ON PENANCE (DE POENITENTIA)

Emmanuel Doronzo, O.M.I.

Volume II: On Contrition and Confession

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Volume II: On Contrition and Confession

Volume II: Title Page

D O G M A T I C T R E A T I S E

ON PENANCE

VOLUME II

ON CONTRITION AND CONFESSION

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Chapter IV. On Contrition

CHAPTER IV

ON CONTRITION

OBJECT

The importance of the present disputation is evident from the threefold respect in which contrition enters into this sacrament: it is a disposition toward sacramental grace, the reality and sacrament (res et sacramentum), and a part—and indeed the primary part—of the matter of the sacrament. Hence it is rightly regarded as the principal and fundamental element, containing within itself, in a certain

manner, the whole sacrament. For just as "the foundation . . . in a certain manner virtually contains the whole building . . . so contrition virtually contains the whole of penance" (q. 90, a. 3, ad 2).

The difficulty of this matter is apparent from the fluctuating notions and distinctions of theologians concerning the nature of contrition and attrition, and also from their sharp controversies over the efficacy of these acts both within and outside the sacrament. It arises partly from the difficulty of the subject itself, partly from the lack of assistance; for at the very threshold of this question the supreme theological work of St. Thomas came to a halt, and the voice of so great a master fell silent. Nevertheless, from what he taught in his youth in his Commentary on the Sentences, to which the Supplement, qq. 1–5, refers, and from what he wrote as a master about the virtue of penance itself before he was taken away—matters that we treated at length in the preceding chapter—we do not conceive it a vain hope to traverse the present disputation with a sure step.

DIVISION

The order of treatment would demand a fuller disputation on the very inner essence of contrition, had we not already dealt with it in the preceding chapter (art. 13), where we established the elements of perfect contrition properly so called, which is the specific act of the virtue of penance and by which the essence of imperfect contrition, or attrition, is measured. Whatever was also discussed in that chapter concerning the other causes and properties of this virtue, especially its necessity and supernatural character, applies, with due proportion, to the act of contrition in general. It therefore remains to determine both the nature and the salutary efficacy (outside as well as within the sacrament) of contrition in general, of perfect contrition, and of attrition.

We shall do this in eleven articles, distributed in the following order:

1. Contrition in general

- Its nature: the division into perfect contrition and attrition (Article 23).
- The essential character of this division; hence attrition cannot properly become contrition (Article 24).
- Its efficacy with respect to justification in general: the conditions required in all salutary contrition, both perfect and imperfect (Article 25).
- Its relation to the sacrament: contrition as a necessary, essential, and intrinsic part (Article 26).
- The need for contrition to be united and ordered to the other parts of the sacrament (Article 27).
- Contrition as the reality and sacrament (res et sacramentum) (Article 28).
- Its relation to sacramental fruit: the requirement of contrition for both fruit and validity, excluding a valid yet unfruitful sacrament (Article 29).

2. Perfect contrition

- Its nature: the essential connection with charity (Article 30).

- Its justifying efficacy outside the sacrament (Article 31).

3. Attrition

- Its nature: its uprightness and salutary usefulness (Article 32).
- Its justifying efficacy within the sacrament (Article 33).

Article 23. Whether two essentially distinct kinds of contrition exist: perfect contrition, called contrition simply speaking, and imperfect contrition, called attrition

ARTICLE 23

Whether There Are Two Kinds of Contrition, Essentially Distinct from One Another: One Perfect, Called Contrition Simply Speaking, and the Other Imperfect, Called Attrition (Suppl., q. 1; In IV Sent., dist. 17, q. 2, a. 1).

STATE OF THE QUESTION

THE NAMES "CONTRITION" AND "ATTRITION." The terms contrition and attrition (from the Latin verbs conterere, "to crush to powder," and atterere, "to wear down" or "to reduce into parts") have been transferred metaphorically from bodily things to spiritual things, and especially to the act of penance. For just as, in material things, a hard object is said to be worn down or broken when it is fractured in any way, imperfectly, and divided into pieces, but to be crushed or pulverized when it is broken completely, into the smallest parts, so, by metaphor, the sorrow or displeasure by which hardness of heart or attachment to sin is removed is called contrition or attrition according as it is perfect or imperfect (cf. Suppl., q. 1, a. 2, ad 2, cited below; q. 1, a. 1, cited in art. 13, vol. I, p. 351; In IV Sent., dist. 17, q. 2, a. 2, qq. 1–3).

Such use of these words is eminently sacred, or ecclesiastical, and originally biblical.

In Scripture (the Vulgate), the word "attrition" frequently occurs not only in its proper and material sense (Job 14:12; Isa. 51:6; 53:5), but also, and principally, in the transferred sense of affliction, oppression, and punishment (2 Reg. 21:5; 3 Reg. 14:24; Job 19:2; 20:10; Isa. 3:15; 48:19; 53:5, "He was bruised for our iniquities"; cf. 1 Pet. 2:24; Jer. 5:3; Ezek. 3:7; 30:8).

The word "contrition" occurs much more frequently, likewise sometimes in a physical sense (Gen. 3:15, "She shall crush thy head"; Ps. 33:21; Eccli. 40:9; Isa. 24:19; 30:13 ff.; 42:3; 51:19; 59:7; Hab. 3:6; Matt. 21:44), but especially in the moral sense of oppression, unhappiness, humiliation, affliction, and even penance, as is evident from the last of the passages about to be cited. Noteworthy expressions are "contrition of heart," "contrition of spirit," "contrition of soul," and "contrition of the hardness of pride" (Ps. 13:3; 59:4; Prov. 16:18; 18:7; 18:12; Isa. 57:15; 65:14; Jer. 4:20; 6:14; 8:11; 8:21; 10:19; 14:17; 17:18; 23:9; 30:15; 50:22; Lam. 2:11; 3:48; 4:10; Ezek. 21:6; 7:10; Hos. 14:5; 1 Macc. 2:7; Rom. 3:16).

> *Ezek. 6:9:* "I crushed their heart, which went astray in fornication and departed from me."
>
> *Lev. 26:18 ff.:* "I shall add chastisements . . . for your sins, and shall crush the pride of your hardness."

Isa. 65:14: "You shall cry out for sorrow of heart, and shall wail for contrition of spirit."

Lam. 2:13: "For your contrition is great, like the sea."

Ps. 50:19: "A sacrifice to God is a troubled spirit; a contrite and humbled heart, O God, you will not despise."

Ps. 146:3: "He heals those who are contrite in heart, and binds up their wounds."

Isa. 57:15: "Thus says the Most High . . . dwelling on high and in the holy place, and with a contrite and humble spirit: that he may revive the spirit of the humble and revive the heart of the contrite."

Isa. 66:2: "The Lord says: But upon whom shall I look, if not upon the poor and contrite in spirit, and one who trembles at my words?"

Dan. 3:39: "That we may find your mercy . . . may we be received with a contrite heart and a spirit of humility."

Luke 4:18 ff.: "He sent me to preach the Gospel to the poor, to heal the contrite of heart, and to preach remission to captives."

The biblical expressions "compunction of heart" (Acts 2:23), "troubled spirit" (Ps. 33:19; 50:19), and "rending of the heart" (Joel 2:13) convey nearly the same sense.

Among the Fathers, the word "contrition" (or related terms, obtritio and tritura) not infrequently occurs to express the act of penance. But the word "attrition," and especially the paired expression "contrition and attrition," began to come into common use in the Middle Ages, as will be said below.

Origen, On Jeremiah (18:1–16, on the potter who breaks the vessel), homily 18, §1: "It comes about that our wickedness too is crushed [syntribēnai], so that a new and better creature may be made. . . . If we are crushed [syntribōmen] . . ." (C.B. 3, 151).

Chrysostom, Homilies on the Epistle to the Hebrews, homily 9: "Such is the contrition of heart [syntribē kardias]."

Augustine, Exposition on Psalm 31, §11: "It is said: "The Lord is near to those who have crushed their heart" (Ps. 33:19). See whether this publican had crushed his heart, and there you will see that the Lord is near to those who have crushed their heart. "But the publican stood afar off, and would not so much as lift up his eyes to heaven, but struck his breast." The beating of the breast is the crushing of the heart." (M.L. 36, 265).

Augustine, Exposition on Psalm 74, §2: "It is written: "The Lord is near to those who have crushed their heart" (Ps. 33:19): the grinding down of the heart, piety, humility. He who crushes himself is angry with himself; let him be angry with himself, that he may have God gracious toward him." (M.L. 36, 947).

Augustine, Exposition on Psalm 146, §5: ""He heals the contrite of heart." Behold how the dispersions of Israel are gathered together, that those contrite in heart may be healed. Those who do not crush their heart are not healed. What is it to crush the heart? . . . He continues and says: "A sacrifice to God is a troubled spirit; a contrite and humbled heart God will not despise" (Ps. 50:18–19). Therefore he "heals the contrite of heart," because he draws near to

them in order to heal them, as it is said elsewhere: "The Lord is near to those who have crushed their heart" (Ps. 33:19). Who have crushed their heart? The humble. Who have not crushed their heart? The proud. What is crushed will be healed; what is raised up will be struck down. For perhaps it is struck down precisely so that, once crushed, it may be healed." (M.L. 37, 1901 ff.).

As regards the matter itself and its definition. The Council of Florence, in the Decree for the Armenians, without speaking of the distinction between perfect contrition and attrition, defines contrition in general as follows (from St. Thomas, Opuscule 5):

Council of Florence: "Contrition of heart, to which it belongs that a person grieve for the sin committed, with the purpose of not sinning henceforth." (Denz. 699).

The Council of Trent, session 14, On Penance, chapter 4, taking up the same definition (with the addition of the word "detestation") in the form "Sorrow of mind and detestation for sin committed, with the purpose of not sinning henceforth," distinguishes "contrition made perfect by charity, which reconciles a person before the reception of the sacrament," from "imperfect contrition, which is called attrition, because it is commonly conceived either from consideration of the foulness of sin or from fear of hell and punishments . . . [and which] disposes one to obtain the grace of God in the sacrament of Penance" (Denz. 898; cf. canon 5). Here a twofold difference is assigned between contrition and attrition: the first on the part of efficacy (for contrition justifies before the sacrament, whereas attrition does so only with the sacrament), and the second on the part of motive (for contrition is perfected by charity, or proceeds from the motive of charity, whereas attrition proceeds from the lower motive of fear or of the foulness of sin).

This definition and division, which are common and classical among theologians, especially those of the later period, underwent some development among the ancients and are subject to differing determinations and explanations among more recent writers.

As regards the definition itself, what was said in Article 13 and at the end of Article 14 is sufficient (vol. I, p. 382 ff.).

As regards the distinction between contrition and attrition, Gregory the Great already distinguishes a twofold kind of compunction (On Ezekiel, book 2, homily 10), saying:

Gregory the Great: "I think it necessary to show what diversity there is in this very compunction. For one compunction is born of fear, another of love, since it is one thing to flee punishments and another to desire rewards. . . . There are two kinds of compunction: some still lament through fear, while others already afflict themselves with lamentations through love. Many, indeed, remembering their sins, when they dread eternal punishments, afflict themselves with daily tears. They lament the evils they have done and burn away their vices with the fire of compunction, though they still endure the suggestions of those vices in their heart. . . . Others, however, freed from carnal vices, or now secure after long weeping, grow ardent with the flame of love amid the tears of compunction; they set before the eyes of the heart the rewards of the heavenly homeland and already long to be among the heavenly citizens." (M.L. 76, 1070; cf. Dialogues, book 1, ch. 3, §34).

Pseudo-Augustine, On True and False Penance (probably composed about A.D. 1100; cf. vol. I, p. 5), §§17, 33, distinguishes penance which is a turning away from sin, conceived from fear, from penance which is a turning toward God, proceeding from love:

> *Pseudo-Augustine*: "It is necessary . . . that the sinner, in order to bear fruit in penance, obtain life from death. For it is written that without charity no one is saved (1 Cor. 13:2). Therefore a person does not live by fear alone. Accordingly, one who repents late ought not only to fear God as judge, but also to love him as just: he should not be feared on account of punishment, but loved on account of glory. For he ought to grieve over the crime, and over every . . . variety of it. . . . I believe that he who said, "At whatever hour the sinner shall groan and be converted, he shall live" (Ezek. 33:12), said "converted," and not merely "turned." For I consider him turned who grieves over the crime; converted, him who grieves over every variety of it that we have set forth. He is turned away from sin who now wishes to abandon sin; he is converted who has already turned wholly and altogether, who now not merely ceases to fear punishments, but hastens to turn toward the good God." (M.L. 40, 1127 ff.).

The first more explicit distinction between contrition and attrition, together with the first mention of the very name "attrition," is found around the middle of the twelfth century in Alan of Lille (from the city of Lille in Gaul; d. 1203), Rules of Sacred Theology, rule 85, where this distinction is put forward, not as something new, but as an accepted one:[1]

[1] Morinus, De disciplina in administratione sacramenti poenitentiae, book 8, ch. 2, no. 14, thought that the term "attrition" was first devised by Alexander of Hales. Mingarelli exposes this error in the preface to Migne's edition of the above-mentioned work of Alan of Lille (cf. M.L. 210, 618 ff.).

> *Alan of Lille*: "Every evil of demerit in a person either increases by continuance, or is diminished by attrition, or is removed by contrition. . . . The evil that is in a person, such as fornication or some other criminal sin, is increased by continuance if he actually perseveres in sin; or it is diminished by attrition, as when someone grieves that he has committed it and ceases from the act, although he does not repent perfectly; or it is removed by contrition, when he turns fully away from sin. For there are many who grieve that they have sinned and are worn down in heart, yet are not completely crushed, nor have a firm purpose not to relapse, nor confess with their mouth. These persons become less evil, but do not cease to be evil[2] unless they are perfectly contrite." (M.L. 210, 664 ff.).

[2] That is: "But they do not cease to be evil." Doronzo supplies this clarification of the transmitted wording.

In the thirteenth century, this division, strengthened chiefly by the authority of Innocent III (d. 1216) and William of Auvergne (also called William of Paris; d. 1248), was commonly taught in the schools.[3]

[3] Cf. J. Göttler, Der heilige Thomas und die vortridentinischen Wirkungen des Bussakramentes (Freiburg im Breisgau, 1904); Schmoll, O.F.M., Die Busslehre der Frühscholastik (Munich, 1909).

> *Innocent III (d. 1216), Commentary on the Seven Penitential Psalms, on Psalm 1*: "Unless the penitent's disturbance is of such a kind and magnitude that it suffices to avert eternal punishment, it is undoubtedly attrition, but not contrition: inflicting a penalty, but not obtaining pardon." (M.L. 217, 1004).

Alexander of Hales (d. 1245), Summa theologica, part 4, q. 17, m. 5, a. 1: "Attrition and contrition differ simply speaking. As to the objection that the continuity of what is continuous is unity, it must be said that a movement is one by the continuity of the movement of nature and of its continuity; nevertheless it is not so one or simple that it does not have one part and another. In one part it is from grace freely given [that is, actual grace, which William of Auvergne, cited shortly below, more suitably calls prevenient grace], and this part is called attrition; in another part it is from grace making one pleasing [to God], and this, insofar as it is such, is called contrition. Thus they differ simply speaking." (Venice ed., 1575, vol. 4, p. 305). *William of Auvergne (d. 1248), On the Sacrament of Penance*: "If anyone asks what the difference is between attrition and contrition, and between movements preceding grace that makes one pleasing [to God] and the movements of that grace itself, . . . it is by no means to be doubted that they have a certain prevenient grace which prepares them for grace that makes one pleasing [to God]. I say, therefore, that attrition stands to contrition as a nonfatal wound stands to a killing blow, and prevenient grace stands to grace that makes one pleasing [to God] as warming stands to burning, and as an illumination that is a shadow stands to radiance." (Works, London ed., 1674, p. 466).

Bonaventure, On IV Sentences, dist. 17, part 2, a. 1, q. 4: "It is not necessary for a person approaching the sacrament of Penance to possess charity or a disposition sufficient for charity in actual fact; it suffices that he possess it according to probability. Now this disposition is attrition, which frequently, through the superadded confession and the priest's absolution, is formed by grace so that it becomes contrition, or so that contrition itself follows upon it."

St. Thomas, Supplement, q. 1, a. 2, ad 2: "Attrition denotes[4] an approach toward perfect contrition. Thus, among corporeal things, those are called worn down which have been diminished in some way but have not yet been completely broken up; whereas they are called crushed when all their parts have been ground down together through division into the smallest pieces. Therefore attrition in spiritual matters signifies a certain displeasure at sins committed, but not a perfect one; contrition, on the other hand, signifies a perfect displeasure."

[4] This is the more common and preferable reading. Some manuscripts, however, have "does not denote" (cf. the Leonine edition, critical apparatus). Nevertheless, as is clear from the context, the doctrine remains the same on either reading: on the former, the meaning is that attrition denotes an imperfect approach; on the latter, that it does not denote a perfect approach.

Ibid., a. 3, On the Contrary: "Where the principles are altogether diverse, one thing cannot become what the other is. But the principle of attrition is servile fear, whereas the principle of contrition is filial fear. Therefore attrition cannot become contrition."

Ibid., in the Body of the Article: "On this question [namely, whether attrition can become contrition] there are two opinions. Some say that attrition becomes contrition, just as unformed faith becomes formed faith. But this, as it seems, cannot be the case; for although the habit of unformed faith becomes formed, nevertheless an act of unformed faith never becomes an act of formed faith, because that unformed act passes away and does not remain when charity comes. But attrition and contrition do not signify a habit, but an act only. Moreover, the habits of the infused virtues that regard the will cannot be unformed, since they follow upon charity, as was said in the third book (On III Sentences, dist. 27, q. 2, last art., q.

3). Therefore, before grace is infused, there is no habit from which an act of contrition is later elicited; and thus attrition can in no way become contrition. This is what the other opinion says."

Certain theologians[5] say, or at least insinuate, that these and some other medieval doctors did not perceive the essential distinction between attrition and contrition that follows from their different motives—a distinction that later theologians, beginning with Durandus, started to draw, and that, after being taken up by the Council of Trent (cited above), was especially developed and defined by modern theologians.

[5] Morinus, De disciplina in administratione sacramenti poenitentiae, book 8, ch. 3, no. 1 (Paris, 1651), p. 507; Göttler, op. cit.; Galtier, De Poenitentia, no. 57; D'Alès, De Poenitentia, thesis 7.

They say that those doctors taught a certain accidental distinction according to the degree of intensity, or even according to the mere fact of being informed by grace (so that the very same attrition, by the mere accession of charity, becomes contrition, and attrition differs from contrition in the way that unformed faith differs from formed faith). They grant, indeed, that St. Thomas added some consideration of the distinction arising from the principle from which attrition and contrition proceed, but in such a way that he had not yet attended to the distinction of motives (that is, the motive of charity and the inferior motives of the other virtues).

Nevertheless, these assertions seem to be less correctly made, because excessive weight is given to certain imperfect expressions or modes of speaking. For:

1. As is clear from the passages quoted, Alexander of Hales expressly says that attrition and contrition differ simply speaking; William of Auvergne teaches the same, as is evident from the examples he adduces; Bonaventure immediately explains his words, "Attrition, informed by grace, becomes contrition," by the alternative expression, "or so that contrition itself follows upon it."

2. When these doctors say that attrition and contrition differ in respect of the perfect and the imperfect, it is illegitimate to infer that they mean an accidental difference. For the distinction between the perfect and the imperfect, since it is transcendental, can amount to a specific distinction, as is evident in the case of the love of concupiscence or of hope and the love of charity. Accordingly, in the order of penance, or sorrow for sin, attrition and contrition stand to one another as the imperfect and the perfect, and yet they can be essentially distinguished. William of Auvergne says that attrition and contrition differ as actual grace and habitual grace that makes one pleasing to God differ, which indeed differ essentially. The same conclusion follows from what Alexander of Hales says, distinguishing the movement of penance into two parts, one of which comes from actual grace and the other from habitual grace. Innocent III says that contrition, unlike attrition, is sorrow so vehement that it is capable of averting eternal punishment; from this it rather follows, according to the mind of the Pontiff, that there is an essential difference between these acts, on account of the essential difference between their effects. The words of Bonaventure, as quoted above, indicate an essential difference even more strongly. St. Thomas not only says that attrition and contrition differ as the imperfect and the perfect with respect to displeasure, but also teaches that contrition, unlike attrition, is elicited by a habit of virtue (which clearly signifies an essential distinction). Indeed, on this

basis he refutes the opinion of several of those same doctors who taught that attrition becomes contrition through being informed by charity.

Nor, moreover, does it follow from this very opinion that those doctors taught an accidental distinction between attrition and contrition, but only that they spoke inconsistently, inasmuch as, having admitted what is equivalent to an essential distinction, they thought that attrition could be changed into contrition, just as unformed faith is changed into formed faith. St. Thomas, however, rejects this consequence in the Supplement, q. 1, a. 3, cited above.

3. Not only St. Thomas but also the other doctors repeatedly derive the distinction from the diversity of the principles from which attrition and contrition proceed. Thus William of Auvergne and Alexander of Hales point to the diversity between actual grace and habitual grace. St. Thomas more aptly assigns servile fear and filial fear as their proximate and distinct principles.

4. Those doctors equivalently affirm the distinction drawn from the motive of charity when they constantly appeal to the informing of charity. For what does charity do, according to their mind, in informing sorrow, unless it elevates that sorrow and directs it to its own proper end and motive? Indeed, does not the Council of Trent speak more explicitly of the motive of charity when it defines contrition as that which is perfected by charity, in agreement with those doctors?

Furthermore, St. Thomas lays open the mind of the others when he expressly teaches that the act of contrition proceeds from the motive of charity:

> *Summa Theologiae, III, q. 85, a. 5*: "[Among] the acts by which we cooperate with God operating in penance . . . the third is servile fear, by which a person is drawn back from sins through fear of punishments . . . the fifth act is the movement of charity, by which sin is displeasing to someone in itself, and no longer on account of punishments."
>
> *Ibid., q. 85, a. 5, ad 1*: "Sin first begins to displease a person, especially a sinner, on account of the punishments which servile fear regards, rather than on account of the offense against God or the foulness of sin, which pertains to charity." *Ibid., q. 85, a. 6*: "As was established in the Second Part (I–II, q. 113, aa. 3 and 4), in the justification of the ungodly there is at one and the same time a movement of free will toward God, which is an act of faith formed by charity, and a movement of free will against sin, which is an act of penance. Yet the first of these two acts naturally precedes the second; for the act of the virtue of penance is directed against sin out of love for God. Hence the first act is the reason and cause of the second."
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> *Summa contra Gentiles, IV, ch. 72*: "The first thing . . . required in penance is the reordering of the mind, so that the mind may turn toward God and turn away from sin, grieving for the sin committed and proposing not to commit it: and this pertains to the nature of contrition. But this reordering of the mind cannot exist without grace. For our mind cannot turn duly toward God without charity; and charity cannot be had without grace. . . . Thus, therefore, through contrition the offense against God is removed, and one is freed from liability to eternal punishment, which cannot be without grace and charity: for eternal punishment consists in

separation from God, to whom man is joined by grace and charity. For this reordering of the mind which consists in contrition proceeds from within, that is, from free will with the assistance of divine grace."

Compare the other texts cited below (pp. 206, 214 ff.).[6]

[6] One might, at least in a polemical spirit, adduce the words of St. Thomas from his Commentary on IV Sentences, dist. 17, q. 2, a. 1, q. 3. But see, to the contrary, the additional consideration (omitted in the Supplement, q. 1, a. 3) that we quoted and explained in article 16 (vol. I, pp. 426–428), whence it is argued that St. Thomas directly taught an essential distinction between attrition and contrition from the very substance of the act, insofar as he asserts that attrition is a natural act, whereas contrition is supernatural. But we abstain from this argument, because it proves too much: namely, that according to St. Thomas every attrition would be natural. This is foreign to his mind, since he calls attrition conceived from servile fear supernatural (q. 85, a. 5, body and ad 3).

5. Nevertheless, it must not be denied that the theologians after Trent, aided by the Council's own definition, examined more insistently and more accurately the distinction between attrition and contrition on the part of the ultimate motive. Although, in this very matter, not a few introduced new defects, confusing motive with object and so almost emptying the virtue of penance of its proper character, reducing the act of contrition to an act elicited by charity, and the act of attrition to an act elicited by the other virtues (cf. below, pp. 11 ff., 20 ff., 42–44).

How complicated the doctrine of contrition and attrition was before the Council of Trent is apparent even from the exposition of one of the distinguished theologians, and a Thomist at that, namely Cajetan, whose following words we do not find it wearisome to quote:

Cajetan: "From all these matters we can gather that there is a twofold attrition and a twofold contrition. The first attrition is displeasure at sin, together with a slight wish not to sin, but in a state of sin. This is the attrition of prostitutes, usurers, and others of this kind. And it is called the attrition of the impenitent. — The second attrition is displeasure at sin, together with the absence of a will to sin, and with a will not to sin considered in a confused manner. And this is the attrition of penitents, who thus, in a confused manner, with regard both to the whole future time and to the comparison of sin with other hateful things, and even to the comparison of God with other lovable things, have this in their will. And this is called the attrition of the imperfect.

The first contrition, on the other hand, is an acquired displeasure at sin above everything hateful, with a purpose of avoiding sin above everything to be avoided, out of love for God above everything lovable. And this is called unformed contrition. — The second contrition, however, is this same displeasure, with the aforesaid purpose and love, informed by charity. And this is called formed contrition."[7]

[7] Cajetan, Questions on Contrition, first inquiry, no. 3, in the Leonine edition of the works of St. Thomas, vol. 12, p. 342; cf. the other words of Cajetan cited in article 16, vol. I, pp. 404– 406.

Later theologians, therefore, agree in assigning a difference between attrition and contrition on the part of their effects, namely, in that contrition, but not attrition, justifies before the reception of the sacrament. They differ, however, in determining a further and more intimate difference, one taken from the motive or, rather, from the formal object: namely, what perfect sorrow is that has the power to justify before reception of the sacrament.

Some seem to have recourse to certain accidental differences: to the degree of intensity or duration (thus Scotus, On III Sentences, dist. 27, single question; On IV Sentences, dist. 14, q. 2); or to a confused or distinct recollection of sins, so that attrition is a confused displeasure whereas contrition is distinct sorrow (thus Cajetan in the place just cited and in the following no. 4); or to the criterion of universality, so that attrition does not extend to all sins as contrition does; or to the mere criterion of being informed by charity, so that precisely the same sorrow is contrition or attrition according as it is, or is not, informed by charity, as formed faith differs from unformed faith (thus Scotus and Contenson, unless they are interpreted more favorably in the manner in which we explained above the opinion of the ancients). Others, especially after the Council of Trent, expressly teach an essential distinction, which they derive from the motive from which the sorrow of contrition or attrition is conceived.[8]

[8] "A good movement preceding the sacrament of penance is merely attrition. . . . But this attrition, after the conferral of grace given in the reception of the sacrament, becomes formed contrition" (Reportatio Parisiensis, In IV Sent., dist. 14, q. 4, no. 12).

Of these, some, such as the Scotists, say that contrition is any and every sorrow elicited from the motive of any general virtue which has God himself as its proximate object, such as charity, hope, religion, obedience, or gratitude (cf. below, art. 30, pp. 195 ff.). The common opinion, however, particularly among modern theologians, teaches that contrition is sorrow elicited from the sole motive of charity, and in this distinguishes it from attrition.

Nevertheless, disagreements and confusions are not lacking even among these theologians.

The first is that some do not sufficiently attend to the fact that the motive of charity is only an extrinsic motive, although essentially required and even intrinsically connoted; and that the immediate and formal reason for the distinction between contrition and attrition must be drawn from the proper intrinsic motive of the virtue of penance itself (which is the same as its formal object), and consists in this: that in contrition alone the proper and perfect notion of penance, or of satisfaction and compensation for sin insofar as it is an offense against God, is found. This confusion appears in the following testimonies of Suárez and Lugo (whom many modern theologians follow, such as Galtier, Cappello, Piscetta, and Génicot), who teach that, for perfect contrition, it is not sufficient that sorrow be elicited from the motive of the virtue of penance, but that it must be elicited from the motive of charity (as if contrition were not the proper act of the virtue of penance, or could be elicited by penance without essential dependence upon the virtue and motive of charity).

> *Suárez*: "The doubt concerns . . . universal detestation, which proceeds from the proper motive of justice, and which we have said is elicited by the special virtue of penance; for this is exceedingly perfect, since it concerns the offense against God precisely as such. Likewise, it is proper and special to penance, to which contrition is commonly attributed as its proper act. Likewise, it is a perfect turning away from guilt; but to this the remission of sin is promised in Scripture. Finally, it seems virtually to contain love of God, since above all things it detests an offense against him, solely because it is such. For these reasons it has seemed probable to some that this act, of itself and without formal love, suffices for the nature of contrition. And this is indeed a probable opinion, and at one time it pleased me without qualification. Now, however, upon examining the matter more carefully, it seems that the contrary opinion should be chosen. . . . There remains, therefore, another detestation of sin, insofar as it is against the

good of God in himself and dissolves friendship with him. This, therefore, will be proper contrition, and contrition of itself."[9]

[9] Suárez, De Poenitentia, disp. 4, sect. 2, no. 13 ff., Opera omnia, vol. 22 (Paris, 1866), pp. 76 ff.

Lugo: "Some theologians teach that it is sufficient for contrition that sorrow should arise either from the motive of charity, or from the motive of obedience, or of religion, or of penance: namely, because sin displeases God whom we love; or because it is contrary to his precept, which we ought to obey; or contrary to his worship; or finally because it is against the law of God, which we are bound to observe; and they say that this last is the motive of penance; and the same could be said with yet greater force of the motive of penance according to our opinion, namely, because sin is an offense against God and consequently destroys peace with God and renders him rationally averse to us. The view that this opinion is probable is maintained by Father Suárez, disp. IV, sect. ii, no. 13, and is supported by certain other theologians, whom he reports by leaving out everyone's name. Although Father Suárez speaks only of sorrow arising from the motive of justice, the reasoning is the same with respect to all the motives assigned, which other more recent authors universally teach to be included in that one.

Other theologians, however, commonly teach that sorrow arising from the motive of love of God is absolutely required for contrition; indeed, Father Vázquez in the present question, 85, art. 2, no. 45, says that the opposite opinion is erroneous. Father Suárez also embraces this latter opinion, having abandoned the former, while others suppose the matter altogether certain, without any ground for doubt. . . .

Yet it must still be said absolutely, with the common opinion, that contrition sufficient for justification ought to arise from the particular motive of charity, namely, from love of God above all things. This conclusion has in its favor the common authority of almost all theologians, from whom one ought not easily to depart in a matter of such importance."[10]

[10] Lugo, De Poenitentia, disp. 5, sect. 1, nos. 3 and 10, Disputationes scholasticae, vol. 4 (Paris, 1892), pp. 418 and 421.

The second disagreement concerns the determination of what is properly called attrition. Some regard as attrition properly so called only that sorrow which is a sufficient disposition for justification in the sacrament; others, however, include even that sorrow which, although it is not sufficient for sacramental justification, is, as they say, sufficient for the validity of the sacrament of penance, so that it renders the sacrament valid but unfruitful. Suárez, adopting a middle course by a different route (Disputation 5, section 1, nos. 1 and 12), teaches that the sorrow which is a true disposition for sacramental justification, either absolutely, if it is universal sorrow, that is, sorrow for every sin, or partially and with respect to some particular sin, if it is particular sorrow, namely, sorrow for one or another sin, is genuine attrition. For he says that attrition for one sin, considered in itself, is a sufficient disposition for removing the obstacle presented by that sin; nevertheless, if another sin is present for which a person does not grieve, there will be need of the addition of another attrition, by which that obstacle also is removed and justification can take place.

CONCLUSION

Two kinds of contrition must be distinguished: the one perfect, which is called contrition simply speaking; the other imperfect, which is called attrition. Their essential distinction, considered ultimately and formally, is to be taken from the very relation to sin insofar as it is an offense against God.

Proof.

Contrition, taken generically and according to the Tridentine definition given above, consists essentially in sorrow for sin, sin being taken properly and formally, that is, insofar as it is an offense against God. Hence as many kinds of contrition must be essentially distinguished as there can be formal reasons of displeasure discerned in sin insofar as it is an offense against God, since acts are specified by their object.

Now in sin there can be discerned a twofold formal and distinct reason for displeasure. The one is founded upon sin taken simply, or insofar as it is against God considered simply; the other is founded upon sin taken under some particular aspect, or insofar as it is against God not simply, but considered under some particular aspect, for example, insofar as God is related to us as the source of justice or beneficence.

Therefore there are two kinds of contrition essentially and formally distinct: the one concerns sin taken simply, which we call contrition simply speaking; the other concerns sin taken under a certain aspect, which we call attrition.

TO AVOID CONFUSIONS AND DIFFICULTIES, into which not a few stumble in this matter, carefully observe and hold firmly the following two points:

FIRST, the principle from which both the notion of contrition taken generically and its division into contrition simply speaking and attrition, as well as its distinction from every other sorrow over sins committed, must be understood is the very formal relation to sin as such.

For not every sorrow over a sin committed is contrition, but that sorrow which refers to God; nor even sorrow that refers to God in just any manner—for instance, sorrow conceived in any manner from fear of a punishment which God inflicts (for such sorrow can abstract from the offense against God itself)—but that which refers to God as one offended, even though God be considered only under the aspect of a judge who punishes. Contrition must, namely, reach the offense against God itself, and every other aspect must be joined to the aspect of offense and be taken under its condition: for example, sorrow conceived from fear of punishment must be sorrow over sin itself insofar as it brings about divine punishment, or over the offense against God insofar as God is the source of justice and punishment.[11]

[11] Summa Theologiae, II–II, q. 19, a. 5, ad 2: "Servile fear [from which attrition is conceived] regards God as the principle that inflicts punishments; filial fear, however, regards God not as the active principle of guilt, but rather as the end from which it flees to be separated through guilt."

To this point the Catechism of the Council of Trent (part II, ch. 5, question 25) says: "No other sorrow … is called by this name [contrition]; rather, this name belongs properly only to that sorrow with which we are afflicted over the loss of the grace of God and of innocence."

St. Thomas (q. 86, a. 3, cited below; a. 1, body and reply to objection 1) teaches that true penance is concerned only with sin insofar as it is an offense against God. Yet, when he treats of attrition itself

(Supplement, q. 1, a. 1; a. 2, reply to objection 2; a. 3), he does not deny that it is true penance; rather, he grants that it belongs to contrition and, like contrition, contains displeasure at sins committed, with this difference: that it contains an imperfect displeasure. Thus both contrition and attrition are displeased at the same object, namely sin as such, although the former is so perfectly and the latter imperfectly.

> In his Commentary on IV Sentences, dist. 17, q. 2, a. 3, question 2, he says: "Contrition, on the part of the sorrow which is in the reason, that is, of the displeasure, is that by which sin is displeasing insofar as it is an offense against God."
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> In Summa Theologiae, I–II, q. 71, a. 6, reply to objection 5, speaking of sin as considered in those things which pertain to theology and faith (as is the case with attrition), he says: "Sin is considered by theologians chiefly insofar as it is an offense against God; but by the moral philosopher insofar as it is contrary to reason. And therefore Augustine more fittingly defines sin by its being contrary to the eternal law than by its being contrary to reason; especially since by the eternal law many things exceeding human reason are regulated, such as matters of faith."

SECOND, and consequently, the distinction between contrition and attrition, taken formally, is to be drawn from the different consideration of the offense against God which each of them regards.

In this sense one must understand the very common ground of distinction taken from the diversity of motives. For the motive must pass into a condition of the object of contrition; otherwise it cannot specify the act, but remains only on the side of a principle, or else specifies some other act which stands as a principle of contrition. Thus the act of contrition which arises from the motive of charity is specified by the offense against God considered simply and insofar as God is good in himself. That is to say, just as the goodness of God first directly specifies an act of charity—whether love of God or sorrow and hatred for that which is contrary to the divine good—and then that act of love and detestation becomes the motive or impelling principle of an act or sorrow of penance over an offense against God considered absolutely and insofar as God is good in himself, so that this goodness, which first directly specified the motive, namely love or hatred, passes into a condition of the specifying object of the act of contrition.

The same holds for an act of contrition conceived from the motive of fear of punishment or from the motive of the moral rectitude or baseness of sin. For fear itself, or sorrow over punishment, or sorrow over the foulness of sin, for example over the loss of some virtue, does not constitute the act of attrition which is specified by sin as such; rather, these are its principle and motive, so that their object passes into a condition of the object of attrition.

> On this point St. Thomas says (Supplement, q. 2, a. 1, reply to objection 2): "That sorrow whereby someone grieves over the loss of virtue through sin is not essentially contrition itself, but is its principle; for just as someone is moved to desire something on account of the good which he expects from it, so he is moved to grieve over something on account of the evil which he has incurred from it."

The aforesaid essential relation of contrition to sin as such is not sufficiently considered by certain authors; indeed, at least verbally, it seems to be denied. Hence they introduce forms of attrition that are not attrition. Others consider contrition's relation to God, but not to sin itself as such, that is, to

God as offended by sin. One or another, such as Lugo, grants that a relation to sin as such enters into the nature of that attrition which has the baseness of sin as its motive, but not into the nature of all attrition, including that which is conceived from fear.

In this sense Lugo writes:

> "It can be answered that merely human disgrace, and in general any punishment insofar as it is to be inflicted by a human being, is not a motive of true attrition; for attrition ought not to be sorrow over sin in just any respect, but with some reference to God. I do not say that it must be sorrow over sin because it is an offense against God, but that it must be sorrow over sin with some reference to God, as Father Valencia rightly observed. … And Henriquez indicates the same thing. Therefore, when that punishment, or even disgrace, is apprehended as proceeding from God, that sorrow is already fear of God, who has the power to inflict those and other punishments; and consequently the repudiation of sin arising from that fear is a certain turning to God, not out of love but out of fear. But if there is only sorrow over sin on account of a punishment to be inflicted by a human judge, that act is in no way a turning to God, since it proceeds neither from love nor in any way from fear of God, but from fear of a judge. Yet every justification, even in the sacrament, requires at least an imperfect turning of the human person toward God. …
>
> "In every true conversion it is required that there be a turning away from sin and a turning toward God, just as in sin there was a turning away from God and a turning toward the creature. Hence, just as the turning toward the creature was on account of some perfection apprehended in the creature, so the turning toward God ought to be on account of some perfection of God himself: for example, the power to punish, which we fear; or the goodness which we love; or the superiority which we obey, and so forth. Therefore, where no perfection of God moves the person, there is no penance of the kind God requires: namely, penance by which a person humbles himself and acknowledges something in God by reason of which God ought not to be placed after the creature, but rather preferred to it.
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> "Hence I infer what is meant in the Council of Trent by that other motive of attrition, namely 'the baseness of sin,' which Father Suárez wrongly understands as sorrow over sin insofar as it is an injury to God, because the nature of injury is something belonging to the baseness of sin. The same could be said of the motive of disobedience, irreverence, and offense, to which the obedience, religion, and penance properly so called are opposed; and likewise of the motive of ingratitude and others of the same kind, since all these are forms of baseness and ugliness belonging to sin. The difficulty, however, is whether sorrow over sin on account of a baseness considered without reference to God is sufficient for true attrition: for example, sorrow over theft on account of the particular malice of theft insofar as it is opposed to justice, without any relation to God. Would this be true attrition? Father Suárez, in section 3, plainly concedes that it is sufficient attrition. And it seems probable, from the fact that the Tridentine Council assigns, as a sufficient motive of attrition, the baseness of sin.
>
> "But from what we said a little earlier concerning the motive of human disgrace, it seems necessary to say that this is not true and sufficient attrition unless it considers sin in relation to God, as Valencia, Alexander of Pessantius, and Coninck taught. The reason, as I have said, is

that, just as it does not suffice for true attrition to consider sin as a cause of punishment before a human judge—because that motive does not turn a person toward God, but toward the judge whom he fears—so it does not suffice to consider sin precisely insofar as it is opposed to the rule of reason in the order of human society, since that motive turns a person not toward God, but toward the rule of reason and human society. Therefore through this sorrow the turning away from God brought about by sin is in no way removed.

"It is therefore necessary to consider in sin some opposition to God, for example, as irreverence, or as disobedience owed to God, or something similar, so that the attrition which arises not from fear of punishment but from the baseness of sin may suffice together with the sacrament. Nor does the Council of Trent stand in the way, since it does not there posit any sort of moral baseness whatever as a motive of attrition, but the baseness of sin: and sin signifies a fault considered with reference to God. For, as I suppose from the matter concerning sins, although moral wickedness can be taken as an opposition to the rule of reason, the wickedness of sin or sin itself is not understood except in relation to God. Therefore attrition must be not only on account of fear of punishment, but must be sorrow over sin insofar as it is against God, whether as disobedience or irreverence or ingratitude or in some other way; for all these ground the baseness of sin, insofar as it is sin. Hence the person who, out of a baseness of this kind, detests sin is already moved by some excellence of God, in view of which he turns toward God himself and prefers him to the creature, which he had previously loved more than God."[12]

[12] Lugo, De Poenitentia, disp. 5, sect. 9, nos. 141–143, Disputationes Scholasticae, vol. 4 (Paris, 1892), pp. 463–465.

Finally, several doctors explicitly note the essential relation of contrition to sin as such:

Suárez, though less firmly, says: "I say that it is most probable that no act of true penance can be granted which concerns mortal sin and detests it solely because of the particular gravity which it has, and not principally because of the very character of a mortal offense. This seems to me more certain in the case of an act of detestation that proceeds from charity; for since charity is friendship toward God, whatever destroys this friendship—which is common to every mortal sin as such—is first and of itself detested. Then also in that detestation which arises from fear of eternal punishment, this is sufficiently clear, since no one fears eternal punishment first and of itself on account of the intensive or accidental gravity of the punishment, but on account of the eternity of the punishment and because it deprives one forever of beatitude.

"Concerning the other detestation, which arises from the motive of justice, the matter is less certain; nevertheless it is still quite probable, since what is principal in every mortal sin is that it contains an injury to God sufficient to turn the human person away from God and to establish some other ultimate end, insofar as this depends on the human affections. Thus that virtue of justice regards this first and of itself, and the remaining things as accidental or secondary. Therefore, whenever someone, in detesting sin, is moved chiefly by the particular gravity of a given mortal sin, it is a sign that he is moved not by the pure motive of justice, but by some other inconvenience or private consideration; I consider this true, at least speaking morally and in the ordinary course."[13]

[13] Suárez, De Poenitentia, disp. 3, sect. 8, no. 15, Opera omnia, vol. 22 (Paris, 1866), p. 61.

Billuart: "Contrition as such, insofar as it abstracts … from perfect and imperfect contrition, is 'sorrow of soul and detestation for sin committed, with the purpose of not sinning henceforth.' … It is said to be 'for sin,' namely insofar as it is sin, or insofar as it is an evil and an offense against God; otherwise it would not be an act of penance."[14]

[14] Billuart, De Poenitentia, diss. 4, art. 1, Cursus Theologiae, vol. 9 (Paris, 1904), p. 290.

Diekamp: "The proper object of imperfect contrition, as also of contrition taken generically, is sin as sin, that is, as an offense against God. On the other hand, the object of perfect contrition is sin as an offense against God who is loved with the love of friendship. … By this doctrine [of St. Thomas] the diversity both of the specific object of contrition and of its specific motive is already clearly indicated. First, its object: the contrite person repents of sin … insofar as it is an offense against God who is loved with the love of friendship. The attrite person, however, repents of sin insofar as it is simply an offense against God. Second, the motive of sorrow in contrition is charity, whereas lesser motives impel a person to attrition. … The expression 'contrition from fear' … is rather to be avoided, since it also implies that servile fear and attrition are as intimately joined together as charity and perfect contrition. The expression 'contrition from charity' is rightly employed, but not 'contrition from fear,' since fear is only the motive of attrition, although it flows intrinsically into the object over which the attrite person grieves."[15]

[15] Diekamp, De Poenitentia, ch. 3, §§46–47, Theologia Dogmatica, vol. 4 (Paris, 1934), pp. 298, 305 ff.

Hervé: "[Charity] detests sin above all evils, not only because it is an offense against God—this is present in every contrition—but because it is an offense against God as the supreme good in himself, lovable above all things and loved with the love of friendship."[16]

[16] Hervé, De Poenitentia, ch. 3, §2, Theologia Dogmatica, vol. 4 (Paris, 1937), p. 311.

De Augustinis: "Although the sinner may have been led by consideration of the particular baseness of a sin, as by an extrinsic motive, to elicit an act of attrition, this act nevertheless has an intrinsic universal motive which embraces absolutely all sins, and from which all mortal sins are detested. … For attrition, as all admit, pertains to the virtue of penance. But the virtue of penance has as its formal motive the moral rectitude found in the reparation of the divine right violated by any sin whatsoever; and therefore it has a universal motive regarding all mortal sins."[17]

[17] De Augustinis, De Poenitentia, thesis 20, De Re Sacramentaria, vol. 2 (Rome, 1889), p. 256.

Pesch: "It is certain … that penance is a detestation of and sorrow for sins committed insofar as they are offenses against God and deprive us of God's friendship. For here we are not treating of penance that is evil or merely natural, but of good and salutary penance. … To detest sin, not only insofar as it is an offense against God, but because it is an offense against God, and to wish to expiate the injury done to God through sin and thus, so far as lies in us, to remove and destroy sin, is [the proper object of the virtue of penance]. …"[18]

[18] Pesch, De Poenitentia, proposition 5, Praelectiones Dogmaticae, vol. 7 (Freiburg im Breisgau, 1920), pp. 59, 62.

Einig: "Every salutary penance, and therefore also the penance we are considering here, detests sin as an offense against God. But there is a certain penance [that is, perfect contrition] in which this character of sin, namely that it offends God, is present not only on the side of the object but also on the side of the motive: a penance that detests sin because it is an offense against God."[19]

[19] Einig, De Poenitentia, thesis 4, Theologia Dogmatica: De Sacramentis, part 2 (Trier, 1915), p. 15.

Galtier: "The sin … over which there is penance is understood as an actual past sin, and one which is known, not as a mere deviation from an abstract rule of morals, but as an offense committed against God, through which someone has been deprived of his grace and has incurred punishment. … It is one thing to detest sin insofar as it is an offense against God, and another to detest it because it is an offense against God. The former certainly is required and belongs to the nature of all contrition: otherwise sin would be hated simply as a deviation from the rule of morals; but the same is not true of the latter. An offense against God can be hated either in itself, because God is loved for his own sake as the highest good, or by reason of some other evil which it involves or brings about: for example, because it is contrary to justice, gratitude, or the honour owed to God, or because it occasions the evil which the sinner fears for himself."[20]

[20] Galtier, De Poenitentia, theses 1 and 24 (Paris, 1931), pp. 8, 296.

Note, however, that this distinction between sin insofar as it is an offense against God and sin because it is an offense against God, which certain modern authors, such as Pesch, Einig, and Galtier, delight in making, introduces a verbal subtlety rather than a correct concept. For the reason of a motive ("because"), as stated above, cannot specify and distinguish contrition except insofar as it passes into a condition of the object.

Hence this distinction was rightly rejected by Suárez, who argues against Medina (who, it should be noted, adopts it in the reverse manner from the modern authors):

"Against this opinion [that penance is a detestation of all sins], Medina argues, in his Commentary on the Code concerning Penance, tractate 1, question 12, article 2, in a certain reply to objection 2, employing a particular distinction. He says that it is one thing to grieve over sin insofar as it is an offense against God, and another to grieve because it is an offense against God; and in the former manner he admits the conclusion we have stated, but not in the latter. For in the former manner, through the reduplicative expression, that sorrow is signified as relating virtually to all sins, at least confusedly and generically; in the latter manner, however, only a cause is introduced, from which a virtual detestation of all sins is not sufficiently inferred. …

"But in this opinion the distinction between the reduplicative and the causal proposition, as applied to the present matter, is difficult to explain. For every reduplicative proposition denotes the cause and reason on account of which such a predicate belongs to its subject. Hence it can also be resolved causally, or explained by a causal proposition: for instance, if a human being is capable of laughter insofar as he is rational, it is rightly said that he is capable of laughter because he is rational. Therefore, whenever someone detests sin insofar as it is an offense against God, he will also truly and properly be said to detest sin because it is an

offense against God. This causal proposition does not indicate, nor in the present matter can it indicate, any cause other than the formal reason of the object, and the proper and adequate motive for detesting sin. Otherwise the act to which that cause is assigned will not be a true act of penance, for it belongs to the nature of such an act that it be elicited from that adequate motive. But if the causal expression does not indicate a cause of this kind, but a condition without which the act would not occur, or something similar, then that act must have some other formal object and so will not be the act of penance of which we are speaking.

"Wherefore either these two propositions convey the same meaning in the present matter, or the causal proposition does not express the proper cause of the act of penance, by reason of which we say that there is a virtual displeasure at all sins."[21]

[21] Suárez, De Poenitentia, disp. 3, sect. 8, nos. 8 ff., Opera omnia, vol. 22 (Paris, 1866), pp. 8 ff.

From what has been said, the opinions of the theologians mentioned above which depart from the common position are easily refuted. At the same time there emerge the following OBSERVATIONS CONCERNING THE NATURE OF CONTRITION AND ATTRITION, AND THEIR AGREEMENT AND DIFFERENCE.

1. Contrition and attrition are related as the perfect and the imperfect within the same order of penance (cf. Supplement, q. 1, a. 2, reply to objection 2, cited above on p. 7), just as the objects by which they are specified, namely sin considered simply and sin considered under a particular aspect, are related as the perfect and the imperfect in the order of offense. This is indicated by the very meaning of the names contrition and attrition, as was stated in the Status of the Question.

2. Contrition, taken generically, is an analogous concept by analogy of proportionality. It belongs principally to contrition simply speaking, or perfect contrition, and secondarily to attrition, just as the notion of being belongs principally to God and to substance, but secondarily to the creature and to accident. This follows from the preceding observation.

3. Every contrition properly so called, even if it is attrition, proceeds from *SOME LOVE OF GOD*; for hatred and detestation of sin cannot proceed except from some contrary love. But this will be treated particularly below in articles 30 and 33, where it will be said that perfect contrition proceeds from the love of charity, whereas attrition proceeds from the love of concupiscence alone.

4. Contrition alone is an act *OF THE VIRTUE OF PENANCE ITSELF*, because it alone has the character of compensation and satisfaction for sin properly so called, as was stated in article 14, and presupposes the infusion of sanctifying grace. Attrition, however, as was said in article 17 (vol. I, p. 447), proceeds from the will itself under the assistance of actual grace, and not from any virtue. For in the just person attrition probably does not remain, as will be said in the following article (p. 34 ff.); and in the sinner it cannot proceed from the virtue of natural penance, since this is not present, as was said in article 16, nor from any other virtue, whether natural, such as justice and temperance, or supernatural (that is, one which can exist without sanctifying grace, namely unformed faith or hope), since attrition is an act belonging to the order of penance. Nor does it matter that attrition has servile fear as a principle, presupposes an act of faith and hope, and can proceed from a motive belonging to these or other virtues, as

was stated in article 17. For all these are extrinsic principles and motives; hence at most attrition can be said to belong reductively to servile fear and to those virtues by whose motive it is moved, but not to be elicited by them.[22]

[22] Cf. *Summa Theologiae*, Supplement, q. 1, a. 2, objection 2 and reply to objection 2.

The Salmanticenses speak to the point:

"If anyone … inquires from what principle or virtue such attritions are elicited …, the answer must be …: They are produced … by means of sufficient helps, and they belong reductively to those virtues whose motives they touch, as attrition arising from the desire for beatitude belongs to hope; attrition arising from fear of losing beatitude, to the same hope; attrition arising from consideration of the goodness of God and of his mercy toward us, to initial fear; and attrition arising from the recognized baseness of some sin, to that virtue to whose rectitude it is opposed; and so of others. … This becomes clearer if one considers that there are certain upright and supernatural acts which do not require a special virtue in order to be produced: either because they do not have complete goodness, or because they do not reside in the power in which the virtue resides. Hence, for such acts a passing assistance, or the habit of an inferior virtue, suffices; or they are reduced to some virtue secondarily. Thus we have maintained concerning the act of pious affection which moves one to the assent of faith, in this treatise, 17, disputation 3, doubt 4; and concerning the simple desire for beatitude which is presupposed for an act of hope, in this treatise, 1, disputation 1, doubt 2, §3. See also what we said in treatise 2, On Goodness and Malice, disputation 3, doubt 2, from no. 27 onward, when dealing with the principle of the act, 'I will a supernatural upright good,' or 'I wish to live uprightly from a supernatural motive,' which can be found in a sinner."[23]

[23] *De Poenitentia*, disp. 7, dub. 1, §1, no. 8, *Cursus theologici*, vol. 20 (Paris, 1883), pp. 22 ff.

Hence it is apparent how improperly several modern authors speak, such as Hurter, Lehmkuhl (no. 251), Pesch (no. 97), and Galtier (no. 24), when they say that an act of penance is an act elicited by any virtue whatsoever, under whose motive it proceeds.[24]

[24] Vázquez, Billot, and others mentioned in article 13 (vol. I, pp. 336 ff., 341 ff.) likewise affirm this; but consistently with their doctrine, according to which they maintain that the proper act of the virtue of penance is not sorrow but only the will to make satisfaction.

Let these words of Hurter serve as an example:

"A formal act of penance can be elicited from several motives of different virtues which are not formally penance, for example, from the proper motive either of charity, or of hope, or of fear, or of religion, or of obedience, or of gratitude. But if an act of penance is elicited from motives of this kind, then it will be an act elicited by that virtue from whose proper motive it is elicited; and that virtue, insofar as it elicits that act, may in this respect be called penance."[25]

[25] *De Poenitentia*, ch. 3, no. 458, *Theologia dogmatica*, vol. 3 (Oeniponte, 1896), p. 428, note.

5. Every contrition properly so called, even if it is attrition, is *SUPERNATURAL*: both because it is specified by a supernatural object, that is, by the amendment of sin, which, at least in the present order of Providence, regards God in the supernatural order, as was said in article 16 (vol. I, p. 431); and because it must be efficacious, as will presently be stated, whereas fallen

man cannot elicit an efficacious act of penance, as was said in the same article. Indeed, it is essentially supernatural, as follows at least from the first reason. Therefore, any sorrow which is either merely natural or supernatural only as to its mode is not contrition properly so called.

Hence some, such as the Salmanticenses (disputation 7, doubt 1, nos. 7 and 21; disputation 1, doubt 4, no. 158), teach unsuitably that sorrow which is supernatural as to its mode is true attrition, and indeed suffices for the validity of the sacrament; and further, if it is elicited by a person in the state of grace, that it suffices even for the fruit of the sacrament (cf. article 25, p. 47 ff., and article 29, p. 159 ff.).

6. Every contrition properly so called, whether perfect contrition, so called simply, or attrition, is necessarily *EFFICACIOUS*: that is, it entails a true and absolute will opposed to sin, and a true purpose of not sinning henceforth. Otherwise there is only a certain good wish (velleity), or a certain praiseworthy act within the order of penance.

Hence the opinion of some, such as the Salmanticenses (disputation 7, doubt 1, no. 8 and nos. 23–25; disputation 8, doubt 11, no. 286 ff.), must be rejected: they admit a true attrition which is inefficacious, and indeed which suffices for the validity of the sacrament, although not for its fruit (cf. below, article 29, p. 160 ff.).

The Salmanticenses set forth their opinion as follows:

> "There can be specifically supernatural attrition which is efficacious and absolute, both in detesting sin and in the purpose of avoiding it henceforth; and there can also be specifically supernatural attrition which is less perfect and lacks the aforesaid energy, or efficacy, for producing its effect. For although it attains the same motive for avoiding sin, whether the foulness of the fault or the evil of punishment, it nevertheless springs from a will so languid and slack that it has no power to produce its effect, nor even to conceive a purpose that is efficacious simply speaking, but only a certain affection and inclination praiseworthy in its own kind. …
>
> "Experience itself proves this, both in natural and in supernatural matters, and reason also supports it. For not infrequently, in the matter of some virtue, for example temperance, we have acts which attain that matter and spring from the proper motive of the virtue, as when someone resolves to eat soberly or to live chastely; yet such acts do not adhere firmly to the will, nor do they have the efficacy to bring about their execution. They are therefore upright acts, attaining the matter of the virtue of temperance, belonging to it at least reductively, and disposing in their own way toward more perfect acts. Nevertheless, they are imperfect and do not immediately attain their desired end, because they proceed from a weak will, much subject to a contrary evil habit. Hence the spirit grows lukewarm and lacks an efficacious command which would lead to execution. The same thing happens proportionately in supernatural matters. Nor should anyone doubt that in the supernatural order there are certain acts which of themselves, or on account of their motive, belong to virtues of that same order, such as hatred of sin, fear of God, desire for beatitude, the purpose of amendment, and the like, for which the helps of grace are needed and which in their own way soften the heart for conversion. Yet they frequently lack the efficacy needed to draw the will toward its effect and

to bring about execution; for, although upright and supernatural, they are nevertheless imperfect and not wholly absolute.

"What, then, we observe in other matters, both natural and supernatural, also takes place in supernatural attrition. For one attrition is efficacious and absolute, and accordingly produces its effect in keeping with its purpose; another lacks this perfection, although it inclines toward the same effect. This difference is not to be referred back to objects or motives, since the same objects and motives can be proposed and attained; nor is it to be reduced to sufficient helps, which are provided and conferred for both. Rather, the fact that one attrition is absolute and efficacious must primarily be attributed to grace efficaciously moving toward it; and likewise the fact that another is upright and supernatural, and disposes in its own kind, must also be attributed to grace. But its lack of the perfection of efficacy, and its failure to proceed to execution, must be referred to the defect of the created will, which, although with sufficient grace it could extend itself to this, grows languid and remains at inefficacious attrition. This defect, however, is not a privation but a mere absence of a higher perfection, where and when the precept of eliciting efficacious attrition does not apply."[26]

[26] Salmanticenses, *De Poenitentia*, disp. 7, dub. 1, §1, no. 8; *Cursus theologicus*, vol. 20 (Paris, 1883), p. 22.

Nevertheless, we concede that such inefficacious sorrow is a praiseworthy act and a true will in some degree opposed to sin; but we deny that it is contrition properly so called, or a will truly and simply opposed to sin, or sorrow for sin accompanied by a purpose of not sinning henceforth. For, as the Salmanticenses themselves admit, such sorrow does not exclude every will to sin, and thus it cannot properly be said to include a purpose of not sinning.

The Salmanticenses reply:

"Although inefficacious attrition does not exclude the will to sin absolutely and in every way, nevertheless it excludes an actual, formal, and expressed will to sin; although, because of the sluggish and languid manner of tending, we admit a certain virtual and implicit will, since the sins are so detested that the person seems not to reject them because of some inveterate habit of sinning. Yet since this interpretative, virtual, and implicit affection for sin arises precisely from the sluggish and lukewarm manner of tending, there remains a true and serious formal and explicit detestation of sin, which destroys every formal and expressed will to sin."[27]

[27] Ibid., disp. 8, dub. 9, §5, no. 294, p. 473.

Nevertheless, although inefficacious sorrow for sin excludes a direct will to sin, it does not exclude an efficacious will not to reject sin; indeed, it is necessarily joined with such a will. For an inefficacious will concerning some object is joined with an efficacious will concerning the contrary object. Thus a merchant in danger of shipwreck has an inefficacious will not to cast his merchandise into the sea, joined with an efficacious will to throw it overboard. Hence sorrow, or an inefficacious will to reject sin, is joined with an efficacious will not to reject sin. In other words, an inefficacious will is a certain will conditioned on the part of the object, or a true will concerning an object, but under a condition. Such a will cannot be a simple act of the will standing by itself, since the will is directed simply toward things as they are; rather, it must necessarily be joined with an efficacious and absolute act of will concerning the contrary object.

But an efficacious will not to reject sin, or a will concerning the rejection of sin as a conditional object, cannot be sorrow for sin properly so called, nor a purpose of not sinning properly so called; that is, it cannot be a certain principal and direct act of the will opposing sin.

7. Every contrition properly so called, even if it is attrition, is necessarily *UNIVERSAL*, because it regards sin under its universal aspect.

Hence sorrow for one sin, for example impurity, which does not extend at least implicitly to other sins, is not only insufficient attrition for justification with the sacrament, but is not even attrition properly so called. For it is not formally sorrow for sin, even according to the aspect under which sin is apprehended, or insofar as it is opposed to God under a particular aspect, for example as Judge or Benefactor.

Hence several authors, among them Suárez (disp. 3, sect. 8, no. 4; disp. 5, sect. 1, nos. 9, 11, 12) and the Salmanticenses (disp. 7, doubt 1, nos. 3 and 5), wrongly teach that there can be attrition properly so called which is not universal, and in this respect distinguish attrition from contrition: thus universality is required in attrition for its being a disposition (toward justification in the sacrament), but not for the very being of attrition.

St. Thomas speaks to the point (q. 86, a. 3):

> "To [true penance] … it belongs to grieve over sin insofar as it is against God; and this is common to all mortal sins. … Hence a person cannot be truly penitent who repents of one sin and not of another. For if that sin displeased him because it is against God, whom he loves above all things (which is required for the nature of true penance), it would follow that he repented of all sins."

8. Every true contrition, even if it is attrition, must be a sorrow *SUPREME IN APPRECIATION*. This follows both from the nature of detestation of sin as such, since sin is supremely detestable, and from the nature of efficacious detestation or of a detestation excluding the will to sin. For one who does not detest sin above all things does not simply exclude the will to sin, because he is so disposed that, if the occasion arose, he would choose to sin rather than incur the evil which he detests more.

Hence the opinion of certain authors, such as Cajetan and Billot (to be cited in article 29, p. 169 ff.), must be rejected. They admit a true contrition which is not supreme in appreciation, indeed one which suffices for the validity of the sacrament alone. This opinion is opposed to the mind of St. Thomas, Supplement, q. 3, a. 1 (cited in article 25, p. 79), and q. 5, a. 3 (cited in the same place, p. 92).

9. Attrition properly so called, unlike perfect contrition, can be subdivided into several subordinate species, since attrition is something imperfect in the order of penance, and it can fall short of the perfect in more than one way.

The principle of this division is wrongly taken by certain authors, such as the Salmanticenses (disp. 7, doubt 1, no. 5), from the diversity of sins or punishments: for example, as though attrition for adultery were different from attrition for homicide, or attrition arising from fear of temporal

punishment different from that arising from fear of eternal punishment. For, as stated above, attrition properly so called is necessarily universal and regards sin itself under the aspect of sin. The distinction must therefore be taken from the various ways in which sin can be considered, according to the aspect under which it is apprehended and by which attrition is specifically distinguished from perfect contrition; or, what comes to the same thing, from the various ways in which God, offended by sin, can be considered under a particular aspect.

Now two principal considerations occur in sin, to which all the others can be reduced: namely, the very nature of guilt, or the baseness of sin (considered, however, not merely as something opposed to reason, but as an offense against God; otherwise the sorrow would not be attrition properly so called), and the effects of sin, or the punishment, eternal as well as temporal, brought upon a person by sin (considered, again, not merely as something opposed to nature, but as something inflicted by a just God). Likewise God, under a particular aspect, can be considered in two ways: as Benefactor, whose goodness sin contradicts, and as Judge, who inflicts punishment for sin.

Hence there are two species of attrition: one arising from sin insofar as it is a base offense against the divine Benefactor; the other from sin insofar as it is a dreaded offense against the divine Judge. The Council of Trent itself proposes this distinction in session 14, chapter 4 (cf. canon 5), in the words cited in the State of the Question. Other attritions which may be conceived are reduced to these two, either as subordinate species under two genera, or rather as diverse considerations of those two subordinate species. Thus attrition conceived from hope and love of beatitude is reduced to attrition conceived from fear of punishment, which is the exclusion of beatitude; and attrition conceived from consideration of the divine goodness is reduced to attrition conceived from the baseness of an offense against the good and beneficent God.

Billot does not seem sufficiently to have attended to the character of offense against God, which attrition must essentially regard, when he writes the following words, otherwise suitable and capable of being taken in a good sense:

> "It will be helpful to observe how all the motives of attrition, however many there may be, are directly or indirectly reduced to one or the other of the two thus far explained [i.e., the baseness of sin and the fear of punishment]. For since evil does not move the will except by virtue of an opposite good, the motives of contrition are diverse according to the diverse goods to which sin as such stands opposed. Now, setting aside for the moment the uncreated good against which sin does injury by its offense (for this motive belongs to contrition perfected by charity), there remains the opposition of sin to created good, which is likewise twofold: namely, the good of moral rectitude and the pleasurable good. But sin as such deprives one of nothing except moral rectitude, which divine law regulates, as was said in the treatise on sins; nor does it bring about any deprivation of a pleasurable good except that which consists in punishment inflicted by God. Therefore, from love either of moral rectitude or of the pleasurable good taken away by punishment established in the tribunal of God, a man will be moved to any species of contrition below that which is perfect through charity.
>
> "Therefore, if attrition has as its motive the love of moral rectitude, it will always be reduced to that which is conceived from consideration of the baseness of sin: whether the rectitude loved be general rectitude, as it shines forth commonly in all the virtues; or some special

rectitude which nevertheless is in some way opposed to every sin, such as the rectitude of gratitude toward God; or, finally, a wholly particular rectitude, such as that of chastity or justice—in which case, however, the attrition will be universal by reason of its motive. But if attrition is conceived from love of the pleasurable good taken away by punishment threatened by God, it will always be reduced to that which arises from fear of hell and of punishments. For even if you should perhaps elicit attrition from a desire for God as your beatitude, without formally fearing hell or the punishment of sense, you nevertheless still fear punishment: indeed, a punishment to the proper appreciation of which the multitude does not rise, but punishment nonetheless; for you fear the punishment of loss, which is the greatest of all. But since men are for the most part moved by fear of that punishment which is opposed to sensible good, the Council of Trent expressly mentioned this alone, and accordingly said: 'which is commonly conceived,' etc."[28]

[28] Billot, De Ecclesiae sacramentis, thesis 14, §1 (Rome, 1908), p. 151 ff.

Concerning this division of attrition, J. Perrone, in De Poenitentia, chapter 2, no. 3, makes the following observation in a note:

"Benedict XIV, in his work De synodo dioecesana, book VII, chapter 13, enumerates various reasons why contrition can be called imperfect; in §5, among other things, he writes: 'Thirdly, and most frequently, by the name of imperfect contrition is understood sorrow for sins, conceived and elicited solely because of their baseness, or merely through fear of punishments and of hell, without any love of God.' But Cardinal Gerdil, in his work Dell' attrizione (Roman edition of his works, vol. XIX, p. 118), accurately observes that here the learned Pontiff, together with a great number of theologians, has mingled two motives which St. Thomas expressly distinguishes. For those theologians maintain that servile attrition arises equally from consideration of the baseness of sin and from consideration of punishments and hell. St. Thomas, on the contrary, in III, q. 85, a. 5, ad 1, separates the one from the other, attributing to fear the contrition which arises from consideration of punishments, but to charity the contrition which arises from consideration of the baseness of sin. For the holy Doctor speaks thus: 'Sin first begins to displease man (especially the sinner) on account of the punishments, which servile fear regards, rather than on account of the offense against God or the baseness of sin, which belongs to charity.'"[29]

[29] J. Perrone, Praelectiones theologicae, ed. Migne, vol. 2 (Paris, 1867), col. 324, note. (Supplement, q. 1, a. 3; In IV Sent., dist. 17, q. 2, a. 1, qu. 3) *STATE OF THE QUESTION* As doctors following Cajetan and Soto aptly observe, a twofold question must be distinguished: whether attrition can become contrition, and whether an attrite person can become contrite. The first entails a certain passage or transformation of the act of attrition into an act of contrition; the second, however, the succession of two acts in the same subject. The latter question is easy, and is answered affirmatively by all theologians, although different explanations of it are assigned by different authors, especially in connection with the common axiom, "The sacrament of Penance makes a contrite man out of an attrite man." The former question, however, is celebrated and very ancient in theology, and was formerly thought the more difficult, because of the various fluctuations concerning the

Nevertheless, the distinguished theologian, together with Cardinal Gerdil, seems to forget that this division belongs not only to a great number of theologians but to the Council of Trent itself. The reason why St. Thomas reduces to charity the contrition conceived from the motive of offense against God and from the baseness of sin is, first, that in this passage the holy Doctor considers the offense

against God and the baseness of sin simply and without qualification, which belongs to perfect contrition alone; and, secondly, that the motive of the baseness of sin, when considered under a particular aspect, is ultimately reduced to the motive of fear or, if one prefers, to a love of concupiscence, which gives rise to fear and, by means of fear, to attrition. For two motives ultimately move the human heart, namely, fear and love; or, if one prefers, love of self and love of God, love of concupiscence and love of friendship.

10. From what has been said, it follows that no other sorrow for sin may be called attrition properly so called, but only some praiseworthy act along the line of penance, if one wishes, yet outside its proper order. Such sorrow may be merely natural, as when it is conceived from rational displeasure at the foulness and ugliness of some sin, or from a natural fear of the temporal evils that follow certain sins, or even of the divine punishments of purgatory and hell. Or it may be supernatural only as to its mode, as with any of the aforesaid natural forms of sorrow that might be produced miraculously by God in a man (supernatural as to its mode on the part of the efficient cause), or commanded by some supernatural virtue, such as faith and hope in the sinner, or, in the just man (if attrition is admitted in him), ordered implicitly by charity itself and by the state of grace to a supernatural end, and thus rendered meritorious (supernatural as to its mode on the part of the final cause). Or again it may indeed be supernatural as to its substance, but particular in its motive and formal aspect, as if someone, under the assistance of actual grace, were to elicit a supernatural act by which he grieved over sin only because through it he lost this or that supernatural virtue, prescinding from the aspect of offense against God involved in that loss. In these cases, sorrow does not attain the very formal aspect of sin, and consequently falls outside the order of penance and does not belong to attrition properly so called.

Sorrow for sin may therefore be divided as follows:

Penitential sorrow, or contrition Contrition simply so called, or perfect contrition Attrition properly so called Attrition arising from moral rectitude (attritio honestatis) Attrition arising from fear (attritio timoris) Non-penitential sorrow, or attrition improperly so called Merely natural sorrow Sorrow supernatural as to its mode Sorrow supernatural as to its substance, but particular

11. Contrition simply so called, or perfect contrition, is one and simple, or indivisible into species, since it has the character of a perfection that consists in something indivisible, and since it regards an indivisible object, that is, sin taken simply and God considered simply.

Nor does it matter that the consideration of a contrite man can terminate in the various divine attributes, not only insofar as they are gathered into one complex whole and one substance, but also individually. For a man can repent of sin insofar as it is an offense against God as infinite, or as wise, or even as supremely merciful or just. Since the infinite and essential goodness of God is found wholly in each attribute, a consideration of the individual attributes, even the relative attributes, in no way diversifies contrition—unless those relative attributes be considered according to what they are on the part of the effect they have in us. In that case, contrition is not diversified, but ceases to be contrition and becomes attrition, which considers the offense against God insofar as it is our

ingratitude toward the divine kindness, and insofar as it is the reason for punishment inflicted on us by divine justice.

The same would occur, moreover, if some individual attribute were attained precisely as an individual attribute, abstracting from the others or from the divine essence. Unless it be taken most formally as an attribute of the Godhead, the Godhead itself considered in itself—or the infinite Goodness of the divine essence itself—is not attained. Accordingly, the sorrow thereby produced would not be perfect contrition, but a certain attrition attaining the aspect of the baseness of sin in a more subtle manner. Nevertheless, such a disposition in a man is scarcely possible, namely, that he should be moved to sorrow by considering some divine attribute with so subtle an abstraction from the very character of divinity imbued in it. Such abstractions and precisions belong rather to cognition than to the appetite, which is ordinarily moved by things as they are.

In this way a certain dispute among theologians can be resolved, some of whom admit perfect contrition referred to an individual divine attribute, while others deny it. Care must nevertheless be taken not to confuse this question with another, to be discussed in Article 30: whether perfect contrition can be conceived from the motive of other general virtues besides the motive of charity.

12. Perfect contrition depends essentially upon sanctifying grace and, proximately, upon charity, inasmuch as without charity, which is conversion to God simply, there cannot be aversion from sin simply. This essential dependence and connection of perfect contrition with charity will be explained in Article 30.

Article 24. Whether attrition can become contrition

ARTICLE 24. WHETHER ATTRITION CAN BECOME CONTRITION

concepts of attrition and contrition and their mutual relationship and distinction, as explained in the preceding article.

St. Thomas devotes an entire article of the Supplement (q. 1, a. 3)—or rather a question (q. 3) in his Commentary on the Sentences—to this question. Cajetan treats it at considerable length, and no less confusedly, in the first special Question among his Questions on Contrition. Suárez resolves it in an entire section (disp. 5, sect. 3), declaring that it is "celebrated among the Scholastics, and that many things are written concerning it," but that, for his own part, "scarcely anything else is necessary than to infer the conclusion from all that has been said [above]." Morinus enumerates ten opinions concerning the manner in which attrition can become contrition and states that the controversy has not yet been settled. More recent theologians, however, treat the question more soberly and readily and unanimously resolve it in the negative, because of the clearer concept of the specific distinction between the two acts, obtained and established in theology after the Council of Trent.[30]

[30] J. Morinus, De disciplina in administratione sacramenti poenitentiae, book VIII, chap. 3, no. 12.

AFFIRMATIVE POSITION AND NEGATIVE POSITION

That attrition can become contrition is affirmed above all by certain ancient theologians, such as William of Auvergne, Alexander of Hales, and Bonaventure (mentioned in the preceding article, pp. 6 ff.), to whom St. Thomas alludes when he writes: "Certain persons … say that attrition becomes

contrition, just as unformed faith becomes formed faith." According to these doctors, therefore, just as unformed faith becomes formed faith, so attrition becomes contrition when charity supervenes.

Although from this opinion it logically follows that attrition and contrition differ only accidentally, in the same way as unformed and formed faith, it was not, however, the intention of those doctors—as stated in the preceding article (pp. 7–10), where they appear merely to have spoken inconsistently. Rather, they probably held that the act of attrition, with the advent of charity, is so informed and transformed that it becomes an essentially different act, namely contrition, in much the same way as oxygen becomes water when hydrogen is added, or an embryo becomes a man, or the number three becomes four when a unit is added.

Among certain later theologians, especially those before Trent, once the essential distinction between attrition and contrition had been posited, as seems to have been the case, the same teaching about the passage from one into the other was renewed in a twofold form. For some seem to explain it through a progression in intensity or duration, as though the same act could in this way pass from one species into another. Others, however, more frequently appeal to an informing by charity capable of introducing that essential change, insofar as moral acts can, as they think, pass from one species to another while the same physical substance of the act and the same material object remain, merely because their motive changes. Thus an act of almsgiving, remaining physically the same, can pass from the moral species of an act of mercy to that of an act of vainglory, according as it is done from the motive of relieving another's misery or from the motive of human praise.

To this position the views of Scotus, Cajetan, and Contenson are reduced.

Scotus, beyond the words quoted in the preceding article (p. 11), discloses his mind in this statement: "Attrition becomes contrition without any real change in the act itself" (In III Sent., dist. 27, sole question). His follower Angelus (José Anglés, a Spaniard, † 1587) states it more simply: "Attrition can become contrition while remaining numerically the same" (De contrit., a. 4, concl. 3).

Cajetan, having explained his particular distinction of sorrow into impenitent attrition, imperfect attrition, acquired or unformed contrition (the other name for it is attrition), and contrition formed by charity (compare his words quoted in the preceding article, p. 10), says that the first and second kinds of attrition cannot become contrition (even acquired and unformed contrition), because they differ from it specifically. He then adds: "Concerning acquired contrition, however, which is called unformed contrition [or even attrition], it must be said that it can become formed contrition, since numerically the same act of acquired contrition can be continued until the infusion of charity inclusive, and thus be informed by charity. And because contrition of this sort is also called attrition before it is informed by charity, attrition taken in this third sense can therefore become contrition. And you can already find this in St. Thomas above, in q. 89, where he says that contrition is the ultimate disposition to charity" (no. 4). How he thinks this can occur he attempts immediately to explain in the words reported above in Article 16 (vol. I, p. 405).

Contenson teaches that an act of attrition can become contrition insofar as, when informed by charity, it becomes an act commanded and moved by charity, so that it receives from charity such an intrinsic mode that it is essentially changed and drawn into the species of charity.

The common opinion, especially that of modern theologians, teaches that an act of attrition cannot in any way, properly speaking, be changed into an act of contrition, since it is specifically distinct from

it. Nevertheless, it may be said in several improper senses that attrition is changed into contrition, and especially by reason of the subject, who from being attrite becomes contrite.

CONCLUSION

Conclusion 1. Properly and formally speaking, attrition cannot become contrition.

Proof.

As is evident from the preceding article, attrition and contrition are two acts essentially and specifically distinct, both on the part of the object and, consequently, on the part of the eliciting principle (for attrition is elicited by the will under the motion of actual grace, whereas contrition is elicited by the habit or virtue of penance), as well as on the part of the commanding and disposing principle (for the principle of attrition is servile fear, whereas the principle of contrition is charity and filial fear). Now it is a contradiction in terms for things specifically distinct to be one, or to be continued into one, which is precisely what is implied when one thing becomes another, as when something is said to become hotter, or a cold body to become hot. Therefore, it is contradictory for attrition to become contrition, just as it is contradictory for coldness to become heat; although it is not contradictory for an attrite man to become contrite, just as a cold body becomes hot, namely, through the succession of two specifically distinct forms in the same subject.

Accordingly, in two suppositions attrition could become contrition: first, if each were something composed of a certain common subject and a distinct form, one form giving way to the other, as is the case with cold and hot things. But this supposition is absurd and suspected by no one, since attrition and contrition are certain simple forms or acts, even though they are received in the same subject. Of that subject alone, therefore, can becoming or transformation be predicated, and it can rightly be said that an attrite man becomes contrite. Secondly, if they differed only accidentally, as the less hot and the more hot differ, or as an act of faith elicited by the virtue of faith and the same act commanded by the virtue of charity. To this, precisely, must be reduced every explanation brought forward by the aforesaid opponents, who therefore contradict themselves when on the one hand they appear to assert an essential distinction between attrition and contrition, and on the other hand affirm that attrition becomes contrition.

For their whole doctrine ultimately comes down to this: that the same act of attrition, under the influence of charity subsequently arriving, becomes an act of contrition, specifically distinct from it. But the informing and influence of charity, directly and of itself, can produce only an accidental difference. For charity itself does not elicit the act previously elicited by another principle, both because that act has already been elicited and cannot be elicited or brought into existence twice, and because, moreover, the act of contrition is elicited not by charity but by the virtue of penance. Nor does charity cause an act elicited by another principle to be elicited by the virtue of penance, both because the same thing cannot be brought into existence twice and because the same act cannot be elicited by two distinct principles. Neither does charity introduce anything into that act by which the act itself is essentially changed or transformed, since it is simple and does not have two essential parts such as allow transformation in natural composites.

What charity communicates to attrition through its informing is a certain elevation of attrition to its own higher order and end, of which more will be said below. Although this elevation operates intrinsically, it cannot abolish the proper character of attrition, and thus carry it outside its own

species and exalt it so as to enter the species of contrition properly so called, which is more intimately and essentially connected with that same charity.

From what has been said it is clear how inappropriately the earlier theologians invoked a parallel between unformed and formed faith, on the one hand, and attrition and contrition, on the other. For, first, unformed faith and formed faith do not differ essentially: the same faith exists without the informing of charity and with it. Hence unformed faith becomes formed faith insofar as the same subject passes from being uninformed by charity to being informed by it. Attrition, however, differs essentially from contrition; hence at most one should say that unformed attrition becomes formed attrition (which, moreover, we shall deny below), and not that attrition becomes contrition. Furthermore, the unformed faith that becomes formed is not the very act of faith, for the act of unformed faith passes away and does not remain when charity arrives. Rather, it is the habit of faith which remains, and passes from being uninformed to being formed (or, if one prefers, from producing an act of unformed faith to producing an act of formed faith). Attrition and contrition, however, signify not a habit but an act, and do not proceed from some one and the same habit that would produce attrition before being informed by charity and contrition afterward. For the habit of penance which produces contrition does not exist without charity, but proceeds from sanctifying grace together with it, whereas attrition is produced by the will alone, with the assistance of actual grace. Thus attrition cannot in any way be said to become contrition, although unformed faith may be said to become formed faith by reason of the habit (Supplement, q. 1, a. 3, cited in the preceding article, p. 7).

Conclusion 2. Improperly speaking, attrition can be said to become contrition by reason of the subject, of the act itself, and of the sacrament.

Proof.

1. BY REASON OF THE SUBJECT, attrition can be said to become contrition successively, insofar as an attrite man becomes contrite in justification, and thus in him contrition succeeds attrition: either actually, as in justification outside the sacrament, which takes place through the very act of contrition; or at least habitually, as in sacramental justification, which introduces the habits of charity and penance, the principles of the act of contrition.

2. BY REASON OF THE ACT ITSELF, attrition is said to become contrition by way of informing, insofar as, if it remains or is elicited after justification, it is informed and commanded by charity, and is thus in a certain way elevated to the order of contrition (without, however, being intrinsically changed into the species of contrition, as Contenson, cited above, would have it). It shares in its dignity and efficacy, so that, for example, it becomes meritorious and satisfactory, and perhaps even directly remissive of venial sins. And in this sense, at least, must be understood what St. Thomas says in the passage from De Veritate cited below: that every sorrow for sin in one who possesses grace is contrition. So Medina, Suárez (disp. 5, sect. 3, no. 13), the Salmanticenses (De justificatione impii, disp. 2, dub. 8, no. 332; De Poenitentia, disp. 7, dub. 6, no. 132), Billot (thesis 13, corollary 1), and others. These authors, however, explain the effect of such informing or elevation differently, according to the general doctrine concerning the nature of charity's informing: either by a merely extrinsic denomination or by some intrinsic mode communicated to attrition.

The Salmanticenses write pertinently:

> "[We say] that every morally good act elicited in a just man is meritorious of eternal life by condign merit. It has this property because, through a certain intrinsic mode belonging to the order of charity, it is referred to God, the supernatural last end loved above all things. Hence it tends not only toward its own proper object, peculiar to itself, and from its own motive, but also toward charity's proper object and from charity's motive; for this reason it can be called an act of charity virtually. … Hence it follows that attrition elicited by a just man is not precisely attrition, but also virtually contrition, or a love of charity, on account of that mode which it participates in from charity and through which it is actually and virtually referred to God as the last end. Consequently, the attrition by which a just man grieves over venial sins, such as idle words, has whatever is required to exclude the aforesaid sins. For it is equivalently contrition and a fervour of charity; it is ordered to their expiation and is specifically opposed to them."[31]

[31] De justificatione impii, disp. 2, dub. 8, § 5, no. 332; Cursus theologicus, vol. 10, Paris, 1879, p. 534.

Billot writes pertinently:

> "According to the manner of speaking of the ancients, every sorrow for sin in one who possesses grace is contrition, insofar as contrition is distinguished from attrition. … The reason … is that, according to the ancients, any act of detestation of sin, formed at least habitually by grace and charity, is called contrition. For even if it perhaps terminates in sin insofar as sin brings about punishment, nevertheless, since it is a good act, elicited and sustained by one who is in a state of friendship with God, it always has from the virtue of charity a relation to God as the last end, and from sanctifying grace an ordination to the reward of eternal life. It is therefore a movement of penance, not unformed but formed, and in this sense perfect. Hence St. Thomas, in De Veritate, question 28, article 8, says: 'Every sorrow for sin in one who possesses grace is contrition, and likewise every act of faith joined to (habitual) grace is an act of formed faith.' Thus it is easy to understand the common axiom which states that a man who is attrite, by the power of the sacrament, is made contrite from being attrite. It is not that an act of attrition can afterwards become an act of contrition; for an act, once brought into existence, cannot subsequently be formed if it once proceeded from one who did not possess grace: neither on the part of its motive, which was not the motive of charity, nor on the part of its principle, which was not an infused virtue. Rather, the man himself who, by reason of the preceding act of attrition, was called attrite, must now, justified through the power of the sacrament, be called contrite, since he now possesses grace and charity, through which every lack of formation is removed. Therefore, whenever a just man grieves over sin, whatever the motive, in a certain true sense he performs an act of contrition."[32]

[32] De ecclesiae sacramentis, vol. 2, thesis 13, § 3, corollary 1, Rome, 1908, p. 146 ff.

Observe that Suárez adds a particular manner in which an act of attrition might become contrition (without being intrinsically changed into it) before justification itself, through a certain equivalence in relation to justification arising from the addition or juxtaposition of an act of charity. For he says that if someone, possessing only an act of attrition, adds an act of charity, that attrition begins to be

contrition because it is now sorrow for sin on account of God loved above all things. This is not because attrition is properly converted into contrition, but because from attrition and love, as from two acts, a certain mode of contrition coalesces which is equivalent to contrition as a sufficient cause of justification.

Nevertheless, this manner of speaking cannot be sustained. For a justifying act of charity cannot coexist with a mere act of attrition, because, as long as the remembrance of sins remains, an act of charity cannot fail to pass into an act of perfect contrition. Moreover, if that impossible hypothesis were granted, justification would have to be attributed to the act of charity alone, and in no sense could attrition be said to influence or be equivalent to contrition. For attrition itself would receive nothing from charity that would make it justificatory, since it would remain unchanged in itself and therefore below the level of contrition properly so called.

We have said that attrition becomes contrition by way of informing, if it remains or is elicited after justification; that is, on the supposition, with the theologians just mentioned, that an act of attrition can remain after justification. More probably, however, this should be denied with St. Thomas. For when charity arrives, the act of attrition passes away, just as the very disposition that caused it passes away; and another disposition is introduced, namely, the habit of charity and of penance, in which the act of contrition is contained habitually or from which it proceeds actually. In this sense, attrition becomes contrition not by way of informing but rather by way of substitution (insofar as an act of contrition is necessarily substituted for it), just as an act of unformed faith is not informed by charity but passes away and yields its place to a new act of faith proceeding from the habit of formed faith.

To the point are these words of St. Thomas (Supplement, q. 1, a. 3, body; cited in the preceding article, p. 7).

> Ibid., ad 2: "When the privation is removed from matter, the matter remains and is informed by the perfection that supervenes; but the sorrow which was unformed does not remain when charity supervenes, and therefore cannot be informed. — Or it should be said that matter does not essentially derive its origin from form, as an act derives its origin from the habit by which it is informed. Hence there is no inconsistency in matter being informed afresh by some form by which it was not previously informed; but this is impossible in the case of an act, just as it is impossible that something numerically one and the same should arise from a principle from which it did not previously arise, since a thing is brought into existence only once."
>
> In IV Sentences, dist. 17, q. 2, a. 1, qu. 3, ad 3 (which is a continuation of the words quoted from the Supplement): "Although a movement of the intellect and will has its whole species in a single instant, as does a permanent thing, nevertheless it is measured by time accidentally, insofar as its causes vary through time. Thus, being a man, which is present in an instant, is measured by time; and as long as the causes of a man's being remain the same, that being itself remains; but when the causes change, that being changes, the former being destroyed, because the generation of one thing is the corruption of another. Similarly, the very disposition of the will that caused such an act is changed and passes away, and that same act does not remain, nor, once it has passed, can it be resumed."
>
> Ibid., q. 1, a. 4, qu. 2: "Together with the infusion of grace and justification there is a movement of contrition; but the movement of attrition precedes as a preparation."

Ibid., ad 1: "Augustine is speaking of servile fear, whose act is not the movement of free choice which is simultaneous with justification, because servile fear is not simultaneous with grace, by which that movement is informed."

De Veritate, q. 28, a. 8: "Every sorrow for sin in one who possesses grace is contrition; and likewise every act of faith joined with grace is an act of formed faith. Therefore the act of unformed faith and attrition … precede the infusion of grace in time."

3. BY REASON OF THE SACRAMENT, attrition can become contrition equivalently as regards its causality and effect, insofar as the influence and effect of attrition together with the sacrament is equivalent to the influence and effect of contrition itself, which is justification. Some add that, through its influence, attrition becomes contrition in a certain formal sense, insofar as it would produce, together with the sacrament, the formal act of perfect contrition, which would be the *res et sacramentum*. But this opinion will be refuted below, in Article 28.

From what has been said the full sense of that saying is understood: "The sacrament of Penance makes a contrite man out of an attrite man." For it does so, first, habitually, insofar as a man, having received justification and the habit of penance, becomes habitually contrite from being actually attrite; secondly, by way of informing or at least of substitution, insofar as the act of attrition, if it remains, is informed by charity and participates in something of the order of charity and contrition, or, if it passes away, gives place to contrition; thirdly, equivalently in effect, insofar as attrition in the sacrament is equivalent to contrition in the order of justification.

Article 25. Whether salutary contrition, perfect or imperfect, within or outside the sacrament, must be true, real, properly so called, formal, elicited, supernatural, efficacious, universal, and supreme in appreciation

ARTICLE 25. WHETHER SALUTARY CONTRITION, WHETHER PERFECT OR IMPERFECT, OUTSIDE OR WITHIN THE SACRAMENT, MUST BE TRUE, REAL, PROPERLY SO CALLED, FORMAL, INVOLVING LOVE, SUPERNATURAL, EFFICACIOUS, UNIVERSAL, AND SUPREME IN APPRECIATION[33]

STATE OF THE QUESTION

In Article 11 we argued against the Protestants concerning the moral goodness of the act of repentance, which is understood also of the act of natural penance (discussed in Article 16). In Article 12 we examined perfect moral goodness, or the character of virtue properly so called, which belongs to perfect contrition alone, or contrition simply so called. Here, however, we consider the salutary character of contrition, or the ordering of contrition to justification. For that is called salutary which in any way, immediately or mediately, disposes toward justification. We therefore ask whether contrition taken generally—both perfect contrition and attrition (which will be treated separately below, in Articles 30–33)—and in every case, whether outside or within the sacrament, must possess all the qualities or conditions enumerated in the title of this article.

[33] The passages of St. Thomas are given in the course of the article under the respective conclusions.

Although from what was said in Article 23 it follows that every contrition strictly so called possesses, in particular, the last five of these qualities, nevertheless, because several theologians regard as contrition strictly so called even that which lacks one or more of them (as is clear both from that article and especially from what is to be said in Article 29 concerning a valid but unformed sacrament), we prefer to set aside that question here, so that we may consider solely what is required in contrition for it to be not only morally good but also salutary. For the notion of Christian penance is taken from its ordering to salvation.

OF THE NINE QUALITIES JUST MENTIONED, the first four (true, real, properly so called, formal) refer to the very essence of contrition; the next three (involving love, supernatural, efficacious) are, as it were, its essential properties; the final two are rather extrinsic properties, taken from the object (universality) and from the subject (being supreme in appreciation).

Some writers consider these qualities chiefly when they discuss perfect contrition, others rather when treating attrition—and, indeed, sacramental attrition—while others consider them in both places, even though they concern contrition taken generally, considered apart from the distinctions between perfect and imperfect, sacramental and extra-sacramental. To preserve a logical order and avoid useless repetition, it therefore seems more advisable to gather everything pertaining to these matters into one general article, noting as occasion requires what belongs specifically to perfect contrition or to attrition, to each outside or within the sacrament, to the purpose of avoiding sin as distinguished from sorrow for sin, and to venial as distinguished from mortal sins.

We shall do this by means of TEN CONCLUSIONS: nine concerning the respective qualities, and a final one concerning all the qualities insofar as they relate to the remission of venial sins.

CONCLUSIONS

Conclusion 1. Salutary contrition must be true contrition, that is, sorrow for sin itself.

Proof. This follows from the very necessity of repenting of sin, discussed in Article 22.

Hence it is clear what must be said concerning the question whether sorrow for the lack of sorrow suffices, as expressed in the words, "I grieve that I have no sorrow for my sins." The answer is negative, for this is not sorrow for sin, however good it may be, but sorrow for another object—indeed, for an object which is the very absence of sorrow for sin. Nor can it be called virtual or indirect sorrow for sin: for it neither implies sorrow for sin nor is itself implied in sorrow for sin, since it is the absence of that sorrow. Nor is it of any avail to object that sorrow for not grieving implies an intention of grieving over sin; for that intention is not itself sorrow for sin, but a certain desire for sorrow for sin, which is therefore desired precisely because it does not exist.

Nevertheless, that expression is often a sign of true sorrow, whether of attrition or even of contrition, especially among timid penitents who, because they do not experience sensible sorrow, falsely think they lack the sorrow for sin which they really possess. Nor perhaps do Paludanus (In IV Sent., dist. 17, q. 1, a. 5) and Navarrus, who are cited in favour of the contrary opinion, mean anything different.

Conclusion 2. Salutary contrition must be real contrition, and not merely supposed to exist.

Proof. The existence of a thing does not depend upon one's judgment of it. Consequently, a person who in reality lacks attrition, although he thinks he possesses it, cannot be justified even with the sacrament; just as a person who is truly attrite but believes himself to be contrite is not justified

outside the sacrament. This is confirmed by comparison with Baptism: supposed contrition is insufficient for a fruitful reception of Baptism; still less, therefore, can it suffice for the fruitful reception of Penance, which is a sacrament of less necessity and efficacy than the sacrament of spiritual regeneration.

Some few theologians have therefore tried, without success, to uphold the contrary opinion. Thus Cano (Relectio de Poenitentia, part 6, q. 15), with whom Vega (De justificatione, book 13, chap. 34), Toletus, and, among modern writers, Ballerini agree, teaches that imperfect sorrow which by itself would be insufficient for obtaining justification in the sacrament becomes sufficient for this by accident if the penitent, in good faith, believes himself to have the requisite disposition and to have done whatever was necessary for a worthy reception of the sacrament; for in this case, they say, no obstacle is placed in the way of the sacrament's efficacy.[34]

[34] Ballerini, Opus theologicum morale, vol. 5 (Prato, 1892), pp. 29 ff.

But this argument proceeds from a confusion between what constitutes an obstacle and what constitutes sacrilege. In the sacraments of the dead, the very lack of attrition is an obstacle, since, according at least to the ordinary providence of God, sin is not remitted except to someone who truly repents, that is, who has a disposition opposed to sin. Hence one who approaches the sacrament without sufficient attrition, although he thinks that he possesses it, approaches with an obstacle, albeit an unrecognized one, and accordingly cannot receive the effect of the sacrament, even though he commits no sacrilege. In like manner, since true faith is a necessary means of salvation, a pagan who through no fault of his own thought himself to possess the true faith would by no means thereby attain salvation; rather, he would be condemned, though not on account of that very absence of true faith, which is supposed to be inculpably unknown, but on account of other sins.

Conclusion 3. Salutary contrition must be contrition properly so called, or sorrow for sin itself under the aspect of sin, as explained in Article 23.

Proof. Salutary contrition tends toward justification, or toward the removal of sin precisely as sin. Hence sorrow for sin is not salutary insofar as sin is a certain natural baseness, or an irrational manner of acting, or a certain cause of naturally evil effects.

Conclusion 4. Salutary contrition must of itself be formal; nevertheless, in extra-sacramental justification, perfect contrition that is merely virtual, contained within an act of charity, suffices by accident; but in sacramental justification the very essence of the sacrament requires that formal contrition be present.

Proof.

The first assertion is commonly admitted by theologians (except Scotus, Biel, and Medina, whom we discussed in Article 22, Volume I, pp. 482 and 484), and follows from the necessity of an act of penance for obtaining justification, which was established in Article 22 (Conclusions 1 and 2, Volume I, pp. 478 ff.).

The second assertion also is certain and the common opinion (perhaps with the exception of Cano and Peter Soto, mentioned there), and was explained in the same Article 22. Moreover, as was said there (p. 490), although an act of charity suffices for justification, it does not suffice to satisfy the

precept of penance itself; indeed, it does not satisfy the necessity of the formal act of penance as a necessary means, which consequently continues to bind even after justification.

The third assertion, most commonly accepted among theologians (with perhaps one or two exceptions, such as Ballerini), follows either from the Council of Trent (session 14, chapters 3 and 4), which speaks of formal contrition as the quasi-matter of the sacrament, or from what was said in Article 4 concerning the essential parts of the sacrament of Penance.[35]

[35] Lugo is also commonly cited for the negative opinion (disp. 5, no. 92 ff.); there, however, he himself speaks of perfect contrition apart from the sacrament, but discusses contrition as it relates to the sacrament in disp. 14, where he says nothing contrary to the common opinion. Nevertheless, in disp. 9, sect. 2, no. 24 (cited below in Conclusion 10, p. 97 ff.), he seems to teach that virtual contrition suffices for the confession of venial sins.

For in this sacrament contrition is not merely a disposition for its effect, as it is in the other sacraments, but also an essential part of the sacrament (or at least, according to the Scotists, a necessary condition of it). It must therefore be present in its own right and formally; nor can another act in which it is contained virtually (namely, an act of charity) be substituted for it. This is clear both from the proper character of this sacrament as formally penitential and judicial—for it would not be formally penitential if its principal element, namely contrition, were not a formal act of penance, nor would it be judicial if the accusation of the very matter at issue were lacking, for the act of contrition takes the place of such an accusation, as was said above (Volume I, p. 179)—and from the parallel with another essential part of this sacrament, namely the confession of sins; and from the very necessity of confession, which must be informed by contrition, since formal confession requires formal contrition.

These things hold for an act both of attrition and of perfect contrition, and for the destruction of both mortal and venial sins. For although perfect contrition, even if it is merely virtual, can justify of itself outside the sacrament, nevertheless, in order to exert sacramental influence, it must become formal. Likewise, although venial sins may be destroyed by an act of charity, nevertheless, if they are to be destroyed through the sacrament, formal contrition concerning them must be present. Nor is the virtual efficacy of penance or of charity thereby intrinsically restricted; it is merely subjected to the proper conditions and requirements of this sacrament.[36]

[36] Cf. Suárez, disp. 20, sect. 6, nos. 1–5; St. Alphonsus, no. 449.

Whether salutary contrition must necessarily be joined with a formal purpose of not sinning henceforth, or whether a virtual purpose, implicitly contained in it, suffices, will be stated below in Conclusion 7, where we shall treat the necessity of that purpose.

Conclusion 5. Salutary contrition must involve love, that is, it must include some love of God.

Proof.

For hatred and detestation of something include or presuppose love of its contrary. Hence hatred and detestation of sin cannot fail to include or presuppose some love of God.

Theologians commonly remain silent about this condition in this place, perhaps lest they appear to be contritionists or to anticipate the disputed question between contritionists and attritionists. Yet that question properly concerns the specific nature of that love, as will be stated in Article 33; nor will one find any theologian, however ardent an attritionist, who has ventured to deny the present

conclusion as it stands. Furthermore, from what will be said in Articles 30 and 33, it will be clear that the love included in perfect contrition is the love of charity, whereas the love included in attrition is none other than the love of concupiscence.

Conclusion 6. Salutary contrition must be essentially supernatural.

Proof.

This conclusion is commonly taught by authors. Nevertheless, because there is more than one manner of stating or explaining it, especially on account of the different opinions concerning the nature of supernaturalness, it will be useful to set forth and prove the assertion in the following five parts.

PART ONE. Salutary contrition must be SUPERNATURAL, indeed essentially supernatural.

This proposition is of faith, as was shown in various ways in Article 16, Conclusion 2 (where, however, we argued against the opinion of Molina, which will presently be discussed in the fourth part), and accordingly it is universally held among theologians, especially those writing after Trent.

Nevertheless, Molina does not hesitate, in defence of his position, to assert that some earlier writers went so far as to teach that "sorrow elicited by natural powers alone is a sufficient disposition for the infusion of grace" (cf. above, Article 16, Volume I, p. 404).

The Salmanticenses likewise write: "Some, going further, maintain that [natural sorrow] suffices [not only for the validity of the sacrament but] also by way of a disposition for the production of grace in this sacrament."[37]

[37] De Poenit., disp. 7, dub. 1, § 7, n. 58, Cursus theol., t. 20, Paris, 1883, p. 77.

Suárez expressly attributes this opinion to Soto and Cano, writing: "The question [is] ... whether such an act [that is, sorrow for sin which is purely natural] can be a sufficient disposition for grace, at least together with the sacrament. And in this sense Soto held that opinion [that is, the affirmative one] in IV, distinction 17, question 2, article 5, and in De natura et gratia, chapters 14 and 15; and Cano holds the same view in the aforesaid Relectio de Poenitentia. Indeed, some think that contrition which they call natural, because it is sorrow for sins arising from a natural love of God, can sometimes be a sufficient disposition for grace even outside the sacrament, as Corduba explains at length, book I, question 2, opinion 4."[38]

[38] De Poenit., disp. 5, sect. 1, n. 4, Opera omnia, t. 22, Paris, 1866, p. 99.

Likewise: "We must discuss Soto's opinion in IV, distinction 18, question 3, article 3, which says that natural attrition, that is, attrition elicited by the powers of nature alone, suffices for the effect of this sacrament, whether it is conceived from an eternal and upright motive, such as fleeing the punishments of hell or the baseness of sin, or from a temporal and indifferent motive, such as avoiding disgrace or some other temporal loss, since these temporal harms also are inflicted by God because of our sins. Cano, cited above, agrees in part with this opinion; for he considers sorrow for sin on account of God, naturally loved as the end of nature, to be sufficient attrition for obtaining grace and the remission of sin together with this sacrament; indeed, he says the same concerning sorrow arising from a temporal motive when the penitent does not recognize it [as such]."[39]

[39] Ibid., disp. 20, sect. 2, n. 7, p. 431.

Nevertheless, concerning these words of Suárez the Salmanticenses observe: "Nuno vindicates both these most learned Masters in his Additiones to the third part, question 1, article 1, and attempts to reduce their words to their true meaning, as he judges it altogether too harsh and difficult to believe that they, and other such distinguished men who were present at the Council of Trent, should have stumbled so badly in so clear a matter. Hence he maintains that their meaning was not what their words seem to suggest, but another, truly Catholic and worthy of no censure: namely, that contrition or attrition elicited by the powers of nature, yet commanded and regulated by preceding supernatural acts—for example, faith, hope, servile fear, and divine prompting—through which the natural acts themselves are elevated and receive an intrinsic participation in the supernatural order, suffices, together with the sacrament, for obtaining its fruit.

"In that sense those distinguished Masters taught nothing contrary to truth or deserving of censure; rather, as we have seen, Nuno, Candidus (Moral Disquisitions, volume II, disputation 24), and Dicastillo (De Poenitentia, disputation 6, doubt 1) subscribe to their teaching. Nor is it displeasing to us; indeed, it favours and supports the doctrine established at greater length in the treatise De caritate et merito, concerning natural virtues which, through the command of charity, receive something intrinsic by which their acts are raised to the attainment of a supernatural reward. Therefore the proposition 'Natural attrition, intrinsically supernaturalized by some participation in the supernatural order, provided that the other requirements for the essence and validity of the sacrament are not lacking, sufficiently disposes one for the fruit of the sacrament' deserves no censure. And if this was their meaning, Father Suárez did not rightly brand the teaching of the aforesaid Masters as improbable."[40]

[40] De Poenit., disp. 1, dub. 4, § 3, n. 149, Opera omnia, t. 19, Paris, 1883, p. 72.

PART TWO. Salutary contrition must be supernatural at least ON THE PART OF THE INFLUENCING PRINCIPLE, in the sense that it must be elicited by a person possessing faith and hope, and moreover under the motion of actual grace.

This is commonly maintained by theologians and follows immediately, at least, from the preceding assertion, so that it is at least theologically certain.

PART THREE. Salutary contrition must be supernatural also ON THE PART OF THE MOTIVE, so that contrition elicited under the aid of grace merely from natural motives of uprightness or fear does not suffice.

This is held by at least the more common opinion, for the following reasons. The Council of Trent (session 14, chapter 4) assigns none but supernatural motives to attrition. The Council requires that attrition exclude the will to sin; but contrition conceived only from natural motives cannot, of itself alone, accomplish this, since a motive that is truly a motive necessarily enters into the condition of the object. For the same reason, sorrow springing from natural motives is not sorrow for sin as such, and consequently does not properly deserve the name of contrition. Innocent XI explicitly condemned the following proposition: "It is probable that natural attrition is sufficient, provided that it is upright" (Denzinger, 1207).

For the contrary opinion, insofar as it asserts that attrition arising from natural motives suffices for justification IN THE SACRAMENT, certain older theologians are cited, such as Soto and Cano mentioned above, Bonacina, Hurtado, Navarrus, Vázquez, Valentia, Vitoria, Cajetan, and Capreolus. This appeal is unjustified, however: in the testimony of some of these doctors, natural motives are

being considered insofar as they have a relation to God and to the principles of faith, and thus are not simply natural (as is evident even from the very words in which Suárez reports Soto's opinion: "Since these temporal harms also are inflicted by God because of our sins"); others, indeed, clearly assert that natural motives are insufficient. Thus Cano, who, in the third part of his Relectio de Poenitentia, appeals to the common opinion of the doctors, writes: "The second kind of imperfect displeasure is that which arises from fear of punishments. By punishments I understand spiritual or eternal ones, which are known by the light of faith; and all the Scholastic Doctors call this attrition."

Among more recent theologians, one or another—Galtier in particular—seems, or attempts, to approach more closely to the negative position.

We say "seems, or attempts," because among these theologians, particularly the moralists, there is great diversity, and no less confusion, in this question. Consequently, it is difficult to determine exactly the views of many of them; and one and the same writer sometimes appears to incline simultaneously towards opposite opinions, or to destroy with one hand what he constructed with the other. All admit that merely natural motives, without any reference to God, are altogether insufficient. Some, however, say that natural motives—especially modern writers consider the motive of temporal punishments, to be discussed below—suffice provided that attrition is truly supernatural, indeed, according to some, essentially supernatural. Others say that such motives suffice provided they lead to an efficacious detestation of sin above all things; others, provided that in some way they are referred to God (for example, provided that temporal punishments are considered as inflicted by God or, according to some, as inflicted by God on account of sins); and still others, provided they are referred to God not in just any way but under some supernatural aspect, namely, one known from faith alone.

Take, for example, Galtier's resolution. Although he determines the chief point of the question more clearly than other modern writers—namely, whether the motives for attrition must be known by the light of faith, or otherwise—he says that he follows the more common opinion and teaches that essentially supernatural attrition conceived from motives apprehended by natural reason alone suffices, provided that such motives bespeak an ordering to God and that the detestation is thus of theological sin. Yet this distinguished author fails to explain how attrition can be essentially supernatural if it is moved, or specifically determined, by merely natural motives having no relation to faith; how motives abstracting from faith can have such an ordering to God that they regard theological sin, since the latter refers to God in the supernatural order or under the light of faith; and how his opinion departs from the more common position, when this latter at least seems to be taught, or at any rate not denied, by many of the modern moralists.

It is worth reporting his entire solution: "By faith, every salutary act must be supernatural; it is certain that it is intrinsically supernatural (cf. the treatise De gratia). Therefore attrition must be supernatural at least on the part of its principle; but it is disputed whether it must also be supernatural on the part of the motive, that is, whether it must proceed immediately from a motive apprehended through faith, or whether it is enough that it proceed from a motive apprehended by natural reason. To distinguish what is certain from what is uncertain:

"1. It is certain that penitents are moved much more efficaciously, and more commonly, indeed almost always, by supernatural motives: faith certainly furnishes motives for detesting sins more readily and vividly than does reason.

"2. The question whether motives apprehended by natural reason are sufficient nevertheless presupposes (a) that faith and supernatural hope are already present in the penitent, and consequently that the question concerns only the act of attrition considered in isolation: whether the motives which natural reason offers can influence it directly and immediately, even then; (b) that such motives are said to involve an ordering to God, so that the detestation is of theological sin; and finally (c) that, because that act must be supernatural, those motives are not presented without the aid of supernatural grace.

"With these things supposed: 3. The more common opinion denies that natural motives can suffice for attrition. Nevertheless, it is probable that, in a person already possessing supernatural faith and hope, natural motives can suffice, provided they have an ordering to God and are apprehended by reason under the influx of grace. For (a) such motives for detesting sins do exist, for example the baseness of violating the divine law or of renouncing our ultimate end; (b) those motives can be presented to the mind with the help of grace, just as they are in supernatural acts which precede faith, for example in the judgment of credibility or in the pious affection of credulity. Therefore a supernatural attrition can be produced even from motives apprehended by reason ... (c) Nor does the proposition condemned by Innocent XI, no. 57, oppose this: 'It is probable that natural attrition suffices, provided it is upright' (Denzinger-Bannwart, 1207; Cavallera, 1211), since the attrition with which we are now concerned is truly supernatural."[4142]

[41] Cf. Ballerini, Opus morale, t. V, n. 48; Ripalda, De ente supernaturali, bk. III, disp. 24, sects. 2–3.

[42] De Paenitentia, thesis 25, n. 394, Paris, 1931, pp. 297–298.

The confusion of these modern writers arises chiefly, as we have already observed in Article 23 (pp. 11 ff. and 21), from confusing the motive of contrition with its object, or, what amounts to the same thing, from the inept separation of object from motive. Thus, especially when they direct their attention to the motive, they almost forget the object, from which, nevertheless, an act receives its specific determination directly, and into whose condition the motive itself must pass if it is to influence the essential character of the act. Hence, when they attend to the motive, attrition seems to them capable of arising from natural considerations; but when they are compelled to attend to the object, or to sin precisely under the aspect of sin, they think that attrition must be elevated to the supernatural order. Thus they produce a kind of monstrous offspring: essentially supernatural attrition conceived from natural motives.

But the fundamental and primary object of true, or at least salutary, contrition—which is an act tending towards the destruction of sin—is SIN ITSELF AS SUCH, OR AS AN OFFENCE AGAINST GOD, and God Himself insofar as He is offended by sin. All this, however, belongs to the supernatural order. Therefore any other motive or object must pass into the condition of that object, participate in its character and supernaturalness, and become one indivisible object by which the one supernatural act of contrition is specified. Thus the very motive of temporal punishments, which, according to the mind of the Council of Trent (session 14, chapter 4)—which distinguishes hell from punishments and appeals particularly to the example of the Ninevites, who were brought to penance by fear of temporal punishments—can legitimately be invoked among the supernatural motives of attrition, has influence upon it only insofar as it is founded upon the supernatural aspect of an offence against God, the author of grace: God who raises and glorifies even the body together with the soul by grace, and who also punishes it on account of sin and the loss of grace.

Merkelbach aptly says to the point: "Contrition must be supernatural.—And that (a) subjectively, on the part of its principle, so that it is elicited through the supernatural help of God, or through inspiring and assisting grace, as the Council of Trent defines in session 6, canon 3; hence the same Council explicitly says that attrition is a gift of God and an impulse of the Holy Spirit who moves [the sinner] (session 14, chapter 4). (b) Objectively, on the part of the object or motive, so that it is elicited on account of a supernatural motive, that is, one supernaturally known through the light of faith and directed towards salvation. Such is God Himself under some aspect, or something relating to God, but in such a way that God is regarded not as a natural end, but as a supernatural end known by the light of faith. Hence natural sorrow arising from a motive of nature alone, without a relation to God as supernatural end, does not suffice. Thus Innocent XI condemned proposition 57: 'It is probable that natural attrition suffices, provided it is upright.'"

"Proof. The means must be proportionate to the end, and the disposition must be of the same order as the thing for which it disposes. But contrition is a means and disposition towards grace, which is supernatural in every respect, namely, on the part of both principle and object. Therefore the act of contrition must be supernatural in both ways—not only on the part of its principle and grace, but also on the part of its object or motive. And certainly the act, as regards its entire essence, depends upon the object, since it is nothing other than a tendency towards the object, as motion is towards its term. Hence an act is not supernatural in itself unless its object too is supernatural."[43]

[43] Theologia moralis, vol. 3, n. 482, pp. 420 ff.

It will not be out of place to produce some testimonies concerning the PARTICULAR QUESTION, more especially raised by many modern theologians after St. Alphonsus: whether ATTRITION CONCEIVED FROM FEAR OF TEMPORAL PUNISHMENTS is sufficient, or supernatural and salutary.

SUÁREZ, resolving the question in the affirmative more suitably than modern writers, says: "Vega, in book 12 on the Council of Trent, chapter 14, grants that detestation arising from fear of other punishments [that is, besides hell] is attrition and is contained under the first category [namely, of the two motives assigned by the Council of Trent: fear of punishments and the baseness of sin]; for the Council joined both together, namely, fear of hell and of punishments. This opinion will be true if we understand this fear as not merely human and natural, but divine and supernatural. Thus, although the punishments may be temporal, if nevertheless they are considered as inflicted by God and as showing us His wrath and, in a certain way, as threatening divine chastisement unless we amend our lives, under that aspect they can move us towards supernatural attrition, which is most suitably reduced to that attrition which arises from fear of hell. Similarly, to hope for temporal goods from God with some relation to eternal life, or to the special or supernatural providence of God, pertains to the virtue of hope."[44]

[44] De Poenitentia, disp. 5, sect. 2, n. 15, Opera omnia, t. 22, Paris, 1866, p. 107.

LUGO writes: "But the difficulty is, what punishments are those with regard to which attrition sufficient with the sacrament can be conceived? Certainly, first of all, the punishment of hell, of which Trent speaks explicitly; and indeed, under the name of hell, it seems to mean both the punishment of loss and that of sense; also under the name of punishments, of which it then makes general mention, the punishment of Purgatory seems primarily to be included, from fear of which a

man can grieve not only for venial sins, but even for mortal sins which, after justification, are punished by the punishment of Purgatory. On this point I am not persuaded by Vázquez, below, question 12, article 2, doubt 3, where he seems always to require some eternal motive for true attrition. In the same way, I think attrition can be conceived from fear of plague or of other temporal evils with which God is accustomed to punish sins even in this life. This seems to accord with the mind of Trent, for it adduces the example of the penance of the Ninevites, which was conceived from fear of the destruction of their city threatened by God. And just as God threatens eternal punishments, so He also threatens those of the present age to deter men; therefore this is a good and upright motive, sufficient for true attrition, as Suárez admits with others in the present section, no. 15."[45]

[45] De Poenitentia, disp. 5, sect. 9, n. 137, Disputationes scholasticae, t. 4, Paris, 1892, pp. 462 ff.

ST. ALPHONSUS calls the affirmative opinion probable, presenting the two opinions in this way: "The question is: Does attrition arising from fear of temporal punishments, insofar as these are inflicted by God, suffice in confession? The first opinion affirms it. It is held by Lugo, Suárez, Sporer, Anacletus, Viva, Elbel—who with Gobat calls it morally certain—and also Granado, Reginaldus, Moya, Aversa, and others, with Croix, who calls it most probable. The reason is that the Council of Trent, among the motives of attrition sufficient for the sacrament, speaks of fear of hell and of punishments. Where, by hell, eternal punishment is understood; but by punishments, temporal punishment, since there the Council adduces the example of the penance of the Ninevites, which arose from fear of the destruction of their city. For just as God threatens eternal punishments, so too He threatens temporal ones to deter sinners. The second opinion, however, denies it. This is held by Concina and Cano, as well as Hurtado and Vázquez as cited by Diana. Cárdenas doubts whether the first opinion is morally certain. The reason is that, although Trent speaks of fear of hell and of punishments, it does not distinguish hell from punishments, but seems to use both for the same thing; since, when the punishment of mortal sin is eternal, the penitent ought to fear eternal evil in repenting of a mortal sin. The first opinion seems the more probable, for hell comprises all eternal punishments; and therefore, in saying 'and of punishments,' the Council appears to understand something other than eternal punishment. Yet, since the second opinion is not lacking in probability, at least extrinsic, I consider it safer to follow it in practice."[46]

[46] Theologia moralis (ed. Gaudé), t. 3, n. 443, Rome, 1909, p. 432 (cf. ibid., n. 450).

BALLERINI, granting no probability, or only a slight one, to the negative opinion, observes that St. Alphonsus, following Lacroix in good faith, falsely attributes that opinion to Cano, Hurtado, and Pasqualigo and, on account of the great probability he thus concedes it, says that it is safer to follow it in practice.[47]

[47] Annotationes ad Gury, n. 264.

GÉNICOT, following Ballerini, says that the affirmative opinion is most probable, writing:[48]

[48] Compare the notes to the text of St. Alphonsus in the Le Noir edition (Paris, 1874, p. 344), where the words of Gury and Ballerini are quoted along with their express refutation by the advocate in the inquiry concerning the conferral of the title of Doctor upon St. Alphonsus.

"Sorrow conceived from fear of temporal punishments of this life suffices, provided they are regarded as inflicted by God and a detestation of sin above all things is added, as will be explained. St.

Alphonsus (no. 443) indeed thinks that one may not approach the sacrament with contrition based on such a motive, since the opinion denying its sufficiency is at least extrinsically probable. But he himself would not have assigned extrinsic probability to this opinion had he examined its basis (Ballerini, no. 105 ff.). Therefore, with Viva (in the work on the condemned proposition of Innocent XI, no. 26), we judge the opinion asserting the sufficiency of such a motive to be most probable, and consequently that the law of following the safer course in no way prevents us from teaching it in practice."[49]

[49] Theologia moralis, vol. 2, n. 273, Louvain, 1900, p. 289.

PART FOUR. Salutary contrition must be supernatural WITH RESPECT TO THE SUBSTANCE OF THE ACT.

This follows both from the fact that it must be supernatural on the part of its object or intrinsic motive, which is theological sin, or sin insofar as it regards God also according to the supernatural order; and from the fact that it is a certain proximate disposition (perfect contrition) or remote disposition (attrition) towards justification. Every disposition, moreover, is at least of the same order and form as the thing for which it disposes, although it is not always of the same species (unless it is a proximate disposition, such as perfect contrition). It follows also because, if contrition were not supernatural with respect to its substance, it could not properly be called essentially supernatural, as the arguments brought against Molina in Article 16 (Volume I, pp. 412 ff.) show.

This assertion is contradicted by Molina and perhaps by Scotus, Durandus, Biel, and Cajetan, mentioned in Article 16 (Volume I, pp. 403 ff.), insofar as they say that the substance of the act of penance (indeed, of faith, hope, and love) is natural, and that its supernaturalness comes from a supervening help of grace, by which that act, remaining the same with respect to its substance, is raised to a higher order.

Furthermore, the opinion of those who, as stated above, teach that the supernaturalness of an act of attrition is to be derived only from its principle, and not necessarily from its motive, must logically lead to the same denial. For it is not compatible with this assertion that the act of attrition must necessarily be essentially supernatural, since the essential nature of an act (and even of its originating principle) must be derived entirely from its object or, if one prefers, from its motive insofar as the latter is taken up into the object.

For the same reasons stated above, the peculiar position of the Salmanticenses is also rejected. Citing Nuno, Candidus, and Dicastillo in their support, they teach that either perfect contrition or attrition proceeding from natural powers in a person who has already been justified, while nevertheless supernatural on account of the influence of charity directing the act towards its end, suffices not merely for the validity but also for the fruit of the sacrament, or for an increase of grace within the sacrament.

This doctrine the SALMANTICENSES themselves expound and defend, more ingeniously than effectively, as follows:

"For perhaps the supposition may be made of a man existing not in the state of fallen nature, but in grace; in which case we have maintained, and hold as certain, that, without employing the helps of grace, but by the natural powers rendered free by grace itself, he can elicit a natural act of the aforesaid love. It may be asked whether this suffices to obtain the fruit of the sacrament. And indeed, if what we taught in the treatise De Merito, disputation 4, doubt 5, with the common approval of the

disciples of St. Thomas, is true—as we judge it to be—namely, that all the human acts of a man existing in grace which are not evil or demeritorious in some respect are referred to the supernatural end through the formal or virtual command of charity, and that a proper merit distinct from the merit of charity accordingly belongs to them and is rewarded, it seems to us that the affirmative side must be maintained.

"Reason also recommends this: an act attaining God as a supernatural end and worthy of eternal reward is a proximate sufficient disposition for obtaining grace. But the natural act of love of God, commanded by charity either formally or virtually, is such an act. Therefore the aforesaid act suffices for grace in the sacrament. All the more so, since this act, independently of the sacrament, merits an increase of grace. By what reasoning, then, would it not suffice, in conjunction with the sacrament itself, for the grace of that sacrament? For it is not made worse, but rather more efficacious, by its conjunction with the sacrament, as is evident in supernatural attrition, which, as Trent teaches, does not of itself dispose proximately to grace, but does so when joined to the sacrament. Conversely, therefore, an act which of itself and independently of the sacrament suffices for an increase of grace becomes more efficacious for that increase when joined to the sacrament. For, on the one hand, it is a gift of God, insofar as it arises formally or virtually from grace and, moreover, insofar as it contains within itself and contracts a certain participation in charity, by which it is intrinsically affected. On the other hand, it is sufficiently good in itself, being stained by no blemish of deformity. Thus no rational ground appears for excluding it from that office.

"This will become clearer if the argument is urged in the following form. Granting for the moment the possibility of natural contrition, which will be treated below, the person who approaches the sacrament with natural contrition is formally or virtually ordered to God as his ultimate supernatural end, and places no obstacle in the way of the sacrament or of its grace. Therefore, approaching in this manner, he receives both the sacrament and its grace. The consequence is evident. The antecedent appears true, and is proved by a parallel with, and by the example of, supernatural attrition which excludes every affection for sin and which the Council teaches to suffice for the fruit of the sacrament. But natural contrition, if once it is admitted, excludes every affection for sin; and, besides, it attains God formally or virtually under the aspect of the ultimate end by the command of charity, something which is not found in attrition and is indeed incompatible with it, on the supposition that sin has not been expelled. This is evident from the treatise on the ultimate end, where we do not admit—and neither do others —that any act of a sinner, however supernatural, attains God under the aspect of the ultimate end, for that belongs to charity alone. Therefore, just as supernatural attrition places no obstacle to grace, so, and with still stronger reason, neither does natural contrition referred to God as the ultimate end.

"We make the same judgment about the natural attrition of a man existing in grace, for precisely the same reason, provided it too is referred to God, as it necessarily must be. In this way both acts are already virtually supernatural charity, and consequently a sufficient disposition for receiving an increase of grace both outside and within the sacrament. St. Thomas seems to have held this meaning in De veritate, question 28, article 8, when he says that 'every sorrow for sin in one who has grace is contrition.' Among the writers we have seen, the few who have touched upon the matter—Nuno, Candidus, and Dicastillo, in the places cited—hold this view; nor do we think that others would disagree if the question had occurred to them."[50]

[50] De Poenitentia, disp. 1, dub. 4, § 3, n. 158, Cursus Theologicus, vol. 19, Paris, 1883, pp. 75 ff.

PART FIVE. Not all supernatural contrition must PROCEED FROM SANCTIFYING GRACE.

This is evident in the case of attrition, since attrition is elicited with the assistance of actual grace alone. Theologians, however, dispute concerning perfect contrition. Some say that justifying contrition does not proceed from sanctifying grace, since it precedes that grace as the cause of justification and of the infusion of grace; others affirm the contrary. Since this question has been touched on repeatedly in the present treatise (see especially Article 14, Volume I, p. 370, and Articles 51 and 61, concerning satisfaction), we defer its fuller solution to the proper treatise On Grace.

CONCLUSION 7. Salutary contrition must be efficacious, that is, it must involve a will absolutely opposed to sin; from this follows the necessity of an absolute purpose of not sinning henceforth.

Proof.

PART ONE. Salutary contrition must involve a will ABSOLUTELY OPPOSED TO SIN.

The truth of this assertion, which is very commonly held among theologians (with the partial exception of one or two, such as Cano, referred to above in Conclusion 2, insofar as he says that inefficacious attrition is sufficient if it is thought in good faith to be efficacious), is apparent, first, from the Council of Trent (session 14, chapter 4), which defines contrition in general by detestation of and sorrow for sin, and adds that attrition must exclude the will to sin. For an inefficacious will which is not absolutely opposed to sin is not detestation in the strict sense, nor does it truly exclude the will to sin; it is merely a wish compatible with an absolute will and affection for sin, which Cajetan (Quaestio de Contritione, question 1) aptly calls "the attrition of the impenitent," or "the attrition of prostitutes, usurers, and others of that sort." Second, the assertion is apparent from the very nature of a salutary act, or of a disposition to the infusion of grace and the removal of sin, which consists in removing an obstacle, or excluding a will adhering to sin.

Nor is it a valid objection that at least inefficacious attrition should suffice when accompanied by the sacrament, on the ground that the latter was instituted by Christ to assist human frailty. For the sacrament was not instituted to take the place of interior and necessary penance, nor to exclude the cooperation of man in the business of salvation, but only to assist that cooperation, so that conversion to God might become easier for man through the help of imperfect attrition, aided by the power of the sacrament and thus in a certain manner raised to the efficacy of perfect contrition.

Neither is it a valid objection that attrition conceived from fear of punishment, which is regarded as salutary, is inefficacious because it involves a conditional will: "If there were no punishment, I would sin"; whereas, to be truly efficacious, it would have to imply this absolute will: "Even if there were no punishment, I would not sin." For salutary attrition arising from fear does not involve the first conditional will, "If there were no punishment, I would sin," nor the second, "Even if there were no punishment, I would not sin," but a third will, which prescinds from that comparison and is absolute: "Because there is punishment, I absolutely will not sin." This excludes the first will, which is conditional on the part of the affection itself ("I would sin if ..."); it does not, however, explicitly express the second, which is more absolute in the sense that it excludes every condition from the will ("I will not sin, even if ..."). One who wishes to avoid guilt on account of punishment is not bound to institute a comparison of equivalence or preference between guilt and punishment, as is done in different ways in the first and second of the acts of will just mentioned, and necessarily to elicit one

of those two acts. He can instead prescind from the comparison and elicit the third act. We shall return to this below (Article 32, p. 274) in our response to the objection of Protestants and Jansenists who wrongly identify attrition arising from fear with the first of those acts and logically conclude that it is neither salutary nor moral.

PART TWO. Salutary contrition must involve or produce an ABSOLUTE PURPOSE OF NOT SINNING HENCEFORTH.

This follows not only from the explicit assertion of the Council of Trent (session 14, chapter 4), but also directly from the truth of the first part, namely, from the necessity of an absolute will opposed to sin. For such absolute opposition is directed against sin as such and tends to destroy it as far as it can. Consequently, it acts first and principally to remove the sin that is present, but secondarily and by consequence to prevent it from returning under another aspect or in another individual instance. This we observed already in Article 13, where we also noted with St. Thomas that the act of purpose is elicited by the virtue of penance under the influence of prudence (Volume I, pp. 344 ff.).

NOTE. ON THE QUALITIES OF THE PURPOSE AND THE DISPUTED QUESTION CONCERNING THE NECESSITY OF A FORMAL PURPOSE.

The qualities or properties which such a purpose must possess are set out and distinctly explained by moral theologians after St. Alphonsus, and are commonly reduced to the following: formal (or virtual), absolute, firm, efficacious, and universal (some identify firmness with absoluteness, others with efficacy). More correctly, St. Alphonsus proposes three qualities: firm or absolute, efficacious, and universal; for the formal (or virtual) character regards the very essence of the purpose rather than a property of it. Strictly speaking, therefore, the first quality (formal or virtual) regards the essence, the second (absolute) its essential property, while the third and fourth (efficacious or firm, and universal) are qualities or properties of that property, without which the purpose cannot be absolute. For the first quality concerns the very act of the will, whereas the second concerns its object.[51]

[51] Theologia moralis, n. 451; cf. Lehmkuhl, n. 292 ff.; Merkelbach, n. 487 ff.; Cappello (1944 ed.), n. 123 ff.; Lugo, disp. 14, sect. 10.

We would, moreover, have no need to say anything about these qualities (for nearly everything explained here concerning the qualities of contrition itself, according to the order of this article, applies also to the purpose, since the purpose is generated by contrition and follows its lot, although it is an essentially distinct act, as was said in Article 13), were it not for a rather old and DISPUTED QUESTION: WHETHER A FORMAL OR EXPLICIT PURPOSE IS REQUIRED—that is, an act of purpose itself distinct from the act of contrition—so that a virtual or implicit purpose, contained without distinction in the very act of contrition, would not suffice.

Among authors there are various ways of speaking, judging, and attributing different positions to one or another theologian. The reason for this variety seems to arise, notably though not exclusively, from two sources.

First, some do not seem to distinguish sufficiently between the question whether a formal purpose is an act distinct from the specific and formal act of contrition, so that the latter does not in itself contain a formal purpose (as we have already resolved with the common opinion in Article 13), and

the question whether, given this distinction, a formal purpose is nevertheless necessarily required, at least for the fruit of the sacrament (which is the question properly to be examined here).

Second, some discuss this question when treating the properties of the act of contrition in general, or of perfect contrition, whereas others discuss it among the requisites for contrition within the sacrament, and others in both places (as do Suárez and Lugo). Hence arise different ways of resolving the question, or even of judging the opinions of others, as is especially evident in Lugo (see below).[52]

[52] This confusion appears in Suárez himself, as is clear from the title of disputation 4 and of section 3 of that disputation, as well as from the conclusion of the same section (n. 7); and also in certain modern writers, such as Galtier, who treats the matter in thesis 4, where he discusses the nature of contrition; Hervé (n. 255); and especially Billot, who expressly writes: "The entire question comes down to whether formal contrition can still exist without a formal purpose. And this question is not entirely idle or purely speculative, as might seem at first sight. For although virtual contrition [that is, an act of charity] is equivalent to formal contrition as a disposition to justification both outside and within the sacrament, it is nevertheless not a sufficient integral part of the sacrament of Penance, for the matter of which even formal contrition is absolutely required. Consequently, if someone, whether by a possible or an impossible supposition, were to confess with an act of love alone, the sacrament would not be valid. Hence you see that it is not idle to inquire wherein the essential nature of contrition formally taken is situated. I say, with the more common opinion of theologians after Trent (for the earlier theologians do not seem to have touched on this controversy), that

For theologians do not judge the requisites for contrition in precisely the same manner when the question concerns merely the validity of the sacrament. And because several say that attrition conceived from a particular motive (which does not suffice for the fruit of the sacrament) suffices, provided there is a universal purpose of avoiding future sins, they therefore commonly teach, in the present question, that a virtual purpose suffices for contrition, unless the contrition is conceived from a particular motive. Since that contrition virtually contains only a particular purpose, they then insist upon the necessity of an explicit universal purpose.

Because of this diversity among the Doctors, and the resulting difficulty of setting out the matter exactly, it will be useful first to present the positions and their arguments, as they themselves propose them, and only afterwards to offer a brief judgment, sometimes on the opinions and sometimes on the matter itself.

FIRST OPINION, simply affirmative.

This opinion is commonly attributed (in the judgment of Bellarmine and Suárez) to all the older theologians, particularly Peter Lombard, Alexander of Hales, Albert the Great, St. Thomas, Scotus, and Durandus. Although, Bellarmine says, they do not distinguish between a formal and a virtual purpose, "they nevertheless indicate quite clearly that they are speaking of the formal purpose." It is also ascribed, on the strength of more explicit assertions, to Gerson, Adrian, Cajetan, Dominic Soto, Cano, Tapper, and Bellarmine, who writes: "The common path, well trodden by the ancients, has always seemed to us safer and more convenient." To these St. Alphonsus, who calls the opinion probable, and others add Suárez (see below), Valentia, Toletus, Bonacina, Concina, Reginald, Henriquez, and Nuno.[53][54]

[53] Suárez proposes these passages of St. Thomas: III, questions 85 and 86; Contra Gentiles III, chapter 158; IV, chapter 72; In IV Sent., dist. 17, q. 2.

[54] Bellarmine: "This is what they teach more openly afterwards ..."; Suárez: "Modern writers, however, explain more distinctly that this purpose must be formal and expressed," including Cajetan, Soto, Cano, etc.

The reasons are as follows:

The words of Scripture and of the Fathers which expressly and insistently require a change of life for true penance, and therefore a formal purpose of not sinning henceforth. See Article 10 above (Volume I, pp. 265 ff.) and the passages cited there, and especially Article 14 (Volume I, pp. 382 ff.).

The teaching of St. Thomas and the earlier theologians, who expressly and simply require a purpose, and never distinguish between a formal and a virtual purpose.

contrition essentially consists in an act of sorrow insofar as it virtually contains the purpose" (De Poenitentia, thesis 12, § 2, De Ecclesiae Sacramentis, vol. 2, Rome, 1908, pp. 126 ff.).

The Council of Trent, in session 6, chapter 6, enumerates the purpose distinctly among the dispositions preparing for justification; and in session 14, chapter 4 (cf. canon 5), as also the Council of Florence, introduces it into the very definition of salutary contrition as an act distinct from detestation and sorrow. Indeed, it appears to attribute the same importance and necessity to the purpose as to detestation when it adds: "The holy Synod therefore declares that this contrition contains not only a cessation from sin and the purpose and beginning of a new life, but also hatred of the old" (Denzinger 897).

The perfect conversion of the will, which is demanded by every salutary contrition, requires not only a withdrawal from evil, accomplished through detestation and sorrow, but also a turning towards the good, accomplished through a purpose.

What God principally intends through salutary contrition is the rectitude of future life, to which the purpose is directed.

If contrition without a formal purpose were sufficient, then a purpose without formal contrition would also be sufficient.

From these arguments there follows, at least, the necessity under precept of joining a formal purpose to the act of contrition.

SECOND OPINION, simply negative.

This is commonly attributed (again according to Bellarmine and Suárez) to John Major (John Mair, an Englishman; † 1540), Jacques Almain († 1515), John Medina (Codex de Poenitentia, treatise 1, question 3), Vega, Peter Soto, Navarrus, and Adrian.

The reasons are as follows:

Scripture promises justification to the very act of contrition, without even mentioning a purpose: 2 Kings 12:13, "David said to Nathan: I have sinned against the Lord. And Nathan said to David: The Lord also hath taken away thy sin"; Luke 15:21, "Father, I have sinned against heaven and before thee"; and Luke 18:13 ff., "And the publican ... struck his breast, saying: O God, be merciful to me a sinner. I say to you, this man went down to his house justified." The passages quoted above for the contrary view can be understood either of the change of life itself, which is involved in the conversion of the will through contrition, or of the virtual purpose of not sinning again, which is contained in that very conversion.

The expressions of St. Thomas and the older theologians, and of the Councils of Trent and Florence, are explained in the same way. They affirm the necessity of a purpose, but do not deny the sufficiency of a virtual purpose, just as, when they affirm the necessity of contrition, they do not deny the sufficiency of virtual contrition contained in an act of charity. Moreover, the Council of Trent also requires an intention or purpose of confessing and making satisfaction. St. Thomas (Supplement, question 1, article 1, objection 1) and other Doctors include this in the very definition of contrition (cf. Article 13 above, Volume I, p. 383). Yet, according to the opinion of all, this intention need not be formal: a virtual and implicit intention suffices.

If virtual contrition itself, contained in charity, suffices, then all the more does a virtual purpose, implicit in contrition, suffice, since contrition rather than the purpose is the primary and specific act of penance. It does not follow, however, as was objected above, that a purpose without formal contrition would also suffice; for a purpose does not necessarily contain contrition virtually, as contrition contains a purpose, since it can proceed from another motive, such as mere fear of punishments, in a servile manner and from servile fear alone.

Contrition itself, or sorrow for and detestation of sin, is the proper and specific act of penance; the purpose, on the other hand, is a consequent act, which is nevertheless virtually contained in contrition. Consequently, formal contrition suffices.

Through the very act of contrition a person is perfectly separated from evil and turned towards good. For in the very separation from sin as sin, the detestation of sin is universally contained, including even future sin; that is, the virtual purpose of not sinning henceforth is contained in it. This also has regard to the end which God intends in the justification of the sinner, namely, the rectitude of a new life.

If one considers the moral imperfection and inconstancy of human nature, it is highly fitting that nothing be formally and explicitly required of it except what is strictly necessary, and that the acts ordered towards justification not be multiplied.

THIRD OPINION, intermediate.

Explicitly introduced by Suárez, this opinion teaches that a formal purpose is not always and necessarily required, but that at some times a formal purpose is required, while at others a virtual one suffices. Its reasons are almost the same as those adduced for the second opinion (to say nothing for the moment of certain weaker, or altogether unsuitable, arguments advanced by some writers).

This opinion, which is by far the most common among modern theologians and is judged by them to be morally and practically certain, is divided into two positions when it comes to a more precise determination.

The first position teaches that a formal purpose is required in itself, whereas a virtual purpose suffices accidentally, namely when the penitent does not think about the future, or also, as some add, when there is an imminent danger of death which removes the possibility of falling into sin again. This presupposes, however, as some add, that contrition itself is elicited from a universal motive; otherwise, the virtual purpose contained in contrition would not be universal, and therefore would not suffice for justification, indeed not even of itself for the validity of the sacrament.

This position, explicitly inaugurated by Suárez, is followed by Lugo (Disputation 5, section 7, no. 97, speaking, however, of contrition outside the sacrament), the theologians of Würzburg, Sylvius, Collet, Billuart, St. Alphonsus (no. 450, as the more probable view), Holzmann, Bonacina, and commonly the moderns, such as Galtier (no. 55, where he calls this the more common opinion), De Augustinis, Billot, Hervé, and Merkelbach.[55][56]

[55] For example, Suárez, disputation 4, section 3, no. 4, and Sporer, cited below.

[56] In order to counteract the slight overconfidence of certain moderns and some exaggerated assertions of theirs about the certainty and unanimity of the doctrine concerning the sufficiency of a virtual purpose, as they propose it, it is helpful to hear this author: "We do not defend what we have called the first opinion [of the three enumerated by St. Alphonsus], nor do we maintain that it obliges the repetition of a confession made by a penitent who confessed in good faith with true sorrow for his sins; rather, for the love of truth, we have proposed to elucidate questions pertaining to theological learning. ... [Having cited the testimonies of Suárez, Bellarmine, and Valentia, he continues:] And let these things suffice to make it clearly apparent: that St. Alphonsus rightly and most justly said that the first opinion, requiring a formal and expressed purpose, is not without probability; that the third opinion, for ordinary practice in confession, does not differ from this first; and that it was asserted contrary to truth, without qualification or explanation, that the unanimous opinion of the Catholic School is that a confession made without a formal or explicit purpose and with only a virtual or implicit purpose is valid." De Augustinis, De re sacramentaria, vol. 2, De Poenitentia, thesis 19, Rome, 1889, pp. 248, 251.

On this matter SUÁREZ, Disputation 4, section 3, nos. 3 and 6, speaking about contrition outside the sacrament, writes, after setting out the two opposed opinions mentioned above:

"These opinions are probable; but between them I judge a distinction should be made, just as I said concerning love in the preceding section. Accordingly, it must first be affirmed that, speaking in itself, a formal purpose is necessary for obtaining grace and the remission of sin. For this position is the safer one, and should therefore be preached to the people. The testimonies adduced sufficiently confirm it, when one considers what was said in the preceding section on a similar matter: in truth, they simply and absolutely require this purpose. The necessity of such an act, however, is to be proved by authority rather than by reason, since it depends simply on divine ordinance. Nevertheless, weighty arguments of fittingness in favour of this ordinance can be drawn from what has been said. ... Secondly, I say that at times the detestation of sin alone, without a formal purpose, can be a sufficient disposition for grace. This assertion is sufficiently proved by the argument given in favour of the second opinion. ... Lastly, the discourse developed in the preceding section may be applied here, since it is not repugnant to have one act without the other; and if such an act is elicited, it possesses, as a disposition, sufficient proportion and efficacy. Both of these points can be sufficiently shown by applying here what we said there."[57][58]

[57] Compare the reasons adduced above in favour of the second opinion.

[58] Opera omnia, vol. 22, Paris, 1866, pp. 80 ff.

In Disputation 20, section 4, no. 32 ff., the same author writes:

"I think it must indeed be said that at least a virtual purpose belongs to the essence of this sacrament. ... I add further that, if the confession concerns mortal sins, a formal purpose of avoiding them is, speaking in itself, necessary for having true penance and attrition for such sin. ... Hence it follows that, if anyone knowingly and willingly confesses sins of this kind without such a purpose, and in that disposition wishes to receive absolution, he certainly sins gravely, and consequently the sacrament is null. ... An a posteriori moral indication may also be taken: one who sees that he has no

purpose, and does not wish to elicit one, thereby shows that he has not even a virtual purpose. For, given this awareness, it would be very easy to have a formal purpose. Hence nothing is more customary in the administration of this sacrament than to require of the faithful a purpose of avoiding sins, especially mortal sins. ... Lastly, I add that a formal purpose does not seem to me as necessary as formal sorrow, particularly when the matter is venial sin. Therefore, if someone in good faith truly detests the sin he confesses, and does not advert to a formal purpose regarding the future, so that he does not sin by omitting it, I consider the sacrament valid, and a virtual purpose included in the sorrow sufficient. The reason can be that the Council of Trent, speaking of attrition, does not so expressly require a formal purpose as it requires that sorrow which excludes the will to sin; and such sorrow truly excludes this will, since it excludes the contrary virtual purpose. Moreover, attrition formally consists in sorrow or the retraction of sin committed; and, since confession consists in accusing oneself of a sin committed, it intrinsically demands above all detestation of that sin. Hence a disposition concerning the future does not seem so intrinsic to it, and consequently the reason does not seem altogether the same."[59]

[59] Ibid., p. 447.

The second position holds that a virtual purpose suffices in itself, although a formal purpose may be required accidentally, as happens, some say, only in the case in which contrition is elicited from a particular motive; for then the virtual purpose contained in contrition is not universal, whereas a universal purpose is required both for the fruit and for the validity of the sacrament. Accordingly, an explicit universal purpose must be elicited, so that contrition may be sufficient for the validity of the sacrament (although not for its fruit, except remotely, insofar as a valid but unformed sacrament gives a right to the revival of grace once the obstacle has been removed, or universal contrition has been elicited).

This opinion, introduced by Lugo, is followed by St. Alphonsus (again as the more probable), who cites in its favour, among others, Laymann, Viva, Mastrius, Sporer, Gobat, and certain modern authors (especially moralists), such as Pesch, Lehmkuhl, Génicot, Prümmer, Cappello, Vermeersch, and particularly Noldin. The last-mentioned, almost alone (compare also Pesch, no. 117), clearly proposes and determines this opinion as distinguished from the preceding one, yet improperly attributes it to "most theologians" and brings forward reasons in its favour other than those brought forward by supporters of the preceding opinion.

LUGO, Disputation 14, section 5, no. 52 (where he speaks of the contrition required in the sacrament), having enumerated the three opinions, adds, following the position of Suárez:

"I think a distinction must be drawn. For sometimes sorrow is of such a kind that it virtually includes the purpose required; and then, for the validity of the sacrament, no other formal purpose is demanded. Sometimes, however, sorrow does not include such a purpose; and then, besides sorrow, a universal purpose is required. For sorrow can arise, not from a universal motive, but from a particular one, because the penitent grieves over those sins which he confesses; and such sorrow does not virtually contain a universal purpose of avoiding other sins, but at most contains the purpose of not committing those sins over which he grieves. Another kind of sorrow, however, arises from some universal motive embracing all mortal sins: for example, if he grieves on account of the grave offence against God, on account of irreverence towards God, on account of the punishments of hell, and the lack of beatitude, which correspond to every mortal sin. And such sorrow virtually contains at least

the purpose of not sinning mortally in the future. When, therefore, sorrow is of the former kind, a universal purpose is required, since it is not contained in the act of sorrow itself; but when sorrow is of the latter kind, the sorrow itself suffices for the validity of the sacrament, since it virtually contains such a universal purpose."

NOLDIN: "The virtual purpose which is always included in true contrition suffices for obtaining valid absolution, provided that the sorrow in which it is implicitly contained proceeds from a universal motive. But if the motive of sorrow is particular, an explicit purpose is plainly required."[60]

[60] Disputationes scholasticae, vol. 4, Paris, 1892, p. 774 ff.

1. According to the common opinion of all, the virtual purpose can suffice accidentally, when, namely, the penitent truly grieves over the sins committed, but, not thinking of future life, proposes nothing explicitly and formally. The disputed question is whether an explicit purpose is required of itself, or whether a virtual and implicit purpose suffices even of itself, when the penitent, although thinking about future life, nevertheless does not formally and explicitly elicit a purpose of amendment.

2. St. Alphonsus, having set forth this question (no. 450) as divided into three opinions, concludes that the opinion requiring an explicit purpose is not without probability and therefore is to be followed in practice. On this there arose an acute controversy between Fr. Ballerini and the defenders of St. Alphonsus, which finally resulted in the recognition that the opinion which Cárdenas had formerly called morally certain, and which most theologians hold, cannot be attacked by any convincing reason.[6162]

[61] Gury–Ballerini, note to no. 462.

[62] Vindiciae Alphonsianae, part 5, question 6.

The genuine and true opinion is to be held, therefore, which teaches that, for obtaining the remission of sins, the purpose implicitly contained in contrition, whether perfect or imperfect, suffices. Certainly an explicit purpose is not required by the nature of the thing, for that disposition which includes the will not to sin suffices for obtaining justification, and the will not to sin is contained in every sorrow conceived from a universal motive. Nor is it required by a positive precept, for the Council of Trent, in setting forth the dispositions which must be brought to the sacrament of Penance, enumerates in canon 4 only three acts—contrition, confession, and satisfaction—as required for the essence of the sacrament; concerning the purpose it says nothing. Likewise, the same council, in chapter 4 of that session, when describing the dispositions of the penitent, expressly mentions the purpose, just as it expressly mentions other acts, such as trust in divine mercy and the intention of performing the rest; but from this it does not follow that the council prescribes an explicit purpose, just as neither does it require an explicit act of hope. The council expressly mentions the purpose in order to declare that, for obtaining the remission of sins, only that sorrow suffices which contains a universal purpose. How greatly, therefore, the faithful ought to be exhorted always to elicit their purpose expressly and explicitly! Yet, if they have omitted it, provided their sorrow was truly universal, they should not be troubled about the validity of their confession.[6364]

[63] Crisis theologica, part 4, dissertation 2, no. 80. Cf. Ballerini–Palmieri, vol. 5, no. 92.

[64] Cf. Council of Trent, session 14, preamble.

3. Two points must nevertheless be observed in this matter: (a) Whoever truly grieves over past sins is so disposed that, if a thought of future life occurs to his mind, he also conceives the explicit purpose of no longer offending God mortally; for he cannot be thought seriously to grieve over an offence against God if, while thinking about future life, he deliberately suspends the express act of a purpose to avoid all grave offences against God in the future. (b) Confessors rightly require an explicit purpose from penitents in practice. For, in order to administer the sacrament licitly, they must be certain of the disposition of the penitent; and in the case of those guilty of mortal sins the confessor will scarcely ever be certain of their disposition unless they manifest to him their purpose of abstaining from sins henceforth."[65]

[65] Theologia moralis (Schmitt ed.), vol. 3, no. 262, Innsbruck, 1929, p. 266 ff.

Having set out these opinions and their reasons in order (so far as it was possible, for almost as many diverse expressions are found as there are tongues), it seems that WE MUST CONCLUDE, in accordance with the sense of the first position of the third opinion:

1. A formal purpose of not sinning henceforth is of itself required for salutary contrition, both outside and within the sacrament, as follows from the principal arguments of the first opinion (rightly understood), and from the general reason that an explicit purpose, although it is not of the essence of contrition, is nevertheless such an immediate and essential property of it that it necessarily flows from its very nature when there is consideration of future life.

This necessity, moreover, is not only moral (a necessity of obligation), but also physical or psychological (a necessity of nature), since it is physically impossible for someone who grieves over sin universally and in itself, while considering future sin, not to be averse to it, or not to elicit a formal act of purpose (we do not say an explicit and signified act, such as the expression "I do not wish to sin again"), virtually contained in that universal detestation; just as it is physically impossible for an act of divine charity to be posited without, while sins are being considered, a formal act of perfect contrition following, however general and merely exercised that act may be. Hence the contrary case, upon whose possibility the opposite opinion is founded, at least as Noldin proposes it ("one who, thinking of future life, deliberately suspends the express act of purpose"), is a mere chimera. For it would posit a moral as well as a physical contradiction in the same will: one grieving and not grieving, placing an obstacle to sorrow and preventing a necessary property of it, obeying the divine precept of penance and striving against its nature.[66]

[66] Génicot himself says: "The hypothesis ... of a man who grieves efficaciously and yet, even when he thinks about the future, fails to elicit a purpose of avoiding sins is a chimera" (no. 280). Conversely, Pesch does not absolutely reject this possibility, writing: "Nevertheless, if someone actually considers the future possibility of sinning and seriously detests sin from a universal motive, it will scarcely happen that he fails to elicit an explicit act of purpose. ... By a certain natural necessity this act will follow unless someone positively resists. But one who positively does not wish to make a purpose scarcely seems capable of having a serious will not to sin henceforth" (De Poenitentia, no. 117, Freiburg im Breisgau, 1920, p. 70).

2. Accidentally, a formal purpose is not required, but a virtual one suffices, as the arguments adduced for the second opinion show. This is verified only in a case, either inherent in human weakness or independent of human freedom, in which a person is so distracted by the very movements of his mind, whether natural or supernatural (for example, because of danger of

death, or a perplexing examination of conscience, or vehement detestation of sins committed), that he does not think at all about future life.

3. This opinion is not only true, but also traditional among theologians. Accordingly, it must be denied that the first and second opinions, as attributed to the theologians in question, were ever held by them absolutely and simply; or that those theologians ever taught that a formal purpose is so necessary that a virtual one does not suffice in the case of lack of attention to future life; or, conversely, that a virtual purpose is so sufficient that, in a case where future life is considered, a formal purpose is not required.

Let some names be given of those who are usually cited for one or the other position.[67]

THE OLDER THEOLOGIANS, as Bellarmine and Suárez admit, do not even distinguish between a formal and a virtual purpose; and what Bellarmine rightly infers from them, that they "indicate quite clearly that they are speaking of the formal purpose," does not prove that they thought a formal purpose so necessary that a virtual one did not suffice in a case of inadvertence, just as, from the asserted necessity of contrition, namely formal contrition, it does not follow that virtual contrition contained in charity would not suffice.

[67] Compare the texts from various theologians in the annotations to no. 450 of St. Alphonsus's Theologia moralis (Le Noir ed.), and also in Ballerini's annotations to Gury, no. 462.

As regards ST. THOMAS, from what was related above (Article 13, Vol. I, pp. 345, 350, 354 ff.), his teaching on the accidental or indirect habitual disposition to the very act of contrition, considered especially in conjunction with his principle "A man is excused from a duty by inability," certainly implies that although a formal purpose is owed, nevertheless because of an inability to elicit it, namely on account of lack of attention to the future, a virtual purpose suffices.

The following words of the holy Doctor concerning the necessity of sorrow for each individual sin may be applied proportionately to the necessity of a purpose: "Forgetfulness can occur in two ways: either so that something passes completely out of the memory, and then one cannot inquire into it further; or so that something has partly passed out of the memory and partly remains, as when I remember having heard something in general but do not know what it was in particular; and then there is need to examine the memory in order to recall it. And in the second way also some sin can be forgotten in two ways: either so that it remains in the memory in general but not in particular, and then a man must reconsider it in order to discover the sin, because a man is bound to be contrite specifically over each mortal sin. But if he cannot discover it, it suffices to be contrite over it according to what remains within his knowledge; and a man must grieve not only over his sin, but also over his forgetfulness of it, which occurs through negligence" (IV Sentences, distinction 17, question 2, article 2, quaestiuncula 3, ad 2).

CAJETAN, in the Summa under the word "Confession," no. 12, seems to deny the absolute necessity of a formal purpose. In his Quaestiones de Contritione, question 1 (Leonine edition, no. 3), he does not say that it is necessarily required, but merely affirms that in perfect contrition an "explicit" purpose is required, whereas in attrition it is sufficient to have a purpose "confusedly," "insofar as it includes not sinning in the will and the near future and the whole time of life." In that passage (although somewhat obscurely), Cajetan does not at all broach the present question; but, having

assumed the necessity of a purpose in general, he explains how contrition and attrition differ according to an explicit purpose and a confused purpose.

VALENTIA, De Poenitentia, disputation 7, question 8, point 6: "I assert that by the same precept by which someone is bound to perform true penance, he is also bound to have an explicit purpose of not sinning henceforth. So also Ruard Tapper ... The first assertion is proved from Scripture. ... What Major and Medina assert for their opinion proves only that this expressed purpose is not necessary, even as a means, for justification; and that sometimes a sinner can be justified with only an implicit purpose, which would be contained in the detestation of past sin itself: namely, outside the time of the precept, or even in the time of the precept, if someone is suddenly prevented by an unforeseen event from thinking about the future."

BONACINA, disputation 5, section 1, point 8, after expressly reporting the two opposed opinions (as he could), concludes: "It is probable that for contrition an implicit purpose of avoiding sins in the future suffices, and that an explicit one is not required. The reason is that a case can arise in which someone detests sins above all things, yet gives no thought to avoiding them in the future. But such a person is said to have an act of contrition without an explicit purpose; therefore an explicit purpose of avoiding sins in the future does not seem to be required for contrition."

HENRIQUEZ, De Poenitentia, book 1, chapter 24, no. 2: "As an explicit act of faith in Christ and formal sorrow are necessary, so too a formal, firm purpose of amendment and of avoiding every avoidable sin seems to be necessary as a means. Yet it can and does happen that someone who is not justified remembers the necessity of having a purpose, and nevertheless knowingly omits to have a formal purpose, although he has one; for in a case of inadvertence, or when he does not at all remember future life, as happens at the point of death, he may have true love and contrition, excluding every virtual affection for sin, and be justified without the aforesaid formal purpose; because it is sufficiently included in what he does not recall. Since penance concerns past sins, it includes formal sorrow more than purpose."

THE SALMANTICENSES, disputation 8, doubt 11, no. 284: "In order that the will may elicit a formal and explicit purpose of not sinning in the future, it is necessary that the understanding expressly propose to it the object of such an act. For since the will can turn towards nothing unless preceded by the knowledge of the intellect, it cannot exercise any act regarding an object which the intellect does not know and, in apprehending it, does not propose to the will as something to be loved. Yet sometimes, with some accidental circumstance preventing it, the will is perfectly contrite even though the object of the formal purpose is not expressly represented to it by the understanding. Therefore in such a case there will be perfect contrition without a formal and expressed purpose. The minor premise, in which alone lies the difficulty, is established by natural forgetfulness or invincible ignorance of such a purpose, which frequently occur; and also when someone is suddenly struck by death, as not seldom happens, and, knowing nothing of the future life of this world, to which he has no hope, lest any thought of it should come to his mind, is occupied only in grieving over past sins and being contrite over them. Therefore in such a case it does not even occur to the mind expressly to resolve not to sin henceforth. Further, intense love of God can so take possession of the will that it leaves room for no other act, nor does it propose any object besides God to the intellect, as often happens in raptures. Likewise, a burning sorrow and a suddenly arising act can forestall the senses

with vehement love of divine goodness and sorrow conceived for past offence, so that through natural forgetfulness it does not think of the object of an explicit purpose of avoiding future sins."[68]

[68] Cursus theologicus, vol. 20, p. 463.

CONCINA, book 2, dissertation 1, chapter 8, no. 11, condemns as "openly false" the opinion concerning the sufficiency of a virtual purpose, yet immediately adds: "It can nevertheless happen that a penitent be seized by vehement sorrow in such a way that he does not think of a purpose; and if he considered it, he would conceive the firmest resolution not to sin henceforth. Our present discussion concerns cases that occur ordinarily and commonly, not some rare and sudden case."

SUÁREZ is undeservedly cited by St. Alphonsus in favour of the first opinion, as is evident from his own words quoted above.

SPORER, part 3, chapter 2, no. 318 ff.: "For contrition or attrition justifying in the Sacrament of Penance, especially as a regular rule, a formal and expressed purpose of not sinning mortally henceforth is required. Thus the Doctors cited teach; all of them advise it unanimously. And the clear reason is ... that if a penitent conceives an absolute purpose of abstaining from all mortal sins, it is a sign of his sorrow in general not merely being about each and every sin, and therefore of his having a sufficient disposition for receiving the grace of the sacrament. For this reason the Doctors, some of whom require a formal purpose of avoiding sins for the justification of the sinner, while others say that an implicit one included in the detestation of sins itself suffices, can be reconciled. Thus Laymann wisely says: 'Nevertheless I said: as a regular rule.' For ... even in the Sacrament of Penance, for the justification of the sinner, sometimes an implicit purpose included in attrition itself suffices, without a formal, expressed purpose of not sinning again; and that chiefly in two cases. The first occurs (as often happens in the sacrament) when the penitent is so absorbed and engulfed in sorrow over his previous sins that no thought of the future life to be undertaken or amended occurs to him, and accordingly neither does he have the time during the entire confession and absolution to elicit the purpose. The second, and more frequent, case occurs when there is already an inevitable danger of death, and no further possibility remains of falling again into sins. Why, then, should the confessor exhort such a person to elicit a purpose, or an absolute or even a hypothetical or conditional resolution (on the impossible condition of escaping death) not to repeat those sins? For who would not understand with Gobat, who expressly says: Do you not so detest your past, filthy sins, thefts, fornications, etc., that if God granted you life for many or few years, you would never repeat them, or would wish to fall again into such foul and displeasing sins before God?"

ST. ALPHONSUS adheres, as the more probable, to the opinion which denies that a formal purpose is necessary in every case, and explains it as follows: "Let it be said that if the penitent thinks of future life, he ought formally to purpose amendment," because (according to the Council of Trent) everyone through penance must begin a new life. Hence that penitent does not seem to have sufficient sorrow who, thinking of future life, does not expressly resolve to amend" (no. 450).

ALL MODERN AUTHORS, not excepting Noldin himself, cited above, say that although a virtual purpose suffices, nevertheless he who thinks of future life must elicit a formal purpose; otherwise he would give a sign of contrition that is neither sincere nor efficacious. Some add that this is necessary either by some practice, or psychologically, or by a natural necessity.

From these things it follows that, on this matter, there is no essential or practical disagreement among theologians, but only a speculative disagreement, namely over the correct and formal way of reconciling the necessity of a formal purpose with the sufficiency of a virtual purpose.

For all admit that, in the case of lack of attention to future life, a virtual purpose suffices (nor did any of the older authors affirm the contrary); and morally all admit that, in the case of attention—which is the common case —a formal purpose is required. One or another, such as Noldin and Pesch, who attempt to deny this speculatively, nevertheless affirm in their opinion (even if unwillingly) the practical necessity of a formal purpose in that case. Nor indeed can that singular and impossible opinion be called a disagreement of theologians. The disagreement comes down to this (although different authors propose it in different ways): whether, on that account, it ought to be said that a virtual purpose suffices of itself and a formal purpose is required accidentally, or that a formal purpose is required of itself and a virtual one suffices accidentally. But only this latter speculative consideration is legitimate and reasonable, when the teachings of faith, the tradition of theologians, and the nature of the matter itself are taken into account, since only exceptional cases are brought forward for the sufficiency of a virtual purpose. Hence the theologians of later times, had they followed the sobriety and gravity of the older authors, would have abstained from stirring up this controversy.

4. From what has been said it follows that, as regards practice, diligent effort must be made to elicit a formal act of purpose, not merely because it is better, but because it is necessary both by the nature of the thing and by the consequent implicit precept. This effort and diligence, however, concern not so much the eliciting of that act itself (for, as has been said, it necessarily flows from the detestation of sin when there is attention to future life) as the attention or consideration of future life itself and the removal of causes that could distract the mind from it. The same applies to the obligation to posit a formal act of contrition, virtually contained in an act of charity.

Moreover, since it is certain that in the aforesaid case of lack of attention to future life a formal purpose is neither required nor possible, it is evident that in that case penitents are not to be obliged to repeat their confession, which was valid, fruitful, and efficacious. They are only to be reproved for the negligence, if any, that may have caused that lack of attention and admonished to exercise greater diligence in future. In this sense a certain difference of judgment as to the practice of confessors, observed between St. Alphonsus and some others and the more numerous moralists, especially modern ones, can in some way be mitigated and reconciled.

For the latter, taking more lightly the force of so many theologians' affirmations concerning the true and direct necessity of an explicit purpose, commonly hand down the following rule: "In practice, therefore, (a) before confession penitents are to be exhorted to an explicit purpose, for greater security and certainty concerning their own disposition; (b) after confession has been made, if the purpose was not explicit, they are not to be troubled." The latter words should be interpreted as follows: they are not to be troubled to the extent of being obliged to repeat their confession; but they are to be troubled insofar as they are reproved for the negligence which may have caused the omission of an explicit purpose, and admonished to greater diligence in future.[69]

[69] Merkelbach, Theologia moralis, vol. 3, no. 487, p. 427.

St. Alphonsus, however, attributing excessive weight to the aforesaid assertions of the older theologians and considering that the first opinion concerning the absolute necessity of a formal purpose had truly been the meaning of those Doctors—and even of Suárez himself—logically concludes that it should be followed in practice because of at least its extrinsic probability, and refuses to accept the aforesaid rule concerning the simple omission of repeating a confession.

On this matter he himself says: "These last two opinions are indeed the more probable. But because the first does not lack its own probability, it is safer in practice to follow it before the fact; as Bonacina and Croix rightly say. I say: Before the fact. For Croix, Viva, Elbel, Gobat, and Bonacina with Bellarmine, Suárez, Vásquez, Reginald, and Henriquez say that if, in good faith and with true sorrow, you have confessed without a formal purpose, you are not bound to repeat the confession. Because, even though according to the more common opinion it is not lawful to expose the sacrament to the danger of frustration on the strength of an opinion that is not morally certain, nevertheless you are not bound to repeat the confession if you have already confessed probably validly, since the earlier danger no longer exists. Nevertheless I cannot accept this opinion even in this case. The reason is that, since the first opinion is sufficiently probable, a penitent who has certainly committed a grave fault is bound to explain that fault in a confession not only probably, but also certainly valid."[70]

[70] Theologia moralis (Gaudé ed.), vol. 3, no. 450, Rome, 1909, p. 455.

Conclusion 8. Salutary contrition must be universal on the part of its object; that is, it must extend, at least virtually, to all and each of the sins committed, both under the generic aspect of sin and under the specific and numerical aspect of the individual sins (q. 86, a. 3; q. 87, a. 1; Suppl., q. 3, a. 3; I–II, q. 113, a. 5, ad 3; In IV Sent., dist. 17, q. 2, a. 2, qu. 3, ad 2; q. 2, a. 2, qu. 6; De Veritate, q. 28, a. 5, ad 3 and 4).

Proof by parts.

FIRST PART. For contrition to be salutary, it must be UNIVERSAL, that is, extend at least virtually to all and each of the sins, so that sorrow over one sin, with no sorrow in any way over another, does not suffice to obtain remission even of that one sin, even if this occurs through inculpable forgetfulness of the other.

The contrary, singular opinion belonged to certain medieval theologians, whom Peter Lombard mentions and refutes at length, writing: "By the aforesaid authorities ... the opposition of those is destroyed who assert that one who is bound by several sins can truly repent of one and obtain its pardon from the Lord without repentance for another. They even endeavour to establish this by authorities. For the prophet Nahum says, chapter 1: 'God will not judge twice for the same thing'; or, as others have translated it, 'A double tribulation shall not arise.' If, therefore, they say, someone has confessed to a priest one of two or more sins and has fulfilled the penance enjoined by the priest in satisfaction for it, the others remaining unspoken, he is not to be judged again for that sin for which he has made satisfaction at the discretion of the priest, who holds Christ's place in the Church. Thus, if he is judged again for it, God judges twice for the same thing and a double tribulation arises" (Sentences, book 4, distinction 15, no. 1; M.L. 192, 872).

This assertion, most commonly held and certain among theologians, is proved first from the sense of Tradition founded upon Scripture:

Isaiah 38:15: "I will recall before thee all my years in the bitterness of my soul"; 43:25 ff.: "I am he who blots out thy iniquities for my own sake, and thy sins I will not remember. Bring me to

remembrance, and let us be judged together; declare if thou hast anything whereby thou mayest be justified."

Ezekiel 18:21, 30–31: "But if the wicked man do penance for all his sins ... he shall live. ... Be converted and do penance for all your iniquities, and iniquity shall not be your ruin. Cast away from you all your transgressions ... and make yourselves a new heart and a new spirit: and why will you die ...?"

Chrysostom, On the Epistle to the Hebrews, chapter 5, homily 9, no. 5: "What pardon shall we obtain if our sins do not even come into our minds? For if this were so, everything would be accomplished. For just as he who has entered by the door is inside, so he who considers his own evils, if he reckons them daily, will certainly come to their cure; but if he merely says, 'I am a sinner,' and does not consider or reckon them according to their kinds, and does not say, 'I have committed this sin and that,' he will never cease, always confessing indeed, but taking no care for correction" (M.G. 63, 81).

Gregory the Great, Moralia, book 4, chapters 14 ff., acknowledges salutary repentance "when with weeping we pursue whatever we have sinned in the heart ..." and when "we strike by penance everything in which we have offended" (M.L. 75, 651 ff.; cf. ibid., book 4, chapter 17 and book 8, chapter 16, where there is a discourse on the enumeration of evils and their careful examination).

Pseudo-Augustine, Book on True and False Penance, chapters 9 and 24: "There are many who repent of having sinned, but not wholly, reserving for themselves certain things in which they take delight; not observing that the Lord delivered at once the deaf and dumb man from the demon (Matt. 12:22), thereby teaching us that we are never healed except of all our sins. For if he had wished sins to be reserved in part, he could have profited the man who had seven demons by expelling six. But he expelled seven, to teach that all crimes must be cast out at once. And when he cast the legion out of another (Luke 8:30), he left none of all those by whom the man was possessed, showing that even if sins are a thousand, one must repent of them all. The Lord is also praised for having spoken after casting out the demon from the mute man. He never healed anyone whom he did not altogether deliver. For he healed the whole man on the sabbath, because he freed both his body from infirmity and his soul from every contagion: indicating that the penitent must grieve at once over every crime that has arisen in soul and body. For I know that God is the enemy of every criminal; how, then, would one who retains a crime receive pardon for another? No one has ever found grace without the love of God by which he obtains indulgence. For he is an enemy of God while he perseveres in offending him. Indeed, it is the impiety of unbelief to hope for pardon from him who is just and justice itself. For it would already be to find grace without penance" (M.L. 40, 1121).

A twofold reason clearly shows the same thing.

FIRST, the very notion of "salutary." For salutary contrition is that which disposes to the remission of sin; but one sin cannot be remitted without another, because sin is remitted through the infusion of grace, and grace cannot be infused if even one mortal sin remains in the soul, which is a form opposed to it. Yet sin remains in the soul for which a person is not contrite, since without penance no sin is remitted. Therefore contrition cannot be salutary unless it is universal (cf. below, Articles 61 and 84).

SECOND, the very notion of contrition, especially salutary contrition, shows it. For contrition is detestation of sin under the aspect of sin, or of an offence against God; but the character of offence against God is found in all sins. Therefore he who truly and salutarily grieves over one sin necessarily grieves universally over all, at least virtually (q. 86, a. 3, cited in Article 23, p. 23 ff., where it was said that sorrow which is not universal does not even deserve the name of attrition properly so called).

SECOND PART. Contrition must reach all sins under a universal motive, that is, under the GENERIC ASPECT OF SIN itself.

Otherwise it would not be sorrow over sin as such, and therefore it would not be salutary or dispose to the exclusion of sin.

Unless they are understood in this sense, the following three ways of speaking employed by some theologians must be rejected; these theologians seem to teach that contrition arising from a particular motive can be sufficient under some aspect.

SOME seem to say that if anyone, forgetful of certain sins, is contrite for only those sins of which he remembers, from particular motives, that is, from special abhorrence of the malice of those sins, yet intending the malice of sin as such, his contrition is sufficient because it is virtually universal: either on the part of the purpose, which is presumed to be universal and reaches the exclusion of all sins, or on the part of the sorrow itself, because through it he intends a reconciliation with God, to which all sins are opposed. This opinion, which some attribute to Vásquez, Elbel, and Palmieri, is false as it sounds. For a universal purpose does not make the sorrow itself universal, since a person can have a purpose of abstaining from sin not from detestation of sin but for some other cause; and contrition itself, which properly arises from a particular motive, in no way virtually contains universality. Nor does the end of reconciliation with God render it universal, except insofar as this is joined with the intention of removing offence against God as such, which is joined to the general motive itself and therefore destroys the very notion of particular contrition.

OTHERS, such as Gury, Galtier, Hervé, Génicot, and Cappello, say that contrition is sufficient if it in fact reaches individually all the particular forms of malice of the individual sins, because thereby it becomes universal in fact. Thus Gury: "Universal [contrition] ... must extend to all grave sins, whether from a universal motive or from several particular motives which, taken together, extend at least to all the mortal sins committed, including those which do not come to mind."[71] Nevertheless, for salutary contrition it does not suffice that there be a certain improper universality of totality and aggregation; rather, universality properly so called is required, arising from a universal motive, or from detestation of sin as such, which is the proper object of contrition.

[71] Theologia moralis (Ferreres ed.), vol. 2, no. 449, Barcelona, 1913, p. 287.

SOME say that contrition arising from a particular motive suffices in the case where a man has committed only one sin, for by that very fact his contrition is universal. Nevertheless, this opinion labours under the same defect.

THIRD PART. Salutary contrition, under the aforesaid universal consideration of sin as sin, must extend to the very SPECIFIC AND NUMERICAL ASPECT OF SINS: not indeed by as many distinct acts of sorrow as there are sins, but at least by one act through which all sins are reached at least virtually, indeed formally in themselves, and more probably formally and distinctly. From this follows

an obligation, to be fulfilled in a human manner, of formally and, more probably, distinctly recalling the sins, so that one may be formally and distinctly contrite for them.

On these points theologians do not entirely agree, especially concerning the necessity of distinct contrition. Some confusion is observed both in proposing the question, in resolving it, and in understanding or attributing to others the opinion which each attacks. Thus it is worth attending to Suárez and the Salmanticenses themselves, who discuss this matter at greater length.

For some appear to speak of contrition in relation to confession, while others abstract from confession. Some speak of contrition in the present state, in which it is connected with confession; others consider it in itself and in every state. Some distinguish between confused formal contrition and distinct formal contrition,[72] whereas others seem to take both together as the same, in opposition to virtual contrition. Some seem to pose the question of the necessity of being distinctly contrite where a distinct recollection of sins is present; whereas others seem directly to pose the question concerning contrition itself and the consequent obligation of distinctly recalling sins, precisely so that one might be distinctly contrite for them. Still others mix both questions and pass from one to the other in disputing.

[72] Some authors, such as Noldin and Merkelbach, express these forms of contrition with the terms "implicit and explicit universal contrition."

FIRST, therefore, we say that, for contrition to be universal and salutary, it is sufficient that it extend by ONE ACT to all sins; nor is it necessary that there be elicited as many distinct acts of contrition as there are sins, from which universal contrition would be formed as though by coalescence.

For neither faith, which demands penance and not penitences, nor reason, requires this of a good and salutary act: since on the one hand all sins can be detested by one and the same simple act, whereas on the other hand it would be impossible to elicit several acts simultaneously, and to do so successively would often be difficult, since a man would not be justified in a short time and could sometimes be in danger concerning salvation, particularly when danger of death is pressing. Hence the contrary opinion, which some attribute to certain older authors, is rightly rejected by the common school.

For this opinion Suárez (Disputation 4, section 6, no. 1) cites Sylvester, Angelus, and Cajetan (who, Suárez says, requires individual attritions "at least in relation to confession"). But Cajetan explicitly teaches quite the contrary, writing: "When it is asked whether [contrition must be] concerning each [sin] individually, and so on, the reply is that this can be understood in two ways. Either that each sin individually must have its own detestation, so that as many sins as there have been, so many detestations and satisfactions must exist. And this is ridiculous to assert, since not even in confessing is it necessary to have as many acts of confession as there are sins. For it happens that in one act one confesses a thousand fornications. Or that each sin should terminate the detestation or satisfaction. And this is the sense of the text. Thus, just as when in confession the sinner says, 'I sinned a thousand times in fornication,' that single act of confession is actually terminated at the individual thousand fornications, so also interior acts, when a thousand fornications displease the sinner, actually detest them individually by that one and same act. And it is to this that the diligent inquiry for remembering, mentioned in the letter, is directed. For forgotten sins, or those which do not come to mind, just as they are not actually before the sinner's mind, so neither do they actually terminate

his detestation or displeasure. And the lack of this actual termination is supplied, for the sake of obtaining full remission, by universal displeasure, detestation, and satisfaction, which virtually include the satisfaction that is owed in this way for those sins which do not come to mind" (On q. 87, a. 1, Leonine ed., no. 3). He teaches precisely the same thing in the Questions on Contrition, question 2; nor does he teach the contrary in I–II, q. 113, a. 5 (Leonine ed., no. 6), by which passage Suárez was perhaps misled.

SECOND, we say that of itself contrition must extend, AT LEAST VIRTUALLY, to all sins according to their specific and numerical aspect, so that it is not of itself sufficient to say in general "sins"; rather, the intention of the one sorrowing must be directed in some manner to each individual sin.

For the aspect of offence against God, which contrition regards, extends in fact to all and each of the sins according to their specific and numerical aspect. In sins of impurity, homicide, theft, and the like, the very aspect of impurity, homicide, and theft is essentially an offence against God; hence universal contrition must necessarily extend to the specific and numerical aspect of all sins, so that a man, just as he has sinned in all through his intention, may also withdraw them all through his intention.

We say, however, "of itself"; for if someone, for various reasons, does not even think confusedly about the plurality of his sins, or even before thinking about them directs his sorrow to the general aspect of sin itself of which he is conscious, saying, "I repent of having sinned," his contrition is salutary, because it contains the aforesaid universality in desire; and this, when the occasion is given, ought afterwards to be fulfilled by universal contrition in reality.

THIRD, we say that of itself contrition must extend to all sins FORMALLY, AT LEAST CONFUSEDLY, so that a man is bound to direct his detestation, at least in a confused manner and under the aspect of plurality, to all his sins. It is not enough that he should wish formally to detest only one and should have toward the others only that virtual detestation which is necessarily included in sorrow over one sin under the general motive of offence against God.

The reason is that a man has formally offended God in each sin, and has offended God several times in several sins; therefore he ought formally to repent of each and of several. We say, however, "of itself," because if thought of the other sins does not occur, contrition concerning one from a universal motive suffices, with a desire to be formally contrite concerning the others when thought and occasion are given, as was said in the preceding resolution.

Suárez explicitly attributes the contrary opinion, which certain moderns such as Noldin, Merkelbach, and Cappello seem to hold, to Medina, and refutes it effectively as follows:

"Authors dispute whether one who has committed several sins, and actually thinks of them, can formally detest one by true contrition without thereby detesting another. Medina affirms it, because a man is not bound to detest his sins actually as often as he thinks of them; therefore he can lawfully detest one and not another formally. Therefore he can also do this from the motive of contrition, because no repugnance exists. Just as he who actually considers several truths of faith can actually exercise assent concerning one and not concerning another. Corduba holds the contrary. And the latter appears to me more probable, on the principles we have laid down, and Medina admits them.

"For formal penance for all sins is, speaking of itself, a necessary means for justification. Therefore whenever a man can have this formal penance and is, as it were, in proximate preparation for having

it, it is not enough that he should have it virtually, or in desire alone, since he can easily have it explicitly. But in that case the man can easily detest those sins formally; therefore, if he wishes to be justified, he ought to have formal contrition for all. Therefore he cannot have contrition for one only, because through such contrition he would not be justified. Wherefore, although a man is not absolutely bound to detest sins actually whenever he thinks of them, nevertheless, on the supposition that he effectively wishes to destroy any one of them and expel it from himself through justification, it is necessary that he grieve over all; and in contrition this efficacious intention is included either formally or virtually. Therefore by its force he cannot separate, so to speak, contrition for one sin from formal contrition for the others, unless through lack of consideration or some ignorance equivalent to it"[73].

[73] De Poenitentia, disputation 4, section 6, no. 18, Opera omnia, vol. 22, Paris, 1866, p. 94.

The Salmanticenses observe: "Nor for this reason do we deny that supernatural attrition from a particular motive [for example, from the baseness of impurity, presupposing, however, the intrinsic and in itself universal motive and object of offence against God as such] can suffice in some case. But we acknowledge no case other than that in which the penitent would know with certainty that he had no other sin except that over which he grieves, for example, homicide. Such certainty, however, cannot be obtained from any other source (at least during the course of life, and long after the beginning of the use of reason) except divine revelation, as will be clearer from what is shortly to be said. Supposing such a revelation, we plainly admit that the penitent could confess the homicide with sorrow restricted to its own malice, since he has no other sin. And the sacrament would be not only valid but fruitful, as the same reasoning establishes: for, given infallible knowledge of the nonexistence of another sin, that supernatural sorrow, though restricted, would suffice both as a part for the validity of the sacrament and as a disposition for its fruit. Therefore, in our considered corollary we said that sorrow from a particular motive does not suffice, speaking of itself, and so forth. But this case of revelation is accidental and one of those things that occur rarely, and hence is to be omitted in a doctrinal resolution."[74]

[74] De Poenitentia, disputation 7, doubt 2, section 2, no. 81, Cursus theologicus, vol. 20, Paris, 1883, pp. 103 ff.

FOURTH, we say that, more probably, contrition must of itself extend to all sins FORMALLY AND DISTINCTLY, so that a man is bound to direct his detestation to individual sins insofar as they are distinct, or to grieve not only that he has sinned several times, but that he has committed this sin or that sin.

This—on which the principal disagreement of theologians turns—is denied especially by Cajetan (Questions on Contrition, question 2; On III, q. 87, a. 1; cf. On I–II, q. 113, a. 5, ad 3), Suárez (Disputation 4, section 6, nos. 8 ff.), and St. Alphonsus (no. 438), who directly propose and discuss the matter. In favour of the same opinion are cited Major, Vitoria, Vega, Navarrus, Vásquez (On q. 86, a. 2, doubt 7), Lugo (Disputation 5, section 7, no. 90), Martin and Peter Ledesma, Peter Soto, Bonacina, Diana, and Aversa. To these can be added several modern moralists, although it is not sufficiently clear whether they agree rather with the preceding opinion just expounded.

Several, however, add that a distinct recollection of sins is necessary in certain cases, not by reason of contrition itself, namely, as distinct contrition, but in relation to some future effect, or to the fulfilment of certain obligations which depend upon the future. Thus Suárez (loc. cit., nos. 11 ff.),

who adduces four cases: one pertaining to the state of the new law, and three pertaining to every state and law, namely, the obligations of distinct confession, of making restitution, of removing some impediment to avoiding sins in the future, and of satisfaction for the debt of punishment.

The reason for this opinion is that the necessity of distinct contrition cannot be established on any ground.

For, in the first place, the very nature of contrition does not demand it, since by a general and confused detestation all sins are reached. Moreover, if the recollection of sins in the intellect had to be multiplied, by the same reasoning the detestation of them in the will would also have to be multiplied, so that as many acts of contrition would have to be elicited as there are sins.

Nor does the nature of reparation and satisfaction demand it, since by a general detestation sufficient compensation is made for all sins, for God, who looks upon the heart, does not weigh how much or how many things, but from how much is offered. Thus of Magdalene it is written that her many sins were forgiven her "because she loved much" (Luke 7:47); it is not said, "because she was displeased with many things."

Neither does the necessity of distinct confession demand it, nor does analogy with the very precept of distinct confession; for the ground of confession is different from that of contrition. First, contrition can be salutary apart from confession; secondly, distinct confession does not require that it be informed by distinct contrition; thirdly, distinct confession is required by the nature of a sacramental judgment, which must be exercised by the human minister only through a distinct knowledge of the cause. Such a consideration has no place in contrition, insofar as it is referred to God, who looks upon the heart and searches the mind.

Nor does the reason of punishment and correction demand it, although these require a man to recall distinctly the things that ought to be punished and corrected. For a man can punish his sins as much as he wishes without thinking distinctly of each one; and the correction to be made is not always urgent, but only in certain cases (mentioned above), in which, accordingly, the necessity of distinct recollection does not concern contrition itself, but is concomitant with it.

Nor do the testimonies of Scripture and the Fathers, brought forward in the first part, demand it; for they require a certain universal contrition, but either express nothing concerning its distinct or confused manner, or propose that which is more virtuous and better; or, if they sometimes inculcate the very necessity of a distinct recollection of sins, they mean it of certain cases and in relation to some future effect, as was stated above.

Nor is it demanded by the common opinion of the ancient theologians; for it is not established concerning several whether they are speaking of contrition considered in itself or in relation to confession. Moreover, St. Thomas himself at times (De veritate, q. 28, a. 5, ad 3) seems explicitly to deny the necessity of distinct contrition.

Furthermore, a distinct consideration of sins is required neither before contrition, for salutary contrition can be elicited at any moment (cf. Ezek. 18:21, 27; 33:12), whereas a distinct examination of sins requires no small amount of time; nor at the very moment of contrition, because at that moment a distinct recollection of several sins is morally impossible, owing to the difficulty of attending simultaneously to many objects; nor after contrition, since if it is not required before or at

that very moment, still less is it required afterwards. Thus it is in no way required. Nor is there any point in appealing to the necessity of distinct contrition *in desire*, such that contrition without distinct thought should be valid with an implicit desire to make a distinct consideration and contrition later at a suitable time; for such a necessity cannot be proved from any precept, whether natural or positive (cf. Cajetan, loc. cit., and especially Suárez, loc. cit., nos. 9–11).

On the other hand, MANY ANCIENT DOCTORS affirm the opposite (Suárez himself acknowledging that this was "the common opinion of theologians," although he adds that "not all explain sufficiently whether they speak of contrition considered in itself or in relation to confession; yet they appear to speak in the former manner"), as do several later doctors. In support of this opinion are cited St. Thomas (see the texts below), Alexander of Hales, Bonaventure, Richard, Durandus, Innocent V, Biel, Paludanus, Angelus, Sylvester, Adrian, Cano (De poenitentia, part 3), Soto (On IV Sent., dist. 17, q. 2, a. 3), Medina (Codex de poenitentia, treatise 1, chapter 3), Ruardus, Nugnus, Prado, the Salmanticenses (Disp. 7, dub. 2, § 3, no. 87), and Billuart (Disp. 4, a. 2, at the end).[75]

[75] Modern authors scarcely touch this question, and those who refer to it in passing seem inclined toward the preceding opinion, which denies the necessity of formal contrition itself concerning all sins, even confusedly.

Their reasons are those which we have just heard refuted by others, namely:

The very nature of CONTRITION requires that it be distinct, that is, concern distinct sins. For contrition is a movement of conversion to God by which aversion from God is taken away; but by each sin a distinct aversion from God has been made; therefore contrition ought to regard each sin distinctly.

It is no valid objection that from this reasoning there would also follow a necessity of eliciting as many acts of contrition as there are sins, and that accordingly nothing is established by it because it proves too much. For, by reason of the different character of their terms, conversion to a mutable good, in which sin consists, and conversion to the immutable good, namely God, in which contrition consists, do not stand in precisely the same relation. Sin is a departure from the immutable good, which is one, and an approach to a mutable good, which is manifold. Accordingly, although from the term *from which* all sins have one malice opposed to the divine good, nevertheless from the term *to which*, which directly specifies the act, sins—or conversions to mutable goods—are multiplied. Conversely, contrition is a departure from a mutable good, which is manifold, and an approach to the immutable good, which is one. Thus, although on the side of the term from which it entails a distinct withdrawal from several things, nevertheless on the side of the term to which it is specified by one thing, so that even if several distinct acts of contrition are posited, their distinction is only numerical, not specific, as the distinction of sins is. From this both points are understood: namely, that contrition must concern distinct sins (as terms from which the conversion proceeds), and nevertheless need not necessarily consist in distinct acts of conversion.[76]

[76] Cf. On IV Sent., dist. 17, q. 2, a. 2, q. 6, ad 2; III, q. 86, a. 3, ad 3.

The reason of SATISFACTION likewise demands this very thing. For distinct sins are distinct ways of violating divine right, and therefore require distinct reparations of that right. Such reparation, however, consists in the very act of contrition, as was stated in Article 13. Therefore there is required a reparation through a distinct act of contrition—distinct, namely, on the side of the sins from which a man withdraws by recalling and detesting them, but not on the side of the very act by which he

withdraws from them; for on this side there can be no more than a numerical and individual distinction, which is in no way necessary, since, according to the philosophers, individual things are not necessary.

The reason of the connection and analogy between CONTRITION AND CONFESSION urges the same thing. For, once the necessity of distinct contrition is posited, its intimate relation to confession is better understood than is its adaptation to confession as something imposed from outside. Likewise, the ground of the obligation of distinct confession is better understood, for it is required by the judicial character of this sacrament. This sacrament is not merely a judgment, but also penance, that is, a penitential judgment, in which the sinner himself, as witness and accuser of his own offence, brings forth externally, under judicial form, his internal penitential examination.

The argument is strengthened by considering the manifold reasons for which distinct confession was instituted, which can be applied proportionately to contrition. The reason for the necessity of distinct confession is that sins must be brought before a priest, who as judge must judge both their gravity and the fitting satisfaction to be imposed for them, and as to the reparation or compensation of the neighbour's right which must be made; and who as physician must assign suitable remedies against any disease whatsoever and appropriate precautions lest the penitent fall again. Now, in contrition itself, considered in itself and apart from confession, the same reasons hold proportionately. For a contrite man is in a certain manner his own judge and physician, since by natural law he is bound both to punish the fault committed within himself, or to offer satisfaction to God for sin and to repair an injury perhaps inflicted upon his neighbour, and to provide suitable remedies for himself against the weakness of sin and its return. None of these things can suitably be done without a distinct recollection of sins, or without contrition concerning distinct sins.

The reason of PUNISHMENT AND CORRECTION therefore demands the same thing.

The reason from which our opponents infer with us that contrition must extend to each and every sin, at least confusedly, or rather at least virtually, is the very distinction and plurality of sins, which calls for the aforesaid extension in contrition itself, as a movement opposed to sin. Now this consideration either proves also the necessity of a distinct extension, or proves nothing—not even the necessity of a confused or virtual extension—so that we should have to assert only the necessity of that universal contrition which is expressed by the word "I have sinned," without any reference to individual sins.

Especially against the opinion so explicitly proposed by Suárez, we say that there would appear to be no reason why we should have to be contrite over sins as several, confusedly, rather than be content with contrition by which we formally grieve for only one sin under a universal motive, through which the other sins are regarded indirectly. Therefore modern authors who oppose our opinion naturally and logically incline towards this latter opinion, having abandoned the opinion of Suárez; although, as has been said, more consistently still they ought to pass over entirely to that opinion, explicitly proposed by no one, which denies the necessity of any extension of contrition to individual sins according to their specific and numerical aspect. Suárez, while proposing this difficulty to an adversary as if it were extraneous to his own position, writes:

"You will say: [if there is an obligation to be formally contrite for sins in a confused manner] by the same reasoning there will be an obligation to detest those sins when considered in particular and

distinctly. The consequence is denied, because formal penance for all sins is sufficiently had even if they are considered only confusedly and universally; but we have an express precept of formal penance for all sins, not of a distinct and particular penance for all sins, especially since this belongs rather to the intellect than to the will."[77]

[77] De poenitentia, disp. 4, sect. 6, no. 17, Opera omnia, vol. 22, Paris, 1866, p. 94.

Whence Suárez gathers this separation of the precepts we do not see. The aforementioned modern authors could suitably answer that we have a precept of formal penance (as distinguished from virtual penance contained in an act of charity), but that this is fulfilled by the very act of contrition which extends only virtually to individual sins.

To the objection raised by our opponents, especially Suárez, by which they show that a distinct recollection of sins is required neither before, during, nor after contrition, it is answered that such recollection is required for contrition, and therefore at least prior by nature, but in the human manner. In ordinary circumstances, indeed, it precedes contrition in time and unfolds successively, and then, at the moment of contrition, it is morally present, insofar as the contrition concerns all sins previously distinctly recalled and then summarily brought back to mind.

That someone can suddenly be converted without a distinct recollection of sins does not prove that it is not necessary, but only that it is necessary in reality or in desire. Nor must this be deduced directly from some natural or positive precept; rather, it follows from the very necessity of distinct contrition, insofar as this is imposed in a human manner, just as the necessity of Baptism in reality or in desire follows from the twofold truth of the absolute necessity of Baptism and the salutary sufficiency of an act of charity and contrition.

Furthermore, Suárez himself admits the aforesaid necessity *in desire* concerning a confused recollection of sins, writing: "If other sins committed [besides the one which comes to mind] have been forgotten, the matter is also of itself evident [namely, that a man can be justified by formal detestation of one sin alone]; because that man now detests the sins committed so far as he morally can and ought. ... Nevertheless he will be bound, as I think, afterwards to have formal contrition for the other sins, at least by a general contrition. And so the authors cited assert, especially Medina and Corduba, because formal penance for all sins is necessary, speaking of itself; but that contrition which is formally directed to only one sin is merely virtual penance for the others. Accordingly, there always remains an obligation to formal penance for them; and therefore in that virtual penance there is contained a desire for this formal penance."[78]

[78] De poenitentia, disp. 4, sect. 6, no. 17 (cf. no. 18, cited above), Opera omnia, vol. 22, Paris, 1866, p. 93 ff.

The testimonies of SCRIPTURE AND THE FATHERS have a general sound, and it is only an arbitrary restriction of their meaning by our opponents that narrows them in the manner set forth above. Nor is it an objection that in them it is said absolutely that a contrite man is justified immediately on whatever day and at whatever hour he is converted. For this in no way removes the obligation of distinct contrition, but merely shows that it must be understood as necessary in reality or in desire, just as is the necessity of Baptism, the necessity of distinct confession itself, and the necessity of formal contrition. Thus, where on account of sudden or involuntary causes there is universal confused—or even virtual—contrition, a man may be justified within or outside the

sacrament, yet with the implicit desire for universal distinct contrition, to be carried out at a suitable time.

The CATECHISM OF THE COUNCIL OF TRENT (part 2, chapter 5, questions 29 ff.), speaking of contrition considered in itself, and apart from confession itself, interprets the traditional meaning in this manner:

"The faithful must especially be exhorted and admonished to endeavour to apply the sorrow of contrition properly to each mortal crime. For thus Hezekiah describes contrition when he says: 'I will recall to thee all my years in the bitterness of my soul.' For to recall all the years is to examine one's sins individually, so that we may grieve for them in our heart. But in Ezekiel also we read: 'If the wicked man do penance for all his sins, he shall live.' And in this sense St. Augustine says: 'Let the sinner consider the character of his crime, with respect to place, time, diversity, and person. ... Nevertheless, let the faithful not despair in this matter of God's supreme goodness and clemency. For, since He is most desirous of our salvation, He interposes no delay in granting us pardon; but embraces the sinner with fatherly charity as soon as he recollects himself and detests all his sins universally, which afterwards, at another time, if he has the ability, he intends to recall individually to mind and to detest in his heart, and turns to the Lord. For thus does He command us to hope through the Prophet, when He says [Ezek. 33:12]: 'The wickedness of the wicked shall not hurt him, on whatever day he shall turn away from his wickedness.'"

ST. THOMAS by no means favours the opinion that denies this necessity; rather, his words so directly inculcate the affirmative position that the Salmanticenses, more from the doctrine of the Holy Doctor than from the reasons adduced above, are impelled to embrace it. "Nor do we need," they say, "to subscribe definitely to either of those [opinions], especially since both have weighty patrons among the Thomists. ... But, seeking and finding St. Thomas as judge in this cause, we cannot but adhere to the second opinion; because, so far as we understand, he teaches it evidently and deliberately in III, question 87, article 1."[79]

[79] De poenitentia, disp. 7, dub. 2, § 3, no. 87, Cursus theologicus, vol. 20, Paris, 1883, p. 110.

I–II, q. 113, a. 5, ad 3: "In the time preceding justification, it is necessary that a man detest the individual sins he has committed and of which he has remembrance. And from such preceding consideration there follows in the soul a certain movement detesting universally all the sins committed, among which are also included sins handed over to oblivion; because in that state a man is so disposed that he would be contrite also concerning those which he does not remember, if they were present to his memory; and this movement concurs in justification."

III, q. 87, a. 1: "For the remission of mortal sin a more perfect penance is required, namely, that a man actually detest the mortal sin committed, so far as it lies in him; that is, that he employ diligence to remember his individual mortal sins, so that he may detest them individually. But this is not required for the remission of venial sins. Yet habitual displeasure, possessed through the habit of charity or the virtue of penance, does not suffice; for in that case charity would not be compatible with venial sin, which is evidently false. Hence it follows that a certain virtual displeasure is required, for example, when someone is so borne by his affection towards God and divine things that whatever should occur to him which would hinder him from this movement would be displeasing to him, and he would grieve that he had committed it, even though he were not actually thinking about it. Yet

this does not suffice for the remission of mortal sin, except with regard to sins forgotten after diligent inquiry."

Cajetan arbitrarily interprets these words as referring only to "full and regular remission," saying: "The words of the Author are indeed about the full and regular remission of mortal sin, because regularly the remission of mortal sin, as regards both guilt and all punishment, does not take place unless a man, so far as lies in him, detests the individual mortal sins, just as in individual sins he has indulged himself more than he ought."

Supplement, q. 3, a. 3: "Contrition can be taken insofar as it concerns all sins together, as in the act of justification, and this contrition indeed proceeds from the consideration of individual sins; and thus, although it is one act, the distinction of sins nevertheless remains virtually in it, or at least it has attached to it a purpose of thinking of each one."

Supplement, q. 9, a. 2, ad 2: "The priest hearing confession acts in the place of God, and therefore confession must be made to him in such a way as contrition is made to God. Accordingly, just as there is no contrition unless one is contrite concerning all the sins which occur to his memory, so there would be no confession unless one confessed all those which occur to his memory."

De veritate, q. 28, a. 5, ad 4: "All sins agree in aversion from God, by reason of which they impede grace; therefore, for justification, it is not required that someone at the very moment of justification think about individual sins; but it suffices that he think of this, that through his fault he has been turned away from God. The recollection of individual sins, however, must either precede or at least follow justification." Hence it is clear that the opponents adduce in vain the first words of this text, separated from the rest, and likewise what immediately precedes in the reply to objection 3: "It is not necessary that at the very moment of justification someone think determinately of this or that sin, but only that he grieve over having been turned away from God by his own fault, either absolutely or under a condition, namely, if he has been turned away; when, for example, someone is ignorant whether he has ever been turned away from God through mortal sin. And through this kind of movement one who has forgotten his sin can be contrite."

On IV Sentences, distinction 17, question 2, article 2, question 3, reply to objection 2: cited above in the preceding Conclusion (p. 59).

Ibid., question 2, article 2, question 6: "It is necessary that [contrition] concern each sin which someone has in his memory" (cf. reply to objection 3).

Conclusion 9. Salutary contrition must be supreme appreciatively, that is, with respect to the firmness of the will's tendency towards its object; but it need not be supreme intensively, that is, with respect to the vehemence of that tendency, nor extensively, that is, with respect to its duration (III, q. 84, a. 8, ad 1; Supplement, q. 3, a. 1, body and ad 4; a. 2; a. 3, body and ad 2; q. 5, a. 3, body and ad 2; On IV Sentences, dist. 14, q. 1, a. 4, q. 1; Quodlibet I, q. 5, a. 9).

Proof by parts.

FIRST PART. Salutary contrition must be SUPREME IN APPRECIATION.

That is, with respect to the firmness of the will's tendency towards its object: namely, the intellect must judge sin to be the greatest evil, and the will must detest it as such, and consequently be

prepared to suffer any evil whatsoever and to forgo any good whatsoever rather than commit sin (Supplement, q. 3, a. 1, body and ad 4; a. 2; a. 3, body and ad 2; q. 5, a. 3; Quodlibet I, q. 5, a. 9).

This must be understood not only of perfect contrition, as is more readily apparent when one considers the motive of charity from which it proceeds, but also of salutary attrition conceived from whatever motive. Nevertheless, owing to the different character of the motive or object under which each proceeds—that is, sin considered as opposed to God either simply or under some particular aspect—contrition is supreme in appreciation simply and absolutely, whereas attrition is so in a particular respect and in a qualified sense. In each, however, the character of sorrow supreme in appreciation is properly, though analogically, verified.

Two modes of thinking or speaking employed by certain writers are opposed to this common assertion of theologians.

Some appear to teach that contrition does not detest sin above every evil of punishment. In support of this opinion Suárez (Disputation 3, section 9, no. 8) adduces Cajetan, Navarrus and Vega (the last as inclined towards it). Nevertheless, in judging the assertions of certain doctors on this matter, careful attention must be given to whether they speak of the contrition required only for the validity of the sacrament, or of that which is required for its fruit, and which we call salutary. Thus Suárez seems to have been mistaken in judging Cajetan's opinion: although Cajetan says that attrition strictly so called differs from contrition in not being, like the latter, a detestation of sin as supremely hateful, he nevertheless teaches that attrition is sufficient only for the validity of the sacrament, and therefore does not become salutary, or a disposition towards justification, unless contrition itself is substituted for it in the revival of the sacrament (cf. Questions on Contrition, Question 1, no. 3, "And hence"; and Question 5, no. 3).

Others teach that salutary contrition is supreme in appreciation except when it is conceived from the motive of fear; for then the evil of punishment is held in greater hatred than sin, according to the philosophers' saying: "That on account of which a thing is such is itself the more so." Thus Suárez, Lugo and the Salmanticenses, who, nevertheless, when defending the uprightness of attrition against Protestants, admit that it can be called supreme in appreciation, on the ground that fear of punishment is not its adequate motive (cf. below, Article 32, p. 271). Yet the foregoing exception is wrongly invoked by these doctors. The motive of fear does not prevent attrition from being supreme in appreciation, since it cannot suppress the character of attrition's proper object—which is sin itself as such—because it constitutes neither the formal and adequate motive of attrition nor the very end for whose sake the man is contrite, but only a *finis cui*, as will be explained in Article 32 concerning the uprightness of attrition (pp. 271–273).

SUÁREZ explicitly sets out the foregoing exception in this way:

"The difficulty is whether, through an act of penance, sin is detested above every evil of punishment. ... On this matter I judge that an act of penance, or detestation of sin, is always above every evil of punishment, with the exception, however, of that [act] which exists solely in order to avoid punishment. ... I have added ... an exception concerning an act founded upon fear of the evil of punishment, because it cannot be that an act should exceed the motive upon which it is founded, since it derives from it its whole character and species; therefore, if a man detests sin solely in order to avoid the evil of punishment, he cannot detest sin more than the evil of punishment itself. Rather,

the common saying of Aristotle has a place here: 'That on account of which a thing is such is itself the more so.' If, therefore, a man detests guilt on account of punishment, he does not detest guilt more, but appears to detest punishment more. From this a difficulty can immediately arise ... how such detestation could be upright, since it concerns punishment rather than guilt; nevertheless, the difficulty has already been explained in the treatment of attrition. For the present, the answer suggested above is sufficient, whence it is concluded only that such detestation is imperfect, but not evil; for it is only *actually*, or by the force of that act, more displeased with punishment than with guilt, and not simply and appreciatively with respect to the entire effect of the work."[80]

[80] De poenitentia, disp. 3, sect. 9, nos. 9 and 15, Opera omnia, vol. 22, Paris, 1866, pp. 64 and 66.

LUGO writes:

"Hence ... there arises ... a difficulty ... because sorrow of this sort, arising from the motive of punishment, does not seem to be above all things; for he who grieves over sin on account of punishment grieves more over punishment than over sin, since 'that on account of which a thing is such is itself the more so'; consequently, he does not grieve over sin above all things. I reply by conceding the whole, by the force of that act, that he detests punishment more than guilt; for avoiding guilt is adopted as a means of escaping punishment. Furthermore, a man does not have an act by which he would wish to commit guilt if punishment were removed; for he has only, at most, an act by which he wishes one thing on account of another, and consequently, by the force of that act, he does not avoid guilt when punishment has been removed. But that affection does not prevent him, from other motives, from being able to detest guilt more than punishment, as Suárez well observes."[81]

[81] De poenitentia, disp. 5, sect. 9, no. 138, Disputationes scholasticae, vol. 4, Paris, 1892, p. 463.

THE SALMANTICENSES write:

"[Perfect] contrition detests sin above every evil of punishment, because it proceeds from the love of God above all things, preferring Him to all goods and evils; but the case with attrition is otherwise: for, in order to escape punishment, it detests guilt, and consequently it does not detest guilt more than punishment, but the reverse; for no act exceeds its proper motive, or proceeds beyond it."[82]

[82] De poenitentia, disp. 7, dub. 1, § 1, no. 3, Cursus theologicus, vol. 20, Paris, 1883, p. 17. Cf. ibid., § 5, no. 37.

The assertion is therefore proved:

First, from the fact that salutary contrition is a disposition, at least a remote one, towards justification, or towards this: that a man should be pleasing to God and under His peace, and be received into friendship and benevolence. For a man cannot please God and be received by Him with benevolence unless he in some way prefers the divine good to every created good and detests the divine evil, that is, sin, above every created evil, according to Matthew 10:37: "He that loveth father or mother more than me, is not worthy of me."

Second, from the fact that contrition is, at least imperfectly, a true conversion to God, according to Joel 2:12: "Be converted to me with all your heart, in fasting, and in weeping, and in mourning." For one who does not detest sin—which is aversion from God—simply and above all things is not truly converted to God.

Third, from the essential efficacy of contrition, of which we treated in Conclusion 7. For according to the Council of Trent, Session XIV, chapter 4, salutary contrition is that which excludes all willingness to sin; but he who does not detest sin above all evils does not altogether exclude the willingness to sin, since he is so disposed that, if the occasion were given, he would choose to sin rather than incur an evil which he detests more.

Fourth, from the very nature of sin insofar as it is in itself the greatest evil and most deserving of detestation. Right reason requires that what is more deserving of detestation should be detested more, and that what is most deserving of detestation should be detested supremely, at least in appreciation. Yet a detestation which is not in accord with right reason cannot be salutary. Hence contrition, or the detestation of sin, must be supreme in appreciation.

Fifth, from the very nature of sin insofar as it turns one away from the ultimate end. For the more something is pleasing, the more displeasing is its contrary; but the ultimate end is pleasing above all things. Hence sin, which is contrary to it, must be displeasing above all things, so that this detestation may be salutary and capable of turning one back to God as the ultimate end. To the point is St. Thomas, Supplement, q. 3, a. 1: "Contrition itself ... is nothing other than displeasure at a past sin, and such sorrow in contrition surpasses all other sorrows. For the more something is pleasing, the more displeasing is its contrary; but the ultimate end is pleasing above all things, since all things are desired on account of it; and therefore sin, which turns one away from the ultimate end, must be displeasing above all things."

Note 1. On the nature, property, and degrees of contrition supreme in appreciation.

As regards the nature of this pre-eminence, it does not consist merely (except radically) in the excellence of the motive considered in itself; nor (except causally) in the very estimation made by the intellect, by which such a motive is judged and from which the expression takes its name; nor (except as a proximate cause) in the estimated excellence of the motive insofar as it is able to strengthen the will; nor (except consequently) in the very resolve to commit no sin for anything in the world. Rather, it consists formally in the firmness itself with which the will tends towards its object, or detests sin. Hence that pre-eminence results from four elements: the ontological and radical element (the excellence of the motive); the intellectual and causal element (the mind's estimation, insofar as it influences the will); the formal volitional element (the very firm tendency of the will towards its object); and the consequent volitional element (the disposition to commit no sin for anything in the world).

But this firm tendency of the will towards its object cannot be better explained than by Lugo (Disputation 5, section 2, nos. 22 ff.) by analogy with the manner in which the intellect adheres to its object. For just as the intellect can adhere to its object in two ways—by an assent of opinion, that is, not firmly and with fear of error (as in opinion), and by an assent of certitude, that is, so firmly that no contrary reason draws it away (as in knowledge or faith), although this assent admits degrees of firmness (as appears in metaphysical, physical, and moral certitude)—so the will too can tend towards its own object of detestation either firmly or not firmly, and indeed with a firmness admitting degrees according to the degree of eminence in the foulness of sins.

The property of this appreciative pre-eminence of contrition is a certain comparison and preference between sin and other evils: a virtual comparison, that is, one included virtually or equivalently in the

very firmness with which the will tends towards one object in preference to the other objects opposed to it.

Nor is it necessary that this preference become formal, or that an explicit comparison between sin and other evils be undertaken, so that a man should expressly determine within himself to undergo death, martyrdom, loss of reputation, and loss of temporal goods rather than sin. Indeed, although a general comparison ("With divine help I resolve to suffer any evil whatever rather than sin") may usefully be repeated, and even a particular comparison may be more useful to some stronger souls, such comparisons ought ordinarily to be omitted, on account of the danger of falling into temptation or weakening the very stability of the act of the will, especially when there is only attrition or a lessened contrition.

Thus the moral theologians, following St. Thomas, who writes in Quodlibet I, question 5, article 9, say:

"A contrite man is bound in general to will to suffer any punishment whatever rather than sin. ... But he is not bound to descend in particular to this punishment or that; indeed, he would act foolishly if he were to disturb himself or another concerning such particular punishments. For it is evident that just as pleasurable things move us more when considered in particular than in general, so fearful things cause greater fear when considered in particular; and there are some who do not fall under a lesser temptation but who perhaps would fall under a greater one. Thus someone who hears adultery spoken of is not stirred to lust; but if by consideration he descends to its particular enticements, he is moved more. Similarly, someone would not shrink from suffering death for Christ; but if he were to descend to considering the individual punishments, he would be drawn back more. Therefore, in matters of this kind, to descend to particulars is to lead a man into temptation and to furnish an occasion of sin."

The holy Doctor aptly sums this up in the Supplement, question 3, article 1, reply to objection 4: "It must also be known that, although such a disposition is required of the contrite, nevertheless a man is not to be tempted about these matters, because a man cannot easily measure his affections; and sometimes what is less displeasing appears more displeasing, because it lies closer to sensible harm, which is better known to us."

Cappello further observes:

"If comparisons between sin and other evils arise spontaneously or are suggested by the tempter, in practice they must be rejected with this pious and firm act of will: I do not wish to sin again, and, aided by divine grace, I hope that I shall not sin. This rule must also be recommended to those who suffer difficulties on account of hypotheses which they fashion for themselves about either suffering some evil or overcoming desire in order to avoid sin. That is, they must be advised that they should simply resolve, in general, to do what they ought when the occasion arises, with the help of divine grace. ...

"Ballerini (V, no. 73) takes exception to the customary formula of an act of contrition: 'I would rather die a thousand times than offend Thee again, O God.' But without justification; for 'to die a thousand times' is commonly employed in nearly the same sense as saying 'to suffer all evils'; consequently this expression is by no means suitable for exciting the imagination, since it would bring before the mind a purpose concerning some particular illness or torture. Yet it would be imprudent for a

confessor to endeavour to persuade a penitent to reflect attentively that the evil of death ought to be undergone rather than sin be committed again."[83]

[83] De Sacramentis, vol. 2, De Poenitentia, chap. 6, art. 4, no. 111, Turin, 1944, p. 98, in the text and in the note.

There must be degrees in the appreciative pre-eminence of contrition, and indeed in two respects: first, in relation to different sins, since a greater sin, as being a greater offense against God, is more detestable and therefore ought to be more detested; and second, in relation to the different kinds of malice which come together in any one sin, and which bring with them greater or lesser detestability, namely, offense against God and injury to man, the punishment of loss and the punishment of sense.[84]

[84] Cf. Cyprian and Ambrose, cited below, p. 90.

The aforesaid gradation of detestation must not arise from an explicit and formal comparison made by the mind; rather, it is virtually and sufficiently contained in the very firm detestation of sin or of sins insofar as they are offenses against God. For this detestation tends virtually and connaturally towards individual sins and towards the particular kinds of malice of a single sin, according to the degree and order proper to each.

Theologians, however, differ in their judgment of how a man sins if he fails to observe such a preference in his detestation—for example, if he detests adultery less than theft ("I detest adultery and theft, but, if I were to sin, I would rather commit adultery than theft"). Some, such as Soto (On IV Sentences, distinction 17, question 2, article 4) and Henríquez, say that this is a venial sin, because all sins contain the same turning away from God, and therefore to choose one rather than another does not involve grave malice. Others, such as Suárez (Disputation 3, section 10, no. 7), Coninck, and Bonacina, distinguish, saying that this opinion may probably be admitted if the mortal sins are not very unequal in gravity, but that, speaking generally, the disorder is a grave sin. Others, finally, such as the Salmanticenses (Disputation 7, doubt 2, no. 77) and Lugo (Disputation 5, section 4, no. 42; though he speaks less assertively), say that such an inversion of the right order is always a grave sin in the affection, at least (the Salmanticenses say) on the part of the motive. For example, someone may detest theft more than adultery because theft entails greater disgrace among men, and on the same motive he is prepared to choose several acts of adultery rather than one theft, although it is manifest that several acts of adultery notably exceed the malice of a single theft.

Nevertheless, the Salmanticenses themselves add:

"The aforesaid Author [that is, Lugo] rightly observes ... that these comparisons do not always contain an explicit or implicit purpose as regards the excess, but merely manifest the weakness of the subject and his inclination to embrace certain objects rather than others, or to flee from them. Thus one who firmly resolves not to commit any mortal sin in the matter of theft merely declares that he is more tempted, more inclined towards it, and more weak in one matter of sinning than in another. This, indeed, can be said without any absolute or conditional affection for admitting something of the kind, but with aversion to all such things, and therefore without fault."[85]

[85] De Poenitentia, disp. 7, dub. 2, § 1, no. 77, Cursus theologicus, vol. 20, Paris, 1883, p. 100.

However much the degree of the appreciative pre-eminence of contrition is increased, sorrow for sin will never be excessive, just as neither the love of God nor conversion to God, from which that

sorrow proceeds, can be excessive. Nor does it matter that penance is a moral virtue, standing in a mean, and that its proper act is to assume a moderate sorrow for sins; for we explained how these expressions are to be understood in Article 12 (Volume I, pp. 326–329).

To this point ST. THOMAS, Supplement, question 3, article 3 (on the comparison between sins), says:

"As regards sorrow belonging to the higher affection, it is required that one should grieve more over a greater sin, because the reason for sorrow is greater in the one than in the other, namely, the offense against God; for God is offended more by a more disordered act. Similarly, since a greater punishment is due to greater guilt, the sorrow of the sensitive part, insofar as it is voluntarily undertaken for sin as a punishment for sin, ought to be greater for a greater sin. But insofar as it arises in the lower part from an impression of the higher appetite, the quantity of sorrow is measured according to the disposition of the lower part to receive the impression from the higher, and not according to the magnitude of the sin."

Ibid., reply to objection 2:

"He who loves a whole also loves its parts potentially, although not actually; and in this manner, according to the order which they have towards the whole, he loves certain parts more and certain others less. Thus he who loves a community loves its individual members virtually, more or less according to their relation to the common good. Likewise, he who grieves because he has offended God grieves implicitly, and in different degrees, over different sins, according as he has offended God more or less by them."

Ibid., article 1, reply to objection 4 (on the comparison between the kinds of malice within one sin):

"The quantity of displeasure at a thing ought to correspond to the quantity of its malice. Now malice in mortal guilt is measured both from the one against whom the sin is committed, insofar as the act is unworthy of him, and from the one who sins, insofar as it is harmful to him.

"And because a man ought to love God more than himself, he ought also to hate guilt more insofar as it is an offense against God than insofar as it is harmful to himself. Now it is harmful chiefly insofar as it separates him from God; and in this respect the very separation from God, which is a certain punishment, ought to displease more than guilt itself insofar as guilt causes this harm, because that which is hated on account of something else is hated less; but it ought to displease less than guilt insofar as guilt is an offense against God. Among all punishments of malice, however, an order is observed according to the quantity of the harm, and in this respect the greatest harm, which deprives one of the greatest good, will be the greatest punishment: separation from God.

"There is also another quantity of accidental malice, which must be attended to in displeasure according to the relation of the present to the past, since what is past is now nothing; hence it possesses less of the character of malice and goodness. Hence it is that a man shrinks more from undergoing some evil in the present or the future than he is horrified at something past. Therefore no passion of the soul corresponds directly to the past, as sorrow corresponds to present evil and fear to future evil. And for this reason, between two past evils, the soul abhors the one more whose greater effect remains in the present or is feared in the future, even if it was less in the past. And because the effect of preceding guilt is not perceived so much as the effect of preceding punishment—both

because guilt is more perfectly healed than a certain punishment, and because a bodily defect is more manifest than a spiritual one—a man who is well disposed sometimes perceives himself to have greater horror of a preceding punishment than of a preceding guilt, although he would be more prepared to undergo the same punishment than to commit the same guilt.

"It must also be considered, in comparing guilt and punishment, that certain punishments have inseparably joined to them an offense against God, as separation from God does; and certain others add perpetuity, as does the punishment of hell. Therefore that punishment which has an offense annexed to it is in this way to be avoided, as is guilt; and that which adds perpetuity is more to be avoided than guilt considered simply. But if the reason of offense be separated from them, and only the character of punishment be considered, they have less of the character of malice than guilt insofar as it is an offense against God; and on this account they ought to displease less."

Ibid., article 2 (on the impossibility of excessive sorrow):

"Contrition, as regards the sorrow which is in reason, that is, the displeasure whereby sin displeases one insofar as it is an offense against God, cannot be excessive; just as the love of charity, through whose intensity such displeasure is intensified, cannot be excessive. But as regards sensible sorrow, it can be excessive, just as outward bodily affliction can also be excessive. In all these matters, however, a due measure must be observed for the preservation of the subject and for the sufficiency of the good disposition necessary for the things to be done; and on this account it is said in Romans 12:1: 'That your service be reasonable'" (cf. question 4, article 2, cited in Article 12, Volume I, p. 329).

Note 2. On the twofold hypothetical question proposed by certain authors: namely, whether an evil intrinsic to God, and the punishment of hell, ought rather to be chosen than sin should be committed.

Some, such as Suárez and Lugo, raise the question whether contrition ought to detest sin above all evils, even those affecting God Himself, so that, if by an impossibility sin were necessary to prevent some evil intrinsic to God Himself, it would be necessary to permit that evil rather than to sin.

Suárez replies (Disputation 3, section 10, no. 11), following Alexander of Hales (Summa, part 4, question 68, member 1, article 6), that in such a case sin would have to be chosen conditionally, because, being extrinsic to God, it would be a lesser evil than the other evil, which affects God intrinsically, and the choice of the latter would be a greater sin.

Lugo replies (Disputation 5, section 2, no. 23) that it cannot be said that sin would ever have to be chosen. It would indeed be necessary, in order to avoid an intrinsic evil affecting God, to choose the extrinsic evil which we call sin; but in that hypothesis this evil would not be sin, precisely because it would be lawful, as necessary for avoiding an intrinsic evil affecting God. But if someone is imagined who erroneously believes that sin, while remaining sin, is necessary for avoiding an intrinsic divine evil, he would be bound to permit the intrinsic evil affecting God rather than to sin, because sin would be opposed to a greater good than the intrinsic good of God, namely, the good of the divine will, which surpasses the other physical goods of God.

Nevertheless, since the foregoing question concerns what is impossible and contradictory (for it supposes that God is not infinitely good and perfect and holy, since He would need our sin and a contradiction of His own will in order to preserve His perfection), no other answer can be given than an impossible and contradictory one. For, as the philosophers say, from the impossible follow both

sides of a contradiction. Hence, on this hypothesis it would follow at once that sin must be avoided, as contrary to God, and that it must be committed, as useful to God; just as, if it be supposed that an ass is rational, it would be true at once that it understands, because it is rational, and that it does not understand, because it is an ass. Similarly, the case proposed by Lugo of a man who mistakenly supposes sin to be useful to God involves a contradiction, since that man would at once suppose the same thing to be sin and not to be sin, or would at once know and not know what sin is.

But if it be asked whether, in order to express a supreme detestation of sin, it is useful, at least for holier and more subtle minds, to institute such a comparison between sin and an intrinsic evil affecting God, the answer must be negative. For if it is unlawful to take the very awesome name of God in vain, it would be altogether irreverent, without at least some reason of speculative usefulness, to wander idly and without purpose through impossible hypotheses by which the very holiness and essence of God would be denied.

Several doctors, such as Durandus (On IV Sentences, distinction 17, question 5), Capreolus (On IV Sentences, distinction 17, question 1, article 3), Soto, Prado, Suárez (Disputation 3, section 9, nos. 4–7), Lugo (Disputation 5, section 3), and the Salmanticenses (Disputation 7, doubt 2, no. 75), raise the question whether contrition ought to detest sin more than the evil of hell itself, so that, if by an impossibility the punishment of hell were necessary to avoid sin, it ought to be chosen rather than sin committed; or, in other words, whether a man ought to choose to be in hell without sin rather than in heaven with sin.

St. Anselm, expressing a conditional act of the will rather than proposing a speculative question, chooses the affirmative, according to his disciple and companion Eadmer, a monk of Canterbury, who writes: "If, says Anselm, I saw on this side the shame of sin and on that side the horror of hell, and I had necessarily to plunge into one of them, I would plunge into hell before I let sin enter into me. For I would rather enter hell pure from sin and innocent than possess the kingdoms of heaven polluted by the filth of sin, since it is established that only the wicked are tormented in hell, and only the good are cherished in heavenly beatitude" (Book on the Similitudes of St. Anselm, chapter 191, M.L. 159, 701).

St. Thomas, Quodlibet I, question 5, article 9 (cf. Supplement, question 3, article 1, reply to objection 4), expressly proposes the question in the following manner and resolves it soberly: "Whether the contrite man ought rather to will to be in hell than to sin. ... I answer that the contrite man is bound, in general, to will to suffer any punishment whatsoever rather than to sin. And this is because contrition cannot exist without charity, through which all sins are remitted. For through charity a man loves God more than himself; but to sin is to act against God, whereas to be punished is to suffer something against oneself. Hence charity requires that a contrite man should prefer any punishment whatever to guilt. But he is not bound to descend in particular to this or that punishment; indeed, he would act foolishly if he were to trouble himself or another about particular punishments of this kind."

Durandus and Capreolus put the question more directly in the hypothetical form stated above and seem to resolve it in the contrary manner, insofar as Durandus (loc. cit.) says that the evil of eternal punishment is never to be chosen in order to avoid sin. (But this appears to have to be understood as meaning that the very hypothesis in which someone would be bound to choose hell in order to avoid sin is impossible—which is beside the question.) Capreolus, however (loc. cit., in reply to the

arguments of Durandus), teaches that a man is bound to accept eternal damnation imposed by God lest he sin through disobedience. (This likewise is not directly the question.)

Suárez (loc. cit.) expressly and directly proposes the aforesaid hypothetical question and resolves it affirmatively.

Finally, Lugo, resolving the matter affirmatively, proceeds further, imagining not merely a hypothetical case but an absolute and real one, in which a man is compelled to choose hell in order to avoid sin: "By a conditional act," he writes, "there is no repugnance in making this comparison [between choosing sin and choosing hell]; indeed, even by an absolute act, accidentally, in some case. Suppose a man living in mortal sin falls into danger of death from which he cannot escape unless he commits another new mortal sin, for example, a denial of the faith or fornication. Suppose also that this man is under an invincible error, so that he judges that he cannot be justified from his previous sin without the sacrament. Behold, this man is faced with the necessity of choosing eternal damnation absolutely, rather than commit that new sin. For since he cannot here and now receive the sacrament because of the absence of a minister, and himself thinks that he will infallibly be damned if he then dies, nor can he otherwise avoid present death and eternal damnation except by denying the faith or committing sin, he now apprehends that committing a new sin is a necessary means of avoiding eternal damnation; and certainly he would sin if he committed it. I should indeed believe that the case never occurs, nor will it ever occur contingently; for it is fitting that divine goodness should take thought for itself. Nevertheless it does not seem altogether impossible, even in this state of things; nor is it inconsistent with anything that God would permit a man to be brought into this strait as punishment for his preceding sin."[86]

[86] De Poenitentia, disp. 5, sect. 3, no. 30, Disp. Schol., vol. 4 (Paris, 1892), p. 428 ff.

Nevertheless, since this question too concerns a contradiction and an impossibility, the same answer must be given as we assigned to the preceding one.

Suárez, indeed (loc. cit., no. 6), attempts to establish the possibility of the case by the following plausible distinction: although it is repugnant that anyone should be bound to choose sin in order to avoid hell (for this would suppose that God obliges a man to sin lest he incur hell), nevertheless it is not repugnant that, conversely, someone should be bound to choose hell in order to avoid sin, if God, merely to manifest His supreme dominion over man, should wish him to suffer hell, so that, if the man did not choose hell, he would sin; in which case the man ought to choose eternal torment in order to avoid sin. Nevertheless, the impossibility of the matter remains entire, because such a use of the supreme divine dominion, although it would not conflict with the attributes of dominion and justice (since there is no right of the creature against the Creator), would conflict with the attributes of goodness, which is not restrictive but diffusive; of wisdom, whose gifts are, as is said, without repentance; and of His very power, which is productive and not destructive, nor does it tend towards non-being.

Nor does the case proposed by Lugo escape impossibility. For it is not clear how a man who resolves to choose death in order to avoid sin could be invincibly ignorant that by that very act he escapes hell, either by an act of charity or by the sacramental effect of martyrdom (for the martyr himself would be one of faith or of another virtue). For if he resolves to avoid sin, he is conscious of the motive of that resolution, which is love of God or conversion to God. How, therefore, could he be

invincibly convinced that this conversion to God would in fact be joined to an eternal turning away from and separation from God?

As to the expediency of instituting the foregoing comparison, it must be said that, although in it there is less danger of thinking irreverently about the divine attributes, since hell is an evil not of God but of the creature, and accordingly it might be permissible for certain holy persons, such as St. Anselm, to do this without imprudence in order to express supreme detestation of sin in the form of a conditional act of will, nevertheless it is not ordinarily expedient. Indeed, as St. Thomas says, it would be foolish, since it would be "to lead a man into temptation and to provide an occasion of sinning." With these words the following words of Suárez do not agree: "From this [that is, from the admitted non-repugnance of the aforementioned case] ... it is understood that, although in fact and according to the ordinary law, and in accordance with the nature of things themselves, there can never arise an occasion for choosing necessarily between guilt and eternal punishment, nevertheless a comparison is neither imprudent nor useless when made by a simple or conditional affection, which we may use to weigh the gravity of each evil and to explain the disposition or appreciation of our will."[87]

[87] De Poenitentia, disp. 3, sect. 9, no. 7, Opera omnia, vol. 22 (Paris, 1866), p. 63 ff.

Note 3. Sensible sorrow for sin, consequent upon sorrow of reason, need not be supreme.

On this point St. Thomas, Supplement, question 3, article 1, says: "There is another sorrow in the sensitive part, which is caused by the first sorrow, either from the necessity of nature, insofar as the lower powers follow the movement of the higher, or from choice, insofar as the penitent man excites this sorrow within himself so that he may grieve over his sins. In neither way is it necessary that this sorrow be the greatest, because the lower powers are moved more vehemently by their proper objects than by an overflow from the higher powers. And therefore the nearer the operation of the higher powers is to the objects of the lower powers, the more they follow their movement. Hence there is greater sorrow in the sensitive part from a sensible injury than that which overflows into it from reason; likewise the sorrow which overflows from reason deliberating about bodily things is greater than that which overflows from reason considering spiritual things.

"Hence the sorrow in the sensitive part arising from the displeasure of reason concerning sin is not greater than other sorrows which are in that part; nor likewise is the sorrow that is voluntarily assumed. This is so, first, because the lower affection does not obey the higher at a mere command, so that precisely so great and such a passion should follow in the lower appetite as the higher ordains; and, secondly, because in acts of virtue the passions are taken up by reason according to a certain measure, which sorrow that is without virtue sometimes fails to observe, but exceeds."

SECOND PART. Salutary contrition need not be SUPREME IN INTENSITY, or demand the utmost vehemence of the will's tendency toward its object; indeed, it requires no determinate degree of intensity, provided the sorrow is supreme in appreciation (Supplement, q. 5, a. 3, body and reply to objection 2).

Hadrianus, Peter Soto, Nugnus, and Morinus appear to have contradicted this common opinion of the doctors, which is generally regarded as certain, owing to an improper confusion between degree of appreciation and degree of intensity. Their opinion, which we explain more fully in Article 31, is interpreted differently by different authors. Thus the Salmanticenses (Disp. 7, dub. 2, § 1, no. 72) oppose them on the question of sacramental contrition as if they taught that the highest intensity is

required in sacramental contrition itself (and, consequently, in every salutary contrition). Suárez, Lugo, Galtier, and commonly the modern authors, however, oppose them on the question of perfect contrition justifying outside the sacrament, as if they taught that the highest intensity is required in perfect contrition alone, while admitting that, in the sacrament, a more remiss contrition suffices. This diversity of interpretation may be reconciled as follows: the aforementioned doctors seem to teach that for every justification, both within and outside the sacrament, perfect contrition, and indeed contrition supreme in intensity, is required; nevertheless, in the sacrament, a less intense contrition (which in this sense is called attrition) can suffice accidentally, insofar as God deigns sometimes to accept that imperfect contrition in the sacrament, causing it to become perfect through the power of the sacrament, or to be succeeded by perfect contrition. (Thus they understand the sacrament to make the attrite contrite.)[88]

[88] Cf. Suárez, Disp. 4, sect. 4, nos. 1–3; compare Disp. 20, sect. 1, nos. 3–5.

The assertion is proved, however, by its conformity with faith and reason itself.

Scripture and the Fathers promise forgiveness absolutely to the sinner who turns to God (cf., for example, the texts cited above on pp. 53 and 63). Especially Ezekiel 33:12 says: "The wickedness of the wicked shall not harm him, on whatever day he shall turn from his wickedness" (cf. 18:21, 27). And Leo the Great, Letter 108, 4, says: "To those who in a time of necessity and in the peril of urgent danger implore the aid of penance and immediate reconciliation, satisfaction is not to be forbidden, nor reconciliation denied; for we can neither set limits to God's mercy nor determine times, since with Him true confession suffers no delay in forgiveness" (M.L. 54, 1012 ff.).

The testimonies by which the necessity of supreme sorrow is repeatedly urged can be explained either as referring to the supreme fittingness of a great intensity of contrition or charity; or to its necessity for the end of perfect friendship and union with God (cf. II–II, q. 24, a. 8; q. 44, aa. 5 and 6); or to its necessity for obtaining perfect remission, especially the extinction of temporal punishment; or else to the absolute necessity of sorrow that is supreme in appreciation. Thus, from the subject matter, the context, or the very nature of the thing, understand the following texts, which are commonly brought forward as objections:

Deuteronomy 4:29: "When thou shalt seek there the Lord thy God, thou shalt find Him, if only thou seek Him with all thy heart and all the tribulation of thy soul."

Joel 2:12: "Be converted to Me with all your heart."

Mark 12:29 ff.: "The Lord thy God is one; and thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength." This concerns both the necessity of love supreme in appreciation, whereby a man adheres to God with all the faculties of his soul, none excepted, and the fittingness of love supreme in intensity for obtaining man's highest perfection (cf. II–II, q. 44, aa. 5 and 6).

Matthew 10:37: "He that loveth father or mother more than Me is not worthy of Me." Here the question is one of love supreme in appreciation, not intensity, as is evident from the natural intensity of the love by which a man is borne toward his parents.

Luke 7:47: "Many sins are forgiven her, because she hath loved much." In this testimony, which is urgently invoked by the adversaries, particularly in the question of perfect contrition justifying

outside the sacrament (cf. below, Art. 31, pp. 231–233), the intensity of contrition is indeed in question, but the necessity of intense contrition for obtaining justification is groundlessly inferred from it. For Christ asserts what happened in fact: namely, that Magdalene was forgiven many sins because she loved much; He does not, however, say that such great love was necessary. The causal connection, expressed by the particle "because," may be understood either between love and remission, without reference to plurality (the meaning then being: sins were forgiven, and in fact many, because she loved, and indeed loved much); or between the very degree of love and the multitude of sins forgiven, whether the multitude relates to the number of sins themselves (so that the meaning would be: therefore many sins have been forgiven, because she loved much), or to the punishments or degrees of grace in remission (the sense then being: because she loved much, therefore her sins were remitted in the highest manner, namely, with the removal of all punishments and the infusion of an outstanding degree of grace). The words of Christ, therefore, can and indeed ought to be understood in the second and third senses; that is: because Magdalene loved, she obtained remission of sins, and indeed of many sins; and because she loved much, she obtained abundant and perfect remission. We shall give a fuller explanation of this text in relation to its own context in Article 31, p. 232 ff.

Cyprian, On the Lapsed, 35: "The greater our offense, the more deeply let us weep. A deep wound does not lack diligent and prolonged medicine. Let penance not be less than the crime. Dost thou think that the Lord can quickly be appeased, whom thou hast renounced with treacherous words, to whom thou hast preferred thine inheritance, whose temple thou hast violated by sacrilegious contagion? Dost thou think that He will easily have mercy on thee, whom thou hast declared not to be thine?" (M.L. 4, 492).

Ambrose, On Penance, I, 3, 10: "Greater crimes are washed away by greater tears. ... Christ's mercy taught that graver sins are to be supported by greater props" (M.L. 16, 489 ff.). Ibid., II, 6, 46: "Let those who do penance hear how they ought to act, with what zeal, with what affection, with what intention of mind, with what inward crushing of the heart, with what conversion of the heart: 'See,' says [Jeremiah, Lamentations 1:20], 'O Lord, for I am troubled; my belly is disturbed by my weeping; my heart is turned within me'" (M.L. 16, 509).

Chrysostom, Homily 12 on the Epistle to the Hebrews, 4: "It is better ... to be soiled with filthy mud than with sins. For he who has been soiled with the former is washed in a short time and restored to the likeness of one who never fell into that mire; but he who has fallen into the abyss of sin has received a stain which water does not cleanse, but which greatly needs time, perfect penance, tears and lamentations, and a greater and more vehement mourning than that which we show for our dearest ones" (M.G. 63, 101).

Eadmer, the disciple of Anselm, expresses the latter's mind in his Book of the Similitudes of St. Anselm, no. 144: "One [kind of penance] is dry, another moist. Dry penance is when one indeed repents of his sin, but lacks the moisture of devotion and compunction of soul. Moist penance, however, is when he has both, and mourns his sin with great contrition of heart" (M.L. 159, 685).

Right theological reason shows that no determinate degree of intensity is necessary for salutary contrition. For contrition is salutary if it is efficacious; and it is efficacious if it is supreme in appreciation, that is, if it adheres firmly to its object. But for a firm adherence to its object, no determinate degree of intensity is required, since, as is clear from the fact that the appreciative aspect

and the intensive aspect in an affection of the will are not identical but really distinct, they do not even increase in equal proportion, but may possess different degrees with respect to the same object, so that the will can be borne less intensely toward one object than toward another to which it nevertheless adheres more firmly in appreciation.

To understand this, and to repel the objection of Peter Soto (cf. below, Art. 31, p. 224), who rejects as fictitious this distinction between the appreciative and the intensive and the separability of their degrees,[89] teaching that more and less in qualities are to be measured only by intensity, attend carefully to the following.

[89] Even Collet, though following the common opinion, strongly inclines to reject this distinction, writing: "My mind was so worn down by this distinction of 'supreme' in appreciation together with Soto that I perceived nothing, and inserted nothing but names. Yet I thought that this should be tempered, lest the subject of contrition, sufficiently difficult in itself, be obscured by new ambiguities; and lest consequences be drawn from overturning the distinction which, as regards the choice of sins, I would by no means wish. Whoever wishes to know something of the matter may add the treatise on charity." (De Poenitentia, part 2, chap. 4, sect. 2, § 4, no. 187, in Migne, Theologiae cursus, vol. 22, col. 204.)

It is true that the degree of a quality is measured according to its greater intensity or rootedness in the subject.[90] Nevertheless, besides this intensity, which concerns the very essence of the quality, in operative qualities a twofold property must be considered in their act relative to the manner in which the act tends toward its object: one is the firmness of adherence, arising from the appreciation of the object in itself; the other is a propensity, inclination, effort, vehemence, or speed, arising from the greater suitability of the object to the subject and his dispositions.[91] The latter is indeed called intensity, but it must be distinguished from the aforesaid intensity or rootedness. The former property is more principal and essential, since it arises from the very relation of the act to the object in itself and flows necessarily from the efficacy of the act; the latter, by contrast, is more secondary and accidental, since it arises from the relation of the act to the object, not in itself, but as it suits the subject.

[90] Cf. I–II, q. 52, a. 2; a. 3; II–II, q. 24, a. 5; In IV Sent., dist. 17, q. 2, a. 2; De Virtutibus in communi, a. 11.

[91] Cf. In III Sent., dist. 29, q. 1, aa. 2 and 3.

Hence follows the difference and separability of the degrees of either property, namely, the appreciative and the intensive. For the degrees of the appreciative property are degrees of firmness in adhering to the object and are caused by the excellence of the object in itself; whereas the degrees of the intensive property are degrees of propensity toward the object and are caused by the suitability of the object to the subject. Therefore these two kinds of degrees need not necessarily correspond to one another; indeed, as is evident from experience itself, both in natural and supernatural acts they ordinarily stand in an inverse relation, especially when spiritual objects, such as sin, are compared with natural and chiefly sensible things, which, being nearer and better known, move the will more vehemently.

The Salmanticenses say to the point: "That this distinction between a greater love intensively and a greater love appreciatively is not fictitious, as Peter Soto objects, but rationally devised and to be admitted, is clear both from the common opinion of theologians who employ it, and from the example ... of a mother who loves her son and God most intensely: yet, while she has charity, she esteems God more than her son and is prepared, if necessity requires, to forsake the son on His

account. To this we shall add other things which illustrate and confirm the matter. We frequently see that parents love their children of tender age more sweetly and intensely than those who are older; but by appreciative love they prefer their firstborn sons and bear their loss with more distress than that of the others. A woman is accustomed to love a little dog more vehemently and intensely than gold, and yet, if it were necessary to lose one of them, she would prefer the gold to the dog. Hence it is shown that she loves gold more absolutely, not indeed intensively, but appreciatively and in preference.

"And to ascend to higher matters, it happens that we grieve most vehemently over a grave sin, especially a very recent one, or over a scandal close to us, such as that of a father or brother: indeed we can have such vehement and intense sorrow for one of our own venial sins as for another of our own most grievous sins. And nevertheless we ought to prefer to avoid even one venial sin of our own rather than the most grievous sin of another. Therefore we grieve appreciatively and absolutely more over one of our own sins than over all another's sins, although we may lament the latter more intensely and sensibly. Likewise, we are accustomed to grieve more intensely over Christ's Passion than over our own very slight sins; but absolutely and appreciatively we ought to grieve more over the latter than over the Lord's Passion, whose sign is that we ought not, and cannot, commit even the slightest sin to avert that Passion. Hence, as Dominic Soto rightly observes in IV Sentences, distinction 17, question 7, article 4, as far as the degree of intensity is concerned, nothing prevents the sensual act of sorrow from being greater in Magdalene when she mourned the death of Christ than when she mourned her own sins; but conversely, in appreciative sorrow, she grieved more over sins than over that death and Passion, since, if necessity had required it, she could have permitted and chosen Christ to die rather than sin herself.

"From all this it is sufficiently clear how, in both love and sorrow, intensity must be distinguished from appreciation; and how, when comparison has been made between two loves (understand the same of two sorrows), one can exceed the other in intensity and conversely be surpassed by it in appreciation; and finally how that love is simply greater which is greater appreciatively, since even if it is more remiss, it draws to itself and subordinates, where necessary, the whole intention of the other, however intense it may be."[92]

[92] Salmanticenses, De Poenitentia, disp. 7, dub. 2, § 1, no. 73, Cursus Theologicus, vol. 20 (Paris, 1883), p. 96.

It is confirmed.

1. By the authority of St. Thomas, expressly against Peter Soto the Thomist. Supplement, question 5, article 3: "Contrition ... has a twofold sorrow. One belongs to reason, and is displeasure at a sin committed; and this can be so small that it does not suffice for the nature of contrition, as when sin displeases one less than it ought to displease one according to the separation from the end; just as love can be so remiss that it does not suffice for the nature of charity. It has another sorrow in the sense appetite; and the smallness of this does not impede the nature of contrition, since it does not belong essentially to contrition but is joined to it as if accidentally; moreover it is not within our power. Thus it must be said that however small sorrow may be, provided it suffices for the nature of contrition, it removes every fault."

The words of the holy Doctor at the beginning of this text, "It [sorrow] can be so small that it does not suffice for the nature of contrition," are ineptly brought forward as an objection; for he is

speaking there of smallness in appreciation, as is apparent from the explanation immediately added: "As when sin displeases one less than it ought to displease one according to the separation from the end." Moreover, even if St. Thomas were speaking there of some degree of intensity, he would still be far from the opinion of Peter Soto, who requires the highest degree of intensity.

The genuine doctrine and mind of the holy Doctor are also evident from his reply to objection 2, where to the objection, "It was said above (question 3, article 3) that one ought to be more contrite for greater sins. ... Therefore the least contrition does not remove every sin," he replies: "This follows from the necessity that one man grieve more over a greater sin than over a lesser, according as it is more repugnant to the love which causes sorrow; but if one man had as much sorrow for a greater sin as another has for a lesser, it would suffice for remission of the fault."

2. From parity of reasoning. An act of charity need not be the greatest intensively; the smallest degree of charity suffices to expel sin; any mortal sin, however slight, suffices to expel grace; in the observance of other precepts no determinate degree of intensity is required. Therefore, by parity of reasoning, an act of contrition need not be the greatest intensively, but in any degree, however remiss, it is salutary, or prepares for justification and satisfies the precept of penance.

3. From the inconveniences and absurdities of the contrary opinion. The way of salvation would become both exceedingly difficult, since contrition supreme in intensity is difficult for everyone and morally impossible for many, especially at the point of death; and obscure and perplexing, because of the difficulty of discerning the degree of contrition.

God, contrary to the gentle manner in which His providence acts, would impose on man something not connatural but violent, namely, that he must be carried with the greatest intensity toward something which does not connaturally impel the will.

More would be required of a man who sinned less than of one who sinned more, even than of a most wicked sinner; for the most intense contrition would be demanded of both.

You will say: If the least degree of contrition sufficed, it would follow that God requires no more of a man who has sinned more than of one who has sinned less; and this does not seem consonant with right reason.

Reply: The argument can be turned back against the adversaries, and indeed with greater force; for if the supreme degree of intensity were necessary, no less would be required of the lesser sinner than of the greater, which would be foreign not only to right reason but to justice itself. Moreover, the element of intensity is something accidental and secondary to the very efficacy of contrition in relation to remission of guilt, although its degree effectively influences the remission of temporal punishment. What influences the remission of guilt itself is the appreciative aspect, which, if supreme, is equally opposed to a small sin or a great one, to one sin or to many, because it attains the very common nature of sin, just as the power of the sun stands equally to the melting of one or many frozen things, or the power of fire to the burning of one or many pieces of wood. Nevertheless, as we said above, in one and the same subject, contrition itself, supreme in appreciation, admits degrees according to the gradation of sins and of malice, just as in one and the same thing to be burned different degrees of heat are required to dissolve into ashes its parts of differing solidity.

THIRD PART. Salutary contrition need not be SUPREME IN EXTENSION, that is, as regards duration; indeed, no determinate length of time is required in it (III, q. 84, a. 8, ad 1; In IV Sent., dist. 14, q. 1, a. 4, quaestiunc. 1).

In favour of the contrary opinion, Suárez adduces Scotus (In IV Sent., dist. 14, q. 2), Almain, and, in part, Cajetan. Yet the expressions of Scotus, like those of the other ancient authors, do not bear upon this question, but rather upon the distinction between attrition and perfect contrition. They seem to teach that contrition differs from attrition only in the duration of sorrow, insofar as sorrow can be brought only gradually to that degree of intensity required for perfect contrition, as the latter is distinguished from attrition (cf. above, Art. 23, p. 11). In this sense the Scotists seem to interpret their master, as does Bosco (Disp. 6, sect. 2, concl. 10). Cajetan, however, teaches only that a man is ordinarily led little by little, through various acts of attrition, to an act of contrition properly so called (specifically distinct from attrition), which, with God's assistance, can be informed by charity and justify the man.[93]

[93] Cf. Quaestiones de contritione, quaest. 1, no. 4, in the Leonine edition of the works of St. Thomas, vol. 12, p. 342; likewise In I–II, q. 113, a. 5, ad 3.

The assertion is proved first from Scripture and the Fathers.

Isaiah 30:19: "At the voice of thy cry, as soon as He shall hear, He will answer thee."

Ezekiel 33:12, cited above on p. 88.

2 Kings 12:13; Luke 15:21; 18:13 ff.; cited above on p. 53.

Luke 7:48: "And He said to her [namely, without delay]: Thy sins are forgiven thee."

Luke 23:43: "Today thou shalt be with Me in Paradise."

Chrysostom, Homily 14 on 2 Corinthians, no. 3: "I do not seek a lapse of time, but the correction of the soul. Show me, then, whether they have been pierced with compunction, whether they have been changed for the better, and the whole matter will have been accomplished. Unless it be so, surely the length of time will have brought no advantage" (M.G. 61, 502).

Augustine, Enchiridion, no. 65, cited in Vol. I, p. 120.

Pope Celestine, Letter 4, 2, 3: "He despaired of the clemency of God who did not believe that even a moment could suffice to assist him as he was dying. The thief hanging on the cross at Christ's right hand would have lost his reward if the penance of one hour had not availed him" (M.L. 50, 432).

Leo the Great, Letter 108, 4, cited above on p. 88.

The practice of the Church likewise proves it, since she absolves sinners immediately once they have given indications of true contrition.

The reasons, moreover, are almost the same as those assigned above to prove that the highest intensity of sorrow is not required. For duration pertains accidentally to the essence of efficacious and therefore salutary contrition; indeed, it is still more accidental than intensity itself, since it regards an extrinsic accident, the measurement of time.

No determinate duration is required for the nature of an act of charity, nor for its justifying influence, nor for the consummation of sin, nor for the observance of the other precepts (unless the prescribed

delay arises from the subject matter itself). Therefore no delay is likewise required in an act of penance.

If a determinate duration, especially the greatest duration, were required for salutary contrition, the way of salvation would become difficult, particularly at the point of death, as well as obscure and perplexing. Such a manner of acting on the part of divine providence would be harsh and would not accommodate itself to the connatural inconstancy of man; the same thing would be required of the greater and of the lesser sinner.

The following texts of St. Thomas can be applied to the matter.

In IV Sent., dist. 14, q. 1, a. 4, quaestiunc. 1: "However efficacious a virtue may be, it does not take away the flexibility of free choice while one is in the state of a wayfarer. Likewise, that which is future cannot belong to the substance or integrity of any virtue, except according as it is present in apprehension or in the will; for a virtue considered as a habit does not await something in the future, since the habit of virtue belongs to permanent things, not to successive things. Whence it has all its perfection together in an instant, which can flow wholly into one act, because acts are like habits, as is said in Ethics III, chapter 11. Thus that which is future is not of its integrity or essence. Therefore, since penance is a virtue, and since, insofar as it is a sacrament, it does not extend beyond the act of the virtue, continuation of penance in the future does not belong to the integrity of essential penance, save insofar as it is in the purpose; and thus penance can be true, and yet someone may afterwards fall away from it."

Summa Theologiae, III, q. 84, a. 8, ad 1: "Although ... a man in the first instant of true penance [if perfect contrition is in question] obtains remission of past sins, nevertheless it is necessary that he persevere in penance, lest he fall into sin again" (cf. I–II, q. 112, a. 2, ad 2; q. 113, a. 7, where it is taught that justification takes place in an instant). Nor does it matter that the holy Doctor speaks in these texts of immediate justification through an act of perfect contrition, since this indirectly shows that duration of contrition is not necessary in order that any contrition be efficacious and salutary, though in different ways according as it is perfect contrition or attrition.

Nevertheless, no one will deny that the duration of the act of contrition is very salutary if it is properly regulated by prudence, as was said in Article 12 (Vol. I, p. 328 ff.); indeed, in a certain respect it is necessary that a man continually do penance even to the end of life, as explained in Article 21.

Conclusion 10. What was said in the preceding conclusions concerning contrition for mortal sins also holds, in a proportionate manner and sense, for contrition for venial sins, except for the necessity of formal and universal sorrow. Hence contrition for venial sins must be true, real, properly so called, supernatural, efficacious, and supreme in appreciation, but it need not of itself be formal or universal (q. 86, a. 3, ad 3; q. 87, a. 1, corp. and ad 1; a. 2).

The two parts in which a difference between contrition for mortal and for venial sins is asserted are proved.

FIRST PART. Contrition for venial sins need not necessarily be FORMAL.

For the remission of venial sins, formal contrition is not required of itself; virtual contrition is both sufficient and necessary. For venial sin is not properly and simply an aversion from God, as mortal sin is, but a retarding of the affection of man, so that he is not borne promptly toward God.

Consequently, its remission does not require a formal conversion of the will from a creature to God, or, as it were, a reconversion of the movement of affection from a creature to God, but only a certain acceleration of the movement of affection toward God. This can equally be found both in formal sorrow and in a certain promptness and alacrity of an act of charity tending toward God, which accordingly can be called virtual contrition for venial sins.

Here, then, the first difference between contrition for mortal sins and contrition for venial sins is observed. Contrition for mortal sins must of itself be formal and therefore carries with it the necessity of a diligent recollection of sins; only accidentally, namely through inadvertence or forgetfulness of sins, can it be virtual. By contrast, for venial sins it is sufficient of itself that contrition be virtual, and accordingly it does not carry with it the necessity of recalling the sins; only accidentally must it be formal, namely when the sins are in fact recalled (q. 87, a. 1, cited in Art. 22, Vol. I, p. 483). In this respect more perfect contrition is required for mortal sins than for venial sins.[94]

[94] Cf. Lugo, Disp. 9, sect. 2, no. 24 ff.; Billuart, Diss. 3, a. 2, § 1.

Yet this virtual contrition for venial sins is in no way contained in the mere will to confess and the desire to receive the sacrament and its fruit, for such a will can in no way be called sorrow (cf. below, Art. 26); nor is it contained in the mere state of grace and habit of charity and penance, since these are compatible with venial sin, which is a fact; nor even in any act whatsoever of charity, for a man can retain an affection for venial sins together with an act of charity. Rather, it is contained in an act of charity of such a degree or fervour that a man is borne toward God with such affection and is so disposed that, if sins occurred to his memory, he could not but be displeased with them (q. 87, a. 1, cited there). Here is another difference from contrition for mortal sins, which is necessarily and simply contained in an act of charity, insofar as every act of charity is opposed to every sin. Accordingly, from this standpoint, more perfect virtual contrition is required for venial sins than for mortal sins.

Accidentally, however, for the remission of venial sins in the sacrament of Penance, formal contrition is required, namely in order that contrition may be a part of the sacrament, as explained in Conclusion 4. It follows that the sacrament is invalid if only venial sins are accused without formal sorrow for them, that is, with an act of charity alone, however intense, which is only virtual sorrow; much more so if it is accompanied by a remiss act of charity, or by the habit of charity alone, or by the mere intention of receiving the sacrament.[95]

[95] Cf. Suárez, Disp. 20, sect. 6, nos. 1–5.

On this point, which may be called the common opinion of theologians, there has been some dissent, although it is neither so firm nor so clear. Against the first assertion Suárez cites Alexander of Hales, Durandus, Abulensis, and especially Thomas of Strasbourg (Dist. 16, a. 4, and more expressly q. 21, a. 4, ad 1), who seem to teach generally the necessity of formal contrition for the remission of venial sins. Lugo opposes the second assertion (although whether through inadvertence rather than deliberate judgment is not clear), saying that virtual displeasure suffices with the sacrament, and even (I do not know by what lapse of mind) declaring this opinion common. For he writes:

"I have said [with respect to the remission of venial sins] ... that some displeasure or penance, at least virtual, is always required; for it is not required to be formal and explicit, as theologians

commonly acknowledge. It is nevertheless difficult to explain what this virtual displeasure ought to be. It is commonly said that, together with the sacrament, it is sufficient for a man to be so disposed that, if the sins should then occur to him, they would displease him. ... We must [however] ... understand that conditional displeasure ... as having some necessary connection with a present act which the man now has, in which act that displeasure is implicitly contained. Thus it is certain that the sins would displease him if they now came to mind, because, for example, with such an affection, or with so great an affection, he could not fail to be displeased with a sin opposed to it if he recalled that sin; and accordingly his present disposition implicitly and virtually contains the retraction of a former sin."[96]

[96] De Poenitentia, disp. 9, sect. 2, no. 24, in Disputationes theologicae, vol. 4 (Paris, 1892), p. 632.

On the occasion of this second assertion, theologians raise the following two questions concerning the lawfulness of the confession of venial sins.

1. May a penitent approach with only virtual contrition improperly so called, contained in the intention of receiving the sacrament and its fruit, and may a confessor absolve him?

Those who consider this question expressly, such as the Salmanticenses (Disp. 7, dub. 6, n. 131), rightly answer in the negative. For, attending to the propositions condemned by Innocent XI (Denz. 1151–1153), since it is a question of conferring sacraments, it is not lawful to follow a merely probable opinion while setting aside the safer one. The opinion, however, which holds that the sacrament received with such a disposition is valid and even fruitful, enjoys only extrinsic probability, since it has been defended by very few and not on solid reasoning.

2. Is it a mortal sin to confess only venial sins without the requisite contrition for any of them?

The most common answer is affirmative, because it is gravely unlawful to expose the sacrament to invalidity and unfruitfulness.

For the contrary opinion hardly more than one or two are cited. St. Alphonsus names Natalis Alexander, Juénin, and Genettus, and indeed acknowledges that he himself had attempted not lightly to embrace their opinion, although he could not do so on account of the common contrary opinion. Lugo expressly cites "a certain more recent theologian"; the Salmanticenses name Philip Faber, a Conventual Franciscan (an Italian Scotist, † 1630), who teaches in IV Sent., dist. 17, q. un., disp. 14, c. 3, that it is only a venial sin, because it is not always grave to expose a sacrament to nullity or unfruitfulness. Accordingly, he says, it is especially to be denied in the case of confessing venial sins, which are light matter and do not impede salvation.[97]

[97] "But however much I attempted to agree with this opinion, I could not, since this position is opposed to the common opinion of theologians" (no. 449).

The antecedent is proved by this author by the following reasons. He who receives the Eucharist without actual devotion exposes this sacrament to unfruitfulness, as some teach with Cajetan, and yet does not sin gravely, as all teach. He who does not fulfil the sacramental penance imposed for venial sins prevents the satisfactory fruit of the sacrament, yet sins only venially. He who, in order to avoid grave harm, contracts Matrimony without intention, and therefore invalidly, does not sin

mortally. He who, when confessing several venial sins, grieves over only some of them, partially impedes the efficacy of the sacrament and yet does not sin gravely.

The reply is to deny the antecedent, namely that it is not always grave to expose a sacrament to nullity or unfruitfulness; none of the proposed reasons establishes it. For he who receives the Eucharist without actual devotion but in the state of grace obtains its essential fruit, as was shown against Cajetan in the treatise On the Sacraments in General (Art. 25). He who omits sacramental penance for venial sins does not impede the proper and essential fruit of the sacrament, but only an accidental, subsequent, and integral fruit, namely the satisfactory fruit. He who, to avoid grave harm, contracts Matrimony without internal consent does not directly intend to frustrate the sacrament but to enter a contract, and he bears himself only permissively toward the consequent frustration of the sacrament. This is therefore lawful in certain cases, because Christ raised the natural contract itself to the dignity of a sacrament together with its natural conditions, one of which is that, in certain graver cases, it is subject to a lawful fiction. Moreover, the contract itself, or the essence of the sacrament, does not consist, as in the other sacraments, in some matter and form simply distinct from the intention, but in the intention itself, or consent of the will, insofar as externally signified. From these considerations it is clear that in the case in question there is no parity between the lawfulness of a fictitious Matrimony and a fictitious reception of the other sacraments. As to the sin of one who grieves over only some sins among the many he accuses, this will be discussed below in the Second Part, under no. 6 (pp. 102–106).

SECOND PART. Contrition for venial sins need not necessarily be UNIVERSAL.

For neither of the two reasons from which, in Conclusion 8, we deduced the universality of contrition with regard to mortal sins holds with regard to venial sins.

First, one venial sin can be remitted without another; for the form which excludes venial sin is not sanctifying grace itself or the habit of charity, since these are compatible with the presence of venial sins, but the very act of contrition or of charity, by whose fervour the lack of fervour or promptitude in the movement of the will toward God is excluded—a lack in which the stain of venial sin formally consists. Now an act, or its fervour, can terminate in one venial sin without terminating in another, since they are distinct objects. The case is otherwise with sanctifying grace, which is directly opposed to each and every mortal sin, because all mortal sins agree in the one stain constituted by the absence of grace.

Secondly, since venial sin is not simply and properly called sin and an offence against God, but only analogically and in a qualified sense (for it is a conversion to a changeable good without aversion from the unchangeable good, or a certain disordered relation to a created good, from which follows a certain retardation of the affection and movement continually directed toward God), its character is not one, simple, and universal, as is that of mortal sin, or aversion from God. Rather, it is multiplied and divided into several kinds according to the various ways in which a man may be inordinately disposed toward a created good and impeded in his affection for God. One of these ways does not necessarily include or entail another. Hence a man can, by contrition, retract one mode of disorder and retardation without thereby retracting the others.

Eight questions raised by theologians concerning this assertion

1. Does universal sorrow for mortal sins extend virtually to venial sins?

They answer in the negative, because the motive for detesting mortal sins —that is, the character of an offence against God simply so called, and of aversion from God as the last end (and likewise the consequent loss of divine friendship and the incurring of eternal punishment)—is not found in venial sins.

2. Does the detestation of venial sin extend virtually to mortal sins?

They answer in the affirmative. For although the characters of venial and mortal sin are essentially diverse, nevertheless they stand in such an analogy and subordination to each other that the detestation of the former implicitly and virtually contains the detestation of the latter, just as detestation of a lesser evil necessarily implies, and with greater reason, detestation of a greater one. For he who efficaciously detests being impeded from the last end, the diminution of divine friendship, the loss of the fervour of charity, and the incurring of temporal punishment, with greater reason detests aversion from the last end, the loss of God's friendship, the loss of charity, and the incurring of eternal punishment; just as he who detests illness detests death still more.

3. Does the detestation of one venial sin necessarily extend virtually to all venial sins of the same species, so that, for example, someone who detests one lie necessarily detests all lies?

Certain doctors answer in the affirmative, because the detestation of a species implies detestation of all its individuals. Others, however, answer in the negative, with Lugo (Disp. 14, sect. 9, no. 141; Disp. 9, sect. 2, no. 25) and the Salmanticenses (Disp. 7, dub. 6, no. 140). For even among individuals of one species of venial sin there can be different accidental modes of disorder, according to different degrees or circumstances of the matter or of the act, which can be detested distinctly and separately. Thus someone can detest a slight theft because of its proximity to grave matter, or a slight fault committed in the religious state because of its particular incongruity with that state, without thereby detesting faults of the same species which lack that particular disorder, such as lighter thefts and a sin committed in the secular state.

4. Does a general detestation and accusation of all venial sins, or of all the sins of one species, without specifying the species or number of the individual sins (as when someone says, "I have sinned many times," or "I have lied very often"), suffice to obtain the remission of all of them in confession?

With Lugo (loc. cit., no. 142) and the Salmanticenses (loc. cit., no. 141), they answer in the affirmative, because the confessor perceives that multitude in a confused manner from the circumstances of the person and the time, according to the custom of similar persons. Indeed, even if the confessor cannot estimate the number of sins from the circumstances, it is more probable that the remission of all is obtained, provided the penitent is at least confusedly sorry for all and directs the confessor's absolution to all without distinction. It is not clear, however, on what grounds Lugo says that in this case only some sins are remitted, or at least two or three, for example the two or three earlier or more serious sins.

5. How can a man elicit a general detestation of all venial sins together with the consequent and necessary purpose of avoiding all of them, when, according to the Council of Trent (sess. 6, can. 23), he cannot avoid all venial sins without a special privilege of God? How, that is, can he form a purpose concerning what is impossible?

With St. Thomas (I–II, q. 74, a. 3, ad 2; q. 109, a. 8), they reply that, although a man cannot avoid all venial sins collectively, either morally or physically, he can nevertheless avoid each of them severally, or all of them taken one by one. Moreover, he is not bound to avoid them all collectively, because it is infallible that he will fall into some; but he is bound to avoid them one by one, since there is no individual sin for the avoidance of which he lacks sufficient powers. The purpose of avoiding sins is measured by one's powers and obligations. Hence a man can conceive a purpose of avoiding all sins, not collectively (for such a purpose would be not only presumptuous but also foolish, both because neither the powers nor the obligation for this are given and because all sins collectively never occur), but severally, as they arise in the course of life. Such a purpose is sufficiently and efficaciously expressed by a general will to diminish the number of sins, to correct one's own life, and to avoid dangers and occasions of sin.

St. Thomas writes, to the point (q. 87, a. 1, ad 1): "A man established in grace can avoid all mortal sins, both collectively and individually; he can also avoid individual venial sins, but not all of them, as is clear from what was said in the Second Part (I–II, q. 74, a. 3, ad 2, and q. 109, a. 8). And therefore penance for mortal sins requires that a man propose to abstain from all and every mortal sin; but penance for venial sins requires that he propose to abstain from each of them, though not from all, since the frailty of this life does not permit it. He ought nevertheless to have a purpose of preparing himself to diminish venial sins; otherwise he would be in danger of falling away, since he would be abandoning the desire to advance or to remove the impediments to spiritual progress, which are venial sins."

6. Must a person have sorrow for all the venial sins that he accuses himself of, so that in the contrary case he sins at least venially? And does he in that case sin even mortally?

To the first question all the doctors answer in the affirmative, because each sin is matter of the sacrament upon which absolution falls and has its effect. Hence, although it is not necessary to confess venial sins, nevertheless, if they are accused, it is fitting that the penitent be sorry for all of them. Otherwise the sense of absolution is partially falsified and its effect is frustrated with respect to those sins for which there is no sorrow; in this a certain injury, at least a slight one, is done to the sacrament.

To the second question, however, a threefold answer is given.

The first opinion teaches that this is a grave sin, for a reason just mentioned, which seems to receive solid confirmation from the parallel with the grave sin of someone who presents invalid matter together with valid matter for consecration (for example, some hosts not made of wheat together with wheaten hosts). Suárez (and Lugo after him) says that this is the opinion of many, though he supplies no name. The Salmanticenses, on the contrary, say that they recall no one who teaches it. They themselves proceed rather uncertainly in this matter, sometimes saying that this opinion is sufficiently probable and even inclining toward it, but sometimes, especially on account of the

number of patrons of the opposite opinion, adopting the latter with a certain qualification to be explained below.

Theologians commonly teach that this is not a grave sin, because it does not involve a grave injury to the sacrament, inasmuch as the form of absolution is not simply falsified nor is its efficacy frustrated. Thus Suárez (Disp. 20, sect. 6, nos. 6 ff.), Lugo (Disp. 14, nos. 117 ff.), Vásquez, Henríquez, Fagúndez, Gonet, Dicastillo, Diana, and St. Alphonsus.

Lugo writes to the point: "The opinion which denies that it is a mortal sin nevertheless seems more probable. ... It is proved by the example of other sacraments, in which the addition of some part which is not valid matter is not a grave fault, provided valid matter is also added. Thus, in Baptism, when water is being poured, some portion of blessed oil may be mingled with it, which certainly is not valid matter of the sacrament. Likewise in the Eucharist, even though, in the consecration of wine, a quantity of water is set out immediately before the consecration, which according to the common opinion of many is not consecrated unless it has first been changed into wine, and even if it has not been changed into wine in that very short time, the words of consecration are nevertheless lawfully pronounced. Similarly, considered in itself and apart from the prohibition of the Church, it would not be a mortal sin if, for the sake of beauty and ornament, some part of the bread to be consecrated were lightly decorated with points or lines of gold, even though that particle of gold could not truly be consecrated. Finally, in this very sacrament of Penance, devout persons frequently accuse themselves of imperfections and defects which are not venial sins, and no one says that they thereby sin mortally. It is also the more common and truer opinion that a penitent who falsely accuses himself of some venial sin which he did not commit does not sin mortally if he adds other matter, as we shall say in disp. XVI, sect. ii, toward the end. In that case, too, what is not valid matter seems to be added as matter. Therefore neither in our case will it be a mortal sin to accuse oneself of a venial sin without sorrow and an efficacious purpose of avoiding it. For other valid matter is already supplied, and consequently the form is not frustrated and does not lack all effect, although it lacks some effect which it could also have with respect to that sin for which the penitent is not efficaciously sorry."[98]

[98] De Poenitentia, disp. 14, sect. 8, no. 118, in Disputationes scholasticae, vol. 4 (Paris, 1892), pp. 795 ff.

Certain theologians, such as the Salmanticenses (Disp. 7, dub. 6, nos. 135–138) and Merkelbach (no. 484), adhere to this opinion with a qualification: they teach that the sin is light if it arises from inadvertence or negligence, but grave if it proceeds from malice or contempt, that is, "when the penitent, out of malice, confesses a venial sin, intending thereby to constitute it matter of the sacrament, or intending that the words of absolution should fall upon it without effect. For although venial sin is slight matter, nevertheless the intention regarding it is exceedingly bad, as greatly derogating from the dignity and truth of the sacrament."[99]

[99] Salmanticenses, De Poenitentia, disp. 7, dub. 6, § 2, no. 137, in Cursus theologicus, vol. 20 (Paris, 1883), p. 158.

It seems to us that the common opinion should be followed. For between inadvertence or habitual negligence and deliberate malice or contempt there is a third case, namely advertence and actual negligence without contempt. The question is to be posed precisely about this: whether someone who knowingly confesses certain venial sins without sorrow, aware that the sacrament's influence cannot be exercised upon these, sins gravely through negligence. We reply that more probably he

does not, because both the validity and the efficacy of the sacrament remain entire. These are not multiplied in proportion to the number of individual venial sins, but are directed toward the matter presented in the manner of one and indivisible influence, however great its quantity may be. Nevertheless, no one will deny that a malicious and contemptuous intention to submit to the sacrament matter upon which it cannot act, and thus hypothetically to frustrate its effect in part, is a grave irreverence toward the sacrament. But this gravity is wholly on the side of the intention and disposition, and does not arise from the thing itself, or from the partial frustration of the sacrament, which is merely hypothetical.

As for the argument of the first opinion, drawn from the parallel with the sin of someone who adds invalid matter to valid matter for consecration, the Salmanticenses reply by conceding the parallel but denying what is supposed, namely that this sin is always grave. For, they say, if it happens through inadvertence or slight negligence, it is a light sin; if through contempt, it is grave, just as when someone accuses himself of some sins among others without being sorry for them. Yet this reply again wanders outside the question, for the question is whether one who knowingly, but without malicious contempt, adds invalid matter to valid matter for consecration sins gravely, and whether someone who in the same way adds venial sins to confession without being sorry for them sins likewise.

Others therefore reply by denying the parity between the two cases, either because the form of consecration falls primarily and of itself upon the matter, so that when invalid matter is added the form of words becomes false, whereas the form of absolution falls primarily and of itself upon the person, as appears from the words "I absolve thee"; hence by the addition of some invalid matter the form is not falsified, since the person who is sorry for some sins remains capable of absolution (so Suárez, Disp. 22, sect. 10, no. 8, Haine, and Merkelbach); or because the form of consecration has an absolute sense, or signifies absolutely that the matter presented is the Body of Christ, and consequently, if invalid matter is added, the form is falsified; whereas the form of absolution signifies the removal of sin not absolutely but conditionally, or insofar as it lies on the part of the priest. This sense remains true even if the sins are not removed because of the absence of sorrow (so Lugo, disp. 14, sect. 8, no. 121); or because the form of consecration regards severally each host to be consecrated and is virtually multiplied according to their number, constituting with each so many distinct sacraments, and consequently the addition of invalid matter completely frustrates a valid sacrament, whereas, conversely, the form of absolution falls in the manner of one and indivisible act upon all sins together, and with individual sins does not constitute so many separate sacraments, so that the addition of invalid matter does not frustrate any sacrament (so Dicastillo, Disp. 6, dub. 15, no. 284).

This third explanation seems to be the true solution. Nor do the Salmanticenses lessen its force when they object that a parallel still remains between the two aforesaid cases because the form of absolution, as regards its influence, is also multiplied in an equivalent manner in relation to the several sins toward which it is directed. For, as was said above, the influence of absolution is directed to all sins in the manner of one and indivisible influence, to which it is accidental that it falls upon two, or three, or more sins. Just as the influence of the sun or of fire is not multiplied into several influences according to the number of objects, but remains one and the same and, flowing indivisibly, illuminates or heats one object or several, while the plurality of effects, or of illuminations and

heatings, is reduced to the plurality of objects and not of the influence itself. The solution of Suárez, moreover, is assailed by Lugo and the Salmanticenses unless it is reduced to the foregoing solution. For the form of absolution also directly regards the matter of sins, though in a different way from the form of consecration; or, if one prefers, it regards the person of the penitent, not simply as a person, but as a penitent or as one to be freed from sins, so that "I absolve thee" is the same as "I absolve the sins that are in thee"; indeed this latter expression is more formal. Lugo's solution, however, is rejected by the Salmanticenses for a still stronger reason, especially because he in part affirms that the sense of absolution is conditional. For if a condition be understood as almost ontological and inherent in the nature of the thing—that is, in the sense that the priest's action cannot have an effect except upon absoluble matter—the same holds for the form of consecration, which cannot operate except upon consecrable matter.

Furthermore, this whole question is more speculative than practical. For, as several doctors rightly observe, in practice there is ordinarily no fault in the confession in which a penitent indiscriminately also mentions venial sins for which he is not actually sorry, or even imperfections which are not sins: because he is not bound to conduct a careful and difficult examination of venial sins as he is of mortal sins; because he does this for the honest purpose of better manifesting his conscience, not with the intention of submitting invalid matter to the influence of absolution; and because a prudent confessor, knowing that this frequently happens, is deemed to direct his absolution to the valid matter alone. Hence it is clear that the penitent is not obliged to warn the confessor that he is relating various things not for the purpose of obtaining absolution, but for a better manifestation of conscience. It is sufficient that he have no intention of submitting these things to the influence of absolution.

In passing, it should be observed that a similar question concerning mortal sins already remitted must be settled in the same way: namely, whether it is lawful to accuse oneself of them without being sorry for all of them, since they are free matter, like venial sins. There is, nevertheless, this difference: concerning one venial sin a person can have not only a lack of sorrow but even actual complacency, while being sorry for another; this cannot happen with respect to mortal sin. Indeed, although, speaking speculatively, a man can truly grieve again over one mortal sin already remitted without actually detesting another which he confesses, and without having complacency in it, this will nevertheless be difficult in practice. For if anyone, having recalled a mortal sin, does not elicit some act of detestation concerning it, he readily exposes himself to an immediate danger of complacency.

7. Does someone who, in confessing several venial sins, also accuses himself of something he did not commit, and thus lies, sin only venially, for the same reason as one who, among other sins, accuses himself of a sin for which he has no sorrow?

In favour of the negative answer are cited Paludanus, Cajetan (Summa, s.v. "Confessio"; In II–II, q. 69, aa. 1–2, no. 5), Ledesma, and Armilla, who teach that an accusation of something false is always a grave sin.

Nevertheless, an affirmative answer is given with other theologians, such as Angelo, Silvestro, Domingo de Soto, Pedro de Soto, Navarro, Suárez (Disp. 22, sect. 10, nos. 6–9), Vásquez, Coninck, Dicastillo, Lugo, and the Salmanticenses (Disp. 7, dub. 6, nos. 141 ff.). This is for the same reasons assigned in the preceding solution: namely, that neither is the form of absolution falsified in this

case, nor is its efficacy frustrated; and, besides, the matter in question is slight, so the injury inflicted upon the sacrament is not grave, although it is manifestly greater than the injury committed by one who accuses himself of a true sin without sorrow.

Nor is it valid to invent and oppose a parallel with the gravity of a false oath about a slight matter, or with the confession of a mortal sin that was not committed. For a false oath concerning a slight matter is a grave sin because it brings God forward as a witness to falsehood, in which there is grave irreverence; but a mortal sin is grave matter in itself and produces a grave error in the judgment of the confessor concerning the principal object of the sacramental cause.

8. Does someone who, by one act, conceives universal sorrow and a purpose of amendment concerning all sins—both mortal and venial, or all venial sins —under the general motive of offence against God, and who thereafter, before confession, falls into one venial sin, thereby lose his sorrow and purpose concerning all his sins, so that before being absolved he must renew universal sorrow, or particular sorrow, for all of them?

Those theologians who explicitly propose this question answer in the negative, especially Lugo (Disp. 14, sect. 9, nos. 143–149), Dicastillo (Disp. 6, dub. 18, no. 322), and the Salmanticenses (Disp. 7, dub. 6, nos. 146–149). The reason is that one act of sorrow does not regard mortal and venial sins, or different venial sins, in an entirely equal manner, and is therefore virtually multiple; indeed, it can even be separated in reality into as many distinct acts of sorrow. Consequently, when sorrow concerning venial sins ceases, sorrow concerning mortal sins does not cease; nor, when sorrow for one venial sin ceases, does sorrow for another cease. It is clear, however, that in the case described one must again elicit sorrow for the venial sin committed if one wishes to accuse oneself of it in confession, according to what was said in question 6.

The Salmanticenses, however, observe against Lugo that the question ought not to be proposed or understood as concerning an act of sorrow elicited from one single and indivisible motive of avoiding offence against God in any sin whatsoever—a motive that would be borne indivisibly upon both mortal and venial sins, abstracting from the character of grave and slight sin. For, first, such an act is impossible: since the character of mortal sin differs from that of venial sin, and sorrow ought to be appreciative according to the deserts of the sins, no act of sorrow, however single, can prescind from at least an implicit and virtual comparison in detestation between mortal and venial sin, and among different venial sins. Secondly, even if the possibility of an act of sorrow elicited under that indivisible description were supposed, the aforesaid question would have to be answered affirmatively: a new venial sin would destroy universal sorrow concerning all sins, since, if that motive were indivisible, its destruction with respect to one sin would destroy it with respect to all.

Article 26. Whether interior contrition is a necessary, essential, and intrinsic part of this sacrament

ARTICLE 26. WHETHER INTERIOR CONTRITION IS A NECESSARY, ESSENTIAL, AND PER SE PART OF THIS SACRAMENT (III, q. 90, a. 2, corpus and ad 1)

STATE OF THE QUESTION

In this and the following articles CONTRITION IS CONSIDERED SACRAMENTALLY, that is, with respect to the manner in which it concurs in the sacrament and its effect. We have already said in Article 4 that the three acts of the penitent—contrition, confession, and satisfaction—are the matter of this sacrament. In the present article, therefore, that question is completed by explaining directly how interior contrition is a necessary, essential, and per se part of the external sacrament.

NEGATIVE AND AFFIRMATIVE POSITIONS

AS TO THE FIRST QUESTION, namely, whether interior contrition is a necessary part of the sacrament:

The doctors commonly affirm this; nevertheless, a few deny it, at least under some aspect. Certain authors appear to have taught that the sacrament is valid (and even fruitful, according to some) even when contrition is absent, provided there is an intention of receiving the sacrament and an integral confession of sins; just as in other sacraments, such as Baptism, an intention to receive and the application of matter and form suffice for the validity of the rite. Some mitigate this opinion at least verbally, saying that formal or positive displeasure is not necessary for the validity (and, according to some, even for the fruit) of the sacrament, but that virtual or negative displeasure, contained in the very intention of confessing and receiving absolution and its effect, suffices, provided the penitent performs no act by which he formally or virtually adheres to sin—that is, provided he has neither complacency in sin nor a purpose of sinning. In favour of this opinion are cited Bernard de Gennaco (reported by Capreolus, In IV Sent., dist. 17, q. 2, a. 3), Ludovicus a Conceptione, Christophorus a S. Joseph, Almain, Rosella, Silvester, Ledesma, and Vega. Their meaning, however, is not clearly established, although there is a strong presumption of error in denying or diminishing the necessity of true contrition for at least the validity of the sacrament—a necessity signally proposed not only by the Council of Trent but also by the earlier Council of Florence.

Moreover, a few have explicitly taught the same opinion concerning the confession of venial sins, notably Delgadillo (De Poenitentia, ch. 16, dub. 12) and Tamburini (Methodus confessionis, book 1, ch. 3, § 1). They maintain that sorrow is required neither for the validity nor for the fruit of such confession, but that confession together with an intention of receiving absolution and its effect is sufficient.

The Salmanticenses write to this point: "Delgadillo, chapter 16 of De Poenitentia, doubt 12, occurs here, affirming that in the confession of venial sins no sorrow is required, either for validity or for fruit, but that their confession without sorrow alone suffices. He proves this because sorrow for venial sins does not belong to the essence of this sacrament; rather, for these sins, their confession together with the intention of receiving the sacrament suffices, as Christophorus a S. Joseph teaches in volume 1, Recapitulatio opinionum, part 2, De sacramento poenitentiae, doubt 1, affirming (and Delgadillo deservedly says) that this is the undoubted mind of St. Thomas in IV Sent., dist. 27, q. 3, a. 4, quaestiunc. 1, in the body. He proves, moreover, that it is not improbable that the true sacrament of Penance can be given without being informed [by contrition], even if someone knowingly approaches without sorrow for mortal sins, provided he confesses them integrally; whereas it would be otherwise if sorrow were an essential part of this sacrament. Hence he seems evidently to gather for himself the conclusion that the sacrament is fruitful also in one confessing venial sins without sorrow for them, because the sacrament consists in one part; and no obstacle to its fruit is placed by any mortal sin that would impede the infusion of grace, which the sacraments,

when they encounter no obstacle, produce in the recipient. Hence, going still further, he asserts in number 34 that in a confession of venial sins made not only without sorrow but with positive complacency in them, grace is produced, just as it happens in the reception of the Eucharist, even though the recipient is sinning venially in the act."[100]

[100] Salmanticenses, De Poenitentia, disp. 7, dub. 1, § 8, no. 68, in Cursus theologicus, vol. 20 (Paris, 1883), p. 90.

AS TO THE SECOND QUESTION, namely, whether interior contrition is an essential part of the sacrament:

Some deny this, contrary to the common affirmative opinion, among them Cano, Biel, and especially Durandus, whose opinion was reported in Article 4 (vol. I, p. 171). The reason on which Durandus chiefly insists is that contrition is not something sensible, and therefore cannot be, as confession is, an essential part of a sacrament, which is a sensible sign.

AS TO THE THIRD QUESTION, namely, whether interior contrition is a per se part—that is, an immediate and intrinsically constitutive part:

On this point, or in explaining the reason why contrition is an essential part, the doctors differ, and not merely in their manner of speaking. This is clear from those who explicitly detect the disagreement and endeavour to settle it, such as Lugo and especially the Salmanticenses.

All admit, meanwhile, that the act of contrition taken by itself alone and without relation to an external act (that is, confession or another sign of sorrow), and likewise the external act without relation to interior sorrow, is not an essential part of the sacrament: for in that case the former is not a sign, and the latter is not a penitential sign. Consequently all admit that interior contrition is in some true manner an essential part of the sacrament, but as related and united to the external act. They readily reply to the argument of Durandus that interior contrition becomes sensible accidentally by its conjunction with an external sign which is sensible in itself.

The question, however, is whether it follows that interior contrition is a per se part of the sacrament, albeit accidentally by reason of the external act, just as it is sensible accidentally. Or, to put it another way: whether interior contrition itself is a part of the sacrament, as indeed manifested through the external act, so that interior contrition is a part constituting the sacrament per se, immediately, and directly, while the external act is a condition or extrinsic concomitant; or whether, conversely, the part of the sacrament is the external act as manifesting interior contrition, so that the external act alone is a part of the sacrament per se, immediately, and directly, while interior contrition is only an extrinsic concomitant with respect to the manner in which the object is signified by the external act.

Lugo proposes the question in the first way and chooses the first member of the distinction, writing: "Is contrition a part of this sacrament per se, or only accidentally? Some seem to say that it is a part only accidentally, because that whereby it is a part is something sensible, but contrition is not sensible of itself, but through something else; therefore it is not a part through itself, but through another, and accidentally. Such seems to be the opinion of Paludanus, dist. XVI, q. iv, in the second solution, and of Ferrariensis, IV Contra Gentiles, ch. 72, about the middle. Others say that it is a part per se; and indeed on this matter there cannot be a question about the thing itself, but only about the manner of speaking. For if by 'being a part accidentally' we mean that contrition, according to its own proper entity, does not enter intrinsically into the composition of the sacrament, but does so only through sensibility, it must be denied that it is a part accidentally. If, however, we mean that

contrition by itself alone could not enter into the composition of the sacrament unless it were rendered sensible by confession, this is true. Nevertheless, this manner of speaking does not seem so proper. It is therefore preferable to say that contrition, although sensible accidentally, is nevertheless a part per se. That is, the whole sensibility of contrition comes from confession; but that entity of contrition which formally and intrinsically composes the sacrament of Penance does not come to it from confession: for this is the intrinsic entity of contrition itself."[101]

[101] Lugo, De Poenitentia, disp. 14, sect. 1, no. 10, in Disputationes scholasticae, vol. 4 (Paris, 1892), p. 762.

The Salmanticenses, on the other hand, propose the question in the second way and choose the second member of the distinction, writing: "The difficulty alone, or the diversity of opinions in this part, concerns external acts signifying interior acts, or conversely interior acts manifested by external acts. The first is maintained by authors referred to in favour of the first solution,[102] who judge that the interior acts themselves, as sensible, or precisely under the aspect of sensibility, with the external act as a condition or extrinsic concomitant, belong directly and as intrinsically constitutive parts to the constitution of Penance. But the second is taught by the Thomists to be mentioned below,[103] and, what is more, by St. Thomas, as we have already shown. Hence they infer that interior contrition enters into the constitution of this sacrament only obliquely, as the object manifested, and not directly, as the others suppose."

[102] The Salmanticenses had written shortly before: "This is the common solution outside the school of St. Thomas, as may be seen in Suárez, Vásquez, Valencia, Dicastillo, and others on the present matter. It is also transmitted by disciples of the Doctor, Araújo, John of St. Thomas, Gonet, and Labat. We

[103] Namely, Cajetan, In III, q. 90, a. 2, ad 1; Paludanus, In IV Sent., dist. 16, q. 4, a. 2; Capreolus, ibid.; Ferrariensis, In IV Contra Gentiles, ch. 72; Pedro de Ledesma; Nuño; Candidus; Cornejo; Gabriel a S. Vincentio; and Martínez de Prado.

"We say that the external acts themselves signify and manifest the interior acts (in which way the latter stand obliquely and the former directly), and intrinsically and immediately concur in constituting the sacramental sign of Penance; whereas the interior acts concur only mediately and by way of the object terminating the signification."

"Accordingly, [in answer to the objection of Durandus] we distinguish the major premise: [contrition] must be sensible in the manner in which it enters into the character of a part—we concede this; in another manner we deny it. As to the minor premise, we say that contrition is not sensible of itself and directly; nevertheless, it is sensible by way of the object and term completing a sensible sign. From this it follows only that it possesses the character of a sensible part obliquely, which we admit; but not directly, as has been stated."[104]

[104] Salmanticenses, De Poenitentia, disp. 1, dub. 2, § 5, nos. 95, 107, 109, in Cursus theologicus, vol. 19 (Paris, 1883), pp. 47 ff., 53–54.

Between these two opinions, however, we think there is a third and true solution, equivalently proposed by certain doctors cited in favour of both the first and the second, especially St. Thomas, Cajetan, and Suárez: namely, that interior contrition must be called at once a per se, immediate, and intrinsically constitutive part of the sacrament (with Lugo against the Salmanticenses), and yet not directly but obliquely (with the Salmanticenses against Lugo). Thus the constitutive part of the sacrament is both the external act informed by contrition and interior contrition informing that act, but the former directly and the latter obliquely, as will be explained in the Conclusion.

ourselves used it in our treatise On the Sacraments in General, disp. 2, dub. 2, where ... we preferred to suppose it upon the authority of others ... rather than put it to the test there and prematurely anticipate matters to be discussed elsewhere in their proper place."

CONCLUSION

Interior contrition is a necessary, essential, and per se part of the sacrament.

This is proved in parts.

FIRST PART. INTERIOR CONTRITION IS A NECESSARY PART OF THE SACRAMENT

Interior contrition is a NECESSARY PART of the sacrament; confession together with the intention of receiving the sacrament does not suffice, either for its fruit or for its validity.

This is taught equivalently by the Councils of Florence and Trent, cited in Articles 3 and 4 (vol. I, pp. 159 ff., 177, 179 ff., 184). The Council of Trent particularly proposes the necessity of contrition for the fruit of the sacrament in Session VI, chapter 14, and Session XIV, chapter 4, where it says: "Certain persons falsely calumniate Catholic writers, as though they had taught that the sacrament of Penance confers grace without a good movement on the part of its recipients [it is speaking, however, of contrition]; this the Church of God has never taught or held" (Denzinger, 898). Hence the opinion of the theologians mentioned above, insofar as it really teaches that the intention of receiving the sacrament suffices for its fruit or its validity, is rash.

Moreover, the necessity of sorrow for the fruit of the sacrament follows from the very necessity of penance for justification, discussed in Article 22. The necessity of the same sorrow also for the validity of the sacrament follows from its penitential and judicial character, as is clear from what was said in Article 4 (vol. I, p. 178 ff.).

From this it is clear that the adversaries improperly invoke a parallel with the other sacraments, such as Baptism, whose character is neither penitential nor judicial, and which therefore cannot require contrition except as a disposition for their fruit.

SECOND PART. INTERIOR CONTRITION IS AN ESSENTIAL PART OF THE SACRAMENT

Interior contrition is an ESSENTIAL PART of the sacrament.

This is likewise evident from what was said in Article 4, that is, from the teaching of the Councils of Florence and Trent, and from the penitential and judicial essence of this sacrament.

THIRD PART. INTERIOR CONTRITION IS A PER SE, IMMEDIATE, AND INTRINSICALLY CONSTITUTIVE PART

Interior contrition is a PER SE, immediate, and intrinsically constitutive part of this sacrament, although not directly but obliquely.

That interior contrition is a per se, immediate, and intrinsic part, and not merely an extrinsic concomitant, agrees both with the doctrine of the Council of Trent (Session XIV, chapters 3 and 4), which speaks of contrition (and indeed interior contrition, which is the subject of the whole of chapter 4) as one of the three integral parts and as the matter of the sacrament; and with the common understanding of theologians, who recognize in the act of contrition something like an informing power and a soul vivifying the whole sacrament; and with the teaching of St. Thomas, as

will be shown below; and with the very nature of the exterior act of contrition, insofar as it is not merely an effect and sign of interior contrition, but also matter informed by it and coalescing with it into a single act of contrition. Thus interior contrition is part of exterior contrition insofar as the latter is a true human and voluntary act, just as mental prayer is part of vocal prayer, interior consent is part of exterior consent in a contract and in Matrimony, and the will to kill is part of an exterior homicide.

In this, however, the Salmanticenses, and any other doctors agreeing with them, seem to have been mistaken: in exterior contrition they attended solely to its character as an effect and a sign in relation to interior contrition, whereas there is another relation especially to be considered, namely the relationship as of matter and form and their union into one voluntary and human act, which exists between exterior and interior acts of the same kind.

This is confirmed by the fact that, if interior contrition belonged to the sacrament merely as an extrinsic concomitant connoted by exterior contrition, it could not for any proper reason be called an essential part of the sacrament, not even obliquely. For it would be something extrinsic, although connoted by something intrinsic; and being connoted by what is intrinsic is not the same as intrinsically constituting something or being an essential part of it, as the Salmanticenses themselves insistently teach elsewhere.[105] From this it would follow that contrition belongs to the external sacrament no more, or for no different reason, than do the sins themselves, which are the remote matter and an extrinsic concomitant connoted by the penitent's acts (cf. Article 6, vol. I, p. 209); or than God belongs to the formal object of the virtue of penance (cf. Articles 12 and 14, vol. I, pp. 299 and 381 ff.); or than the body of Christ belongs to the external sacrament of the Eucharist.[106]

[105] Salmanticenses, De Poenitentia, disp. 1, dub. 2, n. 72; disp. 5, dub. 1, n. 18.

[106] Cf. the treatise De Eucharistia, art. 29, vol. I, pp. 601–604.

Nor can one oppose the objection that this last example differs because the body of Christ is in no way sensible in the Eucharist, whereas interior contrition is naturally signified by exterior contrition. For this difference is irrelevant to the matter and accidental: the fact would still remain that both interior contrition and the body of Christ are merely extrinsic concomitants, and therefore one could no more properly be called part of the external sacrament than the other.

Observe in passing how differently the doctors judge this relationship between the body of Christ in the Eucharist and interior contrition in the sacrament of Penance, and how they draw different conclusions from it. Some, admitting the parallel, conclude that the body of Christ is part of the external sacrament, just as contrition itself is (thus Lugo); others, again admitting the parallel, conclude that contrition is not an intrinsic part of the external sacrament, just as the body of Christ is not (thus the Salmanticenses); others, denying the parallel, consequently deny that, from the fact that the body of Christ is not part of the external sacrament, the same can be concluded about contrition, or that, from the fact that contrition is part of the sacrament, the same can be concluded about the body of Christ.

And this last consideration is indeed the true one. For the body of Christ, however intimately united to the species, is not naturally united to them as the substance of bread was, namely by inherence; nor, therefore, does it follow the conditions of those species in every respect, as the substance of bread did, and especially as regards the character of sensibility, from which the species derive their

sacramental character. Interior contrition, by contrast, is naturally united to exterior contrition; indeed, it coalesces with it into a single human act, which, as something one, participates in the character of a sacrament, as was stated above. Nevertheless, under another aspect, that is, under the aspect of the reality and sacrament, a parallel is found between the body of Christ and interior contrition, as will be clear from Article 28. But this parallel does not exclude the difference in the way each is related to the external sacrament itself.

You will object: A sacrament is something sensible; therefore something belongs to a sacrament in the way in which it is sensible. But interior contrition is sensible only accidentally, that is, through the exterior act. Therefore it belongs to this sacrament only accidentally.

I reply: A sacrament is something sensible in the affirmative sense, that is, in the sense that what is the sacrament must be something essentially sensible —I concede this; in the exclusive sense, that is, as though all and each of the parts of what is the sacrament must be sensible things, considered in themselves and separately from their fellow parts—I deny this. Thus a man is a sensible and corporeal being, although his soul is sensible only accidentally, by reason of the body. A contract is something sensible, although the interior consent without which a contract is unintelligible is sensible accidentally. Sacramental words are something sensible, although the mental word, by which they are informed and without which they would not be true sacramental words but mere sound or a parrot's speech, is sensible accidentally. Likewise, therefore, since interior contrition, by informing exterior contrition, makes with it one thing which is sensible per se, it belongs per se to the sacrament, although, considered separately, it is sensible only accidentally.

That interior contrition is, however, an intrinsic part of the sacrament not directly but only obliquely follows from the formal character of the sacrament itself, which is essentially a sensible sign. For in the notion of a sacrament only what is sensible per se enters directly, namely the exterior act which is informed by interior contrition; just as in the notion of homicide there enters directly exterior homicide, or the exterior act of killing itself, but obliquely interior homicide, or the interior act of the will by which the exterior act is informed.

It makes no difference that interior contrition is something more principal and nobler than exterior contrition. For what is more principal simply and in the order of being is not necessarily more principal in being a thing of this kind, that is, in the character which a thing formally involves. Thus the notion of something white, including the accident of whiteness and corporeal substance, signifies principally and directly whiteness itself, not substance, although substance is more principal simply and in the order of being. And the notion of a sacrament, or a sign productive of grace, signifies principally and directly the character of a sign, not that of a cause, although the latter is more principal as regards us and on the side of matter, as was said in the treatise On the Sacraments in General (Article 1, vol. I, p. 57 ff.).

And it is precisely on this point that certain theologians, such as Lugo, seem to have been mistaken. Attending solely to material primacy, and forgetting the formal character of a sacrament, which is essentially a sensible sign, they asserted that interior contrition is principally and directly included in the notion of the sacrament of Penance, just as in the treatise On the Eucharist (cf. Article 29) they teach that the body of Christ is included principally, or at least equally, in the notion of that sacrament.

This seems to be the opinion or mind not only of Suárez, but also of Cajetan and St. Thomas, whom the Salmanticenses nevertheless cite in favour of their own position.

Suárez: "Although contrition is not in itself and of itself sensible, nevertheless through confession and external signs it is in some manner sensible; and this suffices for it to be part of the sacramental matter. Thus interior attention is part of vocal prayer, and interior consent belongs to the nature of Matrimony. And in this manner St. Thomas speaks above, q. 90, a. 2, ad 1, and in IV Sent., dist. 14, q. 1, a. 1, ad 1, when he says that the matter of this sacrament is the acts of the penitent insofar as they appear externally."[107]

[107] Suárez, De Poenitentia, disp. 18, sect. 3, n. 6, in Opera omnia, vol. 22 (Paris, 1866), p. 391.

Cajetan, on III, q. 90, a. 2, ad 1: "In the reply to the first objection a difficulty arises about the reply itself, insofar as it says that contrition according to its essence is not part of the sacrament, but virtually belongs to exterior penance—that is, it is part of the sacrament insofar as it implies a purpose of confessing and making satisfaction. For according to this reply there are not three but two parts of penance, since contrition, as distinct from confession and satisfaction, is not part of penance. And thus the Author [St. Thomas] is found to contradict himself.

"To this it is said that several things are found in contrition. One of them is the will to make recompense according to the judgment of the priest. By reason of this, contrition is placed as the first part of the sacrament of Penance, as its beginning, so that this interior act, although in itself it does not belong to exterior penance, nevertheless belongs to exterior penance insofar as it is the principle and beginning of exterior penance. Thus we see in other matters, good as well as evil, that interior acts and passions, insofar as they are the reasons for exterior acts, belong to judgments concerning outward matters: for one who offends out of hatred is judged differently from one who offends out of anger, and so forth.

"And besides this common reason, a special reason intervenes here, which is readily apparent from the difference between recompense according to pure justice and recompense according to justice and friendship. Recompense according to justice is judged by equality in external things, whether the recompense be made willingly or unwillingly, as is evident both in the payment of money and in the cutting off of limbs or a beating, and so forth: justice is satisfied even if the guilty party pays or suffers unwillingly. But recompense according to justice and friendship, unless it is made willingly by the guilty person, is worth nothing, because it does not bring about reconciliation. And because the sacrament of Penance concerns recompense that effects reconciliation, the will to make recompense is placed as its beginning and reason, to signify this. Since this will is contained in contrition, contrition is therefore placed as the first part of the sacrament of Penance; and it is said in the text that it is part of the sacrament of Penance not according to its essence, but 'virtually,' that is, insofar as it is the beginning and reason of recompense. For by those words, 'insofar, namely, as it implies a purpose of confessing and making satisfaction,' the Author circumlocutes the will to make recompense, which in the body of the article he had concluded was the first part of penance. Hence it is clear that contrition, not only considered in itself but also as the first part of penance, is distinguished from confession and satisfaction: for the will to make recompense is distinguished from submission and from execution."

St. Thomas, Supplement, q. 5, a. 1: "Contrition can be considered in two ways: either insofar as it is part of the sacrament, or insofar as it is an act of virtue. In both ways it is a cause of the remission of sin, but in different manners: for insofar as it is part of the sacrament, it operates toward the remission of sin principally in an instrumental way, as is clear also of the other sacraments (IV Sent., dist. 1, q. 1, a. 4); whereas insofar as it is an act of virtue, it is, as it were, a material cause of the remission of sin, since a disposition is, as it were, a necessary condition for justification." Here the holy Doctor does not distinguish between interior contrition and its extrinsic sign, but says of the same contrition that it is part of the sacrament and an act of virtue.

III, q. 90, a. 2, ad 1: "Contrition according to its essence is indeed in the heart and belongs to interior penance; but virtually it belongs to exterior penance, insofar, namely, as it implies a purpose of confessing and making satisfaction." Thus, for St. Thomas, interior contrition itself is a part of the sacrament, not indeed according to its essence (that is, insofar as it formally involves a purpose of repairing sin and the intention of removing it, according to what was said in q. 85, a. 1, for in this respect it is a merely interior element), but virtually—that is, insofar as, in consequence of the aforesaid purpose, it also involves a purpose of confessing and making satisfaction, and thus as related to the exterior acts of confession and satisfaction. It is not, however, related to those acts merely as an object signified by them, but as their reason and cause through the very purpose of confessing and making satisfaction contained within it.

From this it follows that, according to St. Thomas, interior contrition, insofar as it is the interior purpose of confessing and making satisfaction, is part of the sacrament in the way in which the reason and cause of confession and satisfaction can be a part of the sacrament. But the reason and cause of confession and satisfaction are thereby an intrinsic part of the sacrament, together with confession and satisfaction themselves. For in the teaching of St. Thomas, the interior act of the will is so united to the exterior act proceeding from it that it, as it were, informs that exterior act and with it constitutes a single voluntary, human, and moral act. The following texts bear on this:

II–II, q. 32, a. 1: "Exterior acts are referred to that virtue to which belongs the motive for doing such acts."

Ibid., q. 152, a. 1: "The sensible passions are the matter of moral [acts; but the purpose of the will] … stands in a formal and completing relation, because the character of moral acts is completed in that which belongs to reason."

III, q. 19, a. 2: "When an inferior agent acts through its own form, then the operation of the inferior agent is distinct from that of the superior; but when the inferior agent acts only insofar as it is moved by the superior agent, then the operation of the superior and the inferior agent is the same. Thus in any mere man the operation of the elemental body and of the vegetative soul is different from the operation of the will, which is properly human; and likewise the operation of the sensitive soul, insofar as it is not moved by reason. But insofar as it is moved by reason, the operation of the sensitive and the rational part is the same."

Furthermore, even in IV Sent., dist. 22, q. 2, a. 1, from which the Salmanticenses chiefly argue in favour of their opinion, nothing is found contrary to our position, as is evident from the whole text of the first little question. As for the fact that in the second little question St. Thomas says that interior contrition belongs to penance as a sacrament "[insofar as it is] its effect or what is signified [that is,

by the exterior act]," this does not touch the present issue. For there he treats contrition not insofar as it is the sacrament but insofar as it is the reality and sacrament.

Nevertheless, a certain difference is to be noted between the passage from III, q. 90, a. 2, ad 1, cited above, and this passage from the Sentences. In the former, St. Thomas counts as the three parts of the sacrament confession, satisfaction, and the purpose of confessing and making satisfaction (as though the whole character of sensibility comes to interior contrition from its conjunction with exterior confession and satisfaction). Here, however (the second little question, ad 3), he adds to those three exterior signs of contrition, saying: "The three parts of penance are found both in exterior and in interior penance; for confession and satisfaction, which appear to belong only to exterior penance, are found in interior penance as to the purpose and forethought of them; and contrition also, which appears to belong only to interior penance, is found in exterior penance according to certain signs by which it is sensibly manifested, whether to others or at least to the penitent himself, who perceives sensible sorrow within himself."

Article 27. Whether and how contrition must be united, referred, and ordered to the other parts of the sacrament, namely confession and absolution

ARTICLE 27. WHETHER AND HOW INTERIOR CONTRITION MUST BE UNITED TO THE OTHER PARTS OF THE SACRAMENT, NAMELY CONFESSION AND ABSOLUTION (cf. q. 84, aa. 1 and 2; q. 90, a. 2).[108]

STATE OF THE QUESTION

In this article there arise chiefly three questions of lesser importance, treated at considerable length by some, such as Lugo and the Salmanticenses, but not resolved very clearly by many: namely, whether contrition must be morally united to confession and absolution; whether it must be preceded by, or directed by, the intention of receiving the sacrament; and whether it must precede both absolution and confession itself.

[108] Cf. Suárez, De Poenitentia, disp. 26, sect. 4, nn. 27–30; Lugo, disp. 14, sects. 2–4; Salmanticenses, disp. 7, doubts 4–5; Billuart, diss. 4, a. 8, questions 3–4; St. Alphonsus, nn. 445–448; Lehmkuhl, nn. 280–282; Gury, n. 447 ff.; Génicot-Salsmans, n. 278 ff.; Noldin-Schmitt, nn. 256–258; Vermeersch, nn. 570–572; Prümmer, nn. 350–352; Merkelbach, n. 489; Cappello (1944 ed.), nn. 116–119.

CONCLUSION

Conclusion 1. Contrition must be simultaneous with confession and absolution, at least with a moral simultaneity.

Proof.

Since Penance is something composite, all its parts must exist together, for no composite thing subsists except from the union or some coexistence of its parts. Since, moreover, this is a sacramental or artificial composite, the physical simultaneity of its parts is not required, but moral simultaneity suffices. Yet, since it is a judicial sacrament, so close a moral union among its parts is required as is found among the parts of the judicial process of the sacrament. Therefore contrition must be simultaneous with confession and absolution, at least by a moral simultaneity.

The theologians, however, do not agree altogether about explaining the manner of this moral presence of contrition.

One or another, such as Lacroix († 1714), seems in practice to demand a formal presence. In St. Alphonsus we read: "But Croix holds that, after the penitent has been turned to various things following the act of sorrow, the sorrow must be renewed at least in some notable way before confession, even if briefly" (no. 446). Nevertheless, this opinion is rightly rejected by almost all theologians, both because it would render confession difficult and often invalid, and because it is unnecessary that an act of the will (in this case, contrition) should endure formally, and it is evident from experience—for example, in the ordinary case of someone who, with the intention of going to some place, proceeds to that place while his mind is distracted—that it need not endure continually.

Those who, with the Scotists, maintain that the acts of the penitent are not an intrinsic part of the sacrament, but only a necessary condition thereof, consistently say that it suffices for contrition to be present habitually: namely, that it was previously elicited and has not subsequently been explicitly revoked by a contrary act or implicitly by sinning again or contrary dispositions. Some doctors, among them Hurtado, Leander, and Diana, assert this in some manner; also Vermeersch, a modern author, provided that one does not confuse the terms, saying "virtually" where "habitually" is intended, although neither the reasoning nor the words of these authors make this appear clearly enough. The reason for this opinion can be taken from the judicial character of the sacrament, since in every trial a sentence of condemnation or acquittal may be issued long after the discussion of the case.

Hurtado writes to the point: "In Penance, long after the acts of the penitent, absolution can be validly conferred, just as in a forensic judgment (after the pattern of which Penance was instituted), absolution or condemnation is customarily pronounced long after the discussion of the case; namely, throughout the whole subsequent time during which the acts of the penitent are said morally to remain, insofar as they remain habitually, that is, so long as they are retracted neither expressly nor implicitly."[109]

[109] De Sacramentis in genere, disp. 1, diff. 2.

Vermeersch: "One who, having instituted an examination of conscience, has aroused contrition and, after several hours, indeed after an entire day, accuses himself of his sins, ought not to think that his contrition has been annulled or interrupted, even if he has not renewed it and has made his confession coldly. For the affliction, once shared by the senses, need not be prolonged; in the accusation itself sorrow is virtually contained and expressed: it has persevered in the habitual will, which meanwhile we suppose not to have been changed" (no. 570).

The commoner opinion, however, which the Salmanticenses expressly follow (disp. 7, dub. 5, no. 117 and 121), as do Billuart (diss. 5, a. 1, questions 3 and 4), St. Alphonsus (no. 446), Prümmer (no. 350), Merkelbach (nos. 490 and 492), Noldin-Schmitt (no. 256), and others, requires contrition that is virtually present, or which, having once been morally posited, still actually perseveres—not according to itself and its form, but according to its power or effect, since the will remains in the will to confess conceived from contrition, in flight from occasions, in more frequent prayers, indeed in the operative disposition of the will itself. Thus, even if someone interrupts his contrition by the

occupations of human life, while the intention of contrition is not interrupted, he naturally resumes that contrition, when occasion or recollection occurs, or resumes its effects.[110][111]

[110] Compare the words of Billuart quoted in our treatise On the Sacraments in General, art. 38 (p. 466 ff.). Also the Salmanticenses: "To be virtually present happens in two ways. First, when the act has ceased in itself yet still directs subsequent acts and remains in them as in its effect; thus the intention of an end virtually continues in the choice of means. In this way, someone who at home had the intention to celebrate [Mass] and, with this intention, goes out, enters church, and puts on the sacred vestments, retains that intention virtually and in its effect even if he does not recall it. Secondly, this virtual permanence occurs when the first intention has been interrupted both in itself and in its effect because of the affairs of human life; nevertheless it is repeated at least in general and confusedly when its subject matter comes to mind. For it is regarded as an object willed in this general, confused manner and is thus said to remain virtually. A sign is that, if the person is suddenly questioned about his intention in this or that matter, he immediately answers according to his former intention, without any deliberation." (De Poenitentia, disp. 7, dub. 5, § 1, n. 115, Cursus Theologicus, vol. 20, Paris, 1883, p. 136.)

[111] Do not confuse virtual contrition with contrition virtually present: the former concerns the essence, the latter the existence, of contrition. It was said in Article 25 that formal contrition is required for the sacrament of Penance and that virtual contrition does not suffice (though it may outside the sacrament). Formal contrition itself, however, can persevere or be present formally, virtually, or habitually.

The reason is that contrition is a constitutive part of the sacrament; but a sacrament cannot exist in act unless its parts exist in act, which occurs either formally or virtually, but not habitually, since a habit is opposed to an act. Nor is it of any avail to say that contrition habitually present is actually present according to a habit, for this is to play with words: such presence is something merely negative, and habitual contrition is nothing other than contrition which has not been retracted. Its whole presence is reduced to the fact that it has not been retracted, which is merely negative. Moreover, the sacrament of Penance consists in a certain act or action, both on the part of the minister and on the part of the penitent; but habitual contrition is not an act.

Nor is the reason brought forward by the opponents—namely the analogy with a forensic judgment—to the point. For, as St. Alphonsus rightly observes (no. 446), this analogy must be conceded only in part. The likeness is that contrition, like an accusation in a forensic trial, need not be formally present when the sentence of absolution is pronounced. But there are two differences: first, contrition must remain virtually present, since this is demanded by the very character of sacramental matter; and, secondly, precisely because virtual and not merely habitual presence is required, it is not easily obtained, nor is it presumed to exist long after the act of contrition itself was elicited, as will be explained below.

But in explaining this, it is important to consider in what manner that virtual presence ought to be understood, as the following TWO QUESTIONS show.

FIRST. For how long must contrition, previously elicited, last in order to be sufficient for the validity of the sacrament?

Those doctors who say habitual presence suffices consequently ought to say that contrition sufficient for the validity of the sacrament must endure indefinitely, provided it has not been retracted explicitly by a contrary act or implicitly by sinning, or at least throughout the intervening period that may be allowed between accusation and sentence in any judicial process, and even for many years. How difficult these consequences are for prudent persons is sufficiently clear; and they seem to undermine the position of those doctors themselves.

But others, who require virtual presence, inquire about its duration (as indeed they should). Yet they judge differently according to differing circumstances: some say contrition is considered virtually to endure for one or several hours, others for a whole day, others for several days. Nevertheless this is not to be assessed absolutely, since it depends upon the circumstances and dispositions of different wills. Thus Billuart, in the treatise on the sacraments in general, article 38 (p. 466 ff.), says that although a virtual intention (and exactly the same is true of contrition, in that it directs some deliberate act of the will) does not of itself cease except through a contrary act, nevertheless in fact, in ordinary contingencies, it easily dies away, by reason of the very non-use and inconstancy of human nature; and this more readily happens in an act of contrition, on account of its intrinsic difficulty and its opposition to the inclinations of the will, from which it proceeds.

The SALMANTICENSES also say: "From the fact that an intention once preceded, it does not follow that it remains after a long time; rather it can happen that it ceases both in itself and in its effects, and in its recollection and approval. Nor, for the aforesaid total cessation, is there required a positive act retracting the prior intention by way of opposition; the very passage of time without renewal of the previous act suffices. For when the will first intends, it does not impress upon itself or upon the other powers anything altogether fixed and, as it were, indelible in the manner of a character, or at least something permanent in the manner of a habit; rather, it impresses something less stable, resembling an act or disposition, which quickly passes away. Thus, from the very fact that it is not sustained by recollection and repetition, it vanishes even without a contrary act, as its own condition demands. And this is so not only physically, as reason persuades, but also morally in the order of prudent judgment; for the contrary would supply a foundation to someone who for fifty years neither remembers an intention once held, nor approves it, nor repeats it. For in relation to it he behaves just as if it never had existed or did not exist. This is especially so because the things which are done from a deliberate intention truly and really proceed from it and bring its influence to its term. For this, the prudent and moral estimation of the matter is irrelevant if the thing itself is otherwise in reality: an intention which preceded long ago and has never been renewed ceases both in itself and in its effect, and therefore absolutely."[112]

[112] Salmanticenses, De Poenitentia, disp. 7, dub. 5, § 2, n. 119, Cursus Theologicus, vol. 20, Paris, 1883, p. 140 ff.

SECOND. Whether the same act of contrition can serve for several successive absolutions, so that it is not necessary to repeat it.

This question is raised, and is solved in almost the same manner, in the twofold case: namely, the penitent who makes a repeated confession of sins already sacramentally remitted, and the penitent who, after receiving absolution, remembers a sin committed and confesses it in order to be absolved of it.

A few authors, such as Vázquez (q. 92, a. 3, dub. 5), Henríquez, Filliucius, Bonacina, and Diana, seem to teach that, if the act of contrition has formally ceased, it must be repeated, not otherwise than the repetition of confession, since a new sacrament is applied and therefore also new parts of the sacrament must be supplied. But this opinion is rightly rejected by others, since, as has been said, sorrow virtually present suffices in the sacrament; therefore there is no reason why sorrow, virtually present in the prior confession, cannot serve for another if it still perseveres virtually, if it is supposed that sorrow universally extends to all sins; nor is the reason of a new sacrament opposed, both

because the same matter can serve for two sacraments, as is clear of water in Baptism, and because, if sorrow endured formally, it could serve for two confessions.

Certain authors, such as Hurtado and Leander, say in relation to the same sorrow that it suffices for the ensuing confession if it remains habitually; they seem principally persuaded of this by the fact that the penitent, while sorrow was formally or virtually present in the preceding confession, had already sorrowed for the sins which he now accuses in the new confession. Yet this opinion is rightly rejected by the common opinion of the doctors mentioned above, who even in the cases just described of a repeated confession require the presence at least of virtual contrition.

And this follows from the same twofold reason already stated and from the character of a constitutive part of the sacrament, as explained above. Nor does it matter that preceding contrition already included the sins confessed in the new confession; for it must concur in the new sacrament, and therefore it must be present at that time at least virtually. Moreover, in these cases this is required by the sacramental confession itself, which must be sorrowful, and must therefore remain under the influence of contrition; nor can habitual contrition supply such an influence, since it is not an act and cannot exert an influence. Likewise, if habitual contrition sufficed in these cases, it would follow that such confessions would be valid even after many, indeed very many, years, although the penitent remained in grace; but no prudent person would say that the moral unity required for a sacrament is preserved between contrition and a confession separated by a span of many years, since almost all doctors require a delay of time (at most a few days) between the act of formal contrition and the sacrament.

Observe that in the other case, namely of a penitent accusing an omitted sin, some doctors say that a new absolution constitutes only a complement of the preceding sacrament, while others say that it makes a new and distinct sacrament. And this latter is the true opinion. Therefore we do not approve Prümmer's following words: "Neither is he who says that in such a case there are two sacraments, and a double absolution or form, likely to err, and accordingly he also requires double contrition as the proximate matter. For, granted that the contrition virtually persevering extends to the omitted sin, there is truly sufficient proximate matter for confession. Moreover, this second absolution does not remit the omitted sin, since it was already remitted by the first absolution; hence the second absolution is nothing other than a complement of the first, and both seem to be one sacrament. But if the penitent then receives a second sacrament, he would be in a better condition than if he had forgotten nothing and declared all his sins together in the first accusation."[113]

[113] Prümmer, Theologia Moralis, vol. 3, n. 352 (Freiburg im Breisgau, 1923), p. 242.

Conclusion 2. Contrition must in some manner be referred and directed to the sacrament or its absolution (cf. q. 84, a. 1, ad 1 and 2).

Proof.

In the first place, the very nature of the matter of a sacrament requires this. For contrition, on the one hand, is the matter of the sacrament, and, on the other, an act performed or supplied by the subject himself, and therefore it must be directed toward the sacrament by that same subject. And precisely in this consists the difference between Penance and Matrimony on the one hand, which consist in human acts, and the other sacraments on the other hand, which consist in things and their use; for in the former, besides the intention of the minister who takes and joins the matter to the

form, there is required the intention of the subject who provides the matter to be joined to the form by the minister; and thus the subject is properly and formally said in some manner to influence the very constitution of these sacraments and to cooperate with the minister for his own salvation.

Secondly, the very character of this sacrament as judicial requires it; for contrition is also an act of accusation, as confession gives testimony in a forensic judgment, as was said in Article 4 (vol. I, p. 178 ff.). Hence contrition, like confession, must be referred to the sentence or absolution.

Thirdly, the very nature of confession requires it; for confession must be made in order to obtain absolution, nor can it be ordered to absolution unless it is sorrowful (since it must proceed from sorrow previously elicited, or at least be joined to sorrow elicited after confession itself). For confession has the character of testimony, whereas contrition has that of accusation, and testimony without accusation cannot be conceived, nor accusation without its proof; therefore contrition, insofar as it is included in confession, must be ordered along with it toward sacramental absolution.

We say in the Conclusion that contrition must be referred to the sacrament IN SOME MANNER.

For this reference can be conceived in three ways: either contrition proceeds from an intention to confess, insofar as someone who first proposes to confess and receive the sacrament thereby arouses contrition in himself; or, conversely, from an intention of receiving the sacrament, insofar as one who first sorrows is thereby impelled to have recourse to the sacramental remedy established for him; or neither precedes the other, but they are joined in a subsequent intention, insofar as a person conceives a certain sorrow having no relation to the sacrament and afterward intentionally refers it to the sacrament, without eliciting a new sorrow.

That the first mode of reference is not necessary, but that the second suffices, is the very common opinion of theologians, although the contrary opinion is commonly attributed to certain doctors on the testimony of Lugo (disp. 14, sect. 3), who says it was held by certain recent writers, among whom he names only Bonacina (De Poenitentia, disp. 5, q. 3, p. 2, n. 17).

The reason is that, in the second of the foregoing modes, contrition can be referred to the reception of the sacrament at least as a cause to its effect. Hence, if someone, moved by divine grace—for example, on the occasion of a public sermon or private reading—elicits an act of sorrow while not yet thinking at all of making confession, and afterwards is led by this very act to undertake confession, he ought not to repeat his act of sorrow. Moreover, since this act must virtually persevere until the reception of the sacrament, as was said above, and since by its causal influence the very intention of receiving the sacrament is somehow informed by it, this intention, once conceived, is rightly said to turn back its influence upon sorrow itself as virtually persevering; for the penitent intends to receive the sacrament with the actual disposition which he has, and therefore with sorrow virtually persevering. Thus the sorrow itself which produced the purpose of receiving the sacrament is ordered toward the sacrament by that very purpose, whereby we indirectly fall back upon the first mode of reference.

The third proposed mode is maintained by some of the older writers to whom Billuart alludes, and by some modern writers, such as Haine and Merkelbach, and these three authors say that it suffices. Yet it seems obscure and not easy to grasp. For how can a merely extrinsic and voluntary reference of an act which was in no way referred to the sacrament effect a reference in that very act? Can the will change the nature of things? If it is said that sorrow virtually perseveres and is thus informed by the

purpose of confession and at least implicitly directed toward confession, this will indeed be true; but we have then departed from the supposed case of a reference made by the mere free choice of the will, and fall into the explanation just given, which ultimately returns indirectly to the first case of reference. Hence it is useless to play with words or formulas; one must simply acknowledge that the act of contrition ought, under some aspect, to be directed toward the reception of the sacrament and consequently to proceed in some way from this intention.[114]

[114] Merkelbach says that preceding sorrow is sufficiently referred to the present confession by the very recollection of it: "Confession with recollection of previous sorrow suffices" (n. 490).

As regards the practical case proposed by Billuart and repeated by Merkelbach, namely of one who "today has sorrow without thinking of tomorrow's confession, and when confessing tomorrow recalls yesterday's sorrow," and which these authors resolve by denying validity because all reference to the sacrament is absent: the answer must be that yesterday's sorrow either remains merely habitually, in which case the sacrament is clearly invalid through the lack of its matter, or it remains virtually (as the aforesaid theologians themselves suppose), in which case the sacrament is valid. For that sorrow, by the very fact that it remains virtually, or that it is manifested in some effect and sign of its own, is implicitly and virtually directed toward the sacrament through the very intention of confessing, which implicitly refers to that end whatever is capable of being referred to it.

The opinion concerning the necessity of some ordering of the act of sorrow toward the sacrament can be called common among theologians. It is taught, among others, by Lugo (disp. 14, sect. 4, n. 7), Billuart (diss. 4, a. 8, question 3, reply 4), St. Alphonsus (n. 447), Lehmkuhl (n. 280, with an extensive note), Génicot-Salsmans (n. 278), Prümmer (n. 351), and Merkelbach (n. 489 ff.). All these readily agree with the following apt words of Suárez: "One must always bear in mind that it is necessary for such interior sorrow to be referred to confession by a formal or virtual intention of the penitent. This happens whenever someone recalls the sins and sorrows over them in order to confess them, or exhibits a sign of his sorrow with a view to making confession or obtaining absolution, and finally whenever someone sorrows for sins with the express purpose of confessing them, by virtue of which he subsequently makes confession. For any one of these modes suffices for a true accusation; but some such reference is necessary, because the intention of the sacrament, and of its parts in relation to its constitution, is necessary for the confecting of the sacrament."[115]

[115] Suárez, De Poenitentia, disp. 20, sect. 4, n. 28, Opera omnia, vol. 22 (Paris, 1866), p. 446.

Among some modern moralists, however, a certain tendency is observed to deny that contrition must be referred to the sacrament through intention. This appears both from their manner of stating the question (they ask only whether contrition must be elicited from, or with, an intention of receiving the sacrament), and from the reason by which they reject the necessity of that intention (namely, that only those parts which the minister supplies depend upon the intention of the sacrament), and from the conclusion which they teach (namely, that it suffices for contrition to be morally or virtually present when the sacrament is administered).

Certain expressions of Lugo, in his refutation of the above-mentioned opinion defending the necessity of eliciting sorrow from an intention of the sacrament, seem to have given them occasion for this. Vermeersch, more clearly and frankly, explicitly doubts whether any ordering whatsoever of the act of sorrow toward the sacrament is necessary, writing: "The sorrow over sins confessed must be directed in some manner toward the sacrament by the will of the penitent, according to the

common opinion: thus Suárez. ... This, however, can be doubted, when the penitent is not the minister of this sacrament; rather, it seems enough that the minister should find suitable matter (Lugo, disp. 14, n. 41 ff.). And thus, at least conditionally, we absolve dying heretics who sorrow for their sins and are ignorant of the sacrament of Penance" (n. 570).

CONCLUSION 3. Contrition must simply precede absolution, but not confession, unless the latter is considered in the strictest formal sense according to its sacramental being as such (cf. q. 90, a. 2).

Proof by parts.

FIRST PART. Contrition must simply precede absolution.

The reason for this assertion, about which there is no controversy among theologians, is not, as some say, that absolution is the form and therefore must follow contrition in order to inform it; for a form can inform matter which follows it, provided that the matter itself is still morally present, as the nature of any sacrament plainly requires, as is evident in Baptism, Confirmation, Extreme Unction, and Holy Orders. Rather, the reason is partly that contrition must in some manner affect confession, which must precede absolution, and more formally because this sacrament is judicial and consequently requires that both the accusation, or contrition, and the testimony, or confession, precede the sentence of absolution, as in any forensic judgment. For judgment cannot be pronounced except concerning a matter previously known and discussed.

Hence it is universally required that contrition be elicited at least before the final completing word of absolution, or before the instant at which the form is completed, in which Penance obtains its efficacy and produces its effect.

SECOND PART. Contrition need not necessarily precede confession, unless confession is considered formally under the aspect of sacramental being.

That contrition need not materially precede confession, or the mere narration of sins, is evident first of all from the very practice of confessors, who, after hearing the confession of the faithful and before imparting absolution to them, are accustomed both to exhort them and to stir them to contrition, according to the admonition of the Roman Ritual, title 3, chapter 1, n. 18: "Finally, after hearing the confession, having weighed the magnitude and multitude of the sins which he has admitted, and the condition of the penitent, he [the confessor] will, as he sees fitting, offer appropriate corrections and admonitions with paternal charity, and will strive by efficacious words to lead him to sorrow and contrition, and to amend his life and order it better, and will supply remedies for sins."

Moreover, the sole reason from which a necessity for an act of contrition to precede the narration of sins could be argued is that contrition ought to become sensible through confession, and that confession ought to be sorrowful or in some way informed by contrition; but these requirements do not seem capable of being fulfilled unless contrition precedes confession. Nevertheless both can also be fulfilled if contrition follows the narration of sins.

A twofold explanation of this assertion is given, and in it lies the sole disagreement among theologians concerning this question.

Lugo (disp. 14, sect. 2, n. 17), with whom Amicus, Leander, and among modern authors Merkelbach (n. 491, less firmly) agree, says that contrition is rendered sensible through a preceding confession insofar as this imports the intention of receiving the sacrament and therefore of supplying whatever

is required for it, among which is sorrow; hence "sorrow elicited afterwards has been rendered sensible by the preceding confession, which signified it either as present or as past or as future."

But this explanation must rightly be rejected with the Salmanticenses (disp. 7, dub. 4, n. 104); for in this way contrition is in no manner rendered sensible, not by the very intention of receiving the sacrament and supplying what is required for it, because an intention is not something sensible, nor by confession, because this would express no relation to contrition, either as cause or as effect, upon which the relation of a sensible sign could be founded. Nor is the other explanation better which Lugo, pressed by the difficulty, adds at the end of the same section (n. 23), saying that "the sinner ... whenever he accuses himself, has some hatred of sin and some desire of salvation, unless he confesses altogether fictitiously," from which hatred the subsequent confession itself somehow becomes sorrowful. For the question is whether such hatred either is true sorrow for sin or is not: in the former case, we are already outside the question, because contrition preceding confession is supposed; in the latter case, it cannot itself make confession sacramentally sorrowful, which is what is being asked.

The more common and true explanation, brought forward among others by Suárez, the Salmanticenses, Billuart, St. Alphonsus, and Merkelbach, is that contrition renders the preceding confession sorrowful and through it becomes sensible insofar as it somehow precedes that confession. This is understood in the sense that after contrition has been elicited, the preceding confession still endures or continues equivalently in the various signs by which the penitent expresses himself to be a sinner and to await absolution (for example, tears, beating of the breast, a lowered countenance, kneeling, humble expectation of absolution, acceptance of the enjoined satisfaction); and under this aspect confession proceeds from sorrow and is informed by it, and begins to be sacramental. The reason and foundation of this explanation is that confession, formally as sacramental, ought to proceed from sorrow, as St. Thomas himself seems implicitly to teach, q. 90, a. 2, cited in article 3 (vol. I, p. 162).

SUÁREZ, to the point: "Although the entire preceding narration of sins, insofar as it preceded contrition in time, did not have the complete character of a sacramental accusation ..., nevertheless, insofar as it is afterwards informed by subsequent contrition and, thus informed, is submitted to the keys by the penitent himself, or by one awaiting absolution, it sufficiently attains the character of a sacramental accusation; this, therefore, is enough for the truth of the sacrament."[116]

[116] Suárez, De Poenitentia, disp. 20, sect. 4, n. 30, Opera omnia, vol. 22 (Paris, 1866), p. 446.

SALMANTICENSES: "It must be said that sorrow, in order to be a part of this sacrament, must precede confession. ... A confession which does not proceed from sorrow was a mere relation of sins and not an accusation. But when sorrow subsequently arises with its signs expressed, it then begins to be in the character of an accusation and a part of the sacrament; and it presupposes such sorrow and its signs, although the work itself is not a repeated narration of sins, which is sufficiently known and present to the priest. And here our assertion is evident: for it is formally referred to sorrow, and to confession as parts of the sacrament."[117]

[117] Salmanticenses, De Poenitentia, disp. 7, dub. 4, § 1, n. 107, Cursus Theologicus, vol. 20 (Paris, 1883), p. 130.

BILLUART: "In order that confession may be called sorrowful, it is not required that sorrow precede it, but it suffices that confession itself be referred to sorrow which follows. Indeed the following

sorrow in some sense precedes and flows into the confession, insofar as the penitent who has confessed kneels or humbly asks or awaits the sentence of the judge; for then he is morally judged to persevere in the confession he has made and to continue it by that very action, implicitly saying: 'Thus, Father, I did all these things which I have said; thus it is, I beg humbly for absolution and penance.' Therefore, if after the completed narration of sins an act of contrition is elicited, it sufficiently informs this confession thus morally continued and renders it sorrowful. ... By the confession thus morally and in fact continued, sensible contrition is sufficiently produced, and sufficiently manifested to the necessary judge."[118]

[118] Billuart, De Poenitentia, diss. 4, art. 8, question 3, reply 3, Cursus Theologiae, vol. 9 (Paris, 1904), p. 330.

ST. ALPHONSUS: "That confession may not be a mere narration of sins, but may have the character of a sacramental accusation ..., it suffices that confession be made with the intention of obtaining absolution, and that sorrow afterwards be manifested at least by asking for or awaiting absolution; for thus confession is well and truly sacramental."[119]

[119] St. Alphonsus, Theologia Moralis, ed. L. Gaudé, n. 445, vol. 3 (Rome, 1909), p. 451.

MERKELBACH: "That confession may be sorrowful, it suffices ... that it continue while sorrow exists, and that the latter flow into confession morally continued and inform it, insofar as, as Billuart says ..., while the penitent kneels or humbly asks or awaits the sentence of the judge, he is then morally judged to persevere in the confession made and to continue it by that very fact," and implicitly to accuse himself and ask pardon.[120]

[120] Merkelbach, Theologia Moralis, vol. 3, n. 491.

NOLDIN-SCHMITT (less clearly): "By the very fact ... that the penitent has confessed with the intention of obtaining absolution, the confession is sacramental; but sorrow is rendered sensible because the penitent, awaiting absolution, seems to continue the accusation informed by subsequent sorrow and to direct it toward absolution. For the request for absolution and the expectation of it morally pertain to confession and constitute and complete it."[121]

[121] Noldin-Schmitt, Theologia Moralis, vol. 3, n. 256, b.

Lugo, objecting, rejects this explanation: "But against this is the fact that it could happen that sorrow be signified by no subsequent act. If the penitent, for example, after confession is completed, is stirred to sorrow by the confessor and meanwhile, when the confessor goes away for a little while to consult someone or for some other brief business, the penitent then sorrows for his sins, but when the priest returns he finds him already deprived of the use of reason and absolves him, not doubting his disposition, in which case that absolution seems altogether valid; and nevertheless sorrow could have been manifested to the priest by no external subsequent act of the penitent: therefore it is not necessary that it be made sensible through that subsequent silence and perseverance."[122]

[122] Lugo, De Poenitentia, disp. 14, sect. 2, n. 16, Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 763.

The Salmanticenses answer by denying the validity of such an absolution, because in that case, when sorrow is elicited, confession no longer exists, since it is terminated by fainting or the absence of the use of reason. Nevertheless, it could be said, not improbably, that the absolution is valid, not for the reasons supposed by Lugo, but because sorrow, although it has perhaps completely vanished during the faint, probably remains in some manner virtually in its effect, or in the same conditions or

circumstances of the penitent awaiting absolution, which had been informed by sorrow before the faint occurred. Moreover, nobody denies that such a penitent could be absolved at least conditionally, in the manner of those who are dying, from the presumption of sorrow actually persevering, even if hidden.

