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THE POWER OF THE KEYS IN THE PRIMITIVE CHURCH.

A.

"The members of the Conference are agreed that the discipline of Private Confession and Absolution cannot be shown to have existed for some centuries after the foundation of the Church. It grew, in fact, out of the gradual disuse, perhaps about the fifth century, of . . . Public Penance."—Report of the Fulham Round Table Conference on Confession and Absolution, p. 109.)

B.

"That the Primitive Church knew nothing of this [the Power of the Keys] is plainly inferable from the silence of the Early Fathers."—(Mr. Lea, "The Power of the Keys," p. 109.)

C.

"This power [of the Keys] is not permitted to heresy, for this right is granted to priests alone. Rightly, then, does the Church that has real priests claim this power. Heresy that has not priests of God cannot claim it."—(St. Ambrose, "De Pœnitentia," lib. I., c. 2.)

THERE are two kinds of Christian Apologetics, one general, the other special. The one deals mainly with the Divinity of Christ and the credentials of the Church, the other with the details of the Christian Faith. Moreover, the latter employs different methods for different classes of truths. Mysteries, for example—the Trinity, say, and the Incarnation—involve, chiefly, questions of philosophy; the Sacraments, questions of history. It is the latter method—the historical—with which we are in this paper mostly concerned. Furthermore, the historical method used by opponents against the Sacraments, and especially against the Sacra-

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ment of Penance, is not positive but negative. They urge not precisely that historical evidence is against the Sacrament of Penance, but rather that there is not enough historical evidence for it.

I.

THE METHOD OF PROOF.

How is this manner of argumentation to be met? Are we to reply by the production of Biblical texts? Is the Holy Bible to be in this matter the final court of appeal? Is Scripture to be recognized as the only storehouse of revealed truth? Restricting our consideration to the Sacraments, and specifically to the Sacrament of Penance, we freely admit that the Bible is on this matter exceedingly brief. Who, then, is to be here the authoritative interpreter of the Bible?

On this question, as on others, Protestants¹ are driven to appeal to a source external to the Bible. They are obliged to consult Tradition. I take three instances—one negative and two positive. First, Anglicans must fall back on Tradition to show that feet-washing is not a sacrament, in face of Christ's words: "If, then, I your Lord and Master, have washed your feet, ye also ought to wash one another's feet. For I have given you an example that ye should do as I have done to you." (St. John xiii., 13.) Secondly, only by Tradition can they prove that the baptism of infants is a sacrament. Christ said: "Except a *man* be born of water," etc. (St. John iii., 5.) Thirdly, only by Tradition can they prove that baptism conferred by heretics is valid. For a long time the invalidity was hotly maintained on many hands until Pope Siricius towards the end of the fourth century scotched the error by a dogmatic decree. In these three instances the Bible by itself affords no solid basis; nay, it rather suggests difficulties. Yet these are revelations of Christ. For Christ alone could institute Sacraments, and He alone could lay down the conditions under which the sacramental rites should be valid or invalid.

But more fundamental still for the Protestant, the New Testament on which he, most illogically, ultimately bases Christianity cannot be proved to be inspired, except by means of the organon of Tradition. Christ Himself never declared the New Testament inspired, for He wrote none of it, and no part of it existed during His lifetime. No Book of the New Testament declares itself inspired. Nor even if it did would its word avail anything, since the testimony is worthless of a witness to his own veracity. But

¹ By "Protestant," I understand one who being baptized does not admit the infallible authority of the Pope.

from among the many documents inspired and apocryphal,² the Church, the mouthpiece of Tradition, at the end of the fourth century, picked out those we now call "canonical," and declared them, and them alone, to be inspired. Therefore our certainty of inspiration is conditioned by our prior certainty of the infallibility of the Church, the mouthpiece of Tradition.

Here, then, as Protestants admit, we have essential questions of revelation, and yet of a revelation that has not been clearly handed down by the Bible. By whom, therefore? The answer by Catholics and Protestants is identical. By Tradition!

The Sacrament of Penance is then, we are agreed, to be found not in Scripture alone, but in Scripture and Tradition.

But what do we mean, precisely, by Tradition? Is Tradition nothing more than the ecclesiastical literature of past centuries? Nothing else than historical documents? Has it all been written down and preserved by the Fathers? Certainly not. Turn to the Sacraments and you find at once that the deficiencies of the Bible reappear, to some extent, in the Fathers. Where do they enumerate the Seven Sacraments? Where do they set forth the essential forms of the Sacraments? What reason have we to assume that the Fathers wrote down all the Tradition with which they were familiar? The Patristic tomes are not catechisms, not handbooks, not systematic treatises on Dogmatics, not formal manuals of Moral Theology. The writings of the Fathers were penned—like the Books of the New Testament—to meet special occasions, to supply particular wants, in answer to specific questions, to suit local circumstances. Moreover, we know that the *disciplina arcani* was scrupulously observed in regard to the Sacraments—"mysteries" as they were called—and therefore that the Church trusted largely to oral transmission. Furthermore, through the invasions of barbarians, the persecutions of heretics and the hostility of pagans, many writings of the Fathers have utterly perished.

Consequently we have a right to be suspicious of the negative contention that Penance is not a Sacrament because the rite is not clearly set forth in either the Bible or the early Fathers; that its appearance in later ecclesiastical literature counts for nothing since it is found in no texts of the earlier centuries, before primitive Christianity had had time to grow corrupt. Opponents do indeed offer these unsatisfactory arguments and arbitrarily fix the beginnings of this imaginary "corruption," some at one date, some at another, to suit the varying exigencies of this or that controversy.

