

Disembodied Conversion or Gift of Mercy? Confession by Videoconference

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ABSTRACT: This paper assesses the possibility and desirability of confession through videoconference technology. It reviews magisterial teaching related to this question. It then presents arguments in favor of the proposal based upon the notion of “moral presence” and nature of personal action. After this, it discusses arguments against from the perspective of the ecclesial nature of sacramental penance and the sacramentality of the body as well as examining studies that evaluate the efficacy of telemedicine and counselling. Finally, it will suggest proposals that could govern the administration of “confession” through video.

KEY WORDS: Confession, video, Covid-19, pandemic, sacraments

1. INTRODUCTION

The shutdown of the Church’s liturgical-sacramental life in response to the potential dangers of Covid-19 represented a crisis for many Catholics. The dispensation from the Sunday obligation and the restriction on public gatherings resulted in the faithful being deprived of the sacraments, especially the Eucharist and penance. For the laity, this deprivation involved more than an estrangement from community support or the stabilizing effects of religious rituals in a time of profound anxiety. Rather, many felt they were denied the very essence of the

Church, namely her sacramentality, from which emerges the seven sacraments.¹

Some priests found creative solutions in response to this crisis especially as it pertained to penance. One such example was the “drive-through confession” as it enabled both the priest and penitent to socially distance. This solution, however, presupposed possession of a vehicle, a priest both willing and accessible, and sufficient mobility to avail oneself of this opportunity. For the seriously ill and bed-ridden this might not have been possible. The fact remains that the faithful should not be denied the sacraments if properly disposed and not prohibited by canon law.²

To this end, some theologians have raised the possibility of confession via videoconferencing. Videoconference platforms such as Zoom, Facetime, or Skype allow genuine synchronous communication between persons who are separated by distance. Thus, the question was raised—could the faithful utilize this development in technology to confess grave sin and receive absolution?

The reality is that—in answering this question—no magisterial teaching exists that specifically relates to it. Furthermore, there has been little published in peer-reviewed theology journals on the matter. Rather, what has been proposed, either in favor of the proposal or against it, has appeared in online popular journals or interviews.³ Nevertheless, canonist Edward Peters has done the

1 Second Vatican Council, Dogmatic Constitution on the Church *Lumen Gentium* (21 November 1964) no. 1: “Since the Church is in Christ like a sacrament or as a sign and instrument both of a very closely knit union with God and of the unity of the whole human race. . . .”

2 Code of Canon Law [hereafter as CIC], can. 843 §1, in *Code of Canon Law: Latin-English Edition* (Washington, DC: Canon Law Society of America, 1998) 279: “Sacred ministers cannot deny the sacraments to those who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them.”

3 For example, some theologians who appear in favor of the proposal are Liam Bergin (Boston College), George Worgul, Jr. (Duquesne University), Judith Kubicki (Fordham University); see Joshua J. McElwee, “Confession by Zoom? Pandemic revives conversation about reconciling from afar,” in *National Catholic Reporter Online* (2020, 17 April), at <https://www.ncronline.org/news/theology/>

groundwork in a related issue concluding that, at least canonically, the situation regarding the validity of sacramental confession through videoconferencing is not clear cut as would first appear.⁴

To this end, this paper will seek to provide broad stroke arguments pertaining to the subject, both in favor of and against through an examination of canonical, liturgical, and theological issues. Hence, the goal is not to focus primarily on an in-depth analysis of one thinker or magisterial documents, rather it will be to examine the principles of potential arguments that could be put forward in order to initiate scholarly discussion. It will begin with an overview of magisterial teaching on the celebration of sacramental penance and then discuss the specific issue of the requirement that priest and penitent be “present” to each other in the sacrament. Following this the paper will offer potential theological arguments in favor of confession through videoconferencing based upon the notion of “moral presence” and the performative nature

confession-zoom-pandemic-revives-conversation-about-reconciling-afar. Those who caution against the use of videoconferencing for confession include Thomas Weinandy, O.F.M. Cap. and James Bradley (Catholic University of America), see J. D. Flynn and Ed Condon, “Confession by Phone, Skype, or Emoji? Could it happen during coronavirus pandemic?” in *Catholic News Agency* (2020, 18 March), at <https://www.catholicnewsagency.com/news/43899/confession-by-phone-skype-or-emoji-could-it-happen-during-coronavirus-pandemic>. See also Dominic M. Langevin, O.P., “Why We Can’t Confess Over Zoom,” in *First Things Online Edition* (2020, April 3), at <https://www.firstthings.com/web-exclusives/2020/04/why-we-cant-confess-over-zoom>.

4 Edward N. Peters, “Video Communications Technology and the Sacramental Confessions of Deaf Catholics,” in *The Jurist* 73 (2013) 513–537, at 522. Peters acknowledges that some have recourse to a circular letter issued by the Apostolic Penitentiary that cautions against the use of technology in matters pertaining to conscience. He argues that the letter principally focusses on written technological communication and therefore does not apply to videoconferencing. See *ibid.*, fn. 24. The circular letter in question is Apostolic Penitentiary, Lettera circolare riguardante la non ammissibilità dei moderni mezzi di comunicazione nei ricorsi riguardanti materie tutelate dal sigillo sacramentale *L’uso dei mezzi tecnologici* (October 23, 2002), in *Enchiridion Vaticanum, 21: Documenti ufficiali della Santa Sede 2002*, ed. Erminio Lora (Bologna: Edizione Dehoniane, 2002) 930–931 (no. 1259).

of action. It will then outline potential arguments against, focusing on the ecclesial nature of penance and the sacramentality of the body. Finally, it will conclude with proposals that could govern the administration of “confession” through video.

2. MAGISTERIAL TEACHING ON THE SACRAMENT OF PENANCE

In this section we will examine general magisterial teaching relating to the physical requirements for penance. After this we will consider the foundational decree from which those who are opposed to online confession draw their arguments. We will then move to more recent, pertinent teachings and documents.

For the purpose of this discussion, the relevant canons in the Code of Canon Law that outline the physical specifications for the sacrament state:

Individual and integral confession and absolution constitute the only ordinary means by which a member of the faithful conscious of grave sin is reconciled with God and the Church. Only physical or moral impossibility excuses from confession of this type; in such a case reconciliation can be obtained by other means.⁵

The proper place to hear sacramental confession is a church or oratory.⁶

Confessions are not to be heard outside a confessional without a just cause.⁷

The Council of Trent is cited as the authoritative source for the canon pertaining to confession as the ordinary *and* only means for the reconciliation for one in grave sin. On examination of the Tridentine decrees, it affirms that this teaching on the necessity

5 CIC, can. 960.

6 CIC, can. 964 §1.

7 CIC, can. 964 §3.

of confession belongs to divine law (*iure divino*).⁸ It is important to note that while confession is expressed as the ordinary means of forgiveness, the canon above indicates the availability of extraordinary means of reconciliation should confession be impossible. In cases of physical impossibility in which material accessibility to the sacrament is prevented (e.g., severe illness,

