

***Paradise regained:
Indulgences in light of the
Joint Declaration on Justification***

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In November 1998, Pope John Paul II announced the Jubilee Year 2000 with a *Bull of indiction* renewing the traditional jubilee indulgences.¹ Not even a year later, on October 31, 1999, the Vatican signed an agreement with the Lutheran World Federation that affirmed a consensus on the basic truths of justification.² Justification was the doctrine proclaimed in 1517 by Martin Luther in his *Ninety-five theses*. For Luther, the practice of indulgences was a clear contradiction of the Gospel teaching on the justification of sinners by faith. For many people in our own day, Lutherans and Catholics included, the Jubilee indulgences appeared to be a contradiction of the ecumenical consensus expressed in the *Joint Declaration on the Doctrine of Justification*.

How is it possible for the Vatican to affirm a consensus on justification while renewing the practice of indulgences? The practice of indulgences has fallen into such disuse, the average Catholic may be excused for assuming that indulgences are among the many pietistic practices and doctrines forgotten after Vatican II. The papal announcement of a Jubilee indulgence was as much a shock to many Catholics as it was to Lutherans. After many years of preparation for the *Joint Declaration*, by 1998 Lutherans were in the midst of a communion-wide vote to affirm the consensus. The *Joint Declaration* was far more contentious in Lutheran circles than for Catholics, and as late as 1997 there had been the very real possibility that Lutherans would reject the proposal. Having settled their qualms about the consensus, the papal announcement came as a rude awakening. Is it possible that the Catholic affirmations expressed in the *Joint Declaration* are less than sincere? If Catholics understand the consensus to be compatible with a continued practice of indulgences, has a consensus really been achieved?

These are the issues that I am engaging in this essay. What do Catholics mean when we speak of indulgences? Is the recent teaching of indulgences compatible with the *Joint Declaration's* consensus?

¹ John Paul II, Pope, *Incarnationis mysterium* (Bull of indiction of the Great Jubilee of the Year 2000, November 29, 1998). Available from < www.vatican.va > or < www.usccb.org > .

² Lutheran World Federation and Roman Catholic Church, *Joint Declaration on the Doctrine of Justification* (Geneva: Lutheran World Federation, 1999; Vatican: Pontifical Council for Promoting Christian Unity, 1999; Grand Rapids: Eerdmans, 2000). Available from < www.justification.org > . Abbreviated as JDDJ.

To answer these questions, this essay will explore the broad context of reconciliation and absolution from which the practice of indulgence developed. The specific nature of indulgences can be found in relation to the sacrament of penance and absolution. Therefore, I will begin my exploration with the sacrament. Since the history of the sacrament of penance is not the subject of this paper, this section will be necessarily abbreviated, only covering those areas essential to the development of indulgences. Following a detailed examination of the doctrine of indulgences, I will move to a consideration of the modern articulation of the doctrine. Finally, I will consider the pressing question that sparked this study, the consistency between the Joint Declaration and the modern Catholic doctrine of indulgences. Paul Francis Palmer has prepared an invaluable anthology *Sacraments and forgiveness*³ that consists of patristic, medieval, papal and conciliar materials. I am indebted to Palmer for access to these primary sources.⁴

a) Reconciliation and absolution of sinners

Christians have always believed that God forgives the repentant sinner. The Gospels witness to the forgiving action of Jesus particularly expressed to the woman caught in adultery, the casting out of demons and friendships with tax collectors and other public sinners. The Old Testament as well offers the pattern of Israel as a chosen people who regularly fall away and are redeemed by God. The forgiveness of God is promised repeatedly throughout the Scriptures, and this covenant is sealed first by circumcision and later, in the New Testament, by baptism.

For the early church, baptism was clearly understood to wash the neophyte clean of all sins. By immersion in water the catechumen dies with Christ and is raised to new life in Christ. Christians believe that, in a real sense, the baptised person is born again. Various Christian theologies have described the new birth of baptism in different ways. However, the common element of all such

³ Paul Francis Palmer, S.J., ed. *Sacraments and forgiveness: History and doctrinal development of penance, extreme unction and indulgences*, vol. 2, *Sources of Christian theology* (Westminster, MD: Newman Press, 1959; London: Darton, Longman & Todd, 1960).

⁴ All of my references to *Patrologia graeca* (PG), *Patrologia latina* (PL), *Die griechischen christlichen Schriftsteller der ersten drei Jahrhunderte* (GCS), *Florilegium Patristicum* (FIP) and *Corpus scriptorum ecclesiasticorum latinorum* (CSEL) are found in English translation in Palmer's anthology.

theologies is that the sins of the past are washed away. For our purposes here, the distinctive theological approaches are not important.

Believing that God is forever loving and forgiving towards humanity, the early church was prepared to accept that minor sins after baptism are forgiven by God. However, serious sins were a different matter. The persecution of the Christian community during the first centuries made this a particularly difficult and serious problem. Under the threat of persecution, not all Christians bravely accepted martyrdom. Apostasy was considered to be a serious sin that threatened the survival of the community, brought persecution upon other members of the community, and most importantly, was a renunciation of the love and promises of God. As such, apostasy necessarily resulted in a separation from the community. However, early Christians knew that God forgives even the most serious sins. Thus, the church needed to find an appropriate means of welcoming apostates back into fellowship. It was understood that one could not be baptised twice. As such, post-baptismal sins could not be forgiven through baptism. It was in response to this need that the church developed the practice and theology of penance.⁵

In a homily on the book of Leviticus, Origen describes the remission or forgiveness of sin. The Mosaic Law allowed for numerous sacrifices for the forgiveness of sins. For Origen, the New Law makes equal provision for the needs of sinners to be reconciled with God.

Listen now to the many remissions of sins in the Gospel. There is that first by which we are baptized “unto the remission of sins.” The second-remission is had in the sufferings of the martyr. [The third is alms-giving, the fourth is fraternal forgiveness, the fifth is fraternal correction, the sixth is charity, which covers a multitude of sins.] And there is yet a seventh, although hard and laborious, the remission of sins through penance, when the sinner bathes his couch in tears, and his tears become his bread by day and night, and when he is not ashamed to show his sin to the priest of the Lord, and to seek the remedy.⁶

The early church developed the penitential practices of confession and absolution in differing forms across the Christian world, and it was many years before a doctrinal consensus was established. However, even in the earliest practices a common pattern can be found. Generally, forgiveness of

⁵ Cf. Shepherd of Hermas, *Similitude* 9.26; Clement of Alexandria, *Miscellanies (Stromateis)* II, 13.

⁶ Origen, *On Leviticus*, hom. 2, 4 (GCS 29, 295ff.)

serious sins occurred in the context of the public liturgy of the church. In those cases where private confession was allowed, auricular confession to a priest or bishop was required. Absolution and reconciliation remained part of the public liturgy. The importance of public confession is strongly endorsed throughout the first six centuries. Although there are variations in its practice, public confession was universally required for a trilogy of major sins: apostasy, murder and adultery.⁷ In many places, public confession was considered the only option. St. Ceasarius of Arles, writing in the early sixth century, describes a sinner who had the option of private confession but opted for public confession.

