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LUTHER'S 95 THESES: A CATHOLIC APPROACH

Lutherovih 95 teza: katolički pristup

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Sažetak

U kontekstu 500. obljetnice 95 Lutherove teza, autor započinje s naglašavanjem razlika između „prvog Luthera”, „drugog Luthera” i „lutheranizma”. Luther ovog događaja jest katolički Luther, također u kanonskom smislu, dakle prije osude i izopćenja 1520.-1521. 95 teza napisao je katolički teolog čija je namjera bilo reforma, a ne podjela. Autor naglašava ovu točku ilustrirajući na prvom mjestu povijesnu pozadinu teologije oprosta i posebnu formaciju koju je primio Luther. Komentira zatim neke od formalnih aspekata teza i njihov doktrinarni sadržaj. Konačno, formulirana su tri prijedloga s obzirom na katoličko-luteranski dijalog, zaključujući na kraju s „katolicitetom” Luthera iz 1517.

Ključne riječi: Martin Luther; katolik; izopćenje; 95 teza

INTRODUCTORY REMARKS

Catholic historiography on Luther has experienced a deep evolution during the XXth Century. At its beginning remains the work of H.S. Denifle (*Luther und Luthertum in der ersten Entwicklung*, Mainz 1904), in which Luther was depicted as a very poor theologian, a morally corrupted monk and a hypocritical sinner. During the first years of the II World War we find instead the book *Die Reformation in Deutschland* (Freiburg 1939-40) of J. Lortz, in which Luther is presented as an *homo religiosus*, who was trying to restore the authentic form of Christianity. In his words, Luther's battle was against a „Catholicism that wasn't really Catholic”¹: a prospective also mentioned in *From Conflict To Communion* (FCTC) 21. Later, in 1983, Catho-

¹ *Die Reformation*, I, 10□.

lic signed the common statement „Martin Luther – Witness to Christ”, in the Lutheran-Roman Catholic Commission on Unity. My paper moves within this evolution of ideas.

At the same time I should underline the importance of the distinction between the „first Luther”, the „second Luther”, and „Lutheranism”, in order to simplify matters. The event that we are commemorating moves within the „first Luther”, the Catholic Luther also in the canonical sense, that is, before the condemnation and excommunication of 1520-21. The 95 theses were written by a Catholic theologian whose „intention was to reform, not to divide” (FCTC 29). In my opinion, they remain mainly in the Catholic mainstream, although there are some of them that move in a very centrifugal direction, as I will have the occasion to point out. As FCTC 47 reminds us, „on October 1518 Luther still insisted that he thought and taught within the scope of the Roman Church’s teaching”. What I will say here regards Luther in this first stage.

It is also convenient to remember that the notorious *Turmerlebnis* took place some time before the 95 thesis (we can say in 1515, although about this matter the historians from both communions do not agree about the exact date). The background of the theses is not only the abuses on indulgences, but also the passive sense of the justice of God, according to Luther’s exegesis of Rm 1:17.

Within these coordinates it is my intention to analyse the 95 theses in their historic-theological context. The sad situation of the Church at that time and the particular circumstances of the indulgence preached by the Dominican John Tetzel are very well known; I prefer to underline some historical aspects of the theology of the indulgences and the particular formation received by Luther, naturally without forgetting the practical abuses diffused during those years. I will move then to the doctrinal contents of the thesis, which are our central topic. I will try finally to arrive at some proposals and conclusions.

