

FORGOTTEN TRUTHS CONCERNING THE SACRAMENT OF PENANCE¹

The phrase, ‘forgotten truths’, in the title of this article, must naturally be taken with a grain of salt. The Church’s consciousness in faith always stores up more in her memory, as her lasting property, than is ‘present’ to it at any particular moment in time which we may arbitrarily mark off. For the past and Tradition belong to this consciousness. But there will also be ‘forgotten truths’ if it is true that the Scriptures and Tradition must be the ever new and inexhaustible source of theology – the source from which theology must always draw anew and without which it would become sterile² (i.e. if it were to believe that it conceives everything adequately ‘now’, which it possesses in the memory of its Tradition but which it must also always awaken and raise again by ever new efforts). Such truths do not necessarily need to have been ‘defined’ or to be truths found in ‘Denzinger’. For if this were necessary, then the study of ‘Denzinger’, and ‘Denzinger’ itself, could make the Scriptures and Tradition, as well as the ever renewed delving into them, superfluous. That truths are ‘forgotten’, also does not imply that no one knows these truths. Indeed, it is often almost comical (and yet really quite natural) how this shows itself in theology. Thus, when someone exclaims: ‘This is something you have forgotten (you theologians, preachers, catechists), you never mention this!’, then the accused parties take notice and [136] retort somewhat indignantly: ‘You are wrong, that is something we have always known and indeed have always stated in such and such a place. For have we not always known, with Augustine, Thomas, Suarez (where the point which has been passed over in silence, is to be found), what you are now affirming?’ One knows these truths – they seem familiar and (more or less) self-evident, when one is reminded of them, and yet one may have forgotten them. When we speak in what follows about such truths concerning the sacrament of Penance, we do not mean to imply by this that all of these ‘forgotten’ propositions have always the highest degree of theological certitude. We are satisfied (without making it an object of inquiry or defending it), if a reasonable theological justification can be given for these propositions and if they are supported by the views of authoritative theologians. Nor do we mean to maintain that these ‘forgotten truths’ are more important than those which are always and everywhere explicitly preached about and meditated upon. When one states that in the sacrament of Penance God forgives us our guilt by the grace of Christ and through the word of the Church, one has undoubtedly stated the most important facts that are to be stated about this sacrament. However, the works of God are in fact too rich in their reality to allow these riches to be rendered adequately by a short formula, no matter how clear and powerful the latter may be. Sober exactness and lucid abstractness, although good in themselves, may also lead to spiritual impoverishment in theology. We have no right, whether it be in theology or in our spirituality, simply to select arbitrarily according to our own particular tastes; rather we have the duty to penetrate more and more, and in ever new ways, into the infinite breadth and

¹ I was somewhat grieved to notice – only after having finished this article – that I had overlooked an article by M. Schmaus (‘Reich Gottes und Bussakrament’, *Müncher Theologische Zeitschrift* I [1950], pp. 20-36), in which much of what I have said here has been anticipated (besides treating other things which are not mentioned in the present article). In referring the reader to this excellent article, I hope, however, not to have worked completely in vain. Cf. also on this whole subject: K. Rahner, ‘Beichtprobleme’, *Geist und Leben* XXVII (1954), pp. 435-446.

² Cf. Pius XII, ‘*Humani generis*’ (Denz 3014).

1. Consideration of sin as sin against the Church

Sin is opposition to the holy will of the eternal God; it is opposition to the love which he offers us and in which he wants to give and communicate himself more and more, so that we might participate, or increase our participation, ‘in the divine nature’. The offence against [137] this God is the very essence of sin. Over and above this, sin is however not only an offence against the nature of man and against his supernatural calling to grace, and against the growth and ever deeper personal acceptance of this grace. Sin is also an offence against the holy communion of the redeemed, which is the Church. For the divine will of love and the supernatural calling of man, against which man offends by sin, are not realities which concern man only as an isolated individual or existent. The Christian who is baptized meets the holy God of grace as a member of the Church. The baptized Christian belongs both to the visible and invisible reality of the Body of Christ. His visible belonging to the Church, which is based on the sacramental character of baptism, is the ‘proto-sacrament’ which gives him a constant and effective title to justification and sanctification in the Holy Spirit. He ought to contribute his share by his life of walking in the Spirit, so that the Church, whose member he is, will be the ‘holy Church’ even in a ‘moral’ sense and thus bear witness to the fact that God’s mercy and grace have really come into the world both validly and invincibly.⁴ The holiness of the *Church* (*her* Spirit) is given to the Christian as his own, because he is her member – and he is to give his holiness (his life in the Spirit) to the Church, so that she will be the holy one. The Christian who sins offends, therefore, against his own attachment to the Church (which is essential to him as a Christian) and against the Church herself. Not that he is simply severed from her by (grave) sin, as lack of baptism, heresy and schism separate a person from the Church on the level of her historical visibleness and tangibility. Nor is it that sin (if it is not schism or heresy) is of no account for the Church and for the Christian’s membership function in the Church. Just how sin affects the Christian’s *belonging* to the Church is something we will have to deal with more explicitly in the next section. The main thing to realize at this point is that the baptized sinner becomes guilty in regard to the Church by his sin. He offends against *her* Spirit, against her mission and against the unquestioning obedience he owes to her. He for his part renders the Church herself sinful in a certain regard.⁵

This ecclesiological aspect of sin can already be clearly perceived in Holy Scripture – even although we cannot enter more deeply into [138] this here. The Holy Spirit and the Body of Christ belong together in the one Church. Anyone who belongs to her, has her Spirit and is sanctified by belonging to her and by having her Spirit through her mediation. Anyone who belongs to her is holy in this sense, so that his holy life (his living by the Spirit) is the incumbent *consequence*, and not the original cause, of this holiness in the Spirit of God. Anyone, therefore, who as a Christian becomes once more a child of disobedience through sin, upon whom comes the wrath of God (Eph 5.5 *sqq.*) – anyone who gives way again to the lusts of the flesh when, incorporated into the Body of Christ, he could and should instead be spiritual (Gal 5.13-21) – whoever is dead and worse than an unbeliever (1 Tim 5.6-8) – such

³ The bibliographical references given here and there in this essay do not claim to be exhaustive. Moreover, no attempt has been made in the notes to furnish scientific proofs for every proposition and every remark on the history of dogmas.

⁴ Cf. e.g. 1st Vatican Council, sess. 3, cap. 3 (Denz 1794).

⁵ Cf. on this: K. Rahner, *Die Kirche der Sünder* (Freiburg 1948), (also in *Stimmen der Zeit* CXL [1947] pp. 163-177).

a person contradicts his membership of the Church and the nature of the Church, which is the sanctified communion of the members of God's household, the communion of Saints (Eph 2.19; 5.26 *sq.*; 1 Cor 12.13). The early Church knew this not only in some theoretical way, but she also really lived this in her day to day existence. One cannot understand the whole ancient penitential discipline of the Church properly, if one does not keep this ecclesiological aspect of sin constantly and vividly before one's eye, as did the early Church.⁶ The fact that the early Church – as we will see more explicitly in the next section – took public action against the sinner (and this in principle even when his sin was occult), is based on the consciousness that the sinner has transgressed even against the Church. The early Church, in her penitential discipline, is not only the representative of God who helps the sinner to get rid of his guilt against God – as we are 'forgetfully' inclined to think nowadays – but she is also the representative of God who reacts against the injustice which has been done to her – although she reacts, of course, with a strictness which is the manifestation of the curative mercy of God.

It cannot be maintained that this idea is valid only in the case of those sins which 'exclude from the kingdom of God'⁷ – in other [139] words, only in the case of (objectively and subjectively) grave sins. Certainly, *these* are the sins for which the sacrament of Penance exists principally. Mortal and venial sin are not only different in degree – they differ essentially, so that they are only 'analogously' covered by the one notion. But just as venial sin – although in an essentially different qualitative manner – represents an offence against the will of God analogously to mortal sin, so it is also in the same analogous measure an opposition to the Church. Since venial sins form an obstacle to the actualization of God's love in man, they simply diminish, by that very fact alone, the depth and power of God's love which should be found in a holier Church – quite apart from all the tangible social damage done to the Church by the majority of venial sins. They contribute to a lowering of 'standards' in the Church. Superficiality, tepidity, great or small egoism, obstinacy, want of prayer and penance – such and other 'venial' sins are, therefore, an offence against the Church, and this not only in those cases where we can perceive this diminution of the life and salvific power of the Church through such 'venial' sins (because, for example, they offend directly against certain official ecclesiastical duties).

Would it not be well if, when receiving the sacrament of Penance, we took to heart – somewhat less forgetfully – the truth that we have also sinned against the Church, that we are coming to the *very* grace of the Church against which we have offended and that she, too, has something to forgive us? It has been said that the man of today is almost incapable of the thought of being happy or of reaching heaven without bearing his neighbour and his fate along with him – that he does not wish for any happiness if it does not also include that of others. If this is so, then it ought to lie heavily on our soul that we have been guilty of offences against our neighbour, even if only in our most secret thoughts, and that to some extent the field of our disloyalty and of our failure is spread over the whole Church (and beyond her). No one lives for himself alone. And so no one sins for himself alone. In the darkness of the world, in its stifling sinfulness, in the mental indolence of the Church of which we complain so often – as if we did not bear any responsibility for it – our own guilt looks us in the face. Anyone who understands this, will recognize that the most truly

⁶ Cf. B. Poschmann, *Paenitentia Secunda* (Bonn 1940); *id.*, *Busse und Letzte Ölung (Handbuch der Dogmengeschichte* IV, 3) (Freiburg 1951); K. Rahner, 'Zur Theologie der Busse bei Tertullian: Abhandlungen über Theologie und Kirche', *Festschrift für Karl Adam* (Düsseldorf 1952), pp. 139-167; *id.*, 'Die Busslehre des hl. Cyprian', *ZKT* XIV (1952), pp. 257-276; 381-483; *id.*, 'La doctrine d'Origène sur la Pénitence', *RSR* XXXVII (1950), pp. 47-97, 252-286, 422-456; *id.*, 'Busslehre und Busspraxis in der Didascalia Apostolorum', *ZKT* LXXII (1950), pp. 257-281.

⁷ Cf. 1 Cor 5.6-13; 6.9-10; Gal 5.19-21; Eph 5.5.

Christian revolt against sin in the Church is – to accuse oneself of one’s own guilt before the Church, in the face of which one has oneself been guilty by one’s own sins, both great and small. Since the time when the [140] divine Logos himself became man and in his Holy Spirit permanently united himself with the congregation of the sanctified redeemed, the ‘*tibi soli peccavi*’ of the psalm ‘Miserere’ no longer has the sound of lonely individualism. It does not express the thought that my relationship to God, both in good and evil, concerns myself and God alone, and no one else. This does concern me and God. But therefore it concerns everybody. ‘I confess to God...to all the Saints and to you brethren, that I have sinned.’ We could not and would not need to confess to the brethren if we had not sinned against them also, by every sin we have to acknowledge.

