

PART TWO

Sacraments

PENANCE AS AN ADDITIONAL ACT OF RECONCILIATION WITH THE CHURCH

The Second Vatican Council has laid down in two passages that in the sacrament of penance an additional reconciliation of the sinner takes place with the Church herself.¹ The Church, therefore, is not only the bearer of the effective word in which God pronounces his forgiveness and grace upon the repentant sinner. Also, and by the same act, she confers upon the individual that *pax* with her own self which was damaged or broken by his sins.

I

This declaration of the Council is an astonishing enactment. Almost fifty years ago the Spanish Carmelite B. F. Xiberta² initiated afresh the debate concerning the doctrine of the reconciliation of sinners with the Church³ (and not only with God through the Church) in the sacrament of penance. Probably this was the first time the matter had been discussed since the Council of Trent. But when Xiberta sought to justify this doctrine he met only with rejection. J. Stuffer,⁴ the well-known expert on the history of the sacrament of penance, likewise rejected this theory after Xiberta's book had appeared. A. d'Alès⁵ did the same. As late as 1957 it was summarily and unequivocally rejected by P. Galtier,⁶ who certainly enjoys a great reputation as a historian and for his systematic expositions of the sacrament of penance. In E. Doronzo's⁷ comprehensive theology of the sacrament [126] of penance, published in monograph form, Xiberta's theory is still accorded a relatively brief treatment (in comparison with the scope of the work as a whole), and . . . rejected. The great monograph on the history of the sacrament of penance by J. Grotz,⁸ which has been published very recently, proceeds from the *a priori* view that originally reconciliation with the Church would not have constituted any essential element in the sacrament of penance itself, but would first have become established in the course of the second century, and then only in specific cases as something that was conferred *prior to* the sacramental act proper. He attempts to confirm this theory *a posteriori* by an immense display of historical learning. Even if we hold the opinion

¹ cf. *Lumen gentium*, No. 11; *Presbyterorum ordinis*, No. 5.

² B. F. Xiberta, *Clavis Ecclesiae: De Ordine Absolutionis Sacramentalis ad Reconciliationem cum Ecclesia* (Rome 1922).

³ Here the reconciliation of the sinner with the Church is taken to be the *res et sacramentum*, while the forgiveness of sins in the sight of God is the *res sacramenti* corresponding to this.

⁴ J. Stuffer, *Z.K.T.* 47 (1923), pp. 453 ff.

⁵ A. d'Alès, *R.S.R.* 12 (1922), pp. 372 f.

⁶ P. Galtier, *De Paenitentia* (Rome, 3rd ed. 1957), p. 341.

⁷ E. Doronzo, *De Paenitentia II* (Milwaukee 1951), pp. 131-153.

⁸ J. Grotz, *Die Entwicklung des Bussstufenwesens in der vornicänischen Kirche* (Freiburg 1955).

that in this large-scale and learned work the historical evidence adduced has failed to establish the author's thesis,⁹ still the very existence of such a work from 1955 onwards shows precisely *how strongly* the idea of sacramental penance as a reconciliation with the Church had become foreign to the thought of theologians. The majority of treatises on this sacrament, extending right down to the most recent times, pass over this thesis of Xiberta's in silence, so that I myself was surely justified in speaking of a 'forgotten truth'.¹⁰ In any case it has played no part in the average theology of the schools.¹¹ Even in the most [127] recent work on the question, that of McAuliffe,¹² while its author does not absolutely reject Xiberta's thesis, he still cannot bring himself to agree with it.

Thus it is, after all, an astonishing fact that the Council, with a marked lack of reserve, gives expression to this doctrine as a manifest truth. The fact that the Council felt no difficulty in doing this will appear in the course of this study, the purpose of which is to show that what the Council is asserting here belongs to the most ancient stock of tradition, in which evidence for the doctrine can be traced from scripture right through the theology of the Fathers and the Middle Ages as something essential and manifest.

Of course it is not the case that Xiberta met *only* with contradiction or an icy silence. We may take the case of B. Poschmann. While this author did not fully develop the thesis as a subject in its own right,¹³ it still remains true that his historical studies on the history of penance in the early Church are influenced by the conviction that the practice of penance in the early Church and the institution of penance in patristic times are, in the last analysis, an insoluble mystery unless we constantly keep before our eyes a clear recognition of the fact that in the early Church the conferring of the *pax cum Ecclesia* was an essential element in the penitential practice of that Church considered precisely as a *sacrament*, and not merely as an associated practice prescribed by Church law. In addition to him individual theologians have claimed a hearing again and again who (either explicitly or implicitly) agree with Xiberta. Not only in the study mentioned above, but in my duplicated treatise (still unpublished) of almost 500 pages on the sacrament of penance I myself have already presented the doctrine of the additional reconciliation of the sinner with the Church as a key to the understanding of the entire history of penance in the early Church. Of the theologians

⁹ On this cf. K. Rahner, 'Die Busslehre im Hirten des Hermas', *Z.K.T.* 77 (1955), pp. 385-431; S. Hübner, 'Kirchenbusse und Exkommunikation bei Cyprian', *Z.K.T.* 84 (1962), 49-84; 171-215 (with bibliography).

¹⁰ K. Rahner, 'Forgotten Truths Concerning the Sacrament of Penance' *Theological Investigations* II (London and Baltimore 1963), pp. 135-174; cf. also *idem*, *L.T.K.* II, 2nd ed., col. 836; *idem*, *Kirche und Sakramente* (Freiburg, 2nd ed. 1963), pp. 83 ff. The author may be permitted to refer to his earlier studies in the history of the sacrament of penance (cf. above, n. 9, pp. 138 f., 141). They have been collected in an Italian translation, *La penitenza della Chiesa* = Biblioteca di cultura religiosa, Seconda Serie no. 60 (Rome 1964, 2nd ed. 1968), 872 pp. A German edition of these historical researches is planned as *Schriften zur Theologie* IX. At the same time reference may be made to the author's comprehensive treatment of the subject *De paenitentia: Tractatus historico-dogmaticus* (Innsbruck, 4th ed. 1960, duplicated), XXIII-785 ff., which has still to be revised and published. For the evidence in concrete detail, therefore, the author must refer to his detailed investigations and the bibliography he draws upon there. On the matter itself cf. also the important investigations of G. d'Ercole, *Consortium Disciplinae. Le sanzioni nell' ordinamento canonico preconstantiano* I (Rome 1955); *idem*, *Penitenza canonico-sacramentale dalle orogini alla pace constantiniana* (Rome 1963).

¹¹ A typical example is to be found on p. 462 of S. Gonzalez's *Sacrae Theologiae Summa* IV (Madrid 3rd ed., 1956), no. 93, n. 4. Here Xiberta's thesis is rejected as '*contra communem theologorum sententiam*'.

¹² C. McAuliffe, 'Penance and Reconciliation with the Church', *Theological Studies* 26 (1965), pp. 1-39. We are indebted to this painstaking study for references to the more recent writings on the question with which we are here concerned. But McAuliffe's study has not yet taken the pronouncements of Vatican II into account.

