



Home > Religion

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## The Plenary Council: Restoring the Third Rite

A more relaxed set of canonical conditions for the exercise of the Third Rite might be a way in which the centrality of the Sacrament of Penance be restored to the Catholic consciousness



By [Bill Uren](#) | [Australia](#)

One of the casualties of the Royal Commission into Institutional Responses to Child Sexual Abuse was the confidentiality of the Catholic Sacrament of Penance — commonly called 'the Seal of Confession'.

The Catholic bishops who responded to the Commission were unable to convince the commissioners that the seal of confession should continue to be respected, at least in some circumstances.

As a result of the recommendations of the Royal Commission, now in a majority of Australian states and territories when a priest in administering the sacrament becomes aware that a child has been sexually abused, he must bring such an incident to the attention of the police.

This has placed the Catholic clergy in a difficult situation. On the one hand, they will incur automatic excommunication if they breach the inviolability of the seal of confession, even in cases of child sexual abuse.

On the other hand, they will face judicial penalties and even imprisonment if they do not notify the police of any incidents of child sexual abuse, even if such incidents have only been revealed under the seal of confession.

To escape the horns of this dilemma, I have heard of some priests who have stated that they will no longer 'hear confessions' — administer the Sacrament of Penance.

In other cases, some priests have stated that they will not grant absolution — an integral part of the Sacrament — to a penitent involved either as a perpetrator or a victim in child sexual abuse unless such a penitent agrees to repeat the information to the priest outside the confessional context.

By this strategy the seal of confession will not be violated when the priest refers the incident to the police.

But, of course, the penitent may refuse to cooperate with this strategy and the priest will then remain caught on the horns of the dilemma.

A further casualty of all these developments has been the **Sacrament of Penance** itself. As a result of the pandemic, like other religious observances, its availability has been drastically curtailed, and it is unlikely that recourse to the sacrament will be as frequent as previously even when the restrictions are lifted.

Further, the confidence of the laity in the inviolability of the seal has, understandably, been undermined, a consequence of which may again be that recourse to the sacrament will be in decline.

These are matters, I suggest, that should be addressed by the upcoming Plenary Council. It is a recent situation specific to the Australian Church and one to which a remedy should be sought.

The Plenary Council would seem to be an appropriate forum in which to address these matters — the inviolability of the seal, the more limited availability of confessors and the decline in the practice of the sacrament.

For a short period in the late 1980s and 1990s the so-called 'Third Rite of Reconciliation' was made available at specific times in the liturgical year, usually in Lent and Advent, in preparation for Easter and Christmas.

It was popular with Australian Catholics. Penitential liturgies incorporating the Third Rite were instituted in most parishes.

Instead of individual face-to-face encounters with a priest in the privacy of the confessional, penitents as a congregation were invited to recall their sins mentally, express their contrition communally and receive a common absolution and penance.

Many Catholics who had not 'confessed' for many years took advantage of the Third Rite.

## **Appeals to reinstate the practice have, apparently, been summarily dismissed**

This widespread use of the Third Rite was brought to the attention of the Roman authorities.

When the Australian bishops made their *ad limina* visit to Rome in November, 1998, they were admonished that this widespread use 'not infrequently occasioned an illegitimate use of general absolution'.

They were instructed in effect to eliminate the practice and adhere strictly to the relevant canons in the Code of Canon Law (1983).

As a result, the practice of the Third Rite disappeared virtually overnight. Subsequent appeals to reinstate the practice have, apparently, been summarily dismissed.

The relevant canons in the Code are canons 961 and 962 and read as follows:

Canon 961:

*General absolution, without prior individual confession, cannot be given to a number of penitents together unless:*

- 1. danger of death threatens and there is not time for the priest or priests to hear the confessions of the individual penitents;*
- 2. there exists a grave necessity, that is, given the number of penitents, there are not enough confessors available properly to hear the individual confessions within an appropriate time, so that without fault of their own the penitents are deprived of the sacramental grace or of holy communion for a lengthy period of time. A sufficient necessity is not, however,*

*considered to exist when confessors cannot be available merely because of a great gathering of penitents, such as can occur on some major feast day or pilgrimage.*

