

either condemned to suffer death, or corrected, or chastised with stripes, none ever sick and near his end, but they called upon him to repent and confess his sins.

Of malefactors convict by witnesses, and thereupon either adjudged to die, or otherwise chastised, their custom was to exact, as Joshua did of Achan, open confession<sup>1</sup>: "My son, now give glory to the Lord God of Israel; confess unto him, and declare unto me what thou hast committed; conceal it not from me."

Concerning injuries and trespasses which happen between men, they highly commend such as will acknowledge before many. "It is in him which repenteth accepted as an high sacrifice, if he will confess before many, make them acquainted with his oversights, and reveal the transgressions which have passed between him and any of his brethren; saying, I have verily offended this man, thus and thus I have done unto him; but behold I do now repent and am sorry. Contrariwise, whosoever is proud, and will not be known of his faults, but cloaketh them, is not yet come to perfect repentance; for so it is written<sup>3</sup>, 'He that hideth his sins shall not prosper:.' which words of Salomon they do not further extend, than only to sins committed against men, which are in that respect meet before men to be acknowledged particularly. "But in sins between man and God, there is no necessity that man should himself make any such open and particular recital of them: to God they are known, and of us it is required, that we cast not the memory of them carelessly and loosely behind our backs, but keep in mind, as near as we can, both our own debt and his grace which remitteth the same.

[5.]<sup>m</sup> Wherefore, to let pass Jewish confession, and to come unto them which hold confession in the ear of the priest commanded, yea, commanded in the nature of a sacrament, and thereby so necessary that sin without it cannot be par-

<sup>m</sup> v. D.

text. Comp. Tract. Teshuboth, c. i. § 3.] "None of them, whom either the house of judgment hath condemned to die, or of them which are to be punished with stripes, can be clear by being executed or scourged, till they repent and con-

fess their faults." [Ibid.] "To him which is sick and draweth towards death, they say, Confess."

<sup>1</sup> Jos. vii. 19.

<sup>2</sup> [Maimonid. in Tract. Teshuboth, c. ii. § 6.]

<sup>3</sup> [Prov. xxviii. 13.]

doned; let them find such a commandment in holy Scripture, and we ask no more. John the Baptist was an extraordinary person; his birth, his actions of life, his office extraordinary. It is therefore recorded for the strangeness of the act, but not set down as an everlasting law for the world<sup>1</sup>, "that to him Jerusalem and all Judæa made confession of their sins;" besides, at the time of this confession, their pretended sacrament of repentance, as they grant, was not yet instituted; neither was it sin after baptism which penitents did there confess. When that which befell the seven sons of Sceva<sup>2</sup>, for using the name of our Lord Jesus Christ in their conjurations, was notified to Jews and Grecians in Ephesus, it brought an universal fear upon them, insomuch that divers of them which had believed before, but not obeyed the laws of Christ as they should have done, being terrified by this example, came to the Apostle, and confessed their wicked deeds. Which good and virtuous act no wise man, (as I suppose,) will disallow, but commend highly in them, whom God's good Spirit shall move to do the like when need requireth. Yet neither hath this example the force of any general commandment or law, to make it necessary for every man to pour into the ears of the priest whatsoever hath been done amiss, or else to remain everlastingly culpable and guilty of sin; in a word, it proveth confession practised as a virtuous act, but not commanded as a sacrament.

Now concerning St. James his exhortation<sup>3</sup>, whether the former branch be considered, which saith, "Is any sick amongst you? let him call for the ancients of the Church, and let them make their prayers for him;" or the latter, which stirreth up all Christian men unto mutual acknowledgment of faults among themselves, "Lay open your minds, make your confessions one to another;" is it not plain, that the one hath relation to that gift of healing, which our Saviour promised his Church, saying<sup>4</sup>, "They shall lay their hands on the sick, and the sick shall recover health;" relation to that gift of healing, whereby the Apostle imposed his hands on the father of Publius<sup>5</sup>, and made him miraculously a sound

<sup>1</sup> Matt. iii. 6.

<sup>2</sup> Acts xix. 18. [Alleged by Bel-larmine, de Pœnit. iii. c. 4.]

<sup>3</sup> James v. 14, 16.

<sup>4</sup> Mark xvi. 18.

