

The Priesthood Makes the Church: Ecclesial Communion and the Power of the Keys

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Introduction: The Ecclesial Nature of the Forgiveness of Sins

“YOU ARE PETER and upon this rock I will build my Church, and the gates of hell will not prevail against it. I will give you the keys of the kingdom of heaven and whatever you bind on earth shall be bound in heaven and whatever you loose on earth shall be loosed in heaven” (Mt 16:18–19). Scholastic commentators on Matthew 16 classically see two promises being made here: one to the Petrine office of the bishop of Rome—that he will be a principle of ecclesial unity and a touchstone that preserves doctrinal truth in the Church—the other a reference to the power of the keys, which is a juridical power for the forgiveness of sins as such, given to the apostles and their successors.¹ Dr. Gary Anderson has written a very fine book, *Sin: A History*, exploring in impressive fashion

¹ For an example of this sort of division, see Thomas Aquinas, *In Matt.* XVI, lec. II, n. 1379–1395, especially n. 1386. Counter-reformation writers sometimes see the power of the keys extending to the first set of promises as well. See, for example, Francisco Suárez, *De Poenit.*, disp. xvi. The 1994 Catechism of the Catholic Church, however, follows the classical, medieval tradition of seeing the “keys” as related directly to the power to forgive sins: paragraph 981. The text cites Augustine (*Serm.* 214, 11: PL 38, 1071–72): “[The Church] has received the keys of the kingdom of heaven so that, in her, sins may be forgiven through Christ’s blood and the Holy Spirit’s action. In this Church, the soul dead through sin comes back to life in order to live with Christ, whose grace has saved us.” References to the apostolic jurisdiction to forgive sins are also found in Matthew 18:15–18 and John 20:22–23.

the developments in Old and New Testament literature regarding the conceptual terminology for sinfulness in human beings and the reparations owed to God and neighbor.² One of the central themes of his book concerns the study of a change of preferred metaphors in ancient Israel used to denote sin, from metaphors of weight to those of payment.³ For it is one thing to carry the burden of sin or to bear it, and it is yet another to be indebted to God against whom one has sinned. Both metaphors are in some way quantitative (weight/debt), but the latter permits the articulation of reciprocity in the order of justice.⁴ For sins weigh upon us, but debts are owed to God and our neighbor and must be atoned for. And so the payment metaphor was employed by ancient Israelites, and eventually by early Christians, to discuss the moral meaning of such diverse topics as the mystery of human sinfulness under God's judgment, the meaning of retribution or restitution, and finally the atonement of Christ in his obedience to God for our sakes.⁵

In what amounts to a theological footnote to Dr. Anderson's study, then, I would like to focus on a distinct but related issue, that of the

² Gary A. Anderson, *Sin. A History* (New Haven, CT: Yale University Press, 2009).

³ *Ibid.*, 15–39.

⁴ As noted by Bruce D. Marshall in his book review "Treasures in Heaven," *First Things* 199 (January 2010): 23–26.

⁵ Employing the debt metaphor in pp. 135–51, 157–60, 164–67, Anderson shows the compatibility of biblical thought with classical philosophical notions of virtue. To use quantitative metaphors to express *qualitative degrees* of fault, virtue, merit or guilt is something Aquinas analyses at length. See for example *Summa theologiae* I–II, q. 52, aa. 1–2; q. 66, aa. 1–2; q. 112, a. 4, corp.; *In Eth.* X, lec. 3, 1983, sq. In doing so, he notes Aristotle's own relevant statements on the subject (*Metaphysics* VIII, 3 [1043b33, 1044a9]). Q. 52, a. 1: "[I]n two ways intensity and remission may be observed in habits and dispositions. First, in respect of the habit itself: thus, for instance, we speak of greater or less health; greater or less science, which extends to more or fewer things. Secondly, in respect of participation in the subject: insofar as equal science of health is participated more in one than in another, according to a diverse aptitude arising either from nature, or from custom." We can easily apply this analysis to sinful acts. An act of theft implies an intrinsically less grave degree of evil than an act of murder, because the object in question is distinct in accord with a hierarchy of goods. Possessions mean less than human life as such. But there is also the distinction of degrees that comes from one's participation in the act. The master ringleader of the robbery might not have planned on one of his accomplices killing the teller at the bank. He is complicit in the murder to a lesser degree, but complicit in the robbery to a greater degree. To speak of weight and payment, we might say that he is morally indebted for the robbery and the murder, but the murder weighs upon him less deeply than the robbery. All English translations of the *Summa theologiae* are taken from the 1920 English Dominican Province translation, *Summa Theologica* (New York: Benzinger Brothers, 1947).

power of the keys. For this power relates directly to sin and is said by Jesus to be a power of the Church “to bind and loose.” It is therefore expressed by means of a biblical metaphor that is itself also physical and quantitative (like the figures of weight and payment), referring to a juridical action that frees someone from the debt of sin (“unbinding” him or her) to allow “entrance” into the Church and the eschatological kingdom of God.⁶ The figure touches immediately upon the mystery of redemption and the nature of the Church. My question is, then, what does it mean to bind and loose? Or more precisely, how is Christ’s delegation of juridical power, especially in this most important subset of jurisdiction which is the power of the keys, intrinsic to the very mystery of the life of the Church? How, in this sense, does the priesthood make the Church?

I will proceed in three parts: First, I will consider briefly the classic dispute between Luther and Cajetan on the power of the keys, with the goal of clarifying the *ecclesiological* nature of the sacrament of penance. Second, I will discuss a widespread modern Catholic consideration of the sacrament that misunderstands the nature of the juridical power of absolution by making it something virtually accessory to our reconciliation with God. Third, I will consider Aquinas’s teaching on the ecclesial dimension of the sacrament of reconciliation as a way of thinking about the relation between the priesthood and the Church. My basic argument is the following: The intrinsic form that all grace takes in the Christian economy of salvation is not only Christological but inherently sacramental and ecclesial. In the sacrament of penance, this grace provides entry into the communion of the Church and therefore renders Christ’s

⁶ See the historical discussion of the term “keys” in Matthew 16 as related to “binding and loosing” in “Kleis,” Joachim Jeremias, *Theological Dictionary of the New Testament*, ed. Gerhard Kittel, trans. Gerhard W. Bromiley (Grand Rapids, MI: Eerdmans, 1965), 744–53. P. 751: “In rabbinic literature binding and loosing are almost always used in respect of halakhic decisions. The scribe binds (declares to be forbidden) and looses (declares to be permitted). But this . . . should not cause us to overlook the fact that originally they are used of the authority of the judge to imprison or to release, to impose or to withhold the ban, and that they then take on the figurative sense of executing the divine judgment or averting it (by intercession). . . . In Mt. 16:19, then, we are to regard the authority to bind and loose as judicial. It is the authority to pronounce judgment on unbelievers and to promise forgiveness to believers. In sum we may say that the power of the keys is authority in the dispensing of the word of grace and judgment.” Although Jeremias introduces a kind of sacramental occasionalism into his reading of this passage (the Church has authority to declare what God has done and is doing through faith), his exegesis of the text conducted against the backdrop of rabbinic language provides broad warrant for a classical Catholic sacramental interpretation of the passage.

salvific action in the world effective in an irreplaceable way. Such juridical agency endures eschatologically, because reception of the sacrament of forgiveness from a rightly delegated minister entails an inchoate participation in the final judgment of Christ in his glory, and Christ's judgment of mercy has everlasting ecclesial effects upon which we will be eternally dependent.

Luther and Cajetan on the Ecclesial Nature of Absolution

"In saying this, you are constructing a new Church," "Hoc enim est novam ecclesiam construere." These are the words of Thomas de Vio Cajetan, spoken in Augsburg, on the 26th of September, 1518, in the course of that Dominican's famous public debate with the young Augustinian canon, Martin Luther. The subject under scrutiny that day was the power of the keys, the Church's episcopal and priestly power to absolve sins, and the point under contention was the nature of sacramental forgiveness.⁷ During the debate Luther espoused the view that sacramental confession, contrition, and satisfaction for sins do not accomplish their intended task and are not sufficient for forgiveness, unless these are accompanied by an inner act of faith and certitude that the sins which are being confessed have definitely been forgiven by the grace of Christ. This is an echo of his developing idea that justification comes from faith alone, as distinct from works righteousness. In fact, Luther goes so far as to suggest that, absent this certitude of faith in my particular salvation by Christ for these sins, the sacrament of penance can lead not to my salvation but to my damnation.⁸ It seems possible to defend what Luther is saying here, at least in part, from a Catholic point of view: without the certitude of faith and hope that are proper to these two theological virtues, the reception of

⁷ See the text in Charles Morerod, O.P., *Cajetan et Luther en 1518. Edition, traduction et commentaire des opuscules d'Augsbourg de Cajetan*, tomes I-II (Fribourg: Éditions Universitaires, 1994), I, 337. The treatise in question (*Questio X* of Cajetan in the dispute with Luther) is concerned with the subject *De fide ad fructuosam absolutionem sacramentalem necessaria*.