¹³ cf. B. Poschmann, *Paenitentia Secunda* (Bonn, 1940), e.g. p. 11; 'Busse und Letzte Ölung' = *Handbuch der Dogmengeschichte* IV, 3 (Freiburg 1951); Apart from his other important and well-known works on the history of the sacrament of penance the following study by B. Poschmann is particularly important: 'Die innere Struktur des Bussakramentes', *M.T.Z.* 1 (1950), pp. 12-30. Poschmann shows a certain lack of terminological precision in his exposition of the teaching of the pre-Nicene Fathers. On this cf. K. Rahner, *Z.T.K.* 64 (1940), p. 162.

who agreed with Xiberta prior to the Council [128] the following may be mentioned: de la Taille,¹⁴ Cabrol,¹⁵ de Lubac,¹⁶ Mersch,¹⁷ Schmaus,¹⁸ Leeming,¹⁹ Riga,²⁰ Dumont,²¹ Schillebeeckx,²² Courtney,²³ Palmer,²⁴ Anciaux,²⁵ Oggioni,²⁶ Marie-Benoit,²⁷ McAuley,²⁸ Cantwell,²⁹ Ratzinger,³⁰ Congar,³¹ Vorgrimler,³² Semmelroth,³³ Beumer,³⁴ Piolanti,³⁵ Alszeqhy,³⁶ Leclercq,³⁷ Rondet.^{37a}

[129]

II

Now certainly it was natural for the Council to give expression to this truth, so ancient and yet so new, of the reconciliation of sinners to the Church in the sacrament of penance, because it was so extremely relevant in the actual *context* in which this was asserted. In chapter 2 of the Dogmatic Constitution *Lumen gentium* the intention was to speak of the 'priestly' functions of the people of God. These priestly functions are made actual in the sacraments and through the virtuous life which Christians lead. Whereas in earlier versions of the text not all the sacraments were treated of in this connection, the authors arrived, at a very early stage in their work of drawing up the text, at a decision to mention *all* the sacraments at

¹⁴ M. de la Taille, *Mysterium fidei* (3rd ed. Paris, 1931), p. 581; cf. *idem*, 'Conspectus bibliographicus', *Gregorianum* 4 (1923), pp. 591-599; further evidence in C. Dumont, *N.R.T.* 81 (1959), pp. 578-579.

¹⁵ F. Cabrol, *Six Sacraments* (London 1930), p.160.

¹⁶ H. de Lubac, *Catholicisme* (4th ed., Paris 1947), pp. 61 f.

¹⁷ E. Mersch, *La théologie du corps mystique* (2nd ed., Paris 1946), p. 304.

¹⁸ M. Schmaus, *Katholische Dogmatik* IV/1 (Munich, 5th ed. 1957), pp. 591 f.; *idem*, 'Reich Gottes und Bussakrament', *Münchener Theol. Zeitschrift* 1 (1950), pp. 20-36.

¹⁹ B. Leeming, *Principles of Sacramental Theology* (New York, 1956), pp. 361-366.

²⁰ P. Riga, *Sin and Penance* (Milwaukee 1962), pp. 111-113.

²¹ C. Dumont, 'La réconciliation avec l'église et la nécessité de l'aveu sacramental', *N.R.T.* 81 (1959), pp. 577-597, esp. 578 ff., 583 ff.

²² E. Schillebeeckx, *De Christusontmoeting als sacrament van de Godsontmoeting* (Anvers, Bilthoven 1957), p. 152; German ed., *Christus, Sakrament der Gottbegegnung* (Mainz 1960), p. 179.

²³ F. Courtney, 'The Sacrament of Penance', *Clergy Review* 40 (1955), p. 519.

²⁴ P. Palmer, 'The Theology of the *Res et Sacramentum* with Particular Emphasis on its Application to Penance', *Proceedings of the Fourteenth Annual Convention of the Catholic Theological Society of America* (Jonkers, N.Y. 1959), pp. 131-141; *idem*, *Sacraments of Healing and of Vocation* (Englewood Cliffs, N.Y., 1963), pp. 34-36.

²⁵ P. Anciaux, 'La dimension ecclésiale de la pénitence chrétienne', *Collectanea Mechliniensia* 46 (1961), p. 477; *idem*, *Le sacrement de la pénitence* (Louvain 1960), German edition, *Das Sakrament der Busse* (Mainz 1961), pp. 154-158, cf. also, pp. 44 f., 52 f., 72 f., 74, 76, 79, 111 f., 124, 136, 164 f., 168 f., 173 f., 179, 187 f.

²⁶ G. Oggioni, *Storia e teologia della penitenza: Problemi e orientamenti di teologia dommatica* II (Mailand 1957), p. 920.

²⁷ P. Marie-Benoit, 'Note sur le jugement exercé au sacrement de pénitence', *Études Franciscaines* 12 (1962), p. 145.

²⁸ G. McAuley, 'The Ecclesiastical Nature of the Sacrament of Penance', *Worship* 36 (1962), pp. 212-213.

²⁹ L. Cantwell, 'Pax Ecclesiae', *Clergy Review* 48 (1963), p. 617.

³⁰ J. Ratzinger, 'The Pastoral Implications of Episcopal Collegiality', *Concilium* I/1 (1965), pp. 20-34.

³¹ Y. Congar, 'Über die Mutterschaft der Kirche', *T.Q.* 145 (1965), pp. 68-100, esp. 93-94.

³² H. Vorgrimler, 'Der ekklesiastische (deprekative) Aspekt des Bussverfahrens', *Anima* 14 (1959), pp. 307-314. *idem*, 'Bussakrament', *Handbuch theologische Grundbegriffe* I (Munich 1962), pp. 204-217.

³³ O. Semmelroth, *Die Kirche als Ursakrament* (Frankfurt 1953), pp. 64 ff.

³⁴ J. Beumer, 'Die persönliche Sünde in sozialtheologischer Sicht', *Theologie und Glaube* 43 (1953), pp. 81-100.

³⁵ A. Piolanti, 'Socialità del sacramento della penitenza', *Studi Cattolici* 2 (1958), pp. 27-33.

³⁶ Z. Alszeqhy, 'Carità ecclesiale nella penitenza cristiana', *Gregorianum* 44 (1963), pp. 5-31.

³⁷ J. Leclercq, *La liturgie et les paradoxes chrétiens* (Paris 1963), pp. 87-104.

^{37a} H. Rondet, 'Bemerkungen zu einer Theologie der Sünde', *G.u.L.* 28 (1955), 28-44; 106-116; 194-208.

this point.³⁸ In this connection,³⁹ therefore, not only the effect of all these sacraments as sanctifying man as an individual had to be brought out, but also the ecclesiastical aspect which they possess, the part they play in building the body of Christ. Now when it was sought to apply this to the sacrament of penance it was *quite impossible* to do this in any other way than that which was actually adopted, namely by saying: ‘*Reconcilantur cum Ecclesia quam peccando vulneraverant*’.⁴⁰

At the same time it still remains astonishing that they were bold enough to express this doctrine so uncompromisingly, even though, to all appearances, they were unable to invoke any *consensus unanims* in contemporary theology. It was even more astonishing that the statement was not the occasion of any debate in the aula of the Council, and that, as far as my own personal recollection goes, even in the theological commission it never became a point for discussion. Instead it was accepted even here without any opposition. Admittedly this fact, which is far from being [130] simple or obvious, is in part to be explained once more by a special circumstance: the authors of the text deliberately avoided from the outset⁴¹ any attempt at complicating this statement of reconciliation with the Church by the further question of the *precise relationship between* the ‘*venia offensionis Deo illatae*’ on God’s part, and the ‘*reconciliatio cum Ecclesia*’. The two effects are simply set side by side with the connecting word *simul*.

Thus the Council leaves open the questions of how the forgiveness of guilt in God’s eyes (or, to express it more precisely, the forgiveness of guilt and the conferring of grace) on the one hand, and the additional reconciliation with the Church on the other are related one to another, whether these two factors are intrinsically connected by their very nature, which of the two effects (supposing this to be the case) can be thought of as the cause of the other (additional reconciliation with the Church *because* guilt has been forgiven, or conversely the forgiveness of guilt *because* reconciliation with the Church has been achieved), whether, therefore, reconciliation with the Church should be thought of as the *res et sacramentum* of the forgiveness of guilt (considered as the *res sacramenti*). This last-named theory is probably held by almost all modern theologians who explicitly teach that reconciliation with the Church is an effect of the sacrament of penance. Now while the Council does not enter into this theory, neither does it in any sense exclude it in enumerating these effects. Yet even allowing for its reserve on this point, the text of the Council is noteworthy in the highest degree: it teaches that *all* sins have an ecclesiological aspect, all ‘wound’ the Church. It teaches that in *every* exercise of the sacrament of penance a reconciliation with the Church takes place as well.⁴² We may also be struck by the fact that in this statement no references are offered to any theological sources. In the passage it is left to the theologians themselves to think out precisely *what* distinctions are to be drawn in this ecclesiological aspect of sin according to whether it is grave or venial sin that is in question, how the damage done to the relationship between the sinner and the Church is to be defined in detail according to each particular case. They have also to think out, when it still remains an obvious fact that not every grave sin signifies a total cutting off of the sinner from the Church, how *this* [131] *precise* reconciliation is to be distinguished from the removal of an excommunication (and

³⁸ This decision was first adopted in the schema of 3.7.1964.

