Robert N. Swanson

The Challenges of Indulgences in the Pre-Reformation Church

In general, indulgences have not had a happy history, or a good press. Yet they remain a significant if understated feature of Roman Catholicism, integrated into many popular devotions and religious practices; silently proclaimed at assorted places; openly announced from the balcony of St Peter's when a new pope is elected (including Francis); but with their retention in the catechism a disturbing reminder for some commentators of their role in the division of western Christendom in the sixteenth century, and of their potential to revive old discords.[1]

The controversy over indulgences ignited by Luther's ninety-five theses may have been less known at the time than its place in popular awareness of the origins of the Reformation would suggest.[2] Hindsight and historical perspective have made their publication a turning point, misrepresented in the widespread belief that indulgences as an abuse of Christianity were the primary cause of the Reformation;[3] but a provincial German friar going off the theological rails was not inherently likely to traumatise European Catholicism in 1517.

While Luther's challenge to indulgences has been elevated to world-changing status, it needs to be set in a broader perspective to be properly understood. It came at the end of centuries of development in theology and practice which had seen indulgences grow from nothing into a basic component of catholic practice,

1 Catechism of the Catholic Church, London 1994, pp. 331–333 (paragraphs 1471–1479). See also Monika K. Hellwig, Penance and Reconciliation (paragraphs 1420–1498), in: Michael J. Walsh (Ed.), Commentary on the Catechism of the Catholic Church, London 1994, pp. 274–287, here p. 285: „One might be tempted to wish that this issue of indulgences had been left to rest quietly, so that what is God in it would survive and flourish and what is not would fade quietly away. As it is, they may revive tensions that had long been dead.".

2 The awareness is of course shaped by academics' desire to pinpoint the dawn of the Reformation. See, e. g., Andrew Pettegree's recent pronouncement „We now date the Reformation from the day October 31, 1517, when a little-known German professor proposed an academic disputation ... The professor, of course, was Martin Luther, and his propositions, the ninety-five theses against indulgences, set off an unexpectedly lively debate." Andrew Pettegree, Brand Luther: 1517, Printing, and the Making of the Reformation, New York 2015, p. X.

3 See, for instance, the fairly recent forlorn comment that „As a teacher at a Danish university, I still have to explain to students that what they may have learned in high school about indulgences and the Protestant Reformation is misleading. Even though Denmark is a secular society, versions of the old Lutheran polemic against the Middle Ages still dominate." Brian P. McGuire, Jean Gerson and the Last Medieval Reformation, University Park PA 2005, p. 403 note 55. The misleading is not confined to Denmark.

and in the process seep into the DNA of many more essential aspects of catholic theory.[4] It is, arguably, that infiltration and penetration which was the real problem by the sixteenth century; but from their first appearance indulgences had had an uncertain status within the doctrines and practices of Catholicism. That uncertainty, with the controversy which repeatedly reverberated around both the theory and practices associated with indulgences and the constant expansion in their appeal and the demand for them, made the very existence of indulgences a challenge to the church and to contemporary thinkers throughout the later medieval centuries. Luther brought that challenge to a head. During the preceding centuries, indulgences had evolved far beyond their original format; but that evolution, entwining their existence with core components of catholic doctrine and practice, eventually became dangerously paradoxical. In many respects, indulgences were ancillary to the centralities of Catholicism: they could have disappeared without requiring a fundamental reconfiguration of the church. Yet, as components of a complex and potentially fragile structure, they were a chink in the armour, a weak point which could validate challenges to the more central elements, perhaps most critically purgatory and papal authority, and so weaken them as well. If those central elements themselves came under attack, with denials of the existence of purgatory and the application of the papal (and episcopal) power of the keys to the afterlife, indulgences would almost inevitably be included in the collateral damage.[5]

The situation which existed in 1517 was the end result of slow evolutions over preceding centuries, but with some seismic shifts along the way. Explaining how and why those developments had occurred is obviously a historical problem which challenges historians of the medieval church head-on. Indulgences posed no less a challenge to those who lived with, theorised, and governed medieval Catholicism, and who sought to incorporate and control them within their own understandings of the theory and practice of the faith – or argued against them. The challenges entwine, are in effect symbiotic, because of the current state of scholarship. Arguably, the scale and

4 This integration will be amply demonstrated by the detailed discussions in other contributions to this volume. Despite its age and confessional bias against indulgences, Henry C. Lea, A History of Auricular Confession and Indulgences in the Latin Church, vol. 3: Indulgences, Philadelphia PA 1896, offers a useful broad history. Robert W. Shaffern, The Penitents' Treasury Indulgences in Latin Christendom, 1175–1375, Scranton-London 2007, is a shorter, modern overview of its period. Nikolaus Paulus, Geschichte des Ablasses im Mittelalter, 3 vols., Paderborn 1922/23 (Darmstadt ^{2}2000), still remains the magisterial work on the subject, surveying the thinkers and providing outlines of most of the key categories of indulgences. For a wide-ranging examination of one region, Robert N. Swanson, Indulgences in Late Medieval England: Passports to Paradise?, Cambridge 2007. See also the essays in: id. (Ed.), Promissory Notes on the Treasury of Merits. Indulgences in Late Medieval Europe, Leiden-Boston MA 2006 (Brill's Companions to the Christian Tradition 5).