² For example, the Epistle of St. Clement was in the early days read publicly in many churches, and in some Codices is ranked among the inspired writings.

Moreover, the *à priori* argument is obvious enough, that as the post-Apostolic ages are never to be granted a new revelation, God must have given to these ages, as a final Judge of appeal, something more than a fragmentary Bible, supplemented by informal, lost or mutilated ecclesiastical writings. If there is to be no salvation without faith,³ and no faith without belief in the whole of God's revelation,⁴ and no real belief in that revelation without certainty,⁵ surely there is, at any rate, a presumption in favor of that living and continuous infallibility which is the mark of world-wide Catholic beliefs, of the Church's universal practice concerning the Sacraments, and of her solemn decisions in controverted questions.

No one who admits a visible Church would on *à priori* grounds deny its infallibility as impossible or absurd. Nor will any reasonable person deny that certain Scriptural expressions at any rate favor this infallibility. Christ said, in effect: "Go, teach, baptize, and behold I am with you always, everywhere to the end." "I will send you the Spirit of Truth to dwell forever with you." And St. Paul: "The Church is without spot or blemish, the pillar and ground of the truth."

Nor will any competent scholar deny that from very early times the Fathers seem, at least, to teach infallibility; for instance, when Irenæus bears witness to the "charisma of certain truth belonging to the Succession of the Episcopate."⁶

Tradition, therefore, implies more than written history. It extends beyond manuscripts. It is more extensive than texts. It is not exhausted by the sifting of printed evidence. The Church is the organ of Tradition, the Church infallible, assisted supernaturally, mystically, divinely. The Church is the living storehouse of Tradition, and even if printed books fail, still she may be implicitly trusted. For the Church has been present as a witness of the facts whereto she testifies, she has an unfailling memory, and she never dies.

It will be said, perhaps, that this doctrine does not commend itself to the modern spirit. From Anglicans, however, such an objection comes with an illgrace. They admit inspiration; with what consistency, then, can they deny infallibility? For the latter is less of a difficulty than the former. Yet the inspiration of the Bible they recognize. If not, how does the Bible differ from other books? And if it does not differ, why do Protestants pay it such honor, scatter it broadcast, describe it as the storehouse of all revelation? Than inspiration what can there be more supernatural,

³ "Without faith it is impossible to please God." (Heb. xi. 6.)

⁴ "Going teach all nations, teaching them to observe all things whatsoever I have commanded you." (St. Matt. xxviii. 20.)

⁵ Faith is to believe without doubting all that God has revealed.

⁶ Irenæus, "Contra Hæreses," iv., c. 26; Migne, vii., col. 1053.

more mystical, more divine? Infallibility is a smaller gift than inspiration. For inspiration is a positive charisma, infallibility only a negative; inspiration teaches what should be said; infallibility only withholds from teaching what should not be said. Moreover, infallibility is a gift absolutely necessary to safeguard inspiration, to shelter it from false and contradictory interpretations. Without infallibility, inspiration is in practice all but useless—as the continued multiplication of religious sects daily proves, and the contradictory interpretation of Bible texts makes obvious. Protestants may not, then, deny infallibility because it is supernatural and mystical, yet admit inspiration, which is still more supernatural and still more mystical.

The Fathers themselves refer us to unwritten Tradition. They consider as infallibly certain the universal custom and practice of the Church, even where there are no ancient documents to which to appeal. Take three brief instances:

First. Against the Pelagians St. Augustine argues, from the general practice in his day, to the validity of infant baptism. Infant baptism was, and is, a universal custom, not proved by written documents, but based solely on the authority of the Church our Mother, the assured rule of truth, the impregnable wall from which every attack falls back baffled.⁷

Secondly. Fulgentius has to solve the question whether or not the baptism was valid of an adult, who having asked for it, and then become unconscious, had been baptized in that state. In the Bible there was nothing to which to appeal, nothing in earlier writers. But Fulgentius appealed confidently to Church usage—which was, in such a case, to baptize—and said that “the Church would not thus act if thereby this man received nothing. For the Apostle bears witness that the Church is ‘the pillar and the ground of truth.’ Were there an instance in the mysteries of the faith wherein the Church was not infallible, the Church would no longer be ‘the pillar and ground of the truth.’ ”⁸

Thirdly. As in the West, so too in the East. St. Basil wrote: “The Apostles and Fathers who, at the beginning, prescribed certain rites for the Church, safeguard by silence and secrecy the dignity of the holy mysteries. A mystery is no longer a mystery if it be published abroad and made notorious. Consequently, in the transmission of certain matters they avoided the expression of them in writing.” St. Basil there applies the *disciplina arcani* to the “mysteries,” that is, the Sacraments.⁹

⁷ St. Augustine, “Serm.” 294, cc. 17, 18; Migne, xxxviii. col. 1846.

⁸ Fulgentius, “Epist.” 12, c. 10; Migne, lxxv. col. 389.

⁹ St. Basil, “De Spirit. Sanct.” c. 32; Migne, “P. G.” xxxii. col. 187.

The Fathers therefore recognize as notorious the existence of oral Tradition.

To the objection that oral Tradition must needs be distorted by time, we have a two-fold answer. First, not if the Tradition concern a plain detail of routine practice, such as is the simple administration of a Sacrament. Secondly, not if God be watching over this oral Tradition and safeguarding what is essential in the sacred rite.

