

INDULGENCES : A POSITION PAPER

G.R.EVANS, Fitzwilliam College  
Cambridge.

1. 'Divine mercy readily comes to the aid of those who repent and gives indulgence (indulgentia) to the penitent' (PL 83.839). When Isidore, bishop of Seville, wrote these words early in the seventh century he had hold of the essentials but he had not yet any concept of indulgences which would set out clearly the difference between

- (a) the forgiveness of sin and
- (b) the consequences even forgiven sin has for the sinner as he tries to mend his life.

Nor does he consider the role the Church can play

- (c) as a vessel of divine mercy and
- (d) in restoring the penitent sinner to the Christian community.

These points were discussed in succeeding centuries, and the doctrine of indulgences evolved, first, as a statement of what an indulgence is in its essentials and secondly (and in part alongside this process), as a result of a series of developments which involved it with questions not integral to it, but which accidents of history have made it hard to separate (the sacrament of penance, papal plenitude of power, purgatory, the treasure of merits).

The result was some lingering confusion in the popular mind. In the early fourteenth century, a peasant Cathar heretic in the Ariège recounted a conversation in which he and a companion had discussed whether any man is 'able to indulge or absolve men from sins'. His companion said "No, no one can absolve anyone except God" (La Régistre d'Inquisition de Jacques Fournier ... 1318 - 25, ed. J.Duvernoy, Paris, 1965, Vol. II. 121-2). The two equate absolution and indulgence; they do not understand that the Church's ordained minister declares not his own but God's forgiveness. These muddles were not always avoided even by the better educated.

Indeed the theology underlying the doctrine of indulgences is extremely confused. Isidore understood the point of real importance: that the intention of indulgences is humane, it is an act of generosity towards the sinner.

I have attempted here only to set out the issues in brief and to give an indication of the steps in the development of the doctrine of indulgences. Sections 2-6 deal with the place of indulgences in Christian doctrine now 7-8 with the origins and definition of the doctrine of indulgences 9-12 with the central principles and the late mediaeval debate 13-7 with the precisions of the later Middle Ages and the difficulties and abuses connected with them.

## I WHAT IS THE PLACE OF INDULGENCES ?

### 2. The seriousness of sin

Sin is serious not only because it is a breaking of God's law, and thus upsets the universal order, but also because it is a failure of love, a breach of the friendship between God and man. It damages both the sinner and the whole community.

### 3. Making amends for sin

(Mt.25: 41-2; Mk 9: 42-3; Jn 5: 28-9; Rm 2:9; Gal 6: 7-8).

If we take sin seriously we must take making up for it seriously. The all-important work is Christ's. It is He who takes away the guilt which alienates us from God and restores the friendship between God and man. Our part is to try to make amends, to do willingly what we can to make good, and to accept the consequences of our sin. True contrition courts and loves penance, says Luther (95 Theses, 40).

#### 4. The consequences of sin

The consequences of sin for the sinner are automatic. It damages him. It clutters him with the rubbish of self-concern so that he cannot single-mindedly love God and his fellow-men. It is this state of affairs which remains to be put right when guilt is removed by grace and the sinner is truly contrite. Habits have to be broken, hurts healed.

##### (a) The place of mercy

The early Church felt the tension which must always exist between the importance of taking sin seriously as Jesus had done, and therefore dealing with it rigorously (Hebrews 10: 26 teaches that there can be no further remission of sin for those who have been forgiven and have deliberately sinned again); and the equal importance of showing mercy as Jesus had done. There can be no forgiveness without repentance, but where there is real repentance there is also an understanding of the seriousness of sin, and divine mercy lovingly mitigates the pain which is inseparable from that sorrow. Jesus showed in His own linking of forgiveness and healing (Luke 5: 23-4) that divine mercy recognises the penitent's need to feel himself healed and restored and accepted. He gave authority to His disciples to forgive sins in His name. That implies a responsibility to help those who are forgiven by bringing them into the community, comforting and supporting them.

##### (b) Sin after forgiveness

God's forgiveness, given once and for all to the sinner who repents and mediated by the Church in baptism, is complete, and an adult can find in baptism a purging of painful consequences too. But what of those who sin again afterwards, or who lapse from the faith altogether, and then repent once more? Baptism, with its healing, cannot be repeated. God's forgiveness is infinitely generous, and He will make repentance possible and take the repentant sinner back. But it is here that sin's damage bites,

and there is a great need for a means of helping with the consequences.

