

## JEAN MORIN AND THE PROBLEM OF PRIVATE PENANCE

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THE problem of a private penance in the early Church is one of the few questions touching the ancient penitential procedure upon which Catholic scholars are still fundamentally divided. Thanks to D'Alès, the question of irremissible sins no longer creates the same difficulties for Catholic apologetes as it did for Funk at the close of the last century, and, to a lesser degree, for Battifol and Vacandard in the early years of the present century.<sup>1</sup> D'Alès proved, at least to the satisfaction of Catholic historians of penance, that the action of Callistus in reconciling the adulterer was neither a doctrinal nor a disciplinary innovation of the third century, but the traditional practice of the great churches of the East and the West as far back as the period of Hermas, the author of the Shepherd.<sup>2</sup>

It is not the ambition of the present writer to perform a like service for the problem that still awaits a definite solution—the problem of private penance. At best, we hope to present the problem in its historical setting and to offer a solution which is basically that of one of the most erudite of seventeenth-century scholars, Jean Morin, a priest of the Paris Oratory.<sup>3</sup> In going back almost three centuries in our search for a solution, we are following a precedent that has borne admirable results. D'Alès, in arriving at a solution to the problem of irremissible sins, admitted with characteristic candor his in-

<sup>1</sup> A. D'Alès, *L'Édit de Calliste* (Paris, 1913). For Funk's conception of the early Church discipline as it affected those guilty of one of the three sins of adultery, apostasy, or murder, and for his influence on Battifol and Vacandard, cf. D'Alès, *op. cit.*, p. 10 and note.

<sup>2</sup> Our statement does not apply to Karl Bihlmeyer, who retains Funk's thesis in his *Kirchengeschichte* (Paderborn, 1936) I, 113 f.

<sup>3</sup> "Après tout il faut avouer que de tous les Auteurs Catholiques de ce siècle il n'y en a point qui ait eu plus d'Erudition que lui et qui ait fait des Ouvrages plus utiles au Public" (E. L. Dupin, *Bibliothèque des Auteurs Écclesiastiques*, Paris, 1719, XXXV, 319). This rather fulsome encomium of Morin by the celebrated bibliographer of ecclesiastical writers takes on added significance when we recall that the century in question is the age of Petau, Sirmond, Thomassin, Bollandus, and Mabillon.

debtedness to Morin<sup>4</sup>, and regarded his own work, in part at least, as a refashioning of the earlier classic of the great Oratorian.<sup>5</sup>

There is, however, another reason for choosing the seventeenth century as a point of departure for our study of the problem of private penance. This century witnessed the Jansenist attempts at a reform of the Church's penitential discipline—a reform that pretended to have as its historical basis what the Jansenists believed was the true spirit and practice of the early Church. Since the liberal view of the evolving penitential discipline parallels closely the earlier conception or misconception of the Jansenists, our study will lose nothing in timeliness by beginning with the Jansenists. After developing the salient features of the Jansenist synthesis, together with the more recent contributions of liberal writers, we shall introduce Morin's conception of the evolving discipline as a corrective. This overall picture of the penitential discipline will be found essential for an understanding of the more particular question of private penance. Finally, to explain the comparative oblivion into which the whole question of private penance fell during the eighteenth and nineteenth centuries, we shall consider the ultra-conservative reaction that set in towards Morin's classic and the brilliant synthesis that it enclosed. The actual solution of the problem of private penance we shall, of necessity, reserve for a second article.

#### JANSENISM AND THE LIBERAL SYNTHESIS

The year 1643 marks a turning point in the history of Jansenism. Up until this time, Jansenism had remained a way of thinking; except for a rather limited circle of initiates at Port Royal, it had not become a way of life. A dogma, and a rather pitiless one at that, Jansenism still needed a pastoral norm. This defect was supplied in the critical year by the appearance of the *De la fréquente communion* of Antoine

<sup>4</sup> The only authentic life of Morin is from the rather unsympathetic pen of the ex-Oratorian, Richard Simon, *Antiquitates ecclesiae orientalis, clarissimorum virorum dissertationibus epistolicis enucleatae, nunc ex ipsis autographis editae; quibus praefixa est Jo. Morini Congr. Orat. Parisiensis PP. Vita*, Londini, 1682. For a précis of Morin's many publications, cf. Dupin, *op. cit.*, pp. 250-319.

<sup>5</sup> "Son précieux in-folio, plusieurs fois réédité, demeure une mine de faits classés avec soin et appréciés souvent avec sagacité. Mais il renferme beaucoup de superflu et pas tout le nécessaire. Surtout il appelle une refonte. C'est bien ce que nous avons voulu réaliser en partie" (D'Alès, *op. cit.*, p. iii).

Arnauld, a brilliant young professor of the Sorbonne, who had been brought under the hypnotic influence of Saint Cyran.<sup>6</sup>

Saint-Beuve tells us of the religious revolution awakened by the new moral teaching of Arnauld: "It proclaimed and spread abroad as in a flash of lightning the resuscitated doctrine of penitence. . . . Arnauld it was who rent the veil, explaining to all openly and concisely in what consisted this new doctrine of piety and penitence which was no other than the antique and unique Christian spirit."<sup>7</sup>

The term "unique" is well chosen and applies in its strict Latin sense. For Arnauld there was but one discipline of penance in Christian antiquity, the public penance, which demanded that any Christian guilty of serious sin should be segregated from the faithful for years, if need be, before being readmitted to fellowship in the liturgy and participation in the Eucharist.<sup>8</sup> If Christian morals had degenerated in seventeenth-century Europe, the reason was to be found in the abandonment of the antique and unique public penance.

Whatever one may think of Arnauld's original purpose, the *De la fréquente communion* was an open attack on the current discipline of penance as it was practiced not only by the Jesuits, the principal antagonists of the Jansenists, but by the Church at large. Writing some twenty years after the appearance of Arnauld's work, but while Jansenism was still strong, the Franciscan, Bonal, brilliantly satirized the spirit of the new reform: "The purity of the primitive Church is their war cry, as if the spirit of Christianity had fled from earth a thousand years ago. . . . The Church is at her last gasp; Jesus Christ is departed, leaving us naught save the myrrh and aloes of his grave clothes. . . , that is, some shreds of exterior devotion in ceremonies and sacraments."<sup>9</sup>

With less brilliance but with equal shrewdness, the outstanding positive theologian of the day, the Jesuit, Denys Petau, had pointed out the semi-heretical spirit of the new reformers. However, Petau did more than criticize the spirit of Arnauld's work. Petau was

<sup>6</sup> Reference will be made to the more accessible collection of Arnauld's works, *Oeuvres de Messire Arnauld* (Paris, 1779, XXVII).

<sup>7</sup> Cited by H. Bremond, *A Literary History of Religious Thought in France*, trans. K. L. Montgomery (New York, 1929), I, 305.

<sup>8</sup> Arnauld advances seven arguments to prove that the public penance was demanded for all serious sins; cf. *Oeuvres*, XXVII, 321-365.

<sup>9</sup> Cited by Bremond, *op. cit.*, I, 316 f.

anxious to show that the reform movement, in clamoring for a return to the rigorism of the really primitive penitential discipline, was actually advocating a return to something that existed only in the minds of the Jansenists themselves. In his *De la pénitence publique*,<sup>10</sup> which, remarkably enough, appeared less than a year after the inflammatory work of Arnauld, Petau set himself to the task of correcting the two principal assumptions which formed the historical basis of the Jansenist reform. Arnauld's first assumption was that the evolving discipline of penance represented a progressive change from severity to extreme laxity, culminating in the complete breakdown of morals in the seventeenth century. Petau challenged this view by attempting to show that the discipline of the times, which Arnauld had railed against, was much closer in spirit to the discipline of the really primitive Church than was that of any succeeding period.<sup>11</sup> The second and more basic assumption of Arnauld—Petau refers to it as the “*fundamentum novi instituti aut potius ejus forma et anima a qua vitam trahit*”—claimed that the public penance was invoked for all serious sins. Petau countered this view by endeavoring to prove that even in the so-called golden age of Augustine there was a private penance for less serious sins, that the public penance was not the sole discipline, but was itself restricted to a few major crimes, and these only if they involved particular scandal.<sup>12</sup>

Petau may well be regarded as the champion of orthodoxy against the Jansenists, and his *De la pénitence publique* is without doubt the classic refutation of Arnauld. However, since a controversial work must of necessity be timely, there was hardly the leisure required to produce a masterpiece. The fact that Petau was able within the space of a year to frame his reply to Arnauld is at once a tribute to his genius as well as an indication of what he might have accomplished in the field of penance, had he been able to devote to the subject the twenty-five years of intensive research which marks the great classic that we shall now introduce.<sup>13</sup>

<sup>10</sup> The work, originally in French, was translated by the author into Latin under the title, *De poenitentia publica et praeparatione ad communionem*, and appears together with two shorter treatises on penance in Petau's *Dogmata Theologica*, Ed. Vivès (Paris, 1867), VIII; we shall refer to the Latin translation.

<sup>11</sup> Petau, *op. cit.*, lib. II, cap. 7, 8.

<sup>12</sup> *Ibid.*, VI, 1.

<sup>13</sup> The full title of Morin's classic is, *Commentarius historicus de disciplina in administra-*

Jean Morin had already spent seventeen years on his monumental treatise when the challenging work of Arnauld appeared<sup>14</sup>. His first reaction was to condemn strongly the tactics employed by the Jesuits in trying to have Arnauld's work suppressed.<sup>15</sup> Unquestionably, Morin shared the general antipathy of Oratorians against the Jesuits, and it is this feeling which explains, we believe, Morin's first reaction to the *De la fréquente communion* of Arnauld.<sup>16</sup> Seven years later, without mentioning the Jansenists by name, he is no less vitriolic than Petau in his condemnation of the new sect.<sup>17</sup>

It would, however, be a mistake to regard Morin's treatise on penance as a piece of controversy. Morin intended to write a history of penance, not a polemical treatise; and in order to remain completely detached from the great controversy then dividing Catholic France, Morin assures us that he refrained from reading the explosive literature that had set off the flames. He will admit that curiosity did get the better of him, and that he succumbed to the extent of reading a book or two. However, apart from the Preface in which these admissions are made, the Jansenists are never again so much as alluded to. That he had them in mind in the development of his own synthesis can hardly be questioned; for, despite Morin's distrust of all things Jesuit, it is the thesis of Petau that he documents and develops in his own treatise on penance.

Morin's conception of the ancient penitential discipline is important as a background for the more particular question of a private penance; but before giving it, it will be profitable to trace in broad outline the liberal conception of penance that finds favor today outside Catholic circles. As we shall see, the liberal view differs but little from the conception defended by the Jansenists some three hundred years ago.

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*tione sacramenti poenitentiae, tredecim primis saeculis in Ecclesia occidentali et hucusque in orientali observata* (Paris, 1651); references will be made to the fourth and last edition, published at Venice in 1702, cited simply as "Morin," with book, chapter, and number.

<sup>14</sup> Morin, Praefatio ad lectorem.

<sup>15</sup> Letter to Léon Allatius, June, 1644; edited by Simon, *Antiquitates ecclesiae orientalis*, epist. lxviii.

<sup>16</sup> On this point cf. Bremond, *op. cit.*, III, 170 ff. The reputations of both Jesuits and Oratorians survive his rather painful but necessary analysis.

<sup>17</sup> Cf. Morin, Praefatio ad lectorem.

*The Liberal Synthesis*

The view of the ancient and evolving penitential discipline which is subscribed to by present-day writers of the more liberal school is actually a modification of the theory of Harnack.<sup>18</sup> I say a modification, since the forthright denial of the sacramental character of the ancient discipline has been considerably tempered in recent years. Not that the attacks on Roman "sacerdotalism" have ceased; rather, the rise of sacerdotalism is made coincident with the Apostles themselves.<sup>19</sup> Certain features, however, of the Harnackian synthesis still play a dominant role in shaping the opinions of the less radical writers of the more liberal school. It is the synthesis of Harnack in its more modified dress that we shall now summarize.<sup>20</sup>

The infant Church was a community of saints in which scandalous Christians were few; if they were detected, they were punished with the utmost severity, even to perpetual exclusion from the fellowship of Christians. Such offenders had received with the rest their share in the mercies of the Lord through the sacrament of baptism, and they might await pardon on the last day. The Church would not, or could not, intervene in their regard a second time; for the Church on earth must ever stand before the pagan world purged of scandal and thus await undefiled the approval of the Lord.

