# THE SACRAMENTS

## A DOGMATIC TREATISE

-ζ^iχΑΛ

by A. *

THE RT. REV. MSGR. JOSÇPH POHCfc Ph .D., D D '
FORMERLY PROFESSOR OF APOLOGETICS' THE CATHoâtf
UNIVERSITY OF AMERICA. /JÔW PROCESSOR OF D0GM4
IN THE UNIVERSITY QF-BRESLAU , ; /

AUTHORIZED ENGLISH VERSION. BASED ON .T.BÎ ,4‹if Th
GERMAN EDITION, WITH SOME ABRIDGMENT
AND ADDITIONAL REFEI^ENCkS^"

— ΛζΓ

ARTHUR PREUSS

Volume III

Penance



B. HERDER
17 South Broadway, St. Louis, Mo.
68 Great Russell St., London, W. c.
1917

*nihil obstat*

*8ti. Ludovic!, die 9· Jan (*

*F. G. HOLWECK,*
*Censor Librorum.*

*IMPRIMATUR*

*Sti. Ludovici, die 11. Jan., 1917.*

*^JOANNES J. GLENNON,*
*Archiepiscopus*
*Sti. Ludovici.*



*Printed in u.* S. A.

# TABLE OF CONTENTS

# TABLE OF CONTENTS

# INTRODUCTION

i. Penance as a Virtue, or Repentance.—Before the institution of the Sacrament of Penance the only means by which an adult sinner could become reconciled to God, was the virtue of penance *{virtus poenitentiae}, i. e.* perfect contrition coupled with a firm purpose of amendment.[1] Even to-day this remains the only means of justification for those who live in good faith outside the true Church.

a) That penance, in the sense of penitence or repentance, is a distinct virtue is not admitted by all theologians. Alexander of Hales defines penance as the sum-total of all those virtues violated by sin. Durandus classes it as a part of distributive justice. Cardinal Cajetan subordinates it to the three virtues of charity, religion, and retributive justice. We hold that penitence is a distinct virtue for the reason that it has its own formal object. This formal object lies in the ugliness of sin as an offense against God, which is expiable by contrition and satisfaction.

The fact that penitence can be called forth by other virtues does not argue that it is not an independent virtue, any more than obedience, which all admit to be a virtue,

[1] Cfr. Ei. XVIII. 30; a Cor. VII, 9.

can be proved not to be one merely because it can be dictated by higher motives.

As a moral virtue, penitence is rooted in the will. Contrition and the resolve to avoid sin are acts of the will.

Penitence need not be accompanied by a sensible feeling of regret, because the human emotions are not absolutely subject to the will.

b) The material object of penance is as wide as the range of its formal object. Since the latter produces contrition and a purpose of amendment, the material object of penance comprises everything that falls within the range of these two acts of the will.

The virtue of penance is directed partly to the sins of the past, and partly to those of the future. In regard to the former the penitent sinner says: "I wish I had not committed them." This is contrition. In regard to the latter he says: "I will not commit them." This is the purpose of amendment. It is easy to see that there is a real connection between the two. They are related to each other as cause and effect. The purpose of amendment presupposes contrition for one's former sins, whereas contrition would not only undo the sins of the past, if it could, but likewise prevent the commission of new ones in the future. A change of life demands both a *terminus a quo* and a *terminus ad quern.* The *terminus a quo* in the case of penitence is sin; the *terminus ad quern* is amendment.[2]

It follows that one can do penance only for one's own sins. The angels could not do penance for the sins of men. Contrition can cover only personal sins. We may

2 *Poenitentia* is derived from *poenitere (poena, punire);* its Greek equivalent gerdvoia. from *μἴτανοεἴν,* t. *e.* to change one's mind, to repent.

view with disfavor the misdeeds of others, but we cannot feel contrition or do penance for them. For a similar reason it is impossible to do penance for original sin. which is in no wise personal.[8]

2. Relation of Penance as a Virtue to the Sacrament of Penance.—The virtue of penance, far from becoming superfluous by the institution of the Sacrament of Penance, really is the very heart of that Sacrament. Christ, by adding the sacramental *opus operatum,* merely increased the efficacy of repentance.

The Sacrament of Penance is inconceivable without the virtue of repentance.

Penance is usually defined as "a Sacrament in which the priest, in the place of God, forgives sins, when the sinner is heartily sorry for them, sincerely confesses them, and is willing to perfonn the satisfaction imposed on him." This definition is based on the dogmatic teaching of the Council of Trent.[4]

The fact that the three acts required of the penitent, *viz.:* contrition, confession, and satisfaction, form essential elements of this definition, shows that the virtue of penance constitutes the essence of the Sacrament.

The definition we have given furnishes an excellent basis for a division of our treatise into three parts:

[8] Cfr. Pohle-Preuss, *God the Author of Nature and the Supernatural.* 2nd ed., pp. 232 sqq.. St. Louis 1915.— On the virtue of penance see St. Thomas, *Sumina Theol.,* 3a. qu. 85; Palmieri, *De Poenitentia,* thes. t-7, Rome 187«; Lugo. *De Poenitentiae Pirtute* (a very exhaustive treatise).

[4] *Cone. Trid.,* Sess. XIV. cap. 1-9;

I. The Power of the Church to Forgive Sins;
II. Penance as a Sacrament;
III. The Three Acts of the Penitent: Contrition, Confession, and Satisfaction.

General Readings:—St Thomas, *Summa Theol.,* 3a, qu. 84-90: *Supplementum,* qu. 1-20, and the commentators.— Bellarmine, *De Poenitentia.*— Billuart, *De Poenitentia* — On the teaching of the schismatic Greek Church see C. Rhallis, Τlερζ *των μυστηρίων τήι ptravolat* καὶ τοὺ ἰὑχβλα/ου, Athens 1905.

Gr. Rosignoli. *De Sacramento Poenitentiae et Extremae Unctionis,* Milan 1706.—Collet, *Tract, de Poenitentia* (Migne, *Theol. Curs. Complet.,* Vol. XXII).— J. J. Endres, *Das Sakramcnt dcr Busse,* 1847.—Dens, *De Sacramento Poenitentiae,* 2 vols., Mayence 1862.—Palmieri, S.J., *De Poenitentia,* Rome 1879.— I. B. Becamel, *Tract. De Pirtute et Sacramento Poenitentiae,* Paris 1887.—De San, S.J., *Tract, de Poenitentia,* Bruges 1901.— M. J. O'Donnell, *Penance in the Early Church, With a Short Sketch of Subsequent Development,* Dublin 1907.— S. J. Hunter, S.J., *Outlines of Dogmatic Theology,* Vol. III, pp. 297-358.— Wilhelm and Scannell, *A Manual of Catholic Theology.* Vol. IT, pp. 464-484, 2nd ed., London 1901.— E. J. Hanna, art. " Penance," in the *Catholic Encyclopedia,* Vol. XI, pp. 618-635.

# PART I

# THE POWER OF THE CHURCH TO FORGIVE SINS

Before treating of Penance as a Sacrament we must show, (i) that the Catholic Church has the power to forgive sins, (2) In what this power consists, and (3) What are its attributes.

## CHAPTER I

### THE CATHOLIC CHURCH HAS THE POWER TO FORGIVE SINS

That the Catholic Church has the power to forgive sins can be demonstrated from Sacred Scripture and Tradition. The Tridentine Council bases its argument " principally " on the Gospel of St. John, Ch. XX, v. 20 sqq., thus intimating that there are other Scriptural texts from which the thesis can be proved. Such additional texts are Matth. XVI, 19 and XVIII, 18. They contain our Lord's promise to impart to His Apostles the power of forgiving sins. The actual bestowal of this power is recorded in John XX, 20 sqq.

# SECTION i

## PROOF FROM SACRED SCRIPTURE

## ARTICLE i

### THE PROMISE

I. The Texts.—In the Gospel of St. Matthew Christ promises to grant His Church the power of forgiving sins. He makes this promise first to St. Peter alone (Matth. XVI, 19) and later to all the Apostles (Matth. XVIII, 18).

In the latter passage the Apostles are promised the power of binding and loosing *{potestas ligandi et solvendi),* which virtually comprises that of forgiving sins.

St. Peter, in the former passage, is told that he is to receive the keys of the kingdom of heaven *{potestas clavium),* which is evidently a more comprehensive power even than that of forgiving sins.

After assuring St. Peter that he is the rock upon which the Church is to be built, our Divine Saviour continues (Matth. XVI, 19): "And I will give to thee the keys of the kingdom of

heaven *(claves regni calorum, T"s *λ‹«* βα«‹λ‹ία *τύν ουρανών').* And whatsoever thou shalt bind *(quodcunque ligaveris., δ èàν δησ^)* upon earth, it shall be bound also in heaven: and whatsoever thou shalt loose *(quodcunque solveris,* ° èàu λυ'σ^) upon earth, it shall be loosed also in heaven."

Upon a later occasion Christ said to all His Apostles together (Matth. XVIII, 18) : "Amen, I say to you, whatsoever you shall bind *(quaecunque alligaveritis, ὁσα i'αν δησηπ)* upon earth, shall be bound also in heaven ; and whatsoever you shall loose *(quaecunque solveritis,* θσα «ἀν λὺσητί) upon earth, shall be loosed also in heaven."

Though these two texts are almost identical in terms, there is a vast difference between them. The power to bind and loose bestowed upon all the Apostles is not commensurate with the power of the keys conferred upon St. Peter alone. The power of the keys includes the primacy of the Holy See. However, this aspect of the matter does not concern us here. It belongs to fundamental theology or apologetics. We have simply to show that the power of forgiving sins is included in both texts.

The future tense of the verbs proves that we are dealing with a promise.

2. The Power of the Keys Conferred on St. Peter Includes the Power to Forgive Sins.—What did our Lord mean when He promised St. Peter that He would give him "the keys of the kingdom of heaven"? Evidently He

meant that He would make him the head of His Church, with full power to govern all who belong to it.

In the twenty-second chapter of Isaias the prophet laments the devastation of Juda. Foretelling the deprivation of Sobna and the substitution of Eliacim, a figure of Christ, he says: " I will drive thee [Sobna] out from thy station, and depose thee from thy ministry. And it shall come to pass in that day, that I will call my servant Eliacim, the son of Helcias, and I will clothe him with thy robe, and will strengthen him with thy girdle, and will give thy power into his hand: and he shall be as a father to the inhabitants of Jerusalem, and to the house of Juda. And I will lay the key of the house of David upon his shoulder: and he shall open, and none shall shut: and he shall shut, and none shall open."[1]

From this and similar texts it follows that the power of the keys in Biblical parlance means supreme power of legislation as well as jurisdiction.

Therefore, in giving to St. Peter "the keys of the kingdom of heaven," Christ gave him supreme power to govern the Church, to admit into and exclude from it, to make and execute laws, to impose and remit penalties, in a word, the plenitude of jurisdiction over His fellow Apostles and all the faithful.[2] Whatever he does in his capacity of supreme bearer of the keys *{claviger}* God will ratify. So comprehensive a power

1 Cfr. Isaias XXII, 19 sq. —Cfr. Job XII, 14.

2 Cfr. Palmieri, *De Romano Pontifice,* 2nd ed., Rome 1891.

must necessarily include the faculty of forgiving sins. St. Peter has all the keys, not only one or two. Now, there is nothing that so effectively excludes men from the kingdom of heaven as sin. If Peter lacked the power of forgiving sins, he would not possess *all* the keys to the kingdom of heaven, because he could not bind or loose, open or shut unconditionally, and God would not ratify all his official acts, and consequently the words of Christ would be untrue. Since the power of forgiving sins must be coterminous with the primacy, bestowed upon St. Peter in the same passage, it follows that his successors, *i. e.* the Roman pontiffs, possess the power of forgiving sins in the Church.

3. The Power of Binding and Loosing Conferred on the Apostles Signifies the Forgiveness of Sins.—To bind and to loose are figurative terms, just as "opening" and "shutting" in the text we have quoted from Isaias. Now what did our Lord mean when He gave to the Apostles the power of binding and loosing? That the phrase cannot refer to physical bonds, is plain from the context. Hence the power bestowed must be spiritual or moral.

a) In the moral sphere there is a threefold bond that permits of binding or loosing:

(1) The bond of the law *(vinculum legis)*;

(2) The bond of sin *(vinculum peccati)*;

(3) The bond of punishment *(vinculum poenae').*

From the physical analogy implied we may and must infer that to bind in moral matters signifies to command or forbid *(ligare = prohibere)* ; whereas to loose means to allow or permit *(solvere = permittere).*

In regard to sin, therefore, to bind must mean to withhold absolution or forgiveness; to loose, to grant forgiveness.

The same holds good, analogously, in regard to the bond of punishment. To bind, in this sense, evidently signifies to condemn ; to loose, to remit the penalty.

Now the grant of power made by our Lord to His Apostles is unlimited : *"quodcunque* (θ ⁑ *quaecunque* (°σα «w)." Consequently, the promise made to them in the texts quoted above from St. Matthew must comprise the power to forgive sins, as this is but a part of the whole. This power was not a personal privilege, destined to cease with the death of the Apostles, but it was granted to them in their official capacity and hence was intended as a permanent institution in the Church. Consequently, the Church must have the power to forgive sins, and when she binds or looses, her acts are ratified by God.

b) Protestants contend that this power can be exercised only *in foro externo,* but is utterly ineffective in the court of conscience *(in foro interno).* This is an untenable assertion. We have Christ's assurance that God ratifies the decisions of His earthly representatives ; what else can this mean than that He forgives when they forgive and

that He retains when, for grave reasons, they withhold absolution? Were He to "bind," *i. e.* to refuse forgiveness in any case in which His Church on earth had "loosed," *i. e.* given absolution, our Lord's promise in the Gospel of St. Matthew would be false,— an impossible assumption.

Impressed by the force of this argument, some Protestant controversialists deny that the texts under consideration have any reference to sin at all. But this is doing violence to the context. A glance at Matth. XVIII shows that the argument of our Saviour's discourse runs as follows: If thy brother who has offended thee refuses to listen to fraternal correction, bring the matter before the church authorities. They have the power of binding and loosing, of expelling sinners and readmitting them to the communion of the faithful, and whatever decision they make, shall be ratified in heaven. It follows that not only has the Church the power to forgive and retain sins, but the sins with which this power is concerned are those committed after Baptism. Therefore the power to forgive sin is not simply the power to baptize. Unbaptized persons cannot be expelled from the Church for the simple reason that they are not yet members of it.

## ARTICLE 2

### THE GRANT

The promise recorded in St. Matthew's Gospel was fulfilled by our Divine Lord when, after His Resurrection, He miraculously appeared in the midst of His Apostles, breathed upon them, and said: "Receive ye the Holy Ghost. Whose sins

you shall forgive, they arc forgiven them; and whose sins you shall retain, they are retained."

This important text, which has been rightly called the Magna Carta of the Church's prerogative of forgiving sins, is found in John XX, 22 and 23. It reads as follows in the original Greek: *λάβετε πϊ'εϋ/ια άγιον Ἂν τπ'ων άφητε τὰ αμαρτία άφίενται αυτοϊ · αν τινων κραπ/τε} κεκράτηνται,* The Vulgate renders the passage as follows: *"Accipite Spiritum sanctum: Quorum remiseritis peccata, remittuntur eis: ct quorum retinueritis, retenta sunt."*

The power thus conferred by Christ upon His Apostles (1) refers to sins; (2) is not limited to the declaration, "God pardons you," but implies actual forgiveness; (3) is distinct from the power of baptizing; and (4) was to be transmitted from the Apostles to their successors and to be used as long as there are sinners in the Church, which means to the end of time.

I. The Power Conferred by Christ upon His Apostles Applies to Sin.—The word "sin" *(peccatum)* is used in Holy Scripture in four different meanings: (a) the guilt accruing to sin in the eyes of God, (b) the punishment due to evil deeds, (c) concupiscence, and (d) a sin-offering. In John XX, 23, it is used in the first of these meanings.

a) When our Lord said to His Apostles: "Whose sins you shall forgive, they are forgiven," etc., He cannot possibly have meant "sin offerings" *(sacrificia pro*

*peccato).* This is evident from the text itself. A sin-offering could not be "forgiven," much less could it be "retained." Moreover, Christ definitively abolished the sin-offerings of the Old Testament, and there would be no sense in His mentioning them in connection with His future Church.

b) The term "sins" in John XX, 23, cannot signify concupiscence *(fomes peccati, concupiscentia).* It is true, St. Paul in his Epistle to the Romans[1] calls concupiscence "sin," inasmuch, namely, as "it is of sin and inclines to sin."[2] But here the term is used in the plural, and, moreover, concupiscence never leaves man in this life but remains with him even in the state of sanctifying grace, and consequently is not "remitted."

c) But may not the term mean punishments due to sin? Guilt and punishment are correlative terms, and punishment can be forgiven or retained in much the same way as guilt. This interpretation is not to be rejected offhand. But we maintain that it must not be applied to our text in a one-sided way and exclusively. We prove this by the following trilemma. Our Lord's words apply to the mere guilt of sin *(reatus culpae),* or to the punishment due thereto *(reatus poenae),* or to both guilt and punishment. If they apply to mere guilt, there is question of genuine sins. If they apply to both, the same is true. If, however, they apply to the *reatus poenae,* it must mean either eternal punishment or temporal punishment. If it means eternal punishment, the nature of things demands that there be a true remission of mortal sin, for eternal punishment and mortal sin are reciprocal notions. Hence to admit that our Lord gave His Apos-

1 Rom. VII, 7 sqq.

2 Cfr. *Cone. Trid.. Sen. V.* can. 5.— See I'ohle-Preusa. *Cod the Au·thor of Naturo and the Sufemalnrai.* p. 345.

tics the power to remit eternal punishment is tantamount to admitting that He gave them the power to forgive mortal sins. The case is different if " sin " be understood as meaning the temporal punishment of wrongdoing. In that case the power to forgive sins could not be proved from John XX, 23. But this interpretation is inadmissible. The Apostles received a twofold power with regard to " sins,"— to forgive them or to retain them, and if they found it prudent to retain them, to retain them as long as they deemed it necessary, possibly for ever; for Christ's words are general and unlimited: " Whose sins you shall retain, they are retained *(retenta sunt)."* Now temporal punishments by their very nature cannot be retained for ever, else they would become eternal, and hence it is evident that the word " sins " in the Johannine text must be taken in its ordinary and plain acceptation.

d) The interpretation we have given derives great plausibility from the solemn manner in which our Saviour conferred this prerogative upon His Apostles. He said: "As the Father hath sent me, I also send you." Then He "breathed on them," and continued : "Receive ye the Holy Ghost. Whose sins you shall forgive, they are forgiven them ; and whose sins you shall retain, they are retained." 3 This solemn procedure would hardly be intelligible unless He wished to grant them the power to forgive mortal sins.

Cfr. John XX, « sqq.

Moreover, there is the analogy between His own mission and that of the Apostles, expressed in the phrase: " As the Father hath sent me, I also send you." For what purpose had the Father sent Him? To forgive sins and enable men to reach Heaven. Thus He spoke to the palsied man: " Be of good heart, son, thy sins are forgiven thee."[4] And when some of the scribes thought in their hearts, "Why doth this man speak thus? He blasphemeth; who can forgive sins, but God only?"[5]—Christ, knowing their thoughts, declared, " That you may know that the Son of man hath power on earth to forgive sins, (he saith to the sick of the palsy,) . . . Arise, take up thy bed, and go into thy house."[6] It was this power which He conferred upon His Apostles.[7]

2. The Power to Forgive Sins Implies True Forgiveness by God.—To forgive sins is more than merely to declare or announce that they are forgiven.

a) It is evident from the context that our Lord sent His Apostles to forgive sins in the same sense in which He Himself had been sent by His Heavenly Father. He forgave grievous sins *in foro interno;* hence His Apostles must have the same power.

The validity of this conclusion is not impaired by the fact that the power to forgive sins differs in God. in Christ, and in His human ministers. In God it is a

4 Matth. IX, a: *"Confide fill, remittuntur tibi peccata tua (ἀφίεν-ται σοι αἱ ἁμαρτίαι)■"*

5 Mark II. 7 sqq.

6 Mark II, 10. tl.

7 That lie did not mean original sin. is shown *infra,* No. 3.

*potestas auctoritatis,* in the Godman, a *potestas ministerii.* The meaning of these terms is explained in our treatise on the Sacraments in General.8 Though the power bestowed upon the Apostles was intrinsically inferior to that of Christ (being derived from Him, conditional and dependent), it is nevertheless real and adequate.

b) According to the Greek.text the forgiveness of sins by God is so intimately conditioned upon the exercise of the Apostolic power that the former immediately follows the latter:— "ἀι- ηνων ἀψἰα›ται—*st remiseritis, remittuntur.*" Conversely, where there is no exercise of that power, there is no forgiveness of sins *(retenta sunt),* and hence this conditional relation is truly causal. The power of the Apostles is not limited to a mere announcement of the fact that God has pardoned the sinner; it signifies and effects a true and real remission.

This interpretation is in perfect conformity with the nature of the New Testament, which is infinitely superior to the Ancient Covenant. While the latter with its ceremonial laws could effect no more than a legal sanctification of the flesh,® the former really and truly sanctifies the soul by the infusion of grace. Hence, wherever in the New Testament there is question of the forgiveness of sins, it must mean a true forgiveness before God.

8 Poble-Preuss, *The Sacramenti,* Vol. 1, pp. 98 sqq., St. Louis 1915.

o Cfr. Jer. XXXI, 33; Heb. IX, 13.

3. The Power to Forgive Sins Not Identical with the Power to Baptize.—Though the power to forgive sins and the power to baptize were conferred upon the Apostles in similar circumstances, the two are entirely separate and distinct.

a) Leaving the detailed analysis of the respective scriptural texts to the exegetes, we will confine ourselves to pointing out the great difference existing between the two powers. The power to baptize is essentially simple: *"Baptizate,"* whereas the power to forgive sins is twofold, inasmuch as it may forgive or retain: *"Remittite et retinete."*

True, the refusal of Baptism in a certain sense signifies a *retentio peccati,* because every one who is not baptized remains steeped in sin. But to refuse to baptize an applicant is plainly not a judicial act.

It is equally true that Baptism, like Penance, remits mortal sin. But between the manner of remission in either Sacrament there is as great a difference as between the simple cancellation of a debt and a judicial release from the duty of paying the same.

b) Another important distinction between Baptism and the power of forgiving sins is that the former can be administered only once, whereas the latter can be exercised as often as it is appealed to. Baptism is incapable of repetition

for the reason that it is essentially a spiritual rebirth. The power to forgive sin is subject to no such limitation.

Protestants assert that the power to forgive sins, as recorded by St. John, is nothing more than the power to preach the Gospel. This is a perfectly logical deduction from the Lutheran theory of justification. If it were true that man is justified by faith alone, the forgiveness of sins would ultimately depend on preaching, for it is through preaching the Gospel, in the Protestant view, that fiduciary faith is born in the soul. But such teaching is absolutely unscriptural, as may be seen by a reference to John XX, 23. If *"remittere peccata"* were synonymous with *"praedicare fidem,"* as the Protestants allege, what would " *retinere peccata* " mean? Mere non-forgiveness? But that would involve a contradiction. Or the omission or neglect of preaching the forgiveness of sins? But that would be opposed to the spirit of the Gospel. The Gospel must be preached to all men.[10] No wonder the attempt to square the Johannine text with the Protestant doctrine of justification has led to strange distortions. It is ridiculous to assert that Christ meant to say to the palsied man: " Be of good heart, son, the faith is being preached to thee." It is equally ridiculous to distort our Lord's dictum: " If you will forgive men their offences, your heavenly Father will forgive you also your offences,"[11] by making it read: "If you preach to men the Gospel, your heavenly Father will preach the Gospel also to you."[12]

10 Matth. XXVIII. 19; Mark XVI. 16.

11 Matth. VI, 14.

12 Cfr. Matth. VI, 13; Luke VII, 47 sqq.; XI. 4; XXIV, 47.

4. The Power to Forgive Sins a Permanent Institution in the Church.—The very nature and purpose of the Catholic Church make it plain that the power to forgive sins was not a personal prerogative of the Apostles, but was granted to them in their official capacity, and hence intended as a permanent institution. The Church with her divine mission, her Apostolic succession, the primacy, the power to baptize, etc., it destined to endure for all time. The power to forgive sins, too, must be available and exercised as long as there are sinners, and that means to the end of the world. If the Church lacked this power or failed to exercise it, she could not possibly be the true Church of Christ.

The authentic interpretation of John XX, 23, has been fixed by the Tridentine Council: "If anyone saith that those words of the Lord the Saviour: 'Receive ye the Holy Ghost, whose sins you shall forgive, they are forgiven them, and whose sins you shall retain, they are retained,' are not to be understood of the power of forgiving and retaining sins in the Sacrament of Penance, as the Catholic Church has always from the beginning understood them, but wrests them . . . to the power of preaching the Gospel, let him be anathema." [13]

The same Council defines that the power to baptize is

[13] Sess. XIV, can. 3: "Si quis dixerit, verba illa Domini Salvatoris: Accipite Spiritum sanctum, quorum remiseritis, etc., non esse intelligenda de potestate remittendi et retinendi peccata in sacramento poenitentiae, sicut Ecclesia catholica ab initio semper intellexit, detorserit autem . . . ad auctoritatem praedicandi evangelium, anathema sit." (Denzinger-Bannwarl. n. 913).

distinct from the power to forgive or retain sins: "If anyone, confounding the Sacraments, saith that Baptism is itself the Sacrament of Penance, as if these two Sacraments were not distinct, . . . let him be anathema." [14]

Readings: — Billuart, *De Poenitentia,* diss, i, art. i (ed. Lequetle, Vol. VII, pp. 9 sqq).— Palmieri, *De Poenitentia,* thes. 8, Rome 1879.— Manzoni, *De Natura Peccati eiusque Remissione,* S. Angeli Laudensis 1890.— Oswald, *Dogmatisclie Lehre von den hl. Sakramcntcn der kath. Kirche,* Vol. II, 5th ed., pp. 29 sqq., Münster 1894.— Tepe, *Institutiones Theologicae,* Vol. IV, pp. 357 sqq., Paris 1894.— Scheeben-Atzberger, *Dogmatik,* Vol. IV, 3, 672 sqq., Freiburg 1903.

For the historical development of the dogma see Chardon, *Histoire du Sacrement de Penitence* (Migne, *Theol. Curs. Complet.,* Vol. XX).— Schwane, *Dogmengeschichte,* Vol. II, 2nd ed., § 102-103, Freiburg 1895.— G. Rauschen, *Eucharist and Penance in the First Six Centuries of the Church,* pp. 153 sqq., St. Louis 1913.— M. J. O'Donnell, *Penance in the Early Church, With a Short Sketch of Subsequent Development,* Dublin 1907.— Tixeront, *History of Dogmas,* 3 vols., St. Louis 1910 sqq.—Coupe, Charles, S.J., "The Power of the Keys in the Primitive Church," in the *American Catholic Quarterly Review,* Vol. XXIX (1904), No. 116, pp. 625-644.

14 "*Si quis sacramenta confundens ipsum baptismum poenitentiae sacramentum esse dixerit, quasi haec duo sacramenta distincta non sint, . . . anathema sit.*" (Denzinger-Bannwart, n. 91a).

# SECTION 2

## PROOF FROM TRADITION

## ARTICLE i

### PROTESTANT ERRORS VS. THE TEACHING OF THE CHURCH

Up to the time of the so-called Reformation no one ever questioned the power of the Church to forgive sins. The ancient Montanists merely attempted to limit it unduly,[1] while the Cathari and the Waldensians erred with regard to those who exercise it.[2] It was reserved for the self-styled Protestant Reformers to deny that power in principle. This explains the thoroughness with which the Tridentine Council defined and explained the teaching of the Church on the subject of Penance.[3]

I. Protestant Errors.—The Protestant symbolic writings recognize but two sacraments, *vis.:* Baptism and the Lord's Supper. In Luther's "Little Catechism" and in the *Apologia* of the Augsburg Confession, *"absolutio, quae est sacramentum poenitentiae"* is mentioned as the third sacrament after *"Baptismus"* and *"Coena Domini."*[4] But the Lutheran Church regards abso-

1 *V. infra,* Ch. II. Sect. i.

2 Cfr. Pohle-Preues. *The Sacramente,* Vol. I. pp. 166 »qq.

3 Sess. XIV; v. *infra,* pp. «qq.

t *Apol.. c. "De Num. Sacram. "Vere igitur eunt eacramenta baptie-*

lution as a *"nuda declaratio"* a mere declaration of pardon without real effect.

Calvin declared that Penance is a "repetition of Baptism and that there is no essential distinction between the two Sacraments?

His view soon obtained the upper hand among Protestants. To appreciate it at its true value, we must regard it in connection with the original Protestant theory of justification. Baptism, in the orthodox Lutheran sense, does not blot out original sin and the actual sins that spring from it, but merely covers them up with the cloak of the merits of Jesus Christ. All future sins are similarly covered up if the sinner piously recalls the grace of Baptism.® Thus Penance is essentially nothing more or less than a repeated covering up of sin effected by fiduciary faith in the virtue of Baptism. In Luther's own words, it is purely a *"regressus ad baptismum."*

This fundamental error led the Protestant Reformers to propagate a series of erroneous doctrines with regard to Penance, which may be briefly summarized as follows:

(1) As sins are never actually forgiven, but merely covered up by fiduciary faith, Penance as a Sacrament is superfluous.

(2) AVhat men call Penance is merely a recourse to Baptism.

(3) "Absolution" is not a true forgiveness of sins, but merely a sermon-like declaration or announcement that God will forgive or has forgiven our sins through faith.

tnni. *coena Domini, absolutio, quae est sacramentum poenitentiae.*

5 *Instil.*. IV, 19. 5 14 sqq.

0 On this teaching and the true doctrine opposed to it cfr. Pohle·Preuss. *Grace, Actual and Habitual,* pp. 3'0 sqq., St. Louis 1915.

(4) The imposition of penitential works is due to an arrogant belief in self-justification and derogates from the satisfaction given by Jesus Christ. In particular are penalties to be rejected because Christ has sufficiently atoned' for our sins and paid all the penalties due to them.

(5) The Church has no jurisdiction in the court of conscience, but merely the right to exercise external discipline; hence no one is obliged to confess his sins, and the so-called canonical or penitential penalties are null and void.

Thus under the Protestant system only two things remain of the Sacrament of Penance, *viz.:* contrition in the sense of the terror with which conscience'is smitten upon being convinced of sin *(terrores conscientiae),* and fiduciary faith in the sense of a recourse to Baptism *(regressus ad baptismum).*

Modern Protestants are very much at variance in regard to confession. The high-church Anglicans believe in and practice auricular confession. The Lutherans think it is sufficient if a sort of general acknowledgment of sinfulness is made by the whole congregation. The Rationalists reject confession altogether as a human invention.

2. The Teaching of the Church.—The Council of Trent devotes the whole of its XIVth Session to an explanation, demonstration, and defense of the Catholic doctrine of the Sacrament of Penance. Its fifteen canons on the subject may be summarized as follows:

I. Penance is a true Sacrament, instituted by Christ for the forgiveness of post-baptismal sins.

II. Penance is a Sacrament distinct from Baptism.

III. The words of Christ recorded in John NX, 23. are to be understood of the power of forgiving and retaining sins in the Sacrament of Penance, not of preaching the Gospel.

IV. For the remission of sins there are required three acts by the penitent, which are as it were the matter of the Sacrament of Penance, *vis.:* contrition, confession, and satisfaction. The terrors with which the conscience is smitten upon being convinced of sin, and the fiduciary faith generated by the Gospel, arc not sufficient to obtain forgiveness.

V. Imperfect contrition, which is acquired by means of the examination, recollection, and detestation of sins, is a true and profitable sorrow, and does not make a man a hypocrite and a greater sinner.

VI. Sacramental confession is of divine institution and necessary to salvation, and auricular confession is not a human invention.

VII. Auricular confession comprises by divine right all mortal sins, even those which are secret, and may lawfully extend also to venial sins.

VIII. The confession of all sins, as demanded by the Church, is not impossible, but a duty incumbent on all the faithful of both sexes.

IX. The sacramental absolution given by the priest is a judicial act, not a bare declaration, and must be preceded by confession on the part of the penitent.

X. Priests alone have the power of binding and loosing, and can exercise it even if they are in a state of mortal sin.

XI. Bishops have the right of reserving cases to themselves, and from such reserved cases no priest may absolve.

XII. God does not always remit the whole punishment together with the guilt of sin, and the satisfaction of penitents does not consist in the faith wherewith they apprehend that Christ has satisfied for them.

XIII. Satisfaction for sins, as to their temporal punishment, is made to God through the merits of Christ, by the punishments enjoined by the priest, and also by those voluntarily undertaken by the penitent himself, and consequently, Penance is more than merely a new life.

XIV. The works of satisfaction performed by the penitent do not obscure the doctrine of grace, the true worship of God, and the benefit of Christ's death.

XV. The power of the keys which Christ gave to the Church is not merely the power to loose, but also to bind, and therefore enables priests to impose punishments on those who confess.

These canons bear the traces of a stormy period in the Church's history and reflect many of the false accusations made by her enemies.

We are at present interested only in that portion of the Tridentine teaching which asserts the existence in the Church of the power of forgiving sins. The others will be treated in their proper places further on.

Readings: — Bellarmine, *De Poenitentia,* I. 1 sqq.—R. A. Lipsius, *"Luthers Lehre von der Busse,"* in the *Jahrbueh fiir f>rot. Théologie,* 1892, pp. 161 sqq.— Oswald, *Die dogmatische Lehre von den hl. Sakramenten,* Vol. Il, 5th ed.. pp. 24 sqq., Münster 1894.—Môhler, *Symbolik,* §32 sq., Mayence 1900 (English translation by Robertson, pp. 218 sqq., 5th ed., London 1906).

## ARTICLE 2

### THE TEACHING OF THE FATHERS

The Patristic teaching on the subject of Penance is related to the penitential discipline of the primitive Church as theory to practice. Both teaching and discipline can be adduced in support of the dogma that the Church has the power to forgive sins.

The teaching of the Fathers will be examined later in connection with the institution of the Sacrament of Penance. Here it will suffice to cite a few passages from St. Augustine and two or three other Patristic writers. Our main argument is based on the ancient penitential discipline.

Every century affords its sheaf of proofs for the existence in the Church of the power to forgive sins. If Patristic texts in support of our dogma are relatively few, this is due partly to the general scarcity of contemporary documents, partly to the discipline of the secret, and partly to the infrequency with which the faithful were wont to approach the tribunal of Penance.[1] It is scarcely necessary to remark that the present practice of "devotional confessions" was entirely unknown in the infant Church.

**i. The Fathers of the Fourth and Fifth Centuries.**—The Fathers and ecclesiastical authors of the fourth and fifth centuries reflect in their writings the controversies which the Church waged at that time against Novatianism.

1 Cfr. Oswald, Die dogmatirche *Lehrc von den hl. Sakramenten*. Vol. II. sth cd., p. 48, Munster 1894.

a) St. Augustine (4-430) warns the faithful against heretical teachers who lack the power of the keys. " Let us not listen to those," he says, " who deny that the Church has the power to forgive all sins. These miserable wretches, refusing to acknowledge in Peter the rock, and to believe that the Church has received the keys of the kingdom of heaven, have lost these same keys from their own hands."[2]

But how are we to account for the fact that St. Augustine, in other passages of his writings, seems to limit the power of forgiving sins to Baptism? What does he mean, for instance, when, speaking of Baptism, he says in his treatise On Marriage and Concupiscence: " By its one only ministration it comes to pass that pardon is secured to the faithful of all their sins both before and after their regeneration "?[3] The answer is to be found in the sentence immediately following: " For of what use would repentance, even before Baptism, be if Baptism did not follow ? — or after Baptism, if it did not precede?"[4] That Augustine regarded Penance as distinct from Baptism is evident from the following passage in another of his treatises: "If [homicide] has been committed by a catechumen, it is washed off in Baptism ; if by a baptized person, it is healed through Penance and reconciliation." ·

2 *De Agon. Christ.,* c. 3: *" Nec eos audiamus, qui negant Ecclesiam Dei omnia peccata posse dimittere. Itaque miseri, dum in Petro petram non intellegunt et nolunt credere datas Ecclesiae claves regni caelorum, ipsi eas de manibus amiserunt."*

3 *De Nupt. et Concup., 1, 33: " Quia ipso [baptismo] quod semel datur, fit, ut non solum antea, sed etiam postea quorumlibet peccatorum venia fidelibus impetretur."*

*i L. c.: "Quid enim prodesset vel ante baptismum poenitentia, nm baptismus sequeretur, vel postea, nin praecederet! "*

6 *De Adult. Coning..* Π. 16: *"Si* (AomkiJitM·) *a catechumeno laetum est, baptismate abluitur; ei si a baptisato, poenitudine et reconsilimnme sanatur."*

St. Jerome (-J- 420) compares Baptism and Penance to "two doors" *(dtMc portae),* through which people enter and leave the Church,[0] and declares that both are equally efficacious. " Penance," he says, " imitates the grace of Baptism by the unspeakable mercy of the Saviour." [7]

St. Ambrose (-f- 397) vigorously defends the power of the Church to bind and loose against the attacks of the Novatians.[8] He says that this power is reserved to the priesthood,[®] and that its exercise through either Sacrament is a mystery.[10] The sacerdotal power to bind or loose, he declares in another place, comprises all sins and all sinners without exception.[11]

St. Pacian, Bishop of Barcelona (+ 390), who refuted the Novations in three letters addressed to Sympronianus, devoted the third of these to Penance. The Novatians claim, he says, " that it is not permitted to do penance after Baptism, that the Church cannot forgive mortal sins, nay that she herself would perish were she to readmit sin-

« *In Soph.,* I, 10.

[7] *Adv. Ptlag.,* I, 33: *"Poenitentia imitatur* baptismi *gratiam per ineffabilem clementiam Salvatoris."*

[8] *De Poenit.,* 1, s, 6: *" Sed aiunt, te* Domino *deferre reverentiam, cui* soli remittendorum criminum *potee latem reservent. Imo nulli maiorem* Muriam *faciunt, quam qui eius volunt* mandata *rescindere, commissum* munus *refundere. Nam* quum *ipse* in *Evangelio suo* dixerit Dominus *lesus: Accipite Spiritum sanctum, quorum* remiseritis, *etc., quis est ergo,* qui magis *honorat, utrum qui mandatis obtemperat, an qui resistit!* Ecclesia in utroque *servat obediencliom,* ut peccatum et alliget et relaxet; *haeretis* in altero immitis, in altero inobediens. . . . Dominus enim *par ius* et solvendi esse voluit et ligandi."

* De Poenit., 11, a, ta: " Impossibile *videbatur per poenitentiam peccata dimitti: concessit hoc Christus Apostolis* suis, *quod ab Apostolis ad sacerdotum officia transmissum est. Factum est igitur possibile, quod impossibile videbatur."*

10 De *Poenit.,* I, 8, 36: *"Cur baptisatis, si per hominem dimitti* non *licetf In baptismo utique remissio peccatorum omnium est: quid interest, utrum per poenitentiam an Per lai-acrum hoc ius sibi datum sacerdotes vindicent! Unum* in *utroque mysterium est."*

11 *De Poenit.,* I, 3, 10: *" Deus distinctionem* non *facit, qui misericordiam suam promisit omnibus et relaxandi licentiam sacerdotibus sitis* sine *ulla exceptione concessit."*— *Ibid.,* I, 1: "Dominus nullum *crimen excipit, qui* peccata donavit omnia."

ners.''12 He asks: Who taught them this doctrine. Moses, St. Paul, or Christ? — and answers: No; Novatian, " after the rule of Decius, that is, almost three hundred years after the passion of our Lord. What then? Has he the gift of tongues? Has he prophesied' Can he raise the dead? Surely he ought to have the one or the other of these gifts in order to introduce the gospel of a new law.''18 The objection that God alone can forgive sins is answered by St. Pacian as follows: " This is true, but that which He does through His priests, is also [done by] His power. What is it that He spoke to the Apostles: Whatsoever you shall bind upon earth, etc.? Why should He speak thus if it was not permitted to men to bind and loose?''1* St Pacian also distinctly declares that the power of the keys conferred upon the Church by her Divine Founder comprises all sins without exception. " Whatsoever you shall loose, He [Christ] says, excepting absolutely none; whatsoever, he says, whether large or small.''15

b) Cyril of Alexandria (+447) says: "The men who have received the breath of the Holy Ghost [». *e.* the priests] forgive sins in a twofold manner: either by admitting the worthy to Baptism, or by forgiving the penitent children of the Church." 18

12 *Ep. ad Sympronian.,* 3, 1: *". . . quod post baptismum poeniteri non liceat, quod mortale peccatum Ecclesia donare non possit, imo quod ipsa pereat recipiendo peccantes."*

*13 L. c.: ". . . post Decii principatum, i. e. post trecentos prope annos dominicae passionis. Quid ergo tuncf . . . Linguis locutus esif ProphetavitP Suscitare mortuos potuitP Horum enim aliquid habere debuerat, ut euangelium novi iuris induceret,'*

*uEp. ad Sympr., t.* 6: *" Perum est, sed ei quod per sacerdotes suos facit, ipsius potestas est. Nam quid est illud, quod dpostolus dicit Quae ligaveritis in terris, etc.t Cur hoc, si ligare et solvere hominibus* no» *licebatf"*

>S *Ep. ad Sympr.*. 3, i»; *" Quaecunque solveritis, inquis, omnino* nihil excipii. *Quaecunque, inquit,* rei *maena vel modica."*

1» (Migne. *P. G-.* LXXIV.

The following passage from St. Chrysostom (-}- 407) has become a veritable classic : " The dispensation of the things that are in heaven God hath not given to angels or to archangels ; for not to these was it said : ' Whatsoever you shall bind/ etc. (Matth. XVIII, 18). They that rule on earth have indeed also power to bind, but the bodies only;[11] whereas this bond reaches to the soul itself, and transcends the heavens.[18] And what the priests do below, the same does God ratify above, and the Lord confirms the sentence of His servants.[10] What then has He given them but all heavenly power? For, He saith, ' Whose sins ye shall remit,' etc. (John XX, 23). What power could be greater than this ? . . . It would be manifest folly to contemn such a great power, without which we could obtain neither salvation nor the good things promised. . . . For not only when they regenerate us [in Baptism], but they [the priests] have also the power to forgive the sins committed after regeneration." [20]

The extent of this power is described as follows by Timothy, the second successor of St. Athanasius in the see of Alexandria (+ 384)[21] : " Which sins have no forgiveness? None ; everything confessed before God[22] will be forgiven."

St. Athanasius (+ 373) puts the effects of Penance on a level with those of Baptism. " As one who is baptized by a priest," he says, " is illuminated by the grace of the Holy Ghost, so he who confesses [his sins] in Pen-

[11] τήν τού *iισμοΐι* iξουσίαν. αλλά σώματα *μόνον.*

[18] siros δί ὁ δεσμὸ αὐτήϊ iπτε· ται καί διαβαίνει τοiιι oipavovs-

[10] " καί ἅπερ δν ὀργάσωνται κάτω Ol Upctt, ταῦτα δ Οeàs ἄνω κυροί καί *την των δούλων "γνώμην i δεσπότη* βέβαιοi.

[20] *De Sacerdot.,* III, 5 sq.

[21] *Resp. can.,* 36, *apud* Pitra, *Jur, Eccles. Graecor..* Vol. I, p. 63.

[22] iξομολο^ούμενον ἐνώπιον τού θεού.

ance, receives forgiveness through the priest because of the grace of Christ.''[28]

2. The Fathers of the Second and Third Centuries.—Besides Novatianism, the Fathers of the second and third centuries had to combat the Montanistic heresy, which arose about the year 150.

St. Cyprian (4- 258), who steered a middle course between the lax doctrines of Felicissimus and the rigorism of Novatian, reviewing his congregation after the Decian persecution, deplores the apostasy of so many,[2*] and admonishes them to make amends for their crime by extraordinary works of penance, in order that they may receive reconciliation.[20] He exhorts them to confess their sins[28] and says that no contrite sinner is deprived of the benefits of Penance.[27]

His contemporary Origen (-(-254), who is our classic witness for auricular confession,[28] after enumerating the different ways in which sins can be forgiven,[28] adds: " There is a seventh [way], though hard and laborious, in which pardon can be obtained for sins, namely, through Penance, if the sinner washes his bed with tears, and bathes in tears day and night, if he is not ashamed to con-

23 *Fragm. Contra Novat.* (Migne, *P. G.*. XXVI, 1315).

24 *De Lapsis,* c. 4-ta.

25 *Reconciliatio, pax.*

28 *De Laps., c. 29: " Confiteantur singuli, quaeso vos fratres dilectissimi, delictum suum, dum adhuc qui deliquit in saeculo est, dum admitti confessio eius potest, dum satisfactio et remissio facta per sacerdotes apud Deum grata est."*

27 *Ep. ad Antonian.,* 55: *"Neminem putamus a fructu satisfactionis et spe pacis arcendum, quum sciamus iuxta scripturarum divinarum Udem auctore et hortatore ipsa Dea ei ad agendam poenitentiam peccatores redigi et veniam atque indulgentiam pernitentibus non denegari."*

28 *P. infra.* Part III, Ch. «. pp. *sis* eq.

2» Baptism, martyrdom, prayer, etc.

fess his sins to the priest of the Lord, and to seek medicine, as he who spake (Ps. XXXI, 5): 'I said I will confess against myself my injustice to the Lord, and thou hast forgiven the wickedness of my sin,' thereby fulfilling what the Apostle says (Jas. V, 14): 'Is any one sick among you? Let him bring in the priests,' etc." [30]

On the threshold of the third century we meet Tertullian (160-240?), who, when Pope Callistus protested against the rigorism that had begun to invade the Church, was among the first to raise the standard of revolt. Both as a Montanist and as a Catholic this trenchant writer is a valuable witness to the teaching and practice of the early Church. In his treatise *De Poenitentia,* composed between 200 and 206, when he was still in the Church, Tertullian says there is a twofold penance — one in preparation for Baptism,[31] the other, the so-called "canonical penance," undertaken in order to obtain forgiveness of the "three capital crimes," *i. e.* apostasy, murder, and fornication.[32] He calls Baptism and Penance "so to speak the two light-houses of salvation,"[33] but insists that God offers "second penance" only once.[34]

In his treatise *De Pudicitia,* which he wrote after his secession (between 217 and 222), Tertullian contradicts his previous teaching. He draws a distinction between pardonable and unpardonable sins[35] and denies that the Church has power to forgive adultery and fornication. In his controversial writings he describes the Catholic position as follows: "If, they say, there is a penance without forgiveness, you must not undertake it

30 Hom. in Levit., *3,* 4.
31 *De* Poenil., c. 4-6.
83 Ibid., c. 7-13.
38 Ibid., c. 12 "dual quaii *pharos* «alnlM."
31 *Ibid.,* c. 7: *"secunda, imo ul*limo ipei."—*Ibid.,* c. 9: *" poeni*tentia secunda et una."
as Ibid., c. 2: *"peccata remissi*bilia et irremiieibilta."

at all, for nothing should be done in vain. But a penance without forgiveness is vain. Now, all penance must be done; therefore all penance obtains pardon, otherwise it would be done in vain.'''' This evidently means that, according to Catholic teaching, penance presupposes absolution and would be vain and unprofitable without it."