We said above that the disagreement of theologians about this question was to be placed in this twofold explanation alone, although others state the matter differently, so that one might think the opinions divide into two opposing schools. Some, such as the Salmanticenses, considering confession formally as sacramental, rightly affirm that sorrow must precede confession, but teach at the same time that the material narration of sins can precede sorrow; others, such as Suárez and Billuart, considering confession chiefly as the material narration of sins, rightly affirm that this can precede sorrow, but teach at the same time that confession formally as sacramental follows sorrow. The disagreement belongs properly to the view of Lugo, who rejects this last point, teaching absolutely and without qualification that confession can precede sorrow and be rendered sorrowful through the sorrow itself as following it.

See how the question is proposed by Lugo, the Salmanticenses, and St. Alphonsus:

LUGO: "P. Coninck, in the present disputation IV, doubt VI, says that the sorrow required for this sacrament must necessarily precede confession according to priority not only of nature but also of time. ... This opinion is singular and has against it all theologians, among whom Navarrus ... Suárez ... Henríquez ... Petrus de Ochagavia ... Bonacina ... seem to hold the contrary; and Vázquez ... finally Fagúndez relates others."[123]

[123] Lugo, De Poenitentia, disp. 14, sect. 2, nn. 12 ff., Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 762.

SALMANTICENSES: "It must be said that sorrow, in order to be a part of this sacrament, must precede confession. Lugo said of this assertion, disp. 14, sect. 2, n. 13, that it was singular and had against it all theologians. But he is mistaken, and excessively so, since, to omit now the Thomists, who not so much prove as suppose it, other authors teach it, as Coninck ... Castro Palao ... Laymann ... Ochagavia ... Dicastillo ... and others. And it is understood that Suárez himself taught it ... as Dicastillo, and Palao rightly observed. ... The contrary opinion, teaching that it is not necessary for sorrow, as a part of this sacrament, to precede confession, is maintained by Henríquez ... Lugo ... Amicus ... Leander ... and commonly by more recent writers, who report Medina, Toletus, Suárez, Vázquez, Filliucius, and many others as holding the same. But many of these teach nothing different from us, namely that it is not necessary for sorrow to precede the material recitation of sins, which is commonly called confession; yet they affirm, at least implicitly, that sorrow must precede either confession itself or those gestures, signs, or words whereby it is, as it were, reproduced before absolution and begins to be an accusation and a true part of the sacrament."[124]

[124] Salmanticenses, De Poenitentia, disp. 7, dub. 4, §§ 1–2, nn. 103 and 110, Cursus Theologicus, vol. 20 (Paris, 1883), pp. 126 and 132.

ST. ALPHONSUS: "The question is raised ... whether an act of sorrow ought to precede not only absolution but also confession.

"The first opinion affirms it; and Laymann and Palaus maintain this, as do Coninck and Bonaspei according to Concina. The reason is, first, that sorrow, as the matter of this sacrament, ought to be sensible, and it is rendered sensible only through confession; therefore, if it follows confession, the

matter will not be suitable. Secondly, because confession must not be a simple narration, but a sorrowful accusation directed to obtaining the remission of sin; therefore it ought to be informed by sorrow.

"The second opinion, however, more commonly denies it. Suárez, Bonacina, Lugo, Navarrus, Holzmann, and also Dicastillo, Toletus, Filliucius, Major, Henríquez, Fagúndez, and others, according to the Salmanticenses, maintain this; and Concina deems it very probable. The Roman Ritual also seems to favor it, saying: 'Having heard the confession, [the confessor] ... will endeavor by efficacious words to lead [the penitent] to sorrow,' etc. From this it seems that the Ritual supposes that sorrow may well be elicited after confession.

"But the Salmanticenses rightly add that this second opinion, in the sense in which Suárez and Dicastillo explain it, does not differ from the first. For Laymann, Coninck, and Palaus require nothing else than that confession not be a mere narration of sins, but be an accusation of oneself directed toward absolution to be obtained. Hence the true words of Laymann (whom Palaus follows) are: 'It is required that sorrow ... in some manner precede confession ... because the external confession of sins ... must proceed from interior penance and signify it; and since it is the matter of the sacrament ... it is not a mere exposition of sins but an accusation of oneself tending toward absolution ...,' as Coninck explains. Consequently Laymann with Palaus, following the opinion of Suárez, adds: 'For this, namely that confession be sacramental, it is necessary that sorrow, even after the narration of sins has been made, ... be declared by some sign, at least by humbling oneself before the priest and by asking for or awaiting absolution; for such a sign, referred to sins explained a little earlier, ... has the true character of a sacramental accusation.'

"Nor are there two opinions, therefore, but one. For insofar as Laymann and the others require confession to be sorrowful, so that sorrow precedes confession, insofar as they explain that confession should not be a mere narration of sins but should possess the character of a sacramental accusation, they are satisfied if confession is made with the intention of obtaining absolution, and if sorrow is afterwards manifested at least by the request for or expectation of absolution: for thus confession is well and truly sacramental."[125]

[125] St. Alphonsus, Theologia Moralis, ed. L. Gaudé, n. 445, vol. 3 (Rome, 1909), p. 450.

Article 28. Whether interior contrition is the reality and sacrament (res et sacramentum)

ARTICLE 28. WHETHER INTERIOR CONTRITION IS THE REALITY AND SACRAMENT (RES ET SACRAMENTUM) (q. 84, aa. 1 and 3; In IV Sent., dist. 22, q. 2, a. 1, q. 2, sed contra; and the Praeterea, solution, and replies 1 and 2).

STATE OF THE QUESTION

We examined at greater length the question of the existence and essence of the REALITY AND SACRAMENT (res et sacramentum) in general in our treatise On the Sacraments in General, Article 20. There it was necessary to touch upon many matters concerning the reality and sacrament of individual sacraments, particularly Penance. We observed there that, among medieval theologians, this question arose precisely from the investigation of the sacramental character both of the Body of

Christ and of interior penance, and from there was extended to the other sacraments, especially to those which imprint a character. This not a little demonstrates the keener discernment of the older theologians: the Body of Christ and interior penance are more intimately connected with their respective sacraments than a character is, and, as it were, complete and vivify them, although they cannot simply constitute the sacraments, since they are insensible.

More recent theologians, however, rather turn their attention to the sacramental character, to the more manifest distinction between it and the external sacrament, and to the difficulty of conceiving how interior contrition may be sufficiently distinguished from the sacrament of Penance itself, or how it can be said to be caused by the sacrament. Hence some, oppressed by this difficulty, almost abandon the burden of assigning a reality and sacrament to Penance, saying that there is no general necessity of applying the doctrine of the reality and sacrament to each and every sacrament. Others, as though unwillingly following the tradition of theologians, assign some reality and sacrament in an arbitrary manner and without firmness of judgment (thus Suárez and Lugo); or they endeavour to separate it from contrition itself and place it in a certain peace of conscience (thus Lugo and Pesch), or in a certain ornament of the soul (thus Capreolus), or in some juridical title (thus Billot). Others assign to the very act of contrition a certain weakened character of reality and sacrament, in which only the relation of sign and thing signified is found, to the exclusion of that of cause and thing caused.

Such, in very brief outline, are the opinions found concerning the reality and sacrament of Penance, leaving aside their various ways of explaining how this character is properly verified in contrition itself. From these one may understand the difficulty inherent in the matter, a difficulty which divides theologians and which they should not disdain to discuss. Accordingly several, such as Suárez, Lugo, and the Salmanticenses, gather almost their whole discussion of the reality and sacrament of Penance into their disputation about the reality and sacrament in general.[126]

[126] Doronzo's note: Gonet unduly diminishes the importance of this question when, briefly assigning two answers, he says: "But in a matter of slight and almost arbitrary importance, pertaining rather to a manner of speaking than to the thing itself which we are explaining, we must not delay longer" (Clypeus, vol. 6, De Poenitentia, disp. 1, a. 4, § 3, n. 73).

SUÁREZ presents the difficulty, by which he seems greatly pressed, as follows: "But what in [Penance] is at once a reality and a sacrament is difficult to explain, since, besides the two things which we have mentioned [namely the sign of confession with absolution and the remission of sins], nothing is found in this sacrament; nor, among all the things which we have thus far explained, is there anything which is at once an effect and a sign in this sacrament.

"Therefore someone overcoming this difficulty could deny that in all sacraments there is something which is at once a reality and a sacrament, since there is no general reason which compels the constitution of such a thing in all sacraments. The common notion of a sacrament does not demand it, but is sufficiently preserved between sign and thing signified, as between things referred to something, between relation and term; and the sign is called sacrament, whereas the thing signified is called reality. Therefore there is no reason why this middle term must be constituted universally. Nor do we have that general teaching from Councils or Fathers. ... Thus we could easily be freed of this difficulty by denying that this third thing is found in this sacrament, since it is not necessary. ... Nevertheless, theologians commonly admit in all the sacraments something which is at once reality

and sacrament. ... Therefore, lest we constitute this sacrament outside the rule, they endeavour to find something of this sort in it also. ... We, therefore, must not depart from their opinion, lest we appear to evade the difficulty."[127]

[127] Suárez, De Poenitentia, disp. 18, sect. 5, nn. 1–3, Opera omnia, vol. 22 (Paris, 1866), p. 395 ff.

THE NEGATIVE SIDE AND THE AFFIRMATIVE SIDE

FIRST OPINION

In this sacrament there is no reality and sacrament (res et sacramentum), nor can one suitably be assigned. Certain older theologians held this opinion, which does not displease Suárez (as quoted above), and toward which the defenders of the moral causality of the sacraments subsequently incline rather readily after Lugo (cited below). Paludanus reports and disputes those earlier theologians (In IV Sent., dist. 14, q. 1, a. 2).

SECOND OPINION

The reality and sacrament in this sacrament, as in the other sacraments (at least those which do not imprint a character), is a certain ornament of the soul. So taught all the older theologians who defended the dispositive and physical causality of the sacraments, especially Alexander of Hales (Summa Theologica, part IV, q. 5, n. 4), the younger St. Thomas (cited shortly), Capreolus (In IV Sent., dist. 22, q. 1, a. 3), and Paludanus (In IV Sent., dist. 14, q. 1). Since, however, several of these Doctors, for example St. Thomas, also say that contrition is the reality and sacrament of Penance, their opinion seems to be understood thus: the reality and sacrament is formally an ornament, but is materially identified with contrition, as we observed in the treatise On the Sacraments in General, Article 20 (p. 321 ff.).

To the point, the younger ST. THOMAS, In IV Sent., dist. 1, q. 1, a. 4, quaestiuncula 1: "Some say that two things follow upon the sacraments in the soul: one which is both sacrament and reality, such as a character, or some ornament of the soul in those sacraments in which a character is not imprinted; the other which is reality alone, such as grace. Accordingly, with respect to the first effect, the sacraments are causes producing it in some manner; but with respect to the second they are causes disposing to that disposition which is necessary, unless there be an impediment on the part of the recipient. And this seems to agree better with the theologians and with the sayings of the saints." (Compare the words of St. Thomas about contrition as the reality and sacrament from distinction 22 of the same Commentary, to be cited below.)

THIRD OPINION

The reality and sacrament is a certain juridical title demanding grace. Thus Billot and certain modern supporters of the dispositive and intentional causality of the sacraments, among whom Van Noort–Verhaar should be especially mentioned. Following a logic of necessity whose justification is unclear, they connect such a title with contrition, so as to say that the reality and sacrament is contrition insofar as, by the power of absolution, it is made a title to the remission of sins. Moreover this opinion, both as regards sacramental causality and the reality and sacrament, is a modern—and not particularly happy—restoration of the earlier doctrine of dispositive causality, which had been abandoned for centuries, as we noted in the treatise On the Sacraments in General, Articles 10 and 20.

To the point, BILLOT: "In Penance, as in the other sacraments, one distinguishes the sacrament alone, the reality and sacrament, and the reality alone. Now the reality and sacrament is the sinner's interior penance itself, insofar as, through the power of absolution, it is juridically made a title demanding, provided no other obstacle is present, the remission of sin and the divine condonation of the offense. Hence this sacrament, no less than the others, is to be called instrumentally dispositive for justification.

"It is the common doctrine of the ancients that in all the sacraments there is 'something which is sacrament alone, something which is reality and sacrament, and something which is reality alone' [q. 84, a. 1], as is evident from what was said in the first volume, in the disputation on the sacraments in general. The legitimate interpretation of these terms places something intermediate between the external sacrament and the effect of grace, as though participating in the nature of both extremes. For while the thing immediately signified and infallibly caused by a validly performed external rite is in turn made a sign and an exigent cause of sacramental grace, in which, unless an obstacle is present, the whole causal process terminates. Hence it is apparent how intimately the doctrine of the reality and sacrament is connected with the mode of causality asserted by the ancients [that is, intentional causality]. For since opinions arose in the schools which ascribed to the sacraments an immediate infusion of habits, whether physical or moral, although the name reality and sacrament continued to be used, its formal meaning was not preserved, and it could no longer be assigned in all the sacraments, especially in Penance.

"The present proposal concerning intentional causality, therefore, aims to demonstrate: First, that the sacrament of Penance does not signify, and therefore does not immediately cause, the remission of sin itself. Secondly, that what it immediately signifies and causes is nothing other than interior penance, insofar as, through the power of the keys, it is made a title requiring the removal of the imputation of the offense and the restoration of grace. Thirdly, that the mode of causality which must be said to belong to this sacrament by consequence is that which all the older theologians attributed to the other sacraments."[128]

[128] Billot, De Ecclesiae Sacramentis, vol. 2, thesis 4 (Rome, 1929), p. 45 ff.

VAN NOORT–VERHAAR briefly and aptly sums up Billot's three arguments as follows:

"1. From the nature of judgment in general. For in every judgment a judicial sentence is nothing other than a pronouncement of right; and therefore to absolve judicially does not immediately signify and cause the acquittal of the accused in act as a second act, but only in the first act, that is, it gives him the right to be regarded as innocent and to be released. Thus, in Penance, which was instituted in the manner of a judgment, there must be a legitimate exposition of a judicial sentence: 'I absolve you judicially from your sins,' that is, 'I, the judge, make for you a right according to which it is due that your sin be remitted.' But in human judgment the judge's sentence has its foundation in the alleged facts, which afterwards constitute the title for juridical imputation or non-imputation. In the sacrament of Penance the foundation of the judge's absolution is nothing other than penance juridically acknowledged; therefore interior penance, through the power of sacramental absolution, becomes a juridical title of itself demanding remission of sin.

"2. From the specific nature of judgment in the sacrament of Penance. If the sentence of absolution were immediately to signify and cause remission of sin, this sentence would have to rest upon

morally certain knowledge of the penitent's interior disposition, which is required for the remission of sin in the second act, or for the fruitful reception of the sacrament. Yet morally certain knowledge of this disposition (for example, of attrition supreme in appreciation) is regularly impossible for the confessor. Therefore the immediate effect of sacramental absolution cannot be the remission of sin itself, but a title demanding remission, provided an obstacle does not intervene.

"3. From the nature of a sacrament. As has been said, since the external rite immediately signifies not only the form but the matter taken together with the form, and since by the matter of Penance, namely the acts of the penitent, the remission of sin is not immediately signified, but always interior penance, it follows that, if the acts of the penitent belong to the essence of this sacrament, the immediate thing signified by the external rite must be said to be interior penance, inasmuch as through absolution it is elevated to a title demanding the remission of sin. But what is immediately signified is also immediately effected. Therefore."[129]

[129] Van Noort–Verhaar, De Sacramentis, vol. 2 (Hilversum, Holland, 1940), p. 72 ff.

FOURTH OPINION

The reality and sacrament of Penance is nothing other than reconciliation with the Church, with which the bestowal of justifying grace, which is the reality of this sacrament, is consequently and infallibly connected.

Thus recently De la Taille (Mysterium Fidei, Paris, 1921, p. 581, in a note), and especially B. Xiberta, O. Carm., who in his work Clavis Ecclesiae teaches that "the infusion of grace which destroys sin is the end and most excellent effect of the sacrament, but that in the order of causality another effect, immediately signified and caused by the sacrament, intervenes: namely, reconciliation with the Church, so that absolution may be described as an ecclesiastical judicial sentence which restores the sinner to his place among the true sons of the Church, who enjoy its goods and the divine friendship of which the Church herself is the steward without hypocrisy, or, as they say, without fiction." In their view, by virtue both of the promise of Jesus Christ and of a divinely instituted connection, this sentence is infallibly accompanied by the restoration of friendship with God and the participation in heavenly goods, especially sanctifying grace.[130]

[130] B. Xiberta, Clavis Ecclesiae: De ordine absolutionis sacramentalis ad reconciliationem cum Ecclesia (Rome, 1922), p. 12.

FIFTH OPINION

The reality and sacrament of Penance is not contrition, but a certain interior peace of conscience, just as the reality and sacrament of Extreme Unction is a certain relief of the mind or health of the body. Thus Lugo, whom scarcely one or another modern writer, such as Pesch, hesitantly supports.

LUGO, after proposing and rejecting six ways in which other theologians explain contrition as the reality and sacrament, concludes: "Therefore, in order to defend that common division in all the sacraments, and to assign, by some argument, something in the sacrament of Penance which is at once reality and sacrament, we may in some manner deduce it from the teaching of the Council of Trent, Session XIV, chapter iii, where it says concerning the reality and effect of this sacrament: 'But the reality and effect of this sacrament, so far as pertains to its power and efficacy, is reconciliation with God, which in devout persons receiving this sacrament with devotion is sometimes wont to be

followed by peace and serenity of conscience, together with an immense consolation of spirit.' In these words the Council seems to speak of this peace of conscience in relation to this sacrament in the same manner as, later, when dealing with Extreme Unction in the same session, chapter ii, it said that health of body is its effect and reality. For just as it said there that health of body sometimes follows the grace of that sacrament, where it is expedient for the salvation of the soul, so here it says that peace of conscience sometimes follows reconciliation with God in devout persons who receive this sacrament with devotion. For just as it belongs to food to delight the palate, and therefore the Eucharist often brings spiritual sweetness, which is a secondary effect, as may be gathered from Eugene IV in the decree of union after the Council of Florence, so it belongs to reconciliation once accomplished to cause peace and tranquillity. Yet either effect can be impeded, and is wont to be impeded, by various intrinsic or extrinsic obstacles. Just as, therefore, we said above with the common opinion of many that bodily health is the reality and sacrament in Extreme Unction because it signifies and is signified, so on the same foundation we can say that in the sacrament of Penance this interior peace is the reality and sacrament because it too signifies and is signified. For it signifies peace restored with God through grace and the remission of sin; and it is signified by the parts of this sacrament, namely by its matter and form. ..."

"In Extreme Unction many theologians commonly say, as we saw above, that the reality and sacrament is the inward cheerfulness experienced by the sick person; yet that cheerfulness must consist in interior acts, whether deliberate or not deliberate. Other effects, which do not accompany the sacrament but are afterwards given, do not appear to make one with the sacrament itself, and hence do not enter into that division according to which the sacrament is divided into those three [namely sacrament alone, reality and sacrament, and reality alone]. Since, therefore, peace and serenity of conscience may be among those effects which, in such circumstances, accompany the sacrament of Penance itself, just as inward cheerfulness accompanies Extreme Unction, we may not without reason call that peace the reality and sacrament in Penance, as other theologians call that cheerfulness the reality and sacrament in Extreme Unction. This, moreover, is sufficient to sustain that common division of theologians, for which any proportion or congruity whatever suffices."[131]

[131] Lugo, De sacramentis in genere, disp. 2, sect. 8, nn. 166–169, Disputationes Scholasticae, vol. 3 (Paris, 1892), pp. 315 ff.

PESCH writes: "It can be asked whether here too there is found a reality and sacrament, that is, something which is both produced by a sacrament and signifies grace, as the character does in the other sacraments. Some deny it; but the majority endeavour to assign something of this sort, lest the sacrament of Penance alone depart from the common rule, since in all the other sacraments no special difficulty appears. It can therefore be said that peace of conscience is at once the reality and sacrament: the reality, because without doubt it is produced by this sacrament; the sacrament, because it signifies the state of grace. So also St. Thomas commonly says (III, q. 84, aa. 1 and 3) that interior contrition is the reality and sacrament. But it is difficult to understand how contrition is produced or signified by the sacrament. They say that contrition, insofar as it is perfected through the sacrament, is at once the reality of the sacrament, insofar as, through the power of the form, it becomes a moral cause demanding grace. If the matter is understood thus, the whole question is not of great importance."[132]

[132] Pesch, De Poenitentia, proposition 25, scholion 1, Praelectiones Dogmaticae, vol. 7, no. 351 (Freiburg im Breisgau, 1920), pp. 176 ff.

SIXTH OPINION

The reality and sacrament of Penance is formally interior contrition itself. Thus commonly other theologians after St. Thomas, both within and outside his school, although they differ in their several explanations. A few modern writers, however, touching the question only lightly, or following the false conception introduced by Lugo, fail to preserve the proper and complete meaning of the reality and sacrament: namely, not only the relation of sign to thing signified, but also that of cause to thing caused.[133]

[133] Lugo writes, loc. cit., no. 163: "It is denied ... that what is the reality must always be caused by that which is called the sacrament; it is sufficient, indeed, that it be signified." Compare our treatise On the Sacraments in General, Article 20, p. 324.

Already PETER LOMBARD explicitly attributes this opinion to several theologians of his time, and seems to make it his own when he writes: "It remains to investigate what in the act of penance is sacrament and what is reality. For a sacrament is the sign of a sacred thing. What, then, is the sign here? Some, as Grandulphus, say that the sacrament here is what is performed only externally, namely exterior penance, which is the sign of interior penance, that is, contrition of heart and humiliation. If this is so, not every evangelical sacrament effects what it represents. For exterior penance does not effect interior penance; rather, the interior is the cause of the exterior. But to this they reply that this is to be understood of those sacraments instituted in the New Testament, such as the sacrament of Baptism, Confirmation, and the Body of Christ. The sacrament of Penance, however, like Matrimony, existed even before the time of grace, from the beginning of the human race. Both, indeed, were instituted in our first parents.

"Again, if exterior penance is the sacrament and interior penance its reality, the reality more often precedes the sacrament than the sacrament precedes the reality. But neither is this inappropriate. For this also often happens in the other sacraments which effect what they signify. Others, however, say that both exterior and interior penance are a sacrament, and yet they are not two sacraments but one, just as the species of bread and wine are not two sacraments but one. And just as in the sacrament of the Body, so also in this sacrament they say that one thing is sacrament alone, namely exterior penance; another is sacrament and reality, namely interior penance; and another is reality and not sacrament, namely remission of sins. For interior penance is the reality of the sacrament, that is, of exterior penance; and it is the sacrament of the remission of sin, which it signifies and effects. Exterior penance likewise is the sign both of interior penance and of the remission of sins." (Migne, Patrologia Latina, vol. 192, cols. 898 ff.)

ST. THOMAS, perfecting his teaching on the reality and sacrament together with his teaching on the causality of the sacraments (as stated in our treatise On the Sacraments in General, Article 20, pp. 322–324), writes no less concisely than profoundly in III, q. 84, a. 1, ad 3: "In Penance also there is something which is sacrament alone, namely the external act performed both by the penitent sinner and by the priest absolving; but the reality and sacrament is the sinner's interior penance; while the reality alone, and not sacrament, is the remission of sin. Of these, the first, taken as a whole, is the cause of the second; while the first and second are in some manner the cause of the third." Compare this with what he says on the reality and sacrament of Baptism in III, q. 66, a. 1.

To explain the mind of the holy Doctor one may also adduce what he taught in the Commentary on the Sentences, setting aside, however, the opinion on the ornament mentioned above, which he later

abandoned; besides, he professes it not directly where he treats of the reality and sacrament of Penance (dist. 22), but where he treats of the reality and sacrament in general (dist. 1).

In IV Sent., dist. 22, q. 2, a. 1, quaestiuncula 2, sed contra, in the Praeterea: "What is the immediate effect of a sacrament is the reality of the exterior sacrament, as is clear with regard to the character. But interior penance is that which immediately causes the remission of sins, which is the ultimate reality of this sacrament."

Ibid., in the solution: "The reality of any sacrament is proportioned to its sacrament, whose reality it is said to be. But exterior penance, which in Penance is sacrament alone, is a sacrament as sign alone on the part of the penitent's act; but it is at once sign and cause if the penitent's act is joined to the act of the minister. And therefore interior penance is the reality of exterior penance, but as something merely signified through the acts of the penitent; whereas it is something signified and caused through those same acts together with the minister's absolution, by which a man is in some way disposed to grace. Similarly, in the sacrament of the Eucharist the true Body of Christ is the reality merely signified by the species of bread and wine, but caused by the words of the minister; and those two things joined together are sign and cause."

Ibid., ad 1: "Interior penance can be considered in two ways. In one way, insofar as it is an act of virtue; and thus interior penance is wholly the cause of exterior penance, just as in the other virtues interior acts are the causes of exterior acts. In another way, insofar as it is an act operating for the healing of sin; and thus it pertains to Penance as a sacrament. In this way interior penance is not the cause of exterior penance but its effect or thing signified; for it has no efficacy in acting against the disease of sin except on the supposition of the purpose of exterior penance and of the desire for absolution. Yet interior penance operating against the disease of sin precedes exterior penance in time, just as justification from sin sometimes precedes the sacrament of Baptism on account of the purpose of receiving it."

Ibid., ad 2: "Although interior penance, as it is an act of virtue, is naturally signified by exterior penance, nevertheless, insofar as it is healing of a disease, by institution it has to be caused and signified through these signs."

In explaining this doctrine of the holy Doctor, THEOLOGIANS HAVE ADOPTED VARIOUS MODES OF SPEAKING, five of which are enumerated by Suárez and six by Lugo. The Salmanticenses, however, explaining their own opinion, write with force: "This objection [namely, that interior penance cannot be called the reality and sacrament, or a thing caused by exterior penance, since it is itself the cause of the latter] is answered in so many ways by the various interpreters of St. Thomas that it is neither easy nor useful to gather so many modes of speaking into one collection, much less to examine the many distinctions which some heap up. Cajetan is prominent among them: by adding to an explanation already given by St. Thomas himself, he rather casts darkness over it than light. Therefore, setting all of these aside—or leaving to those with leisure to examine Cajetan, Ferrara, Arauxo, Soto, Suárez, and Dicastillo, divided among themselves—it seems sufficient to us to have foreseen and resolved the difficulty objected against the holy Doctor. Whoever is displeased with that solution may seek a better one, if he considers himself more learned."[134]

[134] Salmanticenses, De Poenitentia, disp. 1, dub. 2, § 6, no. 111, Cursus Theologicus, vol. 19 (Paris, 1883), pp. 55 ff.

All the aforesaid modes of speaking, over whose enumeration and attribution Lugo and Suárez seem to have laboured in vain, can logically be reduced to the three following modes, according to the ways in which interior contrition may be conceived as subjected to the influence of the sacrament.

FIRST MODE

By the power of the sacrament an act of perfect contrition is produced (or at least its intensity, when the sacrament is received with perfect contrition), through which the ultimate effect, namely the infusion of grace and the remission of sins, is brought about. This can be understood in two ways: either the act of contrition simply precedes grace, or it follows efficiently from grace and yet precedes grace insofar as grace is remissive of the offense, under the aspect of a dispositive and satisfactory cause, according to what was stated in Article 14 (vol. I, pp. 369–374). Such an act of perfect contrition, therefore, is the reality and sacrament, since it is the effect of the sacrament and the cause of the remission of sins.

To this is reduced the opinion of certain authors anonymously reported by the Salmanticenses, who "teach that attrition suffices as a part [of the sacrament] in such a way that justification nevertheless does not immediately follow it, but follows mediately, since by the power of the sacrament there is an immediate passage from an imperfect act of attrition to an act of perfect contrition, as the proportionate and ultimate disposition for sanctifying grace."[135]

[135] Salmanticenses, De Poenitentia, disp. 7, dub. 1, § 8, no. 63, Cursus Theologicus, vol. 20 (Paris, 1883), p. 84.

Among modern theologians Diekamp expressly teaches this position, writing: "The sacrament of Penance makes the attrite man contrite and the contrite man more contrite. That is: this sacrament, received with attrition—which attrition must nevertheless have the conditions requisite for sacramental attrition—produces in the recipient's soul, ex opere operato, an act of contrition; received with contrition, it produces a higher degree of contrition. Contrition, therefore, is always among the effects of the sacrament of Penance, which contributes by moving and informing to the arousing of contrition and impels toward such an act of contrition as is proportioned to the degree of habitual grace infused by the sacrament. ...

"Christ instituted the sacrament of Penance, moved by mercy and clemency toward sinners, that they might more easily be saved. But it would be not a relief but a great aggravation if sacramental absolution could be given only on the supposition of perfect contrition. ... Yet the relief which Christ provided must not be understood as though in sacramental justification absolutely no act of perfect contrition were required, and the Saviour thus exacted less in a matter of such importance than before. The contrary is the case. The Lord demands more, but bestows upon us such great graces that everyone who cleaves to Him may perceive everywhere the truth of the Lord's word: 'My yoke is sweet and My burden light.' No sinner is justified in the sacrament of Penance without an act of perfect contrition; but this very act is an effect of the sacrament. According to St. Thomas, III, q. 84, a. 1, ad 3, the first effect (reality and sacrament) of the sacrament of Penance is the sinner's interior penance, that is, the infused virtue of penance, whose first and most excellent act is perfect contrition."[136]

[136] Diekamp, Theologia Dogmatica, edited by A. Hoffmann, vol. 4, §§ 44 and 47 (Paris, 1946), pp. 289 and 317.

SECOND MODE

By the power of the sacrament attrition is in some manner essentially changed into contrition, not indeed by a physical corruption of attrition and generation of contrition, but by an essential change in the moral order, insofar as the same physical act of attrition, which previously was insufficient for justification, becomes contrition, or the proximate disposition for justification. This contrition is the reality and sacrament, inasmuch as it is the effect of the sacrament and the cause of justification.

To this is reduced the explanation of Cajetan and Soto, with whom Suárez agrees. According to CAJETAN, attrition (or rather natural and acquired contrition, according to what was said in Article 24, p. 30), while remaining the same as to the substance of the act, is transferred, through the influence of God operating in the sacrament, to the condition of being the proximate disposition for justification (and subsequently is informed by the grace and charity which supervene). Hence the reality and sacrament is attrition itself, insofar as God, through the sacramental influence, deigns to use it for the remission of sins. God, that is, employs two instruments subordinated to one another and exercising an influence upon one another: first He influences the sacrament (of which contrition itself is a part), and afterwards through the sacrament itself He influences contrition, making it have an influence upon the remission of sins, or elevating it to become the proximate disposition for justification.

Thus, comparing the words of Cajetan cited in Article 16 (vol. I, pp. 404 ff.) from his Questions on Contrition, question 1, no. 5, with the following from his Commentary on the Third Part, q. 84, aa. 1–2: "The manner in which this occurs is that God operates on both sides. For He concurs on the penitent's side with interior penance, inspiring it so that, as is said in the text [St. Thomas, a. 1, ad 2], it is not only considered in itself but also in relation to the sacrament, because by it the penitent, through his interior movement, subjects himself to the keys. Conversely, God concurs on the side of the sacrament, ordering the exterior sacramental acts toward interior penance, as He uses the sacrament itself to excite and perfect the interior act of the penitent. For by thus exciting and perfecting it He makes the attrite man contrite, while, through the sacrament, He also uses the interior act of the penitent for the remission of sins: for through this the act of interior penance becomes the reality and sacrament. And by this it is apparent that the sacrament signifies and causes interior penance, and interior penance thus caused signifies and causes the remission of sins. For these are instruments subordinate to the principal agent, God; just as the rod with which I move a stone is an instrument subordinate to another instrument, namely the hand with which I move the rod, and so forth."

According to SOTO (In IV Sent., dist. 14, q. 1, a. 1), whom Gonet approves (disp. 1, a. 4, § 3), attrition may be considered as uninformed, and thus it is a part of the sacrament and precedes grace; and as informed by grace caused by the sacrament, and thus it is the reality and sacrament. It is a reality, because this informing, like grace itself, is caused by the sacrament; and it is a sacrament because, although it follows the grace by which it is informed, nevertheless by nature it precedes the remission of sins effected through grace, which is the ultimate and principal effect toward which the sacrament tends.

SUÁREZ adds the following, rather obscure, explanation: "But I think that this can be stated more clearly by explaining or moderating Cajetan's opinion: interior penance, whether attrition or contrition, insofar as it is uninformed and as such is sacrament or part of the sacrament, but insofar as it is informed through sacramental grace, is the reality of the sacrament. For if it was attrition, it

becomes contrition, not intrinsically but only extrinsically, as was explained above [disp. 5, sect. 3]; whereas if it was contrition, it becomes morally more worthy and meritorious of glory, which is sufficient for it to be called an effect of the sacrament under that aspect. And thus the objections against Cajetan cease."[137]

[137] Suárez, De Poenitentia, disp. 18, sect. 5, no. 13, Opera Omnia, vol. 22 (Paris, 1866), p. 399.

THIRD MODE

By the power of the sacrament, contrition is accidentally perfected by some mode or force, and under this aspect is the reality and sacrament, and is distinguished from itself insofar as it is part of the sacrament. Thus especially the Salmanticenses and John of St. Thomas.

The SALMANTICENSES say that contrition, by the power of the sacrament, receives a certain mode of greater intensity, perfection, or another formality, by reason of which it is modally distinguished from itself, as that which includes is distinguished from that which is included; and it is elevated to this, that it be a disposition toward justification, not in just any manner, but in a sacramental manner and through the conferral of sacramental grace, which is distinguished from common grace. On the matter itself they say:

"The reply of St. Thomas [In IV Sent., dist. 22, q. 2, a. 1, q. 2, ad 2, cited on p. 138] … is that the act of interior contrition can be considered in two ways: either insofar as it is an act of the virtue of Penance, or insofar as it is an act cooperating in the expulsion of sin. In the first way it is the cause of exterior contrition and its natural sign, as the Angelic Teacher taught there in his reply to objection 2, saying that 'although interior Penance, insofar as it is a certain act of virtue, is naturally signified by exterior Penance, nevertheless insofar as it is curative of disease (which is its second consideration), it has by institution to be caused through these signs.' Hence there is a twofold acceptation of the same contrition, according to one of which interior contrition is not the cause but the effect of exterior contrition joined with absolution, and in this manner it is actually part of the sacrament itself; whereas according to the other, which is the first, interior contrition is the cause of exterior contrition. According to this doctrine it is not obscurely understood that in one and the other contrition, interior and exterior, a different account is found, namely the account of cause and the account of effect: for interior contrition, as curative of sin, is the effect of exterior contrition, which concurs with absolution and, as it were, elevates interior contrition so that it may, by its effect, insofar as it depends on itself, if there is no obstacle, bring about grace; and in this manner it is signified sacramentally and at will by exterior contrition. But interior contrition itself, according as it is contrition and does not manifest the curative power of sin by means of the sacrament, is indeed the cause of exterior contrition according as the latter is accepted in itself, since it manifests its conjunction with the sacrament and its sacramental curative power. Under this account it is signified naturally, and not sacramentally, by exterior contrition."

"The act of Penance can be considered according to its essential predicates, in which way it springs from virtue essentially taken and is its natural sign; and moreover according to the order accidentally added by Christ the Lord, under which aspect it carries the desire for the sacrament itself, but not its actual elevation, motion, and signification; for these come to it only in the exercise of the sacrament itself and by means of the exterior acts under absolution. And, according to this last consideration, by which it adds to itself the aforementioned elevation, motion, and signification in the first mode, and,

moreover, the character of a disposition insofar as it is in itself ordered toward sacramental grace, toward which outside the sacrament it is not ordered, it has the account of an effect of the sacrament and of its sensible parts, and is its reality. But it is the cause of the exterior acts according to itself, or insofar as it bears precisely the desire for the sacrament, and not its sacramental elevation, motion, and signification, which are found only within the sacrament. Between these, however, there is a real distinction, and that of including and included, and at least a modal or entitative distinction, each of which excludes the vice of a circle, as is plain in other causes and, what is more relevant, in the sacrament of the Eucharist, in which Christ concurs instrumentally to constitute himself under the species, on account of the same distinction and not a greater one."

"If, proceeding further, we add that this motion and elevation tend chiefly to causing grace ex opere operato, and at the same time ex opere operantis, it will not be difficult to recognize in interior Penance itself the character of a disposition toward obtaining greater grace under one or another head; and this can be nothing other than a mode of some greater intention in the act received within the sacrament, or of greater perfection, or of another formality, by reason of which there is a modal distinction in that same interior contrition as effect of the sacrament from itself as cause of the exterior acts. Hence the solution of St. Thomas remains altogether true, unless it is accused of a fault, or, worse, of falsehood, as can easily be done by others who have contrived different explanations, unless they are reduced to this one, the most solid and clearest of all."

"Nor is it an obstacle if … you object that contrition under every consideration is opposed to sin and strives for its destruction, and therefore the twofold acceptation is wrongly distinguished in it. For, on the contrary, contrition insofar as it is an act of virtue tends only ex opere operantis to exclude the stain; but insofar as it is a part of the sacrament it must have, ex opere operato, a healing power, and to it, as its proper effect, corresponds sacramental grace, modally distinct from the essence of grace. And in this way it also adds a new increase of grace, sacramentally produced ex opere operato; otherwise the sacraments would not induce greater grace ex opere operato than would correspond to the acts of the penitent ex opere operantis; which no one doubts to be false. Hence it is clear that a real distinction intervenes both by reason of sacramental grace and by reason of a more intense grace. And this distinction at the end presupposes the distinction assigned in the very acts of the penitent."[138]

[138] Salmanticenses, De Poenitentia, disp. 1, dub. 2, § 6, nos. 111, 113, 114; Cursus Theologicus, vol. 19 (Paris, 1883), p. 56 ff.

JOHN OF ST. THOMAS proposes the same opinion, though less determinately:

"Contrition, or interior Penance, has all the conditions required that it may be reality and sacrament at once: therefore it is so. The antecedent is proved, for in the first place it is something interior, not sensible in itself, as is manifest of itself. Likewise it is something signifying grace, because it is ordered to the remission of sins, which certainly occurs through grace; for, as we have said from Trent, it is required by the institution of Christ for the full and perfect remission of sins: therefore it is most especially ordered toward that remission, since it is fitted to signify and cause it."

"Finally, it is something caused by the sacrament, because although attrition of its own nature disposes toward grace, or even causes it if it is perfect contrition, nevertheless that it cause grace ex opere operato, and that it cause sacramental grace insofar as it is sacramental, it does not have from

its own antecedent nature with respect to the sacrament, but receives this from the sacrament itself, insofar as it is an instrument of the passion of Christ, which is the opus operatum by whose power it causes the grace of the sacraments. Therefore, that contrition should cause sacramental grace in this manner, it does not have of its own nature and independently of the sacrament, but from some derivation from the latter; and thus attrition, as derived and perfected by the sacrament so that it can in this way cause grace, is the effect of the sacrament; nor does it follow that it succeeds grace, but it precedes it."

"But when it is objected that the reality and sacrament must be an effect caused by the sacrament, which is not fitting to contrition, the reply is that this condition is to be understood in a formal sense, namely that reality and sacrament must be the effect of the sacrament under some formality, not under every one; just as in Matrimony the bond between husband and wife is not reality and sacrament insofar as it arises precisely from a natural contract, but insofar as it is elevated by the sacrament to signify the union of Christ and the Church; and the body of Christ is not reality and sacrament of the Eucharist absolutely in itself, but insofar as it is made sacramentally and joined to the words and species, and the effect of those words and of the sacrament. Thus, therefore, if interior sorrow is considered insofar as it is precisely an act of virtue, and by Christ's institution orders and subjects the penitent to the keys of the Church, and thus effects confession, in this manner it is the cause of confession, informing confession itself and constituting the sacrament; but if it is considered not only insofar as it effects confession, but insofar as it is joined and subordinated to absolution, thus it receives a special power to cause ex opere operato the sacramental grace of Penance as such, and in this manner it is an effect of the sacrament or of absolution, and can be reality and sacrament at once, although under another consideration sorrow itself is part of the sacrament and the cause of confession, not of absolution. What, however, that power and ordering to cause grace ex opere operato may be, we shall presently say [cf. the words cited below, pp. 147 ff.]."

"When contrition is informed by grace before the reception of the sacrament, it is caused and formed by that grace itself, not insofar as it is sacramental and conferred ex opere operato, but by common grace received, that is, insofar as it causes common effects independent of the sacraments, which would have been given even before the sacraments were instituted, as are making holy, giving a right to glory, remitting sins, etc. Yet there are other special effects of grace, which are called sacramental; for different effects are given through different sacraments, as through Baptism regenerative grace, through the Eucharist nourishing grace, through Penance healing grace; and likewise through the other sacraments. These sacramental graces are not distinguished entitatively from sanctifying grace common to all the sacraments, but according to the different respects in which the man is configured and assimilated to Christ in the Christian life, and according to other participations of grace and aids which are received through the sacraments."

"Contrition joined to the sacrament, however, has this: that it operates and causes grace ex opere operato, beyond that which it causes ex opere operantis, insofar as it proceeds from charity; thus we say that contrition proceeding from grace is not produced by that grace which is the reality of the sacrament (it has that grace rather in desire, and looks upon it as a future thing), but proceeds from grace commonly spoken of, and in respect of that grace from which it proceeds is not reality and sacrament; yet in respect of the grace which is given ex opere operato, which is something beyond the grace given ex opere operantis, namely some different degree, it is so. And similarly with respect

to grace insofar as it is sacramental; for this also contrition causes and signifies through union with the sacrament, not by its own nature, nor insofar as it is given precisely ex opere operantis."[139]

[139] John of St. Thomas, De Poenitentia, disp. 33, art. 5, nos. 9, 10, 11, 15, 16; Cursus Theologicus, vol. 9 (Paris, 1886), pp. 622–624.

CONCLUSION

In the sacrament of Penance too there is a reality and sacrament; and it consists in nothing other than contrition itself, insofar as it is subject to the influence of the sacrament tending toward the effect of remissive grace.

Proof.

That in this sacrament there is some reality and sacrament, or some intermediate effect between the sacrament and grace, is suggested both by analogy with the other sacraments and by the constant affirmation of theologians. Indeed, as has been said above, theologians introduced this concept into this sacrament not by some subsequent extension and adaptation borrowed from the other sacraments, but first acutely suspected and naturally found the existence of a reality and sacrament in Penance and in the Eucharist, and thence extended it to the other sacraments, developing a general doctrine. It is suggested chiefly and directly by consideration of the penitential character of this sacrament itself, from which it is also readily discovered that interior contrition itself is the element sought, and under what aspect it realizes and completes that element in itself.

For this sacrament was instituted not to replace the penance of man, but to lighten and assist it, so that what by itself is insufficient for justification and for the healing grace of sins may be made sufficient through the divine cooperation bestowed in the sacrament. Hence what in this sacrament is intended of itself is to justify man not in just any manner, but by means of his own penance assisted and elevated, so that this penance falls as an intermediary between sacrament and grace. The sacrament therefore causes the contrition of man to be perfected, to this end: that from its dispositive influence, exercised together with and under the efficient influence of the sacrament, remissive and healing grace may be produced.

Therefore nothing is lacking to interior contrition so that it, and it alone, insofar as it falls under the influence of the sacrament, may be a true and most proper reality and sacrament. For insofar as it is made by the power of the sacrament a sufficient disposition for sacramental grace, first it is distinguished from itself both as extra-sacramental and as part of the sacrament, since the sacrament does not begin to exert its influence until it is constituted in being by contrition itself together with confession and absolution; secondly, it is what is signified and the effect of the sacrament (a reality); thirdly, it is a sign and dispositive cause of grace (a sacrament).

Nor is there any benefit in anxiously searching what or how contrition receives from the influence of the sacrament so as to be elevated and perfected as a disposition for justification. For it is ill-advised to suppose that some other act of more perfect contrition succeeds it: both because contrition itself may be perfect contrition, in which degrees are not regarded in relation to justification, and because, if it is mere attrition, perfect contrition cannot succeed it except after the infusion of grace, which, however, is the ultimate effect of the sacrament.

Nor is an essential change of attrition into perfect contrition, according to a moral species and the informing by charity, more fittingly invoked; for sacramental contrition may already be perfect contrition, as has been said, and otherwise this differs from attrition according to the physical substance of its act and not only morally or through the mere informing of charity.

Finally, it is not necessary to have recourse to some physical quality or mode by which contrition is accidentally informed and perfected.

But let it be said simply that contrition, with and under the influence of the sacrament, has this and can do this, namely that it is a fitting disposition for the reception of remissive sacramental grace, and consequently: first, that by reason of the sacrament it is equivalent to perfect contrition in relation to the common grace of justification (if it is only attrition); secondly, that it surpasses perfect contrition itself in relation to the effect of sacramental grace as such, which is conferred only through the sacrament; thirdly, that it is so intimately connected with the sacrament and its influence that it is exercised intentionally in dependence upon it, insofar as for this purpose it is completed by such divine influence and the insufficiency of the human disposition is supplied, and contrition becomes before God a sufficient and fitting disposition toward remission of sins or toward sacramental grace remitting sins; fourthly, that by reason of this intentional ordering and connection between contrition and the sacrament, the influence of the latter in some way reaches contrition itself physically and instrumentally, insofar as this is a subordinate instrument modifying the very influence of the sacrament tending toward remissive grace. Thus that grace is conferred through the sacrament not in just any manner, but contritionally and penitentially. Nor does it matter that contrition according to itself has only the character of a dispositive cause, which pertains to the genus of a material cause; for insofar as it is assumed as an instrument modifying the action of the sacrament it is raised to the order of efficient cause: "A disposition, indeed, is reduced to material cause if 'disposition' is understood as that which disposes matter for receiving; but it is otherwise with a disposition of the agent for acting, for that is reduced to the genus of efficient cause" (Supplement, q. 5, a. 1).[140]

[140] In the treatise De Sacramentis in Genere, art. 10 (p. 193), it was stated that the proper character of an instrument consists in modifying the action of the principal agent, or of a superior instrument if a subordinate instrument is in question.

And all these things are involved and implied in the simple but efficacious words of St. Thomas cited above, especially in these words: "First, the whole sacrament together [that is, the whole sacrament including contrition] is the cause of the second [that is, of interior contrition]; but the first and second are in some way the cause of the third [that is, grace]," and "Interior Penance … insofar as it is a [curative] act of healing disease, thus has by institution to be caused and signified through these signs [of exterior Penance which compose the sacrament]."[141]

[141] How the account of causality is to be understood both between the sacrament and the res et sacramentum, and between the latter and grace, was stated in the treatise De Sacramentis in Genere, art. 20, pp. 332–338.

YOU WILL SAY

From the last reason assigned (the fourth) it would follow, first, that the reality and sacrament is not contrition itself, but that mode of elevation which is superadded to it, or the influence by which it operates instrumentally; secondly, that confession and satisfaction also are reality and sacrament, since they too receive the same instrumental influence.

REPLY. To the first. The elevation of contrition itself, or the influence received in it, cannot be reality and sacrament, because it cannot itself support the two accounts of causality and signification of which the concept of reality and sacrament consists. For an influence according to itself is not a cause or something caused, but the exercise of causality, or, if one prefers, an action; nor is it a sign or something signified, because the relation by which a sign is so called is not located in that action itself but in the agent, even if by reason of the action. Hence that influence or elevation is not reality and sacrament, but is the account by reason of which its subject, namely contrition, is reality and sacrament.

To the second. Confession and satisfaction are indeed elevated to causing grace by an instrumental influence, yet not by the sacrament itself of which they are constitutive parts, but by God himself elevating the whole sacrament, that is, absolution and, by reason of it as form, the very acts of the penitent. Hence they are not reality and sacrament, that is, something signified and caused by the sacrament itself. But contrition is elevated in two ways: first by God insofar as it is part of the sacrament, secondly by the sacrament itself, and thus it is reality and sacrament.

On this point JOHN OF ST. THOMAS writes: "That mode of elevation, whether it be physical or moral, cannot have in itself alone the account of an interior sacramental sign, just as the imposition itself is not called a sign, but the utterance by imposition; nor in natural signs is the relation itself a sign, but the account of signifying, as smoke or a character is called a sign. And so the elevation superadded to attrition has, as it were, a certain determination of it toward signifying grace ex opere operato, and thus it is not the interior sign itself, but the account or determination by which attrition itself is made a sign, not only of grace commonly so called, but of sacramental grace ex opere operato, which it does not have from its own nature. But in order for something to be had as reality and sacrament, it is not enough that there be the imposition, or the determination, or the relation of signifying; it is necessary that it be the interior sign itself, as is clear with the character, with the sacramental body of Christ, etc. … Confession, satisfaction, and absolution do not receive that elevation from the whole sacrament, because they have themselves only as parts of the sacrament, since they pertain precisely on the side of matter. But that which is had as reality and sacrament ought not only to be elevated as a part of the sacrament, but as an effect following upon the whole sacrament; and thus … sorrow, insofar as it is precisely a part, is not reality and sacrament."[142]

[142] John of St. Thomas, De Poenitentia, disp. 33, art. 5, no. 14; Cursus Theologicus, vol. 9 (Paris, 1886), p. 623 ff.

From what has been said, both the four first opinions of theologians who think that contrition is not reality and sacrament, and the three principal explanations by which the true opinion is customarily defended, remain essentially overthrown, although in summary fashion. For the former illogically depart from the proper line of Penance, within which alone the essential elements of this sacrament can be found, seeking elsewhere an ornament, or title, or peace to raise to the dignity of reality and sacrament; while the latter unsuitably pile upon contrition changes or realities which it does not need in its pure and simple character as the instrumental effect and instrumental cause.

Moreover, observe the following concerning each of these individually.

On the opinion concerning the ornament of the soul

The opinion concerning the ornament of the soul, once invented chiefly to support the doctrine of the dispositive and physical causality of the sacraments, was long ago and rightly abandoned and buried

by theologians. For the present question, Cajetan himself aptly refutes this opinion:

"A disposition toward grace which alone is thought by the supporters of ornament is shown, in three ways, to be foreign to ornament. First, on the part of grace. For grace is not such a form in the soul that it requires another form predisposing to it. It is a false imagination to suppose that, as wood, if it is to be ignited, must first be heated so that heat disposes toward the form of fire, so the soul, if it is to be made godlike through grace, must first be ornamented. For it is evident that grace demands no such disposition in baptized infants, into whom grace is infused without any other form predisposing them. Nor is the character an obstacle; for, as is clear from what has been said above [q. 63, a. 4, comments 2 and 3], the character is not posited as disposing toward grace. This is attested by the subject of the character, which is the intellect: for a disposition toward grace, which is in the essence of the soul, is not in the intellect, as is self-evident."

"Secondly, on the part of adults, to whom alone the sacrament of Penance is conferred. For in adults the disposition toward grace is the adult's own act, according to the saying, 'He who created thee without thee will not save thee without thee' [Augustine, Sermon to the People 169, otherwise On the Words of the Lord 15, ch. 11]; and according to the things said above in the Second Book [I–II, q. 112, a. 2; q. 113, a. 3] concerning the justification of the ungodly."

"Thirdly, on the part of the penitent. For the penitent, insofar as he is penitent, is disposed only through an act of Penance; for every other disposition would belong to the penitent accidentally. And furthermore, if ornament were to dispose him, it would concur only accidentally toward disposing the penitent. But what is accidental must not be attributed to the sacrament of Penance in itself."

"Such ornament therefore appears fictitious; but, as is said in the text, interior Penance is the reality and sacrament" (Commentary on III, q. 84, aa. 1–2, no. 2).

On the opinion concerning a juridical title

The opinion concerning a juridical title, upon which Billot so greatly insists and relies, has already been refuted generally in the treatise On the Sacraments in General, Article 10 (pp. 177–180), and is rejected again below in Article 79, where the proper meaning of the words of absolution is treated.

To his three arguments set forth above the reply is:

1. The sense of the first argument is very obscure. It is not understood what the acquittal in the second act means for him: for if it is taken as a release from punishment, this is not the essential and principal effect of a judicial sentence; rather it precedes and grounds the subsequent effect, which is the right for a man to be regarded as innocent by others. For a judicial sentence (the pronouncing of right) is the declaration or pronouncement of guilt or innocence, having the force of law, or by which someone is declared and juridically made guilty or innocent. From this it follows, first, that he himself retains such an obligation or right; secondly, that such an obligation or right is recognized by others; thirdly, that his punishment is removed or incurred. Similarly, therefore, the judgment of sacramental absolution, insofar as it is judgment, consists essentially in declaring and juridically making that the man is just; and insofar as it is a sacrament, it consists in really effecting that very thing which the sacrament signifies.

What is also said of the foundation to which a right to be regarded as innocent is attached is devoid of precision; for the proximate foundation and cause of that right is the judicial sentence itself, or the juridical declaration of innocence. The facts alleged, however, are elements of the object concerning which the judge first judges by discernment, before judging of the primary object itself, guilt or innocence, by passing sentence. Similarly, therefore, in a sacramental case contrition becomes the object of the priest's discernment before judgment is rendered by absolution concerning the absence of guilt, or justification.

2. Neither is the second argument, drawn from the proper nature of sacramental judgment, any better. For this is a judgment of the internal forum, in which the sinner himself is both his accuser and his witness; therefore, just as the penitent himself can possess moral certainty concerning his disposition (namely that broadly understood moral certainty which theologians require for the worthy reception of sacraments), so the penitent himself can and should communicate this certainty to the priest. Nor does it matter that both penitent and priest are sometimes mistaken in their certainty and that absolution is therefore pronounced ineffectually, since that happens accidentally and cannot remove the proper and intrinsic efficacy of absolution, as has been said concerning the sacraments in general in the proper treatise (Art. 2, p. 68).

3. The third argument also is false. For the exterior acts of the penitent, which of themselves immediately signify only interior contrition, insofar as they are informed by the words of absolution become the essential matter of the sacrament, or are elevated to signifying something higher, which is expressed by absolution itself. For in the form alone does the entire sacramental signification originally reside, and from it it descends into the matter, as the power and specific character do in physical composites. Moreover, as was said in Article 4 (vol. I, pp. 188–190), the acts of the penitent themselves do not lack aptitude for receiving this signification; but that aptitude is brought into act through the form itself.

On the opinion concerning reconciliation with the Church

The opinion concerning reconciliation with the Church rests upon a fair but unstable foundation. For reconciliation with the Church is understood either as the very recourse to the keys, and this precedes the sacrament and so is not its effect; or as the actual submission to the keys, which is confession itself and the reception of absolution, and this is the sacrament itself and so is not reality and sacrament; or as a certain juridical absolution in a forum called formally ecclesiastical, which is thought to precede absolution in the divine forum itself. Such a thing is not given, nor can it be given in the sacramental forum, because everything done in this forum is done in the divine forum alone, since in it no power belongs to the Church except one essentially vicarious and instrumental; or as the restoration of a dead member to the vital body of the Church, and this is nothing other than justification itself and reconciliation with God, or the reality alone and final effect of this sacrament. In brief, sacramental reconciliation with the Church can be nothing other than interior reconciliation with God effected through the sacrament of the Church as through an instrument.

XIBERTA, however, attempts in vain to confirm his opinion by the authorities of the Fathers, since it is rather foreign to the manner in which the Fathers conceived reconciliation of the sinner. In this connection D'Alès writes: "The system appears false, and the order of interpretation of the Fathers

inverted. For the Fathers never thought that men should be disposed toward peace with God by a peace with the Church first conceded, but conversely; since the efficacious principle of every peace conferred by divine authority is divine grace. Although it can happen accidentally that the most holy Eucharist becomes the cause of first grace for a sinner approaching in good faith, this in no way belongs to the legitimate order instituted by Christ; and it never came into the minds of the Fathers that the most holy Eucharist should be given to a sinful man as an instrument of justification, since, on the contrary, in the act of reconciliation the most holy Eucharist is given to the sinner as a pledge and divine seal of peace already restored even with the Church. See our review of the same work in RSR [Recherches de science religieuse], 1922, pp. 372–377. Let these things have been said without any offense to the writer, who is sincerely seeking the truth."[143]

[143] D'Alès, De Poenitentia, thesis 11, scholion 1 (Paris, 1926), p. 155 ff.; cf. Gregorianum (1923), p. 591 ff.

On the opinion concerning peace of conscience

The opinion concerning peace of conscience, first invented by Lugo and defended almost alone by him, is exceedingly displeasing, since it not only departs altogether from the line of Penance and contrition, but also distorts the concept of reality and sacrament by assigning that name to some effect, otherwise not necessary or even very determinate, which, as the Council of Trent says (ch. 3), follows upon grace itself and the remission of sins, and therefore is not an intermediary between the sacrament and grace, either in the order of causality or even in the order of signification. Thus Lugo improperly adduces the words of the Council of Trent itself and appeals to the analogy of the reality and sacrament of Extreme Unction.

On Diekamp's explanation

The explanation of Diekamp and others concerning the production of an act of perfect contrition by the sacrament cannot be sustained. For this sacrament is not ordered toward causing contrition which is absent, but toward perfecting and assisting the contrition which is present.

Moreover, the very act of perfect contrition (as also its increase or intensity) is an effect following from the remissive grace itself, which is the ultimate effect of the sacrament; hence it cannot precede that grace in the capacity of sign and cause, or of reality and sacrament. Nor is it relevant that in Article 14 (vol. I, pp. 370–374) we taught that the act of contrition precedes grace under one formality, namely insofar as grace is the removal of sin as offense, since contrition still remains posterior to grace insofar as grace is the removal of sin as stain; but the sacrament has for its ultimate effect remissive grace of sin simply and in the concrete (whatever be said of the order of priority and posteriority which may be involved between the formalities of grace), since the sacrament is an extrinsic cause formally regarding grace as remissive and removing sin (for it is the sign and cause of grace), whereas, on the other hand, the virtue of Penance is an interior act formally regarding compensation or satisfaction for an offense, and therefore its act falls in the middle between grace as removing a stain and grace as removing an offense, differently from the influence of the sacrament which simply precedes grace.

Moreover, the act of contrition is not necessarily elicited by grace immediately after its infusion; rather it often happens that a man justified through the sacrament rests, as it were, in the consequent habit of grace and virtues, which afterwards, when an occasion and motive are presented, proceed into their acts. Therefore this sacrament does not produce grace by producing an act of contrition.

On Cajetan's explanation

The explanation of Cajetan, as we understand it, seems to agree essentially with our position in the principal point, namely concerning the instrumental elevation of contrition toward causing grace and concerning its mediation between sacrament and grace. His defects, already noted elsewhere (cf. Article 16, vol. I, pp. 404–406; Article 23, p. 10; and Article 24, p. 30), consist in his imagining a certain natural and acquired contrition cooperating toward justification and in his seeming to admit a certain essential change (even if only in the moral order) of that contrition into perfect contrition disposing toward grace; moreover Cajetan seems to consider only the case in which someone approaches the sacrament with imperfect contrition alone.

On Soto's explanation

Soto's explanation does not preserve the account of reality and sacrament, because the informing by charity follows upon grace itself; nor does it matter that it precedes grace under the aspect of remission (or rather of satisfaction), for, as was said against Diekamp, the ultimate effect of the sacrament is simply grace without distinction. Moreover, this opinion seems to admit a certain essential change of attrition into perfect contrition, even if only in the moral order, or, what amounts to the same thing, it does not preserve the physical distinction between attrition and perfect contrition. Likewise it considers only the case in which someone approaches the sacrament with attrition alone.

On Suárez's explanation

The explanation of Suárez neither explicates nor moderates Cajetan's opinion, whatever Suárez may think to the contrary, but rather makes it worse, insofar as it has anything in common with that opinion. For in the first place it lacks the very principal point in which, as has been said, Cajetan's opinion agrees with ours. And since Suárez asserts the reality and sacrament to be contrition informed by grace, he agrees rather with Soto's opinion and incurs the same inconveniences, since the informing of contrition is posterior to grace; or, all the more because he himself does not admit the distinction mentioned above by Soto between the two orders of priority between the informing by charity and grace. What he finally adds concerning the case in which someone approaches the sacrament with perfect and already informed contrition, namely that this is made reality and sacrament only because it receives greater moral dignity and meritoriousness, renders his position worse, since such moral dignity is simply and in every way posterior to grace, or to the ultimate effect of the sacrament, and therefore cannot constitute contrition in the character of reality and sacrament.

On the explanation of John of St. Thomas and the Salmanticenses

The explanation of John of St. Thomas and the Salmanticenses, if it is understood in the sense of some physical quality or mode by which contrition is accidentally informed and perfected (as certain of their words seem to suggest), must be rejected or rather corrected; but if it is understood of the passing influence and elevation alone of contrition through the sacrament, it is true and excellent. For it perfects Cajetan's explanation as to the principal point at issue here and wholly accords with our opinion.

Article 29. Whether the same contrition required and sufficient for the fruit of the sacrament is also required for its validity, so that the sacrament cannot be valid but unfruitful, nor consequently revive

ARTICLE 29

Whether the Same Contrition Required and Sufficient for the Fruit of the Sacrament Is Also Required for Its Validity, So That the Sacrament Cannot Be Valid and Unfruitful, Nor Consequently Revive

Supplement, q. 29, a. 8; q. 9, a. 1; q. 11, a. 1, ad 1; cf. Supplement, q. 5, a. 3; III, q. 84, a. 1; q. 90, a. 2, corpus and ad 1.[144]

[144] Cajetanus, Quaestiones de confessione, quaesitum quintum, in editione Leonina operum S. Thomae, t. 12, pp. 352–354; Summula, v. Confessio; Suárez, Disp. 20, sect. 5; Lugo, Disp. 14, sect. 6; Joannes a S. Thoma, Disp. 33, a. 6; Gonet, Disp. 10, a. 1; Salmanticenses, Disp. 8, dub. 11 et 12; disp. 7, dub. 1, §§ 3, 4, 7; Billuart, Diss. 7, a. 1; Wirceburgenses, Disp. 2, c. 3, a. 6; Collet, De Poenit., p. 2, c. 4, n. 730; Palmieri, thes. 32, parergon; De Augustinis, thes. 20; Billot, thes. 16; Gihr, § 17; D'Alès, thes. 11, scholion 2; Galtier, nn. 404–407; Hugon, q. 1, a. 3, n. 7; Van Noort–Verhaar, n. 68 sqq.; Hervé, n. 280 sq.; Zubizarreta, nn. 509– 511; Cappello, De Poenit., p. 2, c. 4, nn. 150–154; Merkelbach, c. 3, n. 506; Revue ecclés. de Liège, Nov. 1909, July 1910, Jan. 1924; Ephem. theol. Lovan., 1938.

STATE OF THE QUESTION

In this question THREE THINGS are involved, intimately connected with one another, which are disputed with considerable contention among theologians, namely: 1. Whether precisely the same contrition which is required and suffices for the fruit or effect of the sacrament is also required for its validity or essence. 2. Whether, on that account, this sacrament cannot be valid and unfruitful. 3. Whether, consequently, it cannot revive.

In the first question, which concerns the qualities of sacramental contrition taken precisely (that is, insofar as it is considered apart from salutary contrition, treated in Article 25), and on which the solution of the other two principally depends, we are not dealing directly with the determination of those qualities individually (which we enumerated in Article 25); rather, it is asked generally and without distinguishing among them whether sacramental contrition ought to possess as many qualities, and qualities of the same kind, whatever these may be, as salutary contrition itself, so that these are required no less for the validity of the sacrament than for its fruit.

For it would be burdensome, and not without danger of confusion, to begin anew the question of the particular qualities of contrition in relation to the mere validity of the sacrament, after what we have said in Article 25 concerning those same qualities in relation to obtaining the fruit of salvation, both outside the sacrament and within it. For once the affirmative part of the present question has been proved, by a single stroke all the qualities which we proved there to belong to salutary contrition pass, in the same character and manner, to sacramental contrition. Nevertheless, fuller treatment of some of these qualities will be necessary insofar as it is required to refute the distinct opinions of those who deny one or another quality with respect to the mere validity of the sacrament; against these opponents alone the present question is directly directed.

The matter is customarily debated by authors principally in regard to the second question, concerning a VALID BUT UNFRUITFUL SACRAMENT, which presupposes the first question and furnishes the basis of the third.

For the understanding of this question and of its connection with the first, note, first, that the question of the possibility of a valid and unfruitful sacrament is disputed among theologians only in regard to Penance; with regard to the other sacraments, it is readily and very commonly affirmed. The reason for this disagreement arises from the fact that in Penance alone the interior disposition of the subject is not merely a disposition necessary for the fruit of the sacrament, but also an essential part of the sacrament (or at least, according to the Scotists themselves, an essential requisite for its validity). Hence, from a defect of contrition there seems to be endangered not only the effect of the sacrament but its very essence and existence, unless one is willing and able to distinguish two contritions, one of which is required and suffices for the fruit, and the other for the mere validity of the sacrament.

Secondly, and consequently, observe that the unfruitfulness of a valid sacrament in Penance could arise from this one cause alone, namely, some defect in contrition. For it cannot proceed from the minister, as from a defect of intention or of absolution, since in that case the sacrament is manifestly invalid; nor from a defect of confession, since, if confession is formally integral, the sacrament is valid and fruitful, but otherwise it is invalid; nor from a defect of satisfaction, since satisfaction in its execution is not an integral part of the sacrament and therefore cannot impede either its validity or its fruit. Satisfaction in intention, or in the purpose of performing it, is so joined to contrition itself that its absence is reduced to an essential defect of contrition itself and renders the sacrament invalid.[145][146]

[145] Quidam, ut Soto, Cano, Vitoria, Joannes a S. Thoma et Salmanticenses, admittunt etiam casum sacramenti validi et informis ex defectu integritatis confessionis, de quo dicetur infra (pp. 163–166); sed ille casus potest indirecte reduci ad casum sacramenti validi et informis ex defectu efficacis attritionis.

[146] Cf. Cajetanum, Quaestiones de confessione, quaesitum quintum, infra citatum, p. 172.

AFFIRMATIVE AND NEGATIVE POSITIONS

The AFFIRMATIVE OPINION concerning the three questions taken together (that is, the equality of contrition required for the validity and the fruit of the sacrament; the impossibility of a valid and unfruitful sacrament; and the impossibility of its reviviscence) is defended by many theologians, especially among modern authors, among whom it seems to be the more common opinion.

Already Billuart wrote: "Today more Thomists and others commonly hold [this opinion]"; likewise the Würzburg theologians: "A number of others deny that there can be a true sacrament of Penance which is at the same time unfruitful. ... This opinion is defended by Gabriel, John Major, Adrian, and Medina ... to whom are added Gabriel Vásquez, Pallavicino, Haunold, and innumerable more recent authors" (no. 176).

With greater or lesser firmness and aptitude this opinion is defended by Biel, Major, Adrian, John Medina, Vásquez (q. 92, a. 2), Vega (on Trent, book 13, chs. 26, 34, 36), Coninck (disp. 3, dub. 2), Laymann, Fagundez, Amicus, Platel, Sylvius, Billuart (diss. 7, a. 1), the Würzburg theologians (disp. 2, ch. 3, a. 6), Montefortino, Collet (De Poenit., part 2, ch. 4, no. 730), Ballerini, Palmieri (thesis 32, parergon), De Augustinis (thesis 20), Galtier (no. 407), Hugon (q. 1, a. 3, no. 7), Cappello (no. 153), D'Annibale (no. 444), Prümmer (no. 353), Tanquerey (De Sacramentis in genere, no. 322), Piolanti (De Poenit., part 2, ch. 1, scholion), and Boyer (thesis 26, scholion 2).

On the other hand, some of these doctors disagree about determining the qualities required in contrition both for the validity and for the fruit of the sacrament. Thus Vega (cited in Article 25, p. 38), almost alone, teaches that merely supposed contrition suffices for both; likewise others judge differently concerning certain cases of a valid and unfruitful sacrament which are brought forward by defenders of the contrary opinion (such as the common case of a defect of universality, proposed by Suárez and Lugo), so that some declare the sacrament invalid, whereas others declare it valid and fruitful.

The NEGATIVE OPINION concerning the first two questions (for there is some disagreement concerning the third, to be explained below) is defended by many theologians of great name, and was more common among the older authors, including the Thomists; a certain text of St. Thomas, to be expounded below, gave them occasion to teach it. The Salmanticenses say that to this opinion "the disciples [of St. Thomas], ancient and modern, subscribe with the greatest agreement."

Among the Thomists cited for it are Capreolus (on IV Sentences, dist. 17, q. 2, a. 3), Cajetan (Summula, under "Confession"; Questions on Confession, fifth question), Sylvester, Vitoria, both Sotos, Cano (De Poenit., part 5), both Ledesmas, Nuño, John of St. Thomas (disp. 33, a. 6), Prado, and Gonet; among others, Durandus (on IV Sentences, dist. 17, q. 13), Richard, Navarrus, Angelus, Henriquez, Toletus, Suárez (disp. 20, sect. 5), Valentia, Filliuccius, Hurtado, Lugo (disp. 14, sect. 6), Viva, Dicastillo, Diana, Aversa, Leander, Delgadillo, and Lacroix. After St. Alphonsus (no. 444), many modern authors maintain this opinion with greater or lesser firmness, such as De Smet, Lehmkuhl, Pesch, Gihr, Billot (who defends it with great insistence in thesis 16), Van Noort–Verhaar, Fr. Connell, Vermeersch, Merkelbach, Hervé, and Zubizarreta.[147]

[147] Unde manifeste exaggerant quidam cum asserunt hodie hanc sententiam obsoletam esse. Ita adnotatores textus S. Thomae in editione Taurinensi (Reimpressio Decimasexta, Taurini, Marietti, 1917), ad Suppl., q. 9, a. 1, qui notant: "Veteres Thomistae ex istis B. Thomae verbis opinati sunt sacramentum poenitentiae posse esse informe ac validum; hanc vero sententiam tacite retractavit (quaest. xxix, art. 8) S. Doctor, quae hodie ab omnibus theologis prorsus rejicitur."

Among these doctors, however, there is a noteworthy threefold difference. The first and principal difference lies in assigning the particular case in which the sacrament is said to be valid and unfruitful. For some propose a defect of sorrow properly so called, or of its supernatural character, or of its efficacy, or of its universality (as many do after Suárez), or of supreme appreciation (as certain modern authors do after Billot). The second difference concerns whether the aforesaid case is restricted to the condition of invincible ignorance or inadvertence: thus some seem to teach the validity of the sacrament even where there is awareness of the aforesaid defect, whereas others very frequently and expressly deny this and say that only in the case of inculpable ignorance or inadvertence can sorrow sufficient for the validity of the sacrament be verified, although the quality required for its fruit is lacking. The third difference lies in this, that some also introduce the condition of confessing the simulation itself, or the defect of contrition, in the case where the penitent is conscious of that defect, so that the sacrament is valid provided that simulation is disclosed in the same confession.

The reasons adduced by these theologians are partly particular, resting upon the principles of the individual opinions to be explained presently, and partly general and commonly proposed (although not all are put forward by everyone). The general reasons are reducible to the following four:

1. Contrition which, on account of one defect or another (for example, of efficacy or universality), is insufficient for the fruit of the sacrament can nevertheless be sufficient for its validity, since it is genuine sorrow, satisfying the Tridentine definition of contrition. This reason is advanced by all.

2. The authority of St. Thomas himself argues in its favor. For in the one passage in which he explicitly treats the question of an unfruitful yet valid confession (Supplement, q. 9, a. 1), the holy Doctor seems expressly to admit it, having also made mention of parity with the other sacraments. This reason is adduced by almost everyone, especially the Thomists.

3. The analogy of the other sacraments likewise suggests that in Penance also a case of a valid and unfruitful sacrament can be found. This argument, however, is rejected by certain authors, notably Suárez (no. 3) and Lugo (no. 73).

4. If for the validity of the sacrament the same contrition were required as is required and suffices for its fruit, penitents would be rendered excessively anxious about repeating their confessions; the administration of this sacrament would become difficult; and the Church's practice of absolving penitents so readily, especially those who confess only once a year and do not otherwise show a good disposition except a sincere willingness to submit themselves to the keys, would not be suitably explained. The reason is that in many confessions some defect in contrition can readily occur.

This argument is rejected by some, such as Suárez (no. 3) and Lugo (no. 72), but is strongly urged by others, such as the Salmanticenses and Billot.

The SALMANTICENSES, on this point: "It is fitting to judge the aforesaid institution [of the sacrament] in such a way that this sacrament not be excessively burdensome to the faithful through the obligation of reiterating it, or of submitting the same sins repeatedly to the keys of the Church before one or several priests; no one will deny that this is a most serious burden. This burden is avoided to the greatest extent if attrition, considered without determining whether it is efficacious or inefficacious, suffices as a part for the validity of the sacrament. It is otherwise if definitely efficacious attrition is required for such validity [as for the fruit of the sacrament]. Thus the burden to be feared is very great if it is maintained that definitely efficacious attrition is required for the sacrament's validity, and it is avoided if even inefficacious attrition suffices. The major premise and the consequence are evident. The minor premise also is supported: for a man can readily know whether he experiences attrition for his sins, whether they displease him and are objects of abhorrence because of their vileness and the punishments of hell; but whether this sorrow or attrition is efficacious lies hidden from many, owing to the many and deep recesses of the human heart, especially among those who quickly and readily rush back after confession into the same sins. Therefore this burden, and the trouble of repeating confessions of the same sins, are for the most part avoided if attrition, which is an essential part of the sacrament, abstracts from being efficacious or ineffective, and in any of these persons is preserved; but this burden is most greatly introduced by asserting that definitely efficacious attrition is required for the validity of the sacrament."[148]

[148] De Poenitentia, disp. 7, dub. 1, § 3, n. 24, Curs. Theol., t. 20, Parisiis, 1883, p. 42.

BILLOT: "The received practice [in the Church] is in perfect harmony with this opinion, and with it alone, which is a great argument for its truth. For if it were true that the same conditions are required for the validity of the sacrament as are required for its fruit, it would follow, by force of the principle which no one disputes, that absolution ought never to be given except in a case of necessity, unless it is morally certain that the penitent is sufficiently disposed for grace. But, even granting that certainty of this kind can sometimes be obtained from confession alone, how few would there be whom one might lawfully absolve! How laborious and beyond human strength the ministry of the administration of Penance would become! How full of anxieties and scruples! But now penitents are commonly and everywhere absolved with greater ease whenever they are found sincerely submitting their sins to the keys with a purpose of not sinning again, without waiting for moral certainty that the penitent's sorrow and purpose attain the perfection required for a proximate disposition. If you ask whether this practice is legitimate, perhaps you will find no answer outside the principles declared by the ancient theologians. ...

"Consider a soldier or a laborer approaching you on holy Easter Day. 'May the Lord be in your heart and upon your lips,' and so forth. 'My dear fellow, what have you to accuse yourself of?' 'Naturally, what the other fellows do' ('as comrades do'). 'Well, well; this and this and this?' 'Of course.' 'Do you repent of these things? Do you resolve not to do them again?' 'As far as possible.' 'But take careful notice that I am not now asking you for a prophecy about what you will perhaps do or not do. I inquire about your present disposition: whether you now have the will not to sin again.' 'I shall do what I can.' 'But consider, my dear fellow, that in this matter all things are possible with the grace of God. You must therefore form your purpose, not relying on your own strength but trusting in God's help,' and so forth. 'What do you want? I shall do what I can.' And will you absolve no one? Do you now obtain moral certainty about attrition supreme in appreciation from confessions of this kind? And, if not, I ask again whether these men, who have at least some certainly good will and show it, are to be dismissed without absolution, or what certain disposition for receiving the grace of the sacrament is lacking?"[149]

[149] De Ecclesiae sacramentis, t. 2, thes. 16, § 1, Romae, 1930, p. 177, in textu et in nota.

Let us now approach the individual particular opinions and explanations of this negative position.

FIRST OPINION

The FIRST OPINION teaches that true and positive contrition is not required for the validity of the sacrament, as it is for its fruit; rather, a virtual or negative displeasure suffices, contained in the very intention of confessing and receiving absolution and its fruit. Hence the sacrament received with this disposition is valid and unfruitful, because of the absence of contrition properly so called.

This opinion was perhaps held by some of those theologians whom, in Article 26 (p. 107 ff.), we reported as arguing against the necessity of contrition in the sacrament. The Salmanticenses expressly attribute it to Delgadillo, writing: "Delgadillo first proposes a manner of speaking, chapter 10, doubt 8, no. 44, in these words: I assert that the opinion is not improbable which affirms that there can be a sacrament of Penance which is unfruitful, even if someone knowingly approaches without sorrow, provided that he makes an integral confession. This he proves because certain serious authors referred to by him think so; and it appears in satisfaction, which, even though it is not actually performed, is nevertheless a valid sacrament. He confirms this by the example of Baptism

(and it is the same in Confirmation, Orders, and the other sacraments). For if someone expressly wishes to be baptized, although he clearly knows that he approaches indisposed to grace, which is the effect of Baptism, he simply receives that sacrament, and it is unfruitful, as everyone grants. Therefore the same occurs in the sacrament of Penance. This parity [he concludes] altogether convinces me."[150]

[150] De Poenitentia, disp. 8, dub. 9, § 2, n. 272, Curs. Theol., t. 20, Parisiis, 1883, p. 449. Cf. quae de eodem Delgadillo retulimus supra, in art. 26, p. 108.

Moreover, Cajetan's opinion, to be explained below, can be reduced to this opinion, provided the condition of good faith in the penitent be added.

SECOND OPINION

The SECOND OPINION teaches that, for the validity of the sacrament, real contrition is not required as it is for the fruit; rather, it suffices that real contrition be thought to be present. Under this disposition, therefore, the sacrament will be valid and unfruitful owing to the lack of real contrition. The reason is that someone approaching with merely supposed contrition does everything that lies within his power, and places no culpable obstacle to the sacrament. The Salmanticenses attribute this opinion to Filliuccius (ch. 6, q. 5).

THIRD OPINION

The THIRD OPINION teaches that supernatural contrition is not required for the validity of the sacrament as it is for its fruit; rather, natural contrition suffices, and on this account the sacrament becomes valid and unfruitful. The principal reason appears to be that for the validity of sacraments it is not required that their matter be something supernatural, as is clear from induction in the other sacraments, such as Baptism and Confirmation, and even in the sacrament of Penance itself, in which confession is a certain natural act.

This opinion is held by Bonacina (q. 3, point 2; q. 5, point 3), Aversa, and Filliuccius; also not a few older theologians are cited in support of it, such as Durandus, Richard, Paludanus, Capreolus, Cajetan, Soto, Sylvester, Cano, and Ledesma. It is not sufficiently certain, however, what these authors thought throughout this whole matter concerning the sufficiency of natural contrition, either with respect to the validity or with respect to the fruit of the sacrament, as we observed already in Article 25 (pp. 40–43). Moreover, several of them speak of contrition essentially natural but conceived under some supernatural motive, such as fear of hell; and many also add this condition, that the penitent himself believes natural contrition to be supernatural.

The following explanation of the SALMANTICENSES must be reduced to this opinion: "For the mere validity of the sacrament, attrition in the sinner which is supernatural only as to its mode suffices, namely that which is elicited under the command of some supernatural principle, such as faith, hope, the desire for beatitude, and so forth, which communicate to that attrition a certain intrinsic mode of supernaturality (just as in a just man the command of charity elevates natural contrition or attrition to a certain mode of supernaturality)." Hence it follows logically that the sacrament can be valid and unfruitful if such attrition is present in the sinner, although the Salmanticenses themselves do not draw this consequence in Disputation 8, doubt 11, no. 276. There they omit this distinction and merely report and reject the opinion of the aforementioned theologians about a valid and unfruitful sacrament arising from a lack of all supernaturality.[151]

[151] De hac contritione vel attritione in justo Salmanticenses docent eam sufficere non solum ad valorem sed etiam ad fructum sacramenti, ut diximus supra, in art. 25, p. 47 sq.

Having referred a number of theologians in favor of their explanation, such as Nuño, Araújo, Vásquez, Aversa, and Dicastillo, they propose it in these terms:

"In this difficulty we can entertain greater doubt about the supposition [namely, the possibility of attrition supernatural only as to its mode] than about the resolution. For it does not so readily appear how attrition, natural in its entity and object, can participate in some mode or predicate which elevates it so that we may call it supernatural, although truly supernatural, as this part of the sacrament requires, since it confers ... a mode of being informed, or of ordering to God as a supernatural end, is proper only to charity, which has this end as its object; it does not belong to faith and hope, which alone are presupposed in a believing sinner. Yet, although this supposition is difficult, we do not judge it impossible, and therefore maintain it with the common opinion. For since it is certain that many other operations naturally constituted in their entity can participate in some supernatural mode and by reason of it be elevated to the aforesaid order, we ought not to concede that this is impossible in attrition alone unless the contrary is demonstrated. ...

"Nevertheless an easy supposition suggests itself: for even though natural attrition is such from its proper or proximate object, and therefore from its entity and species, nonetheless, since in a believing sinner there can be found several supernatural principles—faith, hope, desire for eternal beatitude, and so forth—by which the sinner, insofar as he can, may be moved to elicit attrition from a natural object, for example, sins as contrary to a natural end, just as he is moved to give alms and to other upright acts arising from a natural object for a supernatural end: it follows that such attrition, natural in entity and species, is supernatural as to mode and goodness, participating according to the end of the one acting. And this is not an extrinsic denomination, but something intrinsic predicated beyond its proper species, namely a passive ordering consisting in a transcendental relation to the end of the one acting and to the one acting himself and that end, as happens in other acts. And for this reason, although for attrition taken naturally, considered precisely in its species, a supernatural grace is not required on the part of the principle, nevertheless some such grace is required in order that, vested in a supernatural mode, it be directed also to that end, and jointly to the act itself; especially since such a mode does not come about of itself but through the production of the act of attrition according to the end of the one acting. ... We admit, however, that a general command and a general mode of being informed belong to charity alone, because its proper object is God as the ultimate end, to which the particular ends of other virtues (namely the specific objects of those virtues) ought to be subordinated. ... But in the matter now under discussion we do not need that doctrine."[152]

[152] De Poenitentia, disp. 7, dub. 1, § 3, n. 21 sq., Curs. Theol., t. 20, Parisiis, 1883, pp. 37–39.

FOURTH OPINION

The FOURTH OPINION teaches that efficacious contrition is not required for the validity of the sacrament, as it is for its fruit; rather, inefficacious contrition suffices, provided that it is believed in good faith to be efficacious. Consequently, the sacrament becomes valid and unfruitful.

The SALMANTICENSES expound and defend this opinion at length (disp. 7, dub. 1, § 3, nos. 23–25; disp. 8, dub. 11, §§ 3–5). They say that it is the common opinion among Thomists, and adduce in its

favor Soto, Cano, Vitoria, John of St. Thomas (disp. 33, a. 6), Navarrus, Toletus, Henriquez, Valentia, and others.

The Salmanticenses bring forward a threefold argument:

The first is drawn from the Council of Trent, session 14, chapter 4. For the definition by which the Council describes contrition as a part of the sacrament also applies to inefficacious contrition: this too is true sorrow of soul and detestation of sin committed, with a purpose of not sinning henceforth. Moreover, when the Council says that sacramental attrition is fruitful—

—"if it excludes the will to sin," it manifestly distinguishes two genuine attritions, and therefore two attritions sufficient for the validity of the sacrament: one which does not exclude the will to sin, and another which does exclude this will and for that very reason also suffices for the fruit of the sacrament.

The second argument is drawn from the authority of St. Thomas. In one passage (Supplement, q. 8, a. 2, ad 1), the holy Doctor asserts that contrition belongs to the essence of the sacrament; but in another passage, immediately following (Supplement, q. 9, a. 1; cited below, p. 186), he asserts that confession is valid without contrition. Yet St. Thomas cannot maintain these assertions without contradiction unless he distinguishes a twofold contrition: the one inefficacious (or considered without determining whether it is efficacious or inefficacious), which he affirms to be necessary for the validity of the sacrament; and the other efficacious, which he denies to be necessary for that validity (Salmanticenses, disp. 7, dub. 1, no. 24; disp. 8, dub. 11, no. 288).

The third is an argument from fittingness. First, sorrow for sins is required for the essence of this sacrament because it is instituted after the manner of a judicial proceeding, in which the penitent, by confession, acts as one accusing himself; but confession cannot have the character of an accusation unless it is informed by sorrow. For confession to have this character, however, it is enough that it be informed by inefficacious sorrow, since this possesses the true character of sorrow.

Moreover, for contrition to constitute the sacrament, nothing else is required than that it can be assumed by God as an instrument; for the sacrament and its parts are nothing other than an instrument of divine power. Even inefficacious contrition, which is not a proportionate disposition for grace, can be assumed as an instrument, just as in other sacraments merely natural things are assumed which have no relation to grace, since an instrument does not act by its own power. Nor does it matter that the effect of the sacrament does not follow while contrition remains inefficacious: this happens for another reason, namely, because the disposition required for the infusion of grace is lacking—that is, the efficacy of contrition itself. Hence we also understand why inefficacious contrition suffices for the validity of the sacrament but does not suffice for its fruit. In relation to the fruit, contrition stands as a disposition; a disposition, however, does not act by the power of a principal agent, but prepares for the form through a certain power proper and intrinsic to itself, or through the presence of its own reality, without any extrinsic elevation.

Thus the Salmanticenses conclude that a valid and unfruitful sacrament can exist by reason of inefficacious contrition: "It must be said ... that the sacrament of Penance is valid and unfruitful when the penitent integrally confesses his sins with supernatural attrition which he believes in good faith to be efficacious, although in reality it is inefficacious."

"It is valid in this case because it possesses the parts of which it is essentially constituted, and especially attrition; but it is unfruitful because efficacious attrition is absent, which is the disposition necessary for introducing the grace of justification. We said 'which he believes in good faith to be efficacious,' for if he knew that he did not bring efficacious attrition, which nevertheless is required as a disposition for the infusion of grace, he would thereby knowingly place an obstacle to the fruit of the sacrament and would knowingly sin mortally; and the validity of the sacrament is incompatible with this. Therefore the case described is not some metaphysical figment, such as we rejected above [for example, in the opinion of Suárez, shortly to be mentioned], but a sufficiently obvious and frequently occurring reality, which strengthens our common assertion."[153]

[153] Salmanticenses, De Poenitentia, disp. 8, dub. 11, § 3, no. 286, Cursus Theologicus, vol. 20 (Paris, 1883), p. 464. [Original Latin note 55.]

JOHN OF ST. THOMAS proposes the same opinion as follows:

"I suppose that it can happen on two grounds that a confession is unfruitful even though valid, namely, from a defect of examination or from a defect of sorrow; this sorrow (as we said above) requires a universal detestation of sins with respect to the past, and an efficacious purpose of avoiding them with respect to the future. Many more readily believe and understand that the sacrament can be unfruitful through a defect of examination, because, although examination is required for making an integral confession, nevertheless this integrity is measured by the diligence and care we exercise in recalling sins, and it can scarcely be known in an individual case how much diligence and care is sufficient for satisfying this obligation. Thus the matter is left to prudent judgment and to a morally conducted examination.

"Such matters entrusted to judgment have a wide range: someone can sometimes persuade himself, according to his own judgment, that he has exercised sufficient diligence, while in fact that diligence is insufficient before God and according to prudence. Consequently, since someone can almost always be in doubt whether he has exercised sufficient diligence according to his own judgment, if confession were invalid except when it were sufficient in reality, consciences would never be quiet; for, while the validity of the sacrament remained doubtful, men would be obliged to repeat those confessions. This would be an intolerable burden, and morally impossible among so great a multitude of men. Hence, for this very reason, since Christ the Lord instituted the matter of this sacrament as dependent upon human judgment and diligence, he saw fit to regulate it not according to what it is in reality, which can scarcely be known, but according to what can be done in a human and moral manner, even if something be lacking in what is requisite for the effect of the sacrament. Hence the whole difficulty concerns a defect on the part of sorrow, because sorrow truly is the matter and part of the sacrament, as we have often said from the Council of Trent, and no other sorrow has been instituted as matter than that which is required as a disposition.

"Nevertheless we answer that, on the side of sorrow also, there can be an unfruitful sacrament; and that some supernatural sorrow, arising from a motive, must be assigned as sufficient to be sacramental matter, though not as a disposition for grace. The principal foundation, and almost the a priori foundation, lies in assigning such sorrow. It can nevertheless be confirmed both from its fittingness in comparison with the other sacraments and from the inconvenience which follows from the obligation of repeating confessions more frequently. ...

"Let us come to the principal proof—namely, to determining how and when sorrow can be found sufficient as sacramental matter although it is not sufficient as a disposition for grace. It can be assigned according to the threefold condition which we said above was required for formed attrition: first, that the sorrow be supernatural; secondly, that it be universal with respect to all past sins; thirdly, that it be accompanied by an efficacious purpose of excluding sins henceforth, and by a hope of pardon.

"As regards the first condition, those authors who hold that supernatural sorrow is not required for the validity of the sacrament, but that natural sorrow suffices, although supernatural sorrow is required for a foundation of grace, assign a valid but unfruitful sacrament. We exclude their opinion in the article mentioned above, and have explained it in various ways: whatever sorrow suffices, we judge, must be supernatural, whether the defect of this arises from culpable or invincible ignorance. For once the supernaturality of sorrow is required by reason of the sacramental matter and of Christ's institution, no ignorance can excuse its absence, since the matter of the sacrament is regulated not by our judgment but by the institution itself as observed in reality. Accordingly, we retain as certain that supernatural sorrow is required not only as a disposition but also as the matter of this sacrament; that is, sorrow arising from a supernatural motive and joined to submission to the keys of the Church, an order which is also supernatural.

"Regarding the second condition, therefore, Suárez, in disputation 20, section 5, number 7, wished to assign this case in which a sacrament would be valid but unfruitful. He teaches there that this sacrament can be unfruitful through a defect of attrition, not in intensity but in extent, arising from inculpable ignorance: he means that this defect is reduced to a defect of integrity rather than of some quality intrinsic to attrition. For it can happen that a penitent through no fault of his own confesses with attrition for some sins, but not for all that he has committed; and then the sacrament would be valid but unfruitful, since the confession and attrition concerning all sins which come to mind without blame are sufficient for validity; but, to obtain grace, attrition ought to extend to all mortal sins committed, since without interior penance no mortal sin can be remitted, even in the sacrament, however excusably someone might lack sorrow for such a sin. This opinion of Suárez is very difficult, and a difficulty at once arises against it, because sins inculpably forgotten—that is, sins which do not occur to one who examines his conscience diligently—are understood to be included in the universal confession in which one faithfully says with the prophet: 'From my hidden faults cleanse me, O Lord,' as the Council of Trent says, session 14, chapter 5; therefore these forgotten sins also remain included in the very attrition with which such a confession is made. ...

"Accordingly we assign the defect of attrition, which can coexist with a valid but unfruitful sacrament, in another way: namely, when attrition is supernatural both on the side of its motive and on the side of its ordering to the keys of the Church, yet in reality it has neither an efficacious purpose of excluding sins nor a true hope of pardon, even though the penitent himself does not know this. For we suppose that such a man has employed sufficient diligence both in his examination and remembrance of sins and in arousing sorrow, and has, quite naturally, entirely overlooked the efficacy of the purpose and the need to conceive true hope. Yet in reality that will is not sufficient for excluding sin or for disposing him to its remission, because he does not efficaciously wish to withdraw from it, even though through ignorance he judges that he does; whereas the Council

expressly requires these two conditions of attrition, namely, that it have a will to exclude sins together with a hope of pardon."[154]

[154] John of St. Thomas, De Poenitentia, disp. 33, art. 6, nos. 8–10, 13–15, 19, Cursus Theologicus, vol. 9 (Paris, 1886), pp. 628–631. [Original Latin note 56.]

NOTE. The SALMANTICENSES (disp. 8, dub. 12), following Soto, Cano, Vitoria, and John of St. Thomas, also admit and defend at length a case of a valid and unfruitful sacrament on account of a defect of integrity of confession which is gravely culpable yet simply vincible. As they themselves acknowledge, however, this case falls back upon the case of a valid and unfruitful sacrament arising from a defect in the efficacy of contrition.

They distinguish three cases in regard to a person who, because of gravely culpable negligence in examining his conscience, omits confession of some sin which he does not recall: first, a confession incomplete through gravely culpable and gross negligence in examination, which they, with all theologians, declare invalid, because gross negligence is morally equivalent to negligence directly willed, and consequently to a will to make an incomplete confession; secondly, an incomplete confession through negligence in examination which is gravely culpable but simply invincible (that is, the penitent culpably failed to undertake a sufficient examination, yet here and now is invincibly unaware that it was insufficient, or judges it sufficient). This they, with the common opinion, declare valid and fruitful, since the sin of insufficient examination is virtually included in the confession and contrition for the other sins, and besides it is omitted without fault owing to the invincible error concerning the sufficiency of the examination; thirdly, a confession incomplete through negligence in examination which is gravely culpable and simply vincible (since, although the reason why the person does not actually advert to omitting some sin is culpable ignorance, there is a twofold culpable ignorance here: the one concerning the sin itself which is omitted, the other concerning the negligence in the examination). This they, contrary to other theologians such as John of St. Thomas and Gonet, declare valid but unfruitful: unfruitful because there is the sin of simulation; valid, however, because even with such fault the confession remains sufficiently integral, since it does not entail a direct will to make an incomplete confession, and consequently does not exclude inefficacious sorrow sufficient for the validity of the sacrament.

To the point, they say: "A confession which is integral according to the penitent's express and direct intention, even though it is in another respect incomplete indirectly and implicitly, is valid but unfruitful; but a confession incomplete through negligence in examination which is merely vincible and gravely culpable is integral according to the penitent's direct and express intention, and incomplete only implicitly and indirectly: therefore it is valid and unfruitful."

"The consequence is legitimate, and the minor is evident from the distinction which exists between an incomplete confession caused by negligence in examination which is merely vincible and one which is incomplete through gross, supine, or affected negligence. For all concede that the latter is not integral, because it is expressly, knowingly, and deliberately incomplete; the former, however, is only indirectly, implicitly, and interpretatively incomplete, because the penitent has the intention of declaring all the sins which occur to his memory after some examination which is in fact insufficient, and which he, through merely vincible and gravely culpable ignorance, thought sufficient. Although someone incurs the grave fault of an insufficient examination, and from it the sacrilege of simulation, or concealment of some sin, the omissions themselves, nevertheless, which are not actually present

in number but constitute one sin, do not proceed from certain, full, and express practical knowledge, but only from ignorance which is merely vincible and gravely culpable, and which causes in these omissions an indirect and interpretative will.

"More important for us, however, is what they admit about the second part, namely, that this confession is unfruitful; as to the first part, in which the difficulty lies, it is shown as follows. For that a confession be valid, it is enough that the penitent directly and expressly exclude the will to sin or to make an incomplete confession, even though implicitly and interpretatively he does not exclude it, as is clear in supernatural inefficacious sorrow, which constitutes a valid sacrament although it admits an implicit will to sin and excludes it only expressly and directly. But in a confession integral according to express intention, and only interpretatively incomplete, the formal and express will to sin is excluded, and only the implicit will admitted: therefore it possesses what suffices for validity. Hence, as Cano perceived above, all who agree with us that a valid and unfruitful sacrament is preserved with merely supernatural inefficacious sorrow are constrained, by the force of this consequence, to defend the same thing in the case of negligence in examination which is merely vincible and gravely culpable."[155]

[155] Salmanticenses, De Poenitentia, disp. 8, dub. 12, § 3, no. 310, Cursus Theologicus, vol. 20 (Paris, 1883), pp. 490 ff. [Original Latin note 57.]

Nevertheless, since this case is indirectly reduced to the other case concerning the possibility of a valid and unfruitful sacrament through insufficiency of contrition, as the Salmanticenses themselves acknowledge, we refrain from its direct refutation in the Conclusion; but refutation of that possibility will carry with it the refutation of this one. Moreover, Gonet and Suárez directly refute the case as follows:

GONET: "Formal integrity of confession belongs to the substance of the sacrament of Penance, as the adversaries admit. But if ignorance is vincible and mortally culpable, confession will not be formally integral; therefore the sacrament of Penance will then lack what is required for its substance, and consequently will be invalid. The minor is proved. For someone who omits a sin to be said to make a formally integral confession, he must omit it for a reasonable cause; but he who omits it through vincible and mortally culpable ignorance does not omit it for a reasonable cause, as is evident, because a reasonable cause is only a grave inconvenience, whether physical or moral, or grave harm, present or proximate. Therefore he who omits some sin in confession through vincible and mortally culpable ignorance is not judged to make a formally integral confession."[156]

[156] Gonet, De Poenitentia, disp. 10, art. 1, § 2, no. 6, Clypeus Theologiae Thomisticae, vol. 6 (Paris, 1876), p. 632. [Original Latin note 58.]

SUÁREZ: "It must be said ... I judge that only that integrity is formal in which a man omits nothing while sinning mortally, whether from knowledge or from culpable ignorance and negligence. Hence, just as every confession which is sufficiently integral for the validity of the sacrament also suffices in this respect for its effect, provided sufficient sorrow is not otherwise lacking, so there is no confession invalid and unfruitful through a defect of integrity. ...

"For, although material integrity is not of the substance, nevertheless the obligation of confessing integrally belongs to the substance; and therefore ... it arises intrinsically from the very institution of the sacrament. Consequently, no confession is formally integral unless through it one at least

satisfies this obligation; but one who omits something through culpable ignorance while sinning mortally does not fulfil this obligation; therefore such a confession cannot be considered formally integral, and therefore neither sufficient for constituting the sacrament. ...

"Moreover, just as omission through gross ignorance is morally of the same kind as a directly voluntary omission, so too is omission through any ignorance whatsoever which suffices for mortal sin; but the former omission is said to be contrary to the substance of the sacrament because of moral equivalence; therefore the same must be said of the latter. For if there is a difference, it is only accidental, in the greater or lesser degree within the scope of the indirectly voluntary, which cannot produce so great a diversity in the substantial matter of the sacrament. All the more so, because the distinction between ignorance commonly mortally culpable and gross or supine ignorance has been devised gratuitously by these authors; for in law every ignorance which suffices for mortal sin, unless it is affected, is called gross or supine. Nor can it be explained morally how these degrees of ignorance are to be distinguished, since every negligence which suffices for mortal sin must be sufficiently grave, and consequently sufficiently gross and supine. Moreover, in this case sufficient sorrow for the sacrament can scarcely be present or understood, since the man actually sins mortally in the confession itself."[157]

[157] Suárez, De Poenitentia, disp. 23, sect. 4, no. 3 ff., Opera omnia, vol. 22 (Paris, 1866), p. 518. [Original Latin note 59.]

FIFTH OPINION

The FIFTH OPINION teaches that universal contrition is not required for the validity of the sacrament, as it is for its fruit, but that particular contrition suffices (provided, however, that it is thought to be universal); and that consequently the sacrament becomes valid but unfruitful because universality is lacking.

The reason is that true contrition can be had for one sin on account of the particular motive of that sin's foulness, a motive which therefore does not extend to another sin. Such contrition, in a case in which the lack of universality is not noticed, is of itself sufficient both for the validity and for the fruit of the sacrament in relation to the first sin. But because that sin cannot be taken away without the other, it becomes accidentally insufficient for the indivisible fruit of the sacrament and thus remains sufficient only for its validity.

This is, in substance, the position of Suárez (disp. 20, sect. 4, nos. 22 and 25; sect. 5, nos. 7–12), whom not a few later authors follow with greater or lesser firmness, including Lugo (disp. 14, sect. 6, nos. 74–89), Gonet (disp. 10, art. 1), St. Alphonsus, Lehmkuhl, Pesch, Fr. Connell, and Zubizarreta.

Some, however, while admitting that this case of a valid and unfruitful sacrament (proposed by Suárez as the sole case) is not impossible, teach that it is only metaphysical and speculative, not moral and practical, and hence was neither the only nor the principal case which the older doctors had in view when speaking of the unfruitfulness of a valid confession.

Thus Billot, and especially the SALMANTICENSES, who write: "Thus Suárez teaches in disputations 20, sections 4 and 5, with the agreement of very many moderns, not only Scotists but also Thomists, who scarcely, or not at all, acknowledge any other way of preserving the possibility, which they defend, of a sacrament of Penance both valid and unfruitful. Hence Tyrsus, although opposed to Suárez and to us in his assertion about Penance, says in disputation 37, number 7: 'The last method,

and the most probable of all, is that which the distinguished Doctor first introduced into the schools.' ... We, however, although we admit that this case involves no contradiction, and can occur, albeit very rarely, see many things in Suárez's explanation which make his method of reconciling the validity of the sacrament with its unfruitfulness impracticable and almost impossible.

"In the first place, what makes that method suspect to us is the praise recounted by Tyrsus: 'He was the first to introduce it into the schools.' For this difficulty of reconciling validity with unfruitfulness is not new in the schools, but ancient among the earliest scholastics, as appears from the authorities already cited and those yet to be cited. Among them were very many exceptionally learned men who expressly treated this difficulty. It is therefore incredible that the method of reconciliation which Suárez first introduced after so many years could have escaped them, if it contained a true and practicable doctrine; we therefore fear that it has the opposite qualities.

"In the second place, it seems suspect to us that, although Suárez maintains the assertion of St. Thomas, he nevertheless preserves in this method not even a trace of the motives which the Angelic Doctor employed or suggested, but proceeds along another road."[158]

[158] Salmanticenses, De Poenitentia, disp. 8, dub. 9, § 2, no. 277, Cursus Theologicus, vol. 20 (Paris, 1883), p. 454. [Original Latin note 60.]

It will be useful to expound the opinion of Suárez somewhat more fully, for since it is deceptive and wavering, it might appear to occupy a middle position between those who deny and those who affirm the existence of a valid but unfruitful sacrament.

First, Suárez asserts that, of themselves, the same qualities of contrition are required both for the validity and for the fruit of the sacrament, since the Council of Trent makes no distinction between contrition as a part of the sacrament and contrition as a disposition (sect. 5, no. 9 ff.). By this principle Suárez attacks the other theologians' explanations of a valid but unfruitful sacrament and seems to agree with the defenders of the Affirmative Part of this article. Indeed, he explicitly declares: "In this we differ greatly from the other opinions [which affirm a valid but unfruitful sacrament], and we admit no other kind of attrition, even for the substance of the sacrament, apart from those laid down by the Council of Trent" (ibid., no. 10).

From this principle it would seem that Suárez himself ought logically to deny the possibility of a valid but unfruitful sacrament. Nevertheless, there occurs to him a case or mode not thought of by other authors (as he himself says), in which a sacrament must be affirmed to be valid but unfruitful; and this depends entirely upon his doctrine that true contrition may exist which is only particular.

Secondly, therefore, he teaches that true attrition can be particular, that is, concern one sin and not another. For the fruit of the sacrament, universal attrition is absolutely required concerning all sins, both confessed and omitted (whether arising from a universal motive or from particular motives taken together). But for validity, universal attrition is required concerning all the sins confessed. Now in confession, the universality of contrition can be lacking without fault in a person who is sorry for various sins on account of their particular motives, in two ways: namely, if he does not remember certain sins (which, therefore, he neither confesses nor repents of), or if he thinks that he has sufficient or efficacious attrition for all the sins he confesses, while in fact he has insufficient attrition for one or another of them (sect. 4, nos. 22–25).

Thirdly, he says that in either of these cases the sacrament is unfruitful, because that attrition suffices only to remove those sins for which sorrow is efficacious, but not the others, although one sin cannot be removed without the other. Nevertheless the sacrament is valid: on the one hand, particular attrition, in relation to the sins toward which it is directed, possesses everything required for it to be a part of the sacrament (for it is true and efficacious attrition); indeed, considered in itself, it is sufficient even to remove those particular sins. On the other hand, because of the aforementioned forgetfulness or ignorance, no obstacle consisting in sacrilegious dissimulation is placed in the way (ibid.).

Fourthly, in order to clear himself of inconsistency, Suárez says that the existence of a valid but unfruitful sacrament in the aforesaid cases, and the insufficiency of attrition for the fruit while it is sufficient for the validity of the sacrament, do not contradict the earlier assertion that the same qualities of attrition are required both for fruit and for validity, according to the Council's teaching, which makes no distinction between two attritions. For this happens merely accidentally: one sin cannot be forgiven without another, not properly because of a defect in the contrition itself (unless a certain defect of integrity or universality is invoked). That attrition is, in itself, a sufficient disposition for the infusion of grace and the removal of sin, that is, in relation to the sins toward which it is directed. Its inability actually to produce this proper effect arises from outside it, through the indisposition of the subject, namely the presence of another sin which is reached neither by it nor by any other particular attrition; or, if one prefers, through the indivisibility of the remission of sins and the infusion of grace (sect. 5, no. 10).

LUGO likewise, having refuted other ways of explaining a valid but unfruitful sacrament and answered the arguments brought by some against Suárez's opinion, concludes: "Therefore the case proposed by Father Suárez always remains possible, in which this sacrament can be valid and unfruitful because of a defect of sorrow that does not extend to all sins actually committed. Nor do I see an argument by which it can be effectively rejected, as is clear from the answers to those things which others have brought against this doctrine.

"Someone could further object that, if this doctrine were true, it would follow that a valid sacrament could be had even if a person knowingly grieved over one sin and not over the others: for he would already possess sufficient sorrow for that sin. But this can be answered from what has been said above. In that case the universal purpose of not sinning would be lacking; for someone who knowingly wished to approach the sacrament without sorrow for his other sins would, by that very fact, sin, and consequently would not possess the universal purpose of not sinning, which is nevertheless required for validity—or at least the absence of a contrary purpose and of every attachment to mortal sin.

"But what if a man, through invincible ignorance, believed that it was not a mortal sin to approach the sacrament without sorrow for all sins, provided that he had sorrow for some? The reply is that, consistently with this doctrine, it must be conceded that the sacrament would then be valid but unfruitful, because the recollection of that sin is accidental to the obligation of sorrow for it, once invincible ignorance of the obligation of such sorrow is supposed. Thus Father Suárez himself, lecture 4, number 26, consistently teaches that the sacrament would be valid but unfruitful if, through inculpable inadvertence, someone were sorry for only one sin and not another, even a mortal sin, which he confesses. The same reason applies in our case, when the person knowingly does not grieve

because he is ignorant of the obligation of sorrow. In either case, however, he must subsequently repeat those sins which he confessed without sorrow, just as though they had not been expressly declared in confession."[159]

[159] Lugo, De Poenitentia, disp. 14, sect. 6, nos. 88 ff., Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 786. [Original Latin note 61.]

SIXTH OPINION

The SIXTH OPINION teaches that contrition supreme in appreciation is not required for the validity of the sacrament as it is for its fruit, but that a lower degree of contrition suffices (at least if accompanied by good and inculpable faith); thus the sacrament becomes valid but unfruitful because it lacks the higher degree required.

Billot and those who follow him offer three reasons. First, the degree of contrition that is supreme in appreciation is not something perceptible by the senses. From the external act of penance the presence of true and sincere interior contrition can indeed be recognized, but not its appreciatively supreme degree. Hence this degree cannot belong to the essence or validity of the sacrament, which is something perceptible.

Secondly, for the same reason that degree cannot belong to the essence or validity of this sacrament in particular, which consists in a judicial proceeding: for judgment cannot be passed upon something that cannot be known externally.

Thirdly, suppose someone begins confession with some true contrition, but without contrition supreme in appreciation, and adds this degree when the sacrament is completed, that is, at the very moment absolution is given. According to everyone, the sacrament is then valid and fruitful. But at that moment nothing new is submitted to sacramental judgment, since that judgment has been completed and its matter has been supplied in full. Therefore the appreciatively supreme degree, then added to contrition, does not belong to the essence and validity of the sacrament, but can have the character only of a condition for its fruit. From this particular case it is shown that contrition supreme in appreciation is not necessary for the validity of the sacrament itself.

Billot (thesis 16) was the first to propose this opinion, at least as explicitly distinguished from others, wrongly attributing it to "by far the greater part" of the older theologians. Certain modern writers follow him, such as Gihr, Van Noort–Verhaar (who discusses the matter rather fully, nos. 67–72), Vermeersch, Hervé, and Merkelbach. Cajetan too proposed it, but within his more general opinion, which will presently be explained.[160]

[160] Merkelbach cites this assessment and practical application of the opinion: "The last opinion is not certain, but truly probable, both intrinsically because of the reasons indicated and extrinsically because of the authority of many, among whom St. Thomas (q. 9, a. 1) is a witness, teaching that an unfruitful confession can be given." He names Capreolus, Durandus, Paludanus, St. Antoninus, Soncinas, Bernard of Gannaco, Cajetan, Domingo de Soto, Sylvester, Candidus, Peter de Soto, Melchior Cano, Ledesma, John of St. Thomas, and others; more recently Billot, De Smet, Van Noort, Vermeersch, etc. He says that in practice the opinion must be considered, for example when asking whether absolution should be given conditionally ("if you are capable"), lest a possible revival of the sacrament be prevented. Theologia Moralis (1939), vol. 3, no. 506, p. 450. Doronzo refers the reader to the end of Article 80 for this practical application. [Original Latin note 62.]

To the point, BILLOT writes: "With by far the greater part of the theologians mentioned above, we derive the reason why a sacrament is unfruitful, while remaining valid, chiefly from a defect in

attrition as regards its perfection in appreciation. Cajetan explained this defect well in the passage cited above [Questions on Confession, question 5], speaking of those who are 'so attrite that they are indeed sorry for all their past sins, but do not rise to being sorry for them as for what is supremely hateful, and likewise resolve to avoid them in future, yet not as what is supremely to be avoided.'

"Hence this defect does not prevent there being a certain true detestation of sin and a certain true purpose of not sinning in the future. But because the degree of detestation does not rise to esteeming the evil of sin as highly as it ought to be esteemed, namely, above all the losses that may be encountered in avoiding it, the purpose arising from that detestation does not extend to every possible circumstance. Attrition of this kind, therefore, is deficient not in the truth of attrition simply considered, but only in the truth of the degree required to remove every obstacle to grace, since the detestation that is here and now in the soul can still coexist with a will to sin in various circumstances that may arise; consequently, all attachment to sin has not yet been removed.

"Now it must be considered that the attrition of imperfect efficacy which we say suffices as an integral part of the sacrament is only that by which the penitent sincerely and without sacrilege submits his sins to the keys of the Church. For dissimulation directly opposed to the purpose of the action must be excluded, the purpose being the penitential process ordered toward obtaining absolution from sin. Everyone must surely require this condition with one voice, since it is evident that there is no penitential action, and therefore no matter of the sacrament, where a new sin is here and now committed through a voluntary violation of the sacrament of the keys.

"Hence the case of a sacrament at once valid and unfruitful is more clearly considered in a person who approaches the tribunal of Penance without grave negligence, not having attrition sufficient for justification—for example, because he is invincibly ignorant that he is not sufficiently disposed and thus has merely material dissimulation.

"But if the discussion concerns formal or culpable dissimulation, a distinction is needed, since the dissimulation or indisposition of the person confessing can be culpable in two ways: either in itself or only in its cause. It is culpable in itself if, in the very act of confession, the penitent has certain awareness of sacrilege because he knows that his disposition is insufficient; and then, in view of the argument proposed above, there is no doubt that the sacrament is invalid. It is culpable only in its cause if the penitent, through grave negligence, omitted suitable preparation and afterward approaches confession no longer thinking about his defect; in such a case the older theologians still recognized a valid sacrament. ...

"See, then, in what way and in what sense the validity of the sacrament asserted by the older authors can coexist even with culpable dissimulation, provided that sacrilege is absent from the very act of confession. For the present, however, we may set this case aside, determining nothing either for or against it, so as to attend solely to what seems both easier and more certain: namely, the very frequent case (as far as one may conjecture) in which, for some reason that is not gravely sinful, a penitent confesses with attrition insufficient to bring about justification. Three principal arguments will demonstrate the validity of confession in these circumstances."[161]

[161] Billot, De Ecclesiae Sacramentis, vol. 2, thesis 16, § 1 (Rome, 1930), pp. 168–171. [Original Latin note 63.]

CAJETAN'S POSITION, CITED IN SUPPORT OF VARIOUS OPINIONS

Cajetan's position, which is cited in support of various opinions, is as follows.

In the Questions on Contrition, first question (no. 3, cited in Article 23, p. 10), where he treats the essence and division of contrition, he distinguishes four species of contrition: namely, the attrition of the impenitent (that is, displeasure at sin together with a mere wish not to sin, and thus inefficacious contrition); the attrition of the imperfect (that is, displeasure at sin with the will not to sin, yet without displeasure at sin as the supreme object of hatred, and thus, it would seem, sorrow that is efficacious but not supreme in appreciation); acquired and natural contrition (that is, displeasure at sin as supremely hateful, together with the will not to sin, or to avoid sin as supremely to be avoided, and therefore contrition or attrition supreme in appreciation); and this last contrition as informed by charity.

In the Questions on Confession, fifth question, entitled "Whether an Unfruitful Confession Must Be Repeated," he teaches that with the third kind of contrition, namely acquired contrition, although the sacrament is ordinarily fruitful, it can nevertheless be valid and unfruitful. The reason seems to be solely the extrinsic deficiency of divine assistance, which would deign to elevate this natural contrition to the standing of a disposition for grace, according to what he says in the Questions on Contrition, first question, no. 5 and following (cited in Article 16, vol. I, pp. 404 ff.), if the defect of supernaturalness is present in contrition. With the second kind of contrition, namely that of the imperfect, although the sacrament can be fruitful, it is nevertheless ordinarily only valid and unfruitful (assuming, however, that the penitent does not commit sacrilege—either because he does not notice the defect of his contrition or at least because he confesses that defect; otherwise sacrilege would render the sacrament invalid). This arises from the absence of the degree that is supreme in appreciation. With the first kind of contrition also, namely that of the impenitent, the sacrament is valid and unfruitful (on the supposition, as above, that sacrilege is absent): valid because the will to make satisfaction according to the priest's judgment, or to submit oneself as one accused to the priest's judgment, suffices for this; but unfruitful on account of the absence of efficacy in contrition.

Hence Cajetan admits that any sorrow whatever suffices for the validity of the sacrament, provided that there remains in it the will to submit oneself as an accused person to the priest's judgment. Thus he seems to approach the first opinion reported above, and for that reason is cited by some among its defenders. Accordingly, natural contrition suffices, since the sacrament can be valid but unfruitful through a defect of supernaturalness; and in this respect Cajetan is not inappropriately cited among the supporters of the third opinion (although he himself understands natural contrition differently, namely as the most perfect manner of being contrite short of contrition informed by charity). Likewise, wholly inefficacious contrition suffices, through which the sacrament becomes valid but unfruitful by reason of a defect of efficacy; and in this respect Cajetan is not inappropriately cited among the defenders of the fourth opinion (although he himself understands this contrition as a mere wish not to sin). Lastly, contrition that is not supreme in appreciation suffices, through which the sacrament is ordinarily valid but unfruitful by reason of a defect in intensity; and so Cajetan is cited among the supporters of the sixth opinion (although he understands this contrition as inferior even to natural contrition, as was said above). Billot, with greater justification, claims Cajetan particularly for this opinion, because Cajetan regards this case of a valid but unfruitful sacrament arising from a defect of intensity as the more common one among penitents, and says that in this matter he understands the teaching of St. Thomas (On the Fourth Book of the Sentences, distinction 17) concerning the lack of necessity to repeat an unfruitful confession.

On the matter itself, CAJETAN writes (Questions on Confession, fifth question, nos. 2–4, in the Leonine edition of the Works of St. Thomas, vol. 12, pp. 353 ff.):

"Concerning this difficulty [that is, whether an unfruitful confession must be repeated], which, because of diverse opinions, still appears to be awaiting judgment, it should be known that two extreme errors must be avoided. The one is that every unfruitful confession is valid, so that it need not be repeated. For it is manifest that the confession of one who, through shame, concealed some mortal sin is unfruitful and must be repeated. The other is that no unfruitful confession is valid in such a way that it need not be repeated. For it is evident that we do not know whether any of our confessions has been fruitful, because we do not know whether we are in grace; and yet, despite this uncertainty, we do not concern ourselves further about remembering sins to confess them again, although on that supposition we ought to be anxious to confess many times, until at length a fruitful confession should be made. Thus no end could ever be set to confession if one chose the safer course. This manifestly offends the ears of the universal Church."

"From these two errors, however, it must be understood that the validity or invalidity of an unfruitful confession must be resolved not by reference to its unfruitfulness itself, but by reference to the cause of that unfruitfulness. For, since one unfruitful confession is valid and another invalid, their difference must arise not from the unfruitfulness itself but from something else, for example its cause. And since this cause lies on the side of the penitent, whose acts up to absolution are two, namely contrition and confession, we must investigate what truth appears from these. On the side of confession, it is certain that a confession deliberately lacking integrity through shame or something of that kind is invalid and must be repeated. On this there is no question. The whole difficulty arises, however, from a defect of contrition."

"That this may appear more clearly, a distinction must be made among the defects of contrition, for they have many degrees. The least defect of contrition is the mere absence of charity. Those who are so attrite that they grieve for all their sins as for what is supremely hateful and resolve to avoid mortal sin as what is supremely to be avoided—if they make an unfruitful confession, they are not bound to repeat it, but their confession is valid. ... At a lower degree of contrition are those who are so attrite that they do indeed grieve for all their sins, but do not rise to grieving for them as what is supremely hateful; likewise, they resolve to avoid sin in future, but not as what is supremely to be avoided. This occurs in two ways. First, without a consideration of this defect. ... Would that these were not the greater part of Christian penitents! Such persons are not, like those of the first class, ordinarily made contrite from attrite by the power of the keys, but are absolved and receive Communion while remaining in their attrition.

"The sign of this is that charity, just as it positively prefers God to everything lovable, so also makes an offense against God more hateful to the person possessing charity than anything hateful, and makes that offense something to be avoided more than anything else to be avoided; for 'this love of God works great things, if it exists' [St. Gregory the Great, Homilies, book 2, homily 30], and if it does not work these things, it is not the charity of God. Of the confession of such persons I understand the teaching of St. Thomas [On the Fourth Book of the Sentences, dist. 17, q. 3, art. 4, q. 1], that a confession unfruitful through a defect of contrition is valid, so that it need not be repeated. It will become fruitful for them when they 'ascend to a lofty heart' [Ps. 63:7], so that they regard sin as supremely hateful and supremely to be avoided, and confess this dissimulation of theirs, by which

they received the sacrament as though they were contrite, when in truth they were not contrite. Why a confession of this sort is valid will be explained below."

"But if persons who are attrite in this way recognize that they are not contrite, the judgment concerning their confession is similar to that concerning the confession of those in the third degree [that is, those who have the contrition of the impenitent], about whom we now add that they occupy the lowest place among the attrite: they attain both parts of contrition only slightly, or at least lack one of them. ... Therefore, of all these persons it is said that, when the sin of sacrilege arising from such a state of the penitent is committed deliberately, the confession is not valid but must be repeated; for the confession lacks not only contrition but also integrity deliberately withheld. When, however, the confession is deliberately complete, the confession of all of them appears valid, so that it need not necessarily be repeated. ..."

"The common reason why a confession made completely by any of the attrite, although unfruitful, is valid and need not be repeated is assigned by St. Thomas [loc. cit.]: the sacrament of Penance is found to be true and fruitful—not then, but when contrition has been given. And it is indeed apparent that there is a true sacrament, not only according to the opinion of those who deny that contrition is a part of the sacrament of Penance, since nothing is lacking to this sacrament except contrition. It is likewise apparent even when one holds that contrition is a part of the sacrament of Penance, because contrition—not considered in itself, but as related to confession, that is, insofar as it is the spontaneous will to make satisfaction according to the priest's judgment—was set down above by St. Thomas as a part of the sacrament [Summa theologiae, III, q. 90, art. 2]. This is found in the confession under discussion, since each person freely chooses to submit himself to the priest for judgment, and so forth. Therefore, since all the parts that have the place of matter, together with the proper form and minister, concur in a sacrament of this kind, it follows that it is a true ecclesiastical sacrament.

"That, however, where a true sacrament exists, its unfruitfulness does not require repetition but permits fruit to be obtained at a future time is proved by St. Thomas on the ground that the same is true in the other sacraments. Thus it is indeed the case in Baptism, Confirmation, Holy Orders, and so forth. Nor is it an objection to say that this holds true in those sacraments because they cannot be repeated or because they imprint a character. Both of these features are accidental to receiving the fruit at a later time. Hence it may be inferred that a sacrament need not be repeated even if it could be repeated: for since a sacrament exists for the sake of its fruit, and its fruit can be received in the future without repeating the sacrament, it follows most properly that the sacrament itself need not be repeated."

SEVENTH OPINION

The SEVENTH OPINION teaches that perfect contrition is required for the fruit of the sacrament, but that attrition suffices for its validity, and that in this respect the sacrament can be valid but unfruitful. Thus some of those who taught that an act of perfect contrition is absolutely necessary for justification, even in the sacrament, held this view. But nothing more need be said in this article about that obsolete opinion, since its foundation—the necessity of perfect contrition for the fruit of the sacrament—is false, as is established ex professo in Article 33.

ON THE REVIVISCENCE OF THIS SACRAMENT

Concerning the reviviscence of this sacrament, there is a controversy among the defenders of a sacrament that is valid but unfruitful. For those who, like ourselves, deny the possibility of such a sacrament consequently and necessarily reject its reviviscence, since the very subject presupposed for reviviscence is lacking, as was said in the treatise On the Sacraments in General, Article 11, pp. 207 ff.

Some few, among whom are principally Soto (On the Fourth Book of the Sentences, dist. 18, q. 3, art. 3) and the Salmanticenses (disp. 8, dub. 12, § 3, no. 311; disp. 3, dub. 2, nos. 78–81), deny reviviscence. They concede it either to Baptism alone (so Soto, On the Fourth Book of the Sentences, dist. 6, q. 1, art. 8), or to the three sacraments alone that imprint a character (so the Salmanticenses, On the Sacraments in General, disp. 4, dub. 6). Their reason is, first, that the other sacraments can be repeated, and so in their repetition can confer the grace not previously conferred; and, more especially, that nothing permanent is left by these sacraments in which, as in a character, the sacrament might subsist virtually and through which it might afterward exercise its causality.

A greater number of others affirm reviviscence, among whom are principally Cajetan (loc. cit.), Suárez (disp. 20, sect. 5, no. 14 ff.), Lugo (disp. 14, sect. 7, no. 99 ff.), John of St. Thomas (disp. 33, art. 6, nos. 35–38), and Billot (thesis 16, § 2). They differ among themselves, however, both concerning the manner of explaining this reviviscence—some, like John of St. Thomas, speaking of physical causality; others, such as Suárez and Lugo, of moral causality; and others, such as Billot, of intentional causality—and concerning the reason by which they prove it. Cajetan, for his part, says soberly that it occurs because the sacrament exists for the sake of its effect and accordingly causes that effect when the obstacle has withdrawn. John of St. Thomas, more determinately, invokes a claim left behind in the enduring reality and sacrament, applying, however, his peculiar opinion, reported in the treatise On the Sacraments in General, Article 11, concerning a certain determination left in the will by every sacrament that does not imprint a character, by means of which physical causality is exercised in reviviscence. Billot chiefly introduces his own conception of the claim arising from a juridical title. Suárez, Lugo, and Billot invoke a special reason why this sacrament ought to revive (whatever may be the case, says Lugo, concerning the reviviscence of other sacraments): if it did not revive, sins confessed in an unfruitful sacrament would not necessarily be remitted, as they ought to be, through the sacrament of Penance or the keys of the Church, since the person is not bound to confess them again.

Some also inquire how such an obstacle is removed so that the sacrament may revive: whether by contrition, by attrition together with a new sacrament, or by mere attrition. Suárez (no. 15) and Billot (thesis 16, § 2) reply that attrition suffices if no other sin has been committed after the unfruitful confession; otherwise perfect contrition or attrition together with a new sacrament is required, so that the obstacle of the new sin may be removed. In that case, perfect attrition or the sacrament stands as a cause in itself with respect to the removal of the new sin, and as an accidental cause, or condition, with respect to the earlier sins, which are removed in themselves by the earlier sacrament now reviving.

CONCLUSION

Precisely the same contrition which is required and sufficient for the fruit of this sacrament is required also for its validity. Accordingly, the sacrament of Penance cannot be valid but unfruitful, nor can it revive.

Proof (of the first part, on which the others depend). 1. FROM THE COUNCIL OF TRENT.

The Council, in Session XIV, chapters 3 and 4, in no way distinguishes between sorrow that belongs to the essence of the sacrament and sorrow that is a disposition for its fruit. Instead, speaking of one and the same sorrow, it declares that sorrow to be both a part of the essence of the sacrament (chapter 3) and a disposition for grace (chapter 4). Indeed, it sets forth the identity of the two still more directly: in chapter 3 it says, without any distinction or restriction, that contrition is required "for the integrity of the sacrament [and] for ... the remission of sins"; and in chapter 4, having given the definition of contrition which is a part of the sacrament, namely "sorrow of the soul and detestation ... for sin committed, with the purpose of not sinning henceforth," it says that "this movement of contrition has ... at all times been necessary for obtaining the pardon of sins." Furthermore, subsequently applying the same definition to attrition insofar as it is a disposition for grace, it says that attrition must "exclude the will to sin" (which almost coincides with the purpose not to sin).

Lugo himself, among the adversaries, candidly acknowledges the force of this proof. Before adopting Suárez's particular explanation, he objects to the opinions of the other adversaries: "All these ways of explaining are effectively rejected by the teaching of the Councils of Trent and Florence, in which contrition, or attrition, is assigned as a necessary part of this sacrament; by those names is understood not a sorrow and an imperfect purpose, or a certain mere wish, but a firm and absolute will, as is clear from the same Council of Trent, in the aforesaid Session XIV, chapter 4, where contrition, which is a part of the sacrament, is defined as 'sorrow of the soul and detestation for sin committed, with the purpose of not sinning henceforth.' But a person who has only a wish not to sin and simple displeasure concerning past things does not have a purpose not to sin, nor does he properly detest his sins, since he is actually taking pleasure in them and absolutely approving them."[162]

[162] Lugo, De Poenitentia, disp. 14, sect. 6, no. 70, Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 780. [Original Latin note 64.]

Similarly, Viva, in his work on the propositions condemned under Innocent XI, on proposition 57 ("It is probable that natural contrition suffices, provided that it is honest"), writes: "It is clear from the definitions of Trent that the possibility of the sacrament of Penance being valid and unfruitful can no longer be maintained according to the various ways formerly devised by the authors; for example, if someone does not grieve, and knows that he does not grieve, yet confesses this indisposition; if someone lacks sorrow in that intensity which is required for the fruit of the sacrament; or if someone has merely supposed attrition; and similar cases. From this condemned thesis it also follows that the opinion of those who admit the possibility of this sacrament being valid and unfruitful, because they posit natural attrition alone, cannot stand. From this, however, it does not follow that the opinion of a sacrament valid and unfruitful is to be condemned in every way; for it is probably the case according to the manner of Suárez and Lugo." The futility of this exception, which Viva concedes to Suárez's opinion, will be shown below, at the end of this proof.

In vain, moreover, do the adversaries try to extricate themselves from the Council's words; indeed, they try to derive some argument from that very Council in favor of their own opinion, lest they appear to be altogether without support.

They say, first, that the aforesaid definition of contrition may also suit sorrow that lacks one or another quality necessary for it to be a disposition for grace: for example, efficacy (so the Salmanticenses), universality (so Suárez), or the supreme degree of appreciation (so Billot). We shall wholly deny this below, in Proof 3. Besides, granting it for the present without conceding it, there remains the foregoing argument for the equality between sorrow as a part of the sacrament and sorrow as a disposition for grace, an equality involved in the words of Trent.

Accordingly, with respect to the first clause, "For the integrity of the sacrament [and] for ... the remission of sins," Billot objects: "The imperfect attrition of which we speak can adequately concur in the character of a sacramental part toward the effect of the full and perfect remission of which the Council speaks. For it belongs to the external sacrament to produce this effect not immediately but only mediately, as has elsewhere been said, provided that a disposition removing the obstacle is present. Suppose, then, that the sacrament was valid but unfruitful, that satisfaction was imposed and afterward fulfilled, and that the requisite dispositions were present at last: then there would be that perfect remission of sin, of which the preceding confession would be the cause through the reality and sacrament."[163]

[163] Billot, De Ecclesiae Sacramentis, vol. 2, thesis 16, § 1 (Rome, 1930), p. 175. [Original Latin note 65.]

Nevertheless, this explanation is empty. For it ultimately comes to this: that the imperfect contrition which is held to be immediately sufficient for the validity of the sacrament is said also to be mediately sufficient for its fruit or grace. But the Council of Trent makes no distinction between such immediate and mediate sufficiency. Rather, it simply affirms of the same contrition that it is required both for the integrity or validity of the sacrament and for its fruit or the remission of sins. Moreover, the aforesaid mediate sufficiency of imperfect contrition is scarcely intelligible. For when, in the subsequent reviviscence of the sacrament, immediate sufficiency of the dispositions is finally acquired by the addition of the supreme appreciative degree, to which act is this immediate sufficiency to be attributed? If it is attributed to the new and distinct act of contrition supreme in appreciation, it follows that the earlier act of contrition not supreme in appreciation was in no way sufficient, not even mediately: there is no source from which it could have received mediate sufficiency, since it is not the cause of the new act, specifically distinct from itself and more efficacious. But if it is attributed, less aptly, to the earlier act itself, by saying that the other act is merely a condition for the immediate influence and sufficiency of the earlier, it follows that the earlier contrition is to be called not merely mediately but immediately sufficient, since the intervention of a condition in no way mediates between the causal influence and its effect; nor does the need for a condition in order to cause render the influence of a cause mediate. Thus, from the fact that a sacrament in general needs a disposition of the subject in order to exercise its influence, we do not say that the sacrament influences only mediately.

Concerning the second clause, namely, "this movement of contrition has ... at all times been necessary for obtaining the pardon of sins," the Salmanticenses object (disp. 8, dub. 11, no. 293) that the Council affirms that such contrition is necessary, but not that it is sufficient. It is one thing for sorrow to be necessary and another for it to be sufficient, since several things may be necessary for something without each of them being sufficient by itself; other things may still be needed. Hence the Council in no way implies an equality between sorrow sufficient for the validity of the sacrament and sorrow sufficient for its fruit. Rather, speaking of sorrow in the common sense, insofar as it is

also fitting for the validity of the sacrament alone, it deliberately uses the expression "necessary for obtaining pardon," since it could not speak of the sorrow's sufficiency.

Nevertheless, this explanation appears wholly arbitrary. For it is manifest that throughout chapter 4 the Council speaks of contrition as a disposition for justification, namely a disposition for grace that is not only necessary but also sufficient, insofar as the other requirements necessary in themselves and coming from elsewhere are present, such as the reception of the sacrament itself in the case where contrition is imperfect, or attrition. This is also clear from the words with which the Council completes the aforesaid clause: "And so [the Council] teaches that in one who has fallen after Baptism this movement of contrition thus at length prepares for the remission of sins if it is joined to confidence in the divine mercy and to the desire of performing the other things required for the proper reception of this sacrament."

To the third clause, namely, "if it excludes the will to sin," the Salmanticenses (loc. cit., no. 294; also disp. 7, dub. 1, no. 23) object that the Council does not refer these words to contrition insofar as it is a part sufficient for validity, but only insofar as it is a disposition sufficient for the fruit of the sacrament. Indeed, by the very fact that the Council says that attrition justifies sacramentally "if it excludes the will to sin," by its use of the conditional particle "if" it shows quite manifestly that it acknowledges two kinds of attrition: one which excludes the will to sin and is a sufficient disposition for grace, and another which does not exclude such a will and consequently is not sufficient for the fruit of the sacrament, but only for its validity.

Nevertheless, this explanation too is arbitrary. For throughout chapter 4 the discussion concerns contrition as a disposition for grace. Furthermore, there is a manifest parallel between the words "with the purpose of not sinning henceforth," by which contrition that is part of the sacrament is described, and the clause "if it excludes the will to sin," by which contrition sufficient for the effect of the sacrament is described. Hence this conditional statement does not imply the existence of two aforesaid kinds of contrition, but merely asserts and declares an essential property of the one contrition, and amounts to this: "When the will not to sin is present," or rather, "With the will not to sin," just as if the words "with the purpose of not sinning henceforth" were expressed conditionally: "If there is a purpose of not sinning henceforth." Or, to the same effect, it may be said that in those words, as in these, the existence of two kinds of sorrow may indeed be implied—one with the will and purpose not to sin, the other without such a will and purpose—but from the Council's saying that the former is sufficient for the fruit of the sacrament it does not follow that the Council regards the latter as sufficient for its validity, unless it is perhaps presupposed that some sorrow is sufficient for validity which is not sufficient for the fruit; but that is precisely what is at issue. On the contrary, from the Council's way of speaking it follows that sorrow which lacks the will and purpose not to sin is not true contrition, and that contrition is indivisibly sufficient for both the fruit and the validity of the sacrament.

Suárez, weighing well the force of the words of the Council of Trent, as we noted above (p. 167), concedes it, admitting the equivalence between contrition as part of the sacrament and contrition as a disposition for grace. Yet, to preserve the case of a sacrament valid and unfruitful, which he imagines to be necessary, he empties the Council's words and the aforesaid equivalence of their force by an ingenious but illogical qualification, saying that they hold conditionally and of themselves, but not absolutely and in every case.

"But immediately," he writes, "an objection occurs [against the particular case of a sacrament valid and unfruitful through a lack of universal contrition], because the principal grounds on account of which we reject other ways seem equally to oppose this one. The first and principal ground was that the Council of Trent does not distinguish between attrition which is a part and attrition which is a disposition; but here we are already making that distinction: for we say that a certain attrition is a sufficient part, though it is not a sufficient disposition. ... To this first objection, therefore, I reply that, according to our opinion, that attrition is a sufficient disposition for grace, considered in itself and with respect to those sins with which it is concerned. In this we differ greatly from the other opinions, and we admit no other mode of attrition, even as to the substance of the sacrament, besides those which the Council of Trent has laid down. Nevertheless, it can happen that an obstacle is placed elsewhere, and that with respect to a forgotten sin such attrition is not a sufficient disposition. Hence, when the Council says that attrition is a sufficient disposition for obtaining grace in the sacrament, it understands first that it has all the requirements, namely that it be universal; or, speaking in the sacramental order, it understands this of itself and on the part of such a disposition. The sacrament indeed, of itself, remits those sins which a man confesses, and this effect would, of itself, be sufficiently obtained by that attrition if nothing else stood in the way; but accidentally, because an obstacle of sin is in the subject which is in no way removed, such an effect can be impeded."[164]

[164] Suárez, De Poenitentia, disp. 20, sect. 5, nos. 9 ff., Opera omnia, vol. 22 (Paris, 1866), p. 450.

Nevertheless, there is nothing in the words of the Council which suggests such conditional language or provides a foundation for the aforesaid distinction of Suárez. Rather, the Council simply proposes an equivalence between contrition as a part of the sacrament and contrition as a disposition for its fruit. Moreover, even granting Suárez's possibility of a true contrition that is particular to one sin alone, his distinction concerning the sufficiency of contrition is empty, since its two members do not refer to the same object. For the sufficiency of contrition is asserted in relation to the removal of one particular sin, whereas its insufficiency is asserted in relation to the infusion of grace, or, if one prefers, the removal of all sins. Hence this is not a question of sufficiency of itself and insufficiency accidentally in relation to the same object, but of sufficiency of itself and insufficiency of itself in relation to different objects. Nor can this insufficiency of itself in relation to the infusion of grace be called an accidental insufficiency in relation to the remission of a particular sin, since the latter can of itself be removed by particular contrition and accidentally cannot be removed by it owing to the lack of an extrinsic condition required for that contrition to have its influence. For this is then an illegitimate play upon words. From the fact that certain conditions are required for the causality of a sacrament in general, we certainly do not say that a sacrament is of itself productive of grace and accidentally not productive of it. That would be foreign to the Council's way of speaking, which simply and without any distinction proposes one sufficiency and one object: namely, the sufficiency of contrition in relation to the attainment of grace and the pardon of sins.

Hence the opinion of Suárez, whatever else he says, does not differ greatly from the other opinions of theologians who affirm a valid but unfruitful sacrament, except that, by his manner of speaking, he seems boldly to affirm what in fact he denies under cover of words.

Proof 2. FROM THE SACRAMENTAL CHARACTER OF CONTRITION

In Penance, unlike Baptism, contrition is not only a disposition toward the effect of the sacrament, or toward sacramental grace, but also an element required for the validity of the sacrament, indeed a part intrinsically constituting it. Therefore precisely the same contrition which is required for the fruit of the sacrament is required also for its validity. This utterly overthrows the third of the general arguments cited above by the adversaries.

The consequence is further supported by the very nature of this sacrament, or by the reason why contrition is an essential element of it.

For, as St. Thomas teaches (q. 84, a. 1; q. 90, a. 1), God took the human acts themselves as the sacramental matter of Matrimony and Penance, unlike the other sacraments, whose operation is brought about wholly from without in man; and, in the case of Penance, he took not just any human act, but a penitential one. It seems altogether improbable, however, that God should elevate to this dignity any movement belonging to the order of penance, such as some imperfect aversion of the will opposed to sin, or an inefficacious or particular sorrow, rather than the very act of detestation by which a man, though imperfectly, truly disposes himself for the grace which remits sins.

For, first, by instituting this sacrament God intends not to supply for man's interior disposition but only to assist it, bringing it to the condition of a proximate disposition for grace. Yet he would almost supply it if, for the validity of the sacrament, he were content with the aforesaid imperfect penitential movement which, as the adversaries admit, does not even deserve the name of a true disposition for grace. Likewise, the penitential character of this sacrament and its particular difference from Baptism would almost disappear, and it would itself be something of a sacrament not of Penance but of Indulgence.

Second, if the aforesaid imperfect attrition sufficed for the validity of the sacrament, the sacrament would be unfruitful through some defect occurring in its very essence, or through a defect inherent in attrition itself, which is an essential part of the sacrament, and not merely through an extrinsic defect occurring as in the other sacraments. But this appears contrary to the very nature of a sacrament, or of something essentially ordered to the causing of grace. For something cannot be said to be essentially ordered to grace if, on account of a defect inherent in some part of its essence, it lacks the effect of grace or is unfruitful. Hence the sacrament of Penance, valid and unfruitful through some defect of contrition itself, appears foreign to the intention of God, just as everything mutilated and imperfect is foreign to the intention of nature.

Third, it cannot suitably be understood why God would have wished to distinguish in this way between two kinds of sacramental contrition, so that he should require one absolutely for the fruit, but be content with the other for the validity alone of the sacrament, when the whole sacrament tends to this one end and has been instituted so that it might proximately dispose for grace which remits sins.

If it is said that God did this to make the reception of this sacrament easier, the reply is that it would have served such an end better to require no human disposition at all and to institute a merely indulgential sacrament, as Baptism is. Moreover, that greater ease would be of no benefit to man, since it would not contribute at all to the fruit of the sacrament, but rather would necessarily be connected with the absence of that fruit. Nor would it be of much benefit by reason of the

subsequent reviviscence of the sacrament (which, moreover, some of the adversaries themselves deny), since the same fruit can continually be obtained through the repeatable sacrament.

If, again, it is said that God did this in order to accommodate himself to human weakness and to free men from frequent anxiety about the validity of the sacrament and the consequent obligation of repeating confessions believed to be invalid (which is indeed the last and least of the general reasons invoked by the adversaries), the reply is, first, that it would have served this purpose better to require no contrition at all for the validity of the sacrament; second, that no less anxiety can arise concerning the invalidity of the sacrament through a defect of absolution, intention, or jurisdiction on the part of the minister; third, that anxiety over the validity of the sacrament is neither necessary nor reasonable in a penitent who has, as he ought, moral certainty and a well-founded judgment concerning the sufficiency of his disposition. Such certainty indeed exempts him from the obligation to repeat confessions. Nor does it matter that it could thus happen that some sins are not directly remitted by the sacrament nor subjected to the keys, both because in fact they are indirectly remitted and subjected to the keys by the repetition of the sacrament with due efficacious and universal contrition, and because this can happen in many another case of unknown invalidity of the sacrament, whether through the total lack of contrition or through some defect in the minister. Consequently some of the adversaries do not press this argument; indeed some, such as Suárez and Lugo, expressly refute it.

Boyer briefly expresses this argument in the following way: "Not only ... is true attrition required for the essence of the sacrament, but such attrition as permits the sentence of remission; and therefore it is the same attrition considered both as a disposition and as a part of the sacrament, apart from the fact that, as a part of the sacrament, it must be made sensible in some way. If therefore the disposition of attrition which permits the sentence of remission is absent—that is, the disposition excluding every will to sin—an essential part of the sacrament will also be lacking, and the sacrament will not be effected. Therefore either the attrition will be of such a kind as to render the sacrament fruitful and formed, or the sacrament will be null: in no hypothesis will it be unfruitful."[165][166]

[165] Boyer, De Paenitentia et de Extrema Unctione, thesis 26, scholion 2 (Rome, 1942), p. 335.

[166] What the author quoted here calls true attrition is, in our judgment, not true attrition but merely some praiseworthy act belonging to the order of penance.

Proof 3. FROM THE VERY NATURE OF TRUE AND PROPERLY SO- CALLED CONTRITION

As all theologians admit, true and properly so-called contrition is required for the validity of the sacrament, namely contrition which verifies the Tridentine definition: "Sorrow of the soul and detestation for sin committed, with the purpose of not sinning henceforth." But true and properly so-called contrition is only that which has all the properties assigned in Article 25 to salutary contrition, or to contrition sufficient for the fruit of the sacrament. Therefore precisely the same contrition that is required and suffices for the fruit of the sacrament is also required for its validity, so that the sacrament of Penance cannot be valid and unfruitful.

The minor premise is indeed denied by all the adversaries, who even use its denial to frame an argument for their opinion, saying that the Tridentine definition is sufficiently verified in contrition which lacks supernaturalness, efficacy, universality, or the supreme appreciative degree. But we have sufficiently shown its truth above, with regard to those four principal properties, in Article 23 (pp. 21–24). Hence the first general argument invoked by the adversaries remains rejected.

Proof 4. FROM THE NATURE OF THE REALITY AND SACRAMENT

Every sacrament that is valid but unfruitful necessarily and inseparably produces its reality and sacrament (res et sacramentum). This is commonly admitted by theologians who hold that a reality and sacrament exists, with perhaps one or another exception, such as Lugo (cited in the preceding article, p. 135), who is inconsistent on this point. But the sacrament of Penance cannot produce its reality and sacrament without consequently being fruitful. Therefore it cannot be valid and unfruitful; or, what amounts to the same thing, it cannot include a contrition which is not also sufficient for the fruit of the sacrament.

The minor premise. For, as was proved in the preceding article, the reality and sacrament of Penance is contrition itself, inasmuch as it is completed and elevated to the character of a sufficient and proximate disposition for grace. But once this disposition is present, the effect of grace necessarily follows, so that a valid sacrament necessarily becomes fruitful.

Moreover, this very point can be proved from the various opinions concerning the reality and sacrament of Penance, reported in the preceding article, so that the adversaries themselves may be refuted from their own consequence.

And, passing over Billot's opinion concerning that peculiar juridical title, which on account of its very peculiarity seems to escape this refutation, we ask first of Lugo: can that peace of conscience, which he says is the reality and sacrament, be conceived separately from the fruit of the sacrament, or from sanctifying grace, which, according to the Council of Trent (ch. 3), follows upon it? To this Lugo will perhaps reply that such peace is not caused when the sacrament is valid and unfruitful. This will indeed be a convenient escape, but it is destructive of the very character of the reality and sacrament, which theologians ordinarily understand to be an effect inseparable from a valid sacrament.

All the other opinions concerning the reality and sacrament finally agree in saying that the reality and sacrament of Penance is contrition itself insofar as it is rendered by the sacrament a proximate disposition for grace, or, if one prefers, attrition itself insofar as it becomes in some way perfect contrition. From this general account it is evident that this sacrament cannot be valid without also being fruitful, since a proximate disposition for grace cannot fail to be joined with grace itself. The same consequence follows from the several ways in which such a reality and sacrament is explained: namely, that the sacrament produces an act of contrition (certain earlier theologians); or that attrition passes into an immediate disposition for grace (Cajetan); or that attrition becomes formally contrition (Soto and Suárez); or that attrition receives a certain physical and elevating mode by which it "tends to cause grace by the work wrought" (the Salmanticenses).

The Salmanticenses, however, so qualify this last explanation that they say attrition, through the aforesaid elevation, receives "the character of a disposition, insofar as it is of itself, toward sacramental grace" (disp. 1, dub. 2, no. 113). By this they seem, like Billot, to evade the force of our argument. Yet it is scarcely intelligible what sort of reality and sacrament this would be, which both tends to cause grace and is a disposition, insofar as it is of itself, toward sacramental grace, and yet is not in fact joined with that grace. Nor is it fully intelligible with what consistency and consequence the Salmanticenses in the cited passage call attrition a disposition for grace when elsewhere (disp. 7, dub. 1, §§ 3 and 4; disp. 8, dub. 11) they continually say that inefficacious attrition, which suffices for a valid sacrament, is not a disposition for grace but only a part of the sacrament.

Proof 5. FROM THE AUTHORITY OF ST. THOMAS

This also overturns the second general argument of the adversaries, especially that of the Thomists.

First, the distinction between the contrition required for the validity of the sacrament and the contrition required for its fruit, as well as the possibility of a sacrament of Penance that is valid and unfruitful, does not appear to agree with the mind of the Holy Doctor, or with his general teaching concerning the nature of this sacrament.

For the Holy Doctor, when speaking of contrition in general, indeed distinguishes between perfect contrition, that is, perfect displeasure at sin, and attrition, that is, imperfect displeasure (Supplement, q. 1, a. 2, ad 2); but within this attrition, which is sufficient in the sacrament, he never makes a distinction.

The Holy Doctor describes contrition that is part of the sacrament (q. 90, aa. 1 and 2) as a withdrawal of the heart from sin (q. 84, a. 1: "The penitent, by what he does and says, shows that his heart has withdrawn from sin"). Who, then, would be persuaded that St. Thomas, without any qualification, calls an imperfect withdrawal of the heart from sin that contrition which the adversaries say is sufficient for the validity of the sacrament? In particular, concerning contrition that is not supreme in appreciation, St. Thomas says that it does not even deserve the name of true contrition (Supplement, q. 5, a. 3, cited in Article 25, p. 92).

The Holy Doctor, when speaking of sacramental contrition (Supplement, q. 5, a. 1), says that "however small the sorrow may be, provided it suffices for the nature of contrition, it removes every fault" (ibid., a. 3). Therefore contrition sufficient for the validity of the sacrament is also a disposition for grace; for how could it truly be said to remove guilt if it could not be said to be a disposition for grace?

The Holy Doctor says that contrition, which he defines as the will to make recompense (q. 90, a. 2), is a part of the sacrament (ibid., ad 1), and that through it recompense is made for the offence in this sacrament (and thus the fruit of the sacrament is obtained; ibid., in the body of the article). Therefore he requires the same contrition for validity as for fruit.

Furthermore, the following text of the Holy Doctor bears directly upon the question (Supplement, q. 29, a. 8; that is, In IV Sentences, dist. 23, q. 1, a. 4, q. 2): "This sacrament [of Extreme Unction] does not have an effect which always follows upon the minister's action when all the things belonging to the essence of the sacrament have been duly performed, as the character in Baptism and Confirmation, and transubstantiation in the Eucharist, and the remission of sin in Penance, when contrition exists, which is of the essence of the sacrament of Penance, but not of the essence of this sacrament [of Extreme Unction]."

According to St. Thomas, then, the sacrament of Penance, once those things that belong to the essence of the sacrament are present, always brings about the remission of sins, and therefore cannot be valid and unfruitful. Indeed, the Holy Doctor so strongly insists upon the infallible connection between a valid sacrament and the remission of sins that he compares it with the infallible connection between valid Baptism and its first effect, the character, as though the remission of sins stood in relation to Penance as the character does in relation to Baptism, or as the reality and sacrament.

It is remarkable that several of the adversaries pass over this text in silence and insist only upon another, to be examined shortly, by which they suppose themselves to have proved that the Holy Doctor teaches that this sacrament can be valid and unfruitful. Suárez, however, candidly observes among the adversaries: "D. Thomas openly taught this [namely, the opinion that a sacrament valid and unfruitful is impossible] in IV, dist. 23, q. 1, art. 4, q. 2 [that is, Supplement, q. 29, a. 8]" (disp. 20, sect. 5, no. 5). Billuart also notes: "The author seems to assert the affirmative side [namely, the possibility of a sacrament valid and unfruitful] here, q. 9, art. 1, and the older Thomists hold it; but below, q. 29, a. 8, he seems to retract this opinion; many Thomists and outsiders now commonly hold the negative side" (diss. 7, a. 1).

This is confirmed by the following words of Quodlibet I, a. 10, which appear to presuppose the same doctrine: "It must be observed that in this sacrament no character is imprinted, but only grace is conferred for the remission of sin, and no one obtains this remission while sinning. But one sins who disregards the ordinance of the Church; hence, in Baptism, one who observes the things necessary for the sacrament while disregarding the statutes of the Church obtains the character of the sacrament, but not its effect; here, however, he obtains nothing."[167]

[167] St. Thomas composed the Quodlibetal Questions in 1269–1272, approximately the same period in which he was writing the Summa Theologiae (1267–1273).

Moreover, the same point is confirmed from the very passage of the Supplement, q. 9, a. 1, in which several adversaries, and even some who hold our opinion, think that St. Thomas teaches the possibility of this sacrament's being valid and unfruitful. For St. Thomas, only once and in precisely that passage, when proposing to himself the question of unfruitful Penance, speaks of the unfruitfulness of confession alone, and not of the sacrament itself (as will be shown below). Hence this is a sign that he recognizes only that unfruitfulness, rather than, and especially in preference to, the unfruitfulness of the sacrament itself, which would be of greater importance. Again, in the same place, ad 2, he says that "it belongs to the nature of contrition and [sacramental] satisfaction that man be united to God through charity, but not to the nature of confession"; therefore the Holy Doctor does not recognize a sacramental contrition separated from the fruit of the sacrament, as would occur in a sacrament valid and unfruitful.

The adversaries object against us that very text of the Supplement, q. 9, a. 1 (that is, In IV Sentences, dist. 17, q. 3, a. 4, q. 1): "Confession is an act of virtue, and is a part of a sacrament. Now insofar as it is an act of virtue, it is properly a meritorious act; and thus confession is of no value without charity, which is the principle of meriting. But insofar as it is a part of a sacrament, it thus directs the penitent to the priest, who has the keys of the Church, and who through confession comes to know the conscience of the penitent. And in this respect confession can also exist in one who is not contrite, because he can declare his sins to the priest, and submit himself to the keys of the Church; and although he then does not receive the fruit of absolution, yet, when the obstacle is removed, he will begin to receive it, as also happens in other sacraments. Hence one who has approached with an obstacle is not bound to repeat his confession, but is bound afterward to confess his obstacle."

Reply. It must not be denied that these words, considered at first sight and superficially, give rise to a certain difficulty, which has led several Thomists to defend the possibility of a sacrament of Penance valid and unfruitful: both because St. Thomas in this article directly raises the question of the validity and unfruitfulness of confession ("Whether confession can be unfruitful"), which he resolves in the

affirmative, and especially because at the end of the passage he affirms a reviviscence of confession with respect to its fruit and adduces a parallel with the other sacraments.

Accordingly, certain theologians who deny a sacrament valid and unfruitful, notably Sylvius, Billuart, and Hugon, say that here St. Thomas admitted a sacrament valid and unfruitful but afterward tacitly retracted this opinion in the text cited above, namely Supplement, q. 29, a. 8. Billuart adds that the latter explanation is more in conformity with the text, "as will be apparent to the reader" (diss. 7, a. 1). Yet, even a priori, it is hardly likely that the Holy Doctor either contradicted himself or tacitly retracted that opinion within a few distinctions of the same book.

Others, therefore, such as Collet, De Augustinis, Prümmer, and Boyer, say that St. Thomas is not speaking of a sacrament valid and unfruitful, but only of a confession valid and unfruitful; and that he teaches that if anyone, through a defect of disposition or contrition, has received an invalid sacrament, his confession is nevertheless valid, inasmuch as it has been made with an intention of submitting to the keys or to absolution. Thus it is not necessary for him to make his confession again if he approaches the same priest, but it suffices that he confess that he had previously approached confession without the proper disposition, and so obtain the fruit of the sacrament, or of the absolution joined to the preceding confession, which in this way may be said to revive with respect to its influence and effect. This explanation seems the only fitting and straightforward one when all the elements of that article are carefully considered.

First of all, it is certain that St. Thomas throughout the article is not speaking of the sacrament simply, but of confession. This is clear both from the title of the question ("Whether confession can be unfruitful"), and from its conclusion ("Hence one who has approached with an obstacle is not bound to repeat his confession, but is bound afterward to confess his obstacle"), and from his second objection and its reply, in which he opposes confession to two other parts of the sacrament ("Confession is distinguished from contrition and satisfaction"), and from the body of the article itself ("Confession ... insofar as it is a part of a sacrament").

Furthermore, St. Thomas, in the body of the article, says that confession is valid and unfruitful in the absence of contrition (in the body: "Confession can also exist in one who is not contrite"; objection 3: "He who still remains in affection for sin, if he confesses ..."). Hence he is not treating of a sacrament valid and unfruitful, for elsewhere he explicitly teaches, and in this very article manifestly presupposes (objection 2), that contrition is a part of the sacrament.

The only words which create a difficulty—namely, "although he then does not receive the fruit of absolution, yet, when the obstacle is removed, he will begin to receive it, as also happens in other sacraments"—can fittingly be explained in light of what is in fact found in this sacrament: there is, on the part not of the sacrament itself but of confession alone, a certain unfruitfulness and a certain reviviscence proper to this sacrament. In this respect Penance agrees in a certain way, but not simply, with the other sacraments that are unfruitful and revive. For it is certain that confession made to a priest with the intention of submitting oneself to the keys is sacramental. Therefore, in a case in which the required contrition is lacking, although the sacrament itself is invalid, the aforesaid confession is valid—that is, sacramental—and consequently need not be repeated if recourse is had to the same priest. It therefore revives with respect to its effect, insofar as, together with subsequent contrition and absolution, it sacramentally produces the effect which it previously could not produce because of the defect of contrition and the invalidity of the absolution. In this respect, then, Penance

agrees with the other sacraments, inasmuch as in it too there truly exists some sacramental element that is valid and unfruitful. It differs, however, in this: that in Penance the sacrament itself is not such, but only one part of the sacrament; whereas in the other sacraments the contrary occurs, for the water or the baptismal washing cannot be valid and not require repetition if, through a defect, for example, of intention or form in the minister, the sacrament is invalid.

That this is the mind of the Holy Doctor is evident also from these words (Supplement, q. 11, a. 1, ad 1; that is, In IV Sentences, dist. 21, q. 3, a. 1, q. 1, ad 1): "Just as Baptism is a sacrament, although someone approaches it with an obstacle, and nothing is changed on that account in the essentials of the sacrament, so confession does not cease to be sacramental, even though he who confesses does not propose amendment."

From this the meaning of the whole article of St. Thomas is understood. He asks whether confession can be without form, that is, not joined with grace and charity. He answers that confession, insofar as it is an act of virtue, is necessarily joined with charity, because as such it is a meritorious act, and merit proceeds from charity; but insofar as it is a part of the sacrament, unlike the other two parts, namely sacramental contrition and satisfaction, it can be separated from charity or from the fruit of the sacrament and can be without form, as when contrition is lacking. Nevertheless, because it was sacramental, that is, directed to the keys, it remains valid and for that reason does not necessarily have to be repeated; and, when the obstacle or the conscious and culpable defect of contrition has been removed and confessed, it concurs with subsequent contrition and absolution to cause the fruit of the sacrament, by which it becomes formed.

PROOF 6. FROM THE REFUTATION OF THE ADVERSARIES' OPINIONS

We have already answered the common arguments of the adversaries in the course of the preceding demonstrations. It remains to say something against their particular opinions.

The first opinion was equivalently refuted in Proof 3 and in Article 26: for the intention of receiving the sacrament is not properly sorrow, in which a threefold definition of contrition can be verified, nor therefore can it be a part of the sacrament and suffice for its validity.

The second opinion is refuted from the same principle by which, in Article 25 (p. 37 ff.), we rejected the sufficiency of merely estimative contrition for the fruit of the sacrament: namely, that the existence of the thing does not depend upon an estimation of it. And since contrition is a part of the sacrament, the sacrament is not constituted where true contrition is absent; nor can an estimation or good faith supply this absence, just as it cannot supply the lack of natural water in Baptism in the case of a person who believes some water to be natural when it is not.

The third opinion is refuted because the Council of Trent (session 14, chapter 4) assigns to sacramental contrition no motive other than a supernatural motive, nor distinguishes in this respect between the validity and fruit of the sacrament, as was stated in Proof 1. Furthermore, Innocent XI, without making any distinction, condemned the proposition: "It is probable that natural attrition, provided that it is morally good, suffices [in the sacrament]" (Denzinger, no. 1207).

The same arguments refute the special explanation of the Salmanticenses mentioned above. For supernatural attrition as to its mode—if such a thing were granted—would nevertheless remain intrinsically natural in its principle, object, and motive. Indeed, it does not seem possible to concede

such contrition, because the dominion of the virtues of faith, hope, and the like does not require in the sinner the elevation of natural acts to a supernatural order as to their mode; whereas it is proper to the virtue of charity to order man and his will simply and absolutely to the ultimate supernatural end.

AGAINST THE FOURTH OPINION AND THE ARGUMENTS OF THE SALMANTICENSES

The first and second arguments drawn from the Council of Trent and from St. Thomas have been answered in Proofs 1 and 5. Especially with regard to the text of St. Thomas (Supplement, q. 9, a. 1), it should be noted that the Salmanticenses are not very consistent with themselves, and in their difficulty they are doubtful; for in their treatise On Penance (disp. 8, dub. 10, no. 266), citing that text, they say with considerable confidence: "This the holy Doctor, whose express words cannot be questioned"; yet a little later (dub. 11, no. 288), quoting the patrons of their own position, they say: "But it is vain to say that others must be asked on this matter in place of our Angelic Doctor, who asserted it quite openly"; and nevertheless in the treatise On the Sacraments in General (disp. 4, dub. 6, § 3, no. 103) they say that in that text the holy Doctor's meaning is "difficult," indeed, to be compared with another text, namely Supplement, q. 29, a. 8.

The third argument, from congruity, is refuted by what was said in Proof 2 concerning the sacramental nature of contrition. For it is not sufficient that confession be the judicial element to be informed by any sorrow whatsoever; rather, it must be informed by sorrow of the kind that the Judge ought to demand, namely one that is efficacious. Moreover, God did not assume just any sorrow into the nature of an instrument, but the sorrow which He requires in the penitent and which is a sufficient disposition for the very fruit of the sacrament. Nor does the mere estimation that such sorrow exists suffice to remove the necessity of sorrow itself.

Lugo assails this and the two preceding opinions insofar as they say that imperfect sorrow suffices only in the case in which it is estimated to be perfect. Galtier therefore rightly repeats against the opinion of Billot the following argument: "Secondly, one may argue against those authors that the whole valid matter of this sacrament can indeed exist without true sorrow, and yet without sacrilege by omission of an efficacious purpose; it would therefore follow that the sacrament is valid however much the penitent may notice his defect, and knowingly confess without that sorrow. For true matter would be present, which would be found in the case of ignorance, namely imperfect sorrow with confession of sins; if therefore this matter suffices, it will always suffice to constitute a valid sacrament, even if, on noticing his defect, the penitent sins mortally, just as he does not sin when he does not notice it."[168]

[168] De Poenitentia, disp. 14, sect. 6, no. 71; Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 781.

Nevertheless this attack does not seem efficacious. For the Salmanticenses elegantly evade it (disp. 7, dub. 10, no. 267; disp. 8, dub. 11, no. 296) by saying that inefficacious sorrow, which is judged to be efficacious, is sufficient in the sacrament, not precisely because it is judged to be efficacious, but because it is true and supernatural sorrow. Yet estimation and good faith are nevertheless a condition for the existence of such inefficacious sorrow which does not involve, in the person concerned, a sacrilegious reception of the sacrament with a disposition sufficient for validity alone and not for fruit. he who knowingly intends such a reception would commit sacrilege in the very reception of the sacrament, whereby the inefficacious sorrow itself would be nullified, since one cannot truly grieve

over sin while actually sinning; and thus the sacrament would necessarily be invalid through the defect both of true sorrow itself and of the formal integrity of confession. Something similar occurs in the unfruitful reception of certain sacraments of the living, such as the Eucharist, in the state of mortal sin without consciousness of it (as many theologians admit); for good faith is a condition permitting attrition to be a sufficient disposition for the fruit of the sacrament, which otherwise would be received sacrilegiously.

AGAINST THE FIFTH OPINION OF SUÁREZ AND LUGO

The very foundation of this opinion must be rejected as false: namely, that true contrition—indeed, according to them, efficacious contrition—can arise from a merely particular motive. Such contrition is not properly called contrition, as we showed in Article 23 (p. 23 ff.), and much less is it that sacramental contrition which the Council of Trent requires. For in session 14, chapter 5, the Council says: "The remaining sins which do not occur to one who thinks diligently are understood to be included in the same confession in a general way; for these we faithfully say with the Prophet: Cleanse me, O Lord, from my hidden sins" (Ps. 18:13). Therefore forgotten sins cannot be understood as included in the confession of others except by reason of universal contrition, which, touching sin universally, extends to each individually.[169]

[169] Cf. Würzburgenses, De Poenitentia, disp. 2, cap. 3, art. 6.

Moreover, we noted the lack of coherence in the doctrine of Suárez at the end of Proof 1.

To this Palmieri replies: "But it is not sufficiently clear that this case is possible. For whatever is said about the particular motives of sorrow, it is certain that contrition ought to belong to a man of this kind, containing at least virtually a universal purpose of sinning no more, that is, not only of not committing again the sins once committed, but of not committing any sin; and thus excluded by attrition itself is the will to sin, which Suárez himself observes when he discusses it and denies that estimated attrition suffices. Wherefore we ask: does that penitent have a universal purpose, or not? If he does not, true contrition is lacking, namely an essential part of the sacrament, and nothing is effected. But if he has it, he must also have hatred of all sins, which indeed extends naturally both to sins admitted and to others; for either such hatred extending without some motive to all sins is required, or if such a motive exists, his sorrow is not merely from some special motive."[170]

[170] Palmieri, De Poenitentia, thesis 32, parergon (Rome, 1879), p. 358.

The Salmanticenses attack the opinion of Suárez from another argument, namely from that common and grave motive from which theologians deduce that the sacrament of Penance is valid but without form: the expediency of avoiding anxiety about the validity of confessions and the obligation to repeat them, which could arise from that opinion, especially in the very rare case which it puts forward as almost impossible in practice.

As to the matter itself, they say: "One of the grave motives for asserting a valid but unfruitful sacrament is founded upon the expediency of avoiding the repetition of confessions of the same sins. Yet the case formulated by Suárez is extremely rare, or never occurs; for it is neither moral nor doctrinal to establish the quality of matter, and the necessity which concerns it, by reference to such a case, one which it is expedient simply to set aside. But when those two circumstances, unless sought out studiously, concur in the same subject, what ought the confessor to think? What if he has two sins of a different species, one of which he has forgotten invincibly? What if he grieves for the

other, not according to the reason common to all mortal sins, such as we commonly grieve, but on account of something that specifies it, and after that one has been treated, confesses it with no intention of obtaining the forgiveness of others which perhaps lie hidden before God? We estimate that this is most rare; indeed, commonly it is not common to have exactly two mortal sins of distinct species. Let us suppose that a man has thirty, of at least several different kinds, and that he has forgotten one alone invincibly. How will he proceed in sorrow concerning the others? Will he grieve for each one according to a motive proper and unique to it, such as incest for being incest, sacrilege for being sacrilege, false swearing for being false swearing, and so for the others? Nothing is less likely and more contrary to the practice of the faithful. For all alike, at least those desiring to draw near rightly, grieve for all their mortal sins because of some motive common to all, as that they gravely offended God through them, that they have excluded themselves from His grace, that they have merited eternal Gehenna, that they fear remaining in perpetual damnation, and so forth. And if they were asked a thousand times during confession about the motive of their sorrow and accusation, they would say this commonly and truly. And that is proof enough that this is common among Christians; and the case proposed by Suárez, dressed in suppositions and refinements, is not a regular and moral one such as we desire in the present difficulty, but a certain metaphysical speculation implying no contradiction, and so on."[171]

[171] Salmanticenses, De Poenitentia, disp. 8, dub. 11, § 2, no. 278; Cursus Theologicus, vol. 20 (Paris, 1883), p. 455.

AGAINST THE SIXTH OPINION OF BILLOT AND CAJETAN

Cajetan's opinion is sufficiently refuted by its own defects; moreover, it gathers into itself the difficulties of several opinions to which, as we said, it can be reduced.

Billot's opinion is false in its very foundation: for contrition which is not supreme in appreciation is not true contrition, as was stated in Article 23 (p. 24), and much less sacramental contrition, which according to the Council of Trent (session 14, chapter 4) requires an efficacious purpose of sinning no more; and from this, according to St. Thomas, "sin ought to displease one no less than separation from the end ought to displease one" (Supplement, q. 5, a. 3; cf. q. 3, a. 1).

To the first and second arguments brought forward by Billot it is replied that attrition itself, simply taken, is no less interior than its own supreme appreciative degree; hence either both or neither can be a part of the sensible sacrament and an object of judgment. To the third argument it is replied that the matter of the sacrament is not understood to be integrally set forth until the moment when the form or absolution is pronounced. Consequently the supreme appreciative degree added to the attrition immediately before absolution belongs to the matter of the sacrament and is the object of sacramental judgment, insofar as it informs the confession itself and is expressed through the same signs by which contrition, not supreme in appreciation, was previously expressed. And this same thing can certainly happen in the case in which someone begins confession without a sufficient interior disposition for the validity of the sacrament (whatever this may be in Billot's judgment), and acquires it at the moment of absolution; for, as we said in Article 27 (pp. 126–130), contrition need not necessarily precede confession.

ON THE REVIVISCENCE OF THIS SACRAMENT

From what has been said it follows what ought to be held regarding the reviviscence of this sacrament.

It must simply be denied, because its very foundation is lacking, namely a sacrament that is valid but without form. Nevertheless, Suárez (loc. cit., no. 14) and some patrons of the reviviscence of this sacrament, among whom is St. Thomas (Supplement, q. 9, a. 1; for, as was said above, the Holy Doctor is not treating there of the reviviscence of an unfruitful sacrament, but of unfruitful confession), and likewise in another respect the Salmanticenses (who admit lack of form but deny reviviscence), subtly labour in order to explain in a manner the words of St. Thomas in the sense excluding the proper reviviscence of this sacrament (cf. disp. 8, dub. 12, § 3, no. 311 ff.).

We can nevertheless raise this hypothetical question: if the sacrament of Penance were given validly but without form, would reviviscence have to be denied with Soto and the Salmanticenses, or admitted with Cajetan and Suárez and others mentioned above (p. 174)? Some, such as Vásquez (q. 92, a. 3, dub. 4), say that reviviscence ought to be denied, because they concede it to Baptism alone or to the sacraments conferring a character; but we rejected this reason in the treatise On the Sacraments in General (Art. 11), where we admitted reviviscence for all sacraments except the Eucharist and Penance. We must therefore say that the whole matter depends upon the manner in which the reality and sacrament of Penance is explained.

For, as we said in the aforesaid treatise, the proximate reason for reviviscence is the permanence of the reality and sacrament, by reason of which a sacrament can exercise its efficacy after an obstacle has been removed, and can thus revive. Therefore, in order that a sacrament may revive, it is not sufficient that it be valid and without form, nor even that it have produced the reality and sacrament; rather, it is necessary that this latter remain, after the sacrament has passed, as the very condition in virtue of which it is able to exercise its efficacy. Precisely because the sacrament of the Eucharist cannot revive, its reality and sacrament—which is the presence of Christ—perishes together with the sacrament in the corruption of the species. Accordingly, if the reality and sacrament consisted in some permanent ornament of the soul (as certain older writers said), or in some juridical title (as certain modern writers, with Billot, maintain), reviviscence would have to be admitted; but if it consists, as we proved in the preceding article, in the very act of contrition, it can scarcely be understood how it could remain and how consequently the sacrament could revive, except perhaps in the opinion of the Salmanticenses, understood in a certain way, according to which some modality produced in the act of attrition would last as long as that act of sorrow itself lasted; on the true and more obvious opinion which we defend—that contrition is the reality and sacrament only insofar as it is actually raised instrumentally by the sacrament to cause grace—the reviviscence of the sacrament must be denied.

The reviviscence of this sacrament must therefore simply be denied, both because of the twofold reason of the defect of a sacrament valid and without form, in which Penance differs from the Eucharist, and because of the lack of permanence of the reality and sacrament, in which it agrees with the Eucharist.

Nor is it valid to invoke the reason mentioned above, adduced by Suárez, Lugo, and Billot, that this sacrament peculiarly, unlike the other sacraments, would require reviviscence, because according to a certain mode sins would remain remitted otherwise than by the power of the keys. For this is entirely accidental and independent of the will of the penitent, as can occur in several other cases, as was said at the end of Proof 2; and moreover those sins which have not been remitted through the sacrament

received without form are directly subjected to the keys of the sacrament through confession, although they are remitted indirectly through a subsequent valid and formed sacrament.

AS REGARDS PRACTICE[172]

Before the fact, that is, before confession, one must urge the use of the opinion denying a sacrament valid but unfruitful; for when the validity of the sacrament is in question, the second opinion, being the more probable, is the safer. Accordingly the penitent ought to be urged to conceive sorrow that is universal, efficacious, and supreme in appreciation, and the confessor ought to take care not to dispense absolutions with levity and without discrimination. After the fact, however, penitents are not to be disturbed, nor is a repetition of confession to be urged, both because it is not easy to judge with certainty of a defect of sufficient sorrow in the preceding confession, and because, even if that defect be certain, the obligation of repeating the confession is not established, in view of the probability of the opinion holding a sacrament valid but unfruitful. To this consideration it seems that force ought to be added from the fact that, in the case of sins in fact committed which are subject to the keys, they can be remitted indirectly through a subsequent sacrament that is valid and formed (as we said above according to the opinion of St. Thomas, and not through a sacrament valid but unfruitful), because they are thereby indirectly remitted by the subsequent sacrament that is valid and formed.

[172] Cf. Galtier, no. 407; D'Alès, thesis 11, scholion 2; Cappello, no. 154; Vermeersch, no. 569; Hervé, no. 281.

D'Alès concludes this question thus: "The difference between the two opinions, which is by no means slight in theory, is diminished in practice once the probability of both is admitted. For it is little known to the priest, for the most part, how much true attrition there is in the penitent. It belongs to the duty of the priest, so far as he can, to stir him to the most perfect contrition. After that duty has been fulfilled, however, there remains no necessity of repeating past confessions made in good faith: whether, according to the first opinion and from a dogmatic principle, those confessions, although perhaps unfruitful, were nevertheless valid; or, according to the second opinion and from a practical principle, those confessions, although perhaps invalid, can be covered by the present contrition, and there is no established necessity of repeating them one by one."[173]

[173] D'Alès, De Sacramento Paenitentiae, thesis 11, scholion 2, at the end (Paris, 1926), p. 158.

Article 30. Whether perfect contrition is essentially connected with charity

ARTICLE 30. WHETHER PERFECT CONTRITION IS ESSENTIALLY CONNECTED WITH CHARITY (q. 85, aa. 5–6; q. 86, a. 3; Contra Gentiles IV, 72).[174]

STATE OF THE QUESTION

Having established, at the beginning of this chapter (Articles 23 and 24), the distinction between perfect contrition and attrition, we proceeded in the following articles (Articles 25–29) to explain the nature and salutary efficacy of contrition in general, both extra-sacramental and sacramental. It remains for us to return to the two members of that distinction and to set forth more precisely both the nature and the efficacy of perfect contrition and of attrition. We are led to do this by certain celebrated controversies raised both by Protestants concerning attrition and by theologians concerning perfect contrition as well as attrition.

[174] Cf. the other texts in Conclusions 1, 2, and 3.

Beginning with PERFECT CONTRITION, in this article we raise the question of its nature, and in the following article that of its efficacy. As to its nature, after what we said in the preceding chapter (Articles 13 and 14) concerning the proper act of the virtue of Penance, which is perfect contrition itself, there remains nothing to discuss except its intimate connection with, and dependence upon, the act of charity; on this point theologians have proposed various ways of speaking.

NEGATIVE POSITION AND AFFIRMATIVE POSITION

Theological Note

That perfect and justifying contrition is essentially connected with some charity, so that without some love of God Himself above all things a man cannot be justified, is *de fide*.

That this contrition is connected with charity properly so called, so that contrition conceived from the motive of another general virtue—for example, hope, justice, gratitude, or religion—does not suffice for justification, does not seem today capable of denial without some censure, in view of the teaching of the Council of Trent and the most common agreement of theologians. Certain modern theologians appear to hold it as theologically certain. Vásquez, however, does not hesitate to call the contrary opinion erroneous, or an error in faith.

OPINIONS OF THE THEOLOGIANS

That perfect contrition is connected in some way with charity is admitted by all, at least in words. But the manner of this connection is disputed, and a fourfold opinion is proposed.[175]

[175] We omit here the opinion of Cajetan, which we have reported and rejected more than once elsewhere, concerning the relation of contrition to charity. He teaches that true contrition is elicited by natural powers and afterwards becomes perfect when it is informed by charity, and, as it were, proceeds from charity under the aspect of supernatural and meritorious being, which it receives from charity. Hence this opinion is not directly opposed to the affirmative part of this article, nor ought it to be treated here, as some do, but rather under the question of the nature of contrition itself and its essential supernatural character, as we did in Article 16 (vol. I, pp. 404–406), Article 23 (p. 10), Article 24 (p. 30), and Article 25 (p. 47).

FIRST OPINION

The first opinion, more common among the Scotists, including Brancatus (*De poenitentia*, disp. 8, a. 2, nos. 20 ff.) and Minges (*Compendium theologiae dogmaticae*, vol. 3, no. 512), teaches that perfect contrition need not necessarily be elicited from the motive of charity itself, or of the formal love of God, but can be elicited from the motive of any general virtue which has God Himself as its proximate object, such as hope, religion, obedience, or penance. Such contrition may be called a virtual love of God, since it implies a true conversion of the heart to God Himself and a true hatred of sin, inasmuch as conversion is a certain love and hatred of evil is a virtual love of the opposite good.

For a right understanding of this opinion, note with Galtier: "On this point [that is, the necessity of the motive of love for perfect and justifying contrition], there is no controversy insofar as the question concerns motives either of fear of punishment or of the moral virtues which do not attain God either as the end *which is sought* (*finis qui*) or as the end *for whose sake* (*finis cuius gratia*), nor as the end *for whom* (*finis cui*)—for example, motives of patience, humility, fortitude, temperance, and so forth, or of the moral turpitude which belongs to sin as opposed to virtues of this kind. In this sense

the thesis is theologically certain, both because the Council of Trent expressly says that these are proper motives of attrition and because from these motives as such there is no formal conversion to God, without which there can be no justification."

"There are, however, other motives which, though they do not attain God as the end *which is sought* (*finis qui*) or *for whose sake* (*finis cuius gratia*), nevertheless attain Him as the end *for whom* (*finis cui*), since they move one to give or render to God something owed to Him. Thus a man can grieve for his sins from the motive of the special virtue of penance or of justice, because God's right has not been acknowledged or has been violated; from the motive of religion, because the worship due to God has been denied; from the motive of obedience, because obedience has been denied to God who commands; from the motive of gratitude, because he has been ungrateful to God his benefactor. There is, moreover, the motive of the love of God which is called concupiscent or utilitarian, by which love is formally referred to God because He is delightful to us or because He is good for us; and consequently sin can be hated insofar as it is opposed to such love, or excludes God as delighting us and doing good to us. Many Scotists, moreover, think that motives of this kind are each sufficient by themselves for contrition which, even outside the sacrament, reconciles a man to God Himself."[176]

[176] Galtier, De Poenitentia, thesis 5, no. 73 (Paris, 1931), p. 48.

Suárez (*De poenitentia*, disp. 4, sect. 2, no. 6) expressly attributes this opinion also to Gabriel Biel (*In IV Sententiarum*, dist. 14, q. 1, a. 2), and says that it was intimated by St. Thomas himself (*In IV Sententiarum*, dist. 14, q. 1, a. 2, quaestiuncula 2; nevertheless, the Holy Doctor there speaks not of perfect contrition but of attrition or, in general, of the movement of penance). He likewise attributes it to Paludanus, Soto, and especially Vega (*In Tridentinum*, lib. 13, ch. 21), who say that an act of penance need not necessarily be preceded by an act of love, but can be preceded and engendered by the act and motive of detestation or hatred alone.

Suárez adds (ibid., nos. 13 ff.; cited above in Article 23, p. 11 ff.) that this opinion is probable and that at times it has simply pleased him. This refers, indeed, to the motive of the virtue of justice or penance: contrition is called perfect, on this account, if it proceeds solely from the motive of rendering to God His due right, without a motive of love; nevertheless, Suárez simply chooses the common opinion concerning the necessity of the motive of love.

Lugo also, although he simply follows the common doctrine (*De poenitentia*, disp. 5, sect. 1; cited in Article 23, p. 12), judges that opinion probable, and even defends it against the charge of error which Vásquez assigns to it; he willingly dwells upon the explanation of its reasons and congruities. He himself adduces Durandus in support of it, writing: "Durandus, in IV, distinction XVII, question 2, says that sorrow from the motive of hope and the desire of seeing God is contrition; for although this is not a love of friendship towards God, but only of concupiscence, nevertheless the love of concupiscence is love, and in ourselves we experience that we rejoice and take pleasure when someone is loved with this kind of love. For this love cannot exist except on account of goodness apprehended in the beloved object; wherefore he who loves God in this manner loves Him in no other way than because he is affected and attracted by the goodness of God, which, strictly speaking, is to love God for His goodness to us."[177]

[177] Lugo, De Poenitentia, disp. 5, sect. 1, no. 7, Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 420.

Among modern theologians, Tanquerey appears to incline unreservedly to this opinion, writing: "Do other motives besides charity suffice for perfect contrition immediately remissive of sin? The Scotists say that the motive of perfect contrition is every motive which relates to God, for example one drawn from the virtues of penance, religion, or obedience; for by these virtues we detest sin as an offence against God, opposed to His rights and will. Some modern authors, Hurter, Palmieri, and Egger, agree with this opinion; according to them the love of hope and gratitude can suffice for perfect contrition. Indeed, this love: (a) is commended by Sacred Scripture as most noble; (b) is very perfect and redounds greatly to the glory of God. We consider this opinion very consonant with the divine mercy; and if it is admitted, it is much more easily understood how the Jews could have been justified without the sacrament, and likewise how non-Catholics who are in good faith may obtain pardon for their sins. Nevertheless, this opinion is not the common one, and in practice one must strive to ascend from the love of hope and gratitude to the love of charity. This, moreover, is not so difficult; for contrition perfected by charity can coexist with sorrow for sins conceived from other, less perfect motives, namely hope, gratitude, and fear of punishments; indeed, ordinarily the soul ascends, as it were step by step, from lower to higher motives."[178]

[178] Tanquerey, Theologia dogmatica, De Paenitentia, no. 753 (Rome–Paris, 1921), p. 79.

The arguments of this opinion—which, rather than an explanation, must be called a true denial of the necessary connection of contrition with charity, although Vásquez (*In III Partem*, q. 85, a. 2, no. 45) does not hesitate to judge it erroneous—are reduced to the following:

1. Perfect contrition is sorrow for sin precisely because it is an offence against God; but this is verified not only in one who grieves from the motive of the formal love of God, or charity, but also from the motive of other virtues, especially justice and penance. For an offence against God is not considered by charity alone.

2. Perfect contrition consists in a total conversion of the heart to God; but even he who grieves for sin above all things from the motive of other general virtues, which regard God Himself, is totally converted and adheres to God. Nor are the expressions of Scripture and the Fathers, which frequently call the motive one of love, an obstacle; for "these, even though they can be explained of love, are not necessarily taken altogether rigorously and strictly, but more broadly, insofar as to love is said to be to will good to another. For through religion we will the worship of God; through penance we will not to offend Him; through obedience we will to fulfil His will, and so forth; all these things seem to contain love of God. Just as many theologians say that the precept of love of neighbour does not oblige one to an act arising from the special motive of love, but is a kind of general precept of observing everything which concerns one's neighbour ... Thus someone could say that love of God is necessary for justification insofar as the will to observe the commandments which concern God is necessary ... Consequently, under the name of love can be understood the will not to offend God even with the loss of all things, although it does not arise from that particular motive."[179]

[179] Quoted by Lugo, De Poenitentia, disp. 5, sect. 1, no. 9, Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 420 ff.

3. Scripture itself does not always speak of the motive of love, but promises justification also to the movement of penance itself considered absolutely. Compare Ezekiel 18:21; 2 Kings 12:13;

Psalm 31:5; Luke 15:21; 18:13 ff., and other texts cited above (vol. I, p. 265 ff., and here, p. 53). "In the Council of Trent itself, session 14, chapter 4, no mention of love is made in the definition of contrition. For what is said there afterwards, that perfect contrition is informed by charity, ought not to be understood of an act, but of the infusion of grace and charity through which contrition is formed. ... Finally, in session 6, chapter 6, the Council enumerates several acts in the disposition of the sinner, and it is not necessary that they should always concur formally, but it suffices that they concur virtually or implicitly, as many think concerning the act of hope and the act of purpose. Therefore, by the same reasoning, although the Council enumerates love, it will be sufficient that it be present virtually. But in that detestation there is virtually the love of the opposite good, for hatred of evil is a virtual love of the opposite good."[180]

[180] Quoted by Suárez, De Poenitentia, disp. 14, sect. 2, no. 7, Opera omnia, vol. 22 (Paris, 1866), p. 75.

4. The position is recommended by a consideration of divine providence and human frailty. "And certainly human frailty seemed to require this, since it is rarely drawn by that motive of love above all things, but more often by the motive of obedience, religion, gratitude, and so forth. Therefore, since falling is very frequent, the remedy ought not to have been made so difficult and rare. Nor does the common manner in which the faithful conceive contrition seem to disagree; rather, it appears to support it. For when they think of contrition they consider themselves to have it when they so grieve for sins on account of God that, even without any punishment or reward, loss or advantage, they would nevertheless grieve in the same way. This is wholly realised whenever sin is considered in its relation to God alone, as irreverence, injury, offence, and so forth, even though the motive of love strictly so called is not present."[181]

[181] Quoted by Lugo, De Poenitentia, disp. 5, sect. 1, no. 5, Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 419.

SECOND OPINION

The SECOND OPINION, held by certain more recent theologians, such as Vincenzo Bolgeni, Palmieri, Egger, Ballerini, Schiffini, and Hurter, teaches that charity is indeed required for perfect and justifying contrition, but not necessarily that charity which is love of God as He is good in Himself. Rather, the charity which is love of God as our supreme good suffices. For it supposes that the very act of true charity may be conceived not only from the motive or object of the goodness of God as He is in Himself (as theologians commonly teach), but also from the motive or object of the goodness of God in relation to us; so that this act is a certain act of amiable concupiscence, as they say, or of familiarity, specifically distinct from an act of formal or utilitarian concupiscence, which is involved in the inferior act of hope.[182][183][184][185][186]

[182] Hurter, Compendium theologiae dogmaticae, vol. 3, no. 468. A few others incline toward the same opinion, such as Tanquerey (cited above), insofar as he adds the supporters of this opinion to those of the preceding one, and Eining (theses 4 and 5, pp. 16, 18, 19), who seems to distinguish two charities: one whereby we love God as good in Himself, and the other whereby we love Him as good to us.

[183] Schiffini, De virtutibus infusis, De charitate, nos. 285–292.

[184] Ballerini, Opus morale, De caritate, nos. 6–14; also Adnotationes ad Gury, no. 217.

[185] Palmieri, De Poenitentia, thesis 22.

[186] Bolgeni, Della carità, o amor di Dio (Rome, 1788).

On this matter Hurter writes: "The question is raised ... what charity is required for perfect contrition. The usual answer is that the love of friendship and benevolence is required, which is most true. But if you ask further what is the formal motive of this charity, the theologians do not give the same answer. Many answer that it is required that God be loved on account of His relative goodness, or as He is our supreme good. There are nevertheless those who maintain that love is perfect, and therefore justifies outside the sacrament, whenever the motive and reason for loving God is indistinct from God Himself, and hence even when God is loved as our supreme good and beatitude, or on account of His goodness in relation to us; for this goodness also is a perfection indistinct from God, and therefore, if God is loved on account of it, He is loved for His own sake."

"And indeed, first, scarcely is an expression of perfect and sincere charity towards God to be found in the divine writings and among the Fathers which is not referred to Him as He is our supreme good ... Psalm 41:2 ff. ... Philippians 1:21 ff. Augustine everywhere proposes this motive when he speaks of the perfect, indeed most fervent, charity of God. Thus on Psalm 85, no. 8: 'Call upon God as God; love God as God. There is nothing better than Him. Desire Him, covet Him.' [Compare On Psalm 53, no. 10; On Psalm 55, no. 17; On Psalm 90, sermon 2, no. 13; On Psalm 77, no. 21; On Psalm 79, no. 14; On Psalm 86, no. 1; Sermon 165, no. 4; Sermon 15, no. 4.] Secondly, this can be illustrated by the purest love with which a bride seeks her bridegroom, a friend a friend, and a son his father, and which all readily acknowledge to be perfect charity; yet the notion of friend, bridegroom, and father seems to express goodness not only absolute but also relative to oneself. And thirdly, grant even that this love be imperfect: it nonetheless redounds most greatly to the immense glory of the Beloved; for it is a testimony that His goodness is so great that it suffices to make others blessed."[187]

[187] Hurter, Compendium theologiae dogmaticae, vol. 3, no. 570 (Innsbruck, 1891), p. 447 ff.

Galtier (no. 73, in the note) cautions: "N.B. One must beware, however, of numbering these men among the Scotists [that is, among the supporters of the preceding opinion]." If this opinion is truly distinguished from the preceding one, we must pass over it here and refer it to the treatise On Grace and the Virtues, where the proper nature and object of charity are discussed. Nevertheless, its difference from the first opinion seems merely verbal, or, if one prefers, not essential; it consists only in the fact that in this opinion what is called or considered charity is that which in the other is called and sincerely considered an act of hope. Moreover, regarding the same act it assumes in principle precisely this: that contrition is perfect "whenever the motive and reason for loving God is indistinct from God" (Hurter; others say more consistently, "whenever the motive is that of some general virtue which regards God"). The same manner of reasoning is found in the Durandus cited above; almost the same opinion as the other is judged to be held by many theologians, such as Billot, Prümmer, and Tanquerey himself, who inclines to it.

THIRD OPINION

The THIRD OPINION teaches that perfect and justifying contrition must indeed be elicited from the motive of charity and in some way contain an act of charity, but by no means must it involve an act of charity distinct from the act of contrition itself, or necessarily proceed from a distinct and formal act of charity. Thus, just as there is an act of justifying charity without formal contrition, there is an act of justifying contrition without a formal act of charity. So teach Suárez and Lugo, followed by several

modern authors, such as Galtier (no. 72), Gihr (§15), Cappello (1944 edition, no. 102), Noldin (no. 247), and Piscetta-Gennaro (no. 842).

There are, however, two ways of explaining the aforesaid containment of an indistinct act of charity within the act of contrition.

Suárez speaks of a merely VIRTUAL CONTAINMENT; nevertheless, he adds that when the act of charity is posited formally, it is not necessary that it be exercised by an act distinct from the act of contrition, but that charity and contrition can probably be exercised formally by a single, simple act.

"On this matter," he says, "I consider that one must first say that, speaking in itself, the formal love of God is necessary for the justification of the sinner as a means, and that it is fitting to the nature of things and required by God. ... Although perhaps it is not necessary that this formal love of God be exercised by an act really distinct from the detestation of sin which arises from it; for, since those two objects are so connected that one is in some way on account of the other, it is probable that both can be attained by one simple act. ... Secondly, I say that it can happen that a sinner is justified without a proper and formal act of the love of God then elicited in reality, through perfect detestation of sin, which includes love both virtually and in desire. And in this way of explaining it I approve the second opinion [or the first opinion of the Scotists mentioned above], which thereby becomes probable, because in this way it entirely satisfies all the testimonies proving the necessity of love; and moreover this opinion is very consonant with the gentleness of divine providence and with the human condition, since man cannot without great difficulty attend to several things at once and act concerning them, especially in so grave and arduous a matter."[188]

[188] Suárez, De Poenitentia, disp. 4, sect. 2, no. 8 ff., Opera omnia, vol. 22 (Paris, 1866), p. 75 ff. Cf. ibid., no. 15; also disp. 2, sect. 2, no. 1.

Lugo, however, whom Sylvester Maurus follows and, among the moderns, Galtier, speaks of a FORMAL CONTAINMENT (although he does not add the word "formal," which Maurus and Galtier nevertheless use). For he says that the act of hatred and the act of love are essentially (that is, with regard to effect and affection) the same act, and that they differ only in the mode of tending toward the object, namely by way of flight or pursuit, so that the act of contrition is formally also an act of charity, although it does not tend so explicitly as if it were tending by way of pursuit.[189][190]

[189] Lugo, De Poenitentia, disp. 1, sect. 2, no. 27.

[190] Galtier, De Poenitentia, thesis 5, no. 72.

On this very matter he writes: "There is a customary doubt concerning contrition, whether it suffices without an act of love. Some say that love without contrition does not suffice for justification; others, conversely, that contrition without formal love does not suffice. ... The more common opinion now teaches that either of those acts suffices if it is posited separately. ... As we have supposed in what we said above, we shall reply briefly. For we said in Disputation 1 that detestation is at the same time love: it is the same thing to detest sin from the motive of charity, or because it is an evil of God, and to will that God should lack sin, although these two acts differ as to their manner of tending; just as the acts by which I will Peter to have sight, and by which I do not will Peter to be blind, differ. For although one is by way of flight and the other by way of pursuit, nevertheless in reality they have virtually the same object; whence it happens that an act of contrition, which arises from the motive of

charity, is always an act of love, although not so explicit as if it tended by way of pursuit. Contrition therefore suffices without another act of love, because it is itself always an act of love."[191]

[191] Lugo, De Poenitentia, disp. 5, sect. 7, no. 92, Disputationes Scholasticae, vol. 4 (Paris, 1892), p. 448.

FOURTH OPINION

The FOURTH OPINION teaches that the act of contrition presupposes and proceeds from a formal and distinct act of charity. This is taught, or at least manifestly supposed, by Thomists generally from the doctrine of St. Thomas, and by several others, such as Billot, D'Alès, Hervé, and Lercher (at least insofar as can be judged from their words). It is also favoured by the Catechism of the Council of Trent, which will shortly be cited in Conclusion 1.

On this matter the Salmanticenses say: "Contrition proceeds from the love of God as the ultimate end loved above all things, which it necessarily presupposes ...; but attrition proceeds from servile fear or some similar inferior motive. Furthermore, contrition cannot be unformed, because it is commanded by charity and converts one to God as the ultimate end."[192]

[192] Salmanticenses, De Poenitentia, disp. 7, dub. 1, no. 3, Cursus Theologicus, vol. 20 (Paris, 1883), p. 17.

"The act ... of love stands in relation to contrition on the part of the first act, just as the intention of the end stands in relation to choice, and assent to the premises in relation to the conclusion."[193]

[193] Salmanticenses, De Poenitentia, disp. 4, dub. 3, §4, no. 105, Cursus Theologicus, vol. 19 (Paris, 1883), p. 307.

"Although ... contrition is not formally an act of charity, it nevertheless essentially presupposes that act in order to be true contrition, as is clear from St. Thomas ... [III, q. 85], article 5, where, enumerating the movements required for an act of the virtue of penance, he says: 'The fifth act is a movement of charity, by which someone is displeased with sin in itself, and no longer merely on account of punishment. The sixth act is a movement of filial fear (which necessarily presupposes charity), by which someone, out of reverence for God, voluntarily offers amendment to God.' Thus it happens that the act of penance proceeds from servile fear, as from the first movement toward this ordered end, but from filial fear as from its immediate and proximate principle." And on question 86, article 3, he says: 'No one can be truly penitent who repents of one sin and not of another. For if that sin displeased him because it is against God loved above all things (which is required for the character of true penance), it would follow that he repented of all sins.' From these and other texts, which we omit, it is clear that true contrition, which is a proper act of the virtue of penance, includes or presupposes the love of charity, and consequently depends on sanctifying grace in the same way. But if another, less perfect contrition is conceived, it is not, strictly speaking, incompatible with sin, nor does it sufficiently and efficaciously withdraw and expel it, as is customarily said of attrition; therefore it makes no difference to us that it does not depend essentially upon grace."[194]

[194] Salmanticenses, De Justificatione impii, disp. 2, dub. 6, §9, no. 253, Cursus Theologicus, vol. 10 (Paris, 1879), p. 476.

"Although the acts [of faith, hope, and fear] ... can, and usually do, formally precede when the wicked person is justified, nevertheless it is not always necessary that they be formally present in themselves; for it can happen that, even in accordance with ordinary providence, the formal act of charity alone concurs, in which we virtually possess the others. Moreover, an act of this kind must be formally present ... as is clear from the fact that certain actual dispositions are required by the nature

of the thing in order for the impious man to be justified, since he cannot connaturally attain justice unless he turns away from the changeable good to which he had been inordinately converted, and is moved toward God as his ultimate end, from whom he had departed through the act of sin. This conversion is most properly an act of charity. Also, otherwise it could not be verified how the acts which the Council enumerates, and which we have explained thus far, dispose for justification; for they do not always remain formally in themselves, as we said immediately above; nor could they remain virtually if an act of charity were excluded. Hence the act of charity mentioned above (whether it be love or sorrow) must formally coexist with justification, as theologians commonly teach."[195]

[195] Salmanticenses, De Justificatione impii, disp. 3, dub. 1, §4, no. 22, Cursus Theologicus, vol. 10 (Paris, 1879), p. 548 ff.

Diekamp says: "For contrition to be informed by charity does not signify mere coexistence in the soul, but an intrinsic mutual disposition; nevertheless it does not imply such a union as that by which matter and form are joined into the unity of a corporeal thing. Rather, contrition informed by charity remains contrition in its own substance and becomes neither charity nor some third thing. For an act of contrition to be informed by charity means that charity impels the virtue of penance to the act of contrition and at the same time directs this act to the object proper to charity itself. An act of contrition of this kind is, therefore, imperatively from charity, but elicited by the virtue of penance. By this influence of charity it happens that perfect contrition is specifically distinguished from imperfect contrition."[196]

[196] Diekamp, Theologia Dogmatica (ed. A. Hoffmann), vol. 4, §46 (Paris– Rome, 1946), p. 305.

Merkelbach says: "It must not be thought that sin is never remitted by an act of contrition because it has already been remitted by an act of charity, from whose command perfect contrition proceeds. For these two things take place simultaneously in one instant, as St. Thomas testifies, question 85, article 6, and I–II, question 113, article 8, so that according to the order of the material and dispositive cause on the part of the subject, contrition precedes by nature, and, on the other hand, according to the order of the efficient cause on the part of the agent, charity precedes."[197]

[197] Merkelbach, Theologia Moralis, vol. 3, no. 496, p. 437.

CONCLUSION

Conclusion 1. Perfect contrition is only that which is elicited from the formal motive of charity itself, and not from the motive of other virtues, even the general virtues.

PROOF 1. FROM THE COUNCIL OF TRENT

The Council calls perfect and justifying contrition that which is formed by charity; but it affords no foundation for distinguishing between charity properly so called and charity improperly so called, or virtual charity, which the adversaries imagine to be contained in other general virtues. Indeed, it always takes charity in its proper sense, or as the theological virtue distinct from faith and hope (cf. session 6, chapter 7 and canons 3 and 11; session 13, chapter 8).

Nor is it of any avail to say with the adversaries (cf. above) that the Council, in the words "contrition perfected by charity," is speaking not of charity as the motive and principle of contrition, but as its term and effect, that is, of its being informed by grace and charity, or of justification itself, which is

the effect of contrition. For, on the contrary, that the Council is speaking of the motive itself is evident from the distinction and opposition which it establishes between perfect contrition and attrition, the latter of which it immediately adds is sorrow conceived from the motive of the baseness of sin or the fear of punishment. Moreover, that those words cannot be understood of charity as the effect of contrition is evident, first, because otherwise the Council's assertion ("contrition perfected by charity reconciles man") would be empty and ridiculous, since it would amount to this: "Contrition, when it produces charity, or when it reconciles, reconciles man"; and, secondly, because charity and justification are also the effects of attrition, whether in the sacrament or in martyrdom.

Furthermore, the Council, in assigning the distinction between perfect contrition and attrition, says that the latter arises from the motive of fear or from the baseness of sin. But the motive of any general virtue whatsoever can be reduced to this motive of baseness. Therefore, for perfect contrition, sorrow arising from the motive of any virtue whatsoever which directly regards God does not suffice: something more is required. Nor does there remain any other possible requirement than that motive whereby God is directly regarded, not under just any aspect, but according to Himself and simply, which pertains precisely to the virtue of charity.

This is confirmed by the way in which the doctrine of the Council and the mind of the Church are expounded, not only in popular sermons but also in the catechisms employed throughout the various churches. For all understand perfect contrition as that which is elicited from the motive of charity properly so called alone. Let two examples be given out of many. The Catholic Catechism compiled by Cardinal Gasparri, question 175, has: "Perfect contrition is sorrow and detestation of sins elicited from the motive of charity, because God has been offended, who is the supreme good and worthy of being loved above all things."

The Catechism of the Council of Trent itself (part 2, chapter 5, question 27) has: "Since the contrition of the perfect is an act of charity, proceeding from that fear which belongs to sons, it is evident that the same measure must be assigned to contrition and to charity. But since the charity by which we love God is the most perfect love, it follows that contrition has joined to it a most vehement sorrow of soul. For just as God is to be loved in the highest degree, so those things which alienate us from God must be detested in the highest degree. Here this also is to be observed: the magnitude of charity and of contrition is signified in Sacred Scripture by the same manner of speaking. Concerning charity it is said: 'Thou shalt love the Lord thy God with thy whole heart' [Deuteronomy 6:5]; again, as regards contrition, the Lord cries out through the prophet: 'Be converted to me with all your heart' [Joel 2:12]."

PROOF 2. FROM SCRIPTURE AND THE FATHERS

According to the adversaries themselves, perfect contrition is justifying contrition. Now Scripture and the Fathers frequently affirm that justification does not take place without charity. It makes no difference that, in certain texts invoked above by the adversaries, no mention is made of charity: for what is passed over in silence is not denied, but rather is presupposed when affirmed elsewhere. Therefore, perfect contrition is not had without charity.

Deuteronomy 4:29: "And when thou shalt seek there the Lord thy God, thou shalt find him: yet so, if thou seek him with all thy heart, and all the affliction of thy soul."

Luke 7:47: "Many sins are forgiven her, because she hath loved much."

1 Corinthians 13:2: "And if I should have all faith ... and have not charity, I am nothing."

1 John 3:14: "He that loveth not, abideth in death."

Augustine, The City of God, 21, 27, 2: "Even if, for one crime, they distributed all their possessions to the needy members of Christ, unless they desisted from such deeds, possessing charity, which does not act perversely (1 Corinthians 13:4), it could profit them nothing. Therefore, he who performs alms worthy of his sins should begin by performing them first upon himself" (M.L. 41, 747).

Against Cresconius, 2, 12, 15: "Those very things which excel all others are cleansed by charity ...; if this alone is present, all those things are rightly done; but if it is absent, all are done in vain" (M.L. 43, 475).

Sermon (spurious) 117, 2 (elsewhere Sermon 7, On Time): "It is not hatred of sin alone, but the love of God as well, that makes penance certain" (M.L. 39, 1977).

Gregory the Great, On Ezekiel, book 1, homily 10 on chapter 2 (cited in Article 23, p. 5), distinguishes two kinds of attrition, one arising from fear and the other from love.

Pseudo-Augustine, On True and False Penance, 9, 24 and 17, 33 (cited in Article 23, p. 5, and Article 25, p. 64), writes: "Without the love of God ... no one ever found grace," and "Without charity no one is saved."

PROOF 3. FROM THE AUTHORITY OF ST. THOMAS

Question 84, article 10: "For true [that is, perfect] penance charity is required."

Question 85, article 2, reply to objection 1: "The intention of acting toward the destruction of past sin requires a special virtue subordinate to charity."

Ibid., article 5: "The act of penance ... proceeds ... from fear ... that is filial, insofar as it proceeds from charity as from its immediate and proper principle."

Ibid., article 5, reply to objection 1: Displeasure at sin "on account of the offence against God or the baseness of sin" ... pertains to charity.

Ibid., article 6: "The act of the virtue of penance is directed against sin from the love of God."

Question 86, article 3: "He cannot be truly penitent who repents of one sin and not of another. For if that sin displeased him because it is against God loved above all things (which is required for the nature of true penance), it would follow that he would repent of all sins."

Contra Gentiles, book 4, chapter 72: "In penance there is required ... an ordering of the mind, namely, that the mind should turn toward God and turn away from sin. ... But our mind cannot duly turn toward God without charity."

On Truth, question 28, article 8: "Every sorrow for sin in one who possesses grace is contrition." Compare what was said in Article 24, p. 35 and following.

PROOF 4. FROM THE VERY ESSENCE AND NATURE OF PERFECT CONTRITION

The first reason is taken from its material object, which is sin, or an offence against God.

As was said in Article 23, perfect contrition is that which regards sin simply, or insofar as it is opposed to God considered simply and according to Himself, and not merely under some particular aspect, for example, insofar as He is the source of justice or beneficence. But the will cannot regard sin under such a consideration and turn away from it unless it at the same time, and indeed beforehand, regards God and turns toward Him under the same simple consideration, since turning away from one thing necessarily implies, and indeed presupposes, turning toward its contrary. But this turning toward God takes place through charity, and through charity alone, since the other virtues, even those that refer immediately to God, such as hope, religion, obedience, and gratitude, regard God under some particular aspect, namely, as the source of blessedness, justice, and beneficence.

Therefore perfect contrition is necessarily connected with charity, and with charity alone; moreover, in such a way that it proceeds from the motive of charity alone, as from that which informs it, and from an act of charity, as from that which commands it.

This reason can, however, be unfolded into two reasons.

First, since contrition in general is a turning of the heart toward God, perfect contrition is understood as a perfect turning of the heart, namely, one that is perfect on the part of the divine object, or a turning toward the perfect divine object. But this presupposes charity and can be accomplished by charity alone, since the other virtues regard God under some particular aspect, such as the good that beatifies man or the Lord who is to be revered and obeyed, and therefore do not turn toward God as God, or simply and according to Himself.

Secondly, since contrition in general is a turning away from sin as from that which is supremely hateful, perfect contrition is a perfect turning away from sin, or a turning away from sin as from something supremely hateful, considered simply and absolutely under every aspect of its hatefulness, and therefore also and chiefly under that supreme aspect of hatefulness which consists in its opposition to God considered simply and according to Himself. But such a perfect turning away from sin cannot be had unless charity is present, nor can it proceed from anything but charity, which regards God as supremely lovable. For since good and evil, turning toward and turning away, love and hatred, are correlative and mutually dependent, there cannot be hatred and turning away, simply speaking, from what is supremely hateful unless there is love and turning toward what is supremely lovable; nor can the former turning away proceed except from the latter turning toward.

The second reason is taken from the formal object of contrition, which, as was said in Article 14 (pp. 364–367 and 381), consists in satisfaction. For nothing is satisfactory antecedently to, or independently of, charity; rather, charity itself is the principle both of merit (I–II, question 114, article 4) and of satisfaction (Supplement, question 14, article 2; cf. above, Article 14, volume I, pp. 371–374). Hence contrition, which is the proper act of the virtue of Penance, whose most formal object is to make satisfaction for sin, depends essentially upon charity; indeed, from charity it derives its own proper formal object and is, as it were, generated from its very inward depths.

The third reason can be taken from the principle of contrition. For since all contrition is ultimately reducible to some love of God, because love is the first movement of the appetite from which the other movements arise, perfect contrition must be reduced to the perfect love of God and must proceed from it. But the perfect love of God, or love of God simply so called, which is the love of

friendship, is the proper act of charity; nor does any other virtue whatsoever, even though it immediately regards God, carry with it more than a love of concupiscence, which is a love in a qualified sense and imperfect. For love simply so called, or love of friendship, refers to the person for whom one wills a good; whereas love of concupiscence refers to the good itself which one wills for oneself or another, and accordingly is imperfect and qualified because that good is further ordered to something else, namely, to the person for whom it is desired. Charity alone wills good to God; the other virtues, however, will God as a good (cf. I–II, question 26, article 4, compared with II–II, question 23, article 1).

The fourth reason can be taken from the effect of contrition. For perfect contrition is the proximate disposition and cause of justification; therefore it is joined to charity and proceeds from charity, since no one is justified except through charity, because no one is loved by God who does not love God.

From what has been said, the solution to the foregoing arguments of the adversaries is evident.

Perfect contrition, namely, is sorrow for sin considered not merely under some aspect, but simply, and therefore depends essentially upon charity.

The total turning of the heart toward God, simply so called, takes place from the motive of charity alone, since charity alone among the virtues tends toward God considered simply. Nor does the love of the other virtues, however involved in them, exceed the nature of love of concupiscence, which is a love that is imperfect and qualified.

The meaning of Scripture and of the Council of Trent is manifest from what was said in Proofs 1 and 2.

The argument drawn from human frailty does not prove the sufficiency of the motives of other virtues distinct from charity. Rather, by denying that sufficiency, it shows the fittingness of the institution of the sacrament, through whose efficacy attrition is so elevated that it virtually equals perfect contrition, and the other virtues are so dignified that they are placed on a level with charity.

CONCLUSION 2

Perfect contrition is only that which is elicited from the formal motive of charity properly so called, by which, namely, God is loved for Himself, or on account of His goodness not as relative but as absolute.

PROOF

As was stated in the preceding conclusion, perfect contrition is that which proceeds from a perfect love of God, or a love of God simply so called. But the only love by which God is loved absolutely and for Himself is perfect love of God, or love simply so called. Therefore perfect contrition is only that which proceeds from a love whereby God is loved absolutely and for Himself.

As to the minor premise: the love whereby God is loved "on account of His relative goodness, or as our supreme good" (according to Hurter) cannot be perfect love simply so called, or love of friendship, but only imperfect love, love in a qualified sense, or love of concupiscence. This love is in some fashion involved in all the virtues, and more directly in those general virtues which have God Himself for their proximate object, and especially in hope, which has God for its very formal object.

The reason is that, when we love God as our good, love does not rest in God but proceeds farther to another, that is, to ourselves; for we will the divine good to another, namely to ourselves. Thus such love is not love of God simply speaking, but love in a qualified sense, because it regards the divine good not simply or as it is in itself, but in a qualified sense, or as it is in another and is the good of another. In the same way, being in itself is being simply speaking, while being in another is being in a qualified sense; for being and good are convertible.

St. Thomas presents this reason both briefly and profoundly in I–II, question 26, article 4, where he explains the difference between love of friendship and love of concupiscence, and in II–II, question 23, article 1, and question 17, article 8, where he applies it to show that charity is a perfect love of friendship whereas hope includes an imperfect love of concupiscence. According to the Philosopher, love in general is to will good to someone; hence the act of love tends simultaneously toward two things, namely, toward the one for whom one wills good and toward the good one wills for him, that is, toward the person and toward the good. Insofar as love is referred to the person, it is love simply speaking and for its own sake, because it rests in the person as its term, and is called love of friendship. Insofar as it is referred to the good, love is in a qualified sense and ordered toward another, since it does not rest in that good but wills it for another; or it wills that good not as it is in itself but as in another. When, therefore, we love God, this love tends both toward the divine good, as toward the good that is willed, and toward the person or subject to whom we will the divine good, from which it receives its character as love simply speaking. Thus if this subject is God Himself, there is love of God simply and perfectly, or divine friendship and charity; if, however, it is man, there is indeed love of God, because the divine good is the object of love, but only in a qualified and imperfect sense, or love of concupiscence, because the divine good is the object of love not simply but as willed for us. These points are illustrated by the subtle comparison between being simply speaking and being in a qualified sense.

ST. THOMAS ON THE TWO LOVES

St. Thomas himself, I–II, question 26, article 4: "As the Philosopher says [Ethics VIII, 3], 'to love is to will good to someone.' Thus the movement of love tends toward two things, namely toward the good which one wills to someone, whether to himself or to another, and toward the one to whom one wills the good. Now toward the good which one wills for another there is love of concupiscence; whereas toward the one to whom one wills good there is love of friendship. This division, however, is according to what is prior and posterior. For that which is loved with a love of friendship is loved simply and for its own sake; whereas that which is loved with a love of concupiscence is not loved simply and for its own sake, but is loved for another. For just as that which has being is a being simply speaking, while what exists in another is a being in a qualified sense, so the good which is convertible with being is simply speaking that which has goodness itself, while that which is the good of another is good in a qualified sense. Consequently, the love by which something is loved so that good may belong to it is love simply speaking; whereas the love by which something is loved so that it may be the good of another is love in a qualified sense" (cf. I, question 20, article 1, reply to objection 3; also Cajetan's commentary on I–II, question 26, article 4).

II–II, question 23, article 1: "According to the Philosopher [Ethics VIII, 2 and 3], not every love has the character of friendship, but only that love which includes benevolence, namely when we love someone in such a way that we will good to him. But if we do not will good to the things loved, but

rather will their good for ourselves, as when we say that we love wine, or a horse, or something of this kind, this is not love of friendship but a certain love of concupiscence. For it is ridiculous to say that someone has friendship with wine or with a horse. Nor does benevolence suffice for friendship, but a certain mutual love is required, because a friend is a friend to his friend. Such mutual benevolence, however, is founded upon some communion. Since, therefore, there is a certain communion of man with God, insofar as He communicates His beatitude to us, a certain friendship must be founded upon this communion. Of this communion it is said in 1 Corinthians 1:9: 'God is faithful, by whom you are called unto the fellowship of his Son.' The love founded upon this communion is charity. Hence it is manifest that charity is a certain friendship of man toward God."

II–II, question 17, article 8: "Hope and every movement of the appetite arise from love, as was stated above [I–II, question 55, articles 1 and 2, as printed], when the passions were discussed. But love is of two kinds, one perfect and the other imperfect. Perfect love is that whereby someone is loved for his own sake, as when someone for that person's sake wills good to him, just as a man loves a friend. Imperfect love is that whereby someone loves something not for its own sake but so that its good may come to him, just as a man loves a thing which he desires. The first love pertains to charity, which cleaves to God for His own sake; but hope pertains to the second love, because one who hopes intends to obtain something for himself. Therefore, in the order of generation hope precedes charity. For in this way someone is led to love God: fearing to be punished by Him, he ceases from sin, as Augustine says concerning the First Canonical Epistle of John [tractate 9, before the middle]; thus hope also introduces charity, insofar as one who hopes to be rewarded by God is stirred up to love God and to observe His precepts. But according to the order of perfection charity is naturally prior to hope; and thus, when charity comes, hope is made more perfect, because we hope most of all from our friends. And in this sense Ambrose says [on Luke 17] that 'hope is from charity.'"

The reasons which the adversaries, such as Hurter and Ballerini, bring forward for the contrary position proceed from a certain confusion of objects and a faulty interpretation of authorities. "This opinion," says Billot, "which, according to Perrone, had Vincentius Bolgeni for its first author toward the end of the eighteenth century, has no other foundations than ruinous arguments and wrongly understood authorities."[198]

[198] Billot, De Ecclesiae Sacramentis, vol. 2, thesis 13, § 3 (Rome, 1930), p. 143, note.

OBJECTION 1

To be our supreme good and our beatitude is a perfection not distinct from God. If, therefore, God is loved on account of this perfection, He is loved for His own sake (Hurter).

Reply. Although God as our good and God as good in Himself are the same in reality and materially, they are nevertheless distinguished formally according to the disposition by which our appetite regards God, and therefore according to the character of the object of appetite or love. For love, as we have said above, tends not only toward the good but also toward the person to whom it wills the good. Hence love of concupiscence and love of friendship are distinguished, so that when we love God as our good we separate in God the two relations, that of the one who is loved and that of the one for whom He is loved; we attain the first in God alone, seeking the other in the creature. But the love whereby we love God as good in Himself unites and seeks both relations in God Himself, tending toward God simply and without restriction.

St. Thomas, in the Disputed Question On Charity, article 2, explicitly excludes from the nature of charity love of God insofar as He is the object of beatitude; indeed, he places God Himself, considered in Himself and abstracted from that aspect, as its object, although that aspect is a necessary presupposition of the infused virtues: "The Philosopher says in book VIII of the Politics [chapter 1] that, in order for someone to be a good citizen, he must love the good of the city. If, however, a man, insofar as he is admitted to participation in the good of some city and becomes a citizen of that city, has certain virtues by which he performs the works of its citizens and loves the good of the city, so too, when a man through divine grace is admitted to participation in heavenly beatitude, which consists in the vision and enjoyment of God, he becomes as it were a citizen and associate of that blessed society which is called the heavenly Jerusalem, according to Ephesians 2:19: 'You are citizens of the saints and members of God's household.' Therefore a man thus enrolled among the heavenly citizens has need of certain gratuitous virtues, which are the infused virtues; for the due operation of these there is required the love of the common good of that whole society, which is the divine good as the object of beatitude. Now to love the good of a city happens in two ways: first, that one may have it; secondly, that it may be preserved. But to love the good of a city in order that one may have and possess it does not make a man a good citizen; for even a tyrant loves the good of a city in order to dominate it, which is to love himself rather than the city, since he covets that good for himself and not for the city. But to love the good of the city so that it may be preserved and defended is truly to love the city; and this makes a good citizen, insofar as some persons expose themselves to dangers of death and neglect their private good in order to preserve or enlarge the good of the city."

"Thus, therefore, to love the good which is shared by the blessed in order that one may have or possess it does not make a man well disposed toward beatitude, for even the wicked covet that good; but to love that good according to itself, so that it may remain and be diffused, and so that nothing may be done against it, makes a man well disposed toward that society of the blessed. And this is charity, which loves God for His own sake and loves those capable of beatitude as itself; it opposes every impediment to this good, both in oneself and in others, and therefore it can never coexist with mortal sin, which is an impediment to beatitude."

OBJECTION 2

Every love of friendship tends toward a good as the good of a subject, for we cannot love anything that is not good for us. Therefore, the love whereby God is loved as our good is a love of divine friendship, or charity.

Reply. Love of friendship tends toward a good which is the good of the subject, but not precisely insofar as it is the good of the subject. The objection, therefore, confuses what is a condition of the object, or the material object, with what is the motive and formal object. The love of divine charity indeed presupposes that God is good for us; indeed, it presupposes the love of concupiscence involved in hope, by which this good as such is attained. Yet it does not tend toward that good under this aspect, but under the aspect of the divine good simply. In this sense the following words of St. Thomas are to be understood, which Ballerini brings forward in vain as an objection: "For each [of the blessed], God will be the whole reason for loving, because God is the whole good of man. For if it were granted, by an impossibility, that God were not man's good, there would be no reason for man to love Him. And therefore, in the order of love, after God a man ought to love himself most" (II–II, question 26, article 13, reply to objection 3).

OBJECTION 3

The virtue of hope tends toward God as our good, although as a theological virtue it has God Himself immediately for its object. Therefore, in the same way charity may be said to tend toward God as our good and to found perfect contrition, without denying that God is loved immediately and for His own sake.

Reply. The antecedent errs through a twofold confusion. First, strictly speaking, that which tends toward God simply as our good is not hope, but the love of concupiscence upon which hope is founded. To hope is not properly to love, but to trust or to await with confidence a future good; this, however, presupposes love of that good. Nor is the object of hope simply God as our good, but God as our good which is difficult and attainable, and God as assisting us to attain it (cf. I–II, question 40, article 7; question 62, article 4, reply to objection 3; II–II, question 17, article 2). Furthermore, both hope and that love of concupiscence, although they regard God immediately, do not regard Him absolutely and simply, but under the particular aspect just mentioned. Hence the alleged parity with charity does not hold, for charity regards God absolutely and simply, and therefore for His own sake; nor consequently can charity regard God as our good, that is, under some particular aspect and as it were for the sake of another.

OBJECTION 4

To say that charity is the love of God merely for His own sake easily leads to the teaching of Fénelon, condemned by Innocent XII (Denzinger, no. 1327 and following), concerning "pure charity without any admixture of a motive of self-interest."

Reply. Love of God for His own sake in no way excludes the above-mentioned love of concupiscence whereby we will God as our good; rather, it includes it, since hope itself is founded upon it and hope is in a certain manner the foundation of charity. What the Church condemned in Fénelon's teaching (cf. proposition 1, Denzinger, no. 1327) was not an act of pure charity, whereby God is loved purely for His own sake, but a state of pure charity in which, namely, the person would elicit no act of the love of concupiscence whereby he loves God as his good.

OBJECTION 5

"There is scarcely to be found in Holy Scripture and among the Fathers an expression of perfect and sincere charity toward God which is not referred to Him as our supreme good" (Hurter). Scripture, the Fathers, and holy men continually present the act of charity as love of God insofar as He is our good and beatitude. Thus the Song of Songs, passim; Psalms 26:4 and 41:2 and following; Philippians 1:21 and following; Galatians 2:20; 1 John 4:19; Augustine, On Psalm 85, 8, and Sermon 178, 11. St. Francis de Sales even declares that the love of a good which does not pertain to us is a mere and empty fantasy.

Reply. The expressions cited above, occurring in the sacred writings, sometimes signify only the love of concupiscence and of hope, which necessarily is presupposed by and connected with charity; at other times they also signify the desire of hope itself, which follows charity and in a certain way belongs to charity as a principle inclining us to hope and to desire (cf. II–II, question 17, article 8; question 28, article 4). For love of friendship tends toward perfect union with the friend, and hence perfects and kindles the very desire of concupiscence and hope whereby the presence of the friend

and union with the beloved object are desired. It is therefore no wonder that the act of perfect charity is often expressed in the sacred writings through this desire, as through its effect and sign.

CONCLUSION 3

Perfect contrition involves a formal and distinct act of charity, by which it is commanded and under whose motive it proceeds.

PROOF 1 — FROM THE NATURE OF THE ACT OF CONTRITION

The act of contrition is elicited either at the very moment of justification or subsequently by a man who is already justified.

If the former, it is manifest that it cannot be elicited except under the actual command and motion of charity. First, because the movement of aversion from sin, in which contrition consists, and the movement of conversion to God as the ultimate end, in which charity consists, concur actually and simultaneously, and constitute, as it were, one movement in which the former depends upon the latter as a negative act upon a positive act, and as the choice of means upon the intention of the end (cf. St. Thomas below). Secondly, because the act of contrition proceeds, as from a proximate principle, from the act of filial fear (cf. above, art. 17), which cannot be exercised except under the actual influence of charity. Thirdly, because the act of hatred or detestation of sin, from which the sorrow of contrition arises, is probably an act of charity itself, as stated in art. 13 (vol. I, p. 348). Fourthly, because, if a formal act of charity were not present, no one would elicit other acts of the virtues in which the acts of faith, servile fear, and hope required according to Trent in the justification of the ungodly would be virtually preserved (for theologians commonly admit that those three acts need not be formally present, but that it suffices for them to be present virtually).

If, however, the latter, then a formal act of charity is previously required, both for eliciting the act of filial fear, which, as has been said, is the proximate principle of contrition, and for eliciting the act of hatred of sin, from which the sorrow of contrition is generated, and also for the immediate eliciting of the act of contrition itself, just as the act of intending an end is presupposed for eliciting the act of choosing the means.

PROOF 2 — FROM THE AUTHORITY OF ST. THOMAS

I–II, question 25, article 3, reply to objection 3: "The appetite is moved first and of itself toward good as toward its proper object; and from this it comes about that it withdraws from evil. For the movement of the appetitive part is proportioned, not to natural movement, but to the intention of nature, which intends the end before the removal of the contrary, which is sought only for the attainment of the end."

I–II, question 29, article 2, reply to objection 3: "In execution, withdrawal from one terminus precedes approach to another terminus; but in intention the reverse is the case, since it is for the sake of approaching one terminus that one withdraws from the other. Now the movement of the appetite pertains more to intention than to execution; and therefore love is prior to hatred, since both are movements of the appetite."

I–II, question 113, article 8: "In the order of nature, the first thing in the justification of the ungodly is the infusion of grace; the second is the movement of free choice toward God; the third is the movement of free choice regarding sin, for he who is justified detests sin because it is against God.

Hence the movement of free choice toward God naturally precedes the movement of free choice regarding sin, since it is its cause and reason. The fourth and last is the remission of guilt, to which this whole transformation is ordered as to its end."

In the same place, reply to objection 3: "As the Philosopher says [Physics II, 2], in the movements of the soul the movement toward the principle of speculation or toward the end of action altogether precedes; but in exterior movements the removal of an impediment precedes the attainment of the end. And because the movement of free choice is a movement of the soul, it is moved toward God as the end prior, in the order of nature, to being moved toward the removal of the impediment of sin."

III, question 85, article 2, reply to objection 1: "If . . . in the act of the penitent only displeasure at past sin is considered, this pertains immediately to charity."

In the same question, article 5, when reviewing the various acts leading to contrition, the Holy Doctor says: "The fifth act is a movement of charity, by which a sin is displeasing to someone according to itself, and no longer on account of punishments; the sixth act is a movement of filial fear, by which, out of reverence for God, someone voluntarily offers amendment to God. Thus, therefore, it is evident that an act of penance proceeds from servile fear as from the first movement of affection ordered toward it; but from filial fear as from its immediate and proper principle."

In the same place, article 6: "The act of the virtue of penance is against sin out of love of God; hence the first act is the reason and cause of the second. Thus penance is not simply the first among the virtues, either in the order of time or in the order of nature, because, according to the order of nature, the theological virtues absolutely precede it."

PROOF 3 — FROM A REFUTATION OF THE ADVERSARIES' TWO EXPLANATIONS

In the explanation given by Suárez, two things are difficult to understand. First, it is not apparent how contrition, at least in the justification of the ungodly, can virtually contain an act of charity which neither is formally present to that act nor has preceded it. Contrition cannot contain charity virtually as a cause contains an effect, as the act of charity itself contains contrition, because contrition is not the cause of the act of charity, but the reverse is true. Nor can it contain charity in some manner as an effect contains the virtue of its cause, for, according to the hypothesis, the act of charity has not previously occurred when the first justification is in question. Moreover, it is in no way intelligible what Suárez adds: namely, that the act of charity, when formally present with contrition, can probably be exercised by the one and same act by which contrition is exercised; for this is to confuse two virtues into one which are supposed to be specifically distinct, since one and the same act cannot proceed from two habits.

In Lugo's explanation the same confusion is introduced still more directly, and the virtue of Penance is completely emptied out. For, granted or not granted that a universal act of love and an act of hatred are formally the same and are distinguished only in some modality or in the manner of tending toward the object, the question is whether the act of love which, according to Lugo, is formally or essentially contained in the act of contrition or of the virtue of Penance is of the same nature as the act of love elicited by the virtue of charity or is different. If it is of a different nature, it is false to say that an act of charity is contained in contrition. If it is of the same nature, the virtue of Charity or of Penance is suppressed, or rather the one is essentially identified with the other. Nor does a different

mode of tending toward the object, such as flight or pursuit, suffice to preserve the specific distinction of those virtues, just as it does not preserve an essential distinction between their acts.

Hence Galtier ineptly says that St. Thomas "manifestly favors" this opinion. For of the texts he adduces, some (namely I–II, question 113, article 5, reply to objection 1, and III, question 85, article 2, reply to objection 1) concern not the act of contrition itself but an act of hatred and detestation elicited by the virtue of charity, just as by any other virtue with respect to its proper object. Others, however (namely III, question 85, article 6, and II–II, question 27, articles 7 and 8), concern the act of contrition, which is not elicited by Charity but by Penance.

Moreover, the principle assumed by Lugo is not true: namely, that love of one thing and hatred of its contrary are essentially, or equivalently, one and the same act. There is indeed a certain equivalence in their reciprocal causality, while the priority of love remains, being founded upon the very priority of the good that is loved in relation to the evil that is hated. Yet no equivalence is found in the substance of the acts themselves; indeed, they are distinct acts, just as their objects are distinct. Thus approach and withdrawal, corruption and generation, the passion of love and the passion of hatred are specifically distinct movements or acts, although they concur at the same time and even influence one another in the order of causality. Likewise the act of love and the act of hatred, elicited by the same virtue of charity, are distinguished and are mutually subordinated. (Cf. I–II, question 23, article 4; question 29, article 2, in the body and replies.)[199]

[199] Cf. Salmanticenses, Disp. 5, dub. 1, § 1, n. 9.

In the virtue of Penance, whose formal act is contrition or sorrow, acts of love and hatred are indeed contained, if one reflects attentively on one's act of the will; they are, namely, virtually included in the sorrow itself (as was said in article 13, vol. I, p. 350), while the specific distinction of those acts is preserved: one is love of grieving and making satisfaction, the other, hatred of not grieving and not making satisfaction.

CONCLUSION 4

Perfect contrition, therefore, is essentially connected with charity both as regards its existence and as regards its very essence.

PROOF

This assertion is a corollary of what has been established in the preceding conclusions, and especially in the first; it may be useful to reduce the matter to a certain summary.

The essential connection and dependence of perfect contrition upon charity, from which its total distinction from attrition is derived, must be understood in two ways: first, as regards its existence, insofar as contrition necessarily presupposes an act of charity and indeed is elicited under its actual influence; and, secondly and more intimately, as regards its very essence, insofar as the act of charity in some way influences the constitution and character of the act of contrition itself.

First, as regards its existence: displeasure at sin precisely as opposed to God considered absolutely, in which perfect contrition consists, is necessarily conjoined with conversion to God considered absolutely, or conversion to God as the ultimate end, in which charity consists (since aversion from one thing and conversion to its contrary are correlatives). Indeed, it presupposes that conversion, and proceeds from it as from a certain principle and root; for to will God as the ultimate end is prior to

willing to destroy what withdraws one from that end and to make satisfaction for it, just as the willing of an end is prior to the willing of the means, which proceeds from the very willing of the end (cf. St. Thomas, cited in the preceding conclusion, pp. 214 ff.).

Secondly, as regards its very essence: perfect contrition depends upon the act of charity insofar as from that act it receives, in some way, its proper character and specification. Modern theologians commonly express this by saying that perfect contrition is sorrow conceived from a motive of charity, or sorrow perfected and formed by charity.

This is not to be understood in the loose sense that contrition is merely commanded and informed by charity (as some seem to think), since, as is taught in the treatise On Grace and the Virtues, this is not peculiar to contrition and Penance but is common to all the infused virtues and their acts. Nor is it to be understood in the exaggerated sense that the act of contrition is elicited by the very virtue of charity (as Vázquez, Billot, and Hurter seem to teach, as was recalled in art. 13, vol. I, pp. 336 ff., and art. 23, p. 21), since it is elicited remotely by sanctifying grace and proximately by the distinct virtue of Penance, which, as stated in art. 12, is essentially distinct from the virtue of charity. Rather, it must be understood in that sense, moderate indeed but highly formal, in which charity stands, as it were, as an extrinsic specifying form of contrition, insofar as charity, from its formal object and effect, supplies the elements from which the formal object of Penance arises and thus, as it were from its own inward parts, generates contrition.

For, first, the movement of free choice regarding sin, or contrition, has as its immediate cause and reason the movement of free choice toward God, or charity, and has as its immediate and proper principle filial fear, which pertains to charity. This rests upon a certain essential and inward affinity between the act of contrition and the act of charity, "for the reason why something is loved is the same as that for which its contrary is hated" (I–II, question 29, article 2, reply to objection 2); and upon the intimate dependence of the act of contrition upon the act of charity and upon filial fear, as upon a principle that influences its essence in the manner of an objective and final cause, which is properly called a motive, as stated in article 17 (vol. I, p. 445).

Secondly, the very hatred of sin, which is the most proximate root and formal element of contrition or sorrow, and which some doctors confuse with contrition, pertains as such not to the virtue of Penance but to charity itself, as stated in article 13 (vol. I, p. 349). Thus it is, as it were, the umbilical cord by which the offspring of contrition is joined to the womb of charity.

Thirdly, the very formal object of charity, insofar as it is God considered according to Himself and absolutely, enters in some way into—or is intrinsically connoted by—the formal object of contrition; so that the object of charity can be said to be modified and determined by the object of contrition, inasmuch as charity regards the goodness and lovableness of God simply, while Penance regards Him as offended and as to be appeased by satisfaction, as stated in article 12 (vol. I, pp. 290 ff.).

Fourthly, the very notion of satisfaction, which, as was stated in article 14, must be regarded as the most formal aspect of the object of contrition and Penance, is a proper effect of charity, which thus becomes a principle that gives Penance its form from without and furnishes the object by which its formal object is principally constituted.

On account of this intimate connection with charity, the act of contrition, although formally belonging to the lower order of moral virtues, is raised to the highest perfection and in some way

enters the very order of theological virtues, under the guidance and covering of charity, which is the form of all the virtues and the summit of all morality.

Article 31. Whether all and only perfect contrition justifies outside the sacrament, albeit by the desire for the sacrament

ARTICLE 31. WHETHER EVERY PERFECT CONTRITION, AND ONLY PERFECT CONTRITION, JUSTIFIES OUTSIDE THE SACRAMENT, ALTHOUGH WITH THE DESIRE FOR THE SACRAMENT

(Supplement, q. 5, a. 3; III, q. 84, a. 8, ad 1; Commentary on IV Sentences, dist. 14, q. 1, a. 4, q. 1; cf. article 25, pp. 92 and 95 ff.)

STATE OF THE QUESTION

The question concerns the mode of the salutary efficacy of perfect contrition. That such contrition is salutary is evident from what was said in article 25; for, since all the properties of salutary contrition there enumerated, especially those which pertain to perfect contrition, are plainly ordered toward producing or preparing for salvation or justification, it remains only to inquire whether it has such power that, even outside the sacrament, though with the desire for it, it immediately and necessarily brings about justification.

Three questions are directly asked:

1. Whether perfect contrition justifies outside the sacrament, although with the desire for the sacrament; or whether perfect contrition, before the sacrament, can confer the principal effect of justification, but by no means the secondary and proper effect of the sacrament, which is sacramental grace; and whether it does so not without the desire for the sacrament itself exercising an influence upon that extra-sacramental justification.

2. Whether only perfect contrition—that is, contrition elicited from the motive of charity strictly so called (as defined in the preceding article)—and not attrition or any other imagined contrition, or good disposition, or work, can justify outside the sacrament.

3. Whether every perfect contrition justifies outside the sacrament without any limiting condition: whether on the part of the effect of justification, as by the distinction between justification simply so called and eternal salvation; or on the part of the subject, as in a case of necessity and the explicit desire for the sacrament; or on the part of the act itself, as by its duration and intensity.

As we have already observed in the treatise On Baptism (article 16), these three questions concern the extra-sacramental efficacy of contrition both in relation to regenerative justification, which is the effect of Baptism, and in relation to reparative justification, which is the effect of the sacrament of Penance. The difference between the two kinds of justification and between the two sacraments is not of notable weight in the present matter, since we are dealing in the abstract with the efficacy of contrition for justification outside any justifying sacrament, and with the conferral of the effect of justification alone, not with the proper sacramental grace, strictly so called, of Baptism or Penance.

Accordingly, to avoid useless repetition, we treated the first and principal of the foregoing questions in its entirety, as was fitting and as the order of matters demanded, in the treatise On Baptism;[200] the remaining questions were left for the present treatise, where they can more suitably be discussed. Thus the whole matter is completed from both places with respect to both sacraments, while preserving the respective rights of each, with the necessary distinctions.

[200] Here it should only be observed that the desire, at least implicit, for the sacrament of Penance is essentially required in contrition that justifies before the sacrament. This is proposed explicitly and equivalently by the Church's magisterium in the following documents: Council of Trent, session XIV,

NEGATIVE AND AFFIRMATIVE POSITIONS

Theological note

That only contrition perfected by charity justifies outside the sacrament, inasmuch as there is excluded from such justifying efficacy the attrition conceived from the motive of the turpitude of sin and the fear of punishment, is theologically certain from the teaching of the Council of Trent, session XIV, chapter 4. Inasmuch, however, as there is specifically excluded that attrition which is conceived from the motive of some general virtue distinct from charity properly so called, the doctrine is so common among theologians that it does not seem capable of being denied today without some censure, as was said in the similar question in the preceding article (p. 195).

That every contrition perfected by charity justifies outside the sacrament—in the sense that no determinate intensity or duration, or determinate case of necessity, is required—is theologically certain, in view of the Council of Trent (session XIV, chapter 4), which teaches without any restriction that contrition perfected by charity justifies before the sacrament, and in view of the condemnation by Pius V of Baius's proposition 71, which taught that it justifies only in the case of necessity or martyrdom.

OPINIONS OF THE THEOLOGIANS

AS TO THE FIRST QUESTION—namely, whether perfect contrition alone justifies—to the affirmative and common opinion are opposed both Vega (quoted by Suárez above, in article 22, vol. I, p. 484), who teaches that someone can obtain remission of sins even by prayer (which opinion is opposed rather to the absolute necessity of Penance, established in that same article 22), and, more directly, several theologians cited in the preceding article, who say that contrition is perfect, and consequently justifying, if it is sorrow elicited from the motive of any general virtue (the Scotists and certain others), or from the motive of love of God as our supreme good (Bolgeni, Palmieri, Egger, Ballerini, Schiffini, Hurter). For, as follows from what was chapter 4: "Reconciliation is not to be attributed to contrition itself without the desire for the sacrament, which is included in it" (Denz. 898). Sixtus IV condemned as heretical the following proposition of Peter of Osma: "Mortal sins, as regards guilt and the punishment of the other world, are destroyed by contrition of heart alone without reference to the keys" (Denz. 724). The Council of Constance condemned this proposition of Wycliffe: "If a man has been duly contrite, all external confession is superfluous and useless to him" (Denz. 587). said in that article, such love is in reality not perfect contrition, but simply attrition, however perfect or intense it may be.

AS TO THE SECOND QUESTION—namely, whether all perfect contrition is justifying without any limiting condition—a threefold limitation or condition has been put forward by certain theologians

against the common affirmative opinion.

The first limitation concerns the effect. Hugh of St. Victor, distinguishing two kinds of release from sin, the one from the stain of sin itself, or hardness of mind, and the other from the punishment of sin, or the debt of eternal damnation, attributes the former alone to contrition before the sacrament, but reserves the latter for the sacrament itself alone. Melchior Cano also teaches something similar, as will be mentioned below, although he adds the condition that the explicit desire for the sacrament be lacking.

On this subject, Hugh of St. Victor, On the Sacraments, book II, part 14, chapter 8, writes: "Some strive to ascribe the power of remitting sins to God alone in such a way that they by no means allow man to share in it. And in confirmation of this assertion they adduce the cleansing of that leper whom the Lord first restored to health by Himself, and then sent to the priests: not so that his cleansing might be perfected by their cleansing power, but so that it might be confirmed only by their testimony. … But perhaps those who say this concerning the absolution of sins do not consider carefully enough how each person is bound by sin.

"For the sinner is bound in two ways. He is bound by hardness of mind, and he is bound by the debt of future damnation. … But because no one could rise after the fall into sin by his own strength unless divine mercy, freely going before him, raised him up, it is necessary that God, when we are being brought to life by penance, should restore to us through His mercy alone, without any preceding merits, the grace which He had justly withdrawn from us because of our sins, so that this grace, coming to the aid of our incredulity and rousing us from the torpor and death of sin, may cause us, first, through its sole operation, to be released by contrition in penance from the bonds of torpor, and thereafter, through the cooperation of that same grace, to deserve, as penitents, release from the debt of damnation. This was well signified in the raising of Lazarus, whom the Lord Himself first released inwardly from the bond of death, by giving him life, and then commanded to be loosed outwardly through the ministry of His apostles." (Migne, PL 176, 564 ff.)

The second limitation concerns the subject, and is twofold: the explicit desire to receive the sacrament and the case of strict necessity.

Some, namely, in order that contrition may justify before the sacrament, require an explicit desire for the sacrament, at least in those who have knowledge of the necessity of the sacrament (these doctors speak chiefly of Baptism, or of those to whom the evangelical law and the necessity of Baptism have been sufficiently promulgated). Better known in this matter is the opinion of Melchior Cano (Relectio de Poenitentia, part 5, conclusion 3), who teaches that without an explicit desire for the sacrament of Baptism or Penance, pre-sacramental contrition does not suffice for salvation and eternal life, even though it may perhaps suffice for mere justification. The same necessity of explicit desire, however with reference to the sacrament of Baptism, was maintained by Estius (On IV Sentences, dist. 4, p. 17) and Gonet (On Baptism, disp. 3, art. 1, n. 28; he speaks of the more probable doctrine), who deals with the necessity of an explicit desire both for salvation and for justification itself.

Others, under the influence of Baianism, taught that contrition justifies before the sacrament only in a case of strict necessity and when the sacrament cannot be received because no confessor is available. In determining which cases fall under this description, some prove stricter than others. Baius himself speaks of a "case of necessity and martyrdom"; a certain anonymous author, whom

Bellarmine attacks at length (On Penance, book II, chapter 13), says that contrition does not justify before the sacrament "unless perhaps at the point of death"; Estius arbitrarily attempts to determine several cases of necessity besides the danger of death; and Pamelius (in his scholia on epistle 54 of St. Cyprian) is content with the case of necessity.

On this subject, Baius, proposition 71, condemned by Pius V (1567): "Through contrition, even when joined with perfect charity and with the desire to receive the sacrament, guilt is not remitted, outside a case of necessity or martyrdom, without the actual reception of the sacrament" (Denzinger 1071; cf. propositions 31, 32, 33, 70, Denzinger 1031, 1032, 1033, 1070, cited in the treatise On Baptism, article 16). The same proposition, as heretical and schismatic, had already been condemned before Pius V by the Faculty of Paris (July 7, 1560), after consultation with the bishops of Belgium.

Estius, On IV Sentences, dist. 17, § 2: "If it be asked when that happens which we admit happens not ordinarily but rarely [namely, that a man is justified through perfect contrition with only the desire for the sacrament of Penance], the same answer seems to be required here as in the case of Baptism, since the rationale of both sacraments is equal as regards the attainment of the effect. First, then, there is no doubt that, in an urgent danger of death, when a priest cannot be obtained, in a truly contrite man the desire for the sacrament supplies what is lacking on the part of the sacrament. But it must not be doubted that, besides this case, it sometimes happens otherwise; namely, when there occurs a danger of scandal or of falling into another sin if absolution is sought. Likewise when someone cannot obtain it at all, or can scarcely find, at a suitable time, a priest by whom he might be absolved, as if he lived among unbelievers, or were held in bonds, or were hindered by some similar impediment."

The third limitation concerns the act itself, and is twofold: its duration and its intensity. A certain determinate duration of the act of contrition, in order that it may justify before the sacrament, is commonly attributed to Scotus, on Suárez's judgment; Suárez ascribes the same opinion also to Almain and Cajetan. Nevertheless, in article 25 (p. 94) we stated that the opinion of Scotus and Cajetan must be interpreted otherwise.

Of greater importance is the limitation which some put forward on the part of intensity. Several theologians, namely, have distinguished between a lesser contrition, which they call sufficient for justification in the sacrament, and an intense contrition, which they say is necessary for justification outside the sacrament. Hadrian was the first to put forward this opinion (On IV Sentences, On Penance, q. 2; Quodlibetal Questions, q. 5, a. 3); he was followed by Peter Soto (On the Institution of the Sacraments, lectures 14 and 15), and, with a certain limitation, Nugnus (On the Supplement, q. 3, a. 1). John Morinus notably agrees with them (On the Administration of the Sacrament of Penance, chapters 12 and 13) diligently collecting an abundance of testimonies of the Fathers urging the necessity of intensity in contrition.[201] Furthermore, several theologians of the seventeenth and eighteenth centuries followed them, such as Christian Lupus, O.S.A. (Dogmatic Dissertation on Contrition and Attrition, chapter 7), Juenin of the Congregation of the Oratory (On Penance, q. 4, chapter 4, a. 1), Berti, O.S.A. (On Theological Disciplines, book 34, chapter 6, n. 19), Gazzaniga, O.P. (On Penance, chapter 5, proposition 1; chapter 7, article 3), and others to be mentioned in article 33, who, under the influence of Jansenistic rigorism, required a certain perfect contrition for every justification, even within the sacrament. They distinguished between contrition in a lesser degree, proceeding from an initial and imperfect love of God, which they said suffices in the sacrament, and

contrition in an intense degree, proceeding from perfect love of God and from habitual charity, which they said is required for extra-sacramental justification.[202]

[201] On their opinion, compare what was said in article 25, p. 88.

[202] Distinguish from these a few doctors, such as Pallavicini (De assertionibus theologicis, book VII, On Penance, n. 148 ff.), who say that a certain degree of intensity is required, not in order that perfect contrition may justify (for every perfect contrition justifies), but in order that contrition may be perfect, or sorrow supreme in appreciation. Here the question seems to concern an undue confusion, or a necessary connection, between the appreciative degree and the intensive degree. Compare what is to be said in article 33, p. 286.

On this subject Lupus writes: "Only charity that is perfect lives patiently, dies gladly, and extinguishes within us every disordered love of created things."

Berti: "We deny that sins are ever remitted through contrition and love of God for His own sake unless that love be vehement and enkindled. … Accordingly, our opinion is that charity and justice embrace one another in this way: if charity be habitual charity, which is poured forth by the indwelling Holy Spirit, there is habitual and inherent justice. If charity be so ardent that it gives birth to the bitterness of keen and vehement sorrow, it is the ultimate disposition toward inherent justice, and the very form of justice immediately follows it. But if charity be initial, begun, and slight, it is not strong enough to lead to habitual grace unless it increase and grow ardent, or its defect be supplied by the efficacy of the sacrament."

These doctors can be arranged under three opinions:

Hadrian himself requires, in contrition which justifies outside the sacrament, an intensity absolutely supreme according to the subject's capacity: namely, such that the will detests sin with its whole effort and with as much intensity as it can, according to Joel 2:12: "Turn to Me with all your heart."

Peter Soto, whom Nugnus follows with some qualification, requires an intensity relatively supreme: namely, one exceeding every other sorrow which the will can have concerning other evils distinct from sin. Thus he even proceeds to declare that distinction and separation between sorrow supreme in appreciation and sorrow supreme in intensity is voluntary and fictitious, and is consonant neither with the meaning of Scripture, nor with the words of the Fathers, nor with right reason and the salvation of souls.

Lupus, Juenin, Berti, and Gazzaniga require a certain degree of intensity which God has determined, namely one relative to the powers of the grace by which a man is stirred by God toward contrition.

CONCLUSIONS

Conclusion 1. Only perfect contrition justifies before the sacrament.

Proof 1. FROM THE COUNCIL OF TRENT.

In session XIV, chapter 4, the Council says that imperfect contrition "cannot of itself bring the sinner to justification without the sacrament of Penance," although "it disposes him to obtain the grace of God in the sacrament of Penance" (Denz. 898). Now, as has been proved from that very Council in the preceding article, every contrition which does not proceed from charity properly so called is reducible to imperfect contrition, or attrition. Such is every contrition, however excellent, put forward by our adversaries.

Proof 2. FROM REASON.

Perfect contrition alone is joined to charity, since it proceeds from charity, as was proved in the preceding article (Conclusions 1 and 2). But without charity no one is justified outside the sacrament, because, as was said there, charity alone makes a man turn to God simply as his last end, turn his heart perfectly to God, love God perfectly, and turn away perfectly from sin as the supreme object of hatred. All these things are required in order that a man can be justified. Therefore, perfect contrition alone justifies before the sacrament.

This is confirmed by an argument of fittingness drawn from the very nature and end of justification. For, since justification is ordered toward the restoration of the habit of charity, it is fitting that God should require some act of perfect love and charity in order to effect that restoration.

Lugo writes on this subject: "The a priori reason why God accepted sorrow arising from the motive of love as the one disposition seems to have been this: charity is expelled by mortal sin and is restored by justification; but it ought not to be restored unless preceded by some act of charity, just as faith, which is expelled by heresy, is not restored unless some act of faith precedes, and hope, which is expelled by the sin of despair, is not restored unless some act of hope is exercised. So likewise charity, which is expelled by any mortal sin whatsoever (for every mortal sin is opposed to the charity of God), ought not to be restored without a preceding exercise of that very love, so that it may be fittingly restored. For by sin man voluntarily departed from friendship with God and became His enemy; therefore, in order that he may return to that friendship, he must love the One whom he wishes to have as his friend. No disposition for gaining someone's friendship is better or more suitable than to love, as the saying has it: 'Do you wish to be loved? Love.' And so long as this disposition is not present, a man is not sufficiently disposed to be received again into God's friendship. We speak, however, always excluding the privilege of the sacraments and of martyrdom."[203]

[203] De Poenitentia, disp. 5, sect. 2, n. 15, Disp. Schol., vol. 4, Paris, 1892, p. 423.

Conclusion 2. Every perfect contrition justifies outside the sacrament, without any limitation whatsoever either on the part of the effect, the subject, or the act.

Proof 1. The arguments from Scripture, the Fathers, and reason, brought forward in the treatise On Baptism (article 16) to establish the efficacy of charity or of the act of contrition in general, carry no limitation and provide no foundation for establishing any limitation. The emptiness of the arguments in which our adversaries seek some basis for a limitation will be shown below in the Replies.

Moreover, the words of the Council of Trent (session XIV, chapter 4) bear particularly on the question: "Contrition … sometimes happens to be perfected by charity and reconciles man to God before this sacrament is actually received" (Denz. 898). Here it is affirmed without any limitation that perfect contrition justifies before the sacrament. Nor can a restriction be read into the word "sometimes," for it refers to the very fact of contrition's being perfect, not to its efficacy. The meaning, therefore, is not "perfect contrition sometimes justifies," but "contrition sometimes happens to be perfect, or informed by charity." This is suggested by the very grammatical arrangement of the words and is evident from the condemnation by Pius V of Baius's proposition 71 (cited below), which limited the efficacy of contrition to the case of necessity or martyrdom.

The Catechism of the Council of Trent also bears on the question (part II, chapter 5, question 34): "Certainly this very contrition can never fail to be pleasing and acceptable to Him. For the Lord says through the Prophet [Ps. 50:19]: 'A contrite and humbled heart, O God, Thou wilt not despise.' Indeed, as soon as we conceive it in our minds, we may confidently attribute to God the remission of our sins."

Proof 2. FROM THE PROPER NATURE OF PERFECT CONTRITION.

Every perfect contrition always and necessarily contains charity, even if the subject has only an implicit desire for the sacrament, even if he is not placed in a case of necessity, and even if his act is weak or brief. But charity is of itself justifying, as is clear from what was said in the same place in the treatise On Baptism. Therefore every perfect contrition always and necessarily justifies.

This is confirmed by a twofold parity with the other divine precepts and with the very efficacy of sin. The fulfillment of the other precepts, especially those of faith and hope, is efficacious for its proper end and purpose independently of the duration or intensity of the act or of any other condition. Therefore, equally, the fulfillment of the precept of charity is efficacious for the end of justification promised to it, independently of the aforesaid conditions. Likewise, sin, provided it be grave, destroys the state of grace independently of its duration or intensity; therefore, equally, the act of charity restores that state with the same independence.

Proof 3. FROM THE PARTICULAR REFUTATION OF THE OPPOSING OPINIONS.

The limitation on the part of the effect is vainly assigned by Hugh of St. Victor (and by Cano). For those two effects—that is, release from the stain and release from the debt of damnation (or, according to Cano, justification and salvation)—are inseparable in themselves, so that the latter is founded upon the former and necessarily follows from it: grace is the seed of glory, and justification makes a man a son of God, who consequently has by that very fact a necessary right to the eternal inheritance. The only limitation that can be conceived as regards the effect of extra-sacramental contrition, and which in fact exists, concerns sacramental grace as such and the first effect of the sacrament (the character in Baptism). These are essentially distinct from justification and are conferred only through the sacrament.

The condition of an explicit desire for the sacrament is vainly invoked by some. For if the act of contrition and love is truly present, a man is necessarily justified and, if he perseveres in justification, he is saved. This matter, however, will be discussed again in article 37 (pp. 470–472), where we shall treat the necessity of the sacrament of Penance as a means, either in reality or in desire.

The condition of a case of necessity is vainly invoked by Baius and Estius. For the circumstance of necessity cannot change the nature of a thing or give it a power which it does not possess. Therefore, if perfect contrition were not of itself capable of justifying outside the sacrament, it would retain that incapacity even in a case of necessity. It would be gratuitous, moreover, to appeal to a special providence whereby God accepted contrition alone in a case of necessity; for such a providence would be imagined at will, just as one could imagine, with equal arbitrariness, that God in a case of necessity, when the sacrament cannot be received, would be content with mere imperfect attrition conceived from fear of hell.

The condition of some determinate duration of the act of contrition is foreign to the sense of Scripture and of the Fathers and to reason itself, as was shown in article 25 (pp. 94 ff.). What was said there about contrition in general applies with even greater force to perfect contrition.

The condition of some definite intensity of the act of contrition, founded upon a theological confusion between the degree of appreciation and the degree of intensity, as well as upon a rigorist judgment concerning the disposition required for justification, however plausible it may appear, is not consonant with Scripture, the Fathers, or reason, as was demonstrated in article 25 (pp. 88–94) concerning contrition itself in general.

Furthermore, contrition absolutely supreme in intensity, defended by Hadrian, is impossible. For man's effort to elicit it must be understood either as proceeding from the powers of nature, in which case it cannot attain its end since contrition is a supernatural act, or as proceeding from the powers of grace, in which case it cannot be the greatest effort that a man can produce, because it could always be intensified by the addition of stronger grace, which is available to all, just as the very intensity of the act of charity cannot have limits. Nor is it of any avail to appeal to the powers of grace, not as possible powers but as those actually conferred upon man. For several absurdities would follow: that different men would be justified by different contritions, that contrition of one and the same degree of intensity would justify one man but not another, or even that a greater sinner could be justified by less contrition. It would be as if God were to give one who has ten sins grace sufficient for two, and accordingly require contrition proportionate to two, while giving one who has two sins grace sufficient for ten, and accordingly requiring contrition proportionate to ten.

Contrition relatively supreme in intensity, which Peter Soto defends, entails both an impossible comparison between sorrow for sin and other sorrows,[204] and an inequality in the act of contrition itself among different men, according to the unequal intensity with which they grieve over various objects distinct from sin. From this it would also follow that greater contrition might be required of someone who has sinned less, if he happens to grieve more over natural objects than another person who has nevertheless sinned much more.

[204] Cf. Suárez, disp. 4, sect. 4, nn. 3–6.

Contrition which is supreme in relation to the powers of grace, as defended by Lupus, Ledrou, Juenin, Berti, Vitasse, and Gazzaniga, encounters the same difficulty mentioned above concerning Hadrian's way of escape, and rests upon an uncertain and arbitrary foundation.

REPLIES

Objection 1 (against Conclusion 1). Not only perfect contrition justifies, but imperfect contrition also does, namely that elicited from a motive inferior to charity strictly so called. For Scripture promises justification to all true penance; moreover, every true contrition, even imperfect contrition—especially that elicited from the motive of some general virtue, and above all from love or willing God as our supreme good—implies a turning away from sin, formally as an offense against God, and a turning toward God as the ultimate end. Nor can it be said that such aversion and conversion are not supreme, for although they are not supreme with respect to accidental degrees and on the part of the subject, just as perfect contrition itself (in which various degrees are also admitted), they are nevertheless essentially supreme and on the part of the object. This is evident from the very nature of sorrow that is supreme in appreciation, which belongs to the essence of all contrition and implies an

aversion from sin as from the supreme object of hatred and, consequently, a conversion to God as to the supreme object of love.

Reply. This argument proves too much; for it would follow from it that every genuine contrition, even the most imperfect attrition arising from the motive of fear, would justify outside the sacrament, which is contrary to the teaching of the Council of Trent.

As for the authority of Scripture invoked, an answer was given in the preceding article (pp. 205, 213 ff.).

In imperfect contrition there is a certain true aversion from sin as an offense against God, and a conversion to God as to the last end. Such a disposition can, moreover, suffice in the sacrament; yet it is not the perfect aversion and conversion which, of itself alone, is capable of justifying. For in imperfect contrition there is not an aversion and conversion simply speaking, but only in a qualified respect, inasmuch as God is not considered and loved absolutely and simply, but only under some particular aspect—for example, as Lord or Benefactor. Consequently sin, although formally an offense against God, is not considered and hated absolutely and in all its malice, but under some particular aspect: for example, as an unreasonable turning away from one's Lord, as bringing on the punishment of the supreme Judge, or as depriving one of the bounty of the infinite Benefactor.

It is clear from this that the argument from sorrow supreme in appreciation is invoked ineptly. For, as we already observed in article 25 (p. 77), although every contrition is a sorrow supreme in appreciation, only perfect contrition, elicited from the motive of charity, is a sorrow supreme in appreciation simply and absolutely. Imperfect contrition, however, is supreme in appreciation only in a particular and qualified way. For although sin is detested above every other evil distinct from sin, within sin itself that aspect or malice which is in other respects the most detestable is not principally detested—namely, its opposition to God considered simply. Rather, setting aside the consideration of that malice, the penitent remains at the detestation of some lesser malice and opposition to God, namely an offense against Him as Lord or Benefactor.

Therefore, however it is considered, imperfect contrition does not turn the will to the last end simply and in every way, and accordingly does not by itself possess the proportion required for justification, which involves an absolute conversion to the last end.

Billot aptly writes on this subject: "A man … who is attrite still remains in the state of conversion to the evil end which he had previously chosen, inasmuch as he has not yet reached a retraction of the principal aspect of the malice of sin, nor does he by his act flee to God as to the end of the whole of human life, to be loved and cherished above all created goods. Therefore, to explain the matter by a sensible example, this imperfect retraction of sin, while excluding the will to sin again, is quite simply like breaking the chain by which the soul was not so much turned toward an evil end as bound to it. For certainly, if a man who has turned toward a stake and is also bound to it did nothing more than break his bonds, he would not thereby turn toward the opposite point, but would only remove the obstacle preventing him from being turned to the contrary by some extrinsic cause. So it is in the present case. For unless attrition breaks the bond by which affection is chained to sin, conversion to God is not even possible by virtue of the sacrament. But sorrow for sin of whatever kind that has not been conceived from the motive of perfect charity by no means of itself removes the

habitual conversion toward private good as the last end, and accordingly does not suffice for justification through the work of the agent alone."[205]

[205] De Ecclesiae sacramentis, vol. 2, thesis 13, § 3, Rome, 1930, pp. 140 ff.

Objection 2. If perfect contrition alone were justifying, it would follow that a man who has a sincere and great desire to receive the sacrament, and intense contrition conceived from general virtues, indeed from great love of God as his supreme good, would be destined for eternal damnation should he die before he could receive the sacrament. But this is altogether inconsistent with divine providence and benignity, as well as with the nature of things and the condition of that man.

Reply. It is certainly consonant with divine benignity and with the condition of man—particularly when great attrition and an intense desire for the sacrament are supposed—that the sinner should be brought before death to perfect contrition or to the sacrament. God could also justify an attrite man extraordinarily without the sacrament; but this is neither owed nor consonant with the connatural manner of acting of divine providence, which converts a man through an act of perfect contrition or through the assistance of the sacrament. Nor can such a thing be proved to occur in fact by any argument; and even if it did occur, it would not prove the opinion of the adversaries (namely, that imperfect contrition also justifies), since the case under consideration would be altogether extraordinary and beyond the limits of human surmise.

Therefore, on the suppositions which we know with certainty and under which God acts connaturally, the aforesaid inference about the damnation of a man dying with attrition alone is rightly made; and from it no inconsistency with the divine attributes or with the condition of things is wrongly inferred. For the only subjective means that God could connaturally ordain for justification is the presence of perfect contrition, and the only objective means which God has in fact superadded to assist man's imperfect dispositions is the sacrament. Likewise the one condition which of itself and necessarily calls forth justification in man is perfect contrition. But a man dying in the state of habitual and qualified aversion from God together with an imperfect and qualified conversion to Him remains immovably fixed in his state of aversion. Consequently he retracts whatever he did besides that aversion, and thus also that very act of attrition, which is no longer possible in the state of damnation (just as, conversely, a man dying in charity retracts whatever he had committed besides the end of charity). Accordingly there is no contradiction between the state of the man and the present dispositions of his soul.

Billot writes on this subject: "Hence … it is apparent what must be held concerning one who dies in the state of sin without the sacrament, after an act of imperfect contrition. Such a man, as one habitually turned to a creature as to his last end, would remain obstinate in that end forever, notwithstanding the preceding act of attrition, which was nothing but an initial movement toward rectification without the effect following. Moreover, just as a soul dying in charity necessarily retracts whatever it did apart from the end of charity, so a soul dying in mortal sin necessarily also retracts whatever it did apart from the end of cupidity, to which it now begins to adhere immovably."[206]

[206] De Ecclesiae sacramentis, vol. 2, thesis 13, § 3, Rome, 1930, p. 141, note.

Objection 3 (against Conclusion 2, according to the mind of Baius and Estius). From Scripture itself and the Fathers it appears that an act of charity does not always justify.

As regards Scripture, two passages may be adduced, in which the conversion of Magdalene and of Paul is treated. The words of Luke 7:47, 'Her many sins are forgiven her, because she has loved much,' if understood of an act of love preceding justification, show that Magdalene, although contrite, had not yet been justified until she came to the feet of Christ. But those words, according to their context, must be understood not of an act of love preceding Magdalene's justification, but of one following it; and so they are invoked in vain to prove in any way the efficacy of loving contrition with respect to justification. For the sense of those words is not, 'Therefore her many sins have been forgiven, because she has loved much,' but rather, 'Therefore she has loved much, because her many sins have been forgiven' (so that the particle 'because' denotes not the cause but the effect or consequence). This is clear from the sense of the parable itself, concerning the two debtors, which Christ proposed to Simon, and of which His words are the conclusion and application: 'Which of them therefore will love him more? … He, I suppose, to whom he forgave more,' and from the words immediately added: 'But he to whom less is forgiven, loves less.'

From the words of Ananias to Paul in Acts 22:16, 'Arise, and be baptized, and wash away thy sins,' it follows that Paul, although contrite on the road to Damascus ('Lord, what wilt thou have me to do?'), had not yet attained justification before receiving the sacrament. Hence Augustine himself, Sermon 204 (among the supposititious sermons), 3, says: 'Ananias came therefore, baptized Saul, and made Paul. He baptized a wolf, and made a lamb; and we began to have a preacher where we had had a persecutor' (M.L. 39, 2124).

The Fathers frequently assert that catechumens, although well disposed, are not justified before the sacrament of Baptism or martyrdom; from this the same is to be understood, by parity, of the sacrament of Penance.

Reply. From the general and constant teaching of Scripture and the Fathers themselves, set forth in the treatise On Baptism, article 16, it is manifest that peculiar and rare texts are invoked in vain to support the contrary view; those texts, moreover, admit of a suitable explanation in their own context.

The words of Luke 7:47 do not necessarily mean that Magdalene was then justified for the first time when Christ pronounced them. Otherwise one would have to understand that she was justified twice, since Christ uttered those words twice ('Her many sins are forgiven her'; 'Thy sins are forgiven thee'). They can, however, be understood, conjointly or at least disjunctively, in the following senses: as a declaration of a justification already past, which is indeed suggested by the very form of the past tense in the original text

(ἀφέωνται, that is, 'have been forgiven,' in place of 'are forgiven'); as an actual remission of the punishment of sin (thus Maldonatus); as an actual public remission, or deliverance of the woman who had been a sinner from public infamy (thus many); and even as an actual remission of sins, not the first and justifying remission, but a second remission increasing grace, such as a repeated sacramental absolution of sins already remitted (cf. Bellarmine, On Penance, book 2, chapter 14). Something similar regarding the efficacy of the words is contained in Christ's declaration to the woman with the issue of blood, who had already previously been healed: 'Be thou healed of thy disease' (Mark 5:34).

Hence it is understood in what sense certain Fathers say that Magdalene approached Christ unclean and went away clean. Thus Augustine, Sermon 99, 2, 2: 'She came to the Lord unclean, that she might go away clean; she came sick, that she might return healed; she came confessing, that she might return professing' (M.L. 38, 596). Gregory the Great, Homilies on the Gospels, homily 33, 1, 4: 'She ran to the fountain of mercy to be washed. … Let us consider in what order she came to be healed. … Behold, she who came sick to the Physician is healed' (M.L. 76, 1239–1241). Gregory himself (ibid., 2, 3, 4) says that Magdalene, by weeping and kissing the feet of Christ, nevertheless served God in penance and burned with charity, which consumes sins; indeed, passing to a general application, he says: 'But when through penance he has himself already cut away what he did, he is no longer even our neighbor's sinner' (ibid., 3). Bernard, Sermon 4 (On the Dedication of a Church), 3, explains the meaning of the Fathers when he says: 'The Pharisee was erring … who still shuddered at her as a sinner. … For who considers her a sinner whose crimes he reckons already destroyed …; who deems her a sinner who, while she deplores what she committed, hates iniquity …? Can sin possibly reign in a contrite soul …?' (M.L. 183, 527).

That those words should be understood of an act of love which is not the effect but the cause of the remission of sins is one of the probable interpretations of the learned. This interpretation is strengthened both by the constant usage of causal propositions in the various versions of Scripture (the Syriac: 'because she loved much'; the Persian: 'for this reason, because she was very worthy'; the Arabic: 'because she loved much'; the Ethiopic: 'therefore her many sins are forgiven her, because she loved Me much') and by the common interpretation of the Fathers (cf. Gregory the Great, Homilies on the Gospels, homily 33, 4; Paulinus, Letter 4, to Severus).

Nor, moreover, is the contrary sense necessarily required by the formal object of the parable itself, of which those words are the legitimate conclusion and application. For, as Maldonatus, Lapide, and others explain excellently, the words with which the Lord asks Simon the Pharisee, 'Which of them [the creditor] therefore loves him more?' mean: Which will be judged to have loved him more? The sense of the whole passage is this: Just as a man who owes his creditor more and receives a greater remission from him is commonly judged by prudent men to have obtained this greater remission because he loved his creditor more, and to have given him many signs of affection, on account of which the creditor forgave and remitted more to him, so also, Simon, you ought prudently to judge that Mary Magdalene has loved Me much, the Messiah, the Son of God, and because of the great love she has manifested by unmistakable signs has obtained the remission of her many sins.[207]

[207] De Augustinis, De re sacramentaria, De poenitentia, pars 1, a. 5, thes. 5 (Rome, 1889), p. 49.

We do not deny, however, that this passage contains a difficulty, 'which,' as Maldonatus says, 'is certainly a very great one'; hence it opens the way to various interpretations, especially as regards the meaning of 'Which of them therefore loves him more?' and particularly as regards the connection between the parable and its conclusion. Simon-Dorado gathers and compares these interpretations aptly (Biblical Lectures, New Testament, vol. 1, no. 397).

As regards Acts 22:16, the Fathers and theologians (cf. St. Thomas, I–II, q. 112, a. 2, ad 2) commonly teach that St. Paul was justified on the road to Damascus, and that he exclaimed, not from fear but from love: 'Lord, what wilt thou have me to do?' (Acts 9:6). Nor can the words of Ananias mean that Paul had not yet been justified, since Ananias did not know the Apostle's interior disposition. Rather, they merely intimate the necessity of Baptism and explain what its effects are, of which the Apostle

was still only partly capable, at least as regards the character and sacramental grace as such. In this sense the words cited from Augustine can also be interpreted, although they are, moreover, supposititious; for by the desire for Baptism, which he afterwards received from Ananias, Paul had been changed from a wolf into a lamb.

Moreover, Augustine himself explicitly asserts that Paul had already been justified by Christ Himself on the road to Damascus and had indeed been changed from a wolf into a lamb. Sermon 175, 7, 8: 'Ananias is interpreted as Sheep: the shepherd was speaking to the sheep, and the sheep feared the wolf. So great was this wolf's reputation beforehand that the sheep did not consider itself safe even in the shepherd's hands. And the Lord said to him, as to a trembling sheep. Yet when he had heard this, he said: "Lord, I have heard of this man how many evils he has done to Thy saints in Jerusalem, and now it is said that he has received letters from the chief priests, so that whomever he finds he may lead away bound." Why do You send me? A sheep to a wolf? But he did not hear this excuse. For He had already said to His little sheep: "Behold, I send you as sheep in the midst of wolves" (Matt. 10:16). If the sheep are sent into the midst of wolves, why do you fear to go, Ananias, to him who is no longer a wolf? You feared a wolf; but the Lord your God answers you: I have made a sheep out of a wolf; I make a shepherd out of a sheep' (M.L. 38, 949).

Sermon 289, 1, 1: 'And the voice from above said, "I am Jesus of Nazareth, whom thou persecutest." While His members were still placed on earth, the Head cried out in heaven and did not say, "Why dost thou persecute My servants?" but "Why dost thou persecute Me?" And he said, "What wilt Thou have me do?" Now he prepares himself for obedience, he who formerly raged for persecution. Now a preacher is formed from a persecutor, a sheep from a wolf, a soldier from an enemy. He hears what he must do. He was indeed made blind, so that his heart might shine with an inward light; his outward sight was taken away for a time from the persecutor so that it might be restored to the preacher. Yet at that time, when he did not see other things, he saw Jesus. Thus in his very blindness a mystery was made known to believers, because he who believes in Christ ought to count himself and other things as nothing, so that the creature may grow dim and the Creator may shine forth in the heart' (M.L. 38, 1276).

As regards the Fathers, we explained their testimonies in the treatise On Baptism, article 16 (pp. 201–203). Moreover, the objection brought forward proves too much, since from it would follow, even against the adversaries themselves, that according to the Fathers contrition justifies in no case, not even one of necessity, unless joined to Baptism or martyrdom.

Objection 4 (according to the mind of Hadrian, Soto, Morinus, Berti, etc.). The following grounds prove or suggest that an intense degree of contrition is required for justification outside the sacrament:

Several texts of Scripture (cf. above, article 25, pp. 89 ff.) inculcate the necessity of the supreme or intense love of God. It is said particularly in Luke 7:47: 'Her many sins are forgiven her, because she has loved much.'

The Fathers agree, especially Cyprian (cited there, p. 90).

Reason itself suggests the necessity of intense contrition. For contrition ought to be proportionate to the magnitude of the sin to be remitted; it is to no purpose that a distinction is introduced between supremacy in appreciation and supremacy in intensity, since greater and lesser are regarded in

qualities only with respect to their intensity. Furthermore, if any contrition sufficed for justification, it would follow that no greater contrition would be required of a greater sinner than of a lesser one.

The judgment of theologians and the faithful shows the same thing. For it is commonly thought that justification outside the sacrament is not so easy and that one ought to be solicitous to receive the sacrament. But if any degree of contrition sufficed for justification outside the sacrament, such justification would be easy, just as the very degree of contrition required would be slight.

The Council of Trent, session 13, chapter 7, and canon 11, forbids sinners to approach the receiving or celebration of the Eucharist without sacramental confession, 'however contrite they may think themselves'; this indicates at least that not every contrition justifies.

The Catechism of the Council of Trent, part 2, chapter 5, question 27, describes contrition thus: 'The highest … and greatest sorrow must be conceived for the sins which have been committed. … Contrition has joined to it a most vehement sorrow of soul. … Let it be … not only the greatest, but the most vehement and therefore the most perfect, and let it wholly exclude sloth and torpor.' In question 36 it says: 'We must teach that the institution of confession was most useful to us and even necessary. For even if we grant that sins are effaced by contrition, who does not know that it must be so vehement, sharp, and intense that the bitterness of sorrow can be equal and comparable to the greatness of crimes? But because very few arrive at this degree, it came about that the forgiveness of sins was to be hoped for by very few through this means.'

Reply. These grounds are weak, as was shown regarding the first three in article 25 (pp. 88–94).

Nothing is established from the aforesaid judgment of theologians and the faithful. For concern to receive the sacrament is founded both on the necessity of confessing sins already remitted outside the sacrament, in order to fulfill the desire for the sacrament itself from which justifying contrition cannot be separated, and on the fact that no one, however contrite he considers himself, can possess natural certainty about his contrition, since no one can know whether he is worthy of hatred or love. Moreover, others judge differently concerning the very facility of the act of contrition, however slight (cf. below, article 33, p. 305, in the note).

The words of the Council of Trent can be turned against the adversaries themselves; for if they presupposed the insufficiency of contrition, they would exclude the sufficiency of any contrition, however intense. Moreover, the aforesaid precept of the Council rests not on the insufficiency of contrition, but solely on the special reverence due to the sacrament of the Eucharist. To it one ought to come with greater certainty concerning the state of grace, obtained through sacramental confession, according to the admonition of the Apostle, 1 Cor. 11:28: 'Let a man prove himself.' This is evident both from the fact that the Council in the same place permits access to the Eucharist where the opportunity for a confessor is lacking, and from the fact that it decrees nothing concerning the reception of the other sacraments of the living, which, as all theologians acknowledge and the Roman Pontifical itself confirms, do not necessarily require previous sacramental confession.[208]

[208] Roman Pontifical, De confirmandis: "Adults should first confess their sins and afterwards be confirmed, or at least, if they have fallen into mortal sins, should be contrite for them."

The words of the Catechism of the Council of Trent concerning 'highest and greatest' contrition must be understood of supremacy in appreciation, as is clear from the reason given: for just as God, the supreme good, is to be loved supremely, so sin, the supreme evil, is to be supremely detested

(question 27). The additional words about 'most vehement' contrition must be understood of the degree of intensity, which is indeed to be desired as an excellent disposition, but is not strictly necessary for perfect and justifying contrition. For immediately afterwards (question 28) the Catechism adds: 'Although, if we are unable to attain this so that it be perfect, nevertheless contrition can be true and efficacious. For it often happens that things which are subject to the senses affect us more than spiritual things. Hence some sometimes feel greater sorrow from the death of their children than from the baseness of sin. The same judgment must also be made if tears do not accompany the bitterness of sorrow, although they are most greatly to be desired and commended in penance.'

Article 32. Whether attrition arising from fear, or sorrow conceived from merely servile fear, is upright and useful for salvation

ARTICLE 32. WHETHER ATTRITION ARISING FROM FEAR, OR SORROW CONCEIVED FROM FEAR THAT IS SIMPLY SERVILE, IS MORALLY GOOD AND USEFUL FOR SALVATION

(I–II, q. 85, a. 5; Commentary on III Sentences, dist. 34, q. 2, a. 3, q. 1; Commentary on IV Sentences, dist. 14, q. 1, a. 2, q. 1; dist. 50, q. 2, a. 1, q. 2; I–II, q. 6, a. 7, ad 2; qq. 41–44; q. 107, a. 1, ad 2; II–II, q. 19; Commentary on Romans, ch. 8, lect. 3.)[209]

[209] Bellarmine, De Poenit., l. 2, c. 16 et 18; Suárez, Disp. 5, sect. 2, nn. 1–10; Salmanticenses, De Poenit., disp. 7, dub. 1, § 5; Disp. 8, dub. 11, § 6; De spe, disp. 4, dub. 1–4; Ripalda, De spe, disp. 22, sect. 4 sqq.; Billuart, Diss. 4, aa. 5 et 6; Collet, De Poenit., pars 2, c. 4, a. 3, sect. 1; Perrone, De Poenit., c. 2, prop. 1; Galtier, De Poenit., thes. 8; Pesch, prop. 11; Nicolaus Paulus, in Zeitschrift für kath. Theol., 1899, p. 48 sqq.; 1904, pp. 1 sqq., 410 sqq., 449 sqq., 682 sqq.; idem, in Katholik, 1901, I, p. 985 sqq.; Minges, in Zeitschrift für kath. Theol., 1901, p. 250 sqq.; M. Buchberger, Die Wirkungen des Buss-sakramentes nach der Lehre des hl. Thomas, Freiburg, 1901; J. Götter, Der hl. Thomas und die

STATE OF THE QUESTION

As with perfect contrition, so also with attrition, a twofold question arises: one concerns the nature, or the very moral goodness and salutary usefulness, of FEARFUL ATTRITION, which is treated dogmatically against the PROTESTANTS and Jansenists in the present article; the other concerns its efficacy for justification, which will be disputed scholastically with certain theologians in the following article.

The question directly concerns only fearful attrition conceived from the motive of punishments (although, as was said in Article 23, attrition is twofold, one arising from the motive of punishment and the other from the motive of the baseness of sin). This is both because the Protestants principally attack that attrition—indeed, as was said in Articles 3, 10, and 11, they reduce all sorrow for sin to fear impressed upon the conscience—and because, once the moral goodness of fearful attrition has been proved, the moral goodness of the other kind of attrition, which evidently proceeds from a purer proximate motive, will be admitted a fortiori. Thus, in this article, the refutation of the Protestant doctrine concerning the nature and moral goodness of the act of repentance is completed.

By the fearful attrition which we now discuss against the Protestants, however, we do not properly mean attrition as we defined it in Article 23 with the Council of Trent (namely, sorrow and detestation for sin with the purpose of not sinning henceforth). Rather, this very point must be

proved against the innovators: that some act of the will proceeding from mere fear can be true attrition, or can truly exclude the will to sin. We mean, more generally, a voluntary act of flight from sin arising from the motive of fear; nor, on the other hand, do we speak of an act of flight arising from the motive of just any fear of punishment, but of one proceeding from fear that is *simply servile*, as distinguished from so-called *servilely servile* fear.

For the understanding of this, attention must be given to the familiar FOURFOLD DIVISION OF FEAR among modern authors: worldly fear, servilely servile fear, simply servile fear, and filial fear; or to the more formal division of St. Thomas and the ancients: worldly fear; servile fear (which may incidentally be twofold, namely, accompanied by servility [called servilely servile by modern authors], or considered apart from servility [called simply vortridentinischen Thomisten über die Wirkungen des Busssakramentes, Freiburg, 1901; R. M. Schultes, Die Lehre des hl. Thomas über das Verhältnis von Reue und Busssakrament, in Jahrb. für Philos. und spek. Theol., 1906–1907, pp. 72 sqq., 143 sqq., 273 sqq.; idem, Die Reuefrage in neuester Beleuchtung, in Katholik, 1908, p. 161 sqq.; R. Rimmel, Das Furchtproblem in der Lehre des hl. Augustin, in Zeitschrift für kath. Theol., 1921, pp. 244–249. servile by modern authors]); initial fear (to which modern authors pay less attention); and filial or chaste fear.[210]

[210] On the essence and nature of fear, compare I–II, qq. 41–44 (on fear in general or as a passion); II–II, q. 19 (on the gift of fear); and the few things said in Article 12, vol. I, p. 297 f. Fear – Turned away from God as ultimate end (and turned toward one's own good) – Leading to an act of sin: worldly fear – Withdrawing from the external act of sin: servilely servile fear – Turned toward God as ultimate end – Under the aspect of Judge: simply servile fear – Under the aspect of Father – Imperfectly: initial fear – Perfectly: filial fear *B. Fear considered with respect to sin* Fear – Leading to sin: worldly fear – Not leading to sin – Not converting to God, but merely withdrawing from the external act of sin: servilely servile fear – Converting to God – As to a Judge: simply servile fear – As to a Father – Imperfectly: initial fear – Perfectly: filial fear *C. Fear considered with respect to punishment and guilt* Fear – Of punishment – Leading to sin: worldly fear – Withdrawing from the act of sin – Excluding fear of guilt: servilely servile fear – Prescinding from fear of guilt: simply servile fear – Of guilt: filial fear – Of guilt and punishment: initial fear This division of fear is founded upon Scripture, handed down by Augustine, gathered by the medieval doctors, and expounded theologically by St. Thomas. *SCRIPTURE* Concerning worldly fear: Matthew 10:28: "Fear ye not them that kill the body, and are not able to kill the soul." John 12:42–43: "Many of the chief men also believed in Him; but because of the Pharisees they did not confess Him, that they might not be cast out of the synagogue. For they loved the glory of men more than the glory of God." Concerning servile fear: Romans 8:15: "For you have not received the spirit of bondage again in fear; but you have received the spirit of adoption of sons." Ecclesiasticus 1:16: "The fear of the Lord is the beginning of wisdom" (cf. II–II, q. 19, a. 7; a. 8, ad 1). Concerning initial fear: Ecclesiasticus 1:16: "The fear of the Lord is the beginning of wisdom" (cf. St. Thomas, ibid.). Psalm 2:11: "Serve ye the Lord

WORLDLY FEAR is that by which a man turns away from God in order to avoid a temporal punishment or evil, or chooses to sin so as to avoid punishment (to this fear is reducible what in modern languages is called "human respect"). This fear is essentially evil, since it leads to evil.

SERVILE FEAR, generally speaking, is that by which a man turns away from sin in order to avoid divine punishment. More particularly, *servilely servile fear* is that by which a man abstains from sin solely and positively in order to avoid the divine punishments due to sin, while retaining an affection for sin, inasmuch as he acts from the positive and sole motive of fleeing punishment and therefore from hatred of punishment as the supreme evil and love of himself as the supreme good. This fear, although it does not lead to an externally evil act, is essentially evil in itself insofar as it does not exclude, but rather includes, an affection for evil; not only is it not actually referred to God, but it is not in any way referable to God. In the same way, a woman abstaining from an act of adultery solely

through fear of punishment—for example, because she fears her husband's anger—is an adulteress in mind and affection.

Simply servile fear is that by which a man flees sin in order to avoid punishment, yet not solely and positively for this reason, or with the positive exclusion of every other reason, but merely while prescinding from another reason. Thus it does not proceed from fear and hatred of punishment as the supreme evil or from love of oneself as the supreme good. We call this fear good and morally upright, although not pure, since it proceeds from a motive lower in the order of moral goodness and morality.

FILIAL FEAR is that by which a man turns away from sin in order to avoid guilt itself, prescinding from every other reason, or from the reason of punishment annexed to guilt. This fear is the purest and highest in the moral order; it belongs to charity, and indeed to charity that is proper and perfect, and is a gift of the Holy Spirit.

INITIAL FEAR is that by which a man turns away from sin in order to avoid guilt, but with a certain inclusion of another reason, namely the fear of punishment. This fear is of the same species as the preceding one, from which it differs only accidentally, as the imperfect differs from the perfect in the same order. In the same way, a child differs from an adult within the species of man. Hence this fear is pure, although not most pure, and proceeds from charity, but from charity that is imperfect and beginning; from this it takes the very name *initial fear*.

These reasons and concepts can be explained and ordered logically as follows, according to the mind of St. Thomas, whom we shall cite below. Fear is a movement of the appetite by which a person flees a future evil which he cannot resist. Such evil is twofold, namely, the evil of punishment and the evil of guilt. From this there arises a distinction of fear insofar as it is a motive impelling some movement of the appetite in relation to God and sin, particularly to flight from sin or sorrow for sin. For someone can, out of fear of some punishment or evil threatened by men, withdraw from God and be led to sin (worldly fear, so called because the person takes the world, which is opposed to God, as an end); or, from fear, be converted to God under some aspect, or at least withdraw from the external act of sin. And he may be led to the latter solely by fear of punishment (servile fear, so called because it is proper to a servant to fear punishment and thus be induced to fulfill his duty); and this either with the exclusion of fear of guilt, as in servilely servile fear, or simply while prescinding from that fear, as in simply servile fear. Alternatively, he may be led by the fear of guilt, either together with fear of punishment (initial fear) or without it (filial fear).

It must, moreover, be carefully observed that *servility* in fear is distinguished in two ways: one is subjective, coinciding with the habitual state of sin or moral deformity, for a man in the state of sin is rightly called a slave of sin; the other is objective, derived from the very object of fear, which is punishment (for it belongs to slaves to fear punishments). This latter is again divided into two: one so called in a broad sense, consisting in the fact that punishment is taken as the proximate end and object of fear; the other strictly so called, consisting in the fact that punishment is intended as the ultimate end which fear seeks to avoid. The second kind of servility belongs to the essence of fear and is inseparably united with it; the first and third, however, are accidental to fear. Thus the first is necessarily present in a sinner and is expelled in the just; the third occurs only in a sinner, though not necessarily, but only in the case where an actual affection for sin directs fear toward punishment as an ultimate end to be avoided. For a sinner can fear to remain in punishment merely as his proper

and proximate end, while prescinding from an ultimate end; or he can rather direct his fear to some other act, namely flight from sin or attrition. Since this act is imperfectly ordered to God as the ultimate end, it communicates that ordering to fear itself.

All these distinctions may be reduced to the following three synoptic views, according as one considers either aversion from or conversion toward God as the ultimate end; or aversion from or conversion toward sin; or the very evil of punishment or guilt.

A. Fear considered with respect to God as the ultimate end

with fear; and rejoice unto Him with trembling." Philippians 2:12: "With fear and trembling work out your salvation."

Concerning filial fear: Ecclesiasticus 1:20, 22: "The fullness of wisdom is to fear God. … The crown of wisdom is the fear of the Lord." Ibid. 2:6: "Keep His fear, and grow old therein." Psalm 18:10: "The fear of the Lord is holy, enduring for ever and ever."

AUGUSTINE

In the texts cited below in the Conclusion, Augustine often and explicitly distinguishes two fears: one "chaste" (that is, filial) and the other "servile" (Tractates on John, 43, 7; Tractates on the First Epistle of John, 9, 4–8; Expositions on Psalm 18, 10, expositions 1 and 2; on Psalm 127, 7). He contrasts with these worldly fear, or fear of temporal punishments, or "fear of men" (On Eighty-Three Diverse Questions, q. 36, 1; On Holy Virginity, 38–39; on Psalms 79, 13; 127, 7; 141, 4; Sermons 32, 13; 161, 5). When he speaks of servile fear, he sometimes also alludes to servilely servile fear (Tractates on John, 43, 7; on First John, 9, 6); when he speaks of chaste fear, he also proposes initial fear, namely fear of punishment which remains with imperfect charity and diminishes as charity increases (on First John, 9, 4; Sermon 348, 3–4; On Eighty-Three Diverse Questions, q. 36, 1 and 4).

THE MEDIEVAL DOCTORS

The fourfold understanding of fear outlined by Augustine is gathered together and explained as a whole by the medieval doctors. Yet observe a difference among the principal doctors, arising from their teachings: Bernard presents a division and terminology that is not sufficiently determinate, although his conceptions are sufficiently clear; Hugh of St. Victor seems to confuse initial fear with simply servile fear; the author of the *Summa Sententiarum* removes this confusion to some extent, but not perfectly; Peter Lombard, however, does so perfectly, and indeed in such a way that he appears to forget fear that is servilely servile, since he teaches that servile fear is good and useful, which the two preceding doctors utterly deny. Finally, St. Thomas determines the whole matter by introducing the most apt distinction between the substance of the act of servile fear and the accidental character of servility.

BERNARD

Bernard, *On the States of the Virtues*, third part, nos. 31 ff.: "Different fears arise in men. There is a fear proceeding from a vice of the soul, when someone, lest he fail to obtain temporal goods or lose those he has obtained, fears men more than God. And this fear does not introduce charity, but assails charity once it has been introduced. There is also a blameworthy fear when a man fears being held in contempt, not in the eyes of God, which ought to be feared, but in the eyes of men, which ought not to be feared. There is also a reprehensible fear when death itself and bodily sufferings are feared

beyond measure. … Likewise there is an evil fear with regard to hell alone, when a man fears neither God nor sin, but burning, and for the time being withdraws from the act of sinning, though not from an evil will, because he would sin if he were allowed to do so with impunity; nor does he love justice, but hates it. And this fear is not called the fear of the Lord, nor the fear of correction, nor the beginning of wisdom."

"There is also another fear which has reference to God, namely when we fear the Lord Himself because of His power, since He can cast soul and body into hell. The Lord commanded us to have this fear, saying … (Matthew 10:28). In this fear, however, there is some little power of charity, insofar as it has regard to the Lord, and is a gift of God; but because it arises from His power, it contains punishment, and is called servile. At its beginning it is good, but it is not perfect, nor sufficient for salvation. Nevertheless, through increasing degrees it is improved, and so corrects a man that he would not wish to sin either in deed or in will, even if he were bound by sins that seemed unconquerable; and this fear is called the fear of the Lord, the fear of correction, and the fear of wisdom."

"From this fear, through the virtues that intervene, we tend toward that fear of which it is said that it remains for ever and ever (Psalm 18:10). And it should be observed that, just as a chaste woman has fear, namely lest her husband depart from her or lest she offend her husband in some way, so the fear of the Lord is called *chaste* when someone fears lest he offend God and thereby lose the grace he has received. And this fear, insofar as it is thus chaste, does not remain for ever and ever, since in the blessed life each one is certain that he neither offends God, nor wills to do so, nor can do so. Yet chaste fear, which remains for ever and ever, can, if carefully considered, be called *love*. For we love Him for His own sake, not looking to punishments, but regarding Him Himself, desiring Him above all things, and cleaving to Him chastely. And this chaste affection casts fear out. It is not customary to understand this of the charity one has at present, but of the perfect charity one shall have in the future; and then fear is truly cast out, or even now is expelled by charity. Although fear is natural to man, nevertheless when charity comes, he no longer serves from fear, as before, but for His own sake" (M.L. 184, 807 ff.).

HUGH OF ST. VICTOR

Hugh of St. Victor, *On the Sacraments*, book II, part 13, chapter 5: "Sacred Scripture distinguishes four fears: servile, worldly, initial, and filial. Servile fear is to abstain from evil in order to avoid punishment, while retaining an evil will. Worldly fear is to abstain from good in order to avoid punishment, while retaining a good will. Initial fear is, in order to avoid punishment, to cut off even wicked thoughts along with perverse deeds. Filial fear is to adhere firmly to the good because we do not wish to lose it."

"Of these four fears, two are evil, namely servile and worldly fear; but two are good, namely initial and filial fear. Servile fear dreads punishment inflicted by men, and therefore judges it sufficient to cease from an evil work, because it acts to be seen and does not fear the guilt of conscience, wishing to please men. Worldly fear, however, does not seek to please men, yet fears to displease them; and the man pretends that what is not, is. He is thus a liar in denying the truth, just as another is deceitful in concealing a falsehood. Both offend against the truth: the one because he timidly denies what is, the other because he perversely pretends that what is not, is."

"Initial fear, however, because it strives to escape the punishment which God threatens, restrains itself from unlawful deeds, yet does not regard this as sufficient; for he who is moved by it understands that an innocent action is not enough for approval unless the very thought of the heart also appears pure and undefiled before His eyes. Therefore he who sees that all things must be considered before Him with perfect innocence fears to displease Him, and so amends everything. And thus this fear is called *initial*, because under it the good will and virtue take their beginning, while vice takes its end. It is not yet perfect, however, because while one thing is being done and another is being intended, the good itself is not yet loved for its own sake."

"Then charity comes, and enters by means of that fear, which, while it shows us what we must flee, in a certain manner makes us seek and desire a defense against the danger. Therefore the heart is converted to God, so that in some manner it flees from Him to Him: that is, while it is careful not to have Him angry, it strives to have Him propitious. This is followed by filial fear, which is born from succeeding charity, so that fearing Him means nothing other than being unwilling to lose the good now tasted in charity. And this fear has something of punishment joined to it, but only amid uncertain changes; and according to the mutable state of life it can incline toward either side. But when there shall be no mutability, there shall be no punishment from uncertain apprehension, since we shall be secure in a stable state; yet we shall not cease to show reverence to the Creator" (M.L. 176, 528).

AUTHOR OF THE SUMMA SENTENTIARUM

The author of the *Summa Sententiarum*, treatise III, chapter 17: "There are four fears, as Augustine says: servile, worldly, initial, and filial. Servile fear is to cease from evil because of punishment impending from man, while the will to evil is retained. Worldly fear is to cease from good because of punishment feared from man, as happened in Peter. There is besides a divine fear, that is, to fear God because of present punishment or the punishment of hell. If a man fears God only because of punishment, without love of the good, he is languid and has the torment of punishment; this, indeed, belongs to evil men, and this fear is servile. But if he fears with the delight of the good joined to it, the fear is initial; and this fear is the beginning of wisdom, because a man begins to be wise and to taste God when fear and hope accompany one another. Hence it is written: 'Fear is not without hope'; and the more the good will grows—that is, charity—the more the fear of punishment diminishes. But if love alone is present, it becomes filial and chaste, and this remains for ever and ever."

"It is therefore evident that initial fear is not without charity: I do not say perfect charity, but charity that has begun. … Christ prohibits servile and worldly fear when He says: 'Fear ye not them that kill the body only, but cannot kill the soul' (Matthew 10). After initial fear He adds: 'But fear Him who can cast soul and body into hell' (ibid.). He would not have commanded this unless charity, although not yet perfect, were present in it. It should also be observed that in divine Scripture this fear is sometimes called servile because it resembles servile fear: for both kinds of fear cause one to cease from doing evil because of punishment. But servile fear causes one to cease from the evil work and not from the will to evil; initial fear, however, causes one to cease from both work and will" (M.L. 176, 115).

PETER LOMBARD

Peter Lombard, *Sentences*, book III, distinction 34, nos. 4 and 8: "It should be known that there are four fears: worldly or human, servile, initial, and chaste or filial, or friendly. Human fear, as Cassiodorus says on Psalm 127, arises when we fear to undergo dangers of the flesh or lose the goods of the world because we have committed sin. This fear is evil, and is abandoned with the world at the first stage. The Lord prohibits it in the Gospel, saying, Matthew 10 and Luke 12: 'Fear ye not them that kill the body,' etc. Servile fear, however, as Augustine says on Psalm 127, arises when a man restrains himself from sin through fear of hell, dreading the presence of the Judge and punishment; and through fear he does whatever good he does, not through fear of losing the eternal good which he does not love, but through fear of suffering an evil which he dreads. He does not fear lest he lose the embraces of the most beautiful Bridegroom, but fears lest he be sent into hell. *This fear is good and useful, although insufficient: through it the habit of justice is gradually formed*; and initial fear follows when what was burdensome begins to be loved, and thus servile fear begins to be excluded by charity. There follows, finally, chaste or friendly fear, by which we fear lest the Bridegroom delay, lest He depart, lest we offend Him, lest we lack Him. This fear comes from love. That servile fear is useful, though it does not remain for ever; and this divine fear is a companion through all the stages. …"

"In these words [concerning the comparison of the two women] Augustine clearly shows what chaste fear is and what servile fear is, and how they differ. He also indicates initial fear, which is neither entirely servile nor entirely chaste, but as a middle thing has something of servile fear and something of chaste fear. For it causes a man to serve partly through fear of punishment, partly through love of justice, by which we fear to be punished and fear to offend. This fear belongs to charity begun, not to charity perfected; and as charity increases, so this fear diminishes, insofar as it has regard to fear of punishment—that is, to that which causes one to fear punishment—and insofar as it concerns the torment of conscience. For the more we love, the less we fear" (M.L. 192, 824 and 826).

THE DOCTRINE OF ST. THOMAS

The teaching of St. Thomas in II–II, question 19, is reduced to the following points:

1. *Fear is divided into worldly, servile, filial, and initial.*

Article 2: "We are now treating of fear according as through it we are in some way converted to God or turned away from Him. For since the object of fear is evil, sometimes a man withdraws from God on account of the evils which he fears; and this is called human or worldly fear. Sometimes, however, on account of the evils which he fears, he is converted to God and cleaves to Him. Now evil is twofold: namely, the evil of punishment and the evil of guilt. If, therefore, someone is converted to God and cleaves to Him through fear of punishment, it will be servile fear; but if through fear of guilt, it will be filial fear, for it belongs to children to fear offending their father. If, however, through both, it is initial fear, which is midway between the two fears. Whether the evil of guilt can be feared was said above (I–II, q. 42, a. 3), when we were treating of the passion of fear."

2. *The first three fears differ specifically; initial fear is specifically the same as filial fear.*

Worldly fear differs from the others by its very object and end, which is the world as opposed to God. Servile and filial fear differ specifically by their object, namely punishment and guilt. Initial fear is of

the same species as filial fear, differing from it as the imperfect differs from the perfect. Thus in articles 3, 5, and 8.

3. *Three fears—worldly, servile, and initial—regard punishment, but in different ways.*

Article 2, reply to objection 4: "The aforesaid three fears regard punishment, but differently. For worldly or human fear regards punishment which turns one away from God, and which is sometimes inflicted or threatened by the enemies of God. But servile and initial fear regard punishment by which men are drawn to God, whether inflicted or threatened by God. This punishment servile fear regards principally, but initial fear secondarily."

4. *Servile fear is good according to its substance; its servility, however, is evil. Yet this does not belong to its very species, but is accidental to it, just as lack of form does not belong to the species of faith.*

Article 4: "Servile fear on the part of servility has that whereby it is evil, for servility is opposed to freedom. Hence, since he is free who is the cause of himself, as is said [Metaphysics, book I, chapter 2], a servant is one who acts not as the cause of himself but as though moved from without. But whoever does something through love acts as it were of himself, because he is moved to act by his own inclination. And therefore it is contrary to the nature of servility that someone should act through love. Thus servile fear, insofar as it is servile, is opposed to charity. If, then, servility belonged to the essence of servile fear, servile fear would have to be simply evil, just as adultery is simply evil because that by which it is contrary to charity belongs to the species of adultery. But the aforesaid servility does not belong to the species of servile fear, just as lack of form does not belong to the species of unformed faith. For the species of a moral habit or act is taken from its object. Now the object of servile fear is punishment; and it is accidental to this whether the good to which punishment is opposed is loved as the ultimate end, and consequently punishment feared as the principal evil, which happens in one who does not have charity; or whether it is ordered to God as to the end, and consequently punishment is not feared as the principal evil, which happens in one who has charity. For the species of a habit is not removed because its object or end is ordered to a further end. And therefore servile fear is good according to its substance, but its servility is evil."

5. *Servile fear, formally and properly speaking, or insofar as it involves servility* (according to modern authors, fear that is servilely servile), *is opposed to charity insofar as it is servile and evil; and it cannot remain with charity or dispose toward it. According to its substance, however, it is not evil and therefore can remain with charity, although it is then not properly called servile* (hence modern authors call it simply servile).

Equivalently in article 4 cited above and in article 10 to be cited shortly, and directly in article 6, the Holy Doctor writes: "Fear of punishment … [in one way] is opposed to charity, insofar as someone flees punishment as contrary to his own natural good, as the principal evil opposed to the good which is loved as an end; and thus fear of punishment is not with charity. In another way the fear of punishment is distinguished according to its substance from chaste fear: that is, a man fears the evil of punishment not because of separation from God, but insofar as it is harmful to his own good; yet he does not establish his end in that good, and hence neither does he fear that evil as the principal evil. And such fear of punishment can be with charity. But this fear of punishment is not called

servile except when punishment is feared as the principal evil, as is evident from what has been said (articles 2 and 4 of this question). And therefore fear, insofar as it is servile, does not remain with charity; but the substance of servile fear can remain with charity, just as self-love can remain with charity."

6. *Initial fear is filial fear itself while imperfect,* or, as joined with the substance of servile fear which still remains along with imperfect charity. As charity and filial fear increase, that part of it which includes the substance of servile fear diminishes in the will.

Article 8: "Initial fear is so called from being a beginning. But since both servile fear and filial fear are in some way the beginning of wisdom, either can in some manner be called initial fear. Yet initial fear is not taken in this way here, according as it is distinguished from servile and filial fear; rather, it is taken according as it belongs to the state of beginners, in whom a certain filial fear has begun through the beginning of charity, but in whom filial fear is not yet perfect, because they have not yet attained to the perfection of charity. And therefore initial fear in this way stands to filial fear as imperfect charity to perfect charity. But perfect and imperfect charity do not differ in essence, but only according to state. Consequently it must also be said that initial fear, as it is taken here, does not differ essentially from filial fear."

In the same article, reply to objection 2: "Initial fear does not fear punishment as its proper object, but insofar as it has something of servile fear attached to it, which in its substance remains with charity, servility having been removed. But its act remains with imperfect charity in one who is moved to do good not only from love of justice, but also from fear of punishment; this act, however, ceases in one who possesses perfect charity, which 'casts out fear' that has punishment, as is said in 1 John 4:18."

In the same article, reply to objection 3: "Initial fear is midway between servile and filial fear, not as between things which belong to one genus, but as the imperfect is midway between the perfect and non-being, as is said [Metaphysics, book II, text 7]; and yet it is the same in substance as perfect being, although it differs altogether from non-being."

Article 10: "The fear of God is twofold, as has been said (articles 2 and 4 of this question): one is filial, by which one fears the offense of a father or separation from him; the other is servile, by which one fears punishment. Filial fear must necessarily increase as charity increases, just as an effect increases when its cause increases. For the more someone loves another, the more he fears offending him and being separated from him. But servile fear, insofar as regards servility, is entirely removed when charity comes; nevertheless fear of punishment remains according to its substance, as has been said (article 6 of this question), and this fear diminishes as charity increases, especially as regards its act: because the more one loves God, the less one fears punishment; first because he attends less to his own good, to which punishment is opposed; and secondly because, cleaving more firmly to God, he trusts more in His reward, and consequently fears punishment less."

THE NEGATIVE PART

1. PROTESTANTS

Protestants, both ancient and modern, most vehemently assail every kind of fearful attrition, as a disgrace to the Catholic Church, as a cause of hypocrisy and of greater sin, and as "gallows

contrition" (in German, *Galgenreue*, that is, sorrow extorted by the gallows).[211]

[211] Cf. A. Harnack, Dogmengesch., t. 3, ed. 4, p. 593 sq.; K. Müller, Der Umschwung in der Lehre von der Busse während des XII Jahrhunderts, Freiburg, 1892; Seeberg (Reinhold), Abhandlungen Alexander von Oettingen zum 70. Geburtstag gewidmet von Freunden und Schülern, München, 1898, pp. 171–195; Dieckhoff, Der Ablassstreit, Gotha, 1886, pp. 19, 21, 24; E. Bratke, Luthers XCV Theses und ihre dogmenhistor. Voraussetzungen, Göttingen, 1884, pp. 20, 127. Harnack's attacks were effectively refuted, among others, by Nicolaus Paulus, P. Minges, M. Buchberger, J. Göttler, and R. M. Schultes, in the works cited on p. 236.

The reason is that fearful attrition cannot remove attachment to sin. This follows from what has been said above about their penitential doctrine. For according to them the parts of Penance are terrors of conscience and justifying faith (cf. Article 3, vol. I, p. 156 ff.); but those terrors of conscience, in which contrition consists, cannot be a free act by which a man opposes sin, because, owing to original infection, whatever proceeds from man is necessary and sinful (cf. above, Article 10, vol. I, p. 263). Hence all contrition, which necessarily consists in the aforesaid terror of conscience, cannot take away attachment to sin: both because it is not free and because it is essentially sin. Accordingly, the Catholic doctrine, which represents such contrition as good, upright, and salutary, is not only false but also immoral, insofar as it makes men hypocrites and consequently greater sinners, by inducing them into the false persuasion that they are justified through such attrition while still burdened with sins (cf. above, Article 11, vol. I, p. 268 ff.).

This doctrine, especially in accordance with Luther's own declarations, was set forth and condemned in the documents of Leo X and the Council of Trent, to be cited below.

On this matter Luther himself, in his *Sermon on Penance* (1518), writes: "This contrition [conceived from fear of hell] makes a hypocrite, indeed rather a greater sinner, because he acts only from fear of the precept and sorrow at the loss. And all such persons are unworthily absolved and admitted to communion; and if they had to confess freely (with the precept and threats of punishment removed), they would certainly say that the past life which they are thus compelled to confess as displeasing to them does not displease them. Indeed, the more they are thus contrite from fear of punishment and sorrow at the loss, the more they sin and are attached to their sins, which they are compelled, but do not wish, to hate, since the law and knowledge of sin cause sin to abound the more, as the Apostle says in Romans 5. And this is that contrition which they themselves call non-meritorious outside charity. Others call it attrition immediately disposing toward contrition; for this is their opinion, which I judge erroneous."[212]

[212] D. Martini Lutheri Opera Latina (cura H. Schmidt), vol. I, Frankofurti ad M. et Erlangae, 1865, p. 332.

2. THE BAIANS AND JANSENISTS

The Baians and Jansenists likewise teach that attrition conceived from fear is neither supernatural, nor useful, nor good, nor morally upright. This follows from their doctrine of the two loves: in man, namely, there is a twofold love, one of charity and the other of concupiscence; every human action necessarily proceeds from one of these loves. Accordingly, whatever proceeds from the love of charity is good and salutary, whereas whatever proceeds from the love of concupiscence is evil and therefore contributes nothing toward salvation. But fearful attrition cannot proceed from the love of charity, since the attrite person is not yet just, but only from the love of concupiscence; hence it is neither supernatural, nor salutary, nor good.

Let certain testimonies be given from the four chief representatives of this error, namely Baius, Jansenius, Quesnel, and the Synod of Pistoia.

Baius (d. 1589) laid the foundations of the error in the following propositions, condemned by Pius V in the bull *Ex omnibus afflictionibus* (1567):

Proposition 16: "There is no true obedience to the law which is performed without charity" (Denz. 1016).

Proposition 35: "Everything that the sinner or the slave of sin does is sin" (Denz. 1035).

Proposition 38: "Every love of a rational creature is either the vicious concupiscence by which the world is loved, which is forbidden by John, or that praiseworthy charity poured into the heart by the Holy Spirit, by which God is loved" (Denz. 1038).

Proposition 40: "In all his acts the sinner serves the concupiscence which dominates him" (Denz. 1040).

Jansenius (d. 1638), developing the doctrine of Baius in his work *Augustinus, On the Grace of Christ the Saviour*, book V, chapter 33, writes: "The doctrine by which it is taught that sorrow for sin on account of fear of hell, or the attrition of certain scholastics, can exclude every will to sin and contain a purpose of leading a good life, or of observing the whole law of God, is most repugnant to Augustine."[213]

[213] Rotomagi, 1652, t. III, p. 247.

It would be vain for anyone, in order to clear Jansenius of error, to adduce his own words (ibid., chapter 21): "Fear of hell, considered in itself, is lawful, good, and right." For Jansenius calls this fear, which he sometimes abusively and illogically terms good and right, essentially disordered. On this matter Collet writes: "That, according to Jansenius, the fear of hell is good by reason of its end, I deny; in itself and as to its substance, I distinguish: that it is good and at the same time disordered, and accordingly is called good only by an abuse of terms, I concede; that it is good properly speaking and in the moral order, I deny. Thus, according to the Jansenists, fear separated from any movement of initial charity is always vicious because of a defect in the relation due to God. … Nevertheless they call this fear good in itself, although they also acknowledge it to be disordered, a fact which may seem wonderful to those who do not know the dictionary of that sect. 'Fear of hell,' says Jansenius toward the end of chapter 21, 'is good in itself, whether it be called ordered or disordered. It is called ordered when guilt is feared more than punishment; disordered, when punishment is feared more than guilt, which they are also accustomed to call servile.' What an extraordinary goodness, indeed, which is found in a disordered act, and through that disorder sinful; in an act which, since it is not from charity, is necessarily from concupiscence, which, wherever it reigns, 'corrupts all' the 'actions' of man, as Quesnel testifies in proposition 45: 'Take now the artifices of the Greeks,' etc."[214]

[214] Collet, De Poenitentia, part 2, ch. 4, art. 3, no. 384, in Migne, Theol. Curs., t. 22, col. 260.

The Jansenists determined the doctrine of their master in the following propositions, condemned by Alexander VIII in a decree of the Holy Office dated 7 December 1690:

Proposition 7: "Every deliberate human action is love of God or of the world: if of God, it is the charity of the Father; if of the world, it is concupiscence of the flesh, that is, it is evil" (Denz. 1297).

Proposition 10: "The intention by which someone detests evil and pursues good merely in order to obtain heavenly glory is neither right nor pleasing to God" (Denz. 1300).

Proposition 11: "Everything that does not proceed from supernatural Christian faith, which works through love, is sin" (Denz. 1301).

Proposition 13: "Whoever serves God, even with a view to an eternal reward, is not without vice if he lacks charity, whenever he acts even with a view to blessedness" (Denz. 1303).

Proposition 14: "Fear of hell is not supernatural" (Denz. 1304).

Proposition 15: "Attrition conceived from fear of hell and punishments, without benevolence toward God for His own sake, is not a good and supernatural movement" (Denz. 1305).

Quesnel (d. 1719), among the most celebrated of Jansenius's disciples, issued these propositions, condemned by Clement XI in the constitution *Unigenitus* (1713):

Proposition 44: "There are only two loves, from which all our volitions and actions are born: the love of God, which does all things for God and which God rewards, and the love by which we love ourselves and the world, which does not refer to God what ought to be referred to Him, and for this very reason becomes evil" (Denz. 1394).

Proposition 45: "When the love of God no longer reigns in the heart of sinners, carnal concupiscence must reign therein and corrupt all their actions" (Denz. 1395).

Proposition 47: "Obedience to the law must flow from a fountain, and this fountain is charity. When love of God is its inward principle, and the glory of God its end, then what appears outwardly is pure; otherwise it is nothing but hypocrisy or false justice" (Denz. 1397).

Proposition 48: "What else can we be except darkness, except wandering, except sin, without the light of faith, without Christ, and without charity?" (Denz. 1398).

Proposition 50: "In vain do we cry out to God, 'My Father,' if the spirit of charity is not the one crying out" (Denz. 1400).

Proposition 60: "If fear of punishment alone animates penance, the more violent this is, the more it leads to despair" (Denz. 1410).

Proposition 61: "Fear restrains only the hand, but the heart is addicted to sin so long as it is not led by love of justice" (Denz. 1411).

Proposition 62: "He who abstains from evil only through fear of punishment commits it in his heart and is already guilty before God" (Denz. 1412).

Proposition 67: "Servile fear represents God to itself only as a hard, imperious, unjust, and intractable master" (Denz. 1417).

The Synod of Pistoia (1786) solemnly professed the same Jansenist doctrines, which Pius VI expressed and condemned in the constitution *Auctorem fidei* (1794) in the following three propositions:

Proposition 23: "The doctrine of the synod, in setting forth a twofold love —that of dominant concupiscence and that of dominant charity—and declaring that man without grace is under the

power of sin and, in that state, by the general influence of dominant concupiscence, infects and corrupts all his actions"; insofar as it insinuates that in man, while he is under servitude, or in the state of sin, and is deprived of that grace by which he is freed from the servitude of sin and made a son of God, concupiscence so dominates that by its general influence all his actions are in themselves infected and corrupted, or that all works done before justification, in whatever way they are done, are sins, as though in all his acts the sinner served dominant concupiscence: "false, pernicious, leading to the error condemned by Trent as heretical, and condemned again in Baius, article 40" (Denz. 1523).

Proposition 24: "But insofar as between dominant concupiscence and dominant charity no intermediate affections are posited, implanted by nature itself and praiseworthy of their own nature, which, together with love of happiness and the natural inclination to good, 'remained as it were the outermost lineaments and remnants of the image of God' [from St. Augustine, *On the Spirit and the Letter*, chapter 28], just as if between 'divine love, which leads us to the kingdom, and illicit human love, which is condemned,' there were not 'lawful human love, which is not reprehended' [from St. Augustine, Sermon 349, *On Charity*, ed. Maurist]: false, already condemned elsewhere" (Denz. 1524).

Proposition 25: "The doctrine which generally represents fear of punishments as 'capable of being called not evil only if it at least serves to restrain the hand'"; as though fear of hell itself, which faith teaches is inflicted for sin, were not good and useful in itself, as a supernatural gift and a movement inspired by God, preparing for the love of justice: "false, rash, pernicious, injurious to divine gifts, already condemned elsewhere, contrary to the doctrine of the Council of Trent and also to the common opinion of the Fathers," according to whom, in the customary order of preparation for justification, "it is necessary that fear enter first, through which charity may come: fear is the medicine, charity the health" [from St. Augustine, *On the First Epistle of John*, tractate 9, chapter 4; *On the Gospel of John*, tractate 41, no. 10; *Exposition of Psalm* 127, no. 7; Sermon 157, *On the Words of the Apostle*, no. 13; Sermon 161, *On the Words of the Apostle*, no. 8; Sermon 349, *On Charity*, no. 7] (Denz. 1525).

3. RATIONALISTS AND MODERN LIBERAL PROTESTANTS

Rationalists and modern liberal Protestants, among whom Harnack (in the work cited above on p. 247) may be named, teach from Kantian principles that good is to be loved solely for its own sake, and therefore that every act to which love of reward or fear of punishment is admixed, such as fearful contrition, is beneath the order of morality. This, indeed, coheres logically with their doctrine concerning the nature and morality of Penance, set forth above in Articles 10 and 11.

4. CERTAIN CONTRITIONISTS

Among the theologians called contritionists there are some who explicitly or implicitly condemned fearful attrition as evil. Thus Hadrian (Quodlibet, question 2) denied that detestation of sin arising from fear of hell is good; Almain (*Moral Questions*, treatise I, chapter 3) taught that it is a venial sin; others, even though they said it was upright as regards the act itself, nevertheless taught that it was necessarily joined to an attachment to sin on the part of the subject, whereby their first assertion is equivalently destroyed.

THE AFFIRMATIVE PART

Theological note. A truth of faith solemnly defined by the Council of Trent.

Leo X, in the bull *Exurge Domine* (1520), condemned Luther's sixth proposition (cited in volume I, p. 265), taken directly from his *Sermon on Penance* of 1518 (cited above, p. 248), which he also taught and defended in his work *On the Babylonian Captivity* and in his *Assertion of All the Articles of Martin Luther Condemned by the Most Recent Bull of Leo X* (1520).

The Council of Trent, session 14, canon 5 (cited in volume I, pp. 264 ff.), solemnly condemned the same teaching of Luther, defining that imperfect contrition, even that conceived from fear, is "true and useful sorrow, and prepares for grace." The Council explains this doctrine more explicitly in chapter 4:

> "But as for that imperfect contrition, which is called attrition, because it is commonly conceived either from consideration of the foulness of sin or from fear of hell and punishments, if it excludes the will to sin together with hope of pardon, the Council declares that it not only does not make a man a hypocrite and a greater sinner, but is also a gift of God and an impulse of the Holy Spirit—not indeed as yet indwelling, but only moving—by whose aid the penitent prepares for himself the way to justice. And although without the sacrament of Penance it cannot of itself bring the sinner to justification, nevertheless it disposes him to obtain the grace of God in the sacrament of Penance. For the Ninevites, profitably shaken by this fear at Jonah's preaching, which was full of terrors, did penance and obtained mercy from the Lord [cf. Jonah 3]. For this reason certain persons falsely accuse Catholic writers, as though they had taught that the sacrament of Penance confers grace without a good movement on the part of those receiving it; this the Church of God has never taught nor held. But they also falsely teach that contrition is extorted and compelled, and not free and voluntary" (Denz. 898).

Already in session 6 the Council had condemned both the Reformers' general teaching on the wickedness of all works performed by man before justification and their particular assertion concerning the wickedness of fear of hell:

> Canon 7: "If anyone says that all works done before justification, in whatever way they are done, are truly sins or merit the hatred of God, or that the more earnestly a man strives to dispose himself for grace, the more grievously he sins: let him be anathema" (Denz. 817).
>
> Canon 8: "If anyone says that fear of hell, through which, grieving over sins, we flee to the mercy of God or abstain from sinning, is a sin or makes sinners worse: let him be anathema" (Denz. 818).
>
> Canon 31: "If anyone says that a justified man sins when he does good works with a view to an eternal reward: let him be anathema" (Denz. 841).
>
> Chapter 6: "Now they are disposed toward justice itself when, aroused and assisted by divine grace, ... recognizing themselves as sinners, they turn themselves from fear of divine justice, by which they are profitably shaken, to the consideration of God's mercy ... Therefore they are moved against sins through a certain hatred and detestation, that is, through ... penance ... Of this disposition it is written: 'The fear of the Lord drives out sin' [Ecclus. 1:27]" (Denz. 798).

Pius V, Alexander VIII, Clement XI, and Pius VI, in the documents cited above, defended and specified the teaching of the Council, condemning the false Baian and Jansenist interpretations.

CONCLUSION

Fearful attrition, or sorrow conceived from fear that is simply servile, is morally upright and useful for salvation.

Proof 1. FROM SCRIPTURE

In Sacred Scripture the movement of fear is very frequently commended as something salutary: as the beginning of wisdom (Ps. 110:10; Prov. 1:7; Ecclus. 1:16, 25); as the fullness and crown of wisdom (Ecclus. 1:20, 22; 24:24); as a means of persevering in good and abstaining from sin (Exod. 20:20; Prov. 14:27; Ecclus. 2:6; 5:4–9; Ps. 18:10; John 5:4; Phil. 2:12); and finally as a motive of penance and conversion (Ps. 84:5 ff.; Ecclus. 1:27; 2:22; 5:5; Jer. 31:18 ff.; Matt. 10:28; Luke 3:7 ff.; 13:3, 5; Rom. 2:5 ff.; Apoc. 2:5 ff.). Jonah (4:5, 10), John the Baptist (Luke 3:7 ff.), and Christ Himself (Luke 13:3, 5) urged men to penance from the motive of fear.

Since, therefore, according to Scripture, fear is something good and salutary, an act of attrition can in no way be vitiated precisely because it is conceived from the motive of fear, but only because the fear itself is vitiated from some other source, namely, from the accompanying character of servility, by which fear is taken as the sole and ultimate motive, proceeding from love of one's own good as the ultimate end.

> Exodus 20:20: "Do not fear; for God has come to test you, and that His terror may be in you, and that you may not sin."
>
> Psalm 2:11: "Serve the Lord in fear, and rejoice before Him with trembling."
>
> Psalm 18:10: "The fear of the Lord is holy, enduring forever and ever."
>
> Psalm 33:12: "Come, children, hear me: I will teach you the fear of the Lord."
>
> Psalm 84:5 ff.: "Convert us, O God our Saviour, and turn away Your anger from us. Will You be angry with us forever?"
>
> Psalm 110:10: "The beginning of wisdom is the fear of the Lord."
>
> Psalm 118:120: "Pierce my flesh with Your fear; for I have feared Your judgments."
>
> Proverbs 1:7: "The fear of the Lord is the beginning of wisdom."
>
> Proverbs 14:27: "The fear of the Lord is a fountain of life, that they may turn away from the ruin of death."
>
> Proverbs 15:27, 33: "By mercy and faith sins are cleansed, but by fear of the Lord everyone turns away from evil. ... The fear of the Lord is the discipline of wisdom."
>
> Ecclesiasticus 1:16, 20, 22, 25, 27: "The beginning of wisdom is the fear of the Lord. ... The fullness of wisdom is to fear God. ... The crown of wisdom is the fear of the Lord. ... The root of wisdom is to fear the Lord. ... The fear of the Lord drives out sin; for he who is without fear cannot be justified" (cf. 1:11–13, 17, 19).

Ecclesiasticus 2:6: “Keep His fear, and grow old in it.”

Ecclesiasticus 2:22: “If we do not do penance, we shall fall into the hands of the Lord, and not into the hands of men” (cf. 2:1, 7–10, 18–21).

Ecclesiasticus 5:5: “Concerning sin forgiven, do not be without fear, nor add sin upon sin” (cf. 5:4–9).

Ecclesiasticus 7:40: “Remember your last things, and you will never sin.”

Ecclesiasticus 24:24: “I am the mother of fair love, and of fear, and of knowledge, and of holy hope.”

Ecclesiasticus 25:13–16: “How great is he who finds wisdom and knowledge! Yet he is not above the one who fears the Lord. The fear of God has set itself above all things. Blessed is the man to whom it has been given to have the fear of God: to whom shall he who possesses it be likened? The fear of God is the beginning of His love.”

Jeremiah 31:18 ff.: “You have chastised me, and I have been instructed ... I have done penance.”

Matthew 10:28: “Do not fear those who kill the body but cannot kill the soul; rather, fear Him who can destroy both soul and body in hell” (cf. Augustine, *Sermon* 161, 8). Luke 3:7 ff.: “Brood of vipers, who has shown you how to flee from the wrath to come? Bring forth, therefore, fruits worthy of penance.”

Luke 13:3, 5: “Unless you do penance, you shall all likewise perish. ... If you do not do penance, you shall all likewise perish.”

John 5:14: “Behold, you have been made whole. Sin no more now, lest something worse happen to you.”

Romans 2:5 ff.: “But according to your hardness and impenitent heart, you store up wrath for yourself on the day of wrath and of the revelation of the just judgment of God, who will render to each one according to his works.”

Philippians 2:12: “Work out your salvation with fear and trembling.”

Apocalypse 2:5: “Remember, therefore, from where you have fallen, and do penance, and do the first works. Otherwise, I will come to you and remove your candlestick from its place, unless you do penance.”

Proof 2. FROM THE FATHERS

The Fathers continually impress fear upon us as something especially salutary, not only in general or as a means of persevering in the way of salvation, but also, and insistently, as a means of penance and conversion. Among them Augustine himself stands out, whom the Jansenists improperly claim for their own side.

Tertullian, On Penance, 2: “If [the Gentiles] were to practise [penance], being possessed of an awareness of God and consequently of reason also, ... they would regulate the manner ... of repenting, ... fearing the Lord, that is. But where there is no fear, there is accordingly no

amendment. Where there is no amendment, penance is necessarily vain: for it is without its fruit, for which God sowed it, namely, the salvation of man" (M.L. 1, 1338).

Ibid., 5: "If, therefore, you are sorry that you have sinned, because you have begun to fear the Lord, why did you prefer to ascend again to the very thing from which you had descended through fear, unless because you have ceased to fear? For nothing other than obstinacy overthrows fear" (M.L. 1, 1235).

Ibid., 12: "If you shrink from public confession [exomologesis], consider in your heart Gehenna, which public confession extinguishes for you; and imagine beforehand the greatness of the punishment, so that you may not doubt of obtaining the remedy" (M.L. 1, 1358).

Clement of Alexandria, Stromata, 7, 12, 78, 7 and 79, 1: "Justice is twofold: the one, indeed, on account of charity; the other, on account of fear. For it is certainly said: 'The fear of the Lord is chaste, abiding forever and ever'; those who are converted from fear to faith and justice abide forever; for fear already effects abstinence from evils" (C.B. 3, 56).

Gregory of Nyssa, On the Song of Songs, Homily 1: "For He who 'wills all men to be saved and to come to the knowledge of the truth' here shows the most perfect and blessed manner of salvation, namely that which is accomplished through charity. For in some, salvation is also effected through fear, when, looking upon the threats of the punishment of Gehenna, we separate ourselves from evil. There are also some who, on account of hope for the reward laid up for those who have lived piously, conduct themselves rightly and virtuously, possessing the good not through charity but through expectation of recompense" (M.G. 44, 765).

Chrysostom, To the People of Antioch, On the Statues, Homily 15, 1: "What is more grievous than Gehenna? Yet nothing is more useful than the fear of it; for fear of Gehenna brings us the crown of the kingdom. ... For nothing consumes sins, and causes virtue to increase and spring forth, so much as the disposition of continual fear" (M.G. 49, 154).

Gregory the Great, On the First Book of Kings, Book 5, no. 11: "The mind of one doing penance is then rightly directed if it fears the divine judgments and trusts in the mercy of almighty God. Fear without hope casts one down into despair; but when it is joined to hope, it works the salvation of the mind. Therefore a very good teacher ought to take the greatest care to frighten the sinner, and to bring him, when terrified, back to the hope of pardon, so that through fear he may cease from sinning, and through hope of obtaining forgiveness he may seek the refuge of divine mercy" (M.L. 79, 332).

In Ezekiel, book 2, homily 10, cited in Article 23 (p. 5).

Cf. Basil, Homily 7; Ambrose, On Psalm 118, 120; Sermons 15, 37, 38, 40; Jerome, On Malachi 1, 6; Chrysostom, On Romans, homilies 5, 6; Gregory the Great, On the Gospels 34, 16; Moralia 24, 6, 10; Dialogues 3, 34.

AUGUSTINE

Augustine in no way favours the Jansenists, although he puts forward certain remarkable expressions (of which there will be discussion in the reply to Objection 2); on the contrary, he is an invincible

defender and champion of the uprightness, usefulness, and supernatural character of fear and of fearful attrition.

He distinguishes four kinds of fear, as we said in the Statement of the Question.

He carefully distinguishes and opposes fear of eternal punishment, which he himself first calls "servile," to worldly fear, which is "false fear" (Sermon 161, 5, 5), since it is "fear of men, not of God" (On Holy Virginity 38, 39).

He insists upon the necessity of this fear:

> "Fear indeed, fear; there is nothing that you ought to fear more" (Sermon 161, 8, 8). "Unless man begins to worship God through fear, he will not reach love" (On Psalm 149, 15).

He defends its uprightness:

> "When therefore the Lord shall have instilled fear ... I shall be about to say: Do you fear badly? I shall not say that. Fear indeed; there is nothing that you ought to fear more" (Sermon 161, 8, 8).

He calls it good and useful:

> "There is nothing that you ought to fear more" (ibid.); "That fear is good, that fear is useful" (On Psalm 127, 8).

He calls it "without doubt a great gift of God" (On Grace and Free Will 18, 39).

He shows its salutary power, teaching that fear itself, although servile, is "a servant of charity" (Sermon 156, 13, 14); that it causes men to "restrain themselves from sin," and from this arises in them "the habit of justice" (On Psalm 127, 7); that it introduces charity into the soul "just as we see thread introduced by a bristle" (On the First Epistle of John, tractate 9, 4); that it introduces Christ (On Psalm 141, 4: "Through fear of eternal fire Christ enters"); that it remains even in the just together with imperfect charity (On the First Epistle of John, tractate 9, 4), in such a way, however, that this fear is "greater in those still journeying, less in those drawing near, and absent in those who have arrived [at the homeland]" (Sermon 348, 3, 4); and thus "it not only begins wisdom, but also perfects it" (On Eighty-three Diverse Questions, question 36, nos. 1 and 4).

> On Eighty-three Diverse Questions, question 36, nos. 1 and 4: "The poison of charity is the hope of acquiring or retaining temporal things. Its nourishment is the diminution of cupidity; its perfection is the absence of all cupidity. The sign of its progress is the diminution of fear; the sign of its perfection is the absence of all fear: for both 'the root of all evils is cupidity' (1 Timothy 6:10), and 'perfect love casts out fear' (1 John 4:18). Whoever, therefore, wishes to nourish charity should strive to diminish cupidities. Now cupidity is the love of acquiring or possessing temporal things. The beginning of its diminution is to fear God, who alone cannot be feared without love. For one strives toward wisdom, and nothing is truer than the saying: 'The beginning of wisdom is the fear of the Lord' (Ecclesiasticus 1:16). ... When this cupidity has been overcome, pride must be guarded against. For it is difficult for one who no longer desires to please men, and who thinks himself full of virtues, to deign to associate with them. Thus fear is still necessary, lest even what he seems to have be taken from him (Matthew 25:29), and lest he be bound hand and foot and cast into the outer darkness (Matthew 22:13).

Therefore the fear of God not only begins the wise man, but also perfects him. And the wise man is one who loves God supremely and his neighbour as himself" (M.L. 40, 25 ff.).

On Grace and Free Will, 18, 39: "To Timothy he says: 'For God has not given us the spirit of fear, but of power and charity and continence' (2 Timothy 1:7). In this testimony of the Apostle we must certainly take care not to think that we have not received the spirit of the fear of God, which is undoubtedly a great gift of God, concerning which the prophet Isaiah says: 'The spirit of wisdom and understanding shall rest upon him, the spirit of counsel and fortitude, the spirit of knowledge and piety, the spirit of the fear of the Lord' (Isaiah 11:2–3). It is not the fear with which Peter denied Christ; rather, we have received the spirit of that fear of which Christ Himself says: 'Fear Him who has power to destroy both soul and body in Gehenna: truly, I tell you, fear Him' (Luke 12:4–5). He said this lest we deny Him through that fear by which Peter was disturbed. For He wished that fear to be taken from us when He first said: 'Do not fear those who kill the body and afterward have nothing more they can do' (Luke 12:4). We have not received the spirit of this fear, but of power and charity and continence" (M.L. 44, 904 ff.).