HISTORIC-THEOLOGICAL BACKGROUND

The theological and ecclesial concept of „indulgence” was not so old in the days of Luther. Although the first papal documents on indulgences date back to the XI and XII centuries (the indulgences for the crusades), we have to wait until Pope Clement VI who, in his Bull *Unigenitus Dei Filius* (1343), establishes

for the first time their essential theological elements. However, this theology - as such, and in its teaching - had not yet arrived at its final consolidation in the days of Luther. In the treatise on indulgences *Caelifodina*, published by Johannes von Paltz in 1511, we can read the most contemporary stage of the concept, formulated in these terms: *Indulgentia est remissio poena temporalis debite peccatis actualibus poenitentium non remisse in absolutione sacramentali: facta a praelato ecclesiae rationabiliter et ex rationabili causa: per recompensationem de poena indubitata justorum* (An indulgence is the remission of that temporal penalty deserved by the actual sins of penitents which has not been remitted in sacramental absolution, - a remission granted by a prelate of the Church, in rational manner and for rational cause, on the ground of the penalty already paid by the undeserved punishment of the just)².

A brief preliminary history of the remission of sins and penalties is necessary here. As we know, the practice of sacramental penance has a great evolution, from the public and canonical stage (IV-VIII centuries), through the tariffed praxis (VIII-XI centuries), to the private confession (XII century onwards, again simplifying a lot). Along with this evolution, we find some non-sacramental remissions, which should refer only to penalties, but whose formulation does not leave the matter very clear. During the first stage existed, although without great diffusion, the *relaxatio* (a kind of diminution of the penance appointed) and the *reconciliatio* (an anticipation of the reintegration in the Church). Ahead on the second stage we find the *redemptio*, which was a kind of commutation of the penance established in the *libri poenitentiales* for something easier (there were penances impossible to accomplish for some people). Still more ahead appears the *absolutio*, widespread in the liturgy (like the *confiteor*), a kind of deprecating prayer asking for the forgiveness of sins.

What seems special about the „indulgences” which started to appear in the XI century is the exchange of the temporal penalty of the sins already pardoned in the sacrament, for „good works”. These „good works” could be pilgrimages (most specially during the jubilee years), crusades (Popes Alexander II and Urban II established Plenary Indulgences for the Crusaders for the Holy Land; there have been indulgences also for the „Spanish Reconquista”),

² I quote from Philip Van Ness Myers, *Medieval and Modern History*, Ginn & C., Boston 1905, online publication.

but also monetary contributions, in view of building churches, hospitals, and so on³. This explains, in great part, the proliferation of indulgences fostered by Prelates and Bishops; and so early as in the beginning of the XIII century the IV Lateran Council (1215) had to warn against „granting excessive indulgences without any discernment, as some Prelates do without restraint, (that which) casts contempt on the power of the keys, and comes to lose all effectiveness the penitential satisfaction”⁴.

The „good works” were associated frequently with relics (processions, cult), which explains the great desire of having many of them. The benefits of the indulgences were first applied only for the living, but beginning with Pope Sixtus IV, in the late XV century, they could extend also to the dead⁵ (this praxis was however already in use at least from the previous century)⁶. The development and diffusion of the doctrine of Purgatory (assumed by the official magisterium in the Councils of Lyon and Florence, XIII and XV centuries), which was frequently presented to common people underlining the pains and sufferings, promoted the general desire of doing whatever was possible to avoid that experience. Finally, during the years of Luther it became a common praxis that many plenary indulgences were assigned through the *litterae indulgentiales*, handed to the faithful by the confessor or other prelate who had received a special faculty from the Pope. Normally, the „good work” to receive this *littera* was a monetary contribution. Sometimes the formulation of these *litterae* was ambiguous, allowing an interpretation of pardon of penalties *and sins*⁷.

For this paper it is useful to know that the theology on indulgences, developed during the thirteenth century, evolved from explaining their efficacy *per modum suffragi* to a derivation from the jurisdictional power of the Church. As R. McNally recalls, „the great canonist Huguccio (d. 1210) explained indulgences in that way; and his contemporary, the Dominican Cardinal Hugh of St. Cher (d. 1260), introduced the concept of merit as a *thesaurus*

³ One of the best works on medieval indulgences is still, in my opinion, N. Paulus, *Der Ablass im Mittelalter als Kulturfaktor*, Bachem, Köln 1920.