Not all early theologians believed it possible for the lapsed to be restored. Cyprian thought they could, but that it was essential that in the interests of justice restoration should be overseen by the bishop. He must be the agent of reconciliation with the Church if a balance was to be kept between recognising the seriousness of the situation and the Church's work as a vessel of mercy, and if the periods of time during which apostates were subject to discipline were not to be subject to erratic variations (see Sections 15, 16).

(c) Penance

To meet the needs of a community of Christians already baptised and guilty of falling into sin again and again, the Church developed a penitential system. Canon law originated in the framing of terms for the reconciliation of penitents. Because what was needed was a machinery of restoration the emphasis was practical. The penance was calculated according to the seriousness of the sin. Here, although it was not yet spelt out as such (or perhaps recognised very clearly), was the foundation of the notion of a 'temporal penalty' for sin. The seriousness of a given sin was being measured in terms of so many days of penance due for it.

(d) Retribution or healing ?

During the Middle Ages the notion of a retributive punishment, which serves the purpose of paying an outstanding debt to God as to a human lord who has been offended, was so familiar and natural that Anselm of Canterbury builds his soteriology upon it in the Cur Deus Homo. There was a recognition that the analogy is not exact. Aquinas adapts a notion used by Anselm in the Proslogion in another connection. He explains that we cannot really give anything to God. We can pay our debt only from our own point of view, quoad nos. The benefit is ours, not His (Summa, Suppl. q.15,a.1).

Alongside this conception there ran the idea of a role for the suffering

involved which made it like a surgeon's cautery, purifying, assisting the process of healing. The Celtic and early English Church taught that if anyone repents and asks God's forgiveness he should also do penance 'that he may be healed' (ut sanus sit). Later mediaeval theologians insist on the medicinal role of penance (Aquinas, Summa, Suppl. q.8, a.7; q.15, a.1; Bonaventure, In IV Sent., Dist. XX, II, a.1, and see Section 12).

The role of penance came to look more positive still. Luther points out that 'a work of love increases love, and by it a person becomes better' (95 Theses, 44). Today's Church puts it like this: it is only as we love God by loving one another that God brings about the mending of the results of sin's failure of love in us. (Cf. Pope Paul VI, Indulgentiarum Doctrina, 1 January, 1967 - Hereafter '1967', 5,9,10.)

#### 5. A sign to the Church

It is God who enables and works in this activity of reparation and repair. Richard of St Victor insists in the late twelfth century that the beginning of the process by which the sinner is freed from his sin is in the hands of God alone. God softens men's hearts so that they can repent, and that repentance changes the nature of the bond which ties them to sin. It takes away the guilt. The condemnation which was due is due no more. The liability to the consequences of sin is no longer eternal but finite, the consequence itself simply the damage sin has done in the individual (De Potestate Ligandi, PL 196).

If finite, then temporal, and even quantitative, as the earliest penitentials assume (see Sections 4,11,17). That notion held difficulties, as we shall see, but it has the merit of emphasising the human scale of penance.

If we want to show that we are sorry, to whom better than to the Christian community? An act of love there is an act for God. God knows we are sincere. Our fellow-Christians in the Church cannot see into our hearts. There is a loving purpose to be served in showing them that

we are sincere. So acts of penance can be a sign we make to the Church that we take our sin seriously and wholeheartedly want to make up for it.

6. Sharing the burden

There is another reason for showing we are sorry as a sign to the Church. One person's sin harms another. One person's holiness helps another. 'The life of each individual son of God is joined in Christ and through Christ by a wonderful link to the life of all his other Christian brethren'. 'A perennial link of charity exists between the faithful' (1967, 4). The attitude behind an action which gives it moral value is love.

Within the Christian community of love Christians have the power to help one another. We all share in the benefits of the work of Christ and depend upon His merits and we share these things with one another. Prayer, penance, attempts to make up for wrong-doing are above all expressions of love for God and for one another. When the Church meets the repentant sinner's act of love with a reciprocal act of love on the part of the community by mitigating the penalty he is trying to pay, she is extending loving mercy to those who are struggling to express their sorrow and sharing the love of the whole Church with them in Christ.

That is indulgence, the mitigation or relaxatio on which all later developments of the doctrine of indulgence build.

II : A WORKING DEFINITION

7. Origins and additions

So indulgentia is mercy, pardon, gentleness, and as an act of mitigation and mercy towards the penitent by the Church indulgences are certainly very ancient.

The Council of Trent (Session 25) traces the Church's power to grant indulgences to Christ's gift (a Christo Ecclesiae concessa sit) and claims

that it was exercised by the Church from earliest times (antiquissimis etiam temporibus illa usa fuerit). Robert Bellarmine finds the principle in Isaiah 61 and Luke 4, and points to Cyprian De Lapsis and Jerome on Daniel 4 and Augustine on Psalm 101 for evidence from the Fathers.

