

## THE CHURCH'S TREASURES (*THESAURI ECCLESIAE*) THEN AND NOW

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**A**N ESSAY with such a title may strike a reader as the work of a curator fascinated with relics. That risk will have to be taken. Something like this title is necessary to describe issues that have divided Christians for centuries.

*Thesauri ecclesiae* is not your everyday household phrase. That is especially true if the household is one of contemporary theology. But the phrase did point at one time to a whole cluster of issues dealing with sin and redemption in Jesus Christ.<sup>1</sup> It was also a symbol of very different ways in which, for example, Lutherans and Roman Catholics reckoned with those realities.<sup>2</sup> How those issues coalesced and what that symbol communicated must be determined. Only so can one decide responsibly whether those past differences must pose obstacles to closer communion among Christians now and in the future.

At this point, of course, one may object that such a determination is not a high ecumenical priority, since whatever *thesauri ecclesiae* once meant, it no longer figures in Catholic theology or teaching. That, however, is not completely accurate, as two examples should suffice to show. Each, it will be noted, comes from the period after the Second Vatican Council.

### RECENT APPEARANCES

In 1985 the Catholic Bishops' Conference of the Federal Republic of Germany issued a national catechism after the text received the required canonical approval from the Holy See through the Congregation for the Clergy.<sup>3</sup> In a relatively brief treatment of a very complicated subject, the

<sup>1</sup> Included were merit, satisfaction, judgment, faith, and grace, as well as the Church's role in the bestowal of divine forgiveness on earth and in purgatory.

<sup>2</sup> As a symbol, it evoked not only theological reflection but at times highly-charged emotional responses.

<sup>3</sup> *Katholischer erwachsenen Katechismus: Das Glaubensbekenntnis der Kirche*, herausgegeben von der Deutschen Bischofskonferenz (Munich: Don Bosco, 1985) 463 pp. The preface to this catechism was written by Cardinal Joseph Höffner, archbishop of Cologne (cf. 7-8). In view both of the themes with which this essay is concerned and of what follows, it may be helpful to note that on Oct. 3, 1983, Höffner had proposed to a general congregation of the Synod of Bishops that the Christological and ecclesiological sense of indulgences be clarified. Cf. *Bolletino del Comitato per l'informazione—Synodus episcoporum*, no. 8 (Oct. 3, 1983) 4.

Catechism notes that in granting an indulgence the Church relies on the satisfaction made by Jesus Christ and the saints. That source, to which the Church recurs, is described with a traditional term; it is called a "treasury" ("... auf Grund *des Schatzes* der Genugtuung Jesu Christi und der Heiligen").<sup>4</sup> This is followed by the observation that today both the teaching about indulgences and their place in the life of the Church are for many Christians very difficult to understand. As if to help those who recognize themselves in this description, the Catechism goes on to recommend that they direct their attention to (a) the historical roots and (b) the theological implications of indulgences. It then proceeds to offer an abbreviated account of what it means by both.

As an example of historical roots, it sees a connection between the conferral of indulgences and a role played in the early Church by those who had undergone persecutions. Having confessed and suffered for the faith, the latter had credentials which commended their intercession on behalf of less heroic brothers and sisters who had compromised and needed forgiveness from the Church and from God.<sup>5</sup>

As for a theological understanding of the teaching regarding indulgences, the Catechism calls attention to a pair of related doctrines. The first has to do with guilt and punishment. The reader is told that after the guilt of sin is forgiven, there may still be punishment due. The second doctrine is the solidarity that exists among Christ's members, as a result of which one may suffer on behalf of others. Reference to that solidarity leads on to a consideration of the "Church's treasury" or "treasure." The Catechism states that Pope Paul VI clarified the meaning of this notion in his apostolic constitution *Sacrarum indulgentiarum* of January 1, 1967.<sup>6</sup> That document is then cited.

<sup>4</sup> Italics mine. By way of contrast, there is no national catechism approved for the Catholic Church in the United States by the National Conference of Catholic Bishops. There is, however, a national catechetical directory entitled *Sharing the Light of Faith* (Washington, D.C.: USCC, 1979) viii + 182 pp. It was approved by the Bishops' Conference in 1977 and a year later by the Sacred Congregation for the Clergy. In section 107 (on p. 62) the subject heading is "Other Saints." The text reads: "The Church also honors the other saints [besides Mary] who are already with the Lord in heaven. We who come after them draw inspiration from their heroic example, look for fellowship in their communion, and in prayer seek their intercession with God on our behalf (*Lumen gentium* 49-51). Associated with the Communion of Saints, the traditional value of indulgences may be explained." Although their Directory Committee had not done so, the bishops of the Conference voted to include the statement on indulgences. It has been noted that the formula they chose "seems to leave some discretion on the part of catechists . . ." Cf. *Sharing the Light of Faith: An Official Commentary* (Washington, D.C.: USCC, 1981) 48.

<sup>5</sup> *Ibid.* 373.

<sup>6</sup> *Acta apostolicae sedis* 59 (1967) 5-24.

