

ON THE OFFICIAL TEACHING OF THE CHURCH TODAY ON THE SUBJECT OF INDULGENCES

Although the theology and practice of indulgences was certainly most energetically discussed at the Second Vatican Council, no actual decision was arrived at. In the meantime a pronouncement has been issued by the pope, as a result of which a more practicable way has been devised of explaining the nature of indulgence, although admittedly certain basic theological problems still remain, which even this is incapable of overcoming. In connection with this new ordering of the question, we have set ourselves, in the investigation which follows, a relatively limited goal. The central and primary theme of these observations is the fact that the interpretation of the Church's teaching on indulgence as put forward by B. Poschmann¹ and the author² is perfectly [167] reconcilable with the Apostolic Constitution *Indulgentiarum Doctrina*³ of 1 January 1967. The task of demonstrating this fact, however, will probably bring to light certain further problems in the Church's current teaching on indulgence and its theological interpretation, and these too are of central importance. Because of this broader horizons will spontaneously open up, and our investigations will carry us far beyond this particular theme. It hardly needs to be said that in the 450th anniversary, the

¹ Of B. Poschmann's works, cf. especially: *Der Ablass im Lichte der Bussgeschichte = Theophaneia* 4 (Bonn 1948); also the reviews of this by H. Weisweiler, *Scholastik* 24 (1949), pp. 591-594, K. Adam, *T.Q.* 129 (1949), pp. 242-245, P. Galtier, *Gregorianum* 31 (1950), pp. 258-274, and K. Rahner (cf. n. 2); B. Poschmann, 'Busse und Letzte Ölung' – *H.D.G.* IV, 3 (Freiburg 1951), pp. 112-123; *idem*, 'Die innere Struktur des Bussakraments', *M.T.Z.* 1 (1950), pp. 12-30.

² cf. K. Rahner's review of B. Poschmann's *Der Ablass im Lichte der Bussgeschichte* in *Z.K.T.* 71 (1949), pp. 481-490; *idem*, 'Remarks on the Theology of Indulgences', *Theological Investigations* II (London and Baltimore 1963), pp. 175-201 (= a slightly revised version of the review of Poschmann's work); *idem*, 'Über den Ablass' *St.D.Z.* 156 (1955), pp. 343-355, also in this volume, pp. 150-165; *idem*, 'Ablass', *L.T.K.* I (Freiburg, 2nd ed. 1957), 46-53; *idem*, 'Sündenstrafen', *L.T.K.* IX (Freiburg, 2nd ed. 1964), 1185-1187; K. Rahner, H. Vorgrimler edd. 'Indulgence', *Concise Theological Dictionary* (Freiburg/London 1965), p. 277; K. Rahner, 'Indulgences', *Sacramentum Mundi*, III (Freiburg/London 1969), pp. 123-129. In the meantime other theologians have probably become adherents of the interpretation put forward by Poschmann and myself, cf. M. Schmaus, *Katholische Dogmatik* IV/1 (Munich, 5th ed., 1957) para. 272, esp. 609; G. Muschalek, 'Der Ablass in der heutigen Praxis und Lehre der katholischen Kirche', *Gespräch über den Ablass = Arbeiten zur kirchlichen Wiedervereinigung, Kirchengeschichtliche Reihe* 2 (Graz 1965), pp. 13-37; B. Häring, *Das Gesetz Christi* I (Freiburg, 7th ed. 1963), p. 518; L. Ott, *Grundriss der katholischen Dogmatik* (Freiburg, 7th ed., 1963), pp. 525 ff.; P. Anciaux, *Das Sakrament der Busse* (Mainz 1961), pp. 175 to 192; E. Schillebeeckx, 'Der Sinn der katholischen Ablasspraxis', *Lutherische Rundschau* 17 (1967), pp. 328-355; probably O. Semmelroth too is taking a similar approach in his commentary on the Constitution on Indulgence (see below p. 170, n. 11). In all the material statements he has made on the subject of indulgence in his own published works during the course of the last twenty years or so the author has at no time adopted any approaches which are basically different from the present one. At the same time, however, notable variations can be perceived between the individual works in his conception of the temporal punishments due to sin, his interpretation in the concrete of the special intercession of the Church and the part played by love as the basic unifying force in his understanding (which is at basis both anthropological and theological) of the process by which the whole man is matured. It is in the context of these basic factors that the true theological nature of indulgence is to be sought. For this reason the author may also be permitted to adduce numerous references in this study in order to bring out in precise and concrete terms the fact that his theory of indulgence is in harmony with the current official teaching of the Church on the subject.

³ cf. *A.A.S.* 59 (1967), pp. 5-24; in addition a separate edition of the Constitution has also appeared: *Constitutionis Apostolicae Indulgentiarum Doctrina. Breve Commentarium*, auctore E. Mura, R.S.V. (Vatican City 1967). This edition, published in both Latin and Italian with a commentary, was not available to me at the time this article was written.

jubilee year of the Reformation, we shall also implicitly be bearing in mind the views of other Churches on the subject of indulgence, even though the more directly controversial problems entailed in this theology will not explicitly be presented.

I

1. We are presupposing that the reader is already familiar with the interpretation of the Church's teaching on indulgence up to the present as presented by us in connection with B. Poschmann's view. Here we shall not be repeating this. The reader will only be able to understand what we have to say here, therefore, if what has already been said about this theory of indulgence is familiar to, and still fresh in his mind. For our present [168] purposes we shall call this theory the 'new theory' because it has already been called so by others.⁴ But we do not intend by this to assert that it is new in its material content. On the contrary, as B. Poschmann has shown from the aspect of the history of dogma, it is a revival of a teaching which, historically speaking, belongs to the origins of the theory and practice of indulgence viewed as a whole. The revival of this ancient teaching has been made possible only by purging the teaching on indulgence which has been usual since the Middle Ages of an exaggeratedly legalistic element which has been found repellent. The only reason we ourselves have for calling this teaching 'new' is so that we may have a brief formula for it ready to hand. Nor are we concerned in the study which follows to take up any particular position with regard to the judgments passed upon this interpretation by other theologians. This would lead us too far afield. The question which concerns us, therefore, is not how, for instance, R. Masi's⁵ judgment on the 'new theory of indulgences' is itself in turn to be judged.⁶ Here let us merely notice in passing that even Masi concedes that the 'new theory' does not contradict any of the defined doctrines of the Church, and does not even, in any obvious sense (*nettamente*), run counter to the teaching of the *ordinary magisterium*. One further point may be noticed, namely that (from the opposite point of view) certain [169] circles among Protestant theologians⁷ have found it possible to regard our interpretation as a

⁴ Thus cf. R. Masi, 'La dottrina tradizionale delle indulgenze', *Osservatore Romano*, 19 February 1966; *idem*, 'Nuove idee sulla dottrina delle indulgenze', *Osservatore Romano*, 26 February 1966. cf. also C. Journet, *Teologia della indulgenza* (Ancora, Rome 1966). These studies had, of course already been published *prior* to the promulgation of the Apostolic Constitution, and accordingly efforts were not spared in them to bring their influence to bear upon the new official pronouncement. In the investigation which follows we shall be concerning ourselves only indirectly to show that these efforts to present the theory of indulgence put forward by Poschmann and myself as irreconcilable with the official teaching of the Church did not in fact have any real influence upon the official pronouncement.

⁵ cf. Especially the last article by R. Masi, 'Nuove idee sulla dottrina delle indulgenze', *Osservatore Romano*, 26 February 1966, p. 6.

⁶ We are also compelled to refrain from entering into the discussion on the differences in the presentation of the nature of indulgence put forward at the Second Vatican Council. If we were entering into this question we would have to point particularly to the interventions of the Cardinal Patriarch Maximos IV Saigh and of Cardinals Alfrink, König and Döpfner. On this cf. L. A. Dorn, W. Seibel, *Tagebuch des Konzils. Die Arbeit der vierten Session* (Nuremberg 1966), pp. 233 f., 237 f., 248 ff., 260, 264 etc. The most important passages are now to be found in the work edited by J. Ch. Hampe, *Autorität und Freiheit. Gegenwart des Konzils und Zukunft der Kirche im ökumenischen Disput* Vol I (Munich 1967), pp. 436-449, 440-442 (Intervention by Cardinal-Patriarch Maximos), 442-449 (Vota of Cardinals Döpfner and König).

⁷ cf. K. G. Steck, 'Ablass', *R.G.G.* I (Tübingen, 3rd ed. 1957), pp. 64-67 (cf. the conclusion: 'How they (Poschmann and K. Rahner) will succeed in getting their views accepted remains to be seen'). The present investigation seeks to show that the earlier efforts were not altogether useless, and also that even apart from our direct contribution they have left at least some traces in the official documents.

preliminary foothold for a more positive understanding of the Catholic doctrine of indulgence.⁸

2. This study is not presented as a commentary on the Apostolic Constitution viewed as a *whole*. The question under consideration here, rather, is simply whether the teaching of this Constitution⁹ on indulgence amounts to a rejection, whether expressed or implied, of the teaching on indulgence put forward by B. Poschmann and myself, or alternatively whether, having regard to the actual text of it (for this alone is what [170] concerns us) this is not in fact the case. If we had to try to give a commentary on, and evaluation of this Apostolic Constitution taken as a whole, very many points would have to be discussed which cannot be treated of here, or which can only be touched upon very briefly, even though they may deserve the greatest attention from theologians: the question of the nature of the development of dogma in general, for certain noteworthy observations on this question do occur, such as are hardly to be found in any official documents of the Church prior to this one; points concerning the nature of indulgence, the necessity of adapting it or subordinating it to or under the Christian's task of working out his salvation viewed as a whole, in which love is first and last the determining factor; concerning the more ultimate 'roots of revelation' from which first the practice of indulgence¹⁰ and then the theory of it gradually (*paulatim decursu*

⁸ cf. especially H. Bornkamm, 'Thesen und Thesenanschlag Luthers', *Geschehen und Bedeutung* (Berlin 1967), pp. 60-63. This article includes, on pp. 65-70 certain observations on the Constitution on Indulgence of Pope Paul VI of 1 January 1967.