St. Irenæus of Lyons (130-202) ·· tells of the seduction of Christian women by an emissary of the Gnostics. " In our neighborhood, too," he says, ''in the land of the Rhone, they have seduced many women, of whom some, when they saw their guilt, did penance [confessed?] publicly, while others, whom shame would not allow, were secretly driven to despair, and either fell away from the faith entirely or remained in a state of indecision." "

5'l 'O· The *Shepherd of Hermas,* composed about the year 150, when Montanism was in its beginnings, gives us the first clear explanation of the mutual relationship between the penitential discipline and absolution. " Repentance " and " healing " are separated by a period of atonement. Penance is performed under the supervision of the Church. Bardenhewer summarizes the teaching of the *Shepherd* as follows: " The dogmatic interest of the work lies chiefly in its teaching concerning the possibility of the forgiveness of mortal sins, notably adultery and apostasy. It is only during the period of grace announced by him that the *Shepherd* admits a forgiveness of sins by penance; this period having elapsed, he believes there can

30 *De Pudicit.,* c. 3: *"Si enim, inquiunt, aliqua poenitentia caret veniâ, iam nec in totum agenda tibi est: nihil enim agendum est frustra. Porro frustra agitur poenitentia, si caret veniâ. Omnis autem poenitentia agenda est; ergo omnis veniam consequetur, ne frustra agatur."*

*si* For a detailed explanation of Tertullian'a teaching see G. Ewer. *Die Busschriften Terlullians De Poenitentia and De Pudicitia.* Bonn tços; B. V. Miller. ''The Pent tential Teaching of Tertullian." in the *Irish* 564, pp. as *Adv.* *3»μήτα*

be no forgiveness except in (the grace of) Baptism. The still open way of penance is said to be long and difficult. The *Shepherd* is the earliest witness to the ' Stations ' or degrees of penitential satisfaction.''[40]

St. Polycarp (-{-about 155), who was a personal disciple of St. John the Evangelist, admonishes priests to be merciful to sinners. " The presbyters," he says, " should be compassionate, merciful to all, bringing back those that have gone astray, . . . refraining from unjust judgment, . . . knowing that we all owe the debt of sin. If then we pray the Lord to forgive us, we also ought to forgive, for we stand before the eyes of the Lord and of God, and we must all appear before the judgment-seat of Christ, and each must give an account of himself.''[41]

## ARTICLE 3

### THE PENITENTIAL DISCIPLINE OF THE EARLY CHURCH

By penitential discipline we understand the sum-total of those ecclesiastical precepts that govern the reconciliation of sinners with God and the Church.

i. Internal History of the Penitential Discipline.—The penitential discipline of the Church shows many variations, but all its different manifestations are based on the conviction that the Church has the power not only to impose

40 Bardenbewer-Shaban, *Patrol-oty,* P· J9. Freiburg and St Loui» >908.

41 *Ep. ad* Philipp., 6 (apud Funk, I. 273).— One the whole subject of thia subdivision see P. Schanz, *Die Lehre von den hl. Sokramenten der hath. Kirche,* { 38, Freiburg 1893.

penalties for the violation of her laws and the reparation of public scandal, but also, and principally, to forgive the sins of those who are contrite and ready to give satisfaction, and that her judicial decision in each case is ratified by God.

For centuries the two *fora* were intimately connected and identical in operation, especially as regards public penance and confession. But the *forum internum,* the court of conscience, always played the more important part. This is evident from many utterances of the Fathers, when they speak of the power of the keys, the faculty to bind and loose, to forgive sins, etc. Ecclesiastical absolution was always regarded as a true forgiveness of sins on the part of God.[1]

We can distinguish a fourfold kind of penance : private, canonical, public, and solemn.

(1) Private Penance *(poenitentia privata)* consists in secret confession, absolution, and satisfaction, without recourse to the external court of the Church. It is the discipline with which we are familiar to-day. In the primitive Church it was applied especially to secret sins. Thus the Council of Neocæsarea (about 314) exempts from public penance all sins of thought: St. Basil,[2] the crime of secret adultery on the part of women, St. Gregory of Nyssa,[3] clandestine thefts. St. Augustine says that sjns committed publicly should be

1 See Art a, *supra.— Cfr.* St Cyprian, *Ep.,* 57: *"Nec enim fas trot.....Ecclesiam pulsantibus claudi et dolentibus ac deprecanlibus spei salutaris subsidium denegari, ut de saeculo recedentes* [i. *e. moribundi] sine communicatione et pace ad Dominum dimitterentur. quando promisit ipse. qui legem dedit. ut ligata* m *terris etiam* m *caelis ligata essent, solvi autem possent illic* [i *e. in caelis], quae lue prius in Eeclesia solverentur."*

*sEp. Can. ad Ampkil., s.* can.

atoned for in public, whereas sins committed secretly may be expiated in secret.

In the earliest days (Irenæus, Tertullian) all mortal sins had to be atoned for publicly.

(2) Canonical Penance *(poenitentia canonica)* was imposed for grievous crimes, whether public or private, in accordance with the existing ecclesiastical canons. Not infrequently it was assumed in secret and in that case partook of the character of private penance.

(3) Public Penance *(poenitentia publica)* consisted of public self-accusation and other humiliations. It was performed before the bishop, clergy, and people, and, unlike Canonical Penance, could be assumed voluntarily.[5]

(4) Solemn Penance *(poenitentia solemnis)* was canonically inflicted only for the three so-called capital sins, — apostasy, murder, and fornication, and had to be performed under stated conditions (fasting in sackcloth and ashes, etc.). It usually ended with the solemn "reconciliation" of the penitent on Holy Thursday. Solemn Penance could be assumed but once *(poenitentia una, μιτάνοια μία).*

In the Orient those engaged in the performance of Solemn Penance were divided into four classes or "stations," *vis.:*

(a) The *"lugentes"* or *flentes (·προσκλαΙοντν;),* who stood in the vestibule and tearfully besought the intercession of those who entered church.

(b) The *"audientes"* (ἀκροώμα'οι), who took their place behind the catechumens, and, like them, assisted only at the Mass of the Presanctified.

(c) The "*prosternentes"* or *"substrati" (ὑποπίπτον-*

*i Sermon.,* 81. c. 7: *"Ergo tor·* riHenda rant coram omnibus. quae *peccantur* coram omnibus; ipsa *veto corripienda rant secretius, quae pec-*cantur *secretius."*

6 Cir. Vacandard, * *Les Moines*

t «), who, after the departure of the *"audientes,"* prostrated themselves on the floor and asked the bishop to impose his hands on them.

(d) The *"stantes"* or *"consistentes" (tmrrârm),* who took their place with the faithful and remained for the whole service, but were not allowed to participate in the offertory or to receive the Eucharist.·

Although the first ecumenical council based its penitential regulations on this classification, it was not widely adopted in the West, where the public penitents were treated like catechumens and the name *"focnitentes"* was applied preeminently to those undergoing Solemn Penance.7

2. External History of the Penitential Discipline.—The very existence of a penitential discipline throughout all the centuries of her existence proves that the Church always claimed and exercised the power to forgive sins.

a) As to the penitential discipline of the early Church there is considerable difference of opinion between Church historians (Morinus, Fechtrup, Funk, Rauschen, etc.) on the one side, and dogmatic theologians (Hurter, Palmieri, Atzberger, Stufler, etc.) on the other.

a) The Church historians contend that at the beginning of the second century the Church acknowledged

*Confesseurs en Orient du* 4 0·« 13 *Siècle,"* in the *Revue du Clergé Français,* 190s. PP· 35 sqq.

e Cfr. G. Rauschen, *Eucharist and Penance in the First Six Centuries of the Church,* pp. aoa »q.. St. Louis »9«3.

T Cfr. St Augustine, *Sent.,* jjj, c. 3: *"Est poenitentia gratior atque luctuosior,* m 4·« *proprio rorantur* iis *Ecclesia poenitenles. remoti etiam a sacramentis altoris participandis. ne accipiendo indigne indicium sibi manducent et bibant."*

no Penance after Baptism, until about the year 150 Hernias, in his famous *Shepherd,*8* advocated a milder practice. His teaching (so far as it can be made out, for it is very obscure) is that after Baptism there is one and only one opportunity to do penance, especially for those guilty of apostasy, murder, or fornication; a second would be useless. The letter of the Roman clergy to St. Cyprian® on the treatment of apostates shows that a decided influence in favor of moderation first made itself felt at Rome.10 This movement made headway gradually. The first concession was in favor of those guilty of impurity. It was embodied in the famous "peremptory edict" of Pope Callistus (21S-222), which, according to Tertullian, read as follows: "I remit the sins of both adultery and fornication to such as have discharged [the requirements of] penance."11 Soon adulterers and fornicators were absolved throughout the Church on condition of complying with the imposed penance.12 But as a general rule, apostates and murderers were not yet granted pardon in the Western Church. Pope Cornelius (+ 252) first opened the door to the *lapsi.* His action gave rise to the schism of Novatian. This heretic and anti-pope claimed that apostasy was an unpardonable crime and that the lapsed must be permanently excommunicated.13

At the beginning of the fourth century the Council of Ancyra decided to admit murderers to ecclesiastical reconciliation on their death-bed. St. Basil (-[- 379)

8 Monda»., IV, 1.

s *Epl>l„* 8, c. 2.

loCfr. Funk. *Kirchengeschichtliche dbhandlungen und Unlersuchungcn,* Vol. I, p. 175, Paderborn >897.

11 *De* Pudicitia, c. 2: *"Ego cl moechiae cl fornicationis delicta pocnitcnliâ fundis dimitto."*—Cfr. Hippolytus, *Philosoph.,* IX, 12.

12 Cfr. Rauschen, *Eucharist and Penance,* pp. 165 sqq.

13 Cfr. Rauschen, *l. c.*

went still farther and prescribed a penance of twenty years for wilful murder and ten years for homicide.

Far less consideration was shown to those who fell back into the three capital sins mentioned, after having been admitted to penance and reconciled. These unfortunate sinners were rigorously debarred from further penance until the end of the fourth century, when Pope Siricius (4- 398), in his dogmatic epistle to Himerius of Tarragona, permitted them to assist at the whole divine service with the rest of the faithful and to receive Communion at death.[14]

Pope Innocent I (402-417) showed mercy also to " those who, having given themselves up all the time since their Baptism to incontinency and pleasure, seek at the end of their lives both penance and reconciliation." Asked by Bishop Exsuperius of Toulouse how to treat such hardened offenders, the Pope begins by distinguishing " two courses, the earlier one more strict, the later more kind and tempered with mercy. The upholders of the earlier course maintained that Penance should be given but Communion denied. . . . This more difficult remission of sins was demanded by the circumstances of the time. But as soon as the Lord gave peace to His churches, and fear of persecution had passed away, those in authority determined, through the mercy of God, to grant Communion to the dying as a kind of viaticum to help them on their way, lest we [Catholics] should seem to follow the rigor and cruelty of the heretic Novatian, who refused them pardon. Let them, then, be granted penance, and a last Communion as well, so that men of this description may, through the Saviour's mercy, even

14 Cfr. Rauschen, *op. cit.,* p. *107.*

at the end of their days, be freed from eternal damnation." ”

It is thus many modern Church historians conceive the development of the early penitential discipline. However, they by no means agree among themselves, and several of them have changed their views repeatedly.

*β)* The theologians insist that the Church always had the power to forgive sins, and was in duty bound to exercise that power for the salvation of souls. Distinguishing more sharply between the general practice of the Church and local abuses, between the Church as such (the pope, ecumenical councils) and individual bishops, they maintain that the Church never neglected her duty of absolving penitent sinners. St. Paul granted pardon to an incestuous man upon his doing penance,[10] St. John received his favorite disciple, who had become a murderer and an apostate, back into the Church,[17] etc. The merciful leniency of the Church is evidenced for Rome by Pope Clement I,[18] for Antioch by St. Ignatius,[10] for Corinth by Dionysius,[20] for Carthage by Tertullian,[21] for Alexandria by Origen,[22] for Lyons by St. Irenaeus.[23] The severity of the early Church consisted mostly in a denial of the Eucharist, and the phrase *“ negatio communionis ”* in ancient documents is often synonymous with *" negatio Eucharistiae."* Before the time of Pope Siricius this penalty was inflicted especially on those who had relapsed into one of the three so-called capital sins. To

wCfr. M. J. O'Donnell, *Penance in the Early Church,* pp. 42 sqq., Dublin 1907.

10 2 Cor. II, 6.

IT Cfr. Eusebius, Hwl. *Eccles.,* П1, 23.

18 E/>. *ad* Cor., 8.

W eld *Philad.,* 1П, 8.

20 Cfr. Eusebius, *Hist. Eccles.,* IV, 23.

21 *De Poenit.,* c. 7 sqq.

22 *Contra Celsum,* III, 51.

23/ldv. *Haer.,* I, 13, 7.— Cfr. Stufler, S. J., in the Innsbruck *Zeitschrift für kath. Théologie,* 1907 and 1908; D'Ales, *La Thiologte de S. Hippolyte,* Paris 1906.

deny such unfortunates absolution when they repented on their death-bed was branded as impious by Celestine I (+ 437) and Pius IV (+ 1799).

Thus we have two opposing views among Catholic scholars regarding the nature and extent of the ancient penitential discipline, and there is no likelihood that these views will be reconciled in the near future.

On our part we would strongly insist that the dogmatic theologian must bow before the facts of history, even though they appear extraordinary, and that he should seek to acquire a better understanding of the spirit of the primitive Church. There is nothing more unfair than to judge the past by the present, instead of taking antiquity in its historical setting and judging it in its own light. Even to-day the Church still believes in the duty of preserving baptismal innocence, for it is her mission to be a communion of saints. In lieu of this ideal the enthusiasm of the early Christians (not the Church) set up a rigorous rule for attaining salvation.[24] It was neither from severity nor because she was unaware of her power, but rather for disciplinary and pedagogical reasons that the Church anciently refrained from exercising the power of the keys in regard to capital crimes. The principal motive that inspired this excessive rigor was the fear of giving scandal and of being unable to preserve faith and morals pure amid the corruption of paganism. On the other hand, the Church provided for the salvation of sinners by granting them life-long penance, which, when inspired by perfect contrition and an ardent desire for ecclesiastical reconciliation, of itself effected justification and assured eternal salvation. In regard to the lapsed and those who refused to do penance until they were

24 Cfr. Holl, *Enthusiasms und Bussgewalt,* Tubingen 1898.

near death, the Christians of that early day believed (wrongly, as we know now) that a relapse into one of the three capital sins or the wilful postponement of conversion gave evidence of an impenitent heart and a lack of true contrition which justified the denial of absolution.[25]

As in the case of the other Sacraments, there was a gradual development in the external administration of Penance and an adaptation of the ancient rite to new conditions, which resulted in greater moderation. It is not too much to say that if St. Cyprian were to arise from his grave, he would be shocked at the mildness of the present discipline.[20]

γ) The duration of penance varied according to the gravity of the sin committed. Public crimes had to be confessed publicly, secret crimes had to be confessed at least in secret and atoned for somehow.[27] Absolution *(reconciliatio, pax, communio)* was generally postponed until after the whole of the imposed penance had been discharged. Exceptions were made in cases of sickness and in times of persecution. The penitential period could

25 Cfr. St. Cyprian, *Ep.,* 55, n. 23: *"Idcirco poenitentiam agentes ncc delictorum suorum toto corde et manifestâ lamentationis suae professione testantes prohibendos* omnino ccnsuimus *a spe communicationis et pacis, si in infirmitate atque periculo coeperint deprecari, quia rogare illos non delicti* poenitcnlid, *sed mortis urgentis admonitio compellit ncc dignus est* in *morte accipere solatium, qui se non* cogitavit *esse* moriturum." The Council of Arles, A. D. 314, expressed itself in a Similar manner.

20 Cfr. Batiffol, Études *d'Histoire et* de Théologie Positive, Vol. I, 2nd ed., Paris 1904; Tixeront, *Histoire des Dogmes,* Vol. I, 3d ed., pp. 123 sqq., Paris 1906 (English tr., *History of Dogmas,* Vol. I, pp. 112 sqq., St. Louis 1910); F. X. Funk, *"Das Iridulgenzedikt des Papstes Kallistus,"* in the *Theol. Quarlalschrift* of Tiibingen, 1906, PP- 54' sqq.; against him G. Esser, in the Mayence *Katholik,* 1907, II, pp. 184 sqq., 297 sqq.; 1908, I, pp. 12 sqq., 93 sqq.

21 Cfr. St. Irenæus, *Adv. Haer.,* I, 6, 3; Tertullian, De *Pocnit.,* c. 3; Origen, Hom. in Levit., 4; st. Cyprian, *De Laps.,* c. 28.

be shortened by so-called peace-letters *(libelli pacis)* issued to sinners by martyrs and confessors.-'·

In the East, according to Sozomen,20 the administration of Penance from about the middle of the third century on lay in the hands of a "Priest Penitentiary" specially appointed by the bishop. It was in the East, too, as we have seen, that penitents were first divided into classes: hearers, kneelers, assistants, and weepers, who not infrequently had to endure trying humiliations.80 The abolition by Nectarius, in 391, of the office of Priest Penitentiary, of which we shall treat further down," put an end to public confession and to the grouping of penitents in classes.

The Latin Church never adopted the system of "penitential stations," but retained Public Penance until far into the Middle Ages. Simplicius (+483) seems to have been the first pope who appointed special priests for hearing confessions in Rome.

The so-called "penitential letters" *(epistolae canonicae)* were devised for the purpose of unifying discipline. They came into use at an early date. Examples are extant attributed to SS. Gregory Thaumaturgus, Basil, and Gregory of Nyssa.

The first "penitential books" *(libri poevitentiales)* appeared at the beginning of the Middle Ages. They were compiled with a view to determine the nature and duration of penance for various sins and were mostly the work of zealous bishops and spiritual directors who wished to aid confessors in the administration of the Sacrament. The oldest extant copies are of Anglo-Saxon or Franconian origin.82

28 Cfr. Rauschen, *Eucharist and Penance,* pp. 203 aqq.

2»*Hist. Eccles.,* VII, 16.

3» Cfr. O'Donnell. *Penance in th Early Church,* p. so-

3· *Infra.* Art. ».

32 The Penitential commonly a»·

Individual bishops and councils here apd there drew up ‘‘penitential canons ’’ for the administration of Canonical Penance.’[8]

Beginning with the fifth century, the Roman pontiffs (Siricius, Innocent I, Leo the Great, etc.) issued “ penitential decrees,’’ which exercised a profound influence throughout the universal Church.[84]

## b) During the Middle Ages the penitential discipline developed along different lines in the East and West.

An insight into the practice of the Greek Church is afforded by the penitential books of John the Faster (loannes leiunator) and John the Hermit (loannes Monachus). The *"Poenitentiale loannis Monachi,"* in its present form, probably dates from the twelfth century and differs from its older prototype only in assigning severer punishments to the sins of murder, fornication, and theft. In the Eastern Church penitents, after confessing their sins in secret, as a rule received absolution at once, but were not admitted to Communion until after they had performed the imposed penance. Clerics in higher orders who were guilty of grievous crimes, were deposed.

cribcd to John the Faster of Constantinople (+ 595) is of Greek provenance, but dates no farther back than the ninth century. Cfr. Binterim, *Denkwürdigkeitcn,* Vol. V, 3. 3«» sqq.

88 We have such canons issued by the councils of Elvira (about 300), Ancyra (314), Neocæsarea, Nicæa (32$). and others.

8ă Cfr. Billuart, De Poenitentia, diss. 9, art 9 (cd. Lequette, Vol. VII, pp. 237 sqq.)— Clerics and monks originally were not exempt from public penance. In the tenth and eleventh centuries, however, it became customary for the clergy to perform their penance in monasteries. Cfr. Rauschen, *Eucharist and Penance,* p. 213; Kellner, *Buss- und Strafverfahren gegen Klcriker in den ersten techs Jahrhundertev,* Treves 1863.

In the Latin Church the penitential discipline varied according to countries. In England, Public Penance was unable to strike root,[38] whereas in France it was quite generally enforced.[30] Peter of Poitiers (-f- 1205) and other Scholastic writers after him mention a "Solemn Penance" *(poenitentia solemnis),* which was imposed for exceptionally grave crimes and had to be performed during Lent.[37] In regard to this kind of penance alone, and the sins for which it was imposed, the ancient rule *"Poenitentia est una"* continued in force.

Public Penance, as such, consisted of various acts of mortification,— wearing sackcloth and ashes, fasting, scourging one's body, wandering about on foot, retiring into a monastery, etc. It was imposed for the following sins: murder, homicide, rape, fornication, usury, witchcraft, robbery, and marrying within forbidden degrees of consanguinity.

In the administration of Private Penance the clergy generally made use of penitential books, though these often gave contradictory directions and lacked ecclesiastical approbation. Later councils protested against their lax provisions and regulated penance according to the ancient canons and Holy Scripture.[33]

An important change in the penitential discipline of the Latin Church is marked by the introduction of the so-called "penitential redemptions." These originated in England and contained directions for commuting canonical penances into other good works, especially prayers and alms.

35 This can be seen from the Penitential of Archbishop Theodore of Canterbury (+ 690).

so Cfr. Rhabanus Maurus, *DeCter. Inst.,* II, *jo-*

*37* Cfr. St Thomas, *Summa ThtoL, Suppl.,* qu. *28,* art 3.

os *E. g.* the Council of Châlona (813) and that of Pari» (839).— Cfr. Rauschen, *Eucharist and Pittance,* p. 313.

In course of time the wealthy began to evade the penances imposed by their confessors and hired others to discharge them. A graphic example of this abuse may be seen in the chapter *"De Magnatum Poenitentia,"* which forms part of the ecclesiastical regulations of King Edgar."

Another serious abuse arose from the Germanic law permitting offenders to escape punishment by giving money for charitable purposes (*compositio*).[0] This practice was to some extent officially countenanced by the Council of Tribut (895).

A universal substitute for all penances, since the Council of Clermont (1095), was personal participation in a crusade: *"Iter illud pro omni poenitentia reputetur."* Subsequently indulgences were granted to those who were unable or unwilling to "take the cross," but gave money for the equipment of crusaders.

In the twelfth century it became customary to devote the revenues accruing from penances to pious and charitable purposes, such as the building of churches and hospitals, and later also to purely secular undertakings, *e. g.* the construction of bridges and roads. The sums destined for such purposes were commonly called "penitential pennies."

The Church authorities viewed the reorganization of the penitential discipline on a pecuniary basis with disfavor. The Fourth Lateran Council (1215) attempted to check some of the abuses that had crept in. In the fourteenth century the entire system of canonical penances was abolished, but the malodorous practice of almsgathering, to

»9 *V.* Hardouin, Concil., VI, t, 659 sqq.

«0 Examples oi this practice are afforded by the Poenitenliale of St. Cummian (seventh century). See J. Zettinger, *"Dai Poenitcntiale Cummeatii."* in the *Archiv für hath. Kirchtnrecht,* tpoa, pp. $or aqq.

which it had given rise, was not effectively checked until after the Tridentinc Council.41

c) The substitution of pecuniary fines for the traditional works of penance led to a complete change in the relation between sacerdotal absolution and satisfaction. Absolution was now given immediately after confession. This practice continued even after the abuses connected with the medieval practice had ceased.

zXttempts to revive Public Penance for public crimes were made by a number of councils, Cologne (1536), Mayence (1550), Trent,42*Malines (1570), and Bourges (1584). But they proved futile. St. Charles Borromeo was only temporarily successful in his efforts to accomplish the same purpose at Milan. The Church was compelled to confine her penitential discipline more and more to the internal forum of conscience. The spread of Protestantism made a return to the more rigorous practice of antiquity impossible, and the desperate efforts of the Jansenists resulted in evil rather than good. The faithful of to-day should try by a more ardent contrition to make up for the enforced mildness of the Church in the administration of Penance.48

41 See that Council's Sess. XXI, *De Ref.,* c. 9.— On the penitential discipline of the primitive Church and its development see, besides the works already quoted, especially Morinus, *Comment. Hist. de Disciplina in Administratione Sacramenti Poenitentiae XIII Primis Saeculis.* Paris 1651, reprinted at Venice in 170a: A. Boudinhon, art. ·· Penitential Canons," in Vol. XI of the *Catholic Encyclopedia;* A. M. Koniger, *Burchard I. von Worms und die deutsche Kirchs seiner Zeil,* pp. 132 sqq.. Munich 190$: P· SchmoD. O. F. M., *Die Busslehre der F'ihscholastik,* Munich 1909.

42 Sess. XXIV. *De Reform., c. &*

4J Cfr. Petavius, *De la Pinitence Publique et de la Prfferation Λ la Communion,* Paris 164J-4.

Readings :—Morinus, *Comment. Hist, de Disciplina in Administrationc Sacramenti Poenitentiae XIII Primis Sacculis,* Paris 1651 (Venice 1702).—Sirmond, *Historia Poenitentiae Publicae,* Paris 1651.—Orsi, *De Capitalibus Criminibus,* Milan 1720.— Martene, *De Antiquis Ecclesiae Ritibus,* Rouen 1700-02.— Francolini, *De Disciplina Poenitentiae,* Rome 1708.—Wasserschlebcn, *Die Bussordnungcn der abendliindischen Kirche,* Halle 1851.—Frank, *Dic Bussdisciplin non den Apostelseiten bis sum 7. Jahrhundcrt,* Mayence 1867.—F. Probst, *Sakramcnte und Sakramentalien in den ersten drei christlichen Jahrhundcrtcn,* pp. 244 sqq., Tübingen 1872.—H. J. Schmitz, *Die Bussbiichcr und die Bussdissiplin der Kirche,* Mayence 1883.— Idem, *Die Bussbiichcr und das kanonische Bussverfahren,* Düsseldorf 1898.— Batiffol, *Études d'Histoire et de Théologie Positive,* pp. 45 sqq., 3rd ed., Paris 1904.— F. X. Funk, *Kirchengeschichtliche Abhandlungen und Untersuchungcn,* Vol. I, pp. 155 sqq., 182 sqq., 209 sqq., Paderborn 1897.— Vacandard, *La Pénitence Publique,* Paris 1903.— Pignataro, *De Disciplina Poenitcntiali,* Rome 1904.— Tixeront, *Histoire des Dogmes,* Vol. I, 3rd ed., Paris 1906 (English tr., *History of Dogmas,* Vol. I, St. Louis 1910).—J. Souben, *Nouvelle Théologie Dogmatique,* Vol. VIII, pp. 31-48, Paris 1905.— G. Rauschen, *Eucharist and Penance in the First Six Centuries of the Church,* Part II, pp. 152 sqq., St. Louis 1913.—M. J. O'Donnell, *Penance in the Early Church, With a Short Sketch of Subsequent Development,* Dublin 1907.— A. d'Alès, *La Discipline Pcnitentielle d'après le Pasteur d'Hcrmas.* Paris 191T.—B. V. Miller, "The Penitential Teaching of Tertullian," in the *Irish Eccles. Record,* 1914, No. 564. pp- 581-598.

# CHAPTER II

## THE CHURCH'S POWER TO FORGIVE SINS IS UNLIMITED, NECESSARY, AND JUDICIAL

The power to forgive sins which Jesus Christ conferred upon His Church is, (1) unlimited, *i. e.* it comprises all sins without exception; (2) necessary, *i. e.* no one can obtain forgiveness of sins except through this power, and (3) judicial, *i. e.* those who wield it are authorized either to bind or to loose.

All three of these points can be established from Sacred Scripture and Tradition.

# SECTION i

## THE CHURCH'S POWER TO FORGIVE SINS IS UNLIMITED

### ARTICLE i

#### MONTANISM AND NOVATIANISM VS. THE TEACHING OF THE CHURCH

I. Montanism and Novatianism.—The Montanists and the Novatians did not deny the Church's power to forgive sins, but they unduly limited it by alleging that there are certain sins which the Church cannot forgive.

a) Towards the middle of the second century Montanus, formerly a priest of the pagan goddess Cybele, together with two women, Priscilla and Maximilia, founded the so-called Church of the Paraclete, which was to inaugurate the reign of the Holy Ghost. He delivered prophecies announcing the approaching advent of Christ, and as a preparation for the millennium enjoined a stricter life and a more rigorous system of morality. Second marriages were discountenanced and fasting was made more severe. One of Montanus' teachings was that the Church is pow-

erless to forgive the three capital sins of apostasy, murder, and fornication.

The Montanists were the first to make a distinction between pardonable and unpardonable sins *(peccata remissibilia, irremissibilia).* They denied, not that God can forgive all sins, but that the power of the keys extends to all.

The Montanist sect became a public danger when, about the year 202, Tertullian of Carthage, a learned but extremely rigoristic writer, became its foremost champion, and published books in defense of the alleged revelations and precepts of Montanus. There soon arose a new party, called Tertullianists, the remnants of which did not return to the mother Church until the fifth century.[3]

b) At the end of the Decian persecution (about 251 A. D.), the Roman presbyter Novatian, an exceptionally gifted man, was elected anti-pope against Cornelius, who had been chosen by the majority. When Pope Cornelius showed himself disposed to grant absolution to those who had denied the faith in the course of the persecution. Novatian refused to obey and pushed his severity so far as to deny absolution to the dying. He asserted that "it is not permitted to readmit apostates, because no one but God has the power to forgive them their crime."[*]

Soon the Novatians extended their rigorous system and denied the Church's power to forgive any grievous sin. Later they seem to have returned to more moderate

1 *Cfr.* Tertullian, *De Pudicit., c.* a S<|.

3 *Cfr.* Kirchner. *De Montonitlu,* Tena 1831; Bonwetsch. *Geechichte des Montani/mue,* Erlangen 1881; J. Chapman, O.S.B., art. "Mon· Uniats" in Vol. X of the *Calkolic Encyclopedia.*

» See Socrates, *Hùt. Eccler..* IV. *j8.*

principles. The sect spread especially in the Orient, where it survived till the sixth century.4

2. The Teaching of the Church.—The Catholic Church condemned the heretical teaching of both these sects and never gave up one tittle of her ancient claim that she has the power to forgive all sins, no matter how grievous, through the Sacrament of Penance.

a) Though no formal definition of the faith against Montanism has come down to us, we know from Eusebius that all the churches of the world declared themselves against this sect.5 Tertullian, who had enjoyed such great esteem, was no longer regarded as a Catholic after he had joined the Montanists.

b) The teaching of Novatian was condemned by Pope Cornelius at a council held in Rome.0 St. Cyprian,7 St. Epiphanius,8 and other contemporary Fathers treated him as a heretic.0

St. Augustine observes in one of his Sermons: "There were those who said that certain sins must not be forgiven. They were excluded from the Church and became heretics. Our kind Mother the Church never

«On Novatian and Novatianism see Dorn Chapman's article in Vol. XI of the Catholic *Encyclopedia;* Hcfele ». ▷. in Vol. IX. and ed.. of Herder's *Kirchenlexikon;* Bar· denbcwer-Sbahan, *Patrology,* pp. 191, aao-322, Freiburg and St. Louis 1908.

*ti Hist. Eccles.,* V, 16 sqq.

o Cfr. Eusebius, *Hist. Eccles.,* VI, 43·

*1 Ep.* 5$ ad /littoniaii.

8 *De Haeres.,* 59.

» Γ. *supra,* Ch. I, Sect, a, Art. a, No. 1.

ceases to be merciful, no matter what sins have been committed." 10

The Fourth Council of the Lateran declared: "If anyone fall into sin after having received Baptism, he can always obtain pardon by a sincere repentance."11

The Council of Trent says: "The Catholic Church with good reason repudiated and condemned as heretics the Novatians of old, who obstinately denied the power of forgiving [sins]."12

## ARTICLE 2

### PROOF FROM HOLY SCRIPTURE AND TRADITION

I. That the power of forgiving sins comprises all sins without exception, is so clearly stated in Scripture, that the two apparently conflicting texts, Matth. XII, 31 sq. and Heb. VI, 4 sqq., must be interpreted in harmony with this teaching.

a) The words by which Christ conferred this power on His Apostles (John XX, 23) are quite general in tenor: *"quorum (ἀν niwv) remiseritis peccata* (TMS *αμαρτία )f remittuntur cis."* Grammatically and logically the meaning of the passage

10 *Serm.,* 352, n. 9: *"Fuerunt qui dicerent, quibusdam peccatis non esse dandam poenitentiam, et exclusi sunt de Ecclesia et haeretici facti In quibusciinque peccatis non perdii viscera pia mater Ecclesia."*

11 Caput *"Firmiter": "Et si post susceptionem baptismi quisquam prolapsus fuerit in peccatum, per veram potest semper poenitentiam reparari."* (Dcnzinger-Bannwart. n. 430).

12 isSess. XIV. cap. t: *"Ei Novatianos remittendi potestatem olim pertinaciter negantes magnd ratione Ecclesia catholica tamquam haereticos explosit atque condemnavit."* (Denzinger-Bannwart. n. 894).

evidently is: *"Quorum hominum quaecumque peccata remiseritis (solveritis) in terris, erunt remissa (soluta) et in caelis; et quorum hominum quaccunque peccata retinueritis (ligaveritis) in terris, erunt retenta (ligata) et in caelis."* The terms of both propositions are universal and admit of no exception?

b) The Novatians were plainly in the wrong when they asserted that St. Paul meant to except apostasy, and our Lord Himself the sins against the Holy Ghost, from the power of the keys.

a) It is true that Christ said: "Every sin and blasphemy shall be forgiven men, but the blasphemy of the Spirit shall not be forgiven; and whosoever shall speak a word against the Son of man, it shall be forgiven him, but he that shall speak against the Holy Ghost, it shall not be forgiven him, neither in this world, nor in the world to come." 2 But this text by no means proves that sins against the Holy Ghost are unpardonable. Our Lord is addressing the Pharisees, who had accused Him of casting out devils by Beelzebub. Hence there is question here of a very particular sin against the Holy Ghost. The Pharisees had hardened their hearts against the truth, which is a proof of malice,— the sin of which our Lord says that it "shall not be forgiven, neither in this

iCfr. Palmieri, *De* Poenitentia, thea. 8. Rome 1879.

2 Matth. XII. 31 sq,: *"Omne* peccatum *et* blas/ihcmiii remittetur hominibus. Spiritus autem bios- (•hciiiia non remittetur (ή 8c τού jrfCvgaTOS βλασφημία οϋκ ἀφιΟήσεται)· Et *quicunque dixerit verbum* contra Filium hominis, *remittetur ei: qui autem dixerit contra Spiritum* sanctum, non *remittetur ei neque* in hoc *eaccuto. neque* in *futuro* (ovre if τούτφ τώ αἰώοι ουτβ if τψ μΛλορτύ."

world nor in the world to come." Why are malice and obduracy unpardonable? Surely not because God is either unable or unwilling to forgive tjiem. His mercy is boundless, and He wills that all men be saved.[3] The reason must therefore lie with the sinner, either because he is incapable of being converted or because he lacks the necessary good will. Now, no man is incapable of being converted, because, as we have seen in our treatise on Grace,[4] so long as there is life, there is hope, even for the most obdurate sinner. It follows that the particular sin of which our Lord speaks is unpardonable simply and solely for the reason that the sinner refuses to be converted? As soon as he changes his mind and is sorry for his sins, the Church can and will forgive him?

*β}* The Pauline text adduced by the Novatians (Heb. VI, 4 sqq.) reads as follows: "It is impossible for those who were once illuminated, have tasted also the heavenly gift, and were made partakers of the Holy Ghost, have moreover tasted the good word of God, and the powers of the world to come, and are fallen away: to be renewed again to penance, as they crucify again to themselves the Son of God, and make Him a mockery."[7] To understand this passage correctly we must examine

3 Cfr. Pohle-Preuss, *Grace, Actual and Habitual,* pp. 153 sqq.

* *Of cit.,* pp. 175 sqq.

B Cfr. St. Pacian, *Ep. ad Sympron., 3,* n. 15: *"In caeleris quippe peccatis aut errore labimur aut metu frangimur aut carnis infirmitate superamur: haec* [i. *e. blasphemia Spiritus] caecitas est non videre quod videas et S. Spiritus opera diabolo deputare eamque gloriam Domini, qua diabolus ipse superatur. diaboli appellare virtutem."*

e On Matth. XII, 31 sq. cfr. P. Schanz, *Kommentar Uber das Evangelium des hl. Matthaus,* Freiburg >879.

T Heb. VI, 4 sqq.: *"Impossibile (αδύνατον) est enim eos. qui semel sunt illuminati (roùs dirai φντιaSivras), gustaverunt etiam donum caeleste, et participes facti sunt Spiritus sancti, gustaverunt nihilominus bonum Dei verbum, virtutesque Saeculi venturi, et prolapsi (npaveaivras) sunt; rursus renovari ad poenitentiam (ιτάλιν άναααινίζαιν eis μιτάνοιαν). rursum crucifigentes sibimetipsis Edium Dei, et ostentui habentes."*

what the Apostle means by the phrase, " to be renewed again to penance." Docs he speak of a renewal of Baptism or of the *baptismus laboriosus, i. e.* Penance? Some of the most eminent Fathers of the Church interpret the phrase as referring to Baptism, and explain it as follows: One who has fallen away from the faith cannot possibly be renewed again by a second Baptism, *i. e.* justified with the same full effect as the first time, because Baptism is incapable of repetition. Thus St. Chrysostom, commenting on the passage, says: " Hence there is no second Baptism. . . . Is there, then, no penance? There is a penance, but it is not a second Baptism." 8* This interpretation derives additional probability from two facts. The first is that St. Paul treats of Baptism a little farther up in the text;8 the second, that in Biblical parlance the words φώτιζαν and ανακαίνιζαν are principally applied to Baptism, and sometimes to Confirmation.10

Modern exegetes are, however, unwilling to accept this Patristic interpretation because it does not do justice to the context. They argue as follows: St. Paul says it is impossible for an apostate " to be renewed again to penance " because he has abused many supernatural graces and thereby hardened his heart and plunged himself into a state of obduracy and impenitence in which conversion has become so difficult as to be morally impossible. This interpretation of Heb. VI, 4 sqq., which was known to St. Jerome,11 was adopted by Vasquez, Cornelius à Lapide, Tirinus, Ad. Maier, Zill, and others. No matter which explanation we prefer,

8 *Hom.* in E/>. ad *Hcbr.,* 9. n. 4· — The text is interpreted in the same sense by St. Athanasius (E/>. *ad Strap.,* 4, n. 13), St. Epiphanius *(Harr., 49,* n. a), St. Ambrose (De *Poenil.,* il, 2), and St. John Damascene (De *Fide Orthodoxa,* IV, 9).

» Heb. VI. 1 e(Iq. to Cfr. Tit. in, s.

11 c. *lot'll).,* 1, n.

there is nothing in St. Paul's text to disprove the doctrine that the Church has the power to forgive all, even the most grievous sins.'[12]

2. A sufficient argument from Tradition can be construed from the Patristic texts quoted *supra.*[13]

12 The text is discussed thoroughly by Zill, *Der Brief an die Hebrâer,* Mayence 1879.

13 K. *tupra,* Ch. Γ, Sect. », Art. », pp. *26* »qq.

## SECTION 2

### THE CHURCH'S POWER TO FORGIVE SINS IS NECESSARY

I. State of the Question.—The power to forgive sins is necessary in the sense that no Christian who is guilty of mortal sin can be saved unless he submits his sins to the properly constituted authority for the purpose of obtaining pardon. In other words, it is the will of God that the Church must be reckoned with in the remission of sins.

The concrete manner of submitting one's sins to the Church, as we shall show later,[1] consists in confessing them with due sorrow to a properly ordained priest who has the necessary jurisdiction.

The dogma with which we are dealing in this Section of our treatise is implicitly defined by the Council of Trent when it says: "If anyone denieth either that sacramental confession was instituted, or is necessary to salvation, by divine right, . . . let him be anathema." And: "If anyone saith that in the Sacrament of Penance it is not necessary, of divine right, for the remission of sins, to confess all and each of the mortal sins which after due and diligent previous meditation are remembered,

[1] *V. infra,* Pert III. Ch. II, pp. t8t sqq.

even those [mortal sins] which are secret, and those which are opposed to the last two commandments of the Decalogue, as also the circumstances which change the species of a sin, but [saith] that such confession is only useful to instruct and console the penitent, and that it was of old only observed in order to impose a canonical satisfaction ; or saith that they who strive to confess all their sins wish to leave nothing to the divine mercy or pardon ; or, finally, that it is not lawful to confess venial sins ; let him be anathema."[2]

Is the necessity of appealing to the power of the keys in order to obtain forgiveness of sins, merely of precept, or must it be regarded as a *necessitas medii?* This question is answered by the Tridentine Council as follows: " This Sacrament of Penance is necessary unto salvation for those who have fallen after Baptism, as Baptism itself is for those who have not as yet been regenerated." *

The same Council further declares that, "although it sometimes happens that contrition is perfect through charity, and reconciles man with God before this Sacrament is actually received, the said reconciliation, nevertheless, is not to be ascribed to that contrition independ-

2 *Cone. Trid.,* Sess. XIV. can. 6: " Si *quis negaverit, confessionem in sacramento poenitentiae ad remissionem peccatorum necessarium esse iure divino; . . . anathema sit."* (Denzinger-Bannwart, *singula peccata mortalia, quorum meditatione habeatur, etiam occulta. logi praecepta. gam confessionem tantum esse utilem ad erudiendum et consolandum poenitentem, et olim observatam fuisse tantum ad satisfactionem canonicam imponendam; aut diserit, eos. qui omnia peccata confiteri studeni, nihil relinquere velle divinae misericordiae ignoscendum: aut demum non licere confiteri peccata venialia: anathema sit."* (Denzinger-Bannwart, n. 917).

s *Cane. Trid., Ses».* XIV, cap. a: *" Est autem hoc sacramentum poenitentiae lapsis post baptismum ad salutem necessarium, ut nondum regeneratis baptismus."* (Denzinger-Bannwart, n. 3jj).

ently of the desire of the Sacrament which is included therein."[4]

From these definitions it follows that recourse to the power of the keys is a necessary means of salvation for the sinner.

2. Proof from Sacred Scripture.—The doctrine just set forth can be indirectly proved from Sacred Scripture by an analysis of the power of binding and loosing which the Church has received from her Divine Founder.

As already noted,[6] the power of forgiving sins is twofold:—to loose *(potestas solvendi s. remittendi)* and to bind *(potestas ligandi s. retinendi).* The function of the former is to forgive *(sententia absolutionis),* the function of the latter, to retain *(sententia retentionis)."* A mortal sin which the Church refuses to loose *(i. e.* forgive) on earth, remains unforgiven also in heaven. The Scriptural phrase, *"et quorum retinueritis, retenta sunt (κἰκράτηνται, i. e. retenta manent),"*[1] plainly signifies something stable, permanent, irrevocable. The same is true of the locution, " *quaecumque alligaveritis super terram, erunt ligata* (δεδομένα) *et in caelo,"* in the Gospel of St. Matthew.[8] If these Scriptural texts are not entirely meaningless, they signify that a sin which the Church retains, *i. e.* refuses to forgive on earth, remains unforgiven in the eyes of God.

« Sess. XIV, cap. 4: *" Docet praeterea* («ancla synodus), *etii con·* tritionem hanc aliquando caritate *perfeclam eue* contingat hominem- *que Deo reconciliare,* priusquam hoc «aeramentum actu suscipiatur, ipsam nihilominue reconciliationem ip«i contritioni «ine «aeramenti voto, quod in *illa includitur, non esse adscribendam."* (Denzinger-Bannwart, n. 8g8).

η *V.* iiipra, p. 17.

e Cfr. Cone. *Trid.,* Sess. XIV, cap. 5.

*1* John XX. 23.

8 Matth. XVI, 19,

In other words, to obtain forgiveness of one's sins it is necessary to have recourse to the Church. If this favor could be obtained directly from God, the power of the keys would be illusory; for a power of binding which does not bind is a contradiction in terms.

3. Proof from Tradition.—The Fathers teach that God does not forgive sins without the cooperation of the Church. See the Patristic texts quoted *infra,* Part III, Ch. II, Sect. *2,* Art. 3, pp. 206 sqq.

The history of the penitential discipline of the Church shows that at no time was the sinner free to perform the prescribed penances; on the contrary, it was always held that he who refused to submit to the penitential regulations of the Church was eternally lost. St. Augustine says in one of his Sermons: "Do penance, as it is done in the Church, in order that the Church may pray for you. Let no one say to himself: 'I do [penance] secretly before God; God knows it, and He will forgive me, because I am doing penance in my heart.' Has it, therefore, been said without reason: 'Whatsoever you shall loose on earth shall be loosed also in heaven'? Have the keys been given to the Church of God in vain? Do we frustrate the Gospel and the words of Christ?"[9]

[9] *Sent.,* 392, c. 3. "Audite Poenitentiam, qualis agitur in Ecclesia, ut oret pro vobis Ecclesia. Nemo sibi dicat: Occulte ago, apud Deum ago, novit Deus qui mihi ignoscat, quia in corde meo ago. Ergo sine causa dictum est: Quae solveritis in terra, soluta erunt in caelo? Ergo sine causa sunt claves datae Ecclesiae Dei? Frustramus evangeliuin, frustramus verba Christi?"—The argument from Tradition is well developed by Palmieri, *De Poenit.,* thesis to.

4. Theological Discussion of the Dogma.—To obtain a better understanding of the dogma under consideration, we must regard the relation of the power of the keys to venial sin on the one hand, and to perfect contrition on the other.

a) Venial sin also falls under the power of the keys, but not in the same way. For whereas the Church can loose, i. *e.* forgive them, she cannot retain them, and therefore no one is bound to submit his venial sins to her tribunal, *i. e.* to confess the same. "Venial sins," says the Council of Trent, . although they may rightly and profitably and without any presumption be declared in confession, as the custom of pious persons demonstrates, may nevertheless be omitted without guilt and be expiated by many other remedies."[10]

The reason why venial sins need not be confessed lies in their very nature. They do not destroy the supernatural life of the soul nor entail eternal damnation. Consequently they cannot in the nature of things remain permanently unforgiven. Somehow and at some time God must pardon all venial sins.[11] Hence mortal sins are the only necessary subject-matter of the ecclesiastical power of the keys.

b) Perfect contrition effects the immediate justification of the sinner without the Sacrament of Penance, as we shall show presently?[2] How can this extra-sacramental

10 Cour. *Trid.,* Sets. XIV, cap. 5: " Venialia . . ., quamquam *rede el utiliter citraque omnem praetumplionem* in confenione dicantur, *quod piorum* hominum u»u» demonilrat. taceri tamen citra culpam mulli»· que alii» *remediix expiari postant."* (Denzinger-Bannwart, n. 899).

11 For a proof of this proposition see tbc treatise on Eschatology. *it Infra,* Part III, Ch. I, Sect 1, Art. 2, pp. 139 sqq.

efficacy of perfect contrition be reconciled with the dogma that the power of the keys is necessary for the forgiveness of sins? Why have recourse to the Church if mortal sin can be forgiven by perfect contrition? The answer is: As Baptism of desire *(baptismus flaminis)* justifies only when it includes a desire to receive the Sacrament *(votum baptismi),*[13] so perfect contrition effects justification only when accompanied by a desire to receive the Sacrament of Penance *(votum sacramenti poenitentiae).*[1*] This limitation did not apply to the Old Testament, which lacked the power of the keys; but under the New Covenant it is part of the very essence of perfect contrition that it effects justification only in relation to the Sacrament of Penance. Hence the obligation of every one who is guilty of mortal sin to have recourse to the power of the keys.

13 Cfr. Pohle-Preuss. *The Sacramenti.* Vol. I, pp. 243 sqq.

*U V. supra,* pp. 59 tq.

## SECTION 3

### THE POWER OF THE CHURCH TO FORGIVE SINS IS JUDICIAL

I. State of the Question.—The power to baptize includes the power to forgive sins; but it is not exercised after the manner of a judicial sentence *(per modum iudicu)*; it is bestowed as a gift *(per modum beneficii')*. The case is different with the power to forgive post-baptismal sins.

a) The Tridentine Council says: "It is certain beyond doubt that the minister of Baptism need not be a judge, seeing that the Church exercises judgment on no one who has not entered her pale through the gate of Baptism. . . . It is otherwise with those who are of the household of the faith, whom Christ our Lord . . . wished . . . to be placed as criminals before this tribunal." [1]

The judicial character of Penance is based on a positive precept. Had God so pleased, He could have empowered the Church to forgive post-baptismal sins in the same manner in which she forgives sins committed be-

[1] Conc. *Trid.,* Scss. XIV. cap. a: "Constat certe, baptismi ministrum iudicem esse non *oportere,* quum Ecclesia in neminem indicium exerceat, qui non prius in ipsam per baptismi ianuam fuerit ingressus. . . . Secus est de *domesticis fidei, quos Christus Dominus . . . ante hoc tribunal tamquam reos sisti vult."* (Dcntinger-Bannwart, *Enchiridion,* n. 895).

(orc Baptism,— *per modum beneficii,*— though it is easy to understand why the former should be subject to severer punishment than the latter? In matter of fact, however, our Divine Saviour instituted Penance as a sort of trial court, with His Apostles and their successors sitting as judges. This truth is declared by one of our leading modern theologians to be "as it were the pivot around which the whole Catholic doctrine of Penance revolves."[8]

A judge is an officer clothed with public authority, who decides as to the guilt or innocence of accused persons and passes sentence upon them according to law and justice. His faculties include (1) the power to pronounce an authoritative sentence, and in this a judge differs from a mere arbiter; (2) the power to determine the extent of the guilt and to apply the law, which excludes arbitrariness and a too wide range of subjective opinion. The examination of the charge and the hearing of witnesses do not appertain to the judge, as such, because these functions can be performed by others; but they are an indispensable requisite of the orderly administration of justice and therefore a *conditio sine qua non* of every judicial sentence.

b) That the power to forgive sins is a true judicial power and must be exercised in judicial form, is a dogma expressly defined by the Council of Trent: "Our Lord Jesus Christ, when about to ascend from earth to Heaven, left priests, His own vicars, as presidents and judges, unto whom all the mortal crimes, into which the faithful may

2 Cfr. Heb. VI, 4 sqq.; X, j6 ęq. 3 Atibcrger in Schechen's OegaMhi, Vet IV, j, Mi. Freiburg 1904.

have fallen, should be carried, in order that, in accordance with the power of the keys, they may pronounce the sentence of forgiveness or retention of sins."[4] Against the self-styled Protestant Reformers the Council particularly emphasized the judicial character of absolution: "But although the absolution of the priest is the dispensation of another's bounty, yet it is not a bare ministry only, whether of announcing the Gospel or of declaring that sins are forgiven, but is after the manner of a judicial act, whereby sentence is pronounced by the priest as by a judge."[5] This dogma is so important that the Council pronounces anathema against all who deny it: "If anyone saith that the sacramental absolution of the priest is not a judicial act, . . . let him be anathema."[6] The reason why absolution is a judicial act is intimated in such phrases as "in accordance with the power of the keys,"[7] "the ministry of the keys,"[8] etc.

