

# MARTIN LUTHER'S TREATISE ON INDULGENCES

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We are fortunate to be commemorating the 450th anniversary of the beginning of the Reformation at a time when the detailed monographs of Hans Volz,<sup>1</sup> Erwin Iserloh,<sup>2</sup> and Klemens Honselmann<sup>3</sup> are at hand to provide a mass of information about the immediate circumstances of Martin Luther's initial intervention on indulgences. The present article seeks to complement their work by presenting to the theological public the forgotten document in Luther's intervention. This document is the short treatise sketching a tentative theology of indulgences which Luther sent to Archbishop Albrecht of Mainz and Magde-

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<sup>1</sup> *Martin Luthers Thesenanschlag und dessen Vorgeschichte* (Weimar, 1959). This truly amazing collection of information pertaining to Luther's theses was written in the course of a discussion between Volz and Kurt Aland carried on in the *Deutsches Pfarrerblatt* in 1957–58 about whether the theses were posted on October 31 (Aland) or November 1 (Volz). Volz's collection of texts on pages 19 to 23 of his book remains the principal basis of the new controversy over whether the theses were posted at all.

<sup>2</sup> *Luther zwischen Reform und Reformation* (Münster, 1966). This is an expanded and fully-documented statement of the position that the theses were never posted which Iserloh maintained in his recension of Volz's 1959 book (see n. 1 above) in the *Trierer theologische Zeitschrift* 70 (1961) 303–12. Iserloh also stated his position in *Luthers Thesenanschlag: Tatsache oder Legende?* (Wiesbaden, 1962), which is the text of a lecture he gave under the auspices of Joseph Lortz's Institute for European History in Mainz. The heated discussion that followed Iserloh's early publications has been chronicled by B. Lohse ("Der Stand der Debatte über Luthers Thesenanschlag," *Luther* 34 [1963] 132–36) and by H. Steitz ("Martin Luthers Ablassthesen von 1517: Bericht über die Diskussion 1957–1965," *Geschichte in Wissenschaft und Unterricht* 16 [1965] 661–74).

<sup>3</sup> *Urfassung und Drucke der Ablassthesen Martin Luthers und ihre Veröffentlichung* (Paderborn, 1966). Honselmann organized new evidence against the historicity of the posting of the theses and attempted to reconstruct the very obscure story of their circulation and first printings. Whatever one may think about his reconstruction of the events, Honselmann's work is a valuable contribution to the overdue project of a critical edition of the theses.

burg on that fateful October 31, 1517.<sup>4</sup> The other two documents of Luther's intervention are well known. First, there was the respectful, though urgent letter to the Archbishop in which Luther related the misunderstandings being spread by Tetzel's preaching and in which he begged the Archbishop to issue new instructions which would bring Tetzel under control.<sup>5</sup> Secondly, there was the list of Latin theses on the doctrine and practice of indulgences which Luther intended to use as the basis of a theological discussion of the many vexed questions in this area.<sup>6</sup> The third document sent to Albrecht, Luther's treatise, has not received the attention it deserves from historians and theologians studying the beginning of the Reformation. This is most regrettable, since the treatise depicts in orderly and succinct fashion Luther's understanding of indulgences in 1517 and reveals his conception of their limited role in Christian living. The treatise gives us the theological standpoint on which Luther based his intervention, and it shows in miniature the rich Augustinian spirituality of penance and progress that he had forged in his early works.

<sup>4</sup> On the question whether the theses were posted at all whether on this day or on November 1, 1517, let the following summary suffice. There is firm documentary evidence for Luther's letter to the Archbishop being written on this day and for it being mailed with enclosures. For a theses-posting there is no eyewitness testimony and no direct evidence from Luther's later narratives of the events of late 1517 and early 1518. Further, there are important documents written for the public in which Luther argues in a manner that excludes a theses-posting, e.g., by asserting that the Archbishop is at fault for the tumult since Luther had warned him about Tetzel's work and had given him time to react. Of course, if Luther posted his theses for the benefit of the crowds streaming into the castle church to celebrate its titular feast, then he gave the Archbishop no time to react. Thus the Catholic scholars who deny that Luther posted his theses are able to defend his honesty in his narratives. Those who still maintain that he posted the theses must either neglect Luther's own narratives (as does Franz Lau, "Die gegenwärtige Diskussion um Luthers Thesenanschlag," *Luther Jahrbuch* 34 [1967] 11-59) or dodge the problem posed by the tenses and conjunctions of Luther's statements (as does H. Bornkamm, "Thesen und Thesenanschlag Luthers," *Geist und Geschichte der Reformation: Festgabe Hanns Rückert* [Berlin, 1966] pp. 188-91). Luther's narratives are given by Volz (see n. 1 above), and by Iserloh in his 1966 book on pp. 49-53.

<sup>5</sup> The original Latin text of Luther's letter is found in *D. Martin Luthers Werke, Kritische Gesamtausgabe, Briefe* (Weimar, 1930 ff.) Vol. 1, n. 48, pp. 110-12. Hereafter we will cite the Weimar edition as *W.* for the works (published 1883 ff.) and *WBr.* for Luther's letters. The number added to the page number is the first line of the passage cited or referred to.

<sup>6</sup> *W.* 1, pp. 233-238. A useful edition containing the Latin texts of Luther's letter to Archbishop Albrecht and of the indulgence theses is *W. Köhler, Dokumente zum Ablassstreit von 1517* (2nd ed.; Tübingen, 1934).

We shall first narrate the steps in the modern discovery of Luther's treatise and indicate its relation to the letter to Archbishop Albrecht and to the indulgence theses. Then we shall present the treatise itself in our own English translation with a brief commentary on each of its eight sections.

#### DISCOVERY OF THE TREATISE ON INDULGENCES

The Weimar edition of Luther's works has given an inferior text of the treatise on indulgences under the incorrect title *Ex sermone habito Dom. X post Trinit. A. 1516*.<sup>7</sup> Here the Weimar edition followed an eighteenth-century editor of Luther's works, Valentin E. Löscher, who had supplied this title.<sup>8</sup> Löscher, and later the Weimar edition, mistakenly included the treatise on indulgences in a series of Sunday and feast-day sermons given by Luther from July, 1516, to February, 1517, as introductions to catechetical explanations of the ten commandments.<sup>9</sup> According to the Löscher-Weimar title, the treatise would have been given as a sermon in the parish church of Wittenberg on Sunday, July 27, 1516, in connection with Luther's exposition of the first commandment. One grows suspicious, however, at seeing that the previous sermon in the series was given on the same tenth Sunday after Trinity and that it treated the Gospel of the day, Lk 18:9-14 (on the Pharisee and the publican).<sup>10</sup> This previous sermon fitted well into the series on the commandments, since Luther here explained how it was a sin against the first commandment that marked off the proud Pharisee from the humble publican.<sup>11</sup> The following text on indulgences makes no reference to this Gospel passage, nor to the first commandment. It is not built around a Scripture text, and it is far more

<sup>7</sup> *W.* 1, p. 65.

<sup>8</sup> *Vollständige Reformations-acta und Documenta* (3 vols.; Leipzig, 1720-29) Vol. 1, p. 729. Unfortunately, nothing is known about the manuscripts on which Löscher based his edition of Luther's early sermons. On the problems with Löscher's edition, see *W.* 1, pp. 18-19.

<sup>9</sup> The sermons on the ten commandments are given in *W.* 1, pp. 60-140.

<sup>10</sup> *W.* 1, pp. 63-65.

<sup>11</sup> Near the end of this sermon Luther said: "Patet nunc, quod iste Pharisaeus primum praeceptum non fecit, sed habuit Deum alienum . . . , idolum scilicet iustitiae suae in corde statutum" (*W.* 1, p. 64, 35).

analytical in style than Luther's other early sermons.<sup>12</sup> Only at the end of the text on indulgences is there a sentence directly addressed to its hearer or reader. Further, July 27, 1516, was fully seven months before the preaching of John Tetzel made indulgences a burning theological and pastoral issue in the environs of Wittenberg.<sup>13</sup> Therefore, we would conclude that the Löscher-Weimar dating and title are in themselves quite questionable.

The first documentary help toward a better placing of the text on indulgences came with the discovery of its text in copy among the papers making up the correspondence between Archbishop Albrecht and the Mainz University faculty in December, 1517. On December 1 the Archbishop had sent the Mainz professors certain writings of Doctor Martin Luther, Augustinian professor in Wittenberg, and had asked their opinion as to the orthodoxy of these works. On December 10 Albrecht wrote again to the faculty reminding them of the urgency of the matter and asking them to submit their report as soon as possible. On December 17 the professors finally sent a brief report to the Archbishop.<sup>14</sup> In the midst of this correspondence lay

<sup>12</sup> Henri Strohl noticed the pronounced scientific character of our text: "Ce sermon est une véritable dissertation sur la question" (*Luther jusqu'en 1520* [2nd ed.; Paris, 1962] p. 250). Strohl had not noticed that German historians had brought evidence to light in 1907 and 1917 that cast strong doubt on the assertion that this text was given as a sermon.

<sup>13</sup> Tetzel was sworn in as general subcommissioner of the St. Peter's indulgence for the ecclesiastical province of Magdeburg on January 22, 1517. On April 10, 1517, he is known to have preached the indulgence in Jüterbog, which was near enough to Wittenberg to cause a stir among people with whom Luther came in contact as preacher and confessor. Hans Volz has gathered the available evidence on Tetzel's activities with admirable thoroughness in his *Martin Luthers Thesenanschlag und dessen Vorgeschichte*, pp. 11-13 and 58-69.

<sup>14</sup> F. Herrmann published the texts of these three letters in *Zeitschrift für Kirchengeschichte* (henceforth *ZKG*) 23 (1902) 263-68. Prof. Heinrich Bornkamm called my attention to this important group of documents. Of special interest is the reaction of the Mainz theologians and jurists to Luther's ninety-five theses. The professors falsely assumed that Luther had publicly defended the theses in a university disputation and therefore judged that Luther had maintained a doctrine departing from the common theological opinion regarding papal power to grant indulgences. The professors, however, would not presume to condemn Luther's position or to enter into dispute with him, since they felt bound by the canon of Pope Nicholas prohibiting judgments or disputes regarding papal authority. (Franz Lau recently misread the professors' reference to the canon as a citation in condemnation of Luther: *Luther Jahrbuch* 34 [1967] 33 f.) The Mainz faculty advised the Archbishop to send Luther's writings on to Rome—which the Archbishop had already

our text on indulgences. Here, though, it bore the title *Tractatus de indulgentiis per Doctorem Martinum ordinis s. Augustini Wittenbergae editus*.<sup>15</sup> The report which the university professors sent to Archbishop Albrecht spoke of "conclusiones seu positiones" and of "propositiones," i.e., Luther's theses. This does not, however, diminish the probability that they also received a copy of the *Tractatus de indulgentiis*, since their report was extremely brief, so much so that they explicitly begged the Archbishop's pardon for having offered him so little professional assistance.

Archbishop Albrecht is himself the source of more evidence that links the treatise on indulgences quite firmly to the more renowned ninety-five theses. On December 13, 1517, Albrecht wrote from his residence in Aschaffenburg to his diocesan officials in Magdeburg to acknowledge receipt of some documents they had sent him earlier. He describes these documents as "the treatise and conclusion about the holy *negotium indulgentiarum* and about our subcommissioners written by an audacious monk in Wittenberg." The Archbishop informed the Magdeburg officials that he had had the documents read in his presence and had sent "the treatise, conclusions, and other writings" to the university professors in Mainz for a theological judgment. Albrecht also related that he had sent the "articles, position, and treatise" on to the Pope.<sup>16</sup> Thus, on December 13 Albrecht spoke three times of a treatise that had originally come into his hands along with the ninety-five theses sent to him from the diocesan officials in Magdeburg. This treatise is clearly the *Tractatus de indulgentiis* found later in the Mainz archives,

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done before receiving their report. We know that the ninety-five theses were never disputed publicly in Wittenberg. Luther wrote later about his invitation to dispute: "Igitur cum in hanc arenam vocarem omnes, veniret vero nullus, deinde viderem disputationes meas latius vagari quam volueram . . ." (Letter of February 13, 1518, to Bishop Hieronymus Schultetus [*WBr.* 1, n. 58, p. 139, 46]).

<sup>15</sup> F. Herrmann reported the discovery of the treatise amid the Mainz documents in *ZKG* 28 (1907) 370-73. Herrmann was able to list forty-six mistaken readings in the Weimar text on the basis of the copy found in Mainz.

