

## Innocent I: Insight into the History of Penance

### INTRODUCTION

The interesting, complex history of penance has elicited many studies – especially over the last century when confessional differences and scholarly presuppositions could each provide different accounts of the history of penance or of some part of its practice. By paying attention to an apparently insignificant detail, this article does not enter into those sometimes lively debates. In fact, there is even a presumption that some of the most contentious issues were not – perhaps because of the tenor of those times<sup>1</sup> – asking the best questions. A more extensive survey of the history of penance can be found elsewhere<sup>2</sup>.

### MODERATION EXPLAINED

In a letter responding to various questions posed by Exsuperius of Toulouse in 405, Pope Innocent I wrote about a change in the practice of penance, a change which he explained as having been made so as to avoid looking like the Novatians<sup>3</sup>, i.e., their “harshness and severity”. Innocent wrote:

“We have been asked what practice should be observed in the case of those who at the end of their life beg for penance and the reconciliation of communion at the same

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1. Cf. Allan FITZGERALD, “Tracing the passage from a doctrinal to an historical approach to the study of Augustine”, *Revue des Études Augustiniennes et Patristiques*, 50, 2004, p. 295-310.

2. For a more complete bibliography and for a fuller appreciation of this author’s views on the early history of penance, see Allan FITZGERALD, “Penance in the Early Church”, chapter 38 in *The Oxford Handbook of Early Christian Studies*, Susan Ashbrook Harvey and David Hunter eds., Oxford, Oxford University Press, July, 2008.

3. Novatian, as a priest in Rome and then as a bishop arrayed against the bishop of Rome, Cornelius, recommended a firm attention to the holiness of the Church – thus insisting on a rigorous penitential discipline that did not lead to pardon. See A. FITZGERALD, *Conversion through penance in the Italian Church of the Fourth and Fifth Centuries: New Approaches to the Experience of Conversion from Sin* (Studies in the Bible and Early Christianity #15), Lewiston, NY, Edwin Mellen Press, 1988.

time, even though, since the time of their baptism, they were constantly excessive in their cravings. Former discipline for such persons was harsh (*durior*), but mercy intervened to make subsequent practice more lenient (*inclinatio*). Former custom allowed for penance but denied communion. Because of the repeated persecutions of those days, lest the ease of admission to communion fail to call those assured of reconciliation from error, communion was rightly denied, and penance was allowed lest everything be denied them, and forgiveness be made all the more difficult because of the times. Once the Lord restored peace to the churches and the basis for alarm (*terrore*) was removed, it was right to give communion to the dying according to the Lord's mercy as food for the journey. Otherwise, by denying pardon, we would appear to follow (*sequi uideamur*) the harshness and severity of the heretic Novatian. Therefore, let communion be granted along with final penance so that such people, according to the will of our Savior, even at the end of life, may be delivered from eternal exile."<sup>4</sup>

This letter responds to a specific problem at the beginning of the fifth century, namely, the denial of communion to a christian who, dying, asked to be allowed to do penance and to return to communion. To justify his willingness to concede a dying christian communion along with the imposition of penance, Innocent refers to previous practice – to a time when Novatian's denial of penance was so important that the Church changed to a penitential practice that was *inclinatio*.

Thus, according to Innocent I, the custom (*consuetudo*) of the Church had been to allow penance but to deny forgiveness, that is, to deny the "communion of reconciliation". In opposition to the practice of those who followed Novatian, however, the Church began to allow those Christians who requested it at the end of their life – even though they had lived a fully unrepentant life – to accept the imposition of penance and to return to communion at the same time. Innocent described communion as food for their end-of-life journey.

Although this letter from the early fifth century may lack the detail sought by a 21<sup>st</sup> century historian, it does at least show that penitential discipline was remembered as having been knowingly changed because of new circumstances – at least on one occasion<sup>5</sup>. The impact of Novatian's attitude toward repentance

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4. INNOCENT, *Letter* 6, 6 (PL 20, 498f): "Et hoc quaesitum est, quid de his observari oporteat qui post baptismum omni tempore incontinentiae uoluptatibus dediti, in extremo fine uitae suae paenitentiam simul et reconciliationis communionis exposcunt. De his observatio prior, durior; posterior interueniente misericordia, inclinatio. Nam consuetudo prior tenuit ut concederetur eis paenitentia, sed communio negaretur. Nam cum illis temporibus crebrae persecutiones essent, ne communionis concessa facilitas homines de reconciliatione securos non reuocaret a lapsu, merito negata communio est concessa paenitentia, ne totum penitus negaretur, et durio remissionem fecit temporis ratio. Sed postquam dominus noster pacem Ecclesiis suis reddidit, iam depulso terrore, communionem dari abeuntibus placuit et propter Domini misericordiam quasi uaticum profecturis, et ne Nouatiani haeretici negantis ueniam asperitatem et duritiam sequi uideamur. Tribuetur ergo cum paenitentia extrema communio ut homines huiusmodi uel in supremis suis, permittente Salvatore Nostro, a perpetuo exilio uindicentur."

5. Since one cannot presume uniformity in penitential practice in previous times, this practice should be seen within the Roman tradition, at least until it is demonstrated to be otherwise.

on the penitential discipline in the Church was, therefore, significant, both with regard to social context and to the structure of penitential discipline. Innocent may be taken as a reliable witness to the events of his own time. Even if it may not be clear how much Innocent knew about the fact to which he refers, this paper will try to identify the time and the circumstances that led to the change to a more lenient approach to penitents who were facing death.