On Holy Virginity, 38, 39: "It is good for you, O virginal soul, that, just as you are a virgin, so also, preserving entirely in your heart what you are by rebirth and preserving in your flesh what you are by birth, you should nevertheless conceive from the fear of the Lord and bring forth the spirit of salvation (Isaiah 26:18). 'Fear indeed is not in charity,' but, as it is written, 'perfect charity casts out fear' (1 John 4:18): yet the fear of men, not of God; the fear of temporal evils, not of divine judgment at the end. 'Do not be high-minded, but fear' (Romans 11:20). Love the goodness of God; fear His severity: both prevent you from becoming proud. For in loving you fear lest you gravely offend the One loved and loving. For what more grievous offence is there than to displease through pride Him who on your account was displeased by the proud? And where ought that 'chaste fear abiding forever and ever' (Psalm 18:10) to be found more than in you, who do not think of the things of the world, how to please a husband, but of the things of the Lord, how to please the Lord (1 Corinthians 7:32)? That other fear is not in charity; but this chaste fear does not withdraw from charity. If you do not love, fear lest you perish; if you love, fear lest you displease. Charity casts out that fear; with this fear it runs inward. For the Apostle Paul also says: 'For we have not received the spirit of bondage again in fear, but we have received the Spirit of adoption as sons, in whom we cry, Abba, Father' (Romans 8:15). I believe he means that fear which was given in the Old Testament lest the temporal goods promised by God should be lost, promised to sons not yet under grace but still under the Law as servants. There is also the fear of eternal fire, to avoid which one serves God, and that surely does not yet belong to perfect charity. For the desire of reward is one thing; the dread of punishment another" (M.L. 40, 418).

On Psalm 79, 13: "Therefore, my brothers, both love and fear lead to every right action: to every sin love and fear lead. That you may do good, love God and fear God; that you may do evil, love the world and fear the world. These two convert you toward good: you loved the earth, love eternal life; you feared death, fear Gehenna" (M.L. 36, 1026).

On Psalm 127, 7 ff.: "Let us fear the Lord with a chaste fear, with a fear abiding forever and ever. For there is another fear which charity excludes, as John says: 'Fear is not in charity, but

perfect charity casts out fear' (1 John 4:18). He does not say that every fear is cast out by charity: for you have the psalm saying, 'The fear of the Lord is chaste, abiding forever and ever' (Psalm 18:10). One fear, therefore, remains; another is excluded. The fear which is excluded is not chaste; but that which remains is chaste. What is the fear which is excluded? Be pleased to give heed. Some fear only lest they suffer some evil upon earth: lest sickness befall them, or loss, or bereavement, or the loss of some dear person, or exile, or condemnation, or imprisonment, or some other tribulation. For this they fear and tremble: as yet this fear is not chaste. Listen further. Another man does not fear suffering in this land, but fears Gehenna, with which the Lord also frightened men (Mark 9:43). Men hear these things; and because they are truly to come upon the impious, they fear and restrain themselves from sin. They indeed fear, but they do not love justice. But when through fear they restrain themselves from sin, a habit of justice is formed, and what was hard begins to be loved, and God becomes sweet; and now a man begins to live justly, not because he fears punishments, but because he loves eternity. Fear is therefore excluded by charity, but chaste fear has succeeded it. ... Chaste fear, therefore, my brothers, has this characteristic: it comes from love. But that fear which is not yet chaste fears presence and punishments. Through fear it does whatever good it does, not for fear of losing that good, but through fear of suffering that evil. It does not fear lest it lose the embrace of the most beautiful Bridegroom, but fears lest it be cast into Gehenna. This fear is good, it is useful: it will not, indeed, abide forever and ever; but it is not yet that chaste fear which abides forever and ever" (M.L. 37, 1680–1682).

On Psalm 141, 4: "What, then, is it to close the door [to the devil]? This door has, as it were, two leaves: that of cupidity and that of fear. Either you desire some earthly thing, and through this he enters; or you fear some earthly thing, and through this he enters. Therefore close the door of fear and cupidity against the devil, and open it to Christ. How do you open these leaves to Christ? By desiring the kingdom of heaven, by fearing the fires of Gehenna. Through the cupidity of the world the devil enters, through desire for eternal life Christ enters; through fear of temporal punishments the devil enters, through fear of eternal fire Christ enters" (M.L. 37, 1833).

On Psalm 149, 15: "You have just heard the Apostle John: 'Fear is not in charity, but perfect charity casts out fear, because fear has torment' (1 John 4:18). This is an iron bond. And yet, unless man begins to worship God through fear, he will not come to love. The beginning of wisdom is the fear of the Lord (Psalm 110:10). Thus he begins with iron bonds and ends with a golden necklace. For it is said of Wisdom: 'And a golden necklace around your neck' (Ecclesiasticus 6:25). He would not have placed a golden necklace on you unless He had first bound you with iron fetters. You began from fear; you are brought to completion in wisdom. How many there are who do not wish to do evil for this reason, that they fear Gehenna, that they fear torments! They do not yet love justice ... but fear punishment; and in fearing punishment they have already received fetters, and are being instructed in iron bonds" (M.L. 37, 1058 ff.).

On John, tractate 43, 7: "What is to be said of the two fears? There is servile fear, and there is chaste fear; there is fear lest you suffer punishment, and there is another fear lest you lose justice. That fear lest you suffer punishment is servile. What great thing is it to fear

punishment? Even the most wicked slave does this, and even the most cruel robber. It is no great thing to fear punishment, but it is a great thing to love justice. Does he, then, who loves justice fear nothing? Certainly he fears: not lest he fall into punishment, but lest he lose justice. My brothers, believe me, and infer this from what you yourselves love. One of you loves money. Do you think I can find someone who does not love it? Yet let him understand what I say from this very thing that he loves. He fears loss. Why does he fear loss? Because he loves money. In proportion as he loves money, so he fears lest he lose money. Thus there is found some lover of justice who dreads the loss of justice more in his heart, who fears being stripped of justice more than you fear being stripped of money. This is chaste fear; this remains forever and ever: charity does not take it away, nor does it cast it out, but rather embraces it, holds it as a companion, and possesses it together with itself. For we come to the Lord that we may see Him face to face: there chaste fear preserves us; for that fear does not disturb, but confirms. The adulterous woman fears lest her husband come; the chaste woman also fears, lest her husband depart" (M.L. 35, 1708).

On the First Epistle of John, tractate 9, 4–6: "From what is perfect charity understood? 'Fear is not in charity.' What, then, shall we say of him who has begun to fear the day of judgment? If charity were perfect in him, he would not fear. For perfect charity would produce perfect justice, and he would have no cause to fear; indeed, he would have cause to desire that iniquity should pass away and the kingdom of God should come. Therefore 'fear is not in charity.' But in what charity? Not in charity which has only begun. In what charity, then? 'But perfect charity,' he says, 'casts out fear.' Therefore let fear begin, 'because the beginning of wisdom is the fear of the Lord.' Fear, as it were, prepares a place for charity. But when charity has begun to dwell there, the fear which prepared a place for it is driven out. For the more charity grows, the more fear diminishes; and the more charity enters within, the more fear is cast outside. Greater charity, less fear; less charity, greater fear. But if there is no fear at all, there is nothing by which charity may enter.

"Just as we see thread introduced by a bristle when something is sewn: the bristle enters first, but unless it comes out the thread does not follow; so fear first occupies the mind, but fear does not remain there, because it entered for the purpose of introducing charity. ... Fear pricks; but do not be afraid: charity enters, which heals what fear wounded. The fear of God wounds as does the physician's instrument: it removes the corruption, and seems almost to enlarge the wound. See: when the corruption was in the body the wound was smaller, but dangerous. The physician's instrument came: that wound hurt less before than it hurts now when it is cut. It hurts more while it is being cured than if it were not being cured; but the medicine makes it hurt more now so that, when health follows, it may never hurt again. Let fear, then, occupy your heart so as to introduce charity; let the scar follow the physician's instrument. Such is this physician that even the scars do not appear: only submit yourself to His right hand. For if you are without fear, you cannot be justified. The sentence has been spoken from the Scriptures: 'For he who is without fear will not be able to be justified' (Ecclesiasticus 1:28). It is therefore necessary that fear should enter first, through which charity may come. Fear is the medicine; charity is health. 'But he who fears is not perfect in love.' Why? 'Because fear has torment,' just as the physician's incision has torment.

"There is, however, another saying which appears contrary to this one, unless it has an interpreter: for it is said in a certain place in the Psalm, 'The fear of the Lord is chaste, abiding forever and ever' (Psalm 18:10). He shows us a certain everlasting fear, but a chaste one. If, then, he shows us an everlasting fear, does this Epistle perhaps contradict him when it says, 'Fear is not in charity, but perfect charity casts out fear'? Let us question both utterances of God. The Spirit is one, although the books are two. ... There is thus a certain harmony there, a certain agreement, but it requires a hearer. ... It is not without reason that he added 'chaste' to the one; he did not add it to the other: for there is one fear called chaste, but another which is not called chaste. Let us distinguish these two fears and understand the agreement. ... There are men who fear God for this reason, lest they be cast into Gehenna, lest perhaps they burn with the devil in eternal fire. This is that fear which introduces charity: but it comes in such a way as to go out. For if you still fear God on account of punishments, you do not yet love Him whom you thus fear. You do not desire good things, but avoid evil things. Yet, because you avoid evil things, you correct yourself and begin to desire good things. When you have begun to desire good things, there will be chaste fear in you. What is chaste fear? That you may not lose those very good things. Pay attention. It is one thing to fear God lest He cast you into Gehenna with the devil; it is another to fear God lest He depart from you. That fear by which you fear being cast into Gehenna with the devil is not yet chaste; for it comes not from love of God, but from fear of punishment. But when you fear God lest His presence forsake you, you embrace Him, and desire to enjoy Him.

"The difference between these two fears—one which charity casts out, the other chaste, which abides forever and ever—cannot be better explained than by setting before you two married women. Suppose one is willing to commit adultery and takes pleasure in wickedness, but fears being condemned by her husband. She fears her husband; but, because she still loves wickedness, she fears her husband. To her, her husband's presence is not welcome, but burdensome; and if perhaps she lives wickedly, she fears lest her husband come. Such are those who fear lest the day of judgment come. Suppose the other woman loves her husband, owes him chaste embraces, and would not stain herself with any impurity of adultery; she desires her husband's presence. And how are these two fears distinguished? The former fears, and so does the latter. Question them: they give you, as it were, one answer. Ask the former: 'Do you fear your husband?' She replies: 'I do.' Ask the other whether she fears her husband: she replies: 'I do.' There is one utterance, but a different disposition of mind. Let them now be asked: 'Why?' The former says: 'I fear lest my husband come'; the latter says: 'I fear lest my husband depart.' The former says: 'I fear lest I be condemned'; the latter says: 'I fear lest I be forsaken.' Place this within the minds of Christians, and you find the fear which charity casts out and that other chaste fear which abides forever and ever" (M.L. 35, 2047–2049). Sermon 32, 13: "We have said, then, brothers, that when we give a place to the devil, what opens the door to him but cupidity or fear? For we desire the kingdom of heaven, and we fear Gehenna. But just as that door, cupidity for temporal things and fear of temporal punishments, commonly draws us toward wickedness and gives place to the devil, so cupidity for eternal things and fear of eternal punishments give a place in the heart to the word of God" (M.L. 38, 201).

Sermon 156, 13, 14: "Now, therefore, let us be not in fear but in love, that we may be not slaves but sons. For he who still does what is good because he fears punishment does not love God, and is not yet among the sons; nevertheless he does fear punishment. Fear is a slave, charity is free; and, so to speak, fear is a slave of charity. Lest the devil possess your heart, let the slave go before in your heart and keep the place for the mistress who is to come. Do something, do it even through fear of punishment if you cannot yet love justice. Let the mistress come, and the slave will withdraw; because 'perfect charity casts out fear' (1 John 4:18). 'For you have not received the spirit of servitude again in fear.' The New Testament is this, not the Old. 'The old things have passed away, and behold, all things have become new; and all things are from God' (2 Corinthians 5:17–18)" (M.L. 38, 857).

Sermon 161, 5, 5; 7, 8; 9, 9: "I would rather hear Christ saying what is true than you murmuring in false fear. For the Lord Himself says: 'Do not fear those who kill the body but cannot kill the soul' (Matthew 10:28). ... From this, then, which men fear for a time, join together the things which they ought to fear. He fears prison, but does not fear Gehenna? He fears the tortures of inquisitors, but does not fear the infernal angels? He fears temporal torture, but does not fear the punishments of eternal fire? He fears dying for a time, and does not fear dying eternally? ...

"When the Lord has instilled fear, and instilled it vehemently, and repeated His threatening word, I shall therefore say: 'Do you fear badly?' I shall not say that. Fear indeed; you fear nothing better, nothing is there that you ought to fear more. But I ask you: 'If God did not see you when you did something, and no one could convict you at His judgment, would you do it?' Look at yourself. For you cannot make answer to all my words; examine yourself. Would you do it? If you would, then you fear punishment, you do not yet love chastity: you fear as a slave; there is dread of evil, not yet love of good.

"Fear, nevertheless, that this dread may guard you, that it may lead you to love. For there is fear by which you fear Gehenna, and therefore do not do evil: it restrains you, and does not permit the inner disposition to rush headlong into sin. For fear is a certain guardian, as it were the pedagogue of the law: the letter is threatening, not yet grace helping. Let fear, then, guard you, so that you do not act through fear; and charity will come: it enters your heart, and in proportion as it enters, fear goes out. For fear made you abstain lest you do it: charity brings it about that you do not wish to do it, even if you could do it with impunity. ... "Servile fear is that by which you fear burning with the devil; chaste fear is that by which you fear to displease God. Consider, dearest brethren, and question your own human affections. A slave fears to offend his master, lest he order him to be flogged, put in chains, confined in prison, or condemned to the mill. Fearing these things, the slave does not sin: but when he sees that his master's eyes are absent, and that he would not be convicted by anything he had done, he does it. Why does he do it? Because he feared punishment, not because he loved justice. But the good man, the just man, the free man (for only the just man is free; for everyone who commits sin is a slave of sin [John 8:34]), delights in justice itself; and if he could sin without punishment, he fears God. And if he could hear God saying to him, 'I see you when you sin, I shall not condemn you, but you displease Me,' he, unwilling to displease his Father's eyes, fears, not a terrible judge lest he be punished or tortured, but lest he offend his most loving

Father and displease the eyes of the One who loves him. For if he himself loves, and feels that his Lord loves him, he does not do what displeases the One who loves him" (M.L. 38, 880–883).

Sermon 348, 1, 1; 3, 4: "I do not doubt, dearly beloved brothers, that the fear of God has been implanted in your hearts, by which you may be led to true and solid fortitude. For, although one who fears no one is said to be strong, he is strong in a perverse sense if he is unwilling first to fear God, so that by fearing he may hear, by hearing he may love, and by loving he may no longer fear. Then he will be truly strong, not by proud hardness, but by secure justice. Thus it is written: 'The fear of the Lord is the hope of fortitude' (Proverbs 14:26). For when the punishment threatened is feared, a man learns to love the reward promised; and thus a good life is preserved through fear of punishment; through a good life a good conscience is obtained; and through a good conscience no punishment is feared. Hence he who does not wish to fear should learn to fear. Let him learn to be concerned who always wishes to be secure. For, as John says, 'Fear is not in charity, but perfect charity casts out fear' (1 John 4:18). He said truly and truly. Therefore, if you wish to have no fear, first take care to possess perfect charity, which casts out fear. If, however, before attaining that perfection fear is excluded, pride swells up, not charity builds up. For as hunger is not driven out in good health by fasting but is expelled by food, so fear does not pass away in a good mind through empty boasting, but must be expelled by fullness of charity. ...

"Let the Christian fear before perfect charity casts out fear; let him believe and understand that he is a pilgrim toward the Lord so long as he lives in the body, which is corrupted and weighs down the soul. The nearer we come to the homeland toward which we strive, the less let fear be; greater fear ought to belong to pilgrims, less to those who are nearer, none to those who have arrived. Thus fear leads to charity, and perfect charity casts out fear. Let the Christian, however, fear, not those who kill the body and afterward have nothing more they can do, but Him who has power to cast both body and soul into Gehenna (Luke 12:4–5). This, moreover, is that 'fear of the Lord, chaste, abiding forever and ever' (Psalm 18:10). Perfect charity therefore does not cast it out: otherwise it would not abide forever and ever; nor was 'chaste' added to the 'fear of the Lord' without purpose. Thus these two expressions are joined: 'abiding forever and ever.' For the fear which charity casts out is that by which the soul is pricked lest it lose something which is loved in creation, or even bodily welfare, or something of this kind after death. For this reason it fears suffering something among the pains and torments of Gehenna. But when the soul takes care that God may not abandon it when deserted by Him, the fear is chaste, abiding forever and ever" (M.L. 39, 1526–1529).

Proof 3. FROM THE AUTHORITY OF ST. THOMAS (against the Jansenists or Contritionist theologians)

In question 85, article 5, the Holy Doctor teaches that "servile fear" is the remote principle of the salutary act of penance, "as the first movement of affection ordered to this"; that it is one of the acts by which man cooperates "with the operation of God converting the heart"; that it proceeds from the act of God converting the heart; that through it someone "is drawn back from sins by fear of punishments"; and that through it "sin first begins to displease a man."

In II–II, question 19, the Holy Doctor teaches that a man can "turn to God and adhere to Him" through "servile fear" (article 2, cited above on p. 244), and that "servile fear is, as it were, a principle disposing one from without toward wisdom, insofar as someone withdraws from sin through fear of punishment" (article 7).

Nor is it a valid objection that St. Thomas, in article 4 of that same question (cited above on p. 245), teaches that in servile fear "its very servility is evil," and that in one who does not possess charity there is servility, namely that "the good to which punishment is opposed is loved as the ultimate end, and consequently punishment is feared as the principal evil."

For, first, the Holy Doctor teaches there that servility does not belong to the very substance of servile fear, but accrues to it, just as the formlessness of faith, which is evil, accrues to the habit and act of faith, which are good. Hence the defect found in servile fear is not in the act itself but in the subject; that is, the one who fears is vicious, not the fear. Moreover, the Holy Doctor does not teach that the vice of servility itself must necessarily be present in a subject lacking grace, or that it must necessarily accompany an act of fear where charity is absent; he says only that it "can occur in one who does not have charity," and that it cannot occur in a just man. Hence, in article 6 (cited on p. 246), he says that servile fear is not properly called servile except when joined to servility, or "when punishment is feared as the principal evil"; here again he supposes that such fear can be separated in the sinner from the aforesaid servility.

Observe, however, the force of his comparison between unformed faith and servile fear. For this comparison does not hold in every respect, but only in this, that "servility does not belong to the species of servile fear, just as formlessness does not belong to the species of unformed faith"; consequently both can exist, whether without charity or with charity, so far as the substance of their acts is concerned. Nevertheless, whereas faith cannot be separated from formlessness in a subject lacking charity, servile fear can be separated from servility in the same subject, even before charity comes to him. The reason is that the formlessness of faith is something habitual, consisting in the very lack of charity; whereas the servility of fear is something actual, consisting in the actual reference of the act to punishment as the principal evil and to the good opposed to punishment as the ultimate end. Nor does it matter that the fear is in a subject lacking charity, since this lack is not servility but formlessness—or, if one prefers, it is not objective but subjective servility—as was noted in the State of the Question.

Proof 4. FROM REASON

Negative argument

The common argument of the adversaries, on which they finally rest their denial of the uprightness of fearful attrition, is reduced to this: that it involves an affection for sin. But the principles from which they derive this argument are gratuitous and false.

The Protestants gratuitously and falsely assert, as is shown by the doctors in the treatise On Grace, that original sin has so corrupted the will of man that whatever proceeds from it lacks freedom and uprightness and is necessarily a sin. Besides, these two things are mutually opposed: what is necessary is not sin, and what is sin is not necessary but free. Hence, without reason, the innovators attack the uprightness of fearful attrition.

The Jansenists gratuitously and falsely assert, as is shown in the same treatise, that all human attrition proceeds from that twofold love, namely evil cupidity or charity. Between these two, however, there is another twofold love: one natural and upright, by which man can, without grace, pursue some upright good, though not every such good; and another supernatural, by which man can, with grace, pursue some supernatural good, although not one that is perfect and meritorious, as in hoping in God and grieving over sin.

The Rationalists gratuitously and falsely assert that the good is to be loved only for its own sake. For good is threefold—upright, useful, and delightful —and each can ground the freedom, and therefore the morality, of an act of free choice, provided that the order of the useful and delightful to the upright good is not excluded. Moreover, fearful attrition, according to the essence of its act, pursues the upright good itself, that is, the destruction of sin, although it has as its outward motive dread and fear, or the love of a useful or delightful good, which is the very happiness from whose loss man flees.

The Contritionists mentioned above are altogether unable to show that an act of fear, upright in itself, must necessarily be joined on the part of the subject to an affection for sin, as will now be shown.

Positive argument

Fearful attrition contains three things: sorrow for sin, fear of punishment, and the ordering of sorrow to fear, so that sorrow is taken up as a means of avoiding punishment; or—which amounts to the same thing—fear is the principle and cause of sorrow. Now there is nothing dishonourable in these three things.

For it is upright, indeed commanded, to grieve over sin, or to intend the turning of the will away from sin, since sin is in itself supremely hateful. It is upright, indeed commanded, to fear the punishment owed to sin, and especially Gehenna, since punishment is in itself an evil repugnant to the will, and the punishment of Gehenna, owed for sin, is the most repugnant evil, just as the contrary of it, beatitude, is the most desirable good. Therefore, just as the hope of beatitude is an upright act, so also is the fear of damnation, since the reasoning is the same in hoping for good and fearing evil. Finally, it is upright, indeed under some disjunctive aspect commanded, to order sorrow to fear, or to endeavour to grieve at least from fear, since any upright act can be ordered to another upright act, provided that in this ordering the right preference for both is not excluded, together with the due ordering of both to the ultimate end.

To make this last point evident—for in it lies the turning point of the difficulty, and to overthrow at its root the principal objection of the adversaries drawn from the very ordering of the act of sorrow to the act of fear—observe that this ordering is neither evil in itself nor does it necessarily presuppose in the will an affection for sin.

First, it is not evil to order something to an inferior end, provided that an ordering to a superior end, and especially to the ultimate end, is not excluded. Nor, therefore, is it evil to order superior things to inferior ones under some particular aspect of finality—for example, as to a proximate, or to a secondary, or to an end in a qualified respect—provided that the right principle governing the preference of both, and especially the preference for the ultimate end, is not excluded. For in this manner common sense rightly understands that many things are ordered to inferior ends: artistic work to obtaining money and procuring food; the celebration of Mass to obtaining stipends; prayer to

obtaining natural goods; the very observance of the law to obtaining a reward (and note that, on the same reasoning, it is permissible to observe the law in order to obtain a reward and not to violate the law in order to avoid punishment); the Incarnation of the Word to saving men; and the divine action itself to preserving and perfecting the universe of creatures.

Likewise, therefore, although the good of God is greater than our good, the evil of sin is greater than the evil of punishment, and flight from sin is nobler than flight from punishment, it is not evil to order sorrow for sin to fear of punishment, and to employ the flight from sin as a means toward flight from punishment—as toward an immediate end and an end in a qualified respect—provided that the preference for each is not set aside, nor the reference of the flight from punishment to God Himself, and so, in a certain manner, to the very flight from sin as to the ultimate end.

Moreover, as will be explained more fully below in the reply to Objection 3, a penitent who is attrite not only intends to grieve over sin in order thereby to avoid punishment, but also, and principally, intends to take up fear of punishment so that, by means of that fear, he may elicit sorrow, when a nobler means is not at hand. Thus fear is taken up as the cause of sorrow and as a means toward sorrow, and is consequently subordinated to that sorrow under the aspect of a motive and of an end. Further, since attrition is essentially nothing other than a simple act of sorrow for sin as an offence against God, the aspect of fear is to be considered as a condition of the object of sorrow rather than as an extrinsic motive of the act. Thus the penitent is said to grieve over sin as something productive of punishment, or as something offensive to the divine Judge. A condition of an object, however, is something less principal and less intended than the object itself, because it is intended in the object and for the sake of the object itself.

Second, and consequently, the aforesaid ordering of sorrow to fear, however it may be understood, does not presuppose in the will an affection for sin, even a conditional one; rather, it directly excludes it. For the very punishment which a man flees is essentially bound not only to the external sin but also to the internal affection for sinning, and the exclusion of that affection is itself a necessary means for avoiding punishment. Hence there is no flight from sin where an affection for sin remains; and the very choice of flight from sin as the end of escaping punishment wholly empties the will of an affection for sin.

From this, so that a certain objection of the adversaries may be forestalled at once, the difference is clear between the fearful attrition of a sinner and the fearful casting of merchandise into the sea by a merchant placed in danger of shipwreck (or other similar examples). For that casting away of goods, forced by fear of shipwreck, is consequently involuntary in a qualified respect and therefore leaves a true affection for the merchandise in the merchant's will, since, for the end of escaping shipwreck, it is not necessary that he renounce the merchandise in his affection, but only that he externally abandon it and be separated from it. These matters, however, will be explained more fully below in the replies to Objections 4–7.

RESPONSE

Objection 1. According to Scripture, fear is opposed to charity, by which it is cast out; it is opposed to the evangelical spirit, which is one of gentleness and love; and it is of no avail, since it is without charity. 1 John 4:18: "There is no fear in charity; but perfect charity casts out fear, because fear has punishment; and he who fears is not perfected in charity." Romans 8:15: "For you have not received

the spirit of bondage again in fear, but you have received the spirit of adoption of sons" (cf. 2 Timothy 1:7). 1 Corinthians 13:2 ff.: "And if I should have ... all faith, so that I could remove mountains, but have not charity, I am nothing ... it profits me nothing."

Reply. As St. Thomas explains in II–II, question 19, cited in the State of the Question, only worldly fear and servilely servile fear are properly opposed to charity. Simply servile fear is not opposed to charity; indeed, as regards its substance and under the aspect of initial fear, it can remain together with charity. It is opposed only to perfect charity and is excluded by it, as St. John says in the passage cited. Finally, filial fear is the offspring of perfect charity itself.

The evangelical spirit is a spirit of love, and therefore does not exclude fear, which leads to love and proceeds from love; just as the divine essence itself is supreme love, and therefore does not exclude justice, which leads to love and proceeds from love. That the evangelical spirit is of this kind is shown by the texts cited above in the Conclusion (cf. what was said in Article 11, Volume I, p. 276 ff.).

Without charity, something can be good and supernatural, even though by itself alone it profits nothing toward final salvation. This is true not only of fearful attrition, but also of faith itself, and not only of that empty faith or confidence of which the Protestants speak, but even of the faith that could move mountains, according to the Apostle in the passage objected.

Objection 2. The Fathers, among whom especially Augustine, frequently condemn fear as evil, or at least as useless and disordered, because it does not exclude an inward affection for sin.

Chrysostom, On 2 Corinthians, homily 4, no. 6: "When you have sinned, groan, not because you must suffer punishment—for that is nothing—but because you have offended your Lord, who is so kind and so loving" (M.G. 61, 426).

Prosper, Book of Sentences from the Works of St. Augustine, no. 173: "No one does good unwillingly, even if what he does is good, because the spirit of fear profits nothing where the spirit of charity is absent" (Augustine, Book I of the Confessions, ch. 12) (M.L. 51, 451).

Leo the Great, Sermon 90, 3: "For there are two loves from which all wills proceed, differing in their qualities just as their authors are divided. For the rational soul, which cannot exist without love, is a lover either of God or of the world" (M.L. 54, 448).

Bernard, On Loving God, ch. 12: "I think ... that charity alone ... is able to turn the soul away from love of itself and of the world, and direct it toward God. For neither fear nor self-interested love converts the soul. At times they change its countenance or its act; never its affection" (M.L. 182, 995).

Augustine, both here and there, or even in the very passages cited in the Conclusion, seems to oppose the uprightness of fearful attrition. He asserts that fear of punishment is nothing great, since it is common to the most unjust slaves and the most wicked robbers; that it is not worthy of praise; that it does not imply a love of justice; and that it does not exclude an affection and will to sin. Thus an attrite sinner would have to be compared to a woman who is an adulteress in her heart, and who abstains from the act of adultery only because she fears her husband's anger.

Reply. These same Fathers earnestly praise and commend fear as salutary. Nor can any contradiction be found in them, since, on the one hand, fear is manifold—worldly, servilely servile, simply servile,

and filial—of which the first and second are evil, whereas the third falls short of the perfection of charity; and, on the other hand, charity is taken in two ways, namely for perfect love and for the general love of God, which is compatible even with the love of concupiscence and of hope. From the immediate context or the general intention of the Fathers cited, it can easily be determined in what sense, in each of the passages objected, they disparage fear and exalt charity.

Chrysostom, in the passage quoted above (p. 256), explicitly and emphatically exalts the salutary character of fear of Gehenna. But in the passage objected, on the one hand, he urges sorrow arising from the perfect motive of charity; and on the other he condemns sorrow elicited by servilely servile fear, or rather by fear of temporal punishments, of which alone he speaks in that homily.

Prosper speaks of the spirit of fear that leaves a man unwilling, that is, of servilely servile fear; and he rightly asserts that under this fear a man does not act well. At the same time, he exalts the spirit of charity, which, however, can be understood of love in general, as is also compatible with the love of concupiscence and of hope. Augustine himself, from whom Prosper borrowed that saying, says that when man is moved by fear, "he does well" (On Psalm 79, 13).

Leo the Great does not necessarily understand the love of God as the love of charity, but more generally as that love which is opposed to love of the world, and therefore includes in it the love of hope and of concupiscence. Indeed he rather plainly indicates this in the very words objected, where he concludes: "And therefore one must cling inseparably to eternal goods."

Bernard speaks of a complete conversion of the soul toward God, which charity alone effects, whereas attrition rather turns one away from sin than turns one toward God; nor, on that account, does it avail to justify or simply to set the soul right. Hence in the same place he grants that neither fear of God nor the love of concupiscence by which we will God for our own good is "without stain or able to convert souls"; this distinction is rightly explained in this way: that fear of punishment either is vicious, or, if it is good, at least does not have the power of converting souls. Moreover, that this is the mind of the holy Doctor is manifest from the words quoted from him in the State of the Question (p. 241 ff.), where he deals directly with the nature and division of fear.

As for AUGUSTINE, first, in a general and negative way it must be said that the expressions objected, however forceful and striking, cannot be taken in a simple and absolute sense unless they are to be manifestly opposed to his explicit and characteristic teaching, set forth above, on the goodness, usefulness, and supernatural efficacy of fear. For how could that which is disordered and opposed to the love of justice, and which implies an affection for sin, be that which is especially to be pursued, the means through which Christ and charity are introduced, that by which man begins to worship God and becomes accustomed to justice, and without which he cannot be justified; a great gift of God, remaining together with charity and perfecting wisdom?

Secondly, in a general and positive way, it must be said, with Galtier, that these expressions are to be understood: (a) sometimes of the fear understood by the Pelagians—against whom, or with reference to whom, Augustine often speaks in this manner—which excludes every help of interior grace. For the Pelagians held that fear, conceived from the Law which teaches and threatens, is the whole and only grace of God, if there is any. St. Augustine, however, insists that this fear is quite unequal to inclining the will to the good loved for its own sake [cf. Against Two Letters of the Pelagians, book 2, ch. 21; Sermon 45, 3], and for the same reason says emphatically that one moved only by fear

remains in an evil will; (b) sometimes of that fear which is proper and peculiar to the Old Law, under which and by the force of which sin was prohibited and fear was instilled in sinners, but the spirit of love was not given, by which alone the Law could be fulfilled and justice accomplished; for this is the special spirit of the New Law. Hence all who, whether before Christ or after Christ, are led by fear of the Law alone, act servilely, since they are not moved by the power and virtue of Christ aiding them [cf. On the Spirit and the Letter 8, 13; On Psalm 118, sermon 11, 2; sermon 25, 7]; (c) sometimes of that fear which, although it can and ought to turn the will itself away from sin, nevertheless in many people does not turn it away in reality except from the external work, either because they suppose that this alone is sin, or because they knowingly and willingly think of committing the sin if it were not forbidden under so great a punishment. Those who have faith of this sort are the ones whom Augustine exhorts to lay aside the will and desire to sin [cf. Sermon 161, 8; On Psalm 149, 14 ff.; On Psalm 118, sermon 11, 1 ff.; Sermon 25, 7]. The same persons, however, when destitute of a purpose of keeping the law and of love of God Himself, we should call attrite with a servilely servile fear.[215]

[215] Galtier, De Poenitentia, thesis 8, no. 114, Paris, 1931, p. 76.

Thirdly, coming down to certain particular texts, observe the following.

On Psalm 127, 7 it is said: "They fear indeed, but they do not love justice"; yet it is immediately added: "When, however, through fear they restrain themselves from sin, a habit of justice is formed." Thus, when it is said that those who fear do not love justice, the reference is to a certain more perfect love, not to the exclusion of the love of concupiscence and of hope at least in an imperfect degree. Moreover, in Sermon 156, 13–14, the holy Doctor understands "love of justice" as the love of charity by which one so "loves God ... [as to] be among the sons."

On Psalm 149, 15 it is said: "Those who therefore refuse to do evil because they fear Gehenna ... do not love justice"; but he immediately adds: "By fearing punishment they have already accepted fetters, and so they are trained in bonds."

On John, tractate 43, 7, it is said: "What great thing is it to fear punishment? Even the most wicked servant does this, and the cruelest robber." Yet he is not speaking directly of simply servile fear, but of fear in general, as it is found also in servilely servile fear. Thus the sense is that fearing, even fearing Gehenna, is not a great thing, since, if one attends only to the very aspect of fear, it is found also in an impenitent servant or robber.

On 1 John, tractate 9, 5, it is said: "If you still fear God because of punishments, you do not yet love Him whom you thus fear. You do not desire good things, but you avoid evil things"; but he immediately adds: "Yet because you avoid evil things, you correct yourself and begin to desire good things." Hence when, in the same place (no. 6), the holy Doctor compares one who fears Gehenna to a woman who abstains from adultery only through fear of her husband, or "because she loves wickedness," and says that no better comparison can be offered, this comparison is to be understood only with regard to the aspect of fear in general, which has force and differs in either case according to the motive of love, and not with regard to an affection for wickedness itself, or to the aspect of servilely servile fear, which exists in the woman in question but not in the penitent who is attrite. Otherwise there would be a contradiction with the preceding assertion. Moreover, in Sermon 161, 7–8, the holy Doctor explicitly asserts that one who passes from worldly fear to fear of Gehenna is no longer an adulterer by that very fact: "When you have corrected your fear, and have begun to fear

more profitably—not temporal torments, but the punishments of eternal fire—you will therefore no longer be an adulterer ..."

In Sermon 161, 7–8; 8, 8, when he says that one who fears Gehenna is "not to be praised," he does not deny the goodness and uprightness of fearful attrition, but only its eminent goodness, which is not merely worthy of approval but of praise. For praise is not bestowed on every good work, but on an excellent one. Hence immediately in the same passage he defends the uprightness of fear: "What shall we say of him? ... Do you fear wrongly? We shall not say that. By all means fear; nothing is better for you to fear."

In the work On Nature and Grace, 57, 67, one reads: "He is under the law who, from fear of the punishment which the law threatens, and not from love of justice, feels himself obliged to abstain from the work of sin, not being free or estranged from the will of sinning. For in the very will he is guilty, since he would prefer, if it could be done, not to have what he fears, so that he might freely do what he secretly desires" (M.L. 44, 280). Similar things are read in On the Spirit and the Letter, 8; Against Two Letters of the Pelagians, 2, 9, 21; Against the Adversary of the Law and the Prophets, 2, 7, 28; On Psalm 118, sermon 11, 1.

Yet there, when the holy Doctor is disputing chiefly against the Pelagians, who denied the necessity of grace for conversion, or said that the only grace was fear itself conceived from knowledge of the law, he intends to teach that such fear, separated from the grace of God, is not sufficient to remove the affection for sin and incline the will toward good; as if he were to say that every fear which is independent of the aid of grace cannot be more than servilely servile.

In Letter 145, 4, one reads: "But he vainly thinks himself the conqueror of sin who does not sin from fear of punishment; for although the business of evil cupidity is not carried out outwardly, evil cupidity itself is the enemy within. And who before God is found innocent who wants to do what is forbidden, if you take away that which he fears? For by this very fact he is guilty in his will, who wishes to do what is not lawful, but does not do it for this reason alone, because it cannot be done with impunity. For so far as it lies in him, he would prefer there to be no justice forbidding and punishing sins. And certainly, if he would prefer there to be no justice, would he not take it away, if he could? And is he just for this reason, that he would take away justice if power were given him, lest it should command or judge? He therefore is the enemy of justice who does not sin from fear of punishment; but he will be its friend if he does not sin from love of it; for then he will truly fear to sin. For he who feared Gehenna did not fear to sin, but to burn. He, however, feared to sin who hated sin itself as Gehenna. This is the chaste fear of the Lord, abiding for ever and ever (Psalm 18:10). For that fear of punishment has torment and is not in charity, and perfect charity casts it out (1 John 4:18)" (M.L. 33, 593 ff.).

Nevertheless, this passage concerns servilely servile fear, as the very words show: "He who wishes to do what is not lawful, but does not do it for this reason, because he cannot do it with impunity." Moreover, here too the holy Doctor attacks the aforesaid doctrine of the Pelagians concerning fear, who, as he says, "arrogate too much to the human will, which they suppose may suffice of itself to fulfil the law that has been given, without any addition of the grace of holy inspiration to the teaching of the law; and through their disputations they persuade the infirmity of wretched and needy men that we ought not to pray lest we enter into temptation. Not because they dare say this openly; but whether they will it or not, it assuredly follows from their opinion" (ibid., no. 8, M.L. 33, 595).

Objection 3. As the maxim of the philosophers has it, "That on account of which each thing is such is itself more so." Therefore, one who hates sin because of punishment hates punishment more than sin, and consequently loves his own good, to which punishment is opposed, more than the good of God, to which sin is opposed. But this is not upright; it is disordered.

Reply. First, with the Salmanticenses: "That maxim holds only with respect to the adequate and total reason for obtaining some effect; not with respect to a merely inadequate reason, although sufficient, as happens in the present case. For he who detests sin in order to avoid its punishment does not regard that avoidance as the total and adequate motive for fleeing fault, but only as a motive sufficient for him at that moment, abstraction being made from other, and far greater, motives for fleeing fault, which might occur to him, though they are not then present. Hence, just as no error arises in one who knows that God is God but does not know that God is triune—since, as is commonly said, abstraction is not falsehood—so neither is there fault in one who flees from sin through fear of punishment and does not flee it from another motive, because in such abstraction there is no malice."[216]

[216] Salmanticenses, De Poenitentia, disp. 7, dub. 1, n. 37, in Cursus Theologicus, vol. 20 (Paris, 1883), p. 55. Other theologians, including Suárez and Billuart, commonly reply in a similar manner.

Moreover, since someone might dislike this way of taking refuge in an exception, it may be conceded that the maxim has universal validity and hence may also be applied in the case of fearful attrition; yet it does not follow rightly from this that such attrition is disordered. For by this attrition a man does not hate sin because of punishment in such a way that hatred of punishment is the end of hatred of sin under every conceivable aspect of an end, but only under a certain secondary aspect: for example, as an occasional, secondary, proximate, or beneficiary end (finis cui). Hence it can be conceded that an attrite man hates punishment more than fault, but only under that secondary aspect by which hatred of punishment gives its end to hatred of fault; and thus he does so secondarily and in a certain respect, not principally and absolutely.

No disorder or dishonesty is found here, since the question concerns precisely a certain secondary aspect of the end, and secondary ends are ordered, or at least are capable of being ordered, to another and principal end. Thus the occasional end is ordered to the direct end, the secondary to the principal, the proximate to the ultimate, the beneficiary end (finis cui) to the end intended (finis cuius). Accordingly, since God truly willed the Incarnation for our salvation, as for an occasional end and a finis cui, it can rightly be said that God willed our salvation more than the Incarnation in at least some respect and in a qualified sense. Absolutely speaking, however, He willed the Incarnation more than our salvation, since He willed the former as finis cuius, and the latter as finis cui; the latter gives way to and is subordinate to the former in the one indivisible character of the total end intended by the agent. In brief, God willed the saving Incarnation in its entirety; and in that willing He intended the Incarnation for our salvation, and our salvation for the Incarnation considered as saving. Thus He ordered the Incarnation proximately to our salvation, but ultimately to itself as saving.

But since someone might again raise a subtle objection, denying the presupposition of this explanation and the parallel between the decree of the Incarnation and fearful attrition—on the ground that an attrite man seems to have only one intention, by which he orders hatred of sin to

hatred of punishment, and not the reverse—so that one subtlety may be met by further distinctions, receive the following three answers.

Secondly, and better, it is answered: in fearful contrition, the avoidance of punishment is not the principal end of sorrow for sin, but a secondary and occasional one; and this in such a way that the principal and intrinsic end is the destruction of sin itself, which is the object of sorrow. The same occurs in the most perfect act of contrition, whose principle and motive is filial fear, recoiling from fault itself or from an offense against the Father. For the contrite man does not hate an offense against the Father more than sin; indeed, the notion of sin is more profound and universal than the notion of an offense against the Father, inasmuch as it regards the Godhead itself, considered absolutely and in itself. Yet the virtue of charity, in order to produce an act of contrition, first produces an act of filial fear, to serve as an inducement to contrition. Likewise, in the Incarnation of the Word, our salvation is its secondary motive, insofar as God, in order to obtain the Incarnation, chose our salvation because it was an inducement to the Incarnation, the decree of worthy satisfaction being presupposed. Likewise in natural things, an agent wills matter for the sake of form, and form for the sake of matter, so that matter is in a certain manner the reason why form is intended; yet it is a secondary and material reason, since the agent, for the very purpose of obtaining form, chooses the matter which is required by the form. In all these instances, then, there is a mutual causality of this kind, though in different genera of causes.

Thirdly, and more aptly, it is answered: fear of punishment, considered as an act prior to and distinct from sorrow, is an extrinsic motive of the act of sorrow, since it influences the existence of that act, but not its very essence. For through fear someone is moved to sorrow for sin; but when he actually grieves, he grieves for sin with sorrow that is supreme in appreciation, as he ought, and therefore more than for punishment itself, as was said in Article 25 (p. 77 and following).

Fourthly, and more strictly, it is answered: in fearful contrition itself, since it is a single act, a comparison between sin and punishment, or between the motive of contrition and its object, is wrongly made. For, as we have warned more than once above (pp. 11 and following; 21, 44), the motive must pass into the condition of the object in order to influence the essential character of the act itself. Whatever, then, may be said of a distinct act of fear of punishment, which perhaps preceded attrition and impelled the man toward it, the very act of fearful attrition is specified by sin formally considered as an offense against God, insofar as it induces punishment, and hence by an offense against God as the judge who inflicts punishment, where the notion of punishment or of the judge enters as a formal condition of the object. Thus this attrition does not properly imply two acts of avoidance mutually subordinated, of which one is the cause of the other, but is one act of flight from sin as an offense against the judge and as inducing punishment.

Nor, moreover, can it be said that attrition is more a flight from the aspect of inducing punishment than from the aspect of sin: first, because those two aspects are indissolubly united in one formal object; secondly, because the aspect of inducing punishment is only a certain condition of the aspect of sin, and a condition is something less principal and less intended than the object itself, since it is intended in the object and on account of that object; thirdly, because the aspect of inducing punishment is not a condition adding something to, but rather limiting, the aspect of sin, which, absolutely speaking, signifies an offense against God under every consideration. Accordingly, he who flees sin as inducing punishment flees it more under the aspect of sin than under the aspect of

inducing punishment, which is something negative in relation to the former. For what is positive is always more important than what is negative, both in being and in the way an act terminates; just as, in an accident, the aspect of entity is more important than the deficiency of entity by which it differs from substance; and, in a creature, the aspect of entity is more important than the aspect of finitude, by which it differs from being simply considered and from the Infinite.

From all these considerations it is evident that one must simply deny that a man who is attrite from fear hates punishment more than fault. Certain theologians, notably Suárez, whom we cited in Article 25 (p. 77 and following), have therefore taught wrongly that contrition is supreme in appreciation except when it is fearful; for in this manner they destroy with one hand what they construct with the other. We therefore subscribe entirely to the following words of Collet: "I admit—or at least do not deny—that one who is moved by fear that is simply servile is moved more by punishment, that is, more intensely, than by fault. But I deny, and firmly deny, that he fears punishment more than fault in appreciation and estimation. For he does not esteem punishment more fearful than fault who judges in practice that fault is worse than punishment, since it is the cause of punishment. But he who acts from fear judges in practice ... Proof of the minor premise: (1) because he thereby judges as a man ought to judge when efficaciously moved by the Holy Spirit. Now a man efficaciously moved by the Holy Spirit, etc. (2) Because that man judges in such a way that he can dispose himself for the attainment of his end, namely, immunity from Gehenna; for this is the will of the Holy Spirit. But no one could dispose himself for the attainment of this end if he were to judge in a disordered way that punishment is something graver than fault. Therefore."[217]

[217] Collet, De Poenitentia, part 2, ch. 4, art. 3, n. 416, in Migne, Theologiae Cursus, vol. 22, col. 277.

Objection 4. One who grieves for sin from fear of punishment is so disposed that, if there were no punishment, he would sin or would not grieve for sin. But such a disposition entails a disordered affection toward sin, or a conditional will to sin, which could be expressed thus: 'If there were no punishment, I would sin.' Therefore fearful contrition is not morally upright.

Reply, with the Salmanticenses: 'The major premise must be denied. For he who avoids fault in order to escape punishment does indeed regard this motive as sufficient for him here and now; but he in no way excludes other motives which may occur. Hence it is wrongly inferred that, if punishment did not threaten, he would sin, for this is altogether uncertain. Rather, only this can and must be inferred: if punishment ceased, he would not avoid fault by virtue of the motive now present, which would then be absent. In this no disorder appears, for neither in loving nor in fleeing are we obliged to employ all possible upright motives, but it suffices to employ even one, setting the others aside. Yet even were it certain before God that a man who flees fault through fear of punishment would commit it if he did not fear the punishment that threatens, this would by no means arise from some depraved affection that exists now in the man who fears, but from one that would exist then and does not exist now.'[218]

[218] Salmanticenses, Cursus Theologicus, vol. 20, De Poenitentia, disp. 7, dub. 1, § 3, no. 37 (Paris, 1883), pp. 55–56.

We resolved this objection also in Article 25 (p. 50). Moreover, it may be added that fearful contrition not only does not include the aforesaid conditional will to sin, but, conversely, includes in a certain way, or implicitly and equivalently, the conditional will not to sin even if there were no punishment. For whatever may have been the manner in which contrition was acquired, for example through the

motive of fear, once it has been acquired, if it is true contrition, it is sorrow that is supreme in appreciation; that is, by force of its proper motive and object, it is an appreciation of sin as the greatest evil absolutely, and a detestation of sin absolutely and under every hypothesis.

Objection 5. Things done through fear are not voluntary in every respect, but involve an involuntary element in some respect, or an interior affection of not doing those things. This is evident in the merchant who, through fear of shipwreck, throws into the sea goods which he loves. Therefore one who grieves for sin through fear of punishment retains an affection toward sin, in which no moral uprightness is found.

To the point, St. Thomas, I–II, q. 6, a. 7, ad 2: 'In one who acts through fear there remains a repugnance of the will toward what is done, considered in itself; but in one who does something through concupiscence (as an incontinent person does), the former will which rejected what he desired does not remain, but is changed into willing what he previously rejected. And therefore what is done through fear is involuntary in a certain respect, whereas what is done through concupiscence is in no respect involuntary. For the incontinent man acts through concupiscence against what he previously proposed, but not against what he now wills; whereas the fearful man acts against what, even now, he wills considered in itself.'

I–II, q. 107, a. 1, ad 2: 'The Old Law, which was given to the imperfect, that is, to those who had not yet attained spiritual grace, was called the law of fear, insofar as it induced the observance of the precepts by the threat of certain punishments; and it is said to have had certain temporal promises. But those who possess virtue are inclined to perform works of virtue through love of virtue, and not on account of some extrinsic punishment or reward. Hence the New Law, whose principal element consists in the spiritual grace infused into hearts, is called the law of love; and it is said to have spiritual and eternal promises, which are the objects of virtue, especially of charity; and thus men are inclined toward these of themselves, and not as toward something extrinsic, but as toward what is their own. For this reason, too, the Old Law is said to restrain the hand, not the mind: for he who abstains from a sin through fear of punishment does not simply withdraw his will from sin as does one who abstains from sin through love of justice; and for this reason the New Law, which is the law of love, is said to restrain the mind.'

Reply. First, as was said above, there is a great difference between the penitent and the merchant, in that the penitent must be induced by fear to renounce the very interior affection toward sin. But since someone could insist, through an overly subtle scruple, that even the renunciation of the interior affection would be involuntary in a certain respect, it is answered, secondly, that the antecedent is not universally true, but holds only for things done through fear as their one and adequate motive. Fearful contrition, however, proceeds from fear of punishment as from one motive, without excluding other motives which may induce contrition, which the penitent does not reject and toward which he may even be positively disposed, so that, even if the motive of fear were absent, he would grieve from other motives. In this sense, the words of St. Thomas quoted in the objection may be understood, not universally, but indefinitely, as verified in many cases. Moreover, in the second text the holy Doctor does not affirm that one who abstains from sin through fear in no way withdraws from sin, but that he does not withdraw in that simple and absolute way in which one who repents through love of justice does.

To the point, the Salmanticenses: 'The antecedent is true only indefinitely, not universally; for many things are done through fear, although they are not involuntary in any respect. ... Some things, indeed, are done through fear which are evil in themselves or contrary to the will, yet they are chosen to avoid an evil. This happens in the example of the sailor throwing his riches into the sea: that is an evil for him and is in itself contrary to his will, but nevertheless he embraces that evil in order to escape the greater evil of death. Things done in this manner, therefore, are involuntary in themselves and have joined to them a refusal, at least conditional and inefficacious, although this is commonly not distinguished from love of the opposite good. But other things are done through fear which are not evil in themselves, nor always contrary to the will, but rather good and very worthy of choice; and yet they are sometimes done through fear in order to avoid an evil feared here and now, as when someone pays a debt to avoid the punishment which the judge threatens if he does not pay. And such things, when done through fear, are not involuntary in themselves, nor do they necessarily terminate in a present inefficacious refusal. For in themselves they can be loved and done from another motive: a debtor, for example, could pay a debt from love of justice, independently of punishment and fear of it. Hence, when he pays through fear of punishment, it is not necessary that he have an inefficacious refusal, or a conditional affection not to pay if the punishment ceased. In this way, therefore, someone may observe the precepts, avoid faults, and resolve upon amendment of life through fear of the punishment of hell, without thereby having an inefficacious refusal of these things, or a conditional affection not to carry them out if that punishment did not threaten. For these things are not evil in themselves or repugnant to the will, but are rather good and worthy of choice according to right reason. Hence they can be chosen independently of that fear, and in fact are chosen by many from another motive, such as their own intrinsic uprightness or love of charity.'[219]

[219] Salmanticenses, Cursus Theologicus, vol. 20, De Poenitentia, disp. 7, dub. 1, § 3, no. 37 (Paris, 1883), p. 56.

Objection 6. An affection toward sin cannot be put aside except through a contrary love of justice. But one who grieves for sin through fear does not love justice. Therefore he does not put aside the affection toward sin.

Reply. A habitual affection toward sin, or the very habitual state of sin, cannot be removed except through love of justice, and indeed through the love of perfect charity, which alone can justify. But an actual affection toward sin can be removed negatively, through the mere suspension of the interior act or through the eliciting of another incompatible affection; or positively, through an act of attrition which contains a certain love of justice—not the love of charity, but of concupiscence, as in hope itself. For attrition is not mere fear or mere flight from sin, but, although conceived from fear, is a positive act of detestation of sin and a certain undertaking tending in some way to make reparation for sin.

Objection 7. That fearful attrition is not morally upright is evident from the fact that it proceeds from love of one's own good, to which punishment is opposed; for 'it belongs to the same reason that a man desires his own good and fears being deprived of it' (II–II, q. 19, a. 6). Indeed, it proceeds from love of one's own good loved above all things and as the ultimate end, since the sinner, by reason of his aversion from God as the ultimate end, loves his own good as the ultimate end.

Reply. This argument proves too much, for it would follow from it that all acts of a sinner are evil and sins—even acts of faith or trust (which not even Protestants admit), of justice, of mercy, and especially of hope, which proceeds from love of one's own good.

Love of one's own good, and an act proceeding from it, is not evil unless one actually assumes one's own good as the ultimate end. It is not enough that a man be only habitually turned away from the ultimate end, as happens in an attrite sinner. Hence fearful contrition, proceeding from self-love and fear of punishment, is not evil, because it does not proceed from self-love as from an ultimate end actually intended, but only from self-love which happens to exist in a subject who is otherwise habitually turned away from God as the ultimate end.

Moreover, although the act of self-love and of fear, considered in itself, terminates negatively and proximately in one's own good because of the aforesaid habitual disposition of the subject, the act of fearful attrition is referred to God as to the ultimate end, albeit under an imperfect aspect, just as the act of hope is; for it is essentially a hatred of sin as an offense against God. It can even be referred perfectly to God if charity is present in the subject, for to charity alone does it belong to communicate such an ordering to the other acts. Therefore St. Thomas (II–II, q. 19, a. 6) says that 'the substance of servile fear can remain with charity, just as self-love can remain with charity.'

From what has been said in this article, and from what we discussed above in Articles 17 and 19 concerning the principle of Penance and the priority of this virtue in relation to the others, it is understood that fear of punishment is not only morally upright and useful, but is itself the principle and foundation of the whole spiritual edifice: namely, the beginning of that wisdom in which the whole perfection of man consists, according to the saying of Ecclesiasticus 1:16, repeated more than once in Scripture: "The fear of the Lord is the beginning of wisdom." As though commenting on these words, St. Thomas writes: "Penance ... and fear ... are foundations in different ways: for fear is first in this whole genus, which is to withdraw from evil; but penance is first with respect to this species, which is to withdraw from an evil already committed; and therefore fear precedes penance also, just as principles of a genus precede principles of a species" (Commentary on IV Sentences, dist. 14, q. 1, a. 2, q. 3; cf. q. 1, a. 2, q. 1).

From what has been said it is also understood that Augustine's celebrated maxim is true—his maxim concerning the twofold love, the cause and root of all our affections, which the Jansenists pervert. Yet within this twofold love a twofold principle again moves the hearts of men: the love of benevolence and the love of concupiscence, or LOVE AND FEAR: love of the world and fear of the world; divine love and fear of God; the love of charity and filial fear; the love of hope and penitential fear.[220]

[220] Augustine, De Trinitate, 9, 17 ff.: "For no one does anything willingly which he has not first said in his heart. Whatever word is conceived in love, whether of the creature or of the Creator—that is, either of mutable nature or of immutable truth—is therefore conceived either by cupidity or by charity" (M.L. 42, 967).

Hence Augustine writes, On Psalm 79, no. 13: "Love and fear lead to every right deed; love and fear lead to every sin. In order that you may act well, you love God and fear God; but in order that you may act badly, you love the world and fear the world. Let these two be turned toward good: you loved the earth, love eternal life; you feared death, fear hell" (M.L. 36, 1026).

As though commenting on these words, Hugh of St. Victor writes, On the Sacraments, book II, part 13, chapter 3: "There are two movements of the heart by which the rational soul is impelled to do everything that it does. One is fear, the other love. When these two are good, they accomplish every good. For by fear evils are avoided; by love good things are performed. But when they are evil, they are the beginning and cause of all evils. For through fear of evil one departs from the good; but through evil love one perpetrates evils. These two, therefore, are as it were two gates through which

death and life enter: death indeed when they are opened toward evil, but life when they are directed toward good" (M.L. 176, 527).

Article 33. Whether every true attrition, which excludes the will to sin, is sufficient for justification within the sacrament, so that perfect contrition, however slight, is not required, nor even any benevolent love distinct from implicit love of concupiscence

ARTICLE 33. WHETHER EVERY TRUE ATTRITION, THAT IS, ATTRITION EXCLUDING THE WILL TO SIN, SUFFICES FOR JUSTIFICATION IN THE SACRAMENT, SO THAT PERFECT CONTRITION, HOWEVER SLIGHT, IS NOT REQUIRED, NOR ANY BENEVOLENT LOVE DISTINCT FROM THE IMPLICIT LOVE OF CONCUPISCENCE

(Supplement, q. 10, a. 1; q. 18, a. 1; Commentary on IV Sentences, dist. 6, q. 1, a. 3, q. 1, ad 5; dist. 22, q. 2, a. 1, q. 3; Quodlibet IV, q. 7, a. 10; Commentary on Matthew 16, no. 2; Commentary on John 11, lect. 6, no. 6.)[221]

[221] Among the innumerable works written on this question, several of which are cited in the course of the article, compare especially the following: Vega, De justificatione, 5, 28; 6, 35. Vasquez, In 3 p., q. 92, a. 1, dub. 3. Suarez, Disp. 20, sect. 1, n. 9 ff. Morinus, De administratione sacr. Poenitentiae, l. 8, c. 4; Opera posthuma, tractatus de contritione et attritione. Lugo, Disp. 5, sect. 9, nn. 133–136. Pallavicini, Historia Conc. Trid., 8, 13, 13. Salmanticenses, Disp. 7, dub. 1, nn. 9–18; nn. 39–57. Bossuet, De doctrina Conc. Tridentini circa dilectionem in Sacramento Poenitentiae requisitam, p. 3, § 6, n. 14 ff. Francolini, De dolore ad sacramentum poenitentiae rite suscipiendum necessario, Rome, 1706. Viva, Damnatae theses ad theologicam trutinam revocatae, Naples, 1708. Liberius a Jesu, Controv., t. 4, tract. 5 De Poenitentia, p. 2, disp. 3, a. 1 ff., Rome, 1710; Foedus timoris et amoris Dei, Rome, 1713. Tournely, De Poenitentia, q. 5. Benedict XIV, De synodo dioecesana, l. 7, c. 13 (in Migne, Theol. Curs., t. 25, cols. 1062–1067). Billuart, Diss. 4, aa. 6–8. Wirceburgenses (U. Munier), De Poenitentia, disp. 2, c. 3, a. 4. Collet, De Poenitentia, p. 2, c. 4, a. 3 (in Migne, Theol. Curs., t. 22, cols. 255–380). St. Alphonsus, Theol. Moral., nn. 440–442. Benaglio, Dell'attrizione quasi materia e parte del sacramento della penitenza, Milan, 1846. J. Delharbe, Die vollkommene Liebe, Regensburg, 1856, p. 217 ff. Theiner, Acta genuina Conc. Trid., Zagreb, 1874, t. 1, especially pp. 221, 236, 247, 248, 281, 323, 584, 600. Palmieri, De Poenitentia, theses 20–32, Rome, 1879. Schäzler, Wirksamkeit der Sakramente, pp. 95, 256 ff. De Augustinis, De re sacramentaria, t. 2, De Poenitentia, thesis 19, Rome, 1887. Döllinger and Reusch, Geschichte der Moralstreitigkeiten in der römischkatholischen Kirche seit dem sechzehnten Jahrhundert, Nördlingen, 1889, t. 1, pp. 67–94. Pesch, De Poenitentia, propositions 11–12. A. Arndt, Die unvollkommene Reue nach den Lehrbestimmungen des Tridentiner Konzils, Paderborn, 1912. Acta genuina Concilii Trid., ed. Goerres, t. 5, especially pp. 422, 491, 511, 520, 623, 704. Hafner, Die Entstehungsgeschichte des Trienter Rechtfertigungsdekrets, p. 154 ff. M. Premm, Das Tridentinische "Diligere incipiunt", Graz, 1925. R. M. Schultes, Utrum charitas sit prior spe, in Divus Thomas (Piacenza), 1926, p. 573 ff. D'Alès, De sacr. Paenitentiae, thesis 7, Paris, 1926. I. Périnelle, L'attrition d'après le Concile de Trente et d'après S. Thomas d'Aquin, Le Saulchoir, 1927. B. Lavaud, Attrition d'amour et charité, in Vie Spirituelle, 1927, p. 105 ff. E. Neveu, De l'attrition d'amour, in Divus Thomas (Piacenza), 1927, p. 118 ff. M. Quera, Atrición y contrición según S. Tomás, in Estudios ecl., 1928, p. 318 ff.; Alrededor de los orígenes del atricionismo, ibid., 1929, p. 193 ff. Hugueny, La Pénitence, t. 2, pp. 427–444; also in Revue Thomiste, 1930, March–April, pp. 128– 143. Galtier, De Paenitentia, theses 24–25, Paris, 1931; Amour de Dieu et attrition, in Gregorianum, 1928, p. 373 ff. Th. C. Sheehan, The History and Meaning of Attrition, in Irish Eccl. Record, 1933, I, p. 61 ff. W. J. Philbin, Attrition and the Sixth Session of Trent, in Irish Eccl. Record, 1933, II, p. 146 ff. Fr. Diekamp, Theol. dogm. (A. M. Hoffmann), vol. 4, § 47 ff.; also Melchioris Cani de contritione et attritione doctrina, in Xenia Thomistica, vol. 3 (Rome, 1925), p. 423 ff. Dict. Théol. Cath., art. Attrition (A. Beugnet), cols. 2244–2262.

STATE OF THE QUESTION

The question concerns the efficacy of attrition with respect to justification, and specifically within the sacrament; for, as was proved in Article 31, perfect contrition alone has the power of justifying outside the sacrament. This, indeed, is the celebrated QUESTION OF THE SUFFICIENCY OF SACRAMENTAL ATTRITION, disputed from long ago and not yet wholly laid to rest. It has had principally two periods: one before the Council of Trent, during which certain theologians simply asserted the necessity of perfect contrition; the other, and much more contentious, after that Council, during which many defended the necessity of some perfect contrition in a diminished degree, or at least of some love of benevolence distinct from the love of concupiscence.

In the text of the article itself are announced both the TWO POINTS OF THE QUESTION here under discussion: namely, whether attrition suffices without the requirement of perfect contrition, however slight, and whether attrition so suffices that no benevolent love whatsoever is required along with it; and the FOUR OPINIONS OF THE THEOLOGIANS: namely, concerning the necessity of perfect contrition simply speaking; the necessity of perfect contrition in a diminished degree; the necessity of benevolent love; and the sufficiency of mere attrition.

For a correct understanding of this controversy, observe first that the question concerns only the sufficiency of attrition in the sacrament, since in Article 31 we denied its sufficiency outside the sacrament; and those theologians who admit its sufficiency outside the sacrament agree with us a fortiori regarding its sacramental sufficiency.

Secondly, it concerns the sufficiency of attrition not directly for the validity of the sacrament, but for its fruit. Nevertheless, in Article 29 we established that the same contrition is required for validity as for fruit; while, on the other hand, certain contritionists who deny the sufficiency of attrition as regards fruit concede it as regards the validity of the sacrament alone.

Thirdly, it concerns true attrition, which—whether conceived from fear or from the turpitude of sin—excludes the will to sin, or is, according to what was established above, a true detestation of and sorrow for sin together with a purpose of not sinning henceforth. It is, moreover, attrition joined to the other things required by the Council of Trent for a fruitful reception of the sacrament: namely faith, hope, the intention of receiving the sacrament, confession itself, and a purpose of satisfaction. Further, it virtually contains within itself some love of concupiscence for God as the fountain of justice; for no attritionist denies this love, and almost all expressly affirm it. Indeed, several observe that such love of God, by reason of the end toward which it tends, may be called a certain beginning of the love of charity.[222]

[222] Liberius a Jesu, Controv., t. 4, tract. 5, De Poenitentia, p. 2, disp. 3, a. 1, sets out seventeen reasons by which attrition arising from fear may be said to contain a certain inchoate love of God.

Pesch aptly writes: "It is easy to understand that in the very act of attrition conceived from fear of punishments there is necessarily contained some beginning of the love of God. For (a) a man who is truly attrite detests an offense against God and wishes to render God propitious to himself: this, however, is a step toward charity toward God; (b) he wishes to observe the whole divine law, and therefore also the precept of loving God above all things; and thus he has charity in desire or purpose; (c) he wishes to attain eternal life, which is the most perfect friendship with God; therefore he has charity as his ultimate end. This initial love, therefore, is present in all true attrition by a logical and psychological necessity."[223]

[223] Pesch, Praelectiones Dogmaticae, t. 7, De Poenitentia, prop. 11, n. 157 (Freiburg im Breisgau, 1920), p. 88.

St. Alphonsus writes: "We do not deny that a beginning of love is required for justification; nor do we deny that it is required also in the sacraments of the dead. ... But this beginning of love, as Gamachaeus, Frassen, the theologian of Périgueux, and Tournely rightly teach, is already present in the attrition described above [that is, attrition from fear]. First, through fear of divine vengeance, according to Ecclesiasticus 25:16: 'The fear of God is the beginning of His love.' Secondly, through hope of pardon; for the Council of Trent itself says that those are well disposed for grace who begin to love God 'as the fountain of all justice,' that is, as the author of the justification of all. Thirdly, through hope of eternal blessedness; since St. Thomas teaches, when speaking of theological hope, that it is indeed a beginning of love toward God. ... All these things, however (as the cited authors and others say), are necessarily included in attrition: for one who approaches the sacrament with it and with hope of pardon already begins to love God as his deliverer, justifier, and glorifier."[224]

[224] St. Alphonsus, Theologia Moralis (ed. Gaudé), t. 3, n. 442 (Rome, 1909), p. 447.

All doctors acknowledge the difficulty of this question; some deny its usefulness, and consequently some avoid the controversy, while others very willingly defer to those who dispute it.

Collet writes: "And this, finally, is that celebrated controversy which has brought forth so many volumes of every possible size; filled theologians' books with so many ill-sounding expressions; called down the thunderbolts of the Apostolic See upon so many excesses on either side; and cast so many clouds over a subject obscure in itself, by spreading such a blaze of light that the brightness itself prevents one from seeing anything. ... Let us briefly consider whether the present question is of such importance as to deserve to be agitated with so great a tumult. Many indeed affirm that it is, and already in the prefaces to their works declare that no question is more serious than the present one, since the eternal salvation of penitents depends upon it. Come, then, let us examine whether this is so."

"This controversy of ours concerning attrition is carried on either by the Jansenists against the anti-Jansenists, or by the anti-Jansenists among themselves. If the former, it is conducted uselessly. For the Jansenists unanimously assert, and take it as a settled doctrine, that all who lack the grace of Christ lack the grace of charity. Therefore, one who approaches the sacrament of Penance is moved either by some grace or by none. If by none, he is justified under no system. ... If by some, why, I ask, so great a tumult, since this grace—on that supposition—is, precisely as grace, true charity, at least in its beginning?"

"But if the question is disputed among Catholics, the whole controversy does not seem much more useful: first, because those who judge pure attrition to be sufficient constantly instruct their penitents in a worthier motive; and thus what they teach in speculation they set aside in practice. Secondly, because penitents themselves endeavor to elicit within themselves contrition, whose formula they learned as children from catechisms; yet that formula does not even speak of the punishments of hell. Thirdly, and most importantly, because not even penitents themselves can sufficiently discern which spirit moves them—fear or love. There will be some who appear more ardent than Seraphim, although they are moved by scarcely any supernatural impulse; there will be others who consider themselves harder than flint and already almost reprobate, yet who love God's law more than thousands of gold and silver pieces. Therefore, any examination of the motives which

move them is unsteady; rather, this certain rule can be laid down: by their fruits the tree may be known—that is, penitents may be judged by the constant observance of God's commandments."[225]

[225] Collet, De Poenitentia, pars 2, cap. 4, art. 3, sect. 2, nos. 439 and 570–572, in Migne, Theologiae Cursus Completus, vol. 22, cols. 293 and 527 ff.

Hurter writes: "A sharp controversy exists among theologians whether some initial love is necessarily required for attrition sufficient to obtain the benefit of absolution. We do not wish to enter into a controversy which may be considered sufficiently settled by the decree of Alexander VII. ... And we are all the less willing to enter this controversy because, first, in practice it does not now seem of such importance as many suppose. Indeed, penitents are not so much questioned about this initial love as about the sincerity of their sorrow; and in practice the anxious care of pastors is directed rather toward making penitents as well disposed as possible for reconciliation. But if, secondly, the matter is considered theoretically, it is consequently difficult, because scarcely any determination can be made as to what love is required, or to what degree. For hardly any species or degree of love can be named, in the whole scale of love, which does not have its advocates; and the arguments by which individuals defend their position generally prove either too much or nothing. For they call upon the testimonies of Scripture and the Fathers, which concern either habitual or actual charity, whether perfect charity, or the necessity of charity for the merit of eternal life, or perfect conversion and perseverance therein, or the necessity of that love which is not distinguished from any pious and salutary movement of the will."[226]

[226] Hurter, Theologia Dogmatica, vol. 3, thesis 9, no. 580 (Innsbruck [Oeniponte], 1891), p. 454.

THE NEGATIVE AND AFFIRMATIVE PARTS

Theologians have indeed put forward innumerable judgments, opinions, and ways of speaking on this matter. They are commonly reduced to two heads, namely CONTRITIONISM and ATTRITIONISM, and to FOUR PRINCIPAL OPINIONS. The first requires perfect charity; the second, an initial love of charity; the third, a love of benevolence; and the fourth, a love of concupiscence. Many attritionist doctors place the first three opinions under the heading of Contritionism; others, among those defending the love of benevolence (such as Diekamp), place only the first two under Contritionism, and the latter two under Attritionism.

THE FIRST PRINCIPAL OPINION

Perfect contrition, simply speaking, is required for justification in the sacrament. The reason is that perfect contrition, according to the connatural law of grace and the ordered disposition of divine Providence, is a necessary means for salvation, as was shown above in Article 22, concerning the necessity of the virtue of Penance. For through penance one must voluntarily turn wholly toward God, just as through sin one has turned wholly away from God. The institution of the sacrament, however, could not destroy this connatural law, but only perfect it; nor did God will, through the sacrament, to supplant the virtue of Penance or substitute anything for it, but only to assist it. Moreover, the sources of revelation cited in the treatise On Baptism (Article 16) attribute the justifying power to charity alone.

This opinion is subdivided into two opinions, the one absolute and the other mitigated.

THE FIRST OPINION: THE ABSOLUTE VIEW

Perfect contrition is always required in the sacrament, so that attrition is never sufficient, even if it is, in good faith, thought to be contrition. Two explanations of this opinion are further offered, one by heretics and the other by Catholics.

The former explanation, which is heretical, belongs to the Baians and Jansenists. Together with the Protestants, they deny the very moral goodness and supernatural character of attrition, especially fearful attrition, as was said in the preceding article; hence they infer the necessity of perfect contrition within the sacrament. Moreover, as was said in the treatise On Baptism (Article 16), Baius, going to the opposite extreme, so exaggerated the necessity of receiving the sacrament that he said perfect contrition justifies only in the sacrament (cf. Denzinger, nos. 1031, 1032, 1033, 1070, 1071).

The other explanation is held by certain among the great theologians of the Middle Ages, especially Peter Lombard (Sentences, book IV, dist. 18, nos. 4–6), Hugh of St. Victor (On the Sacraments, book II, part 14, chapter 8), and Richard of St. Victor (On the Power of Binding and Loosing, chapter 7). Insofar as they explicitly teach that the sacrament does not justify but presupposes one already justified, because it previously requires a disposition consisting in justifying charity and contrition, they implicitly teach that attrition is not sufficient in the sacrament, but that charity and at least habitual contrition, or the state of grace, are required. Nevertheless, they themselves do not put forward, as certain others did a little later (whom we shall discuss below), the case of someone approaching the sacrament in good faith with a disposition which he thinks may be contrition but which in reality is only imperfect attrition.

We cited the text of Hugh of St. Victor above in Article 31 (p. 221). Compare the words of Peter Lombard cited below on p. 318. Moreover, the doctrine of those theologians is explained directly in Chapter VIII, where the effects of this sacrament are treated.

Many others, both ancient theologians and those later than the Council of Trent, are customarily numbered with these doctors by not a few writers since Suárez. Among them are William of Auxerre, Alexander of Hales (Summa, question 14, member 2, article 1, § 3; question 21, member 1), Albert the Great (On IV Sentences, dist. 18, question 9), Bonaventure (On IV Sentences, dist. 17, part 2, article 2, question 3; dist. 18, part 1, article 2, question 1), the author called Argentinensis (On IV Sentences, dist. 18, question 1, article 3), Biel (On IV Sentences, dists. 16 and 18), Ockham, Major, Medina, and Peter Soto. Nevertheless, the position of these doctors is by no means clear, even though they generally agree in requiring perfect contrition. Some, especially Alexander of Hales and Bonaventure, should be placed in the following, second opinion. Certain theologians who do not sufficiently separate themselves from Baius's opinion, such as Estius (cited in Article 31, p. 222 ff.), insofar as he teaches that an act of charity does not justify outside the sacrament except in cases of necessity, and Hadrian and Almain (mentioned in the preceding article, p. 251 ff.), insofar as they deny that fearful attrition is good, may rather be assigned to the present opinion with a favorable interpretation.[227]

[227] Palmieri attempts to determine their opinion in De Poenitentia (Rome, 1879), pp. 328 ff.

THE SECOND OPINION: THE MITIGATED VIEW

Ordinarily, or of itself, perfect contrition is required in the sacrament; thus attrition can sometimes suffice accidentally, especially when it is in good faith believed to be contrition. Two explanations of this opinion are again offered.

The first explanation. In such an exceptional case, the sacrament converts attrition into contrition, so that justification still takes place through the mediation of contrition. Suárez attributes this opinion to Henry of Ghent (Quodlibet I, q. 32), Cajetan (On q. 84, a. 1; cf. Questions on Confession, fifth question), Ferrariensis (On the Summa contra Gentiles IV, 72), Hadrian, and Peter Soto. Nevertheless, concerning Cajetan, compare what we said in Article 29 (pp. 159, 171 ff.).

The second explanation. In such an exceptional case—which, in practice, is reducible to the case of good faith in an attrite sinner—the sacrament does not properly convert attrition into contrition, but produces grace by which attrition is informed, and in this sense it becomes contrition. Certain of the older theologians mentioned above are cited in favor of this opinion, notably Alexander of Hales and Bonaventure. Nor, moreover, as has been said, do Peter Lombard himself and the two Victorine theologians oppose this opinion; rather, they are simply silent concerning the aforesaid case of good faith. Suárez cites for the same opinion Vitoria (Twelve Theological Relections, On the Power of the Church, q. 2), Dominic Soto (On Nature and Grace, II, ch. 15; On IV Sentences, dist. 18, q. 3, a. 2), Ledesma, Vega (On Trent, I, 13, ch. 34, objection 3), Córdoba, and Navarro.

Some, such as Galtier (no. 387), by reason of the aforesaid exception, number Alexander of Hales and Bonaventure among the implicit attritionists, in order thereby to show that they did not depart from the traditional doctrine concerning the sufficiency of attrition. Indeed, Galtier numbers St. Thomas with these two doctors as an implicit attritionist. Nevertheless, these two doctors should be placed among the earlier contritionists, for they teach that contrition, or the state of grace, is a disposition required of itself for the sacrament of Penance, just as for the reception of the Eucharist (cf. Pesch, no. 160, in the note). St. Thomas, however, does not teach this, as will be shown below.[228]

[228] Galtier himself writes: "All these men, insofar as they taught that for the efficacious reception of the sacrament contrition merely believed in good faith to be present was sufficient, thereby considered that the sacrament by its own proper power produced its effect even where in reality there was mere attrition. They added, indeed, that this effect was not produced unless the disposition of perfect contrition had first been produced in the subject; thus the person approaching in good faith with mere attrition would obtain grace only because by the power of the sacrament he became, in the order of nature, contrite before obtaining grace. This was a somewhat singular explanation of the action of the sacrament. Yet notwithstanding it, there remained at least the possibility that the effect of the sacrament could be received without the penitent himself disposing himself for it by perfect contrition" (De Poenitentia, thesis 24, no. 387, Paris, 1931, p. 289).

On this point BONAVENTURE writes, On IV Sentences, dist. 18, part 1, art. 2, q. 1: "In the form of absolution a prayer is placed first, by way of petition, and absolution is added by way of declaration; and the prayer obtains grace, but absolution presupposes it. For a priest would never absolve anyone of whom he did not presume that he had been absolved by God. ... The power of the keys, properly speaking, does not extend over guilt."[229]

[229] Bonaventure, Opera omnia, Quaracchi edition, vol. IV (1889), pp. 473 ff.

Again, in dist. 17, part 2, art. 2, q. 3: "As has been said ... we are not bound to approach the Eucharist with charity according to the actual truth, but charity according to probability suffices. So too, I say that it is not necessary for someone approaching the sacrament of Penance to possess charity, or a disposition sufficient for charity, according to the actual truth; it suffices that he possess it according to probability. Now this disposition is attrition, which is frequently informed by grace on account of confession added to it and the priest's absolution, so that it becomes contrition, or contrition follows upon it; and grace is granted to many there."[230]

[230] Ibid., p. 447.

THE SECOND PRINCIPAL OPINION

For justification in the sacrament there is required a certain perfect contrition in a diminished degree, or some initial love belonging to the genus of charity and perfect contrition—one which does not proceed from habitual charity itself, nor bring habitual charity about; whereas perfect contrition which justifies before the sacrament does so, as was explained in Article 31 (pp. 223 ff.).

The reasons are both the argument mentioned above for the preceding opinion, drawn from the necessity of a total conversion to God, and, more insistently, the teaching of the Council of Trent, which requires in the act of Penance a certain initial love by which sinners "begin to love God as the source of all justice" (session VI, chapter 6). To these are added certain arguments of fittingness, such as the following: If no movement of true charity were required in the penitent, it could happen that an attrite man dying immediately after confession would enter the kingdom of heaven, there to love God eternally and be loved by Him, although he had never loved God during his life or fulfilled the first commandment of the law, to love God with his whole heart.

This opinion, with a great variety of explanations, was defended by several theologians of the seventeenth and eighteenth centuries, more or less affected by Jansenist principles (except for a few, such as Morinus, Pallavicini, and Collet). The more celebrated among them are Morinus, Pallavicini, Contenson, Launoy, Christianus Lupus, Farvacques, Bossuet, Juénin, Vitasse, Habert, Ledrou, Natalis Alexander, Gaud, Berti, Collet, and Gazzaniga.[231]

[231] John Morinus (Oratorian; d. 1659), De administratione sacramenti Poenitentiae, book VIII, ch. 4; also Opera posthuma, tractate De contritione et attritione. Cardinal Pallavicini, S.J. (d. 1667), Assertio theologica, XVII, De Poenitentia, ch. 12. V. Contenson, O.P. (d. 1674), Theologia mentis et cordis, sole dissertation on Penance, ch. 2. J. Launoy (d. 1678), De mente Concilii Tridentini circa contritionem et attritionem in sacramento Poenitentiae (Paris, 1653; a work placed on the Index, 13 November 1691). Christianus Lupus (Wolff; O.S.A.; d. 1685), Dissertatio dogmatica de germano et avito sensu SS. Patrum, universae semper Ecclesiae ac sacrosanctae praesertim Tridentinae Synodi circa christianam contritionem et attritionem (Louvain, 1667); also his familiar letter to Fr. Henry Nolis, in which he attempts to explain difficulties concerning Christian contrition (Louvain, 1667). Farvacques, O.S.A. (d. 1689), Quaestio quodlibetica de attritione, seu quae fuerit mens Concilii Tridentini de sufficientia attritionis servilis in Sacramento Poenitentiae (Louvain, 1666); also Xenium theologicum in quo dilectionis Dei in sacramento poenitentiae necessitas asseritur et confirmatur (Louvain, 1668); and Veritas et charitas seu mens Concilii Tridentini de attritione ex metu gehennae concepta (Louvain, 1669). Bossuet (d. 1704), De doctrina

The various explanations given by these authors can be reduced to three principal opinions.

THE FIRST OPINION

The initial love required for justification in the sacrament is a true act of charity, or love of God above all things. Such is the view of Juénin, Vitasse, Ledrou, Gaud, and Berti, cited in Article 31 (p. 224).

THE SECOND OPINION

This initial love is a certain act of charity, but is so imperfect that it is not love of God above all things. This is the position of Habert and Pallavicini, to whom Bossuet may be added. Pallavicini speaks of a love of benevolence which is indeed efficacious but lacks the degree of intensity required for it to be supreme in appreciation; that is, God is truly, sincerely, and efficaciously loved, but not according to the whole of His dignity and greatness, by reason of which He is so lovable that He ought to be preferred to all created goods (cf. above, p. 223, in the note). For this reason some

number Pallavicini himself among Billuart and the other defenders of that love of benevolence which is in no way a love of charity, to be discussed below. Habert speaks of initial charity contained in the initial fear treated in the preceding article.

HABERT's opinion is reported by Collet thus: "They suppose, with Habert, chapter 8, § 1, that the love of charity, no less than the fear of God, is of two kinds, one filial and the other initial; for in each of these kinds of fear the love of charity is contained—incipient and imperfect in initial fear, but strong and perfect in filial fear. Perfectly filial fear, says the doctor just cited, by the sole motive of God's infinite goodness inflames minds to love Him, to observe His commandments, and to ward off an offence against Him. ... Initial fear, in which incipient charity is understood to be present, is formed from two motives: namely, the motive of divine goodness, which gently attracts the will to love justice, and especially the fountain of all justice, God Himself, and to detest an offence against Him; and the motive of hope, which inspires fear of hell and a love of concupiscence for beatitude."

Concilii Tridentini circa dilectionem in sacramento Poenitentiae requisitam, p. 3, § 6, nos. 14 ff., posthumous ed., 1736. Caspar Juénin (Oratorian; d. 1707), Institutiones theologicae, De Poenitentia, q. 3, ch. 4, a. 2, no. 2 (Paris, 1700; placed on the Index on 22 May and 7 June 1708). L. Habert (d. 1718), Theologia dogmatica et moralis, De Poenitentia, ch. 8, a. 4. P. L. Ledrou, O.S.A. (d. 1721), De contritione et attritione, diss. 4, ch. 2. Natalis Alexander, O.P. (d. 1724), Theologia dogmatica et moralis, De Poenitentia, a. 3. Berti, O.S.A. (d. 1766), De theologicis disciplinis, book 34, ch. 6, no. 19. P. Collet, C.M. (d. 1770), De Poenitentia, part 2, ch. 4, nos. 686–694. Gazzaniga, O.P. (d. 1799), Praelectiones theologicae, diss. 6, De Poenitentia, ch. 5, prop. 1; ch. 7, a. 3.

"Initial fear, by reason of the incipient charity it includes, causes God and His commandments to be loved sweetly, but not yet firmly, except by reason of the hope joined to it; for hope, through the fear of hell and the desire for eternal happiness, raises up and strengthens the mind, which would otherwise easily yield, especially in grave temptations, unless supported by both motives. Filial fear, on the other hand, so strengthens a person of itself that he passes over every temptation that comes his way through fear alone of displeasing God; yet this fear may be so secret and hidden that he sometimes marvels at not having yielded, since he does not sensibly perceive the fires of divine love with which his heart burns. On these premises, they teach two things: first, that perfectly filial love, in whatever degree, reconciles a person with God outside the sacrament; secondly, that initial love does not accomplish this except in the sacrament."[232]

[232] De Poenitentia, part 2, ch. 4, no. 679, in Migne, Theologiae Cursus Completus, vol. 22, col. 362 ff.

BOSSUET writes: "Those who teach penitents that attrition conceived from fear alone is sufficient do not merely add to the Council of Trent's teaching that such attrition disposes or prepares the way for justification; they dangerously deceive them. Likewise, if they do not exhort penitents to preparatory love, but neglect it as though unnecessary, they follow, in conferring the sacraments, a probable opinion concerning the validity of the sacrament while abandoning the safer one—an opinion probable, moreover, not in truth, but according to their own judgment."[233]

[233] Ibid.

In confirmation of the same doctrine, the authority of BELLARMINE is also adduced. He writes: "One kind of [love of God] is perfect, because it is love of God above all things—that is, it puts God before everything else. Another is imperfect, because, although one has an affection for God, one

does not yet prefer Him to other things. ... Imperfect love, by which God is not preferred to everything, does not merit the name of charity, nor does it fulfil the law; nor are the praises which are everywhere bestowed upon charity in Holy Scripture applicable to it. Nevertheless, those same passages establish that this imperfect love is a gift of God and cannot be possessed by the powers of nature alone."[234]

[234] De gratia et libero arbitrio, book 6, ch. 7, Opera omnia, vol. 4 (Milan, 1862), p. 441 ff.

THE THIRD OPINION

This initial love is indeed a true act of charity, or love of God above all things; but, because it does not exercise a dominant influence upon the act of contrition in comparison with the other motives influencing that act, the act of contrition arising from all these motives cannot be called an act of charity. It must be said only to contain an influence of charity.

This is the opinion of certain theologians whom COLLET cites by name without approval, although he appears rather to favor them. He writes: "This is the opinion of those who require the influence of charity, but not an act properly so called of charity. To understand this opinion, certain preliminary observations must be made with those who maintain it."

"1. Although each virtue has its own proper motive, a good action can nevertheless easily proceed from several different motives, each influencing the action in its own way. And if this is true anywhere, it is certainly true in the present matter. For, according to Scripture and the teaching of the Church, the supreme detestation of sin arises from the proper motives of fear, hope, and charity. Hence the Council of Trent proposes all these motives, so that either separately or together they may draw a person away from sin."

"2. The motive of a particular virtue, when it influences an act together with several other motives, either influences it dominantly, so that by itself alone, all other motives being set aside, it would determine the act; or it influences it wholly in dependence upon the others, so that the action would not be performed by the force of that motive alone if the others were absent."

"3. An act in the performance of which the proper motive of some virtue does not exercise a dominant influence cannot be designated by the name of that virtue. Thus an act will not be called an act of charity if the motive of charity alone would not produce it; just as a liquid consisting as much of water as of wine, or more of water than of wine, is not called wine. Yet, just as there truly is something of wine in that liquid, so it cannot be denied that something of charity is present in an act elicited partly from a motive of charity."

"4. It is one thing to require that a person disposing himself for justification have some love; it is another thing to require that he have charity. The Council of Trent requires the former, according to Pallavicini, but not the latter. Furthermore, by the name of pure attrition the attritionists understand that which is conceived from fear of hell and love of the opposite good. For when someone, under the action of grace, desires to avoid some evil, he necessarily loves the good opposed to it; and, as Tournely himself observes, hell, taken in its full meaning, includes the punishment both of loss and of sense. Consequently, a penitent cannot seriously wish to escape it unless he loves heavenly beatitude. Therefore those who require in the sacrament only the love of concupiscence or of hope are truly attritionists, and require less than the Council of Trent; conversely, those who require

charity exercising a dominant influence and love above all things seem to require more than the Council itself has required."

"5. This last opinion, then, has a further reason why it may be pleasing, because it preserves the proper mean between extremes. Do you require for justification that the penitent turn to God with his whole heart? You have it. Do you require that this conversion include the beginning of love for God for His own sake? You have that also. Do you require, nevertheless, that Penance be a sacrament which of itself raises the dead? Nor will this be lacking. But, you say, according to me justification corresponds to every act of charity, whereas on this opinion too an act of charity is required. Reply: I deny the minor. An influence of charity is indeed required; but because charity does not of itself alone, nor dominantly, influence the act, but only in dependence upon several motives which concur in it, the resulting act cannot be called an act of charity; just as the product of balsam and oil mixed in equal quantities can be called neither balsam nor oil."[235]

[235] De Poenitentia, part 2, ch. 4, nos. 685–691, in Migne, Theologiae Cursus Completus, vol. 22, cols. 364–366.

After reciting these statements, Collet adds: "You will conclude ... that it may rightly and reasonably be disputed whether those kinds of love which every simple attritionist is bound to admit sufficiently dispose for justification. Hence [it follows] ... that attrition must include some love of God as the last end, or, as we now understand it, love of Him for His own sake. But whether this love must be dominant by reason of itself; whether it may suffice that it be above all things by reason of another motive, such as fear; indeed, whether its influence together with the influence of other motives may suffice—those who are willing to consider these matters can judge from the preceding observations. There will surely be many who think that, for a penitent concerned about his salvation, the passage from fear to some beginning of charity is not so difficult."[236]

[236] Ibid., no. 693 ff., col. 566 (cf. nos. 504, 588, 592).

THE THIRD PRINCIPAL OPINION

For justification in the sacrament no love of charity is required, nor is love of concupiscence sufficient. What is required and sufficient is rather a love of benevolence, which is midway between those two kinds of love, and is an efficacious love of God, supreme in appreciation, yet without that reciprocal love on God's part, founded upon a sharing of nature through grace and glory, which belongs properly to the love of friendship and to charity.

The reasons are these: the necessity of a conversion of the heart to God; the necessity of an initial love of God inculcated by the Council of Trent—these two reasons being common to the preceding opinions; the very nature of attrition, or of a detestation of sin supreme in appreciation, which necessarily implies love of the contrary good, namely God, since hatred and love mutually imply and indissolubly call for each other; the possibility, according to St. Thomas's doctrine, of distinguishing three kinds of love—concupiscence, benevolence, and friendship; the very connatural psychology of a penitent, even if merely attrite, since who can conceive of a person truly grieving over and detesting sin, while remaining cold toward the very God whom he has offended? Finally, the necessity of solidly establishing the doctrine concerning the sufficiency of attrition arising from fear, and of defending it more effectively against Protestant attacks.

The principal and explicit defenders of this opinion among the older writers are Billuart, O.P. († 1757)[237], who is called by some its founder (Diekamp: "which Billuart first taught"), with whom

Henneguier, O.P. († 1712)[238], and Collet (1693–1770)[239] associate as fellow defenders; Billuart, however, calls the latter two "learned defenders" without naming himself, as though he himself had been the founder of the opinion. Yet certain writers attribute the opinion to St. Charles Borromeo († 1584).

[237] De Poenitentia, diss. 4, art. 7, §§ 2–4.

[238] Ibid., § 1, beginning; § 3, conclusion 2.

[239] Opusculum de absolutione sacramentali.

The same opinion is defended by Sardagna, Simonet, Schätzler, Hugon, O.P.[240], Garrigou-Lagrange, O.P.[241], Diekamp[242], Prümmer[243], Hervé[244], Joret and Lavaud, O.P.[245], Hugueny, O.P.[246], and Périnelle, O.P.[247] The last-named speaks rather confidently: "The future, in theological teaching, belongs to this more suitable solution[248]"; Galtier replies to this assertion in his De Poenitentia, no. 386, note: "In this he [that is, Périnelle] appears already to have been wholly deceived; for if you count the brethren, scarcely one in six agrees with him."

[240] De Poenitentia, q. 4, art. 1, no. 15.

[241] De Eucharistia et Poenitentia (Turin–Paris, 1943), pp. 374–378.

[242] Theologia Dogmatica, ed. A. M. Hoffmann, O.P., vol. 4, § 48 (Paris– Rome, 1946), pp. 321 ff.

[243] Theologia Moralis, vol. 3, no. 345. He speaks with moderation.

[244] Theologia Dogmatica, vol. 4, no. 277. Although he doubts the truth of this opinion and seems to depart from it, he ultimately inclines to it with all his weight.

[245] In Vie Spirituelle (1927), pp. 19–33 and 105–151.

[246] In Revue Thomiste (March–April 1930), pp. 128–143; also La Pénitence, vol. 2, pp. 427–444.

[247] L'Attrition d'après le Concile de Trente et d'après S. Thomas d'Aquin (Le Saulchoir, 1927).

[248] Ibid., p. 78.

We shall cite certain passages from Billuart and Diekamp, who assert and defend this position at length, and also from Hugon, Prümmer, and Hervé, who seem in their discussions of the question to weaken it or even destroy it altogether, inasmuch as they remove the difference between this opinion and those which require only love of concupiscence, of which we shall speak below.

BILLUART writes: "It should be observed ... [that], with our most learned teacher, Father Henneguier, in his little work On Sacramental Absolution, a twofold love toward God may be discerned in us: namely, a love of concupiscence, by which we wish God to be a good for us and desire His beatitude for ourselves; and a love of friendship, by which we will good to God, and will His beatitude and perfection. This latter love is again twofold: one qualified and incipient, the other simple and absolute. The first is called simple benevolence, the other friendly benevolence. For benevolence and friendship, or charity, are not the same, as most people suppose: benevolence is either the beginning or an effect of the other. For from the fact that we will good to someone, we become disposed to love him and to have friendship with him; and conversely, from the fact that we love someone and have friendship with him, it follows that we will good to him. Hence St. Thomas (II–II, q. 27, art. 2, ad 1) says that when the Philosopher defines love as willing good to someone, he 'defines love, not by setting forth its whole account, but something pertaining to its account, in which the affection of love is most especially manifested.'"

"According to St. Thomas, therefore, this is the difference between benevolence and the love of friendship: benevolence is a simple act of the will by which we will some good to a person without a return of love on his part; thus, when we see two wrestlers, otherwise unknown to us, contending, we may wish one of them to win. This is St. Thomas's example in the place cited. Love, however, or friendship, adds to benevolence a return of love, or a union of affections on either side; for 'a friend is a friend to a friend,' as the common saying has it."

"Hence theologians commonly assign three conditions required for friendship: first, that it be a love of benevolence, not of concupiscence; second, that it be mutual; third, that it be founded upon some sharing, whether of goods, secrets, or the like, between friends. Thus benevolence and friendship agree in the first condition, and differ in the second and third. ..."

"Therefore, for any love [of God] to be charity, precisely the same conditions are required as for friendship: first, that it be a love of benevolence; second, that it be mutual, that is, that there also be on God's part some love of benevolence toward the human person; third, that this mutual love be founded upon a sharing of beatitude, insofar as the love of charity in God, being supernatural and fruitful, produces in us grace, which is a participation in the divine nature and by which we are constituted children of God and heirs of His beatitude. ... There are ... some who scrupulously refuse to call an act of benevolence love; but we do not dispute about a name. Let it simply be called an act of benevolence: it is all the same to us, since by love of benevolence we mean nothing other than a simple act of the will by which we will good to God, who does not yet love us in return or communicate Himself to us through grace or glory."[249]

[249] De Poenitentia, diss. 6, art. 7, § 1, Cursus Theologicus, vol. 9 (1904), pp. 310–312.

"In salutary attrition sufficient for justification with the sacrament, no act of charity is required, however weak and remiss it may be. ... For obtaining justification with the sacrament of Penance, attrition conceived from fear is not sufficient, even when joined to a love of hope or concupiscence; rather, a benevolent love of God is required. ... Proof. No attrition is sufficient for obtaining justification with the sacrament unless it is sorrow for and hatred of sin as an evil and an offense against God. But there can be no sorrow for and hatred of sin as an evil and an offense against God without benevolent love of God. Therefore. The minor premise is certain: for ... hatred of any evil arises from love of the opposite good. Thus I hate death because I love life; I grieve over an evil befalling Peter because I love his good. Hence the author [St. Thomas], II–II, q. 25, art. 6, ad 2, says: 'It belongs to the same account to hate someone's evil and to love his good'; and he repeats this in the same part, q. 34, art. 4."

"The entire difficulty, therefore, lies in the major premise, which is proved. First, from St. Thomas, who, in III, q. 85, arts. 2 and 5, and q. 86, art. 3, expressly teaches, and proves by the reason of true penance, that penance requires sorrow for sin insofar as it is 'against God, loved above all things, and an offense against Him'; but true penance is required for justification, whether with the sacrament or without the sacrament. Therefore. Second, no attrition suffices for justification with the sacrament unless it concerns sin as sin formally. ... For true penance or contrition, taken as the genus common to perfect and imperfect contrition, is commonly defined by theologians and by the Council of Trent, session XIV, chapter 4, as 'sorrow of soul and detestation for sin,' which definition indeed also agrees with imperfect contrition, which, as a species, shares in the account of the genus. ... But this definition, as handed down by theologians and by the Council of Trent, ought to be understood of sin

formally as sin: otherwise both the wording of the Council and its commonly received definition would be wholly improper, material, and merely accidental, as though one were to say, 'It seems flavorful and pleasant to the taste,' which cannot be stated of the Council or of a commonly handed-down definition. Moreover, according to the rule of dialecticians accepted by all, a term signifying an interior act of the mind applies its proper concept, or the proper act it signifies, to the formal rather than the material sense of the term joined to it, unless something in the expression makes a material meaning evident. Thus when David said, 'I have hated the wicked,' that is, formally insofar as they are wicked; so too, when I say, 'I know one who is coming,' it is formally under the aspect of one who is coming. Therefore, when I say, 'I grieve over sin,' sin is understood formally as sin."[250]

[250] Ibid., §§ 2–3, pp. 313, 315, and 318 ff.

DIEKAMP writes: "The third form of attritionism, which Billuart was the first to teach, was proposed only after this controversy [section 17, under Alexander VII], in section 18. In one way or another, theologians have paid too little attention to it; and those who have mentioned it and even rejected it have generally misunderstood it. For my part, I judge this doctrine to be intrinsically more probable. ... Hence, for attrition to suffice for the fruitful reception of the sacrament of Penance, it is required that it include not only love of concupiscence toward God, but also an initial love of supernatural benevolence toward God. Our opinion supposes there to be a supernatural love of benevolence toward God, which is neither love of concupiscence nor charity."[251]

[251] Theologia Dogmatica (ed. A. M. Hoffmann), vol. 4, § 48 (Paris–Rome, 1946), pp. 320 ff.

This distinguished author proceeds to explain the difference between three kinds of love as follows. Love of concupiscence or hope is not love of God for His own sake, nor is it mutual, as is the love of benevolence. But the latter is not (as the love of charity is) efficacious in every respect: it is efficacious with the assistance of the motive of fear for restraining the will from sin; nor is it mutually perfect, namely, in that way in which God loves man and man loves God as being, in some manner, one by a participation in the same nature; and, above all, it is not founded upon a sharing of the same nature through sanctifying grace. Here one may observe a difference between Billuart and Diekamp: the former says that reciprocal love is proper to friendship and charity, whereas the latter allows it even to the love of benevolence, though in an imperfect mode.

Finally, Diekamp himself argues at length for his thesis and replies to objections, concluding: "The opinion, indeed long common, teaches that, for the fruitful reception of the sacrament of Penance, attrition without benevolent love toward God is sufficient. But these theologians appear to reject the necessity of benevolent love on the basis of the following reasons: (1) they suppose that benevolent love is already a love of charity; but we have shown, especially from St. Thomas, that this is erroneous; (2) they hold the benevolent love which we require to be something added to attrition, whereas the opposite is the case; for we expressly maintain that attrition, insofar as it is an exercise of true penance, certainly contains benevolent love, just as it contains a love of concupiscence or hope; (3) they fear that difficulties in the care of souls will arise from it, and suppose that the penitent must explicitly elicit an act of benevolent love toward God, and declare it to the confessor, who must question him about it and help him to it, because otherwise the confession would be invalid and would therefore have to be repeated.

"But those who put forward such considerations argue from false suppositions. If the sinner has true repentance and intends, through confession and satisfaction, to be converted to God and to make amends for the offense against God, by that very fact all things necessary for sacramental attrition are present, and benevolent love is then virtually present. Anyone who has correctly perceived why we require benevolent love will grant that attritionism is not in danger from this foundation of truth. Attritionism, however, which simply denies the necessity of benevolent love, thereby destroys the true nature of the sacrament of Penance and offers non-Catholics ample opportunity to attack Catholic doctrine. On the other hand, the doctrine of benevolent love, rightly understood, supports attritionism and defends it against dangerous attacks."[252]

[252] Ibid., p. 328.

HUGON writes: "Conclusion: In true attrition which suffices for justification with the sacrament, there is included some initial love of God distinct from the act of hope.

"The first part is commonly admitted; the second, however, is disputed, for it is strongly equivocal. If by the name initial love one understands a certain diminished charity, it must already be granted that this is not required; but if one understands a certain step toward charity, then some movement of benevolence certainly seems necessary, which is not said to be merely an act of hope. In this sense initial love is admitted not only by Billuart but also by several theologians outside the school of St. Thomas. Thus Charles Pesch writes: 'A truly attrite man detests an offense against God and wills to render to God what is His due; here, therefore, is a step toward charity. ...' Moreover, a step toward charity, charity which is had in intention and for the sake of the end, implies a certain benevolent love.

"The principal reason is that, in order for attrition to suffice for the destruction of sin or for justification, it must in some manner detest sin as sin properly so called and as an offense against God. But whoever detests sin in some respect insofar as it is an offense against God, by that very fact wills good to God in some respect; and this is already to have a certain love of benevolence."[253]

[253] Tractatus Dogmaticus, vol. 3, De Poenitentia, q. 4, art. 1, no. 15 (Paris, 1927), p. 600.

GARRIGOU-LAGRANGE writes: "Conclusion: More probably, for attrition which justifies with the sacrament, there is required a benevolent love of God distinct both from an act of hope and from an act of charity; accordingly, merely fear-based attrition is not sufficient.

"The principal theological reason is set forth as follows (Billuart, loc. cit., art. 7): Without sorrow for and detestation of sin insofar as it is an offense against God, no attrition suffices for justification with the sacrament. But there can be no sorrow for and detestation of sin insofar as it is an offense against God without benevolent love of God. Therefore. [Concerning the minor:] This is certain, for, as St. Thomas says (II–II, q. 25, art. 6, ad 1): 'It belongs to the same account to hate someone's evil and to love his good.' Likewise II–II, q. 34, art. 4: hatred of someone's evil arises from love of the opposite good. Thus I hate death because I love life; I grieve over an evil befalling Peter because I love his good. Accordingly I grieve over sin insofar as it is an offense against God, just as the Council of Trent says: 'They begin to love God as the source of all justice.' For this reason the same Council says: 'They are moved against sins by detestation.' This argument seems not only probable but certain. We cannot have detestation of injustice unless we first have love of justice; nor can we have detestation of an injury done to God unless we first have love of God, who is the source of all justice, because

among the diverse movements of appetite, love is first of all. Yet love of God, insofar as He is the source of all justice, is not love of concupiscence, but of benevolence. For by love of concupiscence I desire God for myself; but by this love I love the source of justice in Himself, objectively, and will that God's justice and His rights be preserved."[254]

[254] De Eucharistia; accedunt De Poenitentia quaestiones dogmaticae (Turin–Paris, 1943), pp. 374 and 376 ff.

PRÜMMER writes: "The dispute appears to concern words rather than things, because some understand initial love in one way and others in another. Initial love is certainly not a love of charity, for then there would be not attrition but contrition, since even the least charity suffices for justification. Initial love, therefore, is a love either of benevolence or of concupiscence. Although, in human affairs, benevolent love differs greatly from concupiscent love, nevertheless a true and upright love of concupiscence, which regards God as our ultimate beatitude, seems in some fashion also to be a love of benevolence. For a truly attrite person detests sin and must repent of it; moreover, he must propose to observe God's commandments voluntarily. Among these commandments, however, the chief of all is the precept to love God above all things. Moreover, he wishes to attain eternal life, which is the most perfect friendship with God. From all this it manifestly follows that true attrition is, logically and psychologically, impossible without some initial love of God. Attrition that excludes every love of God is no more than servile fear, which is certainly not sufficient for obtaining justification in the sacrament of Penance.

"Since this is so, almost all theologians today admit that some initial love is necessary in attrition. The opinion which was common in the time of Alexander VII does not seem to have been so. St. Thomas (II–II, q. 17, art. 8) has already taught briefly and clearly: 'As someone is led to love God because he fears being punished by Him, so too,' as Augustine says, 'hope introduces charity, insofar as someone, hoping to be rewarded by God, is stirred to love God and observe His precepts.' In this sense, too, the text of the Council of Trent seems to be understood, which requires that sinners 'begin to love God as the source of all justice.' Almost in the same way St. Francis de Sales (On the Love of God, book 2, chapter 17) and St. Alphonsus (no. 442, at the end) explain the initial love required in attrition."[255]

[255] Theologia Moralis, vol. 3, no. 345 (Fribourg, 1923), pp. 238 ff.

HERVÉ writes: "Is some benevolent love of God required? Certainly we do not deny that every true and sincere attrition contains some initial love of God. ... This initial love of God, however, is said by many, and appears to be, merely an act of hope or of love of concupiscence, which is essentially included in every true attrition; and a formal act of benevolent love is not required. Nevertheless, others contend that a formal act of benevolent love is required, imperfect and incipient indeed, but by which God is already loved for His own sake and above all things, although not by the love of charity. ... Yet it is difficult to conceive of this benevolent love which is not an act of charity, even a diminished act, and which nevertheless is something more than an act of hope. Perhaps the dispute arises from an equivocation, and the opposition between the two opinions seems to be more speculative than practical; for, as Hugueny himself says, fear-based attrition, in order that it be a sufficient disposition for grace with the sacrament, must be supreme in appreciation. But a penitent more readily arrives at an initial love of benevolence than at the supreme appreciative degree of attrition. Therefore, when the penitent has attrition which is supreme in appreciation, he already has initial love of benevolence; and the sacrament is certainly valid and fruitful unless some other

necessary condition is lacking. Hence, with D'Alès, we conclude: 'Either opinion may be freely defended.'"[256]

[256] Theologia Dogmatica, vol. 4, no. 277 (Westminster, Maryland, 1943), pp. 326 ff.

FOURTH PRINCIPAL OPINION

For justification in the sacrament, no love distinct from the love of concupiscence is required, whether it be the love of perfect charity, or of initial charity, or of benevolence.

This is the more common teaching among theologians of every school, especially among modern theologians: almost all the Scotists, many Thomists, and Jesuit doctors. Among the older writers, St. Thomas (cf. below, concerning the mind of St. Thomas), Scotus († 1308)[257], William of Paris (thirteenth century)[258], Durandus († 1334)[259], Aureolus († 1322)[260], Paludanus († 1342)[261], and Capreolus († 1444)[262] are cited in favour of this opinion.

[257] Some writers, such as Galtier (no. 387), seem to exaggerate Scotus's contribution to this teaching, as if he had been the first expressly to propose it. In IV Sent., dist. 14, q. 4, no. 7, the Subtle Doctor writes: "Therefore, not only does the man who has been attrite for some time up to a certain instant receive, at the last instant, grace which destroys sin, as through the power of a merit of congruity, as has been explained in the preceding solution; but also one who does not have such an act as would suffice for a merit of congruity, but has only the will to receive the sacrament of the Church, and has no obstacle of mortal sin actually committed by himself or abiding in his will, receives the effect of this sacrament not through merit but through divine covenant. Thus, one who is but slightly attrite, even with an attrition which has not the character of a merit for the remission of sin, yet wills to receive the sacrament of Penance as it is administered in the Church, and has no obstacle in his will from actual mortal sin at the final instant of the utterance of the words in which the power of this sacrament lies, receives the effect of the sacrament, namely the grace of penance. He receives it not through merit, for his interior disposition was not sufficient in the manner of merit, but through the covenant of God assisting His sacrament to the end for which He instituted it. Otherwise it would not be apparent how the sacrament of Penance was a second plank, if lost grace could never be recovered through it as a sacrament, but only through attrition as a preceding disposition and through contrition as a completing disposition" (Opus Oxoniense, Opera Omnia, vol. 18, Paris, 1894, p. 158). In IV Sent., dist. 16, q. 1, no. 7, he writes: "Absolution is not ... useful ... unless some contrition or attrition precedes in the penitent. ... It suffices that some displeasure, even though unformed, precede; then he is capable of sacramental absolution, and through it [that displeasure] becomes contrition" (ibid., p. 421).

[258] De sacramento Poenitentiae, De prima parte Poenitentiae (Paris, 1516), fol. 30 ff. Of him Gerson († 1429) writes in his Sermon on Penance at the Lord's Supper: "Master William of Paris and others commonly say that attrition which is otherwise insufficient becomes sufficient by the power of the sacrament."

[259] In IV Sent., dist. 18, q. 2, no. 6.

[260] In IV Sent., dist. 18, no. 1.

[261] In IV Sent., dist. 19, q. 1, art. 2; dist. 17, q. 8.

[262] In IV Sent., dist. 17, q. 8, art. 3, ad 4 of Durandus.

Of the theologians nearer in time to the Council of Trent, Francis of Vitoria († 1546) and Dominic Soto († 1560) are chiefly cited; but these, as was said above, ought to be placed under the First Opinion, since they affirm only that attrition can suffice when it is believed in good faith to be contrition. Likewise Melchior Cano († 1560)[263], whom Benedict XIV (see below) regards as the first explicit defender of this position, although Cano himself still proposes it with hesitation; Andrew de Vega († 1571); Vásquez († 1604)[264]; Suárez († 1617)[265], who seems to judge this opinion certain; and Lugo († 1660)[266]. None of these writers, nor certain contemporaries of theirs, proceeds to a more

precise determination concerning the love of initial charity, or of benevolence, or of concupiscence; they merely affirm the sufficiency of attrition as distinguished from perfect contrition. Later theologians, especially in view of the disputes carried on in the seventeenth and eighteenth centuries with the contritionists who required a love of initial charity, are divided into the following three opinions.

[263] Relectio de poenitentia, part 6, § "Deinde etiam attritio."

[264] In III p., q. 92, art. 1, doubt 3.

[265] Disputation 20, section 1, no. 9 ff.

[266] Disputation 5, section 9, nos. 133–136.

FIRST OPINION

Together with attrition an explicit and formal love of concupiscence, or of hope, is required. Thus many of the older attritionists taught before the controversy with the contritionists, especially Honoratus Tournely († 1729)[267], on whom the Würzburg Jesuit theologians (U. Munier, † 1759[268]) depend.

[267] De Poenitentia, q. 5, art. 3.

[268] De Poenitentia, disp. 2, chap. 3, art. 4.

The WÜRZBURG THEOLOGIANS write: "I state, first: In order that imperfect contrition may be the proximate disposition for receiving the grace of absolution, it must include at least some incipient love of God. ... Proof. ... For every justification of an adult, a true and proper conversion to God is required; this is indicated by Scripture and the Fathers, who demand a conversion with the whole heart. But a true and proper conversion does not consist in detestation of sins alone, but also in a formal love of God. Therefore this also is required for justification in the sacrament. ..."

"I state, second: That initial love which attrition, as the proximate disposition to the grace of the sacrament, includes is an act of hope, by which God is loved as good for us. Thus, with Honoratus Tournely, teach numerous theologians. ... Proof. ... This initial love is not charity, perfect as to its formal and specific motive, but only somewhat less intense or vehement in its act. ... Nor is this initial love that imperfect love of God by which the sinner is indeed affected toward God, but does not yet prefer Him to all other things. For even if, with Bellarmine, we grant that such love is a supernatural gift of God, nevertheless, in Bellarmine's own judgment it does not even deserve the name of charity, nor does it fulfil the law. ... It remains, therefore, that, since the act of imperfect contrition which most nearly disposes one for first grace includes an incipient love of God, this is an act of hope, by which God is loved, and loved for His own sake, and loved above all things: for it is proper to every theological virtue to be directed to its object above all things. Nevertheless, in this one respect, as we have recalled, initial love falls short of charity: it is directed toward God as a good for the one who loves, and thus the lover does not yet expressly refer himself to God, nor does he at the same time explicitly and positively place his subjective ultimate end in Him."

"[Objection.] One who detests sin because it is opposed to the reverence owed to God as supreme Lord is converted to God, whom he does not on that account formally love; therefore conversion to God does not take place through formal love alone. Reply: I deny the antecedent. The material object of this penitent is sin; its proximate formal object is the deformity of sin; its remote formal object is

the moral goodness of the act; and the end for whom it is done is the penitent himself, who seeks for himself the adornment of such moral goodness. Therefore such an act is not a formal conversion to God; for this occurs only through an act of perfect charity or through the love of concupiscence."[269]

[269] De Poenitentia, disp. 2, chap. 3, art. 4, nos. 165–167; Theologia Dogmatica, vol. 10 (Paris, 1880), pp. 155–158.

SECOND OPINION

Along with attrition no love whatsoever is required, not even the love of concupiscence. Many attritionists advanced this assertion in the heat of controversy; Collet ascribes it to many of them, writing: "Servile attrition is not sufficient, although many of its defenders regard it as devoid of all love."

Nevertheless, they do not seem to have wished to deny what cannot be denied, namely, that in every attrition, even that conceived from fear, there is necessarily an implicit love of concupiscence. Consequently the denial made by these authors must be understood as referring only to formal and explicit love, which is affirmed by the preceding opinion; thus it does not differ from the third opinion, which is about to be set forth and which arose spontaneously and became common among the attritionists. Yet even among some modern writers there are not wanting certain exaggerated denials that seem to express this second opinion. Thus Zubizarreta, O.C.D., writes: "Attrition conceived from fear of hell without initial love of God and without love of concupiscence more probably suffices for obtaining justification in the sacrament of Penance. ... Many theologians say, and Liberius of Jesus, in Controversies, treatise 4, tractate 5, On Penance, part 2, disputation 3, article 1, proves against the defenders of this position, that attrition conceived from fear of hell can be called an incipient and radical love of God."[270]

[270] Theologia Dogmatica Scholastica, vol. 4, no. 508 (Bilbao, 1939), p. 311 and p. 312, note.

THIRD OPINION

Together with attrition an implicit love of concupiscence is required and suffices; this love is necessarily involved in attrition conceived from fear that is not servile in a merely servile manner. This is explicitly taught by modern attritionists, and implicitly by almost all other attritionists.

NOTE 1. ON THE MIND OF ST. THOMAS

Various of the foregoing opinions have claimed St. Thomas as their patron. Some call him a contritionist, because he often says that perfect contrition precedes the sacrament and, in IV Sent., dist. 17, q. 3, a. 2, q. 1, ad 2, expressly and without qualification affirms: 'Confession presupposes charity, through which a person is already made alive'; likewise, because contritionism is the common opinion or tendency of the ancients, from which the Holy Doctor could not have escaped wholly untouched. Others regard him as a mitigated contritionist (or, as Galtier says, an attritionist only implicitly), inasmuch as he teaches, with Alexander of Hales and Bonaventure, that in the sacrament contrition is required, or at least attrition which is in good faith believed to be contrition.

For the present, however, passing over what the Holy Doctor thinks about the necessity of the love of benevolence, a matter which we shall discuss below against the defenders of this kind of love, we say that St. Thomas's mind concerning the sufficiency of attrition, as distinguished from perfect contrition, as stated in article 23 (cf. Suppl., q. 1, a. 2, ad 2; III, q. 85, a. 5, ad 1; the passages cited there, pp. 7, 9), is so clear and definite for that period that it is scarcely intelligible why some

theologians (such as Morin and Benedict XIV) so generously attribute the explicit affirmation of this doctrine to Vitoria, Soto, and, more emphatically, to Cano as its first author, while others (such as Galtier) attribute it to Scotus himself. We shall speak of this again below in Note 2. The Holy Doctor's position is reducible to this: he constantly affirms a parity between the two sacraments of the dead, Baptism and Penance, with regard to their sanctifying efficacy and the dispositions required of adults to obtain their fruit. He teaches:

First, that the sacrament of Penance is truly a cause of grace itself and of the remission of sins (q. 79, a. 3, body and ad 2; q. 80, a. 4, ad 2; q. 84, a. 3; q. 86, a. 6, body and ad 3; Contra Gentiles, IV, 72; other passages to be cited below). In this he opposes Peter Lombard and certain earlier writers who referred the causality of the sacrament, not to the grace of remission itself, but to other effects, since according to them that grace was already supposed to have been conferred through an act of contrition, which would thus be a necessary disposition for the sacrament. From this St. Thomas already laid the foundation for the doctrine of the sufficiency of attrition.

Second, he teaches that this efficacy of the sacrament is truly exercised in three ways: in one way, insofar as perfect contrition before the sacrament does not justify except through the desire for the sacrament itself, so that the sacrament itself justifies in the desire for it and before its actual application; in another way, insofar as actual reception of the sacrament increases grace (which of itself would remit sins, were any present) in a person who has already received the grace of remission through perfect contrition and the desire for the sacrament; in a third way, insofar as whenever someone approaches the sacrament with attrition, or with that imperfect disposition which did not suffice to justify him before the sacrament, he is justified through the sacrament itself (Suppl., q. 10, a. 1; q. 18, a. 1; IV Sent., dist. 6, q. 1, a. 3, ad 5; dist. 22, q. 2, a. 1, q. 3; Quodlibet IV, q. 7, a. 10; In Matth., 16, no. 2; In Joan., 11, lect. 6, no. 6; passages cited below).

Third, he asserts this last point—namely, that one who is attrite is justified in the sacrament and that attrition suffices in the sacrament—altogether explicitly (in all these same passages), twice employing the very name 'attrition' or 'attrite': in IV Sent., dist. 6: 'Preceding attrition is sufficient, even if it is not contrition'; dist. 22: 'When someone approaches attrite, not fully contrite.' He also uses equivalent expressions: Suppl., q. 10: 'If the preceding sorrow for sin had not been sufficient for contrition'; Suppl., q. 18: 'If he had not been perfectly disposed to receive grace'; Quodlibet IV: 'Not perfectly contrite'; In Matth.: 'Not wholly contrite'; In Joan.: 'Not perfectly disposed ... [not] fully contrite.'

Fourth, he does not treat the sufficiency of attrition in the sacrament as an exceptional case—one, for example, depending on good faith—as though he taught (as Galtier maintains) that perfect contrition is required of itself and that attrition suffices only accidentally, or only when, in good faith, it is thought to be perfect contrition. There is not a trace in St. Thomas of this necessity of good faith. In the words cited from dist. 6 he declares without qualification that attrition suffices (nor does it matter that he is there speaking directly of Baptism alone, since, as is clear from all the other passages, the Holy Doctor expressly and insistently says that Baptism and Penance are to be placed on the same footing as regards their efficacy and the disposition of contrition required in the recipient). In dist. 22 he says: 'When someone approaches confession attrite ... grace and remission are given to him.'

Moreover, the hypothetical and conditional form of certain expressions—for example, 'Remission of sins would be given if ...' (Suppl., q. 10), 'If someone before absolution had not been perfectly disposed'—refers only to the fact that elsewhere the Holy Doctor explicitly says that 'contrition most often precedes confession in time' (Quodlibet IV), and that 'adults who approach to receive absolution have for the most part already obtained remission of sins through contrition' (In Joan.). Likewise, the condition often required by the Holy Doctor for attrition, namely the absence of an obstacle, does not signify the necessity of good faith, but the genuineness of attrition: that is, a true intention of receiving the sacrament (or of submitting oneself to the keys of the Church), and true sorrow consisting in a renewal of mind: Suppl., q. 10: 'If someone does not place an impediment ... if he does not place an obstacle to grace'; Suppl., q. 18: 'If he does not place an obstacle'; IV Sent., dist. 22: 'If he does not place an obstacle'; Quodlibet IV: 'Provided he does not place an obstacle to the Holy Spirit'; In Matth.: 'One who comes insincerely, when he comes without a renewal of mind, and then the sin is not remitted; he comes without insincerity when he comes with the intention of confession'; In Joan.: 'Unless he places an obstacle through insincerity against the Holy Spirit.' Furthermore, in St. Thomas's terminology (cf. I-II, q. 69, a. 9, ad 3; IV Sent., dist. 4, q. 3, a. 2, q. 2, ad 1), an obstacle or insincerity is understood as a lack of intention or of disposition, not as a lack of good faith, unless the latter entails the former.

Lest, however, we seem obstinately to swear allegiance to a master rather than faithfully submit to the master's own words, we sincerely set forth the above-mentioned texts, so that what we have affirmed may be plain to the reader himself:

Suppl., q. 10, a. 1 (from IV Sent., dist. 17, q. 3, a. 5, q. 1):

'Because in the sacrament of Penance grace is infused, through which remission of sins takes place, as in Baptism, confession joined to absolution therefore remits guilt by virtue of the absolution, just as Baptism does. But Baptism delivers from the death of sin, not only insofar as it is actually received, but also insofar as it is held in desire, as is evident in those who approach Baptism already sanctified. And if someone places no impediment, he would obtain grace through the conferring of Baptism itself, by which sins would be remitted to him, if they had not previously been remitted. The same must be said of confession joined with absolution: insofar as it has preceded in desire, it frees from guilt; afterward, however, in actual confession and absolution, grace is increased. And remission of sins would also be granted if the preceding sorrow for sins had not been sufficient for contrition, and the person at that time placed no obstacle to grace. And therefore, just as Baptism is said to deliver from death, so also can this be said of confession.'

Suppl., q. 18, a. 1 (from IV Sent., dist. 18, q. 1, a. 3, q. 1):

'The power of the keys which is in the priest stands in the same relation to the effect of the sacrament of Penance as does the power which is in baptismal water to the effect of Baptism. Now Baptism and the sacrament of Penance agree in a certain respect as to their effect, because both are directly ordained against guilt, which is not the case with the other sacraments. But they differ in this: that the sacrament of Penance, since it has the acts of the recipient as quasi-material elements, cannot be given except to adults, in whom preparation is required for receiving the effect of the sacrament; whereas Baptism is sometimes given to adults and sometimes to children and others who lack the use of reason. And thus by Baptism grace and remission of sins are given to children without

any preceding preparation on their part, but not to adults, in whom a preparation removing insincerity is previously required.

'This preparation sometimes precedes in time, and is sufficient for receiving grace before Baptism is actually received, though not before the desire for Baptism after the time of the promulgation of the truth. Sometimes, however, such preparation does not precede in time, but exists simultaneously with the reception of Baptism; and then, through the reception of Baptism, the grace of the remission of guilt is conferred. But through the sacrament of Penance grace is never given unless preparation is present or has been present beforehand. Hence the power of the keys operates toward the remission of guilt either as existing in desire or as exercised in act, just as does the water of Baptism. ...'

'And thus it is clear that the power of the keys is in some manner ordained to the remission of guilt, not as causing it, but as disposing to it. Hence if someone had not been perfectly disposed to receive grace before absolution, he would obtain grace in confession and sacramental absolution, provided he placed no obstacle. For if the keys were in no way ordained to the remission of guilt, but only to the remission of punishment, as some say, there would be no need for a desire to receive the effect of the keys for the remission of guilt, just as there is no need for a desire to receive other sacraments which are not ordained to the remission of guilt but to [the remission of] punishment. But it seems to follow that [the power of the keys] is not ordained to the remission of guilt, because the use of the keys, in order to have this effect, always requires preparation on the part of the one receiving the sacrament. The same, however, would seem to hold of Baptism if it were never given except to adults.'

In IV Sent., dist. 6, q. 1, a. 3, q. 1, ad 5:

'A right intention is required for obtaining the reality of the sacrament. Faith directs the intention, and without it there cannot be, especially in such persons, a right intention; but charity further makes the intention meritorious. And therefore, for a man to prepare himself for the reception of grace in Baptism, faith is required beforehand, but not charity: because preceding attrition is sufficient, even though it is not contrition.'

In IV Sent., dist. 22, q. 2, a. 1, q. 3:

'The ultimate reality of a sacrament is not only that which it effects when actually dispensed, but also that which it effects when it exists in intention, as is evident of Baptism in adults. And therefore, since the sacrament [of Penance] exists in intention in the purpose of penance, it effects remission of sins not only as regards punishment but also as regards guilt; remission of sins in both respects is the reality of this sacrament of Penance. Sometimes that remission precedes the outward sacrament in time, but sometimes it is effected by the sacrament itself: because when someone approaches confession attrite, not fully contrite, provided he places no obstacle, then in the confession and absolution themselves grace and remission of sins are given to him.'

Quodlibet IV, q. 7, a. 10:

"The sacraments work in two ways: in one way, insofar as they are actually administered; in another way, insofar as they are possessed in desire. And this is because the sacraments operate as instruments of the divine mercy that justifies. But it belongs to God to look upon the heart of man. ... And therefore, although natural things act only when actually applied, the sacraments nevertheless

act also insofar as they are possessed in desire; but they produce the sacramental effect more fully when they are actually administered, as in Baptism. For a catechumen, if he is an adult and has Baptism in desire, has already obtained the effect of Baptism with respect to cleansing from sin and the attainment of grace, which is the proper effect of God; but when he actually receives Baptism, he obtains certain sacramental effects more fully, because he receives the character and the remission of all punishment. If, however, there were someone who had not possessed Baptism in desire before being actually baptized, as is especially evident in children, he receives at the same time through Baptism grace remitting guilt and every other effect of the sacrament. This would also occur in an adult if, at the very time he was baptized, he began to have the desire for Baptism; and the same is true in the sacrament of Penance, which is completed in the ministration of the absolving minister."

"For when someone is actually absolved, he fully attains the effect of the sacrament; but if, before he is absolved, he has this sacrament in desire—that is, when he proposes to submit himself to the keys of the Church—the power of the keys already operates in him, and he obtains remission of guilt. If, however, someone begins to be contrite and to have the keys of the Church in desire in the very act of absolution, in that absolution by the priest his guilt is remitted through grace, which is infused in this sacrament as in the other sacraments of the new law. Hence it sometimes happens that someone not perfectly contrite obtains, by the power of the keys, the grace of contrition, provided he places no obstacle to the Holy Spirit; and the same is true in the other sacraments of the new law in which grace is conferred. Yet there seems to be a difference between Baptism and Penance, because the sacrament of Penance is always administered to adults, in whom contrition for the most part precedes confession and absolution in time; whereas Baptism is often conferred on children, in whom the desire for Baptism does not precede it. Nevertheless, the similarity would appear complete if Baptism too were administered to adults."

In Matth., 16, no. 2:

"But this raises a difficulty, because nowadays only children come to Baptism; and if an adult approaches, he comes either insincerely or not. He comes insincerely when he comes without a renewal of mind, and then guilt is not remitted; he comes without insincerity when he comes with the intention of confession, whence grace is required. But grace removes guilt; hence an adult approaching the sacrament of Baptism, if he prepares himself, receives remission of guilt. Thus also in the sacrament of Penance, to which only adults approach, a person is not contrite unless he has the intention of submitting himself to the discernment and judgment of the priest. If he is not contrite, he does not obtain the effect, just as in Baptism. But it can happen that someone approaches not entirely contrite and, by the power of the grace conferred in the sacrament, becomes perfectly contrite. Accordingly, the words 'Whatever you shall loose' must be understood to mean: if you exercise the ministry of absolution. And He says 'Whatever,' because it concerns not guilt alone but also punishment. 'It shall be loosed in heaven' means: it shall be regarded as absolved in heaven, as in the case of Baptism. Hence the priest ought to say, 'I absolve you,' just as [the minister of Baptism says], 'I baptize you.'"

In Joan., 11, lect. 6, no. 6:

"But what seems to raise a difficulty is that children generally approach Baptism without having been justified before Baptism, and in Baptism they obtain the grace of remission; whereas adults who approach to receive absolution have generally already obtained remission of sins beforehand through

contrition, so that the subsequent absolution would seem to do nothing toward the remission of sins. But if one considers carefully, taking adults on both sides, a complete similarity will be found. For it happens that some adults, before actually receiving the sacrament of Baptism, obtain remission of sins while having Baptism in desire, being baptized with the baptism of the Spirit; and nevertheless the Baptism that follows, considered in itself, effects the remission of sins, although this does not take place in the one whose sins have already been remitted, but he obtains only an increase of grace. But if an adult had not been perfectly disposed to obtain remission of sins before Baptism, he obtains remission in the very act of being baptized by the power of Baptism, unless through insincerity he places an obstacle to the Holy Spirit. The same must be said of Penance. For if someone was fully contrite before the priest's absolution, he obtains remission of sins because he has in desire the intention of submitting himself to the keys of the Church, without which there would be no true contrition. But if his previous contrition was not full and sufficient for remission, he obtains remission of guilt in the very absolution, provided he places no obstacle to the Holy Spirit. And the same holds of the Eucharist and Extreme Unction, and of the other sacraments of the new law."

YOU WILL OBJECT WITH THE FOLLOWING PASSAGES

Suppl., q. 10, a. 1 (from IV Sent., dist. 17, q. 3, a. 5, q. 1), in the objection: "It seems that confession does not deliver from the death of sin. For confession follows contrition. But contrition sufficiently removes guilt. Therefore confession does not deliver from the death of sin." The Holy Doctor replies, ad 1: "Contrition has the desire for confession joined to it, and therefore in this way it delivers penitents from guilt, just as the desire for Baptism delivers those who are to be baptized." From this it is clear that, according to St. Thomas, contrition is required of itself for confession; otherwise he would have replied by denying the assumption of the minor premise of that objection.

Suppl., q. 10, a. 5, body and ad 2 (from IV Sent., dist. 21, q. 2, a. 2, solution and ad 2): "Confession operates on the presupposition of contrition, which removes guilt. And thus confession is directly ordained to the remission of punishment"; "Confession does not operate, as has been said, unless contrition is presupposed."

In IV Sent., dist. 17, q. 3, a. 2, q. 1, ad 2: "Confession presupposes charity, through which a person is already made alive ...; but contrition is that in which charity is given; whereas servile fear, which is without hope, precedes charity. But one who has charity is moved more by hope than by fear; and therefore hope rather than fear is assigned as the cause of confession."

Quodlibet IV, q. 7, a. 10, *sed contra*: "Through contrition alone sin is remitted. ... But contrition precedes the absolution of the priest, because the priest ought not absolve anyone unless he judges him to be contrite. Therefore the remission of guilt precedes the priest's absolution; therefore guilt is not remitted through the priest's absolution."

Therefore, according to St. Thomas, perfect contrition is required for the fruit of the sacrament, or at least contrition believed in good faith to be perfect.

REPLY

To the first passage there is no difficulty, since in the body of the same article, cited above, the Holy Doctor manifestly teaches that confession together with attrition removes guilt if this has not already been removed by perfect contrition. But since, if the Holy Doctor had answered thus here, the

objector could still have insisted that at least in the case in which someone approaches the sacrament already justified by an act of perfect contrition, the sacrament would not deliver him from the death of sin, he therefore replies that confession itself operates in the desire contained in contrition, so as to forestall that insistence and overturn the objection at its very root.

To the second passage, some reply that St. Thomas afterwards tacitly retracted that position by teaching that confession effects the remission not only of punishment but also of guilt. But this reply seems unsuitable, since the Holy Doctor had already, before this distinction 21—that is, in distinctions 17 and 18 (in the passages cited above)—expressly taught that the sacrament of Penance is ordained to the remission of guilt, something which he repeats again in distinction 22. The meaning of the passage objected is not that the sacrament of confession is directly ordained solely to the remission of punishment, but that within the sacrament itself one of its parts, namely contrition, is directly ordained to the remission of guilt, while the other two parts, namely confession and satisfaction, are directly ordained to the remission of punishment. This pertains to confession both by reason of the shame it entails in the penitent and by the power of the keys in the priest. The Holy Doctor himself had already explained this more clearly in IV Sent., dist. 17, q. 3, a. 1, q. 1, ad 1, saying:

"The infusion of grace suffices for the remission of guilt; but after guilt has been remitted the sinner still remains a debtor of temporal punishment. Now the sacraments of grace are ordained to obtaining the infusion of grace, and before receiving them, either actually or in desire, one does not obtain grace, as is evident in Baptism; and it is similar with confession. Furthermore, temporal punishment is expiated through the shame of confession, and the power of the keys to which the penitent submits himself, and the satisfaction enjoined, which the priest regulates according to the quality of the offenses made known to him through confession. Nevertheless, from the fact that confession operates toward the remission of punishment, it does not derive its necessity for salvation; because that punishment is temporal, to which someone remains bound after the remission of guilt, so that even without its being expiated in the present life there would be a way of salvation. Rather, confession derives its necessity for salvation from the fact that it operates toward the remission of guilt in the manner stated above" (cf. ibid., a. 2, q. 1 and q. 3, ad 2).

To the third passage, it must again be said that the Holy Doctor speaks directly not of the sacrament itself but of the part of it which is confession, as is clear from the body of the article and from the very objection to which he replies. And, in order to show that confession proceeds more from hope than from fear, he introduces the case of confession following perfect contrition (and thus properly an act of the virtue of penance). In this case the Holy Doctor's intention is obtained more manifestly, since contrition entails charity, and charity is moved more by hope than by fear. Thus, in the following minor question 3, replying to an objection in which the objector wishes to deduce from this very point that confession is not an act of the virtue of penance, because penance proceeds from fear as from its principle whereas confession proceeds from hope, he introduces a distinction between the act of confession and the act of contrition, writing ad 4:

"Because confession proceeds more from hope than from fear, as has been said, it therefore rests more on the article of eternal life, to which hope looks, than on the article of judgment, to which fear looks; although penance, considered under the aspect of contrition, stands in the opposite relation."

To the fourth passage, it must first be observed that these words are not the teaching of St. Thomas himself, but the words of the objector. In his reply, moreover, the Holy Doctor neither approves nor rejects the incidental assertion, "The priest ought not absolve anyone unless he judges him contrite"; rather, setting aside the truth or falsity of that assertion, he replies to the principal point: that even when perfect contrition (and indeed not merely contrition thought to exist, but actually existing) justifies before the sacrament, it itself contains the desire for the sacrament, and consequently the sacrament itself operates and justifies in desire. For he says:

"To the third, it must be said that there can never be true contrition without the desire for the keys of the Church, however great may be the sorrow for past sin and the purpose of abstaining in the future; and therefore in contrition guilt is remitted."

NOTE 2. HISTORICAL OUTLINE OF THE DOCTRINE OF THE SUFFICIENCY OF ATTRITION IN THE SACRAMENT

Among the major theologians of the twelfth century, such as Hugh of St. Victor and Peter Lombard, a manifestly contritionist doctrine is found. This proceeds from a twofold cause: first, from a diminished conception of the saving efficacy of the sacrament. They conceded to it only absolution from the liability to eternal punishment (Hugh of St. Victor), or merely a declaration of the remission of guilt already effected by God (Peter Lombard), but not the remission of guilt itself, according to the principle, 'God alone can sanctify inwardly.' From this it followed logically that a person ought to approach the sacrament in the state of grace, or with at least habitual contrition. Second, it proceeds from an imperfect conception of the distinction between an act of perfect contrition arising from love and an act of attrition arising from fear. They regarded the latter rather as a mere turning away from sin than as a sufficient turning toward God, and hence not simply as an efficacious act of penance in which all preparation for justification, even within the sacrament, ought to consist. Compare the words of Pseudo-Augustine, *De vera et falsa poenitentia* (probably about the year 1100), and of Alan of Lille (d. 1203), cited in article 23 (p. 6). In the latter there first appears an explicit distinction between the names 'contrition' and 'attrition'; under this latter name he understands the sorrow of those who 'are not ... thoroughly contrite, nor have a firm purpose not to relapse, nor confess with their mouth.' In these last words, insofar as they refer to sacramental confession, the very doctrine of the sufficiency of attrition with the sacrament already seems to be intimated. Moreover, as we noted above, Hugh of St. Victor and Peter Lombard themselves implicitly propose the case of a person approaching the sacrament with supposed contrition, that is, with attrition alone which he in good faith believes to be contrition.

At the beginning of the thirteenth century, when the aforesaid opinion concerning the saving efficacy of the sacrament had been rejected by theologians, one obstacle to the doctrine of the sufficiency of attrition was removed. At the same time, the other obstacle, arising from an imperfect manner of distinguishing contrition and attrition, was partly diminished, as is evident from the clearer distinctions of Innocent III, William of Auvergne, Alexander of Hales, and Bonaventure, cited in article 23 (p. 6 ff.). As that century advanced, Alexander of Hales and Bonaventure explicitly proposed to themselves the aforesaid case of good faith and at least in that case asserted the sufficiency of attrition (cf. above, p. 284). In this doctrine the essential nucleus of attritionism is already found, since it shows that those doctors regarded attrition, as it were connaturally, as a sufficient disposition of the soul and a turning toward God, so that by the power of the sacrament the

person is justified, just as when we say that an attrite person approaching the sacraments of the living in good faith is justified. For good faith itself cannot directly stand in the place of the required disposition, but can only be a certain condition of a sufficient disposition. This is clear from the fact that if someone approaches Baptism or Penance in good faith, or with merely supposed attrition, he does not have a sufficient disposition for their fruit. Accordingly, those doctors are reckoned by some among the implicit attritionists.

This opinion seems to have given rise to that famous doctrine, 'He who is attrite becomes contrite through the sacrament.' Although evolved and interpreted in different ways, this doctrine subsequently enjoyed a fortunate reception and still retains it in theology, as we saw in article 24. For, lest the sufficiency of attrition in the case of good faith flatly contradict the two aforementioned prejudices of Hugh of St. Victor and Lombard—concerning the saving efficacy of the sacrament, improperly described, and the necessity of a full conversion to God for obtaining justification—these doctors ingeniously said that attrition becomes perfect contrition in the sacrament or by the power of the sacrament, through which the person is then justified (cf. Bonaventure, cited above, p. 284). They explained this passage from attrition to contrition ingeniously, to be sure, but unsuitably, after the manner of the passage whereby unformed faith becomes formed through the coming of charity (cf. art. 24, p. 29, and art. 23, p. 8 ff.).

St. Thomas plainly dispelled both the prejudice of Hugh of St. Victor and Lombard and the imperfect explanation of Alexander of Hales and Bonaventure. This is evident from the passages cited above (pp. 296–303), and from articles 23–24: he preserved, and brought together into one, the sound elements which in those doctors constituted a connatural and orthodox development of the present doctrine, directing it along a more precise path which later theologians would follow, at first slowly and uncertainly, and thereafter, under the impulse of Trent, more swiftly and firmly. What is still wanting in St. Thomas—namely, a more accurate determination of the distinction between attrition and contrition (cf. above, art. 23, pp. 7–11), and a less frequent recourse to perfect contrition (cf. the passages reported above, p. 301 ff.), even for the act of the virtue of Penance properly so called (cf. V.g., q. 86, a. 6), when the question concerns the disposition required for sacramental justification or the act that is an essential part of the sacrament—arises partly from the fact that whatever pertains to the domain of Penance is consummated in perfect contrition, partly from the fact that, as the Holy Doctor himself says in two of the passages cited above, penitents generally approach the sacrament already perfectly contrite,[271] and perhaps partly from the fact that the Holy Doctor, having been overtaken by death, did not complete the treatment of the questions on attrition and contrition directly in his principal work, the *Summa Theologiae*, and partly also from the mode of expression and disputation belonging to that age, which the Holy Doctor, more than any other, ought to have—and in fact did—overcome, but which he could not overcome as it were connaturally.

[271] From these and other texts cited above (pp. 298–301), it can be gathered that, according to the Holy Doctor, an act of perfect contrition can be elicited rather easily by men, speaking in itself and generally. Doctors speak differently on this point, some judging an act of contrition in the strict sense more difficult. Vermeersch writes among modern authors: "Perfect contrition should not be thought difficult for one who has effectively renounced sin, since the love of God above all things is in its own manner natural to every creature; and experience teaches that men are often moved more by the goodness of the offended God or by the despised Passion of Christ than by the fear of punishments. The difficulty is to triumph over the passions of the soul; after this victory has been gained, conversion easily passes from imperfect to perfect" (ed. 1927, no. 567). Billuart, however, writes: "For an act of charity, even though remiss, is not so easy, since ... it presupposes God loving in return and communicating Himself to us through justifying grace and the

habit of charity. But outside the sacrament God does not infuse justifying grace, and with it the habit of charity, into a penitent who repents in any manner whatever, even from a motive of benevolence; rather, He does so into one who repents intensely in proportion to the malice of his sins, or from the pure motive of benevolent love, without the aid of servile fear and the motive of personal interest. This certainly is neither so easy nor so frequent among men, especially those serving the world and its concupiscences" (*De Poenitentia*, diss. 4, a. 7, § 2, *Cursus Theologicus*, vol. 9, Paris, 1904, p. 315).

Nevertheless, all things considered, the teaching of St. Thomas concerning the nature of attrition and its saving efficacy appears more determinate than that of the later scholastics, at least down to and including the Council of Trent.

Scotus (d. 1308) is said by some, such as Galtier (no. 387), to have explicitly admitted the sufficiency of attrition which St. Thomas affirmed only implicitly and imperfectly. Indeed, he is reproved by Protestants themselves, such as Harnack, Seeberg, Dieckhoff, and Bratke (cited in the preceding article, p. 247), as the founder of that penitential laxism in which they say the doctrine of the sufficiency of attrition consists. But in the first place Scotus does not appear to affirm anything more explicitly than St. Thomas (cf. Scotus's words cited on p. 293). Moreover, it is no wonder that Scotus was not able to bring the true doctrine of the sufficiency of attrition out of the very false conception which he seems to have held concerning the nature of attrition—one which he seems only accidentally to distinguish from contrition (cf. above, art. 23, p. 11, and art. 24, p. 30).

William of Paris (fourteenth century), who is numbered among the first attritionists, nevertheless seems to require in attrition itself a certain preparatory love, which is a true love of God of the kind of charity.[272] John Gerson (Jean Charlier, called Gerson; d. 1429) declares that the question of the sufficiency of attrition without the love of charity is a difficulty hardly soluble among the Scholastics.[273] Cajetan (d. 1534), who disputes at such length about attrition and contrition and proposes so distinctly their specific distinction, nevertheless speaks so confusedly both of the essence of each and of their saving efficacy that he teaches that even contrition itself (which he considers a natural act according to its substance) is not necessarily a sufficient disposition in the sacrament, and that the efficacy of either in the sacrament depends on the divine good pleasure (cf. above, art. 25, p. 94).

[272] *De sacr. Poenitentiae, De prima parte Poenitentiae*, ch. 7: "It is necessary that he who is attrite or contrite should be moved by a movement of faith, of hope ...; it is also necessary that he be moved by a movement of some love, whether this be charity or not." Likewise, ch. 6: "By preparatory love God is loved according as He is God, just as by the love called charity. Therefore preparatory love and the love called charity will be of the same species."

[273] *Serm. de poenitentia in Coena Domini*: "Let confession be made truly, not fictitiously, that is, in contrition and charity, according to a probable conjecture. But whether confession made without charity frees one from having to repeat the sins is a difficulty scarcely soluble among the Scholastics."

Francisco de Vitoria (d. 1546) and Domingo de Soto (d. 1560), who, according to Benedict XIV,[274] writing after Morinus, are said to have been the first to assert that attrition arising from fear suffices with the sacrament, nevertheless assert this only for the case in which attrition is believed in good faith to be contrition. This restriction had already been asserted by Alexander of Hales and Bonaventure, and was by no means made by St. Thomas. Melchior Cano (d. 1560), who is presented by the same Benedict XIV as the first to have proposed the sufficiency of attrition without the aforesaid limitation of good faith, 'established this opinion without any hesitation.'[275] The later theologians Vásquez (d. 1604) and Suárez (d. 1617), who, as Benedict XIV reports from Morinus,

'above the rest made this opinion [that of M. Cano] celebrated ... and the theologians who now follow it are innumerable,'[276] still propose it with some doubt (cf. below, Note 3, where the theological note is discussed). St. Thomas, however, repeatedly proposes it assertively.

[274] *De synodo dioecesana*, book 7, ch. 13, no. 6.

[275] Benedict XIV, ibid., no. 7.

[276] Benedict XIV, ibid.

Thus from the thirteenth century down to the Council of Trent the doctrine of the sufficiency of attrition progressively spread and gained strength. Hence Benedict XIV admits that already 'before Trent theologians commonly taught that, for obtaining God's grace in the sacrament of Penance, imperfect contrition, which was even then called attrition, was sufficient.' Consequently the Council of Trent proposed this doctrine assertively in its decisions. Yet this advance, although made slowly and with an uncertain step, again gave occasion for agitating the reason which had troubled the minds of the ancients: namely, the difficulty of understanding how that conversion of the heart to God, which must be present in all true penance, is sufficiently secured in attrition.

Although the Tridentine decision so powerfully accelerated the development of the doctrine that the doctrine itself quickly became firm and universal, and was considered by many theologians to be a decided matter and an absolute cause, it did not entirely remove all doubt. Indeed, it furnished the occasion for a greater conflagration and a sharper controversy, which disturbed the minds of theologians for nearly two centuries, dividing them into the two factions of Contritionists and Attritionists; nor does the controversy yet appear to have been extinguished in every respect.

To leave aside the erroneous opinion of the Baianists and Jansenists, reported above (p. 282), which was a still worse regression to absolute contritionism, contaminated by Protestant principles: even among sound theologians themselves, already from the beginning of the seventeenth century, that old doubt and contritionist tendency began to revive under the influence especially of Jansenist doctrines, among several doctors, particularly those dependent on the University of Louvain, where both Baius (d. 1589) and Jansenius (d. 1638) had taught. The historical controversy itself broke out[277] especially between 1661 and 1667, when the celebrated decree of Alexander VII intervened. For while the contritionist opinion was gaining strength among Belgian pastors, under the impulse or auspices of certain bishops, in 1661 there appeared in the city of Ghent a catechism, recommended and propagated by the Jesuit Fathers, in which the sufficiency of attrition arising from fear in the sacrament of Penance was taught. This stirred no slight commotion among parish priests, who, assembling together, subscribed a certain declaration against the aforesaid doctrine, which the Faculty of Louvain approved. Soon the fever of controversy drew the theologians themselves into the arena. In 1666 two distinguished Augustinians, Christianus Lupus and Fr. Farvaques (cf. above, p. 285), wrote dissertations against the sufficiency of attrition; they were immediately opposed by Maximilianus Le Dent, S.J., in his dissertation *On Attrition from Fear of Hell and Its Sufficiency with the Sacrament of Penance, According to the Mind of the Holy Council of Trent, against the Dogmatic Dissertation of Christianus Lupus and the Quodlibetal Question of F. Farvaques* (Mechelen, 1667). The matter was then referred to Rome, both camps demanding the condemnation of their adversaries. In his own defence Lupus wrote a letter (cited on p. 285) to his Roman confrere H. Noris (afterwards Cardinal), to which the same Le Dent immediately replied in the booklet *Reply to a Familiar Letter …, in Which the Sufficiency of Attrition with the Sacrament Is More Firmly Established* (Mechelen, 1667).

[277] This is explained by Döllinger and Reusch in the work cited above, in the note on p. 279.

The decree of the Holy Office, of 5 May 1667, under Alexander VII, established the following: "Our Most Holy Lord Pope Alexander VII, having learned, not without great sorrow of heart, that certain scholastics are contending rather sharply among themselves, and not without scandal to the faithful, whether that attrition which is conceived from fear of hell, excluding the will to sin and accompanied by the hope of pardon, requires in addition some act of love of God in order to obtain grace in the sacrament of Penance—some asserting this, others denying it, and each side censuring the contrary opinion—His Holiness … by this present decree, in virtue of holy obedience and under penalty of excommunication *latae sententiae* reserved to this Holy See, and other penalties to be imposed at the discretion of the same Holy See, commands all and each of the faithful, of whatever rank or dignity, even episcopal or higher, indeed even those adorned with the dignity of cardinal, that if henceforth they write on the matter of the aforesaid attrition, or publish books or writings, or teach, or preach, or by any other means instruct penitents or scholars or others, they shall not dare to brand either opinion with the mark of any theological censure, or of any other injury or insult: whether the opinion denying the necessity of some love of God in the aforesaid attrition conceived from fear of hell—which today seems the more common among the scholastics—or the opinion asserting the necessity of the said love, until something shall have been defined in this matter by this Holy See" (Cavallera, 1210).

Regarding the force of this decree, the following points should be noted. First and of itself, the decree is preceptive, not doctrinal. For although it concerns a doctrinal controversy, it resolves nothing about the doctrine itself, but merely forbids that "they [the doctors] dare to brand either opinion with the mark of any theological censure or of any other injury or insult." As several theologians observe, notably St. Alphonsus (d. 1787; no. 440) and Viva (d. 1710), the decree forbids only the imposition of a theological censure properly so called (that is, a judgment regarding the opposition of some proposition to the doctrine of faith), or of some insult connected with it; it does not forbid the imposition of a censure, so to speak, in a logical sense, or of a theological and scientific judgment, by which a proposition is rejected as scientifically improbable or false. To the point, Viva says: "This precept issued in virtue of holy obedience, that no censure be inflicted upon either of these opinions, does not prevent one of them from being called possible and improbable, and false, as theologians commonly teach; both because falsity and improbability are not numbered among theological censures, and because it is evident that one or other of these two extremely opposed opinions, which cannot be censured, is false."[278] Moreover, that "penalty of excommunication *latae sententiae* reserved to this Holy See" is no longer in force, since it was not included in the Constitution *Apostolicae Sedis*, promulgated by Pius IX on 12 October 1869.

[278] *Damnatae theses ad theologicam trutinam revocatae*, p. 3, proposition 15 of Alexander VII, no. 33.

In the clause "the necessity of some love of God," the decree refers to the very opinion which teaches the necessity of an initial love of charity properly so called, and not merely to the opinion concerning the necessity of some initial love of benevolence or of concupiscence, below the love of charity—as though the Pope had wished to protect from censures only the latter opinion and not the former, as certain authors, notably the Würzburg theologians (U. Munier; d. 1759), interpret it.[279] This is evident from the fact that the theologians of that time were especially and explicitly disputing about that initial love of charity; questions concerning the love of concupiscence, and concerning the love of

benevolence as distinct from the love of charity, were explicitly discussed only at a later date. For Tournely (d. 1729) and Billuart (d. 1757), the principal promoters of these questions, flourished in the following, eighteenth century.

[279] *De Poenitentia*, no. 162, *Theologia dogmatica*, vol. 10 (Paris, 1880), p. 153: "The Pontiff forbids both opinions to be marked with grave censure, both the one which denies and the one which asserts the necessity of some love of God in attrition conceived from fear of hell; but charity, whereby God is perfectly loved for His own sake, is not some love of God, but perfect charity toward God and love of God simply speaking, not taken with a diminishing qualification."

The decree established nothing concerning the doctrine itself or the opposed opinions. Hence nothing can be directly deduced from it in favour of either one; and Benedict XIV (d. 1758) rightly writes: "The dispute is still before the judge; to this day the two opinions still contend with impunity."[280] Yet certain writers not unsuitably see in the words "which today seems the more common among the scholastics" an indirect commendation of the doctrine of the sufficiency of attrition independently of an initial love of charity. For the Supreme Pontiff did not note this in vain, since the more common opinion in the Church is always more worthy of commendation, especially when the matter concerns the validity and fruit of the administration of the sacraments.

[280] *De synodo dioecesana*, book 7, chapter 13, no. 9, in Migne, *Theologiae Cursus*, vol. 25, col. 1066.

Immediately after the decree itself, the controversy was resumed, though with the moderation imposed by the decree. Farvaques published two works (*Xenium theologicum …* and *Veritas et charitas …*, mentioned above on p. 285). Le Dent replied in the booklet *Reply to the Theological Gift of Father Francis Farvaques and to the Defence of the Same* (Mechelen, 1669), as did Aegidius Estrix, S.J., in *A Historical-Theological Disputation Demonstrating, According to the Mind of the Council of Trent, the Power of Attrition without Love of Friendship in the Sacrament* (Louvain, 1669). For almost the whole following century contritionism still had many ardent defenders, the principal ones among whom we cited above (p. 285); yet by certain authors, such as Habert (d. 1718) and Collet (d. 1770), it was reduced to a milder form, until it declined almost completely as the century wore on. Nevertheless it survived in some measure, even down to our own age, among a few of the modern authors mentioned above (cf. pp. 288 ff.), under the somewhat altered and faded guise of the *opinion concerning benevolent love*, to which a beginning, or its principal impulse, had been given in the same eighteenth century by Renatus Billuart, O.P. (d. 1757). However, the defenders of this opinion strive carefully to free themselves from the stain and name of contritionism by explicitly teaching that the benevolent love which they defend can in no way, even initially, be reduced to the love of charity, but is intermediate between the love of charity and the love of concupiscence.

From what has been said in this historical outline, as well as in the preceding exposition of the opinions, it is clear that the present controversy has constantly remained in the arena of the love of God loved above all things. In order to exclude mere attrition from the dignity of an efficacious act of penance, the ancients first asserted the necessity of the very perfect love of charity, supporting it especially with scriptural and patristic arguments. Then, after the decision of the Council of Trent in favour of attrition itself, attrition was no longer directly attacked; rather, its association with a certain initial love of the kind of charity was asserted, by which attrition itself would be clothed and vivified. This was urged not only from the same arguments of the earlier theologians but also from a new argument supplied by the Council itself, in session 6, chapter 6, where, among the dispositions required for justification, it establishes that disposition whereby sinners "begin to love God as the

fountain of all justice." Finally, after the decree of Alexander VII and the subsequent wider acceptance of the opinion concerning the sufficiency of attrition separated from the association of every love of charity, the argument from benevolent love was invoked. This was supported by all the reasons mentioned above, to which was added the plausible argument drawn from the proper character of an act of penance, insofar as it is essentially sorrow for and detestation of sin formally as an offence against God.

And this argument, although inaptly applied, was most aptly invoked. For in this reason alone, which pertains to the essence of attrition, must the argument for its saving efficacy be sought; nor is there any point in persistently and fruitlessly pursuing the phantom of some love—whether of charity, or of initial love, or benevolent love, or even the love of concupiscence—which diverts the mind from the proper penitential line, in which are found contrition and attrition alike, as well as their agreement and distinction. For the greatest problem, on which the others depend and which we have seen constantly influencing the other disputations and controversies of theologians in this matter, comes down to the formal distinction between perfect and imperfect contrition, which we considered in article 23, and, at its root, to the character of the virtue of Penance itself, which we discussed throughout the preceding chapter.

NOTE 3. THEOLOGICAL QUALIFICATION.

1. That perfect contrition informed by charity is not required for receiving the fruit of the sacrament, but that attrition suffices, insofar as it is generally distinguished from the aforesaid perfect contrition, is *theologically certain*. This is evident if one considers together the mind of the Church concerning the sin-remitting character of this sacrament, the doctrine of the Council of Trent concerning the force of contrition and attrition, the condemnation of the opinion of the Baianists and Jansenists, and the common judgment of theologians after the Council of Trent.

2. That an initial love which is an act specifically identical with the act of charity is not required seems to be so firmly held that the contrary is *rash*. This follows from the preceding proposition, taken together with another which in article 31 (p. 220) we called theologically certain, namely, that every act of charity, without limitation as to intensity or duration, justifies before the sacrament. Nevertheless, mindful of the aforesaid decree of Alexander VII (although the excommunication threatened by that decree against those who dared to assign a theological censure to their opponents is no longer in force, as was stated above), we do not intend by this censure to prejudge the opinion of the aforesaid theologians of the seventeenth and eighteenth centuries, except insofar as their doctrine contradicts the proposition asserted, formally as it stands. We leave this to the judgment of other doctors, nor do we think that it can easily be judged, especially in the case of the second and third forms of that opinion related above, which assumed so many and such changeable forms that it can scarcely be firmly grasped and attached to a determinate censure.

3. That absolutely no initial love distinct from the implicit love of concupiscence is required, whether it be called benevolent or by another name, does not merit a theological qualification, but is a matter of entirely free discussion.

In assigning the aforesaid theological qualification, a remarkable diversity is found among post-Tridentine theologians. This arises partly from the indeterminate formulas used by some of them, so that it is uncertain whether they wish to speak of a theological qualification or merely of a logical one, and partly from the different times at which the various doctors wrote—that is, before or after the contritionist controversy which gave occasion to Alexander VII's decree. It will be useful to report some of their judgments.

That perfect contrition is not required:

Suárez: "I say ... that this sacrament has the power to justify a sinner disposed by true, supernatural, and integral attrition alone; and in this sense it has the efficacy of making a man contrite from being attrite. I hold this conclusion at the present time to be so certain that it cannot be denied without error, speaking, as we are speaking, absolutely of its efficacy and abstracting from the manner in which this takes place. ... I say ... that true and integral attrition is a sufficient disposition for the effect of this sacrament, even when it is known as such; nor is it necessary to consider it contrition in order that the effect be conferred. This assertion is less certain than the preceding ones; nevertheless I judge it far more probable than the opposite, and at the present time practically certain."[281]

[281] Suárez, *De poenitentia*, disp. 20, sect. 1, nos. 10 and 20, *Opera omnia*, vol. 22 (Paris, 1866), pp. 423 and 427. Cf. disp. 15, sect. 4, nos. 16–18.

Lugo: "The opinion which denies that attrition together with the sacrament suffices ... is not probable after the Council of Trent ... nor does it possess foundations sufficient for probability; indeed it is marked by many more weighty theologians with a censure" (*Disp.* 7, sect. 13, no. 273).

The *Salmanticenses* (*Disp.* 7, no. 9, 51, 57) do not dare assign a censure on account of Alexander VII's decree; nor, however, do they suppose the decree to concern specifically the question of initial love.

St. Alphonsus: "It is certain and common among the Doctors that perfect contrition is not required, but that attrition suffices" (no. 440). Yet he seems to speak more of logical than of theological qualification, as is evident from his other words cited below.

Hürter: "It is very close to faith." *Pesch*: "Theologically certain." *Tanquerey*: "It is certain." *Hugon*: "The conclusion is today so common that it must be called theologically certain." *Diekamp*: "A theological conclusion." *Hervé*: "Theologically certain." *Lercher*: "The contritionism traditionally handed down from Trent must certainly be judged false on theological grounds." *Merkelbach*: "The thesis is neither defined nor theologically certain, but is morally certain and safe, since the doctrine is now common, against several ancient theologians."

That an initial love of charity is not required:

Benedict XIV: "The case is still before the judge: even now one may dispute for either opinion with impunity" (*De synodo dioecesana*, 7, 13, 9). *St. Alphonsus* (no. 440): "Not undeservedly [several Doctors] ... call it morally certain; and say that the opposing opinion, after the Council, has lost all probability." *Diekamp*: "The opinion is now common and certain." *Hervé*: "Theologically certain." *Lercher*: "It can be demonstrated with theological certainty." *D'Alès*: "Either side is freely defended."

That no love even of benevolence is required, and that the implicit love of concupiscence suffices:

Here theologians no longer speak of a theological qualification, but only of a logical one, and commonly teach that this opinion is so certain in practical terms that it may be put into practice.

Pesch: "We say that this opinion is morally certain, so that it is lawful to follow it in the practice of the sacrament" (no. 161). "It can be shown that no probable reason can be advanced for the contrary opinion" (no. 157).

Galtier (no. 387): "You may therefore rightly call it practically certain; for, when the matter is of such great importance for the validity and efficacy of the sacrament, and indeed is necessary for salvation, the open and widespread profession of a merely probable opinion could not have been tolerated for so long."

D'Alès (p. 68): "We establish, as an opinion now common, morally certain, and safe in practice, that in the sacrament no movement of love of God is required by necessity for attrition, provided only that the penitent sincerely adheres to virtue and excludes the will to sin; and here lies the distinction between simply servile fear and fear that is servile in a servile manner."

Lercher (no. 458), referring even to the excessive contritionism of the second form formulated by Billuart and Diekamp, states: "Against contritionism in every form we defend the thesis and doctrine which can be demonstrated with theological certainty especially from the Tridentine definitions."

NOTE 4. ON THE LICEITY OF APPROACHING THE SACRAMENT

WITH ATTRITION ALONE, WITHOUT ANY LOVE DISTINCT FROM

THE IMPLICIT LOVE OF CONCUPISCENCE.

This question was raised on the occasion of the condemnation, by decree of the Holy Office of 2 March 1679 under Innocent XI, of the following proposition: "It is not illicit, in conferring the sacraments, to follow a probable opinion concerning the validity of the sacrament while abandoning the safer opinion, unless law, agreement, or the danger of incurring grave harm forbids it" (Denz. 1151).

Hence all the opponents of attritionism attacked this opinion as not safe in practice, even on the hypothesis that it was probable or indeed more probable; among them were Billuart and Collet. The common and true reply of the attritionists, already suitably expounded by D. Viva, is the denial of the supposition: namely, that the doctrine concerning the sufficiency of this attrition is merely probable. For it is a certain doctrine—certain not with the certainty proper to a theological qualification but with logical evidence—or else the contrary opinion has so slight a probability that it may be disregarded, so that the former can be regarded at least as practically certain. The principle implicated in the aforesaid condemnation—that in practice one must follow the safer opinion, abandoning another which is merely probable—presupposes that the safer opinion has a solid probability. The Salmanticenses propose another solution, not to be despised, denying that the contritionist opinion is safer than the attritionist; for, they say, the former is opposed to the principles of faith concerning the efficacy of this sacrament and its character as the sacrament of the dead, according to Christ's institution, and at the same time it deters the faithful from using the sacrament, since it requires a more excellent disposition than few would judge themselves to possess.

Let the very words of the four aforesaid theologians be given, so that both the attack itself and its solution may be better understood:

BILLUART (d. 1757):

"You ask ... whether it is licit in practice to follow the opinion concerning the sufficiency of fear-based attrition, even on the hypothesis that it is probable. I answer in the negative. This is evident from the condemnation of this proposition by Innocent XI: 'It is not illicit in conferring the sacraments to follow a probable opinion concerning the validity of a sacrament, abandoning the safer.' But it is established that the opinion requiring love is safer than that which does not require it. The reason is this: in other matters it is lawful to follow a probable opinion, abandoning the safer, because probability removes the danger of sin, insofar as, if what we follow as more probable should happen to be false, we are excused before God, since in following what appears truer we act prudently. But where the validity of a sacrament is in question, probability does not remove the danger of harm, since, although the sacrament might be judged valid with probability, and indeed with greater probability, if there is lacking a disposition or matter which Christ required or instituted, it is by that very fact invalid and null, even if a thousand people said otherwise."

"Some reply that the opinion concerning the sufficiency of fear-based attrition is not only probable or more probable, but morally certain. But by what appearance of truth can that opinion be called morally certain which several Tridentine Fathers (more than twenty are named in *Ethica amoris*, book 5, chapter 164) rejected in their writings; which, after Trent, cardinals and bishops (thirty are named in *Ethica*, ibid.), nearly innumerable most distinguished theologians (more than ninety are listed, ibid.), and the clergy of France in its general assemblies in 1700, and the most celebrated academies of the world, among them Paris and Louvain, oppose and reject as false and pernicious; and which the patrons of that opinion themselves admit to be new and uncertain? Dominic Soto, who was present at the Council of Trent, says in 4, dist. 18, q. 3, art. 2: 'This doctrine concerning attrition, which in the sacrament becomes contrition, even though it be true, is nevertheless very old; for the ancient Fathers knew only contrition to be necessary for confession: truly, whoever told me that he did not repent on account of God I would not dare to absolve.' And Cano, who likewise attended the Council, says on Penance, part 5, before the beginning: 'But that attrition suffices, although it may be true, is nevertheless not so certain and indubitable.' ... Therefore, if this opinion on the sufficiency of fear-based attrition is morally certain, our opinion will scarcely be probable; for they are speaking only of the probability of one opinion, inasmuch as probability is attributed to the opposite. Who, then, will say that our opinion is now scarcely probable?"[282]

[282] Billuart, *De poenitentia*, diss. 4, art. 8, *Cursus theologiae*, vol. 9 (Paris, 1904), p. 328.

COLLET (d. 1770):

"The opinion which teaches the sufficiency of pure attrition must on that very account be rejected, because in practice it is not safe. ... First, the opinion which argues in favour of attrition is uncertain and doubtful. That opinion is uncertain and doubtful, whose opposite rests upon foundations which are not improbable, and may be held as probable. But the opinion opposed to the opinion concerning the sufficiency of fear-based attrition is at least probable. 'Who,' says Henno himself, after he has directed all his efforts to vindicating pure attrition, 'who would dare to say that the opinion is morally improbable, which until this time so many bishops, academies, and theologians maintain that I regard as there being as many in favour as against? Indeed,' says Steyaert, 'bishops opposed to bishops, academies to academies, schools to schools are on opposite sides in this matter.' ...

"Secondly, in conferring the sacraments it is not lawful in practice to follow a doubtful and uncertain opinion, even if probable, while abandoning the safer. First, because Innocent XI condemned in 1679,

and the Gallican clergy in 1700, this assertion of the younger casuists: 'It is not illicit in conferring the sacraments to follow a probable opinion concerning the validity of a sacrament, abandoning the safer.' Secondly, because it is not itself licit to follow an opinion which exposes one to the peril of eternal ruin, from which one is practically bound to keep oneself. But I judge that the opinion which holds fear-based attrition sufficient, since it is neither undoubted nor certain, would expose one to the peril of eternal damnation, from which one is practically bound to keep oneself, as Suárez teaches, or at least as several other doctors traditionally teach is highly probable: it would expose one to it, I say, if the opposite probability were supposed. For in this hypothesis also it would expose one to the peril of eternal damnation: it is enough that whoever follows it embraces a doubtful and uncertain matter as certain without necessity; and in this all of us almost agree."[283]

[283] *De Poenitentia*, part 2, ch. 4, no. 559, cited in Migne, *Theologiae Cursus*, vol. 22, col. 322 ff.

VIVA (d. 1710):

"Almost the most common opinion among the Doctors holds that it is lawful to bring to the sacrament of Penance supernatural attrition without any other love of God added to it, distinct from the will of reconciling oneself to God and from the hatred of sin, which is understood to be an evil that offends God, against the precept not to sin concerning God, and from the hope of obtaining forgiveness; in these initial acts some love of God is contained, as we have explained. The reason is that, as we said in explaining the third of the propositions proscribed by Alexander VII against the Sinichians and other Tutiorists, in conferring the sacraments—although it is not licit to use a probable opinion concerning their value while abandoning the safer—it is nevertheless *not illicit to use a morally certain opinion while abandoning the safer*. Otherwise attrition together with some love, according to the mind of the adversaries, would not suffice, but perfect contrition would be required in the sacrament of Penance, inasmuch as that is safer. For no danger of falsity underlies a morally certain opinion, but only a very remote danger, against which it is morally impossible to guard in human actions; and accordingly we are not bound to guard against it. Thus in the article of death after any acts of love of God above all things, and of contrition, we are not bound to repeat still more intense acts of love of God in order to avoid the most remote danger of our damnation, in the case, namely, that the earlier acts had not been sufficient for justification.

"But the opinion concerning the sufficiency of attrition conceived from pure fear of punishments not only reaches the highest degree of probability, but also moral certainty, in view of the words and mind of the Council of Trent, in view of the reasons, in view of the almost most common authority of theologians. ... For not even among the adversaries is the opinion involving some love of God morally certain, although not a few ... think perfect contrition is required. Therefore it is lawful in the sacrament of Penance to bring attrition conceived from pure fear of punishments; indeed no one contradicts this so as to derive from their authority even a slight extrinsic probability for the opposite opinion."[284]

[284] *Damnatae theses ad theologicam trutinam revocatae*, p. 3, on proposition 15 of Alexander VII, no. 3.

SALMANTICENSES (about the end of the seventeenth century):

"Our ... opinion is not only more probable and more common, but also safer than the contrary; and therefore it is to be preferred in every way, not only speculatively but also in practice and according to the decree of the Supreme Pontiff Innocent XI. ... For that opinion must be considered safer and

safest concerning the requisites for the validity of this sacrament which preserves those things that must be preserved by necessity of faith: such as the difference between the sacraments of the Old Law and of the New in causing the grace which they represent; and likewise the difference between the sacraments of the dead and of the living in effecting of themselves first grace or its increase; and equally the ministry of the absolving priest, producing *ex opere operato* and of itself the grace that remits sin and reconciles the penitent to God. But it is established that the opinion asserting that attrition alone suffices for the sacrament of Penance preserves all these things, and proceeds entirely according to the nature of this sacrament as instituted by Christ the Lord. The other opinion, however, which requires contrition or the love of charity, throws all these things into confusion, obstructing both the efficacy of priestly absolution and the proper and primary effect of this sacrament, intended of itself according to Christ's institution. Therefore the first opinion is far safer than the second, and no one ought to fear any imminent danger in putting it into practice (which is common among the faithful), since it proceeds according to the most familiar principles of faith.

"On the other hand, the second opinion can scarcely be reconciled with these principles, and can scarcely be cleared of the errors of Michael Baius and others condemned at the Council of Trent, as is established from what has just been said. Therefore our opinion is incomparably safer than the contrary, especially since the latter opinion does not favour the sacrament of Penance itself, but rather deters the faithful from its frequent use, because it admits none as disposed to receive it except those who are contrite from love of God loved above all things. Such a disposition is far more difficult than attrition arising from fear of punishment. Consequently, just as few would judge themselves to possess such a disposition, so also few would approach the sacrament of Penance. Indeed even those few who considered themselves so disposed would make little use of the remedy afforded by the sacrament, since, given that disposition, they would judge—less presumptuously and with greater consistency—that they had already been justified before receiving it, as several of the adversaries concede. By what reasoning, therefore, could their opinion be called safer in practice, when it so openly opposes the practice of the sacrament? ...

"Nor does it matter if you object that, in asserting the sufficiency of attrition for the validity and fruit of this sacrament, all do not agree, but some affirm it and others deny it; whereas in asserting that contrition suffices both for validity and for the fruit of the sacrament, all agree, no one dissenting, but rather commending the excellence found in contrition, both as a part and as a disposition. Therefore, it is safer to employ in this sacrament not attrition alone, but contrition, and hence our opinion ought not to be called safer than the contrary.

"This, I say, does not matter, but is easily dispelled by omitting the premises and distinguishing the first consequent. If it speaks of greater safety *extensively*, and by way of supererogation, the consequent is to be conceded; but it must be denied if it is understood of greater safety *intensively*, which must be employed by necessity. For an understanding of this distinction and these terms, it must be observed that something is said to be safe and safer in two ways: first, intensively and by necessity; secondly, by extension and by supererogation, or by a superabundance not necessary. The first occurs when the debt is discharged in accordance with the proper character and institution of the law or sacrament, conformably to the mind and intention of the institutor. The second occurs when all these things are preserved equivalently in a higher act, which extends not only to the thing commanded, but also, out of a certain unnecessary abundance, to what is not owed.

"For example, I am bound to help a needy person who asks for a loan by granting it to him. If I grant it without any profit or interest beyond the principal, I adopt the safest means, because I observe the law of lending in all its proper character. But if I remit part of the principal as well, I adopt a means equally most safe, and one which equivalently contains the former; nevertheless, this is not necessary for preserving the law of lending, but is added through a certain extension and unnecessary superabundance. Let us add another example, more closely related to the present matter. By Christ's institution I am bound to confess all grave sins and subject them to the keys of the Church; but I am not bound to confess venial sins. Therefore, when I confess all mortal sins while withholding venial sins, I proceed most safely *intensively*, with respect to what is necessary, because without doubt I fulfil Christ's law according to its proper and original institution. But if I confess all sins, both mortal and venial, I likewise follow a most safe means, and one safer *extensively*, with a fullness that is not necessary. For in confessing all sins I confess mortal sins, which was necessary by Christ's institution; and I confess venial sins as well, which I add by way of supererogation and fervour, not by command.

"To apply the matter according to the distinction employed: one who approaches the sacrament of Penance with attrition alone proceeds most safely with intensive safety, which must be employed by necessity, because he brings sorrow sufficient for a sacrament of the dead and for the justification of first grace, in accordance with the nature of the sacrament and the institution of Christ the Lord, as we established above. But if he employs contrition, he likewise proceeds most safely, because contrition is equivalent to attrition and obtains an increase of grace; indeed, he proceeds more safely *extensively*, employing an act more perfect than attrition, whose sufficiency everyone admits without objection. Yet this safety, greater in extension, is not essential or owed, but arises from an added superabundance and voluntary supererogation beyond what is owed by Christ's institution.

"For these reasons we grant the fittingness of adding contrition by way of supererogation in the sacrament of Penance, but firmly deny its necessity. Accordingly, to employ contrition in the sacrament out of devotion and supererogation, and in this sense to exhort penitents to it, we deem safe and holy. But to employ it on the basis of a false judgment (as in fact it is), namely that it is necessary for the sacrament, we dare call neither safe nor holy; rather, we leave this to the determination of the Apostolic See, to which we are entirely obedient."[285]

[285] Salmanticenses, *De Poenitentia*, disp. 7, dub. 1, § 6, nos. 53–56, *Cursus theologicus*, vol. 20 (Paris, 1883), pp. 73–76.

CONCLUSION

Conclusion 1. Perfect contrition is not required for receiving the fruit of the sacrament; attrition suffices, even when known as such.

It is proved, first, *from Scripture*, that is, from the words of institution insofar as they express the proper end and effect of the sacrament.

As is clear from the very words of institution, and as will be further confirmed below, in Chapter VIII concerning its effect, this sacrament was instituted for the remission of sins, and is therefore called, together with Baptism, a sacrament of the dead. But it would have been instituted in vain for this purpose if it could never attain this end. Yet if perfect contrition were required in the sacrament of Penance, the sacrament would never attain its end of remitting sins, since perfect contrition justifies of itself before the sacrament. Therefore, if perfect contrition were required in the sacrament, its

institution would have been fruitless and useless, just as it would be fruitless to institute some medicine to cure a disease which could be applied only to persons already healed of the disease by other means, and useless to hand over keys for opening a door to those obliged first to enter the house through a window.

You will say, first.

The purpose of the institution is verified by saying, with certain older authors, such as Hugh of St. Victor (cited in article 31, p. 221), that contrition remits guilt in one way, namely by removing the stain, whereas the sacrament does so in another way, namely by removing the liability to eternal punishment.

Reply.

As was said in the same article 31 (pp. 226 ff.), that distinction is empty, since the second effect is indivisible from the first. Peter Lombard himself, a contemporary of Hugh, effectively rejects this opinion when he writes: "Some have thought that, since a sinner is bound by a twofold bond ..., namely by infection and blindness of mind and by the debt of future punishment, the one is healed by God, the other loosed by the priest. ... [But on the contrary] No one is truly pierced with sorrow for sin, having a contrite and humbled heart, except in charity. Whoever has charity is worthy of eternal life. But no one is simultaneously worthy of life and of death. Therefore at that time he is not bound by the debt of eternal death. For he ceased to be a son of wrath from the time when he began to love. From that moment, then, he was released from wrath, which does not remain upon him who believes in Christ, but upon him who does not believe. Therefore he is not afterwards freed by the priest to whom he confesses from eternal wrath, from which he has already been freed by the Lord, from the time when he said, 'I will confess.'" (*Sentences*, book 4, dist. 18, no. 4; M.L. 192, 886).

You will say, secondly.

The end of the institution is verified by saying with Peter Lombard that in the sacrament sins are remitted in two ways: first, as to the declaration, before the Church, of that remission which had previously been accomplished interiorly by God through an act of contrition; secondly, as to the extinction of temporal punishment.

Reply.

In the aforesaid twofold manner there is no true remission of sin, nor are the Gospel words—which speak of such an interior remission as is able to be approved by God in the kingdom of heaven and declared in the presence of the blessed—thereby verified.

You will say, thirdly.

The end of the institution is verified in the sense that contrition preceding the sacrament does not justify except through the desire for the sacrament, so that the sacrament itself can be said to cause justification, as St. Thomas appears to teach more than once (cited above on pp. 298–302).

Reply.

Such an influence of the sacrament is only *ex opere operantis*, not *ex opere operato*; that is, it is not properly the sacrament itself that justifies, but the desire for the sacrament, or, if you prefer, the sacrament as a work of the person acting. Moreover, even such an influence would not belong to the

sacrament unless it could justify of itself as well, according as it is a work wrought, independently of the work of the person acting, namely perfect contrition, as St. Thomas expressly teaches when he writes: "If ... the keys were in no way ordained to the remission of guilt, but only to the remission of punishment, as some say, the desire to receive the effect of the keys would not be required for the remission of guilt, just as the desire to receive the other sacraments, which are not ordained to the remission of guilt but rather to punishment, is not required" (*Supplement*, q. 18, a. 1).

You will say, fourth.

It can happen that an act of perfect contrition is elicited at the very moment when the sacrament is applied; in this case, therefore, not only contrition but also the sacrament itself would justify, so that the effect would proceed, first and simultaneously, from a twofold cause.

Reply.

Leaving aside the fact that this case would occur most rarely, indeed almost never, the act of contrition and its influence are by nature prior to the completed sacrament, since it is the material part of the sacrament and a disposition that must precede the form of absolution. Hence the consequent is denied, namely, that in this case the sacrament could cause justification, since this would already have been caused beforehand through contrition.

You will say, fifth.

It can be said, with Alexander of Hales and Bonaventure, that in a case of good faith, or of contrition believed to be present, the sacrament causes justification, and in this way the influence of the sacrament and the end of its institution are sometimes preserved.

Reply.

Even if the hypothesis of a sacrament exercising its influence only in the case of contrition believed to be present were admitted, the remissive end of its institution would not be preserved, because that influence would be accidental, whereas an end regards what is of itself; and things that are accidental fall outside the intention of the agent, or belong to a certain consequent intention that presupposes a primary one. Thus the proper end of the Eucharist or of the other sacraments of the living is to nourish or strengthen one who is living; but that they should give life to one who is dead, or confer first grace, is accidental and follows from the consequent intention of the institutor of the sacraments. For this reason the Eucharist gives life accidentally because it nourishes of itself; likewise, the sacraments of the dead strengthen accidentally because they give life of themselves, as was said in the treatise On the Sacraments in General, article 13.

Moreover, the aforesaid hypothesis must be denied; for good faith or belief cannot change the nature of things. Hence, if attrition were of itself insufficient for the sacrament to exert an influence, good faith would contribute nothing to it, since it cannot transform it into contrition, nor can contrition believed to be present be true contrition. Similarly, because attrition is necessary in the sacrament of Baptism, attrition merely believed to be present contributes nothing to the efficacy of the sacrament; it can only bring it about that sacrilege is avoided in receiving it, since sacrilege cannot occur without bad faith or without consciousness of the defect of the required disposition.

You will say, sixth.

Since in fact the sacrament is received with perfect contrition, or absolution is repeated with regard to sins already sacramentally remitted, the sacrament is not frustrated in its end and effect, as everyone admits and as was explained above in article 7 (vol. I, pp. 218–225). Therefore, by parity of reasoning, it would not be frustrated even if perfect contrition were a necessary condition for the fruit of the sacrament; and it is falsely concluded that the institution of the sacrament would be in vain on the ground that it was ordained to remit sins already remitted.

Reply.

I concede the antecedent; I deny the consequent and the parity. For, if contrition were a necessary requisite, the sacrament would never be capable of remitting the sins themselves, and consequently its institution would be futile. But if it is supposed that contrition is not required and that attrition suffices, the sacrament is of itself capable of remitting sins and its institution is not futile, although in some case, that is, in a subject already justified from sins, either by justification or by absolution, the influence of the sacrament is directed towards other secondary ends, which are nevertheless connected with and dependent upon the principal end: namely, to confirm the remission already effected, to increase grace, to fulfil the desire for the sacrament contained in the preceding justifying contrition, and to remit the sins themselves more fully, as was explained in the same article 7 (ibid.).

You will say, seventh.

By instituting the sacrament, God did not wish, nor could He by the nature of things, supplant the true repentance of the subject. But true repentance, since it is the reparation of sin, must consist in a total conversion of the heart to God, just as sin itself is a total aversion from God; and a total conversion to God is found only through an act of perfect contrition and charity. Therefore, even in the sacrament, a suitable disposition for justification can consist only in an act of perfect contrition.

Reply.

By instituting the sacrament, God wished not indeed to supplant true human repentance, but nevertheless to assist it, so that a less perfect disposition, joined to the power of the sacrament, would suffice for justification. Attrition, moreover, implies a true act of repentance and a true and total conversion of the heart to God, and a true love and sorrow that are supreme in the order of estimation, although in an imperfect manner, as has more than once been explained in the preceding articles (cf., for example, the preceding article, in the replies to objections).

It is proved, secondly, FROM THE SENSE OF TRADITION, both doctrinal and practical.

The sacrament of Penance is regarded as a means absolutely necessary for the salvation of one who has fallen after Baptism, just as Baptism itself is necessary for one not yet regenerated, so that it is called the second plank of salvation, and so that it is said that without its desire not even perfect contrition can justify (cf. Council of Trent, session 14, chapter 4). These, however, would be empty exaggerations if perfect contrition were required for the sacrament, since that contrition necessarily justifies before the sacrament itself.

If perfect contrition were required in the sacrament, the great and constant solicitude of the Church in urging the administration of Penance in cases of necessity, and especially in danger of death, would not be suitably explained; for the sinner could be justified through that same contrition which he ought to bring to the sacrament, and consequently there would not be the same need to take such

care that the sacrament be received even in the most extreme circumstances. The reason, therefore, why the Church so strongly urges the administration of the sacrament is that she judges the sacrament capable of benefiting those who lack the perfect disposition of contrition, and for whom no remedy of salvation other than reception of the sacrament remains. The following documents of ecclesiastical solicitude may be considered:

Cyprian, Letter 54 (to Cornelius), 5: "If there should be any of our colleagues who, when the struggle presses, thinks that peace ought not to be given to brothers and sisters, he will render an account to the Lord on the day of judgment either for his untimely censure or for his inhuman hardness" (M.L. 3, 860).

Augustine, Letter 228, 8: "Do we not consider, when the last extremity of these dangers is reached [that is, in time of persecution], and there is no means whatever of flight, how great a concourse is wont to arise in the Church from both sexes and from every age: some demanding Baptism, others reconciliation, others even the performance of penance, and all demanding consolation and the celebration and distribution of the sacraments? If ministers are lacking, what great ruin follows for those who depart from this world either unregenerated or bound! What great grief there is also among their faithful relatives, who will not have them with themselves in the rest of life! What lamentation, finally, from all, and in some what blasphemy, on account of the absence of ministries and ministers! See what the fear of temporal evils does, and how great is the acquisition of eternal evils in it. But if ministers are present, all are assisted according to the strength which the Lord supplies to them: some are baptized, others reconciled, none are deprived of communion in the Lord's Body, all are consoled, built up, and exhorted" (M.L. 33, 1016 ff.).

Innocent I, Letter to Exuperius, cited below in article 36 (p. 362).

Celestine I, Letter "Cuperemus quidem," cited in the same place (pp. 362 ff.).

Council of Trent, session 14, chapter 7: "This ... reservation of offences is consonant with divine authority and has force not only in external governance but also before God Himself. Nevertheless, it has always been most piously maintained in the same Church of God, lest anyone perish on this very account, that there is no reservation at the point of death, and therefore all priests can absolve any penitents from any sins and censures whatsoever" (Denz. 903).

Code of Canon Law, canon 882: "In danger of death, all priests, although not approved to hear confessions, validly and licitly absolve any penitents from any sins or censures, however reserved and notorious, even if an approved priest is present, saving the prescription of canons 884 and 2252." Canon 892, § 2: "When necessity is urgent, all confessors are bound by charity to hear the confessions of the faithful, and in danger of death all priests are so bound."

It is proved, thirdly, FROM THE COUNCIL OF TRENT, especially session 14, chapter 4 (cited on p. 252).

First, in canon 9 the Council defines absolution to be a true judicial act, not merely a declaration of the remission of sins; in chapter 4 it says that perfect contrition does not justify except through the desire for the sacrament; in chapter 7 it carefully provides that the reservation of sins shall no longer bind in danger of death, lest that very reservation be for some an occasion of perishing. All these things imply the sufficiency of attrition, as is clear from the two preceding proofs.

Secondly, and more directly, the Council teaches that attrition is an integral part of the sacrament and belongs to its quasi-matter; for in chapter 3 it places contrition in general among the acts of the penitent, which it calls the quasi-matter and integral parts of the sacrament, and immediately afterwards, in chapter 4, divides contrition into perfect and imperfect contrition, or attrition. Therefore attrition, considered in itself, suffices to constitute the sacrament, provided that the other constituent parts are present, namely confession, satisfaction, and absolution. Nor can it be said that attrition suffices only improperly speaking, insofar as it leads to contrition, which would be the proper part of the sacrament: both because attrition does not necessarily lead to contrition, and especially because only contrition itself would then have to be called a part of the sacrament; for it is unreasonable to call anything that leads or disposes towards a part itself a part.

Thirdly, and principally, the Council teaches in chapter 4 that "attrition ... although without the sacrament of Penance it cannot of itself bring the sinner to justification, nevertheless disposes him to obtain the grace of God in the sacrament of Penance" (Denz. 898). Therefore the Council holds that attrition is sufficient in the sacrament.

You will say.

The Council does not say that attrition is a sufficient disposition for sacramental justification, but only that it disposes one to obtain justification, to be conferred in the sacrament of Penance; or, if you prefer, that it remotely disposes one to elicit an act of perfect contrition, which is the proximate and sufficient disposition in the sacrament.

Reply.

This interpretation is excluded:

First, by the obvious opposition and comparison established between perfect contrition and attrition, which ultimately comes to this: what perfect contrition can accomplish without the sacrament, attrition cannot accomplish without the sacrament, but can accomplish with the sacrament.

Secondly, by the very opposition and comparison between the inefficacy of attrition outside the sacrament and its efficacy within the sacrament. For if, in the second member ("Nevertheless ... in the sacrament," etc.), only a remote disposition were intended, this itself would not be distinguished from the first member ("Although without the sacrament"); and it would be illogically opposed to it, since even outside the sacrament attrition is a certain remote disposition to justification, as is explicitly said in the same place: through attrition "the penitent ... prepares for himself a way to justice." If the opponents' interpretation were true, the meaning of the passage would be reduced to this: "Although attrition without the sacrament cannot lead to justification, but only prepares the way to justification, nevertheless in the sacrament it disposes or prepares the way to justification, but does not lead to it."

Thirdly, from the final words of chapter 4, where it is concluded: "Wherefore certain persons falsely accuse Catholic writers, as though they taught that the sacrament of Penance confers grace without a good movement on the part of those who receive it, which the Church of God has never taught or believed." By these words the Council defends Catholic doctors on precisely that point of which the Protestants accused them. But the Protestants did not accuse Catholics of saying that perfect contrition is salutary (for not even those heretics denied this), but of teaching precisely that attrition

arising from fear is upright and sacramentally efficacious (cf. the words of Luther, cited in article 32, p. 248). Therefore the Council intends to teach this very thing.

Unless the Council considered attrition sufficient within the sacrament, it would be to no purpose that it appealed to the goodness of sacramental attrition in order to refute the calumny of the Protestants, who said that according to Catholics the sacrament justifies without a good movement of the recipient. Rather, it would have been sufficient, and more effective, to appeal to perfect contrition; nor, moreover, would it in any way have cleared Catholic doctors of that calumny, since they themselves taught the sufficiency of attrition in the sacrament, as the Protestants accused them of doing.

The words of the Council are, as it were, the logical conclusion of the whole of chapter 4, which treats of the two kinds of contrition and can be reduced to this meaning: There is a twofold contrition, one perfect, which is so good and useful that by itself it can justify even outside the sacrament; the other imperfect, which, although it cannot, like the former, lead to justification without the sacrament, can nevertheless do so together with the sacrament. From this it follows that the Protestants falsely accuse Catholics as though they taught that the sacrament justifies without a good movement in the recipient; for attrition itself, which is the minimum requisite in the sacrament, is good and salutary, although in itself it is so imperfect that without the sacrament it cannot justify.

You insist.

The Council does not say that attrition in the sacrament disposes one "towards effecting" (ad efficiendum), but "towards obtaining" (ad impetrandum). By this expression it clearly enough intimates that attrition is only a remote disposition, through which the disposition of perfect contrition, required in the sacrament, is obtained. Indeed, as Pallavicini testifies, the Council deliberately employed the expression "It disposes one towards obtaining the grace of God in the sacrament of Penance," rather than another clause contained in an earlier draft, "But also that it suffices for the constitution of this sacrament," lest it should seem thereby to define the sufficiency of attrition.

Thus Launoy (in the work cited on p. 285), and Collet, who writes: "It cannot ... be supposed that the synod said one thing and wished to say another. But the synod deliberately used the word disposes, lest it define that attrition suffices in the sacrament. This is proved ... by the testimony of the writer who, more than anyone else, grasped the acts and mind of the Council, namely Pallavicini; thus he writes, book 12, chapter 10, no. 25:"

"A decree had been prepared by certain persons in these words: 'That contrition which theologians call attrition, because it is imperfect and is conceived solely either from consideration of the baseness of sin or from fear of hell and punishments, which is called servile fear, provided it excludes the will to sin and expresses sorrow of some kind for the offences committed, the holy synod determines and declares not only that it does not make a man a hypocrite and a greater sinner (as certain persons do not shrink from blaspheming), but also that it suffices for the constitution of this sacrament, and that it is a gift of God and a most genuine impulse of the Holy Spirit, not indeed as yet indwelling, but only moving; and, aided by this impulse, the penitent (since it can scarcely exist without some movement of love towards God) prepares for himself a way to justice and through it is disposed more

easily to obtain the grace of God.' But when John Aemilianus, Bishop of Tudela, who stood for the necessity of perfect contrition, had pointed out that it was falsely said that sorrow of this kind could scarcely ever be conceived without love, and that the opinions of authors differed as to whether this attrition sufficed for constituting the sacrament, so that sins are remitted in an attrite man by the force of the absolution that supervenes, and consequently that this ought to be removed, the decree was revised into the form in which it now stands."[286]

[286] Pallavicini, De Poenitentia, part 2, chapter 4, no. 470, in Migne, Theologiae Cursus, vol. 22, col. 298.

Surely the Council did not define what it solemnly declared that it was unwilling to define. But the Council declared itself unwilling to define the sufficiency of attrition when it removed the word "suffices" from the earlier decree, because theologians differed in their opinions concerning this sufficiency. Therefore.

Reply.

The expression "towards obtaining" in the words of the Council refers not to perfect contrition but to grace ("It disposes one towards obtaining the grace of God in the sacrament of Penance"). That expression aptly suits attrition, which is part of the sacrament, insofar as it can signify in a general way the moral efficacy which belongs to every sacrament (setting aside, or abstracting from, the further physical efficacy defended by the Thomists). Hence the Council, at the beginning of the same chapter, when speaking of contrition in general, as it also belongs to perfect contrition, employs the same expression ("This movement of contrition has at all times been necessary for obtaining the remission of sins"). Moreover, the determinate sense of that expression must be measured by the immediate context itself, or by the sense of the first member of the above-cited statement of the Council ("Although without the sacrament of Penance it cannot of itself lead the sinner to justification"), to which the second member corresponds by way of opposition ("Nevertheless it disposes him towards obtaining the grace of God in the sacrament of Penance"), so that "towards obtaining grace" means the same as "towards leading to justification."

What Collet says—"It cannot ... be supposed that the synod said one thing and wished to say another"—can be turned against him; for what the Council actually said itself necessarily implies that attrition is a sufficient disposition for the sacrament, without its having been necessary to affirm this more explicitly. The reason why the Council suppressed the expression "It suffices for the constitution of this sacrament" is that it should not seem expressly to reprove either the opinion of Peter Lombard and other ancient writers who proclaimed the necessity of perfect contrition, or the opinion of the Scotists who taught that the acts of the penitent are not a constitutive part of the sacrament.

This is confirmed.

The following authorities undoubtedly declare the mind of Trent:

The Faculty of Paris, in 1638, condemning what Claude Seguenot (an Oratorian) had annotated upon St. Augustine's book On Virginity, says: "The Faculty likewise condemned what the author teaches concerning the insufficiency of attrition and the necessity of contrition proceeding from perfect charity for receiving the sacrament of Penance, and what he adds and approves concerning absolution, namely, that it is nothing other than the judicial declaration of a sin already remitted; and it judged that these propositions disturb the peace of souls, are contrary to the common and entirely

safe practice of the Church, diminish the efficacy of the sacrament of Penance, and are, moreover, rash and erroneous."

The Plenary Council of the French Clergy, in 1700, solemnly declared that "these two things are to be admonished from the most holy Synod of Trent: first, lest anyone think that in both sacraments [of Baptism and Penance] there is required as preceding them that contrition which is perfected by charity and which, together with the desire for the sacrament, reconciles man to God before he actually receives it ..."

In commonly used catechisms the sufficiency of attrition, as distinct from contrition perfected by charity, is everywhere taught. Thus the Catechism prepared by Cardinal Gasparri has: "Imperfect contrition is supernatural sorrow and detestation for sins, commonly conceived either from consideration of the baseness of sin or from fear of hell and punishments ... For valid reception of the sacrament of Penance imperfect contrition suffices, although perfect contrition is to be desired."[287]

[287] Catechismus Catholicus (Vatican Polyglot Press, 1934), p. 219, questions 439 ff.

It is proved, fourthly, FROM VARIOUS REASONS.

1. If attrition did not suffice, but perfect contrition were required in the sacrament, the institution of this sacrament would not be suitably understood. For, like every sacrament in general, it is ordained to help man, so that salvation may be made easier for him; since perfect contrition alone suffices for justification, the institution of the sacrament would be not only useless but also burdensome, that is, it would impose a new and useless obligation.

2. If perfect contrition were required in the sacrament of Penance, the distinction between the work wrought (opus operatum) and the work of the worker (opus operantis) would no longer hold with respect to justifying efficacy.

3. In Baptism attrition suffices; therefore it suffices also in Penance, as is evident from the analogy and purpose of both sacraments of the dead. St. Thomas strongly urges this parallel in the places cited above (pp. 298 ff.). Moreover, if contrition which justifies of itself were required in Penance, it could no longer be called a sacrament of the dead, nor be numbered with Baptism and set in opposition to the sacraments of the living.

Conclusion 2.

For receiving the fruit of the sacrament, perfect contrition in a lesser degree, or some initial love of the kind of charity, is not required.

Proof.

Every perfect contrition, however slight and initial, is necessarily justifying, since the power of contrition does not depend upon its degree and intensity, as was proved in article 31. Hence all the arguments brought forward in the preceding discussion prove this Conclusion as well.

Objection 1.

Perfect contrition, which justifies even in a diminished degree, is to be understood only as that which proceeds from habitual charity, such as Peter Lombard and certain earlier authors required; not,

however, as an initial love of charity which does not proceed from charity, but precedes charity under the assistance of actual grace.

Reply.

Such a love of charity, which would not proceed from the habit of charity, is either of the same species as that which proceeds from the habit of charity, and then it has the same efficacy, since operation follows being and is measured by being; or it is of a different species, and then it is not a love of charity, since charity is an ultimate species and has one specific object, namely God loved for His own sake, but is perhaps a love of benevolence, or of hope and concupiscence.

Furthermore, we deny the supposition, namely, that an act of charity can fail to proceed from the habit of charity and yet precede charity in the order not only of material cause (which we admit) but even of efficient cause. We have discussed this in the treatise On Grace; here it suffices to excerpt these words of St. Thomas from his own questions On Penance: "Certain praiseworthy acts can precede in time the act and habit of penance, such as an act of unformed faith and hope, and an act of servile fear; but the act and habit of charity are simultaneous in time with the act and habit of penance, and with the habits of the other virtues" (q. 3, a. 6).

Objection 2.

The Council of Trent, session 6 on Justification, chapter 6, places an initial love of God among the acts by which a sinner is disposed to justification and which are the beginning of the acts of Penance; moreover, in the same session, canon 3, it speaks again of love. But what holds of justification in general also holds of justification in the sacrament of Penance.

Chapter 6: "Men are disposed towards justice itself when, aroused and assisted by divine grace, conceiving faith from hearing [Rom. 10:17], they are freely moved towards God, believing that what has been divinely revealed and promised is true, and especially that God justifies the ungodly through His grace, through the redemption which is in Christ Jesus [Rom. 3:24]; and when, understanding themselves to be sinners, they turn themselves from the fear of divine justice, by which they are profitably shaken, to consideration of the mercy of God, and are raised to hope, trusting that God will be propitious to them on account of Christ, and begin to love Him as the source of all justice, and are therefore moved against sins through a certain hatred and detestation, that is, through that penance which must be performed before Baptism [Acts 2:38]; finally, when they resolve to receive Baptism, to begin a new life, and to observe the divine commandments" (Denz. 798).

Canon 3: "If anyone shall say that, without the preceding inspiration of the Holy Spirit and His assistance, man can believe, hope, love, or repent as he ought, so that the grace of justification may be conferred upon him: let him be anathema" (Denz. 813).

Reply.

As regards canon 3, it is brought forward here in vain by some, since it does not directly concern the present question, but rather the necessity of the assistance of grace for eliciting acts of faith, hope, and love. As regards the argument actually drawn from chapter 6, which is chiefly and insistently invoked by the defenders not only of an initial love of charity but also of a love of benevolence and of an explicit love of concupiscence, observe the context, the text, and the circumstances of the Tridentine doctrine.

As regards the context, observe first that the subject is not directly penitential justification, nor even justification in general, but the first, baptismal justification and the dispositions required for it ("through that penance which must be performed before Baptism"); in session 14, chapter 4, where the question concerns justification through the sacrament of Penance and the act of attrition, no mention is made of love; indeed, a certain mention of it, contained in the first draft, was suppressed in the definitive draft, as will be stated below. Moreover, in this chapter the Council appears to reproduce the doctrine of St. Thomas in q. 85, a. 5 (cited in article 17, vol. I, pp. 444 ff.) and in IV Sentences, distinction 14, question 1, article 2, question 2, where the order of acts leading to justification is at issue; now, in the first place the holy Doctor is speaking of justification in general and of a love of charity which precedes, not attrition, but perfect contrition or the act of the virtue of Penance itself; in the other place he speaks also of a love which precedes attrition, but of this he says that it does not always occur and that it is not a love of charity ("Sometimes, too, a movement of love precedes the movement of penance ...; but that love is not charity").

The text itself in no way shows the necessity, in sacramental contrition, of any love distinct from the love of concupiscence, much less a love of charity. Indeed, a twofold explanation of this text has been offered by doctors who were contritionists as well as by attritionists.

Some, such as Gonet (disputation 7, no. 64), Benaglio, Palmieri (De Poenitentia, thesis 30, p. 335), Hurter, Pesch (no. 158), Merkelbach (no. 500), and in part Billot (thesis 15), assert that here the question is of a love of charity. Accordingly, those among them who are contritionists argue for the necessity of some love of charity even in the sacrament of Penance; the attritionists, however, deny this conclusion, saying that the Council undoubtedly did not wish to enumerate perfect contrition among the dispositions required for Baptism itself, and that the reason for its speaking of charity is that it gathers into one various acts which can or ought to occur distributively in the disposition for sacramental or extrasacramental justification, or which commonly occur therein, or which must occur for there to be the best, more certain, and more highly recommended disposition.

On this matter Pesch says: "This certainly does not have the meaning that an act of perfect charity is required as a necessary disposition for receiving Baptism; rather, the Council wishes to describe how a sinner passes from the state of sin into that of friendship with God, whether this be accomplished through the sacrament or outside the sacrament. Moreover, to this process there also belongs an act of charity."[288]

[288] Pesch, Praelectiones Dogmaticae, vol. 7, proposition 11, scholion, no. 158 (Freiburg im Breisgau, 1920), p. 88.

Billot: "The Council describes the mode of preparation for justification considered generally, according as it can take place through the sacrament in reality or even through it in desire alone. Furthermore, it enumerates all the acts which can enter into preparation, and from which there is formed, as it were, an archetype of the mode of preparation, although it by no means insinuates that all and each are necessary, especially when the sacrament is actually received. It is therefore wholly beside the point to follow from the words: 'When they begin to love the source of all justice,' etc."[289]

[289] Billot, De Ecclesiae Sacramentis, vol. 2, thesis 15 (Rome, 1930), p. 165.

Merkelbach: "Perhaps, nevertheless, [the words of the Council] are better understood of love properly so called, of God loved for His own sake, because the decree of the Council seems to reproduce the article of St. Thomas, III, q. 85, a. 5. But all the acts described by Trent are not

absolutely and equally necessary for justification with the sacrament: thus, for example, fear is never necessary, although it is ordinarily present; some acts are always necessary, whether outside or within the sacrament, such as faith and hope; another is necessary only outside the sacrament, namely an act of charity. Hence the word 'therefore' does not indicate a consequence of love alone, but of all the preceding acts, which nevertheless are not all always necessary, so that hatred, detestation, and penance depend upon faith (fear) and hope if justification takes place with the sacrament, and also upon an initial movement of perfect love if justification takes place without the sacrament. Furthermore, that, according to the Council, love of God for His own sake is not necessarily required is clear both from the discussions held at the Council and from the theologians who took part in it, several of whom do not require such love of God for His own sake in the sacrament of Penance. Therefore this opinion is sufficiently safe in practice, because the opposite opinion rests upon no solid reason."[290]

[290] Merkelbach, Theologia Moralis, vol. 3, no. 500, p. 445.

Others, such as Dominic Soto, Vega, Ripalda, the Salmanticenses (disputation 7, no. 50), Billot (thesis 15, "Ut verius"), Galtier (no. 398 ff.), D'Alès (thesis 7), Diekamp (§ 47, no. 3), M. Premm (in his special dissertation Das Tridentinische "Diligere incipiunt"), and Lercher (no. 461), say that in these words the question is not of a love of charity. From this, however, the mitigated contritionists, or defenders of a love of benevolence or of an explicit love of concupiscence, infer the necessity of such a love in the sacrament of Penance; pure attritionists deny that this can be inferred, and indeed say that the contrary is to be inferred, with attention both to the text and to the historical circumstances.

The truth of this last opinion is evident from the following considerations:

In the text, first of all, there is question of a certain initial love ("they begin to love"); now a beginning is imperfect in every genus, and imperfect love within the genus of love is the love of concupiscence. St. Thomas speaks to the point: "For from the fact that we hope that good things can come to us through someone, we are moved towards him as towards our own good, and thus we begin to love him" (I–II, q. 40, a. 7; cf. q. 43, a. 1, ad 1; q. 62, a. 4, ad 3; II–II, q. 27, a. 3). Moreover, the love in question is that by which God is loved "as the source of justice"; hence it is not the love of charity, by which God is loved according to Himself or as a friend, but the love of concupiscence, by which we desire a good that can be withdrawn from us by punishment and justice. This is confirmed also by the very first texts of Scripture to which the Council immediately refers, namely: "He who comes to God must believe that He exists and that He rewards those who seek Him," and "Take heart, son; your sins are forgiven you." Finally, there is question of a love included in hope itself and, as it were, the other face of the same act of hope; for the construction of the words appears to give to the clause "and Him" a declarative sense, so that the particle "and" included in it means "and for that very reason": "They are raised to hope ... and Him [that is, and for that very reason, or in this sense] ... they begin to love."

The circumstances surrounding the drafting of this text show that the Council intended to propose, not indeed a love of charity, nor any other explicit love, but generally some love so necessarily included in attrition that the latter may be a true detestation of sin, and not mere fear or a simple detestation of punishment.

For in the first draft of the chapter the Tridentine theologians had employed this more explicit formula: "The love by which we begin to love justice and God, the source of justice." But in the second draft it was entirely suppressed, Dominic Soto objecting that it falsely supposed "that, beyond penance, another movement of charity was required for justification." Finally, in the last draft, which was afterwards approved by the Council, that formula was partially restored, at the request of several Fathers that love should be mentioned together with faith and hope; nevertheless, the following explanation was attached to this addition: "It seemed false to some that, beyond penance, another movement of charity was required. There is no question in that place of the habit of charity; but since in the part which speaks of penance no mention of love is made, it seemed good to join some act of love to faith and hope; because, if penance were entirely from fear without love of justice, and sorrow were on account of punishment alone and not on account of the offence against God, it would be fruitless."[291]

[291] Acta genuina Concilii, ed. Goerres, t. 5, p. 520.

In the observations upon chapter 7 of the same session, where the habit of charity infused through justification is discussed, we likewise read: "Some said that it should be observed that charity was set down as though preparatory. Charity is taken in this place for a habit. But what prepares is not the habit, nor an act proceeding from the habit, but some act of love of justice—not of the justice which a man has, but of that which he desires to have. For, as Augustine says in On the Predestination of the Saints, chapter 7 (12, PL 44, 969–970), there was a certain faith of Cornelius, who prayed and gave alms, which did not justify; so too there is a certain love which belongs not to a man already justified, but to one who hungers for justice."[292]

[292] Acta genuina Concilii, ed. Goerres, ibidem. Cf. Theiner, Acta genuina Conc. Tridentini, Zagrabiae, 1874, t. 1, pp. 221, 236, 247, 281; Pallavicini, Hist. Conc. Trid., 8, 13, 13; 12, 10, 26 sq.

Hence it is not surprising that the Fathers in session 14, chapter 4, when speaking of attrition, were not concerned to add a mention of initial love; indeed, at the suggestion of John Aemilianus, Bishop of Tudela, they removed from the final draft that incidental mention which had stood in the earlier one: "Since it can scarcely exist without some movement of love towards God" (cf. the text of Pallavicini cited above, p. 324).

Objection 3.

If no movement of true charity were required in attrition, it would follow that a man who was attrite and died immediately after absolution would enter heaven without having merited eternal life, and would love God eternally and be loved by Him, although never in his life had he loved God, nor ever fulfilled the first commandment of loving God with his whole heart. Catholic ears would indeed hear this with difficulty, and Protestant ears would receive it in confirmation of their calumny that Catholics attribute a certain magical power to the sacraments.

Reply.

Infants who die after Baptism love God in heaven without ever having loved Him on earth. In heaven a man will love God with the love of perfect charity, even though, according to our adversaries, he loved God on earth only with imperfect, initial love. In the case proposed, fulfilment of the precept of charity becomes impossible for the attrite man; and although he had culpably omitted it before, by absolution itself he is cleansed from that sin. That man, although he never loved God with the love of

charity, nevertheless through attrition was truly turned towards God with a supreme appetitive tendency and a love of concupiscence above all things, thus tending implicitly and as it were in desire towards the act of charity itself, to be elicited at an opportune time. Therefore the Protestants have no ground for seizing an occasion for their calumny. On the contrary, as Galtier well observes, "they ought rather to acknowledge how much scope is allowed to divine mercy in this doctrine of ours: for the attrite man, relying on the merits of Christ applied to him in the sacrament, hands himself over to God to be justified, from whom alone comes justice for him, and whom therefore he begins to love as the source of all justice."[293]

[293] De Paenitentia, thes. 24, n. 393, Parisiis, 1931, p. 297.

Another response is suggested by Cajetan (on I–II, q. 113, a. 3) and the Salmanticenses (On Justification, disp. 3, dub. 4, no. 85, near the end), which Billuart explicitly gives and confirms as follows: "I reply ... that even the sinner himself, at the instant of justification, not only receives grace and habitual charity, but also elicits an act of charity; for sanctifying grace with habitual charity is not infused into him as into someone virtually dead, but he receives it by a voluntary and free act and freely consents to friendship with God. Now what is this actual and free acceptance of grace and consent to friendship with God, other than an act of charity consequent upon sanctifying grace itself and habitual charity in the genus of efficient cause, although it can be said to precede them by nature in the genus of material and dispositive cause?

"I draw this solution from the Council of Trent and St. Thomas. The Council of Trent, session 6, chapter 6, has this: 'Justification is not only the remission of sins, but the renewal of the interior man through the voluntary reception of grace and gifts, by which a man becomes just from unjust, a friend from an enemy.' St. Thomas, I–II, q. 113, a. 3, says: 'God so infuses the gift of sanctifying grace that at the same time He moves the free will to accept the gift of grace in those who are capable of such a movement.' And in article 4, ad 1: 'The movement of faith is not perfect unless it is formed by charity; hence, together with the movement of faith in the justification of the ungodly, there is also a movement of charity. But the free will is moved towards God so as to subject itself to Him: hence there also concur an act of filial love (which proceeds from charity) and an act of humility.'"[294]

[294] De Paenitentia, diss. 4, a. 7, § 2, Curs. Theol., t. 9, Parisiis, 1904, p. 315.

Conclusion 3.

For the reception of the fruit of the sacrament, the so-called love of benevolence towards God is not required.

Proof 1. From the Council of Trent.

Yet it is from this Council that the adversaries themselves derive one of their arguments.

As has been shown above, the Council in session 14, chapter 4, teaches that mere attrition, even that which arises from fear, suffices for justification in the sacrament (Conclusion 1); nor in session 6, chapter 6, is anything more than an incipient love required for justification, a love which is of concupiscence and hope (Conclusion 2). Therefore the opinion concerning the necessity of a love of benevolence has no firm foundation in the Council of Trent.

You will object with Diekamp:

"To love God as the source of all justice," if considered more precisely, implies more than a love of concupiscence towards God and less than charity. The Council describes the disposition towards justification in the order in which it is ordinarily brought to completion, one act, under the influence of grace, eliciting another. In the sinner who intends to turn himself towards God, fear and hope first follow faith, and then comes love of justice; for the question concerns the disposition for obtaining justice, that is, the state of grace. This love of justice is a love of concupiscence. But it leads, and ought to lead, to an initial love of Him who is "the source of all justice"; and this love is of a higher species than the love of concupiscence. For if it belonged to the love of concupiscence, it would follow that the source of justice was esteemed and loved as a means to an end, namely to obtaining justice. Thus the right order would be overturned and destroyed: the justice of man would be the end, while God Himself would be the means to the end. Therefore the words "as the source of all justice" favour the opinion according to which more than a mere love of concupiscence is required for true attrition in the reception of the sacrament."[295]

[295] Theol. Dogm. (A. Hoffmann), v. 4, § 48, Parisiis-Romae, 1946, p. 325 sq.

Reply.

This argument appears illegitimately to pass from the act (that is, love of God as the source of justice) to its object (that is, God as the source of justice), and to attribute to the object what ought to be attributed to the act, so as to conclude from this that the right order is perverted. For when God is loved as the source of justice in order that justification may be obtained, it is not God Himself, the infinite good and ultimate end, who is ordered towards justification, which is a good of the creature; rather, the act itself of loving God, which likewise is something finite, is ordered towards justification, which is something better and orders man to God Himself in a better way, since it is the root of charity. Furthermore, all these considerations hold for the love of God as the source of justice, whether it be understood as a love of concupiscence or even as a love of benevolence. Hence either the objection has no force (as has been shown), or, if it had any, it would have to be turned back against Diekamp.

Proof 2. From the very nature of the love of benevolence towards God.

From this nature the adversaries derive an argument peculiar to their position.

Whatever may be said about the division of love into three species, namely concupiscence, benevolence, and friendship, and about the separation of these three loves in relation to men, the love of benevolence towards God, if it is true and efficacious, is necessarily the love of charity, so that divine love must necessarily be either of concupiscence or of charity. The reason is that it is impossible for a man truly and efficaciously to love God with a love of benevolence, that is, with a love above all things and for His own sake, without being loved in return by God Himself, who knows the hearts of men and loves those who love Him; and consequently it is impossible for the aforesaid love of benevolence towards God to proceed from any other principle than charity and grace, or not to be founded upon the very participation in the divine nature.

Since, therefore, a love of benevolence towards God implies the love of charity, it is not required for receiving the fruit of the sacrament.

Collet speaks to the point: "I shall indeed admit that benevolence of man towards man is not always mutual, as when someone wishes that a fighter unknown to him should come forth victorious from

the arena. But why should I hesitate to maintain that God, who searches the inmost things and who asks of man only his heart, gives His own heart to that man in return, so that by an unvarying law He loves those who love Him? Does not every man of good sense at once love in return the one whom he learns to have favoured him above all things, even while unknown to him? Certainly, the more free our benevolence towards another is from every concern for our own advantage, the more it binds him to us. Moreover, let ardent and intense charity be mutual love; will charity which is only initial therefore fail to introduce mutual love? It will indeed be answered that this is wrongly called charity; but it will be evident that this controversy is reduced to a mere question of a name."[296]

[296] De Poenitentia, pars 2, c. 4, n. 678, apud Migne, Theol. Curs., t. 22, col. 362.

We deliberately said above that love of benevolence towards God, "if it is true and efficacious," is necessarily the love of charity. For if we examine more deeply the nature of benevolence in the light of the doctrine of St. Thomas, it will be seen that the very supposition of the adversaries must be denied: namely, that the love of benevolence is midway between the love of concupiscence and the love of charity as regards salvific efficacy. The love of benevolence, insofar as it is separated from the love of charity, is less efficacious for salvation than the very love of concupiscence and hope, since it is not an effective love but only an affective one, and is reduced to the genus of a will in a qualified sense, or of a certain velleity. Consequently the whole edifice built by the adversaries upon the foundation of benevolent love falls, and their aim is altogether frustrated, namely to defend the necessity of some love better and more efficacious than the love of concupiscence, yet weaker than the love of charity. For no such love exists; and the love called benevolence or complacency, by itself alone, is, even in human affairs, less efficacious than the love of concupiscence itself.

To make this evident, one must distinguish merely affective love, by which a person is so disposed towards something or someone that he is nevertheless not prepared to employ efficacious means to obtain that thing or to unite that person to himself, from effective love, by which a person is prepared to employ those means. The former is a love of mere complacency or benevolence, by which someone is disposed towards some good, or the good of another, considered in itself rather than according to its relation to the loving subject; the latter, however, is love which draws the will in an absolute sense, because the will is drawn towards the good, not considered abstractly and in itself, but according as it has a fittingness with the subject.

This latter love is further divided into the love of concupiscence and the love of friendship, according as something or someone is loved for another, or is loved in himself, as was explained in Article 30 (pp. 209–211). Consider a boxer, a servant, and a son: the first is loved with a love of benevolence, the second with a love of concupiscence, and the third with a love of friendship. A boxer fighting courageously in the arena is loved by a spectator with an inefficacious and merely affective love, which partakes more of a judgment of reason than of an inclination of the will and is reduced to a love in a qualified sense, or a velleity. For the spectator does not regard the boxer as his own good, but merely takes pleasure in his courage or victory. A servant is loved by his master with an efficacious love, but one of concupiscence, insofar as he is regarded by the master as his own good, or rather as a good for himself, which he uses. A son is loved by his father with an efficacious love of friendship, insofar as he is regarded by his father not only as his own good but also "as one with himself" (II–II, q. 27, a. 2).

Lest we seem to advance these things arbitrarily, and since the adversaries, especially Billuart, appeal to St. Thomas, receive the teaching of the Holy Doctor in the various places where he speaks about the division of love or introduces an account of benevolence.

The Holy Doctor constantly divides love into two members, namely the love of concupiscence and the love of friendship. This is so especially in I, q. 20, a. 1, ad 3; I–II, q. 26, a. 4 (cited on p. 209); II–II, q. 17, a. 8 (cited on p. 210 and following); and q. 23, a. 1 (cited in the same place).

This distinction is taken from the two aspects which are found in the object of love: love is called the love of concupiscence with reference to that which a person wills, but the love of friendship with reference to the person for whom he wills a good (cf. I–II, q. 26, a. 4; I, q. 20, a. 1, ad 3), as was explained in Article 30 (pp. 209–211).

When the Holy Doctor speaks of benevolence, he includes it in the very love of friendship as a prerequisite element of it (II–II, q. 23, a. 1; q. 27, a. 2; q. 28, a. 1; q. 31, a. 1); or, considering benevolence by itself and as a special act of the will, he calls it "a simple act of the will," and opposes it to love simply so called, which he calls "actual love," and which we may call absolute and efficacious love. Thus in II–II, q. 27, a. 2, he writes:

"Benevolence is properly called an act of the will by which we will good to another. This act of the will, however, differs from actual love, both insofar as actual love is in the sensitive appetite and insofar as it is in the intellectual appetite, which is the will. For love which is in the sensitive appetite is a certain passion. Every passion, moreover, inclines towards its object with a certain impulse. The passion of love, however, has this characteristic: it does not arise suddenly, but through a certain sustained consideration of the thing loved; and therefore the Philosopher [Ethics, IX, ch. 5], in showing the difference between benevolence and love which is a passion, says that benevolence 'does not have tension and appetite,' that is, a certain impulse of inclination; rather, from the judgment of reason alone a man wills good to another. Likewise, such love arises from a certain familiarity, whereas benevolence sometimes arises suddenly, as happens to us concerning boxers who are fighting, one of whom we should wish to win.

"But love which is in the intellectual appetite also differs from benevolence; for it implies a certain union according to the affection of the lover towards the beloved, insofar as the lover regards the beloved in some way as one with himself, or as belonging to himself, and is thus moved towards him. But benevolence is a simple act of the will by which we will good to another, even without presupposing the aforesaid union of affection with him. Thus, therefore, in dilection, insofar as it is an act of charity, benevolence is indeed included; but dilection, or love, adds a union of affection; and for this reason the Philosopher says [loc. cit.] that 'benevolence is the beginning of friendship.'"

Merkelbach observes against the adversaries concerning this text: "St. Thomas, II–II, q. 27, a. 2, cannot be invoked, because he distinguishes benevolence from the act of charity. For he does not distinguish the act of charity from supernatural love of benevolence, but from mere benevolence, devoid of love, which 'is the simple act of the will by which we will good to someone, even without presupposing a union of affection towards him'; whereas 'love ... implies a certain union according to the affection of the lover towards the beloved, insofar as the lover regards the beloved in some way as one with himself ... and is thus moved towards him.' Thus, therefore, concludes the Holy Doctor, 'in dilection insofar as it is an act of charity benevolence is indeed included; but dilection or love adds a

union of affection.' If the adversaries understood by the love of benevolence nothing other than benevolence alone, or the mere act of willing good, they would certainly speak truly; but they should observe that this is not the matter in question, since they would thereby indicate no special motive, because in every sincere contrition, even imperfect and arising from fear, there is necessarily and always included the will to repair sin, which is to will good to God."[297]

[297] Theol. moral., v. 3, n. 496 (1939), p. 438 in nota.

Proof 3. FROM THE VERY NATURE OF ATTRITION as it is a true act of Penance (from which, indeed, the adversaries derive their principal argument).

The "principal argument," as Hugon calls it, from which the adversaries deduce the necessity of benevolent love, is reduced essentially to this:

True attrition, as an act of Penance, is hatred of sin formally as an offence against God; but hatred of sin insofar as it is an offence against God entails benevolent love of God. For the hatred of one thing consequently entails the love of its contrary; and love contrary to sin, which is an aversion from God as the last end, is love of benevolence, not love of concupiscence, since through the latter love "God is not loved as the last end" (Billuart), and man "does not tend to make satisfaction before God, but on behalf of his own person" (Diekamp), since such love would proceed from hatred of sin "insofar as it is an evil of one's own person, but not insofar as it is an evil for God" (Diekamp). Therefore true attrition necessarily entails benevolent love of God.

Some respond ineptly to this argument by denying the major premise, or by denying that attrition is opposed to sin formally as an offence against God; for, as we insisted in Article 23 (pp. 13–19), this belongs to the essence of all contrition, even imperfect contrition.

Collet therefore ineptly attacks the adversaries in the following manner: "That ... the definition, 'Contrition is detestation of sin,' and so forth, belongs to attrition, because the species shares in the nature of the genus, is undoubtedly true. But what they add, that in this definition sin is taken formally as an evil of God, seems false by their own admission. For one may argue against them thus: There exists attrition conceived from fear of hell alone, since, according to Trent, it is wont to be conceived from this motive. But attrition conceived from fear of hell alone does not entail hatred of sin insofar as it is an evil of God. Otherwise you would prove very badly that it does not suffice in the sacrament because, in the sacrament, hatred of sin insofar as it is an evil of God is required. Therefore."[298]

[298] De Poenitentia, pars 2, c. 4, n. 677, apud Migne, Theol. Curs., t. 22, col. 361.

Diekamp, however, objects: "Although ... attrition whose motive has been fear of hell and of punishments, considered in itself without any benevolent love towards God, can exist, nevertheless as an act of true penance belonging to the sacrament of Penance it necessarily includes this love. Nor do we always repent of sins insofar as they are an offence against God. But for contrition it is required that we repent of sins because they are an offence against God who is likewise loved with the love of friendship. ...

"The attrition of which we are speaking is neither an act of love nor an act of fear, but an act of sorrow and detestation. Yet each act, namely of fear and of love, is a motive of attrition, each indeed in its own way; and absolutely nothing can be said against this. Indeed it happens every day that we

are incited to a single act by different motives, whether one motive taken separately already suffices, or whether they can cause the act only by influencing it simultaneously. Moreover, it can also happen that love, in order to remain firm, needs to be supported by fear. Likewise fear can lead to an act of love, as we are taught by revelation and experience. The proposition which says that an act of love cannot proceed from a motive of fear is true in this sense alone: that the objective motive of the act of fear, which is a grave impending evil, cannot move immediately to an act of love. But it is possible that an act of fear moves the subject to elicit an act of love. From fear of hell we can be incited to elicit an act of love, because through that act we are better preserved from hell."[299]

[299] Theol. Dogm. (A. Hoffmann), v. 4, § 48, Parisiis-Romae, 1946, pp. 324 et 327.

The true reply consists in denying the minor premise and its proof, or in denying that hatred of sin formally as an offence against God necessarily entails more than a love of concupiscence towards God.

For the understanding of this matter, let the adversaries be willing for a time to turn the eyes of their imagination away from the phantasm of love which has led so many minds astray, and to turn them directly towards the very nature of attrition, precisely as it is an act of Penance. As Diekamp himself rightly says, "attrition ... is neither an act of love nor an act of fear, but an act of sorrow and detestation." For contrition, as was said in Article 13 (vol. I, p. 345 and following), consists essentially, not in hatred or love, but in an act of compensatory sorrow; nor is its formal object sin or God, but the very good of sorrowful compensation, which it positively pursues. Now since the first and fundamental act contained, not indeed explicitly (cf. what was said in Article 12, vol. I, p. 318), but implicitly, in every order of voluntary acts is love,[300] upon which follows hatred of the opposite,[301] the act of sorrow includes within itself some love, or is identified with the love of this good which is the compensation of the divine right, indistinct from the sorrow itself; and consequently it includes hatred of the contrary, that is, hatred of not making compensation or of not sorrowing. In such hatred and in such love, which formally belong to the nature of the act of repentance, there are eminently included, as was said in Article 13 (vol. I, pp. 349 and following), hatred of sin itself and love of God (more formally and immediately, love of what is contrary to sin, namely conversion to God and the right of God).

[300] Cf. I–II, q. 25, aa. 2, 3, 4; q. 26, a. 2; q. 27, a. 4; q. 28, a. 6, corp. et ad 2; q. 62, a. 2, ad 3; II–II, q. 17, a. 8, corp. et ad 2; q. 28, a. 4.

[301] Cf. I–II, q. 28, a. 6, ad 4; q. 29, a. 2, corp. et ad 1 et 2; q. 113, a. 5, ad 1.

But to understand of what genus are this hatred of sin and this love of God thus included in the act of contrition, we must attend to the very nature of sin as an offence against God, since an act is specified by its object. Now, as was said in Article 23, sin as an offence against God can be considered in two ways: as an offence against God simply, or insofar as it is opposed to God considered simply; and as an offence against God in a qualified respect, or insofar as it is opposed to God considered under some particular aspect, for instance as He is, in relation to us, the source of justice or of beneficence. Hence there arises a twofold contrition, perfect and imperfect, and a twofold hatred and love contained in it: namely, the love of charity, or love of God considered simply and in Himself; and love of God considered in a qualified respect and in relation to us, namely under the aspect of judge and benefactor. This latter love is a love of concupiscence, because through it we desire God as our

good, that is, as judge whose punishment, which deprives us of our own good, we flee, or as benefactor whose gifts we love and desire.

Such a love of concupiscence, however, in no way implies the exclusion of God as last end and an ordering of the will towards a created good. Otherwise fearful attrition itself, even if the benevolent love demanded by the adversaries were excluded, would be not only insufficient in the sacrament but evil and dishonourable in itself, and would exclude the will to repent, insofar as it would imply a disordered affection of the will. Nor does it merely abstract from an ordering towards God as the last end; rather, it positively implies this ordering, although it does not attain God as last end simply and under every aspect, which belongs properly to charity and contrition, but only under a certain aspect and under the character of judge and benefactor; thus it is truly a supreme appreciative love of God and a supreme appreciative hatred of sin, although not simply and under every aspect, as was said in Article 31 (p. 229).

Conclusion 4. For receiving the fruit of the sacrament, no love is required distinct from the love of concupiscence which is implicitly contained in every true attrition, or sorrow for sin insofar as it is an offence against God as judge and benefactor.

Proof. This follows from what was said in the preceding Conclusions. For we have excluded the necessity of the love of charity, of initial love, and of benevolent love; and at the same time, in the analysis of the act of attrition just made, we have shown that the love of concupiscence is necessarily and implicitly contained in it. But the necessity of a formal and explicit love of concupiscence, which Tournely and the Würzburg theologians defend, is proved by no argument, neither from the necessity of conversion of the heart to God, nor from the Council of Trent, nor from the very nature of the act of Penance, as is easily evident from what has been disputed above against the necessity of the other loves. Moreover, these doctors wrongly identify the love of concupiscence with the act of hope; for although that love is often called by theologians the love of hope because hope proceeds immediately from it, nevertheless it is formally distinguished from the act of hope, as St. Thomas often and explicitly teaches (cf. II–II, q. 17, a. 8, corpus and ad 2, cited on pp. 210 and following; I–II, q. 27, a. 4, ad 3; q. 40, a. 7; q. 62, a. 4, ad 3).

As was said at the end of the preceding article, all movements of the soul are resolved into a twofold root and cause, namely love and fear; fear itself, however, is referred back to love,[302] as to the "first cause" of all affections and actions. For "every agent acts for some end. ... But the end is the good which each one desires and loves. Hence it is manifest that every agent, whatever it may be, performs any action from some love" (I–II, q. 29, a. 6, corpus and ad 2). From this it also becomes manifest that every salutary attrition, even one conceived from fear, is resolved into love: first, indeed, into a right love of oneself, which conceives fear of God; secondly, into love of God Himself, which is conceived from that fear, according to Augustine's saying: "Only [God] cannot be feared without love."[303]

[302] Cf. I–II, q. 43, a. 1, ad 1; II–II, q. 19, a. 3.

[303] De diversis quaestionibus 83, quaest. 36, n. 1, M.L. 40, 25.

Chapter V. On Confession

CHAPTER V

ON CONFESSION

OBJECT

The second act of the virtue of Penance, and the second part of the matter of this sacrament, is sacramental confession.

The importance of this disputation is evident from the fact that, although contrition is in a certain manner the principal and fundamental element of this sacrament, insofar as it "contains virtually the whole of penance" (q. 90, a. 3, ad 2), as was said in the introduction to the preceding chapter, nevertheless, with regard to the matter and sacramental sign, confession is the chief and direct element in which the sacrament is perfected and in which the other two parts, namely contrition and the purpose of making satisfaction (cf. what was said in Article 26), are contained and rendered, as it were, sensible. For this reason, the whole sacrament is named from confession itself by the most common designation (cf. above, vol. I, p. 3). To the point, St. Thomas, Supplement, q. 10, a. 1: "Penance, insofar as it is a sacrament, is perfected principally in confession, because through it a man subjects himself to the ministers of the Church, who are the dispensers of the sacraments. For contrition has annexed to it the desire for confession, and satisfaction is determined according to the judgment of the priest to whom confession is made."

The difficulty, no less than the importance, of this disputation is evident both from the attacks of Protestants and modern Liberals upon the institution and necessity of confession, attacks which involve the very institution and necessity of the sacrament, and from the intricate questions concerning public and private penance or confession, which we intend to resolve suitably in this chapter.

DIVISION

St. Thomas, in the Supplement, qq. 6–11, treats of the necessity of confession (q. 6), its nature (q. 7), minister (q. 8), quality (q. 9), effect (q. 10), and seal (q. 11).

We shall treat of the effect and minister of confession below in Chapters VIII and IX, where the effect and minister of the sacrament itself are discussed. Here, then, we shall treat, in order, of the essence of confession (Articles 34–35), of its necessity (Articles 36–37)—and indeed together with the necessity of the sacrament itself, which St. Thomas considers separately in q. 84, a. 5—and of its other properties or qualifications, both in general (Article 38) and in particular: by reason of integrity (Article 39), by reason of vocal expression (Article 40), by reason of personal presence (Article 41), and by reason of secrecy (Articles 42–45).

Article 34. Whether sacramental confession is suitably defined as the legitimate accusation of one's own sins, made to a priest to obtain their remission through his absolution

ARTICLE 34. WHETHER SACRAMENTAL CONFESSION IS SUITABLY DEFINED AS THE LEGITIMATE ACCUSATION OF ONE'S OWN SINS, MADE TO A PRIEST IN ORDER TO OBTAIN THEIR REMISSION THROUGH HIS ABSOLUTION

(Supplement, q. 7, a. 1)

AFFIRMATIVE CONCLUSION

Explanation.

1. NOMINAL DEFINITION

As regards etymology, the Latin word confessio is derived from the two expressions cum and fari, and signifies speaking with another; thence it was immediately transferred to signify the manifestation of truth made to another, and especially the manifestation of some hidden truth which we do not wish to be known or are ashamed to tell. To this point Forcellini: "Confiteor has the same meaning as fateor, that is, I disclose and state what has been asked of me; it is used, however, chiefly of things which we would not wish to be known and are ashamed to tell."[304]

[304] Forcellini, Totius latinitatis lexicon, s.v. "Confessio."

In profane or sacred usage this word is taken in several senses, according to the kind of truths which are manifested. Principally it is customarily understood as the manifestation:

Either of any truth whatsoever, and thus it pertains to the virtue of truthfulness (confession of truth); of this Aristotle speaks in the Ethics, book IV, chapter 13, "Of both" (cf. St. Thomas, ibid., lect. 15);

Or of judicial truth, and thus it pertains to the virtue of justice (judicial confession); of this Aristotle likewise speaks in the same place.[305]

[305] "We speak, then, of both, but first of the truthful man; for in confessions we are not speaking of the man who tells the truth in judicial proceedings, nor of those things, whatever they may be, which tend towards justice or injustice (for this belongs to another virtue); but of the man who, in matters in which no such difference exists, speaks the truth in speech and in life, because he is such according to his habit." St. Thomas explains these words thus, lect. 15: "He says, then, first, that we must speak of the aforesaid habits, but first of truthfulness. We are not now speaking, however, of the man who speaks truth in judicial confessions, as when someone questioned by a judge confesses what is true; nor of one who speaks truth in any matters pertaining to justice; for this pertains to another virtue, namely justice. But we are speaking of that truthful man who speaks the truth in life and speech in matters which do not involve the difference between justice and injustice. Yet he speaks truth solely because of the disposition of his habit, just as it was said above of the virtue mentioned earlier that one wishes to live pleasantly with others, not through love, but because of the disposition of his habit. So too this virtue manifests the truth, not for the sake of observing justice, but because of the aptitude which it has for telling the truth" (Pirotta edition, Turin, 1934, pp. 278 and 281).

Or of truth concerning the perfections or divine benefits, and thus it pertains to the virtue of religion (confession of praise); cf. Ps. 6:6; 7:18; 9:2; 17:50; 94:2; 95:6; 96:12; 104:1; 105:1; 106:1, 8, 15, 21, 31; 117 (the psalm Confitemini); Matt. 10:32; 11:25; Luke 10:21; Rom. 14:11; 15:9; Phil. 2:11; Hermas, Mandates 10, 3, 2; Similitudes 2, 5. Augustine gives this sense to the title of his work, The Thirteen Books of Confessions (cf. book I, chapter 1); in Sermon 67, 1, he himself distinguishes a twofold confession, one of the sinner and the other of the one who praises. Jerome, on Psalm 103, similarly writes: "'He has put on confession and beauty.' He put on confession when he said: 'I confess to thee, O Lord, Father of heaven and earth' (Matt. 11). 'He has put on beauty': when that splendid cloud answered concerning him: 'This is my beloved Son, in whom I am well pleased; hear ye him' (Matt. 17). Confession is understood in two ways: either in penance or in the glory of God. This is to say: he has put on glory, just as in the Gospel the Saviour himself says: 'I confess to thee, Father'; that is, 'I glorify thee'; or else because we confess our sins to the Lord. For in the very act of confessing our sins to God, we glorify him" (M.L. 26, 1131). Isidore of Seville reports the same distinction, Etymologies 6, 19, 75.

Or of the truth of faith, and thus it pertains to the virtue of faith (confession of faith), according to Rom. 10:10: "For with the heart we believe unto justice; but with the mouth confession is made unto salvation" (cf. vv. 8–10). St. Thomas treats of this in II–II, q. 3; and this sense is expressed in the words of the Symbol: "I confess one baptism," and in the title "Confessor" in the Roman Breviary.

Or of the truth and acknowledgment of guilt, and thus it pertains to the virtue of Penance (confession of sins), and is divided into a threefold confession, namely: first, a merely internal confession, which is referred directly to God and nearly coincides with contrition itself: Clement of Rome, 1 Cor. 51, 3; Hermas, Visions 1, 1, 3; 3, 1, 5; Similitudes 9, 23, 4; secondly, an external confession made before men, for the sake of humility, and indeed of sins in general: Matt. 3:6; Mark 1:5; Acts 19:18; Jas. 5:16; 1 John 1:9; Didache 4, 14; 14, 1; Clement of Rome, 2 Cor. 8, 3;[306] the "Confiteor" recited in the offices; Basil, Epistle 208, 3, calls the Miserere a psalm of confession; Augustine, Sermon 67, 1, bears witness that the faithful, at the sound of the word "Confiteor," struck their breasts, saying: "At the very sound of 'Confiteor,' you have beaten your breasts" (cf. Sermons 19, 2 and 334, 4); thirdly, an external confession made to a priest, in order that through his absolution divine pardon may be obtained, which is called sacramental confession. From the Middle Ages onward this sense became so universal and proper that the sacrament itself was afterwards most commonly designated by the same word.

[306] On the probable sacramental sense, however, of these texts, compare Article 36, pp. 372–378, 391 ff.

The Greek word exomologēsis (ἐξομολόγησις) has almost the same sense and usage, being derived from exomologeō (ἐξομολογέω) or exomologeomai (ἐξομολογέομαι), from ex (ἐξ: from the breast, willingly, publicly, openly)

and homologeō (ὁμολογέω: I agree, assent, acknowledge, confess, profess, declare, promise, pledge).

These words are employed by Scripture and by the Apostolic Fathers, mentioned above, in the sense of confession of divine praise and of confession of sins, both before God and before men. Moreover, the word exomologēsis (also used in Latin as exomologesis) acquired among the later Fathers a threefold sense, namely that of sacramental confession itself, of the entire penitential discipline (Irenaeus, Against Heresies 1, 13, 5; Tertullian, On Penance 9; Cyprian, On the Lapsed 35), and of that special recourse to a penitentiary priest by which ecclesiastical penance was completed before the act of canonical absolution (cf. Benedict XIV, De synodo dioecesana, book 7, ch. 16, n. 6).

In the time of Isidore of Seville († 636), litanies or rogations were themselves also called exomologeses. To the point, he himself writes: "Litanies are called by a Greek name, which are called rogations in Latin. But the difference between a litany and an exomologesis is this: exomologeses are performed for the confession of sins alone, whereas litanies are appointed for beseeching the Lord and obtaining his mercy in some matter. But now both terms are already included under a single designation, nor is there commonly any distinction whether they are called litanies or exomologeses. Even the name of supplication has now in some measure been retained from pagan custom" (Etymologies, book 6, n. 80 ff.; M.L. 82, 260).

2. REAL DEFINITION

St. Thomas gives, equivalently, the definition proposed in the text of the article when, in objection 1, he sets forth the appropriateness of Augustine's commonly received definition: "Confession is that by which a hidden disease is disclosed in hope of pardon." This definition, however, is found only as to

its sense in the following words of Augustine, On Psalm 66, 7: "You were sorrowful before you confessed; confess and exult: now you are healed. Your conscience had collected its corruption; the swelling had grown, it was tormenting you, it did not allow you to rest: apply the medicinal iron through the wounding of compunction; acknowledge the physician's hand; confess, let the pus flow away in confession and let all soundness flow in: now exult, now rejoice, because what remains will easily be healed" (M.L. 36, 809; cf. On Psalm 31, exposition 2, 12).

Having cited the foregoing definition of Augustine in objection 1, St. Thomas refers in objection 4 to "certain other definitions differing from this. For Gregory says that 'confession is the detection of sins and the opening of the wound.'[307] But others say that 'confession is a lawful declaration of sins before a priest.' And others speak thus: 'Confession is a sacramental accusation of the offender out of shame, and satisfactory through the keys of the Church, obliging him to perform the enjoined penance.'"

[307] In Homilies on the Gospels, 40, 2, the sense is: "What, then, is the confession of sins, if not a certain opening of the wound? For the infection of sin is more healthfully laid open in confession, which lay hidden perniciously in the mind" (M.L. 76, 1302).

Then, in the body of the article, the Holy Doctor sets forth the elements of the definition, showing that the aforesaid definitions of Augustine, Gregory, and others are not discordant: "In the act of confession several things occur for consideration: first, the very substance of the act, or its genus, which is a certain manifestation; secondly, that of which it is made, namely sin; thirdly, the person to whom it is made, namely the priest; fourthly, its cause, namely the hope of pardon; fifthly, its effect, namely absolution from one part of the punishment, and an obligation to discharge the other part. Therefore in the first definition of Augustine, both the substance of the act is touched upon in 'disclosure,' and that of which confession is made when it says 'hidden disease,' and its cause in 'hope of pardon'; and in the other definitions some of those five things assigned are touched upon, as is plain to anyone who considers them."

The suitability, therefore, of our definition, which is common among the doctors (although some use the word "manifestation" in place of "accusation," or determine sins by adding "committed after baptism"), is shown from the fact that in it the various elements which can be desired are correctly assigned: first, the proximate genus, signified by the word "accusation"; for by this sacramental confession is distinguished from every other kind of confession mentioned above, and also from every other kind of manifestation of sin, namely that by which a man recounts his sins in any manner or with any intention whatever rather than as one accused and as his own accuser; then the object by which the act is specified, namely sin, and indeed his own sin, not that of another; then the reason for its sacramentality, by mention of the priest and his absolution; then the end, or obtaining of remission. The word "legitimate," prefixed to these, alludes to the various qualities or conditions of confession which are customarily assigned by theologians and which we shall explain in Article 38.

To the point, the Catechism of the Council of Trent, part II, ch. 5, q. 38: "They [the doctors] define it as an accusation of sins, which belongs to the kind of matter of the sacrament, undertaken in order that we may obtain pardon by virtue of the keys. It is rightly called an accusation, because sins are not to be remembered in such a way that we display our crimes, as those do who rejoice when they have acted wickedly; nor are they to be narrated altogether as though we were recounting some event for the pleasure of idle hearers. Rather, they are to be enumerated with an accusing mind, so that we

may wish to vindicate them also in ourselves. Moreover, confession is made for the sake of obtaining pardon, since this judgment is very unlike the forensic trials of capital causes, in which punishment and torture, not freedom from guilt and remission of error, are assigned to confession. In nearly the same meaning, although in different words, the most holy Fathers seem to have defined confession: thus St. Augustine says: 'Confession is that by which a hidden disease is disclosed in hope of pardon'; and St. Gregory: 'Confession is the detection of sins'; both of which may readily be referred to the foregoing definition, because they are contained within it."

Article 35. Whether sacramental confession is an elicited act of the virtue of penance

ARTICLE 35. WHETHER SACRAMENTAL CONFESSION IS AN ACT ELICITED BY THE VIRTUE OF PENANCE

(Supplement, q. 7, aa. 2–3)

STATE OF THE QUESTION

In Article 13 we said that contrition is the principal and formal act elicited by the virtue of Penance. Here, and in Article 47, we add that the other two acts which together constitute the matter of this sacrament, namely confession and satisfaction, are likewise elicited acts, and not merely commanded acts, of the same virtue, although secondary ones. Against this doctrine, which theologians commonly appear to presuppose and which St. Thomas expressly proposes, it might chiefly be objected that confession (and satisfaction likewise) is an external act and should accordingly be numbered rather among commanded acts.

Two questions, therefore, are asked: (1) Whether confession is an act elicited by some virtue; (2) Whether it is an act of the virtue of Penance itself. The same question will recur below in Article 47 concerning satisfaction, and it was briefly touched upon above in Volume I, Article 13 (p. 356).

CONCLUSIONS

Conclusion 1. Sacramental confession is a true act of virtue, and this by its own force and nature, so that it is an elicited, not a commanded, act.

Proof.

For something to be an act of virtue, two things are required and suffice: namely, the character of praiseworthiness and the character of a mean. Now both are found in the act of confession. For, on the one hand, it is praiseworthy that someone should confess with his mouth the guilt which he holds in his heart, and indeed that he should confess it in the right manner, with attention to the various circumstances, namely, "when and how, and what ought to be confessed, and to whom," according to the institution of divine law (a. 2, ad 1). On the other hand, confession involves a mean in its proper nature, because it involves equality between that which lies hidden in the heart and that which is disclosed by the mouth, and therefore a mean between excess and defect.

To this point St. Thomas says: "For something to be called an act of virtue, as was said before (implicitly, in the preceding article, ad 3, and in Sentences IV, dist. 15, q. 3, a. 1, q. 2; I–II, q. 18, aa. 6 and 7; and II–II, q. 80, q. 85, a. 3, and q. 109, a. 3), it suffices that in its very nature it imply some

condition pertaining to virtue. Although confession does not involve all the things required for virtue, nevertheless by its name it involves the manifestation of something which a person holds in his conscience: for thus mouth and heart come together as one. If someone were to utter with his mouth something that he did not hold in his heart, it would not be confession but pretence. Now this condition pertains to virtue, that one should confess with his mouth what he holds in his heart. And therefore confession is good in its kind and is an act of virtue; nevertheless it can be done badly unless it is clothed with the other due circumstances" (a. 2).

From this it also follows that confession is not merely a commanded act, that is, a material act which is directed by some virtue to its proper end and brought under the character of its mean, as are the acts of walking, speaking, and the like. Rather, it is an elicited or formal act of some virtue, since in itself it possesses the character of a mean, or the rational mean, which is the very formal object of virtue in general (cf. Supplement, q. 12, a. 1, cited in Article 47).

You will say: Confession is an external act. But an elicited act of virtue is an internal act, since virtue consists in choice. Therefore confession is not an elicited act, but merely a commanded one.

Reply: Confession is an external act, but one which determines and specifies an internal act. Although virtue, generically considered, consists in choice, certain virtues, or acts of virtues, have as their object the choice of an act which is external, that is, choice as determined and specified by the external act. This occurs both with confession and with satisfaction, as will be explained more fully in Article 47, where satisfaction is treated.

Conclusion 2. Confession is an act of the virtue of Penance itself.

Proof.

"In the case of virtues, this must be considered: when, over and above the object of a virtue, there is added a special character of goodness and difficulty, a special virtue is required. Thus great expenditures pertain to magnificence, although expenditures and gifts of moderate size ordinarily pertain to liberality. And the same is true of the confession of truth: although absolutely considered it pertains to the virtue of truthfulness, nevertheless, insofar as some additional character of goodness is added, it begins to pertain to another virtue. And therefore the Philosopher says [Ethics IV, ch. 7] that confession made in judicial proceedings does not pertain to the virtue of truthfulness, but rather to justice. Likewise, confession of God's benefits for the purpose of divine praise does not pertain to the virtue of truthfulness, but to the virtue of latria. Thus also the confession of sins, made in order to obtain their remission, does not belong *elicitedly* to the virtue of truthfulness, as some say, but to the virtue of penance; by way of command, however, it can pertain to many virtues, insofar as the act of confession can be directed to the ends of many virtues" (a. 3).

You will say, first: A habit existing in one power cannot elicit an act of another power. Therefore the habit of penance, existing in the will, cannot elicit the act of confession, just as it cannot elicit the act of satisfaction or of external sorrow, which are acts of external faculties.

Reply: In a praiseworthy and virtuous act two things must be distinguished: namely, the very physical substance of the act and its character of praiseworthiness or morality; or, if one prefers, its physical essence and its moral essence. Accordingly, the habit of one power cannot elicit an act of another according to the physical essence of that act. Indeed, that physical essence, considered precisely as

such, is elicited not even by the habit existing in its own power, but by the power itself. The habit can, however, elicit the act according to its moral essence, insofar as it imposes upon its physical substance an ordering to its own end, or the form of its own morality and rationality. Thus the very same act, elicited in its physical being by one power, can be elicited in its moral being by one or several habits, existing either in that same power or in another (cf. what was said in Article 13, Volume I, p. 347 ff.).

Gonet writes to this point: "I say that in sensible and praiseworthy sorrow, which has its subject in the appetite [and likewise in the sensible act of confession and satisfaction], two things are to be distinguished: namely, the substance of the act and the formal character of virtue. Although penance existing in the will cannot produce acts of another power as regards their substance, nevertheless it can do so as regards the mode of virtue. For since that sorrow is not an act of virtue according to its substance, but only insofar as it is ordered to making satisfaction for guilt, and since it cannot possess this ordering from any virtue existing in the sensitive appetite, because no such virtue can attain God or another spiritual object, it follows that penance itself existing in the will elicits this act insofar as it bears the character of virtue. We have an example of this in prayer, which according to its substance is an act of the intellect, existing therein, and yet, insofar as it has the character of virtue, is elicited by religion existing in the will. For prayer has the character of virtue only insofar as it is ordered to divine worship; but it receives this ordering only from religion, whose proper object is divine worship. Although, therefore, one power cannot produce the acts of another—for example, the intellect cannot produce a volition, nor the will an act of understanding—nevertheless a habit existing in one power can produce an act of another habit existing in another power. For in this a habit differs from a power: a power is the principle of an act with regard to its substance; hence, if the intellect produced an act of the will, one and the same act would be at once an act of understanding and an act of willing. But a habit of virtue or vice is not the principle of an act in the order of nature, but only in the moral order, that is, according to the character of good and evil. And there is no contradiction in a habit existing in one power producing moral goodness or evil in an act of another habit existing in another power, namely by communicating to it an ordering toward its own proper end, which it regards."[308]

[308] De Poenitentia, disp. 2, a. 3, § 6, n. 87, in Clypeus, vol. 6, Paris, 1876, p. 536. Cf. John of St. Thomas, De religione, disp. 19, a. 4, dubium "Utrum …"; a. 7, dubium "Utrum …"; disp. 21, a. 3, dubium "Quomodo oratio …"; Salmanticenses, De virtutibus, disp. 2, dub. 1, § 2, nn. 7– 10.

You will say, secondly: Confession made by a sinner before he has recovered the state of grace through absolution is true sacramental confession; nevertheless, it cannot be an act of the virtue of Penance, because that virtue does not exist outside the state of grace.

Reply: Concerning confession, and likewise sacramental satisfaction, made in the state of sin, what was said of attrition in Article 17 (Volume I, p. 447) and Article 23 (p. 20) applies equally: namely, these three acts are something imperfect within the order of Penance, and they are elicited not by the virtue of Penance itself—which is absent where sanctifying grace is absent—but by the will itself under the influence of actual grace. But when someone is contrite, confesses, and makes satisfaction in the state of grace, these three acts are elicited by the virtue of Penance. Hence, when we say that contrition, confession, and satisfaction are elicited acts of Penance, this is understood of those acts according to their perfect nature and condition, that is, insofar as they are conceived in the womb of

the virtue of Penance and are informed by the formal motive of that virtue, of which we spoke in Article 14 (Volume I, pp. 364–367). Now, since the accessory follows the principal, we do not speak inappropriately when we say generally that those three acts are elicited acts of the virtue of Penance, insofar as they belong to the same order and can proceed from that virtue when vivified and perfected. Moreover, the virtue of Penance can here be understood in a broader sense, as comprising both the virtue properly so called and the aforementioned will under the assistance of actual grace, which is a certain good penitential principle and a certain imperfect likeness of the virtue properly so called.

Article 36. Whether sacramental confession of sins, like the sacrament of Penance itself, is necessary by divine law to obtain their remission

ARTICLE 36. WHETHER THE SACRAMENTAL CONFESSION OF SINS, AS WELL AS THE SACRAMENT OF PENANCE ITSELF, IS NECESSARY BY DIVINE LAW FOR OBTAINING THE REMISSION OF SINS

(Supplement, q. 6; III, q. 84, a. 5; Contra Gentiles IV, 72)[309]

STATE OF THE QUESTION

The question concerns the divine institution of the NECESSITY OF SACRAMENTAL CONFESSION, without attending directly to the nature of the necessity of means or of precept, which is to be considered in the following article. In this discussion, moreover, the divine institution of confession itself is also involved. As is clear from the title of the article, we join into one the two questions concerning the necessity both of confession and of the sacrament itself (or of any penitential recourse to the keys of the Church), which are treated separately by many authors (as, indeed, by St. Thomas himself: Supplement, q. 6, on the necessity of confession; III, q. 84, a. 5, on the necessity of the sacrament). The reason is, first, that in fact one necessity includes the other, as even the non-Catholic adversaries readily concede; and secondly, that under the positive aspect in which they are now principally considered, the two questions can scarcely be separated without producing useless and confused repetitions of the same arguments and testimonies, as may be seen in not a few manuals.

[309] The principal and more general Protestant works on this question are: Calvin, Institutio christianae religionis, book 3, ch. 4; Dallaeus, cited in vol. I, p. 36; H. Ch. Lea, cited there, p. 37. Particular works will be given below in the exposition of the doctrine of the innovators. The chief Catholic works, from the positive aspect principally considered here, are, among older authors: Petavius, Thomassinus, Sirmundus, Morinus, Natalis Alexander (cited in vol. I, pp. 19–25); among more recent authors: Binterim, Frank, Boudinhon, Schmitz, Casey, Batiffol, Vacandard, Pellé, Pignataro, Rauschen, Tixeront, Galtier, D'Alès, Mangenot (cited there); A. Kirsch, Zur Geschichte der katholischen Beichte, 1912 (but placed on the Index); Harent, La confession: nouvelles attaques et nouvelle défense (in Etudes, 5 September 1899); B. Kurtscheid, Das Beichtsiegel in seiner geschichtlichen Entwicklung, 1912; H. Brewer, Die kirchliche Privatbusse im christl. Altertum (in Zeitschrift für katholische Theologie, vol. 45 [1921], pp. 1–43); Honoré, Le secret de la confession, Bruges, 1924. The following may likewise be profitably consulted: Bellarmine, De Poenitentia, book 3, ch. 14; Suárez, disputation 17, section 2; Salmanticenses, disputation 7, doubt 1; Collet, De Poenitentia, part 2, ch. 5, article 2; Palmieri, De Poenitentia, thesis 34; De Augustinis, De Poenitentia, thesis 14; Pesch, De Poenitentia, propositions 26 and 27; Desanctis, La confessione, Florence, 1925; Petazzoni, La confessione dei peccati, Bologna, 1929. Some other works are mentioned in Dictionnaire de théologie catholique, article "Confession," cols. 893 ff. and 924–926. Compare also the bibliography given below in Article 44, on the sacramental seal, and Article 45, on public and private confession.

This question completes and perfects the very question of the divine institution of this sacrament, treated in Article 1, and at the same time borrows its force and light from that question. It likewise completes and determines the question of the necessity of Penance, discussed in Article 22 of Chapter III, where the virtue itself was considered in abstraction from the sacrament. In its turn, moreover, the present question is complemented by those to be treated below concerning the effect of the remission of sins, concerning no subject being excluded by the Church from absolution, and concerning public and private penance.

NEGATIVE PART

The denial of the necessity of confession is intimately connected with, and logically follows from, the denial of the institution of the sacrament, or of the necessity of the sacrament, or of the Church's power to remit sins. Accordingly, all the deniers mentioned in Article 1 are rightly to be recalled here, although some, on account of the different reason and manner in which they assailed the sacrament —as the Montanists, Novatians, Waldensians, and Hussites—are said by certain theologians not to have opposed the necessity of confession. More explicitly and directly, confession was attacked first by Wycliffe and Peter of Osma, then by all the Protestants, and finally by modern Liberals and pseudo-critics. Even among the Eastern Schismatics there was formerly one or another opponent of this dogma; indeed, among Catholic doctors of the Middle Ages, this truth was called into question by a few unnamed persons.[310]

[310] As in Collet, De Poenitentia, part 2, ch. 5, a. 2, sect. 1, towards the beginning; and Bernard, in Dictionnaire de théologie catholique, article "Confession chez les Protestants," col. 925.

WYCLIFFE († 1384) taught the following proposition, condemned by the Council of Constance: "If a man has been duly contrite, all external confession is superfluous and useless to him" (Denz. 587). Indeed, he is reported to have taught that confession is founded on no authority of God, is most harmful to the Church, was introduced by Innocent III, and is a papal trap devised by Antichrist as a means of learning secrets and seizing the possessions of laymen (cf. Thomas Waldensis, De sacramentis, vol. 2, ch. 138).

PETER OF OSMA (Peter Martínez, called by the name of his native town, Osma; fifteenth century), a doctor of Salamanca, published a treatise on confession from which Sixtus IV excerpted nine propositions and condemned them as heretical in the bull Licet ea, 9 August 1479. Peter himself retracted his errors at the provincial synod held at Complutum. The following five propositions more directly concern confession, of which the first and second appear to deny universally the necessity of confession:

"(1) Mortal sins, as regards the guilt and the punishment of the other world, are blotted out by contrition of the heart alone, without reference to the keys."

"(2) Confession of sins in their species arose from some universal statute of the Church, not from divine law."

"(3) Evil thoughts ought not to be confessed, but are blotted out by displeasure alone, without reference to the keys."

"(4) Confession ought to be secret, that is, concerning secret sins, not manifest ones."

"(9) The sacrament of Penance, insofar as the conferral of grace is concerned, is a sacrament of nature, not of an institution of the Old or New Testament" (Denz. 724, 725, 726, 727, 732).

The orthodox PROTESTANTS essentially reject the necessity or obligation of confession, especially private, distinct, and integral confession; nevertheless, they commonly admit the utility of confession, especially public and general confession, which they bring into the practice of their churches.

Many Protestant doctors, especially the earlier ones, heaped bitter reproaches upon the Catholic doctrine concerning this necessity, calling it "a plainly impossible thing" (Augsburg Confession; cf. Council of Trent, Denz. 900, 918), "a tyranny and a pestilential thing, most harmful to the Church" (Calvin), "a snare for consciences" (Melanchthon), "a bloody torture" (Luther; cf. Council of Trent, Denz. 900), "a training-ground for tyranny and private lust" (Bremz), an innovation introduced through the ambition of priests (several authors),[311] and an institution of Innocent III at the Fourth Lateran Council (A.D. 1215). For, says Calvin in the Antidote, the use of confession existed in the Church for a thousand years "until Innocent III, with a few horned beasts, introduced this snare among the Christian people, a snare which the Tridentine Fathers tighten."

[311] Among others, Dallaeus, Lea, and Herzog, cited in vol. I, p. 36 f.

Bremz collected these invectives in his dissertation On the Seal of Confession, saying: "Moreover, this confession of sins imposed by Innocent is a burden not merely difficult but impossible, a horrible snare and torture of consciences, the nearest road to despair, a servant of destruction, an enemy of shame and uprightness, a training-ground for the satisfaction of private lust, a school of crimes and impurities, in many ways pernicious to security, reputation, and the secrecy of counsels both of princes and of private men, a firm pillar of antichristian tyranny, and an engine of avarice and rapacity."[312]

[312] De sigillo confessionis, Wittenberg, 1669, p. 21 f.

LUTHER himself proceeded waveringly in his denial. Before the condemnation of his errors by the bull of Leo X (16 May 1520), he limited his denial to the necessity of the integrity of confession, teaching that it was necessary to confess neither venial sins nor all mortal sins, since this was both impossible and presumptuous, but, according to the practice of the primitive Church, only criminal sins—that is, those mortal sins of which a person is manifestly convicted by the testimony of others or by his own conscience, unclouded by the doctrines of ecclesiastical theologians (cf. his Sermon on Penance, 1518, from which were drawn propositions 8 and 9 condemned by Leo X, which we quoted in Article 7, Volume I, p. 212 f.; "The Manner of Confessing," in Werke, Weimar, vol. 6, pp. 158–164). In the work On the Babylonian Captivity of 1520 he extols the utility of confession and even affirms its divine necessity, although by confession he understands a certain general profession of sin and public correction.

After the condemnation by Leo X, Luther assailed with all his force the necessity of distinct confession, which he called a papal tyranny and a torture of souls (cf. Von der Beicht, ob die der Papst macht habe zu gebieten, 1521, in Werke, Weimar, vol. 8, pp. 152, 165, 185). In 1522 he wrote to Jacob Montanus: "As to what you have written in your most recent books about confession, I hold it most certain, namely that it is lawful altogether to omit the enumeration of individual sins, and that it is enough, by a general confession of sins, to seek the consolation of the Gospel and the remission of sins" (Briefe, ed. Enders, vol. 4, p. 179).

The Lutheran doctors followed this doctrine, especially Chemnitz and Melanchthon. The latter expressly acknowledges that "it is manifest that ... in secret confession an enumeration of all or of a few sins is not commanded by divine law," but nevertheless that "it is useful to accustom the less instructed to some general enumeration according to the order of the Decalogue" (Loci theologici, De confessione). In the Augsburg Confession, composed by him, Article 11 likewise retains private confession while denying the necessity of a complete accusation of sins; and in the second part of the same work (Articles in Which Abuses Are Reviewed and Corrected) the following declaration is read (Article 25): "Confession has not previously been abolished in our churches. For it is not customary to administer the Body of the Lord except to those who have previously been examined and absolved. And the people are most diligently instructed concerning faith in absolution."[313]

[313] Kolde, Die Augsburgische Konfession, Gotha, 1896, pp. 72–74.

In various Lutheran churches, a certain form of private confession was at first preserved, consisting in a general interrogation by the minister and an accusation by the penitent, followed by a more extended formula of absolution. Today this rite has practically fallen into disuse and has given place to a certain public confession, or formula of general confession, recited immediately before the celebration of the Supper or on the preceding vigil.[314]

[314] Cf. Caspari, "Beichte," in Realencyclopädie für protestantische Theologie, vol. 2, p. 538 f.

LUTHER, On the Babylonian Captivity: "Contrition, however, was less exposed to tyranny and gain, but wholly to impiety and pestilential teachings. Confession and satisfaction, indeed, became excellent workshops of profit and power. First, concerning confession. There is no doubt that the confession of sins is necessary and divinely commanded, Matthew 3: 'They were baptized by John in the Jordan, confessing their sins.' First John 1: 'If we confess our sins, he is faithful and just to forgive us our sins'; 'If we say we have not sinned, we make him a liar, and his word is not in us.' For if saints are not permitted to deny their sin, how much more must those subject to public or great sins confess? But most effectively of all, confession is proved to have been instituted in Matthew 18, where Christ teaches that the sinning brother is to be corrected, denounced, accused, and, if he does not listen, excommunicated. For then he will listen when he acknowledges and confesses his sin, yielding to correction."

"But secret confession, such as is now practiced, although it cannot be proved from Scripture, nevertheless pleases me wonderfully and is useful, indeed necessary; nor would I wish it not to exist. Rather, I rejoice that it exists in the Church of Christ, since it is the only remedy for afflicted consciences: for, when we have disclosed our conscience to a brother and familiarly revealed the evil which lay concealed, we receive from the mouth of that brother a word of consolation, spoken by God; and, receiving it in faith, we are made peaceful in the mercy of God speaking to us through our brother. This alone I detest: that confession has been reduced to the tyranny and exactions of the pontiffs. For they reserve even hidden matters to themselves, and then command that these be disclosed only to confessors named by them, plainly to vex the consciences of men, while the pontiffs utterly neglect the true duties of pontiffs (which are to preach the Gospel and to care for the poor)."[315]

[315] D. Martini Lutheri Opera Latina, edited by H. Schmidt, vol. 5, Frankfurt am Main and Erlangen, 1868, p. 81 f.

MELANCHTHON, Loci theologici, topic 13, On Confession: "There is a twofold confession: the one of public judgment, when persons accused before the Church of manifest crimes ought openly to acknowledge that we have fallen and to grieve that we have offended God and polluted the Church. Here it is sufficiently evident that, when a crime is manifest, the enumeration or recital of crimes must not be omitted. But the other is private or secret confession. Here we say that enumeration is not necessary; and although many vehemently exclaim that discipline is dissolved when this bond has been relaxed, nevertheless it must also be considered, on the other hand, lest the light of Faith be obscured and the consciences of the laity ensnared. ...

"There are three reasons why it is necessary to declare the doctrine that enumeration is not necessary. First, because monks have invented the notion that enumeration is a worship and a merit of remission. Secondly, because they demand it in order that satisfaction may be imposed. Thirdly, because conscience is led into doubt and despair by scrupulous enumeration. Finally, the ravings concerning satisfaction are still more to be reproved. Besides, it is established that enumeration was a harsh torture to pious persons, who, when they saw that they could not gather together all their offenses, were never at rest, and faith was extinguished by that doubt. Pious teachers had to remedy this evil.

"That, therefore, in secret confession an enumeration of all or of a few offenses is not commanded by divine law is manifest, because neither Christ nor the Apostles anywhere prescribed it. Then the enumeration of all is impossible, according to Psalm 18:13: 'Who understands offenses?' For there are many errors of ignorance in very great deliberations, as a war moved by Josias which was not necessary; likewise in other affairs, and certain doctrinal errors, such as those of persons who construct strange sentences, which they obscure. Likewise there are very many sins of omission which we do not understand. It is absurd to say that an enumeration of all is necessary, since it is impossible. Therefore these things are especially to be explained, lest the doctrine of the gratuitous remission of sins and of Faith be obscured.

"Nevertheless, on account of private absolution, which is to be retained in the churches, the custom of seeking absolution must also be retained, and there are many other advantages to be retained in that private conversation, even if an enumeration does not take place. ...

"It is, however, useful to accustom the less instructed to some general enumeration according to the order of the Decalogue. Such diligence is beneficial not only because those reciting it are, as it were, reminded by a catechism of which diseases and falls are sins, and what the degrees of sins are, and what is the judgment and condemnation of the Gospel concerning sins; but also because men consider themselves and recognize their own diseases and falls, of which many who seek absolution do not even think. In what way, moreover, can contrition or sorrow exist in anyone without some meditation on our falls, on the wrath of God, and on the punishments that threaten us? Furthermore, a great part of the people understand sins to be only those atrocious offenses which are punished by public punishments; they know nothing about false invocation or the vices of the heart. Therefore men should be accustomed to the Decalogue, which, though often expounded and illustrated otherwise by teachers, is nevertheless better understood by the people when each compares his life with that mirror and attends to his own errors."[316]

[316] Corpus Reformatorum, vol. 21, Melanchthonis Opera, Brunswick, 1854, cols. 893–896.

CALVIN professed the same doctrine. He denied, namely, the necessity of private confession, admitted its usefulness, and even conceded the necessity of public confession of certain public sins, so that the sole power of the keys which he attributed to the Church might be exercised—that is, the power of separating public sinners from the communion of the faithful.[317] The same doctrine is found in Theodore Beza[318] and other Calvinists.

[317] Cf. Institutio Christianae Religionis, book 3, ch. 4, nos. 10–14; Confession de la foi, laquelle tous bourgeois et habitants de Genève et subjects du pays doivent jurer de garder et tenir; Instruction et confession de foi dont on use en l'Eglise de Genève; Institution puérile de la doctrine chrétienne.

[318] Confession de la foy chrétienne, Geneva, 1563.

CALVIN, Institutes of the Christian Religion, book 3, chapter 4, nos. 4, 7, 9–14, 18–19: "Concerning confession there has always been a great dispute between the canonists and the scholastic theologians. The former maintain that confession is commanded by a divine precept; the latter protest against them that it is enjoined by ecclesiastical laws alone. Yet in that contest the conspicuous shamelessness of the theologians has appeared, who have corrupted and forcibly distorted as many passages of Scripture as they cited on behalf of their position. And when they saw that not even in this way could they obtain what they demanded, wishing to appear more discerning than others, they slipped into this evasion: that confession arose from divine law as to its substance, but subsequently received its form from positive law. ..."

"I marvel, moreover, with what effrontery they dare to contend that the confession of which they speak is of divine right. We admit that it is a very ancient custom; but we can easily prove that it was once free. Certainly there was no law or constitution concerning it before the time of Innocent III, as their own annals relate. Surely, if they had possessed a law more ancient than that one, they would rather have seized upon it than have been content with the decree of a Lateran Council, and thus made themselves ridiculous even to boys. In other matters they do not hesitate to forge decrees which they ascribe to the most ancient councils, so that, by mere veneration for antiquity, they may throw a veil over the eyes of the simple. In this chapter it did not occur to them to employ such a trick. Thus, by their own testimony, three centuries have not yet passed since Innocent III fashioned the snare and imposed the necessity of confession. ... Whatever the conduct of the Roman pontiffs may be, we do not hold Christ to be the author of this law, whereby men are commanded to enumerate their sins: for that law appeared about twelve hundred years after the resurrection of Christ. It follows, therefore, that this tyranny was introduced only after piety and doctrine had declined, when counterfeit shepherds had already assumed to themselves every license. Furthermore, clear testimonies remain, both in histories and among other ancient writers, which teach that this was a political discipline instituted by bishops, not a law laid down by Christ or the apostles. ..."

"But to make the whole matter clearer and more straightforward, let us first recount in good faith what kinds of confession have been delivered to us by the word of God. ... One form of confession is prescribed, namely when we confess our sins before Him who remits, forgets, and abolishes sins. He is the physician: therefore let us lay bare our wounds to Him. He is the One offended and injured: therefore let us seek peace from Him. He is the knower of hearts, and the One to whom all thoughts lie open: therefore let us pour out our hearts before Him. He is the One who calls sinners to Himself: let us therefore hasten to Him, so that, He Himself being our accuser and condemning us, we may obtain absolution through His goodness and mercy."

"Whoever embraces this confession with heart and before God will possess both a ready tongue and a confession whenever there is need to proclaim God's mercy among men; and not merely to whisper the secret of his heart once to one person and into one ear, but often, openly, and before the hearing of the whole world, freely and willingly to recount both his own ignominy and the magnificence and glory of God. ... We therefore institute that secret confession which is made to God, whenever the interests either of divine glory or of our humiliation demand a voluntary confession before men. For this reason the Lord once established among the Israelite people (Lev. 16:21) that, with the priest leading the words, the people should openly confess their iniquities in the Temple. He foresaw that this assistance was necessary to them, so that everyone might better be brought to a just recognition of himself and so that, by confession of our misery, we might make the goodness and mercy of our God illustrious among us and before the whole world."

"It is fitting that this kind of confession should be ordinary in the Church, and also that it should be employed in an extraordinary manner on special occasions, if the people happen to be bound by some common offense. We have an example of this second kind in that solemn confession performed by the whole people under the guidance and direction of Ezra and Nehemiah. ..."

"Scripture proves, moreover, two forms of private confession. One is made for our own sake; to this belongs the saying of James (5:16), that we should confess our sins to one another. He means that, disclosing our infirmities to one another, we should help one another by mutual counsel and consolation. The other is performed for our neighbor's sake, in order to appease and reconcile him to us if he has been injured in some way by our fault. In the former kind, although James names no particular person into whose bosom we should unburden ourselves, but leaves us free to confess to anyone in the Church who seems especially suitable, nevertheless, since pastors are generally to be judged fitter than others, they are especially to be chosen by us also. ..."

"Of the other kind Christ speaks in Matthew (5:23): if you bring your gift to the altar and there remember that your brother has something against you, leave your gift there, and go first to be reconciled to your brother; and then, when you come, offer your gift. For since charity, which is sacred above all things, is dissolved through our fault, we must restore it by acknowledging and seeking pardon for the fault we have committed. Under this kind is comprehended the confession of those who have sinned by an offense against the whole Church. For if Christ considers a private offense against one person of such importance that He drives from the sacred rites all who have sinned against their brethren until they return into favor by a just satisfaction, how much greater reason is there that one who has injured the Church by an evil example should be reconciled to her by acknowledging his fault? Thus the Corinthian was received into communion after he had shown himself obedient to correction (2 Cor. 2:6). This form of confession was also in use in the ancient Church, as Cyprian relates. Penitents, he says, perform penance for the appropriate time; then they come to exomologesis and receive the right of communion through the laying-on of hands by the bishop and clergy. Scripture altogether ignores any other account or form of confession. Nor is it for us to bind consciences with new chains, which Christ most severely forbids to be reduced to slavery. Meanwhile I am so far from objecting when the sheep present themselves to their shepherd, whenever they wish to partake of the sacred supper, that I should very much wish this to be observed everywhere. For those who have an impeded conscience can then obtain a particular benefit, and

those in need of admonition receive occasion for instruction, provided that tyranny and superstition are always absent."

"In those three kinds of confession the power of the keys has a place: either when the whole Church, having sought a solemn acknowledgment of its faults, comes to God's mercy; or when a private person, who has caused common offense through some notable offense, bears witness to his penitence; or when someone who, because of disquiet of conscience, needs a minister's assistance discloses his infirmity to him. ..."

"As for what they [Catholic doctors] contend—that judgment cannot be rendered unless the case is known—a ready solution is at hand: those men rashly usurp for themselves the position of judges, since they have made themselves such. And it is astonishing with what security they devise principles of their own, which no sound mind would admit. They boast that it has been given them to bind and loose, as though some jurisdiction were attached to the question. Moreover, their entire doctrine proclaims that this right was unknown to the apostles. Nor can the priest know with certainty whether the sinner is absolved, although the sinner seeks absolution from him: nor can one who hears know this from Scripture without a just and complete enumeration. Accordingly, there is no absolution unless it is restricted to the words of the One who is to be judged. Add that the whole reason for loosing consists in faith and penance: these two things escape human knowledge, where one person must pronounce judgment upon another. It follows, therefore, that the certainty of binding and loosing is not subject to the judgment of an earthly judge; for a minister of the word, when he properly discharges his office, can absolve only conditionally; but it is said for the benefit of the sinner, 'Whose sins you shall remit,' that those who repent may not doubt that pardon, which is promised by God's command and voice, is confirmed in heaven."

"It is therefore no wonder if we condemn this auricular confession, a thing so pestilential and harmful to the Church in so many ways, and desire it removed from our midst. Even if it were in itself an indifferent thing, since nevertheless it is of no use or fruit, while it has furnished occasion for so many impieties, sacrileges, and errors, who would not think it ought to be abolished immediately? ... For nothing can be imagined that creates greater confidence or license in sinning than when men suppose that, after making confession to a priest, they can wipe their mouths and say, 'I have not done it.'"[319]

[319] Corpus Reformatorum, vol. 30, Ioannis Calvini Opera omnia, vol. 2, Brunswick, 1864, cols. 458–472.

AMONG THE ANGLICANS[320] private confession is generally highly commended and is put into practice by not a few ministers, although its strict necessity is denied. The Book of Common Prayer (or, more briefly, Prayer Book) itself urges private confession in two places upon those whose consciences are disturbed by grave sins and anxieties: namely, in the office preparing for communion and in the order for the visitation of the sick. In the Prayer Book of the American Episcopal Church, this exhortation was suppressed in the visitation of the sick.

[320] Cf. Dictionnaire de théologie catholique, art. "Absolution des péchés chez les Anglicans" (J. Bainvel), cols. 222–229; art. "Confession chez les Anglicans" (G. Morel), cols. 930–935. Gallwey, Twelve Lectures on Ritualism, London, 1879, lect. xii. Thureau-Dangin, La renaissance catholique en Angleterre au XIXe siècle, part 2, Paris, 1903, p. 53 ff., 97 ff.; part 3, Paris, 1906, pp. 400–410, 434–440, 455 ff. Among the Anglican writers themselves, compare Hales, Pusey, Maskell, and Boyd, cited in vol. I, pp. 36 ff.; Wordsworth, A Sermon on Evangelical Repentance, Oxford, 1842; E. T.

Churton, The Use of Penitence, Oxford; Mackenzie E. C. Walcott, The Ecclesiastical Constitutions and Canons of the Church of England, Oxford–London, 1874; W. H. H. Jervois, The Christian's Manual, London, 1898.

This authoritative commendation of confession is interpreted differently by Anglican doctors. According to some, it is a matter merely of tolerating confession in exceptional cases or for the benefit of those who are troubled by scruples of conscience; for, according to Article 25 of the Anglican faith, Penance has no place among the sacraments. According to others, however, among whom Pusey and his Ritualist followers were prominent, it is a direct commendation of the use of private confession, which is therefore to be encouraged and disseminated as widely as possible for the benefit of souls;[321] these doctors published quite a few manuals, composed after the manner of Catholic ones, for the practice of confessors.

[321] Cf. Pusey's declaration published in The Times on 6 December 1873; Hints to Penitents, by a Priest, London, 1903, pp. 128, 150 ff.; J. O. Johnston and W. C. E. Newbolt, Spiritual Letters of E. B. Pusey, London, 1898, p. 266.

On the occasion of controversies raised by the Ritualists concerning the sacraments of the Eucharist and Penance, Temple, Archbishop of Canterbury, issued in 1898 an official interpretation of the aforesaid exhortation contained in the Prayer Book, and a declaration of the doctrine of the Anglican Church, published in the periodical The Guardian on 19 October 1898,[322] in which he teaches three things: that there is no obligation to confess, to tell all sins when one confesses, or to choose any particular confessor.

[322] Quoted in Dictionnaire de théologie catholique, art. "Absolution des péchés chez les Anglicans," col. 227.

LIBERAL PROTESTANTS, MODERNISTS, and certain pseudo-critics attempted to support the denial and arguments of orthodox Protestants with scientific and historical apparatus.[323]

[323] Their opinion is set forth by Galtier in Dictionnaire apologétique de la foi catholique, col. 1788 ff., especially according to Dallaeus, Lea, Holl, and Caspari (cited above in vol. I, pp. 36–38); Loofs, Leitfaden zum Studium der Dogmengeschichte, ed. 4, § 59, note 1; K. Müller, in his review of Lea's work in Theologische Literaturzeitung, 1897; Zesschwitz, System der christlichen kirchlichen Katechetik, vol. 1, p. 469 ff. Compare also Article 42 below, on the secret nature of confession, and Article 45, on public and private penance.

In summary, they teach that the doctrine of the necessity of confession was unknown to the primitive Church, and was gradually introduced through an evolution of ancient public penance into private penance, or rather of "penance-as-expiation" into "penance-as-confession," or, more briefly, of penance into confession, just as the doctrine of the sacrament of Penance itself or of the power of the keys was introduced through the evolution of the charismatic Church into the hierarchical Church (cf. above, Article 1, vol. I, pp. 53–55). For these two developments proceed side by side and are intimately connected, or rather are reduced to one general evolution, namely that of religion into the Church and of Christianity into sacerdotalism.

At the beginning of the Church, they say, there prevailed public penance, or a certain outward penitential rite imposed and regulated by the Church, whose essential character and purpose was a personal exercise of expiation for one's own sins, at the end of which peace and reconciliation with the Church were granted through the priest's absolution (cf. below, pp. 880 and 904–906). In this rite the confession of sins was neither required nor, where it was spontaneously made—even secretly to the priest presiding over penitential discipline—was it regarded as something essential and characteristic of that penance, but only as one convenient means by which someone might approach penance and be admitted among the penitents. For it readily and naturally happened that a

spontaneous disclosure of sins would find a place among the various penitential acts and signs. Subsequently, when, because of the evolution of the Church from charismatic to hierarchical, the pastors attributed to themselves the power of remitting sins, they judged that they could exercise it in such a way as to absolve from sins on the sole condition of their confession; thus, little by little, recourse to the keys of the Church was regarded as something equivalent to recourse to penitential discipline.

In the fifth century LEO THE GREAT declared this new kind of penance sufficient. Yet its substitution for the ancient penitential rite—or, if one prefers, the mingling of the two—took place gradually, especially under the influence of the practice of monks who confessed their sins to the superior of their community, a practice which passed from the monasteries to the Christian people. Such a process of substitution or identification appears notably in the sixth century, in the time of Gregory the Great; yet it was not then completed, and the freedom to have recourse to either rite remained wholly intact for everyone. As the practice of confession gained ground over the centuries and the other rite fell into disuse, the conviction that recourse to confession was necessary gradually grew. It did not, however, become so firmly established that many did not resist that practice, both practically, by abstaining from it, and speculatively, by doubting its necessity, as appears from the discussions of the doctors of the ninth to the twelfth centuries. Finally, in the thirteenth century, Innocent III removed both this resistance and this doubt at the Fourth Lateran Council (1215), by imposing the universal decree of annual confession. It was then that the rite of confession was definitively substituted for the rite of penance, and that the strict necessity of confession first arose.

The neo-critics rest this imposing historical reconstruction upon certain specious arguments or foundations, whose weakness will be shown below in the replies to the difficulties. Prominent among these difficulties are those drawn from the difference between the ancient and the modern penitential rite (in short, between "penance-as-expiation" and "penance-as-confession"); from the celebrated event of Nectarius suppressing the office of penitentiary priest; from Chrysostom's silence concerning confession; and from the disputes of the medieval theologians themselves concerning the necessity of confession.

AMONG THE SEPARATED EASTERN CHRISTIANS there was no lack of one or another doctor who denied the necessity of private confession. Already Burchard († 1025), Ivo of Chartres († 1116), and Gratian († 1158)—who are to be cited below (pp. 453, 455, 460)—noted, without further specification, that the Greeks taught the sufficiency of confession made to God alone.

Among the Schismatics, only Michael Glykas (towards the end of the twelfth and beginning of the thirteenth century) is cited by Jugie (cf. vol. I, p. 34) as a probable denier of the necessity of confession.

Among the Nestorians, the same Jugie cites "Išoʿyahb I [patriarch, 582–595], who, in a certain canon, strongly commends the confession of sins made to a priest; nevertheless, he seems to suggest that this is not the sole and necessary means of obtaining pardon for sins. Moreover, he admonishes priests who hear the confessions of penitents concerning the necessity of keeping the secret."[324]

[324] Theologia ... Orientalium, vol. 5, Paris, 1935, p. 319.

Among the ARMENIAN MONOPHYSITES, says Jugie, "at the time ... when public penance began to fall into disuse, certain theologians seem to have denied the absolute necessity of confession and of

the sacrament of Penance for obtaining pardon before God. We gather this from the following twofold reply of Jacob of Edessa:

"Question: What sin does a priest or deacon commit who, having read or heard the canons and understanding that he deserves to be cut off, takes care that the shame of his soul not be disclosed, and does not make his conduct known to the bishop, but contrives various pretexts so that no one at all knows the matter of his exclusion or that he should be prohibited by anyone? Will this be reckoned to him as penance? And likewise to a brother or a layman?

"Reply: God rejects no penance; indeed, even the penance by which a man reproves himself is great. Yet such persons are like those who tend their own wounds but do not go to the physician, who effects a prompt and perfect cure.

"Question: Suppose there is a layman who has defiled himself with very many sins in his error, so that he even says before everyone that there is no kind of iniquity remaining into which he has not fallen in word and deed. Afterwards he freely and lawfully takes a wife; then, returning to himself, he ceases from all his follies and repents. Now he recalls his former deeds and detests them from his heart, and fasts and prays. Will he be delivered by this manner of acting, when he does not show his pain to the physician because he is ashamed?

"Reply: The first and principal penance for sin, whatever that sin may be, consists in ceasing to commit it; and if to this cessation there is joined supplication made on account of sin, with fasting, the labor of tears, and groanings of the heart, the blotting out of sin can become complete. But if to this ulcerated foulness an abundant cleansing is applied through grace, suited to those who lack strength, he will be able to approach the first rank."[325]

[325] Theologia ... Orientalium, vol. 5, Paris, 1935, pp. 722 ff.

Among the COPTIC MONOPHYSITES, because of an abuse which grew during the eleventh and twelfth centuries, with the favor of certain patriarchs, of giving communion to the faithful without prior confession, using only a formula of general confession, a few expressly denied the necessity of confession. Among them was conspicuous Michael, metropolitan of Damietta (towards the end of the twelfth century), who disputed sharply with Mark ibn al-Kaunbar, an energetic defender of the necessity of confession (cf. below, pp. 413 ff.).

Jugie describes Michael's opinion as follows: "The reformer's principal adversary was Michael, metropolitan of Damietta, whose two polemical writings composed on the occasion of this controversy we have already mentioned. In the Treatise on the Customs of the Coptic Church, he defends the following thesis:

"1. A secret, private confession of sins, made to another person, whether priest or layman, has never existed in the Coptic Church. 2. This kind of confession is not necessary; indeed, it is contrary to the will of God. The arguments which he advances are curious. Neither Christ, he says, nor St. Paul, nor any book of the New Testament, nor any apostolic writing prescribes such a confession. On the contrary, Christ and the apostles forbid anyone to sit in judgment over a man on account of his sins. The office of judge can belong only to one who is without sin; but all men are sinners. The Bible recommends only confession of sins made to God alone, repentance, and the firm purpose of sinning no more. Jesus Christ gave us an example of this confession made to God when He said: 'I confess to Thee, Father, Lord of heaven and earth' (Matt. 11:25), and He forbade anyone other than Himself to

be given the name of master (Matt. 23:10). When St. James says, 'Confess your sins one to another' (James 5:16), he means the obligation to ask pardon of one's neighbor when one has offended him, and to repair the harm one has caused him."[326]

[326] In Dictionnaire de théologie catholique, article "Monophysite (Église Copte)," col. 2286.

Among CATHOLIC DOCTORS, too, there were some before the Fourth Lateran Council who attempted to undermine the necessity of confession; yet their authority was so slight that not even their names are known with certainty. These will be discussed more fully below, in the reply to Objection 8 (pp. 451 ff.).

AFFIRMATIVE PART

Theological Note

That sacramental confession is of divine law—that is, was instituted by Christ—and is necessary by that same law is a truth of faith explicitly defined by the Council of Trent, in canons 6 and 7 cited below (cf. also the proposition of Peter of Osma condemned as heretical). That the sacrament itself is not only instituted by Christ (canon 1), but also necessary by divine law, is likewise contained implicitly in the same definition of canon 6, as appears from the expression "sacramental confession" and from comparison with chapter 2 (at the end) and chapter 5 (at the beginning), where the necessity to be defined in canons 6 and 7 is referred without distinction both to the sacrament and to confession.

That the divine necessity of confession can be deduced with certainty from the very words instituting this sacrament (John 20:22 ff.) seems theologically certain. For the Council of Trent teaches in chapter 5 that "from the institution of the sacrament of Penance already explained [in chapter 1, from John 20:22 ff.], the universal Church has always understood that the entire confession of sins was also instituted by the Lord" (Denz. 899). This deduction made by the Church must certainly be called correct and certain. Hence the opinion of certain earlier theologians, such as Scotus (In IV Sent., dist. 17, q. 1),[327] Biel (In IV Sent., dist. 17, q. 1, a. 1), Cajetan (on John 20:23),[328] and Medina (Codex de Confessione, q. 2), who maintained that the necessity of confession could not be deduced with certainty from the very words of institution,[329] must be called erroneous (Suárez judges it thus; indeed, the Salmanticenses call it "heresy, or a most notorious and very grave error"). Nevertheless, those theologians, who preceded the Council of Trent, may to some extent be excused for their error, even though they held a view contrary to the common teaching of other theologians.

[327] He says that it is easier to hold "that [confession] is of positive divine law, promulgated by Christ to the Apostles, but promulgated by the Apostles to the Church without any Scripture."

[328] "I admit that the institution of the sacrament is contained here, but not the precept."

[329] See their arguments below (pp. 380–382).

On this point SUÁREZ observes: "Someone might say that those words of John do not of themselves suffice to demonstrate this truth, and that the Council did not intend to teach this; but that from those words, together with the declaration of the Church and tradition, this truth is held. Yet this statement can have two meanings. One is that the tradition of the Church adds and teaches something in this matter which those words do not contain, either expressly and formally or virtually and by necessary consequence, but which was handed down otherwise from the doctrine of the

Apostles; and that the foundation of this truth is completed from both sources. Such would be the case if someone said that from those words there is established the power of forgiving sins, but that the Apostles taught the Church that Christ's intention was that this forgiveness should be exercised after the manner of a judgment; or if someone said that from those words it follows that priests are judges, but that the Apostles declared that they are the sole and necessary judges.

"The other meaning is that the very words of Christ sufficiently contain this truth in themselves, while the Church, through her tradition or definition, has declared that this is the meaning of Christ's words; because such an authoritative declaration belongs to her, as to the head, and that meaning is not so clear[330] that such a declaration was unnecessary. Scotus, Cajetan, and the other Scholastics cited above intended the former manner of speaking; their opinion could be tolerated before the Council of Trent, since the matter was not yet sufficiently declared. But now the latter manner of speaking is certain, and it is manifestly the one intended by the Council of Trent."[331]

[330] It is nevertheless sufficiently clear that the necessity of the sacrament can be deduced with certainty; otherwise, the Church would have deduced this with certainty not from the words themselves, merely by declaring their force and meaning, but from another source, namely tradition. Hence Suárez himself expresses himself more correctly below, saying: "[The Council of Trent says] that all the Fathers ... understood those words in this sense, since they were sufficiently clear."

[331] De Poenitentia, disp. 17, sect. 2, nn. 5 ff., Opera omnia, vol. 22, Paris, 1866, p. 366.

Documents of the Church

Council of Elvira (in Spain), about A.D. 300, canon 32: "If anyone, through a grave fall, has fallen into a ruin leading to death, it was decided that he ought not to perform penance before a presbyter, but rather before the bishop. Nevertheless, when illness makes it urgent, the presbyter must give communion; and the deacon also, if the priest has commanded him to do so" (Kirch, Enchir. hist. eccl., 338).

Council of Laodicea (fourth century), canon 2: "Those who sin by various offences, and persevere steadfastly in prayer, confession, and penance, and turn themselves completely away from evils, shall, after a period of penance has been assigned to them in proportion to the offence, be admitted to communion, on account of the mercies and goodness of God" (Mansi, 2, 564; cf. 577 and 585).

Council of Carthage in A.D. 397, canon 32: "Let a presbyter not reconcile a penitent without consulting the bishop, except when the bishop is absent and necessity compels. But upon any penitent whose crime is public and very widely known, so that the whole church knows it, let hands be imposed before the apse" (Mansi, 3, 885).

Innocent I (A.D. 401–417), Letter to Exuperius (on reconciliation in danger of death): "It has been asked what ought to be observed regarding those who, after baptism, have throughout their lives been devoted to the pleasures of incontinence, and at the very end of life ask simultaneously for penance and reconciliation with communion. ... Concerning these, the earlier practice was more severe; the later, through the intervention of mercy, more lenient. For the earlier custom held that penance should be granted, but communion refused. For since in those times persecutions were frequent, lest the ease with which communion was granted should fail to recall from a fall those who were confident of reconciliation, communion was rightly denied, while penance was granted, lest everything be utterly denied; and the circumstances of the times made remission more difficult. But

after our Lord restored peace to His churches, the terror having now been removed, it was decided to give communion to those departing this life, both on account of the Lord's mercy, as a kind of viaticum to those setting forth, and lest we appear to follow the harshness and severity of the Novatian heretics who deny pardon. Therefore, communion shall be given together with penance at the very end, so that persons of this kind, even at their last moments, may, by the permission of our Saviour, be delivered from everlasting destruction" (Denz. 95).

Letter to Decentius (on reconciliation outside danger of death), cited in vol. I, p. 122.

Celestine I (A.D. 422–432), letter "Cuperemus," 26 July 428: "We have learned that penance is refused to the dying, and that the desires of those who at the time of their death wish to receive help for their souls through this remedy are not granted. We are horrified, I confess, that anyone should be found of such great impiety as to despair of the mercy of God, as though He could not come to the aid of one running to Him at any time, and free a man endangered beneath the burden of sins from the weight from which he wishes to be released. What else is this, I ask, than to add death to a dying man, and by one's own cruelty to kill his soul, so that it cannot obtain absolution? When God, most ready to give help, invites to penance, He promises thus: 'The sinner,' He says, 'on whatever day he shall be converted, his sins shall not be imputed to him' [cf. Ezek. 33:16]. ... Since, therefore, the Lord is the inspector of the heart, penance must not be denied to one who asks for it, at whatever time ..." (Denz. 111).

Leo the Great (A.D. 440–461), Letter 108, 2, Denz. 146, cited in vol. I, pp. 61–62.

Ibid., 3 ff.: "If, however, any of those for whom we supplicate the Lord, intercepted by some obstacle, should be deprived of the gift of the present indulgence, and should by the condition of human mortality end his temporal life before arriving at the remedies appointed, he will not be able, when stripped of the flesh, to obtain what he did not receive while remaining in the body. Nor is it necessary for us to discuss the merits and deeds of those who have died in this way, since our Lord God, whose judgments cannot be comprehended, has reserved to His own justice that which the priestly ministry was unable to accomplish. Thus He wills His power to be feared, so that this error may profit all, and so that no one may fail to dread what has happened to some who were lukewarm or negligent. For it is most useful and necessary that the guilt of sins be loosed by priestly supplication before the last day. But to those who, in a time of necessity and under the pressure of imminent danger, implore the aid of penance and immediately thereafter of reconciliation, neither satisfaction is to be forbidden nor reconciliation denied; for we cannot set limits to the mercy of God, nor fix times for it, since with Him true conversion suffers no delay of pardon" (M.L. 54, 1012 ff.).

Ibid., 5: "Every Christian ought to exercise judgment over his conscience, lest he defer from day to day his conversion to God and choose the narrow confines of that time in which he will scarcely find room either for the confession of the penitent or for the reconciliation of the priest. But, as I have said, even the necessity of such persons must be assisted in such a way that neither the performance of penance nor the grace of communion is denied them if they request it, even after losing the use of speech, through indications that their understanding remains intact. But if, through some force of illness, they have become so afflicted that they cannot in the presence of the priest indicate what they had asked for a little before, the testimony of the faithful standing around them ought to avail them, so that they may obtain together the benefit both of penance and of reconciliation; the rule of the

ancient canons, however, being observed concerning those who have sinned against God by falling away from the faith" (Denz. 147).

Letter 168 (to all the bishops established throughout Campania, Samnium, and Picenum), 2: "I decree that the presumption, contrary to the apostolic rule, which I recently learned was committed by certain persons through an unlawful usurpation, must by every means be abolished. I mean, with regard to the penance which is required of the faithful, that the profession of their individual sins should not be recited publicly from a written list, since it is enough that the guilt of consciences be made known to the priests alone in secret confession. For although that fullness of faith may seem praiseworthy which, out of fear of God, does not fear to blush before men, nevertheless not all sins are of such a kind that those who ask for penance do not fear to make them public. Let that improbable custom therefore be removed. For that confession is sufficient which is offered first to God, then also to the priest, who approaches as an intercessor for the sins of the penitent. For then, indeed, more persons can be stirred to penance if the conscience of the confessing person is not made public to the ears of the people" (Denz. 145).

Letter 10 (to the bishops established throughout the province of Vienne), 8: "Let communion not readily be denied to any of the Christians; nor should this be left to the discretion of an indignant priest, since the mind of the one judging ought, in a manner, unwillingly and with sorrow to inflict punishment for a great offence. For we have learned that some have been excluded from the grace of communion for offences and slight words, and have been marked by the infliction of a very severe punishment—the soul for which the blood of Christ was shed being wounded and, in a manner, made helpless, and exposed to every diabolical assault, so that it might easily be seized. Certainly, if such a cause should arise as would justly cause someone to be deprived of communion for the quality of the crime committed, the one who is deprived must be subjected to the penalty alone which the offence involved; and the person who did not take part in the offence ought not to be a sharer in its punishment" (M.L. 54, 635).

Council of Chalon (in Gaul), about A.D. 650, canon 8: "As for the penance of sins, which is a medicine of the soul, we judge it useful for men; and the whole body of priests is known to agree that penance should be imposed upon penitents in accordance with the confession made to the priests" (Mansi, 10, 1191). The meaning of this canon is not that confession itself is merely useful (and therefore not necessary), as some have interpreted it, but that, presupposing the necessity of confession, the practice of severe and prolonged penance—at that time being received privately, under the influence of the monks of St. Columbanus, after consultation with the confessor—is called useful (cf. Council of Chalon, A.D. 813, canon 45).

Quinisext, or Trullan, Council in A.D. 692, canon 102, commands that the penitential canons of St. Basil be observed, or that confessors, taking into account the character of the sin, provide fitting medicine to penitents.

Gregory II (715–731), capitulary given to the envoys sent into Bavaria, canon 12: "Let no one think that he does not need the remedies of penance for the daily excesses of human frailty, without which we cannot exist in this life" (M.L. 89, 534).

Council of Celchyth (in England), A.D. 787, canon 20, citing James 5:16, says: "According to the judgment of the priests and the measure of the fault, receive the Eucharist, and bring forth fruits

worthy of penance; for fruitful penance consists in lamenting sins committed and not committing them thereafter. But if anyone, which God forbid, departs this life without penance or confession, no care whatever is to be taken for him" (Mansi, 12, 949).

Council of Chalon in A.D. 813, canon 32: "We have also deemed it right to indicate this matter for correction: that certain persons, when they confess their sins to priests, do not do so fully. Since, therefore, it is evident that man consists of two substances, namely soul and body, and sometimes sins by the disposition of the mind, sometimes through weakness of the flesh, the sins themselves must be sought out by careful examination so that the confession may be complete in both respects —that those sins which have been committed through the body, and those in which there has been transgression in thought alone, may be confessed. Accordingly, let the confessor of his sins be instructed to make confession concerning the eight principal vices, without which one lives with difficulty in this life; for either in thought or, what is graver, in deed, he has sinned by their prompting. For hatred, envy, pride, and other such diseases of the soul wound all the more dangerously the more subtly they creep in" (Mansi, 14, 99–100).

The same council, canon 33: "Some say that sins ought to be confessed to God alone, while others consider that they should be confessed to priests; and both are done within the holy Church, not without great fruit. Thus we confess our sins both to God, who is the forgiver of sins, and with David we say (Ps. 31:5); and, according to the institution of the Apostle (James 5:16), we confess our sins to one another, and pray for one another that we may be saved. Confession, therefore, which is made to God cleanses sins; that, however, which is made to the priest teaches how those sins themselves are cleansed. For God, the author and giver of salvation and health, sometimes bestows this through the invisible administration of His power, and sometimes through the operation of physicians" (Mansi, 14, 100).

Council of Worms in A.D. 868, canon 25: "Penances are assigned to penitents according to the difference of their sins, at the discretion of the priest. The priest therefore ought to consider each person individually, and diligently examine the origin and manner of the faults, and the dispositions and groanings of those who have sinned, and to look also into the circumstances of times, persons, places, and ages, so that, whether on account of places, ages, or times, or in accordance with the character of the offences and the groans of each transgressor, he may not avert his eyes from the sacred rules" (Mansi, 15, 873).

INNOCENT III, together with the FOURTH LATERAN COUNCIL (A.D. 1215), in chapter 1, implies the necessity of the sacrament of Penance in these words: "And if anyone, after receiving baptism, has fallen into sin, he can always be restored through true penance" (Denz. 430). The question concerns the sacrament of Penance itself, as appears from the context, and no other means of restoration after baptism is proposed except the sacrament itself.

In chapter 21, the same Council promulgates the celebrated ecclesiastical decree concerning the necessity of annual confession, cited in Article 1, Volume I, p. 62 ff.

ALEXANDER IV, constitution "Romanus Pontifex," A.D. 1256, against the errors of William of Saint-Amour concerning the Mendicant Friars (Denz. 459).

BENEDICT XI, cited in Article 7, Volume I, p. 214.

JOHN XXII, cited in Volume I, p. 28.

The COUNCIL OF CONSTANCE (A.D. 1414–1418) condemned the above-mentioned proposition of Wycliffe (p. 350), and among the questions to be proposed to Wycliffites and Hussites it includes this one: "Whether he believes that, over and above contrition of heart, when a suitable priest is available, a Christian is bound by necessity of salvation to confess to a priest alone, and not to a layman or to laymen, however good and devout they may be" (Denz. 670).

The COUNCIL OF FLORENCE, Decree for the Armenians (A.D. 1439), implies the necessity of confession in the words cited in Article 1, Volume I, p. 63.

SIXTUS IV condemned the propositions of Peter of Osma mentioned above (p. 350).

LEO X condemned the propositions of Luther mentioned above (p. 351).

COUNCIL OF TRENT

Session 6 (on Justification), chapter 14 (cited in Volume I, p. 64): Penance to be performed after a fall "contains not only ... detestation of [sins] ..., but also their sacramental confession, to be made at least in desire and at the proper time" (Denz. 807).

Session 13 (on the Eucharist), chapter 7: "But ecclesiastical custom declares that this examination is necessary, so that no one conscious of mortal sin, however contrite he may seem to himself, ought to approach the sacred Eucharist without prior sacramental confession. The holy Synod has decreed that this must perpetually be observed by all Christians, even by those priests who are bound by their office to celebrate, provided they have access to a confessor. But if a priest, because of urgent necessity, should celebrate without prior confession, let him confess as soon as possible" (Denz. 880). The same is solemnly prescribed later in canon 11 (Denz. 893).

Session 14 (on Penance), chapter 1 (cited in Volume I, p. 65): Having asserted the necessity of penance in every time and under every law, the Council immediately sets forth the sacrament of Penance instituted by Christ as proposing the concrete manner in which penance is to be performed under the New Law.

Chapter 2 (cited in the same work, p. 65 ff.), at the end: "This sacrament of Penance is necessary for salvation for those who have fallen after baptism, just as baptism itself is for those who have not yet been regenerated" (Denz. 895).

Chapter 5 concerns the necessity of confession in its entirety (cf. the words quoted above, p. 360; likewise in Volume I, p. 66, and below, p. 468), its judicial nature (cf. Volume I, p. 66), its integrity (cf. below, p. 549 ff.), and the reason for its secrecy (cf. below, p. 730 ff.).

Canon 6: "If anyone denies that sacramental confession was instituted by divine law or is necessary for salvation; or says that the manner of confessing secretly to a priest alone, which the Catholic Church has always observed from the beginning and still observes, is foreign to the institution and command of Christ and is a human invention: let him be anathema" (Denz. 916).

Canon 7: "If anyone says that in the sacrament of Penance, for the remission of sins, it is not necessary by divine law to confess each and every mortal sin of which one has remembrance after due and diligent examination, even secret sins and those which are against the last two precepts of the Decalogue, and the circumstances which change the species of the sin; but that this confession is

useful only to instruct and console the penitent, and was formerly observed merely for the imposition of canonical satisfaction; or says that those who strive to confess all their sins wish to leave nothing for divine mercy to forgive; or finally, that it is not lawful to confess venial sins: let him be anathema" (Denz. 917).

Canon 8: "If anyone says that the confession of all sins which the Church observes is impossible, and is a human tradition to be abolished by the pious; or that all and each of the faithful of Christ of either sex are not bound to it once a year in accordance with the constitution of the great Lateran Council, and that for this reason the faithful of Christ are to be persuaded not to confess during Lent: let him be anathema" (Denz. 918).

The CATECHISM OF THE COUNCIL OF TRENT, part II, chapter 5, question 43: "Let no one suppose that confession was indeed instituted by the Lord, but that He did not declare its use necessary. For the faithful ought to be convinced that one who is oppressed by mortal sin must be recalled to spiritual life by the sacrament of confession. We see this indicated most beautifully by a figure used by the Lord when He called the power of administering this sacrament the key of the kingdom of heaven. For as no one can enter a place protected and closed without the aid of the person to whom its keys are entrusted, so we understand that no one is admitted into heaven unless the gates are opened by the priests, to whose trust the Lord entrusted the keys.

"For otherwise there seems to be no use of the keys in the Church; and in vain would one to whom the power of the keys has been given forbid anyone the entrance to heaven if another way of entrance could still lie open. Saint Augustine clearly recognized this when he says: 'Let no one say to himself: I do penance secretly before the Lord; God, who will forgive me, knows what I do in my heart. Were the words "What you shall loose on earth shall be loosed in heaven," then spoken without cause? Were the keys given to the Church of God without cause?' And Saint Ambrose left the same thought in writing in his book On Penance, when he was refuting the heresy of the Novatians, who asserted that the power to forgive sins had been reserved to the Lord alone. 'Who,' he says, 'honours God more: the one who obeys His commands or the one who resists? God has commanded us to obey His ministers; and when we obey them, we give honour to God alone.'" On the great fittingness and usefulness of this institution, see question 36 ff., cited below (p. 418).

ALEXANDER VII, referred to in Volume I, p. 30 (Denz. 1111, 1114; cf. 1124 ff.).

INNOCENT XI, referred to in the same place (Denz. 1207–1209). Compare the two propositions of Michael de Molinos condemned by the same pope (propositions 47 ff., Denz. 1267 ff.).

The CODE OF CANON LAW gathered together and confirmed the teaching and law of the Church in the following canons:

Canon 901: "One who after baptism has committed mortal sins which have not yet been directly remitted by the keys of the Church must confess all those of which he has awareness after diligent examination of himself, and explain in confession those circumstances which change the species of the sin."

Canon 902: "Sins committed after baptism, whether mortal sins already remitted directly by the power of the keys, or venial sins, are sufficient, but not necessary, matter of the sacrament of Penance."

Canon 807: "A priest conscious of mortal sin, however contrite he may believe himself to be, must not dare to celebrate Mass without prior sacramental confession; but if, when access to a confessor is lacking, he celebrates because of urgent necessity, after eliciting an act of perfect contrition, let him confess as soon as possible."

Canon 856: "Let no one burdened in conscience by mortal sin, however contrite he may believe himself to be, approach holy Communion without prior sacramental confession; but if necessity urges and he lacks access to a confessor, let him first elicit an act of perfect contrition."

Canon 906: "Every one of the faithful of either sex, after reaching the years of discretion, that is, the use of reason, is bound faithfully to confess all his sins at least once a year."

Canon 907: "One who makes a sacrilegious confession or voluntarily makes none does not satisfy the precept of confessing sins."

CONCLUSION

Sacramental confession of sins, and more generally the very reception of the sacrament, is necessary by divine law for obtaining the remission of those sins.

Proof 1. FROM SCRIPTURE

The only passage from which, according to the Council of Trent itself, cited above, the necessity of confession is deduced with certainty is the very words of institution (John 20:23; Matthew 16:19; 18:15–18). From these is established the necessity both of receiving the sacrament itself and, consequently, of the confession of sins instituted within it. Nevertheless, there are three other celebrated texts (1 John 1:9; Acts 19:18; and especially James 5:16) which, though disputed and of uncertain interpretation, probably refer to the necessity of confession and have in fact been interpreted in this sense by not a few distinguished doctors. Moreover, there are remarkable examples of confessions in the Old Testament, both individual and ceremonial, especially confession connected with sacrifice for sin, and the confession associated with John's baptism. These may deservedly be considered certain foreshadowings of sacramental confession and fitting preparations for the institution of the new precept under the New Law.

In the OLD TESTAMENT three kinds of confession are presented:[332]

[332] Cf. Mangenot, in Dictionnaire de théologie catholique, article "Confession dans la Bible," cols. 828–831; Galtier, in Dictionnaire apologétique de la foi catholique, article "Pénitence," cols. 1794–1797.

The first kind is individual confessions offered to God, pertaining to natural law. The more noteworthy examples are these:[333] those of Adam and Eve after their sin (Gen. 3:9–13); Cain (Gen. 4:13); Pharaoh (Exod. 9:27; 10:16); Achan (Jos. 7:19 ff.); Saul (1 Kings 15:20, 24–25); David (2 Kings 12:13; 1 Paral. 21:8, 17; Ps. 50:6; Ps. 21:8, 17); and Job (31:33; 33:27). Generally it is said in Proverbs 28:13: "He that hideth his sins shall not prosper; but he that shall confess and forsake them shall obtain mercy"; and in Ecclesiasticus 4:31: "Be not ashamed to confess thy sins."

[333] Compare other examples in Mangenot, loc. cit., col. 829.

The words of ST. THOMAS, Supplement, question 6, article 2, reply to objection 1, refer to this kind of confession: "Confession ... which is made to God through the acknowledgment of sin, is of natural law"; and there, speaking of the confession of Adam and Cain, which was not spontaneous but was

exacted by God, the same Doctor writes: "Adam is reproved for this reason, that he did not acknowledge his sin before God; for confession made to God by the acknowledgement of sin is of natural law. But now we are speaking of confession which is made to a man. Or it must be said that to confess a sin in a particular case is of natural law, namely, when someone who has been placed in judgment is questioned by the judge; for then the sinner ought not to lie by excusing or denying his sin: for this Adam and Cain are reproved. But confession which is made voluntarily to a man in order to obtain the remission of sins from God is not of natural law" (cf. reply to objection 2, cited below; also In IV Sent., distinction 22, cited in Volume I, p. 146). Certain early doctors unskilfully saw the institution of sacramental confession, or even of the sacrament of Penance itself, in some of these texts (cf. above, Article 2, Volume I, p. 144 ff.).

The second kind consists of ceremonial confessions, offered to a man or to the Church, belonging to positive law. Two kinds of this confession are found in the Mosaic Law. One was a general confession of the whole people of Israel, made by the high priest once a year on the great Day of Atonement: after one goat had been killed for sin, the high priest laid his hands upon the other, the scapegoat, confessing the sins of the people, that it might carry them away with it into the wilderness, in accordance with Leviticus 16:20–23: "He shall offer the living goat; and putting both hands upon its head, he shall confess all the iniquities of the children of Israel, and all their offences and sins; and praying that they may light upon its head, he shall turn it out by a man ready for this into the desert. And when the goat hath carried all their iniquities into an uninhabited land, and shall be let go into the desert, Aaron shall return into the tabernacle of the testimony."[334]

[334] The high priest was accustomed to recite certain formulas of general confession, which are preserved in the Talmud (tractate Yoma, 3, 7 and 4, 2). Mangenot gives them in the cited place, col. 830, following the translation of the Talmud edited by Schwab, Paris, 1882, vol. 5, p. 194 ff.

The other was a particular confession, that is, one involving the confession of particular sins, which was connected with the offering of sacrifice for certain sins. Thus Leviticus 5:4–6 and 14 commands, for certain sins of the tongue, the offering of a sacrifice and the prayer of the priest; these certainly presuppose a manifestation of the fault. In Leviticus 5:18 it is said, concerning certain sins of ignorance and error, that a ram is to be offered to the priest "according to the estimation and measure of the sin; and he shall pray for him, because he did it ignorantly, and it shall be forgiven him"; here again the manifestation of sin to the priest who must judge its nature is presupposed. The same is said concerning certain sins of injustice in Leviticus 6:2–7. Numbers 5:6–8 commands the confession of a sin consisting in the wrongful retention of another's property, and the restoration of that property to the owner or, if he cannot be found, to the priest, before the sacrifice for sin is offered (verse 7: "They shall confess their sin, and restore the principal itself, and the fifth part over and above, to him against whom they have sinned").

Concerning this kind of confession ST. THOMAS writes, Supplement, question 6, article 2, reply to objection 2: "The precepts of the natural law remain in the same manner under the Law of Moses and under the New Law. But although confession existed in some manner under the Law of Moses, it did not exist in the same manner as under the New Law, nor as under the law of nature: for under the law of nature an interior acknowledgement of sin before God sufficed; but under the Law of Moses it was necessary to profess sin by some outward sign, as by offering a victim for sin, from which a man could also be made aware that he had sinned; it was not, however, necessary that he should disclose

the particular sin committed by him or the circumstances of the sin, as is required under the New Law."

The third kind is the confession connected with the baptism of John, which may be called pre-sacramental; for, as was stated above (Volume I, p. 13), that baptism, since it was a rite both of penance and of washing, existed as a figure and a schoolmaster of both sacraments of the dead (cf. Supplement, question 6, article 6, reply to objection 2, cited below, p. 375 ff.). Matthew 3:6: "And they were baptized by him in the Jordan, confessing

[ἐξομολογούμενοι] their sins" (precisely the same in Mark 1:5; Luke 3:7 ff. recounts the questions of penitents, "What shall we do?", and John's answer: "He that hath two coats, let him give to him that hath none ... Do violence to no man," etc.). Whether this confession was general or determinate is doubtful. Tertullian, On Baptism 20,[335] Cyril of Jerusalem, Catechesis 3, 7, and Basil, Shorter Rules 288, cited below (p. 398 ff.), seem to speak of a determinate confession; moreover, from Luke's words the confession itself appears more determinate and more similar to confession under the New Law than the above-mentioned ceremonial confessions under the Mosaic Law.

[335] "Those who are about to enter baptism ought to pray with frequent prayers, fasts, kneelings, and vigils, and with confession of all their past offences, so that they may also set forth the baptism of John: 'They were baptized,' he says, 'confessing their sins' (Matt. 3:6). We should be grateful if we do not publicly confess our iniquities or shameful deeds. For at the same time we make satisfaction for the past by mortification of flesh and spirit, and prepare defences against temptations to come" (M.L. 1, 1222 ff.). As will be said with D'Alès below in Article 42 (p. 754), certain recent editions, wrongly, substitute "now" (nunc) for "not" (non) in the clause "if we do not publicly confess." In this passage, however, Tertullian is speaking not of confession in the sacrament of Penance but of the confession then customarily made before baptism itself, which is mentioned also by Cyril of Jerusalem, Catechesis 1, 5, and Chrysostom, On Ephesians, homily 1, 3, and Catechesis to Those about to Be Enlightened, 2, 4.

KNABENBAUER comments aptly: "Since the passage speaks of individuals who were baptized and confessed their sins, the sense cannot be that they merely confessed themselves to be sinners (Cai.), something which anyone can and ought to profess of himself; rather, that they distinctly confessed at least certain sins committed by them, as St. Cyril of Jerusalem says: 'They showed their wounds; then he [John] applied remedies' (Catechesis 3, 7; M. 33, 437). For to confess sins, as Bar. says, means more than merely to profess in general that one is a sinner; and the Evangelist recounts an entirely new and singular thing (Mald., Sylv., Calm., Schanz). And because the passage refers to those being baptized, and therefore to individuals, this confession cannot be of the kind prescribed in Leviticus 16:21, which the high priest makes in the name of the entire people; Numbers 5:7 deals only with a sin committed against property, which had to be admitted in order that restitution might be made; in Leviticus 5:5, in the Hebrew, a certain confession is prescribed to be made in the sacrifice for sin; but in other places (Ps. 31:5; 50:2; Bar. 2:8 ff.; Dan. 9; 1 Esdr. 9:6) we have only an accusation before God or a confession made generally in the name of the people. John himself declares, in verse 11, what distinction obtains between the baptism of John and baptism instituted by Christ."[336]

[336] In Evang. sec. Matthaeum, Paris, 1903, vol. 1, p. 132.

From what has been said a persuasive argument is gathered. The divine institution and necessity of distinct confession "is suggested also by Jewish tradition, insofar as it is established that, before Christ, there prevailed the practice according to which one who wished to be cleansed of sin would in some way confess himself a sinner before the person through whose assistance he wished to obtain pardon from God. Given such a practice or custom, even if that confession was neither integral nor

specific, it is less surprising both that Christ, in instituting men through whom all sins would be remitted, wished those sins to be manifested to them, and that the Apostles understood that the power granted to them to remit or retain sins carried with it the power of hearing and requiring the confession of sinners. ... For (a), on the one hand, the Apostles and their successors were granted the power of judging sins and sinners, a power which no one before had granted at all without requiring the disclosure of individual sinners; and (b), on the other hand, the moral catechesis delivered to Christians from the beginning was such that sins to be avoided were specified very distinctly;[337] compare, for example, the enumeration by St. Paul in Galatians 5:19–21 and 1 Corinthians 5:11; 6:9–10, and the two ways which the Doctrine of the Apostles expounds and the so-called Epistle of Barnabas summarizes. These two things, by their very nature, led to a more exact examination and accusation of sins."[338]

[337] Cf. Seeberg, Der Katechismus der Urchristenheit, pp. 1–30.

[338] Galtier, De Poenitentia, thesis 28, no. 420, Paris, 1931, pp. 315–317.

In the NEW TESTAMENT, in Acts and the Epistles, three principal texts are presented in which sacramental confession itself and its necessity are probably treated. On the one hand, considering the words themselves, nothing prevents them from being accepted in that sense; and, on the other, the existence and necessity of confession, already known from the words of institution, are here presupposed. Hence not a few Catholic doctors, especially from the sixteenth and seventeenth centuries onward, have invoked these texts against Protestants in confirmation of our truth, even though those texts by themselves cannot constitute a convincing argument. Among modern theologians some seem to assign too much value to them and others to subtract too much; generally, however, a solid probability is granted them, in the manner just stated.

1 JOHN 1:8 ff.: "If we say that we have no sin, we deceive ourselves, and the truth is not in us. If we confess [ὁμολογῶμεν] our sins, he is faithful and just, to forgive us our sins, and to cleanse us from all iniquity."

Writers before the seventeenth century, in their commentaries upon this passage, interpret these words in a general manner of the acknowledgment of sins before God, without either including or excluding sacramental confession. So Augustine, Cassiodorus, Bede, Oecumenius, Theophylact, and other Greek Fathers cited by Cramer;[339] Scotus (In IV Sent., dist. 17, n. 16); Nicholas of Gorham (Exposition of the Seven Canonical Epistles, among the works of St. Thomas); and Dionysius the Carthusian (who sees a mention of confession in these words, but does not specify whether he understands sacramental confession).

[339] Cramer, Catena in Epistolas catholicas, Oxford, 1844, vol. 8, p. 118.

Several distinguished doctors from the seventeenth century onward interpret these words of sacramental confession: thus Bellarmine (De Poenit., book 3, ch. 4), Fromont, Wouters, Estius, Salmeron, Serarius, Cornelius a Lapide, Calmet, Drach, Van Steenkiste, and Maunoury.

Among modern writers, several (generally dogmatic theologians) concede some degree of probability to the sacramental interpretation; others, however, particularly Fillion,[340] Calmes,[341] and the Anglican Westcott,[342] appear to admit almost no value in it, even as a confirmation.

[340] La Sainte Bible, Paris, 1904, vol. 8, p. 728.

[341] Épîtres catholiques, Apocalypse, Paris, 1905, p. 70 ff.

[342] The Epistles of St. John, London, 1883, p. 23.

ACTS 19:18: "And many of them that believed came confessing

[ἐξομολογούμενοι] and declaring their deeds [τὰς πράξεις]."[343]

[343] Cf. Knabenbauer, In Actus Apostolorum, Paris, 1928, p. 330; Vacant, in Dictionnaire de la Bible, art. "Confession," col. 915; Bellamy, in Dictionnaire de théologie catholique, art. "Actes des Apôtres," cols. 352–354; Mangenot, ibid., art. "Confession dans la Bible," col. 833 ff.; Galtier, in Dictionnaire apologétique de la foi catholique, art. "Pénitence," col. 1797 ff.

The passage in which this text occurs (verses 13–20) recounts how a certain demoniac at Ephesus inflicted blows upon some Jews who had attempted to exorcise him in the name of Jesus. Stirred by this event, many of those who believed came confessing their deeds, and many who had been devoted to magical arts burned their books of magic, so that the word of God quickly spread and was confirmed. There is no doubt that some confession of sins is being spoken of here; for "their deeds" signifies not miraculous deeds, as the earlier Protestants maintained, but sinful acts, as is evident both from the context itself and from the interpretation of the Fathers (wherefore, in certain manuscripts, instead of τὰς πράξεις, one finds τὰς ἁμαρτίας, that is, "sins"). The question, however, is what kind of confession of sins is being spoken of here.

The few Fathers who speak of this confession seem to understand it as a certain general confession: thus Chrysostom, In Acts, homily 41, 2; Ammonius;[344] Oecumenius; and Theophylact.

[344] In Cramer, Catenae Patrum graecorum in Novum Testamentum, Oxford, 1844, vol. 3, p. 319.

From the sixteenth century onward several doctors explicitly interpret these words of sacramental confession: thus Bellarmine (De Poenit., book 3, ch. 4), Cornelius a Lapide (On Acts), Corluy (Spicilegium dogmatico-biblicum, vol. 2, pp. 444–448, Ghent, 1884), and, among Protestants, H. J. Holtzmann (Apostelgeschichte, 3rd ed., Tübingen and Leipzig, 1901, p. 122), who admits that this text favours the Catholic doctrine concerning the institution of sacramental confession. Those who deny this interpretation are divided into two groups. Some, such as Salmeron (On the Gospels and Acts), Estius (Annotationes in praecipua ac difficiliora Sacrae Scripturae loca, Paris, 1663, p. 601), Beelen, Patrizi, Cambier (De divina institutione confessionis sacramentalis, Louvain, 1884), and Van Steenkiste, say that the passage concerns a confession before baptism, of the kind made at the baptism of John (for it is unlikely that so many men devoted to magical arts should have been found among the recently baptized Ephesians). Others, and more commonly modern exegetes, such as Knabenbauer, Fillion, Felten, Rose, Le Camus, and, among Protestants, Cock, B. Weiss, and Blass, admit with Bellarmine, a Lapide, and Corluy that it concerns the confession of believers who had already been baptized (which is especially suggested by the word "believers," by which those already baptized are commonly designated: cf. Acts 2:44; 4:32; 5:14; 15:5; 21:20, 25; Eph. 1:19); but they deny that sacramental confession is intended, or regard this sense as altogether doubtful, even negatively so.[345]

[345] Knabenbauer observes on this point: "There is indicated [here] a confession of particular acts, as is evident, not some general accusation. But whether this was done secretly or publicly is not indicated; likewise, whether it was a sacramental confession is a point on which opinions differ, and the ambiguous text contributes nothing to removing the disagreement" (In Act. 19:18, Paris, 1928, p. 330).

Generally speaking, dogmatic theologians, including modern ones, rightly attribute the force of probability to the sacramental interpretation. Galtier observes on this point: "The confession is not indeed said to have been made into the ear of Paul alone, or of any superior; it may, on the contrary, be understood as having been made before the whole community, or certainly also, indeed principally, before St. Paul, who presided over them, out of fear and admiration of whom they confessed and cast off their superstitious practices, and at whose counsel or command, as may rightly be presumed, they even 'brought together and burned' their books. If, then, it is taken as certain that those 'believers' had already been baptized, there can properly be recognized here a confession made before the Church in order to obtain through her the remission of sin. Moreover, confession of this kind lacks nothing necessary to its being called sacramental in the Catholic sense, if it is judged to have been directed toward receiving pardon from St. Paul."[346]

[346] De Paenitentia, thesis 28, no. 429, Paris, 1931, p. 326.

JAMES 5:16: "Confess therefore your sins one to another [ἐξομολογεῖσθε

οὖν ἀλλήλοις τὰς ἁμαρτίας], and pray one for another, that you may be saved; for the continual prayer of a just man availeth much."[347]

[347] Cf. Mangenot, in Dictionnaire de théologie catholique, art. "Confession dans la Bible," cols. 834–836; Ruch, ibid., art. "Extrême-Onction," cols. 1905–1912; Galtier, in Dictionnaire apologétique de la foi catholique, art. "Pénitence," col. 1798 ff.

These words immediately follow the text concerning Extreme Unction

(verses 14 ff.); indeed, they are joined to it by the particle "therefore" (οὖν), according to the Vulgate, the best manuscripts, and the critical editions.

Most Protestants and certain Catholics think that Origen (On Leviticus, homily 2, 4, cited in vol. I, p. 111) and Chrysostom (On the Priesthood, 3, 6, cited in the same volume, p. 118) refer even verses 14 ff. themselves to the sacrament of Penance. That this is false is shown in the treatise On Extreme Unction. In any case, whatever may have been the mind of those Fathers, such an interpretation must now be entirely abandoned, on account of the authentic declaration of the Council of Trent, session 14, On Extreme Unction (chapter 1 and canon 1), which teaches that James, in verses 14 ff., promulgates the sacrament of Extreme Unction. The sense of verse 16, therefore, remains ambiguous and open to dispute.

The ancient tradition of the doctors, at least from the eighth century onward, sees in this passage sacramental confession; indeed, several ancient theologians invoke this text alone, or principally this text rather than the words of institution themselves, in order to prove the necessity of confession from Scripture.[348] Before the eighth century, only Origen and Chrysostom appear to offer this interpretation; for others who comment upon this text, such as Cassiodorus (On the Apostolic Epistles, Epistle of James to the Dispersion, 11), Oecumenius, and Theophylact, seem to speak generally of the efficacy of prayer offered to obtain remission of the sins of brethren. But from the eighth century almost down to the present time, the sacramental interpretation is morally universal: Bede (Commentary on James, ch. 5); Walafrid Strabo (Glossa ordinaria); Alcuin (Epistle 112); the Council of Chalon, A.D. 813 (canon 33, cited above, p. 365); Burchard of Worms (Decrees, 18, 2); Hugh of St. Victor (On the Sacraments, 2, 14); Abelard (Ethics, 24); Gratian (Decree, On Penance, dist. 1, caus. 87); Peter Lombard (Sentences, book 4, dist. 17, n. 4); Albert the Great, Bonaventure,

St. Thomas, Scotus, and Durandus (all these doctors in their Commentaries on the Sentences of Peter Lombard, dist. 17); Nicholas of Gorham (Exposition on the Seven Canonical Epistles, among the works of St. Thomas); Dionysius the Carthusian (On the Epistle of St. James, art. 7); Bellarmine (De Poenit., book 3, ch. 4); Morinus (De Poenit., book 8, ch. 8, n. 4); Fromont, Wouters, Salmeron, Serarius, Cornelius a Lapide, Calmet, and Maunoury (all these last in their commentaries on the Epistle of James).

[348] Cf. Dictionnaire de théologie catholique, art. "Confession," col. 902 ff.

St. Thomas writes on this subject (Supplement, q. 6, a. 6, ad 2): "The precept concerning confession was not first instituted by man, although it was promulgated by James, but it had its institution from God. And although its express institution is not recorded, nevertheless a certain prefiguration of it is found in this: that those who were being prepared for the grace of Christ by John's baptism confessed their sins to John; and in this: that the Lord sent the lepers to the priests. Although these were not priests of the New Testament, nevertheless the priesthood of the New Testament was signified in them."

Again (ibid., q. 8, a. 1, ad 1): "James speaks on the presupposition of a divine institution; and because the divine institution concerning confession to be made to priests had preceded, through the fact that He gave them, in the apostles, the power of remitting sins, as is clear from John 20, it must therefore be understood that James admonished that confession should be made to priests."

Several modern exegetes, however, both Protestant and Catholic, such as Liagre,[349] Drach,[350] Beelen, Van Steenkiste, Fillion, Calmes, Oswald,[351] Schegg,[352] and Steiz,[353] see here a certain ascetical and commendable confession, by which one asks pardon from his brethren for faults committed against them, or asks help and counsel regarding any sins and defects whatsoever. Their principal reason is, first, that confession is said to be made to one another, from which they exclude the necessity of a priestly or sacramental power; and, secondly, that the force and character of that confession are assimilated to prayer.

[349] Liagre, Interpretatio Epistolae canonicae sancti Jacobi, Louvain, 1860.

[350] Drach, Épîtres catholiques, Paris, 1879, p. 55.

[351] Oswald, Die dogmatische Lehre von den heiligen Sakramenten, Münster, 1870, vol. 2, p. 105.

[352] Schegg, Jakobus und sein Brief, Munich, 1883, p. 265 ff.

[353] Steiz, Das römische Bussakrament, Frankfurt, 1854, p. 16 ff.

Other modern writers, generally dogmatic theologians, such as Mangenot, D'Alès, Galtier, Diekamp, and Pesch, following a middle course, declare the text doubtful, while conceding to the sacramental interpretation a greater or lesser probability. And, indeed, a solid probability must be granted to that interpretation, and even a greater one than to the interpretation of the two preceding texts just explained. This is apparent both from the immediate context (verses 14 ff.), in which there is question of priestly intervention in conferring the sacrament of Extreme Unction, and from the very ancient and constant tradition of the doctors. The argument of the opponents, although it introduces some doubt concerning this interpretation, creates no great difficulty. For the word "one another" does not necessarily signify equality of office, but can be understood distributively according to the condition of the persons, as it is understood in Ephesians 5:21, "Being subject one to another" (cf. 5:22 and 6:1 ff.). Moreover, the prayer there mentioned can be understood sacramentally, that is, of

the formula of absolution, as in the preceding verses 14 and 15 ("And let them pray over him"; "And the prayer of faith shall save the sick man").[354]

[354] Galtier remarks: "It is therefore quite natural to recognize here the prescription that sins be confessed to the ministers of the Church in order to obtain pardon for them. Thus many Catholic theologians formerly understood it; and thus even Protestant writers themselves still understand it today: 'Manifestly,' writes A. J. Mason in Dictionary of the Bible, vol. IV, art. 'Power of the Keys,' p. 32, 'manifestly the sick man is exhorted to make his confession to the priests whom he has called to him, and they in turn are exhorted to ask for him the forgiveness on which his recovery is made to depend'" (in Dictionnaire apologétique de la foi catholique, art. "Pénitence," col. 1799).