<sup>16</sup> These citations from Albrecht's letter were given by F. Herrmann, *ZKG* 28 (1907) 370, and by Hans Volz, *Martin Luthers Thesenanschlag*, pp. 27 and 91. In the original, Albrecht wrote acknowledging "schreybens mit zugesandten tractat und conclusion eins vermessen Monichs zu Wittenberg, das heilig negotium Indulgentiarum und unsern Subcommissarien betreffend."

and it is identical with the text the Weimar edition gave as a sermon of July 27, 1516.<sup>17</sup>

We know, however, of no contact between Luther and Archbishop Albrecht, whether in his Magdeburg or his Mainz jurisdiction, before the well-known letter of October 31, 1517.<sup>18</sup> Thus, it has been concluded that Luther sent the *Tractatus de indulgentiis* to Albrecht under the date of October 31, 1517, along with the letter and the famous list of theses.<sup>19</sup> Luther sent this packet to Albrecht's residence in Magdeburg. It was opened on November 17 by the diocesan officials in Calbe on the Salle.<sup>20</sup> They then sent the documents on to Albrecht in Aschaffenburg. From that day to the present, Luther's theses have commanded vast interest as the fateful words which set the Reformation in motion. Luther's letter to Albrecht has been printed and studied, but on the whole it has been overshadowed by the dramatic scene (most probably legendary) of Luther posting his theses on the door of the castle church of All Saints in Wittenberg.<sup>21</sup> Luther's treatise on indulgences, the theo-

<sup>17</sup> In 1917 G. Krüger reviewed the evidence concerning Luther's *Tractatus de indulgentiis* and published a critical text of it with apparatus in *Theologische Studien und Kritiken* 90 (1917) 507-20. W. Köhler took over this critical text for the second edition of his *Dokumente zum Ablassstreit von 1517* (Tübingen, 1934) pp. 94-99, leaving, however, the Löscher-Weimar title untouched. G. Krüger had already argued persuasively in his 1917 article against a 1516 dating of the *Tractatus* because of its close relation to the content of the ninety-five theses and the *Resolutiones* (written probably in December, 1517, and January, 1518).

<sup>18</sup> E. Iserloh has pointed out evidence that clearly excludes any contact before this date; cf. *Luther zwischen Reform und Reformation*, p. 53.

<sup>19</sup> This was the position of both F. Herrmann and G. Krüger in their articles of 1907 and 1917 respectively. Hans Volz accepted this conclusion after his painstaking review of the pertinent materials; cf. *Martin Luthers Thesenanschlag*, pp. 18 and 26 f. Most recently H. Bornkamm has accepted this understanding of the treatise; cf. "Thesen und Thesenanschlag Luthers," *Geist und Geschichte der Reformation: Festgabe Hanns Rückert*, p. 188, n. 30.

<sup>20</sup> The Magdeburg officials marked this date upon the letter itself; cf. Hans Volz, *Martin Luthers Thesenanschlag*, Illustration n. 4, opposite p. 33.

<sup>21</sup> The story of the theses-posting stems from Philip Melancthon, in the preface to the second volume of Luther's collected works. This was written in 1546, about a year after Luther's death. The historical value of this preface was contested by Heinrich Boehmer as early as 1914 (*Luthers Romfahrt*, p. 8). Criticism of Melancthon is the cornerstone of modern assertions that the theses-posting is a legend. H. Bornkamm has striven manfully to save Melancthon's good name in this respect; cf. "Thesen und Thesenanschlag Luthers," *Geist und Geschichte der Reformation*, 201-6. This is well and good. Two major difficulties still remain, however, for the defenders of a theses-posting. First, there are four texts written by Luther (two in 1518, one in 1541, and one in 1545) in which he stresses

logical basis of his intervention, has for all practical purposes been completely forgotten. We can understand this, in face of the ordinary man's need for dramatic images, and in face of the sparks emitted by Luther's theses amid the tinder of the pre-Reformation Church. However, a theologian can only regret this situation; for Luther's treatise on indulgences is moderate, in places quite brilliant, and in comparison with other writings of its age a penetrating study of indulgences in a Christian life of penance. The Luther of the treatise is not an unflawed theological genius, but his ideas on sin and forgiveness deserve to be heard and pondered by all of us today.

Let us first seek to situate the treatise more exactly. In the letter to Archbishop Albrecht on October 31, 1517, Luther mentions as an apparent afterthought that the Archbishop can examine the enclosed disputations, "has meas disputationes," in order to understand how doubtful the doctrinal basis of indulgences actually is.<sup>22</sup> The enclosures are meant to offer a contrast with the exaggerated and often deceptive claims of the preachers, which Luther had already described in the body of the letter.

We would not, however, say that the theses Luther sent the Archbishop present the matter in question as doubtful. Instead, the theses are categorical and lucidly clear. They offer (for debate, we must remember) a clearly-stated alternative to the ideas propagated by the preachers. The text of the ninety-five theses stands in notable contrast to the hesitations and doubts that Luther underscored in his later narratives of his entry upon the public scene.<sup>23</sup> However, we know

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that he wrote to bishops, including Archbishop Albrecht, *before* the theses became known to a wider public. Hans Volz gave these texts in his *Martin Luthers Thesenanschlag*, pp. 19–22. Secondly, someone must give a reasonable explanation of the total silence about a theses-posting in the numerous chronicles of the beginning of the Reformation written *during Luther's lifetime*. E. Iserloh has examined eight of these and ascertained no least indication that Luther posted his theses on October 31, 1517. And one of these chronicles was actually written by Melancthon himself, though published under the name of Johann Carion; cf. *Luther zwischen Reform und Reformation*, pp. 58–59.

<sup>22</sup> After dating the letter, "Ex Vittenberga 1517. Vigilia omnium sanctorum," and before signing it, Luther added: "Si [tua] reverendissimae p[at]ernitati placet, poterit has meas disputationes videre, ut intelligat, quam dubia res sit Indulgentiarum opinio, quam illi ut certissimam seminant" (*WBr.* 1, n. 48, p. 112, 66).

<sup>23</sup> See, e.g., Luther's narrative in the preface he wrote for an edition of his theses in 1538, a text used by Iserloh, *Luther zwischen Reform und Reformation*, p. 82. Luther speaks here of the "infirmis et ignorantia, quae me in principio coegerunt rem tentare, cum

from good sources that Luther did not think of the ninety-five theses as giving his own position. In fact, Luther did not plan to defend every one of the theses in the proposed discussion or disputation.<sup>24</sup> But his doubts and lack of clarity are not clear from the text of the theses. Readers of the theses, both in the sixteenth century and today, sense nothing of his hesitations.

Luther's treatise on indulgences, however, speaks in a notably different tone. On the question of a remission of the pains of purgatory, Luther wrote in the treatise: "ego non intelligo satis hanc rem, hoc sine dubio incertum est, an Deus . . . remittat." On the distinction between imperfect and perfect contrition, he wrote: "Fateor meam ignorantiam." He began the last section of the treatise: "Adhuc tamen mihi manet dubium."<sup>25</sup> A close reading of the treatise indicates that its precise purpose was to draw the line between what is certain and clear concerning the theology of indulgences and what is doubtful and obscure. The treatise is, therefore, the principal means by which Luther will make it clear to the Archbishop that the preachers are overstepping the limits of sound doctrine. The treatise on indulgences is the record of how a theologian of no ordinary talent wrestled with a difficult problem in the midst of the theological confusion of the pre-Reformation period. And near the end of the treatise, when Luther had to some

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summo tremore et pavore. Unus eram et per imprudentiam in istam causam lapsus. . . ." And then: "Denique de indulgentiis quid essent, prorsus nihil sciebam, sicut nec ipse totus Papatus quidquam de eis sciebat. Tantum usu colebantur et consuetudine. Ideo non disputabam, ut eas tollerem, sed cum pulchre scirem, quid non essent, cupiebam discere, quidnam essent" (*W*. 39I, p. 6, 6 f., 24 ff.).

<sup>24</sup> On February 13, 1518, Luther wrote to his local ordinary, Bishop Hieronymus of Brandenburg, and after complaining that his theses were being taken "non ut disputabilia, sed asserta," he spoke further about them: "Inter quae sunt, quae dubito, nonnulla ignoro, aliqua et nego. Nulla vero pertinaciter assero. Tamen omnia Ecclesiae sanctae suoque iudicio submitto" (*WBr*. 1, n. 58, p. 139, 48). The sincerity of the last sentence is patent, since this letter is a covering letter for the *Resolutiones* which Luther sent to the Bishop with the request for permission for publication. On March 5, 1518, Luther wrote to his friend Christoph Scheurl about the theses: "Sunt enim nonnulla mihi ipsi dubia, longeque aliter et certius quaedam asseruissem vel omissem, si id [their diffusion] futurum sperassem" (*WBr*. 1, n. 62, p. 152, 13). On May 9, 1518, Luther wrote in a similar vein to his former teacher Jodocus Trutfetter; see *WBr*. 1, n. 74, p. 170, 41. Finally, in the letter to Leo X, written in May, 1518, as a foreword to the *Resolutiones*, Luther said this about the theses: "disputationes enim sunt, non doctrinae, non dogmata, obscurius pro more, et enygmaticos positae" (*W*. 1, p. 528, 39).

<sup>25</sup> Given by W. Köhler, *Dokumente zum Ablassstreit von 1517*, pp. 96 and 99.



extent isolated what was clear in this question, he wrote that it is most useful to grant and to gain these indulgences!<sup>26</sup>

We have, therefore, a treatise from Luther's own hand, most probably written in the early autumn of 1517,<sup>27</sup> in which he unfolds systematically his idea of indulgences and strives to point out their rightful place in serious Christian living. The issues he posed are of no little significance. For instance, what is the grace granted by an indulgence? How is this grace related to the infused grace that transforms our affections? How are these graces related to the *fomes* and to the root sin that infects us and binds us in attachments to this world? What is progress in grace? What is purgatory for? What is the source of the power of indulgences to help a person? What precisely does the pope do when he grants an indulgence? And echoing in every line of Luther's treatise is the incessant question about the degree of certitude with which we can speak of the effects of indulgences.

The tone of the treatise serves to enhance its value as a record of Luther's thought in late 1517. There is polemic in the paragraphs of the treatise, but polemic that is under rein. Luther sought clarity on the nature of indulgences and on their function in Christian living, and he went about his task with remarkable objectivity. This is a far cry from the apocalyptic threats against the mendicant orders with which he concluded his remarks on indulgences in his first lectures on the Psalms in 1514.<sup>28</sup> Much like the *Lectures on Hebrews*, which Luther began in the summer of 1517, the indulgence treatise is calmly engrossed in its subject and is most moderate in dealing polemical slaps at the opponent.

We have so far done what we can with the available evidence to sit-

<sup>26</sup> In the original: "Quae cum ita sint, utilissimum est istas indulgentias dari et redimi, quidquid sit de avaritia et quaestu quae in illis exerceri timentur" (Köhler, *Dokumente*, p. 99).

<sup>27</sup> There is no more internal or external evidence for fixing more precisely the date on which Luther composed the treatise. It does not fit well in 1516, before Tetzel began preaching, and it has quite a few echoes in the theses Luther sent to the Archbishop on October 31, 1517. Herrmann, Krüger, Volz, and Bornkamm have all pointed this out in the works referred to above (cf. nn. 15, 17, 1, and 19 respectively).

<sup>28</sup> Here Luther criticized the irresponsible prodigality of religious orders in granting for money a participation in their merits through brotherhoods and indulgences (*W.* 3, pp. 424-25). The Catholic historian of indulgences in the Middle Ages, Nikolas Paulus, agrees with Luther on the dangerous multiplication of indulgences; see his *Geschichte des Ablasses im Mittelalter* 3 (Paderborn, 1923) 470.

uate Luther's 1517 *Tractatus de indulgentiis* historically. There remains, though, the question of its exact relation to the letter to Archbishop Albrecht and to the ninety-five theses. The letter explains itself quite clearly as an appeal to the Archbishop's pastoral responsibilities. Luther asks him to withdraw his *Instructio summaria* and to supply the indulgence preachers with a more moderate document that will restrain the exaggerated preaching which is confusing and misleading the people.<sup>29</sup> Luther explained the purpose of the ninety-five theses quite clearly in a letter to Christoph Scheurl of Nürnberg on April 5, 1518. Scheurl had complained earlier that Luther had not personally sent him a copy of the theses. Luther's response states quite precisely how the purpose of the theses ruled out a wide circulation: "First, as to your astonishment that I did not send you the theses, I answer that it was not my plan or my wish to make them public. Rather, I wanted first to confer about them with a small group of men here and in the vicinity. Thus, on the judgment of many, they could have been condemned and destroyed or approved and then published."<sup>30</sup> Luther goes on to lament the amazing circulation of the theses. It is not that the truth should be kept from the people, but rather that the theses were not a proper form for instructing them. "For I have doubts about some of the theses, others I would have posed differently and more certainly, or I would have omitted them, had I any hope of this happening."<sup>31</sup> Thus we are reminded again that the ninety-five theses are anything but an exact statement of Luther's position on indulgences in October, 1517. They are rather a basis for discussion and can well be improved before being made public.