Not as if it [*thesaurus ecclesiae*] were like a mass of goods in the form of material riches accumulated through the centuries. It is rather the infinite and never-failing value which God acknowledges in Christ's satisfaction and merits offered so that all of humanity may be freed from sin and brought to communion with the Father. That treasure is Christ himself, the Redeemer; in him the satisfaction and merits of redemption exist in full vigor (cf. Heb 7:23–25; 9:11–28). Furthermore to this treasure belong as well the values—immense, immeasurable, and ever new—that the prayers and good works of the Blessed Virgin Mary and the saints have in God's sight. Having followed in Christ's footsteps through his grace, Mary and the saints sanctified themselves and performed the work they were assigned by the Father. This they did in such a way that, working out their own salvation, they contributed as well to the salvation of their brothers and sisters in the unity of Christ's mystical body.<sup>7</sup>

This teaching of Paul VI, then, is a second indication that the theme *thesaurus ecclesiae* has not fallen into complete oblivion since the Second Vatican Council. At the same time it is clear that the passage cited was written very carefully with a view of avoiding misunderstanding. That concern had been called for earlier, in conciliar discussions that had taken place November 10–13, 1965.<sup>8</sup>

During Vatican II, general congregations were held on those days. Of particular interest here is the fact that patriarchs and presidents of bishops' conferences gave official reports reacting to a text dealing with indulgences. The document in question had been prepared by the Apostolic Penitentiary, the curial department or tribunal commissioned to deal with matters relating to the forum of conscience. For its part, the Penitentiary had not acted on its own; Paul VI had directed it to produce a draft text. In so doing, he was responding favorably to recommendations the Holy See had received from bishops throughout the world. The latter had been asked—after John XXIII announced his intention of calling a council—what items should be on the agenda. A surprising number of responses (*vota*) suggested changes with regard to the discipline or rules governing the ways in which the Church confers indulgences. Following the mandate it had received, the Penitentiary confined itself to recommending changes that would leave the Church's *teaching* about indulgences intact. The text it produced was presented to patriarchates and bishops' conferences for reactions.

Cardinal Döpfner spoke on November 11, 1965, and offered one such reaction in the name of the bishops of Germany. Giving theological reasons and alluding to ecumenical concerns as the basis for his stance,

<sup>7</sup> Ibid. 11–12; translation mine.

<sup>8</sup> *Acta synodalia sacrosancti Concilii oecumenici Vaticani secundi*, Vol. 4, Periodus quarta, Pars 6 (Typis Polyglottis Vaticanis, 1978) 131–97, 292–307, 315–35, 415.

he urged that the text at hand not be promulgated by the Pope. A new and more representative commission should be appointed to remedy the defects of the present draft. The papal document that would result from this process should contain practical norms dealing with indulgences. But before giving these, it should have a section in which Catholic teaching on the matter would be commended to the faithful. That would involve preserving the essentials of Catholic doctrine on indulgences, but at the same time there should be a true development (*genuina evolutio*) in the spirit of Vatican II.<sup>9</sup> Worthy of special note in this intervention are the following observations:

When, as in the present draft, the Church is said to “possess” a treasure, the notion *thesauri ecclesiae* easily leads to a rather material and almost commercial conception of what takes place when indulgences are gained. It should not be forgotten that *thesaurus ecclesiae* is a human, juridical expression or image for a process that is personal. That expression should be understood analogically. The *thesaurus* is God Himself . . . .<sup>10</sup>

To those wondering what this means, an answer was given. It is God in the act of (a) *accepting* the Church’s intervention on behalf of a forgiven sinner seeking pardon for the punishment due past transgressions, as well as (b) *responding* favorably in view of the merits of Christ and (in dependence on him) the saints. The careful reader will note that this description of the *thesaurus* has a striking resemblance to the one proposed by Paul VI a little more than a year later in *Sacrarum indulgentiarum*. *Thesaurus* was a notion that Döpfner regarded as needing clarification but not rejection. Neither point escaped the Pope.

At least in postconciliar papal teaching, therefore, and in a significant catechetical work of recent date, reference to the treasury of the Church has not disappeared. But how and why did such a theme come to divide Christians?

#### THE TREASURY IN DAYS PAST

On October 12, 1518, Martin Luther met Thomas di Vio (Cajetan) at Augsburg. This encounter brought together an Augustinian who was gaining quite a reputation in his community and a Dominican who had already served as master general of his own. As a result of a summons, a gifted university professor of Old Testament from Wittenberg appeared before a curial cardinal who, in addition to being the leading Thomist of the day, was now in Germany as the legate of Pope Leo X.

<sup>9</sup> Ibid. 334–35.

<sup>10</sup> Ibid. 333. The Austrian bishops joined their German colleagues and submitted a written text that included Döpfner’s description of the *thesaurus ecclesiae* (ibid. 324, 329–30).

The matter at issue in this encounter was Luther's doctrinal orthodoxy and in particular his views on two subjects. The second of these had to do with the kind of faith required to receive sacramental absolution from sin.<sup>11</sup> The first was concerned with indulgences. On this point both Luther and Cajetan had already put their ideas down on paper. As will be seen, they were in disagreement with regard to the source (*thesauri ecclesiae*) from which the Pope draws when he grants indulgences.