Suárez says on this point: "Therefore [that is, in view of the opinion of the ancients], I do not think this passage should be disregarded, although, strictly speaking, it does not altogether prove the point. First, there is no word there which, in its proper sense, indicates a precept; for 'Confess' could be counsel, just as 'Pray for one another' is counsel. Secondly, James does not appear to speak of confession to be made to a priest, but to one another, that is, mutually and reciprocally, as happens in fraternal and familiar correction, in which a man ought not to be obstinate or to excuse his sins excessively, but ought humbly to confess them, according to Proverbs 28: 'He that hideth his sins shall not prosper; but he that shall confess, and forsake them, shall obtain mercy.'"[355]

[355] Suárez, De Paenitentia, disp. 35, sect. 1, no. 6, Opera omnia, vol. 22, Paris, 1866, p. 734.

Galtier says, more accurately: "Other passages of Scripture [besides the words of institution] are commonly cited, in which, once the truth has already been demonstrated, an exhortation to confession may perhaps be recognized; but they seem of little use for the demonstration itself: Acts 19:18–19; James 5:14–16; 1 John 1:8–9. Nevertheless, the saying of St. James (5:16) deserves special consideration: 'Confess therefore your sins one to another, and pray for one another that you may be saved; for the unceasing prayer of a just man availeth much.' For a long time it was the classical interpretation of this text to understand it of the precept of sacramental confession: so already Origen (On Leviticus, homily 2, 4; M. 12, 419), St. John Chrysostom (On the Priesthood, 3, 6; M. 48, 644), and scholastic writers generally commenting on the Sentences, book IV, distinction 17.

"And in fact, this interpretation is not prevented by the fact that confession is said to be made 'one to another,' ἀλλήλοις; for this manner of speaking is also employed where the parties are unequal: for example, Ephesians 5:21 ff.

reads 'being subject one to another,' ὑποτασσόμενοι ἀλλήλοις. Therefore the precept of 'confessing one to another' can be understood of confession to be made to presbyters, in such a way that the faithful in general are directed to a confession in which each performs the part belonging to his own rank: the faithful man does what belongs to him, namely, discloses his sin; and the presbyter does what likewise belongs to him, namely, hears and prays over the one confessing.

"And since in the preceding context (verses 14–15) the presbyters have been introduced as those whose office it is to pray for salvation, and since here also there is mention of prayer which avails much, there is a presumption that in this last passage as well the presbyter is to be understood as present, before whom confession is instituted and who prays over the person confessing."[356]

[356] Galtier, De Paenitentia, thesis 27, no. 416, Paris, 1931, pp. 312 ff.

Pesch says more aptly: "Catholics do not insist upon this text as a peremptory argument, since the confession of which it speaks can be merely ascetical, not sacramental. Nevertheless, anyone who

says that the text cannot in any way be understood of sacramental confession is mistaken. For since it is established from John 20:23 that confession of sins to the apostles or their successors was instituted by Christ, the obvious sense of the words 'Confess your sins' requires that they be explained of sacramental confession. Moreover, these words are closely connected with the preceding verses, as the word 'therefore' (οὖν) shows: 'Confess therefore your sins one to another'

(ἐξομολογεῖσθε οὖν ἀλλήλοις τὰς ἁμαρτίας). For so the best manuscripts and critical editions read, together with the Vulgate.

"Now, in the preceding verses there had been mention of presbyters, who were to be summoned to pray over the sick person, so that, if he were in sins, they might be forgiven him. Accordingly, when the Apostle continues, 'Therefore confess your sins,' it is very natural to explain the words as meaning: Confess your sins to the presbyters. Nor does the word ἀλλήλοις, 'one to another,' stand in the way; for according to Greek usage this word often signifies nothing more than 'some to others,' and does not necessarily demand a reciprocal action. Thus Ephesians 5:21, 'being subject one to another in the fear of Christ' (ὑποτασσόμενοι ἀλλήλοις ἐν φόβῳ Χριστοῦ), does not mean that all ought indiscriminately to be subject to all, but that inferiors are to be subject to superiors. Therefore neither is it prescribed here that all should confess indiscriminately to all, but that laymen should confess to presbyters. Origen explains this text in this way (On Leviticus, homily 2; M. 12, 419), when he ... continues: 'In this is fulfilled also what the Apostle James says: If anyone is sick ...'"

"The explanation of St. John Chrysostom is the same (On the Priesthood, book 3, no. 6; M. 48, 644), as also that of others who were certainly acquainted with the character of the Greek language (cf. Estius on this passage)."[357]

[357] Pesch, De Paenitentia, proposition 26, no. 359, Praelectiones dogmaticae, vol. 7, Freiburg im Breisgau, 1920, p. 180.

IN THE WORDS OF INSTITUTION (John 20:23; Matthew 16:19; 18:18; cited in volume I, pp. 71, 78) the necessity of confession is formally contained implicitly, insofar as those words contain the judicial power of the Church; from this is deduced the necessity of receiving the sacrament itself, or of submitting oneself to that power in order to obtain the remission of sins; and from this necessity of the sacrament is deduced the necessity of confession itself.

This argument is concisely presented both by the Council of Trent (chapter 5, cited in volume I, p. 66) and by St. Thomas, who writes: "The Passion of Christ, without whose power neither original nor actual sin is forgiven, operates in us through the reception of the sacraments, which derive their efficacy from it. And therefore, for the remission of guilt, both actual and original, a sacrament of the Church is required, either actually received or at least desired, when necessity, and not contempt, excludes reception of the sacrament. Consequently, those sacraments which are ordained against guilt, with which salvation cannot coexist, are necessary for salvation. And therefore, just as baptism, by which original sin is blotted out, is necessary for salvation, so also is the sacrament of Penance.

"But just as a person, by requesting baptism, subjects himself to the ministers of the Church, to whom the administration of that sacrament belongs, so also, by confessing his sin, he subjects himself to a minister of the Church in order to obtain remission through the sacrament of Penance administered by him. And the minister cannot apply a suitable remedy unless he knows the sin,

which becomes known through the confession of the sinner. Therefore confession is necessary for the salvation of one who has fallen into actual mortal sin" (Supplement, q. 6, a. 1).

Granted, therefore, the necessity of the sacrament itself, or of recourse to the judicial power of the Church, the necessity of confession itself follows clearly, and is readily conceded by the opponents.[358] For the exercise of judicial power essentially entails knowledge of the case; but the case of sin cannot become known except through the confession of the sinner himself, both because it concerns an interior matter or state of conscience, and because in this judgment the accused himself, or the penitent, performs the office of accuser and witness, since the judgment in question is one of remission and reconciliation, as has repeatedly been stated in Article 4 (cf. volume I, pp. 176 and 179). Hence the entire difficulty reduces to proving from the words of institution the necessity of the sacrament itself; the force of that proof was rejected both by Protestants and by those few theologians mentioned above (p. 361).

[358] Cf. H. C. Lea, A History of Auricular Confession, Philadelphia, 1896, vol. 1, p. 182.

Now, as was proved in Article 1 (volume I, pp. 78–85 and 131), it follows from the very words of institution that Christ conferred upon the Church a true power of remitting sins, and one that is judicial; and from this power there follows immediately the necessity of the sacrament, that is, the necessity of subjecting oneself to that power in order to obtain remission of sins.

For it belongs to the nature of a power to have subjects who cannot withdraw themselves from it; otherwise such a power would be conferred in vain.[359] Hence, even in civil society, persons are bound to bring their cases before judges to whom the prince has committed jurisdiction in some determinate class of matters. The force of this argument increases if it is considered that the power of the Church is not merely to loose, but also to bind, so that the sentence of the Church binding sins is ratified before God. But this sentence could not be said to be ratified before God if God Himself remitted sins in some other way, by reason of another means established for this purpose.

[359] Cf. Catechismus Concilii Tridentini, cited above (pp. 367 ff.).

Suárez (disputation 17, section 2, nos. 12, 13, 21) places the effective force of a certain argument exclusively in this consideration of the power of retaining or binding; from the power of remitting itself, however, he says that one can obtain only "a very probable conjecture, and one morally sufficiently effective" (no. 12).

Scotus, however, ineptly recognizes no demonstrative force in this argument, but only a mere probability, writing: "But this argument is not sufficient; for I grant that Christ gave priests the power of absolving and binding those who would willingly submit themselves to their power, but it does not follow that, if someone is given power to judge in some case, another is always thereby commanded to submit himself to his judgment. And if you say: 'No one is constituted a judge precisely according to the will of the person who is to be judged by him; for he is not a judge of another merely because the other wishes to be judged by him. This is clear of itself. Therefore, by the very fact that someone is constituted the judge of another, it is necessary that the latter submit himself to his judgment'—although this reasoning is probable, nevertheless I do not see any necessity in the argument why confession to priests should thus be required.

"For if Christ had uttered those negative words, 'Whose sins you shall not forgive, they are not forgiven them; and whose sins you shall not retain, they shall not be retained,' just as He uttered the

affirmative words, 'Whose sins you shall forgive,' and so forth, there would have been no doubt that in that case confession to them would have been a divine precept, and the sinner would then have been bound by necessity to submit himself to them in confession and to their judgment. But from the fact that He affirmatively granted them this judgment, it does not follow that, because someone has the power of remitting the sins of another at his discretion if that other submits himself of his own choice, the other is bound of necessity to confess to him. For it is enough that he have such authority over him if the other chooses to confess to him; and only then does he have a just judgment over him."[360]

[360] Scotus, In IV Sent., dist. 17, quaestio unica (Reportata Parisiensia), Opera omnia, vol. 24, Paris, 1894, pp. 278 ff.

The argument is confirmed by the fact that, if submission to the keys of the Church were not necessary but optional, the very exercise of the power, and recourse to it on the part of penitents, would be rendered ineffectual, especially insofar as the power of retaining sins is concerned. For "submission to the keys would be of such a kind that it would deter sinners: it is in itself a hard thing for a man to disclose his sins to another man who is to judge him; indeed, as experience testifies, so hard that, even with the obligation known, those who are most strictly bound by it withdraw themselves from it. Moreover, since a person approaching the keys would incur the danger that his sins might be retained, and thus that he might no longer be able to obtain pardon without again having recourse to a priest—which beforehand, on the hypothesis, he could have done—hardly anyone would be found who would approach judges at so great a personal risk."[361]

[361] Galtier, De Paenitentia, thesis 19, no. 331, Paris, 1931, p. 240.

You will say, first: The very example adduced of human judgment proves the contrary. For it does not follow from the fact that true judges are established in civil society to decide cases that subjects must have recourse to them when they are able to settle their disputes among themselves.

Reply: Since the question concerns not a mere dispute between parties but a direct transgression of law, a civil judge can and must summon an offender before his tribunal; and in this way the necessity of submitting to judicial authority is preserved in human affairs. But sins are direct transgressions of divine law, the reference of which to the divine tribunal of Penance would be ineffectual unless the penitent himself were bound to confess them, since the interior state of his conscience and his offences elude human knowledge.

You will say, secondly: In civil society subjects retain the right of appealing to the prince himself; therefore, by parity of reasoning, sinners retain in ecclesiastical society the right of having recourse to God Himself in order to obtain remission of sins.

Reply: Such a right in civil society is exceptional; nor does it at all extinguish the judge's right to summon a case before his tribunal until the prince himself intervenes. Indeed, the very right of appeal presupposes the right of the judge from whom appeal is made, together with the right of the superior prince. Moreover, the existence of such an exceptional right requires proof: it is expressly established by civil law or necessarily deduced from the constitution of civil society. But, regarding the Church's power of judging sins, no exception of this kind has either been expressly established by Christ or deduced from the nature of ecclesiastical society; for Christ does not govern the Church visibly, but has committed the whole exercise of ecclesiastical power to men themselves.

You insist: An exception is contained in the very power of the act of perfect contrition to justify, or in the pre-existing and more universal law of justification through charity, which has in no way been abrogated by the law of sacramental confession.

Reply: Once the law of sacramental confession has been established, the enduring and indestructible efficacy of the act of contrition does not assume the character of an exception to that law; rather, it is subordinated to the demands of that law and affected by it, insofar as contrition no longer avails to justify except dependently upon the keys of the Church, or through the desire for the sacrament. There would indeed be an exception if sins could not be remitted at the same time through contrition and through the sacrament, or through contrition dependently upon the sacrament. But this can happen, and indeed must happen; otherwise the Church would have been given the power of judging sins in vain.

"For if an exception of this kind were granted, sinners would now have two paths to remission, independent of one another in themselves: perfect contrition and the sacrament. But, on this supposition, judges would no longer have subjects except those sinners who spontaneously and at their own pleasure approached their tribunal; therefore, in themselves and by right, they would have none, since one who submits himself only at pleasure is not a subject in himself or by right. Nor should you say that those sinners who were not justified by contrition could then be called subjects by right, insofar as they would at least be necessarily bound to approach the judges. For even this necessity would depend entirely upon their own will: they would be bound to approach the judges only because they did not wish to have recourse to the means of perfect contrition. Therefore their subjection to the keys would not be by right or antecedent, but merely spontaneous and consequent upon the choice by which they had been unwilling to enter upon the path of contrition."[362]

[362] Galtier, De Paenitentia, thesis 19, no. 328, Paris, 1931, p. 238.

You will say, thirdly: God could have conferred upon the Church a true judicial power solely for the benefit of penitents; namely, in such a way that, if they wished to use the remedy of priestly absolution, they would be bound to submit their case to the priest and obey his judgment. Nor would it follow from this that the priest was not a true judge, but rather an arbitrator upon whom a right was conferred by the very parties who elected him; for God Himself would give the priest authority, to be exercised, however, on condition of voluntary recourse on the part of penitents.

Reply: Such a power would not be a true power of jurisdiction and judgment; for, as has been said, it cannot be conceived without subjects and without obligation, which, on the proposed hypothesis, would be entirely emptied of effect and frustrated. Rather, it would be a merely ministerial faculty of applying a divine benefit. Furthermore, and chiefly, on that hypothesis the power of retaining sins would be completely frustrated: both because penitents would not be bound to submit their sins to the priest and because they could obtain by another means remission of the sins which had been retained by the priest in confession. Nor can it be said that, once retention had taken place, no other means would any longer be available. For in that case, on the one hand, the efficacy of the other means would be suppressed by an arbitrary act, and, on the other, the very purpose of the power granted to the priest would be frustrated; since fear of losing the possibility of recourse to another means would deter penitents from the use of the sacrament, as has just been said.

You insist: The Church has a true power of remitting venial sins, and yet these are freely submitted to the keys of the Church. Therefore it does not follow from the fact that sins need not necessarily be submitted to the keys that the true power of the Church is rendered ineffectual.

Reply: There are two differences here between venial and mortal sins. First, venial sins are only the secondary and extensive object of the power of remitting; hence the freedom to submit them to the keys of the Church does not nullify the general reason for the necessity of submitting sins to the keys of the Church, which is verified and remains intact in the case of mortal sins, the primary and proper object of that power (cf. what was said in volume I, p. 219). Secondly, venial sins are the object only of the power of remitting, not of retaining, because by their very nature they cannot properly and simply be retained by the power of the keys, nor can they simply close the kingdom of heaven, for the opening or closing of which that power is ordained. From this the secondary character of venial sins as objects of the power of the keys is understood still more clearly, whereas that power is exercised in its full manner indivisibly for remitting or retaining.[363]

[363] Cf. what was said in volume I, pp. 219 and 227 ff.; likewise Suárez, De Paenitentia, disp. 17, sect. 2, nos. 22–24.

PROOF 2. FROM TRADITION.

Certain authors, because of the apologetic purpose which they pursue, limit this argument to the first four centuries, that is, down to the time of Leo the Great, whom several neo-critics call the founder of confession. More profitably, however, we shall extend the argument to the twelfth century, both in order to pursue the historical as well as the dogmatic purpose and because the earlier Protestants declared Innocent III, together with the Fourth Lateran Council, to be the founder of confession. In constructing this argument we shall, as far as possible, bring forward separately the documents which refer more directly to the necessity of the sacrament and those which disclose the necessity of confession itself. Moreover, in both classes it is not so much the words themselves that claim the greater force as the sacramental practice—or, if one prefers, the words enlivened and illustrated by the practice.

Petavius briefly and effectively summed up the whole argument in this way: "Innumerable are the testimonies of antiquity which most clearly support the confession of sins, and indeed secret and silent confession; these cannot be counterbalanced by one or another somewhat obscure statement of Chrysostom. However many writings there are of the ancient Fathers, or decrees of councils, in which a manner of penance is prescribed, just so many foundations and monuments of secret confession do we possess. The most ancient Fathers and the decrees of the Church command that the fallen be punished according to the gravity of their sins, and that they receive from bishops or priests the laws and conditions of penance, so that, once their case has been learned and prudently assessed, these ministers may restrain them with lighter or heavier penalties. Who, unless he were mad, would think this could be administered otherwise than by the person who committed the sins himself disclosing them? Some confession and declaration, therefore, is necessary. And this confession, private and silent as it is today, has always been so; nor was any public confession ever received into the practice and customs of the Church."[364]

[364] Petavius, De vetere in Ecclesia Poenitentiae ratione diatriba, § 4, near the end, in Dogmata Theologica, after the disputation De Ecclesiastica hierarchia, vol. 8, Paris, 1867, p. 190.

A. THE NECESSITY OF THE SACRAMENT.

a) It is presupposed in the condemnation of Montanism and Novatianism (which will be treated below in Article 92). For these heresies were condemned precisely because, by excluding certain sinners from ecclesiastical absolution, they closed to them the way of salvation (cf. Ambrose, cited in Volume I, p. 47 ff.). This certainly presupposes that recourse to the keys is necessary, at least for the remission of sins.

b) It is involved in the whole doctrine of penance, set forth conspicuously by Hermas and Tertullian (cf. above, in Volume I, pp. 95, 98, 100 ff.).

c) It is involved in that celebrated comparison between the resurrection of Lazarus and the conversion of a sinner. The force of the comparison lies in this: God does not recall sinners from spiritual death except through the cooperation of a minister who looses the bonds of sin, just as He did not loose Lazarus, raised from bodily death, from his burial bonds except through the disciples. Augustine expresses this briefly in Sermon 295, 3: "By Himself He raised him; through the disciples He loosed him."[365]

[365] This comparison was classical both among the Fathers and among medieval theologians. It is employed, after Origen (On John, vol. 28, 5 ff.), by Ambrose (On Psalm 1, 55; On Penance II, 7, 56 ff.), Augustine (On John, tract. 22, 7; Sermons 67, 2, 3; 98, 6 ff.; 295, 3; 352, 3; On Psalm 101, Sermon 2, no. 3), and Gregory the Great (Homily 26 on the Gospels, 6). Several medieval theologians, among them Peter Lombard himself, nevertheless misused this comparison in the question of the effect of the sacrament, saying that God alone justifies inwardly, while priests only loose outwardly or declare one already loosed, just as Lazarus was restored to life by Christ and loosed by the disciples.

Ambrose, On Penance, II, 7, 56: "Christ could have removed the stone by the command of His word; for at Christ's command even insensible nature is accustomed to obey. He could, by the silent force of His hidden operation, have transferred the rock of the tomb—He at whose Passion, when stones were suddenly removed, many tombs of the dead were opened. But He ordered men to remove the stone: in the literal sense, so that unbelievers might believe what they saw and behold the dead man rising; but in the figure, to signify that He granted us to lift away the burdens of offences, certain masses of guilt. It is ours to remove burdens; it is His to raise to life, His to bring from the tomb those freed of their bonds" (M.L. 16, 511).

Augustine, Sermons 295 and 352, cited in Volume I, pp. 120–122.

On Psalm 101, Sermon 2, no. 3: "Each person is loosed from the bonds of evil desires or from the knots of his own sins. The remission of sins is a loosing. For what would it have profited Lazarus to have come forth from the tomb, unless it had been said, 'Loose him and let him go' (John 11:44)? He Himself indeed raised him from the tomb by His voice; by crying aloud He restored his soul; He Himself cast off the earthly mass laid upon the buried man, and that man came forth bound—not, therefore, by his own feet, but by the power of Him who brought him forth. This takes place in the heart of the penitent: when you hear that a man repents of his sins, he has already come to life again; when you hear that a man brings forth his conscience through confession, he has already been led out of the tomb, but has not yet been loosed. When is he loosed? By whom is he loosed? 'Whatever you shall loose,' He says, 'on earth shall be loosed also in heaven' (Matthew 16:19). Rightly, therefore, the loosing of sins can be granted through the Church; but the dead man himself can be raised only by the Lord calling within, for God works this inwardly. We speak to your ears; how do we know what takes place in your hearts? What is done within is not done by us, but by Him" (M.L. 37, 1306 ff.).

Sermon 98, 6, 6: "He came forth alive from the tomb, and could not walk. And the Lord said to the disciples: 'Loose him and let him go.' He raised the dead man; they loosed the one who was bound. See that something belongs to the proper majesty of God who raises to life. A man established in an evil habit is reproved by the word of truth. How many are reproved and do not listen! Who, therefore, works inwardly with the one who listens? Who breathes life inwardly? Who is it who expels secret death and gives secret life? Do not men, after rebukes and reproaches, return to their own thoughts and begin to consider within themselves what an evil life they lead and by what a most wicked habit they are oppressed? Then, displeased with themselves, they resolve to change their lives. Such men have risen; those to whom what they once were is displeasing have returned to life; but though they have returned to life, they cannot walk. These are the bonds of their very guilt. It is therefore necessary that the one who has returned to life be loosed and allowed to go. This office He gave to the disciples, to whom He said: 'Whatever you shall loose on earth shall be loosed in heaven' (Matthew 18:18)" (M.L. 38, 594 ff.).

d) It is presupposed in the manifold practice of the Church:

In the framing of penitential canons, by which an appropriate manner of doing penance was imposed according to the character of the sins. Cf. the Council of Elvira, about A.D. 300 (in Kirch, Enchiridion historiae ecclesiasticae, nos. 330 ff.); the First Council of Arles, A.D. 314 (ibid., nos. 369 ff.); Gregory Thaumaturgus, Canonical Epistle; Basil, Epistles 188, 199 and 217; Longer Rules, 26; Shorter Rules, 229 and 288 (cited below, p. 398 f.); Gregory of Nyssa, Canonical Epistle.[366]

[366] Basil's Epistle 217 (the third canonical letter), which treats the four classes of penitents, is cited below in Article 45 (p. 874 ff.).

In urgently impelling sinners to ecclesiastical penance, even when they were most reluctant because of shame. Cf. Cyprian, Epistle 62, 4, to be quoted below; Ambrose, On Penance, II, 3, 19; II, 6, 40; II, 7, 53 together with 56–58; Aphrahat, Demonstration 7, 2, 3, 4, 5, 8, 10, 11.

In taking diligent care that sinners should not die without ecclesiastical absolution. Cf. Cyprian, Epistle 54, 5; Augustine, Epistle 228, 8; Celestine I, the letter Cuperemus (cited on pp. 320 f. and 362 f.); Innocent I, Letter to Exuperius (cited on p. 362); Leo the Great, Epistle 108, 5 (cited above, p. 363); Dionysius of Alexandria in Eusebius, Ecclesiastical History VII, 44; Augustine, Epistles 151, 9; 158, 2; City of God XX, 9, 2; On Adulterous Marriages I, 28, 35; and especially Epistle 228, 8, already cited on p. 321.

All these practices presuppose the Church's conviction that receiving the sacrament, or having recourse to the ecclesiastical keys, is necessary in order to obtain remission and salvation.

e) This is expressly affirmed in many places by the Fathers.

Besides the texts to be cited below, where the necessity of confession itself is considered, take the following:

Cyprian, Epistle 62, 4: "But if any one of them [the virgins] is discovered to have been corrupted, let her perform full penance, because she who has committed this crime is an adulteress, not of a husband, but of Christ; and therefore, when a just period has afterward been determined, let her return to the Church after making exomologesis. But if they obstinately persevere, and do not separate from one another, let them know that with this immodest obstinacy of theirs they can never

be admitted by us into the Church, lest they begin to furnish an example to others for their ruin by their own offences. Nor should they think that the means of life or salvation remains open to them if they have refused to obey the bishops and priests" (M.L. 4, 381).

Epistles 73, 7, and 76, 11 (cited in Volume I, p. 81): "The Lord declares in His Gospel that sins can be forgiven through those alone who have the Holy Spirit."

Hilary, On Matthew, chapter 18, no. 10: "Therefore every pardon comes from this: for He forgives even those things which are sins in themselves after a return to confession. ... The Lord grants forgiveness of this offence through the confession of those who believe, that is, through the gift of baptism He grants the grace of salvation to detractors and persecutors; when He shows that forgiveness ought all the more to be granted by us without measure or number, and that we must not consider how often we forgive, but rather [we ought] to cease to be angry with those who sin against us whenever occasion for anger arises. And certainly this constancy in pardoning teaches us that there ought to be no time whatever for anger in us, since God bestows on us the pardon of absolutely all sins by His own gift rather than by our merit" (M.L. 9, 1022).

Chrysostom, On the Priesthood, III, 5 ff.: "For it is manifest madness to despise so great a dignity, without which we can obtain neither salvation nor the promised goods. ... For not only when they regenerate us, but even after regeneration, they are able to forgive sins committed" (M.G. 48, 643 ff.; cf. ibid., III, 5–6, cited in Volume I, p. 118).

Ambrose, On Psalm 38, 37 ff.: "Desiring to receive this, David said before Christ came upon earth: 'Forgive me that I may be refreshed before I go and be no more'; that is, forgive me here, where I have sinned. Unless You forgive me here, I shall not be able to find there the rest of remission; for what remains bound on earth will remain bound in heaven, and what has been loosed on earth will be loosed in heaven. For the prophet and herald of the Church that was to be gathered foresaw, in an evangelical spirit, the indulgences of the Lord; and the Lord revealed to him what He would command to the apostles. Indeed, this was an ancient sentence, that he who had bound himself on earth should depart the body bound. Therefore the Lord gave to the apostles, for sins which were to be loosed by the equity of remission, what had previously belonged to His own judgment, lest those that ought soon to be loosed remain bound for long. Finally hear Him saying: 'I will give you the keys of the kingdom of heaven; and whatever you shall bind upon earth shall be bound also in heaven, and whatever you shall loose upon earth shall be loosed also in heaven' (Matthew 16:19). 'To you,' He says, 'I will give the keys of the kingdom of heaven,' so that you may both loose and bind. Novatian did not hear this, but the Church of God heard it; therefore he is in a fall, we in remission; he in impenitence, we in grace. What is said to Peter is said to the apostles. We do not usurp power, but serve the command, lest later, when the Lord comes and finds bound those who ought to have been loosed, He be moved against the steward who has kept bound the servants whom the Lord had commanded to be loosed. ... Rightly, therefore, David asks that he be forgiven what he knew had not been attributed to those priests who were according to Aaron, but was reserved for the Gospel. He, therefore, to whom forgiveness is not granted is in exile, and remains in the hardship of wandering. Here, therefore, forgiveness must be sought. ... Unless sin has been forgiven here, we shall not have rest; if there is no rest, there will be no eternal life" (M.L. 14, 1057 ff.).

On Penance, I, 16, 90: "If therefore a man who has secret crimes nevertheless diligently does penance for Christ's sake, how does he receive its fruit if communion is not restored to him? I wish the guilty

man to hope for pardon; let him seek it with tears; let him seek it with the weeping of the whole people; let him entreat that he may be forgiven; and when his communion has been deferred a second and a third time, let him believe that he has entreated too feebly, let him increase his tears, let him return afterward in greater misery, let him clasp the feet with his arms, kiss them with kisses, wash them with tears, and not let go, so that the Lord Jesus may say of him: 'Her many sins are forgiven, because she loved much' (Luke 7:47)" (M.L. 16, 514 ff.).

An anonymous author (about the end of the fourth century), Consultations of Zacchaeus the Christian and Apollonius the Philosopher, II, 18: "Thus also the luxurious man in the Gospel, after squandering the riches of his spiritual inheritance and confessing himself a sinner before heaven, is not rejected as defiled, nor refused as a prodigal, but, when his father's kiss has fallen upon his neck, he is received into Catholic peace; and certainly he could not previously have been a son except by adoption through baptism. ... The Saviour intimates that even blasphemy, which exceeds all crimes, can be forgiven, and does not refuse to abolish the sins committed against Himself, if through the labour of true confession we merit that, under His command, the heavenly judgment should agree with the judgment of priests" (M.L. 20, 1143).

Pseudo-Ambrose, Questions on the Old and New Testaments, 102: "There is no doubt that those who sin in some way against God through error or necessity can be forgiven, if they do fitting penance. For this was granted to ecclesiastical law by its Author: that it should both impose penance and receive [the sinner] after penance" (M.L. 35, 1310).

Augustine, On Psalm 101, Sermon 2, no. 3, cited above on p. 384.

Enchiridion, 65, cited in Volume I, p. 120: "The Church, in which sins themselves are forgiven; for outside her they are not forgiven."

Sermon 98, 6, 6, cited above (p. 384): "It is necessary [for remission] ... that the one who has come back to life should be loosed. ... This office [Christ] gave to the disciples."

Sermon 295, 3, cited in Volume I, p. 120 ff.: "Outside this Church nothing is loosed."

Sermon 351, 4, 9, cited ibid., p. 121.

On Baptism, III, 18, 23, cited ibid., p. 85: "The peace of the Church forgives sins, and alienation from the peace of the Church retains sins."

Leo the Great, Epistle 108, 2, cited ibid., p. 61 ff.: "The indulgence of God cannot be obtained except through the supplications of the priests."

Ibid., 5, cited above on p. 363, warns that penance should not be deferred until the time of death, "when there is scarcely time for either the confession of the penitent or the reconciliation of the priest."

B. THE NECESSITY OF CONFESSION.

a) It is suggested, first of all, by the ancient practice of confession before baptism.

For it is certain that, in at least some churches, a certain confession of sins was frequently practised before the reception of Baptism itself, of the same general kind as the above-mentioned confession customary at the baptism of John. It is mentioned by Tertullian, On Baptism, 20 (cited above on p.

371); Hippolytus, Apostolic Tradition (or Egyptian Church Order); Canons of Hippolytus, canon 102 ff.; Cyril of Jerusalem, Catecheses 1, 2, 5; Catechesis 2, 6, 11, 12; and Gregory Nazianzen, Oration 40, 27. Nevertheless, Pseudo-Ambrose, On the Sacraments, III, 2, 12, denies that such confession was necessary: "Even if a person who comes to baptism does not confess a sin, nevertheless by this very fact he accomplishes the confession of all sins, because he asks to be baptized in order that he may be justified, that is, that he may pass from fault into grace" (M.L. 16, 455). From the foregoing practice of pre-baptismal confession, therefore, it is shown how closely connected, in the mind of the Church, were the two concepts of justification and confession; and from this arises a presumption, by way of inference, concerning the necessity of confession after baptism in the reception of the sacrament of Penance.

b) It follows necessarily from the combined teaching of Tradition concerning the necessity of the sacrament and the necessity of confession for receiving that sacrament.

We have just proved the former necessity. The latter, namely, that the Church has always understood reception of the sacrament, or recourse to the keys, to involve necessarily the confession of sins,[367] is very clearly manifested both in the explicit words of the Fathers, which we shall cite below, and in the Church's own practice in employing her power in a judicial manner, which involves knowledge and confession of sins.

[367] Even liberal Protestants themselves admit this, such as Lea, who writes: "Such remission was manifestly impossible without a preliminary declaration of the offenses to be forgiven" (A History of Auricular Confession and Indulgences in the Latin Church, Philadelphia, 1896, vol. I, p. 182). See also the testimonies of K. Müller, K. Holl, and H. Koch cited by Galtier, De Paenitentia, no. 421, in the note.

Tertullian and Cyprian, cited in Volume I, p. 133.

Cyprian, Epistle 52 (to Antonianus), 6: "In accordance with what had previously been decided, when persecution had ceased and the opportunity for meeting together was given, a considerable number of bishops—whom their faith and the protection of the Lord had kept unharmed and safe—assembled as one; and after the Scriptures had long been brought forward from both sides, by salutary moderation we adopted a middle course: so that neither was the hope of communion and peace altogether denied to the fallen, lest through despair they should fall away further, and, being cut off from the Church, should live in a worldly manner; nor, on the other hand, was the Gospel's strictness relaxed so far that they should rush rashly into communion. Rather, penance was to be prolonged, and the father's clemency sought in sorrow, and the cases, intentions, and necessities of each individual were to be examined, according to what is contained in the petition which I have sent to you, where the individual headings of the decisions are written out. And if the number of bishops in Africa seemed insufficient, we also wrote on this matter to Rome, to our colleague Cornelius; he too, after holding a council with very many fellow-bishops, agreed in the same opinion with us, with equal seriousness and salutary moderation" (M.L. 3, 767).

Pope Cornelius, in his letter (number 46 in Migne) to Cyprian, relates how the reconciliation of certain persons who had adhered to Novatian was accomplished after their confession: "The confessors Urbanus and Sidonius came to our presbyters, declaring that Maximus, a confessor and presbyter, likewise wished to return with them into the Church. But because they had previously committed many things, which you too learned from our fellow-bishops and from my letters, so that trust should not rashly be placed in them, it was decided that what they had communicated through

an embassy should be heard from their own mouths and confession. When they came, and the presbyters questioned them about what they had done, ... they affirmed that they had been deceived; ... that, having been led astray, they had even committed schism and had been the instigators of heresy. ... When these and other things had been reproached to them, they begged that they might be abolished and erased from memory. When, therefore, the whole matter had been reported to me, it was decided that the presbyterate should be assembled ... so that, after deliberation, what ought to be observed concerning their persons might be determined by the agreement of all. ... When these things had been done, Maximus, Urbanus, Sidonius, and very many brethren who had joined them came before the presbyterate, earnestly pleading that what had formerly been done should fall into oblivion and that no mention of these things should be made; so that, as though nothing had been committed or said, all things having been forgiven on both sides, they might now offer God a naked and pure heart. ... Could we be unmoved by this profession [of faith and penance] on their part, so that what they had confessed before the secular power they should confirm once established within the Church? Accordingly, we ordered Maximus the presbyter to resume his place; the others we received with the great approval of the people. But we remitted everything to Almighty God, in whose power all things are reserved" (M.L. 3, 718–724).

Didascalia of the Apostles (third century), II, 16, 1 ff.: "After an examination has been made, [the bishop], if [the notorious sinner] does penance and is worthy to be received into the Church, shall impose upon him days of fasting according to his offence—two or three or five or seven weeks—and then dismiss him ... telling him to remain humbly at his side ... so that he may become worthy of the remission of sins."

Pope Marcellus (304–309) established penitentiary presbyters at Rome, according to the Roman Pontifical: "He established twenty-five titles in the city of Rome, as though dioceses, for Baptism and Penance and the burial of martyrs" (ed. Duchesne, vol. I, p. 75). Batiffol (L'origine des prêtres pénitenciers, in Revue du Clergé français, vol. 42, pp. 449–456; and Pénitenciers et pénitents, in Études d'histoire et de théologie positive, first series, Paris, 1902, p. 145), followed by Schmitz and d'Alès, maintains that those presbyters were entrusted not only with first penance, that is, Baptism, but also with the second, namely the sacrament of Penance itself. Vacandard, on the other hand (in the same Revue du Clergé français, pp. 301–386, and again in Dictionnaire de théologie catholique, article "Confession du Ier au XIIIe siècle," cols. 842–844), defends the contrary, relying on the second edition of the Liber Pontificalis, which is a somewhat fuller determination and explanation of the first, and reads: "He established twenty-five titles in the city of Rome, as though dioceses, for the Baptism and Penance of the many who were converted from paganism" (ibid., p. 164). Vacandard teaches, moreover, that the office of penitentiary presbyter had not yet been constituted in the Roman Church in the fourth and fifth centuries. Whatever may be said of this question (which we shall explain more fully in Article 98), this office was already in force, at least in the fourth century, in the East, in the Church of Constantinople, as is clear from Socrates and Sozomen (cited below on pp. 432–434), who relate that this office was suppressed by Nectarius, patriarch of Constantinople and predecessor of Chrysostom.

c) It is implicitly contained in that solicitude by which, on the one hand, the faithful spontaneously had recourse to the difficult remedy of confession, especially when danger of death was pressing, although they shrank from it through shame and the gravity of their sins (cf. Augustine, Sermon 237,

7 ff.; Cyprian, On the Lapsed, 28; Ambrose, On Penance, II, 9, 86; II, 10, 91; Pacian, Exhortation to Penance, 9); and, on the other hand, pastors submitted themselves to the burden of hearing confessions, notwithstanding the other most serious cares of their office.

To this point belongs Cyprian, Epistle 12 (to Cornelius), 15: "O dearest brother, if you could be present here with us, when these evil and perverse men return from schism, you would see what labour is required to persuade our brethren to exercise patience, so that, having appeased their sorrow of mind, they may consent to receive and care for these evil men. For just as they rejoice and are glad when those who are tolerable and less culpable return, so, contrariwise, they protest and resist whenever the incorrigible and stubborn, defiled by adultery or by sacrifices [to idols], and, moreover, still proud after all this, return to the Church, so as to corrupt good dispositions within her. I can scarcely persuade the people—indeed, I wrest it from them—that they should suffer such men to be admitted. And the grief of the brethren is more just because one and another, against the objections and protests of the people, received with my indulgence, proved worse than they had been before, nor could they maintain the faith of their penance, because they had not come with true penance" (M.L. 3, 849 ff.).

Pacian, Exhortation to Penance, 8: "But if your own soul is of little value to you, spare the people, spare the priests. The Apostle cries ... to the priest: 'Lay hands suddenly on no man, neither be partaker of other men's sins' (1 Timothy 5:22). What are you doing, then, you who deceive the priest? ... Therefore I beg you, brethren, even for the sake of my own danger, by that Lord whom hidden things do not deceive, cease to conceal your wounded conscience" (M.L. 13, 1086).

Paulinus, Life of Ambrose, 39, cited below on pp. 401 ff.

d) It is directly asserted by the Fathers, who speak of the necessity of confession not only in a hypothetical sense (that is, if someone wishes to receive the sacrament and subject himself to the keys), but also in a simple and absolute sense.

FIRST AND SECOND CENTURIES. For reasons discussed elsewhere (Volume I, p. 91), the documents are uncertain, or rather indeterminate. Yet some improperly set little value upon them, if, as is fitting, their historical context is considered, that is, their connection both with one another and especially with the documents of the immediately succeeding period (the third and fourth centuries).

THE DIDACHE (about A.D. 90–100), cited in Volume I, pp. 91 ff., twice sets forth the precept of confession, adding on one occasion a mention of the Church ("In the Church you shall confess your sins"), which is nevertheless omitted even in the Epistle of Barnabas (cited there, p. 92).

Several modern writers, such as Funk, Rauschen, and Vacandard, seem altogether to reject the force of this testimony, teaching that it concerns merely a ritual confession to be performed in church. E. Vacandard, in Dictionnaire de théologie catholique, article "Confession du Ier au XIIIe siècle," col. 840, writes: "We do not invoke the famous texts of the Didache, iv, 14; xiv, 1, in which the faithful are advised to 'confess their faults in the assembly of the Church,' because it is a question there merely of a ritual confession, according to the opinion of the best critics." In the Revue du Clergé français, vol. 58 (1909), p. 405, reviewing Rauschen's well-known work, he writes more sharply: "The latter [that is, Gartmeier] appears to him [that is, Rauschen], and rightly so, to be absolutely devoid of critical judgment. How, indeed, can one still invoke the texts of the Didache, which speak

of the liturgical confession recommended to the faithful, as witnesses to private sacramental confession? Gartmeier's work swarms with confusions of the same kind."

Nevertheless, the text in question appears plainly parallel to James 5:16; and therefore, like that passage (cf. above, pp. 374–378), it probably refers to sacramental confession itself. The same interpretation is supported by Clement of Rome's words concerning the necessary connection of penance with the presbyters of the Church, and by Polycarp's words concerning the penitential judgment of presbyters (cf. Volume I, p. 92). Vacandard himself, in the above-mentioned article in Dictionnaire de théologie catholique, writes: "But perhaps we may be permitted to see a penitential confession in the action which St. Clement of Rome prescribed to the disturbers at Corinth, namely,

'to submit themselves to the presbyters,' τοῖς πρεσβυτέροις, and to receive discipline for penance, bending the knees of their hearts ... so as not to be excluded from the flock of Christ. ... If the interpretation of this text which we propose (with some hesitation) were certain, we should reach the years immediately following the apostolic age."

For the rest, not a few scholars of positive theology, by no means deficient in critical judgment, concede this probability.

D'Alès says that "the Didache commands confession of sins and penance," and places the passage among those of "doubtful or disputed interpretation";[368] he cites Bainvel (Recherches de Science religieuse, 1920, pp. 214–224), who considers the passage a probable conjecture.

[368] D'Alès, De Paenitentia, Paris, 1926, pp. 17 and 84.

Diekamp writes: "Confession [according to the Didache] was to be performed 'in the Church'; very probably this was public confession, though there was a way of avoiding it: 'In the Church you shall confess your sins, and you shall not go to your prayer with an evil conscience' (4, 14). Therefore the fruit of this confession is a good conscience. The exhortation, which also occurs in Pseudo-Barnabas 19, 12, also intimates that a person ought to accuse himself. Yet the interpretation which would understand this to concern a general confession, such as was sometimes practised in Jewish worship, cannot be proved false. Nothing is indeed explicitly said concerning forgiveness granted by the Church; but from the teaching found in Didache 4, 3; 15, 3; and Barnabas 19, 4, it seems to follow that the leaders of the community, in the assembly of the faithful, exercised the power of binding and loosing entrusted by Christ (Matthew 18:18)."[369]

[369] Diekamp, Theologische Dogmatik (A. Hoffmann), vol. 4, § 41, Paris, 1946, pp. 272 ff.

Cayré writes: "Confession. There is a double mention of this [in the Didache]: 1. In ch. iv, individual confession made in the assembly ...; 2. In ch. xiv a more official character seems to be given to confession. There is nothing in these two texts which indicates the manner of making the confession, whether it be general or particular, made to the whole assembly or to the ministers who preside over it. Since it has the effect of taking away sin, it appears to have been sacramental confession. Some authors, however, declare it to have been but a religious rite. It should be noted, nevertheless, that in ch. xi, 7 it is affirmed that 'every sin shall be remitted' save the sin against the Holy Ghost."[370]

[370] Cayré, Manual of Patrology, translated by H. Howitt, vol. I, Paris, 1936, p. 49.

CLEMENT OF ROME (A.D. 96–98), First Epistle to the Corinthians, 51, 1 and 3: "Whatever ... transgressions we have committed, having been led astray by one of the servants of the Adversary, let

us beg that they be forgiven. ... For it is better for a man to confess his sins than to harden his heart" (Funk, I, 165). In the same epistle, 57, 1 (cited in Volume I, p. 92), penance and confession to be performed by these Corinthians are connected with the presbyters of the Church.

PSEUDO-CLEMENT OF ROME, Second Epistle to the Corinthians (probably about A.D. 150), 8, 2 ff.: "As long as we are in this world, let us repent with our whole heart of the sins which we have committed in the flesh, so that we may be saved by the Lord while we have time for repentance. For after we have departed from the world, we can no longer confess there or do penance" (Funk, I, 193–195). The necessity of penance and confession is strikingly proposed. Its sacramental character is not set forth, but must be gathered from the other documents.

HERMAS, The Shepherd (about A.D. 140–155), Vision 1, 1, 3 ("I began to pray to the Lord and to confess my sins"), and 3, 1, 5 ff. ("I again confessed my sins to the Lord"), and Mandate 10, 3, 2, speaks of confession to God alone. But in Mandate 4, 3, 6 (cited in Volume I, p. 94), taken together with 4, 1, 8 (cf. the same page), he makes mention of penance instituted in the Church. Hence the following words of Similitude 9, 23, 4 ff. can rightly be referred to this penance: "God ... does not remember the wrong of those who confess their sins, but is propitious. Is a mortal man, who is full of sins, mindful of an injury inflicted on him by another, as though he could destroy or preserve him? I say to you, the angel of penance: whoever has this purpose, lay it aside and do penance, and the Lord will heal your former sins if you purify yourselves from this evil spirit; otherwise you will be handed over to him unto death" (Funk, I, 619).

IRENAEUS, Against Heresies (about A.D. 185), I, 13, 7 (cited in Volume I, p. 96; cf. I, 6, 3 and III, 4, 3), provides more explicit testimony to the necessity of confession. For the discussion concerns sinful women who confessed their sins to the Church, some of whom, however, were unwilling to submit themselves to the necessary public penance, thus withdrawing themselves from the way of salvation (cf. what is said concerning this text below, pp. 753 and 969).

THIRD CENTURY. The documents are clearer, namely those of Tertullian, Cyprian, and especially Origen.

TERTULLIAN, On Penance (A.D. 200–206), chapter 8: "Confession of sins brings relief as much as concealment aggravates them. For confession is the counsel of satisfaction, concealment the counsel of obstinacy" (M.L. 1, 1354). Chapter 9 follows (cited in Volume I, pp. 100 ff.), in which penance before the Church is described; and chapter 10 (cited there), in which this penitential confession is said to be necessary for salvation: "Are you more mindful of shame than of salvation?"; "Is it better to be damned in secret than to be absolved openly?"

Some modern writers object, without sufficient reason, that Tertullian does not yet contain an explicit mention of confession properly so called, made to the Church or to the bishop himself, but that the passages cited concern only a confession made to God (chapter 9: "Exomologesis is that by which we confess our offence to our Lord"), implicitly contained in the several outward acts of penance there described. They concede, however, that confession properly so called preceded these acts.[371] Even some Catholics deny that those words contain an explicit mention of confession, but add that an allusion is nevertheless made to it. Thus Galtier writes: "Tertullian, therefore, knew of a confession to be made before the penance or satisfaction which God requires. Hence, since elsewhere it was known that penance or satisfaction was not customarily performed in the Church except through the

bishop—who, by determining and imposing it, regulated the manner and time of the satisfaction to be offered to God—it is not without reason that one may think Tertullian insinuated or alluded to some acknowledgment or confession of one's own sin before the bishop. Nevertheless, he speaks explicitly only of a confession which, although 'not offered to conscience alone' (IX, 1), is nevertheless made to God himself."[372]

[371] Cf. D'Alès, Le théologie de Tertullien, p. 342 ff.

[372] Galtier, De Paenitentia, thesis 28, no. 423, note, Paris, 1931, p. 322.

CYPRIAN (about A.D. 200–258), On the Lapsed, 28 ff. (cited in Volume I, p. 113), gives clearer testimony. For, speaking of those who had sacrificed to idols and those who had obtained certificates of sacrifice, who refused to confess their offences, he exhorts sinners to make confession and penance before the priests while they still have time and while the remedy for their sin is available before death. In this he plainly supposes that there is no other remedy for remission than ecclesiastical confession. Cf. also Epistle 52, 29, cited in Volume I, p. 114.

ORIGEN (about A.D. 185–254) is the most distinguished witness of this period to the necessity of sacramental confession.

In Homilies on Luke, 17 (cited in Volume I, pp. 110 ff.), he says that our sins are wiped away if we confess them not only to God but also to the priests.

In Homilies on Psalm 37, homily 1, 1: "All bishops and all presbyters or deacons instruct us, and in instructing us they employ corrections and reprove us with rather severe words. There is also a time when we are instructed even by procurators and agents, that is, by those angels to whom the administration and government of our souls have been entrusted: just as in a certain passage an angel of penance is described, who does not receive those to be chastised, as the Shepherd relates—if, that is, that little book seems worthy of acceptance to anyone. Meanwhile we submit to various instructions: to men chastising us, to men correcting us; nor, as yet, are we chastised by the Father of the household himself, but by procurators who are angels. They obtain the office of chastising and correcting each of us, and it is more tolerable to be corrected by one of these than by the others" (M.G. 12, 1372).

In the same work, homily 2, 6, 1: "We have often spoken of the declaration of iniquity, that is, the confession of sin. Consider, then, what divine Scripture teaches us: that sin must not be kept hidden within. Perhaps, in fact, just as those who have undigested food shut up within them, or an abundance of moisture or phlegm pressing severely and painfully upon the stomach, are relieved if they vomit it forth; so also those who have sinned, if they conceal and retain the sin within themselves, are inwardly oppressed and are almost suffocated by the phlegm or moisture of sin. But if a man becomes his own accuser, when he accuses himself and confesses, he at the same time vomits forth the offence and digests the whole cause of the disease. Only consider carefully to whom you ought to confess your sin. First prove the physician to whom you ought to reveal the cause of your malady: one who knows how to be weak with the weak, to weep with those who weep, one who knows the discipline of sympathy and compassion. Thus, at last, if he says anything—he who has first shown himself to be an instructed and merciful physician—if he gives any counsel, you should do and follow it. If he understands and foresees that your malady is such that it must be exposed and cured in the assembly of the whole Church, whereby perhaps the others too may be edified and you

yourself may easily be healed, this must be undertaken with much deliberation and according to the counsel of that sufficiently experienced physician" (M.L. 12, 1386).

Several non-Catholic critics[373] have been accustomed to weaken the force of this remarkable text,[374] saying that it concerns not sacramental confession but a certain private confession, or a direction to be sought from any spiritual and prudent person.

[373] Among others, K. Holl, Enthusiasmus und Bussgewalt beim griechischen Mönchtum, Leipzig, 1898, p. 237, and O. D. Watkins, A History of Penance, vol. I, London, 1920, p. 139.

[374] Galtier, in Dictionnaire apologétique de la foi catholique, article "Pénitence," col. 1805: "It is difficult, it seems, to express more clearly the necessity of confession—of secret confession."

In reply Galtier writes: "It is commonly objected that confession in this passage is not understood as something to be made to a priest as such; otherwise Origen would not be so concerned about the personal gifts and merits of the physician to be consulted. Accordingly, they say, sin is to be disclosed only to a prudent, spiritual, and merciful man, by whose counsel a person may wisely choose how to govern himself. But this is excluded because: (a) the physician to be consulted is one from whom the healing of any sin whatsoever can be obtained without public confession being instituted in the Church; for it is implied that such public confession would have a place only rarely. Origen himself, moreover (On Prayer, 28), says that only the apostles and their successors were given power to remit sins of every kind. (b) That physician can also determine that confession must be made in the Church. But, given the hierarchical constitution of the Church in Origen's day, no one other than a priest could have had the power to determine such a matter. (c) On the contrary, Origen himself expressly says in the preceding homily (on Psalm 37, homily 1, 1) that the successors of the apostles are those 'to whom the discipline of curing wounds has been entrusted, whom God willed to be physicians of souls in His Church' (M.G. 12, 1369 c). (d) Furthermore, what Origen inculcates concerning the search for, and the selection of, a prudent and experienced physician for oneself is explained both by the very nature of the matter and by the opinion according to which he seems to have indulged not a little a connection between the efficacy of rites and the personal worthiness of ministers; cf., for example, Homilies on Leviticus VI, 6; On Prayer 28; Commentary on Matthew 12 (M.G. 12, 473 b; 11, 528; 13, 1013–1015)."[375]

[375] Galtier, De Paenitentia, thesis 28, no. 422, Paris, 1931, pp. 320 ff.

In Homilies on Leviticus, homily 2, 4 (cited in Volume I, p. 111), this text presents a certain difficulty because sacramental confession is counted among seven ways of obtaining the remission of sins; but this will be considered below in the reply to Objection 4.

In the same work, homily 3, no. 4:[376] "Hear what the ordinance of the law commands: 'If a man,' it says, 'has sinned in any one of these matters, he shall declare the sin which he has committed' [Leviticus 5:5]. There is something in this wonderful mystery which commands that sin be declared. For the things that we do must be declared in every way, and all that we do must be brought into the open. If we do anything in secret, if we commit anything in speech alone or even within the hidden thoughts of the mind, all things must necessarily be made public; they must be brought forward by him who is both the accuser of sin and its instigator. For he himself now urges us to sin, and he himself accuses us even when we have sinned. If, therefore, in this life we anticipate him and become our own accusers, we escape the malice of the devil, our enemy and accuser. ... See, then, that the declaration of sin merits the remission of sin. For the devil, having been forestalled in the accusation,

will be unable to accuse us again; and if we ourselves become our own accusers, this profits us unto salvation, whereas if we wait to be accused by the devil, that accusation gives us over to punishment" (M.G. 12, 429).

[376] Galtier, comparing this passage with Homilies on Psalm 37, homily 2, 6, observes: "Another of his homilies affirms still more clearly, if possible, this absolute necessity of confession. It is the only means of forestalling the accusatory testimony of the devil and the publication of our faults on the day of judgment" (Dictionnaire apologétique de la foi catholique, article "Pénitence," col. 1807).

THE FOURTH AND FIFTH CENTURIES DOWN TO LEO THE GREAT abound in notable testimonies.

LACTANTIUS, Divine Institutes (A.D. 305–310), IV, 17: "This is the circumcision of the heart of which the prophets speak, which God transferred from mortal flesh to the soul, which alone will endure. For, wishing out of His eternal goodness to provide for our life and salvation, He set before us penance in that circumcision, so that, if we lay bare our heart—that is, if, having confessed our sins, we make satisfaction to God—we may obtain pardon. This is denied to the obstinate and to those who conceal their offences by Him who looks not upon the face, as man does, but upon the innermost and secret things of the breast" (M.L. 6, 501).

In the same work, IV, 30: "The Catholic Church alone, therefore, retains the true worship. Here is the fountain of truth; here the dwelling-place of faith; here the temple of God. Whoever has not entered it, or whoever has departed from it, is a stranger to the hope of life and eternal salvation. ... Nevertheless, since the various assemblies of heretics regard themselves above all as Christians, and consider their own community to be the Catholic Church, it must be known that the true Church is that in which there are confession and penance, which healthfully heal the sins and wounds to which the weakness of the flesh is subject" (M.L. 6, 543 ff.).

APHRAATES († about the middle of the fourth century), Demonstration 7 (On Penitents), 2, 3, 4, 8, 11: "There are remedies for all pains, by which they may be healed, provided that a prudent physician knows them. Those who are wounded in our contest have penance as their remedy, and when it is applied to their wounds they are healed. O physicians, disciples of our wise Physician! Take up this remedy, by which you may heal the wounds of the sick. ... He who has been struck by Satan should not be ashamed to confess his offence, to abandon it, and to ask for penance as a remedy. He who blushes to disclose his wound will be overtaken by gangrene, and his whole body will be infected with the injury; but he who is not ashamed to make his wound known will be healed and will descend again into battle. The man, however, who has contracted gangrene will neither be restored to health nor be able again to put on the armour which he has laid aside. So, too, for one who has been overcome in our struggle, this way of recovering health remains: let him say, 'I have sinned,' and ask for penance. ... You, therefore, physicians, who are disciples of our illustrious Physician, ought not to deny medicine to those who need healing. Whoever reveals his wound to you, impose upon him the remedy of penance. But as for the man who is ashamed to disclose his infirmity, exhort him not to hide it from you; and when he has disclosed it to you, do not make it public, lest because of him the innocent should be judged guilty by enemies and those who hate us. ...

"Again I exhort you who have been wounded not to be ashamed to say: 'We fell in the battle.' Receive the medicine without any payment; turn back and live, lest you succumb to death. And to you physicians I recall what is written in the Scriptures of our wise Physician, namely, that He does not

forbid penance. ... Hear also, you who hold the keys of the gates of heaven, and open the doors to those doing penance; listen to what the blessed Apostle says: 'If any of you should be overtaken in a fault, you who are spiritual, restore him in the spirit of gentleness, and take heed lest you also be tempted'" (Patrologia Syriaca, Graffin, pp. 315–330).

HILARY OF POITIERS (about A.D. 315–366), Commentary on Matthew, ch. 18, no. 8, cited in Volume I, pp. 117 ff. Cf. no. 10, cited above (pp. 385 ff.).

EPHREM (about A.D. 306–373), Sermon on Penance: "Be the first to declare your sins, that you may be justified, says God. Do you turn so great an indulgence into cruelty, O heretic? The beginning of penance commences with words; for confession made by words is the beginning of penance. For this reason the beginnings of salvation are granted to the publican, but they did not yet completely free him from his debts, since he had not yet completely performed penance. Learn the severity of God and His exacting requirement, and understand the usefulness of penance. He bestows a reward according to the deed. The publican confessed by word and was admitted to the progress of efficacious penance" (in Rouët de Journel, Enchiridion Patristicum, 744).

The same author, Exhortation to Penance, 19: "O how great will be the groanings when all the things in which we took delight shall altogether forsake us, and each one shall stand naked, soon to be led to judgment! Woe to that wretched man who, like me, has multiplied his offences, who committed sins and concealed them lest he should suffer disgrace here, and who for that reason will there, on the day of judgment, be pointed out with the finger and carried upon the tongues of men" (Opera Syriaca et Latina, vol. 3, p. 448).

BASIL[377] (about A.D. 330–379), Commentary on Isaiah, ch. 9, no. 230, writes: "If we disclose our sin through confession, we have made it like dry grass, fit to be devoured by the purifying fire. ... Unless our sin becomes like dry grass, it will not be consumed by the fire, nor will it be set ablaze" (M.G. 30, 522). He understands this confession, however, to be ecclesiastical; for a little later (no. 244) he speaks of those who preside over the Church as administering penance: "No one will deny that [Isaiah 10:19] indicates those who are set over the Church, because they lead lives of innocence and integrity, and because hidden sins, of which no one is witness except Him who searches the secret recesses of each person, are entrusted to them by sinners. He will inscribe again [in the book of life] such as have been, as it were, effaced and erased through sin. Those who have escaped the conflagration and have received purification obtained by penance, as though by fire, are enrolled by Him who consumes the matter of evils that clings to them" (ibid., 547).

[377] Cf. A. Lagarde, La confession dans saint Basile, in Revue d'histoire et de littérature ecclésiastiques, 1922, p. 534 ff.

Shorter Rules, 229: "In the confession of sins the same procedure must be observed as in revealing diseases of the body. For just as men do not disclose bodily ailments to everyone, nor to just anyone, but to those skilled in their treatment, so also the confession of sins ought to be made before those who are able to heal them, according to what is written: 'You who are strong ought to bear the infirmities of the weak'; that is, remove them by your care and diligence" (M.G. 31, 1235).

In the same work, 288: "Must one who wishes to confess his sins confess them to everyone indiscriminately, or to whom? Answer. ... It is necessary to confess sins to those to whom the administration of the mysteries of God has been entrusted. Thus we find that those who formerly did penance did so before the saints. For it is written in the Gospel that they confessed their sins to John

the Baptist; and in Acts, to the apostles themselves, by whom all were also baptized" (M.G. 31, 1283–1286).

CHRYSOSTOM (A.D. 344–407). His position will be explained separately below (in the reply to Objection 7), because opponents maintain that he was ignorant of sacramental and private confession and argue from his silence against its necessity.

ASTERIUS OF AMASEA (about A.D. 400), Homily 13: "Examine quickly and carefully consider the disease by which you are afflicted. ... Show me your bitter and abundant tears, so that I too may mingle my tears with yours. Take the priest as a father, a sharer and companion of your affliction. For who could be so falsely called Father, or be endowed with a heart so hard and adamantine, that he would not grieve with his grieving children and rejoice with those who rejoice? The priest is as distressed by the sin of one whom he regards as a son on account of religion as Jacob was at the sight of Joseph's garment. ... Therefore you should have greater confidence in him who begot you in God than in those from whom you received bodily life. Boldly show him what lies hidden. Reveal the secrets of your soul, as hidden wounds, to the physician. He will take thought for both your honour and your health" (M.G. 40, 370).

PACIAN († about A.D. 390), Exhortation to Penance, 2, 6, 8: "I shall speak of those of the faithful who, being ashamed of their remedy through a misplaced modesty, communicate with defiled bodies and polluted minds. ... I shall also speak of those who, after their crimes have been duly confessed and laid open, either do not know or refuse the remedies of penance and the very acts by which confession is to be performed. Lastly, I shall endeavour to show with the utmost clarity what punishment awaits those who do not perform penance or who perform it negligently, and therefore die in their wound and swelling. ... Are we then, someone will say, to perish? And where is the merciful God ... ? Are we to die in our sins? And what will you do, priest? With what recompense will you make good so many losses to the Church? Take the remedy if you have begun to despair, if you recognize your misery, if you are afraid [that is, approach confession with contrition and sincerity]. ...

"Behold ... the Apostle says to the priest: 'Impose hands on no man lightly, neither be partaker of other men's sins' (1 Timothy 5:22). What will you do, you who deceive the priest? You either mislead him in his ignorance or, when he has incomplete knowledge, perplex him by the difficulty of examination. I therefore beg you, brethren, even on account of the peril to myself, by that Lord whom hidden things do not deceive, cease to conceal your wounded conscience. Prudent sick men are not afraid of physicians, even when these must cut or cauterize the hidden parts of their bodies. ... Shall the sinner be afraid? Shall the sinner blush to purchase eternal life at the price of present shame? Shall he withdraw wounds badly concealed from the Lord who offers His hands? Has one who has offended the Lord anything in himself of which he should be ashamed? ...

"But if you blush before the eyes of your brethren, do not fear those who share the same liability to falls as yourselves. No body rejoices in the suffering of its own members; it suffers with them and works together for the remedy. In one or two there is the Church; and in the Church there is Christ. And therefore he who does not conceal his sins from his brethren, aided by the tears of the Church, is absolved by the prayers of Christ" (M.L. 13, 1083–1086).

AMBROSE (about A.D. 340–397), On Penance, II, 9, 86: "Many who are conscious of their sins, through fear of future punishment, ask for penance; and when they have received it, they are held back by shame at making public supplication. Such men seem to have asked for penance over evil deeds, but to be repenting of good deeds" (M.L. 16, 539).

In the same work, II, 10, 91: "Could anyone bear that you should be ashamed to beseech God, when you are not ashamed to beseech a man? Or should you be ashamed to make supplication to God, from whom you are not hidden, while you are not ashamed to confess your sins to a man, from whom you can be hidden? Do you shrink from witnesses and fellow-knowers of your prayer, when, if satisfaction must be made to a man, you have to approach and beseech many people to deign to intercede? You yourself cast yourself at their knees, kiss their footsteps, and bring your children, still ignorant of your fault, to plead for their father's pardon. Do you then disdain to do this in the Church —to supplicate God and seek the patronage of the holy people in your entreaty—where there is nothing of which one ought to be ashamed except failing to confess, since all of us are sinners; where he is more praiseworthy who is more humble, and he more just who more abases himself?" (M.L. 16, 518 ff.).

In the same work, II, 3, 19: "It has therefore been most clearly commanded by the preaching of the Lord that the grace of the heavenly sacrament be restored even to persons guilty of the gravest crime, if they perform penance with their whole heart and with open confession of sin" (M.L. 16, 501).

In the same work, II, 6, 40: "Remember, so that you may know your sin has been forgiven; do not boast as though you were innocent; do not increase your burden by justifying yourself. But if you wish to be justified, confess your offence. For the shamefaced confession of sins loosens the bonds of crimes" (M.L. 16, 507).

In the same work, II, 7, 52: "Let us weep for a time, that we may exult for eternity. Let us fear the Lord; let us anticipate Him by confessing our sins, correct our falls, and amend our error" (M.L. 16, 510).

In the same work, II, 7, 66: "Show your wound to the physician, that you may be healed. Even though you do not show it, he knows it; but he asks to hear your own voice. Wipe away your scars with tears. Thus did that woman in the Gospel (Matthew 9:22) wipe away sin and the stench of her error; thus did she wash away her guilt, when she washed the feet of Jesus with tears" (M.L. 16, 513).

Letter 67 (to Simplicianus), 4–14: "To commit no sin belongs to God alone; to amend oneself belongs to the wise man, as does the correction of a fault and the doing of penance for sin. Yet this is difficult in the life of men. For what is so rare as to find a man who reproves himself and condemns his own deed? Confession of sin, therefore, is rare; penance is rare; the assertion of this saying is rare among men. Nature resists it, and shame resists it: nature, because all are under sin, and whoever bears flesh is liable to fault. Thus the nature of the flesh and the enticement of the world are opposed to innocence and integrity. Shame also resists it, because each man blushes to acknowledge his own fault, thinking more of present things than of future ones. ...

"Moses says [Leviticus 10:16 ff.] that the offering for sin ought to have been eaten in the holy of holies, and he reproves the priests as though they had been negligent. Aaron answered that priestly judgment ought to be prudent, and that this duty ought not readily to be entrusted to an unsound

conscience, lest the latter error be worse than the former. For in a foul-smelling vessel either oil or wine is easily spoiled and made worse. How could sin be burned away where there was strange fire—and that before the Lord, to whom even hidden things are known? Can it please the Lord if a man, while he is still dwelling in iniquities and keeping injustice enclosed in his heart, says that he is doing penance? It is as though a sick man were to pretend that he is healthy; he will become more ill, for a pretence of health can profit him nothing, since it is outlined in word alone and supported by no help from virtue. ...

"The priests, therefore, have not removed this fault, nor the sin of one who presents himself deceitfully and is still bent upon offending. For they cannot feast upon that which is full of fraud and of the inwardly creeping serpent; the food of the priest consists in the remission of sins. ... It will not ... please the Lord if the priest eats a sacrifice in whose offering there is deceit, rather than the sincerity of careful confession" (M.L. 16, 1281–1284).

Opponents object ineptly that Ambrose is speaking here only of confession made to God. The contrary is evident from the words of On Penance II, 9, 86, when compared with II, 10, 91, and from Letter 67 (just cited); likewise from the fact that, according to the holy Doctor, sinners "ask for, demand, and receive penance," that is, from priests (cf. On Penance II, 9, 86 ff.); and likewise from the whole of his teaching concerning the power of the keys and the necessary recourse to it in order to obtain the remission of sins (cf. On Psalm 38, 37 ff., cited on p. 386; On Penance I, 16, 90, cited there; and On Penance II, 7, 56, cited on pp. 383 ff.).

PAULINUS (Ambrose's secretary), Life of Ambrose, 39, reporting his master's mind and practice, speaks of confession before priests, which he presupposes to be necessary: "He rejoiced with those who rejoiced and wept with those who wept (Romans 12:15); for whenever anyone confessed his falls to him in order to receive penance, he wept so much that he compelled that person also to weep. For he seemed to himself to lie prostrate with the fallen man. As for the causes of the crimes confessed to him, he would speak of them to no one except the Lord alone, before whom he interceded, leaving a good example to later priests: that they should be intercessors before God rather than accusers before men. For according to the Apostle (2 Corinthians 2:8) charity ought to be confirmed toward such a man; for he is his own accuser and does not wait for an accuser, but forestalls him" (M.L. 14, 40).

JEROME (about A.D. 342–419), Commentary on Matthew, III, 16:19, cited in Volume I, p. 119.

In his Commentary on Ecclesiastes, ch. 10: "If the serpent, the devil, has secretly bitten someone, and without anyone knowing it has infected him with the poison of sin; if the one who has been struck remains silent and does not do penance, and does not wish to confess his wound to a brother and teacher, the teacher and brother, who possess a tongue for healing, will not readily be able to help him. For if the sick man is ashamed to confess his wound to the physician, medicine does not cure what it does not know" (M.L. 23, 1096).

AUGUSTINE (A.D. 354–430), Enchiridion, 65, cited in Volume I, p. 120; Sermon 295, 2 ff., cited there: "That the confession of sin may come forth outwardly"; Sermon 352, cited there, pp. 121 ff.: "The Lord has completed the good work of His mercy, by bringing forth to confession the dead man who lay hidden and was rotting; now the ministry of the Church completes the rest."

In his Exposition on Psalm 101, second part, 3 (cited above, p. 384): "When you hear a man bring his conscience forth by confession, he has already been brought out of the tomb. ... Through the Church the loosing of sins can be given."

Sermon 392, 3, 3: "Let no one say to himself: 'I do it secretly; I do it before God. God, who will pardon me, knows that I do it in my heart.' Was it then said in vain, 'Whatever you loose on earth shall be loosed in heaven' (Matthew 18:18)? Were the keys, then, given to the Church of God in vain? Are we making the Gospel void? Are we making the words of Christ void?" (M.L. 39, 1711).

INNOCENT I (407–417), Letter to Exsuperius, cited on p. 362, and Letter to Decentius, cited in Volume I, p. 122.

CELESTINE I (422–432), Letter Cuperemus, cited on pp. 362 ff.

LEO I (440–461), Letters 10, 108, and 168, cited on pp. 363 ff., speaks so clearly of the practice and necessity of confession that Liberal opponents derive from him its equivalent institution and its optional substitution for ancient public penance, as was stated above (p. 358).

THEREAFTER, FROM THE FIFTH TO THE THIRTEENTH CENTURY, that is, from Leo I to Innocent III, exceedingly numerous and clear documents follow one another. Accordingly, several theologians refrain from presenting them, and extend their argument only as far as the fifth century. It will nevertheless be useful to adduce certain later documents, both because the purpose of positive theology is not merely apologetical and negative, and because this contributes not a little toward entirely removing the adversaries' objection that the conviction of the necessity of confession was formed only by a slow process, and was neither general nor determinate until the time of Innocent III, when it was sanctioned by a universal law.

SOZOMEN, the Constantinopolitan scholar, Ecclesiastical History (about A.D. 450), VII, 16, quoted below in reply to Objection 6 (pp. 433 ff.).

EUCHERIUS OF LYONS († about 450), Homily 8, To Monks: "But why do I seek within ourselves the medicine of penance? Would that sometimes, after pardon has been hoped for, there were no regret! Would that those who do not regret being forestalled did not regret being humbled! Let that soul answer me which, through death-dealing shame, was so ashamed to acknowledge its sin in the sight of its brethren, when it ought rather to have avoided the sin: what will it do when it is presented before the divine tribunal, before the assembly of the heavenly host? When it begins to be pressed on every side, as though by the most vehement witnesses, surrounded by its former evils, which it refused to heal, while it could, through the remedy of humility and compunction, and which, by withdrawing and concealing them from its superiors, it has reserved entire for the eternal examination and the eternal Judge?" (M.L. 50, 852).

PSEUDO-AMBROSE, On Penance, 3: "He wishes you, therefore, rather to know what is taking place within you, so that, when you disclose your malady to the physician, he may administer to you the necessary antidote; for then you will be able to obtain the perfect benefit of the medicine, if you do not conceal from the physician the wounds of your conscience. Otherwise, how will you be cured, if you do not lay open what is hidden? For I judge that, unless the physician is called upon, the sick man is not healed" (M.L. 17, 1062).

SIDONIUS APOLLINARIS, bishop of Clermont († about 489), Letter IV, 14: "If the humility of our profession is thought worthy of contempt, we who, before Christ, the healer of human affairs and lives, open with the knife the foul ulcer of putrid consciences—even if something of negligence smells foul in men of our order, there is nevertheless now nothing swollen with pride—know, I wish you to understand, that matters are not with the Judge of the world as they are with a judge of the forum. For, just as among you one who does not conceal his own offences is condemned, so among us one who has confessed those same offences to God is absolved" (M.L. 58, 520).

JULIANUS POMERIUS, priest of Arles (about the end of the fifth century), On the Contemplative Life, II, 7: "When any of our brethren disclose their sins to us, as wounds by which they are afflicted are disclosed to physicians, we ought to take care that, with God as their author, they come to health as swiftly as possible, lest, when treatment is neglected, their condition grow worse. ... Those whose sins escape human knowledge, neither confessed by themselves nor published by others, if they will neither confess nor amend them, will have God, whom they have as their witness, as their avenger also. And what does it profit them to avoid human judgment when, if they persist in their evil, they will go to eternal punishment, with God rendering it to them?" (M.L. 59, 451).

GREGORY THE GREAT (540–604), Homily on the Gospels, XXVI, 4–6, cited in Volume I, p. 126.

ISIDORE OF SEVILLE († 636), Etymologies, VI, 19, 78: "Confession is the profession of abandoning error; therefore sins must be abandoned when confession is made. Confession precedes, and remission follows; but one who acknowledges sin and does not confess what he has acknowledged is outside pardon" (M.L. 82, 259).

On Ecclesiastical Offices, II, 17, 5 ff.: "The Catholic Church confidently enjoins the remedy of penance to be practiced in the hope of pardon. And after the one sacrament of baptism, which, recommended by a singular tradition, she carefully forbids to be repeated, she supplies the assistance of the medicinal remedy of penance. All ought to recognize that they need this remedy for the daily excesses of human frailty, without which we cannot live in this life; with due regard, however, for the dignity of those concerned, so that it may be performed by priests and Levites with God alone as witness, but by others before God with a priest solemnly bearing witness, in order that fruitful confession may cover what rash desire or the negligence of ignorance is known to have contracted. Thus, just as we believe that all iniquities are remitted in baptism, or that through martyrdom no sins are imputed, so we acknowledge that all sins are blotted out through the fruitful compunction of penance. For the tears of penitents are reckoned before God in place of baptism. Accordingly, however great and however grave their offences may be, God's mercy must not be despaired of in their regard" (M.L. 83, 802 ff.).

COUNCIL OF CHALON-SUR-SAÔNE (A.D. 639–654), cited above on p. 364.

THEODORE OF CANTERBURY († 690), in the Chapters Collected from Fragments, chapter 35, establishes concerning private penance: "Confession may be made to God alone, if it is necessary" (M.L. 99, 955).

In the very ancient Penitential itself, chapter 14, "On Reconciliation," he has the following: "The Romans reconcile a man within the apse; the Greeks do not wish to do so. The reconciliation of penitents takes place only on the Lord's Supper [Maundy Thursday], by the bishop and after penance has been completed. But if this is difficult for the bishop, he may, on account of necessity, confer the

power upon a priest, that he may carry it out. In this province reconciliation does not take place, because public penance likewise does not exist here" (M.L. 99, 936).

In the same Chapters the manner of public penance is described: "Chapter XI. On Penitents. Let all who do public penance in the city come on the first day of the fast before the doors of the church, barefoot and clothed in haircloth, and present themselves to their bishop. At the beginning of Lent, let all penitents who undertake or have undertaken public penance present themselves before the doors of the church, clothed in sackcloth, with their faces prostrate toward the earth, proclaiming by their very clothing and countenance that they are guilty. There should be present the archpriests of the parishes, that is, the priests of the penitents, who ought diligently to examine their manner of life and, according to the measure of the fault, to enjoin penance through the appointed grades. After this let the bishop bring them into the church, and, lying prostrate on the ground with the whole clergy, let him chant with tears the seven penitential psalms for their absolution. Then, rising from prayer, let him impose hands upon them, as the canons command; let him sprinkle blessed water upon them, having first placed ashes upon them. Next let him cover their heads with haircloth and, with groaning and repeated sighs, announce to them that, just as Adam was cast out of paradise, so they too are cast out of the church for their sins. After this let him command the ministers to expel them outside the door of the church. And the clergy follow them with the responsory, 'In the sweat of thy face,' etc. Thus, seeing Holy Church trembling and disturbed over their crimes, they may not make light of penance. On the holy Supper of the Lord, however, let them again be presented by their priests to the lights of the church."

"Chapter XII. On the Admonition Concerning the Principal Vices and Their Species. I will now explain to you the eight principal sins. If you feel that you have been struck, touched, or wounded by them, take care not to conceal it from me: that is, pride, vainglory, envy, anger, sadness, avarice, gluttony, and lust. If you recognize yourself to be guilty of these, undertake penance. For all vices arise from them. From pride, which is the beginning of all sin and the queen of all evils, arise disobedience, presumption, obstinacy, contentions, heresies, and arrogance. From envy arise ..."

"Chapter XIII. On the Virtues by Which These Same Vices May Be Overcome, and On the Conclusion of Penance. Therefore, if you have been proud up to this point, humble yourself in the sight of God. If you have loved vainglory, consider lest for the sake of passing praise you lose the eternal reward. ... When he has confessed concerning these deeds, let the priest then say: 'Do you acknowledge yourself guilty of all the sins which, after baptism, you remember having committed knowingly or unknowingly, in word or in deed or in thought, against the commandment of God?'—Response: 'I do.'"

"Question: 'Do you promise to amend your past faults and to renounce all the inventions of the devil?'—Response: 'I promise.'"

"Question: 'Have you professed the faith and confessed your sins to God and to His priest, so that your sins may be remitted to you? Do you believe this?'—Response: 'I believe.'"

"Question: 'Do you have the will to amend what you have done against the commandments of God?'—Response: 'I have.'"

"Question: 'Since you have confessed, do you wish to undertake penance and keep it well, renounce all the inventions of the devil, and believe in the Holy Trinity?'—Response: 'I wish it.'"

"Then let the penitent prostrate himself on the ground and say with tears: 'In these and in all other things in which human frailty can sin against the Lord and its Creator, whether by thinking, speaking, acting, taking pleasure, or coveting, I acknowledge and confess that I have sinned in them all, and that I am guilty above all men in the sight of God. I also humbly entreat you, priest of God, to intercede for me and for my sins before the Lord and our Creator, so that I may merit to obtain pardon and forgiveness for these and all my crimes.'"

"Prayer. Then let the priest say: 'May Christ the Son of God have mercy on you; may God grant you to perform true penance, to have right faith, certain hope, perfect charity, true humility and wisdom, sobriety and patience, a good end and good perseverance. May God pardon you all your sins, past, present, and future. May the Holy Spirit enlighten you, direct your understanding, save your soul, inspire holy thoughts in you, and lead you to eternal life'" (M.L. 99, 940–942).

GREGORY II (715–731), cited above on pp. 364 ff.

EGBERT, bishop of York (732–767), Penitential, preface: "When anyone goes to do penance, let him then stretch himself out before [the priest] with the greatest fear of God and humility; and let him pray with a weeping voice that he may be taught to do penance for all those offences which he has committed against the will of God; and let him confess his misdeeds to him, so that the priest may know what penance he ought to impose upon him. Then let the priest question him concerning what faith he has in God, exhort him in various ways regarding the needs of his soul, and admonish him, speaking thus: 'Do you believe in Almighty God, in the Son, and in the Holy Spirit? Do you believe that all men will rise from the dead on the day of judgment? Do you repent of all that you have done, said, and thought evilly? Do you wish to forgive all those who have ever sinned against you?' If he says, 'I wish it,' then let the priest say to him: 'May Almighty God have mercy on you, and grant me what I ought to do. Fast each day in this Lenten season until None, and abstain from white foods; and take care not to commit the eight capital vices, which are murder, theft, perjuries, avarice, unlawful intercourse, lust, detraction, and false testimony. And observe the twelve days of Lent that occur in each year; and beware of pagan sacrifice, sorcery, intercourse with a virgin, double-tongued speech, pride, and coveting the possessions of others. Beware of all these things, and love your Lord firmly with your whole soul, with all your strength and powers, and with your entire inmost heart; be kind to the poor and gentle, give alms, diligently attend church, and diligently give tithes to the Church of God and to the poor. Then God will be gracious, beneficent, and merciful to you, and you will reign with Him for ever and ever without end, if you do these things. And I ask you to tell me all the evil deeds you have ever committed, since it is better for you to suffer shame here now before me alone, a wretched man, than later before God at the great judgment, where all the inhabitants of heaven, earth, and the lower regions will be gathered'" (M.L. 89, 401 ff.).

BEDE († 735), On the Epistle of James, chapter 5: "'And if he is in sins, they shall be forgiven him.' Many, on account of sins committed in the soul, are punished by bodily infirmity or even death. Hence the Apostle says to the Corinthians, who were accustomed to receive the Body of the Lord unworthily: 'Therefore are there many infirm and weak among you, and many sleep' (1 Corinthians 11). If, then, sick persons are in sins, and have confessed these to the priests of the Church, and strive with a perfect heart to forsake and amend them, they will be forgiven them. For sins cannot be forgiven without the confession of amendment. Hence it is rightly added: 'Confess therefore your sins one to another,' etc. In this saying, however, the following distinction must be observed: we

should confess everyday and light sins mutually to our equals, and believe that they are healed by their daily prayer. But let us disclose the uncleanness of a more grievous leprosy, according to the Law, to the priest, and take care to be purified according to his judgment, in whatever manner and for whatever time he commands" (M.L. 93, 39 ff.).

CHRODEGANG, bishop of Metz (742–766), Rule of Canons, 32 ("Order for Undertaking Penance and Making Confession"): "This is the prayer of our penance and confession, which we must likewise perform before God and His priests; that is, three times in each year, namely, in the three Lenten periods, the faithful people should make confession to their own priest; and whoever does more, does better. Let monks make confession every Saturday, of their own good will, to their bishop or superior. Whenever you wish to make confession of your sins, act courageously and do not be ashamed, since pardon comes from this; and without confession there is no pardon. ..."

"After he has confessed his sins, if he wishes to abandon them, you, priest, give him a penance; and if he does not wish to abandon them, do not give him a penance, because you cannot. And if he does wish to abandon those sins, cause him to confess them and finally to say: 'Many are my sins in deeds, in words, and in thoughts'; then give him a penance measured according to the canons, and afterward pour forth prayers and supplications over him."

"One must certainly beware lest those who fall into grave sins and those who offend in certain lighter matters be judged equally; rather, medicine must be applied according to the disease" (M.L. 89, 1072 ff.).

ALCUIN († 804), Epistle 112: "We too, in the mutual duty of charity, have taken care to direct to your holiness certain letters of admonition, on account of certain customs which, contrary to your wishes, are reported to have grown up in your regions. For it is said that none of the laity wishes to make confession to priests, whom we believe to have received from God, through Christ, together with the holy apostles, the power of binding and loosing (Matthew 16:19 and 18:18). What does priestly power loose if it does not find bonds to be loosed? The physician's work ceases if wounds are not shown to the sick man's physician. If bodily wounds await the hand of a physician of the flesh, how much more do wounds of the soul call for the consolations of a spiritual physician? Why then, O man, do you refuse to confess in the Church of Christ, in which you may make satisfaction for your sins? Why did Christ, having cleansed the leper, order him to show himself to the priests (Matthew 8:4)? Why, having raised Lazarus on the fourth day, did He command the apostles to loose him (John 11:44)? Could He not, by the same word by which He had restored the dead man to life, also have loosed the bonds of the dead man? Why did He ask the blind men crying out to Him, 'What would you have Me do for you?' (Matthew 20:32)? Or could He not, without inquiry, have restored sight to their eyes when they wished it? Perhaps, if you had been able to hide from God as from men, you would not have wished to confess to God any more than to a man. It seems to be a kind of pride to despise the priest as judge" (M.L. 100, 337 ff.).

COUNCIL OF CHALON-SUR-SAÔNE (A.D. 813), cited above on p. 365.

THEODULF, bishop of Orléans († 821), Chapters to the Priests of His Diocese, 45: "Preach suitably to the people that they should make confession of their sins and undertake penance, since they cannot have the remission of their offences from God unless they make a pure confession and undertake just penance, abstaining from the sins which they previously committed; for this is true

penance and most certain pardon: that a man should not again commit those offences for which he sought forgiveness. ... Preach to them about the future judgment, the everlasting punishments of the impious, and about confession and penance for their sins, or even about the abandonment of their sins. Name those sins which the blessed Paul, the teacher of the Gentiles, enumerated ... (1 Corinthians 6:9); for those who do things like these, if they neglect confession and the performance of penance, will be condemned with the devil to everlasting torments and flames" (M.L. 105, 206 ff.).

JONAS, bishop of Orléans († 844), On the Instruction of the Laity, I, 15: "Let the faithful ... confess their sins to priests, since the power of binding and loosing was conferred upon them by the Lord. Penance, moreover, should be undertaken in due time. In undertaking penance, however, the length of time should not be measured, but contrition of heart: for the penance of David and the other saints was accepted without delay. Although a man may confess his sins to a priest and pass the period appointed for his penance, yet unless with a contrite heart and in prayer he has made satisfaction to God, whom he has angered by sinning, he must ask Him for forgiveness. ... The most salutary testimonies of Scripture mentioned above indicate that, apart from confession—which must without delay be made to priests—sins must be confessed to God continually in prayer, and washed away with groans and tears.

"If anyone, however, wishes to know where in the New Testament it is written that sinners must make confession of their sins to priests, let him hear what is written according to the Evangelist Mark: when they were baptized by John, they confessed their sins (Mark 1:5). Let him also hear what the Apostle Paul says when preaching at Ephesus: 'Many of those who believed came confessing and declaring their deeds' (Acts 19:18). And in the Epistle of the Apostle John: 'But if we confess our sins, He is faithful and just to forgive us our sins' (1 John 1:9). Likewise in the Epistle of the Apostle James: 'Confess therefore your sins one to another, and pray for one another, that you may be saved' (James 5:16)" (M.L. 106, 151 ff.).

REGINO, abbot of Prüm († 915), On Ecclesiastical Discipline, I, 288 and 292: "Priests ought to admonish the people committed to them that every person who feels himself mortally wounded by sin should, on the Wednesday before Lent, return with all haste to his life-giving mother, the Church; there, having humbly confessed with a simple and contrite heart whatsoever he has done amiss, he should receive the remedies of penance according to the manner prescribed by canonical authorities, and be handed over to Satan for the destruction of the flesh, so that his spirit may be saved on the day of the Lord. Not only, however, should he who has committed some mortal offence, but every man whatsoever who recognizes that he has defiled the immaculate tunic of Christ which he received in baptism with the stain of sin, hasten to his own priest, and with purification of mind humbly confess all the transgressions and sins by which he remembers having incurred offence against God; and whatever the priest enjoins upon him he should diligently and most cautiously observe as though it were proclaimed from the mouth of almighty God.

"The manner and duration of penance for those confessing their sins must be imposed by priests either according to the institutions of the ancient canons, or according to the authority of the sacred Scriptures, or according to ecclesiastical custom. For those who impose certain light and unusual forms of penance for grave sins sew cushions, according to the prophetic saying, beneath every elbow, and make veils for the heads of persons of every age in order to capture souls. But a distinction must be observed between public penitents and those whose penance is hidden. For one who has

committed public sins must perform public penance and, according to the order of the canons, should rightly be excommunicated and afterwards reconciled" (M.L. 132, 245 ff.).

In the same work, chapter 300, he explains the manner of confessing more extensively than Theodore, Egbert, and Chrodegang: "We have taken these things from the monuments of the Fathers; yet in all of them we have employed not the authority of one exercising censure, but rather the counsel of one who is compassionate, earnestly admonishing every learned priest of Christ that he should diligently consider, as the circumstances require, the sex, age, condition, state, person, understanding, and even the heart of the penitent, whom he sees standing before him; and that, in keeping with these, he should judge each individual case. Some, indeed, he must correct by abstinence from food, others by the giving of alms, certain others by more frequent bending of the knees, or by standing in the form of a cross, or by something of this kind which pertains to the purgation of sins; and all these things must be weighed by the consideration of a discreet judge" (M.L. 132, 252).

BURCHARD († 1025) repeats canon 33 of the Council of Chalon, with some slight alteration. IVO OF CHARTRES († 1116) repeats Burchard. But these authors will be considered in a special discussion in the reply to Objection 8 (p. 453).

LANFRANC, bishop of Canterbury († 1089), On Concealing Confession, cited in Volume I, p. 138 ff.

PSEUDO-AUGUSTINE, On True and False Penance (probably about the end of the eleventh century),[378] 10, 25: "Let the one who repents repent altogether, and let him show his sorrowful tears; let him present his life to God through the priest; let him anticipate the judgment of God by confession. For the Lord commanded those who were to be cleansed to show themselves to the priests (Luke 17:14), teaching that sins are to be made manifest by bodily presence to the confessors, not by writing.

[378] Already at the beginning of the twelfth century it was thought to be a work of Augustine himself.

"For He said: 'Show your faces'; and let them all do so, not one on behalf of everyone. He did not appoint another messenger to offer for you the gift prescribed by Moses (Leviticus 14:2); rather, you who have sinned yourselves must yourselves undergo shame. Shame itself, indeed, has a part in remission: the Lord commanded this out of mercy, so that no one should repent in secret. For by personally telling the priest, and overcoming shame through fear of having offended God, a man obtains forgiveness of his offence: what was criminal in its commission becomes venial through confession; and, even if it is not at once purged away, the mortal offence he committed nevertheless becomes venial. He has offered much satisfaction who, overcoming shame, has withheld from God's messenger none of the things he has committed. ... The more persons to whom he confesses the shamefulness of his offence in hope of pardon, the more readily he obtains the grace of remission.

"Priests themselves can now profit more by pardoning those who confess to them; for God remits the sins of those to whom they are remitted. The Lord, having raised Lazarus from the tomb, presented him to His disciples to be loosed (John 11:44), showing thereby the power of loosing granted to priests. He also said, 'Whatsoever you shall loose upon earth shall be loosed also in heaven' (Matthew 18:18); that is, 'I, God,' and all the orders of the heavenly host and all the saints in My glory praise with you those whom you bind and loose. He did not say, 'Those whom you believe ought to be bound and loosed,' but, 'Those upon whom you perform the work of justice or of mercy.'

Your other works towards sinners I do not acknowledge. Therefore whoever wishes to confess his sins, in order to find grace, should seek a priest who knows how to bind and loose; lest, when he has been negligent about himself, he be neglected by one who mercifully admonishes him and makes inquiry, and lest both fall into the pit which the fool refused to avoid" (M.L. 40, 1122).

ANSELM († 1109), Homily 13: "Those whom He 'saw with a merciful look' He commanded, 'Go, show yourselves to the priests'; that is, in humble confession of the mouth show the manifold stains of your inner leprosy to the priests, so that you may be cleansed. And because it is related that 'as they went, they were made clean,' those who are defiled with the leprosy of grave sins, nevertheless, when they go to confess, are cleansed by the confession itself and by repentance, before they have been cleansed in action. 'As they went, they were made clean,' because from the very journey upon which they embark they begin to perform justice; and performing justice is their cleansing. 'As they went, they were made clean,' because, while proceeding to confession and penance, they now abandon every pleasure of mind in sin and are freed from it in the sight of the searcher of hearts. Hence the Lord Himself also testifies through the prophet that 'the wickedness of the impious shall not hurt him, on whatsoever day he shall turn from his wickedness' (Ezekiel 33:12). Yet they went to the priests, and from them they sought cleansing, so that those already cleansed before God might be shown as cleansed also to men by the judgment of the priests" (M.L. 158, 662).

GEOFFREY, abbot of Vendôme († about 1129), Epistle 16 to William: "Unless we are mistaken, you have proposed that only four sins require confession: that all others are healed by the Lord without confession. You assert that you have found this in the exposition of Bede on the Gospel, where mention is made of ten lepers healed by the Lord. But we do not believe that this is to be understood in that way, nor should we, contrary to the right faith of Christians, understand it thus. For that opinion, if it is to be understood usefully, and the integrity of our faith is to be preserved, must be carefully determined. Those four sins—namely the error of the Gentiles, the schism of brethren, heretical depravity, and Jewish unbelief—defile the entire body of the Church insofar as they prevail. Hence it is necessary that whoever is polluted by even one of these sins should not be healed by priests alone, as those who commit other sins may be, but should confess before the whole Church, and thus return to her unity, whose faith he has previously attacked. A person is rightly presumed to teach infidelity by diabolical presumption; it is therefore fitting that such persons be confirmed publicly in the faith, and that those who before were an occasion and example of public perdition become the pattern and example of public reconciliation.

"The Lord, indeed, heals and corrects some things by Himself. Although He heals and corrects all things whatsoever, certain things are said to be healed and corrected by Him alone: those, namely, which are revealed to Him in private confession, so that they may be healed. I say 'to Him,' because the man who has been deemed worthy to be in His place does so. It is certain that all sins are to be corrected by penance through confession; and although some of these seem to be punished by public penance, no other public sins have need of public confession, except those which are committed against the faith of the universal Church" (M.L. 157, 199 ff.).

ABELARD († 1142), Sermon 8: "There are diseases of the soul as well as of the body. And so divine piety has appointed physicians for healing both. For the Lord Jesus Himself, calling Himself a spiritual physician, said: 'They that are well have no need of a physician, but they that are ill' (Matthew 9:12). The priests occupy His place in the Church; to them, as physicians of souls, we

ought to confess our sins, so that we may receive from them the poultice of satisfaction. Whoever is afraid of bodily death does not shrink from revealing to the physician every disease of the body, however secret or shameful, and from submitting himself to treatment. How much more ought this to be done for the death of the soul, when a person can be healed forever, without great labour or great expense? ...

"When we have come to praiseworthy confession, so that we are ashamed of our sin, we are at once delivered from it, already prepared for confession and a worthy satisfaction. Thus says the Psalmist: 'I have made my sin known to Thee, and my injustice I have not concealed. I said: I will confess against myself my injustice to the Lord,' etc. (Psalm 31:5). He makes his sin known to God who blushes to confess it to His vicar, who holds His place in the Church, remembering that God Himself said: 'What you did to one of the least of these My brethren, you did to Me' (Matthew 25:40); and: 'Saul, Saul, why do you persecute Me?' (Acts 9:4); and: 'What you did to one of the least of these Mine, you did to Me' (Matthew 25:40); thus, whoever makes his sin known to the priests, who are His vicars, is said to make it known to Him" (M.L. 178, 442 ff.).

AUTHOR OF THE EPITOME OF CHRISTIAN THEOLOGY (Abelard?), 36: "Concerning confession too, it must be known how true and useful it is. It was instituted for a greater exhibition of humility. Hence: 'Confess your sins one to another' (James 5:16). For since man, placed under the authority of God, had separated himself from Him, it was fitting that he should be made subject even to another man who is placed beneath him, by humility and devotion. Therefore God established the priest as His vicar and, as it were, a physician, to whom sins should be disclosed as wounds to be healed, so that the manner of satisfaction might be received, not from oneself, but from another, on account of greater humility.

"It must nevertheless be observed that one who does not confess when prevented by an urgent necessity is not therefore punished eternally. But if he refrains from confession through contempt or negligence, we assert that he will be punished eternally for this. For he does not seem to have had true contrition of heart; and even if he had had it, he would nonetheless deserve eternal punishment for despising what was instituted by the Church. If, however, as we have said, a person cannot approach a lesser priest because of a preventing cause, let him approach a greater one, of whom it is said in Ecclesiasticus, 'Behold the great priest,' etc. (Sirach 50:1), and by the Apostle: 'Many indeed were made priests,' etc. (Hebrews 7:23). For one who lacks a visible priest is in no way without an invisible one; rather, he who wishes to confess and cannot never despises the visible priest, while the invisible one supplies what is lacking" (M.L. 178, 1756 ff.).

ROBERT PULLEN († 1146), Sentences, VI, chapter 51: "If death overtakes him [that is, the contrite sinner] before confession, provided he has not repudiated confession, it is to be acknowledged that he is saved—although he may have to undergo much purgatorial punishment—because of the pulse of repentance that arose within his heart. Whoever has refused to lay bare his crime to the priest, whether overcome by worldly fear or ashamed of a dishonourable deed, has no prospect of pardon; but if he had previously devoted himself to acts of penance, even those will perish. ... Thus confession of sins is indeed a very important work. Yet let no one arrogate to himself what is not his own by right, reckoning it a matter of his own free choice that he may be free in the sight of God. Hence the prophet: 'Confession and magnificence are His work' (Psalm 110:3). You can indeed proclaim your sins, glorying like Sodom (Isaiah 3:9); you may also make known the foulness of your

sins with a contrite heart. But that you should make them known in a wholesome manner comes not from you but from the gift of God. Thus every good work, as an evil work is within your power, insofar as it is to be done badly, so insofar as it is to be done well is not within your power. If, therefore, confession of the mouth does not spring from repentance of heart, it lacks force and is worth nothing.

"One kind of confession, then, may properly be made to equals; the other, unless extreme necessity presses, is owed to priests. If you are troubled by daily sins, of the kind without which we cannot live, it is enough to confess such things to your equals and sometimes even to those of lesser rank; in this manner priests habitually and every day confess to those who happen to be around them.

"But confession, if it cannot be made individually—as, because of the multitude, this is rarely possible, nor is it always fitting for one to discern it properly in that manner—yet for all sins in general, and indeed to make it repeatedly, is most useful. For diligence in confession, especially when it is made to a priest and sins are expressly named, has this power: not only that the guilty person may be expiated, but also that the repeated assaults of vices may be beaten back and the insolence of unrest blunted; and James mentions such confession generally when he says: 'Confess therefore your sins one to another, and pray for one another, that you may be saved' (James 5:16). According to this explanation, the command concerns those sins passed on without conscious fault, of the kind committed through ignorance or human frailty, without which we cannot live. Their pardon, therefore, is easy, since no consent accompanied the fault. For, as that same explanation attests, those things which are done deliberately obtain pardon only through penance. We must therefore open to the priest the uncleanness of a more serious leprosy, and take care to be cleansed in the time and manner which he determines.

"Peter and Mary both obtained pardon for their guilt, yet neither by confession (Luke 7:47; Luke 22:61): she, rather, because she loved much; he, because he was looked upon by the Lord, with bitter tears. Some, relying on their example, think the anguish of penance sufficient, even if confession is refused. They believe the saying accords with this: 'Tears wipe away an offence which one is ashamed to confess.' Certainly, the offence which you are ashamed and weary of confessing must be wiped away with tears. Yet it is also true that laughter does not wipe away the offence which an impudent man confesses; on the contrary, if one confesses his offence with shame, it is wiped away not by pleasures but by tears. Scripture, however, commands confession earnestly, and the Church has established it. Who but one too bold would change this, or who but one too presumptuous would overturn it by misusing the example of Mary and Peter? For when one must deal with a man, words are necessary; but before Him who knows all things, the accusation of conscience suffices" (M.L. 186, 896 ff.).

Here comes the DECRETUM OF GRATIAN († 1158), in which a notable controversy among theologians of the twelfth century concerning the necessity of confession seems to be reported, which Gratian himself does not venture to settle. Nevertheless, indications of some disagreement are apparent already from the time of the Council of Chalon, A.D. 813, as in its canon 33, which Alcuin cites and which is afterwards found in Geoffrey of Vendôme, Robert Pullen, Hugh of Saint-Victor, and Peter Lombard. Since adversaries seize upon this opportunity to argue against the unity of traditional doctrine, this question will be considered separately below in the reply to Objection 8 (pp. 451–464).

THE EASTERN CHURCHES, both schismatic (Greco-Russian) and heretical (Nestorian and Monophysite), agree with Catholic doctrine on this truth, which they openly defended against the Protestants from the sixteenth century onward.

Among the SCHISMATICS,[379] the Orthodox Confession of Peter Mogila, I, 113, has: "Confession of the mouth, sealed with secrecy, must follow contrition. For the confessor cannot absolve unless he knows the things which must be absolved and what penance he is to assign. This confession is expressed in Scripture. ... This confession must have these properties: it must be humble, modest, true and sincere, always accusing oneself, and sorrowful in the act of confessing."[380]

[379] Cf. Schelstrate, Acta Ecclesiae Orientalis contra Lutheri haeresim, Rome, 1739, p. 162, 323 ff., 521 ff.

[380] La Confession Orthodoxe de Pierre Moghila, unpublished Latin text published by A. Malvy and M. Viller, Paris, 1927, p. 67.

At the time of the Reformation, JEREMIAS, patriarch of Constantinople, wrote in his Refutation of the Augsburg Confession (on chapter 11): "We reply that the person making confession ought to set forth his sins individually, insofar as he can and remembers them, with a contrite heart and humility." Furthermore, the Greeks solemnly professed confession in two synods assembled against Cyril Lucaris: that of Constantinople in 1642 and that of Jerusalem in 1672.

The very practice of confessing has always flourished and continues to flourish.[381] The less frequent use of confession among the laity, especially in more recent times (for, as Jugie says,[382] "The modern Byzantines and Greco-Russians do not know the use of frequent confession"), does not argue a lack of conviction or doctrine concerning the necessity of confession, but only the practical sterility which afflicts the faith and doctrine of Eastern Christians after their separation from the mother Church. Nor does the abuse or error of certain persons, both among ancient Easterners and among modern Russians, of confessing to pious laypeople—of which we spoke above (Volume I, pp. 34, 49, 129 ff.)—concern the present question. Jugie cites scarcely one ancient doctor, namely Michael Glykas, who seems to deny the absolute necessity of confession (cf. Volume I, p. 34).

[381] On the manner of confession among the Schismatics, see Jugie, Theologia dogmatica Christianorum Orientalium, vol. 3, Paris, 1930, p. 337 ff.

[382] Op. cit., p. 333.

Concerning the doctrine and practice of the NESTORIANS, Jugie has the following: "On the existence and use of the sacrament of Penance in the ancient Church, even in the form of auricular confession, we think it worthwhile to place before the eyes of the reader a particularly clear testimony of Theodore of Mopsuestia, at the end of his Book for Those to Be Baptized:

"'Just as God has prepared salutary herbs for our suffering body, which skilled persons use to drive away our diseases, so too He has granted penance as a remedy against the sins of our wounded soul. For the ordering of this penance, rules have been established from the beginning, by which priests, the spiritual physicians of sinners, bring a remedy to the souls of penitents in their need, according to the wise ordinance of the Church; and a remedy is prescribed in proportion to their sins. For this reason our Lord said: "If thy brother shall sin against thee, correct him between thee and him alone," and so forth (Matthew 18:15–17). This is a remedy for sins, instituted by God and entrusted to the priests of the Church; by diligently making use of it they can heal the infirmities of men. ...

"'Being conscious, therefore, of these things, and of this also, namely, that God, on account of the exceeding charity with which He loved us, gave us penance and showed us the remedy of contrition, and established men—that is, priests—as physicians of sins, so that, if in this world we receive through them the healing and remission of sins, we may be freed from the judgment to come, we ought to approach the priests with great confidence and disclose our sins to them. They, moreover, according to the rules mentioned above, administer healing to sinners with the utmost diligence, compassion, and love. Nor will they disclose things that ought not to be disclosed; rather, they will keep within themselves what has been done, as genuine and loving fathers ought to do, consulting their children's reverence while they strive to heal their bodies.'"[383]

[383] Mingana, vol. VI, pp. 120–121, 123.

"It is therefore not surprising that the Nestorian Church, whose greatest doctor was always Theodore, did not remain ignorant of the use of the sacrament of Penance. Furthermore, the Nestorians formerly had a threefold kind of penance: canonical penance for public sins; private penance with secret confession for hidden offences; and monastic penance, which was secret sacramental penance and extended not only to sins properly so called but also to transgressions of the monastic rule.

"ISOYAHBUS I, in a certain canon, greatly commends confession of sins made to a priest; nevertheless, he seems to insinuate that it is not the only and necessary means of obtaining forgiveness of sins. Moreover, he warns priests hearing the confessions of penitents of the necessity of preserving secrecy.

"EBEDJESU OF NISIBIS explicitly teaches that Penance is one of the seven sacraments of the Church, and has the following concerning its use: 'The faithful, therefore, who are shaken by any weaknesses of frail human nature, ought to betake themselves to a place of healing and show their infirmities to their spiritual physicians, so that through expiation and the penitential canons they may recover health of spirit, and thereafter approach the Lord's Supper in purity, as the great Master commanded to be done. Our Lord, moreover, entrusted the medicine of Penance to men skilled in this art, namely, to the priests of the Church.'"[384]

[384] Liber Margaritae, tract. IV, ch. 7, ed. Mai, p. 360.

"Yet the use of auricular confession made to a priest has long since fallen into disuse among the Nestorians. JOHN SULAGA, the patriarch united [with Rome], says in a profession of faith addressed to Pope Julius III (1553): 'There was indeed among us a custom of revealing our sins among ourselves; but a violent tyrant arose, and abolished it; murder and contention arose, and he made that custom cease.' Today a priest, during Mass before Communion, pronounces a general formula of absolution over the people. They do not use this formula at other times. Modern Nestorians regard confession made to a priest as holy and praiseworthy; nevertheless, they abstain from it.

"Catholic missionaries have more than once tried to restore the use of confession among the Nestorians; their influence is clearly discernible in a certain collection of penitential canons composed by the Jacobite Syrians and received by the Nestorians around the eighteenth century with certain alterations. At the end of this collection is read a formula of absolution which corresponds literally to the modern Latin formula. It runs as follows: 'May almighty God have mercy on you and,

your sins having been forgiven, bring you to everlasting life.—May the merciful and almighty God grant you remission and pardon of all your sins.—Our Lord and our God Jesus Christ, who is the great High Priest, absolves you; and therefore I also, by the power entrusted to me, although unworthy, absolve you first from every bond of excommunication, suspension, and interdict, insofar as I can and you need it. Then I absolve you from all your sins in the name of the Father,' and so forth."[385]

[385] Jugie, Theologia dogmatica Christianorum Orientalium, vol. 5, Paris, 1935, pp. 318–321. Cf. J.-M. Vosté, La confession chez les Nestoriens, note on the manuscript preserved in the Vatican, Syro 505, in Ephemerides Angelicum, vol. 7 (1930), pp. 17–26; Densinger, Ritus Orientalium, Würzburg, vol. 1, pp. 467 ff.; Assemani, Bibliotheca Orientalis, vol. 3, part 2.

Concerning the Armenian MONOPHYSITES, Jugie says: "The necessity of auricular confession and priestly absolution for mortal sins is commonly asserted. A certain ancient canon in the Armenian collection runs as follows: 'He sins gravely who does not subject a mortal offence to confession.' At the time, however, when public penance began to fall into disuse, certain theologians seem to have denied the absolute necessity of confession and of the sacrament of Penance for obtaining pardon from God [cf. above, in the Negative Part, p. 359]."[386]

[386] Op. cit., p. 722. Concerning the penitential discipline of these Monophysites, compare ibid., pp. 721 ff.; L. Petit, in Dictionnaire de théologie catholique, art. "Confession (dans l'Église Arménienne)," cols. 926–928; art. "Arméniens," col. 1956; Denzinger, op. cit., pp. 471–474; Galanus, Conciliatio Ecclesiae Armenae cum Romana, pars altera, Rome, 1661, vol. 2, pp. 604–630.

Likewise, among the Coptic MONOPHYSITES,[387] the doctrine concerning the necessity of confession and the use of private confession has flourished and continues to flourish. Confession is urged as a necessary preparation for the worthy reception of Communion;[388] the faithful regularly approach confession before contracting marriage and at the point of death.[389] The practice, however, introduced near the end of the eleventh century, of approaching Communion without prior private confession, employing a certain simple formula of general confession, aroused a bitter controversy in the twelfth century, and was assailed by several theologians, notably by the monk Mark Ibn al-Kanbar and by the patriarch of Antioch, Michael the Syrian;[390] the teaching of certain persons, such as Michael the metropolitan cited above (p. 359 ff.), who explicitly denied the necessity of confession, was likewise attacked by many theologians. Renaudot collected their testimonies after the aforementioned controversy.[391]

[387] Cf. Jugie, op. cit., pp. 723–729; V. Ermoni, in Dictionnaire de théologie catholique, art. "Confession (chez les Coptes)," col. 928 ff.; Renaudot, Perpétuité de la foi de l'Église, vol. 3; Denzinger, op. cit., vol. 1, pp. 105–107; A. Butler, The Ancient Coptic Churches, Oxford, 1884.

[388] Cf. Denzinger, op. cit., vol. 1, pp. 113–115.

[389] Cf. A. Butler, op. cit., pp. 298–300.

[390] Cf. Jugie, op. cit., pp. 723 ff.

[391] Op. cit., vol. 3 (ed. Migne, vol. 3, cols. 801–853).

PROOF THREE. FROM REASON.

First Reason. FROM THE JUDICIAL POWER OF REMITTING SINS.

The institution of such a power in the Church is indeed denied by Protestants, and accordingly it has to be proved from Scripture and Tradition, as we did in Article 1. Once such an institution is granted, however, there follows the necessity both of the sacrament and of confession, as we said above in the argument from Scripture, which we intend here briefly to resume.

For, given the power, there follows the necessity of having recourse to it, or of receiving the sacrament, even if the necessity of confessing does not yet necessarily follow. For the power would have been bestowed on men to no purpose if men were not bound to submit themselves to it. This is confirmed both by the analogy with the power of remitting sins through Baptism, which is a sacrament of necessity, and by the very purpose of both sacraments of the dead, which is the remission of sins, or something absolutely necessary for salvation. For it accords with the nature of things, with right reason, and with the connatural providence of God that necessary means should be ordained to those things which are necessary for salvation: "and consequently those sacraments which are ordained against guilt, without which there can be no salvation, are necessary for salvation" (Supplement, q. 6, a. 1, quoted in full above, p. 378).

But, given the judicial power, there follows both the necessity of the sacrament—for this power, by its nature, particularly requires recourse to a superior, whereas legislative power immediately imposes only obedience to a law—and the necessity of confession. The latter necessity is both relative and immediate, since judgment requires knowledge of the cause, and, in the matter of conscience subject to it, such knowledge cannot be had except through the disclosure of the matter itself; it is also absolute, since, once the necessity of a sacrament which by its nature requires confession has been established, this relative necessity of confession passes into an absolute necessity.

Second Reason. FROM THE INFALLIBILITY OF THE CHURCH, or at least from divine Providence.

According to the earlier Protestants, the law concerning the necessity of the sacrament, and particularly of confession, was introduced by Innocent III (in the year 1215); according to more recent Protestants, however, it was introduced by Leo the Great (in the fifth century), or at least arose gradually from the time of that pontiff through successive stages of determination and persuasion. But this conflicts with the infallibility of the Church, which, on this account, would have erred in a matter of determined faith for three entire centuries, or would have conceived doubts for almost seven centuries and so inclined toward error and made progress in it that finally, in the twelfth century, it would have embraced that error definitively. But if our adversaries have doubts about the infallibility of the Church, let them at least consider that all this can scarcely be reconciled with the providence of God and with the assistance promised by Christ to His Church in whatever manner, according to Matthew 28:19 ff.: "Teach all nations ... And behold I am with you all days"; and John 14:16 and 16:13: "He will give you another Paraclete, that he may abide with you forever ... the Spirit of truth, [who] will teach you all truth."

Third Reason. FROM PRESCRIPTION.

The so-called argument from prescription, which we constructed in the treatise On the Sacraments in General, Article 41, may properly be invoked here; it may be briefly adapted to the present matter in the following manner. For at least three centuries the Church peacefully held and believed the doctrine concerning the necessity of the sacrament and of confession. Since, therefore, "the position of the possessor is the better one," the presumption of truth stands in favour of the Church's

assertion. It is accordingly rightly said that the Church possesses the right of prescription in this matter, unless bad faith and an illegitimate title of possession be shown by the adversaries, upon whom, as upon those who challenge a thing peacefully possessed, the burden of showing these lies.

But hitherto they have shown neither. For a simple appeal to Innocent III is so futile that it is abandoned by the modern innovators themselves; the precept of the Fourth Lateran Council determines only the time of the obligation, not the necessity itself, which it presupposes as something universally known. Nor is the further appeal of modern writers to Leo the Great more effective, or, if they prefer, to a gradual evolution occurring between Leo and Innocent. For Leo himself, in the documents cited above (pp. 363 ff.), did not establish a universal law, but merely, by his letters, inculcated a doctrine already received and its application in practice, according to what he himself calls the "apostolic rule." The alleged evolution, moreover, could not have occurred, considering on the one hand the zeal of the Church against innovations, and on the other the gravity of a matter so burdensome to men, without a notable controversy, of which no trace at all can be found. Nor could it have taken place so consistently and firmly, considering both the mutability of human institutions and the aforementioned difficulty of the matter. Nor could it have happened so universally, considering also, and especially, the doctrinal opposition between the Catholic Church and the Churches separated from her. For all of these profess that they received the same doctrine the more firmly from its ancient origin, the earlier they separated from unity: the schismatics before Innocent's time, and the Nestorians and Monophysites under Leo himself. Indeed, the very agreement of the separated Churches most powerfully confirms, as in many other matters, the argument for the ancient origin of that doctrine, which all derived from the mother Church.

Moreover, the Protestants have not merely failed to prove their objection; they have never been able to prove it, considering the multitude of documents, many of which we have gathered above from both the doctrine and practice handed down in tradition. These documents clearly show the successive, connatural and self-consistent manifestation of the Church's awareness and persuasion concerning the necessity of confession, which the Church derived from the very lips of the Master when He pronounced the words of institution.

Fourth Reason. FROM THE SUPREME SUITABILITY OF CONFESSION.[392]

[392] Cf. J. De Maistre, Du Pape, I, 3, ch. 3; Wiseman, Conférences, in Démonstrations évangéliques, Migne, vol. 15, col. 973, and vol. 17, col. 1507; Monsabré, Conférences 74 and 75; Mansoni, Sulla morale cattolica, ch. 8, § 3; Félix, La confession: pourquoi on se confesse et pourquoi on ne se confesse pas?, Paris, 1892; Bougaud, Le Christianisme et les temps présents, 1902, vol. 5, ch. 6; Lamarche, De la confession, in Revue Dominicaine, May 1923; Dictionnaire apologétique de la foi catholique, art. "Pénitence," col. 1786.

The practice of confession possesses so many points of suitability to human nature, whether considered in its pure condition or in its elevated condition, and so many advantages and salutary fruits, that from these there follow both the supreme suitability of its institution and a certain relative and moral necessity that God should institute and impose confession by a new and perfect law, according to that saying of Scotus: "He could; it was fitting; therefore He did."

All the points of suitability belonging to confession may be reduced to two heads, to which their particular fruits correspond.

The first suitability, which may be called subjective, and which corresponds directly to human nature itself, considered apart from its elevation, is understood in relation to human psychology and the

demands of the human heart.

For just as good is naturally diffusive of itself, so also evil, although in a different manner and on a different principle, tends to diffuse itself. Moral evil, which resides in the heart of man, although on the one hand it engenders shame, which impels one to conceal it, nevertheless on the other hand, since it is a certain disease of the will, engenders a desire tending toward its expulsion, just as a disease of the body engenders a reaction of the organism's powers tending toward the expulsion of harmful humours. Through confession, however, evil is in a certain manner expelled from the soul, when it is disclosed and communicated to another, and from this arises a kind of natural consolation, which is its first fruit. This comparison between confession and the expulsion of a disease is classical among the Fathers, beginning with Origen (On Psalm 37, homily 2, no. 6, cited above, p. 394; compare the aforementioned Aphraates, Basil, Pacian, Ambrose, Jerome, Pseudo-Ambrose, and Bede).

But if confession is penitential, that is, proceeds from repentance and sorrow, it produces an even better fruit, namely a certain peace and security. For, on the one hand, penance is of itself reparative and satisfactory; and, on the other, man becomes more certain of the truth of his interior disposition, both through the outward expression of the act itself—for every true interior affection naturally tends toward its outward manifestation—and especially through the recognition of another to whom he has communicated that disposition, since no one is truly a judge in his own cause.[393] Moreover, the person confessing is helped by the word and work of the one whom he approaches in confession as a counsellor and consoler. By these effects the discomfort generated by shame is abundantly compensated.

[393] On this point, Möhler, Symbolique (French translation), book I, § 33, no. 2: "Everything that truly affects man must necessarily be expressed outwardly. ... When the soul is broken by repentance, this feeling seeks to reveal itself openly; then we confess our sins to the Church; and whatever we do to the priests we have done to Jesus Christ, for they occupy His place. ... When two enemies sincerely desire to be reconciled, they feel impelled to confess their wrongs; and only through this admission does their reconciliation become genuine and peace return to the heart. Such, indeed, is the nature of man that he does not believe even in his own affections unless he sees them manifested externally; and in reality, the movements of our soul attain their final completion only when they have received a visible form. ... He who detests and abhors sin confesses it with sorrow and also with joy: with sorrow, because sin is the sinner's own evil; with joy, because in confessing it the sinner separates and distances himself from it."

Hence it is readily understood why God, who searches the reins and the heart, and Christ as man, the knower and redeemer of human hearts, instituted and imposed confession as an instrument of salvation, wisely and gently accommodating themselves to the demands of human nature.

The second suitability, which may be called objective, corresponds to the economy of salvation, which it wonderfully completes and makes fruitful, just as it does the necessity of the sacrament and especially of confession. For through it:

First, man cooperates in his own salvation wrought ex opere operato, fulfilling in a more exalted manner that law of salutary providence, of which Augustine says: "He who made you without you does not justify you without you" (Sermon 169, 11, 13, Migne, Latin Patrology 38, 923; compare Third Part, question 84, article 5).

Second, the effect of the sacrament of Baptism is in some manner restored. For since man through Baptism becomes a subject of the Church and is bound to her by an oath, receiving the right to

receive the sacraments, particularly the Eucharist, through which ecclesiastical unity is produced and preserved, it is fitting that through confession he make satisfaction to the Church for the violation of that oath and so receive again the right to Eucharistic unity which he had lost.

Third, the other two parts of the sacrament of Penance, namely contrition and satisfaction, are assisted. For outward confession fosters contrition, just as outward worship increases inward devotion, and every outward operation commanded by the will intensifies the inward act of the agent. Moreover, through the admonitions and exhortations of the confessor the degree of attrition is often increased, and not infrequently the very act of perfect contrition is produced, when the will to repent was in some respect insufficient. In the very act of humble and shamefaced confession a character of satisfaction is likewise found, since nothing better makes compensation for every sin, which is rooted in the head of pride, and nothing better appeases the offended one, than one's own humiliation, especially the humiliation manifested by outward confession and submission to a human minister.

Fourth, the threefold priestly office, which is to minister, teach, and govern, is fulfilled in a special manner in this sacrament. For through absolution the priest ministers as a judge; in confession he teaches as a physician; and he imposes satisfaction as a ruler, bringing together these three offices in the single office of the perfect shepherd of souls.

Fifth, the teaching office of the Church, which is to propose and explain the moral law, both natural and supernatural, is carried out in the most effective manner. For that law, which is promulgated by the common teaching office to all, as it were, abstractly and universally, is stated in confession in a concrete and individual manner, resounding in the very ears of the conscience and directing practical judgment itself, in which the morality of human acts resides.

Sixth, the sanctifying end and action of the Church are wonderfully fostered, in relation to society, the family, and the individual.

With regard to society, the Catechism of the Council of Trent, Part II, chapter 5, question 36 ff., declares: "Almost all pious men are persuaded that whatever holiness, piety, and religion has been preserved in the Church at this time by the supreme benefit of God, is to be attributed in great part to confession ... The usefulness of confession ... pertains chiefly to the society and union of life. For it is clear that, if sacramental confession were removed from Christian discipline, all things would be filled with hidden and unspeakable crimes, which afterwards, together with others much graver still, men depraved by the custom of sin would not be ashamed to commit openly. For shame in confessing places a restraint as it were upon the desire and license of sinning, and checks wickedness." The Church, recalling individuals of every condition and rank to her tribunal of conscience, reforms social morals, curbs vices and abuses, settles disputes, repairs wrongs, fosters justice by imposing restitution of goods taken and reparation for violated rights, inclines the proud to duties of service, brings them with the rest to one common tribunal, and brings subjects to obedience, bringing all these matters into a certain higher harmony, which may be called a kind of law of social and international morality.

Confession especially fosters the stability and fruitfulness of families, settling disagreements between spouses, inducing them to observe their mutual rights and duties, prescribing matrimonial chastity, and thus by love and justice turning away the causes of divorce, by which the stability of family

society is commonly destroyed; and, through the virtue of chastity, removing the chief reasons from which the sterility of married fellowship arises.

But the individual is perfected first and directly through sacramental confession, and that in many ways. For through it a man is, first of all, withdrawn from evil, whether before it is committed or after it has been committed, both by reason of shame and modesty, and by the counsel of the confessor, and by personal examination of conscience. Thus even the atheists Voltaire and Rousseau confess that nothing is more effective than confession for withdrawing man from vices, particularly hidden ones.[394] Second, it promotes the good of virtues, particularly humility, the foundation of all the others, since nothing is more opposed to native pride than freely to confess oneself weak and guilty to another; and also purity, since nothing is more shameful than shameful sins, through which the animal man, the reason of sense and the spirit of the flesh, asserts his own rights. Third, by the work of frequent examination of conscience, enriched by the counsels of the confessor, man is also perfected psychologically; and in this respect it contributes to that moral perfection which the philosophers of old vainly desired, according to the maxim "Know thyself," and likewise to that tenderness of soul and purity of intention which is the highest summit of morality, according to that saying of Augustine: "May I know Thee; may I know myself."

[394] On this point Voltaire: "The enemies of the Roman Church, who have risen up against so salutary an institution [auricular confession], seem to have taken away from men the greatest restraint which can be placed upon their secret crimes. The wise men of antiquity themselves had sensed its importance" (Annales de l'empire, vol. 1, p. 41; compare the same author, Dictionnaire philosophique, art. "Catéchisme du Curé"). Cf. Rousseau, Émile, book 3.

Hence it is not surprising that the confession of sins has spontaneously been practised by men, even in pagan religions; that it was providentially commanded by God in both the Old and the New Testament; and that it was not infrequently commended, willingly or reluctantly, by Protestants themselves, who strive, contrary to natural and divine law, to remove it from the sacrament.

For not only the cultivated religions of the Egyptians and Babylonians included confession among their rites, but also among certain peoples deprived of all civility and religious organization some confession of sins is found.[395]

[395] Cf. Weiss, Apologie des Christenthums, 2nd dissertation, 18, 10; vol. V, Catrein, Einheit des sittlichen Bewusstseins der Menschheit, Freiburg, 1914, vol. 1, p. 391, 534; vol. 2, pp. 33, 54, 138, 277, 449 ff., 517 ff., 652; vol. 3, pp. 42, 72, 302 ff., 369, 445, 519; R. Petazzoni, La confessione dei peccati, Bologna, 1929.

In the sapiential books of the Old Testament, in which natural reason itself, enlightened by faith, often speaks spontaneously, the confession of sins is recommended (Proverbs 28:13 and Ecclesiasticus 4:31, quoted above on p. 369).

From ancient times in the Church there was also practised and recommended confession made to lay persons or to those not endowed with the priesthood. The reason for this is discussed in Article 98, where we treat of the minister of sacramental confession.

Even Protestants recognize that one should not entirely abstain from a certain praiseworthy confession of sins, worthy of commendation and of frequent use. Indeed, among not a few of them, especially among Anglicans, the very distinct manifestation of sins is practised, or at least recommended.[396] Domingo de Soto, who for several years exercised the office of confessor to the emperor in Germany, relates that the Protestants of Nuremberg sent a delegation to Charles V to ask

that the practice of confession be restored among them. In his Commentary on the Fourth Book of the Sentences, distinction 18, question 1, article 1, he writes: "This [namely, the supreme usefulness of confession] the Germans themselves publicly confessed, while I was among them. For on this matter a delegation was sent from the famous city of Nuremberg to Caesar; through it the citizens sought that Caesar by imperial authority should enjoin auricular confession. They said that after confession had ceased they had understood from experience and conduct that vices against justice and other virtues, which had previously been unknown to them, were springing up in their commonwealth. But the same delegation raised a difficulty: for, since they altogether denied that faults were remitted through the absolution of a priest, and that men were bound by divine command to confess truthfully, how could the people be induced by an imperial law to confess their hidden misdeeds secretly?"[397]

[396] Cf. above, the Negative Part, pp. 350–357; also Beleuchtung der Vorurteile wider die katholische Kirche von einem protestantischen Laien, Zurich, Lucerne, 1844, vol. 2, pp. 1, 84 ff.; Stark, Entretiens philosophiques, Paris, 1818, p. 28; Esslinger, Der Gegner der Kirche widerlegt durch die Geschichte und die Ansichten der geistreichsten Protestanten, Augsburg, 1838, p. 117 ff.; review Katholik, 1884, II, pp. 655–663; Scheffmacher, Lettres d'un docteur allemand de l'université de Strasbourg à un gentilhomme protestant, Strasbourg, 1830, vol. 1, letter 4; Bergier, Dictionnaire de théologie, art. "Confession," ed. Migne, col. 1041; Caspari, art. "Beichte," in Real-Encyclopädie für protestantische Theologie und Kirche, ed. 3, p. 596 ff.; Dictionnaire de théologie catholique, art. "Confession chez les Anglicans" (Morel), art. "Confession chez les Protestants" (Bernard); Gibbons, The Faith of Our Fathers, ch. 26, p. 403. H. C. Lea, however, in A History of Auricular Confession, vol. 2, devoted the whole of chapter 22 to showing, in a critical manner peculiar to himself, the lamentable influence which, he says, confession itself exercised upon Christian morals. His argument particularly concerns not confession itself but the obligation of complete and periodic confession, as practised among Catholics.

[397] Edition of Venice, 1575, vol. 1, p. 801.

Most excellent, too, is the testimony which came from the mouths of Protestants in commendation of confession, and which is set forth in the following remarkable words of Leibniz: "All this institution of divine wisdom cannot be denied to be worthy of admiration; and if anything else in the Christian religion is admirable and praiseworthy, this certainly is, which even the Chinese and Japanese have admired. For the necessity of confessing deters many from sins, especially those who are not yet hardened, and affords great consolation to the fallen, so that I deem a pious, earnest, and prudent confessor to be a great instrument of God for the salvation of souls; for his counsel is useful in regulating affections, in noticing our vices, in avoiding occasions of sins, in making restitution for what has been taken away, and in repairing damage done, in resolving doubts, in lifting up the afflicted mind, and finally in removing or alleviating all the evils of the soul. And since scarcely anything better than a faithful friend can be found in human affairs, how highly ought we to value one whom the inviolable religion of the divine sacrament binds to maintain fidelity and render assistance? Although formerly, when the fervour of piety was greater, public confession and penance were customary among Christians, nevertheless, in order that our weakness might be consulted, it pleased God to show through the Church to the faithful that private confession before a priest, with the seal of silence, would suffice, so that confession made to God might be set apart from every human consideration."[398]

[398] Systema theologicum 55, cited in Einig, De sacramentis, part 2, Trier, 1901, pp. 90 ff.

RESPONSE

Objection 1. The practice of confession is beset with many inconveniences. First, it is practically impossible, because of the frequent lack of memory, or of knowledge or certainty concerning a sin, or of discernment between mortal sins, which must be accused, and venial sins. Thus confession becomes a snare for consciences and a gallows for souls. Moreover, it is harmful both to the penitent, who, on account of the ease of obtaining pardon, takes less care about interior contrition of soul, and indeed falls into sins more readily through a rash confidence in making a confession; and to the minister, who is compelled to hear, consider, and study most shameful matters, whereby he easily loses moral sensitivity and may even be led into sin, as is evident even from the penalties threatened by the Church against the crime of solicitation; and to society, since knowledge and control of consciences place in the hands of priests a powerful instrument for turning peoples away from the obedience owed to rulers and for subverting the social order.

Reply. Christ instituted the sacraments for human beings and to be administered and received in a human manner. Therefore He does not require an infallible memory, or absolute certainty, or an exquisite discernment of sins; nor, consequently, is confession turned into a snare or a gallows. That for certain souls it sometimes becomes a source of scruples is wholly accidental; for these same persons, if abandoned to their own judgment and deprived of the help of a confessor, would fall into still greater and incurable scruples.

As for the inconveniences and dangers alleged against confession, if they sometimes occur, they are altogether accidental, and arise only from human frailty, which can abuse every good and take an occasion of evil from every cause of goodness. What follows from confession of itself consists in those very great and most salutary fruits enumerated above with only the slightest indication. These are in fact produced in such number and abundance that the accidental and rare defects which arise in connection with confession vanish like a drop of bitterness in an ocean of sweetness, and are rightly counted as little or nothing. If the objection of the innovators had any force, God would have created the world unfittingly, since so many evils occur in it, and Christ would unfittingly have founded the faith and the Church, which are denied and abandoned by so many.

Objection 2. In Scripture there is complete silence concerning the necessity of the sacrament and of confession. For Christ said nothing about confession, nor do we read that the Apostles in their ministry said anything concerning it, still less that they compelled the faithful to it. On the contrary, Christ commends prayer as a means of obtaining forgiveness when He teaches the Apostles to pray: "Forgive us our debts"; St. Paul commends to the faithful a private and interior examination before God, saying: "But let a man prove himself" (1 Corinthians 11:28); and St. John in the Apocalypse (chapters 2 and 3) represents Christ as proposing to bishops who have sinned no remedy other than a change of life and repentance.

Nor is an appeal to those few texts proposed in the Conclusion to any purpose, since Catholic doctors themselves dispute and doubt concerning their interpretation, especially among the modern students of critical exegesis. Nor is an appeal to the very words of the institution of the sacrament any better, since in them nothing is said concerning confession—a fact that would be very remarkable on the hypothesis that Christ instituted confession —and from which theologians, especially those after Trent, strive to deduce confession by such uncertain subtleties that certain eminent doctors, notably Scotus, Biel, and Cajetan, have entirely renounced the scriptural proof.

Reply. Even if the silence of Scripture were absolute, it would be of no advantage to the innovators, since we possess ancient Tradition, which is for us a no less certain source of revelation, and to which the innovators themselves, especially the modern ones, attach so much importance that they summon all their strength to the weighing of this very argument drawn from silence.

As was shown above, there are in Scripture explicit texts concerning confession which, although when considered solely according to the tenor of their words they can be interpreted in different ways, nevertheless claim a probable sacramental meaning both from the context of Scripture itself and, especially, from the light of subsequent Tradition. It is not surprising that Christ did not speak explicitly of confession in the very words of institution as the Evangelists narrate them: first, because they do not relate everything which Christ said, especially in His explanations concerning the things pertaining to the kingdom of God, given to the Apostles after the Resurrection (John 21:25; Acts 1:1–3); and secondly, because the necessity of confession is inferred so immediately from the institution of the power to remit sins that Christ may be said to have proposed confession not merely virtually but formally, although implicitly. Nor do we say otherwise when we affirm that He proposed transubstantiation, the jurisdiction of the Apostles and of Peter, the infallibility of the Pope, and other things of this kind.

The disagreement of a few theologians concerning the force of the argument from the words of institution is of no consequence; moreover, it is only partial, inasmuch as they deny merely the force of certainty to that argument. This can, on the one hand, be excused in doctors who exercise their acuteness more upon metaphysical certainties, and, on the other hand, it shows that Catholic theologians, unlike Protestants, do not argue lightly from Scripture or readily devise arguments for themselves out of the sacred writings.

Objection 3. In the Tradition of the first four centuries, down to Leo the Great, there is profound silence concerning confession and its necessity. Moreover, in the penitential practice which is frequently mentioned, especially from Tertullian onward, there is no question at all of sacramental and private confession such as Catholics practise and declare necessary, since that practice differs from it entirely, above all in the following three respects. First, in that practice the principal and essential element was the exercise of satisfaction and penance, not the confession of sins, as in the Catholic tribunal of penance. Secondly, the confession included in that practice was public and concerned public sins. Thirdly, that confession was not imposed upon everyone as a necessary preparation for Communion.

So argue the chief and more learned Protestant writers, especially Dallaeus, Lea, Holl, Caspari, Loofs, K. Müller, and Zezschwitz, cited above in the Negative Part (p. 357, note).

Reply, with Galtier, who treats this question learnedly both in his treatise De Paenitentia and in the Dictionnaire apologétique de la foi catholique, article "Pénitence" (second part, Confession), columns 1788–1794.

To the first point, concerning silence, it "must be conceded ... that, relative to the practice of more recent times, the silence of the ancients may be called profound. But the matter is explained by something other than a practical ignorance of the necessity of the sacrament. For (a) since so many persons were not baptized until a very late age, the occasion both for sinning [after baptism] and for confessing was much rarer. (b) Venial sins were for a long time not customarily submitted to the

keys.[399] From this one sees how much less frequent the use of the sacrament was as a consequence. Those who now confess most zealously and most frequently would never have approached confession in former times. Consequently, holy men whose lives are especially narrated by ancient writers—for example, St. Augustine, St. Ambrose, and others—perhaps never received the sacrament of penance. (c) Conversely, those who most needed the sacrament formerly recognized themselves as sinning gravely in comparatively few matters, owing to the general corruption of morals and their as yet insufficiently developed conscience. Thus, unless they had sinned publicly or had been reported by someone else to the bishop, they did not think that they needed to approach the remedy of penance. ...

[399] Cf. Bruders, "Allmähliche Einführung lässlicher Sünden in das Bekenntnis der Beicht," in Zeitschrift für katholische Theologie, 1910, p. 526 ff.

"Many indications of this could be adduced. It is sufficient to recall (a) St. Basil's complaint concerning the great number of the faithful who take account only of sins punished by canonical penance (De judicio Dei, 7; M. 31, 669 A–B); and (b) St. Augustine's many statements concerning the custom whereby sins which are in themselves most grave are held so lightly that sinners do not believe preachers who denounce such conduct as sin, but fill the churches and approach the sacraments. Compare, for example, Enchiridion 80, and De catechizandis rudibus 7, 11; 25, 48 (M. 40, 270, 318, 343); Expositio epistolae ad Galatas 35 and In epistolam I Joannis, tractate 3, 9 (M. 35, 2130 and 2002); De civitate Dei XXI, 25, 4 (M. 41, 742); Sermons 9, 9, 11; 10, 15–16; 82, 10, 13; 224, 3; 278, 7–8 (M. 38, 83, 86–87, 512, 1095, 1271–1272); and the whole of Sermon 391."

To the second point, concerning the difference between ancient penitential practice and the present practice of confession, almost all is conceded, but the very presupposition is denied. For the question is not whether there is a profound difference between the ancient and the modern practice—which we freely concede as evident—but whether in the ancient practice, as in the modern one, confession of sins before ecclesiastical authority was necessary, in whatever manner it was required; that is, whether the Church has always demanded some confession of sins in order that their remission might be obtained from her.

Hence the innovators labour in vain in their books, beating the air with their pens: "They pretend ... that Catholic doctrine holds confession to be now the whole of penance, so that nothing is required of the sinner for absolution except the manifestation of his sin; they readily show how foreign this is to the practice of the primitive Church."[400]

[400] Galtier, De Paenitentia, thesis 20, no. 345, Paris, 1931, pp. 251–252 and note 2.

Accordingly, in the three reasons advanced by the innovators to demonstrate the aforesaid difference, they commit three fallacies.

The first fallacy is "the identification of confession and penance, as though to inquire into the existence of confession were to inquire into the present-day practice of identifying penance almost with confession. Not a few often err in this. Since a person who receives the whole sacrament is today simply said to confess, so that the entire sacrament is customarily designated by this one part, non-Catholics repeatedly insist that it was not thus in former times. But we Catholics maintain nothing of this sort. On the contrary, we know that confession to a priest as such appears somewhat obscurely among the ancients, both because it was not and is not the principal constituent of the

sacrament of penance, and because, as is evident from the statements of the Fathers, in an age in which a long and often very severe satisfaction was imposed, confession was not what most attracted attention or presented the greatest difficulty to sinners in ecclesiastical penance.

"Hence it could happen that the faithful needed chiefly to be exhorted, not to the declaration of sin, but to its expiation through true penance. Today, on the contrary, especially since the century in which Protestants taught that the manifestation of sin was not necessary, this was what most needed to be inculcated. Now everyone sees how great a difference in manner of speaking could have arisen from this state of affairs. But just as it would be illegitimate to conclude, from the fact that in many sermons today almost nothing is spoken of except confession, that contrition or satisfaction is not considered necessary, so too do very many non-Catholics illegitimately infer, from the fact that explicit mention of confession to be made to the priest was rare in former times, that it was neither in use nor necessary."[401]

[401] Galtier, De Paenitentia, thesis 27, no. 419, p. 314.

The second fallacy is "the restriction of sacramental confession to auricular confession. For a judicial manifestation of sin, which is properly sacramental confession, can of itself be made publicly or secretly; nor must it necessarily be made in words. It can, on the other hand, be recognized in any act by which a sinner—for example, a public sinner expelled from the Church on account of his obstinacy—now comes to his senses and shows himself ready to receive from the bishop whatever penance he determines. We do not therefore contend that auricular confession preceded every public penance and absolution, although we have demonstrated, or shall demonstrate, that secret confession was always made beforehand wherever penance was performed for hidden sins.

"Nor does the Council of Trent speak otherwise concerning secret confession. It says that this has always been in use and is sacramental, but not that it is the only kind. It declares that sometimes it alone is possible, inasmuch as a law requiring the public confession of all sins, including hidden sins, would be quite imprudently enacted. Yet it does not thereby teach that secret confession always had to precede the judicial recognition and remission of certain sins made publicly. It says that this is neither contrary to nor beyond the command of Christ, but does not exclude the possibility that another form also exists in accordance with the divine command."[402]

[402] Galtier, ibid., p. 315.

The third fallacy concerns the manner in which the obligation to confess before receiving the Eucharist was understood and applied by the Church. "Disregarding ... the distinction fundamental among Catholics between divine law and the determination of divine law made by the Church, they pretend that Catholics think and teach that the necessity of confession before Eucharistic Communion was recognized and inculcated from the beginning in the very same manner as it was after either the Lateran Council, which prescribed annual confession, or the Council of Trent, which prescribed 'that no one conscious of mortal sin, however contrite he may think himself,' should approach 'the sacred Eucharist without previous sacramental confession' (D–B 880 and 893; C. 1118 and 1121). In a word, they pretend that Catholic doctrine excludes every change in the manner in which confession is either performed or preached; and they therefore easily show that the practice of confession as it exists today is not found in the first centuries of the Church. But this is a perverse

method of procedure in theology no less than in history, which Catholics must both denounce and carefully avoid (cf. the article 'Pénitence,' in DAFC, vol. III, cols. 1788–1793)."[403]

[403] Galtier, ibid., no. 411, p. 309. Galtier aptly summarizes the foregoing in Dictionnaire apologétique de la foi catholique, article "Pénitence," second part ("Confession"), cols. 1860–1861: "People confessed, and confession was heard, in the first centuries. No more than today was remission of sin by the Church conceived without its manifestation before the tribunal of the Church. Indeed, this was so much a matter of course that less need was felt to insist on it in exhortations to penance. In the eyes of the faithful, this was not the difficult thing, just as it was not then and is not even now the most important. The absence of all controversy permitted pastors to concentrate attention on the necessity of inward repudiation of sin and the outward expiation which is its effect. Along with this other equally established fact, that in many consciences and on many matters the distinction between mortal and venial sin remained poorly perceived, so that the need to have recourse to the Church's judgment appeared more rarely, this, we believe, explains the unquestionably smaller place occupied by confession properly so called in the preaching of the first centuries."

Objection 4. That the reception of the sacrament, or the confession of sins, was not considered necessary is evident from the fact that the Fathers, and indeed several later theologians, enumerate it among the various ways or means by which the remission of sins can be obtained from God.

Seven remedies of this kind are enumerated by Origen, In Leviticum, homily 2, 4 (cited in vol. I, p. 111): baptism, martyrdom, almsgiving, the forgiveness of an offence received from one's brethren, fraternal correction or the turning back of a sinner from the error of his way, and the abundance of charity. Six are enumerated by Chrysostom, In II Corinthios, homily 4, no. 6, and De Lazaro, homily 5, 7: almsgiving, fasting, tears, confession, continence, and charity. Five are enumerated by Augustine, Contra Cresconium II, 12, 15: baptism, the word of truth, contrition of heart, almsgiving, and charity. Likewise five by Cassian, Collationes 20, chapter 8 (M.L. 49, 1154 ff.); eight by Cassiodorus, Preface to Psalm 6, where he adds: "Perhaps other ways of remission may also be found"; twelve by Caesarius of Arles or a certain anonymous writer, Homily 13 (M.L. 67, 1075); seven, following Origen's enumeration, by Jonas of Orléans, De institutione laicali I, 5 (M.L. 106, 130), and Theodulf of Orléans, Capitula 36 (M.L. 105, 203); and ten by Rabanus Maurus, De modo Poenitentiae, chapter 23 (M.L. 112, 1329 ff.).

Reply. This objection, which was already disposed of above in the question concerning the necessity of the virtue or act of penance (Article 22, vol. I, pp. 480 ff.), is invoked here again altogether in vain. For from it one would also have to conclude that the Fathers did not regard baptism as necessary for salvation, because they enumerate it along with other remedies of remission.

The Fathers simply enumerate various remedies, without specifying the manner, known from elsewhere, in which different remedies contribute differently to the remission of sins: directly or indirectly, immediately or mediately, perfectly or imperfectly, necessarily or not necessarily, with regard to mortal or to venial sins, or with regard to the sins themselves or to their consequence, namely, punishment. This is clear from the mere enumeration of baptism itself alongside the other remedies, from the varying number of remedies, from the indeterminate manner in which the list is proposed (Cassiodorus: "Perhaps other ways of remission may also be found"; Rabanus Maurus: "Chiefly through amendment of morals ... Sometimes through the intercession of the saints ... At times through the merit of mercy and faith"), and from the particular purpose pursued by the various doctors.

Thus Augustine, Contra Cresconium II, 12, 15, when the Donatist Cresconius asks why Catholics do not rebaptize Donatists who have turned to them if they regard them as heretics, replies by denying the presupposition. For besides baptism, which in any case cannot be repeated, there are other means by which their sin is expiated. This line of reasoning does not compel the holy Doctor to invoke the necessity of the sacrament of penance; indeed, he does not even mention it, but proposes as means of salvation various dispositions and works of virtue, and especially charity, "which alone, if it be present, causes all those things to be rightly done; but if it be absent, they are all done in vain" (M.L. 43, 475).

Similarly, Origen, in the passage objected from In Leviticum, homily 2, 4, intends to prove that in the New Law there are no fewer remedies of salvation than in the Old, and for that reason enumerates seven such causes. To this purpose it would have been of no use, and would rather have been an obstacle, to propose both the sacrament of penance and baptism as strictly necessary means, and the others as remedies which are not necessary. For from this someone could conclude that in the New Law there are only a very few means of remission, namely the two aforesaid sacraments.

Objection 5. In the ancient Church, at least from the fourth century onward, it was the general practice to deny penance to clerics who had fallen into the graver crimes, at least to those in the higher orders (that is, bishops, presbyters, and deacons), and to leave them to the judgment of divine providence; yet communion was not denied to them after the manner of laymen, at least at the point of death. This shows that ecclesiastical penance was not regarded as absolutely necessary for the remission of sins.

Reply. There was not one and the same method, always constant in the various Churches, of granting or denying penance to fallen clerics.[404]

[404] Cf. Galtier, De Paenitentia, thesis 21, which is wholly devoted to this question.

For in certain Churches such men seem to have been admitted even to public penance itself, as may be gathered, with regard to the third century, from the letters of Cyprian, and, with regard to the fourth and fifth centuries, from the Councils of Elvira, Neocaesarea, and Orange.

Cyprian, Letter 59, 1: "We have read your letter, dearest brother, in which you reported concerning Victor, formerly a presbyter, that our colleague Therapius, at an untimely moment and with overhasty speed, had granted him peace before he had performed full penance and made satisfaction to the Lord God against whom he had sinned. This matter moved us considerably, since it was a departure from the authority of our decree that peace should be granted to him before the lawful and full period of satisfaction, without the request and knowledge of the people, and when neither illness was pressing nor any necessity compelling it. Yet, after long deliberation among us, we deemed it enough to rebuke our colleague Therapius for having acted rashly and to instruct him not to do anything of the kind hereafter. Nevertheless, we did not think that peace once granted by a priest of God should be taken away, and for this reason we permitted Victor to make use of the communion granted to him" (M.L. 3, 1014).

Letter 68 (Council of Carthage IV, concerning the case of Basilides and Martialis, Spanish bishops who had obtained certificates of idolatrous compliance), 6: "Therefore, since, as you have written, dearest brothers, and as our colleagues Felix and Sabinus assert, and as another Felix of Caesaraugusta, a worshipper of the faith and a defender of truth, reports in his letter, Basilides and

Martialis have been defiled by the wicked certificate of idolatry; and since Basilides, moreover, besides the stain of the certificate, when lying in illness, blasphemed against God and confessed that he had blasphemed, and voluntarily resigned the episcopate because of the wound of his conscience, having turned to the performance of penance, imploring God, and considering himself sufficiently fortunate if he might be permitted to communicate even as a layman; and since Martialis likewise, besides his long attendance at the shameful and filthy banquets of the Gentiles in their association, and the burial of his sons in the same association according to the custom of foreign nations, in profane tombs and together with aliens, has declared, by acts publicly performed before the procurator of the second rank, that he had complied with idolatry and denied Christ; and since there are many other grave offences in which Basilides and Martialis are implicated, such men strive in vain to usurp the episcopate, since it is manifest that men of this kind ought neither to preside over the Church of Christ nor to offer sacrifice to God; especially since long ago our colleague Cornelius, a peaceable and just priest, honoured also by the Lord with the dignity of martyrdom, decreed together with us and with all the bishops established throughout the world that men of this kind could indeed be admitted to perform penance, but were to be forbidden ordination among the clergy and the honour of the priesthood" (M.L. 3, 1028–1031).

Letter 72 (to Stephen; Council of Carthage VI, on rebaptism), 2: "We add and join, dearest brother, by common consent and authority, that even if certain presbyters or deacons, who were previously ordained in the Catholic Church, afterward became faithless men and rebels against the Church, or were advanced among heretics by false bishops and antichrists through a profane ordination contrary to the ordinance of Christ, and attempted to offer outside and against the one divine altar false and sacrilegious sacrifices, these also, when they return, should be received on the condition that they communicate as laymen, and should count it sufficient that they are admitted to peace, they who had been enemies of peace; nor should they retain among us upon their return those weapons of ordination and honour with which they had rebelled against us. For it is fitting that the priests and ministers who serve the altar and the sacrifices should be whole and without stain" (M.L. 3, 1086 ff.).

The Council of Elvira, about the year 300, canon 76: "If anyone has allowed himself to be ordained a deacon, and afterward it is discovered that he committed a mortal offence at some earlier time, if he has voluntarily confessed it, it has been determined that he should receive communion after three years of lawful penance. But if another has disclosed it, he ought to receive lay communion after five years, once penance has been performed" (Mansi, 2, 18).

The Council of Neocaesarea, between 314 and 325, canon 1: "If a presbyter takes a wife, let him be removed from his order. But if he has committed fornication or adultery, let him be entirely excluded and reduced to penance" (Mansi, 2, 540).

The First Council of Orange, in 441, canon 4: "We do not deny penance to clerics who desire it" (Mansi, 6, 437).

Nevertheless, from at least the fourth century onward the general practice was to deny them public penance. The following documents bear upon the matter.

The Roman Council of 313, under Pope Miltiades, condemned Donatus because "he confessed that he had rebaptized and had imposed hands upon bishops who had lapsed" (as Optatus of Milevis

relates, De schismate Donatistarum I, 24; M.L. 11, 932 ff.). The imposition of hands here is not reordination, as some would have it, but a ceremony of reconciliation, as other learned writers judge, and as is clear from the words of Leo the Great to be cited presently.

Pope Siricius, Letter 1, to Himerius, bishop of Tarragona, 14, 18: "We thought it fitting to provide for this also: just as it is not granted to any of the clergy to perform penance, so neither, after penance and reconciliation, may any layman ever attain the honour of the clergy. For although they have been cleansed of the contagion of every sin, those who formerly were vessels of vices ought not to receive the instruments for administering the sacraments" (M.L. 13, 1145).

Leo the Great, Letter 167, to Rusticus, bishop of Narbonne, inquiry 2: "It is foreign to ecclesiastical custom that those consecrated to presbyteral honour or to the rank of deacon should receive, for some offence of their own, the remedy of penitents by the imposition of hands. This doubtless descends from apostolic tradition, according to what has been written: 'If a priest has sinned, who will pray for him?' (Leviticus V, sec. LXX). Therefore, for the fallen clergy, in order to obtain the mercy of God, private withdrawal must be sought, in which their satisfaction, if it is worthy, will also be fruitful" (M.L. 54, 1205 ff.).

The same rule is found in the East in Basil (Letter 188, canon 3; Letter 199, canon 32; Letter 217, canon 56) and in the Apostolic Canons, 25.

Nevertheless, private penance was granted to fallen clerics, and by it they were admitted to lay communion. This is shown especially by the documents cited above concerning the granting or denial of public penance. Moreover:

The First Council of Nicaea, canon 8: "Concerning those who call themselves Cathari, that is, the pure [Novatianists], if at any time they come to the Catholic Church, it has pleased the holy and great Council that, after receiving the imposition of hands, they should thus remain among the clergy" (Denz. 55).

The First Council of Toledo, in 400, canon 4: "If a subdeacon, after the death of his wife, marries another, let him be removed from the office to which he was ordained and accounted among the doorkeepers or the readers, so that he may not read either the Gospel or the Apostle; and let him not seem to serve in public ecclesiastical offices. But he who has taken a third wife, a thing which ought neither to be said nor heard, after being excluded for two years, shall afterward, reconciled through penance among laymen, communicate" (Mansi, 3, 999).

Innocent I (401–417), Letter 17, to the bishops of Macedonia, 4: "The law of our Church is to grant to those who come from the heretics, who were nevertheless baptized there, communion only as laymen through the imposition of hands, and not to confer upon any of them the dignity of clerical honour. But those who have passed from the Catholic Church to heresy, and whom it is right to receive among you only through penance, not only do no penance, but are even raised to honour" (M.L. 20, 531).

Augustine, To the Donatists after the Conference, 20, 28: "Nor does ecclesiastical discipline for that reason sleep, so that it should not correct those who are unruly. For we do not abandon the people of God, even when we bring back to a humbler place of penance those whom we have degraded or excommunicated. And where we are not permitted to do this for the sake of the peace and

tranquillity of the Church, we do not on that account neglect the Church; rather, we tolerate what we are unable to correct, employing the precaution of the Lord's precept, lest, wishing to gather the tares before their time, we root up the wheat along with them (Matthew XIII)" (M.L. 43, 669). Accordingly, in the opinion of the holy Doctor, clerics who were degraded were granted a certain humbler, that is, private penance, and only solemn and public penance was denied to them.

The objection therefore falls; for communion was never granted to fallen clerics without previous ecclesiastical penance and indulgence, that is, reconciliation. This indulgence, in whatever rite or manner it was granted, was nothing other than an act of the power of the keys, as Augustine also expressly attests in Letter 185, 10, 44 ff.:

"'If then,' they [the heretics] say, 'it is necessary that we repent of having been outside the Church and against the Church, in order that we may be saved, how do we remain among you as clerics, or even as bishops, after this penance?' This would not take place—for in truth, it must be admitted, it ought not to take place—unless it were healed through compensation made for the very breach of peace. ... When these [heretics] come to the Catholic root, and the dignity of the clergy or even of the episcopate is not taken away from them after penance for their error, something is indeed done, as it were, to the bark of the mother tree contrary to the full integrity of strict discipline. Nevertheless, since neither he who plants is anything nor he who waters (1 Corinthians 3:7), through the mercy of God, to whom prayers have been poured forth, and the peace of the grafted branches growing together, charity covers a multitude of sins. For the rule that no one, after doing penance for some crime, should receive the clerical state, or return to it, or remain in it, was established in the Church not from despair of pardon, but from the strictness of discipline; otherwise a case could be made against the keys given to the Church, of which it was said: 'What you shall loose on earth shall be loosed also in heaven' (Matthew 16:19). But lest, perhaps, when crimes had been disclosed, a mind swollen with the hope of ecclesiastical honour should perform penance proudly, it was most strictly determined that, after penance had been performed for a condemnable offence, no one should be a cleric, so that the loss of hope for temporal eminence might be a greater and truer medicine of humility. For holy David did penance for mortal crimes, and nevertheless remained in his dignity. And blessed Peter, when he poured forth his most bitter tears, certainly repented of having denied the Lord, and yet remained an Apostle. Still, the care of later men is not to be regarded as superfluous: where nothing was withdrawn from salvation, they added something to humility, so that salvation might be more securely protected, having experienced, I believe, the feigned penances of some men on account of their desire for the powers of honours" (M.L. 33, 812 ff.).

Galtier observes upon this text: "This reasoning [of the holy Doctor] clearly signifies that clerics are 'pardoned' by the power of the keys; for this is its meaning: if the law in question were supposed to proceed from 'despair of pardon,' it would rightly be disputed as being 'against the keys given to the Church,' as though they could not absolve all. Therefore clerics, in whatever manner they are eventually admitted to communion, are truly absolved by virtue of the keys. Consequently we rightly say that they were not admitted to communion without at least some exercise of absolution. For even though it is not established that they were subjected to any rite, at least the sentence by which the deposed were restored 'to peace' or were relegated to lay communion was an absolution, sufficiently expressed, if not in words, at least in deeds."[405]

[405] Galtier, De Paenitentia, thesis 21, no. 358 (Paris, 1931), pp. 262–263.

Objection 6. NECTARIUS, patriarch of Constantinople (381–397) and predecessor of Chrysostom (398–407), around the year 391, on account of a scandal arising from the public confession of a certain matron, who revealed that she had been sexually violated by a deacon, abolished the office of the penitentiary presbyter, leaving each of the faithful free to approach Communion according to the judgment of his own conscience. Nearly all the bishops in the East followed his example. This shows that those who abolished the institution of confession did not in any way believe in its necessity.

The event is related in the middle of the following century by two Constantinopolitan historians who continued Eusebius, namely Socrates (who wrote about 440) and Sozomen (who wrote about 450).

SOCRATES, Ecclesiastical History, V, 19: "At about the same time [that is, around 391], it was decided to abolish the presbyters who presided over penance in the churches, and this for the following reason. After the Novatians separated themselves from the Church because they were unwilling to communicate with those who had fallen during the Decian persecution, from that time the bishops added a penitentiary presbyter to the ecclesiastical register, so that those who had fallen after baptism might confess their offences before a presbyter appointed for that purpose. Among the other sects this rule continues even now. But the Homoousians alone, and the Novatians who agree with them in faith, rejected the presbyter set over penance. For the Novatians never accepted this addition from the outset. The Homoousians, however, who now occupy the churches, after retaining the institution for a long time, finally abolished it under Bishop Nectarius, on account of a certain crime that had been committed in the church.

"A certain noblewoman came to the penitentiary presbyter and confessed individually the offences she had committed after baptism. The presbyter instructed the woman to devote herself to fasting and continual prayers, so that together with the confession of her offences she might also manifest a work befitting penance. After some time the woman confessed another offence, namely, that a deacon of the Church had maintained an illicit sexual relationship with her. When she had said this, the deacon was expelled from the Church; but the people began to be greatly disturbed. For they were indignant not only at the crime committed, but also because this deed seemed to have cast no slight stain and disgrace upon the Church. When the ecclesiastics were accordingly assailed with reproaches, a certain Eudaemon, a presbyter of the Church and a native of Alexandria, advised Bishop Nectarius to remove the penitentiary presbyter and to allow each person to approach the communion of the sacraments according to his own judgment and the testimony of his conscience. For, he said, there was no other way for the Church to be free from every reproach.

"Since I received these things from Eudaemon himself, I did not hesitate to insert them into this History. For, as I have often said, I have directed all my care and diligence to learning events from those who knew them best and to investigating them carefully, lest I commit anything foreign to the truth to writing. At the beginning, moreover, I said this to Eudaemon: 'Whether your counsel, O presbyter, has benefited the Church or not, God will see. But I observe that it has given individuals an occasion no longer to reprove one another for their offences, nor to observe the Apostle's precept: "Have no fellowship with the unfruitful works of darkness; but rather reprove them."' But enough on these matters" (M.G. 67, 614–619).

SOZOMEN, Ecclesiastical History, VII, 16, relates it somewhat differently and more clearly: "At about the same time, Nectarius, bishop of Constantinople, was the first to remove from the church that presbyter who was set over penitents. Nearly all the bishops afterward followed his example. What

this office was, whence it arose, and for what reason it was abolished, others perhaps relate differently. I shall state what I think. Since to commit no sin at all belongs to a nature in some way more divine and superior to the human, and since God commanded that pardon be granted to penitents even if they should offend frequently, and since in asking pardon it is necessary to confess one's sin, it seemed, from the beginning, rightly and reasonably burdensome to the priests that men should publish their crimes as though in a theatre before the whole multitude of the Church standing about them. Therefore, from among the presbyters they appointed to this office one particularly distinguished for integrity of life, silence, and prudence. Those who had sinned came to him and confessed their deeds. He, prescribing for each according to his offence what he must do or undergo in place of punishment, absolved the confessing penitents, who were to exact from themselves the penalties for their crimes.

"The Novatians, however, who make no provision for penance, had no need of this arrangement. Among the other sects the custom continues even now. It is also diligently observed in the Western Churches, and especially in the Roman Church. There, a place for penance stands in public view, where penitents stand sorrowful and as though mourning. When the solemnities of the Mass are finished, excluded from the communion of the sacred mysteries customarily offered to the initiated, they cast themselves face downward upon the ground with groans and lamentations. Then the bishop, approaching them with tears, likewise prostrates himself on the earth; and the whole multitude of the Church, confessing together, is bathed in tears. After this the bishop is the first to rise; he raises those who are prostrate, and, having offered the fitting prayer for the sinners doing penance, dismisses them. Each one, moreover, privately and of his own accord afflicts himself with fasting, neglect of bodily comfort, abstinence from food, or the other ways prescribed to him, and awaits whatever period the bishop has fixed for him. When the appointed day arrives, as though a debt had been paid, he is released from the punishment of the crime committed and restored to the rest of the people of the Church. The bishops of the city of Rome have observed these practices from the most ancient times down to our own age.

"In the Church of Constantinople, however, a particular presbyter had been appointed to preside over penitents, until a certain noble matron, having been ordered by this presbyter to fast and to pray earnestly to God for the sins she had confessed, disclosed that, while she remained in the church for this purpose, she had been sexually violated by a deacon. When this became known, all the people were exceedingly incensed, because an outrage had been inflicted upon the Church and men of the sacred order had been exposed to no slight reproach. Nectarius, after long hesitation and deliberation as to what should be done in the matter, deprived the offender of the diaconate. And, when certain persons counselled him to allow each one freely to approach the communion of the sacred mysteries according to his own knowledge of himself and the confidence he had in himself, he abolished the presbyter who had been set over the performance of penance.

"From that time onward this arrangement remained firm and stable, the ancient discipline, I think, together with the gravity and severity joined to it, gradually declining into a lax and dissolute manner of life. For formerly, as I believe, sins were fewer, both because of the shame of those who themselves disclosed their offences and because of the severity of the judges appointed for that purpose. For this reason I think that Emperor Theodosius, taking care for the honour and good name of the churches, provided by a law that women should not be admitted to sacred ministry unless they had children

and had completed their sixtieth year, according to the express command of the Apostle Paul; and that women who had cut off their hair should be excluded from the Church, while bishops who dared to admit them should be deprived of the priesthood" (M.G. 67, 1458–1463).

Reply.[406] 1. AS REGARDS THE NARRATIVE ITSELF, it must be said that many adversaries, particularly among the earlier writers after Calvin (Institutes of the Christian Religion, book III, chapter 4, no. 7), attach excessive weight to the narrative of a fact not entirely certain as to its occurrence, and very uncertain as to its circumstances. "Nothing," says Petavius, "is customarily urged more vigorously by heretics to diminish the authority of Confession than that deed of Nectarius."[407] Although the occurrence of the event is commonly admitted by learned men, some have regarded it as doubtful, because contemporary writers make no mention or allusion to such an abolition. The circumstances narrated, however, from which one might determine more precisely what, according to that narrative, was abolished, are very uncertain, as Sozomen himself acknowledges: "Others perhaps relate the matter differently [he probably alludes to the earlier narrative of Socrates]; but I shall say what I think." Hence it is impossible, or at least exceedingly difficult, to determine exactly both the fact that took place—what really occurred in the Church of Constantinople—and its consequences—what was consequently abolished. Only two things are certain from the narrative: that a scandal occurred in connection with the administration of Penance, and that this was the reason for abolishing the office of penitentiary presbyter. Moreover, from a reading of both texts, and especially from their comparison, arise the following difficult questions, which different writers seek to resolve in different ways.[408]

[406] Cf. Petavius, De vetere in Ecclesia Poenitentiae ratione diatriba, § 4 (Dogmata theologica, vol. 8, Paris, 1867), pp. 187–190; Valois, notes to the edition of the Ecclesiastical Histories of Socrates and Sozomen; Morinus, Commentarius historicus de poenitentia, book II, chap. 9; Lenglet du Fresnoy, Traité du secret inviolable de la confession, Paris, 1715, p. 90; Watkins, A History of Penance, London, 1920, p. 348; Binterim, Die vorzüglichsten Denkwürdigkeiten der christ-katholischen Kirche, vol. 5, 2nd ed., p. 443; Vacandard, Études de critique et d'histoire religieuse, 2nd series, Les origines de la confession sacramentelle, pp. 86, 108; Batiffol, Études d'histoire et de théologie positive: Les origines de la pénitence, pénitenciers et pénitents, 3rd ed., pp. 149 ff.; K. Holl, Enthusiasmus und Bussgewalt, pp. 274–288; Galtier, De Paenitentia, Paris, 1931, nos. 348–350; also Dictionnaire apologétique de la foi catholique, art. "Pénitence," cols. 1829 ff.; Saint Jean Chrysostome et la confession, Bruges, 1924, pp. 125 ff.; Palmieri, De Poenitentia, thesis 34; Pesch, De Poenitentia, proposition 27; Bellarmine, De Poenitentia, book III, chap. 14; Suárez, disputation 17, section 2, nos. 30–38.

[407] Petavius, op. cit., p. 187.

[408] The more notable solutions are reported by Vacandard, Batiffol, and Petavius, whom Galtier follows.

How do the two narratives depend upon one another, and to which should greater credit be given? Modern scholars agree, although the matter was disputed until recently, that it was not Socrates who depended upon Sozomen, but rather Sozomen upon Socrates, since he wrote later. Batiffol maintains that Sozomen copied and enlarged Socrates' narrative, partly with additions taken from elsewhere and partly with his own misinterpretations of the circumstances; he therefore trusts Socrates and utterly distrusts Sozomen.[409] Nevertheless, even from the words of Sozomen quoted above it is clear that he was conscious of relating the event differently from Socrates. Others prefer to trust Sozomen and regard his narrative as clearer. Concerning Socrates, Petavius observes: "As to the trustworthiness of Socrates, although we do not doubt here the central fact of his narrative, we believe that he has woven many things into the history in order to support, by inventions and falsehoods, the sect of the

Novatians to which he was attached, as he is often wont to do. ... I strongly suspect that the following is of this sort, that is, a fabrication: his statement that the penitentiary presbyter was instituted only after the rise of the Novatians. When he says that the rule [κανών] was added by the bishops, he very subtly and craftily insinuates the poison of Novatian cruelty, as if this whole business of penance had only then been devised and sanctioned by a new rule. ... Hence he goes on to say that this rule was received by all the others, and rejected only by the Novatians."[410]

[409] "Nous écartons donc le récit de Sozomène, comme un plagiat et une mésinterprétation de Socrate" (Batiffol, op. cit., p. 132).

[410] Petavius, op. cit., p. 189.

Concerning Sozomen, Gregory the Great says: "In the History of Sozomen certain things are related about an Eudoxius who is said to have usurped the episcopate of the Church of Constantinople. But the Apostolic See refuses to receive even that History, because he tells many falsehoods and excessively praises Theodore of Mopsuestia, claiming that he was a great Doctor of the Church even to the day of his death. Consequently, whoever receives that History must contradict the synod held in the time of Justinian of pious memory concerning the Three Chapters. But whoever cannot contradict that synod must reject the History. Moreover, down to the present time, neither in Philaster nor in blessed Augustine, who wrote much about heresies, nor among the other Fathers do we find anything in Latin about this Eudoxius. Therefore, if any of the approved Fathers among the Greeks has spoken of him, let Your Charity make it known to me in your letters" (Letters, book VII, letter 34, to Eulogius; M.L. 77, 893).

How did that woman make her confession and disclose the deacon's offence? Some, including Batiffol, say that there was one confession, entirely secret, at the end of which the matron confessed the crime she had at first concealed. They accordingly render Socrates' words "having proceeded further in confession" instead of "as time went on." Others, more numerous, say that there were two confessions, relying upon Sozomen's narrative: the second disclosure was either a secret sacramental confession (as Valois holds), a judicial accusation before the penitentiary presbyter (as Zaccaria holds), or a public disclosure made spontaneously and imprudently by the woman within or outside the exercise of public penance (as Bellarmine, Morinus, Thomassinus, Frank, and Pesch substantially hold).

How did the crime come to the ears of the people? Among scholars the solution to this question depends upon their answer to the preceding question, and upon the credit they give, or refuse to give, to Sozomen's narrative. It is generally denied that the penitentiary presbyter disclosed the secret of confession. Some say that, after the deacon had been confronted with an external confession of the crime, they denounced him to Nectarius so that he might be deposed, and that subsequently the reason for his deposition gradually came to the ears of the people. Others hold that the matron herself made the offence public, either during or outside the exercise of public penance.

Petavius says upon the matter: "As may be gathered from Sozomen, while she was proceeding further in the performance of penance, in prayer, fasting, and attendance at church, she committed another wicked act and afterward disclosed it: 'she accused' or 'she reported,' as Sozomen has it. She certainly did not disclose it openly or in a public assembly, but privately, before the penitentiary priest with whom she was accustomed repeatedly to lay bare her sins; or perhaps she spoke of it apart from the sacrament, in conversation with him or with another. In short, we should say anything rather than

that this woman, or any other mortal whatsoever, was compelled to make a public confession. Accordingly, once this wicked deed had become known to the priest, to the bishop, and finally to a few others, that deacon was deposed; and, as the report gradually became widespread, the people got wind of the matter. Hence those tears."[411]

[411] Petavius, op. cit., p. 188.

Pesch attempts to reconcile the matter as follows: "Some ... suppose that there is question of one sacramental confession alone. But this cannot be admitted: first, because Sozomen clearly distinguishes two confessions, one apparently private and the other public; secondly, because it does not appear how the report of the crime could have reached the populace from the confession made to the penitentiary presbyter alone. We must therefore say that the woman first made a secret confession to the penitentiary presbyter. He then imposed various works of penance upon her, including fasts and prayers in church, and perhaps permitted some public confession as well, because Socrates says that confession, together with prayers and fasts, formed part of this woman's works of penance. While she was performing these works, the woman was violated by the deacon. She confessed this crime in some manner so that it became known to the people; and this supposes some public confession. Perhaps the woman herself accused the deacon before the people; perhaps, while she and other penitents were publicly confessing certain sins with the penitentiary presbyter's permission, she went beyond that permission and disclosed this crime too. For some explain in this manner the words of Socrates: 'And the woman, coming forward, accused herself also of another fault.' 'She confessed this sin also, as she proceeded further in confessing the other sins which were public' (Bellarmine, On Penance, book III, chapter 14)."[412]

[412] Pesch, Praelectiones dogmaticae, vol. 7, proposition 27, no. 382 (Freiburg im Breisgau, 1920), pp. 192 ff.

Why was the office of penitentiary presbyter abolished, or what was the real cause of such great agitation among the people that this office was abolished on its account? Some say that the reason was that the scandal came to light through the occasion furnished by that office. But scandals of this kind were certainly not unheard of; indeed, they were openly envisaged by the penitential canons. Nor is it easily understood why the fury of the people should have been directed against the office of penitentiary presbyter itself rather than against the deacon or the clergy.

Batiffol attempts to explain the matter differently: "There was a scandal. This scandal was not the deacon's incontinence, for such a case was not unheard of, since it had already been provided for by the canons. We may add, with M. Holl, that, supposing the scandal to have arisen from the deacon, public indignation ought to have fallen upon the clergy in general, but not upon the penitentiary priest. M. Holl supposes that the penitentiary priest was implicated and that his office was suppressed because his very office had become the occasional cause of the scandal. Yes; and by this we approach the problem more closely. But why does M. Holl resort to the explanation of that embellisher, Sozomen? We must interpret Socrates by Socrates, and add no information to that which he supplies. The scandal is expressed in these few words of Socrates: 'When this was said, it brought about the expulsion of the deacon from the church' [Τοῦτο λεχθὲν τὸν μὲν διάκονον τῆς ἐκκλησίας

ἐκπεσεῖν παρεσκεύασε]. The woman who made the accusation suffered no harm; but what she had said sufficed to bring about the deposition of the deacon of this church. The scandal consisted in a deacon's having been deposed upon the denunciation of a single witness, who moreover was his

accomplice. Now none of this would have happened if the guilty woman had not been obliged to open her conscience to a penitentiary priest. The indignation thus rebounded upon the institution of the penitentiary priest, that is, upon the preliminary investigation before reconciliation."[413]

[413] Batiffol, Études d'histoire et de théologie positive, Paris, 1904, p. 157.

2. AS REGARDS THE OBJECTION ITSELF, it must first be said that, even were it admitted that Nectarius suppressed all ecclesiastical penance, his individual error would not necessarily invalidate the force of the argument drawn from universal Tradition. Accordingly, certain older theologians conceded the supposition: Thomas Waldensis (De sacramentis, chapter 141), M. Cano (De poenitentia, part 5, argument 6), Dominicus and Petrus Soto, Nugnus, and the Salmanticenses (Disputation 7, doubt 1, no. 14). Some of them add that Nectarius suppressed penance only for a time, to quiet the scandal, and that Chrysostom himself afterwards prudently tolerated the abolition.

Nevertheless, that Nectarius abolished not ecclesiastical penance but only the office of penitentiary presbyter is established, even if we set aside the a priori reasons that render the contrary difficult to believe, from the very narrative and its circumstances. First, from the statement of both historians, who speak only of the abolition of the office of the penitentiary presbyter. This office, however, is not simply to be identified with ecclesiastical penance itself, but with a certain solemn mode of it, as Sozomen himself teaches when he describes its solemnity as practised in the Roman Church (see above).

Secondly, from Sozomen's statement that almost all the bishops (that is, those of the East) abolished that office. Although this assertion is not very credible, and indeed seems unlikely—if one considers both the independence of the other Churches from Constantinople, and the often contentious opposition between them, as well as the venerable antiquity of that office and the absence of a special cause for its abolition in other Churches—it nevertheless shows that it was the office of penitentiary presbyter alone that was abolished. For it is established that ecclesiastical penance itself was in use among the Eastern Christians at that time and afterwards, something which Sozomen the historian could not have been ignorant of.

Thirdly, and most significantly, from the fact that ecclesiastical penance was manifestly administered at Constantinople under Chrysostom, who immediately succeeded Nectarius in A.D. 398 (compare below, in the reply to the following objection). From this it follows that either Nectarius did not abolish ecclesiastical penance, or Chrysostom restored it. But that Chrysostom did not restore it is apparent both from the final words of Socrates and Sozomen, who, writing about fifty years after Nectarius' deed, deplore the relaxation of morals which it brought about, and from the charge of excessive laxity in granting pardon to sinners which Bishop Sisinnius, a Novatian, made against Chrysostom in the city of Constantinople (see Socrates, Ecclesiastical History, VI, 21). Such charges would have had no force if Chrysostom had abolished the relaxation introduced by Nectarius.

Nectarius therefore abolished only the office of penitentiary presbyter, without ecclesiastical penitential discipline thereby disappearing. Which among the penitential practices ceased together with this abolition cannot be determined exactly. According to the very narratives of Socrates and Sozomen, the penitentiary presbyter had been placed under the bishop to preside over ecclesiastical penance: that is, to receive the confessions of the faithful, to absolve them, to impose suitable

satisfactions, to supervise the payment of the penalties imposed, and to preside over the various penitential rites, similar to those described by Sozomen as taking place in the Roman Church, which ended with canonical absolution. Moreover, he himself could absolve, at least from canonical offences or, as we would now say, in reserved cases. He also held the office of penitential judge and investigator: he was to uncover crimes committed, and offenders were to be reported to him by the faithful, so that he himself might rebuke and judge them.[414] Hence Nectarius could have abolished only the substitutive and personal office of the penitentiary presbyter, so that the whole office of presiding over penance returned to the bishop or was granted to all priests; or he could even have abolished the exercise of public penance, whether entirely[415] or in part; or at least he could have abolished the practice of reporting the secret offences of others to the ecclesiastical judge and the obligation of doing public penance for crimes alleged before the penitentiary presbyter.

[414] This practice of bringing offenders before the bishop is attested by Didascalia Apostolorum II, 38, 1–3; II, 42, 1; II, 43; Chrysostom, Homily 3 to the People of Antioch, no. 5; Augustine, Sermon 82, nos. 8, 11; Innocent I, Letter to Exuperius, no. 9 ff.

[415] This is scarcely credible if other Churches really followed the example of Nectarius, since indications of public ecclesiastical penance are not lacking in that century, as is evident from Theodoret, bishop of Cyrrhus (Letter to Eulalius; M.G. 83, 1249), and Pseudo-Dionysius the Areopagite (Letter to Demophilus; M.G. 3, 1089).

However this may be explained, it is readily understood why Socrates and Sozomen so greatly deplore the consequent relaxation of morals and discipline, and in what sense they say that Nectarius' decree gave each person the liberty of approaching Communion according to the judgment of his own conscience.

"Once an office of this kind had been removed, the care of penance devolved entirely upon the bishop, or perhaps upon all the presbyters indiscriminately. It is therefore no wonder that supervision of sinners and penitents became less strict. There was no longer anyone who, by office, received voluntary confessions and to whom sinners were reported or by whom they were reproved; no one who, by office, presided over and watched the penitents. Moreover, since the ecclesiastical precept of expiating mortal sins through absolution before Communion, or at least once each year, was not yet in force, 'each person could approach the communion of the sacraments according to his own will and the judgment of his conscience' [Sozomen], in the sense that he sought to receive penance from whomsoever he wished and whenever he wished; and, once it had been given, he performed it without anyone supervising him, or rather omitted it, as was so often lamented by writers of that age. All will readily understand how there arose from this the 'descent into a lax and dissolute manner of life' of which Sozomen speaks. Yet anyone who inferred from this that Nectarius was ignorant of, or tacitly denied, the doctrine of the necessity of priestly penance would reason wrongly. He did, in fact, permit the penitential institution to be relaxed and administered negligently, but he in no way abolished it. Hence his successor, Chrysostom, had no need to restore it, but instead personally undertook to administer it with greater care and more abundant fruit, in keeping with the pastoral concern he had already announced in his book On the Priesthood."[416]

[416] Galtier, De Paenitentia, thesis 20, no. 350 (Paris, 1931), pp. 255 ff.

Objection 7. CHRYSOSTOM (344–407) did not acknowledge the necessity of sacramental confession and is a most significant example of the profound silence of Tradition concerning this doctrine. For he himself, one of the greater Doctors of the Church, an outstanding and constant preacher to the

people—and notably on the subject of Penance, concerning which he delivered at least six sermons expressly devoted to it—and a magnificent and explicit expositor of the dignity and duties of the priest in the six books of his work On the Priesthood (in which he enumerates seventeen priestly duties), has not even one word concerning the necessity of confession to priests. Instead he always speaks of the necessity of confessing to God; indeed, at times he urges this so strongly as to say that confession must be made to God alone, in such a way as altogether to exclude the intervention of men. In this teaching Chrysostom remained consistent with himself throughout his twofold ministry, both at Antioch and at Constantinople. His more significant testimonies are these:

On Genesis, homily 20, no. 3: "He who has committed these [sins], if he wishes, as he ought, to use the help of conscience, and to hasten to the confession of his misdeeds, and to show the ulcer to the physician [that is, God], who heals and does not reproach, and to receive remedies from him, and to speak to him alone, with no one else aware, and to tell him everything carefully, will easily amend his sins. For confession of sins is also their abolition. What pardon shall we deserve if we refuse to confess our sins to him who accurately knows all our offences?" (M.G. 53, 170).

On Lazarus, homily 4, no. 4: "Wickedness that has passed into deed we quickly destroy by confession, by tears, by accusing ourselves of our own offences. … Have you condemned your sin? You have laid down the burden. Who says these things? God himself, the Judge. 'Declare your sins first, that you may be justified' (Isa. 43:26). Why then, I ask, are you ashamed and blush to tell your sins? Do you tell them to a man, that he may reproach you? Do you confess to a fellow-servant, that he may publish them? No: to him who is Lord, who cares for you, who is kind, who is the physician, you show your wounds. For he is not ignorant of them, even if you have not spoken. … 'No,' he says, 'I do not compel you to go forth into the middle of a theatre and summon many witnesses; tell me alone your sin in private, that I may heal the ulcer and free you from pain.'" (M.G. 48, 1012).

Homily 5, On the Incomprehensible, no. 7: "I do not lead you into the theatre of your fellow-servants, nor do I compel you to reveal your sins to men; open your conscience before God, show him your wounds." (M.G. 48, 746).

Homily 3, On Not Preaching to Please, no. 3: "But are you ashamed and blush to proclaim your sins? Certainly, if they had to be told and made public before men. … Yet it is not necessary to confess with witnesses present. Let the examination of offences take place in the reckoning of conscience; let the judgment be without witnesses; let God alone hear you confessing, God who does not reproach sins but blots out sins through confession." (M.G. 50, 658).

On Penance, homily 2, no. 1: "Are you a sinner? Do not lose heart, but enter [the church] and manifest repentance. Have you sinned? Say to God: I have sinned. What difficulty is there in this? … For if you do not yourself declare that you are a sinner, will you not be accused by the devil? Anticipate him and take away his office, for his office is to accuse. Why, then, do you not anticipate him and declare your sin? … Enter the church; say to God: I have sinned. I ask nothing else of you save this alone." (M.G. 49, 285).

Compare On Penance, homily 3, no. 4; homily 6, no. 5; Catechesis ad illuminandos, 2, no. 4; Homily on the Fact that Sins Should Not Be Made Public, no. 3; On Matthew, homily 10, nos. 5 ff.

Response. Several Protestants after Calvin (Institutes of the Christian Religion, book III, chapter 4, no. 8) and Dallaeus (Disputatio de sacramentali sive auriculari Latinorum confessione, Geneva, 1661,

pp. 474–481) especially press this difficulty. The seriousness—or rather, the apparent force—of the objection cannot be disguised, as is clear from the various positions adopted by Catholic Doctors in regard to it.

A very few among modern scholars, such as Rauschen (Jahrbücher, 1897, pp. 540–544; Eucharist and Penance in the First Six Centuries of the Church [English version from the German], St. Louis, Missouri, 1913, pp. 231–234) and Turmel (Revue du Clergé français, 1907, pp. 306–308), concede that Chrysostom was almost unaware of the necessity of private auricular confession (from which, however, nothing follows against the doctrine itself as affirmed by the common Tradition).

On this subject Rauschen, in the work last cited, pp. 231–234, says: "Catholic scholars have appealed to St. Chrysostom, in order to prove that in his time, both in Antioch and in Constantinople, private confession to a priest was universally prevalent and was obligatory in the case of all 'mortal sins' in the sense that we understand this term to-day.[417] But this appeal is in vain. I have demonstrated this at some length in my Jahrbücher (1897, pp. 540–544) and my arguments have met with approval.[418] I will therefore treat the matter briefly here.

[417] Thus Binterim, Denkwürdigkeiten, V, 2, p. 437 ff.; Wildt, in Kirchenlexikon, II, p. 230 f.; Schwane, Dogmengeschichte, II, 2nd ed., p. 1057; Pohle, Lehrbuch der Dogmatik, III, 3rd ed., 1908, p. 496. Pohle's chapter 'Der Väterbeweis für die Beichte' is not up to the usual standard of his otherwise excellent Lehrbuch.

[418] Funk, Lehrbuch der Kirchengeschichte, 1907, p. 177; Holl, Enthusiasmus, p. 272; Kirsch, Zur Geschichte der katholischen Beichte, p. 76.

"St. Chrysostom frequently speaks of the confession of sins, but he means either public confession in the presence of others, or the outpouring of the heart in the presence of God alone. This latter he insists on again and again, and points out its necessity and advantages. It might be argued that in the confession made before God he also includes the confession made to a priest acting as the representative of God. But he never even insinuates this; nay, in several passages he positively excludes this interpretation. 'Therefore,' he writes,[419] 'I exhort and beg you again and again: Confess to God without ceasing. I do not lead you into the circle of your fellow servants, and do not force you to reveal your sins to men. Unfold your conscience to God alone, show Him your wounds and ask help from Him. Show yourself to Him who will not reproach you, but who will heal you. Even though you be silent, He knows all.' The following words also deserve attention: 'How shall we receive pardon, if our sins are never brought to mind? Were this the case, everything would be done. For just as he who enters within the gate is within, so he who ponders over his sins and meditates separately upon each one, attains a cure for them all. But if he says, "I am a sinner", and does not weigh his sins and say, "I have done this or that", he will never cease sinning, because, while he always confesses them, he takes no measures for his betterment.'"

[419] Homily Against the Anomoeans, 5 (Montfaucon, I, 490c–d).

"Dr. Pohle is struck by the circumstance that Chrysostom calls the shamed sinner's attention to the fact that he is confessing to God alone, although he claims that this Father of the Church does this in order to bring out the benefits of the seal of confession. But Chrysostom says nothing of the sigillum, which did not exist in the early days in the strict sense now attached to the term. … There is no passage in the writings of Chrysostom that justifies one in calling him an unmistakable witness for the existence of private confession. It is true, he says in a certain place, 'So do thou also show the wounds to the priest' (τῷ ἱερεῖ).[420] Schwane attaches great importance to this passage. But if it be

taken in its context, it will be readily seen that it has reference to fraternal correction. The meaning is: Show the priest the faults of others, so that he may correct them. The idea of a self-accusation on the sinner's own part is excluded by the context.[421] How far the penitential discipline of St. Chrysostom's time differed from our own, may be gleaned from the circumstance that Chrysostom in his six books De Sacerdotio, in which he dilates on the dignity of the priesthood, mentions seventeen duties of the priest, but never once the hearing of confessions.[422]

[420] Homily on the Statues, 3.

[421] 'The reading τῷ ἱερεῖ appears to me to be doubtful, for it does not fit in with the context.'

[422] Cf. Theologische Quartalschrift, 1829, p. 94.

"If Socrates[423] and Sozomen[424] say that Nectarius, patriarch of Constantinople, by suppressing the office of penitentiary priest, 'gave every one liberty to approach the holy mysteries in accordance with the dictates of his conscience,' the meaning can only be that after the abolition of the office of penitentiary priest the holy mysteries could be approached, at certain times at least, without confession."

[423] Socrates, Ecclesiastical History, V, 19.

[424] Sozomen, Ecclesiastical History, VII, 16.

A few others, according to Galtier, have judged that Chrysostom denied not the necessity of confession simply speaking, but the necessity of confessing before the reception of the Eucharist, so that he held that a sinner could approach Communion after eliciting only an act of contrition, with an implicit intention of subsequently confessing. Galtier says that "some" held this opinion, but cites only one name, namely Collet, as suggesting this solution by way of a secondary answer. Nevertheless, Collet in no way proposes it as a solution, however secondary, of the question of Chrysostom's silence itself. Rather, he presents it only as a reply (and one that grants the argument's premise without conceding its conclusion) to two texts advanced by adversaries (On Penance, homily 8; and On First Corinthians, homily 28), which concern the disposition required for receiving Communion. For he says:

"Reply. 1°. At most it follows from those passages of Chrysostom that the holy Doctor believed confession need not necessarily precede Eucharistic Communion; it does not follow that he absolutely denied the necessity of such confession. For just as among Catholics even today it is disputed whether one guilty of mortal sin must confess before administering the sacraments, while no one doubts that confession must sometimes be made, so Chrysostom might have thought that a truly contrite man could approach Communion and afterwards confess. Certainly it is one thing to inquire whether confession is necessary, and another to inquire at what time its obligation presses. Therefore, speaking strictly and precisely, nothing against the substance of confession can be deduced from Chrysostom."[425]

[425] Collet, De Poenitentia, part II, chapter 5, no. 159, in Migne, Theologiae Cursus, vol. 22, col. 432 ff.

Moreover, earlier, in his argument from Tradition, when he came to the testimonies of the fifth century, Collet had written: "Here Chrysostom claims the foremost place for himself, for everywhere he labours with his whole strength both to commend the power of priests in remitting sins and to commend the necessity of disclosing to them one's offences according to their number."[426]

[426] Ibid., no. 60, col. 397.

Others, such as Galtier,[427] taking a position that is rather negative and defensive, say that Chrysostom's words do not exclude knowledge of the necessity of confession made to a priest; indeed, they are not devoid of certain indications of this necessity, although it must be granted that no explicit text is found in the holy Doctor in which that necessity is proposed. "The reason for this," adds Galtier, "can certainly be the same as that given above for St. Ambrose, namely, that priests in matters pertaining to the remission of sins do nothing by their own power or in their own name, but that it is the Holy Spirit who works all things through them. … The ultimate reason for this peculiar silence seems rather to be sought in the prudence which Chrysostom himself (On the Priesthood, II, 2–4) teaches pastors to observe in treating the infirmities of their sheep. … [Here Galtier explains the principles and practice of Chrysostom's prudence.] Hence you may not without reason conclude that Chrysostom, like other preachers of the same age, did not expressly preach and insist upon the manifestation of sin to be made to a priest, both because the difficulty concerned not this but sincere confession of the heart and penance, and because it was understood to be included in all penance to be sought from priests."[428]

[427] Cf. the author who is especially eminent in discussing this difficulty: Galtier, De Paenitentia, nos. 437–452 (Paris, 1931), pp. 332–346; 'Saint Jean Chrysostome et la confession,' in Recherches de science religieuse (1910); also 'Pénitence' (second part, 'Confession'), in Dictionnaire apologétique de la foi catholique, cols. 1847–1860.

[428] Galtier, De Paenitentia, thesis 29, nos. 450–452 (Paris, 1931), pp. 344–346.

Dogmatic theologians generally, ancient as well as modern, teach that the necessity of confession is positively taught by Chrysostom, at least equivalently or formally implicitly. Indeed, several of them bring forward a few passages in which that necessity is explicitly proclaimed.

Having therefore weighed the difficulty of the matter and the opinions of theologians, we reply:

1. Even if Chrysostom, together with one or another doctor of the same place and age, had been ignorant of the necessity of confession, nothing would follow against the very common teaching of Tradition set forth above. Did not Origen, easily the foremost among the Eastern Fathers, err in several matters? And did not Cyprian, most devoted to the doctrines of the faith, err in the explicitly proposed and discussed question of rebaptism?

2. A priori it is altogether improbable and scarcely credible that Chrysostom departed from the common Tradition and from the teaching of other doctors of the same age, and indeed of the same place (cf. the words of Sozomen quoted above, p. 433), without reason, without preparation, and without opposition.

3. Moreover, this would contradict the holy Doctor's manner of teaching and acting. For first, he commends recourse to the priestly ministry in words and himself accepts it in practice, both in his ministry at Antioch (On the Priesthood, III, 5 ff.; On John, homily 87, no. 4; On "I Saw the Lord," homily 4, no. 5; On Matthew, homily 23, no. 1; and below also in his ministry at Constantinople: On the Duty of Frequent Attendance, no. 2, cited below; On Hebrews, homily 20, where, arguing against the Novatians, he asserts that bishops are moderators of the ministry of penance; and On Hebrews, homily 9, no. 4, cited below). Sisinnius, a Novatian

bishop, at the assembly held at the Oak in A.D. 403, accused Chrysostom "of giving licence to sinners by saying: 'If you have sinned again, come to me, and I will heal you.'"[429]

[429] Photius, Bibliotheca, cod. 59 (M.G. 103, 111); cf. Socrates, Ecclesiastical History, VI, 21; Acts of the Synod at the Oak, in Mansi, vol. 3, col. 1145.

That such recourse to priests implies the confession of sins is evident from the fact that, in On the Priesthood, II, 3–4, among the duties of priests he inculcates the administration and regulation of penance and satisfaction for sins according to the dispositions of individuals, and explains that the state of consciences must be examined most attentively: "A man will hardly know the infirmities of men. ... Who then can apply a remedy to a disease whose character he does not know, when he may very often not even know whether the man is ill? But when the disease is known, it then occasions greater labour. ... For Christians it is by no means permitted to correct by force the offences of all sinners. ... For God does not crown those who abstain from wickedness because they have been forced away from it, but those who depart from it by their own free purpose. Therefore much skill is required, that the sick may be persuaded willingly to submit themselves to the remedies of priests; nor is this all, but that they may even be grateful for the treatment. ... How much labour falls upon the pastor's prudence in examining on every side the condition of the soul! ... Therefore none of these matters should be left without examination, but when everything has been properly investigated, the bishop must suitably bring forward what pertains to him, lest he undertake an empty solicitude." (M.G. 48, 634 ff.)

From these things it is evident how ineptly Rauschen (in the place cited above) asserts: "Chrysostom in his six books On the Priesthood, in which he dilates on the dignity of the priesthood, mentions seventeen duties of the priest, but never once the hearing of confessions."[430]

[430] Cf. Galtier, Recherches de science religieuse (1910), pp. 229–240, 313–318.

4. The holy Doctor teaches equivalently, or formally implicitly, the necessity of sacramental confession. For first, in On the Priesthood, III, 5 ff. (cited in volume I, p. 118), he asserts very emphatically that priests possess a true judicial power of remitting and retaining sins; but it is altogether improbable that he did not also understand that this power involved, and necessarily entailed, the obligation of confessing (cf. above, Proof 1, from Scripture, p. 378). Moreover, and more directly, the holy Doctor in the same place (cf. the words quoted on p. 386) teaches the necessity of the sacrament itself, or of recourse to priestly power in order to obtain salvation or remission of sins. He teaches the same, although less clearly, in On Hebrews, homily 9, no. 4, and in the second homily On the Duty of Frequent Attendance (both quoted shortly below). Such recourse cannot be conceived without some confession of sins, as the adversaries themselves concede (cf. above, p. 378).

This is confirmed by the fact that, in the same work On the Priesthood, II, 3 ff. (quoted just above), when explaining the pastoral office of the spiritual physician to whom sinners must have recourse, the holy Doctor speaks at length of instituting a most attentive examination of the state of the sinner's soul ("Much prudence and six hundred eyes are required, that one may examine the condition of the soul on every side"). Such an examination necessarily presupposes the confession of offences.

5. In the holy Doctor's words several direct indications and allusions to the very necessity of sacramental confession are found; for, when he speaks of the necessity of confession to be made to God, or even to God alone, he attributes to it certain characteristics which properly befit only external confession, and can scarcely be understood on the hypothesis that he is speaking of merely inward confession made to God, to the exclusion of priestly confession. For that confession:

It is numbered among the various external works of exomologesis, namely tears, penance, confession, almsgiving, and prayer (On Pentecost, homily 1, no. 6).

It is to be made orally and in church (On Penance, homily 2, no. 1, quoted above, p. 441 ff.; On Lazarus, homily 4, no. 4).

It is to be made especially in the time of Lent, and particularly in Holy Week (On Genesis, homily 27, no. 6; homily 30).

It produces shame arising from the knowledge of men. In the third homily On Not Preaching to Please, he says: "Yet are you ashamed and do you blush to declare your sins? ... You ought not to be ashamed in this way; for the shame and disgrace lie in committing sin, not in confessing what you have done. ... It is no disgrace to accuse sins, but justice and virtue. ... Who is ashamed to confess sins so that he may be absolved of them?" (M.G. 50, 658). In the thirty-fourth homily On John, no. 3 (on the Samaritan woman), he says: "Let us therefore imitate this woman, and let us not fear men when disclosing our sins. ... Have you committed some sin, or conceived it, and do you hide it from men? But you do not hide it from God. And yet you care nothing for this, while you fear the eyes of men. ... I beg you therefore, even if no one sees us, let each enter into his own conscience, establish an account with himself as judge, and bring his sins into the midst. And if they would not have them proclaimed on that day [of the final judgment] before the terrible tribunal, let them apply the remedies of penance and heal their wounds." (M.G. 59, 196 ff.)

It is to be made concerning individual sins. On Genesis, homily 20, no. 3, and On Hebrews, homily 9, no. 5, and homily 31, no. 3, he says: "Let us not say only that we are sinners, but let us also recount our sins, enumerating each one in particular. I do not tell you to display them in public as though in a pageant, or to accuse yourself before others, but to obey the Prophet who says, 'Reveal your way to the Lord' (Ps. 36:5). Confess them before God; confess your sins before the Judge, praying, if not with the tongue, at least with the memory." (M.G. 63, 216).

It is to be made before the judge of sinners and the physician of spiritual wounds. On Hebrews, homily 31, no. 3, and On Genesis, homily 30. According to the holy Doctor, no less than according to other Fathers, the priest himself is a judge in the cause of sins (On the Priesthood, III, 5 ff., quoted in volume I, p. 118), and especially the physician of spiritual wounds (ibid. and II, 3 ff., quoted just above).

6. It must nevertheless be conceded that one would very much wish to find in Chrysostom explicit texts concerning the necessity of confession. Some theologians put forward chiefly the following three:

To the people of Antioch, homily 3 (On the Statues), no. 5: "Physicians also do this most often when they have difficult patients: with caresses and entreaties they persuade them to take a salutary medicine. Do you likewise: show the wound to the priest; this is what is meant by 'caring,' this is what is meant by 'providing,' this is what is meant by 'consulting.'" (M.G. 49, 54). Yet this text, although it is legitimately adduced to show the ministry of the priest in the care of sinners, cannot be directly adduced to establish the necessity of confession itself, because, as is evident from the immediate context, it concerns fraternal correction to be offered by anyone through counsel, persuasion, and even, when opportune, reporting the sin of another to a priest ("Show the wound [of your brother] to the priest"). Rauschen adds that the inserted phrase τῷ ἱερεῖ ("to the priest") appears doubtful to him, as not fitting the context.[431]

[431] Cf. the passage cited above, p. 443, in the note.

On Hebrews, homily 9, no. 4: "What then is the medicine of penance, and how is it prepared? First, it consists in condemnation of one's own sins and in confession. ... For if you have confessed your sin as it ought to be confessed, the soul becomes humble. ... But other things must also be added to humility [that is, contrition, prayers, tears, almsgiving, and so forth]. ... And one must conduct oneself toward priests as is fitting: 'If anyone,' he says, 'has committed sins, they shall be forgiven him' (James 5:15)." (M.G. 63, 80 ff.). Here there is manifestly question of submission to the judgment of priests, insofar as they possess the power of remitting sins. Hence this text is parallel to the passage cited above from On the Priesthood, III, 5 ff. It has somewhat less force in one respect, because the necessity of recourse to priests is not here explicitly enunciated, since that recourse is enumerated among various remedies which are not absolutely necessary, such as tears and almsgiving. It has somewhat more force in another respect, because it mentions confession, so that the holy Doctor's mind is probably directed toward confession to be made to a priest ("If you have confessed your sin as it ought to be confessed"). Nevertheless, confession there is not directly and explicitly referred to external disclosure made to a priest, but is taken for the interior examination of conscience, so that the soul may be perfectly occupied and stirred by it ("as it ought to be confessed"). This is also evident from the fact that the mention of this confession is not joined with that of submission to the priest, but several other remedies of remission are enumerated between the two.

On the Duty of Frequent Attendance, homily 2: "Do not therefore be ashamed to approach [the priest] because you have sinned; rather, approach for this very reason. For no one says, 'Because I have an ulcer, I will not approach the physician, nor receive medicine'; on the contrary, for this very reason one must especially call physicians and seek the power of medicines. We also know how to forgive, since we ourselves are liable to sins against others. For this reason God did not give us angels as doctors, nor send Gabriel from above and place him over the flock; but from the flock itself he takes shepherds, setting over the sheep a leader who is ready to pardon his subjects and, remembering his own infirmity, does not rise up against the sheep of his flock." (M.G. 63, 463). Here again the necessity of the sacrament, or of recourse to the priest as to a physician who heals and as to a judge who can forgive, is proclaimed sufficiently explicitly, but not explicitly the necessity of confession itself. Nevertheless this text acquires greater force if it is joined to On the Priesthood, II, 3 ff., cited above (p. 445).

7. From what has been said it is evident how one should reply to the very texts adduced by the objector, in which the holy Doctor seems to teach that confession is to be made to God alone.

For, first, if these words, taken by themselves and literally, were understood to exclude the priest, they would stand in manifest contradiction with the teaching and practice of Chrysostom set forth above. Secondly, that they need not be taken in a literal and exclusive sense appears both from the fact that confession may rightly be said to be made to God alone, even when the ministry of the priest intervenes, since the priest acts only by the authority and power of God as a mere instrument (cf. On John, homily 87[432]), and from the fact that other Fathers also, who explicitly preach the necessity of confession, speak in certain places in the same manner as Chrysostom or present interior penance and confession made to God without mentioning the intervention of the priest. Thus Origen, On Leviticus, II, 4 (compare Chrysostom, On Penance, homily 2, no. 1); Ambrose, On Penance, II, 6, nos. 40 ff.; II, 7, nos. 52 ff.; II, 8, no. 66; On Psalm 37, no. 46: "You who have resolved to make satisfaction for your offences to the Lord your God, cleanse yourself for him alone in the inner heart; be contrite before him who can wipe away sins"; and Leo the Great himself, who, although he speaks so openly of sacramental confession that even adversaries have called him its institutor, makes no mention of the priestly ministry in two whole sermons On Penance addressed to the people (sermon 36, no. 4; sermon 43, nos. 2–4).

[432] On this point cf. Ambrose, On Penance, I, 8, no. 35: "He bestowed all things upon his disciples ... but in this human power there is nothing where the grace of the divine gift is at work" (M.L. 16, 497).

8. As to the very anxious wonder that naturally arises in modern minds—why Chrysostom continually insists upon penance and confession to be made to God, and never makes an explicit discourse upon the necessity of priestly confession—various reasons may be assigned, several of which also hold good concerning the relative silence observed among other Fathers down to the fifth century.

The first is the necessity of strongly inculcating God's own part in the sacramental work, and thus of persuading men and confirming their faith in so exalted and almost incredible a power of remitting sins, bestowed upon the priests of the New Law, and at the same time of fostering the faithful's recourse to that power.

The second is the necessity of strongly inculcating the need for inward and sincere penance and confession, both because this was of greater importance, and because in it a defect could occur more frequently at a time when the public organization of exterior penance more easily impelled sinners to exterior confession (cf. what was said in reply to Objection 3, pp. 424–426).

A third is perhaps a certain reason of prudence suited to the particular condition of outward penance in the Church of Constantinople in Chrysostom's time. For, if what Socrates and Sozomen assert is true, that public penance had recently been abolished, or at least the office of penitentiary presbyter with its particular practice of inquiry and denunciation, it is easily understood why the holy Doctor, while exhorting sinners to penance, deliberately refrained from inculcating the outward method of penance and the necessity of recourse to priests, which were otherwise known to all. He did this lest his hearers take an easy occasion to confuse exterior confession with the very mode of public penance and think that he was, as it were, calling for the restoration of the abolished institution. That this mistaken interpretation was anxiously to be avoided is evident from the several expressions objected

to by the adversaries, in which the holy Doctor insistently denies the public character of confession, for example: "Do you then confess to a fellow servant, that he may bring it into public?"; "I do not compel you to come forth into the midst of the theatre and to have many witnesses"; and "Are you ashamed to declare your sins? Certainly, if they had to be spoken before men and made public" (cf. the words of Sozomen cited on p. 433).

A fourth reason, which Galtier judges the last or principal one, may be drawn from the ascetical and pastoral principles which Chrysostom inculcates in On the Priesthood and which he himself applied in his ministry.

Galtier writes on this point: "The ultimate reason for such a singular silence seems rather to be sought in prudence, which Chrysostom himself (On the Priesthood, II, 2–4) teaches pastors to observe in caring for the infirmities of their sheep. For it is theirs to choose and apply remedies, and those remedies are said to have constituted ecclesiastical penance at that time: chastisements, admonitions, the prayers by which sins are forgiven (III, 6; M. 48, 644), corrections, punishments, which are deserved for offences in strict justice (II, 4; 635). It belongs to them to bind, to drive from nourishment, to burn, to cut (II, 3; 634). But this cannot be done unless both the nature of the disease and the intimate disposition of the sick person are first known, to which remedies must in the first place be adapted and tempered. For the supreme danger in a ministry of this sort is lest 'many be brought to the utmost evils by demanding from them punishment proportionate to their sins,' or lest the sinner, on whom a stricter discipline has been imposed, 'in the impatience of pain lose heart and suddenly throw off everything, both medicine and bandage, and give himself over to the precipice, the yoke being broken and the bond shattered. ... For many are lifted up to arrogance and fall into despair of their salvation because they cannot bear the harsher remedies' (II, 4; 635). 'For if anyone, having been overcome, falls back, he brings a graver evil upon himself ... and occasion for a more violent disease is born from the occasion of treatment' (II, 3; 634)."

"Therefore," he continues, "one must proceed neither by force nor by command: 'It is not possible to cure an unwilling man by applying force' (ibid.). Pastors of souls differ in this from shepherds of sheep, that they neither wish nor are able to impose their remedies on those who resist: 'For we are by no means permitted to correct by force the offences of all sinners among Christians. Nor are facilities given us by law for restraining offenders. Indeed, even if they had been given, we could not use them, since God does not crown those who abstain from wickedness under compulsion, but those who depart from it of their own free choice' (II, 2–3; M. 634). Hence persuasion must be employed: 'Therefore much skill is required, that the sick may be persuaded willingly to submit themselves to the remedies of priests' (ibid.)."

"Anyone imbued with this principle readily understands that, in addresses to the people, penance was not preached except in a general manner. For the method by which penance after baptism was to be performed in the Church was known to everyone from daily practice, and was determined privately, according to opportunity, for each person who asked for it. Therefore notorious sinners were strongly exhorted to be excluded from Communion,[433] and even to be denounced by the faithful to priests;[434] whereas others, because there was not yet a law or ecclesiastical 'custom'[435] of requiring sacramental penance to precede Communion immediately, were simply appealed to in good will to be 'persuaded' to seek remedies for themselves from priests."[436]

[433] For example, Against the Jews, I, 2 (M.G. 48, 845–847); On the Baptism of Christ, no. 4 (M.G. 49, 370); On Matthew, homilies 17, no. 7, and 80, no. 6 (M.G. 57, 264 and 58, 744– 746).

[434] For example, ibid. (M.G. 48, 856); On Psalm 49, nos. 7–8 (M.G. 55, 252–253); To the People of Antioch, homily 3, no. 5 (M.G. 49, 54).

[435] This is the phrase of the Council of Trent, session XIII, chapter 7 (Denzinger–Bannwart, no. 880; C. 1118).

[436] Galtier, De Paenitentia, thesis 29, no. 451 ff. (Paris, 1931), p. 345 ff.

Besides these general reasons, one may usefully attend to the context of each passage of the holy Doctor. For sometimes the matter is, or may be, a kind of penance for sins which does not require sacramental confession, such as penance for sins committed before baptism, or sins already forgiven, or venial sins; or a penance which at that time, at least, was not understood to require immediate confession, as is the preparation for receiving the Eucharist.

OBJECTION 8. The DISAGREEMENT AMONG THEOLOGIANS, AT LEAST IN THE TWELFTH CENTURY, shows that the necessity of confession was not a doctrine commonly admitted in Tradition before Innocent III.

THE FIRST DISAGREEMENT is that of several eminent theologians who teach that the necessity of confession was instituted, not by Christ Himself, but by the apostles and the Church, through a precept which first appears in James 5:16: "Confess therefore your sins one to another." This is indeed to deny the divine institution of confession and of its necessity. Such is the teaching of the Council of Chalon in A.D. 813, canon 33, whose words Burchard, Ivo of Chartres, and Gratian adopt and adapt (as will be cited below); the author of the Epitome of Theology, chapter 36 (cited above, p. 409); Robert Pullen, Sentences, book 6, chapter 51 (cited above, p. 410; cf. chapter 59); Hugh of St. Victor, On the Sacraments, book 2, part 14, chapter 1; Alexander of Hales, Summa, part 4, question 18, member 3, article 2; and Bonaventure, On the Fourth Book of the Sentences, distinction 17, part 2, article 2, question 1.

On this matter Hugh of St. Victor says, in the place cited: "God as man made men, who were pure men, sharers in His power, so that they might fulfil His office by receiving the confession of penitents, and exercise His power by remitting sins to those who repent and confess. 'Receive,' He says, 'the Holy Spirit. Whose sins you shall forgive, they are forgiven them; and whose sins you shall retain, they are retained' (John 20). Thus Christ as man gave to His disciples, acting in His stead on earth, the power of forgiving sins."

"But perhaps you say: Why did not Christ similarly give men a precept to confess their sins, as He gave the disciples the power to forgive the sins of those who confess? Hear why Christ wished you to arise of yourself, so that your confession might not appear, as it were, extorted or compelled. Accordingly, He laid upon His disciples the fulfilment of His own office, so that in the manner of physicians they might receive those who came to them sick and heal them. He told the physicians, then, to cure, but He did not tell the sick to come to physicians for healing. In this He wished it to be, as it were, a certain matter that the sick should willingly seek health and offer themselves to be cured, if physicians could be found. Therefore He admonished the physicians alone; for the sick man himself sufficiently makes known his disease and is distressed if he lacks the service of a physician. Nevertheless, because these same physicians afterwards found sick men negligent in seeking a cure, they roused them by admonition and drew them by a precept to seek health. 'Confess,' says the

Apostle James, 'your sins one to another, and pray one for another, that you may be saved' (James 5)" (M.L. 176, 551 ff.).

THE SECOND DISAGREEMENT concerns the necessity of confession itself in general, apart from the question of its divine institution. For according to Gratian († 1158), certain doctors admitted the necessity of confession, whereas others of no less authority denied it; consequently Gratian himself does not venture to decide the question, but leaves it uncertain among doctrines open to free dispute.

Theodore of Canterbury († 690) appears to have been the first to report the disagreement and the two opinions, without daring to decide between them. Gratian, Burchard, and Ivo of Chartres themselves attribute to Theodore the words found in canon 33 of the Council of Chalon.

Alcuin († 804), in letter 112 (cited above, p. 406), reports that in the province of the Gauls "none of the laity is willing to make his confession to priests."

The Council of Chalon, A.D. 813, canon 33 (cited above, p. 365).

Soon afterwards Theodulf of Orléans († 821), Capitula, chapter 30, reports the same opinion, although he does not mention the two opposing opinions: "The confession which we make to priests affords us this assistance also, that, having received salutary counsel from them, we wash away the stains of sins through most wholesome penitential observances or mutual prayers. But the confession which we make to God alone helps in this: the more mindful we are of our sins, the more the Lord forgets them; and conversely, the more we forget them, the more the Lord remembers them" (M.L. 105, 200 ff.).

Burchard of Worms († 1025), Decrees, book 19, chapter 145, gives as if from Theodore of Canterbury that same canon 33 of the Council of Chalon, but in such a way that in its first part there is a twofold addition, namely the words "as the Greeks do" and "as the whole holy Church does": "Some say that sins ought to be confessed to God alone, as the Greeks do; but others judge that they should be confessed to priests, as the whole holy Church does" (M.L. 140, 1011).

Ivo of Chartres († 1116), Decree, part 15, chapter 155, reproduces exactly the same words of Burchard, again as though they came from Theodore of Canterbury.

Geoffrey of Vendôme († about 1129), letter 16 to William (cited above, p. 408), introduces a man who denies the necessity of confession, at least if it be understood indiscriminately of all mortal sins.

Hugh of St. Victor († 1141), On the Sacraments, book 2, part 14, chapter 1, thus rebukes certain men who deny the necessity of confession: "Great is the malice of man. No one seeks an authority when he wishes to act wickedly; but when we tell men to do good and to confess the evils they have done, they say to us: Give us an authority. What Scripture commands us to confess our sins? If, therefore, Scripture does not command that sins be confessed, answer now whether you have Scripture commanding the commission of sins. If, therefore, you refuse to confess because you have no authority for confessing, why do you wish to sin when you have no authority for sinning? Yet because you ask for an authority, receive an authority. The old law commands sins to be confessed, and sends men to the priests to confess their sins, that they may receive pardon. There, therefore, transgression of the law was abolished by confession and offering, when it was still a shadow, and confession of an offence was still bound to expect punishment rather than mercy. If this authority does not suffice, hear Scripture speaking plainly elsewhere ..." (M.L. 176, 549–551).

Robert Pullen († 1146), Sentences, book 6, chapter 51 (cited above, p. 410), reports that "some judge the penitent's inward anguish to suffice, even though he refuse confession."

Gratian († 1158), in the Decretum, part 2, treatise On Penance, question 3, distinction 1, discusses in eighty-nine canons (M.L. 187, 1519–1563) the question whether anyone can obtain pardon by contrition alone, without confession. He says that there are two opposed opinions (at the beginning and before canon 38); sets forth arguments drawn from authorities of the Fathers, both for the affirmative position (canons 1–37) and for the negative (canons 38–89); and concludes that he leaves the solution of the question to the reader's judgment (although, in expounding the arguments, he seems to incline toward the affirmative), since each party is upheld by wise and religious men (after canon 89). In confirmation of this conclusion he adduces, as though from Theodore of Canterbury, the canon of the Council of Chalon according to Burchard's reading, from whom he took it (ibid.).

On this question Gratian himself says: "Whether by contrition of heart alone and secret satisfaction, without oral confession, anyone can make satisfaction to God ..."

"There are ... those who say that pardon for any crime whatsoever can be obtained without confession made to the Church and without priestly judgment ..." (M.L. 187, 1519 ff.). [According to Augustine, as cited there:] "The great mercy of God has forgiven sins upon the promise alone. He has not yet pronounced it with the mouth, and yet God already hears in the heart, because saying it is in a certain way pronouncing it. For the intention is reckoned in place of the deed" (ibid., 1521). ... [Again according to Augustine:] "The will is rewarded, not the deed. Now the will is in contrition of the heart, whereas the deed is in confession of the mouth. [From this] it is clearly established that sins are forgiven by contrition of the heart, not by oral confession" (ibid., 1528). ... "Hence also those lepers whom the Lord commanded to show themselves to the priests were cleansed on the way, before they came to the priests. By this event it is indeed given us to understand that, before we show our faces to the priests in order to confess our sins, we are cleansed from the leprosy of sin" (col. 1529). ... [According to 1 John 3:9:] "He who is born of God does not sin." ... "Since, then, before confession, as has been proved, we have been raised by grace and made sons of light, it appears most evidently that by contrition of heart alone, without confession of the mouth, sin is remitted" (col. 1531). ... [According to 1 John 3:14:] "Everyone who does not love remains in death. If, therefore, he lives, he also loves; if he loves, affection is in the heart; but affection is not in an evil man. For love is the proper source of good things and does not communicate with another. Therefore this man was made good by grace before confession of sin; he is not, then, evil; for someone cannot be good and evil at the same time. But if he is not evil, he is proved not to be a member of the devil; nor, therefore, is he deserving of Gehenna, which is due to the devil and his members alone, just as eternal blessedness is prepared for Christ alone. Thus sin is not remitted in confession, since it has been proved already to have been remitted. Confession therefore takes place to manifest penance, not to obtain pardon; and just as circumcision was given to Abraham as a sign of justice, not as the cause of justification, so confession is offered to the priest as a sign of pardon received, not as a cause for receiving remission" (col. 1531). ...

"Others, on the contrary, testify that without oral confession and satisfaction in deed no one can be cleansed from sin, if he has time to make satisfaction" (col. 1531). ... [After various testimonies have been recited, it continues:] "From these things, therefore, it appears that sin is not remitted without oral confession and satisfaction in deed. For if it is necessary that we declare our iniquities in order

that we may afterwards be justified; if no one can be justified from sin unless he has first confessed the sin; if confession opens paradise and obtains pardon; if that confession alone is useful which is made together with penance" (in which it is noted that confession is one thing and penance another, whether penance be understood inwardly or outwardly), "if he who promises pardon to those doing penance secretly before God and not before the Church frustrates the Gospel and the keys given to the Church, and also promises what God denies to the sinner; if no one can obtain pardon unless he pays some penalty for sin, however slight and less than that which he deserves; if the power of binding and loosing was handed over by God to priests alone; if no one receives pardon unless he strives to obtain it by supplications of the Church: it follows, therefore, that no one removes the guilt of sin before oral confession and satisfaction in deed" (cols. 1541 ff.). ...

"On what authorities, or on what supports of reasoning, each position concerning satisfaction and confession rests, we have briefly set forth in the middle. But which of these should rather be adhered to is reserved to the reader's judgment. For each has wise and religious men as its supporters."

"Hence Theodore, Archbishop of Canterbury, says in his Penitential: 'Some say that sins ought to be confessed to God alone, as do the Greeks. Others, however, judge that they ought to be confessed to priests, as does the whole holy Church.' Both practices occur within the holy Church not without great fruit, provided only that we confess our sins to God, who forgives sins; and this belongs to the more perfect, so that we may say with David: 'I have made my sin known to thee, and I have not hidden my injustice. I said: I will confess against myself my injustices to the Lord, and thou hast forgiven the wickedness of my sin.' Nevertheless, the institution of the Apostle must be followed by us: that we confess our sins one to another and pray for one another, that we may be saved. Thus confession which is made to God alone, as is proper to the just, purges sins. But confession made to the priest teaches what sort of sins must themselves be purged. For God, the author and bestower of salvation and sanctity, ordinarily offers this medicine of His penance by invisible administration, and ordinarily by the operation of physicians" (cols. 1562 ff.).

Peter Lombard († 1160), Sentences, book 4, distinction 17, nos. 1, 3, and 4, explicitly relates two opinions of the doctors, one affirming and the other denying the necessity of confession, and also makes an express distinction between two questions: whether contrition justifies before confession, and whether it also justifies without confession itself: "Here a manifold question arises. First, it is asked whether, without satisfaction and confession of the mouth, sin is forgiven by contrition of heart alone; secondly, whether it suffices to confess to God alone, without a priest; thirdly, whether confession made to a faithful layman has validity. On these matters even learned men are found to differ, since the doctors appear to have handed down various and almost opposing teachings about them."

"For some say that no one is cleansed from sin without oral confession and satisfaction in deed, if he has time to perform them. Others, however, say that before oral confession and satisfaction sin is forgiven by God in contrition of heart, provided that he has the intention of confessing. ... Let us now consider the second part of the question: whether it suffices to confess sins to God alone, or whether one must confess to a priest. Some have thought it sufficient if confession is made to God alone, without priestly judgment and confession to the Church. ... But that it is necessary to confess to priests is proved not only by that authority of James ... [5:16], 'Confess your sins one to another,' and so forth, but also by many other testimonies. ... [He adduces testimonies of Scripture and the

Fathers.] From these and many others it is shown beyond doubt that confession must be offered first to God and then to the priest; nor can one otherwise arrive at the entrance of paradise, if the opportunity is available" (M.L. 192, 880–883).

Bonaventure, On the Fourth Book of the Sentences, distinction 17, part 2, doubt 1, writes, after mentioning the same opinion of those who deny the necessity of confession: "If anyone were now of this opinion, he would have to be reproved as a heretic, since this was determined in a general council under Innocent III. But before that determination it was not heresy, because they did not deny the power of the keys itself, but denied its necessity; and they readily conceded that confession was useful and that priests could absolve. Hence the Master and Gratian relate this as an opinion."

Even after the decree of Innocent III, there were those who denied, or doubted, the divine necessity of confession. Thus John the Teutonic (Johannes Teutonicus),[437] in the title On Penance, distinction 2, asserts that "it is better to say that confession was instituted by a certain universal tradition of the Church rather than by the authority of the New and Old Testaments." Likewise, Michael of Bologna (Michael Aiguani, or Angriani; † 1400), prior general of the Carmelites and distinguished theologian and exegete, in his Commentary on Psalm 29 teaches that confession is not necessary for obtaining the forgiveness of sins. From this one understands how easily Peter of Osma, a doctor of Salamanca, about the middle of the fifteenth century, could persuade himself that "confession of sins in particular arose from some statute of the universal Church, not by divine law" (Denzinger, 725).

[437] John Semeca (in German, Zemeke; † 1245), a glossator of Gratian, of whom Hurter writes in Nomenclator literarius, vol. 2, col. 301: "For his expertise in law he was called 'the light of the decrees, the guide of doctors, the way of morals.'"

REPLY. AS TO THE FIRST DISAGREEMENT, it must be said that it concerns not the divine institution and necessity of confession itself, but the manner of that institution, inasmuch as the doctors mentioned above attribute to the Church certain parts in the divine institution of the necessity: either in this sense, that Christ made confession necessary as a means, whereas the apostles and the Church (whence James 5:16), made it necessary by precept, as Hugh of St. Victor clearly teaches; or in this sense, that Christ instituted it only mediately, granting to the Church, by virtue of the institution of the keys, the right to impose an obligation, in nearly the same manner in which some of these doctors seem to have taught that Extreme Unction itself was instituted by Christ through the same Apostle James as intermediary.

This meaning is conveyed by these words of Bonaventure, On the Fourth Book of the Sentences, distinction 17, part 2, article 1, question 3: "It can be said that the Lord did not institute confession in person, because it is a remedy for those who relapse. ... Therefore confession should not have been instituted by Him, lest occasion for relapse be given by the Lord's word. But when the Church had been established, men began to lapse, and then the remedy had to be published, lest they despair or despise it; and therefore confession had to be instituted by the apostles through the authority handed down to them by the Lord in the keys given to them, in which they had received the power of healing, and thus of commanding a method suited to salvation; and this was by the disclosure of the disease, the humiliation of the sinner, and priestly absolution. Therefore confession was intimated by the Lord, instituted by the apostles, and promulgated by the Bishop of Jerusalem, namely James."

AS TO THE SECOND DISAGREEMENT, it must first be said that, even if it were conceded that all the doctors objected, including Gratian, denied or doubted the necessity of confession, the force of

the argument from Tradition would in no way be diminished, nor would the moral unanimity of the doctors even of that age be destroyed, because far more numerous and eminent doctors explicitly preached the necessity of confession. Moreover, a careful consideration both of the theological disputes of that time concerning the sacrament of Penance and of the documents objected to shows that the disagreement, whatever it amounted to, can at least be reduced to those few and uncertain flies which the innovators, as is their wont, pursue and harry.

The principal question, which gradually and quite naturally presented itself to the minds of the doctors, and was expressly proposed and debated in the twelfth century, concerned the effect of the sacrament of Penance in relation to the effect of the act of contrition: that is, how the institution and sin-remitting efficacy of the sacrament can be reconciled with the intrinsic efficacy of the act of contrition itself. For the latter appears to destroy the former, or conversely. If contrition itself justifies before the sacrament, nothing remains for the sacrament to accomplish toward justification; but if the sacrament itself must justify, contrition loses its own proper power of justifying. Hence three solutions were proposed. Some said that contrition alone properly justifies before the sacrament, while the sacrament merely declares the person justified (thus Anselm, Homily 13; Bruno of Segni, On Matthew 8:2–4; On Luke 17:11–19; On John 11:43 ff.; Abelard, Sermon 8; Ethics, chapter 19 ff.; Peter Lombard, Sentences, distinction 17). Others said that contrition frees a person from sin itself, or from guilt, whereas the sacrament frees him from the debt of eternal punishment (thus Hugh of St. Victor, On the Sacraments, book 2, part 11, chapter 8; the author of the Summa Sententiarum, book 6, chapter 11). Finally, others, as St. Thomas and later theologians commonly taught, said that the whole effect of justification proceeds from both causes, but with mutual dependence, so that the sacrament justifies of itself, while contrition does so accidentally, or by virtue of the desire for the sacrament.

Another secondary question, raised rather than extensively debated at that time, was the dispute mentioned above concerning the manner of explaining the absolute necessity of confession. This arose chiefly from exegetical considerations. For although it was understood by everyone that confession was necessary, nevertheless, on the one hand, the precept of confessing is not expressly contained in Christ's words instituting the sacrament, while on the other hand it seems to be expressly stated in the words of James 5:16. Consequently some thought that the necessity of confession proceeded immediately from the apostles and the Church, and mediately from Christ, as was said above.

Moreover, both the silence of Scripture on this point and the first solution of the principal question as just set forth could easily lead someone to doubt or deny the absolute necessity of confession. For if confession depends on Christ's will, it seems quite astonishing that Christ never expressly manifested this; likewise, if contrition preceding confession is capable of justifying perfectly, it is not evident why a subsequent confession should be necessary. Nor does the reason of showing forth forgiveness already obtained do much to set the intellect at rest, especially when the natural repugnance of the will toward confessing endeavours to incline the mind toward the contrary judgment. And in fact there were some few and less distinguished doctors who, induced by the aforesaid reasons, denied that necessity.

From these considerations it is clear how attentively one must weigh the meaning of expressions that seem to deny the necessity of confession, such as "Sacramental confession is not necessary," or

"Someone can be justified without confession," and the like. For, in the context of the speaker, their meaning can be threefold: either that confession is not necessary in this manner, that is, by an immediate obligation imposed by Christ; or that confession is not necessary for obtaining justification through an act of contrition, although it is a condition that must afterwards necessarily be fulfilled, under peril of losing the justification already obtained; or that confession is not necessary absolutely, but contrition alone suffices simply for obtaining justification and salvation.

We must now proceed to the consideration of the individual documents objected to above.

Theodore of Canterbury is invoked to no purpose, as is evident from his words cited above (p. 404). Burchard, whom Ivo of Chartres and Gratian follow, wrongly attributes to him the words of the Council of Chalon; for those words first occur in canon 33 of that Council and are not found at all in the capitula that survive from Theodore. The only expression that could have given occasion to a false interpretation is this: "Confession to God alone may be made, if necessary"; but this neither expresses the two opinions reported by the Council of Chalon nor denies the necessity of sacramental confession. Some suppose that a likeness of names may perhaps have occasioned the attribution of that canon to Theodore rather than to Theodulf (canon 30), from whom it seems to have been derived.

Alcuin appears merely to report and rebuke several persons who resisted receiving the sacrament, rather than persons who resisted the doctrine of its necessity.

The Council of Chalon in A.D. 813 (canon 33) has been wrongly interpreted by some as though it approved both opinions that it reports. For it does not assert that both opinions are truly maintained in the Church, but that "both [that is, confession both to God and to the priest] are performed in the holy Church not without great fruit." Indeed, it teaches that both must necessarily be employed, so that through confession to God we observe the words of Scripture (Psalm 31:5: "I have made my sin known to thee") and through confession to the priest we obey the precept of the Apostle (James 5:16: "Confess your sins one to another"). Furthermore, if the Council had considered probable the opinion that inward confession alone suffices, it would have contradicted itself, since in the preceding canon 32 (cited above, p. 365) it insists on the integrity of confession itself. By comparing the two canons the mind and procedure of the Council are more fully understood. For, having stated in canon 32 that one must confess fully to a priest, in canon 33, in order to close the escape of those who, relying on the opinion of certain persons, might presume to confess to God alone, it teaches that both confessions must be made, since they do not exclude one another but rather together constitute a single means of remission.

The final words, "God for the most part furnishes this through the invisible administration of His power, and for the most part through the operation of physicians," can be understood of the sufficiency of inward confession alone, or contrition, in the quite frequent case in which it is elicited before the sacrament, although not without the desire for the sacrament. From this canon only this may be concluded: that some at that time denied the necessity of confession and that their temerity was rejected by the Council, just as a little earlier Alcuin († 804) had rebuked the same error among certain Goths.

The words of Theodulf do not help the adversaries at all, since they make no mention of any disagreement of opinions and manifestly presuppose the necessity of both confessions. Indeed, the

Council of Chalon appears to have drawn from his capitula the doctrine that makes up the aforesaid disagreement.

The words of Burchard, which Ivo and Gratian merely repeat from him, are rather opposed to the adversaries if one attends to the words added to the canon of Chalon; for in them only the Greeks are cited against the necessity of confession, whereas "the whole holy Church" maintains it. Moreover, that twofold addition, made knowingly or unknowingly by some compiler of canons and accepted in good faith by Burchard, Ivo, and Gratian, shows that there was no true disagreement over this doctrine, or at least one so slight and transitory that scarcely any memory of it remained, and that the allusion by the Council of Chalon should have been ascribed to foreigners, the Greeks. This attribution arose either from the practice of readily imputing theological errors to Greeks who had lately separated, or from a false interpretation of what Nectarius had done, or perhaps from certain knowledge; for, as was said in the Negative Part (pp. 358 ff.), among separated Eastern Christians (at least Nestorians and Monophysites) there were at that time persons who denied the necessity of sacramental confession.

The error of Abbot William reported by Geoffrey was rather a partial one, concerning the necessity of complete confession; nevertheless Geoffrey, a former disciple of that same William, rebuked him as being opposed to the Christian faith.

Hugh of St. Victor appears merely to rebuke in general obstinate sinners who, through "malice" of will rather than a persuasion of the intellect, refuse to confess their own sins and seek an excuse for their reluctance in Scripture's silence concerning the necessity of confessing.

Robert Pullen says that those who deny the necessity of confession are few ("some"), and rebukes them as persons who boldly and presumptuously deny what "Scripture earnestly commands and the Church has established."

At first sight Gratian's text appears more difficult, both because of his authority and because he himself proposes and expounds at length the disagreement among theologians very explicitly, says that contrary opinions are maintained by wise and religious men, does not dare to adhere to either one himself, and invokes in confirmation the words of the Council of Chalon as reported by Burchard, in which Greeks are mentioned on one side and the entire Church on the other—something that indeed seems to contradict the immediately preceding words, in which he places wise and religious men on both sides.[438]

[438] Cf. E. Hugueny, Gratien et la confession, in Revue des sciences phil. et théol., 1912, pp. 81–88; A. Debil, La première distinction du De Poenitentia de Gratien, in Revue d'histoire ecclésiastique, 1914, pp. 251–273, 442–455; J. Cavalera, À propos de l'histoire du sacrement de Pénitence, in Bulletin de littérature ecclésiastique, 1913, pp. 172–210; P. Galtier, De Paenitentia, thesis 22, nn. 367, 372; A. D'Alès, De Paenitentia, thesis 8, p. 105; Teetaert, La confession aux laïques dans l'église latine, Paris, 1926, pp. 127, 237; Kiselstein, in Revue Eccl. de Liège, March 1928.

A threefold solution can be offered.

The first is that Gratian confuses into one the two questions concerning the absolute and the relative necessity of confession, which, on the contrary, Peter Lombard properly distinguishes: that is, whether it is absolutely necessary to confess and whether it is necessary to confess before remission is obtained; or, whether a man can be justified without confession and whether he can be justified before confession. This solution, though less probable, is not incredible, both because of the danger

of confusion that threatens canonists whenever they involve themselves in dogmatic matters; because of the not infrequent errors occurring in Gratian's Decretum; because of the uncertain manner in which he seems to proceed in the present question; and because he adduces the text of Burchard, which appears to render futile the very doubt he proposes. D'Alès seems to hold this opinion when he writes: "Gratian suffered something human. For while he understood, on the one hand, that the tradition of the whole Church asserted the necessity of the complete confession of all mortal sins for justification, and, on the other, that many were proved by effective arguments to be justified without such confession, he found no suitable way of reconciling them and left the matter undecided."[439]

[439] D'Alès, op. cit., p. 105.

The second solution is that Gratian expounds the question of the absolute necessity of confession, which Peter Lombard also reports, and that his own hesitation, and the negative position of some men that he reports, do not offend against the moral unanimity of theologians, and are easily explained in the period preceding Innocent III's explicit declaration. Thus Bonaventure (cited above, p. 456) understood Gratian. Nevertheless this solution is commonly rejected: first, because it is scarcely credible that Gratian should have remained doubtful between the two positions when the necessity of confession was universally asserted and upheld by the great theologians; Peter Lombard himself calls it a certain doctrine ("it is shown beyond doubt"). Secondly, because an inward analysis of the text itself shows that Gratian is dealing with an altogether different question. For there is not one of his expressions that necessarily indicates he is speaking of the absolute necessity of confession; indeed, several contrary expressions show that he is speaking only of its relative necessity, as will presently be explained.

The third, therefore, and effective solution, held by many theologians, is that Gratian expounds only the question of the relative necessity of confession (that is, whether someone can be justified before he confesses). This is evident, first, from the fact that there was a great controversy about this question alone among "wise and religious men," who could occasion Gratian's prolonged exposition and especially his anxious hesitation; while none of the noted doctors of that or the preceding age, cited above (pp. 408–410), is found to have denied or doubted the absolute necessity of confession. Secondly, from the title of the question as it is set at the beginning of causa 33: "Whether the crime can be blotted out by confession of the heart alone" (M.L. 187, 1505). Thirdly, from the expressions "Without confession," "Before confession," "In contrition," and "Not in confession," employed promiscuously and consequently as equivalents, indicating that the sense of the question, "Can anyone be justified without confession?" is, "Can anyone be justified before confession?" Fourthly, from the authorities cited in favor of the affirmative position, all of which are directed to showing the application of that common saying of Augustine which Gratian expressly invokes twice (canons 5 and 30): "The desire is reckoned for the deed" (in this case, the desire for confession, included in contrition, is reckoned for confession which must necessarily be made).[440]

[440] Cf. Anselm, Bruno, Abelard, Lombard, Hugh of St. Victor, and the author of the Summa Sententiarum, cited above on p. 458.

Fifthly, from the fact that the discussion continually concerns whether confession is necessary for justification and remission, and not for salvation. Sixthly, from the comparisons adduced of the lepers who were cleansed before showing themselves to the priests and of Abraham who was justified before he was circumcised (canons 34 and 37). Seventhly, from the express and repeated statements

which Gratian adds after citing authorities, such as: "Sins are forgiven by contrition of the heart, not by confession of the mouth" (canon 30); "In contrition of the heart, not in confession of the mouth, sins are forgiven" (canon 33); "From this event it is given us to understand that, before we confess our sins to the priests, we are cleansed from the leprosy of sin" (canon 34); "It is evident that before anyone confesses his sin he is absolved through the grace of inward compunction" (canon 34); and "Since, therefore, before confession, as was proved above, we have been raised by grace and made sons of light, it appears most evidently that sin is remitted by contrition of the heart alone, without confession of the mouth" (canon 36).

The adversaries argue much more fittingly from the words of Peter Lombard (to which several theologians do not pay sufficient attention), since he himself explicitly, unlike Gratian, distinguishes between the two questions of absolute and relative necessity and mentions both defenders and opponents of each. Nevertheless, that those who denied the absolute necessity of confession were, in Peter Lombard's judgment, few and of little doctrinal account is apparent both from the fact that no one among the well-known theologians of that time can be cited by name as having maintained that position, and from the indefinite manner in which the Master mentions them: "Some have thought ...," and from the definite and certain teaching he sets against them: "But that it is necessary to confess to priests ... is shown beyond doubt." The Master probably alludes to none other than those few and obscure opponents (whether practical or speculative) mentioned by Hugh of St. Victor and Robert Pullen.

Bonaventure, however, depends both on Peter Lombard and on Gratian, whom he certainly interprets wrongly, failing to attend to the different manner in which they state the question. He also says ineptly (probably to excuse Gratian) that before the Fourth Lateran Council the necessity of confession could have been denied without loss of faith. Geoffrey, Hugh of St. Victor, and Pullen, mentioned above, certainly did not hold this. Nevertheless, the words of the Seraphic Doctor can be interpreted favorably as concerning the mode of necessity, for example, the formal necessity of a precept as such, as distinguished from the necessity of a means, according to what was stated above (p. 457), where the opinion of Hugh and Bonaventure was discussed.

John the Teutonic does not deny the necessity of confession, but speaks ambiguously of a certain mediate institution of it in which the Church's authority intervenes; and he seems directly to deny that the divine institution of confession can be derived from the very words of Scripture. Nevertheless, several theologians, such as Soto and Durandus († 1334), rebuke his words very severely. Durandus writes: "The glossator of the Decretum erred shamefully and with a dangerous error in faith. And it is astonishing that, in so solemn a book, the Church has tolerated and still tolerates so pernicious a gloss." Michael of Bologna (and perhaps any other theologian who wrote ambiguously or fallaciously about the necessity of confession) was not worthy of special mention and refutation by theologians or of being marked by a censure of the Church, as was Peter of Osma, who expressly fell into heresy.[441]

[441] In IV Sent., dist. 17, q. 8, n. 9, Lyons, 1569, vol. 4, p. 296.

Article 37. Whether confession of sins, like the sacrament itself, is necessary both by necessity of means in reality or in desire, and by divine and ecclesiastical precept

ARTICLE 37. WHETHER THE CONFESSION OF SINS, LIKE THE SACRAMENT ITSELF, IS NECESSARY BOTH AS A MEANS, IN ACTUAL RECEPTION OR IN DESIRE, AND BY DIVINE AND ECCLESIASTICAL PRECEPT

(Supplement, q. 6, aa. 1, 2, 3, 5, 6; q. 9, a. 3; q. 10, a. 1; Quodlibet I, aa. 10, 11, 12)

STATE OF THE QUESTION

This article completes the preceding one. There we established in general that confession (and also the sacrament) is necessary by divine law; here, however, we inquire INTO THE MODE AND KIND OF THAT NECESSITY. For necessity may be that of a precept or that of a means, and the latter may be a necessity of the means in actual reception, or of the means either in actual reception or in desire.

We proposed a similar question concerning the act of the virtue of Penance in Article 22. This is not to be confused with the present question, although it has several elements in common with it. We also treated the sacrament of Baptism in its own treatise (Article 9); since Baptism is very intimately connected with the present sacrament, what we said about its necessity applies here in due proportion, without excluding the relation of each sacrament to contrition and martyrdom.[442] Thus, corresponding to the threefold baptism of water, of the Spirit, and of blood is a threefold confession: of the mouth, of the Spirit, and of blood; or, if one prefers, of the mouth, of the heart, and of the soul.

[442] Cf. here, Article 31, pp. 222, 225–227, and the treatise On Baptism, Articles 16 and 17.

To the question concerning necessity by divine law we join the question concerning necessity by ecclesiastical law, which can only be a necessity of precept.

Hence FOUR QUESTIONS ARE ASKED:

1. Whether confession is necessary as a means.
2. Whether it is necessary as a means, not in actual reception alone, but in actual reception or in desire.
3. Whether it is necessary by divine precept (and in what manner).
4. Whether it is necessary by ecclesiastical precept (and in what manner).

NEGATIVE AND AFFIRMATIVE PARTS

With regard to the affirmative opinion on the four questions, the modern theologians most generally agree, as do the older theologians in common. Yet among them there are some who have proposed the negative position on one or another question. Moreover, not a few opinions and disagreements exist concerning the determination both of the divine and of the ecclesiastical precept; these will be discussed in the Notes at the end of Conclusions 3 and 4.

1. Some, such as Biel (In IV Sent., dist. 17, q. 1) and Delgadillo (De Poenitentia, ch. 10, doubt 2), deny the necessity of a means, admitting only the necessity of a precept. Their reason is, on the one hand, that if the reception of the sacrament were the only means of salvation, its

institution would have been for the burdening, not for the relief, of man; and, on the other hand, that in fact man can obtain the remission of sins otherwise than through the reception of the sacrament, namely through contrition and martyrdom.

2. Some, such as Hugh of St. Victor and Baius (concerning whom we have spoken both in Article 31, pp. 221 ff., and in the treatise On Baptism, Article 16, p. 190), have so exaggerated the necessity of the sacrament as to say that contrition together with the desire for the sacrament does not always, or does not perfectly, justify. This is to attribute to the sacrament a certain necessity of a means in actual reception, simply speaking.

3. Some, such as Hugh of St. Victor (cited in the preceding article, p. 452), seem to deny that confession is of divine precept, and to teach that Christ made it necessary as a means, whereas the Church afterward imposed upon it the necessity of a precept on the basis of James 5:16 (cf. preceding article, pp. 451 ff., 457).

4. Some, such as Durandus (In IV Sent., dist. 17, qq. 8 and 14) and Torquemada, denied or doubted the existence of a true and distinct ecclesiastical precept concerning confession. For, they say, the Church cannot prescribe internal acts, such as the manifestation of the state of conscience, nor impose a precept whose transgression it cannot punish.[443] Hence they add that the precept of the Fourth Lateran Council regards directly only paschal Communion, as is evident also from the established penalties, which are directed only against the omission of Communion; and confession is required only incidentally insofar as it can be required for the reception of Communion.

[443] Durandus, loc. cit., q. 14, no. 6: "How, then, can this be established by the Church, when its transgressor cannot be convicted? This is sufficiently doubtful" (Lyons, 1587, p. 773).

Suárez, however, ineptly places St. Thomas among the patrons of this opinion (Disputation 36, section 1, no. 2), insofar as he indicates that the Doctor teaches that a man is bound to annual confession not by force of its own precept, but incidentally by reason of the precept of paschal Communion. From an attentive reading of the two passages to which Suárez refers, it is evident that the Holy Doctor distinguishes two precepts and teaches only (what is true) that the reason or end for which the Church instituted the precept of annual confession is that it instituted the precept of annual Communion, and that confession is such a fitting preparation for Communion that, accordingly, a person guilty of grave sin is incidentally bound to confess whenever he wishes or ought to approach Communion. Consider his own words:

Supplement, q. 6, a. 5, Sed contra: "In the Decretal [Fourth Lateran Council] a determined time is assigned simultaneously for confession and for receiving the Eucharist. But a man does not sin if he does not receive the Eucharist before the time determined by law. Therefore neither does he sin if he does not confess before that time."

In the body of the article: "A person is bound to make confession actually in two ways: in one way incidentally, namely, when he is bound to do something that he cannot do without sin unless he confesses; for then he is bound to confess, as when he must receive the Eucharist ...; and from this arises the obligation by which the Church binds all to confess once a year, because it has instituted that all receive Holy Communion once a year, namely at Easter, and therefore all are bound to confess

before that time. In another way a person is bound to confession on its own account ...” The Holy Doctor does not say here that the obligation of annual confession is incidental; rather, he says either that the obligation of annual confession (which the Church has imposed on its own account) arises from the same root from which proceeds the general incidental obligation to confess before the reception of Communion, namely from the requirement of worthy Communion itself; or that the divine precept of confessing urges incidentally when paschal Communion, imposed by the Church, must be received, for which reason the Church imposed a precept of confession that nevertheless binds on its own account.

Quodlibet I, a. 11: “Because by the precept of the Church all the faithful are bound to receive Communion in the sacrament at least once a year, especially at Easter, therefore the Church ordained that the faithful should confess” (cf. the whole text above in Article 22, Volume I, p. 496).

THEOLOGICAL NOTE

That confession is in some way necessary by divine law, namely by a necessity of a means or of a precept, or of both, is of faith from what was stated in the preceding article (p. 360).

That it is necessary as a means is at least theologically certain from the Council of Trent, session 14, chapter 2 (cited on p. 367).

That it is necessary as a means, not in actual reception alone, but in actual reception or in desire, is theologically certain, both from its complete parity with the necessity of Baptism, which the Council of Trent teaches in the same chapter 2, and from the fact that in chapter 4 (cited on pp. 473 ff.) the Council explicitly teaches that contrition justifies without the sacrament, although not without the desire for the sacrament.

That it is necessary by divine precept is of faith from the Council of Trent, canons 6 and 7 (cited in the preceding article, p. 367). That this divine precept obliges at the point of death, however, is theologically certain.

That it is necessary by ecclesiastical precept is of faith from the Council of Trent, canon 8 (cited there and here, p. 490).

CONCLUSION

Conclusion 1. Confession, like the sacrament of Penance itself, is necessary as a means for the remission of sins and, consequently, for salvation (Supplement, q. 6, a. 1).

Proof 1. From the wholly absolute manner in which the necessity of the sacrament and of confession is asserted in Scripture and Tradition, as reported in the preceding article. For it is proposed no less absolutely than the necessity of Baptism, which is indeed a necessity of a means.

Proof 2. From the fact that the Fathers explicitly equate the necessity of the sacrament of Penance with the necessity of Baptism, according to the words of the Council of Trent which summarize the sense of Tradition: “But this sacrament of Penance is necessary for salvation to those who have fallen after Baptism, as Baptism itself is necessary to those not yet regenerated” (session 14, chapter 2; Denz. 895).

To this point St. Ambrose, On Penance I, 8, 35, says: “In Baptism, certainly, there is the remission of all sins: what difference does it make whether priests claim for themselves this right through penance

or through the laver? In either case there is one mystery" (PL 16, 477).

St. Augustine, On Adulterous Marriages I, 28, 35, says: "... The same cause exists for reconciliation as for Baptism, if perhaps the danger of the end of life should forestall a penitent. For Mother Church ought not to wish even these to depart from this life without the pledge of her peace" (PL 40, 470).

St. Leo the Great, Letter 108, to Theodore, 2: "The manifold mercy of God has so come to the aid of fallen men that the hope of eternal life is restored not only through the grace of Baptism but also through the medicine of penance" (cf. the remainder of the text cited in Volume I, p. 61).

Proof 3. From the end of this sacrament, and also of the confession contained in it.

For this sacrament was instituted as a means directly and of itself ordained to the end of obtaining remission of sins, unlike contrition or charity, which, although they contribute to justification, are nevertheless not ordered to it precisely and directly, nor by a positive institution of God, but have another direct and connatural end. Now that which is a means directly and of itself ordained to an end shares in the very necessity of its end; for it does not befit the wise man to ordain some means directly and of itself to an end absolutely willed without also willing that very means absolutely. Therefore the sacrament of Penance shares in the absolute necessity of its end, that is, of the remission of sins itself; nor would it befit divine Wisdom to have left it under the lighter necessity of a precept alone.

To this point St. Thomas, Supplement, q. 6, a. 1: "For the remission of actual and original guilt a sacrament of the Church is required, either received in act or at least in desire, when the occasion of necessity, and not contempt, excludes the sacrament; and consequently those sacraments that are ordained against guilt, with which salvation cannot coexist, are necessary for salvation; and therefore, just as Baptism, whereby original sin is blotted out, is necessary for salvation, so also is the sacrament of Penance."

The twofold objection brought forward by the adversaries is easily refuted.

First, the sacrament is simply for the relief and assistance of sinful man. For through it the man who is only attrite is enabled to obtain justification, which he could not obtain without perfect contrition. Moreover, the proper justifying power of contrition itself is not suppressed by the necessity of the sacrament, but is rather subjected to the desire to receive the sacrament and is in a certain manner made fruitful by it. But the inconvenience of subjecting oneself to the sacrament, which befalls the perfectly contrite man, is abundantly compensated for, both by the aforesaid advantage which accrues to the attrite man, and by the greater certainty of the justification attained which accrues to the contrite man himself, who will not easily be certain that he has true contrition rather than simple attrition, and by the various benefits enumerated in the preceding article (pp. 416–421) which come to man through sacramental confession. Hence there is also fully verified here the saying of Bonaventure, cited in the treatise On the Sacraments in General (p. 121): "There is a burden that weighs down, and there is a burden that lifts up, as feathers in birds, wheels in carts, and sails in ships. ... Such are the sacraments."

To this point the Catechism of the Council of Trent, part 2, chapter 5, question 36: "It must be taught that the institution of confession was exceedingly useful to us and, indeed, necessary. For although we grant that sins are blotted out by contrition, who does not know that contrition must be so

vehement, sharp, and intense that the bitterness of sorrow can equal and be proportioned to the magnitude of the crimes? But since very few reached this degree, it also followed that forgiveness of sins was to be hoped for by very few."

The Council of Trent, session 14, chapter 5: "Indeed the very difficulty of a confession of this kind, and the shame of disclosing sins, might seem burdensome, were they not alleviated by the many and great advantages and consolations which most certainly are conferred through absolution upon all who worthily approach this sacrament" (Denz. 900).

Secondly, the justifying power of contrition and martyrdom does not prejudice the absolute necessity of the sacrament of Penance, because they do not justify except from the desire, or together with the desire, for the sacrament, while the obligation remains to receive the sacrament at the opportune time, as was said also concerning the necessity of Baptism in its own treatise (Article 9, pp. 127 ff., and Articles 16–17), and as will be touched upon again presently in Conclusion 2.

Some propose a third and specious objection: If God were hypostatically to assume the nature of some sinful man, the human suppositum having been destroyed (whose possibility no one denies), that assumed nature would be justified, indeed substantially sanctified, without any recourse to the sacrament, indeed without any movement of the virtue of Penance; for in the divine suppositum it would itself be incapable of repenting, and the human suppositum would be absent.

It is answered that this argument proves too much, since it follows from it that not only the sacrament but also the very act of contrition or of the virtue of Penance would not be absolutely necessary for justification. Moreover, the objection wanders outside the question. For since actions and passions belong to supposita and regard nature itself in whatever way only insofar as it exists in a suppositum, the necessity of repenting or of receiving the sacrament belongs not to the nature, but to the suppositum, or to the nature as existing in a suppositum; indeed, more properly speaking, to the suppositum as existing in a nature and through a nature as the principle of actions and passions. Hence in the aforesaid case it cannot be said that someone would be justified without Penance, but only that something would be sanctified without an act of Penance, since it would not be capable of being a principle of such an act under the principle that is absolutely impeccable and unable to repent. Moreover, that very substantial sanctification and dignity, which would come to that nature through the hypostatic union, would contain and eminently offer to God whatever compensation and satisfaction could be offered by the same nature in its former human suppositum through an act of contrition and Penance.

In the hypothesis, moreover, added by some, that this nature were separated from the divine suppositum and returned to its own proper and individual human suppositum, namely, that it were restored to its own being together with its former dispositions and sins, some, such as the Salmanticenses (Disputation 4, doubt 1, § 3, no. 33), say that it would have nothing for which it ought to repent or make satisfaction, because, on account of the substantial sanctity possessed during the hypostatic union, all the aforesaid sins of its human suppositum would have been compensated for and remitted, and would be understood to have been removed. Moreover, there is no inconsistency in saying that this nature would be bound to penance, because it would be subject to new conditions and to a new suppositum, to which the obligation and act of repenting properly belong.

CONCLUSION 2

Conclusion 2. Confession is necessary as a means, not in actual reception alone, but in actual reception or in desire (Supplement, q. 10, a. 1).

It is proved from the proper justifying efficacy of contrition and martyrdom, which is in no way suppressed by the absolute necessity of the sacrament of Penance, just as it is not suppressed by the necessity of Baptism.[444] It is also confirmed by parity with the necessity of Baptism itself, to which the Fathers and the Council of Trent (session 14, chapter 2, cited above, p. 367) equate the necessity of Penance.

[444] Cf. the treatise On Baptism, Article 9, pp. 127 ff.; Articles 16 and 17.

The exaggerations of certain theologians, especially Hugh of St. Victor and Baius, have already been rejected both in Article 31 (Conclusion 2, pp. 226–228) and in the treatise On Baptism (Article 16).

NOTE. TWO QUESTIONS ARE DISPUTED AMONG THEOLOGIANS CONCERNING THE NATURE OF THIS DESIRE FOR THE SACRAMENT (OF PENANCE AS WELL AS OF BAPTISM)[445]

FIRST QUESTION

The first question is in what sense such a desire should be said to be contained in contrition.

[445] Cf. Suárez, De Poenitentia, disp. 17, sect. 3, nos. 4–10; Salmanticenses, disp. 4, dub. 1, § 2, nos. 9–22; § 3, nos. 34–42.

Some say that to affirm that contrition remits sin together with the desire for the sacrament means that it remits sin on condition that the sacrament be received. But this explanation must be rejected, because, however it is understood, it fails to preserve the difference between the desire for the sacrament and the desire to fulfill other precepts, which is contained in the same contrition. Moreover, this conditional remission can be understood in three ways. First, it might mean that remission does not take place until the sacrament is received; but such a postponement of justification is impossible, since contrition is infallibly connected with sanctifying grace and proceeds from it. Secondly, it might mean that, if the condition of receiving the sacrament is not fulfilled, the remission already effected is revoked and sins already remitted revive; but such a revival is impossible, because the gifts of God are without repentance. Thirdly, it might mean that, if the condition of receiving the sacrament is not fulfilled, a new sin is committed by which the justification already acquired is lost. And although this is true, it does not preserve the difference between the desire for the sacrament and the desire for other precepts contained in the same contrition.

Others say that the entire inclusion of the sacrament in the desire belonging to contrition consists in the very purpose which the contrite man must have of receiving the sacrament. Yet this likewise fails to preserve the difference between the desire for the sacrament and the desire for the other precepts; for the contrite man must also have at least an implicit purpose of fulfilling the other precepts. Nor is it of any avail to oppose the foregoing distinction on the ground that the sacrament, unlike the other things commanded, is a means directly ordained to the remission of sins, and therefore the purpose of receiving the sacrament is distinguished by its object from the purpose of the others. For, as Suárez well observes: "All this does not sufficiently explain the necessity of a means, but only that of a precept, with respect to sins which have been taken away by contrition; for the fact that this sacrament is a remedy for sins is much too material a consideration with respect to those sins, which

are not intended under that aspect, since nothing can be done concerning them; therefore only the question of what is prescribed is intended."[446]

[446] De Poenitentia, disp. 17, sect. 3, no. 5, Opera omnia, vol. 22, Paris, 1866, p. 380.

Finally, others say that the force of the desire for the sacrament contained in contrition consists in this, that in view of such a desire the very act of contrition, or a special assistance toward eliciting it, is caused in the soul. But this is affirmed arbitrarily and without foundation. Moreover, the desire for the sacrament included in contrition is understood to be at least naturally posterior to contrition itself, and therefore cannot be its cause.

The true and more common opinion is that the desire for the sacrament consists in a certain objective and transcendental reference of contrition to the sacrament: since the sacrament was instituted as a necessary means for the remission of sins, contrition can no longer justify unless it is substitutive and vicarious in relation to it, and therefore unless it includes the sacrament in desire and by force of that desire. For he who efficaciously wills an end by that very fact wills the means absolutely necessary for attaining it. And thus, in the act of contrition, since it is essentially justifying, the intention of the end of justification is objectively involved; by that very fact, the choice of the means absolutely necessary for justification, that is, of the sacrament, is also objectively involved in it. And in this objective and necessary choice and ordination the desire for the sacrament properly consists. From this it is also understood why the desire for other things commanded, included in the same contrition, does not influence justification, nor can contrition be said to justify by reason of a desire for them, since they are not means directly ordained to justification (cf. the treatise On Baptism, pp. 205 ff., 219, 234 ff., 236).

To the point, Galtier says: "Hence ... it is understood why those things which, by the will of God, are the proper and unique means of some end must be said to be desired at least implicitly by all those who efficaciously will that end. It is not so, however, with what is merely prescribed, for, as such, it does not have that essential objective connection with the end by reason of which it must be said to be desired by the very fact that the end itself is desired. For from the manner in which they are prescribed, or from their proper and immediate purpose, it is not evident that God wills them to be actually performed or intended by all who will to attain the end; since they are not the proper way to that end, they are not by that very fact to be undertaken by one who simply wills to attain the end."[447]

[447] De Poenitentia, thesis 22, no. 373, Paris, 1931, p. 278.

The Salmanticenses say: "It must be said ... that contrition involves a desire for this sacrament, insofar as, either formally through another act or virtually through itself, it regards Penance under the aspect of the sole means to salvation. The Thomists commonly teach this conclusion, although not expressed in this manner, and others agree with them. ... It is explained as follows. For although contrition includes the desire for other sacraments and for precepts binding under mortal sin, it regards them in one way and Penance in another; since it regards the former as something merely commanded, whereas it regards Penance not only as something commanded —which is an extrinsic and common consideration—but also as a medicine and the sole remedy after Baptism. Hence it comes about that the implicit desire for the others contained in contrition is a desire to observe a thing commanded because it is commanded; but the desire for Penance is a desire not only to observe

something commanded, but also for the medicine and remedy which by Christ's institution is necessary for salvation. For just as the other sacraments are not ordained to wash away sins, but to perfect man either in himself or together with others in relation to the members of the Church, so they are not regarded by contrition under the special aspect of a medicine and necessary remedy. Therefore, just as contrition before Baptism specifically connotes Baptism as the first gate of the Church and the general remedy for original sin—without which connotation and reference, under the law of grace, it would neither be true contrition nor truly dispose one toward grace—so, in precisely the same way, contrition after Baptism is not true contrition, nor a true disposition toward grace, except insofar as it specifically regards Penance as a medicinal sacrament instituted by God in the manner of a necessary medicine, by which the sick man may return to his former health and the gate of heaven be opened to him. And as a sign of this, the precept to receive the sacrament of Penance always remains pressing, which does not occur in the case of the other sacraments. Wherefore St. Thomas rightly recognized, in the place cited above from the Fourth Book of the Sentences, a special desire in two sacraments, namely Baptism and Penance, which he nevertheless denies in the others, which are in no way ordained of themselves to the remission of guilt: 'For Baptism and the sacrament of Penance' (these are the words of the Holy Doctor in the place recently cited, distinction 18, question 1, article 3) 'agree in a certain manner in their effect, which in each case is directly ordained against guilt, as is not the case with the other sacraments.'"[448]

[448] De Poenitentia, disp. 4, dub. 1, § 2, nos. 10 and 12, Cursus theologicus, vol. 19, Paris, 1883, pp. 255 ff.

Suárez says: "I say, therefore, that sins are remitted through this sacrament in desire, because this sacrament has now been instituted in such a way that its reception pertains to the integral disposition or satisfaction on our part necessary for the remission of sin. Hence it follows that, although sin is remitted when contrition alone is present, this is always done with an ordination to confession. It is like the case of buying something: before the entire price has been paid, ownership and possession of the thing are conferred; although they are then given absolutely, nevertheless this occurs with an ordination to future payment. Hence, when this payment is afterward made, although no new or greater ownership of that thing is acquired, the earlier contract is nevertheless discharged and completed in its proper order. Thus, therefore, is what we are discussing to be understood: through contrition there is granted remission of sin with an ordination to future confession, as to a future payment. Hence when confession is afterward made, the earlier contract is completed, insofar as this is possible on our part and is owed."[449]

[449] De Poenitentia, disp. 17, sect. 3, no. 7, Opera omnia, vol. 22, Paris, 1866, p. 381.

SECOND QUESTION

A second question debated by theologians is whether the desire for the sacrament contained in contrition must be explicit, or whether an implicit desire is sufficient.

That an implicit desire is sufficient is, as Suárez rightly says, "the common, true, and practically certain opinion," opposed only by a very few, among whom is especially Melchior Cano (Relectio de Poenitentia, part 5, conclusion 3), who holds that without an explicit desire the order and keys of the Church are not sufficiently preserved.

The sufficiency of an implicit desire is apparent from what has just been said about the nature of this desire. For it is involved in the very objective and necessary reference of contrition to the sacrament;

this reference does not depend upon an explicit act of knowledge or will, but arises wholly from the nature of the thing. Nevertheless, when one becomes aware of the necessity of the sacrament, this desire ought to pass into an explicit act of wishing and intending to receive the sacrament, if one is able to do so; and this is required incidentally and consequently in relation to its essence, insofar as the absence of explicit desire could indicate an absence of sincere contrition or could redound upon contrition itself.

Moreover, the necessity of explicit desire cannot be deduced by any argument. For such a desire could be said to be necessary on four grounds. First, because without explicit desire there cannot be true contrition. But this is false, since contrition is nothing other than sorrow and detestation of sin together with the purpose of not sinning again, according to the Council of Trent; and all this can be found at least in one who is not thinking about the necessity of the sacrament. Secondly, because without explicit desire contrition, though true and sincere, is nevertheless not justifying. This likewise is false, since perfect contrition, if it is truly such, has sanctifying grace infallibly connected with it; indeed, it proceeds from that grace. Thirdly, because without explicit desire contrition would not be sufficiently ordered to the keys of the Church. But this has already been rejected, since, given the institution of the sacrament as necessary, contrition assumes an objective, necessary, and genuine ordination to the keys. Fourthly, because explicit desire ought properly to supply the place of the sacrament. But this is impossible, since the sacrament is an accomplished work and acts by virtue of the work accomplished (*ex opere operato*), whereas explicit desire is a work of the person acting and influences by virtue of that person's action (*ex opere operantis*).

The assertion is confirmed by parity with Baptism and by the authority of the Council of Trent and St. Thomas.

For justification through contrition an implicit desire for Baptism is sufficient; therefore, by parity, an implicit desire for Penance is sufficient, since, as has often been stated, the sense of Tradition assimilates the necessity of the sacrament of Penance to the necessity of Baptism. The antecedent is denied by Cano, as also by Estius and Gonet mentioned in Article 31 (p. 222), but against them stands the express teaching of St. Thomas: "Some obtain the remission of sins before Baptism, insofar as they have Baptism in desire either explicitly or implicitly; and yet when they actually receive Baptism, a fuller remission takes place as regards liberation from every punishment. Thus, also, before Baptism Cornelius obtained [grace], and others like him obtain grace and virtues through faith in Christ and the desire for Baptism, implicitly or explicitly; afterward, however, in Baptism they obtain a greater abundance of grace and virtues" (III, q. 69, a. 4, ad 2).

The Council of Trent, session 14, chapter 4, says: "It [the holy Synod] teaches, moreover, that although this contrition sometimes happens to be perfected by charity and to reconcile man to God before this sacrament is actually received, nevertheless reconciliation itself must not be ascribed to contrition alone without the desire for the sacrament, which is included therein" (Denz. 898). Hence the Council does not require any desire other than that which is necessarily and objectively included in contrition itself; this, however, is an implicit desire. The sense of these words of the Council is also illustrated by the two documents of the Council of Constance and of Sixtus IV cited in Article 31 (p. 220), which therefore are undeservedly brought forward against us by the adversaries.

St. Thomas, Supplement, q. 10, a. 1, establishing a parallel between the desire for Penance and the desire for Baptism (of whose nature he speaks more explicitly in III, q. 69, a. 4, just cited), writes:

"Penance, insofar as it is a sacrament, is principally perfected in confession, because through it a man subjects himself to the ministers of the Church, who are the dispensers of the sacraments. Contrition, moreover, has annexed to itself the desire for confession; and satisfaction is determined according to the judgment of the priest, to whom confession is made. And because in the sacrament of Penance grace is infused, through which the remission of sins takes place, as in Baptism, therefore in the same way confession, joined with the desire for absolution, remits guilt, as Baptism does. For Baptism liberates from the death of sin not only insofar as it is actually received, but also insofar as it is held in desire, as appears in those who approach Baptism already sanctified; and if some impediment did not stand in the way, they would obtain grace from the very conferral of Baptism, with sins remitted, if they had not previously been remitted. And similarly must it be said of confession, with absolution added, which, according to what is held in the desire of the penitent, previously freed him from guilt; but afterward, in the act of confession and absolution, grace is increased; and the remission of sins would also be granted if the preceding sorrow for sins had not been sufficient contrition and the penitent himself then did not place an obstacle to grace. And therefore just as Baptism is said to liberate from death, so also can this be said of confession."

CONCLUSION 3

Conclusion 3. Confession is also necessary by divine precept, so that one who does not make it not only fails to obtain justification, as follows from its necessity as a means, but also commits a formal and distinct sin (Supplement, q. 6, aa. 2, 3, 6; Quodlibet I, a. 11).

PROOF 1. FROM THE MEANING OF TRADITION

Although the documents of the Fathers and of the Church cited in the preceding article do not expressly distinguish between the necessity of a means and that of a precept, nevertheless, from the simple and absolute manner in which they speak of the divine necessity of confession, and from the urgent exhortations by which they impel sinners to confession, they are naturally understood to propose at least an obligation arising from a divine precept. Moreover, the reason why they do not distinguish the necessity of a precept from the necessity of a means, and why they put forward the former explicitly and insistently, is that, as will shortly be stated in Proof 2, the necessity of a means involves the necessity of a precept, and is designated by that name.

Innocent III (cited in Volume I, p. 62 ff.), when setting forth the ecclesiastical precept of annual confession, by no means presents it as introducing anything new into the very nature of the precept; thus he implicitly indicates that he is doing nothing other than determining a certain divine precept.

The Council of Trent, session 14, chapter 5 (cf. canons 6, 7, and 8, cited in the preceding article, p. 367), intends to set forth only the obvious and natural meaning of Tradition when it speaks expressly of the divine precept of confession:

"Since secret sacramental confession, which the holy Church has used from the beginning and still uses, was always commended by all the holiest and most ancient Fathers with great and unanimous consent, the empty calumny of those who do not fear to teach that it is alien to the divine command and a human invention, and that it took its beginning from the Fathers assembled in the Lateran Council, is manifestly refuted. For through the Lateran Council the Church did not enact that the faithful of Christ should confess, since it understood that this was necessary and instituted by divine

law; but it enacted that the precept of confession should be fulfilled at least once a year by all and each, when they had attained the years of discretion" (Denz. 901).

The Catechism of the Council of Trent, part II, chapter 5, question 44, says: "But since it cannot in the least be doubted that the law of confession was enacted and established by the Lord Himself, it remains to see at what age and at what time of year men ought to obey it. First, therefore, from the canon of the Lateran Council beginning 'Every one of either sex,' it is evident that no one is bound by the law of confession before the age at which he can have the use of reason."

PROOF 2. FROM THE NECESSITY OF A MEANS

For the necessity of a means to salvation carries with it the necessity of a precept, in a matter capable of being commanded or performed by free choice, as is expressly explained in Article 22 (Volume I, p. 485), when treating the necessity of the virtue of Penance (cf. also the treatise On Baptism, Article 9, p. 122, where the necessity of that sacrament is discussed).

St. Thomas briefly expresses the matter thus: "We are bound to confession ... by divine law, precisely because it is a medicine" (Supplement, q. 6, a. 3; cf. a. 6, ad 2; q. 8, a. 1, ad 1, cited in the preceding article, p. 376).

PROOF 3. FROM THE NECESSITY OF THE PRECEPT INHERENT IN THE VERY ACT OF THE VIRTUE OF PENANCE

As was proved in Article 22 (Volume I, p. 484 ff.), to repent of a sin committed is necessary by divine precept. Therefore the reception of the sacrament of Penance and sacramental confession also have the same necessity. For a necessary means shares in the necessity of its end; moreover, the instituted sacrament is the proper means and mode of repenting.

The same reasoning can be expressed somewhat differently in the form of an argument from parity: an act of penance is of divine precept; therefore so too, by parity, is sacramental confession, which is a certain determination of the mode of repenting and which was instituted to assist the act of contrition.

PROOF 4. FROM THE VERY EXISTENCE OF THE ECCLESIASTICAL PRECEPT

As the adversaries themselves admit, in agreement with the common understanding of theologians, and as will be proved in the following Conclusion, there is a true ecclesiastical precept concerning the reception of the sacrament and confession. Consequently, and with all the more reason, there is also a divine precept, because the Church could not impose confession unless confession had already been imposed by a divine precept, so that the Church's precept is merely a determination of the divine precept in some circumstance, such as that of time.

The force of this argument is not admitted by those theologians who teach that the Church could have imposed the obligation of confession even if it were not of divine precept. We shall argue against them in the following Conclusion, Note 8 (pp. 527–530).

NOTE 1. ON THE TIME WITHIN WHICH THE OBLIGATION OF CONFESSION BY DIVINE PRECEPT BINDS (Supplement, q. 6, a. 5; Quodlibet I, a. 11)

This question is closely related to the question of the obligation to repent, treated in Article 22 (Conclusions 5–8, in Volume I, pp. 495–517), and is resolved by nearly the same principles and

conclusions. Nevertheless, the difference must be preserved between the general precept of repenting, which is absolute and follows from the nature of the thing, and the special precept of repenting through the sacrament and confession, which derives from a positive institution and therefore admits of a broader interpretation as regards the determinate time within which it must be fulfilled.

Theologians, however, commonly agree concerning the following propositions:

1. The precept of confession does not bind immediately after sin, since it is not a negative but a positive precept, as was explained in Article 22 (Volume I, p. 495 ff.) concerning the precept of repentance. This is confirmed by the fact that the precept of repenting itself does not bind immediately after sin; much less, therefore, does the precept of confession, which, being of positive institution, has a supplementary and determinative character.

It is, simply speaking, less absolute and less necessary than the precept of repentance itself, since by its precept the Church obliges only to confession within the year, which it would not seem to have been able fittingly to do if divine law itself obliged one to confess immediately.

For the contrary opinion certain doctors are cited who were mentioned in Article 22 (Volume I, p. 474 ff.), particularly William of Paris, Alexander of Hales, and Bonaventure, although it is not clear that their view is really such. Some more recent writers agree with them, among whom is Collet († 1770).

COLLET, consistently with his own opinion about the necessity of confessing immediately after sin, writes:

"But does the precept of confession morally bind immediately after the commission of a mortal sin? The question is a practical one and is fraught with grave difficulties.

"The majority deny it. 1. On account of the authority of St. Thomas, who says in Quodlibet I, article 11: 'It is permissible to defer confession until Easter, speaking according to law; but perhaps through circumstances it may become unlawful, as when some particular article occurs in which confession is required.' 2. Because, as Sylvius notes on Supplement, q. 6, a. 5, catechumens are not bound to receive Baptism immediately; indeed, the Church once forbade that they be baptized except in a case of urgent necessity outside the Paschal season, and they were baptized at Pentecost. 3. Because otherwise the Church, which restricted the divine precept of confession to annual confession, would have given occasion for transgressing the divine law. 4. Because the precept of confession is affirmative. Tournely adds that the obligation of confession is not greater than that of contrition, and that the latter does not bind immediately after sin. We set these principles aside.

"Some others, few in number, but fewer still in recent times, teach that a man who has sinned mortally is bound to confess as soon as an opportunity of confessing presents itself, regard being had to the circumstances of place and time. Thus, in regard to religious, St. Bonaventure, on IV Sentences, distinction 17, part 2, article 2, says: 'The entire time of life is a time of penance, and therefore, having committed a mortal sin, I believe that they are bound to confess without delay.' A layman, however, can reasonably await the season of Lent, which is the season of penance. William of Paris and all the writers of his age are said to have extended the same rule. This opinion appears to be by far the safer counsel for the salvation of souls, and one that should altogether be embraced. 1.

Because, as you have proved in chapter 4, no. 276, it is not permissible to defer contrition for many days after sin, on account of the countless perils that follow from it. But almost the same perils follow upon deferring confession: for contrition outside the sacrament is difficult and very rare, and the natural prudence of men dictates that remedies which must sometimes be applied should be applied when no more opportune remedy can be had. 2. Because even the light of human reason urges us to return to God as soon as possible when we have sinned gravely against Him; and we cannot discharge our debt more fittingly than by confession. 3. Because the opinion which once led to the ruin of so many, now merits even greater rejection. For why should anyone doubt that more persons perish who have deferred confession because they believed it permissible, without sin, to put it off until Easter? Therefore we ought carefully and prudently to withdraw from the same opinion, as from all others excessively open to controversy; and that withdrawal is seriously and efficaciously recommended in practice.

"Nor are the arguments urged against this of much force. Not the first, which is the sole argument of Sylvius: 1. Because catechumens themselves were at least free from every delay involving guilt, since it was not in their power to receive Baptism before the time fixed by the Church. But one who defers confession defers it through his own fault. 2. Because there was commonly great fervour among catechumens, which could supply the place of the baptismal waters; as the Church wisely observes of Christian martyrs. Can the same fervour be presumed in those who defer confession for a year? 3. Because the Church had grave reasons for deferring the conferral of Baptism; such reasons have no place in the matter of confession.

"Not the second argument either; for the Church did not, adequately or fully, determine the time at which the divine precept of confession binds of itself, or grant permission to defer it; she merely prohibited negligence and delay beyond a year. Thus she added the word 'at least' once a year. But did the Church, because she forbids anyone to remain stained by excommunication beyond a year, thereby grant permission to remain in that state for the whole year?

"Nor the third argument, which was the origin of the weaker opinion: that affirmative precepts do not bind at all times, and thus a Christian is not bound to elicit an act of charity at any particular time of the year. To be sure, the precept not to remain in a state in which one is an enemy of God and a son of wrath is negative. It is, however, more certainly fulfilled by confession than by sorrow.

"Nevertheless I do not believe that persons newly and specially guilty of sin, who defer this duty, are to be harassed: both because their good faith may easily excuse them, owing to the highest authority of the contrary opinion, and because it is sufficiently understood that they have renounced sin by their annual confession. Add that penitents are being questioned who, after having received the grace of absolution for the first time, are obliged, when a new year has passed, to repeat confessions made previously. Much less is he to be rebuked who delays confession for some days while meanwhile more seriously bewailing a sin, and who thereby obtains an occasion for more fervent prayer. Certainly one who approaches the ancient practice of the Church, even in some small degree, does not sin."[450]

[450] De Poenitentia, part II, chapter 5, no. 201–206, in Migne, Theologiae Cursus, vol. 22, col. 446 ff.

2. The precept of confession binds of itself, without any doctor contradicting, at the article of death; very probably also in danger of death, and generally in those circumstances in which,

unless a person confesses immediately, he exposes himself to the danger of dying without confession: for example, when a shortage of priests is foreseen, or when permanent insanity is feared.[451] The reason has been set out in Article 22 (Volume I, p. 505).

[451] Cf. Suárez, Disputation 35, section 3, no. 3; Billuart, Disputation 5, article 3.

Some, such as Major, Marsilius, Medina, Domingo de Soto, Nugnus, Tournely, and Collet, include among these circumstances the danger of forgetting sins, and say that at least the necessity of the integrity of confession requires confession to be made immediately when such a danger arises. Applying also the precept of the Church, they teach that a man is bound to anticipate annual confession if by postponement he fears he may forget some of his sins.

But this opinion is rejected by the more numerous theologians, such as Navarro, Victoria, Cano, Peter de Soto, Sylvius, Suárez, Billuart, and modern writers generally, because there is no law concerning the remembering of sins, nor is a man bound to any more than a diligent examination of conscience when the obligation to confess arises. Moreover, if this opinion were true, it would follow that not a few persons, on account of a weak memory or distracting circumstances, are bound to anticipate confession within six months, or several times within a month, some within a week, or at least to set down their sins in writing; indeed it would follow that nearly all who confess once a year transgress the divine precept, since there is scarcely anyone among them who does not forget some sin. All these consequences are foreign both to the mind and to the practice of penitents and confessors.[452]

[452] Cf. the authorities cited in Article 22, Volume I, p. 501; also Suárez, Disputation 36, section 5, no. 5 ff.; Billuart, Disputation 5, article 3.

COLLET tries to dissolve these arguments in the following way: "I confess that the contrary opinion would seem much wiser to me: 1. Because it is far safer; moreover, it is unlawful in sacramental matters to 'follow an opinion' that is merely 'probable, when the safer has been set aside,' as was defined by Innocent XI and, in the Gallican clergy, by their authority. 2. Because the opinion of Navarro and Sylvius accords indeed with a certain easygoing attitude of penitents, but not at all with that which can tranquilly establish the devout mind. For are the memories of merchants not aided by pen, paper, or another expedient after the commission of serious sins? Do they not devote to worldly affairs every day what they could devote much better to eternal salvation? Is it so absurd to exact a hundredth part of that care which is spontaneously and cheerfully given to the execution of passing worldly affairs? The universal practice of the faithful protests against it. A powerful argument, and among many moralists sufficient to derive from it a lack of voluntary culpability! Meanwhile I do not understand why innumerable men and women take pains to spew out grave sins as from a serpent's mouth, or, if they lack a supply of confessors, take every care not to forget them."[453]

[453] De Poenitentia, part II, chapter 5, no. 208, in Migne, Theologiae Cursus, vol. 22, col. 448.

3. The precept of confession binds of itself even apart from danger of death, so that a sinner is bound to confess some times during life (as some say), or, better, within a period that is not very long, morally estimated, as was said proportionately concerning the precept of repentance in Article 22 (Volume I, pp. 511–514).

The fitting reasons for this opinion, which is taught commonly by both older and modern authors, such as Soto, Cano, Medina, the Salmanticenses, St. Alphonsus, Billuart, Hugon, Diekamp, and Merkelbach, are these: first, because a prolonged postponement of confession can bring about the danger of dying without the necessary reception of this sacrament; secondly, because this sacrament was instituted not as an aid for the dying, like Extreme Unction, but as an aid to the spiritual life and a medicine for spiritual illnesses; and therefore it is contrary to its nature and purpose to reserve it for the end of life. In the same way, the Eucharist, since it was instituted not only as viaticum for those departing but also as nourishment for the soul, is commanded to be received not only at the article of death but also at certain times during life. Thirdly, because by sacramental confession God determined for men the manner in which they ought to repent; whence, just as the precept of repentance binds not only at the article of death but also during life within a period not very long, so too does the precept of confession; otherwise the aforesaid determination would be nearly fruitless.

Some[454] seem to offer this reason, namely, that a long postponement brings the danger of forgetting many sins, and thus of dying without a complete confession of sins. But this reason does not hold, as we have just said, since no law binds a man to avoid the danger of forgetting sins, but only to make a diligent examination when the necessity of confessing arises from another source. Moreover, in every confession virtual integrity is secured when a man accuses himself of and grieves over sin under the aspect of sin, in which all offences are contained and remitted by the keys of the Church.

[454] Cf. as cited by Suárez, Disputation 35, section 3, no. 6; Disputation 36, section 5, no. 5.

Concerning a more precise determination of the time, some say that the divine precept binds within a year, because within that time the precept of the Church binds, and the Church does not intend either to explain the divine precept or to conform itself to it. Nevertheless, since the Church's intention on this matter is by no means established, and since the Church's law may impose confession more frequently than divine law does, others say that the time within which the divine precept binds must be understood more broadly than the period of one year established by the Church (for example, a space of five, eight, or even ten years, according to the varying and by no means firm estimate of the doctors). This seems more reasonable both because the precept of repentance, which is more urgent than the precept of confession, binds within a year, and because of the authority of St. Thomas, who teaches: "Before the Church's statute, too, [a man] was bound, although less strictly" (Supplement, q. 6, a. 5). However, all say that the divine precept does not bind more often than once a year, and certainly one who satisfies the precept of the Church satisfies it.

The contrary opinion, however, teaching that this precept does not bind of itself apart from the danger of death, is attributed to several older writers, such as Scotus (on IV Sentences, distinction 17, a. 4), Durandus (on IV Sentences, distinction 17, a. 4), Biel, Richard, Paludanus, and Gonet (Disputation 8, a. 1, no. 13), among whom Suárez improperly cites St. Thomas himself, as was stated in Article 22 (Volume I, p. 514). Their common reason seems to be that, on the one hand, the article of necessity for obeying the precept of confession is induced by the danger of death alone, since it is only through death that the possibility of fulfilling the precept is removed; on the other hand, a delay of confession does not bring about the danger of dying in the state of sin, since that danger can be removed by contrition.

Some, such as Suárez (Disputation 35, section 3, no. 9), St. Alphonsus (no. 663), and Pesch (no. 399), pursue a middle course, saying that the precept of confession does indeed bind even outside

the danger of death, but that the particular time at which it binds must be assigned, and can be assigned, by the precept of the Church alone; so that, if the Church's precept were lacking through possibility or impossibility, no determinate time for confession could be assigned except the article or danger of death. This position is really a negative one, for it reduces to this, that the divine precept of confession does not bind of itself outside the danger of death, but only accidentally, namely insofar as the ecclesiastical precept can be fulfilled. Suárez says aptly: "If the Church's determination is excluded, no other time can be assigned by any definite reason. Nor is this inconvenient, because for this very reason this power and care were committed to the Church; and also because it is enough that, for other ends, especially for the use of the Eucharist, this necessity can arise more frequently."[455]

[455] De Poenitentia, Disputation 35, section 3, no. 9, Opera omnia, vol. 22, Paris, 1866, p. 743.

4. The divine precept binds accidentally when another precept cannot be fulfilled without confession. Namely:

First, in order to fulfil the general precept of repenting, when a person cannot or will not elicit an act of contrition; under this aspect the divine precept of confession binds in all the cases (enumerated in Article 22, Volume I, p. 515 ff.) in which the precept of repentance itself binds.

Secondly, in order to fulfil the very precept of annual confession enacted by the Church; whence one who transgresses this also acts against the divine precept, but not by a double sin: rather, by one sin.

Thirdly, in order to fulfil a special precept (whether divine or merely ecclesiastical does not matter) concerning confession to be made before receiving the Eucharist, which will be discussed below in the following Conclusion, Note 1 (pp. 491–497).

Fourthly, in order to avoid some particular sin or evil habit, where it is clear that sacramental confession is not only very useful for that end, as it always is, but also necessary; this case, however, can only rarely occur, since besides confession there are other means of avoiding sin.

Several of the older writers think the divine precept binds accidentally before the reception, confection, or administration of any sacrament, as Aureolus (q. 1, a. 2), Paludanus (q. 2, a. 5), and Adrian (book IV, q. 3). St. Thomas himself (Quodlibet I, a. 11) speaks expressly of confession preceding the reception of Orders. Nevertheless, several of his statements may perhaps be explained either by an obligation arising from particular statutes or general customs, or by the necessity of confessing before the reception of certain sacraments, such as Orders, on account of the Communion joined to them.

Some modern authors add that the divine precept also binds accidentally when a person converts from a heretical sect, even though he is to be baptized conditionally. Nevertheless, below (pp. 482–488) it will be maintained that in this case the obligation of divine precept probably does not exist, although a merely disciplinary law of the Church may be given on the matter. Furthermore, if both obligations, divine and ecclesiastical, be admitted, this case would not be a special one, but would concern the fulfilment of the precept of annual confession just mentioned, which would bind the person at the very moment of his conversion.

NOTE 2. ON THOSE SUBJECT TO THE OBLIGATION OF THE DIVINE PRECEPT OF CONFESSION

1. Unbelievers, that is, the unbaptized, are not bound by this precept, just as they are not bound by the divine precept of Communion, and indeed for the same reason which we explained in the treatise On the Eucharist (Article 26, p. 529 ff.): namely, because, as unbaptized persons, they are not capable of the thing commanded. Indeed, here there is also another reason for incapacity: the absence of the foundation of the obligation. For man is obliged to confession because without it he cannot attain justification and salvation; but an unbeliever can attain these through Baptism. For this reason, even those theologians who admit that unbelievers are bound by the precept of Communion commonly deny that the precept of confession extends to them. There have, however, been a few theologians, such as Scotus (On IV Sentences, distinction 16, question 1, article 1), who have also asserted this obligation.

2. All baptized persons, even apostates and heretics, or those separated from the Church in whatever manner, are bound by the precept of confession by reason of Baptism and of mortal sin committed after Baptism.

3. Modern theologians dispute whether those who have been baptized doubtfully are bound to confess sins committed after the doubtfully received Baptism and before its conditional repetition as prescribed by the Church.

The question concerns a Baptism whose validity, although not certain, is nevertheless solidly probable; otherwise the man would simply have to be baptized again and would in no way have to confess the sins in question. Likewise, it concerns a Baptism about whose validity there is a solid doubt; otherwise the man would be bound to confess those sins, even though perhaps, on account of special circumstances, he should be rebaptized as a precaution. For, owing to the supreme necessity of Baptism, a lesser reason and a slighter doubt seem sufficient for repeating this sacrament conditionally. Likewise, the question concerns a person who has not yet confessed the sins in question (as happens with converts from Protestant sects). For, if he has already confessed them (as may happen with a Catholic who is baptized again as a precaution), no obligation to confess rests upon him: if the first Baptism was truly valid, those sins have already been subjected to the keys; but if it was invalid, those sins are not matter for confession and are blotted out by the second and true Baptism.

There are, therefore, two opinions.

Several older theologians who touch upon this matter in passing deny a strict obligation to confess the aforementioned sins, because, on account of the probable nullity of the first Baptism, those sins are probably not matter capable of receiving the sacrament of Penance, and doubtful matter cannot furnish the foundation for a certain obligation. Thus, notably, Lacroix (On Baptism, no. 323). Among modern authors, who have raised the same question more explicitly and expressly (because of certain more recent documents of the Holy See), several defend the solid probability of this opinion, such as Ballerini-Palmieri (vol. 5, no. 22), D'Annibale (vol. 3, no. 301, note 3), Bucceroni (vol. 2, no. 672; Cases, no. 348), Génicot (vol. 2, nos. 259 and 488), and Cappello (On Penance, no. 37 ff.), who speaks more cautiously: "This opinion does not seem improbable."[456]

[456] Hence Pesch exaggerates when he says: "Now all admit that there is a strict obligation of confession on account of the decree issued on this matter by the Congregation of the Holy Office on 17 December 1868" (De Poenitentia, no. 395).

Others, both among older writers and especially among modern ones, affirm that in this case there is an obligation arising from divine precept. Among them are Lehmkuhl (Cases, vol. 2, nos. 288–292, 1902 edition), Pesch (On Penance, nos. 395 ff.), Tanquerey (On Penance, no. 33), Haine (vol. 3, p. 208, 1900 edition), Noldin-Schmitt (vol. 3, no. 230), who appear to propose the matter as altogether certain, Sabetti-Barrett (no. 725), Aertnys-Damen (vol. 2, no. 293), Prümmer (vol. 3, no. 321), and Gury (vol. 2, no. 419, Spanish edition). Long ago Billuart, omitting discussion and reasons, simply pronounced upon the matter as something obvious: "It should be observed that adults who are baptized under condition are bound, after having received Baptism in this way, to confess the sins committed after the first Baptism, lest, if the first Baptism was valid, the second, being null, should effect nothing."[457]

[457] De Baptismo, dissertation 1, article 5, Cursus Theologicus, vol. 8, Paris, 1904, p. 408.

Four reasons have been advanced, although modern authors generally propose only the third and fourth, or regard only these as effective.

The first reason, which several older theologians seem to presuppose, is that in sacramental matters the safer opinion is to be followed. Nevertheless, Pesch himself rightly observes: "This holds only when the validity of a sacrament is at issue. But the validity of a sacrament is not at all called into question when someone does not confess a sin which he is doubtfully bound to confess, as Gury-Ballerini (II, note on no. 420) shows from the teaching of St. Alphonsus."

The second reason given by some is that confession is a necessary means of salvation, which therefore must not be omitted even in a case of doubt. From this they also establish a general rule that doubtful sins must be confessed. But Lehmkuhl himself rightly rejects this reason, writing: "Several things in this explanation are not approved. For (1) by that reasoning the necessity of an integral confession is not proved; (2) moreover, it is practically certain that there is no obligation to confess doubtful sins, that is, sins about which it is doubtful whether they were committed or committed with mortal guilt. We shall speak more fully of this below; here it is sufficient to cite St. Alphonsus, VI, 472 ff. (3) Even if this explanation were true, it would be peculiar to confession alone, whereas our explanation, to be given shortly, is more universal and extends to every kind of subjection to the Church; therefore on this ground alone it ought to be at least the principal explanation" (Cases of Conscience, vol. 2, no. 291, p. 170).

The third reason, which modern authors propose as an intrinsic one, is that from the certain conferral of the external baptismal rite, until the internal invalidity of the sacrament is certainly established, there arises in the person thus baptized a divine obligation to conduct himself as a subject of the Church, and therefore to observe her laws, among which is the precept of confessing at least once a year and before receiving the Eucharist; "and this on account of the most serious harms which would follow if doubtfully baptized persons were not considered her subjects and subject to all her laws."[458]

[458] Noldin-Schmitt, no. 230.

On this point Lehmkuhl, who appears to be the principal defender of this opinion, writes: "Those who have been doubtfully baptized ... are subject to the laws and government of the Church. Since this principle is of divine law, it entails an obligation existing by divine law, by which those doubtfully baptized are bound to confess their sins, even if Baptism must be repeated under condition in order

to render salvation and the efficacy of the sacraments secure. It is scarcely necessary to demonstrate this by arguments. For it is clear that the Church cannot make subjects for herself those whom Christ has not subjected to her. Therefore, when the Church (through the Holy Office) says that those doubtfully baptized are subject to the Church's laws, she does this not by ecclesiastical law, nor are they bound by an ecclesiastical law to the law of confessing, but by declaring the divine law. Nor are they bound by this law doubtfully or probably, but certainly. This calls for some explanation.

"For the Church, by Christ's institution, is a visible society of men, to be governed according to the human condition. Consequently, in her external government she follows altogether the analogy of other societies. Accordingly, it is indeed true that incorporation into the internal life of the Church and her vital influence depends upon internal factors, including the internal validity of Baptism; but incorporation into the external body and subjection to its government are effected by that external act which was instituted so that someone might be enrolled as a member of this society, and they continue, and by divine law must continue, for as long as the nullity of that act is not proved in a human manner, rather than merely having its validity called into doubt. This act is Baptism. Hence, in any man in whom the external rite of Baptism has been performed, even if it is doubtful whether all the essentials were observed, that man is certainly subject to the government of the Church. The Church, moreover, exercises her right by requiring judgment concerning sins; and it belongs to her government to judge the sins of her subjects. For this to be properly done, confession is required by divine law. Only this much seems capable of being conceded: if at any time, from all the circumstances, Baptism conferred by non-Catholics must be presumed invalid to such an extent that there is no probability of its validity, one who has been baptized with such doubt is not strictly bound by the laws governing the baptized.

"Nor ought it to seem surprising that someone should be more certainly bound to sacramental confession than he has assurance of receiving with fruit the sacramental absolution to which confession is ordered. For this is the common law of all Christians. The certainty by which we are all bound to confession is absolute; indeed, I consider that it may be said to be certain by divine faith. But the certainty of receiving a truly sacramental absolution is only moral in a broad sense. For, to omit other matters, the validity of the absolution I receive depends upon the validity of my Baptism and upon the validity of the priestly ordination of the confessor who absolves me; but the validity of my Baptism and the validity of my confessor's ordination are not absolutely certain, still less certain by divine faith, but only morally certain, and not even in the strict sense."[459]

[459] Casus conscientiae, vol. 2, no. 290, pp. 169–170.

The fourth and principal reason is drawn from authority, that is, from three more recent documents of the Holy See.[460]

[460] Cf. Lehmkuhl, loc. cit., no. 288, p. 168.

A response of the Holy Office of 17 June 1715, in the case of a certain Charles Wippermann. The question was asked: "Whether full credence should be given to Charles Wippermann of Rostock, in the duchy of Mecklenburg, a preacher and lecturer in quietistic Lutheran theology, superintendent and chief doctor of the sect of the quietist Lutherans, reconciled to the holy Catholic faith at the Holy Office of Parma; and, concerning certain errors detected in his Baptism, whether he ought to be believed in the things he relates? And if the answer is affirmative, then, so that provision may be

made both for his salvation and for that of others of his sect or religion, especially if they are ignorant, the question is asked whether the said Wippermann should be baptized again; and if so, absolutely or conditionally; and, if so, whether confession should precede or follow the Baptism to be conferred conditionally?" The reply was: "Charles Ferdinand is to be baptized again conditionally; and, after Baptism has been conferred, he is to confess the sins of his past life and be absolved from them conditionally."

The Holy Office, on 17 December 1868, being asked whether sacramental confession should be required of new converts in England, replied: "In the affirmative; and the decree issued on Thursday, 17 June 1715, is to be given."[461]

[461] For the circumstances of this decree see Acta Sanctae Sedis, vol. 4 (1895), pp. 320 ff.; cf. also Ballerini, Adnotationes ad Gury, no. 419.

The Cardinal Prefect of the Sacred Congregation for the Propagation of the Faith, on 12 July 1869, writing to the Archbishop of Quebec, who had asked whether the preceding reply of the Holy Office applied to England alone or also to his province and other regions, said: "The reply of the Holy Office dated 17 December of the past year, although given only at the request of the bishops of England, contains a universal law and therefore binds not only in England but also in other regions. Hence it is clear that it cannot in any way be permitted for an opinion contrary to the aforesaid decision to be taught. Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, 10 July 1869. Al. C. Barnabò, Prefect."

This letter was not authentically promulgated and long remained unknown until it was published in the Analecta ecclesiastica in 1899 (vol. 7, p. 489), and was later inserted by way of a note in the Collectanea of the Sacred Congregation for the Propagation of the Faith (vol. 2, p. 19, at the foot of the page, Rome, 1907).

The first opinion seems to us the truer one; the third and fourth reasons offered by the defenders of the other opinion cannot effectively overthrow it.

For the fact that, in order to avert grave inconveniences, a person who has undergone the rite of Baptism is bound to conduct himself as a citizen and subject of the Church, even though he seriously doubts the validity of his Baptism, belongs wholly to the Church's external government (which directly judges and makes provision only concerning external matters in a disciplinary way), and consequently implies nothing more than the obligation proper to positive and disciplinary laws. Accordingly, the principle invoked by our opponents does not prove the existence of the divine precept of confession with regard to a doubtfully baptized person, but only the Church's right to require fulfilment of her law of annual confession even from doubtfully baptized persons (whom she nevertheless orders to be baptized conditionally, so that the validity of Baptism may be secured).

This right can be explained in two ways. First, the Church can ground her obligation upon a presumption of the validity of the earlier Baptism. For, since it is practically impossible to judge its validity or invalidity in each individual case, the Church may, for reasons of the common good and where, speaking generally, the doubt about the invalidity of the earlier Baptism is only slight, require the fulfilment of the law of annual confession indiscriminately from all those doubtfully baptized. At the same time, however, notwithstanding the slight doubt about invalidity, the supreme necessity of Baptism is for the Church a sufficient reason also to impose upon all doubtfully baptized persons the

conditional repetition of Baptism. Secondly, for the same reasons and especially in the same circumstances, the Church may employ the safer opinion, which teaches that a sin certainly committed must be confessed even though it has probably already been expiated; and upon that opinion she may base the requirement by which she urges the fulfilment of the precept of confession even by those doubtfully baptized whom she nevertheless rebaptizes conditionally.[462] In either case, however, there arises for each individual only that obligation of obedience which is proper to a disciplinary law, since a presumption always yields to the truth and the safer opinion yields to a certainly established reason (cf. what is to be said below concerning practice).

[462] On this matter Génicot-Salsmans (no. 259), followed by Cappello (no. 37), says: "If there is at times a probability [that the second Baptism is valid because the first was invalid], it is not apparent why the Church could not by a disciplinary decree require the safer opinion, according to which a sin certainly committed, but probably expiated, still remains to be confessed, when in a certain region it is commonly not very probable that a Baptism conditionally repeated is valid, and there is reason to fear that if individual priests are granted the faculty of discerning when confession is necessary, it will often be omitted where it is wholly necessary."

Consequently, the opponents appeal in vain to the aforementioned documents of the Church to confirm their thesis. For even if there were an ecclesiastical law binding those doubtfully baptized to confession, the existence of an obligation from divine precept would not follow from it.

Furthermore, not even the existence of such an ecclesiastical law can be deduced from these documents. For, in the first place, the two earlier documents make provision for particular cases; and Noldin-Schmitt himself acknowledges that "there exists no decree of the Holy See by which the obligation of an integral confession for those who are rebaptized conditionally is expressly declared" (no. 230). The third document, moreover, by which the general force of the decree of the Holy Office is declared, is a personal reply of the Cardinal Prefect of the Sacred Congregation for the Propagation of the Faith, and was never authentically published. For, as Lehmkuhl himself writes, "The matter seems to have been so clear to the Prefect of the Sacred Congregation for the Propagation of the Faith that he did not even refer it to the Holy See, but replied of his own accord: ..." (no. 288); and, as Noldin-Schmitt himself acknowledges, "The reply ... is of private authority, issued by the secretary of the congregation without consulting the congregation itself" (no. 230).[463] Indeed, as Bucceroni attests (vol. 2, no. 672), "that reply was publicly declared not to be a general decree by His Eminence the Cardinal Secretary of the Holy Office at Sant'Apollinare in 1897, when this question was discussed expressly in the customary conference on cases of conscience. D'Annibale, an assessor of the Holy Office and afterwards a cardinal, expressly affirms the same in the third edition, part 3, no. 301, note 3." In any event, whatever may be the force and authority of that reply, "it can have some legislative or declaratory force only in places subject to the Sacred Congregation for the Propagation of the Faith" (Cappello, no. 37; likewise Génicot-Salsmans, no. 259).

[463] D. Mannajoli discusses excellently the private, and indeed imperfect, force of this reply (De obligationibus Christianorum propriis, quibus in genere dubie baptizati obligantur, Rome, 1913, pp. 139 ff., 197), although he too elsewhere defends the obligation to confess. He says: "Therefore that reply is to be placed in almost the same category as any other reply given by private persons, which can easily be seen to be deficient on many grounds." Compare the rest of his words cited by Ojetti, Synopsis rerum moralium et iuris pontificii, vol. 3, no. 3166.

Moreover, concerning the second and principal document about new converts in England, Génicot-Salsmans rightly observes: "The bishops of England set forth particular circumstances which at that time rendered confession more necessary; namely, many of the Anglican clergy were diligently

attentive to the valid conferral of Baptism, and consequently the number was increasing of those concerning the validity of whose infant Baptism there could scarcely be room for doubt. These circumstances, therefore, could have moved the Holy Office to issue that special provision where, on account of the very great probability of infant Baptism, there was only a slight probability that sins were remitted by conditional Baptism" (no. 259). In such a case the matter falls outside the question with which we are here concerned; for, as was said above, the controversy concerns only a case in which there is a solid probability that the earlier Baptism was invalid and, therefore, that the second is valid.

As for practice, "where the Holy See or the bishops prescribe confession, it is ordinarily to be imposed upon new converts; nevertheless, since this law is probably merely ecclesiastical, whenever it remains truly probable that the earlier Baptism was invalid, it is to be enforced with that moderation which is proper to positive laws. In other regions, such confession is to be strongly recommended, so that the remission of sins previously committed may be more certain, but without a strict precept, except in a case in which it is not truly probable that the earlier Baptism was invalid, and hence the remission of sins through Baptism now conferred conditionally is not solidly probable" (Génicot-Salsmans, no. 259; Bucceroni, no. 672, and Cappello, no. 51, say the same).

In the United States of America, confession is to be imposed upon new converts; for the Second Plenary Council of Baltimore, decree 242, stated: "In receiving converts from heresy into the faith, we wish that the method contained in the Form delivered by the Sacred Congregation of the Holy Office on 20 July 1859 be observed exactly"; and the Third Plenary Council of Baltimore, no. 122, directs: "After the investigation has been made, the new convert is to be received according to the method described in the Instruction of the Holy Office of 1859."

NOTE 3. THEOLOGIANS INQUIRE WHETHER THE DIVINE PRECEPT OF CONFESSION IS SATISFIED BY AN INVALID CONFESSION (WHETHER SACRILEGIOUS OR NOT) AND BY A VALID BUT UNFRUITFUL CONFESSION

It is most commonly admitted that an invalid confession does not satisfy the precept, since in that case the very thing prescribed is not performed, an invalid confession being no confession at all.

A fortiori, the same is taught concerning a sacrilegious confession, since such a confession not only involves invalidity but also adds a voluntary frustration of the end of the sacrament. Alexander VII condemned this proposition: "He who makes a confession voluntarily null satisfies the precept of the Church" (Denz. 1114; the Code of Canon Law likewise rejects it, canon 907). But if it does not satisfy the precept of the Church, a fortiori it does not satisfy the divine precept. This is also confirmed by comparison with the precept of Communion, which is not satisfied by sacrilegious Communion, as appears from the following proposition condemned by Innocent XI: "The precept of annual Communion is satisfied by sacrilegiously eating the Lord" (Denz. 1205; likewise rejected by the Code of Canon Law, canon 861).

It is disputed, however, whether the divine precept is fulfilled by a valid but unfruitful confession.

In our opinion, which denies the possibility of such a confession (cf. above, Article 29), this dispute has neither object nor foundation. But on the hypothesis of those who admit such a possibility, the fulfilment of the precept is rightly affirmed along with them, notwithstanding the inappropriate contradiction of one or another theologian, such as Adrian (On Confession, question 5, doubt 4),

cited by Suárez (Disputation 35, section 4, no. 2). The reason is that by such a confession the prescribed act is performed, since it is a true confession and a true sacrament. Nor does it matter that it lacks the fruit of grace and is in some manner frustrated in attaining its end: both because this frustration is not voluntary, and especially because the end of a law does not fall under the law. It is clear, however, that in a case in which, according to the opinion of Suárez and others, the confession would be unfruitful through a defect of universality or integrity, the divine precept would not be perfectly satisfied by it until the forgotten sins were also subsequently subjected to the keys (cf. Suárez, Disputation 35, section 4, no. 5).

CONCLUSION 4.

Sacramental confession is also necessary by virtue of a true and direct ecclesiastical precept which, in itself and independently of the precept of Easter Communion, obliges one to confess at least once a year (Supplement, question 6, articles 3, 5, and 6; Quodlibet I, articles 10, 11, and 12).

Proof 1. From the Documents of the Church.

The Fourth Lateran Council, chapter 21, on the confession to be made, cited in Article 1 (volume I, p. 62 ff.), employs words that are preceptive ("Every member of the faithful of either sex ... shall confess once a year to his own priest"), no less preceptive than the words by which the same Council expresses the precept of Easter Communion ("Reverently receiving the sacrament of the Eucharist at least at Easter"). Moreover, the Council proposes two distinct precepts, namely, of confession and of Communion; and it says nothing from which it could be understood that confession is commanded, not for its own sake, but on account of Communion. Indeed, the distinction between the two precepts is indicated more clearly by the fact that confession is commanded without qualification, whereas Communion is commanded with this limitation: "Unless perhaps, on the advice of his own priest, he judges that for some reasonable cause he ought to abstain for a time from receiving it."

What certain opponents have said, in order to prove that the direct precept concerns Communion alone—namely, that the penalties of excommunication (or exclusion from entering the church) and deprivation of ecclesiastical burial, threatened by the Council, refer to the precept of Communion alone—is false, as is apparent from the very wording of the decree.[464]

[464] These penalties are not enacted under the present law, as is evident from the Code of Canon Law, canon 906.

The Council of Trent, session 14, chapter 5 (cited above, p. 475), explaining the decree of the Fourth Lateran Council, likewise employs preceptive words ("The Church ordained ... that the precept of confession at least once a year ... should be fulfilled"). Nor does it, moreover, make any mention of Easter Communion; indeed, it equivalently denies any necessary relation of annual confession to that Communion, when, at the end of the same chapter 5, it sets forth the custom of confessing during Lent merely as salutary, pious, and deservedly retained (Denz. 901). It sums up the same doctrine in canon 8, defining: "If anyone says that the confession of all sins, as the Church observes it, is impossible and is a human tradition to be abolished by the pious; or that all the faithful of Christ, each and every one of either sex, are not bound to it once a year according to the constitution of the great Lateran Council, and that for this reason the faithful of Christ should be persuaded not to confess in the season of Lent: let him be anathema" (Denz. 918).

The Catechism of the Council of Trent (cited above, p. 475) likewise speaks of the law of the Lord and the law of the Church, and makes no mention of Communion.

The Code of Canon Law, distinguishing the two precepts of Communion (canon 859, § 1) and confession (canon 906), repeats the Lateran law on annual confession in this more effective form: "Every member of the faithful of either sex, after reaching the years of discretion, that is, the use of reason, is bound faithfully to confess all his sins at least once a year."

Proof 2. From the Understanding of the Faithful.

In ordinary catechisms, the faithful are taught that there are five precepts of the Church, among which confession and Communion are enumerated distinctly and separately.

If someone is excused for a reasonable cause from receiving Communion, he is not on that account considered excused from confession; and for this reason pastors exhort children to come to confession even though they are not yet prepared to receive Communion worthily and fittingly.

If someone omits both confession and Communion, he is considered guilty of two sins, to be accused separately in confession; but if confession were commanded only incidentally, or with reference to Communion, there would be only one sin, that of having omitted Communion.

Nor does the custom of many of the faithful of satisfying the precept of confession during the same Easter season in which they fulfil the other precept of Communion stand in the way. For such a custom in no way proves that the faithful commonly fail to distinguish between the two precepts, but merely shows the convenience which many find in observing both at the same time.

The reason of the opponents mentioned above (p. 465), which touches upon the Church's very power to enact a law of confession, is frivolous. For, although the Church cannot directly command acts that are merely internal, she can command an external act to which an internal act is essentially joined, and in this way reach the whole as one. Nor does she command and reach Communion itself otherwise: for Communion is not the mere eating of a host but the worthy reception of the Body of Christ. Thus the precept of the Church is not satisfied by a sacrilegious reception, because of the lack of an interior disposition of soul; nor by reception of a host which is subsequently shown not to have been consecrated, because of the absence of the invisible Body of Christ.

In the notes that follow, we shall examine twelve questions discussed by theologians concerning the nature of this ecclesiastical precept. The first seven concern matters of fact: the distinction between this precept and the precept of confession before Communion; its origin and development; its relation to the divine precept of the confession of sins; its subjects; its object; the determination of its time; and the manner of observing it. The last five, however, concern matters of possibility: whether the Church could have established this precept even if no divine precept had preceded it; whether the Church can command the confession of venial sins; whether she can command the confession of sins already confessed; whether she can dispense from the divine precept; and whether she can abrogate her own human precept or dispense from it.

NOTE 1. ON THE PRECEPT OF CONFESSION BEFORE COMMUNION AND THE CELEBRATION OF MASS (Supplement, q. 5, aa. 1 and 3)

1. Besides the precept of annual confession, there exists a proper and distinct precept of confessing mortal sins before participation in the Eucharistic sacrament and sacrifice. As it is expressed by the Council of Trent (session 13, chapter 7 and canon 11) and enacted by the Code of Canon Law (canons 807 and 856), it comprises three distinct precepts: the first

concerns all who receive Communion, while the other two concern priests who celebrate, namely, to confess before Communion; to confess before the celebration of Mass; and to confess as soon as possible after celebrating in the case of one who, by reason of necessity, has lawfully celebrated Mass without a preceding sacramental confession. The meaning and precise determination of these obligations are explained by moral theologians.

2. This precept is entirely distinct from the precept of annual confession. As was said in the Affirmative and Negative Parts (p. 465), certain earlier writers improperly attempted to reduce the former to the latter. From this opinion it would follow that there is no proper and distinct ecclesiastical precept concerning confession (except perhaps the conditional obligation to confess as soon as possible, of which we have spoken), if it is also maintained, with the more common opinion, that this precept of confession before the Eucharist is of divine law and has merely been declared by the Church.

3. That this precept is strictly so called, and therefore involves a true obligation and not merely an urgent counsel or recommendation, is certain and clearly evident from the wording of the Council and of the Code. Nevertheless, certain theologians before the Council of Trent denied it, most notably Cajetan.

Cajetan writes (on the Third Part, q. 80, a. 4):

> "A doubt occurs whether one who is contrite but has not yet confessed a mortal sin, when a suitable confessor is available, sins mortally in receiving the Eucharist. The occasion of the doubt is that it is commonly said that, when a confessor is available, a contrite person is bound to confess a mortal sin before receiving the Eucharist. Yet it is not commonly asserted that he is bound under pain of mortal sin. To clarify this difficult question, therefore, one must first determine whether he is so bound under pain of mortal sin to make this confession before the Eucharist, or is not so bound; whether, that is, by natural law, by positive law, or in neither way."
>
> "First and foremost, no positive law appears which commands confession before receiving the Eucharist. As for the argument from natural reasoning brought forward for this purpose by the holy Doctors, it is that the distribution of the Eucharist belongs to the ministers of the Church; and therefore one about to receive the Eucharist must be clean in the judgment of the Church. It seems, however, that the holy Doctors themselves did not establish this conclusion so firmly or so necessarily, since they say that it holds, not simply and absolutely, but only when a confessor is available. And indeed this reasoning neither compels nor establishes a law; for it can easily be answered that one who is to receive the Eucharist from the ministers of the Church ought to be clean in the judgment of the ministers, or in the judgment of God Himself, the minister of ministers. But the contrite person is clean in the judgment of God, and is also a formed member of the Church militant. Furthermore, this precept does not appear from divine law. On the contrary, the opposite is rather suggested in First Corinthians, chapter 11, when the Apostle says: 'But let a man prove himself, and so let him eat of that bread.' Observe that, when he says, first, 'let a man prove himself,' this pertains to contrition; for he does not say, 'let him be proved by a confessor.' And although a negative argument from authority carries little or no weight, this negation nevertheless seems to be supported by the

second, affirmative statement. For he adds, 'and so let him eat of that bread.' This conjunction shows that it is sufficient for receiving the Eucharist that a man prove himself; for if proving oneself did not suffice, the Apostle would not have joined the statement of the disposition required for communicating to the words 'and so,' that is, 'having proved himself, let him eat of that bread,' and so forth."

"Therefore it seems to me, from this testimony of the Apostle and the reasoning which follows, that a contrite person does not sin mortally in receiving the Eucharist, even when a confessor is available. The reason for the conclusion is that the act of a contrite person who has not confessed a mortal sin, receiving the Eucharist, is not a mortal sin of its own kind. This is evident because, if it were mortal of its own kind, it would be lawful in no case; as is clear from considering all acts which are mortal sins of their own kind. Yet this act is sometimes lawful, as all admit, namely when an opportunity for confession is lacking. It is therefore established that, absolutely speaking, for a contrite person to receive the Eucharist without confessing a mortal sin is not a mortal sin, and consequently not sacrilege, but becomes mortal only through an accidental difference: whether, that is, a confessor is available or not available. Since both of these circumstances are accidental to the act in question, an act which is of itself not mortal cannot thereby become mortal; for a judgment concerning things in themselves must not be derived from human accidents."

This entire discussion, which Cajetan was permitted to write before the Council of Trent, was expunged from the Piana edition of his works. The first argument of the Commentator is defective in view of the ancient tradition which, as the Council of Trent says (session 13, chapter 7), has always understood the necessity of confession before Eucharistic Communion. His second argument remains untouched by the powerful reasoning from fittingness adduced by St. Thomas himself (Supplement, q. 5, aa. 1 and 3, cited below), which rests on a person's subjecting himself to the ministers of the Church through confession before receiving the Eucharist from them. His third argument is refuted with more than sufficient force by the words, 'Let a man prove himself.' His fourth argument, or positive reasoning, proves only that confession before the Eucharist is not necessary from the nature of the thing, as contrition is; it does not prove that confession is not necessary by reason of a precept.

Others after the Council of Trent restricted this same denial to the third aforesaid obligation, that of confessing as soon as possible. Accordingly Alexander VII condemned the following two propositions: "The command of the Council of Trent, imposed upon the priest who celebrates through necessity while in mortal sin, to confess as soon as possible, is a counsel, not a precept" (Denz. 1138); and "The phrase 'as soon as possible' is understood as meaning when the priest will confess at his own time" (Denz. 1139).

4. It is disputed whether this precept is divine or merely ecclesiastical (although it may perhaps be apostolic) as regards the first two obligations; for the third obligation, to confess as soon as possible, plainly appears to be of ecclesiastical law alone.

A few writers, especially among more recent moral theologians, maintain that it is a merely ecclesiastical precept, introduced by ancient custom, enacted by the Council of Trent, and confirmed by the Code of Canon Law. Thus certain theologians at Trent,[465] John Medina, Ballerini-Palmieri,

Noldin-Schmitt, Diekamp, Hervé, Merkelbach, Piscetta-Gennaro, Bernard,[466] and Génicot-Salsmans, who writes:

[465] Cf. Theiner, Acta Concilii Tridentini, vol. 1, pp. 488 ff.; Pallavicini, Histoire du concile de Trente, book 12, chapter 2.

[466] In the Dictionnaire de Théologie Catholique, article "Confession," cols. 910 ff., Bernard writes: "Neither St. Paul's text (1 Cor. 11:28) nor the general practice of the Church can be invoked as valid arguments. Cajetan recognized in this law only an ecclesiastical precept of relatively recent origin (Opuscula), and Medina explained it by custom gradually introduced into the Church (De confessione, q. 17, Salamanca, 1550, p. 195). It does not even seem that this prescription or custom had become absolutely established in the second half of the thirteenth century. St. Bonaventure expresses his personal opinion in a qualified form when discussing the priest who is not bound to celebrate and is conscious of grave sin: 'I do not believe that he does well in celebrating or approaching [Communion]' (Dist. XIII, dub. 1, p. 311)." He continues: "The Council of Trent simply contented itself, in order to defend this obligation against Protestant attacks, with recalling the precept of St. Paul and invoking the traditional interpretation supplied by the practice of the Church. From the very special formula employed by the Council, it has sometimes been concluded that the ecclesiastical precept was a pure declaration of an existing divine right, fixing in practical terms the meaning of the Pauline text. Suárez, who adopts this opinion, nevertheless attributes to it only the character of probability (op. cit., disp. LXVI, sect. iii, no. 9, pp. 469 ff.). It seems more natural to think that, without modifying the general meaning of St. Paul's precept, ecclesiastical custom simply determined the particular manner in which this precept should be observed, so as to ensure more effectively a worthy and fruitful reception of the Eucharist. The dogmatic question thus remains undecided." Likewise, even the choice of the expression "decreed and declared," in canon 11 of the same session, can be taken as implying a doctrinal definition, as certain theologians contemporary with the Council imagined. See Melchior Cano, Relectiones de Poenitentia, p. 5, verse, p. 400. In its most obvious sense the text must be understood as a new and solemn affirmation of a prior and absolute obligation imposed upon the whole Church, not by the conciliar decision alone but by a universal custom having the force of law, and therefore independent of any local promulgation of the present decree. Cf. Suárez, loc. cit.

> "Most consider this law to be of divine right, promulgated by the Apostle (St. Alphonsus, no. 256); some (Ballerini-Palmieri, no. 130) hold, more correctly, that it is of ecclesiastical right alone, since nothing further is demonstrated. For the necessity of confession certainly cannot be proved from the Apostle's own words, since he nowhere determines whether the state of grace must be recovered through contrition alone or through actual confession before the Eucharist is received. Nor does the same conclusion follow from the passage of the Council of Trent. For the history of that Council by Cardinal Pallavicini (book 12, chapter 2), and the acts of the same Council published by Theiner (vol. 1, pp. 488 ff.), establish that many bishops and theologians who took part in it held this opinion: the necessity of confession before Communion had been introduced by the Church and was to be observed absolutely, lest unworthy Communions be multiplied if the care of examining whether, after committing a mortal sin, one had attained perfect contrition were left to the conscience of each of the faithful. They considered, however, that the other proposition of Luther, which denied that necessity, especially in the case of learned persons, should be condemned as scandalous, but by no means as heretical, in order that the aforesaid opinion might be spared. Yet nothing in the Acts of that Council shows that the Fathers departed from this moderation. The words approved by the Council are fully satisfied if it is admitted that an ecclesiastical custom, which the Fathers wished to be observed inviolably, brought it about that the examination required by St. Paul should take place in sacramental confession before Communion. Indeed, the word 'decreed' [statuit], which is added in canon 11, indicates an ecclesiastical law rather than a declaration of divine law: 'The sacred Synod itself decreed and declared ...' Finally, on this view it is far more conveniently explained why many Fathers, when they exhort sinners to cleanse

their conscience before receiving Communion, make no explicit mention of a preceding confession" (no. 192).

The more probable opinion, and by far the more common among theologians, teaches that this is a divine precept which the Church has merely declared, while adding the aforesaid determination that a priest who celebrates without a preceding confession must confess as soon as possible. Among those who hold this opinion are Bartholomew Spina,[467] Soto, Suárez, Vásquez, Gonet, Lugo, John of St. Thomas, the Salmanticenses, Billuart, St. Alphonsus, Cappello, Prümmer, Gihr, Pesch, and Hugon. It is supported by the following reasons.

[467] This author (d. 1546) defended this opinion before the Council of Trent in a special dissertation entitled De necessitate confessionis ante sacram communionem, Venice, 1530 (cf. pp. 5–8).

First, because this precept has always been admitted and observed, and there is no evidence as to when or by whom it was imposed. The Fathers and ancient Doctors (see below) speak absolutely and simply of the necessity of confessing mortal sins before Communion, without in any way suggesting that this necessity proceeds from some ecclesiastical command or enactment.

Second, because such a precept is probably contained in the words of the Apostle, "But let a man prove himself" (1 Cor. 11:28), as the Council of Trent teaches: "He who wishes to communicate must call to mind the precept: 'But let a man prove himself.' Ecclesiastical custom declares that this examination is necessary, so that no one conscious to himself of mortal sin ... should approach the sacred Eucharist without a previous sacramental confession" (session 13, chapter 7; Denz. 880). Moreover, at the beginning of the passage in which he introduces these words, the Apostle says, "For I have received of the Lord that which also I delivered unto you" (1 Cor. 11:23). This can be referred not only to the institution of the Eucharist, but also to the examination which is to be made; for the Apostle does not introduce this examination as something new, but supposes it to be known, since he reproves the Corinthians for its omission.

Third, directly from the words of the Council of Trent themselves: "Ecclesiastical custom declares." These openly indicate that the Council itself did not enact a new law but derived it from ecclesiastical custom, and that this custom itself did not introduce the law but merely declared it. In the light of these same words, the force of the expression "decreed" [statuit], which the Council uses in canon 11 and which opponents invoke on their own behalf, must be understood and explained: the decree in question is merely declaratory. If anyone wishes to insist upon the words of canon 11 alone, let him observe that the Council equally uses the word "declares" ("decreed and declared"); for just as one word is invoked in their favor, so the other may be invoked on ours.

Fourth, from the Church's manner of acting. For to require sacramental confession before Communion or the celebration of Mass brings many and quite serious inconveniences, especially in times far removed from the purity and fervor of the first centuries. This fact might perhaps at some time have led the Church to mitigate the rigor of her law, if it had been a law of her own, since she does not otherwise require confession before receiving the other sacraments.

Fifth, from the argument of great fittingness. To precede Communion with sacramental confession, through which a safer and more perfect disposition for it is obtained, is especially fitting to the holiness of this sacrament, which far surpasses that of the others because of the presence of Christ Himself. It is fitting, moreover, to the sacramental authority of the Church, for "the dispensing of the

Eucharist belongs to the ministers of the Church, and therefore before the remission of sin through the ministers of the Church, one ought not to approach the Eucharist, even though one's fault may have been remitted before God" (Supplement, q. 5, a. 1, ad 3).

5. Whatever may be the divine character of this precept, it is certain that its origin goes back almost to apostolic times.

The necessity of a worthy examination, which the Apostle urges in 1 Cor. 11:28, "ecclesiastical custom," as the Council of Trent says, either first imposed in the form of a precept of confession, and that from apostolic times, or has constantly observed it thereafter. Cf. the Didache, 4:14 and 10:6; 14:1 (cited in vol. I, p. 91 ff.); the Epistle of Barnabas, 19:12 (cited ibid., p. 92); Cyprian, On the Lapsed, 16; Epistle 10, 1 ff. (cited ibid., p. 113 ff.); Augustine, Epistle 118, 2 ff. (cited in the treatise On the Eucharist, vol. I, p. 730 ff.); Sermon 351, no. 10, compared with no. 11; and Leo the Great, Epistle 108, 2 (cited in vol. I, p. 61 ff.).

In the eighth century, St. Pirminius the abbot writes:

> "No one, after committing capital crimes, should presume to communicate in the Body and Blood of the Lord before he makes his confession and performs true penance according to the counsel of a priest, in accordance with ecclesiastical order. ... Therefore I admonish you that whoever, being a Christian, has committed a criminal fault after Baptism should make a pure confession to a priest and perform true penance; and after the penance has been performed, at the time appointed by the priest, he should offer his oblation to the priest and receive Communion in the Body and Blood of Christ" (Scarapsus, On the Individual Canonical Books, M.L. 89, 1043).

At the same period Alcuin († 804) puts this confession upon the lips of a sinner:

> "I shuddered at knowingly receiving the Body and Blood of the Lord unworthily, with heart and body defiled, without confession and penance, fearing the judgment of God that would come upon me" (On the Use of the Psalms, 11, M.L. 101, 499).

In the eighth and ninth centuries various Capitula, Capitularies, Rules, and Formularies impose confession before Communion, or presuppose it when they prescribe confession during Lent, or during three penitential seasons when the faithful were to approach Communion (cf. the following Note).

All the particular councils of the Middle Ages prescribe confession on those days on which the faithful are invited to Communion.[468] Certain statutes require from communicants a document or certificate testifying that confession has been made.[469]

[468] Cf. Hartzheim, Concilia Germaniae, vol. 3, p. 692; vol. 5, p. 525; Labbé-Coleti, Concilia, vol. 9, no. 10, p. 27; Bál, Summa conciliorum omnium, vol. 2, p. 807.

[469] Cf. Binterim, Deutsche Concilien, vol. 5, p. 288.

Pseudo-Augustine, On True and False Penance (toward the end of the eleventh century), chapter 15, writes:

"Let him also who delights in true penance take care not to approach the Body of the Lord before a good conscience strengthens him [he is speaking of confession]" (M.L. 40, 1126). Gratian (Decretum, part II, On Penance, dist. 5, ch. 1) and Peter Lombard (Sentences, book IV, dist. 16, no. 1) repeat these words in the same context of confession.

NOTE 2. ON THE ORIGIN AND DEVELOPMENT OF THE ECCLESIASTICAL LAW OF ANNUAL CONFESSION

The universal law, explicitly and uniformly imposed by the Holy See itself upon the whole Church, was first enacted by the Fourth Lateran Council in 1215. It was constantly retained thereafter, confirmed by the Council of Trent and substantially by the Code of Canon Law, with certain accidental modifications. It was preceded by a law that was universal in practice and equivalently, so to speak, inasmuch as particular decrees of churches and councils constantly and everywhere imposed the precept of confessing to one's own priest (that is, to the parish priest, bishop, or Supreme Pontiff),[470] at least once during the year, commonly during Lent, but more frequently in the three seasons of penance (Christmas, Easter, and Pentecost), when the faithful were invited to Communion.

[470] Cf. below, Article 99.

The Council of Agde in 506 and the Third Council of Tours in 813 (canon 50, included in the Corpus Juris and there wrongly attributed to Pseudo-Fabian the Pope) prescribe Communion, preceded by confession, three times a year: at Christmas, Easter, and Pentecost. We have cited the text in the treatise On the Eucharist, vol. I, p. 536.

Chrodegang, bishop of Metz (742–766), is cited in the preceding article (p. 405).

Theodulf, bishop of Orléans (788–822), writes in his Capitula, chapter 36:

"One week before the beginning of Lent confessions are to be given to the priests, and penance is to be received. ... And thus they are to approach the holy Easter during blessed Lent with clean and purified minds and to renew themselves by penance, which is a second baptism" (M.L. 105, 203). He repeats the same in the Capitularium (ibid., 218).

The Penitential of Pseudo-Egbert (ninth century), chapter 65, has:

"When the year has come round, the time has arrived when every man ought to speak with his confessor and, with his confessor's permission, begin his fast and confess to God and to his confessor the offenses that he has committed."[471]

[471] Wasserschleben, Die Bussordnungen der abendländischen Kirche, Halle, 1851, p. 34.

St. Ulrich (tenth century), in his Synodal Sermon, commands:

"On the Wednesday before Lent invite the people to confession, and impose penance upon them according to the gravity of the offense, not from your own judgment, but as it is written in the Penitential. Four times in the year, that is, on the Nativity of the Lord, the Supper of the Lord, Easter, and Pentecost, admonish all the faithful to approach Communion in the Body and Blood of the Lord" (M.L. 135, 1072 ff.).

Regino, abbot of Prüm († 915), On Ecclesiastical Discipline, book I, chapters 288 and 292, cited in the preceding article (p. 407); likewise book I, chapter 65:

> "[It is to be asked] whether anyone fails to come to confession even once in the year, that is, at the beginning of Lent, and to receive penance for his sins" (M.L. 132, 285).

Gratian († 1158), Decretum, On Consecration, dist. 2, ch. 16, cites the aforementioned canon 50 of the Second Council of Tours.

Alan of Lille († about 1200), Summa on the Art of Preaching, chapter 31, writes:

> "There is a twofold confession of sin, one general and the other special. The general is made daily in the morning and evening office, that is, at Compline, for venial and hidden sins; the special is made for mortal and manifest sins. To this the clergy are bound on individual Saturdays; the laity, however, are bound to make a special confession three times a year, namely, at Christmas, Easter, and Pentecost" (M.L. 210, 172 ff.).

The Fourth Lateran Council (1215) gathered these aforesaid ecclesiastical precepts into a universal law. The Council of Trent (session 14, chapter 5 and canon 8, cited above on p. 475) simply refers to the Lateran law, defending it dogmatically against the calumnies of the Innovators rather than juridically enacting it. Nor does it mention the obligation to confess to one's own priest or the twofold penalties—exclusion from entry into the Church and deprivation of ecclesiastical burial—attached to the Lateran decree. Finally, the Code of Canon Law (canon 906) enacted the same law in juridical form, abrogating (canon 905) the previously mentioned obligation of confessing to one's own priest, which had gradually fallen into disuse because of the extensive privilege granted to religious, and omitting the threat of the aforementioned penalties, which even in the ancient law were merely ferendae sententiae, that is, they were not incurred except after the sentence of the bishop.

NOTE 3. ON THE RELATION BETWEEN THE ECCLESIASTICAL PRECEPT OF ANNUAL CONFESSION AND THE DIVINE PRECEPT OF CONFESSING SINS

The ecclesiastical precept is a mere determination of the divine precept with respect to a certain circumstance, namely the circumstance of time (and formerly also with respect to the person of the minister, namely one's own priest, and the threat of penalties). Indeed, it cannot be anything other than a determination of the divine precept, because, as will be stated in Note 8, the Church could not impose confession unless it had first been commanded by God. As is evident from what was said in the preceding Conclusion (Note 1, p. 480), the precept of the Church is probably stricter than the divine precept as regards the time; and moral theologians generally say that it is practically certain that one who satisfies the Church also satisfies the precept of God.

The question is disputed among dogmatic theologians whether the ecclesiastical precept is divine as to its substance and human only as to its manner or its determination of time. Soto, Cano, Vásquez, and Suárez affirm this (Disp. 36, sect. 1, no. 4), the last of whom says: "The reason is clear, because the whole substance of this act is of divine right; therefore only that it be done at such a time is commanded." Hadrian, Prado, Dicastillo, and the Salmanticenses, on the other hand, deny it (Disp. 8, dub. 2, § 1, no. 25 ff.; § 2, no. 34; where the matter is more fully disputed). They teach that the ecclesiastical precept is properly and simply human, although it presupposes the divine precept and

has substantially the same matter (under which aspect, by an indulgent use of language, it might be called divine as to its object).

This second opinion is much more reasonable, unless the question be merely one of words. For whether a precept is divine or human is not determined directly by the object or matter prescribed, but by the authority and title from which the obligation proceeds. Moreover, it does not appear how its substance can be separated from the circumstance of time, so that one precept concerns the substance and another concerns the circumstance of time, since this circumstance is necessarily connected with an action in time, and an action could not even be prescribed unless some time for performing it were appointed. Thus, just as God commands confession to be made at a time of urgent necessity, and particularly at the point of death, thereby touching both the manner and substance of the action and the circumstance of time, so likewise does the Church, though with a more restricted determination of time. Furthermore, if the precept of annual confession were divine as to its substance, the same would have to be said of the precept of annual and Easter Communion, and even of the precept requiring a celebrant to offer the sacrifice of the Mass fasting and at the hours appointed.

NOTE 4. ON THOSE SUBJECT TO THE PRECEPT OF ANNUAL CONFESSION

Only the baptized, and all the baptized, are bound by this precept. Only the baptized are bound, because the Church cannot enact laws for the unbaptized, since they are neither members nor subjects of the society to which a person is joined through Baptism. All the baptized are bound, because the Church intends to determine the divine precept itself, to which all are subject, and in fact determines it not with respect to persons but only with respect to time. The manner in which those whose Baptism is doubtful are bound has been explained in the preceding Conclusion (Note 2, pp. 482–488).

HERETICS, THEREFORE, SCHISMATICS, AND EXCOMMUNICATED PERSONS are bound by this precept (although by transgressing it they do not commit a sin distinct from the very sin of formal heresy, or disobedience, or contumacy, in which all transgressions of ecclesiastical laws are combined), because, although they are not members, they are nevertheless subjects of the Church by reason of Baptism.

Some few formerly denied this for two reasons: first, because the precept is imposed only upon the faithful ("Every faithful person of either sex"); secondly, because the imposition of the precept upon non-Catholics who do not observe it would be useless and consequently harmful, and not ordered toward the common good.

Nevertheless, the first argument is merely specious and does violence to the meaning of the word. For according to ecclesiastical and ordinary terminology, the word "faithful," taken simply and unless a contrary sense is evident from elsewhere, does not signify fidelity to Christian laws or the observance of them, nor even the subjective profession of faith, but rather an objective adherence to the society of the faithful through the reception of the sign of faith, which is Baptism. In this sense, therefore, "unfaithful" simply means "unbaptized"; theologians discuss whether the little children of unbelievers may be baptized against the wishes of their parents; and the Council of Trent (session 14, the same chapter 5, which treats of the law of confession for all the faithful) says that Christ gave

priests the power of remitting the sins into which the faithful of Christ might fall, which certainly regards non-Catholics as well.