5 Anne T. Thayer, Penitence, Preaching and the Coming of the Reformation, Aldershot-Burlington VT 2002, pp. 172–176, 182; Swanson, Indulgences (see note 4), pp. 482–486, 497–503.

nature of the contemporary responses to indulgences will not be properly addressed until historians have disposed of the fundamental challenge that historians always face: the production of a comprehensive reconstruction of the past as far as that can realistically be achieved. Still inadequately addressed as a challenge, there remains a need to reconstruct the full basic history of indulgences and a full appreciation of their role in Catholicism across the era from 1100 to the Reformation, and throughout all the territories of the medieval western church. This merges into a further problem (itself part of the resolution of the preceding one), of putting Luther into proper context. The ninety-five theses can easily be treated as a point of departure, ignoring all that had gone before and homing in on the criticism; but for Luther they were a stage in a personal journey which became a stage in the history of Christianity. That needs some thought: how much was Luther encapsulating general concerns, attacking a structure inherently rotten, or voicing – and revoicing – ideas which could easily have sunk without trace?[6]

Luther is not really within the scope of the intended discussion here; but he cannot be kept out of it. For immediate purposes, looking at the evolutions rather than the sixteenth-century outcomes, it is really the prelude to Luther which requires attention. The aim here is not to offer a detailed examination of all the relevant issues, but to point to some of the challenges which historians face in dealing with late medieval indulgences and the prelude to Luther. However, its goal is not to ‚explain Luther', but to suggest aspects of indulgences which still need investigation and analysis in order to understand and explain medieval Catholicism.

Within the medieval church, the long-term evolution of indulgences poses the first challenges. Indulgences did not emerge as part of a coherent programme, either in doctrine or in practice; nor did they develop in a systematic fashion. Much of their history seems to be what might be called a succession of unintended consequences, as one step led to others, yet left old arrangements in place which were still valid and vital. Amalgamations and intersections created tensions and uncertainties, challenging and seemingly impossible to resolve. The formal emergence of indulgences in the twelfth century let a genie out of its bottle; their subsequent medieval history reveals numerous attempts to control that genie without actually rebottling it, even if the general narrative tends to be dominated by the stories of insatiable demand and uncontrolled distribution which can be read as debasement of the core ideas.

The perplexity about indulgences which runs through Luther's „Explanations of the Ninety-Five Theses" – indeed, one might say, his confusion – is one product of the evolutions,[7] and in the short term provided a stimulus for catholic reformers to

6 For Luther's evolving ideas about indulgences prior to the Theses, David Bagchi, Luther's Ninety-Five Theses and the Contemporary Criticism of Indulgences, in: Swanson (Ed.), Promissory Notes (see note 4), pp. 331–355, here pp. 331–342.

7 Although some scholarship emphasises the significance of Luther's „Sermon on Grace and Indul-

attempt to rein in some of the excesses in a decree of the Council of Trent.[8] Those excesses were, however, matters of practice, not theory. One problem when fitting indulgences into the history of the later medieval church is precisely the two-track developments in theory and practice, and the resulting difficulties – often as theory sought to legitimate practice, but then encouraged further growth. In this context, indulgences arguably have not one history, but two different and perhaps separate ones, which need to be separated before they can be recombined.

As contributions to a doctrinal evolution which affected the whole church, the theoretical evolutions are perhaps easier to track, yet by no means straightforward. Set within a widespread search for ‚remission of sin' which potentially rewarded all works directed to religious ends, the earliest indulgences can be seen as attempts to find a way out of the penitential bind potentially inherent in the system of penances which had been developed in the western church in preceding centuries.[9] Pope Urban II's extension of that remission to crusaders in 1095 may not be the first indulgence as they were later understood, but fits well into the preceding patterns of remission. Like Luther's theses, Urban's declaration (as reported, whatever he actually said) may be best approached not as innovation but as culmination and transition point. Seen in hindsight as the birth certificate of plenary indulgences, it remains problematic. A basic conceptual challenge is to align it with the tradition of minor episcopal indulgences which surfaces in the twelfth century, remitting mere days of penance for attending church dedications and other purposes.[10] In terms of contemporary practice, this difference between strands in practice may be more imaginary than real; but in the twelfth century it stands at the beginning of a fork in the overall history, between the expansion of papal indulgences and increased

gence" (D. Martin Luthers Werke. Kritische Gesamtausgabe, 127 vols., Weimar 1883–2009 [Weimarer Ausgabe = WA], vol. 1, pp. 243–246), his „Explanations" („Resolutiones disputationum de indulgentiarum virtute") are the more useful text here, being more closely tied to the initial furore, providing a series of reflections on pre-existing theological and academic debates about indulgences which Luther purposely sent to (among others) Pope Leo X to set out his stance (WA 1, pp. 527–529). The Latin text is in ibid., pp. 525–628. I have also used the English translation in: Luther's Works, vol. 31: Career of the Reformar, I, ed. by Harold J. Grimm, Philadelphia PA 1957, pp. 83–252.

8 Decrees of the Ecumenical Councils, ed. by Norman P. Tanner, 2 vols., London-Washington DC 1990, vol. 2, pp. 796 f.

9 For which, Shaffern, The Penitents' Treasury (see note 4), pp. 37–44; Rob Meens, Penance in Medieval Europe, 600–1200, Cambridge 2014.

