

PENANCE AND RECONCILIATION WITH THE CHURCH

CLARENCE McAULIFFE, S.J.

St. Mary's College, Kansas

WHEN IN 1922 Bartolomé Xiberta propounded¹ or, as some would prefer to say, reactivated² the theory that the *res et sacramentum* of the sacrament of penance is reconciliation with the Church, the immediate response was mostly hostile. However, as time went on, despite the opposition of most authors of textbooks, such eminent theologians as de la Taille,³ Mersch,⁴ and de Lubac⁵ accepted it. At present, if published books and articles are any clue, the theory has obtained widespread favor.⁶ Peter Riga states that "this thesis has now become an accepted theory among Catholic theologians,"⁷ and Dumont considers it so well grounded that he wants it introduced at once, though prudently, into manuals, catechisms, and ordinary preaching.⁸

But the victory is not yet won. The recently deceased Paul Galtier, lifelong specialist in the history and dogma of penance, rejects the theory. So clear is his stand that there is no justification for asserting that "Galtier . . . is a little ambiguous about the priority of reconciliation with the Church."⁹ Galtier expressly declares that "it [reconcilia-

¹ B. F. Xiberta, O.Carm., *Clavis ecclesiae: De ordine absolutionis sacramentalis ad reconciliationem cum ecclesia* (Rome, 1922).

² C. Dumont, S.J., "La réconciliation avec l'église et la nécessité de l'aveu sacramental," *Nouvelle revue théologique* 81 (1959) 578.

³ M. de la Taille, S.J., "Conspectus bibliographicus," *Gregorianum* 4 (1923) 591-99. Cf. also his *Mysterium fidei* (3d ed.; Paris, 1931) p. 581.

⁴ E. Mersch, S.J., *La théologie du corps mystique* 2 (2d ed.; Paris, 1946) 304.

⁵ H. de Lubac, S.J., *Catholicisme* (4th ed.; Paris, 1947) pp. 61-62.

⁶ Other advocates of the theory will be mentioned later on. The following may be referred to here: M. Schmaus, *Katholische Dogmatik* 4/1 (Munich, 1957) 591; E. Schillebeeckx, O.P., *Christ the Sacrament of the Encounter with God* (New York, 1963) p. 175; B. Leeming, S.J., *Principles of Sacramental Theology* (New York, 1956) pp. 361-66; K. Rahner, S.J., in several of his works: cf. *Kirche und Sakramente* (Freiburg, 1960) pp. 83-84; "Buss-Sakrament," *Lexikon für Theologie und Kirche* 2 (2nd ed.; Freiburg, 1958) 836.

⁷ P. Riga, *Sin and Penance* (Milwaukee, 1962) p. 111. He says (p. 113) that "most theologians today" agree with Xiberta.

⁸ Dumont, *op. cit.*, p. 583.

⁹ Leeming makes this assertion, *op. cit.*, p. 362, n. 43.

tion with the Church] seems to be without foundation"; that "restoration to the Church . . . does not precede justification but rather follows it"; that "penitents were restored to the Church because they were presumed to have regained the Holy Spirit or to have been already purged of sin by the imposition of hands."¹⁰ No wonder Paul Palmer says that Galtier "severely censures Xiberta's thesis."¹¹

One of the authorities in sacramental theology today is Emmanuel Doronzo. He, too, rejects the theory, which, he says, "rests on a beautiful but shaky foundation."¹² In view of this, it is surprising to read Riga's allegation that Doronzo attempts "to show how reconciliation with the Church is *ipso facto* the *res et sacramentum* of the sacrament of penance."¹³ But the statement of Dumont is more surprising: "In his monumental *De poenitentia* in four volumes, Fr. Doronzo does not allude to the 'res et sacramentum' of penance."¹⁴ Yet Doronzo deals with the subject extensively.¹⁵ As a matter of fact, he was one of the first among contemporary theologians to recognize the importance of the *res et sacramentum* in all the sacraments, although he does not accentuate it as much as Billot and other defenders of intentional causality.¹⁶

If we seek the reasons for the increasing popularity of reconciliation with the Church (hereafter to be designated by the monogram RWC), we are told that it is "the aftermath of historical studies which little by little gave a deeper knowledge of the penitential teaching in the Church."¹⁷ Another reason is that "dogmatic syntheses enriched

¹⁰ P. Galtier, S.J., *De poenitentia* (9th ed.; Rome, 1956) p. 340.

¹¹ P. Palmer, S.J., "The Theology of the *res et sacramentum* with Particular Emphasis on Its Application to Penance," in *Proceedings of the Fourteenth Annual Convention of the Catholic Theological Society of America* (Yonkers, N.Y., 1959) p. 134. Fr. Palmer, however, is a proponent of reconciliation with the Church; cf. pp. 131-41; also his *Sacraments of Healing and of Vocation* (Englewood Cliffs, N.J., 1963) pp. 34-36.

¹² E. Doronzo, O.M.I., *De poenitentia* 2 (Milwaukee, 1951) 150.

¹³ Riga, *op. cit.*, p. 174. The fact is that Doronzo expressly rejects reconciliation with the Church (*op. cit.* 2, 150-51); he defends the "interior contritio" of St. Thomas (pp. 145-48).

¹⁴ Dumont, *op. cit.*, p. 583, n. 12. ¹⁵ *Op. cit.* 2, 131-53.

¹⁶ In the thirties, four articles written by Doronzo appeared in the *Revue de l'Université de l'Ottawa*: "Originis et evolutionis doctrinae de 're et sacramento' brevis delineatio," 4 (1934) 213*-28*; "Doctrina de 're et sacramento' in genere," 5 (1935) 238*-60*; "De characteribus ut est 'res et sacramentum,'" 6 (1936) 243*-61*; "De 're et sacramento' in sacramentis non characteristicis," 7 (1937) 181*-93*. Cf. also his *De sacramentis in genere* (Milwaukee, 1946) pp. 317-38.

¹⁷ Dumont, *op. cit.*, p. 580.

theology with keener insights into the ecclesial character of every sacramental act."¹⁸ Again, "the biblical renewal also was to contribute indirectly by putting in relief the strictly theological doctrine which supplies the basis for it," i.e., for RWC.¹⁹ Any theological proposition, if it is truly derived from three such sources, commands respect.

Moreover, reasons of suitability are not wanting to explain the increasing popularity of RWC. Dumont claims that it alone offers an intrinsic reason why in ordinary circumstances a sinner must confess his mortal sins according to number and species.²⁰ Oggioni adds another reason: "If the immediate effect of the sacrament is to reconcile with the Church and thereby with God, it is clear that the power of jurisdiction is also required [in the confessor]."²¹ Poschmann makes the startling observation that RWC could settle the deadlocked dispute of four centuries between attritionists and contritionists.²² Marie-Benoit points out that RWC restores the neglected social aspect of penance,²³ and McCauley sweepingly alleges that, owing to RWC, practices like "the necessity of confession, even after perfect contrition; frequent confession; confession of venial sins; devotional confession; the examination of conscience and confession according to number and species; the penances imposed by the priest; and, finally, prayer for sinners . . . have a deeper and more satisfactory explanation."²⁴

It is not our purpose to discuss and evaluate, much less to refute, this formidable array of arguments. The proponents of RWC themselves do not consider them, even in their totality, as conclusive and admit that RWC is still a theory. As regards the argument from the Fathers, Cantwell, an advocate of RWC, declares: "It would be bold at any time to try conclusively to prove our contention from the rather scanty evidence of early Church practice or from the picturesque but sometimes obscure teaching of the Fathers."²⁵ Weisweiler states

¹⁸ *Ibid.* ¹⁹ *Ibid.*, p. 581.

²⁰ This is the specific point of his article (*supra* n. 2).

²¹ G. Oggioni, "Storia e teologia della penitenza: Bibliographia," in *Problemi e orientamenti di teologia dommatica* (Milan, 1957) p. 920.

²² B. Poschmann, *Busse und Letzte Ölung* (Freiburg, 1951) p. 111.

²³ P. Marie-Benoit, O.F.M., "Note sur le jugement exercé au sacrement de pénitence," *Etudes franciscaines* 12 (1962) 145. Other proponents of RWC make the same observation.

²⁴ G. McCauley, S.J., "The Ecclesial Nature of the Sacrament of Penance," *Worship* 36 (1962) 212-13.

²⁵ L. Cantwell, S.J., "Pax ecclesiae: Pax Dei," *Clergy Review* 48 (1963) 617.

that the only necessary conclusion to be drawn from historical research is "that the Church is the internal collaborator of the pardoning (grace-giving) absolution."²⁶ From his study of penance in the early Spanish Church, González concludes that "normally readmission into the Christian community accompanied the infusion of the sacramental grace,"²⁷ not the other way around, as would be the case if RWC were the immediate effect of absolution.

Nor is the evidence from Scripture convincing. Although a few adherents of RWC are quite enthusiastic in interpreting the classic texts (Jn 20:21-23; Mt 16:18-19; 18:17-18) so as to favor their theory,²⁸ other interpretations are legitimate. When our Lord said, "Whatever you loose upon earth shall be loosed also in heaven," and, "Whose sins you shall forgive, they are forgiven them," He might have meant, as RWC holds, that *two* objects were to be forgiven or loosed, one on earth, scil., the offense against the Church, and the other in heaven, scil., the offense against God, this last object being attained through the former. But He may have meant also that only *one* object was in question: "Whatever you, acting as my vicars on earth, loose, the *same* will be loosed by God"; and "Whose sins (offenses against God) you, acting as agents for the Holy Spirit ('Receive the Holy Spirit'), shall forgive, the same sins are forgiven them by the Holy Spirit."²⁹

Neither do the reasons of suitability, even taken conjointly, lift

²⁶ H. Weisweiler, S.J., "Ein Umschwung in der Erforschung der frühchristlichen Bussgeschichte," *Scholastik* 28 (1953) 243.

²⁷ S. González Rivas, S.J., *La penitencia en la primitiva iglesia española* (Salamanca, 1949) p. 167.

²⁸ Xiberta, *op. cit.*, pp. 13-18; K. Rahner, "Vergessene Wahrheiten über das Buss-Sakrament," Essay 2, "Binden," pp. 148-61, and Essay 5, "Das Lösen auf Erden und im Himmel," pp. 175-83, in *Schriften zur Theologie* 2 (Zurich, 1960); Cantwell, *op. cit.*, pp. 615-17.

²⁹ The same distinction may be made regarding the excerpt "Whatever you bind upon earth shall be bound also in heaven." Advocates of RWC hold that *two* objects are in question. The first is a binding on earth, an exclusion from living membership in the Church; from this eventuates a second binding, a spiritual one made by God. However, the excerpt may mean also "Whatever spiritual bond you impose as my agents, the *same* will be ratified by God." Proponents of RWC do not view "bind" and "loose" as mutually exclusive disjunctives. They consider the words to mean *one* process, which begins with banishment of the sinner from living communion with the Church in order to re-establish him in it later by "loosing" him; so Rahner, *Schriften zur Theologie* 2, 150.