⁹ Of course the question of the theological standing of the Constitution would have to be discussed in general and in specific detail. Here, however, we shall not be treating of this in any explicit sense. The Constitution certainly contains no infallible doctrinal decision but is, nevertheless, an authentic presentation of the official teaching of the *ordinary magisterium*, so that its particular pronouncements still carry a certain degree of binding force. In estimating the standing of these pronouncements the stated purpose of the Constitution should not be overlooked. In it the *Sacrarum Indulgentiarum recognitio promulgatur* – the title of the Constitution – in other words it constitutes the new prescription for *practical* purposes for defining the nature of indulgence in the concrete. For this purpose, therefore, the preliminary doctrinal part serves merely as an extended introduction. But however this may be, we are taking the teaching of the Constitution as established and (though we do not intend to determine its precise theological standing any more closely here) as 'binding'. Admittedly we do hold the opinion that even a 'binding' doctrinal pronouncement on the part of the Church's teaching authority can and must have its meaning illumined and have its full implications brought out. What is binding in our understanding of the Constitution is the actual text of the *A.A.S.* We shall not, therefore, be taking into account the brief anonymous commentary which was appended to the text of the Constitution in No. 7 of the *Osservatore Romano* of the 9th and 10th of January 1967. We do not regard this commentary as having much authority, and feel that it has little to do with the real intentions underlying the Constitution. Why, for instance, is Mt 16:18 f. quoted once more as a proof of indulgence, when it is manifest that the Constitution itself deliberately avoids this? Why does the commentary speak of a '*potere di giurisdizione*' when the Constitution says nothing of this? Why does it speak of a '*porzione del tesoro*', when this is not really in conformity with the approach of the Constitution itself? Why is the commentary silent on the subject of the *sancta et justa libertas* when the Constitution makes full allowance for this in the use of indulgences by Christians? cf. also H. Bornkamm, *Thesen and Thesenanschlag Luthers* (Berlin 1967), p. 65, n. 220.

¹⁰ A further point that is discussed more freely than hitherto in this official document of the Church is the historical abuses in the practice of indulgence. At the same time, however, it must be recognised that at least from the pre-Nominalist period onwards a critical attitude had all along been adopted in the theory of indulgence. (See below p. 198, n. 58.) Moreover the Fourth Lateran Council (cf. D.S. 819) and the Council of Trent (cf. D.S. 1835) had already adopted a clearly critical attitude towards abuses (cf. the further inclusion of these quotations in No 8 with notes 41-42). It is explicitly conceded that there have been indulgences which were 'indiscreet and unnecessary', through which the attitude and the practice of repentance were deprived of their pristine force ('enervated'). Besides this it is also explained that because of the 'perverse quest for gain' the word 'indulgence' has been rendered obnoxious (we may contrast this with the formulation of the Tridentine text of D.S. 1835 adduced as a basis for the statement: *ab haereticis blasphematur!*). In considering these concessions it must be born in mind that such indulgences were still granted precisely by the Church (by whom else?). On the concrete practice of indulgence in the period immediately preceding the Reformation cf. E. Iserloh, *Luther zwischen Reform und Reformation. Der Thesenanschlag fand nicht statt = Katholisches Leben*

saeculorum) developed; concerning the concept of the *thesaurus Ecclesiae*, any quantitative interpretation of which is explicitly rejected; concerning the division (so strongly adhered to) of indulgences into plenary or perfect and partial (not imperfect!) ones; concerning the ‘holy and justified freedom of the children of God’, in virtue of which Christians can themselves decide whether they wish to avail themselves of the indulgences that are offered or to follow the Church’s recommendation to gain them, etc. All this cannot be treated of here, even though in itself and viewed objectively it could, perhaps, be more important as a subject for investigation.¹¹

[171] 3. While, therefore, in the following considerations we shall be arguing that our own theory of indulgence is reconcilable with the teaching the Papal Constitution, this in no sense implies that this theory is actually put forward in the Constitution itself. It is not the purpose of these considerations to assert, far less to prove, any such thing. The reconcilability of which we are speaking here is not based upon the fact that both interpretations coincide with one another on all material points. On the contrary it is based upon the facts on the one hand that no position whatever is taken up in the papal teaching on the question of the ‘new’ theory of indulgence, and on the other that this ‘new’ theory does not come into conflict at any point with what the pope has to say about indulgence. Its teaching is the same, even though, it may be, in one point of detail or another it may be presented under different aspects or with different formulations. Moreover in the position we are adopting here that the ‘new’ theory is reconcilable with the papal doctrine, we are not asserting even implicitly that the papal doctrine is irreconcilable with the traditional scholastic theology of indulgence. The case here is the same as with many other theological questions. What is formulated in the official teaching of the Church is that [172] common ground which either precedes or else arises from the teaching of the various schools, and which can be reconciled with several of the interpretations of these. The official teaching of the Church may be presented from a different perspective and formulated in different terms than those which we ourselves would uphold, and which we consider to be the more accurate. It may even be (and this is particularly noteworthy) that the terms in which it is formulated belong to a more traditional theory than our own. But as every theologian knows from numerous examples drawn from the history of dogma and theology, this in itself is very far from being a condemnation of the particular

und Kämpfen im Zeitalter der Glaubensspaltung 23/4 (Munster, 2nd ed. 1967), 2 pp. 16 ff., 22 ff., 30 ff. (with bibliography).

¹¹ We may draw attention to one further point here, namely that it is also important from the point of view of theology to notice what the Constitution does *not* say, contrasting in this with the ideas of scholastic theology. Thus for instance nothing is said about the idea that there is such a thing as a penance which can be performed by the Christian even though there is no question of applying its value in terms of ‘satisfaction’ as a blotting out of the temporal punishments due to sin since the individual himself has no need of it, so that so far as he is concerned it is ‘extra’, and *precisely for this reason* can be applied to others. The use at one point (cf. Norm 3) of the expression ‘*in modum suffragii*’ (in the case of the indulgences applied to the dead) without any further explanation is certainly striking. The expression *per modum absolutionis* or *per modum solutionis*, however, are not used. Whereas in scholastic theology it is customary to invoke the support of Mt 16 and 18, this is avoided here, even though the expression ‘*claves Ecclesiae*’ at one point (cf. No 8) does occur. This, however, cannot *ipso facto* be identified with a *potestas jurisdictionis*. On the development of the theology of the power of the keys cf. L. Hödl, *Die Geschichte der scholastischen Literatur und der Theologie der Schlüsselgewalt* I (Munster 1960); V. Heynck, ‘Der richterliche Charakter des Buss sakramentes nach Johannes Duns Scotus’, *Franziskan. Studien* 47 (1965), pp. 339-414; *idem*, ‘Die Diskussion über die Notwendigkeit und Begründung der Beichtjurisdiktion bei dem Anonymus O.P. des Cod. Vat. lat. 985’, *Wahrheit und Verkündigung. Michael Schmaus zum 70. Geburtstag*, L. Scheffczyk, W. Dettloff, R. Heinzmann edd. (Paderborn 1967), Vol I, pp. 1049-1071. Up to the present I have not yet heard of any extensive commentaries on the Apostolic Constitution. I should, however, draw attention to the commentary of O. Semmelroth which has appeared in the meantime under the title ‘Apostolische Busskonstitution. Bussordnung der deutschen Bischöfe. Apostolische Konstitution über die Neuordnung des Ablasswesens’ as number 2 in the series *Nachkonziliare Dokumentation* published by the Paulinus-Verlag (Trevés 1967), cf. esp. pp. 51-71.

theological opinion we are upholding. Let it be willingly and explicitly conceded that something of this sort may be the case here, for instance in expressions such as *dispensare*, *clavis Ecclesiae*, in the rules for distinguishing between plenary and partial indulgences etc. But no theological argument can be drawn from any such differences to prevent us from placing a different theological interpretation upon a doctrine of the Church which we all hold in common.¹²

II

Critics of the ‘new’ theory of indulgence have oversimplified and distorted it, regarding the pith and essence of it as consisting in the fact that according to this theory the remission of the temporal punishments due to sin – as distinct from penances imposed by the Church – is achieved not by an official exercise of the Church’s (and especially the pope’s) jurisdiction but (in so far as it takes place at all) through the ‘prayer’ of the Church. The traditional doctrine on indulgence, on the other hand, so these critics maintain, upholds this act of the Church’s jurisdiction and regards this precisely as constituting the decisive difference between indulgences and other ways of wiping out the temporal punishments due to sin. It is just this difference between the conceptions that the Constitution seems to take cognizance of in No. 8. On this point it seems to decide in favour of the traditional doctrine, and so too to adopt that definition of indulgence which is set forth in No. 8 and in No. 1 of the norms: An indulgence is an *auctoritativa applicatio et dispensatio ‘thesauri Ecclesiae’* for the remission of the temporal punishments due to sins in God’s sight, and this authoritative application and act of dispensing (*dispensare*) is something different from a mere prayer of the Church (*non tantum orat*). Now the question is [173] whether this explanation involves any *real* contradiction between the teaching of the Constitution and the ‘new’ teaching on indulgence. The points which we shall need to take into consideration in order to arrive at an answer to this question fall under several distinct heads.

III

What strikes one first on a careful reading of the Constitution is that in it the granting of indulgences on the part of the Church is not characterised as an act precisely of her *jurisdiction*. The Church’s power of granting indulgences is designated as ‘*potestas ministræ redemptionis Christi*’ (No. 8), and as a power ‘*auctoritative dispensare et applicare*’ in relation to the treasury of the Church (No. 8 norm 1). Now this is all the more striking in view of the fact that no support is claimed from Mt 16, the classic text for the Church’s power of jurisdiction.¹³ Certainly it might be said that a *potestas* which is exercised with ‘authority’ is, of its very nature, a jurisdictional power. It might be explained that the authors have deliberately avoided qualifying the authority to grant indulgences any more precisely than this because it is necessary to conceive of this power in such a way that we realise that indulgences are possible for the dead also, even though these are no longer subject to the jurisdiction of the Church. But against this we must first reiterate once more that not every *potestas auctoritativa* is a *potestas jurisdictionis* (we may recall the *potestas ordinis* as

¹² The phrase ‘*resistere potest*’ of D.S. 3010, for instance, cannot be adduced either against a Thomist conception of efficacious grace, even though the formulation of it was originally ‘Molinist’.

