

## 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.<sup>1</sup> They are to be found in the Catechism, but they are not inscribed 'in our hearts on tables of flesh'. Of course, we know that such a process, which threatens to kill some particular truth in the Church, cannot lead to the real death of this truth – at least not in the case of those truths which really belong to the deposit of Faith. But this does not dispense theology from reflecting on the reasons for any such 'shrinking' processes which it observes. These reasons are not always and exclusively to be found necessarily in the spirit of the age, bad faith, or heretical hardening of the heart against a truth of the Church. The reason may also lie in the fact that a changed age really finds it difficult to understand these truths 'in the form' in which they had been expressed up to this time. Theology is not trying very hard to make them understandable. And so the poor Christian, who is not a theologian and therefore cannot resist this process himself, often cannot do very much else but let such an uncomprehended truth rest in the files of the *fides implicita* where it lies buried. He has the feeling that no doubt there is a truth here and that there is no doubt something in it, but that he himself cannot 'do anything with it'; and so he feels he just has to let the matter rest there, especially since there are after all enough other things and truths in Christianity which are for the moment more 'real' to him. It is not, of course, as if such (uncomprehended) truths [176] are in danger of disappearing all at once and everywhere, and for everyone simultaneously. After all, contemporaries live only apparently in the same age, and a truth can still be very much alive and be put into practice in certain quarters when elsewhere it gives the impression of being almost dead; it can be coming to life again somewhere, while elsewhere people have not even noticed yet how dead it has been in their hearts. Regarding such truths, the following should also be taken into account: they often cannot in any way be enjoined as a necessary part of men's lives – not even in the case of a member of the Church and not even by the threat of an anathema on such a member. How could anything like this be done with reference to the certain doctrine of the profit and blessing of the Confession of devotion or of the private devotion to Our Lady or of the private Sacred Heart devotions? The Church can proclaim the truth of the profit to be gained by such things; she can hope that this proclamation will move her hearers to action, but she cannot enforce the 'realization' of such truths as it were by strictly binding regulations. And no doubt it is not absolutely certain that the assistance of the Holy Spirit, which is assured to the Church, always guarantees in the respectively desired measure that such exhortations to the realization of such truths will bear much fruit. In such cases, too, it will, therefore, sometimes be useful to reflect on the reason why so little success is granted to such efforts not merely to state certain truths in the children's catechism class or in a sermon (so that it has been said and the preacher can then speak of something else with a clear conscience), but also to make them really enter into the life of the Christian: whether it is not because the proclamation itself has not quite understood the truth in question in such a way that it can be easily 'assimilated' and 'realized'.

Is not, for instance, Christ's descent into 'hell' such a truth? Who has ever heard a sermon

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<sup>1</sup> Cf. for this also K. Rahner, 'Der Gestaltwandel der Haeresie', *Wort und Wahrheit* IV (1949), pp. 881-891. Included also in K. Rahner, *Gefahren im heutigen Katholizismus* (Einsiedeln 1953<sup>2</sup>), pp. 63-80.

on this since the time he heard it stated during the children's catechesis? Is this not strange in the case of one of the articles of the Apostles' Creed? It has recently been said that the doctrine of hell is beginning to be a truth which no longer has any existential meaning for Christians – even though they still hold it in a theoretical way. Is that not also true of indulgences and the doctrine of indulgences? There are indeed many indulgences actually in existence and it is not very long since the latest edition of the list of indulgences was published. In every treatment of dogmatic theology, and even in Canon Law, can be found what is necessary to know about [177] all this. But it is surely no false suspicion and no pessimism in the pedagogical and pastoral religious field to advance the conjecture that – at least in Central Europe – the interest expressed by the average Christian in indulgences and in gaining them has very much decreased compared with earlier, i.e. pre-reformation *and* post-tridentine, times. People still like to make pilgrimages to Rome or other sacred places during the Holy Year or on other similar occasions, and even for religious motives – and they do, perhaps, in the process gain also the corresponding indulgences – because this is simply part of these exercises. But it will be difficult to maintain nowadays that the promised plenary indulgence is the decisive motive for these pilgrimages of the Christian masses, and that the indulgence once gained is for them the most precious effect they carry home with them. Indeed, how could anyone think in this way when an indulgence, even a plenary one, can be gained 'more cheaply' and at any time by saying a little prayer after Holy Communion, for instance. It cannot, after all, be said that the plenary indulgence of a pilgrimage (in its present-day form!) is more certain than some other indulgence. Contrition for sin is equally difficult in both cases. And the prescribed works for the indulgence, the conditions on which it is granted, are, according to the common teaching of theologians, merely an 'extrinsic condition' laid down on the part of the Church and by her authority alone for the granting of an indulgence. Whether this condition be great or small, difficult or easy, does not alter anything as regards the certainty and amount of the indulgence gained. Why should one, therefore, gain it precisely by a pilgrimage to Rome? There are many good reasons for making such a pilgrimage. However, that the indulgence is one of them, is not so easily seen. Whatever may be the truth of all these considerations, it is perhaps possible already to see that the interest in indulgences, and in gaining them, has undoubtedly decreased. And perhaps some of the blame for this must be attributed to the obscurities in the doctrine of indulgences which were less noticeable to earlier ages, but which today – even if we do not reflect on this at all – act as psychological repressions for the religious realization of an indulgence. It is, however, not completely superfluous – even looking at this from a religious and not merely scientific point of view – to strive for the greater clarification of the theology of indulgences. We 'nay regret the falling-off of interest in indulgences or we may be inclined to accept it as a possible and, in itself, harmless change in the [178] history of piety (because not only are there such changes, but they are quite legitimate). But only a clear and deepened theology of indulgences will enable us to understand whether there is something to be regretted in this state of affairs or merely something to be observed and, if the former, how we can make indulgences become something vital again for men today. The latter undertaking will not be very easy. How are we to get to grips with a Christian who declares that he accepts the teaching of the Council of Trent that the Church has this power to grant indulgences and that to gain them is useful and salutary (*Denz* 989), but for the rest declares himself not to be very interested in them in his own religious practice? For he himself, he says, has the impression that his religious life in the present day and age, and in the unavoidable narrowness of his consciousness, has more important things to think about and to live for. This is so also because he has moreover the faint feeling – without being able or willing to state so clearly – that the complete wiping out of his sins with all their consequences can, in fact, be achieved more surely and honestly in other ways.

We must, at any rate, welcome gratefully every attempt at gaining a better theological understanding of the nature and mode of operation of indulgences, especially any attempt which will do this in such a way that the man of today can more easily overcome the undeniable repressions he has developed with regard to this matter. For it is not immediately certain that the repressions are due merely to the nature of this matter.