Considering the number of his sins, he sees that he is incapable of himself alone to make satisfaction for such grave evils; and so he is anxious to seek out the assistance of the whole people.⁸

The common elements of the penitential liturgy at this stage were as follows. The repentant sinner was invited to the Sunday liturgy where he or she publicly confessed their sins, prayers were offered by the bishop, and an excommunication was proclaimed. *Exomologesis* — public confession and contrition — was itself considered a form of penance.

By [exomologesis] we confess our sin to the Lord, not as to one who is not aware of it, but inasmuch as confession prepares for satisfaction, from confession penance is born, by confession God is appeased.⁹

Excommunication was not a form of shunning; it was the formal entry into the order of penitents. During the period of excommunication, the penitent would undertake a lengthy and strenuous penance while the community offered regular prayers of support. The penitent would attend the liturgy to hear the word proclaimed and the bishop's sermon, which was followed by a dismissal from the liturgy prior to the celebration of the Eucharist. Penitents and catechumens were not present at the Eucharist. When the penance was completed, the person submitted themselves once again for examination and reconciliation with the community by the bishop. Before re-admitting penitents to

⁷ Augustine, *Sermon 352*, 3, 8 (PL 39, 1558); *On faith and works* 19 (PL 40, 220). For an example of a minor sin that could be forgiven in private cf. *Epistle 167* (PL 54, 1209). Palmer indicates that Tertullian drew this trilogy from Acts 15:29.

⁸ Ceasarius of Arles, *Sermon 261* (PL 39, 2227)

⁹ Tertullian, *De paenitentia* 9 (FIP 10).

communion, the bishop absolved their sins.¹⁰ It is important to note that in the early form of penance, absolution occurred at the end of the process. This would eventually change under the Irish reform.

There appear to be two basic forms of the absolution used in the church through history: precatory and indicative. Precatory absolution consists of a prayer that God will forgive the sins of the penitent. It uses the subjective form: "May God forgive you." Precatory absolution is used in the Eastern churches and in the eucharistic liturgy in Roman Catholic and Anglican churches. In the earliest forms of the sacrament of penance, the bishop used a precatory form of absolution. The second form of absolution, the indicative, is direct and personal, taking the form of a pronouncement by the priest or bishop that he forgives the sins of the penitent. The first person "I absolve you" (*ego te absolvo*) is used. Indicative absolution is normally only found in the Latin church, although it is found in the Anglican "Office for the visitation of the sick" and in the "Reconciliation of a penitent" of the American Episcopal *Book of Common Prayer*. It is normally preceded by a precatory form, and is clearly understood as a priestly function.

A third absolution, similar to the precatory and indicative forms of absolution, is declaratory. This consists of a pronouncement that God forgives those who repent. This form is widely used in public worship in Protestant churches. This is not properly understood as an absolution in the sense of precatory and indicative forms, as neither the minister nor the congregation understands it to be more than a proclamation of the promise inherent in the Gospel.

The early church instituted penance and absolution in response to a serious need of a form of forgiveness that would incarnate God's forgiveness for those who sin after baptism. However, for many centuries "second penance" was considered to be a concession to the weakness of the human person, and thus was only possible once in a lifetime.¹¹ The period of penance was arduous and generally occupied much of the remaining lifetime of the penitent. Absolution thus normally occurred close to the end of life and it was presumed that the penitent would remain free from serious

¹⁰ Cf. Cyprian, *Epistle 16* (CSEL 3, 518f).

¹¹ Cf. Shepherd of Hermas, *Commandment 4.3*; Tertullian *De paenitentia 7* (FLP 10); Ambrose, *On penance II*, 10.95 (PL 16, 541); Augustine *Epistle 153* (PL 33, 655f.). Consider however Origen, *On Psalm 37*, hom. 2 (PG 12, 1386) and *On Leviticus*, hom. 15, 2 (GCS 29, 489) which appear to allow multiple penances in cases of minor infractions.

sin afterwards. The long period of penance likely inculcated a strong discipline that assisted in the avoidance of sin.

i) The Irish penitential reform

Irish monks beginning in the sixth century are credited with a thorough reform of penitential discipline. The reform had four major components: private confession; gradual relaxation of limits on the repeatability of penance; penitential books; and the movement of penance after sacramental absolution and reconciliation.

Private confession was not unknown before the sixth century, but only in cases of relatively minor sins. Serious sins, particularly apostasy, murder and adultery, required public confession and contrition. However, as Palmer indicates, the Irish church was strongly influenced by the monastic establishment and it was the monks who provided the sacraments for the Irish people. Thus, the monastic tendency towards private confession and spiritual direction became commonplace.¹²

The Irish reform introduced the possibility of multiple penance. The continental practice and that of the Eastern church followed the consensus that penance was only possible once in a lifetime. The early church had viewed penance as a concession to weakness. Penance was onerous and had lifelong consequences. Even after reconciliation and absolution, the penitent was generally prohibited from entering a clerical state and lifelong chastity was imposed even for those who were married. Other consequences were applied in varying degrees. Due to the severity of penance and its accompanying consequences, penance was frequently left to the end of life, perhaps even to deathbed reconciliation. The penitential character of viaticum, or the anointing of the sick, is clear.

Under the Irish reform, penance continued to carry consequences beyond the penance itself. However, these consequences had a prescribed duration, perhaps ten years of exile and abstinence for adultery.¹³ According to the older penitential discipline, minor sins could be forgiven by personal prayer. Neither public confession nor penance was required. With the moderated duration of penance and the opportunity for a return to the sacrament at later stages of life, it was a natural development

¹² Palmer, 10

¹³ Cf. John T. McNeill & Helena M. Gamer, *Medieval handbooks of penance* (New York: Columbia University Press, 1938).

to begin to absolve minor sins within the sacrament. Penance for these would be light. As a result, the whole of life became the forum for God's reconciling action in and through the Christian community.

Penitential books were introduced to assist the confessors in assigning penance in a uniform manner. As a result of the conviction that penance served to satisfy the punishment due to sin, full and complete penances were essential. A confessor who moderated the penance was not doing the penitent any favours, as the remainder of the temporal punishment would be experienced in the life to come. We will explore the understanding of satisfaction in greater detail below. The purpose of the penitential books was to ensure that the most rigorous penances would be undertaken. The generally positive impact of this reform led however to a legalistic approach to penance and the growing sense that penance was an ecclesiastical penalty rather than a concession to human frailty. It was only with this assumption of disciplinary authority that the Latin church was able to develop indicative absolution. Only when the church itself has the authority to assign and regulate guilt and punishment can absolution be expressed in the first person: "I absolve you."

The fourth reform was the movement of absolution and reconciliation to the point immediately after the imposition of the penance. In this form, the confessed sinner would be assigned a penance, receive absolution and then be reconciled with the community. The penance occurred outside of the sacrament. There was no liturgical rite to mark the completion of the penance, but the person was honour-bound to complete the penance. The penance was thus completed during a period when the penitent was an active participant in the Eucharistic assembly.¹⁴ Excommunication was no longer associated with the sacrament of penance, but continued to serve as a means of separating certain sinners from the community and the sacraments. It thus became a pure act of ecclesial jurisdiction. The modern practice whereby people guilty of mortal sin exclude themselves from the Eucharist until receiving the sacrament of penance is an expression of the excommunication rite of the early church.