In the third century, as the world invaded the Church, expediency dictated a more lenient attitude even toward the more reprobate.

<sup>18</sup> The best expression of Harnack's conception of the early Church teaching and practice will be found in his *Lehrbuch der Dogmengeschichte* (Tübingen, 1909), I, 439-444.

<sup>19</sup> Cadoux, who may be regarded as echoing the view of present-day rationalists, discusses Christ's commission to forgive sins as recorded by John 20:23, as follows: "Now it is clearly not allowable that these words were actually spoken by Jesus. . . . They are post-resurrection words. . . ; they harmonise far better with the mind of the Church in 100 A.D. than with the best attested other teachings of Jesus" (*Catholicism and Christianity*, New York, 1929, p. 413 f.). As is evident, the criteria for testing the words of Jesus belong to a science which is a trifle too subjective for the impartial historian. Cadoux admits by implication, at least, that in the year 100 A.D. the full significance of the Church's power to forgive sin was recognized.

<sup>20</sup> Our summary is drawn principally from the following authors: O. D. Watkins, *A History of Penance*, 2 vols. (London, 1920); K. E. Kirk, *The Vision of God*, The Bampton Lectures for 1928 (London, 1931); R. C. Mortimer, *The Origins of Private Penance* (Oxford, 1939). B. Poschmann, perhaps the most celebrated of Catholic historians of penance, will subscribe only to the last part of the more liberal synthesis, which traces the origins of a private penance to the Celtic discipline; cf. *Die abendländische Kirchenbusse im frühen Mittelalter* (Breslau, 1930).

Thus, under the auspices of Pope Callistus, hope of pardon even in this life was held out to the adulterer and to those guilty of the grosser sins of the flesh—an innovation against which Tertullian, faithful to the tradition of the past, raised his voice in bitter protest. A few decades later, the initiative in favor of apostates was taken by Cyprian and the Roman clergy; but again the innovation does not go unchallenged; this time the defenders of tradition are Novatus and Novatian. Some time later—under whose auspices we are not told—the bars of discipline were lowered to admit the homicide. Thus, within the space of a hundred years the sins of apostasy, adultery, and murder, which were at one time regarded as irremissible in this life, were finally accorded forgiveness by the Church.

Turning their attention to the character of the penitential discipline itself, the liberals find it marked from the beginning with the most awesome features. There was but one discipline, the public penance, which, prior to the period of clemency ushered in by Callistus, was reserved for less serious mortal sins. This discipline, known variously as *exomologesis* or more simply as *poenitentia* was granted but once. Finally, the public penance, which was the sole discipline, rendered the penitent liable to lifelong penalties and disqualifications, such as enforced continency and abstinence from the ordinary pursuits of civil life. The status of a penitent, even after reconciliation, was not unlike that of a professed religious: "...in the world yet not of it, wholly devoted to pious exercises and charitable works."<sup>21</sup>

According to the more moderate exponents of the liberal view, it is the rule of a single penance and the disqualifications attendant upon that discipline which rendered the sacrament of penance itself wholly inoperative on the continent during the sixth and seventh centuries. It is not until the advent of the Irish monks and the English missionary scholars that the sacrament of penance becomes the ordinary means of sanctification for the humble and devout, but at the same time essentially weak, Christian. Bringing with them a discipline of penance which was unencumbered by the more repellent features of the Continental practice, the missionaries from the North not only reawakened on the Continent a new spirit of penance; they gave to the Continental discipline a new form. It is, then, in the discipline of the Celts that the origins of a private penance are to be discovered.

<sup>21</sup> Mortimer, *op. cit.*, p. 2.

This, in outline, is the liberal synthesis. It will be noted that there is a tendency to welcome the amelioration of the more awesome ancient practice. And in this, the spirit of our liberal authors is far removed from that of the Jansenists; but the historical assumptions are basically the same. The concept of the early Church as a community of saints is invoked by liberals and by Jansenists alike to explain the severity of the early Church towards those who had sullied their baptismal innocence. The Franciscan, Bonal, may serve again as a witness to this fundamental error of the Jansenists: "It is a grave error to believe that the main mass of the early Christians were perfect. . . . It is but a day-dream that there ever existed a nation of true ascetics, a Church made up of great mortified souls. The mass of Christendom has always been composed of weak and imperfect persons."<sup>22</sup> We have already seen that Petau regarded the Jansenist denial of a private penance in the early Church as the second and even more basic error in Arnault's work—an error from which the whole reform movement drew its vitality.<sup>23</sup>

#### THE SYNTHESIS OF MORIN

The limits of the present article will not permit us to do more than summarize the conclusions reached by Morin on the general character of the penitential discipline as it evolved in the East and in the West during the first twelve centuries of the Church's history. As will be seen, Morin's conclusions run directly counter to the liberal synthesis.

Early in the fourth book of the *Commentary on Penance*, Morin's master thesis is enunciated; it is defended in the six books that follow, and serves the reader of that tremendous tome as a guiding thread to lead him through the vast labyrinth of questions that Morin considers in the course of his treatise. The thesis itself echoes the conclusion reached by Petau:

Before the heresy of Novatus much more so than afterwards, the penalties imposed for sin were of shorter duration and administered with much more clemency. One might consider this statement rather difficult to believe. However, if we consider the fragments that remain from the writings of the most ancient Fathers, the truth of the statement will be immediately evident. What is more,

<sup>22</sup> Cited by Bremond, *op. cit.*, I, 317.

<sup>23</sup> Cf. *supra*, p. 320.

if we turn our attention to the very beginnings of the Church's history, we shall find that the attitude of the Church towards sinners is progressively more clement and lenient.<sup>24</sup>

Morin proceeds to examine the evidence that remains from the first and second centuries.<sup>25</sup> True, the evidence is fragmentary; but there is scarcely a discordant note until we come to the Montanist period of Tertullian. The earliest and most celebrated case is that of the incestuous Corinthian who was guilty of a crime so heinous as to be unheard of even among pagans (I Cor. 5:3-5). And yet within the space of a few months, St. Paul again writes to the Corinthians to confirm the incestuous one in charity lest he be overwhelmed with sadness (II Cor. 2:6-11).

The second case is that of the young robber baron of Ephesus who was reconciled to the Church by the Evangelist, St. John. Again, the period of penance is necessarily brief; but of greater importance is the fact that the young robber chief surpassed his companions "in violence, bloodguiltiness and ferocity." Murder was no doubt a rarity in the primitive Church, but it is significant that the only instance recorded ends with the words of Clement: "And John did not leave him until he had established him in the Church; thus affording a great example of true penitence and a great instance of recovered life."<sup>26</sup>

Morin's next witness is Hermas, the author of the *Shepherd*, to whom Tertullian will contemptuously refer a century later as the "Shepherd of adulterers."<sup>27</sup> Not only does Hermas hold out hope of pardon for the adulteress but he warns the husband: "... if he does not take her back. . . he brings upon himself a great sin."<sup>28</sup> Nor could the period of penance have been very long; otherwise, as Morin notes in a welcome, if unexpected, flash of humor, the wife upon her return might claim with Penelope: *Certe ego quae fueram te discedente puella, Protinus ut redeas facta videbor anus.*<sup>29</sup>

<sup>24</sup> Morin, IV, ix, 1.

<sup>25</sup> *Ibid.*, nn. 1-12.

<sup>26</sup> Clement of Alexandria, *Quis dives salvetur?*, c. 42 (PG, IX, 649). Even though the story be apocryphal (which Clement assures us is not the case), it can hardly represent a radical departure from the spirit of Alexandria at the close of the second century.

<sup>27</sup> Tertullian, *De Pudicitia*, 10, 12 (ed. Rauschen, *Florilegium Patristicum*, fasc. X, Bonnae, 1915, p. 57).

<sup>28</sup> *Pastor Hermas*, Mandatum iv., 1 (ed. Funk, *Patres Apostolici*, Tübingen, 1887, I, 394).

<sup>29</sup> Morin, IV, ix, 6.

We shall cite but one further witness to the leniency of the Church's discipline during the period in which the three sins of apostasy, adultery, and murder were presumably regarded as irremissible. St. Irenaeus records the case of the deluded female followers of Marcus, the Gnostic. Having lost their faith as well as their morals, these women were received into the Church after confessing their guilt. The fact that one of them spent all her time in exomologesis—probably a reference to penance, rather than to confession—is recorded as something singular.<sup>30</sup>

The earliest evidence of the Christian past is, therefore, indicative of a spirit of clemency and humaneness. It is the period prior to the catechumenate, when the Church was in her infancy, and when baptism followed soon upon contrition and a profession of the essentials of the faith. It is the period when three thousand can be baptized in a single day, their only preparation being a short sermon delivered by Peter (Acts 2:41); the period when the eunuch of Candace after a short spin in a chariot can say to Philip: "See, here is water; what doth hinder me from being baptised?" (Acts 8:36). It is the period too, we may well believe, when the second baptism or reconciliation of penance was not attended by the same solemnity and publicity, the length and harshness of the later discipline, which parallels closely the gradually emerging ritual of the catechumenate. If we may generalize from the practice of St. Paul, more notorious sinners were excluded from fellowship with the faithful; but this was for a relatively brief period, lest the excommunicate be overreached by Satan and be overwhelmed with sadness. Morin might admit that the early Christians formed a community of saints, but he does not confuse their sanctity with the fanatical zeal of a puritanical sect. Instead, "the zeal, piety and devotion of the primitive Church was so extraordinary, the conversion of sinners so ardent and inflamed, that the stringent punishments of later times found no place."<sup>31</sup>

### *The Public Penance*

The third century—the period witnessed to by Tertullian and St. Cyprian—represents a transition. Its direction, however, is towards

<sup>30</sup> St. Irenaeus, *Contra haereses*, I, xiii (PG, VII, 592).

<sup>31</sup> Morin, IV, xi, 10.

severity.<sup>32</sup> It is in this century that we find the first clear description of the public penance. Morin will admit that the excommunication of the incestuous Corinthian and his subsequent restoration to fellowship may well have been attended with some external ceremony.<sup>33</sup> It is, however, from Tertullian and St. Cyprian that Morin particularly draws in describing the more general features of the public penance.

According to Tertullian, the term for penance, commonly used even by Latin Christians, is the Greek expression "exomologesis"; the word means "confession," but implies as well an accompanying "discipline for man's prostration and humiliation."<sup>34</sup> The significant word for Morin in this definition of exomologesis is "prostration." He regards the religious ritual which is summed up in this expression as the distinguishing feature of the public penance, whether we consider the discipline of the West or the later graded discipline of the East.<sup>35</sup>

Before considering the nature of this exomologesis, let us say a word of the confession of sins which preceded. The first thing to observe is that the confession was not always spontaneous. This was certainly encouraged and rewarded with a curtailment of the public penance. Encouraged also, was the practice of informing the bishop of those who were leading scandalous lives in the community. In such cases, where a formal accusation was brought by one of the faithful against another, the bishop, either alone or attended by his college of presbyters and deacons, heard the case. If the accused was found guilty and admitted his crime, this confession was deemed enough; and if his dispositions warranted, he was granted the privilege of making his exomologesis. If he denied the charge or remained recalcitrant, he was visited with the major excommunication and was completely cut off from the Church of God until he reformed and asked for penance.<sup>36</sup>

<sup>32</sup> *Ibid.*, x, 1.

<sup>33</sup> Morin observes that the statement of St. Paul, "to hand over to Satan for the destruction of the flesh" (I Cor. 5:5), is frequently cited by the Fathers as a type of the more humiliating public penance; cf. *ibid.*, ix, 2.

<sup>34</sup> Tertullian, *De Paenitentia*, 9, 3 (ed. Rauschen, p. 24).