A great deal of work would have to be done in this connection in the history of dogma and in dogmatic theology. In the field of the history of Dogma we do indeed possess the great and scholarly work of N. Paulus. But no matter how great the industry shown and how important the material results achieved in this work, it has nevertheless been written in the spirit and mentality of an age which wrote history in order to understand how it had evolved and not in order to understand what would still develop in the future. Applying this to theology, this means that the theological position which is the goal and norm of historical research, forms in the case of works of history of theology of this kind the reassured theological knowledge of the present which itself is not questioned and is regarded as complete and properly terminated without any inner dynamic. History, in such a perspective, naturally teaches also only what has been transmitted to us as theological [179] inheritance from the most recent past. And at the end of all this historical work, which has often been carried out with admirable industry and acumen, we know more about the history of the question, but not really more about the question itself. Because these historians had basically no new questions to pose, history also does not volunteer any new answers about such matters. Hence, even after having studied the weighty volumes of Paulus, we know no more about the nature of indulgences than what we could have gathered even before that from an ordinary textbook. And so it is also not in the least surprising that these manuals themselves simply refer to such historical works in a single line of the bibliography given in small print, and that otherwise everything remains as it was before.

And yet so much remains still to be done on this question. So much remains to be done in a theological way and not primarily in the manner of the history of dogmas. Or to be more precise, it must be done in the historical field of Dogma but by a dogmatic theologian who has the courage to pose questions and who does, in fact, pose them, quite unconcerned about whether he is also immediately capable of answering them adequately. A beginning to this work has undoubtedly been made by the not very bulky but important work<sup>2</sup> on which we wish to make a few comments in this chapter. If in this way our own contribution to the understanding of the doctrine of indulgences is only very small, this should be taken as an indication of the fact that we think this work should go on and must not come to a standstill simply because this subject is rather tricky and dogmatic theologians, too, do not like to skate on thin ice.

B. Poschmann, the well-known researcher into the ancient and early medieval history of penance, investigates in this work<sup>3</sup> the nature of [180] indulgences in the light of the history

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<sup>2</sup> Bernhard Poschmann, *Der Ablass im Licht der Bussgeschichte* (Theophaneia IV; Bonn 1948, Hanstein). For the history of this question cf. also Paul F. Palmer, *Sources of Christian Theology* II: 'Sacraments and Forgiveness' (London 1960), pp. 321-368; 398-401. – Tr.

<sup>3</sup> The book has unfortunately, as far as I know, not met with the interest it deserved. So far Poschmann's theses on this question have not yet been very closely investigated. Karl Adam has given his assent to them (at least this is the impression one gets): *TQ* CXXIX (1949), pp. 242-245. H. Weisweiler declines, politely and gently, to accept them: *Scholastik* XX – XXIV (1949), pp. 591-594. The position he adopts shows indeed (even though we do not consider it as the correct position as far as its ultimate verdict is concerned) that – as we, too, shall emphasize – the question which Poschmann poses himself can surely not be answered conclusively from history alone. P. Galtier seems in the last analysis to agree with Poschmann (although he bases himself on somewhat different reasons), at least in what concerns the factual uncertainty of the effect of the indulgence grant on the individual. Cf. his discussion of Poschmann's work: 'Les indulgences origine et nature', *Gregorianum* XXXI (1950), pp. 258-274. Galtier does not at any rate, raise any conclusive objections against Poschmann from the

of penance. His intention, therefore, is not in the last analysis a purely historico-dogmatic one, but a dogmatic one. He wishes to show, on the one hand, how the doctrine of indulgences evolves naturally out of the development of the Church's penitential practice, and, on the other hand, he wishes to clarify in this way the nature of indulgences by going beyond the position commonly adopted in theology today – an endeavour which in fact is seldom pursued and achieved in the field of the history of Catholic dogmas. In this endeavour, he traces the development of the practice and doctrine of indulgences up to the High Middle Ages – that is to say, until the last significant change in the theory of indulgences up till now. As P. himself says (in the Preface), he takes the materials for his historical expositions in this book from his own researches into the history of penance, from J. A. Jungmann's treatise on the Latin penitential rites and above all from Nikolaus Paulus' great work on indulgences and their history. Even as a mere summary of these researches, P.'s new work deserves our gratitude. But even in its historical aspect, this work is more than just a precise and concise summary of the conclusions of those other works. For he makes certain small critical corrections even in the work of N. Paulus (cf. e.g. p. 58, note 287; p. 85, note 401). The accent, too, even in the dogmatic point of view, is shifted quite significantly, in the sense that the meaning of the early medieval 'Absolutions' (both outside and in the sacrament of Penance), as seen in their significance for the development and the nature of indulgences, is brought out much more than had been the case in Paulus' work – in spite of the abundance of his material on this question.

It is not possible here to recapitulate P.'s survey of the origin and development of indulgences which is in itself already very concise. We [181] wish simply to give a few brief indications which are necessary for the understanding of the dogmatic conclusions of this book. P. first of all exposes those elements of the early Church's teaching on penance which are important for indulgences later on (pp. 1-14): the necessity of subjective penance for post-baptismal sins as a cleansing factor in respect of sin, without distinguishing in this between guilt and punishment; the support given to this subjective penance by the cooperation of the Church (congregation, martyrs, 'pneumatics', etc.) and above all by the intercessory prayer of the priest which is to be distinguished from the act proper of reconciliation (with the Church and thereby also with God) and which must not be conceived as absolution (in the modern sense) in a deprecativ form (p. 11). P. then (pp. 15-36) treats in detail of the nature, forms and modes of operation of the early medieval 'absolutions' outside (this is the earlier element, beginning already with St Gregory the Great) and within (from the tenth century onwards) the sacraments of Penance. These '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 'absolutions' 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. This follows from the fact of their taking place (even earlier) outside the sacrament (especially also in the case of 'general absolutions'), from their style and their restrictive clauses, and from the early scholastic theories about the nature and extent of the priestly activity in the sacrament of Penance. P. then (pp. 36-43) describes the historical and theoretical presuppositions in penitential matters which lead to the origin of indulgences: the change of the penitential institution from public to private penance and the placing of the reconciliation before the fulfilment of the

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point of view of any binding doctrine of the Church. That is already a great deal. Especially since Galtier has frequently and resolutely contradicted the conceptions of Poschmann elsewhere in questions of the history of penance.