What, though, is to be said about the treatise on indulgences? A slight bit of external evidence comes from a passage in Luther's *Resolutiones*, written probably in January, 1518. This is the work in which

<sup>29</sup> After citing two sentences from the *Instructio*, Luther made the main point of the letter: "Sed quid faciam, optime praesul et illustriss. princeps, nisi quod per dominum Jhesum Christum [uam] reverendissimam p[aternitatem] orem, . . . eundem libellum penitus tollere et praedicatoribus veniarum imponere aliam praedicandi formam" (*WBr.* 1, n. 48, p. 112, 53).

<sup>30</sup> "Primum, quod miraris, cur non ad vos eas miserim, respondeo, quod non fuit consilium neque votum eas evulgari, sed cum paucis apud et circum nos habitantibus primum super ipsis conferri, ut sic multorum iudicio vel damnatae abolerentur vel probatae ederentur" (*WBr.* 1, n. 62, p. 152, 6).

<sup>31</sup> *Ibid.*, lines 13 ff., cited in the original in n. 24 above.

Luther stated his position on each of the ninety-five theses and gave the arguments for the position taken. On thesis 26 Luther treated the different ways the merits of the Church militant can be applied. The pope can apply them in three ways: as satisfaction for the benefit of penitents, as suffrages for the departed, and to the praise and glory of God. Luther explains about this division: "Sic enim et ego aliquando et docui et scripsi, Papam tripliciter habere militantis Ecclesiae merita in potestate."<sup>32</sup> The exact place where Luther taught and wrote about this threefold manner of application is the *Tractatus de indulgentiis*.<sup>33</sup> Luther used this threefold division as he ordered the material in the last sections of the treatise. The phrase in the *Resolutiones* "et docui et scripsi" serves to confirm that the treatise was not originally a sermon but had a more academic purpose, as both the internal and the external evidence reviewed above have indicated. Further, this phrase suggests that the division in question was a matter of conviction when Luther taught and wrote it. Luther does not say this of the whole treatise; still, the phrase "et docui et scripsi" is in marked contrast to the reservations Luther uttered regarding the assertions made in the theses.

This, however, is as far as the known documentary evidence will carry us in the attempt to situate the treatise exactly. We would nonetheless wish to propose a hypothesis about the exact character of the treatise. This is based on our work with the treatise and on reflection about how Luther prepared for the disputation held in Heidelberg on April 26, 1518. We would say that the treatise on indulgences was very probably a preparatory essay which Luther wrote with an eye toward framing the position he would take in the intended discussion or disputation on indulgences. In the treatise Luther puts down his own thoughts with remarkable order and with careful respect for the line between what is certain and what is yet doubtful on the topic. The document seems to us to be similar to the essay Luther wrote in preparation for the Heidelberg Disputation of 1518.<sup>34</sup> If this be true, the treatise had a clear theological purpose: it was "pro declaratione virtutis

<sup>32</sup> *W.* 1, p. 580, 11.

<sup>33</sup> G. Krüger was the first to point out this reference to the treatise; cf. *Theologische Studien und Kritiken* 90 (1917) 509.

<sup>34</sup> *W.* 1, pp. 365-74. E. Vogelsang termed this text a "preparatory essay" when he edited it for *Luthers Werke in Auswahl* 5 (3rd ed.; Berlin, 1963).

indulgentiarum."<sup>35</sup> In the treatise Luther seeks to elaborate within his own system how, why, and to what extent indulgences can be said to have a *virtus*. We will indicate in our commentary the clear lines that connect the treatise with the theology of sin, grace, and Christian living that Luther had worked out in his first five years of lecturing as professor of Sacred Scripture in the Wittenberg University.

Before we begin our presentation of Luther's treatise, let us reflect for a moment on what we are doing. In a true sense one can say that Luther's letter, theses, and treatise did not "arrive" at their intended destination. Archbishop Albrecht of Magdeburg and Mainz was far too interested in the income from his "negotium indulgentiarum" to take serious notice of Luther's pastoral and theological protest. Albrecht had to clear the debts he had amassed in his sudden rise to his powerful position in the Empire.<sup>36</sup> The theological answers to the ninety-five theses by such men as Sylvester Prierias, the Roman *magister sacri palatii*, and Konrad Wimpina, Tetzel's mentor in Frankfurt/Oder, were superficial and marred by irresponsible dogmatizing of theological opinions of questionable character.<sup>37</sup> As we noted above, Luther was himself at fault that the theses spread like wildfire over the Empire, not as the basis for theological discussion, but as a pointed challenge to papal authority. Luther's own gifts of expression raced ahead of his actual intention, as the letter to Scheurl witnesses. And then there is the dusty oblivion in which the *Tractatus de indulgentiis* has lain. We would say, therefore, that the documents of Luther's initial intervention did not properly arrive at their intended destination.

Let us, then, understand this presentation of Martin Luther's *Tractatus de indulgentiis* in a Catholic journal as an expression of the will to hear Martin Luther and to allow his powerful word in this small way to reach its original destination. Luther, of course, did not maintain the positions of the treatise during the controversies of the following years. Still, it marks an important starting point and deserves our full attention as we commemorate, if not celebrate, the event of October 31, 1517.

<sup>35</sup> This is the title of the disputation Luther had proposed; see the heading attached to the theses.

<sup>36</sup> On the events making up the background of Albrecht's "negotium indulgentiarum," see Iserloh, *Luther zwischen Reform und Reformation*, pp. 22-29.

<sup>37</sup> See Iserloh, *ibid.*, pp. 89-90. Wimpina's countertheses are given by Köhler, *Dokumente zum Ablassstreit von 1517*, pp. 128-43.

Finally, we would address those Christians who today honor Luther as the renewer of Christianity. Let them listen carefully to the argument of the treatise, and thus cut through the legendary heroics of October 31, 1517, to the theological position Luther stood upon that day. They may hear him saying strange and unexpected things in his treatise. But this will only make it once more clear that a theology and history that is ecumenically oriented makes heavy intellectual and spiritual demands of us all.

LUTHER'S TREATISE: TEXT AND COMMENTARY

We now present Luther's *Tractatus de indulgentiis* in our own English translation.<sup>38</sup> We use the text established by G. Krüger,<sup>39</sup> with the exception that we have introduced further paragraph divisions to improve readability. We will add a brief analytical comment drawing mainly from Luther's earlier works to throw light on each of the eight sections of the treatise. We recall that the copy of Luther's treatise made for the Mainz professors bore the title *A Treatise on Indulgences Published by Doctor Martin of the Order of St. Augustine in Wittenberg*.<sup>40</sup>

[1.] On indulgences: Although indulgences are the very merits of Christ and of His saints and so should be treated with all reverence, they have in fact nonetheless become a shocking exercise of greed. For who actually seeks the salvation of souls through indulgences, and not instead money for his coffers? This is evident from the way indulgences are preached. For the commissioners and preachers do nothing but extol indulgences and incite the people to contribute. You hear no one instructing the people about what indulgences are, or about how much they grant, or about the purpose they serve. Instead, all you hear is how much one must contribute. The people are always left in ignorance, so that they come to think that by gaining indulgences they are at once saved.

Indulgences, however, do not, at least per se, grant the grace which makes a person just or more just. They grant instead only the remission of penance and of imposed satisfaction, which though does not mean that one who then dies goes immediately to heaven. But most of the people are simple and have been deceived

<sup>38</sup> Mr. Helmut Lehmann, Editor-in-chief of Fortress Press of Philadelphia, has kindly informed me that this text has not been selected for inclusion in the 55-volume Concordia-Fortress edition of Luther's works in English translation.

<sup>39</sup> Given in *Theologische Studien und Kritiken* 90 (1917) 513-20, and in W. Köhler's *Dokumente zum Ablassstreit* (2nd ed.) pp. 94-99.

<sup>40</sup> *Tractatus de indulgentiis per Doctorem Martinum ordinis s. Augustini Wittenbergae editus* (*ibid.*, p. 513). Hans Volz pointed out that the "editus" is incorrect, since the treatise was never printed or made public in Luther's time; cf. *Martin Luthers Thesenanschlag*, p. 18).

into thinking that a plenary indulgence drives out all sin, and one is thus at once ready for heaven. So they sin with abandon, and thereby burden themselves with the bonds of concupiscence.

Luther's first paragraph sketches the problematic within which indulgences must be discussed. There is a clear tension between the exalted matter, i.e., the merits of Christ and salvation, and the avarice evident in the administration of indulgences. The critical point is that the preachers are giving the people no adequate instruction on indulgences, but leave them under the impression that gaining an indulgence means instant salvation. In the final two sentences of this section Luther depicts four consequences of this manner of administering indulgences.

In the first place, most of the people believe that a plenary indulgence drives out all sin. Luther uses here a phrase, "peccatum auferri," which is a technical term in his early theology of forgiveness. It indicates the expulsion of concupiscence during lifelong application to Christian living. This is distinct from "peccatum remittere," which occurs in the event of absolution for actual sins. Absolution brings the nonimputation of one's concupiscence as sin, and it actually begins the work of expelling concupiscence.<sup>41</sup>

In the second place, people think that a plenary indulgence brings as a consequence the immediate entry into heaven upon death. It must be noted that the theological literature of Luther's day did in some cases lay the groundwork for such a conviction.<sup>42</sup>

In the third place, sinful deeds abound. Indulgences have so focused people's attention on punishments, and have been presented as being

<sup>41</sup> Luther elaborated this distinction in his *Lectures on Romans* (1515-16), especially in his long scholion on Rom 4:7 (*W.* 56, pp. 268-91). As he explained, the distinction enabled him to see how he could imitate the saints who humbly thought of themselves as sinners even after sacramental forgiveness: "ego stultus non potui intelligere, quomodo me peccatorem similem ceteris deberem reputare et ita nemini me praeferre, cum essem contritus et confessus. . . . Ita mecum pugnavi, nesciens quod remissio quidem vera sit, sed tamen non sit ablatio peccati, nisi in spe, i.e., auferenda et data gratia, quae auferre incipit, ut non imputetur ammodo pro peccato" (*W.* 56, p. 274, 2). Again and again in this scholion Luther stresses that a healing or purification process is central to Christian life.

<sup>42</sup> In a theological dictionary first published in 1508, Oswald de Lasco wrote without qualification that one who dies after gaining a plenary indulgence goes immediately to heaven. De Lasco concluded that when one can gain a plenary indulgence, then sacramental satisfaction is of no practical use. See his *Rosarium theologiae* (Hagenau, 1508) art. "Indulgentia."

so destructive of these punishments, that people have lost their fear of sin itself. This echoes Luther's sermon of February 24, 1517, where he spoke of the effect of the "effusiones indulgentiarum" as equivalent instruction in flight from the punishment for sin, but not from sin itself. This leads to security and even to a permissiveness regarding sin. Instead, the people should be exhorted to do penance and to embrace the cross.<sup>43</sup>

In the fourth place, the people fall all the more under the sway of concupiscence. Luther understands concupiscence as closely connected with actual sins. It is not just an inordination left after original sin is forgiven, not just a structural absence of complete self-dominance, but rather the inclination that is unavoidably engendered by actual sins. Later in the treatise he speaks of concupiscence as excessive affection for creatures that tarnishes our love of God.<sup>44</sup> Concupiscence as sexual lust plays no least role in the spirituality Luther unfolds in the course of his reflections on indulgences.