«Cone. *Trid.,* Sess. XIV, cap. 5: tui *ipsius vicarial reliquit tamquam* praeiidci et iudicci, *ad quoi omnia mortalia* crimina *deferantur, in quae Chriitifidelet* eciderint, quo *pro potestate* clavium remiitionit aut *retentionis* peccatorum sententiam *pronuntient."* (Denzingcr-Bannwart, n. 899).

6 Sees. XIV.

*beneficii lit dispensatio,* tame» non *est solum nudum ministerium vel* annuntiandi *evangelium vol declarar actus iudicialis, quo ab ipso vclut a iudice sententia pronuntiatur."* (Denzinger-Bannwart, n. 902).

u Sess. XIV, can. 9: *"tSi quii dixerit, absolutionem sacramentalcm lem, . . . anathema sit."* (Denzinger-Bannwart, n. 919).

7 Cone. *Trid.,* Sees. XIV, cap. 5: *" pro potestate clavium."*

s *Ibid.,* cap, 6: " *clavium ministc-*

2. Proof from Holy Scripture.—A Biblical argument for our dogma may be evolved by philosophic reasoning from the texts already quoted. As we have seen, the power of the keys is twofold—it can bind as well as loose. The power of binding may be exercised either by denying absolution or imposing a penance.

a) That the imposition of a penance is a true "binding" may be inferred from the general tenor of our Saviour's words, " *Qitaecunque alligaveritis,"* etc. The fact that the Church is able not only to " loose," *i. e.* give absolution, but also to bind, in the twofold manner just explained, proves that the power of the keys is of the nature of a judicial tribunal *(tribunal s. forum poenitentiae)* and that the duly authorized confessor is a true judge *(index, praeses, praetor).* This logical connection can be shown by means of a syllogism.

The power of a judge comprises three distinct elements: (1) legitimate institution; *(2) the* power to compel accused persons to appear before him; and (3) the power to sentence guilty criminals according to law. Now these three elements are present in the exercise of the power of the keys. Consequently, this power is judicial and its sentences are binding upon those concerned.

b) The major premise of this syllogism requires no proof.

In regard to the minor we may observe:

(1) The power of the keys is divinely instituted because it conies from Christ.0

(2) The tribunal of Penance is not a mere court of arbitration, to which the faithful may or may not appeal, as they think fit, but a tribunal with power to compel sinners to appear before it. It follows that all who are guilty of mortal sin must appear before this tribunal.10

(3) When the sinner appears in the tribunal of Penance, the priest acts precisely as a judge in court. If, after hearing the evidence, he finds that the sinner is penitent, he looses him from his sins and at the same time also binds him, after a fashion, by imposing a certain satisfaction. This satisfaction is partly calculated to propitiate divine justice *(poena vindicativa)* and partly intended to prevent a relapse *(poena medicinalis).* If, on the contrary, the confessor finds the sinner unworthy of absolution, he "retains" his sins and obliges him to return to the tribunal of Penance as often as necessary until he is properly disposed. The entire procedure is not arbitrary, dictated by personal whims, but is governed by divine law, which provides that the contrite and humble should be absolved, whereas the unrepentant sinner should be sent away until he shows true sorrow for his sins, because without true sorrow there can be no forgiveness and the exercise of the power of "loosing" would be null and void.11

3. Proof from Tradition.—The ancient penitential discipline of the Church, as we have seen in a previous chapter, was exercised in strictly judicial form. This is one part of the argument

■ <'. «pro, Ch. 1.
10 F. cupro, Section 2.
11 Cfr. Palmieri, *De Poenii.,* thee. n; Chr. Pesch. *Praelect. Dogmat.,* Vol. VII, 3rd cd., pp. 44 sqq., Freiburg 1909.

from Tradition. The other is furnished by such Patristic utterances as the following.

St. Hilary of Poitiers says: "The immutable judgment of Apostolic severity ordained that those whom they bind on earth . . . and those whom they loose . . . by the terms of this Apostolic sentence are loosed or bound also in heaven." 12

St. Chrysostom: ‘‘The chair of the priest standeth in heaven, and he has the prerogative to administer heavenly things. Who has said this? The King of Heaven Himself: ‘ Whatever you shall bind upon earth,’ etc. What is there that can be compared with this honor? Heaven derives the principal power of judgment from earth. For the judge sits upon earth, the Lord follows His servant, and whatever the latter has judged here below, He ratifies in heaven.” ”

St. Jerome says that the clergy " have the keys of the kingdom of Heaven and, after a fashion, exercise tile office of judges before the day of judgment.’’13

In the Pseudo-Apostolic Constitutions, which reflect the views of the fifth century, the bishop is apostrophized as follows: “ Sit thou, O Bishop, preaching in the church, as thou hast the power to judge sinners. For to you bishops was it said: ‘ Whatsoever you shall bind,’ etc. Judge, therefore, O Bishop, by virtue of thy power, as God Himself [judgeth].’’,e

St. Gregory the Great (-f-604) says: "The Apostles

12 *In Maith.,* c. 18. n. 8: *"Immobile severitatic apoctolicae indicium pracmicit, ut quoc in ferric ligaverint . . . et quot coiverint, . . . hi apoctolicae conditione rententiae in caelic quoque aut eoluti cinl aut ligati."*

13 *Hom. de Perb. /c.,* s. »■ ».

H *Ep.* 14 *ad Hebod..* n. 8: *··. . . qui elaver regni caelorum habentec quodammodo ante diem indien indicant."*

obtained the prerogative of supernal judgment, by which, as the representatives of God, they retain sins in some and loose them in others. . . . Behold how those who dread the strict judgment of God are made the judges of souls."[18]

4. Differences Between a Criminal Court and the Tribunal of Penance.—The analogy which we have pointed out between the sacred tribunal of Penance and a secular court of criminal correction is not complete. But this fact, far from furnishing an argument against the tribunal of Penance, rather demonstrates its superiority to secular courts.

The first and chief difference between the two tribunals is based upon their objects. Penance was instituted, primarily, not to find the sinner guilty and condemn him to condign punishment, but rather to absolve him from his crimes. A criminal court, on the contrary, exists for the purpose of punishing. If it occasionally discharges a defendant, this is pure accident. The expiatory element is not entirely lacking in the tribunal of Penance, however, for the confessor is bound to impose a penance in proportion to the sins committed.

A second difference between the two courts is that Penance is essentially a *forum internum,* whereas a secular court is limited to the *forum externum.*

A third difference consists in this that no secular judge is able to restore a contrite criminal to innocence, as does

18 Hom. in Evong., 26, 1. a (Migne, *P. L.,* LXXVI, 1197)! "*Iρoχloli* principatum superni iudicii sortiuntur, ut vice *Dei* quibusdam *f'eecata retineant, quibusdam relaxent. . . . Ecce* qui *districtum Dei indicium* metuunt, animarum indices fiunt."

the confessor when he pronounces the sacramental absolution. If the accused is guilty, the judge has to condemn him in accordance with the law and may at most mitigate his punishment by giving him the benefit of extenuating circumstances. If he pronounces a defendant not guilty, this sentence does not effect innocence, but presupposes it.

# PART II

## PENANCE AS A SACRAMENT

We have shown that the Catholic Church has the power to forgive sins.

It remains to prove that in exercising this power she confers a Sacrament.

Penance is a Sacrament because it was instituted by Jesus Christ as a visible sign communicating invisible grace.

The visible sign is contained partly in certain acts performed by the penitent and partly in the form of Penance, which is that of a judicial tribunal pronouncing sentence on a self-accusing criminal.

That this visible sign confers invisible grace follows from the efficacy of the priestly absolution, which is unconditionally valid before God and in the court of conscience.

That Penance is a Sacrament has been solemnly defined by the Council of Trent: "If anyone saith that in the Catholic Church Penance is not truly and properly a Sacrament, instituted by Christ our Lord for reconciling the faithful unto

God, as often as they fall into sin after Baptism, let him be anathema." [1]

The many intrinsic and extrinsic relations of Penance have given rise to a variety of names. Thus the Fathers often refer to it as "laborious Baptism" *(baptismus laboriosus').* Tertullian and St. Jerome call it "a second plank after shipwreck" *(secunda post naufragium tabula).*[2] By synecdoche the Sacrament is frequently referred to as confession,[3]penance/ or absolution.[5]* From its effects it is known as reconciliation, peace, communion;[0] from a ceremony anciently in use and still traceable in the motion made by the priest when he gives absolution, it was also at one time called "imposition of the hand."[7]

We shall treat (i) of the matter and form of the Sacrament (Ch. I, Sect. I and 2); (2) of its efficacy (Ch. II), and (3) of the persons engaged in its administration (Ch. III.)

The necessity of the Sacrament of Penance coincides with the necessity of confession,— one of the three acts of the penitent to which we shall

1 Sess. XIV, can. i: *"$· quis dixerit,* i» *catholica Ecclctia poenitentiam non esse vere et proprie sacramentum pro fidelibus, quoties post baptismum in peccata labuntur, . . . anathema sit."* (Denzinger-Bannwr.rt, n. pti).— Cfr. *Decretum pro Armenia* (Denz.-Bannwart, n. 699).

a Cfr. *Cone. Trid.,* Sess. XIV, can. ».

3 *Confessio, ïξομολόγησιι. ἰξαγόptvait·*

4 *Poenitentia, μιτάνοια.* i. *e.* contrition.

s *Absolutio.* Xi'tftt.

e *Reconciliatio, pax, communio.*

*1 Manus impositio,*— On thia rite see Palmieri. *De Poenitentia,* pp. 159 sq., Rome 1879.

devote the third and last part of this volume. In dealing with confession we shall also demonstrate the divine institution of Penance as a Sacrament.

# CHAPTER I

## MATTER AND FORM

## SECTION I

### THE MATTER

As we have shown in a previous volume of this series.[1] no Sacrament can exist without matter. The Tridentine Council in treating of the Sacrament of Penance, takes this truth for granted.[2]

The matter of a Sacrament need not be a material substance, such as water, oil, bread, or wine; it may be something intangible, though in some manner subject to sense perception, related to the form of the Sacrament in the same way in which the ablution is related to the baptismal formula in Baptism.

Theologians are not agreed as to what constitutes the matter of the Sacrament of Penance. The majority, including the Thomists, hold that it consists in the three acts required of the penitent, *vis.:* contrition, confession, and satisfaction. The Scotists regard these three acts merely as necessary " dispositions " of the soul and maintain that the visible sign of the Sacrament lies in the priestly absolution, which, therefore, according to them, under different aspects, is both the matter and the form of Penance.

1 Pohle-Preuss, *Tht Sacromenlt,* Vol. I, pp. $9 tqq.
3 Sets. XIV, cap. *a.*

I. The Thomistic Theory.—St. Thomas teaches: "The proximate matter of this Sacrament are the acts of the penitent.''[3] He compares the matter of Penance with that of matrimony. In neither Sacrament, he says, have we a material object, but sensible actions take the place of ordinary matter.

This view is followed by all Thomists (Gonct, Billuart, *et al.)* and by most of the great Jesuit theologians (Cardinals Bellarmine and Toletus, Suarez, De Lugo, Chr. Pesch, Tepe). It has even been adopted by some Scotists, notably Mastrius and Brancatus de Laurea. The arguments adduced in its support are very strong indeed.

a) Following the example of Pope Eugene IV,[β] whose teaching is almost literally couched in the language of St. Thomas,[0] the Tridentine Council defined: (I) that "the acts of the penitent himself, to wit, contrition, confession, and satisfaction, are as it were the matter *(quasi materia)* of this Sacrament'';[7] (2) that "the form of the Sacrament of Penance, wherein its force principally consists, is placed in those words of the minister, 'I absolve thee,' etc.,''[8] *i. e.* in the absolution.

By *quasi materia* the Council can hardly have meant matter in a purely figurative sense, for the Roman

[3] Summa *Thtol.,* 3a, qu. 84, art 2: *"Materia proxima huius sacramenti* sunt aclus poenifentis."

[4] L. e., art 1, ad 1: *"In Ulis sacramentis quae habent effectum correspondentem humanis actibus, ipsi actus* humani *sensibiles sunt loco materiae,* ui *accidit* in poenitentia el matrimonio."

[5] See the Decretum *pro Armenis,* issued A. U. 1439.

[6] *Opusc.,* V, *De Articulis Fidei et Ecclesiae Sacramentis.*

[7] Sees. XIV, cap. 3. "Sunt autem quasi *materia huius sacramenti ipsius poenitenlis actus, nempe contritio, confessio, satisfactio."*

[8] *Ibid.: . formam sacramenti poenitentiae, in qua praecipue ipsius* fis sita *est.* in *illis ministri verbis positam esse: Ego te absolvo, etc."*

Catechism, which officially interprets the teaching oi Trent, says: "Nor are these acts called by the holy Synod 'the matter as it were' because they have not the nature of true matter, but because they are not matter of such sort as may be applied externally, like water in Baptism and chrism in Confirmation."[9]

As the form of the Sacrament consists principally *(praecipue)* in the absolution, the sacramental efficacy of Penance must partly lie in something different from the absolution. This being the case, the absolution cannot be the sole matter of the Sacrament, as Scotus teaches. Now, outside of the absolution there is nothing in the Sacrament that could be designated as its matter except the three acts performed by the penitent, *i. e.* contrition, confession, and satisfaction. Consequently these three acts must be the essential matter of the Sacrament.

b) The Tridentine Council not only says that the three acts of the penitent are the *quasi materia* of the Sacrament, but calls them "parts of penance" and adds that "they are, by God's institution, required in the penitent for the integrity of the Sacrament and for the full and perfect remission of sins."[10] Now, if these acts of the penitent are parts of the Sacrament, required to produce its effects, they must be more than mere "dispositions." No one would think of calling faith the quasi-

[9] *Cat. Rom.*. P. II, c. 5, n. 13: *"Neque vero hi actus quasi materia a s. Synodo appellantur, quia verae materiae rationem non habeant, sed quia eius generis materia non sunt, quae extrinsecus adhibeatur, ut aqua in baptismo et chrisma* in *confirmatione."*

[10] Sess. XIV, cap. 3: *"Qui {actus}, quatenus in poenilente ad integritatem sacramenti ad plenamque et perfectam peccatorum remissionem ex Dei institutione requiruntur, hac ratione poenitentiae partes dicuntur."* (Dentinger-Bannwart, n. 896).—Seas. XIV, can. 4: *"Si quis negarent, ad integram et perfectam peccatorum remisiionem requin tres actus in poenitenle quasi materiam sacramenti poenitentiae.*

matter or an integral part of Baptism because it is a necessary disposition in the recipient. Hence the three acts of the penitent must be regarded as essential parts of the Sacrament of Penance. They are as necessary for the integrity of the Sacrament as, say, body and soul for the integrity of human nature. And since they are not the form of the Sacrament, either whole or in part, they must be its matter.

c) The Sacrament of Penance is essentially a tribunal of justice and the priestly absolution has all the characteristics of a judicial sentence.[11] Such a sentence presupposes a formal accusation and the hearing of witnesses, in order that the judge may have the material necessary for forming an opinion. In the tribunal of Penance, plaintiff, defendant, and witnesses are all one, and hence at least confession, as the suppositum or substratum of absolution, enters into the essence of the Sacrament. Now confession is more than a mere recital of one's sins. It is a contrite and humble declaration of guilt, coupled with a firm purpose to sin no more. Hence contrition and the determination to make amends must as it were vivify the act of confession as the soul vivifies the body. This is what the Scholastics mean when they speak of *confessio dolorosa.* Contrition, confession, and the purpose of amendment are, therefore, more than mere "dispositions" for the worthy reception of Penance. They are integral parts of the Sacrament, and consequently its matter.[1*]

2. The Scotistic Theory.—Scotus says: "These three *[viz.:* contrition, confession, and

II I', *infra,* pp. 6« iqq.

11 Cfr. Billuart. *De Poenitentia,* diu. I, art. i; De Augustinis, *De Re Sacramentaria,* Vol. II, and ed., pp. aia iqq.

satisfaction] are in no wise parts of the Sacrament, because the Sacrament of Penance is the absolution given in certain specified terms. But contrition is no part of the latter; . . . neither is confession, . . . nor satisfaction. . . . Yet these three are required for the Sacrament of Penance, either before or after, in order that it may be worthily received." [13] According to this theory the whole Sacrament, both as to matter and form, consists in the absolution, and the three acts performed by the penitent merely prepare him for its reception.

But how can the priestly absolution be both matter and form of the Sacrament? The Scotists answer: As an external rite, *i. e.* as words pronounced, absolution is the matter of Penance; as the bearer of an intrinsic meaning, it is the form.[14] This view, defended before the Council of Trent by such eminent theologians as St. Bonaventure[15] and Capreolus, found supporters even after the Council in Andrew Vega, Maldonatus, and A. Ballerini." These post-Tridentine writers do not. of course, object to having the three acts of the penitent called "parts" of Penance and the quasi-matter of the

13 *Comment, in Sent.*. IV, dist. i6, qu. i, n. *7: "Jeta tria [scii, contritio, confessio, satisfactio} nullo morio sunt partes eius* [i. *e. sacratum est illa absolutio facta certis verbis. Huius autem nulla pars est hoc. ut digne recipiatur, requiruntur vel praevia vel sequentia."*

1« Cfr. Maldonatus. *De Poenitentia,* P. *3.* qu. J. the-·. *7> "dbsoln lio. quatenus est externa quaedam caerimonia, est materia; quatenus habet vim significandi, est forma."*

1» *Comment, in Sent.*. IV, dut. 17. P- a. art i. qu. J.

1· *Opus Morale,* ed. Palmieri. VoL V, jrd ed.. pp. *3 sqq.*. Prati >898.

Sacrament; they merely claim that these acts are unable to effect the sacramental grace *ex opere operato*. They defend their contention as follows:

a) The very definition of a Sacrament implies that the external sign (matter and form conjointly) not only signifies grace, but actually produces it.[17] Now, with regard to the Sacrament of Penance, two things are certain: first, that it is the priestly absolution alone which signifies the remission of sins; secondly, that the priest, not the penitent, is the minister of the Sacrament.

If the absolution alone signifies the remission of sins, the three acts of the penitent contribute nothing to the production of the sacramental effect, but are merely a *conditio sine qua non* thereof. They do not signify, and therefore cannot produce the sacramental grace nor co-operate in its production.

The minister of the Sacrament of Penance is the priest, not the penitent. If the penitent supplied an essential part of the matter, he would co-operate in the production of the sacramental effect, *i. e.* help to absolve himself, which would be manifestly absurd.[18]

b) But what is the meaning of such phrases as "*quasi materia*" and "*partes poenitentiae,*" applied to the acts of the penitent by the Tridentine Council? The Scotists say that these expressions are equivocal and do not constitute an argument against their thesis. It cannot be proved, they say, that the Council, in employing the term "quasi *materia,*" *or* even "*materia,*" meant to designate the sacramental "*materia ex qua.*"

It must be admitted that the word "*materia*" is employed by Catholic theologians in a variety of meanings.

M *V*. Pohle-Preuss. *The Sacramenlr*, Vol. I, pp. 8 sqq.

tiens see *Palmieri, I. c.,* pp. 15a sqq.

In connection with Penance it may mean either the true and proper *materia ex qua, or* the remote *materia circa quam* (sin), or, figuratively, the dispositive acts of the penitent, which fall under the category of material causes in the wider sense of that term. Moreover, the addition of the word *''quasi"* to *"materia"* would seem to show that the Council did not mean to designate the *materia ex qua* in the strict and proper sense of the word. Nor does the employment of the term *"partes"* prove anything against the Scotistic contention. The Council nowhere says that the acts of the penitent are parts of the Sacrament. It merely says they are " parts of penance," which the Scotists do not deny. But even if the Council had designated these acts as *"partes sacramenti,"* it would not follow that they are essential parts of the Sacrament as such. Merely integral parts do not enter into the essence of a thing, and the choice of the phrase *"actus poenitentis ad integritatem sacramenti requiruntur"* shows that the Council did not wish to assert that contrition, confession, and satisfaction belong to the essence of the Sacrament in the sense of a *materia ex qua.*

Under the present discipline absolution may be given conditionally to an unconscious person who is in immediate danger of death, even if he manifests no signs of contrition nor a desire to receive the Sacrament. The Church presumes that he has the required disposition."

In De Lugo's time no one was absolved unless he had asked for the priestly absolution,[19] or at least shown a desire to receive it. This rule was based upon the principle

19 Cfr. St. Alphonsus de* Liguori, *Theol. Moralis, De Poenit.*. n. 48a sq.

30 De Lugo, *De Poenit.,* diip. 17, sect. 3. n. >9! *"· · · non tone con. fern abtolutionem tacrameutaient, nin ex farte foenitentis froecedal tallem petn.o ten dendennm con-Utendi."*

that there can be no administration of the Sacrament if the essential matter be lacking. Where no water is available, for example, even the worthiest applicant cannot be baptized, no matter how urgent the necessity. If it were true that contrite confession forms the *materia ex qua* of Penance, the modern practice would be frivolous, because the priestly absolution, being merely the form, can no more constitute the Sacrament of Penance without its requisite matter,— which an unconscious penitent *in articulo mortis* obviously cannot supply,— than the baptismal formula could effect Baptism without water. The case appears different if viewed from the Scotistic point of view. Assuming that both the matter and the form of Penance are contained in the absolution, the Sacrament can be validly administered whenever there is an interior desire for confession on the part of the sinner. This argument was so effectively developed by Ballerini that Palmieri expressed the wish that the whole controversy might be once for all officially decided.[21]

3. Critical Appreciation of the Two Theories.—a) Weighing the two theories against each other we find that neither can claim theological certainty. Hence the advocates of either must be allowed to develop their arguments without interference.

Even such decided antagonists of the Scotistic theory as Suarez and De Lugo admit that it has at least an extrinsic probability based upon authority. The Council of Trent purposely evaded this controversy and chose its

21 *Ofus Morale,* Vol. V, 3rd ed,, p. 313: " Re« *eo* adducta est, ul *fa- cite cuilibet desiderium suboriatur alicuius authenticae declarationis."*

expressions so that they cannot be interpreted as a condemnation of the Scotist position.[22]

b) A careful examination of the arguments adduced in favor of the two theories shows that the Thomists have the stronger case.

The Catechism of the Council of Trent and the Roman Ritual unequivocally endorse the teaching of St. Thomas, which is also decidedly favored by the Tridentine decisions, not to speak of the famous *Decretum pro drmenis* (Florence, 1439), composed by the Angelic Doctor himself. The strongest argument that can be alleged in support of the Scotistic contention is the custom, now over two hundred years old, of giving absolution conditionally to the dying when they are unable to signify a desire to receive the Sacrament of Penance. But this argument is taken from moral rather than from dogmatic theology, and must not be overrated. The value of conditional absolution *in articulo mortis* is as doubtful to-day as it was at the time of De Lugo, and it is always safer in cases of urgent necessity to administer Extreme Unction after giving absolution. Secondly, it is not easy to see what advantage Scotism gains over Thomism by refusing to admit that the three acts of the penitent are the matter of the Sacrament. The Scotists admit that these acts are indispensable conditions of validity. They, or at least some of them, concede that a judicial sentence without a preceding accusation would be a contradiction, and therefore insist on the necessity of a contrite confession in some form or other for the validity of absolution.[28] But

22 Cfr. Pallavicini. *Hilt. Cone. Trid.,* XII, c. 10; Eusebius Amort, *De Poenitentia,* disp. a, qu. a.

23 Thus Scotus, Andrew *Vega,* Hiquzus, Henno, Bosco, all cited by Tepe, *Imtit. Theol.,* Vol. IV. pp-41a sqq., Paris 1896.

a contrite confession, *in concreto,* is identical with the three acts demanded by the Thomists.

From which it follows that the Thomistic doctrine is more solidly established than that of the Scotists, and hence we need not wonder that the latter has gradually lost ground.[21]

[21] On this controversy the student may profitably consult Palmieri, De *Poenitentia,* thes. 14.

## SECTION 2

### THE FORM

The sacramental form of Penance is contained in the words of absolution. This was denied by Dominicus Soto, who regarded absolution merely as a "complement" of confession; but the Tridentine Council expressly defines that "the form of the Sacrament of Penance, wherein its force principally consists, is placed in those words of the minister, T absolve thee,' etc." [1]

i. Meaning of the Formula of Absolution.—The formula of absolution now used in the Latin Church reads: *"Ego te absolvo a peccatis tuis in nomine Patris et Filii et Spiritus Sancti."*

This formula is ordinarily preceded by some words which aim at freeing the penitent from excommunication, suspension, and the interdict. They have nothing to do with the absolution as such. For the Tridentine Council says that the prayers laudably joined to the formula of absolution "according to the custom of holy

[1] *Cone.* Trùf., Scs». XIV, cap. 3: *"Docet praeterea s. Synodus. sacra- ministri verbis fositam esse: E/o te absolvo. " etc.* (Dcminger-Bann·

Church," "by no means regard the essence of that form, neither are they necessary for the administration of the Sacrament itself."[2]

Which are the essential words in the formula of absolution?

Theologians generally hold, against Durandus,[3] that the invocation of the Blessed Trinity is not essential. There is nothing in our Saviour's words of institution, or in the custom of the Church, or in the nature of Penance, which would indicate that the Sacrament is invalid without this invocation.[4] The words *"Absolvo te,"* on the other hand, are essential, because they embody the judicial sentence of the priest. The words *"a peccatis tuis"* are implicitly contained in *"absolvo te,"* and therefore may be regarded as non-essential.[5] Of course, we are speaking merely of the validity of the Sacrament; the arbitrary omission of any part of the prescribed formula is forbidden under pain of sin.

a) What is the precise meaning of the formula of absolution? Different writers have expressed different views on this subject. Thus Peter Lombard holds that, as God alone can bind and loose, the Church, in absolving a sinner, merely declares that his sins have been forgiven in Heaven *(sententia declaratoria)*,[®]

a) To say that the formula of absolution simply means: I declare (or announce) that God has forgiven thee thy

2 *L. c., . preces quaedam laudabiliter adiungunlur, ad ipsius tamen formae essentiam nequaquam spectant."*

8 *Comment,* in *Sent.*. IV, dist, *as,* qu. a.

♦Cfr. St. Thomas, Summa *Theol.*. 3a, qu. 84, art, 3. ad 3.

6 For further information on thia point cfr. De Lugo, *De Poenitentia.* disp, 13, sect. 1.

*a Sent.,* IV, dist. t8.

sins," is to deny that the Church possesses the power of absolution. This inevitable deduction is not modified by the admission that the Church can remit temporal punishments. Hugh of St. Victor (-f- 1141) is an exception among the writers of this school, in as much as he holds that, while the priestly absolution is a mere declaration, it nevertheless has power to free the penitent at least from the eternal punishments due to sin. No matter how we may interpret the teaching of the " Magister Sententiarum," it is certainly opposed to the true nature of the power of the keys, and we need not wonder, therefore, that Richard of St. Victor (-}- about 1173) combated it as frivolous and foolish.[7]

*β)* It is not at all difficult to prove that the power of the keys is not limited to the *punishments* due to sin.

If a priest in giving absolution merely remits the punishments due to sin, he remits either the eternal punishment of hell or temporal punishments. If the former, than he *eo ipso* remits the mortal sins themselves, for the punishment cannot be remitted while the guilt remains. In that case the formula of absolution would mean more than *"Absolvo te a poena aeterna."* Indeed, God Himself could forgive mortal sin only on condition of a simultaneous forgiveness of the eternal punishment due to the same. In that case, however, the subsequent sentence of the confessor would not be an effective absolution, but a simple declaration or announcement of a

7 *De Potest. Ligandi et Solvendi,* c. fa: *"Exstat quorundam de potestate ligandi atque solvendi sententia tam frivola, ut ridenda potius videatur quam refellenda. . . . Numquid Dominus dicit: Quodcunque ligatum ostenderis erit ligatum, et quodcunque solutum ostenderis erit solutum?" (Migne. P. L.*. CXCVI. >>68).

judgment passed in Heaven. This conclusion negatives the assumption with which we started out.

We come to the second assumption, *vis.:* that the priestly absolution merely affects the temporal punishments due to sin. The power of the keys is twofold,— the Church can loose, but she can also bind, and, under certain conditions, she can bind forever. Temporal punishments are not of this kind. To assume that a temporal punishment could become eternal is repugnant, for the moment it became eternal it would cease to be temporal. Hence the formula of absolution means exactly what it says, *vis.:* I absolve thee from thy sins.

γ) Some of the older Scholastic theologians[8] explained the formula of absolution thus: *"Ego te absolvo ab obligatione subiciendi peccata clavibus."* This is a one-sided and defective interpretation. To release one from an obligation is not to forgive his sins. A penitent guilty of a sin reserved to the bishop or the pope can be (indirectly) absolved therefrom without being released from the obligation of confessing the same sin to another confessor, equipped with larger faculties. Conversely, a penitent who re-submits to the power of the keys a mortal sin from which he has already been absolved, certainly does not seek absolution for the purpose of being released from an obligation which no longer exists for him.

Baius taught that a penitent sinner who seeks absolution in the tribunal of Penance receives new spiritual life not through the ministry of the absolving priest, but directly from God, who vivifies and resuscitates his soul by inspiring him to do penance,— the ministry of the priest merely lifting the obligation to undergo punish-

[8] See Suarez, *De Poenitentia,* disp. 19, sect. a.

ment. This proposition was condemned by Pius V.· It can be refuted with the same arguments which we have adduced against the teaching of Peter Lombard and his school, and is, moreover, open to the objection that it places the efficacy of absolution in the external rite as such and underrates the office of the minister. In matter of fact it is the priest who forgives sins through the absolution. If this were not so, the formula of absolution might be enunciated with equal effect by a parrot or a phonograph.

b) After refuting these erroneous opinions, which, be it noted in passing, must not be confused with the views of the Protestant Reformers, we have to answer the question, in what way the formula of absolution expresses the infusion of sanctifying grace, without which there can be no true forgiveness of sins.

*a)* The priestly absolution, being an external sign of internal grace, must effect that which it signifies. In the present economy there is no other way in which sin *afin be* forgiven than by the infusion of sanctifying grare.10 Therefore, the absolution must first effect grace and, through grace, the remission of sins. In order to express both these functions St. Thomas suggests the formula: '*Sacramentum absolutionis tibi imf>etido.*" 11

0 *Prop. Bail damn, a Pio V. a. '567,* prop. 58: *"Peccator poenitens non vivificatur ministerio sacerdotis absolventis, sed a solo Deo, qui poenitentiam suggerens et inspirans vivificat eum et resuscitat: ministerio autem sacerdotis solum reatus [scii, obligatio ad poenam; cfr.* Prop. 56] *tollitur."* (Deoiinger-Bapnwart, n. >038).

10 Cfr. Pohle-Preuss. *Grace, Actual and Habitual,* pp. jaa aqq.

11 *Summa Theol., 3·,* qu. 84. art.

Suarez expresses the meaning still more clearly by saying: *"Ego tibi gratiam sanctificantem confero remissivam peccati, quantum est ex se."* [12] De Lugo rejects both these interpretations for the reason that they have no immediate reference to the absolution of the penitent from sin, and substitutes the following: *"Ego tibi (absolvendo) remitto peccata per infusionem gratiae."* [13] As explained by Suarez, the accepted formula of absolution could with equal propriety be used in administering Baptism because it does not sufficiently express the judicial character of the act. De Lugo's formula, on the other hand, enunciating as it does both the remission of sins (direct effect) and the infusion of grace (indirect effect), correctly interprets the mind of the Church.

*β)* It may be asked: What about sins that are confessed more than once? Are they also forgiven more than once? Or does the formula of absolution lose its true meaning in the so-called devotional confessions now so popular among the faithful? How can a priest forgive sins which no longer exist in the moral order? How can a criminal be released from chains that no longer bind him? Oswald[14] finds it hard to solve this difficulty. Yet the custom of confessing the same sin repeatedly can be justified. A man can obligate himself repeatedly to the performance of a duty to which he is bound anyhow, a creditor can again release a debtor from an obligation from which he has already been freed. If you have been insulted, there is nothing to prevent you from forgiving the offense twice, three times, nay a hundred times, if you like. The example of the chained criminal proves

[12] *De Poenitentia,* disp. 19. sect, a, n. 20.

[13] De Lugo, *De Poenitentia,* disp. 13, sect. 3, u. 72.

[14] *Die dogmatische I.ehre von den hl. Sakramenten,* Vol. II, 5th ed., p. 208.

nothing because the physical does not resemble the moral order in all respects. There is no doubt whatever that one and the same sin can be forgiven more than once and that in each case the formula of absolution has the same meaning: *viz.:* I forgive thee thy sins by the infusion (which in this case means an increase) of sanctifying grace.[15]

*2.* Changes in the Formula of Absolution. —The indicative formula of absolution now used in the Latin Church is prescribed by Eugene IV (1439), by the Council of Trent,[16] and by the Roman Ritual. Hence probably no other is now valid, though, of course, the Church could permit or even command the use of a different formula, such as the one formerly employed: *"Sis a me absolutus per ministerium meum."*

While the Church is not authorized to alter the form of Penance in any essential respect, there is no doubt whatever that she can withdraw jurisdiction from any priest who refuses to employ the prescribed formula of absolution, thereby making the administration of the Sacrament impossible. Hence we must reject Dominicus Soto's assertion that if a confessor employed the formula *"Absolvit* (or *absolvat) te Christus,"* the absolution would be valid, though he himself would commit a sin.[17]

It is rather more difficult to decide the question whether

absolution is invalid if pronounced in any other than the indicative form. Theologians differ on this point.

a) Many maintain with St. Thomas 18 and his school that absolution is invalid if clothed in the form of a deprecatory prayer.

This view is held by Billuart,19 Simmonet, Antoine, Munier, and has found a contemporary defender in De Augustinis.20 The subjunctive mood employed in a formula does not necessarily prove that it is deprecative. In the deprecative form the confessor simply prays God to forgive the penitent, without mentioning the power of the keys. When this power is expressly mentioned, even though it be only in the form of a prayer or wish, the formula, whatever its grammatical construction, is logically and theologically indicative, and consequently valid. Such apparently deprecatory but in reality indicative formulas are: *"Sis a me absolutus per ministerium meum" "Deus te absolvat per ministerium meum,"* etc. As long as absolution takes the form of a judicial sentence, it is valid, regardless of its grammatical structure.

The case is different with such purely and essentially deprecative formulas as, *"Deus, rdmitte peccata huic servo tuo."* Here the question may be rightly raised: Can a mere wish or prayer have the effect of a judicial sentence? This is vigorously denied by the Thomists, who maintain that even Almighty God Himself could not forgive sins in the tribunal of Penance by a purely deprecative formula.

>8 *Opuic.*. 18 (in some editions 82), *De Forma Abeolutionis.*

t»Dr *Poenitentia,* diss, i, art. 3·

2® *De Re Sacramentaria,* Vol. II, PP. 294 SQQ·

b) Nevertheless Morinus[21] and most modern Chinch historians hold that the Greek Church has always employed a purely deprecative formula, and that in the Latin Church, too, up to the ninth or possibly the tenth century, absolution invariably took the form of a prayer.[22][23]

a) Henry Charles Lea, in his *History of Auricular Confession and Indulgences in the Latin Church,*" asserts that the change took place some time between the eleventh and the thirteenth centuries and that the indicative formula became the only valid one through the powerful influence of the Sorbonne, about the year 1240. Lea's contention that the Roman Church revolutionized the ancient penitential discipline and prevaricated the teaching of Christ has been refuted by Msgr. P. M. Baumgarten/[l] Father P. H. Casey, S.J.,[25] and a Protestant writer, Dr. K. Müller.[28] But it seems undeniable that an important change tnok place in the external form of absolution at about the time indicated. The fact that the most ancient rituals, sacramentaries, pontificals, penitentials, etc., all without exception give the deprecative formula only, proves that their authors knew no other. This is confirmed by certain utterances of the Fathers. It will not do to ascribe the absence of the indicative formula from the ancient documents to the Discipline of the Secret or

21 *Comment. Hist, de Adminislr. Sacr. Poenit.,* l. VIII, c. 8 sqq.

22 For the proofs of this assertion see Morinus, *ol>. cit.,* Append., c. >9: Martine. *De Antiq. Eccles. Ritibus,* l. I. c. 6, art. s, 7; Binterim, *Denkwürdigkeiten dcr christhath. Kirche.* Vol. III. 3. 344 sqq.

23 Vol. I, pp. >39 sqq., Philadelphia 1897·

24 *Die IPerhe -.on Henry Charles Lea und verwandte Bûcher,* Munster i. W. 1908 (English tr. New York 1909)·

23 *Notes* on *a History of* .4anew-*lar Confession: H. C. Leo's Account of the Power of the Keys in the Early Church.* Philadelphia 1899·

In the *Theol. Literalurseitung,* 1897· PP· 46.) sqq.

to intentional omission. The *disciplina arcani* had been abandoned for centuries when the deprecatory formula was still in general use, and the liturgical records in question are very full and complete. As late as the beginning of the thirteenth century William of Paris[27] says that priests do not pronounce sentence after the manner of secular judges, *"Absolvimus te,"* but pray, *"Dimittat libi Deus peccata, quae confessus es mihi."* The anonymous writer whom St. Thomas combats in the eighteenth of his *Opuscula,*[28] asserts that the deprecatory formula was in general use up to thirty years before the time of his writing.[2·] This statement may not be strictly accurate, yet to say that it is without foundation would be unwarranted. Such eminent Catholic theologians as Cardinal Gotti, Tournely, Duhamel, Hurter, Oswald, Palmieri, Frank, and Pesch freely admit that the deprecatory formula was in exclusive use up to the end of the twelfth century.[80]

*β)* The ancient euchologia of the Greek Church bear no trace of the indicative formula of absolution,[81] and even to-day all Oriental churches employ the deprecatory formula. The Armenian Church is a solitary exception to this rule.[82] Arcadius with much trouble succeeded in finding one indicative formula,[83] but it undoubtedly originated in the West.[34] That the Latin Church does not

27 *De Sacramento Poenit.,* c. 19.

28 In some editions this treatise is printed as No. 22 of the *Opuscula.*

2» " *Vi** triginta anni sunt, *quod omnes hac soli forma deprecative utebantur."*

30 Cfr. Palmieri, *De Poenitentia,* pp. 127 sqq.; Koniger. *Burchard I. von Worms* «nd die *deutsche Kirche seiner Zeil* <1000-1025), pp. 139 sqq·, Munich 190$.

31 Cfr. Goar, *Eiicholog.,* pp. 673 sqq.

82 Cfr. Denzinger, *Rit. Orient.,* Vol. I. p. tot: *" Forma absolutionis apud Orientales catholicos et* non *catholicos, si solos Armenos excipias, deprecativa est,"*

s» "Εχὼ ae *σν-γκίχωρημίνον — Habeo te condonatum.*

8« The same is true of the indicative formulas in use among the

object to the Greek practice on this point is evident from the famous decree (A. D. 1595) in which Clement VIII allows the pastors of the Greek L'niates in southern Italy to absolve members of the Latin Church on condition that they employ the indicative formula prescribed by Eugene IV, but immediately adds: *"Et postea, si voluerint, dicant orationem illam deprecativam, quam pro forma huius absolutionis dicere tantum consueverunt."* u This pontifical decision proves (1) that the United Greeks ordinarily employed the deprecative formula, and (2) that the Holy See did not object to this practice so long as it was not extended to the Latin rite.

c) Since there is no reason to doubt that the ancient Church employed the deprecative formula in absolving sinners in the tribunal of Penance, we can do no more than attempt to square the dogmatic teaching of the Church, as set forth above, with the historical fact mentioned.

All Catholic theologians, including the Thomists, admit that if the formula employed in giving absolution contains some reference to the ministerial agency of the absolving priest, there is no difficulty, because then the deprecatory formula *(deprecatio potestativa,* as Palmieri calls it), is equivalent to the indicative.8·

The difficulty begins when we have to deal with a formula which is manifestly nothing more than a prayer, pure and simple, *e. g. "Deus, remitte peccata huic seno*

Armenians; cfr. Mansi. *Suffit"·· Cone..* Vol. III, p. 488.

sb *Bullarium Romunum, td. Tauri»..* Vol. X. p. «a.

8· Cfr. De Logo, *Dt Potnitmiia.* disp. 13. sect 4.

*tuo."* These words obviously do not embody a judicial sentence. Are they perhaps equivalent to such a sentence? We must interpret them by the circumstances of the case and as they were understood by the people. If a secular judge were to say to a prisoner: "Let the warden release you," he would be uttering what is substantially a judicial sentence. The case is similar with a confessor who absolves a penitent by praying that God may absolve him. There can be no reasonable doubt as to the meaning. The priest is sitting as a judge in the tribunal of Penance; he has the power of the keys, which the penitent begs him to employ in his behalf. Consequently, no matter in what words he clothes the formula of absolution, it is a judicial sentence, and was universally so regarded when the priest was wont to say, *"Absolvat te Deus [er ministerium meum,"* just as it is to-day, when he says, "*Ego te absolvo.*"

3. Absolution Pronounced in the Absence of the Penitent is Invalid.—This proposition cannot be demonstrated from the definition of a Sacrament, for matrimony can be validly administered by proxy; nor does it follow from the judicial character of absolution, for a judicial sentence can be issued in writing; but it can be abundantly proved from Tradition.

a) Every Sacrament consists of matter and form. The form, as a rule, is made up of words. Exceptions, as in the case of matrimony, must be proved as such. Of Penance the dogmatic *Decretum pro Armenis* says: "The form of this

Sacrament is in the words of absolution, which the priest utters when he says: I absolve thee, etc." [37] As the words must be actually uttered to make the Sacrament valid, it follows that the penitent must be physically present, for else the words would be uttered in vain, *i. e.* affect nobody as a judicial sentence. When the confessor says, "I absolve thee," he means the person kneeling before him. It is absurd to suppose that his sentence would be valid if shouted across the ocean.

Moreover, absolution must in all cases be preceded by auricular confession. This means confession by word of mouth, which, as a rule, can take place only from person to person. In exceptional cases, it is true, the accusation may be made in writing, but the priest is never allowed to give absolution in. writing, precisely for the reason that absolution is the form of the Sacrament and must be uttered in words ; much less could he transmit it by letter or messenger.

b) History records no case where absolution was conveyed to an absent penitent by messenger or letter. Oral utterance has ever been regarded as essential for the validity of the Sacrament.

Morinus cites a few cases which seem to prove the contrary,[38] but the " absolution " conveyed to the absentee was in every instance merely a remission of canonical punish-

»7 " *Farina huiut sacramenti sunt* (Dcminger-Bunnwart.

merits or a grant of indulgences. The ancient penitential books either expressly state, or presuppose as a matter of course, the necessity of the personal presence of the penitent. This explains the principle governing the once popular practice of confessing to laymen, *vis.:* "In case of urgent necessity it is better to confess one's sins to a layman who is present, than to an absent priest."[30]

In order to arrive at a fair judicial sentence, the confessor is bound to inform himself regarding the penitent's state of conscience and disposition. This cannot be done unless the penitent is personally present. If absolution could be given by letter, it might happen that a penitent would experience a change of heart while the absolution was on the way, and consequently be no longer worthy of receiving it when it arrived.

A few Spanish theologians[40] taught that absolution conveyed to an absent penitent by letter is valid in case of extreme necessity; but their teaching, far from finding acceptance, was officially condemned.

c) Pope Clement VIII, after a hearing granted to both parties, declared it "false, foolhardy, and scandalous" to teach that sins can be confessed and absolution given *absente confessore,* by letter or messenger.[41] He strictly forbade theologians to defend this opinion or to put it into practice,

30 S. Thomae. *Comment,* in *Sent.,* IV, dirt. 17, qu. 3, art. 41 *"In extremo necessitate utilius est confiteri laico* praesenti quam *sacerdoti absenti"*—On the practice of confessing to lay persons see G. Gromer, *Die Laienbeicht* im *Mitlelalter, ein Beitrag su* three *Geschichte,* Munich 190».

«o Paludanus, Peter Soto, and John Medina.

41 *" Sanctissimus* [i. e. *Pafa] propositionem, scit. 'licere per Uteros seu* internuntium *confessorio absenti peccata sacramentaliter confiteri et ab eodem absente absolutionem obtinere,' ad minus ut falsam,* temerariam et *scandalosam damnavit."* (Denzinger-Bannwart, n, 1088).

thereby implicitly declaring that confession and absolution by letter or messenger are both illicit and invalid.

a) Suarez[42] limited this condemnation to absolution and said that it did not apply to confession. His arbitrary interpretation led Paul V to declare, by a decree of the Holy Office, dated July 14, 1605, that the Clementine decree applied *in sensu diviso* as well as *in sensu copulativo*. Hence it is invalid and forbidden for a penitent to confess his sins by letter or messenger to an absent priest, as well as for the priest to send him sacramental absolution. Suarez in reality had not meant to attack the papal decree. He merely expressed himself incautiously. The case he had in mind was that of a dying penitent, already unconscious, who had expressed a desire to receive the Sacrament. Of such a confession *in voto* (which is really not a " confession " at all in the strict sense of the term) Suarez maintained that it was sufficient for valid absolution.[13] This proposition was never censured and is held by all moral theologians. Suarez's hypothetical case is affected neither by the decree of Clement VIII nor by the authentic interpretation of Paul V.

*β)* Can sins be validly confessed and absolution given by telephone? Two persons conversing over the telephone cannot strictly be said to be absent from each other. As far as verbal intercourse goes, the telephone brings them so closely together as if there were no space between them. The question as to the validity of confession by telephone has been submitted to the Sacred Congregation of the Holy Office, without however eliciting a reply. If

we consider that the telephone does not convey the voice by the natural medium of air waves but reproduces it artificially, and that, on the other hand, sacramental absolution and the judicial character of the confessor require a "presence" which enables him to communicate naturally with the penitent, we shall hardly go wrong if we declare against the validity of confession and absolution by telephone.[44]

[44] On the notion of "physical presence" see the moralists, *c. g.* St. Alphonsus de' Liguori, *Theol. Moral.,* VI, n. 429.

# CHAPTER II

## SACRAMENTAL EFFECTS

The chief effect produced by the Sacrament of Penance is thus summarized in the *Decretum pro /Irmcnis:* "The effect of this Sacrament is absolution from sins." [1] The Tridentine Council expresses substantially the same idea when it says: "The effect of this Sacrament ... is reconciliation with God." This reconciliation, the Council adds, is "sometimes, in persons who are pious and who receive this Sacrament with devotion, wont to be followed by peace and serenity of conscience with exceeding consolation of spirit." [2]

The theologians go a step farther and examine the effect of the Sacrament on previously acquired merits and previously committed sins.

i. Reconciliation of the Sinner with God the First and Principal Effect of the Sacrament.—That reconciliation with God is the first and principal effect of the Sacrament of Penance follows from what we have said before, and

[1] *Effectus huius sacramenti est absolutio a fecealis."* (Demingrr-Bannwarl, n. 699).

[2] 3 XIV‹ 3: "reeonei/iatie cum Deo "consoenhas fas ae serenitas." (P, *infra.* ŋ.

hence we can limit ourselves to a brief explanation.

a) According to the conciliary decrees of Florence and Trent, the reconciliation of the sinner with God and absolution from sins are objectively identical. Since forgiveness of sins can be effected only by means of interior sanctification, it follows that the first and principal effect of Penance is justification. Justification in this sense *(justificatio prima)* entails sanctifying grace with all its formal effects and supernatural concomitants.[3]

It belongs to the very essence of justification that the sanctifying grace which it infuses into the soul blots out all mortal sins.[4] This settles the Scholastic question whether the Sacrament of Penance may remit some mortal sins in the penitent and leave others unforgiven. Whatever may be said on this subject on purely abstract principles, it is certain that in the present economy mortal sins are either all forgiven or all retained. The case is different with the *punishments* due to sin. Though absolution remits the eternal punishment, it does not of itself remit all temporal punishments.[6] Some of these usually remain to be wiped out by works of satisfaction, by indulgences, or, in default of these, by suffering in purgatory. In this respect Penance differs from Baptism, which remits all punishments together with the sins by which they were incurred.[0]

› For a more detailed explanation of this point see our treatise on Crore.