<sup>35</sup> Morin, IV, iv, 1; IV, vii. The graded penitential discipline of the East is Morin's point of arrival in the evolution of the more liturgical aspects of the public penance. Of the four progressive grades which characterize this discipline, namely, the grades of mourner, hearer, kneeler, and bystander, only the third grade, which Morin here calls *substratio*, is mentioned in the pre-Novatian period; cf. *infra*, p. 334 f.

<sup>36</sup> Morin, II, xi.

Following this private or semi-private confession, the sinner was enrolled in the order of penitents through an imposition of hands.<sup>37</sup> The first step in the process of humiliation, Morin believes, was publicly to declare the sins for which the penance was imposed. This was certainly the case where the crime was public and where no scandal would result to the faithful or harm to the penitent. Morin feels that this interpretation is supported by the actual word used to describe the public penance, *exomologesis*. He offers additional reasons which need not concern us.<sup>38</sup>

After this act of self-abasement, the penitent, garbed in sackcloth and sprinkled with ashes, assumed a prostrate position and entreated the faithful and the clergy to intercede with God in his behalf. There followed, according to Morin, a ceremonial imposition of hands, after which the penitent was excluded along with the catechumens from the Mass of the Faithful. This whole ceremony was repeated whenever the liturgy was celebrated, until the imposition of hands was no longer ceremonial but actually reconciled the penitent to God and to the Church.<sup>39</sup> With this last imposition of hands there followed immediately, at least in the West, full restoration of the right to make the offering and to partake of the Eucharist.<sup>40</sup> Finally, no subsequent disabilities or disqualifications were suffered. The lay person might enjoy the ordinary privileges of domestic and civil life; and in this the discipline of the early third century differs from the post-Novatian discipline.<sup>41</sup>

<sup>37</sup> *Ibid.*, IV, xvii.

<sup>38</sup> *Ibid.*, II, ix. Most authors today, whether liberal or conservative, deny that a detailed and public manifestation of sin ever found place in the early Church. According to these authors, the term "*exomologesis*" refers to the publicity of the penance and not to the publicity of the confession; cf. Vacandard, "Confession," *DTC*, III, 857-859; Watkins, *History of Penance*, I, 422. For Poschmann's view, which favors the position of Vacandard, cf. *Die abendländische Kirchenbusse im Ausgang des christlichen Altertums* (München, 1928), p. 14 f. It should be noted that the solution of this question has no bearing on the question of private penance. As we shall see in due course, private penance differs from public penance in the secrecy of the satisfaction, not in the privacy of the confession. Auricular or secret confession is an essential element of both disciplines, although Morin believes that after the secret or semi-secret confession the penitent was obliged to repeat for the edification of the faithful the sins for which the public penance was enjoined.

<sup>39</sup> Morin, VI, vii.

<sup>40</sup> *Ibid.*, IV, xxi.

<sup>41</sup> *Ibid.*, V, xviii; for the nature of these disabilities, cf. *infra*, p. 333 f.

*Irremissible Sins*

A question of some importance here presents itself: Who were obliged to undergo the humiliation of the public penance? If, as the more liberal historians assert, reconciliation was actually refused to murderers, apostates, and adulterers at the time of Tertullian, it is apparent that the public penance leading to reconciliation was restricted to a class of sins which may be styled intermediate or moderate, and a strong presumption is created against a discipline of penance which was private.<sup>42</sup> However, the premise on which this conclusion is based is not warranted. We have already seen evidence to the contrary, bearing witness to the practice of the first and second centuries.<sup>43</sup> The sin of the Corinthian, which would make even the pagan blush for shame, finds remission. The young robber baron, who surpassed his companions in "bloodguiltiness" is reconciled to the Church. Hermas finds a place for the adulterer and the apostate in the "Tower" which is the Church on earth. And the female followers of Marcus, despoiled of their faith as well as their morals, are restored to fellowship with the saints, while the fact that one continues to make exomologesis is recorded as something singular.

How, then, explain the statement of Tertullian that Callistus, or the author of the celebrated edict which now bears his name,<sup>44</sup> actually refused reconciliation to the apostate and the murderer?<sup>45</sup> From this

<sup>42</sup> Morin's argument for a private discipline will turn on his ability to limit the public penance to the three sins of adultery, murder, and apostasy; less serious mortal sins, he maintains, were sacramentally absolved in a discipline that was private in character. This thesis is the burden of Book V of his *Commentary*, and will be discussed by us in a second article.

<sup>43</sup> Cf. *supra*, p. 325 f.

<sup>44</sup> The edict that provoked the *De Pudicitia* of Tertullian is recorded only by Tertullian: "Audio etiam edictum esse propositum, et quidem peremptorium, Pontifex scilicet maximus, quod est Episcopus Episcoporum, edicit: 'Ego et moechiae et fornicationis delicta poenitentia functis dimitto'" (*De Pud.*, 1, 6; ed. Rauschen, p. 30). In Morin's day the edict was ascribed to Pope St. Zephyrin. With the discovery of the *Philosophumena* of Hippolytus in the year 1851, in which a similar charge of favoring adulterers is made against Pope St. Callistus, the successor of St. Zephyrin, the edict has become known as the "Edict of Callistus." Galtier, however, does not subscribe to this view and writes a rather lengthy appendix to show that the author of the decree is an African bishop; cf. *L'Église et la rémission des péchés* (Paris, 1932), pp. 139-183.

<sup>45</sup> The accusation of inconsistency is made in the following passage: "Idololatrā quidem et homicidā semel damnas, moechum vero de medio excipis, idololatriae successorem, homicidae antecessorem, utriusque collegam" (*De Pudicitia*, 5, 15; ed. Rauschen, p. 41).

charge it would appear that at Rome or at Carthage, depending on the origin of the edict, the practice formerly had been to deny reconciliation to all three, an exception now being made only in favor of the adulterer.

Morin informs us that many learned men of his own day were inclined to accept the statement of Tertullian at its face value.<sup>46</sup> Morin, however, simply refuses to regard Tertullian in this matter as an impartial witness. In Morin's opinion, the implied charge that at Rome the apostate and murderer were denied absolution is an evident calumny. To lend color to an impossible position, Tertullian, the Montanist, makes use of a polemical device which has been used by all heretics to discredit the Catholic position. Thus, to prove that Catholics are in reality idolators, heretics will assert as a point of Catholic teaching that the saints are to be worshipped in the same way as God Himself. To discredit the Catholic teaching on the satisfactory value of good works, heretics will claim that Catholics teach the insufficiency of the merits of Christ. Thus, it would go hard with the Catholic position, if it had to be studied from the writings of heretics; and it is from the *De Pudicitia* of Tertullian, the heretic, that we are asked to study the discipline of Rome with regard to the apostate and the murderer.<sup>47</sup>

Morin proves conclusively enough that Tertullian actually employed this polemical device.<sup>48</sup> In the opening section of the *De Pudicitia*, Tertullian boasts of his change of view on becoming a Montanist.<sup>49</sup> The whole trend of his Montanist work, in which this change of view occurs, is to prove from Scripture—no appeal is ever made to tradition—that the major crimes of adultery, apostasy, and murder are irremissible in this life. Nor need we conjecture the

<sup>46</sup> Morin, IX, xix, 1. Among the "viri docti" unmentioned by Morin were the two leading Jesuit savants of the day, Petau and Sirmond. Petau, however, had tempered his view considerably in his reply to Arnauld and interpreted the innovation of Callistus as a curtailment of the period of penance in favor of the adulterer, leaving the apostate and murderer unreconciled until death. For the pertinent passages wherein this evolution of Petau's teaching may be found, cf. D'Ales, *L'Édit de Calliste*, pp. 3 ff.

<sup>47</sup> Morin, IX, xx, 3.

<sup>48</sup> *Ibid.*, xx, 4-12.

<sup>49</sup> "Erit igitur et hic adversus psychicos titulus, adversus meae quoque sententiae retro penes illos societatem, quo magis hoc mihi in notam levitatis objectent." The charge of inconstancy is easily shrugged off with the rejoinder: "nemo proficiens erubescit" (*De Pudicitia*, 1, 10-12; ed. Rauschen, p. 32).

content of his own teaching before his Montanist defection; for in his Catholic work, the *De Poenitentia*, which was written some twenty years earlier (ca. 200), no distinction is made between remissible and irremissible sins. All sins, whether of the flesh or of the spirit, whether of deed or of desire, can find remission through penance.<sup>50</sup> Even more striking is the argument that Tertullian uses to prove his point. It is an argument that will be used against him some twenty years later, and that will become the classical argument against the Novatianists from the days of St. Cyprian on. Recalling the threats and the admonitions to penance made by the Spirit of the Apocalypse to the churches of Asia, Tertullian assures his listeners that the Spirit would never have warned them to do penance, unless he were prepared to pardon the penitent.<sup>51</sup> However, when Catholics press the same line of reasoning ("frustra agetur poenitentia, si caret venia"), how does Tertullian reply? Here, surely, would have been the place to point out the glaring inconsistency of reconciling the adulterer and refusing to grant pardon to the apostate and the murderer. However, as Morin notes, Tertullian has not sufficiently warmed up to his subject to employ as yet this calumnious device.<sup>52</sup> Instead, he admits the fact that all sinners were actually absolved, and answers rather petulantly that the "psychics," in absolving such sinners, were usurping a prerogative which belonged to God alone: "Merito ita opponunt quoniam hujus quoque poenitentiae fructum, id est, veniam, in sua potestate usurpaverunt."<sup>53</sup> Thus, the *De Pudicitia* of Ter-

<sup>50</sup> Tertullian, *De Paenitentia*, 4, 1 (*ed. cit.*, p. 14). Tertullian's statement, although it occurs in the section that deals with the penance before baptism, is introduced by way of transition to the second baptism, which is accorded to those who have made shipwreck of the first.

<sup>51</sup> "Non comminaretur autem non paenitenti, si non ignosceret paenitenti" (*ibid.*, 8, 2; *ed. cit.*, p. 22). It is interesting to note that among the sins for which the members of the Church of Thyatira were to do penance are the sins of fornication and idolatry. Nor is there any reason to suppose that Tertullian is here speaking of penance that sows the seeds of a pardon to be harvested only in the next life. He is exhorting sinners to a discipline of penance, the fruit of which is comparable to the effect of baptism: "Igitur cum scias adversus gehennam post prima illa intinctionis dominicae munimenta esse adhuc in exomologesi secunda subsidia, cur salutem tuam deseris? cur cessas adgredi, quod scias mederi tibi?" (*ibid.*, 12, 5; *ed. cit.*, p. 28). There is not the slightest suspicion that the fruit of this penance is to be delayed until the next life; rather, the reward of undergoing the humiliation of the public penance is "palam absolvi," a clear reference to some reconciliation that will take place "coram Ecclesia" (*ibid.*, 10, 8; *ed. cit.*, p. 25).

<sup>52</sup> Morin, IX, xx, 7.

<sup>53</sup> Tertullian, *De Pudicitia*, 3, 2-3 (*ed. cit.*, p. 37 f.)

tullian, far from serving as a source of difficulty, on closer analysis actually substantiates the view of Morin that in the major churches of the East and of the West no sin was regarded as outside the competence of the Church on earth to absolve.

The argument advanced by liberal authors to show that at Carthage and at Rome the apostate was not reconciled prior to the innovation introduced by St. Cyprian and the Roman clergy is based on a misunderstanding of the point at issue.<sup>54</sup> The question that vexed St. Cyprian in the early days of the Decian persecution (ca. 250) was not whether the apostate should be reconciled—there was ample precedent for this—but whether the stringent requisites prior to reconciliation should be enforced, despite the threat of schism, the angry entreaties of the lapsed themselves, and the insistent intercession of the martyrs. What these requisites were we have already seen in our description of the public penance. Further light on the procedure of discipline which was reserved for the sin of apostasy, and for what Morin will interpret as the lesser sins of adultery and murder, may be gained from the following passage of one of Cyprian's earliest letters. Of more particular interest now is the light that it throws on the actual state of the controversy that existed between Cyprian and the members of his own clergy:

For, whereas sinners do penance even in the case of lesser sins, for a fixed time, and in accordance with the procedure of discipline come to confession and receive the right of communion by the imposition of hands of the bishop and clergy; now, at an immature time, while the persecution is still going on, and the peace of the Church herself is not yet restored, (the lapsed) are admitted to communion, and the offering is made in their name, and though their penance is not yet performed, the hand not yet laid upon them by the bishop and the clergy, the Eucharist is given to them.<sup>55</sup>

What Cyprian here censures in his own clergy is not that reconciliation was granted to the lapsed, as if there was no precedent for such action, but that the lapsed were allowed to partake of the Eucharist, without episcopal sanction, and what is worse, without observing the procedure of penance.