These observations gloss over a difference which was in fact recognised in the sixteenth century between the essential idea of a loving and merciful act of mitigation of the temporal penalty of sin made by the Church to the sinner struggling to repair the damage he has done and to show that he is sorry; and the doctrine of indulgences as it had developed in the late Middle Ages. Cajetan, writing against Luther in 1517 believed that there was no mention of indulgences (in the later mediaeval sense) earlier than about three hundred years before his own day (Tract XV, De Indulgentiis, 1). Miguel Medina, one of the Trent theologians, perceives a difference between modern indulgences which draw on the spiritual treasure of the Church, and earlier indulgences (Disp. de Indulgentiis, 42).

8. A two-part definition

If we frame a definition from the elements normally included stage by stage during the centuries of evolution of the doctrine. we arrive at this:

- Indulgences are (i) the remission
  - by the Church
  - of the temporal penalty
  - due
  - to forgiven sin
- (ii) in virtue of the merits of Christ and the saints
  - granted externally to the sacrament of penance
  - by those who have the power of distributing
  - the spiritual treasure of the Church.

The first group of clauses defines the doctrine in its ancient and essential form. The remaining clauses have to do with the elaborations and explanations

and new developments of the later Middle Ages. The abuses which crept in are for the most part connected with these later complications of the doctrine. The notion of commutation of penance does not on the whole find a place in the definitions. Although it was the earliest innovation in the doctrine (see Section 17), and began harmlessly enough, it led to perhaps the most glaring abuse of all, the sale of what should have been the Church's gift of love. That, at least, is how it seemed to many ordinary Christians. Chaucer, not known to be of Lollard sympathies, portrays the Pardoner as an out and out villain.

PART III (Sections 9-12) and PART IV (Sections 13-7) give a sketch of the theological and historical development of first the fundamentals and then the additions to the doctrine of the later Middle Ages, designed to take up and fill out the points made in the outline in PART I.

### III : THE ESSENTIAL POINTS OF THE DOCTRINE

#### 9. Forgiven Sin

The sinner is guilty because he has alienated himself from God. Guilt needs forgiveness.

He also, and separately, needs to mend what he has done wrong, and to be healed in himself. These are the penalties of sin, and they demand loving and practical action here and now, on the sinner's part, and on the part of those who love him in Christ.

There is a clear and almost universal distinction between guilt (culpa) and penalty (poena) in the literature of the mediaeval centuries when the doctrine of indulgences was being fully thought out. God alone forgives sins, moving men's hearts to repentance and freely pardoning them in Christ. Those who have been granted the power of binding and loosing declare the divine forgiveness not their own (Richard of St Victor, De Potestate; Luther, 95 Theses, 38). Indulgences have nothing to do with



the forgiveness of sins. They are concerned solely with the practical, temporal aftermath of sin in the forgiven sinner.

Luther's opponent, the Dominican Tetzl, is perfectly clear about this. Indulgences remit only the temporal penalty, and then only if there is true repentance. Luther himself appears not to have understood exactly what an indulgence is when he published the 95 Theses. He owns as much in his pamphlet of 1541 Against Hanawurst (WA 51.462 ff) Some of the 95 Theses reflect his confusion. It was a widespread vulgar misunderstanding (which Luther himself apparently shared) (76) that papal indulgences cannot take away the guilt of even the most venial of sins, or (36) that every Christian who truly repents is free from guilt, even if he has no letters of indulgence. He need not have insisted (6) that the Pope cannot remit guilt but only declare that God remits it. In 1541 (Against Hanawurst) his emphasis is rather upon the way in which the Church's teaching can mislead. The Pope, he says, promises forgiveness of sins to all those who have repented and confessed, but leads people to think that 'bulls, paper and money, the trappings of indulgences' are a way to forgiveness. It is as though the Church were offering indulgences as 'a new baptism and a washing away of sins'. There can be no doubt that there was confusion in many minds, and not only those of ordinary Christians, about the relationship between indulgences and forgiveness, but the Church's teaching was in fact clear. No work of man can earn forgiveness; only a contrite heart is forgiven. Nothing a man can do can make up for his sin in the eyes of God, but by striving to show that he is sorry a repentant sinner can demonstrate the sincerity of his repentance, ease his sorrow and grow well again. The Church can help him by indulgence, like a mother letting a child off part of a task of clearing up when he has shown he is sorry for the damage he has caused (see sections 2,3,4).