* Cfr. St. Thomas, Summo *Thiol.,* 3a, qu. 86, art. 3.

*8 V. infra,* Part HI, Ch. III, Sect.

o Cfr. Pohle-Preuss, *The Sacraments,* Vol. I, pp. 331 sqq.

If a penitent has none but venial sins to confess (and he is entirely free to approach the tribunal of Penance with only such),7 the Sacrament merely effects an increase of sanctifying grace *(instificatio secunda),* since venial sin cannot destroy the state of grace. Here another difficulty arises. How can the Sacrament of Penance effect the forgiveness of venial sins *ex opere operato,* since a man can be validly absolved only from those^wr^fl which he is truly sorry, and contrition blé wdîtt guilt of venial sin *ex opere operantis,* without the Sacrament? The answer is that God may *forgive a,s7n more* than once,8 and therefore the same sin can heihade the subject of repeated absolutions, even though'already blpited out by perfect contrition. (This also Jiokls good With regard to obligatory confession of mbrtal.sfns ällready/ex tinguished by perfect charity.) Ofher'^ffect^xwhich the/ confession of venial sins produces in the sbtil. arftPyp crease of grace, remission of tfpporal puniehnjents, strength against temptations, etc?tL'"be noted, however, that venial sins are not forgivetrtKrough the Sacrament of Penance unless the penitent has at least imperfect contrition (attrition), because, according to the Thomists as well as the Scotists, the validity of the Sacrament requires both contrition and confession *(confessio dolorosa).* On account of the danger of frustration, therefore, it would be wrong to confess only venial sins for which one is not truly sorry; but it is sufficient to have true sorrow for at least one.·

## b) Wherein does the sacramental grace of

TCfr. *Cone. Trid.,* Sess. XIV. can. 7: *"Si quis dixerit, . . . non licere confiteri peccata venialia, anathema sit."*

β *V. supra,* pp. 90 «q.

a On the remission of venial sins in general see Scheeben-Atiberger, *Dofnatik.* VoL IV, j. sqq., Freiburg 1903.

Penance consist? The *Decretum pro Armenis* suggests the answer to this question when it says that the object of confession is to heal the soul which has become infirm through sin.[10] This effect is peculiar to Penance and produced by no other Sacrament, except possibly Extreme Unction, which may be regarded as the completion of Penance.

We have explained above that the first and principal effect of Penance is justification. Justification, in its capacity of *gratia sanans,* may be regarded as the specific sacramental grace of Penance. Nor does it make any difference whether we conceive it as a certain modality of sanctifying grace or simply as a moral claim to all those actual graces which, with the cooperation of the penitent, safeguard the fruits of the Sacrament, especially zeal in making satisfaction and avoiding future sins.[11]

2. Peace of Conscience the Second Effect of the Sacrament.—The second effect of Penance is peace of conscience. It is purely accidental. This truth is defined by the Council of Trent as follows: "The effect of this Sacrament, . . . reconciliation with God, . . . sometimes in persons who are pious and who receive this Sacrament with devotion, is wont to be followed by peace and serenity of conscience with

10"Quodii *per peccatum aegritudinem incurrimur animae, per* fornitrntiom *epirilualiter tanamur."* (Dcntingcr-Bannwart, n. 69s).

31 Cfr. Pohle-Preuss, *The Sacra*nienfi, Vol. I, pp. ?0 gqq.

exceeding consolation of spirit." [12] Experience teaches that this effect is most commonly felt by habitual sinners after making a good confession with the intention of "turning over a new leaf."

The cautious language in which the Tridentine decree is clothed suggests the question whether the effect with which we are dealing is sacramental or merely psychological. The peace of conscience and consolation of spirit that sometimes follow a good confession may be owing to relief at having got rid of one's sins, and the certainty of divine forgiveness. If the priestly absolution were merely an empty declaration, or a sermon, it could scarcely produce such effects. Nevertheless, there is nothing to prevent us from assuming that the peace of conscience which sometimes follows confession is a specific, even though only hypothetical, effect of the Sacrament as such. Being conditioned upon piety and devotion, it does not always follow the reception of the Sacrament.[13]

3. The Reviviscence of Previously Acquired Merits the Third Effect of the Sacrament.—Every baptized Christian possesses a certain number of supernatural merits. He loses these when he falls into mortal sin. Are they lost for ever or can they be recovered through the Sacrament of Penance?

12 Sess. XIV, cap. 3: "... *quam [reconciliationem] interdum in viris cum devotione hoc sacramentum percipientibus conscientiae par ac serenitas cum vehementi spiritus consolatione consequi solet.*" (Denxinger-Bannwart, n. 896).

13 On this effect as *res et seen·mentum* see Pohle-Preuss, *The Sacraments,* Vol. 1, pp. 84

The actions of a Catholic, good or bad, may be divided into four categories:

(a) Living works *(opera viva), i. c.* good works performed in the state of sanctifying grace and therefore supernaturally meritorious.

(b) Dead works *(opera mortua), i. e.* works in themselves good but not supernaturally meritorious because performed in the state of mortal sin.

(c) Death-dealing works *(opera mortifera), i. e.* mortal sins, which destroy the state of sanctifying grace and all the supernatural merits previously acquired.

(d) *Opera mortificato, i. e.* such good works as were once alive and meritorious but have been destroyed by mortal sin.

The question regarding the revival of supernatural merits can apply only to the fourth and last of these categories. Living works need not be revived; dead works cannot be revived because they are still-born; death-dealing works are absolutely incapable of life because they are in themselves dead. Hence the *opera mortificata* alone are capable of reviviscence. Though there exists no official decision on the matter, theologians generally hold that lost merits are recovered, together with sanctifying grace, through the Sacrament of Penance or by an act of perfect contrition.

a) This truth has a solid foundation in Scripture. Cfr. Ezech. XXXIII, 12: . the wickedness of the wicked shall not hurt him, in what day soever he shall turn from his wickedness."[14] But the wickedness of the sinner would hurt him greatly if the supernatural merits

[14] Cfr. Eicch. XVIII, 31 tqq.

which he acquired in the state of grace were lost forever. Hence they are not lost forever but can be recovered.

a) To deprive a converted sinner of his previous merits would be to inflict some sort of eternal punishment for sins already forgiven. Against this interpretation some writers urge Ezech. XVIII, 24: "If the just man turn himself away from his justice, and do iniquity, ... all his justice which he hath done, shall not be remembered." But this text does not prove what it is intended to prove. God here speaks of an obdurate sinner who will never be converted: "In his sins which he hath committed, in them he shall die." 15

*β)* Some theologians cite Heb. VI, 10 sq.: "For God is not unjust, that he should forget your work, and the love which you have shewn in his name, you who have ministered, and do minister to the saints." * Were these words addressed to converted apostates, as Epiphanius, Primasius, Alcuin, St. Thomas, Suarez, and Estius assume, it would be legitimate to conclude from them that if God were to punish forgiven sins by depriving the converted sinner of the supernatural merits of all his previous good works, He would indeed forget the sinner's good works, which would be contrary to divine justice. But the context shows that St. Paul is not addressing apostates, but honest Christians in danger of perversion. His object is to admonish and strengthen them by reminding them of the merits they have stored

is Ezech. XVIII, *34.*— Cfr. Knabenbauer, *Comment, in Eeech.*. Paris 1890.

10 Heb. VI, 10 sq.: Oi5 *yip Λδικοτ A Oeis, ίπιλαθΜαι τού tpyov υμών καί τή» αγάπη»* ifr *ΜΜξαΟββ eh* rd *Ανομα aurai, διακονήσανττι roit iylon καί δια-Κονοϋνret· Έπιδυμοί^ν Ai leaστον ύμύτ την αυτήν ΙνδβΙκννσΡαι*

up and the reward awaiting them in Heaven. The text can, however, be indirectly utilized for the truth we are defending, as it makes the merit of good works dependent on three conditions, *viz.:* the state of sanctifying grace, the supernatural character of the works themselves, and a happy death. These three conditions are verified not only in the living works of the faithful but likewise in the good works that have been killed by mortal sin, and consequently it is legitimate to conclude that these can be and are revived through Penance.17

γ) Another contested text is Gal. III, I sqq.: "O senseless Galatians, who hath bewitched you that you should not obey the truth . . . ? Are you so foolish that, whereas you began in the Spirit, you would now be made perfect by the flesh? Have you suffered so great things in vain? If it be yet in vain." St. Chrysostom, Theodoret, St. Jerome, and other Patristic writers paraphrase this text as follows: I hope you will come back from Judaism to the Catholic faith, lest what you have suffered for Christ be in vain. Your sufferings will be useless unless you regain your previous merits through Penance.18* But this interpretation is not convincing. There is nothing in the Apostle's words which would justify the assumption that the Galatians had relapsed into Judaism. They were headed towards apostasy, but had not yet fallen away, says St. Augustine.18 The Apostle, seeing them waver, hastens to support them by advice and warning. Hence the text proves nothing for our present purpose.20

17 Cfr. Cone. *Trid., Sees.* VI, cap. 16.

18 Cfr. Ripalda, *De Ente Supernaturali,* diap. 91, sect. 1.

19 "*Quamvis isti nondum cecidissent, sed* iαηι inclinabantur, *ut caderent.*" (Mignc, *P. L.,* XXXV, 2118).

20 For other more acceptable explanations of Gal. III, 1 sqq.. see Palmieri, Comment, in *Epist. ad Cal.,* pp. tn sq., Gulpen 1886.

b) The fact, however, that the Patristic writers whom we have mentioned, interpret Heb. VI, 10 and Gal. III, 4, as they do, is a clear proof of their belief in the revival of merits.

St. Chrysostom says: "If you wish to reawake and recall yourselves, I trust you may not have suffered in vain. Where now are they who abolish penance? Behold, these [the Galatians] had received the Spirit, they had wrought signs, had confessed the faith, . . . and yet, after so many just works, they had fallen from grace. Nevertheless, he [St. Paul] said: If you will, you can recall yourselves."[21] St. Jerome inculcates the same truth in similar language.[22]

c) A convincing argument can be construed from the following canon of the Tridentine Council: "If anyone saith that ... the justified, by the good works which he performs through the grace of God and of Jesus Christ, whose living member he is, does not truly merit . . . eternal life, and the attainment of that eternal life, if so it be, however, that he depart in grace, ... let him be anathema."[23] The Council plainly demands three conditions for the supernatural mer-

21 *In Ep. ad Cal.,* c. 3, n. 2 (Mtgne. *P. G.,* LXI, 650).

22 *« Ep. ad Gal.,* 1. I, c. 3: *" Quiconque ob Christi fidem laboraverit ct postea lapsus fuerit in peccatum, sicut priora sine causa dicitur fassus fuisse, dum peccat, sic rursum non perdet ea, si ad antiquum studium revertatur."*—Cfr. St. Epiphanius, *Haeres.,* 59. n. 9.—Other Patristic texts quoted by De .Augustinis. *De Re Sacrament.,* Vol. II, and ed.. pp. to8 sqq.

23 *Cone. Trid.*. Scsi. VI. can. jr: *" Si quis direrit, . . . ipsum iustHicatuih bonis operibus quae ab eo per Dei gratiam et lesu Christi, cuius vivum membrum est. liant, non vere mereri . . . vitam aeternam et ipsius vitae aeternae, si tamen in gratia*

itoriousness of good works, *vis.:* (i) that they be performed with the help of actual grace, (2) that they be performed in the state of sanctifying grace, and (3) that he who has performed them depart this life in the favor of God.

All other requisites (excepting, of course, those founded on the natural law[24]) are excluded by the remark of the Council that "nothing further is wanting."[25] If the *opera mortificato* were not rewarded in heaven, the Council should have added as a fourth condition that "the state of grace must never have been interrupted by mortal sin." It made no such addition, and consequently we may conclude that, as the Scholastics put it, "*opera mortificato reviviscunt.*" This, in spite of some minor differences, was practically the common teaching of the Schoolmen, and since the Tridentine Council it no longer has any opponents within the Catholic pale.[26]

d) To the Scriptural and theological arguments already adduced may be added three others based on reason.

a) If a person who has the misfortune to commit a mortal sin were thereby deprived of all his previously acquired merits, this would mean eternal punishment, at least in part. For as the damned are entirely deprived of the beatific vision of God in consequence of their unforgiven mortal sins, so the elect, in that hypothesis, would

*decesserit, consecutionem, . . .* αηαihema *sit."* (Denzinger-Bannwart, *debase credendum est."* (Dcnzinger-Bannwart, n. 809).

24 Cfr. PoMe-Preuss, *Grace, Actual and Habitual,* pp. 410 sqq.

25 *L. c.,* cap. 16: *"nihil amplius*

26 Cfr. Suarez, *De Reviviscentia Meritorum,* sect. 2; De Lugo, *De Poenitentia,* disp. 10, sect. ▮.

lose part of the glory of Heaven on account of their forgiven mortal sins. Such a partial *poena damni* would be a real evil, irreconcilable with the beatific vision. Hence the hypothesis must be false.

*β)* Merits are not physical but purely moral entities. They live and are revived in the knowledge and acceptation of God, which cannot be destroyed, though it may be temporarily interfered with by mortal sin. The Sacrament of Penance admittedly removes the interfering obstacle, and there is no reason to assume that the merits are not revived after the obstacle has been removed. Mortal sin is purely an obstacle *(obex),* which Penance removes, thereby reviving the merits previously acquired by the penitent.

γ) The contrary hypothesis involves absurd consequences. Thus a man who had served God faithfully all his life but had the misfortune to commit a mortal sin shortly before his death, for which he immediately did penance, would receive a smaller reward in Heaven than a wicked criminal who after a career replete with iniquitous deeds turned contritely to God shortly before being called hence. It would be difficult to reconcile such a treatment with the justice and mercy of God."

e) To what extent and in what degree can merits destroyed by mortal sin be revived through the Sacrament of Penance? This moot question cannot be decided by the authority of St. Thomas because he is invoked by extremists on both sides.[28]

27 Cfr. Toletus. *Comment, in Sent* HI. 1"· 89' art· s: De Lu«°· *De Poenitentia, disp.* st. sect i.

28 For the most probable interpretation of bis teaching see *J.* Gôttler. *Der hl. Thomae von Again and d.e*

a) Banez, who is followed by a few Thomists like Sylvius and Contenson, holds that the merits of one who has committed a mortal sin are never revived in the full measure of their former grace and glory, but that they effect a new degree of grace and glory (possibly far inferior to the old), which is granted on the strength of the twofold title of previous as well as present merits.[20] In its ultimate analysis this view denies the revival of merits, since Banez's "twofold title" really is a "*titulus sine re*"

*β)* Dominicus Soto teaches that lost merits are revived in proportion to the contriteness and zeal of the penitent, and that whilst a complete reviviscence of merits is granted to those who have the keenest possible sorrow for their sins, all others recover only a portion of their previous merits. This opinion was adopted in a somewhat modified form by Alvarez, Ledesma, Gonet, and Billuart.[30] It is untenable for the reason that its champions arbitrarily add to the three conditions of merit established by the Tridentine Council a fourth of their own invention, namely, a proportion between the subjective disposition of the penitent and the merits to be revived. There is no basis for this assumption either in Revelation or the dogmatic teaching of the Church.

γ) Scotus asserts that the merits of a sinner are completely restored by Penance, but that their restoration does not involve the simultaneous revival of the previously attained state of grace, which is not fully recovered until the hour of death, when God complements

*vortndentinischen Thomiste» Uber die Wirkungen des Bussakramcntcs,* PP. 97 sqq., Freiburg 1904.

20 Banez, Conimenl. in Sιι»ι»ιπ>ιι *Theol.,* II, 2, qu. 24, art. 6, dub. 6, concl. 3.

30 Billuart, *De Poenitentia,* diss. 3. art. 5, § 2.

the restored measure of glory by an equal measure of sanctifying grace. This curious conjecture has found but few defenders outside the Scotist camp. It is opposed to the theological principle that grace and glory go hand in hand and an increase of the one inevitably entails an increase of the other.

δ) Suarez teaches that the worthy reception of Penance is always followed by a full and immediate revival of previous merits, both as to grace and as to glory, so that the converted sinner, as far as his previous merits are concerned, is in exactly the same position in which he was before he had the misfortune of committing mortal sin. This view is in conformity with Revelation and the teaching of the Church and is now held by practically all Catholic theologians.[81]

The *reviviscentia meritorum* must not be confused with the *reviviscentia sacramenti,* which is quite a different thing.[32] Penance as a Sacrament is incapable of revival because its validity depends on the worthiness of the recipient.[83]

4. The Nov-Revival of Sins.—Unlike merits, sins that have been forgiven cannot revive. This truth has nothing to do with the effects of Penance, and the only reason why we deal with it here is that the non-revival of sins forms a counterpart of the revival of merits, and furnishes fresh proof that the reconciliation of the sinner

31 For a fuller discussion of this problem see J. Scheller. *" U'icder-aaHebcn lier durch einc sehwere SUnde erlbteten Verdien-rte."* in the Innsbruck *Zcitichri/t fdr hath. Théologie,* 1891. pp. >9 sqq.

33 On the latter sec Pohle-Preu*. *The Sacrament>.* Vol. I, pp. 193 sqi|.

33 Cfr. Chr. Peach. *Praelect. Dogmat.,* Vol. VII, 3rd ed., pp. 93 sqq.

with God is the first and principal effect of the Sacrament of Penance.

The question in debate, which was already treated by the early Schoolmen (Peter Lombard, St. Thomas, *et al.),* may be stated as follows: If a man who has been absolved in the tribunal of Penance commits a fresh mortal sin, does he fall back into the same guilt, and incur the same punishment, or does a mortal sin once forgiven remain forgiven always?

Hugh of St. Victor and William of Paris held that the guilt of a former sin is revived in case of a relapse, especially when a man is guilty of hatred, apostasy, or contempt of the Sacrament of Penance, or when he regrets having had contrition for his sins. Hence the lines:

> *" Fratres odit, apostata fit spernitque fateri,*
> *Poenituisse piget: pristina culpa redit."*

But the great majority of the Schoolmen regarded it as certain that a sin once forgiven is always forgiven and never revives either in regard to guilt or punishment.

a) Holy Scripture leaves no doubt that God has made the forgiveness of sins dependent on but one condition, *viz.:* contrite recourse to the power of the keys vested in His Church.[34] What the Church looses is loosed in Heaven. Now, the Church looses unconditionally, that is to say, she forgives sins absolutely. Hence there can be no *reditus peccatorum*™

SiMatth. XVI, 19; XVIII, 18; John XX. 23.

35 Cfr. Is. I, 18; Ezech. XXXIII, ia; Mich. VII, 18.—Cfr. Rom. XI. 29: "Sine *poenitentia emm aunt* dona *et vocatio Dei."*

It may be objected that absolution is sometimes given conditionally. It is, but only in the sense that the absolving priest takes into account the disposition or capacity of the penitent, as when he is in doubt as to the existence of genuine contrition, or does not know for certain whether the subject is alive or dead. In the sense in which we have just employed the phrase, absolution is never conditional.

A sin once forgiven could be revived only by being reproduced. But how could a sin be reproduced? God cannot reproduce a sin because He is all-holy and detests iniquity. Nor can man reproduce his own sins. All he can do is to commit new sins specifically identical with those committed before. But could not God continue to impute previous sins? Not if He has truly forgiven them, blotted them out, destroyed them, as He has promised to do, on certain conditions, in the Sacrament of Penance. A sin that is still imputed to the sinner is not truly and unconditionally forgiven. Nor could sanctifying grace dwell in the soul of one whose sins were not really forgiven. The imputation theory can only be held by those who believe that God in the process of justification merely ‘‘covers up” sins instead of blotting them out.

b) The Fathers unanimously deny the possibility of a revival of mortal sins, though some of them seem to assume a *reditus secundum quid* in their explanation of the parable of the servant (Matth. XVIII, 23 sqq.).

a) St. Ambrose comments as follows on Is. XLIII. 25: ‘‘He says, ‘I will not remember [thy sins], but thou

shouldst remember,' that is: I do not recall the sins from which I have absolved thee; let them be covered up as by a sort of oblivion.''[80] St. Prosper says: "He who withdraws from Christ and ends this life a stranger to grace, does he not fall into perdition? But he does not fall back into that which is forgiven, nor will he be damned in original sin.''[87]

*β)* But what docs Pope St. Gregory the Great mean when he says: *"Si ex toto corde non dimittimus quod in nos delinquitur, et hoc rursum exigitur a nobis, quod iam nobis per poenitentiam dimissum fuisse gaudebamus"?*[88] The holy Pontiff evidently wishes to emphasize the gravity of the new sin that is committed by one who refuses to forgive his neighbor after he himself has obtained forgiveness from God.

A more difficult passage is this from St. Augustine's treatise "On Baptism against the Donatists": *"Redire^^ dimissa peccata, ubi fraterna caritas non est, afrcrtissinq^KL Dominus docet de illo servo, quem quum invenisset tnrem decem millium talentorum, deprecanti omnia re^^ misit,"* etc.[89] Palmieri has shown that this passage proves nothing against our thesis.[40] The most satisfactory exjilan^on of the passage is by De Lugo, who says that f StiWki^ie employs the word *"redire"* to signify a *redimus secundum quid,* inasmuch as the new sin involves the aggravating circumstance of gross ingratitude, which

88 De *Poenitentia,* II, 6, 40: *" Ego, inquit, memor non ero, tu autem memor esto, hoc est: Noti revoco illa, quaccunque delicta donavi* lit»', *velut quadam oblivione tecta sint."*

*37 Resp. ad Obicct. Gallor.,* I: " Qui recedi· *a Christo et alienus a gratia finit hanc vitam, quid nisi* in *perditionem caditT Sed* non in id. *quod remissum est, recidit nec in originali peccato damnabitur."* (Mignc, *P. L.,* LI, 158). For other Patristic texts of like tenor see De Augustinis, *De Re Sacr.,* Vol. II, and ed., pp. 120 sq.

88 *Dial.,* IV, 60.

30 *De Bapt. c. Donat., I,* 12, 20.

40 Palmieri, *De Poenitentia,* pp,

God takes into account in forming His final judgment. Other theologians think that St. Augustine in the passage quoted merely employed an *argumentum ad hominem* which did not express his real conviction.

c) Theologically the revival of forgiven sins must be rejected for the reason that it would entail the necessity of confessing the same sins more than once and also of being rebaptized.

If mortal sins forgiven in the tribunal of Penance were capable of being revived, it would be necessary to seek forgiveness for the same repeatedly. Now the only means whereby baptized adults can obtain forgiveness of mortal sin is confession, and hence all previous mortal sins would have to be confessed over again every time the penitent had the misfortune to fall from grace. But this conclusion has been declared false by Pope Benedict XI?2 Consequently the premise must be wrong.

What is true of mortal sin, must be equally true of original sin, as Baptism remits original sin no more effectively than Penance remits mortal sin. Now original sin can be forgiven only by Baptism. Hence, in the hypothesis of our opponents, a sinner would have to be baptized as often as he committed a mortal sin. But to assert this would be heretical. Hence the antecedent is false?9

Readings: — M. Schu, *Die Aussohnuitg des Sunders mit Gott durch das Sakrament der Busse,* Paderborn 1872. — M. Buch-

41 See De Augustinis, *De Re Sacrament.,* Vol. II, p. 124.

42 *Extras'. Commun.,* Lib. V. Tit. τιϊ, *De Privilegiis,* cap. 1: *"Inter cunctas."*

43 Cfr. J. Scheller, *"Das .Vichtauflehen der schtreren SHnde."* in the *Zeitschrift fir talh. Theologis,* Innsbruck-. 189«, pp. 141 sqq.

berger. *Die Wirhufigcn des Bussakramentes nach dcr Lehre des hl. Thomas,* Freiburg j<)02.— W. Riitten, *Studien sur mittclaltcr-lichen Busslehrc mit besonderer Beriicksichtigung dcr altcrcn Frausiskanerschule,* Münster 1902.— J. Gottler, *Dcr hl. Thomas von Aquin und die vortridentinisehen Thomisten Uber die irirkungen des Bussakramcntcs,* Freiburg 1904.

# CHAPTER III

## THE MINISTER

Penance being both a Sacrament and a tribunal of justice, requires for its valid administration the twofold power of order *(potestas ordinis)* and jurisdiction *(potestas iurisdictionis).*

These faculties are logically and really distinct and therefore can exist separately.

Intimately connected with them is the right of the ecclesiastical authorities to limit jurisdiction by reserving cases *(ius sibi casus reservandi).*

**Thesis I: Only properly ordained bishops and priests can validly administer the Sacrament of Penance.**

This proposition is *de fide.*

Proof. There are three divinely instituted hierarchical orders in the Church: the episcopacy, the priesthood, and the diaconate. Only the bishops and presbyters, however, are priests *(sacerdotes)* in the proper sense of the term. Deacons and those in minor orders are merely clerics.[1] Our thesis excludes clerics and, a *fortiori,* laymen.

1 See the treatise on Holy Orders, Pohle-Preuss, *The Sacramenti,* VoL IV, Part II.

The medieval Waldenscs, Wiclifites, and Hussites asserted that all pious laymen have the power of giving absolution, and that this power cannot be exercised by unworthy priests. Luther claimed that " any Christian, even though only a woman or a child," can administer the Sacrament of Penance.2 Against this heretical teaching the Council of Trent defined: "If anyone saith that . . . not priests alone are the ministers of absolution, . . . let him be anathema."3 By priests the holy Synod understood bishops and presbyters.4*

a) Our Divine Lord conferred the power of the keys exclusively upon His Apostles and their successors. Cfr. Matth. XVI, 18 sq.; XVIII, 18; John XX, 23. To them alone He addressed the words: "As the Father hath sent me, I also send you." 6

If laymen were empowered to give absolution, there would be superiors but no subjects, which is incompatible with the divine constitution and hierarchy of the Church.

The only doubt that might arise in this connection concerns the meaning of *sacerdotes.* If this term includes the *presbyteri,* why not also the deacons? This question can be answered only in the light of ecclesiastical Tradition.®

2 *Prop. Lutheri a Leone X. a.* 1520 damn., prop. 13: ". . . *quilibet Christianus. etiamsi mulier aut puer esset."* (Denzinger-Bannwart, n. 753)·

8 Sees. XIV, can. 10: "Si *quit direril, . . .* non *solos sacerdotes esse ministros absolutionis, . . . anathema sit."* (Denzingcr-Rannwart. n. 920).

« Cfr. Seas. XIV, cap. 6: ". . . *praeter episcopos et sacerdotes* [i. *c. presbyteros]."* (Denzinger-Bannwart, n. 902).

5 John XX, ai.

0 Cfr. Tepe. *Instit. Theol.*. Vol. IV. pp. 503 sqq.

b) Since the differentiation of the episcopacy and the presbyterate it has always been held that both orders have the power of absolution. Bishops and presbyters alike were formerly called *sacerdotes,* though of a different order. The bishops were *sacerdotes primi ordinis,* the presbyters, *sacerdotes secundi ordinis.*[1]

*a)* The Fathers know no other ministers of the Sacrament of Penance than bishops and priests.[8] Not a few of them expressly exclude all who are not priests. Thus St. Ambrose says: "This right is reserved to the priests alone." [9] St. Basil, replying to the question whether a penitent may confess his sins to anyone, declares: "Confession of sins must be made to those who have in their keeping the mysteries of God."[10] St. Ephraem Syrus writes: "Without the venerable and divine institution of the priesthood men could not obtain forgiveness of their sins."[11] St. Leo the Great: "The forgiveness *of God* can be obtained only through the supplications of the priests."[12a]

*β)* Since the power of absolution is reserved to bishops and priests, it cannot be exercised by mere deacons.

1 Cfr. Epiphanius, *Haeret.,* 78.

8 F. *supra,* pp. 86 sqq.

9 *De Poenit.,* I, 2, 7: *"Ius hoc solis permissum est sacerdotibus."*

10 *Reg. Brev. Interr.,* 288.

11 *Or. de Sacerdotio.*

12 *Ep.* 108: *"Indulgentia Dei nisi supplicationibus sacerdotum nequit obtineri."* — The assertion that the early martyrs were permitted not only to issue so-called *libelli pacis,* but to forgive sins outright, is a fable. See K. Adam, *Der Kirchenbegriff Tertullians, pp. 66* sqq., Paderborn 1907; G. Rauschen, *Eucharist and Penance in the First Six Centuries of the Church,* pp. 204 sqq., St. Louis 1913.

Morinus'' holds that in the primitive Church deacons gave absolution in cases of necessity. He bases this opinion principally on a passage in St. Cyprian, vis.; "*presbyter repertus non fuerit et urgere exitus coeperit, apud diaconum quoque exomologcsim facere delicti sui possint, ut tttanu cis ad poenitentiam impositâ veniant ad Dominum cum pace.*" [14] But "*exoniologesis*" need not mean sacramental confession. The term was often applied to a purely devotional confession, followed by (not the sacramental but) canonical absolution, whereupon the deacon was permitted to give the Holy Eucharist to the dying man, provided he showed perfect contrition. This custom existed up to the thirteenth century, as we know from a passage in the writings of Regino of Prüm (+915)[16] and from the decrees of the councils of York (1195), London (1200), and Rouen (1231). But there is no authority for assuming that where deacons in cases of necessity heard confession, this confession was sacramental and followed by the sacramental absolution. On the contrary, Odo de Soliaco, bishop of Paris ("T 1208), in his diocesan statutes expressly forbade deacons to hear confession, "because they have not the keys and cannot absolve.''[18] When abuses crept in, the authorities promptly took measures to abolish them. Thus the Provincial Council of Poitiers (1280), having

18 *Comment. Hitt, de Disciplina in Aministr. Sacr. Poenitentiae XIII Primis Saeculis,* XIII. 23.

1« St Cyprian, *Ep.,* 18, n. 1 (Migne, *P. L.,* IV, 258).

is *De Synod. Caus. el Eccles. Discipl.,* I, c. 295: "*Sicut sacrificium offerre* non *debent nisi episcopi et presbyteri, quibus claves regni caelorum traditae sunt, sic nec poenitentiam indicia alii usurpare debent. Si autem necessitas evenerit et presbyter non fuerit praesens, diaconus suscipiat poenitentem ad sanctam communionem.*"

te" *Item prohibetur districte, ne diaconi ullo modo audiant confessiones.* niri in *arctissima necessitate; claves enim non habent nec possunt absolvere.*" (Migne, *P. L.,* CCXII,

learned that certain deacons claimed the right to give sacramental absolution, decreed that deacons should not presume to hear confessions because they have no power to absolve.17

Such ascetical confessions without absolution should not surprise us, considering that, throughout the Middle Ages, until far into the sixteenth century, it was customary to confess to lay persons in cases of necessity when no priest could be had. Bayard, the famous ‘‘knight without fear and reproach” (-f-1524), having been fatally wounded in battle, confessed his sins to his hostler. This practice was based upon the conviction that in case of extreme necessity the desire to receive the Sacrament of Penance *(votum sacramenti)* ought to find external expression in a real confession to show the penitent's willingness to do everything in his power to obtain reconciliation. The custom was encouraged by the pseudo-Augustinian treatise *De Vera et Falsa Poenitentia,* which says: "Although he to whom confession is made, has not the power to give absolution, nevertheless one who confesses his crime to his neighbor becomes worthy of the priestly absolution through his desire.” *' This view was approved by St. Bonaventure 10 and St. Thomas Aquinas.20 Scotus, on the other hand, rejected the practice as a piece of unnecessary self-humiliation.21

u *"Abusum erroneum. qui ■» nostra dioecesi ex perniciosa ignorantia inolevit, eradicare volentes inhibemus, ne diaconi confessiones excipiant et ne in foro poenitenliali absolvant, quum certum et indubitasolo sacerdotali ordine conferuntur."* (Mansi, *Coll. Cone.,* XXIV. p. 383).

*I» De Vero et Falso Poen.,* c. io, n- 35: *"Etsi ille, eui eonlilebitur, potestatem non habet solvendi, rit tamen dignus venii sacerdotis desiderio qui crimen confitetur socio."* (Migne, *P. L·,* XL.

*10 Comment. in Sent.,* IV. disc, ip, p. 3, art. i, qu. >.

so 5. *TheoL, Suppi.,* qu. 8. art. r.

»1 *Comment, in Sent.,* IV, dut *14.* flu. *4.*

It was never the teaching of the Church that the power of absolution can be exercised by others than priests, though Siccard of Cremona, Huguccio, and Albertus Magnus[22] erroneously held that absolution given by lay persons in cases of urgent necessity has some sort of sacramental effect.[28]

Having in the foregoing paragraphs adopted the common teaching of Catholic theologians, we must add that this teaching is involved in historical difficulties. In the opinion of Morinus, Klee, Rauschen, and Poschmann, St. Cyprian really believed that deacons could give the sacramental absolution in case of necessity. According to the ancient view, they claim, the essential part of the Sacrament of Penance was not confession, nor even absolution, but the actual performance of the satisfaction imposed on the penitent. It was only after long reflection that theologians perceived that the priestly absolution is really the most important thing, in fact, that it is the form of the Sacrament, whereas confession and satisfaction belong rather to its matter. This conclusion, formally drawn by St. Thomas, marked the climax of the theoretical development of the doctrine of Penance.

But how are we to explain the fact that "well into the Middle Ages deacons, in cases of necessity, administered the Sacrament of Penance"?[23] It will not do to say that absolution given by deacons was invalid. We can see but one solution of the difficulty. It is to admit

22 *Comment. in Sent.,* IV, dist. 17, art 59: *"Licet ergo non tantum effectum consequatur, sicut si confiteretur sacerdoti, tamen consequitur absolutionem* in *communi."*— Cfr. P. Laurain, *De l'Intervention des Laïques, der Diacres et des Abbesses dans l'Administration de la Pénitence,* Paris 1890; J. N. Seidl, *Der Diakonat in der kath. Kirche,* PP· >41 aqq.. Ratisbon 1884. Against Laurain see Koniger, *Die Beichte nach Casarius van Heisterbach.* pp. 66 sqq., Munich 1906.

23 Hefele, *Conciliengeschichte,* Vol. IV, and ed., p. «09.

that our Lord allowed His Church a certain latitude in bestowing the power of absolution. For a while, owing to peculiar conditions, she extended this power to deacons, but withdrew it later. Needless to say this solution is merely tentative. At the present stage of historical research it is impossible to say with certainty whether or not the practice under consideration was general.[24]

Thesis II: Besides being properly ordained, a priest, to be able to give absolution validly, must have the power of jurisdiction.

This proposition may be qualified as *"fidei proxima."*

Proof. The power of jurisdiction is that which assigns to a priest subjects over whom he can exercise the faculties received in ordination.

The power of jurisdiction differs from the power of order in this, that while the latter can be given only in the Sacrament of Holy Orders, the former may be conferred by a mere act of the will.

Jurisdiction may be either ordinary or delegated. It is ordinary *(jurisdictio ordinaria)* when acquired by reason of a benefice or office; delegated *(jurisdictio delegata)* when granted by the direct commission or concession of an ecclesiastical superior.

24 Cfr. Kôniger, *Dic Bcichte nach Casarius von Hristerbach.* Munich 1906.

The Pope, by virtue of his office, has ordinary jurisdiction over the whole Church ; the bishop, over his diocese; the parish priest, over his parish. All other priests exercise delegated jurisdiction. This they receive, since the Council of Trent,[25] by episcopal "approbation," which means a judgment of the fitness of a priest to hear confessions. The Fourth Council of the Lateran ordained that every Catholic confess his sins at least once a year to his "own priest" *(proprio sacerdoti)* and that other priests may absolve a penitent only with the express permission of his pastor.[20] Pope Eugene IV (1439) draws a clear-cut distinction between "ordinary and delegated authority."[27] The Council of Trent conditions the validity of absolution on jurisdiction, ordinary or delegated: "Since the nature and order of a judgment require that sentence be passed only on those subject [to that judicature], it has ever been firmly held in the Church of God, and this Synod ratifies it as a thing most true, that the absolution which a priest pronounces upon one over whom he has not either an ordinary or a delegated jurisdiction, ought to be of no weight whatever."[28]

a) Our thesis asserts that a priest, in order to be able to absolve validly, besides being duly ordained, must have the power of jurisdiction.

25 Sess. XXIII. *De Reform.,* c. 15.

20 Cone. *Lot.* IV, cap. 21: *"Si quit* autem *alieno sacerdoti voluerit iujtS de causa confiteri peccata, licentiam prius postulet et obtineat* a *proprio sacerdote, quum aliter ille ipsum* non *possit absolvere vel ligare."* (Denzingcr-Bannwart, n. 437).

27 Decretum *pro Armenis: "auctoritas absolvendi vel ordinaria vel* zingcr-Bannwart, n. 6g<>).

28 Sess. XIV, cap. 7: *"Quoniam igitur natura el ratio iudicii illud exposcit,* ut *sententia in subditos dumtaxat feratur, persuasum semper in Ecclesia Dei fuit, . . . nullius momenti absolutionem eam esse debere, quam sacerdos in cum profert, in quem ordinariam aut subdelegatam* non *habet jurisdictionem,"* (Denzingcr-Bannwart, n. 903).

This proposition is based upon the judicial character of the Sacrament.[29] As absolution and the imposition of satisfaction are judicial acts, they can be validly performed only by a competent judge having either ordinary or delegated jurisdiction over the penitent. Here again there is a close analogy between the confessor and a secular judge.

b) The Scholastics expressed this truth by saying that, in order to be able to give absolution, a priest must have two keys,— the "key of knowledge" *(clavis scientiae)* to ascertain the disposition of the penitent, and the "key of power" *(clavis potentiae),* to forgive or retain the sins confessed.[30]

The power of order is given to every priest at ordination. Not so the power of jurisdiction. The two are separate and distinct and pertain to different spheres. The bishop in saying, *"Accipe Spiritum sanctum, quorum remiseris,"* etc., manifestly intends to confer the former only. Durandus, Almain, and Armachanus held that the power of jurisdiction is conferred in Holy Orders, but its exercise without express authorization is prohibited by the Church. This view was rejected by the *sententia communis.*[31] The practice of the Church plainly shows that a priest who absolves without jurisdiction absolves invalidly. The contrary teaching of the Jansenistic Council of Pistoia was condemned by Pius VI."

so P. *supra.* Part I, Ch. II. Sect

so Cfr. St Thoma», i. *Theol., Suppt.,* ‹!"· ₹. art. 3.

st Cfr. Suarez. *Dr Poenil..* di»p. 16, sect. 3.

as *Constitutio "Auctorem fidei:" "■ . . tamquam ad talidum usum huius potestatis non sit necessaria ordinaria vel subdelegala iurisdictio — : falsa, temeraria, perniciosa. Triden·lino contraria ei iniuriosa. erronea."* (Denzitiger-Bannwart. o. *tjjp).*

Whence is the power of jurisdiction derived? The pope has received his jurisdiction over the universal Church directly from Christ,[88] The bishops receive their ordinary jurisdiction from the pope, while parish rectors and other priests in turn receive theirs from the bishop.

The older Scholastics held that no faculties were required for a priest to absolve a penitent from venial sins, either because no jurisdiction is needed (Scotus), or because the necessary jurisdiction is given *iure divino* in the Sacrament of Holy Orders (Vasquez) or by virtue of an ancient ecclesiastical custom (Suarez). These views are obsolete, to say the least, since Innocent IX has strictly forbidden the faithful to go for confession to a priest who lacks the necessary " approbation."[84]

Thesis III: The ecclesiastical superiors (pope and bishops) have the right to limit the power of jurisdiction given to ordinary confessors by reserving certain cases to themselves.

This is *de fide.*

Proof. The Tridentine Council declares[36] that reservations made by the pope and by bishops have "effect not merely in external polity, but also in the sight of God, but that there shall be no reservation at the point of death, and that therefore all priests may absolve all penitents whatsoever from every kind of sins and censures whatever." The right of bishops to reserve cases is emphasized in a special canon of the same Coun-

ts *Cone. Vatic.,* Sess. Ill, cap. 3. so Sess. XIV, cap. 7.
at Decree of Feb. 12, 1679.

cil: "If any one saith that bishops have not the right of reserving cases to themselves, except as regards external polity, and that therefore the reservation of cases does not hinder a priest from truly absolving from reserved cases, let him be anathema." 30

The right of the pope and the bishops to reserve cases to themselves is based upon the judicial character of the Sacrament of Penance. It is of the very nature of the ecclesiastical hierarchy that there be judges of a higher and of a lower order. The highest, *i. e.* the pope, must have the right to limit the jurisdiction of the lower judges, *i. e.* the bishops, and these in turn must be empowered to exercise control over the activity of the judges subject to them, *i. e.* the priests. And since the power of order is not sufficient for valid absolution,87 it follows that the ordinary confessor cannot absolve from reserved cases except with the permission of his superiors.

For further information on this point we must refer the reader to Moral Theology and Canon Law.

ae Sess. XIV, can. 11: "Si *quit dixerit, episcopos non habere ius reservandi sibi casus nisi quoad externam politiam atque ideo casuum reservationem non prohibere, quominus sacerdos a reservatis vere absolvat, anathema sit."* (Denringer-Bannwart. n. 931). Cfr. Prop. 44 and 45 of the Council of Pistoia. condemned by Pius VI (Denzinger-Bannwjrt. n. 1544 sq.).

VF. *supra.* Thesis IL

# CHAPTER IV

## THE RECIPIENT

To be able to receive the Sacrament of Penance validly, one (i) must be baptized, (2) he must be guilty of personal sin, and (3) he must be sorry for his sins, have a firm purpose of amendment, confess to a priest, and be ready to assume the satisfaction imposed.

1. The Recipient Must be Baptized.—The Sacrament of Penance, as we have shown, was instituted for the remission of post-baptismal sins only. It follows that no unbaptized person can be validly absolved. For the remission of sins in the unbaptized, Christ has instituted the Sacrament of Baptism.

2. The Recipient Must be Guilty of Personal Sin.—One who has preserved his baptismal innocence can not confess or receive absolution validly. Except in the case of the Blessed Virgin Mary, however, such innocence is purely hypothetical, since even the greatest saints now and then commit at least a venial sin.[1] As venial sins can and should be submitted to the

1 Cfr. Pohle-Prtuis. *Grace. Actual and Habitual,* pp. 114 sqq.

power of the keys, it follows that this second requisite is present in all baptized persons without exception. The great majority of men is, moreover, guilty of mortal sins, for which the Sacrament of Penance, either *in re* or at least *in voto,* is the only possible means of remission.

3. Contrition, Confession, and Satisfaction as the Third Requisite on the Part of the Recipient.—Although the so-called three acts of the penitent,—contrition, confession, and satisfaction,—are primarily mere dispositions, indicating his worthiness to receive the Sacrament, they are also (both according to the Thomistic and the Scotistic view) conditions of validity, for the reason that in this Sacrament worthiness and validity coincide. These three acts are so important that we shall devote the entire third part of our treatise to them.

Readings:—I. Pruner, *De lurisdictione Ecclesiae in Foro Interno ac de Casuum Reservatione,* Eichstatt 1865.—F. Lorinser, *Lehre von der Verwaltung des Bussakramentes.* 2nd ed., Breslau 1883.— P. Rota, *Enchiridion Confessorii,* Turin 1884.— Aertnys, *Theologia Practica Complectens Praeficam Institutionem Confessorii,* 2nd ed., Paderborn 1893.—P. Laurain. *De l'intervention des Laïques, des Diacres et des Abbesses dans ^Administration de la Pénitence,* Paris 1899.—A. Schick, *Kurse Anleitung sur Verwaltung des Bussakramentes,* 4th ed., Fulda 1910.—J. Reuter, *Der Beichtvaler in der Verwaltung seines Amtes,* 6th ed.. Ratisbon iQor.— A. Devine, C. P., *The Sacraments Explained.* 3rd ed., pp. 341 sqq., London 1905.— E. Taunton. *The Law of the Church, s. v.* "Reserved Cases," London 1906.

See also the current text-books of Pastoral Theology.

# PART III

# THE THREE ACTS OF THE PENITENT: CONTRITION, CONFESSION, AND SATISFACTION

## CHAPTER I

### CONTRITION

1. Contrition is defined by the Council of Trent as "sorrow of heart and detestation for sin committed, with the resolve to sin no more." [1] As such a sorrow and resolve constitute the virtue of penance,[2] it follows that to receive the Sacrament, one must have the virtue of penance.

2. Contrition, whether perfect or imperfect, in order to be effective, must be

(a) internal, *i. e.* a true sorrow of the heart and will;

(b) universal, *i. e.* it must comprise all mortal sins committed by the penitent;

(c) supernatural, *i. e.* it must be inspired by

1 "*Contritio est animi dolor ac detestatio de peccato commisso cum proposito non peccandi de caetero.*" (Scss. XIV, cap. 4).

2 *V. supra,* pp. 1 sq.

supernatural grace and based upon theological faith as the “beginning, the root, and the foundation of justification”;[2]

(d) supreme or sovereign, not in intensity but appreciatively, *i. e.* the penitent must detest sin as the greatest of all evils.[3]

This sorrow must further be accompanied by a firm purpose of amendment, *i. e.* a resolution with the grace of God to avoid sin and its proximate occasions. Without this resolve there can be no true contrition.

A purpose of amendment may be either explicit or implicit. Theologians are not agreed as to whether the Sacrament of Penance requires for its validity an explicit (i. *e.* formal) resolution, or whether an implicit resolution is sufficient, though Ballcrini seems to have established the proposition that, theoreticaDy at least, a purely virtual resolution suffices.[5]

3. The most important division of contrition, from the dogmatic point of view, is that into perfect and imperfect contrition. The latter is also called attrition. It is upon this distinction that nearly all dogmatic controversies regarding contrition turn.

3 *Cfr. Prof, ab Innoc. XI. Damn.*. Prop. S7: *" Probabile eel euKrere attritionem naturalem, modo honeetain."* (Denzinger-Baonwart. n. iao/>.

4 Cfr. Oswald, *Die dogmat. Lehre von den hl. Sakramenten.* Vol *II. Sth ed.. pp.* 8l sqq.

3 Ballerini. *Ofms Morale,* ed. Pal mieri. Vol. V. jrd ed., pp. 75 «M·. Prati 1900.

# SECTION i

## PERFECT CONTRITION

### ARTICLE i

#### PERFECT CONTRITION DEFINED

The distinction between perfect contrition and attrition is mainly based upon the effects produced by each. Perfect contrition justifies outside of, and previous to, the Sacrament of Penance, whereas attrition justifies solely in connection with the Sacrament.

Besides this twofold effect it is necessary to consider the intrinsic nature of each and the motives by which it may be inspired.

I. Nominal Definition.—Contrition *{contritio')* is derived from the Latin word *conterere,* which means to grind, pound, or pulverize. The Vulgate employs the term to denote compunction of heart,1 deep humiliation,2 and utter helplessness,3 intimating by this usage that contrition, as it were, grinds the heart of the sinner to dust, in order that he may become favorably disposed

II». XV. s. »1·· LXV. 14. ajer. VIII, ai.

for the influence of grace. In this sense *contritio* is synonymous with *compunctio cordis.*

Attrition *(attritio)* is derived from *atterere,* to rub against. The word does not occur in the Vulgate in the technical meaning of present-day theology, but appears to have originated in the Schools about 1230/ St. Thomas uses *" contritio "* in the sense of a profound sorrow which, as it were, utterly crushes, while *" attritio "* merely softens the heart and arouses a "certain displeasure" *(quondam displicentiam),* without, however, effecting true compunction. The Angelic Doctor nowhere distinguishes contrition and attrition by the motives which inspire them, as modern theologians do and must do.[4]

2. Real Definition.—As the specific difference between various virtues lies in the formal motive inspiring them, it is necessary to search for the motive of perfect contrition in order to obtain a real definition. All theologians agree in teaching that contrition is perfect when inspired by charity, that is, a perfect love of God *(contritio caritate perfecta). We love God*

4 *See* Morinus, *De Contr. et Attrit.,* Paris 1703.— Harnack fails to perceive that *contritio* and *attritio* are used in radically different meanings in the writings of the pre-Tridentine theologians. The true sense must often be ascertained with much difficulty from the context. Cfr. Mausbach in the Mayence *Katholik.* >897. I. 4» sqq.. 97 sqq.; W. Rutten. *Studien our mittelalterlichen Busrlehre,* pp. 15 sqq.. Münster 19°-'.