³⁹ cf. No. 11 of the Constitution *Lumen gentium*.

⁴⁰ The text in the Decree on the Ministry and Life of Priests (No. 5) is simply an echo of this passage in *Lumen gentium*.

⁴¹ cf. the *Relatio* to the Schema of 3.7.1964 (p. 45).

⁴² The terms in which this is expressed are so general and so completely devoid of any restriction that it would simply be contradicting their objective meaning if we sought to interpret the text as applying, for instance, only to the (first) confession of grave sins.

the widely differing degrees of this) in the sense of contemporary canon law, and how the statement of the Council retains its truth even in the case of a mere 'repetitional confession'.

But all these further questions must not be answered by the theologians in such a way that their answer either contradicts or obscures the basic statement of the Council. The task of answering them is, incidentally, not so difficult as perhaps it might appear at first sight (and as, for instance, B. McAuliffe appears to imagine), for in such instances of the use of the sacrament we can meet with formally speaking the same difficulties as here, even when we confine our attention to the forgiveness of sins as such. Mortal and venial sins (the latter considered as *praeter legem*),⁴³ are, it is true, guilty in the sight of God. But even allowing for this the concept of 'sin' can only be applied analogously to the two types, and yet sacramental forgiveness is available for both. Why, therefore, should not venial sins too be a 'wounding' of the *holy* Church, seeing that she is holy not merely in an institutional, but in an 'existential' sense as well,⁴⁴ so that mortal *and* venial sins on the part of one of her members contradict her own nature and so 'wound' her, even though in ways which are essentially very different in the two cases? It is significant that the same guilt in God's sight can receive sacramental forgiveness several times over (in a repetitional confession). But if this is true, then it applies also to the guilt which consists in an offence against the Church. Finally – a point that must constantly and emphatically be borne in mind – if we can conceive of the Church not merely as an external juridical organisation but as a *holy* people of God, as a covenant of grace, as the Body of Christ vivified by the Spirit, then *every* sin on the part of a member of the Church contradicts the interior nature of the Church, and not merely those sins to which the Church attaches an excommunication properly so-called. This also finds expression in the fact that every mortal sin, taken in itself and before it is sacramentally cleansed, debars the sinner from the Eucharist, the central mystery of the Church, so that in every case it has an ecclesiological aspect (we do not propose here to go into the further problems connected with the question of whether this state of being debarred from the Eucharist prior to the sacramental cleansing of mortal sin is *juris divini* or *juris mere ecclesiastici*). Even taken by themselves these simple considerations are sufficient to [132] explain why the Council should have been able, without hesitation, to say what it has said.

The foregoing observations may suffice here so far as the immediate exegesis of the conciliar statements is concerned. Here we must refrain from entering into the second part of the statement with which we are concerned ('*quae [Ecclesia] eorum conversioni caritate, exemplo, precibus adlaborat*'), even though this second part of the statement too is quite unusually significant since it makes clear that in the concrete application of the sacrament of penance (which always includes the repentance, the *conversio* of the sinner as an essential element in it) the Church collaborates not merely through the priestly absolution but through much else in addition to this. In other words the *whole* Church (*exemplum, caritas, preces*) participates in this exercise.⁴⁵ One final point which still remains to be noticed is that the text ('*veniam offensionis Deo illatae ab Eius misericordia obtinent*') formally and explicitly excludes that heretical misinterpretation which is pointed out by the Congregation for the

⁴³ We are presupposing that the reader is already familiar with the teaching of St Thomas on this point.

⁴⁴ cf. K. Rahner, 'The Church of Sinners', 'The Sinful Church in the Decrees of Vatican II', *Theological Investigations* VI (London and Baltimore 1969), pp. 270-294.

⁴⁵ cf. K. Rahner, 'Forgotten Truths Concerning the Sacrament of Penance', *Theological Investigations* II (London and Baltimore 1963), pp. 135-174. This statement of the Council could be taken as a starting-point for achieving a new, positive and entirely orthodox understanding of that which is treated of in the History of Dogma under the headings of 'The Confession of Religious' and 'The Confession of Layfolk' (cf. *L.T.K.* VI, 2nd ed., cols. 741-742; VII, 538-539). An understanding of this kind would also be of great significance from the point of view of oecumenism. On this cf. W. Kaspar, 'Confession outside the Confessional?', *Concilium* 4/3 (1967), pp. 17-22.

Doctrine of the Faith in its Letter to the Bishops of the World, the heresy, namely, that in the sacrament of penance it is *only* reconciliation with the Church that is being treated of.⁴⁶

III

There is something further which we would add to this statement of the Council and the brief exegesis of this provided in this article. This is something which, in a certain sense, could have been given a place in the conciliar document itself in the form of a ‘note’. It consists of a few brief proofs from theological tradition supporting this statement to the extent that this is possible in a brief article. It may be asked, what is being treated of in these witnesses? Is it the simple fact that in the sacrament of penance a [133] reconciliation with the Church is achieved as well, or do they go beyond this, thinking of this reconciliation with the Church as the *res et sacramentum* of the reconciliation with God (here it is the reality itself rather than the term *res et sacramentum* that is in question)? Though the question is legitimate, for the purposes of our present treatment we may be permitted to set on one side the distinction involved in this question. It is true that to some extent special emphasis will be laid explicitly on the second of the two theories summarised above, but this is justified on the grounds that this second theory necessarily includes the first. Here, it must be admitted, we have no intention of going into the more detailed arguments for holding that the *pax cum ecclesia* is to be thought of as the *res et sacramentum* of forgiveness in the eyes of God, this in turn being considered as *res sacramenti*. For such a line of argument would have first to show (and this is precisely what cannot be shown here) in *general* that in all the sacraments the *res et sacramentum* has an ecclesiological character, i.e. that it implies that the recipient of the sacraments has a specific relationship precisely with the Church. One further proviso may be mentioned. In what follows we shall often have occasion to speak of ‘excommunication’ (in quotation marks!) or release from ‘excommunication’ through penance. What we mean by this is not excommunication in the sense implied in contemporary canon law, but rather that state in which we no longer *fully* belong to the Church (or alternatively the conferring of a state of belonging to it which is in every respect full and complete) which is incurred by every mortal sin (and for which no other concise term exists). When *Lumen gentium* describes what *full* incorporation into the Church means, *one* of the elements in this apart from baptism, public confession of the faith and adherence to the laws of the community, is *also* the interior possession of grace (*Spiritus Christi habentes*⁴⁷). Thus sinners remain in the bosom of the Church only *corpore* and not *corde*.⁴⁸ According to the teaching of the Council, therefore, there can be no doubt of the fact that even simple mortal sin, which allows the sinner to remain a member of the Church, as the Council of Constance defines, *alters* the relationship of the member involved to the Church.⁴⁹ This alteration⁵⁰ we [134] shall here call

⁴⁶ cf. *A.A.S.* 58 (1966), 659-661 (Letter of 24.7.1966). On this cf. K. Rahner, ‘Kirchliches Lehramt und Theologie nach dem Konzil’, *StdZ* 178 (1966), pp. 404-420, also Vol. IX of this series, pp. 83-100.

⁴⁷ cf. No. 14 of the Constitution *Lumen gentium*.