⁸ Cf. Luther, *Sermo de penitentia*, vol. 1, *Weimarer Ausgabe (WA)* ed. J. K. F. Knaake (Weimar: H. Böhlau, 1883), 324, ll. 8–15: "Ruit ergo hic error illorum qui dicunt, quod sacramenta novae legis sic sunt efficaciat gratiae signa, quod si quis etiam non sit contritus sed attritus, modo non ponat obicem actualis peccati vel propositi mali, gratiam consequatur. Ego autem dico tibi, quod, si etiam contritus accesseris et non credideris in absolutionem, sunt tibi sacramenta in mortem et damnationem: fides enim necessaria est, quantumvis attritio vel non positio obicis sufficit! Denique talis nullus est in mundo qui non ponat obicem, nisi solus is qui credit, Cum sola fides iustificet et accedentem ad deum oporteat credere." See the citation of this text, and the commentary of Morerod, *Cajetan et Luther en 1518*, I, 320 n. 297, which notes other places Luther makes such claims.

sacraments is only unbelieving or despairing and therefore inefficacious. Faith and hope, meanwhile, as supernatural virtues, imply a divinely inspired certitude.⁹ Nor is it clear that Luther is evacuating from the sacrament of confession all of its efficacy as a unique occasion of grace.¹⁰

We should note, however, that Luther claimed something else in addition, simultaneously. Quoting Augustine (“Abluit sacramentum, non quia fit, sed quia creditur”),¹¹ he introduces a kind of *bifurcation* between the act of justification by faith and the rite of the sacrament of penance as such. The inner act of faith justifies, while the outward rite does not, but allows the inner act to express itself.¹² What we are seeing emerge here already is the doctrine Luther will articulate more clearly in the *Babylonian Captivity*, two years later. There he affirms that the confession of secret sins is laudable insofar as it permits a person who sins to hear consoling words of faith from the minister, reinforcing the faith of the penitent. Yet this sacrament is not strictly necessary as a matter of recourse in ordinary ecclesial life in order to receive the forgiveness of Christ. More radically, Luther categorically denies in this text the reality and necessity of a juridical delegation on the part of an ordained minister who absolves for the validity of the act (the classical Catholic understanding of the power of the keys).¹³ This viewpoint in turn foreshadows the mature doctrine of the *Large Catechism* (in 1529), where the Reformer claims that penance is not to be considered a sacrament in the strict sense (and certainly not an instrument of grace). Rather, sacramental confession can act as a merely external (we might say “symbolic”) testimony in the ecclesial realm of what is already, always happening interiorly by the work of faith, in strict dependence upon the words of forgiveness of Christ in the Gospel.¹⁴ The traditional “sacrament of penance” is in fact not as such a sacramental cause of grace.

⁹ Compare Aquinas, *In III Sent.*, d. 26, q. 2, a. 4, sc 3; *ST* II–II, q. 18, a. 4.

¹⁰ See the argument to the contrary by David V. N. Bagchi, *Luther's Earliest Opponents: Catholic Controversialists, 1518–1525* (Minneapolis: Fortress Press, 1991), 38–40, though the texts of the Ninety Five Theses that Bagchi cites and the interpretation he gives them might seem ambiguous to Catholic theologians.

¹¹ St. Augustine, *Tractatus in Johannis Evangelium* 80, 3 (CCSL 36, 529).

¹² Luther, *Sermo de penitentia*, *WA* 1, 324, ll. 16–19: “Verissimum est enim dictum illud commune: ‘non sacramentum sed fides sacramenti iustificat,’ et B. Augustini: ‘Abluit sacramentum, non quia fit, sed quia creditur.’ Quod si sacramentum non iustificat sed fides sacramenti, quantominus contritio aut non positio obicis iustificat, sed fides! etc.”

¹³ Luther, *Babylonian Captivity*, part III.

¹⁴ Luther, *Large Catechism*, VI (“A Brief Admonition to Confession”), especially para. 13.

In the debate of 1518, Cajetan claimed in his response to Luther that the Augustinian friar was not distinguishing sufficiently between the infused faith of the theological virtues, which gives the certitude that Christ forgives sins by means of this sacrament that he has instituted, and the acquired faith, or psychological confidence, that one has approached the sacrament with sufficient interior dispositions to receive grace therein.¹⁵ We can after all have firm trust in the power of the sacrament (as a divinely instituted cause of grace), while being uncertain about the perfection of our interior inclinations or motives, or the quality of our contrition.¹⁶ Against Luther, Cajetan claims that we know that we need to be contrite (faith alone is not sufficient without love). But we cannot be speculatively certain before God that we have true contrition. This lack of perfect certitude cannot be avoided, however, and accordingly it obliges each Christian to live prudently in faith and hope, by habitual recourse to the sacraments, praying for the graces of progressive conversion and growth in love.¹⁷ True, he says, we can all claim rightly that the theological virtues of faith and hope imply a form of certitude as such, and it is true that the grace of the sacraments cannot be operative within us without such grace. In addition we can be sure that the sacraments will work in us by grace insofar as they are divinely instituted. But this certitude touches only upon the mysteries of faith as such, and does not yield the contingent certitude

¹⁵ Cajetan, *Questio* X, 10–11: “Novam autem hanc inventionem alienam esse ab ecclesiastica doctrina, facile patet distinguendo de duplici fide, quam habere possumus: scilicet vel acquisita, vel infusa. Nam si sermo est de fide infusa (que est una de theologalibus virtutibus . . .) constat quod illa est necessaria ad sacramentum penitentie. . . . Sed huiusmodi fides, licet ad sacramenta se extendat (ut patet in symbolo), non tamen extendit se ad hec singularia: puta quod hoc sit sacramentum, et quod in hoc sit effectus sacramenti. . . . Si autem dicta opinio intelligatur de fide acquisita, erronea quoque invenitur: nam licet acquisita fides circa huiusmodi particularia versetur . . . nec potest fides ista de hoc obiecto (scilicet me esse absolutum etiam per absolutionem in effectu coram deo) esse certa infallibiliter: quia quilibet homo dubius in hac vita: secundum commune legem nescit, an sit in gratia dei. Nec aliquis est qui certus sit se esse sufficienter dispositum pro gratia dei, que per absolutionem conceditur.” See *Cajetan et Luther en 1518*, I, 322–28.

¹⁶ Luther makes a similar affirmation in thesis 30 of the Ninety Five Theses, but he then moves from this presupposition not to the certitude of indulgences or of the power of the keys, but to the certitude of faith alone, independently of ecclesial mediations of forgiveness. Cf. *Explanations of the Ninety Five Theses*, numbers 30 and 36.

¹⁷ Cajetan, *Questio* X, 20: “Nec obstat, quod contritio sit incerta: iussit enim deus ipse, ut cum nostra hac incertitudine accedamus ad sacramenta” (*Cajetan et Luther en 1518*, I, 332).

that “this sacrament here was performed correctly,” or “I have a sufficient disposition to know that I have received grace in this sacrament.”¹⁸

It is significant to note that Luther and Cajetan seemingly agree on two points, despite their differences or potential mutual miscomprehensions: (1) faith and hope have a dimension that is certain vis-à-vis revealed truths, but (2) the quality of one’s act of contrition in the sacrament of penance is uncertain. It is equally important to note, however, where they differ in light of the problematic just mentioned. While both admit the certitude of faith and hope as supernatural virtues, they disagree about how this same certitude of faith should lead us to position our lives concretely with regard to the sacraments, the Church, and the practices that lead effectively to salvation. Luther is developing a position that will in effect lead him away from the necessary recourse to the sacramental “shape” of the grace of forgiveness in the Church and toward practical recourse to the inner forum of conscience, where one can confide in God through the inner exercise of the theological virtue of faith alone. Cajetan, meanwhile, is pointing out the reasons that the ecclesial faith in the sacraments is objectively certain, but also leads us *for that very reason* to a prudent habitual recourse to penance, a recourse that gives us only prudential certitude of our own good actions before God, not speculative certitude in our own salvation. Whereas one of them resolves the dilemma of incertitude by recourse to a habitual dependence upon the visible means of grace instituted by Christ in the Catholic Church, the other has recourse to an invisible contact with Christ in the internal forum of the act of faith.

Whatever the real—as opposed to imagined—differences between Luther and Cajetan concerning the character of faith and its certitude, the deeper issue in the debate, then, concerns the ecclesial and sacramental nature of grace itself: do the invisible graces of the theological virtues tend inherently toward a visible, sacramental participation in the life of the Church, and is the grace of the sacraments itself a *sine qua non* condition for our participation in the saving communion of the Church? This is the issue expressed in Cajetan’s fundamentally ecclesiological intuition: “you are constructing a new Church.” Charles Morerod, in his analysis of Cajetan’s famous retort to Luther, concludes that the core issue for Cajetan concerns the relationship between the divine intention of Christ regarding *how* we are to receive saving forgiveness and the structure of the

¹⁸ Cajetan, *Questio* X, 20: “Et quum subditur, quod fides Christi est verissima et certissima et sufficientissima, respondetur quod talis est de rebus subiectis fidei infuse, sed non de impertinentibus ad ipsam, ut sunt ex parte nostri singulares singulorum effectus sacramentorum” (*Cajetan et Luther en 1518*, I, 332).