8 St Thomas, 5. *Theol., Suppl.*. qu. 1, art. a, ad a.— Cfr, *J.* Gottler. *Der hl. Thomae ton Aquin und die vortridentiniechen Thomuten iber dir Wirkungen des Bussakramenles,* pp. 37 sqq·. Freiburg 1904.—On the teaching of the medieval Scholastics see N. Paulus in the Innsbruck *Zeitschrift fir hath. Théologie.* I9<M. pp. I sqq.. 410 sqq.. 449 «19-— On the alleged laxism of Duns Scotus see P. Minges, O. F. M., in the same review, 190t. pp. aji sqq.

perfectly when we love Him as the supreme good for His own sake and above all else. *"Caritas est amor Dei propter se super omnia."* To understand this definition we must know wherein the essence of charity (as an act, not as a habit) consists.

a) We can love God either as He is in Himself, for His own sake, on account of His own goodness *(summum bonum in se),* or because He is good to us *(summum bonum nobis).* If we love Him for His own sake, we have what is called the love of benevolence or friendship *(amor benevolentiae s. amicitiae).* If we love Him because He is good to us, we have the so-called *amor concupiscentiae.*

a) This difference of motive gives rise to a difference of quality in the act of charity underlying contrition. But there are also differences of degree within each species. Both the *amor benevolentiae* and the *amor concupiscentiae* admit of degrees.0 Perfect charity is the love of God as the supreme good for His own sake *(propter se).*

*β)* To avoid misunderstanding it will be well to add an explanation. Perfect charity, like friendship, though it loves its object primarily for that object's sake, takes pleasure in the act. Fénelon's view that perfect charity must be absolutely disinterested *(amour désintéressé)* was condemned by the Church. Personal pleasure and self-interest, however, must remain strictly subordinate to the

• K. *infra,* pp. 153 (qq.

interest of God. The devout Catholic finds greater pleasure in contemplating the divine perfections and enhancing the divine glory, than in the joy which his own soul derives from that contemplation.

b) What does it mean to love God above all else *(super omnia)* ?

To love God above all else does not mean to love Him with all the ardor of which the heart is capable. Such affection is beyond the power of the human will. The very notion of an absolute maximum of finite love involves a contradiction. Even relatively speaking, no matter how ardently one loves, a higher degree of affection is always conceivable, and hence the relatively highest degree of intensity would have to be sought for in the greatest effort of the will *(totus conatus possibilis),* which is possible with the grace of God, but nowhere demanded by Revelation. All that is demanded is that our love of God be supreme or sovereign in estimation, or *appreciatively;* in other words, that we love God with both intellect and will so as to prefer nothing else to Him. A mother may love her child more ardently than she loves God, yet her charity will be perfect if she is ready to give up her darling rather than see him commit a mortal sin.

c) When contrition is inspired by a perfect love of God it is called perfect. Perfect contrition, therefore, may be defined as sorrow for sin inspired by a perfect love of God.

What theologians term a preliminary stage of perfect contrition is the so-called love of grati

tude *(amor gratitudinis),* which is quite often identical with perfect contrition or at least naturally develops into it.[7]

3. The "Amor Castae Concupiscentiae."—A small group of eminent divines (Bossuet, Bolgeni, Ballerini, Hurter, and, to a certain extent at least, De Lugo and Palmieri) hold that contrition, to be perfect, need be no more than a love of God above all else for our sake *(amor castae concupiscentiae).*

This opinion is by no means certain, though it may claim some degree of probability. Its defenders appeal to Holy Scripture, to St. Augustine, and to several eminent Scholastic authors. Such texts as Ps. XLI, 2: "As the hart panteth after the fountains of water, so my soul panteth after thee, O God," and Phil. I, 23: "I have a desire to be dissolved and to be with Christ," are inspired by something more than love of God for His own sake, they say. St. Augustine repeatedly extols the *amor concupiscentiae* as the true love of God. "Love God as God," he says in one place, "there is nothing better than Him: desire Him, long for Him."[8] Hugh of St. Victor[0] censures certain pseudo-mystics because they decried man's longing for the beatific vision as an impure

[7] Cfr. Palmieri, *De Poenit.,* thes. aa, Prati 1896.

[8] "*Ama* Drum tamquam Drum. *Illo melius nihil est: ipsum desidera, ipsum concupisce." (In Ps.,* 85, n. 8).

[9] De Sarram., IX, 13, 8: *"Ego homo sic diligi nollem* a *vobis. . . . Quomodo, inquiunt, mercenarii non sumus, si Deum propter hoc diligimus ut praemium ab eo accipiamusf . . . Qui hoc dicunt, virtutem dilectionis non intellegunt. Quid est enim diligere nisi ipsum velle habereP Non aliud ab ipso, sed ipsum, hoc est gratis."*

affection. We shall pronounce neither for nor against this engaging view.[10]

## ARTICLE 2

### Perfect Contrition as a Means of Justification

According to the Council of Trent "it sometimes happens that contrition is perfect through charity and reconciles man with God before the Sacrament [of Penance] is actually received."[1]

The Council originally intended to declare that perfect charity always *(semper),* that is, by its very nature, effects immediate justification,[2] but gave up this intention out of respect for Pope Hadrian VI and Cardinal Cajetan, who had taken the opposite view. When Baius ventured to deny that, except in case of necessity or martyrdom, perfect contrition, even if accompanied by a desire to receive the Sacrament of Penance, remits mortal sin,[3] his assertion was condemned by Pius V.[4]

i. Proof from Sacred Scripture.—The Ancient Covenant knew neither Baptism nor Pen-

10 For a more detailed discussion the student is referred to De Lugo, *De Poenit.,* disp. 5, sect. t. and Palmieri, *De Poenit.,* thes. aj.

1 Sees. XIV, cap. 4: "... *contritionem hanc aliquando caritate perfectam esse contingit hominemque Deo reconciliare, priusquam hoc sacramentum actu suscipiatur."* (Denzinger-Bannwart, n. 898).

2 Pallavicini, *Hist. Cone. Trid., XII, to.*

3 "*Per contritionem etiam cum caritate perfecta et cum voto suscipiendi sacramentum contundam susceptione sacramenti."* (Densinger-Bannwart. n. 1071).

4 *Ibid. Cfr. Cone. Trid.. Sees. VI.* cap. 4; Pohle-Preuss, *The Sacraments,* Vol. I. pp. 44j sqq.

ance, and under it adult sinners had no other means of obtaining forgiveness than perfect contrition? It is impossible to assume that the New Testament is inferior in this respect to the Old. Consequently, perfect contrition of itself, *i. e.* without the Sacrament, though not without a desire for the same, must have the power to forgive sins in the New Dispensation also. Our Lord Himself expressly asserts this when He says: "He that hath my commandments, and keepeth them, he it is that loveth me. And he that loveth me shall be loved of my Father, and I will love him. . . ®

Jesus here evidently speaks of that effective love of God for which the latter gives His own love in return, thereby establishing a state of mutual friendship. As this friendship is incompatible with the enmity resulting from mortal sin, perfect contrition, which springs from perfect love, must effect sanctifying grace.

The love of one's neighbor for God's sake has the same formal object as perfect charity. Cfr. I John IV, 7: " Dearly beloved, let us love one another, for charity is of God ; and every one that loveth [his neighbor for the sake of God] is born of God." Here, again, perfect love and regeneration (i. *e.* justification) are so closely bound up as to exclude the state of mortal sin. The opposition between love and sin being absolute, it follows that

G Cfr. Dent. IV. 29; Ezecb. XVIII, «It XXXIII, 13.

eJohn XIV, ai: *"Qui habet* mandala *mea et servat ea, ille est qui diligit me. Qui autem diligit* mr, *diligetur a Patre meo, el ego diligam eum."* (Cfr. 1 John III, 9; IV, 16).

the justifying power of love flows from its every essence and therefore invariably accompanies it.

2. Proof from Tradition.—The teaching of Scripture is echoed by the Fathers and Scholastics.

St. John Chrysostom has the following beautiful simile in one of his homilies: "As a fire which has taken possession of a forest, cleans it out thoroughly, so the fire of love, wheresoever it falls, takes away and blots out everything that could injure the divine seed, and purges the earth for the reception of that seed. Where love is, there all evils are taken away." [7]

St. Chrysologus says: "You wish to be absolved? Then love! Charity covereth a multitude of sins. What is worse than the crime of denial? And yet Peter was able to expiate this [crime] solely by love." [8]

Among the Schoolmen, Sylvius held a different view, which was, however, rejected by De Lugo and others.[9]

That this important doctrine has not yet filtered through into all our catechisms is not the fault of the *Catechismus Romanns,* which clearly and positively teaches: "Such is the efficacy of true contrition . . . that by its benefit we at once obtain from the Lord the pardon of all our sins." [10]

[7] *Hom. in 3 Tim., 7, n. 3* (Migne, *P. C.*. LXII. 640).

[8] "*Absolvi visf Ama. Caritas cooperit multitudinem peccatorum. Negationis crimine quid peiusf Et tamen Petrus amore solo valuit hoc delere." Serm., 94* (Migne. *P. L.,* LIT. 406).—Other Patristic texts quoted in Pohle-Preuss, *The Sacraments,* Vol. I, pp. »4S sqq.—Cfr. also De Augustinis, *De Re Sacramen!*.. Vol. II, and ed., pp. 38 sqq.

[9] De Lugo. *De Posait.,* disp. 5. sect 8: "*Quod sil contra omnes theologos, clarius est quam ut probatione vel inductione indigeat.*"

[10] to *Cat. Rom.,* P. II. cap. 5. qu. 34: "*Es quo licet cognoscere, verae con-*

The Church invites the faithful to take advantage of this teaching by granting indulgences for making an act of perfect contrition and by permitting the reception of all the Sacraments of the living (with the exception of the Eucharist) [11] on the sole condition that the recipient first make an act of perfect contrition. Thus the Pontifical of Popes Clement VIII and Urban VIII says in regard to Confirmation: "Adults ought first to confess their sins before they are confirmed, or at least have a sincere sorrow for their mortal sins, if they have committed any."[12] This does not, of course, mean that the Church dispenses anyone from the duty of confessing his sins, for it is an article of faith that Christians can obtain remission of mortal sins only through the power of the keys;[13] but this condition is fulfilled by the *votum sacramenti,*— the desire to receive the Sacrament, — which is included in perfect contrition.[14]

3. Theological Controversies.—Mastrius and a few other Scotist theologians held that justification can be effected by other virtuous acts besides perfect charity and contrition. This opinion is difficult to reconcile with the Tridentine teaching. Utterly untenable is the view that perfect contrition depends for its efficacy upon the intensity or duration of the act.

*tritionis . . .* com *vim esse, ut illius beneficio* omnium *delictorum veniam stalim a Domino impetremus."*

11 Cfr. *Cone. Trid.,* Sess. XIII, cap. 7.

12 "*Adulti deberent prius peccata confiteri et postea confirmari, vel saltem de mortalibus, si in ea inciderint.*

Pope Sixtus IV, in 1479, condemned the following proposition taught by Peter of Osma: "*Peccata mortalia quantum ad culpam et poenam alterius saeculi, delentur per solam cordis contritionem sine ordine ad claves."* (Denzingcr-Bannwart, n. 7Ï4). Cfr. Bellarmine, *De Poe-*

a) Some Scotistic writers maintain that contrition, in order to effect justification, need not be inspired by perfect charity, but may be based on such inferior motives as justice, obedience, and gratitude, provided only that it is directed to God. 5 Vasquez combats this view as erroneous, whereas Suarez and De Lugo concede that it has a certain probability, though the latter cautiously adds: "It is necessary to hold, in conformity with the common teaching of theologians, that contrition, to be sufficient for justification, must spring from a peculiar motive of charity, *i. e.* the love of God above all else." "In matter of fact both the Bible and Tradition teach that the only kind of contrition apt to effect immediate justification is that inspired by perfect charity. This teaching is confirmed by the Tridentine Council, which, distinguishing between perfect contrition based upon perfect charity, and imperfect contrition (or attrition), denies that the latter has any justifying power whatever outside nf the Sacrament of Penance, and adds that among the motives of attrition is hope, the virtue next in rank to charity, which justifies the sinner *only in* connection with the Sacrament.1* If hope, which is the second of the theological virtues, cannot effect justification without the Sacrament, this must be true *a fortiori oi* the other virtues.

b) Among the theologians of the seventeenth and eighteenth centuries some held that perfect contrition, to be

IB Mastriua, *De Poenit.,* disp. $, qu. s, n. 95: *"Adhuc tamen contritie et poenitentia de peccatù es iustiiiae, quatenus peccata Dei, vet ex alio motive spectante ad Denn probabiliter videtur esse sufficiens . . . ad iustificandum pecca-*

1β De Lugo, *De Poenit.,* disp. $, sect, I. n. *4: "Dicendum omnino est cum communi sententia conlrv tionem sufficientem ad lushtiam debere oriri es peculiari motive caritatis, scii. Dei super omnia dilecti."*

IT Sess. XIV. cap. 4.

effective without the Sacrament, must have a certain degree of intensity. Hadrian VI demanded that the act be elicited with the greatest possible effort on the part of the penitent.'[18] Peter Soto[18*] taught that perfect contrition must exceed in intensity every other sorrow of which the human heart is capable. Juenin,[20] Berti, Gazzaniga, Estius, Merbes, and especially Chr. Lupus,[21] contented themselves with demanding simply "an intense charity."[22*] These demands one and all were new and unheard of in the Schools.' For the older Scholastics had taught with St. Thomas that, "no matter how slight one's sorrow, so long as it suffices to constitute contrition, it blots out all guilt."[28] In this they were of one mind with the Fathers, who knew no distinction between such intense charity as effects justification, and a weaker one which falls short of this effect.[24]

As for the official teaching of the Church, the Tridentine Council speaks, not of a *caritas perfecta* in contradistinction to *caritas remissa,* but solely of a *contritio caritate perfecta,* which invariably justifies the sinner, provided his love of God be sincere.[25]

Closely related to, though not identical with, the view just criticized is that which holds that an act of contrition, to be perfect and productive of justification outside of the Sacrament of Penance, must last a definite length of time. It is customary to attribute this view to Duns

18 *In Sent.,* IV, diet, de Poenit, qu. a; *"totus conatus possibilis."* <*l'. supra,* p. 137.)

1» De *Poenit.,* lect 14 sq.

20 *De Poenit.,* qu. 4, c. 4.

21 *De Contr. et Attr.,* c. 7.

22 Carilat interna.

28 S. *Theol., Suppl.,* qu. 5, art. 3: *"Quantumcunque parvus sit dolor. dummodo ad rationem contritionis sufficiat, omnem culpam delet."*

2« Christ's mandate (Matth. XXII, 37) tnay refer to appreciation, but it has nothing to do with intensity.

2» The same conclusion may be deduced from an analysis of the condemned propositions of Baius; cfr. Palmieri, *De Poenit.,* pp. *266* sq.

Scotiis, though the Scotists deny that their master entertained it. The Jansenistically-minded theologians of a later epoch defended this opinion vigorously. "The ancient Church was convinced," says *e. g.* Juenin, "that contrition is not the work of one day, but of many months, nay sometimes of years."[29] Why not indeed of a whole life-time? This opinion is refuted by the same considerations which we have adduced against the one that makes the efficacy of contrition dependent on the intensity of its underlying motive. Though the gradual development of perfect contrition through the preliminary stages of faith, fear, hope, repugnance, etc., undoubtedly requires time, the act itself can be performed in an instant."

Certain Gallic bishops who had refused absolution to dying sinners were reminded by Pope Celestine the First that conversion may take place instantaneously and must be gauged by the state of a man's conscience rather than by any specified measure of time.[29]

## ARTICLE 3

### PERFECT CONTRITION NOT A REQUISITE OF SACRAMENTAL ABSOLUTION

**I. State of the Question.—It cannot be denied that, under the influence of Peter Lombard**

2» *De Poenit.,* qu. *y,* c. 6: *"Toti antiquitati fuit persuasum, contritionem non esse unius diei opus, sed multorum mensium, imo et nonnunquam annorum."*

27 *Cfr. St.* Thomas, *Summa Theol.,* III, qu. 89, art. a: *"Unde in eodem instanti est gratiae infusio cum praedicto motu liberi arbitrii, . . . in quo quidem motu comprehenditur actus poenitentiae."*— For scriptura! proofs see Tepe. *Inst. Theol.,* VoL IV, pp. 431 sq.

s»*Ep.* 4 *ad Episc. Prov. Pieu. et Narb.,* n. 3: *"Et desperavit de clementia Dei, qui eum ad subveniendum morienti sufficere vel momento posse non credidit. . . . Pera ergo ad Deum conversio in ultimis positorum mente potius aestimanda est quam tempore." (Migne. P. L.,* L· 43>).—Confirmatory Patristic

(+ 1164), some of the older Scholastics, notably Alexander of Hales, St. Bonaventure, Ockam, and Thomas of Strassburg (4- 1357), regarded perfect contrition as a necessary requisite of Penance and held that the priestly absolution is purely declarative.[1]

Though not all the writers cited by Launoy[2] held this view, a number of Scholastic theologians certainly did believe with St. Bonaventure that " the power of the keys does not extend to the guilt of sin; and no priest would venture to absolve anyone except on the presumption that God had already forgiven him." [3] The Seraphic Doctor (though he elsewhere contents himself with demanding a *contritio existimata,* which he calls *attritio),* undoubtedly meant that the Sacrament of Penance, like the Eucharist, confers the grace of justification only *per accidens* on those who believe in good faith that they are already justified through perfect contrition.[4] In vain have the latest editors of St. Bonaventure's writings

texts collected by Bellarmine, *De Potnit.,* II, ii.

1 Cfr. Peter Lombard, *Sent.,* IV, dist :8, c. 6: *" (Sacerdotes] ergo peccata dimittunt vel retinent, dum dimissa a Deo vel retenta iudicant et ostendunt."*

2 *Opera,* Vol. I, *De Mente Cone. Trid. circa Contrit, et Attrit.,* Geneva 1731.

– 8 St Bonaventure, *Comment. in Sent.,* IV. dist. 18, p. 1, art. 2, qti. t: *"Potestas clavium proprie loquendo non se extendit ad culpam;* nunquam enim *sacerdos absolveret quemquam, de quo non praesumeret quod esset absolutus a Deo."*

‹ *Comment, in Sent.,* IV, dist. 17, p. 2, art. 2, qu. 3: *"Sicut dictum est quod non tenemur ad Eucharistiam accedere cum caritate secundum veritatem, sed sufficit quod secundum probabilitatem, sic dico quod ad sacramentum poenitentiae non est nccesse quod accedat habens caritatem vel dispositionem ad caritatem sufficientem secundum veritatem, sed sufficit secundum probabilitatem. Haec autem dispositio attritio est, quae frequenter ob confessionem superadiunclam et absolutionem sacerdotis formatur per gratiam, ut fiat contritio."*

endeavored to defend their fellow-Franciscan against the charge of an exaggerated Contritionism now no longer tenable. The erroneous teaching of St. Bonaventure on this point was counteracted by the authority of St. Thomas Aquinas, who vigorously insisted on the power of the keys and identified the effect of that power (absolution) with the effect of Penance.[5] Durandus of St. Pourçain (4-1332) and Henry of Ghent expressed themselves in a similar manner. Under the influence of Scotus® and his followers this view triumphed in the Schools. Since the Council of Trent[6] theologians are practically unanimous in teaching that it is un-Catholic to say that perfect contrition is essential to the validity *of* sacramental absolution.[8]

2. Contritionism Refuted.—Assuming that the first and principal effect of the Sacrament of Penance is the reconciliation of the sinner with God (justification), the refutation of Contritionism follows from the intrinsic incompatibility of these two propositions: (1) Sacramental absolution is invalid and consequently inefficacious without perfect contrition; *(2)* Perfect contrition justifies the sinner outside and before the reception of the Sacrament of Penance. These two propositions, under the assumption mentioned, are con-

6 For a full proof of this assertion see J. Gottler, *Der hl. Thomas von Aquin und die vorlridentinischen Thomiste* Ober die Wirkungen des Busrabramentes,* pp. 31 sqq., Freiburs >904.

0 *Comment, in Sent.,* IV, dist. 14, T Cfr. Sets. XIV, cap. 4.

s Cfr. the 58th of the proposition of Baius condemned by the Holy See; also the 36th of the condemned propositions of the Council of Pistoia.—On an orthodox species of Contritionism see *infra.* Sect », Art j.

tradictory, that is to say, if the first is true, the second must be false, and *vice versa.* Now the second is true, and therefore the first must be false.

Le Drou tries to avoid this patent contradiction by arguing® that the Sacrament of Penance exercises on those who have perfect contrition a retroactive influence similar to that which the death of Christ exercised in justifying the patriarchs of the pre-Christian era. This is tantamount to asserting that perfect contrition justifies the sinner not so much by its own power as in virtue of the subsequent sacramental absolution. We ask: How can the Sacrament produce a retroactive effect when the penitent dies immediately after making an act of perfect contrition without receiving absolution? How can something that never existed exercise an influence? Evidently then, in such a case, perfect charity (contrition) would not justify at all,— which is contrary to the teaching u£ the Church. The parallel with the death of Christ proves nothing, for the atonement was a historical fact.

It is further contended in support of the view we are combating that, as perfect contrition is admittedly inefficacious without a desire to receive the Sacrament, its justifying power is derived wholly from the *sacramentum in voto,* in which the power of the keys is, as it were, exercised in advance. This contention, though it can claim the authority of the Angelic Doctor,10 is not

6 *De Contrit, et Atirit.,* c. 5-6. Rome 1707.

10 St. Thomas, *De Veritate,* qu. *26.* art. 8, ad. a: "Contritio, in- *virtute eacramenli poenitentiae."*— For a more detailed explanation see M. Buehberger, *Die IVirkungen del Bxesakramentes,* pp. i34 sqq.. Freiburg «901; J. Gottler. *Der l,l. Thomae von Aquin und die vortridentiniechen*

well founded. The *votum sacramenti* is not the caine of perfect contrition. At most it can only be a condition thereof,— a condition with which God dispensed in the Old Testament. The advocates of this view really deprive the Sacrament of its efficacy. According to Le Drou (not St. Thomas) the Sacrament itself *(sacramentum in re)* cannot directly effect the remission of sins because perfect contrition, and consequently the state of grace, are necessary requisites for the validity of absolution. If the *sacramentum in re* cannot effect forgiveness, much less can the *sacramentum in voto* produce this effect. If the actual taking of a medicine will not cure a disease, how can the mere desire for it restore the patient to health?

It should be noted, also, that the Council of Trent places the efficacy of the Sacrament of Penance not in the *votum sacramenti,* but in the *forma, i. e.* the words of absolution.'l

A third argument alleged in defense of the theory we are combating runs as follows: If the Sacrament of Penance did not remit sins directly *ex opere operato,* but required the state of grace effected by perfect contrition, the priestly absolution would still exercise two distinctly sacramental effects, *vis.:* it would increase sanctifying grace and remit some of the temporal punishments due to sin. But Penance is not a Sacrament of the living: it is a Sacrament of the dead, and as such must be able to justify the sinner as completely as Baptism. To limit the efficacy of absolution to the remission of temporal penalties would be to degrade the Sacrament of Penance to the level of an institution for the granting of indulgences, and to deny that the Church has the right to compel sinners to

*Thomiilen Uber die U'irkungen dei Bueeakrameutei. pp.* 45 »qq„ Freiburg 1904.

ll Srsj. XIV. e»p. **j:** " . «· *[fermai prate,fme ,ρή»ι ru ,Ha* ///."

appear before her tribunal,'2 for the temporal penalties due to sin can be cancelled by works of satisfaction in this world *(satisfactio)* as well as suffering in purgatory *(satisfassio).* ™

ι: Γ. *eufra,* pp. 58 sqq.

13 Other objections are answered by Palmieri, *De Poenit.,* thés. «S. Prati 1896.

# SECTION 2

## IMPERFECT CONTRITION, OR ATTRITION

### ARTICLE I

### ATTRITION DEFINED

I. The Motives of Contrition in General.—Perfect Contrition can spring from only one motive, *viz.:* charity or perfect love of God. Imperfect contrition, or attrition, on the other hand, may be inspired by various motives. As not every form of attrition suffices for the valid reception of Penance, it is important to know what motives are insufficient or hardly sufficient *for* the Sacrament.

What causes a person to be sorry for his sins?

a) The Council of Trent[1] declares that "contrition, which holds the first place among the . . . acts of the penitent, is a sorrow of mind and detestation for sin committed," inspired by one of the following motives:

(1) perfect charity *(caritas),* which calls forth perfect contrition, or contrition proper;

(2) the " turpitude of sin " *(turpitudo peccati)* ;

(3) the " loss of eternal happiness and the incurring *of*

[1] *Seu.* XIV, cap. 4; can. 5.

eternal damnation" *(amissio aeternae bcatitudinis et aeternae damnationis incursus)*;

(4) the "fear of hell and of punishment" *(gehennae et poenae)*.

The last three are expressly designated by the holy Synod as motives of "that imperfect contrition which is called attrition,"[2] and which, "with the hope of pardon," must "exclude the wish to sin."[8]

A little reflection will show that the four motives enumerated by the Council may be reduced to three, namely, charity, fear, and hope.

b) That this enumeration is exhaustive appears from the following considerations:

A man who is sorry for his sins, is sorry either because sin is an evil done to God *(malum Deo)*, or because it is an evil done to himself *(malum homini)*. If his contrition is inspired by the first-mentioned motive, *i. e.* perfect charity, which not only loves God as the highest good above all else, but likewise abhors whatever is opposed to Him, his contrition is perfect.[4] All other kinds of sorrow are necessarily imperfect.

The sorrow which a man feels because sin is an evil opposed to his own welfare, may be twofold, according as he regards sin as a *malum culpae, i. e.* guilt, or a *malum poenae, i. e.* an offense deserving of punishment. In the former case contrition arises from the turpitude of sin as opposed to the different virtues. Its leading motive is an imperfect love of God. In the latter case the detestation of sin is inspired by the fear of losing eternal happiness *(poena damni)*, which forms the object of the theological virtue of hope, or by the fear of in-

2 Sess. XIV, cap. 4.

8 *Loco cit.*: "*si voluntatem peccandi excludat cum spe*

♦I-·, *supra*. Sect I, Art. 1, pp. 134 ■qq·

curring eternal damnation *(poena sensus)* and other, temporal, punishments that inspire the human heart with a dread of divine justice.

c) It is to be observed that love, fear, and hope, as well as the motives inspired by them, cannot exist separately, but always go hand in hand, so that, when one is formally present, the other two are latent in the soul, only waiting to be called forth. We shall try to explain our meaning a little more fully.

2. The Three Stages of Contrition.—Theologians distinguish three stages of contrition according to the form assumed by the underlying motives of love, fear, and hope.

a) The first is perfect contrition, inspired by that perfect love of God which is called charity *par excellence.* Perfect contrition reconciles the sinner with God before the Sacrament of Penance is actually received.[5]

As the love of God cannot be entirely separated from man's love for himself and his own welfare, charity virtually includes the theological virtue of hope, though it is to be remarked that some of the greatest saints have possessed charity in such a heroic *degree that they were* willing to give up all hope of heavenly beatitude and endure eternal torments if they could only continue to love God.[0] In this stage fear, which is never entirely absent, assumes its highest form and becomes what theologians call *tirnor filialis,* dreading neither punishment nor pain, but solely the divine displeasure.

B F. *supra,* Sect. 1, Art. *3.* *Ch.* Rom. IX. 3.

b) The second or intermediary stage of contrition is also based on the *amor concupiscentiae, i. e.* that love by which a creature is attracted to God as its greatest good *(Deus summum bonum nobis').*[7]

At this stage the hope of eternal happiness is uppermost in the soul. It is in this that the *amor concupiscentiae,* also called *amor spei,* essentially differs from perfect charity.[8] To the sinner's hope of eternal happiness corresponds the fear of losing heaven *(poena damni),* or suffering the torments of hell *(poena sensus)* and, possibly, other punishments of a temporal nature. This fear is not inspired by perfect charity and consequently cannot be regarded as *timor filialis.* It is akin to the fear that characterizes the servant, and is therefore termed *timor simpliciter servilis.* Note, however, that the object of this fear is not punishment as such, but God, in so far as He punishes, and is by His very nature compelled to punish, sin.

Contrition inspired by such motives, either severally or combined, is called imperfect contrition or attrition.

c) The third and lowest stage of sorrow for sin is that inspired merely by the hope of reward or the fear of punishment.

The love that underlies this species of contrition is a naked self-love, or mere egoism. Theologians pertinently call it *amor mercenarius.* The sinner who feels this mercenary sorrow for his sins, thinks only of himself and

[7] *V. tupra,* Sect, i, Art. ».

[8] Γ. *tufira.* pp. i3S ,q.

wishes to be saved by God's grace because there is no other way. Were it possible, he would just as lief be saved without God. He has no other aim and object than his own gratification. If there is any real hope in his selfish heart, it is little more than a rude sensual longing for the pleasures of Heaven, similar to that which leads the Turk to people his imaginary paradise with beautiful women. The fear which corresponds to such a selfish love cannot be a true fear of God; it is merely a fear of being punished by Him. Theologians call this fear *timor serviliter servilis,* and compare it to the dread a dog feels when he sees the whip in his master's hand.®

A sorrow based on such an ignoble motive cannot properly be called attrition and involves no true conversion or change of heart. Hence this species of sorrow is not a means of regaining grace, but rather a new sin. because it excludes God and makes man his own last end and purpose.

3. In What Attrition Proper Consists.— It is plain from what we have said that attrition proper can be found only in the second stage described above under *No. 2. Its negative* characteristics are: (1) absence of perfect charity; (2) absence of a desire to seek reward merely for reward's sake; (3) absence of both the *timor filialis* and the *timor serviliter servilis.* Its positive characteristics are a true love and fear of God, though these need not always be formally present in the soul.

0 Oiwald, *Dit dogmal. Lehr·» von den hl. Sakramenten der hath. Kirehe, Vol. II.* p. 9J.

a) The love of God that is essential for attrition need not be a love of friendship *(amor amicitiae).* That imperfect love called *amor concupiscentiae,* which culminates in the theological hope of eternal happiness, suffices.

b) The fear of God involved in attrition, on the other hand, must be superior to the canine *timor serviliter servilis.* It may be described as a *timor simpliciter servilis* which fears nothing so much as to be eternally separated from God and thereby forever unhappy. The penitent who has this fear may have an eye to the turpitude of sin, but he is repelled by it not so much out of consideration of the infinite lovableness of God, as by such inferior motives as the violation of the moral order, the disfigurement of the soul, etc., which sin involves.

Sorrow for sin inspired by fear is called by Billuart *attritio formidolosa.* It occupies an important place in dogmatic theology because around it revolves the famous question what kind of sorrow is required for true conversion and the valid reception of the Sacrament of Penance.[10] Hence it is necessary to inquire how the *timor simpliciter servilis,* which is sufficient for attrition, differs from the slavish fear called *timor serviliter servilis."*

These two kinds of fear differ in four essential particulars:

(1) They are based upon different judgments of the intellect, the former regarding hell merely as an evil, while the latter considers it the greatest of all evils and therefore dreads it more than sin itself;

(2) They stand in a different relation to punishment, the former dreading punishment from a motive of ordi-

10 *V. infra,* Art. *a.*

nWbat later theologians call *timor tcrvilittr ttrvilii* Peter Lombard simply terms *timor strvilit,* in contradistinction to *timor imlnilit.*

nate and therefore moral self-love, while the latter is inspired by inordinate egoism, which sets its own welfare above God;

(3) They are inspired by different kinds of self-love, the former standing in (at least potential) relation to God, while the latter absolutely excludes God and rests in the Ego as its *Unis simpliciter ultimus;*

(4) The *timor simpliciter servilis* is capable of developing into a higher form, while the *timor serviliter servilis* is utterly and hopelessly slavish.

## ARTICLE 2

### IMPERFECT CONTRITION SUFFICIENT FOR THE VALIDITY OF PENANCE

If, as we have shown,[1] perfect contrition is not necessary for the validity of Penance, Penance requires a species of contrition which does not justify the penitent outside of the Sacrament. In other words, imperfect contrition or attrition is necessary and sufficient for the validity of Penance.

No one has ever doubted that attrition is sufficient for the validity of Penance when it is directly and formally inspired by imperfect charity or theological hope. For these two motives, severally and in conjunction, exclude the will to sin and inspire a salutary horror of offending God, and consequently produce a true change of heart.

The case is different when attrition is inspired solely by the fear of hell *(metus gehennae).* Lutherans and Jansenists have joined in denouncing this motive as unworthy and contemptible. They declare that attrition inspired by fear is not a true and profitable sorrow but

[1] *Supra,* Sect I, Art 3.

makes a man a hypocrite and a greater sinner (Luther), keeping his hand from committing, but not deterring his heart from loving, sin (Quesnel). In opposition to this heretical teaching the Catholic Church insists: (1) that attrition inspired by the fear of hell is a good and salutary sentiment, and (2) that it suffices for the valid reception of Penance.

Thesis I: Attrition inspired by the fear of hell is a good and salutary sentiment.

This proposition is *de fide*.

Proof. Luther asserted that a man who is sorry for his sins merely because he fears hell, is a hypocrite and a greater sinner than he was before, and that "the more penitents are agitated by the fear of punishment and the pain of loss, the more they sin and are affected by their sins, which they are forced against their will to hate."[2] The younger Jansenius declared that fear of eternal punishment, being a product of "inordinate self-love," cannot effect conversion.[3] Quesnel taught that "fear restrains only the hand, while the heart remains addicted to sin, so long as it is not moved by the love of justice."[4] This false teaching was formally adopted by the Jansenists assembled

[2] Serm. *de Poenit., 2: "Hacc contritio* (ex *metu gehennae] facit hypocritam,* imo *magis peccatorem. ... Imo quo magis timore poenae et dolore damni sic conteruntur, eo* magi» *peccant et afficiuntur suis peccatis. quae coguntur, non autem volunt odisse."*

[3] *De Gratia Christi,* l. V.

[4] Prop. 6i: *"Timor nonnisi manum cohibet, cor autem tamdiu peccato addicitur, quamdiu ab amore iustitiac non ducitur."* (Denzinger-Bannwart. n. 1411).

in council at Pistoia. The Fathers of Trent solemnly rejected the error by defining: "As to that imperfect contrition which is called attrition, because it is commonly conceived either from the consideration of the turpitude of sin or from the fear of hell and punishment, [the holy Synod] declares that if, with the hope of pardon, it exclude the wish to sin, it not only does not make a man a hypocrite and a greater sinner, but is even a gift of God and an impulse of the Holy Ghost."[8]

The disjunctive phrase "either from the consideration of the turpitude of sin or from the fear of hell and punishment," shows that, according to the mind of the Tridentine Fathers, either kind of attrition, that inspired by the fear of hell and punishment as well as that based upon a consideration of the turpitude of sin, may be "a gift of God and an impulse of the Holy Ghost." This truth appears still more clearly from the Council's fifth canon on the Sacrament of Penance: "If anyone saith that the contrition . . . whereby one thinks over his years . . . by pondering on the grievousness, the multitude, the vileness of his sins [or] the loss of eternal blessedness and the eternal damnation which he has incurred, . . . is not a true and profitable sorrow, . . . let him be anathema."

Hence it is an article of faith that imperfect contrition, inspired by the fear of hell, is "a true and profitable sorrow," "a gift of God," and consequently by no means hypocrisy and an additional sin.[7]

a) Sacred Scripture frequently appeals to the fear of God and His just retribution in order to deter men from sin. Thus Moses tells the Israelites: "God is come to prove you, and that the dread *(terror)* of him might be in you, and you should not sin."[8] The Royal Psalmist prays: "Pierce thou my flesh with thy fear: for I am afraid of thy judgments."[9]

Our Divine Redeemer, far from banishing the motive of fear from the New Testament, employs it as a means of converting the wicked. "It is expedient for thee," he says, "that one of thy members should perish, rather than that thy whole body go into hell."[10] And on another occasion: "Fear ye not them that kill the body, and are not able to kill the soul; but rather fear him that can destroy both soul and body in hell."[11] These appeals show that the fear of hell and other punishments is essentially good and wholesome.

b) This conclusion is amply confirmed by Tra-

boalifudinij *et aeternae damnationis incursum. . esse verum utilem dolorem . . .. anathema sit."* (Denzinger-Bannwarl, n. 915).

*1* Against Quesnel see Denzinger-Bannwart, n. 1411 sq.; against the Jansenists of Pistoia, *ibid.,* n. 1525.

e Ex. XX. 20.

'* Ps- CXVIII. tao; cfr. Is. XXXIII, 14; Ecclus. I, 27 sq.; II, 19 sqq.

to Matth. V, 30.

11 Matth. X, z8: cfr. Luke III, 7 XIII, 3; John V. 14.

dition. "When you withdraw from confession," says *e. g.* Tertullian, "think of hell, which penance has extinguished for you, and imagine first the magnitude of the punishment, that you may not doubt as to the remedy which you have received." 12 St. Chrysostom says: "What is worse than hell? But nothing is more profitable than the fear thereof. For the fear of hell obtains for us the crown of Heaven.13 . . . If fear were not a good thing, Christ would not have delivered numerous and lengthy discourses on the future punishment and torments."14 St. Augustine, in particular, was a herald, as of divine love, so likewise of the fear of God. "This fear," he says in his homilies on the Psalms, "is not yet chaste. . . . He fears punishments. Whatever good he does, he does out of fear, moved not by fear of losing good, but by fear of suffering evil. He does not fear to lose the affection of the most beautiful Spouse, but he fears to be cast into hell. This fear is good and useful."15

c) The Tridentine phrase *"ex gehennae et*

13 *i yàp ττμ ytivtrqt φόβοι τότ τήί βασιΧιΙαι ήμί» κόμιζα στέφανον-*

14 *Hom. ad Popnt. Antioch.,* is, *n.*

*poenarum metu"* 10 raises the question whether the fear of purely temporal punishments *(poenae temporales'),* such as purgatory, famine, and war, —is sufficient to inspire a wholesome supernatural attrition. Theoretically, it seems this question can be answered in the affirmative, as there are many pious Christians who have a great dread of purgatory. Moreover, the example of the Ninivites, quoted by the Tridentine Council, indicates that the fear with which these godless people were inspired by the impending destruction of their city, was a wholesome sentiment which eventually brought about their conversion. Suarez says: "If [temporal punishments] be regarded as inflicted by God, and as indications of His wrath and, in a way, the beginning of His just retribution, unless we repent, they may, in this respect, move [us] to supernatural attrition, which is easily reduced to that which originates in the fear of hell." 17 De Lugo expresses himself in a similar strain.18 Vasquez, on the other hand,10 teaches that attrition must be inspired by "an

thesis 29.— Many other Patristic texts on the subject in Alb. a Buisano, *Theol. Dogmat. Special.,* cd. Gottfr. a Graun, Vol. III, pp. 70 sq., Innsbruck 1896.

to Sess. XIV, cap. 4.

IT *De Poenit.,* disp. 5, sect, a, n. 1$: " Si *considerantur [poenae temporales] ut inflictae a Deo et ut nobis indicant iram eius et quodammodo inchoant divinum supplicium, nisi emendemur,* rub *ea ratione possunt movere ad supernaturalem attritionem, quâ optime reducitur ad illam, quae est ex metu gehennae."*

*18 De Poenit.,* disp. 5, sect. 9, n. 137 »q.

10 *Comment. in $. Theol., III,* qu. 93, art. 2, dub. 3.

eternal motive," which can be supplied only by a consideration of the everlasting torments of hell. In view of this dissentient teaching it is not advisable in practice, especially for the priest sitting in the tribunal of Penance to be satisfied with an attrition inspired by the fear of purely temporal punishments. A sinner who has no higher motive than that, may possibly be actuated merely by a *timor serviliter servilis* and may regret the loss he has suffered or fears he will suffer in his body more than the injury inflicted on his soul by sin. Needless to say, penitents should be exhorted to base their sorrow on the highest possible motive, and to strive to attain to a perfect contrition, instead of resting content with the absolute minimum of attrition demanded for the validity of the Sacrament.[20]

Thesis II: Attrition inspired by the mere fear of hell is sufficient for the validity of the Sacrament of Penance.

Proof. The term "fear" *(timor, metus)* here is not synonymous with *timor serviliter servilis,*[21] but means that fear which St. Augustine, in a passage already quoted, calls *"timor nondum*

20 On the exemplary practice of the Middle Age» »ce N. Paulus, *'Die Rene in den dcutechen Sterbebichlein dee auigehenden Milteloltere,"* in the Innsbruck *Zeilechritt fir bath. Théologie.* 1904, pp. 68a sqq.

21 F. *npra*. Art. i, Nos. a and

*poenarum metu"* 10 raises the question whether the fear of purely temporal punishments *(poenae temporales'),* such as purgatory, famine, and war, —is sufficient to inspire a wholesome supernatural attrition. Theoretically, it seems this question can be answered in the affirmative, as there are many pious Christians who have a great dread of purgatory. Moreover, the example of the Ninivites, quoted by the Tridentine Council, indicates that the fear with which these godless people were inspired by the impending destruction of their city, was a wholesome sentiment which eventually brought about their conversion. Suarez says: "If [temporal punishments] be regarded as inflicted by God, and as indications of His wrath and, in a way, the beginning of His just retribution, unless we repent, they may, in this respect, move [us] to supernatural attrition, which is easily reduced to that which originates in the fear of hell." 17 De Lugo expresses himself in a similar strain.18 Vasquez, on the other hand,10 teaches that attrition must be inspired by "an

thesis 29.— Many other Patristic texts on the subject in Alb. a Buisano, *Theol. Dogmat. Special.,* cd. Gottfr. a Graun, Vol. III, pp. 70 sq., Innsbruck 1896.

to Sess. XIV, cap. 4.

IT *De Poenit.,* disp. 5, sect, a, n. 1$: " Si *considerantur [poenae temporales] ut inflictae a Deo et ut nobis indicant iram eius et quodammodo inchoant divinum supplicium, nisi emendemur,* rub *ea ratione possunt movere ad supernaturalem attritionem, quâ optime reducitur ad illam, quae est ex metu gehennae."*

*18 De Poenit.,* disp. 5, sect. 9, n. 137 »q.

10 *Comment. in $. Theol., III,* qu. 93, art. 2, dub. 3.

eternal motive," which can be supplied only by a consideration of the everlasting torments of hell. In view of this dissentient teaching it is not advisable in practice, especially for the priest sitting in the tribunal of Penance to be satisfied with an attrition inspired by the fear of purely temporal punishments. A sinner who has no higher motive than that, may possibly be actuated merely by a *timor serviliter servilis* and may regret the loss he has suffered or fears he will suffer in his body more than the injury inflicted on his soul by sin. Needless to say, penitents should be exhorted to base their sorrow on the highest possible motive, and to strive to attain to a perfect contrition, instead of resting content with the absolute minimum of attrition demanded for the validity of the Sacrament.[20]

Thesis II: Attrition inspired by the mere fear of hell is sufficient for the validity of the Sacrament of Penance.

Proof. The term "fear" *(timor, metus)* here is not synonymous with *timor serviliter servilis,*[21] but means that fear which St. Augustine, in a passage already quoted, calls *"timor nondum*

20 On the exemplary practice of the Middle Age» »ce N. Paulus, *'Die Rene in den dcutechen Sterbebichlein dee auigehenden Milteloltere,"* in the Innsbruck *Zeilechritt fir bath. Théologie.* 1904, pp. 68a sqq.

21 F. *npra*. Art. i, Nos. a and

less if attrition in conjunction with the Sacrament of Penance did not actually produce an effect which attrition without the Sacrament cannot produce. Consequently, attrition in conjunction with the Sacrament of Penance effects justification ; in other words, attrition inspired by the fear of hell disposes the soul proximately for the valid reception of Penance. Again: the Tridentine Fathers oppose contrition to attrition by saying that the former, as a *dispositio proxima,* effects justification immediately without the Sacrament,[26] whereas the latter, being merely a *dispositio remota,* cannot produce this effect outside of and anterior to the reception of the Sacrament. Consequently, attrition obtains its sin-forgiving effect only within the Sacrament of Penance, and in connection with the Sacrament this effect is certain. To express the same idea somewhat differently : Attrition, while not, like contrition, sufficient for justification, is sufficient for the validity of Penance.

To these three arguments may be added a fourth. According to the Tridentine teaching, true sorrow for sin, no matter whether it be perfect or imperfect, constitutes the quasi-matter of the Sacrament of Penance.[27] Now, attrition inspired by the fear of hell is a true sorrow.[28] Consequently, attrition may constitute the quasi-matter of Penance. For the validity of the Sacrament, therefore, all that is still wanting is the sacramental form, which consists in the absolution. Consequently, attrition is a proximate and sufficient disposition for the valid reception of the Sacrament. That this was the meaning of the Tridentine Council is evident from the concluding words of its chapter on Contrition and Attrition:

soK *supra,* Sect, i, Art a. $ep *supra,* Thesis I, pp. 158 aqq.
*27 V. supra,* pp. 76 sq.

" Falsely, therefore, do some calumniate Catholic writers, as if they had maintained that the Sacrament of Penance confers grace without any good motion on the part of those who receive it: a thing which the Church of God never thought or taught."[29] This sentence contains a defense of the theological doctrine that the *"attritio ex metu gehennae"* is a "good motion," a "gift of God," and " an impulse of the Holy Ghost." The Council means to say that the writers who teach this doctrine demand just such an attrition for the valid reception of Penance, and consequently do not assert, as they are falsely accuse of doing, that the Sacrament of Penance confers the grace of justification " without any good motion on the part of those who receive it."

Pallavicini relates[30] that the Tridentine Fathers substituted *" disponit "* for " *sufficit "* in the text of the decree as originally drawn. *"Disponit"* is a more general term than *"sufficit,"* and its substitution for the latter merely shows that the Council, in view of the controversies then raging among Catholic theologians, did not wish to give a formal definition. This assumption is confirmed by the absence of a corresponding passage in the canons on the Sacrament of Penance."

b) The second argument for our thesis is based upon the authority of the many Tridentine and post-Tridentine theologians who appeal to the

20 Sess. XIV, cap. 4: *" Quamobcatholicos scriptores, quasi tradiderint sacramentum poenitentiae absque bono motu suscipientium Ecclesia Dei docuit nec sensit."*

*30 Historia Cone. Trident., XII,* 30. Cfr. also Tepe. *Inst. Theolot·,* Vol. IV, pp. 44j sqq.

*31* That the Council, though not formally defining the doctrine, mediately taught that attrition based on mere fear of hell is sufficient for the validity of Penance, is shown by the careful analysis of its decree made by Palmieri. *Da Poenit..* the

XIVth Session of the Council in confirmation of their teaching that attrition inspired by a mere fear of hell is sufficient for the validity of Penance.

a) Andreas de Vega, who took a prominent part in the preliminary discussion of the dogma of justification at Trent,[32] says in his defense of that decree, published at Venice in 1548: "Absolution may effect justification, *i. e.* if one goes to confession without such a sorrow [a sorrow based on charity] or merely with a sorrow based on hell or other evils to be avoided. . . ."[33] Antony of Cordova, who also participated in the deliberations, expresses himself in a similar manner. "One who has such attrition," he says, "goes profitably to confession and is justified by virtue of the Sacrament, for thus must be understood the Tridentine decree when, towards the end, it says in express words that the aforesaid attrition disposes [the sinner] for the reception of grace in the Sacrament, and not outside of it."[34] The same view is held by the great Jesuit theologians Suarez, Vasquez, Gregory of Valentia, and De Lugo, by all post-Tridentine Scotists without exception, by the majority of Thomists, and, in fine, by nearly all moral theologians, including St. Alphonsus de' Liguori.

82 On De Vega see the *Catholic Encyclopedia,* Vol. XV, p. 330.

83 *De Justifie.,* XIII, c. 34: *"rlbsolutio potest primo iustificare.* vid. quum *quis sine tali dolore* [ex carilafe] *vel cum solo dolore de peccatis proper gehennam vel alia mala* evitanda . . . ad *confessionem accedit."*

34 *Quaest. Theol.,* I, qu. *2,* opin. 3; ". . . talia attritui *et fructuose confitetur et virtute sacramenti iustificatur; nam non potest decretum Tridentinum aliter intellegi, quum in ultimis verbis expresse dicat, quod in sacramento, et* non *extra, illa attritio ad gratiam oblinendam disponit."*— For additional testimonies of the same kind see Palmieri, *De foenit.,* pp. 32; sqq.