The most important datum of this first paragraph, however, is Luther's initial, delimiting statement of what an indulgence grants. It does not confer per se the grace of justification, but only the remission of satisfactory penances imposed on the penitent in confession.<sup>45</sup>

<sup>43</sup> *W.* 1, p. 141, 23. The last thought resounded in theses 1-4 and 94-95 of Luther's indulgence theses. In the *Lectures on Romans* Luther had also argued that a superficial theology of sin and forgiveness was causing widespread "recidivatio" into sin: "nostri theologi peccatum ad sola opera deflexerunt et ea solum inceperunt docere, quibus opera caveantur, non quomodo per gemitum humiliter gratiam sanantem quaerant et se peccatores agnoscant. Ideo necessario superbos faciunt et qui dimissis operibus ad extra iam se iustos perfecte putent, nihil solliciti sint et concupiscentiis bellum indicere per iuge suspirium ad Dominum. Unde et tanta nunc in Ecclesia est recidivatio post confessiones" (*W.* 56, p. 276, 6).

<sup>44</sup> In the third section he described those whose contrition was at the time of death made imperfect by concupiscence: "imperfecte amaverunt Deum et nimio affectu adhaeserunt creaturis et sic praeter peccata quae fecerunt et deleverunt . . . adhuc immundae sunt propter talem affectum terrenum, cum quo decesserunt" (Köhler, *Dokumente zum Ablassstreit*, p. 96). In the fourth section Luther spoke of contrition and repentance "super fomite et reliquiis amoris terreni" (*ibid.*, p. 97). The contrast is always with perfect love of God and perfect detachment from this world, as we will see in the following section.

<sup>45</sup> In the original: "Non enim ea gratia ibi confertur, saltem per se, qua quis iustus aut iustior fiat, sed tantum remissio poenitentiae et satisfactionis iniunctae, qua dimissa non sequitur quod statim evolet in coelum, qui sic moritur" (Köhler, *Dokumente zum Ablassstreit*, p. 94). In his letter of October 31, 1517, to Archbishop Albrecht, Luther gave a parallel statement of how he understood indulgences: "Cum indulgentiae prorsus nihil

Here Luther begins his attempt to dispel the cloudy imprecision of Archbishop Albrecht's *Instructio summaria* with its many-sided use of the word *gratia*.<sup>46</sup> Also, by asserting that indulgences do not grant justifying grace, Luther feels he has cut the ground from under the idea that an indulgence means immediate entry into heaven.

Luther's initial, quite general definition of an indulgence indicates that he thinks of two distinct processes in the life of a Christian. On the one hand, there is justification, both as an event of grace and as a process of growth in grace. On the other hand, there are the satisfactory penances which the Church imposes in the sacrament of penance and can remit through indulgences. However, the distinction between the two processes is not total. With the qualifying phrase "saltem per se," Luther held back from a complete separation of the two processes. Here he leaves a slight opening for a possible effect of indulgences on the process of justification. We will see below how Luther explained this effect in working out a surprising theory of the term *per modum suffragii* describing the manner indulgences help the souls in purgatory.

In the next section of the treatise Luther begins by explaining more about the two processes taking place in Christian life.

[2.] We must, therefore, recall that grace is of two kinds, namely, the grace of remission and infused grace, with the former being extrinsic and the latter intrinsic. The grace of remission is a release from the temporal punishment imposed by a confessor, which one must undergo on earth or in purgatory, if it still remains [at death]. At one time, for instance, they gave seven years for one sin. But this release in no way diminishes concupiscence and the infection of our nature. Neither does it increase charity or grant grace and interior virtue. All these, however, must take place before one enters the kingdom of God, for "flesh and blood will not inherit the kingdom of God" [1 Cor 15:50] and "nothing defiled will enter" [Ap 21:27]. But no one knows how long this takes in purgatory. Nor can the pope in any way release a person [from this interior healing] by the authority of the keys, but only by applying the intercession of the whole Church. In the latter case,

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boni conferant animabus ad salutem aut sanctitatem, sed tantummodo poenam externam, olim canonice imponi solitam, auferant" (*WBr.* 1, n. 48, p. 111, 34).

<sup>46</sup> E. Iserloh gives a critical analysis of the *Instructio* in *Luther zwischen Reform und Reformation*, pp. 23-27. The first principal grace offered in the St. Peter's indulgence was so described: "Prima gratia est plenaria remissio omnium peccatorum; qua quidem gratia nihil maius dici potest, eo quod homo peccator et divina gratia privatus per illam perfectam remissionem et Dei gratiam denuo consequitur" (given by Köhler, *Dokumente zum Ablassstreit*, p. 110).



however, a doubt will remain whether God accepts the intercession for some part or for all [of the healing]. The pope can, of course, release a soul from purgatory with regard to the penance he has himself imposed or could impose. The wording of the papal bull indicates this: "so far as the keys of holy mother Church extend" and "we mercifully release from imposed penances." Hence it is irresponsible to proclaim that by these indulgences souls are released from purgatory. For this statement is not clear, nor do they explain how it should be understood. Or else the pope is cruel, in not granting to the suffering souls gratis what he can grant for money contributed to the Church.

Infused grace is an interior illumination of the mind and a kindling of the will. This is an eternal emanation into the soul like rays of the sun, and it does not become inactive after a plenary indulgence. This grace is necessary for the extirpation of concupiscence, until it is completely rooted out. This process is complete when a person is so filled with disgust for this life that he sighs longingly for God and finally breaks free from the body out of desire for God. Clearly, only a few who gain a plenary indulgence are so disposed. Further, a plenary indulgence is only granted to those who have proper sorrow and have confessed.

The systematic idea underlying Luther's argument is the distinction between *gratia remissionis* and *gratia infusionis*. These parallel the two distinct tasks that one must complete before entering heaven. First, there are the temporal punishments imposed by the confessor, which are to be worked out in this life or in purgatory. The *gratia remissionis* is the removal of this punishment by the power of the keys in the grant of an indulgence. The second task concerns concupiscence, a sickness of human nature, which, as we saw in the first paragraph, grows with actual sins. Before one enters heaven, concupiscence must be totally expelled and replaced by charity and interior virtue. This latter is the work of *gratia infusionis*, a distinct grace from the extrinsic remission of imposed punishments. The great error of the indulgence preachers is to give the people the impression that indulgences grant the infused grace they must have to make them ready to enter heaven. Luther's aim is to show that in themselves ("per se") indulgences have nothing to do with the Christian's more urgent task of rooting out concupiscence, growing in charity, and detaching himself from this world. When this distinction between the two Christian tasks is made clear, then the false security and certainty of immediate salvation based on indulgences will disappear.<sup>47</sup>

<sup>47</sup> A false security based on indulgences was the first of the four ill effects of Tetzels preaching that Luther reported in his letter of October 31, 1517, to Archbishop Albrecht: "doleo falsissimas intelligentias populi ex illis conceptas, quas vulgo undique iactant,

Luther explains that the Church works to promote these two tasks in distinct ways. With the power of the keys the Church remits the imposed temporal punishments. The extent of this power of remittance would be the same as the power to impose these punishments, as Luther claims to find expressed in the papal bull.<sup>48</sup> Even in purgatory the pope can remit the punishments remaining from those he has imposed himself and which have not been worked out in this life.

But in the extirpation of concupiscence the Church can only apply her intercession, not simply to grant, but to beg the needed infused grace from God. The success of this intercession is not certain, since we do not know whether God will accept the Church's petition. Here Luther uses one of the favorite terms of late-medieval nominalism, referring to the divine *acceptatio*.<sup>49</sup> Luther's context, however, is nota-

videlicet quod credunt infelices animae, si literas indulgentiarum redimerint, quod securi sint de salute sua" (*WBr.* 1, n. 48, p. 111, 17). The polemic against false security had played an important part in Luther's earlier lectures. In his exposition of the Psalms (1513-15), he excoriated the security of people in his own age and connected this in one place with indulgences: "nunc est invalescentia tepidorum et malorum (pax et securitas). Quia accidia iam regnat adeo, quod ubique sit multus cultus Dei, scilicet literaliter tantum, sine affectu et sine spiritu, et paucissimi ferventes. Et hoc fit totum, quia putamus nos aliquid esse et sufficienter agere: ac sic nihil conamur et nullam violentiam adhibemus et multum facilitamus viam ad coelum, per Indulgentias, per faciles doctrinas, quod unus gemitus satis est" (*W.* 3, p. 416, 17). (*Pax et securitas* was the mark of the third age of Church history, according to the schematization Luther took over from St. Bernard.) He then synopsised Bernard's view of the three ages of the Church: "quae fuit amara sub tyrannis, amarior sub hereticis, amarissima sub pacificis et securis" (*W.* 3, p. 417, 7, from Bernard's *Sermones in Canticum* 33, 16 [*PL* 183, 959]). In lecturing on Romans Luther complained how false security underlay return to sin: "Iustificandos sese nesciunt, sed iustificatos se esse confidunt, ac ita per securitatem suam sine omni labore diaboli prosternuntur" (*W.* 56, p. 276, 12).

<sup>48</sup> The first of the two phrases cited by Luther is found in the formula of absolution prescribed by the *Instructio summaria* for use in granting the St. Peter's indulgence. This formula is given by Köhler, *Dokumente zum Ablassstreit*, p. 121. Neither of the phrases, however, is found in Leo X's bull of March 31, 1515, extending the St. Peter's indulgence to the areas of Archbishop Albrecht's jurisdiction. The text of this bull is given in full by Köhler, *ibid.*, pp. 83-93.

<sup>49</sup> W. Detloff has treated the doctrine of the divine acceptance in the later Middle Ages in his two dissertations, *Die Lehre von der acceptatio divina bei Johannes Duns Scotus* (Werk, 1954) and *Die Entwicklung der Akzeptions- und Verdienstlehre von Duns Scotus bis Luther* (Münster, 1963). It is indicative of the role played by this concept in the theology of Gabriel Biel that H. Oberman's summary statement of Biel's theology of justification is given toward the end of a section entitled "*Habitus and Acceptatio*." Cf. *The Harvest of Medieval Theology* (Cambridge, Mass., 1963) pp. 175-78.

bly different from that of the nominalists' probing of the relation between grace, merit, and God's sovereignly free acceptance of our good works. Luther's context is his vision of the Church interceding before God in aid of one of her members who is being healed or purified in purgatory. Luther's emphasis is that this prayer is not automatically successful. Luther's main purpose, though, is to keep separate the two actions of the Church; for the keys grant no healing grace, nor does the intercession bring the remission of sacramentally imposed penances.

The ground for uncertainty even after gaining a plenary indulgence is clear. This indulgence stems from the power of the keys and remits only the imposed temporal punishments. The indulgence does not directly touch the other hindrances blocking one's entry into heaven. These may well be quite considerable: concupiscence, the wound of our nature, a lack of charity, attachment to this world. In the case of the souls in purgatory, we have no idea how long such a purification takes, nor do we know whether and to what extent God accedes to the Church's prayer and grants healing grace. Therefore, Luther can turn conclusively against the phrase "redimere animas," used to denote the gaining of an indulgence for the dead.<sup>50</sup> This is a careless use of words which the preachers themselves cannot explain. And if this deliverance from purgatory were so easy, then the pope would appear in a very bad light for not simply emptying purgatory by the power of the keys.<sup>51</sup> No, there are many uncertainties surrounding this whole matter, and the preachers should recognize this and accordingly moderate their language.

Luther's idea of the healing process by which a man is made ready to enter heaven can be explained in three steps. First, there is

<sup>50</sup> For instance, Albrecht's *Instructio summaria* spoke thus of the duties of the indulgence preachers: "Praedicatores etiam in singulis suis sermonibus populum monere debent, . . . ut in redimendis animabus negligentes non inveniatur" (Köhler, *Dokumente zum Ablassstreit*, p. 108).

<sup>51</sup> Gabriel Biel had made this same point in his argument against the very possibility of indulgences being extended to the dead; cf. *Canonis missae expositio*, *Lect. 57 H* (edited by H. A. Oberman and W. J. Courtenay, Vol. 2 [Wiesbaden, 1965] 401). Shortly afterward Biel saw a papal bull explicitly extending an indulgence to the souls in purgatory *per modum suffragii*, and he accordingly reversed his stand. In explaining his new position, he points out that moderation and discretion must be observed by the pope. He further argues that it is unlikely that the faithful will do enough pious works to enable the pope to empty purgatory. However, if sufficient works were forthcoming, the emptying of purgatory would be "nihil inconueniens" (*ibid.*, *Lectio 57 N* [pp. 406-7]).

the malady of concupiscence that is engendered by actual sins. This is closely related to weakness in charity and to attachment to this life. Secondly, there is the cure by means of infused grace, i.e., by an illumination of the mind and stirring of the will. Luther thinks of this grace as lasting and in itself permanent, but he speaks as well of its appropriation as a process that extends over time, succeeding gradually until concupiscence is wholly rooted out.<sup>52</sup> This points to a third step, the terminal stage, when a man is filled with disgust for this life and a longing for God that is powerful enough to carry his spirit naturally to God.