Against the negative historical attack on religion, and especially on the Sacraments, and specifically on the Sacrament of Penance, we have a two-fold method of defense—the analytic and the synthetic. Each detail of the faith which the heretic attacks, the analytic method would defend by confronting the negation with an array of historical texts; the synthetic, by setting forth essential teaching and practice of the infallible Church. The former method is long and unsatisfactory; the latter short and efficacious. Life is too brief to be ever prying among the foundations of our spiritual house to see whether they can support the superstructure which in fact shelters us. That truth was, eighteen centuries ago, realized and well expressed by Tertullian:

It is a thankless job to engage in a quest wherein your discovery must beget weariness and vexation. . . . You may perchance lose only your voice and waste merely the efforts of your lungs, but neither will you gain anything, except perhaps bile and the hearing of blasphemies.¹⁰

Hence he suggests a better plan:

Before plunging into a discussion of the Scriptures, our business is to ask, first to whom the Scriptures belong, from whom the faith comes, by whom and to whom the Gospel doctrine has been transmitted? All questions under dispute are thus focussed into one. For from the moment we know where Christ's doctrine really exists, we are certain to find there the true Scriptures, the true interpretation of them, and the true Christian tradition.¹¹

"The true Christian Tradition!" Therefore not only does the Church, the guardian of all revealed truth, unerringly preserve the Bible and the true meaning of the Bible, she is also the unfailing custodian of ancient Tradition and the only trustworthy interpreter of the contents of that Tradition.

But, it will be said, "Patristic documents are stubborn facts. Are you then afraid of facts?" We reply by asking what is here meant precisely by "facts?" These "facts" are positive or negative. If we are dealing with Penance, they either prove—negatively—that nothing was said about Penance, or—positively—that things were said adverse to Penance. These "facts" are either the fact of silence or the fact of adverse statement. The positive argument may be satisfactory, the negative argument is nearly always insufficient.

¹⁰ Tertullian, "De Præscrip." c. 15; Migne, II. col. 28.

¹¹ Id. 1b. c. 19.

The positive argument tries, let us say, to show, by patristic quotations, an absolute and essential contradiction between the primitive and the later Church. Take the instance of baptism touched on above. The primitive Church baptized by immersion, the later Church suppressed immersion. Here is an obvious contradiction. Is it also essential? The "fact" is beyond dispute. Are we then "afraid of the fact?" Not in the least. For though an obvious fact, it is not an essential fact. The change in question affects only accidentals. Baptism performed by sprinkling water on the head of the child is *essentially* the same as the baptism of adults by immersion. But why is immersion not essential? Because the Church says it is not. Well, but how does the Church know? By unwritten Tradition. It is, therefore, not enough to have "facts," but we need an authoritative interpretation of the "facts."

The negative argument from the "facts," which we are supposed to fear, is even less satisfactory. It amounts to this: To prove such and such a point—say, early Auricular Confession—you Catholics have no documents, or not enough documents or documents not ancient enough, or documents not decisive enough. Such an argument, however, is rarely valid, and is never safe. For silence is not equivalent to disproof. One witness who affirms excels a thousand who say nothing. The testimony of Catholic Tradition, even when unwritten, affords a basis of belief which the negative argument from silence does nothing to destroy. Before the negative argument can acquire any validity these three following canons of criticism must be duly established:

First Canon. It must be proved that had the point in dispute been a fact, the author whose silence is invoked could not have remained ignorant of that fact.

Second Canon. That, unless ignorant, he could not, for any reason, have remained silent about it.

Third Canon. That in all his works, preserved or lost, he did remain silent about it.

In the matter of early Auricular Confession, an adversary must show that no known early author even once refers to it in any work of his which we possess, or in any which may have been lost; that had he known of it he could not have rested satisfied with oral Tradition, but must of necessity have put it down in writing in the days when writing was much more uncommon than now; that there was no *disciplina arcani*, or any other reason to prevent its being written down.

And in applying these canons to early Auricular Confession these following facts are to be borne in mind:

Confession was far less *en évidence* then than it is now. In those

early ages there was no custom of confessing venial sins. There was no law of annual confession, so that those who thought themselves sinless did not approach the tribunal of Penance. Moreover, the evil custom crept in of communicating without first confessing, as we know from the complaints of St. John Chrysostom.¹² Many remained catechumens all their lives—for example, Constantine and Constantius—and were satisfied to be baptized when *in extremis*, and therefore it is probable that many of those who had been baptized and had fallen into sin deferred till the last their reconciliation with God by confession. As to the silence of the ancient ecclesiastical Canons, they treated of external details. Public Penance, for instance, and as a rule said little or nothing about the inner part of the Sacraments, or about what took place in private. And as to the silence of liturgical works, it must be remembered that Auricular Confession was not a sacrament distinct from Public Penance, any more than Private Baptism is a sacrament distinct from Solemn Baptism; in each case they are but different forms of the same. And as oral Tradition and custom sufficed to hand down the simple form of Baptism, so have they also sufficed to hand down the simple form of Penance—Auricular Confession.¹³

II.

THE RATIO THEOLOGICA.

Having thus briefly discussed the method of proof, let us now shortly apply that method to the question in hand, the existence of private and sacramental Confession in the early ages of Christianity. We argue to that existence by the following summary of theological reasoning.

The Council of Trent defined the Sacrament of Penance to have been instituted *jure divino*, and to be necessary to salvation.¹⁴ It defined, moreover, that private confession to a priest in secret, which had been ever practised in the Church *from the beginning*, was not foreign to Christ's institution and command, and was not a human invention.¹⁵ Moreover, the Council defined confession to be necessary in this sense, that all mortal sins committed after baptism had to be confessed, and not merely that the penitent had to submit his conscience to the keys once in life, after which he should be left to his

¹² "Hom. de Bapt. Christi." n. 4; Migne, xlix. col. 369.

referred to? Nevertheless they believe in it and teach it.