RWC out of the mists of uncertainty. Generally speaking, such reasons should be highly prized. We know how much they were esteemed by St. Thomas. But the fact remains that they are only the laudable effort of the human mind to fathom the incomprehensible depths of the divine intellect. They may serve to confirm an established theological verity, but they do not establish it. As such, they differ from the *ratio theologica*, which is based on a firm theological principle and may lead to a certain conclusion.

Our main object, then, is to advance some difficulties which militate against the acceptance of RWC. These difficulties may be soluble, in which case their proposal and solution will clarify several obscure facets of RWC and so contribute to theological progress regarding the *res et sacramentum* of penance. The difficulties stem from various theological truths and probable truths, but particularly from the theology of the *res et sacramentum* itself. We cannot appeal to the magisterium, because we find no solid evidence in this source either for or against RWC.³⁰

No doubt the studies of the proponents of RWC have made a contribution to sacramental theology. They have, to mention only one benefit, focused attention on the significance and meaning of the *res et sacramentum* in general.³¹ Many older textbooks and even more recent ones do little more than mention this subject. Yet it is of supreme importance. The *res et sacramentum* is an *ex opere operato* effect ensuing from every sacramental rite (the *sacramentum tantum*) when it is validly administered. It explains coherently why some sacraments can be repeated whereas others cannot, why some sacraments revive while others do not. It dedicates the recipient to God and the Church. It has some relationship to the conferral of sanctifying grace (the *res tantum*). It may even be the abiding principle, rather than sanctifying

³⁰ We would not consider the statement of Trent, "Sane vero res et effectus hujus sacramenti, quantum ad ejus vim et efficaciam pertinet, reconciliatio est cum Deo. . ." (DB 896), a valid argument against RWC. Reconciliation with God is the final and principal objective of penance. This does not seem to exclude the possibility that this divine reconciliation can be preceded by an ecclesiastical reconciliation which is directed at its attainment. Dumont answers this objection to RWC, *op. cit.*, pp. 584-85.

³¹ Cf. the references to Doronzo (*supra* n. 16). The importance, nature, history, and purpose of the *res et sacramentum* are explained summarily by Palmer, *art. cit.* (*supra* n. 11) pp. 120-31.

grace, to which are attached the sacramental graces which come *ex opere operato* from a sacrament after its reception in order to promote the attainment of its specific purpose.³² Although far inferior to sanctifying grace in dignity, the *res et sacramentum* is a supernatural internal effect which requires for its production the intervention of God's omnipotence and the instrumental power of a sacrament. It cannot be obtained except by reception of a sacrament.

It is not easy, however, to determine precisely the *res et sacramentum* of each sacrament, and it is especially difficult in the case of penance and its complement, extreme unction.³³ As regards penance, the matter is so muddled that a few theologians have even denied that this sacrament confers a *res et sacramentum*. This opinion may be held, although it makes penance a singular sacrament and reduces it to a lower level of sacramentality by rejecting an *ex opere operato* effect common to the rest of the sacraments.

Therefore, the vast majority of theologians contend that penance does bestow some kind of a *res et sacramentum*.³⁴ Some have held it to be peace of conscience.³⁵ A large number favor interior penance or contrition, the view of St. Thomas, which is, however, complicated by divergent explanations.³⁶ Advocates of intentional causality generally

³² This opinion, although rejected by the majority of theologians, is probable; cf. G. Van Noort, *De sacramentis* 1 (Amsterdam, 1910) no. 69; J. Mors, S.J., *Theologia dogmatica* 5 (2d ed.; Buenos Aires, 1951) no. 46; C. McAuliffe, S.J., *De sacramentis in genere* (St. Louis, 1960) pp. 89–100. In the last work a few arguments favoring this less common view are presented (pp. 94–95, 96–97).

³³ Doronzo submits six different opinions about the *res et sacramentum* of penance; cf. *op. cit.* 2, 132–44. There are also six views about the *res et sacramentum* of extreme unction; cf. E. Doronzo, O.M.I., *De extrema unctione* 2 (Milwaukee, 1955) 263–70.

³⁴ Doronzo, *De poenitentia* 2, 132. His reasons why penance should confer a *res et sacramentum* are given on p. 145.

³⁵ C. Pesch, S.J., *Praelectiones dogmaticae* 7 (3d ed.; Freiburg, 1909) 174. However, in his *Compendium theologiae dogmaticae* 4 (4th ed.; Freiburg, 1932) no. 259, he mentions three opinions, including *pax conscientiae*, but does not choose any opinion as his own. Even so excellent a theologian as Pesch failed to grasp the importance of the *res et sacramentum*. Referring to penance specifically, he says: "tota quaestio non est magni momenti" (no. 259). He seems to have the same attitude towards the *res et sacramentum* of the other sacraments.

³⁶ Doronzo, *De poenitentia* 2, 136–44. It is interesting to note F. Diekamp's view that an *act* of perfect contrition, inspired at the instant of the infusion of grace, is the interior penance constituting the *res et sacramentum*; cf. *Katholische Dogmatik* 3 (12th ed.; Münster, 1954) 275.

distinguish a material *res et sacramentum*, the right to the remission of sin, and a formal one, the right to grace.³⁷ In the light of this disagreement no one will reject RWC simply because it seems to be a novelty. Perhaps novelty is what we need.

THE EXPRESSION "RECONCILIATION WITH THE CHURCH"

Perhaps one of the heaviest handicaps of RWC is the expression itself. It gives the impression that every Catholic who sins mortally is excommunicated. Such an idea is, of course, heretical, and the proponents of RWC have no such thought in mind. Xiberta himself declares: "In the course of my work, when emphasizing the words of the Fathers, I have often said that mortal sin cuts off a sinner from the Church and so on. Lest such expressions should beget difficulty or confusion, it should be noted that they are not to be understood so strictly as to seem to make us say that sinners are not members of the Church; this would conflict with the teaching of the Church and the universal agreement of the Fathers. . . ."³⁸

However, if the sinner still remains a member of the Church, in what sense does he have to be reconciled with her? He remains bound to her by the triple bond of creed, code, and cult. The Holy Spirit does not abandon him, since it is of faith that he can repent and that he can do so only by the help of actual grace, an operation of the Spirit.³⁹ He retains his sacramental characters, which configure him to the Blessed Trinity and give him sundry rights and duties as a Christian.

³⁷ For a general exposition and defense of intentional causality, cf. L. Lercher, S.J., *Institutiones theologiae dogmaticae* 4/2, Pars prior (3d ed.; Innsbruck, 1948) 60-65. He calls it "juridically dispositive causality." Yet when he deals with the sacrament of penance, he does not think that this kind of causality is altogether incompatible with RWC (*op. cit.*, Pars altera, no. 625, I, 1, c). Billot, on the other hand, usually regarded as the originator of intentional causality, thinks that it is reconcilable with St. Thomas' "interior poenitentia"; cf. *De ecclesiae sacramentis* 1 (Rome, 1929) 49. To add to the confusion, J. Dalmáu, after lauding RWC, states that the *res et sacramentum* of penance is the "interior poenitentia" of St. Thomas; cf. "Significación de la forma del sacramento de la penitencia," *Estudios eclesiásticos* 2 (1923) 400-401. Schmaus also attempts to show that "interior poenitentia" can be harmonized with RWC; cf. *Katholische Dogmatik* 4/1, 592. Riga, *op. cit.*, pp. 112-13, introduces more confusion by not distinguishing clearly between RWC as the rite (*sacramentum tantum*) and as the immediate effect of the rite (*res et sacramentum*). The rite may be called RWC *in fieri*; the immediate effect of the rite, RWC *in facto esse*.

³⁸ *Op. cit.*, p. 12. ³⁹ Council of Trent (DB 911, 839, 807).

He is obliged to attend Mass and, despite his sinful condition, may receive graces from the Sacrifice which will foster genuine contrition and cancel even "enormous sins."⁴⁰ Evidently, therefore, RWC needs elucidation.

It requires even additional clarification when absolution is bestowed on those who confess venial sins only. Such persons do not seem to be at odds with the Church. Their sins have not diminished their sanctifying grace. By all their good works they are constantly growing in grace. In fact, they are holy people if they regularly confess only such transgressions, even if they be deliberate ones. They can obtain forgiveness for them by receiving other sacraments besides penance and by diverse extrasacramental means.⁴¹ How, then, can they be in any true sense reconciled with the Church when they are absolved?

Finally, to be the *res et sacramentum* of penance, RWC must explain how it is applicable to confessions of pure devotion, those in which only sins already forgiven are absolved. In such cases it would seem that there is absolutely no damage to the Church which can be repaired by the sacrament and consequently that no reconciliation with her is possible.

SIN, AN OFFENSE AGAINST THE CHURCH

Evidently we cannot understand the meaning of RWC unless we understand the reason which necessitates this reconciliation. This reason is sin, not viewed in its primary aspect as an offense against God, but considered as an offense against society and, particularly, against the Church. It is to the credit of RWC that it reminds us of this social aspect of sin, a truth which was indeed known but was not sufficiently stressed.

As Blomme puts it, "There is no sin that affects only the person who commits it. Even if I perpetrate my crime without a witness, in solitude, or within the depths of my heart, it has repercussions on everybody else."⁴² As regards the sinner who is a Catholic, he amplifies: "The sinner places himself in opposition to the sanctifying work of the Spirit by cutting off his avenues of communication. Instead of show-

⁴⁰ Council of Trent (DB 940).

⁴¹ The Council of Trent declares that venial sins, although they may be lawfully and usefully mentioned in confession, "multis aliis remediis expiari possunt" (DB 899).

⁴² R. Blomme, "Les dimensions du péché," *Collectanea Mechliniensia* 30 (1960) 573.

ing himself a good conductor, he halts the flow of grace. . . . Instead of co-operating in the establishment of God's kingdom, he renders nugatory the power of radiance which is his as a cell of the Church."⁴³ Lécuyer expresses the same ideas even more succinctly: "Sin does harm to the whole of humanity and, when there is question of a Christian, especially to the entire Church, in which he becomes a dead member, deprived of God's life, powerless to fulfil his function in that Body of Christ in which each member has his own special function."⁴⁴

We doubt if any theologian would quarrel with these statements. They mean simply this: mortal sin offends God seriously. As a result, the sinner is deprived of sanctifying grace. But the loss of this divine life damages the Church, because the sinner is thereby incapacitated for contributing duly to her salvific work, a function to which he is obligated by his baptismal character. Thus he offends against the Church and she has a right to punish him.