⁴ IV Lateran Council, ch. LXII: text in DH 819.

⁵ Sixtus IV, Bull *Salvator Noster*, August 3rd, 1476, in DH 1398.

⁶ See P. Palmer, *Sacraments and Forgiveness*, Md., Westminster 1959, 350-352.

⁷ See E. Goeller, *Die päpstliche Poenitentiarie von ihren Ursprung bis an ihrer Umgestaltung unter Pius V*, Rome 1907, I, 213-242.

ecclesiae. He stated his position saying: 'This shedding of blood [of Christ and the saints] is a treasure placed in the Church's treasure chest; hence, when she wills, she can open the chest and dispense of her treasure to whom she wills, by granting remissions and indulgences' (...). Gradually this power over *the Church's treasure chest* came to be reserved to the Pope as the supreme custodian of the Church and of her spiritual goods"⁸. So the theological foundation of the efficacy of the indulgences was this „Treasure of the Church”, constituted by the superabundant merits of Christ and the Saints, that the Pope, using his jurisdictional power, could distribute to the faithful asking as exchange some concrete deed.

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It is not so surprising that this praxis could degenerate towards deception and corruption. At the beginning of the XVIth century, many preachers of indulgences and most especially many *quaestores* - clergy appointed to notify the indulgences and to recollect the monetary contributions - confused indulgence with sacramental penance (and so penalty with guilt), and affirmed the infallible efficacy of indulgences for the pardon of every sin and penalty. The necessity of contrition was frequently silenced and sometimes explicitly denied, as was said, for example, in the *Instructio summaria*, the booklet prepared by the curia of Albert of Magdeburg. It seems that Tetzl talked sometimes also about indulgences for future sins!⁹ According to E. dal Covolo, some preachers had indulgences even for liberating souls from hell. For many faithful hearing this kind of preaching, the important matter was not contrition or internal penance, but the accomplishment of the external deed; and what they were really looking for wasn't the remission of guilt, but of penalty. The „quantity” of the penalty remitted, measured in „days”, led frequently to the wrong idea about the „days in purgatory” remitted, and to the consequent desire to obtain as many as possible. For many clergy involved in the distribution of indulgences, the mixture of spiritual and economic issues became pure avarice and greed. For the Church as a whole, the idea spreading here and there was that you could buy your own salvation and also the salvation of other people, living or dead.

⁸ R.E. McNally, *The Ninety-five Theses of Martin Luther: 1517-1967*, in „Theological Studies” 28 (1967) 443.

⁹ *Ibidem*, 450-451.

We can easily imagine the reaction on Luther, especially when people from Wittenberg and from the whole dioceses of Brandenburg streamed in to Magdeburg to hear and get the indulgence preached by Tetzel. Luther was a scholar educated in the University of Erfurt, an institution which had embraced the *via moderna*: as such, then, explicitly nominalist, and contrary to Aristotelian and Thomistic metaphysics. He was now teaching in Wittenberg, where the *deutsche Theologie* and authors like John Tauler, who recommended the imitation of Christ through tribulation and punishment, were well received. The head-book of the „School of Wittenberg” was Saint Augustine’s *De Spiritu et Littera*, a particular antipelagianist work, where the Bishop of Hippo develops his vision of the dialectical relation between the „letter” of the Bible and its inspired interpretation: a path leading to the faith in Christ and, within this faith, to justification, following Rm 3:28. In this light, and with ideas coming from the French humanist Jacques Lefèvre d’Étaples, Luther underlines the literal meaning of the Bible as its authentic hermeneutic, understood not as merely historic, but as what has been the intention of the real author, that is, of the Holy Spirit. As L. Vogel asserts, „the pneumatological justification of the literal meaning allows us to put the philological lucubration at the centre of the theological reflection, which was very characteristic of the methodology used by Luther”¹⁰.