<sup>54</sup> Morin handles the problem created by the writings of St. Cyprian and the Roman clergy, *op. cit.*, IX, xxii-xxviii.

<sup>55</sup> St. Cyprian, *Epist.* X, 2 (ed. Oxford, XVI).

Neither Callistus nor Cyprian, therefore, is an innovator. They are faithful in carrying on the tradition witnessed to by St. Paul, St. John, St. Irenaeus, and Hermas. That there was a rigorist element in the Church Morin does not deny.<sup>56</sup> But the point to stress is that when this minority group set itself against the traditional teaching of Christendom, as did Tertullian, Novatus, and Novatian, it was they who were branded as innovators and heretics.

### *The Post-Novatian Discipline*

With the Montanist and Novatianist schism, the rigorist element which formed from the beginning a separatist movement within the Church took the final step that characterizes the progress of all heresies; and it is in this sense that the Church, purged of so puritanical an element, may be said to have become more clement in her administration of penance. However (and it is here that the general thesis of Morin reasserts itself), the Montanist, and more particularly, the Novatianist schism had the very natural effect of inducing Catholics generally to tighten the reins of discipline, as it affected those guilty of more heinous crimes. If the adulterer, the apostate, and the murderer found no remission in the sect of Novatian, we can see why these same sinners should be absolved by Catholic bishops only after a protracted period of probation during which the sincerity of the sinner's conversion would be put to the test.

This general tightening of the discipline took two distinct forms. In the West, there is no definite evidence that the period of public penance was considerably lengthened. Morin, however, does believe that in the post-Novatian period the life-long disqualifications following upon reconciliation were first introduced.<sup>57</sup> The disqualifications were the following: first, no person who has been a public penitent may marry or enter into new marriages; secondly, if already married, he may not have intercourse with his wife; finally, no such person may

<sup>56</sup> Certain African bishops ("quidam de episcopis") had refused to reconcile the adulterer prior to Cyprian's time; cf. *Epist.* LII (Oxford, LV). This same rigorous spirit characterized the churches of southern Spain, as is evidenced by the Council of Elvira (ca. 305); cf. Morin, IX, xix, 2 ff.

<sup>57</sup> These disabilities first appear in a letter of Pope St. Siricius, bishop of Rome from 384 to 398, *Ad Himerium episcopum Tarraconensem, cap. 5* (PL, XIII, 1137); cf. Morin, V, xviii, 2.

take up military service, engage in trade or civil pursuits, or attend the games or the circus.<sup>58</sup>

In the East, the tightening of the reins of discipline took the form of the graded discipline. Under the auspices of Gregory Thaumaturgus, this discipline was introduced sometime around the year 260; hence, less than ten years after Novatian had set up his own faction against Pope Cornelius. Morin apparently sees more than a temporal nexus between the origins and spread of the graded discipline and the rise of Novatianism, although he does offer as an added reason the iniquity of the times.<sup>59</sup> The world is beginning to invade the Church, but the invasion evidently calls for a tightening rather than for a relaxation of discipline. In any event, the graded discipline is offered as a further instance of Morin's main thesis, that the penitential discipline evolved in the direction of severity.

We have seen that in the discipline of Tertullian and St. Cyprian there was but one grade, which Morin, borrowing a technical expression from the procedure now under consideration, referred to as *substratio*.<sup>60</sup> In the East where the graded discipline took hold, there were four separate grades through which those guilty of major crimes would ordinarily pass before being readmitted to full fellowship with the faithful. To use the Latin equivalents suggested by Morin, we can refer to the grades in order: (1) *Fletus*, the grade of the mourners; (2) *Auditus*, the grade of the hearers; (3) *Substratio*, the grade of the kneelers or fallers; (4) *Consistentia*, the grade of the bystanders.<sup>61</sup>

The mourners were excluded from the church edifice itself and entreated the more privileged Christians to intercede with the bishop for entrance into the church. Admitted as a hearer into the vestibule

<sup>58</sup> Morin cites numerous instances from various Councils and local Synods to show that these disabilities were frequently waived in favor of those who would find them an insuperable burden; *op. cit.*, V, xviii. Morin would not have us believe that the Holy Spirit had deserted the Church. Much of the harsh legislation of this period is tempered by the prudence and humaneness which characterized individual bishops. It is in this vein that Morin brings to a close his treatment of the penitential disabilities which at first sight appear so appalling: "Singula enim diligenter consideranti manifestum erit antiquos Patres prudenter admodum severitatem suam aliquando dispensasse, aliquando interemisse, aliquando fortiter exercuisse, nec imperitorum Medicorum instar, uno collyrio omnium oculos sanasse" (*ibid.*, xxiv, 1).

<sup>59</sup> Morin, VI, i, 2.

<sup>60</sup> *Supra*, p. 327.

<sup>61</sup> Morin, VI, i, 2; for a description of these grades, cf. *ibid.*, ii-xviii.

of the church, the penitent enjoyed the same privilege as the enquiring pagan: he was allowed to hear the homily. It is not until we come to the grade of kneelers that we have what Morin regards as the essential element of the public penance. In this grade we find the penitents in the strict sense of the term. As in the earlier discipline, their status is that of the more advanced catechumen; they were privileged to remain for the Mass of the Catechumens, but were excluded from the Mass of the Faithful and the Eucharist. After spending the allotted time in this grade, reconciliation was granted.<sup>62</sup> Unlike the earlier discipline, however, full communion was not granted. The penitent was now privileged to remain as a bystander during the Mass of the Faithful, but he could neither join in the offering nor partake of the Eucharist. Morin feels that he is supported in this view by the thirteenth canon of Nicaea. According to this canon, penitents who were reconciled while dying, and who later recovered, were "to have place with those who have the communion of the Prayer only."<sup>63</sup>

When one recalls that the time spent in the various grades might last as long as twenty-seven years—the period prescribed by Gregory of Nyssa for wilful homicide—the general thesis of Morin will be the better appreciated. In any event, the graded penitential discipline of the East is in no sense "an early experiment in mitigation."<sup>64</sup> Rather, the discipline itself was so severe that the whole system eventually overreached itself and finally gave way in the closing half of the fifth century to a discipline which was private. Only in the case of notorious sinners was some vestige of the earlier discipline retained—the practice of excluding from the Eucharist those guilty of more heinous crimes, a relic of the grade of *Consistentia*.<sup>65</sup>

### *The Early Middle Ages*

Morin's original purpose was to trace historically only the first five or six centuries of the Church's penitential discipline. However, during the twenty-five years which he devoted to his *Commentary*, the work grew under his hand. As he reread and revised the original draft, new difficulties presented themselves, his curiosity was stimu-

<sup>62</sup> *Ibid.*, xxi, 1.

<sup>63</sup> *Ibid.*, xxi, 2.

<sup>64</sup> The rather extraordinary statement of K. E. Kirk, *The Vision of God* (London, 1931), p. 277.

<sup>65</sup> Morin, VI, xxii, 9.

lated anew, and an ardor and zeal for further research matched his curiosity<sup>66</sup>. As a result, he was led into a period that marks for liberal historians a change of tremendous proportions. According to the liberal synthesis, it is in this period that the sacrament of penance received not only a new spirit but a new form. It is the period in which the historian can find the first real indications of a normal sacramental discipline which is at the same time stripped of the publicity and more repellent features of the ancient public penance—features which had succeeded in stifling the true spirit of penance and in rendering the sacrament itself almost wholly inaccessible to the earnest yet weak Christian.<sup>67</sup>

Oddly enough, Morin senses little or nothing of the change. He will admit that much of the solemnity of the earlier penitential ritual has disappeared.<sup>68</sup> But in other respects, the penances imposed for sin are much more exacting in the period known as the "Celtic Enlightenment" than are those of any antecedent period: "Saltem laborum, aerumnarum, jejuniorum, abstinentiarum et ejusmodi afflictionum corporearum ab anno septingentesimo ad millesimum centesimum imponi solitarum, quae nobis supersunt monumenta, graviores fuisse ab eo tempore Poenitentiae demonstrant, quam quae antecedentibus saeculis imponi solebant."<sup>69</sup>

In discussing the character of the Celtic discipline, we shall omit the descriptions of the long and rigorous fasts in which the Celts yield nothing to the Continentals.<sup>70</sup> Our principal concern is with

<sup>66</sup> *Ibid.*, Praefatio ad lectorem.

<sup>67</sup> Cf. *supra*, p. 323.

<sup>68</sup> This applies principally to the ceremonial imposition of hands and to the prayers that were said over the prostrate penitents in the earlier exomologesis. With the gradual disappearance of the ritual of the catechumenate, it would appear that many of the more liturgical features of the public penance disappeared as well; cf. Morin, VI, xxvii, 3-6; VII, viii, 1.

<sup>69</sup> Morin, VII, ix, 1. In all fairness, we should observe that Morin appeals principally to the strictly Continental discipline in establishing this conclusion. Hence, the citations show at most that the Celtic discipline failed to enlighten the Continent, that the Continent stubbornly refused to be thawed out by the warm breath blowing from the North. Morin, however, does offer enough evidence from the English penitential writings of Egbert, Bede, and Theodore, and from the local synods of England to warrant our extension of his main thesis to the discipline supposedly peculiar to the British Isles; cf. Morin, VII, xii, xv, xvii; in this last chapter, the severity of the present discipline is illustrated exclusively from English penitential writings.

<sup>70</sup> Penitential fasting among the Celts was so severe that we read of a "gathering of the saints of Ireland" to take counsel together because "they were grieved that penitents

the penalties which approximate more closely the disabilities or disqualifications of the earlier public penance—disabilities which Mortimer assures us were “swept away” under Celtic influence;<sup>71</sup> disabilities which Watkins suggests “may well have been impracticable to impose on a population of fierce and savage raiders.”<sup>72</sup> The disabilities in question are “such disabilities as the privation of arms and the prohibition of the use of marriage.”<sup>73</sup>

Let us state at the outset that these disabilities even in the earlier discipline were, according to Morin, visited only on those who were guilty of the grosser sins of the flesh, of murder, and of apostasy. In the present discipline, whether we consider the discipline in force on the Continent or in the British Isles, the same crimes are punished with like disabilities, although the sin of apostasy is less frequent, and hence rarely mentioned in the penitential writings.<sup>74</sup>

As early as the fifth century, St. Gennadius of Gaul had offered the monastic life as a substitute for the strictly liturgical public penance. Those guilty of mortal crimes could “seek pardon from the mercy of God by changing the secular habit and by expressing through correction of life the desire of religion and the yoke even in perpetual mourning.”<sup>75</sup> In the Celtic lands, during the seventh and succeeding centuries, the monastic life or exile became the ordinary penalty for those guilty of more heinous crimes. Thus, “he who kills a man within the walls of the monastery shall go forth cursed as an exile, or having shaved his head and beard he shall serve God all the rest of his life.”<sup>76</sup>

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died on bread and water in the days of the elders who lived before them” (*The Customs of Tallaght*, compiled ca. 831–840; cited by McNeill and Gamer, *Medieval Handbooks of Penance*, New York, 1938, p. 423 f.).

<sup>71</sup> R. C. Mortimer, *The Origins of Private Penance* (Oxford, 1939), p. 189.

<sup>72</sup> O. D. Watkins, *History of Penance*, II, 761. <sup>73</sup> *Loc. cit.*

<sup>74</sup> The Irish penitential of St. Columban prescribes the public penance for those who have had communion with the Bonosiacs; cf. *Poenitentiale Columban*, B, 25 (ed. McNeill and Gamer, p. 256); but confer Watkins’ explanation of this embarrassing canon, *op. cit.*, II, 618 f.

<sup>75</sup> Gennadius, *De ecclesiasticis dogmatibus*, I, 53 (*PL* LVIII, 994); cited by Morin, VII, xv, 13.