But is liability to an ecclesiastical punishment the only addition to the concept of sin when it is committed by a baptized person? Some exponents of RWC, although they do not say so explicitly, seem to inject a further element into the notion of sin as an offense against the Church. They do not seem to be satisfied with admitting that the sinner merely becomes subject to an ecclesiastical penalty, denial of Communion until he confesses. This would be a kind of temporal punishment inflicted by ecclesiastical decree. Besides this, they seem to hold that every mortal sin involves a kind of personal offense not only with regard to God but to the Church also. It entails an affront to the Church analogous to the affront offered to God. Accordingly, the sins of the baptized are worse than those of unbelievers not solely because the former, "liberated once from the slavery of sin and the devil, do not fear knowingly 'to violate the temple of God' and 'to sadden the Holy Spirit.'"⁴⁵ They are worse, too, because the unbeliever affronts God only, whereas the baptized affronts the Church as well. Mortal sin committed by the baptized would incur a twofold temporal punishment, one imposed by God and to be expiated either in this world or in purgatory, the other emanating from Church law, ostracism

⁴³ *Ibid.*, p. 575.

⁴⁴ J. Lécuyer, C.S.Sp., "Les actes du pénitent," *Maison-Dieu* 55 (1958) 43.

⁴⁵ Council of Trent (*DB* 904).

from Communion until absolution is granted. But the sinner likewise must obtain two forgivenesses for two *personal* affronts, one from God, the other from the Church, and the latter will, in order of dependence, precede the former.

That this ingredient is added to the concept of sin may be inferred from statements of several adherents of RWC. For instance, Cantwell writes:

The question: Is sin primarily an offense against Christ or against the Church? has no answer in scriptural terms. It would, of course, be incorrect to say that a Christian's sin offends God only *because* it disfigures the Church; but it would be equally false to say that it disfigures the Church only *because* it offends God. There is simultaneity here. To persecute the Church *is* to persecute Christ (Acts 9:5); to cheat St. Peter *is* to defraud the Holy Spirit (Acts 5:3). And conversely the misbehaviour of the Corinthians at the Eucharist shows "contempt to God's Church" (1 Cor 11:22).⁴⁶

According to this view, if it is false to say that sin "disfigures the Church only *because* it offends God," then sin must include another element besides that of the damage to the Church resulting from it. For it seems that this damage does eventuate only *because* sin offends God. It is by reason of the offense to Himself that God strips the sinner of sanctifying grace, and this constitutes the injury to the Church. Hence, for Cantwell, sin seems to involve a simultaneous twofold *reatus culpae*, one against God, the other against the Church, "contempt to God's Church."

The same idea is more plainly indicated by de la Taille when he writes that the peace of the Church "is not an incomplete peace limited to the lifting of censures which the Church could have imposed, but a peace extending to the oblivion of the inmost *insulti* offered to this society of saints who live by the faith. . . ."⁴⁷ Here we find that the peace of the Church, the absolution, remits an ecclesiastical penalty (the lifting of censures) and also a personal insult to the Church. The two are even distinguished explicitly.

Karl Rahner seems to have the same notion of sin: "The baptized sinner by his sin is guilty before the Church. He offends against her spirit, against her mission, and the commission which he possesses in

⁴⁶ Cantwell, *art. cit.* (supra n. 25) p. 614.

⁴⁷ De la Taille, *art. cit.* (supra n. 3) p. 596.

her irrevocably."⁴⁸ He "contravenes his membership in the Church and the essence of the Church, which is the hallowed community of God's intimates, of the sanctified."⁴⁹ These declarations seem to emphasize that sin incurs a *reatus culpae* towards the Church. Sin is a personal offense because it assails the dignity and holiness of the Church, and strikes at her spirit and her very essence.

Although our main purpose here has been to clarify the concept of sin as it is viewed by some adherents of RWC, we would nevertheless like to remark that we have difficulty understanding how the sin of a baptized person can be invested with any kind of a personal offense regarding the Church. We could see how such an offense might be incurred if a purely ecclesiastical law is violated, e.g., the Friday abstinence. In such a case there would seem to be an affront to the Church which deserves an ecclesiastical penalty. However, most sins are not infringements of ecclesiastical legislation. They are either against the natural law (e.g., slander) or against divine positive law (e.g., Communion received by a sinner). Inasmuch as such sins do not contravene the Church's laws as such, they do not seem to be an insult to the Church. They are an insult to God. As a result, He divests the soul of grace. Thus the Church is harmed and may exact her own punishment for the sins. But this punishment does not seem to be owing to any insult to the Church. It does not seem reasonable to say that a legislator is insulted by the violation of laws which have been enacted by someone else.

REACTION OF THE CHURCH TO MORTAL SIN

All adherents of RWC, regardless of the ways in which they conceive mortal sin, seem to agree that the Church must react against it. She is damaged by the sin and so she imposes her own penalty for it. What, then, is this penalty? To answer this question we may quote two representatives of RWC. Paul Palmer says: "Although still a member, he [the serious sinner] is no longer a living member; he is no longer privileged to receive the Eucharist, the sacrament of Christian unity. To this extent, even today, the serious sinner is in a true sense

⁴⁸ Rahner, "Vergessene Wahrheiten über das Buss-Sakrament," in *Schriften zur Theologie* 2 (Zurich, 1960) 145.

⁴⁹ *Ibid.*, p. 146.

excommunicated, cut off from full communion with the Church. To be reconciled to God, he must first be reconciled to the Church.”⁵⁰ Karl Rahner speaks as follows: “The Church must react against mortal sin. . . . Consequently, the Church ‘binds’ this sinner ‘on earth,’ i.e., she puts herself at a distance from him (in some kind of exclusion which may not be equivalated with the present canonical excommunication, but consists rather today in exclusion from the Eucharist together with the obligation to confess and so on), so that as a consequence he is regarded by God also as no longer belonging in a full sense to that holy community. . . .”⁵¹

Mortal sin, therefore, subjects its culprit to the ecclesiastical penalty which forbids the serious sinner to go to Holy Communion until he has gone to confession. The Church inflicts this “excommunication” upon the sinner because, by forfeiting sanctifying grace, he cannot contribute to her internal hallowing activity to which he is obligated by his baptismal character. He becomes a “marked” man, so that in an ideal parish he would become publicly known as a serious sinner merely by the fact that he abstains from Communion when the rest of the parishioners approach this sacrament.⁵² His life is a sham.⁵³ The Church could say to him: “You manifest the semblance of being alive, but in fact you are dead.”⁵⁴

GENERAL MEANING OF RWC WHEN MORTAL SINS ARE ABSOLVED

So far, advocates of RWC seem to be in substantial agreement. They agree, too, that the reconciliation and the infusion of grace are

⁵⁰ Palmer, *Sacraments of Healing and of Vocation*, p. 35.

⁵¹ Rahner, *Kirche und Sakramente*, p. 83.

⁵² Rahner, “Binden,” in *Schriften zur Theologie 2* (Zurich, 1960) 154: “Er [der Sünder] bekennt sich unweigerlich ‘öffentlich’ als Sünder.” We are baffled by this reasoning. So many causes can excuse a person from receiving Communion that it would be a rash judgment, even in such an ideal parish, for anyone to conclude that an abstainer was a sinner. In fact, we believe that a sinner, if he were certain to be branded as such solely by his abstention from Communion, would be excused from assisting at Mass.

⁵³ Some adherents of RWC call the sinner’s life a “lie” or a “fiction” or “hypocrisy”; cf. Xiberta, *op. cit.* (supra n. 1) p. 12.

⁵⁴ Rahner, “Binden,” in *Schriften zur Theologie 2*, 150. Here again the reasoning puzzles us. According to Christ’s own prediction (Mt 13:24–30, 36–43), the Church will be composed *de facto* both of the sanctified and of sinners. In view of this, we fail to see how the sinner “manifests the semblance of being alive.” He merely creates the impression that he belongs to the Church, and he does truly belong to her.

simultaneous, but that RWC is prior in the order of dependence. In some way or other, at least as a disposition of some kind (they differ in their explanations), the reconciliation along with the vanished sacramental sign brings about the infusion of grace.

Nothing here necessarily conflicts with the general teaching about the *res et sacramentum*. In sacraments which imprint a character, grace is infused simultaneously with it if the recipient has the necessary disposition; yet the character is prior to grace in the order of dependence and is imprinted even if the recipient is indisposed, provided that he intends to receive the sacrament. Neither is it surprising that the exponents of RWC do not concur about the exact relationship between the reconciliation and the bestowal of grace. The fact is that, although we know there is a definite relationship between every *res et sacramentum* and the conferral of grace, we do not know precisely the nature of this relationship.⁵⁵ Hence no particular stand on this issue militates against RWC.

However, even granting that we cannot expect to obtain exact knowledge about this relationship, we feel that we do have a right to know the accurate meaning of reconciliation with the Church, the foundation for the relationship. Yet adherents of RWC, owing at least partly to their differing concepts of mortal sin, are not unanimous when they describe the nature of this bond with the Church which is restored directly by the sacrament and which subsequently (in order of dependence) conduces to the infusion of grace. Generally speaking, their statements about this point are somewhat obscure and definitions of important terms are lacking.

This is unfortunate. It is unfortunate for RWC itself, because it reveals that the theory needs further study and elaboration. It is unfortunate also for one who encounters difficulties with the theory. He gets bewildered, like a marksman trying to hit dead-center a target that is not marked with a bull's-eye. He may be accused of concocting imaginary difficulties or of misinterpreting the true meaning of the opinion under discussion.

So far as we can make out from their writings, four tendencies are

⁵⁵ Doronzo discusses the relationship of the *res et sacramentum* to grace in his "Doctrina de 're et sacramento' in genere," *Revue de l'Université d'Ottawa* 5 (1935) 252*-53*. He holds that it is a moral disposition ("moraliter et ex voluntate institutoris") for grace.

extant among adherents of RWC. All these trends profess that RWC precedes the infusion of grace in the order of dependence, that the lifting of the ecclesiastical ban forbidding Communion without antecedent confession is connected with RWC. Either it actually constitutes the reconciliation or it is, at any rate, an effect and sign of it, though it may be intrinsically constituted by some other element.

NATURE OF RWC WHEN MORTAL SINS ARE ABSOLVED⁵⁶

RWC is mainly occupied with confessions of mortal sins. This is not particularly surprising, since such sins constitute the only necessary matter of the sacrament. Besides, one of the principal arguments adduced in favor of RWC is based on patristic evidence that antedates the arrival of devotional confessions. To be valid, however, the theory must be applicable also to confessions of devotion, whether of venial sins or of past forgiven sins.