It seems that the moment that triggered Luther to write his 95 thesis was when the *Instructio summaria* of Magdeburg arrived to his hands. He became aware then that the incredible things people were saying with admiration about the indulgences were not only a product of their imagination, or of the hyperbolic homilies of Tetzel, but were backed by official statements. As professor of Theology, he felt it his duty to intervene and denounce these abuses.

FORMAL ASPECTS

Historians discuss and mainly deny the fact that on the evening of October 31st, 1517, Luther really nailed his 95 theses in the door of the *Schlosskirche* of All Saints, in Wittenberg. Luther

¹⁰ *La riforma a Wittenberg*, pro manuscritto, to be published in the Review „□rotantesimo”. I am grateful to the author for handing me the anticipation of this text.

has never said that; it has been Melanchton who, after his death, started spreading this story. What is certain is that on that date Luther sent a letter to Albert of Brandenburg, Archbishop of Magdeburg - kept today in Stockholm - warning him about the preaching of the indulgences in his territory, a preaching that induced in the population erroneous expectations of salvation and of pardon of sins¹¹. Attached to the letter were his 95 theses¹², written in Latin, preceded by a short preamble in which he says that he „intends to defend the following statements and to dispute on them”.

Besides the „ecclesial intention” of the letter, Luther was announcing his intention of having an academic debate on these issues, and it was a usual practice of the time to convoke participants and attendees with written announcements placed in public buildings, also in the doors of churches. This is an important fact to analyse correctly the 95 theses: formally, at least, they are not a summary of his ideas, but a list of issues for discussion (although the discussion that actually followed wasn't the academic discussion for which they were intended).

The original document didn't have numbers; these appeared - not always in the same manner - in the first editions by the end of 1517, published at Nuremberg, Leipzig and Basil, from manuscripts handed not by Luther himself, but from friends¹³.

From a first glance the general impression is that of a Catholic minded authorship. In his *Explanations of the Ninety-five Theses* or *Explanations of the Disputation Concerning the Value of Indulgences*, published in August 1518¹⁴, he writes in the „Declaration” at the beginning (I quote the whole text) „Because this is a theological disputation, I shall repeat here the declaration usually made in the schools in order that I may pacify the individuals who, perhaps, are offended by the simple text of the disputation. First, I testify that I desire to say or maintain absolutely nothing except, first of all, what is in the Holy Scriptures and can be maintained from them; and then what is in and from the writings of the Church fathers and is accepted by the Roman

¹¹ Letter in WA, *Briefwechsel*, I, 110-112.

¹² Full text in WA, I, 229-238, available in the edition of 2003 published by the Verlag Hermann Böhlaus Nachfolger Weimar. Online english translation.

¹³ See Ricardo García Villoslada, *Martín Lutero*, Vol. I, BAC, Madrid 1976, 341.

¹⁴ Full text in WA I, 522-628, available in the edition of 2003 published by the Verlag Hermann Böhlaus Nachfolger Weimar. Online english translation.

Church and preserved both in the canons and the Papal decrees. But if any proposition cannot be proved or disproved from them I shall simply maintain it, for the sake of debate, on the basis of the judgment of reason and experience, always, however, without violating the judgment of any of my superiors in these matters. I add one consideration and insist upon it according to the right of Christian liberty, that is, that I wish to refute or accept, according to my own judgment, the mere opinions of St. Thomas, Bonaventura, or other scholastics or canonists which are maintained without text and proof¹⁵.

From a formal point of view, the 95 theses do not have a uniform style. Some of them (like the last four)¹⁶ are only exhortations, not proper for an academic debate. Others are extremely ironic and caustic (thesis 28¹⁷ and 86¹⁸, for example). Many of them are related to matters preached here and there by the *quaestores*, or to what the people said that the *quaestores* said. We can imagine the lack of accuracy of these kinds of assertions, and the difficulty for Luther of adapting them to a debate among University professors. Only the four first theses were retained by him as his own definitive assertions, as FCTC 44 reminds us.