<sup>5</sup> Acts xxviii. 8.

man; relation, finally, to that gift of healing, which so long continued in practice after the Apostles' times, that whereas the Novatianists denied the power of the Church of God in curing sin after baptism, St. Ambrose asked them again<sup>1</sup>, "Why it might not as well prevail with God for spiritual as for corporal and bodily health; yea, wherefore," saith he, "do ye yourselves lay hands on the diseased, and believe it to be a work of benediction or prayer, if happily the sick person be restored to his former safety?" And of the other member, which toucheth mutual confession, do not some of themselves, as namely Cajetan<sup>2</sup>, deny that any other confession is meant, than only that, "which seeketh either association of prayers, or reconciliation, and pardon of wrongs?" Is it not confessed by the greatest part of their own retinue<sup>3</sup>, that we cannot certainly affirm sacramental confession to have been meant or spoken of in this place? Howbeit Bellarmine, delighted to run a course by himself where colourable shifts of wit will but make the way passable, standeth as formally for this place<sup>4</sup>, and no less for that in St. John, than for this.

St. John saith<sup>5</sup>, "If we confess our sins, God is faithful and just to forgive our sins, and to cleanse us from all unrighteousness;" doth St. John say, If we confess to the priest, God is righteous to forgive; and if not, that our sins are unpardonable? No, but the titles of God, *just* and *righteous*, do import that he pardoneth sin only for his promise sake; "And there is not" (they say) "any promise of forgiveness upon confession made to God without the priest<sup>6</sup>." Not any promise, but with this condition, and yet

<sup>1</sup> Ambros. de Pœnitentia, lib. i. cap. 8. ["Cur ergo manus imponitis, et benedictionis opus creditis, si quis forte revaluerit ægrotus? Cur præsumitis aliquos a colluvione Diaboli per vos mundari posse? Cur baptizatis, si per hominem peccata dimitti non licet."] <sup>2</sup> [De Pœnit. lib. iii. c. 4.]

<sup>3</sup> [In loc. "Nec hic est sermo de confessione sacramentali: (ut patet ex eo quod dicit, 'confitemini invicem.' Sacramentalis enim confessio non fit invicem, sed sacerdotibus tantum;) sed de confessione, qua mutuo fatemur nos peccatores, ut oretur pro nobis; et de confessione hinc et inde eratorum, pro mutua placatione et reconciliatione." fol. 419. Ludg. 1556.]

<sup>4</sup> Annot. Rhem. in Jac. 5. ["It is not certain that he speaketh here of sacramental confession, yet the circumstance of the letter well beareth it, and very probable it is that he meaneth of it."] p. 653. ed. 1582.] <sup>5</sup> [De Pœnit. lib. iii. c. 4.] <sup>6</sup> 1 John i. 9. <sup>7</sup> [Bellarm. ubi sup. "Verba illa, 'Fidelis est et justus,' refe-

this condition no where exprest? Is it not strange, that the Scripture speaking so much of repentance, and of the several duties which appertain thereunto, should ever mean, and no where mention, that one condition, without which all the rest is utterly of none effect? or will they say, because our Saviour hath said to his ministers, "Whose sins ye retain," &c. and because they can remit no more than what the offenders have confest, that therefore, by virtue of this<sup>a</sup> promise, it standeth with the righteousness of God to take away no man's sins, until by auricular confession they be opened unto the priest?

[6.]<sup>o</sup> They are men that would seem to honour antiquity, and none more to depend upon the reverend judgment thereof. I dare boldly affirm, that for many hundred years after Christ the Fathers held no such opinion; they did not gather by our Saviour's words any such necessity of seeking the priest's absolution from sin, by secret and (as they now term it) sacramental confession: public confession they thought necessary by way of discipline, not private confession, as in the nature of a sacrament, necessary.

For to begin with the purest times, it is unto them which read and judge without partiality a thing most clear, that the ancient *ἐξομολόγησις* or Confession, defined by Tertullian<sup>1</sup> to be a discipline of humiliation and submission, framing men's behaviour in such sort as may be fittest to move pity, the confession which they use to speak of in the exercise of repentance, was made openly in the hearing of the whole both ecclesiastical consistory and assembly. <sup>2</sup>This is the reason

<sup>a</sup> his E.

<sup>o</sup> vi. D.