#### 10. By the Church

The power to remit or mitigate the temporal penalties which remain after sin is forgiven is implied in the authority Jesus gave His disciples to declare God's forgiveness in His name, although it is quite distinct from it. Bonaventure says that the relaxatio of the penalty is valid not only before the Church but also before God (In IV Sent., Dist. XX, Part II a.1, q.2). Albert the Great defines indulgence as : remissio poenae inunctae ex vi clavium, a remission of the temporal penalty by the power of the keys (In IV Sent., Dist. XX, a.22).

There is a further sense in which the relaxatio of the temporal penalty is the concern of the Church. The forgiven sinner was alienated from God and is now reconciled to God; he was also separated from his fellow-Christians in the Church and now returns to them. Early penitentials talk of 'expelling from the Church' those who do not repent of their sins and receiving them back when they show that they are sorry. Thus the gift of indulgence is an act of welcoming back to the community of love (see Sections 4,5,6), a counterpart of excommunication, as Luther points out (Sermon on the Ban, 7, WA 6, 63-75).

#### 11. Of the temporal penalty

The idea of a temporal penalty, finite, reduced to a human scale, presents some difficulties. Aquinas tries to answer a question put in the schools about the difficulty of quantifying guilt so that a quantity of temporal penalty can be calculated which will be appropriate to it. Aquinas is confident that there is a proportionality (unum alteri respondet) (Aquinas, Summa, Suppl. q.8, a.7). It was also suggested that indulgences are a form of simony because they involve giving something temporal in return for a spiritual benefit. Aquinas replies that we are given temporal things so that we can use them for spiritual good (In IV Sent., Dist. XX, a.3).

Such difficulties were greatly compounded by the development of the doctrine of purgatory which became bound up with indulgences from the twelfth century. Bishop Fisher of Rochester, writing against Luther, says that the value of indulgences is wholly dependent on purgatory (Lutheranae Confutatio, Art. XVIII). His misconception reflects several centuries of development of the two doctrines in harness.

In the course of the twelfth century, the doctrine that the redeemed need purification hereafter began to crystallise in the form of a doctrine that there is a 'place' in which for a 'time' after death souls undergo the final transformation which fits them to enjoy the presence of God. Luther takes for granted the existence of purification as given in Thesis 22, but it was resisted by Greek Christians and by dissident groups in the West (a group in Cologne as early as 1143 opposed it).

The emphasis on 'place' and 'time' may owe something to teaching about indulgences in which there is a quite proper emphasis on the temporal and finite nature of the penalty. But it obscured the conception of a final transformation with difficulties about the continuance of time after death.

Given purification hereafter, the logic is plain enough. The Church includes not only Christians alive at present, but all Christians in every age. All mediaeval readers would have been familiar with this idea as it is set out in Augustine's City of God. If Christians here and now can share their love and do one another good, why should that not extend to those who have died but are not yet with Christ? Souls in purgatory are certainly of the City of God. They are sure of heaven. It is just a matter of 'time'. In an age when 'time' could be thought of as moving in purgatory in more or less the way it moves on earth, it seemed appropriate enough that the remission of the temporal penalty for sin by indulgences should extend to purgatory too.

From the thirteenth century most theologians and canonists said that the Church can grant indulgences in favour of the dead. The Church on earth has no jurisdiction over the dead (non tenet modum iudicii), but it can extend its love to its fellow-members beyond the grave. Bonaventure comments that we cannot 'properly' (proprie) speak of remission (relaxatio) in their case, but we can do so if we use the word in a broad sense (si large dicitur relaxatio) (In IV Sent., Dist. 20, Part II, a.1, q.5). It is an act of 'helping' (suffragium).

This linking of time now and 'time' to come belongs strictly among the topics of Part IV. It does not touch the essentials of the doctrine of indulgences which antedate it by many centuries. It has been convenient to deal with it here because it is the only one of the elements later connected with indulgences which seems to be hinted at in the main definition (1), and it is important to get the separateness of the doctrine of purgatory and the doctrine of indulgences clear at this stage.

## 12. Due

In his pamphlet Against Hanswurst Luther sees the notion of satisfaction as the source of many 'abominations', indulgences among them. He argues that if indulgences are 'a remission of satisfaction' they are nothing, 'for we know now that satisfaction is nothing'. Luther argues for a doctrine of justification by faith which excludes earning righteousness by works. But in the heat of polemic he gives a narrow sense to 'satisfaction' when he rules it out as 'nothing' in this way. He certainly did not hold that there is no place for outward actions as indications of the sincerity of repentance (which is the basic concept underlying 'satisfaction'). The first of his Theses of 1517 states that the whole life of believers is to be penitential (citing Matthew 4.17). The third says that if inner repentance does not show itself in outward mortification, it is nothing.