*β)* How was this view, so generally held since the Council, regarded by the theologians of the pre-Tridentine epoch? Concina asserts'6 that the doctrine of the sufficiency of " attrition without charity " originated simultaneously with Probabilism in 1577, at Salamanca. Berti38 claims that " Attritionism " was unknown before the Council of Trent. Both are mistaken. Morinus'' has demonstrated that the notion, nay the very term *attritio,* occurs in Scholastic literature as early as 1230, and may probably be traced to Alanus ab Insulis, who died in the year I2OO.88 " Attritionism " pure and simple was taught by no less an authority than St. Thomas Aquinas (+ 1274), who says in his commentary on the *Liber Sententiarum* of Peter Lombard: ''That a man may prepare himself for the reception of grace in Baptism, there is required as a preliminary condition faith,— not, however, charity, because the preceding disposition suffices, though he have no contrition.'''' According to the testimony of Dominicus Soto (+1560), the majority of Thomist theologians concluded from this dictum of their master that, ''if a man may approach Baptism with the consciousness of mortal sin, i. *e.* with attrition, knowing himself to be without contrition, he may in like manner receive the Sacrament of Penance without contrition.''40 This teaching was endorsed by

as *De Ineuflicientia Attritionie Servilit,* c. 4.

*ioDiscipl. Theol.,* Vo!. VII. L 34. c. 5.

37 *Opuec. de Contrit, ei Attrit.,*

te Cfr. Rütten. *Studien tur mit·telalterlichen Buextehre,* pp. 15 sq.. Munster *tgoe.*

39 *Comment, in Sent.,* IV. dist. 6. qu. I. art. 3: *"Ad hoe quod homo praeparet ce ad gratiam tn baptiemo percipiendam, praeexigitur iidee, red non caritae, quia eulhc'l diepoxitio praecedent, etxi non xit contritae."*

*to Comment,* in *Sent.,* IV. dist. *18. qu. I.* art. 3: *". . . quod cicut S. Thomae dixit pane quempiam accedere cum conectentia peccati mortalie ad baptiemum. eeU. cum*

Duns Scotus (-f- 1308) and his school, and hence it may be truly said that, with the exception of a small minority,[41] Attritionism was the common teaching of the medieval Scholastics. It was precisely this belief in the efficacy of attrition that Luther cast up to the Catholics of the sixteenth century and denounced as "hypocrisy" and "an additional sin."[42]

## ARTICLE 2

### ATTRITIONISM VS. C0NTRITI0NISM

I. Attritionism.—Attritionism is the theory which holds that a sorrow for sins that is based on no other motive than the fear of hell is good and salutary, and sufficient for the valid reception of the Sacrament of Penance.

a) Attritionism excludes from the concept of imperfect contrition not only perfect charity, but also the so-called *caritas initialis, i. e.* that inchoate love of God which forms the initial stage of perfect charity and, in a measure, partakes of its essence. In other words, the Attritionists teach that pure attrition, without any admixture of charity, nay even without that imperfect love of God known as *amor concupiscentiae,* suffices for the validity of absolution. The chief representatives of the Attritionist school, however, do not share the extreme

«1 *V. supra,* pp. 146 eq.

*2 For a defense of Scotus and the Franciscan school of theologians against the false accusations raised by Harnack. Dieckhoff, E. Bratkc, and others, see P. Minges, O.F.M., Compendium *Theol. Dogmat. Specialis,* Vol. II, pp. 134 sqq., Munich 1901.— On the teaching of St. Thomas cfr. M. Schultes, O.P., *Der hl. Thomas Uber das b'erhaltnis von Reue* und *Bussakramcnt,* Paderborn 1907.

view of Melchior Cano, who may be regarded as their leader, that the validity of the Sacrament requires no more than an *attritio existimata.* This kind of attrition evidently does not exclude the will to sin, and therefore cannot enter as quasi-matter into the Sacrament of Penance. Of course, this is not tantamount to saying that a sinner who approaches the tribunal of Penance in good faith with a merely presumptive attrition, necessarily commits a sacrilege.

b) The Attritionists hold that one may receive absolution without making a formal act of (either perfect or imperfect) charity; but they are far from asserting that virtual charity is not necessary for the validity of the Sacrament.

Toumely, Antoine, Oswald, De Augustinis, and a few other theologians who otherwise belong to the Attritionist school, postulate an express act of imperfect charity *(amor concupiscentiae s. amor spei)* for the validity of Penance. But, as Tepe shows,1 the *spes veniae* demanded by the Tridentine Council may be present without a formal act of charity. All Attritionists agree that genuine attrition is psychologically impossible without the *amor initialis.* Liberius à Jesu 2 enumerates no less than seventeen reasons why attrition inspired by a mere fear of hell must virtually include the "beginning of charity." The three principal of these reasons are: (1) Attrition must inspire hatred of sin as an offense committed against God, and hence forms the natural preamble to formal love, as Holy Scripture teaches: "The *fear* of God is the beginning of his *love."* ▮ *(2)* Genuine attrition must

1 /«S/. *Theol.,* Vol. IV, *pp. 450* sqq.. P·π» «8»6.

» *De Poenit.*. disp. 3, art 1.

3 Ecclus. XXV, 16: *" Timor Dei*

be accompanied by a firm purpose of amendment, *i. e.* a resolution to avoid sin and keep the commandments. Not the least among these commandments is the love of God,[4] and consequently the penitent who has attrition virtually has the *votum caritatis,* and together with it, the *amor initialis.* (3) According to the Tridentine teaching,[5] attrition must be accompanied by "hope of forgiveness" *($pcs veniat),* which in turn virtually includes the desire of being reconciled to God. St. Thomas says: "By the very fact that we hope that good will accrue to us through some one, we are moved towards him as to our own good, and thus begin to love him."[6]

*2.* Contritionism.—There is an exaggerated form of Contritionism, condemned by the Church, which demands perfect contrition as an indispensable requisite for the validity of absolution.[7] The so-called moderate or orthodox form of Contritionism, on the other hand, holds that attrition, while good and wholesome,[8] is insufficient for the valid reception of the Sacrament unless accompanied by an act of "initial charity" *(caritas initialis).*

The former being no longer a free opinion since the

initium *dilectionis eius."— Cfr.* St. Thomas, Summa *Theol.,* aa aae, qu. 19, art. 8, ad 2: *"Timor,* qui *est* initium *dilectionis, est timor* [rimpiieiter] *servilis, qui introducit caritatem, sicut seta introducit*

« Cfr. Dcut VI. 5; Mark XII, 30. a Ses». XIV, cap. 4.

• Summa *Theol.,* ia zae, qu. 40, art. 7: *"Ex hoc quod per aliquem speramus nobis posse provenire bona, movemur in ipsum sicut in bonum nostrum; et sic incipimus ipsum amure."*— Cfr. Scheebetv Atzberger, *Dogmaiik,* IV, 3, 697 sqq., Freiburg 1903.

*7 V. supra,* Sect, 1, Art. 3.

8 F. *Supra,* Sect 2, Art. a, Thesis I, pp. 158 sqq.

Tridentine Council, we mean the latter when we speak of " Contritionism" within the Church.

The *"amor initialis"* of the orthodox Contritionists is a rather mysterious thing, and the writers of this school are by no means a unit in defining it. They agree on only one point, *viz.:* that, unlike perfect charity, the *amor initialis* does not by itself effect justification. As to its true nature, there are three principal theories.

a) Cardinal Pallavicini® distinguishes a twofold *caritas:* the *amor Dei propter se et super omnia, i. e.* perfect charity which justifies by itself and outside of the Sacrament,10 and the *amor Dei propter se,* but not *super omnia,* by which the penitent loves God in Himself and for His sake, without, however, preferring Him absolutely to all else. The latter, Pallavicini assures us, is the *caritas initialis* which must impregnate attrition in order to make it sufficient for the valid reception of sacramental absolution.

b) A second group of theologians, headed by Christian Lupus,11 divides contrition into justifying and non-justifying, according to the degree of intensity of the charity by which it is inspired. Both kinds of charity are a genuine *amor Dei propter se et super omnia,* but they differ in this, that justifying charity, because of its intensity *(caritas intensa),* justifies immediately and before the reception of the Sacrament, whereas non-justifying charity, because of its weakness *(caritas remissa, debilis, initialis),* does not of itself *effect* forgiveness of mortal sin.13 This non-justifying charity Lupus and his followers compare to a fertilizing germ, which attrition communicates to the soul

13 On this untenable position see *tufira* Sect i. Art. *j.* No. j, pp.

of the penitent, thereby enabling him to receive the Sacrament validly.

c) A third group of authors (Billuart, von Schâzler, Glossner, etc.) [18] draw an essential distinction between what they call one-sided charity and mutual charity. Each is a true love of God for His own sake and above all else; both are dictated by a pure *amor benevolentiae,* not by a mere selfish *amor concupiscentiae;* — but while the former remains a mere *amor benevolentiae* on the part of man, the latter elicits a corresponding sentiment on the part of God, and thus develops into a mutual love of friendship *(amor amicitiae').* As long as the one-sided love of benevolence is mixed with fear, it lacks the power of justifying outside of the Sacrament; but when fear is overcome, the love of friendship enters and justifies the soul. The attrition necessary for valid absolution is that which is inspired not merely by the fear of hell but likewise by the one-sided love of God defined above. Hence, in order to be sufficient for valid absolution, attrition must be based on something more than fear, namely, on a one-sided love of God.

3. The Official Teaching of the Church. —By his famous decree of May 5, 1667, Pope Alexander VII commanded all parties to this controversy to avoid mutual recrimination and reserved the final decision to the Holy See. As no decision has ever been rendered, the controversy between Attritionists and Contritionists remains unsettled. The papal decree referred to is of

[18] Billuart, *De Poenit.,* diss. 4, art. 7; von Schâzler, *Die Wirktamkeit der Sakramcnte,* § a6. Munster i860; Glossner, *Dogmatik,* Vol. II, pp. 404 sqq., Ratisbon >874.

great importance in forming a just opinion of the opposing theories, and hence we will reproduce its principal passages.

The Pontiff says he has learned with distress that "some Scholastics were disputing among themselves with excessive harshness and scandal to the faithful" on the question "whether that sort of attrition which is inspired by the fear of hell, excluding the will to sin with the hope of forgiveness, in order to obtain grace in the Sacrament of Penance, requires [in addition to such fear] some act of the love of God; some assert that it does, while others deny this proposition, and each party censures the opinion of the other."[14] The Pope, "by virtue of sacred obedience and under pain of the severest ecclesiastical penalties," warns all who "in future will write or teach or preach on the subject of attrition, not to presume to brand with any mark of theological censure or otherwise to condemn either of the two opinions, — that which denies the necessity of some sort of love of God in the attrition conceived through fear of hell, which to-day [1667] seems the one more generally held by Scholastic theologians·, or that asserting the necessity of the said love, until something shall have been defined in this matter by the Holy See."[15]

14 "*An illa attritio, quae condens voluntatem peccandi cum spe poenitentiae requirat Dei, atterentibus quibusdam, negantibus aliis et invicem adversam sententiam censurantibus.*" (Denzinger-Bannwart, n. 1146).

*docebunt vel praedicabunt.*

*audeant alicuius theologicae censtatem aliqualis dilectionis Dei in concepti, quae hodie inter Scholasticos communior videtur, sive ostealiquid (Ibid.)*

There are two points of special interest to be noted in this decree. The first is the pontifical statement that Attritionism at that time had more defenders than Contritionism. The same is true to-day. The second is the vagueness of the term *aîiqualis dilectio Dei.* We have no means of ascertaining whether Alexander VII employed this term to denote an *actus caritatis* or an *actus amoris concupiscentiae.* It is safe to assume, however, that the Pope had in mind an act of genuine charity in its initial stage,— the *amor initialis* of the Schoolmen.

Is it permissible, in view of this papal decree, to hold that attrition, even if entirely devoid of charity, is sufficient for absolution? Yes, because the Pope expressly says that it may be denied that " some kind of act of charity " is necessary for absolution. But anyone who would defend this proposition would lay himself open to the charge of playing with a bauble. It is impossible to be sorry for one's sins without having at the same time love as well as fear, though, of course, this love may lie latent in the soul. In other words, charity is always virtually contained in the fear which inspires attrition.[16]

4. CoNTRiTiONisM Refuted.—The Contritionists explain the teaching of the Tridentine Council in their own way.

a) Pallavicini relates[17] that the Council's definition on the subject was originally couched in these terms: " But that contrition which the theologians call attrition, . . . *suffices for the reception of this Sacrament,* and is a gift of God and an impulse of the Holy Ghost, . . . by the aid of which the penitent, *since he can hardly be with-*

1·K *tupra,* Sect. a. Art. 1, No». IT *Hitt. Cone. Trid.,* XIII, I0.

*out some movement of love towards God,* prepares for himself the way to justice. . . .''* One of the bishops present objected to this wording on the ground that it was false to say that the attrition which is inspired by fear can hardly be conceived without some impulse of love, and that theologians differed widely as to the sufficiency of such an attrition for the validity of Penance. This led to the elimination of the phrases which we have italicized and the substitution of the wording finally adopted '' for that first proposed. According to the Contritionists this incident shows that the Fathers of Trent, with one solitary exception, were at heart Contritionists and that Sess. XIV, cap. 4, must be interpreted accordingly.

In reality the argument proves nothing. Supposing the Fathers of the Council, by employing the phrase "*dilectionis in Deum motu,*" had intended to signify something more than the (perfect or imperfect) charity virtually included in the *sf>es veniae* (which is not denied by the Attritionists) ;— what would be gained for the Contritionist cause? Nothing, because the true meaning of an ecclesiastical decision must be gathered from its text and context and not from conciliary proceedings buried for centuries in the Vatican archives. Now the definition of the Council, as contained in the official *Acta et Decreta,* is utterly silent as to the alleged necessity of the *actus caritatis initialis,* and consequently this necessity is not dogmatically defined. On the contrary, the text and context have been so remodeled that the validity of attrition

*18 "fHam vero contritionem, quoin theotoci attritionem vocant, . . . sufficere ad sacramenti huius constitutionem ac donum Dei esse et Spiritus Sancti impulsum, . . . quo poenittns adiutus, quum sine aliquo dilectionis in Deum motu esse vix queat, viam sibi ad iustitiam munit."* etc. Cfr. Aug. Theiner. *Acta Genuina Concil. Trid.,* Vol. I, p. 384. Zagrab in Croatia, 1874.

10 Sess. XIV. cap. 4 (Densinger· Baoowart. n. 898).

can be deduced from the change as a conclusion from the premises of a syllogism.[20]

b) The main argument of the Contritionists is based on Sess. VI, caput 6, of the Tridentine decrees, where, it is alleged, the *caritas initialis* is demanded as a condition for the validity for Baptism. The passage runs as follows:

> . they begin to love Him [God] as the fountain of all justice, and are therefore moved against sins by a certain hatred and detestation, to wit: by that penitence which must be performed before Baptism." [21]

From this text the Contritionists argue: Penance requires for its validity at least as much preparation as Baptism; consequently the *caritas initialis* must be a *conditio sine qua non* of Penance also.

This argument can be controverted by intrinsic as well as extrinsic evidence. The extrinsic reasons against it may be briefly stated as follows:

(i) If the Contritionists were right, those Fathers and theologians who, at a later session of the Council of Trent (the XIVth), asked to have the phrase *"dilectionis in Deum motu"* re-inserted, could readily have gained their point by referring to Session VI, caput 6, where, according to the Contritionist contention, the controversy was already decided in their favor. That they failed to do this shows that the Contritionist claim is groundless. Nor can it be assumed that the Council itself altered the original wording of this important decree so radically as to favor a theory which its authors had rejected. These two facts prove that Sessio VI, caput 6, cannot be interpreted in favor of the Contritionist theory.

20 *V. supra,* Art. 2, Thesis 2.

si Sess. VI, cap. 6: *"Dcum . . . tamquam omnis iustitiac fontem diligere incipiunt. ac propterea moventur adversus peccata per odium aliquod et detestationem, hoc est per eam poenitentiam, quam ante baptismum agi oportet."* (Denzingcr-Bannwart, n. 798.)

(2) Two of the most famous theologians who attended the Sixth Session of the Tridentine Council were Dominicus Soto and Melchior Cano. Both in their subsequent writings not only adhered to Attritionism, but expressly cited Sessio VI, caput 6, in support of their contention, while nearly all the other sixteenth-century divines who wrote after the Sixth Session of the CouncilM understood the Tridentine passage as treating of justification without the Sacrament.

(3) The first writer who tried to prove the necessity of the *caritas initialis* (in the form of *contritio existimata)* for the validity of Penance from the sixth chapter of Session VI of the Tridentine Council, was Martin Alphonsus Vivaldus. He admits, however, in his *Candelabrum Aureum Ecclesiae Sanctae Dei,* published towards the close of the sixteenth century, that his interpretation is novel.[23]

The intrinsic reasons militating against the Contritionist interpretation of the Tridentine decree are well stated by Suarez and other later theologians. They may be summarized thus: Sessio VI, caput 6, of the decrees of the Council, while it treats of the dispositions required for justification in adults, does not deal exclusively with sacramental but likewise with extra-sacramental justification, which latter is effected by means of perfect contrition *(contritio caritate perfecta).* In an enumeration of all the conditions required for justification in this general sense, perfect charity had necessarily to be mentioned?[24]

23 The exceptions were: Peter Soto (+1563)· Navarrus (+>586), and Vasquez.

25 " *Unde per dictum cap. 6 paiet clare intellectui noster ad cap.* 4, *Sen. XII'. licet nullus sic explicet."* — For fuller information on this controversy cfr. Palmieri. *De Poenit.,* pp. *333* M-

*24* Other Contritionist arguments from Scripture and Tradition, especially from the writings of St. Augustine and the teaching of Aquinas, are refuted by Palmieri, *De Poenit.,* thes. Ji.

Readings:— Chr. Lupus, *De Contritione et Attritione,* Louvain 1666.—Morinus, *De Contritione et Attritione,* in that writer's *Opera Posthuma,* Paris 1703.—Lc Drou, *De Contritione et Attritione,* Rome 1707.—Benaglio, *Dell' Attrisione,* Milan 1846.—J. Deharbe, S. J., *Die voUkominene Licbe Gottes in ihrcm Gegensats sur unvollkommcnen Reue und in Hirer Anwendung auf die vollkommenc und unvollkommene Reue nach dcr Lehre des hl. Thomas,* Ratisbon 1856—J. J. Surrin, S. J., *Über die Liebe ɛıı Gott,* Mayence 1883.— E. J. Hanna, art. "Contrition" in the *Catholic Encyclopedia,* Vol. IV, pp. 337-340; Idem, art. "Attrition," *ibid.,* Vol. II, pp. 65 sq.— H. Denifle, O.P., *Luther und Luthertum in dcr ersten Entwicklung,* Vol. I, pp. 229 sqq., Vol. II, pp. 454, 577, 618 sq., Mayence 1906.

The student may also read with profit St. Francis de Sales' *Treatise on the Love of God,* and H. C. Semple, S.J., *Heaven Open to Souls,* New York 1916.

# CHAPTER II

## CONFESSION

i. Confession *(confessio,* is the sorrowful declaration of sins made to a priest, with the purpose of obtaining forgiveness through the power of the keys. The term is sometimes, by synecdoche, applied to the Sacrament of Penance as a whole.

Sacramental confession consists of five separate and distinct parts:

(1) An accusation made by the sinner himself, inspired by genuine sorrow, and hence not a merely historical recital or boastful vaunting after the manner of Jean Jacques Rousseau. By the manifestation of sorrow, contrition, which is in itself invisible, becomes visible and thereby capable of being the quasi-matter of a Sacrament.

(2) A declaration of one's own sins, more specifically of all the mortal sins committed since Baptism or the last valid confession. By this requirement confession excludes original sin and the sins of others.

(3) The penitent's self-accusation must be made to a priest, i. *e.* one constituted in authority and endowed with the requisite jurisdiction. A layman, or a priest lacking the necessary faculties, cannot give absolution.

(4) Confession is made in order to obtain forgiveness,

not to procure the punishment of the sinner, as in a secular court or before the Inquisition.

(5) The power of the keys is expressly mentioned to show that the sacramental absolution is a genuine judicial act.

2. Confession may be either *actual* or *virtual.* It is actual if it contains a formal self-accusation on the part of the penitent. It is virtual if the penitent has at least the desire of confessing his sins if possible.

Actual confession *(confessio actualis)* may be either general or particular.

In common parlance a *general confession* means one in which the penitent repeats either all or some of his former confessions. Here, however, we mean simply a declaration of guilt in general terms, as *e. g.* in the *Confiteor.* Such a general accusation is sufficient only in cases of necessity, in war, at the hour of death, etc., where other external signs, such as beating one's breast, would also suffice.

A *particular confession* may be either *complete* or *incomplete.* It is incomplete *(confessio distincta secundum quid)* if it includes some but not all of the mortal sins of which the penitent is conscious. Such an incomplete confession is admissible when the penitent is either physically or morally incapacitated for making a complete declaration. or when he is justified in concealing a sin. (This subject belongs to moral theology.) In all other cases the conscious omission of even one mortal sin is sacrilegious and renders the Sacrament invalid.

The ideal and most common form of confession is that called *confessio distincta simpliciter sive integra, i. e.* a complete, sincere, and clear avowal, made after a careful examination of conscience, of all the mortal sins of

which one is conscious, together with their number, specific nature, and necessary circumstances. The completeness demanded is, of course, merely formal.[1] Whenever possible, a complete confession is necessary for the validity of absolution. The examination of conscience that must precede confession belongs to the domain of moral theology.

The division of confession into public *(confessio publico.)* and private *(confessio auricularis)* is of no dogmatic importance, as both species are sacramental when followed by the priestly absolution. Public confession, too, may be a judicial act, though in the nature of things privacy best conforms to the character of the penitential tribunal, and the penitent has a right to demand that his sins be kept secret (seal of the confessional, *sigillum confessionis)*. It is no doubt owing to this desire for privacy that auricular confession was practiced from the earliest days of Christianity.

Public confession must not be confounded with public penance *(poenitentia publica),* which under the ancient discipline was imposed for public — according to Morinus, Juenin, and Natalis Alexander also for secret — crimes, and with which we have dealt at some length in the first part of this treatise.

3. The Church's dogmatic teaching on the subject of confession is fully set forth in the decrees of Trent,[2] where confession is declared to be divinely instituted and necessary for salvation both as a means and by way of precept *(necessitate medii et praecepti).*

1 *V. infra.* Sect. *3, Art.* 1, No. ». 2 Sejs. XIV, cap. $; can. 6-8.

Sacramental confession is nothing else than the actual submission on the part of the penitent of himself and his sins to the power of the keys, and consequently, to say that the power of the keys is divinely instituted and necessary for salvation[3] is to affirm the same of confession. However, as complete confession may be dispensed with in urgent cases, confession is not necessary in the same sense as contrition, which, the Council of Trent says, "was at all times necessary for obtaining the pardon of sins."[4]

We now proceed to demonstrate the divine institution and necessity of confession *per modum unius* from Sacred Scripture and Tradition.

3 *V. supra,* pp. 58 sqq.

4 Sees. XIV, cap. 4: "*Fuit autem quovis tempore, ad impetrandam veniam peccatorum hic contritionis motus necessarius.*"

# SECTION i

## THE DIVINE INSTITUTION AND NECESSITY OF CONFESSION PROVED FROM SACRED SCRIPTURE

**i. Doubtful Texts.**—Sacramental confession is nowhere expressly mentioned in Holy Scripture, and hence none of the texts frequently quoted in this connection is strictly conclusive.

There is, for instance, i John I, 9: "If we confess our sins,[1] he [God] is faithful and just, to forgive us our sins." In view of St. John's account of the institution of the power of the keys, as given in the twentieth chapter of his Gospel,[2] it is quite natural to conclude that the above-quoted text from his first Epistle applies to sacramental confession. It may, but need not necessarily, be so interpreted. The sacred writer may conceivably have had in mind a mere avowal of sins before God.

Another text that seems to refer to sacramental confession is I Cor. XI, 28: "Let a man prove himself.' and so let him eat of the bread, and drink of the cup." For the unworthy to "prove himself" no doubt means to purify his conscience.[4] But St. Paul does not expressly say that this must be done by sacramental confession.

Quite a number of Fathers and theologians appeal to

1 *là» όμολο-τώμιι ràt άμαρτίαι confiteamur precate nostra.*

2 John XX, aa «W·

8 *δοκιμαστώ Bi ArSpuirot iavrir — probet autem teipsum homo*

4 Cfr. *Cone. Tndenl.. Seu.* XIII, ClP· 7·

Acts XIX, 18: "And many of them that believed,6 came confessing0 and declaring their deeds." Here there is question of particular confession, but we do not know whether "they that believed" were catechumens or full-fledged Christians; nor is there anything in the sacred text to tell us whether their confession was sacramental, though we may with probability assume that it was.

The only Scriptural text that supplies some kind of argument for the existence of sacramental confession is Jas. V, 16: "Confess therefore your sins one to another,7 and pray for one another, that you may be saved." Two verses farther up St. James speaks of the Sacrament of Extreme Unction, in which sins are remitted by virtue of the prayer uttered by the priest,8 and hence it is highly probable that the *ἐξομολόγησι* in Ch. V, verse 16, signifies the Sacrament of Penance. The phrase "one to another"9 proves nothing against this interpretation, for Sacred Scripture frequently employs this expression to denote a relation not strictly reciprocal, as, *e. g.,* Eph. V, 21: "Being subject one to another, in the fear of Christ."10 Abbot Werner (-|- 1126) aptly commentates our text as follows: "What does the phrase 'one to another' mean? Not that everyone confess to anyone, but one to another, *i. e.* one man to another, the sheep to their shepherds, subjects to their superiors, those who have sinned to those who have the power to forgive sins."11 Never-

Β *Multique credentium* — πολλοί re τώι> *tretriarevKiruf·*

β *Confitentcs* — *ἐξομολθ·γονμ€νοι·*

*1 Confitemini ergo alterutrum peccata vestra* — *ἐξομολο ούν ἀλλήλοΐι ràs ἀμαρτίαι*

8 Jas. V. 14 sq.

» ἀλλήλοιι.

10 " *Subtecti invicem* (ἀλλήλοΐΐ) in *timore €hristi.'*

11 *"Quid est alterutrumf Non uniuscuiusque unicuique, sed alterutrum, hoc est inter vos homines hominibus, oves pastoribus, subiecli praelatis, hi qui peccata habent, his qui peccata dimittere potestatem habent."* (Migne, *P. L.,* CXVII, 882).

theless it must in all frankness be admitted that this interpretation of James V, 14 sq. is not absolutely certain; if it were, the Tridentine Council would no doubt have utilized this text.

Must it be admitted, then, as Duns Scotus claims, that the divine institution and necessity of confession cannot be stringently proved from Scripture?

It cannot be proved directly; but an indirect argument may be construed upon the basis of what the Bible teaches in regard to the power of the keys.

2. Indirect Argument from Sacred Scripture.—The middle term of this argument is the Biblical dogma of the necessity of the power of the keys [12] and the judicial form in which that power is exercised.[13]

a) We have shown in the first part of this treatise that according to Holy Scripture the power of the keys is necessary to obtain remission of sins. It follows that every penitent sinner must submit himself to the Church and that his grievous sins remain unforgiven in the eyes of God so long as he neglects to appear before the ecclesiastical tribunal *(retentio extraiudicialis)* or if that tribunal refuses to absolve him *(retentio iudicialis).* We have also shown that the power of the keys is exercised in judicial form. It follows that all mortal sins brought before the ecclesiastical forum are either authoritatively forgiven or authoritatively retained by virtue of a judicial sentence, in rendering which the judge is guided objectively by the law of Christ and subjectively by the

i< P. ««Aro, P»rt I, Ch. II, Sect. U K. P»rt I, Ch. Il, Sect j.

disposition of the penitent. On the basis of these two truths we argue as follows:

b) Our Lord Jesus Christ is a wise and just lawgiver who must demand that the power of forgiving or retaining sins be exercised not arbitrarily but according to objective norms and in a just manner. Now this is impossible without an accurate knowledge, on the part of the judge, of the exact number, the nature, and the specific circumstances of the sins upon which he is asked to pronounce sentence. This information, in the nature of things, can be supplied only by the penitent, who is defendant, prosecutor, and witness all in one person. Consequently, the penitent himself must reveal to the priest all his mortal sins, together with their number, nature, and necessary circumstances,—in other words, he must "go to confession."

The major premise of this syllogism requires no proof. A judge who would proceed arbitrarily would not be applying the law but committing a wrong.

The minor can be proved by a twofold argument.

(I) It is of the very nature of judicial power, and especially of judicial remission, that the matter to be decided come within the official cognizance of the judge. In the tribunal of Penance the matter to be adjudged are the grievous sins .from which the penitent asks to be absolved. These must be separately adjudged and remitted. Therefore every grievous sin must be separately confessed. And as specific differences complicate a case,

the judge must be informed of the exact nature of each sin, and the circumstances necessary to form a just conception of its gravity. This information can come from the penitent only, and therefore the penitent must (if possible) make a complete avowal of his sins *(confessio distincta simpliciter sive integra).*

To this consideration may be added another. In the existing order of salvation mortal sin can be forgiven only by the infusion of sanctifying grace. Sanctifying grace cannot exist in the soul unless the latter is free from mortal sin. Hence, either all mortal sins are forgiven together, or none is forgiven, and whoever wishes to be absolved must confess all his mortal sins (at least *in voto),* as it is impossible to obtain forgiveness for one without obtaining forgiveness for all.

(2) It is likewise of the very nature of judicial power that it can bind as well as loose. In the case of Penance this means that the priest can retain as well as forgive the penitent's sins. This retaining power may be exercised both with regard to guilt and with regard to punishment. In regard to guilt, the *judge* must know, in the first place and above all, whether the penitent is worthy of absolution, that is to say, whether he has the required disposition (is sorry for his sins, willing to avoid proximate occasions, ready to make restitution of ill-gotten goods, etc.). While it is possible for the confessor in some cases to obtain such knowledge without confession, this is not the rule, because the confessor, not the penitent, is the competent judge of the latter's state of conscience and without a close insight into the number and gravity of the sins submitted he cannot decide whether to give or to withhold absolution. Conse-

il Cfr. St Jerome, *In Matlh.. 16, vanrlatrt, tcil qtii litandm ut »9- "Qnnm ftccatgrum anditnl quivt lohtndiu"*

quently the confessor has the right and the duty to demand an accurate and circumstantial description of the penitent's state of conscience, *i. e.* a complete confession of his sins. But the office of the penitential judge does not end here. Even if the penitent has the right disposition, the priest may not absolve him without at the same time enjoining an appropriate penance. This again cannot be justly determined without a complete knowledge of the facts, because a penance must correspond to the number and gravity of the sins for which it is imposed.

"It is manifest," says the Council of Trent, "that priests could not have exercised this judgment without knowledge of the cause; neither indeed could they have observed equity in enjoining punishments, if the faithful should have declared their sins in general only, and not rather specifically, and one by one."[16]

The necessity of confession, as just explained, is a necessity both of means and of precept, and therefore confession is a divine institution. By commissioning His Apostles and their successors to judge the sins of the faithful, our Divine Saviour *eo ipso* instituted confession, without which the exercise of this judicial power would be impossible.

c) What we have said of the necessity of confession applies to all who are able to obey the divine command. But what about those who are either physically or morally unable to confess their sins? To these exceptional cases the

16 Sew. XIV, cap. 5: *"Constat enim, sacerdotes indicium hoc in- neque aequitatem quidem illoe in poenis iniungendis servare potuisse,* ei in *genere dumtaxat et non potius in specie ac sigillatim sua ipsi peccata déclarassent."*

same rule applies that we have stated in connection with Baptism. If a man is unable to make a complete confession, an incomplete one will suffice, and if he cannot make any at all, the desire *{votum confessionis)* may supply the act. Untoward circumstances of a transient nature, however, do not remove the obligation, and whoever finds himself subsequently able to confess the sins from which he has been absolved without a complete confession, is bound to do so as soon as he can. Thus is the *necessitas medii* of confession duly safeguarded.

Note, however, that the Sacrament of Penance can not be administered where there is no external sign of any kind to indicate that the sinner has at least a desire to confess his sins.[18]

1β *I', tupra,* Part II, Ch. I, Sect. I.— The Scriptural argument for confession is wen developed by Palmieri, *Dt Potnit.,* thes. jj.

# SECTION 2

## THE DIVINE INSTITUTION AND NECESSITY OF CONFESSION PROVED FROM TRADITION

### ARTICLE i

#### HERETICAL ERRORS VS. THE TEACHING OF THE CHURCH

I. Heretical Errors.—Many of our opponents are willing to admit that confession is a useful institution corresponding to a real need of human nature; but they strenuously deny that it is of divine origin and *iure divino* necessary for salvation. That devout Catholics have confessed their sins to the clergy from time immemorial, they do not gainsay; but they regard the practice as purely human, though as to how and when it was first imposed on the faithful they are not agreed.

a) Wiclif, a forerunner of the Protestant revolt, taught that "if a man be duly contrite, all exterior confession is superfluous and useless." [1]

Luther's attitude on the subject was anything but consistent. At first, in his Little Catechism, he inculcated the necessity of confession. Later, in 1528, he declared that the faithful are not obliged to confess their sins. At

[1] "*Si homo fuerit debite contritus, omnis confessio exterior est sibi superflua et inutilis.*" (Denzinger-Bannwart, n. 587).

times he extols confession, then again he denounces it as " a bloody rack of conscience."[2] He denies that the Bible proves the divine institution and necessity of confession and claims, in consequence, that the faithful are not bound to declare their sins with number and circumstances to the priests.

b) Calvin regarded confession as a free institution established by the Church. He taught that though a general acknowledgment of guilt was sufficient to obtain forgiveness, those troubled in conscience might be advised to confess their sins privately. But he objected to the practice of auricular confession, which, he claimed, was invented by Innocent III and imposed upon the faith-' ful through the Fourth Council of the Lateran (1215). It was a pestilential abuse, he said, which ought to be swept from the face of the earth.'

2. The Teaching of the Church'.—Against these heretical errors the Catholic Church consistently upheld the revealed leaching. The Council of Constance (1418-) condemned the errors of Wiclif and the Couricil of Trent-defined the truth in detail against the so-called Reformers.

a) "If anyone denieth," says the latter synod, "either that sacramental confession was instituted, or is necessary for salvation, by divine right, or saith that the manner of confessing

* " *Carnificina conscientiae."*

« *"Nihil mirum. si auricularem istam confessionem, rem adeo peslilentem totque nominibus Ecclesiae noxiam, damnamus ac sublatam e medio cupimus." (Inst..* HI. c 4. J i#.)—On the teaching of the Protestant Reformer» concerning confesaion see Cardinal Bellarmine, *De Posuit.,* III. e. I.

secretly to a priest alone, which the Church hath ever observed from the beginning, and doth observe, is alien from the institution and command of Christ, and is a human invention, let him be anathema.''[4]

Again: "If anyone saith that in the Sacrament of Penance it is not of divine right necessary for the remission of sins, to confess all and each of the mortal sins which after due and diligent previous meditation are remembered, even those [mortal sins] which are secret, and those which are opposed to the two last commandments of the Decalogue, as also the circumstances which change the species of a sin, but [saith] that such confession is only useful,. . . let him be anathema." [8]

In another place the same Council defends confession against the charge that it is " impossible " and " a slaughterhouse of consciences " : " It is also impious to assert that confession . . . is impossible, or to call it a slaughterhouse of consciences ; for it is certain that in the Church nothing else is required of penitents but that, . . .

«Seu. XIV, can. 6: *"Si quis negaverit, confessionem sacramentalem vel institutam vel ad salutem necessariam esse iure divino, aut disent modum secrete confitendi soli sacerdoti, quem Ecclesia catholica ab* tnilio *semper observavit et observat, alienum esse ab institutione et mandato Christi et* inventum *esse humanum, anathema*

[8] Sees. XIV, can. *7: "Si quit dixerit,* in *sacramento poenitentiae ad remissionem peccatorum necessarium non esse iure divino, confiteri omnia et singula peccata mortalia . . . etiam occulta et quae sunt contra duo ultima decalogi praecepta, et circumstantias quae peccati speciem mutant, sed eam confessionem tantum esse utilem, . , . anathema*

[each] confess those sins by which he remembers that he has mortally offended his Lord and God; whilst the other sins, which do not occur to him after diligent thought, are understood to be included as a whole in that same confession." e

The last-quoted phrase is of great dogmatic importance, inasmuch as it demands a merely formal (not a material) integrity of confession and declares that mortal sins omitted without fault are forgiven by what is called indirect remission. The holy Synod does not, however, deny that confession may be difficult, but says that the difficulty is counterbalanced "by many and great advantages and consolations." l

## ARTICLE 2

### THE ARGUMENT FROM PRESCRIPTION

The most effective argument for the traditional Catholic teaching on confession is that from prescription. It may be briefly formulated as follows:

From the days of primitive Christianity the Church has insisted that the faithful are by divine right obliged to confess their sins in order to obtain forgiveness. Such belief and practice indicate that confession cannot be of purely ecclesiastical origin, but must be a divine institution.

eSess. XIV, cap. 5: *"Impium est confessionem . . . impossibilem dicere aut carnificinam illam conscientiae appellare; constat enim nihil aliud in Ecclesia a poenitentibus exigi, quam ut . . . ea peccata [quisque] confiteatur, quibus se Dominum et Deum suum mortaliter offendisse meminerit,- reliqua autem peccata, quae diligenter cogitanti non occurrunt, in universum eadem confessione inclusa esse inlelliguntur."* (Cfr. Sees. XIV. an. 8.)

r "*Tot tanlisque commodis et consolationibus.*"—On the fitness and utility of auricular confession as practiced in the Catholic Church, see Oswald. *Die dogmatische Lehre von den hl. Sahramenten der hath. Kirchs.* VoL II. 5tb ed.. pp. tsj sqq.

The argument from prescription is all the more compelling in this case, as it deals not with a theoretical truth, as *e. g.* the Divine Trinity, or with a duty easy of performance, as the hearing of Mass or receiving Communion, but imposes a burden irksome to the pride and the passions of man. Had a pope or an ecumenical council ventured to impose such a distasteful duty on the faithful, the innovation would certainly have caused a tremendous upheaval and left deep traces in the history of the Church. But the records of the past tell us nothing of such an upheaval. On the contrary, they assure us that auricular confession was practiced at all times and from the very beginning. Consequently confession is not a human invention, nor a mere ecclesiastical precept, but a divine law.

In tracing the facts, we shall begin with the present time and gradually work our way through the Middle Ages back to the early days of Christianity.[1]

I. The Present Time.—The opponents of confession cannot and do not deny that confession is now observed as a divine law in the Catholic Church and has been so observed since the close of the Middle Ages.

For four centuries, from 1500 to date, the faithful have uncomplainingly confessed their sins in the firm conviction that without this remedy they would be lost. No calumny and no attack (and God knows there have been many), has shaken their faith in confession. When the Calvinists inveighed against auricular confession, it was not the latter but the attack made upon it that was felt to be an in-

1 Cfr. Pohle-Preuss, *The Sacraments,* Vol. II, pp. 80 sqq.

tolerable innovation.[2] This proves that confession must have existed in the Church long before the dawn of the so-called Reformation.

2. The Middle Ages.—Calvin and Dallaeus testify that confession was practiced in the Catholic Church since 1215, for it was in that year, they claim, that Innocent III introduced the practice through the Fourth Council of the Lateran. The reference is, of course, to the famous canon *"Omnis utriusque sexus,"* by which all the faithful who have arrived at the age of discretion are commanded to confess their sins at least once a year to their parish priest under pain of exclusion from the Church.[3] Would the faithful of the thirteenth century have acquiesced in such a radical and onerous measure if auricular confession and the duty of confessing to the priests had not previously existed in the Church?

Even from the purely historical standpoint the Tridentine Council must be admitted to be right when it characterizes Calvin's contention as a "vain calumny," and remarks: "The Church did not, through the Council of the Lateran, ordain that the faithful of Christ should confess,— a thing which it knew to be necessary and instituted of divine right,— but that the precept of confession should be complied with at least once a year. . . ."[4]

2 F. *supra,* Art. 1.

3 On the history of this precept see A. Villien. X *Hillary of the Commandmenu of the Church* (English tr.), St. Louis 191$, pp. 151-188.

4 Sess. XIV, cap. 5: *"Neque emm per Lateranense Concilium*

It is not difficult to show that auricular confession dates back to the sixth century."

a) The schismatic Greek Church, which cut loose from Rome under Photius (A. D. 869), did not abolish auricular confession but retained it as a divine institution.

The famous *Confessio orthodoxa,* directed against Cyril Lucar® by Peter Mogilas (1642), which, being signed by all the schismatic patriarchs of that time, enjoys the value of an ecclesiastical symbol, contains the following passage: "This contrition of the heart must be followed by an oral confession of each and every sin, because the confessor cannot forgive anything if he does not know what there is to be forgiven and what sort of penance he is to impose."[7] A schismatic Council held at Jerusalem in 1672, in enumerating the seven Sacraments, mentions "Penance, in which there is included a secret confession." That the Latins did not get this Sacrament from the Greeks, nor the Greeks from the Latins, is evident from the fact that in the course of the debates that were held at Lyons and Florence for the purpose of restoring the ancient union between the two churches, both parties accepted the doctrine of Penance as an article of faith. It follows that auricular confession must have

*Ecclesia statuit,* ut *fideles confiterentur, quod iure divino necessarium esse intellexerat, sed ut praeceptum confessionis saltem semel in anno impleretur."*

5 On Calvin's historical blunder tee Bellarmine, *De Poenit.,* III, c. 13.

o On Cyril Lucar sec Pohle-Preuss. *The Sacraments,* Vol. 1, pp. 39 sq., St. Louis 1915.

*1* P. I., Interrog. 113, *apud* Schelstrate. p. 521: *"Hanc contritionem cordis debet sequi confessio oris omnium et singulorum peccatorum, quia non potest spiritalis* [i. *e. confessorius} absolvere quidquam, ri nesciat, quaenam debeant absolvi et quam reprehensionem det pro illis."*

its origin in a common source antedating the Greek schism.8*

b) A convincing argument for the existence of auricular confession before 1215 is furnished by the penitential canons and books which were in use both in the Eastern and the Western Church.

The so-called *libri poenitentiales* contain practical directions for hearing confession. We will mention only two of the most important. The first is of Oriental origin. It is ascribed to John the Faster, Patriarch of Constantinople (died in 595), but was probably compiled in the ninth or tenth century. Morinus has embodied it in the Appendix of his Historical Commentary on the Administration of Penance.® In this penitential the confessor is instructed to call attention to his divine mission and to admonish the penitent not to conceal his secret sins but to declare them as though God Himself were hearing his confession.10 Then he is told to examine the penitent on the ten commandments and to inquire into the number and gravity *of the* grievous sins he has committed.11

The most ancient penitentials that have come down to us are of Western origin. Among them is the peniten-

8 Cfr. *Perpétuité de la Fat.* Vol. V. I. 3, c. 3 sqq.— Similar conclusions can be drawn from the practice of other Oriental sects, regarding which *sec* Denzinger. *Ritue Orientalium,* Vol. I, pp. 105 sqq., Wurzburg 1863.

0 Morinus, *Comment. Hiet, de jddminiair. Sacram. Poenitentiae,* Appendix. Paris 1651.

10 *"Nihil me cela eorum, quae a te clam facta aunt, velutai Dea occulta cordium cognoecenh conii tererie." (Ibid.)*

11 Thus be asks with regard to the Sixth Commandment: *" Quomolhtiemf . interroget, in quot mulierea inciderit. . . . num aliquae relent ancillae, quantae viduae et quantae nuptae,"* etc. *(Ibid.)*

tial of Theodore, Archbishop of Canterbury, who was sent to England by Pope Vitalian and died in 690. This collection forms the principal source of the penitential canons that were used in the eighth and ninth centuries in the Frankish kingdom and throughout the western Church.[18]

c) An equally strong argument for the existence of confession may be deduced from the penitential decrees of many councils held at the beginning of the Middle Ages, *e. g.* the Council of Worms (868), the Council of Châlons (813), the Council of Tours (813), and the Council of Rheims (813).

The first plenary council of the German nation, held in 742, appointed military chaplains for the army and commissioned them to hear confessions.''

We may also mention the instructions given by Pope Gregory the Great (4- 604) to St. Augustine, when the latter went to England (596) to convert the Anglo-Saxons.

These facts are sufficient to disprove Lea's assertion that confession was originally nothing more than a declaration made to God, and was imposed upon the faithful

12 Cfr. Vering in Herder's *Kirchenlerikon,* Vol. II, r. *v.* "Beichtbücher." The following monographs may also be studied with profit: Wasserschleben, *Die Bussordnungen der abendlândischen Kirche,* Halle r8$r; H. *J.* Schmitz. *Die Bussbücher und die Bussdisziplin der Kirche,* Mayence 1883; Idem, *Die Bussbücher und dos kanonischc Bussverfahren,* Düsseldorf 1897; Λ. M. Kônigcr, *Burchard I. von Worms und die deutsche Kirche seiner Zeit (1000-1023),* pp. 132 sqq., Munich 1905.

is *" Unusquisque praefectus militum unum presbyterum secum habeat, qui hominibus peccata contitentibus indicare et poenitentiam indicare possit."*

in its present form by Peter Lombard (4-1164) and Hugh of St. Victor (4-1141).[14]

But we can trace the practice of auricular confession even farther back than the sixth century; we can show that it existed in the primitive Church.

3. Confession in the First Five Centuries of the Christian Era.—Impressed by the facts cited above, most Protestant scholars now admit that confession originated in the fifth century, or possibly in the third. Some say it is an invention of Pope Leo the Great (+461), while others claim it began to be practiced during the persecution of Decius (250). Both assertions can be easily refuted.

a) The claim that confession was introduced by Pope Leo the Great (440-461 ) is based upon a misunderstanding.

Leo the Great, in a severe letter to the bishops of Campania, says that he has been informed that penitents in that province were required to read their sins publicly to the assembled congregation. This, he declares, is "opposed to the Apostolic rule;" it is a serious abuse which must be abolished at once, since auricular confession to the priest alone suffices. The text runs as follows: "*IHann etiam contra apostolicam regulam praesumptionem, quam nuper agnovi a quibusdam illicitâ usurpatione committi, modis omnibus constituo submoveri: de poenitentia scii., quae a fidelibus postulatur, ne de singu-*

14 H. C. Lea, *A History of ^uritnlar Confrssio».* Vol. *I. ch. 8. Philadelphia* 1896.

*lorum peccatorum genere libello scripta professio publice recitetur, quum reatus conscientiarum sufficiat solis sacerdotibus indicari confessione secretâ."* [16] The Pope in this passage plainly acknowledges secret, *i. e.* auricular confession to be an Apostolic institution and condemns insistence on the public confession of secret sins as a violation of " the Apostolic rule " and " an illicit usurpation." Hence the document cited, far from proving the assertion of our opponents, flatly disproves it, and Leo the Great stands before the bar of history as a classic witness to the practice of auricular confession.

b) In vain do our opponents seek shelter in the dark recesses of the third century. To prove that confession was made compulsory in the Decian persecution (250-251), under the influence of the Novatian schism, they cite a scandalous occurrence which happened at Constantinople under Nectarius, the immediate predecessor of St. Chrysostom.

The Greek Church historian Socrates tells the story as follows:[18] "At about this time [390 A. D.] the priests penitentiary[17] were done away with for the following reason. After the Novatians had separated from the Church because of their refusal to have any intercourse with those who had apostatized during the persecution of Decius, the bishops had appointed a priest penitentiary ... [In 390, under the Patriarch Nectarius] a noble lady approached the priest penitentiary and confessed in de-

>#Ep. *ad Epitc. Campan.,* 168, c. a (Migne, *P. L.,* LIV, 1210).

lOHirt. *Bed., V,* 19.

1T τοὐ» in·? *rf)t μἴτανοίαι irpta· βντίρονι·* (Cfr. *supra,* p. 43),

tail[18] all the sins she had committed since her baptism. The priest imposed upon her fasting and continuous prayers, that she might prove her penitence by deeds. After some time" the lady confessed another grievous sin, namely that a deacon of the Church had had carnal intercourse with her. As soon as she had said this, the deacon was expelled from the church, but the people began to get violently excited. They were indignant, not only because of the crime which had been committed, but also for the reason that the Church seemed to have suffered a terrible shame and disgrace. . . . When, in consequence, the clergy were subjected to mockery, the Alexandrine presbyter Eudaimon advised Nectarius to abolish the office of priest penitentiary and to admit every one to participation in the Sacraments according to his own judgment and conscience; for only in this way [he said] can the Church be cleansed of disgrace." The incident is reported in similar language by Sozomen[20] and Nicephorus Callistus.[21] Pointing to the story told by these early Church historians, Calvin triumphantly exclaims: " Now let these asses prick their ears; if auricular confession was a divine command, how could Nectarius have dared to abolish it?" Calvin's argument is that the Church introduced auricular confession during the Decian persecution (215), and abolished it under Nectarius (390), and that consequently the practice was and is of purely ecclesiastical institution.