THEOLOGICAL EVALUATION

It honours the truth to say that, in general terms, the 95 theses are moderate in their doctrinal positions and are respectful of Pope Leo X, saving his good intentions and trying to charge the „errors” not to him, but to the preachers and *quaestores*. Thesis 38 asserts: „Yet is the Pope’s absolution and dispensation by no

¹⁵ Translation available online, from the original German published in W I, 525-628.

¹⁶ „92. ¶way then with all those prophets who say to the community of Christ, *Peace, peace*, and there is no peace. 93. But blessed be all those prophets who say to the community of Christ, *The cross, the cross*, and there is no cross. 94. Christians should be exhorted to follow Christ their ¶head through Cross, ¶death, and ¶hell. 95. ¶nd thus hope with confidence to enter ¶eaven through many miseries, rather than in false security”.

¹⁷ „28. What is sure, is, that as soon as the penny rattles in the chest, gain and avarice are on the way of increase¶but the intercession of the Church depends only on the will of ¶od ¶imself”¶the irony is evident when read right after thesis 27: „They preach vanity who say that the soul ¶ies out of Purgatory as soon as the money thrown into the chest rattles”.

¹⁸ „86. ¶gain: Why does not the Pope build St. Peter’s Minster with his own money - since his riches are now more ample than those of Crassus, - rather than with the money of poor Christians”¶

means to be contemned, since it is, as I have said, a declaration of the Divine Absolution"; and thesis 42, 50, 51, 53, 55, 70 and 91 denounce a gap between the good intentions of the Pope and the errors of the „commissaries"¹⁹. In some cases, the text aims directly to the defence of the Pope and of the Church, like in thesis 71-74, that put together say: „He who speaks against the truth of apostolical pardons, be anathema and cursed. But blessed be he who is on his guard against the preacher's of pardons naughty and impudent words. As the Pope justly disgraces and excommunicates those who use any kind of contrivance to do damage to the traffic in indulgences. Much more it is his intention to disgrace and excommunicate those who, under the pretext of indulgences, use contrivance to do damage to holy love and truth". In his commentary of thesis 73, Luther adds: „I say again what I have said before (whatever may be the personal intention of the Pope) that one must give in humbly to the authority of the keys, be kindly disposed to it and not struggle rashly against it. The keys are the power of God which, whether it is rightly or wrongly used; should be respected as any other work of God – even more so"²⁰.

From the general tone of the text one can detect a pastoral preoccupation, and more specifically the necessity of putting in the first place charity and the Gospel. With other authors I agree, in saying that this is the main goal of the whole block of thesis going from number 41 to 68²¹. It is also honest to agree with Luther that indulgences are not the only way to obtain forgiveness of temporal penalty.

Moving to more concrete matters, it is necessary to assert with Luther the absolute priority of interior penance and contrition. In my opinion, this is the most important element of the whole 95 thesis and is something that the Church of the beginning of the XVI century needed absolutely to be reminded. This is

¹⁹ Specially thesis 50: „Christians should be taught, if the Pope knew the ways and doings of the preachers of indulgences, he would prefer that St. Peter's Minster should be burnt to ashes, rather than that it should be built up of the skin, flesh, and bones of his lambs". Also thesis 70: „But they ought still more to mark with eyes and ears, that these commissaries do not preach their own fancies instead of what the Pope has commanded"; and thesis 91: „Therefore, if pardons were preached according to the Pope's intention and opinion, all these objections would be easily answered, nay, they never had occurred".

²⁰ WA I, 621.

²¹ See McNally, 457.

the nucleus of the first four theses, which are those retained by Luther as his definitive position, as we have already remembered. This accent on „inward penance” was already present in the scholastics (St. Thomas Aquinas puts the *res et sacramentum* of the remission of sins in the *penitentiae interior*²²) but was heavily forgotten in the late Middle Ages. It doesn't mean, in Luther's mind, an absence of external acts; in thesis 3 he states: „Nevertheless He (Christ) does not think of inward penance only: rather is inward penance worthless unless it produces various outward mortifications of the flesh”²³.