¹⁴ "Si quis negaverit Confessionem Sacramentalem vel institutam vel ad

¹⁵ In the sermons of present-day preachers how often is Extreme Unction salutem necessariam esse jure divino . . . A. S." (Sess. 14, can. 6; Denzinger's "Enchiridion," n. 794.)

¹⁵ Id. ib.

own private contrition.¹⁶ And this necessity for integral and repeated confession the Council deduced from the very words whereby Christ instituted the Sacrament of Penance.¹⁷ Furthermore, the Council emphatically and repeatedly declares that the Church has *always* held this doctrine.¹⁸

Moreover, in the Constitution "Auctorem Fidei," in which Pius VI. (August 28, 1794) stigmatized eighty-five propositions of the Synod of Pistoia, he condemns the Jansenists who, relying on what they called the venerable discipline of ancient days, proposed as an excellent deterrent from sin to refuse absolution to relapsed sinners even at the hour of death. This hideous proposal the Pope declared to be contrary to the thirteenth canon of the First Council of Nice, to the decretal of Innocent I. to Exsuperius, to the decretal of Celestine I. to the Bishops of the Province of Vienne and Narbonne, and to be redolent of that wrong-headedness which Celestine rejected with horror.¹⁹

The fifteen members of the Fulham Round Table Conference had the courage to say, in effect, that they were unable to agree with the opinions and decisions of the Tridentine Fathers! But if the Church at any period of her existence had reduced the Sacrament of Penance to the narrow limits of Public Penance, according to the Council of Trent she would have violated divine law. For Public Penance was confined to certain mortal sins, the sacrament extends to all. Public Penance was not given twice; the sacrament must be given as often as the relapsed sinner asks for it with contrition. Public Penance could not be given to a dying sinner; the Sacrament of Penance could, and was so given.

Therefore, besides Public Penance there was also another less manifest form of Sacramental Penance—Auricular Confession.

For the sake of brevity and clearness we now proceed to lay down the following positions, the right understanding of which will tend

¹⁶ "Si quis dixerit in Catholica Ecclesia Pœnitentiam non esse vere et proprie Sacramentum, pro fideibus, quoties post Baptismum in peccata labuntur, ipsi Deo reconciliandis, a Christo institutum A. S." (Id. 16, can. 1; Denzinger, n. 789.) And again, "Esse jure divino confiteri omnia et singula peccata mortalia." (Can. 7; Denzinger, n. 795.)

¹⁷ Cap. 5; Denz. n. 779; St. Matt. ix. 6; St. Mark ii. 10: "The Son of Man hath power on earth to forgive sins." St. John xx. 21: "As My Father hath sent Me, even so I send you." St. John xx. 22: "He breathed on them and said, Receive ye the Holy Ghost. Whosoever sins ye remit they are remitted; and whosoever sins ye retain they are retained." (Cf. St. Matt. xvi. 19; xviii. 18.) This was well put by Lord Halifax at the Round Table Conference. (Cf. p. 12, Report.)

¹⁸ "Universorum Patrum consensus semper intellexit." (Sess. 14, cap. 1; Denz. n. 774.) "Universa Ecclesia semper intellexit." (Cap. 5; Denz. n. 779.) "Secreta Confessio sacramentalis qua ab initio Ecclesia usa est." (Cap. 5, Denz. n. 780; Can. 3, Denz. n. 791; Can. 6, Denz. n. 794.)

¹⁹ Denzinger, n. 1401.

greatly to simplify the complicated question under discussion. The concatenation of these headings we leave in part to the acumen of the reader.

III.

WHAT WAS THE MATTER OF PUBLIC PENANCE?

Public Penance, Tertullian,²⁰ an eye-witness, describes as the discipline of prostration and humiliation. He describes the penitents as clothed in sackcloth and ashes, with unwashed bodies; their food bread and water. They had to fast and pray, to grovel at the feet of others, to groan and lament with tears. They lay at the church door, not being allowed admittance, sometimes for years and sometimes for life. Public Penance, however, varied very considerably in different parts of the Church.

But this stern punishment was limited to the three Penitential or Capital sins of Idolatry, Homicide and Adultery, understood, however, in a generic sense. These were *the* mortal sins, *par excellence*. Idolatry was the lapse of a Christian back into paganism. Homicide included brigandage. Adultery stood for the grosser sins of uncleanness.

Be it then carefully noted that the sins for which Public Penance was done were three, and three only.

Other sins must therefore have been forgiven in another way—by Private Confession.

The Penitential sins were three. Tertullian²¹ (born 160) writes:

Behold the Idolater, the Homicide, and (between them) the Adulterer. All three seated together, through the duty of penance, grimy in sackcloth and ashes, breathing the same sighs, soliciting by the same prayers the compassion of the faithful, casting themselves in the same fashion on their knees, and invoking the same Mother.

And St. Gregory of Nyssa (born 330) explains why these Penitential sins were three only. Moreover, we may note that he is describing a state of things long prior to his own, the fourth century, for he makes constant appeal to the institutions and traditions of the Fathers. In his Canonical Epistle to Letojus, Bishop of Melitines,²² he divides sins into three classes, according to the Greek tripartite division of the soul faculties, into the Rational, Concupiscible and Irascible,²³ and in each of these classes the spiritual physicians have chosen one, and one only, for cure by canonical penance. To the Rational part belongs idolatry, that is, the apostasy from Christian-

²⁰ "De Pœnit," c. 9; Hurter's "Sanctorum Patrum Opuscula," vol. v. p. 196.

²¹ "De Pudicitia," c. 5; Migne, II. 987.

²² Migne, xlv. 222.