Not long before Innocent wrote to Exsuperius, near the end of the fourth century, Siricius had allowed for the “reconciliation of grace” at the end of life for those who were repentant<sup>6</sup>. While communion was not normally allowed to those who had done penance once and then fallen once again into serious sin<sup>7</sup>, Siricius wrote that those who were at the end of their life – in spite of their weakness – be given *viaticum* as strength for the journey at the end of life. Thus, the *reconciliationis gratiae* appears to mean both a return to the communion of the Church and the reception of Eucharist. Siricius, however, gave no indication that he was proposing a new practice nor did he make any reference to previous penitential tradition. That decision, therefore, does not help to identify just *when* Innocent’s approach to Christian practice first occurred.

Innocent’s letter does provide one clue about the time of this change in practice: it followed a time of persecution, i.e., it took place “once the Lord restored peace to the churches and the basis for alarm was removed”. Hence, one possible time for such a change is that which follows the persecution of Diocletian.

#### AFTER DIOCLETIAN

One of the canons of the Council of Arles in 314 did define some circumstances when communion at the end of life would not be given. Where someone who had left the church and, in the face of serious illness, asked to return (without, however, having given any previous indication of a desire to be part of the Church), such return to communion can only happen if, once they recover from their illness, they show, practically speaking, that their repentance is real. The basis for interpreting

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6. SIRICIUS, *Ep.* to Himerius of Tarragona I, 3 (PL 13, 1136): “Adiectum est etiam, quosdam Christianos ad apostasiam, quod dici nefas est, transeuntes, et idolorum cultu ac sacrificiorum contaminatione profanatos. Quos a Christi corpore et sanguine, quo dudum redempti fuerant renascendo, iubemus abscidi. Et si resipiscentes forte aliquando fuerint ad lamenta conuersi, his, quam diu uiuunt, agenda poenitentia est, et in ultimo fine suo reconciliationis gratia tribuenda quia docente Domine, ‘nolumus mortem peccatoris tamen ut conuertatur, et uiuat’” (Ez 18:23) and *Ep.* I, 6 (PL 13, 1137): “Quos tamen, quoniam carnali fragilitate ceciderunt, uiatico munere, cum ad Dominum coeperint proficisci, per communionis gratiam uolumus subleuari.” Cf. A. FITZGERALD, *op. cit.*, p. 53-57.

7. SIRICIUS, *Ep.* I, 6 (PL 13, 1137): “De his uero ... qui acta poenitentia, tamquam canes ac sues ad uomitus pristinos et uolutabra redeuntes ... iam suffugium non habent poenitendi...”

the meaning of “worthy fruits of penance is not provided”. Nothing indicates that this decision is new<sup>8</sup>.

“Concerning those who deny the faith and never return to the Church, not even asking to do penance, and then become sick and ask for communion, it has been decided that communion not be given to them unless they get better and do penance that bears fruit.”<sup>9</sup>

A different set of circumstances is addressed at the Council of Nicea in 325, affirming that a Christian who is dying should not normally be deprived of communion if it is requested.

“Concerning those who have come to the end of life, the ancient law is still to be maintained, such that if someone is at the point of death, he should not be deprived of the last and necessary *viaticum*. But if someone, who was going to die and received communion and shared in the offering, then recovers, let him be among those who only participate in the communion of prayer. As a general rule, however, whoever is at the end of life and requests it, the grace of communion shall be given; the bishop should most likely give it from the offering.”<sup>10</sup>

That canon presumes that such a practice is already traditional (*lex antiqua regularisque*). Hence, in affirming the practice of giving communion to the dying, the Council of Nicea shows that the tradition of giving *viaticum* is more important than any rules about penance; *viaticum* is thus regarded as a tradition to be respected. But the element of change to which Innocent I referred – a matter of no small importance in the early church – does not appear in these texts. Hence, it is not likely that Innocent was writing about the time following the Diocletian persecution. Another time-frame that can be examined and for which some significant literary evidence exists is the time after the Decian persecution.

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8. The Spanish Council of Elvira at the beginning of the fourth century had denied communion at the end of their lives for those who had participated in pagan sacrifices, cf. E. GÖLLER (*art. cit.* p. 95f.).

9. Council of Arles, c. 22 (CCL 148, 13): “De his qui apostatant et nunquam se ad ecclesiam repraesentant, ne quidem paenitentiam agere quaerunt et postea, infirmitate arrepti, petunt communionem, placuit eis non dandam communionem, nisi reualuerint et egerint dignos fructus paenitentiae.”

10. Council of Nicea, c. 13 (*Conciliorum Oecumenicorum Decreta*, eds. J. Alberigo et al., 1973, p. 10): “De his qui ad exitum uitae ueniunt, etiam nunc lex antiqua regularis que seruabitur ita, ut, si quis egreditur e corpore, ultimo et necessario uiatico minime priuetur. Quod si desperatus et consecutus communionem oblationis que particeps factus iterum conualuerit, sit inter eos, qui communionem orationis tantummodo consequuntur. Generaliter autem omni cuiuslibet in exitu posito et poscenti sibi communionis gratiam tribui, episcopus probabiliter ex oblatione dare debebit.” The Council of Valence (374) will appeal to the authority of Nicea, allowing those who offered sacrifices to demons to hope for reconciliation.