Very close is the distinction between pardon of sins and remission of temporal penalty, distinction that belonged already to the doctrine of the Church but needed seriously to be recalled in mind. This is the sense of thesis 76, where he says that „papal indulgences cannot remove the very least of venial sins as far as guilt is concerned”; as he asserts in the corresponding place of the *Explanations*, „only God can remit guilt”.

It is correct to say that when Luther makes this last assertion, he doesn't deny the necessity of the ministry of the Priest to arrive to the pardon of sins (thesis 7: „God forgives none his sin without at the same time casting him penitent and humbled before the Priest his vicar”). What he really has in mind is the importance of the distinction between the pardon of sins and remission of penalties obtained through sacramental penance, and the jurisdictional power of the Pope and the Church. Immediately after the four first theses on interior repentance, he says (thesis 5): „The Pope will not, and cannot, remit other punishments than those which he has imposed by his own decree or according to the canons”. Simultaneously, along with assertions of this kind there is a constant preoccupation with underlining the instrumental character of the power of the Pope, bishops and priests; and this same preoccupation puts limits to the power

²² S.Th., III, 84, a.3, ad 3.

²³ It is worth quoting entirely these first four thesis: „1. Our Lord and Master Jesus Christ, in saying, *Repent ye, etc.*, intended that the whole life of his believers on earth should be a constant penance; 2. And the word *penance* neither can, nor may, be understood as referring to the Sacrament of Penance, that is, to confession and atonement as exercised under the priest's ministry; 3. Nevertheless He does not think of inward penance only: rather is inward penance worthless unless it produces various outward mortifications of the flesh; 4. Therefore mortification continues as long as hatred of oneself continues, that is to say, true inward penance lasts until entrance into the Kingdom of Heaven”.

of jurisdiction, also in topics that today may seem evident, but weren't then. In this direction we find thesis 26, asserting that „The Pope acts most rightly in granting remission to souls, not by the power of the keys - which in Purgatory he does not possess - but by way of intercession”. In other words, the power of the keys do not work in Purgatory; if we can unburden the penalties of the souls in Purgatory, it is only „by way of intercession”, through prayer. Commenting on thesis 5 in his *Explanations*, Luther asserts that „the rod of God can be removed, not by the power of the keys, but by tears and prayers”. According to McNally, „the whole system according to which canonical penalty in the Church of *here* and *now* is transferred to the Purgatory of *there* and *then* is repudiated as a work of deception”²⁴.

There is another important point underlined by Luther in line with Catholic doctrine: that is, the uncertainty of the effects of the indulgences. Along with the irony of thesis 27-28, there is a great truth, when he says (I quote them once again): „they preach vanity who say that the soul flies out of Purgatory as soon as the money thrown into the chest rattles. What is sure is that as soon as the penny rattles in the chest, gain and avarice are on the way of increase; *but the intercession of the Church depends only on the will of God Himself*”.

Another element which was very convenient to underline, as he has in fact done, is contrition in every case: also when the indulgence is meant for others. As we read in thesis 36, „they who teach that contrition is not necessary on the part of those who intend to buy souls out of purgatory or to buy confessional privileges preach unchristian doctrine”. The necessity of real contrition leads to the fact, now and then quite forgotten, that it is not easy to earn an indulgence, especially a plenary indulgence (which demands an absolute disaffection of sin). In this direction we find the crude words of thesis 31: „Seldom even as he who has sincere repentance, is he who really gains indulgence”.