"runtur ad promissionem divinam: ideo enim Deus fidelis et justus dicitur, dum peccata confitentibus remittit, quia stat promissis suis, nec fidem fallit. At promissio de remittendis peccatis iis qui confitentur Deo peccata sua, non videtur ulla exstare in divinis literis: exstat autem promissio apertissima iis qui ad illos accedunt, quibus dictum est Joannis XX<sup>mo</sup>, 'Quorum remisistis peccata, remittuntur eis.'" <sup>1</sup> [De Pœnit. c. ix. "Exomologesis prosternendi et humilificandi hominis disciplina est, conversationem injungens misericordiae illis." <sup>2</sup> "Plerosque hoc opus ut publicationem sui aut suffugere, aut de die in diem differre præsumo putis; velut illi qui, in partibus vecundioribus corporis contracta vexatione, conscientiam medentium vitant, et ita cum erubescencia sua pereunt." Tertull. de Pœnit. [c. 10.]

wherefore he perceiving that divers were better content their sores should secretly fester and eat inward, than be laid so open to the eyes of many, blameth greatly their unwise bashfulness, and to reform the same, persuadeth with them, saying<sup>1</sup>, "Amongst thy brethren and fellow-servants, which are "partakers with thee of one and the same nature, fear, joy, "grief, sufferings," (for of one common Lord and Father we "all have received one spirit,) why shouldst thou not think "with thyself, that they are but thine ownself? wherefore "dost thou avoid them, as likely to insult over thee, whom "thou knowest subject to the same haps? At that which "grieveth any one part, the whole body cannot rejoice, it "must needs be that the whole will labour and strive to help "that wherewith a part of itself is molested."

St. Cyprian, being grieved with the dealings of them, who in time of persecution had through fear betrayed their faith, and notwithstanding thought by shift to avoid in that case the necessary discipline of the church, wrote for their better instruction the book intituled *De Lapsis*; a treatise concerning such as had openly forsaken their religion, and yet were loth openly to confess their fault in such manner as they should have done: in which book he compareth with this sort of men, certain others which had but a purpose only to have departed from the faith; and yet could not quiet their minds, till this very secret and hidden fault was confest: "How much both greater in faith," saith St. Cyprian<sup>2</sup>, "and "also as touching their fear better are those men, who "although neither sacrifice nor libel<sup>3</sup> could be objected "against them, yet because they thought to have done that

<sup>1</sup> [Idem ibid. "Inter fratres "atque conservos, ubi communis "spes, metus, gaudium, dolor, passio, (quia communis spiritus de "communi Domino et Patre) quid "tu hos aliud quam te opinaris? "Quid consortes casuum tuorum ut "plausores fugis? Non potest corpus de unius membri vexatione "lætum agere: condoleat universum, et ad remedium conlaboret "necesse est."]

<sup>2</sup> [De Laps. c. 14. "Quanto et "fide majores et timore meliores

"sunt, qui quamvis nullo sacrificii "aut libelli facinore constricti, quoniam tamen de hoc vel cogitarunt, hoc ipsum apud sacerdotes "Dei dolenter, et simpliciter confitentur, exomologesin conscientiae faciunt, animi sui pondus exponunt, salutarem medelam parvis "licet et modicis vulneribus exquirunt."]

<sup>3</sup> [Qui necessitatem sacrificandi pecunia apud magistratum redimebant, accepta securitatis syngrapha Libellatici dicebantur.]

"which they should not, even this their intent they dolefully "open unto God's priests; they confess that whereof their conscience accuseth them, the burden that presseth their minds "they discover, they foreslow not of smaller and slighter evils "to seek remedy." He saith, they declared their fault, not to one only man in private, but they revealed it to God's priests; they confest it before the whole consistory of God's ministers.