By the tenth century, the sacrament of penance had received its basic form. Later developments would not change the private and juridical character of the sacrament. The restructuring of the

¹⁴ Cf. Bernhard Poschmann, *Penance and the anointing of the sick* (Freiburg: Herder; Montreal: Palm Publishers, 1964), 212.

penitential rite presents a significant problem. If penitents are absolved of sins and reconciled with the community before undertaking a period of penance, the question arises as to whether the absolution is really understood to be effective in forgiving the sins. What is the purpose of penance after absolution? In the next section, I will explore the understanding of satisfaction that provides the answer to this question.

ii) Satisfaction

As already mentioned, the early form of penitential absolution involved a long and strenuous period of penance. Even with the development of the penitential books, the length and difficulty of penance was not significantly decreased. The modern notion of penance as a short period of prayer was unknown. Penance was intended to be a life-changing experience. Its function was not as a deterrent but as a rehabilitative exercise. As penance developed its juridical character, it also assumed a deterrent and even retributive character.

The notion that penance has a retributive character derives from atonement theology. According to this theology, Christ died to atone for the sins of humanity. The Fall and exile from the Garden of Eden introduce original sin into the world by way of the first Adam. The Crucifixion, Resurrection and Ascension restore a right relationship between God and humanity by way of the second Adam — Jesus Christ. New Testament support for this theology is found particularly in the deuterio-Pauline texts that identify Christ as the suffering servant of the Book of Isaiah.

Without prejudice to the intimate value of Christ's redemptive death, rather because of his own intimate union with the Saviour, Paul rejoices in the suffering that he bears for the Christians at Colossae, adding "and what is wanting of the sufferings of Christ I fill up in my flesh for his body, which is the Church."¹⁵

Various theologoumena of this sort are to be found in patristic authors, but it was Anselm's *Cur Deus Homo?* that systematised atonement as a doctrine. The core notion in atonement theology is the conviction that sin demands reparation. An Old Testament notion, reparation or satisfaction can be offered by the endurance of pain and physical hardship in a spirit of repentance and contrition.

¹⁵ Palmer, 321 quoting Col. 1:24

The early church practice of penance and absolution is framed in a conviction of the enduring love of God. Even apostates were the object of God's forgiving love. The debt of sin was considered completely paid by the unique sacrifice of Christ at Calvary. The benefits of Christ's atoning sacrifice are received in baptism. In this sacrament, original sin and all other debts are forgiven. Post-baptismal sin may be absolved in the sacrament of confession, but a penance is assigned.

That by passing judgement on the sinner, it may of itself act as a substitute for God's wrath, and by temporal punishment, I will not say frustrate, but rather discharge the eternal penalties. ... The less you spare yourself, the more, believe me, will God spare you.¹⁶

Sacramental absolution is understood by the Roman Catholic Church to be necessary for the forgiveness of mortal sins. Venial, or minor, sins are forgiven by God according to the contrition of the repentant sinner. In either case, God forgives the guilt associated with particular sins, and restores the person to a relationship nurtured by grace. The barriers between God and the sinner that are erected by guilt are removed by God's free and loving forgiveness on account of Christ's passion. Eternal punishment — understood as the eternal separation from God — is absolved, but there remains temporal punishment. The temporal punishment that remains following sacramental absolution is understood to provide satisfaction to God as the payment of the debt of sin. All sins incur a debt that remains even after absolution. This debt must be satisfied. The temporal punishment — sometimes actually called the remains of sin — may be completed by a penance assigned by the confessor. And yet, the deterrent character of penance is not forgotten.

The purpose of inflicting temporal punishment even after pardon has been granted is to forestall this danger [that] the very ease with which forgiveness is obtained would be an incentive almost to further sin.¹⁷

iii) Communion of saints

Community has always been understood in Christian terms to involve a life of prayer and charity dedicated to the needs of our neighbours. Prayer for the basic needs and concerns of our neighbours naturally accompanies the charitable acts that Christians display at their best. However, prayer not

¹⁶ Tertullian, *De paenitentia* 9, 5 (FLP 10).

¹⁷ Paul Galtier, *Sin and penance* (London: Sands & Co.; St. Louis: B. Herder Book Co., [1932]), 191.

only involves a concern for the material and social needs of others. It also addresses the spiritual needs. Thus, we pray for the salvation of our neighbours. Moreover, we pray that our neighbours will be forgiven their trespasses, just as we pray that we might also be forgiven ours. In one of the earliest descriptions of public penance, Tertullian stresses the corporate character of penance:

The body cannot rejoice over the misery of one of its members; rather the whole body must suffer and work together for a cure. The Church is present in one and the next, and the Church is truly Christ. And so, when you embrace the knees of the brethren, it is Christ you embrace, it is Christ you entreat. In the same way, when they pour forth tears in your behalf, it is Christ who suffers, Christ who implores.¹⁸

In the early form of penance and absolution, public confession by the sinner was followed with intercessory prayer by the community for the forgiveness of the sinner. These prayers were offered both as part of the public liturgy and in the private devotion of individuals. The period of penance involved not only a personal assumption of penitential discipline by the sinner, but also a regular community supplication for the forgiveness of sins. For this reason, the eucharistic liturgy in all of its various forms continues to include a penitential prayer of some sort.

Intercessory prayer for the forgiveness of sins is offered not only for the living but also for the dead. The communion of saints is understood to include all of the elect of every age. The funeral liturgy offers prayers for the repose of the soul of the deceased. Other prayers are also offered in public and private for the forgiveness of the sins of the deceased. The second day of November is the feast of all souls. On this day, traditionally, we pray for all those who have died particularly those whom we knew. The popularity of this feast is recognised by the church with a special indulgence for the dead. At other times of the year, we also pray for the dead, and we ask that the dead pray for us.

As we have already seen, the church and people continued to pray for the forgiveness of sinners, even for those who had already died. This is one implication of the communion of saints. In addition, those who are dead are asked to pray for us.

¹⁸ Tertullian, *De Paenitentia* 10 (FIP 10)

Faith in the efficacy of such vicarious penance was especially manifested in the martyrs' privilege. ... This meant that in consideration of a martyr's intercession with God a sinner was excused part of his ecclesiastical penance.¹⁹

Bernhard Poschmann clarifies the distinction between the martyrs' privilege and an indulgence in a brief footnote. Despite the striking resemblance to an indulgence, the martyrs' privilege does not bear the authoritative declaration of the church "which offered a guarantee of divine forgiveness," but only the martyr's pledge to make intercession with God.

Martyrs are understood to have been washed clean of sin by sharing in the passion of Christ. This is known as the red martyrdom. The prayers of the martyrs were thus considered to be assured of being heard by God. Prayers for the intercession of martyrs were popular on account of their presumed efficacy. The martyrs' privilege provided a basis for redemption of the penance of those to whom it was applied. In addition to the red martyrdom of those killed for the faith, a green martyrdom has also been recognised. Green martyrdom is expressed in heroically living the ideals of virtue and asceticism. Normally monks, the green martyrs were recognised as sacrificing their lives and comfort for the faith. Monastic communities thus had a special vocation to pray for the church and the world. Certain ascetics were recognised as being particularly holy, and after their deaths were implored to continue their intercessions. The recognition of such people as saints occurred as local phenomena as early as the second century, leading to vibrant cults of the particular saint. It was only later that the church began formally to canonise saints as an exercise of authoritative teaching. In the first centuries, the cult of the saint was sufficient evidence upon which to pray for intercession.

b) The doctrine of indulgences

Popular understandings of indulgences generally fail to recognise that indulgences do not refer to the salvation of the sinner. Neither do indulgences refer to the forgiveness of guilt (*culpa*). Indulgences do not replace absolution or the sacramental form of confession and reconciliation. Rather, indulgences are understood as the redemption or commutation of the punishment for sins already absolved.