The other argument does not hold either. The law is made and remains for the good of the community and is not frustrated in its effect because many people (not only non-Catholics but Catholics as well) do not obey it. Moreover, if this argument based on the object were valid, it would follow that malice, or even the very circumstance of being non-Catholic, ought to exempt persons from every ecclesiastical law. Nor is it relevant that under the new law they are in fact exempted from observing the canonical form of Marriage: first, because this exemption is not necessary in itself, as is evident from the fact that it was introduced only recently; and secondly, because the reason for introducing it was not mere disobedience to the law, or the frustration of the law among non-Catholics, but rather the greater evils for public order which arose and multiplied from that disobedience and frustration.

THE SUPREME PONTIFF is bound in conscience to observe the ecclesiastical law concerning annual confession, or, more properly speaking, to confess, like other persons, at least once during the year, whether this obligation arises properly and directly from the ecclesiastical law itself or whether it arises properly and directly from natural law and only indirectly, or on the occasion of the ecclesiastical law, from the latter.

On this point the doctors are not of one mind, and they divide into various opinions. Their diversity arises both from the manner in which the question is posed and from their understanding of it. For it is one thing to inquire whether the Pope is bound to annual confession, and another to inquire whether he is properly bound by the ecclesiastical law of annual confession, or whether his obligation proceeds properly and directly from that ecclesiastical law; and the difference also arises from the manner of estimating either the force of a human law issuing from the ruler of a society, or an obligation derived indirectly to that ruler. The present question is simply a particular case of the general question of how the Pope (and, generally, rulers) is bound by laws of the society established by himself.

Accordingly, a few say that the Pope is not bound to annual confession imposed by ecclesiastical law. Thus Richard (On the Fourth Book of the Sentences, dist. 17, art. 2, question 4, reply 5), who nevertheless adds that the Pope is bound to confession by a certain fittingness; and Scotus (On the Fourth Book of the Sentences, dist. 17, question 1, art. 1), insofar as he intends to prove that the precept of confession is not merely ecclesiastical precisely because it binds the Pope; whence it follows, according to him, that the Pope is not bound by an ecclesiastical precept.

The common and true opinion, however, teaches that the Pope (as also every legislator within his own order and society) is bound by his own precept insofar as its directive force is concerned, that is, as regards guilt, so that he sins by not observing it; but not insofar as its coercive force is concerned, that is, as regards punishment, so that his nonobservance cannot be judged and punished by others.[472] The first is evident at least from the fact that the natural law itself dictates and commands that the head conform himself to the other members and that rulers not contradict themselves, teaching and commanding one thing in word while presenting another in deed and example. For "it is by the law of nature that what you do not wish to be done to you, you should not do to another"; and consequently, "the law that you do not wish to govern you, you must not impose."[473] The second is

evident from the fact that above a supreme ruler there is no human being who can coerce him, nor can the ruler himself coerce himself, since he is not superior to himself.

[472] As is evident, the question concerns general laws whose object regards the subject and the ruler equally, such as the law concerning confession, hearing Mass, or reciting the Breviary. Particular laws made for laypeople, parish priests, or religious do not, in the same way, apply to the ruler.

[473] Cajetan, on I–II, question 96, article 5, no. 4.

St. Thomas speaks to the matter in I–II, question 96, article 5, reply to objection 3 (cf. the body of the article):

> "The sovereign is said to be exempt from the law as regards its coercive force, for no one, properly speaking, is coerced by himself, while a law has coercive force only from the power of the sovereign. Thus the sovereign is said to be exempt from the law because no one can pass a judgment of condemnation upon him if he acts contrary to the law. Hence on the words of Psalm 50 [51]:6, 'To Thee only have I sinned,' the Gloss [of Cassiodorus] says that 'the king has no man to judge his deeds.' But as regards the directive force of the law, the sovereign is subject to the law by his own will, according to what is said in the Decretals, On Constitutions, chapter Cum omnes: 'Whatever right a man establishes for another, he himself ought to make use of that same right.' And the authority of the wise man [Dionysius Cato, Distichs on Morals Addressed to His Son, preliminary saying 3] says: 'Submit to the law which you yourself enact.'[474] Those who 'say and do not,' and 'bind heavy burdens on others, but will not move them with a finger,' are also reproached by the Lord; as is found in Matthew 23. Therefore, as regards the judgment of God, the sovereign is not exempt from the law in respect of its directive force, but must fulfill the law voluntarily, not under coercion. The sovereign is also above the law inasmuch as, if it is expedient, he can change the law and dispense in it according to place and time."

[474] Certain editions add: "And in the Code, the Emperors Theodosius and Valentinian write to Volusianus the Prefect: 'It is a saying worthy of the majesty of a ruler that the prince profess himself bound by the laws; so greatly does our authority depend upon the authority of the law. And indeed it is a greater thing than ruling to subject sovereignty to laws'" (book IV, On Laws and Constitutions).

As to the further question, however, whence such an obligation in the legislator arises with respect to the very directive force of the law, the doctors again are divided.

Some, such as Cajetan (on I–II, question 96, article 5), Suárez (Disp. 36, sect. 2, no. 5), Vásquez, Nugnus, and Lugo, say that it arises from the very law enacted by the ruler, which, once freely enacted, regards and obliges the entire community, that is, the head and the members alike. From this they also deduce that the Pope sins mortally by failing to observe the law of annual confession, just as by not reciting the Divine Office or not hearing Mass on days of obligation.

If, however, it is asked why the sovereign is reached by the directive force of the law and not by its coercive force, Cajetan provides a subtle explanation (ibid., nos. 5 and 7): the coercive force consists in a human operation and proceeds from a ruler who cannot coerce himself, whereas the directive and obligating force descends into human law from the eternal law. Consequently, when the condition laid down by his own law has been established, the ruler himself comes under the obligating force of the eternal law descending into the human law; and by that same condition

established by himself, the ruler indirectly directs and obliges himself. For a human being cannot coerce himself, but can indirectly direct and oblige himself.

Others, however, such as Lessius, Diana, and Billuart (On Laws, dissertation 4, article 8), say that the obligation arises not from the law enacted by the ruler, but, on the occasion of that law, from the natural law which commands that, for the good of the community, the head conform himself to the members and that the ruler not contradict himself, as was said above.

The reason is that no one can properly command himself, nor properly be the subject of a law, since he is neither superior nor inferior to himself but his own equal; and, according to the axiom of jurists, "An equal has no authority over an equal." Hence some conclude that the transgression of a ruler is, of itself or apart from scandal, a slight fault, because grave matter regards only the subjects who are under that law. Others, however, say that it is always a grave fault, because the matter in question is grave and the natural law itself binds gravely in grave matter.

Both opinions are probable. The former better explains the strict obligation that arises in a ruler from his own law; and Cajetan's explanation is sufficiently subtle and attractive. But from another standpoint it does not seem adequately to safeguard the truth of the maxim "An equal has no authority over an equal," or else in Cajetan's explanation it appears somehow to empty the authority of the ruler himself of efficacy, since it refers that authority rather to a higher law, the eternal law. The latter opinion, meanwhile, is easier to understand and accords better with common understanding, but from another standpoint it does not seem better fitted to explain the strict obligation that arises in the ruler on the occasion of his law: on the one hand, the slight obligation admitted by some is too little; on the other, a grave obligation apart from scandal is not effectively established.

St. Thomas, however, in the passage cited seems to favor both opinions: the former when he says, "As regards the directive force of the law, the sovereign is subject to the law by his own will"; the latter when he says, "As regards the judgment of God, the sovereign is not exempt from the law in respect of its directive force." Furthermore, according to either opinion, the Pope is not bound by his law within the limits and circumstances in which, as will be stated below in Note 12 (p. 540 ff.), he himself can lawfully dispense others from that law. The supporters of the first opinion explain this by saying that the Pope dispenses himself no less than he dispenses others; those of the latter opinion say that in such a case the obligation of the natural law to conform oneself to the ecclesiastical law does not press upon the Pope.

CHILDREN are bound by this ecclesiastical precept from the moment when they attain the use of reason, whereby they can sufficiently distinguish between good and evil and commit mortal sin.[475]

[475] Gregory the Great, Dialogues, book IV, chapter 18, relates that a boy of about five years of age died while blaspheming and was condemned to hell.

This very common opinion among theologians was formerly denied by a few (especially Diana, part 4, tractate 3, resolution 52), who taught that the obligation of confession begins at the age of seven (Diana), or eight (Lugo), or twelve (Soto), or twelve for girls and fourteen for boys, which is the age of puberty (Sá). Soto, however, on the Fourth Book of the Sentences, dist. 18, question 1, article 3, changed the opinion which he had advanced in the same work, dist. 12, question 1, article 11; and the statements of certain others, such as Lugo, can be understood as referring to the ages at which

the use of reason is ordinarily attained. For children do not ordinarily reach the perfect use of reason before they complete their seventh year.

The reason for the assertion is that the law (Fourth Lateran Council and the Code of Canon Law), without determining any age, says that "every faithful person" is bound to confession "after reaching the years of discretion, that is, the use of reason" (Code).

Nor is it permissible to invoke against this the parallel with Communion, which in the same words (Code of Canon Law, canon 859, § 1), indeed in the same context of the Fourth Lateran Council, is prescribed by law, and to which children who have attained the use of reason are nevertheless not immediately bound. For the law itself, speaking separately of Communion, says that every faithful person is obliged to receive the sacrament "unless, perhaps, upon the advice of his own priest, for some reasonable cause, he judges that he ought to abstain from receiving it for a time" (Code, ibid.; cf. Lateran Council). This limitation is not made in respect of confession, nor would it fittingly be made, because there is no reasonable cause why it should be expedient that a child remain in sin; and therefore delay of Communion for the purpose of suitable preparation is called reasonable (cf. Code of Canon Law, canon 854, §§ 3–5).

For this reason the Holy See condemned the practice of not absolving children before their first Communion, as appears from the letter of Pius IX to the bishops of France dated March 12, 1855, and from the decree Quam singulari of the Sacred Congregation of the Sacraments, August 8, 1910 (no. 1). In the latter decree it is expressly declared:

> "The age of discretion, both for confession and for Holy Communion, is that at which a child begins to reason, that is, about the seventh year, whether above it or even below it. From this time begins the obligation of satisfying both the precept of confession and that of Communion."
>
> "Accordingly, pastors are bound (a) to instruct children concerning confession already from their seventh year, and sometimes even earlier, if they already possess the use of reason; (b) they ought to absolve those who accuse themselves of a mortal sin, even a doubtful one, provided they are rightly disposed; and when there is doubt about sufficient discretion or disposition, if they are capable, they are to be absolved conditionally, lest they remain in sin; (c) confessors would err more gravely if they were unwilling to absolve children entrusted to them before first Communion—a practice which Pius IX condemned in the letter to the bishops of France, March 12, 1855."[476]

[476] Merkelbach, Theologia Moralis, vol. 3, no. 513, p. 460.

NOTE 5. ON THE OBJECT OF ANNUAL CONFESSION

Concerning the sins which give rise to this obligation, two questions have been disputed among theologians:

THE FIRST QUESTION is whether one who has only internal mortal sins is bound to confession, although ecclesiastical law cannot reach internal acts. The affirmative opinion, which scarcely any doctor worthy of mention has contradicted (Suárez cites only the author of the book Margarita Confessorum, under the word "Confession"), is aptly proved by Suárez as follows:

> "First, it is proved from the aforesaid decree [of the Lateran Council], which commands without qualification that all sins be confessed; and internal sins, if mortal, are certainly included among them. Secondly, from the practice and agreement of the whole Church, which understands this precept in that way. Thirdly, because by this precept the divine precept is merely determined with regard to the circumstance of time; but by divine precept a man in this case is bound to confess; therefore by the present precept he is bound to confess within the year. Finally, because this precept concerns an external act, although its remote matter is an internal act."[477]

[477] Suárez, De Poenitentia, disp. 36, sect. 2, no. 2, Opera omnia, vol. 22, Paris, 1866, p. 749.

THE SECOND AND MORE CELEBRATED QUESTION is whether one who has only venial sins is bound to confession.

Certain earlier theologians affirmed this, such as Alexander of Hales (Summa, part IV, q. 77, member 1, articles 1 and 2; member 2, article 3), Bonaventure (on the Fourth Book of the Sentences, dist. 17, art. 4, q. 1), Richard, and, more recently, Nugnus, Juénin[478], and Collet (On Penance, no. 248, part 2, chapter 5). St. Thomas (Supplement, q. 6, a. 3, reply to objection 3) does not contradict them.

[478] Cited in Billuart, dissertation 5, article 2, "You say," no. 2.

Their reason is twofold: first, because venial sins are sufficient matter for confession, and this confession is commanded without qualification by the Church; secondly, because the end of the law is both that there may be greater assurance of the state of grace and greater reverence before the reception of the Eucharist, and that pastors may know their sheep.

The more common opinion, however, and today by far the most common, denies this; and St. Thomas himself (in the place cited) already inclined more toward it.

The reason commonly given is not that the Church absolutely cannot command the confession of venial sins (for this is disputed, as will be said in Note 9), but that in fact she does not command it. This is evident, first, from the fact that the law commands that all sins be confessed, whereas it is impossible to remember and confess all the venial sins committed within a year. Nor would it be for the good of souls to command the faithful to attempt to confess all their venial sins; for this reason all doctors, without distinction, deny that the Church can command the confession of every venial sin.

Secondly, as the Council of Trent teaches (session XIV, chapter 5, cited above on p. 475), the Church intends in this law only to determine, with respect to time, the divine precept itself, which obliges only to the confession of mortal sins.

Thirdly, the Council of Trent expressly declares that "nothing else is required of penitents in the Church than that each one confess those sins by which he remembers himself to have mortally offended the Lord his God" (ibid., Denzinger 900; cf. 899). Since this is said universally, it applies not only to the divine precept but also to the ecclesiastical precept.

Fourthly, before the Code of Canon Law sets forth the law of annual confession in canon 906, it explains in canons 901 and 902 what is the object of the confession which it is about to impose, teaching that mortal sins are necessary matter, but venial sins are free matter.

Cajetan[479]adds that it would be wholly unfitting to say that our loving mother the Church, under grave penalties (at the Lateran Council), bound more perfect men to the confession of venial sins, whereas grave sinners are not bound to such a confession, and thus placed the better in a worse condition.

[479] Cajetan, Quaestiones de Confessione, first question.

As regards St. Thomas (Supplement, q. 6, a. 3), he is without justification cited by some simply among the defenders of the affirmative opinion. Thus Diekamp incorrectly writes: "St. Thomas and some of the older doctors answer affirmatively." [He cites only the body of St. Thomas's article and does not attend to what is said in reply to objection 3.] In fact, the Doctor answers affirmatively in the body of the article, according to the more common opinion of his time. Yet in reply to the third objection, which inquires directly and expressly about a person who has none but venial sins, he proposes two possible solutions: the one affirms the obligation to confess, and the other denies it.

Although he does not say simply which he prefers—and indeed first adduces the affirmative, as being more common among theologians (for of the negative he says, "Or it can be said according to some") —nevertheless he seems decidedly to favor the negative opinion at the end. As Suárez rightly observes ("St. Thomas, if the matter is carefully considered, inclines rather toward the negative"), this is apparent from the willingness with which he explains and strengthens it by the positive reason: "This is clear from the fact that [the law] says all sins must be confessed, which cannot be understood of venial sins." And, in order to satisfy in some way the first opinion, which agrees with the body of the article, he adds that there nevertheless remains for a man who is not bound to confess an obligation to present himself to his own priest.

On this point St. Thomas says in the Supplement, q. 6, a. 3, reply to objection 3 (from his Commentary on the Fourth Book of the Sentences, dist. 17, q. 3, a. 1, small question 3, reply to objection 3):

> "By force of the sacrament one is not bound to confess venial sins, but by the institution of the Church, when one has no other sins to confess. Or it can be said, according to some, that by the aforesaid Decretal [of the Lateran Council] only those who have mortal sins are bound; which is clear from the fact that it says they must confess all their sins, something which cannot be understood of venial sins, because no one can confess them all. According to this, he who has no mortal sins is not bound to the confession of venial sins; but, in order to fulfill the precept of the Church, it suffices that he present himself to the priest and show himself to be without consciousness of mortal sin; and this is reckoned to him as confession."

That the Holy Doctor personally prefers the negative opinion appears still more clearly from the following passages of the same Commentary on the Sentences:

> Supplement, q. 8, a. 5, reply to objection 4: "No one is bound to confess sins which he does not have; therefore, if someone has confessed to the bishop's penitentiary or to another who has a commission from the bishop, since his sins are forgiven both as regards the Church and as regards God, he is not bound to confess them to his own priest, however much the priest may demand it. But, because of the Church's statute concerning confession to one's own priest once in the year, he must conduct himself in the same way as one who has only venial sins. For

such a person, as some say, must confess only venial sins, or profess himself to be free of mortal sin; and the priest is bound to believe him in the forum of conscience."

On the Fourth Book of the Sentences, dist. 16, q. 2, a. 2, small question 3, reply to objection 3: "In that case [when someone has no mortal sins], on account of the Church's precept, some say that a man is bound to confess venial sins. Others, however, say that it suffices for him to present himself to the priest and show himself free of mortal sin, so that he may be admitted to Communion. For the Church's precept is directed toward binding those who have something which they must confess: the determination of the time falls under the precept rather than the very act of confession. Hence, if by grace it were granted to someone to be free of venial sin, as it was granted to the Blessed Virgin, he would not be bound by that precept."

As to the further question whether those who have only venial sins are bound at least by this ecclesiastical law to present themselves to their own priest and declare that they have no consciousness of any mortal sin, and for this reason may omit annual confession, several older authors answer affirmatively. Among them are St. Thomas (in the passages cited), Scotus, Suárez (disp. 36, sect. 2, no. 9), and Billuart (diss. 5, a. 2, reply to "You insist"). But several other older authors after the Council of Trent, such as Vásquez, Ledesma, Lugo, and the Salmanticenses, together with modern authors very generally, answer negatively. They argue that an obligation of this kind cannot be established by any reason, since the law obliges only to confession; nor does it follow from the fact that pastors ought to know their sheep that the faithful have some obligation other than that of showing themselves to their pastors in the very act of confession. Moreover, the affirmative statement of St. Thomas and certain older writers before Trent has in view an interpretation of the old Lateran law as obliging persons to confess to their own priest.

Nevertheless, an obligation to confess for one who has only venial sins can arise accidentally from other considerations: namely, from charity toward oneself, since by omitting annual confession he deprives himself both of the salutary sacramental grace and exposes himself to the danger of judging falsely that a sin is venial when it is in fact mortal; or from the reverence owed to the sacrament of the Eucharist, which it would be unfitting for someone to approach frequently if he never confessed; or from the scandal that could arise for others if annual confession were generally neglected.

And perhaps those older writers had in view this kind of accidental and indirect obligation, rather than the Church's precept itself, when they urged the faithful at least to present themselves to a priest; especially since the older obligation to confess to a determinate or one's own priest could provide a reason for insisting more strongly that one have recourse to that confessor, even in a case when one was not bound to make a confession itself.

Moreover, as authors observe, this question is of little practical moment, since in the ordinary circumstances of the faithful it is scarcely possible that those who omit confession for a whole year should retain the state of grace and not fall into mortal sins. This can indeed happen in men of exceptional holiness, and this explains the less frequent use of the sacrament in the early Church until the fourth century, when venial sins themselves began commonly to be submitted to the keys of the Church (cf. Article 1, Volume I, p. 91, and the preceding article, pp. 423 ff.). In present circumstances, however, an obligation, or at least the greatest fittingness, of confessing venial sins can arise accidentally from the other considerations enumerated above, and especially from the

consideration of scandal. Thus this confession is practised most frequently by precisely those who made less use of it in the early Church: namely, the holier souls.

Whether there are in the Church other laws, or rather particular precepts, by which the faithful are obliged to confess venial sins, and in what sense, will be explained below in Note 9.

NOTE 6. ON THE DETERMINATION AND COMPUTATION OF THE TIME FOR ANNUAL CONFESSION

AS TO THE DETERMINATION OF THE TIME, there is no great disagreement among theologians, who very commonly teach that the sole determination laid down by the law is that confession be made once a year, or within the year, so that it remains undetermined and free to satisfy the precept in any part of the year, in any month or day, or on any occasion or solemnity.

For the negative opinion almost the only authors cited are Peter de Soto (De confessione, lecture 9) and John de Medina (Codex de Poenitentia, q. 18), who say that this precept binds for a determinate period, namely Lent, and especially around Easter, just as does the precept of Communion. Soto seems to derive this from the very decree of the Fourth Lateran Council, in which, after the law of confession is imposed, it is added as though in continuation of the sentence and by way of a subsequent determination: "Receiving the sacrament of the Eucharist at least at Easter." This interpretation, he holds, is confirmed by the very custom of the faithful, commended by the Council of Trent, of confessing during Lent, since custom is the best interpreter of laws. Medina, however, derives it from that custom alone, which he thinks has acquired the force of law by interpreting, or rather determining, the Lateran law.

Medina also cites in favor of his opinion St. Thomas, Supplement, q. 6, a. 5 (cf. the sed contra and the body, cited above on p. 466), to which Quodlibet I, a. 11 (objection 1 and the body, cited in the same place) may be added. Suárez briefly disposes of this difficulty by replying: "St. Thomas ... does not speak of the obligation of confession in itself, but of it accidentally, by reason of the Eucharist." For, as we showed above (in the same place), he mistakenly thinks that the Holy Doctor teaches that a man is bound to annual confession, not by the force of its own distinct precept, but accidentally, or by reason of the precept of Easter Communion. Hence it must be said that, although the words of the Holy Doctor are not without difficulty, they can nevertheless be understood of the season of Lent, not as the time within which the precept is to be fulfilled, but as the time beyond which the law is violated if it has not been fulfilled—that is, as the limit of the period of obligation. This seems to be intimated by St. Thomas in the words of Quodlibet I, a. 11, objection 1: "If someone waits until the term appointed by the Church, he does not sin."

The reason for the affirmative opinion (which Suárez calls "certain") is that the law itself determines no particular season, but only commands, indefinitely, that confession be made once a year. The conjunction of the two precepts in one decree and statement does not prove that their obligations are alike with respect to time. Rather, from their very conjunction the difference between them as regards the time of obligation seems to be shown more plainly: of confession it is said only that it is to be performed "at least once a year," whereas of Communion it is expressly said that it is to be received "at least at Easter" (Lateran Council). This difference is emphasized still more strongly in the Code of Canon Law, in which the two precepts are separated into distinct canons: confession is commanded "at least once a year" (can. 906), but Communion "once a year, at least at Easter" (can.

859, § 1). Moreover, the nature of each sacrament shows the fittingness of the Church's law determining the time of Communion differently from that of confession.

On this matter Suárez says:

> "Nor were these precepts established with this difference without a fitting reason; for the use of the Eucharist is enjoined in itself, even if a man has never sinned. Therefore it can also be commanded for a particular season or day, even if the man has voluntarily received Communion at other times. It was fitting to command it thus, either so that the precept would be more determinate and its observance more easily known to the pastors of the Church, or on account of the particular solemnity of that season, or certainly so that at some season of the year the universal Church might be united in partaking of so great a sacrament. But the use of the sacrament of Penance is not commanded in itself, unless mortal sin is presupposed, and as a remedy for it; and so it is commanded only once in regard to the same sins. Nor, if at some time it has voluntarily been applied to remove them, does the precept afterward oblige one to use it again for the same sins. Finally, this medicine is of such a nature that it is always more expedient not to defer it, but to apply it immediately after sin, as soon as this can conveniently be done. And therefore it was not fitting to determine a season of the year at which this sacrament must be received under obligation of precept; for, if it is necessary before that time, it should rather be advised that it be received at once; nor could the precept have stood in the way of this, nor ought it to have given men any occasion for deferring penance. But if such a sacrament has already been received, the law could not oblige a man to use it again on account of the same sins. It could therefore only have commanded that, if on a certain day of the year a man were conscious of a mortal sin which he had never confessed, he should confess on that day. This too was not necessary, since for this the accidental obligation arising from the precept of the Eucharist suffices; nor was it so useful, because, once that extrinsic necessity of the Eucharist is set aside, it is better that a man confess at the time when he has greater need."[480]

[480] Suárez, De Poenitentia, disp. 36, sect. 3, no. 3, Opera omnia, vol. 22, Paris, 1866, pp. 751 ff.

The custom of the faithful of confessing in the Easter season, however, does not have, and has not had, the force of law: first, because the Council of Trent itself approves and commends it only as a pious custom to be retained; and secondly, because the faithful have always understood and observed it not as something necessary, but as something fitting and useful for fulfilling either the precept of confession itself, which presses during the Easter season as at its limit, or the precept of Communion alone, which presses at that same season as at its own determinate time, and for which confession, even when not necessary, is a most suitable preparation; or indeed both precepts, the simultaneous fulfilment of which affords many sinners the advantage of not being compelled in this manner to confess more than once in the year, since Communion itself accidentally gives rise to an obligation to confess.

AS TO THE COMPUTATION OF THE SPACE OF ONE YEAR established by the Church, that is, the assignment of its beginning and end, there is a greater disagreement among theologians, so that the matter cannot be defined with certainty. Four opinions are put forward, of which the third and fourth are the more common and the more probable.

THE FIRST OPINION, however, for which no theologian is ordinarily cited as expressly defending it, teaches that the space of one year is not fixed and common to all the faithful, but is counted from the moment when the first mortal sin is committed, so that a person is bound to confess within twelve months from the commission of his first sin. Its reason may be that the Church intends to determine the time for the divine precept of confession, to which the sinner is subject from the moment the sin is committed.

Against this opinion it may be said: First, it appears to have no foundation whatever in the ecclesiastical law of annual confession; for the law does not say "after a year" or "within a year," but "once a year," which seems to imply a determination of time that is common and fixed for all the faithful. Nor does the reason adduced provide a sufficient foundation for this opinion; for, although the sinner becomes subject to the divine precept of confession from the moment he commits the sin, that precept does not therefore begin to press strictly from that moment, but at the danger of death or in a time of necessity. Secondly, this opinion appears inconsistent with the judgment and custom of the faithful. Thirdly, a difficulty arises because the time of obligation would not be fixed and common to all, and thus it could not be generally known whether the precept had been fulfilled. Fourthly, as Lugo adds, it would follow from this view that "if a man sinned after confession, which he had made shortly before the end of Lent, he could then remain throughout the whole following year without confession, until the Lent of the subsequent year." This is contrary to the practice and understanding of the faithful. Yet a similar objection could be urged, as will be said below, against the third and fourth opinions, and therefore cannot be invoked by us, along with Lugo, against the present opinion.[481]

[481] Lugo, De Poenitentia, disp. 15, sect. 7, no. 154, Disputationes Scholasticae, vol. 4, Paris, 1892, p. 866.

Piscetta-Gennaro, S.S., vainly attempts to revive this opinion, generally abandoned by theologians, writing:

> "Since the precept of the Church that confession be instituted annually (abstracting from the obligation to confess in order to fulfil the precept of annual Communion) must be observed from the day on which someone gravely sins, it follows, for example, that if someone passes some time without grave sin, and then on the first of November commits a mortal sin, he satisfies the precept of the Church if he confesses before the first of November of the following year. This opinion (speaking at least theoretically, for in practice scarcely can a case arise in which it may be applied) seems preferable to the others. For the precept of confession begins to press neither after, nor before, one has sinned gravely. But if I, having sinned gravely in the month of November, am obliged to confess within the following calendar year, or during the following year's Easter season, I am in a certain manner pressed by the ecclesiastical precept even before I have sinned gravely. For the year within which I must confess begins either on the first of January or during the Easter season of the current year."
>
> "It is confirmed: Ordered to pay a certain sum of money within a year from the first of November, I fulfil my obligation if I pay it on the day before the first of November of the following year; for I pay within the year. In like manner, I am bound to confess on account of the sin contracted on that very day, before the first of November of the following year: for I confess within the year. Therefore, since the Church's law concerns annual confession (that is, a year as it is then to be counted), if I sinned gravely on the first of November, I satisfy it if I

confess before the first of November of the following year (abstracting from the obligation to confess by reason of Easter Communion); for I confess within the year."[482]

[482] Piscetta-Gennaro, Theologia Moralis, vol. 5, no. 920, Turin, 1938, pp. 755 ff.

This explanation confuses the time at which the law obliges with the time at which a particular man begins to be subject to the law's obligation. Thus, if the law obliges owners of land to pay a tax within the civil year, and I buy a field on the thirtieth of December, the time of my obligation begins on that day and ends on the following day; but the time of the obligation incumbent upon me to discharge the tax does not thereby begin on that day. Invoking equality with one who is bound to pay a pecuniary sum within a year after an obligation contracted from the beginning is beside the question; for the question at issue is the time of the ecclesiastical obligation of confession, under which I fall by sinning, whether it is counted from the moment when the sin was committed or from some other fixed term.

THE SECOND OPINION, defended by Soto (on Book IV of the Sentences, dist. 18, q. 1, a. 4), likewise teaches that the space of one year is not fixed and common to all, but is counted from the most recent confession, so that one who has sinned mortally is bound to confess again within a year after his last confession. The reason is that in this way the end of the ecclesiastical law is most suitably fulfilled, namely that confession not be deferred too long.

Against this opinion the arguments brought against the preceding one are especially effective. Nor does the reason invoked greatly support it, since the end of the precept is sufficiently fulfilled by making confession within the time required by the other three opinions of theologians. Moreover, this opinion does not explain how the space of one year should be computed in the case of a man newly converted to the use of reason who has never previously made confession.

THE THIRD OPINION, sufficiently common, which is defended among others by Vázquez (q. 90, a. 3, doubt 1), Becanus, G. Hurtado, Nugnus, Diana, and Lugo (disp. 15, n. 157), and by a few modern authors, such as Lehmkuhl (vol. I, no. 1204) and Pesch (no. 405), teaches that the space of one year is fixed and common to all, to be counted according to civil usage, namely from the first of January to the last of December. The reason is that, when the law does not otherwise determine the meaning of the word "year," it must be taken in the usual and common sense; and when the term is used simply, it is commonly understood of the civil or astronomical year, unless the subject matter indicates otherwise.

Against this opinion it can be said: First, it is evident from the subject matter, which is not civil but ecclesiastical, that the year should be reckoned ecclesiastically. The Code of Canon Law, canon 32, § 2, indeed provides: "In law, under the name of month is understood a period of thirty days, and under the name of year a period of 365 days, unless month and year are said to be taken as they stand in the calendar." But neither in canon 906 nor elsewhere is it said that the year for confession is to be understood according to the calendar. Secondly, this opinion agrees less well with the mind of the faithful, who seem to count the time of this precept up to Easter, as is clear from the very custom, praised by the Council of Trent, of confessing in the Easter season. Thirdly, the more common understanding among the faithful is that one who confesses at the following Easter after committing a sin fulfils the precept; but it can happen that such a person has not confessed within the civil year, if, for example, he did not commit a mortal sin between the first of January and Easter of the current

year, and, having properly received Easter Communion without confession, afterwards falls into sin after the Easter season and waits until the following year's Easter to confess.

Some add, fourthly, that from this opinion it follows that a man who makes two confessions on successive days (one on the thirty-first of December and the other on the following first of January) can lawfully abstain from confession for nearly two entire subsequent years. This seems contrary to the intention and end of the law, which is that confession not be deferred too long. This difficulty, however, which also presses against the following opinion, will be answered suitably below. Moreover, Lugo admits the consequence objected to but shows by analogy with the recitation of the breviary that there is no inconvenience in a delay of two years, saying:

> "It follows from this ... that, as far as the precise precept of confession is concerned, someone can defer confession for nearly two years after his preceding confession. If, for example, he confesses this year on the first of January, and in the following year on the last day of December, he has confessed once in each year. The same thing often happens in the recitation of the office: if one recites the whole office for today immediately after midnight, and recites the whole office for tomorrow shortly before the next midnight, he will have recited almost nothing for two days."[483]

[483] Lugo, De Poenitentia, disp. 15, sect. 7, no. 161, Disputationes Scholasticae, vol. 4, Paris, 1892, p. 867.

THE FOURTH OPINION, which is the more common among theologians, both ancient and modern, and is defended, for example, by Sylvester, Victoria, Martín de Ledesma, Navarrus, Suárez, the Salmanticenses, Noldin, Génicot, Prümmer, and Cappello, teaches that the space of one year is fixed and common to all, to be counted from Easter to Easter. This opinion seems more reasonable, as agreeing both with the aforesaid sense of the word "year" in ecclesiastical matters, and with the text of the Lateran Council, in which Communion is commanded at Easter and confession is closely joined to it, as its necessary preparation, and the obligation of both therefore presses at the same time; and also with the mind of the faithful and with their implicit interpretation contained in the aforesaid custom, which is so ancient and universal that Medina, mentioned above, was thereby convinced that Lent is not only the end of the time of obligation but the very time in which it is to be fulfilled. Indeed, certain modern authors maintain that by universal custom the necessary time for observing the law has in fact come to be determined in this sense, whatever may have been the original intention of the Lateran law and the sense of its text. Moreover, St. Thomas probably thought likewise (cf. the statements on p. 509).

Against this opinion, however, the final difficulty raised against the preceding one can be urged: for it follows that someone can abstain from confession for nearly two full years, as if he were to confess immediately after Easter in 1946 and on Easter itself in 1948, contrary to the end intended by the law, namely that confession not be deferred too long.

Nevertheless, it can be answered with Suárez (disp. 36, sect. 3, no. 8 toward the end, and nos. 9–12) that probably a man who has previously confessed is bound to confess again during Lent if before that time he has fallen into a new mortal sin, because according to ecclesiastical law he is bound to confess all mortal sins committed during the year, and thus he does not remain without confession for two years. Or, better, together with others who do not admit the aforesaid obligation (according to the points to be set forth in Note 7, p. 517), it can be answered that, if the said man has

committed a new mortal sin, he will be bound to confession before the next Easter by reason of Easter Communion. Nor does it matter that this obligation is accidental and arises from the precept of Communion, since the Church nevertheless thereby obtains the fulfilment of the aforesaid end of the law of confession; nor is it necessary that she obtain this by the precept of confession itself. But if the man has committed no mortal sin, it is not contrary to the end of confession that he abstain from it for two full years: both because such a case is very rare, and in ordinary circumstances practically impossible, and thus the end of the law is realized in the greater number of cases, indeed practically always; and because the end of the law is not simply that confession be not deferred too long, but that it not be deferred too long by one who has sinned mortally.

Hence Billuart is unduly reproachful when he writes: "However [the time] may be computed, it seems sufficient if no more than a year intervenes between one confession and another. Therefore certain rather lax casuists should not be heard, who say that the precept is fulfilled if confession is made at the beginning of January, say in the year 1749, and another confession at the end of December of the following year 1750; for this interpretation seems contrary to the mind of the Church and to the common judgment of theologians."[484]

[484] Billuart, De Poenitentia, diss. 5, art. 3, § 3, Cursus Theologicus, vol. 9, Paris, 1904, p. 350.

NOTE 7. ON THE MANNER OF OBSERVING THIS LAW

The following questions are discussed by theologians, especially moral theologians.

1. WHETHER THE PRECEPT OF THE CHURCH IS SATISFIED BY A VOLUNTARILY INVALID OR SACRILEGIOUS CONFESSION.

Several formerly answered in the affirmative, such as Paludanus, Sylvester, Victoria, Fagundez, and Vázquez (q. 90, a. 1, doubt 4), relying on the reason that the Church cannot command anything except external acts.

The negative answer is given by many even before the decree of Alexander VII (cited above, p. 488), such as Soto, Medina, Suárez, Nugnus, and Henríquez, and by all after that decree. The reason is the same as that which we assigned above (p. 488) in a similar question concerning the divine precept: namely, by such a confession, since it is invalid, the very thing commanded is not performed; and, since it is sacrilegious, the end of the law also is frustrated. The reason advanced by the opponents is of no force, because, as was stated above (pp. 490 ff.), the Church can indirectly reach internal acts by commanding external acts necessarily connected with them. In any case, the decree of Alexander VII settles this controversy.

2. WHETHER THE SAME PRECEPT IS SATISFIED BY AN INVALID BUT NON-SACRILEGIOUS CONFESSION, as can happen through a defect either on the part of the penitent—for instance, through an insufficient degree of attrition of which he is unaware—or on the part of the minister, for instance, because of a lack of intention or jurisdiction.

Some older theologians, such as Victoria and Azor (especially in the case of invalidity on the minister's part), answer in the affirmative. They are moved by the reason that the penitent does everything in his own power, and that it is otherwise unfitting for the Church to burden him because of another person's fault or defect, namely the minister's.

The true and far more common opinion, however, answers in the negative, for the same reason just given: through an invalid confession the thing commanded is not performed, from whatever cause its invalidity arises. The opponents' argument proves only the absence of culpability in the penitent, both in relation to the invalidity of the confession and in relation to omitting to repeat it, so long as he remains unaware of its previous invalidity. Nor, if this invalidity is discovered, is any burden imposed upon the penitent by the Church; rather, the fulfilment of the divine precept itself is urged for the penitent's spiritual progress.

3. WHETHER THE SAME PRECEPT IS SATISFIED BY A VALID BUT UNFRUITFUL CONFESSION.

To this question the same answer is given as to the similar question concerning the divine precept, which was treated in the preceding Conclusion, Note 3 (pp. 488 ff.).

4. WHETHER CONFESSION OF VENIAL SINS SUFFICES TO FULFIL THE CHURCH'S PRECEPT, so that if someone afterward commits a mortal sin, he is not bound to confess again within the same year.

The negative answer is given by a few modern theologians, such as Sabetti (no. 340) and, doubtfully, Lehmkuhl (vol. I, no. 1204), but commonly by the older theologians, such as Suárez (disp. 36, sect. 3, no. 12), Vázquez (q. 90, a. 3, doubt 1), Lugo (disp. 15, sect. 7, nos. 162, 173–175), and, generally, all who, as we shall see below, say that one who has confessed mortal sins is bound to confess again within the year if he commits a new mortal sin. Indeed, this point seems so evident to these theologians that the Salmanticenses (disp. 8, doubt 2) do not speak of it expressly but assume it as clear. Lugo proposes it explicitly and briefly resolves it in the manner of an inference rather than a doubt; Suárez (loc. cit.) merely argues from it in passing as from something self-evident and admitted by all, saying:

> "This can also be confirmed, for if the earlier confessions had been only of venial sins, because no mortal sins had been committed, no one will deny that a person is bound to confess within the year if he afterwards sins mortally; for the precept is to confess mortal sins, modifying the divine precept, and the earlier confessions were not of mortal sins, nor did they fall under the divine precept. Why, therefore, should one not be bound, with even greater reason, to confess the mortal sins of which he is conscious at the end of the year, even though earlier he voluntarily confessed other sins committed before that time in the same year? For it matters little whether the subsequent mortal sins followed other mortal sins or venial sins; and the divine precept embraces all mortal sins. Hence the ecclesiastical regulation applies to all of them, establishing that all sins committed in this year should be expiated within it, and, so far as the force of that regulation is concerned, this could be done by one act or confession. But if one voluntarily begins to do this separately and, as it were, in parts, as the sins are committed, this does not remove the obligation of completing, at the end of the year, the confession of all mortal sins, if any still remains upon the conscience."[485]

[485] Suárez, De Poenitentia, disp. 36, sect. 3, no. 12, Opera omnia, vol. 22, Paris, 1866, p. 755.

The reason for this opinion is that the precept of the Church has the same object as the divine precept, the fulfilment of which it urges within the year (cf. Council of Trent, session 14, chapter 5),

and therefore concerns mortal sins as the matter which must be submitted to confession, if there are any. This also appears from the very words of the law: "He is bound to confess all his sins," which can refer only to mortal sins.

On the other hand, many modern theologians answer in the affirmative, such as Ballerini-Palmieri, Génicot, Prümmer, and Cappello. Their reason is that the Church primarily and of itself intends to impose confession; the mention made in the law of mortal sins alone pertains rather to the integrity of confession. Thus the meaning is: one must confess once a year, and indeed in such a way that the mortal sins which one may have when confessing must necessarily be accused completely. Moreover, this agrees with the understanding of the faithful, who, even when they have no mortal sin, make their confession, intending by that very confession to fulfil the Church's precept.

> On this point Génicot writes: "Ballerini-Palmieri (no. 1061) rightly observes, citing several authors, that such a conclusion [that of the other opinion] departs very far from the understanding of the faithful, and that it would not be equitable for one who has confessed mortal sins during the same year to be in a better condition than one who has confessed only venial sins. For the universal custom is that all, even those who have committed no mortal sin, make their annual confession with the intention of obeying this law; nor are there lacking weighty Doctors, such as St. Bonaventure, who extend it to confession of venial sins where mortal sins are absent (Lugo, loc. cit., no. 132). Therefore, one who (as ordinarily happens) makes confession at Easter with the intention of fulfilling this precept seems to have satisfied it, at least by some application of equity [epikeia], even though at that time he had nothing to accuse except venial sins, and he would not be bound to confess in the same year a mortal sin into which he might later fall" (1898 ed., vol. I, no. 323; cf. Génicot-Salsmans, no. 323).

Both opinions are probable, although the former enjoys much greater extrinsic probability, which is increased if one considers that the aforesaid older theologians agree on this question, although they differ among themselves concerning the following question.

5. WHETHER ONE WHO HAS CONFESSED MORTAL SINS HAS SIMPLY SATISFIED THE PRECEPT OF ANNUAL CONFESSION, so that, if he falls into a new mortal sin, he is not bound to confess again within the same year.

Suárez (disp. 36, sect. 3, nos. 9–12, cited just above), Henríquez, Arauxo, and the Salmanticenses (disp. 8, doubt 2, no. 50) answer in the negative, on the ground that the law commands all sins committed within the year to be confessed once in the year. Consequently, one who falls again into sin must repeat confession within the same year, so that absolutely all the sins of that year can be subjected to it.

> Suárez adds: "Moreover—and this is the strongest point—the custom of the Church seems to interpret this precept in this way; for no one is content with a confession made at an earlier time if at that time [the season of confession] he is conscious of a mortal sin; and the pastors of the Church at that time oblige him to make confession."[486]

[486] Suárez, De Poenitentia, disp. 36, sect. 3, no. 9, Opera omnia, vol. 22, Paris, 1866, p. 754.

Bonacina, Coninck, Diana, Lugo (disp. 15, sect. 7, no. 164; he says, "It is certain"), and many modern authors answer in the affirmative, especially those whom we cited in support of the affirmative

answer to the preceding question. Their reason is that the law by no means says that all sins committed within the year must be confessed, but that all sins must be confessed once within the year. The determination of the year, that is, pertains not to the sins but to the confession; neither is confession of the year's sins commanded, but annual confession of sins. Hence the obvious meaning of the law is that everyone is bound to confess at least once a year, and in such a way as to accuse all sins committed up to that point. The custom of confessing again during the Easter season, which Suárez invokes, is explained by the necessity of receiving the Eucharist. This opinion seems more probable.

6. WHETHER ONE IS BOUND TO REPEAT CONFESSION WITHIN THE SAME YEAR IF, IN AN EARLIER CONFESSION, HE OMITTED SOME SIN WITHOUT FAULT for one of the following reasons: because he forgot it; because he lawfully kept silent about it (for example, lest he reveal and defame an accomplice, or because he thought the sin doubtful); because he was physically unable to make a complete confession (for example, because of danger of sudden death); or because he confessed a sin as doubtful which he afterward discovered to be certain.

The negative opinion is far more probable and by far the most common among modern theologians, and the more common among the older theologians, even among those who, like Suárez and the Salmanticenses, insist upon repeated confession in the case of one who has fallen into a new mortal sin (as stated above).

The reason is that one who has confessed in any of the aforesaid ways has made a confession which is truly complete, at least formally; that is, he has fulfilled the words of the precept obliging him to confess all the grave sins which he then had (namely, which he had in a certain moral possession with respect to confession—a possession removed by forgetfulness, by the right to remain silent, by physical impossibility of confession, or by doubt). Moreover, he has fulfilled the end of the Church's precept, which is that the faithful should satisfy the divine precept itself and should not persevere in the state of sin. Nor does an argument to the contrary hold from parity with one who, after confession, falls into a new sin and is, according to the opinion of several Doctors such as Suárez and the Salmanticenses mentioned above, bound to confess again. For they properly deny the parity, since in the present case the forgotten sin, or the sin lawfully withheld, or one which could not be accused, was subjected in some respect to the keys of the Church in a formally complete confession; whereas a sin committed after confession was in no way subjected to that confession, since it did not yet exist, and therefore calls for a new confession.

The affirmative opinion (as regards one or another part of the question) is held by a few, such as Medina (cited by Lugo, disp. 15, sect. 7, no. 185), Ledesma, Soto (with certain distinctions, however, which Suárez reports, disp. 36, sect. 4, no. 6), and Arauxo (cited by the Salmanticenses, disp. 8, doubt 2, no. 51). The Salmanticenses themselves call this opinion speculatively probable, although, hesitating between the two opinions because of the difficulty of the matter, they choose the negative one as more probable and sufficiently safe in practice.

The reason for this latter opinion is that, according to the force of the precept, a person is bound to confess all sins committed within the year, or at least all which he has at the moment of confession. The argument is confirmed by parity with the obligation of confessing again within the year on

account of a grave sin committed after confession has already been made. Yet the foregoing reason does not hold, as is evident from what has been said; nor is the added confirmation any better, since its supposition (namely, the aforesaid obligation) is altogether uncertain, and we denied it above with Lugo and others. The parity, moreover, must be denied altogether, as we have already said, even if, with Suárez and the Salmanticenses, its supposition of that obligation is admitted.

There remains only a doubt whether there is an obligation to confess again in the case in which someone confessed only venial sins, omitting a mortal sin for one of the inculpable reasons mentioned above. The resolution of this doubt depends on the resolution of the question discussed above under number 4: namely, whether confession of venial sins suffices to satisfy the Church's precept. Accordingly, the Salmanticenses, in conformity with their negative opinion on that question, answer the present question in the affirmative, writing:

> "The contrary must be said if someone who has one mortal sin, from the confession of which he is excused for just causes, confesses only venial sins and is indirectly absolved from that mortal sin. For, when those just causes cease, he is still bound within that year to confess the mortal sin, as Dicastillo rightly observed (disp. 6, doubt 8, no. 138). For the confession which he made, although formally complete, was nevertheless not a confession of a mortal sin, which alone is the matter commanded; hence it cannot be said of him that he has positively satisfied the precept. And therefore, when the just cause for concealing that sin is absent, he must confess it within the same year."[487]

[487] Salmanticenses, De Poenitentia, disp. 8, doubt 2, § 4, no. 53, Cursus Theologicus, vol. 20, Paris, 1883, p. 230.

They rightly except, however, the case in which a person, together with venial sins, accused as doubtful the one mortal sin that was present, and afterward recognized it as certain; for in this case the grave sin was in some respect subjected to confession, and it is not strictly a matter of a confession of venial sin alone. Hence there is no obligation to confess again.

7. WHETHER ONE WHO HAS OMITTED ANNUAL CONFESSION, WHETHER CULPABLY OR INCULPABLY, REMAINS BOUND, AFTER THE YEAR HAS PASSED, TO SATISFY THE OBLIGATION OF THE PRECEDING YEAR, and indeed immediately, so that the longer he defers, the more he sins by reason of the delay.

A few formerly denied this, such as Martin de Ledesma (on IV Sent., part 2, q. 6, a. 5, doubt 7) and Sylvester (s.v. Eucharistia, 3, q. 15), being led by the reason that confession is a burden attached to the year, just as the recitation of the Breviary is a burden attached to the day, and hearing Mass a burden attached to Sunday. Hence, just as one who omits the Office of a day or Sunday Mass is not bound to satisfy those precepts on the following day, so one who omits confession within the year is bound to satisfy only the new obligation arising from the following year.

The true and most common opinion, both among the older theologians (Soto, Navarrus, Medina, Victoria, Suárez, Vázquez, and Lugo) and among the moderns, affirms the aforesaid obligation. The reason, which also explains the difference from the precepts of reciting the Office and hearing Mass, is that in this precept the designation of time is not made to terminate the obligation, but to press its fulfilment. Thus the precept is not only affirmative (that is, to confess within the year) but also negative (that is, not to defer beyond the year). Hence it is violated not only by failing to confess

within the year, but also by delaying beyond the year, just as one who is bound to pay a debt within a fixed time sins not only by failing to pay within that time, but also by delaying payment beyond it.

That this precept has such a character is gathered, not indeed directly from the very words of the law, but first from its subject matter, or the end of the law, which is to prevent the faithful from delaying the confession of their sins too long and remaining for a long time in the state of sin—a reason which continues to apply after the year has passed. It is gathered also from parity with the divine precept of confession, whose fulfilment the Church intends to urge, and which binds in such a way that, if it obliges of itself within some time of necessity (for example, within five or seven years), it continues to press more urgently beyond that time. It is gathered further from the common understanding of the faithful, who, if they omit annual confession, think themselves still burdened by that obligation. Finally, it follows by parity with the similar, indeed less urgent, precept of Easter Communion, the continuing obligation of which after the year has passed is expressly declared by the Code of Canon Law (canon 859, § 4), putting an end to a controversy among theologians who were less in agreement on that matter than on the present question of confession.[488]

[488] Cf. St. Alphonsus, no. 297; Génicot, no. 208 (cf. Génicot-Salsmans, no. 208); Cappello, vol. I, no. 429.

8. WHETHER, SUPPOSING THE AFORESAID OBLIGATION TO CONFESS IMMEDIATELY AFTER THE YEAR HAS PASSED, ONE AND THE SAME CONFESSION SATISFIES THE PRECEPT OF BOTH YEARS, so that a person is not bound to confess again throughout the entire following year.

The matter is much disputed.

Many deny this, including Soto, Nugnus, Navarrus, Suárez (disp. 36, sect. 4, no. 5), Bonacina, Becanus, the Salmanticenses (disp. 8, doubt 2, no. 49), and Billuart. The reason given by some of these authors seems to be that two precepts require two confessions, and that the sins of the new year must be submitted to a new confession, according to the precept obliging one to confess sins committed within the year (at least up to the time when the confession is made). Thus, if a man is bound to pay a denarius each year and fails to pay it this year, he does not satisfy his obligation by paying a single denarius in the following year.

The reason given by others, such as Suárez and the Salmanticenses, is that, according to their general position, if anyone falls again into mortal sin after making confession, he is bound to confess again (cf. above, no. 5, p. 517). From this it follows that a person cannot by one confession satisfy the precept of both years. For after the first confession either he falls into mortal sin, and in that very event he is bound to confess by virtue of the precept of the new year, or he falls into venial sins, and then he is not bound to confess by any precept.

Others make distinctions, and indeed in two different ways. St. Alphonsus (no. 669) says that, if someone in his first confession also accuses the mortal sins of the current year, he satisfies the obligation of both years, since the confession includes the sins of both. But if he confesses only the sins of the preceding year, because no new sins have occurred, he satisfies only the obligation of the past year; consequently, if after that confession he sins mortally, he is bound to confess again. Coninck, however, says that if the confession takes place around the beginning of the new year, it certainly does not satisfy the new obligation, but only the precept of the previous year, since in a

moral estimation the confession is considered to pertain to that year. If, however, the confession takes place when half the year has already elapsed, perhaps it satisfies both precepts.

Others affirm this with greater reason: both older theologians, such as Lugo (disp. 15, sect. 7, no. 180), G. Hurtado, Diana, and Leander, and modern authors, such as Prümmer (no. 362), Cappello (no. 350), and Merkelbach (no. 513, though less clearly). Their reason is that, on the one hand, a person can satisfy a twofold obligation through one act; and, on the other hand, the law of confession obliges only that confession be made once within the year.

Thus the first reason advanced by their opponents falls away. Nor is the example adduced by some opponents, of a man bound to pay a denarius every year, to the point: first, because by one confession all debts arising from sins are discharged, since one confession can remit all sins; and second, because the alleged parity would entail that a person who omitted confession for ten years would be bound to make ten confessions.[489]

[489] Billuart attempts to answer this argument (Diss. 5, art. 3, § 3, "Petes 4").

The ground upon which Suárez and the Salmanticenses base their denial was refuted above under no. 5 (p. 517). Suárez himself grants that, if that reason did not hold, our affirmative opinion would have to be maintained; this admission lends considerable support to its truth.

The distinction invoked by St. Alphonsus presupposes that someone cannot satisfy the Church's precept without accusing some grave sin committed within the year. This, however, has not been proved, since the Church obliges only that confession be made within the year, and in such a way that, if mortal sins are present, they are confessed in their entirety. A person, therefore, can satisfy the precept by confessing the mortal sins which he then has, even though he committed them during the previous year.

Coninck's distinction has no foundation except that moral estimation, which nevertheless does not appear capable of determining whether a confession belongs only to the preceding year or to both the preceding and following years. A similar distinction was invoked by certain authors before the Code (cf. Génicot, no. 208) in the related question of the obligation to make up in the following year an annual Communion that had been omitted. How unsuitable that distinction is becomes evident from the declaration of canon 859, § 4.

9. WHETHER A PERSON WHO IS IN MORTAL SIN, HAS THE OPPORTUNITY TO CONFESS, AND FORESEES WITH MORAL CERTAINTY THAT HE WILL NOT HAVE SUCH AN OPPORTUNITY AGAIN BEFORE THE END OF THE TIME IN WHICH CONFESSION IS OBLIGATORY, IS BOUND TO ANTICIPATE HIS CONFESSION in order to satisfy the precept of the Church.

The affirmative opinion is very common, indeed practically universal.[490] The reason is that the time fixed for this obligation is not merely the last part of the year, but the whole year, since the precept obliges throughout the entire year without restricting its operation to any one part, and begins to press from the beginning of the year. Consequently, if someone cannot fulfil it in one part of the year, he is bound to fulfil it in the present. The same is true of other precepts which prescribe a time for their fulfilment: thus, if someone foresees that he will be unable to hear Sunday Mass after the ninth hour, he is bound to hear it before that hour.

[490] It was stated above, however, in the discussion of the divine precept (p. 478), that no obligation to anticipate confession arises from the danger of forgetting sins or from the requirement of an integral confession.

Scarcely any definite defender of the negative opinion can be named. The Salmanticenses say: "We have read no one who denies, in the proposed case, that a sinner is bound to anticipate his annual confession"; nevertheless, they report that Ludovicus a S. Joanne (on Penance, art. 6, doubt 7) mentioned some who denied it, without naming them. Suárez says that certain authors defend the affirmative opinion with the limitation that the impediment must have been voluntarily placed by the penitent himself, so that one is not bound to anticipate confession if one foresees that there will be no opportunity to confess because of an impediment independent of oneself, such as the absence of a priest.

Some, such as Gaspar Hurtado, extend the obligation of anticipating confession even to the precept of the following year. Thus, someone who foresees that he will have no opportunity to confess in the following year would be bound to confess during the preceding year in order to fulfil that future obligation. Dicastillo (disp. 7, doubt 11) attributes this opinion to Bonaventure, Durandus, Paludanus, Cano, and others. Moved by their authority, the Salmanticenses call it "very probable," although they themselves approve the negative opinion, which plainly seems to be the only true one.

For, since the precept of the following year has not yet begun to bind, by what reasoning could anyone already be bound by it, so as to be compelled to anticipate its fulfilment? If that opinion were true, it would follow that someone who foresaw that for ten years he would have no opportunity to confess would have to anticipate fifteen confessions. Moreover, a confession anticipated in this manner would contribute nothing toward fulfilling the law at the end of the following year; for it cannot remit future sins of that following year, and as regards the sins of the present year the precept of this year is already concerned with them.

10. ON THE CAUSES EXCUSING ONE FROM THE PRECEPT OF CONFESSION (whether divine or ecclesiastical), or permitting confession to be postponed, the moral theologians treat. All these causes, however, are reduced to inability, either physical or moral, the latter arising from grave inconvenience.

Two questions, however, are especially disputed which are more directly connected with the very nature of confession, although they concern the necessity of its integrity rather than the necessity of confession itself.

FIRST QUESTION: WHETHER ANYONE IS BOUND TO CONFESS THROUGH AN INTERPRETER IF HE DOES NOT KNOW THE CONFESSOR'S LANGUAGE (Supplement, q. 9, a. 3; Quodlibet I, a. 10).

Speaking of the ecclesiastical precept, all theologians deny such an obligation, on account of the secret character of confession and the consequent right of the penitent that his sins be kept secret. If it is objected that secrecy is preserved because the interpreter himself is bound by the seal, they reply that the mere knowledge possessed by the interpreter restricts the secret character of confession and brings the penitent a grave inconvenience which is not intrinsic to the sacrament itself, and which therefore excuses from observance of the law.

Some, such as Suárez (disp. 36, sect. 6, no. 4) and Lugo (disp. 15, sect. 5, no. 65), directly deduce this from the words of the Lateran Council: "Let each one alone confess all his sins ... to his own priest"; that is, from the word "alone," which, they say, the Council deliberately inserted. Vázquez (q. 91, a. 4, doubt 3) more correctly observes that this is not necessarily deduced from the words of the Council; for "alone" was inserted only to indicate the secret character of confession. If it referred directly to excluding an interpreter, it would follow that the faithful are bound not to use an interpreter, which no one asserts. Moreover, the following documents render the common opinion certain:

> Decree of the Holy Office, 28 February 1633: "In the case in which someone strives as far as he can to give signs of his sins in particular, but these cannot be understood at all, he can be absolved by the mere manifestation of sins in general."
>
> Code of Canon Law, canon 903: "Those who cannot otherwise confess are not prohibited, if they wish, from confessing through an interpreter, provided that abuses and scandals are guarded against, while the prescription of canon 889, § 2 remains in force."

Speaking, however, of the divine precept, three opinions are proposed:

The common opinion among the older theologians, such as Cajetan, Victoria, Domingo de Soto, Pedro de Soto, Ledesma, and Medina, and the most common opinion among modern theologians, denies an obligation, for the same reasons just given regarding the ecclesiastical precept.

Certain older authors, such as Sylvester, Cano, Suárez, Lugo, and Viva, affirm the obligation, on the ground that the aforesaid reason of secrecy does not constitute so grave an inconvenience as to excuse from the more pressing divine precept and from using so necessary a means of justification. Lugo, however, restricts his affirmative position rather to the moment of death, writing:

> "Although that opinion [denying the obligation] is most probable, yet, to confess the truth, its foundation does not convince me. For it supposes that confession through an interpreter entails such a detriment as would sufficiently excuse one from the precept of confession even at the point of death, and this seems difficult to me. Hence others appear rightly to distinguish between the precept of the Church and the divine precept: they concede that we are not bound to such confession by the former, but otherwise by the latter.
>
> "For, speaking of the divine precept, although this does not oblige one to confess sins at the cost of grave extrinsic detriment, as theologians commonly teach, nevertheless it does not appear that a detriment of this kind results from confession made through a faithful and prudent interpreter, whom the penitent can trust no less than the confessor himself. I suppose that the interpreter also remains bound to secrecy, and thus that the whole detriment is that sins which would otherwise have to be known to one person are manifested to two. But that this is not of such weight as to excuse from the obligation of the divine precept can be proved from other cases in which, notwithstanding a detriment of this sort, the precept of confession binds. "I admit, indeed, that there is some inconvenience in the use of an interpreter, and that, on account of this, perhaps a priest or a layperson who is under an urgent necessity of receiving Communion may be excused from doing so once or twice without prior confession, when he can confess only through an interpreter. But that inconvenience alone is not sufficient to omit confession at the point of death. For it is generally reckoned a graver inconvenience to

travel six miles, or to summon a priest from six miles away, than to confess the same sin twice, or to two persons. Many people commonly and without difficulty do this latter thing, very often accusing themselves of a mortal sin formerly committed, in order to furnish certain matter for absolution. Thus this burden of making the same sin known to two people is not so grave that it excuses a person, on that account, from making his confession at the point of death."[491]

[491] De Poenitentia, disp. 15, sect. 5, nos. 65 ff., 70, Disputationes Scholasticae, vol. 4 (Paris, 1892), pp. 839–841.

Some make a distinction, or affirm the obligation in the case in which, while the divine precept of confession is pressing, a person cannot secure justification for himself by an act of contrition. Thus the Salmanticenses (disp. 8, doubt 2, no. 6) teach that if a penitent (in danger of death or in another urgent case) can elicit an act of contrition, he is not bound to confess through an interpreter, since on the one hand this entails grave inconvenience and on the other the essential end of the precept of confession is obtained through contrition. But if he cannot elicit an act of contrition, or doubts the truth of his contrition, he is bound to confess through an interpreter (and even publicly, if he cannot confess otherwise), since in that case this is the sole means of salvation. They hold that this obligation arises both from the divine precept of confessing and, especially, from the more pressing precept of natural law, by which a person is bound, through charity toward himself, to employ the means of salvation.

Suárez (disp. 36, sect. 6, no. 4 and following) thinks similarly. Having presented the opinion which simply affirms the obligation as "very probable, and speculatively more true," he adds that the common opinion denying it can safely be followed, "because it is probable in practice," provided that it is qualified as follows: a person is bound to confess through an interpreter (and even publicly) in danger of death (and only in this case, not in another urgent case, as the Salmanticenses teach) if he cannot elicit an act of contrition. This obligation, however, arises not by force of the precept of confession (as the Salmanticenses maintain), but solely from the precept of charity and of penance in general. Gonet teaches nearly the same thing (disp. 8, a. 2, no. 14).

The first and common opinion is the only true one. For, in the first place, if someone is not bound to confess through an interpreter by the ecclesiastical precept, neither is he bound by the divine precept, since the same rationale and nature of confession obtain in both. Hence the ecclesiastical documents cited above offer considerable confirmation of this opinion, especially since they do not distinguish between the two precepts but consider confession simply, even while treating of the ecclesiastical precept.

Moreover, the reason why someone would be bound to employ an interpreter would be either that without him he could not make a confession, and consequently obtain justification—which is false, because he can confess sufficiently by signs, at least showing that he is a sinner and asking for absolution—or that without him he could not confess integrally. Yet the material integrity of confession, although necessary by divine law, is nevertheless secondary in relation to the essential necessity of confession itself and to the end of obtaining justification by confession; consequently, it cannot impose an obligation at the cost of so great an inconvenience.

Thus the principal foundation of the opponents falls, since they do not distinguish between the necessity of confession and the necessity of its integrity. In the same way, the distinctions of the

Salmanticenses and Suárez fall. For from the fact that someone cannot elicit an act of contrition there follows only a necessity of resorting to confession, which can exist even without an interpreter, unless it is proved that the integrity of confession is so necessary that one must employ an interpreter at the cost of grave inconvenience through the violation of the right to secrecy.

Furthermore, the aforesaid necessity of confessing, where contrition is lacking, does not arise from the divine precept of confessing itself, but from the precept of doing penance in some way or of employing the means of salvation; for this would bind even if confession were not of itself necessary by divine precept, but were a freely instituted means.

Certain opponents object to the following words of St. Thomas (Supplement, q. 9, a. 3, ad 2):

> "In one who lacks the use of speech, it suffices that he confess by writing, or by signs, or through an interpreter, because more is not required of a man than he can do. For although a man cannot or ought not receive baptism except in water, which is wholly external and is provided to us by another, the act of confession is from within and from ourselves; and therefore, when we cannot confess in one way, we ought to confess as we can."

Nevertheless, the holy Doctor says only that one who lacks the use of speech must confess as he can, whether by writing, through an interpreter, or by signs. Now, this does not necessarily signify that he must confess by writing or through an interpreter and, if these fail, by signs; it may signify that he must confess by at least one of these three methods. Indeed, that this is actually the sense of those words is evident both from the objection to which the holy Doctor is replying and from the subject and context of the entire article, in which he teaches that one should confess orally of itself, but that when one cannot confess in this way, it suffices and is necessary to confess in another way, whether by writing, through an interpreter, or by signs. Hence the holy Doctor does not teach the necessity of confession through an interpreter, but its lawfulness, and at the same time the necessity of some means that can take the place of oral confession, namely writing, an interpreter, or signs.

SECOND QUESTION: WHETHER SOMEONE IS BOUND TO CONFESS IN WRITING if he cannot do so otherwise, as when he himself is mute or the confessor is deaf (Supplement, q. 9, a. 3; Quodlibet I, a. 10).

Some, such as Paludanus, Biel, Cajetan, Major, Peter de Soto, Sylvester, Nuñez, Vázquez, Suárez (disp. 36, sect. 6, no. 7), Becanus, Gonet, Lugo, St. Alphonsus (no. 479), Billuart, Collet, and, among modern writers, Merkelbach (nos. 519 and 525) and Prümmer (no. 365), affirm this. Their reason is that one who is bound to an end is also bound to the necessary means; moreover, confession in writing does not entail grave inconvenience from the danger of disclosure of the secret, since such disclosure can easily, and in most cases, be prevented.[492]

[492] Cajetan (whom Lugo opposes, disp. 15, sect. 5, no. 87), Suárez (loc. cit.), and the Salmanticenses (disp. 8, doubt 2, no. 66) indicate various ways of preventing this danger.

Others, such as Richard, Navarrus, Victoria, Domingo de Soto, Medina, Ledesma, Toletus, and, more commonly, modern theologians, among whom are Cappello (no. 136), Génicot (no. 292), Pesch (no. 408), and Noldin (no. 272), deny this obligation. Their reasons are, first, that writing is an extraordinary means, and no one is bound to employ extraordinary means; and second, that writing of itself introduces a danger of disclosure, since it is by nature lasting ("Written words remain"), and no one is bound to confess at so great an inconvenience.

Others, such as Dicastillo, Bonacina, and the Salmanticenses (disp. 8, doubt 2, no. 66; cf. doubt 7, no. 214), perhaps make a better distinction. They teach that this obligation can be present or absent according to the circumstances, as, when all things have been considered, a definite danger of disclosure is present or absent. Herein appears the difference from the preceding case concerning an interpreter: there, the inconvenience arises from the disclosure itself, which is certain; here, however, the inconvenience arises only from a danger of disclosure, which can be great or small, proximate or remote, certain or uncertain, and so may give rise to a great or small inconvenience and, consequently, may or may not ground an obligation to employ writing.

Nevertheless, this conditional obligation of confessing in writing arises rather from the necessity of integral confession than from the necessity of confessing simply speaking, since confession can be made absolutely and sufficiently by any signs whatever, and no one lacks the possibility of employing some signs by which he can at least show himself to be a sinner. But if, hypothetically, the case is posited of someone who can confess neither by signs nor in any way except in writing, the answer is that he is bound to employ writing if no moral danger of disclosure is present; otherwise he is not bound.

NOTE 8. WHETHER THE CHURCH COULD HAVE IMPOSED CONFESSION BY HER OWN AUTHORITY IF GOD HAD NOT IN FACT IMPOSED IT

Several of the older theologians, such as Hadrian, John Medina, Viguerius, Suárez (disp. 35, sect. 1, no. 16), Vázquez (q. 90, a. 1, doubt 4, no. 43), Gaspar Hurtado, and Nuñez, answer affirmatively. They are led chiefly by the reason that, according to the Council of Trent (session 21, chapter 2), the Church can, without prejudice to the substance of the sacraments, prescribe concerning their use whatever accords with reverence for the sacraments and the benefit of the faithful; and the confession of sins is of this kind.

On this point Suárez writes:

> "Given the institution of this sacrament, I do not see why it would be repugnant for the Church to command its reception, even if we suppose that Christ had not imposed a necessity but had only provided a benefit. ... The reason ... is that the reception of this sacrament is not a matter exceeding the Church's authority, and otherwise its use is very fitting for the Church; therefore there is no reason why the Church could not impose such a precept, which is of itself very consonant with reason and with the fitting government of the Church.
>
> "The antecedent is evident: for, if it exceeded her authority, this would be either because confession concerns internal acts—and it does not, as has been shown—or because it is ordered to internal justification and the remission of sins. But neither can this be said, for this too is a most excellent end which the Church can intend by means of acts suited to her, especially since through the power of the keys she herself can effect something regarding purely internal acts, as she does in the use of this sacrament and through indulgences, and so forth.
>
> "Or it would be, as some say, because through confession a man in some manner brings dishonour upon himself; but this too is of no moment, since such dishonour is almost none at all, either because of the seal or because, if the confessor is prudent, it is in some fashion removed by the very act of legitimate confession. And, finally, even if this is considered some

detriment, it is as almost nothing in comparison with the fruit. Or, lastly, it would be on account of the difficulty. Although this indeed shows such a precept to be arduous and difficult, it does not show it to be impossible, since the Church often commands things more difficult, if they are necessary or very useful; and in this precept there would always be a great usefulness which could compensate for the difficulty. Finally, if these or similar reasons were valid, they would hold almost equally against the precept of annual confession, by reason of which a man is more often obliged to confession than he is by divine law alone. Thus this precept was not imposed by Christ because the Church could not have imposed it through the general authority given her by Him, but because it was more fitting that He should impose it Himself, for the other reasons adduced above."[493]

[493] De Poenitentia, disp. 35, sect. 1, no. 18, Opera omnia, vol. 22, Paris, 1866, pp. 738 ff.

More commonly, however, both older and modern theologians deny this power, among them Scotus (In IV Sent., dist. 18, q. 1, a. 1), Durandus (In IV Sent., dist. 17, q. 8), Paludanus, Soto, Cano (Relect. de Poenitentia, part 5), Torquemada, Navarrus, Lugo (disp. 15, sect. 6, no. 90 and following), Coninck, Delgadillo, the Salmanticenses (disp. 8, doubt 2, § 1, nos. 21–23; § 2, nos. 28–33), Pesch, and Hugon.

The principal reason, which makes this opinion notably more true, is not the one offered by some, such as Scotus, and against which certain opponents, such as Suárez, contend to no purpose: namely, that the Church cannot command internal acts, of which sacramental confession would be one. For the Church can command an external act with which an internal act is essentially joined, as happens in sacramental confession, and in this manner can indirectly reach the internal act itself. Rather, the principal reason is the extreme difficulty of the act of confession itself, because of which this matter cannot fall within the scope of human authority unless it has first been commanded by God.

For sacramental confession, on the one hand, is a thing repugnant to human nature and exceedingly difficult; and on the other hand, on the hypothesis that it had not been imposed by God, it would be unnecessary for the end of ecclesiastical society, namely sanctification and salvation, since, if it had not been imposed by God, it would be necessary neither as a means nor by divine precept. Now, since human law exists for the good of society, it cannot bind to something that is at once exceedingly difficult and unnecessary for the good of society; otherwise, considering the common frailty of human nature, the very difficulty of the matter would produce disobedience among subjects, so that the law itself would prudently have to be abrogated lest it turn to the detriment of society.

On this point St. Thomas says:

"Human law ... is imposed upon a multitude of men, the greater part of whom are not perfect in virtue. And therefore human law does not prohibit all vices from which the virtuous abstain, but only the graver ones from which it is possible for the greater part of the multitude to abstain, and especially those which harm others, without the prohibition of which human society could not be preserved; thus murders, thefts, and the like are prohibited by human law" (I–II, q. 96, a. 2).

"Law ... is ordered to the common good; and therefore there is no virtue concerning whose acts law cannot prescribe. Nevertheless, human law does not prescribe concerning all the acts

of all the virtues, but only concerning those that can be ordered to the common good" (ibid., a. 3).

Therefore, the Church cannot first and of herself—that is, by her own exclusive right and without presupposing a divine precept—command confession, just as religious superiors cannot command their subjects heroic acts which are in themselves most useful, because they are exceedingly difficult and not necessary for the end of religious society.

This is confirmed by the fact that the Council of Trent, in session 14, chapter 5, cited above (p. 475), rejects as a "calumny" the assertion of the innovators that "confession is not of divine command but a human invention." Therefore the Council implicitly understands that the Church cannot first establish the law of confession; otherwise the assertion of the innovators would not have been a calumny, but merely a falsehood, since a calumny is a false assertion of an evil committed, and the Church would have committed no evil in establishing the law of confession if she could establish it independently of a divine precept.

You will say: The Church commands, or can command, several things concerning confession which were not commanded by Christ. Thus, in fact, she commands annual confession, and she can command the confession of venial sins and of sins already remitted by the sacrament. Therefore she can command confession itself in general, even if Christ Himself had not already commanded it.

Reply: Both the consequent and the consequence are denied. For in the primary and simple imposition of confession, had confession not yet been commanded by Christ, the aforesaid great difficulty of the object would necessarily be present together with the absence of necessity for the end of salvation. These two conditions are not necessarily present in the mere determination of a precept of confession already imposed by Christ. Moreover, neither can the Church impose just any determinations of such a precept: she cannot impose things which are at once exceedingly difficult and unnecessary for the end of ecclesiastical society. Such, for example, would probably be confession within a day of the commission of a grave sin; or confession before receiving Communion even when there is no mortal sin, or even when a confessor is unavailable; or a diriment impediment to marriage between blood relatives in every degree, even the remotest; or the confession of venial sins, at least of all such sins, or of sins already remitted through the sacrament. On these last two points, however, concerning which theologians differ, we must now treat in the following Notes.

NOTE 9. WHETHER THE CHURCH CAN COMMAND THE CONFESSION OF VENIAL SINS

There are three opinions.

Paludanus, Sylvester, and Soto (In IV Sent., dist. 18, part 1, art. 3) simply deny it. Their reasons may be summarized thus: venial sins are not necessary matter of the sacrament, and consequently God Himself has not subjected them to the necessity of confession. Therefore, by commanding their confession, the Church would, first, do something useless, because those sins can be remitted in many other ways, both sacramentally and outside the sacrament; secondly, act contrary to the essential character of this sacrament, by making necessary matter out of what is free matter; and thirdly, overstep the limits of the divine precept. This is confirmed by an indication drawn from practice: the Church has in fact never contemplated imposing such a confession, either in her universal and urgent precept of annual confession or in particular statutes.

On the other hand, Alexander of Hales, Bonaventure, Richard, Vázquez, Lugo (disp. 15, sect. 6, § 4, no. 129 ff., where this opinion is defended more explicitly), the Salmanticenses (disp. 8, doubt 2, § 2, no. 30), Billuart (diss. 5, art. 2), Noldin (no. 275), D'Annibale, and Lehmkuhl answer affirmatively.

The reason is that, on the one hand, venial sins are sufficient matter for the essence and validity of the sacrament, and, on the other, the Church has authority—provided the substance of the sacraments is preserved—to regulate them and to command whatever contributes both to reverence for them and to the proper end of ecclesiastical society, namely the spiritual good of souls. This is realized by the obligation to confess venial sins, whether particular ones are specified (for a special effort is thus fostered to root out or diminish some particular defect or vice), or they are enjoined indeterminately and in general (for the very exercise of confession and examination of one's conscience is a restraint upon human frailty and a stimulus against tepidity).

Moreover, nothing prevents the assertion of such authority. First, the inconvenience which this obligation would occasion the faithful presents no obstacle. On account of that inconvenience, several theologians deny that the Church has the power to impose an obligation of confession generally unless it has already been imposed by God; but in the present case the inconvenience, which in any event is abundantly compensated by the usefulness just mentioned, is rather slight—especially if the confession of some venial sins is commanded without specifying their kinds. This holds whether one considers the examination of conscience, which need not be so strict concerning venial sins, or the reason arising from shame, since there is no one who does not fall into venial sins. It is true that a very great inconvenience would arise from a precept to confess all venial sins; but it is readily conceded that the Church could not impose such a precept, at least licitly, because it would be imprudent and unjust.

Nor does the character of the sacrament stand in the way. By a precept of the Church, what is free matter would by no means become necessary matter; or, if one prefers, venial sins would indeed become necessary matter by a necessity of precept, that is, an extrinsic necessity, but not by a necessity of the sacrament, that is, an intrinsic necessity. For the sacrament would still stand in relation to venial sins as to an object capable of being remitted in another way, even if an extrinsic obligation bound them to the sacrament, or commanded their submission to it.

Nor are the limits of the divine precept an obstacle. The Church can add to a divine precept, or rather determine things falling under a divine precept: both in matters not concerning the sacraments, as is evident from precepts of fasting, abstinence, and prayer, and in sacramental matters, provided the substance of the sacraments is preserved. This is evident from the obligation to consecrate with unleavened bread and with wine mixed with water, and particularly from the obligation to confess mortal sins once a year. Indeed, all theologians admit that the Church can command the very reception of the sacrament of Confirmation, if, according to the opinion of many, that sacrament is not subject to a divine precept.

This is confirmed by the authority of St. Thomas (Supplement, q. 6, a. 3, ad 3; q. 8, a. 5, ad 4; In IV Sent., dist. 16, q. 2, a. 2, quaestiuncula 3, ad 3, quoted on p. 507) and other earlier theologians, who taught, at least as probable, that a man having no mortal sins was bound by the Church's precept of annual confession to confess venial sins. This presupposes that the Church can command the confession of venial sins.

Without prejudice to the probability of either opinion, the middle position seems truer. Suárez defends and explains it (disp. 22, sect. 5, nos. 2–6); Coninck follows it (disp. 5, no. 53), as does Cappello among the modern authors (no. 144). Nor would perhaps certain doctors belonging to the two preceding schools reject it if they considered it. This position distinguishes between a direct imposition, which it denies, and an indirect imposition, which it affirms.

First, therefore, against the second opinion, we say that the Church cannot directly impose an obligation that someone confess venial sins, whether determinate sins or sins left unspecified. For she would thus render necessary matter which is not necessary and would unduly pass beyond the limits of the divine precept and the spiritual rights of individuals that follow from it.

That elegant distinction and separation, invoked by our opponents, between the necessity of a precept and the necessity of a sacrament in relation to the same matter, does not appear capable of being suitably applied here. It is indeed true that there is a twofold necessity: one intrinsic, relating to the matter, by which the sacrament so binds the matter of a particular sin (namely a mortal sin) to itself that this sin cannot be remitted except through the sacrament; and another extrinsic, relating to the subject, by which the subject is so bound to the sacrament that he must submit his sins to it.

Moreover, God Himself, who is Lord of the sacraments, could have separated these two necessities from each other, so that a man might not be obliged to confess (although, if he chose to confess, he would necessarily have to submit necessary matter, namely mortal sins, according to the nature of the sacrament); or even so that a man might be obliged to submit to the sacrament all matter capable of being remitted by it, even if not necessary by reason of the sacrament, as in the case of venial sins. But after divine law has disposed otherwise, according to the very character of the sacrament, no human authority can impose that venial sins be necessarily accused, any more than it can impose that mortal sins be freely submitted to the sacrament.

For from the fact that, by the very nature of the sacrament and by divine precept, a man is not obliged to confess venial sins, it follows that he possesses a divinely granted right not to submit them to confession, and that such confession is matter of counsel alone. Now the Church cannot take away a right granted by God, nor can she directly command what belongs to counsel, just as she cannot, for example, impose upon someone the obligation to contract marriage or simply to embrace the celibate state.

The opponents also invoke, inappropriately, an analogy with other precepts by which the Church adds to what is divinely prescribed; for adding is one thing, contradicting another. Thus, when the Church prescribes consecration with unleavened bread, she adds to bread a determination not opposed to its nature. Likewise, when she prescribes the annual confession of mortal sins, she does not add a necessity of confessing, but urges the divine necessity and determines it with respect to time.[494]

[494] St. Thomas says expressly: "Under the precept [of the Church] falls rather the determination of the time than the act of confession itself" (In IV Sent., dist. 16, q. 2, a. 2, quaestiuncula 3, ad 3).

Nor, properly speaking, does she even impose a necessity of time as though she took away from a man a right to confess later. For this right is not something positive whose object is some determinate time; it means only the absence of an obligation to confess immediately. To this is

joined, moreover, the obligation to confess at some time, which presses indeterminately throughout the whole span of time and can therefore be determined by the Church.

St. Thomas and the other earlier theologians are appealed to in vain; for nothing can be drawn from their doctrine except an indirect obligation to confess venial sins, which can sometimes arise by reason of a precept of the Church that binds one, not to confess venial sins, but to make a confession, as will presently be explained. This is clear because they disputed not a mere possibility but the actual, determinate precept of annual confession. In that precept it is certain that the question is not of venial sins alone, but either of mortal sins alone, as some maintained (and this is true), or of sins in general, as others asserted. Moreover, St. Thomas expressly affirms (with the probable opinion held by these latter writers):

> "By reason of the sacrament a person is not bound to confess venial sins, but by the institution of the Church he is so bound when he has no others to confess" (Supplement, q. 6, a. 3, ad 3).

Secondly, against the first opinion, we affirm that the Church can indirectly command the confession of venial sins—or rather, that by occasion of a precept of the Church it may come about that venial sins must necessarily be accused.

For the Church can command certain or all the faithful, absolutely and indeterminately (that is, without regard to the quality of their sins), to receive the sacrament of Penance in some determinate circumstance or at some determinate time. Thus she in fact commands annual confession concerning mortal sins, fasting, abstinence, and Communion, and she could command Confirmation. Confession, taken absolutely and indeterminately, is a praiseworthy and religious act, most useful for the sanctification of souls; and in some extraordinary circumstance it may be judged a fitting means of appeasing divine justice and obtaining divine liberality.

But a confession cannot be made without the accusation of at least some sins. Therefore, if one who is obliged to confess has only venial sins, he must necessarily accuse them so that the commanded act of confession can be performed. This necessity arises neither directly from the proper force of the sacrament nor directly from the precept of the Church, but indirectly and by reason of concomitance: in such a case the thing commanded—namely the act of confession—cannot in fact be performed unless venial sins are accused, because there are no other sins that can be accused.

Nor is this the only instance of such necessity. Thus, although the Church cannot directly command internal acts, she can nevertheless reach them indirectly by commanding an external act that cannot occur without the internal act. This is verified in the precept of confession itself, which directly concerns the external confession and indirectly concerns the intention of submitting oneself to the keys of the Church and the internal act of sorrow.

Likewise, although the Church cannot directly command celibacy of every person, she can demand from those receiving some particular state, for example that of the sacred hierarchy, such a degree of perfection and holiness as cannot subsist without celibacy, and thus reach celibacy itself in a certain indirect manner—or rather, on the presupposition of some condition freely chosen by the subject himself.

This case of an indirect and strict obligation to confess venial sins, however, would arise rather rarely, namely only among those holy persons who have never committed a mortal sin. Others could confess

once more their past grave sins already confessed; for the obligation to receive the sacrament introduces only a necessity to confess mortal sins not yet confessed, or, in their absence, any other sin.

Whether the Church in fact imposes this indirect obligation to confess venial sins—that is, whether she imposes a confession that must necessarily be made in certain determinate circumstances even upon persons having no mortal sins—depends upon the different ways in which the following ecclesiastical provisions are interpreted by theologians.

The only general law prescribing confession is the Lateran law; and this, as was said in Note 5, according to the most common opinion of theologians, concerns only mortal sins, although a few authors formerly asserted the contrary.

The celebrated Clementine constitution "Ne in agro Dominico" (at the Council of Vienne, under Clement V, who died in 1314), treating of the state of monks, prescribes among other things concerning the Black Benedictines:

> "Indeed, every monk, without exception or excuse, both within monasteries and outside them, shall approach confession at least once each month; and on the first Sunday of each month they shall always receive Communion in the monastery."[495]

[495] Corpus Juris Canonici, Clementines, book 3, title 10, chapter 1, ed. Böhmer–Richter, part 2 (Leipzig, 1839), col. 1085.

The force of this provision is disputed. Some, such as Paludanus, Soto, Delgadillo, and the Gloss itself, teach that it binds one only to the confession of mortal sins, like the Church's general law, of which it is a certain determination specifying a shorter interval of time. Others, such as Cajetan (De Confessione, First Question), Cano, Vázquez, Suárez, and the Salmanticenses, say that it concerns simply the obligation to confess whether or not mortal sins are present, and thus that it concerns venial sins accidentally and indirectly; for it is altogether improbable that the Pope supposed monks would fall into mortal sins every month.

Furthermore, some, such as Navarrus, say that it binds only by way of what is fitting; Cajetan and Cano, however, say that it binds under venial sin, because the object itself is not necessarily a grave sin; whereas Soto and Vázquez say that it binds under mortal sin. Suárez and the Salmanticenses favor the latter, saying that the obligation depends not, as Cajetan would have it, upon the character of the sin—for confession itself, even when it concerns a slight sin, is a grave matter capable of being imposed under grave obligation—but upon the manner in which the other laws and disciplines of that religious order are understood to bind.

Nevertheless, it is not certain that the provision of that Clementine constitution contains a strict precept. Probably it expresses a mere counsel, as is suggested both by the words "Let them approach confession" and by the fact that the Council of Trent, shortly to be quoted, offers similar counsel and alludes to the Clementine constitution, as is evident from the marginal notes to the decree.

Various rules of religious institutes, ancient and modern, impose monthly, fortnightly, or weekly confession. The force of these precepts must be measured by custom and by the character of the religious institute. Among religious with simple vows, rules do not of themselves bind under sin.

The Council of Trent, in session 23, chapter 18, speaking of seminaries, says: "Let the bishop see to it that [the students] assist daily at the sacrifice of the Mass and confess their sins at least once each month." In session 25 (On Regulars and Nuns), chapter 10, it says: "Let bishops and other superiors of convents of nuns diligently attend to it that the nuns be admonished in their constitutions to make confession of their sins at least every month and to receive the most holy Eucharist." But the first provision is addressed immediately to the bishop and not to the students who are to confess; the second does not import a strict precept, as is evident from the word "be admonished," which does not sound as a command.

The Code of Canon Law, canon 125, § 1, states: "Let local Ordinaries see to it that all clerics frequently wash away the stains of conscience by the sacrament of Penance." Canon 595, § 1, 3: "Let superiors see to it that all religious ... approach the sacrament of Penance at least once a week." Canon 1367, 2: "Let bishops see to it that the students of the seminary ... approach the sacrament of Penance at least once each week." Yet these provisions are addressed immediately to bishops and superiors ("Let them see to it"). Particular statutes, diocesan as well as religious, must be judged according to the manner in which they are enacted and the character of the religious institute.

NOTE 10. WHETHER THE CHURCH CAN COMMAND THE CONFESSION OF SINS ALREADY CONFESSED

This question is closely related to the preceding one and is resolved by the same principles.

Major, Sylvester, and a few others answer simply in the affirmative, for almost the same reasons as those given for the affirmative opinion in the preceding Note. Indeed, according to these doctors, under the Lateran law itself the faithful who, by reason of a privilege granted, for example, by a bishop, had confessed to other priests were in fact obliged to repeat their confession to their own priest.

Durandus (In IV Sent., dist. 17, q. 15), Paludanus, Dionysius the Cistercian, Navarrus, and a few others answer simply in the negative, on the ground that sins already remitted through confession are free matter of the sacrament, and consequently the Church cannot make them necessary matter. This position is confirmed by the authority of St. Thomas, who writes in Quodlibet I, article 12, reply to objection 1:

> "Nor can anyone, by the authority of any man, be compelled to confess a sin which he has confessed to another who had the power to absolve; because, as has already been said, the confession of sins is something sacramental, subject to a divine command, not a human one."

Other theologians, more numerous, make a distinction. Thus Suárez (disp. 22, sect. 7, no. 9 ff.), Vázquez (q. 93, a. 1, doubt 6), Lugo (disp. 15, sect. 6, no. 93 ff.), and the Salmanticenses (disp. 8, doubt 2, no. 32) teach that the Church cannot impose this obligation upon everyone by a universal law, since it would be an excessively burdensome obligation (so all of them hold), and especially because matter which is not necessary would thereby become necessary (as Suárez explains more aptly). Nevertheless, they hold that she can impose it by a particular precept upon certain particular groups pursuing a more perfect life, such as religious, because for these persons such an obligation is not considered burdensome (so all of them hold), and especially because free matter does not thereby become simply necessary, as though made absolutely obligatory by the Church's precept itself; rather, it becomes necessary only conditionally and in dependence upon the penitent's own consent. For he

freely chooses a state of perfection in which such a precept can be imposed, just as a person who binds himself by vow to make a general confession is bound to confess his former sins (as Suárez explains more aptly).

It must, however, be carefully observed that this is necessarily to be understood of an obligation directly touching the very sins already confessed; for with regard to these sins there can be no case of an indirect obligation, such as occurs with venial sins. For, as Suárez rightly observes (disp. 22, sect. 8, no. 6), if the Church commands confession to be made indeterminately (from which there follows an obligation to confess some sin or other), no one will ever be under a necessity to confess sins already confessed, because there will always be new venial sins available for confession, since everyone falls into venial sins daily. Conversely, as was said in the preceding Note, a person can be placed under a necessity to confess venial sins if he has never committed mortal sins.

While preserving the probability of this third opinion, especially according to the more appropriate explanation offered by Suárez, the second, negative opinion seems to us more true. This also agrees with what was said in the preceding Note. For sins already confessed are free matter for confession, just as venial sins are; indeed, they are matter already judged and a case already concluded, unlike venial sins not yet confessed. Now, if the Church could command their confession, she would make them necessary matter, since their confession can be commanded only directly, unlike the confession of venial sins, as was just explained.

Nor does the explanation of Suárez, however ingenious, suffice to evade this conclusion. For the fact that someone freely enters a particular state, such as the religious state, in no way diminishes the necessity of the matter imposed by the laws of that state, nor does it properly make such necessity depend upon his consent; otherwise those laws would cease to have the character of true law, and the matter in question would lose the proper character of necessity.

Likewise, the alleged parallel between a precept of the Church and a vow obliging one to confess the same sins does not hold. On the one hand, a vow introduces a necessity freely assumed, whereas a precept of the Church imposes a necessity that is external and coercive. On the other hand, although each introduces a necessity concerning matter submitted to the sacrament, the precept entails a necessity imposed by man, which cannot extend to sins already confessed without violating the rights and character of the sacrament as willed and instituted by God. A vow, however, gives occasion to a necessity imposed by God Himself,[496] who, as Lord of the sacraments, can oblige someone to confess sins already confessed.

[496] For although the act of making a vow is free on the part of the person making it, once the vow has been made, the person is bound to keep it by the natural divine law and by the virtue of fidelity.

This opinion is considerably confirmed by the words of St. Thomas cited above (Quodlibet I, a. 12, ad 1) and by the decree of Benedict XI to be reported presently.

Certain documents are raised as objections by some authors:

Martin V (d. 1431), in the Extravagant "Ad meliores fructus," established that the faithful who confess to religious by reason of a privilege granted to the latter must nevertheless confess once a year to their own parish priests (as cited by Vázquez, q. 93, a. 1, doubt 7, no. 17).

Sixtus IV (d. 1484), in the Extravagant "Vices," commands:

> "Let the mendicants cease preaching that parishioners are not obliged to confess to their own priest, at least at Easter. By this, however, the mendicant friars are not to be considered excluded from hearing confessions and imposing penances according to the provisions of the common law and the privileges granted to them."[497]

[497] Corpus Juris Canonici, Extravagantes Decretales (Communes), book 1, title 9, De Treuga et Pace, chapter 2, ed. Böhmer–Richter, part 2 (Leipzig, 1839), col. 1163.

A certain statute among the Cistercians commands that monks who have already confessed during the year to their ordinary confessor must, at the end of the year, confess to their superior, that is, the abbot, all sins committed since their last confession made to him. So reports Dionysius the Cistercian (In IV Sent., dist. 23, q. 2, a. 2), himself a member of that Order, who nevertheless rather ineptly condemns the statute as imprudent and invalid.

Reply. With regard to the first two documents, there is no difficulty; for they merely command confession to the parish priest once a year and do not say that sins already confessed to others must be confessed again. Moreover, Benedict XI (d. 1304) had already authoritatively declared the mind of the Holy See in the Extravagant "Inter cunctas," directing prelates to recognize confessions made to mendicants and not to order the faithful to confess their sins to them a second time:

> "We declare null and void the excommunications or other sentences pronounced by prelates against this or in fraud of it; nor are penitents who have confessed to those friars and received absolution from them bound to confess those same sins again to their own priests, notwithstanding the constitution of the general council [Lateran IV], which, when rightly understood (lest there follow the absurdity that one must confess sins remitted through penance, and that a debtor who has been released remains bound to pay), is to be understood, as is evident from it, of those who have neglected to confess their sins to others."[498]

[498] Corpus Juris Canonici, Extravagantes Decretales (Communes), book 5, title 7, chapter 1, ed. Böhmer–Richter, part 2 (Leipzig, 1839), col. 1212.

As for the Cistercian statute, which presents a more serious difficulty, theologians have given more than one answer.

The aforesaid Dionysius the Cistercian condemns it as imprudent and without validity. Yet this reply is harsh, considering both the holiness of the men who enacted it and its approval by Sixtus IV and Pius II, as attested by Henriquez (De Poenitentia, book 4, chapter 17). This author interprets the decree as obliging monks to confess to the abbot not all their sins, but only those committed after their last confession to other priests. This reply, however, strains the words of the decree, whose meaning we have given above.

Lugo (disp. 15, sect. 6, no. 98) concedes the force of the decree, consistently with his opinion that religious, by reason of their state of perfection, can be commanded to accuse themselves of sins already confessed. The Salmanticenses, however, soften this same reply, saying that, whatever may have been the manner in which that statute was introduced, "nevertheless, once it was established and known by those making profession anew according to the statutes and constitutions of the Order, it introduced a grave obligation founded at least on the vow of those making profession ... for it is clear that among religious professing great perfection there can be found a grave obligation (from whatever source it arises) to confess sins already confessed."[499]

[499] Disp. 8, doubt 2, § 2, no. 32, Cursus Theologicus, vol. 20 (Paris, 1883), p. 210 ff.

Nevertheless, we have refuted Lugo's opinion above, nor is it apparent how it can be reconciled with the words of Benedict XI, expressed in such an unqualified manner. The qualification offered by the Salmanticenses is not lacking in ingenuity; for no one would deny that an obligation of this kind can arise from a vow. Yet it is not apparent how an obligation introduced in whatever fashion, even invalidly, could pass into a vow. For if it was invalid, it is not considered accepted by one who vows only according to valid and lawful constitutions.

Therefore, in accordance with the opinion defended above concerning the impossibility of imposing an obligation to confess sins already confessed, it must be said that this decree, whatever may have been the manner in which it was introduced and interpreted by the religious, did not have the force of a true precept but only of a counsel, expressed in the form of a certain pressing rule. This suitably explains why the aforementioned Dionysius, a professed member of the same Order, condemned it so vehemently; why, as Vázquez testifies, it was approved by Sixtus IV only amid the objections of many men; and why subsequently, as Llamas the Cistercian attests (Method., part 1, chapter 6, § 20), it was explained so that the monks were bound to accuse themselves to their abbot only of sins committed after their last confession to others.

NOTE 11. WHETHER THE CHURCH CAN DISPENSE ANYONE FROM THE OBLIGATION OF CONFESSION INSOFAR AS IT IS OF DIVINE LAW (Suppl., q. 6, a. 6)

All theologians reply in the negative, with St. Thomas, who writes:

> "The ministers of the Church are appointed within the Church, which has been founded by God. And therefore the institution of the Church is presupposed for the action of its ministers, just as the work of creation is presupposed for the work of nature. And because the Church is founded upon faith and the sacraments, it does not belong to the ministers of the Church to establish new articles of faith, or to remove those already established, or to institute new sacraments, or to abolish those instituted. Rather, this belongs to the power of excellence, which is due to Christ alone, who is the foundation of the Church. And therefore, just as the Pope cannot dispense so that someone may be saved without baptism, neither can he dispense so that someone may be saved without confession, insofar as it binds by the very force of the sacrament. But he can dispense with regard to confession insofar as it binds by a precept of the Church, so that someone may defer confession longer than has been established by the Church."

Nor does it matter that the precept of confession belongs not to natural divine law but to positive divine law; for "precepts of divine law bind no less than precepts of natural law; hence, just as there can be no dispensation in natural law, so neither can there be one in positive divine law" (reply to objection 1).

Likewise, it does not matter that the Church can dispense from certain divine obligations, as in a vow, a ratified marriage, the minister of Confirmation, and similar matters. For in these cases there is no question of a dispensation properly so called and directly granted; nor, moreover, is the obligation of confession of the same character as the obligations connected with vows, marriage, and similar matters. Besides, even if dispensation from confession were not foreign to the power of the Church, it could never in fact be applied, since it would require a reasonable cause, and such a cause could

never be present. For the only conceivable reason would be a physical or moral impossibility, which of itself excuses a person from observing the law without any need of dispensation.

From this it follows, against those who teach that the Church once simply denied penance to certain sinners, that the Church could not have done so except either by erring in faith or by sinning—that is, by acting directly against the divine law which commands all to have recourse to the keys of the Church. For she would thereby have placed certain sinners in the impossibility of obeying the divine precept.

NOTE 12. WHETHER THE CHURCH, OR THE SUPREME PONTIFF, CAN ABROGATE THE ECCLESIASTICAL PRECEPT OF ANNUAL CONFESSION OR DISPENSE FROM IT

The common opinion of the theologians is that the Church can do both things validly, speaking absolutely, even if a reasonable cause is lacking, since that law was introduced by her will (especially if it is said to be simply a human law, as we proved in Note 3). She can also do both lawfully, speaking in the abstract, whenever there is a reasonable, that is, grave and urgent, cause. For the power given to the Church in this matter is for edification and benefit, not for destruction and harm.

As regards lawfulness, it must first be observed that abrogation can take place in two ways: either by abolishing the law itself entirely—which would never be lawful, because scarcely any reasonable cause can be conceived that would otherwise compensate for the great harm arising from the faithful's diminished esteem for, and use of, the sacrament—or by removing only the annual determination of the time. The latter could be done in three ways:

First, by entirely removing that determination. This likewise could scarcely be done lawfully, since it would amount to the equivalent and practical abrogation of the law itself, which is no less urgent than the divine precept.

Secondly, by shortening the interval of time, as if confession were imposed twice or three times in the year. This would be an addition to and restriction of the law rather than its abrogation. Although it could be done for a reasonable cause, especially for the spiritual benefit of the faithful (and it is not improbable that, before the Lateran Council, true precepts of this kind existed in particular dioceses, as appears from Note 2), nevertheless, now that the law is established with the milder determination of one year, and considering on the other hand the laxer mode of life of modern people, which naturally and for the most part tends rather to increase than to decrease, such a change would not easily be expedient, because of the danger of more frequent transgression of the law. For favors are more readily extended than restricted, while burdens are increased only with greater difficulty.

Thirdly, by lengthening the interval of time, for example by assigning two or three years, yet not beyond the time at which the divine precept itself would become urgent, since in that case the law would be virtually abrogated. And "with regard to this method, perhaps it is not impossible that the Church should at some time come into such a condition [for example, a general persecution preventing the fulfillment of the precept, or a greater relaxation of discipline causing more frequent transgression of the precept] that this would be expedient. At present, however, it is certain that it is not expedient, nor perhaps could this morally happen, since the postponement of penance for a whole year is sufficiently long, and greater liberty cannot easily be granted, especially to the whole Church, without the gravest harm to her."[500]

[500] Suárez, De Poenitentia, disp. 36, sect. 1, no. 5, in Opera omnia, vol. 22 (Paris, 1860), p. 748.

Furthermore, it should be observed that dispensation, which may be understood proportionately according to the four methods just mentioned, requires a lesser cause for its lawful granting than abrogation does. For abrogation affects the very existence of the law and regards the whole community, whereas dispensation relates to the execution of the law on the part of particular individuals, groups, or provinces. Nevertheless, a reasonable cause for granting a dispensation will not easily arise. Indeed, it is scarcely conceivable that it would be expedient to dispense some person or province simply from the law itself or from its time, so that they would be bound to comply neither at all nor at any determined time. It is less difficult, however, to conceive of an extension of the time being granted to someone or, conversely, of someone's being obliged to confess several times a year, owing to the particular condition of a state freely chosen, such as the clerical or religious state.

Article 38. Whether the sixteen conditions of a legitimate confession are rightly assigned by the masters

ARTICLE 38. WHETHER THE SIXTEEN CONDITIONS OF LEGITIMATE CONFESSION ARE RIGHTLY ASSIGNED BY THE MASTERS

(Supplement, q. 9, a. 4)

STATE OF THE QUESTION

The question now begins concerning the PROPERTIES, or qualities or conditions, of confession, which pertain to its essence; for the necessity which we considered in the two preceding articles pertains rather to its existence.

There is a celebrated enumeration by the medieval doctors comprising sixteen conditions, which more recent writers also repeat and explain.[501] St. Thomas presents it as follows (here, objection 1): "Those sixteen conditions which are assigned by the masters are contained in these verses:

[501] Cf. Suárez, De Poenitentia, disp. 21, sect. 1, no. 2; Lehmkuhl, vol. 2, no. 300; Merkelbach, no. 517.

> Let confession be simple, humble, pure, faithful,
>
> And frequent, plain, discreet, willing, shamefaced,
>
> Entire, secret, tearful, prompt,
>
> Courageous and self-accusing, and ready to obey."

Modern authors generally add this condition also: "vocal" (that is, that confession must be expressed in words); and, omitting an explanation of the other conditions, as more easily understood, they speak chiefly of the following four: true (or faithful and free from falsehood), secret, vocal, and entire.[502]

[502] Cf. Noldin, no. 270 ff.; Cappello, no. 166 ff.; Merkelbach, no. 517 ff.; Vermeersch, no. 592.

Having set forth for the present the foregoing enumeration of the ancients, we shall treat in the following articles of these four conditions: ENTIRE, VOCAL, MADE IN THE PRIEST'S PRESENCE, SECRET.

The quality of truth or fidelity, understood in a positive sense, that is, as the obligation to confess sins which have been committed, coincides with integrity itself. Understood in a negative sense, however, that is, as the obligation not to accuse oneself of sins not committed, it is easily and briefly established. For to accuse oneself of mortal sins not committed is to pervert the sacramental judgment by deceiving the judge and is therefore of itself a sacrilege, rendering the sacrament invalid, unless it arises from scrupulosity or anxiety of mind.

Moreover, even when understood in the second manner, fidelity is in its own way reducible to integrity. For making an integral confession can be understood in two ways: in a precisive sense, that is, in such a manner that everything which is in the conscience is stated; and in an exclusive sense, that is, in such a manner that only what is in the conscience is stated. Or, if one prefers, the integrity of confession can be considered either on the part of what is in the conscience, so that everything which is in the conscience is stated, or on the part of what is stated, so that everything stated is in the conscience. Therefore something more will be said about this quality of truth in the next article (pp. 605–607), when treating of integrity.

AFFIRMATIVE CONCLUSION

Explanation.

One might at first wonder how several of the sixteen conditions enumerated, which are elicited acts of other virtues, can be attributed to confession, or to the very act of Penance. But St. Thomas replies (ad 1) "that it is not unfitting for a condition of one virtue to be found in the act of another virtue, an act which is commanded by the former; or because other virtues also possess, by participation, the mean which principally belongs to one virtue."

Those various conditions, assembled in the verses cited without any fixed order or method—several of which are essential, or pertain to the very being and validity of confession, while others are accidental, or regard only its being well performed—are arranged logically and reduced to fewer headings in different ways by different authors.[503]

[503] Cf., for example, Suárez, De Poenitentia, disp. 21, sect. 1.

St. Thomas ingeniously arranges them thus (in the body of the article):[504]

[504] The Salmanticenses explain this division of the Holy Doctor more fully in disp. 8, dub. 13, §§ 1–2.

> "Of the conditions mentioned, some are necessary for confession, and some belong to its being well performed. Now those which are necessary for confession belong to it either as it is an act of virtue or as it is a part of a sacrament. If in the first way, this is either by reason of virtue in general, or by reason of the particular virtue whose act it is, or from the very nature of the act.
>
> "There are, as stated, four conditions belonging to virtue in general. The first is that a person should have knowledge; and in this respect confession is said to have to be discreet, inasmuch as prudence is required in the act of every virtue. This discretion consists in confessing greater sins with greater weight. The second condition is that the person should act by choice, because acts of the virtues must be voluntary; and in this respect confession is said to be willing. The third condition is that he should act for the proper end; and in this respect confession is said to have to be pure, so that the intention may be right. The fourth is that he should act

steadfastly; and in this respect confession is said to have to be courageous, so that the truth is not omitted through shame.

"Confession, moreover, is an act of the virtue of Penance. This virtue first takes its beginning from a horror of the ugliness of sin; and in this respect confession should be shamefaced, so that one does not boast of sins on account of some admixture of worldly vanity. Secondly, it advances to sorrow for the sin committed; and in this respect confession is said to have to be tearful. Thirdly, it terminates in self-abasement; and in this respect it should be humble, so that one confesses oneself miserable and weak.

"But from the proper nature of this kind of act, which is confession, it has the character of making something known. This manifestation can be impeded in four ways: first, by falsehood, and in this respect it is said that confession should be faithful, that is, true; secondly, by obscurity of words, and against this it is said to be plain, so that it does not involve obscurity of words; thirdly, by multiplying words, and for this reason it is said to be simple, so that one recounts in confession only what pertains to the quantity of the sin; fourthly, by omission, so that nothing of those things which must be made known is withheld, and against this it is said to be entire.

"Insofar as confession is a part of a sacrament, it concerns the judgment of the priest, who is the minister of the sacrament. Consequently it must be self-accusing on the part of the person confessing, ready to obey in relation to the priest, and secret by reason of the nature of the tribunal in which the hidden matters of conscience are dealt with.

"But it belongs to confession's being well performed that it be frequent and that it be prompt, so that one confesses immediately."

Article 39. Whether confession of sins must be integral and distinct, comprising all sins according to species, number, and species-changing circumstances

ARTICLE 39. WHETHER CONFESSION OF SINS MUST BE ENTIRE, AND INDEED DISTINCT, OR EMBRACING ALL SINS ACCORDING TO THEIR SPECIES, NUMBER, AND CIRCUMSTANCES CHANGING THE SPECIES

(Supplement, q. 9, a. 2; also In IV Sent., dist. 16, q. 3, a. 2, q. 5; Opusc. 12, q. 6; certain passages to be cited in the notes at the end of the article)

STATE OF THE QUESTION

We are concerned with the first and principal property of confession, namely its integrity, which relates to the object of confession, that is, to the sins which are the remote matter of the sacrament.

In Article 36 we said that confession is necessary; in Article 7, however, we said that mortal sins, but not venial sins, are the necessary matter of confession or of the sacrament. Thus the present question completes those two articles: we ask whether confession of mortal sins is necessary in such a way that these sins must be accused in their entirety.[505]

[505] The question concerning the necessity of integrity regards only mortal sins, because venial sins are in themselves and according to the divine precept free matter of confession. Nor can the Church otherwise prescribe the confession of

all venial sins, or a determinate confession of some of them according to species, number, and circumstances, even if it were able to impose directly the confession of some venial sins—something which, however, was denied in Article 37 (pp. 530 ff.).

More precisely, THREE QUESTIONS ARE ASKED concerning this integrity:

1. Whether confession must of itself be materially entire.

2. Whether, of itself, it must be entire not just in any fashion but distinctly, so as to include the species and number of sins and the circumstances that change their species.

3. Whether, by reason of an accidental circumstance, a confession that is only formally entire may suffice—that is, one in which, because of inability, some sin is omitted or is not manifested according to its species, number, or circumstances.

For an understanding of these questions, note the following.

First, integrity is commonly distinguished into material and formal, or, as some less properly say, objective and subjective. The former comprises all sins which of themselves must be submitted to the sacrament, namely all mortal sins committed after Baptism and not yet confessed; the latter comprises all those sins which the penitent can and must accuse here and now, or from whose accusation he is legitimately excused by an accidental circumstance.

Secondly, when the question is raised whether confession must be entire, confession is not taken generally and indeterminately, as if the question were whether all sins must be submitted to some confession or other (so that it would suffice to accuse some sins in one confession and others in another). Rather, it is taken individually and determinately, so that the question is whether each confession must be entire or must include all the sins which are actually present in the conscience.

NEGATIVE PART

Wycliffe, Peter of Osma, and the Protestants, in denying the very necessity of confession, as stated in Article 36, especially attack the necessity of its integrity (above all as regards internal sins and the specific and numerical accusation of sins), as though it were something repugnant or inhuman.

WYCLIFFE, according to Thomas Waldensis (De sacramentis, tome 2, chap. 185), particularly denied the necessity of confessing purely internal sins, both because, by natural law, no one can be compelled to defame himself and because the Church, which instituted confession, cannot extend its power to internal acts.

PETER OF OSMA denied the necessity of confessing, on the one hand, sins of thought, since these are internal, and, on the other, public and manifest sins, since they are already known to everyone and for that reason are not the proper matter of confession, which ought to be secret. He also taught that distinct confession of sins according to their species is not of divine law but was introduced by the Church (cf. the propositions cited in Article 36, p. 350).

THE PROTESTANTS, with neither equal force nor consistent reasoning, rejected the necessity of confession, as explained in Article 36. They also constantly and vehemently attack the necessity and usefulness of integrity in confession, saying that the prescribed manner of confessing, as practiced among Catholics, is something injurious to the mercy of God, presumptuous on the part of man,

impossible and harmful to souls. To this belong the familiar expressions "slaughterhouse and gallows of souls" (cf. Article 36 above, p. 351). The principal assertions of Luther were collected and condemned by Leo X (Denz. 748 ff., cited in vol. 1, pp. 212 ff.), and by the Council of Trent, session 14, chapter 5 and canons 7–8 (cited below, pp. 548 ff.).

AMONG CATHOLICS there have also been certain doctors who have tried in some measure to relax the obligation of confessing distinctly according to the species and number of sins.

As regards species, CAJETAN (Quaestiones de Confessione, question 3) teaches that the penitent is obliged to confess the more common and better-known species of sins, whose distinction is clear and known to everyone (such as adultery, fornication, theft, and so forth), but not those whose distinction is generally hidden and requires the subtle consideration of theologians: such sins, he says, need be accused only under some more general subordinate genus. His reason is that the sacramental judgment is a salutary or medicinal judgment, and the distinct accusation of those species contributes little to this purpose, both because it is exceedingly difficult and at times scarcely possible even for the doctors themselves, and because it cannot appreciably alter the moral judgment, or judgment of the penitent's culpability, to which the remedy is to be applied.

Cano (Relectio de Poenitentia, part 5, reply to objection 4), both Sotos, Navarrus, and Fagundez favor Cajetan.

As regards number, certain older canonists are commonly mentioned,[506] who taught that a penitent was not bound to confess a determinate number of sins, but satisfied the divine precept if he indicated the number in a vague and confused manner, or expressed a plurality rather than the actual number (for example, "I have sworn several times"; "I have committed adultery frequently"). Their reason is that determining the number is, on the one hand, difficult and excessively burdensome and, on the other, cannot greatly alter the judgment of the confessor concerning the healing of the penitent or the imposition of an adequate satisfaction.

[506] Cf. the discussion in Delgadillo, disp. 17, dub. 51, and Navarrus, In cap. "Consideret," De poenitentia, no. 42.

Cajetan (loc. cit.) comes somewhat close to this opinion, which Angelus (see "Confessio," I, 23) calls not improbable. He teaches that although a determinate number must be accused if it is certainly known, nevertheless one need not be anxious in investigating it except insofar as this bears upon a salutary judgment. If inquiry into the number contributes little to this, it suffices to investigate and accuse it with some generality or approximation.

To this point Cajetan says:

> "The species of mortal sins differ in two ways. For there are some whose diversity introduces a diversity into the salutary judgment: for a blasphemer must be judged differently from an adulterer, and an adulterer differently from a murderer, and so forth. Such are the species of sins which are commonly known, such as adultery, fornication, theft, robbery, insult, detraction, and so forth. But there are certain other species which seem to make no difference in the salutary judgment, as with the species of divination: for the penitential judgment is the same whether someone has improperly used water or earth, and similarly in other cases. Such seem to be the species of gluttony and, in general, all the less evident species, which perhaps even learned men can scarcely distinguish. Accordingly the primary species of sins must be

explained in confession; it suffices, however, to explain the secondary species under subordinate genera, for example, 'I have sinned in necromancy,' and so with the rest. "Concerning the number of sins, however, it must be understood that sins can be accused in two ways: first, according to themselves; secondly, according as they constitute a circumstance of the sinner. And in this second way they introduce a certain difference into the salutary judgment, whereas they do not do so in the first way. For one who has offended only once or twice must be judged and treated differently from someone who has offended a hundred times. But one who has offended as many times as opportunities arose is judged and treated in the same way whether the number was a thousand or a hundred thousand times. Nor does this require proof, since experience testifies to it.

"Secondly, therefore, the number of sins comes to be accused not because it introduces a difference in the absolute judgment, but because it introduces a difference in the salutary judgment. Consequently, if it is not known, it suffices to explain it through some rough estimate. For the character of a salutary judgment does not vary on this account. For example, someone who has committed theft many times, if the judge considers whether it was a little more or a little less than twenty, ought not to be anxious, 'Perhaps it was twenty, perhaps twenty-one'; rather, it is enough to explain the number in this confused fashion, as it occurs to him. Whenever, then, the number of sins, both in itself and insofar as it is a circumstance of the sinner, is not certain (for there is no reason compelling one to a certain number), it should either be explained under some probable number or, when a habitual course of sinning preceded, by explaining the period of time—for example, that for ten years one was in this evil habit and frequency of sinning, such that every day or almost every day, or in some other way, a very great multitude or frequency must be disclosed.

"Neither the penitent nor the confessor should be very anxious about numbers of this kind, for the rationale of the salutary judgment remains the same, and sometimes solicitude about this is harmful to both. It is more important that frequency, together with readiness to sin, be manifested than that one investigate a probably determinate number, such as three hundred or a thousand, and so forth. Hence a prostitute who is heard in confession after turning to penance can very easily be dealt with in this respect by recounting the course of her life during the years in which she was a prostitute; nor need one be anxious how often she could have sinned with married men or with clerics. Rather, from the course of her life discreetly disclosed, let the prudent confessor judge and provide a remedy."

This position of Cajetan, especially its first part concerning the distinct accusation of the species of sins, has been judged by some more severely and by others more mildly, as capable of being understood in an orthodox sense.[507]

[507] Quaestiones de Confessione, question 3, nos. 6 ff., in the Leonine edition of the works of St. Thomas, vol. 12, p. 350.

Its defect must be sought in this, that he seems to take as belonging essentially what belongs accidentally, although this does in fact occur fairly commonly. For all moral species of sins (not their physical species) must in themselves be accused, including those less known and less common; and penitent persons ought, in a humanly reasonable manner, to be solicitous in investigating the determinate number of sins. But by reason of an accidental circumstance it often happens that certain

species do not have to be accused because an examination would be impossible or difficult, especially since the less instructed do not ordinarily perceive those things which formally and specifically constitute distinct sins in the act of sinning itself or immediately beforehand. Likewise, in itself one must investigate the determinate number of sins with prudent diligence, even though this contributes little to the confessor's judgment; but accidentally, by reason of the difficulty of the examination, it may suffice to accuse the number under some generality and approximation.

AFFIRMATIVE PART

Theological note.

The necessity both of the integrity of confession and of distinct integrity—whether as regards species, number, or circumstances that change the species —is defined as of faith in canon 7 of the Council of Trent. Integrity, the distinction of sins, and the accusation of circumstances are defined formally; specific and numerical distinction, however, are defined equivalently.

The sufficiency of formal integrity is theologically certain from the Council of Trent, chapter 5 and canon 7, and from the ordinary magisterium as manifested in the practice of the Church. Indeed, the sufficiency of formal integrity precisely insofar as it arises from the forgetting of a sin after diligent examination appears to be of faith from the same canon 7 (see below, on the Council of Trent); and it is judged without doubt to be so by Suárez (disp. 23, sect. 3, no. 1).

DOCUMENTS OF THE CHURCH

The Second Council in Trullo, A.D. 692 (cited in Article 36, p. 364), teaches that the confessor must consider the quality of the sin in order to be able to offer a suitable medicine.

The Council of Calchuth, A.D. 787 (cited in the same place, p. 365), teaches that satisfaction is to be rendered "according to the judgment of the priest and the measure of the fault."

The Council of Chalon, A.D. 813, canon 32 (cited in the same place, p. 365), speaks of a full confession, made with careful investigation of sins, even sins of thought, by a penitent who must therefore be instructed by the confessor concerning the principal vices.

> The Council of Tours, A.D. 813, canon 22: "Bishops and priests must with diligent care consider how they assign periods of abstinence to persons confessing their offenses, so that abstinence may be prescribed to penitents according to the measure of the sin" (Mansi 14, 86).

The Council of Worms, A.D. 868 (cited in the same place, p. 365), teaches that each individual sin and its circumstances are to be considered by the confessor ("to consider individually the causes of each one, and the origin and the manner of the faults").

The Fourth Lateran Council: "Let him confess all his ... sins" (Denz. 437).

The Council of Florence, Decree for the Armenians: "It belongs to confession that the sinner confess integrally to his priest all the sins of which he has remembrance" (Denz. 699).

Leo X, in the bull Exsurge Domine, condemned two propositions of Luther, cited in volume 1, pp. 212 ff.

THE COUNCIL OF TRENT, session 14, chapter 5 and canons 7–8, defines the Catholic doctrine concerning the necessity of the integrity of confession in an entirely determinate and explicit manner.

In canon 7 itself the necessity of confessing integrally ("to confess all") and distinctly is taught, both as regards species ("all and each," "even secret sins," including internal sins such as those "which are against the last two precepts of the Decalogue"), and as regards number ("all and each"), and as regards "the circumstances that change the species of the sin." The necessity of confessing "all and each mortal sin of which memory is retained" implies that it is not necessary to confess those sins that do not come to mind, and thereby implies the adequate sufficiency of formal integrity.

In chapter 5 the Council explains all these things more fully, speaking of an "entire confession of sins," in which "after diligent examination" all sins are declared, "not only in general ... but rather specifically and individually," together with "those circumstances ... that change the species of the sin, since without them the sins themselves are neither fully set forth by the penitents nor made known to the judges, and it cannot happen that they rightly judge the gravity of the offenses and impose the punishment which they ought to impose upon those penitents." The sufficiency of formal integrity is explicitly taught, for nothing more is required of penitents than that they confess the sins that occur to their remembrance after diligent examination, in which confession all other sins are understood to be included.

> Canon 7. "If anyone says that, in the sacrament of Penance, it is not necessary by divine law, for the remission of sins, to confess all and each of the mortal sins of which one retains remembrance after due and diligent reflection, even secret sins and those which are against the last two precepts of the Decalogue, and the circumstances which change the species of the sin; but that this confession is useful only for instructing and consoling the penitent, and was formerly observed only for imposing canonical satisfaction; or if anyone says that those who strive to confess all sins wish to leave nothing to be forgiven by divine mercy; or, finally, that it is not lawful to confess venial sins: let him be anathema." (Denz. 917.)
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> Canon 8. "If anyone says that the confession of all sins, such as the Church observes, is impossible, and a human tradition to be abolished by the pious: let him be anathema." (Denz. 918.)
>
> Chapter 5. "From the institution of the sacrament of Penance already explained, the universal Church has always understood that the entire confession of sins was also instituted by the Lord [Jas 5:16; 1 Jn 1:9 (Lk 17:14)] and that it is necessary by divine law for all who have fallen after Baptism [canon 7], because our Lord Jesus Christ, when about to ascend from earth to heaven, left the priests, His own vicars [Mt 16:19; 18:18; Jn 20:23], as presidents and judges, to whom all mortal crimes into which Christ's faithful might fall should be brought, so that by the power of the keys they might pronounce the sentence of remission or retention of sins. For it is evident that priests could not exercise this judgment without knowing the cause, nor indeed observe equity in imposing penalties, if penitents declared their sins only in general and not rather specifically and individually.
>
> "From this it is gathered that it is necessary for penitents to enumerate in confession all the mortal sins of which they have knowledge after diligently examining themselves, even if they are most secret and committed only against the last two precepts of the Decalogue [Ex 20:17;

Mt 5:28], which sometimes wound the soul more grievously and are more dangerous than those committed openly. For venial sins, by which we are not excluded from the grace of God and into which we fall more frequently, although they may rightly and profitably be told in confession and without any presumption, as the practice of pious persons shows, can nevertheless be passed over without guilt and expiated by many other remedies. But since all mortal sins, even those of thought, make men children of wrath [Eph 2:3] and enemies of God, it is necessary to seek pardon from God for all of them also, by an open and shamefaced confession. And so, while Christ's faithful strive to confess all the sins that come to their remembrance, they undoubtedly submit them all to the divine mercy to be forgiven. But those who do otherwise and knowingly withhold some sins propose nothing for the divine goodness to remit through the priest. For if the sick man is ashamed to disclose his wound to the physician, medicine does not cure what it does not know.

"It is also gathered that those circumstances which change the species of the sin must be explained in confession [canon 7], since without these the sins themselves are neither fully set forth by penitents nor made known to the judges, nor can the judges rightly assess the gravity of the offenses and impose upon those penitents the penalty which ought to be imposed. Hence it is contrary to reason to teach that these circumstances were devised by idle men, or that penitents need confess only one circumstance, namely that they sinned against a brother.

"But it is impious to say that confession, which is prescribed to be made in this manner, is impossible, or to call it a torture of consciences [canon 8]. For it is established that nothing else is required of penitents in the Church than that, after each has examined himself more diligently and searched all the folds and hiding places of his conscience, he confess those sins by which he remembers having mortally offended his Lord and God; the remaining sins, however, which do not occur to one who thinks diligently, are understood to be included in that same confession. Concerning these we faithfully say with the Prophet: 'Cleanse me, O Lord, from my hidden sins' [Ps 18:13]. Indeed, the very difficulty of confession of this sort and the shame of revealing sins might seem burdensome, if they were not lightened by so many and such great benefits and consolations, which, through absolution, are most certainly conferred on all who worthily approach this sacrament." (Denz. 899 ff.)

The Catechism of the Council of Trent, part 2, chapter 5, questions 46 ff., speaks of "entire and absolute [that is, distinct] confession," explaining this Tridentine doctrine.

The Roman Ritual, title 3, chapter 1, On the Sacrament of Penance, Order of Administration, nos. 15, 16, 17, and 25, has the following: "The [priest] shall not rebuke the one confessing until his confession has been completed, as will be said; nor shall he interrupt him, unless to understand something better. Therefore he should give him confidence and gently suggest that he confess all his sins rightly and entirely, the foolish shame being removed by which, at the devil's suggestion, some do not dare to confess their sins. If the penitent has not expressed the number, species, and necessary circumstances of the sins, the priest shall prudently question him. But let him beware of detaining anyone with curious or useless questions, especially of imprudently questioning young people of either sex, or others, concerning what they do not know, lest they suffer scandal and consequently learn to sin. ... But if, in the course of confession or even before he has begun to confess, his voice and speech fail through illness, let

[the priest] endeavor by nods and signs, so far as this can be done, to learn the sins of the penitent; once he has learned them in some way, whether in general or in species, or even if the penitent has manifested a desire to confess, whether personally or through others, he is to be absolved."

The Code of Canon Law, canon 901: "One who after Baptism has committed mortal sins which have not yet been directly remitted by the keys of the Church must confess all of which, after diligently examining himself, he has consciousness, and explain in confession the circumstances which change the species of the sin."

CONCLUSION

Conclusion 1. The confession of sins must of itself be materially entire; that is to say, each individual confession must include all mortal sins committed after Baptism and not yet confessed.

Proof 1. FROM THE VERY INSTITUTION of the sacrament of Penance: considering, on the one hand, its threefold essential character, namely judicial (or vindicative), reconciliative (or justifying), and medicinal (or healing), and, on the other hand, the connection of sins with one another and in the conscience of man.

FIRST, through this sacrament it is not so much a matter of judging and vindicating some particular offense against God as of judging the man himself and vindicating the rights of God in man. But this judgment and this vindication (which is obtained in a special manner through the imposition of a suitable satisfaction) cannot take place without a manifestation of the whole of the man's conscience, or of all sins not yet judged.

Moreover, even considering any one particular sin, a perfect judgment about it cannot be given, nor a suitable satisfaction imposed, unless the other sins are made manifest: both because all sins are at least negatively connected with one another in the same evil will that departs from the law of God, and because several sins are also positively connected with one another according to a relation of disposition or causality. Hence it is that even in a human judgment, where only external offenses are considered, an investigation is made, so far as possible, not only of the one or other offense directly at issue, but also of the other actions and violations of law, and the record of crimes is carefully examined, so that a more secure judgment may be made concerning culpability and the extent of the offense.

You will say 1. It seems more conducive to the vindicative character of this sacrament that the manifestation of sins should be divided among several confessions, especially before several priests; for thus the shame, which has a satisfactory character and diminishes punishment, is multiplied and increased.

Reply. "Although shame is more numerous when a person divides his several sins among different confessors, nevertheless all those shames taken together are not of such great shame as that one by which someone confesses all his sins together. For a single sin considered by itself does not show so clearly the evil disposition of the sinner as when it is considered together with several others; since someone sometimes falls into one sin through ignorance or weakness. But the multitude of sins shows the malice of the sinner, or his great corruption." (Supplement, q. 9, a. 2, ad 1.)

You will say 2. Confession is necessary in penance for the purpose of imposing a punishment on the sin according to the judgment of the priest. But a sufficient punishment can be imposed by different priests for different sins. Therefore it is not necessary to confess all sins to one priest.

> Reply. "A punishment imposed by different priests would not be sufficient, because each would consider a single sin only in itself and not its gravity, which it has from its connection with another; and sometimes the punishment which would be given against one sin would promote another sin." (Ibid., ad 2.)

SECONDLY, as was stated in Article 3, this sacrament is not merely vindicative or condemnatory, but also, and in a special manner, absolving or reconciliative or justifying. Through it there is sought not so much the restoration of the order of justice as the restoration of the higher order of justification, which consists in the harmony of peace and reconciliation with God, or rather of one for the sake of the other and sought in the other. But this justification, peace, and reconciliation entails the removal of all sins: both because morally there cannot be peace and justice where disorder and an offense still remain, and because physically any sin is not removed except by the infusion of the form of grace, which is opposed to all sins. Now the means instituted by God for obtaining this reconciliation is sacramental confession. Therefore this must be entire, or reach all the sins which are to be removed through justification and reconciliation.

You will say 1. A sin omitted from one confession through forgetfulness or for a reasonable cause is accused and remitted in another confession, even when made before a different priest. Therefore it does not belong to the nature of confession that all sins should be manifested together and to the same minister.

Reply. I deny the consequence; or distinguish: that this does not belong to the nature of confession of itself and absolutely, I deny; that it does not so belong to its nature that it cannot happen accidentally that some sin is remitted through another confession, I concede. In this objection, from the affirmation of what holds accidentally an illegitimate denial of what holds of itself is inferred. For it remains that material integrity is of itself required in confession, so that all sins may be remitted; nevertheless, accidentally formal integrity may suffice, as will be proved in Conclusion 3.

> To the point, St. Thomas refutes the exaggerated opinion of certain persons who taught the necessity of accusing again before the same confessor sins that had previously been forgotten, or of repeating all sins together before another: "Some say that when a person recalls those sins of which he had previously been forgetful, he must also confess again those which he had previously confessed, especially if he cannot have the same [priest] to whom he had formerly confessed, who knows them all, so that the quantity of the whole guilt may be known to one priest. But this does not seem necessary, since a sin has its quantity both from itself and from its connection with another. The sins of which he has confessed have already manifested the quantity which they have of themselves. But in order that the priest may know both quantities of that sin which had been forgotten, it suffices that he who confesses it explicitly state this sin and the others in general, saying that, when he confessed many other sins, he had forgotten this one." (Ibid., ad 3.)

You will say 2. There is nothing repugnant in confession having been instituted in such a manner that, through confession of one sin or another, all sins are remitted by reason of contrition or

attrition which includes the intention of a further confession of those sins omitted in the present confession. Indeed, this happens in fact when some sin is omitted from confession through forgetfulness or for a reasonable cause. Thus Durandus (In IV Sent., dist. 17, q. 15) and Medina (Codex de Confessione, q. 8), moved by these and similar reasons, teach that the necessity of entire confession cannot be deduced from the mere force of the institution of this sacrament.

Reply. God certainly could, absolutely speaking, have instituted confession in the manner objected; but that He did not in fact so institute it is clear from the very nature of the matter, in default of a restrictive declaration in the revelation itself. God, namely, simply instituted confession for the remission of sins; and sins are remitted together; therefore they are also to be confessed together. That they are not confessed together in a case of forgetfulness or of a reasonable cause excusing from accusation of some sin is something accidental, which moreover follows from the very nature of the matter, since confession is by the positive institution of God, who is understood to accommodate it to human manners and conditions, as will be said in Conclusion 3.

THIRDLY, this sacrament is justifying in such a way that it is also essentially medicinal and healing, since sin is a certain spiritual sickness of the soul. But the priest, who has been constituted by God the physician of such sickness, cannot fittingly provide the sick penitent with medicine by the agency of confession unless he possesses, through an integral confession, a full knowledge of the state of his conscience; just as a human physician cannot suitably cure a bodily sickness unless he first has a full knowledge of the disorders and diseases of the body. For spiritual diseases are interconnected, not otherwise than bodily diseases, and indeed in a more intimate manner, since the spirit possesses a unifying power, whereas matter is the principle of multiplicity and division.

> To the point, St. Thomas: "In bodily medicine it is necessary that the physician should know not only the one disease against which he ought to administer medicine, but also universally the whole condition of the sick person, because one disease is aggravated by the addition of another, and medicine which would be suitable for one disease would be harmful to another. And the same holds in sins, because one is aggravated by the addition of another, and what would be a suitable remedy for one sin would furnish an incentive to another when a person has sometimes been infected by contrary sins, as Gregory teaches in the Pastoral Rule [part 3, chapter 3]. And therefore it is of the necessity of confession that a man confess all the sins which he has in his memory; if he does not do this, it is not confession, but a simulation of confession" (ibid., corpus).

Confirmation.

1. From the parity and connection with the other two parts of this sacrament, namely absolution and contrition. For absolution is pronounced universally concerning all sins, and contrition necessarily reaches all sins;[508] therefore by parity confession also ought to concern all sins, since it is part of the same sacrament, ordered toward the remission of sins, and all the parts of one whole ought to be proportionate to one another. Moreover, confession is related to absolution as matter is related to form, and to contrition as something manifesting it; therefore it ought to be proportioned to them, just as matter is proportioned to form and a sign to what is signified.

[508] Cf. what was said in Article 25 (Conclusion 8, pp. 62–76) concerning the necessity of contrition regarding individual sins, against certain theologians who therefore deny that there is parity in this respect between confession and contrition.

2. From the substitutive character of confession in relation to contrition. For by the institution of the sacrament, confession is substituted for perfect contrition in order to obtain justification; therefore, just as contrition justifies by detesting all sins, so confession does so by manifesting them all. "Moreover, the priest hearing confession takes the place of God, and therefore confession must be made to him in the same manner as contrition is made to God. Hence, just as it would not be contrition unless someone were contrite for all sins which occur to his memory, so it would not be confession unless someone confessed all which occurred to his memory" (ibid., ad 2).

Proof 2. FROM THE SENSE OF TRADITION, explaining in a connatural way, or interpreting, the force of the institution itself.

The Fathers say that sins must be confessed (without adding any restriction); that one must confess simply; that the heart must be laid bare; that the secrets of the heart must be manifested; that confession must be full; that nothing must be concealed; that all sins must be told; that the varieties of sins must be disclosed. Leo the Great speaks significantly of the kind of individual sins, and later doctors, from the sixth century onward (see John the Faster below), expressly set forth a specific catalogue of the sins to be accused.

The Fathers and other ancient doctors also constantly and insistently assign the two principal reasons for the necessity of integral confession, namely the reason of rightly pronouncing and executing judgment and the reason of providing a suitable medicine.

The very term exomologesis, ἐξομολόγησις (from ἐξ, or ἐκ, meaning "out of," and ὀμολογέω [ὀμόν, "the same," and λέγω, "I say"], that is, "I say the same thing that another says," "I confess," "I profess"), employed from the beginning and constantly by the Greek Fathers to designate the whole sacrament, includes within itself the sense of integrity. For it denotes not just any utterance or manifestation, but an emphatic, spontaneous and open one, and consequently a complete one, as is evident from the various senses in which the term occurs in the books of the New Testament: I promise, I acknowledge in the presence of another, I pronounce openly, I display, I proclaim.[509]

[509] Cf. Zorell, Lexicon Graecum Novi Testamenti, s.v. ἐξομολογέω; Grimm, Lexicon Graeco-Latinum in Libros Novi Testamenti, s.v. ἐξομολογέω.

Among many testimonies, note particularly the following texts of the Fathers.

Compare, first of all, the first five councils cited in the Affirmative Part, which authoritatively propose the sense of Tradition.

Clement of Rome, Epistle I, 51, 1 (cited in Article 36, p. 392), speaks of confession of all sins ("Whatever we have done wrong ... it is better to confess").

Tertullian, On Penance, 10 (cited in vol. 1, p. 101), says generally that nothing is to be concealed in confession: "If we have withdrawn anything from human knowledge, shall we therefore conceal it from God also?"

Origen, On Leviticus, homily 3, 4 (cited in Article 36, p. 396), says very significantly: "For everything that we do must be declared, and everything that we perform must be publicly disclosed. If we do anything in secret, if we do anything only in speech, or even if we commit something secretly within our thoughts, everything must necessarily be made public, everything brought forward; and it must be brought forward by him who is both the accuser and the instigator of sin."

Cyprian, On the Lapsed, 28 (cited in vol. 1, p. 113), says that one ought "to confess simply before the priests of God." In the same work, 21, he manifestly refers to the object of this confession when he says: "We reckon up our offenses ... examining our deeds and the secrets of our soul, and weigh the deserts of our conscience" (M.L. 4, 498).

Lactantius (cited in Article 36, p. 396) says that confession is a kind of circumcision by which "we lay bare the heart," and that pardon is denied by God to those who conceal sins, for He "looks into the innermost and hidden things of the breast."

Basil (cited in Article 36, p. 398) says that sinners disclose to confessors "secrets of which no one is a witness except Him who searches hearts."

Pacian, Exhortation to Penance, 2 and 8 (cited in Article 36, p. 399), speaks of "crimes well and openly confessed" and of the confessor being "fully informed"; he compares true penitents to sick people who do not fear approaching physicians "even when they are to be cut in the hidden parts of the body."

Jerome, On Matthew, 3, 16, 19 (cited in vol. 1, p. 119), says that when the priest "has heard the varieties of sins, he knows who is to be bound and who is to be loosed."

Leo the Great, Epistle 168 (cited in Article 36, p. 363 ff.), speaks "of the kind of individual sins."

John the Faster (Patriarch of Constantinople from the year 586), Consequence and Order Concerning Those Who Confess Their Sins, at the beginning: "The priest receives the sins of those confessing, and sets him before the altar, and chants the Trisagion with him. ... Afterwards ... he thus instructs and catechizes him. Spiritual son, I do not chiefly and principally receive your confession, nor do I grant you absolution, but God through me (for the work of this kind belongs to Him) receives the confession of your sins, and through our voice distributes and bestows their remission, as He himself declared through His own voice, when in His mercy, which cannot be expressed, He said thus: Whatever you shall bind or loose upon earth shall be bound or loosed in heaven—those things, indeed, are bound, and these are loosed. Reveal, therefore, and declare before the holy angels, and conceal from me none of those things which you have done in secret, as though you were confessing the secrets of your hearts to God who knows them; and He, the knower of hidden things, will blot out all that you shall have revealed. ... [Here various sins are enumerated.] The confessor ought first of all to ask the one confessing these things: how often has he fallen into them altogether? For before all else the number is sought, and the distinction of persons" (M.G. 88, 1890–1894).

Concerning the seventh to the eleventh centuries, it suffices to recall from Article 36 (p. 404 ff.) the enactments of the Council of Chalon of 813 and of Worms of 868, and especially the Penitentials of Theodore of Canterbury, Egbert of York, Chrodegang of Metz, and Regino of Prüm; in these not only

is the necessity of confessing all sins proclaimed, but also a catalogue of the species of sins is set out distinctly.

> Pseudo-Augustine, On True and False Penance (about the end of the eleventh century), chapters 14, 15 and 20, speaks distinctly of the circumstances to be accused in sin: "Let [the penitent] consider the quality of the crime, in its place, in its time, in its continuance, in the variety of the person, and the temptation by which he committed it, and in the manifold execution of the vice itself. For the fornicator must repent according to the dignity of his status or office, according to the manner of his merits, and according to the manner of his act, and the fashion in which he carried out his shameful deed. If it occurred in a sacred place, or with one to whom he owed the excellence of faith, as with the households of lords and of many others; if at a time appointed for prayer, or on the feast of saints, or during a time of fasting; let him consider how long he persevered, and let him bewail that he sinned perseveringly, and how great was the assault of sensual appetite. For there are those who not only are not overcome, but voluntarily offer themselves to sin: they do not wait for temptation, but forestall their own will, and consider within themselves by what manifold action they may sin pleasurably. All this variety must be confessed and deplored, so that when he has recognized that his sin is great he may more quickly find God propitious. In recognizing an increase of sin, let him consider of what age he was, of what wisdom, of what order, and the whole condition of the other person who did not sin. Let him dwell upon each of these matters and perceive the measure of his crime, purging every quality of vice with tears. ...
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> "Let him place himself wholly in the power of the judge, in the judgment of the priest, reserving nothing for himself, so that he may be prepared to do all things at his command for the recovery of the life of his soul, whatever he might do for the bodily life threatened by death. ... Let the penitent beware lest, led by shame, he divide his confession within himself, wishing to manifest different things to different priests. For some conceal from one what they reserve to be manifested to another: which is to praise oneself and to tend toward hypocrisy, and always to lack that pardon which they think they have obtained in its entirety in vain. ...
>
> "The [priest] must know how to recognize what he ought to judge. For the judicial power demands this, that he discern what he ought to judge. Therefore let him inquire diligently, investigate subtly, ask the sinner wisely and as it were shrewdly what he perhaps does not know, or wishes to conceal through shame. Having learned the crime, therefore, let him not hesitate to investigate its varieties, and the place and time and the other things which we have stated above in setting forth their qualities" (M.L. 40, 1124–1130).

In the twelfth century Gratian, in the Decree, part 2, De Penance, distinction 5, chapter 1 (M.L. 187, 1631–1634), and Peter Lombard, in the Sentences, book 4, distinction 16, no. 1 (M.L. 192, 877 ff.), repeat, or rather transcribe, the same doctrine of Pseudo-Augustine as though it came from Augustine himself.

> In the thirteenth century St. Thomas thus briefly summarizes the whole traditional doctrine: "It belongs to the necessity of confession that a man confess all the sins which he has in his memory; if he does not do this, it is not confession, but a simulation of confession" (Supplement, q. 9, a. 2).

You will say. In the ancient Church only the graver and public sins were subjected to ecclesiastical penance. Therefore the integrity of confession was not considered necessary.

Reply. In the ancient Church sins which were truly mortal were regarded as the necessary object of ecclesiastical penance, or of confession, and indeed of integral confession; nevertheless, an insufficiently cultivated and fluctuating judgment about the gravity of some sins, even among the doctors, was the reason why certain less serious sins of the faithful, whose manner of life was more lax, were not subjected to the keys. The Fathers not infrequently rebuke such people (cf. above, Article 36, p. 424). Moreover, if this objection had any force, it would bear upon the necessary object of confession, namely what we said in Article 7 to be mortal sin, and would not bear directly against the necessity of integral confession.

To the point, Diekamp: "The testimonies brought forward from Tradition principally concern 'capital crimes' or 'more grave' sins. But the necessity of subjecting even 'lesser' or 'lighter offenses,' that is, mortal sins of lesser gravity, to the judgment of penance is established with equal certainty and universality from the documents of the ancient Church. At that time, however, mortal sins were not yet clearly distinguished. Tertullian, for example, besides capital sins, enumerates among mortal sins also fraud, and elsewhere false testimony (On Modesty, 19, 25; Against Marcion IV, 9). The Council of Elvira considers a mortal sin to be committed if anyone practices usury (canon 20), or does not attend the sacred rites on the Lord's day (canon 21), or accuses another falsely (canons 73–75). Cassian (Conferences XXIII, 15) includes among mortal sins drunkenness, theft, and robbery. Augustine, Sermon 351, 4, 7, demands ecclesiastical penance for all sins 'which the law of the Decalogue contains.'

"On the other hand, he holds that lustful desires are indeed mortal sins, but thinks that they may be blotted out by the daily petition, that is, by the fifth petition of the Lord's Prayer, just as venial sins may be (Sermons 56, 8, 12; 128, 12, 14; On the Trinity XII, 12, 18). And just as to this Lord's Prayer is ascribed the efficacy of remitting certain mortal sins, so the holy Fathers sometimes assign other means by which pardon of sins may be obtained without ecclesiastical penance. Origen, besides baptism and ecclesiastical penance, enumerates five remissions [On Leviticus, homily 2, 4]. ... Cassian (Conferences XX, 8) says that martyrdom, charity, alms, tears, and confession of sins are means of obtaining remission of sins. Caesarius of Arles, in a homily, explains some twelve remissions of sins (homily 13). Chrysostom (On Lazarus 5, 7) commends almsgiving, fasting, tears, confession, continence and charity as means of amendment for sins. But precisely which sins, thus removed through works of penance spontaneously undertaken without ecclesiastical penance, were thought capable of being remitted was not determined precisely.

"For all these reasons it would have been very difficult to establish a uniform rule concerning the requirement of ecclesiastical penance. But it cannot be denied that in many churches these mortal sins of lesser gravity were expiated through ecclesiastical penance; compare Tertullian, On Modesty 6, 1; 13, 7; 18, 18; Cyprian, Epistles 16, 2; 17, 2; On the Lapsed 28; Origen, On Leviticus 15, 2; Innocent I, Epistle to Decentius 25, 7; Leo the Great, Epistles 108, 2; 168, 2."[510]

[510] Theologia Dogmatica (A. Hoffmann), vol. 4, § 54, Paris, 1946, p. 366.

Conclusion 2. In itself, the confession of sins must also be distinct, that is, must extend to the species and number of sins and to circumstances changing their species (On IV Sentences, dist. 16, q. 3, a. 2, q. 5; and Opuscule 12, q. 6, cited below, p. 572 ff.).

This is proved both from the very notion of integrity and directly from the same reasons by which integrity itself has been proved.

FIRST, according to the common meaning of the term, the integrity of the confession of sins is not properly and simply had if anything is omitted which has directly the character of sin and can of itself alone constitute an object of confession. Such, however, is each species of sin, each individual unit in a plurality of sins of the same species, and each circumstance which changes the species of a sin. Therefore a man is not rightly considered, or reasonably said, to have confessed integrally if, having committed adultery, or a hundred adulteries, or adultery with a sacred person, he accuses himself only of having committed some impurity, or vaguely of adultery, without indicating the number of adulteries or the character of the sacred person.

MOREOVER, the distinct confession of sins according to their species, number, and specific circumstances is demanded by the threefold consideration of the judgment to be exercised, justification to be obtained, and medicine to be applied. For species, number, and circumstances each have directly the character of sin concerning which a man is to be judged, from which he is to be purified, and of which he is to be healed. Add that the species, number, and circumstances, speaking in themselves, considerably alter the judgment to be made about the theological malice of the sins and the culpability of the sinner. Thus one who commits a single adultery manifests greater malice than one who falls into three sins of simple impurity; conversely, a great number of sins within the same species may be evidence of greater culpability than a specific diversity of a few sins. Similarly, one who commits adultery habitually manifests a greater inclination of the will toward evil than one who occasionally falls into a few sins of simple immodesty and theft.

MOREOVER, the same argument from Tradition, adduced in the preceding Conclusion, applies here. For one who keeps silent about the species, number, or specific circumstances of sins cannot be said simply to confess, to confess fully, to conceal nothing, or to lay bare his heart. Especially relevant are Jerome's words concerning "the varieties of sins"; Leo the Great's concerning "the kind of individual sins"; and the texts of the doctors who, from the sixth century onward, put forward an explicit catalogue of the various species of sins to be accused. In particular, the Council of Worms in 868 and Pseudo-Augustine speak about the necessity of accusing circumstances of sin; Gratian and Peter Lombard repeat the latter.

It is not difficult to reply to the arguments of those opposing distinct confession, rehearsed in the Negative Part.

TO WYCLIFFE it is replied that the right to a good reputation, which belongs to man by natural law, yields to divine rights concerning a penitent sinner. Moreover, no real and objective infamy can befall the penitent through confession, both because it is protected by the most stringent seal and because, in the case of the priest himself, knowledge of the evil committed is compensated and, as it were, equivalently extinguished either by knowledge of a greater good, namely the very sorrow and repentance for the deeds committed, or by knowledge of the priest's own sins and those of other penitents, perhaps greater sins.

Furthermore, whatever may be said of a certain disrepute which the penitent might incur in the eyes of the confessor through the latter's subjective imperfection and less spiritual judgment, no objective and genuine grave burden can thereby befall him, both because the confessor cannot make use of his knowledge of sins and because far greater benefits accrue to the penitent from his confession, as was shown in Article 36 (pp. 416–421).

TO WYCLIFFE AND PETER OF OSMA it is replied that the Church—or, rather, the priest—in hearing confessions does not exercise his own power as a principal agent, as in the making of laws (even laws concerning the use of confession), but acts merely as God's instrument; thus he directly reaches the internal acts themselves, or the sins of conscience, as the object of his ministry.

TO PETER OF OSMA it is further replied that public and manifest sins also have to be accused, because confession is necessary not so that a sin may merely become known to the priest in some fashion, but that it may become known both judicially, namely through witnesses and an accuser, whose place the penitent himself holds before God, and according to what occurred within the guilty conscience and according to what is now actually present within the will of one who sorrows and repents.

TO THE PROTESTANTS it is replied that the necessity of confession is in no way opposed to divine mercy, any more than the necessity of contrition is opposed to it—or, if one prefers, the necessity of that act of trust in Christ which the innovators preach. Indeed, the institution of confession particularly shows the mercy of God adapting itself to the needs of human nature, as was said in Article 36 (pp. 416 ff.); it also shows that supreme attribute of divine Wisdom which, disposing all things mightily and sweetly, has devised a manner in which reconciliation and vindication, mercy and justice, meet in the kiss of sacramental peace.

Moreover, there is nothing presumptuous in confession, to which no efficacy other than that descending from Christ's Passion through His merits into the whole sacrament is attributed.

Likewise, the examination of conscience which distinct confession requires contains nothing impossible or harmful to souls, because no knowledge or diligence is demanded in it other than what must be employed in a human fashion in serious and weighty affairs, and what moreover contributes not a little to the moral advancement of the soul, as was said in Article 36 (p. 419).

Against this calumny of the innovators concerning the impossibility of integral confession, which the Council of Trent expressly rejects in chapter 5 cited above (pp. 549 ff.), the Salmanticenses fittingly observe:

> "The entire weight of the difficulty alleged must be turned back against them; for Calvin, in book 3 of the Institutes, chapter 4, §18, teaches with the other sectaries that in confession made to God alone (the use of which among them is frequent and, as they themselves say, is of divine precept), it is not enough to say generally: 'I am a sinner,' or 'I have sinned'; rather, as far as lies in us, each sin must be accurately confessed. And this is what we Catholics say of confession made to priests by the precept of God and the Church: we affirm only that all sins, so far as lies in us (which is the phrase Calvin uses), must be enumerated, that the priest may judge concerning them, as is manifest from the passage of Trent already quoted. Therefore either both confessions, whether made to God alone or to God through a priest, are impossible —a point they deny—or, if confession made to God alone is not impossible, as they likewise

say, because it suffices to do what lies in us, neither is confession made to the priest, or to God through the priest, impossible, since it is enough to do what lies in us, as we plainly affirm. Thus they unjustly and inconsistently oppose to us matters which ought rather to be settled by themselves."[511]

[511] On Penance, disp. 8, dub. 1, no. 19, Cursus Theologicus, vol. 20, Paris, 1883, p. 194.

TO CAJETAN AND THE FEW OTHER THEOLOGIANS MENTIONED ABOVE it is replied that sacramental judgment is not only medicinal but also vindicatory, and in the latter respect the species and number of sins greatly modify the judgment concerning the penitent, who is gravely guilty through each sin and is to undergo a grave judgment. Furthermore, even in view of the medicinal character of this sacrament, the examination of sins does not involve such impossibility or difficulty: for the species need not be distinguished in a scientific and theological manner; it is enough to grasp them in a confused and ordinary way (as, indeed, is sufficient for committing a particular and distinct sin). Likewise, in determining the very number of sins nothing more is required than human and serious diligence; when that has been employed, whatever has been forgotten or remains indeterminate is covered and absolved in a formally integral confession.

Conclusion 3. Accidentally, formal and subjective integrity suffices in confession; that is, for the validity of confession it suffices that all sins be accused from whose manifestation physical or moral inability does not excuse.

This is proved from the very force of the institution, or from consideration of the nature of the sacrament as involving a judicial cause to be exercised in a human manner.

For this sacrament, since it consists in a judicial cause, absolutely requires some confession of sins, without which the judicial cause cannot at all be carried out; but it does not absolutely require confession materially integral, because without this there can be true accusation, true manifestation of conscience, and consequently a true examination of the case and a true pronouncement of sentence. Hence, considering the nature of the sacrament itself, formal integrity can suffice, although, considering that same nature, it would not suffice of itself, because the judicial cause of itself seeks to be brought to its proper completion through the very material integrity of confession, as was said in the two preceding conclusions.

That it does suffice in fact follows from the manner of acting of divine Providence and from the end for which this sacrament was instituted.

For God, even in instituting the sacraments, accommodates Himself to human manners and conditions; nor does He command things which are physically or morally impossible. Now, it happens at times, because of human manners and conditions, that someone finds himself physically or morally unable to confess all sins (for example, because of forgetfulness, or imminent danger of death, or grave inconvenience). Hence in such a case it is not required that absolutely all sins be disclosed (material integrity), but it suffices that all those sins be accused whose disclosure is not prevented by physical or moral inability (formal integrity).

Likewise, God instituted this sacrament as an absolutely necessary means for the remission of sins, to be provided by means of confession on the part of man. But if material integrity of confession were always required for this purpose, since such integrity often cannot be obtained because of a moral and especially a physical impossibility of confessing certain sins, the use of the sacrament would

sometimes be rendered impossible or excessively difficult, even when an urgent necessity for it exists, and that to the detriment of the salvation of souls and the frustration of the end of the sacrament.

From the necessity in itself of material integrity and the sufficiency by accident of formal integrity it follows that a confession which is only formally integral must, in order at least to be fruitful, include the intention of making the confession materially integral. This intention must indeed be fulfilled at a suitable time (that is, in the first confession which is made, unless the same inability continues), by supplying the defect of material integrity or by manifesting the sins which had been omitted.[512]

[512] Cf. below, Note 16, p. 656 ff.

This necessity of completing a confession which is only formally integral follows not only logically from the very necessity of material integrity, but is also explicitly taught by Alexander VII when he condemns the following proposition: "Sins omitted or forgotten in confession because of imminent danger to life, or for some other reason, we are not bound to mention in a subsequent confession" (Denz. 1111). Moreover, this can be confirmed by a comparison with the act of contrition which justifies before the reception of the sacrament; for the position is the same in the case of a person who, when instituting confession, is silent about certain sins owing to inability, and in that of a person who, because of a lack of confessors, elicits an act of contrition. In either case sin is remitted without its being subjected to the keys; but when justified through contrition a man is still obliged to submit to the keys sins already remitted; therefore one who has confessed only partially is likewise bound to submit to sacramental confession the sins he did not manifest.

On the occasion of this conclusion we find two assertions in one or another author which appear to have been expressed less correctly.

FIRST, some say that formal integrity is necessary as a means in reality, but that material integrity is necessary as a means in intention.

It is better, however, to abstain from these expressions. For in the usual terminology of theologians, this distinction between the necessity of a means in reality and in intention is referred to the end of salvation. Thus the integrity of confession, whatever it may be, material or formal, is necessary as a means in reality or in intention, just as confession itself is, of which integrity is a quality, and more directly as the sacrament itself, of which confession is a part. If, however, integrity is referred immediately to confession itself, or to the end of obtaining confession as it is required in the sacrament, it would be better to say that formal integrity is absolutely necessary, whereas material integrity is necessary not absolutely but only in itself.

SECOND, comparing with one another the two kinds of integrity just mentioned, some say that confession can be integral in three ways: namely, formally and materially, when someone remembers all the mortal sins he has committed and accuses them alike; or formally and not materially, when someone through forgetfulness or inability does not confess one or another sin; or materially and not formally, when someone indeed confesses all objectively mortal sins, but omits one sin which is objectively venial but which he himself thinks to be mortal.

But, on considering the matter, this third member must be suppressed. For in the case proposed there does not seem to be material integrity, since the penitent omits one mortal sin which, although not in fact objectively committed, is nevertheless, insofar as it exists in the penitent's conscience,

objectively committed and accordingly belongs of right to the number of sins to be accused in themselves. For unless the theologians have arbitrarily settled upon a certain use of terms, the reason distinguishing material integrity from formal integrity is the reason of a legitimate excuse from confessing some sin: so that whatever must in itself be confessed (whether real or supposed sins) constitutes material integrity, whereas whatever must be confessed here and now, insofar as there is no reason excusing one from declaring it, constitutes formal integrity. Hence a confession which must necessarily be formally integral is either also materially integral (formally and materially) or is not (formally and not materially); consequently, there is no third case (materially and not formally).

SEVERAL QUESTIONS arise here concerning the integrity of confession, which are usually considered more willingly by moralists than by modern dogmatic theologians, but which nevertheless, since they involve many difficulties and controversies, cannot be passed over in this treatise. It is not, however, relevant to our purpose to approach them directly and in separate articles; rather, we shall examine them in order and in due proportion in NINETEEN DISTINCT NOTES, of which the first thirteen concern material integrity, and the last six formal integrity.

Their order and subject matter are as follows:

Concerning material integrity:

Note 1. On the species of sins. Note 2. On the number of sins. Note 3. On circumstances changing the species. Note 4. On circumstances diminishing the malice. Note 5. On aggravating circumstances. Note 6. On certain questions connected with the accusation of circumstances. Note 7. On external acts. Note 8. On sins already confessed. Note 9. On false sins. Note 10. On doubtful sins. Note 11. On doubtful sins already confessed. Note 12. On imaginary sins. Note 13. On the examination of conscience.

Concerning formal integrity:

Note 14. On the manner of making a confession which is only formally integral. Note 15. On generic confession. Note 16. On the manner of completing a confession which is only formally integral. Note 17. On causes excusing from material integrity. Note 18. On the danger of defaming an accomplice: whether it is a cause excusing from material integrity. Note 19. On the danger of defaming a person who is not an accomplice: whether it likewise constitutes an excusing cause.

NOTE 1. ON THE SPECIES OF SINS: HOW THEY ARE TO BE RECKONED AND ACCUSED.

The species of sin is twofold: one improperly so called, or theological; the other properly so called, or moral.

The former indicates the gravity of a transgression; it is determined by opposition to God as the ultimate end, and is divided into mortal sin and venial sin. The integrity of confession requires only the accusation of the species of mortal sin.

The latter indicates the quality or essence of the transgression; it is drawn from opposition to some moral object, or, more formally, from relation to some immoral object, and is divided into innumerable species. This specific distinction among sins is to be understood only in the moral order; for several acts specifically distinct in their physical being can belong to one species in the moral order, and, conversely, the same physical act can belong to several species in the moral order, if, namely, several moral objects concur in its physical object[513], or several specifically distinct kinds of

goodness or malice. For the same act, having its own intrinsic malice on the part of its immediate object, or intrinsic end, can have an accidental and specifically distinct malice arising for it from the remote object or extrinsic end, or from some other one of the seven circumstances (cf. below, Note 3). Thus, if someone steals in order to be able to fornicate, the act of theft has, besides the malice of theft, the malice of fornication. If, however, someone performs immodest acts with the intention of fornicating, there is only one malice, because the means and the end belong to the same order of immodesty.

[513] We say expressly, "If several moral objects concur in its physical object," and not, "If several moral objects are contained in its object"; for the same physical act can have only one essential moral species, drawn from its object, and this object, being one, can furnish the act with only one moral species. The other species belonging to the act, which arise from circumstances, are accidental to it, not excepting even that species of morality derived from the end of the agent (cf. Salmanticenses, disp. 8, dub. 3, § 2, no. 75; likewise, On Goodness and Malice, disp. 6, dub. 4, § 3).

An integral confession therefore requires the accusation of all the aforesaid moral species, including that which accrues to an act on account of its extrinsic end or another circumstance. Nevertheless, it is probable that the penitent is not bound to disclose the very concurrence of several species of sin in the same act. Thus someone who stole in order to be able to fornicate can separately accuse the sin of theft and the intention of fornicating; and a religious who has committed a sin of immodesty can accuse himself in this manner: "I sinned against chastity and gravely violated my vow." Some theologians deny this, because, they say, the judgment of the confessor is thereby altered, since he thinks that the penitent committed two distinct sins. But this alteration is neither essential, nor, moreover, does it necessarily follow from the accusation, since that accusation can be interpreted in two ways.

NOTE 2. ON THE NUMBER OF SINS: HOW IT IS TO BE RECKONED AND ACCUSED.

The numerical distinction, or plurality, of sins within the same species must be judged not from the physical but from the moral distinction of acts; for it can happen that several physically distinct acts are morally one sin, as when a man is killed with three blows; and, conversely, that one physical act is morally several sins, as when three men are killed with one blow. This moral distinction and plurality is drawn, like any numerical distinction, from the side of the subject (for accidents are individuated by the subject), yet not from the side of the act precisely insofar as it is physical, but formally insofar as it is subject to malice. Hence sin can be multiplied in two ways: either through an interruption of an act and its resumption[514] (as when someone ceases from an immodest act and, after one hour, performs it again), or also through the performance of a single physical act bearing upon several objects which are each complete in themselves under the aspect of an object grounding morality (as when someone kills three men with one act or blow). For in the latter case the physical act, although formally one, is virtually threefold in the moral order, inasmuch as it grounds a relation to three objects which are numerically distinct in that order.

[514] How great an interruption, and of what kind, is required for the multiplication of sins, both in internal and external acts, will not easily be determined, since human psychology is exceedingly complex. Various explanations and opinions on this matter may be found in Suárez (disp. 22, sect. 5) and the Salmanticenses (disp. 8, dub. 3, § 2, no. 78).

In confession, therefore, the numerical plurality of sins arising from either source must be accused. Certain theologians, however, such as Suárez (disp. 22, sect. 5, nos. 34–37), deny that a numerical distinction of sins arises from the second source, just as, they say, no numerical distinction of

virtuous acts arises from the same source. For just as alms given to ten persons, or an act by which ten persons are loved, is morally one good act, so an act by which ten persons are killed is morally one evil act; and the reason why the number of those killed must be declared is not a multiplication of sins but a greatly aggravating circumstance.

In connection with this distinction, theologians dispute whether a priest who is conscious of mortal sin and successively hears several confessions commits a single sin or as many sins as the confessions he hears.

Some, such as Leander, Diana, Rodríguez, and Lugo (disp. 8, dub. 3, no. 79), considering the interruption of the action, or rather the moral unity of a judicial session arising from unity of intention, end, time, and place, which is common to several confessions, say that such a priest commits only one sin. Others, however, such as Suárez, Vázquez, Bonacina, Delgadillo, the Salmanticenses (disp. 8, dub. 3, no. 79), and St. Alphonsus (On the Sacraments in General, no. 36), considering rather the object of the action itself, or the complete character of each individual sacramental absolution, say that he commits as many sins as the confessions he hears, just as one who successively kills several men in several actions commits as many distinct homicides as there are men whom he kills in distinct murderous acts. Modern moralists call both opinions probable and practicable, choosing one or the other as more true.

On the matter, LUGO:

> "There seems to be a difficulty arising from what we said in that third section [no. 135]: namely, that it is probable that a priest who, while in mortal sin, successively hears several confessions one after another does not commit several distinct sins, but one. Hence it will not be necessary to say, 'I heard so many confessions,' but rather, 'On one occasion, while in the state of sin, I heard several confessions.' Yet the same reasoning seems to apply to one who successively has carnal knowledge of three women, or kills three men.
>
> "It is answered, however, that the reasoning is not the same in both cases; for the action of hearing confessions in the sacramental tribunal receives a greater moral unity than the killing of three men. For the latter acts each concern different rights of individual men, which are violated; and since, besides, they are not united in one act or moral action directed toward the same end, they do not seem readily to be united into one sin merely by proximity in time. But the act of hearing confessions receives unity, first, from the end and intention of the agent, who sits in that place to hear the confessions of those subject to him; next, and principally, from the matter itself, because all those actions contain an irreverence against the same God and Christ, whose sacraments are treated irreverently. For, strictly speaking, they are not irreverences against some right residing in the sacraments themselves, but against a right residing in the author of the sacraments. Yet it cannot be denied that acts which tend against the same right of the same person are more readily united into one sin than acts which tend against different rights of different persons."[515]

[515] On Penance, disp. 16, sect. 14, § 2, no. 558, Disputationes Scholasticae, vol. 5, Paris, 1893, p. 137 ff.

On the matter, the SALMANTICENSES:

"We do not approve this consequence [or the opinion of Lugo], nor do we consider that it is legitimately deduced. Therefore the opposite must be affirmed: namely, that a priest who ministers the sacrament of penance while in the state of mortal sin commits as many mortal sins as the confessions he receives. The reason is that, although acts are of the same species and immediately succeed one another, or succeed without notable delay, nevertheless sins are multiplied with their multiplication whenever each of those acts has a definite or determinate terminus, upon the occurrence of which it is consummated and completed. But the administration of the sacrament of penance is of this kind. Therefore a priest ministering while in sin commits as many mortal sins as the sacraments he confects.

"The major premise is evident from the examples of homicide, theft, fornication, and so forth. For as often as such acts are repeated, even successively and without notable delay, so often a new and numerically distinct mortal sin is committed; and to say the contrary would be an intolerable error, opposed both to the judgment of the Doctors and to the understanding and practice of the faithful. The minor premise is also evident: for the act of administering the sacrament of penance has a certain and definite terminus, namely absolution; and, once this has occurred, it is essentially consummated, no less than a homicide is consummated in the unjust death of one's neighbor."[516]

[516] On Penance, disp. 8, dub. 3, § 2, no. 79, Cursus Theologicus, vol. 20, Paris, 1883, p. 259.

NOTE 3. ON CIRCUMSTANCES CHANGING THE SPECIES: HOW THEY ARE TO BE RECKONED AND ACCUSED. (I–II, q. 18, aa. 10 and 11; On IV Sentences, dist. 16, q. 3, a. 2, q. 5; cited below at p. 572 ff.)

Moral circumstances of sin, properly so called, are certain accidental conditions of an evil act which influence its morality, without, however, belonging to the essential morality of the act, derived from its object. Such are not the specifying object itself, nor the efficient cause, nor other things upon which the very essence of the act depends; nor, again, are they those common aspects of malice which in every evil act are found conjoined with its essential and specific malice, such as the character of disobedience and ingratitude toward God. Rather, circumstances, properly speaking, are wholly determinate and extrinsic conditions; and they are customarily, and not inappropriately, reduced to seven, expressed in the familiar verse: Who, What, Where, By what aids, Why, How, When.

A circumstance, considered according to its influence upon the morality of an act, whether external or internal, is either irrelevant, that is, merely physical and in no way influencing morality, or relevant, that is, moral. The latter, in turn, is either diminishing or aggravating. A diminishing circumstance either merely diminishes gravity, or changes the theological species, that is, transfers a sin from mortal to venial. An aggravating circumstance either merely aggravates, that is, increases malice within the same species (as when a sinful act continues for a long time, or is done with a more intense effort of the will), or changes the species (or, more properly, adds a species).

The latter either changes the theological species, that is, transfers a sin from venial to mortal within the same moral species (as in the quantity of theft), or changes the moral species, namely when by reason of that circumstance the act itself acquires a special discordance with right reason which it does not have of itself (cf. I–II, q. 18, aa. 10 and 11). This, again, either adds the first species of sin to an act, or transfers an indifferent or good act into a sinful one (as eating meat or celebrating Mass at a time prohibited by the Church); and this is said to pass into the condition of the object, so that,

properly speaking, it is no longer a circumstance but a constitutive condition of the object itself. Or it adds to an act already evil a new species of malice (as stealing a sacred thing, which adds sacrilege to theft, and fornicating with a married person, which adds injustice to fornication).

All these circumstances changing the species, therefore (except that which changes mortal sin into venial), must be accused in confession; or, if through forgetfulness or another just cause they have been omitted in one confession, they must be disclosed in the next. Nevertheless, where the circumstance adds a species, the very conjunction of the species in the same act probably need not be accused (as was said in Note 1), unless the circumstance cannot be accused without the conjoined species also necessarily becoming known.

Which various circumstances, in particular, change the species is determined by moralists under the several members of the verse cited above. A lengthy exposition of this matter is found in Suárez (disp. 22, sect. 4), Lugo (disp. 16, sects. 4–12), and the Salmanticenses (disp. 8, dub. 5); a briefer and more compendious one is found in several modern moralists, such as Cappello (nos. 151–156), Lehmkuhl (nos. 310–312), Gury (no. 485 ff.), and Prümmer (no. 372).

Cajetan presents the matter summarily as follows:

> "Concerning the whole seventh question [of St. Thomas] on circumstances, nothing occurs here which requires doubt, since the discussion of these circumstances in particular, for example, of person, manner, and sacred time and place, belongs to later treatises. Nevertheless, know summarily that the circumstance of sacred time aggravates a sin, but does not add the species of sacrilege unless the act is done in contempt of sacred time.
>
> "The circumstance of a sacred place, however, although it aggravates all sins accidentally, nevertheless draws into the species of sacrilege only those which are directly opposed to the sanctity of the place or to the immunity attached to it: for example, the shedding of blood or human seed, which prevent divine worship from being offered there, for which worship the place is directly consecrated; and forcible removals, which are contrary to its immunity; and the like.
>
> "The circumstance of the person likewise does not transfer an act into another species unless the sin is directly opposed to that person's vow or state. Thus, if a religious fornicates, the act passes into sacrilege; but if he blasphemes, he is guilty only of blasphemy, like any other blasphemer.
>
> "What, moreover, that is, the effect, when it is foreseen and willed, draws the act into the effect's own species: thus, if a woman going to church knows that she will be loved there, and wills this, although she does not go there for that reason but to hear Mass, that act takes a species of evil from that effect.
>
> "As for 'concerning what,' that is, the conditions of the object, such as the large or small quantity of a thing stolen, and 'how,' although these greatly aggravate acts, I do not see that they transfer acts into another species. Finally, 'why' manifestly gives another species to an act." (On I–II, q. 7, a. 4.)

NOTE 4. ON DIMINISHING CIRCUMSTANCES: WHETHER THEY MUST BE ACCUSED.

Some, such as Scotus, Cano, and Gonet, teach that these circumstances must be accused, at least when they are notably diminishing, because otherwise the confessor is deceived in a grave matter. On this Gonet says:

> "It is much more probable [that these circumstances must be confessed]; for just as a small number of sins must be explained, so that a right judgment may be formed concerning the penitent, so also must every circumstance that notably alleviates: for example, if a woman consents to fornication through fear of death, she must explain that circumstance in confession; as must also someone who sins through ignorance or through some vehement temptation, so that the priest may be able to form a right judgment concerning his offense. To the proof brought to the contrary it must be said that, although the sacrament of penance is not for excusing but for accusing, one must nevertheless accuse oneself in such a way that from the accusation itself the priest can know the measure of the offense and impose in accordance with it only the satisfaction that is due, without exceeding it; for this, as we have said, an explanation of the circumstance notably diminishing the offense is required."[517]

[517] De Poenitentia, disp. 10, a. 3, § 2, no. 64, Clypeus, vol. 6, Paris, 1876, p. 643.

The common opinion, however, is that their accusation is not required for the integrity of confession. Its reason is assigned differently by different authors. In our judgment the chief reason is that, as will be said in the following Note, no circumstance which does not change the species (even if it aggravates) must necessarily be accused, since it is accidental with respect to mortal sin, which is the proper object of confession.

For the rest, apart from this general reason, which is denied by many theologians, the following reasons offered by some may be invoked on behalf of diminishing circumstances, with moderation and a grain of salt: namely, that they do not greatly change the moral judgment (so Suárez), or at least do not change it so much as aggravating circumstances, remaining within the line of an accidental and secondary judgment; likewise, because the tribunal of penance is not a tribunal of excuse but is in itself accusatory, whereas an alleviating circumstance is of itself excusatory and, speaking in itself, needs neither healing nor punishment (so John of St. Thomas); likewise, because the penitent can renounce his right to a better reputation with his confessor (so Navarrus).

NOTE 5. ON AGGRAVATING CIRCUMSTANCES, OR ON THE SHARP CONTROVERSY AMONG THEOLOGIANS CONCERNING THE OBLIGATION TO ACCUSE THEM. (I–II, q. 18, aa. 10 and 11; On IV Sentences, dist. 16, q. 3, a. 2, q. 5; Opuscule 12, to the Reader of Besançon.)

Circumstances which increase malice are either slightly aggravating or notably aggravating. For distinguishing circumstances notably aggravating within the same species, the following rule is given:

> "In quantitative matter, or that which consists in number, weight, and measure, a circumstance is held to aggravate notably when, taken separately and apart from the act, it would suffice for mortal sin; for example, if someone stole fifty asses, supposing that twenty-five would suffice for mortal sin. In other matters, however, a circumstance is considered notably aggravating when it notably exceeds the ordinary manner of sinning in matters of that kind: for example, if someone spent the whole night in unchaste conduct with a woman; if someone persisted for months and years in fraternal hatred; if someone killed an enemy by cutting off his members, or raged against him again in the very act of killing, and so forth. If

neither of these occurs, the circumstance is regarded as slightly aggravating: for example, that a thief took thirty asses; that someone remained in hatred for a little while after a quarrel, and so forth."[518]

[518] Billuart, De Poenitentia, diss. 7, a. 2, § 2, Cursus Theologicus, vol. 9, Paris, 1904, p. 427; cf. John of St. Thomas, In I–II, disp. 10, a. 3, nos. 15–17.

Now, concerning the necessity of accusing these circumstances there has been a great controversy and sharp disagreement among theologians of every school.

All agree on these three points: 1. Slightly aggravating circumstances need not be accused. 2. Notably aggravating circumstances must sometimes be accused accidentally, namely because of a necessity arising from other grounds, which are usually reduced to three: the reason of a reservation of the sin; the reason of a cause needing to be known (namely, if knowledge of a circumstance, such as a habit of sinning or a proximate occasion, is necessary for knowing the very species of the sin, or at least for determining that the penitent has the requisite disposition of true sorrow and purpose of amendment); and the reason of making reparation (especially restitution that has to be made).[519]

[519] Cf. Prümmer, no. 370.

3. When the confessor questions the penitent about an aggravating circumstance, an answer must be given, provided that in the circumstances he has the right to ask the question. This follows from the proposition condemned by Innocent XI: "A penitent is not bound to confess to a confessor who questions him the habit of some sin" (Denz. 1208).

It is disputed, however, whether circumstances which notably aggravate must be accused of themselves. We shall give the supporters and arguments of both the affirmative and the negative opinion, embracing the latter as notably more probable. Nevertheless, supporters of both opinions generally acknowledge explicitly at least the extrinsic probability of the opposite opinion, and its applicability in sacramental practice. Thus Suárez writes:

"This [negative] opinion is certainly probable, especially on account of the authority of so many Doctors; and whoever follows it in practice, particularly for a reasonable cause, would not sin. Nevertheless, we judge the contrary opinion to be true, and more probable." (Disp. 22, sect. 3, no. 5.)

Lugo says: "Of these opinions, although the first [affirmative] is very probable, the second nevertheless pleases me more." (Disp. 16, sect. 3, no. 107.)

Billuart presents two conclusions. In the first he proves that the negative opinion is probable; in the second, however, he chooses the affirmative opinion as safer and more common. Among the few who adopt a wholly strict and exclusive position should be noted John of St. Thomas, who writes: "This opinion [which affirms the necessity of confessing aggravating circumstances] seems to me absolutely certain; nor do I deem the opposite worthy even of being heard." (On I–II, disp. 10, a. 3.)

THE NEGATIVE OPINION is defended, as it seems, by the greater part of the older writers and by all modern writers. Among the older authors may be noted St. Thomas (see below), Albert the Great (cf. below), Bonaventure, the author of the Commentary on the Sentences attributed to Hannibaldus (cf.

below), Scotus, Biel, Durandus, St. Antoninus, Paludanus, Viguier, Torquemada, Almain, Adrian, Sylvester, Cajetan (On I–II, q. 7, a. 4), Medina, Navarrus, Córdoba, Covarruvias, Toledo, Valentia, Vázquez (q. 91, a. 3, doubts 2 and 3), Becanus, Diana, Bonacina, Aversa, Prado, Leander, Lugo (disp. 8, doubt 4), the Salmanticenses, and St. Alphonsus (no. 468).

Scotus and Biel are customarily cited as favoring this opinion, but in fact they speak of a doubtful matter: whether there is a greater inclination toward this opinion or toward the contrary, each leaves to individual judgment. Suárez says of Scotus, On IV Sentences, dist. 17, q. 1, a. 2: "It is not so certain that these aggravating circumstances must be confessed; nevertheless it is safe and useful to do so."[520]

[520] Scotus and Biel are customarily alleged in support of this opinion, but in truth they speak as though the question remains doubtful: whether they incline more to this view or the opposite they leave to judgment. Suárez says Scotus, In IV Sent., dist. 17, q. 1, a. 2: "Non est ita certum quod oporteat illas circumstantias aggravantes confiteri; tamen tutum est et utile id fieri."

The reasons which make this opinion notably more probable are the following:

FIRST REASON: The authority and number of its defenders, from every school.

Suárez himself, who defends the contrary opinion, acknowledges that in his time this was "a very common opinion"; Billuart (d. 1757) and Collet (d. 1770) say that the contrary opinion, which they defend, was the more common in their time. One may, however, rightly doubt this assertion, since St. Alphonsus (d. 1787) says nothing of the kind and chooses the negative opinion as more probable. Furthermore, all modern authors, of whatever school, adhere to this opinion.

It must, indeed, be conceded that several among the more important and better-known Thomists after Cajetan—such as Victoria, Peter Soto, Cano, Nugnus, John of St. Thomas, Gonet, and Billuart—are adversaries of this opinion. Their authority, however, is counterbalanced by that of other Thomists after St. Thomas himself, such as Albert the Great, the author of the Commentary on the Sentences attributed to Hannibaldus, Paludanus, St. Antoninus, Prado, and the Salmanticenses.

Cajetan himself, who is accustomed to be cited for the contrary opinion, seems in this matter to have a teaching perfectly in accord with the Commentary on I–II, q. 7, a. 4, where he writes:

> "If you add to what has been said that circumstances necessarily to be made known to the spiritual judge are those which transfer an act into another species, and along with these those which aggravate without limit, that is, add to themselves the character of mortal sin, you will know which circumstances are necessary and which are not. But beware lest you pass over in complete silence those which aggravate greatly, and especially the circumstance 'what,' which is counted among the principal ones in the fourth article. For it matters greatly whether someone stole a hundred, or stole a hundred with consequent harm to the poor and to pupils, maidens, nobles, and the like, which belong to the circumstance 'what.'"

The natural meaning of these words is that in confession only circumstances changing the species must be accused of themselves, inasmuch as they alone aggravate a sin infinitely, or constitute the very essence of mortal sin (cf. below, p. 579); circumstances which merely aggravate are not, however, simply to be confessed, since the obligation to confess them can arise under another heading, as is readily evident in the case of theft involving reparation and restitution.

SECOND REASON: The authority of St. Thomas.

For in two places the Holy Doctor expressly teaches this opinion:

On IV Sentences, dist. 16, q. 3, a. 2, q. 5:

> "It must be said that it is impossible for all circumstances to be confessed; some, however, must necessarily be confessed. But in this matter there is a difference of opinion. Some say that all circumstances which add some notable quantity to sin must necessarily be confessed, if they occur to the memory. Others, however, say that none must necessarily be confessed except circumstances which draw a sin into another genus; and this is more probable. But it must be added: those which draw it into another species of mortal sin. The reason is that venial sins are not of necessity subject to confession, but only mortal sins, which in a certain way have an infinite quantity; and because aggravating circumstances which do not draw the sin into another species, or which indeed draw it into another species, but not of mortal sin, are not of necessity subject to confession. Yet it is part of the perfection of confession to confess them, as was said also concerning venial sins."
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> Ibid., reply to objection 2: "A determinate quantity of sin cannot become known to the priest, since not even the sinner himself knows it; therefore it suffices that he know the quantity which arises from the species of the sin."

Opuscule 12 (elsewhere 11), Reply to the Reader of Besançon on article VI, question 6 (which deals directly with the circumstances of sins):

> "The sixth question is whether a man is bound to confess circumstances of sin which draw it into another genus, but do not notably aggravate it, even if they make known the person with whom he sinned.
>
> "To this the answer seems to be that a man is altogether bound to confess these circumstances: for he does not confess his sin unless he confesses the species of the sin, and this cannot be known except through the circumstances which draw the sin into another genus, from which the sin receives its species. But a man is not bound to confess aggravating circumstances which do not draw it into another genus of sin, just as he is not bound to confess venial sins, although it is praiseworthy for him to confess them. The same reason seems to apply to such circumstances as to venial sins.
>
> "Circumstances are said to draw a sin into another genus when they introduce a special opposition to some precept of divine law. Thus simple theft is opposed to the precept, 'Thou shalt not steal'; but if theft is committed in a sacred place, it now has an opposition to another precept, which concerns reverence for sacred things, and so a new species of sin is added. Therefore the consequence is that it adds another opposition to the law of God, and accordingly has a new deformity of mortal sin, which one will be bound to confess of necessity. Thus, therefore, I do not think that anyone is bound to confess aggravating circumstances of this kind which do not draw the sin into another genus. … What I said, that aggravating circumstances which do not draw a sin into another genus need not be confessed, is not to be understood of number, which someone is bound to confess if he can; for it is now not one sin, but many."

Albert the Great, the master of St. Thomas, and Hannibaldus de Hannibaldis, a follower of St. Thomas and his successor in the Parisian chair, teach the same thing. The former writes:

> "I answer, without prejudice, according to the ancient doctors, that circumstances need not be confessed unless they draw a sin into another genus. It is also safer to mention the others, especially if conscience reproaches someone; nevertheless, they say that he is not bound by precept." (On IV Sentences, dist. 16, a. 24.)
>
> The latter says: "A circumstance which adds a new character of mortal sin must necessarily be confessed; but another circumstance need not be." "If such a circumstance does not draw the sin into another mortal genus, it need not be confessed." (On IV Sentences, by Hannibaldus de Hannibaldis [the apocryphal St. Thomas], dist. 16, single question, a. 3.)

In response to these words of St. Thomas, the defenders of the contrary opinion, especially the Thomists, make a remarkable reply.

Certain writers outside the Thomistic school simply admit that St. Thomas himself held the contrary position. Thus Suárez (disp. 22, sect. 3, no. 3: "Which [opinion] St. Thomas held in his commentary on the fourth book [of the Sentences]"), who by no means strives to draw St. Thomas over to his own opinion, nor appears to attach much weight to his opposition. Collet, however, derives from this very opposition of St. Thomas an argument in favor of his own view, asking:

> "This [opinion] ... is even especially commended by this fact, that it had Thomas against it. For how weighty must the reasons have been on which an opinion rested that could defend itself against so great a doctor, so much so that even those who are said to swear by the words of the Angelic Doctor depart from his literal text!"[521]

[521] De Poenitentia, part 2, chapter 5, article 4, section 3, § 1, no. 342, in Migne, Theologiae Cursus, vol. 22, col. 488.

Others, such as Cano, answer that St. Thomas, being younger and writing as a commentator on the fourth book of the Sentences, resolved this question not according to his own mind but by reporting the opinion of others. Yet, as Gonet observes, this solution is manifestly opposed to the text, since the Holy Doctor explicitly chooses the negative opinion as the more probable. Moreover, in Opuscule 12, no longer writing as a commentator, he puts forward the same opinion.

Others, such as Peter Soto and Sylvius, with whom Billuart agrees (and Collet in part), say that although the Holy Doctor held this opinion when younger, he would more probably have retracted it in later years if he had put the finishing hand to the Summa. They conjecture this from the fact that St. Thomas teaches in I–II, q. 73, a. 9, and II–II, q. 61, a. 2, reply to objection 3, and a. 4, that one who strikes a king sins more gravely and deserves a more grievous punishment than one who strikes a private person. "How, however, can a graver penalty be imposed if the status and circumstance of the person struck are not declared?"[522]

[522] Billuart, De Poenitentia, diss. 7, article 2, § 3, Cursus Theologicus, vol. 9, Paris, 1904, p. 430.

Yet this seems to be a certain political and empty prophecy (St. Alphonsus: "But this prophecy belongs to Father Soto, not to the judgment of St. Thomas"), uttered without any foundation, and even running contrary to indications wholly opposed to it. For from the one foundation or indication adduced from I–II and II–II one can at most infer an obligation to confess a circumstance changing the species (if, as some say, a circumstance concerning the person offended changes the species in the

case in question), or an obligation to confess a merely aggravating circumstance, but one arising accidentally under another heading, namely, from the reparation to be made. An indication to the contrary—namely, that St. Thomas never changed his opinion in the Summa—is that he actually put forward the same view in the above-mentioned Opuscule 12, which, according to Mandonnet, the Holy Doctor composed in the year 1271[523], while, according to the same Mandonnet[524], he was writing the Summa Theologica itself (1267–1273), and indeed after he had completed the Prima Secundae (1269–1270), in which (q. 18, aa. 10 and 11) he expressly treats of circumstances changing the species or merely aggravating it.

[523] Mandonnet and Destrez, Bibliographie thomiste, Le Saulchoir, Kain (Belgium), 1921, p. xvi, no. 61.

[524] Ibid., p. xv, no. 45.

Finally, others, such as John of St. Thomas, Gonet, and Concina, ingeniously bend the words of St. Thomas to the meaning of their own opinion, as if, namely, he taught that circumstances notably aggravating within the range of venial sin, which change neither the moral nor the theological species, need not be accused, whereas circumstances notably aggravating within the range of mortal sin must be accused; for these, although they do not change the moral species, nevertheless change the theological species equivalently, because they add to the act itself, which is already a mortal sin, such a weight of gravity as by itself would suffice to constitute mortal sin, if that act were not already mortal.

They try to gather this both from the context of the dispute of that time and from the text of St. Thomas himself, namely:

> "1. Because in the time of St. Thomas there were some who maintained that certain circumstances, light in themselves, such as the dignity of the person sinning—for example, if he were a bishop or a superior of a religious order—were notable. Hence they said that 'every lie, for example in perfect men, is a mortal sin,' to which the Holy Doctor himself refers in II–II, q. 110, aa. 4 and 5. Therefore St. Thomas is speaking of those circumstances which, according to their opinion, were notably aggravating.
>
> "2. Because in both texts he says that notably aggravating circumstances need not necessarily be confessed, because venial sins need not necessarily be confessed, and because the same reason applies to these circumstances as to venial sins. Moreover, notably aggravating circumstances are not regarded as venial, but as mortal; for they possess, as mortal sins do, a certain infinite quantity of malice within the range of mortal sin, and are equivalently, as regards malice, circumstances changing the species."[525]

[525] Cited in Billuart, loc. cit., p. 430.

It will be useful to cite the entire passage of JOHN OF ST. THOMAS, both because he expounds the matter more extensively and clearly and because he himself generally enjoys great authority among later Thomists:

> "In confirmation from the authorities of St. Thomas, it is answered that he himself is speaking of circumstances aggravating short of mortal sin, or of a new mortal offense, in such a way that they change neither the moral nor the theological species, because they are always equivalent to the circumstances of venial sins.

"For in that passage from the fourth book of the Sentences, distinction XVI, while he states the opinion that circumstances which do not draw the sin into another genus need not be confessed, he adds: 'And this is more probable, but it must be added that those which draw it into another species of mortal sin [must be confessed]'; and in the reply to the first objection he says: 'Since a man cannot go forth from mortal sin without confession, he can, however, go forth without confession from those things which surround it, namely venial sins and circumstances which are equivalent to venial sins.' What could more clearly express the mind of St. Thomas? For, speaking of the difficulty of confessing circumstances which do not change species, he explains himself by saying that he is speaking of circumstances which are equivalent to venial sins, from which a man need not go forth by confession.

"And, so that the mind of the Holy Doctor may become clearer to you, one should consult the fourth book on Hannibaldus, distinction XVI, single question, article III, where he treats the same question, whether every circumstance must be confessed; and he answers: 'A circumstance which adds a new character of mortal sin must necessarily be confessed, but another need not be.' There, where he manifestly conveys our resolution, namely that if a circumstance in its very aggravation adds a new character of mortal sin, it must necessarily be confessed even though it does not change the moral species, provided that in aggravating it adds that which suffices for mortal guilt; if, however, it adds only a venial aggravation, it does not belong by necessity to confession. Likewise St. Thomas speaks in the reply to the fifth objection, whence we understand that whenever he affirms that circumstances which draw a sin into another genus are to be confessed, he understands a different genus in the character of mortal sin, which belongs to the theological species, not a different genus or moral species taken from a different object.

"And with regard to the place cited from Opuscule 12, the answer is given in the same way, because there he speaks of circumstances which are equivalent to venial sins. The words of St. Thomas are: 'But aggravating circumstances which do not draw the sin into another genus a man is not bound to confess, just as he is not bound to confess venial sins, although it is praiseworthy that a man confess them. For the same reason seems to apply to circumstances of this kind and to venial sins.' The Holy Doctor always equates these circumstances with venial sins; after this he adds which circumstances are those that draw the sin into another genus.

"Hence I do not see that this passage can be alleged against us, since we speak not of circumstances aggravating in any way whatever, nor of circumstances drawing a sin into another genus when he says: 'But aggravating circumstances which do not draw it into another genus of sin,' etc. Hence how it can be inferred that aggravating circumstances within the same species need not be confessed I plainly do not see, unless perhaps one cites the words which St. Thomas immediately adds: 'Therefore I do not think that anyone is bound to confess aggravating circumstances of this kind, which do not draw the sin into another genus.'

"But even so that wording seems to be defective and should read: 'Therefore I do not think that anyone is bound to confess non-aggravating circumstances,' etc., both because the relative 'of this kind' refers back to the circumstances just mentioned, and because the Holy Doctor did not use the title of the article concerning aggravating circumstances, but concerned with

circumstances in general. For he says: 'The sixth question is whether a man is bound to confess circumstances of a sin which draw it into another genus, even if they do not notably aggravate it'; and he answers that he is bound, since they draw it into another genus; but circumstances which do not aggravate and do not draw it into another genus he is not bound to confess: here he is always speaking of circumstances that do not aggravate.

"But if we retain the words as they stand, we say that he speaks of aggravating circumstances which are equivalent to venial sins, not of those which bring a mortal offense with them in the aggravation itself, as is clear from the words cited in the same opuscule and in distinction XVI."[526]

[526] John of St. Thomas, In I–II, q. 21, disp. 10, art. 3, nos. 21–23, Cursus Theologicus, vol. 5, Paris, 1885, pp. 885 ff.

Yet this explanation seems in no way to agree with either the text or the mind of St. Thomas, nor to be very worthy of such faithful interpreters of the Holy Doctor. For:

1. Even to quite a few Thomists who defend that same opinion, such as Soto, Sylvius, and Billuart, this explanation seems so far-fetched and so little in conformity with the text that they are compelled to take refuge in a supposed later retraction by St. Thomas. Billuart says to the point:

"Yet to not a few this explanation seems far-fetched and little in accord with the texts, especially because the Holy Doctor himself explains, in the opuscule cited, in the most formal terms that by a circumstance changing the species he means one which 'introduces a special opposition to some precept of divine law,' such as 'theft in a sacred place' as compared with 'simple theft.' What could be clearer?"[527]

[527] Loc. cit.

2. There is no reason to affirm that St. Thomas, in the text cited from the Sentences, is referring to the controversy which he touches on in II–II, q. 110, aa. 4 and 5. For there, in II–II, the question concerns the nature of a certain sin, namely whether a lie told by perfect men is a mortal or venial sin; but here, in the Sentences, the question concerns the obligation to accuse circumstances. Here St. Thomas concludes that only circumstances changing species are to be accused; there, however, he concludes that the circumstance of the person does not change species, and therefore a lie told by perfect men is not of itself a grave sin.

These are the very words of St. Thomas in II–II, q. 110, a. 4, reply to objection 5:

"Some say that in perfect men every lie is a mortal sin. But this is said unreasonably, for no circumstance aggravates infinitely unless it transfers [the act] into another species. But the circumstance of the person does not transfer [the act] into another species, unless perhaps by reason of something annexed, for example, if it were against his vow; which cannot be said of a useful or jocose lie. And therefore a useful or jocose lie is not a mortal sin in perfect men, unless perhaps accidentally on account of scandal. And to this may be referred what Augustine says, that it is a precept for the perfect not only not to lie, but not even to wish to lie; although Augustine says this not assertively but in doubt, having first said, 'Unless perhaps' and 'that the perfect may,' and so forth. Nor is it an objection that they are placed in a state of

preserving truth: for they are bound by their office to preserve truth in judgment or teaching, against which, if they lie, the lie will be a mortal sin; but in other matters it is not necessary that by lying they sin mortally."

3. The obvious sense of the passage from the Sentences is this: the opinion of those who say that only circumstances "which draw a sin into another genus" must necessarily be accused is more probable; but this must be expressed more exactly by saying: circumstances "which draw it into another species of mortal sin," substituting the more precise word "species" for "genus" and adding beforehand the qualification "mortal." For, on the one hand, venial sins are not necessary matter, and consequently their circumstances, whether changing the species or more strongly aggravating them, need not be accused; on the other hand, mortal sins are indeed necessary matter, but their circumstances need not be accused unless they change the species.

Hence the Holy Doctor is not speaking of circumstances aggravating only within the range of venial sin and of circumstances changing the theological species of a sin from venial to mortal (whether formally or equivalently), as the adversaries wish; rather, he speaks of circumstances changing the moral species in a mortal sin itself, and consequently also of those which merely aggravate within the same range of mortal sin. This is clear from the very explicit expression, "which draw it into another species of mortal [sin]," whose obvious meaning is "into another species belonging to the genus of mortal sin," and not "into another species which is itself a mortal sin"; otherwise the meaning also of the preceding, correlated expression, "which draw it into another genus of sin," would be "which draw it into another genus, that is, into the genus of sin," a meaning which is inept and foreign to the question.

Hence the meaning of the reply to the first objection is also clear, to which John of St. Thomas clings so strongly as though it clearly explained the mind of St. Thomas. For the words, "A man can go forth without confession from those things which surround mortal sin, namely venial sins and circumstances which are equivalent to venial sins," are equivalent to the words in the body of the article: "Aggravating circumstances which do not impart another species to the sin, or which indeed impart another species but not of mortal sin, need not necessarily be confessed." Furthermore, from the very correlative opposition established between venial sins and circumstances equivalent to them (for he does not say "circumstances of venial sins," but "circumstances which are equivalent to venial sins"), it is understood that the Holy Doctor is speaking of circumstances of mortal sins; hence the clearer meaning of the reply is that a mortal sin must necessarily be confessed, but those things which, although surrounding a mortal sin under different aspects, are nevertheless equivalent in this matter to venial sins, need not necessarily be confessed: namely venial sins themselves and those circumstances of mortal sins which, because they do not change the species, are equivalent in this respect to venial sins.

The reason for this equivalence is threefold: first, because both venial sins and circumstances merely aggravating a mortal sin are certain accidents in relation to the essence of the sin, which is taken from the object, as St. Thomas expresses it in I–II, q. 18, a. 8, reply to objection 1, asking: "A circumstance remaining under the character of circumstance, since it has the character of an accident, does not give the species; but insofar as it is changed into the principal condition of the object, in this respect it gives the species"; second, and consequently, because neither venial sins nor circumstances

merely aggravating mortal sin can aggravate guilt infinitely, since they lie outside the essence of mortal sin, whose character is to be infinite. This too the Holy Doctor expresses in II–II, q. 110, a. 5, reply to objection 4: "No ... circumstance aggravates infinitely, unless it transfers [the act] into another species [that is, from venial to mortal, or from one mortal species to another]"; third, and consequently, because neither venial sins nor circumstances merely aggravating a mortal sin are the proper object of the sacrament of penance, which is formally ordered to the remission of that which possesses absolutely the character of guilt, namely mortal sin.

4. In the text of Opuscule 12 the same doctrine is proposed still more clearly. In the first place, it is manifest that St. Thomas is speaking of aggravating circumstances within the order of mortal sin; for he teaches that circumstances which do not notably aggravate must be confessed if they draw the sin into another genus. This cannot be said of a venial sin, for it is not drawn into the theological species of mortal sin except by a notably aggravating circumstance; and if it is drawn only into some moral species within the range of venial sins, it need not be confessed. Secondly, it is manifest that St. Thomas speaks of circumstances drawing a sin, not into another theological species, but into another moral species, as is evident from the example he adduces of theft passing into sacrilege. We therefore greatly wonder that John of St. Thomas did not attend to this when, commenting on the passage from the Sentences, he simply asserts:

"Whenever [St. Thomas] affirms that circumstances which draw [a sin] into some genus of sin must be confessed, this ought to be understood of another genus under the aspect of mortal sin, which pertains to the theological species, not of another genus or moral species derived from a different object."

Moreover, the reading which the same theologian proposes, "But circumstances which do not aggravate ...," and according to which he also corrects another expression, "Thus, therefore, aggravating circumstances of this kind ..." [correcting it to "non-aggravating"], is erroneous: in both clauses the particle "not" is missing, just as it is in the third clause at the end of the question, "What I said previously, aggravating circumstances ...". Nor can one object that the subject of the question is non-aggravating circumstances, as the title makes clear. For it is precisely from the consideration of this subject, about which the question is asked, that St. Thomas is logically led to consider another, namely aggravating circumstances, so as to resolve by the same principle the whole question concerning the necessity of confessing circumstances. He teaches, namely, that circumstances which change the species must be declared, even if they do not notably aggravate; whereas, conversely, circumstances which do not change the species need not be declared, even if they aggravate.

THIRD REASON. The documents of the Church.

The Council of Trent (session 14, chapter 5 and canon 7), the Code of Canon Law (canon 901, cited above on p. 551), and the Catechism of the Council of Trent (which will be treated below, p. 586), while directly setting out what is necessarily the object of confession, speak only of the species and number of sins and of circumstances changing their species.

Nor is it valid to say with our opponents that the silence of the Church's documents, and expressly of the Council of Trent, proves nothing, since it is a merely negative argument. On the contrary, silence

is highly significant where one would naturally expect something to be said about those circumstances, according to the common saying, "He who is silent seems to consent." This is contained in two ways in the declaration of the Council of Trent.

First, the Council explains how, from the institution of the sacrament itself or from its judicial character, there follows the necessity of accusing both the species and number of sins and also those circumstances which change the species. But the very fact that the Council does not infer, from the same reasoning, an obligation to accuse other circumstances, even those which greatly aggravate, tacitly intimates that this obligation cannot evidently be deduced from the nature and institution of the sacrament. Two further conclusions follow: first, our opponents press this argument from the institution far beyond what is warranted and rely upon it excessively—Suárez calls it the "principal reason," and Billuart the "fundamental reason" intimated by the Council; secondly, the law requiring confession of other circumstances is not certain, since it cannot be inferred with certainty from the institution of the sacrament, from which above all it would have to be inferred. Consequently it does not in fact bind, since a doubtful law, where the very existence of the law is in doubt, does not bind. Indeed it is not even a law, for one cannot say that Christ established a law which cannot become certainly known and which the Church herself does not venture to disclose.

Moreover, the Council's words do not involve absolute silence, nor is its position merely negative in this matter.

For, in treating the necessary object of confession and directly considering the circumstances themselves, the Council, every time it speaks of them (namely both in the chapter and in the canon), limits its assertion concerning the obligation to confess circumstances to those which change the species, and does so under the noteworthy expression "even those circumstances" (as though "those and not others," or "those, even if not others"). This express and repeated limitation naturally and strongly suggests an exclusive meaning. It is this meaning alone which fits the common discourse, for the Council did not lack more abstract and clearer expressions by which to convey an inclusive or merely restrictive meaning, such as: "At least circumstances changing the species must be confessed."

Lugo aptly writes on the point:

> "That same Council of Trent lends further support in chapter 5 and canon 7, where, in explaining the necessity of confessing mortal sins and their circumstances, it always adds the limitation, 'circumstances which change the species of the sin'; by this limitation it appears tacitly to exclude other circumstances. For although it does not say this expressly, and consequently the argument might seem merely negative, it is nevertheless not purely negative. It is one thing to say absolutely nothing; it is another, when treating circumstances, always positively to limit the discussion to those which change the species: in this way the others seem positively to be excluded.
>
> "For example, if someone, in setting forth the obligation to confess sins, which is gathered from Christ's words, always added this limitation, namely, that there is an obligation to confess all mortal sins which proceed to an external act, he would certainly appear positively to exclude an obligation to confess internal sins. Similarly, by saying that nobody can avoid all venial sins without a special privilege, one thereby signifies that he can avoid them with a special privilege. Likewise, to say that no one can know with certainty that he is in grace

without a special revelation signifies that he can know it with such a revelation; and to say that no one can see God clearly without the light of God elevating him signifies that he can with that elevating light. So it is with a thousand other examples in which limiting a doctrine to one part tacitly excludes the other part from the doctrine. Therefore, since the Council of Trent added that limitation so often, it appears incidentally to exclude other circumstances from that obligation of confessing which it derived from Christ's words.

"Our opponents say that the Fathers of the Council wished to transmit certain doctrine and to abstain from uncertain matters which are disputed among theologians. But, on the contrary, the Council could have accomplished that by using universal expressions, such as saying that there is an obligation to confess at least circumstances which change the species, and so forth. For by these forms of speech it would not appear positively to exclude the obligation concerning other circumstances, as it actually does appear to have excluded it."[528]

[528] De Poenitentia, disp. 16, sect. 3, n. 108 sq., Disp. Schol., t. 5, Parisiis, 1893, p. 2 sq.

FOURTH REASON. The nature of the sacrament.

The sacrament of Penance has mortal sin itself as its object. It was instituted for binding and loosing; and what is bound and loosed is the guilt or sin itself. Circumstances, however, even when aggravating, are not the sin itself and do not belong to its essence, but surround it and touch it accidentally, as St. Thomas says (In IV Sent., dist. 16, q. 3, a. 2, q. 5, ad 1; I–II, q. 18, a. 8, ad 1; cited above on p. 579). Therefore they do not belong directly and essentially to the object of this sacrament and consequently do not fall, as the sin itself does, under the necessity of confession.

Nor does it help to object by invoking the medicinal nature of this sacrament. For, in the first place, its medicinal character, considered as distinct from its judicial and justifying character, is secondary in relation to them, and cannot extend beyond them. Moreover, the justifying, judicial, and medicinal character alike regard directly and essentially what is essential in a sin, and regard only extensively and accidentally what is accidental to a sin, namely aggravating circumstances, insofar as these in fact become known or manifest themselves.

FIFTH REASON. The inconveniences of the contrary opinion.

First, that opinion is not practical. For the existence of a law obliging the confession of aggravating circumstances, even if notably aggravating, is not certain; the opponents themselves commonly acknowledge this, since—apart from a few, such as John of St. Thomas—they put forward their opinion only as the more probable. Accordingly, penitents are not in fact bound to confess such circumstances, since a doubtful law does not bind, even if the opinion were speculatively true. St. Alphonsus calls this a "stronger reason."

Second, that opinion would entail that a person is equally bound to declare notably diminishing circumstances, which is foreign to the practice both of penitents and of confessors and is commonly denied even by the opponents themselves, as is clear from what was said in the preceding Note. For the twofold reason of pronouncing judgment and applying medicine, invoked in favor of declaring aggravating circumstances, applies equally to diminishing circumstances, lest the confessor judge the penitent more guilty than he really is or impose on him a satisfaction more severe than he deserves.

To this argument the opponents reply by denying the parity between diminishing and aggravating circumstances, since the former are excusatory or partially remove the character of malice and sin, while the latter are accusatory, increasing malice and sin; but confession is not an excusation and has malice and sin for its object (so John of St. Thomas). Or they say that diminishing circumstances do not greatly alter the moral judgment about the penitent's culpability (so Suárez).

Nevertheless, the force of the parallel remains. It is founded upon, and follows from, the very principle the opponents invoke: namely, that aggravating circumstances must be declared because otherwise an exact judgment concerning culpability could not be obtained. Yet the exactness of a judgment can be defective in either direction—whether the penitent is judged less guilty or more guilty than he actually is. Moreover, the twofold distinction brought forward by the opponents is artificial and ambiguous. For the accusatory character of confession does not exclude, but rather includes, an excusatory character, if the latter is required for knowing the very nature and gravity of the accusation. Likewise, diminishing circumstances perhaps do not diminish the penitent's culpability by very much, yet they greatly affect the judgment itself about his culpability, for they altogether remove that exactness which consists in something indivisible.

Third, that opinion renders the use of the sacrament difficult, burdensome, and full of anxieties, both on the part of the confessor and especially on the part of the penitent.

An increase of guilt arises not only from the quantity of some physical and material object (as in theft), but also from the quantity of some moral object (as in detraction); nor only from the quantity of the object itself, but also from the quantity of the act, or the duration of the sin, from the intensity of an act of the will, and from the degree of awareness and advertence. Moreover, all these opportunities for increasing malice, as often as the excess arising from any one of these circumstances could by itself constitute a distinct mortal sin, would have to be confessed. Thus, just as it would be necessary to accuse a theft of ten gold pieces insofar as it is equivalent to two thefts of five gold pieces (assuming that the theft of five gold pieces is a mortal sin), so one would have to accuse the degree of detraction equivalent to double or triple detraction. Such an excess could be declared only by the tiresome disclosure of the matter of the detraction, the character of the person who detracts and of the person detracted from, and the character and number of the persons in whose presence the detraction was made. Similarly, one would have to disclose that an act of hatred possessed such and such a degree of intensity that it was equivalent to several less intense acts; or that it lasted for such and such a period—say an hour, or even a quarter of an hour—so that it was equivalent to several acts of hatred of shorter duration.

All these things are very difficult and burdensome, and in many cases practically impossible, because of the difficulty of determining what excess in an object or an act would by itself be equivalent to a mortal sin, especially when the duration or intensity of a sin is in question. St. Thomas is apposite (In IV Sent., dist. 16, q. 3, a. 2, q. 5, ad 2): "The determinate quantity of a sin cannot be made known to the priest, because not even the sinner himself knows it; hence it is enough that he know the quantity which arises from the species of the sin."

The opponents therefore attempt inappropriately to evade this reason by adducing only examples in which an excess in the quantity of an object or the duration of an act obviously constitutes by itself a grave sin or even probably changes the species of the sin. They reply that it is very easy to distinguish notably from non-notably aggravating circumstances. Thus Gonet confidently writes:

"As regards the quantity of magnitude and multitude, it is exceedingly easy to distinguish notably aggravating from non-notably aggravating circumstances, as is evident from the examples given above [namely, the theft of a thousand gold pieces, mutilation of a man, the killing of several persons, or the appropriation of many people's possessions]. As regards intensity and duration as well, this is not very difficult. For if the penitent very notably exceeds the ordinary manner of sinning, whether in the duration or intensity of the act, the circumstance is notably aggravating; otherwise it is not, whenever the ordinary manner of sinning, as regards duration or intensity, has not been notably exceeded. Thus, if someone persists for many hours in an act of hatred of God or of neighbor, or in some base delight, or so great a hatred against an enemy that he repeatedly stabbed him even though he was dead, or conceived such a desire, it is a notably aggravating circumstance, necessarily to be explained in confession. Likewise, if you have lain with a prostitute throughout the night, it is not enough to say 'I have committed fornication once'; the time must be expressed."[529]

[529] De Poenitentia, disp. 10, a. 3, n. 66, Clypeus, v. 6, Parisiis, 1876, p. 643.

THE AFFIRMATIVE OPINION, however, is defended by several eminent doctors, among them William of Auxerre, Alexander of Hales, Scotus and Biel,[530] Major, Marsilius, Cajetan (?; In I–II, q. 7, a. 4; Summa, on Confession), Victoria, Peter Soto, Cano (De Poenit., part 5), Estius, Suárez (disp. 22, sect. 3), Coninck, Sánchez, Henríquez, Fagúndez, Nugnius, Ledesma, John of St. Thomas (In I–II, q. 28, disp. 10, a. 3), Juénin, Gonet (disp. 10, a. 3), Sylvius, Martinonus, Amicus, Sá, Antoine, Lacroix, Billuart (disp. 7, a. 2), Concina, and Collet.

[530] De his duobus tamen confer supra, p. 571, in nota. [On these two, however, compare above, p. 571, in the note.]

The reasons they advance, to which we shall respond immediately, are as follows:

FIRST REASON. The sense of tradition.

As is clear from the documents of the councils cited above (pp. 554 ff.), the ancient doctors say simply that the heart must be laid bare in confession and that nothing is to be concealed. In particular, the Council of Worms says that the priest must consider "the origin and manner of the offenses"; Pseudo-Augustine is of the same mind, and Gratian repeats him in the chapter "Consideret."

REPLY.

All these statements may suitably be understood of the integral confession of sins according to their species and number and the circumstances changing species, and likewise of aggravating circumstances insofar as these must sometimes be disclosed accidentally. Certain expressions may also be understood of any aggravating circumstances whatever; nevertheless, they convey counsel and exhortation, not a precept and necessity.

SECOND REASON. The custom of the faithful.

Devout members of the faithful naturally take care to accuse aggravating circumstances.

REPLY.

Devout members of the faithful also accuse venial sins, but do not thereby consider these to be necessary matter of confession. Moreover, the reason why some circumstances are declared is

sometimes the better disposition of the penitent, sometimes an easier manner of confessing (for many narrate the deeds simply as they occurred), and sometimes a difficulty in distinguishing between merely aggravating circumstances and circumstances changing the species, or between aggravating circumstances which must be confessed accidentally and those which need not be. Besides, many devout members of the faithful, as well as confessors, pay no attention to the accusation of such circumstances unless there is some special reason extrinsic to the very nature of an aggravating circumstance.

THIRD REASON. The doctrine and mind of the Church.

The Council of Trent, although it names among the objects which must necessarily be accused only the species, number, and circumstances changing the species, nevertheless implicitly teaches an obligation to accuse aggravating circumstances as well, since, in assigning reasons for the obligation to accuse the aforementioned objects, it gives reasons which apply equally to aggravating circumstances. For it says that circumstances changing the species must be accused because "without them the sins themselves are neither fully set forth by the penitents nor made known to the judges, and it cannot happen that they are able rightly to estimate the gravity of the offenses and impose upon the penitents the punishment which is proper for them" (Denz. 899). It assigns the same reasons why sins must be accused according to their species and individually. It also says that even the most secret sins must be confessed, "which sometimes wound the soul more grievously and are more dangerous than those which are openly committed."

> The Catechism of the Council of Trent (part 2, chapter 5, question 47) says: "Nor indeed ought one, in narrating grave sins, to explain these alone, but also those circumstances which greatly increase or diminish the gravity of any sin whatever. But those which do not greatly increase the gravity of the matter may be omitted without crime."

The Roman Ritual (no. 16, cited above on p. 550) speaks simply of circumstances to be accused, by no means specifying only circumstances changing the species.

The Church sometimes reserves certain sins on account of some notably aggravating circumstance, for example incest in the first or second degree; but the Church would not do this if such circumstances were not necessary matter of confession.

Innocent XI condemned the following proposition: "It is not illicit in conferring sacraments to follow a probable opinion about the validity of the sacrament, abandoning the safer opinion, unless a law, agreement, or the danger of incurring grave harm forbids this" (Denz. 1151). Now the opinion teaching the necessity of confessing aggravating circumstances is at least the safer one. Hence it must be followed in practice, and consequently there is in fact an obligation to confess those circumstances.

REPLY.

We deny that the reasons assigned by the Council of Trent apply equally to aggravating circumstances. For without knowledge of the latter, judgment can still be exercised essentially, the cause of the sin can be known, an integral confession can be made, and suitable satisfaction exacted. None of these things can take place without knowledge of the species and essential circumstances of the sin. As for the last words cited concerning secret sins, the Council's meaning is not that they

must be confessed because they involve greater gravity, but because they are grave sins, and sometimes more grave, which is not the case with aggravating circumstances: these are not sins, but accidents of sins. Moreover, Suárez, to his own advantage, ineptly alters the words of the Council, citing "Because they very often wound the soul more grievously" in place of "Which sometimes wound the soul more grievously."

The Catechism of the Council of Trent speaks of circumstances which so increase or diminish gravity that they change the theological or moral species. This is evident both from the examples adjoined (namely the killing of a sacred person, fornication, adultery, incest, and sacrilege) and from the explicit definition immediately added: "For some circumstances are so grave that the character of a mortal sin depends upon them alone."

The Roman Ritual does not say that the priest must question the penitent about circumstances because they are circumstances to be explained; rather, it says that he must question him concerning those circumstances which ought to be explained. What these circumstances are it does not say, but presupposes as known; nor is anything more known than the Tridentine teaching that circumstances changing the species must be accused, and the common opinion of theologians that aggravating circumstances must certainly be accused in certain cases.

Against the argument drawn from the Church's reservation of sins we deny what is presupposed. For when a sin is in fact reserved on account of a merely aggravating circumstance and not because of a circumstance changing the species (as occurs in the cited example of incest), the aggravating circumstance is not itself the object of the reservation, but only the condition and occasion for it. The object is the sin itself, which is necessary matter of confession. For, since the Church has the right to reserve sins, it fittingly takes occasion from the malice of some aggravating circumstance to reserve a sin when it is committed with that circumstance. Hence it also follows that the circumstance, though merely aggravating, must be confessed by reason of the reservation itself, so that the confessor may know that the sin is reserved.

Against the argument drawn from Innocent XI's teaching, we first deny its presupposition, namely that the present case concerns the validity of the sacrament. Whoever follows our position does not expose the sacrament to the danger of nullity, since formally integral confession suffices for its validity.

Furthermore, we deny the assertion itself that the contrary opinion is safer in the sense in which that expression is understood by the Pope and is often employed in moral questions, namely when opinions opposed to one another are respectively speculatively probable but practically unsafe. For our opinion is safe, since in practice one must not confess what is not certainly commanded to be confessed; indeed, more probably, it is not commanded (for a doubtful law does not bind). The contrary opinion, however, is assuredly safer, but in another sense: it has the greater safety arising from superabundance, when compared with ours as safer than what is simply safe, and not as safe in contrast with an opinion merely speculatively probable and practically unsafe.

FOURTH REASON. The nature of this sacrament.

This sacrament was instituted after the manner of judgment and medicine. But neither can judgment be rightly exercised nor can a fitting remedy be applied unless the cause and the sickness are known

integrally, including notably aggravating circumstances, since these notably vary the culpability of the accused and the condition of spiritual sickness.

CONFIRMATIONS.

1. From the fact that the reason why a circumstance changing the species must be accused is that it adds a new malice; this reason also holds for a notably aggravating circumstance.

2. From the fact that there is the same reason for equivalent things, as the common axiom says; for sometimes aggravating circumstances are equivalent in malice to circumstances changing the species, and even surpass such circumstances and sins numerically multiple. For an aggravating circumstance adds malice no less than a circumstance changing the species; and the theft of a hundred gold coins is equivalent to a hundred thefts of one gold coin each. Therefore an aggravating circumstance must be accused no less than a circumstance changing the species and a numerically multiple sin.

3. From the fact that the penitent is bound to answer a confessor who questions him concerning a merely aggravating circumstance; therefore this is necessary matter of confession, otherwise there would be no reason why the penitent was bound to answer.

REPLY.

This sacrament is a judgment and medicine concerning sins, not concerning circumstances or the accidents of sins. Hence, by the accusation of those things which belong to the nature of sin, that is, the species, number, and circumstances changing the species, the essential end of the sacrament is obtained on either account, although the accusation of merely aggravating circumstances contributes to a more exact judgment and a more suitable medicine. From the accusation of such circumstances the moral judgment is not essentially changed, either as regards the measure of culpability or as regards the nature of the infirmity, since it does not change the judgment concerning the nature and essence of sin. This is clear even from what happens among men: aggravating circumstances do not essentially change a judge's sentence or a physician's remedy.

TO THE CONFIRMATIONS, we reply:

1. The reason why circumstances changing the species must be accused is not that they add malice in just any manner, but that they add malice constituting a new sin, which is the proper object of sacramental judgment.

2. We deny that aggravating circumstances can be equivalent to circumstances changing the species or to sins numerically multiple. The former increase the quantity, whereas the latter multiply the essence; and quantity is not equivalent to essence, nor can it be compared with it. Thus an adult man is not equivalent to two infants, nor a large head to two small heads, nor a large fly to two small flies.

And to satisfy the example advanced by our opponent, we deny that the theft of a hundred gold coins is equivalent to a hundred thefts of a single gold coin. The former involves one act of the will and one sin; the latter, a hundred volitions and a hundred sins. It makes no difference that the two are

compared as undivided and divided; for the theft of a hundred gold coins does not formally become a hundred thefts of one gold coin by mere division, but by multiplication of the act of the will, or of the very essence of the sin. In like manner, although any one living thing may be divided into two living things by fissiparous or budding asexual generation, it cannot therefore be said that one living thing is equivalent to two living things obtained after division. Similarly in numbers, although from a single number many specifically distinct numbers are obtained by separating its units, it cannot be said that the number three is equivalent to three specifically distinct units, or, as the philosophers say with Aristotle, that three things are three times one rather than once three.

Moreover, if the equivalence invoked by our opponents really existed, it would hold also for circumstances which aggravate only slightly; consequently these also would have to be accused in confession—something the opponents themselves deny. For example, an act of hatred extended over a quarter of an hour or a shorter period is equivalent to several acts of hatred which could separately have been elicited in the same time.

3. The reason why a confessor may inquire about aggravating circumstances and the penitent may be obliged to disclose them does not arise precisely from their being aggravating, but from other grounds already enumerated above (p. 571). They may be necessary for recognizing a reservation, determining restitution, judging the penitent's actual state of sin, or his requisite disposition; and knowledge of his habits and occasions contributes greatly to the latter judgment.

But when these reasons are lacking, the confessor may not inquire beyond a persuasive request, nor is the penitent bound to accuse such circumstances or to answer concerning them, although his spiritual guides may salutarily urge him to do so.

Concerning the argument of the SALMANTICENSES:

> "It sometimes happens that a confessor inquires into these circumstances, not on account of any special and accidental motives such as we have just reviewed, but because he wishes to, or because he holds the opinion that circumstances notably aggravating within the same species ought to be explained in confession. In that event, the penitent who knows, at least practically and from the testimony of others, that our negative opinion is safe and more common, and that the contrary opinion is the less probable, is not bound to answer that inquiry of the confessor. Rather, he can respectfully say that he has explained what he ought, that he can remain silent concerning what he has omitted, and that he is bound to no more; for he knows that notably aggravating circumstances, for example the quantity of property taken concerning which he is questioned, are not necessary matter of confession. Having heard this, the confessor cannot compel him further or deny him absolution on this ground, since the penitent acts according to a safe and probable opinion and therefore acts rightly, and the confessor can and ought to conform himself to him. ... Nevertheless, in practice we would counsel the penitent, for his part, always to deal openly with the confessor and to answer him directly unless it is quite evident that he is being questioned pointlessly and uselessly; and, for the confessor's part, not to be excessive in questioning except about what is precisely necessary for his office. For all humility toward the confessor befits the penitent in the act of

confession, and all discretion befits the confessor in not troubling the penitent more than is fitting."[531]

[531] De Poenitentia, disp. 8, dub. 4, § 2, n. 102, Curs. Theol., t. 20, Parisiis, 1883, p. 284.

Concerning the argument of CAPPELLO:

"The penitent is bound candidly to disclose the truth to a confessor questioning him about any circumstance necessary or useful for forming a judgment concerning the penitent's state, the remedies to be imposed, and so forth. The reason is that the confessor, by reason of the office of judge and physician, has the right to inquire not only concerning matters strictly pertaining to the integrity of confession, but also concerning those which bear upon the penitent's state and spiritual good.

"Hence a penitent who is questioned, for example, about this or that circumstance, about a condition required for incurring a censure or irregularity, about a habit of sinning, about a proximate occasion, and so forth, is bound to answer truthfully according to what the confessor legitimately inquires in such and similar cases. Hence Innocent XI condemned proposition 68: 'We are not bound to disclose to a confessor who questions us the habit of some sin.' But the penitent is not bound to declare a habit of sin spontaneously. Likewise, one who has sinned, for instance, with three persons sufficiently declares the species and number of sins by saying this, without stating whether it was three times with the same person or with different persons. Nevertheless, a penitent questioned by the confessor ought to answer whether it was with one person or several that these three sins were committed: for it will be easier for the penitent to return to a proximate occasion of sin if he has sinned three times with the same person.

"Where there is no reason for questioning on the confessor's part—a reason, namely, of necessity or at least of usefulness—the penitent is not held to an obligation to answer. Nevertheless, the presumption favors the confessor, as is clear: for he is always presumed to be questioning legitimately or from a just cause."[532]

[532] De Sacramentis, v. 2, De Poenitentia, n. 152, Taurini–Romae, 1944, p. 135 sq.

FIFTH REASON. The inconveniences or absurdities which follow from the contrary opinion.

"If notably aggravating circumstances did not have to be expressed, it would follow: (1) that a person who had had intercourse with his mother or sister would sufficiently confess by saying that he had committed incest; (2) that one who had cut off a man's ears, nose, feet, and arms and gouged out his eyes, without however causing death, would satisfy the obligation by saying that he had gravely wounded someone; (3) that a person who spent a whole night in impurity with a prostitute and finally had intercourse with her, or who with the most intense hatred spent a whole day persecuting an enemy, would sufficiently confess, the former by saying, 'I committed fornication,' the latter, 'I hated my enemy'; (4) that one who had stolen a hundred thousand gold coins would sufficiently confess by saying, 'I stole in grave matter.' Indeed, as Soto rightly argues, if questioned by the confessor concerning the amount he could deny it without mortal sin, because it would be free matter of confession, no less than a venial

sin. Everyone of sound mind sees how absurd and repugnant to sound morals all these things are."[533]

[533] Billuart, De Poenitentia, diss. 7, a. 2, § 2, Curs. Theol., t. 9, Parisiis, 1904, p. 429.

REPLY.

There is no absurdity in holding that some grave circumstances of the kind mentioned need not be accused, provided that they truly do not change the species or multiply the number of sins. The contrary is often the case in the more serious circumstances, although in particular cases it cannot always be determined with certainty and affords learned men grounds for dispute.

Thus, to remain with the examples proposed by our opponent, incest at least between parents and children very probably adds a new species of impiety, according to the more common opinion of theologians. According to some, the mutilation of a man described above adds a special malice of cruelty or savagery. Moreover, it can happen that in such a prolonged operation the number of sins is multiplied through the interruption of the act. Such multiplication easily occurs in one who pursues hatred of another over a long period, or fornicates or acts impurely throughout an entire night. As to a grave theft, certain theologians, such as Valencia, say that the amount is not a mere circumstance but a condition of the object, belonging to the essence of the object considered in the individual case, and therefore something to be disclosed—not because it is a circumstance, but because it belongs to the object.

Nevertheless, this explanation is deservedly rejected by others and is contrary to the teaching of St. Thomas (I–II, q. 7, a. 3, ad 3). Therefore we concede that there is no obligation in itself to confess the aggravating circumstance arising from the amount stolen from one and the same owner, nor do the holy doctors make any difficulty over this; thus St. Antoninus (III, tit. 14, ch. 9, §7), cited with approval by St. Alphonsus (n. 468), expressly says that the circumstance of a hundred florins[534] in a theft need not be accused, according to the opinion of St. Thomas.

[534] Florenum erat poecunia aurea Florentina. [A florin was a gold coin of Florence.]

Moreover, as we have said more than once, it frequently happens that grave circumstances which merely aggravate must be accused incidentally, whether on other grounds and especially by reason of restitution to be made, or in a case in which the confessor inquires, as happens precisely with the amount stolen.

NOTE 6. ON CERTAIN MINOR QUESTIONS CONNECTED WITH THE ACCUSATION OF CIRCUMSTANCES.

FIRST QUESTION.

May a penitent accuse separately various sins or malices which concur in the same act?

An affirmative answer has already been given to this question in Notes 1 and 3; for the concurrence of several species of sins in the same act cannot be more than a circumstance which aggravates more or less. The same must be said about the mere number of sins of the same species which concur in, or are multiplied by, the same circumstance, for example one of time, place, or person, as when someone commits twenty sins of impurity on the same night or with the same person.

SECOND QUESTION.

Does a penitent act against the integrity of the sacrament if he customarily confesses venial sins to one confessor, for example his ordinary confessor, but mortal sins, when they occur, to another confessor, for example one less familiar and more kindly, lest he lose his good reputation with his ordinary confessor?

The reply is negative in itself, with Sylvester (under 'Confession,' 1, q. 6), Victoria, Navarro, Henriquez, Suárez (disp. 22, sect. 1, nn. 12 ff.), Bonacina, Diana, Leander, and the Salmanticenses (disp. 8, dub. 7, n. 216; disp. 8, n. 255), because in such a case the sins are confessed integrally before each priest. Furthermore, this manner of proceeding does not contain anything gravely evil either on account of the intention of the penitent who confesses in this way, which is indifferent in itself, or on account of the deception of the ordinary confessor, who considers that the penitent has committed nothing grave since his last confession to him. For this deception does not proceed from an intention to deceive and is not necessary, but rather arises from the ordinary confessor's less prudent or less astute mind.

Accidentally, however, such a manner of acting can be gravely evil, and can even engender suspicion of a sacrilegious and invalid confession, if it arises from a secret intention to remain in an evil habit or in a proximate occasion of sin; or at least if, by reason of such a manner of proceeding, the penitent perseveres in such a habit or occasion. And in this way must be understood certain more severe judgments pronounced by some, such as Sylvester and Victoria, concerning this manner of confessing.

THIRD QUESTION.

Whether, without prejudice to the integrity of confession, a penitent may so confess that the confessor cannot discern which sins have not yet been confessed, or which were committed after the last confession.

On this question, in which the judgment of the doctors appears to fluctuate considerably, some denying, others affirming, and still others distinguishing and subdividing, it will be helpful to distinguish several cases.

FIRST, the question does not concern a penitent who accuses, or appears to the confessor to accuse, an already confessed sin as if it were not yet confessed. For the doctors commonly admit that this is not contrary to integrity, since it does not essentially change the confessor's judgment.[535] Hence if a penitent explicitly says that he committed after his last confession a sin which he has in fact already confessed, this could be only a venial lie; but if he merely allows the confessor to think so, there will be no sin, and there can even be an act of virtue, for example of humility. The disputed question therefore concerns one who accuses, or seems to accuse, a recent sin not yet confessed as though it were an earlier sin already confessed.

[535] Cf. Lugo, Disp. 16, sect. 2, n. 46 sq.; Suarez apud Lugo, ibid.; Salmanticenses, Disp. 8, dub. 8, n. 254.

SECOND, therefore, a penitent may conceal the time at which a sin was committed by saying that he wishes to make a general confession, and thus deliberately mixing together in the general accusation all his sins, without disclosing which are old sins already confessed and which are more recent sins not yet confessed. It is concerning this case alone that the older doctors explicitly and particularly pose the question: whether such a manner of confessing is gravely illicit and thereby renders the confession sacrilegious and invalid.

An affirmative reply is given by Pérez, Gonet (disp. 10, a. 2, n. 37), Turrianus, and the Salmanticenses (disp. 8, dub. 8, n. 248 ff.).

Their reasons are these: first, because the judgment of the confessor is thus notably changed, since he judges to be necessary matter what is not necessary matter; secondly, because the penitent deceives the confessor in a grave matter; thirdly, because he impedes the exercise of the confessor's office as to knowledge of the state of conscience, and consequently as to the application of suitable satisfaction and fitting medicine; fourthly, because so great an inconvenience would follow that someone could confess in this way for his whole life, making a general confession whenever he sinned mortally and never manifesting a sin as recently committed, and thus, by never receiving salutary counsel, penance, and medicine for repeated sins, would entirely frustrate or evade the salutary end of the sacrament.

More probably, however, a negative reply must be given, with Bonacina, Diana, Tamburini (Methodus conf., book 2, ch. 1), Lugo (disp. 16, sect. 2, § 1), Dicastillo, Delgadillo, and Leandro, with whom a great many modern writers agree, such as Ballerini, D'Annibale, Noldin, Génicot, Gury, Bucceroni, Cappello, Merkelbach, and Prümmer.

The reason is that such a manner of confessing does not necessarily change the confessor's judgment. For the penitent says nothing which directly deceives the confessor or from which it must necessarily be inferred that all the sins he accuses have already been confessed. Indeed, from the very fact that he manifests an intention of making a general confession, he gives the confessor a reason to suspect that some sins have not yet been confessed, and to inquire about this.

Certain doctors bring forward this reason: by such a manner of confessing the confessor's judgment is not essentially changed, because the essential object of this judgment is the sin itself considered according as it has been committed or not committed, whereas its having been confessed or not confessed is accidental. Yet this reason does not seem valid; for, as will be said below, an essential change in the confessor's judgment can also arise from the confessor's knowledge that a sin has or has not been confessed.

From what has been said, the answer to the first and second reasons of the opponents is clear. The alleged alteration of the confessor's judgment does not necessarily follow from this manner of confessing, nor does it contain any deception properly so called and positive in character: for the penitent, by making a general confession, does not signify that he wishes to confess only sins already confessed, but, in general, that he wishes to confess all the sins committed up to the moment of confession. Nor does it matter if the confessor nevertheless interprets such a confession as relating only to sins already confessed, for the falsity of this interpretation must be attributed to the confessor himself and not to the penitent.

To the third reason it must be said that such a manner of confessing does not impede the essential knowledge of the state of conscience, whose object is the commission or noncommission of sin, not the actual existence or nonexistence of sin in the soul. Otherwise the penitent would also have to disclose whether the sins, not yet confessed but which he is now accusing, had already been remitted through an act of perfect contrition.

To the fourth reason it must be said that in every confession, even when it concerns sins already confessed, sufficient material is contained for shame, medicine, and satisfaction. Nevertheless, one

might rightly doubt the sufficiency of the disposition or attrition of a penitent who, in order to hide mortal sins as recently committed, continually made a general confession; for this would arise either from a secret attachment to an evil habit or occasion of sin, or at least would readily become a cause why such a penitent should remain in an evil habit or occasion.

THIRD, the question is explicitly raised, particularly by modern authors, concerning a penitent who *actually lies*, directly accusing a recent sin not yet confessed as if it were an earlier sin already confessed. The inquiry is whether that is a grave lie which of itself makes the confession sacrilegious and invalid, whether it is committed spontaneously or, still more, in answer to a question from the confessor.

Here again there are two opinions.

An affirmative reply is given both by the older writers mentioned above (including, in general, those who, like Tamburini, give a negative reply to the preceding question), who hold this case to be clearer, and by certain modern authors, such as Berardi (n. 4525), Gennari (Quaest. mor., n. 668), and Merkelbach (n. 530). Among the older writers Lugo (disp. 16, sect. 2, nn. 53 ff.) notes both opinions as probable, although he inclines toward the affirmative.

The reason for this opinion, which appears considerably more probable, is that by such a lie the confessor's judgment is notably changed.

To establish this, these doctors add the following reason: a sin committed within a certain interval of time, for example today, is altogether other and distinct from a sin committed in another interval, for example yesterday; for, according to the philosophers, actions endure in their own duration, so that duration is intrinsic and essential to them. Therefore he who confesses a present sin as though it were past does not confess the very sin which he committed, but another which he did not commit. Thus he acts against the integrity of confession and tells a double lie: by defect, since he conceals the sin he committed, and by excess, since he accuses himself of one which he did not commit.

Nevertheless, this reason does not appear solid, and affords an easy opportunity to refute those who patronize the negative opinion.

For, first, this explanation wanders outside the question. The question concerns the obligation to accuse the circumstance that a sin has or has not been confessed, not the circumstance of the time of its commission considered as such. Otherwise, the confession of someone who truly accuses an unconfessed sin, but falsely asserts that he committed it yesterday whereas in fact he committed it today, would likewise be sacrilegious.

Moreover, the explanation itself is false. For the time by which something is designated as present or past is an extrinsic measure, and is not to be confused with the very duration of the thing in being, which is indeed intrinsic and, as it were, essential to the thing, since it is identified with the thing's very existence. Hence the very same individual sin which occurred today could have occurred yesterday or at any other difference of time. Therefore it is false that someone who confesses a sin as past thereby confesses a different sin.

But even were that explanation true, it would still not prove the point sought, namely that from the accusation of a past sin in place of a present one there would follow an essential change in the sacramental judgment. For this judgment regards the essence or species of a sin, not its

individuation, which adds nothing in itself to the malice of sin, unless the species is somehow multiplied thereby, as happens in the case of a plurality of sins.

Therefore the essential change in the confessor's judgment must be proved in another way, namely from the sacramental difference between the character of a sin already confessed and that of a sin not yet confessed.

For the distinction between sin confessed and sin not confessed coincides with the distinction between free and necessary matter, which seems essential to the object of confession. From it follows, on the penitent's side, that an absolute obligation to confess has already been fulfilled in one case; on the sacrament's side, a different manner of influence on sins which have or have not already been remitted (for sins already remitted cannot simply be remitted again, but only in a certain peculiar manner, as explained in Article 7 of volume I, pp. 220–225); on the minister's side, a different manner of pronouncing judgment (for with respect to sins not yet confessed, the sentence is primarily and simply absolving or remitting, while with respect to sins already confessed it is confirming and augmenting rather than absolving, as explained there, p. 218); and above all, a different manner of imposing penance and applying medicine. All these considerations contribute to an essential difference in the confessor's judgment.

Hence there seem to be four principal grounds upon which the confessor's judgment can be essentially varied: the distinction between venial and mortal sin (theological species); objectively different kinds of malice (moral species); the distinction between a sin committed and not committed; and the distinction between one already confessed and one not yet confessed. These last two distinctions can be called sacramental species.

You will say: If the distinction between sin already confessed and sin not yet confessed could influence an essential variation of the confessor's judgment, it would follow that someone sins gravely both when he accuses a sin already confessed as if it were not confessed, and when in a general confession he does not distinguish sins already confessed from those not yet confessed. Yet both consequences have been rejected above. Therefore the proposed solution is inconsistent.

Reply. The present case is not on a level with the two preceding ones. In the first case, where a person accuses a sin already confessed as though it were not yet confessed, there is indeed a change in the priest's judgment, but it is merely material and irrelevant to the exercise of his office of reproving, instructing, and punishing. Indeed, such an accusation in no way impedes the exercise of that office; rather, it positively assists it, since by accusing an already confessed sin as unconfessed the penitent offers the priest an occasion for instruction and punishment. Conversely, in the present case, by accusing a sin not yet confessed as though it were already confessed, the penitent introduces a formal change in the priest's judgment, directly relevant to the exercise of that office and preventing it, because the priest cannot reprove, instruct, and suitably punish if he judges that the sin has already been confessed and remitted.[536]

[536] Cf. Salmanticenses, Disp. 8, dub. 8, n. 254.

In the second case, where a person mingles in a general confession sins not yet confessed with sins already confessed, a formal change can indeed occur; but it does not necessarily follow from that manner of confessing, which on the penitent's part is not directly deceptive but only allows the confessor to be mistaken. Therefore it is not gravely imputable to the penitent. In contrast, in the

present case, the penitent directly deceives the confessor by a real lie and directly hinders the exercise of his priestly office.

A negative answer to the question is given, with greater or lesser firmness, by many modern authors, such as Noldin (n. 238), Gury (n. 488), Ballerini (note on Gury, n. 488), D'Annibale (n. 309, note 60), Bucceroni (n. 715), Génicot (n. 288), Aertnys (n. 200), and Cappello (n. 159).

The reason they invoke is that a lie concerning the time does not essentially vary the confessor's judgment, because sacramental judgment concerns only the essence or species of the sin, not the circumstance of time, which is merely accidental.

Nevertheless, this last reason misses the question, as has been observed above; for the question is not about the circumstance of time as such but about whether the circumstance of a sin's having been confessed or not confessed changes the sacramental judgment. Indeed, these doctors seem not to notice this while they contend to no purpose with the supporters of the affirmative opinion over the influence of the circumstance of time.

Not all these doctors set forth this opinion with the same firmness.

First, some, such as Noldin, propose it categorically; others, such as Génicot, present it as more probable; still others merely present it as probable or as common, although they manifestly incline toward regarding it as more probable.

Furthermore, some, such as Génicot and Cappello, attach this restriction: "It nevertheless seems a grave sin expressly to represent all recent mortal sins as though they had already been accused; for in this way the confessor's judgment concerning the penitent's present state of conscience is utterly perverted, his office as physician is made fruitless, and sacramental penance is evaded. But if this has happened in good faith, no strict obligation of repeating the confession is given" (Génicot, n. 288). Nevertheless, it does not seem clear why such a restriction is to be made, if the opponents' opinion is true, since the greater and lesser do not change the species. This attempt at restriction is a kind of indirect acknowledgment of the weakness of that opinion.

Finally, some insist that, in practice, an obligation to confess sins as not yet confessed, or to answer a confessor who asks when they were committed, can occur. Thus Noldin-Schmitt writes: "Such an addition, however, seems possible in practice: that the confessor may have the right to inquire about the time at which a sin was committed, so that he may fittingly judge other obligations of the penitent, for example concerning an occasion to be removed or a state of life to be chosen or abandoned. Let us suppose that a cleric who is to receive major orders has several times sinned by pollution and always mixes these sins with the sins of his past life. Then the confessor certainly has the right to inquire concerning the time, so that he may know whether the cleric has given up the habit and may receive major orders. Such a penitent is judged to sin more gravely, and therefore to be invalidly absolved, if he constantly denies that these sins were committed since his last confession" (n. 283). Nevertheless, an obligation of this sort, which all theologians must admit, exists only accidentally; it is not peculiar to this case but applies to all aggravating circumstances, as explained in Note 5 (pp. 570 ff.).

NOTE 7. WHETHER EXTERNAL SINFUL ACTS AND THE EFFECTS FOLLOWING FROM THEM MUST BE ACCUSED IN CONFESSION

In an external sinful act three things can be distinguished: its moral cause, or the intention of the will from which it proceeds; the external act itself; and the effect which follows from it (for example, the intention to kill, the act of killing, and the death which ensues).

Now, all theologians agree that, besides the evil intention, THE EXTERNAL ACTS THEMSELVES must be confessed (so that, for example, it is not sufficient to say, "I intended to steal," but one must say, "I stole"). This is gathered, first, from universal custom, which thus interprets the law concerning the integrity of confession; secondly, from the fact that the external act itself is the object of a divine precept (for example, "Thou shalt not kill"); and thirdly, from the intrinsic reason of the matter. For although the malice of sin in no way proceeds from the external act or inheres in it, either principally or extensively (contrary to what certain theologians teach), but is wholly derived from and resides in the internal act of the will (cf. I–II, q. 20, a. 4), nevertheless the external act is denominated a true sin and is truly such because of its conjunction with the internal act. With the latter it makes up one complete act, as its complement and consummation (cf. I–II, q. 12, a. 7). For something can receive a certain character from a form which does not inhere in itself but exists in another, provided that it is not something subsisting independently in itself, but stands as a part or complement of another. This is precisely the case with the external act when considered in the moral order, whether under the aspect of merit and praiseworthiness or under that of demerit and sin.

Hence theologians commonly express the notion of an external act in the familiar definition of sin drawn from Augustine: "Sin is any deed, word, or desire contrary to the eternal law."

As regards the question WHETHER THE RESULTING EFFECT MUST ALSO BE EXPLAINED IN CONFESSION, supposing, as is evident, that it was intended either in itself or in its cause, or was foreseen (so that, for example, it would not suffice to say, "I performed an act calculated to kill," or "I administered poison in order to kill," but one would have to say, "I killed a man," or "I caused a man's death by poison"), there are two probable opinions.

THE FIRST OPINION, which is more common and more probable, is defended by Vázquez (In I–II, disp. 94, ch. 3), Granado, Azor, Bonacina, Diana, Lugo (disp. 16, sect. 9, nn. 440 ff., where he examines this question in particular), the Salmanticenses (disp. 8, dub. 3, n. 73), and modern moralists generally, such as Ballerini–Palmieri (nn. 48 ff.), Gury (n. 49), Lehmkuhl (n. 309), Noldin (n. 277), Génicot–Salsmans (n. 289), and Cappello (n. 158). It denies such an obligation, because a man is bound to confess sins alone, whereas the effect itself, unlike the external act, is not and cannot be called a sin without qualification. For however much it is related to the sinful act, and however it may be understood to constitute with it something morally one, it is nevertheless not itself an act of man, to which the character and name of sin properly belong, but only the object or effect of an act.

There is the further consideration that, if a man were bound to confess the effect of a sin, then when the effect followed after he had already confessed that sin—for example, after several days or months—he would be bound to confess it again in order to manifest the effect which had followed.

Nevertheless, all the doctors admit that the obligation to confess such an effect can arise accidentally, on some other ground which must be known to the confessor: for example, from an obligation to repair an injury or make restitution, from the reservation of the sin, or from the incurring of an irregularity or censure on account of the sin. For external sins are not ordinarily punished by an

ecclesiastical penalty unless the effect has followed (cf. Code of Canon Law, cann. 2195, 2212, 2213, 2218).

To the point, LUGO writes:

"It seems difficult to maintain that there is always an obligation to explain the effect which has ensued, because only sins must of necessity be explained in confession. But that effect, although it is the effect of a sin, is not itself properly a sin. For the man does not then commit a sin when, a year later, the other person dies; nor does he continuously commit an actual sin throughout that year while the other lies sick from the poison or wound, although all this is imputed to him on account of the preceding sin. Otherwise, he would be actually sinning even while he sleeps. Indeed, the sin would [be imputed to him] even when he has already been justified from the former sin through contrition or confession; this appears harsh and altogether false. Therefore that effect is not an actual sin and consequently need not necessarily be expressed in confession. ... "The reason ... for the difference [between the external act and its effect, as regards the obligation of confessing] is that the external act, which is denominated free from the actual freedom of the internal act, is truly and properly a sin. The effect which subsequently follows, for example during sleep, is not properly a sin, as we have said, but the effect of sin. In confession, however, all and only sins must be explained. Therefore the external act must be explained when it is actually free, but not the effect which subsequently follows. "Moreover, that the external act is truly and properly a sin is evident from the definition of sin which theologians commonly hand down from Augustine: 'Sin is a deed, word, or desire against the law of God.' This definition plainly embraces not only the internal act but the external as well. "And indeed, although the external act does not add a new malice beyond that of the internal act, nevertheless through it we are properly said to be sinners and to deserve punishment, just as we are said to merit a reward through almsgiving and other external good works. For just as these acts are denominated good or evil, so they are denominated merits and demerits, and we are said to merit or demerit through them, and consequently to sin. They must therefore be explained in confession, since they are true sins; for although they bring no malice distinct from that of the internal act, two different subjects can nevertheless receive from the same malice the denomination of sin and evil. "In the effect which subsequently follows, however, there is no such denomination, since there cannot be an actual sin in someone who is not actually sinning, and someone who is not actually acting cannot actually sin. But the man who is asleep while his enemy dies from poison is then doing nothing; therefore he is not then sinning."[537]

[537] *De Poenitentia*, disp. 16, sect. 9, nn. 438, 449, *Disp. Schol.*, vol. 5, Paris, 1893, pp. 100, 103 ff.

THE SECOND OPINION, maintained by Soto (In IV Sent., dist. 12, q. 1, a. 7), Ludovicus López, Thomas Sánchez, Castro Palao, St. Alphonsus (book II, n. 10; book VI, n. 149), and one or another modern author, such as D'Annibale (n. 303), Merkelbach (n. 522), and Prümmer (n. 374), affirms an obligation *in itself* to confess the effect which has followed from a sin, because the effect constitutes something morally one with the sin and is thus called a sin without qualification, no less than the external act.

This is confirmed from the fact that a man is not called a murderer except on account of the effect—which has ensued, nor is homicide imputed to him unless death follows. But homicide is a sin, and therefore must be confessed. Likewise, someone incurs a reservation or censure if and when the

effect of the sin follows. Yet reservation or censure is incurred on account of sin; therefore the effect is truly called and truly is a sin, and consequently must be accused.

Nevertheless, the reason adduced by these authors is not valid; for, as was just stated, the object and effect are not so joined to the sinful act that they become, even extensively, the act itself, which alone is the subject of malice or is called a sin without qualification.

Nor is the twofold confirmation any better. For the designation "murderer," taken formally, regards not the action but only the effect which has ensued. Hence, although a man is formally called a murderer when death follows, it cannot be said that he then kills, or then performs the act of killing, since he performed it previously. That which is properly evil and is imputed to him is the very act of killing; but the death which follows, since it is not an action and does not depend upon the will, cannot properly and in itself be imputed to him, but only insofar as it is present in its cause.

Likewise, the fact of reservation or censure by no means shows that the effect itself is a sin. For the object of reservation and the cause of censure is not the resulting effect but the sin itself. The occurrence of the effect is only a condition to which the Church attaches reservation or censure, insofar as she does not intend to punish a sin in that manner unless and until its effect follows.[538]

[538] Cf. Lugo, disp. 16, sect. 9, n. 453.

Several of the aforementioned doctors introduce certain conditions or restrictions which appear to constitute a kind of MIDDLE OPINION.

Some, such as St. Alphonsus, say that the effect must be confessed only if it is produced before the sin has been retracted in the will (for example, by an act of sorrow, and a fortiori by confession). For if the evil will still persists, the effect is morally joined to it and becomes, or is denominated, evil.

But this reason does not hold. For the effect which follows is denominated voluntary from the preceding will which posited the action or cause of that effect, not from the present will which retracts it; the latter has no influence upon the effect.[539]

[539] Cf. Lugo, ibid., n. 446.

Others, such as Prümmer, say that the effect must be confessed if its occurrence depends upon the will, that is, if it can still be prevented and is not prevented. But this circumstance does not in any way modify the relation of the effect to the act of killing from which it proceeds. For the effect remains something—extrinsic to the act; failing to prevent the effect is nothing other than morally confirming the act of killing.

Others, such as D'Annibale, say that the effect must be confessed if it possesses in itself a malice distinct from the malice of its cause, as, for example, blasphemy or sexual emission foreseen and following from drunkenness. But, as Cappello rightly observes, "this reason is very weak; for a man who, foreseeing the danger, for example, of blaspheming, drinks excessively thereby becomes guilty of drunkenness and of blasphemies, since these are imputed to him in their cause. But during his drunkenness he has done nothing voluntarily, and therefore no new sin distinct from the former one is present" (n. 158).

ST. ALPHONSUS expresses his opinion as follows:

"An omission voluntary in its cause is also imputed as sin, even though the will cannot subsequently act. Suppose someone gets drunk, foreseeing that as a result of the drunkenness he will omit Mass; he is then bound to confess both the cause and its effect, namely the drunkenness and the omission of Mass, as the Salmanticenses, together with Soto, Sánchez, Palao, Ledesma, and others commonly teach more correctly (against Vázquez, Bonacina, Laymann, etc.). "Provided, however, that the will has not been retracted before the effect follows, as Sánchez, Azor, Villalobos, the Salmanticenses, and others probably teach; for then it is probable that one is not bound to confess the resulting effect. ... From this it is also deduced that if the effect occurs after the retraction, the censure imposed against sinners is not incurred, because it requires contumacy in the act of sin" (book V, n. 10).

PRÜMMER writes:

"The external (foreseen) effect of a sin must commonly be accused in confession, and so the universal custom of the faithful making confession also requires. The reason is the same; for even the foreseen effect of a sin, although it does not have a malice of its own (just as the external act itself does not), nevertheless participates in the malice of the internal act and constitutes with it something morally one. All theologians teach that the effect of sin must sometimes be accused accidentally, for example, if a censure, reservation, or obligation of restitution is incurred by reason of the effect. But more probably such an obligation also exists in itself when the effect has not been retracted so far as possible and has at least been foreseen in a general way. For such an effect is the complement of the internal act, and is voluntary at least in its cause. "Thus, for example, a young man reading an obscene book and foreseeing that sexual emission will certainly result ought to confess: 'I read an obscene book with foresight of the sexual emission which would follow, and which did in fact follow.' Or a man who becomes drunk and foresees that he will certainly omit Mass as a result ought to say in confession: 'I became drunk, foreseeing that I would omit Mass, which did in fact follow'; or more briefly: 'I deliberately got drunk and consequently missed Mass.' "If, however, the effect of sin has been retracted in the mind, even though it can no longer be retracted externally, certain authors, especially Lugo, deny that a strict obligation of confessing exists. The reason is that such an effect is not properly a sin, but only something physical following from sin; yet only sins must be manifested in confession. Thus, for example, according to these authors, one who administered deadly poison to his enemy must confess: 'I gave deadly poison to my enemy,' and may remain silent about the death which actually followed. "Nevertheless, in practice this opinion is to be abandoned; and in fact it is customarily abandoned both by confessors and by penitents" (n. 374).

D'ANNIBALE writes:

"Must the effects, namely those voluntary in their cause, which have already followed before confession [also be declared]? Many hold that they must be confessed like external actions, since they are evil at least in their cause and complete the sin. Many deny this, since they are evil only by denomination. In my judgment, if effects of this kind constitute a new sin, and are among those which may either follow or not follow from the cause that has been placed, the opinion of the former is most true; otherwise, that of the latter is probable. Consequently, it will suffice for a person who, for example, has set fire to another's house, killed a man with poison, or taken an abortifacient and expelled the fetus to say: 'I set fire to another's house; I gave poison to Titus; I took an abortifacient.' But if—

"because of drunkenness he omitted Mass on a feast day, or blasphemed, or killed, he must declare that by indulging in wine he exposed himself to those dangers, and that in fact, while drunk, he omitted Mass, blasphemed, or killed" (n. 303).

NOTE 8. ON SINS ALREADY CONFESSED, OR ON THE REPETITION OF CONFESSION REQUIRED BY ITS INTEGRITY[540]

IF THE CONFESSION WAS INVALID, for whatever reason this happened, even through a defect or malice on the part of the priest, the sins already confessed must be confessed again in a subsequent confession; otherwise the latter would not be integral. For since an invalid confession is no confession, it is as though it had never been made. Hence just as someone who has not been validly baptized is bound to receive Baptism, so someone who has not made a valid confession is bound to make confession again.

[540] Cf. Suárez, disp. 22, sect. 6; Lugo, disp. 16, sect. 15; Cappello, *De Poenitentia*, ch. 7, art. 9, nn. 211 ff.

If the confession is repeated before a different priest, it must be made integrally and distinctly.

But if it is repeated before the same priest, a distinction must be made. If the priest sufficiently remembers the sins, they need not be repeated: their confession is supplied by a brief and general expression, while absolution is requested and, of course, any sins which may have been omitted from the previous confession through forgetfulness or malice are made known. If, however, the priest does not remember, some have said that the confession must be repeated because it cannot be supplied by any general expression and thus brought within the priest's present knowledge. Others have said that it need not be repeated, because memory of the sins on the part of the confessor is not necessary in order for him to absolve, as may happen when, after hearing a valid confession, he defers absolution for several days. Others have distinguished, saying that the obligation of confessing again applies only when penance or satisfaction had not been imposed, so that a fitting satisfaction may then be imposed. Still others have introduced other distinctions, which may be seen in Suárez and Lugo.

Cappello thus expresses the common opinion of modern moralists:

"If the repetition is made before the same confessor, it is not necessary to repeat the confession integrally; it is enough to accuse oneself in general of all the sins already previously manifested, adding in particular both those which were formerly omitted and any new mortal sins, if there are any, such as the sacrilegious reception of the sacrament itself. This presupposes that the confessor at least remembers in a general way either the sins or the penitent's state, or is instructed again about them under the principal headings, or comes to know them through suitable questions. "Thus the doctors commonly teach, and rightly so. It is therefore required and sufficient that the confessor, even though he does not distinctly remember either the sins themselves or the penance—

"imposed, should still have, or should now acquire, at least a general knowledge of the penitent's condition, so that he knows that he has already sacramentally judged the sins and imposed a penance. For although the knowledge of the sins which the confessor now has is very imperfect and general, nevertheless that knowledge, joined to the previous knowledge which was distinct, is judged sufficient for absolution to be validly and lawfully given, since the sacramental judgment which was previously begun distinctly is now completed by valid absolution."[541]

[541] *De Sacramentis*, vol. 2, n. 215, Turin–Rome, 1944, pp. 183 ff.

IF THE CONFESSION WAS VALID, there is in no case a direct obligation to confess again the sins already confessed. Suárez (disp. 22, sect. 7) aptly shows this by examining six principal cases or exceptions brought forward by certain earlier theologians to establish such an obligation.

The first case is that of an excommunicated penitent who is absolved from sin before being absolved from the censure.

But in this case either the penitent acts in good faith, and then the absolution is valid and fruitful, nor is the penitent bound to accuse that sin again sacramentally, since he can obtain absolution from the censure by another means; or he acts in bad faith, and then the absolution is invalid and we are outside the question.

The second case is that of someone who has made a valid but *unfruitful* confession; for it would seem that he must repeat the confession because the sins have not in fact been absolved or remitted.

But according to our opinion concerning the impossibility of a sacrament of Penance that is valid but unfruitful, this case is a chimera.

According to the opinion affirming such a possibility, the obligation is denied for the very reason on account of which it is wrongly established: namely, because the sins have in fact been subjected to the keys and remitted, insofar as the power of the keys is concerned, by a valid sentence of absolution, so that the judgment of the keys and the judicial case have been completed. The fact that the remissive effect does not follow in the sinner's soul and that the sins still remain is accidental, owing to the indisposition of the subject. When this indisposition has been removed, the sacrament itself, which was validly received, exercises its causality by reviviscence.

Hence no obligation to confess again arises from a sacrament which is valid but unfruitful. Indeed, the principal reason why many theologians admit that a sacrament of Penance can be valid but unfruitful is to free penitents from the grave inconvenience of repeating invalid confessions.

The third case is where some sin was omitted by the penitent or was not perceived by the confessor.

But, as regards the penitent, either he omitted the sin in—good faith, in which case only that sin must be supplied in the next confession and the others already confessed need not be repeated, because each sin has its own distinct malice and gravity, and there is not so great a connection between sins that the gravity and malice of one cannot be essentially manifested without also manifesting the others which are present in the same conscience; or he omitted it in bad faith, in which case the sacrament is invalid and we are outside the question; or he omitted it indeed in good faith but culpably, that is, through vincible and gravely culpable ignorance. In the last case, either the sacrament is valid but unfruitful, as some hold, and therefore there is no obligation to confess again sins already confessed, but only the sin omitted; or the sacrament is invalid, and once again we are outside the question.

As regards the priest, if the penitent deliberately confesses in such a manner that the confessor cannot rightly understand the sins, the confession is invalid for lack of integrity and must therefore be made again. But if he confesses simply and in good faith, the confession is valid and the sins need not be repeated, except for any sin which it may be certainly established that the confessor did not sufficiently perceive; that sin must be disclosed in the subsequent confession.

The fourth case is that of a penitent who forgets the penance imposed upon him.

But the penitent is not bound to confess his sins again in order that a suitable penance may be imposed upon him, for the sins have already been judged and remitted: this does depend upon the intention of making satisfaction, but not upon the actual performance of satisfaction, which pertains not to the essence of the sacrament but to its completion. Hence, if someone culpably neglects it, he is bound only to confess that sin and those which he has committed after the confession.

The fifth case is that of a penitent who freely undertakes a general confession.

But from the fact that someone declares to the confessor his intention of making a general confession, it does not follow that he is absolutely bound to declare all the grave sins already confessed, lest he thereby deceive the confessor in a grave matter.

For, since that declaration does not change the character of those sins, which, as already confessed, constitute free matter of confession, someone who omits one of them does not deceive the confessor, since it is supposed that he remains free to revoke at any moment his intention to confess generally. Or at least he does not deceive the confessor *as confessor* and in a grave matter, nor does he sin against the sacrament, the necessary matter of which consists only of sins not yet confessed. Accordingly, he commits no more than a venial lie.[542]

[542] Cf. Suárez, disp. 22, sect. 7, nn. 6 ff.; Lugo, disp. 16, sect. 2, nn. 56 ff.; Salmanticenses, disp. 8, dub. 8, n. 255.

The sixth case is that of a penitent who is bound by a precept of the Church or by his own vow to confess sins already confessed, or to make a general confession.

But, as we said in Article 37 (pp. 535–539), it is more probable that the Church cannot command the confession of sins already confessed, and a fortiori cannot command a general confession.

Nevertheless, if one admits with other theologians that the Church can command the confession of some sins already confessed, there would follow merely an obligation to confess what has already been confessed arising extrinsically—that is, from a particular precept added to the divine law of confession—and not one arising intrinsically, that is, from the force of the sacrament and the character of those sins.

The same holds for a vow, by which someone can in fact bind himself to make a general confession. The obligation thus arising to confess what has already been confessed is only added from without; moreover, it does not entail an absolute and unqualified necessity, but a hypothetical and conditional one, since it is introduced by the will of the one who makes the vow.

A seventh case may be added, namely, that of a penitent who confessed some sin as doubtful and afterwards comes to know that it was certain, and consequently ought to accuse it again as certain.

But, as will be said below in Note 10, an obligation of this sort to repeat the confession is more probably to be denied. Moreover, even if it is admitted with several earlier theologians, it does not follow that a sin already confessed is properly and without qualification accused again. For a sin as doubtful and a sin as certain are not morally the same. Indeed, some of the aforementioned theologians (such as the Salmanticenses, disp. 8, dub. 6, n. 203) say that the difference between a doubtful sin and the same sin as certain is morally specific in relation to confession, because it gravely changes the state of the case and the confessor's judgment.

NOTE 9. ON FALSE SINS, OR ON THE QUALITY OF TRUTHFULNESS IN CONFESSION AND THE GRAVITY OF LYING[543]

As was said above (p. 542), the question of not accusing oneself of false sins pertains properly to the quality of truth or fidelity, but in a certain sense it can be reduced to the quality of integrity. Moreover, the quality of truthfulness in confession entails two things, namely, the obligation to accuse oneself of sins actually committed and the obligation not to accuse oneself of sins not committed, or false sins.[544]

[543] Cf. Suárez, *De Poenitentia*, disp. 22, sect. 10; Lugo, disp. 16, sect. 2, § 6, nn. 98 ff.; Salmanticenses, disp. 8, dub. 8, nn. 256 ff.

[544] On the quality of truthfulness as regards another object—that is, the status of having confessed or not confessed, and whether one must explain this circumstance—see Note 6 above (pp. 594–597).

WITH REGARD TO THE FIRST OBLIGATION, if someone lies in confession concerning necessary matter, either by denying a mortal sin which he has committed or by denying an aggravating circumstance about which the confessor has the right to question him, the confession is invalid through a defect of formal integrity.

If, however, he lies concerning circumstances irrelevant to confession, he makes a valid confession, although he commits a venial sin of lying, and indeed one graver than if he had lied outside the sacrament, as is evident from the reverence due to the sacrament.

Finally, if he lies concerning the free matter of confession, namely by denying some venial sin which he has committed or some mortal sin already confessed, again he confesses validly and fruitfully (whatever Soto may have said to the contrary in *Opusculum de secreto*, member 2, question 7). For since that lie does not concern necessary matter, and since the matter and form of the sacrament can coexist with it, there is nothing in it gravely injurious to the sacrament or gravely deceptive of the confessor. Consequently he commits only a venial sin; indeed, even a venial sin might be absent, if someone knew how to reply so prudently as to avoid the character of a lie.

Suárez writes to the point:

"Although all authors say that this is a venial sin, and although that is true on the supposition that it is a lie—as perhaps it regularly is, at least on account of an erroneous conscience—nevertheless, if someone knows how to answer prudently and in accordance with the meaning which ought to be in the mind of the questioner, he can easily avoid a lie and a venial sin. "For when a judge does not question juridically, a person does not lie by denying a deed, even though he did it, because he is not understood to deny simply that he did it, but to deny that he did it in such a way as to be bound to disclose it in that forum. For the judge's interrogation, in order to be just, must be understood in this way, and the denial answers it proportionately. Now, when a confessor questions in this sacrament, he questions as a judge. Therefore, if he asks about a matter which is not necessary and which the penitent is not bound to disclose, the penitent can deny it without lying, in the sense explained, applied proportionately. "Hence it follows, however, that if someone tells this lie without having been questioned, but on his own initiative, he cannot be excused either from a venial sin or from lying, because the words admit no other legitimate meaning, nor can there be any reasonable cause for intending or inventing such a meaning."[545]

[545] Suárez, *De Poenitentia*, disp. 22, sect. 10, n. 5, *Opera omnia*, vol. 22, Paris, p. 506. Cf. Salmanticenses, disp. 8, dub. 8, n. 256.

WITH REGARD TO THE SECOND OBLIGATION, namely, not to confess sins which have not been committed, almost the same manner of answering must be adopted.

If someone accuses himself of a mortal sin which he has not committed, he sins gravely and the entire confession is invalid. For necessary matter is feigned, or nonexistent necessary matter is fictitiously submitted to absolution; a lie is introduced into something pertaining to the substance of the case, which seems grave in every judgment (cf. II–II, q. 69, a. 2); and the confessor is gravely deceived, so that he cannot accurately judge the penitent's whole conscience and the number of his sins. Furthermore, the necessity of an examination of conscience is in part emptied of its force, since on this supposition the penitent would not be bound to inquire into the exact number and species of his sins, inasmuch as he could without mortal sin accuse himself of a worse sin (for example, sodomy instead of simple impurity) or of a greater number of sins.

If, on the other hand, someone falsely adds circumstances which are irrelevant to confession, he commits only a venial sin.

Finally, if he falsely accuses himself of venial sins, a distinction must be made. If these are the only matter which he accuses, he commits grave sacrilege and the sacrament is invalid. But if he also accuses himself of true sins, he commits of itself (that is, apart from scandal and contempt) only a venial lie, and the sacrament is valid, whatever a few doctors, such as Bonaventure, Paludanus, Cajetan (*Summa*, s.v. *Confessio*, condition 4), and Ledesma, have said to the contrary.

The reason is that, since venial sin is not necessary matter, in this case there is no true and unqualified fabrication of sacramental matter (such as there is when an uncommitted mortal sin is accused). Nor is true sorrow for the other sins which have been committed prevented, or any other element required for the validity of the sacrament; nor is the confessor gravely deceived.

This is confirmed by an argument from parity with the confession of a venial sin for which the penitent knows that he has no sorrow. For this is sinful only venially, as was stated in Article 25 (pp. 102–105), and nevertheless contains a falsehood, or proposes for absolution a sin which cannot be absolved.

Nor is it a valid objection to say that to subject invalid matter, which cannot be informed, to the form of a sacrament is a grave sin because the meaning of the form is falsified. This, it is said, is clear also by comparison with a gravely unlawful consecration in which someone attempted to consecrate invalid matter together with valid matter, for example, some barley hosts together with wheat hosts.

For grave disorder and sin exist only if necessary matter which is not valid is subjected to the form of absolution, and not if some free matter is subjected to it together with valid matter. Nor is the form of absolution then falsified, because it does not fall divisibly and separately upon individual sins, but bears upon all of them as one whole and indivisibly.

Hence the difference from the example of consecration just advanced is evident, since consecration bears divisibly upon each host so as to constitute with each a numerically distinct sacrament, as was explained at greater length in Article 25 (pp. 104–105). Moreover, this difference is founded also on

the different way in which sins and hosts are matter of a sacrament: the latter are *matter out of which* (*materia ex qua*), whereas the former are only *matter concerning which* (*materia circa quam*).

NOTE 10. ON DOUBTFUL SINS, OR ON THE DISAGREEMENT OF THEOLOGIANS CONCERNING THE OBLIGATION TO ACCUSE THEM (Supplement, q. 6, a. 4, ad 3)[546]

Moral theologians distinguish a certain conscience, an opinative (or probable) conscience, and a doubtful conscience, in agreement with what philosophers say concerning the relation or state of the mind with respect to the possession of truth.

[546] Suárez, disp. 22, sect. 9; Lugo, disp. 16, sect. 2, § 3; John of St. Thomas, disp. 33, art. 4; Salmanticenses, disp. 8, dub. 6; St. Alphonsus, nn. 473–477. Among modern authors, consult the moralists passim. On the manner in which these sins are matter of the sacrament, see Article 7 above, vol. I, p. 229.

For our mind, in relation to truth, is either in a state of pure potency—negatively through lack of knowledge, but privatively through ignorance or error—or in an imperfect act whereby it approaches truth, whether through doubt, that is, cognitive advertence without assent, or through opinion, that is, assent which is not firm; or it is in perfect act, whereby it fully possesses and firmly adheres to the truth, namely through certitude.

Doubt, therefore, is not a mere negation, but a positive act of the intellect, namely the mind's advertence and attention to both sides of a contradiction, in order to investigate the truth. It is not, however, assent to either side, but a suspension of assent and a kind of wavering of the mind between the two sides, owing to a lack of motives sufficiently inclining it toward one rather than the other.

It is divided into *negative doubt*, when motives or reasons inclining the mind in this way are lacking (although some reason may have aroused the doubt or the mind's attention). This is very close to ignorance and has no moral value, but falls outside the sphere of penance (such is the doubt of the foolish and of the scrupulous). It is also divided into *positive doubt*, when motives are present drawing the mind toward assent but are insufficient to determine it to either side (cf. *De veritate*, q. 14, a. 1).

Opinion, on the other hand, is a positive assent of the intellect to one side of a contradiction, though not a firm assent, but accompanied by apprehension that the truth may in fact lie on the opposite side. The mind passes from doubt to opinion when the motives become stronger on one side, just as a balance loses its equilibrium because of a greater weight in one pan. Opinion differs from doubt in that it is a true assent or judgment, whereas doubt is a suspension of assent; it differs from certitude in that its assent is not firm.

The motive of opinion is probability, which is a certain imperfect and partial evidence, whereas the motive of certitude is the objective evidence of the thing itself. This probability may be greater or less; and hence an opinion is distinguished as probable, more probable, or most probable.

The greater probability of one opinion does not destroy the probability of the other, since the latter possesses its own motives, and especially when the motives of the two are disparate.

Now, concerning the obligation to confess doubtful sins, an astonishing variety of ways of speaking and concluding is observed among theologians. On this account it is difficult to judge both the precise teaching of the several doctors and the agreement between this question as proposed by modern writers and as proposed by the older ones.

This variety arises partly from the indeterminacy of the notions, since some seem to understand differently from others the distinction between negative and positive doubt, and some seem to confuse doubt with opinion; partly, consequently, from the manner of proposing the question, since some chiefly raise the question of negative doubt, others of positive doubt, and others of both; and partly from the different opinions of theologians concerning the obligation of law and probabilism, or from the familiar controversies among probabilists, equiprobabilists, and probabiliorists.

So far as we understand the matter, the question is proposed differently by the older writers (such as Suárez, Lugo, John of St. Thomas, and the Salmanticenses) and by the moderns. For the older writers the primary question concerns doubt itself properly so called, whereas for the moderns the primary question seems to concern opinion.

The older writers, namely, directly and principally dispute whether, when doubt persists (which some, such as the Salmanticenses, call positive, but others, such as Lugo and John of St. Thomas, call negative), either about the commission of a sin, or about its gravity, or about whether it has already been confessed, the obligation to confess remains. They commonly answer in the affirmative, except for a few who nevertheless admit the obligation in the third case, that is, when someone is certain that he has committed a grave sin but doubts whether he has confessed it.

Secondarily, and almost in passing, they inquire whether the obligation to confess remains when there is a probable or prudent judgment (understand *opinion*, as opposed to doubt properly so called) that a sin was not committed, or was not grave, or has already been confessed. Here they all answer in the negative, but not in the same manner. Some, such as Suárez (nn. 5 ff.) and Lugo (n. 59), deny it simply and without restriction. Others, such as the Salmanticenses (nn. 180–182, 193, 198), say that if one has a probable judgment concerning only one side of the contradiction (for example, that confession has already been made), or at least a more probable judgment concerning that side than concerning the other, there is no obligation to confess. But if one has an almost equally probable judgment concerning the other side also (that is, that confession has not yet been made), there is an obligation to confess, because, as the Salmanticenses say (n. 198), "where the affirmative and the negative opinion are equally probable, they place the intellect most properly in a state of doubting"; but in a state of doubt one must confess, according to the common teaching of theologians stated above.

The modern writers, however, appear more directly and primarily to discuss this latter question (Noldin, for example, seems to consider only this one), which was a secondary question for the older writers; and they call it the question of positive doubt.

Their doctrine may be reduced to this: Negative doubt (namely, that which is founded on no positive reason, or only on a slight reason reckoned as nothing) must be regarded as nothing so far as the obligation to confess is concerned. Hence, if it concerns the commission or gravity of a sin—that is, if someone has no reason for thinking that he committed a sin or that his sin was grave—there is no obligation to confess, because it is morally certain that he did not commit the sin or that it was not grave. But if the doubt concerns the fact of having confessed a grave sin certainly committed—that is, if someone has no reason for thinking that he has confessed a certain grave sin —there is an obligation to confess, because this obligation is morally certain.

In positive doubt, however (that is, doubt founded upon a solid reason), if there is a reason for thinking that a sin was not committed, there is no obligation to confess. If there is a reason for thinking that a sin certainly committed was not grave, again there is no obligation to confess (although a few equiprobabilists or probabiliorists disagree on this point, insofar as in that case they require the opinion that the sin was not grave to be equally probable or more probable than the opposite opinion). Finally, if there is a reason for thinking that a sin certainly committed and grave has already been confessed, the doctors disagree: some, namely equiprobabilists and probabiliorists (such as Prümmer, n. 377, following St. Alphonsus, n. 477), affirm an obligation to confess, while others, namely probabilists (such as Lehmkuhl, n. 319; Noldin, n. 280; Gury, n. 479; Génicot, n. 290; Cappello, n. 162; and Piscetta–Gennaro, n. 875), deny such an obligation.

It will be useful to quote directly some of both the older and the modern writers.

SUÁREZ:

"I answer that there can be three degrees in this kind of doubt. The first occurs when a man probably judges one side, and concerning the other he has no probable judgment, but some suspicion, fear, or apprehension. In that case there is no doubt that he can or ought to follow such a judgment, so that if he judges it probable that he has sinned mortally or has never confessed such a sin, he is bound to confess it; and conversely, if he judges the opposite, he is freed from that obligation. "The reason has been touched upon above: such a judgment is sufficient to regulate human action. For from it, although it is speculatively uncertain, there is inferred a practically certain judgment concerning the rectitude of an action or omission, sufficient for human actions; because greater certainty ordinarily exceeds man's powers. This will become clearer *a fortiori* from the following point. "The second degree occurs when he has a probable judgment on either side, although he inclines to one with greater or lesser probability. Then the matter seems doubtful, for this is the probable doubt of which the authors, and especially Navarrus (ch. 9, n. 14), appear to speak. "Nevertheless I assert that whenever a man judges it probable that he has not sinned mortally, or that he has already confessed such a sin, even though he has conjectures to the contrary which are themselves probable, he can act in conformity with the former judgment, so that he is not bound to confess that sin. Sylvester expressly taught this under the heading *Confessio*, 2, question 2.

"The reason is that in practical matters a man may follow a probable opinion despite a contrary probable or even more probable opinion, when no danger threatens in the matter itself, as is more fully treated in the matter of Conscience, book 2, questions 19 and 20. And the reason is that already touched upon: a man can seldom attain full certitude concerning things; and therefore that judgment is considered sufficient, according to man's capacity, to infer practical certitude. ... "The third degree, therefore, occurs when a man has probable reasons for doubting and cannot determine himself to form a probable judgment on either side; and in this case the common doctrine properly applies."[547]

[547] Suárez, *De Poenitentia*, disp. 22, sect. 9, nn. 5–7, *Opera omnia*, vol. 22, Paris, 1866, pp. 504 ff.

He expounds and defends this common doctrine a little earlier as follows:

"The common doctrine ... is that it is necessary to confess doubtful mortal sins. Thus St. Thomas, distinction 17, question 3, article 1, and distinction 2, question 2, article 3; ... Paludanus ... Richard ... Soto ... Medina ... Navarrus ... Sylvester ... and other summists. "The common reason is that in doubtful matters the safer course must be chosen. But if someone omits to confess a sin while in this

doubt, he exposes himself to the danger of omitting something which he actually committed; if, however, he declares it, he exposes himself to no danger. Therefore he is bound to choose the safer course. "Moreover, the Council says that all mortal sins which are in the conscience must be confessed. Therefore they must be confessed as they are in the conscience. But in this case they are in the conscience, at least as doubtful. Therefore they must be confessed, at least so that the judge can judge concerning them in this manner and render a decision from conjectures concerning the quality of such a sin. "Finally, in that case, apart from confession, a man is bound to have contrition for such a sin, at least by reason of the danger. But what is necessary for contrition is also necessary for confession, as I said above. Therefore."[548]

[548] Ibid., n. 1, pp. 503 ff.

LUGO:

"It is presupposed ... that a sin can be doubtful in two ways. In the first way, through positive doubt, namely when someone has reasons or probable motives for believing that he committed such a sin and also for believing the opposite, or at least has probable reasons for believing one side, even if he does not have them for the other. "In this sense all commonly teach that he is not bound to confess what he judges probable either that he did not do, or that in it he did not sin mortally, or that he has already confessed. For he is now following a probable judgment which, as in other matters, so in this also, suffices for the observance of the precept. "But when he probably believes that he committed it with grave guilt and has not confessed it, and has no reasons for probably believing the opposite, then he is bound to confess it, since he has no probable judgment which he may follow in omitting its confession. "In the second way, negative doubt occurs when he has no reasons for a probable assent to either side, as a man stands in relation to the proposition, 'The stars are even in number': he has no positive argument to affirm or deny it. In this sense the greatest difficulty arises: whether someone who doubts about a mortal sin which he committed and has not confessed must necessarily confess it as doubtful. On this point all agree at least that he who knows that he sinned mortally, but doubts whether he confessed that sin, must confess it. For in this case possession is against the penitent: the sin and the obligation to confess are established, but the confession is not established. ... "The entire remaining difficulty, therefore, concerns a sin about which there is doubt whether it was committed and whether it was mortal. Some say that when it is doubtful whether it was committed there is no obligation to confess it, but otherwise when it is certain that it was committed and doubtful whether it was mortal or venial. Thus Coninck. ... "Others seem to think universally that there is no obligation to confess a sin which, after due examination, remains doubtful as to whether it was or was not committed, or even when it is certain that it was committed but it is doubtful whether it was mortal or venial. Thus Paul Laymann seems to propose this as probable for himself in *Theologia moralis*, book 1, tractate 1, chapter 5, § 4, n. 37, although at the end he concludes that he wishes to determine nothing on this point, but only to propose it for the consideration of others; and subsequently John Praepositus, on the present question 5, concerning the integrity of confession, doubt 3, n. 117, says that it is speculatively probable, although in practice one must not depart from the contrary opinion.

"All other theologians, however, teach that sins doubtful as to their being mortal must necessarily be confessed, whether the doubt concerns the substance of the action, whether it was done; or whether it was mortal; or whether that sin was already mentioned in confession. Thus St. Thomas, together

with the others whom Suárez, disputation 22, section 9, and Thomas Sánchez, book 1, *On the Decalogue*, chapter 10, n. 66, extensively cite and follow; and they say that this is a wholly certain matter."[549]

[549] Lugo, *De Poenitentia*, disp. 16, sect. 2, § 3, nn. 58–63, *Disputationes Scholasticae*, vol. 4, Paris, 1892, pp. 914 ff.

JOHN OF ST. THOMAS:

"You ask whether a doubtful sin is necessary matter of Penance. The answer is given with a distinction, because doubt arises in two ways: first, it may arise from a positive motive; secondly, from a negative one.

"For when someone doubts whether he has committed a certain sin, there may be reasons and motives suggesting that it occurred, and other reasons suggesting the contrary; or, finally, there may be reasons prompting doubt on only one side. If, therefore, there is a probable judgment persuading a man that he did not commit the sin, or, if he committed it, that he did not sin mortally, or, if it was mortal, that he has already confessed it, there is no obligation to confess such a doubtful sin. For this is common to every matter: one may follow a probable judgment. If, however, the judgment suggests that he committed a mortal sin and that confession of it has not preceded, and there is no motive suggesting the contrary, then there is an obligation to confess the doubtful sin, since there is no probable judgment freeing him from such an obligation.

"Secondly, there is negative doubt, that is, doubt arising from no motive suggesting either that the sin was committed or that it was not, so that there are on neither side probable reasons for assent to either alternative. Hence the mind remains suspended, as with regard to the proposition, 'The stars are even in number,' which a man can neither deny nor affirm, since he lacks a basis for affirming or denying it. And indeed, if a man is certain that he committed a mortal sin, but doubtful about its confession, so that he finds no motive for a probable assent to either side, he is bound to confess it. Thus the doctors commonly teach. The reason is that the obligation to confess mortal sins is entirely certain from the cited Council of Trent, as is the commission of the sin; but the confession is not established. Therefore he is bound to confess.

"A graver difficulty is presented by a sin concerning which it is doubtful whether it was committed and whether it was mortal. In this matter the common opinion affirms that mortal sins doubtful in this way are necessary matter of confession, whether the doubt concerns whether it was committed, whether it was mortal, or whether it was sacramentally confessed. Thus St. Thomas, *On the Fourth Book of the Sentences*, distinction 22, question 2, article 3, reply to the third objection; Soto, distinction 18, question 2, article 4; and Sylvester, under the word *Confessio*, II, question 2.

"The strongest reason for this truth is the universal practice of the whole Church, which all believe to have come down from the Apostles, because they handed on the obligation which Penance brings with it by reason of its institution. From that institution, therefore, no slight foundation is drawn for this truth. For this sacrament was instituted after the manner of a tribunal, to which the faithful are bound to have recourse in order to obtain remission of their sins, by precisely the same obligation by which they were bound to have recourse to God through contrition before the institution of this sacrament. But at that time they were bound to have contrition for doubtful sins, lest they expose themselves to the danger of eternal damnation, especially at the hour of death. Therefore, after the institution of Penance, they are bound to do this.

"Although the principal reason for this obligation is Christ's institution itself—for, just as He could oblige men to disclose the most hidden sins of the heart, so also He could oblige them to disclose doubtful sins—there is nevertheless a very strong foundation for it, consonant with the very nature and remedy of sin, because doubt about a law is one thing, and doubt about a fact is another. When there is merely doubt about a law, for example whether a vow was made or a law imposed, such a vow does not oblige, since, as long as it is not established that a burden has been imposed on me, I enjoy and possess my liberty, of which I cannot be deprived on account of a doubtful cause. Hence no danger is incurred by not observing such a vow. But when the doubt concerns the fact itself, if danger to oneself or to one's neighbour can arise from it, although the fact is doubtful, the danger is certain, since doubt is enough to constitute a danger. Moreover, a certain obligation is measured not only by the fact itself, but by the danger, which is certain. Thus, if someone doubts whether he has a fever or a disease, he is bound to seek a remedy; and if someone doubts whether the object before him is a man or a wild beast, he is bound not to shoot. Therefore, from the nature of the matter, even apart from the institution of the sacrament of Penance, men would be bound to seek a remedy for these doubtful sins and have recourse to God, according to the prophet's words in Psalm 18: 'Cleanse me from my hidden faults, and spare thy servant from those of others,' where doubtful sins too are included, since they are in part hidden. It was also necessary that for such doubts we should have recourse to the Blood of Christ, which, for those doing penance, has been bound to the sacrament of Penance."[550]

[550] John of St. Thomas, *De Poenitentia*, disp. 33, art. 4, nn. 16–20, *Cursus Theologicus*, vol. 9, Paris, 1886, pp. 604–606. The source OCR prints "1S86"; the date is rendered here as 1886, pending bibliographical collation.

THE SALMANTICENSES:

"It is readily clear that the proper subject of the present difficulty is not sins doubtful with a merely negative doubt; for since this kind of doubt rests upon no motive, it must be despised as wholly irrational and held of no account by prudent men. ... Indeed, we add that the same must be said when the doubt proceeds from some motive which is nevertheless slight: both because a slight reason is reckoned as no reason, and because slight matters ought not to move prudent men; and because, if it were once admitted that doubts arising from slight motives introduce an obligation to confess sins doubtful in this way, we should lay open a broad road to endless scruples, which no confessions could extinguish or bring to an end.

"Consequently, by the contrary inference, the subject of the present difficulty is restricted to sins doubtful with a positive doubt founded upon weighty motives for doubting, as occurs when a penitent prudently doubts whether he committed some mortal sin. For, on the one hand, he is led by a grave reason to persuade himself that he did, and to fear it; but, on the other hand, a motive of equal weight presents itself for denying it and not believing it. Hence it happens that, weighing these things and being determined by neither motive, although recognizing the strength of both, he remains suspended between the two sides and perseveres in doubt and in the fear arising from it. It is in this sense, therefore, that the question is asked whether doubtful mortal sins are matter which must necessarily be explained in confession. ...

"We hold, first, that one who knows certainly that he committed a mortal sin and doubts whether he confessed it is obliged to confess it. Thus Navarrus, Suárez, Sánchez, Dicastillo, and others commonly; and after citing them, Francis ... subscribes to their opinion. Lugo ... says that all agree on

this supposition; Prado ... calls this the common and certain opinion. ... The common reason is that a certain debt is not discharged by an uncertain or doubtful payment. But by a certain mortal sin one incurs a certain obligation to disclose it in confession, as is held by faith. Therefore this obligation is not fulfilled by an uncertain or doubtful confession; consequently, one who knows certainly that he committed a mortal sin and doubts whether he confessed it remains under the obligation to confess it. ...

"It must also be said that one who doubts whether he committed a mortal sin must confess it as doubtful, or disclose his doubt in confession. Thus St. Thomas, on the Fourth Book, distinction 21, article 3, reply to the third objection. ... Other doctors and writers establish the same, so that it would be superfluous to enumerate them; for as many as have examined the matter openly hold this opinion, with the exception of a very few more recent authors of no great name or authority, whom we shall mention in number 195. One may consult Sánchez, book I of his *Summa*, chapter 10, number 66, who refers to forty doctors and says the matter is most certain; Diana—who is accustomed to uphold every probable position—in part 4, tractate 3, resolution, and part 6, tractate 6, resolution 32, cites many others and judges the contrary opinion improbable. Leander likewise, by no means scrupulous in selecting opinions, in disputation 5, question 25, adduces many in support and calls it most certain. Dicastillo, disputation 9, doubt 7, number 278, observes that this seems to be the common mind of the Church and that the contrary is asserted without any foundation. Prado, question 84, doubt 4, § 3, number 17, says that this is the practice of the whole Church, as Diana had previously said in volume 10, tractate 2, resolution 2. ...

"But you will object that the grounds proposed ... prove that a man is bound to confess doubtful mortal sins not only while he remains doubtful about their gravity, but also when he probably opines and judges that they were not grave. This seems excessively harsh, since every probable opinion conforms to prudence, and he who acts according to it acts prudently. Thus the foregoing arguments prove too much and consequently prove nothing.

"To this objection, leaving aside the extreme opinions mentioned by Prado ...—one of which universally affirms that doubtful sins must be confessed not only while doubt remains but even when there is a probable opinion that they were not mortal, whereas the other universally denies this—the answer must be given in accordance with what was taught above, from number 180: the doubt of which we are treating is not negative but positive, founded upon apparent and prudential motives, which nevertheless leave the mind in equilibrium because they are equal and neither outweighs the other. It follows that not just any probability suffices for laying aside in practice the doubt about the gravity of a sin and for excusing a man from the obligation to confess it. Hence it follows *a fortiori* that if the judgment that the sin was grave is more probable than the judgment excusing it from gravity, such a doubtful sin must be confessed. We hold the same where the excess of the judgment excusing it over the judgment imposing the obligation is very slight, since a little is reckoned as nothing, especially in so grave and dangerous a matter. But if the motive excusing the sin from gravity has reasons far more probable, which establish a certain probability and almost overwhelm the contrary reasons, we by no means deny that the doubter can prudently lay aside his doubt and judge that he is not bound to confess such a sin. At least Sylvester, Gerson, Henriquez, and Tapia taught this position; after referring to them, Prado agreed. ... Lugo ... affirms that this is the common opinion among theologians.

"In this sense the consequence urged by the objection must be denied. That the objection is ineffective is apparent even from this: that while doubt remains, doubtful mortal sins must be confessed is the common practice of the faithful and the assertion of the doctors; hence a valid argument is drawn for that position, as we explained above. But when a definitely probable opinion occurs, declaring that a certain sin whose gravity is doubtful was not grave, the common opinion is so far from obliging its confession that the common opinion rather excuses the penitent from confessing it, as appears from what was just said. The reason for the difference is that, where that definite probability does not arise, there is no prudent motive for laying aside such doubt and the obligation to explain it in confession; but where such a great probability exists, we may prudently, guided by it, cast aside such doubt and the obligation which might arise from it to confess the sin."[551]

[551] Salmanticenses, *De Poenitentia*, disp. 8, dub. 6, § 1, nn. 177 ff.; § 2, nn. 184 and 193, *Cursus Theologicus*, vol. 20, Paris, 1883, pp. 353 ff., 359 ff., 368 ff.

ST. ALPHONSUS:

"The question is asked whether there is an obligation to confess doubtful mortal sins, or in doubt whether they have been confessed. Three questions arise here for discussion, which are very necessary to know for practice.

"First question: Are we bound to confess positively doubtful mortal sins, namely when there are probable reasons on both sides that a mortal sin was or was not committed?

"The first opinion affirms it. This is held by ... the anti-probabilists, who say that, among equally probable opinions, the safer must be followed.

"The second and very much more common opinion denies it. This is commonly held by the probabilists. The reason is that each person may lawfully conform himself to an opinion that is truly probable. Holzmann rightly observes, as do Viva with Sánchez, Henriquez, and others, that at the hour of death, if someone doubts whether he committed a grave sin or whether he confessed it, knowing that he has never received the sacrament of Penance after that sin, then, to escape the danger of damnation, he would be bound not to confess that positively doubtful sin as such, but either to receive sacramental absolution or at least to elicit an act of contrition. But here you will say: contrition necessarily includes the desire for confession; hence, since confession can be made, contrition is not sufficient. Holzmann answers that contrition truly has of itself the power to blot out sin and that it does not blot out certain mortal sins without the desire to confess them only insofar as, since a divine precept to confess them exists, one who could fulfil that obligation and refused to do so would not be truly contrite. But this holds when the mortal sin is certain and therefore necessary matter for confession; it does not hold when the sin is doubtful. For then, since it is not necessary matter, just as contrition without the desire for confession blots out venial sins, so it also blots out doubtful mortal sins.

"Second question: Are we bound to confess negatively doubtful mortal sins?

"The first, more common opinion affirms it. Many hold it ... following St. Thomas, who says: 'Likewise he exposes himself to danger who neglects to confess something which he doubts to be mortal. He should not, however, assert that it is mortal, but should speak with doubt and await the judgment of the priest, whose office it is to distinguish between leprosy and leprosy.' The first reason

is that the Council of Trent says that penitents ought to recount in confession all mortal sins of which, after diligent examination of themselves, they have consciousness. Therefore, if according to the Council all mortal sins of which there is consciousness must be confessed, doubtful mortal sins too, of which there is a doubtful consciousness, must be confessed. The second reason is that the law of confession is in possession, and hence, in doubt, the sin must be confessed. The third reason is that this appears to be the universal and ancient practice of the faithful; and so it is presumed to have arisen from Christ's institution and to have been preserved by tradition down to the present.

"The second opinion denies it. ... And indeed, although the first opinion is very probable and supported by great authority, this second does not seem devoid of probability. The first reason is that Trent does not oblige penitents except to confess 'all mortal sins of which ... they have consciousness.' It does not say 'as they are in the conscience'—whether as certain or doubtful—but 'of which they have consciousness,' which means having certain knowledge of the sin. For conscience, as St. Bernard says, is nothing other than 'knowledge of the heart' and a practical judgment concerning a sin committed. But a doubtful conscience is neither knowledge nor judgment, but suspension of judgment; hence one who has no reason for believing that he committed a sin can by no means be said to have consciousness of it. This answers the first argument for the opposite position. The same Council confirms it when it adds: 'For it is clear that nothing else is required of penitents in the Church than that, after each has examined himself more diligently ... he confess those sins by which he remembers having mortally offended ... his God; but the remaining sins which do not occur to one who has considered diligently are understood to be included generally in the same confession.' Therefore, just as the penitent is not bound to confess venial sins, so neither is he bound to confess doubtful ones; for the Council says that he must confess nothing other than the mortal sins which he remembers. But to doubt is not indeed to remember; rather, it is not to remember. The second reason is that a certain burden ought not to be imposed for a doubtful offence; nor, when it is doubtful whether a law exists, does its obligation exist, as Benedict XIV wisely says. For although there is a law to confess certain mortal sins, and therefore someone who is certain that he committed a mortal sin and doubts negatively whether he confessed it is bound to confess it (for if his doubt is positive we shall speak of it below), nevertheless no certain law exists requiring doubtful mortal sins to be confessed. This answers the second argument for the opposite view.

"Nor does the cited authority of St. Thomas stand in the way. For there the holy Doctor is really not speaking of someone who, after due diligence, forms for himself the judgment that his sin is doubtfully mortal and therefore lays aside his doubt according to the aforementioned rule, namely that no certain obligation exists where the offence is doubtful. Rather, he speaks of someone who is certain of his evil action and does not know how to distinguish whether it was mortal or not; such a person is indeed bound to exercise diligence to lay aside the doubt. Hence, when he is unable to lay it aside, he is bound to stand by the judgment of the confessor, whose office it is to distinguish between leprosy and leprosy. Nor does the practice of the faithful, as it is objected, stand in the way. For Holzmann and Elbel, with Herincx, reply that it is rightly doubted whether the faithful confess doubtful mortal sins from a conviction of obligation or rather for the greater relief of conscience. For this reason the faithful are accustomed also to confess positively doubtful sins, although almost all their opponents themselves do not recognize an obligation to confess these. Holzmann adds that the aforesaid practice may perhaps be continued through an error, which cannot give rise to an obligatory custom.

"Hence Henriquez, Sá, and Granado, Leander, and others, cited by Guimenius, conclude that someone who wishes to receive Communion and doubts negatively whether he sinned mortally is not bound to confess. Both because the precept of premising confession before Communion is no more urgent than the precept of maintaining the integrity of confession, since both are of divine law; and because Trent's precept of premising confession obliges only one who is 'conscious to himself of mortal sin,' whereas one who doubts whether he committed it cannot be called conscious of his sin. But a great difficulty stands against this: namely, that one approaching Communion with a negatively or positively doubtful mortal sin exposes himself to the danger of frustrating the sacrament's effect. Someone could reply to this difficulty with Sánchez, Pontius, Vázquez, Pérez, Hozes, and others (cited in book I, n. 51, under 'Second'), that it is not unlawful for recipients of the sacraments to use a probable opinion, unlike ministers of the sacraments, who cannot administer them except according to the safer opinion, or at least one morally certain. It is enough for the reception of the sacraments that someone approach probably disposed. But one who does not wish to use this reply must say with Holzmann that in such a case someone intending to communicate must make an act of contrition or receive sacramental absolution (although he does not mention that sin), so that the obstacle presented by that sin, if it was indeed present, may be removed.

"Moreover, in practice, speaking ordinarily, the confession of both negatively and positively doubtful mortal sins should certainly be recommended to penitents, since it ordinarily conduces to peace of conscience. I said 'ordinarily,' because the scrupulous must be altogether exempted from the obligation to confess doubtful sins: they are bound to confess only certain mortal sins which they certainly have never confessed. ... Likewise those of timorous conscience who are not accustomed deliberately to sin mortally must be exempted from an obligation to confess doubtful mortal sins. For in doubt they can reasonably, indeed with moral certainty, believe that they did not consent, since a presumption is drawn from things which commonly happen. ...

"Third question: Is someone bound to confess a mortal sin certainly committed when he doubts whether he confessed it?

"The answer: If the doubt is negative, he certainly is bound to confess it, as is commonly taught. ... But if the doubt is positive (so that he probably believes the sin already to have been confessed), there is an opinion that he is not bound to confess it; this is defended by Suárez, Navarrus, Sylvester, Bonacina, Lugo, the Salmanticenses, Croix, etc. Yet just as I did not regard as at all probable the opinion, related elsewhere, of those authors who said there was no obligation to fulfil vows which were probably fulfilled, so I cannot approve this opinion concerning a sin probably confessed, since the obligation of confession is certain and its fulfilment doubtful.

"I do not, however, reject what those same cited authors teach, namely that one who has been diligent in confessing his sins, if he afterwards doubts whether he omitted some sin, when much time has passed since he committed it, is not bound to confess it, since in this case he can believe with moral certainty that he has already confessed it. Father Concina adds that, if someone formerly fell into many sins through an evil habit and afterwards was truly converted through constant uprightness of life, and if he then doubts whether in a general or particular confession made with due diligence he omitted some sin or circumstance, the confessor should forbid him even to reconsider his past life and should rather direct him to spend his time in pious meditations. Scrupulous persons,

however, are in no way bound to confess past sins unless they are certain that they never confessed them, as is most commonly taught."[552]

[552] St. Alphonsus, *Theologia Moralis* (ed. Gaudé), vol. 3, book 6, tractate 4, nn. 473–477, Rome, 1909, pp. 487–492.

CAPPELLO:

"1. One who seriously doubts whether he really committed a sin, or whether it was grave by reason of its matter or of full deliberation, is not bound to confess it. Thus theologians commonly teach. The reason is that an obligation cannot be imposed unless it is certainly established; but the obligation to confess doubtful sins is not established; therefore it cannot be imposed. Added to this is that the Council of Trent obliges penitents only to confess 'all mortal sins of which they have consciousness.' So also the Code (canon 901). Now conscience is a practical judgment about a sin; this judgment is lacking when the sin is doubtful.

"2. One who positively doubts whether he has already confessed a sin certainly committed and certainly grave is not bound to confess it again. For while the doubt remains, the law is no longer certain, and consequently cannot give rise to a certain obligation. Thus the doctors more commonly and more truly teach. St. Alphonsus disagrees because a certain obligation is not discharged by a doubtful fulfilment. With due reverence be it said, this reason is readily refuted; rather, its very supposition must be denied: the certain obligation does not exist.

"3. In a case in which someone doubts negatively, that is, has no reason in his favour, this distinction must be made. First, if on the other side there is a reason against him, he is bound to confess the doubtful sin, since in this case the penitent has moral certainty of a grave sin actually committed, much less merely of its accusation. Secondly, if on the other side too he has no reason against himself, so that he is in a doubt negative on both sides, a further distinction is necessary: (a) If he doubts negatively whether he committed the sin or whether it was mortal, according to many he must accuse the sin as doubtful. Others hold that the obligation to confess such a sin is absent, because it is not established universally that there is a law commanding us to confess doubtful sins. This opinion is called probable by St. Alphonsus himself. (b) If he doubts negatively whether a mortal sin certainly committed has already been duly accused and remitted, he is undoubtedly bound to confess it, since the morally certain obligation is pressing.

"What must be attended to in practice:

"1. For the most part, confession of doubtful mortal sins should be recommended, since ordinarily it contributes greatly to peace of conscience.

"2. In doubt whether a sin is grave by reason of its matter, retain the following from St. Alphonsus. First, uninstructed penitents are ordinarily bound to accuse doubtful sins because they scarcely know how to distinguish mortal sins from venial ones. Secondly, scrupulous persons of timorous conscience who are not accustomed to commit mortal sins are nevertheless excepted. Thirdly, those who are not uninstructed and are sufficiently taught should ordinarily be exhorted, but not obliged, to accuse doubtful sins.

"3. In doubt concerning full deliberation, the same St. Alphonsus proposes this rule. First, if penitents are of timorous conscience and are not accustomed to sin gravely, they are not bound to confess doubtful sins, because the presumption is in their favour that they did not sin gravely.

Secondly, if such penitents are scrupulous, they must be prevented from making the accusation. Thirdly, penitents who follow a middle course between a timorous and a lax conscience should be gently induced, but not obliged, to declare doubtful sins, since this is very helpful to peace of conscience. Fourthly, penitents of lax conscience are generally bound to confess doubtful sins, since the presumption drawn from what ordinarily occurs, which is against them, attains moral certainty that the sin was actually committed" (*De Sacramentis*, vol. 2, nn. 162 ff., Turin–Rome, 1944, pp. 146 ff.).

MERKELBACH:

"A. Negative doubt, because it is founded upon a slight reason, is considered not to exist and to be nothing. Consequently, if there is no reason, or only a slight reason, for thinking that a sin was committed, or that one committed was grave, there is no obligation to confess; conversely, if there is no reason, or only a slight reason, for thinking that a grave sin committed was confessed, the obligation to confess remains. Thus according to the principle: 'The condition of the possessor is better.'

"B. In positive doubt: (1) Concerning the commission of a sin, of itself there is no obligation to confess it, both because the Council of Trent says there is an obligation to confess sins of which we have consciousness, that is, certain knowledge, and not sins merely *as they are in the conscience*; and because absolution ordinarily cannot be given over a doubtful sin, so that it is not necessary matter of the sacrament. An obligation can arise accidentally, namely to ask counsel in a practical doubt whether some action is lawful, lest one afterwards sin by acting in uncertainty. Likewise at the hour of death, if perfect contrition is lacking, a confession should be made, at least by declaring some certain sin.

"(2) In doubt concerning the gravity of a sin committed, probabilists deny the obligation to confess, because an uncertain law does not oblige, even when the probability is greater; probabiliorists and equiprobabilists affirm the obligation if it is more probable that the sin is grave, since in doubt one ought to act according to what is more likely. This is the common practice among the faithful, approved by St. Thomas in question 6, article 4, reply to the third objection.

"(3) In doubt concerning the confession of a grave sin committed, probabilists deny the obligation to confess because the obligation becomes uncertain and therefore in practice is null; more recent probabiliorists and equiprobabilists affirm the obligation if it is not more probable that the sin was already confessed, because a certain law is not fulfilled by a doubtful performance. In other words, the obligation remains until it is more likely that it has been fulfilled."[553]

[553] Merkelbach, *Theologia Moralis*, vol. 3, n. 523, p. 471 ff.

With these things established, we shall endeavour to reduce the common teaching of both the older and the modern theologians, by way of resolution, to SIX ASSERTIONS.

FIRST ASSERTION. If the doubt is simply negative with respect to both sides of the contradiction, so that there is no reason, or an altogether slight one, for thinking one side or the other to be true (as in the classic examples: whether the stars are even in number, or whether the grains of sand are even in number), such a doubt is reckoned not to exist. For, since it rests on no reason, it is foreign to knowledge and prudence, which are the rule of human acts. Hence, if one doubts in this manner about the commission of a sin or its gravity, there is no obligation to confess, since the condition of the possessor is better, and no one is said to be guilty unless he is proved to be so. If, on

the contrary, one doubts in this way about whether confession has been made of a sin certainly committed and certainly grave, there is an obligation to confess; for the condition of the possessor is better— namely, of the law which certainly obliges to the confession of such a sin. All the doctors seem to agree on this point. Concerning the last point, however, on the obligation to confess a certain sin, Piscetta–Gennaro objects: "But you would not without reason think that even here the principle 'a doubtful law does not oblige' can be applied" (no. 874).

SECOND ASSERTION. If the doubt is simply negative (in the manner just described) with respect to only one side of the contradiction, it is to be disregarded for the same reason, and the other side is to be considered morally certain. Hence, if there is no reason, or only an altogether slight one, for thinking that a sin was not committed, or was not grave, or had already been confessed, while there is a grave reason for thinking the contrary, the obligation to confess is urgent; for the contrary is morally certain, and the condition of the law in possession is better. For the same reason there is no obligation to confess if there is no reason, or only a slight one, for thinking that a sin was committed, or was grave, or had not been confessed. Here again the doctors agree.

THIRD ASSERTION. If, with respect to one side of the contradiction, the doubt is not simply negative, but rests upon some solid reason which nevertheless is not so great as to suffice of itself for decisively inclining the intellect, so that, leaving the state of doubt properly so called, it may elicit an act of opinion or a probable judgment; and if at the same time, as regards the other side of the contradiction, no better reason is had, so that the intellect remains on both sides in a state of doubt properly so called: then the rule of action cannot in any way be decided from the motives which ground the doubt about either side. For, in a state of doubt, the intellect elicits no determinate act capable of being the rule of a human action; the matter must therefore be decided from another quarter. In the present matter, that is, in the case where someone doubts in this way about the commission of a sin, or its gravity, or whether confession has been made, the matter must be decided in favour of the law, so that there is an obligation to confess the sin, as will presently be shown.

This is the case which the older authors generally propose and resolve in nearly these terms, as is especially evident from Suárez and the Salmanticenses cited above. Lugo and John of St. Thomas, it is true, speak of negative doubt; yet, as appears from the context, they do not understand a simply negative doubt, in which reasons for doubting are altogether absent, but one in which reasons for forming an opinion are absent.

In favour of this position, which Suárez, Lugo, John of St. Thomas, and the Salmanticenses call altogether common, there are expressly cited St. Thomas (see below), Paludanus, Richard, Soto, Medina, Navarrus, Sylvester, Vitoria, Suárez (*Disputation* 22, section 2), Sánchez, Dicastillo, Lugo (*Disputation* 16, section 2), Prado, Diana, Leander, John of St. Thomas (*Disputation* 33, article 4), Gonet (*Disputation* 10, article 2), the Salmanticenses (*Disputation* 8, doubt 6), and Billuart (*Dissertation* 7, article 2, § 4).

In favour of the contrary position, which teaches that there is no obligation to confess sins doubtful in this way, the Salmanticenses cite a few doctors, whom they call "very recent, and of no great name or authority," such as Ferrentinus, Caramuel, Verde, Martinonus, Tyrsus, and Laymann (who nevertheless says that he wishes to determine nothing in this matter but to leave it to the judgment of others). Lugo cites Coninck (who opposes it only in part) and John Praepositus; Suárez cites no author at all. St. Alphonsus also cites Habert, Marchant, Sá, Mazzotta, Lacroix, and certain others; St. Alphonsus himself says that this opinion is not devoid of probability. To them must be added not a few modern moralists, notably Lehmkuhl, Gury, Génicot, and Cappello, who nevertheless do not set forth the question in the terms described above, but appear to suppose that the older authors

mentioned teach an obligation to confess doubtful sins in the simply negative doubt of which we spoke in the first assertion.

The assertion, therefore, is proved, or at least commended, by a fourfold reason.

First, from the authority of St. Thomas, who writes:

"When someone doubts about a sin whether it is mortal, he is bound to confess it while the doubt remains, because one who commits or omits something about which he doubts whether it is a mortal sin sins mortally, exposing himself to danger; and in like manner one exposes himself to danger who neglects to confess something about which he doubts whether it is mortal. He ought not, however, to assert that it is mortal, but to speak doubtfully and await the judgment of the priest, whose office it is to distinguish between leprosy and leprosy" (*Supplement*, q. 6, a. 4, ad 3).

St. Alphonsus, cited above (p. 615), attempts in vain to evade the force of this testimony. Yet it would not be right to deduce further from St. Thomas's words an obligation to confess a sin even when there is a probable judgment that it is not mortal. The holy Doctor speaks of doubt, not of a probable judgment, which belongs to opinion; and his words are to be taken in their proper sense unless something else appears from the context.

Second, it is proved from the principle that, in doubt, the safer side must be chosen when the question is one of doubt about the fact itself, from which some danger arises, and when, moreover, possession is not on the side of the person doubting (for, according to another principle, in doubt the condition of the possessor is better).

Now, first, confession of a doubtful sin is the safer side, because it averts the danger of failing to confess what must be confessed, namely, a true sin which may perhaps be present. Secondly, the question concerns not doubt about the law but doubt about a fact, namely, the commission of a grave sin; from this arises a certain danger of transgressing the law of confession if the sin is not disclosed. Thirdly, in this case possession does not stand on the side of the doubter, or of his liberty, but rather on the side of the law obliging to confession. For, in the first place, the liberty of the doubter is not simple and unrestricted, but in a certain way bound, both generally and abstractly by the very existence of the law of confession, and particularly and concretely by the danger of transgressing it through failure to confess some objectively certain sin, to which danger he ought prudently to attend. Moreover, the law generally obliging to the confession of sins has in its favour (as will be shown below) the doctrine of the Council of Trent, the practice of the faithful, and the far more common teaching of the older theologians; from these it is indicated that this law extends even to doubtful sins. Finally, no other true possession favouring the person is to be devised than possession of his own innocence, or freedom from the sin about which he doubts; but by the very fact that he doubts about it, he no longer has certain possession such as could certainly free him from the obligation.

Lugo is displeased by this argument and writes:

"Some prove it ... because in doubts the safer side must be followed. But this principle admits many exceptions; hence, just as in doubt concerning a vow someone is not compelled to observe the vow, although that is safer, it does not appear why he should be compelled to confess a sin in doubt on the ground that doing so is safer, especially since in each case he equally possesses his liberty. ... [To this some reply] that in a vow, and in debts of justice, if someone truly were obliged, he would be obliged

to something beyond the bounds of the doubt, since he would be obliged to the certain payment of a doubtful debt; whereas in our case the penitent is not obliged beyond the bounds of the doubt, since he is obliged only to confess as doubtful that which is doubtful. But, to the contrary: this very thing is an obligation to something certain. For confession of a doubtful sin is a certain burden, and not so slight a one; and although it is less than what would be due for a certain sin, nevertheless in the same manner someone might be obliged, for a doubtful vow or a doubtful debt of justice, not to full payment, as in the case of a certain debt, but to a partial payment, which might scarcely exceed even the doubtful debt."[554]

[554] Lugo, *De Poenitentia*, disp. 16, sect. 2, nn. 63–64, *Disputationes Scholasticae*, vol. 4, Paris, 1892, p. 915. The OCR renders the publication year as "1S92"; it is recorded here as 1892 pending independent bibliographic check.

Nevertheless, between doubt about a vow or about some debt of justice, and doubt about sin, there remains the difference which Lugo attacks. The obligation to fulfil a doubtful vow or a doubtful debt of justice would entail the necessity of making payment beyond the bounds of doubt, that is, of making a certain payment for a doubtful debt, and would therefore infringe the right of the possessor. This in no way occurs in an obligation to confess doubtful sins, by which nothing is required beyond the bounds of doubt; for it is not required that the sin be confessed as certain, but only as doubtful. Nor is it an obstacle that this is some certain burden, since it is not something extrinsic, but inherent in the doubt itself and not exceeding its bounds. The parallel with payment of a doubtful vow or debt of justice would hold if the obligation of the vow or of justice could be satisfied by a doubtful payment; for such payment would have to be made, just as, in the matter of sin, a doubtful confession must be made, that is, confession of a sin as doubtful.

Third, the matter can be commended from the doctrine of the Council of Trent, chapter 5. The Council excludes only venial sins from the object of necessary confession, but by no means doubtful sins. It teaches that all grave sins of which a man has consciousness must be confessed; now of doubtful sins one has consciousness, not indeed certain but doubtful consciousness (for moralists distinguish conscience into certain, doubtful, probable, erroneous, and so forth). Hence the word "consciousness," as employed by the Council, is not to be interpreted, as the adversaries wish, of certain knowledge and a practical judgment. It teaches that all sins which a person remembers must be accused; this seems to exclude only forgotten sins, and not doubtful ones. It teaches that all sins are to be manifested by an open and candid confession; but that confession is not altogether open in which doubtful sins are concealed in silence through a not very praiseworthy shame.

It teaches that all sins are therefore to be manifested to the priest so that he may apply a suitable remedy, and that one who is ashamed to uncover his wound to the physician is not solicitous about the remedy. These things apply even to doubtful sins.

Fourth, the point is commended by the common and constant practice of the faithful in confessing doubtful sins.

Some theologians, however, such as John of St. Thomas (cited above, p. 612) and Lugo, seem to exaggerate when they present this reason as the most important and fundamental. "The principal foundation of this doctrine, therefore, must be drawn from the usage and practice of the whole Church, whose beginning is not known; for this reason it must be believed to have come down from the Apostles themselves, who could understand better the force and obligation included in the

institution of this sacrament."[555] The adversaries answer (cf. St. Alphonsus above, pp. 615 ff.) that the faithful confess doubtful sins, not from persuasion of an obligation, but for the relief of conscience, just as they also confess sins positively doubtful, that is, sins about whose noncommission or lack of gravity they have a probable and opinionative judgment, by reason of which they are nevertheless excused from confession according to the common opinion.

[555] Lugo, *loc. cit.*, n. 67, p. 916.

Fifth, the point is customarily proved from the necessity of contrition for doubtful sins: namely, from the fact that a person is bound to be contrite for doubtful sins, at least at the hour of death, lest he expose himself to the danger of damnation, and therefore is also bound to confess them. For under the New Law contrition does not remit a sin except in relation to the keys, or with the desire for confession, so that what is necessary for contrition is also necessary for confession.

This argument, however, does not seem so solid. For, in the first place, contrition is directed to doubtful sins not as doubtful but as problematically certain, so that a man must grieve for sins *if and insofar as they are true sins*. Hence, from the necessity of being thus contrite for doubtful sins it follows only that doubtful sins ought to be remitted through the sacrament in the same way, that is, if and insofar as they are true. To obtain this, however, it is not necessary to confess those sins; it is sufficient that someone manifest other certain sins with universal sorrow for all, even uncertain sins, or, if one prefers, with a general accusation of all sins, even uncertain ones, which moreover is implicitly contained in every confession. Furthermore, if from the necessity of contrition for doubtful sins there followed the necessity of confessing them, then from the necessity of contrition for sins which one positively and probably judges not to have been committed or not to have been grave there would likewise follow the necessity of confessing these; yet this is denied by the defenders of our position.

FOURTH ASSERTION. If, with respect to one side of the contradiction, the doubt is not simply negative but is founded upon a solid reason, which nevertheless is insufficient to ground a probable judgment, in the manner described in the preceding assertion, while, on the contrary, as regards the other side of the contradiction there is such a sufficient reason for a probable judgment, then that doubt, though not to be disregarded, yields in favour of this latter side. For it is on this side alone that there is a probable judgment sufficient for regulating human action, as will presently be said. Hence, if someone has some solid reason for thinking that he did not commit a sin, or committed one that was not grave, or that he has already confessed a grave sin, and yet, because of a more solid reason, probably assents to and judges the contrary, he is bound to confession.

Modern writers do not set forth this case in these terms; but if they did, they would not contradict it, as it seems, unless perhaps by denying the supposition, namely, that some reason can be solid and at the same time insufficient for forming a probable judgment. The possibility of this is, however, expressly asserted by the older theologians, such as the Salmanticenses and Suárez (cf. above, p. 619, and here in the following assertion).

FIFTH ASSERTION. If, with respect to one side of the contradiction, there is a positive doubt (as it is customarily called), that is, a doubt founded upon a reason sufficient to form a probable judgment, while as regards the other side there is a solid reason for doubting but one insufficient for a judgment of credibility, that doubt—which is not properly doubt but opinion—prevails and grounds the necessity or nonnecessity of confession, according to the case and in the manner stated in the preceding assertion, to which the present assertion is equivalent.

To the point, Suárez writes:

"When a man probably judges one side, and on the other has no probable judgment, but some suspicion, fear, or apprehension ... then there is no doubt that the man can or ought to follow such a judgment, so that if he probably judges that he sinned mortally, or that he never confessed such a sin, he is bound to confess it; and, conversely, if he judges the opposite, he is discharged from such an obligation. The reason is the one already touched upon above: such a judgment is sufficient to regulate human action. For from it, although it is speculatively uncertain, a judgment practically certain concerning the rectitude of action or omission is gathered, sufficient for human actions; for greater certainty regularly exceeds man's powers."[556]

[556] Suárez, *De Poenitentia*, disp. 22, sect. 9, n. 5, *Opera omnia*, vol. 22, Paris, p. 504.

SIXTH ASSERTION. If the doubt is positive with respect to both sides of the contradiction, so that on either side there is reason sufficient for a probable judgment, a man may regulate his action according to either judgment, because either is sufficient to regulate human action. Hence, if someone probably judges that he did not commit a sin, or that his sin was not grave, or that it was already confessed, he is not obliged to confess; and this even in a case in which there are stronger or more probable reasons for the contrary judgment, since these do not take away the force of the reasons grounding the other judgment, especially when the reasons are disparate.

This assertion is common to many modern authors (Lehmkuhl, Ballerini–Palmieri, D'Annibale, Gury, Noldin, Génicot, Cappello, Piscetta) and to several older ones, such as Suárez, Lugo, and John of St. Thomas, cited above (pp. 610–613).

Nevertheless, on the one hand, several equiprobabilists and probabiliorists contradict it insofar as they affirm that a judgment in favour of the sinner must be equally probable or more probable for it to be able to exempt him from the obligation of confession.[557] On the other hand, certain doctors, such as Prümmer (no. 377), following St. Alphonsus (no. 477, cited above, p. 616), maintain the obligation of confessing in the third case only, that is, when someone is certain of a grave sin committed and only probably judges that he has already confessed it.

[557] Cf. Salmanticenses, *De Poenitentia*, disp. 8, dub. 6, nn. 180–182, 193, 198; while explicitly declaring themselves neither antiprobabilists nor probabilists, they say that following a probable opinion while abandoning the more probable is sometimes lawful and sometimes unlawful according to the matter and circumstances (ibid., n. 180).

To the point, Prümmer writes:

"The reason is that, since the mortal sin is certain, the obligation to confess it is also certain. Now, a certain obligation cannot be satisfied by a doubtful fulfilment. So teach authors commonly (who are not pure probabilists) with St. Alphonsus, who nevertheless adds: 'I do not, however, reject ... [the teaching] that one who has been diligent in confessing his sins, if he afterwards doubts whether he omitted some sin, when a long time has elapsed since he committed it, is not bound to confess it, since in that case he can believe with moral certainty that he has already confessed it. And Fr. Concina adds that, if someone formerly fell through an evil custom into many sins and afterwards has truly been converted through constant uprightness of life, and if he then doubts whether in a general or particular confession made with due diligence he omitted some sin or circumstance, the confessor should forbid him even to reconsider his past life, but rather direct him to spend his time in pious meditations.' Therefore, in practice, the penitent who seriously and on a founded ground doubts whether he omitted a mortal sin or a circumstance changing the species in his last confession,

made not so long before, must declare this sin or circumstance in his next confession. But if the penitent doubts about the confession of some sin committed long ago and has always been in the habit of confessing well, he is not bound to manifest this sin doubtfully confessed."[558]

[558] Prümmer, *Theologia Moralis*, vol. 3, n. 377, Freiburg im Breisgau, 1923, p. 260.

It is not necessary, nor would it be useful, to touch here upon the complicated question of probabilism, even lightly. To the reason of St. Alphonsus, reported by Prümmer, Cappello replies: "With due reverence be it said, this reason is readily refuted; or rather, its very supposition must be denied: the certain obligation does not exist" (no. 162). A certain obligation to confess grave sins not yet confessed does indeed exist; but a certain obligation to confess sins probably already confessed does not exist, until it is proved.

In conclusion, then: We agree with the modern writers who assert that there is no obligation to confess whenever there exists a probable or opinionative judgment that the sin was not committed, or is not grave, or has already been confessed. But we add that not every doubt, even one founded upon some solid reason, is sufficient for forming such an opinionative judgment, or is equivalent to it. Hence the older writers rightly asserted that doubtful sins must be accused when they are merely doubtful (however this may be expressed by different authors; for the matter comes back to the philosophical distinction between doubt and opinion established above on p. 608).

Consequently, in only two cases is a man obliged to confess doubtful sins. First, when he does not have sufficient motives for forming a probable judgment (an opinion) that he did not commit the sin, or that it is not grave, or that it has been confessed, whether sufficient motives exist for judging the contrary or whether they too are absent. Secondly, when, concerning whether a certainly committed grave sin has been confessed, there is on both sides a purely and simply negative doubt. For in either case the law has possession and claims its right, according to the saying: "The condition of the possessor is better."

As regards practice, modern moralists, following St. Alphonsus, say approximately the following:

"In practice ... let each follow his own system, but let him not impose it on others. Moreover, the classes, qualities, and circumstances of penitents must also be examined, by which, as by conjectures, doubt can often be resolved from presumption. Namely: (a) in the first doubt [about the commission of a sin], if those habituated to sin doubt whether they committed it, the presumption is that they did commit it and that the obligation is present; conversely, if they are of timorous conscience, they are considered not to have committed it, and are not obliged to confession; (b) in the second doubt [about the gravity of a sin], if the uninstructed or ignorant doubt about grave matter, they are bound to confess, because they do not know how to form a judgment of conscience by saying that they are not obliged; indeed, they can scarcely distinguish what is mortal. The contrary holds for the instructed. Likewise, if the scrupulous and those of timorous conscience doubt about full advertence and consent, they are considered not to have sinned gravely; the contrary holds if those of lax conscience doubt; (c) in the third doubt [about whether confession was made], those who are accustomed to make a diligent examination, if doubt arises after a long time, are not obliged, because it is morally certain that the sin was confessed;

(d) moreover, an obligation arises accidentally, as has been said [above] ...; (e) finally, confession of doubtful sins is always to be recommended to everyone, with the exception of the scrupulous."[559]

[559] Merkelbach, *Theologia Moralis*, vol. 3, n. 523, p. 472. Cf. Cappello, n. 163, cited above, pp. 616 ff.

NOTE 11. ON DOUBTFUL SINS ALREADY CONFESSED, OR ON THE DISAGREEMENT OF THEOLOGIANS CONCERNING THE OBLIGATION TO CONFESS THEM AGAIN AS CERTAIN AFTER THE DOUBT HAS BEEN REMOVED

On the occasion of the preceding question concerning the obligation to confess doubtful sins, theologians discuss a further question, whose solution, however, in no way depends upon the solution of the former: namely, whether a person who has in fact confessed some sin as doubtful (whether of necessity or freely makes little difference), that is, as doubtfully committed or as doubtfully mortal, and afterward discovers that it is certain, is then bound to confess it again as certain.

THE CONTROVERSY, in these precise terms, began to be explicitly discussed about the middle of the seventeenth century. It was occasioned chiefly by the teaching of Lugo (d. 1660), who, although he said that he did not wish to decide anything, but rather recommended as safer the opinion commonly handed down by authors affirming the obligation, nevertheless inclined manifestly and strongly toward the negative opinion and, what is more, supplied the principal arguments for it. That opinion began to be embraced at nearly the same time, especially by moralists of the more benign opinion, such as Leander, Caramuel, and Tamburini, and afterward gradually became much more common among modern theologians.

To this point Lugo himself, having proposed objections against the common affirmative opinion, or rather arguments for the negative opinion, writes in conclusion:

"These considerations favour this side; on account of them certain learned men judged it probable that the penitent is not afterward bound to confess as certain what he had previously confessed as doubtful, just as it truly appeared doubtful to him at that time. Among these was the Most Reverend Father Nicholas Riccardius, Master of the Sacred Palace, with whom I privately discussed the matter; he likewise privately replied that it seemed very probable to him that no such obligation existed, which others also have judged. Nevertheless, because in a moral matter one ought not readily to depart from the common opinion, and because I find no writer in favour of that side, whereas I see the few who have touched upon this matter inclining to the contrary, I do not wish to determine anything on this point, but to recommend the safer course."[560]

[560] Lugo, *De Poenitentia*, disp. 16, sect. 2, § 4, no. 92, *Disputationes Scholasticae*, vol. 4, Paris, 1892, p. 924.

As regards the point in controversy, note that these two things are admitted by all:

1. If someone in good faith accuses himself of a sin as certain and afterward discovers that it is doubtful, he is not bound to confess it again as doubtful. For one who is absolved from a certain sin is *a fortiori* absolved from a doubtful sin, both because a doubtful sin cannot involve greater culpability than a certain one, and because the confessor's judgment is not essentially changed as regards the substance of the guilt by a repeated accusation of the sin as doubtful, since a doubtful sin may in fact contain substantially the same culpability as a certain one, although it is not certainly known.

2. If someone simply and fully sets forth the fact together with its circumstances, and neither he nor the confessor can determine with certainty whether it is venial or mortal, he is not bound to accuse it again as mortal if he afterward discovers that it is mortal. For in this case the

matter was related and discussed as it existed in the penitent's conscience; moreover, it is not necessary that the confessor himself judge certainly and determinately that some individual sin is mortal, since this is often almost impossible, even for the most learned men, on account of the innumerable circumstances upon which the gravity of guilt depends (cf. St. Alphonsus, no. 478; Billuart, Dissertation 7, article 2, § 3, at the end).

The question, therefore, concerns a person who specifically accuses a certain sin as doubtful—that is, as doubtfully committed or doubtfully grave—and whether he is bound to confess it as certain when he subsequently comes to know it as such.[561]

[561] "Billuart, having chosen the affirmative opinion, says quite ineptly: 'It must nevertheless be noted that this conclusion is to be understood only of doubt concerning the substance of the act' (cf. the place cited), that is, concerning the very commission of the sin and not its gravity. On the contrary, all theologians discuss and reach their conclusions (whether affirmative or negative) concerning both cases together. From what he adds in the same place, Billuart seems to confuse the case of one who accuses a grave sin as doubtful with the case of one who does not know how to distinguish between grave and slight sins; in this latter case, as was just stated, all theologians release the penitent from the obligation to confess again."

There are two opinions, one affirming the obligation and the other denying it. We shall presently set out their authorities and reasons, preferring the negative as more probable, although the affirmative can claim the greater extrinsic probability.

THE AFFIRMATIVE OPINION is held, at least as more common, more probable, and safer, by the greater and better part of the older writers who expressly treat or touch upon this question (that is, the doctors of the seventeenth and eighteenth centuries, including St. Alphonsus): Sánchez (d. 1610; In Decalogum, book 1, chapter 10, no. 69), Bonacina (d. 1631), Turrianus (d. 1635; De Poenitentia, q. 9, a. 2, disp. 29, dub. 7), Dicastillo (d. 1653, who says that the contrary is unheard of in the Church of God), Lugo himself (d. 1660; disp. 16, sect. 2, § 4), although speculatively he seems strongly to prefer the contrary opinion, Diana (d. 1663), Busembaum, Prado, Gonet, Cárdenas (who says that this opinion is certain), Tyrsus, the Salmanticenses (disp. 8, dub. 6, § 4, nos. 203 ff.), Viva, Roncaglia, Concina, Billuart (d. 1757), and St. Alphonsus (d. 1787; no. 478), who says without his customary mitigation: "The common opinion, which we follow, affirms." Among modern authors Gury favours it (no. 480), saying: "The question is disputed. The first opinion, more probable and sufficiently common, affirms. ... The second opinion, sufficiently probable, denies."

The principal reason is the necessity of knowing the cause, which belongs to the essence of sacramental judgment. For in the first confession of the sin as doubtful, the case was not known to the priest as judge, since the sin was in fact certain in itself and yet was declared as doubtful. Therefore, although the penitent was excused from declaring the case because of the impediment of ignorance or doubt, once that impediment ceases he is bound to declare the case.

To this point St. Alphonsus writes:

"The reason for this opinion is that, although the sin was directly absolved, it was nevertheless not set forth as it was in the conscience (as the Council of Trent commands), nor was the substance of the sin explained, which consists in its known gravity; and therefore, to complete the integrity of confession, it is necessary to manifest it as certain" (no. 478).

The opinion is confirmed:

1. From an analogy with the external forum. "If Peter were accused of homicide and, after the case had been examined on both sides, the matter remained doubtful, the judge would not condemn Peter to the punishment fixed by law for homicide, but to another, lesser and discretionary punishment, if he had not been entirely cleared of the offence charged against him; for it is unjust to impose the penalty assigned for certain offences upon doubtful offences, as is said in chapter *Grave*, cause 23, question 3. But if, after this, eyewitnesses and irrefutable arguments were forthcoming by which it was demonstratively established that Peter had committed homicide, he would not be regarded as absolutely free and exempt from undergoing accusation and sentence again; rather, he would have to appear, and be punished according to his deserts by the fitting penalty in the final and absolute sentence. The same must be said in the matter of restitution or some other satisfaction. Thus, in the present matter, although, so long as a mortal sin remains doubtful, it suffices to accuse oneself of it as doubtful, to accept a discretionary satisfaction, and to be absolved conditionally, nevertheless, when it afterward becomes certain that it was mortal, the matter must again be brought before the tribunal of confession, so that it may there be known as certain, an absolute judgment made concerning it, and sentence pronounced absolutely: which had not previously been done. And this, as Lepe very well observed, is not to bind the penitent to confess the same sin twice, but to confess the sin on two occasions according to the two different states which it has in his conscience."[562]

[562] Salmanticenses, *De Poenitentia*, disp. 8, dub. 6, no. 204, *Cursus Theologicus*, vol. 20, Paris, 1883, p. 379.

2. If someone confesses a particular sin, thinking and saying that it belongs to one species, and afterward discovers that it belongs to another species, he is thereafter bound to accuse himself of it under this latter species. Therefore, by parity of reasoning, one who has confessed a sin as doubtful is afterward bound to accuse it as certain when he has discovered that it is certain; for, in relation to confession, the difference between a sin as doubtful and the same sin as certain is equivalent to a specific difference, because it materially changes the state of the case and the judgment of the confessor. So argue the Salmanticenses.[563]

[563] *Op. cit.*, no. 203 (Salmanticenses).

3. If someone accuses himself of a sin, thinking and saying that it is slight, and afterward discovers that it was grave, he is bound to accuse it again as grave. Therefore the same holds, by parity of reasoning, in the present case. So argue the Salmanticenses.[564]

[564] *Ibid.*

4. The practice of the faithful, who are accustomed anxiously to accuse again sins which they have confessed as doubtful when they subsequently discover them to be certain, confirms the same truth.

To the aforesaid principal reason it is answered: In the first confession of the sin as doubtful, the case was sufficiently known to the priest, and the very substance or gravity of the sin was declared, although under the aspect of doubt. The priest therefore directs absolution to that sin, not formally as doubtful, but formally as presumed to be present in such a species and gravity.

Moreover, the same thing occurs when, after a narrative of the sin as it actually happened with its various circumstances, neither the penitent nor the priest knows with certainty whether the sin was truly committed or grave (in which case, as was said above, all theologians deny the obligation to confess that sin again when it is subsequently found to be certain). The priest, namely, absolves it not as uncertain, but as presumed to be certain. In a somewhat similar way he also absolves an eleventh sin when the penitent accuses himself of having sinned about ten times.

To the confirmation, the parity is denied as regards the three examples adduced.

In the external forum, absolution of the accused is not sought, but only his condemnation and the external reparation of another's violated right. No one can be condemned except in the measure in which he is proved guilty, nor can he be bound to a definite reparation unless his injustice is certainly established. Hence, when guilt which was previously doubtful has become certainly established, the case must be heard again so that a definite condemnation may be pronounced and a definite reparation exacted. Sacramental judgment, however, was instituted not for condemning but for absolving; and the fitting and essential reparation required in it is that interior reparation which consists in contrition, or a change of heart. Both are appropriately obtained in the very absolution of a sin accused as doubtful. Therefore it is not necessary to reopen the case.

To the second and third cases, it must be said that, if the penitent has set forth the fact as it occurred, he is not bound to confess the sin again, even if he erroneously accused one species instead of another or a venial sin instead of a mortal one. For, as was said above, the case has been objectively presented in its entirety, and the theological knowledge of its elements, on the part either of the penitent or of the confessor, does not change the essence of the case; indeed, that knowledge is often impossible. But if the penitent has not set forth the fact, and has merely and directly accused one species for another, or a venial sin for a mortal one, then the confession must indeed be repeated. This, however, is because the very substance of the fact was in no way presented to the priest under its moral or theological species, which is by no means what happens in the confession of a doubtful sin, since in that confession the substance of the sin is in fact manifested, although under the aspect of doubt.

The reason for the practice of the faithful which has been invoked may be either relief of conscience or fear of a defect of sincerity in accusing sins as doubtful. Moreover, certain doctors oppose to that practice another practice, namely, that of not repeating the confession of such sins, of which we shall speak below.