Salvianus, (for I willingly embrace their conjecture, who ascribe those homilies to him, which have hitherto by common error past under the counterfeit name of Eusebius Emesenus<sup>1</sup>;) I say, Salvianus, though coming long after Cyprian in time, giveth nevertheless the same evidence for this truth, in a case very little different from that before alleged; his words are these: "<sup>2</sup>Whereas, most dearly beloved, we see that "penance oftentimes is sought and sued for by holy souls "which even from their youth have bequeathed themselves a "precious treasure unto God, let us know that the inspiration "of God's good spirit moveth them so to do for the benefit of "his Church, and let such as are wounded learn to inquire "for that remedy, whereunto the very soundest do thus offer "and obtrude as it were themselves, that if the virtuous "do bewail small offences, the other cease not to lament great. "And surely, when a man that hath less need, performeth *sub oculis Ecclesiae*, in the view, sight, and beholding of the "whole Church, an office worthy of his faith and compunction for sin, the good which others thereby reap is his own

<sup>1</sup> [For an account of the literary history of these Homilies, and of the various opinions which have been entertained regarding their origin, see Oudin. Comment. de Scriptor. Eccles. i. 390-426. He does not mention Salvian [† c. 485.] as one of the supposed authors, but after deciding against the claims of Eucherius [of Lyons, † c. 449.] and Hilary of Arles [† c. 449.], acquiesces in that of Faustus Regiensis [of Riez, † 493].]

<sup>2</sup> Hom. i. de initio Quadragesimae, [tom. v. par. i. p. 552. Biblioth. Patr. Col. Agripp. 1618. "Quod "autem, charissimi, videmus aliquoties etiam illas animas poenitentiam petere, quæ ab ineunte

"adolescencia consecrata pretiosum "Deo thesaurum devoverunt, inspirare hoc Deum pro Ecclesiae nostræ profectibus noverimus: ac "medicinam quam invadunt sani "discant quærere vulnerati: ut "bonis etiam parva deflentibus, ingentia ipsi mala lugere consuescant: ac si quando jam illa per- "sona quæ forte minus indiget poenitentia aliquid fide dignum atque "compunctum sub oculis Ecclesiae "gerit, fructum suum etiam de "aliena ædificatione multiplicat, et "meritum suum de lucro proficientis "accumulat; ut dum perfectione "illius emendatur alterius vita, spiritali fœnore ad ipsum boni operis "recurrat usura."]

"harvest, the heap of his rewards groweth by that which  
"another gaineth, and through a kind of spiritual usury, from  
"that amendment of life which others learn by him, there  
"returneth lucre into his coffers."

The same Salvianus, in another of his Homilies<sup>1</sup>, "If  
"faults happily be not great and grievous, (for example, if a  
"man have offended in word, or in desire, worthy of reproof,  
"if in the wantonness of his eye, or the vanity of his heart,)  
"the stains of words and thoughts are by daily prayer to be  
"cleansed, and by private compunction to be scoured out: but  
"if any man examining inwardly his own conscience, have  
"committed some high and capital offence, as, if by bearing  
"false witness he have quelled and betrayed his faith, and by  
"rashness of perjury have violated the sacred name of truth;  
"if with the mire of lustful uncleanness he have sullied the  
"veil of baptism, and the gorgeous robe of virginity; if by  
"being the cause of any man's death, he have been the death  
"of the new man within himself; if by conference with sooth-  
"sayers, wizards, and charmers, he hath enthralled himself to  
"Satan: these and such like committed crimes cannot throughly  
"be taken away with ordinary, moderate, and secret satisfac-  
"tion; but greater causes do require greater and sharper  
"remedies: they need such remedies as are not only sharp,  
"but solemn, open, and public." Again<sup>2</sup>, "Let that soul,"  
saith he, "answer me, which through pernicious shamefast-  
"ness is now so abasht to acknowledge his sin *in conspectu*

<sup>1</sup> Hom. 10, ad Monachos, [p. 586, 7. "Si levia sunt fortasse delicta; verbi gratia, si homo vel in sermone, vel in aliqua reprehensibili voluntate, si oculo peccavit, aut corde; verborum et cogitationum maculae quotidiana oratione curandae, et privata compunctione tergendae sunt. Si vero quisque conscientiam suam intus interrogans, facinus aliquod capitale commisit, aut si fidem suam falso testimonio expugnavit ac prodidit, ac sacrum veritatis nomen perjurii temeritate violavit; si velum baptismi vel tunicam et speciosam virginitatis holosericam coeno commaculati pudoris infecit; si in semet ipso novum hominem

"nece hominis occidit; si per augures et divinos atque incantatores captivum se Diabolo tradidit: haec atque hujusmodi commissa expiari penitus communi et mediocri vel secreta satisfactione non possunt, sed graves causae] graviores et aciores et publicas curas requirunt."