## AFTER DECIUS

In the early 250s, the North African Church changed one aspect of the treatment of penitents. After the first persecution under Decius, and fearful of an imminent return of persecution, Cyprian and his brother bishops moved to mitigate the rigors of penitential discipline. Fuller discussions of the circumstances that led to this change and of the motivations for it are discussed elsewhere<sup>11</sup>. Cyprian gathered with his brother bishops in the spring of 253. Aware of a rumor that there would soon be a new persecution, this synod recognized the need to prepare the community for it. Thus the *lapsi* – who had not abandoned the *ecclesia domini*, but rather had continued to do penance and to pray to the Lord – were to be reconciled right away. The reason for such a decision was found in the need for the soldiers of Christ to be prepared for the approaching battle<sup>12</sup>, a battle which could only be won if waged by the Church as a body<sup>13</sup>. Thus did certain premonitions about an imminent persecution lead these bishops to change one aspect of penitential discipline. Preparing christians to face death as full members of the Church – armed, therefore, with the Eucharist<sup>14</sup> – meant that the length and difficulty of penance became less important. Hence, the church of Carthage adapted penitential discipline after the Decian persecution<sup>15</sup>, allowing apostate christians to return to the unity of the Church and to communion. Could Innocent's letter have been referring to this change? A positive answer appears to be the right one. But it will be more than useful to establish just what was or was not found in the preceding tradition: was penance-without-pardon a normal dimension of the penitential process? What did Cyprian and the bishops really change? Was that change limited to

11. Cf. J. PATOUT BURNS, "Confessing the Church: Cyprian on Penance," *Studia Patristica*, 36, 2001, p. 338-348. See too, J. PATOUT BURNS, *Cyprian the Bishop*, New York: Routledge, 2002, esp. p. 39-41.

12. CYPRIAN, *Letter 57*, 1, 2: "Sed enim cum uideamus diem rursus alterius infestationis adpropinquare coepisse et crebris atque adsiduus ostensionibus admoneamur ut ad certamen quod nobis hostis indicit armati et parati simus, plebem etiam nobis de diuina dignatione commissam exhortationibus nostris paremus, et omnes omnino milites Christi qui arma desiderant et proelium flagitant intra castra dominica colligamus, necessitate cogente censuimus eis qui de ecclesia domini non recesserunt, sed paenitentiam agere et lamentari ac dominum deprecari a primo lapsus sui die non destiterunt, pacem dandam esse et eos ad proelium quod inminet armari et instrui oportere."

13. CYPRIAN, *Letter 57*, 4, 2: "Primo idoneus esse non potest ad martyrium qui ab ecclesia non armatur ad proelium, et mens deficit quam non recepta eucharistia erigit et accendit."

14. CYPRIAN, *Letter 57*, 2, 2: "At uero nunc non infirmis sed fortibus pax necessaria est nec morientibus sed uiuentibus communicatio a nobis danda est, ut quos excitamus et hortamur ad proelium non inermes et nudos relinquamus, sed protectione sanguinis et corporis Christi muniamus, et cum ad hoc fiat eucharistia ut possit accipientibus esse tutela, quos tutos esse contra aduersarium uolumus, munimento dominicae saturitatis armemus."

15. That change, however, would have been made *before* the basis for alarm was removed, i.e., showing that Innocent may not have had a fully-accurate understanding of the time frame for that change.

Innocent's description of it or was there more to it than that? By looking closely at Tertullian's *De pudicitia*, the rest of this paper will seek to show that Innocent's words are a limited summary of a larger, more significant development in the history of penance.

#### EARLY HISTORY

Apparently, the emphasis on penance in the early Church was such that it was required for serious sinners – without, however, a parallel concern with the celebration of a return to communion; concern about penance was not accompanied by an equal interest in celebrating pardon<sup>16</sup>. But how can anyone explain such a mentality in a church committed to mercy and aware of its power to forgive?

At the beginning of the Christian era, decisions about sinners were chiefly motivated by that which would best preserve the holiness of the Church. The church not only preached her holiness (Eph 5:25-27) but summoned her members (I Cor 3: 16-17; Heb. 10:14) to avoid sin and thus to keep the christian community in clear contrast with the surrounding society (I Pet 2:9-12). In that context, serious sinners who were excluded from the protection of the Christian community (2 Jn 11; Rev 18:4; Eph 5:11; I Tim 1:19-20) were thus handed over to Satan (I Cor 5:1-5; Rom 6:13-23; I Gv 5:16-17) or placed anew in the midst of 'a perverse generation' (Act 2:40), i.e., expelled from the community. But such excommunications were not only meant to preserve the holiness of the Church; they were also an invitation to desire and then to return to that holiness. Although pardon or reconciliation may not have been explicitly excluded (2 Cor 2:10-11; 2 Thes 3:15), that dimension of christian life was not a matter of discussion<sup>17</sup>.

Thus, in the time of Hermas, the mere fact of allowing a serious sinner to do penance meant a kind of belonging to the church – even if communion was not allowed and even though no rite of reconciliation is found<sup>18</sup>. In fact, the serious sinner was expelled from the community in view of repentance and penance, not reconciliation, held the attention of the church. In summary, penance was the sign of return; the recognition of a repentance that bore fruit in the sinner allowed for that return; eventually, the imposition of hands will seal that return for those whose penance was judged sufficient.

In the third century, as attention shifted from the penance to-be-done to the serious sinner who was obliged to do it, something appears to have changed. The presence of hard-line advocates of a no-pardon policy for certain sins – a policy

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16. In the Gospels, there is no celebration of the reconciliation of the christian who sinned seriously (J. DALLÉN, *The Reconciling Community: the Rite of Penance*, New York: Pueblo, 1986, p. 11-12).