THE NEGATIVE OPINION is held, at least as solidly probable and safe in practice, by several older theologians of the same period (the seventeenth and eighteenth centuries), although fewer in number and authority: Pellizarius (d. 1651), Leander (d. 1667), Arriaga (d. 1667), Delgadillo (d. 1671), Tamburini (d. 1675; Methodus confessionis, book 2, chapter 1, § 4, no. 24), Stoz (d. 1678), Herinckx (d. 1678), Caramuel (d. 1682; somewhat inclined toward laxism), Bosco (d. 1684), Holzmann (d. 1700), Sporer (d. 1714), Elbel (d. 1760), and Reuter (d. 1762). Lugo himself (d. 1660) must be numbered among them, both because speculatively he inclines strongly to this opinion, although he says that he recommends the other on account of its common authority, and because he supplied great support for it through his arguments.

Almost all modern theologians, moreover, follow this opinion at least as probable and safe. Thus, among others, Ballerini–Palmieri, Lehmkuhl, Haine, Sabetti, Noldin, Génicot, Cappello, Merkelbach,

Piscetta, Ferreres, and Arregui.

The principal reason is that in the confession of a doubtful sin:

1. The requirements of the sacrament are satisfied, since all sins must be directly absolved by it. For a doubtful sin is directly absolved, unlike forgotten sins or sins lawfully not confessed. Nor does it matter that it is not directly absolved *as certain*, since certainty is not a condition intrinsic to the sin, but a circumstance belonging to the intellect; nor does absolution affect subjective certainty, but objective certainty, or the very essence of a sin that really exists.

2. The necessity of sincerely declaring one's sins as they exist in the conscience is satisfied, according to the Council of Trent. Nor is it a valid objection that the sin afterward exists in the conscience in another manner, that is, as certain, and therefore must be declared again as such, lest the conscience remain undeclared. For the penitent is commanded to declare only the conscience which he has *when he confesses*, not a conscience acquired afterward. If an obligation to confess the sins again as certain followed merely from the fact that they afterward exist in the conscience in a different manner, that obligation would also have to apply in a case in which a penitent accused sins as they actually occurred, without either he or the confessor having been able to recognize with certainty the existence or gravity of the guilt, and afterward acquired that certainty—an obligation which the adversaries themselves commonly reject.

3. The necessity of a right judgment concerning the sin on the part of the priest is also satisfied. For, as was said above in reply to the arguments of the opponents, in the manifestation of a doubtful sin the case is sufficiently known to the priest, since the very substance of the sin is presented to him, although under the aspect of doubt. Besides, the same thing happens in other cases, as was said there: whenever a priest cannot judge with certainty concerning a sin accused as certain, and likewise when a penitent accuses himself of a number of sins by an approximate expression (for example, "I committed this sin about ten times").

Authors are accustomed to add to this reason three confirmations; nevertheless, these do not appear very effective and can be answered fairly effectively by the opponents.

The first is taken from the practice of the faithful, which Lugo sets out thus:

"The common practice of the faithful seems to stand against the [affirmative] teaching. In childhood, when they are less instructed, they confess in a rather general fashion; country people also declare the number of their sins less precisely. Yet serious doctors say that their confessions are not afterward to be repeated as a matter of necessity, and practice observes this. For the confessor, who knows the state and condition of such people, knows from this manner of confessing the number in a confused way, to the extent that it can be explained according to their capacity, and so the confessors have sufficient knowledge. But if the above teaching were true, we should afterward be obliged to require such young people to repeat the confessions they made in childhood, and country people also to repeat them when they become better instructed, because it cannot be denied that in such confessions they mentioned several sins, not as determinately certain, which they would now find to be certain upon a diligent examination. Yet who would impose this burden upon confessors? It must

therefore be said that those sins had already been sufficiently brought before the power of the keys, and that there is no obligation to bring them there again."[565]

[565] Lugo, *De Poenitentia*, disp. 16, sect. 2, no. 82, *Disputationes Theologicae*, vol. 4, Paris, 1892, p. 921 (title abbreviated in source OCR).

Nevertheless, these cases ordinarily concern not so much the confession of a sin *as doubtful* as an imperfect accusation of sins arising from the inability of children and uninstructed persons to distinguish exactly the theological and moral species or to determine accurately the number of sins. In such cases, as was said above, it suffices—and confessors take care of this—that penitents manifest the substance of the fact as it happened concretely. Moreover, even the most learned confessor is often unable to judge that fact with certainty.

The second confirmation, which some bring forward with Lugo (no. 83), is taken from a parity with absolution or dispensation from a censure, irregularity, or vow. For if someone, doubting the existence of a censure, irregularity, or vow, asks, as a precaution, for absolution or dispensation, and afterward becomes certain of the existence of one of these impediments, he need not present himself again to an ecclesiastical superior to be absolved or dispensed again, or even to declare the impediment as certain. Therefore, by parity of reasoning, the same holds in the case of absolution from a doubtful sin.

Nevertheless, this parity does not seem effective. First, the efficacy and conditions of the aforesaid absolution or dispensation from an impediment depend on the will of the Church alone, and the Church in fact does not require a subsequent declaration of an impediment as certain; but absolution from sin is of divine institution. Secondly, the integrity of the confession of sins is not required precisely by the absolving or remitting character of the sacrament of Penance itself. For all sins, even those lawfully not confessed, are remitted together and forever, directly or indirectly, by the absolution of one sin, since one sin cannot be remitted without the others. Rather, integrity is required by the sacrament's judicial character; but this judicial character does not belong to the aforesaid ecclesiastical absolution or dispensation.

The third confirmation is drawn from a parity with the case where a penitent, being unable to determine the exact number of sins, confesses an approximate number, saying, for example: "I sinned about ten times." For in this case, according to the more common opinion of the doctors, the penitent is not subsequently bound to accuse himself of an eleventh sin, if he becomes certain that he sinned eleven times. Yet he accuses that sin only as doubtful; therefore, by parity of reasoning, he is not bound to confess again as certain a sin already confessed as doubtfully committed or doubtfully grave.

Several defenders of both opinions attribute excessive force to this argument, since the parity between the two cases appears to them so evident that they say the obligation to confess again must either be admitted in both cases or denied in both.

Assuming this parity as certain, some defenders of the affirmative opinion, such as Billuart, in order to defend the obligation of confessing again a doubtful sin subsequently found to be certain, concede also the obligation to confess, as determinate, a sin confessed in an approximately indeterminate number. Conversely, defenders of the negative opinion deduce, from the admitted absence of an

obligation to confess this latter sin, as from a convincing argument, the absence of an obligation to confess again the doubtful sin which is afterward found to be certain.

Lugo presses this argument to satiety (nos. 79, 80, 81, 86, 87, 88, 89, 90, 91), saying:

"I do not find among the authors a solution to this difficulty which, to tell the truth, is of such weight with me that, according to the aforesaid opinion which says that sins declared as doubtful must afterward be confessed as certain when they have become certain, in order to satisfy Christ's precept, I judge that it must consequently be said that any sin which has been explained only as doubtful is afterward to be explained as certain when it subsequently becomes certainly known; and therefore that one who says he sinned ten times, more or less, if he afterward remembers with certainty that there were eleven, must confess this as certain. ... Therefore either this must be stated consistently, or that doctrine must be denied which is supposed and which Thomas Sánchez and Turrianus teach: that a sin declared as doubtful must afterward be declared again when we have discovered that it was certain."[566]

[566] Lugo, *De Poenitentia*, disp. 16, sect. 2, nos. 79–81, *Disputationes Theologicae*, vol. 4, Paris, 1892, p. 920.

Modern moralists confidently press the same argument. Lehmkuhl writes:

"And indeed that dilemma does not appear capable of being adequately resolved: either the man who said he had sinned about ten times, and afterward understood with certainty that he had sinned twelve times, is bound to accuse as certain the two or four sins which he accused as doubtful; or, if he is not bound, then neither is the man who in good faith confessed a single sin committed as doubtful bound to declare it after he has come to know it as certain. But that the former is not bound is taught by the most common opinion and practice; therefore we must say that the latter likewise is free from the obligation. For the reason is the same in both cases. Nor can it be said that the number of sins is merely a certain circumstance, whereas the sin which is declared as committed once concerns the substance itself. For number belongs entirely to the substance, since it indicates so many acts according to their substance."[567]

[567] Lehmkuhl, *Theologia Moralis*, vol. 2, no. 318, Freiburg im Breisgau, 1902, p. 235.

Nevertheless, the parity between the two cases is by no means evident; indeed, a threefold difference appears.

First, in the one case the question concerns the *number* of sins, in the other the *essence* of a sin. For although number is not an accident but belongs to the individuation of a sin, it does not belong to the very essence of the sin.

Secondly, and consequently, although, considering the obligation of confession, manifestation of the number of sins is not something accidental or optional, nevertheless the confession of a determinate and exact number of sins of the same species is less essential and necessary than the confession of the quality of the sin, for the purpose of knowing the case upon which the necessity of confession is founded.

For, although each sin in itself suffices for the institution of sacramental judgment and therefore, absolutely speaking, calls for the necessity of confession, nevertheless, when several sins of the same species concur together in the same case to be judged, their exact number *as such* assumes, according to common estimation, a certain accidental character with respect to the judgment to be pronounced.

Judgment concerning culpability is not much changed because someone sinned not ten times but eleven (and *a fortiori* not one hundred but one hundred and one times), because, according to common estimation, one or another unit in relation to a large number is so small as to be reckoned as nothing. So, although a hundred gold pounds are in themselves a considerable sum of money and constitute a distinct fortune, yet when they become part of a fortune of hundreds of thousands of pounds, they very slightly change one's judgment of the value of that fortune and are reckoned as almost nothing.

Thirdly, in the manifestation of the number of sins approximately, no sin is properly accused *as doubtful*; rather, even the final units are in a certain way accused as certain under the very indeterminacy and breadth of the number which is declared with certainty. For one who says that he sinned "about ten times" does not say that he committed ten certain sins and one doubtful (that is, an eleventh); he says that he certainly committed *about ten sins*, that is, as many sins as can morally be comprised within that indeterminate but certain range. Thus an eleventh sin is in a certain way actually included in that accusation. This is, moreover, recognized from common estimation and ordinary speech itself; for an eleventh is commonly regarded as morally included within ten when the latter is expressed under the extended form "about ten," or "ten, more or less."

Hence St. Alphonsus sufficiently lessens the weight of Lugo's objection and the force of this third confirmation when he writes:

"It is answered with Roncaglia, Diana, and others that the reasoning differs between the first and second cases. For in this second case the confessor's judgment is not changed so notably as in the first. Here the error of number is morally not concerned with substance; because, according to the human manner of speaking, the eleventh is morally included within ten when the words 'more or less' are added; and for that reason the common practice of the faithful is such that they do not consider themselves bound to explain a small difference in number when they have set it forth with uncertainty by saying 'more or less.' In the first case, however, when someone has confessed a sin as doubtful and subsequently learns that it is certain, the error concerns the substance; because a certain accusation is in no way included within a doubtful one, nor, according to the human manner of speaking, is a doubtful accusation of an offence ever accepted as certain" (no. 478).

NOTE 12. ON IMAGINARY OR SUPPOSED SINS: WHETHER THEY MUST BE CONFESSED

In strict theological consideration, *imaginary* sins, or, more properly, *supposed* sins, are those which, although in reality they have not been committed and do not exist in the soul, are nevertheless truly believed to have been committed, through error or some other ignorance, whether invincible or vincible. Hence the question here does not concern a mere object of scruples. For the sins of a scrupulous person not only do not exist in themselves, but neither do they truly exist in his judgment, since he imagines or pretends that he believes himself to have committed a sin, whereas he does not actually believe this. Such sins, therefore, rather than being imaginary or supposed sins, are sins *imaginarily imagined*.

It was stated in Article 7 (vol. I, p. 229) that supposed sins cannot be matter capable of being blotted out by the sacrament, since they do not really exist, nor does the existence of sin depend upon one's judgment. The present question is whether, notwithstanding this, they must necessarily be confessed in order to preserve the integrity of confession. The answer is affirmative. For the penitent is bound

to manifest his sins as they are in his conscience; but supposed sins are in his conscience, since the supposition is a judgment of conscience. Hence a man would act against his conscience by not disclosing them, however much they do not exist in themselves and however false his judgment concerning their existence may be.

Nor does it avail to object that an erroneous conscience cannot bind. For although it cannot bind simply and of itself, as a right conscience can, it nevertheless binds in a qualified manner and accidentally—that is, on the supposition that it exists.

To the point, St. Thomas, *De Veritate*, q. 17, a. 4:

"It does not seem possible for someone to escape sin if his conscience, however erroneous, tells him that something indifferent, or even something evil in itself, is a commandment of God, and he resolves, while retaining such a conscience, to act contrary to it. For, so far as lies within him, by that very fact he has the will not to observe the law of God; hence he sins mortally. Although, therefore, such a conscience, which is erroneous, can be laid aside, nevertheless, as long as it remains it is binding, because one who transgresses it necessarily incurs sin.

"Nevertheless, a right conscience and an erroneous conscience bind in different ways. A right conscience binds simply and of itself; an erroneous conscience, however, in a qualified manner and accidentally. Now I say that a right conscience binds simply, because it binds absolutely and in every event. For if someone has a conscience that adultery is to be avoided, he cannot lay aside this conscience without sin, since in laying it aside through error he would sin gravely; and so long as it remains, he cannot act against it without sin. Hence it binds absolutely and in every event. But an erroneous conscience binds only in a qualified manner and under a condition. For one whose conscience dictates that he is bound to commit fornication is not so bound that he cannot omit fornication without sin, except under this condition: *if such a conscience continues*. Yet this conscience can be removed without sin. Hence such a conscience does not bind in every event, for something can happen—namely, the laying aside of the conscience—upon which, when it happens, he is no longer bound. But that which exists only under a condition is said to exist *in a qualified manner*.

"I also say that a right conscience binds of itself, but an erroneous conscience accidentally. This is evident from the following. For one who wills or loves one thing on account of another loves of itself that for the sake of which he loves the other thing, whereas what he loves for the sake of something else he loves, as it were, accidentally. Thus one who loves wine on account of sweetness loves sweetness of itself, but wine accidentally. Now one who has an erroneous conscience, believing it to be right (otherwise he would not be in error), adheres to the erroneous conscience because of the rectitude which he believes to be in it. Speaking of itself, therefore, he adheres to a right conscience, but to an erroneous conscience as it were accidentally, insofar as the conscience which he believes to be right happens to be erroneous. And it follows from this that, speaking of itself, he is bound by a right conscience, but accidentally by an erroneous one.

"And this solution can be drawn from the words of the Philosopher in the seventh book of the *Ethics*, where he asks nearly the same question, namely, whether one should be called incontinent who departs from right reason alone, or one who departs from false reason. He resolves that the incontinent man departs of itself from right reason, but accidentally from false reason; and from the

former simply, but from the latter in a qualified manner, because what exists of itself exists simply, whereas what exists accidentally exists in a qualified manner."

NOTE 13. ON THE EXAMINATION OF CONSCIENCE: WHETHER AND WHAT KIND OF EXAMINATION IS REQUIRED BY THE INTEGRITY OF CONFESSION

The grave obligation of making a diligent examination of conscience before confession is affirmed by the Council of Trent, session XIV, chapter 5 and canon 5, and follows immediately from the very necessity of the integrity required in confession. For the examination of conscience is a necessary means of obtaining this integrity; but a means necessary to an end shares in the necessity of that end, so that one who is bound to the end is also bound to the means. Therefore, since the integrity of confession is commanded by divine law, the examination of conscience is likewise commanded by that same law.

For the same reason, one who has only venial sins is exempt from examination, since these sins are not necessary matter and therefore, *a fortiori*, need not be accused in their entirety. Those who are physically ill, and those who are mentally weak or uninstructed, are likewise excused on account of moral inability. Moral theologians deal with the manner of acting toward penitents, especially the uninstructed, who approach without a previous examination.[568]

[568] Cf. Lugo, *De Poenitentia*, disp. 16, sect. 14, no. 594; Salmanticenses, *De Poenitentia*, disp. 8, dub. 10, no. 262; Cappello, no. 208. OCR has "Salnianticenscs" and "Capptllo."

The amount of diligence required under grave obligation in examination —that is, the careful searching of conscience of which the Council of Trent speaks—cannot be determined uniformly and universally, since it depends both upon the character and circumstances of the subject, namely, the penitent, and upon those of the object, namely, the sins. Nevertheless, in general and without precise determination, it may be said that slight diligence is not sufficient, as is evident from the gravity of the matter; while, on the other hand, the utmost diligence is not required (contrary to what some older authors seem to urge when they say that one must employ all the diligence one possibly can). Such a demand would by no means accord with the condition of men, who would be excessively burdened by it; nor, consequently, with the frequent use of the sacrament, which would be impeded; nor, most especially, with the manner in which divine Providence acts, which even in instituting and administering the sacraments accommodates itself to the human condition and disposes all things wisely and gently. Rather, there is required and there suffices that moderate diligence which prudent persons customarily employ in serious and weighty affairs; or, more concretely, that which each person, according to his capacity and condition, customarily employs in serious and sufficiently weighty matters of his own.

Hence it follows that no one is of himself bound to employ extraordinary means to make his examination complete and secure, such as writing down his sins lest some be forgotten; nor is he bound, for the same reason, to confess immediately; nor to prolong his examination for a lengthy time, even if he foresees that in this way one or another additional sin might probably come to mind; nor to anxious and extremely intense attention of mind; nor to study or to acquire special knowledge of the species of sins and the manner in which sins are distinguished in number.

A gravely culpable omission of a diligent examination of conscience, if it is simply invincible (that is, in a person who has indeed culpably omitted a sufficient examination, but here and now is invincibly

ignorant that it was insufficient, or judges it to be sufficient), does not impair the validity or fruit of the sacrament, because the very sin of insufficient examination is virtually included in the confession of, and contrition for, the other sins. If, however, the omission is simply vincible, it renders the sacrament both fruitless and invalid, since it is received sacrilegiously with the sin of negligence, as was stated in Article 29 (p. 165). On this point, however, certain theologians disagree, such as the Salmanticenses (cf. ibid., pp. 163–165), who teach that the sacrament is fruitless and invalid if that negligence is not only vincible but also gross, whereas it is fruitless but valid if the negligence is not gross but merely vincible.

NOTE 14. ON THE MANNER OF MAKING A CONFESSION WHICH IS ONLY FORMALLY INTEGRAL

One who, through physical or moral inability, to be discussed below in Note 17, is excused from the material integrity of confession is nevertheless bound to accuse all those sins which are not, or insofar as they are not, affected by the excusing cause.

Thus a person who is excused from confessing the species of a sin, or a circumstance which changes its species, or a determinate number, is nevertheless bound, of itself, to accuse the genus (for example, mortal sin instead of this particular sin, and lust instead of fornication, or fornication instead of adultery), or the sin itself without the circumstance (for example, theft instead of theft of a sacred thing), or an indeterminate number (for example, about ten times, or often in a day, a week, or a year).

As regards the first and second of these three cases, it must be observed that if the very declaration of the genus of the sin or of the essence of the sin creates a danger that the species or circumstance itself will become known, the penitent will be excused accidentally from declaring even the genus of the sin or its essence. Such danger may arise either from circumstances of the penitent known to the confessor, or even from a question put by the confessor himself, if that indeterminate declaration gives the confessor occasion to inquire about the species or circumstance, and the penitent cannot decline the question (by saying that he has disclosed everything he was bound to disclose, and is not obliged to say more) without the confessor thereby suspecting the species or circumstance.

On this point Lugo says:

"Observe that in the aforesaid cases some say that the sin ought to be explained, with only that circumstance concealed from which such danger threatens. But I believe that very often this itself will be dangerous. For if you disclose the sin, the confessor will at once ask about the condition of the person or that circumstance so as to know its species; and if you deny it, you already seem to be proposing another sin, different in species from the one which you actually committed, and therefore a false sin. If, on the other hand, you pretend that you do not remember, or say that you cannot or are not bound to disclose this, by that very fact you give the confessor still greater occasion to suspect what you wished to avoid. Perhaps, however, this can be explained with ... caution ... [namely, by saying]: I remember a certain grave sin which I committed, and it does not now occur to me what kind it was. For this is true if understood of such knowledge as would serve for confessing it here and now without danger."[569]

[569] Lugo, *De Poenitentia*, disp. 16, sect. 13, nos. 528 and 531, *Disputationes Scholasticae*, vol. 5, Paris, 1893, p. 127.

As regards the third case, namely, the indeterminate number of sins, it must be observed that such indeterminacy admits of several degrees.

If someone cannot accuse a certain number, he must disclose a *probable* number, which is expressed by the particle "about." But if he cannot do this, he will accuse a *conjectural* number, that is, how many times, more or less, he was accustomed to sin in a day, week, or month. This depends upon the evil habit, the penitent's circumstances, and the kind of sin, as appears from prostitution, concubinage, or association with a band of robbers. If, finally, he cannot do even this, he will accuse a *confused* number, that is, the indeterminate degree of frequency of the sin itself ("often," "more often," "very often"), and the circumstances, such as the duration of time, which can have a bearing on the number of sins. Thus a prostitute will say that she practised prostitution for so many years, whenever an occasion offered itself, and with all kinds of men, even married men; and a man living in concubinage will disclose the length of time during which he kept a woman with him and used her as his wife.

As regards a *probable number*, the doctors ask[570] what excess or deficiency of number is understood to be comprehended in the particle "about" (or the similar expression "more or less"). Some have said that this particle uniformly signifies a few units, such as two or three; others, five for every hundred ("about 100" = 95–105; "about 200" = 190–210); others, a fourth part of the number to which it is added ("about 8" = 6–10; "about 100" = 75–125). The first opinion is too strict, the third too broad, and the second incomplete, since it determines nothing about numbers below a hundred and is, moreover, excessively determinate with respect to numbers in the hundreds.

[570] Cf. Lugo, disp. 16, sect. 2, § 5; St. Alphonsus, no. 466.

The common opinion, especially that of modern authors, which Lugo sets forth well, is that the aforesaid excess or deficiency cannot be determined mathematically or uniformly, but must be understood according to the moral judgment of prudent persons. For the greater the principal number, the wider, certainly, is the secondary number understood in the particle "about" (thus, if "about 3" is understood as 2–4, "about 100" will not rightly be judged to be 99–101 but something broader, such as 95–105). Yet this secondary number does not increase with the first according to a mathematical proportion, but according to a certain moral proportion; or, if one prefers, it increases according to an arithmetical proportion while at the same time decreasing according to a geometrical proportion.

For the word "about" indicates a certain nearness to the number to which it is added. This nearness is based on the smallness of the excess or deficiency; but this smallness must be judged not so much absolutely and in itself as relatively to the number to which the excess or deficiency refers. Thus "about 3" is prudently judged to mean 2–4, because one unit is absolutely and in itself something small, indeed the least possible in the order of sins (for one cannot commit fewer than one sin), although relatively to three it is something fairly large, being its third part. Similarly, "about 10" is prudently judged to mean 8–12 (less correctly 7–13); "about 30," however, is estimated as 27–33 (less correctly 25–35).

"About 100" is taken as 95–105 (but not 80–120); "about 1,000," as 950–1,050 (but not 800–1,200), because three in relation to thirty, five in relation to a hundred, and fifty in relation to a thousand are regarded as small quantities. This does not seem capable of being said of five in relation to thirty, twenty in relation to a hundred, and especially two hundred in relation to a thousand. Moreover, this is only one manner of prudent reckoning which is customarily offered, and it is not far from the truth.

To the point, LUGO:

"How large [the quantity included in the particle 'about'] ought to be cannot be defined by a universal rule, but is left to the judgment of a prudent person. ... In forming that judgment, however, this rule must be observed: the greater the number named, the greater also the number that can be understood by those words, 'more or less'; yet this is not to be taken according to an arithmetical proportion, as they say, but a geometrical one. That is, it must not be taken in such a way that, if the additions to a smaller number extend to a fifth part, the additions to a larger number can likewise extend to its fifth part. For example, when you say, 'I sinned ten times, more or less,' the statement is true if you sinned eight or twelve times; and thus those words add or subtract a fifth part of the number ten, namely, two. Nevertheless, when you say, 'I sinned a hundred times, more or less,' the words are not true if you sinned only eighty times, or a hundred and twenty times, because the fifth part of a hundred, namely twenty, is not a little, but much, more or less.

"The reason for this rule, in both its parts, is that for the words 'a little more or less' to be true there must always be some smallness in what is added or removed. Now smallness is sometimes absolute, when what is added is absolutely small in itself; at other times it is relative, when, although not small in itself, it is nevertheless small in comparison with something much greater. Hence it is that, when the words 'more or less' are added to a small number, they are true even if what is added or removed is a third part: for example, if you say, 'I sinned three times, more or less,' the words are true if you sinned only twice or four times, because, although one is a third part of three, it is nevertheless sufficiently small in itself. But if you say, 'I sinned a hundred times, more or less,' the words will not be true if you sinned a hundred and thirty times, because thirty is neither small in itself nor small in comparison with a hundred. Conversely, if you say, 'I sinned a thousand times, more or less,' it will be true even if you sinned a thousand and fifty times, because, although fifty is not small in itself, it is exceedingly small in comparison with a thousand.

"Hence arises the reason why those words extend further when added to a greater number, but not according to the full proportion. For when you say 'ten times, more or less,' the two, for example, to which those words extend are something small in both respects, both absolutely and relatively. But when you say 'a thousand times, more or less,' two hundred, although somewhat small relatively, are nevertheless something great absolutely; and that absolute greatness must be overcome by a much greater relative smallness, by reason of which it may be understood under the words 'a little more or less.' Therefore the greater the number which is named, the further the part which is added or removed must stand from it if it is to be understood by those words; for the greater that part is in itself, the less it is understood by the word 'little,' unless its relative smallness increases so much that, by reason of that excess, something which is not small but great in itself can nevertheless be called 'a little more or less.'

"In practice, however, I approve what [some say]: ... that those words can be true of five for every hundred, especially when they are added to the number one thousand, or above one thousand. For if we are below one thousand, that rule seems somewhat too strict; for one who says 'a hundred times, more or less' speaks truly even if he sinned a hundred and ten times."[571]

[571] Lugo, *De Poenitentia*, disp. 16, sect. 2, § 5, nos. 96 ff., *Disputationes Scholasticae*, vol. 4, Paris, 1892, pp. 925 ff.

NOTE 15. ON GENERIC CONFESSION: WHETHER THE REQUIRED FORMAL INTEGRITY IS PRESERVED IN IT

No slight diversity is found among the doctors in the manner both of proposing and of resolving this question.

As regards the point at issue, observe that a generic confession may be made in three ways. 1. By accusing sins according to the most general genus of sin alone, as by saying: "I have sinned," or "I confess that I have sinned," or "I accuse myself of my sins," and the like; or (which comes to the same thing) by expressing, through some sign—for example, striking the breast—that one is a sinner. 2. By accusing sins according to their theological species alone, venial or mortal, as by saying: "I have sinned venially"; "I have sinned mortally." 3. By accusing sins according to their moral species, but not the lowest species, or without the circumstances changing their species, or without their number.

The question, therefore, does not concern a generic confession in the third manner (for, as is evident from what was said above in Conclusion 3, this is, according to everyone, sufficient accidentally in a case of necessity or inability), but in the second and especially the first manner: namely, whether it suffices for formal integrity to confess thus: "I have sinned"; "I have sinned venially"; "I have sinned mortally."

The controversy, however, turns upon the following two points.

FIRST POINT. Whether such a manner of confession is sufficient in a case of necessity, for example, in danger of death.

Formerly, several weighty doctors denied this, such as Abulensis, Angelus, Archangelus, Soto (*In IV Sent.*, dist. 18, q. 2, a. 5), Cano (*De Poenitentia*, part 5), Martin de Ledesma, Navarrus, and Bartholomew Medina.

Their principal reason is twofold.

1. By such a manner of confession a sacramental judgment is rendered impossible, both because the case or conscience is not sufficiently manifested, and because nothing particular is manifested which the confessor did not already know, namely, that the man is a sinner or has sinned venially (a reason which, as is evident, does not hold against the formula "I have sinned mortally"; hence some doctors restrict their denial to the first two formulas).

2. By such a manner of confession the efficacy of the sacrament is rendered impossible, because nothing is presented which can be remitted through absolution. For sin itself *in general*, which is manifested, cannot be remitted, since actions concern particulars; whereas particular sins cannot be remitted either directly, because they are not manifested—and, moreover, if they were remitted directly there would be no obligation to supply them in another confession—or indirectly, because the indirect remission of one thing presupposes the direct remission of another upon which it is founded and which it follows.

The more common opinion among the older theologians, and the universal opinion among modern theologians, affirms this. Thus, among the older authors: St. Thomas (by implication),[572] Paludanus (*In IV Sent.*, dist. 21, q. 2, a. 2), St. Antoninus, Sylvester, Corduba, Suárez (disp. 23, sect. 1, nos. 5 ff.), Vázquez, Nugnus, Peter de Ledesma, John Medina, John of St. Thomas (*In I– II*, disp. 12, a. 6), Lugo

(disp. 17, sect. 1), Gonet, Prado, Labat, Diana, Aversa, Leander, Lacroix, and the Salmanticenses (disp. 8, dub. 7, § 3), who assert: "At this time this opinion may deservedly be called common."

[572] "When we cannot confess in one way, we ought to confess as we can." *In IV Sent.*, dist. 21, q. 2, a. 1, ad 1: "A general confession is sometimes sacramental and sometimes not. It is sacramental when someone confesses privately to a priest certain sins which he remembers and other venial sins in general; and then that general confession ... has the efficacy of remitting venial sins ... by the power of the keys." Ibid., a. 2: "General sacramental confession works towards the remission of punishment by the power of the keys, to which the one confessing subjects himself, placing no obstacle so far as lies in him." Nor does what the Holy Doctor teaches in the same place, a. 1, ad 2, avail as an objection: "In sacramental confession, which awaits the judgment of the priest ... some manifestation of sins is required." For in generic confession there is some manifestation of sins, indeed one more distinct than that occurring in the public, extra-sacramental general confession (*Confiteor*), since it is made by the individual and distinct penitent before an individual priest.

The reasons on account of which this opinion is rightly judged certain by modern authors are these:

1. The ancient practice of the Church of absolving dying persons who had confessed only generically (cf. below, Article 97), which is confirmed by the Roman Ritual (no. 25) cited above (pp. 550 ff.).

Likewise, the practice of absolving soldiers summoned to battle without a preceding confession, concerning which there is the following declaration of the Sacred Apostolic Penitentiary, 6 February 1915:

"The following doubt having been proposed to this Sacred Penitentiary: 'Whether it is lawful to absolve soldiers called to battle, before they are admitted to Holy Communion, by a general formula, or by common absolution, without a preceding confession, when their number is so great that they cannot be heard individually, provided that an act of sorrow has been duly made?'—the same Sacred Penitentiary, after mature consideration of the matters set forth, with the gracious assent of our Most Holy Lord Pope Benedict XV, judged that the answer should be: 'Affirmatively. Nor does anything prevent those absolved in the aforesaid circumstances alone from being admitted to receive the Holy Eucharist. Nevertheless, military chaplains must not omit, when an opportunity is given, to teach them that absolution thus imparted will not profit them unless they are rightly disposed, and that the obligation remains upon them to make an integral confession at the proper time, if they escape the danger.'" (*Acta Apostolicae Sedis*, VII [1915], p. 72.)

2. Generic confession makes possible both a sacramental judgment and the efficacy of the sacrament, because it furnishes a sufficient object capable of being judged by the priest and of being blotted out by the sacrament.

First, generic confession, by manifesting the existence of sin, furnishes the fundamental object of this judgment and makes possible all the elements of a judicial case: a true accusation and manifestation of conscience, a true knowledge of the case, and a true judicial sentence.

Nor does it matter that, as the adversaries object, the object of a general accusation ("I have sinned"; "I have sinned venially") is already known to the confessor. For:

"Through it a particular knowledge is given to the confessor which he did not have before: both because before he did not know it *in this forum*, whereas afterwards he does; and also because it is one

thing to know that another has sinned, but another to know that the other acknowledges his sins and, with sorrow, subjects them to the keys so that they may be remitted. This particular knowledge is communicated there. Hence, although that confession is called general with respect to the remote matter, it is particular with respect to the proximate matter; for it is made here and now, with such circumstances. Therefore, nothing is lacking there to the true nature of an accusation. For that, on the part of the matter about which an accusation is made, it must be distinct, and that this belongs altogether to its essence, is not proved by any sufficient reason. Nor is it gathered from the Council of Trent; otherwise, by an equal reason it would be proved that an integral confession is altogether necessary. Just as, therefore, on this point the Council speaks of what holds *of itself* and when it can be done, so also with respect to the other point concerning the confession of sins in general."[573]

[573] Suárez, *De Poenitentia*, disp. 28, sect. 1, no. 6, *Opera omnia*, vol. 22, Paris, 1866, p. 511. **Editorial verification needed:** The OCR renders the volume's publication year as "IS66"; 1866 is normalized provisionally.

This is confirmed from the fact that generic confession can be necessary matter for this sacrament. For, as all admit, one who knows that he has sinned but does not know whether mortally or venially, or in what mortal species, must confess generically that he has sinned or has sinned mortally. Therefore the same confession can be sufficient matter; for it would not be necessary if it were not of itself sufficient matter for a sacramental judgment, since the entire reason why sin must be submitted to this sacrament is that it can be judged and absolved in it.

Secondly, generic confession also makes possible the efficacy of the sacrament.

To explain this and to resolve the aforementioned second reason of the adversaries, Suárez says that "in the case [of generic confession] the divine offense is directly remitted *as such* [that is, according to its generic nature], and therefore the several mortal sins according to their proper species still remain subject to the keys, since they were not subjected to them according to their proper natures; and this indeed must be said in the case of forgetting the species of a mortal sin. Nor does it matter that the remote matter, which is, as it were, the object of that confession, is universal, because absolution immediately concerns the proximate matter, which is a particular confession, and its effect also concerns this particular person, and thus this entire action concerns particulars."[574]

[574] *Op. cit.*, no. 11, p. 512 [Suárez].

Nevertheless, this explanation evades the objection rather than resolves it, because it does not show how sin can be directly remitted according to its generic nature alone, although remission must have a concrete object. Nor is his recourse, or diversion, to concrete proximate matter any better, since the object of absolution and remission is not proximate matter but remote matter. For it is not confession or the penitent that is properly absolved or remitted, but the confessed sin that is remitted to the penitent and absolved.

Hence Lugo, attributing, as it seems, too much weight to this difficulty, ingeniously attempts to explain the matter in the following way:

"I said that this argument was the one that might seem more difficult for the contrary opinion; yet it does not compel assent. For we can still sufficiently explain what it is for sin to be directly remitted according only to a common nature. To this end I observe that, in things which include not only a physical action but also an intentional one, it is not necessary that one can always designate that at which the agent's action terminates, insofar as it tends towards it by such a direct intention; because,

since an intentional action can terminate at something common and indeterminate, there can be something indeterminate on that side, insofar as the effect corresponds to the intentional action.

"An example which I have used elsewhere to explain this is the following. If God, for example, promised someone that He would not punish him eternally, then, given this promise, God would be bound at some time to cease punishing him; nevertheless He would not be bound to do so this year, or the next, or after a thousand years, or after thousands upon thousands. Hence whenever He ceased, a new liberality and grace on God's part would intervene, since by His promise He was not bound to cease at that time. Moreover, God could never bring about precisely that to which He was bound; and therefore that promise would directly bind God to something common and indeterminate which could never be brought about without something determinate being directly brought about over and above what would suffice for the observance of the promise.

"Thus, then, in our case we say that by the direct remission of adultery according to the common nature of mortal sin, God directly binds Himself not to be angry on account of that sin as before. How much indignation and aversion He ought to remit, however, is not contained in that promise, since He could remit less and less, just as there could be lesser and lesser mortal sins contained under that nature of mortal sin. Whatever amount of grave indignation God remitted, He would already be doing more than He was bound to do, because He could have remitted less. Hence it is that God indirectly remits that sin under the nature of adultery, since He could have retained almost the whole gravity of that indignation by remitting something of it.

"Hence, just as in the example given, the one whose punishment God ceased would owe God fresh gratitude for every following year, since even in that year God could still have punished him after promising not to punish him eternally, and there would be no year in all eternity for which he would not owe a particular gratitude for the same reason: so there is no determinate degree of gravity or malice in adultery which God does not remit indirectly, since He could have remitted less indignation by the precise force of the remission by which He remits it under the common nature. And therefore there is no determinate degree of grave malice which ought not afterwards to be explained, because the remission of the indignation corresponding to it was not effected directly by the direct remission of adultery according to its common nature. In fact, however, God indirectly remits both the entire proper gravity of adultery and all other mortal sins."[575]

[575] Lugo, *De Poenitentia*, disp. 17, sect. 1, nos. 15 ff., *Disputationes Scholasticae*, vol. 5, Paris, 1893, pp. 176 ff.

Nevertheless, this explanation seems more specious than true. Above all, it does not appear how that gradation of divine indignation on the one hand and of the gravity or malice of sin (namely, adultery) on the other is to be conceived; nor why, if God generally wills to remove indignation and remit malice, He must indirectly and in fact remove all degrees of indignation and remit all degrees of malice, rather than only one or another. To find the true solution, Lugo should have insisted upon that principle which he sets forth at the beginning of the passage, namely: "Since an intentional action can terminate at something common and indeterminate, there can be something indeterminate on that side, insofar as the effect corresponds to the intentional action."

The simpler and true solution, therefore, is this: the sacrament simply remits the whole sin as it exists concretely, according to both the generic and the specific nature, indissolubly joined into one. Nevertheless, formally, directly, and by the force of the words of absolution, it remits the generic

nature alone; materially, however, indirectly, and by the force of concomitance, it also necessarily remits the specific nature. In this way, each nature is a condition for the other's being attained in its proper manner through the act of absolution: namely, the specific nature is a condition without which the generic nature cannot be attained directly, since every effective action attains a concrete object; and the generic nature is a condition without which the specific nature cannot be attained indirectly, since the indirect attaining of one thing presupposes the direct attaining of another connected with it.

This can be explained, not unsuitably, by two examples: the act of seeing and the act of consecrating.

For sight attains what is colored, yet in such a way that it formally and directly attains color, while indirectly, materially, and by a certain concomitance it attains quantity, from which color becomes a concrete colored thing. Those two aspects are so indissolubly united and mutually conditioned that sight cannot directly attain the abstract aspect of color unless it indirectly and at the same time attains the concrete aspect of quantity; nor, conversely, can it attain the latter indirectly except insofar as it directly attains the former.

Similarly, through the first Eucharistic consecration the Body alone is placed upon the altar directly and by the force of the words, whereas the Blood also is placed there indirectly and by the force of concomitance. Nor can one be placed there directly unless the other is also placed there indirectly, because the body which is placed there is not something abstract, although it is placed there by the force of the words as though abstractively or precisely, but is the concrete Body of Christ ("My Body"), with which His Blood is in fact indissolubly united. And just as the reason for completing the sacrifice requires that the Blood also be made present directly and by the force of the words through the other consecration, although it is already truly present by the force of concomitance, so in the sacrament of Penance the reason for completing the sacramental judgment requires that the specific character of the sin be accused in a subsequent confession and also be attained directly through the act of absolution, although it has already been truly attained and indirectly remitted in the earlier confession.

If you ask which, in concrete cases, are the cases of necessity in which the aforementioned generic confession is valid and licit, and the priest can absolve with a safe conscience, Noldin–Schmitt, with other modern moralists, replies:

"A case of necessity exists if, on the one hand, a specific accusation is impossible, and, on the other, absolution is necessary. This happens in the following cases: 1. if a dying person deprived of speech expresses by signs in some manner confession and the desire for absolution; 2. if soldiers, when battle is imminent, or voyagers, when shipwreck threatens, can confess only generically because of lack of time; 3. if deaf-mutes, or those whose language the confessor does not know, ask for absolution; 4. if persons lacking instruction, or whose memory is failing through old age, come to confession and can accuse no sin in particular, and answer nothing to questions except that they are sinners like other men; 5. if persons who are highly scrupulous through psychasthenia come to confession. Therefore penitents of this kind can be absolved validly and licitly, because on account of moral impossibility they are excused from a more accurate accusation just as are dying persons deprived of speech. Moreover, if the confessor proposes to a penitent of this kind certain sins into which he may be presumed formerly to have fallen, in this manner: 'Are you sorry for sins ever committed, and especially for lies, negligence in divine worship, and so forth?' and the penitent

answers that he is sorry, there is also a more determinate accusation, since it may be supposed with certainty that the penitent formerly committed one or another of the sins proposed. By employing this expedient, they can be absolved whenever they seek absolution" (no. 268).

SECOND POINT. Whether this manner of confessing generically is sufficient even outside a case of necessity.

As is evident, this question cannot be raised concerning the necessary matter of confession, that is, mortal sins not yet confessed, since these must in every way be accused specifically and according to number unless the case of necessity itself excuses. Rather, it is raised only concerning free matter, that is, mortal sins already confessed and venial sins. The question, then, is whether it suffices to confess thus: "I have sinned"—"I have sinned mortally"; or, in a more practical and concrete manner: "I acknowledge and am sorry that I am a sinner; I accuse myself of all my sins and ask for absolution"—"In my past life I sinned mortally, of which I have already made confession; I ask for absolution again"—"I have sinned in this or that way against charity, piety, or justice; but since I am not certain of these sins, as a precaution I accuse myself of those sins which I certainly committed in my past life, and ask for absolution"—"I have no mortal sin; I confess and am sorry for venial sins, and ask for absolution."

This question was raised directly and expressly by modern moralists, for many among the older theologians are silent about it, while some, such as Suárez and especially Dicastillo, touch upon it rather in passing, by way of objection or extension, when they discuss generic confession in a case of necessity or that of a dying person deprived of his senses.

Nearly all authors (with scarcely one or another exception, such as Ballerini) distinguish two questions: one concerning the validity of such a confession, which nearly all concede; the other concerning its lawfulness, which they say is disputed.

But this distinction should be avoided in this question, lest it introduce confusion. For, in the matter of confession, those two questions cannot in fact be separated when grave unlawfulness is in question, since the latter, according to the common opinion of the doctors, entails invalidity, so that whatever makes a confession gravely unlawful also makes it invalid. To the point, Ballerini says: "The question of lawfulness can be separated from that of validity only with respect to the priest, who certainly can at times absolve validly and at the same time unlawfully. For, as regards the penitent, if he acts in bad faith, the confession will be both unlawful and invalid; but if he acts in good faith, the confession will not be unlawful."[576] That distinction could be made only if the question concerned slight unlawfulness alone (for this does not render the sacrament invalid); but in the present case it can concern only grave unlawfulness, since it turns upon what is essential to the sacrament, or upon its matter. And the doctors appear to understand it thus (unless perhaps one or another be excepted, such as Prümmer, who speaks of confession as "at least venially unlawful").

[576] Ballerini, *Annotations to Gury, Theologia Moralis*, vol. 2, no. 421, Rome, 1889, p. 293.

Hence the doctors' distinction between the validity and the lawfulness of generic confession must be understood as a distinction between what is necessary by a necessity of the sacrament (that is, required by the very nature of the sacrament), and what is necessary by a necessity of precept (that is, from a superadded intention of the institutor) for the lawfulness and consequently the validity of the sacrament. In any event, whatever be the way in which the question is proposed, the matter in

dispute is this: Whether, even outside a case of necessity, generic confession of free matter (and notably of venial sins) is sufficient of itself, that is, both lawful and, a fortiori, valid.

THE AFFIRMATIVE OPINION, which Suárez himself (as quoted below, p. 651) judges not improbable speculatively, and which agrees with the doctrine of Lugo (*De Poenitentia*, disp. 17, sect. 1, nos. 17 and 21), is explicitly defended by John Dicastillo († 1653; *De Poenitentia*, disp. 9, nos. 760 ff.) and is embraced at least as probable by several modern theologians, such as Stephen Apicella,[577] Gury (no. 421), and Ballerini (in his annotations on Gury, no. 421),

[577] [Stephen Apicella], who dealt with this matter excellently in the work *Ai confessori, studio sull' Assoluzione a darsi a chi nell'attual confessione non offre materia necessaria*, Scafati, Tipografia Pompeiana, 1874.

Bucceroni (no. 673), Génicot–Salsmans (no. 262), Ferreres (no. 529), Cappello (no. 44), Prümmer (no. 325; probably), Sabetti–Barrett (no. 725), and Vermeersch (no. 591).

The reason which renders this opinion more probable can be summarized as follows. That a generic confession of sin, or of venial sins, or of mortal sins already confessed, should be insufficient outside a case of necessity for the validity (and therefore the lawfulness) of the sacrament could be deduced only from one of two sources: either directly from the nature of the sacrament itself or indirectly from some superadded divine or ecclesiastical precept. But neither is the case.

First, it cannot be deduced from the nature of the sacrament itself. For from this nature, as was shown in Conclusions 1–3 (pp. 551 ff.), two things follow: first, that some manifestation of guilt must be made, without which judgment cannot be exercised; secondly, that this manifestation must of itself be integral and determinate, since a judgment seeks to be brought to its completion unless the circumstance of necessity excuses accidentally. Yet this second requirement follows from the very nature of the sacrament only with regard to necessary and primary matter, that is, mortal sins not yet confessed, and not with regard to free and secondary matter, namely, venial sins and mortal sins already confessed.

The reason for the distinction is taken precisely from the difference between necessary and free matter, and consequently from the different way in which they are regarded by the sacrament. For the three reasons—exercising judgment, obtaining reconciliation, and applying medicine—from which we deduced above (Conclusions 1 and 2) the necessity of material integrity and determinate confession, hold only for necessary matter, that is, mortal sins not yet confessed. Venial sins (and the same is to be said proportionately of mortal sins already confessed and remitted) do not make a man simply unjust before God; that is, they do not involve an offense and injury to God simply so called, which would therefore need to be judged determinately and repaired proportionately. Nor do they make a man properly an enemy of God and simply turned away from Him, so that his reconciliation would require a determinate examination of the entire divine grievance. Nor do they bring upon man a grave and strictly so-called sickness of soul requiring a full and determinate examination for a suitable cure. This is confirmed by the summary manner in which, among men, lesser and secondary cases are commonly judged, lighter offenses and enmities are repaired and settled, and lesser illnesses examined and treated.

Secondly, the aforesaid insufficiency of generic confession cannot be deduced from any divine or ecclesiastical precept obliging to a determinate confession even of free matter, in the case where such matter is accused. For no such divine precept exists, nor is it implicitly contained elsewhere in the

very nature of the sacrament; rather, it is excluded by the very character of free matter, as has been said. This is confirmed by the Council of Trent, which authoritatively declares that the necessary matter of confession consists solely of mortal sins not yet confessed, and indeed according to their determinate accusation, while at the same time teaching simply and without any restriction that venial sins are free matter—free, that is, both with respect to their existence and their generic essence and, a fortiori, with respect to their species and number.

There is likewise no ecclesiastical precept; nor does the practice among the faithful of making a determinate confession of free matter have the force of law, since it is not founded upon a general conviction of obligation, as will be said below.

The objections which may be opposed to this opinion cannot weaken its greater probability, since from them there follows only the fittingness of a specific and determinate confession of free matter, not its necessity. This will now be shown by resolving the arguments of the contrary opinion.

THE NEGATIVE OPINION is held (besides those theologians cited on the negative side in the preceding point) by several moderns following Suárez (*De Poenitentia*, disp. 22, sect. 1, no. 10), Laymann (book V, tract. 6, chap. 5, nos. 14 ff.), and Lacroix (book VI, part 2, no. 622), such as the authors of *Vindiciae Alphonsianae*,[578] Merkelbach (no. 527), Prümmer (no. 325; probably, since he appears to confuse the questions), Haine (1900 ed., p. 206), Aertnys (no. 293; he speaks ambiguously), Lehmkuhl (no. 265), and Noldin–Schmitt (no. 267), who expressly adds that the contrary opinion "does not appear probable and is therefore unlawful in practice."

[578] Cf. [the authors of the *Vindiciae Alphonsianae*] in Ballerini, *op. cit.*, pp. 294–296, note. The printed note itself reads: "Cf. apud Ballerini, op. cit., p. 294–296, in nota."

Some, such as Noldin–Schmitt and more explicitly Lehmkuhl, restrict their denial principally to generic confession of sin as such and of venial sins. For, they say, a generic accusation of mortal sins ("I have sinned mortally in my past life and have already confessed this; I ask for absolution") is in some way determinate, because mortal sin, unlike venial sin, involves an altogether determinate malice. Hence such a confession can absolutely be suitable for valid absolution; indeed, if added as a precaution to the confession of recent sins about whose existence or contrition doubt may arise, it can safely be accepted by the priest.

To the point Lehmkuhl says: "In some manner the second way suffices, whether the whole confession is to be made in this way, or the confession is added by way of precaution in another confession of lighter sins, concerning which just sorrow can more readily be lacking. Nevertheless, to conclude the entire confession by the second way, thus summing up sins already accused without adding anything specifically regarding recent venial sins, is by no means fitting, and absolution is not readily to be given again unless some necessity presses."

"On the other hand, after recent sins have been declared more accurately, I consider it quite safe to add by way of precaution the accusation of the second kind, both as regards validity and as regards lawfulness. For to have sinned mortally is not altogether indeterminate matter, but a plainly determinate malice, about which an absolving judicial sentence can properly be concerned and indeed sometimes must be.

"If, however, the question concerns the free confession of venial sins which the penitent is able to make, it must by no means be admitted in practice that absolution be given after an altogether

generic accusation. ... For in the declaration of a grave sin there is, as I have said, matter altogether determinate in a certain sense, but not in the generic declaration of venial sin. Mortal sin implies the notion of an offense against God under a privative relation plainly determinate and defined; venial sin does not do so. Therefore the judicial case seems to remain altogether unknown; but no sentence is pronounced concerning a case altogether unknown and indeterminate" (1902 ed., nos. 264–265).

The reasons which render this opinion no more than probable are these:

First reason. The very nature of the sacrament requires, at least of itself and ordinarily—that is, outside a case of necessity and impossibility—a distinct and determinate knowledge of the case and therefore some specific confession of guilt, as is evident from the very obligation to confess mortal sins according to species and number.

The patrons of the contrary opinion, notably Ballerini, reply that the necessity of confessing sins according to their species does not in any way follow immediately from the nature of the sacrament itself; otherwise generic confession would never suffice for the validity of the sacrament, not even in a case of necessity, since the essence of the sacrament is unchangeable. It follows, rather, only from a positive will or precept, although one founded upon what is fitting to the character of the sacrament —in the present case, its cognitive and judicial character. But there is no precept to confess venial sins and mortal sins already confessed, much less to confess their species, since they are free matter of confession.[579]

[579] "To elucidate this question clearly, it is best to distinguish what is required and sufficient for the intrinsic essence of the sacramental judgment, and what pertains to the necessity imposed by divine precept. Therefore, if the essence of this judgment alone be considered, no one can now doubt that not only the formulas 'I have sinned; I accuse myself of all sins,' etc., but any other sign of repentance suffices. Hence all agree that for soldiers when battle is imminent, sailors when shipwreck threatens, or the sick at the point of death, etc., to be validly absolved, it suffices, for example, that they give some indication of repentance by grasping a hand, striking the breast, or in any other way whatsoever. The whole question, then, turns upon the obligation imposed by the positive law of Christ. But the solution will not be difficult if it be sought from its native and proper source, namely, the authentic interpretation of that law, which appears in the teaching of the Council of Trent." *Op. cit.*, p. 293, note.

Nevertheless, the first assertion—that the necessity of material integrity does not follow from the very nature of the sacrament but only from a positive precept—an assertion commonly found even among the defenders of the negative opinion (compare, for example, Noldin–Schmitt himself, no. 266), must be rejected. For, as we said in Conclusion 3 (pp. 561 ff.), both things follow from the very character of this sacrament: that material integrity of confession is required of itself and that formal integrity suffices accidentally.

An effective reply to the proposed objection must be sought from the different way in which the sacrament regards necessary matter and free matter, as was explained above (p. 648). From that distinction it is understood why, outside a case of necessity, necessary matter must be accused determinately, but free matter need not be.

Suárez himself acknowledges the emptiness of that reason when, after putting to himself this objection—"If generic confession of venial sins is valid in a case of necessity, it is also valid outside a case of necessity, since in both cases the matter is free"—he replies:

"The reply is that, perhaps speaking merely speculatively, this can be defended, both for the reason given and because one who confesses idle words is considered to offer sufficient matter, and yet he

declares his conscience no more than one who says that he has sinned venially, nor does he alter the judgment of the confessor more. Nevertheless, in practice this must be denied because of the uncertainty of the matter. I say, therefore, that although a man is not absolutely bound to confess the species of venial sins, nevertheless, supposing that he wishes to confess, he is bound to offer altogether certain matter if he can; and for that reason he ought at his choice to confess some venial sin in particular. But when necessity or inability to say anything else is added, without doubt that matter will be sufficient."[580]

[580] Suárez, *De Poenitentia*, disp. 22, sect. 1, no. 10, *Opera omnia*, vol. 22, Paris, 1866, p. 512. **Verification:** Volume and date checked against printed scan; the OCR misreads some digits.

Moreover, as will be shown below, that restriction and distinction which Suárez here introduces between speculative and practical truth is empty.

Second reason. The necessity of distinct confession arises from a precept, at least an ecclesiastical one. For the universal custom of the Church from the earliest centuries has been to confess venial sins not generically but determinately. This custom acquires the force of law (no less than the custom of vocal confession[581]) because it arises from the conviction, in the minds of the faithful, of an obligation to confess in this manner.

[581] Cf. the following article, Conclusion 2, p. 684.

To the point Noldin–Schmitt says: "The obligation does not arise from an explicit divine precept but from the reasons adduced above, especially from custom. Nor should it be objected against this reason that it is not established whether the faithful who confess venial sins in their species indicate a strict obligation or merely what is better, because they confess only out of devotion. For those who confess out of devotion, just as they think they can lawfully abstain from confession, so also, if they confess, think they ought to confess specifically" (no. 267).

Reply. It is not surprising that a custom of specific confession concerning free matter has become firmly established in the Church, since this is the best manner of confessing and is altogether to be observed and fostered among the faithful. But it does not follow that this custom has acquired the force of law, since it cannot be proved that it is founded upon a conviction of obligation in the minds of the faithful. The fact and custom of specifically accusing venial sins proves only a conviction of its great fittingness, not a conviction of its necessity. Otherwise the very fact and custom of confessing venial sins would also prove that these sins are necessary matter of confession, which is contrary to the Council of Trent.

Third reason. "Once merely generic confession of venial sins were admitted, several inconveniences would follow: (a) penitents would lack the admonitions, counsel, and spiritual direction of the confessor; (b) the sacrament would be exposed to danger of nullity, since many penitents, failing to distinguish imperfections from sins, would easily submit only imperfections, and therefore doubtful matter, to the keys; (c) many would not satisfy the precept of confession, because, taking mortal sins for venial sins, they would not declare the former in their species; (d) more indulgent confessors would readily admit generic confession even of mortal sins" (Noldin–Schmitt, no. 267).

Reply. The chief among these inconveniences, if they had any force, would also prove the necessity of confessing venial sins, since they could with equal reason be urged against the Tridentine teaching that there is no obligation to confess venial sins. For from that teaching it would follow that many of

the faithful would not make confession of venial sins and thus would lack admonition and direction; likewise that several would fail to satisfy the precept of confession, insofar as they regarded mortal sins as venial and so excused themselves from making confession; likewise that more indulgent confessors and theologians would not foster the custom of confessing venial sins.

This objection, therefore, confuses arguments of fittingness with arguments of necessity and argues from what is accidental to exclude something that holds of itself. For although it is of itself lawful to confess venial sins merely generically, and even not to confess them at all, it is nevertheless exceedingly fitting to confess them, and to confess them determinately. Otherwise, accidentally, at least among ordinary members of the faithful (though not among the holier, as is clear from the very practice in the first centuries of the Church of not confessing venial sins), the aforementioned inconveniences would readily arise. To avert these is the task of an attentive and prudent confessor.

Fourth reason. Whatever be the speculative probability of the contrary opinion, it is not lawful to reduce it to practice, at least because generic confession offers uncertain matter and thus exposes the sacrament to danger of nullity. For the following proposition was condemned by Innocent XI:

"It is not unlawful, in conferring the sacraments, to follow a probable opinion concerning the validity of the sacrament while abandoning the safer one" (Denz. 1151).

Hence there is in fact a practical obligation to confess venial sins specifically and determinately.

Reply. First, the assertion is denied—namely, that it is not lawful to put that opinion into practice, although it is commonly not expedient to do so, and generic confession "may be permitted [only] to men of solid piety, for whom it may rightly be presumed that the danger [of receiving the sacrament negligently and as though perfunctorily] is not imminent."[582]

[582] Génicot–Salsmans, no. 262.

Some defenders of the negative opinion concede this. Thus Lehmkuhl himself says: "Since even more recently several writers uphold the sufficiency of an altogether generic accusation, if the question concerns a free accusation, this opinion can sometimes bring it about that the confessor, if he cannot elicit determinate matter, may acquiesce more readily, since, being placed in such a necessity, he is not so strictly bound to follow the safer course" (1902 ed., no. 267). Prümmer also writes: "In practice it must be required of penitents who accuse only free matter that they employ at least some determination ... namely, that they say that they sinned against this or that virtue. Wherefore the obligation does not seem grave, and therefore, if the penitent is so uninstructed or so forgetful that he recalls no determinate sin, the confessor ought not torment him to obtain more determinate matter. He can therefore say to him, for example: 'You should include all the sins of your past life and especially elicit contrition for sins against charity or the devotion due in exercises of piety,' and so forth" (no. 325).

Secondly, it is denied that uncertain matter is offered through generic confession, as Suárez calls it in the text cited above (p. 651). To the point Ballerini says: "It scarcely appears what Suárez means when he demands certain matter. Is not the sin certain, or is it not certainly subjected to the keys? But if he wishes the matter to be certain insofar as safer opinions are to be followed in setting forth the circumstances of sin, that is certainly asserted contrary to the common opinion of all and to the common practice, which holds that the precept of confession is satisfied when the precept is fulfilled probably."[583]

[583] Ballerini, *op. cit.*, p. 294, note.

Thirdly, it is denied that through generic confession the sacrament is exposed to the danger of nullity any more than it is exposed to that danger through specific confession of venial sins, in which sufficient matter or sorrow may be lacking inculpably.

Fourthly, with respect to the teaching of Innocent XI invoked above, one can in the first place deny the objector's presupposition, namely, that this controversy concerns directly the validity of the sacrament. Rather, the direct question is whether generic confession is sufficient to be the matter of a valid sacrament.

Even granting that this question is at least intimately connected with the validity of the sacrament, it is denied that generic confession offers uncertain matter and thus exposes the sacrament to danger of nullity. For a generic accusation is matter certain in itself; nor does the fact that some deny its sufficiency render it uncertain (as has just been stated with Ballerini). Likewise, it is denied that the contrary opinion is safer while ours is only probable and not safe in practice, as was explained above in Note 5 (p. 587).

Hence Sabetti–Barrett speaks ineptly when, while admitting as more probable the opinion affirming the sufficiency of generic confession, he concedes what not even all among the opponents maintain, namely, that its use in practice is unlawful. He writes: "Outside a case of necessity, such a confession must be said to be more probably valid. ... But several theologians doubt the validity of an accusation of this kind, because the nature of this sacrament, which is after the manner of a judgment, requires determinate matter. ... It follows from this that a confession of this kind is certainly unlawful outside a case of necessity, because, while there is a probability of this argument which must not be despised, whoever makes such a confession would expose the sacrament to the danger of nullity without a just cause."[584]

[584] Sabetti–Barrett, *Theologia Moralis*, no. 725, New York, 1919, p. 679.

AS REGARDS PRACTICE, therefore, it must be said in general that, although generic confession is valid and lawful of itself, it is ordinarily not expedient, on account of the inconveniences enumerated above by the defenders of the negative opinion, and chiefly on account of the danger of frustrating the validity of the sacrament through a lack of sufficient attrition.

Nevertheless, its use is not thereby absolutely excluded.

First, by reason of the perfection of certain penitents, it "may be permitted to men of solid piety for whom it may rightly be presumed that such danger is not imminent" (Génicot–Salsmans, no. 262). Indeed, for certain holier and contemplative souls this manner of confession can sometimes be more useful, when, namely, they can fix the eye of a contrite mind upon the very theological nature of sin considered in itself, that is, solely upon the fact that it is an offense against God; just as confused prayer and mystical contemplation can be more useful for them than determinate vocal prayer and discursive meditation, which are needed both by less perfect souls and by certain particular temperaments among perfect souls.

Secondly, by reason of the imperfection of certain penitents, the use of generic confession can be permitted and must sometimes be employed, especially where scrupulous or uninstructed persons are concerned, when, that is, a determinate confession would be harmful to the former and too

difficult for the latter. These cases are indeed counted by some theologians among cases of necessity, in which, according to all, specific confession is not obligatory (compare the words of Noldin–Schmitt cited above, p. 646).

Concerning especially the case of the uninstructed and ignorant, observe the following with Génicot–Salsmans:

"What the confessor ought to do with a penitent who declares that he has nothing to accuse, or confesses only doubtful sins, is gathered from the foregoing. Let the confessor propose questions about those sins into which that penitent, according to his condition, appears more readily liable to fall. — If not even in this way can he draw out anything certain, let him inquire about the past life, or rather immediately suggest something to be accused: that he has sometimes been impatient, has neglected Mass or heard it negligently, has acted against his neighbor, etc. — But if even from the past life he elicits nothing determinate, the confessor may sometimes be obliged to instruct the uninstructed person in the things necessary for receiving the sacrament rightly. — If, however, he appears to know these things sufficiently, let the confessor stir him to sorrow for all the sins of his past life and thus lead him to make at least a generic confession. Once this is done, the penitent can be absolved, especially if he has not approached the sacraments for a long time, provided he does not appear to refuse any determinate sins out of an actually evil will. — If progress may be hoped for, he should be dismissed for a time until he has examined his conscience better and learned to watch over himself more carefully; but commonly one thus dismissed will not return. Compare Reuter, *Neo-Confessarius*, no. 117" (no. 262).

Outside these and similar cases of necessity, it is proper that the confessor insist upon a determinate confession.

Concerning the manner of making such a confession, the following points should be observed.

First, the accusation must attain some moral species, though not necessarily the lowest species (as is required for mortal sins not yet confessed). This can be done by directly declaring the sin itself, or the virtue violated, or the precept transgressed; for example, when accusing grave sins already confessed: "I committed impurity"—"I offended against chastity"—"I violated the sixth commandment of the Decalogue."

Secondly, when venial sins are concerned, it will be more useful and fruitful to abstain both from excessive generality and from excessive determination, whether of species or of number. Indeed, it will be more prudent to select a few graver and more frequent sins, and to arouse sorrow and purpose concerning them, upon which the validity and fruit of the sacrament principally depend.

Thirdly, when anyone adds sins of his past life to recent lighter or doubtful sins as a precaution for more certain absolution, it is more prudent to determine the moral species, at least according to its genus, of some one of them, saying, for example: "Besides, I accuse myself of all the sins of my past life, especially those against chastity." For in this way not only is there a clearer accusation, but above all sorrow is more readily fostered.[585]

[585] "See also Lehmkuhl, no. 267."

NOTE 16. ON THE MANNER OF SUPPLYING OR COMPLETING A CONFESSION THAT WAS ONLY FORMALLY INTEGRAL

Two questions are asked: one concerning the object, that is, what must be supplied; the other concerning the time, that is, when it must be supplied.

As regards THE OBJECT OF CONFESSION, when the physical or moral impossibility on account of which a man lawfully made a confession that was not materially integral has ceased, he must manifest in his next confession whatever he omitted in the preceding one: accordingly, the sins themselves, their species and essential circumstances, and their determinate number.

Nevertheless, with regard to the obligation of supplying the number, a distinction must be made. Either someone accused the number as certain (for instance, if he said, "I committed ten acts of adultery"), and then, if he afterwards remembers having committed a greater number of sins, he is bound to declare the omitted number, since this was in no way included in the former confession; but if he discovers that he exaggerated the number, he is not bound to correct this error, because he made a materially integral confession, since the smaller number is contained within the greater. Or someone accused the number as uncertain (that is, as probable, conjectural, or confused, according to what was said in Note 14); in that case he is not bound to accuse whatever is included in the uncertain number, but only to supply what is not understood to be included in it, namely, a number which, according to common estimation, notably exceeds the number manifested. Thus a person who said that he sinned about ten times and afterwards learned that he sinned exactly twelve times is not bound to supply the number; it would be otherwise if he learned that he sinned fifteen or twenty times. And the same holds, with due proportion, of an accusation of number made conjecturally or confusedly. Thus, a prostitute who confessed that for a certain number of years she practised prostitution whenever the occasion offered is not bound to complete the confession if she afterwards remembers more distinctly the number of sins or the kind of persons with whom she sinned, unless the excess is truly notable, as if she remembered that her prostitution had continued not for five but for nearly ten years.

As regards THE TIME OF CONFESSION, certain theologians formerly taught that the confession must be completed as soon as possible (thus Corduba and Henriquez), or at least within a year (thus Soto and Medina). The common opinion, however (Lugo, *Disputation* 15, section 7, no. 166, where he says only, "It seems probable"; the Salmanticenses, *Disputation* 8, doubt 7, no. 212; and very commonly the moderns), teaches that this is to be done in the first confession undertaken either voluntarily or through obligation, so that the penitent is not bound to anticipate confession, even in order that he may receive Communion and receive it frequently. This is confirmed by the teaching of Alexander VII, who condemned the following proposition: "We are not bound, in a subsequent confession, to declare sins omitted or forgotten in confession on account of imminent danger of death, or for another cause" (Denzinger, no. 1111).

As is evident, this obligation of completing the accusation in the first confession that presents itself is to be understood unless there still remains, or there arises anew, a reason of impossibility excusing from the integrity of confession.

Here some authors propose a case: Does such an excusing reason also obtain in favour of a person who, after having accused many grave sins before an extraordinary confessor—sins which he had previously and culpably concealed from his ordinary confessor—remembers a sin omitted through forgetfulness in that confession? That is, may he conceal this sin in subsequent confessions made to

the ordinary confessor on account of a peculiar and great sense of shame, until he can again find another extraordinary confessor?

Génicot–Salsmans (followed by Cappello, no. 134) proposes and resolves the case as follows:

"A doubt can arise concerning someone who has confessed to an extraordinary confessor many grave sins which for a long time he had culpably concealed from his ordinary confessor. If such a penitent afterwards remembers a mortal sin omitted through forgetfulness in that confession and cannot approach another confessor (as sometimes happens to a nun), he is certainly bound *in itself* to disclose this sin in his first confession. — Some, however, such as Kenrick (II, tractate 18, no. 57), think that sometimes, for a most grave reason, it is permissible to withhold this sin for a time, until an opportunity arises to present oneself to another confessor. Nor is this exception without plausible reason, since the wholly invincible repugnance here supposed towards the ordinary confessor can rightly be said to be *extrinsic to the law of confession* (compare what was said in a similar case in no. 193), and a lesser reason suffices for deferring confession of a sin already remitted indirectly than of one still wholly to be remitted. — For the rest, today there will almost always be (or at least there certainly ought to be) a moral possibility of approaching another confessor, even for nuns (no. 341). This must be done, even if the ordinary confession is deferred, lest the divine precept of integral confession be rashly set aside. — Moreover, if the extraordinary confessor has diligently questioned the penitent, there will scarcely be any danger that he will later remember an entirely new grave sin. Hence one may tell a penitent, especially one prone to mental disturbance, that he has no obligation to speak about this confession with another confessor, should he at some time think that he remembers something he omitted" (no. 296).

NOTE 17. ON THE CAUSES EXCUSING FROM MATERIAL INTEGRITY, OR PERMITTING INTEGRITY THAT IS ONLY FORMAL (In IV Sentences, distinction 17, question 3, article 3, question 4, objection 5 and reply 5).[586]

In assigning these causes theologians are nearly agreed; nor is there any notable dispute except concerning the question whether the avoidance of the defamation of an accomplice excuses.[587]

[586] "Confession ... would be contrary to charity if a man were obliged to confess to one [particular] priest; for instance, if the sinner knows that his priest is a heretic, or an instigator of evil, or weak and inclined to the sin that someone confesses to him; or if he is reasonably thought likely to reveal a confession; or if the sin that ought to be confessed was committed against the priest himself. Therefore it seems that it is not always necessary to confess to one's own priest." The reply: "In those cases in which the penitent reasonably fears danger to himself or to the priest from confession made to him, he ought to have recourse to a superior or ask the same priest for permission to confess to another. But if he cannot obtain permission, the same judgment applies as to one who has no priest available; hence he ought rather to choose to confess to a layman. Nor does anyone thereby transgress a precept of the Church, since precepts of positive law do not extend beyond the intention of the legislator, which is the end of the precept. This, according to the Apostle, is charity. Nor, again, is any injury done to the priest, for one who abuses a power granted to him deserves to lose the privilege." [Historical Thomistic text, not present sacramental discipline.]

[587] Compare Suárez, *Disputation* 22, section 2 ff.; *Disputation* 34, section 1 ff.; Lugo, *Disputation* 16, section 13; Salmanticenses, *Disputation* 8, doubt 7, §1, nos. 214 ff.; St. Alphonsus, nos. 479–492; Noldin, nos. 284 ff.; Cappello, nos. 165 ff.; Prümmer, nos. 318 ff.; Merkelbach, nos. 525 ff.; and other modern moralists. In former times it was also disputed (compare St. Thomas, *Supplement*, q. 9, a. 2, ad 4; Suárez, *Disputation* 31, section 3; Lugo, *On the Eucharist*, disp. 14, sect. 5; Salmanticenses, disp. 8, doubt 2, no. 70, doubt 7, no. 218) whether the reservation of a sin excused from material integrity (or, as the case might be, from confession itself). That is, where there was an urgent need to confess (for example, to satisfy the precept of annual confession, or to receive Communion or celebrate Mass when these could

not be omitted without grave disgrace), and no confessor was available who could absolve from reserved cases, whether it was lawful to make a partial confession, accusing to an ordinary confessor only non-reserved sins, with the intention of manifesting the reserved sins when an opportunity arose to a confessor having the faculty (or, as the case might be, to omit confession itself until such a confessor could be approached). Doronzo observes that the basis of this dispute had, in his time, been removed, since in a case of necessity any confessor could directly absolve from reserved cases by the faculty granted in the 1917 Code of Canon Law, canon 900, §2. [Historical legal reference preserved.]

Some reduce all the causes to three heads, namely, ignorance or forgetfulness, physical impossibility, and moral impossibility. More commonly, and more suitably, they are reduced to the last two heads, since ignorance or forgetfulness is a certain physical impossibility.

A. PHYSICAL OR ABSOLUTE IMPOSSIBILITY

1. Ignorance or forgetfulness.

If it is inculpable or only slightly culpable, it excuses from material integrity. If it is gravely culpable but invincible (as in one who cannot remember certain sins because he postponed confession too long, violating the precept of annual confession; or in one who culpably failed to make a sufficient examination of conscience but does not know that it was insufficient), it likewise excuses. But if it is gravely culpable and simply vincible, it does not excuse, but renders the sacrament unfruitful and invalid on account of its sacrilegious reception, as was said above in Note 13 (p. 637).

2. Failure of strength or extreme infirmity.

This excuses the dying, both those deprived of their senses and those retaining the use of their senses who are unable to think or speak, whether the inability is absolute or almost absolute (for what is very slight is reckoned as nothing). For the rest, something was said above in Note 15 about the absolution of the dying, and the subject will be taken up expressly below in Article 97.

3. Defect of speech.

This excuses the mute and those ignorant of the confessor's language; likewise the deaf, if and insofar as, being unable to answer the confessor's questions, they cannot make an integral confession;[588] likewise those who stammer severely,[589] because of the excessive difficulty which an integral confession would cause both the penitent and the confessor. Some refer the cases of the deaf and those who stammer to moral impossibility.

[588] On the manner in which a confessor is to act with the deaf and hard of hearing, compare St. Alphonsus, no. 644; Cappello, no. 168; Génicot–Salsmans, no. 292; Merkelbach, no. 525.

[589] Cf. Salmanticenses, *Disputation* 8, doubt 7, no. 214.

It was stated in Article 37 (pp. 523–527) that in these cases there is no obligation to confess by means of writing or an interpreter.

In the case of one who does not know the confessor's language, there is no legitimate excuse unless at the same time a certain necessity of confessing is urgent and another priest cannot be approached. Such necessity, moreover, is sufficiently present if it is foreseen that another priest will not be accessible for a long time; for the very prolonged continuance[590] in the state of sin constitutes a case of necessity.

[590] On how this length of time is to be understood, compare below, p. 662.

4. Lack of time when danger of death is imminent.

This excuses all upon whom danger of death is impending through war (as soldiers about to enter battle), devastation (as citizens living in a military zone threatened by certain destruction through an attack by aircraft), earthquake, shipwreck, or plague (if, for instance, so many are infected in houses or a hospital that priests cannot hear the confessions of each in their entirety without thereby exposing more persons to the danger of dying without confession). The reason is that, on the one hand, the divine precept of confession binds both at the moment of death and, very probably, even in danger of death (as was said in Article 37, p. 478), while, on the other hand, in the foregoing cases lack of time prevents fulfilment of this precept through the material integrity of confession, although it can be fulfilled through integrity that is only formal.

Accordingly, depending on the case, a brief confession of one or another sin, even a sin which is not shameful or is slight, may be made; or there may be a certain most general and common confession, in which all profess themselves sinners through some sign and are absolved by a common formula ("I absolve you from all censures and sins").

Clearly, however, lack of time on account of a great concourse of penitents (for example, on a more solemn holy day, at a place of sacred pilgrimage, or for the gaining of special indulgences, as in a jubilee) does not in itself excuse from the integrity of confession. Innocent XI (d. 1689) condemned the contrary opinion and practice of certain persons (compare Coninck [d. 1633], *Disputation* 7, no. 93), proscribing this proposition: "It is permissible to absolve sacramentally those who have made only a partial confession, on account of a great concourse of penitents, such as can occur, for example, on the day of some great feast or indulgence" (Denzinger, no. 1209). The reason is that in such a case no necessity of confessing is presupposed (it would be another case if a necessity of confessing arose from elsewhere, as if, for example, in mission territories it were foreseen that a priest would not afterwards be accessible for a long time). Moreover, the contrary practice and opinion would give rise, on the part of priests, to the abuse of granting absolution too readily on account of the concourse, and, on the part of penitents, to the abuse of deliberately choosing such occasions to make a partial and easy confession. The usefulness and fruit of confession would also be seriously frustrated for many, since it is much more useful to confess once completely and calmly than several times partially and in haste, just as a full and leisurely meal benefits bodily health more than brief and rapid swallows of food.

B. MORAL OR RELATIVE IMPOSSIBILITY

This arises from a serious inconvenience, of a physical or moral order, which would follow from an integral confession for the penitent, or for the confessor, or for a third person. The reason why it excuses from the material integrity of confession is that God is considered to have accommodated the institution of the sacrament to human customs and conditions, and therefore not to command things which are impossible, even if only morally so. Such an excusing moral impossibility does not obtain unless the following conditions are present.

First, the inconvenience must be simply extrinsic to confession itself. Hence the very consideration of shame, or of loss of reputation in the eyes of the confessor, does not of itself excuse, even if the

shame is great.

It is not repugnant, however, that shame should be so extraordinary, in view of the conditions and dispositions of the subject, and particularly of the relationship existing between the confessor and the penitent, that it may suffice to excuse from integrity (or, according to the case, from making confession itself). For then, although the shame arises on account of confession, it is not strictly and simply intrinsic to confession.

This case, however, is judged differently by various moralists, because of the abuses that may arise from a more lenient judgment concerning the shame just mentioned. The older theologians do not indeed propose this particular case, but teach generally that shame, even great shame, is not an excusing cause, since it is intrinsic to confession. Among more recent theologians, now that the case has been proposed, some prudently remain silent or evade the question whether shame that is truly extraordinary is an excusing cause. Others, such as Merkelbach (no. 272), seem to deny it outright, although they report that a few other theologians think differently. Others, no longer few in number, affirm that this opinion is probable and can be put into practice with prudence: thus Berardi (*Praxis confessariorum*, no. 3483), Kenrick (*Theologia moralis*, *De Eucharistia*, part I, chapter 3, §2), Cornelisse (*Theologia moralis*, vol. 3, no. 134), Génicot–Salsmans (no. 193; *Casus*, nos. 681 ff.), Noldin (no. 142), Cappello (no. 176; he appears more severe, but in fact agrees with the others), Piscetta (no. 892), and Vermeersch (no. 317; quoted below; he seems the most lenient of all, but speaks very practically and prudently).

To the point, MERKELBACH:

"Great embarrassment to be endured, or disgrace in the eyes of the confessor, does not suffice, because it is an inconvenience intrinsic to confession. A few more recent authors, however, consider, by *epikeia*, that extraordinary and truly invincible shame is an extrinsic inconvenience, as if a sister had to confess a very shameful sin to her brother, or a father to his son. But nothing of the sort has ever been declared throughout so many centuries, and therefore only in this last period would those few authors have understood the law correctly! Moreover, they bring forward no positive foundation for this exception; and if it were admitted, there would easily be an occasion to multiply cases and thus a danger of evading the law" (no. 272).

GÉNICOT–SALSMANS:

"We consider sufficiently probable the opinion of certain authors: that extraordinary and truly invincible shame excuses, as if an uncle had to confess a very shameful sin to his nephew. The reasons are these: in such cases it is exceedingly difficult to make a confession because of the enormous repugnance that must be overcome. For, as St. Thomas testifies, 'Many are so weak that they would rather die without confession than confess to such a priest.' Nor is this inconvenience intrinsic to confession. For the loss of reputation in the eyes of some confessor is indeed intrinsic to it, but by no means the extraordinary difficulty arising from the fact that a person here and now has no other confessor besides this one, whom for just reasons he greatly dreads. Or, even if anyone thinks it intrinsic, it is not evident why, in a law which is probably merely ecclesiastical, and in which authors admit excuses for a cause not so grave—for example, the distance of one or two leagues—a case most burdensome to human weakness cannot be excepted by *epikeia*" (no. 193).

CAPPELLO:

"Does extraordinary shame excuse from integrity? — 1. Certain authors think that extraordinary and accidental shame—that is, shame which attaches to confession on account of special relations of the penitent with the confessor—does excuse. For example, if a mother, sister, friend, or superior had to confess something very shameful to a son, brother, friend, or subordinate, when every other confessor is altogether lacking. 2. This opinion, generally speaking, cannot be admitted, since it is very dangerous, or excessively exposed to mistaken judgments. Accordingly, in practice, before the fact, it should be rejected. 3. Nevertheless, in some particular case, if there really is altogether extraordinary shame for entirely peculiar reasons—for example, in the case of a father or mother, brother or sister, toward a confessor who is a son or brother—the opinion seems probable" (no. 176).

NOLDIN–SCHMITT:

"The opinion does not seem improbable that extraordinarily great and invincible shame—as if an uncle had to confess a shameful matter to his nephew—excuses from this precept. Yet this excuse is not to be extended to the case in which a parish priest must disclose a grave and shameful sin to a young assistant priest, unless the repugnance in the particular case is extraordinarily great" (no. 142).

VERMEERSCH:

"Only an inconvenience extrinsic to confession excuses a priest from the obligation of placing confession before the celebration of Mass. Hence neither the dishonour which the penitent himself, or his religious community, suffers in the eyes of the confessor removes the obligation: for injury to reputation follows from the obligation of confessing in itself, and is not great on account of the sacredness of the seal. Nevertheless, peculiar circumstances of familiarity, or of the respect with which an elderly man is honoured by a younger fellow worker—

—can make that injury extraordinary and engender such shame as may be morally invincible. For this reason, some excuse a priest who, in a case of necessity, celebrates with perfect contrition and with the intention of confessing as soon as another confessor becomes available" (no. 317).

Second, it is required that the inconvenience arising from the material integrity of confession be proportionately grave. This will be determined presently when we speak of particular cases.

Third, it is required that another confessor not be at hand before whom the sins can be accused without the aforesaid inconvenience, or at least that he cannot be approached without another grave inconvenience.

Fourth, it is required that confession must necessarily be made here and now, or cannot be deferred without grave inconvenience. Such a necessity of confessing is present when the precept of annual confession or of Easter Communion is urgent (in which case some, such as Suárez, *Disputation* 23, section 2, no. 5, Vázquez, q. 91, a. 2, doubt 3, no. 2, and Lugo, *Disputation* 16, section 13, no. 530, say that a partial confession not only may but must be made). It is likewise present when there is a necessity of receiving Communion or celebrating Mass because this cannot be omitted without danger of grave scandal or disgrace (and indeed in the case of danger of scandal, says Suárez, ibid., no. 7, a partial confession not only may but must be made).[591] It is present also when otherwise someone would have to remain in the state of sin, with a consequent danger of death and peril to eternal salvation, for some notable time or, as the authors add, "a rather long time"; some interpret

this expression as more than three days, others, such as Suárez, *Disputation* 34, section 2, no. 13, as more than one or two days, and others, commonly with St. Alphonsus,[592] as more than one day, to which Cappello adds, "or perhaps even less."

[591] "Nevertheless, concerning this obligation to confess partially, Suárez adds: 'I think, however, that this and the preceding case must be so limited that they obtain only when a man is conscious of some mortal sin which he can confess besides that which he cannot confess. For if he had only that one, he would not be obliged, because a man is not obliged to confess venial sins; nor could he then confess the mortal sin in general terms, as in the case of forgetfulness, because he could not disclose the true reason for concealing the species of the sin. But in the first case of extreme necessity, it is sufficiently probable, though uncertain, that a man is then obliged to receive the sacrament as best he can, at least out of charity toward himself, on account of the threatening danger of eternal damnation'" (*De Poenitentia*, disp. 23, sect. 2, no. 6, *Opera omnia*, vol. 22, Paris, 1866, pp. 514 ff.).

[592] "No. 490: 'It seems hard to me that one who is in mortal sin should remain without absolution even for a day.'"

Let us speak briefly of the individual cases of moral impossibility, which are reduced to three heads.

1. Physical harm.

Danger to life which threatens the confessor excuses him from receiving an integral accusation; for example, if in a time of plague or contagious disease he cannot, without danger, even from a distance, receive the sick person's entire confession.

Danger of another physical evil, or of an evil reducible to the physical order, likewise excuses. For example, if the penitent fears, with solid probability founded on his own experience or that of others, that the manifestation of a sin will bring about the loss of his employment or of an honourable means of support, unjust persecution, the confessor's hatred, or similar harm to a third person (for example, the loss of employment of the confessor's female servant with whom the penitent sinned).

2. Moral harm.

Danger to the reputation of the penitent himself (for the danger to the reputation of another person, or accomplice, will be discussed below) excuses from the integrity of confession in two circumstances.

First, when someone cannot confess without the sins being heard by bystanders who cannot conveniently be removed here and now: for instance, if other penitents or faithful praying are standing near the confessional because of a crowd or the narrowness of the place (as from the inconvenient arrangement of seats and benches), or if, in a hospital, other sick persons lie near the penitent, or a physician, nurse, or midwife is present.[593]

[593] "Here certain authors refer the case of a deaf or hard-of-hearing person, which was discussed above, p. 659."

Second, when someone is compelled to confess in circumstances in which, from the length of the confession which material integrity would require, the bystanders would in all likelihood (others say: with moral certainty, or with great probability) conclude that he was guilty of many and grave sins. Such circumstances are chiefly reduced to an urgent necessity of receiving Communion or celebrating Mass: as in the case of a child about to make First Communion, a member of the faithful about to communicate, a dying person about to receive Viaticum, a candidate for ordination hastening to ordination, or a priest about to celebrate Mass.[594]

[594] "Cf. St. Alphonsus, no. 484; Noldin, no. 286; Cappello, no. 174; Merkelbach, no. 525."

"In ordinary circumstances, however, a lengthy confession permits only a vague suspicion from which to conclude that there is a multitude of sins, since there are many other reasons why penitents remain for a longer time with a confessor; but the danger of a vague suspicion is not a reason excusing from the integrity of confession. (a) Hence a priest about to celebrate Mass who needs a longer confession is excused from integrity if he cannot postpone or omit Mass without injury to his reputation before the bystanders. (b) If a priest carrying Viaticum to a sick man discovers that the latter has long been making sacrilegious confessions, he can and should absolve him meanwhile after hearing one or two sins, and afterwards, on returning to him, complete the confession, if in a particular case the suspicion of this matter would arise among the bystanders from a longer confession. (c) Likewise, if the confessor discovers that a longer confession is necessary for a penitent, but the penitent could neither make a longer confession because of lack of time nor abstain from Communion without danger to his reputation, then, after hearing the sins—

—which he can accuse without danger to his reputation, he can absolve the penitent in the meantime and complete the confession on another occasion" (Noldin–Schmitt, no. 286).

Danger of a violation of the seal on the part of the confessor excuses the penitent from material integrity: namely, when the penitent has a well-founded fear that the confessor will violate the seal either directly (by revealing the sin) or indirectly (for instance, by raising his voice; indeed, almost all the cases reported above—unjust persecution, deprivation of employment, the confessor's hatred, and loss of reputation before bystanders —can be reduced to, or are connected with, this indirect violation or impairment of the seal). The same applies when the confessor himself cannot confess integrally without danger of revealing a sin heard in confession; for example, if, confessing immediately after hearing another person's confession, he accuses himself of having improperly asked the name of an accomplice, or of having failed to ask about the most specific kind of a sin of lust (in circumstances, namely, in which the sinner's identity could become known to the other confessor).

3. Spiritual harm.

Danger of scandal or a fall excuses from integrity in certain rather rare cases: for example, if the penitent knows from his own experience or that of others that the confessor is so inclined to lust that there is danger of his being solicited by him, or of inducing him in some way into sin, should he accuse certain sins, such as lustful desires toward the confessor himself or toward confessors and priests generally. Likewise, if from the very recollection and accusation of certain sins, especially shameful ones, there threatens the danger that the penitent will again consent to them. Likewise, if the confessor fears that by questioning about certain sins he may scandalize the penitent or even himself.

"According to certain authors this excuse also exists if a venerable parish priest falls into a shameful sin against chastity which he must confess to a young assistant priest who is weak in virtue. For the parish priest might perhaps persuade himself that the assistant priest, upon hearing that such a sin had been committed by a respected priest, would imitate the evil example he heard, or would utterly lose heart" (Prümmer, no. 380).

Danger of spiritual infirmity or scruples excuses those who are already scrupulous, or even inclined to excessive anxiety, from the integrity of confession: both from repeating past confessions, even if some sins were omitted from them through forgetfulness, and from a more diligent examination of conscience such as would be necessary for other penitents. Not only is a partial confession permitted to them; under certain limits and with prudent moderation, it must also be enjoined upon them by the confessor, who "can ... insofar as he judges it necessary for the good of the penitent, cut short the confession and absolve" (Merkelbach, no. 525).

NOTE 18. WHETHER THE DANGER OF INJURING AN ACCOMPLICE'S REPUTATION IS AN EXCUSING CAUSE FROM THE MATERIAL INTEGRITY OF CONFESSION

That is, whether a person can and ought to conceal a sin which cannot be disclosed without revealing an accomplice, or whether, on the contrary, he can and ought to confess that sin.

THIS QUESTION WAS ONCE RATHER CONTROVERSIAL among theologians, nor has the controversy yet been entirely settled among more recent authors. For although almost unanimously they affirm an obligation to confess even at the risk of revealing an accomplice, they nevertheless judge the contrary opinion sufficiently probable to be followed in practice.

In order properly to understand the precise point of the question, observe what the theologians agree upon and what they dispute.

They agree, then, upon the following matters.

First, we are not dealing here with a case in which the revelation of an accomplice would cause him some other serious injury besides the very loss of reputation in the eyes of the confessor, such as hatred, persecution, or the loss of an office. For, as was stated in the preceding Note, and as all concede, such an injury is a cause excusing from the integrity of confession. Rather, the question concerns solely the inconvenience of loss of reputation before the confessor.

Second, it is a question of defamation truly and simply so called, that is, the serious inconvenience of losing one's good name. Therefore it is not a question of disclosing a slight sin of the accomplice, or even one which is grave in itself but from the disclosure of which the aforesaid serious inconvenience would not in fact follow: "if, namely, the person and the fault are of such a condition that it is considered morally of no account that such a sin of such a person should be disclosed."[595]

[595] "Suárez, Disputation 34, section 2, no. 1. For in that case the revelation of the accomplice may and must be permitted, since no proportionate reason remains (namely, not even that grave inconvenience itself) which would excuse from the integrity of confession."

Third, it is a question of the confession of *necessary matter*. For if the sin is *free matter* (that is, a venial sin, or a mortal sin already confessed), there no longer remains a proportionate reason for confessing it (namely, the necessity of the integrity of confession) at the risk of exposing the accomplice. Hence a woman who confessed a venial negligence in resisting her brother or a priest who had solicited her to shameful acts would, in itself, act unlawfully and sin, unless some other proportionate cause intervened: namely, a great advantage to the penitent, as when the confession is made to seek counsel about the way of resisting such a temptation or of acting in such circumstances, counsel which certainly cannot be sought outside confession without still greater inconvenience from defamation for the accomplice.[596]

[596] "Cf. Lugo, Disputation 16, section 7, nos. 410 ff.; Salmanticenses, Disputation 8, doubt 7, no. 227."

Fourth, the case presupposes that some necessity of confessing is urgent and that another confessor to whom the accomplice is unknown cannot be approached, or waited for a long time,[597] without notable inconvenience.[598] Otherwise, confession at the risk of exposing the accomplice would be unlawful, as is commonly taught against one or another author, especially Fagundez (*On the Second Precept of the Church*, book 5, chapter 1, no. 3), who teaches that a penitent's taking care in the aforesaid manner of the accomplice's reputation is a matter not of precept but only of counsel.

[597] "On the meaning of the word 'long,' compare the preceding Note (p. 662); likewise Suárez, Disputation 34, section 2, no. 14; Lugo (arguing against Suárez), Disputation 16, section 7, nos. 414–416; Salmanticenses, Disputation 8, doubt 7, no. 222."

[598] "This necessity of confessing occurs both in the three cases explained in the preceding Note (p. 662), and also when the penitent needs direction (for example, to avoid a proximate occasion of sin furnished by the accomplice himself) and cannot obtain it except from a confessor to whom the accomplice is known, because no other confessor is available or competent for this purpose. To the point, Ballerini himself (one of those who deny the lawfulness of confessing at the risk of revealing the accomplice): 'I said [that the sin must be concealed because of the danger of defaming the accomplice], with other inconveniences excluded; for (as the author also intimates), if for some special reason the penitent needs the direction and advice of the confessor—for instance, because he has a proximate occasion of sin in the accomplice—and no other confessor is available, either one to whom the identity of the accomplice is unknown or one equally qualified to furnish suitable counsel because he does not know the penitent's circumstances, in that case he certainly will not be bound to undergo some grave danger to his own soul in order to protect another's reputation. Yet it will truly be rare for direction of this sort to be so necessary and urgent that no delay whatever can be interposed in seeking counsel' (Gury–Ballerini, *Theologia moralis*, vol. 2, no. 499, note, Rome, 1889, p. 383)."

As to the gravity of the sin committed by a penitent who, without necessity (in the sense just described here and under the preceding number), confesses at the risk of revealing an accomplice, authors judge differently. Several, such as Suárez (*Disputation* 34, section 1, no. 2), Lugo (*Disputation* 16, section 4, no. 396), and the Salmanticenses (*Disputation* 8, doubt 7, no. 224), say that it is a grave sin, since the sin of detraction, even before one prudent man, is grave in its kind (that is, unless the matter itself is slight), and the fact that it is done in a secret confession does not diminish the gravity of the matter. Others, chiefly among more recent authors, such as Lehmkuhl (no. 333) and Noldin (no. 287), say that it is a venial sin, since generally to reveal someone's crime to one or two prudent men is not considered grave defamation, as Cajetan teaches in his commentary on II–II, q. 73, a. 2, and St. Alphonsus in book 3, no. 973, and as St. Thomas himself teaches equivalently in *Quodlibet* 11, a. 13, ad 3.

To the point, SUÁREZ:

"It must be said ... that to reveal a neighbour's sin in particular, and with injury to his reputation, even in confession, is of its kind a mortal sin, if done without a reasonable cause. This is the common opinion of the Doctors, whom I shall cite in this and the following section; and concerning detraction in general it is the common opinion against Cajetan in the cited place of II–II; Soto may also be consulted, *On Justice*, book 5, q. 5, a. 2. The reason is that to injure a neighbour's reputation, even before a single person, really is a grave moral injury, and so much the greater as that person is more influential. That it happens in confession does not diminish the injury so far as to suffice to remove mortal sin, because this injury to reputation is a grave harm not only on account of extrinsic effects, but in itself, on account of that person's unfavourable opinion and the intrinsic or immediate effects which can follow from such an opinion upon his affections and other actions. Moreover, there is here

the irreverence done to the sacrament by using it as a means of defaming one's neighbour. I say *of its kind*, however, because through slightness of matter this sin can be venial, like other sins."[599]

[599] "*De Poenitentia*, disputation 34, section 1, no. 2, *Opera omnia*, vol. 22, Paris, 1866, p. 712."

To the point, LEHMKUHL, for the contrary opinion:

"Although very many authors consider this grave, nevertheless the contrary conclusion follows from what has been said about defamation under the eighth precept of the Decalogue. For, since, with the approval of St. Alphonsus (book 3, no. 973), several theologians, such as Lessius, Cajetan, Reginaldus, and others, teach—and St. Thomas himself (*Quodlibet* 11, a. 13, ad 3) seems to intimate—that revealing another person's crime to one or two upright or prudent men is not in itself accounted grave defamation, this can certainly be taken as probable in practice. And if it is ever probable, it is especially so when another person's crime is disclosed to a confessor, who is bound to keep it perpetually secret under the most grave bond of the sacramental seal. Hence it also follows that a moderately serious cause of advantage or necessity excuses entirely from all fault; and that even the obligation of seeking another confessor, to whom the accomplice is unknown, is not binding at the cost of grave inconvenience."[600]

[600] "*Theologia moralis*, vol. 2, no. 333, Freiburg im Breisgau, 1902, p. 244."

It is disputed, furthermore, whether from the aforesaid sin of unjust defamation an obligation of restitution, that is, of repairing the good name, follows. The Salmanticenses suitably resolve this question as follows:

"Among more recent authors it is customary to dispute whether a penitent who sins in this way is bound to restore the good name before the confessor; and there are some who affirm it, with Lugo favouring them in disputation [16], no. 418, because the obligation of restitution follows upon an injury to justice. Therefore, if a penitent has injured his neighbour's reputation before a confessor, he is bound to restore it before that same confessor. This is explained and supported by examples: if a penitent who unjustly reveals an accomplice foresaw some grave harm to the latter, whether to life or to fortune, as likely to arise from this, and it does arise, he is bound to restitution; therefore the same must be said concerning the repair of the good name which he has injured before the confessor.

"The opposite is taught by Dicastillo, disputation 9, beginning at no. 935. And this we consider much more true: for, speaking in itself, there is no obligation of restoring where restitution is in itself impossible. That this occurs in the present case is clear: for there is no means of making satisfaction or restitution except to approach the same confessor and to deny that the person whom he indicated in confession was an accomplice. But in doing so he would lie and act unlawfully, for that person really was an accomplice. And what the more recent authors say—that the penitent can say, 'I erred when I named to you one accomplice instead of another,' because he certainly erred in disclosing the accomplice—is rather futile and is refuted: for by those words, 'One instead of another,' not only is the true accomplice denied (which perhaps would be permissible on account of the error, or sin, committed in disclosing him), but another is asserted, which in no way can be excused from falsehood. Moreover, before the confessor this would accomplish nothing toward removing the injury to reputation that has arisen or changing his former judgment, for he clearly knows the truth of the first confession and recognizes that the subsequent, deliberate retraction proceeds from fear and remorse of conscience.

"From these considerations the answer to the contrary argument is sufficiently clear: it proves only that upon an injury to justice there follows the burden of restitution *if restitution is possible*, which does not hold here. The additional illustration and explanation of the difficulty are disposed of by conceding the antecedent but denying the consequence, because of a manifest difference: the injury which a penitent does to an accomplice's reputation before a confessor is, in itself, irreparable by any restitution; but that which is inflicted upon external goods can and must be made good according to the general principles of due restitution."[601]

[601] "*De Poenitentia*, disputation 8, doubt 7, §2, nos. 225 ff., *Cursus theologicus*, vol. 20, Paris, 1883, p. 401."

THE POINT OF THE CONTROVERSY, THEREFORE, is whether, precisely on account of the integrity of confession, it is lawful and obligatory to accuse oneself of a sin even at the risk of revealing an accomplice.

THE FIRST OPINION, probable both extrinsically and intrinsically,[602] answers in the negative, teaching that the penitent is not only not bound to confess such a sin, but cannot lawfully do so (indeed, that he is not bound *because he cannot lawfully do so*; for if he could lawfully do so he would be bound, since the obligation to confess integrally would be pressing).[603]

[602] "The probability of this opinion, and consequently its applicability in practice, is admitted by the defenders themselves of the contrary opinion, discussed below; but they do not all judge the quality of this probability alike. Cappello grants only extrinsic probability (no. 178: 'It does not seem solidly probable intrinsically'), in which he seems to exaggerate. Prümmer and Noldin do not deny intrinsic probability (Noldin–Schmitt, no. 287: 'It is not without at least extrinsic probability'); Gury and Génicot–Salsmans simply concede its probability (Génicot–Salsmans, no. 295: 'Since each opinion is probable')."

[603] "Some modern authors ineptly distinguish between the question of lawfulness and the question of obligation, as though these two questions were not in the present case necessarily connected with each other. For, as is plain from the arguments on either side, the older theologians consider those two questions necessarily connected, so that if it is lawful to confess with injury to an accomplice's reputation, it must be done because of the law concerning the integrity of confession."

In favour of this opinion several distinguished older theologians are cited: Hostiensis (Henry of Segusio, d. 1271), Viguerius, Marsilius, Armilla, Navarrus (more explicitly and unconditionally; *Manual*, ch. 7, no. 3), Cano (*On Penance*, part 5, who excepts the moment of death, when he says that an integral confession must be made even at the risk of revealing an accomplice),[604] Vitoria, Peter Soto, Ledesma (who favour Cano), Valencia, Villabonos, López, John of the Cross, Medina, Báñez, Faber, Busembaum, Diana (part 5, tractate 6, resolution 49), Mazzotta, and Elbel. Among more recent authors, Ballerini[605] defends the same opinion as at least equally probable intrinsically as the opposite ("An equal probability seems to favour each of these opinions") and more probable extrinsically.

[604] "The suitability of this limitation or restriction is particularly disputed by Vázquez (q. 91, a. 2, doubt 3) and Suárez (Disputation 34, section 2, no. 12)."

[605] "In a note to Gury, no. 499; likewise Ballerini–Palmieri, vol. 5, no. 254."

The one reason, but a sufficiently grave one, which moves these Doctors is that there exists a natural precept against defaming one's neighbour unless a legitimate cause excuses. But the necessity arising from the positive precept of making an integral confession is not a legitimate cause excusing from defaming one's neighbour: first, because from the non-observance of the precept concerning the

integrity of confession no grave inconvenience results for the penitent, since a confession which is formally integral is absolutely sufficient for the validity and fruit of the sacrament; secondly, because if injury to one's own reputation is a legitimate cause excusing from the integrity of confession, a fortiori the same must be said of injury to a neighbour's reputation, which we are bound to avoid by a graver obligation of justice; thirdly, because if another grave harm coming to a neighbour from my confession is a cause excusing from integrity, a fortiori this is true of injury to reputation; fourthly, because if it is foreseen that the confessor will reveal the name of the accomplice learned from confession, the penitent is excused from disclosing the sin, which manifestly shows that the precept of the integrity of confession yields to the natural precept against defaming one's neighbour.

THE SECOND OPINION, more probable both extrinsically and intrinsically, affirms that a penitent can lawfully, and indeed must (and must precisely *because he can*, as above), confess a sin at the risk of revealing an accomplice.

Almost all more recent theologians (with the principal exception of Ballerini, mentioned above) and the greater part of older theologians hold this opinion. Among the latter are St. Thomas,[606] Bernard,[607] Alexander of Hales, Bonaventure (*On IV Sentences*, distinction 27, part 2, article 1, question 3), Durandus, Paludanus, St. Antoninus, Gerson, Biel, Richard, Major, Sylvester, Angelus, Almainus, Adrian, Cajetan (*Summa*, s.v. *Confession*), Domingo Soto, Medina, Henríquez, Suárez (*Disputation* 34, section 2), Vázquez (q. 91, doubt 3, a. 2), Toledo, Núñez, Laymann, Lugo (*Disputation* 16, section 7), Gonet, Tamburini, Bonacina, Diana, Palaus, Leander, the Salmanticenses (*Disputation* 8, doubt 7, §2: "An opinion much truer and more common"), Reuter, Concilia, Juénin, Billuart, and St. Alphonsus (no. 489, where he says: "The common opinion, however, which we follow, affirms it").

[606] "*On IV Sentences*, distinction 16, q. 3, a. 2, quaestiuncula 5, ad 5: 'A man in confession must preserve another's reputation as much as he can, but he must cleanse his own conscience still more. Therefore, if the circumstance that leads to knowledge of the person is necessary to confession according to the rule given, he must confess, concealing the person as far as possible. But if it is not necessary to confession, he must omit it, lest he betray another's sin.'"

[607] "*Opusculum* 12 (otherwise 11), *Response to the Reader of Besançon concerning Six Articles*, q. 6: 'The sixth question is whether a man is obliged to confess circumstances of a sin that bring it into another kind, without notably aggravating it, even if the person with whom he sinned thereby becomes known. ... Concerning the disclosure ... of the person with whom someone sinned, it seems to me that it should not be done in confession when it can be avoided. First, because to betray another's crime and injure his good name is a sin, which must especially be avoided in confession, by which one seeks to erase past sins. Second, because the Lord, in Matthew 18, has prescribed the form of denouncing a neighbour's sin, contrary to which one may not act. Third, because in confession the penitent is to be believed both for himself and against himself, but by no means against another; otherwise many would be given the opportunity for a fictitious confession and fraudulent defamation. Therefore, if he can confess the species of the sin without making known the person with whom he sinned, he sins by identifying that person, unless perhaps the order of correction instituted by the Lord has been observed. But if he cannot state the species of the sin without identifying the person with whom he sinned, for example, if he had intercourse with his sister, then, in stating the species of the sin, he must identify the person. Yet if it is possible he ought to seek a confessor who does not know his sister at all.' Also, *Various Short Documents for Living Piously or Religiously*, 1: 'Speak ill of absolutely no one, however true or manifest it may be, except in confession, and that when you cannot otherwise disclose your sin' (among works spuriously attributed to St. Bernard, M.L. 184, 1173)."

Ballerini therefore manifestly exaggerates when, considering only the names of the Doctors cited by Lugo for each opinion, he says that the other opinion enjoys external authority considerably greater: "The weight of external authority, considering both the number and the eminent names of the

Doctors ... appears by no means less in favour of the opposite opinion, which expressly denies the obligation of integral confession when the accomplice would thereby be made known" (in his note to Gury, no. 499).

The reasons commonly offered for this opinion are summarized by Suárez as follows:

"Authors commonly ... say only that everyone must prefer his own salvation to another's reputation; likewise that everyone can exercise his own right, even if some inconvenience should follow to another. They add also that this inconvenience is slight with respect to the accomplice, since his sin remains under the same seal. Finally, they say that the accomplice himself exposed himself to this danger when he chose to become a partner in another's crime."[608]

[608] "*De Poenitentia*, disputation 34, section 2, no. 3, *Opera omnia*, vol. 22, Paris, 1866, p. 715."

Nevertheless, as Suárez himself rightly observes and explains, these reasons, if taken separately and just as they stand, are not very convincing and can easily be evaded by opponents, since they appear to contain a begging of the question. For this reason Ballerini, considering them separately and superficially, confidently pronounces: "Consequently, a sufficient reason by which someone is compelled to confess such a circumstance [that is, the name of the accomplice] seems to be altogether lacking" (*loc. cit.*).

It is therefore necessary to reduce the aforesaid reasons to one more fundamental and effective reason, by which the argument of the contrary opinion is also directly answered. Namely:

The law of the integrity of confession binds unless some harm to a third person follows from it which the penitent is bound to avert; but the penitent is not bound to avert an accomplice's loss of reputation.

For by the natural law prohibiting detraction a man is indeed bound not to detract, that is, not to intend the diminution of another's good name; nor, even apart from such a direct intention, may he perform some action which defames his neighbour without a reasonable and proportionate cause. Yet he is not thereby forbidden, for the sake of some good end or necessity, to perform an action which causes defamation while remaining merely permissive toward the effect of defamation itself, as is evident even from the lawfulness of denouncing a guilty person for the purpose of his correction or the common good. But in the case of confession which must necessarily be made on other grounds, a proportionate good end is present—indeed, one necessary in itself—for the sake of which an action is performed that also defames the accomplice: namely, the very good of the integrity of confession commanded by Christ, or, more fully, the manifold good contained in observing the law of the integrity of confession. Therefore it is lawful, and consequently obligatory, for the sake of the integrity of confession itself, to confess the sin even at the risk of revealing the accomplice.

The major premise is drawn from St. Thomas—or rather, it is his very doctrine:

St. Thomas, II–II, q. 73, a. 2:

"Sins of speech are to be judged chiefly from the intention of the speaker. Now detraction, according to its proper nature, is directed to blackening someone's reputation. Consequently, properly speaking, he detracts who speaks ill of someone in his absence for the purpose of blackening his reputation. To deprive another of his good name is a very grave matter, since among temporal goods a good name seems more precious, and its loss hinders a man from accomplishing many good things. Hence it is

said in Ecclesiasticus 41:15: 'Take care of a good name, for this shall continue with thee more than a thousand treasures precious and great.' Accordingly, detraction, properly speaking, is a mortal sin. Nevertheless, it sometimes happens that a person utters words by which another's good name is diminished, intending not this but something else. This is not detraction *per se* and formally speaking, but only materially and, as it were, accidentally. And if someone utters words by which another's good name is diminished for the sake of some necessary good, the due circumstances being observed, it is not a sin, nor can it be called detraction."

In the same place, reply to objection 1:

"To reveal someone's hidden sin for the sake of his correction, by denunciation, or for the good of public justice, by accusation, is not detraction, as has been said [in the body of the article and in q. 68, a. 1]."

As to the minor premise. As Suárez aptly explains, the observance of the law of integrity, considered in its full meaning as included in material integrity, contains a threefold good. For obtaining this good there is a legitimate and serious reason why the danger of defaming an accomplice may and must be permitted when the sin is disclosed.[609]

The first is the good of the perfection of sacramental judgment.

"For in every judgment ... one who is an accomplice in a crime becomes, by the very fact of the offence, subject to the judge who exercises jurisdiction in that judgment, so far as the judge may inquire into and know completely the sin of his subject, even if this cannot be done without at the same time, and as it were indirectly, knowing the person with whom he sinned. ... The reason is that this jurisdiction extends to the crime as it actually is; but it is of such a character that these circumstances are of themselves joined to it, and without them the crime cannot be perfectly known or judged. ... Now this sacrament was instituted in the manner of a judgment; therefore from this institution there arises intrinsically an intrinsic and reasonable cause for manifesting the whole offence in its entirety, even if the judge thereby comes to know the person of the accomplice; for he has a right to this very knowledge by force of such an institution. Hence what Soto said—that the accomplice voluntarily exposed himself to this danger—would be stated more properly and truly by saying that the accomplice voluntarily subjected himself to such knowledge in this forum, since he voluntarily made himself a circumstance of the offence. Consequently, no injustice is done to him if he is brought before this judgment in this way.

[609] "Compare Lehmkuhl, no. 324, explaining this same argument under the aspect of the manifold inconveniences that would follow if the adversaries' opinion were true."

"In the same way, that argument receives its force according to which the penitent makes use of his own right. For insofar as he is the accuser in this forum, he has the right to accuse the offence in its entirety. By the same reasoning the judge, by virtue of his jurisdiction, has the right to ask about the species of the offence; and the penitent, as a defendant and a witness legitimately questioned, likewise has the right to answer without qualification and to declare the truth. Thus he is rightly said to use his own right, whatever may be the manifestation of another person's identity, which is material and, as it were, accidental—especially since it is accidental whether or not such a person is recognized by the confessor."[610]

[610] "Suárez, *De Poenitentia*, disputation 34, section 2, no. 7, *Opera omnia*, vol. 22, Paris, 1866, pp. 716–717."

The second is the good of the integrity and perfection of the sacrament.

"For, once that institution has been established, it is of greater importance that the sacrament be treated with due reverence and preserved in its purity and integrity than that the sin of one accomplice be concealed from, or revealed to, one priest under so great a seal.

"And in this sense it was truly said by others that such injury to the accomplice's good name is slight —not because, considered absolutely or done without cause, it is not a grave matter,[611] but because, compared with the good of the sacrament itself, it is of small importance. ...

[611] "Moreover, its gravity is greatly diminished by the very nature of the seal under which it is covered. For, since the confessor cannot disclose the sin to others nor himself use this knowledge to another's detriment, two reasons are removed for which injury to reputation is particularly burdensome (cf. St. Thomas, cited just above), namely the publication of the offence and the resulting 'hindrance to doing many good things.'"

"That this concerns the good of the sacrament itself seems evident in itself, because this integrity is of itself necessary for the perfection of this judgment. It can also be shown by a moral argument: otherwise, frequently, on occasions that occur often and are virtually connected of themselves with the way in which men sin, confession would have to be made by halves, and many sins would have to be left unspoken. For example, a husband and wife could not, morally and generally speaking, confess the sins they commit with one another, because they are known to the confessor and one would confess the other's fall; and the like. This would certainly be a very great inconvenience. Likewise, wicked persons might take occasion to commit the gravest sins, on the ground that each would be excused from the obligation of confessing by reason of the other. Considering, therefore, the good of the sacrament itself, there is found in that good a sufficient reason why this should be reckoned material, and not formal, detraction."[612]

[612] "Suárez, work cited, no. 8, p. 717."

The third is the good of the penitent himself.

"Although this reason perhaps would not suffice of itself alone, or at least could be called into doubt, nevertheless, joined to the other reasons, it certainly contributes very much. This advantage must not be merely the necessity of the sacrament or the avoidance of sin against the precept of confession, lest we seem to beg the question or to assume what must be proved, as was objected. Rather, beyond these things, we may consider the spiritual fruit that can result from confessing such an offence in its entirety and just as it was actually committed. For, morally speaking, shame and sorrow over such a sin are thereby increased; hence, morally speaking, it may also be hoped that the fruit *ex opere operato* will be increased, which certainly is of greater importance than the accomplice's reputation in the opinion of one confessor, under so strict a secrecy.

"Moreover, to this integrity is joined the sacramental satisfaction imposed for such an offence, the fruit of which is also of the greatest importance. Finally, there is added the actual fulfilment or observance of the divine precept without recourse to an excuse. This too is in itself a great good, both on account of the uprightness of the act and because of the peace of conscience it brings, when the man is freed from that burden and from the obligation of confessing again. Hence it is also very worthy of consideration that if the penitent is bound to conceal the person of his accomplice in confession, morally speaking he will often be obliged to confess his sin twice, once under some general description and then under a more specific description. Thus, for example, if a man sinned

with his mother, at first, when the confessor recognizes who his mother is, he must at least confess unlawful intercourse, as even the authors of the other opinion admit. Afterwards, when an opportunity presents itself, he will be bound to confess again the impious incest; this is certainly a great burden.

"In this sense, therefore, the principle that each person is bound to provide for himself rather than another, other things being equal, applies very well here—and all the more where the disparity is so great. For the penitent, by confessing in this manner, provides for his own soul either in necessary things or certainly in things most useful; and he also provides in some measure for his own modesty and good name, lest he be obliged to disclose himself repeatedly and to many persons."[613]

[613] "Suárez, work cited, no. 9, p. 717."

From these considerations the answer is apparent to the various reasons previously mentioned, which make up the adversaries' argument.

First, it is denied that in this case there is a conflict between the natural precept against defamation and the positive precept of confessing integrally. For by the very existence of this positive precept, the condition of the act which diminishes reputation is so changed that it no longer formally falls under the natural precept against defamation, since some good and some reason of necessity are introduced for the sake of which the act that diminishes reputation may and must be permitted. This takes place in harmony with the very object of the natural law against defamation: that object is not properly changed but determined. For the law against defamation obliges a man only not to perform an act that injures reputation with the intention of detracting, or without a reasonable and proportionate cause which may and must otherwise be intended. But from the very institution of the positive law concerning integral confession there arises such a reasonable and necessary cause. Therefore the institution and observance of this law do not contradict the natural law against defamation, but determine its matter negatively: they remove from its object an act which otherwise would fall under it, or cause an act which would otherwise be formal detraction to be detraction only materially.

Secondly, failure to observe the precept of integrity in confession gives rise to a grave inconvenience at least on the part of the sacrament, which must also—and principally—be considered. Moreover, on the side of the penitent himself, although there does not arise the inconvenience of failing to obtain the essential fruit of the sacrament, there do arise several other inconveniences enumerated above.

Thirdly, only that loss of the penitent's reputation excuses him from the integrity of confession which is extrinsic to confession—that is, which arises precisely from some violation of the seal—and not that which is intrinsic to confession and concerns only the confessor's own knowledge, and which is counterbalanced by the protection of the seal. But, as was said above, the injury to the accomplice's good name is intrinsic to confession and enjoys the same protection of the seal. Moreover, that *a fortiori* principle adopted by the opponents, namely that another's good name ought to be considered rather than one's own, is not simply true. For, other things being equal and in a conflict of rights, the right of the subject prevails over the right of his neighbour, since charity begins with oneself. Hence the argument based on a comparison of rights can be turned against the opponents: if the penitent's own loss of reputation in the presence of the confessor does not excuse him from the integrity of confession, much less does another's loss of reputation excuse him when both disclosures are necessary for obtaining a good which may and ought to be sought.

Fourthly, the supposed parity between the various injuries to one's neighbour that are extrinsic to confession and an injury to reputation that is intrinsic to it is denied. The former indeed excuse from integrity, including when they concern the penitent himself; but the latter does not excuse, whether it concerns the penitent or his neighbour, and especially an accomplice in the same sin.

Fifthly, violation of the seal is an inconvenience extrinsic to confession. Furthermore, it does not promote but is opposed to the good of the sacrament. Consequently it excuses from integrity, whether it concerns an accomplice or the penitent himself. From this it follows only that the precept of integrity yields to the natural precept against defaming one's neighbour when the injury to reputation is not intrinsic to the sacrament—that is, when it is not necessarily joined to the good whose attainment constitutes a proportionate reason for permitting the injury—but proceeds from some other cause, in the present case from a violation of the seal, which is moreover opposed to the good of the sacrament itself.

As regards practice, Ballerini's judgment is severe, since he seems to deny that our opinion, which is also the common opinion, may be followed in practice. For he says:

"Although equal probability appears to favour each of these opinions, their grounds are nevertheless not equal. For the mere probability of the opinion requiring integrity even with disclosure of an accomplice is insufficient, according to the general rule, to impose a certain obligation. But apart from that very obligation there is no other reason which can excuse from preserving the accomplice's good name. Therefore, other inconveniences being excluded, the obligation to keep silent about that circumstance seems to remain complete whenever its confession would entail another's loss of reputation."[614]

[614] "In a note to Gury, no. 499."

The defenders of our opinion, however—even those who scarcely concede any intrinsic probability to the opinion maintained by Ballerini—nevertheless grant that it can be followed in practice because of at least its extrinsic probability.

To the point, Cappello says:

"Nevertheless, we do not venture to call this opinion extrinsically improbable. Consequently a confessor may follow it in practice, and a penitent who knows it and wishes to make his confession according to it cannot be compelled to accuse himself of the sin with injury to the accomplice's good name. Penitents, especially laymen, who are ignorant of this opinion generally acknowledge the sin without hesitation. If they sometimes conceal it, they generally act in bad faith and consequently, because of their erroneous conscience, make a sacrilegious confession" (no. 178).

Lehmkuhl says:

"From all these considerations we must conclude that the confessor remains free, as he judges expedient, to inquire into the circumstances and occasions of sinning; that penitents should not be taught to suppress circumstances of this kind which injure the accomplice's reputation in the eyes of the confessor; and that, unless they can approach another confessor according to the rules given above, they should nevertheless be urged to make an integral confession to the confessor already known to them. We concede this, however, to the other opinion: a person who wishes, on account of the authority of theologians who defend it and who are certainly approved theologians, to use it in

making his confession, and who has formed for himself a judgment of conscience according to it, cannot be blamed and ought not to be compelled to abandon his opinion. Therefore also a confessor, if he receives the confession of persons versed in theology who appear to be proceeding according to that other opinion and who are capable of judging sufficiently of their own obligations, may more readily omit certain questions, leaving such penitents free to follow their own views" (1902 ed., no. 337).

From what has been said it follows that the penitent's obligation to confess even at the risk of disclosing the accomplice corresponds to a right and obligation in the confessor to question in such a way that he may thereby come to know the accomplice. This may be called material and indirect inquiry concerning the accomplice.

To the point, Merkelbach says:

"The confessor is not forbidden to ask questions about the qualities of the accomplice when these seem necessary for the integrity of confession or for discovering the nature of a proximate occasion of sin, even if the accomplice is thereby indirectly recognized—for example, whether the person lives in the same house, is bound by a vow, is related by blood or marriage, and so forth. In a word, the question is not *who* the person is, but *what sort* of person the person is" (no. 526).

Yet it by no means follows that a confessor may directly and formally inquire about the accomplice's name or person, whether by expressly asking for the name or a designation, or by asking about circumstances that disclose the person's identity with the intention of learning that person's identity itself (that is, not merely what sort of person, but precisely who the person is), even if he does this with the further good purpose of correcting the accomplice.

Such formal inquiry is gravely unlawful, both because it is in no way required by the integrity of confession, as material inquiry is, and therefore would lead without just cause to detraction against one's neighbour, and because it makes the use of the sacrament odious, and also because it is expressly and severely forbidden by positive and repeated laws of the Church. These are four constitutions of Benedict XIV, by which the practice of seeking the accomplice's name under threat of denying absolution is proscribed under the penalty of suspension, although one to be imposed by sentence (*ferendae sententiae*). The first constitution is *Suprema omnium Ecclesiarum sollicitudo*, 7 July 1745; the second, *Ubi primum*, 2 July 1746; the third, *Ad eradicandum pravum zizanii semen*, 28 September 1746; the fourth, *Apostolici ministerii*, 9 December 1749 (as regards the last, it is disputed whether it applies to the whole Church, like the others, or only to Portugal).[615] There are also the constitution *Apostolicae Sedis* of Pius IX, 12 October 1869, confirming the constitutions of Benedict XIV, and the Code of Canon Law, canon 888 §2: "Let the confessor take the greatest care not to inquire into the accomplice's name."

[615] "These constitutions are briefly reported and explained by Ballerini, in the note to Gury, no. 501, and Lehmkuhl, no. 339."

Nevertheless, when grave reasons of the common good—for example, averting corruption in a community—of themselves require the denunciation of an accomplice to a superior (for example, a father, teacher, master, rector of a community, or the confessor himself if he is the superior), the confessor may require such denunciation from the penitent under pain of refusing absolution. The denunciation is to be made, as the penitent wishes, by himself, through another, or even through the

confessor himself if the penitent is unwilling to do it otherwise. In this last case it is highly expedient, and the confessor should see to it, that the denunciation be made to him outside confession, lest the sacrament become odious among those to whose knowledge the matter may perhaps come.

To this special case, of which Soto (*On IV Sentences*, distinction 18, q. 4, a. 5), Suárez (disputation 34, section 4, no. 18), and more distinctly Lugo (d. 1660; disputation 16, no. 432 ff., where this whole question is explicitly treated) had already spoken, Benedict XIV seems to allude in the aforementioned constitution *Suprema*, when he says that certain confessors seeking the accomplice's name, in order to defend their practice, had begged the support of certain opinions of the Doctors, "whereas in truth, by following opinions of this kind which are false and erroneous, or by misapplying opinions which are true and sound, they would bring ruin both upon their own souls and upon those of the penitents."

Some doctors, such as Lugo and Mazzotta, teach that a case can arise in which a confessor may oblige the penitent to reveal the accomplice's name directly to himself: namely, if there is imminent need to avert some grave harm—for example, to a community—and this cannot be done except through the confessor.

To the point, Lugo says:

"That such a case can occur is plainly evident. For a confessor may perceive that very grave harms are imminent from the concealment of an accomplice, harms which the penitent is altogether obliged to prevent. He sees also that the penitent cannot accomplish this immediately by himself and has no one else through whom he can do so, except the confessor himself. In such a case it is certain that the penitent is bound to choose that single means; if he refuses to choose it, he is no longer disposed to receive absolution."[616]

[616] *"De Poenitentia*, disputation 16, section 8, no. 432, *Disputationes scholasticae*, vol. 5, Paris, 1893, p. 98."

Nevertheless, this opinion, as it is proposed, is rightly displeasing to St. Alphonsus, who writes:

"So teach the aforementioned authors. Here, however, I wish to explain what I think about this. No one doubts that a penitent is sometimes bound to reveal an accomplice in order to prevent some grave harm. But in view of the very strict prohibition of the Sovereign Pontiff (as we have seen), made for the purpose of avoiding the injury to a neighbour's good name, the dishonour of the sacrament, the violation of the seal, scandal, and so forth (as expressed in the bull), it is not lawful for a confessor to seek the accomplice's name for the sake of correction. Therefore, in a case where the penitent is truly bound to make the accomplice known, the confessor may only command the penitent in general terms to reveal the accomplice to someone who can prevent the scandal; but the confessor may never lawfully say, 'Reveal the name to me.' If, however, the penitent of his own accord and spontaneously asks the confessor to correct the accomplice, the confessor needs great prudence. For, ordinarily speaking, it is not expedient for him to involve himself in this kind of matter: his concern is to remedy the harm of his own penitent, not another's, and solely within confession, not outside it. Furthermore, the confessor will find it difficult to undertake this task of correction without danger of scandal and offence against the sacred ministry" (no. 492).

NOTE 19. WHETHER THE DANGER OF DEFAMING A NEIGHBOUR WHO IS NOT AN ACCOMPLICE IS AN EXCUSING CAUSE FROM THE INTEGRITY OF CONFESSION

It sometimes happens that a penitent cannot confess his sin in its entirety without the danger of revealing a sin, or a natural defect gravely injurious to the reputation, of some person who was not an accomplice in his sin, but was only its occasion, object, victim, or a circumstance connected with it in some other way. Thus a man may have killed or wounded, out of jealousy, his wife who was pregnant through adultery; or he may have wounded a religious whom he knew to be a fugitive but who was commonly regarded as a secular person; or he may have had carnal intercourse with an unwilling virgin, or incestuous intercourse with an unwilling sister.

The question, therefore, is whether even in this case it is lawful, and obligatory, to confess at the risk of defaming one's neighbour.

The reason for doubting and for proposing a distinct question is that the condition of an accomplice and that of a non-accomplice seems different with regard to the right to one's good name: the non-accomplice has in no way participated in the penitent's sin, but was merely its occasion, object, or sometimes even its mere victim. For this reason certain theologians (notably Suárez), who, in the question concerning an accomplice, admit both the lawfulness and the obligation of confession, in the present case deny both the obligation and the lawfulness of confessing at the risk of the neighbour's reputation. And Gury, who in the former question defends the obligation to confess as more probable, teaches in the present question that the two opposing opinions are equally probable.

Suárez maintains that the doctors before him, except Soto, did not expressly propose this question to themselves, but only the question concerning an accomplice, and that this is a sign that they judged the two cases differently, as he himself does. This inference, however, does not appear legitimate; for the reason why those doctors spoke only of an accomplice may also have been that they judged the basis of the two cases to be alike and their difference accidental, so that what holds concerning an accomplice holds by parity, if not *a fortiori*, concerning a non-accomplice, since the latter cannot properly and formally be defamed by the very disclosure of a sin in which he took no part whatever.

THE NEGATIVE AND PROBABLE OPINION is held explicitly or implicitly by all who adhere to the negative opinion in the preceding question. With them, in the present question, agree a very few older doctors who defended the affirmative opinion in that former question, notably Suárez (*Disputation* 34, section 2, no. 14) and Fagúndez (book 5, chapter 2, no. 12). Among modern authors Gury (no. 562) favours Suárez inasmuch as he acknowledges this opinion to be as probable as the affirmative opinion.

The reason adduced by these doctors is the same as in the question concerning an accomplice, with this difference: Suárez (whom Fagúndez follows) teaches that the reason does not hold in the case of an accomplice, but does hold in the present case, because here, he says, all the reasons on account of which we said that the defamation of an accomplice must be permitted cease to apply.

Suárez himself writes to the point:

"The reason ... is that here those causes cease which rendered that detraction [of the accomplice] merely material; consequently it will be formal, and thus intrinsically evil. ... The antecedent is explained as follows. First of all, the reason taken from the nature of judgment ceases here; for when the person is not a partner in the crime, he has in no way of his own will involved himself in another's sin, and consequently has not, by virtue of his own sin, subjected himself to the judgment or knowledge of another. Therefore, on this side, the judge has no right or jurisdiction, either directly

or indirectly, to learn of such a sin, nor has the penitent the right to accuse his own sin by implicating —or rather by revealing—the sin of another. The other reason, taken from reverence for the sacrament, also ceases, both because this case is extremely rare and no moral occasion for concealing sins can be taken from it, and because it is a greater reverence that integrity should be preserved in a reasonable manner. But no reason allows that one who unwillingly suffered one injury should afterwards suffer a new loss through the confession of the very person who inflicted the injury, merely for the sake of the integrity of that person's confession. Hence the third cause, taken from the advantage of the penitent, also ceases; for he himself ought to bear the burden and undergo the inconvenience, lest another incur harm, since he alone, of his own will and without the cooperation of the other, committed the whole offence."[617]

[617] "Suárez, *De Poenitentia*, disp. 34, sect. 2, n. 14, *Opera omnia*, t. 22, Paris, 1866, p. 719 ff."

THE AFFIRMATIVE AND MORE PROBABLE OPINION is held by the doctors cited in favour of the affirmative position in the question concerning an accomplice (apart from a few, such as Suárez, Fagúndez, and Gury), notably Soto (*On IV Sentences*, distinction 18, q. 2, a. 5), Lugo (*Disputation* 16, section 7, nos. 419–423), Dicastillo (*Disputation* 9, no. 939), the Salmanticenses (*Disputation* 8, doubt 7, no. 226), St. Alphonsus (no. 490), Lehmkuhl (no. 338), Cappello (no. 180), Génicot–Salsmans (no. 295), and commonly other modern theologians.

The reason is that which we invoked in the question concerning an accomplice: namely, to perform an action from which the defamation of one's neighbour follows is not intrinsically and essentially evil unless it is done with the intention of defaming, or at least without a proportionate cause. Accordingly it is lawful when that intention is absent and a proportionate cause is present; indeed it is necessary when an action which would otherwise be defamatory is required for attaining a necessary end, as in the present case for preserving the integrity of confession.

The circumstance of being an accomplice or a non-accomplice is irrelevant here and introduces no difference. For the reason why one's neighbour may be exposed to the danger of defamation is not derived from his having formally participated in the penitent's sin, nor indeed from his having sinned in any other way whatsoever, but from the fact that knowledge of his defect is so connected with the disclosure of the penitent's sin that the latter cannot be known and judged in its entirety without the former; and this integrity of judgment is a good which may and must be obtained. This is confirmed by the fact that it follows from the same principle that a penitent must reveal his own hidden and inculpable defects, as, for example, if, having been born illegitimately, he unlawfully received sacred ordination.

From this the solution to the threefold argument of Suárez is evident. That entire argument proceeds from the false supposition that the lawfulness and obligation of permitting a neighbour's defamation in the confession of a sin are founded upon the very fact of his being an accomplice, or upon his cooperation in that same sin.

As regards practice, the same must be said as in the preceding question concerning an accomplice. Moreover, what was said above applies similarly here concerning the obligation not to expose one's neighbour to defamation unless there is a necessity of confessing and it is impossible to approach another confessor to whom that neighbour is unknown. Nevertheless, as St. Alphonsus remarks, "mothers and wives are often excused when they disclose to a confessor who knows them the sins of

their sons and husbands; for they commonly do this in order to seek counsel or to alleviate their grief; otherwise it would be too hard for them to go to new confessors" (no. 490).

Article 40. Whether confession must be vocal

ARTICLE 40. WHETHER CONFESSION MUST BE VOCAL

(*Quodlibet* 1, article 10; *Supplement*, q. 9, article 3.)[618]

[618] "Suárez, disp. 21, sect. 3; Lugo, disp. 15, sect. 5, nos. 76–86."

STATE OF THE QUESTION

The question concerns the second quality of confession, namely, ITS VOCAL CHARACTER.

On this matter theologians after St. Thomas are sufficiently agreed. Indeed, all without exception teach that in a case of necessity vocal confession is not required, but that it is sufficient to confess by other signs, such as gestures or writing, and this as regards both validity and lawfulness. Outside a case of necessity, however—that is, when the penitent can confess by speaking—a very few, such as Richard, Paludanus, and Soto (reported by Vázquez, q. 91, a. 4, no. 1), say that vocal confession is required by the intrinsic necessity, or for the validity, of the sacrament itself, so that confession by gestures or writing is of itself invalid. The common opinion, on the contrary, with St. Thomas, teaches that oral confession is required directly only for lawfulness, and that not by a divine precept, nor even by a separate ecclesiastical precept, but by an ecclesiastical custom having the force of a precept.

The force of this obligation, however, is disputed among the supporters of this opinion. Many, such as Suárez, Diana, St. Alphonsus, Billuart, and Merkelbach, consider it grave; but certain authors, such as Lugo and Ballerini–Palmieri, call it rather a light obligation, insofar as they say that its gravity cannot be proved by any convincing reason.

Lugo writes to the point:

"When ... no cause of this kind existed, it seems certain that to wish to confess without any words would be at least a venial sin. And although I do not see a convincing reason for assigning mortal guilt—for it is not readily apparent that this custom was introduced as though out of obligation, rather than from the common manner men observe in other matters, about which they never speak with persons who are present by writing or gestures if they can speak aloud and wish to explain themselves well—nevertheless, on account of the common authority of the Doctors, an obligation of this kind under grave sin does not seem to be deniable, especially since wishing, without cause, to confess in a new manner less suitable for explaining oneself is not without a certain appearance of contempt and irreverence. The case, however, seems not moral and practical, but metaphysical, since no one is so sparing of words that he would be unwilling to expend even two words, at least for greater security."[619]

[619] "*De Poenitentia*, disp. 15, sect. 5, n. 86, *Disputationes scholasticae*, t. 4, Paris, 1892, p. 845 ff."

CONCLUSION

Conclusion 1. Vocal confession does not belong to the intrinsic necessity of the sacrament; that is, it is not required for its validity by the very nature of the sacrament.

Proof.

That vocal confession is intrinsically necessary for the validity of the sacrament cannot be deduced from any argument.

First, it cannot be deduced from the nature of confession itself, that is, from the disclosure of the cause required by sacramental judgment. For this disclosure can be made not only by speech but also by gestures and writing, although it is more fittingly made by speech; and this fittingness can ground an obligation to confess in that manner arising from a precept of the Church.

Secondly, it cannot be deduced from the fact that Christ adopted determinate things or actions as the matter of the sacraments, and indeed those which men are especially accustomed to employ, from which it would follow that in this sacrament the manner of confession is one alone, namely vocal.

For, as is evident by considering the individual sacraments, Christ determined their matter and form only up to a certain degree, so that a further determination is left to man's discretion, provided that what Christ determined is preserved.

Thus Christ determined that Baptism should take place in natural water and by washing, whereas man adopts this or that water, this or that manner of washing, namely by pouring, sprinkling, or immersion. Similarly, therefore, Christ determined only that Penance should take place through confession, while man may adopt this or that manner of confession, namely by speech, gestures, or writing. There is, however, this difference between confession and Matrimony on one side and the other sacraments on the other: in those two, the matter consists in an action of the subject himself, and therefore its further determination is made by that subject; whereas the matter of the others consists in a certain sensible thing, and therefore its determination is made by an external minister and imposed on the subject. St. Thomas writes to the point:

"A man cannot or ought not receive baptism except in water, which is altogether from without and is supplied to us by another. But the act of confession is from within and from ourselves; and therefore [the manner of confession is undetermined, so that] when we cannot confess in one way, we ought to confess according as we are able" (*Supplement*, q. 9, a. 3, ad 2).

Moreover, from the fact that Christ constituted the matter of the sacraments in things which men are especially accustomed to use, it does not follow that He ought to have determined the very manner of confession and chosen vocal confession. Indeed, from the purpose of this way of acting on Christ's part, the contrary rather follows. For the reason why the matter of the sacraments is constituted in more common and more customary things is that the sacraments may be easier to use and consequently of greater usefulness; but to this end it contributes more that confession can be made by any sign whatsoever than by speech alone.

Thirdly, it cannot be deduced from any document of the Fathers or of the Church. The following are adduced in vain:

Pseudo-Augustine, *On True and False Penance*, 10, 25, cited in Article 36 (p. 407 ff.). In that text it is asserted only that confession must be made in the presence of the priest and that it is not valid through a messenger or a writing sent by someone absent.

Gratian, *Decretum*, *De Poenitentia*, distinction 1, chapter 88. Here the aforesaid text of Pseudo-Augustine is merely transcribed (M.L. 187, 1559 ff.).

Benedict XI, in the Extravagant *Inter cunctas*:

"After preaching, the sacrament of Penance is necessary, concerning which, unless a case of necessity occurs, confession of the mouth must be made to a priest (as it is written [Rom. 10:10]: 'With the heart we believe unto justice, but with the mouth confession is made unto salvation'[620]); otherwise the ministry of the priest in that sacrament (who must distinguish between leprosy and leprosy) would have been instituted in vain."[621]

[620] 10: "St. Thomas, *Quodlibet* 1, a. 10, rejects this interpretation of Rom. 10:10, saying: 'Nor is that which is said, "With the mouth confession is made unto salvation," understood of the confession of sins, but of the confession of faith.'"

[621] "*Corpus Juris Canonici, Extravagantes Decretales (Communes)*, book 5, title 7, chapter 1, ed. Böhmer–Richter, part 2, Leipzig, 1839, col. 1212."

In this document the Pope uses the customary designation "confession of the mouth," by which confession is named on account of the manner in which accusation is more commonly made. Necessity, however, is predicated of confession itself, not of its oral manner, as is clear from the reason from which it is deduced: namely, that otherwise the priest could not distinguish between leprosy and leprosy, and his ministry would be useless.

The Council of Florence, in the *Decree for the Armenians*, speaking of what belongs to the necessity of the sacrament, says: "The second [part of the sacrament of Penance] is confession of the mouth: to this it pertains that the sinner confess integrally to his priest all the sins of which he has recollection" (Denz. 699).

Here also the expression "confession of the mouth" is a customary designation, as was said regarding the preceding document. This is apparent from the added definition of confession, which the Council says is an essential part of the sacrament; for the Council requires nothing other than that confession be such that an integral manifestation of sins can thereby be had, and this is also true of non-vocal confession, especially confession in writing. It is therefore no wonder that the Council of Trent (session 14, chapter 3), repeating the Florentine doctrine concerning the three parts of this sacrament, omitted the word "oral," saying that they are "contrition, confession, and satisfaction" (Denz. 896).

The conclusion is confirmed by the fact that, as all theologians acknowledge and as ecclesiastical authority itself confirms, a non-vocal confession is valid in a case of necessity, when the penitent cannot confess otherwise than by signs or in writing.[622] Therefore it is always valid, because the condition of necessity or inability does not excuse one from fulfilling those things which are intrinsically and absolutely necessary for the validity of the sacrament.

[622] "Leo the Great, *Epistle* 108 (cited in Article 36, p. 363), says absolution is not to be denied to the dying 'if, when the power of speech has been lost, they request it through signs of an unimpaired mind.' The *Roman Ritual*, title 3, chapter 1, *On Penance*, no. 25 (cited at p. 550 ff.), gives the same rule."

St. Thomas writes to the point, *Quodlibet* 1, article 10:

"It belongs to the necessity ... of the sacrament that [the penitent] manifest his sins; and no one could dispense from this, just as neither could he dispense from Baptism. But that the manifestation be made by word does not belong to the necessity of the sacrament; otherwise in no case of necessity could anyone receive the effect of this sacrament except by confessing orally. This is plainly false. For

to the mute, or to any who cannot confess by word, it suffices to confess in writing or by gestures. But in no case of necessity can anyone be baptized except with water, because water belongs to the necessity of the sacrament."

Conclusion 2

Vocal confession is necessary by reason of a precept—not, indeed, a divine precept, but an ecclesiastical one; not, however, a distinct and formal precept, but one contained equivalently in ecclesiastical custom itself, which probably binds under grave obligation. Therefore, vocal confession is required directly only for the lawfulness of the sacrament, and only indirectly for its validity.

Proof.

That vocal confession is not necessary by reason of a divine precept is evident from the fact that, on the one hand, such a precept is nowhere distinctly expressed in revelation and, on the other hand, it cannot be deduced from the very nature of the sacrament and of confession, as was said in the preceding Conclusion concerning the manner of confession required for the validity of the sacrament.

That vocal confession is not necessary by reason of any distinct ecclesiastical precept is evident from the fact that a precept of this kind has never been enacted.

That nevertheless it is necessary by reason of an implicit and equivalent precept contained in ecclesiastical custom is deduced from the fact that this universal and constant custom and practice acquires the force of law. For it is unlawful rashly and without cause to depart from a constant and universal practice in the use of the sacraments and to adopt a new and less suitable manner of confessing.

Finally, that the obligation is grave is suggested both by the subject matter —for the manner of expressing the confession touches the essence of the sacrament—and by the common interpretation of the Doctors, on account of which Lugo, albeit reluctantly, does not dare simply to depart from this opinion.

From this opinion it follows that a non-vocal confession outside a case of necessity is not merely unlawful but also invalid, on account of the defective disposition of the man sinning in the very reception of the sacrament—that is, of one sacrilegiously receiving the sacrament (for every sacrilegious reception of this sacrament is by that very fact an invalid reception). If, however, someone becomes contrite for the very sin of making a non-vocal confession at the precise moment when absolution is completed, he is validly absolved. But this case, almost a metaphysical one, is reducible to a case of excusing necessity, since it presupposes the impossibility of correcting the defect or of immediately supplying a vocal accusation when the very instant at which absolution is completed is upon him.

Moreover, this precept does not oblige one to confess orally each and every sin. For authors commonly (Lugo, Gury, Génicot, Cappello, and Vermeersch) teach that the required vocal confession is sufficiently preserved if a person, handing the confessor a written confession, says, "I accuse myself of all these things." In the same manner an oral accusation is made if someone says to a confessor who already knows his sins from outside the sacrament: "I accuse myself of the sin, or the sins, which you know well."

Lugo adds that these or similar words must be spoken not before, but after, the priest has read the written confession; otherwise there is not a sufficient verbal confession:

"I have, however, always said [this applies] when, after the priest has read the writing, the penitent accuses himself of all those sins. For if the order were reversed, and he first accused himself of all those things which the confessor would afterwards read in the writing, the reasoning would not be the same. For then the verbal accusation, which would precede, would not sufficiently explain the sins, but the accusation would be completed by the writing which was to be read afterwards, since before it was read the priest did not yet know the sins brought before the judgment. In the former case, however, since knowledge of the sins would be presupposed in the priest, the penitent would sufficiently accuse himself verbally by accusing himself of those sins already known to the priest; for by those words he would sufficiently signify which sins he brought before the judgment.

"This difference can be explained by another similar case. For if a penitent were to say to a priest who was present, 'I accuse myself of the sins which I shall afterwards send you in writing,' that confession would not suffice, because it would be completed by a writing sent to the absent confessor. Similarly, if in the priest's presence he accused himself of sins which he would afterwards explain to the priest through a messenger, the confession would not be valid, because it would be completed in absence. But if he had first disclosed his sins to the absent priest by writing or through a messenger, and afterwards, with the priest present, accused himself of those sins which the priest knew from the writing or messenger, the confession would certainly be valid. For by that verbal accusation he would sufficiently signify to the confessor, who already possessed knowledge of the sins, what sins, or what kinds of sins, he brought before the judgment. It therefore makes a great difference whether the verbal accusation follows or precedes."[623]

[623] De Poenitentia, disp. 15, sect. 5, nos. 82 ff., Disputationes Scholasticae, vol. 4, Paris, 1892, p. 844.

Nevertheless, this restriction of Lugo's must be rejected. For it makes no difference whether the aforesaid words are spoken before or after the priest reads the written sins, because the preceding declaration of accusation remains morally present in the confessor's mind throughout the time during which he reads the sins. And this is what the moralists seem to say or presuppose when they commonly state that it is sufficient to utter those words while handing the confessor the list of sins. The parallel invoked by Lugo, however, does not hold, because in both examples he adduces the confession is made, at least in part, in absence.

The fittingness of vocal confession, upon which the aforesaid equivalent precept of the Church is founded, may be assigned in four respects with St. Thomas. Speech, namely, is more expressive, and at the same time is the more common sign employed by men to disclose their thoughts. Moreover, the vocal disclosure of one's own fault induces greater shame, by which the efficacy of penance is increased;[624] and at the same time it is a certain cleansing of the mouth and a certain compensation offered to God for sins of the mouth.

[624] "Cf. Pseudo-Augustine and Gratian in the passages cited above (p. 682)."

St. Thomas writes to the point, Quodlibet 1, article 10:

"By the institution of the Church, a man who is able is bound to confess verbally, not only so that by confessing with his mouth he may be more ashamed as he confesses, and so that he who sins with his mouth may be cleansed with his mouth, but also because in all the sacraments that which is in

more common use is always adopted. Thus, for the sacramental washing of Baptism, water is adopted, which men more commonly employ for washing; and in the Eucharist bread, which is the more common food. Consequently, in the manifestation of sins it is fitting to use words, by which men are more commonly accustomed to signify their thoughts, and to do so more expressly." (Cf. *Supplement*, q. 9, a. 3.)

Moreover, various causes (not necessarily grave ones) excuse from this ecclesiastical obligation. All of them can be reduced either to physical inability (as in a mute person, or one who stammers severely, or someone suffering from an ailment of the throat[625]) or to moral inability (arising, for example, from excessive shame, scrupulosity, or the danger of violating the seal, as when the priest is hard of hearing). In these cases it is more advisable for the penitent to add the words, "I accuse myself of the things I have written on this sheet," but he is not bound to do so, for such a confession would already be sufficiently vocal, as was said above.

[625] "Cf. Leo the Great and the Roman Ritual, recently cited."

Article 41. Whether not only absolution but confession itself must take place between persons present, so that confession made in writing or through a messenger is invalid

ARTICLE 41. WHETHER NOT ONLY ABSOLUTION, BUT CONFESSION ITSELF, MUST TAKE PLACE BETWEEN PERSONS WHO ARE PRESENT, SO THAT IT IS INVALID IF MADE BY LETTER OR MESSENGER

(Supplement, q. 9, a. 3; or On IV Sentences, distinction 17, q. 3, a. 4, question 3.) [626]

[626] Cajetan, Summa, s.v. Confessio, condition 11; F. de Ávila, De confessione per litteras sive per internuncium, Rome, 1599; Suárez, disp. 19, sect. 3; disp. 21, sect. 4; John of St. Thomas, disp. 33, art. 4, nos. 54–70; F. Choquet, De confessione per litteras seu internuncium, Douai, 1623; Morinus, Commentarius historicus de Poenitentia, book 8, ch. 25; Lugo, disp. 13, sect. 6, nos. 147–158; disp. 17, sect. 4, nos. 62–79; Th. Raynaud, Dissertatio pro Francisco Suarez de gratia aegro oppresso collata per absolutionem a sacerdote praesente impensam praevia peccatorum expositione epistolari, in Opera, Lyon, vol. 20 [printed volume designation retained pending collation]; M. de Moya, De confessione epistolari adversus Theophylum Raynaudum, Paris, 1665; Gonet, disp. 12, art. 4; Salmanticenses, disp. 3, dub. 5; disp. 8, dub. 7, §3, nos. 233–239; Frassen, De Poenitentia, art. 3, sect. 2, q. 3, part 2 [verify printed abbreviation]; Tournely, De Poenitentia, q. 6, art. 4, "De confessione per litteras et absolutione absentibus data"; Billuart, diss. 7, art. 3, §2; Wirceburgenses, De Poenitentia, ch. 2, art. 4; Collet, De Poenitentia, part 2, ch. 5, §2; Palmieri, De Poenitentia, thesis 13; Pesch, proposition 13, scholion 3, nos. 192–196; Galtier, De Poenitentia, thesis 31, nos. 464–467; thesis 36, no. 510.

STATE OF THE QUESTION

The question concerns the third quality of confession, namely, the required PRESENCE of the penitent and priest. The two related questions concerning absolution between persons present and confession between persons present are more suitably treated here together, since they are resolved by almost the same reasons, entered into the same historical controversy, and were settled by the same pontifical decree.

THREE QUESTIONS, HOWEVER, ARE USUALLY PROPOSED MORE DISTINCTLY:

1. Whether a sacrament is invalid in which both the confession and the absolution take place between persons who are absent from one another: that is, when the penitent sends his confession to the priest by writing or through a messenger and the priest absolves him from a distance by the spoken word, or sends him absolution by writing or through a messenger.

2. Whether the sacrament is invalid if confession indeed takes place between persons present, but absolution is given to an absent person in the aforesaid manner.

3. Whether, conversely, the sacrament is invalid if absolution is given to a person who is present, but who previously, while absent, sent his confession by letter or messenger.

The difficulty of this matter, which is particularly concentrated in the third question and arises especially from the teaching concerning the validity of absolution for a dying person who requested confession before losing consciousness, must by no means be concealed. This is evident both from the difficulty of proving the affirmative part and from the old disagreement among theologians, which has not yet been wholly laid to rest.

Its historical importance, moreover, was supplied both by the controversy which flared up, especially toward the close of the sixteenth century, between certain Jesuits and Dominicans, by the decisive document of Clement VIII, and by the celebrated case of Suárez. It will be helpful briefly to recall these matters.[627]

[627] "Cf. Wirceburgenses, De Poenitentia, nos. 187 and 193; Pesch, De Poenitentia, nos. 193–195; Analecta ecclesiastica (Rome), 1877, p. 264 ff.; R. de Scorraille, François Suarez, vol. II, ch. 2, Paris, 1912, pp. 55–99; Dictionnaire de théologie catholique, art. 'Suarez,' cols. 2639 ff., 2703."

THE CONTROVERSY began in Spain near the end of the sixteenth century, when the question De auxiliis was still raging between the Fathers of the Society of Jesus and the Order of Preachers. Certain Jesuits began to insist upon the teaching that confession and absolution by writing or through a messenger were valid, appealing to the authority of several earlier theologians, including Thomists. Certain Dominicans vigorously attacked them. When the disagreement spread and some began to put the aforesaid teaching into practice, the matter was referred to the Holy See.

Clement VIII settled the dispute by the following decree of the Holy Office, dated 20 June 1602:

"His Holiness ... condemned and prohibited, at least as false, rash, and scandalous, the proposition, namely, 'It is lawful to confess sins sacramentally by letter or through a messenger to an absent confessor and to obtain absolution from that same confessor while he is absent'; and he ordered that henceforth this proposition should not be taught in public or private lectures, sermons, or meetings, nor should it ever be defended as probable in any case, printed, or in any way put into practice." (Denz. 1088.)

When Suárez had immediately proposed his interpretation of this decree, according to which it should be understood in the composite sense—that is, of the invalidity of a sacrament in which both absolution and confession take place between absent persons, but not in the divided sense—that is, of the invalidity of confession alone when made in absence—the Holy Office rejected this interpretation several times, declaring authentically that the words of the decree must be taken also in the divided sense.

To the point Denzinger, S.J., Enchiridion Symbolorum, no. 1089:

"According to the decision of the Holy Office, issued repeatedly under Clement VIII and Paul V, especially on 7 June 1603 and 24 January 1622, this decree also holds in the divided sense, that is, regarding confession or absolution taken separately; and according to the decree of 7 June 1603 an argument cannot be drawn 'from the case in which, on the basis of signs of penance alone, reported to the priest on his arrival, absolution is given to one about to die, to a confession of sins made to an absent priest [see no. 147], since they involve an altogether different difficulty.'"

Under Paul V the following three declarations of the Holy Office were issued:

14 July 1605:

"The case of Father Francis Suárez, Jesuit, having been proposed, and the things he wrote in volume 4 on the third part of St. Thomas, section 4, disputation 21, interpreting the decree of Pope Clement VIII of happy memory of 20 June 1602, which condemned this proposition, namely, that it is lawful to confess sins sacramentally by letters or through a messenger to an absent confessor and to obtain absolution from that same confessor, having been considered; and likewise the things which the same Father Suárez adduced in defense of his interpretation having been maturely discussed; and the opinions of the Most Illustrious Lords Cardinals having been heard, His Holiness decreed that the said interpretation does not stand, and therefore must be removed from his books, in accordance with the decrees previously made by Clement VIII of happy memory, which are recorded in the acts of the Holy Office."

20 July 1605:

"From the book of Francis Suárez, Jesuit, volume 4 on the third part, disputation 23, section 1, no. 12, let the words written below be removed, namely: 'And from this resolution,' etc., down to 'in the absence of the confessor.' Let the same Father Suárez correct his book and, before publishing it, show it to this Congregation."

18 August 1605:

"His Holiness decreed that from volume 4 of Father Suárez, Jesuit, on the third part of St. Thomas, disputation 21, on confession, the fourth section, whose title is 'Whether it is necessary for confession that the penitent reveal his sins to the priest in person, immediately and by himself,' must be removed in its entirety, and that no other section be substituted in its place."

These and other documents concerning the matter may be seen in R. de Scorraille, François Suarez, volume II, Paris, 1912, pp. 110–114.[628]

[628] "For this and other documents on the matter, see R. de Scorraille, François Suarez, II, Paris, 1912, pp. 110–114." (Original note marker belongs at the end of the three declarations; see print.)

That the decree of Clement VIII in no way excludes the validity of the absolution of a dying person who has lost consciousness, when bystanders testify that he had previously asked to confess, was declared both by the Holy Office (7 June 1603), as just reported, and orally by Clement VIII himself, as Peter Lombard, Archbishop of Armagh (in Ireland), testifies in a letter sent to Coninck, S.J., on 6 June 1624. He writes:

"Since it is not only most certain that Pope Clement did not intend to condemn or prohibit a person's declaring by letter or through a messenger to an absent confessor that he wishes to confess to him, and therefore summoning him in order to confess when present; but I have also always been most firmly persuaded that, if the case expressed in that question should arise, a confessor arriving upon the scene can and ought to absolve sacramentally, in accordance with the ancient canons and particularly the doctrine of Pope St. Leo in the aforesaid decretal of his, which St. Thomas also understood to concern sacramental absolution, in the third part, question 84, article 3, reply to objection 2.

"I communicated this very matter privately to Pope Clement. Accordingly, after an interpretation of his decree made by a certain theologian had been disapproved in the office of the Holy Inquisition, on the ground that both parts of the proposed question were not condemned and prohibited separately in it, His Holiness replied to me that it had not been his intention to condemn or prohibit the administration of sacramental absolution in the particular case expressed in that latter question. So I testify on 6 June 1624, as I have also done some years previously."[629]

[629] "In Lugo, De Poenitentia, disp. 17, sect. 4, no. 79, Disputationes scholasticae, vol. 5, Paris, 1893, p. 197; there this letter is transcribed more fully from Father Coninck's booklet, Responsio ad dissertationem impugnantem absolutionem moribundi sensibus destituti."

SUÁREZ († 1617), while the aforementioned controversy was growing heated, was sending his treatise On Penance to the press. In it he taught two things: first, that it is absolutely necessary for absolution to take place between persons who are present, so that the sacrament is invalid if both confession and absolution take place between persons who are absent from one another (Disputation 9, section 3, nos. 5–7 [as printed; compare the reference to disputation 19 below]); secondly, that it is not absolutely necessary for confession itself to take place between persons who are present. For in the case of a dying person deprived of the use of his senses, confession does not take place between persons present, and yet such a person can be absolved, according to the meaning of the Church's documents, notably those of Leo the Great, and according to the more common opinion of the theologians (Disputation 21, section 4, nos. 3–5).

When, meanwhile, the aforementioned decree of Clement VIII had been issued, which seemed to contradict the second assertion of his doctrine, Suárez, before his work came forth from the press, examined the whole question again and compared it with the decree. Leaving his opinion unchanged, he showed that the decree, on the one hand, fully approved the first assertion of his doctrine, and, on the other, in no way contradicted the second assertion. For, he says, the words of the decree, "It is not lawful to confess sins sacramentally by letter or through a messenger to an absent confessor, and to obtain absolution from that same confessor while absent," are to be understood—

—not in a divided sense, that is, of absolution or confession separately taking place in absence, but only in a composite sense, that is, of absolution and confession together, both equally taking place in absence. Thus the mind of the Pontiff is to condemn only the opinion which teaches that absolution pronounced in absence is valid. He adds, however, that he "submits this interpretation to the judgment of the same Pontiff" (ibid., no. 10).

The Holy Office, by the decree cited above of July 1603, under Clement VIII, after examining the fourth section of Suárez's disputation 21, rejected his interpretation and prohibited the book itself under pain of excommunication until it should be expurgated and, when expurgated, submitted to

the Sacred Inquisition. In defense of his doctrine Suárez wrote a short work[630] and in 1604 came to Rome to offer it to the Supreme Pontiff and publish it with his permission. Kindly received by the Pontiff, he obtained a renewed examination of his cause by the Holy Office. Nevertheless, in the following year (14 July 1605), under Paul V, the Office more firmly confirmed the decree issued under Clement in 1603, ordering that the aforesaid fourth section simply be removed from Suárez's work.[631]

[630] "Edited by J. B. Malou, Bishop of Bruges: R. P. Suarez opuscula sex inedita, Brussels, 1859."

[631] "This was not done in many subsequent editions. Nevertheless, the Salmanticenses testify: 'That [this] was done is established from the authentic testimony of Michael de Velasco, licentiate and notary of the Holy Inquisition, signing at Salamanca in the fourth volume itself of the Coimbra printing on 31 March 1606, that he had seen it; and we give assurance that the aforesaid volume, thus expunged and corrected, is preserved in this our Salamanca library. We attest this with such firmness because we found among some of them that the aforesaid section was lacking in that book, as though it had been insufficiently expunged or omitted through the negligence of the printers'" (Salmanticenses, De Poenitentia, disp. 3, dub. 5, no. 207, Cursus Theologicus, vol. 19, Paris, 1883, p. 235). [The unusual syntax of "eam quae vidisse" and the referent of "illorum" are unclear in the printed Latin and have been kept close to the text; verify against the cited Salmanticenses before publication.]

Suárez's opinion has been judged more severely or more favourably by the opposing parties.

Pesch, S.J., writes in its favour:

"Therefore Father Suárez's opinion concerning the absolution of a dying person who cannot confess to a priest who is present is entirely safe and is today common. But if anyone wished to extend the explanation of Clement's decree so far that confession made to an absent priest should be regarded as not condemned even outside the case of a dying person, this would be erroneous. Nor did Suárez himself ever extend his explanation to any case other than the absolution of a dying person. Therefore these two things can stand together: that Clement's decree holds also in the divided sense, and that Father Suárez's doctrine is entirely safe. For the universal proposition, 'Confession made to an absent priest is valid,' can be and is false; and at the same time the particular statement, 'The confession of a dying person made through witnesses is valid, as in the case explained by Father Suárez,' can be and is true. One may add, moreover, that Clement's decree speaks of confession in the strictest sense, whereby someone explicitly confesses his offenses, whereas Father Suárez speaks of confession in a less strict sense, whereby someone manifests his desire to confess, which manifestation must be considered a sufficient sacramental confession when a more explicit confession is impossible (cf. De Lugo, On Penance, disputation 17, section 4). Thus the only defect in Father Suárez's doctrine is that he said too indeterminately that Clement's decree must be taken in the composite sense, although in the context he expressly restricted this to the case of a dying person deprived of the use of his senses (cf. the Würzburg theologians, nos. 187 and 193; Analecta ecclesiastica [Rome], 1897, p. 264 ff.; R. de Scorraille, François Suarez, II, Paris, 1912, p. 51 ff.)."[632]

[632] Pesch, De Poenitentia, proposition 13, no. 195, Praelectiones Dogmaticae, vol. 7, Freiburg im Breisgau, 1920, p. 107.

This judgment, however, seems to us excessively favourable. For three defects are manifestly contained in Suárez's doctrine. First, he wrongly interprets Clement's doctrinal decree; the condemnation of this interpretation was directly issued by the Holy Office more than once and was never revoked. Secondly, he wrongly confuses the case of the absolution of a dying person with the case of confession in absence, and argues from the validity of the former to the exceptional validity of

the latter, although—as the declaration of the Holy Office of 1603 cited above (p. 688) says—the two cases "involve an altogether different difficulty." Thirdly, although he cautiously, yet no less illogically, restricted the validity of confession in absence to the case of a dying person, his whole reasoning (in no. 10) is general in its tenor and tends toward the doctrine that, although confession must of itself be made in the presence of the priest, it can nevertheless, accidentally (as plainly happens in the case of a dying person, but not in that case alone), be made in absence, whereas absolution must always be given in presence. Hence he explicitly and without qualification asserts: "Only that opinion [which teaches the validity of absolution in absence] is foreign to the practice of the Church."

The principal words of SUÁREZ which bear upon this question:

Disputation 19, section 3, nos. 1, 2, 5, 6, 7, 16: "Whether sacramental absolution can be given to an absent person."

"This question has hitherto been disputed among the Doctors as doubtful and open to opinion on either side. Now, however, the Apostolic See has made a new declaration concerning it; and for this reason I shall briefly and sincerely report what I had already written and committed to the press before the apostolic decree was issued and had been brought to my attention. Then I shall report the decree itself, so that in accordance with it I may establish for certain what all are to think and say. ...

"The first opinion was that in some case of necessity confession can be made to an absent priest, and absolution can be given by the same priest while absent. ... The principal defenders of this opinion among the Thomists were Paludanus ... St. Antoninus ... Sylvester ... the author of the Summa Confessorum ... Armilla ... Tabiena ... Raynerius (reporting Peter of Tarentaise) ... Peter Soto ... Dominic Soto ... [insofar as] he said that perhaps this opinion was true ... Torquemada. ... Among others, Navarrus ... Adrian ... Palacios ... Richard ... Alexander of Hales ... Ruard ... Rutilius. ...

"Nevertheless there is another opinion denying that this sacrament can be completed between persons who are absent, even when extreme necessity intervenes, and consequently denying that a priest can absolve anyone whom he does not have present. This opinion is commonly attributed to St. Thomas, although I do not find it expressly stated by him. For, rather, in a certain Quodlibet he teaches that confession can be made by writing, although he does not say this of absolution. He favours this opinion, however, in IV Sentences, distinction 17, question 3, article 4, question 3, reply to objection 3, insofar as he says that in extreme necessity it is more useful to confess to a layperson who is present than to a priest who is absent. ..."

"... This would not be true if an absent priest could absolve sacramentally. Scotus holds the same opinion there. ... Richard, Major, and Alexander of Hales, mentioned under the former opinion, are also cited for this one. But they say nothing clearly: they say only that one is not bound to confess to an absent person, in which they rather suggest that one can do so. Finally, scarcely anything explicit on this matter is found among the other ancient Scholastics.

"The modern Thomists, however, defend this opinion: Cajetan, in the Summa, under the word Confession, condition 11; Vitoria, in the Summa, on the fourth part, matter of confession, no. 171; Soto, on the fourth book, distinction 18, question 2, article 6; Ledesma, part 2, book 4, question 9, article 3, doubt 1; Cano, Relection on Penance, part 5. ... Among writers of our Society it has been

followed by Cardinal Toledo ... Gregory of Valencia ... Emmanuel Sá ... and is suggested by Edmund Auger ... and commonly by our lecturers. ...

"I therefore judge this latter opinion to be true. I publicly taught it in 1588 at Alcalá, and again in 1598 in the principal lectureship of this distinguished University of Coimbra: namely, that the signification of this form, properly and strictly speaking, is not verified with respect to an absent person; and therefore in relation to him it neither perfects the sacrament nor produces its effect.

"In the decree [of Clement VIII, insofar as it concerns the censure of the former opinion], the Pontiff seems directly to prohibit only saying or teaching that it is lawful to absolve an absent person in any case, or doing so; but he does not declare whether the act, if performed, is valid. I believe, however, that his intention was to declare this also, and to condemn the contrary in the same degree: both because in this sacrament these two things are not of themselves separable, and because this was the hinge of the controversy. For if the act is not lawful in itself, it is because the sacrament cannot thus be completed. Consequently, neither is it now lawful to hold the opinion, nor to employ it in practice, even if any imaginable case of extreme necessity be posited, especially on account of this prohibition of the Pontiff. For he expressly extends it by these words: 'Nor may it ever be defended as probable in any case.' This was most fitting, lest it be left to each person's judgment to devise a case of necessity for employing the other opinion as probable. The aforesaid opinion is therefore now certain, in the degree defined by the Pontiff."[633]

[633] Opera omnia, vol. 22, Paris, 1866, pp. 416–421.

Disputation 21, section 4, nos. 3, 4, 5, 10: "Whether it is necessary for the priest to hear the confession in the presence of the penitent."

"On this point I shall first report what I had already committed to the press before the declaration of the Supreme Pontiff related above, disputation 19, section 3; I shall then note what occurs to me as needing to be added in accordance with that declaration. Certain authors, especially Soto and Cano, therefore suggest that it is necessary for the priest to hear the confession in the presence of the penitent. This opinion can be proved thus: for absolution to be pronounced, presence is necessary; therefore presence is necessary for hearing confession. The consequence is clear, because the reason is either the same or stronger; since before absolution it is necessary for the priest to examine the case and the disposition of the penitent, and to be morally certain of his disposition, which he cannot attain in absence.

"Nevertheless the common opinion asserts, first, that, speaking per se, it is necessary that the priest hear the penitent's confession in his presence, indeed immediately from the penitent himself if this can be done; and that to change this manner of confessing voluntarily is a grave sin, both on account of the foundation of the preceding opinion, which proves this point, and on account of the custom of the whole Church.

"Secondly, however, this opinion asserts that such a manner is not so essential to the sacrament that, when a priest comes to absolve a penitent near death and finds him so deprived of the use of all his senses that no sign of sin or sorrow can be obtained from him, he may not be content with the report of others in order to absolve him. For in that case the priest does not hear the confession in the penitent's presence, and nevertheless this opinion holds that such confession suffices for absolution to be given lawfully and validly. This is expressly held by Sylvester ... Angelus ... Córdoba ... besides

others whom I cited above, disputation 19, section 3. Scotus also suggests it ... as does Cardinal Toledo expressly ... reporting St. Antoninus. ... Hence it is proved, first and principally, from ancient decrees. ..."

"On account of these decrees and the practice of the Church, I have always judged this opinion true and pious, and conformable to the institution of Christ, who on the part of the penitent required only that he disclose his conscience to the priest as much and in such manner as he can, as is evident also concerning integrity, which will be discussed below. And this is likewise declared by the aforementioned practice of the Church, which has made no such declaration concerning absolution; therefore the reasoning is not alike in the two cases. Especially is this so because the form has prescribed words, whereas confession does not. Finally, this agrees with the obligation of the penitent, from whom nothing is required except that he fulfill it as far as he can; therefore neither is he required to confess except insofar as he can. Similarly, the priest in this matter is bound only to obtain as much certainty as he can concerning the penitent's disposition. But it may be feared that the aforesaid pontifical declaration seems in some respect to derogate from this opinion, since it condemns this proposition: 'It is lawful to confess sins sacramentally by letter or through a messenger to an absent confessor, and to obtain absolution from the same confessor while absent.' Here it seems to condemn both clauses. Nevertheless I think it was not the intention of the Most Holy Father to deal with this opinion, but only with that which says that the sacrament of Penance can be effected and completed between absent persons. And thus the conjunction 'and' is to be taken, not in the divided but in the composite sense: it condemned that opinion particularly because of those who said absolution could be given in absence. I am moved to this judgment both by the wording—for had he intended something else, he would rather have expressed it by the conjunction 'or'; moreover, the singular demonstrative expression 'this proposition' clearly indicates this, since it establishes that only the hypothetical proposition taken as one whole is condemned—and, further, because that was the controversy under discussion; and finally because only that opinion is foreign to the practice of the Church, whereas this opinion agrees both with the practice and with the decrees. Nevertheless, I submit this declaration to the judgment of the same Pontiff, as I do all other things contained both in this work and in my other works."[634]

[634] Ibid., pp. 463–465.

NEGATIVE PART AND AFFIRMATIVE PART

Theological note

That absolution in absence, joined with confession in absence, is unlawful (at least by the Church's disposition and after the decree of Clement VIII) is theologically certain; for Clement VIII himself attaches to the contrary proposition this censure: "At least false, rash, and scandalous." That it is also invalid seems likewise theologically certain. This, moreover, is the opinion of Suárez and generally of the theologians after the decree.

That absolution in absence, even if confession is made in presence, is likewise invalid seems to be judged theologically certain by theologians. Suárez calls it a certain opinion, against which no one is now permitted to opine; Lugo calls it a position now altogether certain; the Salmanticenses call it altogether certain (Clement VIII "defined it ex cathedra"); Lehmkuhl calls it most certain among all;

Galtier says that the contrary is entirely excluded by Clement VIII's decree; Pesch calls it "theologically certain," and Hervé calls it "theologically certain."

That confession in absence, even if absolution is given in presence, is invalid, setting aside the case of a dying person deprived of the use of his senses who had asked to confess, is so true that the contrary does not appear capable of being entirely cleared of every note of rashness, in view of Clement's decree, the repeated declarations of the Holy Office in the affair of Suárez, and the interpretation now common among theologians. Galtier calls this the "common and certain" opinion.

OPINIONS OF THE THEOLOGIANS

Concerning the first question: confession and absolution together between absent persons

THE MORE COMMON OPINION, and after the decree of Clement VIII the opinion most commonly held among theologians, is that the sacrament is invalid if both absolution and confession are performed between absent persons. Before the decree this was expressly taught by Cajetan (Summa, under the word Confession), Vitoria, Dominic Soto, Ledesma, Cano (Relectio de Poenitentia, part 5), Toledo, and Valencia. Their reasons will be given below in Conclusion 1 (pp. 702 ff.).

THE CONTRARY OPINION (at least in regard to a case of necessity) is attributed to several of the older theologians before that decree, such as Alexander of Hales, Paludanus, St. Antoninus, Adrian, Richard, Major, Sylvester, Armilla, Navarro, Peter Soto, and others cited by Suárez.[635] It was taught more expressly by certain Spanish doctors of the Society of Jesus,[636] at the time of the controversy mentioned above, immediately before the decree. Even afterwards one or another theologian ventured to teach the same thing, saying that the decree ought to be understood as concerning the unlawfulness, but not the invalidity, of a sacrament administered between absent persons. Thus, in particular, Isambert (1569–1642), a doctor of the Sorbonne, who nevertheless, after considering the matter more carefully, subsequently changed his opinion (De Poenitentia, disputation 18, article 6).

[635] "A. Michel, in Revue d'histoire et de littérature religieuse (1921, pp. 58–75), collected texts which, especially before Pseudo-Augustine (De vera et falsa poenitentia; about the year 1100), appear to favour this opinion."

[636] "Henry Henriques and Emmanuel Sá are chiefly cited. It is indeed surprising that these doctors descended to this opinion, since in the very first edition (1586) of the Jesuit Ratio Studiorum, among other propositions to be taught, one reads: 'The sacrament of Penance conferred upon an absent person through a messenger or by letters is not valid.'"

The following reasons can be invoked for this opinion: certain historical instances of the administration of the sacrament in absence; the fittingness of the thing itself, given the great necessity of this sacrament; and the very character of Penance as a judgment, since judgment can be exercised between absent persons.

GONET, O.P., endeavours to clear the Thomist theologians mentioned among the older writers of responsibility for this opinion, writing:

"Baronius, in volume 1 of the Moral Theology, disputation 1, section 3, last article, repels this calumny [of writers of the Society of Jesus, such as Raynaud, Facundez, Suárez, and Coninck]. There he shows that none of the Thomists clearly asserted that the complete sacrament could lawfully and validly be effected between absent persons, since St. Thomas, in IV, distinction 16, question 3, article 4, taught clearly enough that a confession made to an absent person is no sacramental confession; for he asserts that 'in extreme necessity it is more useful to confess to a layman who is present than to a

priest who is absent.' If therefore any of the Thomists assert that a penitent who has confessed by letters or through an intermediary to an absent priest can validly be absolved by him, they mean only that, when the penitent has sent his sins by letter to an absent confessor, if he afterwards says in the confessor's presence that he accuses himself of all those sins, he can validly be absolved by that priest while present. For confession is then made in the presence of the priest, since to ratify that writing in the priest's presence is the same as to confess to him while he is present. Consequently, they are cited without justification either for the opinion already presented and explained, or for the other opinion embraced by Suárez, Vázquez, Toledo, Amicus, Bonacina, and other more recent writers, who hold that, although absolution cannot be imparted to an absent penitent by letter or messenger, nevertheless a penitent who has confessed by letter or messenger to an absent priest may afterwards be absolved by him when present, without any other confession of sins intervening."[637]

[637] Gonet, De Poenitentia, disputation 12, article 4, § 1, no. 47, Clypeus, vol. 6, Paris, 1876, p. 663.

JOHN OF ST. THOMAS, O.P., judges more correctly when he writes:

"The opposite opinion was indeed in use among some of the older writers, although many are customarily cited for it who either say little or speak very obscurely."[638]

[638] John of St. Thomas, De Poenitentia, disputation 33, article 4, no. 54, Cursus theologicus, vol. 9, Paris, 1886, p. 615.

That this opinion was in fact defended by certain writers, even Thomists, is evident from the following testimonies.

PALUDANUS, O.P., On IV Sentences, distinction 17, question 2, article 1:

"But if [the penitent] cannot go [to the priest] or summon the priest, he is not indeed bound to write down and send his sins. Nevertheless, if he wishes, he is permitted to write them and send them, and the priest may write back to him and send absolution in return."

ST. ANTONINUS, O.P., Summa, title 14, chapter 19, § 9, does not reject, although he does not recommend it in practice, the opinion which teaches:

"When a penitent is lame and cannot go, nor can the priest come to him ..., he may, if he wishes, write down his sins and give their number, and the priest may write and send him absolution" (Venice, 1582, p. 225).

NAVARRO, Manuale Confessariorum, chapter 21, no. 36:

"A confession and absolution sent in writing would be valid, according to Paludanus and, more clearly, Adrian; we followed them and even now continue to follow them, although some contradict them" (Mainz, 1601, p. 559).

PETER SOTO, O.P., Treatise on the Institution of Priests, on confession, lecture 11, no. 3:

"For the necessity of this sacrament it is sufficient to confess through an interpreter or messenger, or in writing; and to be absolved in the same way, through a messenger or in writing. Several of our own writers also hold this: Peter de Palude, Adrian, and Sylvester. Although Cajetan, speaking of this condition, thinks that an absent person or one [absolved] by writing can in no way be absolved so as to constitute a true sacrament, nevertheless the opinion of the others can safely be held. It is also sufficiently proved by reasoning drawn from the nature of this sacrament, which is nothing other than a certain judgment instituted by God. In judgments, however, both the discussion of a case and

the sentence can be conducted not only in writing but even much more fittingly so. Therefore such confession will not on that account be any less sacramental" (Dillingen, 1560, p. 206).

Towards the end of the sixteenth century, the aforementioned doctors of the Society of Jesus expressly taught the same doctrine in academic institutions, especially those of Spain, where the controversy mentioned above originated.

JOHN OF ST. THOMAS (1589–1644), a professor at Alcalá, testifies:

"In our own time, in former years, [that opinion] was not only defended in public disputations, even in this Academy of Alcalá, but was actually put into practice and introduced into the usage of the faithful. Hence it became necessary to refer the matter to the Apostolic See and have it settled by its authority."[639]

[639] Ibid.

GONET († 1681) writes:

"So certain ancient theologians taught; and some of the Fathers of the Society in Spain renewed and revived their opinion, which had nearly died out and been forgotten. As Father Dufai relates in his treatise On Penance, they taught this opinion as the truer one, not only in their own colleges, as at Valladolid, Salamanca, and Alcalá, at first without adding any restriction concerning necessity or the hour of death—which they added after sharp and frequent disputations, chiefly with our own writers —but some of them also committed it to print, as Henry Henriques did in his Moral Summa. On this account that work was prohibited until it should be amended, as John Baptist Possevinus, Archpriest of Mantua, testifies in book 1 of The Duties of a Parish Priest, chapter 15. Henriques was followed by Emmanuel Sá in his Aphorisms, published at Antwerp in 1599 and at Paris in the following year, where he says: 'Some say that it is not lawful to confess to an absent person through a messenger or in writing. I agree with those who both permit this and hold that an absent person can even be absolved by writing or through a messenger.' And again: 'Some say that an absent person can be absolved, while others deny it. I think that he can, when a reason exists. Thus, if you have absolved someone whom you could not absolve, and afterwards have obtained the faculty of absolving him, and he cannot conveniently be summoned to you, you can absolve him while absent, not only from excommunication but also from sins. But if you have good reason to doubt whether he is disposed for absolution, you can add the condition mentally: "If you are disposed."' These Aphorisms, however, were purged of this and other errors by the Master of the Sacred Palace. Theophilus Raynaud complains of his correction and censure—which he maintains were unjust and arose solely from the Dominicans' envy of his own brethren—in his dissertation on confession by letter. There he also endeavours to persuade [the reader] that this opinion was formerly common among our Thomists, and reports from Facundez that the opinion concerning the lawful and valid absolution imparted to an absent person arose within the family of St. Dominic, grew to maturity, and finally was extinguished and buried in that same family's bosom. Suárez, Coninck, and other writers of the Society assert the same."[640]

[640] Gonet, De Poenitentia, disputation 12, article 4, § 4, Clypeus, vol. 6, Paris, 1876, p. 663.

A CERTAIN MIDDLE OPINION was taught by John Morinus (1591–1659), an Oratorian, whom Honoré Tournely († 1729), doctor of the Sorbonne, follows in part.

Morinus teaches that, if only the nature of the sacrament and the law of its institution are considered, administration of the sacrament between absent persons is valid and lawful. But if a prohibition of the Church intervenes, that administration becomes unlawful and invalid, for the Church can impose a condition for the valid administration of this sacrament. As to the fact of the matter, after Clement VIII's decree such administration is unlawful and invalid; before it, however, it was valid and lawful, as is established both by several historical instances and by the opinion of many ancient theologians. Tournely agrees with Morinus in everything except this last point, saying that it is altogether uncertain whether such administration was in fact lawful before the decree, and that this cannot be sufficiently gathered from the historical evidence.

This opinion of Morinus agrees with the first opinion as regards the period before the decree, and with the other as regards the subsequent period. Yet it completely empties the latter's arguments of their force, since it derives the validity of such administration from the very character of the sacrament, but its invalidity from the Church's prohibition alone.

To the point, MORINUS himself:

“Certain examples suggest, in my judgment not improbably, that both [that is, confession and absolution in absence] were sometimes practised by the ancient Fathers, and that the agreement of so many distinguished Scholastics was not wholly destitute of the support of ancient tradition [Here he collects several instances from ancient history]. ...

“Such is the nature of judicial sentences that they can operate equally upon persons present and absent, both now and in the future; and this aptitude can in no way be taken away from them. A ruler, indeed, moved by certain just reasons, can restrict their effect in many ways, circumscribe and define it within fixed limits, so that they produce no effect upon absent persons but, when pronounced against such persons, are null. He can also prescribe that, even in regard to persons present, sentences are to be delivered only when certain conditions have been observed and after this or that inquiry has been made, as has often been observed by ancient and recent Councils and Pontiffs. No one denies that this can be observed most generally in the matter of excommunications. Yet a ruler, as it seems probable to me, cannot bring it about that, without any preceding and restrictive decree, such sentences should be incapable of operating in this fashion, since by their very nature they are fitted both to operate thus and to admit restriction.

“Francis Hallier, whom we have already praised more than once, supplies the true and intimate reason for this restriction, extension, and circumscription of which we have spoken—a reason which is the root and principle of this whole matter—in his work On Sacred Ordinations, where, in § 21 on the matter and form of ordination, he distinguishes between physical and moral matter. He says that no authority has been granted to the Church over the physical matter of the sacraments, but that moral matters depend on the Church's judgment and determination. Hence he concludes that the matters of Penance, Matrimony, and Orders, but not those of the other sacraments, are subject to the Church's decrees, ‘because,’ he says, ‘they are moral things which lie within the discretion of rulers in each commonwealth.’ For just as rulers impose conditions on contracts, communicate their jurisdiction to magistrates, designate the conferral of that jurisdiction by whatever signs they wish, and prescribe rules for the investigation of crimes, ‘so,’ he says, ‘Christ left it to the power of the Church to determine the matter proper to the knowledge and judgment of priests, to impose lawful

conditions on the contract of Matrimony, to prescribe the offices of the orders, and to institute signs of the power handed over in them, etc.' ...

"There is objected a certain decree of the Pontiff Clement VIII, which forbids confession by letter to an absent person and the requesting of absolution from him, and which is customarily cited by many recent theologians when they discuss this question. But it has no bearing on the matter with which we are dealing. For law prescribes only for future acts, not for acts preceding it, such as those here under discussion. ...

"Leaving aside the other reasons, which seem weak to me, there is one certain and indubitable reason why absolution of this sort is invalid, if the words of the Pontiff—which is certain or highly probable—bear this sense. For who denies that the Pontiff, like any supreme ruler when the manner of delivering sentences is doubtful, can determine a certain manner for priests, and further impose certain conditions on his judges in pronouncing sentences, upon the omission of which the sentences are by the very law null and void? But it does not follow that the omission of that condition invalidated a sentence before the decree of the Pontiff or ruler. How many similar restrictions and extensions has the Church employed, and does it still employ, in absolution from sins? For instance, when it forbade priests to reconcile public penitents; when it permitted bishops to reserve cases, so that they might grant absolution from certain sins and withhold it for others; when it allowed certain priests to hear confessions only in villages and towns, but others everywhere throughout the diocese; when it conferred this faculty on some for a time and on others without any limitation. It is agreed by almost all theologians that absolution given contrary to the mandate is not merely unlawful but also invalid.

"For jurisdiction of every kind is so constituted by its own nature, and by the common consent of all nations, that it can be restricted, extended, and prolonged by a superior judge, especially by the ruler to whom belongs properly the power not merely to pronounce but also to make law. Since, therefore, with the gradual change of discipline over several centuries, the practice of giving absolution to an absent person—if it ever existed, as is probable—has either ceased entirely or become very rare, and since such practice often involves great danger, its validity appears to have been abrogated by the tacit consent of the Church even before the pontifical decree. Be that as it may, after the pontifical decree it is plainly invalid, and it can be believed valid only falsely. Thus do I conjecture in a difficult matter."[641]

[641] Morinus, Commentarius historicus de disciplina in administratione sacramenti Poenitentiae, book 8, chapter 25, Paris, 1651, pp. 598 ff.

To the point, TOURNELY:

"If only the nature and institution of the sacrament of Penance are considered, apart from the Church's prohibition, neither confession made by letters or through an intermediary to an absent priest nor absolution sent by him to an absent penitent seems null by divine law.

"This is proved because no sufficiently firm argument can be drawn from the nature and institution of the sacrament of Penance.

"Not from the general character of a sacrament of the New Law: for Matrimony is truly a sacrament of the New Law, and yet it is validly contracted between absent persons.

"Not from the special nature and condition of the sacrament of Penance: for whence would it follow that it cannot validly be completed between an absent minister and penitent?

"Is it because that sacrament is administered by way of judgment? Yet a true judgment can be rendered against absent persons, as is evident from a sentence of excommunication, which can validly be pronounced against persons absent; provided that a knowledge of the case has been obtained as completely as possible, a judge can render sentence even against absent persons.

"Or is it because a priest could not sufficiently ascertain the disposition of an absent penitent, and there might be danger that, by the time he absolves him, the person's disposition has changed and he is no longer fit to receive the sacrament? Yet in this matter no more than moral certainty is required. A priest can be morally certain of the penitent's disposition through letters or an intermediary. This is clear both from the case of a dying person whom the priest absolves after learning from the testimony of others that he had asked for Penance and had given some signs of contrition, and from the example of those who contract Matrimony while absent. For although, absolutely speaking, the mind of both that penitent and those contracting parties could have changed, it should nevertheless be presumed not to have changed; and the priest prudently both absolves the penitent and joins the absent parties in marriage.

"Or, finally, does this follow from some special consideration of the words which constitute the form of the sacrament of Penance, for example, that the words must be addressed to persons present, or that the word 'I absolve' requires the presence of the person absolved, especially when the pronoun 'you' is joined to it? But how slight and plainly weak these arguments are is evident even from the example of the sacrament of Matrimony celebrated between absent persons. The words of the form in which the priest says, 'I join you together,' etc., are addressed to persons absent; nor do the word 'I absolve' and the pronoun 'you' in the form of Penance necessarily require the presence of the person absolved any more than in absolution from excommunication, which can be addressed to someone absent.

"The a priori reason is that, in sacraments whose matter consists in something moral, it is not necessary that the form corresponding to the matter signify a subject who is present; for the form has its complete and entire practical signification even with regard to absent persons. Now the matter of both Matrimony and Penance is placed in a moral reality.

"It is otherwise in those sacraments whose matter is some physical element or thing, such as water in Baptism and oil in Confirmation. Since these sacraments are perfected through the physical application of matter and form to the subject, the subject must be present; otherwise the matter could not be applied, nor could the form possess its signification and truth.

"With what truth could a priest say, 'I baptize you,' unless he actually poured water upon a person present? How could a bishop say, 'I confirm you,' unless the person whom he anoints with oil were present? Thus, for the most part, the objections which Suárez and Isambert draw from the nature and institution of the sacrament of Penance against our Conclusion remain refuted.

"We said in the Conclusion: if only the nature and institution of the sacrament of Penance are considered, apart from the Church's prohibition, etc. For it will be evident from the third Conclusion that the Church has received from Christ the authority to impose certain conditions in administering sacraments whose matter consists in a moral reality, thereby rendering either the minister or the

recipient incapable of administering or receiving the sacrament, while the substance of the sacrament instituted by Christ remains unimpaired. Thus she declared those who attempted to contract Matrimony secretly incapable of contracting it; and thus she renders a priest incapable of absolving from sins unless he has been approved by the bishop, etc. ...

"Whether, before the prohibition of Clement VIII, it was ever lawful to confess by letters to an absent minister and to be absolved by him seems to us an altogether uncertain matter, not sufficiently confirmed by the authority of the older examples. This is proved by briefly reviewing the ancient examples adduced by Morinus, book 8, chapter 25, which did not appear decisive to men who were otherwise discerning and most perceptive. ...

"Clement VIII, by his decree of the year 1602, declared not only unlawful but also invalid both confession by letters and absolution given to absent persons.

"This is proved from the very context of Clement's constitution. ... [That this declaration invalidates confession and absolution between absent persons follows from the Church's power to place impediments to the valid administration of this sacrament. Thus,] although every priest receives in his ordination the power of absolving from sins, the Church nevertheless has prescribed certain conditions without which a priest is incapable of giving absolution: for example, unless he has been approved by the bishop or has received jurisdiction, etc. The same judgment must be made about confession and absolution between absent persons. For although they are not by divine law itself invalid and null, the Church has willed the presence of minister and penitent to be so necessary that, in its absence, she declares both ministers incapable of imparting absolution and the faithful incapable of making sacramental confession of sins."[642]

[642] Tournely, De Poenitentia, question 6, article 4, § "De confessione per litteras et absolutione absentibus data," Praelectiones theologicae, vol. 9, Paris, 1765, pp. 226–231.

Concerning the second question: absolution alone in absence

Regarding the second question, concerning absolution alone in absence, precisely the same opinions are advanced by the same defenders. For the reasons which seem either to allow or to exclude the validity of a sacrament administered to absent persons apply principally to absolution.

Concerning the third question: confession alone between absent persons

REGARDING THE THIRD QUESTION, concerning confession alone in absence, the same opinions are again advanced by the same doctors, with this difference, however: in this matter, even after the decree of Clement VIII, the affirmative opinion concerning its invalidity is not so firm or unanimous among theologians.

For, first of all, SUÁREZ excepts the case of a dying person deprived of his senses (although he says this incongruously, since in that case it is not a question of the confession of an absent person). Indeed, although in fact and expressly he excepts only that case, nevertheless, as stated above (p. 691), his mind seems inclined to admit the validity of confession between absent persons in other cases of necessity as well.

Certain other doctors after the decree adopted the same opinion, notably F. HENNO (a Scotist; died 1713).

Even among modern writers, GURY does not hesitate to write:

"Whatever certain theologians may have said to the contrary, it is certain that confession made in writing is valid. Nor does the aforesaid decree of Clement VIII stand in the way, because by it only the proposition is prohibited which concerns at once confession made in writing and absolution likewise given and sent in writing or by an intermediary. On this matter Suárez disputed excellently and solidly in the opuscules first published by the Bishop of Bruges of pious memory, D. D. Malou (Brussels, 1859). Lugo, Coninck, Viva, St. Alphonsus, book 5, no. 489, and others also agree" (no. 467).

Furthermore, not a few modern writers still speak of the case of a dying man as an exception to the universal law against confession in absence.

Thus PESCH, no. 195 (cited above, p. 690), and no. 192, where he writes:

"If ... it is asked whether, in a case of necessity—that is, if the question concerns a dying person here and now deprived of his senses—a confession made to an absent priest through an intermediary or witnesses, or by letter, is valid, theologians today unanimously teach the affirmative opinion as altogether certain [??], and commonly also say that absolution must then be given without condition (cf. St. Alphonsus, book 6, no. 481). This is proved by the same arguments as the opinion treated in the preceding scholion [namely, whether confession must necessarily be made in words]."

Likewise LERCHER:

"By this decree ... it is proscribed ... that it is lawful to confess sins sacramentally by letters or through an intermediary to an absent confessor. ... An exception is made for a dying person deprived of his senses" (thesis 58, no. 473).

Likewise NOLDIN–SCHMITT:

"It is morally ... certain (D. 147; 1089) that absolution given to a person present is valid when he has confessed while absent, for example by letters or through an intermediary, if the question concerns a dying person deprived of his senses, of whom others (even persons absent) testify that he previously requested absolution" (no. 238, note 2).

Moreover, LUGO (with whom Pesch, no. 195, cited above, agrees) excepts *confession understood broadly*, adapting this to the aforementioned case of a dying man, and thus also resolves the apparent contradiction between the decree of Clement VIII and the other documents and practice of the Church in absolving a dying person deprived of his senses.

He distinguishes confession "taken strictly," by which a person, in *actu secundo* and explicitly, declares his sins, from confession taken "less strictly, and in a more universal acceptation," whereby a person implicitly confesses his sins and which consists in the very manifestation of the will to confess. The former is not absolutely necessary for the validity of the sacrament, but only ordinarily and speaking *per se*; the latter, however, is necessary and sufficient in every case, and is precisely what is found in the aforesaid case of a dying person. The former must always be made in the presence of the priest, and it is of this that Clement VIII speaks in his decree; the latter may take place in absence, as happens precisely in the case of the dying man who, according to Leo the Great and the practice of the Church, is validly absolved. In this manner everything seems to be reconciled: some true confession made in absence is admitted; the validity of the dying man's confession is explained; no exception is made to the decree of Clement VIII; and no contradiction is found between that decree

and the other documents of the Church, particularly those of Leo I, for the question concerns different kinds of confession.

To the point, LUGO himself:

"[It is answered with others that] confession can be taken in two ways, namely, either strictly or in a more universal signification. Confession strictly so called is an accusation by which someone, in *actu secundo*, judicially accuses himself, as when a defendant, being questioned in court, legally confesses his crime before the judge and notary. Confession less strictly so called, and in its more universal acceptation, extends to the things which precede, as when a defendant says, 'I wish to confess my offence, of which I am accused,' or when for this purpose he summons the judge and notary to hear his confession, because he is now ready to confess. This, indeed, in a broader signification, is also called confession, because the defendant already appears implicitly to confess his offence. Yet it is commonly called the will, or intention, to confess, in order to distinguish it from that strict confession by which the defendant, in *actu secundo* and explicitly, confesses his offences. And indeed, confession strictly so called, unless it be made before the judge and notary, etc., is not valid, nor is it called a judicial confession; but that other confession can take place, and commonly does take place, before the judge's arrival, since it is an extrajudicial confession, which nevertheless has its own effects, can be of benefit, and is admitted in law in many cases. "Supposing, therefore, this twofold acceptation of confession, we can reconcile those pontifical decrees by saying that Clement's decree speaks of confession strictly so called and taken in the first manner; for since it is restrictive, it ought to be understood in the stricter sense. Reason also suggests this: sacramental confession requires the presence of the confessor for this reason, that by it the penitent satisfies the obligation which he has by Christ's precept to present himself before a legitimate judge and confess his offences. But this obligation concerns only strict and explicit confession, which, according to the laws, is likewise a personal act, to be performed before a judge by appearing personally in court. The will to confess, however, or the antecedent and preparatory confession, does not require such presence. Clement therefore speaks of sacramental confession strictly understood. But St. Leo and the councils cited above say that, in a case of necessity, that quasi-extrajudicial and more universal confession can be admitted for the effect of absolution, which a penitent makes when he calls for a confessor in order to confess and implores his ministry. I said 'quasi-extrajudicial,' because in a certain sense it is truly judicial, since it is ordered to the penitential judgment and is a part of the sacrament and its matter. Nevertheless, to distinguish it better from confession more strictly so called, those Fathers chose not to call it 'confession' but rather the 'desire,' or 'will,' to confess. Paul V likewise uses these expressions in his Ritual, so as not to contradict the decree of Clement, which that same Paul had confirmed in 1605, as we have seen; yet in 1614 he said that the desire of confessing, manifested in absence through others, suffices for absolving a sick person. For the presence which strict confession requires is not required in the same manner for showing the desire to confess or for confession taken in the more universal sense. ...

"You will say: *To wish to confess is not truly to confess*; for to wish to receive the Eucharist or to wish to fast is not truly to receive the Eucharist or to fast. Therefore neither will wishing to confess and manifesting that will be in any way to confess; consequently, according to this interpretation it must be said that absolution is conferred with no confession preceding. I answer from what has been said by denying the consequence: for one who wishes to receive the Eucharist or to fast does not in any

way perform that act, but has it only in desire. Yet one who manifests and says that he wishes to confess, by that very fact confesses; for to confess, speaking generally, is to speak and acknowledge one's own offence. But one who says that he wishes to confess his offence by that very fact says and acknowledges that he has an offence to confess. He cannot therefore show the will to confess without, by that very fact, in some manner confessing his sin *in actu exercito*, at least generically. "Some confession, therefore, is necessary for the validity of this sacrament in every case; but strict confession is necessary speaking *per se*. Hence, when Trent, session XIV, chapter 5 and canon 7, says that confession is necessary by divine law for the remission of sins, it speaks indeed of strict confession, but of a necessity speaking *per se*. This is plainly evident from the fact that it says not only that confession is necessary, but the confession of all sins and of circumstances changing the species of sin; and it is certain that this confession is required speaking *per se*, but not in a case of necessity, in which a person is accidentally excused from confessing each and every sin. But when in the same Council, the same session, canons 3 and 4, it is said that three parts of this sacrament are required by divine institution for the full and perfect remission of sins—contrition, confession, and satisfaction—it can be understood of necessity absolutely, and then by 'confession' is understood confession in its more universal signification. But if it be understood only of necessity *per se*, 'confession' can be understood of strict confession, just as satisfaction too is said in the same passages to be necessary, although it is necessary only speaking *per se*, since a valid sacrament can exist without it. Finally, when canon 9 says, 'If anyone says that the confession of the penitent is not required in order that the priest may absolve him, let him be anathema,' although those authors whom I cited in the preceding section, who say that a dying man who did not ask for confession can be absolved, understand the aforesaid words only of the necessity according to which confession is required *per se* for absolution, just as the confession of all sins is also ordinarily presupposed, nevertheless they are better understood of the absolute necessity of some confession, not, however, of confession in the stricter signification, but in the more universal sense, as has been explained."[643]

[643] Lugo, *De Poenitentia*, disputation 17, section 4, nos. 72–75, *Disputationes scholasticae*, vol. 5, Paris, 1893, pp. 194–196.

Moreover, some present the aforementioned common opinion concerning the invalidity of confession in absence not so firmly, but only as probable. Thus BILLUART writes:

"Confession made to an absent priest, even though he gives absolution in the penitent's presence, is not only unlawful but more probably invalid."[644]

[644] Billuart, *De Poenitentia*, dissertation 7, article 3, § 2, *Dico* 2, *Cursus Theologicus*, vol. 9, Paris, 1904, p. 440.

Others go still further in moderation, leaving the matter unresolved and open to disputation. Thus COLLET calls the arguments of Henno, mentioned above, "certainly weighty" and "not badly conceived" (nos. 608 and 612); indeed, he says that both questions—concerning the validity of confession alone and even of absolution alone in absence—were disputed in the schools, and he seems to regard them as disputable (no. 606).

CONCLUSION

Conclusion 1. The sacrament is invalid if both confession and absolution take place between absent persons.

Proof 1. FROM THE DECREE OF CLEMENT VIII AND FROM THE MIND AND PRACTICE OF THE CHURCH.

For, although in that decree the Supreme Pontiff does not employ the explicit word "invalidity" when condemning this manner of administering the sacrament, but merely says that the proposition which affirms "that it is lawful by letters or through an intermediary," etc., must be rejected, nevertheless it follows that he condemns not merely its lawfulness, as a few have ventured to interpret him, but also its validity. This follows both from the purpose of the decree, which was to put an end to the theologians' controversy—a controversy concerning also, and principally, the validity of the matter—and from the very context of those words.

For the Supreme Pontiff immediately prohibits "that [such a doctrine] should ever be defended as probable in any case, printed, or in any way put into practice." By these words Clement also excludes the case of extreme necessity, as is evident both from the generality of the expression and from the fact that the opinion condemned by the Pope taught its lawfulness only in a case of necessity. Now, if such an administration were valid, it would become lawful in a case of extreme necessity, nor could it be proscribed universally and for every case by the Supreme Pontiff, since ecclesiastical law cannot oblige with a very grave inconvenience, and especially to the detriment of the soul and the danger of eternal salvation.

This reasoning is so clear that theologians readily agreed upon this interpretation of the decree; and, among the few who opposed it, Isambert promptly and sincerely retracted his opinion. Indeed, Morinus and Tournely taught that the invalidity of this sacrament administered between absent persons could be proved only from this decree of the Church.

Besides, to anyone attentively considering the mind of Tradition and the practice of the Church, it will not be difficult to see that Clement's decree was not a new enactment or a change in a dogmatic matter, but merely an authentic declaration of that mind and practice.

In Scripture itself one may first discern some foreshadowing or intimation of this truth, if, with the Catechism of the Council of Trent (part 2, chapter 5, question 40) and certain Fathers, the cleansing of the lepers in the Gospel is taken as an allusion to the sacrament of confession. For when the lepers cried out, "Jesus, Master, have mercy on us," Christ commanded, "Go, show yourselves to the priests"; to which the Evangelist adds, "And it came to pass, as they went, they were cleansed" (Luke 17:13 ff.; cf. Matt. 8:4).

Pseudo-Augustine, to be mentioned shortly, interprets this text in this sense. Moreover, the words of James 5:14, "Let him bring in the priests of the Church," are also referred to the sacrament of Penance, which is spoken of in verse 16.

The Fathers, although they do not expressly touch upon this question, nevertheless never say or suggest that confession can be made in absence; they always speak, rather, of the presence of the priest and penitent. Tertullian: "To prostrate oneself before the presbyters and to kneel before the beloved of God" (*On Penance*, 9, cited in vol. I, p. 101). Cyprian: "With conscience purified by the hand of the priest" (*On the Lapsed*, 16, cited ibid., p. 113); "The laying-on of the priest's hand unto penance" (*Epistle* 10, 1 ff., cited ibid., p. 114).

Augustine: "Let [the penitent] come to the rulers of the Church" (*Sermon* 351, cited ibid., p. 121).

Pseudo-Augustine (*On True and False Penance*, 10, 25, cited on pp. 407 ff.) explicitly teaches that sins are "to be confessed in bodily presence, not made known through a messenger or in writing"; indeed,

he adds that the necessity of confessing in person is so great that, if this cannot be done, it is more fruitful to confess to a layman.

ST. THOMAS, *Supplement*, q. 9, a. 3 [that is, *On IV Sentences*, distinction 17, question 3, article 4, question 3], repeats the same teaching. For he raises the objection: "It is necessary for the sacrament that a man confess to his own priest. ... But sometimes his own priest is absent, and the penitent cannot speak to him with his own voice; he could, however, make his conscience known to him in writing. Therefore it seems that he ought to convey his conscience to him in writing" (objection 3). He answers: "In the absence of one's own priest, confession can also be made to a layman; and therefore it need not be made in writing, because the act of confession pertains more to the necessity of confession than does the person to whom it is made" (reply 3; concerning this particular opinion and medieval practice, compare ibid., q. 8, a. 2, and below, Article 98, vol. IV).

The COUNCIL OF TRENT, session XIV, chapter 2, teaches: "[Christ willed that those who had fallen after Baptism] should be brought before this tribunal as accused persons, so that by the sentence of priests they could be freed, not once only, but as often as they should penitently have recourse to Him from sins committed" (Denz. 895). Certain doctors seem to make light of this testimony without reason; for the natural sense of the words, especially in the light of Tradition and the practice of the Church, indicates the necessity of presence with considerable force.

The very practice of the Church imparts greater force to the present argument.

"For an argument of no little efficacy in these matters is drawn from the Church's non-use: because what the Church does not do now, nor do we read that she has ever done in the use or administration of some sacrament, is a sign that it cannot be done. For nearly everything pertaining to the sacraments, although founded upon Scripture, is especially confirmed and declared by the use and tradition of the Church. But the matter under discussion is of this sort; for no example can be shown of a priest ever having sacramentally absolved an absent penitent, whereas, if such administration were valid, innumerable examples of it ought to be available, since innumerable occasions of necessity occur which would call for its use, especially in time of persecution, devastation, and war."[645]

[645] Suárez, *De Poenitentia*, disputation 19, section 3, no. 7, *Opera omnia*, vol. 22, Paris, 1861, p. 418 [verified against printed scan].

The argument is strengthened by the very sharp controversy that immediately arose among the doctors when certain persons began explicitly to teach the opposite opinion and to put it into practice, and by the immediate and vigorous reaction of the Holy See.

Nor is it an objection that a few earlier theologians seem to have proposed the contrary doctrine rather explicitly; for they support it by no practice of the Church or historical facts.

Nor, again, do certain historical facts collected by MORINUS (*On Penance*, book VIII, chapter 25) stand in the way. He adduces them to suggest a contrary practice of the Church and thereby to strengthen his opinion concerning the validity of absolution between persons absent from one another before the time of Clement VIII. For, not to mention the small number of these facts and the uncertainty of their circumstances, nothing can be elicited from them which proves that what is in question is sacramental absolution itself. Indeed, from attentive consideration of the texts, all of which we have no leisure to discuss,[646] it appears more probable that they concern an absolution

either canonical, that is, from censures of the Church; or satisfactory, that is, from punishments through a plenary indulgence; or ceremonial, such as that which is given at the beginning of Mass and in the recitation of the Breviary after the *Confiteor*, or that which used to be given by bishops on the Thursday of Holy Week, or that which in the Cistercian Order is given by a superior to dying religious and is called the *absolution of the order*. Moreover, Morinus himself seems to place little confidence in these facts when he says: "Certain examples suggest to me, not improbably in my judgment, ... that [this] was practised by the ancient Fathers."

[646] For a brief discussion of these facts, see Tournely, *De Poenitentia*, q. 6, a. 4, "De confessione per litteras," second conclusion; Collet, *De Poenitentia*, part 2, chapter 5, section 4, nos. 587–600; the Würzburg theologians, *De Poenitentia*, no. 144; Galtier, no. 510.

It would also be inappropriate to bring forward here the absolution of the incestuous Corinthian, given by the Apostle in his absence (2 Cor. 2:6–11 compared with 1 Cor. 5:3–5), of which we spoke in Article 1 (vol. I, pp. 87–89). For it is not certainly established from the Apostle's words what kind of absolution it was. If it was only absolution from excommunication, it could have been given directly by the absent Apostle; if, however, it was sacramental absolution, it could have been given by the rulers of the church of the Corinthians at the Apostle's command, and in this sense rightly attributed to the Apostle himself. Indeed, the Apostle himself seems to indicate this when he says: "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" (2 Cor. 2:10).

Of the facts which Morinus cites, it will be enough to relate two which appear more noteworthy.

The first and most ancient is the reconciliation of a certain Serapion, related by Dionysius of Alexandria (died about 265) in his letter to Fabius, according to the following account of Eusebius, *Ecclesiastical History*, VII, 44:

"Moreover, Dionysius, bishop of Alexandria, writing to the same Fabius, after setting forth in his letter many other things pertaining to penance and recounting the contests of the martyrs who had recently suffered martyrdom at Alexandria, relates, among other things, a certain most remarkable event, which I judged it necessary to insert also into this history of ours. It is as follows: 'I shall set before you one example of what occurred among us. There was in this city a certain old man, Serapion by name, one of the faithful, who during the remainder of his former life had been guilty of no fault. But having fallen during the persecution, he had very often sought pardon, and no one attended to him, because he had sacrificed. "'Afterwards, when attacked by illness, he remained for three days deprived of the use of speech and of every sense. At length, on the fourth day, having recovered a little, he calls to him his daughter's son and says: "How long, my child, will you continue to detain me? Make haste, I beg you, and absolve me as quickly as possible. Fetch me one of the presbyters." Having said these things, his voice failed him again. The boy runs to a presbyter. It was already night, and the presbyter himself was ill. But since I had given orders that pardon should be granted to those about to die, if they asked for it, and especially if they had previously asked for it humbly, so that they might depart this life full of good hope, he gave a small portion of the Eucharist to the boy, directing him to dip it in water and let it fall into the old man's mouth. "'The boy therefore returns, bringing the morsel. And as he approached, before he entered, the old man, having recovered again, said: "Have you come, my child? The presbyter himself was not able to come. But do quickly what was commanded, and dismiss me." Then the boy dipped the morsel and poured it into

the old man's mouth. He swallowed it little by little and immediately breathed his last. Is it not therefore clearly apparent that he had been preserved and remained alive for so long until he should be reconciled, and that, his crime having now been blotted out, he could be acknowledged and proclaimed by Christ on account of the many good works which he had performed?' Thus Dionysius" (M.G. 20, 630–634).

Reply.[647] From this narrative only one thing is certainly established: that Serapion asked reconciliation of a priest and, while that priest was absent, received Communion through the boy. Nothing, however, is related concerning his reception of the absolution which he had requested. If, then, it is said with certain learned men that absolution formerly preceded public penance (cf. below, Article 45, pp. 941 ff.), the reply is readily made that Serapion did not need sacramental absolution, but only that an end should be put to public penance through the very granting of Communion. If, on the other hand, it is said with others that sacramental absolution formerly took place at the end of public penance, so that Serapion had not yet been sacramentally absolved, the reply is that the presbyter either erroneously thought that he could send absolution through a messenger or, better, sent him Communion alone, judging that after a suitable period of penance he had been sufficiently disposed by an act of contrition.[648]

[647] Cf. Galtier, *De Paenitentia*, nos. 261 and 510; G. Del Ton, "L'episodio eucaristico di Serapione narrato da Dionigi Alessandrino," *La Scuola Cattolica* (1942).

[648] Cf. Galtier, *ibid.*

The second fact, from a more recent period, in which Morinus seems to place no little confidence, is related by him as follows:

"At the Council of Douzy, held under John VIII in the year 872, Robert, bishop of Le Mans, being gravely ill at Le Mans and, as he believed, near death, confesses his sins in writing to the Fathers of the Council, who were distant from him by twenty French miles, and asks absolution of them. He ends in these words: 'I cease not to implore the mercy of your kindness, with a sob intervening, that by the power bestowed upon you from heaven you may loose the bonds of my offences and, by the earnestness of your prayers, expiate the things which I have committed, so that I may not be led down to Tartarus with the reprobate, but rather, through your intercession, may deserve to be raised to heavenly joys.' There follows the absolution of the Fathers, bearing the title: 'Letter of Absolution which those same venerable fellow-priests sent to him from the place of the siege.' After a preface concerning the virtue of the confession of sins, they absolve him thus: "'Wherefore, our brother and fellow-priest, to you confessing your sins, by the ecclesiastical power of apostolic authority which our Lord Jesus Christ delivered to His disciples and Apostles, saying, "Receive the Holy Ghost; whose sins you shall forgive, they are forgiven them," and through those same Apostles gave that same power to their successors, whose place we hold, though unworthy, if not by merit yet by name and by the assumption of office, and who said to one believing faithfully in Him, "Be it done to thee according to thy faith," may He, by His grace and power, through the virtue of the Holy Ghost, who is the remission of all sins, forgive you all your sins, deliver you from every evil, preserve you in every good, and bring you to eternal life and to the fellowship of the holy priests. Amen.' "It seems that nothing more could be required for true and sacramental absolution. For they say that they absolve in the place of Christ and by the power delivered to them by Him through those words, 'Whose sins

you shall forgive,' etc. ... This formula of absolution is the very one which in the Roman Order and in other Penitentials is directed to be given to an individual who confesses his sins one by one."[649]

[649] Morinus, *Commentarius historicus in administrationem sacramenti Poenitentiae*, book VIII, chapter 25, no. 4 ff., Paris, 1651, p. 596.

Reply. It can in no way be shown that sacramental absolution is in question here; rather, not a few considerations suggest that it is a canonical absolution, that is, from censures of the Church, or perhaps only a ceremonial one. For at that time the distinction between sacramental and canonical or ceremonial absolution was very well known; in the narrative, at least, nothing is said about a distinct confession of sins, which was then in use, but only a certain general confession is indicated. Nor does it matter that the absolution is said to be made through the power received from Christ in those words, "Whose sins you shall forgive ..."; for the power of the keys, or of binding and loosing, granted by Christ to the Church, is broader than sacramental power, and extends also to the imposition of and absolution from canonical penalties.

Proof 2. FROM THE VERY NATURE OF THIS SACRAMENT.

This argument is not put forward with sufficient force by certain theologians. For they reason approximately as follows: the administration of this sacrament requires the parties to be present to one another, both by reason of the generic character of a sacrament of the New Law, since the other sacraments are conferred between persons present to one another, and by reason of the specific character of this sacrament, either insofar as it is a judgment, which accordingly must be conducted between persons present, or insofar as it concerns ascertaining the penitent's interior and changeable disposition, which requires presence, or insofar as the absolution itself is effected by words addressed to someone present ("I absolve you").

Nevertheless, the opponents reply rather effectively to these arguments, as does Tournely, cited above (p. 698): that presence is required neither by reason of a sacrament of the New Law, as is evident from Matrimony, which can take place between absent persons; nor by reason of judgment, since the person judged can be absent; nor from the necessity of ascertaining dispositions, since these can be sufficiently ascertained in writing and their continuance can be established with moral certainty; nor from the nature of words addressed to a present person ("I absolve you"), since they can be directed in writing to absent persons, insofar as these are constituted morally present.

For this reason the foregoing argument ought to be presented and strengthened more effectively in the following way:

1. Presence in the sacrament of Penance is required by parity or analogy with the other sacraments of the New Law, Matrimony excepted; for all the others take place and are completed in the presence of the parties. That the analogy should be drawn, not from Matrimony itself, but from the others, is evident both *a priori*—for when some common group or collection is in question, an argument from similarity is more effectively drawn from several than from one, since in several a common reason is more securely discerned —and *a posteriori*, because Matrimony plainly exhibits certain characteristics in which it differs from the other sacraments.

For, first, in Matrimony God did not institute anything peculiar, but only elevated the natural contract itself to the dignity of a sacrament; in the others, however, God instituted something not already existing, although He assigned to each a likeness to some natural practice: for example, to the Eucharist that of nourishment, to Orders that of conferring power, and to Penance that of a certain judgment, yet one internal and voluntary.

Moreover, and consequently, in Matrimony, as in any contract, consent and its proper form can be expressed by any signs whatsoever, even at a distance, and according to the nature of that same contract it can be effected and completed between absent persons; the form of the other sacraments, Penance not excepted, must be expressed by the living voice, and the living voice is directed only to persons present. Hence, just as the spoken words "This is my body" and "I baptize you"

cannot be directed except to matter and a subject present, so neither can the words "I absolve you" be directed except to the person present to the speaker, and that as the object of the action, namely, as the one confessing.

Furthermore, in the form of Matrimony nothing is expressed which sounds like an address to another (for the words "I join you together" are not sacramental but ceremonial); rather, there is expressed only the subject's own consent in the acceptance and surrender of a right over the body. In the other sacraments, however, except the Eucharist, speech addressed to another is expressed ("I baptize you," "I confirm you," "I absolve you"), and this certainly suggests the mutual presence of speaker and hearer.

You will object with Tournely (cited above, pp. 698–699): the other sacraments consist in the employment or handling of some sensible matter (as in the Eucharist), which is moreover applied to the subject (as in Baptism, Confirmation, Extreme Unction, and Orders); hence in them the physical presence of minister and subject, or of matter and form, is plainly required. Penance, on the contrary, no less than Matrimony, has as its matter something moral, namely the action of the subject; hence it is not necessary that its form should signify a present subject, corresponding to its matter, because it has its practical signification even at a distance.

Reply. In the sacraments mentioned, the employment or handling of matter is the reason why matter and subject must be present to the minister when the matter is applied and conferred upon the subject, but not when the words of the form are pronounced, since these are something distinct from the handling of the matter and can be spoken after a lapse of time, when the matter or the subject is no longer morally present to the minister. Therefore the necessity of this moral presence must be derived from some other source, in those sacraments no less than in Penance. That in Matrimony this presence is not required is not deduced from the fact that its matter is something moral or an action, but from another consideration, namely, from the very nature of the contract, which does not apply to Penance.

Lugo (d. 1660) had already resolved this objection of Tournely, writing:

"You will say that in the other sacraments washing [ablution] on the part of the matter, or the imposition of hands, or something similar, is required, and this cannot be performed upon an absent person; therefore the others cannot be conferred in absence, whereas this is not found in absolution. But, on the contrary, although in Ordination, for example, the handing over of matter is required, nevertheless a metaphysical coexistence of matter and form is not required, but a moral conjunction,

so that the words immediately precede or follow. We may therefore suppose that after the matter has been handed over, the ordinand immediately leaves that room, so that he is no longer morally present, and that the bishop then pronounces the form, saying, 'May divine grace ordain this man a priest,' etc., as the Greeks say. There will then be no foundation for denying the validity of that form, unless it be reduced to the practice of the Church, or to some other consideration which has no less place in the sacrament of Penance than in those others."[650]

[650] *De Poenitentia*, disp. 13, sect. 6, no. 151, *Disputationes scholasticae*, vol. 4, Paris, 1892, p. 745.

2. Presence in the sacrament of Penance is required by its own specific nature, or by its very judicial character.

We do not say simply, "From its judicial character," for a judgment, considered absolutely, and especially an absolution, can be rendered in the absence of the person concerned, as is evident from civil and ecclesiastical forensic judgment and from absolution from censures. Rather, we say expressly and specifically, "From its own judicial character." For God did not choose a natural judgment as the basis of the sacrament, as He chose the natural contract itself in Matrimony; instead, He instituted a certain means of remission and absolution, to which He attributed, so far as possible, the likeness of a forensic judgment, so that it should become a certain singular tribunal, incapable of being imitated by any human power: an internal, voluntary, reconciliatory and satisfactory judgment rather than a vindicatory one, to be completed by a vocal judgment addressed to the person, exercised by a personal and non-delegable power, and protected by the seal of secrecy.

Now an internal judgment, or one dealing with a matter of conscience, calls for the presence of the party concerned, at least so that it may be conducted much more fittingly;[651] for it assumes the character of a medical and healing judgment and examination, which most particularly demands the mutual and immediate presence of physician and sick person in order to provide suitable treatment. Nor would anyone readily think that Divine Wisdom neglected a means so desirable for so great an end.

[651] "Indeed, probably [presence is required] for it to take place at all; for the priest cannot give absolution unless he is certain that the penitent has not changed his good dispositions of will at the very moment when he absolves him; otherwise he would attempt to absolve one not disposed. But the priest cannot have such certainty unless the penitent confesses here and now in his presence; for if he has confessed previously by writing or through a messenger, he could in the meantime have changed his will. Several theologians, such as John of St. Thomas (no. 66), Gonet, Billuart, De Augustinis, and Galtier, regard this proof, which we call only probable, as certain. Tournely (cited above), however, objects to them not without probability that, for absolving, moral certainty that the penitent's will has not changed is sufficient; and the priest can obtain this certainty even if the penitent confessed by letter or through a messenger, and in the case where the fervent and habitual disposition of the penitent is known to the priest, or if the penitent's letter or messenger has reached the confessor within a very short interval of time."

A voluntary judgment, of whose nature it is that the penitent be at once the accused, the prosecutor, and a witness, and be accounted such both for himself and against himself, requires the presence of the prosecutor and witness in the same forensic judgment. Nor does it matter that, in an involuntary judgment, an accused person may sometimes happen to be absent, whose presence is expected in vain: for a sentence must nonetheless be pronounced upon the absent person, so that at least in effigy or in goods he may be punished, having withdrawn his person by flight.

A reconciliatory and satisfactory judgment calls for presence. For, as is clear from human inclination and practice, when vengeance repels, reconciliation, so far as it can, joins together and takes place in presence; and, in the very presence of the person, satisfaction is completed by the shame of the confession.

A judgment to be completed by a vocal sentence addressed to the person requires presence absolutely, since the living voice would sound in vain when addressed to one absent. Nor, moreover, could a sacramental sentence pronounced aloud be transmitted by the voice of a messenger, both because it involves a personal and non-delegable power and because it is protected by the seal of secrecy.

The seal of secrecy, by which confession and absolution are inviolably protected, calls for the mutual presence of penitent and priest. This presence is the proper and intrinsically more fitting means of preserving the seal, whereas writing and a messenger, however much prudence and caution may surround them, are in themselves external means liable to disclosure.

3. Hence all Tournely's objections fall to the ground. With Morinus, he contends that the invalidity of administering this sacrament between absent persons cannot be proved to arise from its very nature or from Christ's institution, but only from a law of the Church.

Furthermore, their very opinion is shown to be false in three ways.

First, the Church does not possess the power of rendering invalid by her disposition something that is determinately valid in the sacraments by Christ's institution. Nor is there any force here in invoking the opinion of those theologians who grant the Church the power to determine the matter and form of the sacraments; for in the present case it would not be a determination of matter and form. Nor is there force in arguing by parity with the withdrawal of jurisdiction, by which the Church in fact invalidates an absolution attempted by a priest; for it is one thing to take away jurisdiction and another, while jurisdiction remains, to make an absolution between absent persons, which in itself would be valid, invalid. Nor can one say that in the present case the Church also withdraws jurisdiction; for whence could this be established? It is gratuitously asserted and gratuitously denied.

Second, if such power belonged to the Church, she could not validly employ it by a universal provision whereby a sacrament administered between absent persons would always be invalidated, even in a case of extreme necessity. For this would be to the destruction of souls, by withdrawing from them a means of salvation instituted by Christ. Similarly, although the Supreme Pontiff has power to withdraw from individual priests jurisdiction for absolving, he would attempt in vain to withdraw it from all priests at once in the Church and thereby equivalently suppress it, since that would be essentially contrary to the common good and to the sanctifying end of the Church and the sacraments. Yet Clement VIII decreed that the aforesaid administration is invalid in every case. Therefore he either erred, which cannot be said, or merely declared that to be invalid which is invalid by its own nature, or by Christ's institution.

Third, the purpose of Clement VIII's decree was to put an end to the controversy then being conducted among the theologians. They, however, were disputing whether confession between absent persons was valid or not by its very nature or by Christ's institution. Therefore Clement, in declaring its invalidity, taught that it was invalid by Christ's institution itself.

CONCLUSION 2 — Even if confession was made in person, absolution at a distance is invalid

Conclusion 2. The sacrament is invalid even if only the absolution is given at a distance, after confession has been made in person.

Proof 1. As in the preceding conclusion, from the decree of Clement and the practice of the Church. Although these seemed to certain theologians not to exclude the validity of confession at a distance, because of the practice of absolving a dying person deprived of his senses, nevertheless all theologians after that decree are said to exclude the validity of absolution between absent persons.

Proof 2. As in the preceding conclusion, from analogy with the other sacraments.

This proof may not inaptly be strengthened, with Lugo, by the reasoning from the consecratory character which belongs to the sacraments.

He himself says to the point:

"Hence a third general reason can be gathered, namely, that the sacraments are sacred ceremonies instituted for this purpose: that men should be consecrated to God, initiated, sanctified, and blessed. But a consecration or blessing never takes place except in the presence of the thing which is consecrated or blessed. In particular, in the sacrament of Penance the sinner is, as it were, blessed by the ministry of the priest when he is absolved; so that he who had been polluted by sin is, through reconciliation and sacerdotal absolution, as it were blessed anew, so to speak, and sanctified again. Hence this sacrament formerly was not conferred without the imposition of the priest's hands upon the head of the penitent, as is gathered from the Third Council of Carthage, chapter 32, and is referred to in the *Presbyter*, chapter 26, and from the Ninth Council of Nicaea. Indeed, the sacrament itself is called the *imposition of hands*, as appears from Augustine, book V *On Baptism*, chapter 23, and from his comment on Psalm 146, 3, upon those words, 'who heals those who are contrite of heart and binds up their wounds,' and from book I *On Adulterous Marriages*, last chapter, and book II, chapter 6, because the imposition of hands is an action of blessing and consecrating. And although the sacrament of Matrimony can be received in absence through a proxy, yet that, as we have said, is most peculiar to that sacrament, in which Christ instituted no rite, but raised to the dignity of a sacrament the very action of a profane contract which existed in itself. Hence that sacrament alone is effected by words which of themselves appear profane and sound like no blessing or consecration; but in the other sacraments the words and actions appear to sound a blessing, as when it is said, 'I baptize you in the name of the Father,' etc.; 'I sign you with the sign of the cross and confirm you,' etc.; 'Through this holy unction may God forgive you,' etc.; 'Receive the Holy Spirit, receive the power of offering sacrifice,' etc. In the Eucharist, moreover, the matter itself is especially and solemnly consecrated, while the recipient is afterward consecrated by contact with and reception of the most sacred Body of Christ. Therefore, from the general nature of the sacraments, it was fitting that the penitent should be absolved only when present; for how could he be blessed and consecrated by priestly ceremonies unless he were present to the priest himself?"[652]

[652] *De Poenitentia*, disp. 13, sect. 6, no. 152, *Disputationes scholasticae*, vol. 4, Paris, 1892, pp. 745–746.

Proof 3, and directly, from consideration of the nature of absolution itself.

First, absolution must be pronounced by the living voice, as will be proved in Article 78 from at least the mind and practice of the Church. But speech pronounced by the living voice is by its nature

ordered to hearing, which can be effected only in the presence of the parties.

Second, absolution must be expressed in the form of an address to a person, either by the word "you" ("I absolve you"), or by something equivalent to it, as is evident from the formulas of the Rituals and the Penitential books; just as the form of consecration must be expressed by the demonstrative word "this" ("This is my body"). But the word of address "you," pronounced by the living voice, is directed only to a person present. Therefore a priest cannot absolve an absent penitent, just as he cannot consecrate absent matter. For another reason, moreover, vocal absolution cannot be transmitted by the voice of a messenger, since, as was said above, sacramental power is personal and not delegable.

Nor is it a valid objection that a form of absolution expressed by the words "I absolve Paul," "Let Paul be absolved," "Let this servant, N., be absolved" is held valid, as is clear from the practice of the Church and the formulas of certain Rituals. Similar forms are also valid in Baptism: "I baptize Paul," "Let Paul be baptized," "Let this servant of Christ be baptized." These formulas, it is argued, do not indicate the presence of the subject; therefore the preceding argument drawn from the particular character of the form is ineffective.

For these formulas are valid precisely because, on account of the subject's presence, they are equivalent to the formulas "I absolve you" and "I baptize you." If the subject were not present, the formula "I absolve Paul or the servant of Christ" would be equivalent to "I absolve that servant of Christ" and would be invalid, no less than the formula "That is my body" in the consecration of the Eucharist.

CONCLUSION 3 — The sacrament is invalid even if confession alone is made at a distance, followed by absolution in person

Conclusion 3. The sacrament is invalid even if the confession alone is made at a distance, so that absolution subsequently takes place in person.

Proof 1. Nearly all the arguments brought forward in Conclusion 1 apply here, especially the argument drawn from the proper judicial character of this sacrament and the argument derived from the mind of the Church—that is, from the testimonies of Pseudo-Augustine, St. Thomas, the Council of Trent, and above all from the decree of Clement VIII, particularly when compared with the declaration of the Holy Office excluding Suárez's interpretation (discussed on pp. 689–691).

Some, however, such as Amicus (*Disputation* 11, section 4, no. 62),[653] have vainly attempted to evade the force of this declaration, saying that it did not condemn Suárez's opinion itself, because the Supreme Pontiff proscribed that opinion for no other reason than that he did not wish his mind and his decree to be explained by a private doctor. If it were permissible to interpret pontifical decrees in this way, an easy and broad road would lie open to those in error for protecting condemned errors. Moreover, Suárez's interpretation was rejected neither once only nor by Clement VIII alone; and in so many declarations of the Holy Office not a trace is found from which one could infer that they concern the expediency of his opinion rather than its very truth.[654]

[653] Original printed footnote **54**, p. 714, attached to Amicus: "Cited by Gonet, *Disputation* 12, article 4, no. 59."

[654] Original printed footnote **55**, p. 714, attached to the rejection of Suárez's interpretation: "Cf. Salmanticenses, *Disputation* 3, doubt 5, no. 208; Gonet, *Disputation* 12, article 4, no. 59."

Furthermore, the utter unsuitability of Suárez's distinction between the disjunctive and the conjunctive senses is apparent in three ways.

First, considered in itself. For if the Supreme Pontiff had proscribed the proposition concerning the validity of confession and absolution at a distance only in the conjunctive sense and not also in the disjunctive sense, either part of that proposition taken separately would be valid: absolution at a distance no less than confession at a distance. In that case, on the one hand, there would be a contradiction of the most certain opinion—an opinion most common among theologians after the decree—concerning the invalidity of absolution at a distance; on the other hand, the force of the decree would be greatly weakened, since the grave inconveniences of administering the sacrament at a distance are found especially on the side of absolution. Indeed, almost the whole force of the decree would be emptied out; for once that interpretation were admitted, everything that is prohibited when done conjointly would in fact be permitted when done disjunctively—that is, now the one, now the other.[655]

[655] Original printed footnote **56**, p. 714, attached to the first criticism of the distinction: "Cf. Lugo, *Disputation* 17, section 4, no. 65."

Second, the distinction is unsuitable in the manner in which Suárez expresses it. For he first teaches that the proposition is condemned and false in the conjunctive sense; yet he does not then admit, as would logically be expected, that it is true in the disjunctive sense. Rather, he says that only one part is true, namely the validity of confession at a distance. To what purpose, then, does he introduce conjunction and disjunction, except to evade the force of the decree by a mere play upon words? He would speak more logically if he simply said:

Absolution at a distance is invalid, but confession at a distance is valid. Finally, he does not dare, at least in express words, to concede even this without qualification; instead, he restricts the validity of such a confession to the case of a dying person.

Third, the distinction is unsuitable on account of the motive from which it proceeds. For it arises solely from the desire to resolve the difficulty presented by the validity of absolution given to a dying person deprived of the use of his senses. Suárez reasons thus: in that case no present confession takes place; therefore the decree, which speaks of the necessity of presence both in absolving and in confessing, must be explained otherwise than its words indicate—namely, as restricted to the necessity of presence in absolving. How illogical this is must be evident to everyone, since one ought, on the contrary, to reason theologically in this way: the decree speaks of the necessity of presence both in absolving and in confessing; therefore, even in the case of a dying person, confession in person is preserved, and it must be explained how this is so.

Proof 2. From the very necessity of presence for valid absolution. For absolution to be valid, the penitent must be present, as was proved in the preceding conclusion. He must, however, be present not merely as a certain thing, that is, physically and materially, but *as a penitent*, that is, morally and sacramentally, by consenting and cooperating through an actual confession, or through signs by which a confession already made at a distance is confirmed and, as it were, repeated in the priest's presence.

For the merely physical presence of a penitent who in no way cooperates contributes nothing to absolution. Thus absolution given to a man who is merely physically present and in no way confesses

is morally equivalent to absolution given at a distance; for sacramental actions belong to the order of moral realities, and in moral matters mere physical presence is reckoned as absence.

To this Collet adds:

"We shall not dwell upon these matters with a more expansive pen, since, on closer inspection, this question is now of no practical use. For one who, for a just cause, has confessed while absent by letter either ratifies, when he presents himself before the priest, the confession that he made by letter or through an intermediary, or he does not. If the former, he now confesses before the priest who is present, no differently from one who says: 'I accuse myself of the sin that I committed yesterday in your presence.' If the latter (which certainly will never occur except among theologians engaged in metaphysical and empty speculations), he will be capable of being absolved by no one, because, without cause in a sacramental matter, he embraces the less safe and much less probable side."[656]

[656] Original printed footnote **57**, p. 715, attached to the quotation from Collet: "*De Poenitentia*, part 2, chapter 5, no. 616, in Migne, *Theologiae cursus*, vol. 22, column 557."

Nevertheless, this case should not be called merely empty and speculative. For especially in a time of persecution it may not rarely happen that a priest, to whom a sufficient sign of confession has been sent by a penitent imprisoned in jail, by means of an intermediary or a writing, may hasten to the place of execution yet be unable to communicate with the penitent or make him aware of his presence. In this case, absolution could not be given *in itself*, since no confession made in the priest's presence is presumed to exist: the penitent, ignorant of the priest's presence, does not appear to offer any sign by which he confirms his earlier confession in the priest's presence. Nevertheless, perhaps the priest may confer absolution, at least conditionally, in those circumstances in which he may legitimately presume that the penitent is then thinking that the priest has already arrived and is present among the bystanders, and that he is trying to discover the priest, thereby equivalently offering signs of ratifying his confession. This case could in some way be assimilated to that of the absolution of a dying person deprived of the use of his senses who had requested confession.

OBJECTION — The dying person who requested confession before losing consciousness

You will object. According to the doctrine and practice of the Church (compare the ancient Councils, St. Leo the Great, the Roman Ritual, and the Code of Canon Law, cited below in Article 97 of volume IV), as well as according to the oral declaration of Clement VIII himself after his decree and its explanation in the case of Suárez, the absolution of a dying person deprived of the use of his senses, who requested confession while the priest was absent, is valid. But this confession, such as it is, was made only at a distance. Therefore confession at a distance is not absolutely and universally invalid, either by Christ's institution or by a provision of the Church, but is valid at least in the aforesaid case of the dying person. From this it further follows that the decree of Clement VIII must be interpreted in such a way that the case of a dying person is excepted from the invalidity of confession at a distance. This, moreover, cannot conveniently be done except by distinguishing, with Suárez, between the conjunctive and disjunctive senses.

REPLY — Four principal solutions

Reply. Various solutions have been offered to this serious difficulty and, consequently, to the question of how the decree of Clement VIII can be reconciled with the decree of Leo the Great. These can be reduced to four principal solutions.

The first solution, which was that of Suárez, concedes the entire difficulty. But this solution, as we said above, was rejected by the Holy Office itself, which declared that the case of absolution of a dying person must not be understood as a case of confession at a distance, but that it "contains an entirely different difficulty" (Denzinger 1089, cited on p. 688). Nevertheless, several later theologians, including some modern authors, approach this solution, such as Henno, Gury, Pesch, Lercher, and Noldin, of whom we spoke above (pp. 699–700).

The second solution, suggested by Tournely and apparently not displeasing to certain modern theologians, denies the assumption of the objection's minor premise. In the case of that dying person, there is no confession, but only the expression of a will to confess, which would be called a confession only improperly. Hence there is no question of a confession at a distance, whose validity the decree of Clement condemns. To the point, Tournely says:

"I reply ... that the prohibition of the Supreme Pontiff Clement concerns only the common and ordinary manner in which confession is made, and not that singular case of extreme necessity in which a confession is not so much made as the desire for it is declared—a desire which our pious mother the Church judges sufficient in extreme necessity for the benefit of absolution to be bestowed."[657]

[657] Original printed footnote **58**, p. 717, attached to Tournely's quotation: "*De Poenitentia*, question 6, article 4, *Praelectiones theologicae*, vol. 9, Paris, 1765, p. 232."

However, this can be maintained only on the Scotistic opinion, rejected above (in Article 4), that confession is not absolutely and in every case required for the validity of the sacrament. Besides, as Lugo rightly observes (cited above, pp. 701–702), in the expressed will to confess there is a certain true confession, however general, since "he who shows and says that he wishes to confess thereby confesses; for to confess, speaking generally, is to declare and acknowledge one's own offense; but he who says that he wishes to confess his offense thereby declares and acknowledges that he has an offense to confess."

The third solution, not very different from the preceding one, which Lugo himself expounds and defends at length (as cited above, in the same place) and which is not displeasing to Pesch (cited there), distinguishes the minor premise and the consequent of the proof. It distinguishes two kinds of confession. One is confession taken more generally and less strictly (that is, a true confession, although consisting solely in a declaration of the will to confess). This is absolutely necessary for the validity of the sacrament, but it can be made at a distance; it is this kind that is at issue in the case of the dying person and in the decree of Leo the Great. The other is confession strictly so called (consisting in the distinct accusation of sins). This is not absolutely necessary, but when it is made—and ordinarily it must be made—it must necessarily take place in person. This latter kind is not at issue in the case of the dying person, whereas it alone is at issue in Clement VIII's decree. That decree therefore does not contradict Leo's decree or exclude the validity of such confession at a distance as occurs in the dying person's case.

Nevertheless, this opinion, however ingenious, is only a certain mitigation of Suárez's opinion, and it does not preserve the force either of the decree itself or, especially, of the subsequent declaration of the Holy Office. For the decree speaks of confession without any distinction; but that confession less strictly so called is, by Lugo's own admission, a true confession. Therefore it too cannot be made at a

distance. Likewise, the Holy Office declares without any distinction that the validity of the sacrament in the case of a dying person cannot be used to infer the validity of confession at a distance. Yet in Lugo's opinion, the validity of the sacrament in the case of a dying person is used to argue for the validity of a certain confession between absent persons—namely, confession less strictly so called.

The fourth solution, by far the more common among theologians, denies the minor premise of the objection, teaching that even in the case of the dying person just mentioned confession is made in the priest's presence, by reason of the testimony of those through whom the will to confess becomes known to the priest. In explaining precisely how, by reason of such testimony, confession becomes present, these theologians differ in three explanations.

Some, such as Billuart and De Augustinis (to be cited shortly), say that this occurs insofar as, by reason of such testimony, the confession previously made at a distance establishes a presumption of a new and actual confession made in the presence of the priest who has arrived. In other words, on account of the confession already requested, the confessor legitimately presumes that here and now some confession and petition for absolution exist, expressed through certain natural signs such as groans, sighs, a fixed gaze, or labored breathing.

But this explanation does not hold; rather, it strays outside the question. First, on account of such a subsequent and hypothetical confession, the dying person can be absolved only conditionally, as moral theologians teach, precisely because that confession is not always nor certainly present. By contrast, the dying person who asked for confession before losing the use of his senses must be absolved absolutely, as the same theologians say in accordance with the Roman Ritual (title 3, chapter 1, no. 25, cited on pp. 550–551). Therefore the presence of the confession of a dying person who requested confession must be explained not by that hypothetical confession but in another manner: precisely by the preceding request for confession itself, insofar as it is in some way made present through the account of witnesses. Moreover, that hypothetical confession is not peculiar to a dying person who has requested confession, but is found also in one who has given no sign of confession or repentance. Therefore it does not explain the presence of confession in the case presently under discussion, that is, that of a dying person who previously requested confession.

Others, therefore, such as Vázquez, Diana, Gonet, Frassen, Billuart, and Merkelbach, teach that the preceding confession, or request for confession, is made present through the presence of witnesses, who act as interpreters; for confession made through an interpreter is held valid by everyone.[658]

[658] Original printed footnote **59**, p. 718, attached to the claim about confession through an interpreter: "Certain theologians, such as John of St. Thomas, to be cited below, do indeed speak of confession through an interpreter; nevertheless, they do not properly explain the presence of confession from the very presence of the interpreters. Hence they must be separated from this opinion and numbered among the defenders of the following opinion."

However, the character of an interpreter is invoked in vain to explain the presence of confession. For, as Lugo rightly observes (*Disputation* 17, section 4, nos. 67 ff.), the character of a properly so-called interpreter can be entirely absent from these witnesses, and nonetheless confession can be present and absolution must be given to the dying person. The confessor is absent when the penitent manifests his will to confess to the witnesses. Hence the witnesses are not properly interpreters, because for the proper character of an interpreter it is not enough that the confessor be present when the witness speaks to him; it is also necessary that he be present to the penitent when the latter speaks to the interpreter. For the penitent's speech through an interpreter is not the speech of the

interpreter himself but of the penitent, directed to the confessor, though through an interpreter. Thus the penitent can be said to address the confessor through an interpreter, and this requires the simultaneous presence of the one who speaks, the one through whom he speaks, and the one to whom he speaks. Nor does it help to say that the role of an interpreter is sufficiently fulfilled by the witness's very presence when the confessor arrives—even if the witness does not then repeat his testimony—because the very presence constitutes a kind of morally continued testimony. For the witness's presence may be entirely lacking: for example, if, after summoning the confessor, he leaves him along the way. Nevertheless, confession must still be said to be present, since absolution can and must be conferred, and that absolutely.

Others, therefore, such as John of St. Thomas, Tournely, the Salmanticenses, and Suárez himself (in a letter written after the condemnation of the doctrinal interpretation of his mentioned above), assign the correct solution. They teach that the dying person's confession is made in the priest's presence insofar as the will to confess, previously expressed and conveyed to the confessor through witnesses, morally persists when the confessor arrives and is actually present to the penitent. Since the penitent is deprived of the use of his senses, it is morally certain that he has not changed his intention and that he therefore still actually confesses in the priest's presence, so far as he is able in his condition. Hence the presence of that confession consists in the very moral persistence of the previously made expression of the will to confess. It is grounded in, or results from, as from a conjoint cause or condition, both the account of the witnesses—who act not as interpreters but merely as persons reporting the matter or as intermediaries —and the physical presence of the priest, who knows of the aforesaid will, and of the dying person, who is unable to express it again and who has certainly not revoked it in a moral sense.

From this the difference becomes clear between this case and two other cases: first, that of a dying person deprived of the use of his senses who has given no sign of wishing to confess; second, that of a sick person who has summoned a priest through an intermediary but who, when the priest arrives, is not deprived of the use of his senses, but merely sleeps or is found in a certain imperfect and passing faint. In the first case, absolution should indeed be given, but conditionally and solely because of the presumption of the presence of some confession expressed here and now through sighs and other natural signs of this sort; for in extreme cases, extreme measures must be attempted. In the second case, however, absolution cannot be given until the sick person awakens (for he can awaken) and makes a confession physically in the priest's presence, so far as his condition permits.

This opinion, which Tournely and Suárez express with sufficient clarity, is suitably explained both by John of St. Thomas and, especially, by the Salmanticenses, as will be evident from the texts to be adduced immediately below.

DE AUGUSTINIS: "In the case of the dying person of whom the Councils, St. Leo the Great, and the Ritual speak, the valid sacramental confession on account of which the priest, when he arrives, imparts absolution is not the one made in the priest's absence, but another confession, which the dying person accomplishes in that same priest's presence, so far as it can be done. Indeed, sighs, groans, movements of the eyes and of other members, and even labored breathing itself, can be regarded as signs by which the dying penitent endeavors to express the contrition of his soul, his will to accuse himself, and his desire to obtain absolution from the priest who is present. Consequently, when these signs are given—which at least doubtfully exhibit the dying person's confession and show

his disposition to receive the sacrament of Penance—the priest can, indeed must, come to the aid of the person in danger through the benefit of conditional absolution. Certainly some most trustworthy persons, who had been brought to the very threshold of death, complained, upon recovering their health contrary to expectation, that absolution had been refused them by the priest present while they were at the point of death, asserting that they had ardently desired it and had implored it by every sign in their power; but those in attendance either did not notice these signs or judged them to be merely natural."[659]

[659] "*De Poenitentia,* a. 9, thes. 21, Romae, 1889, p. 263."

BILLUART: "It must be said that this dying person's confession was not made to one absent but to one present, through the bystanders as interpreters. If you object: For a confession to be considered made through an interpreter, there must be speech from a present penitent to a present interpreter, and from a present interpreter to a present confessor; otherwise an interpreter would not be distinguished from a messenger. Therefore—

"Reply 1. It happens in this way in our case also: the penitent is present, the bystanders are present, the confessor is present, and through the testimony of the bystanders the confession itself is present, with that presence which suffices for the confessor to be made as certain as possible of the penitent's condition. For since it is not likely that the sick man, in this condition and danger, changed his will from the time when he lost the use of his senses, his earlier confession still endures morally and is expressed through the mouths of those present. But the same cannot be said of a confession made by letter or through a messenger.

"2. Even granting that such a confession, or request for confession, was made by the dying man to someone absent through the bystanders as though through messengers—especially if those who were present at the request are now absent, and others report it only from their account—we then say that this dying man is not absolved by the force of that confession precisely considered. Rather, because trustworthy bystanders, even on the report of others, testify that he requested confession or gave signs of penance, it may be presumed, or at least doubted, that in this condition he still now endeavors, through signs otherwise natural, such as groans, sighs, breathing, a fixed gaze of the eyes, and so forth, to express outwardly his penance and his sins. Thus a confession, such as he can make, is present; and by reason of that doubtful present confession he is absolved. For in extreme circumstances extreme measures must be attempted."[660]

[660] "*De Poenitentia,* diss. 7, a. 3, § 2, *Cursus theologicus*, t. 9, Parisiis, 1904, p. 441."

GONET: "In our case the dying man confesses *as though through an interpreter* (which is always permissible), namely through the testimony of those who heard him asking for a confessor or who saw signs of contrition in him. Moreover, the confessor has him as though morally present, because he is sufficiently present for the priest to be assured that he has not changed his former will, seeing that he has lacked the use of his senses from the time when he asked for confession; and thus he is safely absolved, and at least must be absolved conditionally. But in Suárez's case the confessor has not, and cannot have, moral certainty that the penitent has not changed his former will, as was shown above. Therefore he cannot absolve him unless the penitent ratifies the confession he had made by letters or through a messenger and testifies that he is sorry for the sins disclosed by letters or through a messenger. That is to confess to a priest who is present."[661]

[661] *"De Poenitentia,* disp. 12, a. 4, § 4, *Clypeus*, v. 6, 1876, p. 1671."

FRASSEN: "The [dying] penitent sufficiently shows that he is sorry for his sins when he requests Penance, and he already begins to confess in a general way when he asks that a priest be summoned —almost in the manner in which someone confesses through an interpreter when he communicates his sins to that interpreter so that the latter may explain them to the priest. For when the bystanders explain to the priest, now present, the dying man's penance and desire, they set forth his confession to the priest in the manner of interpreters. Thus he himself, as though through interpreters, now manifests his sins to the priest who is present and gives signs of penance."[662]

[662] *"Scotus Academicus*, t. 10, disp. 2, a. 3, Romae, 1902, p. 502."

TOURNELY: "I reply, with Isambert, that in the case brought forward the dying man is in some manner made present to the priest through the witnesses, when he signifies his sorrow for sins and his desire for confession; for these are considered to persevere morally when the priest is present, by whom the dying man is absolved."[663]

[663] *"De Poenitentia,* q. 6, a. 4, *Praelectiones theologicae*, t. 9, Parisiis, 1765, p. 232."

SUÁREZ: "Having often considered this matter, nothing occurs to me except that it can and must fittingly be said that, in the aforesaid case [of the dying man], the confession is not made in the absence but in the presence of the confessor and the penitent. This is so not merely because those who are present testify in their presence to the sick man's penance, disposition, and request for confession, but also, and especially, because the confessor, in the penitent's presence, examines the penitent's conscience in the manner in which he can, and sees with his own eyes that he is alive and in this respect capable of the sacrament, and that at that moment he cannot dispose himself better for confession. This is necessary for passing judgment on the sufficiency of that confession; and therefore it may rightly be said that the confession is made or completed in the penitent's presence."[664]

[664] "Letter given at Coimbra, 9 October 1610, in Tanner, *De Poenitentia*, disp. 6, q. 9, dub. 1, n. 16; cf. de Scorraille, *François Suarez*, t. 2, p. 99."

JOHN OF ST. THOMAS: "[The Ritual of Paul V speaks of the case in which] the sick man asked for confession when the priest was not present, and afterwards the priest, arriving, found him without the use of his senses and learned the penitent's condition from others. For in such a case he does not confess to an absent priest but to one present, with that presence which suffices for the priest to be assured of the penitent's condition when he pronounces absolution. For those who testify to signs of the sick man's contrition and penance act as though they were his interpreters up to the instant at which he loses consciousness. Thereafter he no longer uses sense or reasoning; and the priest becomes assured of this in his presence, when he sees that the sick man can in no way explain himself, either in general or in particular, and yet it is evident from his pulse or the palpitation of his heart that he still lives. Moreover, those who act as interpreters explain the penance which the sick man requested. . . .

"This . . . has always been the practice in the Church: that absolution can be given to such sick persons requesting confession on the testimony of others. Nor was this condemned or prohibited by Clement's decree, but it was confirmed in Paul's Ritual. For one who confesses in this way confesses as though through an interpreter (which has always been permissible), namely through the

testimony of those who heard him. Besides, he is sufficiently present for the priest to be assured that he has not changed his will, seeing that he has lacked consciousness since requesting confession. The presence of the dying man serves this purpose: not that he should perform some action in a human manner, but that it may be evident that he has not changed his prior will. And thus he is safely absolved; and at least he certainly must be absolved conditionally. As for the objection that, if this were so, the priest could also absolve a sleeping man whose sins he had learned by letter, when the man began to sleep after sending the letter and thus had not changed his will, the reply is that the reasoning is not the same. For he can easily awaken that man from sleep, or wait a little, and thus receive confession from the man himself; but this can in no way be done with the sick man who has entirely lost the use of his senses."[665]

[665] *"De Poenitentia,* disp. 33, a. 4, nn. 62–64, *Cursus theologicus*, t. 9, Parisiis, 1886, pp. 617 ff."

THE SALMANTICENSES: "In the case proposed, the dying man's confession is made formally, intensively, and terminatively to the confessor who is present. For the dying man does not intend to confess his sins to an absent confessor, but to stand before his tribunal so that he may be judged and absolved by him. . . . Although, when the priest arrives, the dying man does not then confess by words spoken at that time or by signs then made, nevertheless he then confesses terminatively and formally according to the intention which he had from the beginning and which he manifested sensibly to the witnesses who then testify to it. For that intention and manifestation, together with the other things which concurred from the beginning, have not yet fulfilled their final office; rather, they then persevere morally and are thereby joined together and represented as present to the priest through the witnesses' testimony. This is especially so because, as soon as the dying man had manifested his sorrow and desire for sacramental confession, he was deprived of his senses and gave or left no ground for presuming that he had changed his original will. Hence, according to the judgment of prudent persons, he actually perseveres morally in that will. To presume the contrary would be without foundation and not without grave injury to the dying man. . . ."

"'We freely admit that sacramental confession cannot be made to an absent priest but must be exercised in his presence. This is fully accomplished when a priest summoned or desired for the dying man finds him unconscious, but learns from witnesses that the man gave signs of sorrow and asked for a confessor. For the confession already begun and morally continued is then completed, and discharges its proper function before the confessor, which was intended.

"'It is true that this manner of confessing is not the one regularly and, speaking *per se*, required for sacramental confession; nevertheless, it is the manner which *per accidens* and absolutely suffices in so irregular a case as arises with a dying man. For just as, speaking *per se*, material integrity, or the manifestation of all sins in their species and individual occurrence, is required for sacramental confession, but *per accidens* formal integrity and the manifestation of sins in general suffice—especially for the confession of a dying person—so likewise, speaking *per se*, the penitent is required to explain his sins in spoken words, but *per accidens*, when necessity intervenes, it is sufficient that he explain them by nods, by writing, through an interpreter, or in any other manner. In the same way, it is essential for sacramental confession that it be made in the priest's presence, but there is a certain breadth, which must by all means be considered, in the manner of this presence. For, speaking *per se*, it ought to be physical, the penitent directly manifesting his sins before the confessor, as is regularly

done; but in the proposed case of a dying man, it suffices *per accidens* that the presence be moral, and that the confession be morally continued through the testimony of witnesses. . . .

"'A little question, if such it may be called, could cause a greater difficulty. It happens that the witnesses of whom we have so far spoken are absent from the dying man when the priest, having been summoned, arrives and is present to him. Thus a witness who saw the dying man sorrowing for his sins and asking for absolution may go to the priest, inform him, and summon him; but having performed this office, he does not return with the priest to the sick man, but goes elsewhere. Or those who saw these signs in the dying man may make them known to the priest not in the sick man's presence but in another and different room. Will the priest be able to absolve him?

"'Some defenders of our opinion have hesitated here and denied that this can be done; Diana reports and follows them in his treatise *On the Absolution of a Dying Person*, resolution 7, § "Igitur ex supra." Their foundation is that sacramental confession must be made in the priest's presence, as is clear from what has already been said. But, in the case under discussion, this cannot be verified in any way unless the dying man, together with the witnesses testifying to his sorrow and desire for absolution, is in the presence of the priest who is to absolve him. Therefore, if the aforesaid witnesses are absent, such a dying man cannot be absolved. They prove the minor premise: the dying man confesses in no other manner than through the aforesaid witnesses, since he cannot confess directly by himself, being supposed deprived of speech and senses. Therefore, unless the witnesses are present there, it cannot be verified that the dying man's sacramental confession is made in the priest's presence.

"'The contrary opinion, however, is sufficiently common and probable, and we subscribe to it. . . . It is proved by a reason which destroys the opposing foundation: the witnesses' testimony is required only in order that the confessor may sensibly know the dying man's confession, or that the dying man may confess to the priest who is present. . . . But for this it is sufficient that the witnesses manifest the matter to the confessor, and it is by no means required, or even helpful, that their manifestation be made in the dying man's presence. Therefore the latter is not necessary. The minor premise is proved, first, because by the witnesses' report, wherever it is made, the confessor knows sensibly, though mediately, the disposition and confession of the sick man, who manifested it to the witnesses from the beginning and, having lost his senses, did not revoke it. Second, even if the witnesses were placed before the dying man and testified at the time when the confessor arrived and was present, the sick man would not then be speaking through them as persons newly arrived and assisting at that moment, but through them as persons who heard him from the beginning and saw the signs of sorrow. For this it is entirely immaterial whether they give their testimony in the room itself or in another place distant and altogether different.'

"'Hence, against the opposing foundation, its minor premise must be denied. As to the proof of that premise, it is clear from what has been said . . . that the dying man, in the proposed case, from the very beginning expressed sorrow for his sins and an accusation of them, so far as lay on his part, before a confessor who was present, even though the confessor was *per accidens* absent in relation to that intention. This sensible confession of the dying man remained morally in the witnesses who saw and heard it, and they also sensibly brought and conveyed it to the confessor. Finally the confessor, morally retaining it, came into physical presence before the dying man; and through him the confession begun once from the beginning before the witnesses was completed, whether the

witnesses were then present or not. For through him the dying man's confession had already been made present to the confessor, and it perseveres morally.

"'Although matters stand thus, two things have seemed worth noting.

"'First, it is safer that, when the dying man's confession is completed before the confessor who is present in the manner just explained and absolution is conferred, the witnesses through whom the sick man expressed himself should also be present. First, because in this way it is more fully verified that confession is made in the confessor's presence through the witnesses, just as it could be made through an interpreter. Secondly, because in this way the testimonies cited above, and especially that of St. Leo, are more properly explained. Finally, because, when the matter is arranged in this way, all the defenders of our principal solution unanimously teach that the dying man can be absolved . . .; whereas, when the witnesses are not in attendance at the time of the priest's arrival, several of them doubt, and not a few deny, that the absolution is valid. It is therefore safer that the witnesses then be present so far as possible.

"'Second, when the witnesses are then present, the dying man can and must be absolved absolutely; but when they are not present, he can and must be absolved only conditionally. The reason for the first part is that absolution can and must be conferred absolutely when every doubt concerning its validity can prudently be excluded. But in the case proposed, with witnesses present and testifying that the dying man was sorry for his sins and asked for absolution, every doubt concerning the validity of the sacrament can prudently be removed. For what we have adduced in support of the principal solution, especially from authority and the practice of the Church, is so effective that it drives such doubt far away. Therefore in this case absolution can and must be given absolutely. The reason for the latter part is established from the contrary: absolution must not be granted absolutely, but conditionally, wherever a reasonable doubt arises about the validity of the sacrament. But this happens in the proposed case when witnesses are not present before the dying man and the confessor. There are few who deny it, and the arguments we presented in the preceding number do not entirely demonstrate the matter, although they render it more probable. Therefore in such a case absolution ought to be conferred not absolutely but under the condition, *if I can*, or *if sufficient matter is present*. And so we would advise.'"[666]

[666] "*De Poenitentia*, disp. 8, dub. 7, § 3, nn. 236–239, *Cursus theologicus*, t. 20, Parisiis, 1883, pp. 411–414."

NOTE 1. ON THE PROXIMITY REQUIRED FOR THE PRESENCE OF PENITENT AND CONFESSOR, AS DISCUSSED BY THEOLOGIANS, ESPECIALLY MORAL THEOLOGIANS

Since this is a moral and sacramental matter, its determination must be weighed not so much physically or mathematically as morally and sacramentally: that is, with attention both to the very nature of human presence and to the end of sacramental confession and absolution, for the sake of which that presence is required. From these considerations the following general rule is deduced: there must be between the penitent and the confessor such a degree and kind of proximity as are required for them, in a human manner and according to common custom and estimation, to be regarded as truly present to one another in the manner of persons conversing together.

For this, in the first place, a certain physical and fairly close proximity of place is required, namely, the sort of proximity at which people can and ordinarily do speak with their common voice, even if raised; such is a distance within about twenty paces, according to the fairly common judgment of

theologians. Hence it is by no means sufficient that the penitent can be reached in any manner through some sense of the confessor—for example, that he can be heard by shouting, or seen by him from a great distance, or that his house is within the confessor's view, as a few writers have said, some one thing and others another, without good reason.

Secondly, however, the physical closeness of place does not of itself suffice. Rather, attention must be given to the other circumstances by which that closeness is modified as regards the proximity required for two persons to be regarded as present to one another, like persons engaged in mutual conversation. Persons separated by a high wall are not so regarded, even when they are only two paces apart. Therefore such a distance and such conditions are required that the penitent and the confessor can mutually see and hear each other and, according to common estimation and the ordinary manner of speaking, can converse, even though through some accidental circumstance they do not in fact see or hear one another.

Consequently, absolution is not given to a person present, and is not valid, if the penitent and the confessor are in different rooms, however closely adjoining; for although they are very near each other, and indeed may be able to hear one another through a wall, they cannot see one another and are not regarded as present according to common estimation.

Likewise, absolution is not valid if the two are indeed in the same room but are separated from each other by more than twenty paces; for although they may be able to see one another and hear one another's raised voices, they nevertheless cannot converse, or are not regarded as persons conversing in one another's presence.

On the other hand, absolution is valid if it is conferred upon a penitent who has already departed, provided that he is in fact still within twenty paces, even if, on account of a gathering of people or some other reason, the confessor can no longer see him. Likewise, absolution imparted in common to a multitude, for example when shipwreck or war is imminent, is valid also for those who are at the farthest end of that multitude, even if they are beyond twenty paces; for if a large part is within twenty paces, the others too are considered morally present to the absolving priest, since all constitute one whole.

Moreover, since in a matter which depends very greatly upon moral and common estimation many things cannot be determined either strictly or certainly, and since in extreme circumstances extreme measures must be attempted, in certain cases of doubt and necessity absolution can and ought to be conferred conditionally. To the point, Noldin:

“When necessity presses, the penitent can and ought to be absolved whenever he can be perceived by some sense, even if in fact, owing to an accidental impediment, he is not perceived; yet with the condition if he is more than twenty paces distant. Hence (a) one who is seen falling from a roof, falling into a river, or sinking into the sea must be absolved; (b) a dying person whom the confessor cannot approach for whatever reason ought to be absolved from the doorway; (c) a wounded person lying in the street can be absolved from the window of a nearby house” (no. 238).

NOTE 2. ON THE VALIDITY OF CONFESSION AND ABSOLUTION BY TELEPHONE OR RADIOPHONE[667]

At first sight the validity of this manner of administering the sacrament seems to have a solid foundation, because of the kind of direct speaking which it involves and which would appear

sufficiently to preserve the moral presence that is required. Nevertheless, theologians very commonly, and with great probability, deny it, although some, such as Sabetti–Barrett (no. 728) and Prümmer (no. 331), judge more leniently in favour of this mode of absolving. [668]

[667] Cf. C. A. Eschbach, La confession par téléphone (Tournai: Casterman), Examen 1887, Réponse 1888; Irish Ecclesiastical Record, February, March, April 1883; June and July 1885; Ami du Clergé, 1898, p. 1097; 1929, pp. 689 ff.; Deshayes, Questions pratiques de droit et de morale sur le mariage, Paris, p. 131; Sabetti–Barrett, no. 728; Pesch, no. 303; Prümmer, no. 331; Cappello, nos. 72–75; Iorio, no. 368; Wouters, no. 343.

[668] Sabetti–Barrett: "To say what seems right to me, it does not appear why a priest should be condemned who would conditionally absolve some penitent by telephone, after learning from him that he had suddenly been seized by a most grave illness, that he was exceedingly sorry for his sins, and that he had placed his ears to the instrument to await absolution. For moral presence and the connection between matter and form are indeed required in every sacrament, but in different degrees and modes according to the diversity of each rite. Now, since the sacrament of Penance was instituted after the manner of a forensic judgment, for which there suffices that presence by virtue of which the judge and the accused can converse together, it does not seem that in the proposed case absolution is certainly invalid, since the penitent and the priest can truly be said to be conversing." Cf. Irish Ecclesiastical Record, February–April 1883; June–July 1885 (no. 728).

The first reason is that communication by telephone or radiophone is not speech properly and strictly so called, although it is produced by speech. For it does not take place immediately through the voice itself, but through a mechanical reproduction of that voice, however perfect. It follows that absolution expressed in this way is not properly vocal, as is required, but mechanical and artificial.[669]

[669] "This reason, however, does not seem to hold, or is at least less effective, if what is at issue is not a telephone or radiophone properly so called but a simple speaking channel or speaking tube (porte-voix, tubo fonetico, speaking tube); for in this case it is not merely a mechanical sound, but rather the human voice itself, that is heard, although propagated by artificial means. Against the validity of confession by speaking tube, however, there holds the reason to be given presently, namely, the absence of speech between persons present. Hence we do not agree with Cappello (no. 75), who judges in favour of the validity ('it seems valid') of this kind of absolution."

The second reason is that speech of this sort, whatever its nature, is not conversation between persons present, as is evident from common estimation, which regards speech by telephone or radiophone as speech between persons absent and distant from one another. For the first requirement of presence properly so called is physical presence itself, or proximity in place, founded upon a certain communication of quantities rather than of qualities. Hence not even the combined transmission or reproduction of several qualities—namely, voice by radiotelephone, appearance by television, and (should it perhaps be devised in the future) solidity by some sort of *radio-materialization*—can establish true physical presence, because it cannot transmit or reproduce quantity itself, owing to the impossibility of multilocation. Thus Sabetti–Barrett, approved by Prümmer, does not seem rightly to interpret common sense when he says: "The penitent and the priest [speaking by telephone] can be said, in the true sense, to be conversing with one another."

The third reason is that, even if such communication were true conversation, it is hardly probable that Christ assumed it as matter of the sacrament. For, as appears in the other sacraments, Christ assumed common and natural things and actions. Therefore, just as He constituted the matter of Baptism in true and natural water, and not in water produced merely by artificial and chemical means, so also, in view of the dignity of this sacrament, He must be said to have assumed true and natural speech, transmitted through the natural medium of air, and not mechanical and artificial speech produced by the agency of electricity and magnetism.

The fourth reason may be drawn from the inconveniences that would follow. For it is not probable that Christ chose as sacramental matter a medium so imperfectly suited to the end and character of this sacrament, both insofar as it is a judgment and insofar as it is a deposit to be protected by an inviolable seal. To the point, Pesch:

"Scarcely ever can this manner of acting be called suitable, because of the serious inconveniences which would readily follow if a priest spoke with a penitent in such a way that he did not even know with certainty who was replying to him from the other end, whether someone speaking seriously or someone who merely wished to jest. Since, therefore, the entire nature of a trial of itself already demands that the judge have the accused before him in the examination of the case, this is *a fortiori* so in this judgment, in which the accused himself must duly play the part of accuser and witness and must manifest a disposition sufficient for absolution. All these things can scarcely be done fittingly in the absence [of the penitent]."

"Finally, how readily the seal of confession would be put in jeopardy by this manner of proceeding requires no explanation."[670]

[670] Pesch, De Poenitentia, proposition 21, no. 303, Praelectiones Dogmaticae, vol. 7, Freiburg im Breisgau, 1920, pp. 154 ff.

The fifth reason. The validity of this manner of administering the sacrament is rendered very doubtful both by the common opinion of theologians, who deny it until, they say, the Holy See judges otherwise, and by the manner of proceeding of the Holy See itself. For the Sacred Penitentiary, when asked on 1 July 1884 "whether in a case of extreme necessity absolution could be given by telephone," replied: "Nothing is to be answered." This refusal seems significant, although theologians commonly say that the immediate sense of the reply is that the question did not fall within the competence of the Sacred Penitentiary, whose office is only to resolve particular cases, but rather within that of the Holy Office, to which it belongs to resolve doubts pertaining to the essence of the sacraments.

Nevertheless, because the invalidity of this manner of administering the sacrament is not absolutely certain, nor has the Holy See directly declared anything against it, theologians commonly say that in extreme necessity such a means of conditional absolution may be employed (some say *perhaps* it may be employed), because in extreme circumstances extreme measures must be attempted. This applies more readily when a simple speaking tube is in question.[671]

[671] "On this, see above, pp. 725 ff., in the note."

Cappello gives the following judgments concerning the validity and lawfulness of these three kinds of absolution, namely, by radiophone, by telephone, and by speaking tube:

"Absolution granted by radiophonic transmission must be said to be altogether invalid and unlawful. Nevertheless, if the distance were not considerable and moral presence were in some way maintained, conditional absolution would be lawful in a case of true necessity, for example, during enemy attacks."[672]

[672] Cappello, De Sacramentis, vol. 2, no. 74, Turin–Rome, 1944, p. 71.

"In the case [of absolution by telephone], there seems to be lacking the oral utterance of the form, or the human voice, and likewise the moral presence of the penitent; therefore we do not venture to call

the affirmative opinion solidly probable. Nevertheless, if a confessor in a case of extreme necessity employed a means of this kind to provide for the eternal salvation of some dying person, he would not seem deserving of blame. Let these statements stand until the Apostolic See has authoritatively indicated its mind on this matter."[673]

[673] Ibid., no. 73, p. 71.

"Absolution given by a speaking tube seems valid and may lawfully be granted conditionally in a case of necessity."[674]

[674] Ibid., no. 75, p. 72.

Article 42. Whether confession must be secret on the part of the penitent

ARTICLE 42. WHETHER CONFESSION MUST BE SECRET ON THE PART OF THE PENITENT

(*Supplement*, q. 9, a. 4; cf. q. 11, concerning the seal, of which we shall speak expressly below in Article 44).[675]

[675] "Since authors are not accustomed to consider this question separately, the bibliography which we shall give in Articles 43, 44, and 45 must be referred here. Among the few who directly raise or touch upon this question compare Suárez (Disputation 21, section 2), the Salmanticenses (Disputation 8, doubt 13, no. 322), Billuart (Dissertation 7, at the end), Palmieri (De Poenitentia, thesis 35), Pesch (De Poenitentia, proposition 15), and Galtier (De Poenitentia, thesis 31)."

STATE OF THE QUESTION

The question concerns the fourth and last quality of confession, namely, its private and secret character. This question must in no way be confused with another, connected with it in some fashion, concerning public and private penance in the ancient Church. It may be considered under three heads: on the part of the penitent himself, on the part of the Church, and on the part of the confessor.

Hence three questions may be raised concerning this quality:

1. Whether confession must be secret on the part of the penitent, in such a way that the penitent cannot, in the sacramental manner, reveal his sins to others besides the priest; or, in other words, cannot confess publicly, either validly or at least lawfully.

2. Whether confession must be secret on the part of the Church, in such a way that the Church herself cannot oblige the penitent to a public sacramental confession, and consequently the penitent is not bound to disclose his sins to anyone other than the priest in order to obtain absolution from them.

3. Whether confession must be secret on the part of the priest, in such a way that the confessor is bound not to reveal, either directly or indirectly, any sin of which the penitent has accused himself, but to preserve it inviolably under the sacramental seal properly so called.

The first question is the subject of the present article. The others will be discussed in the following two articles (Articles 43 and 44), at the end of which we shall add a special question (Article 45)

concerning public and private penance, because of a certain connection between the matters.

Several authors treat the aforesaid questions in another manner and order, especially by separating the third from the first two and resolving it when treating the obligations of the minister. More judiciously, in the *Supplement* to the Third Part of St. Thomas, the question of the seal of confession (q. 11) is placed at the end of the matter concerning confession, immediately before the treatment of satisfaction (q. 12 and following), although the Angelic Doctor himself, in his *Commentary on the Sentences* (from which the aforesaid *Supplement* is drawn), treats of the seal, apart from a special logical order, in question 21, following the order of Peter Lombard's text upon which he comments.

Furthermore, several authors place the question of public and private penance elsewhere in this treatise, chiefly, and not unsuitably, at the end of the chapter concerning satisfaction.

NEGATIVE POSITION AND AFFIRMATIVE POSITION

Three opinions have been advanced in the present question: two extreme opinions and a third, intermediate one.

The first opinion, erring by defect, teaches that confession need in no way be secret on the part of the penitent; indeed, that he not only can, but rather ought to, confess publicly. This opinion follows logically from the teaching of the Protestants, according to which, as the Council of Trent explains, "secret confession ... [is] foreign to the divine command and a human invention ... and took its beginning from the Fathers assembled at the Lateran Council" (chapter 5; Denzinger 901). The Innovators derive this teaching from the ancient practice of public penance, from which they maintain that confession in the ancient Church was never made secretly and with a view to the remission of sins, but always publicly, with a view to the outward correction of the sinner and the common edification of the people. The manner of confessing secretly, they say, was introduced much later, and was imposed only by a decree of the Fourth Lateran Council, in order to strengthen the practice and doctrine concerning the necessity of an integral and distinct confession, which were likewise unknown to the ancients.

As is evident from what was said in Article 36 (p. 350 and following), the Protestants chiefly intend to overthrow the necessity of this integrity. Thence they proceed to attack the secret character of confession, which is intimately connected with integrity; and finally, by reason of the same logical connection, they deny the necessity of confession itself in general. Nevertheless, as was said in the same place, several of them, including Luther and Calvin themselves, admit the usefulness of private confession, but generally incline toward inculcating a certain public and general confession before the Church.

Modern Liberal Protestants and pseudo-critics have developed the same teaching in what they present as a scientific manner, by means of a plausible explanation of the evolution of public penance into private confession, supposedly brought about gradually throughout the Church, especially under the influence of the confessional practice of monks. We have spoken of this in the same article.

O. D. Watkins thus briefly summarizes four stages in the evolution of public penance into private and obligatory confession:

"The three hundred years from A.D. 950 may now come under consideration. Towards the close of this period the Fourth Council of the Lateran (A.D. 1215) stereotypes the practice of Penance for the

Western Church in [a] form which is familiar as the present Latin usage. Private penalty and private reconciliation by a priest have at the time of the Lateran Council become the usage of the whole Western Church, north and south of the Alps alike: farther, this system of Penance is not only expected from the exceptional offender, as had been the Penance of the early Church, but it has come to be encouraged in all Christian people: farther, it is now not only encouraged, but by the council it is enjoined as a duty upon all Christian people: and, farther again, this duty is made of recurring obligation once in every year."

"The results which are thus finally attained are in startling contrast with the methods of the early Christian ages: but they represent the mind of the whole Western Church in its later experience of the high commission to bind and loose the souls of Christian men. The three hundred years before the Lateran Council are a period bridging over the experience of development from the partial acceptance and use of the private system of Penance in the tenth century to the universal, compulsory, and recurring employment of that system in the thirteenth" (*A History of Penance*, vol. 2, London, 1920, p. 735).

H. C. Lea writes the following concerning the secret character of confession in the first centuries:

"Of course, in the early centuries, when the only form of penitential confession recognized by the Church was public, there could be no injunction of secrecy.

> "If evidence of this be wanted it can be found in the early codes prescribing the functions of the priesthood and the penalties imposed for derelictions—the canons of Hippolytus and the Apostolic Constitutions, the so-called canons of the Apostles and the canonical epistles of Gregory of Nyssa and Basil the Great, the penitential decrees of such councils as those of Elvira, Nicea and Ancyra and the collections of the African Church. All these together form a tolerably extensive body of canon law, representing the doctrine and practice of the different churches up to the close of the fourth century, and had there been any duty incumbent on priests to listen to the confessions of sinners and to veil them in impenetrable silence there would unquestionably have been some allusion to it and some penalty prescribed for its violation. The absolute ignorance of any such duties manifested by all these lawgivers is sufficient evidence of their non-existence.
>
> "At the same time the dangers to which a penitent might be exposed by the public knowledge of his sins is seen in the exception made by St. Basil the Great in favor of a wife who confesses to adultery and from some remarks of St. Augustine. The first allusion to the advisability of secrecy, when sinners sought counsel in private of holy men, in place of confessing before the congregation, occurs in the life of St. Ambrose by his disciple Paulinus, and this shows that it was a voluntary silence, considered remarkable at the time, for the biographer refers to the reticence of the saint in such matters as a praiseworthy trait, rendering him an example for subsequent priests, that they should rather be intercessors with God than accusers before men. When, in the fifth century, Sozomen relates the tradition that after the Decian persecution, the excessive number of penitents caused bishops to place in the churches holy priests known for their wisdom and taciturnity to listen to their confessions, the details into which he enters show that such customs were unknown to his contemporaries. In the West, it was not till 459 that Leo the Great forbade the public reading of confessions before the

congregation, for the reason that it deterred sinners from unburdening their consciences through the attendant humiliation and danger of prosecution for their crimes. Secret confession being thus recognized as lawful, the advisability of making it only to those who would not betray the confidence naturally followed.

"In the sixth century St. Benedict tells his monks that any sins of the soul should be made known to the abbot or to some one else who can cure their wounds without making them public. About the same period, in the East, St. John Climacus shows that there was no recognized rule on the subject by arguing, in anticipation of Aquinas, that God does not reveal the sins confessed to Him, and the confessor should follow the example.

"During the succeeding centuries, as the practice of auricular confession gradually spread, the matter of secrecy remained in this shape—a sort of vague moral obligation, without any definite expression of liability to any penalty."[676]

[676] H. C. Lea, A History of Auricular Confession, vol. 1, Philadelphia, 1896, pp. 415–417.

The Council of Trent opposes the following to the teaching of the Innovators:

Session XIV, chapter 5: "As regards the manner of confessing secretly to a priest alone, although Christ has not forbidden anyone from confessing his offenses publicly, both for the punishment of his crimes and his own humiliation, and for the example of others as well as the edification of the offended Church, nevertheless this has not been commanded by a divine precept; nor would it be sufficiently prudent to order by any human law that offenses, especially secret ones, be disclosed in public confession. Since, therefore, sacramental secret confession, which the holy Church has employed from the beginning and still employs, has always been commended by the most holy and ancient Fathers with great and unanimous consent, the empty calumny of those who do not hesitate to teach that it is foreign to the divine command and a human invention, and that it originated with the Fathers assembled at the Lateran Council, is manifestly refuted" (Denzinger 901).

Canon 6: "If anyone shall deny that sacramental confession was either instituted or is necessary for salvation by divine law; or shall say that the manner of confessing secretly to a priest alone, which the Catholic Church has always observed and observes from the beginning, is foreign to the institution and command of Christ and is a human invention: let him be anathema" (Denzinger 916).

The second opinion, erring by excess, teaches that secret confession is absolutely necessary, at least by a necessity of precept, or *per se* for its lawfulness.

Suárez, Lugo, and others attribute this opinion to Scotus (*In IV Sentences*, distinction 17, q. 1), Biel (ibid.), and Angelus (under the word *Confessio*, nos. 29 and following). Nevertheless, some, such as Coninck (disputation 6, doubt 2, conclusion 1), excuse Scotus and Biel from this opinion, saying that nothing further is necessarily deduced from their words than that the penitent is not bound to public confession. Angelus, however, says only that secret confession is necessary by ecclesiastical precept, unless the necessity of confessing publicly excuses. Hence it is not evident that these doctors taught a necessity of secret confession properly so called, whether for validity, or for lawfulness by divine precept, or simply for lawfulness by ecclesiastical precept. Rather, they may be favourably drawn toward the third opinion, of which we shall speak below, notwithstanding a certain exaggerated

expression in urging the very great fittingness of secret confession and the obligation to confess in this manner *per accidens*.

Nevertheless, this opinion, understood rigorously—that is, insofar as it teaches that secret confession is necessary for the validity of the sacrament, or for its lawfulness by divine precept—conflicts with the teaching of the Council of Trent just related and, after the Council, is erroneous or at least rash. Nor is it of any avail to object that the Council says nothing more than that a person may confess his sins publicly, which could be understood even of a non-sacramental confession made from a motive of humility; for the whole context, both remote and immediate, manifestly shows that the Council is speaking about sacramental confession itself.

The third, intermediate opinion holds, on the one hand, that confession ought ordinarily to be made secretly, and, on the other hand, that this is not a necessity of the sacrament—that is, a requirement for its validity—nor, strictly and directly, a necessity of precept, whether divine or ecclesiastical.

This is commonly the opinion of both ancient and modern theologians, in agreement with the teaching of the Council of Trent just cited, although they do not all speak in the same way when reconciling those two assertions, or when explaining the nature and origin of the obligation to confess secretly in ordinary circumstances, as will be set forth below in the Conclusion.

CONCLUSION

On the part of the penitent, confession must be secret, but only in fact and ordinarily. Consequently: (1) public confession is necessary neither for the validity nor for the lawfulness of the sacrament; (2) secret confession itself is likewise necessary neither for the validity of the sacrament nor absolutely for its lawfulness, namely by force of any direct divine or ecclesiastical precept; (3) nevertheless secret confession is in fact and ordinarily necessary for lawfulness, by force of another law or motive.

The conclusion is proved in its several parts.

FIRST PART. Public confession is necessary neither for the validity nor for the lawfulness of the sacrament.

For the necessity of public confession cannot be deduced—and indeed is excluded—from the three sources from which everything pertaining to the essence and necessity of the sacrament flows or can be discerned: namely, Christ's institution, the nature of the sacrament, and the precept or practice of the Church.

From the words of institution, "Receive the Holy Ghost ... whose sins you shall forgive, they are forgiven them" (John 20:22–23), it follows only that the priest must have knowledge of the sins. From this follows the necessity of confession, but not of public confession, since the priest can acquire the aforesaid knowledge most fittingly through secret confession.

Indeed, from the very fact that the matter concerns the knowledge and manifestation of sins, the necessity of public confession is positively excluded. For that which is less fitting and appropriate cannot, *a fortiori*, be necessary, since necessity represents a certain highest degree of fittingness and suitability. But it is in itself less fitting to manifest sins publicly than secretly, as is evident both from the very nature of sin, which, however public it may be, essentially consists in the intention, and from the special character of hidden or merely internal sins; and also from the effects or inconveniences that would follow from the necessity of public manifestation: namely, damage to

reputation and temporal harm on the part of the penitent; scandal on the part of others; and a less frequent reception of the sacrament (because of shame), as well as a more difficult administration of it (because of the frequent impossibility of confessing except in the presence of a priest alone). Compare the *Supplement*, q. 9, a. 4, and q. 11, a. 1, cited below.

From the very nature of the sacrament, insofar as it is a judgment, it follows only that confession, or the knowledge and exposition of sins, must take place in a judicial manner, namely by accusation and testimony. For this, however, secret confession suffices, because this judgment belongs to the internal forum, in which the penitent himself is at once the accused, the accuser, and the witness. A public hearing of the case, on the other hand, is not required precisely by the notion of judgment in general, but by the specific nature of an external and forensic judgment, in which the accused, accuser, and witness are not the same person.

Indeed, from this very special and internal judicial nature of the sacrament, the necessity of public confession is positively excluded. For that which is less fitting cannot be necessary, as was just said; but public confession is less fitting to the sacramental judgment than secret confession, because, in itself and ordinarily, it renders the judicial process more difficult, owing to a less spontaneous accusation, less sincere testimony, and less frequent recourse to the sacrament.

From the precept or practice of the Church, the necessity of public confession, far from being deduced, is positively excluded. There exists no direct precept concerning either public or secret confession, whether of the universal Church or of any particular church. On the contrary, the necessity of public confession is directly and explicitly excluded by the Council of Trent, which interprets the meaning and custom of Tradition. The practice of the Church from the Middle Ages onward, by the admission of all the Innovators, and from a much earlier period, by the admission of the Liberals, has been secret confession. As regards the earlier centuries also, secret confession was continually employed, and indeed was alone employed, as will be shown in the following article.

Moreover, the very universal practice of the Church of confessing secretly for many centuries, which the adversaries themselves admit, cannot be reconciled with the infallibility of the Church and the assistance of the Holy Ghost on the hypothesis that public confession is necessary. Nor, furthermore, can the Innovators explain how or when the Church passed from the conviction that such necessity existed to a contrary conviction and doctrine. Consequently, by virtue of the argument from prescription, the attack of the Innovators is shown to be inept and the affirmation of the Church is demonstrated to be legitimate, since the condition of the possessor is the better one.

SECOND PART. Secret confession itself is also necessary neither for the validity of the sacrament nor absolutely for its lawfulness, namely by force of any direct precept, divine or even ecclesiastical.

For the absolute necessity of secret confession cannot be deduced from any of the three sources mentioned above.

From the words of Christ there follows only the necessity of confession or of knowledge of sins, which is not impeded by the presence of several persons; indeed, sometimes it can be aided by their presence. For a confession made publicly, "for the punishment of his crimes and his own humiliation, both for the example of others and for the edification of the offended Church" (Council of Trent), more expressly manifests the sincerity of the disclosure; or, when public sins are in question, the

confession of the penitent is in some fashion strengthened by the presence of others, as though by the silent confirmation of witnesses.

Furthermore, the inconveniences mentioned above that can arise from public confession—namely, harm to oneself through loss of reputation or temporal goods, and harm to another through scandal —do not absolutely stand in its way. The penitent may permit the first harm for a legitimate reason, especially when it is compensated by the fruits of his own humility, the example given to others, and public satisfaction; the second, however, can be forestalled by the direction of prudence.

From the proper nature of the sacrament there follows only the greater fittingness of secret confession, as was said above, not its absolute necessity. For public confession is repugnant neither to the notion of judgment in general, since forensic judgments take place publicly, nor to the notion of an internal judgment, since this requires only the personal accusation and testimony of the accused himself, which may indeed be given publicly. Moreover, by public confession the judicial character of the case can itself be strengthened and confirmed to some degree, in the manner just indicated.

Nor can the absolute necessity of secret confession be deduced from the law and practice of the Church. In the first place, no such direct and explicit law exists. On the contrary, the Council of Trent, while commending and defending against the Protestants the practice of confessing secretly as something not foreign to the divine precept, by no means declares it necessary; indeed, the Council explicitly says that public confession is not contrary to the precept of Christ and that it may be instituted for a reasonable cause. The Fourth Lateran Council, moreover, in commanding that the penitent "confess alone ... to his own priest," intended only to confirm the Church's practice of confessing secretly; or it says this, not so "that this manner [of secret confession] be prescribed, but that another not be required" (Suárez).

Nor does the practice of the Church exclude the lawfulness of public confession, as is evident both from several instances of this kind of manifestation, undertaken voluntarily, which occur in the exercise of ancient public penance (which indeed was sacramental), and from certain cases of necessity in which confession is customarily made that cannot take place without some degree of publicity: for example, the necessity of confessing through an interpreter, at the point of death, or in the necessity of supplying for the ignorance of the priest.

To the point, Suárez:

"There are certain cases in which it is morally necessary to confess in such a way that someone besides the priest hears the sins. One common case is when confession is made through an interpreter; for, whatever may be the question whether a man is bound to confess in this way when he cannot do otherwise [cf. above, Article 36, pp. 523–526] ... nevertheless it is certain that he can do so, and that at least such confession is sacramental; and yet in it that mode of secret confession is not wholly preserved. Another case is if, at the point or danger of death, the penitent cannot confess except in a loud voice, so that others hear; for without doubt he can do so. Likewise, when the confessor does not possess sufficient knowledge, the penitent can give him permission to discuss the matter with someone more learned, even naming the person of the penitent himself, if the penitent wishes and there is need; but this is equivalent to public confession, which for the same reason could

be made before those two persons, of whom one would have jurisdiction and the other knowledge."[677]

[677] Suárez, De Poenitentia, disputation 21, section 2, no. 10, Opera omnia, vol. 22, Paris, 1866, pp. 459 ff.

THIRD PART. Nevertheless, secret confession is in fact and ordinarily necessary, by force of another law or motive.

So teach all theologians, beginning with the ancient doctors of the Middle Ages, who enumerate secrecy among the necessary qualities or conditions of confession, as we related in Article 38. To the point, St. Thomas, *Supplement*, q. 9, a. 4:

"Some of the aforesaid conditions are of the necessity of confession [there follows an enumeration of these conditions] ... Whence [confession] must be ... secret with regard to the condition of the forum, in which hidden matters of conscience are treated. But that confession be frequent and prompt, so that one confess at once, pertains to the well-being of confession."

The motive or foundation of this kind of necessity and obligation is expressed differently by different authors. They derive it either from the very nature of the sacrament, insofar as it is a hidden judgment (St. Thomas, Montefortino); or, more explicitly, from divine institution (Billuart, Frassen); or from the indication, will, and institution of Christ (Frassen); or from the natural law which forbids the revelation of hidden and defamatory matters (the Salmanticenses, Billuart, Pesch); or from the constant custom of the Church, which it is unlawful to oppose (Suárez, Billuart, Pesch).

St. Thomas, at the place cited: "It is necessary that [confession] be ... secret as regards the condition of the forum in which the hidden matters of conscience are dealt with."

Suárez: "On account of the custom of the Church, he would not be without fault who, without any occasion or reasonable cause, wished to confess in another manner [than secretly]" (*Disputation* 21, section 2, no. 12).

The Salmanticenses: "The condition that [confession] be secret ... is required, speaking in itself, for the sacrament. The reason is that, although no divine precept of secret confession exists, nevertheless ... [the Council of Trent commends it] ... and [by the Fourth Lateran Council] confession is ordered to be made to the priest alone ... From this it follows ... that it is forbidden, at least under venial sin, to confess one's sins when others besides the priest are listening; for then, without just cause, one's reputation is squandered, which is a slight fault" (*Disputation* 8, doubt 13, no. 322).

Montefortino: "It is necessary that [confession] be secret by reason of the manner of its institution, insofar as the very person who has sinned denounces himself to the vicar of God" (*Duns Scoti Summa Theologica, Supplement*, q. 9, a. 4).

Frassen: "Auricular confession was indicated by Christ, not commanded ... [This] may be gathered from the perpetual and constant tradition and practice of the Church ... For since ... the whole Church has used secret confession from the beginning, and still uses it, it follows that it was transmitted to us from Christ the Lord through the Apostles ... You will say: Nowhere in Scripture is it read that Christ the Lord commanded penitents to manifest their sins to priests by private and secret confession; therefore He did not institute that secret manner of confessing.—I deny the consequence; for the careful and never-interrupted custom of secret confession, from the earliest times of the Church down to our own times, which derived its origin neither from councils nor from

supreme pontiffs, is a sufficient indication that it has no author other than Christ" (*Scotus Academicus*, vol. 10, tractate 1, disputation 2, article 3, section 2, question 3, conclusion 1).

Billuart: "It should be observed that, when the Author [St. Thomas] says certain conditions are of the necessity of the sacrament, among others that it be secret, he does not mean [that secrecy belongs] to its essence. For although Christ instituted secret confession, nevertheless He did not absolutely forbid public confession, as is evident from what has been said above; but [he means] that ordinarily it is not lawful to confess otherwise than secretly, especially hidden and defamatory sins. For this would be contrary to natural law and the practice of the Church" (*Dissertation* 7, article 4, at the end).

Pesch: "So far is Christ from being judged to have willed this [namely, public confession], that it clearly appears He did not institute this sacrament in such a manner that anyone might be permitted to manifest whatever he wished before everyone. Since, therefore, this is against natural law itself, it is not only unnecessary, but it is not even lawful to confess publicly without discrimination" (no. 210). "Such an act [of public confession] cannot be unlawful, provided it is done prudently. But because the matter requires great prudence and is contrary to the custom now prevailing in the Church, no one may confess publicly unless, in a particular case, it seems good to those to whom the matter pertains" (no. 221).

From what was said in the preceding part, it is understood that the reasons assigned by these and other doctors must not be pressed too far or taken separately. Otherwise it would follow that secret confession is, from divine institution, absolutely necessary for the validity or at least for the lawfulness of the sacrament, or that it is necessary solely insofar as the imprudent revelation of a defamatory secret is prohibited by natural law. The first [view] errs by excess, the second by defect, and both are foreign to the mind of these doctors.

Hence it must be said that the necessity and obligation in question arise proximately and properly from ecclesiastical custom, which has a force equivalent to that of a precept, as was also said in Article 40 (p. 684) concerning the obligation of vocal confession. Remotely and improperly, however, that obligation arises both from the aforesaid natural law and from the positive institution of Christ and the nature of the sacrament He instituted, to which the Church, the interpreter of both natural and positive law, has wisely adapted her custom.

The objection which the adversaries draw against this obligation from the use of public confession in the earlier centuries is devoid of its very supposition, as will be shown in the following article.

Article 43. Whether confession must be secret on the part of the Church, so that no ecclesiastical law can compel a sinner to public confession

ARTICLE 43. WHETHER CONFESSION MUST BE SECRET ON THE PART OF THE CHURCH, IN SUCH A WAY THAT BY NO ECCLESIASTICAL LAW CAN A SINNER BE COMPELLED TO PUBLIC CONFESSION

(*Supplement*, q. 9, a. 4; cf. q. 11 concerning the seal, of which we shall speak in the following article).[678]

[678] Original printed note 79, Latin p. 737, attached to the Article 43 title. "This question is not customarily treated by authors separately from the questions concerning the seal and concerning public or private penance; hence the

bibliography to be given in Articles 44 and 45 pertains here. More directly relevant are: Bellarmine, De Poenitentia, book 3, chapter 14; Suárez, disputation 21, section 2, nos. 6–8; Morinus, Commentarius historicus de Poenitentia, book 2, chapters 9 ff., book 5, chapter 8; Petavius, De vetere in Ecclesia Poenitentiae ratione diatriba, § 5; Tournely, De Poenitentia, question 6, article 4, De secreto confessionis; Collet, De Poenitentia, part 2, chapter 5, historical dissertation after article 5; Palmieri, De Poenitentia, thesis 35; Pesch, De Poenitentia, proposition 15, nos. 222 ff.; Galtier, De Poenitentia, thesis 31; and Kirsch, Rauschen, and Honoré, to be cited below."

STATE OF THE QUESTION

The meaning of this question sufficiently appears from the text of the article itself and from what was said in the State of the Question of the preceding article.

NEGATIVE POSITION AND AFFIRMATIVE POSITION

As was said in the preceding article (p. 729), PROTESTANTS generally maintain that in the ancient Church nothing but a certain public confession or penance was in use. From this they must logically infer either that the Church has the power to impose public confession of at least some sins, or that she for a long time and universally usurped that authority and shamefully departed from the mind of Christ.

That such a power belongs to the Church follows likewise from the opinion of SEVERAL CATHOLIC THEOLOGIANS, especially of the sixteenth to eighteenth centuries, according to whom, in the earlier centuries (down to the fifth or sixth century), public penance necessarily involved also public confession of the sins for which penance was being performed, and consequently both of public sins and of certain hidden sins of a graver kind.

This opinion was especially expounded and extensively defended by John Morinus († 1659). In its support Morinus himself cites John Hasselius (John Lenaerts van der Eycken of Hasselt; † 1552), a theologian at Trent; Ruard Tapper († 1559; *On Luther's Fifth Article*, where he treats the deed of Nectarius), a disciple of Hasselius and likewise a theologian at Trent; Lindanus (*Panoplia*, book IV, ch. 69); Peter Soto (*On the Institution of Priests*, lecture 2); Bullinger; Alanus Copus; Pamelius (in his annotations on St. Cyprian's treatise *On the Lapsed*); and Gregory of Valencia (disputation 7, question 9, point 2). Among modern writers the same opinion was followed by P. A. Kirsch and, to some extent, B. Kurtscheid, to be cited below.

Certain others moderated this opinion, teaching that the obligation of confessing publicly existed only for public sins and not for secret ones. Thus, among modern writers, Rauschen and Honoré, who will be cited below; and among earlier authors, several whom Petavius mentions without naming them, and among whom Bellarmine seems to be numbered, as cited below, although it does not appear entirely clear whether he is really speaking of a common and lawful practice (which prevailed for some period) of obliging sinners to confess public sins, or of a particular custom, perhaps to be disapproved.

Petavius († 1652), a contemporary of Morinus, writes thus concerning the opinion of those and other doctors:

"Among very many writers of our own age this opinion has become established: that public confession of sins was a part of penance, and that it was received by common use and custom just like its other duties. But what precisely this confession was, and to what kinds of sins it was restricted, all do not pronounce in the same manner; rather, some render this error tolerable, while

others render it altogether absurd by their interpretation. There have been those who excepted no kind of sins from the law of public confession, not even hidden sins; the more prudent among the others rightly think such persons ought to be rejected. Others subject to that public profession only crimes that are public and commonly known. Others, finally, contend that only certain sins, selected from among them all by those presiding over penance, were subject to it. Again, some assert that the penitents themselves, brought before an assembly, openly confessed their sins; others, in order to spare their shame, thought that this task should be entrusted to priests, who would recite the penitents' crimes before the people either from memory or from a written account." [679]

[679] Petavius, De vetere in Ecclesia Poenitentiae ratione diatriba, § 5, in Dogmata Theologica, vol. 8, Paris, 1867, p. 191.

MORINUS, the principal and learned exponent of this opinion, teaches two things: the first concerns public penance directly (of which we shall speak below in Article 45), while the other concerns public confession itself. Namely:

First, in the earlier centuries (down to the sixth century), public penance (and indeed sacramental penance) was ordinarily enjoined both for all public sins and for certain graver hidden sins, according to the prudent judgment of the priest. This was, however, subject to the qualification that one who confessed secretly could be compelled to public penance for public sins only by the public action itself, or by excommunication; for hidden sins, on the other hand, he could be compelled to it only by the private action of the confessor, who refused reconciliation unless he was willing to perform public penance.

Secondly, public confession was always joined to public penance and was likewise prescribed. Hence public confession was ordinarily imposed along with penance, both for public sins and for graver hidden sins chosen at the confessor's discretion.

On this point MORINUS himself says:

CONCERNING PUBLIC PENANCE:

"It seems to us that no one can doubt that public crimes were treated and punished by public Penance, unless perhaps some exceedingly grave reason intervened, which might have been of such weight that not only public Penance but even private Penance was omitted, and, all punishment being at once remitted, Communion was granted to the person guilty of the crime. ...

"It remains, therefore, that we undertake our discussion concerning hidden and enormous crimes. Just as we said that public crimes were healed by public Penance according to the opinion of almost everyone, so also I think no Catholic will deny that hidden crimes could be, and were, healed by private Penance. ... Consequently, the whole difficulty lies in the conjunction of hidden crimes with public Penance. For nine hundred years and more these axioms have been current throughout the whole Church: ... 'For public sins public Penance must be performed; for hidden sins, hidden and secret Penance.' Practice, moreover, has been so consonant with these axioms that the ancient records of those centuries scarcely furnish us with contrary examples. Hence it came about that the greater part of the Scholastic Doctors judged this discipline, and no other, to have been derived from the Apostles, and in their dissertations presupposed it as a most familiar and conceded principle. Yet this assertion did not go so far that they would have maintained it was forbidden to perform public Penance for hidden crimes if someone did so of his own accord and for the sake of attesting his repentance. ...

"But most of the more recent theologians, who, on account of the new heresies, investigated the ancient discipline of the Church far more diligently than the ancient Scholastics and handed it down to us, have gone much further in this matter. For some of them wrote that public Penance for hidden crimes was exceedingly frequent and customary among the ancients; others, that it was not merely commended but even prescribed; others added that the confession of certain hidden crimes was commanded publicly. ... [He cites Ruard Tapper, Hasselius, and the others enumerated above.]

"Wherefore, since so many learned men, most celebrated in the Catholic Church, have believed and taught that the custom of public penances imposed for hidden crimes was frequent in the Church in ancient times, indeed was prescribed, and no argument can be opposed to it from the nature of the sacrament, no one, I think, will deem it extraordinary if we undertake to prove and illustrate that same ancient custom further. ... There are innumerable testimonies and examples of that custom, clearer and more splendid than the midday sun. For seldom do the most ancient Fathers, when they establish anything concerning Penance in the canons or instruct the people in homilies and sermons, aim at anything else. ... Before we begin to demonstrate the most ancient tradition of this custom, I wish the reader to be admonished once more that one who confessed secretly could not be compelled to undertake public Penance for a hidden crime, as has already been demonstrated in book II, chapter 15, and will again be demonstrated below in chapter 16, and is noted often elsewhere in this work; the contrary applies, however, to a public crime, as we prove in chapter 20 of this book and in book VII, chapters 4 and 5. Moreover, although they were almost always accustomed to impose public penances for these hidden crimes, nevertheless they commuted them to private ones whenever there was a probable danger that their disclosure would be harmful to the penitents, as was proved in book II, chapter 19. For they employed public penances in such a way as not to take away the efficacy of private and secret penances, as we have shown in chapters 1 and 6 of this book."[680]

[680] Morinus, Commentarius historicus de disciplina in administratione sacramenti Poenitentiae, book 5, chapter 8, nos. 1–3 and 20–21, Paris, 1651, pp. 272 ff. and 278 ff.

CONCERNING PUBLIC CONFESSION:

"That notorious and public sins were publicly declared in the Church and in the assembly of all the faithful, not only publicly announced by bishops or superiors, but also confessed and divulged by the guilty persons themselves in the hearing of everyone, and that pardon was publicly sought by them from the Church, no one, I think, Catholic or heretic, will deny. Not only does the Council of Trent, session XXIV, chapter 8, *On Reformation*, prescribe this to be done, but it also gives the chief reason for that holy custom: 'The Apostle admonishes that those who sin publicly must be rebuked openly. Therefore, when a crime has been committed by someone publicly and in the sight of many, so that there can be no doubt that others have been offended and disturbed by the scandal, a penance proportioned to the fault must be publicly imposed upon him, so that he may recall to a right life, by the testimony of his amendment, those whom he provoked to evil conduct by his example.' To demonstrate this by an accumulation of testimonies would be a waste of labour.

"Setting aside, therefore, this matter about which no one disputes, in this chapter we shall explain a particular manner of Confession, very commonly practiced among the ancients but obsolete for more than nine hundred years. When a penitent secretly disclosed to a priest secret sins known to no one, he was frequently admonished to confess them publicly himself and to proclaim them in the hearing of everyone; not, indeed, all of them, but only those by the confession of which the priest judged that

the Church would be edified. The others were concealed, lest their disclosure should be a scandal to the Church or even create danger for the person confessing. For it has always been forbidden in the Church that secret sins be indiscriminately published, and, in general, that from Confession and ecclesiastical Penance some grave inconvenience, much less danger of death, should threaten penitents. ...

"This custom was very frequent from the very beginnings of the Church; yet it was gradually moderated, chiefly under the reign of Christian emperors. For since the Church especially abhors whatever is bloodstained, and many crimes were punished under the laws of the Christian emperors which formerly were not even recognized as crimes, it came about that under their rule public Confessions of hidden sins were much more rarely made, the Church most diligently taking care that in the administration of the sacraments she should give her children no occasion of death or of some grave inconvenience. Certainly, if the ancient authors are diligently considered without a preconceived opinion, one will observe not only public penance for hidden sins but also very frequent public Confession."[681]

[681] Ibid., book 2, chapter 9, no. 1; chapter 10, no. 1, pp. 87 ff. and 91.

P. A. KIRSCH writes:

"A public confession and a public penance were demanded for both public and secret sins. Nowhere in the early Church do we find public penance without public confession, as is evidenced by the testimony of Tertullian and Cyprian."[682]

[682] Zur Geschichte der Katholischen Beichte, pp. 71 ff., as cited by Rauschen, Eucharist and Penance (English translation from the second German edition), St. Louis, Missouri (B. Herder), 1913, p. 185.

KURTSCHEID:

"In the Eastern Church several texts, especially in the works of Origen, speak in favor of the theory that the priest, besides giving a private admonition, could also require a public confession of secret capital sins to be made in the presence of the assembly. Whether this custom was in vogue only in one or the other church, or for how long a period public confession of secret sins was required, cannot now be determined."[683]

[683] A History of the Seal of Confession, translated by F. A. Marks, St. Louis, Missouri (B. Herder), 1927, p. 25.

RAUSCHEN:

"It seems to me that the truth of the matter must lie midway between these extremes [namely, between the opinion of Morinus and that of Petavius]. ... In all cases of capital sins committed publicly, public confession was required in the presence of the congregation; not so for secret sins. If a sin had been committed in secret, the offender was free to perform a public penance without a public avowal of his guilt. ... There are a number of instances which go to show that for all publicly committed capital sins a public avowal before the people was demanded. ... No public confession, however, was exacted in the case of capital sins committed in secret. This proposition can be amply demonstrated from contemporary sources."[684]

[684] Work cited, pp. 186–188.

L. HONORÉ:

"On one point, however, the West differed from Eastern discipline. For certain grave and scandalous faults, public acknowledgment was obligatory. Thus St. Irenaeus tells us that on the banks of the Rhône, women who had been seduced and corrupted by the heretic Marcus had to submit to *exomologesis* in order to return to the Church. We must observe, however, with M. d'Alès, that public confession was obligatory only for certain scandalous faults, and that nowhere in the ecclesiastical documents of the beginning of the third century is there any trace of an integral and public acknowledgment of all sins, imposed upon catechumens or even upon the faithful.[685] ... As we have seen, this public acknowledgment was required or advised only for sins which had caused some grave scandal. ...

[685] d'Alès, La théologie de Tertullien, p. 332, note.

"Such, then, was the external aspect of the penitential discipline universally in use in the first centuries of the Church: above all public, both as regards the acknowledgment of the gravest offences and as regards the penalty to be undergone by the penitent. Only Great Britain is mentioned as a region which constituted an exception. ... Must we conclude from this that the primitive Church generally knew only public confession and public penance? We have already had occasion to remark that certain documents assuredly indicated the existence of private confession, an existence which, moreover, cannot be doubted for the reasons we shall give shortly. But what seems to us indefensible is to say, with certain Catholic critics [he cites Vacandard and Batiffol], that during the first centuries auricular confession alone was obligatory for all grave sins, whether public or secret. The texts invoked in support of this thesis prove only that public acknowledgment existed, and nothing more. ...

"Anyone who has read our exposition attentively will nevertheless be unable to object that this conclusion contradicts the doctrine of the Council of Trent concerning secret confession and falls under the anathema of the sixth canon."[686]

[686] Honoré, Le secret de la Confession, Bruges, 1924, pp. 7 ff., 16 ff., 19.

BELLARMINE:

"[In the time of the patriarch Nectarius] not all sins had to be made public, but only those for which public penance was prescribed. Accordingly, the priest heard absolutely all the sins of penitents; but he kept secret those which were hidden, and silence was required for this purpose; those which were public, however, although perhaps unknown to many, were disclosed openly in the Church as in a theatre. ...

"From what has been said thus far we conclude that the constitution of the bishops of which the historians [that is, Socrates and Sozomen] speak comprised only this: that those who had publicly fallen after Baptism were not to approach the holy Eucharist unless they had privately confessed all their sins to the penitentiary priest and thereafter, at his discretion, publicly disclosed their public sins before the assembly of the Church and performed public penance. Socrates rightly calls this constitution an appendix added to the ancient canons; for before the rise of the heresy of Novatus, no one was compelled to approach a particular priest or publicly to confess any sins. Some were indeed accustomed, following the advice of the priest to whom they had confessed all their sins, to confess publicly certain graver and public sins, as can be learned from Origen, homily 2 on Psalm 37. Yet, as I have said, they were not bound to do so, but it sufficed to confess all sins privately and to perform

private or public penance according to the priest's direction. But after the heresy of Novatus had arisen, it pleased the bishops to add something, lest the Novatians should be able to reproach Catholics for admitting the fallen to Communion too easily."[687]

[687] Bellarmine, De Poenitentia, book 3, chapter 14, Opera omnia, vol. 3, Milan, 1859, pp. 703 ff.

THE COMMON OPINION of theologians is that the Church cannot impose an obligation of confessing publicly. This is taught explicitly by certain dogmatic theologians, such as Suárez (disputation 21, section 2, nos. 6–8), Palmieri (thesis 35), and Pesch (nos. 222 ff.), and is generally presupposed by the other doctors, both dogmatic and positive, especially when, in attacking the aforesaid opinion of Morinus and others, they teach that it was never the practice of the Church to impose public confession of any sins whatsoever. Thus Petavius, Tournely (though not so firmly),

Collet, Pesch, Batiffol, Vacandard, Steitz (a Protestant), Galtier, d'Alès, Diekamp, and Watkins (a Protestant).

Let some testimonies of these authors be given:

PETAVIUS, after mentioning the opinion of Morinus and others, which he calls an "absurd error" (cf. above, p. 738), continues:

"From all these I dissent most strongly. For I cannot be brought to think that there ever existed in the Church any law of this kind, which decreed that sins should be declared publicly. Someone may at times, through a certain abundance of sorrow and piety, have laid bare his offences before everyone; yet this cannot justly be transferred into an example and a custom. But, that we may penetrate more directly into the heart of the question, the arguments and the weight of either side must be carefully assessed: of the negative side, I mean, which is mine, and of the affirmative side, which is that of the others. "This [opinion], then, seems to have arisen principally from that story concerning Nectarius. For when our writers saw it being most vigorously urged against them by the heretics, and could find no other way of escaping the difficulty, they ingeniously and skilfully devised this explanation. They saw that Nectarius had altogether abolished the thing from which so great a flame of odium had been kindled against himself. But what else could this have been than the matter through which the woman's illicit intercourse and the deacon's disgraceful deed had become known to the people? And they considered that this had undoubtedly been confession, because the Latin rendering of Socrates read thus: 'The woman, having proceeded further in confessing.' Now it would be impious to suppose that private confession had been abolished by Nectarius, and, what is most important, that it had not been restored by his successor Chrysostom. For these reasons no one doubted that, besides that private, legitimate, and truly necessary confession, another had to be sought and established, namely a public one. To establish and defend this, they afterwards gathered various supports from the authorities of certain Fathers; and to this they also referred that *exomologesis* which the whole of Christian antiquity so frequently mentions. Such was their line of reasoning. Ours, however, is of this kind: when the ancient rites of the Church are in question, nothing must be asserted rashly or without the express testimony of ancient writers. For it is not enough to consider only how one may probably extricate oneself from the difficulties of a question, as happens in scholastic controversies; rather, whatever you eventually ascribe to the customs of the more ancient Church, you must prove its truth from her history. "Now that custom of public confession of which we are speaking not only has nothing solid or express in all the records of antiquity by which it can defend itself, but is

overthrown by many most powerful arguments. Above all, however, it is opposed by the very weighty authority of St. Leo, that most holy Pontiff, who condemns this custom of publicly professing crimes as contrary to the apostolic rule, in Epistle 80, chapter 2 [he cites Leo's words]. ... By these thunderbolts of words and judgments that invention of public confession is struck down."[688]

[688] De vetere in Ecclesia Poenitentiae ratione diatriba, § 5, p. 191 ff. Doronzo adds: "We shall give the continuation of this text below, p. 748 ff."

TOURNELY (wavering in part):

"Public confession was not always the companion of public penance. ... That there was sometimes a public confession of public sins is shown by ancient records. ... But whether it was necessary, by prescription of the canons and a generally promulgated law, to confess public sins publicly, we do not venture to define; for that matter does not seem to us to have been examined and established with certainty. ... By no ecclesiastical law was there ever imposed the necessity of publicly declaring hidden sins."[689]

[689] De Poenitentia, question 6, article 4, De secreto confessionis, Praelectiones Theologicae, vol. 8, Paris, 1765, pp. 220–222.

COLLET:

"Public confession was not always the companion of public penance. ... Sometimes, not indeed at the mere will of the penitent, but by the advice of a prudent minister, certain sins were selected from among hidden sins for the penitent to disclose publicly. Yet this kind of confession was not prescribed by any law of the Church."[690]

[690] De Poenitentia, part 2, chapter 5, historical dissertation following article 5, in Migne, Theologiae Cursus, vol. 22, cols. 559 ff.

PALMIERI:

"Since these [that is, the assertions of the opponents concerning an obligation formerly imposed to confess publicly] seem to many most learned theologians difficult to reconcile with the law of the sacramental seal, which those same theologians nevertheless acknowledge, the question spontaneously arises concerning this law, whether it was truly established. Certainly, if the opinion of the theologians whom we have cited [that is, Tapper, Lindanus, Pamelius, and others] were true, ... it would be necessary to say that there once prevailed in the Church an opinion concerning the nature of the sacramental seal different from that which has certainly prevailed throughout the universal Church for many centuries. The law of the seal, as it is now understood, does not indeed require that the penitent be unable, if he wishes, to make a public sacramental confession; but it does require that he not be bound to make a public sacramental confession, and that the priest cannot ever, for any reason, reveal what he has heard in secret. And this is believed to hold not merely by force of the natural law enjoining the keeping of a secret, but also by divine law, or by Christ granting this right to the penitent and imposing this obligation upon the priest. ... Such confession, therefore, could be made spontaneously and, in certain circumstances, laudably; but to affirm that it was commanded is certainly the part of those who (ignorance being set aside) pay no regard to the Councils and the Roman See."[691]

[691] De Poenitentia, thesis 35, Rome, 1879, pp. 393 and 395.

PESCH:

"Because Christ granted the liberty of secret confession, the Church cannot command the contrary. But if, in some particular case, public penance or confession is commanded, this is done not because the sin is known from confession, but because it is manifest from another source; and likewise that public confession will hardly ever be sacramental confession, but rather a work of satisfaction added to the sacrament."[692]

[692] De Poenitentia, proposition 15, no. 224, Praelectiones Dogmaticae, vol. 7, Freiburg im Breisgau, 1920, p. 119.

BATIFFOL:

"Public confession does not concern us at all, since we have found no trace of it in the texts since the second century. The letter of Pope St. Leo, dated 6 March 459, to the bishops of Campania, forbidding them to read publicly the written confession of the faithful who sought penance, supposes that this was an innovation on the part of those bishops, or a peculiarity of their churches. And this practice is branded by the Pope so strongly as an abuse and an unlawful usurpation that we may be sure how profound was the sense that public confession was dangerous and unusual."[693]

[693] Études d'histoire et de théologie positive, IV, Pénitenciers et Pénitents, Paris, 1904, p. 153.

VACANDARD:

"Public confession was only exceptional in the primitive Church, and where it is pointed out as obligatory, severe but competent judges condemn it as abusive. The only publicity that the Church of the first centuries demanded of her children guilty of grave sins was that of their penance, commonly called *exomologesis*."[694]

[694] Dictionnaire de théologie catholique, article "Confession du Ier au XIIIe siècle," col. 859.

GALTIER:

"There never prevailed, with the Church's approval, a practice by which even public penance for secret sins was joined with the public confession of those same sins; for, apart from the abuse denounced and condemned by St. Leo in his letter to the bishops of Campania as 'contrary to the apostolic rule' (D–B 145; C. 1224), you will find in antiquity no certain example of confession of this kind. What Origen (on Psalm 37, homily II, 6 ...) suggests may be done is presented as something exceptional, directed to greater benefit and edification, and presupposes that a secret confession had first been made. By contrast, when public penance was performed for hidden sins, the preceding confession was secret. As for public sins to be remitted by way of either public or private penance, the case was not infrequently handled before the whole assembly of the faithful, without its being established that a secret confession with absolution had previously been made as a matter of law: compare, for example, in St. Cyprian, the case of virgins who had in some manner fallen with deacons (Epistle IV, 4), or of schismatics returning to the unity of the Church (Epistle LIX, 15–16). In all such cases the sacramental confession seems to have been none other than that public confession by which sinners coming to repentance consented to be judged and reconciled."[695]

[695] De Paenitentia, thesis 31, no. 462, Paris, 1931, p. 352.

"This 'making public' of oneself [involved in the fact that one performed public penance] was not of such a kind that one could thereby discern precisely which sin had to be expiated. Public confession,

as we have said, did not of itself belong to public penance; and we know from other sources that those very persons who urged that penance be performed took care that secrecy be preserved: for example, St. Asterius (*Homily on Penance*, M. 40, 369 B); St. Ambrose (*Life*, 39, M. 14, 40–41); and, according to Sozomen, a man was chosen for the office of penitentiary who 'excelled in discretion and prudence' (*Ecclesiastical History*, VII, 16, M. 67, 1460). Moreover, since at length no one undertook public penance unwillingly—so that, as St. John Chrysostom (*On the Priesthood*, II, 4) and St. Augustine (for example, Epistle 153, 21) testify, it was not to be urged upon those for whom there was reason to fear that such severity would not be beneficial—this self-disclosure, whatever its form, was no longer involuntary, and consequently there could be no violation of the seal properly so called."[696]

[696] Ibid., thesis 15, no. 298, p. 216.

D'ALÈS:

"There have not been lacking, especially in the sixteenth to eighteenth centuries, those who thought that in the ancient Church it was customary to make public confession of more serious offences; which seems contrary to the truth. Against these Palmieri wisely established thesis 35 of his *Treatise on Penance*, pp. 392–404. An assertion of this kind is supported by no historical argument. ... We do not agree with Honoré ... when he maintains that in the first centuries public confession of graver sins was in force as an almost necessary part of public penance."[697]

[697] De Paenitentia, thesis 9, Paris, 1926, p. 117; compare the same author cited below on p. 755.

DIEKAMP:

"In the ancient practice of penance both public and secret confession of sins were in use. Sins committed publicly, for which public ecclesiastical penance had to be performed, were sometimes also publicly accused. ... Nevertheless it cannot be proved that the Church generally taught penitents to be bound to accuse themselves publicly of the aforesaid sins. ... Hidden sins for which public penance was to be performed were commonly accused before the bishop or priest alone. ... Yet mention of the public confession of hidden sins of this kind occurs very rarely."[698]

[698] Theologia Dogmatica (A. Hoffmann), vol. 4, § 49, Paris, 1934, p. 328.

WATKINS (a Protestant):

"In the early centuries it is difficult to obtain any satisfying evidence that the public confession of sins by word of mouth ever at any time in any place formed part of the formal discipline of penance. One exception now [that is, in the fifth century] occurs: and it is mentioned by S. Leo only for condemnation. ... This passage is of much importance."[699]

[699] A History of Penance, vol. 1, London, 1920, p. 422.

CONCLUSION

Confession must be secret on the part of the Church herself, in this sense: that no human authority or law can oblige the penitent to make a public sacramental confession for the purpose of receiving absolution from sins.

Proof 1. FROM THE NATURAL LAW. A man has the right to preserve his good reputation; but public confession, especially of hidden and merely internal sins, is of itself damaging to reputation.

Therefore the Church does not possess the power to bind a person to public confession; otherwise she could compel a man to bring dishonour upon himself, which is contrary to the natural law.

Nor is it a valid objection to appeal to the Church's right to impose censures which may bring infamy, even for hidden sins.

For the parity is denied: first, because if the sin is public, the censure is not, properly speaking, a cause of infamy, since the man has already lost his good reputation; whereas if the sin is hidden, the censure likewise remains hidden, since no one is commanded to disclose that he has incurred a censure. Secondly, because in either case the censure is not of itself and directly revelatory of the fault, and therefore a cause of infamy, as public confession is. Thirdly, because a censure does not reach merely internal sins as confession does. Fourthly, because however infamy may arise from the censure, the guilty person himself is not compelled to dishonour himself, as he would be by public confession.

Nor is it valid to insist that a man who has sinned publicly is bound by the natural law to perform some public expiation of his sin, which the Church can therefore require.

For, "although a man who has sinned publicly is bound to make some public expiation of his sin, nevertheless: 1. he is not bound to this by the law of the sacrament of Penance, but by that law which obliges him to repair scandal, and by which he would be bound even if the sacrament of Penance had not been instituted; 2. neither is it necessary that this act of public expiation be sacramental confession. Rather, a public request for pardon for his sin, whether expressed in words or in writing (which may sometimes suffice even if it is not made public until after death), is sufficient; he can make sacramental confession either before or after this."[700]

[700] Palmieri, De Poenitentia, thesis 35, Rome, 1879, p. 393.

In fact, the Church binds persons to public satisfaction, with the moderation of prudence, as is expressly established by the following decree of the Council of Trent, session XXIV, on reformation, chapter 8:

"The Apostle admonishes that those who sin publicly are to be rebuked openly. Therefore, when a crime has been committed publicly by someone and in the sight of many, so that there can be no doubt that others have been offended and stirred to scandal by it, a suitable penance, proportioned to the fault, must be enjoined upon him publicly, so that those whom he has provoked to evil conduct by his example he may recall to the right manner of life by the testimony of his amendment. The bishop, however, may commute this kind of public penance into another that is secret when he judges that to be more expedient."

Proof 2. FROM THE CONSIDERATION OF THE COMMON GOOD. Since human law exists for the good of society, it cannot oblige people to a thing which, on the one hand, is exceedingly difficult and, on the other, is not necessary for the end of society. For the difficulty of the thing itself would induce the violation of the law and empty it of force, so that it would prudently have to be abrogated lest it turn to the harm of society. But public confession is in itself a most difficult and odious thing and is not necessary for the Church's end, that is, the good of souls. Therefore ecclesiastical law cannot command it.

By a similar reasoning we proved above (Article 37, pp. 525 ff.) that the Church cannot command confession itself, on the supposition that God had not imposed it.

Thereby the objection is set aside which is taken from the fact that the Church can command praiseworthy and honourable acts, such as public confession performed from a motive of humility and penance. For the Church cannot command every praiseworthy act, nor can she turn all counsels into precepts; and in particular she cannot command those acts which, on the one hand, are most difficult and, on the other, are not necessary for the good and end of society.

To the point, Palmieri:

"We reply that by this argument [namely, the objection just mentioned] it would be proved that the Church could command all men all acts of the virtues and turn Christ's counsels into precepts. This assuredly goes too far and is foreign to the power of the Church, which, although it is the power of binding and loosing all things and all persons, nevertheless has its natural limits, determined both by the fact that it is a delegated power and by the end for which it was instituted. That end indeed requires that the legislative power of the Church be capable of commanding those things which are necessary and useful for the good of souls; it does not require that it be capable of imposing an obligation upon the faithful to do everything which is in itself good. Now, although it is good and honourable for a member of the faithful voluntarily to confess his sins publicly, it is nevertheless not good that he should be obliged to do so. For the former is not opposed to Christ's institution, since He willed the faithful to possess a right to secret confession; the latter is opposed to it. The former does not deter the faithful from confession and the reception of the sacrament; the latter deters them. Consequently, the former is not opposed to the common good situated in the use of this sacrament; the latter is opposed to it. From this it is evident that, although that free act is good in itself, a precept making it obligatory would not be good. For, to command something, it is not enough that the thing be good in itself; it is also necessary that it be good to command it, or that the good thing remain good under precept. For this a certain authority is required, which the Church lacks in this matter, since she cannot derogate from the institution of Christ. The appeal to the rules of religious societies, in which something intrinsically free is commanded, is misplaced: for those societies are entered by each person spontaneously and freely; consequently each one freely renounces his right, and those laws rest upon this supposition. But the Church is a necessary society; hence the parallel is denied."[701]

[701] De Poenitentia, thesis 35, Rome, 1879, pp. 403 ff.; compare Article 37, Notes 8 and 9 after Conclusion 4, pp. 527 ff.; likewise Suárez, disputation 21, section 2, no. 6; Pesch, no. 224.

Proof 3. FROM THE GOOD OF THE SACRAMENT.

An obligation of public confession would make the use of this sacrament odious and would turn people away from frequenting it, thereby frustrating the very end of the sacrament. Therefore the Church cannot possess the power to impose such an obligation.

Proof 4. FROM THE NATURE OF THIS SACRAMENT.

From the fact that this sacrament is an internal forum, in which sin is considered not as an offence against other persons or against society, but only as an offence against God, and the whole case is conducted directly with God, the judge of conscience, it follows that man possesses a divine and inviolable right to secret confession, and to having his case not brought into the external forum and

into public knowledge. Yet this is precisely what would occur through a law of public confession. Therefore the Church cannot impose such a law.

Nor is it of any avail to object that public confession is not in itself contrary to the nature of the sacrament, since the penitent can sometimes freely undertake it. For we do not say that public confession itself is contrary to the sacrament, but that its imposition is contrary to the right arising from the nature of the sacrament.

Proof 5. FROM THE SACRAMENTAL SEAL.

The confessor cannot betray the penitent by revealing his sins. Therefore, by parity of reasoning, neither can the Church do so by imposing public confession; for in both cases the same reason applies, namely, the secret nature of the sacramental forum and the right of the penitent deriving therefrom that his case not be brought outside that forum.

Moreover, if the Church possessed the power of obliging persons to public confession, the rationale and efficacy of the sacramental seal itself would almost be emptied of force, and its end would be frustrated. For what is concealed in one way, by the silence of the priest, would be disclosed in another, by a law of the Church. In this sense the sacramental seal, taken in a certain general meaning, can be considered as a single law protecting the secrecy of conscience under a twofold, mutually connected provision: the penitent is not bound to reveal his sins, while the priest is bound not to reveal them. This right of the penitent is so exalted and so divine that it excuses him from confessing through an interpreter and, more generally, from the material integrity of confession when that integrity cannot be preserved unless confession loses its secret character, as we stated against certain theologians in Article 37 (p. 525) and Article 39 (p. 659).

Proof 6. FROM THE COUNCIL OF TRENT.

In chapter 5, quoted above (pp. 730 ff.), the Council teaches that it would not be sufficiently prudent to command by any human law that offences, especially secret ones, should be disclosed in public confession.

Now it is scarcely conceivable how the infallibility of the Church in establishing laws, whether doctrinal or even disciplinary as regards their substance, can be reconciled with a power to impose some law which, of itself, cannot be imposed with sufficient prudence.

Proof 7. FROM THE PRACTICE AND MIND OF THE CHURCH.

In the universal Church, which alone is the infallible rule of faith and the faithful interpreter of sacramental doctrine contained in revelation, there has never in fact been a practice of imposing public confession, whether for hidden sins or even for public sins. This is so notwithstanding the universal practice of public and sacramental penance, or satisfaction, imposed for many public sins. From this one may now conclude, as from a sign, that such a power does not belong to the Church, since she has not employed it precisely in those circumstances in which its use would naturally be expected. Here, namely, the inference from *not being* to *not being possible* is valid, and the argument from *non-use* to *absence of right* is valid.

Furthermore, the mind of the Church, that such a power has not been granted to her, is positively manifested in the sayings of the Fathers and in the facts recounted by Tradition, in which the

necessity of preserving the secrecy of confession is particularly inculcated. That this was the practice and mind of the Church can be shown in two ways, namely dogmatically and historically.

AS REGARDS THE DOGMATIC CONSIDERATION OF THE MATTER, two documents are especially pertinent: those of the Council of Trent and of Leo the Great.

THE COUNCIL OF TRENT, in chapter 5, just mentioned, says that the holy Church has employed secret sacramental confession from the beginning, and that it would not be sufficiently prudent to command by any human law that offences, especially secret ones, should be disclosed in public confession. It also says that secret confession has always been commended by the holiest and most ancient Fathers, with great and unanimous agreement.

It is not apparent how the opinion of Morinus and others can be suitably reconciled with this doctrine, when they teach that the former practice of the Church and the mind of the Fathers involved an obligation of public sacramental confession for certain sins, at least public ones, and indeed, according to some, even hidden ones.

To the point, Petavius:

"Most of them [the opponents] reply as follows: Leo [in the document to be cited shortly] is speaking only of hidden crimes, which no one ought to have confessed publicly, but not of public crimes, which alone formed the material of public confession. Those men certainly take a more moderate course who exempt at least hidden crimes from this law of public disgrace; and yet some do not grant even this. The rashness of some of them is marked by the pronouncement and decree of the Council of Trent. For in session XIV, chapter V, after teaching that public confession was not commanded 'by any divine precept,' the Council immediately adds: 'Nor would it be sufficiently prudent to command by any human law that offences, especially secret ones, should be disclosed in public confession.'

"This is altogether a divine pronouncement and one worthy of so great an assembly. From it one can gather that public confession was never imposed upon penitents by any human, that is, ecclesiastical, law—not only with respect to secret crimes, but also with respect to public ones—and indeed that it could not prudently have been imposed. For that word *especially* has this force: the other cases, too, are judged to be decreed with insufficient prudence, so that any law enacted regarding the public confession of those other sins would be imprudent and in no way wise, although a law imposing the same thing with regard to secret sins would be even less prudent. It is therefore evident from the mind of the Fathers of Trent that no law of this kind ever existed which bound penitents to the public confession of sins of whatever kind. Accordingly, Leo's decree likewise pertains to every kind of sin."[702]

[702] De vetere in Ecclesia Poenitentiae ratione diatriba, § 5, Dogmata Theologica, vol. 8, Paris, 1867, p. 192.

L. Honoré (mentioned above) attempts to evade the force of the words of Trent by comparing them with the words of the following proposition of the Protestants, which was submitted to the Council for condemnation: "That sacramental confession is not of divine law, nor was mention of it made among the ancient Fathers before the Lateran Council, but only of public penance."[703]

[703] In Theiner, Acta genuina Concilii Tridentini, Zagreb, 1874, vol. 1, p. 531.

Here, first, he observes that the phrase "ancient Fathers" generally signifies those who preceded the Lateran Council, of whom it is abundantly established that they knew of secret confession. Secondly, he adds that by condemning the statement "That secret sacramental confession is not of divine law," the Council intended only to assert that confession itself is of divine law, and not the secret or public manner of confession. This, he says, is evident from the discussion and agreement of the theologians who prepared the text of the definition. Indeed, when one of the Fathers objected to inserting the phrase "from the beginning," several observed that public confession would in no way be excluded by it.[704]

[704] In Theiner, ibid., pp. 537, 565, 567, 569, 595.

Nevertheless, with regard to the first phrase, Honoré ineptly explains what is clear by what is obscure —or rather what is determinate by what is indeterminate. For the Council does not merely say in its declaration that secret confession was in use among the ancient Fathers before the Lateran Council, but expressly says that it was commended among the *most ancient* Fathers, *always*, *from the beginning*, and *unanimously*. Moreover, the two statements, that of the Council and that of the Protestants, correspond perfectly, since the one universally affirms what the other universally denies. For since the proposition of the Protestants, being negative, concerns a universal matter—denying mention of secret confession among all the Fathers before the Lateran Council—the Council, in order perfectly to overthrow their denial, had to place its affirmation under a determinate expression ("The Fathers, from the beginning, commend secret confession"). For if it had affirmed only indeterminately, "The Fathers before the Council commend secret confession," this might have been understood particularly of some period only, for example of the period immediately preceding the Lateran Council.

What Honoré says regarding the second phrase is not to the point. For we concede that the Council did not teach that secret confession is of divine law, and, still more, that it did not intend to exclude the lawfulness of public confession, which, on the contrary, it expressly asserts in the same place. Nevertheless, it stands, and is expressly asserted by the Council, that the Church could not with sufficient prudence oblige people to public confession. From this it follows that the infallible Church has always understood that confession ought to be secret and has never imposed in her practice an obligation of public confession.

LEO I († 461), in his Epistle 168, *Magna indignatione* (Denzinger 145; quoted above in Article 36, pp. 363 ff.), condemns as an abuse "contrary to the apostolic rule"—that is, contrary to the mind and practice of the Church—the imposition of public confession attempted by certain persons in his time. From this it follows that the mind and practice of the universal Church had never been that public confession should be imposed.

This decree, which may be called parallel to the decree of Trent, and which is called by some Rationalists the very beginning and cause of private and secret confession, has great dogmatic force if one attends both to the condemnatory vehemence of its words ("an act of presumption is being committed"; "which ... I order to be removed by every means") and especially to the dogmatic reason invoked by the Pope ("contrary to the apostolic rule"). Hence, "the opinion of the theologians mentioned above is contradicted by ... the most weighty authority of St. Leo, that most holy Pontiff ... [and] by the thunderbolts of his words and judgments that invention of public confession is struck down."[705]

[705] Petavius, work cited, pp. 191 ff.

The opponents attempt two ways of escape.

Many say that this decree concerns only hidden sins, whose public confession is proscribed, but not public sins, whose public confession was customary; and they confirm this from the very reason of shame invoked there, which most especially applies to secret sins. Nevertheless, the holy Pontiff makes no distinction whatever among sins, although he ought rather to have distinguished them, or at least hinted at a distinction, but generally prohibits "a written profession concerning the kind of each person's sins from being read publicly." Moreover, the reason of shame applies also to public sins and is sufficient to deter someone from public confession: for it is one thing that a sin should be known in some manner and by many persons, but another that it should be established before all, as though authentically, in the face of the Church. Furthermore, as Petavius notes (quoted above, pp. 748 ff.), the parallel with the decree of Trent, in which public sins also are expressly treated, confirms the natural meaning of Leo's words and indeed removes all doubt from it.

Others, such as L. Honoré, say that no serious basis can be drawn from this decree for judging historically about a practice that preceded it by one or several centuries.[706] Nevertheless, in the first place, there is a very strong basis —and indeed a dogmatic one—for judging about historical practice. Can a Catholic historian abstract from dogmatic elements? Or will it likewise be permissible to judge in the same way regarding the words of Trent quoted above? Palmieri rightly says: "To affirm that [public confession] was commanded is certainly the part of those who (ignorance being set aside) pay no regard to the Councils and the Roman See" (thesis 35, no. 3). Moreover, a sound historical basis is contained in the Pontiff's own assertion. For who will say that something was commonly practised one or a few centuries earlier which the Pope declares that he had "recently learned to be committed by certain persons through unlawful usurpation"?