¹³ On the interpretation of this text cf. the works of L. Hödl (cf. above n. 11), P. Anciaux, *La théologie du sacrement de pénitence au XIIe siècle* (Louvain 1949), K. Fröhlich, *Formen der Auslegung von Mt 16:13-18 im lateinischen Mittelalter* (Dissertation, Basle, 1960).

exercised, for instance, in the power of consecrating and dispensing the Eucharist). Those, therefore, who wish to identify the ‘*potestas auctoritativa*’ of the Church referred to here with a specifically juridical authority have first to prove their case. For this identification is not expressed in the actual text of the Constitution itself, at any rate explicitly. A further point is that the whole presentation of the nature of indulgence from No. 8 to norm 1 is manifestly intended to describe indulgence as capable of being ‘applied’ to the dead as well (cf. norm 3). But in such a context how can it be supposed that it is an act of ‘jurisdiction’ that is intended, especially in those cases in which the indulgence can be gained *only* for the dead (cp. norm 15)? It cannot refer to the dead person himself (cf. norm 3: ‘*in modum suffragii*’). But in such a case *how* precisely can it refer to the living who gain the indulgence? If, therefore, this question is to be answered in the affirmative [174] at all, does this not imply that in order to support such an answer constructions have to be placed on the text of the Constitution which are no longer credible. In the case supposed is it the Church herself who performs the *suffragium*? If so then in this case also the general definition of indulgence must still apply. In other words *suffragium* must be able to be combined with the exercise of the Church’s *auctoritativa potestas*. If, on the other hand, a negative answer is given to this question, in other words if the living person who gains the indulgence is the one responsible for the *suffragium*,¹⁴ still, even then, we can say that it is the dead person himself who gains the indulgence *precisely as such*, and in that case what does the *potestas auctoritativa* of the Church bring about in this living individual? Is that which, *ex hypothesi*, is brought about in this individual while still living itself an indulgence?

Thus if we accept the idea of the *applicatio et dispensatio* of what is contained in the ‘treasury of the Church’ merely at its face value and merely as an exercise of some *potestas auctoritativa*, and then seek to interpret this primarily as an act of *jurisdiction*, we shall lose ourselves in a whole thicket of thorny questions. A further and final point is that the concept of a jurisdictional power in this sense and with so wide a range of possible applications is somewhat obscure when its application is extended beyond the ‘visible’ society of the Church and used to relate the members of the Church to one another as subordinates or superiors in respect of *all* the activities of the Church considered precisely as a *society*. This becomes clear, for instance, in the controversial question of what is implied by saying that the absolution given in the sacrament of penance has a ‘judicial’ character.¹⁵ If we do think of the authority of the Church [175] in this way we are in constant danger of reducing the terms we use to the level of clichés, the precise meaning of which as we apply them in general and in particular can no longer be verified. Our course should be, rather, to leave open the question of whether the *potestas auctoritativa* spoken of in the Constitution is to be identified with the

¹⁴ In No 8 mention is made of the fact that the *believers* undertake a ‘*transfere indulgentias in suffragium defunctorum*’. In norm 3 it is not so clear who precisely is the subject who ‘applies’ the indulgence to the dead (cf. also norm 15).

¹⁵ cf. also K. Mörsdorf, ‘Der hoheitliche Charakter der sakramentalen Lossprechung’, *T.T.Z.* 57 (1948), pp. 335-348; *idem*, ‘Der Rechtscharakter der iurisdictionis fori interni’, *M.T.Z.* 8 (1967), pp. 161-173; on the problem cf. also E. López-Doriga, ‘Die Natur der Jurisdiktion im Bussakrament’, *Z.K.T.* 82 (1960), pp. 385-427. cf. the bibliography already given on p. 170, n. 11. When, for instance, Mörsdorf sees the power of jurisdiction (*L.T.K.* V, 2nd ed., 1220) as consisting in the enacting of laws, pronouncing of judgment and government (this is his account of the Church’s supreme authority), how is it then possible to apply any such concept so as to throw light upon the *potestas auctoritativa* with regard to the remission of the temporal punishments due to sin in God’s sight – especially as, for one thing, the effect of a jurisdictional act in the true sense, as directed towards a subordinate, is independent of his assent, whereas the blotting out of a punishment due to sin in God’s sight is possible only with the voluntary collaboration of the recipient of the indulgence? To the extent that a *potestas jurisdictionis* is made effective in the sacraments, its effects bear upon the communal life of the Church, not upon the relationship of the individual to God. The concept of the *potestas auctoritativa* as applied to indulgence must therefore be developed independently of any speculations about the Church’s power of jurisdiction. On this problem cf. the observations of E. Schillebeeckx, *op. cit.*, pp. 336 f., 342 f., 345 f., etc.

jurisdictional authority, and to avoid losing ourselves in a process of conceptual acrobatics which is rich in verbiage but ultimately devoid of content. And if we take this course with regard to the meaning of the term *potestas auctoritativa* we shall straightway be in a position to deduce from the text of the Constitution simply the following two facts:

1. What the Constitution emphasises again and again is the ‘dispositions’ of the recipient of the indulgence. But once we have accepted the importance of these we come to what is proper to the Church herself, and to the part she has to play in the granting of indulgences. She has an ‘ability’ (*potestas* from *posse!*) which is real, valid and effective in God’s sight with regard to the blotting out of the temporal punishments due to sins, and the Church achieves this by having recourse to the ‘treasury of the Church’.

2. This ‘ability’ and this recourse consist not merely in ‘prayer’:¹⁶ *‘Non tantum orat sed . . . auctoritative dispensat’*.

So far as the first definition of this *potestas* is concerned the ‘new’ theory of indulgence certainly does not come into conflict with this in any respect. For the exponents of this theory have expressly emphasised that the Church’s act is not confined merely to the remission of the canonical penances which have been imposed, but relates to the temporal punishments due to sins in God’s sight. They have further emphasised that this activity is infallibly effective¹⁷ – that is so far as the Church’s part is concerned and leaving aside the ‘dispositions’ of the recipient of the indulgence – and indeed that in reality even according to the ‘new’ theory of indulgence this activity can be brought under the general concept of the *opus operatum*, provided this is rightly understood. In other words it certainly is [176] a *potestas auctoritativa*.¹⁸ Thus we see that the only question at issue can be whether the ‘new’ theory of indulgence does come into conflict really (and not merely in the sense that it seems merely from the form of words to contradict the Constitution) with the second determination of what is meant by the *potestas auctoritativa*, in which it is said not to consist merely in ‘prayer alone’. This is a point on which we must now speak further.

IV

This brings us to an initial point of very real importance, even if it is not the ultimate and decisive one with which this entire investigation is concerned. The exponents of the ‘new’

¹⁶ The anonymous commentator speaks of a *‘semplique preghiera deprecativa’*.

¹⁷ cf. K. Rahner, *Theological Investigations* II (London and Baltimore 1963), pp. 185 f., 199 f.; *idem*, ‘Abläss’, *L.T.K.* I, 51-52; *idem*, ‘Über den Abläss’, *St.D.Z.* 156 (1955), pp. 351-353 etc., in this volume, pp. 150 f.

¹⁸ For a more precise interpretation of such an act of subsuming cf. K. Rahner, *Theological Investigations* II (London and Baltimore 1963), pp. 192 f., 200 f. with n. 2; also ‘A Brief Theological Study on Indulgence’ in this volume pp. 150 f., 163. The actual *concept* of *opus operatum* was used less or not at all in the earlier studies. The primary reason for this was that we were making every effort to exclude the misunderstandings which could so easily arise, and which would give the impression that indulgence took effect in an automatic and magical way (see *L.T.K.* I, 51; *Theological Investigations* II, pp. 175 ff., etc.). What is at issue here was expressed perfectly adequately *from the very nature of the case*: ‘Always sure of being heard’, ‘an infallibly effective prayer’ etc. cf., for instance, *Theological Investigations* II, p. 178: ‘... And a “prayer” of an authoritative kind need not necessarily lack the efficacy of an *opus operatum*’ (thus already in the article as originally published in *Z.K.T.* 71 (1949), p. 485). For the rest I have already drawn attention, in my review of B. Poschmann’s book in 1949 (*Theological Investigations* II, p. 199), to the fact that Poschmann’s theory of indulgence needs to be developed and set on a broader basis precisely with regard to the ‘precise nature of an *authoritative prayer of the Church as distinct from a private intercession*’. For a fuller treatment of this cf. the later study of K. Rahner, ‘Some Theses on “Prayer in the Name of the Church”’, *Theological Investigations* V (London and Baltimore 1966), pp. 419-438; and particularly *ad rem*, pp. 428 ff., *idem*, *Kirche und Sakramente* (Freiburg, 2nd ed. 1963), pp. 22-30; *idem*, *Theological Investigations* II (London and Baltimore 1963), pp. 109-133; cf. also p. 179, n. 26.

theory of indulgence will certainly be of opinion that when the Constitution rejects the idea that the essence of indulgence consists merely in 'prayer alone' on the Church's part this does not imply a rejection of the 'new' teaching on indulgence in itself. Is this in fact correct? The answer to this question needs to be worked out very carefully.

1. First we may permit ourselves a few preliminary remarks with regard to method and approach. In theological controversies there is always a strong possibility that any conflicts that may arise are merely apparent, merely verbal ones. At first two statements are set against one another as affirmation and denial because they use the selfsame words to [177] assent to, or alternatively to reject, the proposition involved. Both parties (or at least one of them) presuppose that the meaning of these words is self-evident. They have this in mind when they use them and so do not pause to enter any more closely into, or to analyse their meaning. Each of the two parties, therefore, regards his own unreflecting understanding of the terms involved as 'obvious', and in doing so perhaps invokes the support of an alleged 'common parlance'. He regards this particular interpretation of the term, therefore, as already granted by the other party. In spite of this, however, the actual situation is that both parties are understanding the term in two different senses, and the contradiction is only apparent, or at any rate not established beyond doubt to be real.¹⁹ The present-day situation in theology is in fact such that the differences between the different departments of it, the problems they raise and the aspects from which the objective theological factors involved can be viewed, are immense. As a result a situation has arisen almost perforce in which one can find little common ground between theologians with regard to the objective meaning of the terminology they use. So that even when they use the same words we can never be too hasty in assuming that they are using them in the same sense, nor yet shall we find it easy to establish whether this is in fact the case or not. The reason is that every explanation of what particular sense is intended is itself in turned expressed in words which, once more, remain undefined and perhaps are still not in all cases 'clear'.²⁰

[178] 2. The Constitution speaks of an activity defined as '*tantum orare*', and sets this idea in opposition to that of a *potestas auctoritativa*. But it is not very easy to establish from this opposition exactly what is meant by the idea of 'prayer alone'. For it has already been shown that *potestas auctoritativa* is itself an idea that includes several different dimensions. Now it is not less true that 'prayer' alone taken in itself is a concept with several different levels of meaning, so that it is not straightway or *ipso facto* clear from the use of it in the Constitution that every conceivable level of meaning is intended to be excluded in defining the nature of indulgence. Even if we do not think of the private prayer of the individual Christian, since in fact in this context it is the prayer of the *Church* that is being referred to, still even this

¹⁹ The present-day controversy with regard to the concept of 'transubstantiation' and 'transsignification', their significance and the extent to which they are or are not identical with one another is probably a good example of the methodological difficulties which arise in contemporary theology and which we have in mind here. On this cf. O. Semmelroth, 'Eucharistische Wandlung' *G.u.L.* 40 (1967), pp. 93-106; E. Schillebeeckx, *Die eucharistische Gegenwart* (Düsseldorf 1967); J. Ratzinger, 'Das Problem der Transsubstantiation und die Frage nach dem Sinn der Eucharistie', *T.Q.* 147 (1967), pp. 129-158; W. Beinert, 'Die Enzyklika "Mysterium fidei" und neuere Auffassungen über die Eucharistie', *T.Q.* 147 (1967), pp. 159-176; I. van Hout, 'Fragen zur Eucharistielehre in den Niederlanden', *Catholica* 20 (1966), pp. 179-199; P. Schoonberg, 'Transsubstantiation: How Far is this Doctrine Historically Determined?', *Concilium* 4/3 (1967), pp. 41-47.