The First Tendency

This trend exhibits RWC as consisting solely in the removal of the ecclesiastical penalty prohibiting access to Communion until confession is made. Such seems to be the thought of Ancaux. He expresses it in various ways: "The reconciliation with the Church is the public authorization to share in the Eucharist."⁵⁷ Again: "By faith and repentance man [a sinner] is united interiorly with Christ; by the sacrament he is united with Him externally and corporally, i.e., in a visible and societal act which reintroduces him into the ecclesial body and permits him to share in Eucharistic Communion."⁵⁸ He speaks in the same vein elsewhere: "The obligation to confess after a mortal sin before receiving the Eucharistic body is not a senseless remnant of

⁵⁶ A few authors simply mention that they favor RWC, without giving any explanation of its nature, since this is not their purpose; they are concerned with some other subject and so mention RWC only in passing; thus F. Courtney, S.J., "The Sacrament of Penance," *Clergy Review* 40 (1955) 519; also F. Cabrol, O.S.B., *Six Sacraments* (London, 1930) p. 160. Other writers, for lack of space or other reasons, develop RWC to some extent, but not sufficiently to enable us to discern their opinion about its precise nature; so Riga, *op. cit.*, pp. 108-16; Leeming, *op. cit.*, pp. 361-66; Oggioni, *op. cit.*, pp. 920-21. E. Amann is sometimes alleged to favor RWC. We doubt this; he seems to hold merely that RWC *in fieri*, i.e., the rite itself, truly reconciles with God; cf. "Pénitence," *DTC* 12, 788-89.

⁵⁷ P. Ancaux, *Le sacrement de la pénitence* (Louvain, 1960) p. 211.

⁵⁸ *Ibid.*, p. 219.

antiquated forms of ecclesiastical penance. It expresses the genuine meaning of the reconciliation with the Church. . . ."⁵⁹ Referring to a sinner who in good faith does not have an adequate repentance at the moment of absolution, he declares that "the sinner is reconciled with the Church without obtaining sanctifying grace. . . . By the power of the absolution he can take his place again in the community and share in the sacramental actions of the Church-Eucharist."⁶⁰ In these two works of Anciaux we find no evidence that he considers RWC as constituted by any deeper element than the raising of an ecclesiastical penalty.

Dalmáu's comments on Xiberta's thesis suggest the same idea: "In penance there is produced an ecclesiastical effect separable from the conferral of grace itself, at least in the penitent who comes to it with perfect contrition; this effect is the public right to reception of the Eucharist."⁶¹ Again he says: "If it is admitted that this sacrament can be valid but unfruitful, . . . although grace, in fact, would not be regained, the right to the Eucharist would be already recovered, and grace likewise, once the obstacle (which in this case is not voluntary) is removed by remedying the defect in the attrition."⁶² Finally: "Besides, in the sacrament [of penance] the title of right to the Eucharist is also title of right to grace. . . ."⁶³

The same trend is discernible in a few other advocates of RWC. It is unnecessary to discuss them, however, since our object here is to point out the tendencies, not to provide an exhaustive list of their supporters.

The Second Tendency

De la Taille, in his interpretation of Xiberta's thesis, seems to go a step further than the preceding theologians. He, too, grants that RWC "consists basically in the authentic and total readmission to the free and entire enjoyment of the rights of the baptized over the Eucharist."⁶⁴ This corresponds with the previous tendency. However, de la Taille conceives RWC as something more profound than a mere juridical effect in the external forum. This additional element is also

⁵⁹ P. Anciaux, "La dimension ecclésiale de la pénitence chrétienne," *Collectanea Mechliniensia* 46 (1961) 477.

⁶⁰ *Ibid.*, p. 480.

⁶¹ Dalmáu, *art. cit.* (supra n. 37) p. 400.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ De la Taille, *art. cit.* (supra n. 3) p. 592.

of the juridical order, but in the full sense of this order. It is "effective not only for the external and public forum (as would be a reconciliation which would lift an excommunication imposed by positive law), but also for the private, internal forum, there where the judicial power of the ecclesiastical community pronounces sentences which reach, in order to destroy juridically, the debt itself contracted towards the entire body of the faithful by any kind of mortal sins, from the viewpoint of mere natural law."⁶⁵

According to this statement, RWC is not constituted solely by a liberating action in the external forum, as would seem to be the case in the foregoing tendency. It comprises something beyond this—the release from a debt, from a ligature in the sphere of conscience, which encumbers every serious sinner by the fact that his sin has violated the rights of the Church. RWC, therefore, is composed of two rights, readmission to Communion and extinction of a debt to the Church.⁶⁶

Rahner and Cantwell may possibly subscribe to this tendency. One thing is certain regarding both of them: they cannot be classified under the first tendency.⁶⁷

The Third Tendency

A strenuous proponent of RWC, C. Dumont, provides an additional idea. Differing from de la Taille, he would not like to see the notion of RWC limited "to an act effective only in the order of juridical rela-

⁶⁵ *Ibid.*, p. 592.

⁶⁶ The latter expression is a literal translation of de la Taille's phrase "extinctio debiti erga Ecclesiam"; cf. *Mysterium fidei* (3d ed.; Paris, 1931) p. 581.

⁶⁷ Thus Cantwell writes: "Of course, the sacramental exclusion from the Church or readmission to it is not to be understood as the lifting of an excommunication, as we say, *in foro externo*, even though the two went together in ancient public penance. The Church is here regarded not just as a social, canonical organization, but rather as a sacramental reality, the outward sign *par excellence* of grace among men" (*art. cit.*, p. 615). Speaking of the "binding" of the serious sinner by the Church, Rahner says that it is "zwar in derjenigen Dimension der Sichtbarkeit der Kirche, die zwar vom 'forum externum' verschieden ist, aber doch wirklich eine Dimension der Sichtbarkeit ist, weil es genau jene Dimension der Kirche ist, in der die Sakramente als 'sichtbare' Zeichen der Gnade vollzogen werden" (*Schriften zur Theologie* 2, 156). Since the "binding" is not merely in the external forum, neither can the "loosing" by the Church be merely in that forum.—Besides exclusion from Communion without previous confession, Rahner considers the obligation of the serious sinner to confess at least once a year as a penalty imposed upon him (*ibid.*, p. 155).

tions.”⁶⁸ Rather, “it is the living bond that reunites the faithful to Christ”; consequently, it is the return of the penitent to the community “as a member fully reinstated into the life of the whole.” It is “like the engrafting of the living branch upon the nourishing plant.”⁶⁹ Yet, this living bond and engrafting and reinstatement are distinct from grace and antecedent to it. Hence RWC is “a title to grace,” but in the sense of a dispositive cause for it. It is “the ultimate disposition which prepares directly” for the bestowal of grace. This disposition “causes” grace inasmuch as it shares in the efficacy of the sacramental sign.⁷⁰

From this description it would seem to follow that RWC is something physical, an ontological reality inhering in the soul. It would, then, be similar to the sacramental characters.

The Fourth Tendency

What may be only inferred from Dumont’s essay is plainly stated by Palmer, whose view is very similar to Dumont’s. However, the latter seems to concede that RWC may be composed of both the physical entity and a right to grace which is attached to it. Palmer seems to restrict RWC to a purely physical causality. He says, for instance, that RWC “is the ultimate disposition for the grace of the indwelling Spirit.”⁷¹ And if we inquire what exactly is the nature of this ultimate disposition, Palmer candidly replies that it is “a reality in the physical order,” and he makes his meaning unequivocal when he declares that “we should regard the bond itself as having the same ontological reality as the sacramental character.”⁷² This reality results from an action of the Spirit “which is distinct from the operation of the indwelling Spirit through whom we are justified, but an action which prepares for justification.”⁷³ If we ask how long this disposition endures, we are told that RWC “implies a bond of restored friendship with the Church, a relationship which remains as long as serious sin does not sever the bond or venial sin does not strain the relationship.”⁷⁴

We have, then, four trends. The first seems to view sin merely as

⁶⁸ Dumont, *art. cit.* (supra n. 2) p. 585.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*, p. 586.

⁷¹ Palmer, *art. cit.* (supra n. 11) p. 138.

⁷² *Ibid.*, p. 136.

⁷³ *Ibid.*, p. 138.

⁷⁴ *Ibid.*, p. 136.

damaging the Church in her operations and so deserving of an ecclesiastical penalty. The other three admit that sin impairs the fruitful functioning of the Church, but they also seem to regard it as a personal affront offered to her. Hence a difference of concept arises with regard to the nature of the reconciliation itself. The first tendency seems satisfied with implying that the *res et sacramentum* of penance consists solely in the restoration of the right to receive Holy Communion. The other tendencies mention this and seem to agree that it is connected somehow with the reconciliation. They prefer, however, not to repose the *res et sacramentum* in such an effect, at least by itself, and so suggest that RWC is composed basically of an internal sacramental operation. The first trend of these three finds this operation in the extinction of a personal debt owed to the Church. The second trend discovers it in a physico-moral entity, a disposition which is physical and which is the foundation for something juridical, namely, the right to grace. The last trend seems to locate the operation exclusively in the physical, proximate disposition for grace.

We shall now present some difficulties which militate against the acceptance of RWC as the *res et sacramentum* of penance even when only mortal sins are absolved. More formidable difficulties arise when absolution is granted for venial sins alone or for past forgiven sins only.

Obstacles to the First Tendency

This tendency, which conceives RWC as merely the lifting of the ban to receive Communion, assumes that the law commanding confession before Communion is of ecclesiastical origin. This is a well-founded opinion, but it is far from certain. The view that this law is of divine origin is not devoid of solid probability,⁷⁵ and we feel that it is unfair for those favoring RWC simply to ignore it. The fact that the law is incorporated into the Code of Canon Law⁷⁶ would not alter its divine nature. If, however, a theologian does hold it as a divine positive law, he logically should reject exclusion from Communion without previous confession as a purely ecclesiastical penalty, as a mere re-

⁷⁵ F. M. Cappello holds that its divine origin is the "communio et verior sententia"; cf. *De sacramentis* 1 (Rome, 1945) no. 438. E. Genicot prefers the opinion that the law is purely ecclesiastical; cf. *Institutiones theologiae moralis* 2 (Brussels, 1951) no. 188.

⁷⁶ *CIC*, can. 896.

action of the Church against mortal sin. For such a theologian it is a divine reaction or punishment and he can no longer maintain that RWC is the *res et sacramentum* of penance.

Again, advocates of RWC also assume that the law making confession obligatory before Communion is a *penalty* imposed by the Church and analogous to an excommunication not *ferendae* but *latae sententiae*.⁷⁷ We may question whether this assumption is justified. Is it not possible that the Church views this legislation, if it is hers, not as a penalty induced upon the sinner, but merely as a safeguard against unworthy Communion?

The Church, inspired by the "probet seipsum homo" of St. Paul, has continuously insisted that Communion is to be received by those only who are in the state of grace. By doing so, she merely reinforces the divine law that the Eucharist is a sacrament of the living. However, in the case of this sacrament, which surpasses all the others in dignity and which can be received every day, it could easily happen that this divine law would be frequently violated by sacrilegious Communion unless it were bolstered by a precept of the Church.

