sunt medico sed qui male habent. Non veni vocare iustos sed peccatores in paenitentiam» (*Lc.*, 5, 31 s). On this issue see D. Tarantino, *Dalla riconciliazione alla guarigione. Alcune riflessioni sulla confessione come cura animarum nella teologia morale e nel diritto canonico*, in <http://www.statoechiase.it> (<http://www.statoechiase.it>), n. 9/2017, pp. 1-18.

[4] According to Can. 978 CIC: «Meminerit sacerdos in audiendis confessionibus se iudicis pariter et medici personam sustinere ac divina ei iustitiae simul et misericordiae ministrum a Deo constitutum esse, ut honori divino et animarum saluti consulat»; according to Can. 732 CCEO: «Pro qualitate, gravitate et numero peccatorum, habita ratione paenitentis conditionis nec non eiusdem ad conversionem dispositionis, confessarius convenientem morbo afferat medicinam opportuna opera paenitentiae imponens».

[5] «The Lord Jesus, doctor of our souls and of our bodies, the one who forgave the sins of the paralytic and made him health of the body, wanted the Church to continue, in the power of the Holy Spirit, her healing work and of salvation, even among one's members. It is the purpose of the two sacraments of healing: the sacrament of Penance and the Anointing of the Sick "(CCC 1421).

[6] As John Paul II said in his *Discorso del 27 marzo 1993 alla Penitenziaria Apostolica* ([blank](#)). In another speech to the same dicastery, he specified that «the priest, minister of the sacrament of penance, must model himself, in this sublime and vital task, on Jesus, teacher of truth, physician of souls».

[7] The matter of the sacramental seal and that of sacramental secret are the same, what changes is the area in which they apply: the sacral area of the absolution of sins in the former case, the area of natural secret and Canon Law in the latter case (on this issue, see P. Ferrari Da Passano, *Il segreto confessionale*, in *La Civiltà Cattolica*, vol. IV, 1993, pp. 361-362).

[8] On this issue, see P. Consorti, *Relazione di sintesi: la necessità di tornare a un diritto canonico pratico*, *DE 2016*.

[9] Francesco, in Austen Ivereigh, *Pope Francis says pandemic can be "a place of conversion* ([blank](#))"

[10] A. Tornielli, *Introduzione*, in *Forti nella tribolazione. La comunione della Chiesa sostegno nel tempo della prova* ([blank](#)).

[11] *Ivi*, p. 6.

Categorie: [Comments](#) •

[Creato su WordPress.com.](#)