10 For the crusading indulgence, and varied interpretations of the promise of 1095, James A. Brundage, Medieval Canon Law and the Crusader, Madison-Milwaukee-London 1969, pp. 146–153; Hans E. Mayer, The Crusades, Oxford ^{2}1988, pp. 23–36, 293–295; Jonathan Riley-Smith, The First Crusade and the Idea of Crusading, London 1993, pp. 27–29; Marcus Bull, Knightly Piety and the Lay Response to the First Crusade. The Limousin and Gascony, c. 970 – c. 1150, Oxford 1993, pp. 166–171; Meens, Penance (see note 9), pp. 187 f.; Ane Bysted, The Crusade Indulgence. Spiritual Rewards and the Theology of the Crusades, c. 1095–1216, Leiden-Boston 2014 (History of Warfare 103).

publication of plenaries on one side, and on the other the retention of the petty episcopal grants as a constant feature of later centuries.

The main dilemma here is the historians' need to read backwards. Evolving medieval doctrines usually only become visible and comprehensible in retrospect, bringing the dangers of imposing anachronistic meanings and interpretations or creating an artificial break to assert innovation. The problem may be most evident in the debates on the evolution of purgatory, with the challenge to Jacques Le Goff's precisionist dating of its twelfth-century ‚birth'.[11] Similar issues arise with indulgences – necessarily so, if later developments regarding them are considered as an ancillary aspect of the history of purgatory. Here, terminology matters. Luther talks of indulgences in the widely recognised way; but that usage (a specifically Latin usage, not always transferred into vernaculars) was a narrow application of a word with much more meaning. Across the later medieval centuries (and beyond) any remission of any restriction was an act of indulgence.[12] It remains unclear why, alongside that continued meaning, ‚indulgence' in many places (where the Latinate form was used) gained its narrow but seemingly universal shorthand meaning to apply to remissions of penance in the afterlife, or when that happened. It could, of course, only happen after the concept of purgatory had been refined and integrated into catholic doctrine and had achieved widespread practical impact, as had occurred by 1300. Thereafter the symbiosis was assumed, even if the mechanics were imprecise (an imprecision which Luther stresses).

The evolutionary continuity with the older system was one component of that imprecision. The old system of tariffs can be regarded as imposing a mechanistic view of early penance, a view which recent work has undermined. Tariffs did not disappear with the transformation of penance and confession in the twelfth century; the idea of the precisely quantifiable (and quantified) satisfaction due to God as a penalty for sin lingered in pastoral works for centuries. Critically however, as Abelard had suggested, that quantified satisfaction, if incompletely satisfied at death, could be cancelled out by purgatorial suffering rather than incurring damnation, so allowing indulgences also to transform from remissions of terrestrial penance to promises of remission of satisfaction remaining due to God after death.[13]

---

11 Jacques Le Goff, The Birth of Purgatory, London 1984; for one revision, Carl Watkins, Doctrine, Politics and Purgation. The Vision of Tnúthgal and the Vision of Owen at St Patrick's Purgatory, in: Journal of Medieval History 22 (1996), pp. 225–236, here pp. 230–236.

12 Swanson, Indulgences (see note 4), pp. 9f. Non-Latinate vernacular usages – like „pardon" in English, and „Ablass" in German – might carry their own, slightly different, connotations from the Latin(ate) term.

13 Meens, Penance (see note 9), discussion of the twelfth century in ch. 7, and for later retention of tariffs pp. 212f. For Abelard's point of view, Peter Abelard's Ethics. An Edition with Introduction, English Translation, and Notes, ed. by David E. Luscombe, Oxford 1971, pp. 88f.

Over the course of the subsequent patchy development of the doctrine of indulgences, its gaps and inconsistencies became visible and contentious. Aquinas's perplexity about the validation of indulgences is almost axiomatic,[14] and problems with practice had emerged early. Around 1205, Robert de Courson had examined some of the challenges they posed, including some arising from misunderstanding of the process of satisfaction and the abuses of distributors, in his „Summa de sacramentis et animae consiliis"; while restrictions to control distribution were ordered at the Fourth Lateran Council in 1215.[15] Even this early, however, the proliferation of indulgences could not be halted, and the problems persisted and increased. Demand exceeded and drove supply, the gaps being filled by fictions and forgeries, while complaints continued to be voiced against excess and deceit. Wyclif and Hus were among the most prominent complainers, transmitting their views to their fifteenth-century followers among the Lollards in England and Hussites in Bohemia.[16] However, they are only the most vocal or noticed of the critics who presage Luther, many of whom retained impeccably orthodox credentials and reputations. It was not uncommon, as in the case of Thomas Gascoigne in fifteenth-century England, for individuals to be harsh critics of abuses, but nevertheless support the doctrine.[17] Yet the abuses seemed to pose an insoluble problem. Calls for reform were made at the Council of Constance (1414–1418), with some proposals formulated (as at Lateran IV to remedy abuses without abandoning the doctrine), but in the end nothing of note came of them.[18]

The essential point here is that indulgences were always debated and to some extent insecure. The state of the debate in the middle of the fifteenth century is encapsulated – at least for England – in a gloss on the word „indulgence" included

14 The discussion appears in his Sentences commentary, In quattuor libros sententiarum, 4.20.1.3–5, in: S. Thomae Aquinatis Opera Omnia, ed. by Roberto Busa, 7 vols., Stuttgart-Bad Cannstatt 1980, vol. 1, pp. 554–557; the passages which suggest perplexity are at 4.20.1.3a.sc2 (p. 554) and 4.20.1.3a.co (p. 555). The statements reappear in the posthumously created Summa Theologica, supplementum, 3.25.1, the full discussion of indulgences being at 3.25–27, S. Thomae de Aquino, Ordinis Praedicatorum, Summa Theologiae ... Tomus quintus, complectens Supplementum tertiae partis, Ottawa 1945, pp. 94*b–103*b.

