

JEAN MORIN AND THE PROBLEM OF PRIVATE PENANCE

II

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IN Part I¹ of the present study we offered a general survey of Jean Morin's conception of the evolving discipline of penance during the first twelve centuries of the Church's history.^{1a} This survey dealt almost exclusively with the public penance, a discipline which, Morin insists, was reserved for those guilty of more heinous crimes. The question now presents itself: Was there in the early Church a sacramental means of remission for less serious sins—for sins admittedly grave but less grave than the canonical triad of apostasy, adultery, and murder? As already noted,² Antoine Arnauld, the spokesman for the Jansenizing element in seventeenth-century France, extended the public penance to all serious sins, and hence denied that a private sacramental discipline had existed in the early Church. His conclusion is subscribed to, today by most liberal writers on penance—among them, not a few Catholic scholars of the school of Bernard Poschmann. Liberals in their own day, the two outstanding positive theologians of the period, the Jesuit, Denys Petau, and the Oratorian, Jean Morin, countered the historical basis of the Jansenist reform by restricting the public penance to a definite class of sins, the canonical triad, maintaining that less serious sins were expiated sacramentally in a discipline that was private. It is their conviction that is shared today by more conservative historians of the school of Paul Galtier. The purpose of the present article is to substantiate from the *Commentary*³ of Jean Morin the more conservative view.

¹ THEOLOGICAL STUDIES, VI (1945), 317-57. This article will be referred to hereafter as "Part I."

^{1a} Part I, pp. 324-40.

² *Ibid.*, p. 319.

³ The full title of Morin's classic is *Commentarius historicus de disciplina in administratione 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 (Venice, 1702), cited simply as "Morin," with book, chapter, and number.

RESTATEMENT OF THE PROBLEM

Before considering Morin's solution to the problem of private penance, it will be profitable to stress the point at issue as definitely as Galtier stressed the significance of the terms "private" and "public."⁴ There has been a tendency of late to allow the question of a private penance in the early Church to develop into a prolonged and tiring exegetical debate on the exact meaning to be given to a number of isolated texts.⁵ The direct textual evidence for a private penance in the monuments of the past is admittedly very meagre, and Morin gathers it all together in one brief chapter of his *Commentary*.⁶ His argument is rather an illation, drawn from the following premises: First, all serious sins were submitted to the power of the keys and after due penance were absolved sacramentally. Secondly, the public penance, in which the sinner was enrolled for a definite period in the order of penitents, was ordinarily demanded for three sins—apostasy, gross impurity, and homicide. Therefore, there must have been another discipline for sins which were neither so serious as to warrant the public penance nor so venial as to be remitted without recourse to the sacrament at all.

In Morin's own day, the argument for a private penance turned on his ability to limit the public penance to the three sins mentioned. Arnould was Catholic enough to grant that all mortal sins had to be submitted to the keys. The point at issue, therefore, was the extent of the public penance. Arnould extended it to all serious sins. Morin and Petau limited it to the canonical triad. The issue was joined. Our own contribution will be to show that the solution of the problem still turns on the ability of the defenders of a private penance to limit the public penance to a definite class of serious sins.

Catholic scholars of the more liberal school should be prepared to admit that all serious sins were of necessity submitted to the power of

⁴ Cf. Part I, p. 354.

⁵ R. C. Mortimer, for example, who is the last to treat the problem in English (*The Origins of Private Penance* [Oxford, 1939]), confines himself to a refutation, text by text, of the instances of a private sacramental discipline which Galtier furnishes.

⁶ Morin, V, xxxi.

the keys. This is a point of Catholic dogma.⁷ This dogma, non-Catholic scholars of the same school will contend, is a late development; they will concede, however, that, as early as the period of Tertullian, less serious sins were actually submitted to the keys and obtained pardon. Thus, Kirk, in summing up the Catholic conception of reconciliation as it obtained at the close of the second century, ascribes to Catholics the heretical view of Tertullian on the question of irremissible sins, but concedes the point in which we are interested, namely, that other, and less serious, sins were absolved sacramentally: "The general Catholic view of reconciliation in the second century is fairly clear from Tertullian. Penance was not required for minor sins (*de pud.* 19); reconciliation (though not penance) was refused to murderers, adulterers and apostates; for the intermediate class of sins, one reconciliation after due penance was allowed."⁸ Kirk, then, will differ from Morin on the nature of the "due penance" which is to precede reconciliation. In Kirk's opinion, the penance is public, and limited to a single opportunity; in Morin's opinion, it is private, and may be repeated as often as need demands. At least the issue is joined.

Watkins, the highly regarded Anglican divine, anticipated the conclusion reached by Kirk. Again, we are asked to view the discipline of the early Church through the eyes of the heretic Tertullian, but the point which concerns us is granted. Speaking of "an important and for a long time prevailing section of the Christian community," Watkins concludes: "It was contended that the three capital sins of apostasy, impurity and bloodshed were reserved for the Divine tribunal. . . . Thus, the commission to loose tended to be shut down to a class of sins which may be styled intermediate or moderate; reaching neither the capital sins which were irremissible or incurable, nor the

⁷ Karl Adam believed that Poschmann, in denying the existence of a private penance before the influence of the Celtic discipline, prejudiced the Catholic dogma on the necessity of the sacrament. Poschmann replied that Adam was too arbitrary in limiting the number of sins for which the public penance was in order. Thus Poschmann is prepared to save the dogma of the necessity of penance by extending the public discipline to a rather wide category of mortal sins. Cf. Galtier, *L'Église et la rémission des péchés* (Paris, 1932), where this phase of the Poschmann-Adam controversy is reviewed. For the doctrinal implications of a denial of private penance, cf. *infra*, p. 306 f.

⁸ Kenneth Kirk, *The Vision of God: Bampton Lectures for 1928* (London, 1931), p. 222.

more venial sins for which no formal penance was required.”⁹ With Kirk, then, Watkins will differ from Morin, not on the question whether these intermediate sins were actually submitted to the keys, but on the nature of the penance demanded before reconciliation. In Watkins’ view, there was but one sacramental discipline, the public penance. In Morin’s view, the public penance was restricted to the so-called “irremissibles” of Tertullian. Again, the issue is joined.

Mortimer, the latest to treat the problem of private penance from the more liberal point of view, will be our last witness to the competence of the early Church to absolve sacramentally the intermediate class of sins. Refusing to see in the *De Pudicitia* (chapter 18) a proof for private penance, he gives his own interpretation, which is essentially the same as that of Watkins and Kirk: “So that I should myself regard this passage, not as stating the existence of two kinds of penance—public and private—but as the strongest evidence that the Montanists certainly, the Catholics probably, submitted all grave sins to the same form of penance, granting pardon at the end to some and refusing it to others.”¹⁰

To conclude, then, the opponents are all agreed that Montanists and Catholics alike submitted all grave sins to ecclesiastical penance. The issue today is the same as that which divided Arnauld from Petau and Morin in the seventeenth century. The problem is the same: Did Catholics subject all serious sinners indiscriminately to the public penance? Morin and Petau maintained that the public penance was ordinarily restricted to the three canonical sins of impurity, apostasy, and murder. If that point can be established, it follows necessarily, from the admissions already made, that lesser sins were absolved sacramentally in a discipline other than the public penance; it follows also that the few instances of a private penance recorded in the monuments of the past are to be taken, not as exceptions to the rule of a public penance, but rather as isolated instances of an ordinary discipline which was private. Again, where there is evidence of another means of expiation for less serious sins, the opponents of a private penance are at least guilty of shifting their ground by insisting that the penance in question was not sacramental; that the bishop or priest

⁹ O. D. Watkins, *A History of Penance* (London, 1920), I, 469.