Luther's particular difficulty was with a notion of 'satisfaction' which allowed for the possibility of buying oneself a clean sheet. Other reformers placed the emphasis on the danger of diminishing the seriousness of sin by considering it something for which man can repay God by his own efforts. Others - and especially in more recent days - dislike the vindictive associations of an idea of satisfaction which seems to make God require the sinner to suffer because He is offended by his behaviour. We have noticed (Section 4) that mediaeval theologians had seen that the last idea did not give an acceptable account of satisfaction; the first two objections were based on misunderstandings of what the Church taught. Late scholastic doctrine took the view that God forgives sins by grace and in justice, and that 'satisfaction' is not serving a sentence, but the acceptance of temporal penalties which are signs that we are trying with honest hearts to make good. We cannot meet the requirements of divine justice however hard we try, and God does not make such requirements of us. Our acts are accepted by Him in mercy and kindness. He lends them their merit. He has welcomed us back into fellowship with Himself and other Christians in any case, by warming our hearts to repentance, and by the actions of the Church by the power of the keys, in giving absolution and in baptism.

Misunderstandings about satisfaction were not new in Luther's day. Cathars questioned in 1165 argued that James the Apostle said only that they should confess and be saved. To make attempts at satisfaction by fasting, mortification and almsgiving, seemed to them to be trying to make themselves better than the apostle. They thought satisfaction involved the arrogance of a man's believing he could make up for his own sins in the sight of God. Another group held that baptism by the Spirit, conferred by the laying on of hands (consolamentum), brought divine remission of both guilt and punishment. They did not understand that the Church also taught

that when an adult repents and is baptised he is at that moment freed not only from guilt for his sin, but also from all temporal penalties, and they failed to allow for sin after baptism, a problem everywhere apparent to the Church, whose members were normally baptised as infants.

Such groups found that they could not provide fully for the sinner's felt needs. Rainier Sacconi comments that despite their protestations that there is no need for confession or the making of satisfaction for sin, the very seriousness with which they take it causes the Cathars to afflict themselves severely for their errors. Cathar doctrine admitted reincarnation and therefore taught that the souls of men in the body are in fact doing penance for their sins of a previous life. The notion that something remains to be dealt with even when the guilt of sin is taken away proved hard to deny.

#### IV : PRECISIONS AND DIFFICULTIES

##### 13. Plenary Indulgences

When he launched the first Crusade in 1095, Pope Urban II added a new principle to the granting of indulgences when he proclaimed a plenary indulgence for the crusaders. It is one thing for the Church to mitigate the temporal penalties of forgiven sin, another to promise a full remission of all acts of reparation. Temporal penalties are necessarily quantitative, but it had not hitherto been generally thought that anyone but God could know exactly how great they were. Urban made the patient discharge of the penalty bit by bit unnecessary. He announced that the Church could sweep all away, if the penitent earned such a concession.

There entered in an element of bargaining: so much help for so much outlay on the penitent's part had been a notion easy to fall into for a century or two (see Section 17); but this departure gave it new force and put it on a new footing.

14. In virtue of the merits of Christ and the saints

(a) Vicarious satisfaction

The conception of a treasury of merits of Christ, the Blessed Virgin Mary and the saints from which the Church can dispense merits is not essential to the doctrine of indulgences. It was not developed until the thirteenth century, but it became hard to separate the two in the later Middle Ages.

Cyprian (Letter X, to Martyrs and Confessors, n.4; Letter XII, De Lapsis, n.1) speaks of shortening the time of penance to be performed by apostates who had repented, in consideration of the suffering of the martyrs. Tertullian (De Pudicitia, Ch.22), shows that in the third century it was considered that the requests of martyrs were effective before God in obtaining remission of poena for repentant sinners. This principle of vicarious satisfaction was acceptable from an early date; it was familiar from the Old Testament. James 5:6 has 'pray for one another that you may be healed'. Gregory the Great (In I Reg.VI.ii.27) disapproves of the barbarian practice of substituting a 'champion' in judicial combat or ordeal, but his objection is not to the principle of vicarious satisfaction in itself. He is anxious only that Christians should be sincerely sorry. Then they can benefit from the penance done by others. Vicarious satisfaction is approved by Trent in much the same terms (De Poenit., Session XIII). The penitent must be contrite. Penitential works can then be done for him by others, although it is better if he does them for himself.