ecclesiastical penance leads to the reflex differentiation between the guilt of sin and the punishment due to sin; thus subjective penance is now related more clearly 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 these same *punishments*, without there being as yet any question of a relaxation in the imposition of ecclesiastical penances as well. Then there follows [182] (pp. 43-62) an analysis of the first indulgences in the proper sense. They appear in the eleventh century in France, whereas the remissions of penances, granted to pilgrims to Rome since the ninth century, must (contrary to N. Paulus’ view) be held to be still graciously-granted redemptions. The essence of the new indulgences consists in the fact that, on account of the hoped-for effect before God of the intercessory absolutions on the payment of temporal punishment due to sin, the penitent is made a gift also of part of the ecclesiastical penance imposed. Thus, in these indulgences in the proper sense, a jurisdictional element is now added to the previous ‘absolution’, in so far as the ‘absolution’ now regards also the ecclesiastical penance imposed and naturally has a legal character relative to this imposition. Side by side with these indulgences in the proper sense, simple ‘absolutions’ in the old sense continue to exist for a long time. The beginnings of indulgences, therefore, are found in a *practice* which develops without being conscious of being something new. 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. The Church claimed this right although the sinner himself had to pay the temporal punishment due to his sins before God, even although with assistance from the Church and her authoritative intercession. And so such an ‘absolution’ could be granted the penitent to help him with his own penitential efforts, in view of some good work which made him particularly worthy of this ‘absolution’. It was then possible to remit a part of his ecclesiastical penance, because the ultimate purpose of the latter was thought to be achieved by the ‘absolving’ intercession of the Church. There follows then (pp. 63-99) an account of the judgement and theory of this practice of indulgences by the theologians of the early and High Middle Ages. Abelard completely rejects the then still new practice of indulgences (this is the first known declaration of theological attitude; Peter of Poitiers takes up essentially the same position, although in somewhat more moderate terms). Abelard was censured because he denied not merely that bishops were able to grant a *judicial* release from temporal *punishment* for sin before God, but also that they have the power of the keys in general (except in regard to ecclesiastical penances). From the end of the twelfth century onwards, the practice of indulgences [183] becomes gradually clarified and recognized in theology, but only after many vacillations and obscurities; for this the practice itself is used at first as the main argument for its justification, and its objective justification is found in the *communio suffragiorum*. With Huguccio (†1210), the notion of indulgences appears fairly clearly for the first time as a *jurisdictional* release from temporal punishment before God. But it still remains obscure for a long time why the *suffragia* of the Church are a sufficient substitute for the non-occurrence of the heavenly effect of the remitted ecclesiastical penance. And it is not clear for some time yet what is the role of the good work required for the gaining of the indulgence with regard to the effect: whether it is to be regarded as a redemption or merely as a condition for an effect which as such originates exclusively from the power of the keys. However, before the actual high scholastic period, it seems to have been the more general opinion that an indulgence does not have its transcendent effect on account of a direct power of absolution on the part of the Church, but only *per modum suffragii* (pp. 81 *sq.*). Through the explicitly developed doctrine of the ‘Treasury of the Church’ (already to be found in Hugh of St Cher, 1230), a new phase begins in the development of the doctrine of indulgences. It was possible to point out more clearly now the

factor in which the remitted penance finds its substitute. And when it was then added that the Church has a legal claim to this ‘Treasury of the Church’, and one which can be applied in a jurisdictional manner, all the previous difficulties seemed to be solved. It was now possible to develop the doctrine of indulgences which is still familiar to us today: the remission of temporal punishment due to sin (for which, until this time, the Church had simply interceded, with the result that the ecclesiastical penance imposed was remitted) could now be seen as taking place by means of a jurisdictional act which disposes of this Treasury of the Church authoritatively (as does the owner with regard to his property) and hence with infallible effect (St Albert, St Bonaventure, St Thomas). Once this stage was reached, the reference of indulgences to the remission of an ecclesiastical penance imposed could become increasingly loose, until at least some theologians (like Billot) exclude this reference completely from the nature of indulgences. For the same reasons, the granting of indulgences (beginning with St Thomas) came to be more and more independent of the sacrament of Penance. It came to be something reserved to the Pope, because only the Pope (or someone else dependently on him) can [184] dispose of the Treasury of the Church in a legal manner: whereas before – since it had been essentially a question also (but not merely!) of the remission of an ecclesiastical penance – all those who imposed such penances (confessors or at least bishops) could grant indulgences by their own power. On the other hand, if the Church can dispose of the Treasury of the Church in a legal manner, it becomes again more difficult to solve the question why, and to what extent, a good work is required as a necessary condition for an indulgence – for basically this can be understood only in relation to the more primitive commutations and redemptions of penances, and not in the new theory.

As already stated, these merely suggestive and fragmentary references to the outline of this history of the practice and theory penance as given by P. are meant merely as a preparation for the understanding of the question which really matters to P. (pp. 99-122) and to us, viz. how are we to conceive the nature of indulgences theologically in the light of this history of indulgences? And this is what is really new in P.’s treatment. What conclusions does he come to concerning the nature of indulgences?

The Church has always known that in the Communion of Saints, in the Body of Christ, the individual Christian is assisted in getting rid of his sins by the whole Church on earth and in heaven, and she has translated this knowledge into action in many different ways. In the case of indulgences, what was new at first was the fact that the knowledge about the ‘Treasury of the Church’, when carried into intercessory action, gave rise to the conclusion that the sinner could be granted remission also of a part of the *ecclesiastical* penance by jurisdictional act. Thus an indulgence has an effect in heaven and an effect on earth. Everything is clear and comprehensible up to this point, and P. believes that even the pronouncements of the Church *magisterium* about indulgences do not contain anything more as of obligation. The theological interpretation of the doctrine of indulgences, however, goes beyond the bounds of what is true and what can be proved, when it now adds to this the notion that in the case of indulgences the *jurisdictional* act as such refers not only to the Church-imposed penance as such but also directly to the very punishment for sin in the next world. This means that in this interpretation a ‘plenary’ indulgence, for instance, results (simply on condition of repentance for the sins concerned) in the *full* remission of all temporal punishment due to these sins, and does so with the certitude due to the effect of a [185] jurisdictional act (as in the sacrament of Penance with regard to guilt). That this goes beyond what is true and what can be proved to be true, is clear on several grounds. Thus, indulgences (in so far as they refer to the arrest of punishment before God) grew out of the old ‘absolutions’. The latter, however, were explicitly not intended to be an infallible means of a judicial remission of punishment, but were explicitly intended as an *intercessory* aid to the penance of the sinner, even though we may attribute a particularly powerful effect to this intercession, on account of the authority of

the intercessor. The appeal to Mt 16 and 18, and to Jn 20, is not telling, because it proves too much (p. 101). For it would then be immediately and unconditionally possible to loose also from temporal punishment due to sin in the sacrament of Penance. And why go to the bother of proving the power to grant indulgences by reference to the Treasury of the Church, when the Church has from the very start been given a legal power over temporal punishment due to sin as well as over guilt itself? Guilt can be remitted by the Church for the simple reason that she has been given the power to do this by Christ (and this precisely in Mt 16, etc.), without having to look for any further explanation for this. In the usual theory of indulgences, the true doctrine of the 'Treasury of the Church' has been turned overmuch into the notion of a sort of 'exchequer', and has been given a legal connotation such as is possible only in the case of *material goods* (*nihil aliud* – says Billot, for instance, about indulgences – *quam solutio ex publico aerario pro debitis privatorum*). But once we see clearly that the reality of the Treasury of the Church simply means that God can gratuitously and freely grant a remission of temporal punishment in view of the Sacrifice of Christ, and the sanctity of the Saints supported by that Sacrifice, then the Church's right to dispose of this 'treasury' depends entirely on the free will of God, and the fact, as well as the manner, of such a disposal must be completely derived from the positive dispositions made by God. There is no proof of the fact that God has granted the Church a *legal* power of disposal with regard to the temporal punishment due to sin, and the assertion of such a concession meets with quite a few difficulties even apart from this. The Church certainly has, however, a moral right to this 'Treasury', i.e. the Church, in her intercessory action for sinners before God, calls upon the merits of Christ and of his Saints, whose ready support she may presuppose as the fruit of her prayers. For God, in and despite the freedom of his dispensation of [186] grace, is undoubtedly especially ready to listen to the Church as a body and to her authorized prayer.