²⁰ cf. for instance the problems entailed in the use of the concept of 'person'. On this K. Rahner, *Mysterium salutis* II (Einsiedeln 1967), pp. 342 ff., 349 ff., 353 ff., 364 ff., 385 ff. I have attempted to point out that this situation has the most radical implications for contemporary theology and for the Church's official teachers. I have done this in a major study which appeared in 1968 (*Häresien in der Kirche heute?*, *Quaestiones Disputatae*, Herder, Freiburg 1968). cf. also K. Rahner, 'Philosophy and Philosophising in Theology', *Theological Investigations* IX (London and Baltimore, 1972), pp. 46-63.

concept of the prayer of the Church contains many different levels of meaning.²¹ It can be the prayer of a monk reciting the prayers of the office and praying in choir ‘in the name of the Church’.²² It can be an official prayer or collect, for instance for fine weather, recited by a priest. It can be the sort of prayer through which a blessing or some other sacramental benefit is conferred. It can be the form of prayer which as such constitutes the ritual of the anointing of the sick as *opus operatum*, and precisely as such it is an act of the supreme, that is of the actual sacramental ‘power’ of the Church acting from her ‘authority’²³ (*potestas ordinis*). In any case the ‘prayer of the Church’ is an extraordinarily variable entity. It varies in respect of those in the concrete whom it is intended to support, in the way in which particular members of the Church are commissioned to perform it in the name of the Church and as the prayer of the Church, in the ‘object’ prayed for,²⁴ in the way in [179] which it takes effect and in the degree to which its effect can be said to be ‘assured’. So variable is it, indeed, that one particular ‘species’ of this prayer can be conceived of – indeed actually exists – which (so far as the part played by the Church is concerned) is perfectly reconcilable with the element of infallible effectiveness and even with the concept of the *opus operatum*.²⁵

Is it then the case that the terms of the Constitution are such as to assert that of all the conceivable ‘varieties’ of the Church’s prayer not a single one enters in any sense whatever into the nature of indulgence, or are only some varieties excluded in this sense? To this question the Constitution itself supplies no answer. Yet it is legitimate to raise this question because there is a prayer which involves no real opposition to a *potestas auctoritativa*, but actually itself *constitutes* such a potestas and in a *particular* case can actually make the nature of this in the *concrete* more comprehensible than when the concept of *potestas auctoritativa* is used merely by itself. For if we take this latter course the idea which seems to be implied by it is legalistic in a sense which in reality is not intended for one moment, or at any rate is not positively inculcated as part of the Church’s official teaching. To this legitimate question, therefore, to which no explicit answer can be found in the Constitution, we can, without strain, supply the following answer: the *only* kind of ‘prayer of the Church’ which is excluded as inadequate to define the nature of indulgence is that which is not conceived of as an act of her authoritative power.

3. Now the ‘new’ theory of indulgence has all along had this particular ‘species’ of the ‘prayer of the Church’ in mind when it has sought to define the nature of indulgence as a prayer of the Church for the remission of the temporal punishments due to sin in God’s sight. Materially speaking, therefore, it does not run counter to the teaching of the Constitution. The exponents of this theory have never had in mind ‘just any kind of’ prayer of the Church.²⁶

²¹ cf. K. Rahner, ‘Some Theses on “Prayer in the Name of the Church”’, *Theological Investigations V* (London and Baltimore, 1966) pp. 419-438.

²² On this cf. the Constitution on the Liturgy of the Second Vatican Council, Nos. 84, 85, 90, 98, 99.

²³ On this cf. D.S. 1695 and the well-known theological considerations on the anointing of the sick.

²⁴ This aspect too is of great importance. Where the object of the prayer is *certainly* salvific (this is generally not the case, but remains in doubt) it is far easier to conceive that the ‘prayer’ (as, for instance in the anointing of the sick) is identical with an act of the Church’s *potestas auctoritativa*, as for instance in the case of a prayer (even of the Church) for fine weather, physical health etc. In the light of this alone it becomes clear that we must distinguish between the ‘prayer’ of the Church in indulgence and the prayer of the Church in the sacramentals. The commentator on the Constitution totally fails to perceive the real problem, therefore, when he suggests that the ‘new’ theory of indulgence is affected by the fact that a *semplice preghiera deprecativa* is ruled out in it. On this cf. p. 175-176, n. 17 and above all 18, p. 179, n. 25, and n. 26, where attention is drawn to earlier arguments put forward by the author. cf. also K. Rahner, ‘Abläss’, *L.T.K.* I, 51, ‘A Brief Theological Study on Indulgence’, in this volume, pp. 150-165.

²⁵ Apart from the evidence adduced in n. 18 cf. also *Theological Investigations II* (London and Baltimore 1963), pp. 185, 199; *Theological Investigations V* (London and Baltimore 1966), pp. 433-435.

²⁶ In view of the evidence already cited or referred to this is indisputable. cf. also *L.T.K.* I, 51: ‘The essence of indulgence, therefore, consists in the *special* prayer of the Church...’ (italics by the author). Furthermore

They intended to refer to a prayer in which the [180] Church, exploiting her nature to the full as *Ministra Redemptionis* (cf. the Constitution on Indulgence No. 8 norm 1) and as *Ecclesia ut unum Corpus Christo Capiti iuncta* (cf. No. 6) stands as intercessor on behalf of her member. They intended to refer to a prayer of a quite specific kind, one which of its very nature can be infallibly sure of being heard. It is this for four reasons: because of the indefectible and assured holiness of the praying Church²⁷ (though these attributes are certainly not present in the individual man), because of the task entailed by this very nature which she has to act as intercessor on behalf of her members,²⁸ because of the gift for which she is praying, which is certainly salvific in a positive sense²⁹ (this is something which we cannot know in the case of many other gifts which are prayed for), and because the pope, so far as his contribution is concerned, has given his authorisation to this prayer in the highest possible sense. It was emphasised by the exponents of this new theory – albeit in a different context – that such a prayer can actually be identical with the exercise of a supreme authoritative and sacramental power and also that in the case of indulgence it is capable of having the force of an *opus operatum*.³⁰

A prayer precisely of *this* kind transcends the situation in which we have to opt between two alternatives, ‘mere prayer’ on the one hand and the act of a *potestas auctoritativa* on the other. And for this reason it is not excluded by the teaching of the Constitution. At most, therefore, it could be said that the Constitution rejects a particular interpretation of the ‘new’ theory which, however, even apart from its being rejected here, oversimplifies and falsifies the theory itself, and goes against its true meaning to an intolerable extent (indulgence = *any* kind of prayer of the Church). Already at this stage in our considerations, therefore, we can boldly put [181] forward the proposition that the Constitution and the ‘new’ theory cannot be proved to be irreconcilable.

4. This becomes still clearer when we explicitly remind ourselves of precisely why the ‘new’ theory seeks to interpret indulgence as a prayer of the Church (made with authoritative power and ‘in itself’ infallibly effective). Two principle reasons are assigned for this.

(a) If the indulgence *precisely as such* is conceived of as a prayer of the Church, but precisely as *prayer*, then the danger of misinterpreting the nature of indulgence is essentially diminished. It is all too easy to represent the effectiveness of indulgence in terms which are extremely mechanical and automatic. Often the role of the personal penance of the recipient of indulgence is reduced to a minimum and regarded merely as an *external* prior condition for its reception rather than as an *intrinsic* element and as a *concrete* measure of the objective way in which the gaining of the indulgence takes effect in its recipient. It cannot be contested that there have been, and that there still are, theologians who conceive of indulgence in these terms. It has still to be shown that their theories, so far from being demanded by the

everything depends upon the actual manner *in the concrete* in which such a ‘prayer’ is understood and proves to be effective in the case of indulgence also. For a more precise statement of the theological nature of this prayer cf. especially apart from the references already adduced, K. Rahner, ‘A Brief Theological Study on Indulgence’, this volume, pp. 150-165.

²⁷ On this cf. the proof passages adduced on pp. 175-176, 178-179 and in nn. 17, 18 and 24-26. For further illumination on the theology of the subject cf. above all K. Rahner, ‘The Church of the Saints’, *Theological Investigations* III (London and Baltimore 1967), pp. 91-104; ‘Church of Sinners’, ‘The Sinful Church in the Decrees of Vatican II’, *Theological Investigations* VI, pp. 270-294.

²⁸ cf. K. Rahner, ‘A Brief Theological Study on Indulgence’ in this volume, pp. 150-165; *idem*, *Theological Investigations* V (London and Baltimore 1966), pp. 419 ff., *idem*, ‘Why and how Can We Venerate the Saints?’, *Theological Investigations* VIII (London and Baltimore, 1972), pp. 3-23, *idem*, ‘One Mediator and Many Mediations’, *Theological Investigations* IX, pp. 169-184.

²⁹ cf. above p. 178, n. 24 with references.

³⁰ E. Schillebeeckx regards the essence of indulgence as consisting also in an ‘assurance of the intercession of the whole Church given by the authorities of the Church’ (p. 352), though admittedly he does not explain any further the specific character of this prayer.

Constitution, are actually ruled out by it, if we understand it rightly and work out all its implications to the full. The misinterpretation in question is excluded right from the outset, however, if indulgence is understood as a prayer of the Church (of a quite specific kind), because however infallible a prayer made on behalf of another may be in itself, in its objective effectiveness *in the concrete instance* it depends upon the dispositions of that other. Furthermore these dispositions must also correspond to what the ‘object’ of the prayer is which the petitioner seeks to attain to in the specific case. There is a possibility here, therefore, of misunderstanding the act of the ‘authoritative power’ of the Church in a sense which is extremely dangerous for the practice of indulgence, the possibility, namely, of holding that this authoritative act is absolutely incapable of failing to achieve the ultimate effect which it is intended to achieve, provided only that on the part of him for whom it is intended a few conditions are fulfilled which are easy to fulfil and also easy to ascertain. Now in terms of our objective statement of the case and of our religious teaching, this danger is not sufficiently guarded against when we speak *only* of the *potestas auctoritativa* of the Church. Once this is realised we can speak easily and in terms which can be understood of the immediate, and not merely of the ultimate object of this prayer: of the grace which the Christian receives to perform his penance in a spirit of love³¹ in order [182] thereby to attain to the blotting out of the temporal punishments due to sins.