2. ‘Binding’

It is a well known fact that the early Church appealed more to Mt 16.18 and 18.18 than to Jn 20 for the scriptural proof of her sacramental power to forgive sins.⁸ The reasons for this fact (which may at first seem strange to us today⁹) need not be examined here. The said fact alone already shows us that remission of guilt by the Church in the sacrament of Penance – to formulate it quite cautiously and vaguely to begin with – has something to do with ‘binding and loosing’. If we now go on to ask what exactly this means, and especially what is meant by this ‘binding’, then we discover once more that this also is a ‘forgotten’ truth in the theology of the sacrament of Penance. For if we inquire into the ordinary interpretation of these words current in scholastic theology today, we do not receive a really satisfactory answer. ‘Binding’ (and the corresponding ‘retaining’ in Jn 20), in so far as it regards the administration of the sacrament of Penance, means, we are told, the ‘refusal of absolution’ to someone who by a self-accusation has surrendered himself as a sinner to penitential tribunal of the Church.¹⁰ Theology, in opposition to the [141] theology of the Reformers, tries to prove the *judicial* nature of the Church’s power of forgiveness over the baptized sinner precisely by the *dual* power of binding *or* loosing. And so a great deal of formal juridical acumen is often summoned up in order to show that such a refusal of absolution – as opposed, e.g. to the refusal of baptism to a sinner or unbeliever – represents a truly positive judicial act which creates a new legal situation. Thus, for instance, the sinner is obliged in such a case to deliver himself up once more to the penitential tribunal of the Church, and the state of sin which had to some extent become liable to forgiveness through the accusation, has been re-confirmed through the refusal of absolution, etc.

We need not here go into the *internal* difficulties of this explanation of the meaning of the term ‘binding’. All these difficulties arise ultimately from the same fact, viz. that, objectively speaking, a refusal of absolution, no matter how cleverly it may be explained, cannot be any more than the (in certain circumstances) obligatory omission and refusal of an act – no more than this can be said of a refusal of baptism (which does not involve any judicial decision on the part of the Church). Such a refusal cannot be an independent act with its own, new legal

⁸ Cf. e.g. H. Bruders, ‘Mt 16.19; 18:18 und Joh 20,22.23 in frühchristlicher Auslegung’, ZKT XXXIV (1910), pp. 659-677; XXXV (1911), pp.79-111; 292-346; 466-481; 690-713. Also instructive in this respect would be a look into P. Anciaux, *La théologie du Sacrement de Pénitence au XII^e siècle* (Louvain 1949); cf. the Index of this work, p. 619.

⁹ The Council of Trent, sess. 14, cap. 1; can. 3 (Denz 894; 913), refers only to Jn 20.22 *sq.*, although with the restriction that our Lord instituted the sacrament ‘*praecipue*’ on the occasion referred to by Jn 20. Recourse to other texts is therefore not forbidden.

¹⁰ Cf. e.g. J. B. Umberg, ‘Die richterliche Bussgewalt nach Joh 20,23’, ZKT L (1926), pp. 337-370; P. Galtier, *De Paenitentia tractatus dogmatico-historicus* (new edition, Rome 1950), nos 125-141.

consequences, which is, after all, precisely what the above explanation must presuppose. Much more decisive is the fact¹¹ that ‘binding’, in the language of the New Testament and in the view of the early Church, means something different (which also makes the ‘retaining’ in Jn 20 fully understandable, if this is taken in the same sense); its meaning there is ‘to put under the ban’. It is important to stress from the outset that we must not be too hasty in making a mental connection between this meaning and the modern canonical concept of ‘excommunication’. The latter is a proper ecclesiastical [142] penalty which is imposed in a fixed manner for certain crimes committed within the Church. In order to understand what is meant by this ‘binding’ banishment in the New Testament and in the early Church, we must remember what we have already said about the ecclesiological aspect of (grave) guilt. A baptized person in mortal sin still belongs to the Church, he is still ‘inside’. But this very fact of his continuing to belong to the Church is robbed of its real meaning by his guilt. It should be a permanent, quasi-sacramental visible sign of his possession of the Spirit.¹² His belonging to the Church in the visible dimension of the Church (i.e. in the sphere of the historically and juridically tangible, of the tangibility of the profession of faith, etc.), becomes a lie in the case of the sinner. It becomes in a sense a ‘merely valid’ but not ‘efficacious’ continuous reception of the Proto-sacrament which the belonging to the Church represents. The first thing, therefore, the Church must do (precisely in order to save the sinner), consists in exposing this guilty and mendacious state of the sinner even in the external visible sphere. In short, the Church must first of all unmask the outward appearances – i.e. she banishes or ‘binds’ the sinner. She establishes the true facts even in the historical tangible sphere: you are precisely as a member of the Church not at all the person you appear to be by your visible membership; you have the appearance of being alive (simply because you belong to the communion of the living in the Body of Christ which is filled with the life-giving Spirit), but in reality you are dead. The Church, in judging, distinguishes and separates in accordance with the twofold meaning of the word κρι/νειν (κρι/σιφ).¹³

It follows from this also that ‘binding’ and ‘loosing’ are not two sides of an alternative, but two phases of the one reaction whereby the Holy Church answers the sin of one of her members. At least this is so in the intention of the Church. When she binds, she binds in order to be able to loose. Only once the truth, which is covered up by the outward appearances¹⁴ of the belonging to the Church, has been [143] brought to light on the visible plane of the Church, can the guilt towards the Church and God be lifted or ‘loosed’ again on the same plane, i.e. on the sacramental plane. Nothing is altered in this regard even in a case where the obduracy and impenitence of the sinner make it impossible to proceed beyond the ‘binding’ stage. The second stage of the one process (i.e. the loosing) depends on the repentance of the sinner. But the binding already aims at the loosing, and the latter presupposes the former.

¹¹ Cf. K. Adam, ‘Zum ausserkanonischen und kanonischen Sprachgebrauch von Binden und Lösen’, TQ XCVI (1914), pp. 49-64; 161-197 (also in: K. Adam, *Gesammelte Aufsätze* [Augsburg 1936], pp. 17-52); Strack-Billerbeck I, pp. 738-747; 792 sq.; IV, I pp. 293-333; Kittel, *Theol. Wörterbuch* II, pp. 59 sq.; III, pp. 749-753; V. Brander, “‘Binden und Lösen’ in der altsyrischen Kirche”, *Der Katholik* XCV, I (1916), pp. 220-232; 287-304; V. Brander, ‘Ist Binden und Lösen bei Mt 16.19 und 18.18 ein rabbinischer Schulausdruck?’, *Der Katholik* XCIV, 2 (1914) pp. 116-132; B. Poschmann, *De Paenitentia Secunda* (Bonn 1940), pp. 4-9. Also Paul F. Palmer, *Sources of Christian Theology* II: ‘Sacraments and Forgiveness’ (London 1960), p. 3 (on this particular point), and the whole work for the present chapter in general –Tr.

¹² Cf. e.g. O. Semmelroth, ‘Die Kirche als “sichtbare Gestalt der unsichtbaren Gnade”’, *Scholastik* XXVIII (1953), pp. 23-39; K. Rahner, ‘Membership of the Church according to the teaching of Pius XII’s Encyclical *Mystici Corporis Christi*’, see above pp. 1-88 (esp. pp. 69-88).

¹³ Cf. e.g. 1 Cor 5.3 sqq.

¹⁴ The sinner’s belonging to the Church is not ‘outward appearance’ in the sense that he no longer belongs to her, but in the sense that his continuing state of belonging (both according to its true sense and its demonstrative character) gives a false appearance of something which should be there but no longer is there, viz. the sharing in the holy Spirit of the Church.

This is the way in which the early Church always understood it.¹⁵ She always stressed the fact that the Christian who is weighed down with grave guilt must be bound so that he might be effectively loosed. And she never regarded this binding, this segregation of the sinful Christian from the full enjoyment of her communion, as an additional penalty of merely external Church discipline, which could only be imposed in certain cases. On the contrary, she always regarded this binding as a reaction incumbent on the Church in the face of every sin (in principle) which ‘excludes a person from the kingdom of God’. It is significant in this respect¹⁶ to note the identical nature of the pauline catalogue of depravities, i.e. of sins which exclude from the kingdom of God (in other words, of mortal sins, in our terminology) and the pauline catalogue of those sins which the Church (congregation) must answer by expelling the sinner from its midst. Thus it remained also in the theology and discipline of the early Church. In our present context, we cannot give a more detailed consideration to the exact form taken by this ‘ban’ – the connatural reaction of the Church to the grave sin of her member – in the actual practice of the early Church’s penitential discipline; and it could, of course, take on a variety of forms there. One thing is clear everywhere and this is the theologically deciding factor; the sinner was at least excluded from the precinct of the Church’s innermost life. He was excluded from her central *mysterium*, the source of all salvation – from the Lord’s Supper and Sacrifice. Of course, he was excluded because [144] he had excluded himself from it by his guilt. But precisely this culpable self-separation from the precinct of the Church’s innermost life which takes place in the depths of conscience, is given its tangible character and bodily reality on the plane of the visible Church¹⁷ by the ‘binding’ of the sinner on the part of the Church. The plane of the visible Church does not necessarily mean the ‘*forum externum*’, in the sense in which this term is used in modern Canon Law. For, in itself, it is here a question simply of the visible plane on which are found also, for instance, the sacraments.

Now, it might be said that this interpretation of the ‘binding’ as an inner and necessary moment in the sacramental process of forgiveness (as the so-called ‘public’ ‘excommunication’-penance in the early Church), must be false or, at the most, can have a merely historical, antiquarian interest for us. For, firstly, this expulsive binding is surely no longer to be found in the present-day administration of the sacrament of Penance; and, secondly, this whole ‘construction’ surely cannot be applied to the ‘Confession of devotion’, and yet the latter is nevertheless a dispensation of a sacrament. The examination of these objections will show us that we have uncovered a forgotten truth in this question of ‘binding’, which is still significant for us today and which will enable us later on to see the Church’s propitiatory ‘loosing’ also under a ‘forgotten’ aspect.

The first objection states that this ‘binding’, such as it has been explained and defined to the exclusion of the proper ecclesiastical penalty of excommunication as found in present-day

¹⁵ Cf. among others the literature cited above, p. 138, note 6.

¹⁶ Cf. on the one hand 1 Cor. 5.1-8; 5.11; 2 Ths 3.6; 2 Tim 3.2-5; 1 Tim 1.19 *sq.*; Ac 8.20 *sqq.*; Ap 2.2; 2.14 *sq.*; 2.20 *sq.* (lists or cases of a ‘ban’, ‘avoidance’ etc.), and on the other hand Gal 5.19-21; Eph 5.5; 1 Cor 6.9 *sq.*; Col 3.5-8 (lists of sins which exclude from the eschatological kingdom of God).