¹⁰ Mortimer, *op. cit.*, p. 15 f.

in handling these less serious sins is to be regarded merely as a spiritual guide and physician; that there is no question of the exercise of Christ's commission to bind and to loose.

We are now in a position to consider the evidence which Morin has marshalled from history to prove that there existed in the early Church a discipline of penance which was sacramental and private. From what has been said, his argument will turn on his ability to limit the public penance to the three sins of apostasy, impurity, and bloodshed, sins which we have styled the canonical triad.

THE SOLUTION OF MORIN

Galtier insists that the terms "private" and "public" as they apply to penance refer solely to the element of satisfaction. Not all the elements of the public penance were public in character: there is little evidence that a public and detailed manifestation of conscience ever obtained in the early Church. Nor were all the elements of the private penance necessarily private in character: there is some evidence, as we have already shown, that public and private penitents were reconciled together in a solemn ceremony on Holy Thursday.¹¹ The distinguishing element, therefore, of the two disciplines is to be found in the element of satisfaction. Morin had no need to insist on this point. He simply took it for granted. Thus, his treatment of the question of private penance falls logically under that section of the *Commentary* which deals with the satisfactory element of the sacrament of penance. More particularly, the question is treated in Book V of the *Commentary*, where the nature of the penance demanded for the various types or classes of sin is discussed.

The Fathers, Morin observes,¹² divided sins into three classes: "gravissima, minus gravia et levissima." *Gravissima* included the three canonical sins of gross impurity, apostasy, and murder; for these the public penance was ordinarily demanded. *Levissima* included all venial sins in the current acceptance of the term; for these recourse to the sacrament of penance was not demanded. *Minus gravia* included

¹¹ Part I, pp. 354 ff., where the terms of our problem are clarified, and reference is made to Galtier. The passage which has led some authors to conclude that private penitents were absolved publicly on Holy Thursday is given *infra*, note 39.

¹² Morin, V, i, 2.

the intermediate class of mortal sins—sins which fell short of the canonical triad. Speaking of this intermediate class Morin states: “Peccata mortalia minus gravia eodem plane modo [Ecclesia] curabat, quo nunc universa mortalia curare solet. Illorum enim peccatorum curatio Sacerdotis erit arbitrio commissa, nec a canonibus in specie praecepta.”¹³ This last statement, which leaves to the discretion of the bishop or priest the method of expiation for less serious sins, is, as we have already noted, the main point to be established by Morin.

In reviewing the evidence, we shall limit ourselves to the practice of the Church during the third and fourth centuries. In Part I we gave a synthesis of Morin’s conception of the primitive Church discipline. The reader will recall that there is little evidence to support the contention that a public discipline of penance was operative much before the period of Tertullian.¹⁴ Again, our earlier synthesis will absolve us of the task of discussing anew the more liberal view which discovers the origins of a private penance in the seventh century Celtic discipline.¹⁵ Evidently, if it can be established that a private penance was operative on the continent during the third and fourth centuries, the more liberal view is untenable.

Finally, let us stress again that the argument for a private penance will turn on Morin’s ability to show that the public penance was limited to a definite class of serious sins. Liberals and conservatives are agreed, or should be, that the intermediate sins were ordinarily submitted to the keys and obtained pardon. The point at issue is the nature of the “due penance” demanded.

Tertullian and Origen

Morin does not attempt to prove that Tertullian testifies directly to a private penance that was sacramental. Tertullian merely serves the very useful purpose of furnishing the conclusion—reached by Watkins, Mortimer, and Kirk—that the intermediate class of sins was absolved sacramentally. For even in his Montanist days, he admitted that the

¹³ *Ibid.*, xxi, 2.

¹⁴ Part I, pp. 326 f. Watkins will grant that “at the end of the first century there was not yet in force as the accepted practice of the Church any of the elaborate machinery of Exomolosis which at the close of the second century is found described in the writings of Tertullian. During the second century this procedure of Penance appears to have gradually developed” (*op. cit.*, I, 469). Cf. *infra*, p. 27, note 11.

¹⁵ Part I, pp. 335 ff.

Church could absolve from lesser sins;¹⁶ she overreached herself only when she attempted to reconcile those guilty of adultery, apostasy, and murder—the so-called “irremissibles.” Over these, the Montanists maintained, the Church could exercise only her prerogative of binding.

Morin, however, does observe in passing that, considering the long catalogue of sins which Tertullian while still a Catholic regarded as mortal—a catalogue which included sins of desire (*spiritalia*) as well as sins of act (*corporalia*)¹⁷—we may presume that not all serious sinners would be enrolled in the order of penitents. Otherwise (Morin will not subscribe to the thesis that the early Church was a community of saints), there would be very few Christians left to make up the order of the faithful.¹⁸

¹⁶ “Quod si clementia dei ignorantibus adhuc et infidelibus competit, utique et paenitentia ad se clementiam invitat, salva illa paenitentiae specie post fidem, quae aut levioribus delictis veniam ab episcopo consequi poterit aut majoribus et irremissibilibus a deo solo” (*De pudicitia*, 18, 8 [ed. Rauschen, p. 84]). We should note that these “lesser sins” are, in Tertullian’s view, mortal. They are *levia* only in a sense relative to *irremissibilia* such as adultery, apostasy, and murder. Tertullian gives a long catalogue of these lesser sins which can find pardon even in this life; oddly enough, he refers to them as “*delicta cotidianae incursionis quibus omnes simus obiecti*”; and yet, they are mortal in the sense that salvation cannot be obtained unless they are forgiven: “Cui enim non accidit aut irasci inque et ultra solis occasum aut et manum immittere aut facile maledicere aut temere jurare aut fidem pacti destruere aut verecundia aut necessitate mentiri? In negotiis, in officiis, in quaestu, in victu, in visu, in auditu quanta temptamur? *ut si nulla sit venia istorum, nemini salus competat*” (*ibid.*, 19, 24–26; italics ours). The student of penance will be saved much confusion if he does not conclude too readily that such expressions as “lighter offenses,” “sins of frequent occurrence,” etc., refer necessarily to venial sins in the current acceptance of the term. We shall find Origen and Augustine using similar expressions where there is clearly a question of mortal sins which fall short of more heinous crimes such as adultery, apostasy, and murder.

¹⁷ “Exinde spiritualia et corporalia nominantur quod delictum omne aut agitur aut cogitatur. . . . Per quod ostenditur non facti solum verum et voluntatis delicta vitanda et paenitentia purganda esse” (*De paenitentia*, 3, 8–9 [ed. Rauschen, p. 12]). True, Tertullian does not distinguish between a public and a private penance; in fact, he appears to know of but one penance after baptism, the public exomologesis. It is only in the light of subsequent evidence that we are justified in reading into him the presumption that less serious sins were not expiated of necessity in the public discipline.

¹⁸ Morin, II, iii–iv; here he proves that all mortal sins, and not only the so-called irremissibles, had to be submitted to the keys; he states also that, while the Montanists may possibly have demanded the public penance for lesser sins, the Catholics assuredly did not (V, xxxi, 24–27). We should note again that the argument for this last point is drawn, not from anything that Tertullian says, but from the justifiable presumption, confirmed by subsequent Catholic practice, that these lesser sins would hardly be expiated in so formidable a discipline as the public penance.