From all this follows naturally the understanding of P.'s determination of the nature of indulgences. An indulgence is a combination of the old 'absolutions' from temporal punishment – which are effective as a *prayer* of the *Church* – and of a jurisdictional remission of ecclesiastical penances. Even in the case of a plenary indulgence, the Church aims merely at a relaxation of all temporal punishment; she cannot guarantee with absolute certitude that God will completely remit these, punishments. In this conception of indulgences many other phenomena of the practice of indulgences also explain themselves better: the fact that indulgences still continue to be determined quantitatively by the old rates of penance; the necessity of a *causa proportionata* for the, granting of an indulgence, and of a good work for the gaining of it, by which the recipient of the indulgence also disposes himself in a special way for a favourable response to the special intercession made by the Church; the factual uncertainty of the success of an indulgence on which the Church herself counts, etc.

What is to be said about this Theology of Indulgences? First of all, it should not be overlooked from the very beginning in the further discussion of this thesis propounded by P. that this thesis is not so different in its objective, ultimate conclusion from the traditional theory of indulgences as might seem at first sight. For, a thoughtful theology which really and truly reckons with the seriousness of the consequences of sin and knows something about the non-transferable character of a personal deed in spite of the whole reality of the community of guilt and its consequences, will not at all doubt that, in fact, the 'gained' indulgences do not have exactly the effect which is ascribed to them *in se*. Thus far, therefore, P.'s thesis in itself simply transfers the always-given element of factual uncertainty to a somewhat different point than is the case in the usual theory. For the rest, however, we seriously mean to defend the view here that P.'s thesis is right, although one part of the proof which P. gives does not seem to be absolutely watertight, and another part of the proof would seem to be open to still further development and deeper study. It should be mentioned that the whole of

this defence is, of course, subject to the results of further theological discussion and to further precisions of the thesis, as well as to the obvious right of the Church's *magisterium*.

P.'s main argument is in fact the one based on the history of [187] indulgences: indulgences grew out of the old 'absolutions', the only really new element being the remission of a penance imposed by the *Church*. But, although the 'absolution' undoubtedly had an effect on the punishment in the life to come, it did not, however, have a judicial but an intercessory character in its regard. Ergo . . . Now, the *historical* connection between 'absolution' and 'indulgence' has certainly been correctly perceived and worked out. And we shall have to agree with P., that this 'absolution' is the continuation, with an intercessory character, of the penitential intercessions made by the priest in the early Church, which intercessions may not be simply and formally identified with the reconciliation proper. And it is right that the 'absolutions' within and without the sacrament were regarded as such a continuation at the time of their growth and flowering. But will not the dogmatic theologian who wishes to hold on to the current common theory of indulgences, object to the above that this historical connection (in a less empirical conception of the development of dogmas) does not exclude the possibility that the Church came to see only slowly in the course of all this, that her authoritative prayer has the efficaciousness of a jurisdictional enactment<sup>4</sup>? And this all the more so since the authoritative character of this prayer had always been very clearly in the forefront of consciousness, as P.'s description itself shows. And a 'prayer' of an authoritative kind need not necessarily lack the efficacy of an *opus operatum* (remember the 'prayer' of the anointing of the sick). Such a dogmatic theologian could reverse P.'s appeal to the fact that the 'absolutions' before the time of indulgences could not have been more than intercessory prayers because the early medieval theories about the efficacy of the sacrament of Penance for the cleansing from guilt hardly ascribe any more to the 'keys'. He could say that this proves precisely that, both in the first and in the second case, the clear theoretical recognition of an *ex opere operato* efficacy had first to break through, and that this clarification is equally compelling in both cases. He will, in other words, point to the fact that the same development took place also in the case of the deprecativ form of absolution from the guilt of sin itself. He will point out that, with regard to its transcendent and certain effect, the jurisdictional character of the deprecativ formula employed in the sacrament [188] of Penance was also recognized only slowly, and yet that the early obscurities must not be used against the later clarified teaching. P. does indeed give pointers to suggest that this parallel must itself be interpreted differently (p. 11). But this retort depends in its turn on the whole of his interpretation of penance in the *early Church* (*pax cum Ecclesia* as the *res et sacramentum* of the forgiveness of guilt before God, so that the intercessory formula does not at all formally represent the act of reconciliation as such<sup>5</sup>). The present author does indeed

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<sup>4</sup> The remarks of Weisweiler, for instance, run along the same lines as this objection.

<sup>5</sup> We might get the impression from this work (cf. e.g. p. 20) that P. regards this doctrine of the early Church, concerning the *pax cum Ecclesia* as *res et sacramentum* of the reconciliation with God in the sacrament of Penance, simply as a theorem of an earlier theology which has now been left behind. This impression is not correct. P. is, on the contrary, convinced of the fact that this doctrine is still correct today and it is still important for a deeper understanding of the sacrament of Penance. Cf. for this, his article: 'Die innere Struktur des Buss sakraments', *Müncher Theologische Zeitschrift* I (1950), pp. 12-30. This theory, which can also appeal to de la Taille, de Lubac and Xiberta for support among present-day theologians (and which also seems the correct one to ourselves, cf. the previous chapter in the present volume), is of great significance for the theory of indulgences. For it explains easily why the Church can indeed remit the guilt but not the punishment of sin by a juridical act, although a remission of guilt is in fact more difficult than a remission of punishment, and it would therefore appear that whoever is capable of the greater is capable also of doing the lesser. If the legal power of the Church employed in the sacrament of Penance consists precisely in the fact that man is thereby incorporated into the Church's inner means of grace and hence obtains the grace of God, which is the cleansing from sin, then it becomes immediately intelligible that the Church, by a legal act of reconciliation and reincorporation into the Church *qua* bearer of the Spirit of God, can forgive everything (and only that) which is inconsistent with this



agree with this interpretation, but it is an interpretation which has not yet by any means won the day among dogmatic theologians as a whole. If we are in this sense not quite as convinced as P. of the full force of the historical argument for the essence of indulgences based on the nature of the early medieval ‘absolution’, this does not mean that we do not recognize the importance of this argument. For it [189] shows that the burden of proof for the usual theory of efficacy rests with those who advocate this theory, because they assert more than can be gathered immediately from the origins of indulgences. One may, however, get the impression that theologians have not lost a great deal of sleep over this proof. And even if we presuppose as self-evident that there is a dogmatic proof *ex consensu theologorum*, it is nevertheless doubtful whether such a proof can be gathered in this case from a relative unanimity of theologians regarding the jurisdictional nature of indulgences (*qua* forgiveness of temporal punishment due to sin). For closer scrutiny shows that this unanimity is not as great as it might seem at first sight.<sup>6</sup> The initial verbal unanimity soon turns into [190] an objective difference of opinion, once we demand more precise information regarding particular questions.