Catholic Church as such.¹⁹ The issue the dispute raises is: Does the Church rightly understand the concrete provisions of the Gospel for the forgiveness of sins as they were instituted by Christ, and as she therefore depends upon him for her being? Would God permit the Church to err in so great a matter? What Cajetan is indicating is that there are ecclesiological presuppositions of the mystery of reconciliation that also touch upon Christology. For the Dominican, Christ's salvation is given to us in grace in a distinctly sacramental form, and it incorporates us into the very life of the visible Church. Therefore, if one tries to make the grounds of forgiveness rest on something other than the objective structures of forgiveness that the Catholic Church believes to be instituted by Christ, then one in fact advocates for an alternative understanding of the relation between Christ, the Church, and salvation. Stated yet more strongly, according to Luther's understanding, if somebody does what the Church requires, he can be damned because he does not do the right thing. That means the Church does not really transmit salvation, but endangers it.²⁰ Or to frame the same idea positively: the communion of the Church that is made possible by the forgiveness of sins in the sacrament of penance is, in some real sense, dependent for its being upon the exercise of the power of the keys joined to the sacrament of holy orders and upon Christ working through this ministerial priesthood. Christ, in this sense, makes the Church through the priesthood, and this activity of Christ is part of the very structure of the Church. This is important to recall, because the mystery of the power of the keys has often been eclipsed or forgotten in modern Catholic theology, for reasons we should now consider.

¹⁹ Morerod, *Cajetan et Luther en 1518*, II, 465–66; 472–76.

²⁰ Morerod comments on this matter: "After having rejected faith as the foundation of the certitude of forgiveness received by this or that particular penitent, Cajetan insists upon the necessity of contrition. In order to attain to forgiveness, this is the necessary and sufficient condition posited by the Church. To reject this condition as insufficient in order to posit another which seemingly is sufficient is to maintain effectively that those who accede to the sacrament according to the conditions identified by the Church are in error themselves, and have been misled. To posit this new kind of condition of efficacy and eliminate the classical understanding as insufficient basically implies the establishment of a new sacrament, and therefore a new Church all the while accusing the Church of having failed in her fundamental mission to transmit Christ's salvation. The ultimate consequence that Cajetan discerns to be present in the novelty introduced by Luther is a rupture in the transmission [of the ecclesiastical means] of salvation." Morerod, *Cajetan et Luther en 1518*, II, 476. Translations from French in this essay are my own unless otherwise stated.

The Modern Problematic: Juridicism or Spiritual Communion

The problematic understanding of the juridical nature of the Church in modern Catholic theology that I am referring to has a complex history with various stages, and it functions in a kind of dialectical movement. It can be seen to arise from three distinct but interrelated ideas. Idea one: Modern Catholic theologians such as Yves Congar and Henri de Lubac react against what they take to be an excessively external and juridical understanding of the Church inherited from Cardinal Robert Bellarmine and a prominent manualist ecclesiology to which Bellarmine's thought gave rise—prevalent from the Counter-reformation until the nineteenth century.²¹ Congar will argue that the Bellarminian paradigm conceived of

²¹ See the historical analysis of Bellarmine's influence by Yves Congar, O.P., in his *L'Église: de saint Augustin à l'époque moderne*, coll. "Histoire des dogmes," n. 20 (Paris: Éditions du Cerf, 1970), 369–96, 413–58, and his own alternative construal of the Church in *Chrétiens désunis. Principes d'un oecuménisme catholique*, Unam Sanctam (Paris: Éditions du Cerf, 1937). Similarly, see Henri de Lubac, S.J., *Catholicisme. Les aspects sociaux du dogme*, Unam Sanctam (Paris: Éditions du Cerf, 1938), esp. chap. XI; idem, *Méditation sur l'Église* (Paris: Éditions Montaigne, 1953), esp. chap. III. An excellent analysis of Bellarmine's ecclesiology, its influence well into the early twentieth century, and its modern criticism, is offered by Benoît-Dominique de La Soujeole, O.P., *Le sacrement de la communion. Essai d'ecclésiologie fondamentale* (Paris: Cerf/Éditions Universitaires Fribourg Suisse, 1998), 12–47. De La Soujeole shows, in effect (14–19), how Bellarmine's formulation of ecclesiology is a reaction to Luther's that forms a kind of contrary in the same genre. Luther's *Treatise on the Papacy* (May 1520) distinguishes between the "body" and the "soul" of the Church. "The first [reality] which is essentially, fundamentally, and truly the Church, we name spiritual and interior Christianity. The other, which is a human creation and an exterior phenomenon, we shall call corporeal and exterior Christianity. . . . This Christianity is governed by canon law, and by the established prelates . . . popes, cardinals, bishops . . . priests, monks, nuns, and all those who in the exterior state of things are taken to be Christians, whether they are authentic and firm Christians or not. In effect, even if this community does not contain a single true Christian since all these aforementioned states can exist without faith, nevertheless at least it does not remain without some who are also authentic Christians, just as the body does not make the soul live but the soul assuredly lives in the body and also assuredly, without the body." In his *De Controversiis Christianae Fidei* (1586–93), Bellarmine responds in turn by also distinguishing the "soul" of the Church from the "body," but, in response to the Reform, he emphasizes the necessity of membership in the visible Church for unity with the invisible communion of the elect. Consequently the visible indications of ecclesial unity become normative for determining the identity of the Church as a visible body. *De Controversiis*, chap. II ("De definitione Ecclesiae"): "Our definition underscores that the Church is one, not twofold, and this unique and true Church is the community of men assembled by the profession of the Christian faith, the communion in the sacraments under the governance of

the nature of the Church in a one-sidedly juridical and statist way, making instruments of Church unity such as papal jurisdiction, episcopal office, public recitation of the Creed and the reception of the sacraments, and the applications of canon laws into the formal constituents of ecclesial unity. This is to displace emphasis away from the mystery of ecclesial life considered in itself toward the divinely established means or instruments of that life.²² However necessary these instruments are as means of communion, they should not be seen as the formal essence of the life of the Church as such, or as the inner ontological ground of Church unity.

Idea two: This more decidedly juridical and exterior, authority-centered paradigm is typically challenged in the twentieth century by a renewed emphasis on the inner mystery of communion; legitimate accent is placed on the grace of Christ and the theological virtues of faith, hope, and love as the shared center or intrinsic form of the Church.²³ The

legitimate pastors, principally the unique Vicar of Christ, the Roman Pontiff. By this definition one can easily see who belongs to the Church and who does not. This definition, in effect, implies three things: the profession of the true faith, communion in the sacraments, and subjection to the legitimate pastor who is the Roman Pontiff. . . . The Church is, in effect, a community of men as visible and palpable as the community of the Roman populace, or the kingdom of France, or the republic of Venice." [Translation mine.] In reaction to the legacy of both Luther and Bellarmine, Congar and de Lubac sought to evict the "soul/body" distinction from usage in Catholic ecclesiology so as to emphasize the unity of the visible and invisible, spiritual and corporeal.

²² Congar, *L'Église: de saint Augustin à l'époque moderne*, 381–84: "This type of theology is a product of Scholasticism . . . particularly adapted to develop a consideration of the Church as a society, . . . a Catholic and Roman *system*, that is dynamic and conquering toward what is on the outside, but closed in on itself, in a state of siege mentality. . . . The ecclesiology which communicates and justifies this system is that of a society organized as a State, having at the summit of the pyramid the Pope assisted by the Roman congregations, made up of cardinals and offices. The idea that monarchy is the best form of government is found with almost all such authors. . . . The Church is seen and defined not as an organism animated by the Holy Spirit but as a society or rather as an organization where Christ intervenes at the origins, as founder, and the Holy Spirit guarantees its authority. . . . It seems that, having given once and for all to the institution its supra-terrestrial quality, they need no longer intervene. . . . The term 'Church' itself often (and more as time goes on) has the real meaning not *congregatio fidelium*—the human beings who are disciples of Christ—but either the juridical person or the institution as a collection of means of salvation and rules of conduct. . . . The eschatological dimension or sense is lacking in this ecclesiology, which never accommodates the tension and distance between the sacramentum and the res, between the visible institution and the final term, which will depend upon a new intervention of the Lord."

²³ De La Soujeole, *Le sacrement de la communion*, 59: "The research of contemporary ecclesiology is strongly marked by the concern to bring balance to the

Church lives by her created grace received from Christ, and especially by the truth of divine revelation and the mystery of divine love in which she participates. This shared life is what binds the mystical body of the Church together in supernatural unity, and orders it toward a final end that is distinctly divine. Such a viewpoint is the central theme in Congar's early work *Chrétiens désunis*.²⁴ De Lubac gives impetus to such views with his emphasis on the Eucharistic communion as the heart of the Church, for "the Eucharist makes the Church."²⁵ This mystery is most densely realized in the liturgy of Eucharistic worship and communion. The ecclesial mediations or instruments of communion, such as the sacraments and the hierarchy of the ordained, are ordered to the service of this more fundamental communion of all the faithful.²⁶ This communion is first and foremost

Bellarminian current of thought. This intention is explicit in most authors. It has to do, above all, with a reintroduction of the study of the *final end* of the economy of grace in the wake of an epoch in which, in response to Protestant dissidence, accent was placed above all on *how* this economy functions. Whether one speaks of the 'soul of the Church,' 'Mystical Body,' 'organism,' 'life,' or 'communion,' this always has to do with expressing ecclesologically the effect of the grace received—which is the participation in divine life, union by grace with God and with one's brethren."