We Catholics, on the contrary, see in this incident a new proof for the Apostolic origin of confession. It is plain from Socrates' story that to confess one's sins

*is κατά pipot-*

10 *-κροβαΐνονσα, program temporii;*— the meaning of thia word is not entirely clear.

*S0 Hùt. Ecd.*. Vn. 16.

si *Hut. Ecd.*. *XII.* a8.

in detail,''—whether in public or in private,— was the recognized practice as early as 251 A. D., nay even earlier, since before the appointment of penitentiary priests confessions were personally heard by the bishops. Sozomen emphasizes the necessity of confession as strongly as he approves the abolition of public confession. He says: ''For since it is necessary to confess one's sins in order to obtain forgiveness, it naturally seemed from the beginning an inconvenient thing and a burden that men should reveal their crimes to the priests as in a theatre, with all the members of the congregation standing around. Therefore there was chosen from among the presbyters one distinguished by his uprightness, reserve, and discretion, to whom the duty of hearing the confession of sinners was assigned.''[28]

No matter how we interpret the story of the noble lady of Constantinople, whether we assume that she confessed her sin twice, first in public and then in private, or only once; whether we understand Nectarius to have abolished the public confession of secret sins or merely the four penitential stations ;[24]— it is certain that the Patriarch did not abolish confession as such, for the practice continued in vogue after his death. One of the charges made against his successor, St. Chrysostom, at the notorious Council of the Oaks (A. D. 403), was that he was too lenient in the confessional.[25][26] This " fault," we may inci-

22 κατὰ *μίρο!. sigillatim.*

23 *Loco cit.* (Migne, *P. G.,* LXVII, 1459)·

2* Cfr. Chr. Pesch, *Praelect. Dogmat.,* Vol. VII, 3rd ed., pp. 188 sqq., Freiburg 1909.

26 Quoted by Photius, *Cod.,* 59 (Migne, *P.G.*. CHI, 111): " Si iterum *peccasti, iterum poenitentiam age, et quoties peccaveris, veni ad me, ego te sanabo."*—On the abolition of the office of priest penitentiary in Constantinople under Nectarius, see B. Jungmann, *Dissert. Select,* in *Hist. Ecclesiast.,* Vol. II, PP- >37 sqq., Ratisbon 188·; G. Rauschcn. *Jahrbücher der chrisll. Kirche unter dem Kaiser Theodosius d. Gr.,* pp. 537 sqq., Freiburg 1897.

dentally note, St. Chrysostom shared with St. Ambrose (+ 397), whose biographer says: *" Quotiescumque Uli aliquis ob percipiendaim poenitentiam lapsus suos confessus esset, ita flebat, ut et illum flere compelleret; videbatur enim sibi cum iacente iacere. Causas autem criminum quae illi confitebantur, nulli nisi Domino soli, apud quem intercedebat, loquebatur."*[28] We have quoted this passage in the original, because it seems to us to contain decisive proof not only for the practice of confession in general, but likewise for auricular confession, and for the seal of the confessional.

We have thus brought the argument for the existence of sacramental confession down to the year 250. Montanism furnishes convincing evidence that the practice is still older. The Montanists drew a sharp distinction between forgivable and unforgivable sins. This distinction would have been futile in the case of secret sins, had not the priest been enabled by confession to determine whether he could absolve the penitent or not. As this Montanistic error was taught as early as A. D. 150, confession must have existed in the Church before that time, in other words, it must have existed in the Apostolic age, and if it existed in the Apostolic age, it is undoubtedly of divine institution."

20 *Vita S. Ambrosii,* n. 39.
*27* Cfr. *supra,* Part J, Ch. I, Sect *2,* Art a; Ch. II, Sect I. Art ».

## ARTICLE 3

### THE PATRISTIC ARGUMENT

Having shown that confession was universally practiced in the Catholic Church since Leo the Great (-f- 461 ), we can limit the Patristic argument to the first five centuries.

Some of the texts we have cited to demonstrate the power of the keys,1 directly, or at least indirectly, prove the divine institution of confession. Nevertheless, confession is so important a part of the Sacrament of Penance, through which the Church exercises the power of the keys, that it is worth while to seek for additional confirmation of the practice in the writings of the Fathers.

We begin with the later testimonies, as they throw light on the earlier ones and enable us to trace the development of the dogma in the minds of the faithful.

The Patristic proof for confession is rendered difficult by the fact that, as Professor Rauschen points out, " the Greek word *Ἐξομολογάσθαι* has a twofold meaning, ' to confess' and 'to do penance,' just as the Latin word *confiteri* may signify both confession before men and an outpouring of the heart to God." 2

I. The Fathers of the Fifth Century.— Pope Leo the Great (+461), whom we have al-

1 E. *supra,* Part I, Ch. I, Sect. 2, Art. 2.

2 *Eucharist and Penance* in *the First Six Centuries of the Church,* p. ǎi St Louis 1913.— Collections of Patristic texts bearing on this topic may be found in Klee, *Die Betchte,* Frankfort 1828; Viet. Reatinus, *De Sacram. Confessionis s. Poenitentiae Historia ex SS. Patribus,* in Zaccaria, *Thesaurus Theol.,* Vol. XI, Venice 1763; Vacandard, *"La Confession dans l'Eglise Latine du 5. au 13. Siècle,"* in the *Revue du Clergé Français,* 190S. PP- 339 sqq.

ready quoted on a previous page,[3] declares it impossible for a sinner to be saved unless he confesses his sins to a priest.[4]

St. Augustine compares the sinful conscience to an abscess filled with pus, the priest to a surgeon, and confession to the lancing of the abscess, whereby the pus is caused "to come out and flow off."[5] He warns sinners not to postpone confession because it is uncertain whether at the last moment they will have an opportunity to confess their sins to a priest.[6]

The teaching of St. Chrysostom is deserving of special consideration because heretical writers represent him as opposed to the duty of confession. We have heard that he was accused of being too lenient with his penitents? How could

3 *Supra,* pp. aoi sq.

4 Ep. 108. c. a: *"Multiplex misericordia Dei ita lapsibus subvenit humanis, ut non solum per baptismi gratiam, sed etiam per poenitentiae medicinam spes vitae reparetur aeternae, ut qui regenerationis dona violassent, proprio se iudicio condemnantes ad remissionem criminum pervenirent, sic divinae bonitatis praesidiis ordinatis, ut indulgentia Dei nisi supplicationibus sacerdotum nequeat obtineri. Mediator enim Dei et hominum homo Christus lesus hanc praepositis Ecclesiae tradidit potestatem, ut et confitentibus actionem poenitentiae darent et eosdem salubri satisfactione purgatos ad communionem sacramentorum per ianuam reconciliationis admitterent."* (Migne. *P. L.,* LIV, ion).

e *In Ps.*. 66, n. 6: *"Ergo tristis er. antequam confitearis, confessus exulta, iam sanaberis. Conscientia tua saniem collegerat, apostema tumuerat, cruciabat te, requiescere non sinebat: adhibet medicus (sacerdos; cfr. Serm.*. 351, *c.* 4] *fomenta verborum et aliquando secat. Adhibet medicinale ferrum in correptione tribulationis. Tu agnosce medici manum, confitere, ereal in confessione et defluat sanies."*

*a Serm.*. 393: *"Quia si ad ultimum vitae steterit, nescit si ipsam poenitentiam accipere ac Deo ac sacerdoti peccata sua confiteri poterit."*

*t Supra,* p. ăo

this have been if he did not hear confessions? Listen to his own words: "Let us, therefore, also imitate this [the Samaritan] woman and let us not fear men [i. *e.* priests][8] in the avowal of our sins, but let us fear God, who now sees our evil deeds and will later on punish those who refuse to do penance now. While we have no fear of Him who will judge [us], we tremble before those who cannot injure us, lest we suffer a loss of honor in their eyes. . . . Thou hast committed a sin and hidest it before men, but thou canst not hide it from God."[9] In another place St. Chrysostom says: "In order that we, too, may understand His friendship for men, let us not be ashamed to confess our sins;[10] for great is the virtue of confession, and strong its power."[11] The nature of the Sacrament of Penance is thus described by the same Patristic writer: "What, then, is the nature of the medicine of penance, and how is it prepared? First by a perception of one's sins[12] and [then] by confession.[13] For if thou hast confessed thy sin as it ought to be confessed, the spirit becomes humble. But something must be added to humil-

« *V. tupra,* p. 30.

0 *Hom. in Joa., 34,* n. 3 (Migne, *P.G.,* LIX, 196).

ιθ «ξομολογϊϊσβαι *τα Αυτύν αμαρτήματα μή αίοχιινβϋμιν.*

11 *Hom. de Cruce et Lair., a,* n. 3.

12 ἀττὸ *Karayvûoetos τών οικιΐων Αμαρτημάτων.*

1» καϊ *àirb Î(ayopeû<rea>t·*

ity, ... we must conduct ourselves properly towards the priests." [14]

The question has been asked: Why does St. Chrysostom so often admonish penitents who are ashamed to declare their sins, that they need confess them *only to God?* — as in this passage: "I do not lead thee into a theatre filled with thy fellows, nor do I compel thee to reveal thy sins to men; open thy conscience to God and show Him thy wounds."[15] It is probable that, as public confession had been abolished at Constantinople by his predecessor, St. Chrysostom in thus expressing himself wished to call attention to the seal of the confessional by which confession made to the priest becomes to all practical intents and purposes a confession made to God alone. However, as this explanation is not certain, and St. Chrysostom's language is by no means as clear as it might be, we must admit that while he unmistakably attests the power of the Church to forgive sins, he is not a convincing witness in favor of auricular confession.

2. The Fathers of the Fourth Century.— Dr. Rauschen has called attention to the fact that the testimony of St. Ambrose in his treatise *De Poenitentia,u* which is generally quoted in this connection, is of doubtful value because it refers not to outward confession, but to the inward acknowledgment of sins committed.[17]

St. Pacian of Barcelona *(+391)* admonishes those

[14] *Hom. in Htbr.*, n. 9, n. 4 (Mime. *P. G.*, LXIII. 80).
[15] *Hom. de Incomfrehene.*, 5 (Migne. *P. G.*, XLVIII, 746).
[16] *it De Poenit.*, II. 6. 40.

who have not been ashamed to commit grievous sins, to "cease to hide their wounded conscience" and to follow the prudent example of "the sick who do not fear the physician, though he cut and burn even the secret parts of the body."[18]*

Lactantius (4- about 330) says that "the true Church is that in which there is confession and penance, which applies a wholesome remedy to the sins and wounds whereunto the weakness of the flesh is subject."[18]

The so-called "Penitential Letters" of St. Basil (+ 379) contain many references to auricular confession. The question whether a sinner "should reveal forbidden deeds to all, or merely to some men, and to whom," he answers thus: "In confession we must observe the same order as in revealing bodily diseases. As men do not make known their bodily ailments to anybody and everybody, but only to those who are skilled in healing, so confession of sins ought to be made to those who can cure them."[20] Another question, *viz.:* "Shall the penitent sinner confess to anyone, and to whom?" he answers as follows: "He must confess to those to whom is entrusted the administration of the mysteries of God."[21] St. Basil also insists on the conscientious observance of the seal. "Our forefathers," he says, "have indeed forbidden the public exposure of women who are guilty of adultery and

18 *Paraenes, ad Poenit.,* n. 6, 8: *"Vos ergo primum appello, fratres,* qui *criminibus admissis poenitentiam recusatis; vos, inquam, post impudentiam timidos, post peccata verecundos, qui peccare non erubescitis et erubescitis confiteri. . . . Rogo ergo vos. fratres, etiam pro periculo meo per illum Dominum, quem occulta non fallunt, desinite tulneratam tegere conscientiam. Prudentes aegri medicos non verentur, ne in occultis quidem corporum partibus etiam secaturos, etiam perusturos."*

10 *Div, Instil.,* IV, c. 30: *"Illa est vera Ecclesia, in qua est confessio et poenitentia, quae peccata et vulnera, quibus est subiccta imbecillitas carnis, salubriter curat."*

20 *Regula Brev., 229* (Migne, *P. G.*. XXXI, 1235).

21 *Rcg. Brev.,* 288 (Migne, *P. C.,* XXXI, 1283).

piously confess their sin, in order that their lives may not be endangered ; but they have ordained that these women shall stand without communion [i. *e.* take their place in the fourth penitential station] until the term of penance has expired." [21]

### 3. The Fathers of the Third Century.—

Our principal witnesses for the third century are St. Cyprian (+ 258) and Origen (+ 254).

We have already told how St. Cyprian defended the necessity of penance and confession for those who had apostatized in the Decian persecution (250-251)." Against the excessive demands of certain rigoriste he pleads for greater mildness in the treatment of sinners, " since we find that no one ought to be forbidden to do penance and that to those who implore the mercy of God . . . peace can be granted through His priests. . . . And because in hell there is no confession, nor can *exomologesis* be made there, they who repent with their whole heart and ask for it, should be received into the Church and therein saved unto the Lord."[24] What interests us still more is that St. Cyprian insists on the duty of confessing mere sins of thought. He says that many who do not do penance or confess their guilt, are filled with unclean spirits, and by contrast praises the greater faith and more wholesome fear of those who, though not guilty of any

22 *Ep. Can. ad Amphi!., a,* can. J4 (Migne, *P. C.,* XXXII, 737).

23 *P. supra,* p. 31.

3« *Ep. ad Antonian.,* $5, n. *39* (ed. Hartel, II. 647): *" Quadri inveniamus a poenitentia agenda eius pacem posse concedi, admittendus est plangentium gemitus et poenitentiae fructus dolentibus non negandus. Et quia apud inferos confessio non est nec esomologesis illic Heri potest, qui & toto corde poenituerinl et rogaverint, in Ecclesiam debent interim suscipi et in ipsa Domino reservari."*

idolatrous deeds, "nevertheless, because they entertained the thought [of such deeds] confess [their thought] in sorrow and simplicity to the priests of God, make the *exomologesis* of their conscience, lay bare the burden of their soul, and seek a salutary remedy even for those wounds that are slight."[26]

Origen writes in the second of his Homilies on the Psalms: "Consider, therefore, that Scripture teaches we must not inwardly conceal sin. For as those who, having undigested food or an ulcer in the stomach, find relief in vomiting, so those who have sinned are distressed and almost choked by the slime or phlegm of sin if they conceal and keep it within themselves. But if a man accuses himself and confesses, he vomits up his crime and casts out every cause of disease. Now take care to whom[20] thou shouldst confess thy sins. First prove the physician to whom thou art obliged to explain the cause of thy weakness, who knows how to be sick with the infirm and weep with the sorrowing, who is familiar with the practice of sympathy and compassion, in order that, following the word of him who has proved himself to be an experienced physician, thou comply with his advice and follow it. When he perceives and counsels that thy illness is such that thou must confess it before the face of the whole congregation, whereby perhaps the others are edified and thou thyself canst be easily healed, this should

26 *De Lapsis,* c. 26 sqq.: *"Quant* multi *quotidie poenitentiam non agentes nec delicti sui conscientiam condtentes immundis spiritibus adimplentur. . . . Nec evasisse se credat, si eum interim poena distulerit, quum timere plus debeat quam sibi Dei iudicis ira servavit . . . Quanto et Ade maiores et timore meliores sunt, qui quamvis nullo sacrificii aut libelli facinore constricti, quoniam tamen de hoc cogitaverunt, hoc ipsum apud sacerdotes Dei dolenter et simpliciter condientes exomologesim conscientiae faciunt, animi sui pondus exponunt, salutarem medelam parvis licet et modicis vulneribus exquirunt, scientes scriptum esse (Cal. IP',* 7): *Deus non deridetur."*

20 That is. to what priest, cfr. *supra,* pp. 31 sq.

be done with due deliberation and according to the prudent advice of the doctor." [27] From this interesting passage we might almost conclude that, in the Orient, public confession developed from auricular confession, rather than *vice versa*. This much is certain, at any rate, that in Origen's time *public* confession (except in case of the three capital crimes of apostasy, murder, and fornication) was not a matter of duty but merely of counsel in the Eastern Church.

4. The Fathers of the Second Century.—Among the Fathers of the second century St. Irenaeus of Lyons (130-202) and Tertullian of Carthage (b. 160) can be cited in support of auricular confession.

Irenaeus, in relating the story of the women seduced by Marcus the Gnostic, seems to distinguish between public and secret (or auricular) confession. "Some of them," he says, "perform their *exomologesis* openly, while others, afraid to do this, draw back in silence." The crucial passage reads as follows: At *μα και ὡ φαπρον ἰζομολογοϋνται (quaedam quidem etiam in manifesto exomologesin faciunt)*.[28] This *"etiam in manifesto"* suggests that they had first confessed in private. If this interpretation is correct, the incident may be briefly described as follows: The guilty women first confessed their sins privately; but as the crime had been notorious, the confessor obliged them to make a public confession, which was to serve at the same time as a penance and a reparation of the scandal given. This

[27] *Hom. in Pt.*, *t*. 37. n. 6 (Migne, *P. C.*, XII. 1386). [28] *Mi'. Hatr.*, I. tj, 7 (Migne. *P. G.*, VII. §ji).

some of the women did, while others could not be prevailed upon to make a public confession.

Tertullian emphasizes the necessity of doing penance for sinful thoughts as well as deeds.[29] He condemns the false shame which prevents many from making a public confession of their sins and thus causes them to be lost. " Is it better to hide and be damned," he asks, " than to be openly absolved? "[30]

The few Patristic fragments that have come down from the first century do not permit us to say for certain whether the confession of which the early Fathers speak was merely an outpouring of the heart before God or a declaration made to a priest, diement of Rome exhorts the rebellious Corinthians: " Let us then pray, that for our transgressions, and for what we have done, . . . forgiveness may be granted to us. . . . For it is better for man to confess his transgressions than to harden his heart."[31] As the later must have been a continuation of the earlier practice, and as St. Clement in the same epistle admonishes the Corinthians to " submit to the presbyters,"[32] it is fair to conclude that confession was made to the priests.

2» *De Poenit.,* c. 4: *" Omnibus delictis seu carne seu spiritu, seu tacto seu voluntate commissis, qui poenam per indicium destinavit, idem et veniam per poenitentiam spopondit."*

*39 De Poenit.,* cap. 10: *"Plerosque tamen hoc opus [confessionis} ut publicationem sui aut suffugere out de die* in *diem differre praesumo, pudoris magis memores* quam *salutis: velui illi qui in partibus verecundioribus corporis contracta vesalione conscientiam medentium* tilout *et ita cum erubescentia sua pereunt. . . . Grande plane emolumentum verecundiae occultatio delicti pollicetur: videl. si quid humanae notitiae subduxerimus, proinde et Deum celabimusf adeone existimatio hominum et Dei conscientia comparanturP /In melius est damnatum latere quam palam absolvit "*

3i *Ep. ad Corinth.,* I, 51, : (ed. Funk. I, 135): *" Quaecumque deliquimus et fecimus . . . eorum remissionem imploremus. . . . Melius est homini peccata sua confiteri quam indurare cor suum."*

as *Ep. ad Corinth.,* I, 57.

A similar interpretation may be put upon a passage in the *Didaché* (about A. D. 96), which reads: "In the church [hence not before God alone) thou shalt confcs-thy transgressions *(ἐξομολογγηι),* and thou shalt not betake thyself to prayer with an evil conscience.''''' This text does not, however, prove the sacramental character of confession, because it is silent regarding absolution.

Readings: — Denys de Sainte-Marthe, *Traité de la Confession,* Paris 1865.— H. Klee, *Die Beichte,* Frankfort 1828.— Siemers, *Die sakramentale Beichte,* Münster 1884.— Jenkins, *The Doctrine and Practice of Auricular Confession,* London 1783.—St Alphonsus de' Liguori, *Homo Apostolicus Instructus in sua Vocatione ad Audiendas Confessiones,* ed. Ratisb. 1862.—J. J. A. Kinkel, *Die Beichte in den ersten christlichen lahrhunderlen,* Mayence 1879.— O. Fr. Cambier, *De Divtna Institutione Confessionis Sacramentalis,* Louvain 1884.—A. Egger, *Die Beichte in der hl. Schrift und in der hath. Kirche,* St Galien 1901.—P. A. Kirsch, *Zur Geschichte der kath. Beichte,* Würzburg 1902.—J. Gartmeier, *Die Beichtpflichi,* Ratisbon 1905.— A. M. Kôniger, *Die Beichte nach Ciisarius von Heisterbach,* Munich 1906.— E. J. Hanna in the *Catholic Encyclopedia,* Vol. XI, pp. 625-628.—R. Melia, *A Treatise on Auricular Confession: Dogmatical. Historical, and Practical,* Dublin *s. a.*— Rauschen, *Eucharist and Penance in the First Six Centuries of the Church,* pp. 184 sqq., St Louis 1913.— E. Vacandard, *"Les Origines de la Confession Sacramentelle,"* in that writer's *Études de Critique et d'Histoire Religieuse,* 2e série, pp. 51-125, Paris 1910.

The leading non-Catholic writers on the history of auricular confession are: G. E. Steitz, *Das romische Bussakrament,* Frankfort 1854.— Th. Kliefoth, *Die Beichte und die Absolution,* Schwerin 1856— Henry Charles Lea, *A History of Auricular Confession and Indulgences in the Latin Church,* 3 vols, Philadelphia 1896.

Against Lea, P. M. Baumgarten, *Die Werke von Henry Charles Lea und verwandte Bucher,* Munster i. W. 1908; (English tr.

*Henry Charles Lea's Historical Writings: A Critical inquiry into Their Method and Merit,* New York 1909) ; P. H. Casey, S. J., *Notes on a History of Auricular Confession: H. C. Lea's Account of the Power of the Keys in the Early Church,* Philadelphia 1899.

# CHAPTER III

## SATISFACTION

## SECTION i

### SACRAMENTAL SATISFACTION, OR PENANCE FOR SINS CONFESSED

i. State of the Question.—To give satisfaction may mean one of three things:

a) To repair an injury done to another. Satisfaction in this general sense is called restitution if the injury consisted in positive damage to property or honor.

b) To atone for an insult or offence *(iniuria. contumelia').* Satisfaction *given to God.—the* only kind with which we have to deal here,—is either *medicinal* or *vindictive. Medicinal satis-*faction is a preventive remedy calculated to strengthen the soul *against relapse.* Vindictive satisfaction is an act of justice whereby the *injury done to the* honor of God is repaired, so far at least as the sinner is able to make reparation. Every mortal sin involves a twofold effect: guilt *(reatus culpae) and* punishment *(reatus poenae).*

Whereas in Baptism both are remitted simultaneously, in the Sacrament of Penance the guilt of sin and the eternal punishment due to sin are remitted, whilst a certain amount of temporal punishment may remain *(reatus poenae temporalis).* To cancel such temporal punishments, either completely or in part, is the purpose of satisfaction.

c) It is in this third and last sense that St. Thomas defines "satisfaction," in relation to the Sacrament of Penance, "as the payment of the temporal punishment due on account of the offence committed against God by sin." [1]

That guilt and punishment are separate and distinct things is an accepted principle of Catholic theology and forms the dogmatic foundation for the doctrine of indulgences as well as of purgatory.

Satisfaction, as defined by St. Thomas, is a constituent part of the Sacrament of Penance, though not exactly in the same sense as contrition and confession. According to the present discipline of the Church, satisfaction is made after absolution, and hence it does not enter into the essence but merely belongs to the integrity of the Sacrament. It is an integral part of the Sacrament because it is required for obtaining its secondary effect,— *i. e.* the remission of temporal punishment. In a certain sense satisfaction may even be said to appertain to the essence

1 St. Thomas, *Summa Theol., Suppl-,* qu. 12, art. 3: *" Satisfactio est compensatio poenae temporalis debitae ob iniuriam Deo per peccatum illatam."*

of the Sacrament, because the will to render satisfaction must be present before absolution can take effect and, as a matter of fact, is virtually contained in every true act of contrition.

2. The Dogmatic Teaching of the Church. —The dogmatic teaching of the Church on the subject of sacramental satisfaction may be summarized as follows: (1) The temporal punishments of sin are not necessarily all remitted in the Sacrament of Penance; (2) The remaining punishments may be cancelled by good works, especially prayer, fasting, and almsgiving; (3) The confessor is bound to impose, and the penitent to accept, such penitential exercises by way of satisfaction.

We shall explain these points more fully in the form of three theses.

Thesis I: The Sacrament of Penance, while remitting the guilt of sin together with its eternal punishment, does not cancel the temporal punishments due to sin.

This proposition is *de fide.*

*Proof. The* Protestant Reformers taught that Christ, by dying for us on the Cross, blotted out not only our sins, but likewise all punishments due to them, and that in consequence the justified

a Cfr. Dallaeu», *Dt Potnit ti Setùfactionibnt Humanu.*

sinner need give no further satisfaction.[2] This heretical error was condemned by the Council of Trent as follows: "If anyone saith that, after the grace of justification has been received, to every penitent sinner the guilt is remitted and the debt of eternal punishment is blotted out in such wise that there remains not any debt of temporal punishment to be discharged either in this world or in purgatory, ... let him be anathema."[3] This is true in particular of the Sacrament of Penance: "If anyone saith that God always remits the whole punishment together with the guilt, and that the satisfaction of penitents is no other than the faith whereby they apprehend that Christ has satisfied for them, let him be anathema."[4]

The Catholic dogma is in full conformity with Sacred Scripture.[6]

a) Examples in point are: Adam and Eve (Gen. III, 17), the Israelites in the desert (Ex. XXXII, 14, 27), Moses (Numb. XX, 12), and especially David.

[5] Seas. VI, can. 30: *"Si quis post acceptam iustificationis gratiam cuilibet peccatori poenitenti ita culpam remitti et reatum aeternae poenae deleri dixerit,* «t *nullus remaneat reatus poenae temporalis exsolvendae vel* in *hoc saeculo vel* in *purgatorio, . . . anathema sit."* (Denzinger-Bannwart, n. 840).

«Seat. XIV, can. ta: "Si quia *dixerit, totam poenam simul cum culpa remitti semper a Deo satisfactionemque poenitentium non esse aliam quam fidem, quâ apprehendunt Christum pro eis satisfecisse, anathema sit." Cfr.* can. 15.— (Denzinger-Bannwart, n. 932).

[6] The Tridentine Council snvs (Seas. XIV, cap. 8) that *"per spicua et illustria in sacris literis empla "* can be cited in support of thia dogma,

After David had confessed to Nathan that he had " sinned against the Lord," * the prophet consoled him by saying : " The Lord hath taken away thy sin, thou shalt not die."'' But Nathan did not promise David remission of temporal punishment. On the contrary, he continued : " Nevertheless, because thou hast given occasion to the enemies of the Lord to blaspheme, ... the child that is born to thee shall surely die."8

St. Paul mentions weakness, disease, and death among the evil effects of unworthy communion. " Therefore many among you are weak and sickly, and not a few are fallen asleep."9 He evidently regards sickness and death as temporal punishments for irreverence shown towards the Eucharist ; for among the afflicted Corinthians many returned to their senses in consequence of such chastisements.10

## b) The teaching of Tradition on this subject may be gathered partly from the writings of the Fathers and partly from the penitential discipline of the ancient Church.

a) Calvin admits that practically all the Fathers held the Catholic doctrine of satisfaction.11 In view of this admission a few select texts will suffice for our purpose. St. Basil says: "If thy sin is great and grievous, thou

o *i* Kings XII, 13.

T *Ibid.*

e *3* Kings XII, 14.

0 i Cor. XI, 30.

10 t Cor. XI. *32:* " We are chastised by the Lord, that we be not condemned with this world."—On this text see Al. Schafer, *Erblâruut der beiden Brief an die Korinlber.* p. 239. Münster 190,1, and J. MacRory, *Tin Epistles of St. Paul to the Corinthians.* P. I, pp. ty8 eq., Dublin 19>S-

*St Inslit.,* Ill, *4.* 38: *"Parum me movent, quae in veterum scrip, tie de satisfactione passim occurrunt. Video quidem eorum nonnullos. dicam simpliciter fere omnes, quorum libri extant, aut bac in parte lapsos esse ani nimis aspere et dure locutos."*

hast need of much penance, bitter tears, fatiguing night-watches, constant fasting. If thy sin is light and tolerable, let thy penance be accordingly." [12] St. Augustine writes: "Man is forced to suffer even after his sins are forgiven, though it was sin that caused him to fall into such misery. For the punishment outlasts the guilt, lest the guilt should be accounted slight, if with its forgiveness the penalty also came to an end." [13] St. Gregory the Great teaches: "A crime does not vanish without vengeance. For either the sinner contritely punishes it himself, or God punishes it avengingly. . . . Thus David, after confessing, deserved to hear the words (2 Kings XII, 13): 'The Lord hath taken away thy sin,' and yet by many sufferings had to make satisfaction for the guilt of the sin which he had committed." [14]

### β) The penitential discipline of the Church furnishes incontrovertible proof of her belief in the necessity of sacramental satisfaction.

It is an unsettled controversy whether absolution preceded or followed *public* penance in the primitive Church. Morinus [15] and others maintain that as a rule the sacramental absolution was not imparted until after the entire penance had been performed. For the East this means

12 *Attende Tibi Ipsi,* n. 4.

13 *Tract,* in *loa.,* 124, n. St *Cogitur homo tolerare etiam remissis peccatis, quamvis* Mi in *eam veniret miseriam, primum fuerit peccatum. Productior est enim poena quam culpa, ne parva putaretur culpa, si cum illa finiretur et poena."* (Migne, *P. L.,* XXXV,

n *Moral.,* IX, c. 34: *"Delictum sine ultione non deserit. Aut enim ipse hoc homo* in *se poenitens punit aut hoc Deus cum homine vindicans percutit. . . . Sic David post confessionem audire meruit 'Transtulit Dominus peccatum tuum,' et tamen multis post cruciatibus afflictus et fugiens reatum culpae, quam perpetraverat, exsolvit."* (Migne, *P. L„* LXXV, 889),—Other Patristic texts *apud* Bcllarmine, *De Poenit.,* IV, c. 9-

IB *Comment. Hist, de Discipl. in Administr. Sacram. Poenit., IX, c.*

that a penitent had to pass through the four penitential stages or stations before he obtained forgiveness.[1]* A second group of theologians (Billuart, Frank, Palmieri, Hurter *et al.),* hold that sacramental absolution was usually imparted right after (secret) confession, and that the formula pronounced over the penitents in public after the close of the period of public penance was merely the canonical absolution, which had the effect of a plenary indulgence and readmitted the penitent to the Eucharist. Let this be as it may, it is an undeniable fact that in the primitive Church absolution was frequently granted before full satisfaction had been given, and this fact proves that the Church can have had no objection to the practice, at least in principle. Cases in which absolution was given before satisfaction had been rendered were: danger of death [17] or of apostasy,[18] extraordinary contrition,[18] and the possession of a *libellus martyrum.*[20]

c) It is not difficult to see why a penitent, even after having obtained forgiveness of his sins, may still be subject to temporal punishments. Divine justice demands that a baptized sinner be more severely treated than an adult convert; on the other hand divine mercy shows the sinner the grievousness of his transgressions by inflicting temporal punishments and thereby preserves him from

10 Binterim and Schwane differ from the other defenders of this theory in holding that, in the East, penitents were deemed worthy of receiving sacramental absolution when they had arrived at the fourth station, *vis.:* that of the *conristentes or avaravTts·*

17 Cfr. *Cone. Nicaen. 1,* can. 13.

18 Cfr. St Cyprian. *Ep., so.*

10 Cfr. St Gregory of Nyssa, *Ep. Canon., B-io Cfr.* St Cyprian, *Ep., 16.*—* For a fuller treatment of this point see Frank, *Di» BmeduripUn,* pp. 811 sqq., Mayence *1867;* Schmitx *Di» Busibûcher nnd die Biuedirsiphn der Kirche.* pp. *6$* sqq.. Mayence *1883:* Gartmeier, *Die Beichtpdükl.* pp. 60 sqq.. Ransbon ipoj: Powhmann. *D<e Sichtberheit der Kirche nach Cyprian,* pp. *147* sqq., Paderborn 1908.

relapse and eternal damnation. Moreover, it is meet and just that a penitent sinner should, by assuming penitential works for his own sins, become like unto our Divine Saviour, who undertook such works for the sins of others. Of course, we must always remember that the good works which we perform in order to give satisfaction for our sins,— whether in connection with, or outside of, the Sacrament of Penance,— owe their entire efficacy to the merits of Christ. "The satisfaction which we make for our sins," says the Tridentine Council, "is not so our own as not to be through Jesus Christ. . . . Thus man has not wherein to glory, but all our glorying is in Christ, in whom we live, in whom we merit, in whom we satisfy, bringing forth fruits worthy of penance, which from Him have their efficacy, by Him are offered to the Father, and through him are accepted by the Father."[21] Hence it is wrong to assert that the Catholic doctrine of satisfaction is derogatory to the atonement. The Tridentine Council solemnly condemned this charge in a special canon: "If anyone saith that the satisfactions by which penitents redeem their sins through Jesus Christ, are not a worship of God, but traditions of men, which obscure the doctrine of grace and the true worship of God and the benefit itself of the death of Christ, let him be anathema."[22]

21 Sess. XIV, cap. 8: *"Neque vero* ita *nostra est satisfactio haec. quam pro peccatis nostris exsolvimus,* ut *non stt per Christum lesum. ı . Ita non habet homo unde glori·elur, sed* omnis *gloriatio nostra* in *Christo est, in quo vivimus,* in quo *meremur,* in *quo satisfacimus facientes fructus dignos poenitentiae, qui ex illo* vim *habent, ab illo offeruntur Patri et per illum acceptantur a Patre."* (Denzinger-Bannwart, n. 904).

.22 Sees. XIV, can. 14: "Si fluis *dixerit, satisfactiones, quibus poenitentes per Christum lesum peccata redimunt, non esse cultus Dei, sed traditiones hominum doctrinam de gratia et verum Dei cultum atque ipsum beneficium mortis Christi obscurantes, anathema sit."* (Denzinger-Bannwart, n. 9j4)._ On the

**Thesis II:** The converted sinner is able to cancel by various penitential works the temporal punishments remaining after absolution.

This is likewise *de fide.*

Before proceeding to demonstrate this dogma, we must explain the precise state of the question.

There is a distinction between *extraordinary* and *ordinary* punishments due to sin. Extraordinary punishments are imposed by an absolute decree of God and their place cannot possibly be supplied by human satisfaction. Ordinary punishments owe their infliction to a conditional decree by which they may be blotted out through works of satisfaction. Extraordinary punishments were those inflicted upon Adam, Moses, David,[23] and Saul;[24] ordinary punishments, those imposed upon the inhabitants of Ninive[26] and upon Achab.[23] We are here dealing with ordinary punishments,— of which the Council of Trent says that they may be blotted out by means of good works performed "through Jesus Christ," "have their efficacy from Him," and " by Him are offered to the Father, and through Him accepted by the Father."[27]

The ordinary temporal punishments due to sin may be blotted out in two ways: either actively by performing penitential works in this life *(satisfactio),* or passively by suffering in purgatory *(satispassio).*[28] It is an article of faith that satisfaction may be made for them in this life by performing penitential works, either at

nature of temporal punishment for ■in as a commutation of eternal into certain definite temporal penalties, see Oswald, *Die dogmat. Lehre von den hl. Sahramenten,* VoL *II,* 5th ed., pp. 9 sqq.

[8] *V. tupra,* Thesis I.

M I Kings XVI, I.

25 Jonas HI. 10.

2« Cfr. *3* Kings XXII, 27 sqq.

»TCfr. *Cone. Tndent.,* Sess. XII.

jo.

the bidding of one's confessor, or voluntarily, and by patiently accepting trials and sufferings. This is the express teaching of the Tridentine Council: "If anyone saith that satisfaction for sins, as to their temporal punishment, is nowise made to God through the merits of Jesus Christ, by the punishments inflicted by Him and patiently borne, or by those enjoined by the priest, nor even by those voluntarily undertaken, as by fastings, prayers, almsdeeds, or by other works of piety; . . . let him be anathema." 2B

It is likewise an article of faith that the penitential works just described in some manner actually blot out the temporal punishments due to sin. That this effect is produced not merely *per satisfactionem de congruo,* but likewise, and in particular, *per satisfactionem de condigno,* may be deduced from the condemnation of a certain proposition espoused by Baius.80 However, this is not *de tide dogmatica.*

Proof, a) The just man can acquire supernatural merits *de condigno* by performing good works.81 Now between merit and satisfaction there is no formal but only a material distinction, based on their respective effects. Merit increases sanctifying grace and effects eternal beatitude;

20 Sees. XIV, can. 13: "Si *quis dixerit, pro peccatis quoad poenam temporalem minime Deo per Christi merita satisfieri, poenis ab eo inflictis* «t *patienter toleratis vel a sacerdote iniunctis, sed neque sponte susceptis,* Mt ieiuniie, *orationibus, elcmosynis vel aliis etiam pietatis operibus, . . .* anathema *sit."* (Denzinger-Bannwart, n. 913).

80 This proposition is the 77th in the series condemned by Pius V, and reads as follows: *"Satisfactiones laboriosae iustificatorum non valent expiare de condigno poenam temporalem restantem post culpam condonatam."* (Denzinger-Bannwart, n. 1077).

si See Pohle-Preuss, *Grace, Actual and Habitual,* pp. 399 sqq.

satisfaction blots out the temporal punishments due to sin. Consequently the just man must be able to merit *de condigno* forgiveness of the temporal punishments remaining after absolution.

Like all good works, those whereby satisfaction is made for sins are reducible to three classes: prayer, fasting, and almsgiving. This is the express teaching of Trent.[32] Scripture tells us that these three kinds of good works blot out sin and are accepted by God in satisfaction of both guilt and punishment.[33] This teaching is confirmed by Tradition. St. Augustine says: "By almsgiving God must be propitiated for past sins."[34] St. Cyprian expresses himself in a similar manner.[35]

That prayer, fasting, and almsgiving are means not only of acquiring supernatural merits but likewise of rendering satisfaction for sin, is owing to the fact that they involve a relinquishment of temporal goods, and therefore partake of the character of punishment. Man has three kinds of goods: (i) goods of the soul, which he offers to God by prayer and spiritual works of mercy; (2) goods of the body, which he sacrifices by fasting and other bodily mortifications; and (3) material goods, such as money and other valuable objects, which he surrenders to God by giving alms and performing works of corporal mercy.

Another remedial and atoning feature of these three

32 Ses·. VI, cap. 14: *". . . satisfactionem per ieiunia, etemosystos, orationes el aha pia spiritualis vitae exercitio."*— Cfr. Sess. XIV. can. »3·

ss Cfr. Job XLII, 8; Tob. IV, 11; XII. 9; Pro». XV, *ar.* XVI. *6;* Luke XI. 4«. etc.

*saEnchir,, c. 70: "Per elemosynas de peccatis praetentis est propitiandus Deus."*

*sa De Lapsis,* c. 3$.

species of good works is that they are diametrically opposed to the three cardinal sins: prayer to pride; fasting to concupiscence of the flesh; almsgiving to concupiscence of the eyes.[80]

b) Meritorious and satisfactory works, being materially identical, are subject to the same conditions. These conditions are mainly five, to wit: the works in question must be morally good; they must be performed voluntarily; with supernatural help; in the state of sanctifying grace; and they must be acceptable to God.[37]

There is but one point in which merit *(meritum)* and satisfaction *(satisfactio)* differ, and that is that satisfaction partakes of the character of punishment *(opus poenale, laboriosum).* However, as all good and meritorious works are performed with difficulty, Catholic theologians generally teach that in the present state of human nature there is *de facto* not a single good work that may not at the same time partake of the nature of satisfaction. Hence the two notions are practically convertible."

Thesis III: The confessor has both the right and the duty of enjoining a salutary satisfaction (penance).

This proposition is *de Me* so far as the *right* of the confessor is concerned.

Proof, a) The Tridentine Council declares: "If anyone saith that the keys are given to the Church only to loose and not also to bind, and that, therefore, priests act contrary to the pur-

se Cfr. St. Thomas, Summo *Theol., Suppl.,* qu. 15, art. 3.

37 Cfr. Pohle-Preuss, *Grace, Actual and Habitual,* pp. 410 sqq.

se Cfr. De Lugo, *De Poenit.,* disp. 24, sect. 3.

pose of the keys, and contrary to the institution of Christ, when they impose punishments on those who confess, and that it is a fiction that, after the eternal punishment has, by virtue of the keys, been removed, there remains for the most part a temporal punishment to be discharged; let him be anathema." [39]

The *right* of the confessor to impose a penance is deducible from the character of his office. He is a judge who can not only grant or withhold absolution, but grant it conditionally.[40] That the Catholic Church has always conceived the office of confessor thus, appears from her penitential discipline throughout the ages, especially in ancient times.

b) The *duty* of the confessor to enjoin a penance is likewise distinctly affirmed by the Council of Trent. "The priests of the Lord," it says, "ought ... to enjoin salutary and suitable satisfactions, according to the quality of the crimes and the ability of the penitent; ... but let them keep in view that the satisfaction which they impose, be not only for the preservation of a new life and a medicine of infirmity *[/>oena medici-*

30 Sess. XIV, can. 15: "Si *quit dixerit, elavet Eccletiae ette datat tantum ad tolvendum, non etiam ad Unandum et propterea taccrdolet. dum imponunt poenat confifentibut, agere contra finem clavium et contra intiitulionem Chritli et fictionem ette quod virtute clavium tublotâ poend attend poena temporalia plerumque extohenda remaneat, anathema tit."* (Denzingcr-Bannwart. n. *qe$).*

*40* K *tupra,* Part I, Ch. II, S«t.

wa/ti], but also for the avenging and punishing of past sins *[poena vindicativa]."*[41]

a) The reasons for this command arc evident. In the first place, the confessor, as dispenser of the Sacrament, has to watch over its integrity; and, secondly, in his capacity of judge, he must properly exercise his judicial functions, among which is that of imposing a punishment. Third, the confessor is also a physician and as such bound to prescribe salutary remedies (prayers, fasting, almsgiving) for healing the soul and strengthening it against relapse.

*β)* The satisfaction imposed by the confessor is gauged on the one hand by the grievousness and specific nature of the sins confessed, and on the other by the ability of the penitent. This is the express teaching of Trent.

The Council warns confessors not to "connive at sins and deal too indulgently with penitents by enjoining certain very light works for very grievous crimes."[42] The present practice seems to be at variance with this injunction. But it must be regarded not so much from the first of the two points of view mentioned above (the grievousness and specific character of the sins committed), as from the second, *i. e.* the ability of the penitent. At the present time too great severity would repel rather than benefit the faithful. The Sacrament of Penance

[41] Sess. XIV, cap. 8: *"Debent ergo sacerdotes Domini . . . pro qualitate criminum et poenitentium facultate salutares et convenientes satisfactione/ iniungere. . . . Habeant autem prae oculis, ut satisfactio, quam imponunt, non sit tantum ad novae vitae custodiam et infirmitatis medicamentum, sed eliam ad praeteritorum peccatorum vindictam et castigationem."*

[42] Sess. XIV, cap. 8.

has been instituted for the salvation of souls, and the temporal punishments which it does not remit are sure to be redeemed in purgatory if they are not redeemed on earth.

May the confessor advise rather than enjoin a penance? Suarez[43] thinks he may. But this opinion is hardly tenable. A penance that is merely a matter of counsel is not a *satisfactio imposita* in the sense of the Tridentine decree. It should be noted, also, that the performance of the penance imposed is an essential part of the Sacrament, and consequently, in the opinion of most theologians,[44] effects the remission of the punishments due to sin not merely *ex opere operantis* but likewise *ex opere operato*. This may be qualified as an *opionio certa* in the technical meaning of that term. It is not quite so certain that the performance of the satisfaction imposed by the confessor increases sanctifying grace in the penitent *ex opere operato,* as Suarez holds.[45] St. Thomas seems to favor this opinion,[40] but other eminent theologians, *e. g.* Vasquez and De Lugo, combat it on the ground that, as satisfaction does not signify, neither can it effect, sanctifying grace.

Readings: — St Thomas, 5. *Theol., Suppl.,* qu. 12 sqq., and the commentators.— Bellarmine, *De Poenitentia,* L IV, c. I sqq. — C. Weiss, 5. *Thomae de Satisfactione et Indulgentia Doctrina,* Graz 1896.— A. Bukowski, S. J., *Die Genugtuung für die Sünde nach der Auffassung der russischen Orthodoxen,* pp. 82 sqq., Paderborn 1911.—R. Melia, *A Treatise on Auricular Confession.* P. II, Ch. s, pp. 264-281, Dublin x *a.*

<3 *De Poenit.,* disp. *38,* sect 3. n.

*st De Poenit.,* disp. 38. sect a, n.

44 With but a few dissenting voices, among them Dom. Soto *(.Comment. in Sent.,* IV. «list. 19, qu. I, art 5) and Oswald *(Lehre von den hl. Sahramentcn,* Vol. II, p. 184).

<0 Cfr. *Summa Theol., 3a,* qu. 00. art. *3,* ad a: *"Satisfactio confert graham, prout est in proposito et auget eam, prout est in executions."*

# SECTION 2

## THE REMISSION OF TEMPORAL PUNISHMENTS OUTSIDE OF THE SACRAMENT OF PENANCE, OR THE CATHOLIC DOCTRINE OF INDULGENCES

Though indulgences may be treated separately, we prefer to deal with them in connection with the Sacrament of Penance; first, because confession is the usual means of gaining a plenary indulgence, and secondly, because indulgences, being remissions of the temporal punishments due to sin, form the natural complement of sacramental satisfaction.

We will divide this section into three Articles, showing,

1. What an indulgence is;
2. That the Church has the power to grant indulgences; and
3. That there are indulgences for the dead as well as the living.

## ARTICLE i

### AN INDULGENCE DEFINED

i. Definition.—An indulgence, in the theological sense, is a remission of temporal punishments due to sin.

a) A complete technical definition may be drawn from the writings of approved theologians, and, especially, from certain official documents in which the teaching of the Church on the subject of indulgences is expressly set forth. These documents are principally six, to wit: (I) The Constitution "*Unigenitus*" of Pope Clement VI, A. D. 1349; (2) articles 26-28 of the instructions issued in 1418 by Pope Martin V for the examination of those who were suspected of holding Wiclifite and Hussite errors; (3) the condemnation, by Pope Leo X, of articles 17-22 of Martin Luther, A. D. 1520; (4) the dogmatic definition contained in Session XXV of the Tridentine Council; (5) the censures pronounced by Pope Pius V (1567) against a certain proposition (number 60 in the collection of *Propositiones damnatae)* taught by Baius; and (6) the condemnation, by Pope Pius VI, in 1794, of certain theses[1] drawn up by the Jansenist Council of Pistoia.

[1] *Prof. Damnator,* 40-43.

a) In the primitive Church an indulgence was called *relaxatio, donatio,* or *condonatio.*[2] The term *indulgentia,* which originated in the Middle Ages, is based upon Holy Scripture[8] and the Roman Law.

An indulgence has two essential characteristics or notes: (i) it is a remission of temporal punishments; (2) it is granted outside of the Sacrament of Penance.

An indulgence, therefore, is not identical with the sacramental penance enjoined by the confessor, which blots out punishments *ex opere ŏperato* It is a remission of temporal punishments granted by the Church outside of the Sacrament, by an exercise of the power of the keys entrusted to her by her Divine Founder. It follows that indulgences can be granted only by those who possess the power of the keys, *i. e.* the pope and the bishops. It follows further that, as the power of the keys is not limited to this world,[5] an indulgence is more than a mere remission of canonical works of penance ; it is a valid absolution, before God, from the punishments of sin which would otherwise have to be redeemed either by voluntary acts of penance here on earth or by compulsory suffering in purgatory. In other words, an indulgence is valid not only in the external forum of the Church, but likewise *in foro divino,* that is, before God.

This simple explanation incidentally removes the mistaken notion that indulgences neutralize the penal effects of sin (concupiscence, disease, death) or that they can free a person from secular obligations towards others.

/3) Where does the Church get the merits by which she blots out the punishments of sin ? She

2 Cfr. a Cor. II, 7, ao: χβρi· 1 ryr
a Cfr. It. LXI· 1.
« *V. supra.* Sect 1.
5 Cfr· Matt XVI· XVIII, ,8·

draws them from a thesaurus of which our Lord Jesus Christ has constituted her the dispenser, and out of which she grants to each individual beneficiary as much as is needed to satisfy the justice of God.