²³ τὰ λογιστικόν, τὸ ἐπιθυμητικόν, τὸ θυμοειδές.

ity to paganism, the penance for which is lifelong. To the Concupiscible part belongs adultery, *i. e.*, uncleanness; for which the penance is three years' exclusion from public prayer, three more years among the "auditors," and a third three among the "prostrated." To the Irascible part belongs homicide, which includes brigandage, sacrilege, the theft of consecrated objects and the violation of sepulchres.

There were many other mortal sins besides those which were called Penitential or Canonical, as St. Gregory in this self-same passage (canon v.) clearly testifies. He says:

From anger flow, without doubt, many sins and evils of all kinds. However, our ancestors judged it well not to censure them all, not to display overmuch zeal in the attempt to cure all the sins begotten of anger . . . Hence against homicide alone have they set up the barrier of Public Penance.

It is of prime importance to grasp this fact, that there were other mortal sins besides the three that fell under the Canonical Penance. How, then, were they forgiven? By Auricular Confession. Take heresy, for instance. It was an enormous sin, and was so regarded. Yet it did not fall under the Canonical Penance. It was forgiven by private sacramental confession. Tertullian writes:

Who doubts that a heretic, deceived by false teaching, after making known his fall and expiating it by penance, not only obtains pardon, but returns to the bosom of the Church?

Perhaps, however, an adversary might maintain that the early Fathers regarded all sins, except the three Canonical, as venial—even heresy itself? If so, the following passage from St. John Climacus will remove his mistake:

One day a scholar asked me this hard question: Which is the gravest of all sins after homicide and apostasy? I replied that it was heresy. Then, he said, how comes it that the Catholic Church receives back heretics when they sincerely recant their heresy, and admits them to the mysteries [sacraments]? Whereas the adulterer, in spite of his confession, in spite of the avowal of his sin, is only received back to be kept for a long time from the holy mysteries? ²⁴

The Penitential or Canonical sins were then three only. The corollary is thus obvious. There was a multitude of mortal sins that did not fall under the Public Penance. Nor could it have been otherwise. For had all those who had sinned mortally been obliged to undergo the Canonical Penance and for years to remain outside the church doors, the church porches would have been full, the churches themselves empty. Yet we know that this was not so. Not indeed because of the absence of mortal sins, for human nature was then very much what it is now, and indeed the Fathers fre-

²⁴ "Scala Paradisi," grad. 15; Migne, lxxxviii. col. 889.

quently complain bitterly of the moral disorders of their time. St. Paul says: "Neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners shall inherit the kingdom of God." (I. Cor. vi., 9.) Among these sins most were non-canonical. Yet they were mortal, excluding from "the kingdom of God." How, then, were they forgiven? By Auricular Confession.

IV.

WERE ALL PENITENTS WHO HAD COMMITTED ANY OF THE THREE CANONICAL CRIMES OBLIGED TO UNDERGO PUBLIC PENANCE?

Not all. Clerics were certainly not. Pope Siricius (canon 585) in his letter to Himerius,²⁵ lays it down expressly that to no cleric is Public Penance allowed—*pœnitentiam agere cuiquam non conceditur clericorum*. Nor was this an innovation made by Siricius. St. Leo,²⁶ writing to Rusticus of Narbonne, declares that it "comes down from Apostolic Tradition."

Moreover, to several classes of society Public Penance was an impossibility—to magistrates, to laborers, to all whose toilsome work demanded their whole strength and time, to the sick, to the infirm, to the young, and so forth.

How, then, were their sins forgiven? By Private Confession.

V.

HOW OFTEN WAS THE PUBLIC PENANCE GIVEN?

When a penitent had finished his Public Penance, and then lapsed again into one of the three Canonical crimes, what happened to him? Had he to begin another Public Penance? And, if not, how was the sin forgiven?

The answer is plain. It is abundantly evident that the Public Penance was never repeated. That was the Canonical law.

St. Augustine²⁷ writes of those who had apostatized and then repented—the famous *lapsi*:

No place in the church is any longer granted them for this most humiliating penance. Wise and prudent is the decision arrived at that once only in life should a penitent be allowed to undergo it.

What, then, happened when a *lapsus* grew penitent and sought to be reconciled to the Church and to God? Was there no absolu-

²⁵ Cap. 14, n. 18; Migne, xlii. col. 1145; Hurter's "Opuscula," ton. xvii, p. 217.

²⁶ Letter 167; Migne, liv. col. 1203; Hurter, "Opuscula," x. p. 64, note.

²⁷ "Epist." 153, n. 7, ad Macedonium; Migne, xxxiii. 656.

tion from the Church for him? Are we to believe that he was in a far worse plight than a sinner with a Papal reserved case? For the latter could be absolved at any time by the Pope, and by any priest at the hour of the penitent's death.

Before a discipline so barbarous can be fastened upon the Christian Church, it must be demonstrated by arguments clear and cogent as the theorems of geometry.

The assertion of such rigorism is dead against the Council of Trent. In sess. 14, cap. 7,²⁸ the Council declares that:

The practice of the Church has at all times (*semper*) prevailed that there should be no reservation at the hour of death; and therefore that (then) any priest can absolve any class of penitents from any kind of sins and censures.

VI.

WAS PUBLIC PENANCE FOR THE THREE CANONICAL CRIMES OBLIGATORY OR OPTIONAL?

For one class only was it obligatory, for all others optional. It was obligatory for those who had sinned publicly and to the open scandal of the community. They had to undergo it under pain of excommunication. Even when absolved during sickness, they were required to promise to undergo it in case of recovery. But this once only, and never twice.