(b) The treasure of merits

Chrysostom hints that there is a community of holiness in the Church from which all can profit, although he thought that it could benefit only the dead (In Ep.I ad Cor., Hom.41,5). Practical sharing of the good of holiness went on in religious houses, where it became common in the eleventh and twelfth centuries to grant confraternity to lay benefactors. The

layman's gift earned him a share in the spiritual offering of the monks. But neither the shadowy principle nor its half-thought-out implementation added up as yet to the teaching that the good works of all the faithful together with the infinite merits of Christ form a common fund for the benefit of all the Church's members. Richard of St Victor at the end of the twelfth century discusses the mitigation of penance without reference to such a treasury.

Alexander of Hales in the thirteenth century is perhaps the first to have formulated the idea formally (Summa P. IV. Q. XXIII, Membr. 1.a, 1,2 : Membr. 5,6). Aquinas' master Albert the Great says that of the three views of indulgences (they are commutations of penance; they are mitigations of penance; they are payments from the spiritual treasure of the Church by the power of the keys) he prefers the last. (In IV. Sent., Dist. XX. a.16). Aquinas himself explains that when utilitas or necessitas requires, the head of the Church (see Sections 15,16) can grant to anyone who is a member of the Church through love, what seems best for him out of this treasury, either complete remission of the penalty for his sins or some partial remission (Quodlibet II. q.8, a.16). The emphasis is on the grace of God and the merits of Christ, not the outward acts of the forgiven penitent.

Once the idea of the spiritual treasure was framed it gave little trouble in itself. Luther says that the merits of Christ and the saints all work grace to the inner man (Thesis 58; cf.56). Wyclif objects not so much to the idea of the treasure as to the claim that the Pope alone can dispense it (Tracts and Treatises of John de Wycliffe, London, 1845, pp.195-8). This was first put forward in Wyclif's lifetime, in the Bull Unigenitus of 1343. (see Sections 15,16). The difficulty lies in the way the treasure is to be envisaged as being shared.

- (1) It is the Church's treasure because it is God's gift to the Church of 'the infinite value ... which Christ's merits have before God', together with his acceptance of the prayers and



good works of the Virgin and the saints (1967).

- (ii) The Church holds its treasure in a community of love, and love dictates the wise concession of merciful help as may best benefit the individual who is anxious to show the sincerity of his repentance to his fellow-Christians in the Church. There must be a loving gift not a helping oneself. (This meets Luther's query in Thesis 82 why the Pope does not let everyone off all penalties at once, if indeed he has the authority to do so).
- (iii) The sharing of the treasure ought to be a help and support, not a release from the obligation to mend one's ways and live repentantly. Because it is infinite it can in principle remove the temporal penalty for sin from every Christian for ever. But the temporal penalty is there to help in healing and as an outlet for the desire to make up for wrongdoing. It is a positive not a negative thing. The indulgence from the treasury of merit is a complement to penance not a means of replacing it.

#### 15. Granted externally to the sacrament of penance

The later twelfth century produced the first confessors' manuals; they gave guidance for priests on the treatment of penitents and specified what acts of satisfaction were appropriate in particular cases. At the same time the granting of indulgences was becoming something of a consuetudo ecclesiae, a customary, edifying usage with good precedents.

The relationship between indulgences and the sacrament of penance became a technical and disputed matter. On the one hand there were pastoral advantages in allowing ordinary priests both to impose penance and to mitigate it by granting indulgences when they thought fit. On the other hand, Cyprian's argument was still forceful, that it was important for bishops to

oversee and control the machinery of restoration. The notion of a spiritual treasure in the Church's charge made it seem even more important that the indulgences granted from it should not be handed out except by those with clear authority to do so.

There was sufficient tension in the situation to prompt attempts to clarify the position. In the thirteenth century Albert the Great denies that the parish priest has jurisdiction over the spiritual treasure of the Church and argues that that makes it impossible for him to grant indulgences (In IV.Sent., Dist. XX. a.22). The notion of a 'key' of jurisdiction was developed. The granting of indulgences was dissociated from the sacrament of penance and defined as a function of jurisdiction not of orders, requiring no special pouring out of grace because the soul to which indulgence is made is already forgiven (Aquinas, Quodlibet, II. a.16; In IV Sent., Dist. XX, d.3; Albertus Magnus, In IV Sent., Dist. XX, a.16, a.22; Bonaventure, In IV Sent., Dist. XX, Part II, a.1, q.3).

The Church's power to declare God's forgiveness and to help the penitent make it clear that he is sincerely sorry was thus divided into two powers, one remaining in the priest, the other confined to higher authority. Ironically, this both elevated the indulgence and diminished it. Bishops-elect not yet in priests' orders and papal legates who were not priests could and did grant indulgences. They had at the same time a higher authority and a lesser authority than the priest who heard and absolved the penitent and gave him a penance to perform.

It is non-controversial that there are levels of jurisdiction appropriate to different offices in the Church.