15 Vincent L. Kennedy, Robert Courson on Penance, in: Mediaeval Studies 7 (1945), pp. 291–336, here pp. 327–331; Decrees, ed. by Tanner (see note 8), vol. 1, pp. 263f.

16 For Wyclif and Lollards, Ian Christopher Levy, Wyclif and the Christian Life, in: id. (Ed.), A Companion to John Wyclif, Late Medieval Theologian, Leiden-Boston 2006, pp. 292–363, here pp. 337–340; Anne Hudson, Dangerous Fictions. Indulgences in the Thought of Wyclif and his Followers, in: Swanson (Ed.), Promissory Notes (see note 4), pp. 197–214. For the situation in Bohemia, Eva Doležalová/Jan Hrdina/František Šmahel/Zdeněk Uhlíř, The Reception and Criticism of Indulgences in the Late Medieval Czech Lands, in: ibid., pp. 101–145, here pp. 120–138.

17 Swanson, Indulgences (see note 4), pp. 193f., 203, 322–324.

18 Phillip H. Stump, The Reforms of the Council of Constance (1414–1418), Leiden-New York 1993 (Studies in the History of Christian Thought 53), pp. 67–72, 373–375, 406f.

in William Lyndwood's „Provinciale" (completed in 1434).[19] This canonistic compendium, glossing the provincial legislation issued by the archbishops of Canterbury for the southern portion of the English church, often reaches far beyond canon law to include comment on other significant aspects of the late medieval church. With indulgences the keyword sparks off a commentary replete with canonistic citations, but also using the Bible, Augustine, Gregory the Great, and recent authors including Petrus de Ancharano.[20] Luther would perhaps have condemned the reliance on canon law, but Lyndwood's argument indicates just how much theology and canon law overlapped by this date.

Lyndwood defends indulgences, but he first puts the case against them. Indulgences can be granted to the impenitent, or to the penitent. The impenitent retain God's odium, and therefore their guilt, so clearly cannot receive the benefit of remission of sins. As for the penitent, canonically they cannot receive remission without preceding satisfaction; and God will not reduce the shame of guilt without the beauty of justice. Here Lyndwood cites Augustine to the effect that while it is merciful to remit sins, the just judge should be merciful in a just way. As God is the supreme ecclesiastical hierarch, only he truly binds or looses sin's penal obligation by absolving the penitent from guilt in response to heartfelt contrition. Moreover, as satisfaction is part of penance, no-one can be called penitent without it, so whoever does not give satisfaction while able to do so is not absolved. Beyond this, indulgences lack valid foundation: there are two routes to remove sin, through baptism and penance; but there is no biblical or patristic foundation for indulgences, which indeed counter-act the power to bind and loose, working to the destruction of the church rather than its edification by allowing crimes to go unpunished. If anything, indeed, indulgences encourage sinning by their easy pardons. On this basis, Lyndwood can conclude that „indulgences are against divine law, and contrary to the holy canons and laws".[21]

However, he then offers the positive arguments, opening with a simple appeal to the written authority of theologians and canonists in general, and citing Augustine's assertion that whatever a priest remits, God remits. Lyndwood argues for the power of the keys; but his trump card is the accumulated merits of the mystical body of Christ which is the church. Responding more directly to the contrary arguments, Lyndwood accepts that the impenitent do not benefit from indulgences; but he then extends the range of potential beneficiaries to all who feel penitent or intend to

19 For its date, John H. Baker, Monuments of Endlesse Labours. English Canonists and Their Work, 1300–1900, London-Rio Grande 1998, pp. 46f.

20 William Lyndwood, Provinciale ... cui adjunctur constitutiones legatinae D. Othonis et D. Othobonii, cardinalium ... cum profundissimis annotationibus Iohannis de Athona, Oxford 1679, pp. 231f. Lyndwood is briefly considered in Paulus, Geschichte des Ablasses (see note 4), vol. 3, p. 85.