⁴⁸ *ibid.*

⁴⁹ On this text the conciliar commission has explicitly declared: ‘*peccatores Ecclesiae non plene incorporantur*’. cf. the studies mentioned on p. 131 n. 44, especially ‘The Sinful Church ...’, pp. 291 f.

⁵⁰ Of course this ‘alteration’ in the relationship between the sinner and the Church has in turn two aspects or elements: the alteration which follows *ipso facto* from the nature of the sin as such, and the alteration in so far as this is constituted by the Church’s reaction to this particular sin. For our present purposes it makes no difference whether this reaction on the part of the Church is necessary (*iure divino*, if we may so express it) or following from standards freely imposed by the Church herself, whether (to use a canonist’s expression in a somewhat transferred sense) it takes place *lata sententia* or *ferenda sententia*. In any case the fact that by grave sin the sinner is debarred from the Eucharist and bound in duty to confess his sin shows that the Church always reacts

(for want of a better word) ‘excommunication’ (in quotation marks!), and the sacramental removal of this ‘excommunication’ we shall call penance from ‘excommunication’. Actually this is still conferred today in every sacramental absolution, because it is still true today that this also confers the right to receive the Eucharist, and even today to be excluded from this is the clearest expression of this state of ‘excommunication’.

First we shall give a sort of *survey* of the ‘history of dogma’ of reconciliation with the Church, and then we shall go on to refer to a small selection of a few individual passages.

IV

This doctrine is already contained in scripture. We cannot embark upon a learned exegesis at this point. We must confine ourselves, rather, to this brief observation: if we were to undertake this our first task would be to [135] point out the ‘ecclesial’ aspect of sin which is clearly to be found in the Old and New Testaments.⁵¹ The ethical system of the Old Testament is in fact explicitly a ‘covenant ethic’. And this is equally true of the new ‘people of God’ in the New Testament. Nor can we here enter into any precise detail in the question of the relationship of dependence which exists between Mt 16:19 and 18:18 on the one hand and Jn 20:23 on the other. But in any case it is certain that the ‘binding and loosing’⁵² which is conferred as the authority of Jesus himself upon his community, and so upon the duly appointed functionaries of this, represents the counterpart in the synoptics to Jn 20. It is also certain that throughout the whole of tradition (also) it has been taken to refer to the same power to forgive sins⁵³ which, according to DS 1703, is expressed in Jn 20. This power of binding and loosing, which must not be thought of simply as an alternative way of expressing the power of the keys attributed to Peter, is to be interpreted against the background of Jewish theology at the time of Jesus. In the light of a more precise exegesis based on this it turns out

in this way to grave sin. In every case of this kind the Church always exercises her ‘binding’ power even when she does not pronounce a sentence of excommunication in the sense meant in canon law. Of course a difficulty does arise here with regard to venial sins, which cannot be the subject of the Church’s ‘binding’ power. But even with regard to these we can still say: venial sins as such (so long as we fail to rise above them), and in every instance of them, blur the relationship which man bears to the Church precisely as *holy*, a certain ‘wounding’ of the Church through man’s own personal act (i.e. through the first element mentioned above). The fact that the Church cannot react to this as she does to a grave sin lies in the very nature of the case. If we find a difficulty in this, then it remains only because we are neglecting the ecclesiological side of venial sin. In order to make clear the character of absolution as a judicial act of the Church (cf. DS 1671, 1679) scholastic theology often emphasises that the reason why the plenary power of the Church in penance (which differs in this from baptism) is a judicial power, is that it consists in a power to decide in two opposite directions (*potestas bifaria*), a power of binding and loosing. However this argument can be applied without further qualification only to mortal sin, and has nothing to do with the question of an ecclesiological aspect of sin and absolution. Thus it appears that in any case the whole nature of the sacrament of penance is such that it is designed in the first instance for the forgiveness of grave sin and only secondarily for the forgiveness of venial sin. If we recognise this then the difficulty indicated above cannot be insuperable, and is to be solved in the same manner as with regard to the theological aspect of venial sin.

⁵¹ cf. *L.T.K.* IX, 2nd ed., cols. 1170-1177 (with bibliography). In addition to the literature mentioned there cf. R. Knerim, *Die Hauptbegriffe für Sünde im Alten Testament* (Gütersloh, 1965) (with bibliography).

⁵² It is impossible here to refer to all the literature in the field of biblical theology dealing with the question of what is properly meant by ‘binding and loosing’ in the bible. Here it must suffice to refer to H. Vorgrimler, ‘Matthieu 16:18 s. et le sacrement de pénitence’, *L’homme devant Dieu. Mélanges offerts au Père Henri de Lubac* I (Paris 1964), pp. 51-61. Here an accurate record is provided of the recent literature on the question in biblical theology, cf. also H. Vorgrimler, ‘Das “Binden und Lösen” in der Exegese nach dem Tridentinum bis zu Beginn des 20. Jahrhunderts’, *Z.K.T.* 85 (1963), pp. 460-477.

⁵³ cf. DS 1679.

that the state of being bound by sin signifies subjection to demonic powers.⁵⁴ Thus, applying this to the act of the Church, ‘to bind’ (‘on earth’) signifies ‘consigning the individual concerned to the power of Satan’ (1 Cor 5:5; 1 Tim 1:20), and so exclusion from the community of the saved, while ‘to loose’ (‘on earth’) signifies the dissolving of this state of demonic bondage and so being restored to the community of the saved, the covenant people with its power to ransom. The Church, therefore, has the power of the ‘ban’ and of the removal of this, and *precisely in this sense* has the power to forgive sins (‘in heaven’).

Without this idea of the ecclesiological aspect of the power of the Church in relation to the sinner, the penitential discipline and practice of the Christians of the early Church remain ultimately incomprehensible. Here we cannot fully develop the arguments justifying this point. But one [136] thing is certain. Sacramental penance as practised in the early Church was penance from excommunication. This was not the sort of excommunication that signifies a special punishment attached to a few particularly grave sins. This excommunication pointed rather to the fact that every grave sin (grave enough to remove the grace of baptism. This is the only kind of sin envisaged in the penitential practice of the early Church) also removes the *fulness* (something, therefore, that is concomitantly conditioned by *interior* grace) of the baptised individual’s organic membership of the body of the Church through which the Spirit is conferred upon her members. This remains true even though he may still belong to the Church *corpore* as the present-day Constitution on the Church declares with Augustine. Such a state of ‘being excommunicated’ through sin itself was made visible at the level of social life by the ‘ban’ imposed by the Church, and the sinner was excluded from the celebration of the Eucharist. He was relegated (in normal cases) to a special class of penitents, and the performance of his penance was supervised by the Church. During the period of penance the penitent was supported by the prayer of the Church in the form of blessings, exorcisms, exhortations (a process which the Constitution on the Church regards as also continuing in the sacrament of penance as practised today when this is viewed precisely as a *whole*, for it states that the Church collaborates in working for the conversion of the sinner through love, example and prayer). After a specified period of belonging to the class of penitents, and when he had given proof of his repentance and conversion, he was once more reconciled *with* the Church, i.e. fully received back into her through the laying on of hands by the bishop, and *thereby* also once more obtained the Spirit which vivifies the *Church*, in other words grace and so the forgiveness of sins. The *pax* of the Church, the *reconciliatio* with her, was a sacramental sign of reconciliation with God.⁵⁵ This basic pattern of the penitential discipline of the early Christians clearly remained present in the mind of the Church down to the early Middle Ages. Throughout its troubled history the only question was whether this *pax* with the Church should be restored to every sinner, however grave his sin might be (the question of whether this was basically [137] *possible* was, in general, no problem), how long the period of penance should last, whether in specific cases (e.g. in sickness) sacramental reconciliation with the Church and God should be conceded even before the time of penance had been fulfilled, and (towards the end of the patristic age) whether such a reconciliation with the Church should be granted *several times over* (after falling again into sin).