(b) Once we have recognised that the ‘prayer of the Church’, understood in the right sense, enters into the very nature of indulgence, this should have the effect of unequivocally ruling out one quite specific conception of what a ‘jurisdictional act’ means as applied to indulgence, a conception which, if it is not actually directly and explicitly ruled out by the Constitution, certainly forms no part of its teaching. The conception we have in mind is this:³² that the indulgence takes effect simply and *only* in virtue of the fact that a specific part of the ‘treasury of the Church’ is assigned to an individual (*per modum solutionis*: the Church ‘pays’ what the sinner would have to pay), and this acts as a substitute for the *reatus poenae temporalis* which has been imposed by the justice of God in its purely vindictive aspect. This part of the treasury of the Church is simply bestowed upon the sinful individual provided only that he has no actual attachment to sin as *reatus culpae*, without him himself having to change anything else. Now precisely *this* conception of indulgence as being essentially jurisdictional is excluded from the outset once we admit the element of ‘prayer’. For this prayer – authoritative, uttered in ‘power’ and in itself infallibly effective – is a petition on behalf of the repentant sinner for that grace which is necessary in order that he may more swiftly, more ‘surely’ and more happily overcome the ‘reliquiae peccatorum’ which are something more than a *mere* external debt of punishment conceived of in purely legalistic terms.³³

At this point we arrive at questions which carry us beyond the problem of a ‘terminological’ discrepancy between the Constitution and the ‘new’ theory of indulgence and of how this apparent contradiction is to be overcome, and which bring us directly to a question which is central to the matter itself. Just as the purpose of interpreting indulgence as prayer of the Church is, properly speaking, twofold, so too here we are concerned with the problem of how precisely we should interpret the dispositions necessary for the effective reception of indulgence, and also with the question of how the blotting out of the ‘temporal

³¹ This exercise of penance under the power of grace is the immediate ‘object’, analogous in a certain sense to the *poenitentia interior* which constituted the *res et sacramentum* for Thomas, and brought about by the *potestas ordinis* of this sacrament. The blotting out of the temporal punishments due to sins, therefore, is the ultimate ‘object’, analogous to the *res sacramenti* in the sacrament of penance.

³² It is found, for instance in L. Billot, cf. K. Rahner, *Theological Investigations* II (London and Baltimore 1963), pp. 185, 191 ff., 199-200 with n. 14.

³³ On this cf. K. Rahner, ‘A Brief Theological Study on Indulgence’, in this volume, pp. 150-165.

punishments due to sins' is more [183] precisely to be conceived of. This latter question in turn entails a consideration of what precisely these temporal punishments themselves consist in. Naturally these two questions are closely interconnected. But they must be treated of one after the other even though this procedure must inevitably be a laborious one.

V

1. The Constitution lays special emphasis upon the fact that in order for the indulgence to become objectively effective the recipient of it must have the right dispositions. And it treats of these dispositions in an extremely penetrating way, and far more fully than in previous official pronouncements of the Church on the subject of indulgence. In order to gain the indulgence the believer must be 'apte dispositus' and (cf. No. 8, norm 1) '*debitis dispositionibus praeditus*'³⁴ (cf. No. 10). A '*sincera metanoia et coniunctio cum Deo*' is demanded as a necessary prior condition (cf. No. 11). It is stated that for the most part the dispositions for a plenary indulgence can only be attained in a '*congruum temporis spatium*' (cf. No. 12) – certainly an insight which has hardly been given any emphasis in earlier teaching on indulgence. In norm 5 it is demanded as a condition for gaining a particular indulgence that the believer shall be '*corde saltem contritus*', though here it still surely remains an open question whether this is intended to refer merely to a necessary disposition or to an attitude which is already adequate from all points of view.³⁵ In norm 7 it is required that '*omnis affectus erga quodcumque peccatum etiam veniale*' shall be [184] excluded in order to gain a plenary indulgence. Certainly this is understood as a demand arising *ex natura rei*. Nevertheless one question still remains obscure, namely how – at any rate with the majority of Christians, for after all these are regarded as capable of gaining a plenary indulgence, this condition can be fulfilled in practical terms, even though it is stated in No. 3 that *all* men engaged in their earthly pilgrimage commit at any rate minor sins, and commit them every day.³⁶

We must avoid adopting a line of thought which is impossible from the psychological point of view, and have due regard to man's real existential situation as it exists in ontological fact.³⁷ This means that we must recognise that man cannot suddenly, swiftly and at will change his attitude (this is something which, once more, would run counter to the ideas of the Constitution itself) from a sinful inclination on the one hand, or a total conversion on the

³⁴ The explanation of these dispositions put forward here in No. 10, namely love for God, abhorrence of sin, veneration for the communion of saints, is certainly of basic importance both in itself and as a prior condition for the gaining of indulgence. But it still leaves the question open of whether the conditions mentioned here are enough. We shall be able to answer this question in the negative, for in norm 7, to which we are just coming, it is made clear that more is demanded for a '*plena dispositio*' of this kind. On the whole question cf. K. Rahner, 'Disposition', *Sacramentum Mundi* II (Freiburg/London 1968), pp. 92-94.

³⁵ Ultimately we can answer this question in the negative. Even the justified who, as such, is *corde contritus* can undoubtedly entertain such an 'inclination' ('*affectus erga peccatum*' norm 7), so that as a result the possibility is excluded, so far as he is concerned, of any blotting out precisely of the *reatus poenae temporalis* with which he is still burdened in the concrete. On this cf. K. Rahner, 'A Brief Theological Study on Indulgence', p. 158 f. of this volume; *idem*, 'Sündenstrafen', *L.T.K.* IX (Freiburg, 2nd ed. 1964), 1185-1187; *idem*, 'Ablass', *L.T.K.* I, 52 f. On the historical background cf. now E. Schillebeeckx, *op. cit.*, esp. pp. 333-349 (Bibliography).

³⁶ In this we rely primarily upon D.S. 228 and *Lumen gentium* No. 40, where the most important passages for a Catholic understanding of the doctrine of *Simul justus et peccator* are to be found. On this cf. K. Rahner, 'Justified and Sinner at the Same Time', *Theological Investigations* VI (London and Baltimore 1969), pp. 218-230; *ibid.*, p. 279 (with bibliography).

³⁷ On this cf. K. Rahner, *art. cit.*, pp. 225 f. etc. The whole range of problems involved is discussed in H. Reiners, *Grundintention und sittliches Tun* (Freiburg 1966) (with extensive bibliography, pp. 204-212 of the same work).

other to the opposite attitude, from any *affectus erga quodcumque peccatum etiam veniale* to a total conversion or vice versa. We must recognise that the achievement of any such radical conversion cannot be conceived of otherwise than as a gradually maturing process (this is also important for any genuine understanding of what is meant by the blotting out of the temporal punishments due to sin). And if we do recognise this then we shall recognise also that, to say the least, such arduous and elevated dispositions are required in order to gain a plenary indulgence that they can surely be fulfilled only in a very few cases by the individual who is, and who continues to be, a sinner.³⁸

[185] Now when we consider these statements in the Constitution with regard to the necessary dispositions for an indulgence to become effective, surely we can lay down the following conclusions:

(a) The necessity for such dispositions is emphatically insisted upon.

(b) It becomes clear, at least from norm 7, that a temporal punishment due to any given sin cannot be blotted out so long as any kind of *affectus* towards it still survives. Finally we shall have to conclude from No. 3 that in actual fact this is generally the case in the life of the individual Christian.

(c) In the Constitution the question of how the relationship between these necessary dispositions and the blotting out of the temporal punishments due to sin is to be conceived of in more precise terms is left completely open. As we shall have to show at a later stage, very different ideas can be arrived at as to what the precise nature of this relationship is. No particular position is adopted upon this question in the Constitution itself. And this means that it cannot be invoked *against* any particular interpretation of what this relationship consists of such as, for example, is assumed in the ‘new’ theory of indulgence. What is really meant by this in concrete detail can only be made completely clear in the sixth section of these considerations.

2. The questions of how we are to think of the ‘dispositions’ in the ‘new’ theory of indulgence, and how, on the basis of this, we are to conceive in more concrete terms of the relationship which they bear to the effectiveness of indulgence have still to be answered. But we shall be in a better position to develop these questions and to make them comprehensible in connection with the next topic which is to be treated of in the following section. For this question of the dispositions, and of the precise relationship they bear to the manner in which the indulgence is made effective, is most closely connected with the question of the actual temporal punishments due to sins, and how we are to conceive of these in more precise terms. But for this latter question (and the different opinions which theologians hold upon it) we shall have to refer to earlier presentations and to go into these fairly thoroughly. At the same time it is equally essential and unavoidable to repeat certain points here too, and to compare them with the teaching of the Constitution. This in itself is enough to serve as some indication of the subject which we have to treat of in the section which follows.

[186]

³⁸ In passing it may be noticed that norm 7 presupposes that if a plenary indulgence is not obtained by reason of some deficiency in the totality of the dispositions required, a *partialis indulgentia* will be gained. But in that case, according to norm 5 and No. 12 the extent of this would have to be conceived of in such a way that through the intercession of the Church as taking effect in the indulgence ‘as much’ of the temporal punishments due to sin would be blotted away ‘as’ the actual *work* of gaining the indulgence itself was capable of wiping away. But surely this must imply some limitation of the effectiveness of such a ‘plenary’ indulgence which has failed to attain its goal, which presumably represents a departure, to some extent, from the usual idea of this effectiveness as previously taught. Hitherto it was probably assumed that such an indulgence blotted out at least all the temporal punishments due to those sins which really were repented of. Did the theologians responsible for this Constitution really think out this question? In any case we see here also how arduous the dispositions are which are demanded as appropriate for the indulgence to become effective.

1. How does the Constitution conceive of the ‘temporal punishments due to sins’ and, *arising from this* – a point which is obvious – of the manner in which they are blotted out? The first point that strikes us as manifest is that in the Constitution there is no question of distinguishing precisely between the different terms which occur in this context. The term which is, of course, used most often is *poena temporalis pro peccatis* (cf. norm 1 and frequently), but side by side with this other terms too are used such as *poena*, this term being employed in a more basic sense than the German *Strafe* (punishment),³⁹ and implying everything that is hard to bear in the way of toil, pain, death etc. (cf. No. 2, No. 11); ‘reliquiae peccatorum’ (No. 3⁴⁰; 7; 8); ‘peccatorum sequelae poenales’ (No. 3).