This precept gives no inkling that it is intended as a penalty for serious sinners. It is included in the Code under the general title of "The Recipient of Holy Communion."⁷⁸ Neither does the Council of Trent intimate, when it enacts the law, that it intends to penalize sinners:

It is not right that anyone should participate in any sacred functions except in a holy manner. Certainly, then, the more a Christian is aware of the holiness and the divinity of this heavenly sacrament, the more careful he should be not to receive it without great reverence and sanctity, especially since we read in the Apostle the fearful words: "He who eats and drinks unworthily, eats and drinks judgment to himself" (1 Cor 11:29). Therefore, a person who desires to communicate should recall the Apostle's command: "But let a man prove himself" (1 Cor 11:28). The custom of the Church makes it clear that the necessary proof is this: no one who has a mortal sin on his conscience ought to receive the Holy Eucharist before making a sacramental confession, regardless of how contrite he may think he is.⁷⁹

The Council, accordingly, attributes its decree to "ecclesiastical custom." It offers no indication that it is passing a juridical penalty

⁷⁷ This is Karl Rahner's way of expressing it; cf. *Schriften zur Theologie* 2, 155.

⁷⁸ This is the title of Article 2, which includes canons 853-66.

⁷⁹ *DB* 880.

upon sinners. The only reason it proposes is a desire to forestall unworthy Communion: "It is not right that anyone should participate in sacred functions except in a holy manner"; and this is particularly true of the Eucharist, of whose "holiness and divinity" the Christian should be aware.⁸⁰

If this interpretation is correct, RWC can hardly be the *res et sacramentum* of penance. Deprivation of Communion for the sinner until he confesses would not be regarded by the Church as a penalty and so could not be deleted precisely as such.⁸¹ Only serious sinners who have been absolved may receive Communion, not because they are thereby disencumbered of an ecclesiastical penalty, but because sacrilegious Communion will be fewer and the divine law enunciated by St. Paul safeguarded.

However, even if we were to grant that denial of Communion to unabsolved sinners is a punishment, it would still be difficult to see how RWC, as proposed in this first tendency, could be the *res et sacramentum* of penance. This penalty would be of ecclesiastical origin, disciplinary. Though a custom, it does not seem to have been an official law of the Church prior to Trent.⁸² Absolutely speaking, therefore, it could be abolished by the Church at some future time. Thus the very nature of this penalty would not comport with the genuine notion of the *res et sacramentum*. This is an *ex opere operato* effect of the sacra-

⁸⁰ No law requires that sinners must confess before receiving the other four sacraments of the living. They may do so after making an act of perfect contrition with an intention to confess. If these sacraments are received sacrilegiously, the irreverence is not as great as when a sinner communicates, since the Eucharist exceeds all the sacraments in dignity. Furthermore, confirmation and orders can be received but once; matrimony, usually only once; extreme unction, rarely. On the other hand, the Eucharist can be received by all the faithful every day, so that numerous sacrileges might ensue if there were no law requiring confession before its reception.

⁸¹ Z. Alszeghy, S.J., "Carità ecclesiale nella penitenza cristiana," *Gregorianum* 44 (1963) 9, notes a certain artificiality in the assumption that the law imposing confession before Communion is a kind of "excommunication": "I tentativi perciò, che proiettano nella prassi contemporanea uno stato di 'scommunica' penitenziale, non sembrano essere fondati, in quanto procedono di una pre-occupazione 'concordistica,' e di un'analisi dei riti e della disciplina vigente troppo arbitraria."

⁸² When the Fourth Lateran Council (DB 437) enacted the law prescribing annual confession and reception of Communion during the paschal season, it laid down no general law obliging the sinner to confess beforehand whenever he wishes to go to Communion. Trent (DB 880) stated that this procedure on the part of a sinner was an "ecclesiastica consuetudo." Cf. St. Thomas, *Sum. theol.* 3, q. 80, a. 6; *Supplementum*, q. 6, a. 5.

ments which issues from the divine instrumental power inherent in them. It is immediately realized whenever a sacrament is validly conferred. It could not be produced at one period of a sacrament's history and be suppressed at another. Yet we would seemingly have to admit this possibility if the aforesaid ecclesiastical penalty and it alone were to constitute the *res et sacramentum* of penance.

Moreover, the *res et sacramentum* is an interior reality of either the physical or the moral order. It is a character, a bond, a new relationship and dedication to God and to the Church. It lasts permanently or temporarily according to the nature and specific purpose of each sacrament. Consequently, if RWC, as envisioned by this first tendency, is the *res et sacramentum* of penance, it differs essentially from the rest of the *res et sacramenta*. It is limited to the external forum, to the area of government. It is the raising of an ecclesiastical prohibition, whereas the others belong to the internal forum, to the area of sanctification, inasmuch as their recipients are dedicated to God and in some way inclined to the reception of sanctifying and sacramental grace. Once sacraments are administered in the name of the Church, their *ex opere operato* effects emanate, not from any dynamism of the Church, but from an innate power divinely instilled into them, however this power is explained. It would seem, then, that the right to receive Communion which is recovered by reception of penance could be called a *res et sacramentum* only by extrinsic analogy.

Nor does the example adduced in favor of this first tendency establish its case. Let us suppose, for instance, contrary to the more common opinion, that the sacrament of penance can be valid but unfruitful.⁸³ According to this view, it might happen that a serious sinner would come to confession after eliciting an act of attrition which he honestly thinks includes a sufficiently intense resolution to avoid sin as the greatest of evils, but which in reality is defective on this score. His *propositum*, though sincere, is not adequately set against sin. Hence the absolution would be valid, but no grace would be infused. Later on, however, the sacrament would revive when the penitent's conversion became truly effective. Since, however, the absolution was valid, the *res et sacramentum* must be produced. And

⁸³ This is Fr. Anciaux' opinion; cf. *art. cit.* (supra n. 59) p. 480. He expresses the same view in *Le sacrement de la pénitence* (Louvain, 1960) pp. 212-13.

what would it be? The right to receive Communion, the lifting of the ban which forbids Communion without previous confession.⁸⁴

Even if we were to grant the possibility of such a case, would it be true that the Church's prohibition has been lifted, that the sinner still in the state of mortal sin, though unknowingly so, has a right to receive Communion? Only a putative right, not an objective one, so far as we can see. Since the Eucharist is a sacrament of the living by *divine* law,⁸⁵ no sinner, even though he is in good faith, has any objective right to receive it. Good faith, of course, prevents the sinner in the present instance from receiving Communion sacrilegiously, but it seems to accomplish no more than this. His good faith and inadequate attrition were not sufficient to enable him to obtain the grace of penance. Neither are they sufficient to procure the grace of the Eucharist unless his *propositum* to avoid sin has been intensified between the time of absolution and Communion. Indeed, if the Church had any way of discerning that such a person was not in the state of grace, she would be obligated by divine law to forbid him access to Communion until his conversion became so effective that the sacrament

⁸⁴ It is disturbing to read some of the ideas expressed by Anciaux in *Le sacrement de la pénitence*, pp. 209–13. Penance, when it is valid but unfruitful, will not bestow sanctifying grace until the penitent's "conversion sera effective" (p. 212). If we ask how long this will take, the answer is that in certain cases "la conversion efficace ne sera obtenue que grâce à une humble persévérance et un effort prolongé. . ." (pp. 212–13). This seems to mean that the penitent may remain in the state of sin for weeks or months or perhaps even for years, since his effective conversion depends on "un engagement aussi sincère que possible dans le devoir d'état et la participation fréquente aux sacrements de la Sainte Église" (p. 213). The unjustified sinner, therefore, who is in good faith and is repentant though not sufficiently so, should continue to confess, receive Communion, and perhaps receive other sacraments, none of which will confer grace until his repentance or conversion becomes efficacious. According to this, we would have to say that the penitent will never obtain the graces of his repeated Communions inasmuch as it is more probable that this sacrament does not revive. Moreover, during this whole time in which the penitent is aspiring to an efficacious conversion, none of his good works merits any sanctifying grace, since merit postulates the state of grace (DB 842). Finally, this theory, offered without any solid proof, seems to imply a wrong notion of sorrow for sin. It suggests that a repentance which here and now includes a sincere resolve not to sin again is not enough. This goes counter to the practice of confessors and the teaching of catechisms and preachers; it does not tally well with Trent, which intimates that penance can be received fruitfully and repeatedly (DB 911).

⁸⁵ The five proofs usually presented are summarized in C. Pesch, S.J., *Compendium ineologiae dogmaticae* 4 (4th ed.; Freiburg, 1932) 115. A. d'Alès calls Xiberta to task for interpreting certain Fathers to mean that sinners could receive the Eucharist; cf. "Bulletin de théologie historique," *Recherches de science religieuse* 12 (1922) 376.

of penance would revive and thus adorn his soul with grace before Communion. To approach this sacrament when one is, even unconsciously, in the state of mortal sin is an objective disorder, to whose correction the Church cannot be apathetic.

In fact, if an unfruitful absolution conferred a right to receive Communion, we might argue that an invalid one would bestow the same right. Consider the following case. A serious sinner has a genuine, sufficient attrition, makes a worthy confession, and accepts his penance. But the exhausted confessor, when absolving him, says: "Ego te *baptizo* a peccatis tuis." Evidently the sacrament is invalid and produces no RWC nor any other *ex opere operato* effect. The penitent, however, will, as in the example given above, go to Communion, since he does not know that the essential form of the sacrament has been invalid. He will, in fact, obtain sanctifying grace from his Communion.⁸⁶ Consequently, if one were to say that in the preceding example the valid absolution canceled the Church's penalty and restored the right to Communion, he would logically have to admit that the same effect was procured in this last example without any valid absolution at all. In short, the penitent would receive the *res et sacramentum* of penance without benefit of the sacrament itself. This goes contrary to the nature of the *res et sacramentum*, which eventuates only from a sacrament; it cannot be obtained in any other way.

Difficulties Arising from the Second Tendency

The encumbrances affecting the first tendency are applicable also to this one, insofar as it seems to include a restoration of the right to Communion as a part of the *res et sacramentum* of penance. However, de la Taille apparently recognized that the mere recovery of this right through the cessation of an ecclesiastical penalty would not conform to the true idea of the *res et sacramentum*. He introduced, therefore, the added element of the "extinction of a debt" to the Church, an effect in the internal forum with regard to the Church herself. The sinner, then, contracts two personal debts in the internal forum: the principal one, to God Himself; the subordinate one, to the Church.

⁸⁶ This is the opinion of St. Thomas, *Sum. theol.* 3, q. 79, a. 3; q. 80, a. 4, ad 5. The majority of theologians today seem to subscribe to this opinion, but the contrary view is probable. The dogmatic notes given to the proposition by diverse authors are quoted in J. Mors, S.J., *Theologia dogmatica* 4 (Buenos Aires, 1951) no. 50.

This latter debt is not owing to any penalty legislated by the Church, but follows by natural law from the nature of sin itself as an insult to the Church. Both debts are expunged by the sacrament, but the debt to the Church is extinguished first (in order of dependence) and so constitutes internally the *res et sacramentum*, which thereupon cancels the debt to God.