¹⁷ N.B.: This lies on the same plane as the ‘loosing’ and ‘forgiving’ in every possible or thinkable interpretation of the ‘binding’ (on earth) or of the ‘retaining’. Now in every Catholic exegesis and dogmatic theology, this ‘loosing’ or ‘remitting’ is, however, a sacramental process and therefore one which essentially has a historical tangibility in the visible Church as such. In other words, it is a process which is enacted in a ‘*forum*’, even though this ‘*forum*’ must be called ‘*internum seu conscientiae sacramentale*’ (CIC can. 196, 1047, 2314 § 2) compared with the external dimension of the Church in which those processes are enacted which affect the Church as a merely external society and her ‘*bonum commune*’ as such. Events which take place in the sacramental forum effect directly happenings in the ‘sphere of conscience’ (as simply all sacraments do). They do not, however, take place only in the ‘private’ sphere of internal conscience, but in the visible Church. The same must, therefore, be said in any case also of the ‘binding’.

Canon Law, no longer exists today. In order to see the falsehood of this statement, we [145] will first of all make a little thought-experiment before we start talking more ‘theologically’. Let us think of a very zealous little Christian parish of today, in which everybody knows everybody else even as ordinary ‘citizens’. Let us suppose that *all* the members of this congregation meet together on Sundays for the celebration of the Eucharist and that, under the necessary presuppositions, they all receive during it the Body of the Lord as a matter of course. Let us suppose furthermore (without wishing, of course, to recommend such a practice) that these zealous Christians have – as in the early Church – the seemingly strange custom for us of merely submitting those sins committed by them to the sacramental tribunal of Penance which are objectively *and* subjectively grave, but that they do nevertheless go to Confession in the manner to which we are nowadays accustomed, viz. by queuing up before the Confessional on Saturday afternoons. All these hypotheses are conceivable even today, even without making the slightest alteration in the present Canon Law. The people of this parish need only act in this way. No one could oblige them to act in a contrary manner – one could at the most encourage them to do so. What form would the life of this parish take under these presuppositions? With only slight modifications in the theological or practical sense and without any new canonical measures being taken, there would immediately and visibly appear again in such a parish what could be called ‘the public ecclesiastical penance’ or ‘excommunication-penance’. If someone in such a community committed a mortal sin and consequently does not (as he must not) receive Holy Communion on the Sunday, or (as he is equally obliged to do) queues up before the Confessional on the Saturday, then he would publicly confess himself to be in mortal sin¹⁸ and he would be in the ‘*ordo [146] paenitentium*’ even in the public sphere of the Church (even although the exact nature of his mortal sin would be known only to the Confessor through his Confession, as was also the case, by the way, in the early Church). It would not make any real difference whether such a sinner has his assigned place at the very back of the church on Sunday, as was the case in the early Church, or whether he inevitably attracts attention by remaining alone in his usual place (as would be the case in our little congregation); he would in either case inevitably avow himself ‘publicly’ to be a sinner. And the parish priest of this congregation could also preach just as publicly about the ‘queue’ which stands outside his Confessional on a Saturday evening: ‘*abundant hic paenitentes; quando illis imponitur manus, fit ordo longissimus*’; (innumerable are the penitents among us; there is a long queue at the time when the hand is imposed on them. Sermo CCXXXII, 7). With St Augustine, he could say of these penitents: ‘*proprie vocantur paenitentes remoti etiam a sacramento altaris participando, nec accipiendo indigne iudicium sibi manducent et bibant*’ (penitents in the proper sense are also excluded from participation in the Sacrament of the Altar, so that they may not eat and drink judgement to themselves by partaking unworthily of it. Sermo CCCLII, 3.8). He, too, could preach with St Augustine: ‘*illi enim, quos vidistis agere paenitentiam* (i.e. ‘who stand outside the Confessional ‘), *scelera commiserunt, aut adulteria aut aliqua facta immania; inde agunt*

¹⁸ It will not be very easy to prove that the Church, in the said hypotheses, has the strict duty to modify the external apparatus of the sacrament of Penance in such a way as to prevent anyone, even in these circumstances, betraying himself in practice to be in mortal sin. At any rate, the Fathers of the Church demanded a public ecclesiastical penance even for occult (mortal) sins (cf. e.g. B. Kurtscheid, *Das Beichtsiegel* [Freiburg 1912], pp. 16-23; *Öffentliche Busse für geheime Sünden*). Although this naturally did not signify a public *Confession* of guilt in the proper sense, the sinner did nevertheless inevitably reveal, in the then absence of a Confession of devotion and on account of the public nature of penance, that he had been guilty of grave sin. By such considerations it also becomes clear, incidentally, what pastoral difficulties would necessarily arise if the tendency of those who oppose the practice of the ‘Confession of devotion’ (or wish to push it into the background as far as possible) were to succeed. If these tendencies were once to prevail, it would in practice be impossible to get those who have committed mortal sins to go to Confession except on their death-bed (just; as at the time of Caesarius of Arles and during the succeeding centuries).

paenitentiam. Nam si levia peccata ipsorum essent, ad haec quotidiana oratio delenda sufficeret’ (those whom you see doing penance, have committed crimes, either adultery or some other terrible crime; this is why they are now doing penance. If they had only venial sins, daily prayer would be sufficient to blot these out. *De Symbolo* VII, is). It can also not be said that in our case the ‘public nature’ of this penance is only a factual one, without being constituted by a proper act of the Church. For these people are also excluded from the sacramental centre of the visible supernatural life of the Church by an act of the Church herself. Their sin forces them (under our presuppositions) to do ‘public penance’, because they are also excluded [147] from the Eucharist by a legal enactment of the Church, which falls upon everyone in mortal sin (and yet is not an excommunication in the modern sense of the word)-and because a commandment of the Church obliges them to receive the sacrament of Penance at least once a year, to which those who have not committed mortal sins are not obliged. Nothing is fundamentally changed in this by the fact that this ecclesiastical act is not nowadays enacted for every individual in particular and as such (as was the practice in the early Church) nothing is basically changed, in other words, by the fact that this act is nowadays to some extent ‘*latae sententiae*’ and not ‘*ferendae sententiae*’. Even today, the Church still ‘binds’ everyone in mortal sin, just as she did before, by isolating such a sinner even by her own legal enactment from the circle of those members of the Church who enjoy free access to her highest *mysterium*. And this activity of ‘binding’, which isolates, could at any time and by purely factual changes assume again the tangible and distinct character which we find in connection with the act of ‘binding’ in the early Church and which we (unlike the early Church) qualify nowadays as the ‘public nature’ of penance.¹⁹ The act of ‘binding’, considered as the first stage of the Church’s reaction to the mortal sin of the Christian, is, therefore, to be found today just as in the early Church. It is merely covered up, and hence ‘forgotten’ by us today, because it does not attract attention. But it does not attract attention because in fact many of those who would have the right, unfortunately do not receive the Eucharist; and many, fortunately, go to Confession who are not obliged to do so.

This whole matter can be expressed somewhat more briefly and in a somewhat more theological form in the following terms. The Church ‘binds’ the Christian who has sinned gravely. This is still true in so far as the Church excludes such a Christian by her own act (CIC can. 856) from the Eucharist, the greatest *mysterium* of the Church’s life and the communion of Christians with each other in the Church (even although this is nowadays done in a somewhat abbreviated form, as was indeed the case already here and there in the early Church²⁰). It is [148] true also in so far as the Church has laid down²¹ (over and above the divine commandment) that such sinners are obliged to surrender themselves to the tribunal of Penance at least once a year. And this ‘binding’ of the Christian in mortal sin by the Church takes place in the dimension of the visible Church, which differs indeed from the ‘*forum externum*’ but which nevertheless is really a sphere of the visible order, because it is precisely that dimension of the Church in which the sacraments are effected as ‘visible’ signs of grace.

¹⁹ The early Church did not, after all, qualify ecclesiastical penance as ‘public’ in contrast to a ‘private’ sacramental penance, but in contrast to non-sacramental penance for venial sins (by prayer, fasting, almsgiving etc.).

²⁰ We would refer the reader, for instance, to the abolition, under Nestorius of Constantinople, of the office of priest-penitentiary, who had to deal in an inquisitorial fashion with those who had rendered themselves unworthy of partaking of the Holy Eucharist. By this abolition, the decision in each *concrete* case, as to whether one is in fact in a state of unworthiness, was left to the individual, and thus the Church contented herself with laying down the general principle (considered, however, as a principle laid down by herself and not merely announced by her). In so far as, for instance, St Augustine too expected that the secret sinner would present himself spontaneously before the Church and abstain voluntarily from the Eucharist, he too really presupposes such an exclusion from the Eucharist ‘*latae sententiae*’.

²¹ CIC can. 901,906.

The fact that this visible (and hence ‘public’) process of ‘binding’ is not noticed in our present-day practice, is due to accidental circumstances which lie outside the nature of this matter. Because it does not attract notice, we are inclined to overlook and ‘forget’ this aspect of ‘binding’, yet this does not in any way mean that it no longer exists.

Would it not be better if we did not forget this ‘binding’? The separation from God and his grace, and the binding by guilt before God himself is, of course, the last and greatest awfulness of sin. But this very separation is brought out of the hidden depths of conscience to the surface of man’s existence through the ‘binding’ by the Church. Anyone who has met people (and there are such people) who suffer from this banishment from the innermost sacramental sphere of the Church, will be able to imagine what this ‘binding’ can mean in a person’s religious life. St Paul saw it as a handing-over to the power of Satan.²² And how could man not fear this banishment, when he cannot take refuge in the very precinct of the Church in which the incarnate Mercy itself is present as the power of life over sin, death and diabolical passions? How could a man ‘bound’ in this way not feel; abandoned and lonely in the fullest sense, when he is shut out from the *mysterium* in which is given the closest communion of men with one another? Because there is one bread, we who are many form one [149] Body; for the one bread is shared by all, says St Paul (1 Cor 10.17). How must these words affect someone who is excluded from partaking of this bread?

At this point it might be said – and with this we come to the second of the above mentioned difficulties – that the fact that there is no possibility of a ‘binding’ in the case of a ‘Confession of devotion’, which is nevertheless a sacramental forgiveness of sin, shows that the ‘binding’ does not after all belong to the essence of the Church’s penitential procedure.²³ ‘Binding’, one might therefore object, is not a necessary first stage in the judicial and saving reaction of the Church to the sin of her member, or at least this aspect does not enter into a ‘Confession of devotion’. This does, of course, represent a certain difficulty which must plainly be admitted. But it must be recognized, first of all, that this difficulty exists just as much in the usual explanation of ‘binding’ and ‘loosing’ (‘retaining’ and ‘forgiving’) mentioned at the beginning of this section. For this theory tries to prove the judicial character of the sacrament of Penance precisely by the alternative dual power of binding *or* loosing, with legal consequences in both cases. It must then be admitted, however, that even in this theory there can be no question of a true ‘binding’ in the strict sense with regard to merely venial sins. For the wiping out of venial sins is simply not dependent (not even by obligation) on the sacramental judicial intervention of the Church in the same sense as is true in the case of mortal sin. In addition, even in the usual theory, it is only by making superfluous and objectively most problematical assumptions that one can imagine a case in which someone confesses a venial sin in a mere ‘Confession of devotion’ which he has not already had forgiven [150] before he comes to the sacrament.²⁴ Venial sins cannot properly speaking be ‘bound’ or ‘retained’ in the strict sense, *no matter how* one may interpret these two words

²² Cf. 1 Cor 5.5; 1 Tim 1.20.