<sup>2</sup> Hom. 8. ad Monach. [p. 585. "Respondeat mihi illa anima, quae peccatum suum confusione mortifera in conspectu fratrum sic agnoscere erubuit, quomodo vitare debuisset; quid faciet, cum ante tribunal divinum, cum ante caelestis militiae fuerit praesentata consessum?"]

"*fratrum*, before his brethren, as he should have been before  
"abasht to commit the same, what he will do in the presence  
"of that Divine tribunal, where he is to stand arraigned in  
"the assembly of a glorious and celestial host?"

I will hereunto add but St. Ambrose's testimony; for the places which I might allege are more than the cause itself needeth. "There are many," saith he<sup>1</sup>, "who fearing the judgment that is to come, and feeling inward remorse of conscience, when they have offered themselves unto penitency and are enjoined what they shall do, give back for the only scar which they think that public supplication will put them unto." He speaketh of them which sought voluntarily to be penanced, and yet withdrew themselves from open confession, which they that were penitents for public crimes could not possibly have done, and therefore it cannot be said he meaneth any other than secret sinners in that place.

Gennadius, a Presbyter of Marsiles, in his book touching Ecclesiastical Assertions, maketh but two kinds of confession necessary: the one in private to God alone for smaller offences; the other open, when crimes committed are heinous and great<sup>2</sup>: "Although," saith he, "a man be bitten with the conscience<sup>p</sup> of sin, let his will be from thenceforward to sin no more; let him, before he communicate, satisfy with tears and prayers, and then putting his trust in the mercy of Almighty God (whose wont is to yield unto godly confessions) let him boldly receive the sacrament. But I speak this of such as have not burthened themselves with capital sins: them I exhort to satisfy first by public penance,

<sup>p</sup> with conscience E.

<sup>1</sup> Lib. ii. de Poenitentia, c. 9. ["Plerique futuri supplicii metu, peccatorum suorum conscii, poenitentiam petunt; et cum acceptum, publicae supplicationis revocantur pudore." t. ii. p. 434 e.]  
<sup>2</sup> [De Ecclesiasticis dogmatibus, in Appendix to S. Augustine's works, ascribed doubtfully to Gennadius, †493.] Cap. 53. ["Quamvis quis peccato mordeatur, peccandi non habet cetero voluntatem, et communicatur satisfaciatur lacrymis et orationibus, et confidens de Domini miseratione, qui peccata pia confessioni donare consuevit, accedat ad Eucharistiam intrepidus et securus. Sed hoc de illo dico quem capitalia et mortalia peccata non gravant: nam quem mortalia crimina post Baptismum commissa premunt, horror prius publica poenitentia satisfacere, et ita sacerdotis judicio reconciliatum communioni sociari, si vult non ad judicium et ad condemnationem sui Eucharistiam percipere."]

BOOK VI. "that so being reconciled by the sentence of the priest, they  
Ch. iv. 6. "may communicate safely with others."

Thus still we hear of public confessions, although the crimes themselves discovered were not public; we hear that the cause of such confessions was not the openness, but the greatness, of men's offences; finally, we hear that the same being now not held<sup>1</sup> by the church of Rome to be sacramental, were the only penitential confessions used in the Church for a long time, and esteemed as necessary remedies against sin.

They which will find auricular confessions in St. Cyprian<sup>1</sup>, therefore, must seek out some other passage than that which Bellarmine allegeth; "Whereas in smaller faults which are "not committed against the Lord himself, there is a competent time assigned unto penitency, and that confession is "made, after that observation<sup>2</sup> and trial had been had of "the penitent's behaviour, neither may any communicate till "the Bishop and clergy have laid their hands upon him; "how much more ought all things to be warily and stayedly "observed, according to the discipline of the Lord, in those "most grievous and extreme crimes." St. Cyprian's speech is against rashness in admitting idolaters to the holy Communion, before they had shewed sufficient repentance, considering that other offenders were forced to stay out their time, and that they made not their public confession, which was the last act of penitency, till their life and conversation had been seen into, not with the eye of auricular scrutiny, but of pastoral observation, according to that in the council of Nice<sup>3</sup>, where, thirteen years being set for the penitency

<sup>1</sup> now held E.