Turning our attention to the Church of the East, we find the first clear evidence for an intermediate class of sins which did not demand the public penance. Our witness is Origen, writing just before the outbreak of the Decian persecution (A.D. 250). The passage which supports Morin's thesis occurs in Origen's commentary on Leviticus; the section of Leviticus (chapter 25) is rather involved, though what Origen has to say on the question of private and public penance is clear enough. The biblical passage speaks of redeeming a house in the city and a house in the country; around the house in the city a wall has been built. Origen compares the house in the country to a mortal fault (*culpa mortalis*) which can be readily forgiven, and the house in the city to a mortal crime (*crimen mortale*) which, hemmed in as it is by the wall of ecclesiastical custom, can be forgiven but once. In citing the passage, we may drop the term of the comparison.

There is always an opportunity for recovery where, for example, some mortal guilt (*culpa mortalis*) has found us out, which does not consist in a mortal crime (*crimen mortale*), like blasphemy of the faith, but in some vice of speech or habit. . . . Such guilt can always be repaired, nor is penance ever denied for sins of this kind. In more serious crimes, however, only one opportunity for penance is granted. But those which are common, which we frequently incur—these always allow of penance and at all times are redeemed.¹⁹

In this passage, Origen distinguishes between two classes of sin: the mortal fault and the mortal crime. As an instance of the second, he mentions blasphemy of the faith, a species of the sin of apostasy or idolatry; for it, a single penance is allowed. Less serious sins, which consist of some vice of speech or habit, allow of frequent penance. Morin observes that the penance in question is the sacrament, not the virtue. His argument is convincing: Surely, Origen is not denying the possibility of a second repentance to those who have fallen again into a mortal crime—not even Tertullian would go so far; what he denies is the possibility of a second reconciliation by the Church—a position which is in perfect conformity with the teaching of the Fathers of this period, who limited the public penance to a single opportunity. For less serious sins, which are, however, mortal (*culpa mortalis*), an opportunity for penance is never denied. Once again there is question

¹⁹ In *Leviticum*, hom. XV (PG, XII, 560); cited by Morin, V, xxxi, 22.

of the sacrament and not of the virtue of penance; for it is precisely in the repeated opportunity for sacramental penance that the mortal fault is distinguished from the mortal crime.²⁰

We said that Morin's interpretation of the passage is convincing. At least this much is clear: Origen testifies to an intermediate class of sins which did not demand the single public penance. Since the sins in question are regarded as mortal, we may presume that they were submitted to the keys and received pardon.²¹

The restriction of the public penance to a definite class of sins is the burden of the following passage, which gives a more intimate study of the relations between the sinner and the confessor. Origen is exhorting the faithful to confess their sins and vomit out the cause of their sickness. He tells them to seek out the proper person to whom to confess—one who knows how to sympathize with those who weep, one who is both a learned and a merciful physician. "And if he tells you to do anything or gives you advice, do it; and if he judges and foresees your weakness to be such that it ought to be exposed and cured in the gathering of the whole church, . . . much will be gained from the learned counsel of this physician."²²

²⁰ Morin, V, xxxi, 23.

²¹ The opponents of a private penance are here seriously embarrassed. Watkins suggests that the "passage has probably been obscured in the translation" (*op. cit.*, I, 138). Almost three centuries earlier, Arnauld had suggested the reading *culpa moralis* for *culpa mortalis*. This "moral fault" would be a venial sin for which no formal penance would be required; thus would be saved Arnauld's thesis that every serious sin (*crimen mortale*) would be expiated in the single public penance. Petau, after censuring such arbitrary manipulation of the text, argues that the context is impatient of any reference to sins other than mortal; his argument is worth quoting: "Origenes tributum eundem effectum hisce peccatis [*viz.*, communibus, quae frequenter incurrimus]: nempe, iacturam hereditatis, et domus quam consideramus in coelo, vel in terra viventium, quamvis pro gravitate delictorum facilius aut difficilius sit redemptio. Nec sane quisquam dixerit veniali peccato amitti hereditatem coelestem. Itaque necesse est alienationem domorum rusticarum respondere peccato mortali aequae ac alienationem aedium urbanarum" (*Dogmata Theologica: De Poenitentia Publica et Praeparatione ad Communionem*, VI, ix, 6, [ed. Vivès, VIII, 362]).

Mortimer accepts the text as it stands but expresses surprise that Origen should call sins of frequent occurrence mortal. He finally decides that, while these intermediate sins may well have been confessed, the evidence from Origen points to a "confession that has as its aim not absolution but ghostly counsel and advice" (*op. cit.*, pp. 28 f.). Thus, after admitting with Watkins and Kirk that the Montanists certainly, and the Catholics probably, absolved these lesser sins, when pressed by a difficulty, he conveniently forgets his earlier admission. Cf. *supra*, p. 284.

²² *In Psalmum xxxvii, hom. II (PG, VII, 1386)*; cited by Morin, II, ix, 4.

According to Origen, then, penitents will not be subjected indiscriminately to the more humiliating public penance, a discipline which cannot be repeated and is reserved for the *crimen mortale*, such as blasphemy of the faith. From the description of the character of the ideal confessor, who is to be merciful as well as learned, we may well believe that the public penance would not be the normal remedy.

The third-century evidence is, then, somewhat sparing, being confined almost wholly to Origen's testimony; Tertullian in the *De pudicitia* is concerned mainly with the case of the adulterer for whom the public penance would be the ordinary discipline; St. Cyprian is chiefly concerned with the discipline of penance to be observed in the case of those who wavered in the Decian persecution. It is not until we come to the fourth century that the evidence for a private penance for less serious sins becomes in any way conclusive. Our first witnesses will be drawn from the Church of the East.

St. Gregory of Nyssa and St. Basil

In a letter to Letoius, bishop of Melitene, St. Gregory of Nyssa A.D. (ca. 335-95) sets down the norms to be followed in the administration of penance.²⁸ In an attempt to rationalize canonical precedent, he adopts the philosophical principle that distinguished three faculties of the soul: reason, concupiscence, and anger; it is the misuse of one of these three faculties which gives rise to the three sins which demand the public penance.

Thus, the sin of apostasy—which includes the denial of Christ, the return to Judaism, to the cult of idols, or to Manichaeism—proceeding as it does from the abuse of reason, the highest faculty of the soul, is deemed by the Fathers as deserving of the "greater, more satisfactory and more laborious conversion" (can. 2). Sins which arise from concupiscence fall under the general heading of adultery, although the sin of fornication will be punished by a shortened period of the graded discipline (can. 4). Nothing is said of solitary sins, much less of sins of thought or desire—the *spiritalia* of Tertullian.

It is in his treatment of those sins which arise from the irascible faculty, that Gregory makes an admission which is of utmost im-

²⁸ *Epistola canonica ad S. Letoium* (PG, XLV, 225); cited by Morin, V, ii, 7-10; V, xxxi, 3-4.

portance for an understanding of the extent of the public penance at this time. Since the force of this argument has not been appreciated, to my knowledge, by modern writers on penance, we shall cite at some length the passage which, in Morin's opinion, affords conclusive evidence that only the three capital crimes were of necessity expiated in the graded public penance, and that less serious sins could, at the discretion of the bishop, be satisfied for in private.

It remains now to treat the irascible faculty of the soul, from the ill use of which many sins and evils of every sort arise. Our Fathers did not see fit to enter into too many subtleties in dealing with them, or to expend too much zeal and labor in curing all the sins to which anger gives rise, and although Scripture forbids not only bodily injury but every kind of insult and opprobrium, and other sins of this kind, yet our Fathers determined a cure only for murder (can. 5).

In accordance, then, with canonical precedent, Gregory will restrict the public penance to the sin of murder, treating involuntary homicide, as he did fornication, with a shortened period of the graded discipline. Morin now asks whether these lesser sins of anger were left altogether without a remedy by the Fathers and by Gregory himself. The opposite, he feels, may be presumed: Gregory is not maintaining that a man must commit murder before sinning grievously; nor is he implying that sins of anger which fall short of murder can be expiated independently of the priest or bishop; he is merely stating that the Fathers did not assign the graded public penance for sins of anger which stopped short of murder; nor will he himself do so.