The description of this healing process gives Luther more material for attacking a false security based on indulgences; for only very few who obtain indulgences are so detached from this life that they can be judged ready for heaven. Further, there is the condition of true contrition attached to indulgences. Luther does not develop this last point, but the implication is clearly that here too is another reason for rejecting the idea that indulgences ground a security about our salvation. Who can say with certainty that his contrition is up to the level required for gaining an indulgence in the first place? It is with this question that Luther begins the next section of his treatise. He then begins to draw conclusions from the uncertainties he has singled out in the foregoing sections.

[3.] Corollary: Since no one can be certain about himself, and far less about others, that he is perfectly and worthily contrite and has confessed, it is irresponsible to assert that one gaining indulgences goes immediately to heaven or that a soul is freed from purgatory. I could see this, if one indicated a soul about whose release I was already certain, say one who had been contrite on earth and had merited to

<sup>52</sup> Here is a hint of the great theme of progress and advance in the expulsion of sin that Luther drove home again and again in his early works. In the *Lectures on Romans* (1515-16) he expressed his idea concisely so: "Igitur ista vita est vita curationis a peccato, non sine peccato finita curatione et adepta sanitate. Ecclesia stabulum est et infirmaria aegrotantium et sanandorum. Coelum vero est palatium sanorum et iustorum" (*W.* 56, p. 275, 26). Luther stresses that we are *in via* by comparing the Church to the roadside inn to which Christ brings sick souls for healing: "Samaritanus noster Christus hominem semivivum aegrotum suum, curandum suscepit in stabulum et incepit sanare promissa perfectissima sanitate in vitam aeternam" (*ibid.*, p. 272, 11). See, further, n. 57 below. Joseph Lortz captured this theme well and showed how this context of man *in via* is essential for understanding the famous formula "simul iustus et peccator," which Luther used for the first time in this very context (at *W.* 56, p. 272, 17). See Lortz's important study "Luthers Römerbriefvorlesungen: Grundanliegen," *Trierer theologische Zeitschrift* 71 (1962) 129-53, 216-47 (on this point, p. 237).

be freed, as St. Augustine said. But only God knows which souls are and are not so disposed. For otherwise one must suffer purgatory, since one has not merited to be helped, namely, by making oneself worthy through sufficient contrition and detachment from love of creatures. However this might be, for I do not understand it sufficiently, it is without doubt still uncertain whether God will release the imperfectly contrite through indulgences. For they have loved God imperfectly and they had an excessive affection attaching themselves to creatures. Thus, over and above the sins they committed and had forgiven by contrition, confession, and plenary indulgences, they are still befouled by reason of this attachment with which they died. This attachment can surely not be removed by a plenary indulgence, when it has not been driven out by contrition. Rather the attachment remains and is *actu* present in the separated soul and cannot be removed in purgatory unless one first turns against it in contrition and repentance. Who, though, is sorry over having feared death? Or who puts this fear away, by ceasing to rebel against God's will? Do not they say this themselves, when they state that indulgences help only those who are contrite and have confessed, and no one else?

The last thought of the previous paragraph grounds Luther's rejection of two formulations used frequently in indulgence preaching, i.e., "statim evolare," regarding those who gain a plenary indulgence and upon death go straightway to heaven, and "animam eripi," describing the effect of an indulgence gained for a departed soul. The two phrases are only verifiable where a soul is both worthily and perfectly contrite, "worthily" as a condition for gaining the indulgence, and "perfectly" as the sign that concupiscence is fully rooted out.

Luther then sought to explain the case where these phrases might be applicable. An indulgence would have such an effect if a certain person were contrite, and if he had further merited to be helped by the Church's prayer. The key issue is detachment from this world, by advancement of the healing process. Then a remission of imposed punishments would bring this deserving soul to salvation. Luther refers here to St. Augustine's words on the situation of the souls in purgatory. For Augustine, they are of a middle quality, since in this life they were bad enough to merit going to purgatory, but good enough to merit being helped by the Church after death.<sup>58</sup> But Luther stresses

<sup>58</sup> *Enchiridion*, c. 29, n. 110 (PL 40, 283). Gabriel Biel explained what this latter merit was: "Illi enim meruerunt dum viverent, ut post mortem iuvare possint. Quomodo meruerunt? Per hoc certe quod manserunt in unitate ecclesiae per caritatem in qua finaliter decesserunt, propter quod manserunt membra eiusdem corporis Christi cuius et vivi, ideo in bonis spiritualibus cum vivis communicant" (*Canonis missae expositio, Lectio 56 M* [Oberman-Courtenay 2, 380]).

that only God knows who is deserving of the help of the Church in the manner described by Augustine.

Hence Luther can conclude to our uncertainty about the effect of indulgences gained for souls still sick with concupiscence. Their contrition was only imperfect, and their love of God weak. And so, over and above the actual sins remitted by absolution and by indulgences, still they are bound by affective ties to this earth. This attachment is not reduced by a plenary indulgence, but is only driven out by contrition and by conversion. Luther specifies this conversion as acceptance of the will of God decreeing our own death.<sup>64</sup> Thus, the ideal for the souls in purgatory is the same as the ideal toward which we strive on earth as we are cured from concupiscence and brought to a purified longing for God. In purgatory as well the goal is perfect detachment from this life and the willing acceptance of death.<sup>65</sup> The problem still to be solved is just how the sufferings of purgatory effect such a change in attitude. Of itself, this conversion is a work of the infused grace Luther spoke of in the second section. How is this grace connected with the pains of purgatory?

Again the structure of Luther's argument rests on the duality of two parallel tasks of penance. The first task relates to actual sins, i.e., the carrying out of sacramentally imposed penances in this life or in purgatory, with the possibility of a remission being granted by use of the power of the keys in granting an indulgence. Secondly, there is the rooting out of attachment to this world, a work done under infused grace which issues in a real conversion. The term of the second process is willing resignation to death. But in this second process an indulgence plays no part.

Luther begins the next section of his treatise by posing an objection that calls in question the utility of indulgences regarding our entry into heaven.

<sup>64</sup> In commenting on Heb 2:14, in the summer of 1517, Luther spoke of contempt for death as the goal of our striving: "Qui timet mortem aut non vult mori, non satis est Christianus, quia adhuc in fide resurrectionis deficiunt, dum plus diligunt hanc vitam quam futuram" (*W.* 57III, p. 131, 5). And then: "ille contemptus mortis et gratia eius ab apostolo et sanctis praedicata est meta illa et perfectio, ad quam niti debet omnis Christianorum vita, licet paucissimi sint tam perfecti" (*ibid.*, p. 132, 24).

<sup>65</sup> This is the idea underlying theses 14–18 of the ninety-five theses. The souls in purgatory can grow in the charity they lacked when they feared their own death.

[4.] But you will say, "Perfect contrition of itself takes away all punishment, and hence indulgences are not needed, since the perfectly contrite person goes immediately and directly to heaven." In answer, I must confess my ignorance. The perfectly contrite person goes to heaven without indulgences, but the imperfectly contrite cannot go to heaven even with indulgences. For God places no demands upon one who is perfectly contrite, neither for actual sins nor for habitual, i.e., for the tinder and "original" sin. What good then are indulgences? Do they only serve to satisfy for actual sins? But how are souls saved when their actual sins are forgiven, but original or habitual sin remains? For those whose original sin is remitted, actual sin as well is remitted, but not vice versa. By "original sin" I mean the tinder left from our origin which has not yet been healed by grace nor overcome and mortified by our good efforts, as St. Paul indicates in chapters 6 and 8 of Romans.

Could it be that those who have merited to be contrite over this tinder in purgatory or in death attain this contrition through indulgences? They do not consider this difficulty, since no one is concerned with mortifying this tinder and with the root sin. They only think of lopping off actual sins by contrition, confession, and satisfaction. Then they quickly fall back into sin and "return to their vomit" [2 Pt 2:22], since they do not attend to the infection and to the root of sin. Thus they are like people cutting off rivulets flowing from a spring or the leaves from a tree, who though leave intact the stream and the root. They have no concern to sigh earnestly for the grace that destroys this body of sin and puts to death our sinful members.

Could it perhaps be that the term *per modum suffragii* means that this suffrage not only grants them remission of actual sins, but that it also impetrates contrition and repentance over the tinder and the remaining earthly attachments and that it confers the grace of perfect love of God and longing for God? For example, if a person about to die is not resigned nor so desires to be released that he most gladly obeys God's will, then it is clear that he is dying in sin. I speak here of resignation of mind and will, even though the senses may rebel, as was the case with Christ and all martyrs. This sin is not a mortal sin, but still it is nearly so, and he has not repented for it in this life. Could it be that he receives from God the grace of repentance in purgatory, and this through the suffrages of the Church, with the result that he becomes willingly resigned to death? He cannot so repent by natural power nor can the fire of purgatory free him from this sin without grace. But he did die in sin, since he did not love with his whole heart what God willed, but was unwilling, nor was "his delight in the law of the Lord" [Ps 1:2]. Though he outwardly obeyed the command, still his heart was not in it.

Luther widens the scope of his inquiry through an objection, stresses again the forgotten factor of concupiscence, the *peccatum radicale*, and then suggests a remarkable answer to the difficult problem of how concupiscent affections are rooted out in purgatory.

In the third section Luther had described how the affections are purified by genuine contrition. This becomes the basis for a difficult objection. When this conversion has taken place, are not indulgences superfluous? The *perfecte contritus* has overcome the obstacles arising from both actual and radical sin. But the *imperfecte contritus* is still attached to this life, and so must still overcome his radical or habitual sin. Indulgences, however, are of no help to the latter, for what he needs is mortification of his affections and conversion under grace to love of God. Luther goes at his problem with driving seriousness, and deftly opens up all its aspects.

To make his point about root sin quite clear, Luther gives a definition and contrasts his view with current theology. This tinder not yet healed or not yet mortified is what St. Paul described in Rom 6 and 8, e.g., the "body of sin" that is still to be destroyed (Rom 6:6), the "sin" that must not reign in us (6:12, 14), the "flesh" according to which we must not live (8:12 f.) and from which we long to be freed (8:20). Basic to Luther's conception here is the vision of Christian life as the progressive healing under grace.<sup>56</sup> Grace, though, is not alone, for Luther unmistakably stresses as well the efforts that go against our selfish, earth-bound affections in the work of breaking the chains of concupiscence. The view of Christian life as the gradual uprooting of concupiscence is consistent with the main themes of Luther's *Lectures on Romans* (1515-16),<sup>57</sup> and especially with the theology of

<sup>56</sup> A rich theology of grace was the underlying conviction of Luther's theses against the Scholastic theology of Occam and Biel, defended in Wittenberg, September 4, 1517 (*W.* 1, 224-28). The following theses from this series merit attention: "20. Actus amicitiae non est naturae, sed gratiae praevenientis. . . . 55. Gratia Dei nunquam sic coexistit ut otiosa, sed est vivus, mobilis et operosus spiritus. . . . 67. Gratiae Dei est nec concupiscere nec irasci. . . . 75. Gratia autem Dei facit abundare iustitiam per Ihesum Christum, quia facit placere legem. . . . 89. Necessaria est mediatrix gratia, quae conciliet legem voluntati. 90. Gratia Dei datur ad dirigendum voluntatem, ne erret etiam in amando Deum." On this disputation, see the study of Leif Grane, *Contra Gabrielem* (Copenhagen, 1962). Amid all the details of Grane's work, one misses any appreciation for this grace that heals and transforms men's hearts. This view of grace plays no great role in classical Lutheranism, but in the disputation of September 4, 1517, it was vital to Luther's argument, as the citations clearly indicate.