There is another argument for his thesis which seems more telling in P.’s work than the proof from the history of ‘absolution’ taken by itself. Only that argument seems a little bit too brief and too historical in P. For it is not, after all, merely the *early* Church’s theory of penance (which seems to be somewhat too much in the foreground with P.) but also the dogmatically binding teaching of the Council of Trent (*Denz* 807; 904; 922), that the Church does not always and necessarily absolve from all temporal punishment due to sin in the sacrament of Penance. However, this proposition, which has the whole of the ancient teaching on penance behind it, makes sense only if it is not merely a fact that in practice the Church does not remit this punishment by her jurisdictional act exercised in the sacrament,

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reincorporation. Man can, however, be justified in the grace of God and yet, in the nature of things, be burdened with what we nowadays call the debt of punishment (in a somewhat colourless, formalistic and legal jargon). It follows, therefore, immediately from this that the legal power of the Church, when it forgives guilt by such an incorporation into, and reconciliation with, the Church, does not necessarily apply itself also to the punishment due to sin.

<sup>6</sup> One need only enter more closely into the question as to what sort of uncertainty is supposed by theologians as regards the effective gaining of indulgences, and how they explain this uncertainty, which after all is presupposed in the practice of the faithful. Galtier (*loc. cit.*) maintains that, even in the common opinion, indulgences do not imply a real absolution (with regard to sin’s temporal punishment before God), but a ‘*solutio*’ granted by the Church, i.e. the Church places the ‘Treasury of the Church’ at the disposal of one of the faithful (in a juridical manner), so that *he* may then use it to pay his debt of punishment. Hence, he maintains, the extent to which God accepts this form of payment remains indeterminate (in spite of the juridical character of the ‘*solutio*’). Now, this explanation does, perhaps, preserve the currently common interpretation of the doctrine of indulgences (‘against’ Poschmann) as far as terminology is concerned, but objectively it says exactly the same thing as Poschmann. Every theological theory about the nature of indulgences must be prepared to allow itself to be faced with the following question (to be answered clearly by a ‘yes’ or a ‘no’): if a man is in the state of grace, has repented of his sins and has fulfilled the work prescribed by the indulgence grant (and is a *homo viator*), is it *certain* then, under these presuppositions, that in fact all his temporal punishment due to sin is remitted if a plenary indulgence was attached to his prescribed work? Is this objectively certain in this case, and is the doctrine stating that this is so objectively, a theologically certain and binding doctrine? Any theologian who cannot answer these two questions with an unhesitating ‘yes’, must let Poschmann’s theory pass as at least theologically unobjectionable for the time being. Anyone, however, who dares to answer this question with an unconditional ‘yes’, must not only be prepared to allow himself to be asked as to what sufficient reason he can give for his ‘yes’. He must also be prepared to face the following questions: Does his ‘yes’ fully satisfy the seriousness of the divine justice? Why then cannot practically everyone be preserved right away from Purgatory by a simple jurisdictional act of the Pope? Why do theologians, generally speaking, nevertheless demand a *causa proportionata* for the validity of the granting of an indulgence on the part of the Church? Why does the normal Christian, with the true instinct of the faith, nevertheless regard a plenary indulgence, gained by the performance of a very small good work prescribed, as more uncertain than another indulgence gained, for instance, by a fatiguing pilgrimage? etc.

but also that she *cannot* remit it (with certainty based on this act as such). For, on the one hand, no more is demanded on the part of the penitent for such a remission according to the usual doctrine of indulgences) than for the remission of the guilt itself. And, on the other hand, the sacrament is simply orientated in every respect towards the cleansing from sin. And so it is impossible to see why the Church would not remit by her jurisdictional act in the sacrament what she could remit. If, however, the Church cannot do this with the efficacy of a jurisdictional act *in* the sacrament, then she cannot do it either outside the sacrament. Otherwise she would be able to do more outside the sacrament – at least in one respect – than in the sacrament, and indeed in respect of an object to which the sacrament is ordained. For in the last analysis the sacrament is also ordained to the blotting out of the temporal punishment due to sin, as is shown even by the imposition of a penance which is included in the *opus operatum*. It is necessary to state all this, and all the more so since theologians appeal to the same scriptural texts to prove the power to grant indulgences as they do when proving the power to forgive sins in the sacrament.<sup>7</sup> If this proof proved anything, [191] it would be that the full power of a jurisdictional (and as such certainly efficacious) freeing from temporal punishment due to sin is an *intrinsic* moment of *the particular* sacramental power which is given in these texts. It is, therefore, impossible to prove from these texts the jurisdictional nature of the power of granting indulgence *and* to deny at the same time that this power can be exercised in the sacrament of Penance *qua* sacrament (which is instituted or promised in these texts). If, however, this proof from Mt 16 and 18 is abandoned, then there is absolutely no scriptural proof left for a jurisdictional power of the Church with regard to temporal punishment due to sin. However, there is not only no proof for this, but also the very object of such a proof is immediately excluded by the teaching of the Church to the effect that she does not forgive temporal punishment in the sacrament *ex opere operato* simply as she pleases (and hence also *cannot* thus forgive it). For it is absolutely impossible to find any reason why the Church should not be able to do *in* the sacrament (which is there for the purpose of cleansing from the whole sin, including the debt of punishment) what (*ex supposito*) she is able to do outside the sacrament.

To put all this in a different way: if the reasons for the uncertainty of the success of an indulgence (which uncertainty is ultimately admitted by every theologian and good Christian) were to be found, as in the sacrament, merely on the side of the subjective disposition of the penitent, and were the same as in the case of the sacrament (as the usual indulgence-theory maintains), then the effective cause of this objectively infallible result would have to be, as in the case of the sacrament, a legal act, even if not already a formally sacramental act. For only such an act (we prescind from a physical act) can be infallible in its effect and yet be hindered from achieving this effect by merely subjective conditions in the line of the aim of the act. But then this legal act could be distinguished merely formally (or as a part of the whole) from the legal act exercised in the sacrament of Penance; it would, at any rate, no longer be possible to see why it could and should not be posited in any case also within the sacrament, especially since it is supposed to be included in the sacramental power given in Mt 16 and Jn 20. It would in this case be possible at the most to show that this act, in so far as it refers only to temporal punishment, may also be posited outside the sacrament, in accordance with the principle; *qui potest plus, potest et minus*. In order to avoid this whole conclusion, it would be necessary to adopt the despairing subterfuge of saying [192] that the Church *can* indeed exercise this legal power of forgiveness in the sacrament of Penance with regard to temporal punishment, since it is included in the sacrament, but that she does not do so on account of a self-imposed limitation of what is itself a greater power. To this it would then have to be

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<sup>7</sup> Cf. e.g. Ch. Pesch, *Praelectiones dogmaticae* VII, no. 492; F. Diekamp, *Katholische Dogmatik* III<sup>8</sup>, p. 315; J. Pohle-M. Gierens, *Lehrbuch der Dogmatik* III<sup>8</sup>, p. 506; M. Schmaus, *Katholische Dogmatik* IV, I<sup>4</sup>, p. 541.

replied that the Church cannot suppress in such an arbitrary manner the greater power given to her, *ex supposito*, by Christ. It is also impossible to give a really intelligible reason in the usual theory about indulgences for the fact that the Church requires a *legitima causa* for the granting of an indulgence over and above the need of the sinner for complete cleansing from his sin. For such a power of a legal kind (included in the sacramental power of Mt 16 and 18, from which it is after all derived) would be given precisely for the sake of that complete purgation of man. And so, no more than the power to forgive guilt as such could it be made dependent on any other conditions than the need of the sinner and his dispositions.