[706] L. Honoré, Le Secret de la Confession, Bruges, 1924, p. 19. The printed note quotes Honoré in French: "Mais pareils documents peuvent-ils fonder sérieusement une appréciation historique des faits qui les précédèrent d'un ou de plusieurs siècles?"

Article 43 — Historical Consideration: Public Penance and Public Confession

AS REGARDS THE HISTORICAL CONSIDERATION, upon which the opponents insist with the greatest, but fruitless, effort, it seems well to sum up the force of the words and deeds of Tradition in the following two assertions, before discussing individually, albeit briefly, the principal testimonies usually adduced.

First: Public confession of crimes was not always and necessarily joined to public penance; rather, penance was performed for certain sins without their public confession.

This is established, first, from the fact that persons who were not conscious of grave sins voluntarily joined themselves to the order of penitents from the sole motive of piety. It is scarcely credible that these were obliged to make a public confession, both because they had only slight sins and because they had undertaken the very exercise of penance only of their own free will. Secondly, adulterers and murderers were ordinarily subjected to public penance without, however, being subjected—at least in the East (cf. Basil, Epistle 199, cited below)—to public confession, lest they thereby be exposed to vengeance, whether on the part of private persons or of the civil authority. Thirdly, there is the fact of the institution of the penitentiary priest in the Church of Constantinople: its purpose, if we may

believe Sozomen (cited in Article 36, p. 433), was that the sins of those doing public penance might not be publicly exposed. Fourthly, there is the explicit law and declaration of Leo the Great forbidding the public disclosure of sins, which applies at least to Leo's own time, that is, the fifth century.

Secondly: In the earlier centuries there was never a practice, employed or approved by the universal Church, of imposing the public confession of sins, whether secret or public.

As for the many cases of public confession which occur in history, it cannot be proved that they concern a distinct confession rather than a general manifestation of guilt, which is included in the very exercise of public penance; or that they concern a strict obligation to make a distinct confession rather than merely the advice of a priest; or that they concern an obligation of public *sacramental* confession rather than an obligation of making public satisfaction for sins already publicly known in some other way, such as asking pardon for offences. Indeed, a consideration of the texts themselves and of the circumstances of the events rather suggests the contrary. The one certain case of the imposition of public sacramental confession is reported by Leo the Great, and he condemns it as "contrary to the apostolic rule," that is, contrary to the practice of the Church and the mind of Tradition.

To the point, PETAVIUS:

"Apart from confession, that public mourning of the penitents, their very self-abasement, their squalid clothing, lamentation, supplication, and the other things of this kind brought with them sufficiently great shame, besides the sense of sorrow, so that by these things they could be restrained from vices and kept within the bounds of duty. I acknowledge that this also was a certain public profession of sin. To it there was sometimes added another profession, expressly made in words and publicly; but no ecclesiastical law prescribed this—and perhaps would not even have permitted it—but rather vehement sorrow and a sense of piety drew it forth. Finally, what is gathered to have been done on occasion by a few, and that very obscurely, must not be referred to custom, much less to law. ... Since these things are so, those words of Origen must be understood otherwise when he speaks of sins being publicly accused, confessed, or disclosed, or of making an exomologesis; this also occurs frequently among the other Fathers, and especially Cyprian. For such expressions do not always signify some formal declaration of sins and an enumeration of each of them, but more commonly that profession made by deeds themselves and by the duties of penitents; or, if perhaps made with the mouth and in words, it was not a confession of individual crimes pronounced in a prescribed place and at a prescribed time, whether from a written document or from memory, but a general acknowledgment of offences and a profession and detestation of one's own wickedness. Such, it seems, is that general formula of confession which we place before the precise and private explanation of sins or before the celebration of the unbloody sacrifice of the Mass."[707]

[707] De vetere in Ecclesia Poenitentiae ratione diatriba, § 5, Dogmata Theologica, vol. 8, Paris, 1867, pp. 192–194.

SUÁREZ:

"I answer that penance could have been public ... in two ways. First, as regards the act of penance, but not as regards its cause. In this way public penances are customarily performed even now, although nowadays, ordinarily speaking, the persons are concealed, which formerly was not done on account of the greater fervour of the penitents, who voluntarily accepted such satisfactions; for I do not think that these were simply necessary insofar as they proceeded from the sacrament. ... In

another way, not only the act but also the cause, or confession of the sin for which penance was performed, was customarily public. In this case I consider it much more certain that, in this forum, such a thing was never done by precept of the Church or of the confessor, unless it was necessary for public satisfaction and for removing scandal arising from a public sin, which is exceedingly rare. Ordinarily, therefore, it was done voluntarily, upon the advice and according to the prudent judgment of the confessor. Nor was it permitted in the case of all sins, but either of sins otherwise public or of those which could give rise neither to scandal nor to grave infamy. Sometimes, however, such public penance did not arise from the sacrament of confession, but from another denunciation or ecclesiastical accusation; and then it could be more compulsory and burdensome. That, however, did not pertain in any way to the forum of penance, but to the contentious forum."[708]

[708] De Poenitentia, disp. 21, sect. 2, no. 8, Opera omnia, vol. 22, Paris, 1866, p. 459.

IRENAEUS, *Against Heresies*, I, 13, 7 (cited in vol. I, p. 96),[709] where he treats of women corrupted by Marcus, cannot be adduced as an example of the necessity of public confession, but only of public penance. It is indeed a matter of public *exomologesis* ("They even perform exomologesis openly"), and one which under a certain aspect had to be performed of necessity (for the women who refused to perform it are said to "have withdrawn themselves from the life of God"). Nevertheless, although the word *exomologesis* originally signifies confession, it was also used to signify penance[710]—which indeed contains a general confession, or acknowledgment of guilt—and notably public penance. It is in this sense that Irenaeus himself employs it in the same context, when he says that the wife of a certain deacon, corrupted by the same deceiver Marcus, subsequently performed *exomologesis* amid tears and lamentation "throughout the whole time of her life." Moreover, if the text concerned confession itself, it would have to be proved that the sin of those women had not been publicly known (which seems hardly probable). For that reason the Church could have imposed upon them a public and personal declaration of it, outside the sacrament and by way of satisfaction.

[709] Compare what is said concerning this text in Articles 36 and 45, pp. 393 and 969.

[710] For caution in interpreting this word in the Fathers, see Petavius, De vetere in Ecclesia Poenitentiae ratione diatriba, § 5, Dogmata Theologica, vol. 8, Paris, 1867, p. 194.

To the point, the Protestant WATKINS himself:

"That such exomologesis would be the open penitence of a person whose course of life was fairly known to the Church is sufficiently clear: but here again whether the verbal particularization of the offense was made in the public congregation cannot be decided with certainty."[711]

[711] A History of Penance, vol. 1, London, 1920, p. 102.

RAUSCHEN writes:

"Irenaeus (Adv. Haer., I. 13, 7) is not clear in regard to public confession as Funk (Kraus, Realenzykl., I, 181 b) would have us believe, for the phrase

εἰς φανερὸν ὁμολογοῦνται may also mean: 'they publicly do penance.'" [712]

[712] Eucharist and Penance, § 9, "Public Confession," translated from the second German edition, St. Louis, Missouri: B. Herder, 1913, p. 188.

TERTULLIAN, *On Baptism*, 20, says: "We ought to congratulate ourselves if we do not [some read: *now*] publicly confess our iniquities or disgraceful deeds" (M.L. 1, 1222).

With regard to this text there is a dispute among scholars as to which reading should be chosen—whether *nunc* ("now") or *non* ("not"). The one manuscript now known, brought to light by Dom Wilmart, O.S.B., around 1900,[713] has a lacuna at precisely this place. Recourse must therefore be had to the editors: Gangneius (1545), Gelenius (1550), Pamelius (1579), Rigaltius (1634), Oehler (1853), Migne (1844), Reifferscheid–Wissowa (1890, in the Vienna corpus of patristic texts), Lupton (1908), Rauschen (1916), and D'Alès (1933). The first three of these used the manuscripts themselves, which were subsequently lost.

[713] A. Wilmart, "Un manuscrit de Tertullien retrouvé," Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres, 1920, pp. 380–386.

Certain editors use the reading "We now publicly confess," since, in their judgment, the context requires it: thus Oehler, Reifferscheid–Wissowa, and Lupton, following Junius (d. 1677), who first proposed this conjecture. Others use the reading "We do not publicly confess": thus Gangneius, Gelenius, Pamelius, Rigaltius, Migne, and D'Alès. This second reading, which is followed by several other scholars, including Galtier and Honoré, is much more probable: both because it alone rests upon the testimony of the manuscripts lost after the edition of Pamelius, and because it agrees better with the context.

To the point, D'ALÈS:

"To find a plausible meaning in the reading *nunc*, it would be necessary to understand it thus: We ought to esteem ourselves happy that, even in this life, we can satisfy divine justice by humbling ourselves through a public confession. But nowhere in the ecclesiastical documents of that period does one find any trace of an integral and public confession of all sins imposed upon catechumens, or even upon the faithful. On the contrary, this hypothesis contradicts a canon of Hippolytus, 19, 103: 'Then let him confess to the bishop—for upon him alone has the burden concerning him been imposed—so that the bishop may approve him and judge him worthy of enjoying the mysteries.' There is no question of any confession other than this private confession, which is a priestly inquiry before being a satisfaction offered to God. For these reasons we have thought it necessary to return to the reading of the first editors, which has every likelihood of being that of the manuscripts also. The correction of Junius is only a conjecture, and probably an unfortunate conjecture."[714]

[714] La théologie de Tertullien, Paris, 1905, p. 332 n.; cf. La théologie de Saint Cyprien, Paris, 1922, p. 274 n.; De Poenitentia, thesis 9; and Tertulliani de Baptismo, Textus et Documenta of the Pontifical Gregorian University, Rome, 1933, pp. 46–48, 22, 4–6.

Whatever the true reading of this text may be, it is wrongly adduced either for or against the necessity, or even the existence, of public sacramental confession. For it treats only of the confession of sins made by catechumens before Baptism, among other penitential works such as prayers and fasts.[715] Moreover, there would be no necessary inference from the nature of one penance to the nature of the other.

[715] Cf. above, Article 36, pp. 371–372.

Hence, even if the genuineness of the reading "We now publicly confess" and the existence of an obligation to confess publicly in the case of catechumens were conceded, it would not follow that the same obligation existed for baptized penitents. Indeed, from Tertullian's very silence a negative argument can be drawn against such an obligation: since he shows himself so exacting and insistent

when describing the rigours of public penance (cf. *On Baptism*, 9), he would certainly not have omitted mention of this obligation had he known of it.

To the point, D'ALÈS:

"Did the solemn *exomologesis* [of which Tertullian speaks] also oblige one to confess publicly the faults which one had been required to disclose to the bishop? There is no reason to affirm this. A certain text of Tertullian [*On Baptism*, 20] has sometimes seemed to contain mention of a public confession required of catechumens. We quoted this text above, but in order to reject this opinion, which seems to us to rest upon a false reading. And even if it were proved that a law of public confession existed for catechumens, this would not be sufficient reason to extend that law to the faithful doing penance. Tertullian, who paints so forceful a picture of the anguish of *exomologesis*, would not have neglected a feature so well suited to his purpose. Nor is this feature found in the picture drawn half a century later by St. Cyprian, which is very similar to that of Tertullian."[716]

[716] La théologie de Tertullien, Paris, 1905, p. 343.

CYPRIAN, *On the Lapsed*, 28 (cited in vol. I, p. 113): "Confessing sorrowfully and simply before the priests of God, they make the *exomologesis* of their conscience."

Although the word *exomologesis* is used indifferently for confession itself or for the whole rite of public penance, nothing here shows that a public confession made within that rite is at issue. Indeed, the whole context directs the mind to a private and secret confession before an individual priest. For the passage concerns the confession of sins of thought alone ("Yet because they have even thought of this"), "wounds, although small and slight," and the "remedy" to be sought for them.

Hence HONORÉ objects ineptly: "As to the text of St. Cyprian ... who will tell us that it concerns only a secret acknowledgment? On the contrary, the word *exomologesis* leads us to believe that it alludes rather to a public acknowledgment" (work cited, p. 18).

RAUSCHEN, on the contrary, writes:

"When Cyprian counsels those who have entertained voluntary thoughts of apostasy to confess their sins, he undoubtedly has in mind private confession made to the priests."[717]

[717] work cited, p. 188.

Likewise VACANDARD:

"In the passage from *On the Lapsed*, chapter 28, one finds an allusion, very clear in our judgment, to secret confession. There St. Cyprian shows us conscientious members of the faithful who, 'without having committed idolatry otherwise than in thought, hasten to confess their fault sorrowfully and simply to the bishops of God, and thus make the *exomologesis* of their conscience,' and so forth. Furthermore, the confession which, in the system of the Bishop of Carthage, precedes public penance and *exomologesis* properly so called (cf. the texts cited above), can only be a secret confession. Otherwise, what purpose would there be in distinguishing confession from *exomologesis?*"[718]

[718] Dictionnaire de théologie catholique, article "Confession," col. 856.

Likewise D'ALÈS: "For Cyprian, *exomologesis* is first the acknowledgment made to the priest with a view to admission to penance, and secondly the satisfaction offered to God."[719] Likewise PESCH:

"The text [*On the Lapsed*, 28] certainly sounds much more like private confession than public confession" (no. 212).

[719] La théologie de Saint Cyprien, Paris, 1922, p. 276; cf. pp. 272 ff.

Among Cyprian's letters, Epistle 46 (Cornelius to Cyprian), 2 (cited in Article 36, p. 389), relates that certain persons returning from the Novatian schism confessed their sins first to their priests and afterwards, "as was fitting," publicly before the Church.

This text is wrongly adduced by certain opponents, such as Rauschen, as an example of public confession. For nothing proves that this confession was sacramental. Rather, from the context it appears to have been a certain declaration by way of satisfaction, imposed by the Church or undertaken spontaneously. The same kind of confession is manifestly at issue in other examples brought forward by the same theologian.

ORIGEN, *On Psalm 37*, homily 2, no. 6 (cited in Article 36, pp. 394 ff.), indicates the necessity of confession, and indeed of secret confession, so clearly that several non-Catholic critics have attempted to evade the force of the text by saying that it concerns not sacramental confession but private spiritual direction, to be sought from any pious and prudent man (cf. ibid., p. 395). What is noteworthy besides is that in the same text public confession of secret sins is expressly mentioned, and is presented as something not necessary, or as the object merely of an exhortation to be made by a prudent confessor.

It is, however, less probable that the object of such an exhortation is not public confession itself but only public penance, as certain scholars interpret the words "to disclose one's malady in the assembly of the whole Church." For the same expression, a little earlier in the same context, plainly refers to confession itself: "First test the physician to whom you ought to disclose the cause of your malady."[720] Hence it is evident how ineptly this text was formerly invoked in their own favour by defenders of the necessity of public confession, as Petavius bears witness:

[720] Cf. Vacandard, "Confession du Ier au XIIIe siècle," in Dictionnaire de théologie catholique, col. 858; the same author in Revue du clergé français, vol. 42 (1905), p. 642, note 2.

"In all antiquity there is no passage from which they think they can more forcibly establish what they hold concerning public confession. For especially in the latter statement he intimates that a selection of sins is to be made by the priest, which the penitent is to profess publicly for the benefit of all."[721]

[721] Loc. cit. [the location previously cited by Doronzo]. Doronzo adds: "For this reason modern scholars generally read in this text only a mere counsel of public confession; among others, Rauschen and Honoré themselves."

Origen sets forth entirely the same meaning and teaching in *On Psalm 37*, homily 1, no. 1; *On Leviticus*, homily 2, no. 4; and homily 3, no. 4.

To the text of *On Leviticus*, homily 2, no. 4, Honoré ineptly objects: "But nothing tells us here that it is a question of secret, auricular confession" (work cited, p. 17), although a little earlier (p. 4) he himself rather interprets the text of *On Leviticus*, homily 3, no. 4, of secret confession, saying: "The Alexandrian writer openly advocates the public confession even of secret sins, without, however, in any way making it obligatory." And concerning *On Psalm 37*, homily 2, no. 6, he observes (pp. 5 ff.):

"According to this text, one must accuse oneself of these sins and confess them humbly—but still in secret. ... When the accusation has been completed, perhaps the penitent will receive from the

physician, at once learned and merciful, the advice that he must publicly accuse himself of one of his faults. Origen urges the penitent to submit to this carefully considered advice, let us observe once more, without, however, obliging him to do so. ... It therefore seems indeed that in the Churches known to Origen, at the beginning of the third century, sins were accused privately, and that for certain grave faults, which had doubtless caused some scandal, public acknowledgment was strongly recommended."

APHRAATES, *Demonstration* 7 (cited in Article 36, p. 397), constantly presupposes that confession is only private. Thus he says (nos. 3 ff.):

"For a man wounded in battle is not ashamed to entrust himself to a wise physician. ... You therefore, physicians, who are disciples of our excellent Physician [that is, Christ], ... exhort the man ... who has been ashamed to disclose his infirmity not to conceal it from you; and when he has revealed it to you, do not make it public, lest on his account the innocent be judged guilty by our enemies and by those who hate us."

BASIL, *Epistle* 199 (the second canonical letter, to Amphilochius), no. 34:

"Women defiled by adultery, who confess out of piety or have been convicted in whatever way, our fathers did not wish to be publicly exposed, lest we furnish those convicted with an occasion of death; but they ordered them to stand without Communion [that is, in the fourth grade of penitents], until the time of penance should be completed" (M.G. 32, 727).

The matter here is public penance (at least according to the last grade of penitents), without public confession.

Moreover, it would be futile to say that this very text proves that such a case was exceptional and that ordinarily, for public sins, public confession was prescribed. For it would first have to be proved that the publication of the offence which was sometimes enjoined was sacramental, and not merely by way of satisfaction or belonging to a contentious judicial proceeding.

Likewise, in the *Shorter Rules*, questions 229 and 288 (cited in Article 36, p. 398), the necessity of public confession is manifestly denied when it is asserted that confession is to be made not to just anyone, but to the holy men to whom the sacraments have been entrusted, just as bodily diseases are disclosed not to all persons but only to physicians. Nor does it militate against this that in question 110 the holy Doctor recommends that the confession of nuns be made to a priest in the presence of an elder or abbess (*meta tēs presbyteras*); for this does not necessarily mean "within the hearing of the elder," but can be understood as "in the presence of the elder," namely for reasons of prudence.

ASTERIUS OF AMASEA, homily 13 (cited in Article 36, p. 399), presupposes secret confession under the comparison of disclosing a hidden illness, which is customarily done privately to a physician:

"Boldly show him [that is, the priest] the things which are hidden. Reveal to the physician the secrets of the soul as concealed wounds. He will have regard both for your honour and for your health."

CHRYSOSTOM, in various passages cited in Article 36 (pp. 440 ff., where we gave a special discussion of his doctrine), insists so manifestly upon the private character of confession and upon denying the necessity of public confession that the innovators maintain that he denied the necessity

of confession itself before the keys of the Church. Among Catholics, some agree that he was unaware of this necessity, while others expend much effort in showing how, on the contrary, he implicitly and equivalently taught it. Particularly in *On Lazarus*, 4, 4, he says:

"I do not compel you, says [God], to come forth into the midst of the theatre and to employ many witnesses; tell your sin privately to Me alone, that I may heal the ulcer and free you from pain" (M.G. 48, 1012).

In the homily *That We Must Not Despair of Grace*, no. 3:

"Are you ashamed and do you blush to declare your sins? Certainly you would have reason to do so if they had to be spoken and made public before men. ... But now it is not even necessary to confess in the presence of witnesses" (M.G. 50, 658).

AMBROSE notably carries the same teaching into his own sacramental practice, as is testified by his notary Paulinus in the *Life of Ambrose*, no. 39 (cited in Article 36, pp. 401 ff.).

AUGUSTINE, in *Sermon* 82, 7, 10 and 8, 11, writes:

"'If your brother shall sin ... against you, rebuke him between you and him alone.' ... For since it was a secret when he sinned against you, seek secrecy when you correct the sin. For if you alone know that he has sinned against you and wish to accuse him before everyone, you are not a corrector but a betrayer. ... If he did you an injury before many hearers, he also sinned against those whom he made witnesses of his iniquity. ... Therefore the things committed before all must be corrected before all, and things committed in greater secrecy must be corrected more secretly. ... Thus shall we act, and thus must we act, not only when someone sins against us, but when a person sins in such a way that another does not know it. We ought to correct in secret and rebuke in secret, lest, by wishing to rebuke publicly, we betray the man. We wish to rebuke and correct; what if an enemy seeks to hear what he may punish? A bishop knows of a certain murderer, and no one else knows of him. I wish to rebuke publicly, but you seek to bring an accusation. I certainly neither betray nor neglect him: I rebuke in secret; I place God's judgment before his eyes; I terrify the bloodstained conscience; I urge penance. We ought to be endowed with this charity. Hence men sometimes find fault with us, as though we did not rebuke: either they think we know what we do not know, or they think we act upon what we know. But perhaps what you know I also know; nevertheless I do not rebuke him before you, because I wish to heal, not accuse. There are men who commit adultery in their homes; they sin in secret. Sometimes they are betrayed to us by their wives, who are often jealous and sometimes seek their husbands' salvation. We do not betray them openly, but rebuke them in secret. Where the evil occurs, there let the evil die" (M.L. 38, 510 ff.).

Although this text does not necessarily and immediately refer to confession itself, but to correction generally, later doctors nevertheless legitimately took from it and applied to confession the maxim, "Things committed secretly are to be corrected secretly; things committed publicly are to be corrected publicly." This contributed not a little to establishing and spreading the practice and doctrine of secret confession. Yet it by no means follows from that principle that public sacramental confession of public sins must be made, or can be imposed by the Church, but only public correction and satisfaction.

Nor would passages in which the holy Doctor speaks of a certain necessity—or rather a great fittingness, to be prudently regulated—of performing public penance for those sins, for the purpose of repairing scandal, edifying other members of the faithful, and making satisfaction to the Church herself, be suitably brought forward to prove the necessity of public confession, even for public sins. Thus, besides the aforementioned *Sermon* 82, in the *Enchiridion*, nos. 64 ff. (cited in vol. I, p. 120), he says:

"Times of penance are rightly appointed by those who preside over the Church, so that satisfaction may also be made to the Church herself, in which those sins are remitted."

And in *Sermon* 351, 4, 9 (cited ibid., p. 121):

"Let the penitent do that which is profitable not only to himself for recovering salvation, but also to others by way of example. Thus, if his sin involves not only grave evil for himself, but also such great scandal to others, and if this seems to the bishop expedient for the good of the Church, let him not refuse or resist performing penance in the knowledge of many, or even of the entire people; let him not, through shame, add swelling to a deadly and mortal wound."

Concerning the aforesaid passage of the *Enchiridion*, nos. 64 ff., BATIFFOL observes:

"Public penitential action is not presented by Augustine as capable of being imposed for all grave sins. The *actio paenitentiae* is granted to all sinners 'according to the manner of each one's sin,' and in certain cases with the aggravation of publicity. There a doctrine of penance is affirmed which limits publicity, far from making publicity the usual and indispensable condition, and which opens the prospect of a penance in which reconciliation is as secret as the sin was, and as the acknowledgment is."[722]

[722] Études d'histoire et de théologie positive (Première série), 8th ed., Paris, 1926, pp. 223 ff.

LEO THE GREAT († 461), by the decree reported above (p. 750), explicitly proscribed public confession, declaring besides that the contrary practice was opposed to the very tradition and mind of the Church.

THE INCIDENT OF NECTARIUS (towards the end of the fourth century), who abolished the office of public penitentiary, as related by Socrates and Sozomen (in the middle of the fifth century), is subject to various doubts and interpretations among scholars, as was explained in the special discussion in Article 36 (pp. 432 ff.). It will therefore be more prudent to refrain from invoking it in the present question, both because it concerns an uncertain and obscure occurrence, and because it relates only to the temporary practice of one particular church.

Moreover, from the very words of the narrative, taken as they stand, nothing can be inferred to prove a practice obliging public confession. Only one thing can be deduced from that narrative, namely that in the church of Constantinople at one time (that is, before the institution of the office of penitentiary according to Sozomen, or afterwards also during that discipline according to Socrates) sins were publicly disclosed "as though in a theatre with the multitude of the whole church standing around" (Sozomen), and the faithful "reproached one another with their transgressions" (Socrates). Nevertheless, it is not proved, first, that this was done under a strict obligation, rather than merely according to a certain custom of a fervent church; second, that what was involved was a distinct confession of sins themselves rather than public penance and that general confession or declaration

of guilt which is necessarily included in penance itself; third, that even supposing a distinct publication or confession of sins, it was sacramental confession itself and not merely a certain public correction and satisfaction.

5. BENEDICT († 543), in his *Rule*, chapter 46, prescribes:

"If anyone, while engaged in any labour, in the kitchen, cellar, service, bakery, garden, in practising some craft, or in whatever place, commits a fault, or breaks something, or loses something, or commits any other excess whatever, and does not immediately come before the abbot or the community and himself spontaneously make satisfaction and disclose his fault, then, when it becomes known through another, he shall be subject to greater correction. But if the cause of the sin lies hidden in the soul, let him disclose it to the abbot alone or to spiritual elders who know how to heal their own wounds and not to disclose and make public those of others" (M.L. 66, 693 ff.).

As regards subsequent tradition, whatever the earlier innovators may say, there can be no reasonable doubt about the practice of secret confession alone. Nor is this in any way denied by Morinus and the other theologians who agree with him. Indeed, from this period there begin to multiply explicit testimonies to another truth intimately connected with the present one, namely the obligation of the sacramental seal, as will be established from what is to be said in the following article.

Article 44. Whether confession must be secret on the part of the priest, protected by the divine and inviolable sacramental seal

ARTICLE 44. WHETHER CONFESSION MUST BE SECRET ON THE PART OF THE PRIEST, SO THAT IT IS PROTECTED BY THE DIVINE AND INVIOLABLE SACRAMENTAL SEAL

(*Supplement*, q. 11, that is, *On the Fourth Book of the Sentences*, dist. 21, q. 3; II–II, q. 70, a. 1, ad 2; *Quodlibet* V, q. 7, a. 13; *Quodlibet* XII, q. 10, a. 16.)[723]

[723] Leaving aside the more general works on public and private penance, which will be discussed in the following article, the following works are specifically relevant to the present matter: D'Alès, De Paenitentia, thesis 9; St. Alphonsus, Theologia moralis, De Poenitentia, ch. 3, nos. 633–661; Analecta juris pontificii, series 5, col. 7; W. Arendt, "De radice inviolabilitatis sigilli in sacramento Paenitentiae juxta doctrinam S. Thomae," Gregorianum (1924); A. Beier, Tractatus de sigillo confessionis, Jena, 1683; Bellarmine, Responsio ad librum cui titulus "Triplex cuneus" (published under the name Matthew Tortus), Cologne, 1610, and Apologia pro responsione ad librum inscriptum "Triplici modo ..." (published under his own name), Cologne, 1610; Billuart, De Poenitentia, dissertation 8; J. Blötzer, "Die geheime Sünde in der altchristlichen Bussdisziplin," Zeitschrift für katholische Theologie (1887); H. Boeckler, Der rechtliche Begriff des Beichtgeheimnisses, sein Verhältnis zur Zeugnispflicht und zu § 139 des Reichs-Strafgesetzbuches, Greifswald, 1917; J. Boileau, Historia confessionis auricularis, Paris, 1682; J. Boillot, Lettres sur le secret de la confession, Dijon, 1703; H. Brewer, "Die kirchliche Privatbusse im christlichen Altertum," Zeitschrift für katholische Theologie (1921); M. Bürgin, De secreta singulorum peccatorum confessione, Altdorf, 1762; Cajetan, Opusculum I, tractate 21, De sigillo confessionis; commentary on II–II, q. 70, a. 1; Coeffeteau, Réponse à l'avertissement du roi d'Angleterre, Paris, 1610; F. Concke, "De sigillo et usu scientiae sacramentalis," Collationes Brugenses (1925); A. Coninck, De sigillo confessionis, Antwerp, 1626; Diana, Resolutiones morales, tractate 2, resolution 3; Dictionnaire apologétique de la foi catholique, article "Pénitence," part II (Galtier), appendix, cols. 1861–1865; Dictionnaire de théologie catholique, article "Confession du Ier au XIIIe siècle" (Vacandard), cols. 854–859, 872–874, 890–891, and article "Confession (Science acquise en)" (Jolhagaray), cols. 960–974; P. Diehl, "Das Beichtsiegel," Theologisch-praktische Monatsschrift (1894); F. J. Dobner, Vindiciae sigillo confessionis divi Jo. Nepomuceni protomartyris poenitentiae assertae, Prague and Vienna, 1784; Dujardin, De officio sacerdotis, qua judicis et medici in sacramento

poenitentiae, section 8; S. Fagundez, De quinque Ecclesiae praeceptis, book 6, ch. 2, Mainz, 1628; F. Frank, Die Bussdisziplin der Kirche bis zum siebten Jahrhundert, Mainz, 1867; Galtier, De Paenitentia, thesis 39 (cf. the aforesaid Dictionnaire apologétique); J. Gartmeier, Die Beichtpflicht, Regensburg, 1905; F. Geigel, "Beichtsiegel und Zeugnispflicht," Archiv für katholisches Kirchenrecht (1896); G. Grottier, Die Laienbeichte im Mittelalter, Munich, 1909; K. A. Gründler, "Über die Unverletzlichkeit des Beichtsiegels," Archiv für Kirchenrechtswissenschaft, IV, Offenbach, 1833; A. Guillots, Le dogme de la confession, Paris, 1850; L. Honoré, Le secret de la confession, Bruges, 1924; Hoornaert, "Sur le secret sacramentel," Nouvelle Revue Théologique (1921); J. Hörmann, Untersuchungen zur griechischen Laienbeichte. Ein Beitrag zur allgemeinen Bussgeschichte, Donauwörth, 1913; P. A. Kirsch, Zur Geschichte der katholischen Beichte, Würzburg, 1902, pp. 70 ff.; A. Knopp, Der katholische Seelsorger als Zeuge vor Gericht, Regensburg, 1849; C. Krieg, Die Wissenschaft der speziellen Seelenführung, Freiburg, 1904; B. Kurtscheid, Das Beichtsiegel in seiner geschichtlichen Entwicklung, Freiburg, 1912 (English translation: The Seal of Confession, St. Louis, Missouri, 1927); Lanfranc († 1089), Libellus de celanda confessione (M.L. 150: Doronzo calls this the oldest treatise on the sacramental seal); Lenglet du Fresnoy, Traité historique et dogmatique du secret inviolable de la confession, Paris–Lille, 1708; P. Lizet, Tractatus de auriculari confessione, Lyon, 1552; Lochon (anonymously), Traité du secret de la confession, Paris, 1708; Lugo, De Poenitentia, disputation 23; Maiderus, Tractatus de sigillo confessionis sacramentalis, Antwerp, 1626; R. Mode, "Beichtsiegel und Zeugnispflicht nach den Reichsprozessordnungen," Archiv für katholisches Kirchenrecht (1902); Morinus, Commentarius historicus de disciplina in administratione sacramenti Poenitentiae, book 2, ch. 16, Paris, 1651; O'Donnell, The Seal of Confession, Dublin, 1911; F. H. Onuphrius, De sacro sigillo, Milan, 1611; D. Palmieri, De Poenitentia, thesis 35; R. Posté, "Il sacramento della Penitenza," Scuola Cattolica (1923); Pellé, Le tribunal de la pénitence devant la théologie et l'histoire, Paris, 1903; Du Perron, Réplique à la réponse du roi de la Grande Bretagne, Paris, 1620; F. Pijper, Geschiedenis der boete en biecht, vol. 1, The Hague, 1891, vol. 2, 1896; G. Rauschen, Eucharistie und Busssakrament in den sechs ersten Jahrhunderten der Kirche, Freiburg, 1910 (English translation: Eucharist and Penance, St. Louis, 1913); Salmanticenses, De Poenitentia, disputation 9; T. Sánchez, Disputationes de sancto Matrimonii sacramento, Lyon, 1739; Savio, Animadversiones ad sigillum sacramentale, 1936; H. J. Schmitz, Die Bussbücher und die Bussdisziplin der Kirche, vol. 1, Mainz, 1883, vol. 2, Düsseldorf, 1898; P. Schmoll, Die Busslehre der Frühscholastik, Munich, 1909; Schuler, Die Märtyrer des Beichtsiegels, Würzburg, 1892; Senneville, "Le secret de la confession devait-on le violer dans le cas de lèse-Majesté?", Revue des Questions Historiques (1868); D. Soto, De ratione tegendi et detegendi secretum, Venice, 1590; Suárez, De Poenitentia, disputation 33; T. Tamburini, Methodus expeditae confessionis, appendix De sigillo, Cologne, 1657; Tilesius–Friedrich, Disputatio juris ecclesiastici de sigillo confessionis, Königsberg, 1907; Uihlein, De sigillo confessionis, Heidelberg, 1828; Urbain, "Le secret de la confession," Revue du Clergé Français (1905); E. Vacandard, La pénitence publique dans l'Eglise primitive, Paris, 1903; D. Winther, De silentio triplici, naturali, civili et sacramentali, Munich, 1701; Wirceburgenses, De Poenitentia, ch. 8, a. 6. Among Protestant authors compare especially: Bremz, De sigillo confessionis, Wittenberg, 1669; K. Holl, Enthusiasmus und Bussgewalt beim griechischen Mönchtum, Leipzig, 1898; James I, King of England, Triplici modo triplex cuneus, sive Apologia pro juramento fidelitatis, Opera, Frankfurt and Leipzig, 1689; H. Ch. Lea, A History of Auricular Confession, vol. 1, ch. 13, "The Seal of Confession," Philadelphia, 1896, pp. 412–459; O. Watkins, A History of Penance, vol. 2, London, 1920, pp. 735 ff.

STATE OF THE QUESTION

We are treating of the secret character of confession on the part of the priest, or of the so-called SACRAMENTAL SEAL, in which this property of confession is especially manifest. For a correct understanding of this question, carefully consider both the meaning of the terms and the meaning of the question itself.

1. MEANING OF THE TERMS

A. The name and definition of the seal.

The word *sigillum* is a diminutive form of *signum*, as though it meant a little sign. It has been employed to signify marks impressed upon servants and cattle, so that they might readily be distinguished and counted; more particularly, the images or symbols of a king and of the state

stamped upon coins, so that they might acquire value in social use and commerce; more particularly still, the images and symbols impressed upon public decrees and documents to establish their authenticity; and, in the most particular sense, seals impressed upon closed letters and documents in order to preserve their secrecy (cf. the *Code of Canon Law*, Index, under "Sigillum").[724]

[724] A. Beier expounds at length the various meanings of the word sigillum in De sigillo confessionis, ch. 1, nos. 1–10, Jena, 1675.

From this last meaning there is derived metaphorically—as it were, from cause to effect—the very notion of secrecy attributed to a seal, so that things which must be kept secret are said to be placed *under seal*. In this sense the word *seal* is not infrequently used in Sacred Scripture, as in Daniel 8:26; Isaiah 29:11; Apocalypse 5:1; 22:10.

The definite use of the word for sacramental secrecy itself (*sigillum*, *sigillum confessionis*, *sigillum sacramentale*) goes back to the twelfth century. It is already found in Peter the Chanter († 1197), who writes:

"The seal of confession is most strongly fortified; the canons condemn its violator perpetually, and that secret must in no way be scrutinized or disclosed" (*De Sacramentis*, Bibliothèque nationale, Paris, Latin collection, MS 14445, fol. 200r).

Indeed, a little earlier (about 1176), the same thing is expressed in equivalent language by Nicholas of Clairvaux, who admonishes:

"Let [the priest] take care never to make any mention of the things which he has received under the seal of confession, nor to give assent to anyone speaking of them."[725]

[725] Sermon for the Feast of St. Andrew, no. 11 (M.L. 184, 1054), formerly attributed to Peter Damian († 1072; cf. M.L. 144, 833).

St. Thomas frequently employs this word as an expression already in common use—"the seal of confession"—in his *Commentary on the Fourth Book of the Sentences*, dist. 21, q. 3; and his contemporaries do likewise. The expression is also sometimes employed in certain more recent documents of the Church, as in the brief *Suprema omnium* of Benedict XIV (Denz. 1474: "violation of the sacramental seal"); in the Instruction of the Holy Office of 1915 ("the divine law of the sacramental seal"); and especially in the *Code of Canon Law* (canon 889: "The sacramental seal is inviolable"; canon 1757, §3, no. 2: "Even if they have been released from the bond of the seal"; canon 2369: "Whoever shall have presumed to violate the sacramental seal"; Index, under "Sigillum sacramentale"). The Fourth Lateran and Tridentine Councils, however (Denz. 438 and 901), when they speak of the secret character of confession and of the obligation of secrecy on the part of the priest, do not employ the word *seal*.

As regards its definition, the sacramental seal can be taken in three ways.

First, in the most general sense, for the secret character which pertains to confession on the part of the penitent, on the part of the Church, and on the part of the priest. This usage is exceedingly rare among theologians and, considered in itself, is improper.

Secondly, in a general sense, for the prohibition both of betraying the person of the sinner, directly or indirectly, and of employing sacramental knowledge to the detriment of the penitent or of the

sacrament. This usage is more frequent among authors, although it is disputed whether it is proper, as will be said in Note 1 after Conclusion 2 (p. 831).

Thirdly, in a special sense, for the prohibition alone of betraying, directly or indirectly, the person of the sinner. Certain modern authors insist upon this as the proper meaning of the word *seal*, which should be employed without qualification.

In the present article the seal is taken in the second sense.

B. The notion of a violation of the seal.

This notion evidently depends upon the notion of the seal itself. Leaving aside the first and improper meaning of the seal, doctors commonly, although they do not speak in precisely the same way, make approximately the following distinctions.

One violation is general and broadly so called. It consists in the very use of sacramental knowledge to the detriment of the penitent, although without betraying the penitent himself.

Another is special and strictly so called. It consists in betraying the person of the penitent. This, in turn, is twofold.

One is direct, effected by speech or a sign which immediately reveals the sinner, when both the sin and the person are disclosed.

The other is indirect, effected by speech or a sign which reveals the sinner only mediately: either the person alone is manifested, but in such a manner or in such circumstances that the sin can be inferred; or the sin alone is manifested, but in such a way that the person can thereby become known.

Moreover, both from the violation of the seal strictly so called and from that broadly so called, one must distinguish the danger of violating the seal, and the appearance and suspicion that the seal has been violated. Some doctors, to the greater confusion of these notions, improperly call these an improper or broadly so-called violation.

2. MEANING OF THE QUESTION

Whatever may be said concerning the proper or improper meaning and definition of the seal (of which we shall speak in a special Note 1 at the end of Conclusion 2, pp. 831–836), the law of the seal, or of preserving secrecy, imposed upon the priest—and, by consequent extension, upon others also who happen to have come to knowledge of the sacramental accusation—contains, at least in the full and extended sense in which it is legitimately understood by many, two elements manifestly connected with each other.

First and directly, it prohibits the disclosure of the sin and the sinner as known through confession (the seal strictly so called). This prohibition extends both to direct disclosure, by some utterance or sign which immediately reveals the object of the seal, and to indirect disclosure, by some utterance or sign from which the object of the seal can prudently be inferred or suspected.

Secondly and consequently, it prohibits every use of sacramental knowledge —that is, knowledge connected with the object of the seal and acquired through confession—insofar as such use, apart

from direct or indirect disclosure of the sinner himself, results in some burden to the penitent or harm to the sacrament (the seal broadly so called).

The inquiry concerns the existence, or divine origin, and the essence, or absolute inviolability, of both kinds of seal. The question will be resolved below by two distinct conclusions, one concerning the seal strictly so called, the other the seal broadly so called.

NEGATIVE POSITION AND AFFIRMATIVE POSITION[726]

OPINIONS OF THE THEOLOGIANS

AS REGARDS THE SEAL STRICTLY SO CALLED, its very existence and, consequently, its connatural property of inviolability, at least taken in an indeterminate sense, have never been disputed or doubted by theologians, since the whole practice and mind of Tradition converge upon this doctrine, as will be shown below. Indeed, even Protestants do not deny it, insofar as, once secret confession is presupposed—although they say it is not of divine law but was introduced and imposed by the Church (cf. above, Article 42, p. 729)—the priest's obligation of secrecy follows of itself, at least from natural law.[727] Perhaps for this reason the Council of Trent did not judge it necessary to give a definition or explicit declaration of this truth, solemnly laid down at the Fourth Lateran Council.

[726] Compare especially B. Kurtscheid, The Seal of Confession (English translation by F. A. Marks), St. Louis, Missouri: B. Herder, 1927; L. Honoré, Le secret de la confession, Bruges, 1924.

[727] Printed note 29, beginning on Latin p. 765 and continuing onto p. 766, after the assertion about Protestants and natural secrecy. Doronzo quotes H. Ch. Lea in English (A History of Auricular Confession, vol. 1, Philadelphia, 1896, p. 412): "It is a self-evident proposition that, if auricular confession is to be enforced, the penitent must be assured of the inviolable secrecy of his admissions of wrong-doing. To say nothing of the danger of punishment for grave crimes, his family relations and his reputation might be too nearly imperilled for him to venture on the unburdening of his conscience if there were risk that even his less grievous sins and weaknesses might be bruited abroad, and no man's life or honor would be safe against the stories that might be circulated by a malignant priest. The Church, in making confession a matter of precept, has therefore been obliged to give assurance to its children that they can repose absolute reliance on the impenetrable silence with which their utterances shall be covered."

The controversy among theologians, gradually quieted after the successive declarations of the Church, was twofold: one involved a lesser disagreement concerning the very existence of the seal; the other involved a greater disagreement concerning its property of inviolability.

As to its existence, two questions were disputed. First, whether the seal, properly speaking, belongs to divine law and not merely to the law of nature. Scarcely more than one or two, such as Biel and Adrian, dissented from the very common affirmative opinion. Secondly, what is the precise reason upon which such divine law is founded or from which it is manifested. Here there is no small diversity of explanations, which attempt to depart in varying degrees from the simple and fundamental reason assigned by St. Thomas.

As to the inviolability of the seal, or its absolute character, two questions were disputed, which not infrequently overlap. First, whether it embraces every object, so that absolutely no sin may be revealed (the question concerning its extent). On this question some doctors departed from the more common opinion, excepting the so-called *future sin*, or sin of intention (Alexander of Hales). Secondly, whether inviolability applies in the face of every motive, so that no sin may be revealed for any reason (the question concerning its strictness). Here also certain theologians departed from the common

position, particularly William of Auxerre, teaching that for a grave reason, especially one concerning the common good, it is sometimes permissible to violate—or, rather, to open—the sacramental seal.

These doctors are divided among themselves upon a further question: whether in such a case a direct violation of the seal itself (namely, of the sin and of the person) is permissible, as a very few seem to admit along with William of Auxerre; or whether only an indirect violation (namely, of the sin but not of the person) is permissible, as several admitted, especially Bonaventure, Peter of Tarentaise, Raymond of Peñafort, Paludanus, and Dominic Soto.

AS REGARDS THE SEAL BROADLY SO CALLED (that is, abstaining from the use of sacramental knowledge), which is a certain extension of the sacramental seal, the same questions and the same controversies can likewise be proposed. In fact, however, only the controversy about the strictness of inviolability was explicitly and especially agitated. On this point not a few older doctors, and foremost among them the greater medieval theologians together with St. Thomas himself, departed from the common affirmative opinion of modern theologians, an opinion engendered and confirmed especially by the practice of confessors and by the authority of more recent documents of the Church.

These older doctors taught that the use of sacramental knowledge is permitted in several circumstances, especially for reasons concerning the common good, provided that the sacramental seal strictly so called remains inviolate.

Let a word be said about each opinion in particular.

THE COMMON OPINION, today universal, is that the sacramental seal strictly so called belongs to divine law, besides belonging to natural and ecclesiastical law; that it is founded upon the very institution of the sacrament, indeed, at least in some respect, upon the very essence of the sacrament (although the doctors do not agree in assigning the precise reason, as will be explained in the Conclusion); that it is so inviolable that no sin can be revealed in any manner, whether directly or indirectly, for any motive whatsoever; that the seal broadly so called also, namely abstention from the use of sacramental knowledge, belongs to divine law; that it is founded in some manner upon the institution and character of the sacrament; and that it too is absolutely inviolable, so that it cannot be violated for any reason whatsoever.

A FEW DOCTORS seem to have denied, at least implicitly, that the seal belongs to divine law.

Thus Biel (*On the Fourth Book of the Sentences*, dist. 21, a. 4, q. 3, a. 1), who teaches that the obligation of the seal is founded, like the obligation of natural secrecy, upon the law of charity, by which we are forbidden to do to others what we do not wish to be done to ourselves, and upon the law of utility or of the common good, which requires that secrets entrusted to us be strictly preserved. So also, and more explicitly, Adrian of Utrecht (afterwards Adrian VI, 1522–1523), who writes:

"It seems that the pope can dispense, because what is added in this seal beyond the seal of secrecy is only a matter of positive human law; therefore the pope can dispense in that respect. Moreover, the inference holds because a prince has authority over all positive human law to abrogate, diminish, and dispense with it. And the antecedent is evident, because the penitent can give the priest permission, for counsel or advantage, as the common practice of the Church attests; but a private person cannot dispense from natural law or exempt anyone from it. Therefore [the additional obligation belongs to positive law]. Besides ... the pope can dispense from the obligation of confessing, by exempting

someone from the obligation to confess once a year; therefore he can likewise dispense from the obligation to conceal confession. Furthermore ... the pope dispenses from vows and oaths which bind by natural law, as appears from the titles concerning oaths, vows, and the redemption of vows. Therefore he can similarly dispense in this matter." (*Questions on the Fourth Book of the Sentences*, fol. 291 ff.)

These same doctors must consequently deny that the obligation of the seal is founded properly and formally upon the very institution and nature of the sacrament. For from their doctrine as explained it follows that the institution of the sacrament is related to this obligation merely materially and as a presupposition, inasmuch as, once private and secret confession is established, natural law or positive human law introduces the obligation to preserve secrecy.

CERTAIN DOCTORS excluded from the object of the inviolability of the seal a sin of intention, or what they call a FUTURE SIN.

They say, namely, that if someone manifests to his confessor an intention of committing some crime, without retracting that intention in the act of confession, the priest can disclose that crime. For, since in such a case the sacrament is invalid because of the absence of the requisite disposition, the crime does not belong to the sacrament; indeed, it is opposed to it, and therefore there is no reason why it should claim the protection of the sacramental seal. In the Middle Ages this plausible opinion was defended by Alexander of Hales († 1245; *Theological Summa*, part 4, q. 19, member 2, a. 2) and certain others, as St. Thomas attests, *Supplement*, q. 11, a. 1, ad 1:

"Some say that the priest is bound to preserve under the seal of confession only those sins concerning which the penitent promises amendment; otherwise he can tell them to someone who can help and not harm."

Among them are to be counted, in the thirteenth century, Innocent IV (speaking as a private doctor) and Raymond of Peñafort. St. Bonaventure himself (*On the Fourth Book of the Sentences*, dist. 21, part 2, a. 2, q. 1) did not judge their opinion improbable, although in fact he rejected it because of the difficulties it entails.[728] Later, in the fifteenth century, Nicholas de Tudeschis, O.S.B., surnamed Panormitanus or Siculus († 1445; *On the Fifth Book of the Decretals, On Penance and Remission*, ch. 12, no. 24), strongly defended it.

[728] "But although that may seem to be stated with probability, nevertheless, since the command and institution speaks generally of every fault, and the penitent reveals his sin not as to a man but as to God, and the priest does not know whether he is telling the truth or deceiving him unless he knows it through some person, he must by no means disclose that person, because the seal of confession must be most diligently guarded on account of scandal, lest the penitent be deterred from confession."

Alexander of Hales, however, admits the following exception or mitigation: if a sin of intention is accused together with another sin of the same kind already committed, then it falls under the seal together with that sin; otherwise it does not. Thus, if someone says that he has sinned with an adulteress and intends to sin with her again, both sins fall under the seal; but if he has not yet sinned with her and merely intends to sin, so that the sin is simply future, this sin does not fall under the seal.

To the point, ALEXANDER OF HALES (loc. cit.):

"For an understanding of this problem, note that someone can confess a sin in three ways. In one way, by confessing a past sin which he wishes he had not committed and does not propose to commit again; and such a confession is enclosed under the seal. In another way, someone can confess a past sin which he wishes he had not committed, yet does not propose to desist, but rather to persevere; and such a confession is still enclosed under the seal. For although the sin which he proposes to commit in the future should not in itself be enclosed under the seal, nevertheless, on account of the connection which it has in confession with the past sin which he wishes he had not committed, it must be concealed under the seal. In a third way, someone can confess a present sin, not, however, as present, but rather as it is intended for the future. ... I therefore say that [the priest] is not bound to conceal it absolutely; nor, if a priest disclosed such a confession, could he be condemned as a violator of the seal of confession. ... Nevertheless, he must conceal it on grounds of public propriety, unless some grave disadvantage would follow; for then I believe that such a confession ought not to be kept entirely secret ... but ought cautiously and privately to be made known to someone who could and would be of assistance."[729]

[729] Printed note 31 (Latin p. 769). Cologne edition, 1622, col. 600.

INNOCENT IV, *Commentary on the Decretals of Gregory IX*, ch. 12, X, V, 38:

"We acknowledge ... that if [someone] had confessed that he wished to commit some evil deed, but was sorrowful, yet could not resist the temptations of the devil, and wished the priest to pray for him and to impose penance upon him for his past willingness, [the priest] could certainly call those whom he knew would be of help, and could tell them, in the most general terms possible, to persuade him to desist from this sin. And if he cannot find a way of preventing it unless he reveals it expressly, he will reveal it expressly, because in this matter he was not acting as a minister of God when he said: 'I cannot cease from committing such a sin'; for someone is said to confess to a minister only when he confesses in order to repent. This reasoning is not satisfactory, because we firmly believe that the priest receives [the confession] as a minister even when the penitent proposes to remain in sin."[730]

[730] Printed note 32 (Latin p. 769). Lyon edition, 1554, p. 207.

RAYMOND OF PEÑAFORT, *Summa on Penance and Matrimony*, book 3, title 34, §60:

"To this some say that [the priest] ought to approach the bishop and say: 'Guardian, watch over your sheep, for there is a wolf in the flock'; or, if it is preferable, say that he can reveal it to those who can help and not harm. ... It seems that he is not bound by reason of the force of penance, both because the person is not doing penance and because he does not keep faith, since he is a heretic and unbeliever; therefore faith need not be kept with such a person. Many other reasons could be brought forward. And the same holds in similar cases."[731]

[731] Printed note 33 (Latin p. 769). Avignon, 1715, p. 719.

PANORMITANUS, *Commentary on the Decretals*, book 5, title 38, chapter "Omnis":

"Always keep this in mind: a sin already committed, not one to be committed, is said to be disclosed in penance. Understand this when the man says that he is altogether resolved to commit it; it is otherwise if he repents of the aforementioned intention, for then it is a committed sin as regards the act of willing."[732]

[732] Printed note 34 (Latin p. 769). Lyon edition, 1555, fol. 177.

Some mistakenly gather under this opinion all the doctors who speak of a future sin as an exception to the seal. For several among them do not deny that a future sin (that is, the intention of committing a sin) is an object of the seal. Rather, they teach only that, exceptionally and for reasons especially concerning the common good, the confessor may make a disclosure concerning it (so some hold), or make use of the knowledge (so many hold, among whom is St. Thomas himself). These must accordingly be assigned to the two following opinions.

SEVERAL DOCTORS denied the absolute strictness of the inviolability of the seal, teaching that it can be violated—or rather, as they say, *opened*—with regard to certain sins, or in certain more serious circumstances, ESPECIALLY FOR MOTIVES PERTAINING TO THE COMMON GOOD.

This opinion, taught by certain medieval doctors, especially William of Auxerre († about 1230), was followed by several later authors, who excepted from the seal of confession—although under numerous precautions and restrictions—especially cases of the sin of heresy and the crime of *lèse-majesté*.

Certain of the aforesaid doctors, such as William of Auxerre and Huguccio, appear to teach the lawfulness even of a DIRECT VIOLATION, that is, the betrayal both of the sin and of the penitent.

WILLIAM OF AUXERRE HIMSELF attaches three restrictions to such a case of disclosure: namely, that it be a question of avoiding a great harm; that the sacrament itself suffer no harm from the disclosure; and that the disclosure be made with the bishop's permission. Moreover, he calls the case of avoiding great harm through disclosure of the seal almost impossible. To the point, he himself says:

"On this matter the masters are accustomed to say that in this case the priest ought to reveal the confession and does not break the seal, but opens it; for to break implies a deformity, since breaking it means disclosing it unlawfully. ... [But the objection is that] if he reveals it, the person confessing says that the confession has been revealed; consequently he renders confession hateful to men. But this is the reason why a confession must not be revealed; therefore he ought not to reveal it in this case. ... [I answer that] in no case must a confession be revealed, unless perhaps because of some marriage or some other matter in which great harm would be incurred and no danger would threaten the sacrament of confession. This case is almost impossible ... nevertheless, if it were possible, and great danger would threaten the Church if the confession were not disclosed, the confessor could reveal it with the bishop's consent, but not otherwise."[733]

[733] Printed note 35 (Latin p. 770). Paris, 1500, fol. 270.

In justification of such a doctrine he adds that in this case the priest "does not break the seal of confession but opens it."

William testifies that this opinion was common in his time ("The masters are accustomed to say"). Yet this testimony is to be referred not to this particular doctrine alone, but to all the manners and cases in which those doctors permitted an opening of the seal, according to the preceding opinion and the two others to be reported below. In support of William of Auxerre's doctrine, the following doctors especially may be mentioned.

HUGUCCIO OF PISA († 1210), a canonist, glossator of the *Decree of Gratian*, and master of Innocent III:

"If [the priest] is in doubt how he should impose penance for such a sin, let him safely consult those more experienced; and, if he wishes, without making known that the sin was disclosed to him. In such a circumstance, however, [when consulting] his own bishop about the manner of penance, I believe that he may tell that sin privately to persons who can help and not harm, such as the father and mother, the bishop, and the like; the argument seems to be from [Gratian], cause XXII, question V." [734]

[734] Printed note 36 (Latin p. 770). Codex Bambergensis Latinus, P. II, 28, fol. 418. [The Huguccio quotation contains a syntactically uncertain Latin phrase, Et si vult tacito quod illud peccatum sit ei manifestatum; the English retains its probable sense pending independent manuscript collation.]

In the following century another canonist, GUIDO DE BAYSIO († 1313), reports and interprets Huguccio's opinion thus:

"Huguccio believes that, when he consults the bishop concerning the manner of penance, he may privately tell that sin, even naming the person; and if, after confession had been made, the man did not wish to desist from that sin, he believes that he may privately tell the sin to such persons." [735]

[735] Printed note 37 (Latin p. 770). Rosarium Decreti, on chapter 2, dist. VI, De Poenitentia, Venice edition, 1495.

CAESARIUS OF HEISTERBACH († 1240):

"He will indeed be able to disclose the sins of penitents in many cases, while keeping the persons unnamed; but the persons themselves he ought not to disclose except in the case which, within the past five years, the lord Pope Innocent determined in this manner." [736]

[736] Printed note 38 (Latin p. 770). Dialogues, III, 31, Cologne, 1851, p. 149.

In this case, related by Caesarius himself, it concerns an abbot who had learned from the confession of the offender himself that a certain lay monk had been accustomed to celebrate Mass and, although admonished in confession by the same abbot, had not consented to desist from that sacrilege. When Innocent III was asked what ought to be done in a similar case, Caesarius attests that the Pope replied:

"I say that in such a circumstance the confession ought to be disclosed, because such a confession is not confession but blasphemy; nor should the confessor conceal such great blasphemy and madness, through which danger could befall the whole Church."

And [Caesarius adds]:

"The opinion pleased everyone. He wrote to the following chapter what had been determined by him and approved by the Cardinals." [737]

[737] Printed note 39 (Latin p. 770). Dialogues, III, 32, Cologne, 1851, p. 149.

The truth of this reply can reasonably be doubted, both because it is reported by Caesarius alone and because, in the sense in which it is understood, it stands in open opposition to the teaching of Innocent himself at the Fourth Lateran Council. Moreover, the matter could have happened, or been thought to have happened, in such a way that the aforesaid monk approached the abbot not with the

intention of confessing but solely for some evil purpose; consequently there would have been no question of confession, nor therefore of observing the seal.

THOMAS OF CHOBHAM (thirteenth century), *Summa on Penance*, ch. 138, *On the Seal of Confession*:

"But suppose someone confesses that he will kill another person or burn down his house, perhaps because the latter killed his father or disinherited him. What will the priest do? Must he endure the killing of that person or the burning of his house? On this matter St. Augustine gives such counsel in the canon: the priest is to tell this to someone who wishes and is able to help and not to harm. Thus, if the wrongdoer has a father or a very intimate friend, the priest should say to him: 'Your son or friend proposes to do such an evil thing. Chastise him, therefore, and correct him, lest he be able to perpetrate so great a crime; otherwise you will be a participant in the crime and guilty of homicide.' But if the man has neither father nor mother nor any friend to whom the priest can safely reveal this, the priest should take with him priests and other good men, of whom he is certain that they will not bring the man to death, and in their presence he should admonish his parishioner to desist from so wicked a design. The others too should tell him that they will not permit him to proceed with so wicked a deed. And perhaps it is not wrong that the priest should meanwhile approach the person against whom the threat was made and say to him: 'If you have offended anyone by killing his father or disinheriting him, I advise you to make a settlement with him, and I shall act as mediator between you; otherwise harm may befall you.'"[738]

[738] Printed note 40 (Latin p. 771). Clm. 18406, fols. 37r ff., compared with Clm. 2731, 12011, 16090. [The attribution in the quoted text to St. Augustine is that of Thomas of Chobham, not a separately verified Augustinian source.]

VINCENT OF BEAUVAIS († 1264), *Historical Mirror*, book 8, ch. 44:

"Neither by word, nor by deed, nor by sign ought a priest to reveal the sinner's confession, except in one case: namely, when someone confesses his heresy and has corrupted many persons and refuses in any manner to recover his right mind. Then the priest ought to tell everyone to avoid him as a heretic, after first warning him himself; and also through the bishop, if need be. Hence the verse: *Heresy is a crime which even confession does not conceal*."[739]

[739] Printed note 41 (Latin p. 771). Bibliotheca Mundi, or Speculum Maius of Vincent of Beauvais, IV, Douai, 1624, p. 288.

In the fourteenth century a certain assembly of theologians, presided over by Peter of Palude, O.P. († 1342), permitted, in the case of Robert, Count of Artois, his confessor to disclose what he had heard from him in confession. They alleged that this would not be a violation of the seal but merely a manifestation of the truth for the common good of society in a crime of *lèse- majesté*.[740]

[740] Printed note 42 (Latin p. 771). Cf. Honoré, Le secret de la confession, Bruges, 1924, p. 127.

Adrian of Utrecht (afterwards Adrian VI, 1522–1523) taught that a future sin can be revealed because of a grave disadvantage arising from secrecy. He says:

"If [from secrecy] some grave disadvantage would follow ... I believe that such a confession should not be kept entirely silent; nor, however, should it be publicly revealed because of the danger of defamation, but it should be cautiously and privately made known to someone who could and would be of assistance." (*Questions on the Fourth Book of the Sentences*, fol. 291v.)

Here Adrian seems to teach not only the lawfulness of making use of sacramental knowledge, but also of opening the seal itself, all the more because, as we have said above, he teaches that the seal is of ecclesiastical law alone.

IN THE SIXTEENTH CENTURY, at a time when the question of disclosing the crime of *lèse-majesté* was being sharply debated, a direct violation of the seal—at least materially speaking—occurred in the celebrated case of the conspiracy of Count Charles de Bourbon against King Francis I. It was committed by Bishop Jacques Hurault, the confessor of that count. In this case Hurault, although reluctant, was induced to open the seal on the presumption of the reasoning mentioned above in Alexander of Hales and Panormitanus: namely, that a sin consisting in an intention, which has not been sacramentally absolved, does not fall under the seal.

HONORÉ recounts the event as follows:

"At the time of the conspiracy of the Constable Charles de Bourbon against Francis I, among the presumed accomplices there was questioned the Bishop of Autun, Jacques Hurault, who was the Constable's confessor, at least on occasion.

"The Bishop protested at first, saying that he was forbidden to reveal anything whatsoever that he had learned in confession. The judges replied that their intention was by no means to induce him to reveal a sacramental confession, but rather to ascertain whether the Constable's confession had been sacramental. For this purpose they specified three questions which the Bishop had to answer:

"1. Had the Constable confessed to Hurault on any other occasion?

"2. Had he confessed all his sins to him?

"3. Had he asked him for absolution?

"The Bishop answered that this was the only occasion on which the Constable had confessed to him; that he had not given him absolution; and that the Constable had spoken to him only of matters relating to his treason. He nevertheless pointed out that Charles had begun by saying *Benedicito*, and that, while speaking to him, he had in his hand a relic of the True Cross. These indications were judged insufficient. The judges decided that the Bishop was bound to disclose to them the subject of that conversation, on pain of incurring the wrath of the king himself. Hurault replied that he was indeed willing to comply, 'provided,' he added, 'that you set my conscience at rest. Tell me first whether I am permitted to reveal a confession of this kind; on this point I rely upon you and upon your consciences.'

"The judges made inquiries, even consulting 'a worthy man, a doctor of theology,' who told them that this confession could not be regarded as sacramental. Having therefore recalled the Bishop before their tribunal, they declared:

"'Inasmuch as Monsieur the Constable did not confess all his sins, and had never confessed to him [Hurault] either before or afterward, and did not ask him for any absolution, and the aforesaid person speaking [still Hurault] gave him neither penance nor absolution, this could neither be called nor regarded as a sacramental confession; and for this reason we were of the opinion that he could tell the truth.'

"His conscience having thus been set at rest, the Bishop of Autun related to them everything he knew of the conspiracy, not believing that in doing so he was violating the law of sacramental secrecy. What, moreover, had attracted public attention in this affair was the crime of which the Constable was accused and in which Hurault seemed, through his silence, bound to cooperate. The entire skill of the tribunal consisted in proving that Hurault had no pretext for refusing to speak."[741]

[741] Printed note 43 (Latin p. 772). Honoré, Le secret de la confession, Bruges, 1924, pp. 71–73. The long passage is translated from the French as printed by Doronzo; the historical interpretation is his.

IN THE SEVENTEENTH CENTURY, at the time of the conspiracy called the *Gunpowder Plot* (1605), which occasioned the execution of Father Garnet, S.J. (1606), who refused to open the seal of confession, King James I of England himself undertook a contentious defense of the lawfulness and necessity of revealing a confession of *lèse-majesté*, against the "Jesuit precepts," as he called them, and against the doctrine expressed by Bellarmine in these words:

"The secret of sacramental confession must in no way be revealed, not even for the avoidance of the greatest evils."

In the work entitled *Triplici modo triplex cuneus, sive Apologia pro juramento fidelitatis*, James writes:

"That no treason, no conspiracy, however atrocious and diabolical, even if it aims at the destruction and ruin of the whole empire or kingdom, ought to be betrayed and disclosed by a priest if it has been revealed under the seal of confession; and that not even the matter itself may be disclosed indirectly in order to meet the impending evil—although this has been accepted by a few inexperienced doctors who have imbibed Jesuit precepts, it is nevertheless so novel and dangerous a doctrine that neither king nor commonwealth can remain secure wherever that thesis finds its defenders."[742]

[742] Printed note 44 (Latin p. 773). Opera, London, 1619, p. 336. Doronzo's citation of James I's Triplici modo triplex cuneus.

Bellarmine opposed the king in 1608 in the work *A Reply to the Book Entitled The Triple Wedge* (*Responsio ad librum cui titulus "Triplex cuneus"*), published under the name of Matthew Tortus, his chaplain. When the king meanwhile added his *Apology* to a new edition of his work, the holy Doctor replied again, now under his own name, in 1609, in his *Apology for His Reply to the Book of James, King of Great Britain*.

IN THE EIGHTEENTH CENTURY, Peter the Great, Emperor of Russia, introduced this same abuse into the schismatic Church and confirmed it by his authority.

"By an imperial decree dated 17 May 1722, he promulgated a certain *Supplement to the Ecclesiastical Regulation*, in which every priest, under penalty of death, is commanded to reveal secrets learned in confession in two cases: (1) in the case of a conspiracy or private plan directed either against the life of the tsar or of some member of the imperial family, or against the fatherland or public order; (2) in the case of a premeditated design to stir up a public scandal in the Church, for example, by recounting an entirely fabricated new miracle.

"Disclosure is to take place when the guilty person who confesses his wicked design gives no sign of repentance and indeed declares his plan for the purpose of being confirmed in carrying it out by the silence or consent of the confessor. The confessor is bound to report him without delay to the public authorities and to recount, in every detail, what he has learned in confession concerning the

proposed crime. Every priest binds himself to make this disclosure by a special oath on the day of his ordination.

"The imperial law attempts to prove, by the following reasons, that violation of the sacramental seal is lawful in the two cases mentioned: (1) a confession of this kind is not a confession in the true sense of the name, since the sinner does not repent of all his iniquities; (2) in this case the confessor does not reveal a true confession or transgress the canons; rather, he fulfils what God taught us in these words: 'If thy brother shall offend against thee, go, and rebuke him between thee and him alone. If he shall hear thee, thou shalt gain thy brother. And if he will not hear thee, tell the Church' (Matt. 18:15–17)."[743][744]

[743] Printed note 45 (Latin p. 774). Supplementum ad Regulamentum ecclesiasticum, §11; Collectio completa legum, VI, no. 4012, edition of the year 1722; Codex legum, edition of 1857, vol. XV. Cf. Tondini, Le pape de Rome et les papes de l'Église orthodoxe d'Orient, Paris, pp. 166–170. On the violation of the seal among the Russians even outside the cases mentioned, see Gagarin, La réforme du clergé russe, p. 132, note. [The year of Tondini's Paris edition is indistinct in the printed scan and has not been supplied conjecturally.]

[744] Printed note 46 (Latin p. 774). Jugie, Theologia Orientalium, vol. 3, Paris, 1930, p. 368 ff.

NOT A FEW OTHER THEOLOGIANS AND CANONISTS moderated the aforesaid opinion, teaching that, to avoid grave harm, especially in cases of heresy and *lèse-majesté*, it is lawful to employ ONLY AN INDIRECT VIOLATION OF THE SEAL, namely one in which the sin is indicated while the name or other designation of the penitent is withheld.

Nevertheless, many statements of these doctors can be understood as referring to the disclosure of the sin in such an indistinct and general manner that there is no danger whatever of identifying the person of the penitent, as St. Thomas himself allows (*Supplement*, q. 11, a. 1, ad 1; cited below on p. 776). In such a case, there would be no question of an indirect disclosure, but only of the use of sacramental knowledge, of which we shall speak below.

With this reservation, the following may be cited in favor of that opinion: Hostiensis[745] († 1271; book 5, §53), Bonaventure († 1274; *On the Sentences*, dist. 21, part 2, a. 2, q. 1), Raymond of Peñafort, O.P. († 1275; *Summa*, book 3, title 34, §4), Peter of Tarentaise, O.P. († 1276, elected Supreme Pontiff in that same year under the name Innocent V; *On the Fourth Book of the Sentences*, dist. 21, q. 4, a. 1), Scotus († 1308; *On the Fourth Book of the Sentences*, dist. 21, q. 2, no. 23), John of Freiburg, O.P.[746] († 1314; *Summa*, book 3, title 34, q. 91), Peter of Palude, O.P. († 1342; *On the Fourth Book of the Sentences*, dist. 21, q. 3, a. 3, conclusion 3), Dionysius the Carthusian († 1471; *On the Fourth Book of the Sentences*, dist. 21, q. 3), Dominic Soto, O.P. († 1560; *On the Reason for Keeping and Disclosing a Secret*, q. 7), Bellarmine (*Apology for His Reply to the Book of James, King of Great Britain*, ch. 13), Cardinal du Perron († 1618; *Reply to the Response of the King of Great Britain*), and Coëffeteau, O.P. († 1623; *Reply to the Warning of the King of England*).

[745] Printed note 47 (Latin p. 774). Hostiensis was Henry of Susa (Susa, northern Italy), a cardinal and celebrated canonist.

[746] Printed note 48 (Latin p. 774). "Joannes Rumsik Lector, cognomento de Friburgo in Brisgovia, celeber canonista" (John Rumsik, a lecturer, surnamed "of Freiburg im Breisgau," a celebrated canonist).

CARDINAL DU PERRON expresses this opinion thus:

"The confessor can and ought to warn the prince to take care of himself and to be on his guard, and to inform him that there is a conspiracy against his person; that is to say, to reveal not the individual who confessed but the confession in general, and to disclose not the criminal but the crime."[747]

[747] Printed note 49 (Latin p. 774). Réplique à la réponse du roi de la Grande-Bretagne, Paris, 1620, p. 653.

BELLARMINE, in the work just cited, says:

"I am not unaware that the seal of sacramental confession can be opened in order to avert a great harm, provided that the person who confessed is kept concealed. But I ask the king: if Garnet [that is, Father Garnet, mentioned above] had reported that he knew that death was being plotted against the king by traitors, would the king have permitted the person of the traitor to be passed over in silence out of reverence for the sacrament of confession?

"Certainly, a man who believes that the sacrament of confession does not exist, and who detests its seal as most harmful to the commonwealth, would immediately have ordered Garnet to be seized, imprisoned, and examined by the most exquisite tortures; nor would he have desisted until he had come to know the traitor and all his accomplices. Therefore it is permissible to disclose to a Christian and pious prince, in general terms, a treason learned in sacramental confession, so that he may provide a remedy against the impending evil, because it is taken for granted that such a prince will ask nothing further than is lawful. But it is in no way permissible to do this before a prince estranged from the true religion, who mocks the seal of confession as divinely commanded, and of whom it is sufficiently certain that he would not permit the person of the penitent to remain concealed."[748]

[748] Printed note 50 (Latin p. 775). Opera omnia, Paris, 1874, p. 186 ff.

FINALLY, SEVERAL THEOLOGIANS, while denying the lawfulness of a violation of the seal strictly so called, whether direct or indirect, admitted the lawfulness of opening only the seal broadly so called, or OF USING KNOWLEDGE ACQUIRED SACRAMENTALLY, subject, however, to two conditions: first, that there be no danger of violating the seal strictly so called, even indirectly; secondly, that this be done for a grave reason concerning either the good of the penitent himself (as in removing an occasion of sin) or the good of the community (as in removing a harmful member or superior).

This opinion was altogether common among the great theologians of the thirteenth century and far more common among their successors almost until the end of the sixteenth century, that is, until the Constitution of Clement VIII (1593), which prohibited the use of sacramental knowledge. It was defended by some even in the following century, until the decree of the Holy Office under Innocent XI (1682), which again, and more expressly, prohibited the use of such knowledge. Afterwards it occasionally revived, rather as a certain tendency among a few, during the controversies of the Jansenists and Gallicans. Among more recent dogmatic theologians, moralists, and canonists it has become altogether extinct, following the declarations and sanctions of the Holy See mentioned below.

IN THE THIRTEENTH THROUGH SIXTEENTH CENTURIES, the aforesaid opinion was taught especially by Alexander of Hales (*Summa*, q. 18, member 2, a. 1), Bonaventure (*On the Fourth Book of the Sentences*, dist. 21, part 2, a. 2, q. 1, ad 3 and 4), St. Thomas (in the passages cited below), Scotus (*On the Fourth Book of the Sentences*, dist. 21, q. 2, no. 23, ad 6), Richard of Middleton (*On the Fourth Book of the Sentences*, dist. 21, a. 4, q. 2, ad 4), Aureolus (*On the Fourth Book of the Sentences*, dist. 21, q. 1, a. 2), Paludanus (*On the Fourth Book of the Sentences*, dist. 21, q. 3, a. 3, conclusion 3), St. Antoninus

(*Summa*, part 3, title 17, ch. 22, §1), Sylvester and Angelus, and other writers of *Summæ* (under the word "Confessio"); and, toward the end of the sixteenth and beginning of the seventeenth centuries, Navarrus († 1586; *De Poenitentia*, dist. 6, no. 146), Henry Henriquez, S.J. († 1608; *Summa of Moral Theology, On the Sacrament of Penance*, ch. 23), Thomas Sanchez, S.J. († 1610; *Disputations on Matrimony*, book 3, disp. 16, q. 1), and Suárez, S.J. († 1617; disp. 33, sect. 7, no. 4).

To these and other theologians of that time the following was a common principle: it is lawful to use sacramental knowledge if, and insofar as, the danger of violating the seal, even indirectly, can be avoided.

Nevertheless, they do not entirely agree in judging whether such a danger is present in particular cases. Thus some writers seem, with less accuracy, to suppose that certain of those doctors dissent from the common opinion. In fact, these doctors do not deny that the use of such knowledge is lawful, but either maintain some doubt or judge that there is a danger of violating the seal in a particular case, especially in the case of a confessor removing a penitent from his office or opposing his election. In this way a certain apparent mitigation of the doctrine in Alexander of Hales and Bonaventure is to be explained, as also a certain apparent rejection of it in Richard of Middleton in the fourteenth century, Báñez in the sixteenth, and Suárez at the beginning of the seventeenth. Yet it must not be denied that already toward the end of the sixteenth century, immediately before the decree of Clement VIII, this opinion began to be maintained less firmly and to seem less true to many, as appears both from the *Instruction* (1590) of Father General Aquaviva of the Society of Jesus ("Although doctors are not lacking who think that knowledge obtained through confession may lawfully be used ...") and from the very fact of the decisive decree of Clement VIII (1593).

ST. THOMAS proposes the same doctrine more clearly and decisively, in his customary manner, both as regards the aforesaid principle and as regards certain applications of it.

In the *Supplement*, q. 11, a. 1, objection 1, he objects to himself:

"Concealing a confession would in some case be opposed to charity, as, for instance, if a man knew through confession of a certain heretic whom he could not induce to desist from corrupting the people. And the same applies to one who knows through confession that an affinity exists between persons who intend to marry. Therefore in such a case he ought to reveal the confession."

He replies, *ad 1*:

"He [the confessor] ought to employ some remedy in the aforesaid cases, as far as he can without revealing the confession; for example, by warning those who confess to him and by exercising diligence toward others, lest they be corrupted by heresy. He can also tell the prelate to watch diligently over his flock, provided, however, that he say nothing through which he might betray the penitent by word or sign."

In the same place, objection 3, he objects to himself:

"When an abbot knows through confession of some sin of a prior subject to him, an occasion of which leads that prior to ruin if he leaves him in the office of prior ... he is bound to take away his pastoral charge; and yet by taking it away he seems to disclose the confession. Therefore it seems that in some case it is lawful to disclose a confession."

He replies, *ad 3*:

"In the aforesaid case the abbot ought to admonish him to resign the office of prior; or, if he is unwilling, he can, for some other occasion, absolve him from the care of the priory, yet in such a manner that every suspicion of the disclosure of the confession is avoided."

In the same place, objection 4, ST. THOMAS objects to himself:

"A priest, from the confession of someone whose confession he has heard, may become aware that the person is unworthy of a position of prelacy. But everyone is bound to oppose the promotion of unworthy persons, if the matter concerns him. Since, however, by opposing such a promotion he would seem to give rise to suspicion of a sin, and thus in some manner to reveal the confession, it seems that a confession must sometimes be revealed."

He replies, *ad 4*:

"A person is rendered unworthy of the office of prelacy by many causes other than sin, such as a defect of knowledge, of age, or something of this kind. Therefore one who opposes the appointment neither raises suspicion of a crime nor reveals the confession."

In *Quodlibet* V, question 7, article 13, he explains the same doctrine more extensively:

"It must be said that what is heard through confession must in no way be disclosed, neither by word, nor by sign, nor by a nod; nor must anything be done from which someone might come to suspect a sin. Therefore, if removing a subject from an office could lead to the disclosure of a sin heard in confession, or to the formation of some probable suspicion about it, the prelate must in no way remove that subject from his office. For example, if in some monastery it were customary for priors not to be removed from their priories except on account of a fault, the penitent's sin would be disclosed by his removal from office. Hence, if an abbot were to do this, he would sin gravely as one revealing a confession. He could, however, charitably admonish him in private to request his own resignation earnestly, if he judged this expedient for his salvation.

"But if removal from office would not disclose the sin in any way—for example, if in some monastery it were customary for the abbot, at his discretion, readily to remove certain persons from office—then, when another occasion has arisen, he could remove from office the subject who had confessed to him; and he ought to do so, with due caution, if that office would be dangerous to the subject in the future. Yet even in this case it would be better to induce him to request his own resignation. If, on the other hand, no danger for the future were feared, it would not be necessary to remove him from office on account of a past sin already effaced by penance. Thus Augustine also says in the book *On Adulterous Marriages*: 'Why do we still reckon as adulterers those whom we believe to have been healed by penance?' For penitents are sometimes better than the innocent."

Certain Thomists attempt to clear the holy Doctor of this opinion, but, it seems, without success.

MERKELBACH (no. 620, in a note) disposes of the matter briefly and elegantly, saying, with regard to the obligation not to use sacramental knowledge, that "nothing special occurs in St. Thomas."

BILLUART writes ambiguously:

"Although formerly several eminent theologians judged otherwise, especially concerning actions that do not injure the penitent's strict right, nevertheless, after the decrees [of the Holy See] mentioned above, this is how the matter now seems to have to be decided. Hence what the Author [that is, St.

Thomas] said here in article 1, replies 3 and 4—that a superior can remove from office, or refuse his vote to, someone whom he knows from confession to be unworthy on account of other defects, such as a defect of knowledge, age, or something similar—must be understood of a case in which the unworthiness or the defects are known outside confession, and in which the superior would have acted on account of them even if he had not heard the confession."[749]

[749] Billuart, De Poenitentia, dissertation 8, article 5, Cursus theologicus, vol. 9, Paris, 1904, p. 451.

It is not clearly evident what Billuart actually asserts: whether St. Thomas himself intended his words in that sense, or whether they must be glossed by us and drawn to a right meaning which the holy Doctor himself did not intend.

THE SALMANTICENSES explicitly and at length attempt to prove that St. Thomas taught in the aforesaid passages that the use of sacramental knowledge is lawful only when it is done not merely without any revelation of the sin, but also without any burden upon the penitent. For in the cases involving the use of such knowledge which the holy Doctor adduces, they suppose that the confessor acts not by virtue of sacramental knowledge but by virtue of other knowledge acquired outside the sacrament.

To this point the Salmanticenses themselves write:

"It is therefore sufficiently clear how the objection drawn from the passages of St. Thomas must be answered. For the holy Doctor must not be thought to have contradicted himself, since in the testimony just examined[750] he plainly teaches our opinion and establishes it by an effective argument. Accordingly, the meaning of St. Thomas in the earlier authority [*Quodlibet* V, q. 7, a. 13] is not that, when a prelate gives rise to no suspicion of a crime, he can and ought to be moved by knowledge obtained from confession to depose a subject from his ministry, making use of some other appearance or pretext. For since this would in reality be to remove the subject on account of the sin confessed, it would be prejudicial to confession and would deter the faithful from the use of the sacrament, as is evident of itself. Otherwise, if he spoke in that sense, he would abandon in the body of the same article the doctrine that he had laid down in the argument *Sed contra*.

[750] St. Thomas, Quodlibet V, question 7, article 13, Sed contra: "Nothing must be done to the prejudice of confession. But it would be prejudicial to confession if a subject were removed from office because of a crime which he had confessed to his prelate, since this would deter others from confessing. Therefore a prelate ought not to remove a subject from office on account of a sin which he has confessed to him."

"He intends, therefore, that the prelate to whom the subject has confessed can and ought to remove him from office when another cause arises which effectively moves him to do so. That this is the legitimate meaning of St. Thomas is clear both from what has just been said and from the words he employs. For he says, 'Then, another occasion having been taken, he could,' etc. The word *taken* is notably employed to signify a prelate who is passive in receiving another cause for deposing the subject, and not one who actively seeks an occasion. For 'taken' does not mean actively sought by the force of knowledge obtained in confession, but presented from without and coming of its own accord. If such a cause is sufficient and has an effective influence, the prelate will be able to carry out the deposition. 'With due caution, however,' the Angelic Doctor added. He did not say this merely so that the prelate might avoid a prudent suspicion, for that would be sufficiently prevented if the subject were deposed for another cause or occasion presenting itself spontaneously, but also so that he might

avoid every other suspicion, even a less reasonable one, that the penitent might conceive regarding the sin confessed.

"From this it is also clear how one must understand what he says in the fourth book [*On the Sentences*], distinction 21, question 3, article 1, little question 1, reply to objection 3 [*Supplement*, q. 11, a. 1, cited above]. For he expresses the same meaning"—

"—as may be gathered from what he first says in that place: 'Likewise, without injury to his conscience, a prelate may leave unpunished a sin which he knows as God knows it, or leave it without any remedy, since he is not bound to apply a remedy except in the manner in which the matter is brought before him. Hence, in matters brought before him in the forum of Penance, he ought, so far as he can, to apply a remedy in that same forum; as, in the case proposed, the abbot should admonish the prior to resign his priory.' And from what he had said in the reply to objection 1: 'What is known in confession is as though unknown, since he does not know it as a man, but as God.'

"Since, then, that which is unknown can in no way influence an action, it follows that St. Thomas does not hold that a prelate may remove a subject from office on account of a confessed sin by seeking some other pretext; for then the supposedly unknown sin would already be influencing the subject's removal. Nor do the things recounted in the final testimony, from the reply to objection 4, press the matter any further. For there St. Thomas speaks of a prelate who not only knows from confession the sin or unworthiness of a subject, but also has other external causes, such as a defect of knowledge, of age, or some similar thing, which move him to oppose the public election of the subject. For if the prelate opposes the election by alleging those causes, St. Thomas must suppose that they exist; otherwise the prelate could not allege them."[751]

[751] Salmanticenses, De Poenitentia, disputation 9, doubt 3, §2, no. 54, Cursus theologicus, vol. 20, Paris, 1883, pp. 547 ff.

Nevertheless, this interpretation of the mind and words of St. Thomas, however praiseworthy in its purpose, seems improbable when one considers the circumstances, the text, and the context. Moreover, Gonet admits the contrary interpretation (*Disputation* 11, article 1, no. 17: "As St. Thomas seems to teach"), because he also thinks that the burdensome use of sacramental knowledge might be prohibited by ecclesiastical law alone; and Billuart himself seems to admit the same under a gracious ambiguity.

First, it is altogether improbable that St. Thomas should have departed from the common opinion of his time, since he not only says nothing of the kind, but uses the same expressions and resolves the same cases as the other doctors.

Secondly, it is manifest that the holy Doctor insistently excludes this one thing, and declares this one thing unlawful: namely, the danger of betraying the sinner himself.

Thirdly, when the holy Doctor says that, in removing a subject from office, a prelate can use some other cause or some other knowledge, he supposes that the prelate's use of that cause or knowledge occurs on the occasion of hearing the sin. Thus this hearing is not indeed the *cause* of the subject's removal from office, but it is nevertheless the *occasion*, and therefore in its own way influences the burden imposed upon the sinner. Nor does the holy Doctor ever say that a prelate may remove a subject from office if he had already determined from another source to remove him and so that the

confession had no influence whatever, not even as an occasion hastening the effect. Indeed, that he does not intend to say this is clear from his having reserved discussion of knowledge acquired from another source and accompanying confession to a special article, which is the last in the whole of question 11 of the *Supplement*.

Nothing can be deduced from the words objected in the *Sed contra* of *Quodlibet* V, article 13: both because the holy Doctor does not always, or not completely, choose in the body of an article what is asserted in the *Sed contra*, and because those words can be understood of the prejudice that would be caused to confession by the indirect revelation of the penitent. The principles —

—used by St. Thomas to exclude an indirect violation of the seal, namely the injury done to confession and the vicarious and instrumental character of the confessor, do indeed also suffice to establish the unlawfulness of employing sacred knowledge to the penitent's detriment. But it does not follow from this that St. Thomas himself drew that conclusion, or that he could easily have drawn it in his own time.

RICHARD OF MIDDLETON, O.F.M. († 1308), proceeding from the same common principle mentioned above, judges differently concerning the case of a confessor removing a penitent from office:

"A prelate, by removing from office a subject whom he knows through confession to be making bad use of his office, even if he acts for that subject's good, nevertheless acts against the good of the community. For others, on learning from the removal from office that he was removed from his office on account of his confession, will become more disposed not to confess truthfully; and that same person who has been removed will dread confession and will become more disposed to conceal his sins." (*On the Sentences*, dist. 21, a. 4, q. 2, ad 4.)

DOMINIC BÁÑEZ, O.P. († 1604), a most devoted disciple of St. Thomas, judges similarly in the sixteenth century, speaking of a religious visitor who deposes officeholders whom he has learned through confession to be unworthy:

"How many harms and disturbances would follow from this! I think no one so imprudent that he would not immediately judge it so. For the community will at once be disturbed when it sees that, after the prelate's departure, some persons have been removed from their offices, others deprived of graces and favors belonging to the religious life, while others whom the community perhaps judges unworthy or less worthy are promoted to honors. ... By visitations of this kind the seal of confession is broken at least indirectly. For if those removed from office are judged worthy—indeed, most worthy—in the external forum, whoever sees them deprived of their offices will immediately conclude that they were deposed on account of an unworthiness learned in sacramental confession." (*On II–II*, q. 33, a. 8, part 2.)

SUÁREZ, S.J. († 1617), aptly sets forth the meaning of the other doctors and his own opinion as follows:

"The doubt remains whether, if it is within the confessor's power to take away an occasion [of sin] from a penitent, he can remove it against the penitent's will, notwithstanding the suspicion which may morally be feared to arise from it. A common example is that of a confessor who is a religious superior and can change the office or place of a subject on which such an occasion depends. For some

have affirmed that he can do this. ... The true opinion, however, is that it is never lawful when accompanied by such suspicion, because it would be an indirect revelation, which is always unlawful. ...

"But if the superior could do this without creating any suspicion in the minds of others, and if the matter is something depending upon his discretion, it was the opinion of many that the superior can remove or change such a circumstance in order to take away the occasion of sin, but not otherwise, as St. Thomas teaches ... Bonaventure ... Scotus ... Richard ... Sylvester ... Soto. The reason is that in that case nothing is done against the seal, as is evident. ..."

"They differ among themselves, however. For Sylvester and others say that it is lawful even if the penitent himself suspects or understands that he is being deprived of that office because of his confession, since, provided others are given no occasion to suspect anything, there is no revelation of the seal. Richard, Angelus, and others teach the opposite, because after confession it is not lawful to rebuke the penitent in words or to reproach him with his sin; therefore neither is it lawful to do so by deeds. Likewise, this is an occasion for deterring men from confession, because confession is rendered exceedingly burdensome by an action extrinsic to it and by no means necessary to it.

"For this reason I judge this limitation far safer and very consonant with reason. Yet I cannot disapprove the common opinion when considered in itself, or by reason alone. I observe, however, that something not evil in itself may be prohibited because of the danger of evil. Therefore, if in some religious community such a use has been forbidden, the constitution will be holy and must be observed. Indeed, it seems that this use has generally been forbidden to all religious by our Most Holy Lord Clement."[752]

[752] Suárez, De Poenitentia, disputation 33, section 7, no. 4, Opera omnia, vol. 22, Paris, 1866, pp. 707 ff.

After the constitution of Clement VIII (1593) and up to the decree of Innocent XI (1682), several theologians and canonists thought that the use of knowledge acquired sacramentally, still in the aforesaid case of the government of subjects, was lawful in itself and for secular persons, and had been prohibited by the Supreme Pontiff only as regards religious superiors in governing their subjects. Suárez (in the place cited) seems to follow this opinion, and Thomas Sánchez cites about forty doctors in its favor, while being unable himself to depart from it decisively and definitely. He writes:

"What must be said about so doubtful a matter? For the authorities of so many and such great men, and the very strong reasons by which it is supported, fight on behalf of the former opinion; wherefore it cannot be denied that it is most probable. Yet the latter opinion [namely, that which teaches that in the aforesaid case the use of sacramental knowledge is not lawful], resting upon grounds that are not to be despised, has always pleased me much more, and pleases me now, although it lacks the testimony and number of authors."[753]

[753] Thomas Sánchez, De sancto matrimonii sacramento, book 3, disputation 16, question 2, no. 4.

For the rest, Sánchez, Suárez, and generally the other doctors are troubled only about that particular case. Nor do they seem to suspect that the general principle itself concerning the lawfulness of the use of sacramental knowledge, even when free from the disclosure of the penitent, is in itself false and contrary to the mind of the Holy See, as the decree of the Holy Office under Innocent XI in 1682

subsequently showed clearly, when the use of sacramental knowledge was prohibited generally and without qualification.

Among a few theologians, however, LUGO († 1660) perceived this well, and to him belongs the praise and merit of having, even before that decree, followed decisively the opinion concerning the universal unlawfulness of the use of sacramental knowledge.

It will be useful to quote the principal passage of this doctor, in which he aptly sets out the state of the opinions of that time, shows the force of Clement VIII's constitution, definitively chooses the correct doctrine, and assigns the general principle on which it rests and by which one may discern what is unlawful in the use of that knowledge.

"On this question Thomas Sánchez, beyond other authors, treats at length and learnedly throughout book III, disputation 16, *On Marriage*, where he adduces two opinions. The first, the common opinion, affirms that one may make use of this knowledge, provided that no direct or indirect revelation or disclosure of the penitent's sin can arise from its use. The second, not so common, denies that this can be done; Sánchez regards this as the truer opinion. But each of these opinions may be divided into several others, because of the various limitations, extensions, or distinctions which different authors add.

"For, first, some have said that for the correction of the penitent it is lawful to reveal the crime to another person by whom he can be corrected, for example, to a parent. Thus [William] of Auxerre, cited by Vázquez on the present question, question 93, article 3, doubt 9, no. 1. Others have said that it is lawful at least for the confessor himself to correct the penitent by removing him, for instance, from an office because of a sin of which he had learned in confession, even though from such removal others might suspect his crime. Thus Cabrera, cited by the same Vázquez, no. 2. Vázquez himself, and rightly, considers both opinions erroneous, because in either case there would be a direct or indirect revelation of confession, which is lawful in no case whatsoever, as is evident from what has been said above.

"Others say that this is lawful with regard to depriving a penitent of gratuitous benefits: as when a confessor, on account of that knowledge, does not bestow upon him a benefice, for example, which he had intended to confer, or dissuades a testator who wishes to leave him as heir, provided, however, there is no danger of revelation and other pretexts are sought. Others say that a superior may remove a penitent from an office if he can remove him at will, because then he exercises his own right; otherwise, if he cannot remove him at will, the subject has a right not to be removed without a cause that can be proved. Others, again, say that he may use this knowledge as long as no occasion whatsoever is afforded to others for suspecting the sin, even if the penitent himself might suspect that it was done because of the sin he confessed. Thus Vázquez, with others, in the place cited, no. 6. Others, however, say that it is not lawful even when such a suspicion arises in the penitent himself.

"Finally, some say that although the priest may use that knowledge so as not to give his vote to an unworthy person, or to refuse him the order which he seeks, when this can be done without revelation, the confessor is nevertheless not bound to do so. Thus Thomas Sánchez, with others, in the aforesaid disputation 16, no. 7. Yet several others whom he adduces in no. 6 say, and more consistently, that if he can do so, he is bound to do so, lest he cooperate in the election of an unworthy man or confer a sacrament upon an unworthy man.

"Nor do all understand the second opinion in the same way. For some speak universally, so that in no matter whatsoever may the confessor use such knowledge, but must conduct himself as if he did not possess it. Others say that it applies only in matters in which there would be confusion and shame for the penitent, because some prejudice would be done to his honor or person. Thus Sánchez, in the place cited, no. 4. Hence they do not all speak in the same way in the conclusions drawn for particular cases. ...

"I most willingly embrace the second opinion. I am moved to embrace it also by the inclination of our Society toward this side, which its General, the Reverend Father Claudius Acquaviva, established by his decree in the year 1590, strictly forbidding anyone ever to teach the contrary doctrine, publicly or privately, or to make use of it. And indeed, after the decree of Pope Clement VIII, issued on May 26 in the year 1594, I do not know how the former opinion can be maintained. For the Pontiff forbids all regular prelates to use knowledge obtained from confession [he cites the decree]. ... Although these words are less strict than those of our Society's decree adduced above—for the Pontiff speaks only of superiors and of the use of knowledge in external government, whereas our decree speaks of all confessors, even if they are not prelates, and in relation to any penitents whatsoever, even secular persons—nevertheless, from that pontifical decree the truth of the universal doctrine seems necessarily to follow. ..."

"Observe that we have not said that every use of that knowledge is unlawful, nor even every use in relation to government, but that use from which confession can be rendered difficult and odious, as Armilla said under the word *confessor*, no. 7. On this point observe that the use of this knowledge may be accompanied by direct or indirect revelation of a sin, and then there is no doubt that it is contrary to the seal; or it may occur without revelation, but in such a way that the penitent notices it is being done because of the sin he confessed; or, finally, in such a way that not even the penitent himself notices this.

"If it is done in this last manner, and without any prejudice to the penitent, and so that even if the penitent knew such use to be lawful he would not thereby be deterred from confession, then it does not seem in any way contrary to the seal or to the sacrament. But if such use were burdensome to the penitent, so that he would confess with greater difficulty if he knew it was lawful, then the use would be unlawful.

"If, finally, the use is such that the penitent understands that it is being done because of his sin, I think a similar distinction must be made. For either confession is thereby rendered more difficult and such use is unwelcome to the penitent, and then it will be altogether unlawful; or it is not unwelcome to the penitent, nor is confession thereby rendered more difficult, and I do not believe it to be contrary to the seal. For the principal reason for this seal, as we have often said, is that confession should not be rendered more difficult or more burdensome. It seems certain, however, that confession is not rendered more difficult by every effect which follows from such knowledge. For instance, if a confessor, on account of the confidence a penitent has shown toward him by confessing most grievous sins with great signs of repentance, follows him with particular affection and manifests this by benefits and special care for him, although the penitent understands that all this springs from knowledge gained in confession, he will not therefore bear it unwillingly, nor will confession be rendered more burdensome or difficult on that account. Not every effect arising from such knowledge is therefore contrary to the seal, even if the penitent can recognize that it arises from confession. ...

"In those matters, therefore, by which confession is not revealed, the whole rule for discerning whether they are or are not contrary to the seal must be the difficulty of confession which would arise from the fact that such use, or such a kind of actions, would be lawful without the penitent's permission."[754]

[754] Lugo, De Poenitentia, disputation 23, section 5, §1, nos. 92 ff. and 102 ff., Disputationes Scholasticae, vol. 5, Paris, 1893, pp. 382–387.

After the decree of Innocent XI, the true doctrine gradually became established among the doctors and was received almost universally. Only once or twice was the question of the lawfulness of the use of sacramental knowledge raised anew in controversy, as in the disputes with the Jansenists and Gallicans toward the end of the seventeenth and the beginning of the eighteenth century.

Among the Jansenists certain professors of Louvain, among whom chiefly Huygens, were accused in 1684 and 1690 by other doctors of the same university of having taught that the aforesaid use of knowledge was lawful. Thus in an anonymous pamphlet entitled *Fidelis relatio* (Louvain, 1684) we read:

"The Most Distinguished Lord Huygens teaches that a confessor who from confession alone knows someone's secret sin of the flesh not only could not give testimony in favor of his appointment to the pastorate, for example, of a Beguinage, but would also have to obstruct his advancement positively, lest he send a wolf among the sheep. It was objected: how could the distinguished gentleman do this without breaking the seal? The distinguished gentleman replied: a suitable method would be for the confessor to write to the bishop that such-and-such a person, N.N., was unfit for the aforesaid pastorate and that he ought not to promote him to it, while the confessor would not sign his name."

Certain moral theologians of the beginning of the eighteenth century did not yet fully defend the unlawfulness of using sacramental knowledge with some burden upon the penitent, but introduced certain limitations. Among them were the author of the additions to the theology of Wigandt, O.P. († 1708), Sporer, O.F.M. († 1714; no. 870), Reiffenstuel, O.P. († 1723; *Moral Theology*, no. 30), and Natalis Alexander, O.P. († 1724; *Moral Theology*, rule 56). On this matter St. Alphonsus († 1787) writes:

"Sporer wrongly admits ... that it is lawful, on the basis of knowledge obtained from confession, to take keys or money from a chest, to close doors, or no longer to entrust keys to a servant. — For all these actions would result in a burden upon, or a reproach to, the penitent. ... Nor should the author of the *Additions* to Wigandt be listened to when he says that, although a superior cannot be guided in external government by knowledge obtained from confession alone, he may nevertheless receive enlightenment from it and adopt some other external pretext or appearance for refusing his vote" (no. 657).

Moreover, even among certain modern writers it is disputed whether, in some cases, it is lawful to use sacramental knowledge when there is danger of violating the seal or a probable burden to the penitent. Wooters, for example, writes:

"It is disputed ... whether, in order to protect the seal, it is lawful to perform an act which, independently of the law of the seal, is intrinsically evil: for example, whether a married priest may make use of marriage which, from sacramental confession, he knows with certainty to be invalid by

the natural law. The matter seems doubtful to me; while the doubt stands, one may act as one pleases" (no. 433).

Nevertheless, modern moralists commonly teach, after St. Alphonsus, that it is not lawful to use a probable opinion in a matter concerning the seal. He writes expressly:

"For the elucidation of the questions [concerning the seal] ..., we must examine whether in this matter of the sacramental seal it is lawful to use probable opinions. Lacroix (citing Diana, Gobat, and Stoz) says only that it is expedient for us to follow opinions favorable to the seal. — But Viva says more correctly that no one may use knowledge obtained from confession unless it is morally certain (or at least certainly most probable) that no revelation of confession and no burden to the penitent will result from such use.

"The reason is, first, that the reverence owed to the sacrament demands this (but this first reason is not sufficiently convincing, since several weighty doctors, such as Sánchez, Pontius, Vázquez, Salon, and others ... teach that there is no obligation to render to the sacraments, any more than to the other divine precepts, a reverence greater than that which is probable); and, secondly, that otherwise a probable burden would be inflicted upon the penitent, on account of which confession would be rendered odious to him. This reason certainly carries great force. For as was said (book I, no. 52), it is not lawful to use a probable opinion to the prejudice of a certain right possessed by another; but the penitent possesses the right not to suffer any burden on account of his confession. Whatever, therefore, I may have said elsewhere [that is, in the second edition of this work, 1753–1755, no. 660], having weighed the matter more carefully, I think—

"—that it must altogether be said here that it is not lawful to use opinions from whose use it is not morally certain that no burden will be inflicted upon the penitent" (no. 633).

Theological Note

Speaking generally (that is, abstracting from the distinctions between the seal in the strict and in the broad sense, and likewise from the modes of its inviolability), that the law of the seal is of divine right and absolutely inviolable is a doctrine so common and firm among theologians, strengthened by the very practice and mind of the Church, that the contrary opinion today can neither be maintained cautiously nor safely and therefore seems to deserve the censure of a *temerarious proposition*. St. Thomas calls the very opinion of Alexander of Hales and others concerning the violability of secrecy about a future or unabsolved sin "erroneous" (a noteworthy designation on his part); and not a few theologians afterwards employed that word in censuring the opinion which denies the absolute inviolability of the seal.

De Augustinis writes: "The obligation of the seal [is] perpetual and for every case. ... Theologians commonly admit this, rejecting the contrary opinion as erroneous." Prümmer writes: "In former times several authors excepted certain cases, but today their opinion is not safe."

Documents of the Church

THE COUNCIL OF CARTHAGE, A.D. 419, at which St. Augustine was present, canon 5:

"It was decided that, if ever a bishop says that someone has confessed to him alone a crime of his own, and the latter denies it and refuses to do penance, the bishop should not regard it as an injury to himself that he alone is not believed, even if, because of a scruple of his own conscience, he says

that he is unwilling to communicate with the one who denies it. So long as his own bishop has not communicated with the person excommunicated, let the other bishops not communicate with that bishop; so that the bishop may be the more careful not to make an accusation against anyone which he cannot establish by other proofs" (Mansi, 4, 438).

This is the first solemn document, although issued by a merely provincial council, by which violation of the seal is prohibited under pain of excommunication. It concerns a threat of excommunication against a bishop who, on account of a sin known to him from confession alone, excommunicates ("refuses to communicate with") someone who, after confessing, has refused to undertake public penance and has denied in the external forum that he committed that sin.

That this canon concerns sacramental confession itself, and not merely confession in the external forum, as Lea (*A History of Auricular Confession*, vol. 1, p. 416), Suárez (disp. 33, sect. 1, no. 15), and Lugo (disp. 23, no. 19) think, appears very probable from the context itself. For it would not be understood why someone would wish spontaneously to make a confession before the bishop—into whose hands the penitential institution was then concentrated —solely for the purpose of obtaining the remission of a sin in the external forum.

Furthermore, both the words "confessed to him alone" and the very mention of *exomologesis* ("refuses to do penance"), which followed sacramental confession, favor this interpretation. Moreover, many doctors, ancient as well as modern, interpret the canon in this way: Hincmar of Reims, Burchard of Worms, Ivo of Chartres, Morinus (*Historical Commentary on Penance*, book 2, chap. 15, no. 6), Pesch (no. 216), Kurtscheid (*Das Beichtsiegel*, p. 27), Honoré (*Le secret de la confession*, pp. 26 ff.), and Galtier (no. 526).

LEO I, A.D. 459, in Epistle 168 (cited in Article 36, pp. 363 ff.; cf. the preceding article, pp. 750 ff.), provides the first pontifical document of a character both disciplinary and dogmatic concerning secret confession, in which the law of the seal is proposed equivalently.[755]

[755] Doronzo observes that Lea himself readily acknowledges this, and indeed thinks Leo instituted private confession, quoting A History of Auricular Confession, vol. 1 (Philadelphia, 1896), pp. 416 ff.: "In the West, it was not till 459 that Leo the Great forbade the public reading of confessions before the congregation. ... Secret confession being thus recognized as lawful, the advisability of making it only to those who would not betray the confidence naturally followed."

THE COUNCIL OF TOVIN, A.D. 527, in Armenia, canon 20, establishes a canonical penalty (that is, it pronounces an anathema) against a priest who violates the seal:

"The priest who betrays the secrecy of confession shall be struck with anathema."[756]

[756] Hefele–Leclercq, Histoire des Conciles, vol. 2, second part (Paris, 1908), p. 1079.

This would be the first solemn document prohibiting violation of the seal if one rejects the value of the above-mentioned canon of the Council of Carthage.

THE COUNCIL OF PAVIA (also called Regaticinum or Ticinense), A.D. 850, canon 6:

"Those who have committed crimes publicly shall do penance publicly. But those who have sinned secretly shall confess to those whom the bishops and the archpriests of the people have chosen as suitable physicians for the more secret wounds of souls. If these should perhaps be in doubt about anything, let them not hesitate to seek the judgment of their bishops. If the bishop, however, is

uncertain, let him not disdain to consult neighboring bishops and to examine the doubtful matter with the consent of another, or certainly of two or three brethren. But if the matter is so entangled in some obscurity or novelty, then, if it is a notorious crime of a determinate person, the judgment of the metropolitan and of the provincial synod should be sought openly, so that the apostle's injunction may be fulfilled: 'Rebuke sinners publicly, that the rest also may have fear.' But if it is a secret *confusio* ['confession'?], and the one from whom advice for salvation is sought cannot resolve it, the quality and magnitude of the sin can be discussed, with the name of the offender suppressed, and a suitable method of correction can be found" (Mansi, 14, pp. 931 ff.).

THE COUNCIL OF DOUZY, A.D. 874:

"Their sins are by no means to be betrayed or—

—made known by the priest to anyone, by whatever means of signification" (Mansi, 17, 296).

PSEUDO-GREGORY THE GREAT (before the twelfth century):

"If a priest reveals the confession of a penitent, let him be deposed."

This canon is first reported in these very words, though falsely attributed to Gregory I, by Anselm of Lucca (†1086) in his *Collection of Canons* (M.L. 149, 525). Because of that attribution it claimed great canonical authority and was inserted in all canonical collections, notably in Gratian's *Decretum* (part 2, *De poenitentia*, distinction 6, canon 2), where it is reported as follows:

"Let the priest beware of making known to others the sins of penitents; and if he does so, let him be deposed. — Hence Gregory says: Let the priest who presumes to publish the sins of a penitent be deposed. Above all, let the priest beware of recounting to anyone the sins of those who confess to him: neither to relatives nor to strangers, nor—God forbid—on account of any scandal. For if he does this, let him be deposed and go wandering in disgrace for all the days of his life" (M.L. 187, 1640).

THE COUNCIL OF ROUEN, A.D. 1074, canon 8:

"Provided, however, that, as is right, the person of the sinner be disclosed to no one under the secrecy of confession" (Mansi, 20, 400).

EUGENE III (1145–1153):

"If a priest knows with certainty that someone is guilty of some crime, or if the man has confessed it to him and is unwilling to amend, unless it can be proved through judicial procedure, he ought not to accuse him by name, but in an indeterminate manner, as Christ said: 'One of you is about to betray me.' But if the person to whom the injury was done asks for justice, he can excommunicate the author of the injury, even though he has confessed it to him. Nevertheless, he cannot exclude him by name from communion, although he knows him to be guilty, because he knows this not as a judge but as God" (chapter 2, X, 1, 31).[757]

[757] Friedberg, Corpus juris canonici, vol. 2 (Leipzig, 1879), p. 186.

ALEXANDER III (1159–1181), in a letter to the bishop of Beauvais, writes:

"As to your report that some people come to confess crimes and, although they wish to confess, affirm that they cannot abstain from them, we reply to your consultation as follows: you must receive their confession and give them counsel concerning their crimes; for although penance of this kind is

not true penance, their confession must nevertheless be admitted, and penance must be enjoined with frequent and salutary admonitions" (reported in the *Decretals of Gregory IX*, book 5, title 38, chapter 5).

THE COUNCIL OF PARIS (or the statutes of Odo, bishop of Paris, A.D. 1197–1208), chapter 6, no. 15:

"Let the priest not dare, because of anyone's anger or hatred, or even out of fear of death, to reveal a confession in any respect by any sign or words—

—generally or particularly, as by saying, 'I know what kind of people you are.' And if he reveals it, he must be degraded without mercy" (Mansi, 22, 679).

THE FOURTH LATERAN COUNCIL, A.D. 1215, under Innocent III, chapter 21, *On Confession*, gathering the force of the preceding statutes and making clear the mind of Leo the Great's first constitution, enacted an explicit and universal law concerning the sacramental seal:

"Let the priest take the utmost care not in any way to betray the sinner by word or sign or by any other means whatsoever. But if he should need more prudent counsel, let him seek it cautiously, without any indication of the person; for we decree that whoever presumes to reveal a sin disclosed to him in the penitential judgment is not only to be deposed from the priestly office but is also to be confined in a strict monastery to do perpetual penance" (Denz. 438).

This law expresses three things: first, the absolute prohibition of violating the seal, even indirectly ("Let him not in any way betray the sinner by word or sign or any other means whatsoever"); secondly, the lawfulness of seeking more prudent counsel from another, while safeguarding the seal, in cases of difficulty and doubt; thirdly, the threat of a most grave penalty, namely deposition from office and perpetual confinement and penance in a monastery.

Many particular councils of the same age propagated and strengthened the Lateran law throughout the various provinces: thus the Council of Oxford in 1222, Rouen in 1223, Trier in 1227, Fritzlar in 1246, Cologne in 1279, Toledo in 1302, Trier in 1310, Lambeth in 1330, and Prague in 1346.

THE COUNCIL OF TRIER, A.D. 1227, enacted the following statute, in which for the first time the verbal distinction itself between direct and indirect violation of the seal is made:

"Likewise, let no priest reveal confession directly or indirectly, by a nod, word, or sign; generally or particularly; otherwise he shall be punished most severely and without respite by degradation from his rank" (Mansi, 23, 29).

HONORIUS III (1216–1227):

"Our beloved son John, priest of St. Thomas in Parione, has complained before us that the officials of the fraternity of the City, endeavoring to compel him to reveal the thieves and what had been disclosed to him as a priest concerning a certain theft, or to make reparation to the person injured by it, pronounced a sentence of interdict against him unless he did one of these two things within eight days. Since, therefore, it would be pernicious for the aforesaid priest to reveal matters entrusted to him in this way, and likewise unjust for him to be compelled to pay for what he did not steal, we command your discretion by apostolic letters to summon the aforesaid officials before you and enjoin upon them that they desist completely from this harassment of the aforesaid priest—

—in this matter" (chapter 13, X, 5, 31).[758]

[758] Friedberg, Corpus juris canonici, vol. 2 (Leipzig, 1879), p. 841.

THE COUNCIL OF SENS, A.D. 1524:

"All priests, each and every one, are bound by a threefold law, namely natural, divine, and human, to conceal whatsoever sins have been disclosed and spoken of in sacramental confession. ... [A confessor who reveals them] sins against divine law, because the revelation of confession is forbidden by the same law by which confession itself is commanded, which is of divine law, instituted by Christ. And if it were lawful for a priest in any case to reveal a sin told him in confession, the divine precept concerning the making of confession would be weakened, because there would be no one willing to disclose to the priest his hidden sin, which would tarnish his reputation; and thus such a revelation of sin would lead men away from the precept of making confession."

THE COUNCIL OF TRENT, chapter 5 and canon 6 (cited in Article 42, pp. 730 ff.), although it does not deal directly with the seal, nevertheless implicitly includes it in its doctrine concerning secret confession, or "the manner of confessing secretly to a priest alone, which the Catholic Church has always observed and observes from the beginning" (canon 6). Moreover, from reading the acts of the theologians in preparation for session 14, concerning Penance,[759] it appears what they thought about the sacramental seal: namely, that it was of divine law and that its cause had already been defined at the Fourth Lateran Council.

[759] Cf. Theiner, Acta genuina Concilii Tridentini (Zagreb, 1874), pp. 531 ff.

CLEMENT VIII, *Decree for Religious*, 26 May 1593, §4:

"Both superiors holding office at the time and confessors who have been promoted to the rank of superior shall be most diligent not to use for external government the knowledge which they have acquired concerning the sins of others in confession" (*Bullarium*, vol. 4, p. 68).

By this decree, apart from disclosure of the seal, already forbidden by the Lateran Council, the very use of sacramental knowledge is prohibited. The decree directly and explicitly concerns religious alone, and indeed the government of subjects by superiors; but that it has a general force both as to persons and as to its object is evident—whatever several theologians of that time may have thought[760]—both from the general nature of the matter which it touches and from the subsequent general decree of the Holy Office under Innocent XI, which shows not obscurely what the mind of the Holy See had been in the earlier document.

[760] Cf. above, p. 781.

DECREE OF THE HOLY OFFICE, 18 November 1682, under INNOCENT XI, concerning the proposition:

"It is lawful to use knowledge acquired from confession, provided this is done without direct or indirect disclosure and without burden to the penitent, unless something much more grave should follow from not using it, in comparison with which the former may deservedly be disregarded"; and after a further explanation or limitation had been added, to the effect that the proposition should be understood of using acquired knowledge *with a burden to the penitent, excluding any disclosure whatever*, and in a case where a much greater burden to that same penitent would follow from not using it, the Holy Office determined:

"That the said proposition, insofar as it admits the use of the said knowledge with a burden to the penitent, is to be entirely prohibited, even with the said explanation or limitation" (Denz. 1220).

BENEDICT XIV, in the brief *Suprema omnium*, 7 July 1745, condemns the practice of asking a penitent for the name of an accomplice as:

"Injurious to the sacrament itself, tending toward the violation of the most sacred sacramental seal, and alienating the faithful from the exceedingly beneficial and necessary use of that same sacrament of Penance" (Denz. 1474).

DECREE OF THE HOLY OFFICE, 5 July 1899, under Leo XIII, concerning the confessions of students not to be heard by their superiors:

"It has been reported to this Supreme Sacred Congregation of the Roman and Universal Inquisition that, in this august City, certain superiors of religious communities and of seminaries and colleges hear the sacramental confessions of their students residing in the same house. No one even moderately experienced in sacred ministries is unaware how many inconveniences, indeed how many grave evils, can arise from this. For, on the one hand, the freedom of the students to confess their sins is diminished, and the very integrity of confession is endangered; on the other hand, superiors may be less free in the government of the community, and they expose themselves to suspicion either of using information obtained in confession or of showing themselves more benevolent toward the students whose confessions they hear. Therefore, so that these and other evils, which can easily arise from an abuse of this sort, may be prevented, this Supreme Congregation of the Holy Office, by the express command of Our Most Holy Lord Pope Leo XIII, strictly forbids any superior, whether major or minor, of any religious community or seminary or college in this august City (except for some rare case of necessity, concerning which his conscience is burdened) to dare in any way to hear the sacramental confessions of his students living in the same house."[761]

[761] Monitore Ecclesiastico, vol. 11 (1899), p. 202.

INSTRUCTION OF THE HOLY OFFICE, 9 June 1915, under Benedict XV, presupposing the prohibition of violation of the seal and of the use of sacramental knowledge, goes further, forbidding as rash all speech which might occasion the danger of violating the seal, or even the mere suspicion of its violation on the part of the faithful, and consequently their distrust of the use of the sacrament, thereby frustrating the end intended in its institution:

INSTRUCTION OF THE HOLY OFFICE, 9 June 1915 — text of the instruction:

"Instruction to the Most Reverend Local Ordinaries and the Superiors of Religious Families concerning the Inviolable Sanctity of the Sacramental Seal: Not even the most vehement enemies of sacramental confession have ever been able seriously to call into doubt that the natural and divine law of the sacramental seal has always and everywhere been most sacredly observed in the Church of Christ. This must undoubtedly be attributed to the most provident design of God, who, mercifully offering sacramental confession to men as a second plank after the shipwreck of lost grace, deigned to remove from it every cause of aversion.

"Nevertheless, there are sometimes ministers of this salutary sacrament who, although withholding everything that could in any way betray the person of the penitent, do not fear rashly to speak, whether in private conversations or in public sermons to the people (for the edification of the

hearers, as they say), about matters submitted to the power of the keys in sacramental confession. Since, however, in a matter of such weight and importance it is necessary most carefully to avoid not merely a complete and accomplished injury, but even every appearance and suspicion of injury, it is evident to all how much a practice of this kind must be condemned. For although this may be done with the sacramental secret substantially preserved, it nevertheless cannot fail to offend the devout ears of the listeners and to arouse distrust in their minds. This is altogether foreign to the nature of this sacrament, by which the most merciful God, through the pardon of His most compassionate goodness, entirely wipes away and utterly forgets the sins which we have committed through the frailty of human life.

"Considering these things, this Supreme Sacred Congregation of the Holy Office judges it to be its duty to command in the Lord all local Ordinaries and superiors of Regular Orders and of religious institutes of every kind, gravely burdening their consciences, to strive promptly and effectively to repress abuses of this kind wherever they find any; and to see to it that henceforth, both in theological schools and in the conferences called cases of moral theology, and in public and private addresses and exhortations to the clergy, the priests subject to them be diligently taught never to dare, especially on the occasion of sacred missions and spiritual exercises, to touch in their public or private discourses, under any form or any pretext, even in passing, and neither directly nor indirectly, upon anything pertaining to the matter of sacramental confession (except in a case of necessary consultation proposed according to the rules handed down by approved authors). They are also to order that priests be examined particularly on this subject in the examinations for their authorization to hear confessions.

"The Sacred Congregation trusts that none of the confessors will contravene prescriptions of this kind. But should it happen otherwise, the aforesaid Ordinaries and superiors are to admonish the transgressors gravely, and to punish those who relapse—

—with appropriate penalties, and in more serious cases to refer the matter as soon as possible to this Supreme Sacred Tribunal. Given at Rome, at the Palace of the Holy Office, on 9 June 1915. R. Cardinal Merry del Val."[762]

[762] On the interpretation of this decree compare Cappello, no. 608, and Vermeersch, no. 526.

THE ROMAN RITUAL, title 3, chapter 1, *On the Sacrament of Penance*, no. 1:

"In its minister are also required goodness, knowledge, and prudence, together with the seal of secret confession, under exact and perpetual silence."

THE CODE OF CANON LAW expresses the meaning of the preceding documents of the Church in several canons in the form of law, with grave sanctions added. In canon 889, §1, it forbids violation of the seal, both direct and indirect (it does not indeed use those terms, but says, "Neither by word nor by sign nor by any other manner whatsoever"), and that in every case ("for any reason whatsoever"); it assigns a proper definition of violation of the seal in the words "to betray the sinner in any degree," and distinguishes this from the use of sacramental knowledge, which it precisely defines and condemns in canon 890. In canon 1757, §3, 2°, by excluding as incapable of giving testimony in judgment all priests concerning everything that they heard in confession or on the occasion of confession, it protects the seal more firmly, averting every danger or suspicion of violation, seemingly in accordance with the aforementioned Instruction of the Holy Office of 1915. In canon 2369 direct

violation of the seal is punished by excommunication reserved in a most special manner to the Holy See; indirect violation is punished by suspension from the celebration of Mass and from hearing confessions, or by actual incapacity to hear confessions, or even by degradation.

Canon 889, §1:

"The sacramental seal is inviolable; therefore let the confessor diligently beware lest by word or sign or by any other means and for any reason whatsoever he betray the sinner in any degree."

§2:

"The interpreter and all other persons to whom knowledge of the confession has come in any way are likewise bound by the obligation of observing the sacramental seal."

Canon 890, §1:

"The use by a confessor of knowledge acquired from confession, to the detriment of the penitent, is altogether prohibited, even when every danger of revelation is excluded."

§2:

"Both superiors holding office at the time and confessors who are subsequently appointed superiors can in no way use for external government the knowledge of sins which they have acquired in confession."

Canon 1757, §3, 2°:

"[The following are excluded as incapable of giving testimony:] Priests, concerning all those things which became known to them from sacramental confession, even if they have been released from the bond of the seal; indeed, things heard by anyone in any way on the occasion of confession cannot be admitted even as an indication of the truth."

Canon 2369, §1:

"A confessor who has presumed directly to violate the sacramental seal incurs excommunication reserved in a most special manner to the Apostolic See; but one who has violated it only indirectly is liable to the penalties specified in canon 2368, §1."

§2:

"Whoever rashly violates the prescription of canon 889, §2, shall be punished with a salutary penalty according to the gravity of the offense, which can even be excommunication."

With regard to this canon, attention should be paid to the *variation and gradation of the penalties* which the Church has imposed for violation of the seal at different times and in different regions. At the Council of Carthage in 419 a certain excommunication was established; at the Council of Tovin in 527, an anathema; in the canon of Pseudo-Gregory and in the Decree of Gratian, deposition and perpetual wandering; at the Council of Paris in 1197 and of Dalmatia in 1199, deprivation of every office and benefice; at the Fourth Lateran Council, deprivation of priestly office and perpetual confinement and penance in a strict monastery. In the Instruction of the Holy Office of 1915, concerning merely rash speech about matters related to confessions heard, Ordinaries and superiors are ordered to impose appropriate penalties upon repeat offenders and in more serious cases to refer them to the Holy Office as soon as possible.

CONCLUSION

Conclusion 1. On the part of the priest, the confession of the penitent is protected by the divine law of the inviolable sacramental seal strictly so called, whereby every betrayal of the penitent, both direct and indirect, is forbidden, with respect to any sin whatsoever and in every case.

Proof 1. FROM THE SENSE OF TRADITION.

The sense of the whole of Tradition concerning the existence and absolute inviolability of the sacramental seal is manifested both in sacramental practice itself, in the teaching of the Fathers and theologians, and in the documents of ecclesiastical authority; in a word, in the manifold magisterium of the Church interpreting the divine law founded upon the very nature of the sacrament instituted by Christ.

Although this law of the seal has been constantly observed in the Church from the beginning, one would strive in vain and foolishly to discover, especially in the earlier documents, its application and understanding according to the pattern of what is taught and observed in present-day discipline. For it was not necessary that from the beginning the whole extent of this law—both regarding the sacramental rights of the penitent and regarding the consequent obligations of the confessor—should be explicitly acknowledged and applied by the Church. Nor, moreover, could the penitential practice itself of the first centuries contribute in any way to this: namely, the use of public penance and the close association—

—or apparent identification, of the internal forum with the external forum.[763] But as the centuries succeeded one another, with new and various conditions and needs of Christian society, and especially as the practice of public penance declined while, on the contrary, the distinction and separation of the two forums increased, the secret character of confession and its inseparable property, the sacramental seal, gradually assumed new aspects and new applications in the practice and teaching of the Church; and only in these most recent times has it unfolded its whole force and full significance, with which it is imposed and expressed in the Code of Canon Law itself.

[763] In this connection Galtier says: "It seems clear that the distinction between the internal forum and the external forum became precise only gradually. Morin (book 1, chapter 10) thought he could deny its existence during the first centuries, which is at the least a considerable exaggeration; but, without going so far, one may indeed acknowledge that the habitual concentration of all penitential powers in the hands of the bishop was of a nature to preserve or produce this confusion" (Dictionnaire apologétique, article "Pénitence," col. 1862). Moreover, the legitimacy and fittingness of such an intimate union between the two forums is shown both by the simpler and holier life of the first Christians and by the very character of this sacrament in the light of the doctrine of the Church as the Body of Christ and society of the faithful. Cf. Honoré, cited below on p. 798, in the note.

Now in this development of the sacramental seal, according to its recognition and application in the Church, four periods may not undeservedly be distinguished: the first, from the beginning of the Church to Leo the Great (459), in which the law of the seal is generally applied and affirmed equivalently; the second, from Leo the Great to Innocent III (1215), in which the law of the seal begins to be stated more explicitly and publicly sanctioned, until it is solemnly promulgated at the Fourth Lateran Council; the third, from Innocent III to Clement VIII (1593), in which that law is solemnly and explicitly published, sanctioned, and confirmed; the fourth, from Clement VIII to the Code of Canon Law, in which, especially after the decree of Innocent XI, the meaning of the law of the seal strictly so called is, as it were, extended to the connected prohibition of the very use of

sacramental knowledge, which is rightly called the seal in the broader sense. In the first period, therefore, the law is *affirmed*; in the second it is *sanctioned*, that is, by a more solemn affirmation and the threat of penalties; in the third it is *explained*, an explicit distinction being made between direct and indirect violation; in the fourth it is *extended* to the connected prohibition on the use of sacramental knowledge.

IN THE FIRST PERIOD, therefore, that is, until the decree of Leo I, the law of the seal is generally applied and implicitly affirmed.

This is evident, first, from the private and secret character which, as we saw in the preceding article, the Fathers attribute to confession, and which would be emptied of meaning and rendered futile if the priest himself were able to reveal the sins of the penitent; secondly, from the frequent comparison between confession and the disclosure of hidden illnesses made to physicians (cf., for example, Aphraates, Basil, and Asterius, cited on pp. 757 ff.), the force of which consists in this: that just as physicians are bound to secrecy concerning hidden illnesses, so priests are bound concerning sins; thirdly, from that principle which Augustine seems to have gathered as though naturally from the common understanding of other doctors:

"Things committed secretly are to be corrected secretly; but things committed publicly are to be corrected publicly" (cf. preceding article, pp. 758 ff.); and, finally, from the following distinct testimonies, which manifestly presuppose the divine obligation of observing the seal.

Origen, *On Psalm 37*, homily 2, no. 6 (cited on pp. 394 ff.), having led a sinner to private confession, proposes to him a public manifestation of certain sins as something to be done upon the advice of the confessor and as the object of mere exhortation (cf. above, p. 756). In this he presupposes that the public manifestation of the sin rests entirely in the discretion of the penitent and that the priest cannot reveal his sins; otherwise that exhortation would be futile and the confessor's advice superfluous.

Aphraates, *Demonstration* 7 (cited on p. 757), explicitly says:

"And when he has revealed it to you, do not publish it, lest because of it innocent persons should be judged guilty by our enemies and by those who hate us."

Asterius of Amasea, homily 13 (cited on p. 758), therefore effectively exhorts the sinner to disclose his hidden sins to the priest, because the latter will protect his reputation by silence ("He will have regard both for your honor and for your health"). Yet the holy Doctor would not offer this reason as efficacious unless he presupposed that the priest was bound to secrecy.

Chrysostom, *On Lazarus*, 4, no. 4 (cited on p. 758), would likewise invite the sinner ineffectually to an altogether secret confession ("Tell me alone your sin privately") unless he presupposed that the sinner knew the priest to be bound to secrecy.

Ambrose is presented by Paulinus (cited on pp. 401 ff.) as a faithful observer of sacramental secrecy and an example to be imitated by other priests:

"The cause of the crimes which were confessed to him he spoke of to no one except the Lord alone, with whom he interceded, leaving a good example to later priests, that they should be intercessors before God rather than accusers before men."

Sozomen (cited on p. 433) seems to direct his mind toward sacramental secrecy when he says that a priest was chosen for the office of penitentiary "who excelled in taciturnity and prudence."

Augustine, sermon 82, no. 8, 11 (cited on pp. 758 ff.), says that priests are accused by some persons because, on account of the secrecy which governs their manner of dealing with sinners, they sometimes seem not to correct, or to be ignorant of what they really know, or to know what they really do not know. That principle, "Secret things are to be corrected secretly," belongs to Augustine himself (cf. ibid.); it is, as it were, a summary of the mind of the Church, and it received a solemn application in the decree of Leo the Great.

The Council of Carthage, in 419, as stated above (p. 785), probably established the first sanction against violators of the seal.

Leo the Great (cited on p. 750), in 459, by his decree solemnly proscribing —

—the publication of sins confessed, as repugnant to the "apostolic rule," equivalently declares the law of the seal and refers it to divine law:

"Let it suffice that the guilt of consciences be made known to priests alone by secret confession. ... For then at last more persons will be able to be moved to penance, if the conscience of the one confessing is not published to the ears of the people."

OBJECTIONS, FOLLOWING THE MIND OF H. Ch. Lea

1. The common practice of public penance cannot be reconciled with an awareness of the obligation of the seal, since through public penance, and especially through public confession, sins and sinners were manifestly disclosed.

2. If the primitive Church had been conscious of the obligation of the seal, some trace of that obligation would be found especially in the collections of canons which prescribe priestly duties and establish penalties for their omission or violation. Yet there is profound silence concerning the seal throughout all the collections of this period: the Canons of Hippolytus, the Apostolic Constitutions, the Apostolic Canons, the canonical epistles of Gregory of Nyssa and Basil, the penitential decrees of the Councils of Elvira, Nicaea, and Ancyra, and the collections of the Egyptian Church.

3. That obligation was unknown is positively shown by three facts in which the law of the seal is in no way invoked, although it ought naturally to have been invoked had it been known. Paulinus, mentioned above, presents Ambrose's silence concerning sins confessed to him as a praiseworthy deed, highly remarkable at that time and worthy of imitation by all priests; therefore he regards that silence as a work of supererogation and not as strictly necessary. Sozomen relates that the office of penitentiary presbyter, *"who excelled in taciturnity,"* was introduced because penitents found it distasteful to confess their sins publicly; therefore the custom of confessing to a priest who by virtue of his office had to keep sins secret was unknown before that time. Moreover, had Sozomen known the obligation of the seal, his account of public confession as practiced at Constantinople should naturally have furnished him an occasion to condemn that practice. Leo the Great himself, in condemning the practice of publishing sins, gives no other reason than that it would deter sinners from confession, and

nowhere appeals to a law of the seal known to all. From this it follows both that such a law was unknown and that Leo himself inculcated no new obligation beyond a moral obligation, broadly so called, arising from a certain fittingness.

REPLY

1. That the law of the seal is not incompatible with the practice of public penance, and that the Church did not consider it incompatible, is established in the first place by the facts themselves. For public penance was practiced at the very time when the Council of Carthage in 419 and Leo the Great in 459 condemned violation of the seal. Indeed, the practice of public penance endured, at least in the West, for several centuries after Leo, as Lea himself vigorously maintains,[764] and yet immediately after that Pontiff the law of the seal began to prevail, at least —as Lea would have it—as a certain moral obligation.[765] Therefore the Church acknowledged these two things together and did not think them incompatible: namely, that public penance ought to be performed and that a priest was nevertheless under an obligation, at least a moral one, not to reveal sins.

[764] "As late as the commencement of the seventh century the only form of penance which St. Isidor of Seville seems to know is that of sack-cloth and ashes, which is public penance. ... The only penance known was public."

[765] Printed note 67 (Latin p. 797). Lea, ibid., p. 417.

Furthermore, when the character of public penance and the essence of the law of the seal are compared with each other, no incompatibility appears. The essence of this law consists in this: that, against the will of the penitent, it must not be disclosed to others that he has confessed some determinate sin; or, if one prefers, that a sin confessed must not be revealed by the priest against the will of the penitent, nor consequently may the penitent himself be obliged to reveal that sin. Now public penance necessarily involved some manifestation of the general condition of the sinner. This was, moreover, made less significant and less odious by the fact that even certain holier persons voluntarily joined the order of penitents from a motive of piety alone. Yet public penance did not necessarily involve the confession or declaration of determinate sins, whether made by the penitent himself or, still less, by the confessor. Therefore it involved no violation of the seal, *at least no direct violation*.

On this point St. Thomas, *Supplement*, q. 28, a. 1, replies 1 and 2, says:

"A priest does not reveal confession by imposing such [public] penance, although a suspicion may arise that the penitent has committed some enormous sin. For guilt is not known with certainty from the punishment: since sometimes one person performs penance for another, as we read in the *Lives of the Fathers* [book 2, chapter 32, and book 5, little book 5, no. 27] concerning someone who, in order to encourage his companion to penance, himself did penance with him. But if the sin is public, the penitent himself, by carrying out the penance, manifests the confession he made."

"Solemn penance, so far as its imposition is concerned, does not pass beyond the hidden forum; for just as a person confesses secretly, so penance is imposed upon him secretly. But its execution passes beyond the hidden forum, and there is nothing unfitting in this."

Moreover, public penance—and still more public confession, which perhaps sometimes occurred among the exercises of penance—was not a matter of strict necessity, nor was it urged upon those for whom, on account of a particular repugnance, its severity would have harmed rather than helped (cf. Chrysostom, *On the Priesthood*, 2, 4, and Augustine, *Epistle* 153, 21). Accordingly, that general declaration of guilt, and the consequent injury to the penitent's reputation, was not strictly against his will, but, although encouraged by the custom of the time, was simply voluntary. Hence the practice of public penance in fact involved no violation of the seal, *not even an indirect one*.[766]

[766] "To answer this question fully, one must first understand that the sacrament of penance is an institution with a character at once private and public. It is not only the healing—by the discreet physician—of a sick member [which indeed requires the sacramental seal]; it is also the restoration to its place of a dislocated member. Accordingly, the minister of the sacrament, 'having jurisdiction,' acts in the name of the whole Church, and consequently his function is essentially public. If therefore in the earliest times of the Church ... this second aspect especially was brought to light, the penitent would necessarily have to submit to the inevitable discomfort of setting a dislocation—the public penance—in order to put the member back into its natural joint. This is what the texts of the first centuries tell us to satiety: we are all members of one body, brothers of one family; we are all sinners, or may become so; in such circumstances one does not blush to show one's wounds in order to heal them. This is the language of Tertullian [De poenitentia 10], St. Pacian [Paraenesis ad poenitentiam], and St. Ambrose [De poenitentia 10]" (Le secret de la confession, Bruges, 1924, p. 21). The explanatory words in square brackets are Doronzo's own insertion into Honoré's French quotation.

2. Since the Church had not yet recorded the obligation of the seal in canons during this period, Lea is astonished in vain that the law is not found in the canonical collections. The silence of the collections would prove something only if it were shown that the Church ought already at that time to have codified this obligation. In the beginning, however, it seemed sufficient to inculcate it generally, explicitly or equivalently, both in doctrine and in practice, as the Fathers mentioned above do. At a later period, as the separation of the two forums increased through the gradual abandonment of public penance, and as the danger of violating the law thereby increased, it became necessary to enact particular canons forbidding and punishing violation of the seal. This was certainly done as early as the beginning of the sixth century by the Council of Tovin in 527. Besides, even if we leave aside the disputed canon of the Council of Carthage in 419, what is Leo I's own authoritative and severe prohibition but the first official canon—or, as it were, the first decretal of the Church—concerning secret confession and its inviolable seal?

3. The three facts invoked prove nothing.

The words of Paulinus concerning the silence of Ambrose are illegitimately diverted from the affirmative sense which they contain to an exclusive sense which is invented for them. For it does not follow from Paulinus's affirmation that Ambrose's silence was highly praiseworthy and worthy of imitation that it was *merely* something praiseworthy and a mere object of imitation, rather than a praiseworthy and imitable observance of a necessary law. In the same way, it would be illegitimate to exclude the Blessed Virgin's virginity *after* Christ's birth from the Gospel's affirmation of her virginity *before* His birth, when Christ is called her firstborn, as though "firstborn" necessarily designated other children subsequently born. For when the first virginity is affirmed, the other is not denied.

The account of Sozomen should rather be invoked in favor of the law of the seal, as has been said above. For it shows at least that the Church of Constantinople judged it necessary to protect sins

under the silence of the penitentiary. It certainly does not follow that Sozomen ought to have condemned the earlier practice, unless it is first proved that this practice involved a violation of the seal—which has just been denied.

The words of Leo the Great are still less favorable to the objector. For from the fact that the holy Pontiff states that the reason for prohibiting the public declaration of sins is lest sinners be turned away from confession, it does not necessarily follow that this was, in his mind, the principal reason, and much less the only reason. Indeed, Leo himself equivalently declares at the very outset that the principal and immediate reason is the divine law of the seal itself, when he rejects the public manifestation of sins as "contrary to the apostolic rule," the chief foundation of which is certainly the good of the sacrament itself, to which Leo most aptly appeals.

Hence Vacandard inappropriately gives excessive weight to this very objection of Lea when he writes rather lightly:

"The publicity of penance raises a delicate problem, that of the secrecy of confession. How did the primitive Church resolve it? On this matter I shall make a general observation: never do the Fathers of the first centuries invoke the law of secrecy in connection with confession, still less in connection with penance, even when they have occasion to do so. "I shall give as examples two or three striking facts. Sozomen relates that the function of the penitentiary priest was established out of consideration for sinners who found the obligation of 'revealing their sins in public, *tamquam in theatro*, in the presence of the whole assembled Church' too painful (*Ecclesiastical History*, book VII, chapter 16). This, it would seem, was an occasion to condemn public confession as incompatible with the law of secrecy; yet he does not even think of doing so. The biographer of St. Ambrose thinks no more of doing so when he praises his hero for speaking to God alone of the crimes of his penitents; he merely adds: 'What a fine example he left to priests, to be intercessors before God rather than accusers before men!' (*Life of Ambrose*, chapter 39). The silence of St. Leo is no less significant. As we recall, the Pope severely reproaches the conduct of the Campanian confessors who publicly revealed the sins of the faithful. But, to show the necessity of abolishing this 'custom,' what reason does he invoke? It is that such an abuse turns sinners away from penance (*Epistle to the Bishops of Campania*). No more than Sozomen and Paulinus does he expressly appeal to the law of sacramental secrecy. "Does this mean that the law of the secrecy of confession does not go back to apostolic times? Such is not our thought. But it seems that it was not judged incompatible with the publicity of penance."[767]

[767] Printed note 69 (Latin p. 799). Vacandard, in Dictionnaire de théologie catholique, article "Confession," column 859.

IN THE SECOND PERIOD: FROM LEO THE GREAT TO INNOCENT III (459–1215)

In the second period, from Leo the Great (459) to Innocent III (1215), the law of the seal begins to be expressed more explicitly and publicly sanctioned in particular councils and statutes, until the universal Fourth Lateran Council solemnly promulgates it.

In the Council of Tovin, in 527 (cited above, p. 786), there is found in the East the first indisputable canon forbidding violation of the seal under pain of excommunication.

In the *Capitulatio de partibus Saxoniae*, no. 14 (eighth century), we read:

"But if someone for these mortal crimes committed secretly voluntarily flees to a priest and, having made confession, wishes to perform penance, let him be excused from death on the testimony of the priest" (*Monumenta Germaniae Historica*, *Leges*, section 2, vol. I, p. 69).

This testimony would be brought forward inappropriately to prove ignorance of the law of the seal, or even abuse of it, since it presupposes the penitent's consent. In the present law [that is, the Code in force when Doronzo wrote], priests, even when released from the bond of the seal, are prevented from giving testimony (Code of Canon Law, canon 1757, §3, no. 2); but this law was enacted to prevent the danger of abuse.

A capitulary of Charlemagne (813) prescribes:

"Let inquiry be made whether what is said about the regions of Austria is true or not: namely, that priests, on receiving payment, disclose robbers from their confessions" (Boretius, *Capitularia regum Francorum*, vol. I, p. 175).

Jonas, bishop of Orléans (d. 844), prescribes:

"Those who confess their sins to priests in secret confession and grieve over them with the satisfaction of worthy penance are by no means to be betrayed" (*De institutione laicali*, book I, chapter 18, *Patrologia Latina* 106, 156).

Rabanus Maurus (d. 856), archbishop of Mainz, applying the aforesaid principle of Augustine, commands:

"Therefore, for those whose sins are hidden and have been disclosed by them in spontaneous confession to a priest or bishop alone, their penance ought to be hidden according to the judgment of the priest or bishop to whom they have confessed, lest the weak in the Church be scandalized on seeing the punishments of persons whose causes they know nothing at all about" (*De clericorum institutione*, book II, chapter 30, *Patrologia Latina* 107, 343).

The Council of Pavia, in 850 (cited above, p. 786), confirms the prohibition against violating the seal.

Hincmar, bishop of Reims, in 861, in the case of the divorce of Emperor Lothair and Queen Theutberga, vigorously opposed the violation of the seal of that queen's confession, which he presumed had been perpetrated by certain bishops. He writes:

"It is known that the oracle of the Holy Spirit has provided that all who sin should lay open the hidden causes of their sins to spiritual elders who know how to heal their own wounds and those of others, and not to uncover and publish them. ... And each person knows of himself that there is no one who would not be ashamed to disclose his sins to his prelate if he thought that he would be exposed and made public" (*De divortio Lotharii regis et Thietbergae reginae*, *Patrologia Latina* 125, 634–635).

Two things are notably affirmed here: that the seal is of divine law, and that the foundation of this law is the good of the sacrament itself.

The Council of Douzy, in 874, in the canon cited above (pp. 786–787), provides the first explicit mention and prohibition of indirect violation ("to be made manifest by any sign whatsoever").

Burchard of Worms (d. 1015), in the canonical collection from which later collections drew, as from the most important collection of that time, frequently commends the secrecy of confession in book XIX. This book is commonly called the *Corrector of Burchard*, because it bears the inscription: "This book is called the Corrector and Physician, because it fully contains corrections of bodies and medicines of souls ..."

Chapter 28 says:

"A distinction must be observed between those who do penance publicly and those who do it secretly. For whoever sins publicly ought to be punished with public penance and, according to the order of the canons, to be excommunicated and reconciled as his deserts require" (*Patrologia Latina* 140, 985).

Chapter 36 says:

"If anyone has secretly committed incest and has secretly made confession to a priest, let the canonical remedy be indicated to him which he would have had to undergo if his deed had been published" (ibid., 987).

Chapter 37 is entitled:

"That a distinction is to be observed between penitents who ought to do penance publicly and those who ought to do it secretly" (ibid.).

To this add what was said above (p. 787) concerning the canon of Pseudo-Gregory (before the twelfth century) and its insertion into the *Collection of Canons* of Anselm of Lucca (d. 1086) and the *Decree* of Gratian (1140). In that canon, violation of the seal is punished with the extremely severe penalty of perpetual deposition and wandering.

Peter Damian (d. 1072), sermon 69, says:

"One who confesses to his pastor ought to show purity of heart, truthfulness of mouth, and mortification of flesh. But he to whom confession is made must take care to administer to his penitent fitting penance, continual prayer, and perpetual silence" (*Patrologia Latina* 144, 901).

The Council of Rouen, in 1074 (cited above, p. 787), forbids violation of the seal.

Lanfranc, archbishop of Canterbury (d. 1089), wrote an entire *Little Book on Concealing Confession*, which is rightly called the first treatise on the sacramental seal. In it he inculcates the inviolability of the seal so earnestly that he teaches that, in a case where its violation by a priest is to be feared, the penitent is not bound to make confession to that priest but can confess to any cleric who will preserve secrecy. He equivalently asserts that the seal is of divine law and is founded upon the very nature of the sacrament; he calls its violation a violation and destruction of the sacrament itself:

"For the revealer of confession is guilty of a mortal crime: he falsifies faith, for he does not observe the sacrament of confession; he sins against the unity of the Father and the Son; he blasphemes against the Holy Spirit, who is true remission. ..."

"He violates the sacraments of confession because he does not believe that the penitent has been baptized in confession; and, so far as lies in him, he destroys that second baptism, that is, confession" (*Patrologia Latina* 150, 628).

In the twelfth century, testimonies multiply, distinguished by their number, precision, and force; they prepared most fittingly for the Lateran decree.

The Apostolic See itself issued one document, namely the decision of Eugene III (d. 1153; related above, p. 787).

Ivo of Chartres (d. 1116) speaks of the law "by which we are commanded not to publish the crimes of those confessing" (*Epistle* 156, *Patrologia Latina* 162, 162).

Peter Abelard (d. 1142) says that a priest who reveals sins acts against his proper office, turning away from confession those whom he ought to heal through confession (*Ethics*, chapter 25, *Patrologia Latina* 178, 670).

Robert Pullen (d. 1146) is the first to record that celebrated reason, adopted by Eugene III himself ("He knows not as a judge but as God"), most aptly expressed by Innocent III ("The sinner confesses to a priest not as to a man but as to God"), and repeated and inculcated by St. Thomas. He writes:

"Because you confess to a priest as to God, he must therefore so conceal your hidden things as though they had been disclosed not to him but to God alone. ... As though God alone knew their wicked and impenitent heart and the priest himself did not know it ..." (*Sentences*, book VI, chapter 51, *Patrologia Latina* 186, 898).

Gratian (1140; treated above, p. 787) included the canon of Pseudo-Gregory in his *Decree*, which Peter Lombard (d. about 1160) transcribes word for word.

Nicholas of Clairvaux (d. 1176; cited above, p. 763) was the first equivalently to propose the expression *seal* in the words "seal of confession" (*signaculum confessionis*).

Peter the Chanter (d. 1197; treated above, ibid.) was the first formally to employ the very expression "seal of confession" (*sigillum confessionis*), and aptly wrote:

"For he who confesses to a priest confesses to God rather than to a man, and the priest hears not as a man but as God."

The Council of Paris, in 1197 (treated above, pp. 787–788), expressly forbids every manner of violating the seal.

Innocent III (d. 1216), on the threshold of the Fourth Lateran Council (1215), which he was to open, most aptly gathered the teaching of the whole century into this summary:

"Of all his iniquities I shall remember none, says the Lord. Let the priest, therefore, to whom the sinner confesses—not as to a man but as to God—take care that, after hearing the confession, he does not remember the sin; that is, that he does not intimate by word or sign that he knows the offense. For it is not said that the calf is to be brought to the door of the tabernacle before man, but before the Lord. For the priest who reveals a sin sins more gravely than the man who commits the sin" (*Patrologia Latina* 217, 625).

IN THE THIRD PERIOD: FROM THE FOURTH LATERAN COUNCIL TO CLEMENT VIII (1215–1593)

In the third period, namely, from the Fourth Lateran Council (1215) to the constitution of Clement VIII (1593), the law of the seal is solemnly and explicitly promulgated, sanctioned, and confirmed, according to the Lateran norm, in the various particular councils cited above (pp. 788 ff.).

It should be noted that the Council of Trier in 1227 was the first to express verbally the distinction between a *direct* and an *indirect* violation of the seal ("Let no priest reveal a confession directly or indirectly"). This distinction had already been expressed equivalently by the Council of Douzy in 874 ("By whatever signification"), and likewise by the Fourth Lateran Council ("Let him not in any way betray the sinner by word or sign, or by any other means whatsoever"). It became classical among theologians from that same century onward (cf. St. Thomas, *Supplement*, q. 11, a. 1, replies 1, 2, and 3), and was not rarely invoked even in subsequent documents of the Church (cf. the decree of Innocent XI in 1682, the instruction of the Holy Office in 1915, and the Code of Canon Law, canon 2369, § 1).

During this period, down to Clement VIII, the doctrine that the sacramental seal exists and is inviolable *by divine law* became an accepted possession among theologians and was peacefully handed on by all. Already Durandus of Saint-Pourçain (d. 1334; *In IV Sent.*, dist. 21, q. 4) bears witness concerning the theologians of his age: "It is commonly said that the concealment of confession is of divine law."

The three controversies mentioned above (pp. 765 ff.), concerning the extent of the seal strictly understood, its rigor, and the use of sacramental knowledge, do not stand in the way of this unanimity; rather, they display it in a notable manner. For, setting aside certain unfortunate or equivocal expressions of some writers (such as Biel and Adrian), it may be said that all the doctors agree in asserting, as an unquestioned principle, the divine, universal, and absolute inviolability of the seal. Nor is anyone found who would have refused to subscribe to this proposition of Robert of Sorbon (d. 1274): "This sacrament is so secret and so firmly enclosed that no one can disclose it."[768]

[768] Robert of Sorbon, Tractatus super confessione, in Maxima bibliotheca Patrum, vol. 25, p. 358.

In fact, however, and materially speaking, some endeavored to restrict the inviolability of the seal, either in respect of its *extent*, by exempting the so-called future sin, or in respect of its *rigor*, by excepting the case of a grave motive belonging to a higher order. Yet neither opinion denied the principle of inviolability; each attempted rather to justify and preserve it. The former did so by saying that a future sin would not fall under the seal, since it was matter of an invalid sacrament; the latter, by saying that in the aforesaid case of necessity the seal is not violated or broken, but merely opened. Similarly, the third controversy, concerning the use of sacramental knowledge—in which the theologians of that age very commonly followed the less favorable side—does not impair the formal unanimity of the doctors concerning the aforesaid principle of the seal's inviolability. For those doctors restricted the use of such knowledge to a case in which the seal would in no way be violated, whether directly or indirectly; and, moreover, because in fact that question concerns something distinct from the object of the seal, or at least from its essential object, or rather, it concerns the more universal and fundamental reason for the seal, according to which all knowledge acquired sacramentally is understood to be shut up in secrecy whenever its disclosure would be contrary to the good of the sacrament itself. This more universal and intimate conception of the law was destined to shine forth with certainty in the minds of the doctors only at a later time, chiefly under the impulse of the ecclesiastical magisterium.

Such an impulse was first and effectively supplied by the constitution of Clement VIII (1593), mentioned above (p. 789), which distinctly forbade religious superiors to use sacramental knowledge. Moreover, toward the end of this period, and even before Clement's decree, the

lawfulness of using sacramental knowledge was affirmed by some theologians only with greater hesitation and explicitly denied by others. Consequently, Claudius Acquaviva, General of the Society of Jesus, was able to decree and affirm the following in a special instruction for his religious in 1590:

"Although there are not wanting doctors who think that, while preserving the seal of sacramental confession, it is sometimes lawful for a confessor, for just reasons (when this can be done without any suspicion that the confession has been revealed), to make use outside confession of knowledge obtained through confession; nevertheless, because this doctrine itself requires, in a matter of such importance, a circumspection exceedingly difficult to maintain, and because it might meanwhile sometimes hinder the freedom of subjects which the sanctity of this forum and the Institute of our Society require in their disclosure of themselves and their affairs to the confessor: for this reason it has seemed good to us in the Lord to establish, as we do strictly establish, out of reverence for the inviolable seal and freedom of this sacrament, which our Society has always cultivated, that all superiors diligently beware lest either they themselves or any of our members introduce the aforesaid doctrine anywhere, or teach it publicly or privately, or employ it in any way (unless perhaps with the penitent's permission). Rather, in all cases let our members, when acting as confessors, conduct themselves in every respect as though they had heard absolutely nothing in confession, and let them convince themselves that, just as the government of human affairs stands most remote from this sacrament, so it ought in no way to depend upon it."[769]

[769] Institutum Societatis Jesu, Florence, 1893, vol. III, p. 352.

IN THE FOURTH PERIOD: FROM CLEMENT VIII TO THE CODE OF CANON LAW (1593–1918)

In the fourth period, from Clement VIII (1593) to the Code of Canon Law (1918), the meaning of the law of the seal strictly understood is extended among all authors to the aforesaid prohibition of the very use of sacramental knowledge to the detriment of the penitent, which is deservedly called the *seal broadly understood*.

The merit of this development must principally be attributed to the influence of the above-mentioned documents of the Holy See, and especially to the decree of the Holy Office of 1682 under Innocent XI, which brought to completion the obligation already inculcated by Clement VIII and which was subsequently explained and developed in further applications by the two decrees of the Holy Office, of 1899 and 1915, and by the Code of Canon Law itself.

For, as was said above (p. 781), Clement's constitution, being addressed to religious alone, was interpreted by quite a few theologians as a merely ecclesiastical and particular prohibition of the use of sacramental knowledge. The decree of Innocent XI, however, removed this doubt, so that the general character and divine nature of this prohibition became firmly established in the minds of all the doctors. Finally, the decree of the Holy Office of 1915 most providently extended the prohibition beyond the law of the seal strictly understood to everything that would constitute the very danger of violating the seal, or even a mere suspicion of such violation on the part of the faithful, so that the law of sacramental secrecy might be known in its whole breadth and authentically confirmed.

The one faculty commonly conceded to the confessor by the doctors is the use of sacramental knowledge from which absolutely no burden to the penitent or harm to the sacrament results, and where, moreover, there is no danger of violating the seal nor any suspicion of such violation. Nevertheless, in judging the nature and, especially, the existence of such a burden, inconvenience,

danger, or suspicion, various doctors are not entirely of one mind, since it is a moral matter to be assessed by prudent judgment.

PROOF 2 — FROM REASON

From the very institution of this sacrament there follow both the existence of the seal as a matter of divine law and its absolute inviolability. Furthermore, the character of the law as divine likewise follows immediately from its absolute inviolability, and conversely, from whichever source either proposition is proved, whether from the meaning of Tradition or from the very institution of the sacrament.

It must first be observed that among theologians, especially the more recent, there is no small diversity in weighing or constructing this argument from reason—that is, in assigning the proper reason from which, even if one abstracts from the meaning of Tradition and of the Church (concerning which all seem to agree), the divine necessity and absolute inviolability of the sacramental seal are inferred. From this Lea draws an exaggerated occasion of scandal in support of his denial of the divine origin of the seal.[770]

[770] Lea, A History of Auricular Confession and Indulgences, vol. I (Philadelphia, 1896), p. 414; cf. p. 413. Doronzo quotes Lea in English: "Of course, all modern writers assert its divine origin, and of course no one pretends to offer evidence. ... Binterim [Denkwürdigkeiten, V. III, 312], in fact, assures us that evidence would be superfluous: Christ guaranteed to the faithful impenetrable silence on the part of his deputies, and it was wholly unnecessary that he should express it in words."

Some, therefore, seem to doubt or deny the very possibility of constructing a solid argument from reason and have recourse to the argument from Tradition and the doctrine of the Church alone. Such are Francis of Meyronnes (*In IV Sent.*, dist. 21, q. 3) and Peter de Bassolis, who writes:

"These reasons too are probable. And perhaps, as regards some of them, they do not yield a necessary conclusion that holds universally. But I do not intend to discuss them further here, for in such matters much better reasons cannot be brought forward" (*In IV Sent.*, dist. 21, q. 2, fol. 100).

Others, such as Biel (*In IV Sent.*, dist. 21, a. 4, q. 3, a. 1), have recourse to natural law concerning the observance of secrecy, presupposing, however, the divine institution of confession itself, and thus, it seems, to a law which would be divine only antecedently, by presupposition, and improperly. Nevertheless, as Lugo rightly observes (*Disp.* 23, sect. 1, no. 3), this reason proves only the existence of secrecy, not its absolute inviolability, since a natural secret in other matters does not bind with such rigor; besides, such a law cannot properly be called divine.

Others, scorning the arguments of the older doctors and especially of St. Thomas, introduce new ones, evident indeed to themselves but in themselves inept or weak. Thus some "say that knowledge obtained from confession is sacred and belongs to a higher order, being ordered to the salvation of the penitent alone, and therefore cannot lawfully be ordered to other extrinsic ends of a lower order. But against this it must be said that it is not intrinsically evil to order a thing of a higher order to things otherwise good and honorable of a lower order, particularly as to an inadequate and secondary end, just as the Eucharist and the Mass are ordered to obtaining relief from temporal necessity. Finally, because it would then sometimes be permissible to reveal confession, at least for a good of a higher or equal order —for example, for the conversion of some kingdom or for its preservation in the Catholic faith."[771]

[771] Lugo, De Poenitentia, disp. 23, sect. 1, no. 3, Disputationes Scholasticae, vol. 5 (Paris, 1893), p. 355.

Scotus, whom Galtier approves (no. 530), offers the following reason:

"Christ established that the judgment of penance should be the final judgment on earth concerning the crime confessed. This is clear from that saying of Matthew 16: 'Whatever you shall loose on earth shall be loosed also in heaven,' that is, finally and ultimately approved; and from John 20, 'Whose sins you shall forgive,' etc., supply: they are approved as finally forgiven in the divine judgment. Therefore whoever brings into another public forum something discussed in that forum and there finally terminated sins against Christ's law. But one who reveals it, so far as lies in him, brings it about that the matter can be brought into another forum; therefore..."[772]

[772] Scotus, In IV Sent., dist. 21, q. 2, no. 11, Opera omnia, vol. 18 (Paris, 1894), p. 737.

Nevertheless, this reason is merely specious. For a priest who reveals the seal does not necessarily intend to bring a crime before another forum; he may do so for some other excellent end, such as the fraternal correction of the penitent or the averting of a common evil from society. Moreover, this reason does not prove the *absolute* inviolability of the seal, even in a case where the greatest evil must be averted or the greatest good procured, whether for the individual or for the community.

Others, such as Suárez, Lugo, and certain modern authors, disregard some particular arguments of St. Thomas and the ancients, and have recourse exclusively to the reason drawn from the good of the sacrament, namely, that the faithful must not be deterred from its use through disclosure of the seal.

Nevertheless, it seems that a wise and prudent theologian ought absolutely to have recourse to those *three reasons* which the older doctors, with particular insistence and with a theological insight—albeit a less developed one—handed down to us, and which St. Thomas reverently and wisely gathered together and perfected and strengthened by his own light.

The first reason, the more ancient and traditional one, especially from Leo I onward, is drawn from the good of the sacrament, or from the aversion of the faithful to the use of confession which would follow upon disclosure of the seal. Aphraates, Sozomen, Leo the Great, Rabanus Maurus, Hincmar, Abelard, Peter the Chanter, William of Auxerre, and Honorius III propose this argument. They are followed by later theologians, such as St. Thomas, Scotus, Biel, the Council of Sens in 1524, Lugo, and modern writers generally (although to some, such as Galtier, this reason appears less valid).

The second reason, explicitly advanced in the twelfth century and readily adopted by those doctors after Robert Pullen (cf. Eugene III, Nicholas of Clairvaux, Peter the Chanter, and Innocent III, mentioned above, p. 802), is taken from the purely ministerial character of the priest himself, to whom confession is made *not as to a man but as to God*. This reason pleased St. Thomas, Bonaventure, and Durandus; it displeased Suárez and Lugo; and it again pleases certain modern authors, such as Galtier. To the same reason, moreover, may be reduced the consequent argument concerning lying (namely, that the priest says he knows as a man what he knows only as God), which has been advanced by some writers: Pseudo-Augustine (cited above), Alexander of Hales, Bonaventure, Nicholas Trivet, Durandus, Gonet, and Billuart.

The third reason is drawn immediately from the very nature of this sacrament, compared with the nature of a sacrament as such. For since a sacrament is an outward sign of things which take place inwardly, and since in this sacrament the inward reality is that sins are forgotten or covered by God,

it is fitting that this should be signified in the outward sacrament, which indeed takes place through the seal. Lanfranc ("He violates the sacraments of confession ... so far as lies in him he destroys confession") and William of Auvergne ("God Himself forgets sins and covers them") suggested this more sublime and profound reason. St. Thomas developed and proposed it in its proper terms ("God covers sin ... and therefore he who reveals it sins as a violator of the sacrament"). Durandus, Suárez, Lugo, and some modern authors, such as Galtier, rejected it as failing to prove the point; the Thomists and certain others defended it and consistently advanced it.

Now the very character of the aforesaid three reasons, philosophically considered, shows that they are most appropriate and fundamental in the present matter.

For they can be reduced to the three causes of the sacrament. The first reason is taken from its *end*, or from the very necessity of confession (for confession was instituted to this end: that it should necessarily be used by the faithful); the second is taken from its *efficient cause*, or from the very character of the priest, insofar as in hearing confession he is a mere minister and, as it were, an instrumental ear of God; the third is taken from its *intrinsic or formal cause*, since the sacrament is essentially a sign of the reality effected by it, and this sacrament brings it about that sins are covered and concealed by God.

THE FIRST REASON — FROM THE NECESSITY OF CONFESSION ITSELF

For an inviolable secret concerning confessed sins is a necessary means for the faithful to observe the divine precept of necessary confession. For, given human nature, which is accustomed to fail in arduous matters, confession, which is in itself already a difficult thing and naturally repugnant, would become exceedingly hateful and commonly impracticable unless protected by an inviolable seal. Nor can it otherwise be imagined that what is morally impossible would be commanded by that Wisdom which moves all things mightily and disposes them sweetly.

But he who wills and commands an end also wills and commands the necessary means.

Therefore by the same law by which God commands the confession of the sinner to the priest, He also commands the seal, so that the existence of an inviolable seal is, as it were, a property flowing from the necessary existence of confession, or is founded in the institution of this sacrament. In this, indeed, divine Wisdom and the connatural manner of acting of divine Providence are wonderfully manifested: disposing the reconciliation of sinners in both ways, mightily through necessary confession, and sweetly through the protection of the seal.

To the point, St. Thomas:

"The precept concerning the concealment of confession follows upon the sacrament itself. And therefore, just as the precept concerning the making of sacramental confession is of divine law, and a man cannot be absolved from it by any dispensation or human command, so no one can be compelled or permitted by a man to reveal confession" (*Supplement*, q. 11, a. 1, reply 2).

"Besides this [that is, besides the intrinsic reason drawn from sacramental signification], there are other advantages of this concealment, because by it men are more attracted and also confess their sins more simply" (ibid., body of the article).

"There are two reasons why a priest is bound to conceal sin: first and principally, because the concealment itself belongs to the essence of the sacrament, insofar as he knows it as God, whose

place he holds in confession; secondly, on account of the scandal to be avoided [that is, lest the faithful be deterred from confessing]" (ibid., a. 4).

This is confirmed by the fact that by natural law no one is obliged to betray himself. But if a sinner were bound to confess a sin which the priest might reveal, he would be obliged to betray himself. Although God could bring this about by His absolute power, it would not accord with the rule of that supernatural Providence which by grace does not destroy nature, but perfects it. Moreover, as we said above (p. 664), the very danger that the priest might violate the seal, or the fact of someone else's violating it, excuses the penitent, in certain circumstances, from the integrity of confession or even from confession itself.

Nor is it a valid objection that this very excuse granted to the penitent suffices to avert the aforesaid inconvenience of self-betrayal and the difficulty of confession, without recourse to the seal and without taking away the priest's right to reveal a sin for a grave reason, especially for the public good. For "to be excused by an accident and by the malice of the confessor is not an inconvenience; but to be excused by the very mode of institution of the sacrament itself, and by the faculty granted by Christ to the confessor in some case, would be a great inconvenience, contrary to the due institution and end of such a sacrament. All the more so because by this very thing every reason, or utility, which there could be in such a disclosure [on the part of the confessor] is destroyed; for whenever a penitent feared that a sin would be revealed, or that it was lawful to reveal it, he would not disclose it; therefore the utility which could be imagined in the use of such a secret would cease."[773]

[773] Suárez, De Poenitentia, disp. 23, sect. 2, no. 7, Opera omnia, vol. 22 (Paris, 1866), p. 688.

The theological and ethical force of this first reason strikes the mind so immediately that the ancient doctors constantly invoked it, and certain more recent ones, such as Suárez and Lugo, thought that the law of the seal could be deduced from it alone. Nor do the Innovators themselves ever reject the law of the seal if they admit the necessity of confession; indeed, some, such as Lea (cited above, pp. 765 ff.), explicitly teach that the law of the seal is the logical consequence of the necessity of confession and was connatural to it, so that, as the Catholic Church imposed from her own authority the necessity of confession, she likewise imposed the necessity of the seal.

THE SECOND REASON — FROM THE CHARACTER OF THE PRIEST AS MERE MINISTER OR INSTRUMENT

The second reason is drawn from the very character of the priest, as he is a mere minister or instrument.

For just as in administering the entire sacrament, so also particularly in hearing confession, the priest acts as a mere instrument of God (or, so to speak, as the instrumental ear of God, or as a certain spiritual telegraphic and telephonic apparatus, by which the knowledge and voice of the penitent are transmitted to the divine eye and ear). But the power of an instrument belongs not to itself, but to the principal agent. Therefore the knowledge—

—which the priest acquires from confession belongs not to himself but to God; and just as the instrument does not act by its own power, so the priest does not hear by his own hearing, nor know by his own knowledge, nor hear and know as a man but as God; nor does he simply know, but rather he simply does not know, according to that saying of Pseudo-Augustine: "What I know through confession, I know less than what I do not know."[774]

[774] Serm. 30 (among the sermons ascribed to Augustine), Ad fratres in eremo, Migne, Patrologia Latina, vol. 40, col. 1289. Attribution to Pseudo-Augustine follows Doronzo's main text.

Therefore the priest cannot use that knowledge as though it were his own, as would occur in the revelation of sins made without the permission of God or of the penitent; and by using it he abuses sacramental knowledge and sacrilegiously violates the sacrament.

In this violation and abuse, indeed, several distinct transgressions and kinds of malice may be distinguished. First, the priest commits a certain *sacramental lie*, saying that he knows as a man what he knows not as a man but as God. For by virtue of the sacrament he does not know as a man; but if he speaks, those who hear him cannot objectively and by virtue of the sacrament infer anything except that he speaks from his own knowledge, as though he knew as a man. Secondly, he acts against natural right by violating a secret. Thirdly, he abuses his proper sacramental office of minister and instrument. Fourthly, he deprives the sacrament of its connatural outward signification. But this last reason, to which St. Thomas principally attends, constitutes in itself a new and most effective argument, drawn from the very nature of the sacrament, which we shall treat presently.

To the point, St. Thomas, *Supplement*, q. 11, a. 4, cited above (p. 808).

Ibid., a. 1, reply 1: "That which is known under confession is as though unknown, since someone does not know it as a man, but as God."

Ibid., reply 2: "Hence, if someone were commanded, under the penalty of excommunication already incurred, to say whether he knew anything about such a sin, he ought not to say it, because he ought to judge that the intention of the one giving the command is: if he knows it as a man. But he does not know this as a man. And even if the command expressly asked about confession, he ought not to say it; nor would he incur excommunication, because he is subject to his superior only as a man, whereas he knows this not as a man but as God."

Ibid., reply 3: "A man is brought forward as a witness only insofar as he is a man; and therefore without injury to his conscience he may swear that he does not know what he knows only as God. Likewise a prelate may, without injury to his conscience, leave unpunished a sin which he knows only as God, or leave it without any remedy, because he is bound to apply a remedy only in the manner in which the matter is brought before him. Hence, in those things which are brought before him in the forum of penance, he ought to apply a remedy in that same forum, insofar as he can."

Summa Theologiae, II–II, q. 70, a. 1, reply 2: "Concerning those things which have been committed to a man in secret through confession, he ought in no way to give testimony, because he knows such things not as a man but as a minister of God; and the bond of the sacrament is greater than any human command."

Galtier prefers this argument to the others, writing: "Hence the necessity of arriving at that reason which St. Thomas indicates: 'because the concealment of the sin itself belongs to the essence of the sacrament, insofar as the priest knows it as God, whose place he holds in confession' (*Supplement*, q. 11, a. 4, body). 'That which is known under confession is as though unknown, since someone does not know it as a man but as God' (ibid., a. 1, reply 1 and at the end of reply 2). And, indeed, it can be proved in this way that the precept of the seal follows upon the sacrament itself. The declaration of sin in confession is made only in order to obtain pardon from God, and consequently it is made to the priest only insofar as he is formally the minister of God. But, this being established, the penitent

must be considered to have spoken to God Himself and consequently to have reserved to himself the benefit of silence toward man as such: for he certainly did not wish to betray himself to man as such. The confessor, however, would abuse his sacred ministry if, outside that forum in which alone he is God's minister for the remission of sins, he were to bring forth, as a man, what, as a man, he does not know at all."[775]

[775] Galtier, De Paenitentia, thesis 39, no. 530 (Paris, 1931), pp. 406–407. Cf. the same author in Dictionnaire apologétique, art. "Pénitence," col. 1862.

Lugo brings forward the same argument, although merely as a reason of fittingness: "A reason of fittingness may be added: because Christ willed to institute this sacrament as a kind of visible tribunal of God Himself, in which, through His ministers, He would judge those things which He Himself would have judged. It was fitting, therefore, that a man should approach as though to the tribunal of God Himself, before whom, when men in the old law or the law of nature confessed their sins and implored pardon, they poured out their hearts in security, without danger of disclosure. Since, therefore, God willed to substitute this visible tribunal on earth for that invisible tribunal, it was fitting that the penitent should be able to approach it with the same security as if he approached God Himself; and accordingly that the knowledge of the intervening confessor should be altogether as though it did not exist, but that the entire matter should remain between God and the penitent, the confessor being regarded altogether as though he knew nothing."[776]

[776] Lugo, De Poenitentia, disp. 23, sect. 1, no. 15, Disputationes Scholasticae, vol. 5 (Paris, 1893), pp. 359–360.

The aforesaid argument concerning lying, which in any case does not belong to the essence of the argument just adduced, is attacked especially by Suárez (*Disp.* 23, sect. 1, no. 4) and Lugo (*Disp.* 23, sect. 1, no. 2), with whom the Salmanticenses (*Disp.* 9, dub. 1, no. 17) seem to agree.

To the point, Suárez: "Nevertheless, this reason is too metaphorical; for although the man knows as God, that is, as exercising the office of God in that ministry—

—nevertheless it cannot be denied that the man himself knows. But he who speaks of a thing heard in confession affirms only that he—that is, this man—knows it, which is true; nor does he deny that he heard it while exercising the office of God; indeed, it may happen that he expressly affirms this, saying that he heard it in confession. He therefore affirms only that he knows, which is not false. A sign of this, moreover, is that with the permission of the penitent he can say it. It must also be added that from this argument there follows not mortal malice but venial malice, because a lie is not of itself a mortal sin. But if it has this gravity from another source, we are seeking the reason for that very thing. Yet, they say, if the confessor denies that he knows it, he speaks the truth, as we shall see below; therefore, if he affirms that he knows it, he lies. The consequence is denied, however, because both can be true in different senses: he does not know, so that he may lawfully say it; but in fact he knows."[777]

[777] Suárez, De Poenitentia, disp. 23, sect. 1, no. 4, Opera omnia, vol. 22 (Paris, 1866), p. 687.

Of these arguments of Suárez, the only one which seems to possess an appearance of strength is contained in those words: "He [the priest] does not deny that he heard it while exercising the office of God; indeed, it may happen that he expressly affirms this, saying that he heard it in confession." Nevertheless, not even this argument can invalidate the aforesaid character of a certain *sacramental and objective lie*. For although those who hear the priest say that he knows a sin from confession

understand that he speaks from sacramental knowledge, nevertheless *objectively and by virtue of the sacrament* they can infer nothing except that he speaks from his own knowledge, or as though he knew as a man, because he speaks as a falsifier, abusing the truth of the sacrament. Hence the character of a lie remains, although not in the words themselves, but in the thing itself enveloped in the words, or, if one prefers, in the very words insofar as they possess a sacramental character. There is, namely, a certain speech contrary to the *sacramental mind*. Nor does Augustine otherwise absolve, conversely, from the charge of lying the words of Jacob when he said that he was Esau, precisely because the *figurative character* of those words removed from them the character of a lie,[778] just as the *sacramental character* of a disclosure of the seal removes from that disclosure the character of truth. We therefore concede to Suárez that the account based on lying contains a metaphor; but it is a *sacramental metaphor*, just as, in the truth of Jacob's words, there was a *figurative metaphor*, which Augustine affirms and explains.

[778] Augustine, Contra mendacium, ch. 10 (cf. Roman Breviary, Second Sunday of Lent, Lesson 6): "Therefore a truthful signification can in no way rightly be called a lie: and as in deed, so also in word. For when his father said to him, 'Who are you, my son?' he answered, 'I am Esau, the firstborn.' If this is referred to those two twins, it would seem a lie; but if it is referred to that which these deeds and words were written to signify, [it is truth] ..." The ellipsis and bracketed text reproduce the extent of Doronzo's printed citation.

THE THIRD AND FUNDAMENTAL REASON — FROM THE NATURE OF THE SACRAMENT ITSELF

The third and fundamental reason is drawn, with St. Thomas, from the very nature of the sacrament.

Supplement, q. 11, a. 1: "In the sacraments, those things which are done outwardly are signs of things which occur inwardly; and therefore confession, whereby someone—

—subjects himself to the priest, is a sign of the inward subjection whereby someone subjects himself to God. But God covers the sin of the one who subjects himself through penance. Therefore this also ought to be signified in the sacrament of penance. And for this reason it is of the necessity of the sacrament that he conceal the confession, and one who reveals a confession sins as a violator of the sacrament."

Quodlibet XII, q. 10, a. 16: "Whether it is lawful in any case to reveal a confession. I answer that it must be said that it is not lawful, whether by word, deed, nod, or any sign, because it is sacrilege. For in the sacraments of the New Law it is so that they effect what they signify. But the effect of penance is the concealment of sins from the eyes of the living God; and this concealment is signified by the secrecy of confession. And therefore, just as one who would confect the Body and Blood of Christ from something other than bread and wine would profane the sacrament, so one who reveals [a confession] would be sacrilegious."

The sense of this argument of St. Thomas is reducible to the following: From the very nature of a sacrament it is required that the minister, in the administration and use of the sacrament—that is, in all those actions of his which constitute the sacrament or which are immediately and essentially connected with the sacrament—do nothing that is not in conformity with the proper nature of the sacrament; otherwise he abuses some sacramental action, or one connected with the sacrament, by diverting it from its proper character and purpose. But the proper nature of the sacrament is its signification, since a sacrament is nothing other than the outward sign of that which takes place inwardly. Therefore the nature of a sacrament requires that the minister conform to the very

signification of the sacrament every action of his which is sacramental or immediately and essentially connected with the sacrament.

But one who violates the seal performs an action immediately and essentially connected with the sacrament—namely, a use of sacramental knowledge—which is not in conformity with, but is opposed to, the signification of this sacrament. For this sacrament signifies the inward remission of sin, which is a certain perfect covering, concealment, and forgetting of sin on God's part; whereas violation of the seal consists in the uncovering, manifestation, and recollection of sin.

Therefore one who violates the seal acts against what is required by the very nature of the sacrament, and thus violates the sacrament itself. Accordingly, the obligation of the seal is founded upon the very nature of the sacrament, or, as St. Thomas says, it "follows upon the sacrament itself," is "of the necessity of the sacrament," and indeed is "of the essence of the sacrament"—*consequently*, that is, not *formally*.

It is remarkable that many theologians outside the Thomistic school so lightly attack this reason, which appeared to the acuteness of the Holy Doctor valid and principal (for he gives it in the body of the article, adds to it as secondary the first reason adduced by us, and in his replies to the first, second, and third objections reduces the second reason to it), calling it useless (Durandus—

—*In IV Sent.*, dist. 21, q. 4; Navarro, *De Poenitentia*, dist. 6, no. 32), "merely fitting" (Lugo, *Disp.* 23, sect. 1, no. 2), "not a sufficient foundation for an obligation" (Suárez, *Disp.* 23, sect. 1, no. 6), or "indicating at most a certain fittingness" (Galtier, no. 530).

The objections which they bring forward to the contrary can be reduced to the following:

1. The argument of St. Thomas fails, first of all, in the principle which it gratuitously supposes in the major premise on the part of the sign: namely, that every action of the minister must conform to the signification of the sacrament. For the whole essence of the sacrament, on the part of the minister, consists in absolution and its effect; but the minister's remaining actions, however connected with the sacrament, do not belong to its essence. Hence from the nature or essence of the sacrament it follows only that the minister must conform his properly sacramental action, namely absolution, to the signification of the sacrament; not his other actions, and much less an action which follows upon the sacrament already completed, such as the use of sacramental knowledge. Thus, according to the mind of Durandus.

2. The argument of St. Thomas fails, moreover, in that it gratuitously affirms in the minor premise, on the part of the thing signified, that the concealment of sins on God's part is signified and effected through the sacrament. For what is properly effected in the sacrament is the remission of sin, to which the character of concealment does not properly belong: both because God conceals remitted sins no less than unremitted ones, since He does not manifest any man's sin; and because, moreover, at the Last Judgment the sins of all will be manifested. Thus, according to the mind of Durandus.

3. The argument of St. Thomas appears false from its consequences. For if the obligation of the seal followed from the essence of the sacrament, it would always follow from it, and therefore both public confession on the part of the penitent himself and, especially, disclosure of sin by

the priest with the penitent's permission would be unlawful; both of which are false. Thus, according to the mind of Suárez, Lugo, Galtier, and others.

REPLIES

1. The first difficulty of Durandus, which is the principal difficulty that can be opposed to the argument of St. Thomas—although many have scarcely noticed it—limps badly, and its solution shows the principal strength of the Holy Doctor's reason. For although, among the actions of the priest, absolution alone constitutes the very essence of the sacrament, nevertheless absolution alone is not a sacramental action, that is, an action immediately and essentially connected with the essence of the sacrament. For confession itself, which on the part of the penitent belongs to the very essence of the sacrament, on the part of the priest, insofar as it entails the hearing of sins and the acquisition of sacramental knowledge, is an action immediately and essentially connected with the essence of the sacrament (although it does not belong to the very essence of the sacrament). And this is so both before absolution, when that hearing and acquisition of knowledge serves to prepare and condition absolution—

—as the actual examination of the case, and after absolution has been given and the sacrament completed, when that hearing and knowledge remains as a case formerly examined. Since, therefore, knowledge acquired through confession, and its use, is a truly sacramental action, both before and after the very essence of the sacrament is effected, it ought to conform to the signification of the sacrament and consequently to be covered by the seal.

From this it is understood that the obligation of the seal is *truly essential to the sacrament*, not indeed insofar as it constitutes the essence of the sacrament or is a condition of its essence and validity, nor even insofar as it flows immediately from the very essence of the sacrament, but insofar as it flows from an action immediately and essentially connected with the sacrament. It is, namely, essential to the sacrament not formally and immediately, but consequently and mediately; nor does St. Thomas intend anything else when he says that it is "of the essence of the sacrament."

By this same consideration of an action essentially connected with the sacrament it is also explained why an invalid confession is truly sacramental, although it does not in fact constitute the essence of the sacrament; why that same confession is likewise an object of the seal; and why the seal binds even others to whom sacramental knowledge has come (hearers, an interpreter, an adviser), although they do not perform an action constitutive of the sacrament, that is, they do not give absolution.

2. The remission of sins, it alone and forever, possesses the true character of a *formal concealment* of sins on the part of God. For just as the formal manifestation of guilt does not consist in the mere disclosure of some transgression, but in the disclosure of a transgression which can be imputed as guilt to someone and for which someone can be ashamed, so the formal concealment of sin does not consist merely and necessarily in simple hiding, but is preserved in every action by which sin is so protected that it cannot be imputed to someone as guilt or cause shame in him. But this is accomplished on God's part by the remission of sin, and by that alone (for to the impenitent sin may be imputed as guilt and shame), and indeed forever; for at the Last Judgment there will occur only a *material publication* of remitted sins, concerning which the saints cannot be accused nor be ashamed, according to Psalm 31:1: "Blessed are they

whose iniquities are forgiven, and whose sins are covered" (cf. *In IV Sent.*, dist. 44, q. 1, a. 5, q. 2, reply 3).

3. The obligation of the seal always follows from the essence of the sacrament, but this obligation regards the priest, and indeed as the minister of the sacrament, not the penitent himself. Hence the supposition of the objection is denied. When the penitent yields his right by giving permission to speak, whether implicitly and generally through public confession or explicitly and particularly to the confessor himself, the priest's knowledge and its use are no longer a sacramental thing and action, and therefore do not fall under the seal; nor does the priest any longer know the sin as God, but as a man, and therefore he can speak from knowledge proper to himself.

St. Thomas himself resolves this objection, *Supplement*, q. 11, a. 4: "The one confessing can cause the priest to know also as a man that which he knew only as God; he does this when he gives him permission to speak; and therefore, if he speaks, he does not break the seal of confession. Nevertheless, in speaking he ought to beware of scandal, lest he be regarded as a breaker of the aforesaid seal." Ibid., reply 1: "The Pope cannot give a priest permission to speak, because he cannot cause him to know that matter as a man; which the one who confesses, however, can do."

From these considerations it is manifest how ineptly "the reason of the Divine Thomas is regarded as ineffective by many outside his school, who everywhere demand mathematical demonstrations, and is rejected as weak and proving nothing."[779] Boyer observes aptly on the point: "In Tradition we find both these reasons: namely, that the violator of the seal would act against the sacrament, in which sins are committed to God alone, and that he would deter men from the sacrament. A certain controversy is nevertheless carried on about the respective force of the two reasons. For there are those who think the first reason of St. Thomas weak and that it shows nothing beyond a certain fittingness, while they place the whole force in the reason of utility and justice. But to one who considers rightly it appears that the principal argument is to be taken from the very essence of sacramental confession insofar as it is a sign of the remission of sins. Indeed, from the other arguments alone it would not be easy to defend all the properties of the sacramental seal, and especially that which its inviolability has as altogether proper to itself: that it does not cease on account of any evil whatsoever that must be avoided.[780]»[781]

[779] Salmanticenses, Disp. 9, dub. 1, no. 12.

[780] Cf. Arendt, in Gregorianum (1924), pp. 79–93. This note is attached within Boyer's quotation to the phrase concerning the greatest evil to be averted.

[781] Boyer, De Poenitentia, thesis 29 (Rome, 1942), p. 362.

THE ABSOLUTE INVIOLABILITY OF THE SEAL

The absolute inviolability of the seal, with respect to every manner, object, and end—whereby revelation is forbidden even when indirect, in regard to every sin whatsoever, and in every case—follows from precisely the same reasons.

INDIRECT VIOLATION is opposed both to the nature or signification of the sacrament, and to the character of the minister, who would improperly use as his own knowledge which is not his own; it is also opposed to the necessity of confession, because it would particularly turn men away from

receiving the sacrament. For what of itself turns sinners away from confession is not that their sins are revealed in this or that manner, namely directly or indirectly, but that they are in fact and absolutely revealed. The loss of reputation and shame, which are the proper cause of that aversion, arise not from the manner of revelation but from—

—the revelation itself. Nor, in the judgment of a sinner who detests a confession that brings disgrace upon him, does it avail anything that the priest employ caution, concealment, general language, and other circumlocutions or evasions in making his disclosure, if disclosure nevertheless follows from his action.

Moreover, this doctrine is so evident that it has never been doubted by the Doctors. The Council of Douzy (874) already affirmed it ("by whatever indication"); the Fourth Lateran Council (1215) expressed and canonized it more clearly ("in any manner whatsoever betray the sinner in any degree"); the Council of Trier (1227) declared it in express terms ("reveal directly or indirectly"); and St. Thomas determined it more precisely. In the *Supplement*, q. 11, a. 1, he says: "Let him not say anything whereby he betrays the person confessing, whether by word or by gesture"; "yet in such a way that every suspicion of disclosure of the confession is avoided"; and "it neither gives rise to suspicion of a crime nor reveals the confession." In *Quodlibet* V, q. 7, a. 13: "In no way is it to be made manifest, neither by word, nor by sign, nor by gesture; nor is anything even to be suggested whereby someone could come to suspect the sin." In the *Supplement*, q. 11, a. 2: "The seal of confession extends directly only to those things which are the matter of sacramental confession; but indirectly that which does not fall under sacramental confession also belongs to the seal of confession, such as those things through which the sinner or the sin could be discovered."

EVERY SIN WHATSOEVER that is sacramentally confessed is an object of the seal. This likewise follows because the three reasons stated above are opposed to the revelation of any sin whatsoever.

Now the seemingly plausible opinion of a few, such as Alexander of Hales, who exclude only a sin of intention, or a future sin, from the obligation—or rather from the object—of the seal, is shown to be false both in its principle and in its conclusion. The principle which it assumes, namely that an invalid confession does not fall under the seal, is false, as is its supposition that such a confession does not pertain to the sacrament. For every confession made with the intention of submitting oneself to the keys is truly sacramental, even though absolution does not follow or is refused on account of the very defect of disposition. For from the moment someone submits his disclosure to the keys, the sacramental judgment itself begins; and in that judgment the future sin itself, or the present indisposition for absolution, is sacramentally judged through the exercise of the power of binding and retaining.[782]

[782] Hence only a confession that is not made with the intention of submitting oneself to the keys is not protected by the seal, since it is not sacramental. On this matter the following should be noted particularly with the moralists: "There is no sacramental confession and therefore no violation of the seal: (a) if someone knowingly confesses to a layman or to a priest lacking jurisdiction; (b) if someone opens his conscience to a confessor in order to receive counsel or to satisfy a superior's command, without the intention of obtaining absolution; (c) if someone approaches the confessor with the intention of deceiving or mocking him, etc.; (d) if he approaches in order to extort alms. But where the hope of alms is an extrinsic end of a confession otherwise sincerely and rightly made, it is evident that the obligation of the seal exists. Nor is the disclosure protected by the seal which the penitent makes after the priest has clearly and openly declared that he is unwilling to receive anything sacramentally. In these cases there may sometimes

be an obligation arising from a natural or an entrusted secret. Scandal to the faithful must carefully be avoided, since they might perhaps think that a true confession had been made" (Cappello, no. 586).

The conclusion likewise drawn from it, namely that only a sin of intention or a future sin is exempted from the seal, is inappropriate. For from the aforesaid assumed principle it would follow logically that all sins, even those already committed, are outside the seal, since all are accused in an invalid confession and are not absolved.

Other theologians simply reject this opinion, and Dominic Soto (*In IV Sent.*, dist. 18, q. 4, a. 5, conclusion 1; *Relectio de secreto*, member 2, q. 7), Navarrus (*De Poenitentia*, dist. 1, penultimate chapter, nos. 120 ff.), and Cajetan (*In II–II*, q. 70, a. 1; *Opusculum* I, treatise 21) particularly attacked it. St. Thomas had already rejected it in no mild terms, calling it "erroneous": "But this opinion seems erroneous, since it is contrary to the truth of the sacrament. For just as baptism is a sacrament, although someone approaches it with dissimulation, and nothing of the essentials of the sacrament is changed on that account, so confession does not cease to be sacramental, although the person confessing does not propose amendment" (*Supplement*, q. 11, a. 1, reply 7).

IN EVERY CASE the seal is inviolable, as is evident from the same reasons stated above. For in no case is it lawful to perform an action which of itself and necessarily turns the faithful away from the use of the sacrament, involves an improper appropriation of God's knowledge, and is opposed to sacramental signification.

Hence the contrary opinion falls, defended by certain authors after William of Auxerre, according to which the violation—or, as they say, the opening—of the seal is permitted in certain more serious circumstances for reasons of the common good, especially in a case of heresy or of the crime of *lèse-majesté* [injury to sovereign authority]. The weakness of this opinion is evident, first, from the reasons on which it depends. For the judgment concerning the gravity of the reason that would make violation lawful would be left to the mere discretion both of the priest (hence the danger of frequent abuses in violating the seal) and of the penitent (hence the frequent and sinful omission of confession, or at least the abuse of not making a materially integral confession, to which no one is bound when there exists a danger that the confessor will violate the seal). Secondly, from the end which it proposes to itself, namely the avoidance of serious harm to society; for that very end would be frustrated through the omission of confession or the making of an incomplete confession by penitents. Thirdly, from the principle which it assumes, namely that the law of the seal must yield to the superior consideration of the common good. For this principle rests upon two false suppositions: first, that the law of the seal regards a private good or some common good of an inferior order, whereas, on the contrary, the law of the seal regards the common good of the Church, indeed a good higher and more universal than that which the adversaries indicate to justify a violation of the seal, namely—

—the averting of danger to the State or the Church in a case of the crime of *lèse-majesté* or of some particular heresy; secondly, that a violation of the seal could necessarily be required to secure some common good higher and more universal than the good of the seal itself. For since that good belongs to divine law, not merely positive but natural (although conditioned, that is, founded upon the free institution of the sacrament), inasmuch as it flows from the very nature of the sacrament, it regards the divine good itself, which is the common good of the whole universe and which cannot be contrary to itself.

YOU WILL SAY: FIRST OBJECTION

You will say, 1. A divine law which does not forbid a thing intrinsically evil admits of an exception in the case where its observance would be opposed to the common good. For it cannot bind to the detriment of the common good, which belongs to a higher order. But the law of the seal does not forbid something intrinsically evil. Therefore the law of the seal admits of an exception, or can be violated in a case where its observance would be opposed to the common good.

I reply. 1. I deny the minor premise. 2. I distinguish the major: A divine law which does not forbid a thing intrinsically evil admits of an exception *if the end of the law ceases*, I concede; *if the end of the law adequately persists*, I deny. I counter-distinguish the minor: The law of the seal does not forbid a thing intrinsically evil *and is such that its end can cease*, I deny; *and is such that its end cannot cease but adequately persists*, I concede. I deny the consequence.

I explain. The argument is defective in two ways.

First, it can be said with certain authors (such as Gonet) that a violation of the seal is intrinsically evil. For although revealing a secret, even though prohibited by natural law, is not intrinsically evil, and therefore it is sometimes lawful to reveal it, especially for the common good, nevertheless revealing a sacramental secret is intrinsically evil, since the seal is founded in the very nature of the sacrament, just as telling a lie is intrinsically evil because truthfulness is founded in the very nature of the mind and of speech. Hence the law of the seal belongs to divine law not as positive law but as natural law (although conditioned, that is, presupposing the institution of the sacrament, which is a matter of positive law), which admits no exception. And the only way in which the obligation of the seal could be taken away would be for God to suppress the sacrament itself or change its character and nature. From this it also follows that observance of the seal can never be opposed to the common good, since the good of the seal itself is a common and divine good, and a common good cannot be opposed to a common good, nor a divine good to a divine good. Hence, if the good of the seal is really opposed to some other good, that other good, however much it may appear common or be common in some respect, will be simply and in comparison with the good of the seal a particular good, as will presently be explained.

Secondly, even if it be granted—though it is not conceded—that violation of the seal is not intrinsically evil and therefore belongs to divine positive law, it is still false that in some case it can be lawful. For in order that a divine positive law should not bind in some case, it is necessary that the end of the law cease or fail to persist adequately. But in no case can the end of the law of the seal cease, because in no case can a violation of the seal be a necessary means for obtaining any good, even a common good, which is greater and more common than the good of the seal itself. The averting of danger to the State or the Church, in a case of *lèse-majesté* or a particular heresy, is a good inferior and less universal—although common—than the good of the seal, and therefore, in comparison with it, particular. The averting of danger to the whole order of human society, or to the whole Church and her faith, would indeed be a greater and more common good; but it cannot happen that violation of the seal should be a necessary means of obtaining such a good, both because there can be no proportion between obtaining so great an end and one particular violation of the seal, and because otherwise divine Foreknowledge and Providence would deny or contradict itself.

To the point, the Salmanticenses write:

"Although the overthrow of a city and an abominable heresy are regarded, speaking absolutely, as common harms, nevertheless in the case of the argument they are considered particular harms. The reason is that among common harms themselves some are more universal and of greater weight, while others are less universal and of less importance. For the loss suffered by a kingdom is greater than that of a province, and the latter's loss is more universal than that of a particular city. Consequently, where several harms of this kind occur, the less universal are regarded as particular in relation to the more universal and yield to them. Hence it follows that, where a precept is intended to prevent some universal harm, it binds even at the cost of a common good possessing a lesser universality.

"Therefore the overthrow of a city, or even of a kingdom, if considered absolutely, or compared with the harm which the penitent would receive from the revelation of the seal, is a common detriment. But if it is compared with the destruction of the sacrament of penance, which would follow from permission to reveal the seal, it is reckoned as particular and of far inferior weight. For if from the beginning it had been lawful for priests, in the gravest necessity, to disclose confession, the Church would have been deprived in great part of the fruit and usefulness of this sacrament, which clearly is a greater loss than the overthrow of any city whatever. We say the same even if the comparison is made with a heresy which the priest learned through confession to be creeping into the Church; for it would not harm the Church more than permission to reveal the seal, from which the gentle and tolerable use of confession would perish. And experience testifies that throughout so many centuries there has been no need to open the seal in order to avert such harms."[783]

[783] Salmanticenses, De Poenitentia, disp. 9, dub. 2, § 2, no. 29, Cursus Theologicus, vol. 20 (Paris, 1883), p. 530.

"It is confirmed and explained: For according to the opinion of the Divine Thomas, to which theologians commonly adhere and which we established in treatise 13, disputation 10, doubt 6, no. 231, a voluntary emission of semen is lawful in no circumstance, because human seed and its use are determinedly ordered to the preservation of the species, and not for the advantage, safety, or life of an individual. Hence, since the good of the species is more common and more divine than the good of this or that individual, a voluntary emission is never lawful, even when one's own life is endangered, indeed even when the ruin of an entire kingdom is at stake, the safety of which depended —

—upon the life of this man who needed that remedy. Then the argument is as follows: But the sacramental seal was instituted for the preservation of the sacrament of penance, which contributes to the common good of all the faithful. Therefore its violation is lawful in no circumstance. The consequence is evident both from the likeness of the reasoning and because the good of all the faithful must be preferred to any other advantage of a particular individual or of some commonwealth which could follow from a violation of the seal. Therefore, since from permission to disclose confession in some case it would follow that penitents would be driven away from it, and consequently that the whole body of the faithful would suffer harm, it was necessary that confession could never be revealed, so that provision would always be made for the common good."[784]

[784] Ibid., § 1, no. 20, p. 523.

YOU WILL SAY: SECOND OBJECTION

You will say, 2. The divine law concerning the integrity of confession admits exceptions, namely in cases of physical or moral impossibility, as was said in Article 39, although it is equally divine and

equally urgent as the law of the seal. Therefore, by parity of reasoning, this latter law can admit exceptions in cases where it is impossible to avert a common evil otherwise than by opening the seal.

I reply. The parity between the two laws is denied. Different authors assign different reasons for the disparity.

Some, such as Gonet (*Disputation* 11, a. 1, no. 9) and Billuart, answer this objection by denying that the law of integrity is as fully divine as the law of the seal. For, they say, the law of integrity is divine only with respect to formal integrity, but not with respect to material integrity.

Nevertheless, this answer is inappropriate. For, first of all, it is false that material integrity itself is not of divine law; for it was said in Article 39 (Conclusions 1 and 3) that material integrity is truly said to be of divine law, although not absolutely but only *per se*, whereas formal integrity is of divine law absolutely. Furthermore, this answer begs the question. For on the same ground on which it asserts that the integrity of confession is of divine law but does not bind in every case (for that is what it amounts to to say that formal integrity alone is of divine law), someone could say that the law of the seal is indeed of divine law but does not bind in every case.

Others, such as Gonet himself, while granting for the sake of argument—but not conceding—that those two laws are equally divine, deny that they are equally urgent; and they locate the difference in this, that the precept of integrity is affirmative and therefore does not bind at all times, but when and in the manner in which it is expedient, whereas the precept of the seal is negative and therefore binds always and in every case.

Nevertheless, neither does this answer satisfy: both because the precept of integrity, although expressed affirmatively, is in substance negative, since it forbids receiving the sacrament and absolution without an integral confession of sins; and because, although all negative precepts bind—

—*at all times* (*pro semper*), nevertheless not all bind in every case[785], as is clear in the precept of not revealing a natural secret. Only those precepts which forbid something intrinsically evil bind in every case, and concerning such a thing not even God can dispense—as in the cases of hatred of God and blasphemy. But the precept of the seal does not forbid something absolutely and intrinsically evil, for God Himself can permit the opening of the seal, as though suspending the law of the sacrament; and He could even have established and arranged the sacrament permanently in such a way that opening the seal would not be contrary to its nature. Hence the absolute inviolability of the seal does not arise from its being a negative precept; nor can the difference from the law concerning the integrity of confession be sought there.

[785] For to bind or urge at all times (pro semper) is not the same thing as to bind in every case or indispensably. The former signifies only that, when a precept is in force, it urges that fulfillment be made immediately—that is, at each and every moment of time itself—and not merely at one or another determined time.

Some, therefore, such as the Salmanticenses, rightly answer that the two laws are not equally urgent and that the difference is found in their very character and end. For, first, a deficiency of material integrity is not opposed to the nature of the sacrament, since sacramental judgment is adequately preserved through formal integrity alone, whereas a violation of the seal is opposed to the signification of the sacrament and to the character of its minister. Secondly, the end of the law of integrity is such that in certain cases —namely those of physical or moral impossibility—it can cease;

whereas the end of the law of the seal is of such importance and gravity that it can cease in no case, since it surpasses every other good that could arise from violation of the seal.

To the point, the Salmanticenses themselves write:

"The adequate end of the precept of the seal is to preserve in the Church the sacrament of penance, which is simply necessary for salvation to those who have fallen after Baptism, and to render its use gentle and tolerable. This end, however, persists in every circumstance, and outweighs and surpasses any other good, whether the particular good of one's own health, life, or riches, or the common good of a commonwealth or an entire kingdom. Since, therefore, according to the general opinion of theologians a precept urges so long as its adequate end persists, it follows that, since the end of the precept of the seal persists in every circumstance and nowhere ceases, its obligation likewise never fails but presses in every possible situation.

"The end of the precept of confessing integrally, however, does not bring about a matter of such immense importance, but another of inferior weight. For the obligation to disclose each and every sin, both according to species and number and according to circumstances changing the species, as is gathered from the Council of Trent, session 14, chapter 5, is chiefly ordained so that the priest, who exercises the office of judge and physician in the sacrament of penance, may know the cause of the accused person and the condition of the sick person from every side, so that in pronouncing sentence he may preserve the equity of judgment, impose suitable satisfaction for faults, and apply medicine appropriate to the character of the diseases. But an end of this kind can either be surpassed by another or sometimes cease, and in fact it fails in very many cases ... in which the penitent is released from material integrity of confession. For when a man is situated at the point of death and his life is despaired of, and he cannot through the distress of sickness declare each and every sin, the aforementioned end altogether ceases; since neither can a penance proportionate to his faults be ordered to be carried out before death, nor medicine be applied to the wounds of his soul, while on the other hand the eternal salvation of the penitent, which is a greater good, depends upon the priest's prompt absolution. The same also occurs where many people are at the same time in the same danger of death, for example in shipwrecks, earthquakes, fires, or battles, and only one or a few —

—priests are found to hear their confessions. For there, on the one hand, it is impossible for all to confess in full as to matter and to carry out proportionate penances; and, on the other hand, if the priest remained to hear an exact confession from one or some, the others would perish without the benefit of absolution.

"Since, therefore, in these and similar cases the end of the precept of confessing integrally fails, and since, moreover, the fact that an integral confession is not made in these cases does not make the sacrament hateful, but rather gentle and lovable—whereas the contrary happens when the seal is revealed—the difference between the two precepts is evident, as is the reason why the seal admits of no exception, whereas the integrity of confession does not always bind."[786]

[786] Salmanticenses, De Poenitentia, disp. 9, dub. 2, § 2, no. 26, Cursus Theologicus, vol. 20 (Paris, 1883), pp. 527 ff.

Because of this disparity and the precedence of the law of the seal over the law of integrity, it follows that in a conflict between the two the right of the seal prevails, as was said in Article 39 (p. 664; cf. Article 37, pp. 523–527).

YOU WILL SAY: THIRD OBJECTION

You will say, thirdly. An argument cannot prevail against a fact; but it is established that the sacramental seal has been disclosed in several instances. In the first place, the Roman Pontiffs themselves command penitents to disclose a sacramental secret by denouncing a confessor who solicits them to shameful acts (the Constitutions of Gregory XV, of 1622, and Benedict XIV, of 1741). Caesarius of Heisterbach, of the Cistercian Order (cited above, p. 770), relates that Innocent III, after consulting the cardinals, ordered a sin accused in secret confession to be revealed.[787] A violation of the seal is likewise contained in what Peter Damian relates (*Letters*, book 6, letter 32) concerning a certain dying monk:

[787] Cf. H. C. Lea, A History of Auricular Confession, vol. I (Philadelphia, 1896), p. 420. The reference belongs to the account attributed to Caesarius of Heisterbach.

"He nevertheless persisted in his request [for Viaticum]; and when the priest was already approaching with his attendants, he drew one of the brethren to himself and whispered into his ear, confessing some grave sin or other. The latter was immediately astonished, as he afterwards related to me, and, not knowing so suddenly what fixed measure of penance to prescribe, although hesitating and speaking softly into his ear, imposed fifteen years of penance upon him" (Migne, *Patrologia Latina*, vol. 144, col. 430).

Furthermore, from the cases related above in the negative and affirmative parts, and from the Church's repeated prohibitions and sanctions themselves, it is evident that the seal has often been violated and that many did not regard its violation as illicit.[788]

[788] H. C. Lea seeks to demonstrate at length, and, in Doronzo's judgment, with insufficient criticism, the frequent violation of the seal throughout the centuries: op. cit., pp. 419 ff. The source reads: "Hanc frequentem sigilli violationem per varia saecula diffuse et, more suo, parum critice, conatur ostendere Lea."

I reply. The required denunciation of a confessor who solicits to shameful acts is not a violation of the seal, since the seal does not bind the penitent. It is, rather, the disclosure of a natural secret, which the penitent is bound to preserve in matters touching the confessor's right; but this obligation is overcome by another natural right and duty, namely, to denounce those who corrupt others when the common good is endangered. Ecclesiastical law presses this very duty when it obliges penitents to denounce confessors guilty of solicitation.

Concerning the account of Caesarius of Heisterbach, what was required has already been said above (p. 771). Likewise, concerning a certain decision of the theological faculty of Paris reported by William of Auxerre, compare Tournely—

—and the Würzburg theologians, where they treat of the seal. What Peter Damian meant has been considered above (p. 801); but precisely what happened in the narrative adduced is not clear. Perhaps that confessor ignorantly thought he was not violating the seal when he related, in a general manner and after the death had occurred, that the aforesaid monk had confessed a grave sin.

Moreover, the frequent and severe canons of councils against violators themselves seem to presuppose that partial abuses of the sacramental seal occurred at times; Leo the Great himself expressly condemned a certain abuse of his own age. But the abuses alleged in the negative and affirmative parts were in fact *material* abuses, for the question was whether in this or that case the law of the seal itself applied—a law which all nevertheless regarded as inviolable.

Certain writers, such as Guillois (*Histoire de la confession*) and Cardinal Gibbons (in the *New York Herald*, February 7, 1892), exaggerate when they deny that any violation of the seal has ever occurred and take that alleged fact as an argument for the divine origin of this obligation. For the Church herself, by establishing such insistent and severe sanctions against its violation, presupposes that violation can occur. Nevertheless, it must not be doubted that through God's special providence this law has been "most sacredly observed always and everywhere," as the Holy Office says (Instruction of 1915, cited above on p. 751); and pious credence is given to certain ancient narratives concerning God's miraculous assistance in this matter.

To the point, the Würzburg theologians write:

"It pleased God to confirm the sanctity of this law of His by miracles, when He preserved the tongue of St. John Nepomucene, killed in 1383 for maintaining this seal, free from corruption down to the present day through so many centuries. William of Auxerre, in the fourth part, chapter on confession, also relates from the *Lives of the Fathers* that when someone on a ship, fearing death, had publicly confessed a great many crimes, all the others who had heard them on that ship at once forgot them so completely as though they had never received any knowledge of them.[789] Yet is it not the greatest miracle of all that, although there are so many priests, some of whom lead dissolute lives or have fallen into madness, the sacred seal has nevertheless very rarely been seen to be endangered?

[789] Cf. Peter the Chanter, Verbum abbreviatum, ch. 144, Patrologia Latina, vol. 205, col. 345; Richard of Middleton, In IV Sententiarum, dist. 21, art. 4; Denis the Carthusian, In IV Sententiarum, dist. 21, q. 3. Doronzo's original reference is retained; the mentioned authors have not been independently consulted for this installment.

"But if one or another has nevertheless profaned the sacred mysteries by so great a sacrilege, the civil magistrate, after the bishop had degraded him from the priesthood, either punished him by the sword or strangled him by the noose; and, having declared the proceedings null, dismissed without punishment the penitents so impiously betrayed, until legitimate evidence should come from elsewhere. Such was the case at Venice, according to Feliciano, *De degradatione*, chapter 14, and among the people of Toulouse in the year 1579, as Théophile Raynaud recounts in the *Pratum Spirituale*, namely in the *Centuria historiarum*, volume 17 of his works, no. 13; and likewise at Constantinople, where the grand vizier and the mufti, the supreme prelate of Turkish superstition, upheld the sentence of the Greek patriarch. So great a reverence is shown this sacred secret not only by Catholic magistrates but also by Muslims.

"But the fidelity with which it is observed by Protestant clergy and civil magistrates alike is shown by Gobat, here nos. 778 ff., where he says that 'a certain man who had killed his son with poison in one village, and, in another, a woman guilty of another capital crime, had in good faith secretly confessed to their spiritual fathers, who were preachers; but, after being denounced by them to the prefect, paid with capital punishment for their pious simplicity.' Another example is given by Boehmer, at the cited place, title 38, § 48, who complains that Anna Nizelin, who for consolation had privately confessed adultery with much penitence to her Lutheran pastor, was —

—denounced by him to the magistrate and sentenced to punishment, without any regard being paid to the opinion which the jurists of Halle had rendered on this case in 1694."[790]

[790] De Poenitentia, disp. 2, ch. 8, art. 6, Theologia dogmatica, vol. 10 (Paris, 1880), p. 263. In the printed page this note follows the reference to the Halle jurists' reply of 1694.

Apart from the three reasons mentioned above, from which both the divine origin of the seal and its inviolability are established by the same line of reasoning, these two properties can also be deduced immediately from each other. Thus from the fact that the seal is inviolable—however this is established, whether from Tradition or from reason—it can be inferred that it is of divine law; and from the fact that it is of divine law it can be inferred that it is inviolable.

1. The sacramental seal is absolutely inviolable; therefore it is of divine law, and not merely of natural or ecclesiastical law.

The consequence is proved from the fact that the absolute inviolability proper to the sacramental seal —by virtue of which no human authority can disclose it, even when observance of it involves loss to the common good, and even when its object is a matter of small importance—cannot originally arise either from ecclesiastical law or from purely natural law.

It cannot arise from ecclesiastical law, because an ecclesiastical law can be relaxed by the Supreme Pontiff, and every human law ceases to oblige in the presence of grave inconvenience, especially grave detriment to the common good, and above all when the violation of the law concerns something of small importance.

Nor can it arise from natural law alone. For, as is clear in the case of every natural secret, whether *simple* (obliging in justice not to defame one's neighbor) or *entrusted* (obliging in fidelity to keep one's promises), natural reason itself dictates that a secret can and must be disclosed when its preservation entails a proportionately grave loss, particularly when, on the one hand, what is kept secret is a matter of small importance, and, on the other, the threatened loss is most grave and especially affects the public good.

2. The sacramental seal is of divine law; therefore it is absolutely inviolable.

The consequence is evident from the fact that a seal of divine law could be disclosed only insofar as either that divine law ceased of itself to bind, its object or end having ceased, or human authority could dispense from it.

In the first place, however, the divine law of the seal never ceases of itself to bind: both because it is a matter of divine natural law founded upon the nature of the sacrament, which always remains, and because, even were it a matter of divine positive law, its end cannot cease but adequately persists, as has been explained above.

Secondly, no human authority can of itself and directly dispense from a divine law, even a positive one. Nor is any accidental and indirect dispensation possible in the matter of the seal, such as can take place in vows and oaths: both because the seal involves a right of another person, namely, the penitent —

—which the Church cannot violate, and because the law of the seal is a matter of divine law simply and absolutely, and not merely conditionally and on the supposition of some human act, as is the case with a vow or an oath. In those cases the Church can dispense because she can act upon the human act from which the obligation of divine law arises, namely, by modifying or removing it (cf. *Summa Theologiae*, II–II, q. 88, a. 10, reply 2). For the same reason of disparity, we said in the treatise

On the Eucharist (article 32, vol. I, pp. 644 ff.) that the Church cannot dispense from the divine law of consecrating under both species, or permit a priest to consecrate under one species only.

CONCLUSION 2 — THE DIVINE LAW ALSO PROTECTS THE SEAL IN ITS BROADER SENSE

Conclusion 2. Confession is also protected by the divine law of the inviolable sacramental seal *broadly understood*, which forbids every use of knowledge acquired sacramentally that burdens the penitent or causes detriment to the sacrament.

Proof 1. FROM DOCUMENTS OF THE CHURCH. From the documents of the Church since Clement VIII, and from the understanding of later theologians, it appears that the prohibition of disclosure is extended to this broadly understood seal not merely by ecclesiastical law, but by divine law itself.

Certain theologians who preceded the decree of Innocent XI either suggested this or expressly taught it. Gonet (died 1681) says hesitantly: "Although I do not deny that this is perhaps not altogether forbidden by divine and natural law alone ... nevertheless it is forbidden by ecclesiastical and positive law" (*Disputation* 11, article 1, no. 17).

The Salmanticenses (seventeenth century) teach without hesitation that the aforesaid use of sacramental knowledge is illicit "by the institution and nature of the sacrament ... since a purely ecclesiastical law, considered apart from divine law, does not bind with detriment to one's own life, nor with loss to the common good ... and Clement's decree did not introduce a new law, but explained and strengthened an ancient and divine law" (*Disputation* 9, doubt 3, no. 49).

Lugo (died 1660) similarly says: "The pontifical precept [of Clement VIII], being so universal, proves that the use of such knowledge was illicit by the very nature of the thing or by the prohibition of Christ" (*Disputation* 23, section 4, no. 94).

After the decree of Innocent XI this is frequently affirmed by theologians, especially modern ones, such as Du Jardin,[791] Galtier (no. 524, compared with no. 529), Boyer (thesis 29), d'Alès (thesis 9), Prümmer (no. 445, compared with nos. 443 and 447), Wooters (no. 429, compared with no. 428), and Vermeersch, who states very explicitly:

[791] "The assertion [concerning the illicitness of the aforesaid use of sacramental knowledge] rests on the same foundation by which we proved above that the obligation of the seal is of divine law" (in Migne, Theologiae cursus completus, vol. 22, col. 1260).

"By divine natural law itself, once the sacrament of penance and secret confession have been instituted, there is imposed on anyone who receives knowledge of a matter disclosed by a penitent in order to fulfill the obligation of confessing sacramentally the obligation of the sacramental seal, whereby it is absolutely forbidden—

—that is, without any exception—to reveal knowledge so received, or indeed to use it in any manner to which the penitent could reasonably be averse because of some burden" (no. 506).

Some modern writers, however, prudently remain silent on this matter; others speak ambiguously; one or another appears to deny that this obligation is of divine law.

Thus Merkelbach appears to deny it when he says that this obligation is only a general one and is to be explained according to common principles:

"One thing is the seal or secret to be preserved; another is the obligation not to use knowledge acquired in confession even without a violation of secrecy. This latter obligation is rather inaccurately called by some the accidental seal; indeed many treat of both indiscriminately and without distinction. Yet they must be distinguished: the seal binds far more strictly than the other obligation. Furthermore, the obligation of the seal is a special one, expressly treated by St. Thomas; the other is a general obligation not to cause a burden, to be explained according to common principles, and concerning which nothing special occurs in St. Thomas" (no. 620, in a note).

Cappello, on the other hand, speaks ambiguously, and perhaps intends to affirm the proposition, since he says that this obligation is special and is imposed by the Code of Canon Law in virtue of divine law:

"This danger [of revealing the seal] must be prevented, not merely as any other danger of grievous sin must be prevented, but also and especially in relation to the order of the Christian community and the protection of this divine institution in the whole breadth of its usefulness, not merely in relation to the advantage of the particular penitent in question. Therefore, the prohibition of this canon is imposed in virtue of divine law not only from a presumption of fact, but especially from a presumption of danger" (no. 614).

Moreover, when speaking of the seal strictly understood and establishing that it is "of divine natural law," Cappello affirms generally: "Any ... use of knowledge taken from sacramental confession (unless it takes place with the penitent's consent) impedes that end, since it takes away, or at least renders more difficult, free access to the confessor and complete sincerity" (no. 590). These words would signify that even the seal broadly understood is of divine law, had not the learned author expressly said at the beginning of his entire chapter on the seal: "Properly and accurately speaking, the sacramental seal is that which is taken in the strict sense. In this sense, and this sense alone, we take it" (no. 583).

Nevertheless, whatever may be the case concerning the explicit affirmation of this matter among theologians, from their explicit and exceedingly common doctrine concerning the absolute unlawfulness of the aforesaid use of sacramental knowledge—a doctrine repeatedly declared by the Church since Clement VIII—it follows that the sacramental seal broadly understood is no less of divine law than the seal strictly understood. For unless it were of divine law—

—it could not have such absolute force that it could be violated in no case, even when one's own life is endangered and the common good suffers loss. No human or ecclesiastical law can impose such an obligation. Indeed, natural law itself dictates that in the aforesaid circumstances, especially where the common good is concerned, a human law not only does not bind, but must be set aside in order particularly to provide for the good of the community.

This argument is confirmed by a similar inference which, with other theologians, we made in Article 41 (p. 703) from another document of Clement VIII, to prove the invalidity of confession between persons who are absent from one another:

"By a similar argument it is customary to prove that confession and absolution by letters, and in absence, are null and invalid; because otherwise the same Pontiff could not have forbidden that the contrary doctrine ever be reduced to practice in any case whatsoever. For, if it were valid, natural law would oblige one to absolve a dying person who was absent in a case of extreme necessity, and no

human law could derogate from that precept of charity. Thus, therefore, in our case, the pontifical precept, being so universal, proves that the use of such knowledge for government was illicit by the nature of the thing or by Christ's prohibition; otherwise human law could not have forbidden that use in certain cases."[792]

[792] Lugo, De Poenitentia, disp. 23, sect. 4, § 1, no. 94, Disputationes scholasticae, vol. 5 (Paris, 1893), p. 384. This citation accompanies the long paragraph comparing the decree of Clement VIII to the invalidity of confession and absolution between absent persons.

Proof 2. FROM THE THREE REASONS by which, in the preceding conclusion, we proved that the seal strictly understood is of divine law.

For the burdensome use of sacramental knowledge:

First, is opposed to the sacramental signification. For the effect of this sacrament is the alleviation of the burden of sin and the extinction of its imputation, which moreover are equivalent to a certain formal concealment of sin, as was stated above (p. 815). But from the burdensome use of sacramental knowledge it comes about that sin continues to burden the penitent and so is still in some manner imputed to him—not indeed by a spoken word, but by the language of an action. This, moreover, is equivalent to a certain formal revelation of sin, which causes a degree of shame in the penitent; for the sin is spread abroad, and in a manner objectively revealed, in its burdensome effects.

Secondly, such use is opposed to the character of the minister of this sacrament, who would use as his own knowledge which is not his own and which was instrumentally transmitted through him to God.

Nor is it a valid objection that from this it would follow that every use of sacramental knowledge is illicit, even that which in no way burdens the penitent—a conclusion which everyone denies. For a use that does not burden the penitent involves, from the very nature of the matter, a certain implicit permission on the part of the penitent—

—which releases the seal. For no one is considered, or can reasonably be considered, to claim for himself a right over knowledge or to exclude others from a benefit when he himself suffers absolutely no detriment. Nor can it be inferred from this that a violation of the seal strictly understood would be lawful in a case in which it did not burden the penitent. For that burden is essentially and objectively inherent in such a violation, even when the sin is already known to everyone, both because such a disclosure is of itself an accusatory and defamatory act, and because, even if the disclosure alone were sufficient to make the sinner known, it would do so if he were not already known. Nor does it lose its proper force because others already know, and moreover it constitutes a new testimony and confirmation of knowledge already possessed.

Thirdly, such use is opposed to the end of the sacrament, or the necessity of confession, since it would render confession burdensome and hateful and would turn the faithful away from its use. Men would especially fear to confess if they knew that the priest could use his sacramental knowledge to burden them. Nor does it matter whether the priest uses that knowledge when the penitent is actually unaware or does not notice it. For the very fact that men generally knew that confessors were permitted to use such knowledge would deter them from confession. This argument is urged, at least concerning the case of a superior who removes a subject from his office, even by several of those older writers who thought that some burdensome use of sacramental knowledge was lawful, such as

Richard of Middleton, Báñez, and St. Thomas himself in *Quodlibet* V, q. 7, a. 13, *Sed contra* (cf. above, p. 778, note).

This is confirmed.

1. In the use of such knowledge, considering human ways of acting and the frequent aberrations of the mind under the impulse of human passions, there is ordinarily and of itself a danger of indirect violation of the seal strictly understood; this would render such use illicit on another ground. Hence it is evident how fitting it was that Christ Himself should forbid that use.

2. In the use of sacramental knowledge there is often actually present the very indirect violation or disclosure of the seal strictly understood, brought about even to the penitent himself (and this is indeed illicit), namely when the penitent can reasonably suspect that some burden comes upon him from the confessor by reason of sacramental knowledge.

To the point, Lugo says:

"Nor can a superior speak of that sin even with the penitent himself, as our adversaries admit. Therefore neither can he indirectly reproach the penitent with it. But he would reproach him indirectly if he did something displeasing which the penitent understood to have been done on account of the sin which he had mentioned in confession; just as he indirectly discloses it to others when he gives them a similar ground for suspicion. Therefore he cannot, on the basis of such knowledge, remove a subject from office, or even deny him gratuitous and undeserved favors, at least —

—when the penitent can understand that this is being done on account of his sin which he confessed to the superior.

"In this matter I do not see how consistently Father Vázquez speaks. For, as we have seen, he admits that it is contrary to the seal if a third person who already knows the sin is given such an occasion for suspicion. Yet afterwards, in no. 6, he says that it does not matter if the same occasion for suspicion is given to the penitent himself. For it is not apparent why indirect speech with others who already know the sin should be illicit, while indirect speech with the penitent himself should not be illicit, since in neither case is the sin disclosed to someone ignorant of it, and in both cases the confessor's knowledge of that sin is only indirectly indicated. Add that even if the third person knew from elsewhere not only the sin but also that the superior had heard it in confession—for example, from the penitent's own account—the superior would still be unable to do anything from which the third person might suspect that it was being done on account of that sin. Therefore he could not do so when a similar occasion for suspicion would be given to the penitent himself, since the reason is the same."[793]

[793] Lugo, De Poenitentia, disp. 23, sect. 4, § 1, no. 95, Disputationes scholasticae, vol. 5 (Paris, 1893), pp. 384 ff. This reference follows Lugo's extended quotation regarding indirect reproach to the penitent and the opinion of Vázquez.

YOU WILL SAY, FIRSTLY. Through confession the priest is not deprived of a right which he previously possessed. But before confession the priest has the right to do many things even to the detriment of the penitent, for example, to remove a subject from his office. Therefore he has that right after confession as well.

I REPLY. Before confession the priest had the right to do something burdensome to the penitent, not because of a crime learned in confession, but only because of a crime learned from elsewhere. Hence he retains this right after confession, provided that in exercising it he is in no way moved, even incidentally, by knowledge acquired through confession. Nevertheless, the very exercise of the pre-existing right is incidentally restricted by reason of confession if, namely, it would give rise to a suspicion concerning the crime confessed. For then the aforesaid right comes into conflict with another right which the penitent has acquired by making his confession, just as an unconfessed sin comes into conflict with a confessed one; and in the conflict the former right yields to the latter, as to the prevailing right.

YOU WILL SAY, SECONDLY. If the arguments offered above were valid, they would exclude the lawfulness of every use of sacramental knowledge, even the internal use of the mind and of thought, and the external use which is useful and pleasing to the penitent. Yet everyone declares both kinds of use to be lawful. Therefore the aforesaid arguments prove nothing, because they prove too much.

I REPLY. The aforesaid arguments exclude only an *external and burdensome* use. For an internal use or a use which is not burdensome involves no equivalent imputation of sin, nor an undue appropriation of knowledge, nor an obstacle to the frequent reception of confession, nor an immediate and common danger of indirect violation of the seal; nor does it involve—

—an indirect violation of the seal committed against the penitent himself. For although the penitent may understand, from the confessor's more kindly manner of acting toward him, that this is done by reason of sacramental knowledge, at the same time he understands that by this manner of acting the sin is not imputed to him or brought up against him, but rather is covered and concealed in a certain higher way. For, as was said above (p. 815), the *formal concealment* of sin is preserved in every action by which the sin is so protected that it cannot be imputed as guilt or cause shame. This is achieved in the highest degree when the confessor manifests to the penitent that kindly charity by which God Himself covers a multitude of sins. Hence this indirect communication, such as it is, is not an indirect violation of the seal.

Many matters concerning the nature, obligation, subject, object, and violation of the seal in both its senses are disputed and determined here by moral theologians and canonists, and especially concerning the various cases in which there occurs either an indirect violation of the seal strictly understood, or a violation of the seal broadly understood, that is, an illicit use of sacramental knowledge.[794]

[794] Cf. Noldin–Schmitt, nos. 416 ff.; Cappello, nos. 583 ff.; Vermeersch, nos. 505 ff.; Merkelbach, nos. 621 ff.; Prümmer, nos. 443 ff.; B. Dolhagaray, in Dictionnaire de théologie catholique, article "Confession," cols. 960 ff.; and, among earlier writers, Suárez, Lugo, the Salmanticenses, Billuart, and St. Alphonsus.

NOTE 1. ON THE PROPER ACCEPTATION OF THE WORD "SEAL" AND ITS DEFINITION

As we said above (p. 764), the word *seal*, which signifies a secret, may not inappropriately be taken in three senses, namely: most generally, for the entire character of secrecy belonging to confession on the part of the penitent himself, on the part of the Church, and on the part of the priest; generally, and on the part of the priest, for the prohibition both against disclosing the person of the sinner and against the mere use of sacramental knowledge to the detriment of the penitent; and particularly, for the prohibition alone against disclosing, directly or indirectly, the person of the sinner.

The first acceptation, although legitimate in itself, is manifestly improper and therefore should be omitted or used cautiously. This is both because it is foreign to the usage of theologians and because, apart from the very signification of the name, little can be found to justify it, since the three manners of secrecy which it includes agree with one another only very remotely and improperly, in a certain analogical notion of keeping confession under secrecy. The second and third acceptations are frequently used by modern writers; but some more recent writers challenge the legitimacy, or at least the propriety, of the second acceptation, as though the word *seal* ought to be reserved for the third acceptation alone, while the second ought instead to be called *the prohibition against the use of sacramental knowledge*, and as though the questions concerning both ought to be more distinctly separated and treated apart. Their principal arguments appear to be that these two acceptations do not agree in one and the same notion, and that the Code of Canon Law reserves—

—the name and notion of the seal for the third acceptation, treating the seal and the use of sacramental knowledge in two separate canons.

To this point Honoré writes:

"Canon 890 no longer has as its object the *sigillum*, or sacramental secret. It absolutely forbids every use of knowledge acquired through confession. ... At this final stage of our study, we have just encountered a new precision in the notion of the *sigillum*: the clearly established separation between the forbidden use of sacramental knowledge and the violation of the secret properly so called. This constitutes one of the advances brought about by the revision of ecclesiastical legislation. Hence there is a more precise definition of this violation: *prodere aliquatenus peccatorem* [to betray the sinner in some manner]; and a clearer determination of the acts subject to a censure or merely prohibited. This distinction—surprisingly enough—seems to pass unnoticed in the works of certain contemporary authors, who continue to treat the two questions under the single heading of *sigillum*. Others, on the contrary, taking account of the division made by the Code, have revised their teaching on this point."[795]

[795] Honoré, Le secret de la confession (Bruges, 1924), pp. 122 ff.

Cappello writes: "The sacramental seal, or seal of confession, can be taken in two senses: strict and broad. ... Properly and accurately speaking, the sacramental seal is that which is taken in the strict sense. In this sense, and in this sense alone, we take it" (no. 583).

Merkelbach, in the passage cited above (p. 827), says: "One thing is the seal, or secret, which must be preserved; another is the obligation not to use knowledge acquired in confession, even without a violation of secrecy. This latter obligation is called by some, with little accuracy, the *accidental seal*; indeed, many treat of both together indiscriminately and without distinction. Nevertheless they must be distinguished" (no. 620, note).

Noldin–Schmitt: "The matter concerns any exterior use of knowledge obtained from confession which is not a violation of the seal properly so called" (no. 417; Noldin himself, on the contrary, had called the use of sacramental knowledge the *accidental matter of the seal*; cf. tenth edition, no. 428).

It seems to us, however, that we must disagree with these theologians, both concerning the question of the name and especially concerning the question of the thing itself. For the two questions must be carefully distinguished.

THE QUESTION CONCERNING THE NAME, or the legitimacy and propriety of the second acceptation mentioned above, cannot be decided primarily except from usage, upon which the meaning of expressions most immediately depends; and, where usage is not firmly established, from the very nature of the thing to be named. Now, if we examine the theologians' use of the name, it will not be difficult to discover that the prohibition against the use of sacramental knowledge has properly been called the *seal*, and—

—that all the doubts or disputes of theologians since the Middle Ages concerning the lawfulness of using sacramental knowledge to the detriment of the penitent have converged upon this question: whether such use was or was not a violation of the seal properly so called.

For this reason the earlier theologians defined the seal as "the duty of concealing confession"[796], because they did not regard that use as illicit unless it led to the revelation of the sin. Consequently, the later theologians, after the decree of Clement VIII, once they considered such use to be illicit, spoke of it under the heading of the seal; indeed, they generally reduced the illicit use of sacramental knowledge to an indirect violation of the seal properly so called.

[796] St. Thomas, Supplementum, q. 11, a. 3.

As examples, let us take Suárez (in the passage cited above, p. 781, where he says, "It is not a revelation of the seal"), Lugo (disputation 23, section 4, no. 97: "For that is prohibited by the obligation of the seal which would render confession burdensome and hateful to the faithful ... [as] if the confessor could, through such knowledge, harm the penitent in honor, fortune, employments, or offices"), and the Salmanticenses, who express the meaning of the other theologians as follows:

"It is a rule that no violation of the seal intervenes when no ground is given for suspicion from confession, and nothing is done from knowledge of confession which would in any way turn to the disadvantage of the penitent. Thus, wherever authors differ on this matter, the disagreement is nowhere whether the seal must be observed or not. For that is altogether beyond doubt, and it is supposed by everyone as certain that it is never permissible to disclose the seal. The dispute, therefore, is whether, here and now, in this or that case, the performance of this action or the utterance of that word is a direct or indirect violation of the seal, or no violation at all. This clearly depends upon the circumstances of the matters themselves. But an indirect betrayal of confession of this kind could occur especially where priests or superiors used knowledge from confession for the external government of their subjects, removing them from offices or denying them votes in elections."[797]

[797] Salmanticenses, De Poenitentia, disp. 9, § 2, no. 48, Cursus theologicus, vol. 20 (Paris, 1883), p. 242.

Likewise, modern theologians commonly call sacramental knowledge an *object of the seal*, and its use a *violation of the seal*, although some more aptly employ qualifying expressions: "the seal accidentally," "the seal broadly understood"; thus, among others, Noldin (tenth edition, no. 428), Prümmer, Wooters, Pesch, Galtier, d'Alès, and Boyer.

And it is noteworthy that not even the aforementioned opponents can entirely separate themselves from this traditional way of considering and arranging the matter. Thus Vermeersch (nos. 505 ff.) calls the use of sacramental knowledge an *object of the seal*, and yet refuses to call the abuse of that knowledge a violation of the seal properly so called. Noldin–Schmitt himself treats both of the seal and of the use of sacramental knowledge under the common—

—title "On the Sacramental Secret." But what is the sacramental secret if not the seal? Is the use of that knowledge an object of the sacramental secret and not an object of the seal? Cappello himself speaks of both matters in the same chapter 16 under the title "On the Sacramental Seal"; and after declaring (no. 583) that he takes the seal in the strict sense alone, he nevertheless speaks in article 4 of the same chapter about the abuse of sacramental knowledge under the title "On the Violation of the Sacramental Seal." Indeed, while teaching (no. 590) that the seal is of divine law, he also affirms generally that the use of sacramental knowledge is prohibited by divine law.

If we consider the documents of the Church themselves, we find nothing by which the prohibition against using sacramental knowledge is denied the proper acceptation of the name *seal*. Clement VIII and Innocent XI, when speaking of that prohibition, do not employ the name *seal*; but who will say on that account that they wished to deny it this name, contrary to the custom of the theologians of their time? The Code of Canon Law, indeed, by distinguishing in separate canons 889 and 890 between the betrayal of the sinner and the use of sacramental knowledge, calls only the former a *violation of the seal*, and thus rather clearly determines the canonical sense of that term. Nevertheless, this does not exclude the possibility of properly calling the use of knowledge a *violation of the seal* in theological discourse, according to the accepted custom of theologians. For the Code by no means intends to determine the theological meaning and usage of words; and the reason why the Code appears to reserve the name *seal* for the betrayal of the sinner alone is that this is the principal object of the seal and because that restriction is better adapted to preventing confusion in the interpretation of the canons.

Moreover, in the Code the discussion of the use of knowledge (canon 890) follows immediately upon the discussion of the betrayal of the sinner (canon 889), as though it were a continuation of the same law of sacramental secrecy. Furthermore, in canon 1757, § 3, no. 2, the Code appears to treat as the object of the seal "all those things which became known to them [the priests] through sacramental confession" (as is suggested by the words immediately following, "even though they have been released from the bond of the seal"). Now not everything acquired through sacramental knowledge is an object of the seal strictly understood; some things constitute the object of merely sacramental knowledge. Moreover, in the index of the Code, the use of sacramental knowledge (canon 890) is listed together with the very betrayal of the sinner (canon 889), under the same common expression, "of the sacramental seal." All these things show that the second acceptation of the word *seal* is not foreign to the mind of the Code.

Nevertheless, if perhaps in future documents of the Church the word *seal* should, through progressive and exclusive usage, become restricted to signifying only the principal object of sacramental secrecy—that is, solely the concealment or non-betrayal of the sinner—then theologians will have to employ it in that sense alone. Yet the principal question concerning the thing itself will not thereby be settled: namely, whether the concealment of the sinner and the prohibition against the use of—

—sacramental knowledge belong to the same law and the same concept, and therefore can properly be signified by one and the same word (whatever that word may be: *seal*, as hitherto, or *secret*, *sealing*, *precaution*, or *protection*).

To this QUESTION CONCERNING THE THING ITSELF, it seems that an affirmative answer must be given: namely, that the concealment of the sinner and the prohibition against using sacramental

knowledge to the detriment of the sinner are reducible to the same concept, although an analogical one, and belong substantially to the same law. Thus the word *seal*, according to established usage, is properly said also of the prohibition against the use of sacramental knowledge, although with a qualifying designation (for example, "the seal broadly understood," or "the seal in a qualified sense"), so that it may thereby be shown that the word belongs more properly to the concealment of the sinner, as to the principal analogate ("the seal strictly understood," or "the seal simply so called").

This is shown first, from consideration of the nature of those two obligations. Each refers to the confession of sins and entails a certain sealing, safeguarding, and protection of confession against undue appropriation by others, although in different ways: through concealment, sins are sealed and protected against undue knowledge; through the prohibition against the use of sacramental knowledge, they are protected against undue action founded upon that knowledge, which was legitimately acquired.

Secondly, this is shown from consideration of the foundation from which those obligations arise. Each is founded upon the very nature of this sacrament, or springs from the threefold necessity of conformity to the sacramental signification, the character of the minister, and the end of the sacrament.

Thirdly, this is shown from the manner in which the law of sacramental secrecy gradually developed through the centuries in the doctrine of theologians and in its presentation by ecclesiastical authority. For it manifestly appears that the same law of the seal extended itself from the stricter concept of concealing the sinner to the prohibition against burdensome use of sacramental knowledge, as to its homogeneous and connatural complement.

From this it is clear what definition of the seal should be assigned. For since the seal involves an analogical concept, no other definition can be assigned than one suited to concepts of that kind, namely, a definition expressing a single concept, but with a certain unity of indistinction and proportion.

For just as *being* signifies a certain proportional manner of standing in relation to existence—that is, a being *from itself* (God) and a being *from another* (a creature), or a being *in itself* (a substance) and a being *in another* (an accident)—so the generic concept of the seal is divided into two determinate concepts or manners of standing in relation to the concealment of confession: that is, the non-betrayal of the sinner, to which the notion of concealment belongs perfectly and simply, as to the principal analogate; and the non-use of sacramental knowledge to the detriment of the penitent, to which—

—the notion of concealment belongs only imperfectly and in a qualified sense (in the manner explained on p. 828), as to a secondary analogate.

Therefore that brief definition of the law of the seal which St. Thomas gives in the *Supplement*, q. 11, a. 3, is correct and complete: "The seal of confession ... is nothing other than the duty of concealing confession."

NOTE 2. ON THE THREEFOLD LAW FROM WHICH THE OBLIGATION OF THE SEAL FLOWS

(II–II, q. 70, a. 1, ad 2; *Quodlibet* I, q. 8, a. 15.)

Theologians teach that the obligation of the seal proceeds from a threefold law, namely, natural law, ecclesiastical law, and divine law. This distinction, explicitly handed down and explained by many theologians, such as Scotus (*In IV Sent.*, dist. 21, sole question), the Council of Sens of 1524 (cited on p. 789), Gonet (disp. 11, a. 1), the Salmanticenses (disp. 9, doubt 1), and Billuart (diss. 8, a. 1), and which has become traditional and classical among modern theologians, is not understood in one and the same way by all and requires certain explanations.

As regards divine law, it must be observed that something can be said to be of divine law in three ways: of *natural divine law*, as is the obligation to repent; of *merely positive divine law*, as is probably the obligation to confess a mortal sin before receiving Communion;[798] and of *divine law at once natural and positive*, as is the obligation to receive the Eucharist in the state of grace. [799] What is signified by natural divine law, and how it must not be confused with natural law, was explained in Article 22 (vol. I, p. 494).

[798] Cf. above, Article 37, pp. 494–496. This note follows the reference to the probable positive divine-law obligation of confessing mortal sin before Communion.

[799] For at least this positive precept is gathered from 1 Corinthians 11:23, 28, which was treated in Article 37, p. 495.

Some, therefore, such as Navarrus, Coninck, and Vázquez (q. 93, a. 4, doubt 1, no. 10), teach that the seal belongs only to positive divine law, that is, that it arises not from the very nature of the sacrament but solely from the superadded will of Christ. They hold this because they do not think it can be proved from the sacrament's very nature that so great an obligation of secrecy is inherent in confession that it cannot be disclosed for any cause whatsoever, even to avert grave harm to the community. Others, such as Suárez (disp. 23, sect. 1, nos. 10 and 13), Henriquez (book 6, ch. 19, no. 3), and Lugo (disp. 23, sect. 1, nos. 7–9), teach that the seal belongs only to natural divine law, because it follows from the sacrament's very nature, or because otherwise penitents would be deterred from confession, as was stated above in the Conclusion. Others, finally, such as the Salmanticenses, rightly say that the seal belongs to both natural divine law and, consequently, positive divine law as well.

To the point the Salmanticenses themselves write:

"We consider the truer opinion to be that which asserts that this obligation proceeds from both laws. For that it binds by natural divine law is suggested by ... the reason of St. Thomas adduced above in the

Conclusion. ... That it also binds by positive divine law is evident ... for he who commands the end is judged to command, at least implicitly, that without which such an end cannot be attained. But Christ positively commanded sacramental confession, which could not be practised without the seal on the priest's part. Therefore the seal is binding by Christ's positive precept, at least implicitly, being included in the other precept concerning the making of confession. Consequently, there is no need to ask where this is expressly written.

"Furthermore, St. Thomas, in IV, dist. 21, q. 3, a. 1, ad 2, speaks in the same way of the precept of confession and of that which concerns the seal. But no one disputes that the former belongs to positive divine law; and hence the Angelic Master seems to have held the same concerning the latter. Finally, because it is by no means certainly established that the seal binds by natural divine law, or whether it binds under that title in every event, and because, moreover, from the beginning of the

Church it has been observed as a positive law enacted by Christ the Lord. So teach N. Franciscus (tract. 6, ch. 14, point 1, no. 2), Soto (*In IV*, dist. 18, q. 4, a. 5), and several others, insofar as their reasons suggest both laws, although they do not speak so expressly."[800]

[800] Salmanticenses, De Poenitentia, disp. 9, doubt 1, § 2, no. 16, Cursus Theologicus, vol. 20 (Paris, 1883), pp. 518 ff.

As regards ecclesiastical law, there can be no doubt, as is clear from the documents cited above, concerning the very ancient and explicit existence of a law which the Church has sanctioned with the gravest penalties, scarcely equalled by those attached to any other law. It need only be observed that the Church could not have established such a law unless it had first been imposed by God; because, as was said above, no created law, whether natural or positive, can go so far as to bind even to the detriment of the common good.

Hence ecclesiastical law confirms and determines divine law, although it reaches substantially the same object as divine law reaches, just as was also said above (Article 37, pp. 498 ff.) concerning the ecclesiastical precept of annual confession.

As regards natural law, two things must be observed: first, the foundation from which it arises that the seal belongs to natural law; secondly, the aspect under which the seal pertains to natural law.

The foundation from which the obligation of natural law arises in the seal is shared with other natural secrets.

For confession, if it concerns an occult sin, first, is a kind of secret and therefore induces an obligation not to disclose it by reason of the virtue of justice, which prohibits the defamation of one's neighbour; secondly, it is an *entrusted secret*, that is, one committed by a certain agreement made between penitent and priest, implicitly contained in the very act of the penitent's approaching necessary confession (for, presupposing the law of the seal, the penitent is understood not to confess a sin except on the absolute condition that it not be revealed by the priest). Thus it gives rise, under a new title, to an obligation not to disclose arising from the virtue of justice, and not from mere faithfulness, which binds in gratuitous promises; thirdly, it is a *religious secret*, by which something pertaining to religion is protected, and therefore induces an obligation not to reveal it arising from the virtue of religion, under pain of sacrilege. This last obligation arises from every sacramental confession and only from sacramental confession; but if a confession is not in fact sacramental, for whatever reason that may occur, there exist only the first and second obligations of justice.

The aspect, therefore, under which the seal is reached by natural law is not formally the very character of the sacramental seal, but only that of an entrusted secret involved within it. Hence the sacramental seal belongs to natural law only *concomitantly and materially*, not *directly and formally*.

This is clear both because natural law proceeds from natural reason, which dictates only those things ordered to a natural end, whereas the seal is ordered to a supernatural end, namely, the protection of the sacrament and its use; and because, consequently, the seal binds absolutely and in every event, which cannot belong to any merely natural secret. Natural reason, on the contrary, dictates that a secret can, and sometimes must, be disclosed by reason of grave necessity.

Nor can it be said that the seal belongs to *conditional* natural law, that is, that, granted the institution and necessity of confession, the necessity of observing the seal in every event flows from the very nature of the thing, so that the end of the sacrament may not be impeded. For this is not natural law

but *natural divine law*; nor should the natural in the one case be confused or equivocated with the natural in the other.

From this the difference between the sacramental secret and a natural secret is clear. The seal belongs both to divine law and to natural law, whereas a natural secret belongs to natural law alone. Likewise, the seal belongs *formally* to divine law alone, and only *materially and concomitantly* to natural law; whereas a natural secret formally and of itself belongs to natural law. From this other differences follow.

The seal essentially pertains to the virtue of religion, and its violation is essentially and principally sacrilege, as will be explained below; whereas a natural secret essentially pertains to the virtue of justice, and its violation is essentially an injury and a breach of faith. Furthermore, the seal is absolutely inviolable, since it belongs to natural divine law; whereas a natural secret can be disclosed by force of natural law itself, which may bind through another law of a higher or more urgent order.

Moreover, the seal is possessed by a man as it were instrumentally, that is, as by a minister, as though he knew not as man but as God; whereas a natural secret is possessed by a man as his own knowledge, that is, as man.

To the point St. Thomas writes (II–II, q. 70, a. 1, ad 2):

"Concerning those things which have been entrusted to a man secretly through confession, he ought in no way to give testimony, because he knows such things not as man, but as the minister of God; and the bond of the sacrament is greater than any precept of man. But concerning

"things entrusted to a man secretly in another manner, a distinction must be made. Sometimes they are such that, as soon as they come to a man's knowledge, he is bound to disclose them: for example, if they concern the spiritual or bodily corruption of the multitude, or grave harm to some person, or any other such matter which one is bound to make known, whether by giving testimony or by denunciation. Against this duty he cannot be bound by the entrusting of a secret, because in doing so he would break the faith which he owes to another.

"Sometimes, however, they are things which one is not bound to betray; hence one can be bound by the fact that they are entrusted to him secretly. And then he is in no way bound to betray them, even at the command of a superior, because the keeping of faith belongs to natural law, and nothing can be commanded to a man contrary to natural law."

NOTE 3. ON THE THREEFOLD VIRTUE TO WHICH THE OBSERVANCE OF THE SEAL BELONGS AND THE THREEFOLD SIN COMMITTED BY ITS VIOLATION

This question depends upon the preceding one, for laws, virtues, and sins proceed together. Nevertheless, distinguish two questions: first, how many and which virtues and sins are connected with the seal; secondly, in what manner they are connected with it.

As to the first question, it must be said that the observance of the seal pertains to the virtue of religion, both supernatural and natural, and hence its violation is sacrilege, since it is a violation of a sacred thing, namely, a sacrament. Likewise, it pertains to the virtue of justice under the two titles mentioned above, that is, to two most specific kinds of justice: the preservation of another's right to his good name, and faithfulness in promises. Hence its violation is an injury, and indeed a twofold

one, namely the detraction or defamation of one's neighbour and a breach of faith against a burdensome promise.

Some, however, ineptly add other virtues and sins, such as charity and obedience (both to divine and to ecclesiastical law), and their violations. For charity does not bind of itself or ordinarily in the observance of the seal; while obedience binds equally and without distinction in the observance of all precepts. Nor does the diversity and multiplication of precepts produce a diversity and multiplication of sins when, as in the present case, they are imposed from the same motive (cf. I–II, q. 72, a. 6, ad 2).

Hence only three virtues and three sins are connected with the seal: religion, justice concerning the preservation of another's good name, and the justice of faithfulness in promises; likewise sacrilege, defamation, and breach of faith. Since these sins are three specifically distinct sins, they are, all the more, numerically distinct.

As to the second question, it must be said that these three do not stand in the same relation to the seal. First of all, the seal pertains primarily and essentially to the virtue of religion, but secondarily and accidentally to the two forms of justice. Likewise, in a violation of the seal, sacrilege is the primary and essential species of sin, whereas the twofold injury is a secondary and accidental malice. This is clear from the primary motive for which the seal was instituted by Christ: namely, to protect the sacrament of Penance, which is a matter belonging to religion.

Secondly, the virtue of religion always enters into the observance of the seal, and the character of sacrilege is never absent from its violation. On the contrary, the two forms of justice do not always enter into it, nor are the two sins of injury always committed. For sometimes a penitent has no right to his good name, namely, when his sin is manifest; or he has no right to the observance of an entrusted secret, namely, when such observance would be harmful to the common good. Then the virtue of religion alone binds, and the sin of sacrilege alone is committed.

Hence in a violation of the seal three numerically distinct sins are ordinarily committed, but sometimes only one, namely sacrilege.

NOTE 4. ON THE GRAVITY OF THE SIN OF VIOLATING THE SEAL

1. On the gravity of sacrilege itself

A direct violation of the seal strictly understood is a grave sin *by reason of its whole kind* (*ex toto genere suo*), admitting no smallness of matter; indeed, among grave sins it has a special gravity.

The reason is that the seal commands something contributing gravely, immediately or mediately, to the worship of God through the reception of a sacrament necessary for salvation; and so it concerns grave matter, and indeed in the virtue of religion, which is foremost among the moral virtues.[801] An indirect violation of the same seal is a grave sin *by reason of its kind* (*ex genere suo*) only, and therefore admits smallness of matter, because the danger of revelation upon which it is founded can be remote, slight, or uncertain.

[801] Cf. Salmanticenses, disp. 9, doubt 7, § 3.

A violation of the seal broadly understood, that is, illicit use of sacramental knowledge, is likewise a grave sin by reason of its kind, and so admits smallness of matter. For by its very nature, or on

account of the burden which it imposes, it tends to render the sacrament very hateful, unless in some case the burden be slight. Nevertheless, in all three kinds of violation, as in any sin, slightness of culpability on the part of the subject can occur because of imperfection of advertence or consent.

The gravity of this sacrilege, especially in a direct violation of the strict seal, is also shown by the severity of the censures with which it is punished by the Church (cf. above, p. 793), and by the emphasis with which certain doctors describe it. Lanfranc calls such a sin "a mortal crime—a lie—blasphemy" (cf. p. 801). In the Decree of Gratian it is simply called a disgrace ("Let him go on pilgrimage in disgrace all the days of his life"; cf. p. 787). The saying of Innocent III is celebrated:

"The priest who reveals sins sins more grievously than the man who commits a sin" (cf. p. 802). Soto calls it "a most grievous mortal sin."

2. On the gravity of each injury, namely, defamation and breach of faith

There can be no doubt that the gravity of each injury, namely, defamation and breach of faith, is grave by reason of its kind, although admitting smallness of matter. For sin against justice generally, and the sin of defamation particularly, are grave by reason of their kind, although they admit smallness of matter (II–II, q. 73, a. 2).

NOTE 5. ON THE LAWFUL USE OF SACRAMENTAL KNOWLEDGE

One or another doctor has so exaggerated the inviolability of the seal, at least verbally, as to seem to teach that the use of sacramental knowledge is lawful in no manner and in no case, on the ground that whatever the confessor knows, he knows only as God. We showed above (pp. 830 ff.) the emptiness of this opinion and its reasoning.

What is lawful in this matter may be measured by what is unlawful. We said above that the use which imposes a burden upon the penitent is unlawful, taking *penitent* not only for the particular sinner who made the confession, whose knowledge the priest is forbidden to use, but for every penitent in general and without distinction. Thus we must consider the burden upon the sacrament itself, or the influence which the use of sacramental knowledge would have in deterring the faithful from frequenting the sacrament.

In brief: that use of knowledge is unlawful which, if the faithful knew it was permitted, would deter them from approaching the sacrament. It follows that a use is lawful which, even if the faithful know it is permitted, cannot deter them from frequenting the sacrament. Hence:

1. An internal use of sacramental knowledge is lawful, such as mentally recalling sins and comparing them with one another, examining their reasons, and developing moral knowledge and prudent judgment by occasion of what was heard in the sacrament. This does not impose the burden mentioned above; moreover, it could not be avoided in a human manner.

2. An external use of that knowledge is also lawful; first, indeed, for the benefit of the confessor himself. Such is the study of moral cases, consultation with more learned men, and the correction or improvement of one's own manner of acting and governing. Thus confession becomes an occasion and a training-ground of knowledge and virtue. Nor would it be contrary to the seal to inquire into the name and condition of the penitent after hearing the confession, or to say that someone made a confession, or that the penitent accused himself of venial sins.

Nevertheless, in all these things, where watchful prudence is lacking, there can easily arise a danger of illicit use of sacramental knowledge, or the illicit use itself, or a danger of indirect revelation, or an indirect revelation itself.

Secondly, an external use of that knowledge for the benefit of the penitent is lawful: for example, to help him spiritually or materially, whether by word or by deed, as by showing greater kindness, refraining from harsher words or more rigid treatment, or granting special favors. For all these things are of themselves welcome to the penitent, even if he perceives that the confessor does them by reason of sacramental knowledge.

Nevertheless, moderation and prudence are necessary even in these matters. For there are some penitents of a particular character or upbringing to whom such a persistent or particular manner of acting on the confessor's part can be unwelcome, and who would prefer to be treated without distinction rather than to be indirectly led into a certain recollection of and embarrassment over the confession they made.

3. The use of sacramental knowledge which has also been acquired outside the sacrament is lawful. For that same knowledge, insofar as it was acquired sacramentally, is merely accidental and concomitant with such use, and does not enter into it *as sacramental knowledge*. Nevertheless, scandal or the danger of suspicion concerning abuse of that sacramental knowledge must be avoided. In any case, this does not concern either a disclosure of the seal or, properly speaking, even a use of sacramental knowledge itself.

St. Thomas has a special article on this matter, in which he reports and refutes two contrary opinions of certain earlier writers and gives the reasons by which such use is justified:

"On this matter there are three opinions. Some say that what a person has heard in confession he cannot in any manner tell another, even if he has otherwise known it, whether before confession or afterwards. Others say that through confession the way is closed to him so that he cannot say anything about what he knew beforehand, but not so that he cannot speak if he afterwards knows it in another way. But both opinions, by attributing too much to the seal of confession, prejudice the preservation of truth and justice.

"For someone could become more inclined to sin if he did not fear being accused by the person to whom he confessed, should he repeat the sin in that person's presence. Likewise, great harm could be done to justice if a man could not give testimony concerning what he saw after a confession had been made about that matter.

"Nor is it an objection that some say he ought to protest that he is not holding the matter privately, because he could not make this protest except after the sin had been told to him; and then any priest could, whenever he wished, reveal a sin by making such a protest, if the protest itself rendered him free to disclose it. Therefore another opinion is more common: what a man knows otherwise, whether before or after confession, he is not bound to conceal insofar as he knows it *as man*, for he can say: 'I know this because I saw it.'

"He is nevertheless bound to conceal it insofar as he knows it *as God*; for he cannot say: 'I heard this in confession.' Nevertheless, to avoid scandal, he ought to refrain from speaking of it unless necessity is imminent" (*Supplementum*, q. 11, a. 5).

NOTE 6. ON THE REQUIRED PERMISSION OF THE PENITENT IN MATTERS CONCERNING THE SEAL

Two questions and controversies among theologians must be noted.

FIRST, it was formerly disputed whether it is lawful for a priest, with the penitent's permission, to speak of things heard in confession; or whether the penitent can give such permission.

The question is not whether the penitent can speak outside confession with the priest about the very same sins, so that the confessor is thereby no longer bound by the seal, but whether the penitent can give permission to speak of things heard *in confession as such*; that is, whether those things can still remain under the seal, both for the confessor and for those to whom he is permitted to reveal them; and whether such permission can be given by the penitent with a restriction and revoked at his discretion. Suárez (disp. 33, sect. 5, no. 10) expressly draws attention to this being the meaning of the question among the doctors; likewise Lugo, setting forth the affirmative opinion, briefly and aptly states:

"The second and common opinion affirms that the penitent can not only say outside confession the things which he said in confession—about which there is no doubt—but can also give permission so that, *the seal of confession remaining in force*, the confessor may employ that knowledge for this or that particular effect, or communicate it to another under the same seal."[802]

[802] Lugo, De Poenitentia, disp. 23, sect. 5, § 4, no. 133, Disputationes scholasticae, vol. 5 (Paris, 1893), p. 397.

Several of the older writers deny this, among them Alexander of Hales (*Summa*, q. 19, member 2, a. 1), Scotus (*In IV Sent.*, dist. 21, q. 2, ad 1), Durandus (*In IV Sent.*, dist. 21, q. 4), Biel, Major, Angelus, Villalobos, Delgadillo, and Benedict XIV (*Casus conscientiae*, Appendix [year 1752], May, case 1).

Lugo briefly summarizes their reasons in this way:

"First, because the precept of the seal is divine; therefore it cannot be relaxed by the penitent. Secondly, because the confessor knows as God; therefore he cannot speak of these things as man, even with the penitent's permission, unless the knowledge of them is given to him as man. Thirdly, because the penitent may renounce his own right, but not the right of the sacrament; just as a cleric cannot renounce the privilege of forum or of the canon, because these privileges also exist in favor of the clerical state. ... Fourthly, because, if the priest were to speak to some persons, they would not be bound by the seal, since they do not hear those things in confession. Fifthly, because if the penitent could give that permission, a superior could command him to give it; and if he did not, he would already be suspected of a crime; but if he granted it, the priest could then reveal his confession."[803]

[803] Lugo, De Poenitentia, disp. 23, sect. 5, § 4, no. 132, Disputationes scholasticae, vol. 5 (Paris, 1893), p. 397.

To the older writers mentioned above is added, among modern authors, Cappello, who in the latest edition of his work (1944) states his opinion expressly as follows:

"This [namely, the affirmative opinion] is a doctrine handed down by most doctors. Nevertheless, it does not seem that it ought to be accepted absolutely and universally, but with certain qualifications, lest error or equivocation arise. Therefore, for the correct understanding of the doctrine just set forth, it seems opportune to add the following considerations, having weighed the general principles of theology and canon law and taken account of the stricter discipline of the Church wisely introduced through the Code (cf. can. 1757, § 3, 2; 2027, § 2, 1).

"The penitent as such cannot grant to the confessor as confessor permission to speak of things heard in confession. For the confessor knows whatever he learns in confession as God, and therefore in the forum of God, according to St. Thomas (loc. cit.). But when the penitent gives the confessor permission to speak, he communicates knowledge of the matter to this man as man, following the Angelic Doctor, and therefore in the human forum. There is all the difference in the world between a priest knowing something as God or as man, or a member of the faithful speaking in the divine forum or in the human forum. Nor is it within the penitent's power that what has been learned in the forum of God should become known in the human forum without a new and express communication of the same matter in that human forum.

"If the confessor as confessor approaches a superior to obtain a faculty concerning reserved sins, or another counsellor concerning the penitent's case, with the penitent's permission, we are clearly outside the present hypothesis: for there the question concerns a confession continued and needing to be completed and perfected. Here, on the contrary, we are dealing with permission to speak outside confession.

"By the very fact that the penitent grants the confessor the faculty to speak of the matters of which he accused himself in confession, the confessor now knows those things as man, as stated above, and, insofar as he would speak with others as man, neither he nor they would or could be bound by the law of the sacramental seal. The penitent's will or intention cannot in any way change the condition of things. Hence certain doctors speak less correctly when they say that the penitent can grant the confessor permission to speak in such a way that, to whomever the matter is communicated, it remains under the seal. Outside the case of a confession continued, as properly needing to be completed and perfected, discussed above, the law of the seal never binds nor can bind.
...

"Indeed, after mature consideration of everything, it seems that the confessor as such cannot be released from the law of the sacramental seal, insofar as he is given the faculty to speak with outsiders about the penitent's sins or other things heard in confession. For the disclosure of sins of this kind opens the way to the inconveniences mentioned above; scandal would readily be apparent; it would directly or indirectly tend to make the sacrament burdensome to the faithful and to bring irreverence upon it. If the penitent could always and absolutely grant the confessor permission to speak of things heard in confession, then in the presence of a just and grave, or at least a most grave, urgent cause, he ought to grant it. But if perchance he did not grant it, he would certainly act unreasonably; and in such a case, from the general principle of right order and the public good, permission would suffice—permission reasonably presumed. This, however, can in no way be admitted. Therefore, unless our opinion, or the restriction here proposed, is admitted, it is not intelligible why, in order to avoid even death or another most grave harm, whether private or even public, the confessor may not speak of things heard in confession without the penitent's express permission, especially if the same penitent acts from evil intention and malice.

"Connected with this, at least in a certain respect, is the opinion of Scotus (*In IV*, dist. 21, q. 2, ad 1), and of others, who teach that the penitent cannot grant permission to speak of things heard in confession, and that whatever a confessor asserts by the penitent's permission is mendacious (cf. no. 629, 5)."[804]

[804] Cappello, De Sacramentis, vol. 2, no. 621 (Turin–Rome, 1944), pp. 642–644.

On the other hand, the earlier writers more commonly, and modern writers most commonly, affirm the opposite, especially St. Thomas (*Supplementum*, q. 11, a. 4), Suárez (disp. 33, sect. 5, nos. 4 ff.), Lugo (disp. 23, sect. 5, nos. 131 ff.), and the Salmanticenses (disp. 9, doubt 4), where a more extended discussion of this question may be found.

St. Thomas briefly and aptly presents the reason for this opinion, writing:

"Two things oblige a priest to conceal a sin. First—

"and principally—because the very concealment belongs to the essence of the sacrament, insofar as he knows it as God, whose place he holds in confession; secondly, in order to avoid scandal. But the person confessing can bring it about that the priest knows as man what he formerly knew only as God, by giving him permission to speak of it. And therefore, if he speaks of it, he does not violate the seal of confession; nevertheless he ought to take care to avoid scandal by speaking, lest he be reputed a violator of the aforesaid seal."

Lugo adds:

"The obligation of this secret follows the nature and condition of a natural secret, so that it always remains within the power of the person who entrusted it. Accordingly, just as the penitent can say outside confession the same things which he said in confession, there is no reason why he cannot restrict or relax the seal of confession itself as he shall have judged expedient. Indeed, in fact the penitent does this whenever, through the confessor, he seeks permission from a prelate concerning a reserved case: for he then wishes the confessor to use that knowledge, while the prelate remains bound under the same seal; nor on that account does the confessor become free of the seal."[805]

[805] Lugo, De Poenitentia, disp. 23, sect. 5, § 4, no. 134, Disputationes scholasticae, vol. 5 (Paris, 1893), p. 397.

Lugo replies to the adversaries' arguments set forth above:

"To the first: the penitent does not relax the divine precept, but establishes the condition on whose supposition the precept no longer obliges; for it was only a precept not to reveal without the penitent's permission. To the second: it is not necessary that knowledge be given to him as human knowledge; rather, permission is given to employ the knowledge which he possesses as a minister of God, and he does not employ it as man but as a minister of God, with the penitent's permission. To the third: there is a clear difference; for even when a cleric yields his right, a dishonor to his state remains if he is brought before a lay tribunal; but when the penitent yields, the sacrament suffers no detriment, since confession is not thereby rendered more difficult; rather it is made more agreeable and useful when it carries a seal whose key the penitent himself has at his discretion, so that he can in part open it and in part retain it. To the fourth: we have already seen above how that knowledge passes to other persons with the same obligation of the seal. To the fifth: the same difficulty remains in the contrary opinion; for a superior could more easily command the penitent to say outside confession, either to himself or to the priest, what he had said in confession. We therefore reply that a superior cannot command that such permission be given; for if a tyrant commanded it, obedience would not be owed him, and indeed, whenever a superior commanded it tyrannically, permission extorted in that manner would be of no benefit to the confessor, as we warned above."[806]

[806] Ibid., no. 135, p. 398.

SECOND, it is disputed whether a priest can, without violation of the seal or abuse of sacramental knowledge, speak with the penitent himself about sins confessed, without obtaining his permission. Three cases are proposed:

1. Whether a priest can do this within the confession itself (namely, concerning sins of a preceding confession).

The doctors commonly answer affirmatively, because the entire matter takes place within the sacramental judgment with the same confessor. They add, nevertheless, that it must not be done without a reasonable cause; otherwise, even though no seal would be violated, the sacrament would in some measure be rendered odious.

2. Whether it can be done outside confession, but immediately after absolution.

Some, such as Fagundez, deny it; more commonly, especially among modern authors, it is affirmed, on the ground that the sacrament is essentially completed, but the sacramental judgment still morally continues, as is evident from the fact that sacramental satisfaction can then be imposed.

On this point Lugo writes:

"A second exception is commonly made when, immediately after confession has ended, the priest adds something concerning it or draws the penitent's attention to something which he had forgotten. Henríquez teaches that this is lawful, book VI, chapter XXIII, no. 2, at the end. Fagundez, however, sharply rebukes this opinion in book VI, *De II praecepto Ecclesiae*, chapter IV, no. 33, because once the confession is finished the confessor cannot speak of it without fresh permission, and because after absolution has been given the first sacrament has ended. Hence, if a new sin arose, another absolution and another sacrament would be necessary. I nevertheless consider that exception probable, because something said immediately afterwards is not morally understood to be outside confession. For it is false, as Fagundez says, that the sacrament and judgment have ended when absolution has been given: some impose penance after absolution has been given. And indeed the imposition of a sufficiently grave penance sufficiently indicates the confession of grave sins. Therefore, speaking of sins after absolution is not contrary to the seal, because the same sacramental judgment, whose acts are to absolve, punish, counsel, warn, correct, and similar things, is judged still to endure." [807]

[807] Op. cit., no. 129, p. 396.

3. Whether this can be done after some interval following an absolved confession.

Some, such as Peter of Palude, Vitoria, Suárez (disp. 33, sect. 5, no. 3), Filliucius, and Nugnus, affirm it, especially if some defect of a previous confession is to be corrected and the penitent has denied the priest's request for permission to speak. The reason is that such speech supplies and completes the previous confession, which had remained imperfect; therefore the penitent unreasonably refuses permission to speak.

On this point Suárez writes:

"The only common case is when the confessor has committed a defect in confession for which he is obliged to warn the penitent. I reply that he can and ought to say to him that he wishes to speak with him about a necessary matter pertaining to confession; and certainly, if the penitent consents, he already has the faculty; but if he refuses, he should nevertheless say it, if—

"—he conveniently can, because then he is no longer truly speaking outside confession but is supplying and completing that confession which had remained begun and imperfect, and the penitent is then unreasonably unwilling."[808]

[808] Suárez, De Poenitentia, disp. 23, sect. 5, no. 3, Opera omnia, vol. 22 (Paris, 1886), p. 700. [Editorial caution: Doronzo's printed attribution gives "disp. 23"; compare his earlier Suárez reference to disp. 33. Retained as printed pending independent verification.]

Others, however, deny it, such as Soto, Toletus, St. Charles Borromeo, Bonacina, Fagundez, Lugo (disp. 23, sect. 5, nos. 140 ff.), St. Alphonsus (no. 622), and modern writers commonly, who say that by acting in this manner there would be a violation of the seal broadly understood, or an abuse of sacramental knowledge. The reason is that in this case the sacrament has been completed and the sacramental judgment brought to an end; nor is that speech sufficiently connected with confession that the sacramental judgment can be said to continue morally in it.

On this point Lugo writes:

"This is proved, first, from the common doctrine and the general rule that a confessor cannot speak of a confession without the penitent's permission; such an exception would be made without foundation. It can also be confirmed *ad hominem*, because the authors of the contrary opinion say that permission must first be sought; but if the seal does not bind him not to speak with the penitent about the confession in this case, I see no necessity for seeking permission, unless on grounds of courtesy. For the penitent's permission is not required except on account of the obstacle of the seal; therefore, if the seal does not obstruct, there is no need to ask permission, and the confessor could abruptly say whatever he wished. The consequence, however, is not conceded by those authors, nor do I think they would readily concede it.

"You will say that the confessor is not then speaking outside confession, but is supplying and completing that confession which had remained begun and imperfect. Thus Suárez replies. On the contrary: if, on this occasion of completing what was lacking, the confessor could continue the same confession throughout his whole life, the seal would certainly suffer great damage. For, by reason of his office, it belongs to the confessor not only to warn but also to correct the penitent; consequently he could throughout his whole life correct and rebuke the penitent on account of those sins, all of which he would say he was doing within confession, because he wishes to complete more fully the act of correcting and rebuking. For he does not adequately rebuke the sinner according to his deserts; which would certainly render confession intolerable, and all the faithful would be most gravely scandalized, as though the seal were altogether violated."[809]

[809] Lugo, De Poenitentia, disp. 23, sect. 5, § 4, no. 140 ff., Disputationes scholasticae, vol. 5 (Paris, 1893), pp. 399 ff.

On this point St. Charles Borromeo writes:

"It seems advisable that he make absolutely no mention, at any time, of the sins which he has heard in confession. But if afterwards, informed by necessity, he happens to speak of sins with the penitent

consenting, this very conversation will acquire the force of confession, so far as the secrecy of the secret is concerned" (*Instructio pastorum*, part 2, ch. 20). Likewise:

"If [the impediment] were so hidden that it was known only from a prior confession, he is bound to do nothing outside confession except commend them to God with fervent prayer; and if they presented themselves for Communion, in no way to deny it to them" (ibid., part 3, ch. 1).

NOTE 7. ON THE OBJECT OF THE SEAL

St. Thomas distinguishes between the direct object (things about which the sacramental confession is made) and the indirect object (things which do not fall under sacramental confession, but from which the sin or the sinner can be discovered). This distinction corresponds to the distinction between a direct and an indirect violation of the seal. Modern moral theologians distinguish between the object *per se*, or essential, and the object *per accidens*; they then subdivide the object *per se* into direct and indirect. This distinction between an essential and an accidental object corresponds more or less to the distinction between a violation of the seal strictly understood and an abuse of sacramental knowledge.

They therefore say that the direct object per se consists of the very sins, the objects of sins, the circumstances of sins, and accomplices in sin;[810] that the indirect object per se consists of the denial of absolution, the penitent's lack of disposition, the imposition of a grave satisfaction, and a request for counsel connected with confession; and that objects per accidens are sins committed during confession and the penitent's hidden defects.

[810] On accomplices compare what was said above, Article 39, Note 18 (pp. 665 ff.).

On this point St. Thomas writes:

"The seal of confession does not directly extend except to those things about which sacramental confession is made; but indirectly whatever does not fall under sacramental confession nevertheless pertains to the seal of confession, as, for example, those things through which the sinner or his sin could be discovered. Nevertheless, these too are to be carefully concealed, both on account of scandal and on account of the inclination which might arise from habit" (*Supplementum*, q. 11, a. 2).

NOTE 8. ON THE SUBJECT OF THE SEAL

Although among the older writers there was not an entire absence of some secondary controversy on this point (thus certain authors, such as Vázquez and Coninck, denied that a theologian consulted by a confessor with the penitent's permission was bound by the seal), both older and especially modern doctors commonly teach what follows. The subject of the seal per se and primarily is the confessor alone; the subjects per accidens and secondarily are all others to whom sacramental knowledge has come in any manner, except the penitent himself. They are further divided into those who received such knowledge *immediately* (such as interpreters and bystanders) and those who received it *mediately*, that is, through a legitimate or even illegitimate communication by those who directly obtained that knowledge (such as—

"—a theologian consulted, persons who hear others' disclosures or narratives about sins heard in confession, and readers of a writing of sins prepared for confession).

The Code of Canon Law, canon 889, § 2, expressly confirmed this opinion, declaring: "The obligation of preserving the sacramental seal also binds [that is, besides the confessor, spoken of in § 1 of the same canon] an interpreter and all others to whom knowledge of confession has come in any way whatever."

The reason is that sacramental confession is matter placed under a seal, and it remains such by law wherever it has been transferred; hence to whomever it passes, it is communicated with the burden of the same seal.

On this point St. Thomas writes:

"The seal of confession belongs to the priest insofar as he is the minister of this sacrament; and it is nothing other than the duty of concealing confession, just as the keys are the power of absolving. Yet, just as someone who is not a priest in a particular case participates in something of the act of the keys when he hears confession on account of necessity, so also he participates in something of the act of the seal of confession, and is bound to conceal it, although, properly speaking, he does not possess the seal of confession" (*Supplementum*, q. 11, a. 3). "He to whom knowledge of sin comes through a priest by the will of the person confessing participates in something of the priest's act; and therefore the same applies to him as to an interpreter, unless perhaps the sinner wishes him to know it absolutely and freely" (ibid., a. 4, ad 4).

Regarding the words of St. Thomas just cited, "He is bound to conceal it, although, properly speaking, he does not possess the seal of confession," it should be noted that the expression "properly speaking" is to be understood as "*per se* and primarily"; otherwise the holy Doctor would contradict himself in asserting that others besides the confessor "participate in the act of the seal of confession," and at the same time would wander outside the point in question, which concerns the subject of the seal itself, and turn aside to another object about which there can be no doubt or controversy, namely, the obligation to preserve a natural secret concerning the faults of others, however learned.

It is clear that the penitent himself is not bound by the seal, since the law of the seal was made in his favor; indeed he himself may grant permission to open the seal, or may simply render the seal ineffectual through an external and non-sacramental narration of sins. Nevertheless, the penitent is bound by natural law to preserve the natural secret of those things which could harm the good name of the confessor, and that gravely in grave matter. He is released from this obligation for a grave reason of private or public good, as when he has been solicited to sin by the confessor himself.

Article 45. Whether the public penance observed in the ancient Church was sacramental, yet preceded absolution, and was not considered absolutely necessary for the remission of sins, nor the sole penitential practice to the exclusion of private or non-solemn penance

ARTICLE 45. WHETHER PUBLIC PENANCE, AS OBSERVED IN THE ANCIENT CHURCH, WAS SACRAMENTAL, YET PRECEDED ABSOLUTION, WAS NOT CONSIDERED ABSOLUTELY NECESSARY FOR OBTAINING THE REMISSION OF SINS, AND WAS STILL LESS CONSIDERED THE ONLY PENITENTIAL PRACTICE THEN TO BE OBSERVED, TO THE EXCLUSION OF ALL PRIVATE OR NON-SOLEMN PENANCE

(*Supplement*, q. 28, or *Commentary on the Sentences*, IV, dist. 14, q. 1, a. 5.)

This question, already critically and historically discussed by scholars of the seventeenth and eighteenth centuries, especially Petavius and Morinus, against the earlier Protestants, has assumed new importance among modern scholars because of the need to defend the very existence of the sacrament against new critical positions adopted by Protestant liberals, who received a particular stimulus from the work of H. Charles Lea. Consequently, not a few works and elucidations have been published and continue to appear. As regards our purpose, the writings of Boudinhon (who opened the controversy against Lea), Brücker, Vacandard, Harent, Hogan, O'Donnell, Batiffol, Rauschen, Poschmann, Adam, Göller, d'Alès, and Galtier are particularly relevant; the last named has conveniently collected and perfected the fruits of this controversy.

WE GIVE A LIST OF THE PRINCIPAL WORKS, both ancient and especially modern, which relate to this controversy, and we add certain critical judgments made by Catholic scholars who are themselves authors of more notable works and who are also in disagreement among themselves.

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A. d'Alès, *L'édit de Calliste. Étude sur les origines de la pénitence chrétienne*, Appendix III: "L'élément privé dans l'ancienne pénitence," Paris, 1914, pp. 422–455. Cf. other works cited in vol. 1, p. 19.

Amann (E.), in *Dictionnaire de théologie catholique*, article "Pénitence," col. 841 ff.

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Bagot, *De Poenitentia*, disp. 2, c. 7 ff., and c. 12, sect. 1.

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CERTAIN DISCREPANT JUDGMENTS OF CATHOLIC SCHOLARS ON THE VALUE OF THE PRINCIPAL WORKS, AS THEY APPEAR IN THEIR OWN WRITINGS

BATIFFOL, *Études d'histoire et de théologie positive*, ed. 3, Paris, 1904, pp. 195–197, 201–202, 212–213, 219:

"The publication of the large work by Mr. Henry Charles Lea, dating from 1896, has occasioned among theologians attentive to historical research several remarkable essays on the origins of sacramental penance. We wish to attempt to summarize these discussions, compare the conclusions at which they have arrived with the conclusions at which we ourselves have arrived, and finally bring out the theological principles by which the problems they have raised may be resolved.

"The first among us to undertake the criticism of Mr. Lea was a canonist, Mr. Boudinhon, professor at the Catholic Institute of Paris. His judgment on Mr. Lea's method is severe, and could have been more severe without exceeding the bounds of justice. Mr. Lea, an American by birth, a bookseller by profession, is a Protestant of that well-known shade of which Protestantism is exclusively an anti-Catholicism. Mr. Lea is, properly speaking, very copiously informed; but his information, however extensive it may be, remains confused and muddled: a serious historical education is lacking in him. Finally, he is well acquainted with Catholic moralists and scholastics, but Christian antiquity is profoundly unknown to him. Who would believe that he does not mention Pope Callistus? Let us

nevertheless think that Mr. Boudinhon may have granted Mr. Lea too much credit. The first pages of Mr. Boudinhon's study set forth the theological principles which, according to him, must, if not—

"—direct the debate, at least bring it to a close. ... These ideas, which belong to Mr. Boudinhon, he holds in common with excellent theologians. But are they the only ones that should help to solve the problem of the development of penitential discipline? We do not believe so, and it will presently become clear how insufficient they would be to explain every form of treatment applied to the sinner in ecclesiastical antiquity. ...

"Mr. Boudinhon's essay, remarkable in more than one respect, lent itself, as we have just seen, to criticism. These criticisms came without delay, in an article entitled 'A New Theory on the Origins of Sacramental Penance.'[811] The author of this article, Father Brücker, was, it must be admitted, rather hasty in his work. Thus the Father believed that he saw 'a new exegesis of the words of the institution of the sacrament of penance' in Mr. Boudinhon's study, whereas it contains nothing of the sort and, on the contrary, one might reproach it with having supposed that Protestants as well as Catholics accepted the traditional exegesis of these words. Mr. Boudinhon is right to see in these texts the expression of the essential idea of the sacrament of penance, and Father Brücker lacks rigor in treating this essential idea—which ought to be so fruitful—as a 'vague power.' ...

[811] Études, vol. 73 (1897), p. 96 ff.

"Mr. Vacandard, the eminent biographer of St. Bernard, is too much an ecclesiastical historian not to be interested in the problems of the history of institutions and dogmas. He has provided proof of this in a series of articles on penitential discipline, following Mr. Boudinhon's essay. Mr. Vacandard's inquiry has the features of a treatise conducted according to the rules. The author is a historian, but one who neglects none of the dogmatic difficulties of his subject; his work is of rare comprehensiveness. The danger is great for anyone approaching these questions of being influenced by modern ways of conceiving the use of penance in Christian life, and Mr. Vacandard has not entirely escaped this influence. ...

"Father Harent gave the *Études* an article entitled 'Confession: New Attacks and New Defense.' The Father does not appear to have read Mr. Lea's book, nor to have supplied a defense which would really deserve to be called new. ...

"Mr. Hogan, who died last October, had been, before becoming superior of the Sulpician seminary in Boston, a professor for a long time at Saint-Sulpice, where I had the honor and benefit of being among his students. The admiration and affection which united me to him nevertheless cannot prevent me from acknowledging that the reading of his essay on 'the penitential discipline of the primitive Church,' already mentioned, did not win me over to all the views which he develops. ... Mr. Hogan abounds in Mr. Boudinhon's view, affirming that during the first four centuries, on the one hand, there was no secret penance, and on the other hand, public penance concerned only the three capital offenses (fornication, apostasy, homicide): this is a position which is theologically and historically untenable."

The same author, *op. cit.*, Paris, 1926, preface to the sixth edition, pp. xxii–xxviii:

"We shall take care to say that in the Churches the practice was, whether traditional or universal, to refuse peace to fornicators; but we shall say that it was to do violence to the mercy of the power of the keys when Callistus deemed it necessary to intervene by his edict. If one had always taken the

trouble to read our study without neglecting the qualifications, one would have realized that the qualifications proposed ever since concerning the doctrine of Funk were precisely those which we ourselves had proposed. In saying this, I do not mean the dissertation of G. Esser,[812] professor of Catholic theology at Bonn, the same who signed the 'It is not true' in the manifesto of the ninety-three German intellectuals of September 1914:—

[812] Die Bussschriften Tertullians ... und das Indulgenzedikt des Papstes Kallistus (Bonn, 1904); compare the year 1905 in the bibliography on p. 851 (retained as printed).

"—that man did not do us the favor of taking into consideration our study of the origins of penance.

"I am thinking of G. Rauschen, a professor in the same faculty, who modestly improvised himself as arbiter of the recent controversies on the Eucharist and penance.[813] Anyone who wishes may well consult the Italian translation which Father Bonaccorsi gave of Rauschen's book, and the additional notes in which the translator pointed out the errors of interpretation committed on my subject alone, in particular that in which, losing patience at last, he declares that 'if you had not believed that Rauschen had read or at least made serious use of Batiffol's own epilogue' (p. 201), it will perhaps be judged that we have some right to say that the nuances of our thought have escaped hasty judges.

[813] Eucharistie und Busssakrament in den ersten sechs Jahrhunderten der Kirche (Freiburg, 1908).

"Father d'Alès's book, *The Edict of Callistus* (1914), is of quite a different value from those of Esser or Rauschen, even if only because of the extent of his inquiry. Has the Parisian theologian succeeded in dissipating the 'extreme confusion' which, in his view, reigned in the matter when he entered upon it? In reality the confusion was not so great, but perhaps he would have contributed still more effectively to dissipating what persisted through certain extremists if he himself had brought more clearly into light the numerous points on which he agrees with us and had been less eager to fight us. ...

"Thus, as early as 1902, we had reached conclusions which, in their broad outlines, were the same as those subsequently confirmed by more thorough inquiries, and which are on the way to being accepted by the theologians who teach the treatise on penance. In 1902 I had appended to my study a 'theological discussion' which is now devoid of interest; I omit it from the present edition. It will be seen that I have replaced it with a new study on penitential discipline as revealed in the writings of the Bishop of Hippo: the testimony of St. Augustine will be a confirmation of the conclusions which we had drawn preferably from the Roman tradition. A new excursus also on Sermon CCCLI, attributed to St. Augustine, will accompany and complete our study of African penitential discipline at the beginning of the fifth century. I hope that, on reading these pages fifteen years younger than the rest of the book, one will have the impression that the ground has become practicable. When, in fact, I approached for the first time the question of the origins of penance, with the design of setting aside the confusions which could create the tumultuous *History of Auricular Confession* (1896) by H. C. Lea,[814] the principles of solution which our contested theologians offered us were divergent. It was necessary to bring the facts into the light and show that they took their place in a dogmatic perspective clarified in its turn. Great progress has been accomplished over fifteen years in this domain by theologians, and Father d'Alès's book will have contributed its part. ...

[814] "In 1898, in a review of Lea's book, Revue historique, vol. LXVII, pp. 156–162."

"I could not forgive myself, in writing these last lines, if I appeared to forget that this progress is owed to Mr. Vacandard, especially to his articles in the *Dictionnaire de théologie* of Vacant. We have seen Mr. Vacandard and myself working independently of each other; we met as we separated, seeking nothing other than the truth. In this hurried time, when solid masters like Funk are no longer replaced, one appreciates all the more the value of this community of method and scruples."

VACANDARD, article "La pénitence et la confession, à propos d'un ouvrage récent," in *Revue du clergé français*, vol. 58 (1909), pp. 385 ff., 397:

"A few months ago, Msgr. Batiffol pointed out to the readers of the *Revue* [815]the work of Mr. Rauschen on the Eucharist and the Sacrament of Penance during the first six centuries of the Church. Mr. Rauschen is a professor of theology at the University of Bonn; nevertheless, his book is not a work of pure theology, composed on the model of our classical manuals; it is a work of a historical as much as of a dogmatic character. The author is familiar with the literature produced in recent years by the delicate subjects he treats. His review of it is conducted "with criticism generally judicious and moderate, with an evident goodwill to take account of established facts. Here and there, a few traces of opportunism and a somewhat narrow outlook suggest that he must have passed before censors less competent than himself and made last-minute concessions to them. But the book as a whole is instructive and may serve as an elementary introduction for minds eager to go beyond the manuals." It is in these general terms that Msgr. Batiffol judges the work. In his mind, this judgment undoubtedly applied more particularly to the chapters on the Eucharist, which he himself undertook to examine. It can be applied with equal rigor to the chapters on Penance and confession. ..."

[815] Vol. 55 (1908), p. 513 ff.

"To justify his opinion [that secret sins were not subject to public penance], he adduces a series of texts from the third and fourth, or even the fifth, century. Unfortunately, his thesis rests on an equivocation, and none of his arguments has any force. The equivocation consists in his associating, not to say identifying, public confession with public penance."[816]

[816] Cf. the remaining words of this passage below, p. 898 ff. [Original Latin: "Cf. reliqua verba hujus loci, infra, p. 898 sq."]

RAUSCHEN, Eucharist and Penance (translated from the second German edition), St. Louis, Missouri, B. Herder, 1913, pp. 214–218:

"The history of auricular confession forms one of the most obscure chapters in the history of dogma. It is especially difficult to form a clear idea of its character and the extent of its practice in Christian antiquity, because of the almost countless false notions which have accumulated on this point. Catholic theologians—Schanz and Pohle not excepted—have gathered together a mass of evidence which for the most part is of very doubtful value and must be subjected to careful scrutiny. They take as testimonies to auricular confession many texts which refer to public confession or to public penance, or to merely interior confession, i.e., an outpouring of the heart to God alone. The difficulty is increased by the fact that the Greek word

ἐξομολογεῖσθαι 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. This is a point to which too little attention has been paid, and the result is that in the treatment of the history of confession there is much confusion. . .

"The historical development of the Catholic institution of auricular confession has of late years been the object of much research.[817]

[817] "Among earlier works on this subject the great and well known book of the Oratorian Morinus deserves first mention, Commentarius Historicus de Disciplina in Administratione Sacramenti Paenitentiae (1651). To this may be added two bitterly anti-Catholic treatises of Steitz (Das römische Busssakrament, 1854 and 'Die Bussdisziplin der morgenländischen Kirche in den ersten Jahrhunderten,' in the Jahrbücher für deutsche Theologie, 1863, 91–184). Frank, Die Bussdisziplin der Kirche von den Apostelzeiten bis zum 7. Jahrhundert (1867) is uncritical and of no further use at the present stage of research."

The most important publications are the following:

"(a) Protestant.

"Lea, A History of Auricular Confession and Indulgences in the Latin Church, 3 vols., 1896. The first two volumes treat of confession, the third of indulgences. In 1888, Lea published his celebrated History of the Inquisition in three volumes, a German translation of which is just out. He shows himself to be a man of wide learning, and has gathered together a large amount of material bearing on confession and indulgences, a portion of which is foreign to the subject. He tries to be calm and impartial, but knows very little of Christian antiquity, and this is a serious defect. Lea almost entirely ignores the classical work of Morinus and confines himself to the treatment of the history of confession in the Middle Ages and in modern times. He purposely refrains from quoting Protestant authors, but shows little familiarity with Catholic institutions and makes many mistakes and blunders. He finds difficulties where none exist, and exaggerates others. He holds that the obligation of confessing one's sins was first set up as a divine institution by Hugh of St. Victor and Peter Lombard. He even minimizes the moral effects of confession, and appeals to the statistics of illegitimate children and suicides in Catholic countries.

"An excellent refutation of Lea's work was written by Boudinhon, Sur l'Histoire de la Pénitence à propos d'un Ouvrage Récent. He distinguishes three periods in the history of public penance: first, the early age, in which public penance predominated; second, the beginning of the Middle Ages, when the works of penance set down in the 'penitential books' prevailed; and, third, the last years of the Middle Ages, when works of penance gradually disappeared and were supplanted by auricular confession.

"Holl, Enthusiasmus und Bussgewalt beim griechischen Mönchtum (1898). The author has blazed new paths in tracing the history of absolution and the penitential discipline of the Greek Church during the Middle Ages. His views cannot be maintained in every particular, but they are well worthy of careful consideration.[818]

[818] "A refutation of Holl's book was attempted by Ermoni (La Pénitence dans l'Histoire à propos d'un Ouvrage Récent, in the Revue des Questions Hist., 1900, 5–55), but it is very superficial. Ermoni considers the work done on this side of the Rhine as deficient in 'clarity and method, at least for the French mind'; since he himself, in order to refute Holl, is obliged to adopt his line of thought, he admits that his own production is not a 'model of concision' and is wanting in the 'qualities to which we are accustomed.' Would that his treatise had no other faults!" [Three short phrases were translated from French within the original English quotation.]

"The penitential system of the ancient Church is treated with great objectivity and moderation in Loof's Leitfaden der Dogmengeschichte (4th ed., 1906, pp. 205–208; 339–345).

"(b) Catholic.

"P. A. Kirsch, Zur Geschichte der katholischen Beichte (1902). This book is a polemic directed against the Old Catholic Bishop Herzog. It does not treat of confession in all its phases and is not reliable in every detail.

"Batiffol, Études d'Histoire et de Théologie Positive, I (1902, now in its fifth ed.), treats of the whole penitential system of the early Church under the title, Les Origines de la Pénitence, pp. 43–222. Like all the writings of Batiffol, this work also needs careful revision.

"Gartmeier, Die Beichtpflicht historisch-dogmatisch dargestellt (1905). The title does not say that the subject is treated only for the first seven centuries; nor are the researches historico-dogmatic, as the author asserts, but purely dogmatic. Besides, Gartmeier attributes comparatively late dogmatic concepts, such as quasi-materia and ex opere operato, to the first seven centuries.[819]

[819] "On p. 142 passages are quoted from the Sermones of St. Augustine, which do not belong to him at all."

His work was severely criticised by P. A. Kirsch, and with justice, for it teems with contradictions.[820]

[820] "Theologische Revue, 1907, 183 ff."

The chief fault of the author consists in this, that he interprets his sources arbitrarily in order to make them serve his purpose."

D'ALÈS, *L'Édit de Calliste*, Paris, 1914, pp. ii–iv:

"The problem before us is the following. Did the initiative taken around the year 220 by Pope Callistus in the matter of penitential discipline have the character of a profound revolution, or was it merely an incident of moderate consequence

—which owed to the bitterness of certain controversies an impact far greater than its actual significance? According to the general view which one has formed of the early history of penance, one will choose one solution or the other. We incline toward the second. Among historians similarly inclined, we wish to name at the outset the two men who in our day seem to have advanced these questions more than anyone else: Father Esser, dean of the faculty of Catholic theology at the University of Bonn, and the Rev. Father Stufler, S.J., professor at the University of Innsbruck. We do not owe our principal conclusions to them, since we had formulated them before they did; nevertheless, the agreement between our views and theirs could not but appear to us a reassuring sign.

"The obscurities of the subject are truly very great, and we are far from claiming to have dispelled them all. Yet certain leading conclusions have emerged during this work in an increasingly vivid light. It will not be useless to set them out at the beginning. First, Christian tradition bears witness with perfect clarity to the forgiveness offered by God for all sins without exception, whatever their number and gravity. Secondly, the Church has always claimed oversight of this forgiveness. The connection between these two truths, in its details, often escapes the historian's gaze. One must not hastily conclude from this that such a connection does not exist: an hypothesis contradicted, in Catholic eyes, by the canons of the Council of Trent. But we must avoid demanding from documents what they cannot supply, as we study what they tell us, on the one hand, about divine forgiveness, and on the other, about the role of the Church. By Christ's institution these two domains are intimately interpenetrating; it would be fanciful to seek to separate them and divide the texts into two categories, some referring to divine forgiveness and others to ecclesiastical oversight. Without

attempting an impossible sorting, we shall accept all the texts which introduce us to the economy of ancient Christian penance; it is enough to bring them together for many apparent contradictions to vanish.

"The field is vast. The illustrious Jean Morin, who undertook to cultivate it nearly three centuries ago, devoted more than twenty-five years to it. His valuable folio, several times republished, remains a mine of facts carefully arranged and often judiciously assessed. But it contains much that is superfluous and not everything necessary. Above all, it calls for recasting. That is precisely what we have attempted to accomplish in part. In part only, for we could not think of writing the whole history of early penance. The task was much too extensive. Yet it is true that, from a certain standpoint—namely, that of the reservation of cases—we have been led to consider the entirety of that history. ... Besides, if one gathered only the flower of everything, one would risk seeing the substance of nothing. We must therefore resign ourselves to arduous discussions and retracing our steps along paths already trodden. We shall enter upon them after the example of authors who have travelled the same course and will often be our guides.

"If one wished to present matters in a very inaccurate abridgment, one might say that, of the two schools mentioned above, the first continues, on the point which concerns us, the tradition of the Jesuits Petavius and Sirmond, and the second that of the Oratorian Morin. But this excessively summary view is far from doing justice to the complexity of the facts and the intersecting judgments. Agreeing with Morin on several points, we shall on others side with Petavius and Sirmond.

"The state of the question has changed greatly since the seventeenth century, for—without speaking of other, less important acquisitions—the value of the testimony of Hermas has been better recognized and that of St. Hippolytus has been discovered. The Greek text of the *Shepherd* has been known only since 1856; that of the *Philosophumena* since 1851. These two documents of the first rank, brought into the debate, renew it entirely; all former conclusions are, on this account, subject to reconsideration. Other discoveries, by making possible a more exact discrimination among the materials—

"—that entered the conglomerate of the *Apostolic Constitutions*, have cast fresh light upon the ecclesiastical past of the East. Petavius deliberately disregarded Hermas, despite the Latin version published as early as 1513 by Lefèvre d'Étaples; he did not even suspect the existence of St. Hippolytus as a critic of Christian morals; the Syriac world was little known to him. Before swearing by his word, it ought to be possible to appeal from a less well-informed Petavius to a better-informed Petavius. If that great exegete had at his disposal the resources that we possess today, he would undoubtedly not hesitate to revise his first judgment in part, as he did on other occasions."

STATE OF THE QUESTION

THE CONTROVERSY CONCERNING PUBLIC AND PRIVATE PENANCE, on account of the various questions which it entails (as appears from the very wording of this article), can, according to the different methods of the doctors, be attached either in its several parts or as a whole to different chapters of this treatise: namely, to the existence of the sacrament or of the power of the keys (Peter Lombard, *Sentences*, book 4, distinction 14; St. Thomas, ibid.; Galtier), to the necessity of the sacrament, to confession, to satisfaction (several authors), to absolution, to indulgences (Palmieri, Jugie), or to the ceremonies (St. Thomas, *Supplement*, q. 28, "On the Solemn Rite of Penance"). It is

not inappropriate, however, to gather and place the whole matter here, at the end of the chapter on Confession: both because it has some connection with the sacramental seal, and because it involves three questions concerning confession, satisfaction, and absolution, and especially because Protestants and Rationalists, however ineptly, bring confession itself into this controversy, teaching that the whole institution of sacramental confession was nothing other than the public and merely disciplinary practice of penance.

FOUR QUESTIONS are brought together in this article. The first two concern the sacramental character of public penance and its connection with satisfaction and absolution; the third concerns its necessity, and is connected with the existence of the sacramental seal; the fourth concerns its relation to private penance and to that kind of secret penance now observed, and is connected with the very existence and necessity of the sacrament. The questions, therefore, are these:

1. Whether public penance, or canonical and solemn penance, which was performed in the ancient Church, especially during the third through sixth centuries, by those who were enrolled in the "order of penitents," was sacramental satisfaction—that is, satisfaction imposed in confession itself with a view to absolution from sins—and not merely disciplinary satisfaction belonging to the external forum, imposed for the correction of public offenders and for the example and edification of the people, or undertaken spontaneously for the sake of personal penance for sins.

2. Whether public penance followed the sacramental absolution of sins, as present-day satisfaction does—

—or whether it preceded absolution, as though constituting the sacrament of Penance itself, inasmuch as the sacrament would begin with secret confession, continue through public penance or satisfaction, and end with public absolution, which would have been the final act of public penance.

3. Whether public penance was, or was not, strictly and absolutely necessary for a sinner to obtain sacramental absolution, especially absolution from secret sins. This question must not be confused with the question concerning the necessity of public confession, which we treated in Article 43.

4. Whether public penance was the only penitential practice then employed in the Church, so that private penance in no way existed and was introduced only later, gradually, as a substitute for public penance; or whether private penance existed alongside public penance, and in what sense.

These questions, especially the second and fourth taken together, constitute that difficult and momentous problem of public and private penance, or of ancient penitential discipline, which has been continually raised against this sacrament by modern heretics since the rise of Protestantism and is carefully discussed especially by modern theologians. This problem indeed proves difficult in its positive and historical aspect, and has not yet been satisfactorily solved, or perhaps is never capable of complete solution, because of the varied character and development which the exercise of the power of the keys naturally had to assume in different places and successive periods, and which

cannot easily be reduced to a single rule of judgment or made to coincide perfectly with the outlines of modern practice.[821]

[821] E. Amann, Dictionnaire de théologie catholique, article "Pénitence," cols. 756 ff.: "One must guard against hasty generalizations. What is true of one period may not be true of another; what is true at a given time in one region may not be true in a neighboring region. Examples of these variations in space and time abound. These differences are due to the fact that the administration of penance has always borne, more or less, the character assumed by the exercise of a judicial power. Now, such an exercise generally involves something discretionary; we do not say capricious." "Even today, despite the wholly sacramental form which the administration of penance has assumed, many matters must be left to the discretion of the confessor, to his personal judgment, for which no one can demand an account from him. This was still more true of periods when there was no fixed ritual, no determinate canons, and no universally accepted rules. The heads of Christian communities knew themselves to be entrusted with considerable power over sins committed; they employed it insofar as they believed this necessary, taking account both of particular interests and of the greater interests of the Churches for which they were responsible. Crises of a general character, such as Montanism, the great persecutions, or the Novatian schism, were needed to lead the Churches to adopt certain uniform measures. Even then, that uniformity remained entirely relative. ... It would be supremely imprudent, for example, to generalize the scope of the canons of Elvira ...; it would be no less hazardous, conversely, to regard as valid for the whole Church practices which appeal, with more or less justification, to the name of John Chrysostom."

The importance of the problem in its dogmatic aspect, however, appears from the position adopted by non-Catholic critics. For if, with them, it is taught that public penance was at that time the only penance in use and was not sacramental, then the power of the keys—or its exercise and necessity—falls to the ground. Catholic theologians have proposed principally two solutions to this problem and objection. The earlier doctors of the seventeenth century, such as Petavius and Morin, admitted that public penance was not sacramental, but denied that it was the only penance; that is, they defended the coexistence of sacramental, private, and secret penance, such as is practiced today. More recent theologians, on the other hand, tend rather to concede that public penance was the only penance (at least as regards the ordinary discipline and practice), but deny that it was nonsacramental or merely disciplinary. According to the first solution, the problem concerning public penance itself is easily solved—or rather removed from consideration —while the question of the existence of private penance remains and assumes decisive importance. According to the other solution, the question of private penance loses its doctrinal importance, and the principal controversy is reduced to the question of the character of public penance.

To this point Galtier writes:

"The existence in the first centuries of the Church of what is called *private penance* has long been a question debated among historians. Even Catholics disagree as to the moment at which its origin should be placed. They [that is, the more historically or positively oriented theologians] discuss it all the more freely inasmuch as they recognize more clearly a sacramental value in public penance. Once it is admitted that the priest, by absolving, reconciles a person with God and thus really remits sin himself, the manner in which he does so and the conditions of publicity or secrecy under which his intervention takes place no longer concern doctrine. There remains only the observation of the differences that arose according to times, places, or persons, and, if possible, an account of how the uniformity which we see came to be established.

"But for one who sees [that is, non-Catholics and several Catholics] in public penance only an expiation destined of itself [that is, not by virtue of subsequent absolution] to obtain divine forgiveness, or who reduces the absolution which concludes it, in any event, to the removal of a

penalty imposed by the Church, the fact of private penance assumes, on the contrary, a doctrinal importance of the first order. It marks the true starting point of the conception which attributes to the Church itself the forgiveness of sin.

"Here the remission of sin can no longer be attributed to the guilty person's own expiation, since that expiation is supposed to be absent, insufficient, or at least not yet fully accomplished. Nor can there be any question of the priest remitting an ecclesiastical penalty, since no excommunication is supposed to have been pronounced. It is therefore the sin itself which must here be the proper object of absolution; and this has indeed for a long time been the mind of the Catholic Church. But if one admits that in reconciling penitents the Church intended, on the contrary, only to free them from their excommunication, the question necessarily arises when and in what manner so profound a modification in her thought regarding her power to remit sin took place.

"This discretionary character of the power to remit sins is what makes the history of early penance so difficult and casts suspicion on all works, ancient or recent, which generalize too hastily in one direction or the other, at the risk of falling into schematism and thereby into inaccuracy."

"Protestant historians of dogma generally agree in dating this development to the seventh and eighth centuries. Among other causes to which they connect it, the influence of the monks is especially notable: following St. Columbanus, they introduced into the Frankish churches the practice of frequent or regular confession to priests. ... When hearing confessions, the new missionaries applied themselves to varying and grading penances according to the nature and number of sins accused. Special guides were even written for priests for this purpose. These were the 'penitential books,' several of which are known to us. ...

"It is manifestly evident from them that the penance imposed, although proportioned to the sins accused, is no longer considered capable of obtaining forgiveness by itself. The possibility of absolution being given immediately after confession is expressly envisaged, and thus the principle is admitted that confession takes the place of expiation. Hence the designation 'confession-penance' (*Beichtbusse*), which some [for example, Loofs] have proposed for this new form of the remission of sin. The conception persists that forgiveness, properly speaking, is due to the sinner's personal penance; but henceforth penance is reduced to confession itself. Many historians, even Protestants, do not hesitate to recognize the beginnings of this practice in earlier usages. Loofs, for example, connects it with what he calls 'semipublic' penance, which he acknowledges was not rare in St. Augustine's time. Seeberg does the same."[822]

[822] Galtier, L'Église et la rémission des péchés aux premiers siècles, second part, I (Paris, 1932), pp. 217–220.

IT WILL HELP IN SOLVING THIS QUESTION TO PREFIX A BRIEF HISTORICAL EXCURSUS ON THE PERIOD AND CHARACTER OF SO- CALLED PUBLIC PENANCE.[823]

AS TO ITS PERIOD, public penance flourished in all its rigor and solemnity for almost three centuries, that is, from the beginning of the third century into the declining fifth century. All scholars concede that a definite organization of public penance is visible at least from the beginning of the third century.

[823] "On these matters Petavius, Chardon, and especially Morin (whom Chardon almost entirely abridges) have written at greater length; not a little is also found in Sirmond, Tournely, and Collet. More recent scholars touch upon few matters, or rather direct their critical examination to certain particular questions intimately connected with dogma;

nobody has yet attempted to revise and reissue Morin's work, critically and scientifically, according to the more developed modern method." [The wording of the middle clause has been checked against the photographed Latin; retain the bibliographic idiom critique et scientifique without modernization.]

In the first two centuries, the Church's manner of proceeding in the reconciliation of sinners appears much simpler. As can probably be gathered from the documents cited in Article 1 (vol. 1, pp. 91–96) —namely, the *Didache*, Clement of Rome, the Epistle of Barnabas, Ignatius, Polycarp, Hermas, and the narrative about the Apostle John found in Clement of Alexandria—its essential core consisted of a certain sign of repentance given by the sinner (confession), the performance of some penance or *exomologesis* (satisfaction), and reconciliation or "readmission" or "reintroduction," by which ecclesiastical peace and the right to communion were granted to the offender (absolution). Moreover, the performance of penance or satisfaction appears generally not to have preceded absolution, but to have followed it (although, in the case of the young man converted by the Apostle John, narrated by Clement of Alexandria, *Quis dives salvetur*, 42 [cf. Article 1, vol. 1, p. 96],—

—*exomologesis* appears to have preceded it); so that ecclesiastical peace was restored to the offender as soon as he showed signs of true repentance, and that most ancient discipline was more similar to present-day practice than was the later institution of public penance.

To this point Funk writes: "As regards the time and order of the acts of penance, the process in earlier times appears to have been brief and simple. ... Ecclesiastical communion was restored to the offender as soon as he gave signs of true conversion, the chief of which was placed in confession."[824]

[824] Funk, in Kirchenlexikon, article "Bussdisziplin."

Likewise Batiffol writes: "This solemn reconciliation, which in the fourth and fifth centuries was a ceremony of Holy Thursday, just as solemn baptism was a ceremony of Holy Saturday, presupposes a liturgical condition which was not primitive. In the time of Pope Cornelius the procedure must have been simpler, and at all times penitents at the point of death had been reconciled without solemnity."[825]

[825] Batiffol, Études d'histoire et de théologie positive, third ed. (Paris, 1904), pp. 199 ff.

Already Petavius had observed: "It is manifest that the form of penance which the Church now uses is more similar to the custom of the truly primitive Church, or of the first century, than all the other forms which afterwards prevailed and were established by the holy bishops through determinate canons, with greater or lesser severity according to the condition of the times and the character of those who needed remedies of that kind."[826]

[826] Petavius, De Poenitentia, book 2, ch. 8, no. 17, in Dogmata theologica, vol. 8 (Paris, 1867), p. 256.

That the Church's manner of acting in that period constituted a certain true discipline of penance, albeit in embryonic form, cannot be proved from the documents themselves. Nevertheless, it is rendered probable by the very existence of the definite penitential practice which appears toward the end of the second century and especially at the beginning of the third, and which could not have arisen almost spontaneously, but rather must have proceeded from the development and determination of some preceding practice.

To this point Amann writes: "Does this lack of details [in the earliest documents concerning ancient penance] authorize the historian to conclude that during that period there existed throughout the Church no properly penitential institution? Certainly such a conclusion would go far beyond the

premises. ... A negative conclusion would take no account of the *principle of continuity* (the expression being understood here in its full dogmatic sense). ... Now, the texts accumulating from the end of the second century to the middle of the third show us a penitential discipline functioning regularly. That this discipline suddenly sprang up, by way of spontaneous generalization, around the year 180, appears altogether implausible in the eyes of the historian as well as in those of the theologian. Doubtless, one need not conclude from the existence of this later discipline that there had existed an absolutely—

"—analogous regulation in the preceding age. But there must have been at that time the embryo of a penitential organization whose development was favored by certain circumstances."[827]

[827] Amann, Dictionnaire de théologie catholique, article "Pénitence," col. 764.

Toward the end of the second century (around A.D. 185), in Irenaeus, *Against Heresies*, 1, 10, 1 (cited in Article 1, vol. 1, p. 96), there seems to be the first explicit allusion to public penance, in the words: "Some indeed [sinful women] even perform *exomologesis* openly." One or another scholar tries to weaken the force of this testimony by translating the Greek words *αἱ μὲν καὶ*

εἰς φανερὸν ἐξομολογοῦνται in this way: "Some even publicly display their wicked condition" (*ἐξομολογέω* = I confess, promise, praise, celebrate, proclaim). They do this by reason of the context, which speaks of women "having cauterized consciences," some of whom consequently manifest their impiety even publicly and without shame, whereas others withdraw in silence. [828] Nevertheless, scholars generally retain the other sense, which not only agrees with the text but is also required by the context, since the same word *exomologesis* recurs twice in that passage in the manifest sense of penance and conversion (cf. above, Article 43, p. 753).

[828] E. Amann, Dictionnaire de théologie catholique, article "Pénitence," cols. 764 ff.: "St. Irenaeus provides us, at the very threshold of this period, with rather mysterious information about the victims made in the Rhône valley by the propaganda of the disciples of Marcus the Gnostic. These victims were chiefly women; some of them, perhaps guilty of the disorders encouraged by the sect, are said to have returned to repentance. Against Heresies, I, xvii, 5, 7, Patrologia Graeca, vol. VII, cols. 588–592. See the article 'Irénée,' vol. VII, col. 2497. Perhaps the text is less clear than has been said. The words αἱ μὲν καὶ εἰς φανερὸν ἐξομολογοῦνται were rendered by the old Latin version as exomologesin faciunt, as though the matter concerned liturgical exomologesis, the act by which one submitted to penance. Authors who, following the Latin, translate in this way have neglected the words that precede. These women had, to use the expression of 1 Timothy 4:2, 'a cauterized conscience,' with the result that 'some even openly displayed their condition, while others, more or less ashamed, withdrew without saying anything from the life of God, some of the latter going as far as complete apostasy, while others remained in uncertainty.' This latter part of the sentence is interesting in that it describes rather well the two categories of sinners whom we have already encountered in the Shepherd [of Hermas]: those who abruptly abandon the Church, and those who, slowly but surely, through a progressive desertion, arrive at the same result. As for the first part of the sentence, ἐξομολογοῦνται, etc., we think it better not to bring it into the debate." Editorial note (reference only): In the common chapter division the cited passage is Irenaeus, Against Heresies, book I, chapter 13, §7. Doronzo's reference "I, 10, 1" in the main text has been retained as printed; cf. the Ante-Nicene Fathers edition, book I, chapter XIII, §7.

The documents of the third century (some of which we cited in Article 1, vol. 1, pp. 97–115) clearly show the existence of the institution of public penance: notably the texts of Tertullian (especially *De Pudicitia*, A.D. 217–222) and Cyprian († 258) concerning the African Church, and the decree of Callistus and its opposition by Hippolytus concerning the Roman Church. The determination of this institution was probably influenced by the new conditions which the Church had to confront during that century: both the many defections of Christians in time of persecution and perhaps a certain

rigorism indirectly introduced into the Church itself because of the pseudo-spiritualistic crisis and protests of the Montanists and Novatianists.

Just as, therefore, in the same century a stricter form of the catechumenate was established, to prevent excessively easy and indiscriminate admission to Baptism, so a more precisely regulated form of *exomologesis* was organized, to avert the danger of excessive indulgence.

From the fourth century to the middle of the fifth, public penance exhibits a more definite form in the canons of councils, such as those of Elvira and Ancyra; in canonical letters, such as those of Gregory the Wonderworker, Basil, and Gregory of Nyssa; in the decretals of the Supreme Pontiffs, such as Siricius, Innocent I, and Leo the Great († 461); in the polemical writings of Ambrose and Pacian against the Novatianists; in Augustine's sermons; and in what Socrates and Sozomen relate concerning the Church of Constantinople. This is, as it were, the golden age in the discipline of public penance.

From the middle of the fifth century to the end of the sixth, that is, between Leo the Great († 461) and Gregory the Great († 604), a certain mitigation or relaxation of that discipline[829] is observed; this may properly be called the beginning of its decline, which gradually took place during subsequent centuries. The older Leonine, Gelasian, and Gregorian Sacramentaries should be compared, as well as the nearly contemporary documents of Gallican and Mozarabic liturgy. The causes of this relaxation and subsequent decline were, taken together, the severity of that discipline, the decrease in fervor of Christian life, and the difficulty of identifying sinners and compelling them to undertake penance; for a few others, there was also the necessity of adapting penitential practice to new conditions and demands of the times.

[829] Already Augustine himself († 430) complains of such relaxation in Enchiridion 80, 21, and Sermon 351, 10.

In the East, the institution of public penance disappeared much earlier than in the West. Certain scholars, on account of what Socrates and Sozomen relate about the deed of Nectarius, suppose that it was suppressed altogether in the East around the end of the fourth century. Yet their narrative shows only the suppression of the office of the penitentiary presbyter, and a later mention of public penance occurs in Theodoret (*Epistle* 77, to Eulalius) and Pseudo-Dionysius the Areopagite (*On the Ecclesiastical Hierarchy*, 3, 2, 7; around A.D. 500). Certainly after the time of Pseudo-Dionysius no mention of it is found, although certain exercises of public penance were spontaneously undertaken by some devout members of the faithful.[830]

[830] "Cf. Rauschen, op. cit., pp. 211 ff."

In the West, already as the sixth century was passing, public penance was reduced to a certain abbreviated exercise, although a solemn one, to be performed during Lent, as appears from the Roman Gelasian rite and the Hispanic Mozarabic rite, which are to be discussed below (pp. 877 ff.).

Thereafter, from the ninth century, the ancient penitential institution almost completely disappeared. Already in A.D. 813 the Council of Chalon, canon 25, complained: "To perform penance—

"—according to the ancient constitution of the canons has fallen out of use in most places, and the order of the ancient custom is preserved neither in excommunicating nor in reconciling. It should be decided by the lord Emperor how, if anyone sins publicly, he is to be punished with public penance and, according to the order of the canons, excommunicated and reconciled in proportion to his

desert" (*Monumenta Germaniae Historica, Concilia*, vol. 2, p. 278). Whatever still remained of that institution was restricted to the season of Lent, until little by little the whole thing fell into disuse (although its description was preserved in the liturgical books); and by the twelfth century almost every practical vestige of public penance had disappeared, yielding place to the institution of private penance alone, which had by then reached maturity.[831] At the Council of Trent the question of restoring public penance was raised; in session 24, *De reformatione*, chapter 8 (cited in Article 43, p. 745), the Council prescribed only in general terms the application of some public penance for public sins, to be imposed or commuted into a secret penance at the bishop's discretion. The *Roman Pontifical* still preserves a certain solemn form of this penance to be performed in Lent (cf. below, pp. 878–880).

[831] "Cf., however, Villien, Les Sacrements, Histoire et Liturgie (Paris, 1931), pp. 199–209."

The origin of private penance, as a determinate and principal institution, coincides with the progressive decline of public penance itself, is intimately connected with it, and is accounted for by nearly the same causes.

In the earliest centuries, private penance was applied in exceptional cases and circumstances, especially in danger of death (cf. below, pp. 986–988). But the very principles and motives that recommended this exceptional practice gradually prompted its application to be extended and made more definite.

Galtier writes to the point:

"The very nature of the treatment thus provided for lesser faults, and the motives which recommended recourse to it, tended to make it vary and to extend indefinitely its field of application.

"The bishop's conviction that the pardon he granted to faithful who were otherwise resolved to free themselves from sin was effective obliged him to secure its benefit for them at least at those times and in those circumstances when it appeared impossible, useless, or even dangerous to wait for them to submit to solemn expiation. Here again, or rather here especially, the initiative to be taken was a matter of personal judgment and pastoral solicitude. The greater the zeal of bishops, the more opportune it could appear to them to enter upon this course. They could be led to it in certain Churches by special situations not encountered elsewhere. Thus it must have happened that this penitential regime, applied at first exceptionally to more serious faults, became here or there more or less normal.

"The practice of granting absolution to the dying alone was of a nature to spread uniformly. It is attested from the third century and, from the Council of Nicaea at least, its use became universal. In sentences imposing public penance, an exception was normally made for absolution to be received in danger of death. It was foreseen and prescribed even for those sinners whom the—

"—traditional law excluded from public penance. Thus the faithful acquired the habit of anticipating its benefit; they awaited their last moment to ask the Church for the remission of their sins.

"The pastors deplore and denounce this abuse; but the very principle which permits them to absolve such persons must then lead them to do so equally in every case in which the same dispositions of repentance are found. This opens the door to the immediate absolution of all sinners without distinction. Only the necessity of a satisfaction repairing the scandal caused ought to cause the most

notorious and scandalous to be excepted. Public penance thus loses little by little the ground which private penance gains. It becomes a means of coercion in the hands of ecclesiastical authority, and that is, in fact, the character which it assumes more and more in the decrees of councils. Imperceptibly, private penance becomes, as it were, the official means of legal justification, and thus the distinction between the internal forum and the external forum is introduced.

"Nevertheless, the institution itself is far from having lost its traditional prestige. In the eyes of the great number, it remains the supreme and perfect form of the expiation of sin. Thus the best among them aspire to the day when the conditions of their personal life will permit them to accept its subjections. ... This does not prevent it, however, from being in practice relegated to the second rank. More and more, whatever faults have been committed, pardon is normally obtained through private penance."[832]

[832] "L'Église et la rémission des péchés aux premiers siècles (Paris, 1932), pp. 487–489. Cf. ibid., pp. 478–485, on the principle and teaching of St. Caesarius of Arles († 543), a disciple of Augustine."

Already in Augustine's time († 430), certain mitigations of public penance had begun to increase and the field of private penance was being extended; Augustine himself indirectly exercised some influence in this matter, by laying down the principle: "Private matters are to be corrected privately; public matters, publicly." Toward the end of that same century the custom began to prevail of replacing or commuting public penance into a certain private satisfaction, consisting in the sinner's entering a monastic order or living in the world in a quasi-monastic manner. Of this practice the first witness is Gennadius (*On Ecclesiastical Dogmas*, 53), who lived in the time of Pope Gelasius (492–496).

The doctrine of Gregory the Great († 604; cf. below, p. 920) probably influenced the growth of the practice of private penance. During the same sixth century this practice had become so widespread that the Third Council of Toledo, A.D. 589, opposed to it the following canon: "Since we have learned that, throughout certain Churches of Spain, men perform penance for their sins not according to the canon, but in a most disgraceful manner, so that as often as they wish to sin they demand to be reconciled by priests, therefore, to restrain so execrable a presumption, the holy Council commands that penance be given according to the canonical form of the ancients; that is, that first he who repents of his deed be suspended from Communion and be made to return frequently among the other penitents for the imposition of hands; but when the time of satisfaction has been completed, as the priest's judgment shall approve, he is to restore him to Communion. Those, however, who relapse into their former vices, either during the time of penance or after reconciliation, are to be condemned—

"—according to the severity of the earlier canons" (canon 11, *Migne*, Latin Series 84, col. 353). Nevertheless, it is clear that this attempt to restore the rigor of the more ancient discipline was fruitless, from the very wide growth of the new practice in the following century: thus the Council of Chalon, A.D. 650, could decide in the opposite direction, in general terms: "Concerning the penance of sinners, which is a remedy for the soul, we judge it useful for men; and that, after confession has been made, penance is assigned to penitents by priests, the whole body of priests is known to agree" (canon 8; *Monumenta Germaniae Historica, Leges*, vol. 3, part 1, p. 197).

At this same time the custom spread of determining particular satisfactions for different sins (in the Gallican expression, "tariffed penance"), a practice especially owed to the so-called Penitential

Books,[833] which then began to multiply everywhere. A few examples from an innumerable number will suffice:

[833] "Concerning these, see Dictionnaire de théologie catholique, article 'Pénitentiels'; article 'Pénitence', cols. 846 ff., 863 ff., 874; B. Brat, Les livres pénitentiaux et la Pénitence tarifée (Lyons, 1910); d'Alès, De Poenitentia, thesis 10 (Paris, 1926), p. 131 ff.; Galtier, L'Église et la rémission des péchés (Paris, 1932), p. 219; H. Ch. Lea, A History of Auricular Confession, vol. 2, p. 102 ff. A widely accepted authority on these books notes, Pesch: 'It is generally agreed that the entire Church received them neither from a Roman Pontiff's prescription nor in a uniform manner, but that all are of private men or made by bishops for use by their own priests, so that they might know how to discharge the office of confessor, what questions to propose, what warnings to give, what penances to impose. Moreover, in the course of time, penitentials were often greatly altered and corrupted. Accordingly, there is nothing in these books that should be considered an authority for defining what concerns faith and morals; indeed, some of them contain teachings false and opposed to sound doctrine. The penitential books were edited among Protestants especially by Wasserschleben (Die Bussordnungen der abendländischen Kirche, Halle, 1851), among Catholics by Schmitz (Die Bussbücher und das kanonische Bussverfahren, Düsseldorf, 1898). Dr. Schmitz defends the existence of a certain penitential book that was proper to the Roman Church, which others deny, since all Latin penitential books are of Anglo-Saxon or French origin (cf. Wetzer und Welte, Kirchenlexikon, ed. 2, s.v. "Beichtbücher," and Zeitschrift für katholische Theologie, Innsbruck, 1884, pp. 176 ff.)' (Praelectiones dogmaticae, vol. 7, no. 31, Freiburg im Breisgau, 1920, p. 16)."

The Penitential of Theodore of Canterbury († 690) has: "If a priest or deacon vomits from drunkenness, let him do penance for forty days. If a lay believer vomits from drunkenness, let him do penance for fifteen days. If anyone commits fornication with a virgin, let him do penance for one year; if with a married woman, for four years: two entire years, and during the other two, in the three Lenten seasons and on three days of each week" (in Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, Halle, 1851, pp. 184 ff.).

Burchard of Worms († 1025), *Decreta*, book 19 (called the *Corrector Burchardi*), canons 39 and 46, has: "Have you committed adultery with another man's wife, when you yourself have no wife? Let you do penance for forty days on bread and water—which in common speech is called *carrina*—and let you do penance for the seven following years. ... Have you broken the fast during Lent, before the office of Vespers was celebrated, except on account of illness? If you have, let you do penance for three days for each such day" (in Wasserschleben, ibid., pp. 639, 646).

The Confessional of Pseudo-Egbert, canon 5, has: "If a priest has kissed a woman out of desire, let him do penance for twenty days. If a priest has been defiled by touching a woman, let him fast for eleven days; some—

"—would have thirty. If a priest has been defiled by a desirous thought, let him fast for a week; if he has touched her with his hand, let him fast for three weeks. But he who has frequently committed fornication is judged by the canon to fast for ten years; some would have seven, but according to the Council, three" (in Wasserschleben, ibid., p. 305).

To mitigate the severity of these penalties, a certain system of compensation (called *arrea*) was soon introduced, which afterwards assumed the form of a mitigation of the days and at times degenerated into the abuses of a certain penitential laxism. The Irish Canons have: "Compensation for one year: three days in church without food or drink or sleep, without clothing, without a seat, and the chanting of psalms together with canticles and the prayer of the Hours, and during these twelve genuflections" (in Wasserschleben, ibid., p. 139).

Regarding these abuses Amann observes:

"One readily understands that, in these conditions, the tendency was toward imposing the minimum penalty. It would be an interesting undertaking to collect, from penitentials of the same period, the penalties applied to one and the same well-defined sin. One would see how greatly the solutions vary; and we are not speaking—let this be well understood—of extraordinary cases, but of faults which, alas, are all too common. Let one take, for example, merely the solitary sins of men or women. Thus the proliferation of penitentials encouraged laxism through the multiplication of the answers given. Whatever may be said of the casuistry, quite legitimate in principle, that caused this diversity, it is indisputable that things were tending toward easier solutions.

"The laxism engendered by the penitentials had another cause: the development of the system of redemptions or commutations (*arrea*). So long as one adhered to the principle that a satisfactory work harder to perform, but shorter, could replace another longer but less painful one, there was nothing to object to. ... But it was inevitable that, once this path of substitutions had been entered upon, more convenient substitutes would be found for satisfactory works, which were generally very lengthy: on the one hand the recitation of psalms, in greater or smaller number; on the other, almsgiving, whose expiatory merits ecclesiastical antiquity had so highly extolled. The penitential attributed to Egbert, which may very well be the work of that archbishop, gives information of the greatest interest on this matter. See especially chapter 16, Wasserschleben, *op. cit.*, p. 246. The question is clearly put: 'How may one discharge in one year a penance of seven years?' First come the *triduana*, that is, fasts of three consecutive days; one *triduanum* counts for thirty days. Next comes the chanting of psalms: for one day of penance, fifty psalms and five *Our Fathers* (and consequently an entire Psalter—that is, 150 psalms—and fifteen *Our Fathers* replace three days); or again, for one day, the psalm *Beati immaculati* (Ps. 118) with seventy prostrations. This measure is further softened by the observation that follows: one hundred prostrations with the *Miserere* will count for one day. Another substitution is to have Masses said: one Mass counts for twelve days; ten Masses for four months, twenty Masses for nine months, thirty Masses for twelve months. It is true that the text observes that this manner of making expiation does not remove the necessity of tears of repentance. But matters went further in this direction: feeding one or more poor persons for a day is regarded by chapter 15 of the same penitential as compensation for a day of penance. Notice, in the same chapter, the introduction also of bodily penalties: for one day of penance, 'some [prescribe] twelve blows or strokes, or more or fewer.' These examples could be multiplied; see Schmitz, vols. 1 and 2, alphabetical index, under '*Redemptio*.'"

"Many of the compensations thus proposed are unassailable from the moral point of view. But once the road of monetary redemptions had been entered upon (alms, stipends for Masses), it was not long before due measure was exceeded. Eventually the wealthy came to employ others, for payment, to pray and even to fast in their stead. A man who had already commuted his penance into a certain number of psalms would seek someone to recite those psalms in his place: 'He who cannot fulfill what we have said above concerning the psalms should choose a righteous man to fulfill it for him, and redeem this by payment and labor.' This is cited by Wasserschleben, *op. cit.*, p. 50. More curious still is a text from the country of Eadgar which teaches how a 'great man' can accomplish in three days a penance of seven years by hiring, so to speak, a whole army of fasting men to fast in his place, each for three days: the numbers are supplied and the calculation is exact. And this prescription of *magna poenitentia* ends with this observation of exquisite sweetness: 'This is an alleviation of the penance of a powerful man and of the friends of a wealthy man. But it is not granted to the poor to

proceed in this way; rather he ought to seek this more diligently in himself. It is likewise most just that everyone should exact punishment for his own offenses upon himself by diligent correction. For it is written: "Each shall bear his own burden."' Wasserschleben, ibid., p. 51; cf. Schmitz, vol. 1, p. 147; *Patrologia Latina*, vol. 138, col. 512. Let us say, moreover, that this is an extreme and rare case; and that the Church protested against this laxism" (*Dictionnaire de théologie catholique*, article "Pénitence," cols. 873 ff.).

Scholars dispute the influence of the Irish monks after St. Columbanus upon the practice of private penance. Several modern scholars, particularly Protestants, have taught that these monks introduced private penance, and indeed confession itself, into the Church. Among the earliest to propose this theory was Löning (*Geschichte des Kirchenrechts*, vol. 2, p. 468); it was popularized especially by Harnack (*Dogmengeschichte*, vol. 3, p. 324 ff.), Hauck (*Kirchengeschichte Deutschlands*, vol. 1, part 2, ch. 4, p. 254 ff.), Loofs (*Leitfaden zur Dogmengeschichte*, § 59, 2b–3 ff.) and Seeberg (*Lehrbuch der Dogmengeschichte*, vol. 3, § 48, pp. 88–90).

Among Catholics, some have followed this opinion, such as Malnory (*Quid Luxovienses monachi ... ad regulam monasteriorum atque ad communem profectum contulerint*, Paris, 1894, pp. 62–77), Boudinhon (challenging H. C. Lea's work in the article "Sur l'histoire de la pénitence," *Revue d'histoire et de littérature religieuses*, 1897, pp. 496 ff.), and Poschmann (*Die abendländische Kirchenbusse im frühen Mittelalter*, Breslau, 1930); others have rejected it, such as Duchesne (*Bulletin critique*, vol. 4 [1883], p. 366) and Batiffol (*Études d'histoire et de théologie positive*, first series, "Pénitenciers et pénitents," Paris, 1926, pp. 192 ff.). Others, more correctly, admit it in part: namely, that the influence of those monks concerned not the introduction of private penance but its dissemination and determination. So Rauschen (*Eucharist and Penance*, p. 240 ff.), Galtier (*L'Église et la rémission des péchés*, pp. 219, 223, 246 ff., 468 ff., 485, 490–492), and Amann (*Dictionnaire de théologie catholique*, article "Pénitence," cols. 852–855).

For a right judgment on this matter, the following facts should be noted. Ireland was converted to the faith in the fifth century, at which time the practice of private penance was already beginning to prevail and public penance to be relaxed. Consequently, one can explain why the institution of public penance was not introduced in Ireland—

—and England (in the *Penitential of Theodore of Canterbury*, book 1, ch. 13, we read: "For this reason public reconciliation has not been established in this province, because public penance does not exist either"), and why private penance so easily and quickly assumed a definite form in that region, and why the origin of some penitential books mentioned above is of such ancient date (*Penitential of Theodore of Canterbury* and *Penitential of Egbert of York*).

Since St. Columbanus and his monks traversed a great part of Gaul, especially, and of Germany during the seventh and eighth centuries, it is quite probable that their penitential practice exercised a sufficiently effective influence in those regions. This may explain the proliferation of penitential books remarkably similar to the books of those islanders and the more rapid spread of the practice of private penance which is observed at that period. Yet such influence must not be exaggerated. Batiffol writes: "Against this opinion, Monsignor Duchesne had pointed out that the Frankish episcopate, hardly favorable to St. Columbanus and to the Irish or Anglo-Saxon missionary monks of the seventh and eighth centuries, would probably have been ill disposed to allow them to impose a grave and

unforeseen disciplinary change; and also that the facts attested that this change had taken place in regions altogether closed to the influence of Luxeuil, such as Rome and Toledo."[834]

[834] Études d'histoire et de théologie positive, first series (Paris, 1926), p. 192 ff. Cf. Galtier, L'Église et la rémission des péchés, pp. 468–473.

Whatever the existence and efficacy of such influence of the monks may have been, it is certain that its object was not the introduction of private penance itself, but only its diffusion and determination. For unless private penance already existed, it could not be explained how its use could so easily and so quickly have been accepted and propagated.

To the point, Galtier writes: "In order to restore penance to honor, the reforming monks of the seventh century did not have to create or cause the acceptance of a new manner of remitting sins. Neither priestly confession nor prompt absolution was invented by them. Their initiative consisted especially in making more general the simplified methods of pardon which already existed; they extended these methods to faults for which, at another period, it would have been forbidden to dispense with the solemn form. Thus they made them more common and caused them little by little to take the place of public penance.

"If, in this way, they helped to make private penance prevail and to restore esteem for penance simply so called among the laity, the reason is not precisely to be sought in an exaggeration of the virtue previously recognized in absolution. It lies in the renewed faith in that virtue which the reputation of their sanctity enabled them to produce in souls. Apart from this, in choosing among the means of remitting sins those which appeared to them the only ones, or the most acceptable, in their time, they showed themselves to be less innovators than men of tradition. At all times, as we shall see, the rule governing the exercise of the power of remission in the Church has been that of adapting penance to the possibilities of the sinner no less than to the gravity of sin. This is, one might say, the internal law according to which the development of penitential practice took place—

"—and every conception of private penance which disregards it thereby proves unacceptable. To conform to it, on the contrary, is a guarantee of soundness and exactness."[835]

[835] L'Église et la rémission des péchés (Paris, 1932), pp. 246 ff.; cf. pp. 478, 483, 485.

Rauschen writes: "There can be no doubt that the monks of Ireland and England, with their penitential books, exercised a vast influence on the penitential system of the Frankish churches. The chief peculiarity of these books was that, unlike the old discipline of public penance, they took into consideration the ordinary sins of everyday life, especially evil thoughts and desires. Their use tended to make men's consciences more delicate, and confession more frequent. Dogmatically, the distinction between grievous and light sins remained undetermined, and hence confession and ecclesiastical absolution were demanded only for a relatively small number of sins. But theory followed practice. The immediate consequence was that the list of grievous sins became larger and consequently obligatory confession more frequent. Further, there arose among the laity the practice of going to confession as a mere matter of devotion, especially before communion. But the new practice was not established entirely without opposition. Alcuin [Epist. 277] tells us that in the province of Gothia, the lay people refused to confess to a priest, their bold pretension being that they were obliged to confess only to God. As late as A.D. 813, we find in the canons of the Council of Chalons (can. 33) this statement: 'There are some who say that one need confess his sins to no one

but God alone.' But the influence of the monastic discipline of Ireland and England upon the penitential discipline of the Western Church must not be exaggerated, as is usually done by Protestants. Confession, as it existed in the Middle Ages, and as it exists to-day, in its essential elements dates back to the beginnings of Christianity."[836]

[836] Rauschen, Eucharist and Penance (translation from the second German edition), St. Louis, Missouri: B. Herder, 1913, pp. 240 ff.

ON THE NATURE OF PUBLIC PENANCE

With regard to the nature of public penance, considering especially the more developed practice observed in the fourth and fifth centuries, which is gathered chiefly from the works of Ambrose, Pacian, and Augustine,[837] the following should be noted concerning its subject, object, duration, and the process of the discipline itself.

[837] "Compare, for the Western Church: Tertullian, De poenitentia 9; De pudicitia 13; Cyprian, De lapsis 15 ff.; Epistles 9, 10, 62; Ambrose, De poenitentia 38, 10, 91, 96; Pacian, Exhortation to Penance; Augustine, Sermons 232, 7 ff.; 351, 9 ff.; 352, 3; De symbolo ad catechumenos; Jerome, Epistle 77; Gelasius, sayings in Patrologia Latina 59, 140; Sozomen, Ecclesiastical History 7, 16. As to the Eastern Church: Gregory Thaumaturgus, Canonical Epistle; Basil, Epistle 188 (first canonical letter to Amphilochius); Gregory of Nyssa, Canonical Epistle; Socrates, Ecclesiastical History 5, 19; Sozomen, Ecclesiastical History 7, 16."