In our present context this variation in the use of terms is not unimportant. It is in itself sufficient to show that the Constitution appears to regard the ‘painful’ (*poena*) consequences of sin (‘reliquiae peccatorum’) as something that is *interior*, connatural and arising from the very nature of sin itself rather than as a punishment which has come to be attached to sin merely *ab externo* and *merely* imposed by the ‘vindictive justice’ of God, which would mean that it was also capable of being remitted by a mere external act on God’s part. This point will become still clearer when we consider the arguments adduced by the Constitution for the existence of such *poenae temporales pro peccatis debitae*. They are presented not merely as imposed by the vindictive justice of God (this being conceived of according to the image of a judge imposing penalties in the context of social and civic life) as something that is supplementary, external to the sin itself and independent of those consequences which flow from the very nature of its guilt. Instead in the Constitution these *poenae temporales* are considered as the consequences of the sin itself, though naturally they also serve to manifest the holiness and sublimity of God, and in that sense also [187] have, or are capable of having, a vindictive character.⁴¹ Even when a radical conversion has taken place in the sinner the temporal punishment due to sins can, and for the most part actually does, remain at first as a connatural consequence which, considered as the residue of the actual sins themselves (*reliquiae peccatorum*), is still not *ipso facto* removed even by the sinner’s conversion. It is laid down (cf. No. 2; No. 3) that every sin causes a disturbance of the *ordo universalis* and constitutes an injury to the immeasurable benefits received by the individual and by the

³⁹ We would have to consider in greater detail the fact that the German term *Strafe* (punishment) and the Latin term *poena* are very far from being completely equivalent concepts, and from this point of view alone difficulties arise from the aspects of psychology and religious pedagogy. ‘Painful consequences of sin’ would be a more accurate translation of *poena temporalis pro peccatis*. In this we would need never for one moment to overlook the fact that these ‘painful consequences of sin’ are an expression and an effect of the justice and holiness of God, and that they can and must be experienced and interpreted precisely in *this* sense in faith. cf. also p. 183, n. 35.

⁴⁰ In this passage it is not made clear whether the ‘*vel*’ between ‘*poenae*’ and ‘*reliquiae*’ is to be taken in an explicative or a disjunctive sense.

⁴¹ Because these consequences of sin arise from the painful experience of running counter to the abiding nature of man and of the world in the concrete, these being created by *God* and being maintained by him in their nature as hostile to the decision of the sinner, it can and must also be said that according to this conception the *poenae* are ‘*a divina sanctitate et iustitia inflictiae*’ (No. 2). It is easy to recognise that these two aspects and statements are not mutually contradictory from the fact that in the same context these *poenae* are given concrete expression as *dolores*, *miseriae*, *aerumnae hujus vitae*, *mors*, factors which are undoubtedly themselves connatural consequences of our own or another’s guilt. One further point may be noticed here, namely that the concept of punishment as a connatural consequence of sin does not exclude the concept of an ‘external’ punishment, but rather includes it: human acts (even the most ‘interior’) are always brought to their fulness by being objectified in the ‘world’ (to which the physical side of the nature of the spiritual person also belongs). For this reason too all human activity necessarily experiences the ‘repercussion’ of this world with its concrete structures so that of its very nature such activity is always constituted as an indissoluble unity of action ‘from within’ (expression) and *at the same time* passion ‘from without’ (impression), *actio* and *passio*.

human community as a whole.⁴² These consequences of sin which achieve objective reality in the ‘world’, and which are painful to the sinner, are the concrete manifestations of the ‘*poenae temporales pro peccatis debitae*’, and they are not *ipso facto*, necessarily or in all cases removed by the conversion of the sinner however radical this may be. For this reason these *poenae temporales* can also survive even after this radical conversion on the part of the individual, a point which the Constitution emphasises as a dogma of the Church, agreeing in this above all with the Council of Trent.

Now if we think out the full implications of these indications in the Constitution, if we realise that the *poenae temporales* are realised in the [188] concrete first and foremost in the *dolores, miseriae, aerumnae hujus vitae* and in death (cf. No. 2), then the conclusion which follows logically and inescapably from this is that the blotting out of these temporal punishments due to sins cannot be conceived of according to the conceptual model of an amnesty from a merely externally imposed punishment, a sentence which has so far not been carried out, and imposed by a justice which is, in its turn, external, vindictive and coercive. These injuries and distortions of the *ordo universalis* cannot be removed by a mere ‘amnesty’. They must themselves be removed, though this can take place either more slowly and with greater difficulty or more swiftly and easily (cf. the ‘*citius*’ of No. 5 and No. 10, the ‘*facilius*’ of No. 9) according to the possibilities that are offered and the efforts made by the individual. This is the basis from which we must, in all logic, form our concept of how indulgences are made effective, and which still remains to be explored in its own right.

The idea of the blotting out of the temporal punishments due to sins (whether with or without indulgences) sketched out above is based on what the Constitution itself has to tell us about the nature of these temporal punishments. It can now be seen to be wholly in line with the indications supplied by the Constitution. Certainly one point must be conceded with regard to the presentation in the Constitution itself. After a long theological development in No. 8 it arrives at the formal concept of indulgence as an ‘*auctoritativa dispensatio*’ of the ‘*thesaurus Ecclesiae*’ ‘*ad poenae temporales remissionem*’. It then proceeds to use this formal concept in its further developments without reflecting any further upon its own previous indications with regard to the nature of the punishments due to sins and how these punishments are blotted out. In other words it is not explicitly brought out what precisely are the *middle terms*, demanded by the very nature of these indications themselves, which link the authoritative interposition of the treasury of the Church by the Church herself (cf. norm 1, ‘*Ope Ecclesiae . . . quae . . . thesaurum . . . dispensat et applicat*’) on the one hand with the actual blotting out of the temporal punishments due to sin on the other, seeing that these latter must bring about a positive restoration of the *ordo universalis* in its full integrity. But the fact that this is not explicitly brought out does not prevent us from paying due heed to the indications supplied by the Constitution *prior* to the theological development in No. 8 with regard to the blotting out of the temporal punishments due to sin. We must not forget that these also have an application when it comes to the blotting out of such punitive consequences of sin precisely through indulgences. The purpose of these temporal punishments is defined as ‘*ad purificandas animas*’ (No. 2), so that it still has to be concluded [189] that the soul would remain ‘unpurified’ if these punishments were simply remitted by nothing more than the ‘granting’ of an amnesty in the purely legalistic sense. It is laid down that according to the witness of the Fathers the aim of the prayer of the Church is

⁴² Once we recognise that the gracious self-bestowing of God upon the world and its history, and at the same time the personal and physical nature of man are also to be reckoned as part of the *ordo universalis*, we can say in all freedom (even though the Constitution itself does not take this into account) that any violation of God’s law and any personal offence offered to God, who wills to bestow himself in Christ through grace (these are aspects of sin which are emphasised in the Constitution), are, in a true sense, identical with, and *ipso facto* involved in this damage and distortion done to the *ordo universalis*.

that the penitent shall be ‘washed and purified’ (cf. No. 6). Even the faithful in purgatory are described as members of the ‘*Ecclesia (se ?) purgans*’;⁴³ in other words a punishment in the purely vindictive sense is not conceived of even in the case of purgatory. For such a punishment would simply have to be endured without having any saving or enriching effect upon the soul itself. It is laid down that the souls in purgatory ‘*purificantur*’ (No. 3). In accordance with this in No. 11 every kind of blotting out of the temporal punishments due to sins (in other words through indulgences also) is qualified as ‘*sanctificatio et purificatio*’. A further point of importance is that the other ‘means’ of blotting out the temporal punishments due to sins mentioned in the Constitution cannot be reconciled, without the help of arbitrary and artificial devices, with any idea that this blotting out is a purely legalistic amnesty for a mere vindictive punishment imposed *ab externo* but still not carried out. These ‘means’ consist in an ever closer union with God and Christ (as head and body) in the unity of love,⁴⁴ though admittedly this can be achieved in the most divers ways (the celebration of the Eucharist, the sacrament of penance, the sacramentals, works of devotion, penance and charity: No. 11). Even the temporal [190] punishments due to sins, therefore, are blotted out – whether through indulgence or without it – through that ‘purification and sanctification’ which takes place through the increase of that love which unites us with God in Christ and the Church. This is to be understood not as a mere ‘sentiment’ or attitude of mind, but as a power which gradually permeates the whole reality of man in his concupiscent and hitherto sinful nature, and orientates him to God.⁴⁵

In the light of this conception of how the punishments due to sin are blotted out we can look *backwards*, as it were, and obtain a clearer view of the real nature of these punishments due to sin. This is a point which by this time has already repeatedly been made in contexts in which we reject a purely legalistic conception. On the other hand when we direct our gaze forwards it becomes clear precisely *how* we are to think of the blotting out of the punishments due to sin, including that which is achieved through indulgences. Indulgence too must be one of the ways in which the Church can contribute to bringing it about that an ever deepening love, and one which more and more integrates all within itself, is increased in the individual. It is a love which ‘sanctifies and purifies’, and *in this way* overcomes the ‘temporal punishments due to sins’ considered as the connatural consequences of the sins themselves. When, therefore, we think out the full implications of the indications supplied by the Constitution with regard to the punishments due to sin and the various ways in which these are blotted out, it becomes clear that in fact there is both a distinction (analogous to the

⁴³ cf. No. 10. The expression is somewhat strange, unusual and lacking in clarity, but this is inevitable in view of the reality with which we are here concerned. It would be better if we could speak of the *Ecclesia purganda* or the *Ecclesia se purgans*.

⁴⁴ cf. No. 11. In this connection it must, of course, be realised (even though in the treatment of indulgence in the actual Constitution itself there is no clear consideration of this point) that this love consists not merely in that initial and basic orientation to God which must necessarily be present in every true repentance (*corde contritus* Norm 5), and which removes the *reatus culpae* as such. More than this, this love must be understood as a love which in increasing measure subsumes the individual, with all the complex realities of his makeup, within itself and in *this way* blots out the *reliquiae peccatorum*. This precise point is plainly stated when it is explained in No. 11 that all the means of blotting out the punishments due to sins have this in common (*hoc unum commune*), ‘*quod sanctificationem et purificationem eo validius operantur quanto aliquis arctius Christo capiti et Ecclesiae corpori per caritatem conjungitur*’. This is also the basic pattern of the blotting out of the punishments due to sin through indulgence, and this not merely because what is being spoken of here is all the *subsidia* of the blotting out of the temporal punishments due to sin, but also because it is explicitly stated that the blotting out which takes place though *indulgentia* too is subsumed under (*inseritur*) the *ordo caritatis* (No. 11). On this cf. K. Rahner, ‘A Brief Theological Study on Indulgence’, pp. 158 ff.; *idem*, ‘Indulgences’, *Sacramentum Mundi* III (Freiburg/London, 1969), pp. 123-129.