<sup>57</sup> For instance, Luther spoke of earnest prayer and the effort of penance as the "agricultura sui ipsius," by which a man prepares himself for healing grace (*W.* 56, p. 257, 31). Later he spoke of our duty to do to death the "corpus peccati" which is always with us: "Sed hoc odium et haec resistentia corporis peccati non est levis, sed laboriosissima, ad quam necessaria sunt tot opera poenitentiae, quod fieri possunt" (*ibid.*, p. 321, 19). Bap-



justification he sketched in his sermon on January 1, 1517.<sup>58</sup> This is not the whole of Luther's early theology, since such a theme as the Christian's radical *metanoia* of his own self-estimate<sup>59</sup> and Luther's powerful concentration on Christ<sup>60</sup> are not explicit in the indulgence treatise. But the complaint that people are not "solliciti assiduo gemitu pro gratia destructrice corporis peccati" mirrors one of the leitmotifs of this early theology.<sup>61</sup> The young Luther, we would urge, can best be

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tism and confession are no cause for security, "non enim ad otium vocati sumus, sed ad laborem contra passiones" (*ibid.*, p. 350, 8). In sum: "semper orandum et operandum, ut crescat gratia et spiritus, decrescat autem ac destruat corpus peccati et deficiat vetustas. Non enim iustificavit nos, i.e. perfecit et absolvit iustos ac iustitiam, sed inceptit, ut perficiat" (*ibid.*, p. 258, 17). See n. 52 above.

<sup>58</sup> The feast of our Lord's circumcision gave Luther occasion to reflect on the relation of grace and works. At one point he wrote these programmatic sentences: "Doctrina autem fidei hoc docet, quod homo iugiter debet intus gemere pro gratia, sciens quod cor eius non ideo est mundum, si opera sunt munda, nec ideo voluntas sana, quia mores sunt boni. Ista ergo displicentia sui, odium et taedium vitae suae non debet unquam cessare. . . . Hoc suum absconditum peccatum (quod per gratiam sanari inceptum est) sancti assidue habent in oculis, ideo non possunt superbire de externis suis operibus" (*W.* 1, p. 118, 37). The gift of justification will, however, transform a person: "iustitia fidei sine quidem operibus datur, sed tamen ad opera et propter opera datur, cum sit res quaedam viva nec possit esse otiosa" (*ibid.*, p. 119, 34).

<sup>59</sup> For instance, near the beginning of the *Lectures on Romans* Luther spoke of how we must spiritually "become" sinners: "Est enim non naturalis. Quia sic non fit, sed est omnis homo peccator. Sed tota vis huius mutationis latet in sensu seu aestimatione ac reputatione nostra. Hunc enim mutare intendit omnis sermo scripturae et omnis operatio Dei. . . . Ergo fieri peccatorem est hunc sensum destrui, quo nos bene, sancte, iuste vivere, dicere, agere pertinaciter putamus et alium sensum (qui ex Deo est) induere" (*W.* 56, p. 233, 6).

<sup>60</sup> Luther's career as an expositor of Scripture began with the momentous decision to understand the Psalms as *literally* written for and about Christ. This made his lectures on the Psalms (1513-15) into an extended meditation on Christ's life in the flesh, in the Church (allegorical sense), and in the Christian man (tropological sense). Gordon Rupp felicitously spoke of the "Christological concentration" in this work; cf. *The Righteousness of God* (London, 1953) pp. 146 and 147. Gerhard Ebeling studied this material in his classic article "Die Anfänge von Luthers Hermeneutik," *Zeitschrift für Theologie und Kirche* 48 (1951) 172-230. In his sermon of February 24, 1517, Luther spoke thus of Christ's life in the Christian man: "Non sint otiosi in quibus sapientia Christus revelata est, et qui non iam ipse sed Christus in eo vivit; non est metuendum, ne Christus sit otiosus, immo actuosissimus est, et id ipsum cum omni suavitate et facilitate" (*W.* 1, 140, 19). This conviction of Christ's vital, active influence was clear in the theses on grace in Luther's disputation of September 4, 1517, as we saw in n. 56 above. In the indulgence theses sent to Archbishop Albrecht on October 31, 1517, Luther argued in thesis 58 that the treasures of the Church grounding an indulgence could not be the merits of Christ and His saints, "quia haec semper sine Papa operantur gratiam hominis interioris et crucem, mortem infernumque exterioris" (*W.* 1, p. 236, 14).

<sup>61</sup> In the *Lectures on Romans*: "Ideo qui iusti sunt vere, non solum gemunt et implorant

understood as a theologian of the Christian life, i.e., as a teacher of a rich spirituality of justification as the constant process of purification. In modern studies far too much emphasis has been placed on Luther's occasional utterances about the justice of God and about justification as a discrete event.<sup>62</sup> The main concern of his early works was the life-long task of refining and purifying our intentions and affections under the influence of healing grace.<sup>63</sup>

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gratiam Dei, quia se vident habere voluntatem malam ac per hoc peccatum coram Deo, sed etiam, quia vident se nunquam posse plene videre, quam profunde et quousque mala sit eorum voluntas. Ideo credunt semper se esse peccatores. . . . Sic humilantur, sic plorant, sic gemunt, donec perfecte sanentur, quod fit in morte" (*W.* 56, p. 235, 31). And then, in this basic description, Luther capsulized his early spirituality: "Tota vita populi novi, populi fidelis, populi spiritualis est gemitu cordis, voce oris, opere corporis non nisi postulare, quaerere et petere iustificari semper usque ad mortem, nunquam stare, nunquam apprehendisse, nulla opera ponere finem adeptae iustitiae, sed tanquam adhuc semper extra se habitantem expectare, se vero in peccatis adhuc vivere et esse" (*ibid.*, p. 264, 16). For the reading "oris" as the thirteenth word of this last citation, see R. Schwarz, *Fides, spes und charitas beim jungen Luther* (Berlin, 1962) p. 282, n. 102. Luther also used the triad *cor-os-corpus* at *W.* 56, p. 17, 20.

<sup>62</sup> The literature on *iustitia Dei* in Luther's early works is quite massive. Scholars have been dangerously fascinated by Luther's later description of his sudden discovery that the justice of God revealed in the gospel (Rom 1:17) is a gracious gift of justice and not the personal quality of a God who is just in His punishments. Luther wrote of this in the autobiographical preface for the first volume of his collected works in 1545 (*W.* 54, pp. 179-87). Two good surveys of the wide-ranging discussion about the time and the content of Luther's discovery have been given by G. Pfeiffer ("Das Ringen des jungen Luther um die Gerechtigkeit Gottes," *Luther Jahrbuch* 26 [1959] 25-55) and O. H. Pesch, O.P. ("Zur Frage nach Luthers reformatorischer Wende: Ergebnisse und Probleme der Diskussion um E. Bizers Fides ex auditu," *Catholica* 20 [1966] 216-43 and 264-80). We would offer two brief random observations. First, the preface of 1545 should never be placed at the beginning of a presentation of Luther's life and theological development. The *Sitz im Leben* of the preface is the Lutheran Church of 1545. Its purpose is to accompany the specific documents printed in the volume it introduces. An essential requisite for interpretation of the preface is a list of the works collected in the volume for which it was written. Secondly, we must recall that the understanding of Rom 1:17 as referring to the justice "qua iustus dono Dei vivit" (*W.* 54, p. 186, 5) was a commonplace of medieval undergraduate theological education. We can be sure of this, since Peter Lombard cited Augustine's explanation of *iustitia Dei* in his Sentences: "Caritas autem Dei dicta est diffundi in cordibus nostris, non qua nos ipse diligit, sed qua nos facit dilectores suos. Sicut iustitia Dei dicitur, qua nos iusti eius munere efficimur. . . . Iustitia nostra dicitur Dei, non quod ipse sit ea iustus, sed quia ea nos iustos facit" (*Sentences* 1, 17, 6 [Quaracchi ed. 1, 114]).

<sup>63</sup> Our own study of Luther's early works (1509-18) uncovered relatively little evidence about the justice of God, whether gracious or vindictive. These are questions of systematic theology, whereas Luther's early works appear much more at home in the literary genus

The discussion of concupiscence as root sin occasioned an important question on Luther's part: Could it be that indulgences are somehow the means by which deserving souls gain the grace of contrition and overcome their sinful affections? This question brought Luther to take another look at how indulgences work, and in the midst of this reflection he appears to have gained an insight into the meaning of the traditional phrase *per modum suffragii*. He explains his idea hypothetically, as a possible way the matter could be understood. Here, then, is what he hinted at by inserting the qualifying phrase "saltem per se" in his initial, quite restrictive definition of an indulgence in the first section of the treatise. Luther's idea is that the suffrage could well be itself a prayer of impetration which gains from God the grace of conversion by which the person comes to a purified love of God and to whole-hearted resignation to God's will. As far as we can see, this is Luther's own personal insight into a new explanation of the problem with which he is wrestling. Only St. Bonaventure can be counted as agreeing with Luther in this conception of an indulgence as a petition in aid of the souls in purgatory.<sup>64</sup> St. Thomas thought of the Church's help as a kind of dispensation,<sup>65</sup> while late-medieval canonists thought of this help as being vicarious satisfaction offered out of the treasury of the Church on behalf of the departed.<sup>66</sup>

Luther's idea is that the Church does have an influence upon the purification of radical sin. But here the Church does not work by the power of the keys, by which she simply remits the penances she had imposed for actual sins. Instead, the Church offers a *suffragium* of

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of "spiritual writing." They focus on the *homo iustus* and his life of penance and prayer, not on the *iustitia Dei*. We are now preparing our Münster dissertation ("*Gemitus pro gratia*": *The Spirituality of Martin Luther's Early Works*) for publication in America in early 1968.

<sup>64</sup> St. Bonaventure wrote this about the mode of indulgences for the departed: "Cum illi iam exierunt forum ecclesiae et ecclesiasticum iudicium, videtur quod eis non possit fieri absolutio, nisi per modum deprecationis, et ita, proprie loquendo, non fit eis relaxatio" (*In 4 Sent.*, d. 20, art. un., q. 5). There is no evidence for Luther being dependent on Bonaventure.

<sup>65</sup> "Indulgentia non per modum sententiae datur, sed per modum dispensationis cuiusdam" (*In 4 Sent.*, d. 20, q. 1, art. 5, q. 4, ad 3; = *Sum. theol. Suppl.*, q. 27, a. 4). See Nikolas Paulus, *Geschichte des Ablasses im Mittelalter* (Paderborn, 1922) Vol. 1, 300, and Vol. 2, 173.

<sup>66</sup> See, for instance, Nikolas Paulus, *ibid.* 3 (Paderborn, 1923) 383-90, on the ideas of the papal commissioner for indulgences, Raymond Peraudi.

petition which moves God to grant the needed grace of contrition and conversion to love and longing for Him. This appears to be an idea which the writing of the treatise has made possible. Hence Luther cannot responsibly assert this as certain, but must advance the theory and in the course of further discussion test the aptness of his explanation.<sup>67</sup>

Since Luther's idea about the meaning of *per modum suffragii* is most probably original with him, we must ask how he came to think of the Church's influence as impetration. The matrix of his reflection appears to have been, so we would suggest, the theology of Christian life that had taken shape in the *Lectures on Romans* and served as the background of Luther's words in the treatise on *peccatum radicale* and its expulsion by healing grace. In this vision of Christian living, it is grace that gives the *hilaritas*, the good will, the sound will to embrace God's law.<sup>68</sup> The treatise on indulgences proposes this same selfless

<sup>67</sup> Luther's understanding of *per modum suffragii* anticipates in its main lines the explanation of the efficacy of indulgences worked out by Bernhard Poschmann on the basis of his historical investigations into the origins of indulgences and their connection with the early-medieval "absolutions" in which the Church petitioned God to hasten the inner purification of individual penitents; cf. *Der Ablass im Licht der Bussgeschichte* (Bonn, 1948) esp. pp. 101-11. The main ideas of Poschmann's theory are given in the two sections on indulgences in his *Penance and the Anointing of the Sick* (tr. and rev. Francis Courtney, S.J.; New York, 1964). Karl Rahner espoused Poschmann's conclusions in the article "Ablass," *Lexikon für Theologie und Kirche* 1 (2nd ed.) 46-53, and in "Remarks on the Theology of Indulgences," *Theological Investigations* 2 (tr. Karl-H. Kruger; Baltimore, 1963) 175-201.