The mere fact that this *res et sacramentum* is in the purely juridical order is no argument against it. As de la Taille points out, the matrimonial bond, commonly held to be the *res et sacramentum* of marriage, is in this order.⁸⁷ Moreover, supporters of intentional causality maintain that the *res et sacramentum* of every sacrament is *formaliter* a right or title to grace, a juridical entity.⁸⁸ And even though there is a vast difference between the abolition of a debt and the engendering of a new status involving rights and duties, it might be argued that the reason why the *res et sacramentum* of penance is constituted by the cancellation of a debt is owing to the distinctive nature of penance, whose object is to remove debts to God and to the Church. Therefore, we find here no grounds for disagreeing with de la Taille.

Our difficulties stem from other sources. First, and most important, we fail to understand how the deletion of the debt to the Church can in any way precede the infusion of sanctifying grace. The reason why the sinner is indebted to the Church is that he has stifled in himself the life of grace. This is the cause of the damage he inflicts upon her, whether this damage be considered as a personal affront against her holiness or as an impediment to her salvific mission. His sin cut him off from living membership in the Mystical Body. As a result, he is in a state which is offensive to her holiness and obstructive of her redeeming work, and this state continues up to the very instant when he regains his supernatural life. His outrage to the Church persists, even accumulates in a certain sense, until this instant.⁸⁹ How, then, is it possible to regard this offense as forgiven, even in the order of

⁸⁷ *Art. cit.* (supra n. 3) p. 594, n. 2: "Mais n'est-ce pas ainsi que dans le mariage, le lien contractuel entre les époux, effet prochain et immédiat du signe extérieur, mais effet d'ordre purement juridique, a la vertu d'introduire à son tour *ex opere operato* la grâce sanctifiante, qui est l'effet dernier du sacrement?"

⁸⁸ For a brief exposition of this view, cf. McAuliffe, *op. cit.* (supra n. 32) pp. 64-65.

⁸⁹ The outrage itself is not intensified, of course, but the impairment of the Church's work which results from it continues and mounts up until he is justified again.

mere dependence, before grace itself is restored? This would seem to be the equivalent of saying that his debts to the Church, both that owing to his assault upon her holiness and the other proceeding from his impairment of her activity, are canceled while they still remain, since they do seem to remain until grace (and grace alone can do so) re-animates his soul. Grace, accordingly, should come first in order of dependence. It alone can extinguish the debts, so that RWC would seem to be dependent on it, not the other way around.

Again, this theory leads to an incongruity. Let us suppose, for example, that a sinner makes an act of perfect contrition with the intention of confessing later on. However, before he has an opportunity to do this, he is killed in an accident. He has been reconciled with God and so saves his soul. Yet, according to the theory in question, he is not reconciled with the Church. He cannot be reconciled with her if RWC is the *res et sacramentum* of penance, since it is impossible to obtain this sacramental effect except by actual reception of a sacrament. No mere *votum sacramenti* will produce it. We are, then, faced with an anomaly: a person may be enjoying the beatific vision while he is still at loggerheads with the Church; he is a friend of God but an enemy of the Church. This introduces a dichotomy between the operations of God and those of the Church, whereas we know that there is harmonious collaboration between the two.

Moreover, this "extinction of the debt" which is said to compose the *res et sacramentum* of penance originates from a jurisdictional act of the Church. It is, furthermore, an exercise of her *proper* jurisdiction, one that belongs to her very structure in so far as she is a perfect society, not one emanating from her *vicarious* jurisdiction, in whose exercise she acts simply as God's instrument, whereas He Himself is the principal cause. The Church, therefore, is the principal cause of the cancellation of the sinner's debt and so the principal cause of RWC, the *res et sacramentum* of penance. This line of thought injects an awkward innovation into the theology of the *res et sacramentum*. This sacramental effect is, like sanctifying grace, produced *ex opere operato*. It is, moreover, a supernatural effect. Only God can be the principal cause of such an effect; it is beyond the Church's competence. Sacraments must be administered through her agency, but she remains an agent, an instrument, in their positing; once duly posited, they

transcend in their *ex opere operato* effects (no matter which kind of causality is adopted) any vitality of her own.⁹⁰ If, then, the Church is the principal cause of reconciliation with herself, and this reconciliation is the *res et sacramentum* of penance, our entire theology about this sacramental effect is distorted. It must be recast to include a mere theory which deals with a single sacrament.

Furthermore, this extinction of a debt to the Church either evanesces at once after the absolution effects it, or continues as long as the sanctifying grace infused by the sacrament abides. If it evanesces at once, it is a peculiar *res et sacramentum*, since no other, not even that of the Eucharist, ceases immediately.⁹¹ On the other hand, if it persists (as we think it should, because it carries with it a right to readmission into living membership in the Church and to reception of Communion), it generates a problem. Let us consider the following case. A sinner confesses and obtains RWC. A week later, having committed no mortal sins in the meantime, he again goes to confession. Since the *res et sacramentum* is an *ex opere operato* effect, it must issue from this second confession. It will be the extinction of the debt to the Church contracted by the venial sins confessed. The penitent, therefore, possesses the *res et sacramentum* twice, since he retains it from his former confession. This is an astonishing proceeding. It is not, of course, particularly surprising to obtain twice or even often (as happens in the Eucharist) the same *res et sacramentum* from the same sacrament. But the unusual feature here is that a new *res et sacramentum* is bestowed by the same sacrament while the former one continues.⁹²

Another irregularity follows from this example. The *res et sacramentum* of the second confession either juridically modifies its abiding

⁹⁰ Cf. d'Alès, *art. cit.* (supra n. 85) p. 374: "Du point de vue du for interne, la réconciliation ecclésiastique est une opération de l'ordre surnaturel, une opération proprement divine, encore que l'homme y puisse être associé comme instrument."

⁹¹ It is certain that the Real Presence remains until the species are corrupted—by digestion in this instance; cf. *Sum. theol.* 3, q. 80, a. 3.

⁹² This may be true of extreme unction. Davanzo, among others, holds on historical grounds that this sacrament was sometimes repeated on seven successive days. In this event the *res et sacramentum* would have been reiterated. However, it remains to be proved that these seven conferrals of the rite were regarded as seven distinct administrations of the sacrament. Cf. G. Davanzo, M.I., *L'Unzione sacra degli infermi* (Rome, 1958) pp. 123–29. For St. Thomas, it would be at least illicit to repeat this sacrament during the same illness unless there has been a recovery and subsequent relapse into danger of death; cf. *Sum. theol.*, *Suppl.*, q. 33, aa. 1, 2; *C. gent.* 4, c. 73.

predecessor or is numerically distinct from it. However, no modification seems possible, since the *res et sacramentum* is a constant. As is evident in the case of the characters and of the marriage bond, it does not allow of intensification. On the other hand, if the two *res et sacramenta* remain numerically distinct, we are forced to conclude that the same sacrament can confer two different *kinds* of *res et sacramentum*. For we can hardly admit that the extinction of a debt for venial sins is specifically the same as one for mortal sins. The two differ not only in degree but in kind. This makes an oddity of the *res et sacramentum*, which is a constant in the rest of the sacraments.⁹⁸

Problems Evoked by RWC As a Physical Bond

For Palmer expressly and for Dumont interpretatively, the *res et sacramentum* of penance is a reconciliation with the Church which consists in a physical bond, something analogous to the sacramental

⁹⁸ When we say that the *res et sacramentum* is a constant, we mean two things: first, that it is ontologically the same for all recipients when it is infused; second, that it remains the same without growth or decrease in its bearers. Concerning the first point, there seems to be no difficulty as regards the *res et sacramentum* of baptism, confirmation, orders, matrimony, and the Eucharist. Each character bestows its own proper and identical powers and obligations upon its recipient. Every Christian marriage creates a bond to which the same rights and duties are attached. In the Eucharist the *corpus domini* is even numerically the same in all communicants. Furthermore, the *res et sacramentum* of each of these five sacraments should remain the same. For instance, the sacred powers founded on the priestly character are not intensified or lessened as the priest ages. They are the same as they were on his ordination day. So, too, the rights and duties of married partners remain permanently the same once the contract has been made. The *res et sacramentum* of extreme unction also seems to be a constant in both senses. When anointed, every sick person is dedicated in a special way to God and to the Church, and this *ex opere operato* effect ensues even if the sacrament is valid but unfruitful. Since the validity of the sacrament, so far as the recipient goes, depends solely on his intention (he needs no moral disposition, not even faith), there is no supernatural disposition according to which the *res et sacramentum* would vary in its recipients. Moreover, this *res et sacramentum*, since it places its recipient in a *state* which is concerned with specific rights and duties, does not seem to allow of diminution or augmentation.—We find no author who treats expressly of these two points regarding the constancy of the *res et sacramentum*. On the other hand, no author states or even implies that any *res et sacramentum* is susceptible of “more” or “less.” Perhaps it is taken for granted that each *res et sacramentum* is a constant from both points of view. The matter is, at any rate, important for this article. We appeal to this principle of constancy not only here but later on also. Our general argument is that, since six *res et sacramenta* are constants, the *res et sacramentum* of penance should also be a constant. If our premise is either doubtful or false, so, too, is our conclusion.

characters. Since this element is common to both authors and since it is the only point to be discussed, we may disregard any differences which there may be between their theories. It is evident, of course, that the notion of a physical entity is compatible with that of the *res et sacramentum* in general, inasmuch as the sacramental characters are such entities and so, too, is the *corpus domini* of the Eucharist considered *in facto esse*.⁹⁴

Yet this idea begets serious difficulties when it is applied to penance. A few of these are the same as those previously expounded when we treated of de la Taille's theory. For instance, if this physical bond constituting RWC results from the Church's *proper* as distinguished from her *vicarious* jurisdiction, we must conclude that the Church is the principal cause of it. God, however, is the principal agent in the production of such an effect. As d'Alès says: "From the point of view of the internal forum, ecclesiastical reconciliation is an operation of the supernatural order, an operation properly *divine*, although man can be associated with it as an instrument."⁹⁵

Again, if this bond is the proximate disposition, and a physical one, for grace, how can we explain the fact that a sinner, even before he is absolved, obtains grace by an act of perfect contrition inclusive of an intention to go to confession? He cannot receive this physical disposition for grace by his mere desire to approach the sacrament. When, however, he does confess later on, he will obtain it; but then we are faced with the untenable conclusion that the disposition follows instead of preceding the grace for which it disposes.

Moreover, this physical disposition for grace seems inadequate to explain how different degrees of sanctifying grace are bestowed by the sacrament. The *res et sacramentum* is a constant. It does not allow of qualitative increase and decrease. Yet penance confers grace according to the subjective dispositions of the penitent. One with a more in-

⁹⁴ This is the common opinion supported by the letter of Innocent III (*DB* 415). We would suggest, however, that the Eucharist, owing to its distinctive character as a permanent sacrament, should have two *res et sacramenta*. The first, present before the sacrament is received, would be *corpus domini*. The second, corresponding to the *res et sacramentum* of the other sacraments, would be an effect produced in the recipient by Communion. This could hardly be the *corpus domini*, which is, either by itself or along with the species, the *cause* of the sacrament's effects. Such a possible *res et sacramentum* resulting from Communion I have already proposed, *op. cit.* (supra n. 32) *Observatio* 2, p. 66.