That other sins of anger were not completely ignored, but were left to the discretion of the confessor in assigning a fitting penance, is clear from Gregory's treatment of the sin of avarice. In dealing with this sin, he expresses surprise that the Fathers had not punished it more stringently (can. 6), for it appears to be an abuse of all three faculties of the soul. However, he does not feel that he is qualified to do more than clarify canonical precedent. He will impose the graded penance upon those who rob graves; for this is surely a form of sacrilege (can. 7); but the more usual type of thievery will need a distinction:

Theft is divided into two kinds, banditry and house-breaking. A single purpose rules both, namely, the alienation of another's goods. However, there is a

great difference in the intentions of the perpetrators. For to gain his end the brigand does not stop at murder; hence, if he is to return to the Church by the way of penance, he must submit to the judgment passed on homicides. But one who takes by secret theft what belongs to another and afterwards has through confession made his sin known to the priest, will cure his evil by zeal for the opposite virtue—I mean, by bestowing what he has on the poor (can. 6).

From this passage we may judge how the Fathers would normally deal with those for whom precedent did not prescribe the public penance. As is clear from the whole tone of this letter to Letoius, the public penance—here the graded discipline—is restricted to the three capital offenses of apostasy, adultery, and murder. Only where a particular sin can be readily reduced to one of these generic crimes is the public penance in order. Where this reduction cannot be made, as in the case of anger that falls short of murder, and in the case of theft without the intention to kill, the remedy will be left to the discretion of the priest, to whom, it is presumed, confession has been made. True, nothing is said of a subsequent reconciliation, but in the light of our earlier premise, with which even our opponents have expressed agreement, we may presume that the priest exercised his prerogative of loosing.

The *Canonical Epistles* of St. Basil, the brother of St. Gregory, confirm the teaching thus far seen. Throughout these epistles, the graded discipline is reserved for the three sins already mentioned, although Basil appears a bit more venturesome when he prescribes the graded discipline for the sin of abduction. "With regard to those who are guilty of rape we have, it is true, no ancient canon; our own opinion, however, is that those who commit rape and their helpers should be excluded from the Prayer for three years."²⁴ Abduction by force was certainly regarded as a serious sin: the penalty imposed by Basil assures us of this much. It is, therefore, quite likely that other bishops may have reduced rape to a species of adultery. Yet, strictly speaking, they were free to adopt a more lenient attitude and to impose a penance other than the graded discipline.

²⁴ *Epistola canonica secunda*, can. 30 (PG, XXXII, 725). Cf. also canon 80, where St. Basil regards the sin of polygamy as more serious than fornication and therefore imposes, although without precedent, the graded public penance. The passages are cited by Morin, V, xxxi, 5-6.

Before considering the evidence from St. John Chrysostom, who shall be our last witness for the Church of the East, an observation made by Morin is here pertinent. The frequent reference to lack of canonical precedent for relegating those guilty of lesser sins to the order of penitents, leads to the suspicion that the penitential canons of the early fourth-century Councils actually restricted the public penance to what we have called the canonical triad. This suspicion is confirmed by Morin. Limiting himself to the Councils of Elvira, Ancyra, Nicaea, and Neo-Casearea, he concludes that the public penance is prescribed for no sin that cannot be readily reduced to one of the three already mentioned.²⁵

St. John Chrysostom

The public penance did not long survive the action of Nectarius, patriarch of Constantinople, in abolishing the office and functions of the priest-penitentiary (*ca.* A.D. 391). St. John Chrysostom affords us a striking proof that, before this event, the graded discipline at Antioch was reserved for those guilty of more heinous crimes. Chrysostom is inveighing with his usual vigor against the prevalent evil of swearing and perjury. As a last resort, he threatens persistent of-

²⁵ Morin, V, ii, 12-15. A brief analysis of the canons of Elvira which speak of reconciliation after penance will prove illuminating. Thirteen use the expressions "acta paenitentia," "cum egerint paenitentiam," or "acta legitima paenitentia." Apart from the sin of usury in a deacon, the offenses visited with *paenitentia* are idolatry, murder, and sexual crimes. The duration of the penance is from five to ten years, or until the close of life. For less serious sins, the term used is "abstineri"—a reference to abstention from the Eucharist. The offenses in question range from missing Mass on three successive Sundays to the practice of marrying off a daughter to a Jew or a heretic. In the first instance, the offender will be excluded from the Eucharist for a short time—"pauco tempore, ut correptus videatur" (canon 21). In the second case, the guilty parents will be excluded from the Eucharist for five years. In none of these cases is there any explicit reference to a formal penance. In fact, it would appear that *abstineri* is a technical expression opposed to *paenitentia*; and such appears to be the import of canon 14, "where reconciliation is deferred for a year, with the explicit statement that the guilty one is not to undergo penance: "Virgines, quae virginitatem suam non custodierint, si eosdem, qui eas violaverint, duxerint et tenerint maritos, eo quod solas nuptias violaverint, post annum sine paenitentia reconciliari debebunt: vel si alios cognoverint viros, eo quod moechatae sunt, placuit per quinquenti tempora, acta legitima paenitentia, admitti eas ad communionem oportere" (Mansi, II, 8). We shall find that the expression "correptio" (cf. *supra*, canon 21) is used by Augustine as a distinct remedy for an intermediate class of sins, and is opposed to the more humiliating public penance (cf. *infra*, p. 298 f.)

fenders with the penance reserved for fornicators, adulterers, and murderers: "If we find you persistent in these sins, we shall go so far as to exclude you altogether from entrance even into the vestibule of the church and from participation in the heavenly mysteries, as is done in the case of fornicators, adulterers, and those charged with murder."²⁶

In the reference to exclusion from the vestibule of the church and from participation in the heavenly mysteries, Morin finds the lowliest grade of "mourner" and the later stage of "faller." Hence, Chrysostom is actually threatening persistent offenders with the graded penitential discipline. To complete the triad, he might have mentioned the apostate; but with the period of persecutions at an end, the reference would have been less significant. In any event, the graded discipline would not be the ordinary penance for those guilty of swearing and perjury. And since there can be little doubt that Chrysostom at least regarded these sins as serious, we should conclude that they were confessed and sacramentally absolved in a discipline other than the public penance.

St. Pacian

St. Pacian, bishop of Barcelona for the last half of the fourth century, was recognized as the outstanding champion of orthodoxy against the Novatianist remnant in Spain. With Tertullian, the Novatianists excluded the adulterer, the murderer, and the apostate from reconciliation, allowing that those guilty of less serious sins might be reconciled. It would appear, however, that even for these lesser sins, the public penance might be enjoined. Whether the Novatianists of the Spanish variety actually submitted those guilty of the intermediate class of sins to the public penance, is not clear. Morin believes that they did and that it is against this rigorist faction that Pacian reacts in restricting the public penance to the three sins of apostasy, impurity, and murder. Other sins, according to Pacian, may be expiated by the practice of the virtues opposed to them.