Then in the early Middle Ages the practice arose of *repeatedly* conferring reconciliation, and the external form of this was simplified (it was conferred by priests instead of the bishop, the reconciliation and the penance to be performed were given together at the outset of the

⁵⁴ cf. DS 1520.

⁵⁵ We can and must, of course, distinguish between two elements here: the sacramental conferring of the *pax* through the Church (in the person of the bishop together with the presbyterium) and the *pax* itself that was conferred. The former belongs to the sacramental sign (*sacramentum*), the latter is an effect of the sacramental sign (*res et sacramentum*). Thus in the case of baptism too we have in fact to distinguish between the rite by which the subject is received and the state of belonging to the Church achieved through this reception.

period so that the performance of the penance followed *afterwards* etc.). As a result of this the ancient sacrament of penance assumed that liturgical and canonical form which is still familiar to us of today. But for all this the people of that time were still far from losing their awareness of the truth that the absolution in the sacrament of penance is also a reconciliation with the Church. It is true that in the main period of the Middle Ages the *precise connection* between the forgiveness of sins in God's sight and reconciliation with the Church was no longer so clearly recognised as in the early Church. But it was clear to all the great theologians of the Middle Ages, and was also explicitly asserted by them, that the absolution also constitutes a reconciliation with the Church. Even Luther⁵⁶ still recognised this. In the later Middle Ages this idea receded into the background. The teaching of the Council of Trent on the sacrament of penance was directed against the reformers, and here this ecclesiological aspect is not mentioned (though it is in the teaching on the Eucharist), but of course it is not denied either, and in recent times, with the religious individualism which characterises them, this aspect is to be numbered among the 'forgotten truths' concerning the sacrament of penance until, as has already been described, it once more appears and is given a place in the official teaching of the Church on this sacrament of hers in the Second Vatican Council.

V

A few individual references must now be added. For as early a writer as the *Pastor Hermae* penance, which permits the sinner to regain the seal of baptism which he has lost, constitutes his reincorporation into the 'tower' [138] of the Church.⁵⁷ In *Tertullian* the two entities of reconciliation with the Church and forgiveness of sins in God's sight are set side by side more or less without connection, so that the exact way in which they belong to one another is not altogether clear. But in his theology of penance both aspects are plainly present. That the two are not simply identical is shown, for instance, from the fact that even though for Tertullian the Church has to refuse her *pax* to the sinner, he nevertheless finds it possible to hold out to him a prospect of eschatological forgiveness as the hands of God. On the other hand the judgment of the Church anticipates the judgment of God as a *praejudicium* (Apol. 29). There is a further point. In his polemic against the Catholics Tertullian, as a Montanist, does assert that it is possible (although it only *appears* that this is probable, or indeed has any prospect of success) for one who has committed mortal sin to be redeemed by God. At the same time he maintains that such a one forfeits any share in the *pax* of the Church. Now he can only hold both these positions simultaneously if both elements are not absolutely identical entities even for the Catholics. Nevertheless supposing that they do have some objective connection between them, then the only conceivable way in which this can be the case is that the peace of the Church is the cause of reconciliation with God. For only so are the two entities distinct from one another (as cause and effect). The peace of the Church must, in effect, be prior (as *prae-judicium*), and yet both entities are (for the Catholics) indissolubly connected. (Indeed they emphasise that penance would have no meaning if the peace of the Church were not imparted in it.⁵⁸)

The matter becomes clear in *Cyprian*.⁵⁹ Wholly in accordance with our exegesis of Mt 16:18, for him *ligare* signifies *ecclesiam cludere* while *solvere* means the imparting of the

⁵⁶ cf. E. Fischer, *Geschichte der evangelischen Beichte* I (Leipzig, 2nd ed. 1902), p. 132; further texts in L. Klein, *Evangelisch-lutherische Beichte. Lehre und Praxis* (Paderborn 1961), pp. 66 f. (Bibliography).

⁵⁷ cf. The references on p. 126 n. 9, and n 59 below to relevant works, esp. K. Rahner *op. cit.*, p. 410 ff.

⁵⁸ cf. K. Rahner, 'Zur Theologie der Busse bei Tertullian', *Abhandlungen über Theologie und Kirche* (*Festschrift für K. Adam*), M. Reding ed. (Düsseldorf, 1952), pp. 139-167.

⁵⁹ cf. K. Rahner, 'Die Busslehre des hl. Cyprian', *Z.K.T.* 74 (1952), pp. 257-276; 381-438. cf. also p. 448, n. 9.

pax et communicatio.⁶⁰ But the connection between the *pax* of the Church and the effects of reconciliation in heaven is expressed with all the clarity that could be desired when he says: ‘*Pignus vitae in data pace percipiunt*’⁶¹ or ‘*pace accepta accipere Spiritum Patris*’.⁶² For Cyprian, therefore, we obtain the hope of salvation and the Holy Spirit *in virtue of the fact that* we obtain the peace of the Church. The second formulation, therefore, is particularly remarkable because it [139] is the only passage in Cyprian in which the imparting of the Spirit is explicitly connected with the usual reconciliation of the sinner. And precisely here the words are ‘*pace accepta*’.⁶³ We can go no further at this point in showing how closely this idea is connected with Cyprian’s whole theology of the Church (exactly as with Tertullian). But in any case for Cyprian the peace of the Church is not a further effect of the forgiveness of sins and the imparting of the Spirit, but rather precedes this as their cause.

For *Origen* the relevant passages are so widely scattered and the theology of penance in Origen is so complex that reference must be made to special studies on the subject (especially those of Poschmann, Rahner and Teichtweier).⁶⁴ For Origen the essence of mortal sin, as distinct from other sins, consists precisely in the fact that man loses his place in the Church as the medium of salvation and so is excluded from the sphere in which a certain redemptive influence of creaturely powers can be brought to bear upon the sinner. For this reason he must be ‘excommunicated’ in order to make explicit the fact that the sinner is delivered over to the fire of God’s judgment and the *interitus carnis* by the Satanic powers (though even this has a mysterious salvific meaning). Conversely, therefore, ‘return to the Church’ and ‘redemption’ are entities which are necessarily interconnected.⁶⁵ Again in Origen’s view of ecclesiastical penance, even from the purely terminological point of view, ‘return to the Church’ occupies the foreground.⁶⁶

‘Loosing’ signifies that the subject is once more acknowledged as fully a member of the Church. The sacramental quality in the removal of the ‘excommunication’ therefore, must be maintained precisely for him if we are to be in a position to maintain the sacramentality of ecclesiastical [140] penance in Origen at all. But we can only do this if we maintain (a point which is then very clear) that for Origen this reinstatement as a member of the Church is precisely the mode and the cause of reconciliation with God and the reattainment of the Spirit. This can and must be established as the theological and spiritual meaning of the reconciliation of the sinner with the Church. But this means that for Origen that effect in heaven follows from this that takes place on earth.⁶⁷

Augustine’s presentation of the matter is perfectly clear. ‘*Ecclesiae caritas quae per Spiritum Sanctum diffunditur in cordibus nostris, participem suorum peccata dimittit, eorum*

⁶⁰ cf. Cyprian, epist 57, 1.

⁶¹ Epist 55, 13.

⁶² Epist 57, 4.

⁶³ A survey of the relevant passages in Cyprian shows (against the view upheld by J. Grotz) that *pax* and *communio* as conceived of by Cyprian cannot be thought of as two separable entities in such a way that it would have been possible for a *communio* to take place (at the beginning of the carrying out of the penance) which nevertheless did not constitute a *pax* (this would of its nature be imparted by God through the Church at the end of the period of penance). The very fact that Cyprian speaks indiscriminately of *pax et communio* and *communio et pax* is of itself enough to rule this out, for it would be impossible to discover any objective reason inherent in the context for this interchange in the order in which the two terms are used.