<sup>68</sup> On Rom 5:5 in 1516, Luther wrote: "Igitur 'charitas Dei,' quae est purissima affectio in Deum, quae sola facit rectos corde, sola aufert iniquitatem, sola extinguit fruitionem propriae iustitiae. Quia nonnisi solum et purum Deum diligit, non dona ipsa Dei, sicut hypocritae iustitiarum" (*W.* 56, p. 306, 26). This charity is the distinguishing mark of God's sons, i.e., "quod filii Dei hilariter, voluntarie, gratuito serviunt Deo, non timendo poenam nec cupiendo gloriam, sed solam voluntatem Dei" (*ibid.*, p. 308, 6). Shortly afterward: "Non ii sunt optimi Christianorum, qui sunt doctissimi et multa legunt ac multis libris abundant. . . . Sed ii sunt optimi, qui ea faciunt liberrima voluntate, quae in libris illi legunt et alios docent. Non faciunt autem liberrima voluntate, nisi qui per spiritum sanctum charitatem habent" (*ibid.*, p. 338, 6). Toward the end of these lectures, Luther gave this practical advice about the examination of conscience: "Unde deberemus in operibus omnibus attendere, non quid fecerimus aut quid faciendum sit neque quid omiserimus vel omittendum . . . sed quali et quanta voluntate, quanto et quam hilari corde omnia fecerimus aut facere velimus" (*ibid.*, p. 502, 1). But this is not an ideal realized by human natural striving: "Nisi per gratiam Dei (quam credentibus in Christum promisit et largitur) sanetur ista voluntas, ut liberi simus et hilares ad opera legis, quaerentes nonnisi Deo placere et eius voluntatem facere . . . semper sub peccato sumus" (*ibid.*, p. 235, 21).

love as the goal to be attained in this life or in purgatory before one is ready to enter heaven. The way, however, to the goal of Christian living is earnest petition for grace. In the *Lectures on Romans* Luther wrote: "assiduis oporteat gemitibus ad Deum intendere, ut hoc taedium tollat et ad hilaritatem perficiat voluntatem auferatque per gratiam pronitatem illius ad malum."<sup>69</sup> Here, in this section of his treatise, Luther depicts the misled victims of a superficial theology as wholly concentrated on actual sins, "non solliciti assiduo gemitu pro gratia destructrice corporis huius peccati."<sup>70</sup>

From this heavy emphasis on the sigh of petition by an individual on earth it was but one step to thinking of the reality behind the phrase *per modum suffragii* as the Church's prayer of petition that God grant to the departed soul the grace it needs to transform its affections. What the Church does for the departed, according to Luther's hypothesis, is the same thing a man must do for himself in this life: "id est, assidue sanantem gratiam eius quaeramus."<sup>71</sup> The idea of the Church interceding in petition for the departed souls now being purified of their sinful affections grew quite naturally out of Luther's conviction that each of us must beg God earnestly for the grace to purify ourselves of concupiscence.

The final lines of this fourth paragraph return to the ideal state which one must reach before liberation from purgatory. Luther makes this clear by the example of one who deep in the core of his person was not resigned to death. The work of grace gained by the prayer of the Church is to transform his heart and bring him to accept death from God's hand, i.e., "ut libenter velit esse mortuus." In this acceptance of death Luther sees the ideal culmination of life, for it expresses a love of God with the whole heart.<sup>72</sup>

The last sections of Luther's treatise are remarkably calm and well

<sup>69</sup> *W.* 56, p. 257, 26. For other texts on the *gemitus* of petition for healing grace, see nn. 43, 58, and 61 above.

<sup>70</sup> Köhler, *Dokumente zum Ablassstreit*, p. 97.

<sup>71</sup> These are the final words of the treatise (*ibid.*, p. 99).

<sup>72</sup> It is important to stress this deeply spiritual conception of Christian living that Luther proposed as he first entered on the stage of public history. This is not the incarnational spirituality in favor today, but still it seems improper to write it off as "false mysticism," as is implied by the chapter heading of H. Grisar's treatment of precisely this period; cf. *Luther* (3-vol. German ed., 3rd ed.; Freiburg, 1924) pp. 142 ff.

ordered. He has gained the key insight into the material at hand and now he can make a more systematic presentation.

[5.] Let us draw the matter together, as far as we can. All the works and merits of Christ and of the Church are in the hands of the pope and he can apply whatever good works are done through Christ in the Church in three ways, as follows: first, as satisfaction; secondly, as a suffrage; and thirdly, as a votive offering or as a sacrifice of praise. In this same way Christ by His deeds glorified God, took away our sins, and merited grace.

The pope makes an application as satisfaction in the indulgences he grants the living. The sense and intention of this is such that if you have sinned and then in sorrow for your sins you want to make satisfaction, you then come to the pope saying, "Holy Father, I beg you to direct the works and prayers of the Church [to satisfy] for my sins." Then he answers, "Let it be as you ask." Then all who offer Mass, who pray, fast, labor, or do any other work pleasing to God do this for you, so that you are freed from the labor of penance and satisfaction. This is a plenary indulgence. This is, however, not all that you need, for thereby you neither receive interior grace, nor do you advance, but you remain in the same grace as when you made this petition. Therefore, you must still make efforts to advance and you must take care not to grow lethargic and snore away thinking you are purified and thus secure. Then you must diligently crucify your members and mortify the source of sin, that is, your concupiscence. For just as it was the cause of the sins for which the indulgence was granted, so it will cause further sins, if you stand still in security.

First, Luther gives the three-part scheme taken over from Christology in order to set his material in order. The topic of this paragraph is the first mode of applying the merits of good works done under Christ's influence in the Church, i.e., as satisfaction. This was the second member in the scheme as applied to Christ's own life and death.

The ordinary way, therefore, in which an indulgence works is that of satisfaction for the debt of punishment owed by the living. The imposed penance of sacramental satisfaction is carried out vicariously in the prayers and sacrifices that please God in the Church. It is the pope, though, who can direct these good works to the fulfilment of this purpose. To gain an indulgence is to equivalently ask him to supply this remittance of vindictive penances by the power of the keys. The concrete way Luther conceived of this application shows that he had gone well beyond the quantitative thinking dominating the theological manuals of his time.<sup>78</sup> He saw an indulgence in the framework of persons helping each other.

<sup>78</sup> See J. Dietterle's ten-part survey of the treatment of indulgences in twenty-two

The limitations of this indulgence are quite clear. For the application as satisfaction does not bring about any interior growth in the person gaining the indulgence. It grants him no infused grace to help him root out concupiscence, and therefore it cannot be a ground for security. It only frees a person to attend to the much more important task of overcoming the radical sin that led to actual sin in the first place.

We see that Luther understood the satisfactory penances imposed in the sacrament of penance as severely and radically distinct from the "life penance" of the man seeking under grace to root out concupiscence. Luther saw no relation between prayers and mortification imposed in the sacrament and the prayer and mortification demanded in the central task of Christian living. The former was for actual sins, the latter for radical sin. The former was imposed by the priest or by canon law, the latter grew out of our inability to love God because of our chronic infection by sin.

We cannot but admire the force with which Luther urges the Christian on to progress in doing to death the roots of sin. At the end of this fifth section he warns against any certitude of salvation engendered by the idea that indulgences help purify a person from root sin. If a man lolls in false security, he is certain to fall back into the same sins for which he had received the remittance of punishment in the indulgence.

However, the sharp dualism of "life penance" and imposed sacramental penance had consequences of a tragic nature. This was the Achilles' heel upon which Luther's adversaries fastened, and his reaction to their attack led directly to the Reformation as a movement that divided the Church. The first adversary to challenge Luther's doctrine of indulgences was Konrad Wimpina, who wrote a series of countertheses for defense by John Tetzel in Frankfurt/Oder on January 20, 1518. Four times Wimpina urged that it is not merely the confessor or canon law that makes obligatory the sacramental penances imposed on the penitent. Rather, it is also God's demand, the demand of "iustitia divina."<sup>74</sup> This argument strikes against the systematic

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manuals for confessors published from the thirteenth to the early-sixteenth century: *ZKG* 24-28 (1903-1907).

<sup>74</sup> In his countertheses 3, 4, 7, and 41 Wimpina asserted that sacramental penances stem from the divine justice. Luther had spoken in his theses 5 and 34 only of the will of the

structure Luther had developed for understanding sin and forgiveness, for it asserts that the separation between the two kinds of punishment and forgiveness is not as perfect as Luther had drawn it. Wimpina urged that there is a line connecting what God requires with that which the Church requires and imposes on a penitent. As Luther wrote the *resolutio* for thesis 5 of the ninety-five theses, he showed that he had noted just this point in the Wimpina-Tetzel countertheses.<sup>75</sup>

In reacting to this criticism Luther came to rethink his idea of the sacrament of penance. In the *resolutio* of the seventh thesis he was ready to set forth a tentative new conception of the relation between ecclesial absolution and divine forgiveness.<sup>76</sup> The heart of the new idea

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confessor and of canon law as the source of the imposed sacramental satisfaction. Here is Luther's thesis 5: "Papa non vult nec potest ulla poenas remittere praeter eas, quas arbitrio vel suo vel canonum imposuit." Wimpina's theses 3 and 4 responded: "Haec satisfactio (cum Deus delictum absque ultione non patitur) per poenam fit vel aequivalens in acceptatione divina. Quae vel a presbyteris imponitur, 'arbitrio' vel 'canone,' vel nunquam a iustitia divina exigitur, hic vel in purgatorio dissolvenda." Then in Wimpina's seventh thesis, again on the imposed satisfaction: "sive haec sit ab eo vel sacerdotis 'arbitrio' vel 'canonice' imposita, vel etiam iustitia divina exigenda. . . ." Luther's thesis 34 read thus: "Gratiae enim illae veniales tantum respiciunt poenas satisfactionis sacramentalis ab homine constitutas." Indulgences, just like the penances they remit, deal with man-made duties. Wimpina took up Luther's thesis in his counterthesis 41, added an interpretative phrase, and branded Luther's position with a dogmatic qualification: "'Gratias veniales non respicere nisi poenas satisfactionis ab homine constitutas' et non etiam a canone vel iustitia divina, error." Here, finally, the question about *iustitia divina* became a live issue in Luther's theological work. These texts are found in Köhler, *Dokumente*, pp. 128 and 133.

<sup>75</sup> In his *resolutio* of thesis 3, Luther referred to Wimpina as "quidam indignatus et sub pelle leonis incedens" (*W.* 1, p. 532, 33). The lion was none other than John Tetzel, who defended Wimpina's theses in public. In Luther's fifth *resolutio* we read that the punishment remitted by an indulgence is the punishment the Church imposes: "Videtur ergo solum eas [poenas] remittere, quae de ieiuniis, orationibus, elemosynis aliisque laboribus et disciplinis impositae sunt. . . . Et in ista poena comprehendo etiam, quam arbitrio suo imponit sacerdos ecclesiae" (*ibid.*, p. 536, 11). But Wimpina's theses posed a problem for Luther: "Iterum hic Leonte illa mihi oggannit, remitti, quae a iustitia divina exigitur, vel in purgatorio luenda. Cui et ego respondeo, impiissimum esse sentire, quod Papa habeat potestatem mutandi ius divinum, et id relaxare, quod iustitia divina infixit" (*ibid.*, p. 536, 17). In the following paragraphs of this fifth resolution Luther argues that divine justice demands no further punishment than the "evangelical" penance of a contrite heart mortified under the cross of Christ. This latter, though, can neither be imposed nor remitted by the power of the keys and therefore has nothing to do with indulgences.

<sup>76</sup> The text of the seventh thesis had simply asserted the necessity of ecclesial absolution when the guilt of sin is forgiven by God. Luther begins his *resolutio* by clearly distinguishing the question *an sit?* (which is in this case affirmed by all and requires no discussion) and



is this: God justifies the sinner in the midst of anguish of conscience; the Church's absolution is a word of assurance and solace that makes one certain of God's hidden work. The one thing the penitent must do is believe that he is most certainly justified and forgiven.<sup>77</sup> About Easter, 1518, Luther presented this new idea of sacramental forgiveness more confidently in a popular instruction, the *Sermo de poenitentia*.<sup>78</sup> It was this sermon that was the basis of Cardinal Cajetan's incisive judgment against Luther in Augsburg in October, 1518.<sup>79</sup>

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the question *cur sit?* On the latter Luther can only propose a possible answer which is no final position: "Hanc [thesim] assero, nec eget disputatione aut probatione, tanto omnium consensu approbata. Sed in eius intelligentia adhuc laboro" (*W.* 1, 539, 35).

<sup>77</sup> On justification: "Quando Deus incipit hominem iustificare, prius eum damnat, et quem vult aedificare, destruit . . ." (*W.* 1, p. 540, 8). The result is that one is not certain of being in God's grace: "tunc adeo ignorat homo sui iustificationem, ut sese proximum putet damnationi. Nec infusionem gratiae, sed effusionem irae Dei super se hanc putet esse. . . . Stante autem hac misera suae conscientiae confusione non habet pacem, neque consolationem, nisi ad potestatem ecclesiae confugiat" (*ibid.*, p. 540, 30). As the absolution declares him forgiven, he must be certain of being forgiven: "Absolvendus vero omni studio caveat, ne dubitet sibi remissa esse apud Deum peccata sua, sitque quietus in corde. . . . Tantum enim habebis pacis, quantum credideris verbo promittentis, 'Quodcumque solveris etc.'" (*ibid.*, p. 540, 41).