21 Lyndwood, Provinciale (see note 20), p. 231: „Ex his omnibus concludendum videtur, quòd hujusmodi Indulgentiæ sint contra Jura Divina, & contra sacros Canones atque Leges.".

correct their behaviour, arguing that contrition is sufficient for the indulgence to take effect. It indicates a willing subjection to justice, and that allows the exercise of mercy. It can also substitute for a demand for precedent satisfaction, as does extension of the merits of the saints to the terrestrial church. Contrition leads to justice, mercy being exercised through indulgence. It is equivalent to satisfaction, while the redistributed merits of the saints provide the actual satisfaction for the sins. To the assertion that indulgences are destructive, Lyndwood responds that by encouraging contrition they counteract the disposition to sin (invoking the notion of *gratia gratum faciens* – a grace which makes the individual acceptable to God in the process of justification). However, there were conditions: indulgences should incite good works, not their neglect; to retain a depraved heart and neglect good works on the basis of the indulgence was unacceptable. Perhaps most importantly, indulgences did not provide an excuse for neglecting the obligations of penance and the requirement of terrestrial satisfaction for sin in this life. „Therefore the enjoined penance should not be contemned, nor the satisfaction, on the basis of the acquisition of indulgences."[22]

This concise summary of the arguments about indulgences clearly shows that the late medieval church appreciated both the challenge presented by indulgences, and the need to answer it. It is noteworthy that Lyndwood deals only with theory, not practice: unlike Luther, he did not engage with the grubbiness of the indulgence trade.

Nor, unlike Luther, did Lyndwood engage in anything beyond a rather cursory way with the problem of indulgences being available for the dead. This could perhaps be excused, because when he was writing technically indulgences were not actually granted to the dead (although it was suggested that they might be earned by the living on their behalf, or even transferred to them).[23] A pervasive confusion in Luther's treatment in his „Explanations" seems to be his lack of clarity about whether he is dealing with indulgences purchased in anticipation of purgatory, or those bought for souls already there. He seems, often, to focus on the latter; but such purchases were formally authorised only in 1476, and needed a different doctrinal validation. Gained *per modum suffragii*, they worked differently from those acquired during life for personal application after death; and were inherently more problematic, both doctrinally and in their practical implementation in purgatory.[24] There had

22 Ibid., p. 232: „Non ergo contemni debet Pœnitentia injuncta, vel Satisfactio propter Indulgentiæ susceptionem.".

23 See below, note 26.

24 Robert W. Shaffern, Learned Discussion of Indulgences for the Dead in the Middle Ages, in: Church History 61 (1992), pp. 367–381, here pp. 380f.; Paulus, Geschichte des Ablasses (see note 4), vol. 3, pp. 322–343. Perhaps surprisingly, Luther took a positive view of their implementation; Bagchi, Luther's Ninety-Five Theses (see note 6), pp. 339f.

been debates about indulgences for the dead in previous centuries, with Aquinas considering them acceptable in certain contexts, and his comments influenced later commentators.[25] The sense of indulgences as property, part of their general commodification, is also evident by 1320, with a well-known story recording a friar's transfer of the benefit of his own acquired indulgences to a ghost to ease that troubled soul through purgatory.[26] However, the formal extension of indulgences to the dead in 1476 posed a new problem, recognisable as another tipping point with unanticipated implications, a doctrinal accident perhaps waiting to happen.

English evidence suggests that the formal extension of indulgences to the dead brought a change in testamentary practices, although interpretation is not clear-cut.[27] Testators could now leave money to buy indulgences for themselves after death from travelling distributors, or to purchase masses at altars of *scala coeli* to ensure swift transit through purgatory. They assumed they would go to purgatory, and would be able to escape it by their bequests. Another sign of the potential of 1476 may be discernible in print, in the production of indulgence forms for purchase precisely to benefit the souls of the named dead, *per modum suffragii* and in return for donations. How widespread such printing became does not seem to have received much academic examination;[28] but there certainly was some. In the aftermath of the Aragonese conquest of Navarre in 1512, perhaps seeking to remedy the damage their house had suffered at that time, the Merecedarians of Pamplona printed relevant letters; it is possible that Compostela also produced similar forms for the dead.[29] However, it is also possible – perhaps likely – that many institutions saw no need to adapt their indulgence letters to accommodate the shift explicitly, yet sold them on that basis. That, indeed, seems to be a central element in Luther's complaints, and the notorious verse, „As soon as a coin in the coffer rings the soul from purgatory springs", which

25 The debate surveyed in Shaffern, Learned Discussion (see note 24), pp. 367–381 (Aquinas at pp. 371–374), largely repeated in id., The Penitents' Treasury (see note 4), pp. 159–171 (Aquinas at pp. 164–166). Lyndwood draws on him, Lyndwood, Provinciale (see note 20), p. 337, ad v. *Habent subjici*.

26 Jean Gobi, Dialogue avec un fantôme, ed. by Marie-Anne Polo de Beaulieu, Paris 1994, p. 104. For similar transfers, see Le Speculum laicorum. Édition d'une collection d'exempla composée en Angleterre à la fin du XIII[e] siècle, ed. by Jean-Théobald Welter, Paris 1914, nos. 326f.; Mario Sensi, Il perdono di Assisi, Assisi 2002, pp. 211f., 214, 219, 300, 326f. Lyndwood, following Aquinas, denied that such transfers were possible, Lyndwood, Provinciale (see note 20), p. 337, ad v. *Habent subjici*.