⁶⁴ B. Poschmann, *Paenitentia Secunda* (Bonn 1940), pp. 425-480; K. Rahner, ‘La doctrine d’Origène sur la Pénitence’, *R.S.R.* 37 (1950), pp. 47-94; 252-286; 422-456. cf. also G. Teichtweier, *Die Sündenlehre des Origenes = Studien zur Geschichte der kath. Moraltheologie VII* (Regensburg, 1958) esp. pp. 294 f., 334 f., 336 f., 343 f.

⁶⁵ In Ps 36:2; *P.G.* 12, 1353.

⁶⁶ cf. K. Rahner, *R.S.R.* 37 (1950), pp. 255 ff., 422 ff., cf. also 436 ff.

⁶⁷ K. Rahner, *R.S.R.* 37 (1950), 436-452.

autem, qui non sunt eius participes tenet'.⁶⁸ 'Sovitur qui cum columba (the Church) fecerit pacem, et ligatur qui cum columba non habet pacem sive aperte foris sit sive intus esse videatur'.⁶⁹ 'Civitas Dei recipiendo efficit innocentes'.⁷⁰ 'Pax Ecclesiae dimittit peccata et ab Ecclesiae pace alienatio tenet peccata'.⁷¹ These formulations are such as to give expression to the thesis we are upholding with unequivocal clarity, and all that they still need is to be translated into scholastic terminology. A further factor in Augustine's treatment makes this all the clearer. For him the reconciliation granted by the bishop only imparts the Spirit in virtue of the fact that by it the sinner is received into that Church of the saints which then (in a certain sense independently of the act of the official Church) acts of herself and precisely as this Church of the saints and as the possessor of the Holy Spirit in order to impart to the newly incorporated member a share in her own Spirit. Obviously this patristic conception is not contradicted by the fact that the connection between the forgiveness of sins and the act of the Church is asserted without the connecting factor of the *pax cum Ecclesia* being explicitly mentioned. The worthlessness of this as a counter-argument against our thesis appears when we compare it with the case of baptism and with the proposition that through baptism sins are washed away. In no sense can we deduce from this proposition any denial of the fact that the character in baptism is the *res et sacramentum*, and neither can we interpret the absence of any mention of the *pax cum ecclesia* as a counter argument to the patristic conception described above. Nor is there any need to deny the fact that here and there it may be that reconciliation with the Church is viewed rather as a consequence than as a cause of the imparting of the Spirit [141] through the forgiveness of sins. Precisely in terms of the ecclesiastical theology worked out by the early Church these two entities are so closely interconnected that it is not in the least surprising to find something of this kind.⁷²

In spite of the changes in the exterior form of the sacrament of penance in the *early Middle Ages*, as a result of which the penance of 'excommunication' no longer found such clear expression, an awareness of penance as reconciliation with the Church remained alive right down to the high Middle Ages inclusive.

At this time a system of theology applicable to all the sacraments in general was being developed, which gave rise to such questions as those of matter and form and the interrelationship of *sacramentum*, *res et sacramentum*, and *res sacramenti*, and it is quite true that the explanation of this *pax cum ecclesia* as the *res et sacramentum* of penance did not emerge in the first moment that this systematic theology of the sacraments in general came to be applied to penance in particular. Since interest was primarily focussed upon the subjective aspect of penance, this (and not the act of the priest himself as representing the Church), was conceived of right down to the time of Thomas as the proper cause of the forgiveness. And so long as this was the case it was quite impossible to arrive at the formulation that the *pax cum ecclesia* was the *res et sacramentum* which still has to effect the *res sacramenti*. Given the general principles of the theology of the eleventh and twelfth centuries down to Thomas, it was quite impossible to arrive at any other conclusion with regard to the *res et sacramentum* of the sacrament of penance than that this *res et sacramentum* was the *paenitentia interior*, and that it was through this that the *res sacramenti*, the forgiveness of sins was effected. For in fact, right down to the time of Thomas this *paenitentia interior* was, from the human side of penance, the sole effective cause of the forgiveness of sins as such. Then in the thirteenth century a turning point of decisive importance was reached, and it came to be acknowledged

⁶⁸ In Joan. tract. 121, 4; *P.L.* 35, 1958.

⁶⁹ De bapt. contra Donatistas III, 18, 23; *P.L.* 43, 151.

⁷⁰ Contra Cresconium Donatistam II, 13, 16; *P.L.* 43, 476.

⁷¹ De bapt. contra Donatistas III 18, 23; *P.L.* 43, 150.

⁷² As an instance of such a case we may compare, e.g., the teaching of the *Didascalia Apostolorum*. cf. K. Rahner, *Z.K.T.* 72 (1950), pp. 272 f.

explicitly that in this sacrament taken as a whole the act of the Church played a decisive part as an effective cause of the actual forgiveness of sins. By this time, however, two distinct factors had come to have a radical bearing upon the state of the question. On the one hand the theological axiom with regard to the *paenitentia interior* as the *res et sacramentum* had become a formula deeply embedded in tradition, while on the other the idea of penance as reconciliation with the Church as well had been thrust into the background (even if it had not [142] altogether disappeared). In the light of this we cannot be surprised that the traditional formulation was adhered to even though now (in contrast to the eleventh and twelfth centuries), in the light of the new theology and in fact only in the light of this, a different conception, namely the ancient one which had formerly been held, had once more become possible. To that extent, therefore, we cannot rely upon the whole of the teaching of the early scholastics, or the main stream of scholasticism down to the time of Thomas inclusive. Nevertheless we can invoke the teaching even of this period (down to Thomas inclusive) in support of our thesis at least to the extent that – in spite of a certain weakening which has already been explained – a living awareness did survive everywhere of the fact that in the sacrament of penance a reconciliation with the Church as well as with God takes place. It will be relevant to demonstrate this, therefore, with the help of at least a few examples and references.⁷³

For our present purposes we must pass over the literature on penance of the Middle Ages prior to the Carolingian reform. But in saying this we must immediately point out that the doctrine of penance as a reconciliation with the Church is manifestly present in the *eleventh and twelfth centuries* as well. It is not possible here to give a comprehensive presentation of the theology of sin in respect of its effects upon the relationship between the individual and the Church. In many respects the quest for such a theology was still incomplete, and scholars were still striving for a balanced formulation in which to express it. Moreover we would have to enter into such further questions as the relationship between the Church and the Mystical Body of Christ and the distinction between belonging to the Church *merito* and belonging to it *numero*, as well as the question of whether the individual belongs to the Church through faith alone or only through faith and love combined. But in any case we can surely say without hesitation that in this period there is a general and manifest recognition of the fact that sin is an offence against the Church as well, an act of *Ecclesiam* [143] *offendere*,⁷⁴ an *injuriam Ecclesiae illata*,⁷⁵ and that in accordance with this it essentially alters the relationship of the sinner to the Church in such a way that he no longer belongs to it at any rate *merito*, no longer belongs as a member to the Body of Christ (or else only belongs to it as a dead member) etc. (Here a certain distinction is presupposed between the Church and the Body of Christ.) In accordance with this one of the reasons assigned (not the only one) for the necessity of the sacrament of penance is that the sinner must also make satisfaction to the Church, *ut satisfaciat Ecclesiae*, a favourite Augustinian formula in which to express this,⁷⁶ precisely because, in a certain sense he has separated himself from the church⁷⁷ and has

⁷³ Reference may be made to the following literature on the subject: A. Landgraf, 'Stünde und Trennung von der Kirche in der Frühscholastik', *Scholastik* 5 (1930), pp. 210-247; P. Anciaux, *La théologie du sacrement de pénitence au XIIe siècle* (Louvain 1949); also Z. Alszeghy, *Gregorianum* 31 (1950), pp. 275-283. A recent work which deserves quite special mention is also L. Hödl, *Die Geschichte der scholastischen Literatur and Theologie der Schlüsselgewalt*, Pt I (Munster 1960); cf. also von K. Fröhlich, *Formen der Auslegung von Mt 16:13-18 im lateinischen Mittelalter* (Diss. theol. Basel, 1960). Anciaux's work contains references to numerous sources, and these are briefly indicated in the following footnotes by giving simply the name Anciaux followed by the relevant page references; the numbers set above the rest of the type represent the footnotes in Anciaux.