17. See the articles cited in note 27 below.

18. J.A. FAVAZZA, *The Order of Penitents: Historical Roots and Pastoral Future*, Collegeville, MN: The Liturgical Press, 1988, p. 103ff.



that was apparently the traditional one – may have helped to create an opposite interest in pardon-without-penance in the time of Cyprian and in relation to the martyrs. Hence, a growing discussion about what penance really meant, whether pre- or post-baptismal penance. Care for the holiness of the Church would remain as a prominent dimension of christian practice, but, with the Decian persecution and the wholesale denial of the faith by christians, it became necessary to pay attention to a large number of individual sinners and to provide for their return to the Church in relation to the gravity of their faith-denial. One facet of that process can be seen through the writings of Cyprian. Communion came to be recognized – explicitly – as a source of strength for those who faced death, both in relation to serious illness<sup>19</sup> and in view of immanent persecution. Even the serious sinner, the apostate, needed the strength of belonging to the community to face such dying.

#### TERTULLIAN'S *DE PUDICITIA*

Was there a time in the North African Church – prior to Cyprian – when penance was imposed but reconciliation was not celebrated – at least in the case of certain sinners? In other words, was Tertullian defending an existing tradition in the *De pudicitia*? or was he arguing for a new way of looking at penance<sup>20</sup>? The rest of this paper will demonstrate what it means to say that Tertullian was most likely defending an existing tradition – thus allowing for an interpretation of Innocent's letter that would thus apply to a time after Tertullian.

Since Tertullian's witness is crucial for understanding the history of penitential discipline, even small matters can be more significant than might appear at first sight. Earlier studies of penance in Tertullian have tended to focus on penance from a doctrinal point of view, thus overshadowing historical descriptions. Even debates among academics, prior to the middle of the 20<sup>th</sup> century, tended to emphasize *confessional* positions, i.e., to argue for Catholic or for Protestant positions on doctrine. Thus, Tertullian was *used* to prove or disprove the value of a given penitential doctrine and questions about his understanding of penance were framed by those Catholic-Protestant disagreements. Since the Catholic-Protestant debates of the 19<sup>th</sup> and 20<sup>th</sup> centuries provided a rationale for the study, for example,

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19. J. PATOUT BURNS, *art. cit.*, p. 341: in this matter, Cyprian was following "a policy well established elsewhere in the Christian world" (*ep.* 20, 3, 2).

20. This article does not discuss the more generous attitude toward forgiveness that Tertullian manifests in his *De paenitentia* – probably more a matter of principle than of practice. The differences between that work and the *De pudicitia* may suggest that the position that Innocent calls *inclinatio* already existed in Tertullian's time. See, however, the judicious review of C.B. DALY's articles on penance in Tertullian by B. BOTTE, *Bulletin de Théologie Ancienne et Médiévale*, 6, 1950-53, p. 104-105; he writes: "Rien ne prouve qu'il [Tertullien] ne s'appuie pas sur une pratique existante de l'Église d'Afrique... Le tort de Tertullien a été d'ériger en absolu une discipline qui ne répondait plus aux besoins réels de l'Église et de la justifier par des vues personnelles où perce le montanisme. Mais l'évolution de Tertullien ne semble pas être une volte-face..."

of *De pudicitia*, it follows that Tertullian is still rather easily misunderstood<sup>21</sup>. As a result, the issues of his time and his arguments are improperly framed. It is right, therefore to take another look at Tertullian's intentions in the *De pudicitia* – raising different questions about its proper place in the history of christian penance.

The scholarship of William Tabbernee has helped to shift the focus of attention toward the historical dimension of penance<sup>22</sup>. On the basis of his work, it can be said that the problem Tertullian addressed in *De pudicitia* arose – not as a dispute between the Catholic Church and what later came to be called Montanism – but among the Catholic communities in Carthage<sup>23</sup>. The concerns expressed by Tertullian are not, in the first place, about the defense of a doctrine nor about heresy, but about a correct reading of the Scriptures. Tertullian is trying to convince his adversaries – not merely separate from them. Hence, the suggestion that such a debate could have been a disagreement among Catholics cannot be immediately dismissed. It can at least be said that the tension among carthaginian house churches about the meaning or the interpretation of the biblical text is the principal focus of attention.

Thus, early in the *De pudicitia* (2, 10-11), Tertullian speaks of the role of *auctoritas scripturae*, stating that it is entirely inappropriate to use Scripture merely to mediate questions of severity or laxity. The Scriptures are to be interpreted on their own merits, not as a way to resolve competing ideologies. For Tertullian scriptural authority itself must identify which sins require penance and which ones do not<sup>24</sup>. Therefore, reading the *De pudicitia* primarily as a defense of an

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21. The question of how to understand the differences between Tertullian's *De paenitentia* and his *De pudicitia* is so entangled in doctrinal presuppositions, that the very genre of the two texts is rarely noted nor given importance.

22. W. TABBERNEE, "To Pardon or Not to Pardon: North African Montanism and the Forgiveness of Sins", *Studia Patristica*, 36, 2001, p. 375-386. See too, W. TABBERNEE, *Montanist Inscriptions and Testimonia* (Patristic Monograph Series 16), Macon, GA: Mercer University Press, 1997, and W. TABBERNEE, "Remnants of the New Prophecy: Literary and Epigraphical Sources of the Montanist Movement", *Studia Patristica*, 21, 1989, p. 193-201.