27 Swanson, Indulgences (see note 4), pp. 408–412.

28 At least, as far as I am aware.

29 The Mercedarian document is a form letter, much like a printed confessional letter, with a blank space left for the insertion of the name of the deceased. The copy I have seen is damaged, bound into a copy of Gabriel Biel, Canonis misse expositio, Lyon 1510: Auckland (New Zealand), Auckland Public Libraries, Sir George Grey Special Collections, 1510 BIEL (I am grateful to Prof. Alexandra Barratt for informing me of this document, and providing copies). For Compostela, cf. Swanson, Indulgences (see note 4), p. 97 note 99, but the references do not confirm that print was involved.

had circulated since the 1480s, only makes sense if applied to purchases for the dead rather than the living. Such purchase would significantly expand the market, and the scope for abuse.[30]

For historians, the challenge posed by indulgences in the late medieval church – partly to see where Luther fits in, but essentially to see where indulgences fit in – is mainly one of understanding the basic practice and appreciating popular comprehension. Thanks to Nikolaus Paulus, the main theological discussions are charted (but the canonists may merit more attention);[31] yet a gap remains in tracing the doctrine's transmission to the wider public, and in assessing the scope for misunderstanding in its reception. Here a tension between the contemporary concern to encourage penance which is inherent in many sermons clashes with its potential short-circuiting by abuse of indulgences. Pastoral priorities may explain why few sermons seem to advocate indulgences (even if attendance at preaching was encouraged by offering an indulgence to the audience); but at the same time few rail against them and their abuses.[32] Actual indulgence ‚preaching' was probably left to the distributors; but normal practice – as opposed to the criticism of its alleged abuses – is rarely recorded. For there not to have been abuses would be beyond belief; but to assume that all distributors merited Luther's castigations is to go too far. After all, that some modern charities misrepresent themselves does not mean that all do; nor does the misselling of some forms of insurance and inappropriate small print make all insurance schemes fraudulent. The challenge when considering indulgence distribution is to assess both sides of the case, to strike a balance (and perhaps resolve an imbalance) between the positive and negative evidence and assessments.

Overall, this requires a much broader history of practice than is currently available. The Reformation's assault on indulgences has seemingly made earlier practice something of a no-go area, closing the book. That may be due to the confessionalisation of religious history after the Reformation: for Protestants Luther's complaints were self-evidently and incontestably true, with the retreat on indulgence distribution at Trent an acknowledgement of that truth. For Catholics Trent's decree demonstrated that there was no smoke without fire, and that medieval indulgences were somehow shameful and best not discussed. Until the explosion of local historical investiga-

30 The verse provides the obvious basis for Luther's 27th thesis „Hominem predicant, qui statim, ut iactus nummus in cistam tinnierit, evolare dicunt animam"; WA 1, p. 584, with his commentary pp. 584f. For the verse's circulation at Paris in 1482, Bagchi, Luther's Ninety-Five Theses (see note 6), pp. 346f.

31 Theologians are surveyed in Paulus, Geschichte des Ablasses (see note 4), vol. 1, pp. 188–231, 248–282; vol. 3, pp. 1–79; canonists ibid., vol. 1, pp. 231–247, 283–291; vol. 3, pp. 80–99.

32 Thayer, Penitence, Preaching (see note 5), pp. 75–79; Swanson, Indulgences (see note 4), pp. 73f., 230–232.

tion in the twentieth century, and the systematic ransacking of archives, maybe the practices could not be discussed anyway, because they remained unknown.

This brief sketch of course exaggerates. There was always antiquarian interest; but historical interest is different. If medieval church history was seen from a top-down perspective, and primarily as administrative and clerical history, then indulgences might easily slip through the cracks. However, if medieval church history is addressed from the perspective of worshipping catholics – who include the clergy, although obviously greatly outnumbered by laity – such bottom-up history asks different questions, which must be formulated before they can be dealt with. With indulgences, those questions are perhaps still being formulated, with scholars still unsure what they should be if not precisely defined studies, narrowly delineated by theme, time, or space. Even if that uncertainty does exist, the aspiration for a fuller history remains valid.

Perhaps the most striking feature of indulgences, although a conclusion here based primarily on English practices, is how completely their availability and distribution integrated them into the normality of religious life.[33] The picture is of course murky in some areas, especially with little overt lay comment on the practices and desire for indulgences; yet it seems clear that both clergy and laity considered them as part of the ordinary routine of catholic practice. That makes the formal silence of the pulpits – except when given over to the distributors – more striking. The contrasts and contradictions which emerge from the evidence of practice are worrisome, suggesting that it became increasingly frenetic and uncontrolled over time – even uncontrollable. The widespread availability of devotional pardons offering thousands of years of indulgence with spurious authorisation might give cause for concern; but there is little sign that it perturbed the populace, and every indication that they were becoming increasingly popular.[34] The explosion in plenary indulgences giving remission *a pena et culpa* seems to undercut the authority of the parish clergy and the mainstream penitential system; but there is no hard evidence that it actually did. The frozen system which restricted episcopal indulgences to a maximum of 40 days, while the popes routinely issued plenaries, seems bizarre; but less bizarre than the fact that people carried on collecting the forty-day pardons, and asked bishops to grant them. The routine machinery for widespread distribution and fund-raising,

33 Here, as elsewhere in this paper, comment is highly dependent on Swanson, Indulgences (see note 4), which substantiates the briefly-made point at much greater length. There is no reason to suppose that English evidence is misleading, although differing regional nuances elsewhere across Catholic Europe would change details and some of the balances within the assessments for other areas.
34 Work in progress by Kathryn M. Rudy promises to demonstrate this increasing popularity by close analysis of devotional material produced in the Netherlands. As a taster, see Kathryn M. Rudy, Images, Rubrics, and Indulgences on the Eve of the Reformation, in: Celeste Brusati/Karl Enenkel/Walter Melion (Eds.), The Authority of the Word. Reflecting on Image and Text in Northern Europe, 1400–1700, Leiden 2012, pp. 443–479.