- 3. It is for the diocesan bishop to judge whether the conditions required in n 2 are present; mindful of the criteria agreed with the other members of the Episcopal Conference, he can determine the cases of such necessity.*

Canon 962:

- 1. For a member of Christ's faithful to benefit validly from a sacramental absolution given to a number of people simultaneously, it is required not only that he or she be properly disposed, but be also at the same time personally resolved to confess in due time each of the grave sins which cannot for the moment be thus confessed.*
- 2. Christ's faithful are to be instructed about the requirements set out in n1 as far as possible even on the occasion of general absolution being received. An exhortation that each person should make an act of contrition is to precede general absolution, even in the case of danger of death if there is time.*

This letter of the law is very restrictive, even more restrictive than its source: 'The Rite of Penance', authorized by the Sacred Congregation of Divine Worship in 1973 and the 'Normae Pastorales' of the Sacred Congregation for the Doctrine of the Faith in 1972.

In both of these instructions the Third Rite, while extraordinary, is at least acknowledged as an alternative in certain circumstances. The Code subsequently defined these circumstances very strictly.

The principle behind the canons turns on the availability of priests to minister to the number of penitents within a circumscribed time.

The current situation in Australia where the seal of confession is under threat is not obviously a candidate for the standard exercise of the Third Rite.

Priests who in the current climate have decided not to make themselves available for face-to-face confession may create a temporary situation of non-availability, particularly in remote areas, but in virtually all instances another priest could be contacted in a short time to substitute and fill the vacancy.

It would be interesting to speculate, however, if all the priests in a particular diocese or region declared themselves 'non-available', whether this would constitute a legitimate instance in terms of the canons for the exercise of the Third Rite.

Take, for instance, an inner-city, or even some outer-suburban, parishes, where there are still a significant number of penitents and where, presumably, the probability of an incident of

pedophilia being confessed is more likely — anonymity is a central consideration here.

Let us suppose for a moment that because of the threat to the seal of confession all the priests who minister the sacrament of Penance at one or other of these parishes declare themselves unavailable and no substitutes from the Melbourne archdiocese were willing for the same reason to step into the breach.

Would this justify the Archbishop in instituting the Third Rite?

## **A desire for forgiveness and reconciliation**

It is an unlikely scenario, and, granted the intransigence of the Roman authorities in this matter, I doubt whether they would countenance such an exception as canonically legitimate.

Perhaps a more viable approach would be to seek an interpretation or an extension of, or an addition to, the notion of availability such that it encompasses situations where face-to-face confession is liable to expose the confessor to the dilemma of either ecclesial or secular penalties.

Although the threat to the seal of confession is confined to the Australian states currently, I suspect that it is only a matter of time before increasingly secularized jurisdictions are going to see the exemption as an anomaly and revoke it, at least in respect of certain abhorrent crimes like child sexual abuse.

So, there may be new reasons to revisit the relevant canons, and the Roman authorities may be more sympathetic to such revisions than heretofore.

Further, a relaxation of the canonical strictures to make the Third Rite more available might arrest the decline in recourse to the Sacrament of Penance.

When in the 1990s the Third Rite was instituted more widely, even though it was confined to Lent and Easter, it was remarkable how many penitents emerged 'out of the woodwork'. It was, I believe, evidence of a consciousness of sin and a desire for forgiveness and reconciliation.

I suspect/hope those sentiments are still alive in the Catholic community.

The prospect of face-to-face confession, however, is daunting, especially if there has been a long interval since the previous confession, and if the seal is suspected to be compromised by the recent legislation.

And there is some evidence that some women in particular find face-to-face confession to a male priest in the confines of a confessional especially daunting.

So, while it is understandable that proponents of face-to-face confession — the First Rite — should continue to insist that it should remain the preferred option, it cannot be denied that as a result of a number of circumstances — closure of churches during the pandemic, the threat to the seal of confession, the more limited availability of priests — the practice of the First Rite, 'auricular confession', is in virtually terminal decline.

Granted this situation, would not a more relaxed set of canonical conditions for the exercise of the Third Rite be a way in which the centrality of the Sacrament of Penance be restored to the Catholic consciousness?

Perhaps this is a recommendation which, in view of the specific current situation in Australia, the Plenary Council could bring to the attention of the Roman authorities and hope for a sympathetic response.

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