On the whole, then, Public Penance was not an infliction, but a grace; not a punishment imposed, but a favor granted, and granted but once lest its value should be depreciated. And thus we find that it was only allowed after earnest petition, as Morinus has amply proved.²⁹ Hence it was regarded as a terrible privation for those who, having relapsed into one of the three capital crimes, were not admitted a second time to Public Penance, because they were adjudged unworthy of such a favor.

In the case of those, therefore, who were not obliged and did not choose to undergo Public Penance, how was this burden of sin remitted? Will any one maintain that there were no means for its remission? It seems clear that such penitents must have had recourse to Private Confession.

VII.

WAS PUBLIC PENANCE IDENTICAL WITH PUBLIC CONFESSION?

No, the former in no sense supposed the latter. The two are, indeed, to be sharply distinguished. No text of the Fathers requires

²⁸ Denzinger, n. 782.

²⁹ "Comment. Historico-Dogm. de Pœnitentia," iv. c. 16; v. c. 30.

Public Confession of specific sins. St. Leo (became Pope in 440) lays it down as an apostolic rule that Private Confession is enough even when the Penance is public. The abuse had, no doubt, been introduced by certain rigorists into two or three provinces of Italy, of requiring the faithful who came to be absolved to make a list of their sins to be read out in public. Against this tyranny the Pope protested energetically; he called it "presumption," "unlawful usurpation," "an abuse to be at all costs rooted out;" he laid it down as an absolute and universal principle that it was enough if the guilty conscience was, by secret confession, laid open to a priest in secret.

Public Penance, then, was the "Satisfaction," but it was enough according to Apostolic tradition to make the "Confession" in private. A public avowal of sins, even if, in cases of grave scandal, sometimes counseled, was never imposed as an obligation. We argue, therefore, that Auricular Confession preceded even the Public Penance.

Moreover, if we look to the question of the *sigillum*, the Secret of Confession, it is hard to see how the practice could have been otherwise. For how else could the Seal of Confession have been kept inviolate? Before the penitent undertook a Public Confession, before he ran the grave risk of giving scandal rather than edification by an open declaration of his sins, he had, as Origen observes,³⁰ first to take counsel either with the Bishop or with the Priest Penitentiary, and to lay open his conscience to them. Without a prior confession, made in private, how could a penitent whose ill-deeds had been entirely secret have had the proper amount of Public Penance assigned him, its place, its degree, its duration, and so on? And having made his confession in private, what would have become of the Seal of Confession if he had been compelled to repeat it in public?

Look at it another way. If Public Confession was a duty, was that duty of divine or human law? If of divine, why is not Public Confession exacted to-day, since divine right cannot change? By the Council of Trent it is expressly declared that the Church has at all times held integral confession of all mortal sins to be necessary *jure divino*,³¹ but Public Confession to be neither necessary nor *de jure divino*,³² Public Confession then was not a divine law.

³⁰ Hom. II. n. 6, In Ps. 37; Migne, xii. col. 1386.

³¹ "Universa Ecclesia semper intellexit . . . integram peccatorum Confessionem . . . post Baptismum . . . jure divino necessariam existere." (Sess. 14, cap. 5; Denzinger, n. 779.)

³² "Etsi Christus non vetuerit quin aliquis . . . delicta sua publice confiteri possit, non est tamen hoc divino præcepto mandatum." (Id. ib.; Denzinger, n. 780.)

But was it a human law? It was sometimes counseled, but was it ever imposed? The Council declares that the imposition—which is not the same thing as the permission—by ecclesiastical law would have been imprudent.³³ Will any one dishonor the Church by imputing to her this “imprudence?” *Nemo malus donec probetur!*

That Public Confession was never obligatory let us support by two citations, one from the Greek, the other from the Latin Church.

Representing the Greeks, St. Basil (born 329) wrote:³⁴

Just as a man does not imprudently make known his bodily ailments to any chance person, but only to those who know how to cure them; in like manner, the confession of sins should be made to those who can cure them.

Who are they? St. Basil answers:³⁵

The dispensers of the Sacred “Mysteries,” i. e., Confessors.

In behalf of the Latins we may quote from the “Life of St. Ambrose” (born 340) by his notary, Paulinus:³⁶

When any one had confessed his sins in order to receive penance, the saint so wept that he forced the penitent to weep also. The crimes that had been confessed to him he spoke of to God alone, making intercession for the guilty one. Thus he left to priests a beautiful example to become intercessors before God rather than accusers before men.

It is obvious that in the fourth century Public Confession was not an obligation.

VIII.

WAS PUBLIC PENANCE A SACRAMENTAL RITE?

It was. It was the “Satisfaction” of private Sacramental Confession. To a penitent who had privately confessed, but had solicited a Public Penance, a true sacramental absolution was given when the Public Penance began. This absolution may have been similar in form, but was entirely distinct in effect from the final reconciliation. This reconciliation was the concluding rite of the Public Penance, was far more solemn in form and therefore was far better known than the initial sacramental absolution. The final reconciliation was sometimes given by a deacon, and though not sacramental absolution, it was nevertheless an absolution from all ecclesiastical censures.

That the sacramental absolution preceded the Public Penance, in the Greek Church at least, is notorious. Morinus³⁷ proves it

³³ “Non satis consulte humana aliqua lege præciperetur ut delicta, præsertim secreta, publica essent confessione aperienda.” (Id. ib.)

³⁴ “Reg. Brev.” 229; Migne, xxxi. col. 1235.

³⁵ Migne, ib. col. 1283.

³⁶ N. 39; Migne, xiv. col. 40.

³⁷ Lib. vi. ch. 24.

by the ancient Greek Penitentiaries which he published. Moreover, Sozomen³⁸ shows that it was the Priest Penitentiary who gave sacramental absolution to penitents before they began the Public Penance.