¹⁹ Poschmann, 211

An indulgence is a remission before God of the temporal punishment due to sins whose guilt has already been forgiven, which the faithful Christian who is duly disposed gains under certain defined conditions through the Church's help when, as a minister of Redemption, she dispenses and applies with authority the treasury of the satisfaction won by Christ and the saints.²⁰

In other words, indulgences relate only to the temporal punishment (*poena*) due to sin.

The popular conception that an indulgence refers to the time spent in purgatory is slightly misunderstood. Indulgences redeem or commute from the temporal punishment due to sin. If a penance is not completed in this lifetime some portion of the temporal punishment remains.

Purgatory is the period between this life and eternal life in the presence of God in which the deceased completes the remaining punishment.

Perhaps the most confusing aspect of indulgences is the notion that an indulgence reduces the time spent in purgatory by a specific period of time, whether days, weeks or years. The measurement of indulgences according to a time scale has been discontinued in the post-Vatican II revisions of the liturgy. However, in the popular conception this remains the church's teaching, as it was for the greater part of the past millennia. The measurement of indulgences by a temporal scale refers back to the earlier penitential practices of the church. When the penance assigned by the confessor consisted of days, weeks and years of penance, the indulgence was naturally measured in similar units.

As we saw above, the community can pray for the forgiveness of others. These prayers of intercession consist of either the intention that the person might respond to God's grace and experience repentance, or the intention that the punishment due to sin might be forgiven by God. In addition, the community can perform vicarious penance on behalf of the sinner. In the case of someone who has already died, these prayers are by way of intercession. An indulgence gained by the living may thus be applied to the dead in prayer (*per modum suffragii*). This is a natural implication of the doctrine of the communion of saints.

There were three decisive developments in the doctrine of indulgences. The first development was the application of absolution grants and commutations to penance. These were not properly

²⁰ Paul VI, *Indulgentiarum doctrina* (Apostolic constitution on the revision of indulgences, January 1, 1967), Norm 1, in *Vatican Council II: The conciliar and post-conciliar documents*, ed. Austin Flannery, O.P. (Collegeville, Ind.: Liturgical Press, 1992), 75.

speaking indulgences, but they paved the way for further developments. The second development was the application of the power of the keys to the remission of penance. The third development was the notion of the *thesaurus ecclesiae*, or treasury of the church. We will explore these three developments in greater detail below.

A. Commutations and absolution grants

As we have seen, the penitential books introduced by the Irish monks gradually became standardised by the eighth century. However, the penances assigned continued to be as rigorous as the penitential disciplines of the early church. Manuals for confessors, introduced in the eighth century, encouraged the reduction or redemption of penance in certain circumstances by way of relief.²¹ The term “absolution” is used throughout the history of penance and indulgences. The term is used in different senses, in reference to either sacramental absolution or the forgiveness of punishment or penance. An absolution in this latter sense is neither a sacrament nor an exercise of ecclesiastical jurisdiction.

The Church had all along claimed the right to accommodate the amount of ecclesiastical penance imposed to the concrete circumstances and capabilities of the penitent. This was already the case in the first centuries, and in the early Middle Ages this practice was merely extended by various commutations and redemptions.²²

Absolutions of penance could be offered because of the notion of satisfaction. The guilt of sin is forgiven by God on account of the passion of Christ. The temporal punishment that remains serves as a salutary debt that must be paid in penance or purgatory. Absolution of the penance could be granted, however, based on the inability of the penitent to complete the penance. A portion of the penance would be discharged and replaced with the prayer of the church. Redemptions and commutations do not depend on the power of the keys. At this point, the church still understood an absolution grant to be an intercessory prayer. The church could give no guarantees that the prayer

²¹ Poschmann, 211

²² Karl Rahner, “Remarks on the theology of indulgences”, ch. 5 in *Theological investigations*, vol. 2 (Baltimore: Helicon Press; London: Darton, Longman & Todd, 1963), 182.

would be answered by God. This prayer appealed to God to reduce the temporal punishment in a similar amount as the redemption or commutation of penance.

Karl Rahner is one of the few twentieth century theologians who have taken indulgences seriously enough to explore the historical and theological roots of indulgences in the sacrament of penance. He is dependent on the earlier work of Bernhard Poschmann and Paul Galtier, although he leans closer to Poschmann's views than to Galtier. As Rahner points out, absolutions of penance were granted both outside of the sacrament of penance, and beginning in the tenth century, within the sacrament.

The 'absolutions' are (at first independently from the imposition of an ecclesiastical penance) the genuine continuation of the priestly intercessory prayer for the penitent; and in spite of the continually recurring appeal in this to an apostolic authority and the power of the keys, these 'absolution' must be conceived as an *intercessory* (though authoritative) prayer of the Church for full forgiveness (hence embracing also the *punishment* for sin) of the penitent's sins — and not as a jurisdictional and hence infallible act of absolution from the temporal punishment due to sin.²³

The Irish reforms, as we have seen, introduced the universal practice of private auricular confession for all sins. In conjunction with this, the reconciliation of the sinner before the completion of penance leads to what Rahner calls the "reflex differentiation" between guilt of sin (*culpa*) and the punishment due to sin (*poena*).

Thus subjective penance is now related more closely to the payment of the debt of temporal *punishment* for sins, and the 'absolutions' are now appraised as helps of the Church for the payment of those same *punishments*, without there being as yet any question of a relaxation in the imposition of ecclesiastical penances as well.²⁴

In other words, absolution grants allowed the church to intervene pastorally in the assigning of penance without actually changing the standard penance for each sin.

i) Early indulgence grants

The second decisive point in the development of indulgences was the application of the power of the keys to reduce or remove the penance of a particular sinner. The power of the keys is expressed in

²³ Ibid., 181

²⁴ Ibid.

Matthew 16:19²⁵ and John 20:23.²⁶ In the Matthean passage, Jesus appears to be speaking directly to Peter following Peter's confession of Jesus as "Messiah, Son of the living God." In the Johannine passage, Jesus has appeared to the disciples in the upper room. The words are apparently spoken to all the disciples. These texts are, of course, far from unambiguous. Roman Catholics have traditionally associated the power of the keys with Peter. The reflections of the early church on the role and authority of bishops understood episcopé to include this Petrine authority.²⁷ Bishops, thus, were the first ministers of absolution and confession. Their assignment of penance was considered to be an exercise of the power of the keys. Eventually, as priests were authorised to hear confessions and assign penance, the power of the keys became associated exclusively with the bishop of Rome as the successor of Peter.