⁷⁴ cf. Anciaux, pp. 211; 214.

⁷⁵ *idem*, p. 506.

⁷⁶ *idem*, pp. 52²; 195²; 435; 445; 518, etc.

⁷⁷ *idem*, 52²; 53¹; 174³; 245¹.

departed from her,⁷⁸ becoming an *Ecclesiae debitor*.⁷⁹ In accordance with this view the power of ‘binding’ and ‘loosing’ which takes effect in the sacrament is also regarded not merely as the authority to impose penance or a censure (the power of excommunication in the juridical sense), but also as a power (which takes effect in the actual sacrament) of exclusion and readmission to the Church.⁸⁰ But this in itself is tantamount to declaring that the act defined as *sanum in Ecclesiam recipi*⁸¹, *recipere in gremium Ecclesiae*,⁸² *efficere membrum Christi*⁸³ is regarded as an essential effect of priestly absolution in the sacrament of penance and, moreover, precisely in virtue of the fact that *per sacerdotis absolutionem* there takes place an *Ecclesiae Christi consociari*,⁸⁴ *a per reconciliationem in Ecclesia inducere*.⁸⁵ This means, of course, that the function of admitting the sinner to the sacraments of the Church is also ascribed to this absolution,⁸⁶ as well as the function of admitting the sinner to the suffrages of the Church, by which his own personal penance is supplemented. (This is a factor which some authors actually declare to be absolutely necessary for the blotting out of sins.) It may be that the full significance of this *pax cum Ecclesia* in terms of grace was no longer clearly perceived by all; that the ‘separation’ from the Church gradually came to be regarded more as an effect of excommunication in the sense proper to canon law; that the statement that the *reconciliatio* with the Church is the *res et sacramentum* of reconciliation with God was impossible at this period for the very reason that it was absolutely denied that any act on the Church’s part could have an effect on the actual forgiveness of guilt considered in itself [144] (in other words for a reason which objectively speaking and from the point of view of dogmatic theology is certainly false). But while all this may be true, the one and decisive factor still remains in force for this period. It still explicitly recognised and asserted that in the sacrament of penance an additional reconciliation with the Church herself is achieved.

This truth was still not forgotten even *at the height of the scholastic movement*. Thus for instance we still find *Bonaventure* asserting⁸⁷: ‘*Confessio ad hoc directo instituta est, ut homo reconciliatur Ecclesiae et ostendatur reconciliatus a Deo*’.⁸⁸ For *Bonaventure* this reconciliation with the Church is, together with the remission of temporal punishment for sin, the proper effect which the Church can bring about as an act of efficient causality by her power of the keys. By contrast it is not possible for her to effect the same remission in respect of the guilt incurred in God’s sight. For in respect of this the keys can only exercise a dispositive causality. For *Bonaventure* too, therefore, this reconciliation with the Church is actually expressed in the indicative part of the form of absolution, while the part expressed in prayer form refers to the guilt incurred in the eyes of God himself (though even here there is a genuine sacramental causality).⁸⁹ Now on this basis, and since *Bonaventure* cannot ascribe any directly efficient causality to the absolution in effecting the blotting out of the actual guilt itself, it would have seemed natural to regard the reconciliation with the Church as that

⁷⁸ *idem*, 211³; 214.

⁷⁹ *idem*, 218⁴.

⁸⁰ *idem*, pp. 277⁵; 290²; 320²; 321^{1,2,4}; 344⁴; 371²; 496; 499; 503; 504; 516.

⁸¹ *idem*, p. 170³.

⁸² *idem*, 525; 537.

⁸³ *idem*, pp. 443⁴; 536.

⁸⁴ Richard of St Victor: *P.L.* 196, 1172.

⁸⁵ *Anciaux*, p. 453¹.

⁸⁶ *idem*, pp. 172³; 492; 499; 516; 443; 536.

⁸⁷ Studies which are of supreme importance for our understanding of *Bonaventure* (and which serve to correct B. Poschmann’s interpretation of him) are: V. Heynck, ‘Zur Busslehre des hl. Bonaventura’, *Franziskanische Studien* 36 (1954), pp. 1-81; *idem*, ‘Der richterliche Charakter des Buss sakraments nach Johannes Duns Scotus’, *Franziskanische Studien* 37(1965), pp. 339-414, esp. 364 ff. cf. also below p. 170, n. 11.

⁸⁸ *Bonaventure*, IV Sent. dist. 17 q. 3, a.2 fundam. 2.

⁸⁹ *Bonaventure*, IV Sent. dist. 18 p. 1 a. 2 q. 1.

disposition for the forgiveness of guilt which he seeks. But for Bonaventure the various effects of the sacrament of penance are already interrelated in such a way that such an idea is foreign to him, the more so since he has to take into account the doctrine which (even though still relatively recent) is for him already in a certain measure traditional, the doctrine, namely that it is the *paenitentia interior* which is the object of the power of the keys (in its deprecatory form). For all this, however, due heed must still be paid to an observation of Heynck's to the effect that the *confessio reconciliativa* (for Bonaventure) is confession. And it is with this that the full effectiveness of the sacrament of penance is bound up, namely the lessening of the punishment due to sin and *reconciliation* with the *Church*. It is this that Bonaventure is usually thinking of when he speaks of *reconciliatio*.

[145] A work which was composed under the influence of Bonaventure, and which was widely diffused in the Middle Ages, is the '*Compendium theologiae veritatis*' of Hugo Ripelin, the Dominican of Strasbourg. This author, like Bonaventure, teaches that the deprecatory element in the form of absolution bears upon the actual guilt, while the indicative brings about the reconciliation of the sinner with the Church.⁹⁰

The doctrine of reconciliation with the Church still retains its force for *Thomas*. Because he is lacking in charity, the sinner belongs to the Body of Christ as a member only *potentialiter* and *imperfecte*, not *actualiter*.⁹¹ He is no longer in the Church in an absolute and unqualified sense, no longer in her *merito* but only *numero*.⁹² It is true that Thomas differs from Augustine in that for him the 'Church's sanctification', which is applied to the sinner and so brings about his reconciliation with the Church,⁹³ consists not so much in the fulness of the Spirit possessed by the Church herself as in the sanctification which she actively imparts through her sacramental power. It is also true that Thomas' conception of the actual process by which this is brought about is one in which the grace that is mediated by sacramental power justifies the individual and *thereby* reconciles him with the Church. But while all this may be true, the point that is of such decisive importance for us still retains its force for Thomas too. He recognises a reconciliation with the Church as an effect of the sacrament of penance.⁹⁴ Now if one adds to this that, for instance, for Thomas it is the character in baptism which is the '*immediata causa disponens ad gratiam*,'⁹⁵ and if we maintain that the character has an essentially ecclesiological aspect, then it must, in effect, be consistent with the thought of Thomas too to hold that the *reconciliatio cum Ecclesia* is analogous to the character in baptism in that it too has the force of an *immediata causa disponens ad gratiam*, i.e. like the character in baptism is to be regarded as *res et sacramentum* for [146] the reconciliation with God through grace. This is all the more true since in fact the material content of the Thomistic doctrine that the *paenitentia interior* is an effect of the sacrament must be regarded as unassailable. A further point is that in order rightly to interpret the doctrine of the *paenitentia interior* as the *res et sacramentum* of penance we must not forget that according to precisely this self-same doctrine the *votum sacramenti* is included in this interior penance. In other words it includes an orientation towards the Church and her power of the keys. Thus on any showing we can say that in any true penance the will to be reconciled with the Church is implicitly included. If, therefore, it is true that through the sacrament the *paenitentia*

⁹⁰ cf. L. Ott, 'Opusculum des hl. Thomas von Aquin de forma absolutionis in dogmengeschichtlicher Betrachtung', *Festschrift für Eduard Eichmann*, M. Grabmann, K. Hofmann edd. (Paderborn 1940), pp. 121 f.