the networks and hierarchies of collectors and subsidiary agents, constituted impressive business operations even if the model sometimes suggests a form of pyramid selling.[35] Such arrangements are more prominent in the sources (and in the criticism) than the annual payments of 4 pence (d.) each time, noted in the accounts of All Souls College, Oxford, which were made to a crier to proclaim the indulgences offered in the college chapel on All Souls day and its feast of relics. That proclamation, with others like it, is as much part of the history – and as important within it – as the questionable behaviour of some sellers.[36]

Nothing suggests that All Souls sought to promote its indulgences beyond Oxford, or that it consciously sought to make money out of them.[37] In contrast, the confraternities linked with religious orders and some major hospitals had offered indulgences (as remissions of enjoined penance) across all of Catholic Europe since the thirteenth century.[38] This adds one more to the list of historical challenges. The history of indulgences has to be traced across time and space; but changes in relation to both. A general timeline may be easier to trace than impact over space because – arguably – there was no single and monolithic Europe-wide history of indulgences,

35 For arrangements in England, Swanson, Indulgences (see note 4), esp. pp. 129–159, 199–219.

36 The payments appear repeatedly in Oxford, All Souls College Archives, Computus and expense rolls. The main indulgence, granted by Pope Eugenius IV in 1439, offered seven years and seven Lents of pardon, both on the feast of relics (the Sunday after 7 July, the Translation of St Thomas Becket) and All Souls Day. Calendar of Entries in the Papal Registers Relating To Great Britain and Ireland, Papal Letters, vol. 13, part 1: 1471–1484, ed. by Jessie A. Twemlow, London 1955, p. XV. There was at least one additional episcopal pardon, of 40 days granted by Archbishop Stafford of Canterbury in 1444: Catalogue of the Archives in the Muniment Room of All Souls' College, ed. by Charles Trice Martin, London 1877, p. 289. Similar payments to the civic bellman of York to announce indulgences offered at one of the city's hospitals to mark the feasts of St Thomas of Canterbury are scattered intermittently through the surviving accounts of the city's Corpus Christi Guild, York, City Archives, C99:7, C99:8 m.3, C100:3, C100:6, C101:1–3, C102:1–2, C103:1 m.3.

37 No specific receipts are recorded in the extant College accounts, but the papal indulgence was to be awarded to visitors who gave alms for the maintenance of the College chapel. Some of these donations may be hidden within the overall figure for oblations received in the chapel, as recorded in the accounts (see preceding note), but these were generally insignificant.

38 For their thirteenth-century privileges, Michael Tangl, Die päpstlichen Kanzleiordnungen von 1200–1500, Innsbruck 1894, pp. 264–266 (Hospitallers; also the model formula for several others), p. 272 (Templars), pp. 281, 301 (Altopascio), pp. 280–283, 301 (Santo Spirito), pp. 299f. (Order of St Lazarus), pp. 301f. (St Anthony of Vienne), p. 303 (Bethlehemites). For the Orders and indulgences, see Paulus, Geschichte des Ablasses (see note 4), vol. 3, pp. 189–230, and Andreas Rehberg, Una categoria di ordini religiosi poco studiata. Gli ordini ospedalieri. Prime osservazioni e piste di ricerca sul tema „centro e periferia", in: Anna Esposito/Andreas Rehberg (Eds.), Gli ordini ospedalieri tra centro e periferia. Giornata di studio, Roma, Istituto Storico Germanico, 16 giugno 2005, Roma 2007 (Ricerche dell'Istituto Storico Germanico di Roma 3), pp. 15–70, here pp. 57–63. An exhaustive case study of one Order and its exploitation of indulgences is provided in Axel Ehlers, Die Ablasspraxis des Deutschen Ordens im Mittelalter, Marburg 2007 (Quellen und Studien zur Geschichte des Deutschen Ordens 64).

except at a very general level. Luther was responding to the pattern within Germany, but with his own agenda which makes him something of an unreliable witness. National and international histories homogenise to integrate fragments into a bigger picture, whether histories of ideas or of practices; but may emphasise and prioritise the local evolutions without locating them sufficiently against the international background and wider developments.[39] Paulus catalogues what thinkers wrote, recording a succession of theorists and writers (a succession constrained by its own inherent limitations). However, he does not assess readerships, regionalised influence, or how readers reconciled the conflicting opinions if they confronted them. That thinkers had ideas certainly matters; but whether their ideas actually mattered in terms of their wider influence within the church still has to be tested. The pre-Reformation dislocation between academic and theological understandings of indulgences on one side and what can only be called popular responses to them on the other was significant, but rarely formally acknowledged – perhaps because the practice was the reality which was to be encouraged, without thinking too much about the theory.