As to the Latin Church, had its practice in this respect been separated from that of the Greek by such a gulf of difference as opponents pretend, would not clear evidence of the fact have come down to us? Had the Latin Church shown itself so rigorous as to refuse for years absolution to repentant sinners, should we not have heard of it, would there not have been protests, complaints, controversies on the subject? And where is there a trace of any such?

If we turn now from this negative to positive evidence, we may quote St. Augustine, who blamed his priests for deserting their posts in the days of persecution when of their flock some were asking for baptism, others for reconciliation, others for the imposition of penance, all for the consolation and administration of the Sacraments. And he continues:³⁹

If through want of ministers of the Sacraments these hapless ones pass out of life unregenerated (by baptism), or without being loosed (from sin by absolution), what ruin, what loss to their souls?

But what does his distinction between "reconciliation" and the "imposition (or "action" as he calls it) of penance" indicate, if not that sacramental absolution preceded the penance? In such an hour of storm and stress it could not have been the Public Penance they had in mind, but the sacramental absolution that accompanied the imposition of penance.

A little later (in 432) Pope Celestine I., addressing the Bishop of the provinces of Vienne and Narbonne, blames priests and Bishops who refuse "penance" to the dying. Such clerics he calls "soul-murderers."

What else is this but to add death to the dying and to kill the soul by a cruelty which withholds absolution . . . He therefore deprives a soul of salvation who refuses at the time of death the request for penance.⁴⁰

Of what penance is the Pope here speaking? Certainly not of the Public Penance which lasted for months and even for years. The penitent was dying; the "penance" then could not be that formal "reconciliation" which at the conclusion of Public Penance was, in presence of all the faithful, solemnly given by the Bishop. Celestine is referring neither to the Public Penance nor the Solemn Reconciliation, but to some other form of absolution—that of sacramental Auricular Confession.

³⁸ "Hist. Eccles." vii. ch. 16; Migne, lxxvii. col. 1457.

³⁹ Letter to Honoratus, 228, n. 8; Migne, xxxiii. col. 1016.

⁴⁰ Migne, lvi. col. 576.

And, to cite one more instance, Rusticus, Bishop of Narbonne, writes to ask St. Leo (440) what is to be done with those who as children had been baptized, then taken captive by pagans, and who finally returned and asked to be admitted to the sacraments. The Pope answered:

If they have adored idols, or have committed homicide, or have been fornicators, they are not to be admitted to Communion until after Public Penance.⁴¹

Here we have the three Canonical crimes again distinctly specified. The Pope goes on:

If they have only committed the sin of taking part in pagan feasts and of eating meat offered to false gods, they can be purified by fastings and by the imposition of hands.

What is this "imposition of hands" with intent to cleanse? What else but a form of Penance administered by the Church? Not indeed Public Penance, against which it is distinguished. Then private Penance—sacramental Absolution!

The same fact emerges from a study of the ancient Penitentiaries, both Greek and Latin. They give forms of absolution identical for the beginning and for the end of the Public Penance. A Bishop usually performed the final reconciliation, but a priest at least (a deacon was not enough) was required for the initial rite which was called "absolution." Martène⁴² has published a very ancient *Ordo*, in which the priest after having questioned and confessed the penitent, receives these directions:

Then give the penitent a penance proportioned to the sins he has committed, as in the Penitentiary is set forth. Next let the priest absolve him, lest perchance sudden death should come upon him and he should quit this world (legatus) bound by sin.

IX.

WHAT WAS THE USE AND PURPOSE OF THE PUBLIC PENANCE?

We have shown that the Public Penance was given only for the three Canonical crimes, and was given only once. A far milder form of Penance was given; (1) to those sinners who fell a second time into a Canonical crime; to all other classes of sinners; to all clerics; and to all who were incapacitated by circumstances from performing the Public Penance. We have shown, moreover, that in the main, Public Penance was a grace permitted and not a punishment inflicted.

But in face of these facts an obvious difficulty suggests itself.

⁴¹ Letter 168; Migne, *liv.* col. 1209.

⁴² "De Antiquis Ecclesiæ ritibus," *lib.* i. c. 6, act 7: *Ordo x.*

Why should any penitent undergo this rigorous penance when he could have escaped so much more easily?

To this we reply that the Public Penance had points in its favor. For those early ages of faith it had special advantages, powerful attractions. It alone represented the full and perfect remission of sin, not only of the guilt, but also of the temporal punishment due after the guilt has been forgiven. It was equivalently a second baptism. Once the Public Penance was discharged, the penitent could joyously claim that there remained no soil of sin, no more temporal punishment, no more debts to pay—and that, no matter how long-lasting and how black his crimes had been—but innocence fully restored, a soul white with grace, and if he died then, a heaven open at once to receive him. This was a second baptism won on terms much more severe than those of the first baptism, and therefore called by the Fathers, *Baptismus Laboriosus*. Public Penance was a second baptism and therefore, like the first, could not be repeated. To us moderns all this is not easy to realize. We are always in a hurry, and, satisfied with the remission of guilt and the closing of the gates of Hell, we make less account of the "satisfaction"—which to some extent is a luxury of Penance. The difference is that the early Christians wiped away on earth that debt of temporal punishment which we moderns may—for all we know—have to account for in Purgatory by years of anguish. Hence we can understand that the Public Penance was regarded as a grace and not as the punishment of man.

Having by these rather disjointed notes to some extent cleared the way, we may now formally put to ourselves the question:

X.

DID AURICULAR CONFESSION EXIST IN THE PRIMITIVE CHURCH?