In his 95 Theses of the previous year (*Disputatio pro declaratione virtutis indulgentiarum*) Luther had maintained: "The treasures of the Church (*thesauri ecclesiae*) out of which the Pope dispenses indulgences are not sufficiently spoken of or known on the part of Christ's people."<sup>12</sup> Neither, he continued, are those treasures "the merits of Christ and the saints."<sup>13</sup> The reason he gave for this is that, even apart from the Pope, those merits are "always working grace in the inner person and . . . the cross, death and hell in the outer person."<sup>14</sup> Nor did Luther think it would suffice to say with St. Lawrence that the poor are the Church's treasures; when using the phrase this way, the deacon-martyr was merely conforming to the meaning it had in his own day.<sup>15</sup>

What, then, did Luther think the source of indulgences was? He answered this question clearly enough in thesis 60: "We do not speak without good reason if we say that the treasures of the Church are the keys of the Church—bestowed by the merits of Christ."<sup>16</sup> His reason for this appears in thesis 61: "For clearly the power of the Pope suffices of itself for the remission of penalties and reserved cases."<sup>17</sup> Punishments that the Church exacts for violations of its own laws can be remitted by the Pope; this happens when indulgences are granted. Christ conferred the keys on Peter and they suffice for this. There is no need to apply the merits of Christ and saints. The case is not one involving punishments due in divine justice.

In 1518 Luther had published his commentary on the 95 Theses.<sup>18</sup> In

<sup>11</sup> For further treatment of this point, cf. Carl J. Peter, "From *Sermo* to *Anathema*: A Dispute about the Confession of Mortal Sins," in *Studies in Church History in Honor of John Tracy Ellis*, ed. N. H. Minnich et al. (Wilmington, Del.: Glazier, 1985) 566–88, at 567–69.

<sup>12</sup> *Disputatio pro declaratione virtutis indulgentiarum*, Vol. 1 of *D. Martin Luthers Werke: Kritische Gesamtausgabe* (Weimar, 1883) 236. Hereafter WA.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Resolutiones disputationum de indulgentiarum virtute* (WA 1, 526–628). This work was published on Aug. 21, 1518. Cajetan read it in Augsburg and wrote a reply to it prior to meeting with Luther in October.

the 58th Conclusion he explained his reasons for denying that the merits of Christ and the saints are what the Pope draws on when granting indulgences. He begins by arguing that the works of supererogation performed by the saints (as distinct from Christ) are not the grounds for indulgences. This would mean, Luther says, that one person's good deeds—which he or she does not need—would be transferred to another who does need them. But such a transferral would not involve any loosing on the Church's part and as a result nothing would be brought about by the power of the keys. The trouble with this, however, is that Christ's word (Mt 16:19) indicates that the opposite will be true: when the Church looses, something is really loosed.<sup>19</sup>

Then, very much in the same line, Luther says that if there were an excess of good works, the Holy Spirit would not allow them to lie idle. In that assumption it would follow that an indulgence does only what God is already doing, and again is not a case of the Church's loosing anything.<sup>20</sup>

Next Luther goes to the root of the issue. Tying indulgences to a treasury of the saints' merits that have not been rewarded is tying them nowhere. The fact is, there are no unrewarded merits, as Paul makes clear in Rom 8:18: "The sufferings of this life are not worthy . . ." <sup>21</sup> What is more, one who understands indulgences as drawing on a superabundance in the saints' merits is badly in error. The fact is, there is no superabundance. Why? Because no saint in this life adequately (*satis*) fulfils God's commands. This can be proved and is to be believed. Indeed, the opposite is heresy.<sup>22</sup>

Luther then proceeds to give seven arguments to back up his contention that no saint has a surplus of merits. (1) Christ instructed his followers to say "We are useless servants" after doing all that is "written" (Lk 17:10). Now, either it follows that there is no superabundance of merit in the saints, or Christ is made to lie, as is the case in the hypothesis that he ordered his followers to say this to keep them humble even though it is not true.<sup>23</sup> (2) In the parable the wise virgins (Mt 25:9) keep their oil because it will not suffice for themselves and others too.<sup>24</sup> (3) Paul attests that each will be rewarded according to his or her own works (1 Cor 3:14). To this Luther adds: "And not according to another's!"<sup>25</sup> (4) Gal 6:4 says that each will render an account for his or her own self.<sup>26</sup> (5) 2 Cor 5:10 has each receive according as he or she has acted in the body.<sup>27</sup> (6) A saint is obliged to love God as much as he or she can, and

<sup>19</sup> Ibid. 606.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

even more. But no one has done this or can do it.<sup>28</sup> (7) Even in death, martyrdom, and suffering, saints do no more than their duty—indeed, they just barely do that; in other things they do even less.<sup>29</sup> Luther observes that he has given a number of arguments while his opponents have failed to give even one. This being the case, their opinion should be abandoned.<sup>30</sup>

But what of the patristic tradition? Luther notes that Augustine says that all the saints must pray “forgive us our trespasses.” But one who prays thus surely has no superabundance.<sup>31</sup> Ps 31(32):2 says: “Blessed is the person to whom the Lord does not impute sin,” and later: “for this every saint will pray to you.” In his *Dialogue against the Pelagians* Jerome asks: “How is one a saint while praying for one’s own impiety?” Therefore the saints by their prayer and by the confession of their impiety “merit” (*merentur*) that sin not be imputed by them.<sup>32</sup> In his *Retractationes* (51, 1) Augustine says: “All commandments are fulfilled when whatever is not fulfilled is forgiven.” He denies that the saints fulfilled the commandments perfectly and says it was more a case of God forgiving than humans fulfilling. But this is not all. Augustine writes in his *Confessions* (11): “Woe to men’s life—however laudable—if it is judged without mercy.” Even the saints need mercy all their lives long. Hence Job says (9:15): “Even if I have something that is just, still will I pray and entreat my judge.”<sup>33</sup> How can those who do not suffice for themselves be a source of superabundance for others?<sup>34</sup>