The power of the keys is understood to be the jurisdiction of the church in the moral order. "Whatever you bind on earth will be bound in heaven." Thus, the church could confidently redeem penances with the conviction that God would redeem the temporal punishment in like amount. The innovation of this first real indulgence was that the action of the church was no longer an intercessory prayer to God, it was now a pure act of jurisdiction. On the assumption that the church exercises jurisdiction in the moral order that conforms to the divine order, this early form of indulgence applied the merit of the saints to the penance of particular sinners. Such an indulgence is more than a redemption or commutation of penance although it takes the form of an absolution grant. At the previous stage, redemptions consisted of granting alternate penances or commuting penances on the presumed efficacy of the intercession of the church or that of a martyr. The special innovation of the indulgence is the notion that the church has the jurisdiction to modify the penance. No longer merely an intercession that God might reduce the temporal punishment, an indulgence depended upon the jurisdiction implicit in the power of the keys. The penance that is loosed on earth is presumed to be loosed in heaven.

²⁵ Mt. 16:19 "I will give you the keys of the kingdom of heaven, and whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven."

²⁶ Jn 20:23 "If you forgive the sins of any, they are forgiven them; if you retain the sins of any, they are retained."

²⁷ Cf. Origen, *On Matthew* 12. 14 (PG 13, 1013).

Poschmann, Palmer and Rahner all reject the view of Nikolaus Paulus,²⁸ that the earliest indulgences are found in reductions of penance granted to pilgrims to Rome from the ninth century onwards. These are merely commutation grants. The earliest indulgences that can be historically verified were offered in the early eleventh century.²⁹ Bishops in southern France granted indulgences for visits to churches and for almsgiving. Pope Urban II (1088-1099) also granted alms indulgences on several occasions and issued the first crusade indulgence in 1095 AD.

As we have seen, the notion of satisfaction underlies much of the theological understanding of penance in early and medieval theology. However, with the development of the first real indulgences the question of satisfaction is once again raised. If penance can be reduced solely on account of the jurisdiction of the church, how is the satisfaction to be paid? This question remained open until Hugo of St. Cher provided the answer in the thirteenth century.

ii) Treasury of the church

Seen in retrospect, it seems that for well over a century the theological explanations for indulgences could not account for the practice. Presumably, for theologians of the period, no further explanations were required. Hugo of St. Victor, Peter Abelard and Peter Lombard all refrain from expounding a theological foundation for indulgences.³⁰ Abelard rejects the practice of indulgences on the basis of the “burning greed” of the priests and bishops who act “more from greed than error.”³¹ Not surprisingly, he was censured, though it was due to his belief that bishops do not have the power of the keys.³²

The earliest explanation of indulgences is to be found in Peter of Poitiers around 1176 AD. Building upon Peter Lombard’s teaching that the contrition of the penitent is a measure of the forgiveness granted by God, Poitiers suggests that: “if the priest knows that the penitent’s contrition is such that it suffices for the remission of the debt of punishment, it would not be necessary for him to

²⁸ *Geschichte des Ablasses im Mittelalter*, 3 vols. (Paderborn, 1922-23).

²⁹ Poschmann, 219 note 24; Palmer, 323; Rahner, 182.

³⁰ Palmer, 338-39; Rahner, 182

³¹ Peter Abelard, *Ethics* 25 (PL 178, 672).

³² Rahner, 182

impose any other satisfaction.”³³ The jurisdiction of the church is appealed to, as the priest is understood to be exercising “both keys, that is of discretion and power.”³⁴ Indulgences offered for almsgiving are thus effective on the basis of the contrition expressed in the giving, not the actual amount given.

William of Auxerre (c. 1215) offers an interesting objection to indulgences, or at least to the crusade indulgences. His concern is based on the understanding that it is the intercession of the church that provides for the efficacy of the indulgence. He conceives of this in almost economic terms.

If very many sinners should accept the cross, since the whole church hardly suffices for its own needs, it would not satisfy for the liberation of those who are signed with the cross. Hence, if they die immediately, before undertaking any part of the journey, they do not immediately go off to heaven (*evolant*), since the merits of the Church do not suffice for such.³⁵

William of Auvergne countered that it is the intercessions of the church in heaven as well as the church on earth that account for indulgence. This response is not unexpected in light of the traditional doctrine of the communion of saints. The importance of these three theologians is the importance that they place on vicarious satisfaction. From here, it was not a great leap to the notion of a treasury of the church. Although vicarious satisfaction had previously been appealed to as the basis for absolution grants, they were understood to be intercessions of the church and thus were effective only *per modum suffragii*. The combination of the power of the keys and vicarious satisfaction sets the foundation for the late medieval and Tridentine doctrine of indulgences.

Cardinal Hugo of St. Cher, a Dominican, made that leap sometime around 1230 AD. For Hugo, the intercessions of the church are no longer the basis for indulgences, rather the efficacy of indulgences is to be found in the satisfaction provided by Christ and the saints. Associated with this notion is the understanding that the superabundant merits of Christ and the saints are conserved by the church as its inheritance. Hugo’s account is preserved by Henry of Susa:

Since the Son of God shed not a single drop but all His blood for sinners, and since, besides, the martyrs shed their blood for the faith and for the Church and were tortured more than they had

³³ Peter of Poitiers, *Sentences* III, 7 (PL 211, 1057).

³⁴ *Ibid.* 24, 1076

³⁵ Palmer, 339-40 citing Paulus I, 234, n. 3.

sinned, it follows that in the aforementioned shedding every sin was punished; and this shedding of blood is a treasure placed in the Church's treasure-chest; hence when she wills, she can open the chest and dispense of her treasure to whom she wills, by granting remissions and indulgences. And in this way no sin remains unpunished, because it has been punished in the Son of God and in His holy martyrs.³⁶

The insight contributed by Hugo eventually became the standard account of the efficacy of indulgences. It remained, however, the task of Thomas Aquinas to systematise the doctrine. Thomas' explanation follows closely that of Hugo, although this may be coincidental. Thomas is clearly dependent upon the *Summa Fratris Alexandri*, a work attributed to Alexander of Hales, which is itself indebted to Hugo for the notion of the *thesaurus ecclesiae* or treasury of the church.

Now the reason why they [indulgences] can be of value is the unity of the Mystical Body, in which many through works of penance have paid over and above what they owed; again, many have patiently sustained unjust trials by means of which a host of sins could have been expiated, if punishment were due them. So abundant are these merits that they exceed all punishment that is due those who now live: and especially because of the merits of Christ, which though operative in the sacraments, are yet not restricted in their efficacy to the sacraments, but infinite as they are, transcend the efficacy of the sacraments.³⁷

Thomas clarifies one important point regarding indulgences. Although the efficacy of indulgences derives from the superabundant merit of Christ and the saints, according to Peter of Poitiers the value of the indulgence is in proportion to the contrition of the penitent.³⁸ Thomas disagrees with Poitiers on this point. Arguing from the fact that the church already preaches indulgences, Thomas contends that the church is not lying when it proclaims a full or partial remission of penalties. Rather:

The cause of the penalty's remission in indulgences is nothing else than the superabundance of the Church's merits, which are sufficient to expiate all punishment; nor is the effective cause of remission either the devotion or toil or offering of the one receiving the indulgence, nor is it the purpose or motive for which the indulgence is granted.³⁹

Thomas' concerns are twofold. The first concern is to highlight the sovereignty of God in the forgiveness of sins. For Thomas, contrition cannot be the effective cause of the remission of penalties because contrition cannot satisfy the justice demanded by God. This is a concern that will arise in a different form in the Protestant Reformation. For the reformers, works do not merit justification.