23. Tertullian writes about those who are carnal (*psychicos*), a characterization need not apply to doctrinal differences.

24. *De pudicitia* 2, 10: "Sed non decet ultra de auctoritate scripturarum eiusmodi funem contentiosum alterno ductu in diuersa distendere, ut haec restringere frenos disciplinae, illa laxare uideatur, quasi incertae et paenitentiae subsidium illa prosternere per lenitatem, haec negare per austeritatem. Porro et auctoritas scripturae in suis terminis stabit sine alterutra oppositione, et paenitentiae subsidium suis condicionibus determinatur sine passua concessione, et ipsae prius causae eius distinguuntur sine confusa propositione"; 2.11: "Causas paenitentiae delicta condicimus. Haec diuidimus in duos exitus." Cf. W. LE SAINT, "On Purity: Introduction" in *Tertullian, Treatises on Penance, Ancient Christian Writers*, p. 189, n. 2: "Throughout this section of his work Tertullian's argument is largely one of rebuttal. His opponents appeal to definite passages in Scripture which they insist justify their forgiveness of sins... [Tertullian refutes them] either by substituting his own interpretation of the passages in question or by setting over against them other passages which appear to destroy their force."



interpretation of the Scriptures helps to explain Tertullian's distinction between remissible or irremissible sins<sup>25</sup>.

The opinion that Tertullian had held – and now consciously abandons (*De pudicitia* 1, 10) – did not make such a distinction<sup>26</sup>. But Tertullian wants to show why his new opinion is the right interpretation of the biblical text. In so doing, he recognizes that he no longer stands with the majority. Besides, he tells us, siding with the majority (*cum pluribus*) does not guarantee truth. The truth of what is said is more important than the fact that he has aligned himself with a small group (*cum paucis*). In fact, the small group with whom he aligned himself could recall episodes in the New Testament about serious sinners whose forgiveness was not explicitly affirmed – and, therefore, which cannot be affirmed. Thus, a distinction of sins into categories (remissible and irremissible) did not have to search very hard for a scriptural basis.

Sin against the Holy Spirit (cf. Mk 3:29 and parallels) could have offered one example of irremissible sin<sup>27</sup>. Sin 'unto death' (I Jn 5:16-17) might have been another; see *De pudicitia* 2, 14 and 19, 27.29 where Tertullian notes John's command not to pray for such sinners. Some sins were said to exclude the person from the Kingdom of God (I Cor 6:9-10; Gal 5:19-21 [*De pudicitia* 17, 3]; Eph 5:5 [*De pudicitia* 17, 16]). The account of Ananias and Saphira (Acts 5:1-11; *De pudicitia* 21, 4) or of Simon Magus (Acts 8:21-23; *De anima* 57) might also have provided the early church with a basis for a distinction between sins that were remissible or irremissible. In general, serious sinners were excluded from the community (II Jn 11; Rev 18:4; Eph 5:11 [*De pudicitia* 18, 10.13; 21, 2]; I Tim 1:19-20 [*De pudicitia* 13, 20.21]; I Cor 5:1-5; Rom 6:13-23 [*De pudicitia* 16, 6-10]), and contact with them was to be avoided (Tit 3:10-11; II Th 3:5-6 [*De pudicitia* 18, 11]).

Since there is almost no text in the New Testament that can be interpreted as celebrating the return of the repentant sinner to the Christian community, a welcoming attitude toward such reconciliation was rendered more difficult to justify. Tertullian argues against the use of 2 Cor 2, 10-11 as proving the existence of such a reconciliation. In fact, finding rigor in the New Testament was no more difficult

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25. Note that the rich and careful "Analyse du Traité" of Claudio MICAELLI (SC 394, p. 99-116) would have been much better if it had noticed that, already in chapter 2, this treatise concerns the appropriate interpretation of the Scriptures – thus linking the various questions in that wider and basic context.

26. Charles MUNIER says that Tertullian's distinction is "une pure invention de sa part" or "une nouveauté absolue". "La discipline pénitentielle d'après Tertullien", *Connaissance des Pères de l'Église*, 71, 1998, p. 37-50, p. 47. That stance appears to give too much importance to known penitential disciplines in the early Church, and inadequate weight to the biblical texts to which Tertullian appeals.

27. P. ROULIN, "Le péché contre l'Esprit", *Bible et Vie Chrétienne*, 29, 1959, p. 38-45.

for Tertullian than it will be for Novatian. It is more likely that Tertullian was not arguing for innovation in penitential discipline.

By explaining how Scripture was to be interpreted, Tertullian at least required that the battle be waged in strict relation to the Word of God, i.e., that it not be allowed to be limited to a matter of discipline nor of how to categorize sins. The process he followed – using one Scripture passage to interpret another – will become more refined as the patristic period advances.

A discussion of the well-known event from the first letter of Paul to the Corinthians will serve as a good example of Tertullian's method, of his intentions, and of the significance he attached to this matter. In contrast, the interpretation of the Scriptures that Tertullian opposes – presumably a less stringent and surely a more accurate account of the *spirit* of the New Testament – will require more time to develop and to be recorded. Its beginnings in Hermas become more mature in Cyprian and find a yet fuller expression in Ambrose. Innocent I, in writing to Exsuperius, only hints at the significance of that history. For the moment, however, Tertullian must have his "say".