8 Council of Trent, Session 14, *Doctrine on the Sacrament of Penance* (November 25, 1551), c. 5, in *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum*, ed. Heinrich Denzinger and Peter Hünermann, 43rd ed. (San Francisco: Ignatius Press, 2012) [hereafter as DH] nos. 1679: “. . . the whole Church has always understood that the complete confession of sins was also instituted by the Lord and is by divine law necessary for all who have fallen after baptism.” See also can. 7: “If anyone says that for the remission of sins in the sacrament of penance it is not necessary by divine law to confess each and all mortal sins that one remembers after a due and diligent examination, . . . let him be anathema” (ibid., no. 1707). See also Frederick R. McManus, “Title IV: The Sacrament of Penance,” in *The New Commentary on the Code of Canon Law*, ed. John P. Beal, James A. Coriden, and Thomas J. Green (Mahwah/New York: Paulist Press, 2000) 1143. Theologians have raised questions regarding Trent’s all-encompassing statement that confession is the only means for forgiveness of grave sin and that this is divine law. Some of the questions come from historical studies on the sacrament in the early twentieth century that cast doubt on whether so-called private confession of sins formed a part of the early Church’s penitential discipline. See Bernhard Poschmann, *Penance and the Anointing of the Sick*, trans. Francis Courtney (New York: Herder and Herder, 1964) 120 (although later Poschmann, who cites Cyprian of Carthage, admits that there was a non-public oral confession that enabled the priests to determine the length of penance, see ibid., 60). See also Karl Rahner, “The Penitential Teaching of Origen,” in *Theological Investigations, Volume XV: Penance in the Early Church*, trans. Lionel Swain (London: Darton, Longman and Todd, 1982) 246–328, at 326. However, Paul Galtier and Paul F. Palmer argued to the contrary citing evidence of “private” confession in the early Church. See Paul F. Palmer, “Jean Morin and Private Penance,” in *Theological Studies* 6 (1945) 317–357, at 354–355. See also id., *Sacraments and Forgiveness: History and Doctrinal Development of Penance, Extreme Unction and Indulgences* (Westminster, MD: The Newman Press, 1959) 384–385. Avery Dulles suggests that Trent’s position was more nuanced than some would admit. See Avery Dulles, “*Ius Divinum* as an Ecumenical Problem,” in *Theological Studies* 38 (1977) 681–708, at 687: “In its treatment of the sacrament of penance, Trent used a remarkably nuanced approach to the question of *ius divinum*. The Council saw the substance of the sacrament as having been instituted by Christ, but conceded that the form of its celebration was a matter of human legislation.”

inability to speak, unfamiliarity with the language of the confessor) or moral impossibility (e.g., danger of grave harm, danger of breaking the seal), then reconciliation can be achieved by other means such as making an act of perfect contrition.⁹ Once these impediments are no longer pertinent, the obligation of individual confession returns.

The third canon cited above referring to a confessional as the proper place for the celebration of the sacrament also indicates that this can be set aside for a just reason. According to Frederick McManus, the rationale for this canon is twofold. First, it provides for the anonymity of the penitent should he desire it. Second, the location of the confessional stands as a reminder that the sacrament of penance (as for all sacraments) is an ecclesial reality.¹⁰ Hence, the United States Bishops' Committee on the Liturgy recommended that the confessional be located near the baptismal font.¹¹

9 See William H. Stetson, "Title IV: The Sacrament of Penance," in *Exegetical Commentary on the Code of Canon Law, Prepared under the Responsibility of the Martín de Azpilcueta Institute, Faculty of Canon Law, University of Navarre, Volume III/1*, English edition by Ernest Caparros (Chicago: Midwest Theological Forum, 2004) 756. As for "perfect contrition" see *Catechism of the Catholic Church*, 2nd ed. (Washington, DC: United States Conference of Catholic Bishops, 2000) [hereafter as CCC] no. 1452: "When it arises from a love by which God is loved above all else, contrition is called 'perfect' (contrition of charity). Such contrition remits venial sins; it also obtains forgiveness of mortal sins if it includes the firm resolution to have recourse to sacramental confession as soon as possible." See Council of Trent, *Doctrine on the Sacrament of Penance*, c. 4: DH, no. 1677.

10 McManus, "The Sacrament of Penance," 1150. In the University of Navarre commentary on the *Code of Canon Law*, four reasons are provided for this canon: "a) to safeguard the necessary discretion and reserve; b) to guarantee the right of all the faithful to confess their sins without having to reveal their personal identity; c) to facilitate an understanding of the sacramental nature of the act; d) to protect the right of each of the faithful (confessor and penitent) to defend their integrity and their honor from any danger or suspicion." See Stetson, "Sacrament of Penance," 755. Stetson is quoting Tomás Rincón-Pérez, *Manual de Derecho Canónico*, 2nd ed. (Pamplona, 1991) 528.

11 United States Conference of Catholic Bishops, Bishops' Committee on the Liturgy, *Environment and Art in Catholic Worship* (1978) no. 81, cited in McManus, "The Sacrament of Penance," 1150.

In terms of the specific magisterial teaching that provides the framework for addressing the question of videoconferencing, this is found in a decree by Pope Clement VIII in 1602. Clearly, when Clement declared this teaching he could not have anticipated the issue of telephones or videoconferencing. The particular issue addressed is that of confession when the priest and penitent are not in physical proximity to one another:

The most holy Lord [i.e., the Pope] . . . has condemned and forbade the following proposition: namely, “that it is permitted to confess sins sacramentally to an absent confessor by letter or through a messenger and to receive absolution from this same absent confessor.”¹²

This decree affirmed the necessity of the *presence* of the priest and penitent to one another. From this, theologians have extrapolated that, for example, confession by telephone is invalid. This was especially the case in twentieth-century manuals on confession. One author cites Clement’s decree as well as the Council of Trent’s statement that those guilty of serious sin be placed as culprits before a tribunal to face sentencing by the priest.¹³ He con-

12 Clement VIII, Decree of the Holy Office (June 20, 1662): DH, no. 1994.

13 See Council of Trent, *Doctrine on the Sacrament of Penance*, c. 2: DH, no. 1671: “. . . if afterward [the baptized] should defile themselves by some crime, they would not be cleansed by receiving baptism again—this is not allowed under any condition in the Catholic Church—but that they would present themselves before this tribunal in order that they might be set free through the sentence of the priest; and this not once only, but as often as, repentant of the sins committed, they turn to that tribunal.” Interestingly the Catechism of Trent only forbids confession in writing (which is the issue that Clement VIII is addressing) due to the potential threat to secrecy. It states: “Since secrecy must be strictly observed by both the penitent and the priest, and since such secrecy cannot be kept when a third party is involved as an intermediary or when letters are used, all such indirect manners of confession are not allowed.” *The Roman Catechism, Translated and Annotated in Accord with Vatican II and Post-Conciliar Documents and the New Code of Canon Law*, trans. Robert I. Bradley and Eugene Kevane (Boston, MA: St. Paul Editions, 1985) 282.

cludes that the requisite type of proximity required is that of “moral presence.” In his treatment he provides a summary of the consensus of theologians in reference to the nature of this moral presence. In essence the parties must be able to speak with an ordinary voice, see or perceive the other naturally, and be no more than twenty paces away.¹⁴ Effectively, this is the type of presence expected of a criminal before a judge without which confession would be invalid.

Another manual that references the decree of Clement VIII is the *Sacrae Theologiae Summa* published by Bishops’ Conference of Spain in the 1950s. Severino Gonzalez Rivas notes that, for validity, sacramental absolution must be given to a penitent who is present. In applying this principle to the issue of confession by telephone, he states:

Hence absolution by telephone could only be valid, respecting a possible determination of the Church which up until now has not willed to define anything on this point, to the extent that both speakers on the telephone are thought to be truly present to each other; now this is not thought to be the case.¹⁵

Finally, Dominic Langevin relies upon Clement’s decree in addressing the issue of confession by videoconference. In the online edition of *First Things*, Langevin contends that the fundamental question of “presence” is at the heart of whether absolution can be granted to a physically absent penitent. Langevin writes:

The problem was not confession by the written word; such confession was readily permitted by St. Thomas Aquinas and other

14 *The Casuist: A Collection of Cases in Moral and Pastoral Theology: Volume I* (New York: J. F. Wagner, 1906) 94.