Origen, we shall recall, distinguished between *culpa mortalis* and *crimen mortale*, allowing but a single opportunity of penance for the latter and a repeated opportunity for the former. This distinction is echoed by Pacian, who assures his flock that not all sins need be sub-

²⁶ *Hom. XVII (PG, LVIII, 264)*; cited by Morin, V, ii, 16.

jected to the "law of penance"—a term which admittedly refers to the public penance. "Let us treat of the degrees of sinners and diligently inquire what things are sins and what things are crimes; else someone may imagine that for the innumerable sins from whose deceitful enticements no one is immune, I bind all classes of men under one undistinguishing law of penance. . . . Now, let us see what these crimes are."²⁷ Curiously enough, in determining the crimes that deserve public penance, Pacian appeals to that reading of the Apostolic Decree (Acts 15:28–29) which Tertullian had used to prove that adultery, apostasy, and murder were irremissible. Obviously, Pacian cites it, not to prove that these sins were irremissible, but to show that they are capital and deserving of the prolonged public penance. As for the "remaining sins," they "are cured by the compensation of better works. . . . Accordingly, obduracy will be redeemed by kindness, vituperation by satisfaction, sadness by cheerfulness, asperity by mildness, levity by gravity, crookedness by straightforwardness; and whatsoever faults there may be find a remedy by their contraries."²⁸

Again, nothing is said about the question whether these lesser sins were to be submitted to the power of the keys and to await pardon. Pacian is concerned merely with the element of satisfaction or expiation. The only conclusion that can be derived from the passage cited is that sins which fell short of the canonical triad were not to be expiated in the public penance. However, invoking again the general principle that intermediate sins might obtain pardon from the bishop—a principle with which our more liberal authors have expressed agreement—we are justified in stating that some, if not all, of these "remaining sins" were sacramentally absolved in a discipline which was not the public penance.

St. Augustine

According to Morin, Augustine belongs to the period of transition when the public penance will be gradually extended beyond the three canonical sins to include other serious sins which are public enough to

²⁷ *Paraenesis ad paenitentiam* (PL, XIII, 1083); cited by Morin, V, ii, 2; V, xxxi, 7.

²⁸ *Loc. cit.*

occasion a scandal in the Christian community.²⁹ Before considering the actual practice of Augustine, in which this tendency may be discerned, we shall cite what is perhaps the most significant piece of evidence for Morin's view that even as late as the closing years of the fourth century the public penance was in fact restricted to the canonical triad. The passage is found in the book *De fide et bonis operibus*, written about the year 399. Augustine is insisting that at least the sin of adultery must be submitted to the more humiliating public penance, and, to establish his point, he cites the opinion of his contemporaries: "They who consider that other offenses can be readily compensated by almsgiving, yet do not doubt that there are three deadly sins which are to be punished by excommunication until cured by the more lowly penance; I mean unchastity, idolatry, and homicide."³⁰

Thus, at the close of the fourth century there were some at least who still based their practice of relegating sinners to the order of penitents on the norm followed by Gregory and Basil in the East and by Pacian in the West. Morin will admit that Augustine is now prepared to extend the public penance to other sins besides the canonical triad. This appears from the words that immediately follow the citation just given. We will note, however, that the point is not important; it is a question of discipline and does not affect dogma; hence, it is not worth a lengthy digression: "We need not bother to inquire into the real worth of this opinion, or to correct or approve it. To do so would prolong our investigation unduly upon a point which is unnecessary for the solution of our problem. If these three [unchastity, idolatry, murder] are to be excepted [from the milder remedy of almsgiving], at least we still find adultery among them, and it is the starting-point of our controversy."³¹

Before considering the passage in which Augustine expressly extends the public penance to sins other than the canonical triad, it will be profitable to dispose of an objection frequently made, that Augustine

²⁹ For the texts from Augustine where this tendency may be found, cf. Morin, V, iv, 6-17.

³⁰ *De fide et bonis operibus*, 19 (PL, XL, 220); cited by Morin, V, ii, 17.

³¹ *Loc. cit.*

knew of no intermediate class of sins between the more heinous crimes for which the public penance was in order and the ordinary daily or venial faults for which the Lord's Prayer was deemed sufficient. Typical of his failure to make provision for this intermediate class and for a sacramental means of remission other than the public penance, is the following citation:

Commit not those offenses for which you must be separated from the body of Christ. Let that be far from you. For those whom you see doing penance have committed crimes—either adulteries or other deeds of enormity—and it is for them that they do penance. Had their offenses been light, the daily prayer would have sufficed to remove them. Therefore, sins are remitted in the Church in three ways: through baptism, through prayer, through the humiliation of the major penance.³²

The passage creates a difficulty, but it also confirms our view that only deeds of enormity (*facta immania*) were actually submitted to the major public penance. The impression, however, is given that, besides these deeds of enormity, only venial sins remain for which the sacrament of penance is not necessary at all. Now obviously, as Morin notes, between "adulteries or other deeds of enormity" and light offenses, even Augustine must recognize a rather wide cleavage. Hence, Morin feels that if this passage be taken as an exhaustive treatment of sins and the means of their expiation, *levia* must be taken in a sense relative to *facta immania*, and *oratio quotidiana* must be extended to include other works of satisfaction, such as fasting and almsgiving.³³

Now this would all be rather arbitrary on Morin's part if there were not other passages in Augustine which speak clearly of a third class of post-baptismal sins and a third means of remission which is neither the public penance nor the daily prayer taken in its most restricted sense. Therefore, we must either take Morin's interpretation of the passage or admit that Augustine does not here pretend to give an exhaustive

³² *De symbolo ad catechumenos*, 8 (*PL*, XL, 636); cited by Morin, V, i, 9.

³³ Morin, *loc. cit.* That the remedy for lighter offenses is not to be restricted to the "daily prayer," is clear from the following passage wherein Augustine expressly states that, besides the Lord's Prayer, fasting, almsgiving, and other prayers are to be added: ". . . sed utique de quotidianis peccatis hoc dicimus, pro quibus etiam sacrificia elemosynarum, jejuniorum et ipsarum orationum ac supplicationum quisque pro suis viribus offerre non cessat" (*Sermo XXXLII*, 3, 6, [ed. Poschmann, p. 22]).

treatment of the kinds of sin and their various means of remission.^{33a} The principal passage which forces one of these alternatives upon us is found in the *De fide et bonis operibus*. Augustine is arguing to the presence of sinners in the Church from the fact that there exist by divine appointment various remedies for sin. The sins are divided into three classes, and there are three distinct remedies.

Unless there were certain sins so grave that they must be punished with excommunication, the Apostle would not say: 'When you are gathered together with me in spirit, deliver such a one unto Satan for the destruction of the flesh, that the spirit may be saved in the day of the Lord Jesus.' . . . Likewise, unless there were certain sins whose cure requires, not that humiliation of penance which penitents, properly so called, must undergo in the Church, but rather, medicinal rebukes (*quibusdam correptionum medicamentis*), our Lord would not say: 'Tell him his fault between thee and him alone, and if he shall hear thee, thou hast gained thy brother.' Finally, unless there were some sins that cannot be avoided in this life, He would not have assigned the daily remedy in the prayer which He taught us to say: 'Forgive us our debts as we forgive our debtors.'³⁴

The "medicinal rebukes" here reserved for an intermediate class of sins are, in Morin's view, to be applied by the physician, who is also to be a person in authority, as we learn from the following citation (which also sheds further light on the nature of the various remedies for sin):

Let the brethren be corrected by those who are placed over them (*praepositis*) with rebukes (*correptionibus*) prompted by charity, and more or less severe (*minoribus vel amplioribus*) according to the nature of the sin; for even *damnatio*—the severest penalty in the Church of God, which only the bishop may impose—can yield, if God wills, and proceed to, a most salutary correction (*in correptionem saluberrimam*).³⁵

^{33a} Mortimer will accept neither of these alternatives. Of the second, he writes: "The *De Symbolo ad catechumenos*, for instance, though it does not pretend to give an exhaustive list of sins, has yet every appearance of giving a complete list of the ways in which sins are remitted" (*op. cit.*, p. 103.) We readily grant the appearance; no one will deny that there is here an apparent difficulty. But does Mortimer forget that some pages back (p. 69.), he himself cites the passage from the *De fide et bonis operibus*, where Augustine refers to *quaedam correptionum medicamenta* which is definitely neither the public penance nor the daily prayer taken in its restricted sense?