Finally, in *Adversus Julianum* 51, 11, Augustine cites ten early Fathers (including Hilary, Cyprian, Gregory of Nazianzus, Chrysostom, and Ambrose) to the effect that no saint can be without sin in this life, according to 1 Jn 1:8. The same is found in his *De natura et gratia*.<sup>35</sup> There are no excess merits of the saints that could help us. For this Luther says he is ready to burn and die. And as for anyone who asserts the contrary, Luther regards that one as a “heretic.”<sup>36</sup>

Not satisfied that he has said all that needs saying, Luther continues. If *per impossibile* there were a superabundance of merits, there is reason to wonder whether the Church acts properly in using those merits in such a vile fashion, that is, by remitting penalties. Remitting a penalty is the basest of the Church’s gifts and fit for the basest. The suffering of the saints and martyrs ought rather to teach us that penalties are to be endured (rather than escaped from). After all, that is the way we pray on saints’ feasts: “that we may imitate his (or her) strength.” The Church

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

seems to be a mother acting out of piety not when she remits penalties but when she punishes and coerces, as in excommunication and censures. This sort of punishment she inflicts precisely when she is most solicitous for her children. If she does relent in such cases, it is almost out of despair, fearing that a worse consequence will follow. For all this tawdry business the power of the keys suffices! Besides, is it not disrespect to the great labors of the saints to impart those labors to people who are snoring away? Augustine handles matters far better in his *Sermon on Martyrdom* when he says that the solemnities of the martyrs are not remissions but exhortations, so that one may not be too lazy to imitate what one delights to celebrate.<sup>37</sup>

The merits of the saints are not a treasure for us, since they are a scarcity for the saints themselves. Having said this, Luther observes that one might say the saints' merits are a treasure since they exist in superabundance and because there is a communion or solidarity in which one person works for another. His reply is ready: the saints worked for others that way in this life; if they were to do it now, it would be by way of intercession and not by the power of the keys.<sup>38</sup>

To one who says the saints sinned in this life but venially, Luther replies: that is because they did less than they should have. Every good work, no matter how well done, is a venial sin. This follows from what Augustine said when he noted that the commandments are then fulfilled when whatever is not fulfilled is forgiven. That is true of every good work; for each we have to ask forgiveness according to the Lord's Prayer. As for Bonaventure and his assertion that a human being can be without venial sin, it is the case of a holy man erring.<sup>39</sup>

After the treatment of the saints and their works, Luther turns to Christ's merits and assures his reader that these are the treasure of the Church. He denies, however, that they are the treasure from which indulgences are dispensed. This time as well he offers seven reasons for his denial. A number of these deserve special consideration.

Luther is very emphatic about it: his opponents simply state (and do not prove) that Christ's merits are the treasury from which the Pope draws when granting indulgences. Even if the Roman Church *were* to determine that this opinion is correct, a case would still have to be made for it. But the fact is, it would have no other grounds than an arbitrary decision. Such a situation makes the Church look ridiculous.<sup>40</sup>

<sup>37</sup> Ibid.

<sup>38</sup> Ibid. 607-8. Luther does not seem to be saying that the saints in heaven intercede for us. Rather, if they were to do so, then that would not explain indulgences, which are an exercise of the power of the keys resulting in the remission of canonical penalties or punishments.

<sup>39</sup> Ibid. 608.

<sup>40</sup> Ibid.

What is more, if indulgences remit all types of penalties (and not merely those the Church imposes), why does one still fast and perform good works for past sins? Some may reply: it is because the remission is uncertain. But that is blasphemy against the Church's keys. It is also just what one ought to expect as a result of preaching only about kinds of contrition and not about faith in the power of those keys.<sup>41</sup> With such a mindset we seek to be justified through our own works and justice rather than through faith. The sufficiency of Christ's merits is doubted.<sup>42</sup>

But in fact, even the Pope himself does not say he grants indulgences from the treasury of the merits of Christ and the saints. For its part the Church agrees with the Pope.<sup>43</sup> And for the sake of consistency, should not those who hold that contrition comes from the grace of Christ's merits give up the idea that indulgences do as well? After all, the same people maintain that contrition precedes indulgences. In addition to this, linking indulgences to the treasury of Christ's merits has this result: those merits are thus made available only to the Church's worst members, who thereby become of all the most fortunate.<sup>44</sup>

Finally, it is an errant theology of glory that makes Christ's treasure consist in flight and escape from suffering through indulgences. The theology of the cross ("speaking of the crucified, hidden God") makes sufferings, crosses, and death the greatest of treasures because the Lord of this theology blessed all three with the touch of his flesh and embrace of his divine will.<sup>45</sup>

As a postscript, it may be helpful to note that later in this same work Luther commented on the thesis that the Church's real treasure is the holy gospel and God's graces.<sup>46</sup> He contends that in the Church one hears little about the gospel and proceeds to distinguish the latter from the law. What he thought about indulgences comes out in his words: "those who still fear punishments have not yet heard Christ nor the voice of the gospel but the voice of Moses."<sup>47</sup>

The sufficiency of Christ's merits, the need to trust in his promise rather than our works, the theological imperative to embrace the cross so as to meet God, thinking and living under the gospel rather than law—all these themes surfaced in the summer of 1518. And they did so in Luther's treatment of the source from which the Pope draws in granting

<sup>41</sup> Ibid. 610.