²³ N.B. we do not say: ‘to the proper essence of the *sacrament of Penance* as such’. The *sacramental* power in the strict sense is, in *every* view, merely *part* of a judicial (binding and loosing) power of the keys which Our Lord has given to the Church with regard to sinners. It is, therefore, justified and unobjectionable to distinguish between the nature of the (whole) penitential procedure and the nature of the particular phase of this procedure which must (and can alone) be designated in a more restricted sense as ‘the sacrament’. For the ‘binding’ as such retains its meaning and significance even in the case of the sinner who remains impenitent, but it is not, of course, of a sacramental nature in this case at any rate. And this sacramental nature should not, therefore, be attributed to it either in the case when, in accordance with what is properly and originally meant by it (cf. ‘ $\iota\beta\upsilon\alpha$ ’ in 1 Cor 5.5), the binding’ in fact ‘resolves’ itself into ‘loosing’.

²⁴ As to the reason why the reception of the sacrament does nevertheless not become meaningless, this has been sufficiently discussed in two of my articles: ‘Vom Sinn der heutigen Andachtsbeicht’, *Zeitschrift für Aszese und Mystik* IX (1934), pp. 323-336, and ‘Personal and Sacramental Piety’, cf. above, pp. 109-133.

expressive of the full authority of Christ, which are the scriptural foundation for the sacrament of Penance. It follows from this that the above mentioned difficulty is one which affects every theory, and not merely our own particular explanation of ‘binding’. For every theory must recognize, on the one hand, that the sacrament of Penance is geared in its whole structure to the wiping out of mortal sin, and, on the other hand, every theory knows from the practice and teaching of the Church that in a secondary and derived sense it can nevertheless also be a sacramental means for the cleansing from venial sins.

Presupposing these preparatory reflections for a ‘*retorqueo*’, we may say that venial sin, *analogously* to mortal sin (i.e. in a really similar way or with *merely* small differences), is also an offence against the holy Church and against the functions of membership to which a Christian is obliged in the Church. Venial sin does not, indeed, exclude the sinner from the inner life of the Church which is the ‘vessel of the Spirit’ (as Irenaeus would say), but does, however, hold him back from the full unhindered exercise of the life issuing from this inner vital principle of the Church. As St Thomas would say, venial sin does not exclude the virtue of *caritas*, but impedes the act and *fervor caritatis*²⁵ however, *caritas* must not be understood here as the merely subjective disposition, or merely as the individualistically conceived ‘infused’ virtuous habit, but as the divine love which pours forth continuously in our direction from the Church: *Ecclesiae caritas, quae per Spiritum Sanctum diffunditur in cordibus nostris* (the Church’s love which is poured into our hearts by the Holy Spirit, Augustine, *In Joan.* tract CXXI, 4). By venial sin man places a distance between himself and this fiery fervour of love which issues from the Church and from her divine principle, seeking to grip man ever more fully and jealously – to this fire he consciously opposes himself. This is first of all enacted in his own private sphere, perhaps even only in the hidden [151] depths of his conscience. And he himself *can* also terminate and repair this culpable resistance to the stirrings of the Spirit in these dimensions of his existence, viz. by ‘private’ penance, prayer and reception of the Eucharist which is after all the very sacrament of the ‘*fervor caritatis*’ according to St Thomas.²⁶ But the case which really concerns us here is when the sinner comes to the Church and deplures, and accuses himself of, his remissness and contrariety, and when the Church in her official representatives accepts this accusation and takes it seriously, confirming by seriously listening to this confession that this is not merely the expression of a sensitive soul, which is concerned with its private individual blamelessness, but a confession of guilt through which the Church herself must join in suffering and expiating. In such a case even the hidden separation of man from the fullness of life and vital energy of the Church, which is implied by venial sin, is in fact given a visible character in the sacramental forum of the Church. And this visible character is analogous to the visibleness which arises through the binding of a person in mortal sin (especially since even *such* a person does still remain a member of the Church). The confession of venial guilt, consisting in the declaration by the sinner and the acceptance by the Church, renders this guilt, and the separation from the Church caused by it, ‘present’ in the particular public sphere of the Church (no matter how discreetly this is nowadays constituted) which, distinct from the *forum externum*, is precisely the sphere in which the Spirit and Body of the Church permeate one another most intimately. The fact that the distance of the sinner from the Church’s fullness of life becomes perceptible as a result of the Church’s action and not merely by the action of the sinner, makes it quite legitimate to call this action of the Church a ‘binding’, analogous to the ‘binding’ by which the Church responds to the mortal sin of a Christian.

Again, anyone who reflects properly on this will not say that these are theological subtleties which cannot be of any importance for man’s religious life in practice. There is no sin by

²⁵ *De malo* q. 7, a. 2; I. II q. 89, a. 1.

²⁶ III. q. 79, a. 4 etc.

which we do not also become guilty against our neighbour; this is only too obvious in the case of most sins, including venial sins. Take a priest who kneels in the Confessional and confesses his sins. Suppose he confesses ‘merely’ venial sins: his gruff manner, his formalistic performance of his [152] priestly functions, his lack of penance and deficiency in the spirit of prayer, his haughtiness and his egoism, his cowardice in carrying out his mission. How much has he not in reality fallen short, both visibly and imperceptibly, in his duty towards others – how much is he not guilty towards the children, the poor, towards those who look for the Church and cannot recognize it in him, towards all those whose soul God will demand of him on the day of judgement? When this priest now confesses his sins, his ‘merely’ venial sins, in this way, then this is not (or should not be) only the unavoidable presupposition for his getting rid of these sins. This Confession has its own weight (after all, he could cleanse himself of these sins even without this Confession); it says: Oh my God, I, the most reverend gentleman, Your anointed and ordained priest, the representative of holy Church – I am a poor sinner and no better than those before whom I am meant to walk as a good shepherd on the paths of salvation. How great a gulf there is between what I am and should be as a priest and what I am as a poor sinner! And how this disparity weighs heavily upon me! How am I to confess it, how destroy the false appearance and the lie which spread around the truth of my priesthood by my guilt! I cannot kneel down before my parishioners to beg them to forgive me my guilt towards them, so that God in heaven may forgive me. And, therefore, I confess at least to another priest, to my own brother – in the place of God and God’s holy congregation whom I have offended – my fault, my grievous fault . . . Do not take me for an exalted saint but regard me rather as what I am through my guilt: a poor sinner. Through this Confession, by showing myself before the Church and thereby before all against whom I have sinned to be far from what I should be and seem to be, I can hope that God, by the love of his Spirit Whom he bestows, will also place me again where he has placed me by Ordination. By the fact that I show my fetters, he relieves me of them. This is merely an example. It could be made to apply to the case of the person in public life, of the father who has to watch over the salvation of his children’s souls, of the mother who should be an example to her, family of what is meant by being a true Christian, of the poor and lonely who should draw grace for others out of their own bitterness, of those who live in a monastery which should be a radiant city set on a hill . . . All of these should try to gain an existential realization of their being bound before and by the Church, before they let themselves be loosed from their venial sins by and before the Church.

[153]

3. The ‘Matter’ of the Sacrament of Penance

Anyone who has at some time or other studied theology will recall (probably with feelings of weariness and disinterest) a ‘scholastic controversy’ about the question of what is the ‘matter’ of the sacrament of Penance. He will probably regard this controversy as an exceedingly empty wrangle about words, which is utterly unimportant in practice and for our spiritual life. He will probably regard it as a controversy which drags on in the textbooks simply because theologians have taken it into their heads to distinguish between matter and form even in the case of the sacrament of Penance, although (in his opinion) this distinction which is clearly understandable in the case of other sacraments (such as baptism), can be applied to the sacrament of Penance only by dint of artificial subtleties. And so one gets the impression that the Thomists will go on calling the ‘acts of the penitent’ the matter of the sacrament of Penance, the Scotists (who deny this) will go on regarding these acts as merely necessary conditions for this sacrament, and that in the last resort both opinions come to the same thing. And yet this whole matter is a bit different in reality. This question is important,

and not only because the Reformers disputed the proper sacramentality of ecclesiastical Penance partly by maintaining precisely that there is no ‘*res*’ in this case, i.e. no ‘matter’ (as there is in the case of baptism and of the Lord’s Supper), but merely ‘words’ (*verba*). And, they maintained, since these words stand on their own, there is no question here of a sacrament, but rather of something belonging to the efficacious preaching of the Gospel of forgiveness. We prescind here from the significance of the scholastic controversy in this particular respect. Even apart from this, once we presuppose the thomistic view as well founded and as the now more common opinion in theology, we can discover a ‘forgotten’ truth in this question discussed in the schools, which is not without some significance for our religious life.

We will come closer to the proper meaning of this thomistic doctrine, if we try to discover how it originated. The application of the notions of ‘matter’ and ‘form’ to the sacraments as a whole was not made until the first decades of the thirteenth century, partially replacing the older notions of ‘*res*’ (*elementum*) and ‘*verbum*’. Now, before the question as to what is the matter and form in the sacrament of Penance was first asked in the thirteenth century, there had already [154] been a question (in the twelfth century) as to what in general is the sacramental *sign* of this sacrament, in contradistinction to the effect as such. The almost universal answer²⁷ given to this question during the whole of the twelfth century was, however, that the external penitential acts of the penitent are the sacramental sign, and above all his confession or the imposed penance. It should be noted, in parenthesis, that if here and there,²⁸ the absolution given by the priest was already regarded as the sacramental sign, this opinion is only apparently identical with the Church’s present-day teaching. For practically nowhere in the twelfth and thirteenth century (up to the time of St Thomas), did speculative theology regard Absolution as the sacramental process which *effects* the cleansing from guilt as such before God. Speculative theology attributed other, even though supernatural, effects to Absolution, and regarded the contrition of the penitent (caused in him by grace) as the sole cause, even in the sacrament, of the cleansing from guilt in the strict sense. But to return to the then prevalent explanation of the sacramental sign: we should not be surprised at this explanation. Both in the practice and in the theology of the early Middle Ages, the personal doing of penance by the sinner through contrition, confession and satisfaction (all done, indeed, before, and under the direction of, the Church) stood so much in the foreground of consciousness, that theology until the time of St Thomas saw the proper cause of forgiveness of guilt in this personal penance and in this love given by God. All that remained then to be attributed to the priestly absolution (the necessity of which was never disputed) were other effects, such as, for instance, the forgiveness of the *punishment* due to sin, etc. If it was asked from this point of view as to which is the sacramental sign of the sacrament of Penance, the answer could in consequence merely lie in – the acts of the penitent. And so, when, in the middle of the thirteenth century, theologians turned slowly and hesitatingly to the question of how they could distinguish between matter and form in the sacramental sign of the sacrament of Penance (because they were trying to apply this distinction to all the sacraments), the answers necessarily took on very different and undecided forms in view of the above situation, viz. the [155] general opinion that the acts of the penitent are the sign and that the Absolution has no causal effect on the cleansing from guilt as such. We do not need to enter here into the theory propounded by High Scholasticism before the middle of the thirteenth century on this question.