³⁴ *De fide et bonis operibus*, 26 (*PL*, XL, 228); cited by Morin, V, i, 5.

³⁵ *De correptione et gratia*, 15 (*PL*, XLIV, 944); cited by Morin, V, i, 6.

Morin believes that *damnatio*, the severest form of excommunication, is visited on those who remain contumacious in sin. Even these, however, may be softened by the grace of God and thus be led to seek *correptio*, which is called *saluberrima* because it leads to forgiveness. This correction is here referred to as being of two kinds, *minor* and *amplior*, depending on the nature of the sin.

It is, therefore, the minor correction which is contrasted with the more humiliating public penance, in the passage cited from the *De fide et bonis operibus*. This public penance may also be styled a *correptio*, but it would be the *correptio amplior*. To conclude, then, the *medicamenta correptionum*, which represent a means of remission intermediate between the public penance and the daily prayer, are, in Morin's view, the same discipline as that observed by Origen, by Gregory of Nyssa, by Pacian, and by the Fathers generally, for the cure of such grievous sins as fell short of the canonical triad. Little is said about the nature of this minor correction; there is an implication that it is to take place between the penitent and the confessor alone: it is to be such as to verify the admonition of our Lord: "Tell him his fault between thee and him alone, and if he shall hear thee thou hast gained thy brother."

Augustine, therefore, recognized an intermediate class of sins and clearly teaches that the remedy for their cure will be a correction which is neither the public penance nor the daily prayer. As already noted, he is prepared to extend the discipline of the public penance to sins other than unchastity, idolatry, and murder, and in so doing will set a precedent for the Gallic Church, which was greatly influenced by his writings. It will be of some interest to discover just what sins Augustine is prepared to submit to the more humiliating public penance. We shall restrict ourselves to a single section which is a compendium of Augustine's whole teaching on the procedure to be followed with regard to those who are guilty of serious sins. The section is found in Sermon CCCLI,³⁶ and is cited by the opponents of a

³⁶ Morin cites this passage from Book L, of Augustine's homilies. Today the homily in question is referred to as Sermon CCCLI. Although at one time listed among Augustine's doubtful works, more recent historians are agreed that it is genuine (cf. B. Poschmann, *Florilegium Patristicum*, XXXVIII, 15, and note 2). No one has denied that the sermon is at least representative of the same period.

private penance to confirm their view that the public penance was demanded for all serious sins. We may note in advance, that even if this point could be established, it would prove merely that Augustine was more rigorous than his predecessors and many of his own contemporaries. Our main interest in this particular sermon is the very significant dogmatic statement that the intermediate class of sins had to be submitted to the power of the keys—a principle which was admitted as early as the period of Tertullian and was, we presumed, taken for granted by Origen, Gregory of Nyssa, Basil, Pacian, and by Augustine's own contemporaries. But let us consider the evidence from Sermon CCCLI.

There are, according to Augustine, three main disciplines of penance (*actiones paenitentiae*). The first is that which takes place in baptism and results in our complete reformation and renovation (2, 2). The second is the discipline of penance which must continue through the whole of life—a penance which is required for the expiation not only of mortal sins but of the innumerable lesser sins from which none of us is immune. This continued performance of penance consists in prolonged fasting, generous almsgiving, and prayer, with a particular emphasis on the Lord's Prayer (*ibid.*, 3, 3). We now come to the third discipline of penance, which is to be undergone for those sins which are contained in the decalogue and of which the Apostle says: "For those who do these things will not possess the kingdom of Heaven." The sinners in question are: "Fornicators, idolators, adulterers, effeminate, sodomites, thieves, the covetous, drunkards, the evil-tongued, and the greedy." As is evident from this catalogue—and it is quite comprehensive—only the first grouping of sins, up to and exclusive of theft, can be regarded as falling under the canonical triad. What, then, is Augustine's method of dealing with sinners who are guilty of any of the above-mentioned sins? The procedure is described in detail:

Therefore, in this penance one should show greater severity towards himself; that having passed judgment on himself, he may later escape being judged by God. . . . Let a man arise, then, and stand before the tribunal of his conscience. . . . Let conscience render such a judgment that the man deem himself unworthy to partake of the Body and Blood of the Lord; so that he who is afraid of being separated from the kingdom of heaven by the final sentence of the Supreme Judge, may meanwhile in accordance with ecclesiastical custom be separated from the sacrament of the heavenly bread (*ibid.*, 4, 7).

Accordingly, those guilty of any of the sins mentioned in the catalogue from St. Paul are first of all to abstain from receiving the Eucharist unworthily. Next they are to come to those who exercise the power of the keys and to receive the remedy. The exhortation to confession and the nature of the remedy follows:

Does a man, then, who is bound by the chains of such deadly sins remonstrate or procrastinate, or hesitate to hasten to the keys of the Church to be loosed on earth by them and so be loosed in heaven? . . . Let such a man be willing to pass judgment on himself while he may, and change his life for the better; otherwise when the time is passed when he may judge himself, the Lord will judge him against his will. And after he himself has judged that he deserves a remedy so severe—but a remedy nonetheless—let him come to the bishop (*antistes*), who exercises the power of the keys in the Church; and when he has begun to be a good son of so maternal a society, in due order let the ministers of the sacraments prescribe him the manner in which to make his satisfaction (*satisfactionis suae modum*); thus, while he offers the sacrifice of a contrite heart, he shall also devoutly and suppliantly perform what will be of profit both for the attainment of his own salvation and for the edification of others. Consequently, if his sin is not only a cause of grave injury to himself but also an occasion of great scandal to others; and should the bishop think it expedient for the general well-being of the Church, let him not refuse to do penance in the sight of many and even of the whole people (*ibid.*, 4, 9).

From this and the preceding passage, certain points are clear. Those guilty of serious sins are to abstain from the Eucharist. They are not to undertake the cure of their own sins but are to hasten to those who have the power of the keys. The manner of satisfaction is to be determined by the bishop. The question is: What norm will the bishop follow? We have seen that Origen reserved the single public penance for the *crimen mortale*, such as blasphemy of the faith, allowing that the *culpa mortalis* might be pardoned whenever the need arose. Gregory of Nyssa used the canonical triad as his norm for imposing the public penance, allowing that the sin of theft without the intention to kill might, after confession, be satisfied for by almsgiving. Pacian, too, appealed to the canonical triad as a norm for submitting sinners to the "law of penance," stating that the remaining sins might be expiated by the exercise of the contrary virtues. The contemporaries of St. Augustine are no less agreed that the norm for the public penance will be the canonical sins of impurity, apostasy, and murder, judging

that lesser sins could be compensated for by almsgiving. We may presume that they would agree that lesser sins were to be submitted to the power of the keys. They differ from Augustine only in the assignment of the penance.