<sup>42</sup> Ibid. There is a striking resemblance here to what Luther said the same year about contrition and absolution when he wrote his *Sermo de poenitentia*; cf. WA 1, 323.

<sup>43</sup> *Resolutiones disputationum* (WA 611).

<sup>44</sup> Ibid. 612.

<sup>45</sup> Ibid. 613–14.

<sup>46</sup> Ibid. 616.

<sup>47</sup> Ibid.

indulgences. It remains to be seen how the Pope's legate would react to these notions.

#### A THEOLOGICAL REPLY

Before Cajetan met with Luther on October 12, 1518, he had read the latter's *Sermo de paenitentia* and *Resolutiones disputationum de indulgentiarum virtute*. His reaction to the latter is of concern here. He put it in written form prior to the famous encounter.<sup>48</sup>

Luther had formulated propositions for debate in his *Disputatio*; corresponding to each of the 95 of these there was a *Conclusio* in his *Resolutiones*. In replying, Cajetan retained the form of the medieval *Quaestio*. One of these was written on October 7, 1518, in Augsburg. It asked whether indulgences came from the treasury of merits of Christ and the saints. Cajetan's answer was in the affirmative. But before giving it, he reported conscientiously and accurately the contrary arguments of Luther—without, however, naming him. This meant dealing first with the latter's contention that the *saints* have no merits to contribute to such a treasury, and then with his denial that *Christ's* merits are what the Pope avails himself of when granting indulgences. Before analyzing Cajetan's replies, which show the serious issues he thought were involved in this disagreement, it is important to consider the case he made for his own position.

Luther had said that the Pope was on his side and did not claim to grant indulgences from the treasury of Christ's merits.<sup>49</sup> Understandably, a master of scholastic disputation would pounce on this contention. Cajetan did not fail to do so. Indeed, that is exactly the way he began his reply—leading with an argument of fact—one he therefore regarded as irrefutable. Maintaining that the merits of Christ and the saints are indeed the treasury of indulgences, he says he does this relying on the

<sup>48</sup> His *Tractatus* (16) *de indulgentiis* contains six questions: (a) whether indulgences come from the treasury made up of the merits of Christ and the Church (Augsburg, Oct. 7, 1518); (b) whether to try to gain indulgences is an imperfection (Augsburg, Oct. 2, 1518); (c) whether it is a sin to deny a person whom I encounter the alms I am giving for an indulgence (Augsburg, Oct. 7, 1518); (d) whether indulgences absolve from penalties owed for sin before God's justice (Augsburg, Sept. 29, 1518); (e) whether indulgences free from the penalties of purgatory (Rome, Nov. 20, 1519); (f) whether the Pope grants indulgences to the souls in purgatory by the authority of the keys (Augsburg, Oct. 15, 1518). Cf. *Opuscula omnia Thomae de Vio Cajetani cardinalis tituli sancti Sixti in tres distincta tomos quorum seriem et quae in eis continentur sequens index indicabit* (Venice: Apud Haeredem Hieronymi Scoti, 1580). For the purposes of the present paper, the first question is the most important. The *Tractatus de indulgentiis* will be cited as *T.d.I.*

<sup>49</sup> See n. 43 above.

apostolic authority of Pope Clement VI in the Bull *Unigenitus*.<sup>50</sup> Clement had indeed taught the following:

1) God's only-begotten Son . . . made for us wisdom, justice, sanctification, and redemption (1 Cor. 1:30), through his own blood entered once for all into the holy of holies (Heb 9:12). He redeemed us not with corruptible gold and silver but with the precious blood of the lamb (1 Pet 1:18 ff.). On the altar of the cross the shedding of one drop of Christ's blood would have sufficed for the redemption of the entire human race; instead he shed a torrent of blood; from the bottom of his foot to the top of his head there was no wholeness in him (Isa 1:6). So that the compassion expressed in this shedding of his blood might not be without effect, he won a *treasure* for the Church militant—his loving Father willing to enrich His children. The result is that there is an *infinite treasure* for human beings. Those who avail themselves of it share in the divine friendship.<sup>51</sup>

2) That treasure was committed to Peter and his successors; it is to be dispensed to the faithful for their salvation—this by way of whole or partial remission of temporal punishment due to sin, always for godly and reasonable causes; this may be done in either a general or a particular way, but to the faithful who are truly penitent and who have confessed their sins.<sup>52</sup>

3) To that treasure the merits of the Blessed Virgin Mary and all the elect have contributed in no small way; one ought not be concerned that this treasure will be depleted: first, because Christ's merits are infinite, and second, because the greater the number of people who are brought to justice by its application, the more that treasure increases.<sup>53</sup>

<sup>50</sup> Boniface VIII had made 1300 a year of jubilee, the first of what later came to be called "holy years." At the same time, he stipulated that such a celebration should occur every hundred years (DS 868). In January of 1343 Clement VI decided to reduce the interval to half a century and chose 1350 for the date of the second. This he did in the bull to which Cajetan referred. Cf. DS 1025–27. In it for the first time a papal document makes the treasury of the merits of Christ and the saints the foundation for the doctrine of indulgences. The way for this had been prepared by medieval theologians such as Aquinas and Bonaventure. It is commonly held that Hugh of St. Cher (ca. 1200–1263) was the first to use *thesaurus* in this sense. Cf. Herbert Vorgrimler, "Ablass und Fegfeuer," in *Mysterium salutis* 5: *Zwischenzeit und Vollendung der Heilsgeschichte*, ed. Johannes Feiner and Magnus Löhrer (Zurich: Benziger, 1976) 450.