³⁶ Palmer, 340 citing Paulus II, 198, n. 1.

³⁷ Thomas Aquinas, *Summa Theologica*, Suppl. Q.25, a.1.

³⁸ Peter of Poitiers, *Sentences* III, 24 (PL 211, 1076).

³⁹ *Summa Theologica*, Suppl. Q.25, a.2.

The works of “devotion or toil or offering” to which Aquinas refers, are precisely the works that the reformers rejected as meriting justification.

The second concern of Thomas that is expressed in the quotation above is that the church not be considered fallible. For Thomas, an indulgence is an infallible declaration that derives from the jurisdiction of the church. Thus, he explains that the power of the keys is twofold: “of orders and of jurisdiction.” Sacramental absolution exercises the key of orders, and is limited by contrition, as was already affirmed by tradition. Indulgences, he argues, derive from the key of jurisdiction, which is not sacramental. It is not limited by contrition because it pertains to the distribution “of the common goods of the church.” Thus, it is an exercise in the church’s forum that is effectual in God’s forum.⁴⁰

The scholastic doctrine of indulgences formulated by Peter of Poitier, Hugo of St. Cher and Thomas Aquinas was ultimately promulgated by Pope Clement VI.⁴¹ There remains one final issue with respect to indulgences before we move beyond the medieval period. A major concern of the Protestant Reformation was the indulgence for the dead. This indulgence has its roots in the medieval theology of indulgences described above. As we have seen, the church had included prayers for the dead in the Eucharistic liturgy since the first rites were developed. In addition, the Irish penitential books had included “substitute penance” for the dead. The funeral liturgies also contain intercessory forms of absolution. As such, the indulgence for the dead issued by Pope Sixtus IV in 1476 did not seem unusual or problematic. Indeed, indulgences for the dead could be supported by reference to the ancient adage “*lex orandi lex credendi*.” The law of prayer had certainly established a basis for the law of belief.

It is important to clarify that Sixtus carefully limited the scope of the indulgence. According to the indulgence grant, the person who gains the indulgence prompted by piety should offer a sum of money or its equivalent to the church at Xantines. However, the giving of money is not the indulgenced work, rather it is the attendant piety that is indulgenced. Further, Sixtus clarifies that “it

⁴⁰ Ibid.

⁴¹ Pope Clement VI, *Unigenitus Dei Filius* (Bull of jubilee, January 26, 1343) in J. Neuner & J. Dupuis, ed., *The Christian faith in the doctrinal documents of the Catholic Church*, 6th ed. (New York: Alba House, 1996), §§ 1681-1683.

is our will that [the] plenary remission by way of suffrage should have intercessory value.”⁴² Clearly, for Sixtus the indulgence for the dead is limited in a similar manner as the Eucharistic suffrages and funeral absolutions. Whatever might be claimed about the efficacy of indulgences for the living, for the dead, efficacy is limited *per modum suffragii*.

iii) Abuses of indulgences

It would be impossible to write a clear account of indulgences without reference to the abuse of the doctrine and practice. It would be equally impossible in any honest account of the abuses to satisfy everyone. For some, evidence of abuse is sufficient reason to reject the practice outright. For others, the abuse is symptomatic of the sinfulness of humanity but it does not touch the church itself, which is holy. These diametrically opposed responses are equally evident in other cases of ecclesial scandal. This paper does not intend to satisfy either of these visceral responses. I will instead limit myself to identifying some of the theological principles that have been abused.

Perhaps the most common concern of Protestant reformers and others has been the granting of alms indulgences. As throughout the history of penance, almsgiving is considered penitential on account of the piety of the penitent, not the actual amount of money given. In Thomas Aquinas’ understanding that contrition is not the effective cause of the indulgence, alms can only be understood as a measure of contrition. Nevertheless, abuse of this indulgence occurred, to which both Abelard and Martin Luther objected. Whether Luther’s objection was more to the *St. Peter’s indulgence* of 1510 or the manner in which Johannes Tetzel preached the indulgence is a matter for historical reflection. In either case, the failure to distinguish strictly between the giving of money and the contrition of the penitent was clearly transgression.

Another occasion for abuse occurred in the indulgence for the dead. Tetzel’s famous pronouncement, that a soul is immediately released from purgatory as soon as a coin is tossed in the chest, is fraught with problems. The most obvious objection is that the church has never taught that indulgences for the dead have a direct and immediate effect. As clarified earlier, indulgences for the

⁴² Palmer, 351

dead are always understood as supplication by the church. No doubt, the merit of the church will be reckoned by God in hearing that supplication, but the extent of remission must always be understood to be subject to God's sovereign will.

Abuse has always occurred in the church, and always will because the church is a human community. Any abuse must be understood as sin, and the church must carefully arrange her affairs to remove any appearance of impropriety. This is especially true of the abuse of pastoral practices such as penance and indulgences. Occasionally, the church hierarchy has held this goal in mind, as is evident in numerous reforming synods and councils through history. A fair assessment of the sixteenth century Roman Catholic hierarchy would have to acknowledge that reforms were taken that resolved many of the abuses. Equally fairly, it must be said, that the bishops and popes acted dismally in allowing Tetzl and others to preach in the manner that they did. None of these abuses and the subsequent Roman Catholic reforms addressed the basic doctrine of indulgences formulated by the scholastic theologians and officially promulgated by Clement VI in 1343. The Council of Trent reaffirmed the doctrine and anathematised those who abuse or reject the doctrine.

iv) Twentieth century theologians

There are a number of theologians who have studied the history and theology of indulgences with an eye to providing a contemporary articulation of its theology. Karl Rahner makes the following remarks at the beginning of his essay *Remarks on the theology of indulgences*:

We may sometimes get the impression nowadays that there are truths in the Church which, although they are not indeed disputed in their explicit (*in thesi*) formulation, are being silenced to death by the fact that no one takes any notice of them any longer in the practice of their religious life.⁴³

Indulgences are no doubt in decline. Not only is the piety associated with indulgences and frequent confession no longer shared by the average Catholic, but even the theology and practice is widely rejected. The decline of penance and indulgences in recent years is likely a result of the general decline of the authority of the church in the life of individual members. When penance and indulgences are understood as an exercise of the authority of the church, the general disregard for authoritative

⁴³ Rahner, 175

institutions leads to a disregard of the sacrament. Insofar as the forgiveness of sins is understood as God's sovereign act, the sacrament can assume a far more important role as the community's celebration of the love and compassion of a gracious God. Whether this waning of interest is temporary or permanent is not easily assessed. One aspect of the contemporary situation that can be assessed is the views of twentieth century theologians.

Bernard Poschmann rejected the view that indulgences for the living have an infallible character. He further asserted that these indulgences serve as a prayer of intercession by the church for the remission of temporal punishment. For Poschmann, the church does not exercise "a jurisdictional control over the treasury of the church." His concern was that the usual explanations of indulgences are too juridical and formal. As Francis Courtney explains:

As the act of jurisdiction is confined to the remission of ecclesiastical penance, its efficacy for the extinction of temporal punishment will depend on the measure of the divine acceptance of the prayer of the Church.⁴⁴

Objecting to the juridical conceptions of indulgences, Poschmann asks why, if it were so, the church does not absolve all temporal punishment within the sacrament of penance. Moreover, why must theologians account for indulgences by recourse to the treasury of the church? Surely, the power to forgive sins encompasses the lesser power to forgive punishments. Additionally, Poschmann points out, if the Church possessed a power of direct absolution of temporal punishment outside of the sacrament, that power would actually be greater than the sacramental act of absolution. This is because sacramental absolution is conditioned by the contrition of the penitent, unlike the juridical and formal conception of indulgences to which Poschmann objected.⁴⁵

Poschmann nevertheless holds that the church acts authoritatively in offering indulgences and these supplications are surely heard by God. The extent to which God responds to the supplication is not measured by the authority of the church but by the receptiveness of the penitent to God's offer of forgiveness, expressed as contrition.