⁴⁵ For further investigation into this cf. especially K. Rahner, ‘The Commandment of Love in Relation to the Other Commandments’, *Theological Investigations* V (London and Baltimore 1966), pp. 439-459.

distinction between *sacramentum validum* and *sacramentum fructuosum* or that between *sacramentum* and *res sacramenti*) and at the same time a middle term between the action of the Church in granting the indulgence and the effective blotting out of the temporal punishments due to sin in the recipient of the indulgence. This middle term is the increasing of love.⁴⁶ The act of the *potestas auctoritativa* of the Church in the indulgence, [191] therefore, is to be defined in such a way that it can contribute to this increase in love, and in such a way that it becomes comprehensible why and how it can do this. It is true that in its definition of indulgence (cf. No. 8, norm 1, norm 2, norm 5) the Constitution passes over this ‘middle term’. But this is not surprising, and certainly cannot be adduced as a counter-argument against the existence and necessity of this middle term. The fact of the omission may perhaps be attributed to the further fact that it was never sought in the Constitution to take up any explicit position on a controversial question of theology. Alternatively it may have been the intention of the Constitution to formulate the meaning of indulgence precisely in the terms which have up to the present been traditional of a theology which fails to perceive, or even which denies, this middle term. But this does not mean that the Constitution itself identifies itself with any such denial. The omission of this is just as unremarkable as, for instance, in the case of a definition of a sacrament which passes over the significance of its character as *sacramentum et res*, and regards the sacramental sign and the ultimate sacramental effect as connected directly with one another without any middle term.

2. From this we can now see that the agreement, or at least the lack of contradiction between the Constitution and the ‘new’ theory of indulgence clearly goes far beyond what we have already established at an earlier stage, chiefly in section IV. The true pith and essence, the really central significance of the ‘new’ theory does not come to light so long as we reflect merely upon the key term ‘prayer’. We shall only come to understand what is the really central point in the whole theory if we take as our starting-point not a juridical concept of the temporal punishments due to sins (after the model of the vindictive punishments imposed by the civil powers *ab externo*) but a genuinely theological, and so too a genuinely anthropological concept of what these punishments consist in. This also makes it clear how every blotting out of these punishments, and so too that achieved in indulgences considered as a means, really is subsumed (*inseritur* No. 11) under the *ordo caritatis*. We have already said enough on this point here and elsewhere, so that what has just been said does not need any further development or justification.

Once we have realised that indulgence has its due place in this sense in the *ordo* and the increase of that love which blots out sins and also the punishments due to sins, an apparent contradiction in the Constitution [192] itself is also removed. At one point (cf. No. 9) the Constitution states that through indulgence a closer union with God is attained to ‘*facilius*’, in other words that the blotting out of the temporal punishments due to sins takes place more easily through indulgence than apart from it. This is reminiscent of an idea which often occurs with wide variations in the common conception of indulgence, and which has undoubtedly played a major role in the practice of indulgence hitherto. In earlier conceptions of what indulgence means this ‘easier’ (and ‘cheaper’) way of being freed from the

⁴⁶ It is also clear that what is formally the same effect cannot have several formally distinct causes. But if (a point which no-one will contest) the increase in love is *one* way of removing the ‘*peccatorum sequelae poenales*’ (No. 3), then it necessarily follows that according to a right understanding of the nature of love on the one hand and the basic and self-evident metaphysical axiom mentioned above on the other, that this way must be *the* way of diminishing the temporal punishments due to sin. All other ‘*rationes seu viae*’ (No. 8), all ‘*subsidia*’ (No. 11) of this process of blotting out, can be, understood merely as forms and expressions, or as various means by which this growth in love is achieved or made manifest. This applies to indulgence also. But the theologian must not confine himself merely to describing the material differences between these *subsidia*. He must also work out the formal identity of their cause.

punishments due to sin is presented plainly and without any further preamble: the debt of punishment is conceived of as a reality which can exist side by side with *any and every* interior attitude or condition on the part of the individual who is in a state of grace ('dispositions'), including that particular disposition which is demanded as an external prior condition for the effective gaining of the indulgence. The indulgence itself is conceived to remove this debt of punishment (through something else being substituted for it from the treasury of the Church *per modum solutionis* without anything further being demanded beyond the 'dispositions' (the conditions for gaining the indulgence taken as a whole) already mentioned, even though these of themselves do nothing to remove the debt of punishment. In all this the individual concerned does not have to grow and mature in love amid the pains involved in this process of maturing. All this is implied in the common theory of indulgence. But if it is really the case, then admittedly the blotting out of the temporal punishments due to sin is indeed 'easier'. In fact it is even 'cheaper' than when it takes place in conditions of pain through the individual's own penance, in which love matures until it gradually subsumes the whole sinful and concupiscent being of the individual within itself and so 'purifies' him from the punishments due to sin.

Now against this Paul IV lays down in his Letter, *Sacrosancta portiunculae*:⁴⁷ '*Non est igitur indulgentia facilius via...*', but at basis the assistance offered by the mystical Body of Christ to the sinner in his weakness in order that he may really achieve that radical metanoia which still [193] always remains difficult. Indulgence, therefore, is not a *substitute* for the difficulties involved in the exercise of love, and it is not in *this* sense that it is the 'easier' way of blotting out the temporal punishments due to sin. Rather the indulgence is the assistance of the Church which supports the works of love, always difficult as these are, and precisely in *this* sense renders them 'easier'. The indulgence does not make it easier for the individual in the sense that it is a substitute for *that metanoia* which can actually in itself constitute a blotting out of the punishments due to sin, or in the sense that it takes the place of this *metanoia*. On the contrary it makes it easier for the individual precisely by demanding this same *metanoia* of him. The indulgence is not a substitute for the acts of love and penance in the concrete circumstances of the individual's life, but rather the assistance which he needs in order to perform these, and therefore it achieves its true purpose to the extent that these concrete exercises are brought to their fulfilment by the power of grace and through the free will of the individual concerned. If, therefore, on the basis of certain pronouncements of Paul VI, we have rightly interpreted the term *facilius* as used in the Constitution, then the apparent contradiction in it is resolved. But it does become apparent that even this explanation of Paul VI's only achieves its full force when it is taken in full earnest and accorded its due value on the basis of the 'new' theory of indulgence. According to the common theory of indulgence it can be said that through indulgence we can *devitare* the *necessaria peccatorum paenitentia*, at least in part, those penances, namely, which, were it not for the indulgence, we would have to perform in order to blot out the punishments due to sin. But even this point is contested by Paul VI. The 'new' theory states that indulgence is the assistance offered by the Church in order that the sinner may perform, and may fulfil more resolutely and more radically those necessary penances without which there can *never* be any blotting out of the temporal

⁴⁷ cf. *A.A.S.* 58 (1966), p. 632. In note 39 the Apostolic Constitution actually quotes this text: '*Iis vero christifidelibus, qui paenitentia ducti hanc "metanoian" adipisci nituntur, eo quod post peccatum eam sanctitatem affectant, qua primum baptisate inducti sunt in Christo, obviam it Ecclesia, quae etiam largiendo indulgentias, materno quasi complexu et adiumento debiles infirmosque sustinet filios. Non est igitur indulgentia facilius via, qua necessariam peccatorum paenitentiam devitare possumus, sed est potius fulcimen, quod singuli fideles, infirmitatis suae cum humilitate nequaquam inscii, inveniunt in mystico Christi corpore, quod totum "eorum conversioni caritate, exemplo, precibus adlaborat"* (Const. dogm. de Ecclesia *Lumen gentium* c. 2 n. 11)'.

punishments due to sins. According to the common theory of indulgence indulgences and penance are – at least in part – two alternative means of blotting out the punishments due to sin set side by side for the individual to choose whichever he likes. So that the believer acts prudently when he avails himself of the first means, namely indulgence, because this way is simpler and ‘easier’. According to the ‘new’ theory of indulgence indulgence is one ‘means’, namely the assistance of the Church, by which we can achieve the other ‘means’ (namely penance), this second being always, everywhere and without exception indispensable.

In the light of this a further difficulty can now be resolved which seems to tell against the ‘new’ theory (and also against the pronouncements of [194] the Pope quoted above). This is one and the same problem as that which is also to be met with again and again in the theology of the sacraments when we seek to bring ‘sacramental’ devotion and the ‘existential’ devotion which we achieve in the concrete individual circumstances of our lives into a genuine relationship one with the other – in other words when we reject the false conception of the *opus operatum* as a more comfortable *substitute* for the *opus operantis* and instead conceive of the *opus operatum* as the sacramentally effective sign of the grace of God precisely *in order that* the *opus operantis* may effectively be fulfilled in the concrete circumstances of the individual’s life.⁴⁸ Certainly, on any true understanding of the ‘new’ theory we can make the following assertion: That state of soul in which, as the ultimate *effect* of indulgence, a specific ‘measure’ of the temporal punishments due to sin are blotted out (for the sake of clarity this ‘material’ or ‘quantitative’ way of speaking of indulgence cannot be avoided), has this same effect of blotting out even when no indulgence is gained, provided only that it is really present or is really achieved.⁴⁹ If we did not have to say this, then indulgence and sacrament would precisely be a substitute for the exercise of the free will in faith and love, and at basis we would be putting forward an impersonal, in fact a magical conception of sacrament and indulgence. We would no longer be in a position to say with Paul VI: ‘*Non est igitur indulgentia facilius via qua necessariam peccatorum paenitentiam devitare possumus*’. But this does not mean that indulgence and sacrament are rendered superfluous. They are, in a special way of their own, God’s offering of grace (‘a grace which is offered’) made manifest in the act of the Church to make the act of belief more possible and to intensify it in the concrete circumstances of the individual’s life, that act of belief in which man responds to, and so achieves, salvation (as ‘a grace that has been accepted’).

VII

This harmony or (at least) this lack of contradiction between the two conceptions of indulgence must be still further illumined by another point in the teaching of the Constitution, its teaching namely concerning the ‘treasury of the Church’. In No. 5 the Constitution reacts sharply [195] against a material or unquantitative idea of the treasury of the Church: ‘*Non est quasi summa bonorum ad instar materialium divitiarum quae per saecula cumulantur*’.