Let us elucidate these reflections further by a few observations taken from some of the most recent treatments in dogmatic theology<sup>8</sup> on the question of the sacrament of Penance and indulgences. Galtier refutes the theory which holds that by an indulgence the Church: simply ‘makes a present of’ the punishment due to sin by means of a simple remission on her part, by pointing out that indulgences would in this case be more efficacious in regard to temporal punishment due to sin than the sacrament of Penance. This theory attacked by him ‘*ascribit concessioni indulgentiae efficacitatem ex opere operato veriore et maiorem, quam quae sacramentali absolute agnoscitur*’. For the sacrament does indeed also effect a (partial) remission of temporal punishment due to sin *ex opere operato*, but only in the measure of the subjective dispositions of the penitent. But under the presupposition opposed by him, the indulgence is effective *ex opere operato* (presupposing simply contrition), purely and simply in the measure of the: amount of indulgence determined by the one who grants the indulgence. In accordance with this view, the Pope could, by a mere act of his will, remove something which is binding (the debt of punishment), which he could not do as the minister of the sacrament and by virtue of the sacrament. This consideration put forward by Galtier is, in our opinion, conclusive. But this is precisely why we cannot understand how Galtier can nevertheless teach before this, that indulgences are [193] effective *ex opere operato*,<sup>9</sup> and indeed in such a way that their effect, in contrast to the sacrament of Penance, ‘*independens est a subjectiva dispositione et proportionatur tantum voluntati concedentis indulgentiam*’ (no. 610). This seems to us to be in utter contradiction to what Galtier says a few pages further on concerning the fight against the theory of indulgences for punishment due to sin *per modum absolute*. It cannot be said that this contradiction disappears by the fact that Galtier rejects the infallibility in the form of ‘*absolutio*’ and admits it in the form of ‘*solutio*’. Given that the ‘*solutio*’ is really infallibly effective even in its end-effect, independently of the dispositions of the recipient, then Galtier’s objection holds true also against the ‘*solutio*’: its effect is surer and greater than the effect of the sacrament. If, however, this ‘*solutio*’ is to be taken as meaning that the Church does indeed (in certain circumstances) place her ‘Treasury’ – in a jurisdictional act – completely at the disposal of the penitent by a plenary indulgence for the payment of the debt of temporal punishment due to sins but that it is an open question whether, and in what measure, God is prepared to accept this supplied payment in any particular case (that he has, therefore, not bound himself in this case – contrary to what is true of the sacrament, as far as the guilt of sin is concerned), and acts in this case (in what concerns the debt of punishment) exactly as he does in the sacrament: then this is saying the same thing, in a more complicated terminology, as what Poschmann holds. For with regard to

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<sup>8</sup> P. Galtier, *De paenitentia*, (new edition, Rome 1950), no. 613.

<sup>9</sup> *Loc. cit.*, no. 609. It should be mentioned that this doctrine is proved merely by an appeal to the teaching of St Thomas (*Suppl.*, q. 25, a. 2). The conceptual background of this proof, however, is the idea that the Treasury of the Church is inexhaustible, and that the Church can draw on it and apply it in an authoritative manner. If she can do this, it is indeed correct to say that in this case the effect of the indulgence is not dependent on the dispositions of the one gaining the indulgence, and hence that indulgences ‘*tantum valent quantum praedicantur*’ (St Thomas, *loc. cit.*). But how can we prove this presupposition if the Church does not only not acknowledge herself to have such a power even in the sacrament, but explicitly denies having it?

the end-effect, which consists in the effective payment of the debt of punishment, the jurisdictional process of placing the Treasury of the Church at the disposal of the faithful has exactly the same value as an intercessory prayer of the Church. Such a prayer is addressed to God in the form of an appeal to the merits of Christ and the Saints, i.e. the ‘Treasury of the Church’. Galtier himself it should [194] be noted, remarks quite rightly about this ‘Treasury’ (no. 600), by appealing to Lehmkühl, that it must not be imagined as something which is divided out quantitatively and bit by bit – and hence with the danger of being exhausted – but that it must be thought of rather as the undivided totality of the moral works of Christ and of all men who are in his grace, in view of which God grants grace and forgiveness to other men.

It may be maintained that this argument, which is merely hinted at by Poschmann, is more convincing and objectively more conclusive and that, considering that P.’s aim lies in the field of dogma rather than purely in the field of the history of dogmas, it should therefore have been developed further than the purely historical argument from ‘absolution’. In the case of the latter argument we have constantly to ask ourselves whether it is not tacitly based on too positivistic and empirical a notion of the history of dogmas, i.e. on the conviction that the Church cannot even come gradually to the consciousness of a power of which she had not always been aware and which she had not always employed from the very beginning.

Naturally this main consideration, which we have even here merely indicated, should be deepened even further. It would be necessary above all to go into the question of how we can explain and make intelligible the fact (which at first sight seems a surprising one) that the Church can indeed wipe out the greater by a legal act, viz. the guilt before God, but not the smaller, viz. the debt of punishment. If we do not want to answer this question merely by appealing to a positive divine decree, made intelligible by means of such considerations as are contained in *Denz* 904, then we can only answer this question in a more profound manner if we enter more closely and comprehensively into the nature of the punishment due to sin than is usual in current theology. Current theology sees this punishment too exclusively as something which is extrinsically imposed on man by the justice of God, conceived merely as something vindictive. A practically necessary presupposition for a deeper study of this question would be to examine the doctrine of temporal punishment due to sin in the light of the *history* of dogmas, in such a way that this examination would also further the *dogmatic theology* of this doctrine. It is to be hoped that someone will soon write us such a history. Only a more profound doctrine about temporal punishment can offer any prospect of our being able to break down, even in this direction, the [195] objections and prejudices of Protestant and Eastern Christians against the Catholic teaching on punishment due to sin, satisfaction and indulgences.