16. By those who have the power of distributing the spiritual treasure of the Church

This development had two effects. It tended to concentrate the power to grant indulgences in the hands of bishops and above all of the Pope

(Bonaventure, In IV Sent., Dist. XX, Part II, a.1, q.3). The tendency was already there, even before Urban II made his grant of a plenary indulgence to the crusaders in 1095. The synod of Seligenstadt of 1022 sought to discourage those 'foolish persons' who do not want to accept the penance their own parish priests imposed and who go to Rome in the belief that there they will have all their sins remitted. (The synod believed that: talis indulgentia illis non prosit; they should do the penance they have been given.) Episcopal rights were retained. Aquinas notes that it is the custom of the Church (consuetudo Ecclesiae) for bishops to be able to grant indulgences (In IV Sent., Dist. XX, a.4), but the emphasis was upon the Pope as guardian of the spiritual treasure of the Church and its ultimate dispenser to the faithful.

The second tendency was to encourage something of a divorce between the pastoral care of the individual and an increasingly mechanical dispensation of indulgences. This division fostered a further tendency for abuses to arise out of the commutation of penance.

#### 17. Commutation of penance

##### (a) Sign and act

Early in the history of the practice of granting indulgences the relationship between the free and loving gift of the Church and the penitent's demonstration of the sincerity of his repentance became muddled in the minds of many penitents.

A first step seems to have been the commutation of the more severe penances into prayers, fasting, almsgiving. That was a common practice by the eighth century. It made suffering into something positive and at the same time eased it. But ordinary people might already see themselves as in some sense earning the concession by their substitute actions. By the tenth century flagellation, pilgrimages and contributions given for the construction of churches had come to be included among substitute

penances which, by merciful concession, the Church counted instead of penance. The definitions tend not to include the notion of commutation.

Gifts of money to pay for church buildings were to set an unfortunate precedent. The line between such gifts and payment to earn indulgences was to be blurred into indistinctness for many in the later mediaeval centuries, and there is already a risk of the mechanical in the idea that performing a set action, as a pilgrimage to a certain shrine or the saying of a certain number of prayers, confers inherent benefits.

It was only too easy conceptually to slip from asking for an outward act as a sign of penitence which makes the relief of indulgence appropriate, to seeing the act as being in itself enough to make reparation (Section 13). By the late Middle Ages this was a notion natural for simple men to fall into. Luther wrote a diatribe prompted by the annual festival of relics celebrated by Albrecht, archbishop of Mainz in his new cathedral at Halle in 1521 (Against the Spiritual Estate of the Pope and the Bishops, falsely so-called). All visitors to the exhibition of relics were promised an indulgence. Those who prayed at a shrine in the cathedral and gave alms would win an indulgence of 4,000 years. Anyone who confessed to one of the priests who would be hearing confessions in the cathedral during the ten days of the celebrations would receive a plenary indulgence.

Such practices made it difficult for ordinary Christians to understand the significance of their visit to a relic or a shrine; certainly some came to believe that the act itself would confer benefits in whatever spirit it was undertaken. The Lollard Conclusions of 1394 object to the divorce of action from true devotion. Pilgrimages, prayers and offerings made mechanically to blind crosses or to deaf images of wood or stone are no more than idolatry, they argue.

(b) The sale of indulgences

It was never the official teaching of the Church that indulgences

could be sold, but it is easy to see how it came to seem that they were being sold. In the eleventh century we find provision that if anyone cannot fast in penance and is rich enough to pay to meet his obligation, he should give twenty shillings for seven days; if he cannot afford that, he may give three. This could seem no different from paying a fine instead of going to prison in modern usage. The idea of commuting penance was not in itself offensive to minds accustomed to the legal commonplaces of the Middle Ages. What was fair practice in feudal relations or in business between man and man seemed proper between man and God, too. Indulgences were in every sense a bargain. One got what one paid for. One was not cheated, and it is not hard to see how these developments overlaid the original conception of indulgence. When Urban II granted the plenary indulgence to the first crusaders he set a sequence of developments in motion. First he established a precedent for special direct papal action in the matter of indulgences. Secondly, he created a double need which would thereafter demand to be satisfied. The need of the faithful was for a means of enjoying the benefits of indulgences if illness or incapacity prevented actual crusading. The opportunity to buy an indulgence as a way of performing a good work was welcome. The other need was financial. When the crusading movement faltered and faded after the fiasco of 1204, the system (like many fund-raising devices initially imposed by authorities to meet a short-term need) had become entrenched and indispensable to the Church's finances. If there was a worthwhile cause, it did not seem improper to raise funds for it by the sale of the Church's spiritual assets. It seemed reasonable to regard the Church's long-term needs in a similar way, as a holy cause for which the necessary funding could be supplemented by the sale of indulgences.