15 Severino Gonzalez Rivas, S.J., “Treatise IV—On the Sacraments of Reparation After the Fall or on Penance and on Extreme Unction,” in Joseph A. de Aldama, S.J. et al., *On the Sacraments in General: On Baptism, Confirmation, Eucharist, Penance and Anointing*, trans. Kenneth Baker, S.J., *Sacrae Theologiae Summa 4a* (Ramsey, NJ: Keep the Faith, 2015) 428.

theologians. The problem was also not confession via the aid of another human person; confession is possible with a language interpreter, for instance. *The problem was simultaneous presence and action, so that the confession and absolution were part of a single, physical, cooperative conversation.*¹⁶

Thus, we can conclude that the essential character of the magisterial teaching is to assert that the penitent and confessor are present to one another. The teaching itself however does not specify the nature of this presence. Rather, commentators have speculated that this presence be analogous to a criminal facing a judge (or in Langevin's case, a conversation) in which the priest and penitent are able to speak to each other naturally.

Another teaching pertinent to the question is the sacramental nature of Catholic liturgy. When the issue of the validity of confession by videoconferencing was raised after the initial surge in Covid cases, theologians and canonists referred to a 2002 statement from Pontifical Council for Social Communications titled, *The Church and Internet*. This document made two declarations that are relevant to the question:

[V]irtual reality of cyberspace cannot substitute for real interpersonal community, the incarnational reality of the sacraments and the liturgy. . . .¹⁷

16 Langevin, "Why We Can't Confess Over Zoom." Italics added. Langevin and others have raised the concern about the potential for security dangers in video confessions. I do not find this argument convincing however. Many governments, security agencies, medical professionals, and counsellors are utilizing the technology to discuss highly sensitive information. There are guidelines and software to protect the security of videoconference communication. See https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_for_Securing_Video_Conferencing_S508C.pdf. Furthermore, inexpensive technology already exists that could easily violate the privacy of in-person confession. If threat to security is the primary reason to disallow a practice then pastors would need to revisit the current practice of in-person sacramental penance.

17 Pontifical Council for Social Communications, *The Church and Internet* (February 22, 2002) no. 5.

Virtual reality is no substitute for the Real Presence of Christ in the Eucharist, the sacramental reality of the other sacraments, and shared worship in a flesh-and-blood human community. There are no sacraments on the Internet; and even the religious experiences possible there by the grace of God are insufficient apart from real-world interaction with other persons of faith.¹⁸

It must be affirmed that as broad sacramental-theological statements, the above are certainly true. In general, sacraments cannot be celebrated virtually. The Second Vatican Council's Constitution on the Sacred Liturgy clearly taught that the sacraments are signs perceptible to the senses.¹⁹ However, a degree of reservation is required in assigning to the Pontifical Council for Social Communications' statement full magisterial weight in reference to our question. It is, after all, not a papal statement. Neither is it from the Congregation for the Doctrine of the Faith nor the Congregation for Divine Worship and the Discipline of the Sacraments. Additionally, in context it is not a document devoted to sacramental doctrine, rather its goal was to establish the limits of social media in the mission of the Church.²⁰

The Apostolic Penitentiary did issue a response concerning sacramental reconciliation during the pandemic. This note, however, did not refer to the question of videoconference confessions. Rather, it reaffirmed the conditions in which general absolution may be used and allowed for artificial voice amplification for a priest administering general absolution if necessary. The note reminded the faithful that for those who could not receive the

18 Ibid., *The Church and Internet*, no. 9.

19 See Second Vatican Council, Constitution on the Sacred Liturgy *Sacrosanctum Concilium* (4 December 1963) no. 7.

20 In general terms, it must be affirmed that sacraments cannot be celebrated virtually. Specifically, however, we are discussing whether confession by video in a time of pandemic constitutes a physical or moral barrier to confessing. Therefore, we are raising the question whether video confessions could serve as an extraordinary means for the forgiveness of grave sin. This is the specific issue the Pontifical Council for Social Communications' document does not address or exclude.

sacrament, perfect contrition is sufficient for grave sin to be forgiven if the penitent had the intention to confess his sins.²¹

I will conclude this section with what appears to be the strongest statement relating to the question. In an interview with *L'Osservatore Romano*, Cardinal Mauro Piacenza, Major Penitentiary, was asked about the possibility of confession by smartphone or other social media. He responded that it was probably invalid (speaking of “la probabile invalidità”) as the real presence of the penitent is missing and there is no real transmission of the words of absolution. These communications, he argued, are just “electrical vibrations that reproduce the human word.”²² This is indeed a strong statement although it is not unequivocal (“probably invalid”). Also, the question must be asked whether newspaper interviews constitute an act of the magisterium. What is useful however, is Piacenza highlighting the question of presence and the human voice. We now turn to discuss whether this presence can be established by videoconferencing.

3. THE EFFICACY OF MORAL PRESENCE AND PERSONAL ACTION

I will now propose potential arguments in favor of the validity of confession through videoconferencing. This section will begin with an overview of a comprehensive article by canonist Edward Peters that addresses a related issue. After this we will consider St. Thomas Aquinas’ doctrine on sacramental penance. Thomas notes that in both penance and matrimony, actions substitute for a material element. The second theologian to be considered will be Louis-Marie Chauvet. In particular, we will discuss his under-

21 Apostolic Penitentiary, *Note on the Sacrament of Reconciliation in the Present Emergency of the Coronavirus* (March 20, 2020).

22 “Manca infatti la presenza reale del penitente e non si verifica reale trasmissione delle parole della assoluzione; si tratta soltanto di vibrazioni elettriche che riproducono la parola umana” quoted in Nicola Gori, “La misericordia a portata di mano,” in *L'Osservatore Romano* (December 5, 2020), at <https://www.osservatoreromano.va/it/news/2020-12/quo-282/la-misericordia-a-portata-di-mano.html>.

standing of the performative nature of the sacraments and speech. Clearly this will involve speculation as neither Thomas nor Chauvet (as far as I am aware) have addressed the actual issue of confession by video.

Peters argues for the possibility of allowing deaf Catholics to utilize video confessions to access priests who can communicate and absolve through sign language.²³ Peters presents his arguments in favor of video confessions by noting that neither canon law nor liturgical law require close physical proximity for the validity or liceity of the sacrament of penance.²⁴ Rather, what is required is *effective communication* between the priest and penitent.²⁵

He then presents two fundamental academic objections to the use of technology in penance. First, those against contend that the sacrament must involve a truly human voice as opposed to an artificial one. Second, what is necessary for the sacrament is the moral presence between penitent and priest. Peters responds to the first concern by highlighting the fact that it no longer holds with the permission to use American Sign Language for ministry to deaf Catholics. Signing is a form of language and thus fulfills the more foundational requirement that penitent and priest can communicate.²⁶

23 See Edward N. Peters, "Canonical and Cultural Developments Culminating in the Ordination of Deaf Men During the Twentieth Century," in *Josephinum Journal of Theology* 15 (2008) 427–443; "The Ordination of Men Bereft of Speech and the Celebration of Sacraments in Sign Language," in *Studia Canonica* 42 (2008) 331–345; "Video Communications Technology and the Sacramental Confessions of Deaf Catholics," in *The Jurist* 73 (2013) 513–537. These three articles are concerned with pastoral ministry to deaf Catholics. Peters, it must be noted, is not arguing that this technology should be made available to hearing Catholics although he understands that eventually the case could be made. The arguments that I will present later against video confessions, as well as my proposals, are not directed at Peter's conclusions regarding deaf Catholics utilizing this technology.