<sup>76</sup> *Poenitentiale Egberti*, can. 61; cited by Morin, VII, xvii, 5. There is still some question as to the authenticity of these canons. For an evaluation, cf. McNeill and Gamer, *op. cit.*, p. 237 f. However, the monastic life or exile, or even a combination of the two, is found frequently enough in the penitentials of unquestioned Celtic origin; cf. *ibid.*, Index, p. 463, under title “exile”; also under heading “Curious and Extreme Penalties,” p. 34, where McNeill notes: “For the greater offenses, especially for homicide, the sentence of exile is often prescribed.”

As late as the close of the tenth century, the penalty imposed in England on one who had stained himself with all kinds of sins was that he should "speedily betake himself to a monastery and there, according to instruction, let him serve God and men forever; or let him leave far behind his fatherland and do penance all the days of his life."<sup>77</sup> This latter alternative of exile was known as the "profunda poenitentia," "wherein a layman puts aside his arms and wanders far from his homeland, unshod, spending not more than two nights in one place . . . and . . . is so unkempt that neither beard nor nails have known the knife."<sup>78</sup>

Liberal writers are amazed at the rigors of the early penitential discipline, which tended to make monks of people living in the world; in the disabilities and disqualifications visited upon penitents they see one of the main reasons why the sacrament of penance, prior to the advent of the Irish monks and English missionaries, had become almost wholly inoperative. We might well admit that the heroic labors of these monks and scholars should result in a quickening of the spirit of penance on the Continent. It does not follow that they gave to the Continental discipline a new form. Even were we to admit that the public penance was separated from the liturgy in the Celtic lands—a point that is at least debatable<sup>79</sup>—it does not follow that the more

<sup>77</sup> *Canones sub Edgardo Rege et Dunstano Cantuariensi Archiepiscopo collecti et sanciti*, can. 46; cited by Morin, VII, xvii, 5. All authors agree that these canons belong to the close of the tenth century and are representative of the English discipline; cf. McNeill and Gamer, *op. cit.*, p. 409.

<sup>78</sup> Canon 10 of the above collection.

<sup>79</sup> The main argument against any public penance at all in the Celtic discipline is drawn from the *Penitential* of Theodore of Canterbury, wherein it is expressly stated: "in this province reconciliation is not publicly ordered, because also there is no public penance" (I, *cap.* 13; ed. McNeill and Gamer, p. 195). Those who discover the origins of private penance in the Celtic discipline extend the words "in this province" to the whole of England; e.g., Watkins, *op. cit.*, II, 643. T. C. Oakley, on the other hand, observes: "Whether or not public penance was practiced during the time of Theodore or before him, evidence at least of some of its traits or parts is found in the period after Theodore" (*English Penitential Discipline and Anglo-Saxon Law in their Joint Influence*, New York, 1923, p. 78). If we may advance a view of our own, the reason why there was no public penance in the province of Canterbury was simply because Theodore abolished it. Nor is this view altogether arbitrary, if we recall the following facts: (1) Theodore came from the East, where the public penance was no longer enforced. (2) Pope Vitalian, in appointing him to the See of Canterbury, entertained some suspicions that he might introduce contrary teachings "after the manner of the Greeks" (Ven. Bede, *Historia*

awesome features of that discipline found no place. The exile was a marked man; his sordid attire marked him for what he was, a public penitent. During the period of his exile, which might last until death, he was denied as a matter of course the delights of conjugal intimacy, and in his wanderings on the Continent he carried nothing more formidable than a pilgrim's staff.<sup>80</sup>

It is, therefore, a bit tendentious to discover in the Celtic discipline a spirit of humaneness and understanding that was wanting to the rest of the Church during the first seven centuries. Morin will grant that the Celts were remotely responsible for the gradual disappearance of the public penance and the more awesome features attendant upon that discipline. The reason, however, is not that they introduced a new spirit of clemency; rather, the periods of fasts were so prolonged, the bodily mortifications so severe, even in the case of lesser sins, that some form of commutation became imperative. Again, since a definite penance was fixed by the penitential handbooks for each particular sin, the period of penance might easily assume astronomical

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*Ecclesiastica*, lib. iv, c. i). (3) The Pope's apprehensions were justified as far as the question of remarriage after divorce was concerned. For the lax teaching of Theodore on divorce, which follows closely the code of Justinian, cf. *Poenitentiale Theodori*, II, 12.

John Ryan, S. J., the celebrated Gaelic scholar, says of Ireland: "Where sins were heinous a long period of public penance might be imposed before absolution. Mag Luinge in Tiree and the island of Himba were penitential stations connected with Iona. For terrible crimes like incest, exile till death in a foreign land might be demanded as a part of the penitent's satisfaction. . . . An imposition of hands seems to have accompanied the admission of the sinner to the state of penitence. . . . Symptomatic of the hard life they had to lead were the prohibitions against frequent washings of the hair, and the order that they should pray kneeling whilst others prayed standing, on festival days and days of relaxation. . . . When the period of penance had expired they returned to him who had imposed it, were absolved and admitted as ordinary members of the faithful to the Holy Table" (*Irish Monasticism* Dublin, 1931), p. 335 f. In the earlier exomologesis, the distinguishing liturgical feature was the "prostration," which in the graded discipline constituted the grade of kneeler. Oddly enough, in Ryan's description of the Celtic public penance, the same feature is stressed.

<sup>80</sup> From the following canon it would appear that the more awesome disabilities that characterized the ancient discipline are still very much in evidence. A tyrant who shall kill anyone attached to a bishop "shall render to God all his inheritance and all his substance . . . and he shall go on perpetual pilgrimage, or more mildly, on a pilgrimage of thirty years; he shall live without flesh and wife and horse, on dry bread, and with meagre clothing, and stay not more than two nights in one house, save only in the principal festivals or if sickness lays hold of him" (*The Worcester Collection of Irish Canons*, ca. 1000, can. 3; cited by McNeill and Gamer, *op. cit.*, p. 425 f.

proportions and prove impossible of fulfillment in the space of a life-time. A compromise was, therefore, inevitable. It was first found in the practice of commuting the penances imposed by the priest, and later in the practice of granting indulgences. And with this last practice, the cycle in the evolution of penance is closed.<sup>81</sup> True, the public penance still remained as the normal discipline for more notorious sinners up until the middle of the thirteenth century, but the comparative ease with which a plenary indulgence could be gained soon occasioned its final disappearance.<sup>82</sup>

Such, in brief, is Morin's conception of the discipline of penance as it evolved during the first twelve centuries of the Church's history, when, through the gradual introduction of the practice of granting indulgences, the discipline became fixed and comparatively uniform. Our survey has dealt almost exclusively with the public penance, a discipline which, Morin assures us, was reserved for those guilty of more heinous crimes. We shall consider in due course what these crimes were and what evidence Morin adduces to prove that less serious sins could be sacramentally expiated without subjecting the penitent to the public penance. Our present purpose is to sketch in broad outline the fate of Morin's classic work and of the brilliant synthesis which we have seen. The all but total eclipse which the work of Morin suffered during the late eighteenth and nineteenth centuries will explain in great part why the question of a private penance ceased for a time to be regarded as a problem, and why only in our own day the question is receiving the attention that it deserves.

#### THE SCHOLASTIC REACTION

Morin's conception of the penitential discipline is valuable today as a corrective to the more liberal view which regards the evolution of the discipline as one of progressive clemency. No less valuable was the *Commentary* in Morin's own day as an historical refutation of the basic assumptions of the Jansenizing element in France. As a matter

<sup>81</sup> For the reasons that contributed to the disappearance of the public penance, cf. Morin, X, xvii-xxvi.

<sup>82</sup> To the question: "Utrum aliqua poenitentia debeat publicari vel solemnizari," S. Thomas replies: "Injungenda nonnumquam est iis qui enormibus ac publicis criminibus contaminati et obstricti sunt publica et sollemnis poenitentia, ad ipsorum salutem et aliorum exemplum" (*Sum. Theol., Suppl. ad III, q. 28, a. 1*).

of fact, Morin intended his work on penance to serve also as a corrective to the ultra-conservative views entertained in Scholastic circles; and this will explain in great part the subsequent fate of the *Commentary*.

Basic to the Scholastic conception current in Morin's day was the denial of the sacramental character of the ancient public penance.<sup>83</sup> According to the more conservative theologians, the sacrament of penance was wholly private, and references in the early literature to protracted periods of penance followed by absolution were interpreted as instances of a non-sacramental discipline which pertained to the external forum. Thus, the public penance of Tertullian, Cyprian, Pacian, Augustine, Gregory Thaumaturgus, Gregory of Nyssa, and Basil came to be regarded as examples, admittedly severe, of a purely ecclesiastical censure, imposed by the Church after sacramental absolution was accorded, and lifted by the Church after the ecclesiastical penance was fulfilled. The final reconciliation granted at the close of the public penance affected the sinner's relations with the Church and did not reach the forum of conscience.

This distinction between the sacrament of penance and the purely disciplinary public penance proved most convenient in answering the

<sup>83</sup> St. Thomas does not directly affirm the sacramental character of the public and solemn penance; he takes it for granted. Thus, against the objections that penance should be secret in character, he replies: "Sed contra, poenitentia est quoddam sacramentum. Sed in quolibet sacramento solemnitas quaedam adhibetur. Ergo in poenitentia adhiberi debet" (*Sum. Theol., Suppl. ad III*, q. 28, a. 1). By the time Morin's treatise appeared, the implications in the teaching of St. Thomas on the character of the public and solemn penance were being lost sight of. For Thomas the sole distinction in the two disciplines was to be found in the element of satisfaction. To the objection that penance (evidently the sacrament) "est quoddam iudicium quod in foro occulto agitur; ergo non debet publicari vel solemnizari," he replies: "Poenitentia solemnis, quantum ad injunctionem, non exit forum occultum, quia sicut quis occulte confitetur, ita occulte ei poenitentia injungitur, sed executio exit forum occultum, et hoc non est inconveniens" (*ibid.*, ad 2m). We cited a passage earlier (*supra*, note 82) in which St. Thomas stated that the public and solemn penance was to be enjoined not only for the edification of others but for the salvation of the penitent: "ad ipsorum salutem et aliorum exemplum." How far Scholastic opinion had changed on the nature of the public penance may be seen from the teaching of Suarez in his commentary on the *Summa*. The public penance is merely ceremonial and refers neither to the virtue of penance nor to the sacrament. The sacrament of penance is ordained "ad internam peccati remissionem," the solemn or public penance "ad publicam satisfactionem et aedificationem" (Suarez, *Opera Omnia*, ed. Vivès, Paris, 1861, tom. 22, p. 134). The view of Suarez was perpetuated in most Scholastic treatises and manuals up until comparatively recent times.

very real problems that are created by early Church practice. Thus, the rule of a single penance, which was all but axiomatic in the Church of the West for the first five centuries,<sup>84</sup> and the occasional denial of penance to those who put off conversion until death approached,<sup>85</sup> were easily glossed over by the simple expedient of a distinction: the rule of a single penance and the occasional denial of penance apply, not to the sacrament of penance, but to the public penance which was extra-sacramental.<sup>86</sup> As is evident, the question of a private penance within the framework of such a synthesis was meaningless. Sacramental penance was wholly private.

Morin was not the first to question the validity of this distinction, but he was the most outspoken in stressing the ultra-conservative, if not reactionary, attitude of the Schoolmen. So intolerant is he towards the view that regards the public penance as non-sacramental, that he sees no good reason for delaying the progress of his *Commentary* "in istius absurdi convictione."<sup>87</sup> In the ninth book of his *Commentary*, however, he treats the question *ex professo* and develops thoroughly the arguments that have since become traditional for proving the sacramental character of the public penance, and the sacramental efficacy of the reconciliation granted at its close.<sup>88</sup>

<sup>84</sup> The evidence for the axiom is gathered by Morin, V, xxvii-xxix. The rule of a single penance applies only to the public penance and hence to those who fall a second time into one of the more serious crimes for which the public penance was imposed: "Non est igitur temere ad omnia crimina et peccata de quibus poenitentiam agere iubemur, trahendum dictum istud" (*ibid.*, xxvii, 1). Of course, the validity of this remark depends on a point which must yet be established—the existence of a private penitential discipline for a class of sins that may be styled intermediate.