²⁴ Yves Congar, O.P., *Chrétiens désunis*, Unam Sanctam (Paris: Cerf, 1937); see for instance 108–9: "[T]he unity of the Church, one, holy, catholic and apostolic is that of a very unique reality composed of human beings who are united by a supernatural life proceeding from God and from Christ, in a form of social life by which this same supernatural life is itself procured and motivated. In its earthly existence, the Church is like a great sacrament where everything both signifies sensibly and procures an interior unity of grace. There are not two Churches . . . but one unique Church that is the Body of Jesus Christ, and is simultaneously both heavenly and human, substantially divine but in human beings and by the means of a human form of life, composed both of rights and of love, society and community of life, at the same time and without separation, *Societas fidei et Spiritus Sancti in cordibus*, et *Societas externarum rerum ac ritum*: a reality both incarnate and pneumatic. Of her it is equally true to say: *Ubi Christus, ibi Ecclesia*, because where there is the communication of the Spirit of Christ, the Church exists, and *Ubi Petrus, ibi Ecclesia*, because the interior community of life is realized by human means, and an apostolic ministry which finds in Peter its visible criteria of unity."

²⁵ Cf. Henri de Lubac, S.J., *Corpus Mysticum: L'Eucharistie et l'Église au moyen âge* (Paris: Aubier, 1944), trans. Gemma Simmonds with Richard Price and Christopher Stephens as *Corpus Mysticum: The Eucharist and the Church in the Middle Ages* (Notre Dame, IN: University of Notre Dame Press, 2006), where the phrase is found on p. 88.

²⁶ Yves Congar, O.P., *Vrai et fausse réforme dans l'Église* (Paris: Cerf, 1950), 92–103. P. 96: "These means which build up and structure the Church are the deposit of faith . . . , the sacraments of the faith instituted by Jesus Christ as means for us to

based upon the supernatural truth about who God is, and upon love of charity, which is love of God and of neighbor, in Christ, and in communion in the Holy Spirit.²⁷

Idea three, however, can be seen to emerge as this focus on interior communion in love is simultaneously juxtaposed with a vision of juridical authority as “merely extrinsic” or external to the life of the Church, and as not touching directly upon the communion in grace as such. We find a viewpoint, for instance, in Congar’s *Vrai et fausse réforme dans l’Église*. There he distinguishes between the “structures” of the Church as such (which include Church offices and juridical political organization) and the “life” of the Church: her inner communion.²⁸ The life will perdure eschatologically but the structures will cease. Although they can contribute to the life of the Church, the structures are not themselves intrinsically part of the vitality of grace in the living members.

It is important and illuminating to introduce a distinction between two aspects of the Church: the institutional aspect and that of the community . . . (*Congregatio fidelium*). . . . The Church exists ‘prior’ to the community of the faithful in two ways, as a mystery [in Christ himself and his grace] and as an institution, and in this respect has something real and complete in itself. On the one hand: predestination, divine-human union, the inclusion of human beings into the life of Christ; on the other hand: the deposit of faith, and the sacraments, the apostolic powers . . . what could be more real than all these? And yet, all of this has still to be effectuated and to effectuate itself in having its fruitfulness in the community of the faithful. In the end, everything is accomplished in this community which, when realized, is the *true* temple, the *true* spouse, the integral body Christ. In comparison with this reality of the work of God bearing fruit *in human beings*, all the rest [doctrines, sacraments, hierarchy] is nothing but a sacrament, in the patristic sense of the word, as underscored so felicitously by Fr. de Lubac in his *Corpus mysticum*. Eschatologically, when all will be effectuated—predestination and man’s espousal to God, faith and the sacraments—then there will be nothing but the Church as a communion.²⁹

What is important to note in respect to our inquiry here is that the perspective Congar adopts (and in which he is followed by many) presupposes the *uniquely* economic or interim character of the sacramen-

be united to him in his passage toward his Father, and finally the ministries or apostolic powers.”

²⁷ See the similar views of the Church in Vatican II, *Lumen Gentium*, §§7–8.

²⁸ Congar, *Vrai et fausse réforme dans l’Église*, 8–10.

²⁹ Congar, *Vrai et fausse réforme dans l’Église*, 94, 97.

tal and juridical mysteries of the Church's life. This viewpoint entails two problems. First, it does not envisage sufficiently that the visible communion in the means of salvation might be itself the very common good of the communion of the faithful. Not only are the means of communion (such as the Eucharist, or the application of the power of the keys in confession) and the personal good of communion in grace inseparable. They are also in some real way identical. For the good of living in community in grace, joined by these means, is itself the concrete external and internal good of Christian persons in grace.

Second, the eschatological teleology of the sacraments is not sufficiently underscored in this way. For it is true that the invisible grace that these structures communicate to us, or for which they are the occasion of our reception, will perdure even after they cease. However, in a sense, just the inverse is true as well: invisible grace moves us toward the sacraments not as mere historically contingent means, but also as precursors to a more profound eschatological form of dependence upon mediation: the mediation of the sacred humanity of Christ, which will perdure eternally. The sacraments are imperfect instrumental applications 'already' of what we will experience more perfectly for eternity: dependence upon the mediating grace of Jesus Christ as man. In this sense, the visible and juridical form of grace in this world is in essence Christological and eschatological in nature, and far from being a merely external or passing instrumental aid, it is indicative of something that is beginning and yet is still to come to a complete realization.³⁰

We can observe a certain concentration of the problem under consideration if we turn to the treatment of the sacrament of penance as it is understood in the theology of Karl Rahner. Rahner's studies of the sacrament of penance are many, and there was some degree of development of his thought on the subject through the course of his career.³¹

³⁰ This idea is developed helpfully by de La Soujeole, *Le sacrement de la communion*, 248–57.

³¹ See in particular "Forgotten Truths concerning the Sacrament of Penance," and "Remarks on the Theology of Indulgences," in *Theological Investigations* II, trans. Karl H. Kruger (London: Darton, Longman & Todd, 1963), 135–202; *The Church and the Sacraments*, trans. W. J. O'Hara (New York: Herder and Herder, 1963); the entire volume of *Theological Investigations* XV: Penance in the Early Church, trans. Lionel Swain (New York: Crossroad, 1982), originally published in German in 1973, and which is a series of historical studies; *Foundations of Christian Faith*, trans. William V. Dych (New York: Crossroad, 1978), originally published in German in 1976, and "The Status of the Sacrament of Reconciliation," trans. Joseph Donceel, S.J., in *Theological Investigations* XXIII (New York: Crossroad, 1994), originally published in German in 1984.

However, in the main positions that emerge both in his works immediately prior to Vatican II, and as they were developed in the post-conciliar period, we can identify some consistent features.

First, we find in Rahner's more general theology a consistent acceptance of the "inverted Bellarminian" tendencies of Congar (with an emphasis upon the essentially spiritual inner reality of the Church in view of which sacraments and juridical life are seen as pure means).³² This perspective is intensified by Rahner's emblematic use of the distinction between "transcendental" graces that are offered to all human beings invisibly as acting historical subjects, and the "categorical" manifestations of these graces in the visible Church, as well as in the sacraments.³³ The

³² See, for example, Rahner, *Foundations of Christian Faith*, 366; 389, 400–401, 411ff. P. 366: "The Catholic understanding of faith and of the church in no ways denies that within Evangelical [Lutheran/Protestant] Christianity there is grace and justification and the Holy Spirit, and hence there exists that reality as the event and power of God's grace *for which everything institutional, all words and sacraments, everything juridical and organizational, and all the techniques of administration are only the preparation and the historical manifestation, and except for this they are nothing.*" [Emphasis added.] Tellingly, Rahner has recourse in his ecclesiology to the same division of body and soul duality which both Luther and Bellarmine employed (in contending with each other) and which Congar sought (perhaps not entirely successfully) to transcend: P. 389: "Obviously a Christian is a Christian in the innermost depths of his divinized essence. Nor would he ever be or ever become a Christian if he were not to live from out of the innermost center of his essence as divinized by grace. But the very thing which he is in his innermost depths and in the origins of his most individual existence, and is by the grace of God whose domain he cannot leave, this very thing comes from the concrete history of salvation to meet him in the concrete as his very own: it comes in the profession of faith of Christians, in the cult of Christians, in the community life of Christians, in a word, it comes in the church. An absolutely individual Christianity in the most personal experience of grace and ecclesial Christianity are no more radically opposed than are the body and soul, than are man's transcendental essence and his historical constitution." The point, however, is not whether the common good of the Church and the good of the individual Christian are not opposed, but whether they are in many respects identical.