<sup>78</sup> *W.* 1, pp. 319–24. The crucial point of the *Sermo* turned out to be the instruction that the penitent should so rely upon the binding and loosing power given by Christ to St. Peter that he is wholly certain of being forgiven: "Vide, ne ullo modo te confidas absolvi propter tuam contritionem . . . sed propter verbum Christi, qui dixit Petro: 'Quodcumque solveris super terram, solum erit et in coelis.' Hic, inquam, confide, si sacerdotis obtinueris solutionem, et crede fortiter te absolutum, et absolutus vere eris, quia ille non mentitur, quidquid sit de tua contritione" (*W.* 1, p. 323, 23). Luther's advice, "crede fortiter te absolutum," is a good example of what Paul Hacker termed "the *ego* in faith"; see his *Das Ich im Glauben bei Martin Luther* (Graz, 1966) for a full exposition of Luther's theory of "reflexive faith" as the theory which led directly to the divisive Reformation. On Hacker's important book, see *THEOLOGICAL STUDIES* 28 (1967) 374–76.

<sup>79</sup> Cajetan found Luther making certitude of one's forgiveness the central condition for justification. Cajetan saw here a new and untraditional definition of *fides sacramenti*. The encounter between Luther and Cajetan at the Augsburg Diet in 1518 can only be understood when scholars take into account the long-neglected preparatory essays Cajetan composed, based on a careful reading of Luther's writings, in the three weeks before meeting Luther. These essays are found in Cajetan's *Opuscula omnia*, pp. 97–119, in the Lyons (1562) edition. The crucial essay from this period for the beginning of the Reformation is on pp. 109–11, having been written September 26, 1518. Here Cajetan made this uncanny remark about Luther's new idea of faith as certitude of one's own forgiveness: "Hoc enim est novam ecclesiam construere" (*ibid.*, p. 111). An important recent study has confirmed the importance of these essays written by Cajetan, but has failed to sense the spiritual introversion Luther was propounding: Gerhard Hennig, *Cajetan und Luther* (Stuttgart, 1966).

This was a remarkable chain of events: from the radical dualism of Luther's theses and treatise on indulgences, to the challenge posed by Wimpina, to Luther's troubled reflections on the sense of the sacrament of penance, to the new idea of *fides sacramenti* as a consoling certitude of forgiveness. This climactic stress on certitude was, theologically speaking, the doctrine at issue when Luther made the critical decision beginning the divisive Reformation.<sup>80</sup>

This sketch of the consequences of Luther's dualistic thought-pattern has taken us some distance from the text of his treatise. Let us now hear the rest of his systematic presentation, as he turns to the question of indulgences for the departed.

[6.] The pope makes an application as a suffrage in the indulgences he grants the departed. Strictly speaking, these are not indulgences, because the pope cannot absolve or forgive the departed, but only make intercession that God will forgive and absolve them, whether from the punishment due for their actual sins, or from the root sin that they did not mortify and cure in life. This is no doubt done by an infusion of grace, which they can in no way merit themselves. I do not see that

<sup>80</sup> On October 14, 1518, the second day of conversation between Luther and Cajetan, Luther wrote to Andreas Carlstadt, his colleague in the Wittenberg University, about the great importance of the matter (*fides sacramenti*) under discussion: "I am sure I would delight him if I spoke this one word, 'revoco,' . . . But I will not let myself become a heretic by going counter to the idea through which I myself became a Christian. I will die first or be burned, banished, and condemned" (In German: *WBr.* 1, n. 100, p. 217, 59). In November, 1518, Luther wrote to the Saxon Prince Elector Frederick the Wise that he would not be overly disturbed if all that he has written on indulgences be condemned by the Church as erroneous. But his new idea of faith he will maintain until death: "I am not a poor Christian if I prefer not to gain indulgences . . . ; but if I change this idea of faith, then I would deny Christ" (*WBr.* 1, n. 110, p. 238, 80). In December, 1518, Luther was aware of astounding conclusions that follow from his experience in Augsburg and his meditation on its meaning. On December 18 he sent a copy of his narrative of the Augsburg meeting (the *Acta Augustana*, *W.* 2, 6-22) to his friend Wenceslaus Link. The covering letter assured Link that far greater things are about to issue from Luther's pen. Luther cannot account for the thoughts that are forcing themselves on him. In fact, Luther hints of great things to come—matters that will keep the Roman authorities busy for a long time: "I am sending you a small work of mine so that you may see whether I have read the signs correctly that the true Antichrist foretold by Paul is now reigning in the Roman curia. I think I can show that Rome is worse than the Turks" (*WBr.* 1, n. 121, p. 270, 11). Luther's reasoning appears to have been that if a curialist (who in this case was a theologian of no mean achievement) calls Luther's theologoumenon on *fides sacramenti* wrong, then the Curia is the den of the Antichrist. Some will see here Luther's "prophetic consciousness," but I find a far less laudatory term more in order here. In discussing this question, it must be kept in mind that Luther was not exactly arguing *that* faith was necessary, but was proposing a *new kind* of faith, i.e., reflexive certitude of one's own forgiveness.

the pope makes this intercession for the living, although the Church as a whole intercedes for all before God. It is, however, something more when this is applied to a particular person by the pope or by anyone else. For the pope himself says that the departed become sharers, and he states quite clearly that he understands this as being by way of suffrage. However, those who gain these indulgences should not lightly declare that the soul they named is freed, for one does not know if that soul is worthy before God, or if perhaps another soul was more worthy. Therefore, the pope appears to do more by indulgences for the departed than for the living, since he impetrates infused grace for the former, but grants only a remission [of punishment] to the living.

The souls in purgatory are related to subsequent grace, that is, to increase of grace and to its completion in glory, as a sinner is related to first grace or justification. For neither can merit grace, but both are able to receive it. This is true of him who has the first grace, even though he is no longer in this life, and of him who is still in this life, though he does not have the prior grace.

The second mode of applying the good works of Christ and the Church is by way of intercession that God effect the purification of the souls in purgatory by infused grace. The intercession appears to be for the release from both punishments, both the punishment for actual sins and that for the concupiscence that remains. This is a slight change from Luther's statement in the second section of the treatise that the pope could simply remit the imposed punishments of the departed souls by use of the power of the keys.

The expulsion of concupiscence in the departed is a work of God's infused grace. The question arises whether the Church in any way acts to gain this for the living. Luther points to the Church's regular prayers before God for this grace for all, but this is something other than an indulgence.<sup>81</sup>

At any rate, the elements of uncertainty are clear. One should not say that an indulgence effects the release of a particular person from purgatory, since we do not know if this person has made himself ready to be freed from purgatory. Still, Luther's theological elaboration of the problem has shown that the Church's help for the souls in purgatory through indulgences is greater than what she does for the living.

<sup>81</sup> Luther appears here to touch briefly on the problem posed by the third principal grace of the St. Peter's indulgence, the "participatio omnium bonorum ecclesiae universalis," that was given to those contributing for St. Peter's; see the *Instructio summaria* (Köhler, *Dokumente zum Ablassstreit*, p. 115, 20). Luther appears to have no basic problem with this idea, though his thesis 37 poses a serious difficulty against this third "grace," probably to stimulate discussion of the point.

The former receive the infused grace that leads to conversion and to charity, while the latter are only freed from the vindictive punishments imposed by men.

Luther states that the departed can in no way merit the infused grace they need. But their previous merits do have an effect in preparing them to be helped by God through the Church's impetration. Thus, some are better prepared than others to receive this help. But the grace itself they do not merit. In fact, they stand in relation to this grace and to its flowering in heaven just as the sinner stands in relation to the first gift of justifying grace. Both can receive the gift of grace, but neither can merit it.

The emphasis placed on the Church's intercession leads Luther quite naturally to the question of our certitude about God's acceptance of this prayer.

[7.] One point, though, is still doubtful. If the pope only offers a suffrage and intercedes for souls, approaching God as a mediator and not as one having jurisdiction, how can he be certain that a soul is freed? For God is free to decide to what extent, how, when, where, and for whom He hears the prayers of His Church. Who is certain that God accepts in the manner in which we make the petition? Unless perhaps it is that God does not turn back the prayer of His Church, where Christ is praying with her. For He said, "Ask and it will be given you" [Mt 7:7], and again, "Whatever you ask in prayer, believe that you receive it, and you will" [Mk 11:24].

Since this is the case, the granting of and the gaining of indulgences is a most useful practice, in spite of the commerce and avarice which we fear is involved with them. Perhaps God wants to show greater mercy toward the departed in our day, since He sees them forgotten by the living. Also, more souls go to purgatory today than earlier, since Christians today are lazier than earlier. Thus many go there, but few work on their behalf, since both the departed and their survivors were and still are quite lazy. The pope comes to their aid at least in this manner.

Finally, the pope applies the good works of the Church as a votive offering or in thanksgiving and in praise of God for the blessings granted himself and the elect.

The question of certitude crops up again. How can the pope be certain that some soul is freed by an indulgence for the dead? For the pope acts as mediator, and the answer depends wholly on the divine good pleasure. But Luther sees an answer even here, for Christ prays in His Church and with His Church when this suffrage of petition is

offered. Thus the Church can be confident that she will be heard, since Christ Himself urged her to be confident.

Luther's final evaluation of indulgences is thus based on the Church's certainty of being heard by God. Even the avarice of those administering indulgences cannot tarnish the good that is done here. Luther's evaluation, "utilissimum est istas indulgentias dari et redimi," is nonetheless startling. It must, of course, be understood within the limits of the theory Luther has drawn up. Still, it stands in notable contrast to the sharp attacks Luther made in the earlier references to indulgences while he was commenting on the Psalms and on Romans. The pendulum has swung to a decidedly positive judgment, in spite of the abuses.

Finally, Luther can even see a reason for the multiplication of indulgences in his own day. Then the Christian people were lazier than before, and God is coming to the aid of the departed souls in a more generous way. Also, with so little concern for rooting out concupiscence, many more are coming into purgatory. Thus it is good that the Pope is doing what he can for them. This is basically the same justification offered by Gabriel Biel in his *Expositio canonis missae* to this same problem. Biel thought, too, that this was an age marked by the cooling of charity, and that therefore more indulgences were justified.<sup>82</sup>

Luther concludes the *Tractatus de indulgentiis* by returning to the theme of Christian life as a healing process, and to the ardent prayer for the grace by which we are healed of concupiscence.

#### Conclusion

[8.] Therefore, we must be quite earnest in preventing indulgences, that is, satisfactions, from becoming a cause of security, laziness, and neglect of interior grace. Instead, we must be diligent to fully cure the infection of our nature and thirst to come to God out of love for Him, hatred of this life, and disgust with ourselves. That is, we must incessantly seek God's healing grace. This is the end of this matter.

Here is the spirituality of Luther's early works, especially the *Lectures on Romans* (1515-16), neatly compressed into one sentence and pointedly addressed to the precise problematic of indulgences in the life of the Church. The true enemy is *pax et securitas*, and hence, though indulgences have some function in the life of a Christian, his

<sup>82</sup> *Canonis missae expositio*, Lect. 57 0 (Oberman-Courtenay 2, 407 f.).

main concern must be the healing from sin and growth in love and longing for God. The focus of attention must, therefore, be on prayer for the grace that enlightens, enflames, cleanses, and turns our affections to God.

This, then, is the way in which Luther ordered his thoughts and arguments in preparation for a discussion with other theologians on indulgences. His theses were to stimulate the discussion. They were not his doctrine, but were the topics of discussion. The treatise on indulgences, however, shows us the quite moderate position, together with some brilliant insights, that Luther would have offered in this discussion. We can lament the strange duality sealing off "life penance" and sacramental penance from each other. Still, the great tragedy of 1517 was that the barbed theses spread over Germany in a matter of weeks, and this penetrating little treatise fell into dusty oblivion. One can hardly think of a sadder "might have been" in the whole course of history.

In 1967, with the recovery of this enlightening document, we are at least in a far better position to understand the origin of the division under which we suffer today. The *Treatise on Indulgences*, especially in its insistence on penance and earnest prayer, could furthermore prove to be a crossroads at which Catholics and Lutherans can meet and be spiritually enriched. May this be the ultimate sense of our presentation of the text in this article. May Luther himself help us come closer together.