At this time (shortly before St Thomas and through St Thomas himself) the original and

²⁷ The materials for this will be found in B. Poschmann, *Die abendländische Kirchenbusse im frühen Mittelalter* (Breslau 1930); P. Anciaux, *La Théologie du Sacrement de Pénitence au XII^e siècle* (Louvain 1949).

²⁸ Cf. Anciaux, pp. 146 sq., 376, 382.

early tradition of the Church was successfully given a clear formulation in the new set of concepts. This was achieved first of all with regard to the sacramental causality towards guilt as such: Absolution by the Church exercises a sacramental causality on the cleansing from guilt as such. This is the decisive step forward which was taken by the theologians of this period (William of Auvergne, Hugh of St Cher, William of Meliton, Bonaventure, Thomas Aquinas)²⁹ in the clarification of the theology of Penance; we are not, however, concerned with this here. But this very step forward also made it clear that the Absolution, which cleanses from guilt, *is* therefore also necessarily the sacramental sign, or at least belongs to it as a necessary and constitutive moment. Now St Thomas, being the conservative and harmonizing genius which he is everywhere in his theology, could not and would not simply discard the theological thesis, traditional for one and a half centuries and still current in his day, according to which the acts of the penitent are the sacramental sign in the sacrament of Penance. The two notions of matter and form give him the possibility of working the traditional thesis and the newly won understanding into a harmonious synthesis. Thus, the acts of the penitent belong to the sacramental sign (this is where the older view is right); they are the matter, the one element in the sacramental sign which must be formed and further determined, and which signifies and calls forth the divine forgiveness. But the absolution given by the priest also belongs to this sacramental sign (this is where the new view is right); it is the form, the determining element in the totality of the sacramental sign which puts the final stamp on the acts of the penitent, and by which alone these acts are given their ultimate meaning. The (moral, not physical) union in meaning of the tangible penance done by man before the visible Church and the forgiving, [156] authoritative discharge given by the Church forms the unity of a sign, which signifies the divine forgiveness and which, by signifying it, effects it, i.e. allows it to become an actual happening.

Within this totality of the sign (and only thus), the priestly absolution (understood as ‘form’) is, for St Thomas, the decisive element as regards the causal *effect*³⁰; the acts of the penitent, however, are the more important element as far as the sign-function as such is concerned.³¹ These two elements of the one sign, in so far as they are ordained to one another by their very nature, can together also form the unity of the one signifying and effective sign.

It can be seen from this that St Thomas does not arrive at the theory, that the acts of the penitent are the matter of the sacramental sign, by the consideration that the judicial verdict of the Church requires a ‘matter’ (as has often been done since, in order to try to ‘prove’ his thesis³²). Indeed, such a proof would merely show objectively that there must be an object for the Church’s pronouncement of a sentence, to which it can refer, and so this would not go beyond the Scotist theory. St. Thomas’ sole proof (which, it should be remembered, he does not at all work out fully and on which he does not at all reflect) is rather the usual scholastic doctrine which was held before his time, viz. that within the one totality of the ecclesiastical process of penance, the personal act of the penitent has an effective influence on the cleansing from guilt and is not merely an extrinsic *conditio sine qua non* for the latter, as it is in the case of baptism (according to St Thomas). One could even say that this teaching of St Thomas was inspired by his deep theological instinct which urges him to let the personal and sacramental moments in the process of justification permeate one another as intimately as possible. This instinct does not allow him to recognize two separate ‘ways’ of justification, but urges him to regard the personal and sacramental elements-both of them in and before the

²⁹ Cf. for the above mentioned theologians: Valens Heynck, ‘Zur Busslehre des hl. Bonaventura’, *Franziskanische Studien* XXXVI (1954) pp. 1-81; for St Thomas: III, q. 84, a. 1 corp., ad 1, ad 2, ad 3; a. 3; a. 4, ad 3; a. 7 corp.; q. 86, a. 6 corp.; q. 89, a. 1, ad 2.

³⁰ III, q. 86, a. 6 corp.

³¹ In IV Sent. dist. 22, q. 2, sol. 2.

³² Cf. e.g. Chr. Pesch, *Praelectiones dogmaticae* VII 4-5 (Freiburg 1920), no. 79.

Church-as two sides or phases of the one process, which demand and condition each other.³³ The reason why he was able to carry this basic theological conception through, particularly in [157] the case of the sacrament of Penance (and more clearly there than in the case of other sacraments), lies, it is true, in the peculiar situation of the theology of Penance at his time, which moved the acts of the penitent to an even more central position in the sacrament of Penance than in the other sacraments.

It would be most superficial to attempt to see in this thomistic theory merely a clever verbal harmonization of objectively quite different points of view, and to admit in this way that Scotus³⁴ was right after all. Scotus, taking his departure precisely from this newly won position of St Thomas, transposed the sacramentality of the whole process of Penance exclusively into the priestly absolution, because this is ordained authoritatively and effectively to the cleansing from guilt itself, which St Thomas had been the first to make theologians see. With St Thomas it is a question (it seems to us), not merely of including in his theory an opinion of the schools which has existed before him, but of conceptually working into that theory a *genuine* tradition from the time of the Fathers. We can give only a very brief indication here of the proof of this statement, without going into the various pieces of evidence. The Fathers see first of all an essential difference between baptism and ecclesiastical Penance.³⁵ Baptism is forgiveness by free favour, a new creation, simply remission, sheer direct action of the Blood of Christ. Penance (even as a sacrament) is laborious atonement, baptism in one's own tears, not rebirth of a sudden kind, but a slow bitter cure by one's own efforts (even though these must be supported by the grace of God). And the Fathers refer this difference not merely to the cleansing from the temporal *punishment* due to sins but to the remission of guilt itself.³⁶ They see this difference not merely in the relation of baptism to the cleansing from sin after baptism which takes place extra-sacramentally, but in the [158] relation of baptism to the cleansing from sin which constitutes the penitential process regulated by the Church terminating in the reconciliation with and by the Church. If personal penance were only an extrinsic *conditio sine qua non* even in the sacrament of Penance,³⁷ then this difference between the two sacraments as such could not be maintained, or at least could be maintained only with regard to the temporal *punishment* due to sins. In view of this difference between the two sacraments, it is also not possible to hold that subjective penance has an effect on the cleansing from sin precisely in so far as these acts are *meritorious*. It is true that they are meritorious. But that is true also of the personal preparation for baptism (in so far as this normally includes faith, contrition and love), and so this circumstance does not constitute a difference between the two sacraments. This difference can, therefore, lie only in the fact that in contrast to baptism, subjective penance, done before and in the Church, is itself an intrinsic co-constitutive element of the sacramental happening and hence of the positing of the sacramental sign.³⁸ However, the act

³³ Cf. on this: K. Rahner, 'Personal and Sacramental Piety', pp. 109-133 above; H. Schillebeeckx, O.P., *De Sakramenteele Heilseconomie* (Antwerp 1952).

³⁴ Cf. N. Krautwig, *Die Grundlagen der Busslehre des J. Duns Skotus* (Freiburg 1938), pp. 133 sq.

³⁵ Cf. e.g. B. Poschmann, *Paenitentia secunda*, pp. 161, 239, 241 sq., 285, 287 sq., 400 sq., 409, 413, 427-435; B. Poschmann, 'Die kirchliche Vermittlung der Sündenvergebung nach Augustinus', ZKT XLV (1921), pp. 208- 228 etc. (esp. pp. 210-214); K. Rahner: RSR XXXVII (1950), pp. 52-69, 73-79, 96 sq.

³⁶ This (objectively correct) distinction which was as yet foreign to the Fathers, must not be arbitrarily introduced into their teaching to the effect that the sinner after baptism must get rid of his *sins* differently from the candidate for baptism.

³⁷ As it is in the case of baptism, which fact is emphasized also by the Fathers: cf. P. Galtier, *L'Eglise et la rémission des péchés* (Paris 1932), pp. 51 sq.

³⁸ The *inner* reason for this difference is understandable: the baptized sinner is still a member of the Church. His actions in and before the Church are, therefore, an expression of the life of the Church (in contrast to the actions of the unbaptized), and can, therefore, more easily have the character of a sacramental (even though merely

of the Church, her forgiveness, also belongs to this very happening, for it also is effectively ordained to the cleansing from sin. Hence both of these facts cannot be true at the same time unless the subjective and ecclesiastical [159] penance of the sinner and the Church's word of forgiveness combine (before there is any question of the effect) in one unified sign of the interior event of grace which is the remission of guilt, and constitute together the one sign of forgiveness. St Thomas is, therefore, absolutely right in calling the 'acts of the penitent' the *matter*, and the priestly absolution the *form* of the sacrament. He merely states in scholastic terms what had always been the conviction of the Fathers.

If we try to get a clearer idea of what is contained in this thomistic thesis, by approaching it in a somewhat less abstract and scholastic form, it will perhaps become clear why we think that there is a 'forgotten truth' hidden in it. We can do this even if someone were of the opinion that the theological proof for the thomistic thesis is not beyond all doubt. For we have the right, even under this presupposition, to entrust ourselves without fear to the authority of the 'Prince of the schools'.

To begin with: if the thomistic thesis is correct (and is really understood), then the penitent sinner co-posites the sacramental sign and hence is also a subordinate cause (of a sacramental-instrumental kind) of the sacramental grace. He is not only the passive recipient of this grace but is the one who, together with the priest, actively celebrates the sacred *mysterium* itself which is the sacramental cause of the grace which he receives. Matrimony, or, for instance, the priest's Communion in his own Sacrifice, provide us with similar cases. We may not on this account, it is true, call the penitent the 'minister' of the sacrament of Penance in the proper sense, for he does not give the absolution but only receives it, and his own penitential act does not presuppose any new authorization of an official kind in the proper sense. But it remains true to say that, in the thomistic theory, the penitent is an associate cause of the sacramental sign and hence of the sacramental grace, with the causality of an instrument and of a sign. By his confession and request for forgiveness, the penitent lends his interior penitential disposition a concrete form and a tangible character in the ecclesiastical sphere (i.e. in the public forum of the Church, no matter how discreetly a public form this may take) and in the presence of the Church – he incarnates that disposition, so to speak, historically. By doing so, he creates a reality in the dimension of the Church which, given the response and the transformation by the forgiving answer of the Church, becomes the sign of the effective presence of God's forgiving grace.