This thesaurus consists of the superabundant merits of Jesus Christ and His saints. In dispensing these merits to the faithful whenever there is a *insta causa,* the Church acts in accordance with the justice as well as the mercy of God. He who gains an indulgence does not approach God empty-handed, but enriched with the merits of Christ and the saints, and thereby satisfies divine justice. God, on the other hand, in freely accepting these vicarious merits instead of the personal satisfaction due Him from the sinner, manifests His grace and mercy, *i. e.* His indulgence in a subjective sense.

The *thesaurus Ecclesiae* just mentioned is logically inseparable from indulgences for two reasons: (1) because an indulgence must have a real basis, and (2) because there are other forms of satisfaction, outside of the Sacrament of Penance, which are not drawn from that thesaurus, *e. g.* voluntary acts of penance, the Sacraments, the Holy Sacrifice of the Mass.

The remission of punishments called an indulgence is not an unconditional amnesty, but postulates in the recipient a moral disposition or worthiness, as well as the performance of certain prescribed acts. For this reason the moral worthiness of the recipient is not endangered *by* an indulgence, but rather partly taken for granted and partly effected. Charity or the love of God is the font and well-spring as well as the gauge and a necessary condition of the whole system of indulgences.

γ) We are now in a position to state briefly the essential characteristics of an indulgence. An indulgence is a remission of the temporal punishments which a penitent, whose sins are forgiven, has yet to undergo, either here or in purgatory; this remission is granted by the Church, through the power of the keys, from the treasury of the superabundant merits of Christ and His saints.

b) The objections made against indulgences spring partly from ignorance and partly from malice.

Chief among them is the charge that an indulgence is a forgiveness of past, or a permission to commit future, sins. The Church expressly teaches that indulgences presuppose the forgiveness of sins, either through the Sacrament of Penance or by an act of perfect contrition. An indulgence does not forgive sins, but merely remits the punishments due to sins. A Catholic who would ask for permission to sin would be a monster, and the Church would refuse such a request with horror and indignation.

The phrase "*indulgentia in remissionem omnium peccatorum,*" which is found in some papal Bulls, has given rise to controversies among the learned, but the faithful have never been in doubt as to what the ecclesiastical authorities meant in employing these words. The term "*peccatum*" in these documents means "*poena peccati,*" not "*culpa.*" • It is to be taken in its proper sense only when an indulgence is expressly granted in connection with confession as a necessary condition, or

• Cfr. 2 Mach. XII, 46; x Pet. II, 34.

as an authorization to confessors to absolve penitents from reserved sins on the strength of a "letter of indulgences." We will quote from a bull of Martin V to illustrate our meaning. *" Utrum credat,"* says the Pontiff, *" quod omnibus Christianis vere contritis et confessis ex causa pia et insta possit concedere indulgentias in remissionem peccatorum."*[1]

The ambiguous phrase *" indulgentia a culpa et poena,"* which occurs in ancient documents, is ascribed by Pope Benedict XIVe to an abuse on the part of certain officials, whose conduct was not in conformity with the teaching and practice of the Church. This abuse was expressly condemned by Clement V,® though it had never led to a real misunderstanding of the nature of indulgences on the part of the faithful.[10]

2. Division.—Indulgences may be divided into various classes, according to different principles of division.

a) The most important distinction is that between *plenary* and *partial* indulgences, with which we shall deal later. Other divisions are the following:

(1) *Universal* and *local.* Universal indulgences *(indulgentiae universales)* can be gained everywhere; local indulgences *(indulgentiae locales)* in certain specified places only.

7 Bull *"Inter cunctat."* (Dentinger-Bannwart, n. 676).

s *De Synodo Dioecetana. VIII.* 8. 7.

a *Clement.*. I. V, tit. 9. c. *2: " Quum aliqui ex iptit {quaettoribut) eot a poena et a culpa, nt eorum verbit utamur, abtolvanl. not obutut huiutmodi . . . omnimode aboleri volenlet," etc.*

to Cfr. A. Fran», *" Wit man dem Polite Im /5. Jahrhunderi Ober den dblatt predifte," in* the Mayence *KathoUb. 1904. II. pp.* ns sqq· On the dishgurement *ot* the Catholic doctrine of indulgences by Russian theologians, see A. Bukowski, *Die Gmufluuni fir die Sinde noth dev .-turlareunt dcr ruuiechen Orthodoxie. pp. 115* aqq., Paderborn 1911.

(2) *Perpetual* and *temporary.* Perpetual indulgences *(indulgentiae perpetuae)* can be gained at all times; temporary indulgences *(indulgentiae temporariae)* only within certain limited periods, *c. g.* on specified days of the week.

(3) *Real* and *personal.* Real indulgences *(indulgentiae reales)* are attached to material objects, *e. g.* a rosary, a medal, a crucifix. Personal indulgences *(indulgentiae personales)* are not attached to objects and can be gained either by certain privileged classes of persons only, *e. g.* the members of a religious community, or by all Catholics without exception.

(4) *Solemn* and *plain.* Solemn indulgences *(indulgentiae solemnes)* are granted for particular festive occasions, *e. g.* a triduum, a novena ; plain indulgences *(indulgentiae non-solemnes)* are not thus limited.

b) The most important division of indulgences, to which we have already adverted, is that into *plenary* and *partial. A plenary indulgence* is the remission of the whole debt of temporal punishment due to sin ; a *partial indulgence* remits only a part of that punishment.

To gain a plenary indulgence fully, one must be free from all affection for sin. There are many plenary indulgences. The ideal plenary indulgence is that known as the *jubilee.* A jubilee is a plenary indulgence granted by the Holy Father every twenty-fifth year, or upon extraordinary occasions, *e. g.* the accession of a new pope. In former times jubilee indulgences were granted only once every hundred years.

A partial indulgence is the remission of a part of the

temporal punishments due to sin. Partial indulgences are gauged by the penitential canons of the ancient Church, being granted for forty days, seven years, etc. In this sense a partial indulgence is indeed in the first place a *relaxatio de iniunctis poenitentiis* before the external forum of the Church ;[11] but together with the canonical penalties there is remitted a corresponding quantity of punishment in the internal forum of conscience, and consequently before God, just as was the case in the early Church.[12] An indulgence of forty days or seven years, therefore, means a remission of so much of the temporal punishment due to one's sins as one could have discharged by doing penance for forty days or seven years under the ancient canons.

c) There is still another division of indulgences deserving of mention, namely, indulgences for the living *(indulgentiae pro invis)* and indulgences for the dead *(indulgentiae pro mortuis).*

In speaking of " the dead " we mean neither the elect in Heaven nor the reprobates in hell, but the poor souls in purgatory. They alone of all Christians who have passed away can profit by indulgences. The elect no longer require a remission of punishment, while the reprobates are incapable of receiving such a favor.

Indulgences for the living *differ from* indulgences for the dead in one essential respect : they produce their effect both *per solutionem, i. e. by* a grant from the treasury of the Church, and *per absolutionem, i. e.* by an act of ecclesiastical jurisdiction. Indulgences for the dead, on the other hand, cannot benefit the poor souls *per*

11 Cfr. St Thom»». *Summa it V. iufra.* Art. *a, No. a. Thtcl., Suffi..* qu. »5. «Λ *

*absolutionem* because the poor souls are forever removed from the jurisdiction of the Church. Such indulgences, therefore, can be applied only through the instrumentality of the living, *per modum suffragii, i. e.* by means of intercession.[18]

## ARTICLE 2

### THE POWER OF THE CHURCH TO GRANT INDULGENCES

I. Heretical Errors vs. the Teaching of the Church.—The Catholic doctrine of indulgences was attacked by the Waldenses and the followers of Wiclif and Hus, but principally by the so-called Protestant Reformers.

Pope Martin V (1418) condemned Wiclif's assertion that "it is foolish to believe in the indulgences granted by the pope and the bishops."[1] Leo X proscribed Luther's proposition that "indulgences do not benefit those who truly gain them for the remission of punishment due to actual sins in the eyes of a just God."[2]

The dogmatic teaching of the Church was defined by the Council of Trent as follows: "Since the power of conferring indulgences was granted by Christ to the Church, and she has, even in the most ancient times, used this power, delivered unto her of God; the holy Synod teaches

18 *V. infra,* Art. 3.

1 "Fatuum *est credere indulgeniiis Papae et episcoporum."* (Denzinger-Bannwart, n. 622).

2" *Indulgentiae his, qui veraciter eas consequuntur, non valent ad remissionem poenae pro peccatis actualibus debitae apud divinam iustitiam."* (Denzingcr-Bannwart, n. 759).

and enjoins that the use of indulgences for the Christian people, most salutary and approved by the authority of sacred councils, is to be retained in the Church; and it condemns with anathema those who either assert that they [namely, indulgences] are useless, or who deny that there is in the Church the power of granting them." [3]

The assertion of the Council of Pistoia that an indulgence is nothing more or less than a remission of part of the canonical penance enjoined by the ancient discipline,[4] was censured as "false, temerarious, and derogatory to the merits of Christ" by Pope Pius VI (1794).[5]

That the granting of indulgences is a salutary practice appears clearly from the teaching and conduct of the Church. But we must prove that she has the power to grant indulgences.

3 Sess. XXV: *"Quum potestas conferendi indulgentias a Christo Ecclesiae concessa sit atque huiusmodi potestate divinitus sibi tradita antiquissimis etiam temporibus illa usu fuerit, s. Synodus indulgentiarum usum Christiano populo maxime salutarem et sacrorum concili- auctoritate probatum in Ec- retinendum esse docet et praecipit eosque anathemate damnat, qui aut inutiles esse asserunt vel eas concedendi in Ecclesia potestatem esse negant."* (Denzinger-Bannwart. n. 989).— In the Tridentine profession of faith we read: *"Indulgentiarum etiam potestatem a Christo in Ecclesia relictam fuisse illarumque usum Christiano populo maxime salutarem esse affirmo." (Ibid.,* n. 998).

4 "*Indulgentiam secundum suam praecisam notionem aliud non esse quam remissionem partis eius poenitentiae, quae per canones statuts erat peccanti.'"* (Denzinger-Bannwart. n. 1540).

5 *Ibid.: ** . . quasi indulgentia praeter nudam remissionem poenae canonicae non etiam valet ad remissionem poenae temporalis pro peccatis actualibus debitae apud divinam iustitiam: — falsa, temeraria, Christi meritis imuriora. dudum in art. 19 Lutheri damnata."*

2. Proof From Sacred Scripture and Tradition.—That the Church has the power to grant indulgences from the treasury of the superabundant merits of Christ and His saints, can be proved from Scripture as well as Tradition.

The Scriptural argument is based on the universal character of the power of the keys.

a) The power of the keys includes the faculty of loosing *(facultus solvendi)* as well as that of binding.0 Christ said to St. Peter, and in his person to his successors, the popes: "I will give to thee the keys of the kingdom of heaven, and whatsoever thou shalt bind upon earth, it shall be bound also in heaven; and whatsoever thou shalt loose on earth, it shall be loosed also in heaven."7 To all the Apostles together, and to their successors, the bishops of the Catholic Church, He said: "Whatsoever you shall bind upon earth, shall be bound also in heaven; and whatsoever you shall loose upon earth, shall be loosed also in heaven."8 In these texts our Divine Lord conferred upon St. Peter and the college of the Apostles, that is to say upon the pope and the bishops, formally and without limit, the power of loosing as well as the power of binding. In other words, all the moral ties which

0 k. *supra,* pp. 6 sqq.

*t* Matt. XVI, 19: 6 *ëàv Χύβφ* Ctrl *rfft yfit. ίσται λΑνμίνον ëν*

a Matt. XVIII, 18: 8σα *ëàv Χύσητα* etrl Ttjs *yÿs. tarai* λίλυμ^α *ëν* τώ *ούρανψ·*

bind men in the eyes of God and debar them from Heaven, may be loosed by the Church, and whatever she looses shall be so accounted before God. To the category of these moral bonds belong, without doubt, the temporal punishments which remain after the sins to which they are due are forgiven.[9] Consequently these punishments are subject to the power of the keys, and the Church can remit them.

To this consideration may be added another. The remission of the eternal punishment of sin through the Sacrament of Penance is proof of a far greater power than the remission of merely temporal punishments effected by indulgences. The Church unquestionably has the larger power; there is no reason to deny her the smaller. Let it not be objected that her power to remit temporal punishments is limited to the total or partial remission of the penitential works imposed in confession. Christ has not attached the *facultas solvendi* to any particular rite, nor to a limited class or group of punishments. He gave this power to His Church unconditionally and without limitation, and hence she can employ it outside of, as well as in, the Sacrament of Penance, especially since the faithful themselves are able to redeem the temporal punishments due to their sins by personal works of satisfaction.[10] This truth is illustrated by St. Paul's attitude towards the incestuous man at Corinth. Though he had delivered this sinner "up to Satan," *i. e.* excommunicated him,[11] he received him back and remitted his punishment when he

9 *V. supra,* Sect 1, Theses I io III.

10 *V. supra.* Sect, t, Thetis II.

11 Cfr. i Cor. V. j sq<|.

showed sorrow. The Apostle justifies this step as follows: "And to whom you have pardoned anything, I also; for, what I have pardoned, if I have pardoned anything, for your sakes have I done it in the person of Christ," 12 *i. c.* either with the authority of Christ, as Estius and other exegetes hold, or before the face of Christ, in His presence, *i. e.* Christ looking on and approving, as is maintained by Comely and others. Here we have all the requisites of a true indulgence: due regard for the contrite heart of the sinner; the intercession of the faithful; the exercise of Apostolic power *in persona Christi* without the intermediary of a Sacrament, and the partial remission of ecclesiastical and divine penalties granted on the assumption that the sin itself together with its eternal punishment had already been remitted.13

b) The argument from Tradition is based on the history of indulgences. This may be conveniently divided into five periods.

a) The first period extends from the Apostolic age to the Nicene Council (325). During this period the bishops, for weighty reasons, especially out of regard for the intercession of the martyrs, as embodied in the so-called *libelli pacis,* sometimes shortened or partially remitted the punishments for grievous sin, which were quite often extremely severe.

122 Cor. II, 10: *"Cui autem aliquid donastis (χαρίξΐσθΐ). et ego;* nom *et ego quod donavi* (8 «χἀρισμαι). *si quid donavi, propter vos* (δι' ὑμἀ$) in *persona Christi iiu προσώπω = by* the authority of Christ.) "—Cfr. Al. Schafer, *Erkliirung der beiden Briefe an die Korinther,* p. 392, Munster >903; J. MacRory, *The Epistles of St. Paul to the Corinthians,* P. II, p. 26, Dublin 1915.

13 Cfr. Estius, *Comment,* in *Epist. S. Pauli, in h. I.*

This practice may be studied in the writings of Tertullian and St. Cyprian. Tertullian addresses the martyrs as follows: "Some in the Church, not having this peace, were wont to implore the martyrs in prison. And therefore, you must have and foster and preserve the same [peace] in yourselves for this reason, among others, that you may be in a position to bestow it upon others." 14 In later life, after he had joined the Montanists, Tertullian contradicted his previous teaching; but in complaining that Catholics regarded the intercession and the merits of the martyrs as efficacious before God, he unwittingly testified to the fact that this species of indulgences was considered valid both *in foro divino* and in the external forum of the Church.16

St. Cyprian, while inveighing against the frequent misuse of the *libelli martyrum,* admits their efficacy within proper bounds. "Those who have received a *libellus* [letter of intercession] from the martyrs," he says, "and can be assisted by their help before God in their transgressions, if they begin to suffer from some infirmity and danger, should, after having made their confession and received the imposition of the hand in Penance, be committed to God with the peace promised them by the martyrs."ie It

1« *Ad Martyr.,* c. i: *"Quam pacem quidam in Ecclesia non habentes, a martyribus in careers exorare consueverunt. Et ideo eam etiam proplerea in vobis habere et fovere et custodire debetis, ut si forte et aliis praestare possitis."* (Migne, *P. L., I.* 621).

15 *De Pudic., c. 22: "Sufficiat marytri propria delicta purgasse. Ingrati vel superbi est, in alios quoque spargere quod pro magno fuerit consecutus. Quis alienam mortem suâ solvit nisi solus Dei HHusP Nam et in ipsa passione liberavit latronem. Ad hoc enim venerat, ut ipse a delicto purus et omnia sanctus pro peccatoribus obiret. Proinde qui illum aemularis donando delicta, si nihil ipse deliquisti, plane patere pro me; si vero peccator es. quomodo oleum faculae tuae sufficere et tibi et mihi poteritP "*

19 *Ep.. 13,* d. 2·. *"Qui libellum a martyribus acceperunt, et auxilia eorum adiuvari apud Dominum in delictis suis possunt, si premi in firmitate atiqud et periculo coeperint, exomologesi facti et manu eis a vobis in poenitentiam impositi, cum*

should be noted, however, that the martyrs acted only as mandatories, and not as the dispensers, of these (improperly so-called) indulgences. ‘‘The martyrs,” says St. Cyprian, “ recommend that something be done ; but it must be done by the priest of God [only] if it be just, licit, and not against the Lord's command.” 17

After the edict of Milan, A. D. 313, martyrdom became a comparatively rare occurrence, and what we may call indulgences took the form of an episcopal remission of canonical punishments. The bishops were moved to grant such a remission by the zeal of some penitents. The Council of Ancyra (314) expressly vindicates this power to the bishops.18 The Nicene Council advises them to use it in certain cases.19 These episcopal acts not merely had reference to the external forum of the Church ; they were true indulgences because the performance of the canonical penance was regarded as possessing a satisfactory value in the eyes of God.20

*β)* The practice of indulgences continued in essentially the same form throughout the second period, from the First Nicene Council to the Second (325-787).

*face a martyribus sibi promissa ad Dominum remittantur."* (Mignc, *P. L.*. IV, 261).

1’ Cfr. St. Cyprian, *De Lapsis, c.* 18: " Mandant *martyres aliquid fieri; sed si iusta, si licita, si non contra ipsum Dominum a Dei sacerdote facienda."*

te Can. 2: *"Nisi forte aliquid episcoporum conscii sint laboris dims et voluerint eis aliquid anitribucrc vel adimere, penes ipsos ergo erit de hi» potestas."*

1» Can. 12, *apud* Hardouin, *Cone.,* Vol. I, 327: *" Quotquot metu et lacrimis atque poenitentia vel bonis operibus conversionem suam in re. non simulatione demonstrant, hi definitum tempus auditionis (·. e.* the second penitential station] *implentes tum demum fidelibus in oratione communicent; postmodum vero licebit episcopo de his aliquid humanius cogitare."*

*20 Cfr.* St. Cyprian. *De Lapsis,* c. 17: *" Dominus orandus est. Dominus nostra satisfactione placandus*

It is asserted by some that in this second period, and during part of the first, the solemn reconciliation of public penitents on Holy Thursday closed with the granting of a plenary indulgence, and that this ceremony, consisting of the imposition of hands and solemn absolution, was performed by the bishop, who, not having himself heard the confessions of the individual penitents,'' could not give the sacramental absolution. In support of this interpretation, first suggested by Eusebius Amort, may be cited the fact that the forgiveness of sins was usually referred to as *ἀφιίναι αμαρτία* or *ἀφἴσιν* διδόναι, and the reconciliation on Holy Thursday as *ἀποκαθιστάναν,* whereas admission to public penance was designated by the term *προσλαμβάναν* or *δίχίσθαι.* Moreover, the ceremony of solemn reconciliation had for its object to restore the sinner to baptismal innocence (as appears from the phrase *baptismus laboriosius* and as is expressly taught in the Apostolic Constitutions),[22] and it is perfectly plain that the canonical absolution pronounced by the bishop on Holy Thursday can have had no other object than to remit such temporal punishments as still remained for the sinner to discharge and thereby to restore him to the state of baptismal innocence.[23]

7) The third period in the history of indulgences reaches from the Second Council of Nicaea to the Council of Clermont (1095) and is marked by a gradual decline of the ancient rigor

21 Cfr. Martine. *De Antiquit Eccles. Ritibus.* Ordo 19.

*zzConstit. Apostol.*. II. c. 41: *" O Episcope, quemadmodum ethnicum sacro lavacro tinctum in Ecclesiam inducis post institutionem, sic et hunc poenitentem per manuum impositionem, utpote poenitentid purgatum, cunctis pro eo deprecantibus. restitue in antiqua pascua eritque in loco baptismi impositio manuum."* (Migne. *P. G.*. I. 693).

23 Cfr. Palmieri. *De Poenit.,* pp. 459 »qq.

and the introduction of the so-called penitential redemptions, *i. e.* the substitution of easier or shorter exercises (especially almsdeeds) for works of penance imposed by the early canons.

These substitutes took numerous and different forms. A favorite one, beginning with the latter part of the seventh century, was making a pilgrimage to Rome. According to St. Bede (674-735) the *visitatio liminum,* as it was called, or visit to the tombs of the Apostles, was regarded as a good work of great efficacy.[24][25][26] Other forms of commutation were fasting, flagellations, and pilgrimages to well-known shrines, as St. Alban's in England or San Juan de Compostella in Spain.[211] The practice of substituting pecuniary alms for a portion of the fast and other severe penitential exercises, originated in Ireland and soon made its way to the continent, where it gave rise to serious abuses.

Aside from the practice of penitential redemptions, this period is marked by three facts: the introduction of indulgences for the dead (Paschalis I, John VIII, John XI), the granting of general indulgences by papal Bulls, and a greater emphasis placed upon the power of the popes in the matter of granting indulgences. It goes without saying, however, that penitential redemptions, commutations, and compensations can be regarded as true indulgences only when granted by the Church in lieu of other penances prescribed by the canons.[28]

24 *Hitt. Eccl. Brit.,* IV, c. 33: "*Magnae virtutis aestimabatur.*"

25 See W. H. Kent in the *Catholic Encyclopedia,* Vol. VII, p. 786.

26 Cir. Bintenm, *Denkwhrdigkeiten,* Vol. V, 3, pp. 464 sqq.; H. J. Schmitz, "*Kanonische Kirchenbusse und Ablasserteilung,*" in the Mayence *Katholik,* 1885, I; A. M. Kôniger, *Burchard I. von Worms*

8) The fourth period in the history of indulgences, from the Council of Clermont (1095) to the Second Council of Lyons ( 1274), coincides with the crusades, during which the practice assumed a new form. At Clermont, for the first time, participation in a crusade was suggested as a ransom from all penance.

The Council decreed as follows: "Whoever, out of pure devotion, and not for the purpose of gaining honor or money, shall go to Jerusalem to liberate the Church of God, let that journey be counted in lieu of all penance."[27] Pope Urban II, who personally attended this council, said in a sermon: "But we, trusting in the mercy of God and the authority of the blessed Apostles Peter and Paul, remit to the faithful who take up arms against the Saracens and assume the burden of this pilgrimage [to Jerusalem], the unmeasured penalties of their sins. Those who shall die there with a truly contrite heart, may rest assured that they will obtain forgiveness of their sins and the fruit of eternal reward."[28] Urban's example was followed by Callistus II (1123), Eugene III (1146), Alexander III (1179), and other popes.

At about the same time the Schoolmen, notably St. Thomas Aquinas (-}- 1274), turned their attention to

«nd *die deutschc Kirche seiner Zen (1000-1023),* pp. 143 »qq·· Munich 1905.

27 Can. 2: *"Quicumque pro sola devotione, non pro honoris vcl pecuniae adeptione ad liberandam Ecclesiam Dei lerusalcm profectus fuerit, iter illud pro omni poenitentia ei reputetur."* (Hardouin. *Cone.,* VI, *3,* 1718).

28" *Nos autem de misericordia Dei et B. Petri et Pauli Apostolorum auctoritate confisi fidelibus Christianis, qui contra eos* (i. *e. Saracenos] arma susceperint, ai onus sibi huius peregrinationis assumpserint, immensas pro suis ðelicti poenitentias relaxamus. Qui autem ibi in vera poenitentia decesserint, et peccatorum indulgentiam et fructum aeternae mercedis se non dubitent habituros." (Ibid.,* p. 1724).

the scientific development of the doctrine of indulgences.[28] St. Thomas knows but one plenary indulgence, *i. e.* that granted for the liberation of the Holy City from the yoke of the Saracens.[80] Among partial indulgences he mentions as the greatest one of seven years.[81]

Within the Greek schismatic Church indulgences did not gain nearly as wide a vogue as among the Latins, though we have knowledge of occasional commutations of severe penances into lighter ones which latter mostly took the shape of pecuniary alms for the redemption of prisoners held in captivity by the Turks.[32]

c) In the course of the fifth and last period (1274-1916) the practice of indulgences developed into the precise form in which we have it to-day.

An important event marking the early part of this period was the proclamation of a jubilee by Boniface VIII. In a Bull beginning with the words, *"Antiquorum habet fida relatio,"* this Pope authorized and confirmed the institution of the jubilee.[83] Enormous crowds from all nations

28 S'. *Theol., Suffi.,* qu. 25-27.

30 *Quodlibet.,* II, art. 16.

81 Comment, in *Sent.,* IV, dist. 20. qu. 1, art. 3, sol. 2: *"Papa dat indulgentiam, quod qui vadit ad unam ecclesiam, habeat septem annos de indulgentia, cuiusmodi etiam indulgentiae a Beato Gregorio [Magno} in stationibus Romae institutae sunt."*

82 Cfr. Gass, *Symbolik der griechischen Kirche,* p. 287. Berlin ,872.— On the so-called Portiuncula indulgence, reputed to have been granted by Pope Honorius III, see P. A. Kirsch, *Der Portiunkula-Ablass,* Tubingen, 1907; M. Biehl, O. I·'. M., in the *Caih. Encycl.,* Vol. XII, pp. 286 sq.

as *Extrav. Com.,* l. V, tit. 9, c. 1: *"Antiquorum habet fida relatio quod accedentibus ad honorabilem basilicam principis Apostolorum de Urbe concessae sunt magnae remissiones et indulgentiae peccatorum. Nos igitur . . . huiusmodi remissiones et indulgentias omnes ei singulas ratas et gratas habentes confirmamus."*— Full text of the Bull in Amort, P. I, sect. 3.

flocked to St. Peter's during the year 1300, among them many aged and sick carried in litters.8*

Boniface had decreed that the jubilee indulgence should be renewed every one-hundred years. But Clement VI, on his accession to the chair of St. Peter (1342), being urged by the people to reduce the term to fifty years, complied with the request in his famous Bull "*Unigenitus.*" Urban VI, in 1389, reduced the interval between one jubilee and the next to thirty-three years. Paul II, by a Bull of April 19, 1470, brought it down to twenty-five. His successor, Sixtus IV, confirmed this decision and furthermore decreed that the special indulgences granted to churches all over the world should be suspended during the jubilee.

The Scholastic teaching with regard to the *thesaurus ecclesiae*36 from which indulgences are granted, is *for* the first time officially mentioned by Clement VI in the Bull *"Unigenitus"* (1349).

Besides the jubilee there were granted, in process of time, many other plenary and partial indulgences which could be gained much more easily.

Abuses have unfortunately fastened themselves upon this practice almost from the beginning. They were promptly met by repressive measures on the part of the Church.80 Tetzel's quarrel with Luther, which occasioned the great revolt of the sixteenth century,ar bore directly on the subject of indulgences. The ensuing controversy caused the Council of Trent to take a decided stand against the many abuses that had crept in. Aside from these abuses, which by no means affected the official

l 84 Cfr. A. M. Lépicier, *Indui- gences* (English tr.>, pp. *356 sqq.* sb *I'. infra. No.* j. se Cfr. W. H. Kent in the *CatKo- lie Encyclopedia.* Vol. VIT. p. 786. *ST Cfr.* N. Paulus. *fohann Tetsel, der dblaeeprediger,* Mayence 1899.

teaching of the Church, there has been no change in her attitude towards indulgences from the Apostolic age down to the present day.''

The résumé we have given of the history of indulgences from St. Paul to Benedict XV furnishes convincing evidence that the power of granting indulgences has always existed in the Church and was constantly exercised by her representatives, though not always in exactly the same way.

3. The Thesaurus of the Church as the Source of Indulgences.—By the *"thesaurus ecclesiae"* we understand the sum-total of the superabundant merits of Jesus Christ and His saints, which are stored up in the Church for the purpose of being applied to the faithful by means of indulgences.

Though the phrase τή *ικκλησίαι* ὸ *θησαυροί* occurs in the writings of St. Chrysostom,'' the fully developed concept, as defined above, seems to have originated with Alexander of Hales40 and Albert the Great.41 The underlying idea can be traced to St. Paul's Epistle to the Romans, where the redemptive grace of Christ is described as "abounding unto many." 42 The thesaurus from which the Church dispenses indulgences consists primarily of the infinite merits of our Lord Himself, and secondarily

88 CTr. A. Kurz, *Die kath. Lehre vom Ablass vor* und nach *dem Auf*trrten *Luthers,* Paderborn 1900.

as Migne, *P. G.,* L, 571.

40 Summa, P. IV, qu. *23,* tn. 3. n. 6.

41 Comment, in *Sent.,* IV, dist. ao, art. t6.

48 Cfr. Rom. V, 1$ aqq.

and *per accidens* of the finite merits of the saints, in so far as their satisfactory (not meritorious) value admits of being added to the common treasury.[48]

a) That there exists a treasury of the merits of Christ, over which the Church has control, may be regarded at the very least as a *propositio ûdei proxima* and, with one ẽxception/ has never been denied by any Catholic theologian. The proof for this proposition rests on the fact that the redemptive merits of Christ are infinite and therefore inexhaustible.

It is from this *thesaurus meritorum Christi* that the Church draws in the administration of the Sacraments, in the celebration of the Holy Sacrifice of the Mass, and also in granting indulgences. This truth is clearly defined and at the same time lucidly explained by Pope Clement VI in his Bull " *Unigenitus* " (1349).[48] According to this definition an indulgence is neither a donation nor a simple remission of temporal punishments, but both

*3 On the distinction between merit *(meritum)* and satisfaction *(satisfactio)* see Pohle-Preuss, *Soteriology,* and ed., pp. SS ·*!■› St Louis 1916.

*4 Francis Mayron, d. *1337.*

«ß *Extrav. Com.,* I. V, tit. 9, c. a: *" Christas in ara crucis innocens immolatas non guttam sanguinis modicam, quae tamen propter unionem ad Verbum pro redemptione totius humani generis suffecisset, sed copiose velut quoddam profluvium noscitur effudisse. . . . Quantum ergo exinde, ut nec supervacanea, inanis aut superfluo tantae effusionis miseratio redderetur. thesaurum militanti Ecclesiae acquisivii, volens suis thesaurisore liliis pius pater, ut sic sit infinitus thesaurus hominibus, quo qui usi sunt. Dei amicitiae participes sunt effecti. Quem quidem thesaurum non in sudario repositum, non in agro absconditum, sed per beatum Petrum coeli clavigerum eiusque successores* in *terra vicarios commisit fidelibus salubriter dispensandum, et propriis et rationabilibus causis nunc pro totali nunc Pro partiali remissione poenae temporalis pro peccatis debitae . . . vere poenitentibus et confessis misericorditer applicandum."*

an absolution and a payment, the latter being drawn from the treasury of the merits of Christ.[40]

b) That the superabundant merits of the saints, too, flow into the treasury of the Church is the common and certain teaching of Catholic theologians."

a) Clement VI clearly inculcates this truth in the Bull from which we have just quoted.[48] Leo X condemned Luther's proposition that "the treasuries of the Church, from which the pope grants indulgences, are not the merits of Christ and the saints."[49] Pius V, in 1567, censured the teaching of Baius that "our sins are not properly redeemed [with regard to their temporal punishments] by the sufferings of the saints, communicated through indulgences."[60] Finally, Pius VI (1794) solemnly rejected the assertion of the Jansenistic Council of Pistoia, that the treasury of the Church owes its existence to the "subtlety of the Scholastics." He declared this statement to be "false, temerarious, and derogatory to the merits of Christ and the saints."[61]

/3) The presence of satisfactory merits of the saints in the treasury of the Church is explained

46 On the treasury of the merits of Christ existing in the Catholic Church see Pohle-Preuss, *Soteriology,* PP· 6° sqq.

47 The only dissenting voice is that of Durandus (Comment, in Sent., IV, dist *20,* q. 3).

48 "*Ad cuius quidem thesauri cumulum beatae Dei genitricis* omntumque *electorum a primo usque ad ultimum merita adminiculum praestare noscuntur, de cuius consumptione seu minutione non est aliquatenus formidandum." (Extrav. Com.,* l. v, lit, g, c. 2).

40 *Prop. Luth. Damnat.,* prop. 17: "*Thesauri Ecclesiae, unde Papa dat indulgentias, non sunt merita Christi et sanctorum."* (Denzinger-Bannwart, n. 757).

so "*Per passionem sanctorum in indulgentiis communicatas non proprie redimuntur [quoad poenam temporalem'] nostra delicia."* (Denzinger-Bannwart, n. :o6o).

61 Denzinger-Bannwart, n. 1541.

by the dogma of the Communion of Saints. All the members of Christ's mystic body are organically connected with one another and enjoy spiritual benefits in common.[52]

A natural consequence of this communion is the applicability to others of the satisfactory merits which the saints in Heaven and the righteous still living on earth have gained by their penitential works, but do not need for themselves. There must be a wealth of such accumulated merits. Think of the overflowing satisfactions of our Blessed Lady, who is justly called the Mother of Sorrows, of St. John the Baptist, and many others who practiced austere penance.[63] Though all these satisfactions are as nothing compared with the infinite merits of Christ, they nevertheless constitute a fund having its existence in the knowledge and free acceptation of God. This fund must have a purpose, though it is of a purely finite nature and, apart from the merits of Christ, might conceivably in course of time be exhausted.[54]

4. In Whom the Power to Grant Indulgences Is Vested.—As the granting of indulgences to the living takes place *per absolutionem,* it is not an act of the *potestas ordinis,* but of the

*ai* See Pohle-Preuss. *Eschatology,* Vol. XII of this series.

58 Cfr. St Thomas, *Summa Theol.. Suppl.,* qu. as, art. 1: *"Ratio autem, quare valere (indul-*

*mystici, in qua multi in operibus poenitentiae supererogaverunt ad mensuram debitorum suorum, ei multi etiam tribulationes iniustas sustinuerunt patienter, per quas mut-*

*titudo poenarum potent expiari, si eis deberetur; quorum mentorum tanta est copia quod omnem poenam debitam nunc viventibus excedunt."*

54 On the *thesaurus meritorum* as the source of indulgences see Cardinal Bellarmine. *De Indulgentiis. I,* c. a; Suarez, *De Poenitentia,* disp. 51; De Lugo, *De Poenitentia,* disp. 37, sect 3 sq.

*potestas iurisdictionis.* Hence the Pope can, of his own power, grant indulgences to all the faithful on earth, whereas a bishop, being the head of only a limited portion of the flock, can grant indulgences only to his immediate subjects and in so far as his power has not been expressly circumscribed by conciliary or papal decrees.

a) To grant plenary indulgences is the exclusive prerogative of the Supreme Pontiff. Bishops can grant partial indulgences only, and their original power in this regard has been further curtailed by synodal decrees. Thus the Fourth Council of the Lateran (1215) ordained that an archbishop within his province, and a bishop within his diocese, can, upon the occasion of the dedication of a church, grant an indulgence of not more than one year, and on other occasions, one not exceeding forty days. Since granting indulgences is an act of ecclesiastical jurisdiction and has nothing to do with Holy Orders, a pope-elect or bishop-elect may exercise it validly before his ordination or consecration. Abbots, the generals of religious orders, and parish priests cannot grant indulgences,[55] unless specially empowered to do so by the Holy See. This power may be conferred on any cleric. The Grand Penitentiary at Rome and a cardinal deacon may grant indulgences of one hundred days each in their respective titular churches, and an Apostolic delegate, even if he is not a priest, may grant indulgences up to seven years and seven quarantines[55] to the faithful residing within the limits of his jurisdiction.

[54] Cfr. St. Thomas. Summo *Theol., Suppl.,* qu. 26, art. 3.

[55] On the derivation .and meaning of this term see Lipicier, *Indulgenres, their Origin, Nature, and Development,* p. 383.

For the rest, even the papal power in regard to indulgences is not unlimited and arbitrary, but under pain of invalidity must be exercised for some just cause *(causa iusta — pia, rationabilis),* of which, however, the grantor is the sole judge. The reason is evident. The Church of Christ is not the mistress, but merely the dispenser of the treasures entrusted to her by her Divine Founder. A just cause for the granting of an indulgence would be the honor of God or the welfare of the Church. Some theologians, *e. g.* Suarez[87] and De Lugo, [88] say that an indulgence, to be valid, must be granted for a reason that is not merely just *(causa iusta)* but in due proportion to the size of the indulgence granted *(causa proportionata).*

b) Those who are empowered to grant indulgences must, moreover, insist on certain conditions.

(1) The first of these conditions is that the recipient be in the state of grace at least at the time when he performs the last of the prescribed exercises. This is the general teaching of theologians, though some hold that the good works prescribed for the gaining of an indulgence must all be performed in the state of grace. It stands to reason that no temporal punishments can be remitted while the sin itself remains unforgiven. Hence the strong emphasis laid upon the formula "*vere contritis vel confessis*" in most pontifical Bulls.

(2) The second condition necessary for the gaining of an indulgence is the conscientious performance *of* the prescribed good works (fasting, prayer, almsdeeds, confession, communion). These are required not, of course, as a cause, but merely as a condition for the gaining of the indulgence.[89] Only in exceptional cases can an in-

[87] *De Poenit.*, disp. 54, sect 3.
[88] *De Poenit.*, disp. 17, art 8.
[89] This is the teaching of the majority of theologians, including St Thomas *(Suppl.*, qu. 24, art 11

diligence be gained without the performance of good works. Such a case would be, for instance, if a dying man, who had done much for the Church, were to receive from the Pope a personal indulgence *in articulo mortis*.

*(3)* A third requisite is the intention of really gaining the indulgence. Supernatural favors are never forced upon any adult person, but must be voluntarily accepted. Such voluntary acceptance need not, however, be made in the form of an actual intention. A virtual, nay a habitual, intention is quite sufficient.

Besides these three conditions, generally demanded by theologians, Cajetan and Tournely insist on a fourth, namely, true penitential zeal. One who neglects to do penance himself, but relies on the good works of others, cannot, they claim, obtain the benefit of an indulgence. This demand may exercise a salutary influence on some lukewarm Catholics, but as its necessity cannot be proved, it is rejected by the majority of theologians. The common teaching is that indulgences have precisely the influence that is given them by their grantor, and require no other conditions than the necessary jurisdiction on the part of the grantor, charity on the part of the beneficiary, and a just and pious cause.[00] The lukewarmness and indolence of which Cajetan and Tournely complain must be combatted by other means.[01]

[00] Cfr. St Thomas, S. *Theol., Suppl.,* qu. 25, art 2: *"Indulgentiae simpliciter* ιαηικηι *valent, quantum praedicantur, dummodo ex parte dantis sit auctoritas et ex parte suscipientis caritas et ex parte causae*

[01] Cfr. Suarez, *De Poenit.,* disp. 52, sect. 9.

## ARTICLE 3

### INDULGENCES FOR THE DEAD

**1. State of the Question.**—Indulgences for the dead require a separate treatment because, unlike indulgences for the living, they are not granted in the form of a judicial absolution, owing to the fact that the poor souls in purgatory are no longer subject to the jurisdiction of the Church.

But if this is so, how can the Pope authoritatively grant indulgences to the dead? We shall briefly explain this apparent contradiction. Jurisdiction may be understood either in a wide or in a narrow sense, according as it means merely the right to guide others or to rule subjects. In the strict sense the Church can exercise her power of jurisdiction only over those who are her subjects through Baptism. The jurisdiction she has over catechumens and pagans is confined to preaching the word of God and exercising a certain guidance over them.[1] It is only in this wider sense of the term that the power of the keys can be said to extend to the poor souls in purgatory. The Church simply offers to God from the treasury of merits at her command an equivalent satisfaction with the request to remit any remaining punishments to the extent of the indulgence offered. This is called the application of an indulgence by way of suffrage *(per modum suffragii)*. The poor souls receive these indulgences not directly, but indirectly, through the

1 Cfr. Matt. XXVIII, 19.

intercession of the living. A living Christian must first gain an indulgence for himself before he can make use of the privilege of applying it to the poor souls.

2. The Church Has the Power to Grant Indulgences for the Dead.—Though not an article of faith, it is certain that the Pope, as supreme steward of the treasury of the Church, has the power to grant indulgences which are applicable to the poor souls by the intercession of the living.

It is no longer possible to base this teaching on the Bull in which Sixtus IV condemns the proposition of Peter of Osma: *"Papa non potest indulgere alicui viro poenam Purgatorii."* [23] The word *viro* is a misprint for *vivo,* as clearly appears from a *Quodlibetum* of the same writer, in which he combats the assertion that one can obtain remission of the punishment awaiting him in purgatory while still among the living.® However, in another Bull, dated Nov. 27, 1477, Sixtus IV expressly declares that indulgences can be applied to the poor souls *per modum suffragii.* Pope Leo X rejected Luther's assertion that indulgences are neither necessary nor useful to the dead or dying.4* When the Jansenistic Council of Pistoia repeated this falsehood, it was censured by Pius VI.8

2 *Apud* Denzinger-Bannwart, n. 729.

3 Cfr. the Innsbruck *Zeitschrift für kath. Théologie,* 1909, pp. 599 sqq. Peter de Osma's *Quodlibetum* was published by M. Pelayo. *Hist.* de *los Hétérodoxes Espaholes,* I, 788 sqq.. Madrid 1880.

« *" Sex generibus hominum indulgentiae nec eunt necessariae nec utiles, videl. mortuis, seu morituris, infirmis,"* etc. (Denzinger-Bannwart, n. 762).

■"/n *eo quod superaddit, luctuosius adhuc esse quod chimaerica isthaec applicatio transferri volita sit* in *defunctos: — falsa. temeraria, piarum aurium oftensiva. in Romanos pontifices et in praxim et sensum universalis Ecclesiae iniuriosa, in er-*

a) The chief reason why indulgences are applicable to the poor souls is that the Communion of Saints comprises the inmates of purgatory as well as the elect in Heaven and the militant Church on earth.

As the faithful can aid the poor souls in a general way by their intercession, so they can help them in particular by means of indulgences applied through their pious suffrages *(per modum suffragii).* The poor souls in that case simply participate in the mutual exchange of spiritual benefits to which all the members of the *Communio sanctorum* have a claim. If the individual Christian can aid the poor souls by praying for them, he can aid them still more effectively by applying to them the indulgences granted by the Church, for in these there is superadded to private suffrage the authority of the Pope, through whom the Church herself intercedes, not with empty hands, as in mere prayer, but by presenting to God a full equivalent for the punishments still due, and which somehow or other must be redeemed as a matter of strict justice.

b) The question arises: Do indulgences for the dead attain their purpose with infallible certainty, or do they depend for their effect on the mercy of God? On this subject theologians differ. Dominicus Soto, Suarez, De Lugo, and others maintain that the efficacy of such indulgences is regulated by "an infallible law." These authors give two reasons *for* their belief. The first is that parallel to the divine wish that the living assist the poor souls runs a divine guarantee that any aid they may render

*rorem hoereticali nota in Petro de Oima confixum, iterum damnatum in art. ai Lutheri."* (Dennager-Bannwart, η. 154^).

them will be effective. The second is that whenever the Church by exercising the power of the keys, reaches (at least indirectly) into the world beyond, she cannot fail in her purpose so long as there exists a subject fit and ready to receive her favors. Other theologians hold with Cardinal Cajetan that, while we may presume that God in a general way is willing to accept indulgences for the dead, we have no certainty that He does so in any single case because the divine counsels and decrees are hidden from our knowledge. The advocates of this theory say that only in this way is it possible to explain why the Church permits more than one plenary indulgence to be applied to the same soul.[6] It is probably safe to assume, however, that every indulgence for the dead attains its purpose infallibly, provided the soul to which it is applied does not offer an obstacle *(obex)*.

If one wishes to apply a plenary indulgence to the poor souls, must he perform the good works upon which that indulgence is conditioned in the state of sanctifying grace? Some theologians answer this question in the negative. They claim that sanctifying grace is not necessary unless one of the requisites demanded for the validity of the indulgence is confession or an act of perfect contrition. Suarez, whose view is favored by De Augustinis[7] and Pesch,[8] holds that any Catholic can gain indulgences for the poor souls in purgatory by simply complying with the prescribed conditions, even though he himself be in the state of mortal sin. The state of sin, these writers argue, prevents an indulgence from taking effect only when it exists in the beneficiary, who in this case is not

[6] Cfr. *Decret. Congreg. Indulgent., d.* 28 *Iulii* >820.

[7] *De Re Sacrament.,* Vol. II, 2nd ed., p. 339.

[8] *Praelect. Dogmat.,* Vol. VII, 3rd ed., p. 248.

the living man who gains the indulgence, but the poor soul for whom he gains it, and the poor souls are undoubtedly in the state of grace. This shallow view, as De Lugo rightly calls it,® was the one advocated by Tetzel, which gave rise to the famous couplet, "As soon as the gold in the casket rings, The rescued soul to heaven springs." 10 It is justly rejected by the majority of theologians. For, in the first place, it is based on a false assumption, *viz.:* that the Church applies indulgences for the dead directly through the living, thus reducing the living intermediary to a sort of spiritual machine, whereas it is an undeniable fact that indulgences can profit the poor souls only in an indirect way." And secondly, the human intermediary plays the part of an intercessor, and as such must comply with the conditions which are required for gaining an indulgence for the living; consequently he must be in the state of sanctifying grace.12

Readings: —Bellarmine, *De Indulgentiis.*— Passerini, *De Indulgentiis,* Rome 1672.— Chr. Lupus, *De Peccat, et Satisfait, indulgentiis,* Louvain 1726.— Eusebius Amort, *De Origine, Progressu, Falore ac Fructu Indulgentiarum,* Augsburg 1735.—Idem, *De Indulgentiis in Genere et Specie,* 1751.—Collet, *De Indulgentiis et de lubilaeis,* in Migne's *Theol. Cursus Complet.* (Vol. XVII).— Al. Bendel, *Der kirchliche Ablass,* Rottweil 1847.— J. H. Schoofs, *Die Lehre vom kirchlichen Ablass,* Münster 1857.— V. Grône, *Der Ablass, seine Geschichte und Bedeutung in der Heilsokonomie,* Ratisbon 1863.— J. Hirscher, *Die kirchliche Lehre vom Ablass,* 6th ed., Tübingen 1865.— B. Melata. *Manuale de Indulgentiis,* Rome 1892.— C. Weiss, S'. *Thomae Aquinatis de Satisfactione et Indulgentia Doctrina,* Graz 1896.— Mocchegiani à Monsano, *Collectio Indulgentiarum Theologice, Canonice et Historice*

0 *De Poeni!.,* disp, ay, sect. $, η. 75.

10 Cfr. H. G. Ganss in the *Catholic Encyclopedia,* Vol. XIV, p. 540.

11 See No. t. *mpra.— Cte.* St Thomas. *Suppi.,* qu. 71. art to.

11 Cfr. Palmieri, *De Poeni!.*. p. 48a.

*Digesta,* Quaracchi 1897.— F· Beringer, S. J., *Die Ablassc, ihr U'csen und Gebrauch,* 14th ed., Paderborn 1914 (French tr., Paris 1905),— A. Kurz, *Die kath. Lehre vom Ablass vor und nach dem Auftrcten Luthers,* Paderborn 1900.— A. M. Lépicier, *Les Indulgences, leur Origine, leur Nature, leur Développement, 2* vols., Paris 1904 (English tr. under the title *Indulgences, Their Origin, Nature, and Development,* new and enlarged ed., New York 1906).—A. Gottlob, *Ablassentwicklung und Ablassinhalt im ji. Jahrhundert,* Stuttgart 1907.—A. M. Kôniger, *Ursprung des Ablasses,* Munich 1907.— W. H. Kent, art. "Indulgences," in the *Catholic Encyclopedia,* Vol. VII, pp. 783-788.— Idem, *Dr. Leas History of Indulgences,* in the *Dublin Review,* July 1897.— Boudinhon, *"Sur ΓHistoire des Indulgences à propos d'un Livre Récent* [Lea]," in the *Revue d'Histoire et de Litt. Relig.,* III, 1898.—A. Devine, C. P., *The Sacraments Explained,* 3rd ed., Ch. XI, "On Indulgences," pp. 369-382, London 1905.— Hugh Pope, O.P., *The Doctrine of the Catholic Church Touching Indulgences,* London 1915—J· C. Hedley, O. S. B., *The Catholic Doctrine of Indulgences,* San Francisco, j. *a.* (The last-mentioned two treatises are Catholic Truth Society pamphlets).

# INDEX

D



E

## M



## N



## O



## P