24 See Peters, "Video Communications," 522.

25 See *ibid.*, 523.

26 See *ibid.*, 525.

What is of particular value for our purposes is Peters' treatment of the issue of moral presence. Peters points out that not all the sacraments require physical presence. While baptism, confirmation, the Eucharist, holy orders, and anointing of the sick all require physical proximity between the minister and the recipient, this is certainly not the case with marriage.²⁷ Canon law does permit marriage by proxy in which the spouses are not physically present to each other.²⁸ The Code of Canon Law states that the contracting of marriage by proxy is valid and furthermore there is a kind of presence to one another (*sint praesentes una simul*) mediated by the proxy.²⁹ This raises what seem to be highly pertinent questions: Does the fact that marriage can take place through a mediated presence have ramifications for penance? Could a "moral presence" be truly established between the penitent and priest through videoconferencing?

As we noted in the beginning, Thomas maintained that both marriage and confession are unique as sacraments insofar as they are effected through actions. In the sacrament of penance, the penitent and priest are "present" to one another through their mutual actions. On the part of the penitent, his actions are contrition, confession, and satisfaction. The action of the priest consists in absolution.³⁰

27 See *ibid.*, 531. Clearly, baptism, confirmation, anointing of the sick, and holy orders all involve the recipient and minister coming into contact with each other for the infusion or immersion with water and the anointing with oil. The consecration in the celebration of the Eucharist also presupposes that the minister is in proximity to the bread and wine. The rubrics stipulate that the priest "takes" the bread and the chalice.

28 See CIC, can. 1104 §1; can. 1105 §1.

29 CIC, can. 1104 §1: "To contract marriage validly, it is necessary that the contracting parties be present together either in person or by proxy." Obviously, this refers to the ratifying of the marriage, not its consummation. Thus, a proxy marriage would be said to be *ratum tantum, non consummatum* (see also can. 1061 §1).

30 In reading Thomas' sacramental doctrine, it would be reasonable to conclude that he would oppose confession by videoconference. For Thomas, the sacraments are extensions of Christ's humanity and the work of the Incarnation. That

For Thomas, sacraments are comprised of words and elements/things (*verba et res*)³¹ that act together *like* matter and form.³² As such, the primary concern for Thomas is not so much validity but the unity of the sign.³³ It is the sign, precisely through its unity, that efficaciously produces the sacramental effect. In the *Summa Theologiae*, the human *actions* performed by the penitent comprise the sacramental “matter” of penance and priestly absolution the “form.” Thomas states:

But in those sacraments which have an effect corresponding to human acts (*humanis actibus*), the human acts themselves which are evident to sense take the place of matter, as happens in Penance and in Matrimony. . . .³⁴

said, the enlisting of his thought on penance is helpful as he attests to the similarity between marriage and penance and because he takes seriously the actions of the penitent in the co-positing of the sacramental sign.

31 See Thomas Aquinas, *Summa Theologiae* [hereafter as *ST*], III, q. 60, a. 4, in *Summa Theologica: Complete English Edition in Five Volumes*, trans. Fathers of the English Dominican Province, 5 vol. (Westminster, MD: Christian Classics, 1948) vol. IV, 2341.

32 *ST*, III, q. 60, a. 6, in *Summa Theologica*, vol. IV, 2342: “Wherefore in the sacraments, words and things, *like* form and matter, combine in the formation of one thing, in so far as the signification of things is completed by means of words.”

33 Eric Luijten explains that the duality of matter-form appears only later in Thomas’ treatment of the sacraments. See Eric Luijten, *Sacramental Forgiveness as a Gift from God: Thomas Aquinas on the Sacrament of Penance* (Leuven: Peeters, 2003) 160. When Thomas invokes Aristotelian hylomorphic categories he does so to describe the unity or the relationship between the *res* and the *verba*, not the constitution of the sacrament. Liam Walsh affirms Luijten’s assertion that matter and form should be understood in an analogous manner in order to arrive at a unity between *res* and *verba*. See Liam G. Walsh, “Sacraments,” in *The Theology of Thomas Aquinas*, ed. Rik Van Nieuwenhove and Joseph Wawrykow (Notre Dame: University of Notre Dame Press, 2005) 326–364, at 339.

34 *ST*, III, q. 84, a. 1, in *Summa Theologica*, vol. V, 2523. Thomas distinguishes between actions performed by humans (*actus hominis*) and properly human actions (*actus humanus*) which are actions that proceed from the deliberate will (see *ST*, I-II, q. 1, a. 1). Both penance and matrimony correspond to the latter meaning.

As we have seen, sacramental marriage can be contracted through these actions (vows) being performed by another who acts as a proxy. In other words, *physical* proximity is not essential for consent as there is a *moral* presence effected through the proxies. Penance is similarly effected through personal action. We have raised the question earlier: can these actions be rendered morally present to the Church? A potential answer to this question depends on the nature of the penitent's actions.

The essence of the actions of the penitent is to signify that the penitent has truly turned away from sin. In response to his conversion, the Church's action signifies divine and ecclesial forgiveness. Thomas writes:

Now it is manifest that in Penance the ceremony is so done that something holy is signified, both on the part of the penitent sinner as well as on the part of the priest who absolves. For what the penitent sinner does and says signifies that his heart has turned away from sin; likewise the priest, through what he does and says with regard to the penitent, signifies the work of God forgiving sins.³⁵

We now arrive at the core of the Thomistic contribution to the issue. Through videoconferencing, can the penitent signify sincere contrition and purpose of amendment? Also, can the forgiveness of the Church also be signified? For forgiveness to truly take place sacramentally through videoconferencing, it would require both the "matter" and "form" being signified in their mutuality. In Thomas, as the acts of the penitent perform a revelatory function (i.e., they demonstrate true conversion), if the Church (through the minister) can judge that conversion has taken place then is it possible that she could grant absolution in response?

The second theologian we will consider is Louis-Marie Chauvet (b. 1942). Chauvet and Thomas are not typically paired together, especially as Chauvet has criticized what he terms the

35 *ST*, III, q. 84, a. 1, in *Summa Theologica*, vol. V, 2523.

reification of grace in classical scholasticism's treatment of instrumental causality.³⁶ Nevertheless, for the issue that we are addressing, their affinity lies in their understanding of the primacy of "action" in penance (Thomas) and the sacraments in general (Chauvet). For Chauvet, sacraments are actions. Chauvet highlights that etymologically speaking the word *lit-urgy*, deriving as it does from the Greek word *ergon*, connotes the realm of action or work.³⁷ Sacraments act with the same efficacy as that of language and symbolically. We will discuss the linguistic efficacy of the sacraments first, then outline their symbolizing nature.

In his corpus, Chauvet treats language as having a "performative" function.³⁸ The performative or illocutionary dimension of language corresponds to the element of speech that is not so

36 Louis-Marie Chauvet, *Symbol and Sacrament: A Sacramental Reinterpretation of Christian Existence*, trans. Patrick Madigan and Madeleine Beaumont (Collegeville, MN: The Liturgical Press, 1995) 21–45. Bernhard Blankenhorn and Liam Walsh, however, argue that Chauvet misunderstands Thomas insofar as he does not sufficiently account for development in Thomas' thought and sources. Blankenhorn claims that especially in his later work, Thomas did not slavishly follow Aristotle as Chauvet maintains. Blankenhorn posits that Thomas' Christology, and as a consequence his sacramental theology, develops due to his engagement with the Greek Fathers. See Bernhard Blankenhorn, "The Instrumental Causality of the Sacraments: Thomas Aquinas and Louis-Marie Chauvet," in *Nova et Vetera* 4 (2006) 255–294, at 275–286. Walsh notes that in predominantly starting with the *Tertia pars*, Chauvet fails to acknowledge that Thomas addresses many of Chauvet's criticisms in the *Prima pars*. In the *Prima pars* Thomas presents his general theology and anthropology and in the *Secunda pars* he sets out his theology of grace and his Pneumatology. If Thomas avoids discussing divine causality and the agency of the Holy Spirit in the sacraments in the *Tertia pars*, it is because these aspects of his theology have already been presupposed. See Walsh, "Sacraments," 329–331. Joris Geldhof notes that Chauvet himself suggests that his model might stand in need of revision especially in terms of its openness to metaphysics. See Joris Geldhof, "Thought and the Eucharist: Philosophical Models and Their Theological Appropriation," in *Ephemerides Theologicae Lovanienses* 86 (2010) 83–106

37 See Louis-Marie Chauvet, *The Sacraments: The Word of God at the Mercy of the Body*, trans. Madeleine Beaumont (Collegeville, MN: The Liturgical Press, 2001) 99–100.