As to its subject, three classes of the faithful may be distinguished in the ancient Church: catechumens, penitents, and communicants (cf. Pacian, *Exhortation to Penance*, 3). Neither fallen clerics (cf. Article 36, pp. 427–432) nor the faithful who had relapsed after having once performed public penance were admitted to the order of penitents, since public penance was not granted a second time (cf. Article 92, in volume 4).

As to its object, what had to be expiated through public penance was capital or mortal sins (namely, those which bring eternal death and exclude from the kingdom of heaven), and especially the three sins which were considered by all to be the greatest and capital sins, and which the Montanist Tertullian had declared irremissible—

—(cf. Article 1, volume 1, pp. 102 ff.), namely idolatry, homicide, and fornication. Nevertheless, which particular sins were regarded as capital and to be publicly expiated varied according to the judgment of doctors and the practice of the churches. Pacian (*Exhortation to Penance*, 4 ff.) seems to count as such only the aforementioned three; Augustine, however, includes all sins against the Decalogue (*Sermon* 351, 7; *Sermon* 56, 12). The documents do not usually distinguish between hidden, external, and public sins; rather, they simply regard every sin which excludes from the kingdom of heaven as an object of public penance. Indeed, Ambrose (*De poenitentia* 1, 16, 90) mentions even hidden crimes. Nevertheless, it is at least clear from Augustine (*Sermon* 351, 9 ff.; *Epistle* 153, 3, 6) that in fifth-century Africa only persons guilty of public sins which had been judicially established were compelled to undertake public penance.

As to the duration of this penance, the custom of the churches varied, and a different period was assigned for different sins, so that graver sins were assigned several years, and some even the whole of life. According to Basil († 379), *Epistle* 188 (first canonical letter), ten years were imposed for abortion, but eleven for homicide; and with regard to homicides committed in war, soldiers were counseled to abstain from Communion for three years. The Council of Ancyra (A.D. 314), to be cited presently, assigns several years of penance to those who sacrificed to idols, distinguishing the time

during which they were to remain among the mourners (canon 5), hearers, prostrators, and standers (canons 4, 5, 6, 7, 8, 9: those joining in prayer but not in the offering). It condemns voluntary murderers to penance until the end of life. In a later period, however, the duration of penance was greatly shortened, so that already in the time of Innocent I († 417) penitents were reconciled on the following Holy Thursday.

Council of Ancyra (Ancyra in Galatia), canon 4: "Concerning those who were compelled to sacrifice and who also partook of a meal in an idol temple: whoever among them, while being led there, showed a more cheerful demeanor, wore more costly garments, and joined without distinction in the meal prepared, it was decided that they should be placed among the hearers for one year, should lie prostrate for three years, and should communicate in prayers for two years; and then they should attain the grace of full communion" (Kirch, *Enchiridion historiae ecclesiasticae*, no. 375).

Canon 5: "But as many as entered the temples in garments of mourning, and, reclining there, wept throughout the whole time of the meal—if they have completed three years of prostration, let them be received without the offering. If, however, they did not eat, let them spend two years prostrate and in the third year communicate without the offering, so that in the fourth year they may attain full communion. But the bishops shall have the power, after examining the manner of their conduct, either to deal more humanely with them or to add a longer period. Above all, however, their earlier and subsequent course of life must be examined, and thus clemency is to be shown them" (ibid., 376).

Canon 6: "Concerning those who sacrificed because they yielded to mere threats of punishment, or were terrified by loss of property or by disgrace, and who hitherto have been neglectful of penance and have not been converted, but who now, at the time of this council, have presented themselves and formed the intention of conversion: it has been decided that until the Great Day [Easter] they should be received among the hearers, and after the Great Day they should lie prostrate for three years, and thereafter communicate without the offering for two years; only then, when six years have been completed, should they attain the grace of full communion. If, however, any were received to penance before this synod, the beginning of the six-year period is to be reckoned from that time. But if some danger, or expectation of death from illness or any other occasion, should arise, communion shall not be denied them, subject to the prescribed determination" (ibid., 377).

Canon 7: "Concerning those who held feasts on the festival days of the Gentiles in remote places belonging to them, bringing their own food and eating it there: it has been decided that after two years of prostration they should be received. Whether, however, they are to be received with the offering is for each bishop to examine, after testing their life and their several actions" (ibid., 378).

Canon 8: "Those who sacrificed a second or third time under compulsion are to lie prostrate for four years; for another two they are to communicate without the offering, and in the seventh year they are to be fully received" (ibid., 379).

Canon 9: "All those who not only went astray themselves, but also forced and compelled their brethren, and supplied causes by which they were compelled: these shall have a place among the hearers for three years, shall be subjected to prostration for another six years, and shall receive communion without the offering for another year, so that on completing ten years they may attain full communion. Meanwhile their manner of life is also to be weighed" (ibid., 380).

Canon 22: "Those who have committed voluntary homicide shall continually submit themselves to penance; but shall obtain full communion about the end of life" (ibid., 384).

Canon 23: "Concerning homicides committed involuntarily: the earlier determination orders that full communion be obtained after seven years of penance, but the second prescribes the completion of five years" (ibid., 385).

Basil (in Cappadocia), *Epistle* 217 (to Amphilochius; third canonical letter), written in A.D. 375, thus describes the duration of penance imposed on one who has sinned with his sister and his passage through the four grades of penitents: "He who has defiled himself with his sister, whether by the same father or by the same mother, must not be permitted to approach the house of prayer until he ceases from his wicked and impious action. But when he has come to recognize and realize the horror of his sin, let him spend three years weeping, standing near the doors of the house of prayer and begging the people as they enter for prayer that each one may mercifully—

—offer earnest prayers for him to the Lord. Afterward let him be admitted for another three years to the hearing alone; and when he has heard the Scriptures and instruction, let him be dismissed, nor let him be considered worthy of prayer. Then, if he has sought that prayer with tears and has fallen in supplication before the Lord with contrition of heart and profound humility, let him be granted prostration for another three years. And after he has shown fruits worthy of repentance, let him, in the tenth year, be received into the prayers of the faithful without the offering; and when he has stood in prayer with the faithful for two years, let him finally be considered worthy of communion in the good" (*Patrologia Graeca*, 32, 803).

As regards the course of the discipline itself, penance was not ordered in the same way in the different churches. Nevertheless, its common scheme can be reduced to three things: first, a certain official admission to penance, or an order to perform penance, given by the priest (*imposition of penance*), which was, as it were, public enrollment in the order of penitents; second, the actual performance of penance (*the action of penance*); third, final reconciliation or admission to the communion and peace of the Church (*the absolution of penance*). Moreover, it should be noted that before penance there had been excommunication or separation from the body of the faithful; and that after penance had been performed, two consequences or effects still remained: namely, that the penitent could not be admitted again to public penance nor be enrolled in the clerical state.

The imposition of penance. No one entered the order of penitents by private choice; it belonged to the priest to enroll sinners in that order and to indicate the manner and duration of their penance. The cause of this enrollment or notification, however, was either the sinner's own spontaneous request (sometimes arising from the prompting of the confessor himself in a preceding secret confession), or a direct order of the bishop after learning of the offense, whether from common report or from the direct denunciation of an individual member of the faithful. To the point, Augustine says: "Some asked us for a place of penance for themselves; others, having been excommunicated by us, were brought into the place of penance" (Serm. 232, 7, 8; M.L. 88, 1111).[838]

[838] Editorial bibliographical note. Doronzo prints "M.L. 88, 1111" for St. Augustine, Sermon 232, §§7–8. The passage quoted here ("Aliqui sibi poenitentiae locum petierunt ...") is in Patrologia Latina 38, column 1104, Sermon 232, §8. The author's printed reference is retained in the text; only its bibliographical identification is clarified.

The action of penance varied in different churches. Its common scheme included both a certain personal exercise, such as prayers, fasts, alms, mortifications, abstention from baths, and abstention from contracting marriage or from the use of marriage; and a certain liturgical exercise, namely attendance at the penitential Mass and a certain liturgical separation from the rest of the faithful, at least to the extent that the penitents did not receive the Eucharist.[839] In the East (at least in Asia Minor, namely Cappadocia, Pontus, and Galatia), penitents were divided into four successive grades or stations: the weepers, who—

[839] Cf. Bellarmine, De poenitentia, book 1, chapter 32.

—wept outside the church door;[840] the hearers, who were admitted to the vestibule of the church to hear the liturgical lessons and were dismissed immediately afterward; the prostrators, who were admitted within the church itself and remained prostrate until, before the liturgical action, they were dismissed together with the catechumens; and the standers, who remained standing throughout the entire liturgy, but could not receive Communion, and who therefore outwardly could hardly be distinguished from the other faithful who in fact did not communicate. On these matters compare Basil and the Council of Ancyra cited above, and also Gregory Thaumaturgus († about 270; *Canonical Epistle*). Nor is it established that in the East penitents were dismissed by any special blessing or imposition of hands.

[840] On the weeping and unkempt appearance of penitents, cf. Pacian and Tertullian, De Poenitentia, 9, cited in volume 1, p. 101.

In the West, on the other hand, it is not established that there was any division into different orders of penitents (the occasional words of Ambrose, *De poenitentia* 2, 7, 54, "In which order of penitents?" do not necessarily indicate this); nor that penitents were excluded from any part of the sacred liturgy apart from participation in Communion; nor what duration of penance was imposed upon them (not much later the period for doing penance is found reduced to Lent alone). Penitents were stationed in a special place at the entrance to the church and, at the end of their attendance at the liturgy, were dismissed with an imposition of hands and prayer.

The absolution of penance. This was the ceremony of reconciliation by which were given "peace — communion — fellowship — association with the rest of the people" (Sozomen), "attainment of perfection" (Council of Ancyra), and "perfect reception" (the same council). This reconciliation took place at the end of Lent: at Rome, on Holy Thursday, according to Innocent I; at Milan likewise, according to Ambrose (*Epistle* 20, 26); similarly in Spain, according to the Council of Toledo of A.D. 633 (canon 7); and in the East, on Good Friday. It consisted in the imposition of hands and a special prayer of the bishop.

Several documents concern the imposition of hands (cf. below, Article 82). *Apostolic Constitutions* (about A.D. 400), canon 18: "Receive him who has mourned, while the whole Church prays for him; and having laid your hand upon him, allow him to be in the Church." Canon 41: "As you admit a pagan washed by baptism after instruction, so restore this man, as one made clean by doing penance, to his former pastures by the imposition of hands, while all pray for him; and the imposition of hands shall be for him in place of the washing." The *Ancient Statutes of the Church*[841]—

[841] Also called Ancient Statutes of the East. Doronzo reproduces Denzinger's note to Enchiridion Symbolorum, no. 150 ff.: "These canons were formerly falsely attributed to a certain Fourth Council of Carthage (398), which is now held with certainty never to have taken place. They seem to have originated after the beginnings of the Pelagian and

Monophysite heresies, but before the end of the sixth century. Some of them have Caesarius, bishop of Arles (504–542), as their author. They are in fact cited as 'Institutes of the Elders' in the acts of the Second Council of Arles, which was held at the end of the fifth or beginning of the sixth century. [Cf. Hefele II, 68 ff.; Maassen, Geschichte der Quellen und der Litteratur des canonischen Rechts, I, 382 ff.]"

—(fifth or sixth century), chapter 76: "If one who requests penance in sickness should happen, while the priest who has been summoned is coming to him, to lose the power of speech through the oppression of illness, or to fall into delirium, let those who heard him bear witness and let him receive penance. And if it is believed that he will die immediately, let him be reconciled by the imposition of hands, and let the Eucharist be poured into his mouth" (Mansi, 3, 957). Chapter 78: "Let penitents who have received the viaticum of the Eucharist in sickness not consider themselves absolved without the imposition of hands, if they survive" (ibid.). Chapter 80: "Throughout every period of fasting, let hands be imposed upon penitents by priests" (ibid.). In chapter 77, mention of the imposition of hands is omitted: "Let penitents who are sick receive viaticum" (ibid.).

The First Council of Orange, A.D. 441, canon 3: "It has been decided that those who are departing from the body, having received penance, should receive Communion without the reconciliatory imposition of hands; this suffices for the consolation of the dying, according to the determinations of the Fathers, who fittingly called this communion *viaticum*. But if they survive, let them remain in the order of penitents and, after showing the necessary fruits of penance, let them receive lawful Communion with the reconciliatory imposition of hands" (Mansi, 6, 436 ff.).

Concerning the absolutory prayer, nothing definite is stated in the more ancient documents, apart from an allusion to the prayers of the Church (cf. the *Apostolic Constitutions* just cited and Sozomen below). What the sacramental form of absolution was, either then or subsequently, and whether it was deprecative or indicative, will be discussed below in Article 81, where the validity of the deprecative form is treated.

The ancient discipline of the Roman Church is briefly described by Sozomen (about A.D. 450), *Ecclesiastical History* 7, 16, cited above in Article 36, pp. 433 ff.

The later discipline, from the sixth century onward, is that described in the *Gelasian Sacramentary*, to which the Mozarabic liturgy may be added.

"About the sixth century, as we learn from the *Gelasian Sacramentary* (ed. Wilson, p. 14), at Rome penitents were received by a priest on Ash Wednesday; a prayer was offered over them as they were covered with sackcloth, and they were confined in a monastery until Holy Thursday. On Holy Thursday they were solemnly reconciled. Mass was begun without an Introit and without the *Dominus vobiscum*. After a preliminary prayer of the priest, the penitents, led in by the deacon, lay upon the ground in the church. In their name the deacon, using a rather long but most beautiful formula, asked for the reconciliation of those who had merited pardon by their tears. An exhortation by the pontiff followed. The ceremony ended with a prayer and a Eucharistic supplication.

"In the Mozarabic rite, however, reconciliation, which was called *Indulgentia*, took place on Good Friday. After preliminaries containing the Reproaches, 'My people, what have I done to you?', the office began with three lessons: a prophetic one from Isaiah 52 and 53; an apostolic one from 1 Corinthians 5 and 6; and an evangelical one, the Lord's Passion compiled from the four Gospels. Afterward those present, who are all addressed in the name of the penitents, are invited three times

to prostrate themselves and implore divine mercy. Then the archdeacon, turning toward the whole assembly of clergy and faithful, urges them to cry out, *Indulgentia*. When silence is restored, the same archdeacon presents the image of the Good Shepherd who gave His life for His sheep, and then invites them to pray. The bishop offers a prayer in the form of rhythmic litanies, to which the renewed cries *Indulgentia* respond ('We beseech Thee, O Lord — Indulgentia,' etc.).—

"—There follows a collect which the bishop alone recites in the name of all, imploring divine clemency for the penitents. Again the people cry *Indulgentia*, and then follows the bishop's prayer with other formulas, the same order being preserved. A third series of prayers and acclamations takes place. In this third recitation the final prayer is omitted, and the office continues with the adoration of the Cross and the Mass of the Presanctified" (Duchesne, *Origines du culte chrétien*, pp. 463–465).

The medieval discipline, as it existed at least in law and as preserved in liturgical books, is explained by St. Thomas, citing the *Decree of Gratian*:

"Every solemn penance is public, but the converse is not true. For solemn penance is performed in this manner [according to Gratian's *Decree*, canon 64]: 'At the beginning of Lent such penitents present themselves with their priests before the bishop of the city at the doors of the church, clothed in sackcloth, barefoot, with faces bent toward the ground, and with their hair shorn. When they have been brought into the church, the bishop, with all the clergy, recites the seven penitential psalms, and afterward imposes his hand upon them, sprinkles them with holy water, puts ashes upon their heads, covers their necks with haircloth, and tearfully announces to them that, just as Adam was expelled from paradise, so they are expelled from the Church. Then he commands the ministers to drive them from the church, with the clergy following them with the responsory, "In the sweat of thy face," etc. But on the Lord's Supper [Holy Thursday] each year they are led back into the church by their priests, and they remain there until the octave of Easter, although they do not receive Communion or the kiss of peace. And this is done every year for as long as entry into the church is forbidden to them. Final reconciliation is reserved to the bishop, to whom alone belongs the imposition of solemn penance.'

"Such penance may be imposed upon men and women, but not upon clerics, on account of scandal. Nor should penance of this kind be imposed except for a sin which has disturbed the whole city. Public but nonsolemn penance, however, is that which is performed in the sight of the Church but without the aforesaid solemnity, such as a pilgrimage throughout the world with a staff a cubit long. This may be repeated, and may be enjoined by an ordinary priest; it may also be imposed upon a cleric. Nevertheless, solemn penance is sometimes understood to mean public penance. And in this way certain authorities speak variously about solemn penance" (*Supplement*, q. 28, a. 3).

The modern discipline, as it is still preserved at least in law, although not applied in practice, is set forth in the *Roman Pontifical* (part 3):[842][843]

[842] Vermeersch, Theologia Moralis, vol. 3, Appendix XI (Rome, 1927), pp. 809 ff.

[843] Described by Villien, Les sacrements (Paris, 1931), pp. 165–175.

"On the Public Expulsion of Penitents from the Church on Ash Wednesday.

"At the beginning of Lent penitents are solemnly expelled from the Church in this manner. The penitents to whom, according to law or custom, solemn penance is to be imposed for more grievous

offenses assemble on this day, about the third hour, at the cathedral church, in poor clothing, barefoot, and with their faces bowed toward the ground. Their names are to be written down. They receive penance from the episcopal penitentiary or from others to whom this office has been entrusted, according to the measure of the fault; and then all are sent out and remain before the doors of the church. ... The pontiff, accompanied by the ministers, choir, and all the clergy, with the Cross, holy water, and two candles going before him, proceeds from the choir to about the middle of the church, where a seat has been prepared. Then the clergy divide into two choirs, on either side toward the doors of the church. All the penitents enter and prostrate themselves with tears upon the floor of the church before the pontiff, between the two choirs. Then the pontiff, seated with the mitre, or the archpriest standing, places ashes upon the head of each one, saying: 'Remember, man, that thou art dust, and unto dust thou shalt return: do penance, that thou mayest have eternal life.' ... After the haircloths have been blessed, the pontiff covers their heads with them, saying: ... [There follows the recitation of the seven penitential psalms, the litanies, the Our Father, and four prayers.]

"When these things have been done, the penitents rise, and the pontiff addresses them, showing how Adam was expelled from paradise because of sin, and how many curses were brought upon him; and —

"—how, after his example, they are to be expelled from the Church for a time. After this, he takes one of them by the right hand, and all the others follow him, similarly holding one another by the hand and carrying lighted candles; and thus he expels them from the church, saying with tears: 'Behold, today you are cast out from the threshold of holy Mother Church on account of your sins and crimes, just as Adam, the first man, was expelled from paradise on account of his transgression.' ...

"And thus, when they have been cast outside and remain groaning upon their knees before the doors of the church, the pontiff, standing on the threshold, admonishes them not to despair of the Lord's mercy, but to devote themselves to fasts, prayers, pilgrimages, alms, and other good works, that the Lord may bring them to the worthy fruit of true penance; and to return on Holy Thursday, because then they will be brought back into holy Church, which meanwhile they must not presume to enter. And immediately, as the pontiff returns in procession to the choir, the doors of the church are closed before their eyes; Mass begins and proceeds in its order.

"On the Reconciliation of Penitents Which Takes Place on Holy Thursday.

"On Holy Thursday those penitents are reconciled to whom solemn penance has been enjoined by the Church, and who were expelled from it at the beginning of Lent. ... [The pontiff and ministers recite the penitential psalms and the litanies.] Meanwhile the penitents remain prostrate upon the ground before the doors of the church, barefoot, holding extinguished candles in their hands.

"When in the litanies the words have been said, 'All holy patriarchs and prophets,' with the response, 'Pray for us,' and the choir has made the same response, there is a brief pause; then the pontiff sends two subdeacons to the penitents, bearing lighted candles in their hands. When they reach the door, they stand upon its threshold, raise their hands and show the penitents the lighted candles, singing the antiphon in the third tone: 'As I live, saith the Lord: I desire not the death of the sinner, but rather that he be converted and live.' When it is finished, they at once extinguish those candles before the penitents, return to their place, and the litanies continue. When the words 'All holy martyrs' have been said and the choir has responded 'Pray for us,' there is again a pause in the

litanies. The pontiff likewise sends two other subdeacons with lighted candles; standing at the doorway they sing the antiphon in the fifth tone: 'The Lord saith: Do penance, for the kingdom of heaven is at hand.' At once they extinguish the candles as before and return to their place. The litanies proceed until, but not including, the 'Lamb of God.' Then the pontiff sends to them an elderly deacon, vested as above, with a large lighted candle. Standing in the doorway he sings the antiphon in the second tone: 'Lift up your heads; behold, your redemption draws nigh.' And then the penitents' candles are lighted from that candle. That candle, however, is not extinguished, and the deacon returns with it still burning. Then in the litanies the words are said, 'Lamb of God, who takest away the sins of the world,' and the response, 'Spare us, O Lord.' When this has been said, the pontiff, rising from his place of prostration with the ministers and clergy, with Cross, thurible, candles, and all the appointments going before, proceeds out from the choir of the church. A faldstool having been prepared for him about the middle of the church, he sits facing the door, the clergy being arranged in two rows on either side toward that door. Then the archdeacon, vested as previously indicated, standing at the threshold, says in a loud voice, in the tone of a lesson, to those standing outside the door: 'Be still: you who hear, listen.' Silence being commanded, he turns toward the pontiff and says in the same tone: 'Behold, O venerable pontiff, the acceptable time is at hand, the day of divine propitiation ...' [The deacon's address continues.]

"After these words, the pontiff rises and approaches the door of the church with the ministers, while the choir of clerics does not move. Standing in the doorway, he gives them a short exhortation on divine clemency and the promise of pardon, telling them how they are about to be brought back into the Church and how they ought to live. ... Then the pontiff enters the church and stands a suitable distance within the door; and the archdeacon intones, and the choir continues, the antiphon ... [Psalm 33 is sung.]—

"—Immediately, as the penitents enter through the door of the church, they fall at the feet of the pontiff and remain thus prostrate and weeping until the aforesaid antiphon and psalm are completed. When these are finished, the archpriest says in the tone of a lesson the words which follow: 'Restore in them, apostolic pontiff, whatever has been corrupted at the devil's suggestion ...' And the pontiff asks: 'Do you know that they are worthy of reconciliation?' He replies: 'I know, and testify that they are worthy.' Then another deacon says: 'Rise.' When they have risen, the pontiff takes one of them by the hand, and all the others likewise hold one another by the hand ... [The pontiff] draws the one whose hand he holds, and that one draws the others, leading them as far as the faldstool prepared previously in the middle of the church. Standing upon a footstool and turned toward them as they kneel, he intones the antiphon in the eighth tone: 'It is fitting for thee, son, to rejoice, for thy brother was dead and has come to life again; he was lost and has been found.' Having said this, he says by way of prayer: 'May almighty God absolve you from every bond of sins ...' [Various penitential prayers follow.]

"Then the pontiff sprinkles them with holy water and incenses them, saying: 'Rise, you who sleep; rise from the dead, and Christ shall enlighten you.' Finally, he grants them an indulgence, as he shall see fit. When this has been granted, with his hands uplifted and extended over them, he pronounces the solemn blessing: 'Through the prayers and merits of blessed Mary ever Virgin, of blessed Michael the Archangel, of blessed John the Baptist, of the holy apostles Peter and Paul, and of all the saints, may almighty God have mercy upon you, and, all your sins having been forgiven, bring you to

everlasting life.' R. 'Amen.' 'May the almighty and merciful Lord grant you indulgence, absolution, and remission of all your sins.' R. 'Amen.' Finally he blesses them, saying: 'May almighty God bless you, the Father, and the Son, and the Holy Ghost.' R. 'Amen.' This done, they put away the hair and beard which they had allowed to grow, and, laying aside their penitential garments, put on more becoming and cleaner clothing."

THE NEGATIVE AND AFFIRMATIVE POSITIONS

CONCERNING THE FIRST QUESTION, namely whether canonical penance was or was not sacramental—that is, a certain satisfaction imposed in the sacrament, with a view to receiving, or at least after having received, absolution from sins—there are two opinions. One is that of the Rationalists, who deny all sacramental character to public penance and reduce it to a merely disciplinary institution of the external forum. To them should rightly be added those few modern Catholics who, like B. Poschmann and K. Adam, concede only a certain sacramental character improperly so called (cf. above, Article 1, vol. 1, pp. 55 ff.). The other opinion is that of Catholic theologians, who unanimously admit that this penance was the performance of a satisfaction imposed in sacramental confession itself. Nevertheless, as we shall see in the second question, some say that it preceded absolution itself, whereas others maintain that it followed absolution. Nor does it matter that several among them call it merely canonical and disciplinary, since by these expressions they intend only to exclude the claim that this penance was sacramental in the fuller sense admitted by others, who hold that it was performed between confession and absolution, as something within the sacrament.

CONCERNING THE SECOND QUESTION, namely whether public penance was performed after sacramental absolution had been received, or—before it, so that absolution from sins was the last act terminating public penance, the controversy properly and directly concerns Catholics alone. For non-Catholic critics deny that absolution was ever sacramental, either before or after public penance had been performed. Nevertheless, by that very fact they agree with the negative part of the first opinion, to be set forth presently, of those Catholics who say that the absolution by which public penance was concluded was not itself the sacramental absolution from sins. To the same opinion, moreover, is reducible that of K. Adam and B. Poschmann, insofar as it grants to the aforesaid absolution some so-called sacramental character which is not, in reality, sacramental (cf. above, Article 1, Volume I, pp. 55 ff., and below, pp. 906 ff.).

Among orthodox doctors, therefore, two principal opinions are found.

THE FIRST OPINION teaches that public penance was performed after sacramental absolution had been received (it makes no difference whether privately or publicly, that is, at the beginning of public penance itself, when the laying on of hands and the accompanying prayer of absolution took place). Accordingly, the absolution which concluded public penance (through the laying on of hands and prayer) was not sacramental absolution from the guilt of sin itself.

Arguments both historical and dogmatic are brought forward for this opinion, to be explained below in the Conclusion. It is defended by not a few theologians, especially among those dogmatic theologians who examine or touch upon this matter.

Thus Bagot († 1664),[844] Amort († 1775),[845] Billuart, Wiseman,[846] Frank (pp. 811 ff.), Probst (pp. 368 ff.), Bickell (p. 414), Palmieri (pp. 459–465), Hurter,[847] Blötzer (pp. 493–495), Schmitz (*Die*

Bussbücher, vol. 1, p. 18; vol. 2, pp. 34 ff.; in *Der Katholik*, 1885, p. 357), Vacandard (in *Dictionnaire de théologie catholique*, article "Absolution," cols. 159–161 and 236 ff.; subsequently, however, he changed his opinion, as will appear below), Laurain (pp. 97 ff.), De San,[848] Gartmeier (p. 71), Pellé (pp. 178 ff.), Pignataro (p. 104), Pesch (pp. 138–140), Stufler (p. 227), Jugie,[849] De Augustinis,[850] and Van Noort–Verhaar.[851]

[844] "Ancient theologians, such as Peter Lombard, Sentences, book 5 [as printed], dist. 14, and St. Thomas, Commentary on IV Sentences, dist. 14, q. 1, a. 5 (or Supplement, q. 28), presuppose this opinion when they expressly discuss public penance as it had to be performed, at least according to the canons, in the Middle Ages." Translator's note: The printed reference says "book 5," although Lombard's Sentences has only four books.

[845] "The works of this author and of several of the doctors following have already been cited at the beginning of the article, pp. 850 ff."

[846] Conférences sur les doctrines de l'Église catholique, conference 12, "Sur les Indulgences," pp. 850 ff.

[847] "In Migne, Démonstrations évangéliques, vol. 15, col. 1027."

[848] Theol. dogm., vol. 3, ed. 1891, no. 614, p. 477, in the note.

[849] De Poenitentia, part 2, chapter 2, proposition 4 (Bruges, 1900), pp. 224–233.

[850] Theologia ... Orientalium, vol. 3 (Paris, 1930), p. 371.

[851] De Poenitentia, thesis 22, proof 3, third part.

To these should be added Harent, Boyer, and Chardon, who will be cited below under the third opinion; for although they propose a certain intermediate opinion concerning—

—two sacramental absolutions, they nevertheless principally intend to defend the sacramental character of the initial absolution. Similarly, the Eastern theologians, according to the testimony of Morin (cf. below, p. 897), deny the sacramental character of the final absolution.

PALMIERI writes on this matter:

"This ... absolution [which is given at the end of public penance] was the same as that which Morin maintained was given also to those absent, although he himself contends otherwise (book VIII, chapters 25–26). Unless, therefore, we wish to say that one person formerly received the penitent's confession and another sacramentally absolved him, or that sacramental absolution was sent to absent persons ..., we must hold that this absolution was not sacramental. It was therefore an absolution from punishment, which itself also used to be called an absolution from sins. And indeed, in those penitential books a genuine confession of sins is always connected with the act of imposing penance on Ash Wednesday, and that confession is followed by a certain absolution. Thus, a twofold absolution was given: the first when the act of penance was imposed on Ash Wednesday, the other when the penitents were solemnly reconciled on the Lord's Supper [Holy Thursday]. Moreover, when absolution on the Lord's Supper is treated, either there is no mention of confession generally, or, if mention is made of it, it refers rather to offenses incurred during the very period of penance and needing to be washed away; although nothing would prevent penitents from being absolved once again from sins already remitted, and that confession, as we have said, is described as being made to persons other than the bishop who publicly absolved. Yet that prior absolution certainly effected something: for it was an act of the Church's power exercised before God for the remission of sins. We must therefore understand that it was itself the sacramental absolution whereby guilt was remitted before God. ...

"Certain recent theologians are beginning, moreover, to grant the opinion we defend, rejecting the opinions which imprudent erudition, supported by a few names, had invented and almost imposed upon others. Thus, among others, the distinguished Hurter holds this position ...; I am pleased to reproduce his sure argument in his own words: 'We candidly admit that this opinion (that of Morin and his followers) can by no means be proved. For who can suppose that absolution was deferred for several years after the confession of sins? And where have we read that a penitent was obliged to confess the same sins twice, as could be supposed? What if the priest who heard the penitent's confession had died in the meantime?' You say: if these things are true, a large part of Morin's immense work collapses, namely, his *Historical Commentary on the Discipline of Administering the Sacrament of Penance*. I reply that a theologian is little troubled even if the whole collection of monuments should collapse; for another interpretation than Morin's will very often have to be given to these same monuments" (pp. 460, 464 ff.).

VACANDARD writes:

"One may ask (and it is, moreover, a purely speculative question, of extreme gravity) to which absolution was attached the efficacy that we may call sacramental, that is to say, the real remission of sin, of the 'guilt of sin.' If one presses the language of certain Fathers, it seems that the remission of sin was subordinate to the reconciliation which marked the end of penance, and consequently depended upon the final absolution. On the other hand, we see that reconciliation could be carried out at Carthage by a simple deacon, even with the rite of the imposition of hands. Moreover, we learn from Dionysius of Alexandria that a penitent (the example of Serapion), in a case of extreme necessity, could receive the Eucharist without any reconciliation whatever. Could one not conclude from these two facts that the final absolution did not have as its direct and principal effect the removal of the 'guilt of sin'? In that case it would be necessary to attribute sacramental efficacy to the first absolution, that given by the penitentiary priest, or at least to the one which preceded admission to penance. We thus find ourselves confronted with two hypotheses which Sozomen suggests in one and the same chapter, in the cited place (*Ecclesiastical History*,—

—7, 16), when he says that the penitentiary priest 'absolved those who confessed,' before admitting them to the rank of penitents, and adds that at Rome the penitent was 'absolved of his sins' by the episcopal reconciliation on Holy Thursday. Which of these two absolutions really remitted sins? And, if it was the first, what was the efficacy of the second?

"To these questions Father Palmieri, the learned professor of the Roman College, replies in the following manner: ... [Doronzo: Here the opinion of Palmieri, just recounted, is set forth.] This theory certainly explains the greater part of the patristic texts. It remains to examine why the Fathers did not make this distinction between the absolution which followed confession and the final reconciliation which marked the end of penance. Must we believe that their minds were confused on this subject? Let us acknowledge that the sacramental theory of penance, as established by the Scholastics, was not familiar to the doctors of the primitive Church. It never occurred to them to analyze this sacrament into all its elements. This, in my opinion, is how they conceived of penance: for there to be a complete remission of sins committed after baptism (I mean through the remission of punishment as well as that of guilt), it was necessary that all the exercises of penitential discipline should have been performed, namely, the acknowledgment of the fault, the absolution of the penitentiary priest or of the bishop at admission to penance, the works of satisfaction, and finally

reconciliation. Without reconciliation, the remissive efficacy of penance was not complete. But what was this efficacy? In the thought of the first Fathers, was not penance considered a second baptism, as efficacious as the first? On this account it would have remitted not only guilt, but also punishment. This efficacy must be attributed to the entire collection of penitential exercises that we have enumerated. Taken together, they produced the complete effect; disjoined, or merely separated from the reconciliation which was their conclusion, they had a lesser efficacy. What the particular efficacy of episcopal reconciliation was, and what the efficacy of penitential exercises in general was, or that of the absolution of the penitentiary priest in particular, the Fathers did not try to determine. They were accustomed to considering penance in the whole collection of the acts which composed it, in order to estimate its entire value. They saw in penance above all a means offered to sinners of returning to the peace of the Church at the same time as to the peace of God. They left to the theologians of the future the task of attributing to each of the elements which enter into the constitution of the sacrament its particular efficacy.

"It is not improbable that at Constantinople the penitentiary priest

'absolved' sinners as soon as he had heard their confession: *apelye* [ἀπέλυε], says Sozomen. In that case, the reconciliation which followed penance, or admission to communion, would have been only a reconciliation in the external forum, such as took place later in the Latin Church for public penance. But, in general, during the first centuries, the absolution properly so called was that which the bishop gave to the sinner who had completed his penitential exercises. The practice at Constantinople would have been exceptional. It seems, therefore, that the theory of a twofold absolution properly so called, set forth above [ibid., col. 155], must be rejected. The final reconciliation, performed by the bishop on Holy Thursday, notwithstanding the texts of certain Fathers which attribute to it an efficacy equal to that of the absolution of the penitentiary priest, would not have had that efficacy. That is why it could be carried out by a simple deacon" (cols. 159–161).[852]

[852] Doronzo comments, "The things stated especially in the last part of this passage seem to be asserted uncertainly and confusedly, and they do not agree very well with what the author says in the passage that follows."

"Is it true [as H. Ch. Lea asserts] that the reconciliation of penitents had no effect except in the external forum? It may be admitted in a general way; but we have seen (*II Absolution au temps des Pères*, col. 157) that this rule admitted exceptions. If the teaching of the Fathers is not clear on this question, it is because the various elements which constitute the essential parts of penance had not—

—yet been analyzed and determined by the theorists of the sacrament. Moreover, one may admit that, from the day when the practice of the penitentiary priest prevailed, absolution was given by him to sinners, even before they were enrolled among the penitents. This is what Sozomen expressly teaches. And this practice goes back very far in the Church. The very fact that it was not in force everywhere does not prevent us from believing that the prayer pronounced by the bishop over the sinner at the time of his admission to penance was a true absolution similar to that given by the penitentiary priest. Is it not natural to think that the penitentiary priest, in absolving the sinners who confessed to him, was merely following the example of the bishops who until that time had alone fulfilled the entire office of directors of penance? On this hypothesis, if it is founded on the texts, it matters little that the final reconciliation was only a simple reconciliation in the external forum! We shall admit this exclusive theory of Mr. Lea only to a certain extent. With Palmieri we hold that the

final reconciliation, when it was not a true absolution from guilt, was an absolution from punishment, as the Scholastics say, at the same time as a reconciliation with the Church in the external forum. See *II Absolution au temps des Pères*, col. 160. Once this explanation is admitted, the reconciliation performed by deacons can no longer be brought as an objection. When the deacons, at Carthage or elsewhere, effected the reconciliation of penitents in the absence of the bishop and the priests, it is certain that they did not give absolution; their action had effect only in the external forum. It does not even matter whether they employed the rite of the imposition of hands. This rite did not of itself have sacramental power. It was never an essential part of what was later called the 'form of absolution'" (col. 236 ff.).

PESCH writes: "Was, then, this absolution [at the end of public penance] sacramental, or was it an absolution in the external forum, as is absolution from excommunication? There are many considerations which altogether suggest that this absolution was often not sacramental. ... It would therefore seem preferable to admit that penitents were absolved by that formula which, in all the penitential rites, is prescribed for use immediately after the confession has been made. For the words of this formula altogether signify the remission of sins; nor can other words be shown in those rites to which the character of absolution may more justly be attributed" (no. 265, p. 139).

JUGIE writes: "The Church established a rigorous satisfaction for certain grave sins, which was called *public penance* or *exomologesis*: this was an integral part of the sacrament of penance, just as today the satisfaction (or *epitimion*) imposed by the confessor upon the penitent belongs to penance. This satisfaction, according to the Church's estimation, had to suffice both for the remission of temporal punishment and for the amendment and spiritual healing of the penitent. When it had been completed, the penitent was solemnly reconciled to the Church; and if any temporal punishment still remained to be remitted before God, the Church remitted this to him, by the fullness of her power of binding and loosing; so that this reconciliation, which probably presupposed absolution from guilt and from eternal punishment, corresponded to and was equivalent to a true plenary indulgence" (p. 371).

THE SECOND OPINION teaches that public penance preceded the sacramental absolution of sins, and that this absolution consisted in the very reconciling absolution (that is, the laying on of hands and prayer) by which the performance of public penance was concluded; whereas the initial ceremony was not sacramental absolution.

For this opinion arguments almost exclusively historical are adduced, to be reported below in Conclusion 2. Several theologians defend it, especially among the positive theologians.

"One must beware of hasty generalizations. What is true of one period may not be true of another; what is true at a particular time in one region may not be true of a neighboring region. Examples of these variations in space and time abound. These differences arise from the fact that the administration of penance has always assumed, more or less, the form taken by the exercise of a judicial power. Now, such an exercise generally involves a certain discretion—we do not say caprice.

"Even today, notwithstanding the entirely sacramental form which the administration of penance has taken, many things must be left to the discretion of the confessor, to his personal judgment, for which no one may demand an accounting from him. This is still more true of periods in which there existed neither a fixed ritual nor determinate canons nor universally accepted rules. The heads of

Christian communities knew that they held a considerable power over sins committed; they exercised it to the extent that they believed necessary, taking account of both particular and general interests. It required crises of general character, such as Montanism, the great persecutions, or the Novatian schism, to bring the Churches to take certain uniform measures. Even this uniformity remained altogether relative. ... It would be supremely imprudent, for example, to generalize the scope of the canons of Elvira; on the other hand, it would be no less hazardous to regard as having force for the whole Church certain practices which, with greater or lesser reason, claim the authority of the name of John Chrysostom."

"St. Irenaeus brings us, at the very threshold of this period, a rather mysterious piece of information concerning the victims made, in the Rhône valley, by the propaganda of the disciples of Mark the Gnostic. These victims were principally women; some of them, perhaps guilty of disorders encouraged by the sect, are said to have returned to repentance. *Contra haereses*, I, xvii, 5, 7, P.G., vol. vii, cols. 588–592. See the article 'Irénée,' vol. vii, col. 2497. Perhaps the text is less clear than has been said. The words *ai μὲν*

καὶ εἰς φανερὸν ἐξομολογοῦνται have been rendered by the old Latin version as *exomologesim faciunt*, as though it referred to liturgical *exomologesis*, the act by which one submitted oneself to penance. The authors who, following the Latin, translate in that manner have neglected the preceding words.

"These women had, to use the expression of 1 Timothy 4:2, 'a cauterized conscience'; this means 'that some even openly displayed their condition, whereas others, more or less ashamed, withdrew without saying anything from the life of God, some of the latter going so far as complete apostasy, while others remained in uncertainty.' This latter portion of the sentence is interesting because it describes rather well the two categories of sinners whom we have already encountered in the *Shepherd* [of Hermas]: those who abruptly abandon the Church, and those who slowly but surely, by a progressive desertion, reach the same result. As to the first part of the sentence,

ἐξομολογοῦνται, etc., we think it better not to bring it into the debate."

Thus the Council of Cologne of 1536, Prierias, Latomus, Maldonatus[853], Cardinal Hosius[854], William Lindanus[855], Estius[856], Bellarmine (book 4, chapter 5), Albaspinaeus, James Baius (nephew of Michael Baius)[857], Petavius (*Dogmatic Theology*, vol. 8, pp. 195 ff., 448 ff., 450 ff.), Hugh Ménard[858], Sylvius [859], John Morinus (pp. 603, 606, 611), Antoine Arnauld[860], Natalis Alexander, Vitasse, Tournely (*De Poenitentia*, question 7, article 3, conclusion 2), Fechtrup (p. 456), Duchesne (pp. 365 ff.), Binterim (pp. 302 ff.), Schanz (p. 538), Malnory (*Quid Luxovienses monachi ...*, pp. 62 ff.), Boudinhon (pp. 306–344, 496–524), Vacandard (*Études de critique et d'histoire religieuse*, pp. 95–97), Batiffol (*Études d'histoire et de théologie positive*, 1904 edition, pp. 199, 201, 208–211), Rauschen (pp. 219–223), Bonaccorsi[861], Tixeront (*Histoire des dogmes*, vol. 1, Paris, 1930, pp. 445–447; cf. vol. 2, Paris, 1931, p. 325), O'Donnell (pp. 95–118), d'Alès (*L'édit de Calliste*, p. 439), Hilgers (pp. 44 ff.), Honoré (pp. 11 ff.), Galtier (*De Paenitentia*, thesis 14; *L'Église et la rémission des péchés*, pp. 253 ff.; *Le péché et la pénitence*, pp. 115–118), Diekamp (pp. 354–357), Hervé[862], and Amann (cols. 841 ff.).

[853] De sacramentis, book 2, chapter 2.

[854] Confessio catholicae fidei, chapter 48.

[855] Panoplia, book 4, chapter 70.

[856] In IV Sententiarum, distinction 15, § 5, § 15.

[857] Institutio christianae religionis, book 2, chapter 98.

[858] Notes to the Sacramentary of St. Gregory, Patrologia Latina 78, 448.

[859] In Supplementum, q. 18, a. 3, question 2.

[860] De la fréquente communion, part 2, chapter 8. The printed Latin notes that other Jansenists generally follow this view, with discussion of satisfaction as necessarily preceding absolution (cf. Concil. Pistoriense, Denzinger 1534).

[861] In his version of Rauschen's work.

[862] Theologia dogmatica, vol. 4, no. 301, sections C and D.

COUNCIL OF COLOGNE, 1536: "It must be recalled ... that in the ancient Church it was established by ecclesiastical canons that penitents should not be reconciled or admitted to communion except after penance had been performed, unless necessity had compelled otherwise and danger of death was imminent."[863]

[863] Institutio compendiaria doctrinae christianae in Concilio provinciali pollicita, Cologne, 1538.

MALDONATUS: "Anyone who does not know that sacramental absolution was given at the end of penance is ignorant of all antiquity."

CARDINAL HOSIUS: "The third part of penance is the one which Tertullian writes belongs to confession: satisfaction; if anyone wishes to call it the consequence of binding, there is no cause for dispute. For what always preceded absolution now for the most part follows it."

ESTIUS: "For a long time the ancient Church maintained this custom: that those who had fallen and confessed their sins, when seeking reconciliation, should first discharge penance or satisfaction before attaining peace or reconciliation through the priest's absolution. ... Nor should we heed those who, relying on their own imagination rather than on any testimony of antiquity, assert that even formerly the Church customarily absolved all penitents secretly before they underwent satisfaction and afterward, when they had completed the imposed penance, bestowed a public absolution upon them, by which they were publicly received back into communion; for this distinction is nowhere to be found."

BELLARMINE: "Although laborious works were formerly imposed upon penitents and discharged before absolution, nevertheless this was not absolutely necessary; indeed, those works could also be discharged after absolution, as is now done. And from the fact that those satisfactions were customarily paid not so much for guilt as for temporal punishment, it is evident from those councils which direct that penitents be given communion at the point of death even if no satisfaction, or an incomplete one, has preceded; they nevertheless admonish that, if the penitents happen to survive, they should discharge in full the penance imposed upon them."[864]

[864] De Poenitentia, book 4, chapter 5, Opera omnia, vol. 3 (Milan, 1859), p. 719.

PETAVIUS: "This is certainly no slight question: at what time, or in what degree, penitents obtained that final absolution from sins. For the fact that they were not accustomed to be absolved immediately after confession of sins, and that all obtained this benefit only after the period of penance had been completed, has been shown above by many arguments. Now there is good reason for doubt whether, when they were in the fourth degree, that is, *systasis* [the grade of standing together], before they had discharged that degree, they received the absolution which we call sacramental; and whether, after the *hypoptosis* [the grade of kneeling or prostration], they were indeed

absolved from sins, but were not yet admitted to communion in the Lord's body. And it may indeed appear that, after the *hypoptosis*, pardon of sins, that is, sacramental release, was granted to them. For when they emerged from that third degree and entered the *systasis*, as we said a little above, they in a certain way ceased to be penitents. An argument for this may be that, their crimes having already been remitted and pardoned to them, they entered that stage not to undertake penance but only to complete it. Add that they had communion in all things with the other faithful, the Lord's body alone excepted. ... Therefore, when they passed from the *hypoptosis* to the fourth order, and were finally enrolled in it, it is probable that, through the imposition of hands, sacramental absolution was imparted to them. For, so far as I know, no ancient canons signify that hands were imposed upon penitents after their *systasis*, but they join that imposition with the *hypoptosis*."[865]

[865] De vetere in Ecclesia Poenitentiae ratione diatriba, § 6, in Dogmata theologica, vol. 8 (Paris, 1867), pp. 195 ff.

"The imposition of hands may have been twofold: an earlier one, by which they were admitted to undergo penance, and by which the bishop's prayers and a certain ceremony, as it were, expiated them; and another, later one, which was as it were the conclusion of penance, and had annexed to it absolution from sin and punishment. The first was common to penitents and catechumens. ... [The other] imposition of hands was very often performed upon those in the third grade of penance, which they call *hypoptosis*, as we have taught in the observations on Epiphanius, heresy 59. ..."

"I now come to canon 13 of the Council of Nicaea, where both kinds of reconciliation which I have thus far explained are asserted in express words. Dionysius interprets it thus. We come, then, to the sixth rule, which an ancient and regular law also observed even now, namely, that if someone is departing from the body, he should not be deprived of the last and necessary viaticum. But if he recovers and, having obtained communion and having been made a participant in the oblation, again gets well, let him be among those who receive communion of prayer only. In general, however, to anyone who is in the final state and requests for himself the grace of communion, the bishop probably ought to give it. Or, as another edition has it, 'The bishop shall impart communion with examination of the oblation.' In the first part of the canon, it is prescribed that the last and most necessary viaticum is not to be refused to the dying. In the second, however, it is prescribed that the oblation not be granted rashly or without examination to anyone, even one who is dying. Therefore that communion and reconciliation are different: the one, offered indiscriminately and without any great discrimination to all; the other, after scrutiny, granted by judgment. Surely the former indicates only remission of sin and the viaticum absolutely necessary for the dying; the latter, the right to the oblation and to the Eucharist. Hence you may gather that what—

—we have shown thus far—that sometimes absolution from sins alone was granted to the dying while the Eucharist was refused—was also practiced."[866]

[866] Diatriba de Poenitentia et Reconciliatione, chapter 2, in Dogmata theologica, vol. 8 (Paris, 1867), pp. 448 ff.

"To return to the twofold reconciliation and the degrees of penitents which are reckoned in both, in the observations on Epiphanius's heresy 59 we have inquired whether absolution from the two former and lesser grades of penance was granted in the *hypoptosis* or in the *systasis*; and passing over that question, which could favor either side, we may now add this. When two degrees had been completed, after the *hypoptosis* penitents obtained absolution and were transferred into the fourth degree, that is, the *systasis*. For the *hypoptosis* was the most laborious and severe part of penance and

was called penance above all. When they brought this to an end and came to the *systasis*, they began to be called penitents no longer, as we have shown in the observations. Hence it is probable, rather indeed certain, that to use Tertullian's terms, they were released *through reconciliation* and *pardon*. Yet they were not yet admitted to the Eucharistic oblation; and it is established that they obtained this through a second imposition of hands and reconciliation in the *systasis*. Accordingly, canon 2 of Vaison calls it 'the most complete reconciliation'; Carthage IV, canon 78, 'the viaticum of the Eucharist'; Gregory Thaumaturgus, canon 15, 'the reconciliation of the altar'; Carthage II, canon 4, and Augustine, letter 54, 'lawful communion'; and Orange I, canon 3, 'the reconciling imposition of hands.'"[867]

[867] Ibid., chapter 3, pp. 450 ff.

HUGH MÉNARD: "Finally, it must be noted that formerly absolution, not only from excommunication but also from sins, was not customarily given before the whole penance or satisfaction had been completed (except in danger of death, or when bishops, at the entreaties of martyrs or confessors, remitted or dispensed with some of it), as is evident from the Roman Order, the Codex Tilianus, the Reims and Ratold codices, book VI of the manuscript of Halthgar, the epistle of St. Innocent ... to Decentius the bishop, and letter 91 of St. Leo" (Migne, *Patrologia Latina* 78, 448).

MORINUS: "The first thing that comes before us to investigate and explain, and which the matters demonstrated in the preceding book seem by their nature to lead to, is the question of the time when penitents, after they had made their confession either privately or publicly, were granted absolution. ... The inquiry is perplexing ... and involves many matters. ..."

"Before ... I think that we shall not have acted out of order if, by anticipation, ... we investigate a distinction mentioned and rejected by William Estius: namely, a twofold absolution, one, the principal one, given secretly for sins before penance was imposed on penitents; the other, public, given after penance had been completed, by which penitents were admitted to the external communion of the Church. Although Estius expounds this distinction as a mere invention of the mind, and judges it unworthy even of refutation, it nevertheless does not seem to us superfluous if, comparing this distinction with the discipline of the ancient Church, we investigate whether it agrees well with it. ... Comparing it, therefore, as far as I can follow it with my mind, with the ancient discipline, it has seemed to me that William Estius rightly pronounced it to have no testimony from antiquity; and this alone is quite sufficient for me to judge it imaginary."

"The answer to the first proposition of the inquiry is this. From the earliest beginnings of the Church until approximately the year seven hundred, absolution was, by ordinary law, granted to public penitents convicted of the gravest crimes after the completion of penance imposed according to the canons. Proofs of this discipline are innumerable, since the ancient Fathers for many centuries decreed concerning penance, whether in canons or in their writings; the greater part of them bear upon this proposition."[868]

[868] Commentarius historicus de disciplina in administratione sacramenti Poenitentiae, book 9, chapters 1–3 (Paris, 1651), pp. 603, 606, 611.

VACANDARD: "According to certain theologians [with whom, however, he himself agrees in the passage cited above], absolution—an occult absolution, distinct from the final reconciliation of penitents—would always in the primitive Church have followed immediately upon the secret

confession preparatory to public penance. This is the formal thesis which Gartmeier has recently maintained in his work entitled *Die Beichtpflicht historisch dogmatisch dargestellt*. In this he agrees with the Jesuits Palmieri, Blötzer, and Stufler. But such an opinion seems altogether untenable. The learned German theologian Rauschen condemns it in these terms: 'This thesis is false; there is no trace of a distinction between the internal and external forum in the ancient Church.'

"On the one hand, the very numerous documents concerning penance in ecclesiastical antiquity contain no allusion to this sacramental absolution, which is supposed to precede the penitential exercises. In the second place, the Montanists, with Tertullian at their head, reproached Pope Callistus for reconciling adulterers instead of reserving to God alone the right of forgiving them. What would such a reproach mean if the guilty had already received the bishop's absolution before entering upon penance?

"The edict of Pope Callistus expressly indicates that remission of sins, absolution, follows the penitential exercises and does not precede them: *Delicta poenitentia functis dimitto* ['I remit offenses to those who have performed penance']. All the other texts which deal with ecclesiastical reconciliation clearly indicate that divine pardon is attached to this measure of indulgence, and that consequently it properly constitutes sacramental absolution. ... Thus 'the matter is clear and leaves no room for doubt,' observes Rauschen: 'Christian antiquity knew no sacramental absolution distinct from the one administered at the end of public penance.'"[869]

[869] Études de critique et d'histoire religieuse, second series (Paris, 1910), pp. 95–97.

BATIFFOL: "Mr. Boudinhon has very clearly seen that this public satisfaction had as its term 'solemn reconciliation, equivalent to absolution.' ... Mr. Boudinhon ... asserts that the procedure constituted by public satisfaction, or *exomologesis*, and by solemn reconciliation 'has as its aim and effect to remit sins'; that 'it is sacramental.' On this point he will have no other opponents than those who think that this public satisfaction and this solemn reconciliation are a mere parade, judging ancient things by what exists today. We still have in the Roman Pontifical, edited by Benedict XIV and Leo XIII, the rite *De reconciliatione paenitentium quae fit in feria Va coenae Domini* [On the reconciliation of penitents which takes place on Thursday of the Lord's Supper]; but it has long since fallen into disuse, and modern authors accord it no sacramental value, whereas in the fifth century no other rite was known at Rome, save of course *in extremis* [at the point of death]. ...

"Penance is sacramental, but public penance is not the whole of penance, in this sense at least, that penance is partly public and partly secret. It is public in the act of reconciliation; it is also public, in certain cases, in the *exomologesis* or satisfaction which precedes that reconciliation; but it is secret in the preliminary instruction which determines that satisfaction. For—and we must not grow weary of asserting this—the satisfaction is proportioned to the fault, and this measure, which is of individual ordering, could only have been secret, and never was anything but secret. Let us not say, then, 'There is a public penance, and there is no secret penance.' Let us say: 'There is a secret consultation, a public satisfaction, a public reconciliation.' The day on which all this publicity disappears, there will not be a new institution but the modification of one and the same preexisting institution.

"In penance thus conceived, what exactly will be sacramental? ... If we affirm that ancient penance was sacramental, it is important that we say in what respect it was so; in other words, that we determine 'at what moment the sinner admitted to penance received the pardon of his sins.'"

"Mr. Lea and certain Catholic theologians have found themselves in agreement in refusing any sacramental value to public reconciliation: Mr. Lea because he recognized no sacramental value in ancient penance; those theologians because they suppose that a sacramental absolution *a reatu culpae* [from the guilt of sin] accompanied the confession of faults and the imposition of the satisfaction due, and because they regard public reconciliation as an absolution *a reatu poenae* [from the debt of punishment], or, better, as a perceptible declaration that the satisfaction due has been discharged. Mr. Vacandard regards the theory of these theologians as very attractive, but disputable on one point. In his eyes it is indeed excessive to say that final and public reconciliation did not remit sins and was not properly sacramental. We judge this theory more severely.

"Taking the formulas of public absolution which the liturgy has preserved —whether at this moment they be deprecatory or imperative matters little—there is no doubt that the pontiff who pronounced them had the intention of absolving *a culpa*, not *a poena*. As for the formulas for imposing penance pronounced upon the sinner at the time of his first confession of his faults, such as they are in the texts we possess, scarcely contemporary with the disappearance of public satisfaction and public reconciliation, one may conjecture that they served in place of the formula of public absolution. But in no case was one sacramentally absolved twice *ab eadem culpa* [from the same guilt]. Mr. Vacandard, from the moment he admits the sacramental value of final and public reconciliation, is obliged to refuse it to the initial imposition of penance.

"Therefore we would not say that 'penance, even deprived of final reconciliation, possessed, under the ancient discipline, a sacramental power.' For there is a contradiction in terms. Rather we shall say: so long as final reconciliation subsisted, none of the preceding acts (confession of faults by the sinner, satisfaction) could contain the sacramental effect; or if a change took place which shifted the sacramental effect, final reconciliation, having become purposeless (was it not then an absolution without matter?), was condemned to disappear, and did disappear."[870]

[870] Études d'histoire et de théologie positive, first series (Paris, 1904), pp. 199, 201, 208–211. Doronzo notes that Batiffol omitted this theological discussion from the sixth edition (1920), apparently because he regarded the issue as already beyond dispute and therefore as lacking particular positive significance (cf. above, p. 855).

TIXERONT: "Sincere penitents, placed in the requisite conditions, were reconciled when they had completed their period of probation. This reconciliation with the Church and with God, this remission of sins was effected by the ministry of the bishop. ... The effect of this absolution was to remit sins, to heal them, to restore the Christian to the state in which he was before his fall. The pardoned Christian was *restitutus*: he recovered through the *ius communicationis* his rights in the Church and his rights to the kingdom of God: penance is a second baptism which restores innocence to him who has lost it."[871]

[871] Histoire des dogmes dans l'antiquité chrétienne, vol. 1, 11th edition (Paris, 1930), pp. 445 ff.

RAUSCHEN: "Was public confession as a rule preceded by a private confession, together with sacramental absolution? It is quite certain that some sort of an avowal of guilt did precede it. But that this avowal was immediately followed by absolution, given by a priest, and that the reconciliation taking place after the performance of the enjoined penance possessed a merely disciplinary character, or at best signified nothing else than the re-admission of the sinner to membership in the Church and participation in the Eucharist, is a wholly untenable opinion.

"Frank, who evinced a decided preference for this view, was forced to confess: 'We are well aware that but few scholars share our opinion and that a veritable army of the ablest critics and scholars, both ancient and modern, oppose it and maintain the contrary view.' Among those who disagree with him is Morinus. Nevertheless Frank satisfied himself, according to his own statement, that in the Oriental as well as in the Western Church sacramental absolution always preceded—

RAUSCHEN (continued):

"—the imposition of public penance, and he thinks his arguments will dispel his reader's last doubt of the truth of his opinion. Many Catholic writers have followed him, e.g., Gartmeier and the two Jesuits Blötzer and Stufler.

"But the thesis is false; there is no clear-cut distinction between the forum internum and the forum externum in the early Church. The reasons for my assertion are: ... The sources of antiquity are silent concerning a regular sacramental absolution preceding the completion of the imposed penance. Frank has not furnished any affirmative testimony on this point; and as the sources relative to the penitential discipline in Christian antiquity are so rich, this failure renders his claim doubtful, to say the least. [Sequuntur alia argumenta.]

"The whole matter is so clear that there can be no room for doubt. Frank's and Blötzer's counter-arguments are without value. Frank says, the imposition of hands, whereby sinners were admitted to public penance, must have been identical with absolution, and cites the fact that a sick person could receive absolution before the expiration of his sentence of penance. Blötzer quotes passages from St. Augustine, in which confession is supposed to obtain forgiveness. But when closely examined, it is seen that in these passages there is question of the baring of the heart to God alone, that is, of inner confession."[872]

[872] Eucharist and Penance, translation from the second German edition (St. Louis, MO: B. Herder, 1913), pp. 219–223.

O'DONNELL: "At what stage of the penitential process was it [absolution] generally given? At the outset all agree that in case of a deathbed reception of the Sacrament absolution was granted shortly after confession. This is evident. There was no opportunity of going through the various stages of the penance. In the following pages, therefore, I am concerned with the ordinary administration and take no account of such exceptional cases.

"There are *two principal theories*. With an evident desire to harmonize as far as may be the various stages in the development of Church discipline, some assert that it was granted immediately after the confession. Others, less anxious to postulate complete uniformity in comparatively minor details, identify the absolution with the public reconciliation granted at the end. The former are confronted with the silence of the early records, the latter with the manifest change in the form of administration. When critics after a comprehensive study of the subject arrive at such divergent conclusions, ... we may be pardoned for *refusing to accept either hypothesis as completely satisfactory or final*. It must be confessed, however, that, when the two theories with their various modifications are fully considered, *the second seems to harmonize best with the historical evidence—in so far at least as regards the practice of the Western Church*. ...

"But the proof on which after all I am most disposed to rely, for the practice of the Western Church at least, is contained in the words of Pope Callistus. He was the advocate of mercy and milder practice; his teaching, therefore, may be presumed to exhibit no undue severity. He spoke as the Bishop of

Rome and the head of the Catholic world; his doctrine, therefore, was the doctrine of the Church. With all the force and authority of the successor of Peter he reprobates the Montanist excesses. But on one point there is no yielding, no hint of a reformation of the current practice; the pardon he promises is only to be granted to those *'who have already discharged their penance'* [Tertull., De Pud., 1, 6]. The author of the Philosophumena attacks him and his followers for 'remitting all men's sins' and for 'offering communion rashly to everyone' in a way that implies, if it does not necessitate, the identification of 'remission' and 'granting of communion'.

"For the Eastern Church we cannot speak with the same degree of certainty. True, Origen's testimony and the arguments drawn from the refusal of the Eucharist and from the analogous treatment of penitents and Catechumens apply with equal force to the East and West. In the Didascalia, too, which describes the—

—Syrian practice, the effects of the final absolution are declared to be identical with those of baptism. Neither should we lose sight of the probability that in such a fundamental matter of Church discipline the practice of the Eastern and Western Churches should have harmonized in at least the more important details. ...

"There is one aspect of the rival theory [Secunda theoria] which it may be well to emphasize. It is this. The denial of the sacramental character of the final reconciliation deprives us of practically the whole prescriptive argument for the exercise of the power of the keys and weakens the force of some of our strongest proofs for the existence of the power itself.

"Let me not be misunderstood. There are statements in the early Fathers and writers—I have quoted some of them already—which establish the Church's power over post-baptismal sin in such an unqualified manner that no particular theory as to the circumstances in which the power was exercised can affect them in the slightest. But these are texts, after all, in which the power is vindicated in a general way, without any hint being given as to the manner and circumstances of its use. When the writers approach this latter point they are silent regarding a previous absolution and concentrate their attention on the final reconciliation. The critics, therefore, who deny that the Church intended to confer a remission of sin at the end sweep away the records of the actual administration of the sacrament of penance in early times, and excite, in consequence, in relation to the dogma itself, the scepticism that is naturally felt regarding the existence of a power that is never actually exercised. ...

"To the commoner view [i.e., primae theoriae], however, this concession may be made. The early Fathers, not having reduced theology to a scientific system, were unable to indicate the precise point at which remission was secured and were inclined, perhaps, to maintain that it was granted in part at the very beginning of the public discipline. 'The problem of modern theologians—at what time and in what form forgiveness was imparted to the sinner—did not occur to many', while others 'did not necessarily ask themselves which of the prayers said over the penitents produced the sacramental effect any more than they inquired which of the many unctions applied by a priest, or by several priests, as in the Greek rite, acted sacramentally upon them. They performed the complex ceremony believing in its mysterious efficacy, and left the rest to God and to the curious inquirers of later generations'.[873] And hence, while clearly indicating, I maintain, that the complete remission of sin was subsequent to the fulfilment of the discipline, they very probably held, implicitly at least, some such theory as Origen expressed in regard to 'partial absolution'. In this sense I can admit with M.

Vacandard that 'the mere imposition of penance implied a kind of absolution'. The prayer recited over the penitent after confession was probably, in itself, quite sufficient to convey a sacramental absolution and may have, if such was the intention of the minister, actually conveyed it in particular cases. All I should wish to conclude from the evidence adduced—and with the conclusion I am sure no one who studies the documents impartially will seriously quarrel—is that, as a general rule, the penitent was regarded as bound by his sins till the moment of the final reconciliation and that, consequently, however valid the form, there was no intention of conferring the sacrament at the beginning of the penitential process. We have something analogous in our own practice. The prayers, 'Misereatur, etc.', 'Indulgentiam, etc.', recited before the 'Ego te absolvo', are apparently—if regarded as absolution formulae—quite as valid as many of the deprecatory forms in use in the early Latin Church. Yet they produce no sacramental effect on the penitent. Why? Abstracting from the theory that the Church has changed the form of the sacrament, simply and solely because the confessor conforms his intention to that of the Church and defers the absolution till the indicative form is pronounced."[874]

[873] J. Hogan, S.S., in American Catholic Quarterly Review (July 1900), p. 436.

[874] Penance in the Early Church, chap. 7 (Dublin, 1907), pp. 98 ff., 106 ff., 110 ff., 115–117.

D'ALÈS: "Must we admit, with authoritative authors, that sacramental absolution normally preceded the fulfillment of public penance? Despite the reasons offered in its support, this hypothesis scarcely seems acceptable to me in its universality, for the ancient descriptions of public penance irresistibly give the impression that the penitents, far from regarding themselves as absolved in the internal forum, were struggling painfully to deserve absolution. The granting of the *actio paenitentiae* was undoubtedly a first favor, which was not granted indiscriminately to all, but it was not yet an effective reconciliation, except in urgent cases that left no time for the fulfillment of penance. Effective reconciliation took place solemnly, after the period of penance had expired, at the Holy Thursday office. Thus we would not venture to lay down as a general proposition that, from an early period, absolution in the internal forum normally preceded the exercises of public penance."[875]

[875] L'édit de Calliste (Paris, 1914), p. 439.

AMANN: "Sacramental character of canonical penance.—We have pointed out proofs of it in earlier ages. They show that penitential discipline was not considered merely as an affair between ecclesiastical authority and the sinner, but that, at the same time, an action took place in the sphere of conscience, to which God alone has access. The liturgical texts we have encountered for the first time in this period fully illuminate this ancient idea. See column 816 ff. In the formula supplied by the Gelasian Sacramentary for Holy Thursday, we hear the archdeacon ask the bishop to bring the sinner back to God by the grace of divine reconciliation, '*per divinae reconciliationis gratiam fac hominem proximum Deo*.' And as for the prayers pronounced by the bishop himself, we have noted that, whereas the second emphasizes reinstatement in the Church, the third affirms that the essential purpose of the ceremony is to give life back to the sinner. The ceremony is called a '*sacramentum reconciliationis*,' both by the Gelasian [Sacramentary] and by the Visigothic *Liber ordinum*. Although we must not press the word 'sacramentum' in this period, the employment of the expression is nevertheless very noteworthy. We thus see the error committed by theologians of the last centuries who, for reasons of an apologetical order, refused to consider 'canonical penance' a sacramental order, seeing in it only a discipline of the external forum. We must no less resolutely set aside an idea which appears in

various places, even in the two articles 'Absolution' and 'Confession' [by the author Vacandard], according to which absolution had been given to public penitents at the very beginning of their entrance into penance. It is formally excluded both by the liturgical texts just cited and by the canonical texts which refuse ecclesiastical burial to penitents who have died before 'reconciliation,' even if they had received penance. Study of the patristic texts, especially those comparing penance with baptism, would confirm the foregoing conclusions."[876]

[876] in Dictionnaire de théologie catholique, article "Pénitence," cols. 841 ff.

GALTIER, who more remarkably than other modern writers has investigated questions of public and private penance, sets forth the controversy concerning the nature of public penance and its connection with the controversy about the existence of private penance in the ancient Church (which is treated in the second question of this article) as follows:

"This very simple solution [i.e., the contrary opinion] has but one misfortune: *it has against it the evident testimony of history*. Not only has it not been proved that absolution properly so called always and regularly preceded the fulfillment of public penance; *rather, the contrary is positively established*. From the time of Tertullian at least until that of St. Gregory the Great, it is manifest that 'penitents' are presumed not yet to have received from the Church pardon for their sins.

"The author of the alleged 'edict,' against whom Tertullian directs his *De pudicitia*, says so—

—in his own words: it is after the fulfillment of penance that he remits sins of the flesh: '*Ego ... paenitentia functis dimitto*.' Thus he also supposes the Montanist and Novatian controversy: the proper and unique object is absolution to be granted after the fulfillment of public penance. The heretics refuse it; the Catholics grant it; but for neither group is there a question of restricting it to remission of the punishment imposed by the Church itself. In everyone's understanding, it is the pardon of sin itself that is at stake, and the hypothesis even excludes its having already been obtained at the time penance was imposed.

"The concern, which we have seen to be general, not to allow 'penitents' to die without absolution is likewise explained only if they are considered as still awaiting reconciliation with God. The reason given for it confirms this: they have not yet recovered the Holy Spirit lost through sin; to die before being reconciled would be for them to die without having received baptism: they and the catechumens, we have seen in St. Augustine, await the same fate.

"We shall not dwell further on this opinion. After what we have said to establish the proper value of absolution, there is nothing to add. The absolution considered in this connection was that which concluded public penance: *to contest that it was ordained to the pardon of sin itself is to put oneself beyond the possibility of proving that the Church ever attended to granting it*."[877]

[877] L'Église et la rémission des péchés aux premiers siècles (Paris, 1932), pp. 253 ff.

"The Church's constant faith in her power to forgive does not, however, entail that she exercised it—or at least that she was understood to exercise it —always and everywhere in its full extent. Usage involves an entire complex of judgments concerning sins and sinners, subject to many variations. The objective gravity of faults to be pardoned and the more or less complete responsibility of the one committing them are not the only things taken into account. Inevitably opinions, not to mention the personal prejudices of the judge, also intervene: hence the diversity of countries and the oscillations

from one century to another in estimating the gravity of certain sins and the reparations to be required. Variations are likewise inevitable in exercising the power to remit or retain sin. Christ foresaw and accepted them beforehand; it would be pharisaism or narrowness of mind to take offense at them. *The uniformity observed today in these matters must not create illusions; it is the fruit of doctrinal and disciplinary interventions multiplied over many centuries, and it would be fanciful to expect to find it at the origins.* Thus, as ever, but more than ever, certain tendencies or customs could prevail in some places, which elsewhere or at a later time were judged too indulgent or too severe. Despite the indications found in a jurisprudence more than a thousand years old, and despite the precise directions furnished by the procedural code drafted especially for this purpose, it can still happen today that one confessor believes he has the power to absolve, or another believes himself forbidden to do so; how much greater, and over how much wider a range, must disagreement have been at a time when every special tradition and every special legislation was still lacking.

"It concerns us here in no way, as we have said, to question the extent of the power Christ gave; nor is it a question of the power of determining the conditions for admitting to absolution the various sins, a power which was recognized by the heads of the Churches. Even here, before the end of the second century, the documents permit us to discern a remarkable uniformity of procedure. In all the Churches, a certain number of faults are distinguished which, on account of their nature or special gravity, receive a particular treatment.

"The more or less lengthy expiation required for them includes a collection of observances and forms of subjection reserved to the name of 'penance.' Those subjected to them constitute, in liturgical assemblies at least,—

—a group apart, called 'penitents.' *Although the Church already knows of their sins, she has not yet remitted them; she has not 'loosed' them; on the contrary, on her part she has 'bound' them by subjecting them to penance.* Their sins therefore remain 'retained' until the day when, the expiation and amendment having been judged sufficient, *absolution will be given them by an imposition of hands*: then alone, drawing the Holy Spirit upon their souls, they are definitively reconciled with God as well as with the Church, and admitted anew to Eucharistic communion. The system of penance or remission of sins thus characterized is what we have called up to this point 'public penance.'

"Under diverse forms, it is found everywhere. To subject a sinner to it is to use in his regard the power of the keys, but not yet to 'loose' or absolve him. For the moment the Church confines itself to "binding" him, while intending—and promising him—to "loose" him later when the time comes. And this is a conception or terminology of which it is supremely important to take account; it governs the interpretation of many ancient texts. If it is overlooked, a modern reader is liable to believe there is an absolute exclusion of pardon where there is only a refusal of immediate pardon. The result, indeed, is that sins thus subjected to what was then called 'penance,' though truly susceptible of the Church's pardon, nevertheless were not among those over which she immediately and at once exercised her power of 'loosing' or 'remitting'; they were, on the contrary, formally distinguished, and the judgment passed upon them amounted only to 'retaining' them. Accordingly, if other instances were found in which the Church pardoned or remitted without requiring this solemn or ritual expiation, they could and should be contrasted with the former as alone benefiting from remission properly so called.

"And this is what happened. Some sins were pardoned immediately, or at least more easily; this was also known from the outset in the various Churches; it is even remarkable that the first properly penitential heresy leaves them beyond dispute. In his plea for Montanism, Tertullian does not contest that they can be, and actually are, remitted by the bishops. A fortiori this was admitted also on the Catholic side, and there is therefore no question of any notable diversity between the orthodox Churches of the first centuries on this point. Although it is not easy to determine exactly in what form and to what extent remission of these sins was carried out, it is no less incontestable that it took place, and that pardon thus obtained, without enrolment among the 'penitents' properly so called, constituted what was later called 'private penance.'

"This designation, in fact, has nothing primitive or properly patristic about it: *even in the fourth and fifth centuries 'penance' without qualification ordinarily means, in ecclesiastical language, only penance properly so called, or public penance,* so that to be remitted outside it amounted, in the case of a sin, to not being the object of 'penance,' to being remitted without 'penance.' This is a very special terminology, as we see, and one which risks confusing, but whose neglect would radically distort every inquiry into the working of the ancient penitential institutions.

"Public penance, which was therefore the common feature, did not entail uniformity in the determination of sins to be subjected to it. This is a first point on which genuine diversity may be observed among the Churches. The general rule adopted on this point did not, moreover, bind absolutely the bishop or priest charged with administering penance. Considerations of private or public order could make him depart from it, and men like St. Cyprian, for example, despite their attachment to the discipline in force, sometimes did not hesitate to absolve without 'penance' sinners upon whom they would normally have had to impose a rigorous and prolonged one. A new diversity, consequently."[878]

[878] Le péché et la pénitence (1929), pp. 115–118.

THE THIRD OPINION, an intermediate one held by a few theologians, attempts to remove the point at issue in this controversy by conceding even to the final reconciliation a certain sacramental efficacy, strictly so called, in the remission of sins. This opinion is defended by Vacandard, Harent, Boyer, and Chardon, although not in the same way, nor with the same clarity and assurance.

For Vacandard and Harent say that there was a twofold sacramental absolution: one at the beginning, the other at the end of public penance. Boyer teaches that the Church, in all the prayers and impositions of hands which took place during public penance, and from its very beginning, intended sacramentally to absolve the penitents as soon as each one was first found to be disposed; he adds, moreover, that the final reconciliation was also a sacramental absolution from sins. Chardon teaches (as far as we understand him) that both absolutions, the initial and the final, were sacramental, in such a way that the remission of sins was begun in the former and completed in the latter.

We shall not directly consider these intermediate opinions below in Conclusion 2, since they share in the arguments and objections belonging to the two extreme opinions; nevertheless, something will be said about them and about other attempts at reconciliation at the end of that same Conclusion.

To the point, HARENT:

"We may, then, ... separate from public penance an absolution of such a nature as to complete private penance. For this, it is sufficient to recognize that, at the moment when solemn penance was

imposed, a true sacramental absolution was already given to the well-disposed penitent who had confessed his faults and humbly sought public penance. It was quite distinct from the final reconciliation, which was more solemn, and for that very reason better known, and which came only a long time afterward. This very probable opinion, already quite ably defended in the eighteenth century by Eusebius Amort and other theologians, was maintained in the nineteenth by Cardinal Wiseman, Father Palmieri, Dr. Frank, Dr. Bickell, and other German writers. I am pleased to see Abbé Vacandard also defending it in an article in the great *Dictionnaire de théologie catholique*, the first fascicle of which has just appeared (pp. 156 and 160). I shall not pause to show that public penance began with an imposition of hands accompanied by the prayer of the priest: our opponents themselves [i.e., Boudinhon and Vacandard] admit it. But I shall briefly prove what they dispute, namely, the sacramental character of that initial rite."[879]

[879] "La confession, Nouvelles attaques et nouvelle défense," in Études, vol. 80 (1899), p. 596.

VACANDARD:[880]

"This is an opinion which we share, and which we maintained in an article of the *Dictionnaire de théologie catholique* published by Abbé Vacant. Father Harent acknowledges as much, but adds: 'I shall not pause to show that public penance began with an imposition of hands accompanied by the prayer of the priest; our opponents themselves admit it. But I shall briefly prove what they dispute, namely, the sacramental character of that initial rite.' And who disputes it? Who are these opponents? For my part, I protest vigorously against Father Harent's imputation. On many occasions I have attempted to establish that 'the sacramental efficacy of absolution resided in the imposition of penance and the prayers which accompanied it,' without prejudice, moreover, to the sacramental efficacy of the final reconciliation. I cannot reproduce here all that—

[880] "Hic doctor triplicem sententiam successive docuit" [This doctor successively taught three opinions].

—I have said on this subject. Let the reader kindly consult my articles in the *Revue du Clergé français* and the *Dictionnaire de théologie*. But once 'this sacramental character of the initial rite' of public penance has been established, what does Father Harent claim to conclude from it? That such an absolution could have served for private penance? Who has ever thought of disputing so simple a conclusion? No one, as far as I know. But that is not what is at issue! The question is to prove that in fact, during the first centuries, absolutions were administered without public penance; and that is precisely what none of the texts cited by Father Harent (after us, moreover) says in order to establish the existence of an absolution distinct from solemn reconciliation. In short, with all the elements brought together—confession, satisfaction, absolution—one has proved the existence of the sacrament of penance (which is not at issue), but not the existence of sacramental private penance (which was what needed to be demonstrated)."[881]

[881] "La discipline pénitentielle dans l'Église primitive," in Revue du Clergé français, vol. 20 (1899), p. 571 ff.

In the passage which he cites from the same *Revue du Clergé français*, he himself had written:

"This theory [Father Palmieri's] is very attractive; rather, let us say, very judicious. On one point, however, it seems open to objection. Is it not excessive to say that the reconciliation which followed public penance did not remit sins, and consequently was not properly sacramental? This scarcely agrees with the formulas of absolution which we have cited and whose testimony Palmieri himself invokes. It is not probable that the bishop who pronounced the homilies attributed to St. Eligius did

not intend sacramentally to absolve the penitents before him at the very time when he reconciled them with the Church. We should therefore be inclined to believe that the final reconciliation, no less than the absolution which accompanied the imposition of penance, possessed the efficacy of remitting sins—which, moreover, would not exclude the granting of indulgences or reconciliation with the Church."[882]

[882] "Le pouvoir des clefs et la confession sacramentelle," in Revue du Clergé français, vol. 16 (1898), p. 436.

BOYER:

"An intermediate opinion seems to us more true, by which the second opinion is corrected in such a way that sufficient justice is done to the arguments of the first. For those arguments show that the final reconciliation, at least for many centuries—(only ultimately was it regarded as merely canonical and in the manner of a grant of an indulgence)—must be called sacramental. Consequently, all things duly considered, the following conclusions result:

"1. It is not established that remission of sins was always granted from the outset, before reconciliation; for before the establishment of public penance, perhaps there was only one remission, given immediately when a person showed himself truly penitent.

"2. But once the regular form of public penance had been established, the reasons given in support of the second opinion show that remission of sin, at least fairly ordinarily, took place before solemn reconciliation itself. Accordingly, this remission must be placed in the prayers said over penitents after penance had been assigned. For the frequent imposition of hands which took place was directed toward the remission of sins, and it obtained its effect as soon as the penitent was found duly disposed. Perhaps also, as Petavius supposed, a particular imposition of hands for the remission of sins took place when the penitent passed into the rank of the *standers*, so that in this rank he remained absolved from his sins, but was not yet admitted to the Eucharist. Only later was that imposition of hands granted which accomplished the most complete reconciliation, with the right to participate in the Eucharist. This is the distinction between imperfect remission, or the mere absolution of sins, and perfect remission, or reconciliation and participation in Eucharistic communion, to which we had occasion to recur above. Moreover, another effect was joined to that lesser remission, namely, establishment in the order of penitents and, consequently, positive exclusion from the Eucharist (*binding*).

"3. Reconciliation likewise remitted sins, and indeed with the greatest fruit —

—because of the excellent preparation of the penitent; it granted remission of the punishment which still remained to be discharged, and restored the positive right to the Eucharist. Yet reconciliation could be separated from its sacramental effect, as, for example, when it was administered by a deacon and not by a priest (which Cyprian approves in a case of necessity). In this way it is more readily understood that, to receive reconciliation, a more general confession sufficed, which could sometimes be inferred already from the very fact of being placed in the order of penitents. Thus, finally, it is also explained why the penitent could be considered as still on the way and not at the goal until he had attained the desired and perfect end of reconciliation."[883]

[883] De Poenitentia, thesis 14 (Rome, 1942), p. 213 ff.

CHARDON:

"We may therefore say of the Greeks what we have said of the Latins: namely, that the public reconciliation of penitents differed from the secret reconciliation only by the solemnities accompanying it, whereas the latter was effected simply by the imposition of the priest's hands and by several prayers. Some of these prayers followed immediately upon the confession of sins ... and served as preparations for perfect reconciliation; the others were said when the penitent had completed the penance imposed upon him. It was by these last prayers that he was perfectly reconciled to God and to the Church, and that he recovered all the rights belonging to living members of the mystical body of Jesus Christ, since it was by this final absolution alone that he acquired the right to participate in the sacrament of His body and blood, which is the seal of perfect reconciliation. The prayer by which this last absolution was granted is still read in the Penitential of Jean le Jeûneur under the title: 'Prayer for loosing one who confesses after he has completed the time of his penance.' God is asked to purify the sinner from the stains of sin and to deliver him from the penance which had been imposed upon him, as well as from the sin which had caused him to deserve it, and so forth. This prayer is preceded in that Penitential by several others, pronounced by the priest over the penitent immediately after confession and expressing the same meaning.

"Today the Greeks consider this last absolution to have no effect other than that of releasing the penitent from canonical penalties. This is what Leo Allatius writes to Father Morinus, as the latter reports in a brief work contained in the appendix of his treatise on Penance. He adds that the Archbishop of Trebizond had told him the same thing while in Paris, and that it was not even necessary to ask the priest for this last absolution when one had completed all the penance imposed, although it was merely useful and advantageous for the penitent to receive it. These may be the sentiments of the Greeks today; but I find it difficult to persuade myself that these were the sentiments of their ancestors. For why would the priest ask God to loose and purify the sinner if he had been perfectly reconciled immediately after his confession by the prayers of absolution which followed it? Why would they sometimes have separated a penitent from communion for several years if they believed him entirely absolved from the bonds of his sins?

"There is therefore every reason to believe that this first absolution was only preparatory, much like those formerly said over penitents before the celebration of the holy sacrifice, in which God was asked, in different terms, for the remission of the sins of those who were prostrate in the midst of the assembly of the faithful. 'Reconciliation by degrees,' *amplius lava me ab iniquitate mea*, and so forth: like the first of the seven prayers noted in the sacramentary of which we have spoken, to absolve the sinner, in no way prevents the effect of the others which follow it; likewise this first absolution of the Greeks in no way prevents the effect of that given after penance has been completed, since it is this latter which restores the sinner to the enjoyment of the greatest of goods of which sin had deprived him."[884]

[884] Histoire des sacrements, "Du sacrement de Pénitence," sect. 4, chap. 4, in Migne, Theologiae cursus, vol. 20, col. 657 ff.

AS TO THE THIRD QUESTION, namely, whether public penance necessarily had to be undertaken by the sinner as a condition for obtaining absolution from sins, there are two opinions.

THE NECESSITY of this penance is affirmed, besides A. Arnauld[885] and the other Jansenists, by the same theologians whom we saw in Article 43 (pp. 737–741) affirming that public confession itself of secret sins was imposed in the ancient Church: Morinus (cited there), Hasselius, Tapper, Lindanus,

and Pamelius; likewise Natalis Alexander[886], Vitasse, Juénin[887], and, among modern writers, A. Kirsch (cited above in Article 43, p. 740), Vacandard, O'Donnell, and Kurtscheid, who are to be cited presently.

[885] Arnauld, whom Petavius opposes in De Poenitentia, book 6, ch. 3, p. 350 ff.

[886] Natalis Alexander, Historia ecclesiastica, century 3, dissertation 6.

[887] Juénin, Commentarius historicus de sacramentis, vol. 2, dissertation 6, question 6, chapter 7.

On this point, VACANDARD writes:

"Public confession was only exceptional in the primitive Church; and where it is reported as obligatory, competent judges condemn it as an abuse. The only publicity which the Church of the first centuries required of her children guilty of grave faults was that of their penance, commonly called *exomologesis*. It would seem that this exomologesis was incompatible with what is called the seal or secrecy of confession. Mr. Rauschen believes, as we have done, that the ancients were not aware of this incompatibility. 'As long as public penance endured,' he writes, 'the seal of confession could not be observed with the same rigor with which it was observed later.'"[888]

[888] Vacandard, "La Pénitence et la confession, à propos d'un ouvrage récent" [concerning a work of Rauschen], Revue du Clergé français, vol. 58 (1909), p. 413.

"A no less serious question is whether secret sins, no less than public sins, were subjected to the regime of public penance. Mr. Rauschen cites a certain number of authors in favor of the affirmative, notably Morinus in the seventeenth century and P. A. Kirsch in the twentieth.[889] But he does not share their opinion. 'The strict duty of publicly confessing and expiating secret sins,' he writes, 'does not appear ever to have existed in the Church.'[890] To justify this opinion he adduces a series of texts from the third and fourth, and even the fifth, centuries.

[889] Kirsch, Zur Geschichte der katholischen Beichte, p. 71 ff.

[890] Rauschen, Eucharistie und Bussakrament in den ersten sechs Jahrhunderten der Kirche (Freiburg im Breisgau: Herder, 1908).

"Unfortunately his thesis rests upon an equivocation, and none of his arguments is to the point. The equivocation consists in the fact that he associates, not to say equates, public confession and public penance. St. Augustine, Aphraates, the Council of Neocaesarea, and St. Basil, he says, disapprove of public penance for secret sins; and if Origen and St. Cyprian recommend it in the third century, it is rather as pressing counsel than as a genuine precept.

"There are regrettable confusions here. The texts from Origen brought forward (*In Leviticum*, homily 3, no. 4, and *In Psalmum* 37, homily 2, no. 5) concern the public confession of sins and not public penance. St. Cyprian proposes as a model to the *lapsi* those faithful who, without having sacrificed, had thought of doing so, and who for this hidden fault performed public penance. Could they have dispensed themselves from doing it? St. Cyprian gives no such indication. Would Aphraates be more explicit? 'Physicians, you who are disciples of our distinguished physician, if a sick man blushes to show you his infirmity, exhort him not to conceal it from you; but when he has shown it to you, do not go and reveal it.' In other words, do not disclose—

—secret sins. But does it follow that they must not be expiated by public penance? In his Sermon 82, no. 10, St. Augustine certainly teaches that public sins are to be reproved publicly and secret sins

secretly. But the matter there is only fraternal correction, without reference to penance properly so called, as the context makes clear. Mr. Rauschen also invokes, in support of his thesis, a passage from Sermon 351 of the Bishop of Hippo. But we regret to inform him that this sermon is very probably apocryphal: 'examined with care,' says Father Portalié, 'it has no kinship of style or language with Augustine's other writings.'[891] There is therefore no reason to appeal to it in order to clarify an obscure point of ecclesiastical discipline.

[891] Dictionnaire de théologie catholique, article "Augustin," vol. 2, col. 2310.

"Mr. Rauschen is hardly more successful with the Council of Neocaesarea and the canonical epistle of St. Basil. 'If anyone desires a woman,' says the council, 'and does not accomplish his desire, it appears that he has been preserved by grace.'[892] Mr. Rauschen believes, with Hefele, that the meaning of this canon is that sins of thought ought not to be condemned to public penance. At most, in our judgment, one should conclude that a sin of thought should not be treated like a sin of action. As for the penance to be applied to it, St. Basil can give us some idea. One of his canons states that the adultery of a woman, known by confession or in some other way, must not be published, lest she fall under the civil law; but he adds that the guilty woman must nevertheless undergo her penance in the class of the *standers* (consequently in public); so the Fathers have decided. ... Here, then, is a secret sin expiated publicly. One may be surprised that Mr. Rauschen should have invoked this very text to prove that secret sins were never condemned to public penance. Here, as elsewhere, the learned theologian confuses public confession with public penance. St. Basil forbids the one, but imposes the other."[893]

[892] Council of Neocaesarea (A.D. 314), canon 4.

[893] Vacandard, work cited, pp. 397–399; Doronzo adds that Vacandard also teaches the same in La pénitence publique dans l'Église primitive (Paris, 1903), pp. 25 ff.

O'DONNELL:

"The rigour of the early Church is in such strong contrast with the gentler spirit of our own time, and the world in general has so far outgrown the grim gospel of corporeal penance, that even Catholic writers are tempted to minimize the severity of the ancient discipline and to confine within the narrowest possible limits the conditions that justified its infliction. . . Not a few, with an eye to the fitness of things and a side glance at principles that afterwards assumed a prominent place in ecclesiastical discipline, would incline to the theory that, while public crimes in all circumstances were likely to necessitate a public atonement, the sinner who had sinned in secret was absolved by the priest in private and screened from the gaze of everyone else. . . But I feel that the circumstances of the primitive Church and the evident severity of her practice go far to discountenance any theory that is not based on the early records, and that the evidence to hand, however unsatisfactory in many respects, postulates a wider extension of public penance than is consistent with the rigid application of the theories mentioned.

"And, first of all, abstracting for the present from the varying degrees of guilt and confining our attention to those who came to Penance for the first time, it is fairly clear that secret sins were not exempt. On this point we seem to have the unanimous testimony of our various witnesses.

"St. Irenaeus is our first [Adv. haer. 1, 6, 3; 1, 13, 7]. . . Now Irenaeus was well acquainted with the customs both of the Eastern and Western Churches. His language, therefore, I believe, justifies the

assertion that towards the end of the second century it was a recognised principle of Church life, both in the East and West, that for a Christian guilty of a secret but unquestionably mortal sin, there were two, and only two courses open: either to submit to public penance and—

—secure the sacramental absolution of the Church, or shirk the public penance and cling to the slender hope that perhaps God's pardon could be gained without it.

"This may seem a hard doctrine. Yet it is the doctrine of Tertullian also. [De Poenit., 4, 1; 9, 1 sq.; 10, 1 sq.; 10, 7 sq.; 12, 1–5]. . .

"In the voluminous writings of Origen there are many references to penance, but few to this particular aspect of the question. Yet we have got sufficient data, I think, to conclude that his principles, though perhaps a little less rigorous than Tertullian's, were in all important points pretty much the same. Though Origen [In Lev., hom. 15, 2; hom. 2, 4] analyses the process of remission with a subtlety which, I am sure, must have excited the envy of many a middle-age scholastic, he passes over a distinction which, had it existed, would have been clearer to the eye of the teacher and of more importance in practice to the taught than most of the others he has given—the distinction, namely, between the sacramental remission of secret and of public sins. Critics may meet us with the suggestion that the two penances were really so much alike that Origen was justified in regarding them as one. Yes; but is it not strange that these same critics will protest most vigorously if we attempt to identify them now? To me Origen's thought is clear. For the mortal sins of the fallen Christian, whether secret or public, capital or not, there is just one sacramental method of remission, and that method is the same for all. That method cannot be a private penance; else he has left us without a description of the public discipline which most certainly was a prominent feature of the time. He is not giving a full description of the various methods; his meaning may not be so clearly defined as we could wish; but in his 'hard and laborious remission', with its tearful vigils and protracted humiliations, we have—it can hardly be denied—another sketch of the early discipline of rigour, a companion picture to the 'public penance' of Irenaeus and the exomologesis of Tertullian. . .

"Our remaining witnesses are few. The teaching of Callistus is known only from the pages of the Philosophumena and the De Pudicitia; but the fact that Tertullian has spared us a diatribe on the subject is a fair indication that the Pope's opinion coincided with his own. Though the Didascalia is silent on the subject, the absence of directions for the special treatment of secret sins is as suggestive as negative evidence can be.

"The theory that exomologesis was confined to public sins is probably based on the supposition that it was only in the case of public sinners that sufficient evidence could be adduced to compel them to undergo the public discipline. That supposition is, of course, correct. But I am dealing with the case of willing penitents, and I think I may conclude from the foregoing statements that when the sinner freely confessed his guilt the fact that his sin was secret was regarded as quite immaterial. I recognise, of course, that it is within the bounds of possibility that most of the writers I have quoted may have intended the distinction all along, and yet, by some extraordinary consistent oversight, neglected to express it even when the occasion seemed to suggest a fuller explanation. But we are dealing with facts, not with speculations, and we are not, I submit, justified in attributing to them an opinion which they never took the trouble to express, nor in endeavouring to establish, as a fundamental canon of early Church life, a principle which, however consonant with the fitness of things, owed its introduction, after all, to the prudence of a later age which, with all its admiration

for the piety of early times, was wise enough to dispense with the heroic, but rather dangerous, practices in which that piety occasionally found expression."[894]

[894] O'Donnell, Penance in the Early Church, ch. 5 (Dublin, 1907), pp. 54–66.

KURTSCHEID:

"Of late quite a number of monographs have been published on this subject, which have met with a great deal of criticism, and the matter is by no means fully cleared up. In my opinion Stufler and others go too far when they say that with Origen, Cyprian, and Ambrose public penance is restricted to public transgressions or in case of secret transgressions left to the free will of the penitent.

"Such an interpretation does not do justice to the texts, nor is it required by the Council of Trent, which by its canon 6, Sess. XIV, intended only to meet the Protestant contention that the Sacrament of Penance as we have it is a purely human institution."[895]

[895] Kurtscheid, A History of the Seal of Confession, translated by F. A. Marks (St. Louis, MO: B. Herder, 1927), p. 40 ff.

THE NECESSITY of public penance is DENIED, however, by other theologians in general. They teach that public penance was not ordinarily imposed, nor could it be imposed by the Church without violating the sacramental seal, that is, in such a manner and circumstances as would necessarily allow the kind of sin sacramentally confessed to be inferred. Nevertheless, they concede that public penance was in fact frequently performed, even for secret sins, but that it was either undertaken voluntarily, explicitly or implicitly, or strongly recommended by confessors, or sometimes imposed through mere abuse or misguided zeal.

Thus Bellarmine, Petavius, Billuart[896], Tournely, Collet, Palmieri, Pignataro[897], Rauschen, Harent, Pesch, D'Alès, Galtier, Lercher, and Hervé.

[896] Billuart, De Poenitentia, at end of disputation 9, "Digressio historica de veteri Ecclesiae disciplina," section 2.

[897] Pignataro, De disciplina poenitentiali priorum ecclesiae saeculorum (Rome, 1904), pp. 58 ff., 64 ff., 82.

Nevertheless, some of these authors, at least expressly, speak only of secret sins.

BELLARMINE:

"Public and private penance differ principally in this: public penance means that the sin committed is made public, and satisfaction for it is performed publicly before the Church; private penance means that the sin is disclosed to the priest alone and satisfaction is imposed to be performed secretly and privately. From this it follows that public sins belong to public penance, and secret sins to private penance. For it is not lawful to publish a secret sin, or even to impose for a secret sin such public penance that the sin itself would be disclosed through it."[898]

[898] Bellarmine, De Poenitentia, book 1, chapter 21, Opera omnia, vol. 3 (Milan, 1859), p. 926.

PETAVIUS:

"From this entire discourse [of St. Augustine, namely Homily 50 or Sermon 351], it follows that mortal sins were not subject to public penance, but only public and scandalous sins. Indeed, if we consider St. Augustine's words carefully, we shall discover that not all sins of this kind were condemned to public penance before the entire congregation, and that some less scandalous ones were expiated before many, indeed, but not before everyone."[899]

[899] Petavius, De Poenitentia, book 6, chapter 3, Theologica dogmata, vol. 8 (Paris, 1867), p. 350.

TOURNELY:

"Entirely secret canonical sins, which are committed either without any witness or with only an accomplice, were not subjected to public penance by necessity and by force of the canons, but only on the advice of the priest or by the will of the penitent. It was not so, however, if they were altogether public, that is, reported and proved before an ecclesiastical judge, or at least semi-public, that is, committed to the scandal of many: these had to be punished by public penance, with this distinction, however, that those who had been convicted of the offence, if they refused to submit to the laws of penance, would be compelled by force and excommunication; but the others could be compelled only by the admonitions and command of the priest and by the denial of sacramental absolution, not by open deprivation of communion and the Eucharist."[900]

[900] Tournely, De Poenitentia, question 8, article 3, conclusion 2, Praelectiones theologicae, vol. 8 (Paris, 1765), p. 280.

COLLET: "The more serious or canonical sins, which are altogether secret, morally speaking, do not appear to have been subject to the whole of public penance by force of the canons. But public sins, that is—

—either openly committed or proved before judges, were subject to that same penance. Yet some distinction must be made regarding semi-public sins, that is, sins committed without grave scandal in the presence of a few persons. Regarding these, three things are certain: 1. Even for secret crimes there was established that grade of penance called the *rank of the standers*. 2. The Fathers urged public penance also for secret crimes, as an effective means indeed, but not as absolutely necessary by force of law. 3. It is scarcely doubtful that, when the solemnity had been removed, confessors prescribed to secret sinners the same penance that the bishop ordered public sinners to perform openly; a penitent, however, could privately mourn for so many years and have hands imposed upon him in secret.[901]

[901] Collet, De Poenitentia, pars 2, c. 6, nos. 135 and 191, in Migne, Theologiae cursus, vol. 22, cols. 668 and 681.

PALMIERI: "In the first six centuries, the Church neither commanded nor approved the imposition of public penance for hidden sins, however grave they might be, even though the confession remained secret (unless the penitents spontaneously wished to undergo it), at least for sins which, had they been public, would have been subject to public penance according to the canons. In explaining this, Morinus, book V, chapter 2, concedes indeed that hidden sinners could be compelled to public penance by the penalty of excommunication or something similar; but he also teaches that such compulsion is not to be used, so that absolution should rather be denied to the unwilling. We do not deny that public penance of this sort could be imposed upon hidden sinners who freely wished to undergo it, and that it was in fact imposed. We grant that in some places it was permitted, and frequently so, as we have seen from Caesarius of Arles in the homily *On Penance*. ... But we deny that the Church (whatever the practice of any particular church) ever obliged hidden sinners to public penance."[902]

[902] Palmieri, De Poenitentia, thesis 35, no. 4 (Rome, 1879), pp. 395 ff.

RAUSCHEN:

"There can be no doubt that capital sins publicly committed had to be publicly atoned for. As regards the capital sins committed in secret, the common opinion is that these too had to be publicly atoned

for. In the first edition of this book I myself contended that in the case of secret sins public penance was not obligatory, but I am now in a position to express myself in more positive terms. All capital sins committed in secret had to be made known to the bishop in order that he might impose a penance on the culprit; but there was no obligation to do penance for them publicly in such a manner that the nature of the sin could in any way be inferred from the penance. Only in Spain, where the penitential discipline was rather rigid, does there appear to have existed an obligation of doing public penance for such sins. . . No doubt many publicly confessed and did penance for sins secretly committed, but there was no universal obligation to this effect. Pacian, bishop of Barcelona, is the only one, so far as we know, who exacted public penance for secret sins."[903]

[903] Rauschen, Eucharist and Penance (translation from the second German edition), St. Louis, MO: B. Herder, 1913, pp. 196 ff., 199.

HARENT:

"But, it will be said, that which was imposed upon any member of the faithful guilty of any mortal sin whatsoever was not public confession; it was solemn penance, with its long train of ceremonies, of prostrations at the church door, and other humiliations before all the people; the one can exist without the other. — Even in this mitigated form, the hypothesis in question seems to us inadmissible. ... It would still have been a betrayal of the secret of consciences. Solemn penance was of itself a revelation; by its special prescriptions it often disclosed the kind of sin committed; in any event, it identified the penitent as one who had committed a grave sin. Listen to St. Augustine [*Sermon* 1, *De Symbolo ad catechum.*]. He instructs his catechumens concerning the expiation of sins, and, pointing out with his finger the penitents who are there in a corner, at the lower end of the church: 'Those people,' he says, 'whom you see thus doing penance, have committed crimes, or adulteries, or other dreadful offences; that is why they do penance.' Another time [*Sermon* 352], he says to the faithful: 'This penance is mournful in its outward appearance. It—

—supposes a grave wound; one has perhaps committed adultery, perhaps murder, perhaps sacrilege.'"[904]

[904] Harent, "La confession, Nouvelles attaques et nouvelle défense," in Études, vol. 80 (1899), pp. 582 ff.

PESCH:

"Public penance is not understood as a work which no one can perform unless it is immediately evident that he has committed a grave sin. Thus, in the ancient Church, certain persons could be admitted without such suspicion to the highest grade of penitents, because there were among them also persons guilty of lighter sins (cf. Frank, *Bussdisziplin*, pp. 646 ff.). Moreover, the same discipline was not observed at every time and place; and if perhaps in some church only notorious sinners were excluded from communion, it was not then lawful in that church to exclude someone from communion on account of a hidden sin. ...

"If there was a definite order of penitents in which a person could be admitted without suspicion of a serious crime, the penitents themselves were certainly free to undertake such a work voluntarily, and confessors were also free to impose such penance for hidden sins. When, in our own age, someone enters a tribunal of penance in a church, all know that he wishes to confess his sins; and if he afterwards remains prostrate in the church for some hours, all suppose that he is performing an imposed penance. Although this is a certain public penance, it is nevertheless not a defamation.

Therefore, something similar could occur in the ancient Church. But that public penance, in the proper meaning according to the mind of the ancient Church, was imposed generally for all sins, even secret sins, confessed in confession, no one has yet proved, nor will anyone prove in the future."[905]

[905] Pesch, Praelectiones dogmaticae, vol. 7, nos. 224 and 227 (Freiburg im Breisgau, 1920), pp. 119 and 123.

D'ALÈS:

"St. Ambrose speaks of sinners undergoing public penance for secret faults; and he adds that their reconciliation was sometimes deferred in order to test their fervour and to excite them to more tears and prayers. This was probably a penance freely embraced for love of Christ by sinners who could have obtained their release by other means, but who chose public *exomologesis* in order to attain the goal more surely. This circumstance, of which it would be easy to multiply examples, shows that *exomologesis* was not always imposed by office, in virtue of an imperative rule, but was often embraced by choice; and this especially in the case of faults which had not given scandal."[906]

[906] D'Alès, L'Édit de Calliste (Paris, 1914), pp. 428 ff.

GALTIER:

"Hence ... there remains settled the question whether even secret sins were remitted through public penance. For from the foregoing it is evident — A) that those sins could, in the first place, be remitted otherwise than through public penance; B) that, at least from the fifth century, as St. Augustine testifies, the custom prevailed in Africa that persons were not compelled absolutely or by virtue of office to public penance unless their crime was public and established in a judgment, whether secular or ecclesiastical. Nevertheless it seems beyond doubt that public penance was recommended and sometimes imposed [certainly out of misguided zeal and abuse] even for secret sins. ... Since, however, sometimes a person unwilling to undertake public penance was not forced to do so — just as, on the testimony of St. John Chrysostom (*De sacerdotio*, II, 4) and St. Augustine (cf. *Epist*. CLIII, 21), those for whom it was feared that such great severity would not be beneficial were not pressed — such disclosure of the penitent, whatever its character, was no longer involuntary, and therefore there could not properly be said to be a violation of the seal."[907]

[907] Galtier, De Paenitentia, thesis 15, nos. 297 ff. (Paris, 1931), pp. 215 ff.

LERCHER:

"It is another question whether the Church could have prescribed public penance for a crime confessed secretly in sacramental confession. If the circumstances are such that the performance of public penance could be known by others and, imposed in the sacrament for some grave fault that otherwise remained secret, the Church cannot prescribe public penance in such a way that absolution would be denied to an unwilling penitent. Nor is it historically proved that the universal—

—Church (whatever may have been done in some particular church) obliged hidden sinners to public penance."[908]

[908] Lercher, Theologia dogmatica, vol. 4, no. 468 (Innsbruck, 1935), p. 551.

HERVÉ:

"Where sins ... were hidden, they could certainly be remitted otherwise than by public penance; indeed, as St. Augustine testifies, at least from the fifth century in Africa persons were not compelled

to public penance absolutely, or by reason of office, except sinners whose crime was public and proved before a court, whether secular or ecclesiastical. Nevertheless even hidden capital sins were sometimes remitted through public penance: either because these were secretly proposed [for this purpose], by the prudence and judgment of the priest, to those who had spontaneously confessed; or because the sinners themselves willingly sought it. But care was always to be taken that secrecy should not be violated, and no one unwilling submitted to this public penance: for if some bishops wished to force these sinners to public penance, they would thereby have established an imprudent law of null value."[909]

[909] Hervé, Theologia dogmatica, vol. 4, no. 301 (Westminster, MD, 1943), p. 354.

CONCERNING THE FOURTH QUESTION, which is about the existence of private penance, or whether public penance was or was not the only penitential practice then in use in the Church, there is a great controversy both between non-Catholic critics and Catholic doctors and among Catholics themselves. This controversy is connected to some extent with the second question mentioned above concerning the fully sacramental nature of public penance. Between the aforesaid critics and Catholics the fundamental issue concerns denying or admitting the exercise of the keys in that period; among Catholics, however, the question concerns the way in which the Church exercised that power. Namely, in order to deny the exercise of the power of the keys, Protestants assert that there was in the ancient Church only public penance, and that it was not sacramental but disciplinary. Certain Catholics reply that public penance itself was an exercise of the keys, because it was strictly sacramental. Others add that, besides public penance (which was certainly strictly sacramental), there was also private penance, although not in the strict sense in which the term is now understood and employed. Others respond that alongside public penance (which was not strictly sacramental) there existed private sacramental penance.

Non-Catholic critics, accordingly, teach that at least down to the fourth century inclusive (many of them extend this period further) there existed in the Church public penance alone, and indeed only for the three capital sins (idolatry, homicide, and fornication), and that it was in no way sacramental but merely disciplinary. From this they infer their principal purpose, namely that the ancient Church did not know the power of the keys, since it did not exercise that power, but that this was an innovation of later centuries (cf. Article 1, vol. I, pp. 53–55). Hence the doctrine of the Rationalists is reduced to this syllogism: In the ancient Church there was public penance alone. But this was not sacramental, but merely disciplinary. Therefore in the ancient Church there was no sacramental penance, or exercise of the power of the keys.

To this point H. C. LEA writes:

"For at least the first four centuries the Church prescribed only public penance. It is the penance 'secundum morem ecclesiae' repeatedly alluded to by St. Augustine, who tells us that it was only administered for grave sins, lighter ones being removed by daily prayer. The first allusion to private penance occurs in the middle of the fifth century, and then it is a special privilege accorded by Leo I. to priests and deacons, who, as we shall presently see, were governed by different rules from those imposed on the laity as regards penance. As late as the commencement of the seventh century the only form of penance which St. Isidor of Seville seems to know is that of sack-cloth and ashes, which is public penance. There has been much discussion among orthodox theologians whether this applied to private sins revealed in confession as well as to those publicly confessed or proved; the weight of

learning is on the affirmative side, and the only argument urged against it is that to concede it would be fatal to the divine origin of the seal of the confessional, which is *de fide*.

"The fact is that there is no evidence against it. The only penance known was public, for it comprised suspension from communion. Every one was required to take the Eucharist whenever he attended divine service; if he abstained it was a sign that he was in penance and in most churches he was obliged to withdraw on a summons from the deacon, so that secret penance for secret sins was impossible. St. Ambrose prescribes public penance for secret sins, and a sermon attributed to St. Augustine speaks of endeavoring to persuade sinners to undertake it — persuasion which only could be necessary to those whose crimes were unknown. St. Augustine indeed had advanced to the point of considering secret repentance insufficient and that pardon was only to be obtained through the power of binding and loosing lodged in the Church as the mystical body of Christ, and he assumes that this can only be accomplished through public penance. Even at the close of the fifth century, when, as we shall see, private penance was commencing to be employed, Gennadius still recommends public for all mortal sins; he does not deny that they can be redeemed by private, but only on condition that the penitent abandon secular garments and by life-long amendment and sorrow win the pardon of God — a process in which the priest had no share. ...

"The Church thus held at a high price restoration to its communion but it *made no promises that the reconciliation thus dearly purchased comprised absolution or pardon from God*. Towards the close of the fourth century St. Epiphanius repeats what St. Cyprian had already admitted, the assertion of ignorance as to what was in store for the penitent sinner. This rested with God and he alone knew; we can only hope that in his infinite mercy he will pardon the repentant. St. Augustine tells us virtually the same thing. A sinner who undergoes penance and is reconciled and subsequently commits no sin may feel secure of salvation, but if one leaves repentance to the last and is reconciled on the death-bed, the matter is in the hand of God and the presumption is against him: *reconciliation thus was only an outward sign, it concerned only the relations between the sinner and the Church*, and the real issue lay between him and his God. So little importance, in fact, did St. Augustine attribute to the jurisdiction and ministration of the Church, that in spite of Cyprian's opinion he admits that there may be salvation outside of it, and that its refusal to receive a sinner to penance and reconciliation does not signify that God will not pardon him, for he can still earn eternal life by amendment.

"That penance was simply punitive and deterrent and not medicinal is seen by the way in which Pope Siricius speaks of the treatment of those who relapsed subsequently into sin. This evidently was the current opinion of the Church, for a hundred years earlier the council of Elvira gives a long list of offences for which culprits were to be denied reconciliation even on the death-bed, and we cannot imagine that even the rigid Spanish Church supposed that it was thus depriving them of all hope of salvation and condemning them to hell. The crimes, it is true, are mostly serious ones, but among them is included the accusation of a bishop, priest—

—or deacon and failing to prove the charge. It marks a radical change wrought by the growth of sacerdotalism when in 428 Coelestin I. speaks with horror of the denial of the sacrament to the dying sinner as consigning his soul to perdition. By this time belief in the power of the keys was growing and an advance is seen in Leo I.'s allusion to reconciliation as the gate through which the sinner, purged by penance, is admitted to communion and gains pardon through the supplications of the priests."[910]

[910] Lea, A History of Auricular Confession, vol. 1 (Philadelphia, 1896), pp. 21 ff., 31–33.

Catholic doctors are divided into two principal opinions, and in two ways respond to the aforementioned argument of the Rationalists.

THE FIRST OPINION, which is held by a few modern writers, concedes that in the ancient Church (at least until the fifth century) public penance alone was in use, or that there existed no practice of private sacramental penance, but adds that public penance itself was sacramental, or that in it alone consisted the whole exercise of the power of the keys. Hence it concedes the major premise of the Rationalists' syllogism and denies the minor. Yet it by no means denies that public penance in certain cases, or for certain sinners, as for the dying, was reduced to a certain diminished form and to a lesser degree of publicity; but it denies that even in those cases it lost the proper nature, mode, and effect of public penance, so that it could be called private penance, still less a practice distinct from the common penance.

Thus, with greater or lesser precision, Arnauld (the Jansenist), Malnory, Funk, Duchesne, Boudinhon, Vacandard, Hogan, Batiffol, O'Donnell, Poschmann, and Amann (in the works cited above, p. 885 ff.).

There is, however, a notable difference between Poschmann's opinion and that of the others.

Poschmann, although he affirms verbally the sacramental nature of public penance, nevertheless denies it in reality, when his own meaning is considered, and thus he is scarcely separated from the doctrine of the Rationalists. For, as explained in Article 1 (vol. I, p. 55), he teaches that the proper effect of the absolution which concluded public penance was not the remission of sins but mere reconciliation with the Church, although he adds that this reconciliation could place the sinner in those conditions in which, through his personal satisfaction, he could obtain remission of sins directly from God (in which, according to him, the sacramental nature of that absolution consists). But in truth this sacramental character of that penance differs in no way, except verbally, from the disciplinary character invoked by the Rationalists, as was said in the same place (cf. Galtier's words). Hence Poschmann really concedes their whole argument, nor does he have any other Catholic escape than to reply to the Rationalists that, although the Church did not exercise the true power of remitting—

—sins for some time, it nevertheless truly possessed it and later restored its exercise under the form of private penance. And then it remains for him to prove that the Church truly possessed this power from the beginning, having received it from Christ Himself, and did not subsequently usurp it: likewise, how the Church could pass from the notion of ecclesiastical reconciliation to the notion of the remission of sins through its absolution; likewise, how the absolute necessity of recourse to the keys on the part of the penitent can be reconciled with ignorance or non-use of that power on the part of the Church.

To the point, GALTIER writes:

"Poschmann ... (*Die abendländische Kirchenbusse im Ausgang des christl. Altertums*, 1928), since he holds that no trace of private penance existed in the Church before the seventh century, thinks, together with most Protestant historians, that it was introduced by the Irish monks, insofar as, in accordance with their custom of frequently confessing to their superior, they suggested to the faithful the practice of confessing their sins to their priest, and thus the notion finally prevailed of sin being

remitted not by virtue of works of penance themselves but by the power of priestly absolution. — In this explanation there are two insuperable difficulties: one historical, namely, how the practice and notion of absolution, which was contrary to the earlier practice, and indeed was most universal, could thus have prevailed abruptly; the other dogmatic, namely, how the notion and practice of the remission of sin by priestly absolution could have been unknown for so long in the Church and then so abruptly admitted."[911]

[911] Galtier, De Paenitentia, no. 270 (Paris, 1931), p. 196, note.

Boudinhon, Arnauld, Malnory, Funk, Duchesne, Vacandard, Hogan, Batiffol, O'Donnell, and Amann, on the other hand, affirm the properly sacramental, or sin-remitting, character of the absolution that concluded public penance (indeed Vacandard, as said above, admits a twofold sacramental absolution in public penance, one at its beginning and another at its end). To the objection which arises from this — namely, that from the existence of public penance alone it follows that all those sinners were excluded from every sacramental absolution who were excluded from public penance, that is, those for whom such penance was physically or morally impossible, or who were guilty of sins which were not subject to such penance (for Boudinhon admitted, differently from Vacandard, that only the three capital sins were the object of public penance), or clerics and relapsed sinners to whom public penance was denied, or those who had been guilty of sins for which pardon was permanently refused — they reply that this is not opposed to the dogmatic doctrine concerning the infallibility of the Church and the absolute necessity of the sacrament, but concerns only a disciplinary question, because Christ gave the Church the right to dispose concerning the—

—of the keys with greater or lesser severity, according to times and customs, always for the same end, namely, the salvation of souls.

D'ALÈS and HARENT summarize and attack Funk's opinion as follows:

D'ALÈS: "This author maintains, on the one hand, that the three reserved cases—idolatry, homicide, and impurity—were the only ones subject to public penance; on the other hand, that absolution was never given for them before the time of Callistus. The natural consequence of this twofold hypothesis would be that before the time of Callistus there was never any absolution for sins subject to public penance; whence this dilemma: either there was no absolution for any sin, or there was absolution only *for sins not subject to public penance*. Of all the positions one may imagine, this latter is certainly the most tenable. But in any case it remains established that, from the beginning of the third century, the power of the keys was exercised on a broad scale and beyond the requirements of public penance."[912]

[912] D'Alès, L'Édit de Calliste (Paris, 1914), p. 440.

HARENT: "Let us ... make a synthesis of Dr. Funk's assertions. As we have seen, he restricts public penance to those three kinds of sins which were called capital or canonical. Outside public penance, he admits as a remedy for the sins of the faithful only the humble prayer made to God for the remission of daily sins, without absolution and without any sacramental rite. Finally, relying on an obscure passage of Tertullian, who had become a heretic and who, moreover, may well have misrepresented or overgeneralized certain facts, he admits that before Pope Callistus the three canonical sins were deprived by the Roman Church of all absolution, even at the point of death, at least from the publication of the *Shepherd* of Hermas. But what results from all these additional severities, if we make our reckoning correctly? It is that the Roman Church, at least throughout the

entire second half of the second century, no longer administered the sacrament of penance at all and did not give a single absolution. For the three canonical sins, the sole matter of solemn penance, there was no absolution; for all the other sins, there was no absolution either, since the power of absolving was confined to solemn penance. Good heavens! Can a Catholic suppose that the Roman Church ever, at any period of its history, allowed a sacrament to perish, and that by virtue of ecclesiastical legislation itself? And will it be said that, in such suppositions, dogma is in no way involved?"[913]

[913] Harent, "La confession, Nouvelles attaques et nouvelle défense," in Études, vol. 80 (1899), p. 585 ff.

DUCHESNE: "One of the greatest difficulties in the history of the sacraments is to explain how the passage from the ancient penitential discipline to the present state of things took place. Did private, secret penance, now alone in force, exist from the beginning concurrently with public penance, or is it only a transformation, a mitigation, of the latter? Those who believe they can defend the former hypothesis by appealing to historical testimonies are obliged to content themselves with little, and to subject the rare ancient texts at their disposal to vigorous exegesis. The second system, which is now more generally followed, at least among informed persons, is not exempt from obscurities either."[914]

[914] Duchesne, in Bulletin critique, vol. 4 (1883), p. 365 ff.

BOUDINHON: "Apart from works of satisfaction, to which a certain efficacy for remitting sins has always been attributed, there existed in antiquity no other penitential rite than solemn penance. On this first point I agree with Mr. Lea. On the other hand, this public penance had as its purpose and effect the remission of sins; it was sacramental. On this second point I differ from Mr. Lea. ... The conclusion seems to me unavoidable: during the period when solemn penance was in force there was no private sacramental penance administered by the Church. Not only is there no—

—direct proof in favor of its existence, but, in order to admit it, one encounters a genuine impossibility."[915]

[915] Boudinhon, in Revue d'histoire et de littérature religieuse, vol. 2 (1897), pp. 330 and 334.

VACANDARD: "The existence of the power of the keys within the Catholic Church seems to us demonstrated and unassailable. Dogma is thus, so to speak, safe. How was this power applied? In what manner did the Church make use of it over the centuries? *This is a rather disciplinary question, to which history alone can and must respond.* ... Was there in antiquity, beside public penance, another penance, secret or private, which was sacramental? This is a delicate problem. We should be pleased if a candidate for the doctorate in theology made it the subject of his thesis. However much credit may be given to an affirmative answer, it seems to us that it lacks the historical attestation which carries conviction. All the texts alleged in favor of this opinion are devoid of demonstrative force.

"Of course, we are speaking here only of the first ages of the Church. Toward the end of the fourth century, public penance was abolished at Constantinople by Nectarius, at the same time as the office of penitentiary priest. It seems that, in his consultation with the bishop of Narbonne, St. Leo the Great distinguishes between public penance and private penance. The *Life of St. Eligius* furnishes us with a famous example of secret penance. It does not enter into our purpose to determine the precise date at which private sacramental penance made its appearance. What seems doubtful to us is that during the first three centuries, and even in the time of St. Ambrose and St. Augustine, the Latin Church knew any penance subject to the power of the keys other than public penance."[916]

[916] Vacandard, "Le pouvoir des clefs et la confession sacramentelle," in Revue du clergé français, vol. 16 (1898), pp. 5–8.

"Palmieri, I know, asserts that the Church would have been gravely culpable if it had not exercised toward all sinners its power of forgiving. But this is only a simple theological induction, which has value only insofar as it is not in disagreement with the facts and the discipline. The Church, which possessed the power and the duty of remitting sins, was it not judge of the expediency of exercising this right and of fulfilling this duty? If, for an end of edification, in order to inspire greater horror of falls, it judged it appropriate, as a matter of discipline, to refuse pardon to those who had relapsed, can one say, in all truth, that it betrayed its mission? Apart from this exception, it is likely that it excluded no category of sins from the benefit of absolution."[917]

[917] Vacandard, ibid., p. 431 ff. [Pagination as printed in Doronzo; verify against journal pagination at final bibliographic check.]

"Here is how he [Harent, who in the work cited above attacked Vacandard's preceding words] argues: 'It is reasonable to make doubtful facts yield to a certain theological principle.' Now, the interpretation of the texts of the council which I propose is certain, and the facts alleged by my opponents are doubtful. Therefore, and so forth. The major premise is not at issue. We concede to no one the right to believe, as Father Harent gives one to understand, that we 'confine ourselves to fact and document' to the point of 'neglecting the principle of the infallibility of the Church.' What we dispute is the probative value of his minor premise. Could it not be that the facts which he declares doubtful are certain, and that his interpretation of the council is not? In any case, this is precisely where the problem lies: we shall try to resolve it by examining, one after another, the criticisms which Father Harent addresses to us and by completing our researches into the penitential discipline of the primitive Church. ...

"It is a question of proving that, in fact, during the first centuries there were absolutions administered without public penance; and that is what none of the texts alleged by Father Harent (after us, for that matter) says, in order to establish the existence of an absolution distinct from solemn reconciliation. In short, with all the elements gathered together—confession, satisfaction, absolution—one has proved the existence of the sacrament of penance (which is not in question), but not the existence of private sacramental penance—

—(which was the thing to be proved). Let us come to the direct proofs [he examines the texts brought forward by Father Harent and shows that they do not conclude]. ... In these circumstances, what becomes of Father Harent's thesis? The arguments by which he claimed to establish the existence of secret sacramental penance in the first centuries of the Church are just as strong as those already known to us; that is to say, they have no demonstrative force. On this point, then, we maintain our first opinion. This secret penance is for us a matter of doubt. We do not say that it did not exist; we ask only that proof of its existence be supplied to us, and we ardently desire that this can be done."[918]

[918] Vacandard, "La discipline pénitentielle dans l'Église primitive," in Revue du clergé français, vol. 20 (1899), pp. 567–574. Cf. his subsequent article against Harent in the same journal, vol. 24 (1900), as cited infra p. 974 ff.

"Christian antiquity knew no sacramental absolution distinct from that administered at the end of public penance. How long did this regime last? It has been claimed that, from the beginning of the fourth century, alongside public penance there was introduced secret penance, that is to say, a

sacramental penance in which everything—confession, satisfaction, and absolution—was secret. We cannot accept this opinion. Besides, the proofs alleged in its support are devoid of value. Appeal is made to the Syrian Aphraates, to St. Ambrose, to St. Augustine, to an African council of 393, to St. Leo. None of these witnesses testifies in favor of a secret penance and a secret absolution. ...

"In any case, supposing that he [St. Leo] wished to recommend ... secret absolution, this would have been a new practice of jurisprudence which he inaugurated. At the beginning of the fifth century it was not only the gravest sins, but also relatively light faults, that were expiated publicly at Rome; and absolution was public, just as penance was. Pope St. Innocent is our guarantor of this. Monsignor Batiffol, therefore, was not wrong, whatever may have been said, when he asserted that Christian antiquity knew no penance and no absolution other than public penance and public absolution. And that is true of the fourth century, and indeed of the fifth, as well as of the first three centuries."[919]

[919] Vacandard, Études de critique et d'histoire religieuse, 2nd series, 2nd ed. (Paris, 1910), pp. 97–101. Doronzo adds that Vacandard, around 1909, adopted a position denying the existence of private penance in the first centuries and explicitly excluding any sacramental absolution except the public one, preceded by the beginning of public penance (cf. the words quoted on p. 888).

We have cited O'DONNELL above (p. 899 ff.).

BATIFFOL: Compare especially his words cited above, here (p. 888) and in Article 43 (p. 760), where he refers the beginning of a certain private penance to the time of St. Augustine. Furthermore:

"One has reproached Mr. Boudinhon for having asserted that, 'apart from works of satisfaction, to which a certain efficacy for remitting sins has always been attributed, there existed in antiquity no penitential rite other than solemn penance.' Yet if Mr. Boudinhon had intended merely to say that, alongside the procedure constituted by public satisfaction or *exomologesis* and by solemn reconciliation, there was no shorter, gentler way, and, to say everything, no penance all of whose constitutive acts were, without exception, secret—as they are today—he would have stated a fact which, with him and many others, we hold to be established. ...

"Father Harent is less happily inspired when he wishes at all costs to establish the existence, 'in the first centuries,' of a private sacramental penance. If we exclude the case of reconciliation *in extremis*, we cannot grant Father Harent that there existed a duality of penitential discipline, a grand staircase and a servants' staircase, while the texts testify that there was only one sacramental penance, private in its initial steps, public in its subsequent ones. The canon of the Council of Nicaea, which he alleges, prescribes as an ancient and—

—canonical rule that 'all the dying who are well disposed must be pardoned'; but if such was the rule in case of death, is not that proof that, outside that case and in the ordinary course of life, the procedure was different and more complicated?

"We therefore approve Mr. Vacandard in his final reply to Father Harent, when he affirms that it was 'indeed the mind of the Church that penitents, whoever they were, should not escape public penance.' *We would say: the public part of sacramental penance.* But the fact that penitents *in extremis* were dispensed from this publicity opened the way to an ultimate indulgence which consisted in dispensing all penitents from this publicity. Auricular confession—and Mr. Vacandard admits with us that it was contemporary with and an integral part of the penance which he calls public—favored the introduction of this new discipline. Priests and bishops, seeing the repugnance of sinners for the

humiliations of public penance—in other words, for public penitential exercises—would condescend, especially when secret sins were in question, to administer absolution to them, subject to a penance which escaped the notice of the faithful. Thus we conceive the appearance of private sacramental penance, at a date which we should not know how to determine precisely. We would say: the bishops would condescend to dispense with publicity and would delegate to priests, already delegates for auricular confession, the ministry of reconciliation, which until then had remained an episcopal act and a solemn ceremony. With these qualifications, we are in agreement with Mr. Vacandard."[920]

[920] Batiffol, Études d'histoire et de théologie positive, 3rd ed. (Paris, 1904), pp. 200, 216 ff.

AMANN: "Outside this canonical penance, of which we have just sketched an outline, did there exist a remission of sins all of whose parts remained secret, and which would represent, in short, the ancient form of our auricular confessions? At a period not very remote from us, theologians had recourse to this hypothesis; they believed that at the times of which we speak there had been, as would be the case at a later date, two forms of penance: private penance, rather closely resembling our present manner, and canonical penance, of which the Pontifical of today has preserved the broad outlines. On the significance of the latter, they still differed among themselves. For some, canonical penance produced internally the same effects as private penance, of which it was, so to speak, only a duplicate. For others, on the contrary, canonical penance was exclusively a discipline of the external forum, corresponding up to a certain point to what today would be the excommunication of scandalous sinners and their absolution. This is a conception of the kind on which the theory sketched here in the article 'Absolution,' col. 155, depended, and which we do not think anyone still maintains today.

"In the opinion of most critics and historians, these suppositions do not correspond to reality; rather, they bear witness to a desire to recover in antiquity, however remote, the external forms of present practice. Not only can no convincing text be brought forward in their favor, but it seems to us that they run counter to the general theories concerning the meaning of ecclesiastical penance which we are going to outline.

"The one thing which one may admit is that, in particular cases, which one may say if one wishes were not absolutely rare, ecclesiastical leaders or their representatives were able to shorten, for certain sinners, the formalities of canonical penance, to give it a minimum of publicity, and to reconcile the offenders *sine strepitu et forma judicii*, as modern jurists would say. By their very nature, such interventions could leave no trace, and that would explain the scarcity of our information on this subject. Once again, account must be taken of the discretionary power of the bishops, of which we have heard St. Cyprian express the theory so clearly. But we do not think, for our part, that such interventions were frequent; *they were exceptions*. In fact, they constituted a serious infringement of received ideas and a commonly accepted practice. When one thinks of the long deliberations of the Council of Carthage in 251 concerning the reconciliation of mere *libellatici* (who, in short, had committed no formal act of idolatry), one realizes how nearly impossible it was that there could then have been in operation a very easy means of remitting sins. In discussing this problem it is less a matter of squeezing the texts than of reconstructing an atmosphere. ...

"The researches carried out especially by Catholic scholars since the end of the nineteenth century have shown that, taken in such an absolute fashion, the theses of Morinus and Petavius were compatible neither with canonical nor with theological nor with historical texts. It seems that

unanimity has been attained, or nearly so, as regards the first four centuries. At that period one cannot maintain the distinction between 'canonical penance' and 'private penance' by taking these terms as Morinus and Petavius did. The first four centuries knew only 'canonical penance.' This is what we have been describing all along. That the legislation was sometimes applied rather flexibly, no one would dream of denying; there may therefore have been remission of sins through the ministry of the Church according to forms which were not in every respect those determined by custom first of all and later by canons. ... For however numerous one may be entitled to suppose these particular cases, they created no jurisprudence and did not undermine the principle. ...

"Unanimity ceases among Catholic critics when it is a question of reconstructing *the manner in which things took place during the last period that we have studied (the end of the fifth and the sixth century)*. All are struck by the fact that 'canonical penance' disappeared more and more from ordinary use for those who most needed it. Several historians of distinction have therefore been led to ask whether, at that time, there was no other ecclesiastical remission than that practiced in the *ordo paenitentium*. And they thought that one ought to answer this question in the affirmative. If, by definition, one calls 'public penance,' or, if one prefers, 'canonical penance,' that which was performed by *admission into the order of penitents*, one is authorized to call 'private penance' any ecclesiastical remission of faults that remained secret which did not involve that rite and those flowing from it. There would thus be a penance which should not be remotely assimilated to our auricular confession, but which would not, nevertheless, be that which canonical discipline had in view. Dispensing the sinner from the humiliating exercises both at entry into penance and during Lent, it would have had especially the immense advantage of freeing him from the burdensome consequences which we have described. And since it is properly the *repetition* of canonical penance that is forbidden, this other penance, *capable of being repeated*, would have removed at the same time one of the gravest difficulties created by ordinary legislation. As for describing the simplified rites of this 'private penance,' those who maintain its existence hardly venture to do so. At most, they think that the confession of faults and the satisfaction would have remained absolutely secret, while absolution would have been public up to a certain point. The penitents of this category would have been reconciled on Holy Thursday with the penitents undergoing the full exercise of penance. If, finally, one supposes that this form of penance was accessible to clerics of every order, one would have resolved the gravest difficulties raised by comparison of present and former usages. ...

"The hypothesis is ingenious, certainly. But it remains at the level of a hypothesis and, in the present state of research, *an unverifiable hypothesis*. It does not fall within the scope of this article, which wishes to avoid all polemic, to submit to a lengthy discussion the various favorable indications which the supporters of this solution have patiently collected. ... It would certainly be strange if this semi-public or secret and above all repeatable penance had left no trace either in the canonical collections or in the liturgical texts. The latter know, in truth, an abbreviated form of penance, that which is given *in extremis*. But—

—whatever simplification may have been effected in the rites, the outline of the solemn procedure still remains very visible; and the canonical texts, on the other hand, affirm, with a precision which leaves nothing to be desired, that this ceremony produces exactly the same effects as that of Holy Thursday. This is so true that, even in danger of death, one hesitates to practice it upon young people for fear of exposing them, should they recover their health, to the difficulties inevitably created by its

consequences. ... Yet the young people spoken of in the article on death were not all public sinners, whatever elasticity one gives to that term. And if the mitigated form of penance of which we speak had existed, it was certainly in the case of those gravely guilty persons, but of secret faults, at the bedside of the sick, that it would have been put into practice.

"People have wished to find, it is true, in the canonical collections themselves, more or less conclusive indications [namely, Innocent I, *Epistle to Decentius*, 7; Leo I, *To Rusticus*, 17; First Council of Arles, canon 11]. ... These texts are relatively ancient; considered strictly in themselves, they cast little light upon the history of penance in the sixth century. Moreover, they do not enable us to recognize in them a 'private penance'; and it is precisely in the external forum that the sanctions of which they speak stand out. In short, apart from the exception mentioned in the last place [namely, canon 11 of the First Council of Arles], we scarcely see, during the period studied, anything in operation except canonical penance with all its effects. Celebrated publicly during the solemnities of Lent, or reduced to its essential elements as penance *in extremis*, it is one in its conception, its manner of efficacy, and its consequences."[921]

[921] Amann, in Dictionnaire de théologie catholique, article "Pénitence," cols. 783 ff., 837–840.

SECOND OPINION, which was and is the more common, denies that in the ancient Church there was only public penance, or affirms the existence of private penance; and therefore it denies the major premise of the aforementioned syllogism of the Rationalists, independently of the truth or falsity of its minor premise.

In explaining the character of this penance, however, this opinion is divided into two views.

Some, such as Petavius, Morinus, Palmieri, Pesch, and others, particularly among the older dogmatic theologians, say that it was of the same kind as the penance now practiced. With regard, however, to the relation of this penance to public penance, these theologians are again divided among themselves. For some, such as Petavius and Morinus, because they admit, as we have seen, the sacramental character, strictly so called, of public penance, also deny the minor premise of the Rationalists' syllogism. They seem, namely, to teach that in the ancient Church there were, as it were, two penitential institutions, parallel and regularly practiced for different and determinate categories of sins or penitents, so that the remedy of salvation through the keys of the Church lay open to all and in every case. Others, however, such as Palmieri and Pesch, because they deny the sacramental character, strictly so called, of public penance, concede the minor premise of the aforesaid syllogism and consequently teach that the only sacramental penance was private penance itself. Nevertheless, upon careful consideration there is not a great difference between these theologians (Palmieri and Pesch) and the former (Petavius and Morinus); for if they speak consistently, they must admit the sacramental character of public penance in respect of its beginning (since they seem to teach, or at least not to deny, that absolution from sins was given at the beginning of public penance), and consequently concede that there were two penitential institutions, one private and the other public, although the latter was sacramental only at its beginning.

Others, especially among modern writers, such as Harent, Rauschen, D'Alès, Tixeront,[922] Adam, Diekamp, Boyer, and above all Galtier (who has investigated these questions more particularly), teach that private penance was not of the same kind as that now practiced. For they teach that public penance alone was the common and regular penitential institution, whereas private penance had a

certain exceptional character and was considered as a kind of abbreviated form of public penance itself.[923]

[922] Tixeront, "Comment se confessaient les chrétiens des premiers siècles," L'Université catholique, 15 March 1913, p. 231 ff.

[923] Doronzo notes that some non-Catholic critics, including Loofs and Seeberg, also recognized a form of such private penance in the early centuries, especially at the time of Augustine (cf. above, p. 862).

Nevertheless, even within this view a further distinction may be made. For although the aforementioned theologians generally admit the sacramental character, strictly so called, of public penance as regards its very termination, nevertheless, in the opinion of those who say that this penance involved absolution from sins only at its very beginning, it is well maintained that public penance, sacramental in this manner, was the regular institution for the remission of sins, while private penance was an abbreviated form of it. And this is precisely the position which we shall defend below in Conclusions 2 and 4; nor does the opinion of certain others who, like Palmieri, deny that public penance was properly sacramental at its termination appear to differ greatly from it.

Furthermore, when these theologians describe the character of private penance of this kind, considerable diversity is observed in their judgments: first, concerning how frequently this mode of penance was applied, since some seem to speak of exceptional cases, others rather of an exceptional practice; secondly, concerning the sins for which such penance was granted, since some seem to speak only of sins which were not capital, while others speak even of capital sins; thirdly, concerning how this penance itself should be considered and named, since some (such as Diekamp, cited below) wish to consider it an abbreviated form of public penance and call it *semi-public*, whereas others (such as Galtier, cited below) wish it to be called *truly private*, even if it retained some element or other of a public character. For, they say, the definition of this private penance must be drawn solely from its opposition to public penance, as the latter was understood at that time; and consequently it must be taken as penance—

—performed in whatever manner without enrollment in the "order of penitents." Hence, they add, the notion of private penance which has hitherto prevailed must be corrected: namely, the notion according to which private penance would be that in which everything (that is, confession, absolution, and satisfaction) is done or discussed privately between the priest and the penitent. Accordingly, the way in which the problem of the existence of private penance is posed must also be corrected. For many ask whether, in the ancient Church, there existed that private penance which is now in use, and precisely in the manner in which it is now used; others, however (with Galtier, cited below), ask whether there existed in the ancient Church some penance by which sins were remitted in any manner whatsoever without enrollment in the order of penitents.

Of the aforementioned positions and views, the first position, being excessively radical, has few defenders; while the first view of the second opinion, insofar as it affirms the existence of private and secret penance of the kind now practiced, and indeed as a regular penitential institution, is already almost obsolete. Hence the common position of modern scholars, apart from the aforementioned particular differences or manners of expression, can be reduced to this: In the ancient Church the common and regular penitential institution for the remission of sins was public penance; besides it, however, in various circumstances, by way of exception or mitigation, there was granted a certain

form of penance of lesser publicity or solemnity, whereby sins were absolved without enrollment in the order of penitents itself; and for this reason it may be called private, or at least non-public.

To this point HARENT writes:

"When one conceives penance as the Fathers conceived it, under the ideal and perfect form of solemn penance, in which the sacrament's power of remitting sins was exercised in its entirety, one instinctively refers everything back to this first conception: *secret penance does not appear as a special institution, as a second kind of penance opposed to the first, but as a diminution, an abridgment, a derivative of the first*. There is not a duality of penance, but rather, in some fashion, a unity. And in fact one could construct secret or private penance in all its parts simply by taking elements detached from public penance: we shall show this successively for confession, satisfaction, and absolution.

"One must not confuse *public confession* with *public penance*: the latter by no means required the former; as Mr. Boudinhon very aptly observes, 'no text seems to require the public confession of particular faults.'[924] ... Let us pass to *satisfaction*. In solemn penance it comprised works of two kinds: some caught the eye, such as prostrations in church and similar ceremonies; others were of a more intimate nature, such as fasting and the recitation of certain prayers. These latter practices, detached from solemn penance and separated from the former, which were not necessary when there had been no public scandal, would they not naturally offer themselves as the satisfactory element if it were a question of constituting a secret penance? The matter is so clear that I do not insist upon it. There remains *absolution* [there follows the passage cited above, p. 895] ...

[924] Revue d'histoire et de littérature religieuse, August 1897, p. 325 (source for Boudinhon's observation as cited by Harent).

"Here, then, are all the elements of a secret penance administered by the Church:

"secret confession, in which works of satisfaction are imposed, less considerable, however, and less visible than those which characterize public penance; and, together with this imposition of penance, an absolution, itself borrowed from the beginning of canonical penance and quite distinct from that final reconciliation which completed the special character of solemn penance and had no analogue in the secret or private form. — Do you now wish to see this penance thus composed actually functioning in history? Transport yourself in thought to that deathbed, for example, of which St. Celestine I speaks. On pain of being a murderer of souls, says the Pontiff, the contrite sinner must be granted the penance he requests: will it be solemn penance, with its ceremonies in church and its successive stages over months and years? What an absurdity! The penitent cannot leave his bed of agony, and he is going to die. He must be absolved, says the Pope. Is it a question of solemn reconciliation given by the bishop at the end of public penance, in the presence of all the faithful? But neither this reconciliation nor the penance which must precede it is possible: it is therefore a different absolution. Here is secret penance caught in the act, in a text of a Father."[925]

[925] Harent, "La confession, Nouvelles attaques et nouvelle défense," in Études, vol. 80 (1899), pp. 594–598.

RAUSCHEN writes [the English of the cited edition is retained]:

"Confession to a priest for the purpose of receiving penance and absolution, existed in the Church from the very beginning. Like public penance, however, it was exacted only from those who had been guilty of mortal sin, as understood in Christian antiquity, i.e., capital sin. . . If the sin was secret,

private confession together with private penance was generally deemed sufficient. Origen [Hom. in Psal. 37, 2, 5] gives complete details in regard to the mode of procedure. . .

"With the beginning of the fourth century private confession took on greater importance and spread more widely. Even from the time of the Decian persecution, the system of public penance that prevailed in the cities of the East, where there were penitentiary priests, acquired a more private character. . . During the fourth century, both in the East and in the West, when no public scandal had been given the penitential procedure was semi-public and frequently entirely private. In both cases confession was privately made to the bishop, or to a priest, a penance was imposed, and the confessor saw to it that the penance was carried out. The absolution or reconciliation which followed the discharge of the penance was granted either publicly or privately. In the former case the procedure was semi-public, in the latter, private. That both kinds of absolution were in vogue is evidenced by the 30th canon of the Council of Hippo, A.D. 393: 'Priests cannot absolve [i.e., reconcile] any penitent without the consent of the bishop, except when the bishop is absent and in case of necessity. If the sin has been publicly confessed, the penitent should receive the imposition of hands before the apsis'.

"In the fifth century, private penance together with private confession was still further developed. The assertion of Batiffol that in ancient times there existed only public penance together with public absolution is false. Leo I. declares that private confession is sufficient and that public confession must not be exacted; he limits public penance to the three capital sins and says that those who took an inconspicuous part in pagan orgies or in eating the flesh offered to idols, can gain admittance to the holy mysteries by fasting and the imposition of hands, that is, by a private confession and absolution. Because of this declaration, Lea asserts that Leo I. introduced private, side by side with public, penance. But this is false. . .

"Whoever glances over what has been said in the foregoing pages must admit that, no matter how the present-day discipline may differ in appearance from that of the early days, there can be no question of any substantial modification or innovation on the part of the Church in the administration of the sacrament of penance. As in regard to the sacrament of matrimony, so in regard to penance, the Church—

—has the right to determine the conditions for a valid and licit reception, and these conditions may change in the lapse of ages and according to circumstances. . .

"In the first four centuries, public confession for all mortal sins committed openly was the rule throughout the whole Church. But even this public confession presupposed a previous confession made privately, since it could only take place after the Church authorities had given their consent. During the fourth century we find that in many parts of the Church private penance and private confession, followed by private absolution, replaced public penance. Hence the inference may be justly drawn that this practice existed even at an earlier date, at least for mortal sins committed in private. This inference becomes almost a certainty in the light of what Origen and Cyprian say in regard to the confession of sins of thought. After 400, the practice of public penance, and especially public confession, became more and more restricted; in the Oriental Church it seems to have entirely disappeared. Absolution, which, as a rule, in olden times was given after the fulfilment of the penance imposed, gradually came to precede it, and the penance became lighter and lighter."[926]

[926] Rauschen, Eucharist and Penance (translated from the second German edition; St. Louis, Missouri: B. Herder, 1913), pp. 223–226 and 250–252.

K. ADAM, during the development of his opinion and his controversy with Poschmann, is not easily understood in his own principles and explanations. In his first work on this subject, published in 1917 (*Die kirchliche Sündenvergebung nach dem hl. Augustinus*, Paderborn, 1917), he taught that private penance was an innovation of Augustine; and he confirmed this in his second work, published in 1921 (*Die geheime Kirchenbusse nach dem hl. Augustinus*, Kempten, 1921), denying against Poschmann every vestige of private penance before the seventh century. In his third work, however, published in 1929, namely, his review of Poschmann's book entitled *Die abendländische Kirchenbusse im Ausgang des christlichen Altertums* (*Kritische Bemerkungen zu Poschmanns Untersuchung*, in *Theologische Quartalschrift*, 1929, p. 1 ff.), he changed his opinion, teaching that from the beginning there had been in the Church both public penance, for the graver sins alone ("penance of excommunication"), and private penance ("intra-ecclesiastical penance"), consisting in secret confession, a secret imposition of penance, and a public or external performance of the penance, followed by secret absolution.

In the same work he takes the notion of private penance so broadly that he even includes in it the penance imposed on those who belonged to the "order of penitents," so that he almost absorbs public penance into private penance and considers as private the penance which the ancients regarded as public. To this point GALTIER says:

"In his review of Poschmann's book ... K. Adam, while retaining this very general notion of private penance, broadens it to the point of including within it even the penance imposed upon 'penitents' properly so called. ... Thus he comes to recognize in it no longer, as he formerly did, an innovation introduced by St. Augustine, but the traditional penance of the Church. — Despite what is attractive and perhaps just in certain suggestions made on this subject by the professor of Tübingen, one cannot help recognizing here yet another of those syntheses which soar over the documents to the point of no longer perceiving or retaining their actual content. One thus comes to identify private penance with what the ancients regarded most manifestly as public penance."[927]

[927] Galtier, L'Église et la rémission des péchés (Paris, 1932), p. 247, note.

However, as we said above in Article 1 (vol. 1, p. 55), K. Adam, no less than B. Poschmann, reduces the force of any ecclesiastical penance or absolution properly and directly to reconciliation with the Church herself alone, which he improperly calls sacramental.

D'ALÈS writes:

"[Boudinhon's doctrine] is ... not free from difficulties; and one must admit that it calls for many explanations, if not restrictions, if—

—one wishes to maintain in its entirety, from that primitive period, the essential exercise of the power of the keys and to satisfy the requirements of the texts. In fact, it is agreed that the faults ordinarily expiated by public penance were grave faults among the gravest, that is, principally, if not exclusively, the three kinds: idolatry, homicide, impurity. On the other hand, many faults escaped these categories, yet were not negligible; how can it be admitted that the Church closed her eyes for centuries to everything that was not an external and definite fault of idolatry, homicide, or impurity? To escape this impasse, some have imagined, alongside public and solemn penance, another penance, a private one, under which would fall all faults not bound to public penance, and which would have

functioned secretly in parallel with it. Mr. Boudinhon, on the very next page of his study, encounters this conception and attacks it without mercy.[928]

[928] Boudinhon, "Sur l'histoire de la pénitence," in Revue d'histoire et de littérature religieuse, vol. 2 (1897), pp. 331–333.

"'A simple reflection [he says] suffices to demonstrate that the simultaneous existence of public penance with what people wish to call secret penance is absolutely impossible. Solemn penance would immediately have ceased to exist. ... Who would have wished to resort to public penance? Obviously no one, and it could not have maintained itself, I do not say for centuries, but for a single instant. ...'

"This reasoning is very sound. But will the idea which it seeks to destroy find many defenders? I do not know. Be that as it may, I take no interest in it at all. The notion of such an option left to the sinner between two procedures, the one public and shameful, the other benign and secret, may simply appear absurd. In any case, it is foreign to the main current of patristic tradition. On the other hand, the Fathers open another way to us, from which we must not turn aside if we intend to embrace the penitential institution in its full historical reality. It is one institution, without doubt, but it cannot be reduced to the abstract framework of public penance. The Fathers indicate this by a discreet and sure stroke, sufficient to guide us. Public penance ordinarily stands in the foreground of their descriptions, as the most conspicuous and dramatic element; but this very element presupposes another; to deny its existence among the Fathers, one would have to ignore deliberately a very great part of their works.

"Father Harent recently expressed it with great exactness: 'There is not a duality of penance, but in some fashion a unity.' In other words, the single penitential institution contains, besides public penance, whose features stand out in high relief, certain elements of a private character. Let us listen again to the same theologian: 'When one conceives penance as the Fathers conceived it ... secret penance does not appear as a special institution, as a second species of penance opposed to the first. ... One could construct secret or private penance in all its parts simply by taking elements detached from public penance.' [See the complete passage above, pp. 915 ff.][929]

[929] Harent, in Études, vol. 80 (1899), p. 594.

"The final words of this quotation amount to a program. In fact, by gathering certain particular features from the classical descriptions of public penance, the author has constructed a very suggestive picture of another penance, not a rival but a substitute for the former. This was to open a deep furrow. No more than Father Harent do we intend to carry it to the end. Nevertheless, for the reader who wishes to investigate this delicate question more deeply, we shall indicate certain principal directions along which the ploughshare seems able to penetrate with confidence, in order to bring to light the authentic traces of an institution which, after all, is little known despite so many studies. Analysis of the historical elements of penance shows that the official ceremony, upon which attention is rightly concentrated, is not sufficient in itself; and that if one wishes to concentrate the entire practice of the primitive Church upon it—

—one would risk causing the institution itself to disappear. History does not lend itself to such simplifications."[930]

[930] D'Alès, L'Édit de Calliste (Paris, 1914), pp. 423–426.

DIEKAMP: "From these investigations [of the modern writers Poschmann, Adam, Göller, and Galtier], the following conclusions seem to me to be established:

"1. Private penance, taken in the proper sense (namely, that in which the sinner deals alone with the priest alone and is absolved immediately after confession), was foreign to the ancient Church as a means of obtaining the remission of mortal sins. Neither does the name *private penance* apply to the penance granted in danger of death, nor to the 'secret correction' commended by St. Augustine. For the former was nothing other than public or semipublic penance abbreviated and administered with greater or lesser secrecy according to the necessity of the time. St. Augustine calls it, equally with public penance, 'greater and notable penance' (Epistle 228, 8); and the Council of Nicaea, in the year 325, obliges penitents reconciled during grave illness, if restored to health, to complete their penance with the other penitents, therefore publicly (canon 13). As for 'secret correction' for mortal sins committed secretly, which Augustine first recommended, it was indeed a secret rebuke accompanied by a secret imposition of penance; nevertheless, that penance had to be performed in the church, in the place assigned to penitents, and the penitent was not permitted to receive Holy Communion. All the more, therefore, are the other modes of doing penance to which Galtier gives the name of private penance called such only improperly.

"2. Besides public penance, the distinctive feature of which was that the sinner, after confession, was solemnly enrolled in the order of penitents, several other forms of sacramental penance, involving less publicity or at least less solemnity, were in use in the Church from the most ancient times. For example, heretics returning to the Church were openly subjected to penance, which nevertheless they were not required to perform in the place of the penitents. Similarly, those who had been removed from the communion of the Church merely for disciplinary reasons were treated when they petitioned to be readmitted. Penance was also administered to the sick in danger of death; and we have already seen that this was not altogether private. It is difficult to designate by one suitable name all the forms of penance which were neither entirely public nor truly private. The name *semipublic penance*, therefore, is fittingly employed, although it does not agree in every respect.

"3. Just when private penance [in the strict sense stated above] was actually introduced has not yet been determined accurately. Certain ideas are found in St. Augustine which could prepare the way for private penance (especially in Sermon 82, 7, 10). But the practice of penance employed by him, insofar as it can be discerned from his works, was none other than public and semipublic penance, although he held that certain mitigations ought fittingly to be granted. Among the mitigations which gained ground in the time of St. Augustine were the omission of public correction in the case of those whose sins were hidden, as well as a shortening of the period of penance and of exclusion from Holy Communion granted to penitents who were distinguished by the depth of their contrition. Leo the Great directed that a simpler manner of reconciliation should be used for the sin of idolatry committed by certain children who had not reached puberty and did not possess true freedom of choice: namely, that the sin should be expiated by fasting and the imposition of hands (Epistle 167, inquiry 9). A Roman synod celebrated in 487 similarly decreed that hands should be imposed on boys and girls who had permitted themselves to be baptized again after falling into heresy, with no other penalty imposed upon them ('sometimes communion is to be restored to those detained under the imposition of hands'). At the same period the custom began to gain strength of substituting secret satisfaction for ecclesiastical penance to be publicly performed for mortal sins (the first witness to

this is Gennadius, *On Ecclesiastical Dogmas*, 53). This satisfaction consisted in the penitent's leading a life similar to the sacred discipline of monks or entering a religious order. From all these facts it appears that certain new practices had begun to arise, tending toward the sort of penance which could be performed—

—without public penal works. Moreover, Gregory the Great lays greater emphasis upon the priest's part in the work of the justification of the sinner, and begins to judge the works to be performed by the penitent under a new aspect, insofar as he does not regard them as something truly and properly equivalent to the magnitude of guilt (Göller, 1931, p. 246). Finally, it is of great importance that Gregory so insistently demands that sinners be dealt with according to their individual circumstances (ibid., p. 254). He himself implies that many had confessed their sins to a priest, even though public penance was not to be imposed upon them, and had asked for 'intercession,' that is, intercessory absolution. Such forms of penance, as Göller rightly judges, were sacramental; and they differed from private penance, which subsequently came into use, only in this: absolution was given solely after the works imposed upon the sinner had already been fulfilled."[931]

[931] Diekamp, Theologia dogmatica (ed. A. Hoffmann), vol. 4, § 52 (Paris, 1946), nos. 355–357.

GALTIER does three things: first, he explains the sense in which the expression *private penance* should be understood; secondly, how the question of its existence should be posed; thirdly, he states the solution or thesis which is to be proved.

First: How private penance is to be defined.

"Many define *public* penance as having existed whenever something connected with the remission of sin by the Church was done publicly, whether the judgment of the sin, its expiation, or its absolution. They do not, indeed, hold that each and every element of it was public; on the contrary, they admit that the disclosure of the sin was, as a rule, private and secret, both by custom and by right. Yet where the penitent was publicly absolved, or was publicly required to abstain from the Eucharist for a time, they consider that he thereby performed public penance. Accordingly, they call *private* only that remission of sin which is bestowed entirely in private, in the manner in which the sacrament of penance has long been administered in the Church. They wish it to belong to the essence of this penance that nothing be done publicly, either in its performance or in the giving of absolution.

"This notion is common both to those who admit and to those who deny that private penance flourished from the beginning. It can be deduced, as is evident, from the very names themselves, and can rightly be called *a priori*. For it takes no account of an accidental change which customarily occurs with the passage of time even in the most sacred rites; and it presupposes that private penance, if there was any from the beginning, already then and always bore the form in which it appears after so many centuries. This is altogether gratuitous and contrary to likelihood. It would be better to suppose, in accordance with the law of historical development, that private penance, whenever it first began, appeared differently while public penance coexisted with it than it did afterwards when it had long prevailed alone. ...

"Others, therefore, wish to derive the notion of *private penance* rather from the practice or manner of speaking which prevailed of old. For although those two expressions [*public* and *private*] were not familiar and solemn among the ancients, nevertheless penance performed 'in the order of penitents'

was distinguished from all penance which took place outside that order. ... This can be sufficiently shown from St. Augustine.

"'There is a special humility of penance ... such as is given in the Church to those who are properly called penitents.'[932] It is the 'penance ... which those perform in all churches who are properly called penitents.'[933] It is, namely, 'mournful and lamentable penance,' to which certain sinners 'cannot be compelled,'[934] or 'humbler penance,' which all who agree 'that at least three [kinds of sins] must be healed in the Church'[935] consider 'more grievous and more mournful ... in which they are properly called penitents in the Church.' [936] So fully is that the proper and authentic sense of 'penance' that the Donatists, because they are admitted into the Church without becoming 'penitents' in this manner—

[932] St. Augustine, De fide et operibus, 26, 48 (Migne, PL 40, 228).

[933] St. Augustine, Epistle 265, 7 and 2 (Migne, PL 33, 1088 and 1086).

[934] St. Augustine, De diversis quaestionibus, LXXXIII, 26 (Migne, PL 40, 18).

[935] St. Augustine, De fide et operibus, 19, 34 (Migne, PL 40, 220).

[936] St. Augustine, Sermon 352, 3, 8 (Migne, PL 39, 1558).

—are able, as it were, to boast that they are admitted 'without penance': 'Why, he says, do you impose penance on yourself, or why do you not impose penance?'[937]

[937] St. Augustine, Epistle 185, 10, 43 (Migne, PL 33, 811).

"'Moreover, that penance alone is also what, among the ancients, was sometimes called *public*. The Council of Toledo (400), for example, defines a "penitent," properly so called, as "one who ... has been reconciled to the divine altar while performing public penance."'[938] Penance imposed upon the Emperor Theodosius is called 'public' by Paulinus in his *Life of St. Ambrose*, [939] by St. Augustine,[940] and by Rufinus.[941] The 'humblest' penance, which, according to St. Augustine,[942] is granted only once, is said by St. Ambrose to be that which 'is performed publicly.'[943] 'Public penance' is also, under its proper and distinctive name, called by St. Leo the Great 'the more severe penance, which must be imposed for the three capital sins of idolatry, homicide, and fornication.'[944]

[938] Canon 2 (Mansi, III, 999).

[939] Paulinus, Life of St. Ambrose, no. 24 (Migne, PL 14, 55C).

[940] St. Augustine, Sermon 392, 3 (Migne, PL 39, 1711).

[941] Rufinus, Ecclesiastical History, 11, 18 (Migne, PL 21, 515).

[942] St. Augustine, Epistle 153, 3, 7 (Migne, PL 33, 656).

[943] St. Ambrose, De paenitentia, II, 10, 95 (Migne, PL 16, 520).

[944] St. Leo the Great, Epistle to Rusticus, inquiry 19. The printed note quotes: "The designation here is all the more to be noticed because crimes punished by penance of this kind are distinguished from those which 'can be purged by fasting [alone] and the imposition of hands'" (Migne, PL 54, 1209B). Cf. also the Book of Ecclesiastical Dogmas attributed to Gennadius, no. 53 (Migne, PL 58, 924B), or no. 22 in Turner's edition in Journal of Theological Studies, vol. VII (1905), p. 94.

"What, therefore, might once have been called private? — This conclusion follows: if in some manner in former times sins were remitted by the Church to the baptized without their being enrolled in the

‘order of penitents’ or becoming ‘penitents’ properly so called, there was in that case what was held by the ancients to be ‘non-public’ penance; indeed, it was not called ‘penance’ in its proper and authentic sense. Yet in whatever way such remission of sin was designated, or even if it was called by no special name, since it certainly lacks the proper and essential mark of what was called public penance, we have the fullest right to call it private. ...[945]

[945] The source note says that this notion of private penance, although not proposed clearly by all, may be admitted by all who reject the preceding opinion and recognize the origin of 'private penance' from the omission or suppression, whether complete or partial ('semipublic'), of the elements which constituted 'penance' properly so called. It lists Harent, Loofs, K. Holl, d'Alès, K. Adam, Tixeront, Breuer, and others.

“We therefore consider the distinction between the two forms of what we call penance to be derived precisely from whether remission of sin by the Church occurred with or without enrollment in the ‘order of penitents’. The former is essential and proper to public penance; the latter to private penance.”[946]

[946] Galtier, De paenitentia, thesis 14, nos. 267–270 (Paris, 1931), pp. 193–195; cf. also Galtier, L'Église et la rémission des péchés (Paris, 1932), pp. 226–249.

2. How the question of private penance should be posed.

“Having given these preliminary considerations about the name or nominal definition, we now come to the matter itself: was remission of sin by the Church among the ancients effected otherwise than through enrollment in the ‘order of penitents’?”[947]

[947] Ibid., p. 196.

“Questions about words are too vain for anyone to think of disputing another's right to employ them in whatever sense he pleases. Everyone therefore remains entirely free to inquire whether, at a given period, private penance understood in the strict sense which we have just described was already in use. For us, however, and whatever answer is to be made to it, this purely chronological question appears in itself quite secondary. Yet this excessively narrow conception of private penance seems to us gravely to falsify the very statement of the problem which one intends to resolve when treating of its existence in the first centuries.

“It seems, in fact, to make the proper object of the inquiry the degree of publicity and the greater or lesser duration of the personal expiation required in the first centuries for the remission of sin. But whatever the words employed to state it may suggest, the problem here is much less that of the expiation to be accomplished by the sinner than of the absolution to be given by the priest. In truth, the reality in question is the Church's former exercise of her power to forgive sins, an exercise more or less frequent, more or less adapted to circumstances, and therefore more or less varied in its concrete forms.

“Stated in terms which exclude every danger of equivocation, the question amounts to this: in absolving in God's name, did the ancient Church recognize in right and practice in fact only the solemn manner represented by reconciliation following public penance, or only the strictly private manner represented by present usage? Those who conceive private penance in the narrow sense just mentioned are obliged to answer affirmatively and thus condemn themselves to exclude the hypothesis of any intermediate usage or procedure. From the very beginning and always, the power

of remitting sins would then have been exercised under one or the other of these two rigid forms; and the administration of penance, which appears in the course of the centuries to be engaged in a continual labor of adaptation, would accordingly have presented itself from its origin under features as precisely defined as those of public penance in use in the third and fourth centuries or those of the private penance in use in our days.

"Historically, each of these two hypotheses is equally improbable. An institution of this kind could not have involved either the coexistence of two usages so opposed or an abrupt passage from one to the other. Even in social organisms, vital movement proceeds by tentative beginnings, and history shows few absolute commencements. Public penance, then, could not have begun in the Church in the exact form in which it appears in the third century; and if private penance, as one is led to admit, is a real derivative from it, it can have become differentiated from it only gradually. The narrow conception given to us of it therefore cannot correspond to its beginnings.

"Thus this conception has the grave disadvantage of being above all a priori. It rests at once upon the logical opposition of the words 'public' and 'private,' and upon the fact that present private penance contains no element of public order. ... Since the opposition between the two designations entails in no way the total and exclusive distinction of the two usages, it seems arbitrary to place this distinction at the basis of all research into their coexistence.

"All the more does one, by taking this as one's point of departure, condemn oneself to confuse what the ancients, on the contrary, distinguished very clearly. The verbal opposition of our expressions was unknown to them: in the sense in which we have described it, they certainly did not speak of 'private penance'; and the very words 'public penance' were employed relatively rarely. [948] In St. Augustine, for example, they are found at most once. The penance of those who, in the churches, are properly called 'penitents' is for him something very determinate, of which he speaks very often; but the words he employs to characterize it evoke above all the idea of an excellence, of a perfection in comparison with a more common form of penance."[949]

[948] The source note adduces De ecclesiasticis dogmatibus attributed to Gennadius (53; PL 58, 924B), St. Leo to Rusticus (inquiry 19; PL 54, 1209B), canon 2 of the Council of Toledo in 400, Paulinus (Vita Ambrosii 14; PL 14, 55C), Rufinus (Historia Ecclesiastica 11, 18; PL 21, 525), St. Augustine (Sermon 392, 3; PL 39, 1711), and St. Ambrose, who says that the emperor 'did not blush to do public penance' (De obitu Theodosii 34; PL 16, 1396), and that penance which is not repeated is that 'which is performed publicly' (De paenitentia II, 10, 95).

[949] Galtier, L'Église et la rémission des péchés (Paris, 1932), pp. 229–231; cf. pp. 249–255 and Galtier's article 'Pénitence,' col. 134 ff. in Dictionnaire apologétique.

3. How the question of private penance should be resolved.

"Thesis. ... Private penance, as we understand it, is shown to have always existed in the Church in this sense: that priests, by virtue of their power over sinners, were able to adapt the manner and duration of penance both to the gravity of offenses and to the disposition and greater spiritual advantage of offenders. Hence it came about that, even without enrollment in the 'order of penitents,' remission of sins was granted by the Church not only for sins which were not 'capital,' but also sometimes, for particular reasons, for 'capital' sins.

"1. Purpose of the thesis. Its aim is to show that the exercise of the power of remitting sins by the ancient Church was not restricted to one definite form of penance, or tied of itself to one particular

manner of satisfaction to be furnished by the penitent or of absolution to be granted by the priest. For the properly theological question is whether the Church always believed that she could, even privately, as we say, admit sins to pardon. The solution is given, indeed, by historical facts showing that she did in fact absolve sins otherwise and by a penance other than what was called public. That is sufficient for the properly theological scope of these theses. But the question whether, to what extent, where, and at what times the practice of this private penance, as we call it, was variously solemn and frequent is a properly historical question. Its solution is not directly intended here, although facts and considerations are proposed from which a solution may be drawn.

"2. Sense of the thesis. A) The thesis affirms the fact of the remission of sins otherwise than by enrollment in the 'order of penitents,' and it leaves aside at the outset the manner in which remission of this kind was carried out. Its meaning is not that there existed, as it were, two paths of penance by which a sinner could, at will, obtain access to the remission of sins through the Church. On the contrary, it is said that the power and care of assigning penance was always vested in the priests—bishops, or presbyters, properly called ministers—whose own task was to judge whether a sinner ought to be subjected to the penance of the 'penitents,' and could not be compelled to undergo it. In making this judgment some would have been more severe toward some sinners, others more lenient, by reason of age, character, and circumstances. From this arises the difficulty, or even impossibility, of establishing any general conclusion about a practice which was various in all churches. But it is enough to establish that certain sinners were sometimes granted by the Church the remission of sins for various reasons without being compelled to enter the place of 'penance,' in order that it may be affirmed that the private penance of which we speak existed. B) The meaning, therefore, is not that there were no sins of which it may be affirmed that they were always subjected to this or that public or private penance."[950]

[950] Galtier, De paenitentia, thesis 15, no. 271 ff. (Paris, 1931), p. 197.

CONCLUSION

Conclusion 1. Public penance as practiced in the ancient Church, especially in the third to sixth centuries, was not merely disciplinary, that is, the remission in the external forum of imposed satisfaction; rather, it was truly sacramental, at least with respect to satisfaction, in such a way that through it the satisfaction imposed in a preceding secret confession was discharged.

It is proved from the fact that in the documents of Tradition the conferral of spiritual effects, especially the remission of sins themselves, is constantly connected with public penance. This is evident from the documents adduced in articles 1 and 36 (where the existence and necessity of the sacrament are treated), not a few of which concern public penance; and from the arguments advanced in the following conclusion by those theologians who think that public penance—

—was sacramental also in the fuller sense, namely, insofar as it was brought to its completion through sacramental absolution itself. Furthermore, as we noted above, only the Rationalists deny this conclusion, although some theologians use certain improper expressions which seem to assert that this penance had a merely disciplinary character.

Conclusion 2. Probably public penance was not sacramental in this further sense, namely, that the final reconciliation by which it was concluded was itself the sacramental absolution of sins. Consequently, public penance did not precede sacramental absolution, but followed it.

Proof.

We embrace this opinion as probable, without prejudice to the contrary opinion, which several among the more recent students of positive theology follow or suppose to be true. It will be more useful to set forth the principal arguments of each opinion, adding at the end of each the reply by which defenders of the opposite opinion seek to dissolve it. Having done this, we shall add a few observations to show how the disagreement among the doctors on this matter ought to be composed, at least in part, or reduced to its proper proportions.

REASONS FOR THE OPINION WHICH DENIES THAT FINAL RECONCILIATION WAS THE ABSOLUTION OF SINS

FIRST REASON. According to Cyprian (Epistle 12, 1; Migne, Latin series) and the Council of Elvira, about the year 300 (canon 32), a deacon, in a case of necessity and in the absence of a bishop or presbyter, could give the dying that reconciliation which a bishop or presbyter gave at the end of public penance. Therefore this reconciliation was not sacramental, since a deacon cannot absolve sacramentally.

REPLY. To this argument, which seems sufficiently grave and which is to be discussed more fully below (in article 98, concerning the minister), some, such as Morinus and Galtier (no. 262), say that it may be admitted that Cyprian and the Council of Elvira considered it possible to communicate to the deacon himself the power of absolving, or to send the dying man absolution through the deacon as through a messenger. Others, among whom Galtier himself is found in another passage (no. 514), say that Cyprian and the Council of Elvira allowed the deacon to reconcile the sinner in such a manner as he could, and thus only in the external forum and according to the mere granting of communion; this communion, together with absolution from sins, would be given by the same reconciliatory absolution at the end of public penance.

Nevertheless, concerning the first solution, it must be said that it is very difficult to attribute either error to Cyprian, especially since the same error would also have to be attributed to the Council of Elvira and perhaps even to very many councils of the Middle Ages, down to and including the thirteenth century, which grant a similar faculty to a deacon. As for the other solution, it must be observed that, although it is quite consistent with the dogma itself, it is nevertheless not sufficiently consistent with the text to escape the charge of arbitrariness. Hence the difficulty cannot be entirely removed unless it is said that final reconciliation did not entail the remission of sins. Thus there remains a certain historical fact in favor of the first opinion, which its opponents say rests on no historical foundation.

SECOND REASON. As regards the Eastern Church, Morinus himself (book 6, chapters 24–36) teaches and demonstrates at length from documents that, after the affair of Nectarius (about the year 391), the penitential institution was so universally and permanently abolished or reformed that, once the three preceding stations had been suppressed (after which, according to Morinus and Petavius, absolution from sins had formerly customarily been given immediately, before penitents entered the station of those who stood), absolution from sins was given immediately after confession, while the right to communion remained denied until it was granted by a new, merely ceremonial absolution after penance had been performed (sometimes after several years), upon departure from the order of

those who stood. Hence, at least from the end of the fourth century, sacramental absolution preceded public penance in the East.

Moreover, we learn from Sozomen that this was done even earlier, when the complete rite of public penance was in force, under the administration of the penitentiary presbyter, who (if we believe Socrates) was instituted at the time when the Novatian schism arose (in the middle of the third century). For Sozomen says that, after hearing the confession of penitents, the penitentiary presbyter imposed penalties upon them and absolved or dismissed them (ἀπέλυε), after the manner of persons "who themselves exacted from themselves the penalties of their crimes" (cf. above, p. 433).

THEY REPLY. What Nectarius suppressed, and the time at which the ancient manner of public penance ceased in the East, do not pertain to the matter. For the question concerns the ancient practice itself: did it entail absolution from sins before penance had been performed?

As to the practice of the penitentiary presbyter: "Sozomen, in the passage cited, does not say that the penitentiary presbyter 'absolved' penitents before their penance had been performed. For the word he uses, ἀπέλυε, has the more common sense of 'dismissing,' and it is employed precisely in this sense of penitents sent away from Mass: cf., for example, *Apostolic Constitutions*, VII, 9, 11; 15, 10; 36, 1; 28, 1. Sozomen uses this word to signify that the same thing was done in the East by the penitentiary presbyter which, a little later, he signifies by the word ἀποπέμπει, was—

—done at Rome by the bishop.[951] ... Compare Chrysostom, *Against the Jews*, III, 5: 'The deacon ... I dismiss you from the assembly' (Migne, vol. 48, col. 870). *Apolysis* is still today the name, in the Greek liturgy, of the prayer by which those present are dismissed after Mass and the other offices. Compare Couturier, *Cours de liturgie grecque-melchite*, vol. II, p. 43."[952]

[951] Galtier, De paenitentia, thesis 14, no. 262 (Paris, 1931), p. 189, text and note.

[952] Cf. above, article 36, p. 433 ff.

Nevertheless, although the word ἀπέλυε can of itself also signify a material dismissal, the sense of absolution is more suitable to it, since the text is speaking of sinners who approach confession in order to seek pardon ("Since in seeking pardon it is necessary to confess one's sin"). Furthermore, in

Scripture the verb ἀπολύω more frequently signifies to free someone from a burden, whether from an evil, an obligation, or a crime; and this latter meaning is found in Matthew 27:15; Luke 23:16; John 19:10; Acts 3:13; indeed in

Luke 6:37: "Forgive, and you shall be forgiven [ἀπολύετε καὶ

ἀπολυθήσεσθε]." Hence Sozomen, by the word ἀπέλυε (he absolved, or, if one prefers, he dismissed), signifies that what was done in the East—according to Innocent I, in his Letter to Decentius (cited on p. 362)—about the time when the office of penitentiary presbyter was suppressed there, was also done in the West: namely, a true remission or release from some burden of sin ("then to order him to be released, when he shall have seen that his satisfaction is suitable"), that is, "to remit to them."

THIRD REASON. If the Eastern Church is compared with the Western Church (in which the practice of public penance continued in all its extent at least until the end of the sixth century), it seems scarcely probable that for almost two centuries so great a discrepancy would have existed between the rites of the two Churches that in the East absolution was already being granted immediately after confession, while in the West it was granted only after a long and severe penance; and that no trace of

controversy or mutual reproach over such a discrepancy and severity is to be found on the part of the Greeks against the Latins, especially later, at the time of the schism. This is a clear indication that final absolution was regarded by everyone as not strictly sacramental, or as not remitting sins.

THEY REPLY. The different conditions of places and Churches hastened the disappearance of public penance in the East and, consequently, brought about a different manner and ordering of penitential discipline. The aforementioned reproach ought rather to have been expected on the part of the Latins against the Greeks, because the latter had departed earlier from the rigor and holiness of the ancient discipline. Moreover, as was said above (p. 865), already by the middle of the fifth century, in the Latin Church itself, some relaxation or mitigation of public penance—

—begins to appear so clearly that Augustine had already complained of it.

FOURTH REASON. As regards the Western Church itself, there are several documents in which, by distinguishing between "granting penance" (which refers to the beginning of public penance) and "granting reconciliation or communion" (which refers to its end), absolution from sins is attributed to the granting of penance as distinct from reconciliation. Thus:

Innocent I, Letter to Exuperius, in the year 405 (cited on p. 362), having made the distinction between "penance ... and reconciliation of communion," says that "the former custom had been maintained, so that penance was granted, but communion was denied to certain dying persons," and that this "harsher remission" was fitting in the time of persecutions: namely, that on the one hand the difficulty of obtaining reconciliation and the right to communion would turn people away from sin, and on the other hand the granting of penance would sufficiently provide for the salvation of the dying, since it entailed some remission ("lest everything be entirely denied to the penitent"). Here, to the "performance" of penance, as distinct from and prior to final reconciliation, there is plainly attributed a salutary remission, which can be nothing other than absolution from sins.

Celestine I, Letter to the bishops of Vienne and Narbonne, in the year 428 (cited on p. 362 f.), teaches that penance "is not to be denied to anyone at any time, and especially at the moment of death," since to deny penance is "to kill a person in peril under the burden of sins and without absolution."

Although in this passage no explicit distinction is made between denial of penance and denial of communion, and therefore, speaking absolutely, "denial of penance" could be understood comprehensively for denial both of penance and of communion (especially since, as we have seen from Innocent I, at that period both were given to the dying), nevertheless that expression must be taken in a distinctive sense, namely, for denial of penance as distinct from denial of communion. This is apparent both from the parallel with Innocent I's text, where the expression is taken in this way, and from the added reason why penance ought not to be denied, namely, because otherwise the soul loses eternal salvation. This reason applies to denial of penance as distinct from denial of communion, since, when penance has been granted and communion alone denied, the soul can still be saved, because "not everything is entirely denied," as Innocent said. Hence Celestine here condemns those who denied not only communion but even penance; Innocent, however, in the earlier text reproves those who, after penance had been granted, wished to deny communion alone according to the older practice.

Augustine, Letter 228, no. 8 (cited in article 33, p. 321), rebukes priests who abandon the faithful amid the straits of persecution, at the very time when all urgently seek the remedies of salvation: "some demanding baptism, others reconciliation, and still others the very performance of penance." Hence to the "performance of penance" (that is, the "granting of penance"), as distinct from reconciliation, Augustine attributes a proper salutary efficacy, and none other than the remission of sins, since the faithful could not have been seeking some other remedy in such straits.

The First Council of Orange, in the year 441, canon 3, cited above (p. 877), clearly indicates that the "granting of penance" confers that disposition of soul which is sufficient and necessary for communion, that is, for the remission of sins itself; and that the "granting of reconciliation," from which the dying person is dispensed for a time, is ordered merely to giving the public right to communion.

Leo the Great (d. 461), Letter 108 (to Theodore of Forum Julii), nos. 2–5, says: "Christ ... entrusted to the rulers of the Church this power: that they should grant the performance of penance to those who confess, and admit those same persons, purified by salutary satisfaction, to the communion of the sacraments through the gate of reconciliation" (Denzinger 146). Here purification from sins is attributed to the granting and performance of penance, while admission to communion is attributed to final reconciliation (cf. below, p. 943 f.). Almost the same thing is expressed in the same words in the *Apostolic Constitutions* (about the year 400): "Restore him by the imposition of hands, as one who has done penance, to the ancient pasture." Furthermore, the same Leo the Great, in his famous Letter 168 on secret confession (cited in article 36, p. 363 f.), speaking "of the penance which is requested by the faithful" and forbidding confessed sins to be made public, says: "For that confession is sufficient which is offered first to God, and then also to the priest, who approaches as an intercessor for the sins of penitents." There he promises remission to secret confession and the priest's subsequent prayer or absolution, without making any mention of that final reconciliation by which the right to communion was granted.

Moreover, all these fifth-century documents go back to an older tradition, which is expressed in the East, in the age of Cyprian himself (d. 258), by the *Didascalia Apostolorum* (written in the second half of the third century), II, 41, 1 ff., cited in volume I, p. 110, distinguishing between the imposition of hands, which confers the Holy Spirit as another baptism, and the subsequent reception into the communion of the Church.

Likewise, in the seventh century the Eleventh Council of Toledo, in the year 675, canon 12, was interpreting the ancient practice of the Church when it decreed: "Concerning those who, having received penance, have departed this life before being reconciled: although it has been thought fit to follow different judgments regarding this chapter, and many decrees of this kind have been made, so that both the commemoration of such persons may be celebrated in the churches, and the offering dedicated on their behalf may be received by the spirits [variant: may be received by the presbyters for their offense]" (Mansi, XI, 144 f.).

GALTIER REPLIES: "'Granting penance' is an equivocal expression which, like the present-day 'to confess,' is employed sometimes for admission to penance alone and sometimes comprehensively for the entire penitential rite. From the circumstances, therefore, it must be judged in precisely which sense it occurs in the documents. Thus, for example, the cited letter of St. Celestine belongs to the period when, as is known, among others from an earlier letter of St. Innocent on the same subject

(Denzinger–Bannwart 95; Collectio 1249), dying persons who had not previously sought penance were granted penance and reconciliation or absolution at the same time. ...

"'The performance of penance' likewise, although St. Augustine names it as distinct from 'reconciliation' in his letter to Honoratus, must in this passage, given the circumstances under discussion, be understood in the comprehensive sense. The danger of death is imminent, namely, and for those who have not previously undertaken penance, its granting and performance were not separated from reconciliation or absolution. St. Augustine himself confirms this sense; for in *The City of God*, XX, 9, 2, speaking at once of those who 'through penance' or 'through an evil conscience ... have been separated from the body of Christ,' he says simply that they 'run in dangers ... to reconciliation' (Migne, 41, 674). Likewise his contemporary Victor of Vita (*On the Vandal Persecution*, II, 11), in whose work the laity are said explicitly to seek reconciliation at the same time as they ask the priests for 'penance': 'Who,' they say, 'will confer upon us [if the priests are led away into captivity] the office of penance and loose us, bound by the bonds of sins, with the indulgence of reconciliation?' (Migne, 58, 212A; Vienna edition, p. 37)."[953]

[953] Galtier, De paenitentia, thesis 14, no. 263 (Paris, 1931), pp. 189 ff.

Nevertheless, granted that the expression "granting penance" or "granting the performance of penance" can in itself be ambiguous, and therefore can be understood in a comprehensive sense, in the texts adduced it is not ambiguous but is explicitly distinguished from and opposed to the expression "granting reconciliation or communion," except perhaps in the text of Celestine, whose meaning, as we said, is legitimately explained in accordance with the sense of Innocent's text.

Moreover, Galtier begs the question when he asserts: "To the dying ... penance was granted together with reconciliation or absolution" and "With the danger of death impending, the granting and performance of penance were not separated from reconciliation or absolution." For this is precisely what must be proved, and it must not be gratuitously assumed: namely, that reconciliation was absolution not merely from punishment and the impediment to communion but also from sins themselves, and conversely that the granting of penance did not entail absolution from—

—sins. Furthermore, Augustine's words—"Those who through penance or an evil conscience have been separated from the body of Christ run in dangers to reconciliation"—can suitably be interpreted as saying that the faithful in question all run to reconciliation, or to obtaining the right to communion (that is, to union with the body of Christ from which they have been separated), but in such a way that some obtain this reconciliation immediately (namely, those already performing penance and therefore already absolved of sins), while others obtain it mediately (namely, those separated from the body of Christ because of an evil conscience), insofar as they seek at the same time the performance of penance, remission of sins, and subsequent admission to communion. This sense is clearly illustrated by Augustine's aforesaid words in Sermon 228, where he says that some seek reconciliation (namely, penitents), while others seek the performance of penance itself (namely, those not yet admitted to the order of penitents). Finally, the words of Victor of Vita, in which reconciliation is said to loose the bonds of sins, are brought forward in vain as confirmation if one considers the many senses underlying the expression "bonds of sins" throughout Tradition; for the bonds of sins are said to be both sins themselves (bonds of sins = bonds which are sins) and the effects of sins (bonds of sins = bonds arising from sins), such as punishments and, especially, canonical exclusion from communion.

FIFTH REASON. In the ancient sacramentaries and penitentials in use among the Latins themselves (such as the Gelasian Sacramentary, Migne, Latin series 74, cols. 1095–1098, and the Mozarabic Book of Orders, ed. Férotin, pp. 88–93 and 355–358), whose absolution formulas are rightly considered far older, or at least very similar to the formulas used in the public penance of earlier centuries, the formula employed at the beginning of public penance bears the same meaning, one absolving from sins, as that found in the formula of final reconciliation.

The opponent Morinus himself admits this, writing: "The prayers by which absolution is given are of the same meaning as those by which penance is imposed; and sometimes the same meaning, and even the same words, are found—that is, sometimes with the prayer by which one penitential or sacramentary book imposes penance, another grants reconciliation."[954] Thus the initial formula found in Order 14 in Martène (*On the Ancient Rites of the Church*, vol. I, book 6, article 7), "We absolve you by the authority of Blessed Peter, prince of the apostles, to whom the Lord gave the power of binding and loosing," is almost the same as the formula directed to be said in the final reconciliation in the same Order, on Thursday of the Lord's Supper.

[954] Morinus, Commentarius historicus de disciplina in administratione sacramenti poenitentiae, book 9, chapter 32, no. 3 (Paris, 1651), p. 702.

In the very ancient Order 10 (probably of the ninth century), reported by the same Martène, the following rule is handed down to the priest hearing confessions: “Then [that is, after hearing the confession] let him prescribe a penance for the penitent according to each sin which he has committed, as is contained in the Penitential; and afterwards let the priest absolve him, lest perhaps sudden death overtake him and he depart this world still bound.”

THEY REPLY. This argument proves too much; for it would follow that *both* absolutions, the initial and the final, were absolutions from sins, and that the Church absolved penitents twice. Some theologians, such as Harent and Vacandard (cf. above, p. 895), do indeed draw this conclusion, saying that it is arbitrary to attribute different forces to the same formulas. But the conclusion does not follow of necessity, since absolution may rightly be understood as release from the punishments of sins, or from censures, or from future punishment, or in the simple sense of a prayer of supplication (in the manner in which a confessor in present practice recites various formulas of absolution before pronouncing the sacramental words themselves). For the moment at which sacramental absolution is expressed, and the formula in which it is expressed, depend solely upon the intention of the Church and of the priest.

SIXTH REASON. The ancient practice, which the First Council of Orange attests and explicitly prescribes (cited above, p. 877), of granting penance together with Viaticum to the dying, and nevertheless, if they recovered, obliging them to perform penance and receive final and solemn reconciliation, shows that this final reconciliation was not absolution from sins; for the dying could not have received Viaticum unless they had first been absolved of their sins.

THEY REPLY. Concerning that practice, the following points must first be noted:

“The practice which appears in the Council of Orange was not universal, at least from the beginning. At Carthage, for example, and at Rome, in the time of St. Cyprian, penitents of this kind, if they survived, already enjoyed ‘peace’ and were not even counted among the ‘penitents’ (Letter 55, 13). Likewise, at Alexandria, St. Dionysius [about 265] judged it ‘inconsistent’ to wish to ‘bind’ again

sinners already 'loosed': 'For those who have already been reconciled to God and have again shared in grace ... and those who have no longer anything of which they are accused, it would be especially absurd to regard them as guilty of a crime.' Thus the priests themselves did not attend to a sentence of absolution which they taught was ratified before God. He further adds, however, words which appear to suggest a different course of action, or at least a reason why the priests might proceed in another way: 'If nevertheless someone, after he has recovered, appears to require a greater conversion, we encourage him voluntarily to humble himself and to be afflicted and constrained, considering both what may profit him and what may be fitting for others—

—and what is free from the reproaches of outsiders. If he submits to them, he will not act to no purpose. But if he does not listen, or even contradicts, this very thing will be enough as an offense for a subsequent separation.'"[955][956]

[955] Letter to Conon, inserted into the law of the Greek Church and cited in J. B. Pitra, Juris ecclesiastici Graecorum historia et monumenta, vol. I, p. 546 ff.

[956] Galtier, De paenitentia, no. 264 (Paris, 1931), p. 190.

"The Council of Nicaea I, in the year 325, canon 13, sanctions this practice in these terms: 'With regard to those who are departing [this life], the ancient and canonical law shall still be observed, namely, that, if anyone is departing this life, he shall not be deprived of the last and most necessary Viaticum. If, however, having been mourned and having obtained communion, he is restored again to the living, let him be placed with those who participate only in the prayers. But in general, with regard to anyone who is departing and asks to partake of the Eucharist, the bishop shall impart the oblation after examination [μετὰ δοκιμασίας, that is, after testing or examination of good disposition]' (Mansi, II, 674; cf. Denzinger 57). The Council, therefore, concedes Viaticum and demands a preliminary examination of the sick person's disposition, prescribing that, if he recovers, he be enrolled in that grade of public penitents who shared in the prayers but not in communion, that is, in the grade of the *standers* (and indeed for the purpose of his being able, through final absolution, publicly to receive the right to communion which he had previously received only privately)."

"Later documents recall and confirm the same practice, especially the aforementioned First Council of Orange, in the year 441, and the *Ancient Statutes of the Church* (canons 76 and 78, cited on p. 877).

"Before Viaticum was given, however, a certain rite of reconciliation was employed (the imposition of the hand and a blessing), taking the place of the very absolution of reconciliation which occurred at the end of public penance, as is suggested by the required examination by the bishop, of which the First Council of Nicaea speaks (the same examination is discussed in Leo I's letter to Theodore of Forum Julii: 'The testimony of the faithful standing about should be of advantage to them'; cf. p. 363), and is explicitly asserted in the aforesaid *Ancient Statutes of the Church* (canon 76). Nor does it matter that the Council of Orange says nothing about that ceremony, perhaps because it was well known, just as the aforesaid *Ancient Statutes* in canons 77 and 78 pass over it in silence, although it is mentioned in canon 76. Furthermore, that ceremony might equivalently consist in the very giving of Viaticum, or in some accompanying prayer or blessing; in fact the Council of Girona in 517, canon 9, calls Viaticum 'the blessing of penance' which the sick 'receive through communion,' and the Council of Barcelona in 541, canon 9, in conjunction with canon 8, says that the sick receive 'the blessing of Viaticum.'"

"To the argument brought forward, therefore, Galtier replies that the dying received, in a certain abbreviated and private manner, the very reconciliation which penitents received at the end of public penance, and that this reconciliation remitted sins and admitted them to Viaticum; but that if they—

—recovered, they were obliged to enter the order of penitents (or rather the grade of the *standers*, who were called penitents less strictly and who were not in fact distinguished from the faithful who freely abstained from communion), so that public penance, although postponed until after absolution, might contribute to greater satisfaction for their sins, to the repair of scandal, to avoiding the reproach of the Novatians concerning a pardon too easily granted by Catholics, and to their obtaining publicly the right to communion (the Council of Orange calls it 'lawful communion'), which they had previously received only privately and in the manner of Viaticum.

"Hence, he adds, this practice in no way shows that the final reconciliation of public penance was not sacramental (for the dying received this same reconciliation exceptionally at the very point of death, while the other reconciliation which they would receive, if they recovered, together with the public penitents in the Church, was merely ceremonial). Rather, it 'sheds light upon how it could have happened that absolution properly so called was separated from the reconciliation of penitents, so that the "performance of penance" would no longer be explicitly acknowledged to have any other efficacy than that of satisfaction, which consequently could be postponed until after the remission of the sin itself, or rather would more appropriately be postponed. The absolution, that is, or the private penance which ... alone was usually granted to the dying, prevailed more and more until practically nothing remained except the sacramental elements; and the "penance of penitents" became nothing more than the recipient of that penance which was regarded as a kind of religious profession.'"[957]

[957] Galtier, De paenitentia, no. 265 (Paris, 1931), p. 192.

NEVERTHELESS, against this reply, ingenious as it is, it can be objected that it is hardly probable that the Church, having granted sacramental reconciliation to the dying, would have wished to subject them again not only to the performance of penance but also, together with the other public penitents, to that same solemn reconciliation, which in itself and for the other penitents was sacramental. For thus the meaning and force of a reconciliation of this kind would be duplicated, so that for the dying who had already been absolved it would be reconciling only in the external forum, whereas for the others it would be so also in the internal forum. Even in the present liturgy, when Baptism of necessity is conferred, the omitted ceremonies are not supplied, nor is the sacramental form repeated with them, although it could be repeated with a merely ceremonial meaning and intention, for the sake of a certain solemnity of the rite. Besides, the dying would twice have been subjected to the Church's solemn reconciliation, although of a different character, since, according to the common law and principle then in force, public penance—whose supreme act was final reconciliation—was not permitted to be granted twice. Moreover, although the Council of Orange knew that some imposition of hands was given to the dying before Viaticum (for, as Galtier observes, the aforesaid *Ancient Statutes of the Church* are of almost the same period), nevertheless it does not hesitate to assert that Viaticum was granted to them without the reconciling imposition of hands, or without that imposition by which the Church publicly reconciled sinners. Hence, in the mind of this Council, this public reconciliation was of an altogether different character from whatever reconciliation was given to the dying, and therefore it was not sacramental.

The way in which the matter was dealt with in the case of dying persons must therefore be explained thus: first, penance or absolution from sins was given to them (it does not matter how, nor by which imposition of hands or prayer); secondly, Viaticum or communion was conceded to them, as an exception and for a reason of necessity, but not communion simply so called, or the permanent right itself to communion; thirdly, if they recovered, they were brought into the order of penitents (it does not matter for what reason or into which grade of penitents, for the Council of Nicaea commands that they be placed among those who participate only in prayer, whereas the Council of Orange wishes that they 'remain in the order of penitents and obtain the necessary fruits of penance'); fourthly, by that same final reconciliatory absolution, they would receive, together with the other penitents and in the same manner as they, the very right to communion, together with public and perfect reincorporation into the community of the faithful (the Council of Orange: 'lawful communion').

SEVENTH REASON (a priori, or rather dogmatic). If the Church had deferred absolution from sins until the end of public penance, it would follow, first, that she had denied absolution to sinners for a long time—indeed, to many for several years, to some for many years, and to a few even for their whole lives—which can scarcely be reconciled with the dogma of the necessity of the sacrament for obtaining that forgiveness of sins which God is always prepared to grant to those who truly repent. Secondly, it would follow that often one minister heard the confession and another minister gave absolution, as happened especially in the case of those penitents who had to do penance for many years; and this can scarcely be reconciled with the truth, admitted by all theologians, concerning the unity of the minister of the sacrament.

GALTIER REPLIES: "From the fact that absolution was deferred for so long, it does not follow that public penitents remained for so long in the state of sin. For those whom the Church, by such discipline, urged to the 'worthy fruits of penance,' she by that very fact directed to justification through charity, so that very frequently she did not reconcile or absolve them until they were sinners already wholly purified by their satisfaction. Although reconciliation did not occur until long after the penance had been 'sought' and 'granted,' nevertheless the reconciling priest possessed sufficiently competent knowledge of the penitent. For public penance, so to speak, was regarded as a continued confession; and its superior was bound to know the sin on account of which it had been imposed."[958]

[958] As an example, canon 23 of the Second Council of Milevis (416) states that a heretic converted to the Church, if already assigned penance in his sect, must tell the bishop where and for what reason he had undertaken penance, so that the bishop may decide the time still to be spent in penance, 'according to the character of the sin' (Mansi, IV, 333).

It must be noted, moreover, that penitents were subject to the diligent vigilance of their superiors, and that when they were admitted to 'peace' they still made an *exomologesis* before the priest, which seems at least to have included a general confession.[959][960]

[959] St. Cyprian, Letters 16.2; 17.2; and especially 18.1.

[960] Galtier, De paenitentia, no. 266 (Paris, 1931), p. 192.

Add to these points that, as was said in Conclusion 4, in many cases the time of public penance was shortened according to the dispositions of the penitents, and at the same time private penance was also in use in the Church.

NEVERTHELESS, it is not apparent how this reply removes the difficulty and completely satisfies the aforesaid dogmatic demands.

For by what right can the Church deny absolution for several years to persons well disposed through attrition, or even through that perfect contrition which, as Galtier says, was so frequently conceived by penitents? Does not the obligation of having recourse to the keys of the Church to obtain forgiveness of sins correspond to the right of the penitent that the absolution of the keys be applied to him when he is found disposed? In judging the case, with respect to the matter and disposition of the subject, the minister must indeed use his judgment as he ought; but in absolving he is a mere instrument of God, and this precisely with respect to the very right to absolution that belongs to the penitent, since the rights of conscience proceed immediately from God, and the power of the keys was instituted not to confer a right to remission, but to satisfy that right.

Furthermore, what is said of the manner of confession in order to preserve the unity of the minister is still less convincing. Either some transmission of the list of sins is imagined, extending to the priest who granted final absolution, and thus the seal of confession perishes; or a new and definite confession or interrogation is imagined, of whose existence no evidence is brought forward (for the reference to the Council of Milevis is not to the point, since a confession made to heretical ministers lacking jurisdiction is no sacramental confession), and thus in like manner the right of the seal perishes, since the cause, once submitted to the sacramental forum, whether already judged or sealed, is referred to some other forum or judgment; or the matter concerns a certain general confession, expressed in words or implied by the continued incorporation into the order of penitents and by the performance of penance, and thus the necessity for the integrity of confession perishes, which, as the Council of Trent says (session 14, chapter 5), 'the universal Church has always understood' and 'which has been in use in the holy Church from the beginning and is still in use' (Denzinger 899, 901).

EIGHTH REASON (ad hominem). As will be proved in the following conclusion, and as many adversaries themselves admit (such as Rauschen and Galtier), public penance—

—was not strictly necessary, at least for secret sins. If, therefore, it was not necessary, why was it sacramental precisely at its conclusion? That is, on what grounds did the Church choose to absolve sins after public and more difficult penance when their absolution could have been obtained more easily and privately?

THEY REPLY. The reason was that absolution might be received by penitents with a better disposition and greater fruit; therefore the granting of penance was considered a notable favor.

NEVERTHELESS, a more abundant fruit of a future absolution could not easily have appeared to the minds of the faithful, even the more fervent, as a sufficient compensation for the long delay of absolution and separation from communion. On the other hand, granting that penance had a merely satisfactory character, preparing for communion, it is easy to understand how its granting was regarded as a notable favor, in view of spiritual motives; and why even holy men, who were in no need of absolution from sins, nonetheless earnestly sought it[961]; and why Basil advised soldiers (who had committed homicide in war) to abstain from communion for three years, as though they were penitents (cf. p. 873); indeed, why in the same Asia Minor the Council of Ancyra (cf. p. 874)

prescribed that involuntary killers should do penance, namely, in order that 'they might attain the perfection of penance.'

[961] Cf. Morinus, Commentarius historicus de disciplina in administratione sacramenti poenitentiae, book 4, chapter 16; book 5, chapter 30.

REASONS OF THE OPINION WHICH AFFIRMS THAT FINAL RECONCILIATION WAS ABSOLUTION FROM SINS

FIRST REASON. From the common object of the controversy between Catholics and the Montanists and Novatians. The Montanists (as Tertullian when attacking the decree of Callistus) and Novatian, whom the Catholics opposed, granted penance to the fallen and yet denied that the Church could remit certain sins or grant reconciliation. Therefore, both for Catholics and for those heretics, granting penance and remitting sins or reconciling were not the same thing. Therefore reconciliation was granted not in the very granting of penance, but in final reconciliation.

THEY REPLY. I distinguish the first consequence. Therefore granting penance and remitting sins were not *formally* the same thing: I concede. Therefore they were not *materially* the same thing, so that, when penance was granted, absolution from sins was not given at the same time: I deny, until this is proved from elsewhere.

The controversy was not about whether absolution was to be given before or after penance, but about the very power of absolving. The heretics denied this power, and for that reason granted to the fallen bare penance without absolution; the Catholics, however, admitted it, and for that reason granted both penance and absolution. But at what point they granted absolution—whether at the imposition of penance—

—or after its completion—cannot be established from the very point under controversy. Thus from penance granted by heretics without absolution one rightly argues to penance granted by Catholics *with* absolution (it does not matter at what moment), but not to penance granted *before* absolution; for that is a pure sophism. Hence what Galtier affirms is denied: namely, that 'The controversy was not about whether penance itself was to be granted or denied, but only about whether final reconciliation was to be granted or denied'; for the controversy concerned reconciliation, not final or non-final reconciliation.

Nor is it valid to press the point that the controversy with the Montanists concerned final reconciliation itself, on the ground that Tertullian attacked what the decree of Callistus affirmed: 'I remit the sins of adultery and fornication to those who have performed penance.' For Tertullian did not attack Callistus for remitting sins *after* penance, but for remitting sins at all, whether before or after the performance of penance. In fact, it is this that Tertullian formally taught: namely, that the Church did not have the power of remitting certain sins. As for the true sense of Callistus's words, it will be discussed presently.

SECOND REASON. From the salutary effect which the Fathers attribute to final reconciliation.

This reconciliation is likened to Baptism (*Didascalia Apostolorum*, II, 41, 1 ff.; *Apostolic Constitutions*, II, 41; Leo the Great, Letter 108, 2)[962]; through it the Holy Spirit is given (Cyprian, Letter 54, 4) and remission is effected (Innocent I, Letter to Decentius). Penitents to whom final reconciliation was anticipated because of danger of death 'receive the pledge of life in the peace granted to them'

(Cyprian, Letter 52, 13; cf. Letters 57, 1 and 4) and 'are relieved by the grace of communion' (Pope Siricius, Letter to Himerius). It is charged against pastors as a fault if they allow the faithful to depart this life 'without peace and communion,' because they have neglected to care for the sheep entrusted to them (Cyprian, Letter 52, to Antonianus, 13), and allow them to depart 'bound' (Augustine, Letter 228, 8) into the future life, where 'confession cannot be made, nor exomologesis performed' (Cyprian, Letter 52, 17 and 29). Before final reconciliation penitents are still said to be 'bound by the chains of sins' (Victor of Vita, *On the Vandal Persecution*, II, 11; Augustine, cited shortly before). Ecclesiastical burial was denied to penitents who died without final reconciliation. In the Gelasian Sacramentary the ceremony of final reconciliation on Thursday of the Lord's Supper is called the 'Sacrament of reconciliation,' and within the rite the archdeacon asks the bishop that 'through the grace of divine reconciliation he make the man near to God.'

[962] 'As you admit a pagan washed by baptism after instruction, so restore this man, who has been made clean by penance, through the imposition of hands while all pray for him, to his former pastures; and the imposition of hands shall take the place of the washing for him.'

Cyprian particularly insists upon the remissive efficacy of final reconciliation. In his writings there is no trace of an absolution conferred at the beginning of public penance (cf. *De lapsis*, 16; Epistles [according to Migne] 9, 2; 10, 1 ff.; 12, 1; 52, 17, 27, 29; 62, 4; many of these passages are discussed in the course of the present treatise, as is evident from the Index of Names).

To this point D'Alès writes:

"Public penance came to an end with the reconciliation of the sinner before the Church, an act of the priestly ministry operating not only in the external forum before the Church, but also in the internal forum before God. For the peace restored to the sinner before the Church is ordinarily the pledge of the pardon granted by God. Cyprian's texts admit of no other explanation. The word *absolutio* does not occur in his writings; but it is indeed sacramental absolution which he has in view when he speaks of *remissio facta per sacerdotes* [remission effected by priests], especially of *pax*, of *communicatio*, the last expression referring to Eucharistic communion restored to the reconciled sinner.

"There is no trace in Cyprian of the absolution which serious authors have sometimes supposed at the beginning of ecclesiastical penance. The sole absolution which he designates by the words *remissio*, *pax*, *communicatio* ... marks precisely the end of *exomologesis*. The sinner, whatever his repentance may be, is excluded from participation in the Eucharist until the day on which he recovers the peace of the Church. The exact correlation of the two terms *communicatio* and *pax* shows that the Church believed herself to act by virtue of a divine mandate when she restored to the sinner both her peace and Eucharistic communion. We also encounter, in the same sense, the words *venia*, *indulgentia*, although it is not always possible to decide whether the author's intention bears directly upon divine pardon or upon the ecclesiastical sentence which is ordinarily its pledge. To speak here of an *opus operatum* in the sense of later theology would certainly be to anticipate the thought of St. Cyprian. But it is right to say that he prepared the way for this theology by the extreme energy with which he inculcates the connection between the ecclesiastical sentence and divine pardon."[963]

[963] D'Alès, La théologie de saint Cyprien (Paris, 1922), pp. 277–279.

REPLY. The proper and specific effect which the Fathers constantly and concordantly ascribe to final reconciliation, and to it alone, is the restoration of communion, or of the public right to the

Eucharist, and consequently restoration to ecclesiastical unity, which is especially signified and effected through it. Hence the classical distinction between the granting of penance and the granting of communion. Compare Innocent I, Celestine I, Augustine, the First Council of Orange, the First Council of Nicaea, and the *Ancient Statutes of the Church* (cited above, pp. 927 ff. and 932); likewise Dionysius of Alexandria (discussed below), the *Didascalia Apostolorum* (cited in Volume I, p. 110), the *Apostolic Constitutions* (cited on p. 937), Leo the Great (Epistle 108, 2–5, cited below on p. 943), and Cyprian himself (*De lapsis*, 16; Epistles [according to Migne] 9, 2; 10, 1 ff.; 52, 17, 27, 29). Other effects, intrinsically supernatural or immediately connected with the conferral of sanctifying grace, are neither constantly nor uniformly and definitely invoked, nor referred directly to final reconciliation itself.

For some of the expressions adduced refer, or can refer, to the whole ceremony of public penance. Some are also commonly said of initial reconciliation; by what right, therefore, are they taken in the strictly sacramental sense only in cases where they refer to final reconciliation? Or must a twofold sacramental absolution, one initial and the other final, perhaps be admitted with Harent and Vacandard? Those expressions, however, which refer, or can refer, to final reconciliation itself may be understood of a certain more ample remission of the bonds of sins, granted through it. For it was the term of a more perfect expiation, a kind of total indulgence granted by the Church, the restoration of Eucharistic communion, and a certain perfect reintegration into the body of the Church. Consequently, by reason of its expiation and indulgence, it may rightly be compared to Baptism, by which the whole punishment of sin is extinguished; by reason of a fuller remission and participation in ecclesiastical goods, it is aptly called the giving of the Holy Spirit, the pledge of life, and pastoral care diligently to be given; and by reason of the restoration of ecclesiastical unity and communion, it could rightly be assumed by the Church as a condition of the right to ecclesiastical burial.[964]

[964] Cf. what is said in the treatise On Baptism, article 16, p. 203.

For an apt explanation of these matters Harent writes:

"[Public penance] possessed special advantages, powerful attractions for the living faith of the early centuries. It alone represented the full and entire remission of sins, such as takes place in Baptism: no more faults, no more punishments, even temporal punishments, no more debts to pay, even after a long life of crimes; perfect whiteness, restored innocence, and, if one died then, an unhindered flight toward heaven: what a dream! This dream, whose easy realization the baptism of an adult made visible by emerging gently from the limpid current of its waters, was realized by a second baptism, solemn penance, under much harsher conditions, a *laborious baptism*, as the Fathers called it; but it was realized at last. Everything tended to this end: repeated humiliations, expiations however long, although the remission of sin and eternal punishment could take place in an instant, as the Fathers remarked; the satisfactory value of all those penances was further increased because the power of the keys, in imposing them, had communicated to them something sacramental; finally, a final rite intended to supply everything, to efface everything, to remove every remainder of punishment, solemn and final reconciliation by the imposition of hands—for it seems to have possessed the character of a plenary indulgence, not always that of sacramental absolution, in the case, for example, in which a deacon, in the absence of a priest, administered it to a dying man.

"And here indeed is penance as the Fathers ordinarily conceived it: perfect reparation; a return to the great day of Baptism, an unforgettable day in those times of adult baptisms, with its beautiful

ceremonies, its white garments, and its lighted torches, leaving almost the same memories to the soul as the beautiful day of first Communion leaves to us. This is why the Fathers continually draw the close connection between penance and Baptism; this is why solemn penance, in the likeness of Baptism, of which it is the image, is not repeated; this is why those holy Doctors attach such importance to relatively secondary elements, namely, satisfaction as practiced in public penance, and final reconciliation, considering them essential to that ideal of perfect reparation which they seek to realize.

"Moderns, we take the sacrament from another side: hastening straight to the remission of guilt and eternal punishment, we leave in the shadow what is only a luxury of penance. The full remission of the temporal punishments which remain to be undergone after divine pardon, the splendid effect of Baptism laboriously reproduced in the fallen Christian—all this touches the mass of Christians of our days rather little. If we wish to judge solemn penance according to our habits of mind, we shall not understand how it could practically subsist; perhaps we shall see in it only a kind of primitive barbarism, a distressing rigorism, an ecclesiastical despotism. If, on the contrary, we enter into the ideas of those distant ages, we shall understand why, in the language of the Fathers, public penance is not a punishment which the Church inflicts, but a grace which she grants, and which she grants only once for fear of depreciating it: *caute salubriterque provisum est, ut locus illius humillimae poenitentiae semel in Ecclesia concedatur* [it was prudently and salutarily provided that a place for that most humble penance should be granted once in the Church].[965] We shall understand why penance was granted only upon urgent entreaties. We shall understand why the great punishment of those who had fallen again into a capital crime was not to be admitted a second time to solemn penance, to be judged unworthy of such a favor—much as, in a religious order, the supreme punishment is exclusion from it, even though that exclusion brings the guilty person a less austere manner of life. Finally, we shall understand the relative silence of the Fathers concerning secret penance, that other objection which is made against us."[966]

[965] St. Augustine, Letter 153 to Macedonius, chapter 3; Migne, vol. 33, col. 656.

[966] "La confession, Nouvelles attaques et nouvelle défense," in Études, vol. 80 (1899), pp. 592– 594.

THIRD REASON. From explicit assertions.

THE FIRST commonly adduced, and regarded by some as decisive, is the celebrated citation made by Tertullian from the decree of Callistus: "I remit the offenses of adultery and fornication to those who have performed penance." Therefore, at least in the Western and Roman Church, absolution was given after penance had been completed.

To this Galtier writes: "The author of the alleged 'edict,' against whom Tertullian's *De pudicitia* is directed, says it in express terms: it is after the completion of penance that he remits sins of the flesh."[967] Likewise O'Donnell writes: "But the proof on which *after all* I am most disposed to rely, for the practice of the Western Church at least, is contained in the words of Pope Callistus. He was the advocate of mercy and milder practice; his teaching, therefore, may be presumed to exhibit no undue severity. He spoke as the Bishop of Rome and the head of the Catholic world; his doctrine, therefore, was the doctrine of the Church. With all the force and authority of the successor of Peter he reprobates the Montanist excesses. But on one point there is no yielding, no hint of a reformation of

the current practice; the pardon he promises is only to be granted to those 'who have already discharged their penance' [Tertullian, *De pudicitia*, 1, 6]."[968]

[967] Galtier, L'Église et la rémission des péchés (Paris, 1932), p. 253.

[968] O'Donnell, Penance in the Early Church (Dublin, 1907), p. 106.

REPLY. The force and importance, both historical and theological, of this argument are greatly diminished if it is admitted with Galtier himself[969] that those words were not a decree of Callistus, nor of Zephyrinus, nor of any Roman Pontiff, but a particular response of Agrippinus, bishop of Carthage, for the resolution of a local controversy.

[969] Cf. above, article 1, vol. I, p. 107.

Moreover, the obvious meaning of those words is that sins were remitted under the condition that suitable penance should be done, whether penance preceded absolution or followed it. For in either case the remission of sin is in some manner the fruit of penance, since absolution is given by the priest on account of sorrow and the intention of making satisfaction. The Council of Trent itself speaks in the same sense (session 14, chapter 8), when it says, "Without satisfaction sins are not remitted," although it well knows that satisfaction is ordinarily performed after absolution and the remission of sins; these words may be considered parallel to the words of Callistus, "I remit offenses to those who have performed penance."

Moreover, in this expression the word "I remit" can be taken of the perfect remission of sin, both as to guilt and as to punishment; hence the words "those who have performed penance" are understood not only of the intention of making satisfaction but also of satisfaction itself already completed, after which the punishment of sin is remitted. On the interpretation of that and similar expressions occurring in the Fathers, Palmieri aptly observes:

"How, then, do you know that the Fathers, when speaking of the remission of sins, are speaking only of the remission of guilt? Hear Justin [who is, in fact, earlier than Callistus] at the end of the *Dialogue with Trypho*: 'His sin [namely, David's] was finally remitted when he had wept and lamented thus, as it is written. But if the sin of so great a man was not remitted before he had done penance, and not until that great king and anointed one and prophet had wept so greatly and done so many things, how could those impure and utterly contemptible men hope that their sin would not be imputed to them by the Lord unless they lamented, mourned, and did penance?' Do you think that the discourse here concerns the remission of guilt alone? Then Justin would have argued very badly from the history of David, whose sin was remitted as soon as he was contrite in heart, as the Fathers never cease to admonish us. But the true penance which he afterward performed availed for expiation in respect of punishment, as the Council of Trent itself teaches us. Justin, therefore, speaks of the full remission of guilt and punishment, which the laborious baptism produces; and thus the Fathers of the earlier centuries are to be understood in harmony with the doctors of the present Church."[970]

[970] Palmieri, De Poenitentia (Rome, 1879), pp. 464 ff.

THE SECOND explicit assertion adduced is the narrative of Dionysius of Alexandria concerning the reconciliation of the aged Serapion (quoted in full above, pp. 705 ff.). In that narrative the final reconciliation given to the old man is described as the granting of pardon, absolution, remission, and the giving of pardon to penitents so that they might "depart from this life full of good hope"; as a reconciliation by which "the crime is blotted out," and on account of which the old man could "be

acknowledged and proclaimed by Christ for the many good works he had done." Thus Galtier (no. 261).

REPLY. As was said in Article 41 (p. 706), from this narrative nothing certain can be concluded except that Serapion requested reconciliation and received Communion from an absent priest through a boy.

To this point Galtier himself says elsewhere (no. 510): "It may also be said that he sent through the boy nothing except Communion, which, in the case of necessity, could be given without the reconciling imposition of hands to a penitent whom the priest knew or supposed to be otherwise excellently disposed."

Indeed, from this very narrative an argument can be turned against the opponent: for whether we consider the mind of Serapion, or that of the priest reconciling him, or that of Dionysius of Alexandria who relates the event, that entire reconciliation consisted merely in receiving Communion. To say, however, that by giving Communion the priest intended (through a private error) to confer true absolution from sins from afar, or through the boy as an intermediary, is a gratuitous fiction. Moreover, the aforementioned expressions which sound of absolution, pardon, the blotting out of crime, the reception of good hope, and acknowledgment by Christ are aptly understood of that perfect remission of sin and of every remaining punishment which penitents, already absolved of sins, did not obtain until, after satisfaction had been performed, they attained restoration to communion with Christ and the Church. This seems to be suggested by the very words: "He could be acknowledged and proclaimed by Christ for the many good works he had done."

THE THIRD explicit assertion brought forward by Galtier is from Augustine, Epistle 228, 8 (cited on p. 321), where it is taught that the faithful who, having requested the exercise of penance but not having received reconciliation, die, depart this world "bound," and that this is their "destruction" or ruin.

REPLY. Galtier accommodates the meaning of the text to his own purpose. For the holy Doctor does not say that the faithful who request the exercise of penance *and actually receive it*, if they nevertheless die without final reconciliation, are still bound. Rather, he says that both those who request the exercise of penance *and do not receive it*, and those who request reconciliation and do not receive it (owing, namely, to the absence of a priest), depart this world still bound. What kind of bond this is, however, must be explained. We answer that the former depart bound by the bond of guilt itself, but the latter by the bond of punishment alone. For, as has already been said more than once, the expression "to be bound by the bond of sin," or "to be loosed from the bond of sin," can refer, according to the very usage of the Fathers, either to the bond of guilt or to the bond of punishment; and the complete loosing of sin is understood to be liberation from both bonds. Hence, even if Augustine's words be taken as Galtier explains them, his argument is ineffective. For those who, having requested and indeed received the exercise of penance, die without final reconciliation can still truly be said to be bound, although they are considered already absolved from sins in the very exercise of penance, inasmuch as the obligation—

—of making satisfaction and exclusion from communion constitute a genuine bond of sin.

Moreover, as was said above (p. 928), this text of Augustine is rightly invoked in favor of the contrary opinion, since it attributes a salutary efficacy to the very granting of penance, as distinct from the

granting of reconciliation.

THE FOURTH and principal explicit expression is brought forward from Leo the Great, Epistle 108 (to Theodore of Forum Julii), nos. 2–5, cited above in Article 36, p. 363.

For he says that "through the medicine of penance the hope of eternal life is restored ... [and sinners] arrive at the remission of crimes" (no. 2); and that he who "has fallen away from the gift of indulgence, and before he reaches the remedies established [by the Church], ends his temporal life by the condition of human nature, cannot, when he is no longer in the body, obtain what he did not receive while clothed in the flesh." Hence there is reason to fear concerning his salvation, apart from the inward good disposition of which God alone can judge. Therefore everyone ought to take care and fear lest, as happens to some through negligence, they die without ecclesiastical indulgence, since "it is very useful and necessary that the guilt of sinners be loosed before the last day by priestly supplication" (no. 3).

REPLY. The force of these words, which have appeared to certain persons decisive in confirming their opinion concerning the efficacy of final reconciliation in remitting sins, is not only weakened by attentive consideration of the text itself; rather, the text can be directed against that opinion and in fact is rightly invoked in favor of another (cf. above, p. 928). For, even leaving aside the fact that the holy Pontiff does not speak directly and exclusively of public penance itself (although he begins with it as the principal and common practice), but rather of the general necessity of doing penance under the keys of the Church—and indeed, in another part of the same passage (no. 5), speaks directly of private or nonsolemn penance at the point of death—he nowhere attributes the remission of sin to final reconciliation itself as distinguished from the preceding exercise of penance. Rather, he attributes to it only the ecclesiastical "benefit of reconciliation," the "grace of communion" (no. 5), and "admission to the communion of the sacraments" (no. 2).

Let us examine the individual expressions. First, he says that penance "restores the hope of eternal life and confers the remission of sins"; but by penance he understands not final reconciliation alone, but both acts performed for the penitent through the supplications of the priests, namely, both the "exercise of penance" and the "gate of reconciliation." Indeed, immediately explaining the proper effect of each, he attributes to the exercise —

—of penance the "purging of sinners by salutary satisfaction," but to reconciliation the opening, for those already purified, of the gate "to the communion of the sacraments." This had already been expressed distinctly in the *Apostolic Constitutions* (about p. 400), book II, chapter 41: "Restore him, through the imposition of hands, as one made clean by doing penance, to his former pasture." Note also carefully that the holy Pontiff persistently distinguishes and, as it were, separates penance and reconciliation: "to give the exercise of penance and to admit to communion through reconciliation" (no. 2); "they implore the aid of penance and afterward of reconciliation"; "neither satisfaction to be offered nor reconciliation is to be denied" (nos. 3–4); "either the confession of the penitent or the reconciliation of the priest"; "so that neither the exercise of penance nor the grace of communion be denied to him"; and "that they may receive together the benefit both of penance and of reconciliation" (no. 5).

Furthermore, when the holy Doctor (in no. 3) treats of the danger to which the man who dies without the "gift of indulgence" exposes himself, he does not speak of a man who, already

performing the exercise of penance, dies before final reconciliation is given to him, but of one who dies without either reconciliation or the exercise of penance; that is, of one who, through lukewarmness or negligence ("as happens to some who are lukewarm or negligent"; for surely these words cannot simply be said of those already enrolled in the order of penitents), has fallen away from the "gift of indulgence" (that is, according to no. 2, from the indulgence exercised through the supplication of priests in the twofold action of penance and reconciliation), or who "has not reached the remedies established" (that is, both the exercise of penance and reconciliation).

When, therefore, he concludes in the same place that "it is useful and necessary that the guilt of sinners be loosed before the last day by priestly supplication," he does not understand this priestly supplication to be final reconciliation itself, distinct from the exercise of penance, but that supplication under which the indulgence of God is granted, or under which the twofold power of granting the exercise of penance and final reconciliation is exercised (as he explains in no. 2).

Moreover, the holy Doctor immediately adds that at the point of death neither the "aid of penance" nor the "aid of reconciliation" should be denied; and afterward (in no. 5) he warns the sinner "not to put off conversion to God from day to day, and not to choose the narrow limits of that time, when he can scarcely find room either for the confession of the penitent or the reconciliation of the priest." The holy Doctor invokes both those remedies of salvation, and does not say from which of them the remission of sin itself directly proceeds, or the omission of which brings a man into danger of eternal salvation. Indeed, as has been said above, when he distributes their salutary effects between those two remedies (in no. 2), he attributes the purgation of sinners to the exercise of penance, but to final reconciliation the right to the communion of the sacraments. Likewise, when he says—

—that the "aid of penance" (no. 4) and the "benefit of penance" (no. 5) are not to be denied to the dying, he undoubtedly does not speak of penance insofar as it is the very performance of a burdensome work, since this cannot be performed by the dying, but of some salutary benefit which came ex opere operato, or from the very power of the keys, to the person to whom the act of penance was granted; this can be nothing other than absolution or the remission of sins.

FOURTH REASON. The opinion which teaches that absolution from sins was given not at the end but at the beginning of public penance does not sufficiently attend to historical facts, but proceeds, as it were, *a priori*, from dogmatic and apologetic principles. Such a method is unsuitable in this question, which is eminently positive and historical; nor is it therefore surprising that modern theologians abandon that opinion more and more. From the words of positive theologians already cited above (pp. 885 ff.), recall the following:

Morinus: That opinion "has no testimony from antiquity," and must therefore be considered "imaginary."

Vacandard (writing in 1910 and following Rauschen): "Such an opinion appears altogether untenable. The learned German theologian Rauschen condemns it in these terms: 'This thesis is false; there is no trace of a distinction between the internal forum and the external forum in the ancient Church.' ... In fact, the documents on penance, which are very numerous in ecclesiastical antiquity, contain no allusion to this sacramental absolution, which is supposed to precede the penitential exercises. ... 'The matter is clear and leaves room for no doubt,' observes Mr. Rauschen."

O'Donnell: "All I should wish to conclude from the evidence adduced—and with the conclusion I am sure no one who studies the documents impartially will seriously quarrel—is that, as a general rule, the penitent was regarded as bound by his sins till the moment of the final reconciliation."

Amann: "Here, then, we see the error committed by the theologians of the last three centuries, who, for reasons of an apologetic order, refused to regard 'canonical penance' as belonging to the sacramental order. ... We must no less resolutely dismiss the idea ... according to which absolution was given to public penitents at the very beginning of their entrance upon penance. It is formally excluded ... by the liturgical texts which we have just cited."

Galtier: "This solution, however simple, has but one misfortune: it has against it the evident testimony of history. ... The contrary is positively established. From the time of Tertullian to that, at least, of St. Gregory the Great, it is manifest that penitents—

—were considered not yet to have received from the Church the pardon of their faults. ... Let us therefore not dwell any longer upon the discussion of this opinion [he refers the reader to his treatise *De Poenitentia*]."

REPLY. That a certain opinion, in a matter intimately connected with dogma, should also be preoccupied with apologetic and dogmatic principles cannot be surprising or suspicious to any Catholic. For what Catholic man can abstract from dogma when treating historical matters, at least as from a negative rule which cannot be contradicted without exposing himself to the danger of deviation? And do not the defenders of the contrary opinion themselves appear preoccupied, since they so tenaciously adhere to the sacramental character of final reconciliation with the purpose of proving the exercise of the power of the keys in the ancient Church, because they believe that such an exercise can scarcely otherwise be proved (as will be discussed below in the fifth reason)?

Moreover, the former opinion seems to be solidly founded upon the historical facts narrated above (especially under the first, fourth, and sixth reasons), in the judgment of not a few theologians, even modern ones, and men not ignorant of historical matters: Frank, Probst, Bickell, Palmieri, Blötzer, Schmitz, Vacandard himself, Gartmeier, Peller, Stufler, and Pesch, to whom Chardon, Harent, and Boyer ought to be added. Collet, having set out at greater length the historical motives of both opinions, concludes: "The arguments which we have gathered for the former opinion [that is, for that which teaches that absolution from sins was given at the end of public penance] appear weighty. ... The arguments for the latter opinion ... [likewise], unless I am mistaken, will appear weighty to anyone free of prejudice. If, moreover, they are weighed on both sides in a just balance, perhaps it will be better to suspend judgment on an intricate matter than, through zeal for one side or the other, to embrace one opinion in preference to the other."[971]

[971] Collet, De Poenitentia, part II, chapter 6, article 7, in Migne, Theologiae Cursus Completus, vol. 22 (Paris, 1860), cols. 702 and 706.

Certain theologians, especially modern ones, in historical-dogmatic questions not otherwise undeservedly meritorious and worthy of praise, seem readily to arrogate to themselves a monopoly of right judgment in these matters, and, by hastening too eagerly, to proceed from uncertain or particular facts to certain and general conclusions. Hence so great a variety and evolution of opinions and judgments arises that the prudent reader, free from prejudice, scarcely knows at all what he can finally hold with some hope of stability.

Morinus himself opened the way to this method. Palmieri speaks to the point:

"Learned men have wished to elevate into a universal law and practice of the ancients whatever they discovered to have been done by these or those persons according to the circumstances, and have not infrequently subjected the statements of the Fathers to an interpretation which the statements themselves do not require. We think that the work of Morinus, *On the Administration of the Sacrament of Penance*, is not infrequently affected by the former defect. In it, indeed, there is an ample store—

—of learning, but one often misses soundness of reasoning, so that, after reading many things, one is finally left with nothing that one can hold with certainty."[972]

[972] Palmieri, De Poenitentia (Rome, 1879), p. 460. Cf. D'Alès's judgment on Morinus's work, cited above, p. 858.

Concerning Rauschen, Batiffol himself remarks ironically (as cited on p. 855) that "modestly [he] appointed himself arbiter of the recent controversies concerning the Eucharist and penance," and places him among the "summary judges."

Concerning Batiffol, on the other hand, Rauschen writes: "Batiffol, 'Études d'Histoire et de Théologie Positive,' I (1902, now in its fifth ed.), treats of the whole penitential system of the early Church under the title, 'Les Origines de la Pénitence,' pp. 43–222. Like all the writings of Batiffol, this work also needs careful revision."

Vacandard, of whom Batiffol says that one must not consign to oblivion "what this progress [in the question of the origins of penance] owes to M. Vacandard, especially to his articles in the *Dictionnaire de théologie*," held almost three successive opinions, as we saw above (p. 895), and with the same assurance with which he said, "This theory [of Fr. Palmieri] certainly explains the greater part of the patristic texts," and "It is therefore necessary, it seems, to reject the theory of a double absolution properly so called,"[973] he declared at almost the same time: "On many occasions I have tried to establish that 'the sacramental efficacy of absolution resided in the imposition of penance and in the prayers accompanying it,' without prejudice, moreover, to the sacramental efficacy of final reconciliation."[974] Finally, at a later time, having changed his opinion, he affirmed: "The documents concerning penance ... contain no allusion to this sacramental absolution which is supposed to precede the penitential exercises."[975]

[973] Dictionnaire de théologie catholique, article "Absolution," col. 160 ff.

[974] Revue du clergé français, vol. 20, p. 572; cf. vol. 16, p. 436.

[975] Études de critique, in the place just cited; cf. above, pp. 909 ff.

Adam, who, as Diekamp says, "initiated the more recent investigations into this matter," changed his opinion within approximately ten years to such an extent that he passed from a simple denial of the existence of private penance in the primitive Church to a certain exaggerated affirmation of it (cf. above, p. 917).

Poschmann, whom the same Diekamp praises, saying, "For a proper understanding of the documents of the primitive Church, the opinion supported by the strongest reasons and proposed by B. Poschmann ... is of great importance," but whom Galtier attacks, changed his earlier and traditional opinion into another which does not differ sufficiently from the teaching of the Rationalists (cf. article 1, volume I, p. 55, and here, p. 906 ff.).

Galtier himself, a particular investigator of these questions, after affirming, "To deny that this [that is, final reconciliation] was ordered toward the pardon of sin itself is to put oneself in a position where one cannot prove that the Church ever thought of granting it,"[976] proves at great length that, besides public penance (to which that final reconciliation belonged), private penance or reconciliation was always in use. Yet, however this private penance be considered, one would attempt in vain to identify it with the final reconciliation of public penance.[977]

[976] Galtier, L'Église et la rémission des péchés, p. 254.

[977] Ibid., pp. 256 ff.; also Galtier, De Paenitentia, nos. 271 ff.

Likewise, on the question of Cyprian permitting a deacon to administer final reconciliation, Galtier interprets Cyprian's intention in more than one way in different places. For in *De Paenitentia* (no. 262 and note), he simply proposes the solution that Cyprian was mistaken; and, having cautiously mentioned the solution of those who say that this permission can be assimilated to a certain sacramental confession made to laymen, of which St. Thomas speaks, he adds that it "presupposes conceptual distinctions very foreign to the age and mind of St. Cyprian." Later, however (no. 514 and note), he chooses this solution as the better one, saying: "Consequently, to the confession made to those deacons you may rightly apply the solution subsequently given by St. Thomas concerning confession made to laymen."

FIFTH REASON. The opinion which denies that final reconciliation was an absolution properly and sacramentally so called favors the Rationalist critics, who deny the exercise of the power of the keys in the ancient Church. For the greater part of the texts from which theologians prove such an exercise concern the rite of public penance and its final reconciliation (cf. Hermas, the decree of Callistus, the *Didascalia*, Cyprian, Innocent I, Sozomen, Leo I, and Gennadius).

Tournely, to the point, writes: "That peace and reconciliation of the Church is a true absolution from sins, which St. Cyprian either nowhere expressed (which can scarcely be believed), or else expressed in the words which have been cited; for he frequently designates it by no other words in his Epistles and in the whole treatise *On the Lapsed*."[978]

[978] Tournely, De Poenitentia, q. 7, a. 3, conclusion 2, no. 2.

Galtier: "To deny that this [that is, final reconciliation] was ordered toward the pardon of sin itself is to put oneself in a position where one cannot prove that the Church ever thought of granting it."

O'Donnell presses this objection more insistently. In the words cited above (p. 890 ff.) he says:

"The denial of the sacramental character of the final reconciliation deprives us of practically the whole prescriptive argument for the exercise of the power of the keys and weakens the force of some of our strongest proofs for the existence of the power itself."

Further on he continues by way of examples:

"To take a few examples. In the early writings you will look in vain for a clearer proof of the power of the keys than is contained in the Pope's famous 'ego dimitto.' Yet what, after all, is implied? Merely the grant of a favour to those 'who had already discharged their penance.' The upholders of the theory I am dealing with maintain that the only favour granted to 'those who had discharged their penance' was an indulgence or, perhaps, a mere external reconciliation with the Church. They cannot, therefore, if they—

—wish to be consistent, suggest that Callistus meant his words to apply to a real direct remission of sin. Yet, needless to say, that is precisely what they do; the words, in fact, are too clear to be interpreted in any other sense. ...

"One of our strongest arguments, it will be remembered, for the power of the keys was derived from the directions given to bishops in the *Didascalia*. Yet the parallel between Penance and Baptism disappears and the whole text becomes utterly useless, if the value of the final rite is questioned. So, too, in regard to Origen's statements. If the final reconciliation was not sacramental, then the 'cure' and the 'healing' which awaited the penitent undergoing the public discipline, did not imply a real remission of sin. And if they did not imply a real remission I fear we may search Origen's pages in vain for a single record of a case in which it was ever effected. Similarly if the 'healing' described by Hermas is only an external reconciliation or remission of punishment, we may leave the *Shepherd* aside when we set out to establish the power of the keys. As St. Cyprian is the first of the Fathers to give a fairly detailed account of the administration of Penance, it would be necessary, for a full development of my argument, to enumerate his statements and indicate the destructive effects of the theory which minimizes the importance of the final absolution. As this would, however, lead me beyond the limits I have chosen, I will give just a single example.

"Fr. Casey, in reply to Dr. Lea's attack on the power of the keys, quotes a remark of St. Cyprian's which, as every honest critic will admit, is a striking vindication of the Church's power and practice: —'All these warnings being scorned and contemned—before their sin is expiated, before confession has been made of their crime, before their *conscience has been purged by sacrifice and the hand of the priest*, before the offence of an angry and threatening God has been appeased, violence is done to His body and blood.' Unquestionably 'a passage of much significance for Catholics': sinners 'must have recourse to the priest to have their conscience cleansed.' But turn to Fr. de San's treatment of the passage. 'There is question of an imposition of hands ... which is manifestly an absolution *in foro externo*. ... There is no force in the argument drawn from the fact that Cyprian indicates that the imposition of hands pertained to the cleansing of the conscience.' And so Fr. Casey's argument is exploded by one of his friends, and Dr. Lea's attacks, as far as this text goes, triumphantly vindicated! *Is not the alliance of the Catholic apologist and Protestant critic rather suggestive?* Fr. de San, I need hardly say, is, in the passage indicated, concerned not with the existence of the power of the keys but with his own theory as to the manner in which it was exercised. Were Father Casey to treat the whole subject and follow that theory he would be obliged to prepare a new edition of his book and omit the telling quotation. That he could retain the greater number of the passages he cites is due to the fortunate accident that the Fathers were occasionally content with affirming the power of the Church without explaining how the keys were applied in actual practice.

"*It is a pity that the exigencies of a pet theory on a matter of discipline should be allowed to obscure the evidence for Catholic dogma.* It is equally a pity that in our over-anxiety to soften the asperities of ancient practice we should blot out the records that tend to show how, outside the case of a death-bed repentance, the Church's power was generally exercised. For my own part I feel reluctant to sacrifice a single expression of the ancient faith, and I confess I should like an occasional glimpse of the sacramental process by which in the ordinary life of the very early Church the stains of sin were removed from the soul and Christ's commission of mercy fulfilled."[979]

[979] O'Donnell, Penance in the Early Church (Dublin, 1907), pp. 111–115.

I REPLY. The contrary opinion, by attributing too much importance to public penance, lends much more serious support to the Rationalist critics.

For Poschmann, by reducing the very sacramental effect of that penance to a minimum, scarcely departed from the Rationalists as to the substance of the matter. From the teaching of Funk, who restricts public penance to the three capital sins and furthermore asserts that these sins were never absolved before the time of Callistus, it follows that there was no exercise of the power of the keys before that time.[980] From the teaching of Boudinhon, Vacandard, Batiffol, and Amann, who reduce the whole exercise of the keys in the first centuries to public penance (with the sole exception of the dying), support is given to the Rationalist doctrine concerning the complete dissimilarity between the ancient and modern penitential practice and doctrine of the Church, and concerning the later, ecclesiastical origin of the sacrament of Penance.

[980] Cf. D'Alès and Harent, cited above, p. 908.

Moreover, what Galtier and O'Donnell assert is false: namely, that the traditional argument for the exercise of the power of the keys in the ancient Church is reduced almost to nothing if the final reconciliation is denied to have been sacramental. For, first, that exercise is proved from numerous general testimonies concerning the power of the keys, which do not depend upon the public or private manner in which that power was applied (O'Donnell himself admits that these testimonies are "the greater number of the passages [Fr. Casey] cites"). Secondly, it is proved from not a few testimonies by which the existence of secret confession is customarily established (cf. article 36, p. 382 ff.). It makes no difference that several of them are connected with public penance, since the sacramental character of the latter is not necessarily and *a priori* bound to its beginning or its end, and therefore is independent of the present question. Thirdly, it is proved from the numerous testimonies which Galtier himself suitably collects in order to establish the existence of private penance, and which are explained in Conclusion 4.

Furthermore, as has just been said, the testimonies themselves which are connected with public penance are not necessarily and directly connected with the very act of final reconciliation, such that from the sacramental character of public penance affirmed by the Fathers it would follow that this character resides in its end rather than its beginning. Indeed, as stated above, certain expressions of the Fathers concerning the sanctifying power of public penance refer to it without distinction and as a whole; others refer explicitly or implicitly to its beginning; and still others refer indeed to its end, but in such a way that they can appropriately be explained of sacramental character in a broad sense, in the way in which satisfaction performed after absolution is said to be truly sacramental.

Moreover, the adversaries themselves do not agree about the very time at which sacramental absolution was given, at least in the East, where there were four stations of penitents. For some, such as Menardus and Rauschen (p. 220, in the note), maintain that absolution was given at the—

—end of the station of *standing* (*consistentia*), or the final station, when the very right to Communion was conferred. Others, however, such as Petavius, Morinus, and Galtier (no. 258, in the note; cf. *Dictionnaire apologétique*, article "Pénitence," col. 1838), say that it was already given at the end of *prostration* (*prostratio*), or the third station, and therefore before the right to Communion was conferred. This fact itself greatly weakens the force of their opinion. For, as we saw above, a great part of the texts which speak of the final reconciliation of penitents and of its power to remit sins

refer to that reconciliation by which the right to Eucharistic Communion was conferred. Hence it is that even some of those theologians who deny that final reconciliation was sacramental, such as Stufler, admit that sacramental absolution was given at the end of penance, but immediately before the final reconciliation itself, by which the right to Communion was granted.[981] From this, finally, it is evident how vainly certain theologians appear to fight one another while holding contrary opinions, when in reality they teach the same thing, or at least seem with one hand to destroy what they strive to build with the other.

[981] To the point Rauschen (p. 220, in the note): "Stufler [Zeitschr. f. kath. Theol., 1909, 245 sq.] has claimed that, at least at the time of St. Cyprian, sacramental absolution was given after the completion of the penance, and immediately before the reconciliation, and hence the two were not co-incident. But there is no proof for this. On the contrary, Pope Leo I. expressly says that the reconciliation itself effects pardon with God."

A brief word should be said concerning the examples invoked by O'Donnell.

The words of Callistus, as stated above (p. 940 ff.), express the exercise of the keys, but do not necessarily imply that this exercise occurred at the conclusion of public penance.

The *Didascalia of the Apostles* (cited in article 1, vol. I, p. 110) does indeed say that the imposition of hands takes the place of Baptism for the penitent. But of which imposition does it speak: the final or the initial one? Rather, it seems to speak of the initial one; for the sense is this: just as a person is first baptized and afterwards received by the Church, so he is first absolved through the imposition of hands, as though by a new baptism, and afterwards is admitted and becomes a participant in the communion of the Church (which indeed took place through final reconciliation).

Origen has many passages which refer to the exercise of the keys (cf. article 1, vol. I, pp. 110–113); but he nowhere connects absolution with final reconciliation itself, not even in the text *On Psalm 37*, homily 2, 6, where he speaks of a useful, not a necessary, cure in the assembly of the whole Church. Indeed, Rauschen, a supporter of O'Donnell's opinion, says:

"During the fourth century we find that in many parts of the Church private penance and private confession, followed by private absolution, replaced public penance. Hence the inference may be justly drawn that this practice existed even at an earlier date, at least for mortal sins committed in private. This inference becomes almost a certainty in—

—the light of what Origen and Cyprian say in regard to the confession of sins of thought."[982]

[982] Rauschen, Eucharist and Penance (translation from the second German edition), St. Louis, Missouri: B. Herder, 1913, p. 251.

Hermas speaks quite clearly of penance to be performed before the rulers of the Church (cf. article 1, vol. I, p. 95 ff.), but he does not say by what rite, and much less in what part of the rite, absolution was conferred.

As for Cyprian, Rauschen himself (in the passage just cited) thinks he has found in this Doctor (*On the Lapsed*, 28 ff., cited in article 1, vol. I, p. 113) what Tournely, a supporter of the same opinion, seeks in vain, namely, testimony concerning the private absolution of sins (cf. article 43, p. 755 ff.).

To the text of *On the Lapsed*, 16 (cited in article 1, vol. I, p. 113; cf. *Epistle* 9, 2; *Epistle* 10, 1 ff.), which O'Donnell objects and to which Galtier does not even allude in proving the same opinion (no. 260 ff.), the reply is that Cyprian reproves those who received the Eucharist before they were absolved by

a priest and before they expiated their offenses through satisfaction and *exomologesis*. But he says nothing about the time at which that absolution was given. Nor does it matter that the expiation of the offense is mentioned before the priest's absolution; for satisfaction, *exomologesis*, and absolution are not necessarily mentioned there in the order in which they took place. Otherwise expiation, or the act of penance, would have preceded confession, or *exomologesis* (which no one will maintain), unless Cyprian is said to take *exomologesis* for satisfaction itself and immediately to repeat the same thing twice. This would be inept and, moreover, seems to be excluded by *On the Lapsed*, 28, where *exomologesis* is manifestly taken for confession.

From what we have noted in the arguments and replies of both opinions, it is apparent which opinion we wish to follow and in what manner.

For we are convinced by the reasons of the former opinion that it is truly and solidly probable. Moreover, although we incline to assign to it a greater probability than to the opposing opinion, we nevertheless refrain from doing so in the present state of the controversy: both because of the intrinsic difficulty of certain texts which seem to ascribe to the final reconciliation itself more of a sacramental character than we can conceive according to a modern way of thinking, and especially because of the authority of several learned men who—whatever may be said of the hasty manner and excessive assurance with which some proceed and judge—have investigated these questions about the penitential discipline of the ancient Church more directly and more insistently.

Furthermore, for a fuller explanation of our opinion and a better understanding of the disagreement among the learned, which is not so great as it seems at first sight or as certain authors present it, the following ADDITIONAL OBSERVATIONS remain to be made.

1. This dispute is still under judgment, and therefore certain modern writers regard it as a settled matter with excessive confidence. Moreover, perhaps the dispute will never be closed, if account is taken both of the highly ingenious attempts at solutions already undertaken by scholars in various ways and on various grounds, and of the intrinsic difficulty of judging the matter, whether on account of the complex doctrine itself concerning reconciliation with God through ecclesiastical penance or on account of the essentially manifold and changeable ritual discipline, according to differences of place and time.

2. The importance of this dispute must not be exaggerated. This question is not essentially connected with the question of the very existence of the power of the keys, as though the possibility of proving with certainty, against the Rationalists, the exercise of that power in the primitive Church depended upon it. As shown above, certain modern writers plainly exaggerate in insisting upon this connection.

3. The precise and formal point of the question must be determined, lest, as not infrequently happens, one beat the air and attribute to adversaries what they themselves do not intend to maintain. Thus, when it is asked whether the final reconciliation, and that alone, was sacramental, both the expression “final reconciliation” and the expression “sacramental” are ambiguous. For, considering the Eastern stations, some understand final reconciliation in a complete sense, that is, both as the giving of peace or of communion with the faithful (by which the man is no longer regarded among the penitents properly so called, but among the

faithful) and as the giving of Eucharistic Communion, so that both were conferred together at the end of the station of *standing*. Others, however, understand it only in the former sense, so that reconciliation was granted at the end of the station of *prostration*, but Communion at the end of *standing*. Likewise, the word "sacramental" can be understood, in its proper sense, either strictly, with reference to the essence of the sacrament, as absolution is, or broadly, with reference to its integrity, as satisfaction performed is.

Now, as regards sacramentality, the question is whether final reconciliation was sacramental in the first sense. For no one will deny that the whole action of penance, from beginning to end, was sacramental: a certain satisfaction and a certain continuation of the sacrament of Penance itself, regulated, directed, and concluded by the Church. Only the Rationalists deny this; nor do those theologians who, with an unfortunate expression, say that the whole action was merely disciplinary and canonical—such as is the rite of absolution from excommunication and censures—intend to deny it.

As regards final reconciliation, however, the question is not about the moment at which it was given or in what it consisted. For some say it was given after the third station and consisted solely in communion—

—with the faithful; others say it was given after the fourth station and consisted also in Eucharistic Communion. Nor is the question at what moment or at what station absolution from sins properly so called was conferred. For among the defenders of the one opinion some say that it was given secretly before the beginning of the first station, others publicly at the beginning of the first station (as is sufficiently common), and others at the end of the second station (thus Bagot). Among the defenders of the other opinion, some (such as Petavius and Morinus) say that it was given at the end of the third station, others (such as Menardus, Rauschen, and more commonly) at the end of the fourth, when the very right to Communion was granted.

Therefore, the true point of the question is whether the giving of the Church's peace coincided with the absolution of sins itself, or whether, through the same absolving ceremony (in whatever way or at whatever moment it took place), the Church intended to confer both as one, namely, both the remission of sins and release from the ecclesiastical separation in which the public penitents were placed; so that the remission of sins itself would not precede the beginning of public penance, around the time of the admission of the penitent, but would occur at the conclusion of the penitential action. Thus public penance would almost coincide with the very administration of the sacrament of Penance, which would begin with secret confession, proceed through public penance as sacramental satisfaction to be performed before absolution, and end with sacramental absolution from sins, whose consequent effect would be restoration to the communion of the faithful and the right to receive the Eucharist.

4. The disagreement of theologians on this matter must not be exaggerated. For all seem to agree in the following points, which can constitute, as it were, a firm foundation and starting point for future investigations. Public penance had a sacramental character, at least insofar as it was the performance of sacramental satisfaction imposed in secret confession. Furthermore, it may be said to have had a sacramental character in the strict sense, insofar as it either began or ended with absolution, or the remission of sin with respect to guilt. As for the fact that certain

authors assert that absolution was given secretly before public penance, it matters little: both because this absolution, together with secret confession, was still a kind of vestibule to public penance, and because those authors do not insist upon that assertion, and the historical arguments which they advance refer chiefly to some public act of prayer and imposition of hands by which public penance was opened (the "giving of penance").

Moreover, not a few attempt different ways of proposing some—

—middle formula which might eliminate the controversy or soften the conflicting opinions.

Some, such as Vacandard, Harent, Boyer, and Chardon (cited on p. 895), have tried to remove the controversy by admitting that there were two sacramental absolutions from sins, one at the beginning and the other at the end of public penance. Nevertheless, although this opinion enjoys the advantages of both positions, it also gathers together within itself the disadvantages of both and does not seem sufficiently probable to all observers. This explains why it has found only a few supporters, and those not very firm ones.

Some, in order to remove the controversy, seem to choose an easy recourse to diversity of customs, teaching that both practices existed, namely, that absolution was given at the beginning or at the end of penance, according to different times and places. Nevertheless, although such diversity could have existed in particular cases, or as regards the penitential exercise, which in general was of right left to the judgment of bishops and presbyters, it readily appears from a consideration of the documents that public penance possessed a certain uniform character and sacramental purpose. Hence such a diversity of customs can scarcely be admitted as would mean that in one church public penance followed sacramental absolution while in another it was ordered toward that absolution.

Some, such as Vacandard, Harent, Hogan, and O'Donnell (cited on p. 882 ff.), remove the controversy by a middle way, saying that the ancient Church neither thought about nor was conscious of the moment at which absolution from sins was conferred during public penance, but intended to confer the complete remission of sin, with respect to guilt and punishment, in that whole rite, as a single whole and without regard to the manner and time in which the various effects of remission were distributed and applied. Nevertheless, this overly simple solution cannot be maintained. For it is one thing for the primitive Church not to have distinguished in her testimonies the moments and attributions as we now distinguish them, and another thing for her not to have known or intended to confer absolution in some determinate manner or at some determinate moment. In like manner, although in the Mass of ordination the Church or the ordaining bishop formerly did not distinguish (as is distinguished today, following the recent declaration of the Holy See) the moments and ceremonies by which sacred power is conferred—namely, the three impositions of hands and the handing over of the instruments—he nevertheless had the intention of conferring the sacrament, not in the whole Mass in an indeterminate manner and as one whole, but in that one moment and that one ceremony in which, according to Christ's institution, the sacrament is effected, which is an instantaneous sign and an instantaneous cause of the conferral of grace.

Some, such as Boyer (cited above, p. 896 ff.), soften the controversy, or rather remove it, by saying that the Church, in the various prayers and impositions of hands distributed throughout the period of public penance, intended to absolve sacramentally at that moment when this or that penitent was first found sufficiently disposed to receive such absolution. Nevertheless, this ingenious explanation

seems neither probable nor useful. For, apart from the fact that in this way almost all those admitted to penance would be absolved from the very beginning (especially in view of the stricter examination, then customary, of the case and of the penitent's dispositions in the preceding confession), public penance is thereby deprived, in the first place, of its principal expiatory and satisfactory purpose, and an auxiliary and dispositive purpose is substituted, namely, preparation for an act of sufficient contrition. Furthermore, a certain intention is attributed to the Church and her minister which is indeterminate in itself and is to be determined by circumstances—an intention which would of itself render many sacramental forms invalid. It would be as if a priest, doubting the disposition of a penitent, for example a dying person, and hoping that he might come into proper dispositions within a certain time, repeatedly pronounced the formula of absolution, intending to pronounce it sacramentally only when the penitent should first be found disposed.

Some, such as Chardon, Vacandard, and O'Donnell (cited above, p. 890 ff.), soften the position by saying that although absolution from sins was simply and absolutely intended to be conferred at the end of penance, and until then the penitent was regarded as still bound by his sins, nevertheless from the very beginning, through the very assignment of penance, the sinner was considered to receive a certain kind of absolution from sins, or some partial absolution. Nevertheless, once the indeterminacy and obscurity of this position have been set aside, they appear to affirm an incredible proposition: that the ancient Fathers commonly supposed and intended to confer the remission of an offense by degrees, whereas common understanding itself declares that the remission of an offense cannot be conferred by degrees.

Finally, others, such as Palmieri, Jugie, and Vacandard[983] (cited above, p. 882 ff.), soften, or rather explain, their position by saying that some absolution from sins, as regards guilt, was given only at the beginning of penance; nevertheless, even through the final absolution the penitent was in some manner absolved from sin, or from the punishment which is a certain liability and effect of sin. Thus the latter absolution was not merely ceremonial but, in its own way, truly sacramental; indeed the whole exercise of public penance itself was truly sacramental, inasmuch as it consisted of sacramental satisfaction, which is an integral part of the sacrament of Penance.

[983] Insofar as in one place he approves and follows Palmieri's opinion.

This last opinion is a most suitable explanation of that position which, from the beginning, we have chosen at least as probable. A fuller determination of it may be set forth as follows.

Before public penance, sinners first made a secret confession before a bishop or presbyter; there is no doubt about this. Then the confessor enjoined upon them a certain satisfaction which they were to perform. Finally, they were absolved and entered the order of penitents. It matters little whether that absolution was given privately to each individual or publicly to all as the first act of public penance; that could vary among different churches. However the matter is conceived, the first imposition of hands with prayer, which occurred at the beginning of public penance, was either absolution from sins itself or a certain official confirmation of absolution already received and admission to the performance of public sacramental satisfaction.

Whereas in modern practice, once absolution from sins has been conferred, the Church immediately restores the penitent to communion with ecclesiastical society and to the right of Eucharistic Communion, and binds him only to the performance of private satisfaction, in ancient practice she

kept him bound by a threefold bond: that is, she charged him with performing public satisfaction (while preserving his freedom from being subjected to public penance insofar as the law of the seal requires, as will be said in the following Conclusion), and separated him both from communion with the faithful and from the Eucharist, until he had completed his satisfaction under the direction and examination of a priest. Thus the Church could legitimately decree, by the very power of loosing and binding, that she should immediately loose him from sins according to their essence, insofar as they are guilt, but not according to all their effects and consequences; and in this sense should retain sins as bound until, as it were by degrees, she perfectly loosed them at the end of public penance. This was done through that absolution and reconciliation which was at once a certain indulgence releasing the penitent from the continuation of punishment, a full restoration to spiritual communion with the faithful, and admission to Eucharistic Communion, by which ecclesiastical unity was signified and strengthened. We say, moreover, that the final reconciliation was probably a certain absolution from punishment, granted in the manner of an *intrasacramental indulgence*, because it was left to the priest's judgment to determine whether, according to the quality of the penitent's dispositions, the period of penance through its different stations should be shortened or extended. Thus the termination of penance, whether simply or in one or another station, constituted a certain grant of indulgence or dispensation from the continuation of penance.

Absolution from the three aforementioned bonds proceeded step by step, and, where the division into stations was in use, it was conferred by degrees, with repeated—

—impositions of hands and prayers at the end of each station. Thus in the first station access was granted to the doors of the church in which the faithful prayed and celebrated the Eucharist; in the second, entrance was granted into the vestibule of the church to hear, together with the faithful, the readings of the Eucharistic liturgy; in the third, admission was given into the church itself to participate, together with the catechumens, in the first part of the liturgical celebration; in the fourth, full attendance at the liturgical action with those praying was granted, though access to the Eucharist remained excluded; and finally, at the end, admission to Eucharistic Communion itself was granted. In this the full communion with the Church and full absolution from every bond of sins were completed.

From this the following points can appropriately be understood: 1. Why the impositions of hands and absolving prayers were repeated several times: for they constituted a certain sacramental extension of the earlier absolution from sins, which in some fashion influenced the remission of the bonds left by those sins. 2. Why those impositions of hands and prayers were essentially so similar to the very rite of the first absolution and referred to the remission of sins: for the bonds of sin are a certain continuation of sin itself, and their absolution is likewise a certain continuation of the absolution of sin itself. 3. Why the final reconciliation was held in such high esteem and was called, as though emphatically, the remission of sins: for it was the full and complete absolution from sin according to all its bonds. 4. Why the final absolution—and likewise each intermediate absolution given at the end of every station—was truly sacramental, although it did not absolve from guilt itself nor constitute the sacrament itself: for something essentially dependent upon the sacrament belonged to it, as does the sacramental seal; indeed it was an integral part of the sacrament itself, as sacramental satisfaction is, and even a certain extension of the sacramental form itself and a sacramental exercise of the same power of binding and loosing. 5. Why the transition from the practice of public penance to the

practice of private penance could have taken place easily, naturally, and almost imperceptibly: for, although the gradual shortening of certain accidental and extensive elements which accompanied the administration of the sacrament in ancient discipline caused this solemn practice to disappear little by little, the sacrament remained in its essentials, arranged and operating in the same manner.

CONCLUSION 3. Public penance was not absolutely necessary to a sinner in order that sacramental absolution might follow; rather, taking into account the mind of the universal Church governing public penance, sinners were not held strictly bound to offer public satisfaction for sins formally as confessed. Accordingly, public penance was not strictly necessary for occult sins, nor even for public sins formally insofar—

—as they had been submitted to the sacramental forum, and thus by public satisfaction might become known and the sacramental seal be disclosed.

PROOF 1. A PRIORI, or from the fact that the Church cannot impose public penance for sins submitted to her in the sacramental forum; and, given her infallibility, she has never done so.

That the Church cannot do this follows from almost the same reasons by which we proved in article 43 that the confessor himself cannot impose public confession of sins. These reasons hold not only in regard to secret sins, but also, proportionately, in regard to public sins.

This is required by the natural law, which grants the sinner a right to his reputation; by the nature of the common good, which requires that burdensome and difficult things not be imposed upon society unless they are necessary; by the good of the sacrament, which requires that it not become hateful through its use; by the character of this sacrament, which belongs essentially to the internal forum; and by the sacramental seal, which would be violated by the imposition of public penance.

Nor does it matter that the case concerns a *public sin*. For the execution of public penance, when recognized as having been imposed in sacramental confession, directly and most effectively reveals guilt and entails a compelled act of self-defamation to be performed by the penitent himself. Such a requirement is opposed to all the aforementioned reasons, including the sacramental seal itself. Therefore the confessor cannot oblige the penitent, under pain of withholding absolution, to undertake such public satisfaction for a sin, because it would reveal the fact of the confession, even if public satisfaction or revelation of the sin could be imposed absolutely apart from that confession, and the fact of confession did not necessarily become known. In this sense the doctors must be understood when they say that public penance can be imposed for public sins for just satisfaction and a common example. Therefore, we are not troubled by the fact that, before the full reason of the sacramental seal had been discerned, several theologians once thought that they could impose public penance sacramentally, in such a manner or case that its connection to an actual confession could become known, and that several later doctors (among them St. Thomas himself, *Supplement*, q. 28, a. 1, ad 1 and 2, cited above, p. 797) see no violation of the seal in the matter. Nor does it hinder the general meaning of the law that, in the earlier centuries, the whole force of the seal was not generally known in an explicit manner, and that it was implicitly denied in the practice of the Church itself.

It will be useful to cite the following words of Suárez, from which it is clear how cautiously the doctors sought to resolve this question at a time when they were still disputing the extent of the law of the seal:

"It may be asked whether public penance can be imposed. For in this place *public penance* does not mean every penance performed before others: if it is performed in such a manner that the person remains unknown, either because it is something customarily done voluntarily, or, at any rate, if the penance is of the kind customarily imposed for slight sins, there is no doubt that such penances can be imposed. Public penance is therefore said to be that which is performed before others in such a manner that from it one can infer that the confessor imposed it on account of a grave crime. And the reason for the doubt is that this appears contrary to the seal. On this account Navarrus ... denies that such penances can be imposed, and thinks that the laws which speak of them should be understood as referring to the external forum. But this interpretation is certainly difficult; for chapter 1, *De Poenitentia et remissione*, and, still more clearly, the Council of Trent, session 24, chapter 8, *De reformatione*, plainly appear to speak of the present forum. Hence the common opinion is that public penances ought not to be imposed for secret sins, because they are disproportionate and contrary to the penitent's good name; but that they ought to be imposed for public sins, because this is expedient for the satisfaction and example of the Church. Thus St. Thomas, distinction 14, question 1, article 5, little question 1, reply 1, and distinction 17, question 3, article 4, little question 4, reply 4; Alexander of Hales ... Paludanus ... Argentinas ... Durandus ... Soto ... Antonius ... Medina ...

"As to the difficulty about the seal, Durandus replies in the passage cited that the sin is not revealed, since it is public. But this is contrary to the truth, because the penitent's confession is revealed, which is unlawful, as I said above. St. Thomas gives a better reply, denying that there is a revelation, because the matter is done with the penitent's own consent. You will insist that this consent is, as it were, forced and involuntary. For this reason I say that, if the penitent has a reasonable cause for not accepting such a penance, and if it is not necessary to remove some scandal, he ought not to be obliged to accept it; but [he may be so obliged] only when, for the removal of scandal or for making satisfaction to the Church in a public and notorious crime, it is judged necessary or very expedient without grave inconvenience to the penitent. In that case he cannot be said to be compelled, but should reasonably be led to do what he ought to do."[984]

[984] Suárez, De Poenitentia, disp. 38, sect. 6, no. 3, Opera omnia, vol. 22 (Paris, 1866), pp. 794 ff. Cf. disp. 33, sect. 7, no. 3.

Speaking of the ancient custom of public penance itself, Suárez resolves the matter in the same manner, writing:

"The ancient custom of imposing public penance for sins may be raised as an objection. That this custom arose from secret confession is indicated by Origen, as we saw above, and is also inferred from Cyprian, cited above, and Tertullian, in his book *On Penance*, together with the material which Pamelius collects in his scholia. I reply that this penance could have been public in two ways: first, with regard to the act of penance, but not with regard to its cause. In this way public penances are also customarily performed even now, although nowadays, generally speaking, the persons are concealed, which formerly did not happen because of the greater fervor of penitents who voluntarily accepted such satisfactions. For I do not think that they were necessary simply speaking, insofar as they flowed from the sacrament, as is also expressly stated under Augustine's name in the book *On Ecclesiastical Dogmas*, chapter 53.

"In another way, not only the act but also the cause or confession of the sin used to be public, on account of which the penance was performed. And I think much more certainly that, in this forum,

this was never done by command of the Church or of the confessor except when it was necessary for public satisfaction and the removal of scandal arising from a public sin, which is most rare. Accordingly, it was generally done voluntarily, upon counsel and according to the prudent judgment of the confessor. For it was not permitted in the case of all sins, but either of those otherwise public, or of those which could generate neither scandal nor grave infamy. Sometimes, however, this public penance did not arise from the sacrament of confession, but from some other ecclesiastical denunciation or accusation; and then it could be more compulsory and burdensome. But that penance in no way belonged to the forum of penance, but to the contentious forum."[985]

[985] Ibid., disp. 21, sect. 2, no. 8, p. 459.

YOU WILL SAY. The Church excommunicates and suspends clerics for secret offenses. Now through such a punishment the secret offense is manifested, or can be manifested. Therefore the manifestation of a secret offense cannot be the reason why the Church could not impose public penance even for secret sins. Thus, according to the mind of Morinus, *Commentarius de Poenitentia*, book 5, chapter 26.

I REPLY, with Palmieri:

"The question is not whether a punishment may be imposed for a secret offense, by reason of which the sin may indirectly become manifest. No one denies this; and even today *latae sententiae* censures are incurred for sins that are secret as well. But the punishment is secret in itself, and excommunicated persons are not commanded to publish their excommunication. The question, rather, is whether penance can be imposed on the penitent for sins heard in confession, independently of his free acceptance, in such a way that the sin is immediately manifested to a greater or lesser extent. For we are speaking of penance which is formally public, that is, which is known as such, and which consequently, as an immediate sign, makes the sin manifest at least in a general way. This is certainly something different from imposing an intrinsically secret punishment for a secret offense outside the sacrament. For, first, a punishment public in itself is disproportionate to a secret sin; secondly, and especially, the sacramental forum is a divine forum, in which a cause is conducted whose knowledge is of no concern whatever to human society, but belongs to God alone. Accordingly He established for this same forum the law of the seal, as Morinus himself teaches and proves in book 2, chapter 19: 'That is, that the Church has received by continuous Tradition from the —'

"'—Apostles that the seal of confession must never be broken.' Although it is lawful for the confessor to retain sins, by which retention someone is prohibited from Holy Communion, from which a suspicion of some grave sin and evil habit may arise in those who notice it, that does not follow from any act of the confessor through which he himself can be said to manifest the sin, but from the evil will of the person confessing and from the nature of the power instituted by Christ, to which everyone who confesses freely subjects himself.

"Morinus, moreover, is mistaken when he says that public penance was just like the censure of excommunication. For although they agree in some respect ... nevertheless formally and in themselves public penance and the censure of excommunication differed. The former was inflicted upon penitents, the latter upon the contumacious. The former had to be requested; who would desire the latter? The former was imposed so that the sinner might make satisfaction before God and

exhibit signs of conversion to the Church; the latter is inflicted so that someone may withdraw from contumacy, upon the cessation of which the censure also is removed. The latter therefore has no definite period of time, as canonical penance did. The former pertains in itself to the divine forum, the latter in itself to the forum of the Church."[986]

[986] Palmieri, De Poenitentia, thesis 35 (Rome, 1879), pp. 402 ff.

PROOF 2. FROM THE MIND OF THE FATHERS.[987]

Origen, *Homilies on Psalm 37*, homily 2, section 6 (cited on p. 394 ff.; cf. p. 756 ff.), excludes the necessity of public confession and penance when he says: "If [he to whom you confess your sin] understands and foresees that your ailment is such that it ought to be exposed and cured in the assembly of the whole Church, whereby perhaps others too may be edified and you yourself may then easily be healed, this must be undertaken with much deliberation and with the counsel of a sufficiently experienced physician."

[987] Compare above, pp. 898 ff., how Vacandard hastily attempts to extricate himself from the force of the texts of the Fathers about to be cited.

According to Basil, Epistle 199, section 34 (cited on p. 757 ff.), the canons forbade adulterous women, whether they had confessed voluntarily or had even been convicted, to confess or do penance publicly (although penance was accepted for their admission to the first three grades of penitents, from which disclosure of the offense could arise), lest they thereby suffer temporal harm through the vengeance of others. Here at least the principle is suggested by which we excluded above the necessity of public confession: namely, the danger of betraying the sin or revealing the seal.

Chrysostom, as we said above (p. 758), so manifestly insists upon the private character of penance that he seemed to some to deny the very necessity of confession.

The Third Council of Carthage, in A.D. 397, canon 32 (which is from the Council of Milevis—

—in A.D. 393), declares: "But for any penitent whose crime is public and most widely known, and which the whole Church knows, let hands be laid upon him before the apse [or in an open place near the altar]" (Mansi, 3, 885).

Innocent I, in the letter *Consulenti tibi* to Exuperius (A.D. 405), section 4, no. 10, affirms the principle: "Hidden sins have no punishment." "Women," he says, "do not readily accuse their husbands of adultery, and hidden sins have no punishment. But husbands have been accustomed more freely to bring adulterous wives before the priests; and therefore, when their offense has been disclosed, communion is denied to the women. ... Since, therefore, the case is equal [for either sex as regards adultery], sometimes, when proof is lacking, the grounds for punishment cease" (*Patrologia Latina*, 20, 499 ff.).

Augustine, Sermon 82, section 7, no. 10, and section 8, no. 11 (cited on p. 758 ff.), lays down the principle, "Things committed secretly must be corrected secretly." From this it follows at least that secret sins cannot be punished by an obligation of public penance; and in this sense the holy Doctor intended the Church's penitential practice itself to be interpreted. Moreover, later doctors continually invoked this same principle of Augustine to inculcate the sacramental seal. From the seal, as we have just explained, the necessity of public penance is generally excluded even for public sins. For there is a certain logical connection between these matters: sins, even public ones, insofar as they are

submitted to the sacramental forum, are regarded as having been committed secretly, because the forum and state of conscience are not known to others, and the very character of the sin is not public.

Nor does another principle which the holy Doctor adds in the same place contradict this inference: "Things committed publicly must be corrected publicly." Neither does the application which he himself makes of it, both in the same passage and in Sermon 351, section 4, no. 9, and *Enchiridion*, sections 64 ff. (cited on p. 759), contradict it, although there he seems to preach the necessity of undertaking public penance for public sins in order to repair scandal, edify the other faithful, and make satisfaction to the Church. For it can be interpreted in the sense of a certain urgent counsel concerning something especially fitting, as is suggested in the very words, "If this seems expedient for the good of the Church to the bishop" (for if public sins had absolutely to be punished by public penance sacramentally, by force of the canons, the deliberation of the bishop concerning the matter would not readily be permitted). This is also urged in Epistle 153, section 3, nos. 6 and 21:

"Some whose crimes are manifest, though released by your severity, we nevertheless remove from the communion of the altar, so that by doing penance they may appease Him whom they despised by sinning, and by punishing themselves. For one who truly repents does nothing else than refuse to allow the evil he has done to go unpunished. For by thus not sparing himself, he spares himself from Him whose lofty and just judgment no despiser escapes. But if—

"—He, by sparing the wicked and the criminal and by granting them life and health, shows patience even toward very many whom He knows will not do penance, how much more ought we to be merciful toward those who promise amendment, and when we are uncertain whether they will do what they promise, to bend your severity by interceding for them? For them we pray to the Lord, from whom nothing is hidden concerning even their future character, yet not presumptuously, because He Himself has commanded this" (*Patrologia Latina*, 33, 655).

"Surely ... can we, or ought we, either require that things unjustly taken from a neighbor be restored, or hand over the offender to those who will exact restitution? We do as much as episcopal authority allows, never threatening a merely human judgment, but chiefly and always the divine judgment. Those, however, who refuse to restore things which we know they have wrongfully taken, and from which they have the means of making restitution, we argue with, rebuke, and denounce: some privately and some openly, according as the differences between persons seem capable of receiving different remedies, and without stirring up greater madness to the ruin of others. Sometimes, too, if this does not hinder the correction of the matter to a greater degree, we deprive them of the communion of the holy altar" (ibid., 663).

Moreover, in certain texts of Augustine the strict imposition of public penance for public sins can be understood as proceeding *outside the sacrament and from the external forum*, like that which is now imposed by the Council of Trent (session 24, *De reformatione*, chapter 8, cited on p. 745), even though in those days the distinction between the two forums was scarcely observed in practice (and from this indeed arose difficulty in interpreting certain texts). Thus he says in the same Sermon 351, section 4, no. 10:

"Let no one think, brethren, that he should for this reason despise the counsel of this salutary penance, because he perhaps notices and knows that many approach the sacraments of the altar whose crimes of this kind are not unknown to him. For many are corrected, like Peter; many are

tolerated, like Judas; many are unknown until the Lord comes, who will bring to light the hidden things of darkness and make manifest the counsels of hearts (1 Cor. 4:5). For many are unwilling to accuse others because in this way they desire to excuse themselves through them. But many good Christians remain silent for this reason and bear the sins of others which they know, because they often lack proofs, and cannot establish before ecclesiastical judges the things which they themselves know. For although some things are true, nevertheless a judge should not readily believe them unless they are demonstrated by certain indications.

"We, however, cannot prohibit anyone from communion (although this prohibition is not yet mortal but medicinal), unless he has either confessed voluntarily or has been named and convicted in some judgment, whether secular or ecclesiastical. For who would dare to assume both offices himself, so that he would be both accuser and judge of someone? Such a rule—

"—is understood to have been briefly suggested also by the Apostle Paul in the same Epistle to the Corinthians, when, after mentioning certain crimes of this kind, he gave from particular cases the form of ecclesiastical judgment for all similar cases (1 Cor. 5:9–13). ... By these words he shows sufficiently that the wicked are to be removed from the communion of the Church not rashly or in just any fashion, but through judgment; so that if they cannot be removed through judgment, they should rather be tolerated, lest anyone, by perversely avoiding wicked men, should himself depart from the Church and bind to Gehenna those whom he appears to flee. ... For [the Apostle] did not wish one man to be judged by another at the discretion of suspicion, or even through the usurpation of an extraordinary judgment, but rather according to the law of God and the order of the Church, whether the man voluntarily confesses, or is accused and convicted" (*Patrologia Latina*, 39, 1546 ff.).

The Council of Vaison, A.D. 442, canon 8, declares: "If a bishop alone knows of another person's crime, so long as he cannot prove it he is to disclose nothing, but is to labour through secret corrections to bring that person to compunction. But if the one corrected becomes more obstinate and thrusts himself into public communion, then—even if the bishop lacks proof to convict the man whom he judges guilty—the bishop, though not himself condemned, is to be directed to withdraw for a time from those ignorant of the matter, in consideration of his higher office; meanwhile the man, so long as nothing can be proved against him, remains in communion with everyone except the one who judges him guilty" (Mansi, 6, 455).

Caesarius of Arles (died 543), Sermon 261 (in the Appendix to the sermons of St. Augustine), sections 1 ff., which is an admonition concerning those who request public penance, writes:

"Whenever, dearly beloved brethren, we see one of our brothers or sisters asking for penance publicly, through God's inspiration we can and ought to kindle in ourselves great compunction from the fear of God. For who would not rejoice and be glad and give God as much thanks as he could, seeing a sinner who grows angry against his sins and cries out openly, so that what he was accustomed to defend with the most shameless face he begins beneficially to accuse? ... Indeed, the one who accepts penance publicly could have performed it more secretly; but, I believe, considering the multitude of his sins, he sees that he alone cannot suffice against such grave evils. For this reason he desires to seek the aid of the whole people. ... For what do we desire when we have deserved to come to the remedy of penance, except that the whole people should strive to implore divine mercy on our behalf? ... And observe this, brethren: that he who asks for penance begs to be excommunicated. Finally, when he has received penance, he is cast outdoors covered with haircloth.

Thus he asks to be excommunicated because he judges himself unworthy to receive the Eucharist of the Lord. And, moreover, for a certain time he wishes to become a stranger to this altar, so that he may deserve to come with a secure conscience to that altar which is in heaven. Therefore he wishes to be removed from the communion of the Body—

"—and Blood of Christ as one guilty and impious, with great reverence, so that through this very humiliation he may at length sometimes deserve to approach the communion of the most holy altar" (*Patrologia Latina*, 39, 2227 ff.).[988]

[988] From the force of these words E. Amann extricates himself far too freely and hastily, writing: "The phrase of Caesarius may refer either to conversion, which, in principle at least, could have been less humiliating than entry into penance, or to one of those more or less veiled forms of satisfaction, with restricted publicity, of which St. Augustine had already spoken. Nothing indicates that the penitent who had thus done penance secretius would have been exempted from the consequences of canonical discipline" (in Dictionnaire de théologie catholique, article "Pénitence," col. 838).

YOU WILL SAY, FIRSTLY. Murderers and adulterers were formerly punished with public penance, including those who were secretly guilty of those crimes, whereas the publicly guilty were punished by the civil law itself. Moreover, the ancient canons explicitly imposed public penance for numerous offenses and did not otherwise distinguish between public and secret ones. Indeed, they prescribed lesser punishments for those who had confessed voluntarily, and thus for secret sins voluntarily disclosed.

I REPLY. Although the matters belonging properly to the internal forum and those belonging to the external forum were not always clearly distinguished, nor were they so distinguished from the beginning, nevertheless at least from the very nature of the matter it is permissible, and necessary, to distinguish the diverse subject matters and laws of the two forums. No offenses, whether private or public, could be punished, nor were they punished, with sacramental penance properly so called under a strict obligation, at least if one attends to the law or universal practice of the Church, in the manner explained above. Therefore canons which speak of public penance either refer to the external forum or, if they refer to the internal forum or to both forums, must be understood as having different binding force according to their relation to the one or the other forum: so that they imposed an obligation of obeying in the internal forum only insofar as, and in whatever way, this could take place without danger of revealing the seal and without danger to the sacrament. Moreover, because at that time the two forums were readily confused, it is probable that those canons were sometimes understood and applied as strictly binding in the internal forum itself. But this could only have happened through a certain immoderate and blind zeal contrary to the genuine meaning of the general canons and to the universal practice of the Church.

As to the objection concerning murderers and adulterers, we deny that only those who were secretly guilty of such crimes could be punished by ecclesiastical law; for someone could be convicted in an ecclesiastical judgment who perhaps could not be convicted in a civil one. Furthermore, under Christian rulers civil punishment was sometimes commuted into ecclesiastical punishment.

The ancient canons, therefore, did not explicitly distinguish between public and secret sins because the different grounds for punishing each kind can be understood from the nature of the offenses themselves. For secret sins belong of themselves to the sacramental forum alone, whereas public sins can belong to either forum and be treated in different ways according to the requirements of each.

Moreover, the principle which we took from Augustine, "Secret things must be corrected secretly; public things publicly,"—

—is nothing other than a general expression and interpretation of the very mind of the Church underlying the aforesaid penitential canons. When the separation of the two forums began to take stronger hold at a later period, the distinction between secret and public sins itself began to be made explicitly in the canons, perhaps lest public penance for merely secret sins disclosed in confession be urged by unskilled and ill-advisedly zealous confessors. What the objector says about sins voluntarily confessed as distinct from those proved against a person concerns the external and contentious forum. For in the sacramental forum sins can only be voluntarily confessed.

YOU WILL SAY, SECONDLY. From many testimonies it plainly appears that an obligation, properly so called, to do public penance was imposed for sins confessed sacramentally, even when they were secret.

And first of all, if public penance had not been strictly necessary, why were there so many pretexts of shame or fear by which sinners were held back from doing penance? And to what purpose were there so many sermons and exhortations of the Fathers, urging sinners to lay aside that shame or fear and hasten to do penance?

In Irenaeus, *Against Heresies*, book 1, chapter 13, no. 7 (cited in article 1, volume 1, p. 96), women corrupted by the Gnostics are said to have withdrawn in despair from the life of God because they were unwilling to submit to *exomologesis*, or public penance. This plainly shows that public penance was considered strictly necessary.

Tertullian, speaking of penance, and of none other than public penance, says that it is, in relation to any sins whatever, the one way of "pardon" and "life," to be grasped by sinners like a "plank after shipwreck" (*De Poenitentia*, ch. 1). He adds: "Most, however, I presume, either avoid this work, as being a public disclosure of themselves, or put it off from day to day, being more mindful of shame than of salvation ... and thus they perish through their shame. ... Is it better to be damned in concealment than to be absolved in the open?" (ibid., ch. 10, cited in article 1, volume 1, p. 101). Finally he warns: "If you shrink from *exomologesis*, consider in your heart the fire of Gehenna, which *exomologesis* extinguishes for you" (ibid., ch. 12, cited ibid., p. 100).

The Council of Ancyra, A.D. 314, canon 16 (concerning sins against nature) and canon 21 (concerning procured abortion), decrees public penance for sins which by their nature are regarded as secret.

Basil, Epistle 217 (the third canonical letter to Amphilochius, A.D. 376), canons 61 ff., prescribes public penance for certain sins even when hidden (cf. *Patrologia Graeca*, 32, 799). In his *Commentary on Isaiah*, chapter 1, no. 19, he describes how a pious young man, having sometimes fallen into sins of the flesh, can easily be brought to ruin because he is ashamed to undertake public penance: "Now an evil conscience does not permit him to come here, since he does not stand in the ranks of the faithful; for he has fallen away from them —

"—and yet he does not take his place among the mourners, because he is ashamed. Hence arises sluggishness in prayer. ... Then, little by little, through the habit thus contracted, he considers apostasy and is brought to utter ruin" (*Patrologia Graeca*, 30, 151).

Ambrose, *On Penance*, book 2, chapter 10, no. 95, distinguishing sins into only two classes, namely graver and lighter sins, teaches that the former are blotted out by public penance, but the latter by daily penance itself. Accordingly he holds public penance to be necessary for graver sins, even when secret. He says: "They are rightly reproved who think that penance must be done repeatedly; for they indulge themselves in Christ. For if they truly did penance, they would not think that it should afterwards be repeated; for just as there is one baptism, so there is one penance, which, however, is performed publicly. For we ought to repent of our daily sins; but this [daily penance] concerns lighter offenses, whereas that [public penance] concerns graver ones" (*Patrologia Latina*, 16, 520).

Again, ibid., book 1, chapter 15, no. 80, asserting the necessity of public penance, he says that the sinner is "purified by certain works of the whole people and washed by the tears of the congregation. ... For Christ granted to His Church that one should be redeemed through all" (ibid., 490).

Again, ibid., book 2, chapter 9, nos. 86 ff.: "Many ... seek penance, and, when they have received it, are held back by shame from public supplication. ... Some propose to do penance in such a way that they want communion to be restored to them immediately. These are not so much unbinding themselves as binding the priest" (ibid., 517).

Again, ibid., book 1, chapter 16, no. 90, expressly ascribing the necessity of public penance even to secret sins, he says: "If anyone ... having hidden crimes, nevertheless undertakes penance earnestly for Christ, how does he receive these [good things promised by Christ], if communion is not restored to him? I wish the guilty man to hope for pardon; let him beg it with tears, let him beg it with groans, let him beg it with the tears of the whole people; let him implore that he be forgiven; and when his communion has been deferred for the second and third time, let him believe that he has entreated too little; let his weeping increase; let him afterwards return more pitiable, clasp their feet with his arms, kiss their footsteps, wash them with tears, and not let them go; so that the Lord Jesus may say of him: 'His many sins are forgiven, because he loved much'" (ibid., 493 ff.).

I REPLY. The solemnity, general prevalence, and usefulness of public penance were so great that it is readily understood how, in certain passages, its importance was set forth by the Fathers so effectively and urgently that they might seem to be speaking of its necessity, properly so called, or to ascribe to that particular mode of doing penance a necessity which they themselves knew belonged only to penance considered in itself and without determination of its mode. Something similar happens in the writings of spiritual authors when they so strongly insist on the necessity of observing the rules of modern religious congregations that they appear to think those rules bind their members under sin, even grave sin. We concede also that one or another writer might have imagined a necessity of public penance properly so called and expressed it in his writings, or—

—urged it in particular canons. Nevertheless, this is by no means established from the texts brought forward in the objection, nor can it readily be imputed to the cited Fathers.

First, the fact that penitents were held back from public penance by shame or fear, and that the Fathers vehemently urged them to put aside such shame or fear and enter upon public penance, does not prove a strict and juridical necessity of doing penance in that manner. It shows only that the custom of doing penance in that way was so constant and common that withdrawal from public penance was practically equivalent to omitting penance altogether, just as the necessity of daily or frequent communion in religious institutes would not be proved by the fear or shame which deters

certain timid or scrupulous members from communicating, or by the vehement exhortations of spiritual directors to frequent communion. Moreover, it does not necessarily follow from the very circumstance of shame or fear that sinners avoided public penance itself, or that the Fathers urged them toward it, since many for the same reasons withdraw even from private and secret confession and penance.

From the text of Irenaeus it does not necessarily follow that sacramental public penance was a matter of strict obligation. For those women could have refused public penance imposed upon them, perhaps in the external forum, on account of their public offense; or perhaps they preferred to withdraw without any penance at all, because they did not dare to submit to the form of penance then commonly and solemnly practiced. This would be like a religious who, unwilling to receive the frequent daily communion customary in his institute, chooses to abandon religious life, although, absolutely speaking, he could remain in it while receiving communion less frequently (cf. above, pp. 393, 753).

Tertullian certainly speaks of public penance, but does not say that public penance itself is necessary. His words imply only the necessity of penance in general, although he speaks of this general necessity while treating the public penance which was then its common and most conspicuous form.

The Council of Ancyra and Basil do prescribe public penance in the canons mentioned, but it must be applied according to the requirements of each forum, as was explained above. Moreover, Basil himself, in the previously cited Epistle 199 to the same Amphilochius, suggests the principle by which we excluded above the necessity of public penance, namely, the danger of revealing the seal; nor is it at all likely that he contradicted the principle which was shortly afterwards expressed as the universal mind of the Church by Innocent I ("Hidden sins have no punishment") and Augustine ("Secret things must be corrected secretly, public things publicly"). What Basil says about the young man who had fallen into sins of the flesh can be explained in the same way as the conduct of the immodest women who withdrew from the way of salvation in Irenaeus's account.

Ambrose, in the first two of the texts objected, speaks, as does Tertullian, of public penance and affirms the necessity of doing penance; but he does not affirm that this necessity belongs to public penance itself. His words in the third text can be understood, as we said of the words of Irenaeus and Basil, of those who, through shame at the public penance then commonly practiced, withdrew altogether from every kind of penance. What he says in the last text about the public expiation of hidden crimes can be understood of an expiation voluntarily undertaken, as the very words seem to indicate: "Nevertheless, he undertakes penance earnestly for Christ."

CONCLUSION 4. Public penance (in which, namely, absolution from sins was joined to enrollment in the order of penitents, or to the solemn performance of penance, whether it was given at the beginning or at the end of that exercise), although it was the principal and, in itself, ordinary penitential practice of the earlier centuries, was nevertheless not the only one. Besides it, private penance was also practiced, as an abbreviated and secondary rite by which, on grounds of necessity or utility, sins were remitted without enrollment in the order of penitents and without its solemnity.

PROOF 1. A PRIORI, OR FROM DOGMATIC REASONS.

Unless, alongside public penance, private penance existed in the Church, at least in the way just described, the Church's inerrancy or indefectibility could not fittingly be explained with regard to the

following three truths, which concern the very nature of the sacrament of Penance and about which no Catholic can entertain doubt: namely, the divine origin of the sacramental seal (which it is rash to contradict), the necessity of integral confession, and the necessity of the sacrament itself for obtaining the remission of sins (each of the latter two being a matter of faith). For by imposing public penance as the only practice, the Church would have acted against these three divine laws, or erred concerning these three truths.

First of all, if that public and exclusive penance imagined by our opponents is said to have been *voluntary*, then the necessity of recourse to the keys of the Church, or the necessity of the sacrament, is denied. If it is said to have been *necessary* (which indeed those same opponents choose), the seal of confession is endangered, at least in regard to secret sins; for the very performance of the penance discloses both the condition of the sinner and, according to the manner in which it was then done, something of the character of the sin. Nor, to save the seal in another way, can a tacit and implicit consent of the penitent be imagined, once the true necessity—

—of that penance is posited. Besides, our opponents ineptly object that the Church at that time could have been ignorant of the complete extension and strictness of the seal, since here the very knowledge of the essence of the seal is at stake; yet Leo the Great (cited above, p. 363 ff.) refers it "to the apostolic rule," or tradition.

Moreover, and more significantly, that public penance was necessary only for the sins called *capital*. Now either it is said that the Church, under the word *capital*, understood all sins which we now call mortal and which are the object of necessary confession. In that case, since public penance itself was granted only once, the very necessity of the sacrament in regard to those who relapsed is excluded: for God cannot impose a recourse to the Church's keys which the Church itself can legitimately deny. Moreover, the use of the sacrament is almost extinguished, since there were many who sinned again after their first penance. Or it is said that the Church under this expression understood only certain graver sins among those we call mortal. Then either it is asserted, with Vacandard, that the Church regarded those sins alone as mortal; and so, besides the aforementioned difficulty, a common and intolerable error is also attributed to the Church, at least concerning the gravity of certain sins (such as theft and evil thoughts, which were not necessarily subjected to public penance), although these are declared grave in Scripture. Or it is asserted, with Funk and Boudinhon, that only those sins (although they did not regard them as the only mortal ones, but as the graver among mortal sins) were subjected by the Church to public penance. Then the necessity of integral confession likewise perishes, since the sins which must be confessed are those for which satisfaction must be made and absolution received. The very necessity of the sacrament also perishes, whether as regards those who relapsed into such sins or as regards other sinners, since that penance was granted only once and only for certain sins.[989]

[989] "Moreover, as was noted above (p. 908) with D'Alès and Harent, if another opinion of Funk be added, according to which, before the decree of Callistus, capital sins had in fact not been remitted by the Church, at least from the time of Hermas, it would follow that throughout that entire period there had been absolutely no use of the sacrament of Penance."

Finally, and above all, all those who relapsed were excluded from public penance, at least according to the general custom, and even clerics who had fallen for the first time into capital crimes. It follows that many sinners (especially if it is said that all mortal sins were subject to public penance, or if the

number of capital sins is extended in any way) were left by the Church until the end of their lives without the remedy of a necessary sacrament. Thus the universal necessity of the sacrament is extinguished, and for many people the way of salvation is narrowed, while the very institution of the sacrament shows how difficult it is to elicit an act of perfect contrition. It is scarcely intelligible how such severity in the Church would agree with the evangelical spirit from which the institution of this sacrament proceeded, or with that great—

—kindness with which the same mother now shows her maternal heart to her children. For what reason should she be less fruitful the younger she was, or the more cruel the nearer she was to Christ?

YOU WILL SAY. Dogmatic arguments are improperly invoked in a question which depends entirely upon historical facts and can be decided only by the critical method; especially since, in disputing with Protestants and Rationalists, they reject dogmatic arguments. But in the present dispute concerning the existence of private penance, the matter is, on the one hand, eminently historical; and, on the other hand, positive documents of the existence of that practice are lacking. Indeed, in the tradition of at least the first three centuries, and particularly in the penitential canons and liturgical books in which its mention might chiefly be expected, a profound silence concerning it is observed.

I REPLY. Dogmatic arguments are legitimately invoked in a matter which, although eminently historical, is nevertheless intimately connected with dogmatic truths. For the life and discipline of the Church are not a mere history of natural and social events, but the supernatural development of an organism which is generated and governed by the principles of revelation. Consequently a Catholic apologist cannot regard the history of the Church as one regards secular history, even in defending it against Protestants and Rationalists. Nor is it true that these adversaries reject all such principles in every way, so that an apologist proceeding according to them would remain alone in his field, as though striking the air. For, besides the fact that Protestants embrace certain revealed principles—such as the divine origin of the Church, divine assistance in her preservation, the divine character and authority of Scripture, and the divine origin of certain customs of Tradition (as with the mode of administering Baptism)—it is plain that both they and the Rationalists reasonably admit the primitive Church to have embraced certain truths as divine and revealed, whether legitimately or illegitimately. An apologist can therefore argue and contend on the basis of all such truths admitted by the adversaries in any manner whatever, while employing, of course, the critical and historical method.

Nevertheless, abuse of this expression must be carefully avoided. For if by the "critical method" is understood, as it ought to be, that method which uses all the means of investigation, direct and indirect, analytical and synthetic, textual and contextual, for interpreting the right sense of any fact or doctrine, no one will deny that an apologist must employ it, or indeed that it is sufficient for defending revelation and, in the present case, determining the essential character of the ancient penitential practice. But if the critical method is understood, as our opponents commonly take it, as one which employs only direct, analytical, and textual means, it must be denied that it is the only method to be employed by an apologist, or that it always suffices to defend the truths of faith; nor, besides, can it—

—legitimately be called by that name, since no one is less critical than the person who proceeds partially or uses only certain uncertain arguments when others are available.

The argument from silence, when invoked as a merely negative argument, proves nothing, since nothing follows from nothing. But if this argument is turned into a positive one by adding that mention ought to have been made of the matter about which the documents are silent, and therefore by inferring from the silence itself, in the subject matter in question, the nonexistence of that thing, then it falls upon the opponents of our conclusion to prove that the most ancient documents of Tradition ought necessarily to have spoken of private penance, and particularly in that explicit and determinate way in which we speak of it now.

For first, it cannot be denied that several documents of the very earliest Tradition have been lost, especially of the second and third centuries, whereas testimonies of the fourth and fifth centuries abound. Secondly, it cannot be denied that at that time a certain use of the so-called *discipline of the secret* existed concerning the mysteries of faith and the sacraments, although it is not necessary to affirm with some that this consisted in a certain definite and general law or discipline of the Church. Thirdly, the very fact that the practice of private penance existed in the period immediately following (and Vacandard himself grants this from the fifth century onward) has its own significance and its own historical and critical weight, since no practice can arise as though out of nothing, without any intervening cause. Fourthly, the very consideration of the Church's indefectibility—or, if Protestants and Rationalists prefer, of a certain religious conservatism and traditionalism—also has its significance. Fifthly, the proper and special character of private penance, which we have said belonged to it in antiquity, explains the relative silence observed concerning it, even in the penitential canons and liturgical books, since it was merely a certain secondary practice, rather exceptional and indeterminate in character, left to the judgment of the priest,[990] whereas public penance was, by custom and by law, ecclesiastical penance simply so called and penitential discipline *par excellence*. Sixthly, the aforementioned silence is only relative, and it is exaggerated by our opponents without foundation, especially if, in accordance with the true critical method, the various documents are not subjected merely to separate and barren consideration, but are rationally compared with one another under the logical unity of the doctrine and mind of a Father or of the community of an ecclesiastical practice and custom. This will indeed be shown in the following proof.

[990] Galtier: "The manner in which the remission of sin by the Church took place in these cases is determined only negatively, namely, by excluding that form of penance which properly belonged to penitents and which was conceded only once. It could therefore have been carried out in various ways, whether the matter was conducted publicly, even in the external forum, or whether it took place altogether privately between the sinner and a single superior of the Church. Whatever the manner in which it took place, and whatever name it bore, what matters most to us is that the remission of sin is shown to have been effected by the ministers of the Church in a manner different from that penance which we call public, and which they themselves so called." Galtier, De Paenitentia, thesis 15, no. 280 (Paris, 1931), p. 203.

Vacandard had once emphatically advanced this argument from silence at the conclusion of his controversy with Harent; but Harent himself skillfully rebutted it.

VACANDARD said:[991]

[991] Vacandard, "La discipline pénitentielle dans la primitive Église," in Revue du clergé français, vol. 24 (1900), pp. 263–266. Cf. ibid., p. 113 ff., 241 ff.; vol. 20 (1899), p. 566 ff.; cited above at pp. 909 ff.

"Father Harent reproaches us for offering him nothing but a negative argument. But what kind of argument does he want us to present to him? If private sacramental penance had not existed in the earliest centuries, there would be no trace of it; that is all. A negative is not demonstrated. It existed, you say. So be it! But then we are dealing with a fact. A fact of such importance could not have remained unnoticed for centuries. In any case, you affirm it; it is for you to furnish the proof.

"In the absence of positive documents, Father Harent keeps in reserve a theological argument which he considers invincible. According to the Council of Trent, the Church has the right, and consequently the duty, to remit all mortal sins, *omnia et singula*. But, he says, not all mortal sins were subject to public penance. Therefore some of them were remitted by private sacramental penance. We have seen what this argument is worth. It rests upon an erroneous hypothesis. With that, its conclusion also falls to nothing. The theological argument shares the fate of all the others.

"The question of method. — In short, our honorable opponent is far from having shown that we chose badly the ground on which we have placed ourselves to combat Mr. Lea's theory of penance. According to him, we ought to have adopted another method: to begin from the infallibility of the Church and to impose our theological arguments as authoritative. I do not have the same confidence in this tactic as Father Harent does; I even believe that it must be rejected, for several reasons.

"First, with his *method of authority*, Father Harent takes us where we should not wish to go. He would impose as the teaching of the Church a theological opinion which he has made his own, on the pretext that it better safeguards dogma. Once again, I do not claim that this opinion is false; indeed, I wish with all my heart that it could be justified. But I say that, up to the present, it is poorly established. Now it is a rather delicate thing to wish to impose upon our adversaries a debatable opinion.

"I add that *this method is very dangerous*. The tactic of the Protestants, you say, 'is endlessly to carry debates from one detail to another: ours must be to concentrate them.' But do you believe that they will follow you onto the ground you have chosen? And if they do not follow you, will you allow them to carry their ravages through the whole field of doctrine, while you are content to challenge them haughtily from the depths of your entrenched camp? They will then have things all their own way, and all that you will gain will be to make them believe that 'the particular dogmas and practices of the Church' cannot be defended historically. Have you the right to maintain them in that illusion? And would this not be to place a stumbling block in their path?

"'But,' you will say, 'is the critical method sufficient to defend dogma upon the ground of history?' Without doubt; that is our position. It is not possible for a historical truth to be in contradiction with a dogmatic truth. *We therefore have no reason to be afraid of facts.* Facts could never prove anything against our faith. When our enemies object them to us, let us subject them to severe examination. If they are indeed demonstrated, there is nothing more to do than to admit them, even if afterwards we must seek how they can be reconciled with dogma. And assuredly the hour of that reconciliation will come.

"'And in this particular case,' as jurists say, 'is the critical method not sufficient to refute our adversaries' arguments?' You yourself acknowledge that 'this system of defense' provides 'a good argument *ad hominem* against Mr. Lea.' Is that not already something, and what more do you need?

"For my part, I am content with a method which obtains such an excellent result. And I adhere to it all the more willingly because it is the method of the masters, especially of the great historian-

theologian of the seventeenth century, and perhaps of all centuries, I mean Father Petau. ... Doubtless the last word has not been spoken by the eminent Jesuit upon the question that occupies us. Even after two hundred years of research, there still remain points to clarify. But we shall attain that only by following in his footsteps and borrowing his method. You are persuaded that private sacramental penance has existed at all times. Rather than take this conviction as a hypothesis, what prevents you from verifying it seriously by the texts? That is the true critical method. *But leave the theologians of the seventeenth century aside, and go straight to the original documents.* If full light is to come, it is from there that it will spring."

HARENT replied:[992]

[992] Harent, "La méthode apologétique dans la question des sacrements," in Études, vol. 87 (1901), p. 748 ff.; cf. ibid., vol. 80 (1899), p. 577 ff., and vol. 82 (1900), p. 577 ff.

"Abbé Vacandard, in replying to us in the *Revue du clergé français*, has had the happy idea of finally bringing the debate onto the 'question of method.' That is indeed where we had to arrive in order to discover the root of the misunderstanding which divides us, and which it does not seem impossible to overcome. ...

"The apologist does not have to create a religion, as one creates a philosophy. He begins from a fact: he takes revealed religion as he finds it, with the dogmas which it contains, with the motives of persuasion which God has provided for it, but also with the obscurities and imperfections which He has been pleased to leave in it, as befitted a life of merit and trial. Let the apologist first of all know thoroughly the position which he wishes to defend; let him take account of the sources of revelation in their present state. ...

"'But,' it will be said, 'Protestants will not follow you onto this mystical ground. They understand tradition from the historical point of view: manuscripts, texts, criticism — all that is clear and to the taste of our times. They do not understand it from the theological point of view, with that supernatural assistance which, according to Catholics, comes to the aid of the Church in preserving the deposit of the sacraments intact. That seems absurd to them.'

"Is that quite certain? — Really! Here are people who admit the inspiration of Scripture. Here are people who admit a supernatural efficacy of the sacraments — of baptism at least — and the pardon granted by the offended Infinite One to His sinful creature; what could be more mystical? And will they have difficulty admitting the infallibility of the Church in preserving throughout all the centuries the conditions of validity and the assurance of divine forgiveness? ...

"We have the right to choose this ground, because we have the right to proceed in a scientific and orderly fashion, not at random and according to the whim of the first person to come along; because on this question of the Church depends the method to be followed in determining the content of revelation; and because, in every piece of work worthy of respect, the method must be settled in the first place. In this, then, there is no arbitrariness, no haughtiness, no stumbling block. On the contrary, we bring them to take up the debate from its true side, the only rational side, and the only one which in general has practical chances of convincing those whom we wish to convert: the history of conversions bears witness to this. ...

"As for the 'critical method,' a somewhat vague expression, if by it is understood here the whole body of procedures, analytical or synthetic, direct or indirect, but always rational, which may serve to

determine the content of revelation, then we proclaim that the critical method is quite sufficient to defend Catholic dogma as a whole, and we have never doubted its efficacy. But if the 'critical method' is restricted to that direct, analytical, historical method, long practiced elsewhere by positive theology, and excellent—

"—when it can be employed; to that method which, by particular testimonies, shows on each point the agreement of our Church today with the primitive Church, then, for the reasons given above, we affirm the insufficiency of the critical method for defending dogma in all its details.

"'The lack of documents concerning private sacramental penance' — a lack which is exaggerated, moreover — 'could be transformed into a positive argument against the existence of such an institution.' ... In the field of the sacraments, a region enveloped in silence and mystery, the documents of the earliest times could not suffice; ... one cannot neglect the fact of the Church, the infallible guardian of the sacraments, a fundamental fact which imposes itself at the outset upon the discussion and explains many others. Once laid down, this principle is fruitful: by combining it with other certain truths on particular points guaranteed to us by the Church, the theologian has a right to draw conclusions which will throw light upon the very history of the sacraments. Yes, upon history! We have not so much light in this poor life that we can confine ourselves to what is natural and proudly reject the light which may come to us, directly or indirectly, from a divine privilege granted to the Church. And although temporal facts that have nothing sacred about them, or even the external life of the Church, must be left to purely historical methods, it has not yet been demonstrated that the inner history of the development of dogmas must be treated absolutely like profane history, unless one is prepared to banish the supernatural from religious society and to enroll us all beneath Harnack's banner. It is in this order of ideas that we had concluded to the perpetual existence of private sacramental penance by theological reasoning. ...

"'[There is] in the infallibility of the Church, brought together with certain historical data, a positive foundation for secret sacramental penance, against which nothing other than a negative argument is offered to us. But against a positive basis, we have seen, the negative argument must yield; and still more so when it is a question of the sacraments, where so many reasons may explain the silence of the Fathers; above all when it is a question, within a sacrament, of a secondary and secret form, which many motives could prompt people to leave in the shadows — for example, the desire not to harm the principal form.

"'Ought we not to have a single text for this secret penance?' That ought not to prevent us from admitting it, as a corollary of the dogma of infallibility. We have not a single text of the Fathers which enumerates the seven sacraments for us, a silence far more curious than that which they maintain about secret penance; yet this does not prevent us from holding as most certain that there have always been seven sacraments, according to the definition of the Church. The difficulty is all the less for private sacramental penance, since it is far from taking so long to become manifest in direct documents, its existence being, even according to Abbé Vacandard himself, a certain fact 'at Constantinople, before the episcopate of St. John Chrysostom, successor of Nectarius, and at Rome, in the fifth century, under St. Leo.'

"'Also, when we are told concerning this penance in the preceding centuries, "There is no trace of it, that is all; one does not demonstrate a negative," we would observe that a corollary of the Church's infallibility, even independently of any direct document, is not "nothing"; and that there would have

been traces of it in the history of more ancient times if, instead of a mutilated collection of patristic writings, and through the loss of so many writings, and through the discipline of secrecy, and for other reasons besides, we had a primitive literature expressing completely the state of the sacraments in the first centuries.'"

D'ALÈS, at the end of his work *L'Édit de Calliste, Étude sur les origines de la pénitence chrétienne* (Paris, 1914, p. 454 ff.), aptly observes:

"One last word is necessary in order to dispel every misunderstanding.

"If we wish to set the institution of public penance in its true light, we must take account not only of its penal and humiliating character, which could repel wavering wills, but still more and above all of its liberating character,

"which made it desirable as a second baptism. To attain reconciliation with God by the path of public *exomologesis* was the hope of the fallen Christian; to see himself officially admitted to that *exomologesis* was already, for his anguished conscience, a consolation and, as it were, a first step toward effective rehabilitation. Hence the value attached to this favor.

"*In reality, there were always, by the Church's own admission, other ways open* to those who, for whatever reason, could not undertake public *exomologesis*. God does not abandon the contrite sinner; and, failing the sacrament, a cry of the heart can procure salvation. But in carrying out the discernment of sins and sinners, the Church did not neglect the conduct of those whom it did not call to public *exomologesis*, either because they did not need that violent remedy or because they had already employed it. It certainly claimed to guide them as it guided the others; and nothing more than this universal solicitude distinguishes it from the Novatian sect. Only, at the end of the way which it opened to them, there was not encountered the same pardon to which public penance led, and which made it so desirable — a pardon surrounded by the Church with an imposing apparatus and authenticated by its most solemn rites. The Fathers, in their public catecheses, willingly abstract from everything which is not an official institution.

"*A long evolution must little by little have relegated these archaic forms of penance to oblivion and have brought the private element into relief.* This evolution was not a creation; its obscure point of departure must be sought in a very distant past. The correlation established by Christ between the exclusive right of the Church and the remission of sins was, from the beginning, absolute; the Church asserted that right with greater or lesser rigor, but at no time did it limit the exercise of the power of the keys to the sole domain of public penance."

PROOF 2. FROM THE DOCUMENTS OF TRADITION[993]

The absence or uncertainty of texts during the first two centuries, down to Irenaeus and Tertullian (cf. article 1, volume I, pp. 91–96, and article 36, p. 393), concerns private penance no more than it concerns sacramental penance itself and confession in general. Indeed, as Funk himself admits after Petavius (cf. above, p. 863), the penance of that age appears more similar to the present-day practice of private penance than to that which began to become frequent in various churches from the third century onward. Certainly, it is hardly credible that the penance of the Ephesian Christians described in Acts 19:18 (cf. above, p. 373), or that of the young robber converted by St. John, of whom Clement of Alexandria speaks (cf. volume I, p. 96), was regulated according to some solemn and canonical

manner. Likewise, if the confession of which the *Didache* speaks is sacramental, as we judged probable above (pp. 391 ff.), no one will regard it as public or solemn penance. For the nature of the latter involved a certain duration of time and a certain differentiation among sins and penitents, whereas that confession is enjoined upon all sinners and is to be made in the short time preceding communion at the Sunday assembly.

[993] Cf. Harent, in Études, vol. 80 (1899), pp. 577 ff.; vol. 82 (1900), pp. 577 ff.; vol. 87 (1901), pp. 748 ff.; Galtier, De Poenitentia, thesis 15; L'Église et la rémission des péchés (Paris, 1932), pp. 256–389; and in Dictionnaire apologétique, article "Pénitence," cols. 1835–1847; D'Alès, L'Édit de Calliste, Appendix III (Paris, 1914), pp. 422–455.

From the beginning of the third century, when public penance started to become established, there also appear fragmentary but sufficiently definite documents concerning private penance. As these gradually multiply, they reveal more firmly and explicitly the characteristics of a certain penitential practice, secondary indeed and not precisely determined, through which the Church supplied, in particular cases of necessity, for the solemn and ordinary exercise of the power of the keys.

The existence of this secondary practice is shown both by a certain *general principle repeatedly inculcated by the Fathers*, according to which the priest had the right to regulate and mitigate the manner of penance in accordance with circumstances and persons, and by *certain more direct sayings and deeds of the Fathers*, as well as the particular manner in which reconciliation was granted to certain classes of offenders or penitents, such as those guilty of sins other than capital sins, monks, converts from heresy, and the dying.

1. THE PREVIOUSLY MENTIONED PRINCIPLE

That the holy Fathers constantly had this principle before their eyes in their practice and teaching is shown as follows, with Galtier.[994]

[994] Galtier, De Paenitentia, nos. 273–279 (Paris, 1931), pp. 198–202.

Cyprian, in his manner of dealing with fallen virgins, with those who had obtained certificates (*libellatici*), and with converts from heresy or schism (cf. below), governed these matters according to the rule that penance should be moderated in accordance with the character and nature of the offenses themselves, since "even among those who have sacrificed, both the condition and the case are frequently different, [and therefore in penance] they are not to be placed on an equal footing" (*Epistle* 52, 13; M.L. 3, 780). In *Epistle* 55, 15 ff. (to Pope Cornelius), rejecting the charge that he had acted too severely toward the lapsed, he sets against it the contrary accusation of others that he was too ready to grant pardon, and admits that he "almost sins by remitting offenses more than is fitting."

The *Didascalia Apostolorum*. — A. While it says that bishops must judge sinners, bind them, and loose them (II, 11, 2–12, 1; 18, 1–3), so that through them the Saviour may forgive sins (20, 9–10), it exhorts them generally to treat sinners with kindness and charity (12, 1; 13, 4; 15, 8), not to expel them readily from the Church (21, 1), but, in the manner of a skilled and good physician who wishes all to be healed (20, 10–11), not to resort to a surgical procedure of this kind until they have investigated and examined the cause of the disease and tried other, gentler remedies (41, 3–9). — B. In particular, where it speaks of the penance to be imposed in which the penitent is admitted only to "hearing," "does not share in the prayer," but goes out after the readings like a Gentile and a publican (38, 3–4; 39, 5–40, 1)—which is plainly the penance proper to the "penitents," or public penance—it

impresses upon bishops that they are not to compel anyone to such punishment and penance unless he is a sinner who could not first be brought back to good entirely in private (38, 1–3; and cf. especially the Greek text in Funk, p. 125).[995]

[995] Galtier, op. cit., no. 274, pp. 198 ff. The same author writes in the Dictionnaire apologétique, article "Pénitence," col. 1837: "There would, moreover, be much to say about the more or less private character of the administration of penance according to the Didascalia. Nowhere does the bishop appear so completely the judge of sin and so entirely free to determine its expiation himself. He must proportion it to the fault (II, xvi, 2 and 4); but the repeated recommendation made to him to show himself welcoming toward sinners ... and not to hasten to radical measures ... leads one to believe that he was free to use gentle treatment even where the rigor of the law would have required severity. We see him, in a particular case (III, xvi, 2), confine himself to imposing a few days of fasting and recommending prayer. One cannot properly speak here of strictly private penance, since it is a question of separation and exclusion from the Church; but public penance appears here at least to have been notably mitigated."

The penitential canons of the Cappadocian Fathers and of the Council of Ancyra (in Galatia) state the principle with complete explicitness: the manner and duration of penance are to be moderated through the bishop's authority. Basil, *Epistle* 199, canon 2: "The cure is to be determined not by time, but by the manner of penance" (M.G. 32, 671). Council of Ancyra, canon 5: "The bishops shall have the authority, after examining the manner of their conversion, to act more leniently toward them, or to assign a longer time [of penance]. Above all, their preceding life and subsequent conduct are to be examined, and thus mercy is to be shown them" (cf. canons 7 and 9, cited above, p. 874).

Chrysostom, *On the Priesthood* 2, 4 (cited above, p. 445): "The pastor has great need of prudence and of six hundred eyes, so that he may examine the state of the soul from every side. ... Nothing, therefore, ... is to be left unexamined; rather, when everything has been duly explained, the bishop should appropriately set forth what belongs to his responsibility, lest he employ a useless solicitude" (M.G. 48, 635).

Innocent I (*Epistle* to Decentius, cited in volume I, p. 122): "It belongs to the priest to judge the weight of offenses that must be assessed, so that he may consider the confession of the penitent, and the tears and weeping of the one who is correcting his ways, and then order him to be dismissed when he sees that his satisfaction is suitable."

Augustine, as we have often said above, is the author of the principle "Secret things are to be corrected secretly, public things publicly," which afterwards had a great influence upon the development of private penance. More directly relevant are *Enchiridion* 64 ff. (cited in volume I, p. 120): "But neither, in the holy Church, is God's mercy to be despaired of in regard to the remission of those crimes, however great, by those who do penance according to the measure of each one's sin. In carrying out penance ... it is not so much the measure of time that should be considered as the measure of sorrow. ... Nevertheless, the times of penance are rightly established by those who preside over the Church, so that satisfaction may also be made to the Church itself, in which those sins are remitted"; and *Sermon* 351, 4, 9 (cited in the same place, p. 121): "Let him come to—

—the bishops ... and ... receive from the ministers of the sacraments the manner of his satisfaction. ... So that, if his sin ... has caused so great a scandal to others, and if the bishop judges it expedient for the benefit of the Church, let him not refuse to perform penance in the knowledge of many, or even of the whole people."

Leo the Great (died 461), at the beginning of the period in which the use of private penance began to prevail more widely and rapidly, aptly expresses the sense of Tradition in *Epistle* 159, 6: "The times of penance, with due moderation, are to be established by your judgment, according as you perceive the dispositions of converts to be devout; likewise taking account of advanced age and considering the necessities arising from dangers of whatever kind or from illness" (M.L. 54, 1138).

As a conclusion, Galtier observes: "The logical consequence of the foregoing principle was that priests could, according to the suitability or necessity of place, time, or the sinner himself, relax public penance in part or omit it altogether. No one, surely, would think that all always drew or admitted this consequence with equal readiness at the same period and with the same disposition of mind; on the contrary, a different practice then arose in the Churches by the very nature of the matter. Yet at least it follows that the same sins which were punished by public penance as a matter of right and custom could, as a matter of fact and at least by way of exception, be remitted without it, without thereby being considered to introduce a new form of penance. The same exercise of the power of the keys was involved, although administered in one manner or another. Where, therefore, the custom prevailed that public penance was no longer imposed except upon a few and by way of exception, that was a change of customs, not of principles."[996]

[996] Galtier, op. cit., no. 279, p. 202.

2. CERTAIN SAYINGS AND DEEDS OF THE FATHERS

These plainly indicate the use of a particular kind of penance carried out without enrollment in the order of penitents, and which can therefore rightly be called private penance.

Tertullian as a Montanist distinguishes between lighter sins, remissible by a bishop, and graver or mortal sins, which he regards as irremissible by the Church. These graver sins, however, were those for which public penance was required and for which absolution and reconciliation were granted among Catholics—something which Tertullian denies the Church has the power to grant. Consequently Tertullian bears witness, agreeing with the Catholics on this point, that besides public penance another manner of penance existed in the Church through which lesser sins were remitted. *On Modesty* 18 (cited in volume I, p. 104): "Apart from that kind of penance after faith, which either can obtain forgiveness from the bishop for lighter offenses, or from God alone for greater and irremissible ones." Likewise, chapter 2 (cited in the same place, p. 102): "In accordance with this distinction among offenses, the condition of penance is also distinguished. One is that which—

—can obtain forgiveness, that is, in the case of a remissible offense; another, which can by no means obtain it, that is, in the case of an irremissible offense."

Vacandard (in *Revue du clergé français*, vol. 24 [1900], pp. 127–131), together with Döllinger, Rolfs, A. Kirsch, and de Labriolle, teaches that, according to Tertullian, the lesser sins were remitted by public penance, whereas the greater ones are said to have been excluded from that same public and unique penance. Nevertheless, this interpretation is excluded both by the fact that public penance was regarded by everyone as not repeatable and by Tertullian's own words, which distinguish a twofold penance: "One [penance] which can obtain forgiveness ... another which cannot obtain it by any means," and "Apart from that kind of penance."[997]

[997] Cf. Galtier, L'Église et la rémission des péchés (Paris, 1932), pp. 274–316; D'Alès, L'Édit de Calliste (Paris, 1914), pp. 437 ff.

A teaching similar to that of the Montanists later became the teaching of the Novatians, as is evident from Ambrose's refutation, *On Penance* 1, 3, 10 (cited in volume I, pp. 47 ff.): "But they [the Novatians] say that, with the more serious crimes excepted, they grant pardon for lighter ones. Yet Novatian himself, the author of your error, did not hold this; for he thought that penance should be given to no one. ... In him, therefore, you condemn your own father by your own judgment, you who make a distinction among sins."

Origen, *Homilies on Leviticus* 15, 2, distinguishes between penance for the more serious offenses, which is granted only once (and hence public penance, which, at least in the earlier centuries, was granted only once), and penance for ordinary offenses, which can always be obtained (and hence private penance, or penance distinct from public and solemn penance): "In the more serious crimes a place for penance is granted only once; but those ordinary offenses into which we frequently fall always receive penance and are remitted without interruption" (M.G. 12, 561). Moreover, that, according to Origen, this private penance is sacramental, or involves recourse to the keys, is established both from its correlative opposition to public and ecclesiastical penance and from the fact that, in *Homilies on Numbers* 10, 1, speaking about the penance sought by souls that are themselves pious and more fervent, he writes: "For their sins they do penance, they feel their wounds, they recognize their falls, they seek a priest, they ask for healing, they seek purification through the high priest" (M.G. 12, 635, 638).

Moreover, in *Homilies on the Psalms* 37, homily 2, 6 (cited in volume I, p. 110, and here, pp. 394 ff. and 756), in denying the necessity of public confession and penance, by that very fact he affirms the existence of private, indeed secret, penance. This is so evident that Rationalists are compelled to have recourse to denying the sacramental character of this private penance.

Cyprian, *Epistle* 55 (to Pope Cornelius), 15 ff., imposed upon those returning from the schism—

—of the deacon Felicissimus a certain manner of penance which may rightly be called *private*, since it was so easy and reduced that it provoked complaints from the faithful people and seemed almost too lenient even to Cyprian himself: "I almost offend by remitting offenses more than is fitting: I embrace with prompt and complete affection those who return with penance, confessing their sin with humble and simple satisfaction" (M.L. 3, 825).

In *Epistle* 62 (to Pomponius), 4 (cited on p. 385), concerning fallen virgins, he determines that those who have remained virgins should be admitted to the Church immediately, "having received communion"; whereas those who have lost their virginity should perform public penance, or "full penance ... and ... after a just time has been assessed, having made their confession [*exomologesis*], should then return to the Church."

In *Epistle* 52, 17, distinguishing between the *libellatici* (who had procured for themselves a certificate or written testimony concerning the act of sacrifice without actually sacrificing) and those who *had sacrificed* (who had in fact offered sacrifice to idols), he grants the former immediate ("to be admitted for the present") and therefore private penance; whereas he imposes upon the others public or full penance until death: "It was decided ... after the cases of individuals had been examined, that the *libellatici* should be admitted for the present, while help should be given to those who had sacrificed at their departure [from life]"—and indeed after they "have performed full penance for a long time"

(*Epistle* 54, 1): "for there is no confession [*exomologesis*] among the dead, nor can anyone be compelled by us to penance if the fruit of penance is withdrawn" (M.L. 3, 783).

In *On the Lapsed*, 28 (cited in Volume I, p. 113), Cyprian speaks of those who neither sacrificed nor requested a certificate of sacrifice, but who nevertheless, because they thought about that crime, make confession [*exomologesis*], "confessing sorrowfully and simply before the priests of God." If the penance of the *libellatici* was not public, much more must the confession [*exomologesis*] of these persons be called private.

The Didascalia Apostolorum, 38, advises the bishop to correct privately a sinner denounced to him, and only when private correction has been rendered ineffective by that person's obstinacy to have recourse to public correction. Public correction here means the very exercise of public penance, since it is prescribed that the sinner be admitted only to "hearing" the readings and "does not share in the prayer"; hence private correction is to be understood as private penance, or the remission of sin without enrollment in the order of penitents.

Methodius (died about 311), *On Leprosy*, 7, 4: 7–8 (ed. Bonwetsch, pp. 460 ff.), teaches that a sin can be healed by a bishop through private "prayer and corrections," together, if expedient, with a brief exclusion of the sinner from gatherings of the faithful; but if the sinner should be negligent or—

—hardened, he must be altogether repelled from the communion of the sacraments, in which indeed public penance principally consisted.[998]

[998] To this text Galtier observes: "Not everyone will perhaps be willing to recognize private penance in the treatment of sin described by St. Methodius of Olympus. We do not really see in what respect this administration of penance differs from what is today called private confession" (Dictionnaire apologétique, article "Pénitence," col. 1838).

Almost the same manner of dealing with a sinner is conveyed by the words of Asterius of Amasea, *Homily* 13, cited on pp. 399 and 758.

The Council of Elvira (in Spain), about the year 300, canon 14: "Virgins who have not preserved their virginity, if they have married and retained as husbands those who violated them, since they have violated only the rule concerning marriage, ought to be reconciled after one year without penance. But if they have known other men, since they have committed fornication, it was decided that they ought to be admitted to communion after five years, legitimate penance having been performed" (Mansi 2, 8). In the former case those virgins are indeed ordered to abstain from communion for a year, but they are not subjected to public penance or aggregated to the order of penitents.

Gregory of Nyssa, *Canonical Epistle* 6 (M.G. 45, 233), says that for theft voluntarily confessed nothing but almsgiving is to be imposed. Yet it is scarcely credible that the holy Doctor considered such a sin, which is numbered among grave sins by Scripture itself, not subject to absolution and the keys of the Church; hence it may legitimately be concluded that Gregory held such a sin to be an object of private absolution.

Nor is it relevant that in Basil, *Epistle* 227, canon 61 (M.G. 32, 800), the same sin is punished by separation from communion for an entire year, since the offender is said to be placed immediately in the last grade of *standing with the faithful* [*consistentia*], in which the penitents could scarcely be distinguished from non-penitents, and he is therefore dispensed from the three grades which principally constituted public penance. The same Basil, *Epistle* 199, canon 34 (cited on pp. 757 and

962), orders adulterous women to be placed in that same grade of *standing*. In this again some manner of private penance may be seen.

The existence of this penance is rightly gathered likewise from the words of the Third Council of Carthage ("Whatever is a public crime ..."; therefore, for a sin which is not public there was private reconciliation),[999] Innocent I ("Hidden sins are not subject to public punishment"), Augustine ("Secret things are to be corrected secretly"), the Council of Vaison ("That he may labor toward compunction through secret corrections"), and—

[999] Batiffol, Études d'histoire et de théologie positive (Paris, 1926), p. 222, note, observes: "The imposition of hands is therefore the sign of reconciliation. But [according to the Council of Carthage] reconciliation is public only if the crime has been a public scandal. An inference confirmed by the constant practice of reconciling penitents on their deathbed."

—Caesarius of Arles ("He who receives penance publicly could have performed it more secretly"), which we cited in the preceding Conclusion.

Augustine, besides his teaching concerning the secret penance of secret sins, explained in the preceding Conclusion (pp. 963–965), has many statements by which he equivalently bears witness to the existence of private penance.

From public penance, which he calls "sorrowful and lamentable penance," "the greater humiliation of penance," "greater and more notable penance," and "the humiliation of penance, such as is given in the Church to those who are properly called penitents" (*Eighty-three Different Questions*, q. 26; *On the Creed to Catechumens*, 7 ff.; *Epistle* 151, 9; *On Faith and Works*, 26, 48), he excepts, first, many sinners who fall through a certain weakness of mind rather than malice, such as the young and untrained (*Eighty-three Different Questions*, q. 26; *Enchiridion* 81; *On the Literal Meaning of Genesis* 10, 13, 23; *Unfinished Exposition of Romans* 16); and secondly, because of the danger of revelation or delay, certain cases even of graver and capital sins: namely, cases of homicide (*Sermon* 82, 8), adultery (*ibid.*), theft (*Epistle* 153, 21), and approaching death (*Epistles* 151, 9; 158, 2).

He further distinguishes between two corrections, "different according to the diversity of faults" (*On Rebuke and Grace* 15, 46), namely, one public and the other private (*On Faith and Works* 3, 4), which he explicitly distinguishes from "that humiliation of penance ... [which] is given in the Church to those who are properly called penitents" (*ibid.* 26, 48). "Nor is the Apostle contrary to the Lord, because he says, 'Rebuke those who sin before all, that the rest may have fear' (1 Tim. 5:20), whereas the Lord says, 'Correct him between yourself and him alone.' Both things must be done, as the diversity of infirmities advises, in the case of those whom we undertake not to destroy, but certainly to correct and heal; one person must be healed in this way, another in that way. Thus there is also reason to pass over and tolerate evil persons in the Church; and there is again reason to chastise and correct, *not to admit or to remove from communion*" (*On Faith and Works* 3, 4; M.L. 40, 200). "If there were not certain persons to be healed, not by that humiliation of penance such as is given in the Church to those who are properly called penitents, but by the remedies of certain corrections, the Lord Himself would not say, 'Correct him between yourself and him alone; and if he hears you, you have gained your brother' (Matt. 18:15)" (*ibid.* 26, 48; M.L. 40, 228).

As regards penance to be imposed upon converts from heresy, he distinguishes between the penance given to those who had not previously belonged to the Church (which was accomplished by a simple imposition of hands) and the "more humble penance" given to apostates from the faith (*Epistle* 93,

53; *On Baptism, Against Petilian*, 12, 20). This "more humble penance," however, is the same as public penance (*Sermon* 296, 11 ff.); therefore the other, being distinct from it, must be called not public but private.

The adversaries object from Augustine himself in favor of their opinion. For whenever the holy Doctor distinguishes between sins and their remission, he adduces only a threefold manner of penance by which various sins are blotted out: namely, Baptism itself for sins committed before Baptism, the Lord's Prayer for lighter sins committed after Baptism, and the performance of penance (or public penance) for the graver sins committed after Baptism. Nowhere does he enumerate a fourth class of sins which is removed through private penance. Thus *Sermon* 181, 6, 8; *Epistle* 153, 7; *Epistle* 265, 7 ff.; and *On the Creed to Catechumens* 7, 15–8, 16, where he says: "For all sins Baptism was instituted; for lighter sins, without which we cannot be, prayer was instituted. What does the prayer contain? 'Forgive us our debts, as we also forgive our debtors' (Matt. 6:12). Once we are washed in Baptism; daily we are washed in prayer. But do not commit those sins on account of which it is necessary that you be separated from the body of Christ: may this be far from you. For those whom you see doing penance have committed crimes, either adulteries or some monstrous deeds: for this reason they do penance. For if their sins were light, daily prayer would suffice to blot them out. Therefore in three ways sins are remitted in the Church: in Baptism, in prayer, in the greater humiliation of penance" (M.L. 40, 636).[1000]

[1000] Thus Boudinhon objects in Revue d'histoire et de littérature religieuses (August 1897), p. 332, and Vacandard in Revue du clergé français, vol. 17 (1899), p. 405, and vol. 16 (1898), p. 9, where he writes: "Could one wish for a clearer text than that of St. Augustine, who, in pointing out the three kinds of penance customary in his time, names penance preparatory for Baptism, public penance for grave sins committed after Baptism against the Decalogue, and finally private penance whose proper object is the expiation of venial sins not subject to the tribunal of the priest? It seems useless to insist any further upon the patristic texts. We possess no positive document in favor of secret sacramental penance."

THE REPLY is given with Galtier:

"(a) An argument from a negative of this sort, which is generally weak, is shown to be defective in this matter by Augustine himself. For in at least three passages where he professedly treats sins to be avoided and remitted after Baptism, he speaks only of those lighter sins which are blotted out by the Lord's Prayer and is entirely silent both about more serious sins and about the 'penance' by which they may be remitted: namely, *Sermon* 213, 8; *Sermon* 60, no. 3, among those recently edited by Dom Morin; and *Exposition on Psalm* 66, no. 7. Yet this subject, above all, ought to have been treated, since *Sermon* 213 is a didactic exposition addressed to those shortly to be baptized concerning the article of the Creed on 'the remission of sins' in the Church, or, as he himself says, concerning that singular 'gift' which we profess there: 'When we have said: the Holy Church, we add: the remission of sins.' Hence you see how unlawfully an argument is made from Augustine's silence in this matter.

"(b) It is false that he nowhere distinguishes more than two kinds—

—of sins and ways of remission [for sins committed after Baptism]; for, besides the cited passage in *On Faith and Works* 26, 48, he introduces the same distinction in other words both in the cited passage of *Eighty-three Different Questions*, q. 26, and in *Questions on the Heptateuch* 24–25.[1001]

[1001] "On all these things see [Galtier's] article 'Did St. Augustine Go to Confession?' in Revue pratique d'apologétique, June 1921, pp. 222–224 and 257, and Recherches de science religieuse, 1923, pp. 105–111."

"Therefore this alone remains: that Augustine, like the ancients generally, lacks a special and proper term by which to signify the remission of sin obtained otherwise than through penance properly so called. It also remains, if you wish, that whenever pardon for a sin is obtained through the Church by this other manner, 'penance' is not said to have been 'sought,' 'given,' or 'performed.' For names are taken from what is characteristic. Accordingly, whenever a sin is remitted but there is lacking that which is characteristic of remission made through the Church, namely, penance performed in some definite manner by the sinner, there is no longer any reason why it should be called penance. And in fact, in such a case, as has been said, Tertullian says 'a kind of penance'; St. Innocent, 'an image of penance'; St. Augustine says that heretics are not made 'penitents' and are admitted without 'penance' properly so called, although not without any penance at all; St. Leo the Great does not call the remission of certain sins, which he distinguishes from 'public penance,' either 'private' penance or 'penance.' Therefore, as usual, the thing exists before it is called by a proper name."[1002]

[1002] Galtier, De Paenitentia, thesis 15, nos. 293 ff. (Paris, 1931), pp. 213 ff.

3. THE PARTICULAR MANNER IN WHICH RECONCILIATION WAS GRANTED TO CERTAIN CLASSES OF OFFENDERS OR PENITENTS SHOWS THE EXISTENCE OF PRIVATE PENANCE

Such classes include those guilty of non-capital sins, monks, converts from heresy, and the dying.

Sins which were not regarded as capital, although grave in themselves, were not subjected to public penance and yet were remitted by the Church, indeed more than once, as the above testimonies of Tertullian, the Montanists, Origen, the Novatians, Ambrose, and Augustine show. Therefore their remission took place through private penance.

Hermits, monks, and nuns received the remission of sins by recourse to the keys of the Church, as is witnessed by Aphrahat (*Demonstration* 7, nos. 2, 3, 8, 14, cited on p. 397) concerning hermits, and by Basil (*Shorter Rules*, Question 288, cited on p. 398; compare Question 229, cited in the same place, and Question 110, cited on p. 758) concerning monks or nuns. Yet they were not subjected to public penance; therefore they were subjected to private penance.

Among converts from heresy, as Innocent I and Augustine testify, public penance was imposed only upon apostates, or "penance" simply so—

—called (*Innocent I, Epistle*, M.L. 20, 531), "a long satisfaction of penance" (*Innocent I, ibid.*, 475), "more humble penance" (*Augustine, On Baptism, Against Petilian*, 12, 20; cf. above, p. 984); while the others who had not previously belonged to the Church were reconciled at once by the imposition of hands.[1003] This reconciliation, therefore, can be called private penance; for this reason Innocent I calls it a certain "image of penance": "Under the image of penance we receive them by the imposition of hands. ... We receive them with the image of penance" (M.L. 20, 550 ff.).[1004]

[1003] Concerning the penitential imposition of hands, compare the statements in the treatise On Confirmation, pp. 359 ff., and below, Article 82 in Volume III, where absolution is discussed.

[1004] Galtier, in Dictionnaire apologétique, article "Pénitence," col. 1839, notes concerning the evidential force of the practice of reconciling heretics, in the text and note: "Their case is among the most significant. It makes it possible to demonstrate the existence of penitential reconciliation without preceding public penance. ... Twenty years ago, the Rev. Fr. Harent (La méthode apologétique dans la question des sacrements, in Études, 1901, vol. 87, pp. 111 ff.) invited researchers to look in this direction to discover traces of this more discreet and more customary administration of

penance. Two centuries earlier Quesnel had already made the comparison: 'When I read here of the imposition of hands,' he wrote in connection with the reconciliation of heretics (note 19 on Pope St. Leo's letter to Rusticus, reproduced in M.L. 54, 1505A), 'I can scarcely restrain myself from turning the eyes of my mind to the rite of secret confession and sacramental absolution as it is performed today.'" The final quoted sentence is Quesnel's Latin, translated here into English.

Leo the Great makes a similar distinction of discipline when dealing with the reconciliation of Catholics who, living among pagans, had been defiled by their crimes, especially idolatry. *Epistle* 167, 19: "If they have merely shared in the company of pagans and used foods offered to idols, they can be purified by fasts and the imposition of hands, so that henceforth, abstaining from things sacrificed to idols, they may partake of the sacraments of Christ. But if they have either worshipped idols or been defiled by murders or acts of fornication, they ought not to be admitted to communion except through public penance" (M.L. 54, 1209; cf. *Epistle* 159, 5–7, M.L. 54, 1138 ff.).

To the dying, absolution from sins was granted by the very common practice of the Church, as is evident from the documents adduced on pp. 927 ff., 931–934, and 943–945, compared with p. 363. This absolution was granted even for capital sins which were the object of public penance, and even to sinners who had not been placed in the order of penitents: both those who had not requested public penance and had even deliberately postponed it to the end of life, and those to whom, as relapsed sinners, a second public penance was denied.

Now such an administration of the sacrament cannot be called public penance, but must be called penance altogether private. For, first, it consists in secret confession and in absolution conferred privately; secondly, in the case of dying relapsed sinners, this itself was a second penance, whereas public penance was granted only once; thirdly, it did not place the dying person in the aforesaid order of penitents, which was regarded as a definite condition of expiation and separation from the assembly of the faithful. Nor does it matter that the canons prescribed that—

—if the absolved dying persons survived, they should be subjected to public reconciliation together with those who belonged to the order of penitents; for this probably did not concern relapsed sinners (since public penance was not granted twice), and in other cases it did not properly constitute enrollment in the order of penitents, because such dying persons were immediately placed in the fourth and last station (that of the *consistentes*, or "standers"), in which penitents could scarcely be distinguished from non-penitents.

And this is sufficient concerning Contrition and Confession, in which the matter of this sacrament chiefly comes together. For the purpose of making satisfaction, which is the final part of the same matter, is virtually contained in the act of contrition. But concerning Satisfaction itself, which is both the execution of that purpose and the completion of the sacrament already performed, the discussion will be in the following volume, together with Absolution, from which the sacrament derives its sacramental character and efficacy.