⁴⁴ Francis Courtney, S.J., "New explanations of indulgences," *Clergy Review* 44 (1959): 466.

⁴⁵ Courtney, 468

Like Poschmann, Karl Rahner objects to the understanding of indulgences as primarily a power of jurisdiction concerning the temporal punishment due to sin in the eyes of God. Indulgences are limited by the contrition, or interior repentance, of the sinner.

Otherwise as regards the punishment due to sin, the Church would be able to do more outside the sacrament of penance and its juridical power than within it, yet the remission of such punishment is one of the very purposes of the sacrament. Nor would it be clear why the Church should not link the two powers so as to remit guilt and punishment entirely in every sacramental act.⁴⁶

Both Rahner and Poschmann are rejecting the argument of Thomas Aquinas described above. Rahner posits an alternative understanding of indulgences. He considers all indulgences to be intercessory, not only those for the dead.

The nature of an indulgence consists, then in the special intercession continually made by the Church, in its liturgy and in the prayers of its members, on behalf of the complete reconciliation of its members, an intercession which by an indulgence is solemnly and in a special way applied to a particular member.⁴⁷

Rahner rejects an understanding of the “treasury of the church” as a “paying off” of individual sins. His objection is to the material conception of merit as a static possession of the church, rather than a moral status in the sight of God. Agreeing with Paul Galtier, he says:

But when the Church intercedes, it necessarily does so as the Body of Christ in union with the dignity and sacrifice of its head, and as the Church which is holy in all of its “saints,” that is, it “appeals” to the Treasury of the Church. Nothing is in the proper sense “paid out” of that Treasury, but appeal is always made globally, and consequently it is not lessened but increased thereby. Galtier is therefore right in emphasizing that the recourse to the Treasury of the Church is made in every case of remission of guilt and punishment, and is therefore not something peculiar to indulgences.⁴⁸

When the church appeals for the forgiveness of sins, its prayer is heard by God, and God responds on account of God’s love for the Son and for the people of God, the Body of Christ.

As Edward Schillebeeckx has pointed out, the modern misconception of indulgences as relating to punishment after death has crept into our reading of medieval theologians. For Schillebeeckx, Thomas makes a clear distinction between the *reatus poenae* and the remains of sin. The *reatus poenae*

⁴⁶ Karl Rahner, S.J., “Indulgences” in *The encyclopedia of theology: The concise Sacramentum Mundi* (New York: Seabury Press, 1975), 707.

⁴⁷ *Ibid.*, 708

⁴⁸ *Ibid.*

is “made concrete in the church in God’s name in the imposition of *ecclesiastical* punishment.” This punishment consists of the formal penance assigned to each sin by the confessor. The remains of sin consists of “an inner *obligation* to punishment because of the essence of sin and therefore ultimately because of God.”⁴⁹ The recognition of personal sin results in guilt, which animated by God’s grace, turns to repentance. The “inner obligation” that Schillebeeckx refers to can be described as the sense of guilt that results from sin. Guilt leads to contrition, which is the foundation of forgiveness and absolution. Penance assists the repentant sinner in the personal *metanoia* that turns away from sin and towards God. The church’s intervention, according to Schillebeeckx, is purely supplicatory.⁵⁰ In this, he agrees with Poschmann and Rahner. The modern reduction of penance to one or two short prayers means that the ecclesiastical penance to which the jurisdictional remission refers is now merely hypothetical.

As a result of this, the granting of an indulgence has in fact been reduced to an official assurance of the whole church’s intercession, in which God is implored, on the basis of the merits of Christ, of the whole communion of saints and of the entire church, to be favorable to the penitent and to bestow his grace on him, so that by virtue of this grace he may carry on his moral and religious penance to a satisfactory conclusion.⁵¹

Schillebeeckx’s distinction between the church’s canonical punishment and the remains of sin lead him to suggest that the ecumenical stumbling block of indulgences is removed “in principle.”

Indulgences, he says, derive their significance from the notion that the individual Christian draws upon the “living environment of the communion of saints” for an inner *metanoia* that frees from sin and sanctifies even after justification.⁵² The indulgence, according to Schillebeeckx’ description, is reduced to an authoritative assurance of the assistance of God’s grace for our ongoing conversion.

It is therefore not a question of a quantitative, but of a qualitative process of grace and penance, of a deepening of intimacy between God and the penitent who has been freed from sin under the care and the official promise of the intercession of the whole community of the church.⁵³

⁴⁹ Edward Schillebeeckx, “The spiritual intent of indulgences,” *Lutheran World* 14, no. 3 (1967): 26-27.

⁵⁰ *Ibid.*, 27

⁵¹ *Ibid.*, 31

⁵² *Ibid.*, 29

⁵³ *Ibid.*, 31

Schillebeeckx's optimism about the ecumenical opportunities provided by his formulation is tempered by his recognition that the real ecumenical point of difference is the basic Catholic view "that redemption, as God's sovereign efficacy in Christ, must be personally interiorized ... through *metanoia*."⁵⁴ This issue is precisely the point raised in the *Joint Declaration on the Doctrine of Justification*.

c) The Jubilee indulgence and the Joint Declaration

According to Martin Luther, justification is the doctrine upon which the church stands or falls. This concern is echoed in the *Joint Declaration on the Doctrine of Justification*, which states: "The doctrine of justification is that measure or touchstone for the Christian faith. No teaching may contradict this criterion."⁵⁵ Justification "stands in an essential relation to all truths of faith, which are to be seen as internally related to each other. It is an indispensable criterion that constantly serves to orient all the teaching and practice of our churches to Christ."⁵⁶ For Lutherans, and indeed many reformation churches, justification is the only such criterion, while for Catholics, several criteria are appealed to. The *Joint Declaration* consensus is based on the recognition by both churches that "no teaching may contradict" the doctrine of justification. This allows freedom to either church to articulate a theological hermeneutic that is consistent with their own tradition. It also presents a problem because indulgences are perceived to contradict the doctrine of justification. This is the problem referred to at the beginning of this essay, and to which we now turn.