In a sacred process of mystery, he himself-the sinner, that is- provides God's pressing will of forgiveness in the Church with its matter in which this forgiveness becomes concrete and thus effective in this particular sinner. He who has ratified the black godlessness of the world by his guilt and has increased it in his own person, is permitted to prepare the means himself by which the invisible grace of God comes to shine out even in a concrete historical manner. The readiness of the sinner to accept God's grace (if it should come to him by free favour), which occurs and manifests itself within the sphere of the Church, becomes itself, under the response of the Church and with her forgiveness, the sacred sign *of the fact that* this grace really comes to pass here and now. His 'Come' is transformed into a 'Here I am'; man's cry

partial) sign than the activity of an unbaptized person. This does not imply that an unbaptized person must every case be incapable of positing a sacramental sign (an unbaptized person can at least baptize, after all). Such exceptions are based on the historical and free nature of the divine institution of the sacraments; they do not prove that the sacraments are not intended by their nature to be posited by members of the Church and as deeds of the Church. Added to this, in our case, is the fact that the sins of the unbaptized are sins which do not incriminate the Church considered as the visible saving community. It is different in the case of the baptized. He does penance, therefore, as a member of the Church. His penance as *such* is, therefore, an expression of the life of the Church as such. The fact that *this* penance, in contrast to that of the candidate for baptism, is included in the sacramental sign-nature of the sacrament, has thereby its meaning (even though perhaps not its strict necessity) from the very nature of things.

becomes itself part of God's answer. If the carrying out of the sacraments is 'liturgy' in the proper sense of the word, then the confessing sinner celebrates a part of the Church's liturgy and does not merely receive the effect of someone else's liturgical action. In him, too, the Church acts and executes her liturgy. A staggering liturgy this, the liturgy of the Church of sinners, the solemnly regulated appearance of the Church of sinners before the seat of grace of the Father Who holds the Cross of the Son; the liturgy of the prodigal son which consists in man's confessing himself before the holy God to be what he is of himself, namely a sinner; the sacrifice of praise by the lips which God himself must open, even if it is 'merely' a question of preventing them from denying one's own sinfulness as a result of being both proud and cowardly at the same time; the prize of grace in the confession of guilt. The early Church celebrated this terrible and healing liturgy of the Church of sinners most 'solemnly' (if we may say so) in her penitential discipline.³⁹ The 'celebrant' of this liturgy wore a special vestment for this, viz. the penitential robe; he fasted and wept; over and over again during the long period of penance he let the representative of Christ impose hands upon him, in prayer and in exorcism of the powers of darkness; the whole congregation celebrated with him, praying and interceding on his behalf. This liturgy took place in the presence of the whole saintly congregation; the distance from the pure bliss of the Altar, which was both punishment and healing, was clearly brought out. The priest (bishop) took [161] part in the prayer and fasting. He made his grace-giving word of forgiveness still more tangible and clear by his imposition of the hand (which was probably done ever since the time of the Apostles: I Tim 5.20-22).⁴⁰ Today this liturgy is quite sober – indeed, it is often mistaken for a primitive psycho-therapeutic consultation of hideous profanity; it is the liturgy of the Confessional. But perhaps this liturgy is in its kind most expressive for anyone who can see by faith, just because it is so sober: the liturgy of poor little sinners, of the mediocre and the weak, who are too poor and feeble to say and do more than what is absolutely necessary. Perhaps the liturgy thus expresses even better today what man is: a poor being which is just able to call for the mercy of God in a weak, almost dying whisper, and whose little lamentation is already enveloped by the loud, powerful utterance of mercy which fills all spaces: ego te absolvo. Christian Pesch is right when he says in-sober theological language: 'If someone denies that the *acts* of the *penitent* cause grace *ex opere operato*, then he is objectively on the side of Scotus, even if he says that these acts are the "matter" and "parts" of the sacrament of Penance.'⁴¹ What we have just stated, therefore, gives a completely true interpretation of the meaning of the thomistic conception. No one will be able to dispute the fact that we usually forget this significance of the personal acts in the sacrament of Penance, even if the tradition of the thomistic conception is carried on in the textbooks.

Why and how can the 'penitential' deed of the sinner in the dimension of the Church be itself, even though only together with the priestly absolution, the sign of the effective presence of God's grace of forgiveness? First of all we must reflect on the fact that the penitent sinner is a Christian. The grace of Christ in the Church, therefore, does not flow towards him as towards someone who is 'outside' (as in the case of a candidate for baptism). He is himself already a member of the Church, his penitential activity (unlike that of someone to be baptized) is already based on the character of baptism and on the historical tangibility of his belonging to the Church. Hence whenever that activity takes place before the Church (as in this case) and wherever it is directed towards her sacramental action of grace, it takes place *as* act of the *member* of the Church in the sacramental public [162] forum of the Church, no matter how unobtrusively it may be done in the obscurity of the Confessional; it has,

³⁹ Cf. J. A. Jungmann, *Die lateinischen Bussriten in ihrer geschichtlichen Entwicklung* (Innsbruck 1932).

⁴⁰ Cf. P. Galtier, *Aux origines du sacrement de pénitence* (Rome 1951).

⁴¹ *Praelectiones dogmaticae VII* ^{4/5} (Freiburg 1920), no. 74.

therefore, an ecclesiological explicitness; it is itself *ecclesiastical*. Since this activity is, however, necessarily supported and caused by the anticipatory and supernatural saving grace of God, and since it thus renders its own divine basis tangible in the historical here and now (which is done by any effect for its cause), the penitential activity of the Christian is also the sign of the anticipatory effectiveness of *divine* grace in the sinner. In, so far as this very grace is grace of the Church, since all grace is grace of the Body of Christ (i.e. from this Body and directed towards it), and in so far as it is given as a gift to this baptized sinner *qua* member of the Church (as her vital force), the personal penance of the baptized person is a manifestation of grace both as divine and as of the Church. Hence, the personal doing of penance by the baptized Christian is, in so far as he comes to the Church, already a sign and appearance of further divine and ecclesiastical grace in the dimension of the official, and sacramental public forum of the Church. This personal penance of the baptized is not yet simply by that fact and by itself alone an *ex opere operato effective* sign of the sacramental remission of guilt – for this it is required that the priestly absolution, the response of the Church, be joined up with it. But it is easily seen from what has been said, that the personal penance done by the baptized before the Church is in itself *suitied* to cooperate in constituting this one effective sacramental sign of divine forgiveness and that it is also orientated *to* the Church's forgiveness together with which it is meant to constitute the one sacramental sign.

4. The Prayer of the Church

When the priest exercises his office of messenger of the effective word of reconciliation, he says the *Misereatur . . .* and the *Indulgentiam . . .* before he pronounces the *Ego te absolvo*. But how often does he not say these words thoughtlessly and hurriedly, if he does not omit them altogether because he must hurry as there are many waiting outside his Confessional and these little prayers really do not belong to the necessary '*forma sacramenti*'. The penitent, in his turn, will only too often wait eagerly until these prayers are past and he hears the longed for '*Ego te absolvo*' which he understands much better. In most cases he will not know or notice at all that what the priest whispers between the giving of the penance and the *Ego te absolvo* is [163] already familiar to him from the prayers at the foot of the altar at the beginning of Holy Mass. But even in the Mass he will seldom come to 'experience' that in such a request and intercessory prayer for liberation from guilt this freeing from guilt can become a real event; he is too much caught up in the constricting impression that such a thing happens simply in Confession and that such prayers are merely pious wishes which, if they are fulfilled, realize themselves, in the normal course of events (indeed, almost exclusively), in Confession. How many priests and faithful have the concrete experience – such as they have sometimes experienced in Confession – that even a truly genuine *Confiteor . . .* can be a grace-giving event of real forgiveness of sin on the part of God,⁴² so that they begin the Sacrifice of the Mass as different persons from what they were when they gathered round the altar for the preparatory prayers?

⁴² Even though, naturally, not of a sacramental kind. We may mention in passing that in a sober theological treatment one would have to be careful in maintaining that such a remission is 'surer' in the sacrament than outside it where it happens merely '*ex opere operantis*'. For, given the corresponding necessary personal disposition, then it is possible to have the certainty even outside the sacrament which can be attained in the sacrament, because the success even of the sacrament depends on this disposition. If one wished to insist on the fact that 'imperfect contrition' suffices in the sacrament, whereas perfect contrition' is required outside the sacrament, then it must be remembered that the 'difficulty' of 'perfect contrition' consists precisely in something which is also required for 'imperfect contrition', viz. in the honest renunciation of sin considered as an offence against God. If this, however, is truly present, it is hard to see what special and new difficulty should be presented by contrition out of *love* for God.

What exactly is the meaning of these little wishes expressed before the absolution? They can no longer be called ‘prayer’, strictly speaking, since they do not address God at all but the penitent. They are a small relic of that part of the old penitential liturgy in which the Church made intercession for her member and prayed with him since she suffered with her member in his guilt. But what does this intercessory prayer of the old penitential liturgy mean? When we speak of the sacrament of Penance, our regard is more often than not strangely confined to seeing only the particular event which alone can be called ‘sacrament’ in the strict sense and, in fact, can be distinguished as a sacrament from other sacraments. And we moreover attach importance in this only to what is absolutely required-and sufficient-for the constitution of this sacrament. In this way we isolate the sacrament [164] from the totality of human and Church life, from the whole penance of man and the Church in which the sacrament is embedded and which leads to it and springs forth from it. We know all this, it is true, but we forget it. We need only ask ourselves some time what has all happened already in terms of supernatural events when a Christian stands outside the Confessional. Augustine⁴³ would say: he has already been raised by the word and grace of Christ from the tomb of sin like a Lazarus (not that he necessarily has already obtained the remission of guilt which is freely given to him by his being loosed by the Church); he has already begun to live, he needs ‘only’ now to be loosed by the Apostles from the fetters of sin. But the tomb *is* already open and the power of Christ, which is life, has already taken hold of him. Indeed, consider, in the light of the simplest principles of the Faith, what must already have happened before Confession and absolution! There has been a miracle of grace. For only in that way does a man come to that repentance without which the sacrament would be a sacrilege. There is no contrition of any significance for salvation unless God’s gratuitous grace has already anticipated man *so that* he may be able to repent and actually does repent, since the capacity and the actual doing are God’s grace. But this miracle of grace does not simply fall from heaven. It too has an incarnational nature: it is the miracle of the grace *of Christ*. It is conditioned by the historical event of Christ and of his Cross, by the preaching of the Word of God in the Church; it may depend on the example and word of another Christian which in the last analysis does also originate again in the grace of God; it is given as a gift to man, because and in so far as he is baptized and a member of the Church. Even before the *Ego te absolvo* there has already taken place a miracle of grace in the *Church*. And this miracle is also sustained by the intercessory prayer of the Church. We already find testimony of this intercessory prayer of the Church for sinners in the New Testament – it is so important there, that its refusal to certain sinners constitutes the gravest rebuff imaginable to a sinner by the Church: 1 Jn 5.16, and also in the Didache,⁴⁴ in Tertullian⁴⁵ and from then [165] onwards over and over again in the Fathers.⁴⁶ Christ prays in the Church for the penitent, and this prayer is gladly granted, says Tertullian. The Fathers of the Church emphasize over and over again that the sinner is freed from his burden by the ‘prayer’ of the Church and above all of her episcopal representatives – especially when, liturgically speaking, the intercessory prayer of the *whole* congregation in *direct* conjunction with the penitential process had receded into the background. And by this ‘prayer’ must not be understood here merely the ‘absolution’; it

⁴³ E.g. *In Joan. tract.* XLIX, 24; XXII, 7 Sermo LXVII 1,2; Sermo CCXCV 3,2; Sermo CCCLII 3,8 (and not 38, as stated in the German text. *Tr.*). Cf. B. Poschmann: ZKT XLV (1921), pp. 214 *sqq.*

⁴⁴ *Didache* 8, 2.3; 14,1.

