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**THE POWER OF THE MINISTER OF THE SACRAMENT OF PENANCE
IN RANGE OF ABSOLUTION OF SINS AND REMITTING PENALTIES
IN THE LAW OF THE LATIN CHURCH**

SUMMARY

The sacrament of penance is a special sign of forgiveness as well as a means and an instrument of reconciliation of the faithful – the penitent – with God and the Church. The Church is constantly making effort, so that this sacrament is celebrated properly, validly and licitly. Unfortunately, some abuses may occur in its practice, both on the part of the penitent and the minister.

The aim of this dissertation is to organize and interpret the discipline of the Catholic Church in this aspect. After the promulgation of the Code of Canon Law in 1983, the popes issued several documents amending canon law, which concerned the power of the minister of the sacrament of penance and the possibilities of absolution of some sins, as well as allowing remitting church penalties in the internal sphere. The minister's power in the range of absolution of sins was expanded, also the catalogue of delicts that were not included in the 1983 Code was extended. This applies in particular to situations related to delicts against the sanctity of the sacraments and the election of the pope by the conclave, as well as to the practice (in some regions) of confessing generational sins or "gateway confession".

The monograph adopts and proves the thesis, which is included in the following questions: What is the extent of the power of the minister of the sacrament of penance in range of absolution of sins and remitting church penalties? In what situations is the power of absolution of sins limited, and what are the effects of the absolution of a minister who acts against the restrictions? Can a priest having faculty of exercising confession impart to any penitent absolution of sin, which is also a delict for which he has incurred *latae sententiae* excommunication or interdict forbidding to receive the sacraments? What conditions must a penitent fulfil in order to receive sacramental absolution?

The analysis of legal provisions regarding the indicated issues showed the concern of the church legislator for the best possible protection of the spiritual good of the people of God in the act of sacramental confession. Defining the duties and rights of the minister of the

sacrament of penance is to protect the penitents from improperly exercising this function, as well as from possible abuses.

In order to answer the questions posed in the dissertation, an appropriate analysis of the norms of the Catholic Church was taken. The current catalogue of delicts and the possibilities of remitting penalties in an act of sacramental confession were examined.

The dissertation consists of a list of abbreviations, an introduction, three chapters, a conclusion and a bibliography. Each chapter has detailed conclusions. The first chapter – an introduction to the subject matter – contains the theological and canonical foundations of the sacrament of penance. The analysis covered the biblical sources of penance recorded in the Old and New Testament, as well as the issue of reconciliation and penance in life and the liturgy of the Church over the centuries. The canonical foundations of the sacrament have been interpreted. Reference was made to the teaching and decision of popes, the doctrine of the Second Vatican Council and the post-conciliar reform of canon law, as well as post-Code Church discipline. The essence of the sacrament and manners of celebrating it were shown.

The second chapter deals with the problem of the power of the minister of the sacrament of penance in the range of absolution of sins. The priest was presented as the minister of this sacrament. The concept of *facultas ad absolutionem*, which is an act of entrusting the power of absolution, has been subjected to detailed analysis. Terminological explanations, methods of obtaining, expiring and limitation of *facultatis* are included. The duties of the confessor, which include: administering the sacrament in ordinary conditions, as well as in the event of necessity and in danger of death, hearing and instructing the penitent, imposing penance, imparting absolution and maintaining *sigillum sacramentale* were pointed out. Existing prohibitions are listed, including the practice of “gateway confession”. The basic rights of the confessor were presented, including: confession in the proper place and time, asking questions and deferring or refusing absolution.

The third chapter analyses the scope of the power of the minister of the sacrament of penance in range of remitting penalties. Individual censures and their effects on the sacramental life of the faithful were shown. A detailed analysis of the catalogue of individual delicts limiting the power of absolution of sins and issues related to remitting penalties in the legislation of the Latin Church was undertaken. The article presents the remitting penalties in ordinary circumstances, which are held by: an ordinary, a bishop, a canon penitentiary, a chaplain of a hospital, a prison and a ship, a Missionary of Mercy and other confessors who may receive special authorization. Remitting penalties in extraordinary circumstances was discussed, including an urgent case and a risk of death. In the final part of the chapter the manner of remitting penalties reserved to the Holy See and the competence of the confessor were pointed out.

The analysis of the scope of power of the minister of the sacrament of penance, carried out in individual chapters, made it possible to draw conclusions *de lege lata*. In addition, the considerations undertaken in the dissertation showed new problems and doubts, which were presented in the form of *de lege ferenda* postulates.

The analysis of legal norms and documents of popes and dicasteries of the Roman Curia showed that the administration of this sacrament belongs to the important tasks and duties of priests as its ministers. That is why it is necessary to postulate that moral theology, dogmatic theology, and especially canon law, be taught with the utmost care in seminaries, with particular regard to criminal law and the law on sacraments, which will allow the clerics to be best prepared for later service in confessional. What is more, priests as confessors should continually undertake the effort of training and improving their competences, especially in the area of the sacrament of penance.

According to the author of this dissertation, current canonical legislation does not provide sufficient tools to allow the confessor to clearly define the scope of his powers in this sacrament. There are still difficulties related to the interpretation of the confessor's power, particularly in terms of remitting penalties and the interpretation of canonical criminal law.