A Catholic of the XXIst century, however, detects some aspects of the thesis that certainly need a reformulation, or a correction, or that cannot be asserted today in dogmatic terms. There seem to be some confusion about the object of the indulgences (the temporal penalty: in what it consists?), and about its

²⁴ McNally, 455-456.

existence in Purgatory. Defending thesis 32²⁵ in his *Explanations*, he asserts: „letters and indulgences do not confer salvation, but only take away punishments, that is, canonical punishments, and not even all of these”. These „canonical punishments” don’t seem to coincide exactly with the „temporal penalty” due to our sins. Jurisdictional power is correctly related to canonical punishments and, naturally, cannot operate in Purgatory. But, according to Catholic theology, indulgences are not the remission of canonical punishments; their remission refers, I repeat, to the temporal penalty due to sin. In my opinion, this is, from a Catholic and theological point of view, the basic problematic point of the thesis. It’s honest to say that the confusion was widespread among Catholic theologians and that some magisterial documents are ambiguous in this matter, especially because the evangelical „power of the keys” is directly identified with the power of jurisdiction. There are also other areas of disagreement with Catholic theology, regarding the doctrine on Purgatory. In thesis 18²⁶, for example, the possibility of merit in Purgatory is proposed; and thesis 19 formulates the doubt „that they (the souls of Purgatory) are all sure and confident of their salvation”).

Theses 56-60 merit special attention, on the „treasure of the Church”, which Luther denies when it is understood as „the merits of Christ and of the saints” (thesis 58), „whence the Pope grants his dispensation” (thesis 56). Regarding the merits of the saints, in his *Explanations* (commentary on thesis 58) the Reformer recalls the position that asserts „that the saints during this life have contributed many more good works than were required for salvation, that is, works of supererogation, which have not yet been rewarded, but have been deposited in the treasury of the church, by means of which, through indulgences, the compensation is accomplished”. Besides denouncing the curious fact of assigning the „administration” of the treasure to the power of the keys, Luther goes on insisting correctly that „no works of the saints are left unrewarded, for, according to everybody, God rewards a man more than he deserves. As St. Paul says, „The sufferings of this present time are not worth comparing with the glory that is to be” [Rom. 8:18]”. And going on deeper, he reminds

²⁵ „On the way to eternal damnation are they and their teachers, who believe that they are sure of their salvation through indulgences”.

²⁶ „It does not seem to be proved either by arguments or by the Holy Writ that they are outside the state of merit and demerit, or increase of love”.

us that „no saint has adequately fulfilled God's commandments in this life. Consequently the saints have done absolutely nothing which is superabundant. Therefore they have left nothing to be allocated through indulgences”. About the merit of Christ, the argumentation acquires a harsh tone: „I argue that this is not the treasury of indulgences; but that it is the treasury of the Church only a heretic would deny. For Christ is the Ransom and Redeemer of the world, and thereby most truly and solely the only treasury of the Church. But that he is the treasury of indulgences I deny until I shall be taught differently”. In my opinion, we are here in presence of an argumentation that has to be well weighed by Catholic thought and could eventually be reformulated. I will come back immediately to this issue.

PROPOSALS

The Joint Declaration signed at Lund in 2016 by Pope Francis and Bishop Munib Yunan, President of the Lutheran World Federation, is a document of intentions for cooperation on matters concerning refugees and migrants, peace building and reconciliation, humanitarian preparedness and response, sustainable development, interfaith action and others. Moving forwards beyond these issues, we could also try to converge on some doctrinal matters, and specifically on indulgences (which is the concrete anniversary). Both Lutherans and Catholics need a conversion on historical matters: what was really the concept of indulgence held by the Church at that time, what was the concept preached by the *quaestores*, what was the concept condemned by Luther... If these questions are resolved, I ask myself if we could eventually reach an agreement on the actual doctrine and practise of indulgences?

- Within this horizon, I dare say that theology from both communions could evaluate the convenience of moving from „remission of temporal penalty” to the „healing of the consequences of sin”. Although these concepts are not identical (the second one is wider)²⁷, it is important, in my opinion, to understand Purgatory more as a necessary purification of the soul in view of been able to adequately enjoy eternal happiness, than „paying” the punishment deserved for our sins.