#### 1 CORINTHIANS 5:1-5

The account of the incestuous christian of Corinth (I Cor. 5:1-5) is, in fact, the most important of the passages discussed in *De pudicitia*<sup>28</sup>. That discussion centers on the initial verses of chapter 5 and on their relation to a passage in the second letter to the Corinthians (II Cor 2:5-11) which, others claimed, demonstrated that Paul recommended reconciliation for this man. Tertullian's explanation of the story of the incestuous christian insists on his permanent exclusion from the Christian community.

A rapid reading and comparison of these two texts shows that each text deals with a serious sinner who was expelled from the Christian community.

I Cor 5:1-5: "I have been told as an undoubted fact that one of you is living with his father's wife. This is a case of sexual immorality among you that must be unparalleled even among pagans. How can you be so proud of yourselves? You should be in mourning. A man who does a thing like that ought to have been expelled from the community. Though I am far away in body, I am with you in spirit, and have already condemned the man who did this thing as if I were actually present. When you are assembled together in the name of the Lord Jesus and I am spiritually present with you, then with the power of our Lord Jesus he is to be handed over to Satan so that his sensual body may be destroyed and his spirit saved on the day of the Lord."

II Cor 2:5-11: "Someone has been the cause of pain and the cause of pain not to me, but to some degree – not to overstate the matter – to all of you. The punishment already imposed by the majority on the man in question is enough; and the best thing now is to give him your forgiveness and encouragement, or he might break down from so much misery. So I am asking you to give some definite proof of your

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28. Tertullian will also cite this passage in *Adversus Marcionem* 5, 6.

love for him. What I really wrote for, after all, was to test you and see whether you are completely obedient. Anyone that you forgive, I forgive; and as for my forgiving anything – if there has been anything to be forgiven, I have forgiven it for your sake in the presence of Christ. And so we will not be outwitted by Satan – we know well enough what his intentions are.”

In the first place, Tertullian insists that, with the text from I Cor. 5:1-5 God provided the community with an example of how the serious sinner ought to be judged (*De pudicitia* 2, 8-10). The community is thus allowed to judge – as long as this is done according to the instruction of this text: the sinner is to be expelled from the Christian community. Expulsion from the community is tantamount to handing this sinner over to Satan, i.e., placing the sinner back in the world removes him from the community of salvation. Later in *De pudicitia* (especially in chapters 13-18), Tertullian will discuss that text more fully, denying any relationship between first and second Corinthians in this matter. Tertullian’s concern is firmly concentrated on penance, properly conceived and rightly emphasized, not on forgiveness.

Tertullian’s language suggests that he is expressing his interpretation of a well-known discussion about how to interpret the New Testament texts on the expulsion of serious sinners – even if the immediate occasion for this treatise may be a relatively recent event<sup>29</sup>. The context is specific and practical: on the basis of a correct understanding of the Scriptures, pardon for certain sins is properly denied. Once the offender in Corinth was expelled, there is no further need to judge him because he is outside (*foris*) the community. What allows Tertullian to withhold pardon is the fact that this man has sinned against God (*De pudicitia* 2, 9-10), and not merely against human beings. Against God? Tertullian explains that, since the body is a temple of the Holy Spirit, adultery and fornication are sins against God. Sins against the brethren, on the other hand, may be forgiven: *Delicta mundantur, quae quis in fratrem, non deum admiserit* (*De pudicitia* 2, 10). With that distinction, Tertullian frames his thinking in this treatise. Just as there are sins against God and sins against the brethren, so too will Tertullian distinguish pardon by human beings and by God (*De pudicitia* 2, 10-16). As Ch. Munier rightly notes: “Toute l’argumentation du traité se fonde sur le dilemme suivant: ‘Si l’on pardonne aux adultères et aux fornicateurs, que l’on ose pardonner aussi aux idolâtres (les apostats) et aux homicides.’”<sup>30</sup>

Hence, Tertullian is defending more than a refusal of pardon for sins of the flesh; the principle he wants to establish comes from his reading of the Scriptures, namely, the text from I John 5:16 about sin unto death. Such sins may be forgiven by God alone. Tertullian thus argues that there is more than one meaning to penance and, more importantly, that penance does not always lead to pardon in this

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29. See note 29 for a good summary by W. TABBERNEE.

30. Cf. Ch. MUNIER, *art. cit.*, p. 47f: This distinction is more basic and more important than that of remissible and irremissible sins.

life (*De pudicitia* 3, 1-3). Reconciliation is not always a necessary or a logical conclusion to the exercise of penance, and penance may be beneficial without the promise of pardon (*De pudicitia* 3, 4-6).

Although it might be argued that the change in practice to which Innocent I referred could have been initiated at this time when the clash between rigor and leniency became a controversy about what the Scriptures really meant, that is not likely. The discussion centers about the meaning of penance, and the reflection on pardon and its relation to penance is just beginning to become explicit. Tertullian says little about reconciliation; he appears to be much more fully concerned with penance as renunciation than with penance as a means toward pardon (*De pudicitia* 1, 3). His focus on the holiness of the Church keeps him from paying attention to the frailty of Christians (*De pudicitia* 1, 8).

In fact, the Gospels themselves fail to provide any clear indication for the reconciliation of the serious sinner<sup>31</sup>. Expulsion, repentance, and penance are the primary emphases of New Testament texts. A concern about pardon or reconciliation is not a significant focus of the early Church – at least not before the third-century discussion of what Hermas proposed<sup>32</sup>. Such facts do not suggest that the Church was doubtful about her power to forgive; attention is rather focussed elsewhere. In the early church, reconciliation was inspired and defined by the text from Matthew (5:23-24), i.e., reconciliation between one christian and another (*Didaché* 14, 3). Even there, the interest was on the need for repentance whose ‘fruits’ could be verified because that was an important dimension of judging a candidate’s readiness for baptism. Hence, concerns about repentance and about penance may have been more about the preparation for baptism than about the treatment of the baptized christian who sinned seriously against the community. Whether and how to welcome the repentant sinner’s return to the church was a problem that would increase significantly from this time forward.