³³ Rahner, *Foundations of Christian Faith*, 411–12: "[T]he official history of salvation is nothing else but the process in which there becomes explicit and historically tangible the history of salvation and grace which pervades all of man's dimensions and extends throughout the whole of his history. The history of salvation and grace has its roots in the essence of man which has been divinized by God's self-communication. We are not people who have nothing to do with God, who do not receive grace and in whom the event of God's self-communication does not take place until we receive the sacraments. Wherever a person accepts his life and opens himself to God's incomprehensibility and lets himself fall into it, and hence wherever he appropriates his supernatural transcendental in interpersonal communication, in love, in fidelity, and in a task which opens him even to

sacraments are efficacious signs of what is always, already happening by grace in the transcendental domain to all persons.³⁴

Second, Rahner's theology follows the influential work of the twentieth-century Spanish Carmelite Bartomeu Xiberta (1897–1967) in arguing that the *res et sacramentum* (the formal essence) of the sacrament of penance is reconciliation with the Church, and that this event terminates (*res tantum*) in reconciliation with God.³⁵ The traditional scholastic position, meanwhile, considers the *res et sacramentum* of the sacrament the grace of true contrition and the *res tantum* the grace of the forgiveness of sins, the latter implying inward restoration of charity and incorporation into the Church.³⁶ Rahner adopts Xiberta's idea of the *res et sacramentum* of the sacrament of penance as the act of reconciliation with the Church. Nevertheless, he alters the relation between this element of the sacrament and the reconciliation of the penitent with God. For Xiberta they are causal: reconciliation with the Church leads to reconciliation with God. For Rahner, by contrast, reconciliation with the Church is a kind of culmination (seemingly non-essential for salvation?) of a mystery of reconciliation with God that has already been in process.³⁷ This view becomes more specific in his

the inner-worldly future of man and the human race, there is taking place the history of . . . salvation. . . . What we call church and what we call the explicit and official history of salvation, and hence also what we call the sacraments, are only especially prominent, historically manifest and clearly tangible events in a history of salvation which is identical with the life of man as a whole."

³⁴ Rahner, *Foundations of Christian Faith*, 412. See likewise, *The Church and the Sacraments*, 24–34, an earlier text where Rahner is developing his mature position.

³⁵ See Bartomeu M. Xiberta, *Clavis Ecclesiae: De ordine absolutionis sacramentalis ad reconciliationem cum Ecclesia* (Rome: Pontifica Università Gregoriana, 1922). On Xiberta's thesis and its influence in twentieth-century Catholic theology, see the instructive analysis of Szabó Sándor Bertalan, O.P., *La réconciliation sacramentelle et ses enjeux ecclésiologiques* (Fribourg: Academic Press Fribourg, 2010).

³⁶ Xiberta wished to defend the centrality of the juridical and ecclesial act of forgiveness against "modernist" critiques of his epoch. Nevertheless, his theory is arguably too determined by a juridical perspective in that it does not account sufficiently for the inward work of charity in the penitent as a constituent element of the mystery of reconciliation (*res et sacramentum*), and the way this inward work is *caused principally* by God (not the Church) and *through* the instrumental mediation of the minister, and *results* in the communion with the Church. I return to this subject below.

³⁷ In 1963, in *The Church and the Sacraments*, 93–95, Rahner is still quite close to Xiberta's position and advocates for it. However, by 1976, in *Foundations of Christian Faith*, he has developed his own view. P. 429: "*Opus operantis* [the graced forgiveness of the human subject] and *opus operatum* [the celebration of the sacrament as an occasion of grace] . . . are not distinguished as an act of God upon man in grace and a merely human act. Rather they are distinguished as the official and

later writings: it is because one is already reconciled with God that he or she seeks reconciliation with the Church. The reconciliation of penance is in effect a kind of "categorical" sign, or visible manifestation of an invisible grace that is already always being received in a "transcendental fashion."³⁸ Therefore the sign of confession consoles the penitent who may *naturally* stand in need of a visible manifestation of what is already being given by God in the transcendental structure of grace (as a kind of consolation or anthropological exigency).³⁹ In other words, the juridical and sacramental

explicit history of man's salvation becoming manifest in an ecclesial way in the sacraments, and a merely existentiell salvific act of man in God's grace. Just as we distinguished earlier between an anonymous and universal history of salvation which is coexistent with the history of man's spirit, and the official and explicit history of man's salvation, the same thing is true in an analogous way of the relationship between the *opus operatum* and *opus operantis*. Both belong to the salvation history of God and his grace and to the history of man's salvation. They are distinguished in the same way as elsewhere in human history explicit and social acts which are also juridically present in the social sphere are distinguished from acts which take place in the realm of one's own personal and intimate self."

³⁸ Rahner, *Foundations of Christian Faith*, 421–23: "God's word of forgiveness is not only the consequence, but is also and ultimately the presupposition of the conversion in which a guilty person turns to God and surrenders himself in faith, trust and contrition, and it can be heard in the depths of conscience. . . . Throughout the length and breadth of the history of the human race this quiet word of forgiveness often has to be enough by itself. But what usually occurs in such a hidden and inarticulated way in the history of human conscience, namely, the grace of God which offers everyone salvation and forgiveness, has its own history in time and space. . . . The word of God's forgiveness in Jesus Christ, in whom the unconditional nature of this word has also become historically irrevocable, remains present in the community of those who believe in this forgiveness, in the church. The church is the basic sacrament of this word of God's forgiveness. . . . Insofar as this efficacious word . . . is addressed precisely to an already baptized member of the church upon his confession of sin, it has a definite characteristic: by his serious or 'small' sins the baptized Christian as a member of the church has also placed himself in contradiction to the essence of the holy community to which he belongs . . . whose existence and life is supposed to be a sign of the fact that God's grace as love for God and man is victorious in the world. Hence by its word of forgiveness the church also forgives the injustice which a person's sin does to the church. . . . Indeed we may say that by the word of God's forgiveness which is entrusted to it the church forgives sin *by* forgiving a person the injustice done to itself."

³⁹ Rahner, "The Status of the Sacrament of Reconciliation," 213–15: "First, for many centuries Christians have had the impression that their sins were more certainly and clearly forgiven when they submitted them to the sacramental judgment of the church and heard God's forgiving word expressly from the mouth of the Church. If we are honest and use sober theological reflection, this conviction is not so obvious, for it is obviously true that, apart from grave sins, such sins can

element of the Church seems to ratify or render official what is already happening invisibly in the person in question, but this ratification is seemingly extrinsic and symbolic, rather than causal. Despite their differences, one can observe here a proximity of Rahner's thought to that of Luther. The German Jesuit's viewpoint no doubt has ecumenical overtones. However, by the character of its formulation it clearly risks divorcing the inwardly spiritual and mystical dimensions of reconciliation from the external ecclesial rite, the latter being considered as something outward and juridical, even if emotionally helpful and natural. The sacrament is the occasion (or event) that confirms or signifies the inward existence of forgiveness through faith, but it is not the instrumental cause of the grace of inward contrition and the forgiveness of sins.

What has become commonplace in the Church today *de facto* is a view or a practical attitude that the reconciliation of the penitent is above all invisible (that is, gnostic and non-sacramental) and that the juridical and sacramental dimension of reconciliation is a kind of optional rite meant primarily to fulfill a subjective need of (some) penitents for psychological

also be forgiven by God if we are truly sorry for them and refrain from them. Without such an inner disposition, which basically already brings about the forgiveness of such sins, the sacrament of reconciliation too would not have any effect. For those who admit their imperfections and sins without at the same time being sincerely sorry and resolved to avoid them, sacramental confession is perfectly meaningless and useless. It was obvious to Saint Thomas Aquinas that whoever receives the sacrament of reconciliation must normally come to it in a state of mind that by itself, before reception of the sacrament, already brings about the forgiveness of sins for which one is truly sorry. From this point of view it is not so obvious why ordinary Christians feel that they may have more confidence in the remission of their sins when they receive sacramental absolution. . . . [W]e should not consider the inner process and its outer sacramental embodiment to be two processes lying next to each other without any connection. . . . The sacramental sign must be the ecclesial incarnation of that which happens in the innermost center of a person's existence. . . . In other words, the sacramental embodiment of contrition and forgiveness between God and humanity serves not only to express the fact of forgiveness in a human incarnational way, it also has the purpose of arousing that inner attitude of which it is a sign and an expression. This is the remarkable thing in human beings that the body shapes the soul and the soul shapes the body. The inner and outer life are intimately connected, hence that *mutual* relation between that which in our body expresses our feelings and that which induces them." Notice that Rahner here has based the fittingness of confession uniquely upon natural anthropological reasons, without recourse to any notion of sacramental causality. He is advocating a move away from a position like that of Cajetan and toward a view closer to that of Luther while at the same time invoking the teaching of Aquinas. However, as we will see below, his interpretation of Aquinas on this point is not sustainable.

comfort.⁴⁰ The Eucharist is considered central to the identity of the Church, but communion in the Eucharist has been so misappropriated by the subjective sincerities of an uncatechized populace that there is little awareness that the juridical exercise of sacramental forgiveness is essential to procure fruitful communion in the sacrament of the Eucharist, and that sacramental forgiveness is part of the normal structure of the sacramental organism as instituted by Christ and intended by God.⁴¹ Likewise, there is a diminished awareness that authentic supernatural communion in the body of Christ is necessarily conditioned by a right juridical intention of submission to and acceptance of the teachings of sacred truth elaborated by the Church *in order for the grace of the sacrament to be effective*.

Coming back to the focus of this essay, then, the key question is: to what extent is the mystery of Christ's delegation of juridical power, and especially this most important instance of the juridical power of the keys, intrinsic to the very mystery of the life of grace by which the Church lives? Is the priest's juridical denomination of a penitent as one unbound or loosed by the sacrament of penance—or as one bound by sin who cannot be absolved—directly related to the mystical life of the Church in charity? And if so how?