<sup>85</sup> The denial of penance to those who "in infirmitate atque in periculo coeperint deprecari" (First Council of Carthage under Cyprian, *PL*, III, 814), is shown by Morin to be a temporary measure introduced under the stress of persecution to strengthen the resolve of those who might otherwise contemplate apostasy; cf. Morin, X, i, ii.

<sup>86</sup> It is the difficulty created by the rule of a single penance that led Suarez to deny the sacramentality of the public discipline; cf. *supra*, note 83.

<sup>87</sup> Estius had earlier referred to the ultra-conservative view as "merum animi figmentum" (cf. Morin, IX, i, 14). Morin expresses his own impatience with this view (cf. V, viii, 1).

<sup>88</sup> The classical argument for the sacramental character of the public penance and the sacramental efficacy of the reconciliation granted at its close is drawn from the wording of the Edict of Callistus and from the state of the controversy between the Montanists and the Catholics. It is to those who have performed their penance ("paenitentia functis") that Callistus is prepared to grant remission. Again, the pardon promised by Callistus is understood by Montanists and Catholics alike as reconciling the sinner with God

Unfortunately for the subsequent development of the treatise on penance, Morin was not the one to convert the Scholastics. In many quarters he was regarded as something of a radical, perhaps a secret admirer of the Jansenists.<sup>89</sup> In all quarters he was justly regarded as one wholly out of sympathy with, if not positively distrustful of, the whole Scholastic method.<sup>90</sup> These considerations explain the immediate and subsequent reaction which theologians generally manifested towards the classic of Morin until the early years of the present century.

Metaurus, Morin's publisher, complained that it was ten years before he sold a single copy of the *Commentary on Penance*.<sup>91</sup> Although this is surely an overstatement, Morin's classic was in no sense a best-seller. Batterel tells us that the Jansenists, who were still

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(cf. Morin, IX, iii, 7). Today, the sacramental character of the public penance and of the subsequent reconciliation is admitted by all Catholic historians of penance, and by most reputable non-Catholic authors. Galtier's statement may be taken as indicative of current Catholic opinion: "Non seulement il n'est pas prouvé que l'absolution proprement dite ait toujours et régulièrement précédé l'accomplissement de la pénitence publique; mais le contraire est positivement établi. Depuis l'époque de Tertullien jusqu'à celle tout au moins de Saint Grégoire le Grand, il est manifeste que les 'pénitents' sont censés n'avoir pas reçu encore de l'Église le pardon de leurs fautes" (*L'Église et la rémission des péchés*, Paris, 1932, p. 453). The readers of THEOLOGICAL STUDIES may consult the recent contribution of Clarence McAuliffe, S.J., "Absolution in the Early Church: The View of St. Pacianus," VI (1945), 51 ff. This study is particularly valuable for the references it gives to contemporary opinion, which, needless to say, is overwhelmingly weighted in favor of Morin's view. The non-Catholic McNeill, in his brief summary of the early Church discipline, echoes, somewhat reluctantly, the conclusions of scholars of all schools: "In this (the protest of Tertullian) it was assumed, however, that in a wide range of offenses the Church exercised a power that was not only disciplinary but in a sense sacramental" (McNeill and Gamer, *op. cit.*, p. 15).

<sup>89</sup> Richard Simon, who certainly had no ulterior motive in clearing Morin of the suspicion of Jansenism, insists that Morin never belonged to the Jansenist faction: "Many of the Congregation of the Oratory at that time favored the doctrines of the Jansenists, not so much from an appreciation of the points at issue, as from a hatred of the Jesuits. Morin, however, could never bring himself to agree with them" (*Antiquitates ecclesiae orientalis*, p. 61).

<sup>90</sup> Morin's repeated failure to appreciate the very real contribution that Scholastic as well as positive theologians had made to the study of penance must have been detected by the censors of the Sorbonne. This will explain the curious section which follows Morin's Preface, and which is entitled, "Ad Lectorem Admonitio." Here, Morin, at the evident prodding of the censors endeavors to soften some of the less ingratiating references to the Scholastic method.

<sup>91</sup> R. Simon, *Lettres Choiesies*, t. 1, let. 2.

very influential in guiding the literary tastes of the French public, never forgave Morin his Preface, in which they were portrayed as a group of disgruntled reformers on the verge of, if not already committed to, heresy.<sup>92</sup> The Scholastics, for reasons already seen, whether anti-Jansenist or not, were at least anti-Morin. By the year 1682, business must have improved. A second edition was called for and published in Antwerp.<sup>93</sup> This second edition was followed only five years later by a third, published in Brussels, and by a fourth and last edition, published in Venice, in 1702. These four editions of the *Commentary* tell their own story. It is not the result of mere chance that twenty-five years passed before a second edition was called for; nor is it an unexplained coincidence that the final edition of the *Commentary* marks the close of the golden age of positive theological research and the beginning of the long period of theological decline. In the fifty-year period, however, in which the *Commentary* went through four editions, the contribution which Morin had made to the study of penance won the recognition even of the ultra-conservative faculty of the Sorbonne.<sup>94</sup>

The comparative lustre which the name of Morin enjoyed at the close of the seventeenth century did not last very long. Interest in Morin was kept alive for a time by the Contritionists, who found in Morin's vivid descriptions of the rather rigorous public discipline an argument in favor of making greater demands on the sincerity and dispositions of the penitent prior to absolution. This added publicity given to Morin's *Commentary* did not enhance his reputation among the Attritionists. It explains, perhaps, the increased sales of the *Commentary*, but it also explains why Jesuit theologians, who formed the backbone of the Attritionist party, were slow to recognize the merits of Morin's classic.

<sup>92</sup> Batterel, *Mémoire pour servir à l'histoire de l'Oratoire* (Paris, 1904), II, 452.

<sup>93</sup> Batterel supplies the significant information that Seguier, the Chancellor of the Sorbonne, refused permission to have the work published again in Paris (*loc. cit.*).

<sup>94</sup> Simon, Morin's biographer, marvelled that there were to be found at Paris any theologians who would approve either the opinions expressed or the method employed by Morin (*Antiquitates*, p. 76). And as late as the year 1682 Simon testifies that Morin's name was held in ill repute by not a few of the professors at the Sorbonne (*loc. cit.*). The feeling was, however, far from universal, if we may credit the following judgment of Dupin: "Ce grand homme a donné une nouvelle methode de traiter solidement la matière des Sacrements qui a été depuis suivie dans l'École de Paris (*op. cit.*, p. 319).

An exception to this last statement is Balthazar Francolini, S.J., himself an ardent Attritionist. That the learned Jesuit historian of penance was influenced by Morin is clear from his own complaint that his opponents had accused him of plagiarizing Morin.<sup>95</sup> Whatever the merits of this charge,<sup>96</sup> it is of some interest to note that the essential point in Morin's synthesis, namely, the sacramental character of the public penance, was vigorously defended by Francolini; in fact, Francolini takes occasion to warn his Catholic contemporaries that a denial of this point will only result in prejudicing the argument for the sacrament of penance itself. Commenting on the more conservative view which regarded the public penance as purely disciplinary, Francolini delivers the following warning: "Demum id si verum sit, dicent Haeretici in omnibus aut fere omnibus locis Patrum quae afferri a nobis solent pro statuendo usu antiquo ex praeceptis confessionis sacramentalis agi de sola poenitentia fori externi vel ad hoc forum ordinata, nec ita facile poterunt redargui ut modo redarguuntur."<sup>97</sup>

With few exceptions, the warning of Francolini went unheeded, and his prophecy as to the line the Protestant attack would take will be verified to the letter at the close of the nineteenth century. Postponing for the time being the fulfillment of prophecy, let us consider the main reason which prompted theologians generally to ignore Francolini's warning. The reason is to be found, we believe, in the reaction that set in towards all historians and positive theologians—a reaction from which Morin, Petau, Sirmond, Thomassin, Alexandre, and, to a lesser degree, Francolini himself suffered. This reaction is best described by the last great positive theologian of this period, the voluminous Honoré Tournely, whose *Praelectiones Theologicae* were first published in 1728. The picture Tournely draws of the state of theology in his own day is found significantly enough in the preface to the tenth volume, in which the treatise on penance begins. Tournely's complaint is almost an echo of Morin's own sentiments towards the overrationalizing of the Schoolmen.

<sup>95</sup> B. Francolini, S.J., *De disciplina poenitentiae libri tres* (Romae, 1708), I, 4.

<sup>96</sup> P. Collet, who as late as 1754 collected and edited the tenth and eleventh volumes of H. Tournely's *Praelectiones Theologicae*, candidly admits that he himself, as well as all other writers on penance, are nothing more than *depraedatores Morini*; cited, but without reference, by H. Hurter, S.J., *Nomenclator Litterarius* (Oeniponte, 1892), I, 481, note 1.

<sup>97</sup> Francolini, *op. cit.*, II, 166.

Vix tamen dissimulare possim mihi tot et tam varia de dogmaticis quaestionibus exscribenti ad dolorem acerbius contigisse, quam quod illa tanti momenti capita in concertationibus publicis vel omnino praetermitti vel ad meras argutae cujusdam metaphysicae leges, ab annis plus minus quindecim discuti conspicio; ita ut qui grave aliquod seu Scripturae seu Patris cujuspiam argumentum proposuerit, is vel eruditi, contemptim scilicet, vel Monachi nomen ferat.<sup>98</sup>

Dupin, at the close of the century, in searching for a fitting phrase with which to pay tribute to Morin, asserted that no Catholic author of the seventeenth century was more erudite than he.<sup>99</sup> Twenty-five years later the term "erudite" is a word of reproach. It is not surprising, then, that the classical work of Morin will either be ignored or cited for purposes of refutation until the term has regained something of its original significance.<sup>100</sup>

When, at the close of the last century, Henry C. Lea published his celebrated history of penance,<sup>101</sup> the German scholar, Gerhard Rauschen, complained that Lea had "almost completely ignored the classical work of Morinus."<sup>102</sup> Lea might have replied that in his day there were few Catholic authorities to take him to task for such a sin of omission. When Lea was engaged in annotating his monumental treatise, Morin's reputation among Catholic writers had all but reached the phase of total eclipse. Hurter, Palmieri, and De San, perhaps the most influential of Catholic writers on penance at the time, were all bent on reaffirming the non-sacramental character of

<sup>98</sup> H. Tournely, *op. cit.*, Praefatio ad vol. X.

<sup>99</sup> *Supra*, note 3.

<sup>100</sup> In almost every discussion of Morin's *Commentary*, no matter what the starting point, the question invariably returns to the sacramental character of the public penance. Collet informs us that the opinion of Morin, which maintained the ancient validity of the deprecatory formula of absolution, "sponte acceperunt recentiores quos inter Tournelyus; alii ex adverso pugnant, Thomistae praesertim" (Tournely, *op. cit.*, ed. P. Collet, 1754, X, *De formula absolutionis*.) Morin had proved his point by appealing to the ancient rituals, sacramentaries, and pontificals. The ultra-conservative theologians met the evidence by observing that the formulas adduced by Morin were used at the close of the public penance, and therefore could not refer to the strictly sacramental absolution, which was granted prior to the public penance, and which, if the evidence were available, would be found to be indicative in form; thus E. Simmonet, S.J., *Institutiones Theologicae* (Venetiae, 1731), III, 409; F. Billuart, O.P., *Summa Sancti Thomae* (ed. Lequette, Paris), VII, 31.

<sup>101</sup> *History of Confession and Indulgences*, 3 vols. (Philadelphia, 1896).