To say this is neither so obvious or so superfluous as it might appear to a man of our own times. In the earlier theology of indulgence the question was explicitly raised – and solved again and again – of why this ‘treasury of the Church’ was not exhausted, especially as it was thought to be made up of the ‘superfluous’ penitential practices of holy Christians who did not need the benefit of these exercises for themselves, so that they were applied as

⁴⁸ cf. the references to more detailed expositions cited above, p 176, n. 18 and p. 179, no. 25.

⁴⁹ It is also important to recognise this in order to arrive at a right theological interpretation of what is meant by the new definition of a partial indulgence in No. 12 and in norm 5. However we cannot enter any further into this point here.

indulgences on behalf of others in the manner of an individual payment made from a large general fund.⁵⁰

The treasury of the Church is the one total Christ (*'est ipse Christus Redemptor'*, No. 5) as head and members, upon whom, from whom and in whom God is gracious to the individual sinner. The doctrine of the treasury of the Church is, as is clear from the Constitution (No. 5), materially speaking identical with the *'perantiquum dogma'* of the *'communio sanctorum'*.⁵¹ Now this interpretation of the 'treasury of the Church', if its [196] implications are freely thought out to the full, is very far from that interpretation of the meaning of indulgence which strives to overthrow the 'new' theory of indulgence. The 'treasury of the Church' is, in fact, not divided into small 'portions' (as the anonymous commentator in the *Osservatore Romano* still formulates it) in indulgences, and so distributed to the recipients of these. This point has already been emphasised, for instance, by P. Galtier, who certainly cannot be suspected of being a seeker out of novel movements in theology.⁵² And in fact no-one can conceive of the matter in these terms either, who is really prepared to accept the full implications of the description of the 'treasury of the Church' in the Constitution. For this treasury is not anything which is susceptible of being divided into 'portions' and so distributed. It is applied to each in its entirety, for it is *ipse Christus*. This application, therefore, in which Christ applies himself through the medium of the *potestas* of the Church to the sinner, can only be subject to a finite limitation in the achieving of its ultimate effect because of the finite limitations of the recipient himself, because of his 'dispositions' with which he responds to this application and voluntarily attains to what is intended precisely under its *influence*.⁵³

⁵⁰ On the treasury of the Church cf. K. Rahner, 'Kirchenschatz', *L.T.K.* VI (Freiburg, 2nd ed. 1961), p. 257 (with bibliography); *idem*, *Theological Investigations* II (London and Baltimore 1963), pp. 182, 184 f., 193, 199 f.; *Theological Investigations* V, p. 428 f.; *L.T.K.* I, 52; *Sacramentum Mundi* III, pp. 123-129; 'A Brief Theological Study on Indulgence', pp. 223-229; cf. the study by O. Semmelroth mentioned on p. 170, n. 11, 'Theologie des Ablasses', II. 'Der Kirchenschatz.' On the historical background cf. E. Schillebeeckx, 'Der Sinn der katholischen Ablasspraxis', especially p. 343 with n. 58, 349. On the interventions at the Council on the subject of the concept of the treasury of the Church cf. the documents already cited above p. 168, n. 6. In this certain considerations put forward by Protestant theologians on the concept of the treasury of the Church are also particularly valuable, e.g. B. M. Lackmann, 'Überlegungen zur Lehre vom "Schatz der Kirche"', *Arbeiten zur kirchlichen Wiedervereinigung* (Graz 1965), pp. 75-157; P. E. Persson, 'Der wahre Schatz der Kirche', *Lutherische Rundschau* 17 (1967), pp. 315-327.

⁵¹ It is striking that in the description of the 'treasury of the Church' the Constitution does not particularly draw upon or emphasise the value of the salvific deed of this Christ (made up of head and members) in terms of 'satisfaction' and precisely for the blotting out of the *punishments due to sin* as such. The treasury of the Church is simply Christ's deed of salvation (including the salvific works of all the justified to the extent that this has a salvific significance for all others). On this view of the treasury of the Church it would perhaps have been better to avoid the word *'dispensare'* (No. 8, norm 1) and perhaps to use the term *'applicare'* (norm 1) alone. 'Dispensare' does have too strong a connotation of a sharing out of this 'treasury' portion by portion. And this is precisely not intended. But can one *dispensare* that which is *'Christus ipse'*? At this point the problem of the theological terminology in the doctrine of indulgence becomes extremely acute. The Constitution passes over (and in the context with which it is concerned justifiably so) that question which is of such urgent importance for theologians and historians of dogma and theology, namely of why and how the concept of the 'treasury of the Church' has been arrived at and formulated, seeing that in the last analysis the reasons for it in the history of the theology of indulgence are quite secondary ones. Moreover at basis this term is very far from being necessary in order to express the reality it is used to signify, and constantly incurs the danger of those very misinterpretations which the Constitution guards against and actually has to guard against. cf. also p. 195, n. 50.

⁵² cf. P. Galtier, *De paenitentia* (Rome, 2nd ed. 1950), pp. 517-546.

⁵³ This statement does not exclude the fact that – on the *analogy* of intercessory prayer made by an individual, which appeals to the *infinite* kindness and compassion of God – the intercession of the Church too also has, of its very nature, different *degrees*. In other words even prior to the question of whether the finite dispositions of the recipient are sufficient for the application of Christ to take effect the prayer of the Church itself is also finite and has different degrees. In the light of this, and taking a basic view of the matter, the distinction between plenary and partial indulgences (which is in itself possible) should not be rejected out of hand. The question must remain open here of whether this distinction is as important in terms of the concrete reality of Christian

[197] In No. 11 the Constitution emphasises that Christians have a ‘*sancta et iusta libertas filiorum Dei*’ either to gain indulgences or not to appropriate them for themselves. It emphasises that there is much else in the life of Christians considered as the working out of salvation which, by comparison with indulgences, is ‘better’ and ‘more effective’ because it is necessary. But, saving the teaching of the Church, this is not to make the actual objective existence of indulgences in the Church simply dependent upon the freedom of the children of God. Thus the all important point is rightly to explain the nature of indulgence, to assign it its proper place in Christian living as a whole, and to incorporate it into the *ordo caritatis*. Only in this way do the possibility and the hope remain that the Christians of today and tomorrow will maintain a living and personal attitude towards indulgence, or will acquire this anew, an attitude which can also be translated into practical works. We may properly doubt whether the usual scholastic theology of indulgence is suitable to achieve this.

The Apostolic Constitution makes us free to enter upon ways of achieving a better understanding of indulgence. Indeed it itself opens up such ways. Thus indirectly it supplies a fresh stimulus to oecumenical dialogue, and this too – in spite of all the obstacles that remain – should not be too lightly esteemed. When, for instance, the Constitution explains that Christ the Redeemer is the ‘*thesaurus Ecclesiae*’, then it is taking over almost word for word elements in the early Lutheran theology of indulgence,⁵⁴ even though, when we come to interpret this definition more closely, we have to recognise once more that more profound differences make their appearance. On the basis of an *approfondissement* of the Catholic theology of indulgence it is possible to achieve a more balanced understanding of the theological position at least of the younger Luther.⁵⁵

[198] But more than this, this *approfondissement* will have the effect of causing a discernible change in the situation as a whole, from one of endemic controversy to one of genuine dialogue.⁵⁶ In spite of numerous incontestable reservations⁵⁷ and points of detail in the papal Constitution which may seem inadmissible, it should not be forgotten that certain genuine and original principles of the Reformation have found official acceptance in a formal

living as the conceptual difference seems at first sight to be. It has already been pointed out above that according to the Constitution itself it will not be easy really to gain a ‘plenary’ indulgence. The majority of ‘plenary indulgences’ are in fact probably only gained as ‘partial’ ones (cf. norm 7, second paragraph). In the case of the partial indulgence, if the conditions necessary for gaining it really exclude ‘*omnis effectus erga quodcumque peccatum etiam veniale*’ (norm 7, first paragraph), and accord this withdrawal its real and radical force, then in practice this indulgence is really ‘more perfect’ because then that love is made real in it which in any case blots out all the punishments due to sin. A similar problem also arises in the case of the offering of Mass with regard to a limitation of the effectiveness of the Church’s act. On this cf. K. Rahner, *Theological Investigations V* (London and Baltimore 1966), pp. 436-438; but especially K. Rahner and A. Häusling, *Die vielen Messen und das eine Opfer* (Freiburg, 2nd ed. 1966), pp. 51 ff., 56 ff., 75 ff., 80 ff. (Opus operatum and Disposition), 91 ff.

⁵⁴ In this context it is altogether noteworthy that Martin Luther, in his theses on indulgence (58th Thesis, 72nd Thesis with explanation) can repeatedly explain that ‘Christ’ himself is ‘the sole treasury of the Church’, ‘that he himself is the true treasure’. For references and further details cf. P. E. Persson, ‘*Der wahre Schatz der Kirche*’ (cf. n. 50), pp. 318 f.

⁵⁵ cf. also E. Iserloh, *Luther zwischen Reform und Reformation* (Munster, 2nd ed. 1967), pp. 30 ff., 41 ff., 56 ff. cf. also the judgment of Iserloh’s (*Luther zwischen Reform und Reformation*, p. 40) on the theory of indulgence maintained by the younger Luther; H. Bornkamm, *Thesen und Thesenanschlag Luthers* (Berlin, 1967) pp. 48-60.

⁵⁶ cf. the words of H. Bornkamm on the contemporary situation in theology: ‘They are still always the same questions to which Luther had already pointed. And it is most impressive to listen today to his objections against the doctrine of indulgence of that time coming from the mouths of Catholic cardinals and theologians. In a whole series of key points a clear agreement has been manifested with Luther’s criticism in the ninety-five theses’ (*op. cit.*, p. 61).

⁵⁷ Thus for instance we would still have to enter particularly into the problems of how indulgence is to be measured. On this cf. the position adopted by U. Semmelroth, *Zur Theologie des Ablasses*, Section V (cf. p. 170, n. 11), pp. 69 ff.

document of the Church.⁵⁸ Not the least of the points with regard to this document which will be of concern to the theologians of the different Churches is that they must not let the good will for a critical reappraisal shown here fail, or the considerable potential of this beginning, modest certainly, yet encouraging too as it is, to be wasted.

⁵⁸ It should not be forgotten that, especially in the early and the main periods of the Middle Ages the differences in the practice and the teaching of indulgence were often startling in the extreme. On this cf. L. Hödl, *Die Geschichte der scholastischen Literatur und der Theologie der Schlüsselgewalt* I (Munster 1960). The same findings appear in E. Schillebeeckx's article, 'Der Sinn der katholischen Ablasspraxis', especially pp. 336 ff., 339, 346, 348 f.