<sup>1</sup> Cypr. Epist. 12. [al. 17. c. 1. ap. Bellarm. de Pœnit. lib. iii. c. 7. "Cum in minoribus delictis, quæ non in Dominum committuntur, pœnitentia agatur justo tempore, et exomologesis fiat, inspecta vita ejus, qui agit pœnitentiam, nec ad communicationem venire quis possit, nisi prius illi ab Episcopo et Clero manus fuerit imposita, quanto magis in his gravissimis et extremis delictis caute omnia et moderate secundum disciplinam

"Domini observari oportet!" t. ii. 39. ed Fell.]

<sup>2</sup> "Inspecta vita ejus qui agit "pœnitentiam."

<sup>3</sup> Conc. Nic. par. 2. c. 12. "Pro "fide et conversatione pœnitentium." [ἐφ' ᾧ πᾶσι δὲ τοῖς προσήκει ἐξετάζειν τὴν προαίρεσιν καὶ τὸ εἶδος τῆς μετανοίας. ὅσοι μὲν γὰρ καὶ φόβῳ καὶ δάκρυσι καὶ ὑπομονῇ καὶ ἀγαθοεργίαις τὴν ἐπιστροφὴν ἔργῳ καὶ οὐ σήματι ἐπιδείκνυνται, οὗτοι πληρώσαντες τὸν χρόνον τὸν ὁρισμέ-

of certain offenders, the severity of this decree is mitigated with special caution: "That in all such cases, the mind of "the penitent and the manner of his repentance is to be "noted, that as many as with fear and tears and meekness, "and the exercise of good works, declared themselves to be "converts indeed, and not in outward appearance only, "towards them the bishop at his discretion might use more "lenity." If the council of Nice suffice not, let Gratian, the founder of the Canon Law, expound Cyprian, who sheweth<sup>1</sup> that the stint of time in penitency is either to be abridged or enlarged, as the penitent's faith and behaviour shall give occasion. "I have easilier found out men," saith St. Ambrose<sup>2</sup>, "able to keep themselves free from crimes, than "conformable to the rules which in penitency they should "observe." St. Gregory Bishop of Nyse<sup>3</sup> complaineth and inveigheth bitterly against them, who in the time of their penitency lived even as they had done always before<sup>3</sup>: "Their countenance as cheerful, their attire as neat, their "diet as costly, and their sleep as secure as ever, their "worldly business purposely followed, to exile pensive "thoughts from their minds, repentance pretended, but "indeed nothing less exprest:" these were the inspections of life whereunto St. Cyprian alludeth; as for auricular examinations he knew them not.

[7.]\* Were the Fathers then without use of private confession as long as public was in use? I affirm no such thing.

\* Nice E.

\* vii. D.

νον τῆς ἀκροάσεως εἰκότως τῶν ἐν-  
χῶν κοινωνήσουσι· μετὰ τοῦ ἐξεῖναι  
τῷ ἐπισκόπῳ καὶ φιλανθρωπότερόν τι  
περὶ αὐτῶν βουλευσάσθαι. t. ii. 36.]

<sup>1</sup> \* De Pœnitent. dist. i. cap. Mensuram. [in Corp. Jur. Can. p. 368. "Mensuram temporis in agenda "pœnitentia idcirco non satis aperte "præfigunt canones pro uno quoque "crimine, ut de singulis dicant quæ "liter unumquodque emendandum "sit, sed magis in arbitrio sacerdotis intelligentis relinquendum "statuunt, quia apud Deum non "tam valet mensura temporis quam "doloris."]

<sup>2</sup> Ambros. de Pœnitentia, lib. ii. cap. 10. ["Facilius inveni qui innocentiam servaverint quam qui con- "grue egerint pœnitentiam." t. ii. 436.]

<sup>3</sup> Greg. Nyss. Orat. in eos qui alios acerbe judicant. [tom. ii. p. 136. ed. Par. 1638. "Eadem in vultu "hilaritas, idem in corporis cultu "victuque splendor. Somno ad "satietaem usque indulgemus, negotiis et occupationibus animo "sedulitatis oblivionem injicimus, "pœnitentiæ nomen inane duntaxat, "et nullis expressum factis retinemus."]

\* The heading of the last note inserted here. D.