<sup>102</sup> *Eucharist and Penance*, trans. from 2nd German ed. (St. Louis, 1913), p. 216.

the public penance.<sup>103</sup> Palmieri goes so far as to rejoice that the uncontrolled erudition ("imprudens eruditio") of Morin and his followers, which had succeeded in foisting its conclusions on not a few theologians, had at last yielded to the more sober judgment of men of the stamp of Hurter.<sup>104</sup> Hurter's own judgment is cited by Palmieri as a "certain argument" for the extra-sacramental character of the absolution granted at the close of the public penance:

Candide fatemur, hanc sententiam (Morini ac sequacium) nullatenus posse probari. Quis enim putet, absolutionem pluribus annis fuisse sejunctam a peccatorum confessione? et nisi statuere velimus poenitentem obligatum fuisse bis eadem peccata confiteri, quomodo potuisset Sacerdos absolvere poenitentem, qui ante aliquot annos sibi confessus fuisset? Quid si Sacerdos, cui poenitens sua peccata est confessus, interim moreretur?<sup>105</sup>

De San, who wrote his treatise on penance at the turn of the present century, will be our last witness to the reaction that had set in towards

<sup>103</sup> Palmieri was anxious to show that the current concept of indulgences may be found in the Church as far back as the period of Cyprian. Today, however, an indulgence is regarded as an extra-sacramental remission of the punishment due to sin. Hence, the reconciliation granted to apostates upon the intercession of the martyrs, must have been extra-sacramental; and since this reconciliation did not differ from the absolution granted to others only at the close of the long public penance, we must interpret the final reconciliation granted to public penitents as pertaining to the extra-sacramental forum. Palmieri, however, insists that this final reconciliation was more than an external ceremony. It had value before God, inasmuch as it remitted the temporal punishment due to sin. It did not, however, touch the guilt of sin which was, according to Palmieri, already remitted at the time the sin was confessed. Palmieri is correct in extending the efficacy of the final reconciliation to the remission of the temporal punishment due to sin. And in this he makes a notable advance over earlier authors who denied the sacramental efficacy of the final reconciliation. Again, Palmieri is correct in regarding the public penance as a "second and more laborious baptism," an expression found frequently in the Fathers. However, it was such because it not only led to the full remission of the temporal punishment due to sin but, like the first baptism, reconciled the sinner with God. For Palmieri's teaching, cf. his *De Poenitentia* (Romae, 1879), *Appendix De Indulgentiis*, particularly pp. 460-468.

<sup>104</sup> *Op. cit.*, p. 464.

<sup>105</sup> Cited by Palmieri, *loc. cit.* Morin had handled a similar line of reasoning by asking a question of his own: "An probabile est, Patres, ut impium, Ethnicum, Judaeum, et Publicanum tractaturos, a sacris suis eliminaturos eum quem Deo reconciliassent?" (Morin, IX, ii, 3). Galtier believes that the unity of the sacrament is saved sufficiently by the nature of the public penance itself, which he refers to as "quasi continuata confessio": "Etsi reconciliatio non fiebat nisi diu post 'petitam' et 'datam' paenitentiam, tamen reconcilianti sacerdoti sufficiens competeat paenitentis cognitio. Publica siquidem paenitentia quasi continuata confessio reputabatur; illius praeposito constare debebat de peccato propter quod imposita erat" (*De Paenitentia*, Paris, 1931, p. 192).

Morin's classic. By this time Morin is but a name, and De San shows that the name means little by confusing our "Joannes" with a certain "Ludovicus Morinus" who held opinions that smacked of Jansenism.<sup>106</sup> De San, after distinguishing between private penance, which reconciles the sinner with God, and the public or solemn penance, which reconciles the sinner with the Church, contents himself with the simple observation that "it is evident that this latter penance belongs to the external penitential forum."<sup>107</sup> Oddly enough, this observation does not prevent De San from using the classical argument from the Montanist controversy to prove the sacramental character of penance. The inconsistency of holding the final absolution as a reconciliation only with the Church, while at the same time arguing from this reconciliation to the sacramental character of penance appears to escape De San completely.<sup>108</sup>

And thus, by one bold denial, the history of penance was freed from the very real problems that had beset the great positive theologians of the seventeenth century—problems which had been raised, not by Protestants in an attempt to discredit the Church's teaching, but by Catholics of whose orthodoxy there could be no question. The period represented by Morin, Petau, and Sirmond came to be looked upon as an unfortunate interlude which disturbed for a time the equanimity of the Schoolmen. True, the historians of the period had rendered a service by collecting and editing the documents of the past; they were not qualified, however, to interpret the fruit of their research. Thus, Palmieri, after rejecting the basic contention of Morin on the sacramental character of the public penance, has an imaginary objector exclaim: "Si haec vera sunt, corrui magna ex parte ingens opus Morini." Palmieri has at least the courage and the frankness to express what many theologians were thinking at the time: "Respondeo non exinde magnum incommodum laturam Theologiam. Manebit quidem supellex collecta monumentorum; at plerumque alia inter-

<sup>106</sup> L. De San, S.J., *De Poenitentia* (Bruges, 1900), p. 193.

<sup>107</sup> *Ibid.*, p. 181 f.

<sup>108</sup> *Ibid.*, p. 196 ff. This inconsistency of De San is noted by M. J. O'Donnel, who concludes his remarks by stating: "It is a pity that the exigencies of a pet theory on a matter of discipline should be allowed to obscure the evidence for Catholic Dogma" (*Penance in the Early Church*, Dublin, 1908, p. 110 f.).

pretatio a moriniana erit eisdem adhibenda; quod quidem in hac tractatione plus semel ostendere conati sumus."<sup>109</sup>

#### REAWAKENING TO PROBLEM OF PRIVATE PENANCE

During the period of theological decline, the question of a private penance in the early history of the Church ceased to be a problem. References to a public penance in the documents of the past were all interpreted as instances of a purely extra-sacramental discipline. From an apologetic point of view, the position of the more conservative theologians was safe enough. The Protestants had not recovered as yet from the succession of defeats suffered at the hands of the great Catholic scholars of the golden age of positive research.<sup>110</sup> The Scholastics were free, therefore, to pass over the main historical difficulties connected with the sacrament. In the middle and closing years of the last century, however, the Protestants came out of their retirement. A new phase in the study of penance begins, and with it the gradual emergence of Morin.

We have already seen something of the synthesis which was fashioned by Protestant scholars while in retirement.<sup>111</sup> As a synthesis, it is new, but the individual assumptions had all been investigated and thoroughly discussed by the great positive theologians of the past. The fact that the liberal synthesis, in its more radical form, was capable of winning adherents and placing Catholics once again on the defensive must be explained by the failure of theologians generally to carry on the tradition which had been passed on from Petau to Morin to Francolini and thence to Tournely, after whom the tradition fell heirless.<sup>112</sup>

<sup>109</sup> Palmieri, *op. cit.*, p. 465.

<sup>110</sup> Speaking of the decline of Protestant theology during the seventeenth century, C. A. Briggs, a non-Catholic, attributes its cause neither to persecution nor to war, in which the Protestants were equally adept, but to the superior formation of Catholic scholars: "It was a superior religious education not only of scholars but of priests, secular as well as regular, that gave the Roman Catholics a succession of victories for more than a century" (*History of the Study of Theology*, New York, 1916, II, 138 f.).

<sup>111</sup> *Supra*, p. 322 f.

<sup>112</sup> An exception might well be the learned Jesuit scholar and later cardinal, Perrone. In his treatise on penance, written in the year 1842, Perrone appeals constantly to Morin; however, his efforts to reawaken interest in Morin and to win acceptance for the main points of his synthesis met with little success in Scholastic circles.

That the champions of the Protestant attack on the sacramental character of penance were still conscious of the men to be contended with is indicated by the following brief note in Harnack's *History of Dogma*. Karl Müller had taken a position at complete variance with Harnack's main thesis, which maintained that the sacramental efficacy of the priest's absolution was a late development. In reply, Harnack states: "If I am not mistaken, Müller has been misled by Morinus. . . . I cannot accept the blunt assertion. . . that down to the twelfth century the priest's absolution was always regarded as simply identical with divine forgiveness, and therefore as indispensable."<sup>113</sup> Thus, the influence of Morin was still strong enough at the close of the nineteenth century to win one notable convert to the Catholic dogma of penance; at least Harnack thought so. Perhaps Morin might have added another convert to his list, if Harnack had gone to the same source as his friend Müller. Certainly, Harnack would have found more than a "blunt assertion" to annoy him.

It was not, however, the *History of Dogma* by Harnack that was principally responsible for awakening Catholic scholars to the neglected problems connected with the history of penance. That honor was reserved for the man who "almost completely ignored the classical work of Morinus." That Lea's history was recognized from the beginning as a serious challenge to the Catholic dogma is evidenced by the flood of literature it let loose in the Catholic centres of Europe. Unquestionably, Lea's work gave the appearance of scholarship,<sup>114</sup> and, even more remarkable, the documents and authors cited by Lea in establishing his main thesis were exclusively Catholic. The thesis itself is admirably summed up by Vacandard in a neat syllogism: "L'Église primitive n'a pas connu d'autre pénitence que la pénitence publique. Or, la pénitence publique n'était pas sacramentelle. Donc, il n'y avait pas de sacrement de pénitence dans l'antiquité chrétienne."<sup>115</sup>

<sup>113</sup> A. Harnack, *History of Dogma*, trans. Neil Buchanan (Boston, 1899), V, 326, note 1.

<sup>114</sup> P. H. Casey, S.J., examined ten pages of Lea's first volume, pp. 107-117. His findings led him to disagree with those reviewers who regarded Mr. Lea's methods "more as the effect of incompetency than of guile" (*Notes on a History of Auricular Confession*, Philadelphia, 1899, p. 4, note 1).

<sup>115</sup> E. Vacandard, *Revue du clergé français* (March, 1899), p. 156.

As must be clear to our readers by this time, Lea had only to appeal to the current Scholastic view to establish his minor premise, which denied the sacramental character of the public penance. This he does early in the first volume by referring his readers to Suarez and Palmieri, among others, as supporting him in this denial.<sup>116</sup> The major premise which restricts the early Church discipline to the public penance is left unsupported.<sup>117</sup> However, there will be many Catholic authors who will readily grant Lea his major.

Before considering the Catholic reaction to Lea's denial of a private penance in the early Church, let us observe that the premises from which Lea concludes to the denial of the sacrament of penance itself are not new. The major premise, which denies the existence of a private penance, was the basic assumption of Arnauld and was challenged by Petau and Morin. The minor premise, which refuses to see in the public penance anything more than a reconciliation with the Church as an external society, was the basic contention of the ultra-conservative theologians and was handled pretty roughly by Morin. Hence, if Petau and Morin were called upon to handle Lea's syllogism, they would simply deny the major, the minor, and the conclusion.

Unfortunately, Lea was not proposing his syllogism to men of the stature of Morin and Petau. If Lea's major shortcoming was that he almost completely ignored the classical work of Morin, we might add that he did so consciously. Lea knew Morin, and, where it suits his purpose, occasionally quotes him. In no place, however, does Lea attempt to refute Morin's arguments; nor, for that matter, does he even mention Morin as holding a position contrary to his own. In the three-volume work of Lea, Morin is cited four times, each time to lend the weight of his authority, which Lea evidently held high, to a point that is completely inconsequential to Lea's main thesis.<sup>118</sup> Strangely enough, Petau is not mentioned at all. This would be understandable had not Lea promised to hoist the Catholics on their own petard: "Yet I have sought to view it (penance) from a different standpoint and to write a history, not a polemical treatise. With this object I have abstained from consulting Protestant writers and have confined myself exclusively to the original sources and to Catholic

<sup>116</sup> Lea, *op. cit.*, I, 9 and note 3.

<sup>117</sup> *Ibid.*, p. 21.

<sup>118</sup> *Ibid.*, Indices of vols. II and III.

authorities, confident that what might be lost in completeness would be compensated by accuracy and impartiality."<sup>119</sup>

Lea, however, was quite partial in choosing his authorities. Actually, he took advantage of the state of confusion that existed in many quarters and was thus enabled to give to his thesis a semblance of authority, which was derived not from any intrinsic arguments but from the unguarded admission of those who had prejudiced the Catholic position by denying the sacramental character of the one penitential rite for which the evidence is overwhelming and conclusive.

Today, there are few Catholic theologians who will deny the sacramental efficacy of the reconciliation granted at the close of the public penance.<sup>120</sup> What is more, there are few non-Catholic historians of penance who will subscribe to Lea's assertion that this reconciliation affected the sinners relations only with the Church, leaving untouched his relations with God.<sup>121</sup> Lea's minor premise now stands discredited by Catholics and non-Catholics alike. The main problem today, although it is not a new problem,<sup>122</sup> is concerned with Lea's major, which denied to Christian antiquity a discipline of penance which was private.