The regionalism in indulgence practices also needs to be tested; it is potentially significant. How it can and should be most profitably addressed and structured is, though, still uncertain, with no obviously satisfactory way of defining appropriate regions. Distribution and transmission (including translation) of texts and devotional practices would have to be integrated as well. All of this requires much more local analysis and comparison, going below the major distributors and higher hierarchical levels which provide the most obvious (but sometimes neglected) sources to aid assessment … if it can be done. This also requires a multi-disciplinary approach, because the sources for the history of indulgences smash and transcend all sub-disciplinary boundaries. While most work concentrates on manuscript texts in one form or another, the reconstruction of what might be called the material culture of indulgences, their presence in non-manuscript media and immanence in textless imagery intended to stimulate a prayerful response which brought indulgence, is still in many respects in its infancy.[40]

39 See p. 16.

40 There is a long-standing antiquarian tradition of interest in inscriptions on funerary monuments and memorials, with recent work going in more scholarly (often art-historical) directions. See, e. g., William E. A. Axon, Manchester and Macclesfield Pardon Brasses, in: Transactions of the Lancashire and Cheshire Antiquarian Society 10 (1892), pp. 99–110; George Marshall, The Church of Edvin Ralph and Some Notes on Pardon Monuments, in: Transactions of the Woolhope Naturalists' Field Club 1924–1926 (1928), pp. 40–55; Christine Magin, Ablassinschriften des späten Mittelalters, in: Berndt Hamm / Volker Leppin / Gury Schneider-Ludorff (Eds.), Media salutis. Gnaden- und Heilsmedien in der abendländischen Religiosität des Mittelalters und der Frühen Neuzeit, Tübingen 2011 (Spätmittelalter, Humanismus, Reformation 58), pp. 101–120; Douglas Brine, Image, Text and Prayer. The Indulgenced Memorial Tablet of Jean de Libourc (d. 1470), Canon of Saint-Omer, in: Church Monuments 23 (2008), pp. 45–61; Walter S. Gibson, Prayers and Promises: the Interactive Indulgence Print in the

This leads on to a further consideration, and a further major challenge: that a fully comparative assessment of local responses, perhaps most of all of responses to the devotional pardons, needs to be based on a preliminary awareness of the overall international availability of different types and categories of indulgences, and their distribution across Europe. Purely regional surveys which fail to integrate that internationalism – and so cannot assess the regional participation in the fuller amalgam of international practices and traditions – omit a significant element in the basic assessment.[41]

And then, finally, there is Luther. His challenge to indulgences challenges historians and their appreciation of indulgences in pre-Reformation Catholicism, although many of his criticisms had been made earlier by others. By directing his ire at sellers, he has created the popular perception that medieval indulgences were all about money, ignoring the massive pardons offered for purely devotional activities, and obscuring the basic role of *caritas* in the process.[42] Using his attack on indulgences to attack only papal indulgences, Luther in his „Explanations" ignores the continuing role and appeal of episcopal pardons in very local contexts. By stressing the sellers, he distracts attention from the popularity of indulgences gained by other voluntary donations, notably small and definitely charitable gifts to relieve individuals or contribute to social projects like maintenance of roads and bridges. Perhaps, by putting the implementation of pardons in purgatory before the fact that most were acquired on earth in anticipation of the afterlife (unless bought specifically for the dead), he also puts the cart before the horse. It would be futile, and wrong, to claim that everyone who secured pardons between 1100 and 1517 did so for altruistic and unselfish reasons – after all, their own souls were at stake. It would be equally wrong to assert that all pardons were cynically acquired in a conscious attempt to cheat God of the

Later Middle Ages, in: Sarah Blick/Laura D. Gelfand (Eds.), Push Me, Pull You. Imaginative, Emotional, Physical, and Spatial Interaction in Late Medieval and Renaissance Art, 2 vols., Leiden-Boston 2011 (Studies in Medieval and Reformation Traditions 156), vol. 1, pp. 277–324; Amy M. Morris, Art and Advertising. Late Medieval Altarpieces in Germany, in: ibid., vol. 1, pp. 325–345. Particularly important here are objects associated with some of the main iconography of devotional indulgences, such as the Mass of St Gregory (for which see the database, URL: http://gregorsmesse.uni-muenster.de; 26. 1. 2017). The challenges of determining the significance of indulgences textually but not physically linked to objects whose veneration might procure them is evident in the uncertainty over responses to those associated with the „Well of Moses" sculpture at the Carthusian monastery at Champmol, Susie Nash, Claus Sluter's „Well of Moses" for the Chartreuse de Champmol Reconsidered. Part III, in: Burlington Magazine 150 (2008), pp. 724–741, here pp. 724, 726f.; Sherry C. M. Lindquist, Visual Meaning and Audience at the Chartreuse de Champmol. A Reply to Susie Nash's Reconsideration of Claus Sluter's „Well of Moses", in: Different Visions. A Journal of New Perspectives on Medieval Art 3 (Sept. 2011) (URL: http://www.differentvisions.org/issue3/Lindquist.pdf; 26. 1. 2017), pp. 1–32, here pp. 15–17.

41 A criticism which could perhaps be levied against Swanson, Indulgences (see note 4), and its treatment of devotional pardons in ch. 6.

42 Swanson, Indulgences (see note 4), p. 350.

satisfaction due for sin, and with the sellers fully aware that they were false and fraudulent. Luther hedges his bets by insisting that he merely expresses an opinion; but he certainly rises to the challenges which indulgences posed to himself and his contemporaries within the late medieval church, and which they had continually posed since their emergence as a definite strand in Catholic doctrine and practice in the twelfth century. Whether he addresses that challenge correctly is not a subject for consideration here.