And yet even in this passage Augustine does not state that all offenders will be subjected to the public penance. He does imply that they are all liable to such punishment, but, in the actual imposition of the penance, the bishop is to be guided by prudence. He will impose the more humiliating penance only should he "think it expedient for the general well-being of the Church" and when the sin has been "an occasion of great scandal to others." Morin believes that the Church would not be benefited where the sin in question was private in character, much less where it was not even reduced to act.³⁷

The reader will probably wonder why Morin does not capitalize on the rather obvious point that Augustine, even in Sermon CCCLI, is prepared to impose the public penance only where the sin has been public and has occasioned great scandal. This would be enough to establish the thesis that the public penance was not the sole discipline even though we limit ourselves to the practice of Augustine. Morin is, however, reluctant to stress this point, since he is anxious to delay the application of the principle, "public penance for public sins, private penance for occult sins," to a later period. He will yield a trifle and admit that some degree of publicity was demanded by Augustine as

³⁷ In this connection Morin cites the very significant ruling of the Council of Neo-Caesarea (A.D. 320), in accordance with which a person guilty of adultery in desire is freed from incurring the canonical penance reserved for adulterers: "Si quis proposuerit concupiscere mulierem ad dormiendum cum ea, ejus autem desiderium ad opus non venerit, videtur esse a gratia liberatus" (can. IV [Mansi, II, 539]; cited by Morin, V, iv, 10).

That Augustine himself expects the confessor to be guided by prudence in imposing "paenitentiam luctuosam et lamentabilem" is clear from the following norm, which is admittedly somewhat cryptic: "Quisquis novit quid sit bonitas Dei, potest existimare quibus peccatis certa poena debeatur et hic et in futuro iudicio. Quibus bene tractatis, probabiliter iudicari potest qui non sint cogendi ad paenitentiam luctuosam et lamentabilem, quamvis peccata fateantur, et quibus nulla omnino speranda sit salus nisi sacrificium obtulerint Deo spiritum contribulatum per paenitentiam" (*De diversis quaestionibus*, 9, 26 [PL, XL, 17]; cited by Morin, V, i, 7). D'Alès notes that it was principally this text which brought Tixeront to state that we have in Augustine the first traces of a private penance, and to believe that the practice may already be of long standing (*L'Édit de Calliste*, p. 428, note 2).

a condition for imposing the public penance. Thus, while occult sins were still subject to the public penance, Morin believes that enough publicity would have to be present to found a justifiable suspicion of guilt—enough publicity, in other words, to start tongues wagging and to occasion a scandal in the community.³⁸

To sum up the evidence for the third and fourth century: Only Augustine may be said to differ from his predecessors in assigning to the order of penitents those guilty of less serious sins. He is, however, important for his testimony to the fundamental dogmatic principle that these less serious sins were to be confessed, and were to be pardoned by those who exercised the power of the keys. Nor will this principle be looked upon as an innovation if we recall that, as early as the opening years of the third century, the principle was admitted by Montanists and Catholics alike. At least, the opponents of a private penance will admit that the Church was empowered to deal sacramentally with this intermediate class of sins. That she actually availed herself of this privilege is, in the light of the evidence already seen, more than a purely gratuitous assumption.

The Post-Augustinian Period

Most authors of the more liberal school carry on the search for a private sacramental penance into the fifth, sixth, and seventh centuries. Batiffol, Vacandard, and Tixeront feel that their search comes to an end somewhere around the year 400, when the practice is introduced of allowing those guilty of more secret crimes to perform their penance in private and of demanding only that they present themselves with the penitents properly so called for reconciliation.³⁹ For Poschmann and

³⁸ Morin, V, iv, 14. That occult sins were actually submitted to the public penance in the earlier discipline is substantiated by Morin (V, viii-xiv). The principle "public penance for public sins, private penance for secret sins" was, in his view, popularized shortly before the year 700 (cf. Morin, VII, i).

³⁹ Cf. Part I, p. 353 and note 129. We may here note a few of the more eloquent passages that testify to the existence of a private sacramental discipline in the Church at Rome. We shall confine ourselves to those mentioned by Morin in V, xxxi. They represent what may be called the direct evidence that lesser sins were actually remitted in a sacramental discipline. Pope Innocent I (A.D. 402-17), writing to Decentius, bishop of Eugubenum, relates the custom of the Roman Church: "De poenitentibus autem qui sive ex gravioribus sive ex levioribus poenitentiam gerunt, si nulla interveniat aegritudo, quinta feria ante Pascha eis remittendum, Romanae Ecclesiae consuetudo demonstrat" (*Epist.* XXV

the Anglican divines referred to, the quest is over only when we come to the period of the Celtic discipline—a discipline which, we are told, knew no public penance and to which none of the more awesome disabilities were attached that rendered the Continental discipline wholly inoperative; a discipline which also ultimately succeeded in preparing the way for the acceptance of penance as the normal religious ex-

(*PL*, XX, 559]). A quarter of a century later, Leo the Great, in a reply to Rusticus, bishop of Narbonne, determines the procedure to be followed by those who were baptized as infants but who while in captivity were brought up as pagans: “Si convivio solo gentilium et escis immolatiis usi sunt, possunt jejuniis et manus impositione purgari; ut deinceps ab idolothytis abstinentes, sacramentorum Christi possint esse participes. Si autem aut idola adoraverunt, aut homicidiis vel fornicationibus contaminati sunt, ad communionem eos, nisi per poenitentiam publicam, non oportet admitti” (*Inquis.* XIX [*PL*, LIV, 1209]). It should be noticed that Leo’s decision is in perfect accord with the earlier practice. Reconciliation with an imposition of hands should be given to those whose offenses fall short of the canonical triad, idolatry, murder, and fornication; but they are to be freed from the public penance. Our last witness will be the unknown author of a homily entitled “De diversis generibus leprarum,” which may be found among the works falsely attributed to St. Jerome (*Hieronymi opera* [ed. Dom Martianay, Paris, 1706] V, 212. Erasmus, who is cited by Martianay, feels that the work smacks of Jovinian, a judgment which may well apply to the style of the homily, but not to its content; Jovinian denied that the baptized could commit sin. Morin contents himself with the observation that the author is “vir pius et antiquus, licet S. Hieronymo posterior” [V, xxxi, 10]). The homily itself, in distinguishing the various types of leprosy and their cures, confirms the thesis of this article on every point. Less serious sins may be readily cured by the priest after satisfaction has been made by almsgiving and fasting. Alms giving is the ordinary cure for sins of avarice; fasting the normal remedy for what appear to be lesser sins of impurity. More serious crimes will be cured by the priest, but they must be expiated by ecclesiastical discipline, which involves an excommunication; these sins are likened to that form of leprosy which is cured “extra castra.” The author speaks of a sin which is incurable, but interprets it as the sin against the Holy Ghost, which finds remission neither in this life nor in the life to come: “Nam aut avaritiae, aut libidinis maculae perpatescunt. Sed hanc lepram cito dicit posse mundari. Avaritiae enim crimen facile curare potest qui conversus ad Dominum, et ea quae possederit indigentium alimoniae ministraverit: . . . Libidinem quoque celeriter mundare poterit, si jejuniis frequentissimis et abstinentia corpus retinuerit. Sed his omnibus medelam per sacerdotem praecipit Dominus adhiberi. Dicit enim esse lepram quae sacrificiorum oblationibus emundetur. Aliam vero quam aquae facilius abluant: nec non et quae extra castra posita mundetur. Esse quoque lepram asserit: quae mundari omnino non possit. Horum igitur secundum figuram graviorum peccatorum crimina congregantur. Alia sunt quae ante baptismum videntur esse commissa: quae tamen per gratiam baptismi diluuntur. Alia vero quae post lavationem baptismatis perpetrantur: quae sive graviora, sive minora peccata sint, visus tamen sacerdotis emundat. Quodcumque enim modicum delictum fuerit, potest a sacerdote omnino relaxari. Quae autem graviora sunt, disciplina debent Ecclesiae regulae et oratione purgari.”

perience in the life of the Christian rather than as a deplorable necessity reserved for the reprobate.⁴⁰

For Morin, the search for a private penitential discipline which is at the same time sacramental never begins. Like Galtier, Morin would regard the question of origins as a false problem, implying as it does that the private discipline was a gradual development of a discipline which was originally public.⁴¹ In our earlier and more general synthesis of Morin's conception of the ancient penitential discipline, we saw that an evolution did take place but that its direction was one of progressive severity.⁴² And what is true of the discipline generally, is true of the private discipline. We have noticed a tendency, as early as Gregory of Nyssa and Basil, to extend the public penance within the framework of the canonical triad; but it is not until the period of Augustine that sins which are in no sense reducible to the triad are made liable to the public penance. If we carry on the history into the post-Augustinian period we shall find that, as the catalogue of sins demanding the public penance is extended, the private penance is gradually limited. This is particularly true of the Church of Arles. The catalogue, however, never becomes so comprehensive as to engulf completely the discipline which was private. For by this time a new principle is beginning to assert itself—a principle already noticed in Augustine—which considers, not the intrinsic malice of the sin, but its publicity, as the norm for relegating the sinner to the order of penitents.