The result was that by the end of the Middle Ages Church finance had become deeply dependent on income from the sale of indulgences. The

practice was not dropped at once by all protestants. A number of English bishops of the sixteenth century continued to depend on income from fines imposed in lieu of ecclesiastical censures, as much from need as from greed.

There was a need of another sort, too. Where the Church's laws must remain absolute, human frailty required indulgence. For example, when divorce is impossible, failings will occur which need mercy.

(c) A breach of charity

If we look back to the original and central conception of indulgence as an act of loving mercy by the Church, the misplacement of effort in these practices of the later Middle Ages is plain enough. The Lollard Conclusions of 1394 identify it as a breach of Christian love. Prayer ought to proceed from a charity which leaves no one out, but here there are attempts to gain special benefits for oneself or for named individuals in purgatory (7). 'It is a corollary that the pope of Rome, who has given himself out as a treasurer of the whole Church ... is a treasurer almost devoid of charity' (8). The Conclusions suffer from the overstatement and inaccuracies of polemic, but they put their finger on the nature of the real abuse. The central act of love and mercy and kindness towards the struggling penitent was being lost sight of.

18. Conclusion

The fact is that the practice of granting indulgences precedes the theory which explains and justifies them, and that theoretical giving of account barely kept up with developments in the later Middle Ages. Commentaries on the Sentences and Summas cover questions which were clearly being commonly asked and which challenge the doctrine at many points. Albert the Great explains what an indulgence is, answers the question, 'Does it have any effect?', explains whom it benefits, talks of the power to grant it and in whom it lies, and speaks of many of the points we have

been examining (In IV Sent., Dist. XX, a.16 ff.). Similar catalogues and similar comprehensive attempts to make sense of contemporary practices and assumptions are widespread from the thirteenth century.

The theologians kept a clear head. The essence of the matter is there, and a sensible account is given of the more recent developments. But confusion remained among the faithful and there was perhaps a real abuse in the Church's failure to clear up their misunderstandings.

In the testing circumstances of the sixteenth century debate, the theologians of Trent found it difficult to separate the essential doctrine from later accretions, and to see clearly where the abuses lay. In Session XXV, it was decided that for the benefit of the faithful the practice of granting indulgences should be retained 'according to the ancient and tested custom' of the Church. It was recognised that there had been abuses, and these were to be corrected, but the decree is brief and it does not go into details. The Bull In Sacrosancta Injunctum, 13 Nov., 1564 requires all teachers and professors, students and beneficed clerks to subscribe to the Church's teaching on Indulgences but does not further elucidate what that is.

The Apostolic Constitution of 1967 reflects the longer perspective of a better-informed and less impatient age. There is a clear account of the Church's aims in granting indulgences, and of the positive benefits they bring. They help the faithful. They encourage the faithful to do works of piety, penitence and charity, particularly those which lead to growth in faith and which help the common good. They make it apparent how closely Christians are united in Christ by prompting us to realise of how much we share.

It is stressed that indulgences do not lessen the importance of the sacraments, because they are extra-sacramental.

The abuses of the past are recognised. Indulgences are rescued from

being merely mechanical. Their value depends on a sincere conversion of outlook and a loving unity with God in a state of grace. The recipient must make a real contribution of love and effort. He cannot buy an indulgence with money.

In line with this correction of abuses, the document of 1967 lists reforms of practice. There are to be fewer plenary indulgences. There is to be no counting up of days or years or any other exact time of remission. Indulgences are not to be attached mechanically to named things or places, relics or shrines visited.

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Luther took up arms against the Church of his day over the abuse of indulgences. Abuse there was, if Luther did not always hit it accurately. That is now recognised and corrected.

To the essential principle of indulgences Luther did not object. He believed that the Christian ought to want to show his penitence, that works of love benefit others, that the merits of Christ and the saints work through grace in the soul, so that the Christian community shares everything in love and mutual help in Christ. (It is perhaps paradoxical that the mediaeval stress on the treasure of merits in effect expressed the doctrine of 'sola gratia').

Indulgences do not justify. They have nothing to do with the forgiveness of sins, or the sinner's rightness with God. They operate in a temporal context, in the Christian life, as the Church's practical helps. They remind us that we belong to a community of love and they encourage us to prayer and loving actions. Above all they help us to learn to love God. A hair shirt is a working aid; but we may learn more from accepting that we can sometimes leave it off and experience the relief of freedom from pain; and most of all perhaps from the love which encourages us to feel free to remove it