

### ON THE NEW LEGISLATION ON INDULGENCES

*There has lately been published a new document concerning the theology of and discipline on indulgences. What is the present stand of the Church concerning indulgences? Under the present discipline, what indulgences can be gained and how can one gain them?*

In response to the many requests voiced before and during the II Vatican Council Pope Paul VI promulgated the constitution "*Indulgentiarum doctrina*"<sup>1</sup> on January 1, 1967 outlining the theology of indulgences and setting aside practical norms concerning its discipline. The Constitution is a result of the findings of two Commissions especially formed by the Pope to study both the doctrinal and disciplinary aspects of indulgences. The Congregation of the Penitentiary was assigned the task of drawing up a *positio* on disciplinary reforms; while a second commission with Monsignor Carlo Colombo as chairman, took care of formulating the theology of indulgences. This new Constitution, which is more than adequately sufficient to answer any problem on indulgences, will be the basis of our response.

To the first question therefore, we say that in principle, the present Constitution repeats substantially the traditional doctrine as taught in the monts of Revelation and the Church's Magisterium from the time of the Apostles, through St. Thomas Aquinas up to the present Code of Canon Law.

The papal Constitution defines an indulgence as

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<sup>1</sup> Cf. "L'Osservatore Romano", 9-10 January 1967; also *Derecho Canonico Posconciliar*, (Madrid: B.A.C., 1967), Documento XX, pp. 191-199.

“...remissio coram Deo poenae temporalis pro peccatis, ad culpam quod attinet, iam deletis, quam christifidelis, apte dispositus et certis ac definitis condicionibus, consequitur ope Ecclesiae quae, ut ministra redemptionis, thesaurum satisfactionum Christi et Sanctorum auctoritative dispensat et applicat.”

An indulgence therefore, is a remission of the temporal punishment due to sin not of the sin itself. St. Thomas in *Quidl.*, lib. 2. q. 8, a. 16 ad 3<sup>um</sup>, states that the effect of an indulgence is the remission of the debt of temporal punishment. It supplies the place of satisfaction in so far as it is punitive, in a manner that the punishment borne by one is imputed to another as if he himself had borne it. Nevertheless, the Angelic Doctor is quick to caution that an indulgence does not supply the place of satisfaction in so far as it is medicinal. This is obvious since he adds that in man there is ever present, even after sin or punishment is or given, the tendency to sin again inherited from past wrongdoings; and to remedy this, continuous personal satisfaction and work is necessary at least in earthly life.

The present Constitution also speaks of the double purpose by which the fault and punishment due to sin have to be expiated—to purify the soul and give satisfaction of divine justice and to restore the natural order perturbed by the perpetration of the fault. For sin destroys the order designed by God for human action in the overall plan of His creation. It disturbs the supernatural union existing among all the faithful christians since the sin of one member prejudices the rest as oppositely, the good work of one can help another.

Christ suffered for all men and following His example the faithful should strive to help each other mutually in their journey to the celestial Father not only through prayers and good work, but also through penitential expiation both of their sins and those of others. This is the meaning of the ancient dogma of the communion of saints and the unity of the Mystical Body of Christ. The infinite merits of Jesus Christ to which are added those of the Blessed Virgin and the saints constitute the treasure of the Church which are applied to those who even now are with us here on earth and those who are expiating for their sins in purgatory.

From the earliest times, the Church recognized these truths and exercised the various means through which the fruits of the redemptive work of Christ could be applied to everyone. The Apostles exhorted the faithful to do this so much so that ancient penitents were wont to seek the aid and intercession of all the community of the faithful and likewise procured to help the faithful by means of suffrages chief among which are the eucharistic sacrifice and other good works especially those which are most trying to human frailty. These helps were offered not only to the faithful considered individually, but also to the whole Church itself as one body united to Christ its Head.

This practice by which one, through the application of the merits of Christ and the saints, could be liberated from consequences of sin impelled the Fathers to introduce gradually through the centuries, inspired by the Holy Spirit of course, the use of what we now call indulgences. Its use became universal when the Roman Pontiffs decreed that certain works convenient to the common good and the Church could be considered penances applicable to all genuinely repentant faithful who have sacramentally shown this repentance.

How indulgences, however, operate to produce the remission of the temporal punishment due to sin is a central question in its theological consideration. The traditional position of the Church states that it is through the power of the keys that sinners are released from the liability to temporal punishment by supplying him with an equivalent amount of satisfaction drawn from the Treasury of the Church. This doctrine is supported by theologians of many ages among which are St. Thomas and the contemporary Charles Journet.

A number of other theologians however, critical of this concept which they consider too juridical, sustain another view. Bernhard Posmann, after examining indulgences against a general background of the history of penance, concludes that it is through the Church's official prayers and supplications that God would grant full forgiveness to the penitent in virtue of Christ's merits and the saints that indulgences derive their efficacy. This opinion is supported by Karl Rhaner. The question is rather academic and if one would carefully examine the definition which we quoted, it would be seen that the Constitution confirms the traditional position.