38 Chauvet, *Symbol*, 131.

much descriptive (says something about something) but is active (does something). For example, the “performativity” of the speech act is in evidence when one party says, “I promise you” or “I take you in marriage.”³⁹ The person speaking “becomes” what he is saying relative to the other, effecting a change of position between the subjects precisely through the act of enunciation.⁴⁰ Thus, language has the capacity to *actually change the state of affairs between these subjects* relative to each other. The identity of the subjects in their relativity is effectively established by their speech. For Chauvet, the essential vocation of language lies precisely in its ability to mediate identity and relationality.

To delineate the “linguistic” efficacy of sacraments—that they mediate identity and relation—we must briefly treat Chauvet’s notion of “symbol” (the Greek word *syμβallein* means “fitting together”). Chauvet employs the ancient image of the *symbolon*: two pieces of the one object given to the parties of a contract who can then recognize each other in this contractual relationship through their ownership of the respective pieces. From this image of a “fitting together” of the *symbolon* Chauvet describes the manner in which symbols mediate identity and co-relation.⁴¹ Symbols mediate the relation and recognition between subjects (symbols say something to *someone*) through the fitting together, or gathering, of the parts.⁴² In the celebration of the sacraments, the actions performed belong to the symbolic order, namely, the “fitting together” or communion between God and humanity and between the members of the Church as mediated by the sacra-

39 Ibid, 132.

40 Ibid., 131.

41 Chauvet explains that (1) for the individual part to function symbolically it must be conceived in its relationship to the whole to which it belongs; (2) the separate element can do this since it acts as an evocation of the whole; (3) when fitted together the symbol enables the parties to identify and recognize the other in their relativity; and (4) such an identification occurs because the parties submit to the agency of an *Other*, a third. In fact, the symbol only functions *qua* symbol in its witness to this “vacant Other.” See id., *Sacraments*, 70–74; *Symbol*, 117.

42 Chauvet, *Symbol*, 125.

ments.⁴³ The sacramental formulas also operate with the performative efficacy of speech-acts truly effecting what is spoken (e.g. “I baptize you. . .”).⁴⁴

We will now apply the nature of the sacraments as symbolic mediators of identity and their efficacy as speech-acts to penance.⁴⁵ In the full celebration of the sacrament—in which the penitent enunciates his contrition to God and the Church—he performatively expresses that his sin is against God and the Church. The penitent who speaks takes a stand and identifies himself as one who is placed under the authority of God who pardons and relative to the Church who mediates this pardon. On the side of the penitent, his confession reveals effectively that, relative to the Church and God, he is a repentant sinner and a child of God. Thus, in penance the penitent’s actions have a performative or self-determining function in their symbolic relation to the Church that brings about reconciliation. While from Thomas we have stated that the actions have a revelatory character, from Chauvet we can add that the actions have an efficacy (or performativity) in their revelation. This is why a contrite sinner who desires the sacrament but dies prior to receiving it will be forgiven.⁴⁶

In concluding this overview of potential arguments for the validity of videoconference confessions, we suggested along with Peters that what is ultimately required for the sacrament is effective communication and moral presence. We raised the question employing Thomas’ theology, whether this moral presence can be established through videoconferencing. The specific issue is whether videoconferencing has the capacity to allow the minister of the Church to assess if the actions of the penitent reveal the truth of his conversion. Employing Chauvet, we built upon the revelatory nature of the penitent’s actions to assign them an efficacy and a symbolizing effect. In the sacrament of Penance, the

43 Chauvet, *Sacraments*, 99.

44 Chauvet, *Symbol*, 429.

45 See *ibid.*, 430–438.

46 See *ibid.*, 436.

penitent truly and effectively announces himself as a contrite sinner open to the mercy and absolution of the Church. Could it be possible to argue that these same actions performed by the penitent through a videoconference, and with the intention to receive absolution by the Church (whether through the videoconference or in-person confession in the future), contain within themselves the same such efficacy?

4. THE ECCLESIAL-PERSONAL NATURE OF THE SACRAMENTS

We will now develop some possible lines of arguments against videoconference confessions by considering the ecclesial and corporeal nature of the sacraments. In particular, we will draw upon the work of Karl Rahner who held that the sacraments are realizations of the Church and that sin has an ecclesial dimension.⁴⁷ We will then develop the argument of Dominic Langevin regarding the bodily dimension of the sacrament through discussing

47 The argument could be made that Rahner's transcendental approach would lend itself to favoring confession by videoconference. Prior to the Second Vatican Council, Rahner had evinced a mutual and symbolic relationship between the "transcendental" as opposed to that which is "categorical" (i.e. the historical, concrete, empirical reality experienced by the person through which the person encounters the transcendental), see Karl-Heinz Weger, *Karl Rahner: An Introduction to his Theology*, trans. David Smith (London: Burns & Oates, 1980) 34. Later, however, Rahner will speak of the "Copernican revolution" in sacramental theology insofar as the former sacramental model understood the sacraments as divine interventions into a world void of grace whereas the new conceptualization presents the sacraments as effectively signifying the grace that is already present in the world. At this point Rahner places the emphasis on the transcendental or interior "existentiell," although he only does so for apologetical reasons. See Karl Rahner, "Considerations of the Active Role of the Person in the Sacramental Event," in *Theological Investigations, Volume XIV: Ecclesiology, Questions in the Church, the Church in the World*, trans. David Bourke (London: Darton, Longman and Todd, 1976) 161–184. Nevertheless, Rahner never repudiates his earlier insights on the sacraments and due to the theology of symbol—that proposes a sacramentality between the categorical and transcendental—Rahner does maintain a conceptual mutuality between the two.

John Paul II's teachings on the sacramentality of the body. We will conclude by considering newly emerging studies on the short-comings of the technology despite the manifold benefits.

Karl Rahner (1904–1984) over a period of a half a century addressed questions relating to the sacrament of penance.⁴⁸ In 1955 he published “Forgotten Truths Concerning the Sacrament of Penance,” that sought to recall certain fundamental truths of the sacrament.⁴⁹ The first “forgotten truth”—that sin offends the holiness of the Church and, related to this, the essentially ecclesial nature of sin and reconciliation—is the most referenced. The recovery of this forgotten truth has often been cited as Rahner's most significant contribution to the theology of penance.⁵⁰ Rahner himself was building upon the theological development in the twentieth century that maintained that sacramental absolution *also* effects reconciliation with the Church.⁵¹ This development

48 His first article on penance published in 1934 was titled, “The Meaning of Frequent Confession of Devotion” (“Vom Sinn der häufigen Andachtsbeichte,” in *Zeitschrift für Aszese und Mystik* 9 [1934] 323–336). His final paper on the sacrament appeared in German in 1984. Its English title is “The Status of the Sacrament of Reconciliation” (“Zur Situation des Bußsakramentes,” in *Schriften zur Theologie, Bd. 16: Humane Gesellschaft und Kirche von morgen* [Einsiedeln: Benziger, 1984] 418–435). Rahner served a tenure at the University of Innsbruck (1949–1964), where he lectured on the history of penance from biblical origins to the patristic period until the Reformation. His historical studies on penance have since been published in volume eleven of his *Schriften zur Theologie* (volume fifteen of the English edition, *Theological Investigations*).