⁴⁰ Rahner, "The Status of the Sacrament of Reconciliation," 217–18: "There have been and there still are, of course, pastors who see in the greatest possible number of absolutions on Saturdays a triumph for their pastoral activity. . . . Such practices that make no real sense for the life of the soul should be dropped. Ultimately the number of times we receive a sacrament does not matter."

⁴¹ Problematic forms of sincerity do not afflict laypersons only. Consider the following from Rahner ("The Status of the Sacrament of Reconciliation," 210): "The purely numerical decrease in the number of confessions does not allow us to conclude with certitude that today's Catholics transgress an important divine command. This might be said only if, on the one hand, people rarely went to confession and, on the other hand, if really subjectively grave sins occurred not rarely, but frequently. But since the latter statement cannot be made with certainty, and since we may certainly hope that such sins which render human beings worthy of eternal damnation do not, at least in a normal Christian life, occur frequently, or even at all, we may not, from the lower frequency of confessions, conclude with certainty that Catholics do not in fact comply with an obligation to confess that is objectively binding for them. True, there are also Catholics who infringe such an obligation, while committing really serious sins, sins that are both objectively and subjectively grave. When a mother, who might very well have another child, who economically and personally would be quite capable of it, who is not living in cramped external conditions, but who merely out of laziness or for other shabby reasons, accepts an abortion, there is a real possibility that we are dealing not only with an objectively but also with a subjectively serious transgression of the fifth commandment."

Thomistic Sacramentology and the Power of the Keys

In considering Aquinas's views on the sacrament of penance, it is important first to underscore a characteristic difference in his theology of the grace of the sacraments as it differs from the later understanding of Karl Rahner. For Aquinas, the grace of the sacraments has a distinctly Christological and indeed cruciform shape, since all grace is stamped with the form of Christ's Passion, whence it flows.⁴² Furthermore, all grace flowing from the Passion is ordered to the sacraments and, through the sacraments, toward the visible ecclesial communion of the Church (a point to which I will return below). Therefore, in contrast to Rahner's view, sacramental grace for Aquinas is not simply the visible manifestation of what is always, already happening invisibly outside the Church. Nor does extra-sacramental grace drive us toward the sacraments simply because of a general human need for categorical mediation. Rather, such grace "outside the Church" is only a diminished form and anticipation of what comes to full reality uniquely in the sacraments of the Church. Quite in opposition, then, to Rahner's view, sacraments cannot appear as visual aids to what we already possess, but they are instruments that incorporate us into *a higher form of life with God than that which we previously possessed* when we were not yet incorporated into the fullness of sacramental life.⁴³

A second general comment about Aquinas's views is necessary, by which we might qualify the views of Congar that were discussed above. Like Congar, St. Thomas certainly holds that the sacraments are the *means* of grace that produce an inward spiritual communion and that they give way eventually to the eschatological life of the kingdom of God. He also makes clear, however, that these same sacraments are part of the inherent common good of social communion into which the invisible workings of grace invite us, and by which those same workings are inwardly main-

⁴² *ST* III, q. 62, a. 5: "Now the principal efficient cause of grace is God himself, in comparison with whom Christ's humanity is as a united instrument, whereas the sacrament is as a separate instrument. Consequently, the saving power must needs be derived by the sacraments from Christ's Godhead through his humanity. . . . Christ delivered us from our sins principally through his passion. . . . Wherefore it is manifest that the sacraments of the Church derive their power specially from Christ's passion, the virtue of which is in a manner united to us by our receiving the sacraments." Aquinas mentions the exemplary character of the passion in the order of grace received from the Cross in ad 1, such that the grace of the sacraments conforms us to the Paschal mystery of the Lord.

⁴³ I am grateful for discussions with Dr. Bruce D. Marshall through which some of the ideas in this paragraph were formulated.

tained.⁴⁴ Nor does this corporate body cease to be eschatologically.⁴⁵ When these sacramental means cease to exist, they do so in order to give way not to a non-sacramental, invisible reality, but to a *superior* communal life that is itself *also visible and invisible*. This is the life of the Resurrection, in which we will live in everlasting dependency upon the “sacramental” mediation of *Christ himself*: the human mediation of the Savior as High Priest. His humanity will remain the everlasting instrument and sign of the communication of divine life, such that we will be dependent upon Jesus as both God and human for eternity.⁴⁶ Already in the life of the Church in this world, then, *sacramental* communion is part of *the very form* of the saving life of grace, since we are saved in an ecclesial body that is inseparably visible and invisible.

With this background in mind, let us turn then to what Aquinas says about the ecclesial dimension of the sacrament of confession, in particular, as it regards the incorporation of the faithful into the saving communion of the Church, a Christological communion with both God and man. Here I would like to underscore four points that are central to Aquinas’s theology of the sacrament of penance as it is expressed in the *Summa theologiae*—in fact, in the treatise he was writing at the very end of his life.

The first point concerns the intrinsic efficacy of the sacrament of penance and the unique grace that it alone communicates. As mentioned

⁴⁴ Gilles Emery, O.P., states it thus: “There is not on the one side an ecclesial effect of the sacrament [of the Eucharist,] and on the other side a personal and individual effect. It is clearly *the same reality of grace*, incorporation into Christ given to the person, which is both the food of spiritual rebuilding and at the same time, by its very nature, the building up of the Church, whose unity is strengthened and achieved through charity.” Emery goes on to cite from Cajetan’s commentary on *ST* III, q. 73, a. 1: “When we hear that the fruit (*res tantum*) of the sacrament [of the Eucharist] is grace, and that what is to be received is the unity of the Church or the Mystical Body of Christ, we do not understand by that that there are two diverse realities since all that is nothing else but God’s grace in his faithful.” See “Reconciliation with the Church and Interior Penance: The Contribution of Thomas Aquinas on the Question of the *Res et Sacramentum* of Penance,” in *Trinity, Church and the Human Person: Thomistic Essays* (Naples, FL: Sapientia Press, 2007), 173–92, here 181–82. I am gratefully indebted to Emery for many of the textual citations from Aquinas that follow, as well as some of the analysis of Aquinas’s views on the sacrament of penance.

⁴⁵ *ST* III, q. 79, a. 2, c. and ad 1.

⁴⁶ *ST* III, q. 22, a. 5, c. and ad 1. Ad 1: “The saints who will be in heaven will not need any further expiation by the priesthood of Christ, but having expiated, they will need consummation through Christ himself, on whom their glory depends, as is written (Apoc. 21:23): ‘the glory of God has enlightened it,’—that is the city of the saints—‘and the Lamb is the lamp thereof.’”

above, the grace communicated in sacramental penance has, according to Aquinas, an *intrinsically* sacramental and ecclesial shape. We can understand this clearly if we consider his treatment of absolution as the cause of a unique grace. St. Thomas takes the form of the sacrament to be the words of absolution, while the matter is the sin confessed by the penitent.⁴⁷ Accordingly, the form of the sacrament does not act upon the matter in a way that is simply extrinsic to the grace that is communicated in the sacrament (like a minister recalling to mind in one who has faith the transcendental act of pardon that is already, always given). Rather, the minister who absolves acts as an instrument of the grace of Christ in a way that is intrinsic to the very working of the grace of the sacrament.⁴⁸ The distinct grace communicated by this sacrament is one of inner conversion in the penitent through true contrition (the restoration to a state of charity), and the forgiveness of sins by God, particularly mortal sins.⁴⁹

Does God not work outside of the sacraments, however? Can God not communicate the graces of contrition and charity to people who are deprived of the use of the sacrament of penance? A second point to consider is St. Thomas's teaching concerning the *trajectory* of inward graces in relation to sacramental mysteries, and the way the truth of this teaching touches upon the inseparability of grace from penance and the Eucharistic communion of the Church. Here we should begin by noting that, according to St. Thomas, faith, hope, and love in historical human beings tend as graces *toward a sacramental encounter* with Christ.⁵⁰ To state things thus does

⁴⁷ ST III, q. 84, aa. 2–3.

⁴⁸ ST III, q. 82, a. 3, ad 3: "God alones absolves from sin and forgives sins authoritatively; yet priests do both ministerially, because the words of the priest in this sacrament work as instruments of the divine power, as in the other sacraments: because it is the divine power that works inwardly in all sacramental signs, be they things or words. Wherefore our Lord expressed both: for he said to Peter (Matt. 16:19): 'whatsoever thou shalt loose on earth, etc.' and to his disciples (John 20:23): 'whose sins you shall forgive, they are forgiven them.' Yet the priest says, 'I absolve thee,' rather than 'I forgive thee thy sins,' because it is more in keeping with the words of our Lord, by expressing the power of the keys whereby priests absolve."

⁴⁹ ST III, q. 82, a. 5: "[I]t is necessary for the sinner's salvation that sin be taken away from him; which cannot be done without the sacrament of penance, wherein the power of Christ's passion operates through the priest's absolution and the acts of the penitent, who co-operates with grace unto the destruction of his sin. . . . Therefore it is evident that after sin the sacrament of penance is necessary for salvation, even as bodily medicine after man has contracted a dangerous disease."