<sup>51</sup> DS 1025. Clement VI and Luther agree that the benefits of Christ's redemption do not lie idle; both say this explicitly. But Clement describes them as working through indulgences, while Luther says they are operative anyway and so there is no need for them to be applied through indulgences. Note that both distinguish between what Christ did once for all and its subsequent application. This corresponds to what later Catholic manuals of dogmatic theology would designate as objective and subjective *redemption* respectively.

<sup>52</sup> DS 1026.

<sup>53</sup> DS 1027.

Cajetan knew he had scored a point; this same point he raised with Luther five days later. But here too the text of the *Quaestio* contains an important observation. After playing his ace, Cajetan goes on to say that one ought not to underestimate the weight of the papal document he has cited. Tradition ranks such documents *right after* Scripture. Note, he does not say before Scripture or “alongside” of Scripture but “after” Scripture. As we shall see, he is convinced his own position is the teaching of Scripture. Indeed, he says Scripture has first place in theological disputes. But here he refers to a papal document before Scripture, which he will cite only later. Why? Because he wants Luther to know that only two choices are open, not three. Luther may hold to his position about the *thesaurus* and say the Pope is wrong. He may agree with the Pope and retract his statement in the *Resolutiones*. But he cannot hold to that statement and say the Pope is with him. In the view of this compelling logic, Cajetan starts out with *Unigenitus* while acknowledging that Scripture has greater authority.<sup>64</sup>

Having started his response with an appeal to papal teaching, Cajetan then moves to make his case in other ways as well. He argues that merit and satisfaction are not to be confused. Both refer to the conduct of a person who has been justified. But merit refers to that conduct as salutary or related positively, because of grace, to everlasting life in heaven. For its part, satisfaction has reference to that conduct as remedying, because of grace, the void or negativity that mars creation as a result of sin even after the latter is forgiven. Merit, a work’s conduciveness to life everlasting, is proportionate to the positive goodness of that work; satisfaction, to the negative element involved in suffering or in enduring punishment to right an order disrupted by sin. For Cajetan, this difference between merit and satisfaction is important, even though Luther failed to grasp it.

But there is another difference as well. According to Scripture, only Christ can merit in the strict sense for others; that is because he has the grace of headship. But human beings can make satisfaction for one another, as when one performs a sacramental penance for another. The same deeds of the saints were works both of merit and of satisfaction. Sufferings as meritorious benefited the saints themselves; those same sufferings at times exceeded what was called for as the just recompense for their past sins. The surplus is a real one in terms of satisfaction for sin. But that surplus is there for the benefit of the Church. Why? Well, it surely is true—as Luther has said, although he is not named—that if there is such a surplus, it should not lie idle. It does not; indulgences see to that. Second, given the unity and solidarity of the Church, the works

<sup>64</sup> *T.d.I.*, q. 1, 51, v, 1, G.

that one does not need but that others do need are reasonably understood to be directed by the Holy Spirit to the benefit of all; that happens in indulgences. But most important of all, there is Paul's example. He intended to complete by his suffering the full measure God intended for the Church (Col 1:24). Finally, it is to the Pope that the granting of indulgences belongs, since they are to benefit the whole Church, and its care belongs to him. He grants indulgences in connection with the sacrament of penance, and this to the faithful who are by charity living members of Christ. An indulgence is a work both of mercy (it frees a person from punishment) and of justice (it applies to his or her benefit not nothing but real works of satisfaction performed by saints). In this exchange the earthly Jerusalem descends from heaven.<sup>55</sup>

With that Cajetan has made his case for the position that the *auctoritas* (*Unigenitus*) with which he started led him to take. This is precisely what it was to do *sacra doctrina*, and that is what he was about. It is interesting that his predecessors (like Aquinas and Bonaventure) in doing *sacra doctrina* contributed notably to the formulation of the very *auctoritas* he relied on, and this not least by their development of the notion of *thesaurus*.

One final note deserves to be made. Cajetan concludes his positive presentation with eschatology. An indulgence is an instance of the Church's forgiving power uniting divine mercy and justice from above for the benefit of believers here below. What he saw at stake was the communion of saints and the Church's role in mediating the forgiveness won by the One Mediator, Christ Jesus.

But Cajetan has yet to respond to Luther's objections. He starts with the objection that indulgences drawn from a treasury of merits would amount to a transfer and therefore not be an exercise of the power of the keys. This, he replies, is far from being the case. Christ's word about binding and loosing is fulfilled—indeed, to the letter. The keys are at work and accomplish something. They apply the saints' satisfaction to this or that person and absolve him or her from this or that penalty.<sup>56</sup> Note here Cajetan's notion of the saints' suffering (recall that the latter were treated first by Luther) as related to the fruitfulness of those same sufferings for others. To be of benefit to the whole Church, those sufferings need to be applied to this or that individual; the application is either by God or by His vicar.<sup>57</sup>

<sup>55</sup> Ibid.