49 Karl Rahner, “Vergessene Wahrheiten über das Bußsakrament,” in *Schriften zur Theologie, Bd. 2* (Einsiedeln: Benziger Verlag, 1955) 143–184, published in English as “Forgotten Truths Concerning the Sacrament of Penance,” in *Theological Investigations, Volume II*, trans. Karl-Heinz Kruger (London: Darton, Longman & Todd, 1963) 135–174.

50 See James Dallen, *The Reconciling Community: The Rite of Penance* (New York: Pueblo Publishing Company, 1986) 190; David Coffey, *The Sacrament of Reconciliation* (Collegeville: Liturgical Press, 2001) 54. See also Lambert J. Leijssen, “Rahner's Contribution to the Renewal of Sacramentology,” in *Philosophy and Theology* 9 (1995) 218–219.

51 In 1922, the Carmelite Bartomeu Xiberta published his doctoral thesis proposing reconciliation with the Church as the *res et sacramentum* of penance. This

was later affirmed in *Lumen Gentium* and in the revised *Ordo Paenitentiae*.⁵²

The starting point for Rahner's theology of the ecclesial nature of the sacrament is the understanding that while all sin offends God, at the same time, sin is an act against the holiness of the Church. Through baptism and the sharing in the "one bread," the Christian belongs to the visible ecclesial body of Christ, the Church (see 1 Cor 10:17). The "soul," or animating spirit, of the ecclesial body is the Holy Spirit. Thus for Rahner, the life of the Church is holiness and she communicates her sanctity to her members.⁵³ In turn the Christian is to contribute to the Church's holiness in word, thought, and deed. When the Christian sins, he offends this very life principle. As such, as the Christian sins against the Church, she must take the action to bind or loose him.⁵⁴ Her binding (in order to loose) represents a therapeutic act to bring about his conversion and healing. This

was later defended by Bernhard Poschmann (1878–1955). By the time of the Second Vatican Council, Rahner was able to list a substantial number of theologians who were in agreement with Xiberta. Among others Rahner mentions Fernand Cabrol (1855–1937), Henri de Lubac (1896–1991), Michael Schmaus (1897–1993), Edward Schillebeeckx (1914–2009), Yves Congar (1904–1995), and Joseph Ratzinger (1927–), see Karl Rahner, "Penance as an Additional Act of Reconciliation with the Church," in *Theological Investigations, Volume X: Writings of 1965–1967*, trans. David Bourke (New York: Herder & Herder, 1973) 125–149, at 128. It is argued that currently, this view is practically held universally among theologians. See Coffey, *Reconciliation*, 55.

52 *Lumen Gentium*, no. 11: "Those who approach the sacrament of Penance obtain pardon from the mercy of God for the offence committed against Him and are at the same time reconciled with the Church, which they have wounded by their sins. . . ." See also *Rituale Romanum ex decreto Sacrosancti Oecumenici Concilii Vaticani II instauratum auctoritate Pauli PP. VI promulgatum. Ordo Paenitentiae*, editio typica (Vatican City: Typis Polyglottis Vaticanis, 1974) Praenotanda, no. 4.

53 See Rahner, "Forgotten Truths," 138.

54 See *ibid.*, 142–143: ". . . 'binding' and 'loosing' are not two sides of an alternative, but two phases of the one reaction whereby the Holy Church answers the sin of one of her members. At least this is so in the intention of the Church. When she binds, she binds in order to be able to loose. . . ."

explains why, in the early Church's system of canonical penance, those guilty of grave sin were excluded from receiving the Eucharist as the efficacious sign of belonging to the Church.⁵⁵ When the Church "looses" the sinner on earth, he is sacramentally "loosed" in heaven.⁵⁶ Furthermore, the Church grants to the sinner her peace and her life, the Holy Spirit, when she draws him anew into her communion. Thus, the forgiveness of sin is a fully ecclesial event insofar as it is initiated, effected, and completed by the Church.

Rahner's understanding of the Church as the "fundamental sacrament" (*Ursakrament*) represents his second contribution to this discussion. The Church's sacramental ontology originates primarily in Christ, who is "the historically real and actual presence of the eschatologically victorious mercy of God."⁵⁷ Christ makes present in tangible and historical form, and in an efficacious and permanent way, the reconciliation of God and the world.⁵⁸ Thus, in Christ, the primal sacramental word of God's irrevocable mercy has been made present once and for all. Since Christ abides with his Church, *his* "sacramental" existence as the "symbol of Father" (see Jn 14:9) becomes the foundation of the Church as *Ursakrament*.⁵⁹ Consequently, the Church continues Christ's historical, concrete, and effective presence in the world as the sign of God's grace. The Second Vatican Council affirmed the sacramental nature of the Church when it taught: "Since the Church is in Christ like a sacrament or as a sign and instrument both of a very closely knit union with God and of the unity of the whole human race. . . ." ⁶⁰

55 See *ibid.*, 141–143.

56 See *ibid.*, 168.

57 Karl Rahner, *The Church and the Sacraments*, trans. W. J. O'Hara (London: Burns and Oates, 1964) 14.

58 See *ibid.*, 15.

59 This use of the word "symbol" by Rahner is not to be mistaken with Roger Haight's usage in *Jesus, Symbol of God* (Maryknoll: Orbis Books, 1999). In the Rahnerian sense, to see the Son is to see the Father. This is an entirely orthodox understanding.

60 *Lumen Gentium*, no. 1.

The sacraments originate from the Church's very being as the *Ursakrament*.⁶¹ As such, the sacraments belong intrinsically to the essence of the Church but they also accomplish this essence. For this reason, Rahner will “define” a sacrament in this way:

. . . when the Church in her official, organized, public capacity precisely as the source of redemptive grace meets the individual in the actual accomplishment of her nature, there we have sacraments in the proper sense. . . .⁶²

Hence, for Rahner the sacraments are ecclesial realities in which the Church is self-actualized. As for the sacrament of penance, in the moment that the penitent comes with contrition to the Church for absolution, he encounters and participates in the actualization of the nature of the Church as the “abiding sacrament of God’s mercy in the world.”⁶³

In applying Rahner’s theology to the question of confession via videoconferencing we must ask if the ecclesial nature of the sacrament is able to be adequately expressed or even realized by this platform. Would we risk further “forgetting” the truth that one’s sin wounds the Church? There exist sound theological reasons—beyond the practical—for the fact that confessions are properly heard in a church. For example, would the videoconference confession, at least experientially, remove the sacrament from its ecclesial grounding? Related to this is the risk of reducing the sacramental life to an individualistic pursuit of holiness. So much of the ecclesiology and liturgical theology of twentieth century sought to recover the communal nature of the Church and the sacraments.⁶⁴

61 See Rahner, *Church and the Sacraments*, 9–11.

62 *Ibid.*, 22.

63 *Ibid.*, 95.

64 See Lambert Beauduin, *Liturgy: The Life of the Church*, trans. Virgil Michel (Farnborough: Saint Michael’s Abbey Press, 2002); Romano Guardini, *The Spirit of the Liturgy*, trans. Ada Lane (London: Sheed and Ward, 1937); Virgil Michel, *The Liturgy of the Church* (New York: The MacMillan Company, 1939); Henri de Lubac, *Catholicism: Christ and the Common Destiny of Man*, trans. Lancelot C. Shephard and Sr. Elizabeth Englund, O.C.D. (San Francisco: Ignatius Press, 1988).

Dominic Langevin, O.P. argues against the possibility of video confessions in the article referenced above. The principal basis for the argument is the “physicality” of the sacraments that originate from the Incarnation and embodied human nature. Specifically, the incarnational nature of penance takes the form of an actual and physical interpersonal conversation between the priest and penitent. This conversation itself is the sacramental sign that confers the effects it signifies. Langevin refers to the magisterial teaching of Clement VIII (cited above) arguing that it precludes the use of artificial means to establish such a conversation. These artificial means create “distance” between the priest and penitent. Langevin concludes that what is required for the sacrament, as a genuine human conversation, is a live physical presence. In essence, human nature, *as embodied* and in its particularity, matters.