⁵⁰ Aquinas envisages a sacramental dynamic working from within human history by means of grace. There are three 'levels' to such sacraments, however: those of the natural law, which were instituted by man under the movement of inner

not mean that graces cannot be given outside of the sacraments, as they most certainly are.⁵¹ Rather, all graces of Christ whatsoever (including all invisible graces or those that are manifest outside the visible ecclesial economy) are intrinsically ordered toward communion in the one true mystical body of Christ.⁵² This communion is embodied concretely not only in Christ himself crucified and resurrected, but also, Aquinas says, in the Eucharistic communion of the Catholic Church. All those who will be saved, by invisible grace and by whatever visible means throughout history, will eventually come to rest in heaven in that same communion of grace that is present concretely, corporeally in the Eucharistic body of Christ as it is received by the Catholic faithful.⁵³ The only saving communion in truth, grace, and charity is that found in the Catholic Church.

grace, those of the Mosaic law, instituted by God as signs of the grace of Christ that was to come, and those of the New Covenant, which are instituted by God as both signs and causes of grace. On the sacraments of the natural law, see for instance: *In IV Sent.* d. 1, q. 2, a. 6, sol. 3: "Illa sacramenta legis naturae non erant ex praecepto divino obligantia, sed ex voto celebrabantur, secundum quod unicuique dictabat sua mens, ut fidem suam aliis exteriori signo profiteretur ad honorem Dei, secundum quod habitus caritatis inclinabat ad exteriores actus; et sic dicimus de caritate, quod sufficit motus interior; quando autem tempus habet operandi, requiruntur etiam exteriores actus." See likewise, *ST I-II*, q. 103, a. 1, c. and ad 1–4; aa. 2 and 3; *III*, q. 61, a. 3, c. and ad 1–2; q. 62, aa. 1, 3, 4, and 6.

⁵¹ Cf. *ST II-II*, q. 2, aa. 6, 7 c. and ad 3, a. 8, c. and ad 1.

⁵² It is significant that in *ST II-II*, q. 2, a. 7 Aquinas argues that invisible graces in gentile peoples before the coming of Christ were inherently ordered by faith toward the reality of the Incarnation and that this was expressed imperfectly in the ritual practices of sacrifice for the forgiveness of sins ("sacraments of the natural law"). See likewise, *ST III*, q. 61, a. 3, ad 2.

⁵³ *ST III*, q. 73, a. 3: "[T]he reality (*res tantum*) of the sacrament [of the Eucharist] is the unity of the mystical body, without which there can be no salvation; for there is no entering into salvation outside the Church, just as in the time of the deluge there was none outside the Ark, which denotes the Church, according to 1 Pet. 3:20–21. And it has been said above (q. 68, a. 2), that before receiving a sacrament, the reality of the sacrament (*res tantum*) can be had through the very desire of receiving the sacrament. Accordingly, before actual reception of this sacrament, a man can obtain salvation through the desire of receiving it, just as he can before Baptism through the desire of Baptism." It seems to follow unambiguously from what Aquinas is saying here that all who are saved outside of the sacraments not only tend by grace toward the sacramental and eucharistic communion of the Church but also desire that communion, at least implicitly. The ecclesiological dimensions of Aquinas's Eucharistic theology are studied very helpfully by Gilles Emery, "The Ecclesial Fruit of the Eucharist in St. Thomas Aquinas," in *Trinity, Church and the Human Person*, 155–72. See also the informative study of Aquinas on this issue in J. M. R. Tillard, O.P., *L'Eucharistie Pâque de l'Église* (Paris: Cerf, 1964).

This centrality of the Eucharist does not diminish the importance of the sacraments of baptism and penance, however—quite the contrary. Because all communion is ultimately centered in Christ, so all communion is Eucharistic. But since the Eucharist is the summit of a sevenfold order of sacraments, so also the grace that tends toward this communion of the faithful also tends toward the seven sacraments in their organic and inseparable unity.⁵⁴ Not only are the unbaptized who receive grace mysteriously drawn toward baptism (typically, at least), and through baptism toward the Eucharist, but also those who sin after baptism are drawn *by the very structure of the inward graces themselves of faith, hope, and love* toward the sacrament of penance in view of restoration to authentic communion.⁵⁵

One place Aquinas makes this most clear is in his consideration of Catholics who die without the physical possibility of sacramental penance; the person who dies, for instance, caught in a snow storm in the Alps, separated from any priest. According to Aquinas, such a person, if he is conscious of serious sin, can be forgiven by asking God for forgiveness if he is moved inwardly by grace to an act of true contrition and he does not place any obstacle to this grace.⁵⁶ But part of this act of knowing contrition in a Catholic penitent, Aquinas specifies, implies the desire *were it possible to confess to a priestly minister of Christ*.⁵⁷ The desire itself is intrinsically ordered to the appeal to the power of the keys, to the juridical and sacramental power to absolve of the Catholic Church.

⁵⁴ Cf. *ST* III, q. 65, a. 3, and q. 63, a. 6; q. 65, aa. 1–2.

⁵⁵ *ST* III, q. 84, a. 5, ad 2: “As soon as a man falls into sin, charity, faith and mercy do not deliver him from sin, without [the sacrament of] penance. Because charity demands that a man should grieve for the offence committed against his friend, and that he should be anxious to make satisfaction to his friend; faith requires that he should seek to be justified from his sins through the power of Christ’s passion which operates in the sacraments of the Church; and well-ordered pity necessitates that man should succor himself by repenting of the pitiful condition into which sin has brought him.” Aquinas envisages an implicit desire for the sacrament of penance among graced gentiles under the natural law, as well as in the Old Covenant. See *ST* III, q. 84, a. 7, ad 2. On the implicit desire for baptism present in all who receive grace, see III, q. 68, aa. 1, c. and 2, ad 3.

⁵⁶ *In IV Sent.*, d. 17, a. 3, q. 2, ad 1. See also *ST* III, q. 86, a. 6, ad 3, and the analysis of Emery, “Reconciliation with the Church and Interior Penance,” 187.

⁵⁷ Cf. *Quodlibet* IV, q. 7, a. 1; *ScG* IV, c. 72, para. 13: “And thus the keys of the Church have effectiveness in one before he actually submits himself to them, provided that he has the purpose of submitting himself to them; nevertheless, he achieves fuller grace and forgiveness when he actually submits himself to the keys by confession and receiving absolution” (trans. Charles J. O’Neil, *Summa contra Gentiles* IV [Notre Dame, IN: University of Notre Dame Press, 1975]).

Given the ecclesial-teleological character of all participation in grace and the sacraments, we can underscore a third point concerning right intention in the penitent in the act of sacramental penance, as it relates to the juridical power of the keys. The sacrament of penance is first and foremost an act not of exterior juridical declaration but of inward conversion in grace. Aquinas specifies that the grace of the sacrament of penance consists formally (*res et sacramentum*) in contrition for sins, an inward change of heart in the penitent. The sacrament is also teleologically ordered (*res tantum*) toward the forgiveness of sins.⁵⁸ By this same measure, the final end of the sacrament is the restoration of the penitent into full participation in the communion of the Church, by means of the Eucharist. The sacrament of penance leads the penitent into the communion of the charity of Christ.

If this is the case, however, then the penitent's reception of the sacrament is also necessarily qualified by an authentic intention toward true ecclesial unity, implying an inward acceptance of the juridical authority of the bishops and the bishop of Rome as a supernatural mystery. The juridical character of the sacrament must enter into the penitent's intention in two ways. First, the reception of absolution presupposes a prior faith on the part of the penitent in the power of the minister to absolve by virtue of his juridical delegation. Therefore the intention to receive absolution from a juridically delegated minister of the power of the keys is a *sine qua non* condition for the right reception of the grace of the sacrament. Second, participation in the sacraments (and even grace stemming from the desire of the sacraments prior to their reception) requires that one is rightly ordered in intention by a desire for communion in the unity of the Church. But this unity is itself instantiated both socially and mystically on earth by virtue of the juridical authority of the episcopacy in communion with the bishop of Rome.⁵⁹ Therefore, it follows that a Catholic Christian's acceptance or rejection of the juridical character of the communion of the Church *affects the fruitfulness of all the sacraments*, including both penance and the reception of the Eucharist. Desire for forgiveness from God and reconciliation with the Church entails the desire to enter into the communion of the Church that is maintained in and through the nexus of the juridical power delegated by Christ to the Apostles and their successors, the bishops. This is why schismatic confessions cannot be presumed to be valid.⁶⁰ It is also why those who dissent

⁵⁸ ST III, q. 84, a. 1, ad 3.

⁵⁹ ST II-II, q. 1, a. 10, c.; III, q. 84, a. 7, c.

⁶⁰ In IV Sent., d. 17, q. 3, a. 3, q. 5; d. 19, q. 1, a. 2, q. 3; *Contra Impugnantes Relig.*, c. 4.

from the Church's teaching culpably (by affected ignorance) will sterilize the graces they might have received in penance.⁶¹ Likewise, schismatic Masses and communions may well be a source of spiritual death, rather than spiritual life, even when the body of Christ is truly present, since the sacrament is not necessarily consumed in view of its authentic supernatural end.⁶² So the final end of communion (what Charles Journet calls a rightly "oriented" intention of communion) is also part of *how* the Eucharist makes the Church.⁶³ There must be an intention touching upon the juridical character of the Church as a unified polity, as an invisible *and* visible mystery of communion with God.