⁴⁵ *De paenit.* 10,5 *sq.* Cf. K. Rahner, ‘Zur Theologie der Busse bei Tertullian’ (cf. above, note 6, p. 138), pp. 152-154.

⁴⁶ Cf. e.g. St Augustine, sermo CCCXCII, 3 (*agite paenitentiam, qualis agitur in ecclesia, ut oret pro vobis ecclesia*); St Ambrose, *De paenit.* I. 15, 80; St Jerome, *Dial. contra Lucif.* V; Epist. LXXVII, 4 *sq.*; St Pacian, *Parenesis X (exoratricem Ecclesiam deprecari)*; St Leo the Great, Epist. CVIII, 2 (Denz 146: . . . *supplicationibus sacerdotum* . . .); Sozomen, *Hist. Eccl.* VII, 16. Cf. also B. Poschmann, *Der Ablass im Licht der Bussgeschichte* (Bonn 1948), 10-13.

really refers (also) to the intercession made by the Church for the sinner. Because the Church prays and does penance in her Saints and justified members, God anticipates the sinner with his grace and leads him to the conversion without which no absolution is of any avail and which itself leads to salvation, in a case of necessity, even without priestly absolution. (It is obvious, of course, that this intercession and penance of the Church springs itself again from nothing other than the grace of God and the power of the Cross. But this itself again does not rule out the fact that such a deed done by someone is significant for the salvation of others.) When the penitent Christian comes to the Church's sacrament, the Church does not only not start her work on him, but she even *has* already done her greater work on him. For his interior conversion is also already the work of the praying Church.

In earlier times the Church included this work more tangibly and in a more developed form in the sacramental liturgy of the remission of sins: the bishop imposed hands (and this quite frequently during the period of penance) with prayers and exorcisms, the congregation assisted in this prayer and there was a proper penitential liturgy joined to the Eucharistic Sacrifice.⁴⁷ In the early Middle Ages the priest and penitent knelt before the altar and said long prayers together; the priest had to fast before he administered the sacrament, etc.⁴⁸ [166] Today all that has diminished and has become much more unobtrusive: a short expression of the desire to forgive, addressed directly to the penitent. But it should remind us of what is still true and actual today when we come to the Church to beg for forgiveness: she has already borne our guilt together with us, suffering by it and helping to atone for it when we became hardened in this guilt; she already sought us in her prayers when we were still obstructing the reign of her Spirit in us; she had already met us with her love when we were still indifferent to it; we came to her because she has sought us out. And when she now completes the work of reconciliation in us by the authority of Christ, she can do this because she had already begun it a long time ago in her prayer.

5. Loosing on earth and in heaven

When we read in the Scriptures about the power given to the Apostles to 'loose' sins in such a way that they are loosed also in heaven, we think instinctively and as it were naturally of the power of according the sinner forgiveness of his sins, in the name of God and by commission of Christ Our Lord, in such a way that the annihilation of his guilt through God's grace of forgiveness becomes an event in him here and now in a sacramental process (similar to that of baptism), and all this precisely on account of these words addressed to the Apostles. To understand the Bible text in this way is absolutely correct' (especially with a view also to the commission given by Christ in Jn 20), and indeed we can recognize this immediately and historically as being the interpretation already given to the text by the early Church from the third century onwards. But if we think that we have thereby exhausted the meaning of these words, then a more careful exegesis, and the mind of the early Church, will show us that we have not done full justice to the content of this text and have overlooked part of it. Not the essential and decisive part, certainly. For all that matters ultimately is that God forgives us our trespasses and that precisely *this* [167] forgiveness is given a tangible sacramental form and an effective presence in our life by the word of the Church. And yet it is not as if the further content of truth and reality of these words regarding the earthly and heavenly loosing

⁴⁷ Cf. above all J. A. Jungmann, *Die lateinischen Bussriten* (Innsbruck 1932).

⁴⁸ Cf. e.g. apart from Jungmann, the different 'Ordines paenitentiae' in H. J. Schmitz, *Die Busskirche und die Bussdisziplin der Kirche I* (Mainz 1883), pp. 75 *sqq.*, 87 *sqq.*, 98 *sqq.*, 239 *sqq.*, 397 *sqq.*, 471 *sqq.* These Ordines are still alive today – at least in writing – in the Pontificale Romanum, which still contain a solemn episcopal liturgy of penance for Ash Wednesday and Holy Thursday.

of sins could remain indifferent to us, simply because we have understood the decisive and most important thing properly and have let it become a reality in the Church in the sacrament of Penance.

We are already partially prepared to grasp what more there is in these words, by what we said above about the 'binding on earth'. For the meaning both of 'binding' and 'loosing' obviously becomes clearer by the antithetical nature of these terms. And what is even more important (and something which is not taken into consideration by the customary view about the meaning of 'binding' which we mentioned above) is that we can surmise from the very outset that the loosing by the Church to which Mt 16 and 18 refer, does not simply represent an alternative for binding but refers to the very binding undertaken by the Church – in other words, that the person to be loosed is loosed precisely from the ban imposed by the Church. This is the most obvious thought purely linguistically, simply because in this context there is no question whatsoever of any other restraint which could be loosed. If therefore, any kind of meaning can be gathered from the text in this particular direction, it must be preferred to other meanings. Now we saw that 'to bind on earth' means the showing forth, by the official authority of the Church, of the distance which has arisen in the public sacramental sphere and through man's fault, not only between God and the sinner but also between the Church and the sinful member of the Church. It is to be noted that this 'binding' contains a twofold element of 'distancing', viz. the one which arises through man's guilt itself and the one which is set up by the Church's act and by the Church herself. These two moments are to each other as nature is to connatural manifestation, or as a thing is to its constitutive expression. It therefore followed from this also that, in the case of grave sin, this expression (the 'binding') *must* in principle ensue on the part of the Church and before the Church, and that the Church's first reaction to the guilt of her members is always a 'binding'. The first element itself is again insolubly bound up with the guilt before God. Precisely because and in so far as this guilt is present, the person has (by that very fact) put himself at a distance also from holy Church, and so the Church must (in the case of grave sin) put [168] herself at a distance from the sinner by binding and banning him. She can, therefore, lift her ban (*Bindung*) only when she knows that the guilt is also forgiven before God 'in heaven' and that the sinner is also loosed in heaven. Now the words of our Lord state, however, that this very thing happens *by the fact that* the Church looses the sinner 'on earth', i.e. looses him from the ban imposed by her and (since this cannot have meaning or be possible in any other way) looses him also from the cause of this ban, i.e. from the ecclesiological side of his guilt. This means, therefore, that the remission of guilt in heaven is not simply and solely a presupposition for the loosing on earth but is also, moreover, its *effect*. It means, therefore, that if and because you loose something on earth, it will be loosed also in heaven – however much the effective loosing on earth naturally presupposed the repentant return of man to God, and however much the change in the relationship of man to God and to the Church which comes about through the loosing in heaven and on earth, represents basically only the two sides of the one unified process.

What meaning, and what increase of meaning, is given then to these texts beyond the meaning given to them by the usual, correct but inadequate interpretation? These texts now signify: when you have bound a sinner on account of his guilt in the face of God and against the holy Church ('on earth', i.e. in the visible sphere of holy Church) and when you then – on the sinner's repentant return – loose *these* bonds (his officially manifested distance from the Church) in the perceptible sphere of the Church by your sovereign act, forgiving him thereby his ecclesiological guilt, then he is also loosed *by* and *through* this from his state of guilt before God (from his 'bound state in heaven') and then he is also recognized once more 'in heaven' as a free member of the Congregation of Christ, animated by his Spirit, with all the rights and graces of such a member. The Church grants the sinner peace with God in granting

him the gift of *her* peace and by once more according him her spiritual love in an authoritative manner.⁴⁹

This is also how the Fathers understood this text. By receiving the -peace of the Church, we receive the Spirit of the Father, says Cyprian (Epist. LVII, 4). By the fact that they (the sinners) are restored to [169] peace with the Church, they receive the pledge of life (Epist. LV, 13). Peace with the Church remits sins, estrangement from the peace of the Church retains sins, says Augustine (*De bapt. contra Donat.* III, 18.23). Or St Augustine again in another place: ‘The *Church’s* love which is poured out into men’s hearts by the Holy Spirit, remits the sins of those who participate in this love, and retains the sins of those who have no participation in it’ (*In Joan.* tract. CXXI, 4). ‘The City of God renders man guiltless by receiving him into herself’ (*Contra Cresc.* II, 16).

Elsewhere too-however little the remission of guilt before God was overlooked, indeed as clearly as this final outcome was kept in view – the final result of the whole penitential process is characterized above all and before all else as ‘peace with the Church’, ‘communion’ (with the Church), ‘reconciliation with the Altar’, full ‘return into the tower of the Church’, ‘reincorporation into the Church’, etc. Even during the early Middle Ages, indeed until right into the thirteenth century,⁵⁰ there still persists the clear consciousness of the fact that absolution given by the priest is a ‘being received into the Church as someone healed’,⁵¹ an introduction into the Church of Christ,⁵² etc. This is true, even although it was perhaps no longer so clear in this connection that all this is not only *one* effect of the priest’s absolution *among* others, but the first effect in the objective, ontological order *through* which the other effects – especially the remission of guilt before God – are attained. Indeed St Bonaventure still says that Confession was directly instituted so that man could be reconciled again with the Church and so that his reconciliation with (through) God might thus become manifest (In IV Sent. dist. 17, q. 3, a. 2, fund. 2). And St Thomas says that, by the sacrament, man must be reconciled not only with God but also with the Church (IV Sent. dist. 17, q. 3, a. 3, qc. 5, ad 3).⁵³ The decisive factor for this testimony of [170] the Fathers is, however, the practice of the early Church (and the Fathers’ explanation of this practice). The ‘public’ penance is as such the sacrament of Penance; it is not merely a disciplinary measure taken by the Church and running concurrently with the sacrament, i.e. a ‘censure’ in the current canonical sense. This is why the Fathers (e.g. Tertullian, Cyprian, Origen) keep emphasizing the fact that the sinner must first of all be ‘bound’ (at least through the exclusion from the Eucharist) in order to be capable of being loosed. One cannot really explain why the whole process of sacramental remission of sins as such took the particular form it actually did take in the early Church, if one does not realize that the early Church clearly and consciously recognized an ecclesiological aspect in this sacramental process as such. We mean by this that she saw sin as an offence against the Church and looked on forgiveness also as a remission of the guilt of such an offence against the *Church*, as a reconciliation with the Church. And so, in accordance with the Scriptures, she regarded this very reconciliation with

⁴⁹ Cf. 2 Cor 2. 5-11: the sinner is once more granted access to the agape of the Church in due form (cf. Kittel, *Theol. Wörterbuch* III, pp. 1098 sq.).