For the human person, the importance of the body moves beyond its facticity. In fact, in the magisterium of John Paul II we encounter the claim that the body, created male and female, is inscribed from the beginning with a “meaning” or “signification.”⁶⁵ This “sacramentality” finds in-depth development in his “Theology of the Body” but also in other papal writings.⁶⁶ For John Paul, the body “means” or, more importantly, “*signifies*” the person’s vocation to be-*with* and to be-*for* the divine (filiality) and human other (spousality) in a communion of interpersonal self-gift.⁶⁷ Furthermore, the communion of man and woman, created in the image of God, becomes the primordial revelation of

65 The original text of the general audiences from which the Theology of the Body was delivered in Italian. The English translation of *Man and Woman He Created Them* (see below fn. 67) translates “significato del corpo” as “the meaning of the body.”

66 See John Paul II, Apostolic Exhortation on the Role of the Christian Family in the Modern World *Familiaris Consortio* (November 22, 1981) no. 11; Apostolic Letter on the Dignity and Vocation of Women *Mulieris Dignitatem* (August 15, 1988) no. 7; *Letter to Families* (February 2, 1994) no. 8.

67 John Paul II, General Audience (January 9, 1980), in *Man and Woman He Created Them: A Theology of the Body*, trans. Michael Waldstein (Boston: Pauline Books & Media, 2006) 14:2 (p. 182).

the eternal exchange of love within the divine communion of Persons.⁶⁸ For John Paul, we are enabled to speak of the body “theologically” because of the Incarnation.⁶⁹ In his *Letter to Families* he writes: “The richest source for knowledge of the body is the Word made flesh. *Christ reveals man to himself.*”⁷⁰ To understand the body as the sign of self-gift and communion we must thus turn to Christ’s body.

In Christ’s historical and then Eucharistic body we see the full revelation of the meaning of the body as gift (both in its filial and spousal signification). His crucified body manifests his being-*for* his Father in his filial self-gift and his being-*for* the Church in his redemptive spousal gift of self. Of the latter, John Paul states that the gift of Christ’s body reveals a truly spousal love in that it is a “a total and irrevocable gift of self on the part of God to man.”⁷¹ This very same spousal love as an exclusive being-*for* the Church continues in the gift of self sacramentalized in his

68 John Paul II, General Audience (November 14, 1979), trans. Waldstein, 9:3 (p. 163); see CCC, no. 221. In his encyclical letter on the Holy Spirit, John Paul would describe the inner life of God as “totally gift, an exchange of mutual love between the divine Persons and that through the Holy Spirit God exists in the mode of gift.” See John Paul II, Encyclical on the Holy Spirit in the Life of the Church and the World *Dominum et Vivificantem* (May 18, 1986) no. 10. In the 1976 Lenten Retreat to Pope Paul VI and the papal household then-Wojtyła spoke of the “God who is gift and the source of all giving”; see Karol Wojtyła, *Sign of Contradiction*, trans. Mary Smith (Middlegreen: St Paul’s Publications, 1979) 53.

69 John Paul II, General Audience (April 2, 1980), trans. Waldstein, 23:4 (p. 221): “The fact that *theology also includes the body should not* astonish or surprise anyone who is conscious of the mystery and the reality of the Incarnation. Through the fact that the Word of God became flesh, the body entered theology—that is, the science that has divinity for its object—I would say, through the main door.”

70 *Letter to Families*, no. 19.

71 John Paul II, General Audience (September 29, 1982), trans. Waldstein, 95b:2 (p. 500). See *ibid.*, 95b:4 (p. 501): “[T]he gift given by God to man in Christ is a ‘total’ or ‘radical’ gift, which is precisely what the analogy of spousal love indicates: it is in some sense ‘all’ that God ‘could’ give of himself to man, considering the limited faculties of man as a creature. In this way the analogy of spousal love indicates the ‘radical’ character of grace: of the whole order of created grace.”

Eucharistic body broken and given up.⁷² Christ's self-gift in the "sacrament of redemption" becomes the foundation from which the Church draws her life and fruitfulness as mother.⁷³ By extension, the sacraments as "corporeal" and thus imbued with the signification of the body emerge from, and receive their efficacy from, Christ's self-gift and the Church's maternal fecundity.⁷⁴ In short, the sacraments as material realities and received by embodied persons signify and effect ecclesial communion.

In applying this to the sacrament of penance, the acts of the penitent operate according to the modality of personal-filial encounter, communion, and gift. John Paul addresses the "filial" nature of contrition; the understanding that the confession of sin is a liturgical act, and that through this confession the penitent encounters the communion-mediation of the Church; and in his act of satisfaction the absolved sinner is united to Christ's self-gift to his Father and the Church.⁷⁵ These categories—gift, communion, and encounter—through which John Paul reads the acts of the penitent all belong properly to the sacramentality of the body.

In summarizing potential theological arguments against videoconference confession, we recall that sacraments are actions of Christ and his ecclesial body.⁷⁶ They are therefore "embodied" actions that emerge from, and actualize, the ecclesial body. Furthermore, with Rahner we assert that the sacraments are, in their essence, manifestations of the Church and that Penance is a fully ecclesial event. With John Paul II we have maintained that sacraments operate according to the sacramentality of the

72 John Paul II, General Audience (September 1, 1982), trans. Waldstein, 92:8 (p. 486).

73 John Paul II, General Audience (October 13, 1982), trans. Waldstein, 97:4 (p. 509).

74 John Paul II, General Audience (August 25, 1982), trans. Waldstein, 91:6–7 (p. 482).

75 See John Paul II, Post-Synodal Apostolic Exhortation on Reconciliation and Penance in the Mission of the Church Today *Reconciliatio et Paenitentia* (December 2, 1984) no. 31, III.

76 See *Sacrosanctum Concilium*, no. 7.

body as the sign of communion and filial-spousal self-gift. Should we bypass the body in its corporeality in the celebration of a sacrament we not only diminish the ecclesial essence of the sacrament but we also elide the sacramentality of the body in its signification.⁷⁷

5. THE EFFECTIVENESS OF VIDEOCONFERENCING IN ENHANCING INTERPERSONAL COMMUNICATION

We will now conclude the arguments opposing with an addendum that presents a summary of recent studies assessing the effectiveness of videoconferencing in communication. Many corporations, government agencies, and educational institutions have switched to virtual meetings. At least in the area of medicine and psychological counselling we have also witnessed the advent of telemeetings.⁷⁸ For our discussion there is a degree of relevance in the medical and psychological application of the technology as the analogy of healer and counsellor is often applied to the priest in the confessional. Advocates of telemedicine certainly attest to the benefits of this innovation.⁷⁹ In terms of the treatment of certain mental health issues such as depression and social anxiety, online therapy

⁷⁷ The permission of marriage by proxy would similarly appear to elide this sacramentality. However, the proxies can only ratify the marriage but not consummate it (see CIC, can. 1061 §1).

⁷⁸ See Lauren E. Sherman, Minas Michikyan, and Patricia M. Greenfield, "The Effects of Text, Audio, Video, and In-Person Communication on Bonding Between Friends," in *Cyberpsychology: Journal of Psychosocial Research on Cyberspace* 7(2), Article 3 (2013), at <https://doi.org/10.5817/CP2013-2-3>.