It is this principle—"public penance for public sins, private penance for secret sins"—which was, according to Morin, adopted in western Christendom during the seventh and succeeding centuries, and this,

⁴⁰ Part I, pp. 323; 321, note 20. This liberal view will sound strange to one familiar with the teaching of Origen, which has the ring of an axiom: "Sanctus est qui peccatum suum per Pontificem curat" (*In Num., hom. X, [PG, 638]*).

⁴¹ "La pénitence publique en effet, n'est point une institution proprement primitive. Elle apparaît pour la première fois, au début de III^e siècle, dans le *De Paenitentia* de Tertullien" (Galtier, *op. cit.*, p. 258). In support of this statement Galtier quotes Petau and Morin, who agree that the form of penance in the really primitive Church was much closer to that of the Church of France in the seventeenth century than was the discipline of the third and succeeding centuries. The reader will recall that we made this view of Morin the master thesis to be defended in Part I (pp. 324 f). For the conclusion reached by Watkins, cf. note 14 above. Our own view is that the public penance is a development of the discipline of the catechumenate which gradually developed during the second century (cf. Part I, p. 326).

⁴² Part I, pp. 324 ff.

whether we consider the strictly Continental discipline or the procedure observed in the British Isles.⁴³ If anything, the Celtic discipline, together with its Continental counterpart, is but an added instance of Morin's general thesis that the discipline of penance (still in the evolving stage of severity) became progressively more severe until it finally overreached itself and gave way to a system of commutations and redemptions which yielded in turn to the practice of granting indulgences as a substitute for the long canonical public penance. As already noted, the public penance remained the normal discipline for those guilty of more heinous crimes until the thirteenth century, when the comparative ease with which a plenary indulgence could be obtained, occasioned its final disappearance.⁴⁴

CONCLUSION

In the course of this article we have purposely refrained from stressing the doctrinal implications of a denial of private penance in the early centuries of the Church's history.⁴⁵ By this time, however, the doctrinal embarrassment involved in such a denial must be obvious. The Council of Trent states explicitly that the "Universal Church has always understood that an integral confession of sins was instituted by our Lord," and implies that the confession in question is one that leads, not to some form of spiritual advice, but to sacramental remission. The priest is not merely a consulting physician; he is a judge, and confession is required in order that he may exercise his prerogative of binding or loosing.⁴⁶ Now, the Catholic historian who limits the

⁴³ Morin finds the first reference to the new principle in Venerable Bede: "Si presbyter vel diaconus monachus uxorem duxerit in conscientia populi, deponatur. Si adulterium perpetraverit cum ea et in conscientia populi devenerit, proiciatur extra ecclesiam et inter laicos paeniteat quamdiu vixerat" (*De remediis peccatorum*, 7). That the fact of publicity would also affect the norm to be followed in handling the sins of the laity, Morin feels, is implied in the preface to Bede's *Penitential*, where it is suggested that the confessor would weigh not only the gravity of the offense but also its openness or secrecy (Morin, V, i, 2).

⁴⁴ Cf. Part I, pp. 335-40, where the above statements relative to the Celtic discipline are substantiated.

⁴⁵ But cf. *supra*, p. 284 f., and note 7.

⁴⁶ "Ex institutione sacramenti poenitentiae jam explicata universa Ecclesia semper intellexit institutam esse a Domino integram peccatorum confessionem, et omnibus post baptismum lapsis jure divino necessariam existere, quia Dominus noster Jesus Christus . . . sacerdotes sui ipsius vicarios reliquit tamquam praesides et iudices, ad quos omnia mortalia crimina deferantur in quae Christi fideles ceciderint, qui pro potestate clavium remissionis aut retentionis peccatorum sententiam pronuntiant" (Conc. Trid., sess. XIV, c. 5).

sacrament of penance to the public discipline is faced with a rather disturbing dilemma. He must maintain either that all serious sins were normally submitted to the public penance—an impossible position in the light of the evidence already seen; or that the early Christians regarded only three sins, together with their more manifest species, as mortal, namely, gross impurity, apostasy, and murder. This second alternative, while not altogether impossible, is based on the rather questionable supposition that the moral sense of Christians has undergone a progressive refinement. Undoubtedly, the manners and etiquette of Christians have undergone a change for the better, but their consciousness of sin, based, as it was, on the changeless teaching of Christ and the further clarification of St. Paul, could hardly have been much different from that of the most advanced Christian today.⁴⁷

It is, therefore, not without reason that a Catholic theologian, conscious of the doctrinal embarrassment involved in a denial of private penance, should be prejudiced in favor of the existence of a sacramental discipline which will take into consideration a large catalogue of sins otherwise unaccounted for. I have called this predisposition of the Catholic theologian a prejudice; it would be better, perhaps, to refer to it as a presumption or an antecedent probability, which, as Newman shrewdly observes, "is even found to triumph over contrary evidence, as well as to sustain what agrees with it."⁴⁸ Nor is such a position guilty of illogicality. For, to quote the illustrious Cardinal again, "In all matters of human life, presumption verified by instances is our ordinary instrument of proof, and if the antecedent probability is great it almost supersedes instances. Of course as is plain, we may err grievously in the antecedent view which we started with, and in that case our conclusions may be wide of the truth; but that only shows that we had no right to assume a premise which was untrustworthy, not that our reasoning was faulty."⁴⁹

⁴⁷ Cf. Matth. 5:28, for our Lord's words on adultery of the heart, and Gal. 5:19-21, where St. Paul gives a catalogue of sins which exclude from the kingdom of heaven: "Now the works of the flesh are manifest, which are immorality, uncleanness, licentiousness, idolatry, witchcraft, enmities, contentions, jealousies, anger, quarrels, factions, parties, envies, murders, drunkenness, carousings, and such like. And concerning these I warn you, as I have warned you, that they who do such things will not attain the kingdom of God." Cf. Eph. 5:5-7; I Cor. 6:9-10, where the same refinement of conscience may be found.

⁴⁸ *An Essay on the Development of Christian Doctrine* (3d ed.; London, 1903), p. 114.

⁴⁹ *Ibid.*, pp. 113 f.

When, therefore, we realize that from the beginning the Church possessed the sacramental means of delivering Christians from even the lesser sins; when we realize, too, that the Holy Spirit is ever active in guiding the Church in her morals as well as in her faith, we may regard it as antecedently more probable that the Church used this power from the beginning; surely, it is rather improbable that she should wait until the seventh century to discover and to put into practice a penitential system which would be the means of deliverance and of sanctification for the vast majority of her children. In the present article we have gathered together from the *Commentary* of Jean Morin the instances that sustain this antecedent probability. We believe that, while comparatively few, they are yet sufficient to "triumph over contrary evidence" which we do not deny exists.