<sup>56</sup> Ibid. 1, a & b.

<sup>57</sup> Ibid. Perhaps Cajetan would have profited, had he lived that long, from the recommendation that "Catholics, particularly writers and teachers, observe an evangelical discretion in the titles bestowed on the papacy . . ." Cf. "Roman Catholic Reflections," in *Teaching Authority and Infallibility in the Church (Lutherans and Catholics in Dialogue 6)*, ed. Paul C. Empie et al.; Minneapolis: Augsburg, 1980) 58.

Luther also maintained that there are no unrewarded works of the saints that can be used for indulgences. There are only three possibilities: (a) the saints themselves receive the rewards of their works; (b) those rewards are received by others; (c) both the saints and others receive those rewards. But in none of the three cases are there *unrewarded* works.<sup>58</sup>

Cajetan replied that the objection plays with the word "unrewarded." A solution will be found if one looks at the saints' works under the aspects of merit and satisfaction. It is true, as Rom 8:18 says, that the sufferings of this life are not to be compared with the glory that is to come. But that holds for our works or sufferings in their native or basic reality as proceeding from free choice. God's rewarding, however, is directed to works and sufferings precisely as these proceed from charity and His grace.<sup>59</sup> Here Cajetan made a distinction as crucial for understanding his thought as law and gospel were for Luther's. Its importance can scarcely be exaggerated.

What Scripture says about misery and unworthiness before God, what it states as well about human intimacy and friendship with God—however much at odds the two sets of statements may be, the clue to their understanding is to be gained from the insight that they are presenting human conduct from two very different but real perspectives. The first is the ambit of free choice; the second, that of charity and God's grace. But having introduced this distinction, Cajetan knows he must answer the charge that God rewards the saints' works and sufferings more than the latter deserve even as proceeding from charity and grace. He concedes that this is true of the saints' works as meritorious. But he then adds: those same works, as performed in expiation for sin (*opera satisfactoria*), at times surpass any punishment the saints deserved for their own misdeeds. As a result, in such cases the saints cannot personally derive benefit from *all* the works of self-denial they have performed. Other human beings can. It is in them that God rewards the superabundance found in the saints' works of satisfaction. In a word, the works of the saints, as meritorious, are rewarded in the saints above and beyond even what grace would lead one to expect. Those same works, as offering satisfaction, far exceed at times what is called for by the saints' personal sins; viewed from this perspective, the works remain unrewarded in the saints and are rewarded in others.<sup>60</sup>

<sup>58</sup> See n. 21 above and corresponding text. Here Luther is not arguing in any new or notably different way but in the syllogistic fashion so commonly associated with medieval scholasticism.

<sup>59</sup> *T.d.L.*, q. 1, 51, r, 1, C & D.

<sup>60</sup> *Ibid.*

To Luther's next argument Cajetan responds that saints can be considered either as operating with their free choice (and then they do not sufficiently fulfil God's commandments) or as acting with the aid of God's grace (and then they surely *do*). Lk 17:10, upon inspection, leads to just the opposite of what Luther intended it to demonstrate. In that passage Jesus is speaking to followers who *have* fulfilled all that is prescribed, but no more. Hence they are indeed useless servants. The virgins who are unwilling to share oil from their lamps know that their *merits* cannot be given to others. This, however, says nothing about an excess of satisfaction or suffering applied for the benefit of those who did not personally endure it. Along the same line, one who says that saints are bound to do more than the possible is regarded by St. Jerome as accursed. Not every possible act of love of God, if omitted, results in sin. Take, for example, doing good to one's enemy when the latter is not in a state of serious need. One may without sin at times omit some otherwise possible acts of good. Indeed, to perform some acts of good for a foe amounts to a perfection and not the fulfilment of a commandment. To undergo martyrdom may well at times be a work of supererogation, as when one seeks out or at least does not avoid the occasion to give his or her life for Christ. When the occasion presents itself unavoidably, that is another matter. But even in this type of martyrdom the saints sometimes satisfied or suffered more than was called for by their personal sins.<sup>61</sup>

Cajetan then systematically sets about answering Luther's objections. In so doing, he invokes repeatedly the distinction mentioned above: between human actions in their own proper reality (proceeding from native human resources) and those same actions performed with the "informing and assisting grace of the Holy Spirit." In the first perspective, the saints' actions are worthy of damnation; and as for the saints themselves, they are debtors and do not fulfil God's commands. In the second, the saints do indeed fulfil the commandments; they are not debtors but rather creditors who are worthy of life everlasting and have nothing of damnation in themselves. Here Cajetan has recourse to Rom 8:1; 1 Jn 3:9; and 2 Tim 4:7.<sup>62</sup>

Cajetan knows he is offering a principle for the interpretation of Scripture and churchly discourse. He writes:

The prudent reader will know how to discern when Scripture and the teaching of the saints are speaking of us and of our works insofar as both are ours or from God's grace. For every kind of evil is true of us and of our works insofar as those

<sup>61</sup> Ibid. 51, r, 1, D & E, and 2, A & B.