The last point to consider concerns the way the priest's application of the power of the keys to a penitent is itself a participation *in the transcendent judgment of Christ*. Aquinas insists that the instrumentality of the priest and the penitent in the act of repentance and absolution must always be related to the transcendent instrumentality of the sacred humanity of Jesus.⁶⁴ The Church does not produce the graces of penance, but is herself—in her inward life of communion—produced by the graces of penance, in direct dependence upon Christ. It follows from this, however, that the priest is called upon to act responsibly *in the light of Christ* and in subordination to *his* juridical action.⁶⁵ Here we need to recall three dimensions of this subordination. First, as has already been mentioned, there is the fact that the priest's jurisdictional delegation from a bishop in communion with Rome is not something accidental to the validity of the sacrament of penance but something essential to the validity of the sacrament.⁶⁶ This delegation works in tandem with the sacramental character of the priesthood and presupposes it but is not identical

⁶¹ ST III, q. 80, a. 4: Aquinas is speaking here of the Eucharist, but his comments could be employed analogically as applicable to penance.

⁶² ST III, q. 82, a. 7: "And since the consecration of the Eucharist is an act which follows the power of Order, such persons as are separated from the Church by heresy, schism or excommunication [in valid orders] can indeed consecrate the Eucharist, which on being consecrated by them contains Christ's true body and blood; but they act wrongly, and sin by doing so; and in consequence they do not receive the fruit of the sacrifice [the *res tantum* of ecclesial communion] which is a spiritual sacrifice." See also III, q. 83, a. 9.

⁶³ See Charles Journet, *L'Église du Verbe Incarné*, vol. III, part II (St Just La Pendue: Éditions Saint-Augustin, 2000), 1135–52. Journet offers a helpful reflection on the validity and potential fruitfulness of Eastern Orthodox sacraments on pp. 1148–52.

⁶⁴ *In IV Sent.*, d. 18, a. 1, q. 1; ScG IV, c. 72, para. 11.

⁶⁵ Aquinas says as much explicitly in *In IV Sent.*, d. 18, q. 1, a. 3, q. 4. He died before he could treat the question of the priestly judgment of the minister in the *Summa theologiae*.

⁶⁶ *In IV Sent.*, d. 24, q. 3, a. 2, q. 1; d. 19, q. 1, a. 3, q. 1; ScG IV, c. 72, para. 10.

with it, for one can be ordained but unable to remit sins by deficit of a jurisdictional delegation. Second, the sacrament is not considered something of merely ecclesial rite (instituted by early bishops), nor even of apostolic institution, but of divine institution, by Christ, and according to his power of excellence (the power he alone had to institute the sacraments).⁶⁷ Third, then, delegation to absolve communicates a power that is genuinely supernatural and mysterious and that allows the priest to forgive sins in the name of Christ, so that this juridical act of forgiveness is *truly an act of Jesus himself*, incorporating a person into his mystical body by grace.⁶⁸ The priest then is only ever truly responsible in confession when he acts knowingly in subordination to the intentions of Jesus Christ, as clarified by the Church's teaching and intentions. If the priest does not do this well and rightly, instructing the conscience of the person in an ecclesial way, with regard to the norms and prudence of the Church, but also her profound mercy and compassion, then he does not fulfill sufficiently his role as a minister of Christ. If he does, however, act in this way to the best of his ability, he colludes instrumentally with Christ to be at the source of renewed life in Christ for others. He is an irreplaceable and absolutely essential touchstone of grace and mercy by which the presence of Christ is continually brought anew into the world today. His ministerial priesthood, in Christ, makes the Church.

What then is the enduring effect of the agency of the priest in the sacrament of penance? Does his office not cease to function in the eschaton and is it not true that there are no sacraments in the world of the Resurrection of Christ? Assuredly. However, as has been stated above, the sacramental communion of the Church (with its dependencies upon sensate mediations) itself foreshadows an even more concrete dependence upon the sacerdotal, visible and invisible mediation of the humanity of Christ that is to come in the eschaton. Is this true in a particular way of the application of the power of the keys in the sacrament of penance? Indeed it must be. For precisely insofar as the priest acts not according to his own private judgment but according to the judgments of the Gospel and the Church, so also he acts in light of the saving judgments of Christ. The principal agent who works in and through this application of the power to bind and to loose the soul of the penitent is the God-human, Jesus Christ. In this way, the sacrament is itself an anticipation of the eschaton: of one's own personal judgment at death, as well as of the final judgment. The Christ upon whom we depend through the sacramental agency of confession is the same Savior whose judgment of

⁶⁷ ST III, q. 84, a. 5, ad 3; q. 64, a. 3.

⁶⁸ ST III, q. 84, a. 2, c.

truth and mercy we will depend upon increasingly in this life as we cooperate with sanctifying grace, and ever more so in the eschatological world to come.⁶⁹ The sacrament then is not simply a temporal encounter with a provisional means in this world. It is a way of becoming ever more closely united with that which is truly permanent: the mercy of the Lord. The ecclesial communion into which the power of the keys looses us is ultimately that of the kingdom of heaven. Eschatologically, the priesthood of Christ will continue to make the Church for all eternity.⁷⁰

Conclusion

Let us conclude with the challenging words of St. John Vianney concerning the priesthood:

Saint Bernard tells us that everything has come to us through Mary; and we may also say that everything has come to us through the priest; all happiness, all graces, all heavenly gifts. If we did not have the Sacrament of Orders, we would not have Our Lord. Who placed Him there, in that tabernacle? It was the priest. Who was it that received your soul, on its entrance into life? The priest. Who nourishes it, to give it the strength to make its pilgrimage? The priest. Who will prepare it to appear before God, by washing that soul, for the last time, in the blood of Jesus Christ? The priest—always the priest. And if that soul undergoes spiritual death, who will raise it up, who will restore it to calmness and peace? Again the priest. You cannot recall one single blessing from God without finding, side by side with this recollection, the image of the priest.

Go to confession to the Blessed Virgin, or to an angel; will they absolve you? No. Will they give you the Body and Blood of Our Lord? No. The Holy Virgin cannot make her divine Son descend into the host. You might have two hundred angels there, but they could not absolve you. A priest can do it; he can say to you, “Go in peace; I pardon you.” Oh, how great is a priest! The priest will not understand the greatness

⁶⁹ See Aquinas’s remarks to this effect in *In Heb.* VII, lec. 4, 368–69; VIII, lec. 1, 380; IX, lec. 5, 478; X, lec. 1, 499.

⁷⁰ *In Heb.* VII, lec. 4, 368–69: “And just as in natural things which are signs of spiritual things, we see that incorruptible things are not multiplied under the same species; wherefore, there is only one sun; so in spiritual things, in the Old Testament, which was imperfect, priests were multiplied. And this was a sign that the priesthood was corruptible, since incorruptible things are not multiplied in the same species, as we said; but this priest, namely Christ, is immortal. For he remains for all eternity, as the eternal Word of the Father, from whose eternity, eternity also redounds upon his body. And therefore, ‘He continues forever, having an everlasting priesthood’ (Heb. 7:24). And therefore, only Christ is a true priest. . . . And therefore he is able also to save forever” (*Commentary on the Epistle to the Hebrews*, trans. Chrysostom Baer, O. Praem. [South Bend, IN: St. Augustine’s Press, 2006]).

of his office until he is in Heaven. If he understood it on earth, he would die, not of fear, but of love. The other benefits of God would be of no service to us without the priest. What would be the use of a house filled with gold, if you had nobody to open you the door! The priest has the key of the heavenly treasures; it is he who opens the door; he is the steward of the good God, the distributor of His wealth. Without the priest, the death and passion of Our Lord would be of no avail.⁷¹

These words seem excessive to us today, even offensive. We would immediately retort: “Well, what about the possibility of salvation outside of the ordinary means of the sacraments?” or “What about the lay vocation to holiness?” We might at least wish to recriminate with various kinds of qualifications, and no doubt such qualifications are possible. But the saint has placed us here firmly before a single unqualified truth. He is not speaking of the absolute power of God by which God could do things as he so liked in any number of ways, but rather of God’s ordered power, of God’s action according to his wisdom. In the actual world in which we live, God in his wisdom has seen fit to distribute sacred gifts to humanity through the ministry of imperfect human beings. He has bound forgiveness not only to the Cross of Christ, but also to the Church and to the sacramental agency of mere priests, with faults, in whom the work of God’s mercy becomes transparent at certain moments, instrumentally and sacramentally, by the exercise of their priesthood.

Ultimately, Thomas Aquinas, Thomas de Vio Cajetan, and Jean Marie Vianney are making an identical claim: there are graces of forgiveness that are communicated by the sacrament of penance alone and that stand at the origins of the Church’s life of communion in Christ. God working in Jesus Christ to reconcile the world to himself has so willed it, and consequently the divine wisdom inscribed in this sacramental economy can act on behalf of all as a source of salvation, liberation, and peace. For each Christian—whether ordained or lay—depends upon the reception of this sacrament for his or her spiritual life, sanctification, and full participation in the mystery of the Church. Today this truth is commonly hidden from view, or partially eclipsed. No doubt theologians need to consider anew ways to communicate a sense of the precious value of the sacrament of penance, as well as the way that this unique exercise of the priesthood is essential to the life of the Church. For what is at stake is nothing less than eternal salvation. **N V**

⁷¹ Cf. St. Jean Marie Vianney, *Esprit du Curé d’Ars* (Paris: Pierre Téqui, 2007), 86–88.