We reply by a Catena of the Fathers.

(a) Fifth Century.

It certainly existed in the fifth century, as the Lambeth Round Table Conference admitted.

St. Leo the Great (born 390) wrote to the Bishops of Campania:

It is an abuse, contrary to the apostolic rule, which I have lately heard has been, by a piece of unlawful usurpation, preached by some, and which I order at once to be removed—viz., that when the faithful ask for penance, a written confession of their sins is publicly read aloud.

It is enough that the guilt of consciences be revealed to priests alone in private confession.⁴⁸

⁴⁸ "Reatus conscientiarum sufficit solis sacerdotibus indicare confessione secretâ." ("Epist." 168. "Ad Episc. Campaniæ et Samnii; Migne, iv. col. 1210.)

That is the evidence of the head of the Church in the middle of the fifth century—evidence, however, that the custom of Private Confession had come down from the Apostles!

So much for Italy in the fifth century. In the same century St. John Chrysostom, at Constantinople, who wrote in 403, said:⁴⁴

If you fall into sin, begin to do penance, and as often as you come to me, I will cure you.

Speaking for West Africa, St. Augustine (died in 430) expressed his pity for those who die "unbaptized or unabsolved." This passage we have quoted already. Again, in another place⁴⁵ he says:

There is the same necessity for reconciliation (by the Sacrament of Penance) as there is for Baptism.

(b) Fourth Century.

The historian, Sozomen⁴⁶ declares that the institution of the Priest Penitentiary at Constantinople dates from the beginning of Christianity, and that his work was to hear private confessions.

St. Basil (born 330), speaking for Asia Minor, writes:⁴⁷

In the confession of sins there is the same notion as in the revelation of bodily defects. As men do not hastily lay open bodily ailments to people at random, but only to those who have the means to cure them, in like manner the confession of sins also ought to be made to those only who can cure them.

And who are these physicians of souls? St. Basil answers in Reg. 288 N.:

Of necessity sins should be laid open to those to whom have been entrusted the "Mysteries of God."

And in the thirty-fourth Canon of St. Basil it is forbidden to denounce the crime of a woman's adultery *which the priest has known by Confession*.

St. Gregory of Nyssa (born 300) refers to the case of "secret theft" which the priest knows only by Confession.⁴⁸

And, speaking for Syria, Aphraates (born 280) in his tractate on Penance says:

As it does not shame a man, when he has been wounded in battle, to show himself to a wise physician and put himself in his hands, . . . so when a man has been overcome by the devil he is not in the least ashamed to confess his sin, and give it up, and ask for the medicine of penance. . . . Nor can a man be cured who is thus ashamed, seeing that he is unwilling to show his wounds to the physician.

And St. Ambrose (born 333), of Milan, says very clearly indeed⁴⁹ of the powers of binding and loosing:

⁴⁴ Harduin, "Concilia," i. col. 1042.

⁴⁵ "De Conjug. Adult." i. c. 28; Migne, xl. col. 470.

⁴⁶ Lib. vii. c. 16.

⁴⁷ "In. Reg. Brev." Reg. 229.

⁴⁸ Epist. Canon. can. 6; Migne, "P. G." xlv. col. 233.

⁴⁹ "De Pœnitentia," iib. i. c. 2, n. 7.

Both the Church possesses; heresy has neither. For this prerogative has been granted to priests alone.

And again:⁵⁰

God has granted to His priests the power to remit all sins, without any exception.

(c) Third Century.

Origen of Alexandria (born 185)⁵¹ speaks of the penitent who is not ashamed to reveal his fault to the priest of God and to ask him for a remedy:

Quum non erubescet sacerdoti Domini indicare peccatum suum et querere medicinam.

And again he writes:⁵²

The Holy Scripture teaches us that a man must not hide a sin within himself. Just as those with indigestion are eased and cured if they come to vomit, in like manner those who keep a secret sin in the depths of their conscience are oppressed and, as it were, stifled by the humours of the sin, but are eased as soon as they have vomited up that sin by accusing themselves and confessing it. . . . Address yourself to an approved physician.

And, speaking for Africa (he became a Christian, 245), St. Cyprian writes:⁵³

Let each confess his sin while he is yet on earth, while he has an opportunity of confession, while satisfaction and remission, made by priests, are grateful to the Lord.

And again:⁵⁴

Those who, having committed idolatry only in thought, hasten to confess their fault sadly and simply to the priests of the Lord, do thus make exomolosis of their conscience, expose the burden of their soul, and ask for a salutary remedy for their wounds, however small or slight they may be.

Here and elsewhere the great Bishop of Carthage is referring to the secret confession that preceded Public Penance.

Auricular Confession, as we have now shown, prevailed in Italy, Africa, Constantinople and Asia Minor, that is, in the principal churches of East and West, as far as can be gathered from documents of the fourth and third centuries. Sozomen and St. Leo affirm, moreover, that this custom goes back to the dawn of Christianity. Positive documents by which to prove this statement we do not possess. But neither is there any document that denies it. The statement, therefore, of the Fulham R. T. Conference that Private Confession arose about the fifth century has been proved to be utterly false.

Protestantism, however, has rejected not only Private, but also Public Penance. Yet the latter was just as much a sacrament as the former.

CHARLES COUPE, S. J.

Wimbleton College, England.

⁵⁰ Cap. 3. n. 10.

⁵¹ "In Leviticum," Homil. ii. c. 4; Migne, xii. p. 418.

⁵² "In Psal." 37, Homil. ii.; Migne, xii. col. 1386.

⁵³ "De Lapsis," n. 29.

⁵⁴ Id. ib. n. 28.