⁷⁹ See Judd E. Hollander, and Brendan G. Carr, "Virtually Perfect? Telemedicine for Covid-19," in *New England Journal of Medicine* 382(18) (April 30, 2020) 1679–1681. Sean Duffy and Thomas H. Lee, "In-Person Health Care as Option B," in *New England Journal of Medicine* 378 (2) (January 11, 2018) 104–106. Even prior to Covid proposals existed encouraging in-persons medical visits as the last option. They cite genuine advantages both to the healthcare system but also to improvement in patient care, especially a more efficient use of resources and time, access to teams of specialists, and access to a broader range of medical specialties for people in rural areas.

can be as effective as in-person treatment.⁸⁰ Again, we witness real advantages to the patient such as decreased cost, anonymity, and privacy although there are disadvantages. Online therapy however is not effective for individuals with suicidal intent or psychosis.⁸¹

We must also raise the question of the effectiveness of video-conferencing for maintaining and enhancing relationships. For strangers meeting for the first time through digital communication, with time, they can achieve the same level of connectedness as in-person communication. However, for already existing relationships the greatest bonding takes place during in-person interaction.⁸² Studies suggest that with in-person interaction involving the co-presence of individuals allows them to use the full range of linguistic, paralinguistic, and non-verbal cues to communicate.⁸³ Finally, the emergence of the new phenomenon of “Zoom Fatigue” suggests that the medium itself exhausts its users as it deprives them

80 See Birgit Wagner, Andrea B. Horn, and Andreas Maercker, “Internet-Based Versus Face-to-Face Cognitive-Behavioral Intervention for Depression: A Randomized Controlled Non-Inferiority Trial,” in *Journal of Affective Disorders* 152–154 (January 2014) 113–121; G. Andrews, A. Basu, P. Cuijpers, M.G. Craske, P. McEvoy, C.L. English, and J.M. Newby, “Computer Therapy for the Anxiety and Depression Disorders is Effective, Acceptable and Practical Healthcare: An Updated Meta-Analysis,” in *Journal of Anxiety Disorders* 55 (April 2018) 70–78. Cited in Amy Morin, “Does Online Therapy Work? Here’s What Scientific Research Says About Online Therapy,” in *Psychology Today Online* (November 14, 2019), at <https://www.psychologytoday.com/us/blog/what-mentally-strong-people-dont-do/201911/does-online-therapy-work>.

81 See Morin, “Online Therapy.” Therapists can miss reading vital body language. Also technological issues such a slower internet can become a barrier to effective patient care.

82 Sherman *et al.*, “The Effects of Text, Audio, Video, and In-Person Communication.”

83 See Emmelyn A.J. Croes, Marjolijn L. Antheunis, Alexander P. Schouten, and Emiel J. Kraemer, “Social Attraction in Video-Mediated Communication: The Role of Nonverbal Affiliative Behavior,” in *Journal of Social and Personal Relationships* 36 (2019) 1210–1232. It was noted that video communicators attempt to compensate for the lack of physical presence as well as the technical constraints that the medium imposes.

of an interpersonal communication mediated by the body.⁸⁴ As video communication is a relatively new development the potential benefits and problems are still not fully understood. Nevertheless, the fact that studies are highlighting the value of embodied co-presence for the deepening of interpersonal relationships should not surprise anyone adhering to a Judeo-Christian anthropology.

6. CONCLUSION: PROPOSALS

I will now present some proposals relating to the potential use of this technology. First, we need to discern what technologies are suitable in assessing the contrition of a penitent. One possible principle for discernment is whether the electronic aid *replaces* or *enhances* interpersonal and real-time communication. For example, a hearing aid used by a priest in the confessional or a loud speaker that amplifies a priest's voice in the administration of general absolution both enhance real-time communication. On the other hand, letters separated by space and time, a voice recording, or text-messaging in which the priest cannot discern that the one text-messaging is identical with the penitent all replace or displace real-time communication. Thus, it would be important to assess if videoconferencing enhances or replaces interpersonal and synchronous communication in order to determine its validity.

Second, if the Church is to allow for confession by videoconferencing this would, according to the teachings outlined above, constitute an extraordinary celebration of the sacrament. As the proper place for the celebration of the sacrament is a church, it is only with just cause that one could have recourse to the video technology. To this end, I would propose that the norms similar

84 Gianpiero Petriglieri, "Musings on Zoom Fatigue," in *Psychoanalytic Dialogues* 30 (2020) 641: "It's easier being in each other's presence, or in each other's absence, than in the constant presence of each other's absence. Our bodies process so much context, so much information, in encounters, that meeting on video is being a weird kind of blindfolded. We sense too little and can't imagine enough. That double deprivation requires a lot of conscious effort."

to those governing general absolution be applied to this question. General absolution without prior confession is permitted in times of war, danger of death, or pastoral need. In these circumstances, the obligation for individual confession can be set aside. In terms of granting general absolution for pastoral needs two requirements must be met: 1) there are too many penitents and insufficient confessors, the outcome of which would result in, 2) the faithful, through no fault of their own, being unduly deprived of sacramental grace or Holy Communion for a long time.⁸⁵ For our purposes the second condition is pertinent. Perhaps videoconference confession could be permitted only in situations of grave pastoral need in which the faithful are unduly deprived of sacramental grace or Holy Communion for a long time.⁸⁶ The Code of Canon Law also stipulates two further conditions in the granting of general absolution. First, contrition is indispensable⁸⁷ and second, those who receive general absolution must subsequently confess their sins.⁸⁸ Thus, in applying these conditions to our question, I propose that the priest would need to assess if the penitent displays contrition and, furthermore, the penitent would need to have recourse to in-person confession within a year if possible.

Finally, regarding the question of the permission to utilize this technology, it is the personal opinion of the author that—while canonically nothing precludes confession via video for the hearing Catholic—it could harm the life of the Church. With this point established, given the increasing occurrence of lockdowns in some dioceses around the world and the concomitant deprivation of sacramental grace for those Catholics, the question must be asked: at a minimum, could the technology be employed to discern if a person in grave sin has demonstrated perfect contri-

85 See CIC, can. 961.

86 John Paul II stipulated that “for a long time” is constituted by more than a month. See his Apostolic Letter in the Form of *Motu Proprio* on Certain Aspects of the Celebration of the Sacrament of Penance *Misericordia Dei* (April 7, 2002) no. 4, 2.d.

87 See CIC, can. 962.

88 See CIC, can. 963.

tion?⁸⁹ If so, could he obtain the extra-sacramental forgiveness of mortal sin if he has the intention to have recourse to sacramental confession as soon as possible? This is especially the case if it is true that the acts of the penitent when performed in relation to the Church (even if it is the desire for confession) contain within themselves a self-determinative nature. In sacramental terms we would say that while the video technology might not have the efficacy of a sacrament celebrated *ex opere operato*, by virtue of the disposition of the penitent (*ex opere operantis*) his mortal sin could be forgiven, while not in a declarative manner, then at least in a *deprecativa* one. For those conscious of grave sin who are deprived of the opportunity to sacramentally confess their sins through no fault of their own, this technological innovation could represent a real gift of mercy.

As I stated at the beginning of this paper, its primary purpose is to invite scholarly, and hopefully interdisciplinary, discussion about this important topic. In the end, I have cautiously proposed that the technology *could* be employed to pray, in a deprecativa manner, for the forgiveness of grave sin for the contrite penitent. I also believe that if this became the norm, that the sacramental life of the Church, and the spiritual well-being of the faithful, would be greatly diminished. Confession is ultimately the prayer of praise of the one who has turned away from sin; it is participation in the prayer of Christ upon the cross; and a sharing in his eternal turning—or “conversion”—towards his Father. We share in the life of the Word *who became flesh*. And thus, due to the Incarnation and the sacramentality of the body, it is perhaps more vital than ever in the face of the increasing “virtualization” of relationships, to recover the incarnational and embodied nature of the sacraments and personal existence.

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89 See CCC, no. 1452.