²⁷ □ee P. □'Callaghan, *Cristo, speranza per l'umanità*, □dusc, Roma 201□, □66-□72.

- Pope Francis's mind moves, I think, in this direction. In *Misericordiae vultus* 22.1 we can read: „Though we feel the transforming power of grace, we also feel the effects of sin typical of our fallen state. Despite being forgiven, the conflicting consequences of our sins remain. In the Sacrament of Reconciliation, God forgives our sins, which he truly blots out; and yet sin leaves a negative effect on the way we think and act. But the mercy of God is stronger even than this. It becomes *indulgence* on the part of the Father who, through the Bride of Christ, his Church, reaches the pardoned sinner and frees him from every residue left by the consequences of sin, enabling him to act with charity, to grow in love rather than to fall back into sin”.
- Another issue that could become a „meeting point” regards, as announced, the doctrine of the „treasure of the Church”. In my opinion, the Catholic position on this matter could be, and should be, formulated underlining harder the *communio of saints* as the stronghold of the efficacy of indulgences. The idea of „treasure” can easily be understood in terms of the certainly that exists in a stock market, while our certainly is one that emerges from confidence in prayer. Also in this matter the mind of Pope Francis seems to follow this direction; in *Misericordiae vultus* 22.2, in fact, he says: „The Church lives within the communion of the saints. In the Eucharist, this communion, which is a gift from God, becomes a spiritual union binding us to the saints and blessed ones whose number is beyond counting (cf. *Rev* 7:4). Their holiness comes to the aid of our weakness in a way that enables the Church, with her maternal prayers and her way of life, to fortify the weakness of some with the strength of others”.

CONCLUDING REMARKS

Writing in the seventies about Luther, García Villoslada asserted that „what he thought was the doctrine of the Church was only the private opinion of certain nominalists”²⁸. Maybe it is better to say that Luther underlined aspects of the true doctrine of the Church, against the prevailing opinion of the nomina-

²⁸ R. García Villoslada, *Lutero visto por los historiadores católicos del siglo XX*, Fundaci n Universitaria Espa ola, Madrid 1979, 21.

lists. Truly, from an actual Catholic point of view, the Luther of the 95 thesis remains in the Catholic mainstream, although we can intuit that the ecclesiological background would become in short time a problematic issue. Modern Catholic scholars generally acknowledge that „in the ninety-five theses it is possible to discern the shape of Luther's subsequent critique of traditional ecclesiology”; in fact, the Church, „in this conception, is a public servant in the saving economy; but here service is not a direct mediation as God's instrument for the reconciliation of men to Him. She intercedes, declares, and manifests. She is not the means by which Christ continues to save; she is rather the occasion of salvation (...). For Luther, man is saved in the Church as a community, not through the Church as an instrument”²⁹. History shows that in a short time, the nucleus of the debate shifted from the theology of indulgences to the theology of the Church. This evolution, however, is not the topic of this paper, and would require a deeper penetration of his writings.

Summary

In the context of the 500 anniversary of the 95 thesis of Luther, the Author starts underlining the distinction between the „first Luther”, the „second Luther”, and „Lutheranism”. The Luther of this event is a Catholic Luther, also in the canonical sense, that is, before the condemnation and excommunication of 1520-21. The 95 theses were written by a Catholic theologian whose intention was to reform, not to divide, and they remain mainly in the mainstream. The Author stresses this point illustrating in the first place the historical background of the theology of the indulgences and the particular formation received by Luther. He comments then some of the formal aspects of the thesis and their doctrinal contents. Finally, three proposals are formulated in view of the Catholic-Lutheran dialogue, concluding at the end with the „catholicity” of the Luther of 1517.

Keywords: *Martin Luther; Catholic; excommunication; 95 thesis*

²⁹ McNally 461.