Lately, the Holy Father in an allocution on December 23, 1966 stated that the doctrine of indulgences while remaining as it is, will in future Constitutions emphasize more on the spirit which should inspire the faithful in acquiring indulgences, making clear the fact that Christ in coming to aid the faithful intended not only to help them satisfy the penalties due to their sins, but also to urge them to greater acts of charity. Hence, the Mass, the sacraments, all works of charity, piety and penance cannot and will never be displaced by indulgences; for considered in themselves these acts have far more spiritual value and merit than the single remission of the debt of temporal punishment. An indulgence should not be used as an excuse or easy means of avoiding the penances required for our sins. It should rather be considered a support which a Christian, cognizant of his personal weakness, finds within the shelter of the Church.

With regards to the second question, the disciplinary portion of the Constitution states that the faithful may gain plenary or partial indulgences. This division is made according as an indulgence is capable of liberating one fully or partially from temporal punishment due to sin. All indulgences whether plenary or partial can also be applied for the dead *per modum suffragii*.

Henceforth, a partial indulgence will always be known by this term and will not be determined in terms of days and years. However, it can be gained as many times a day as a faithful performs an act enriched by a partial indulgence.

In its turn, a plenary indulgence may be gained if a Christian performs an act enriched with it and by fulfilling the following conditions: sacramental confession, eucharistic communion, and prayer for the intention of the Roman Pontiff.<sup>2</sup> Furthermore, one should be free from all

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<sup>2</sup> The three conditions required to gain a plenary indulgence can be fulfilled several days before or after the prescribed good work although it is convenient that the communion and prayers for the intention of the Pope be made on the same day that the prescribed act is done.

By one sacramental confession several plenary indulgences may be gained, however, with one eucharistic communion and prayer for the Holy Father's intention only one plenary indulgence can be gained.

The condition of praying for the Pontiff's intention is fulfilled by reciting an *Our Father* and a *Hail Mary* or any other form of prayer according to one's devotion or piety to the Pope.

affections to whatever kind of sin including venial sins.<sup>3</sup> If however, the full (*plena*) disposition required is absent or if the conditions expressed are not fulfilled, the indulgence gained is only partial. Nevertheless, the prescription of Can. 395 "*pro impeditis*" still holds and the Constitution further empowers local Ordinaries to enable the faithful within their jurisdictions to gain plenary indulgence without sacramental confession and communion if it is impossible or at least difficult for them to do so at the moment due to the inaccessibility of their place provided they are contrite of heart and are disposed to receive said sacraments as soon as possible.<sup>4</sup>

The division of indulgences into personal, real, and local is abolished in order that the faithful may realize that what gains indulgences are meritorious works even if such are connected in one way or another to a thing of a place. However, a plenary indulgence applicable to the dead only, can still be gained in all churches and public and semi-public oratories<sup>5</sup> on the 2nd of November. In parish churches besides, a plenary indulgence can be gained twice a year: namely, in "*Festo Titularis*" and of the 2nd of August during which the "*Portiuncula*" occurs, or in any other opportune date to be determined by the Ordinary.

Then again, a faithful can gain a partial indulgence if, with pious intention, he uses an "object of piety" (*objectum pietatis*) which may

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<sup>3</sup> "...Requiritur insuper ut excludatur omnis affectus erga quodcumque peccatum etiam veniale."

<sup>4</sup> "...Ordinarii locorum possunt concedere fidelibus, in quos ad normam iuris exercent auctoritatem, si loca inhabitent ubi nullo modo vel saltem admodum difficile ad confessionem vel ad communionem accedere possint, ut ipsi queant indulgentiam plenariam consequi absque actuali confessione et communionem, dummodo sint corde contriti et ad praedicta sacramenta, cum primum poterunt, accedere proponant."

<sup>5</sup> Plenary indulgences "*toties quoties*" are abolished since only one plenary indulgence can be gained a day hence forth therefore, on the 2nd of November, only one plenary indulgence may be gained.

Only those who are legitimately privileged to use particular semi-public oratories may gain plenary indulgences on them (...illi qui legitime iis utuntur...")

be a crucifix, a cross, a crown, a scapular, and a medal,<sup>6</sup> properly blessed by a priest, and if the same "*pietatis objectum*" has been blessed by the Holy Father or a bishop, a plenary indulgence can be gained on the feast of Sts. Peter and Paul provided however, one makes a profession of faith<sup>7</sup> in any approved legitimate form.

The indulgences attached to the so-called privileged altars are now abrogated. It is the Church's wish that all the faithful should be made to realize that every Mass without exception, benefits the dead to the fullest extent.

Finally, the "*Enchiridion indulgentiarum*" will be revised as well as the catalogue and summaries of particular indulgences granted to Religious Orders, Congregations, Societies, Pious Associations, etc. so that only the principal prayers and work of piety, charity and penance will be enriched with indulgences.

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<sup>6</sup> Some authors are of the opinion that the inauguration of "*pietatis objectum*" in the Constitution and which we have indicated, is taxative. They add however, that other pious objects may be blessed but then no indulgences can be gained from their use.

<sup>7</sup> The profession of faith required to gain this plenary indulgence may be any of the commonly used forms, for example, the Apostles creed, the Nicene Creed, The Athanasian Creed, etc.