⁹⁵ D'Alès, *art. cit.* (supra n. 85) p. 374.

tensified attrition will receive more grace *ex opere operato* than another with merely adequate attrition. Penitents who are perfectly contrite before they are absolved are gifted with an increase of grace, and this increase will vary according to the intensity of each one's contrition. These truths can hardly be explained by a proximate physical disposition which eventuates objectively and spontaneously from the sacrament and is not susceptible of gradation. In fact, the sole physical disposition, so far as we can ascertain, which determines the grace-giving productivity of sacraments is the subjective condition and virtuous activity of the recipients. The *res et sacramentum*, since it is a constant, issues from a sacrament independently of this subjective condition and activity.

One of the difficulties that we proposed to de la Taille's theory has a special relevance here. Take the case of the serious sinner who is absolved and who, having committed only venial sin in the meantime, is absolved again. He receives the *res et sacramentum* twice, and both physical bonds are extant in his soul after the second absolution. Palmer seems to admit this when he says: "Reconciliation *in facto esse* is the *res et sacramentum*, and it implies a bond of restored friendship with the Church, a relationship which remains so long as serious sin does not sever the bond or venial sin does not strain the relationship."⁹⁶ In the case under inspection the first bond was not broken because no mortal sin was committed and, although the bond was strained by the ensuing venial sins, a strain is not a break.⁹⁷ We are confronted, then, with two irregularities. First, there are two coexistent *res et sacramenta* engendered by the same sacrament. Second, the two must differ in *kind*. If the physical bond generated by the absolution for venial sins is assimilated by the still-abiding bond previously conferred, the latter must be qualitatively altered and we would have to admit that the same sacrament can produce two kinds of *res et sacramentum*. If, on the other hand, the two *res et sacramenta* remain numerically distinct, we reach the same conclusion. A physical disposition which is adapted to the procurement of an *increase* of grace must differ specifically from a physical disposition that is directed to the

⁹⁶ Palmer, *art. cit.* (supra n. 11) p. 136.

⁹⁷ The penitent when he confesses only venial sins retains the sanctifying grace procured by his previous confession of mortal sins. Hence the bond or physical disposition for grace should remain.

infusion of grace which is *absent*. Certainly, two identical dispositions do not lend themselves indifferently to effects that are specifically disparate. Yet this is precisely what we would have to concede if the physical bond emanating from the absolution for venial sins is identical with the bond proceeding from the previous absolution for mortal sins.

Perhaps the most stubborn obstacle to this theory stems from its postulate that the physical bond precedes grace in the order of dependence. This bond is merely a proximate physical disposition for grace, and yet it constitutes the *de facto* reconciliation with the Church. How is this possible? The bond does not remove the sinner's sinful state, the very source which keeps him at odds with the Church. So long as he remains in this state, he cannot contribute his share to the Church's redemptive work; he continues to damage her and to insult her holiness and spirit. The only means of abolishing these injuries to her seems to be the restoral of grace itself, not the insertion into the soul of an intermediate entity bereft of any such power. Hence d'Alès asserts: "The ecclesiastical reconciliation cannot be considered as antecedent by nature to justification, since the reunion with the Mystical Body of Christ is justification itself through the gift of sanctifying grace."⁹⁸ It would be justifiable to say that the *res et sacramentum* of penance is in some sense a disposition for grace, but to claim that this disposition actually effects a reconciliation with the Church seems indefensible. Rather, the reconciliation should be consequent to the *de facto* infusion of grace.

RWC AND ABSOLUTION FOR VENIAL SINS

The *res et sacramentum* is not a variable. It is not a variable from the viewpoint of bestowal, since it is always produced when a sacrament is valid. Neither is it a variable—although each sacrament infuses its own distinctive *res et sacramentum*—considered in itself. The character of baptism, for instance, is identical whether imprinted on the soul of a sinner or of a holy person, so that the latter has no more power to share in the divine public service than has the sinner. Moreover, the character of baptism, although it is endowed with life inasmuch as it inheres in the soul, is an exception to a basic law of life in the natural order; for it neither grows nor decreases, but remains

⁹⁸ D'Alès, *art. cit.* (supra n. 85) p. 374.

identical from its beginning in baptism until death, and even in the next life. We conclude from this that reconciliation with the Church, if it is the *res et sacramentum* of penance, should invariably result from the sacrament of penance, whether mortal sins or only venial sins are confessed, and that it should be entitatively the same in both cases.

Straightway a difficulty arises. The Church does not react against venial sins by any legislation, as she is said to do in the case of mortal sins. Whatever the reconciliation consists of, it cannot be anything in the external forum. It has to be sought in some slight internal damage inflicted upon the Mystical Body, a damage which, however, may have unidentifiable repercussions that hobble her external salvific activity. Hence Cantwell asserts: "But venial sin, in any theory, can only be called sin in an analogous sense. Now, if it is truly (though analogously) an offense against God, it is also truly (though analogously) an offense against the Church. It impairs, without severing the Christian's participation in the Church's life; and thus far it inflicts a wound on the whole body."⁹⁹ Karl Rahner gives a more lengthy description:

But just as—even though with an essential qualitative difference—venial sins represent an offense against the will of God analogous to that of mortal sins, so, too, they are, in the same measure and with the same disparity, an opposition to the Church. Since such sins form a hindrance to the accomplishment of divine love in mankind, they thereby plainly lessen (apart from all palpable social damages affecting the Church through most venial sins) the depth and power of divine love which the Church as holy ought to have. They contribute to a lowering of the Church's level.¹⁰⁰

According to these statements we can understand how venial sins offend God and also harm the Church. Such sins induce a kind of tension, a state of embarrassment, a strained relationship between the Church and the sinner. When, therefore, a penitent confesses only venial sins, the first effect of the absolution according to RWC is to dissolve the continuing tension by repairing the damage done to the Church; simultaneously, though secondarily in order of dependence, it reconciles the sinner with God.

This theory, however, poses some problems. Everyone must grant

⁹⁹ *Art. cit.* (supra n. 25) p. 620, n. 1.

¹⁰⁰ "Vergessene Wahrheiten über das Buss-Sakrament," in *Schriften zur Theologie* 2, 147.

that venial sins, whether deliberate or semideliberate, are valid matter for confession.¹⁰¹ Indeed, such confessions are highly approved by the Church.¹⁰² But theologians dispute whether venial sins, when only such sins are confessed, are always actually remitted by the absolution or are forgiven beforehand by the penitent's sorrow, even if this be attrition only.

Whichever opinion is accepted, it seems impossible for reconciliation with the Church to be the *res et sacramentum* of penance. If the sins are remitted by attrition even before the bestowal of absolution, the penitent is already reconciled with God and the concomitant interior transformation wrought by intensified grace has repaired any damage affecting the Church. Consequently, the sacrament in this case cannot produce what has already occurred, namely, reconciliation with the Church. The most it can do is to externalize and ratify this reconciliation.

On the other hand, if the absolution itself deletes the sins, it does not seem that reconciliation with the Church can be its immediate effect. The penitent has not been severed from his living membership in the Church. He is one of her cherished sons, who is constantly contributing to her spiritual energy except when he commits his slight transgressions. These momentarily debilitate her spiritual forces and, until they are forgiven, meagerly hamper in some indefinable way the effectiveness of her external apostolate.

However, the only way to make amends for this impairment of her vitality seems to be an interior spiritual renewal. This is undoubtedly effected by the sacrament. The penitent receives an intensification of sanctifying grace, perhaps a more copious intensification (depending on his dispositions when he is absolved) than if he had never sinned at all. He is endowed with a title to sacramental graces which counteract any lingering evil tendencies traceable to his sins and also incite his will to strive for an even more exalted holiness. It would seem to be in this way that the sacrament heals any lesions wrought upon the Church by venial sin. Any reconciliation with the Church which would precede these supernatural effects would seem to be a mere fiction. It would

¹⁰¹ Trent declares that venial sins "recte et utiliter citraque omnem praesumptionem in confessione dicantur" (*DB* 899). Cf. also *DB* 748, 1539.

¹⁰² Cf. the Encyclical *Mystici corporis* of June 29, 1943; *AAS* 35 (1943) 234. The latest Denzinger (32nd ed.) contains the same passage (no. 3818).

not be accomplished in fact, because it is totally dependent upon the renewed sanctification of the delinquent. Consequently, reconciliation with the Church does not precede and effect sanctification, but just the reverse.

This becomes clearer if we reflect that venial sins never have to be confessed. They are optional matter of the sacrament and may be forgiven by many other means. Some of these are direct, others indirect; we need not list them here.¹⁰⁸ Since every venial sin is an offense primarily against God, secondarily against the Church, the sinner should be reconciled with *both* when he has his sins remitted by one of these independent means. Otherwise the sins would not be entirely effaced; the damage to the Church would remain, and it would remain permanently if the sins were never confessed, since the *res et sacramentum* cannot be procured except by actual reception of a sacrament. If, then, RWC is the *res et sacramentum* of penance, we are forced to conclude that a person who has his venial sins deleted by some means outside this sacrament remains in perpetuity at odds with the Church.

Consider the case of a holy widow living her last few weeks upon earth. She commits some venial sins of frailty, most of them semideliberate. They are completely obliterated by her penances, her prayers, her Communion, her use of sacramentals, and by other means. She dies suddenly of a heart attack without ever having confessed any of these sins. Could we reasonably say that this saintly woman met her Judge while she was still in some way or other unreconciled to the Church? Yet it seems that we must say this if RWC is the *res et sacramentum* of penance, inasmuch as she never obtained absolution for her sins and there is no other way by which she could become reconciled with the Church for them.

Moreover, the *res et sacramentum* is identical in all recipients of a sacrament. The question then arises whether this principle can be sustained if we admit that RWC is the *res et sacramentum* of penance regardless of whether only mortal sins or only venial sins are absolved. It is true, of course, that the character of baptism is the same in all adults whether serious sins or only venial sins are forgiven by that sacrament. But prebaptismal sins of whatever kind do not damage the

¹⁰⁸ Diverse means of obtaining forgiveness for venial sins are presented by St. Thomas, *Sum. theol.* 3, q. 87, aa. 1-4. He discusses the matter in other places, e.g., *ibid.* 3, q. 79, a. 4, where he treats of the remission of such sins by reception of Communion.

Church specifically, since a person is not incorporated into her until he is baptized. On the other hand, postbaptismal sins damage the Church, and the damage inflicted upon her by mortal sins differs specifically from that resulting from venial sins. Yet the disposition, the *res et sacramentum* of penance, according to RWC (we have in mind here the opinions of de la Taille, Palmer, and Dumont; the view of Anciaux would seem to be entirely excluded), which would be in some true sense the cause of the remission of both kinds of sins, would be exactly the same. Otherwise we would be confronted by some unknown sort of *res et sacramentum* which would vary according to its recipients. But it does seem necessary to say, if RWC is true, that the *res et sacramentum* of penance is such a variant. If the lesions bleeding the Church are specifically diverse in the case of mortal and venial sins, how can we logically hold that the RWC, the disposition leading to a cure, is specifically the same for both a lethal and a minor wound? This would seem to be like saying that a reparatory act which restores a ruptured friendship must be of the same intensity as one which merely fosters an already existing friendship.