The doctrine, and the history of the doctrine, of temporal punishment due to sin is a much more difficult Chapter than the average textbook of dogmatic theology would lead us to believe. For the Church did not get a clear consciousness of a debt (*reat*) of punishment really separable from the ‘debt’ (*reat*) of guilt until the moment when the practice of the Church (for very practical reasons) brought about a temporal link-up between the absolution in the sacrament of Penance and the commencement of penance. Thus the performance of the penance (which in the Fathers was concerned with the cleansing from sin in general, without any distinction between the ‘debt’ of guilt and that of punishment) had to have a really distinguishable effect from the reconciliation which had now already taken place in the sacrament by means of contrition and absolution. And so we would have to inquire exactly as to what doctrine of the ‘debt’ of punishment really does arise (and what does not) from *such* a starting-point. It would then be necessary to inquire further as to what exactly was meant originally by the Fathers’ demanding a long period of subjective penance for post-baptismal sins in contrast to the cleansing from sin in baptism. Was the real ‘living basis’ of this

demand the conviction that the sinner has incurred temporal punishment in the next life which he must pay for already in this life (why, by the way, already in this life?) – a payment to which he must be constrained under pain of refusal of reconciliation? (It is well known that even Scotus felt uneasy about the logical clarity of these considerations.<sup>10</sup>) Or is this patristic theory about the difference between the forgiveness granted by baptism and that granted by post-baptismal penance already a theory (which does not mean that it must be false) constructed to explain and support a practice whose basis lay elsewhere, viz. in the conviction that a baptized person who has relapsed into sin must be examined much more closely and critically than a catechumen, before being readmitted into full communion with the Church? And if this is the real starting-point of the practice in the early Church<sup>11</sup> which gave [196] rise to the theological theory, what results from this as far as this theory itself is concerned? This theory does not at all need to be false. But perhaps we could circumscribe its contents much more precisely and carefully once we think this theory through, starting from the point indicated. Would this – we may at least *inquire* – lead us to a doctrine of temporal punishment due to sin which is a little less juridical in the formal sense than the present common doctrine? Would it lead us to a doctrine which could bring more understanding to the Greeks (Origen at their head<sup>12</sup>) than the Latin doctrine of the punishment due to sin and of Purgatory has done hitherto? An examination of the real nature of punishment due to sin would practically have to bring in, and set in motion, the whole of theology. Is the really, from and on God's side (in distinction to an earthly lawgiver), an objective distinction between vindictive and medicinal punishment? St Thomas, to be consistent with his deepest intuitions, would have to deny this. *Non esset perpetua poena animarum quae damnantur, si possent mutare voluntatem in melius, quia iniquum esset quod ex quo bonam voluntatem haberent, perpetuo punirentur* (*Summa contra Gentiles* IV, 93) Could we not also omit the 'perpetuo'? In other words, can we not say that man and the world (including the realities beyond) have been constituted by God in such a way that sin punishes itself? Is it not true that wherever the connatural consequence of sin is accepted and endured to the bitter end, sin becomes of itself the temporal and medicinal punishment (no matter how much this punishment is a manifestation of the justice of God and is in this sense *also* vindictive)? And is it not true that whenever the will, in permanent obduracy, refuses definitively to acknowledge the most profound meaning of the attitude of sin, sin becomes of itself an eternal punishment? Such a conception would not in the least need to dispute that there are 'external' punishments due to sin. It would not at all have to conclude that, in as far as the divine punishments are concerned, these consist merely in 'sorrow', 'feelings of remorse', and similar 'inner' punitive consequences of sin. With the principle of the nature of divine punishments due to sin thus envisaged, it would not at all be denied but, on the contrary, even demanded, that there are 'external punishments for sin'. To see this, we would simply need to base ourselves on a deeper Ontology of the nature of the spiritual (human) [197] person and its surroundings. For the human person is spirit in materiality, which itself is again a part of a uniform and (in its continuity) indissoluble world of a material kind. Whenever, therefore, some act of spiritual freedom is exercised, this act embodies itself necessarily in the 'exterior' of the being – which is not simply identical with the personal core of this act – and it does so right into the materiality of this exterior. In this 'embodiment', the actual physio-psychical corporeality of man consists much more in the most exterior stratum and in the index both of the stratification and of the outward-directed construction of man, than that this should

<sup>10</sup> Cf. J. Lechner, *Die Sakramentenlehre des Richard von Mediavilla* (Munich 1925), pp. 321 sq.

<sup>11</sup> Cf. on this K. Rahner, 'Die Busslehre des hl. Cyprian von Karthago', *ZKT* LXXIV (1952), pp. 257-276; 381-438, esp. 395-403.

<sup>12</sup> Cf. on this K. Rahner, 'La doctrine d'Origène sur la pénitence', *RSR* XXXVII (1950), pp. 47-97, esp. 79-97; 252-286; 422-456.

simply be identical with 'what is different from the personal nucleus of man' and hence be no longer present in any way after death. Now, such 'incarnations' of man's personal decision of freedom in the 'exterior' of the person (and, beyond this, in his surroundings) are not simply cancelled out again, once they have taken place, by a change of disposition in the spiritual nucleus of the person through contrition, etc. Of themselves, these 'incarnations' remain and can in certain cases be changed, and work themselves off only by a slow process in time which may last much longer than the free conversion in the centre of the person. The person, who has himself caused these 'exteriorizations' of his own guilt in his 'exterior' and his surroundings, inevitably experiences them as something causing him affliction, as a connatural punishment. Although this punishment arises out of the guilt itself, by the collision of the guilty act with the given structures of the 'exterior' established by God into which the guilt engraves itself it must nevertheless be called an 'external' punishment. For this punishment is not simply the conscious reflection of guilt in the consciousness of the guilty person, which must disappear again together with the annihilation of the guilt. Any attempt to understand the nature of the punishment due to sin in the sense indicated must then, of course, also conceive the payment of the debt of punishment in a somewhat less juridical and formalistic manner than is usually the case. The payment of a punishment of this kind could in this case be conceived only as a maturing process of the person, through which, though gradually, all the powers of the human being become slowly integrated into the basic decision of the free person. This does not at all necessarily mean that the soul after death is still capable of meriting supernaturally an actual growth in grace. The profundity of the '*option fondamentale*' which has been made during life can no longer grow in the life beyond. But this, in its [198] turn, does not exclude the possibility of conceiving man as still really maturing in the purgatory condition of 'Purgatory'. We are not, at any rate, in any way compelled by the dogma of the Church to think of 'Purgatory' as a purely passive endurance of vindictive punishments, which, when they have been 'paid for' in this sense, release man in exactly the same condition in which he commenced this state of purification. For not every 'change' or 'process of maturing' must necessarily be already what is theologically described as growth in grace, increase of merit, advance in the degree of glory. Such a change of condition in the degree of maturity can just as well be conceived as an integration of the whole stratified human reality into that free decision and grace which, having been made and won in this life, is in itself definitive. Certainly such a conception of sin's temporal punishment in the life beyond requires implicitly also a certain modification, of the conception as to the manner in which these punishments can be 'remitted'. In the common, purely formal-legal and 'extrinsicist' conception according to which these punishments have a purely vindictive character, and according to which they are connected with sin only by a juridical decree of God and are added by a divine intervention exercised purely 'ad hoc', these punishments due to sin can obviously be 'remitted' by a simple remission which merely consists in God *not* adding them and in the fact that God refrains from the tormenting action on the 'Holy Souls'. In the conception of temporal punishment proposed for discussion above, it would not be possible to conceive the remission of punishment as a mere abstention from punishing. This occurrence would have to be conceived rather in the sense that the process of painful integration of the whole of man's stratified being into the definitive decision about his life, taken under the grace of God, happens more quickly and intensively and therefore also less painfully. That this is possible can be seen from our life on this earth. Thus, depending on circumstances, aids offered, etc., the same living 'process of working out' a moral problem can proceed easily and quickly or painfully and slowly. We cannot indeed picture to ourselves *how* in particular such a process of maturing can develop in different ways in the life after death; but *that* such a thing is conceivable will be ye difficult to dispute *a priori*. In other words, a 'remission' is conceivable even in the conception of

temporal punishment suggested above, even although this remission does not in this case consist simply in the mere omission of punishment.