If it is true that the domestic churches of Carthage were relatively small<sup>33</sup>, then an emphasis on the expulsion of the serious sinner would be all the more

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31. J. DALLEN, *The Reconciling Community: the Rite of Penance*, New York: Pueblo, 1986, p. 10-11; P. ADNÈS, “Pénitence (Repentir et Sacrement)”, *Dictionnaire de Spiritualité*, 12/1, p. 943-955.

32. See, for example, *De pudicitia* 10, 12ff.

33. W. TABERNEE, *art. cit.* I accept the quick summary of the controverted issues in the study of Tertullian he provided in that paper, p. 276-277: (1) The bishop denounced in the *De pudicitia* was a Carthaginian bishop, not Callistus, bishop of Rome. (2) The *De pudicitia* was written c. 210/11, not c. 220. (3) Although some Christians in Carthage were favorably disposed toward the ‘New Prophecy’ movement (later called Montanism), a separate Montanist church did not exist in Carthage. (4) Tertullian acknowledged certain emphases in the ‘New Prophecy’ movement to be consistent with his progressively more rigoristic views on Christian praxis. (5) His adoption of the ‘New Prophecy’ presuppositions led him to adopt a severe attitude toward sins of the flesh more quickly than he might without them.

understandable as a way for the Church to preserve her holiness<sup>34</sup>. Hence, expulsion of sinners could even be seen as permanent<sup>35</sup> and for the common good. In a post-Cyprianic church – where care for the individual sinner had become more important – such a position would become less and less acceptable. For Tertullian, what was genuinely important was that penance – whether before or after baptism – be performed correctly, i.e., according to a proper reading of the Scriptures.

After introducing the discussion of 1 Cor. 5:1-5 in chapter 2, Tertullian will return that discussion in chapters 13 to 22<sup>36</sup>. He refuses to accept an interpretation of this passage which would allow for the reconciliation of such a sinner. A critical examination of the way Tertullian, Novatian<sup>37</sup>, Origen and Ambrose and of their interpretation of the passage about the incestuous Corinthian (1 Cor 5, 1-5) would demonstrate a shift of emphasis toward a fuller appreciation of the phrase: “that his spirit might be saved in the day of our Lord Jesus Christ.”<sup>38</sup> In his *De bono pudicitiae*, Novatian will take a position similar to that of Tertullian, emphasizing the expulsion of the sinner, i.e., placing him in the hands of Satan. Origen will interpret the process of expulsion in a more medicinal, existential sense<sup>39</sup>. Ambrose will give a fully different emphasis to the discussion when he

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34. The emphasis on holiness and the purity of the Church is a significant part of this treatise, for example, *De pudicitia* 1, 8; 7, 21-23; 13, 25; 18, 11; 14, 16-17; 21, 1.

35. For example, *De pudicitia* 3, 5: “Adsistit [scil. paenitentia] enim pro foribus eius et de notae suae exemplo ceteros admonet et lacrimas fratrum sibi quoque aduocat et redit plus utique negotiata, compassionem scilicet quam communicationem. Et si pacem hic non metit, apud dominum seminat.”

36. *De pud.* 13, 1.13.14 (2).23; 14, 2.17; 16, 3; 20, 12; 22, 4.

37. NOVATIAN, *De bono pudicitiae* 6: “1. Hinc [sententiam] Christus quando uxorem dimitti non nisi ob adulterium dixit interrogatus tantum honorem pudicitiae dedit. 2. Hinc nata est illa sententia: Adulteras non sinetis uiuere. 3. Hinc apostolus dicit: *Haec est uoluntas Dei, ut abstineatis uos a fornicatione*. 4. Hinc et illud dicit: Membra Christi membris meretricis non esse iungenda. 5. Hinc traditur satanae in interitum carnis qui proculcato iure pudicitiae uitia carnis exercet. 6. Hinc merito regnum coelorum non tenent adulteri... 7. Quae licet destrictae sint, querela tamen de illis non potest esse. Adulter enim non habet excusationem; aut habet aut habere potuit, quia ducere licebat, uxorem.”

38. “...ut spiritus saluus sit in die domini nostri Iesu Christi.” The debate around these scriptural verses – and especially in relation to the meaning of *interitus* – was already strong in Tertullian’s time (*De pudicitia* II, 4-15; cf. Novatian, *De bono pudicitiae* 6, 1). An interpretation which begins to highlight the medicinal dimension of the expulsion is found in Origen, *In Leuiticum Hom.* 14, 4 and in Ambrose, *De Paenitentia* II, 8, 64.

39. *In Leu. Hom.* 14, 4: “...ut sciamus multo esse grauius accipere peccatum et habere ac secum ad inferna deferre quam in praesenti poenas dare commissi. Et ideo haec sciens expedire fidelibus apostolus Paulus dicit de eo qui peccauerat: *Quern tradidi*, inquit, *satanae in interitum carnis*, hoc est morte multasse. Qui autem sit fructus mortis huius, ostendit in sequentibus dicens: *ut spiritus saluus fiat in die domini nostri Iesu Christi*. Vides ergo quomodo aperte apostolus utilitatem mortis huius exposuit. Quod enim dicit: *tradidi in interitum carnis*, hoc est in afflictionem corporis, quae solet a paenitentibus expendi, eumque carnis interitum nominauit, qui tamen carnis interitus

interprets the expulsion, not as a throwing away – as if to declare the person good-for-nothing – but as a cleansing that could allow for a return to the sacraments<sup>40</sup>.