⁵⁰ Cf. e.g. Anciaux, *loc. cit.*, pp. 277, 290, 320, 321, 344, 350, 453, 496, 499, 503, 504, 516. A. Landgraf, ‘Sünde und Trennung von der Kirche in der Frühscholastik’, *Scholastik* V (1930), pp. 210-247. Cf. also V. Heynck, *loc. cit.*, pp. 14, 17, 34⁹³, 40, 45 (Lombard), 52¹⁶⁰ (Hugh Ripelin of Strasbourg).

⁵¹ Anciaux, p. 170¹.

⁵² Richard of St Victor (PL 196, 1172).

⁵³ When St Thomas says about venial sin (in opposition to mortal sin) that ‘*nec indiget reconciliatione ad Ecclesiam*’ (IV Sent. dist. 17, q.3, a.3, sol.3), the stress is on the *indiget*; it does not, therefore, need to be denied that when venial sins are confessed, the absolution has, as in the case of mortal sins (even according to St. Thomas), the character of an (analogous) reconciliation with the Church.

the Church as the means to reconciliation with God. We must – one could say in the spirit of Cyprian – be reconciled again with our Mother the Church in order to be in a position to have God for our Father once more. Even though, given the present-day external structure of the sacrament of Penance, this aspect has receded more into the background in the case of a ‘Confession of devotion’, it is nevertheless still there even today. This needs no further proof after what has been said above about mortal sin considered as an exclusion from the Eucharist and even venial sin as an offence against the Church, and about Confession and its acceptance considered as the distance of the sinner from the Church becoming officially and publicly visible. But these truths should become less ‘forgotten’ truths.

The following would be a brief exposition in scholastic concepts of what has been said: The state of being reconciled again with the Church is the ‘*res et sacramentum*’ of the sacrament of Penance. As is well known, we make a distinction with regard to the sacraments between the sacramental sign (*sacramentum*), the effect of grace which is the ultimate object of the sign-causality of the sacrament (*res* [171] *sacramenti*) and an intermediary reality between these two which has both the character of the sign with reference to the ‘*res sacramenti*’ and also the character of the effect in relation to the sacramental sign, and is, therefore, called the ‘*res et sacramentum*’. A more precise analysis of those sacraments in which such an intermediate factor between sign and effect is most clearly perceptible, shows that this factor always has an ecclesiological character. Thus: the character of baptism which means that a person is permanently directed to the Church as her member, the character of Holy Orders which is the appointed mandate of one’s station in the Church-and the deeper incorporation into the Mystical Body of Christ through communal reception of his Body in the Eucharist.

Now in the High Middle Ages, the ‘internal disposition of penance’ was designated the ‘*res et sacramentum*’ of the sacrament of Penance in so far as it is the effect and not merely the presupposition of the sacrament; in modern theology, thinking in terms of purely formal, legal niceties, it is ‘the right to the grace of the sacrament’ which is held to be the ‘*res et sacramentum*’ of this sacrament. For reasons which we cannot explain just now, these explanations do not satisfy. If one does not wish to abandon altogether (as is in part the case today) any attempt to find such an intermediate reality between sign and effect in this sacrament, the most meaningful answer, historically and objectively, is that in the sacrament of Penance the forgivingness of the Church towards the sinner is the ‘*res et sacramentum*’. This no more endangers the character of the *opus operatum* in the sacrament of Penance than is the case in the sacrament of baptism. In the latter case this intermediate reality is made to consist in the character of baptism considered as the first incorporation into the Church; the intermediate reality in this case is regarded as that real right which gives the recipient a claim to the actual reception of the grace of justification in baptism, as long as there is no obstacle placed in its way by the unbelief or the impenitence of the recipient of baptism. In so far as man, therefore, through the process of reconciliation with the Church (*sacramentum*: loosing on earth), enters once more into the state of being fully reconciled with the Church (*res et sacramentum*: *pax et communio cum Ecclesia*), he necessarily receives a (new or more profound) share in her Spirit which forgives guilt and justifies before God (*res sacramenti*: peace with God). This intermediate reality does not always require to be stressed in baptism (and is not, in fact, stressed [172] in the formula of baptism, and very rarely and slightly in the old Tradition⁵⁴). Instead, the proceedings of baptism are directly connected in the explicit formulation with the final effect of baptism (baptism for forgiveness of sin, for the gift of the Holy Spirit), although there certainly is a character of baptism which constitutes that intermediate reality. Similarly, this intermediate reality does not always require to be stressed

⁵⁴ Much less than in the case of the sacrament of Penance, since reflection on the baptismal character, considered as the sign of belonging to the flock of Christ, only began with St Augustine.

in the case of the sacrament of Penance (neither in the words of its form nor throughout its theological description), and yet it must not be denied objectively. The basic conception of the nature of the Church points in the same direction, when it is again emphasized more strongly today that the Church is the ‘Proto-sacrament’. In fact, this old doctrine about the *pax cum Ecclesia* as ‘*res et sacramentum*’, which is old in substance if not in its explicit formulation, gains more and more adherents in modern times.⁵⁵ It does not really matter so very much in the end about the formulation; what matters is the very essence of the facts. And these facts, it seems to us, are at any rate given in the forgotten truth: ‘*non . . . adhuc Ecclesiae reconciliatus est . . . nisi prius sacerdote absolvatur*’ (unless the priest absolves him first, he is not yet reconciled with the Church), as St Thomas puts it.

If we stop there, this does not mean that we have even touched on all the ‘forgotten’ truths in the theology of the sacrament of Penance. There still remains a lot to be said. We will end by simply mentioning a few things at random.

Theologians speak about the penance imposed by the Church in the sacrament (i.e. the satisfaction) as belonging to the sacramental sign itself (even though not as an essentially necessary part, yet as an integral part), and thus as participating *ex opere operato* in the sacramental causality. Do we have too poor an opinion of ourselves and of other Christians if we maintain that such a doctrine is to be found only in books, but is not ‘realized’ in our religious life? I am afraid [173] that this question cannot be answered in the affirmative. One ‘says one’s penance’ simply because this is part of the proceedings. Moreover, the penance is usually too insignificant to make us really and strongly conscious of the fact that we are doing penance. How could it then be recognized that the sacred *Liturgy* of the sacrament of Penance is not yet completed when we leave the Confessional? But this is after all what is meant when it is said that the sacramental satisfaction belongs still to the sacramental sign and indeed fuses, without ceasing itself to be sacramental, with the whole of one’s life in so far as this is penance. For the penitent who has been absolved is told at the end that all his actions and sufferings are to avail him unto the forgiveness of sin.⁵⁶

The fact that the sacrament of Penance is based on the baptized condition of the Christian, i.e. on his baptismal character, could be brought more explicitly into consciousness. Not merely in the formal juridical sense that only a baptized person can receive other sacraments. Rather, the baptized person activates, develops and carries through afresh in his life the conversion which was begun in baptism; he acts in the sacrament of Penance as a member of the Church, which he is by baptism; his sin has a peculiarity about it which does not belong to the sins committed by ‘those who are outside’; he has a judgement passed on him which can be passed only on members of the Church (1 Cor 5.12 *sq.*). The negotiation of redemptive grace which takes place in the sacrament of Penance is a release of the (formal)

⁵⁵ Cf. B. Xiberta, *Clavis Ecclesiae* (Rome 1922); B. Poschmann, ‘Die innere Struktur des Bussakraments’, *Münchener Theologische Zeitschrift* I (1950), pp. 12-30; H. de Lubac, *Catholicism* (London 1958), pp. 37 *sq.*; M. de la Taille, *Mysterium Fidei* (Paris 1931), p. 581; M. Schmaus, *Katholische Dogmatik* IV, I⁴⁵ (Munich 1951), pp. 527 *sqq.* (cf. also the article by M. Schmaus cited in note 1 on p. 135 above).

⁵⁶ A good number of theologians are indeed of the opinion that the prayerful wish expressed by the ‘*Passio Domini . . .*’ is intended to urge the penitent to regard his whole life, in all its hardness, as a continuation and expansion of the penance imposed. This is the reason why according to this opinion the confessor (in the expectation that this stimulus will be followed up) gives only a mild penance, and why the ‘penance of one’s life’ receives by this mutual intention also a *sacramental* efficacy of satisfaction. Cf. St Thomas, *Quodlibet* III, a. 28 (cf. also III, q. 84, a. 8 and a. 9); Pesch, *loc. cit.*, no. 253; P. Galtier, *Dc Paenitentia* (Rome 1950), no. 511. This, at any rate, is – even from a historical point of view – the meaning and intention of this concluding wish, which is found in the penitential liturgy at least in spirit since the thirteenth century (in the *Poenitentiale Vallicellanum II* in F. G. H. Wasserschleben, *Die Bussordnungen der abendländischen Kirche* [Halle 1851], pp. 550-557) and which later on appears more and more often in that same liturgy (cf. Jungmann, *Bussriten*, pp. 199, 237, 262). It can also be concluded from St Thomas’ *Quodlibet* III, a. 28 that this terminating formula was still quite new in his day and not quite universally used as yet.

efficacy [174] of the baptismal character,⁵⁷ as was already seen clearly by St Augustine.⁵⁸

We should above all consider and apply to the sacrament of Penance what St Thomas-in full accord with the old Tradition-says about the sacraments in general: viz. that they refer back in their signs to the mysteries of the life and death of Christ and point ahead to the end of the whole history of salvation. For it is true that there occurs in this sacrament, taken as a visible ritual *mysterium*, a dying to sin first of all in the mortification of the flesh, and hence (because happening by Christ's grace) a sacramental manifestation of the death of Christ, a submission of oneself to the judgement of God which on the Cross condemned sin in the flesh of the Son (Rom. 8.3). And this judgement points in advance to the judgement at the end of life and of time in which grace will triumph.⁵⁹

⁵⁷ Cf. pp. 21-25 of the article by B. Poschmann cited in note 55 on p. 172 above; M. Scheeben, *The Mysteries of Christianity* (St Louis and London 1947), pp. 576 *sqq.*; H. Oswald, *Die dogmatische Lehre von den Sakramenten II*⁵ (Münster 1894), pp. II *sqq.*, 310 *sqq.*

⁵⁸ Texts in Poschmann, *loc. cit.*, p. 24.

⁵⁹ III q. 60, a. 3. See the profound commentary on this by H. Schillebeeckx, *loc. cit.*, pp. 143-183.