Furthermore, as Palmer acknowledges, a pre-existent physical disposition constituting RWC is not severed, but merely strained, by ensuing venial sins.¹⁰⁴ This idea evokes an interesting example. A person commits a mortal sin and is absolved from it. He possesses thereby the physical bond composing RWC, and it remains in his soul until he is guilty of a fresh serious sin. This person, however, does not sin mortally again, but he does go to confession every week and accuses himself of minor offenses. Since each reception of the sacrament is fruitful, it must instil in him its *res et sacramentum*; and he has received the sacrament, let us say, twenty times. He still retains the original *res et sacramentum*, because he has not sinned seriously in the meantime. Yet he must receive the *res et sacramentum* from each of his devotional confessions. We have to say, then, either that his soul is actually modified by twenty-one *res et sacramenta* issuing from the identical sacrament, or that all of them coalesce in some way to form a single *res et sacramentum*. Neither of these possibilities seems acceptable. If the *res et sacramentum* evanesces, as would happen in penance by the commission of a mortal sin, it can be regained by an additional

¹⁰⁴ Cf. *supra* p. 32.

reception of the same sacrament. But to possess simultaneously several identical *res et sacramenta* from repeated receptions of the same sacrament is an irregularity which requires solid proof. On the other hand, if several *res et sacramenta* emanating from the same sacrament coalesce, howsoever the coalescence be conceived, we have an alteration of the original *res et sacramentum*. It is no longer the same, so that the principle positing the *res et sacramentum* as an invariable is violated.

Until these difficulties are solved, we cannot subscribe to RWC as the *res et sacramentum* of penance when only venial sins are absolved.

RWC AND CONFESSION OF SINS ALREADY FORGIVEN¹⁰⁶

Confessions of devotion may be divided into two kinds. The first, which consists of venial sins only, we have just discussed. The second is verified when a person confesses sins previously forgiven and nothing else. Usually such confessions contain only past remitted mortal sins and the penitent has the option of accusing himself of as many of them as he wishes. Sometimes, however, these confessions are comprised only of venial sins already forgiven and here, too, the penitent may select one or more according to his preference. When mortal sins are in question, it is presumed that they have been remitted in an earlier confession, so that their repetition is unnecessary. We shall presume also that venial sins, when they are repeated in these devotional confessions, have already been submitted to the keys, not forgiven in some other way. Consequently, the sins, whether mortal or venial or both together, no longer encumber the penitent when he declares them anew in a devotional confession.¹⁰⁶

These confessions are approved by the Church.¹⁰⁷ They furnish valid and licit matter, so that the sacrament is actually received. Therefore, the absolution, however its meaning is explained, must produce its effects, and its immediate effect, according to RWC, would be rec-

¹⁰⁶ We regard this as the most formidable barrier to the acceptance of RWC. Its advocates, when dealing with devotional confessions, do not distinguish clearly, from the viewpoint of RWC, between confessions of only venial sins and of sins previously remitted by confession.

¹⁰⁶ In some cases, of course, the penitent may still be liable to a certain amount of temporal punishment. At least a part of this was, however, remitted when he confessed his sins the first time.

¹⁰⁷ This is substantiated by the general practice of making such confessions periodically. Benedict XI commended these confessions; cf. *DB* 470.

onciation with the Church. This assumes that some damage affecting the Church must still remain from these forgiven sins; otherwise no reconciliation with the Church is possible.

If the confession of devotion contains only past forgiven mortal sins, the reconciliation with the Church cannot be a restored right to Communion, since the penitent may receive Communion without confessing. Neither can it be any extinction of a debt to the Church, since this debt was canceled when he confessed his sins the first time. Nor can it be a physical bond, inasmuch as he received this when he was previously absolved and it is still present when he reconfesses his sins. Nor can it be parried by the affirmation that the alleged bond is intensified by the new absolution. The *res et sacramentum* is not accessible to intensification. It is identical in every recipient and, once received, remains the same both in nature and in degree in the individual possessing it. Consequently, it seems impossible for RWC to be the *res et sacramentum* of penance in devotional confessions of mortal sins.

The objection might perhaps be made that some latent injury inflicted by such sins still abides in the Church, some wound or lesion, which may be repaired as an immediate effect of the absolution in these confessions. Even if this were true, however, the cure of this injury can hardly be the *res et sacramentum*, because this effect, whether, according to the diverse opinions of RWC, it be something in the external forum or in the juridical order or in the physical sphere, is unalterable and is already extant when the absolution is conferred.

Moreover, it is possible for a penitent to have so completely deleted his past forgiven mortal sins before he reconfesses them that no trace of damage to the Church can remain from them. This, of course, might not be true in some instances. If a person has had many mortal sins forgiven, they might, when he confesses them out of devotion, still be debilitating the vitality of the Church in some way. Thus, the *reliquiae peccatorum*, understood as the weakening of his spiritual faculties and the evil inclinations resulting from his frequent capitulations to sin, might still be redounding to the Church's disadvantage. But this is not necessarily so, and it would, seemingly, have to be so if RWC is to be the immediate effect of absolution granted in confessions of devotion.

Let us assume, for example, that a penitent has committed but one mortal sin in his whole life, and that many years ago. He has grieved over it, confessed it repeatedly, and done superabundant penance for it. As a consequence, any harm done by it to his mind and will has been repaired and, so far from having any lingering impulse to repeat the sin, he has a repugnance for it. The Church's energies here and now, when he makes a devotional confession, are not in any way affected by a sin so totally obliterated. In fact, the shock of having committed this single sin might, in God's providence, have occasioned the tremendous spiritual vigor which the penitent has been contributing to the Church since its commission. At any rate, when the penitent reconfesses this one sin, perhaps for the hundredth time, it does not seem possible to hold that the direct effect of the absolution is to reconcile him with the Church.

The protest might be lodged here that, just as there is no possibility of a reconciliation with the Church, neither is there any possibility of a reconciliation with God. However, when Trent declares that "*reconciliatio cum Deo*" is the effect of penance,¹⁰⁸ it is thinking in terms of unforgiven mortal sins only. That this cannot be the purpose of devotional confessions is patent from their very nature and from the Church's practice and approval of them. Consequently, as regards God, the aim of the sacrament is not uniformly to reconcile with Him. On the other hand, RWC supposes, so far as we can make out from its exponents, that some damage or affront to the Church is always immediately repaired by the absolution in every kind of confession. This, however, seems to be untenable in cases such as the one examined above.

Moreover, although in these devotional confessions no reconciliation with God is possible, an amelioration of the penitent's relationship to God and the Church results from them. But the improved relationship to the Church depends upon the closer intimacy with God, not vice versa. Divine benefits accrue to the penitent from these confessions. His sanctifying grace is intensified; he is entitled to sacramental graces which fortify him against all sin and stimulate him to progress in virtue; his liability to punishment in purgatory may be lessened or even

¹⁰⁸ *DB 896*: "*Sane vero res et effectus hujus sacramenti, quantum ad ejus vim et efficaciam pertinet, reconciliatio est cum Deo. . .*"

effaced. These endowments, of course, are beneficial to the Church, but only consequently, not antecedently, to their reception. We fail to find pointed out by any adherent of RWC any purely ecclesiastical benefit which in such confessions would precede the divine gifts and would be a proximate disposition for them.

When in the preceding section we treated of venial sins confessed for the first time, we pointed out several difficulties obstructing our acceptance of RWC as the *res et sacramentum* in such cases. A few of these difficulties are applicable here when such sins are resubmitted to a priest in a devotional confession. Such a confession must produce the *res et sacramentum*, which can hardly be RWC, since this has already been accomplished before the confession. Again, RWC, especially if it is conceived as a physical disposition for grace, faces the problem of explaining how two or more (depending on the number of devotional confessions made) identical *res et sacramenta* can coexist, and why two or more identical dispositions are required to achieve the same effect—an increase of grace. If this multiplicity of *res et sacramenta* is solved by unifying them, we have to renounce the principle that the *res et sacramentum* is a constant.

We might offer an example, an extreme, but a verifiable one. An aged nun has never in her life committed a mortal sin and for many years has not committed a fully deliberate venial one. Before entering religion, however, she had been guilty of some deliberate venial sins which she has confessed by name and number each year during her retreat. She now does so for the fiftieth time. Is it even imaginable that these sins are still damaging the Church, so that the fiftieth absolution for them directly repairs this damage and then only, in order of dependence, bestows its supernatural effects? Would this not be the equivalent of saying that God is merciful since He has blotted out the sins, but that the Church is not merciful because she still withholds her forgiveness? This would be a misapprehension of the Church's nature and would lead, we believe, to a dangerous ascetical error.

We should like to stress this last point, namely, that RWC can be ascetically hazardous. We feel that it overemphasizes mortal sin, not as an offense against God, but as a source of damage to the Church. It obscures the fact that the sinner, despite his privation of the created

divine life, can, with the help of actual grace, of which he is not bereft, continue to contribute to the Church's apostolate. The sinful priest can exercise his ministry with fruitful effects in its recipients. Mortal sin does not free the confirmed from their duty to suffer for and promote the faith. The sinner may continue to fulfil the obligations incumbent on him by the character of baptism. These are contributions to the Church's salvific mission and, although the contributors are not invested with the divine life as they should be, they do co-operate to some extent in God's and the Church's sanctifying activities. If this fact is not inculcated, we may inject an unjustified discouragement into the hearts of sinners.

The ascetical weakness of RWC with respect to venial sins lies in its failure to make distinctions. All venial sin does no doubt impede the Church's work, but there must be a vast difference between the damage done her by fully deliberate venial sins and that resulting from semideliberate ones, which even the holiest person without a special privilege from God cannot avoid entirely.¹⁰⁹ Again, the harm wrought the Church by a person who habitually commits deliberate venial sins must vary notably from that caused by one who commits such sins sporadically or rarely. Unless these distinctions are accentuated, we fear that RWC may lead to ascetical aberrations. Finally, the faithful, if they get the impression that they must continually be reconciled with the Church even after they have confessed the same numerical sins time and time again, may develop false notions about her autonomy and her spirit of mercy.

In conclusion, we would merely like to recall the purpose of this essay. We do not think that it is healthy for theology when an opinion becomes prevalent without painstaking examination. Since no distinguished theologian, to our knowledge, has scrutinized RWC in any detail, we decided to provide difficulties of our own. They may be worthless, but at any rate we hope that their presentation may stimulate thought on the part of advocates of RWC, since they admit that it is still a theory and therefore capable of further precision and elaboration.

¹⁰⁹ Council of Trent (*DB* 833).