Franz van der Paverd has documented<sup>41</sup> – for the period between Tertullian and Origen and that of the Cappadocians, Gregory of Nyssa and Basil of Caesarea – a shift in emphasis from the immediate expulsion of serious sinners (a forced expulsion that touched all aspects of the sinner's life)<sup>42</sup> to a summons for penance where expulsion was attenuated in importance<sup>43</sup>. A similar observation could be made about the transition from Tertullian's time to that of Ambrose since Ambrose appears to be responding to a point of view that is remarkably similar to that of Tertullian<sup>44</sup>.

Thus, Tertullian's reading of the episode of the incestuous christian offers a good illustration of his thinking about the relation of the community to the serious sinner. Serious sinners are to be expelled from the community; the sins of adultery or fornication cannot be forgiven in this life since they are sins against God. But penance should nonetheless be undertaken in the hope that God will forgive them. Separating the sinner from the community returned him to the realm of Satan. The second part of the Pauline verse was not viewed as promising pardon.

Tertullian's reading of the Scriptures on expulsion, on sin as against God or against men was not foreign to what can be found in the Scriptures. But the struggle with the interpretation of the spirit of the Scriptures is something which was an ongoing process in the early Church. Tertullian was part of that process, but his

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uitam spiritui conferat. Vnde et nunc si quis forte nostrum recordatur in semetipso alicuius peccati conscientiam, si qui se obnoxium nouit esse delicto, confugiat ad paenitentiam et spontaneum suscipiat carnis interitum, ut expurgatus in praesenti uita spiritus noster mundus et purus pergat ad Christum dominum nostrum, cui est gloria et Imperium in saecula saeculorum. Amen!" *In Ez.* 12, 3: "Traditur (1 Cor 5:5) autem tormentis peccator, ut recipiat in praesenti supplicia et pro peccatis suis cruciatus in futuro, refrigerium consequatur et dici possit de eo: *Recepit mala sua in uita sua* (Lk 16:35)."

40. *De paenitentia* I, 15, 80-81: "Et bene dixit expurgandum, non prociendum; quod enim expurgatur non totum iudicatur inutile – ideo enim purgatur ut utile ab inutili separetur – quod autem proicitur, nihil in se utile habere creditur. Iam tunc igitur apostolus reddendum sacramentis iudicauit caelestibus si purgari se ipse uellet. Et bene ait expurgate; uelut operibus enim quibusdam totius populi purgatur et plebis lacrimis abluatur qui orationibus et fletibus plebis redimitur a peccato et in homine mundatur interiore."

41. Cf. F. VAN DER PAVERD, "Disciplinary Procedures in the Early Church", *Augustinianum*, 21, 1981, p. 291-316.

42. Forced expulsion is found also in *pud.* 2, 12-13; hence, *damnatio* is expulsion from the community, not eternal damnation.

43. Expressions of exclusion or of expulsion are always ambiguous in the Fathers acc. to van der Paverd (p. 293).

44. Ambrose discusses the text from I Cor. 5:1-5 extensively in *De paenitentia* I, 59-96. At the beginning of this section Ambrose sums up his thesis: "Non deserendos eos qui peccatum ad mortem fecerint, sed potius lacrimarum panibus et potu coerendos flebili."



reading of the Scriptures did not become the one that was ‘canonized’ in the fourth century. It did, however, contribute to making the process both lively and honest. It also demonstrates how difficult the development of the penitential process was, how competing claims for the appropriate interpretations of God’s Word would not be “merely local” nor limited. Likewise, historical contexts – such as the size of the community or previous practice – had significant impact on the development of the penitential practices that will come to be accepted.

#### CONCLUSION

Innocent’s response to Exsuperius of Toulouse may provide a prism through which to understand better what kind of development was taking place in the history of penance in the West. It appears to point back to the significant developments in penitential discipline at the time of Cyprian, a time when the concern for a sinner at the threshold of death – whether because of illness or because of persecution – would be such as to change the rigor of the penitential discipline. That change was sufficiently significant that, more than a century later, it would be remembered in Rome and become part of a response to one of the still-difficult penitential questions that Exsuperius of Toulouse had to face.

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ABSTRACT : Pope Innocent I wrote to Exsuperius of Toulouse about a shift in the history of penance away from harshness, i.e., from *durior* to *inclinatio*. This article suggests that the change to which Innocent refers took place in the middle of the third century, making it necessary to ask what did, in fact, change. The meaning of that change becomes clearer by contrasting Tertullian's defense of penance in the *de pudicitia* with an increasing emphasis on a penance which leads explicitly to pardon.

RÉSUMÉ : Le Pape Innocent I a écrit une lettre à Exupère de Toulouse où il dit que la discipline pénitentielle est passée d'une expression *durior* à une forme *inclinatio*. Cet article suggère que le changement auquel fait référence Innocent a été décidé au milieu du III<sup>e</sup> siècle. Le sens de ce changement devient plus clair si l'on oppose la défense de la pénitence chez Tertullien (*De pudicitia*) et l'intérêt croissant pour une pénitence menant explicitement au pardon.