#### REACTION TO LEA'S DENIAL OF PRIVATE PENANCE

The full effect of Lea's *History of Confession and Indulgences* was first felt in France. The Abbé Boudinhon, the learned French canonist, ably countered Lea's attack on the sacramental character of the public penance, but denied no less vigorously than Lea a private penance in the early Church.<sup>123</sup> Unfortunately, Boudinhon made the very serious mistake of underestimating the position of his opponents. In a long *reductio ad absurdum*, developed with great oratorical effect, Boudinhon presumed that the defenders of a private penance actually

<sup>119</sup> *Ibid.*, Preface to vol. I.      <sup>120</sup> *Supra*, note 88.      <sup>121</sup> Lea, *op. cit.*, I, 51 *et passim*.

<sup>122</sup> Mortimer fails to appreciate this when he writes: "But, on the whole, we may say that modern research has done little to justify the abandonment of the *older view* [*italics ours*] that it is to the Irish monks that the Church owes the sweeping away of the rule of one penance only, and with it of the life long duties and disqualifications which had become so serious a hindrance" (*op. cit.*, p. 189). If there is a question of possession Mortimer's view can claim at most half a century, the view of his opponents almost three centuries, although we will admit that the possession was far from tranquil.

<sup>123</sup> A. Boudinhon, "Sur l'histoire de pénitence à propos d'un livre récent," *Revue d'histoire et de littérature religieuses*, II (1897), p. 330.

held that the early Christians enjoyed the option of submitting to a discipline which was public or private.<sup>124</sup> We do not deny that this view was actually advanced by some defenders of a private penance. In fact, Petau and Morin almost three centuries earlier, were just as oratorical in showing the absurdities of such a view; and yet both were strong defenders of a private penance.<sup>125</sup> Thus, it would appear that the first to defend Lea's major premise is successful only in missing the point at issue.

The next to enter the field of controversy, this time against Boudinhon as well as against Lea, is Harent. His rather long article in *Études* is of particular value in stressing the doctrinal implications of a denial of private penance.<sup>126</sup> Harent is, however, less successful in proving historically a sacramental means of remission which was at the same time private. In our opinion, he prejudices his whole case by postulating a secret absolution, which was granted to public and private penitents alike, prior to the fulfillment of their penance.<sup>127</sup> Harent's solution is, therefore, based on a conception of the public penance which is discredited by historians of all schools today, and which in Morin's day was referred to as a "pure figment of the imagination."<sup>128</sup>

For the next fifteen years, the field was left fairly free for those who agreed with the conclusions of Boudinhon. Tixeront, Vacandard, and Batiffol were willing to admit that somewhere around the year 400 a transition from public to private penance took place, in the sense that the Church gradually released those guilty of serious sins, provided they were occult, from the performance of the public penance and from the excommunication attached to it. According to this view, these sinners were reconciled together with the public penitents after secret confession and satisfaction secretly performed.<sup>129</sup>

<sup>124</sup> *Ibid.*, pp. 331-333.

<sup>125</sup> Petau, *De poenitentiae veteri in Ecclesia ratione diatriba, Dogmata Theologica* (ed. Vivès), VIII, 186. Morin, V, vi, 1.

<sup>126</sup> S. Harent, "La Confession," *Études*, LXXX (1899), p. 585 f.

<sup>127</sup> *Ibid.*, p. 597; Harent here calls Morin his principal adversary and proposes two arguments which are not only inconclusive but which were handled by Morin in his *Commentary*.

<sup>128</sup> *Supra*, note 87.

<sup>129</sup> For the references to these authors, cf. B. Poschmann, *Die abendländische Kirchenbusse im Ausgang des Christlichen Altertums* (München, 1928), p. 208.

With D'Alès we have the first real attempt to revive the earlier teaching of Morin and Petau on the question of a private penance. Unfortunately, D'Alès relegates the subject to a brief appendix and thus buries away what, in our own opinion, is the most lucid and persuasive treatment of the subject to appear as yet.<sup>130</sup>

We may now leave the French scene for the moment and turn our attention to German writers. Stuffer is the last to champion the contention of the Scholastics and of Harent for a secret absolution bestowed prior to the fulfillment of the public penance.<sup>131</sup> He need not, therefore, detain us. The earliest champion of a private penance among less conservative German authors is Karl Adam. In a rather prolonged controversy with Bernard Poschmann, Adam endeavored to prove that Augustine clearly taught a sacramental means of remission for less serious mortal sins which was not the public penance.<sup>132</sup> Adam's contribution is still of value, but he has simplified our task as the recorder of current opinions by gracefully yielding the field to Galtier, who, in Adam's own opinion, has said the last word on the problem of private penance in the early Church.<sup>133</sup>

Hence, if we restrict our attention to Catholic scholars, it is Galtier in France and Poschmann in Germany who are acknowledged to be the champions of two opposing schools, which maintain or deny the practice of a private penance in Christian antiquity.

#### THE CLARIFICATION OF THE PROBLEM

The principal effect of Galtier's work is that it has clarified the terms of the problem, to the satisfaction of all. Thus, the epithets "public" and "private" as they apply to penance, refer to the element of satisfaction. They do not refer to the confession, which in both disciplines was private, nor to the element of reconciliation, which in

<sup>130</sup> D'Alès, *op. cit.*, pp. 422-459.

<sup>131</sup> Stuffer, *Zeitschr. f. kath. Theol.*, XXXIII (1909), p. 245 ff; cited by Poschmann, *op. cit.*, p. 207, note 4.

<sup>132</sup> A detailed list of the periodical literature in which this controversy was featured will be found in Poschmann, *op. cit.*, p. 5, note 1.

<sup>133</sup> Referring to Galtier's work, *L'Église et la rémission des péchés*, Adam says: "Es scheint dass Galtier mit dieser Schrift das letzte entscheidende Wort über das Bestehen einer Privatbusse gesprochen hat" (*Theolog. Quartalschrift*, CXIV, 1933, p. 149).

both disciplines may well have been public.<sup>134</sup> Therefore, when Galtier speaks of a public penance, he refers to that discipline in which the sinner, after privately confessing his sins to the bishop, was relegated to the order of penitents, there to work out his exomologesis in the sight of the congregation.<sup>135</sup>

Poschmann agrees that Galtier has limited the question by referring to the enrollment of the sinner in the order of the penitents as the characteristic element of the public penance—hence, the element to be excluded in the discipline defended as private.<sup>136</sup> When the question, therefore, is asked, whether there existed a sacramental means of remission in which the sinner was not obliged to take his stand with the penitents, Poschmann replies with a distinction. He will

<sup>134</sup> Kirk is a bit too demanding when he states: "If a single case of private reconciliation (other than sick-bed cases) could be quoted from the first five centuries, the evidence just reviewed might take on another character" (*op. cit.*, p. 540). Mortimer is less demanding, admitting that the secrecy or publicity of the reconciliation plays no part in the question (*op. cit.*, p. 3). Galtier brought Mortimer to a proper understanding of at least the terms of the problem.

<sup>135</sup> Galtier, *op. cit.*, p. 226 ff. We should note, however, that this description of the public penance applies only to the period when the discipline was intimately connected with the liturgy. No one could seriously doubt that the exile was actually a public penitent, even though his penance was not actually marked by liturgical features.

<sup>136</sup> Poschmann would prefer to extend the notion of public penance to any excommunication which was public in character, whether the offender became a penitent in the strict sense or not. By excommunication, Poschmann has in mind "separation" from the Eucharist. However, separation from the Eucharist, as the distinguishing element of the public penance, will tell strongly against Poschmann himself, since even in the Celtic discipline the normal procedure for all sinners was that they should come to confession in the beginning of Lent and return on Holy Thursday for reconciliation. During the interval would they not be separated from the Eucharist? Again, in the penitential books of Celtic origin, separation from the Eucharist is presumed as the ordinary procedure until the whole, or at least part, of the penance is fulfilled. This is clear from the following canon of Theodore's *Penitential*, in which we are assured there is no reference to public penance: "Penitents according to the canons ought not to communicate before the conclusion of the penance; we, however, out of pity give permission after a year or six months" (*Poenitentiale Theodori*, I, 12, 4; ed. McNeill and Gamer, p. 194). No doubt it is these considerations that led Poschmann to yield to Galtier's understanding of the question: "Nun mag man ja darüber streiten, ob das Wort Privatbusse hier noch immer zutreffend ist; jedenfalls aber liegt eine klare Abgrenzung gegen die eigentliche oder öffentliche Kirchenbusse vor, und wir haben einen festen Begriff, mit dem wir in der weiteren Untersuchung arbeiten können" (*op. cit.*, p. 209 f.).

admit that there are isolated instances of such a procedure,<sup>187</sup> but denies that the instances are in any sense indicative of a normal penitential discipline which was private. The instances recorded are rather exceptions which prove his own thesis: "In the West, even as late as the fifth and sixth centuries, one can discover no other ecclesiastical penance than the *paenitentia proprie dicta*."<sup>188</sup>

In Poschmann's view, it is the absence of a private penitential discipline even for lesser sins that led to the complete decadence of morals in the late fifth and sixth centuries and to the almost complete abandonment of the sacrament as the ordinary remedy for sin to be made use of in time of health. Thus, Poschmann brings his work to a close with what appears to be a veiled censure of the Church's inability to direct the moral life of her children; and yet there is a promise of an impending change for the better. A new era is setting in. The time has come for missionaries from the far North to awaken on the continent not only a new spirit of penance, but to give to ecclesiastical penance a new form. And it is with the advent of these scholars and missionaries that we find the first clear indications of a sacramental discipline which was private.<sup>189</sup>

To conclude, then, Catholics today are divided in their reaction to Lea's major premise, which denied to Christian antiquity any penitential discipline other than that which was public. The earlier historians—Funk, Boudinhon, Batiffol, Tixeront, and Vacandard—are all agreed that a private penance cannot be discovered much before

<sup>187</sup> Apart from deathbed reconciliations, which of their very nature preclude such an enrollment, Poschmann grants two other instances of a reconciliation which did not demand the public penance in Galtier's understanding of the term. The first is the reconciliation of those guilty of lesser sins, who, according to the Council of Elvira, were to be reconciled after a temporary abstention from the Eucharist. The second is the practice of reconciling heretics without submitting them to the public penance. Poschmann, however, tempers both admissions: the reconciliation of heretics is really a rite of initiation, a conferring of the Holy Spirit; while the cases mentioned by Elvira are too few to establish a normal discipline which was private (*op. cit.*, p. 209-211).

<sup>188</sup> Poschmann, *op. cit.*, p. 230.

<sup>189</sup> "Tatsächlich haben die Missionäre aus dem hohen Norden die Sendung gehabt, nicht nur den Bussgeist neu zu beleben, sondern auch dem kirchlich-sakramentalen Busswesen eine neue Gestaltung zu geben, nachdem seine bisherige Entwicklung auf dem toten Punkt angelangt war" (*ibid.*, p. 306). This last sentence becomes the thesis to be defended in Poschmann's second work, *Die abendländische Kirchenbusse im frühen Mittelalter* (Breslau, 1930).

the fifth century. Poschmann, the latest to treat the subject from the more liberal point of view, finds the first real evidence of a normal penitential procedure which was private in the Celtic discipline which was introduced on the continent in the seventh century.

The more conservative Catholic scholars—D'Alès, Adam, and Galtier—maintain that the private discipline had always been observed from the earliest years of the Church's history; that it was the normal procedure for those guilty of sins that may be styled intermediate, for sins that were not sufficiently grave to warrant the public penance, nor so venial as to win forgiveness without any recourse to the sacrament. It is this view which Morin and Petau had defended against Arnould almost three centuries ago. Thus, by one of those strange anomalies of history, the more liberal historians of penance in the seventeenth century have been called upon by the more conservative Catholic historians of our own day to support the thesis of a private penance. That Morin's contribution to the defense of a private penance in the early Church is not inconsiderable, we hope to show in a later article.