The *Joint Declaration* presents an agreed statement described by ecumenists as a "differentiated consensus." It contains a common statement of basic truths on each of a number of controverted points, followed by clarifying statements from each church that explicate their specific understanding of the consensus. The agreement is based upon the conviction that "the Lutheran and the Catholic explications of justification are in their difference open to one another and do not destroy the

⁵⁴ Ibid., 32

⁵⁵ JDDJ, Annex, § 3

⁵⁶ JDDJ, §18. The Vatican II notion of a "hierarchy of truths" is echoed here.

consensus regarding the basic truths.” Thus, “the remaining differences of language, theological elaboration, and emphasis ... are acceptable.”⁵⁷

Despite following this method of differentiated consensus, the *Joint Declaration* does not attempt to explore the entire myriad of issues that are related to the doctrine of justification. The strength and weakness of the consensus is that it only addresses the issues attached to the sixteenth century condemnations issued by each church towards the other. It might be argued that the Lutheran objections to the Catholic teaching on justification imply a rejection of the doctrine of indulgences. The *Joint Declaration* addresses the core issues involved in the dispute, leaving certain questions for further clarification on the basis of the consensus. The remaining questions alluded to include “the relationship between the Word of God and church doctrine, as well as ecclesiology, ecclesial authority, church unity, ministry, the sacraments, and the relation between justification and social ethics.”⁵⁸ Although unmentioned, indulgences are certainly one of the issues that require further clarification. This essay has attempted to begin such a clarification.

As we have seen, indulgences relate to the punishment that remains following absolution. In this strict sense, one could say that indulgences do not contradict the *Joint Declaration* consensus since they do not refer to forgiveness of sin but only to punishment. “Whatever in the justified [person] precedes or follows the free gift of faith is neither the basis of justification nor merits it.”⁵⁹ Therefore, justification remains the sole purview of the forgiveness of sins. Such a conclusion, however, would be both simplistic and incompatible with the consensus itself, which sees all truths of faith as internally related to one another. If indulgences are a truth of faith, as Catholics have taught, then they bear an essential relation to justification. Of course, there is an important point to be made here. Justification refers both to the initial experience of coming to faith, and from a Catholic point of view, to the experience of forgiveness in the sacrament of reconciliation.⁶⁰ The sacrament can be understood to

⁵⁷ Ibid., § 40

⁵⁸ Ibid., § 43

⁵⁹ Ibid., § 25

⁶⁰ For much of this paper, the term “sacrament of penance” was used in preference to the modern “sacrament of reconciliation” because for much of its history the sacrament was referred to in this way. Only in the modern period when the emphasis moved from penance to reconciliation with God and the community, does the new term become popularised.

have two parts: firstly, contrition, forgiveness and absolution which are properly understood as justification; and secondly, penance which is understood as sanctification. Other elements of sanctification consist of indulgences, prayer and various good works. Sanctification is the growth in holiness subsequent to justification, and is not addressed by the consensus statement.

The *Joint Declaration* consensus consists of a number of affirmations that, in my view, are not contradicted by the doctrine of indulgences. In summary, the statement affirms that God is the author of justification, and that “by grace alone, in faith in Christ’s saving work and not because of any merit on our part, we are accepted by God and receive the Holy Spirit, who renews our hearts while equipping and calling us to good works.”⁶¹ The dynamic expressed in this short summary is found throughout the text: renewal, equipping and calling. Good works, which are the fruit of justification,⁶² necessarily result from faith and repentance. The works of penance and indulgences are not isolated from the faith and repentance of the penitent. These works are understood to be called forth, if not joyfully, at least from the obligation of repentance. The “inner obligation” to which Schillebeeckx referred, captures this concept admirably. Good works are thus an extended process of conversion or *metanoia*. As the *Joint Declaration* clarifies, the Catholic conception of good works understands them to be “made possible by grace and the working of the Holy Spirit ... so that the righteousness that comes from God is preserved and communion with Christ is deepened.”⁶³

As mentioned earlier, the *Joint Declaration* primarily responds to the Reformation and counter-Reformation condemnations on justification. It particularly deals with the Lutheran objections and concerns, and the Catholic responses and counter-critiques. Internal Catholic theological concerns relating to sacramental efficacy, penance, contrition, merit, the saints, and the juridical authority of the church in the life of the individual sinner, are only raised peripherally in the *Joint Declaration*. Nevertheless, these are all factors that have influenced the development and practice of indulgences. Indulgences are comprehensible only within the context of the juridical authority of the church over

⁶¹ JDDJ, § 15

⁶² *Ibid.*, § 37; cf. Prov. 11:30, Mt. 3:8, 7:17, Jn. 15:16, Rom. 7:4, Eph. 5:9, Col. 1:10.

⁶³ JDDJ, § 38

the individual, and the ministry of the church in supplicatory prayer for the sinner. The doctrine of justification refers to God's saving gift of faith on which account the sinner is truly made and accounted righteous by God. In a certain sense, indulgences refer only belatedly to the divine judgement that is the context of justification.

Although the *Joint Declaration* does not address the issue of indulgences directly, it is clear from Lutheran history and theology that indulgences have been understood as incompatible with the doctrine on which the church stands or falls. Catholic evaluations have generally agreed that the two are incompatible while defending the practice of indulgences. The *Joint Declaration*, thus, presents the churches with a new context for consideration of their historically conflicting doctrinal articulations. As this essay has shown, the doctrine of indulgences arose from the developing understanding of the sacrament of penance, which itself developed from the recognition of God's forgiving grace active within the sacrament of baptism. Penance provides a solution for questions about God's continuing forgiveness subsequent to baptism. Indulgences broaden the issue to encompass the continuing sanctifying grace of God in the whole life of the individual. The apparent incompatibility of indulgences with the Lutheran articulation of justification relates to the Lutheran desire to see all of God's forgiveness as a free gift of grace. The Catholic concern for indulgences and other aspects of sanctification, derive from a concern to affirm the free co-operation of the individual with God's saving grace.

When Catholics affirm the "meritorious" character of good works, they wish to say that, according to the biblical witness, a reward in heaven is promised to the works. Their intention is to emphasize the responsibility of persons for their actions, not to contest the character of those works as gifts, or far less to deny that justification always remains the unmerited gift of grace.⁶⁴

d) Conclusion

The *Joint Declaration* affirms that the significance and scope of the consensus remains to be completely realised in the life of the two churches. Yet, the significance for the remaining churches of the reformation is self-evident. The doctrine of justification was central to the reformers' theological

⁶⁴ Ibid.

concerns, and remains central to theological articulation for many of the historic churches of the reformation. Both the Lutheran and Catholic churches are actively engaged in dialogue with numerous churches. In recent years, we have witnessed Lutheran churches around the world entering into “pulpit and altar fellowship”, full communion or church union agreements with Reformed (Calvinist), Anglican and Methodist churches. Some of these dialogue partners have clearly articulated doctrines of justification that have been significant in their theological development and ecclesial identity. As such, a consensus on the basic truths of justification between Lutherans and Catholics immediately implicates the others, and calls for a serious examination and consideration. The churches of the reformation cannot merely sit on the sidelines as observers wishing their friends well but with no stake in the accomplishment. Even before the formal signing, the question arose as to whether further churches might be able to become signatories to the *Joint Declaration*. This question was addressed at a consultation held November 26 to December 1, 2001 in Columbus, Ohio at the invitation of the Lutheran World Federation and the Pontifical Council for Promoting Christian Unity. Both the World Alliance of Reformed Churches (WARC) and the World Methodist Council (WMC) took up the invitation to the Columbus consultation. In addition, there were observers from the Anglican Communion and the World Council of Churches. The consultation is just the beginning of a process that will hopefully see the consensus broadened to include the perspectives and concerns of the new dialogue partners. It will also be a forum for issues that fell outside the original consensus to be examined. Indulgences will certainly be on the table in the next round of dialogue.

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