[199] Such and many other questions would have to be considered if we really wished to work out an adequate theory of indulgences understood as the remission of temporal punishment due to sin. These questions are enumerated here, not in order to give an answer to them, but merely to show how much would still have to be done to clarify the questions which Poschmann has tried to solve.

Even apart from this, P.'s theory of indulgences would, of course, require to be proved and developed more closely. What is the exact nature of an *authoritative* prayer of the *Church* in distinction to a private intercessory prayer? Where is such a prayer to be found in the present-day granting of indulgences? If we adopt P.'s theory of indulgences, is it still possible to make the distinction between indulgences for the living and those for the dead sufficiently intelligible? For surely this is a distinction which goes further than the fact that after death the soul can no longer be absolved from a penance imposed by the Church? Why does not the Church return to the simple 'absolutions' (to use P.'s terminology), since the imposition of an *ecclesiastical* penance, from which we are also freed by an indulgence, is after all purely hypothetical nowadays? Why do we, strictly speaking, still need to appeal in *this* theory of indulgences to the Treasury of the Church, which is part and parcel of the Church's doctrine of indulgences, when elsewhere (e.g. in the case of the Sacramentals) the theological explanation of the intercessory prayer of the Church, no matter how authoritative this prayer may be, does not, as far as I know, fall back (at least not *explicitly*) on the Treasury of the Church? What is the meaning, in Poschmann's theory taken as a whole, of the good work with which the Church connects the granting of an indulgence? (Schmaus<sup>13</sup> gives a good explanation: the good work is a sign of the incorporation into the outlook of Christ and of the Saints to which the Church appeals in her intercessory stand on behalf of the person who gains the indulgence.) How and why is there still a concrete and factual difference in this theory between a plenary and a partial indulgence in respect of temporal punishment before God? In other words, is there any intelligible sense in which the authoritative prayer of the Church (in the case of an indulgence) can be intended to relate only to a *part* of the punishment due to sin which is to be remitted by a partial indulgence? Moreover, can what [200] is contained in the Church's doctrinal pronouncements regarding indulgences be fully reconciled, after thorough analysis, with P.'s theory? Poschmann affirms that it can and gives good reasons for maintaining this. P. certainly does not come into conflict with anything really defined in the matter of indulgences. As to whether this his theory is absolutely compatible with other, if not defined yet theologically binding explanations by the Church of indulgences, is something which would require still closer investigation; it is true, of course, that even such an investigation would have to bear in mind that the expression of such a doctrine taught by the *magisterium* of the Church might possibly be conditioned by some particular age. The references in P. to the explanations given by the Church seem to me to be rather scanty, but of course this question does not really belong to his particular theme.

If we may be allowed to summarize P.'s thesis once more (in terms which do not actually occur in his own formulation of it), we would say that: an indulgence is the sacramental of the remission of sin's temporal punishment before God, and this in conjunction with a jurisdictional remission of an (at least hypothetically) imposed ecclesiastical penance. Being a sacramental, it operates *ex opere operantis (orantis) Ecclesia*, and not *ex opere operato* as most theologians teach nowadays, even although, for historical reasons,<sup>14</sup> it is connected with

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<sup>13</sup> Cf. M. Schmaus, *Katholische Dogmatik* IV, I<sup>3/4</sup> (Munich 1952), p. 548.

<sup>14</sup> Galtier, *De Paenitentia*, (new edition, Rome 1950), nos. 612-615 also declares that the 'definition' of an indulgence (contained also in the CIC) which regards indulgences as a remission of temporal punishment due to sin '*per modum absolutionis*', is nothing more now than a historical reminiscence which no longer has any real

a [201] jurisdictional act of the Church which is concerned with the remission of an ecclesiastical penance and produces a sure effect in this regard.<sup>15</sup> We are inclined to think that this thesis is correct and that the reasons adduced in support of it are worthy of consideration.

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meaning in the present-day practice of indulgences. This means (in Galtier's sense) that we speak of an '*absolutio*' in contradistinction to a '*solutio*', only in regard to the ecclesiastical penances which were imposed in the past, but not in regard to sin's temporal punishment before God. Since, however, such unperformed penances imposed by the Church, which could be remitted ('absolved') in this way, no longer exist at all in the present-day practice, the expression '*per modum absolutionis*' is merely a reference nowadays to a former practice. We do not mean by this to claim Galtier as an advocate (in every detail) of the definition of an indulgence proposed by us above. But his arguments prove at least that we may not adduce the definition given in CIC can. 911 to prove that it is a question here of a jurisdictional act of the Church as the '*per modum absolutionis*' appears in opposition to the '*per modum suffragii*' of the indulgences for the dead. As to whether the '*per modum solutionis*', which Galtier (appealing to Cajetan and Billot) declares to be the real essence of the indulgence grant (i.e. the placing of the Treasury of the Church at the disposal of the believer so that he may as it were clear off or 'pay' the debt of punishment from it), is a proper jurisdictional act and one which causes '*ex opere operato*' (as Galtier maintains), that is a different question again; and it is, at any rate, a theory which has only as much weight as the reasons adduced in support of it, since it is not taught directly and with binding force in the Church's doctrinal pronouncements. How far we today are in this respect from the old practice which still actually presupposed ecclesiastical punishments which were remitted by indulgences, can be seen also from the following observation: the Council of Trent was still afraid that too liberal a granting of indulgences by the Church could bring about a weakening of ecclesiastical discipline. Today, indulgences have become so much separated from, and independent of Church discipline as a whole, that they can neither further nor endanger it. We do not mean to imply by this that the objective content of the exhortation delivered by the Council has lost its object or need no longer be taken to heart. Galtier, too, (*Gregorianum* XXXI, pp. 273 sq.) makes it clear, in appealing to the words of Bellarmine, that this warning given by the Council seems still very real in his opinion.<sup>15</sup> Our 'definition' is cited by M. Schmaus, *Katholische Dogmatik* IV, I<sup>4</sup> (Munich 1952), pp. 548 sq., who seems to assent to Poschmann's theory. The same is true of L. Ott, *Fundamentals of Catholic Dogma* (Cork 1960), p. 442: 'The Church Authority possesses the right to dispose of this spiritual treasury, though not strictly judicially . . . In the granting of an Indulgence, the Church appeals to the mercy of God . . . The prayer of the Church requires the gracious acceptance of God, but . . . a hearing can, with moral certainty, be counted on'.



If indulgences are to be found not only in textbooks but also in the practical life of the man of today, and if they are to be the means of blessings in practical life, then the Church's doctrine of indulgences must be thought through anew and in a living manner by theologians. Poschmann has made a good start in this direction, for which everyone ought to be grateful to him.