⁹¹ Thomas Aquinas, *Sum. Theol.* III q. 8 a. 3 and 2, in which Thomas seems to identify 'Church' with 'Body of Christ' for this world and for the age after Christ. cf. also III q. 8 a. 4c.

⁹² cf. Thomas Aquinas, IV Sent. dist. 16 q. 1 a. 2 q. 5 dubium. And corresponding to this, '*Per sacramentum homo non solum Deo sed etiam Ecclesiae oportet quod reconcilietur*', IV Sent. dist. 17 q. 3 a. 3 q. 2 ad 3.

⁹³ *ibid.*

⁹⁴ For an elucidation of the text cited cf. on the one hand A. M. Landgraf, *Z.K.T.* 51 (1927), 91 and on the other B. Poschmann, *Die Busse = Handbuch der Dogmengeschichte* IV/3 (Freiburg 1951), p. 93, n. 16.

⁹⁵ cf. Thomas Aquinas, IV Sent. dist. 4 q. 3 a. 2 sol. 3.

interior is intensified (or caused) then this also applies to the will to be reconciled with the Church (and this will is not in fact to be considered as a mere resolve to receive the sacrament as though it were involved in this *in indivisibili*, but is itself a grace-given act which can grow and pervade the depths of man's spirit and achieve supernatural power). Now if the *sacramentum* has (consistently with the ancient doctrine) this effect upon the will of causing it to seek reconciliation with the Church, then the sacrament must actually impart this reconciliation. But in any case on this showing the *paenitentia interior* has a twofold aspect. It relates to reconciliation with God and reconciliation with the Church. On the basis of these considerations too no grounds can be found for saying that our thesis is far removed from the mediaeval conception of the *res et sacramentum* of penance. We might say (departing in this from the actual words but not from the real meaning of Thomas) that the sacrament reconciles the sinner with the Church while he, with his disposition of *paenitentia interior* considered as a will to achieve reconciliation with the Church, precisely comes to meet this same Church. In virtue of this the sinner has the right to that *infusio gratiae* which makes it possible for him to achieve that *paenitentia interior* through which he is in a position so to appropriate the grace imparted to him in the actual conditions of his own personal life that it becomes his own in a manner that sanctifies and justifies him and that he is thereby liberated from his personal sins. Even abstracting from the earlier tradition, which explicitly demands this, it seems advisable to order the various elements logically precisely in this way because, of its very nature, this reconciliation with the Church must be still more immediate to the act of the Church in the sequence of effects than the *paenitentia interior* which, of itself, belongs rather to the sphere of the unique personal life of the individual than to the sacramental sphere in the narrower sense. *Res et sacramentum*, however, must have an immediate connection with the sacramental dimension, with the visibility of the [147] Church as such. Thus we should point to the *pax cum Ecclesia* rather than to the *paenitentia interior* as the *res et sacramentum* of penance.⁹⁶

VI

From this point onwards the whole complex of ideas which we have followed through history seems gradually and slowly to become blurred and indistinct. It is not actually denied, but it is more or less forgotten. The 'private form' of penance cannot be the sole cause of this, though certainly it has been a contributing factor. But it cannot be solely held responsible for it. For absolutely speaking even in the present-day form of baptism the individual can still feel and experience very vividly that he is coming to the holy Church of Christ when he goes to the priest, that it is before *her* that he is accusing himself (however 'private' the accusation may be to all outward appearance), that the sin he is confessing is one through which, whether it be mortal or venial, he has sinned against the Body of Christ as well and has contributed his share in bringing it about that the Church is not fully that which she should be: the witness of God's sanctifying compassion in the darkness of the sinful world, the visible presence of the love of God in human history. The sinner can always experience even today that through his confession and the acceptance of this confession by the Church he now stands visibly⁹⁷ before the Church as he who he really is through his own fault: as a sinner who, in a certain sense, ceases to hide behind the sacred value attached to him as a member of

⁹⁶ On the genesis and the theological significance of the concepts of *paenitentia interior* and *paenitentia externa* cf. esp. L. Hödl, *Die Geschichte der scholastischen Literatur und die Theologie der Schlüsselgewalt I* (Munster 1960). Summary with detailed references, pp. 376-391.

⁹⁷ We might almost say 'sacramental'. In the early Middle Ages the terms *sacramentum excommunicationis* and *sacramentum* of confession of sin were freely used: Ancaux, pp. 312; 146.

this holy Church and so deceitfully to conceal his own sinfulness. Even today, therefore, the sinner can still experience the word of forgiveness in the sacrament precisely *as* the word of this Church, which forgives him his sin against the Church, which in that she forgives him helps to bear his guilt because in this forgiveness (as Origen taught) she truly takes upon herself the guilt of this her member and helps to bear it. She does this in the knowledge that Christ forgives *her* because he loves and sanctifies her even though in her children she shows herself again and again to be the Church of sinners. In making his confession, therefore, [148] the sinner can experience even in the present-day form of the sacrament that he is freed from his sins in the eyes of God precisely in virtue of the fact that he finds the peace of the Church, enters once more (or enters more deeply) into the sole medium of grace and of the Spirit, the holy Church. He can experience that to be ‘loosed’ upon earth really is to be ‘loosed’ in heaven. The outer form of the sacrament (which had inevitably to become what it is in view of the size of the Church and her pastoral functions) cannot, therefore, be the sole cause of the ecclesiological aspect of confession having been thrust into the background. There must have been other causes apart from this, and it would be a valuable exercise to investigate the precise history of these. Yet surely they are not difficult to divine. The Church is seen more and more merely as the external juridical organization which is indeed endowed with divine right, and to belong to which is indeed the commandment of God. But she is no longer regarded as being in herself that sacrament filled with the Spirit which brings about salvation and grace provided only that we do not close ourselves against her Spirit through our own fault. The more, therefore, theology had to guard against the theories of Wycliffe, Hus and the Reformers, the more vitally necessary it became to emphasise that the juridical and visible constitution of the Church as well is of divine right. The more necessary it became to work out the precise nature of *that* membership of the Church which is still to be attributed even to the sinner, the more difficult it became to bring out the other side or to give it conscious expression. A further factor is the individualism of modern times, the origin of which can already be found in the late Middle Ages. Salvation and grace become more and more something which is worked out between God and the individual alone and taken in isolation. And in accordance with this view, when the Church does act as mediatrix in this, she acts at God’s ‘behest’ in such a way that we no longer advert to the fact that the fulfilment of this behest also signifies her own authentic life and that it actually draws the individual more and more into this life of the Church herself.⁹⁸

It cannot be said, therefore, that the fact that this doctrine was obscured constitutes an argument against its correctness. It was never properly speaking denied or replaced by any other doctrine which was better. Because the general conception of the Church as means of grace receded into the background of man’s conscious thought the ecclesiological aspect of the sacrament of penance could no longer remain clear to him [149] either. Yet it belongs so essentially to the dogmatic tradition taken as a whole, and even to the teaching of scripture

⁹⁸ On this development we may compare e.g. the article by J. Ramsauer on the development of the concept of the Church in the post-Tridentine catechisms, ‘Die Kirche in den Katechismen’, *Z.K.T.* 73 (1951), pp. 129-169; 313-346.

itself that theology has the duty explicitly to advert to it once more.⁹⁹ In the Council this has been achieved.

⁹⁹ cf. also most recently L. Bertsch, *Busse und Beichte* (Frankfurt 1967) and in this the article by O. Semmelroth, 'Strukturen und Perspektiven im Bussakrament', pp. 68-88, esp. pp. 69 ff. on the ecclesiological character. On the theme of this article cf. pp. 76 f.