<sup>62</sup> Ibid. 51, r, 2, B & C.

works are ours and we are ours. At the same time, infinite good is true of both as coming from divine compassion and grace. That is clear from these passages of Scripture and many others that could be adduced. Here you have a solution for this objection, those that follow, and others like them. For that all the saints are debtors of themselves is compatible with their performing works of supererogation by God's grace.<sup>63</sup>

He is proposing a principle no less critical and comprehensive than that of justification by faith.<sup>64</sup>

Cajetan follows his own advice when it comes to Luther's objection that every good work is a sin.<sup>65</sup> Luther had expressed himself emphatically when he insisted that the saints have no excess merits. Indeed, Luther said he was ready to burn and die for this; the opposite he termed heresy.<sup>66</sup> In reply, Cajetan used the hermeneutical principle given above. If the assertion that every good work is a venial sin is intended and proposed as true *absolutely* (and not rather as referring to the good work insofar as it proceeds *ex nobis*), then there is no need of a response. What is called for is good sense or the stake! For it would follow that Mary sinned in every work she performed, whereas Augustine said grace was conferred on her to conquer sin totally (*omni ex parte*). Paul would also be wrong, because his works would be *unworthy* of a crown in divine justice (2 Tim 4:7 ff.). The same would be the case with John the Evangelist, because contrary to what he wrote (1 Jn 3:9) the one born of God would indeed sin.<sup>67</sup>

On a somewhat lighter note, Cajetan denies Luther's contention that the Church is not a pious or godly mother when she remits penalties rather than chastising her children. For his part, he says everything has its own time and place. An unmitigated regimen of harsh discipline is not called for. Sometimes less exacting measures are appropriate. That is the case with indulgences, where the satisfactions of the saints benefit sisters and brothers in need.<sup>68</sup>

<sup>63</sup> Ibid. D; translation mine.

<sup>64</sup> For a contemporary treatment of both, cf. Carl J. Peter, "Justification by Faith and the Need of Another Critical Principle," in *Justification by Faith (Lutherans and Catholics in Dialogue 7)*, ed. H. George Anderson et al.; Minneapolis: Augsburg, 1985) 304–15, 376–78.

<sup>65</sup> See n. 39 above and corresponding text.

<sup>66</sup> See n. 36 above and corresponding text.

<sup>67</sup> *T.d.I.*, q. 1, 51, r. 2, E. Here Jared Wicks has Cajetan say in response to Luther: "If therefore the fifth argument intends to refer to our good works simply and without qualification . . . then the objector does not require an answer but rather a *censure* or even the fire" (italics mine). Cf. *Cajetan Responds: A Reader in Reformation Controversy* (Washington, D.C.: Catholic University of America, 1978) 80–81. Instead of *censura* (i.e., censure) the Latin text of the editions of 1580 and 1585 uses the noun *sensu* after the verb *opus est*. Hence the rendition given above: "What is called for is *good sense* or the stake."

<sup>68</sup> Ibid. v., 1, F.

Luther had spoken of heresy. How strongly did Cajetan react to the position denying that the saints' merits are a source from which the Pope draws in granting indulgences? He characterized that denial as "rash presumption." Then he added a more philosophical assessment: only an undisciplined mind would fail to content itself with *all* these arguments (and not merely the authority of Thomas and Bonaventure) that have been made to show that saints too have merits belonging to the *thesaurus ecclesiae* from which indulgences are conferred. Why he regards such a criticism as warranted he clearly indicates:

For in moral theology and ethics, one who is docile must not seek mathematical certitude. And as for the matters dealt with in those disciplines, we will perforce confuse everything if we refuse to accept what is both in harmony with reason and at the same time the common teaching of the (Church's) doctors.<sup>69</sup>

So much for Cajetan's treatment of the saints' merits and the *thesaurus ecclesiae*.

As the reader will recall, Luther denied that the saints have merits to contribute to such a *thesaurus*. But, he contended, neither are indulgences an instance of the application of Christ's merits. Indeed, Luther gave a series of arguments that led him to this conclusion. One in particular deserves attention because it was to highlight differences between Wittenberg and Rome in 1518.

Luther observed and called attention to the fact that after the conferral of an indulgence people still perform works of self-denial for their past sins. If an indulgence simply removes ecclesiastical penalties (Luther's view), these works of mortification are appropriate. But if the indulgence applies Christ's merits through the power of the keys to satisfy divine justice, then those works should not be performed. They are tantamount to a doubt with regard to the power of the keys or (worse yet) the sufficiency of Christ's sufferings.<sup>70</sup>

Without complicating matters, it may be helpful to point out that Luther was arguing very much the way he had earlier that same year in his *Sermo de paenitentia*. In the latter, of course, he had been concerned with the words of sacramental absolution from sin and the faith demanded by Christ's promise to forgive. Here he is talking about indulgences and about the imperative of avoiding doubt with regard to the power of the keys and Christ's merits. Because of Christ's promise I must believe that the words of absolution are true and that I am forgiven.<sup>71</sup> Because of Christ's promise I must believe that the words of loosing are true and that in indulgences I am loosed from ecclesiastical penalties for sin.

<sup>69</sup> Ibid. r, 2, B; translation and parenthesis mine.

<sup>70</sup> See nn. 41 and 42 above and corresponding texts.

<sup>71</sup> *Sermo de paenitentia* (WA 1, 323-24).

In both cases Cajetan's response to Luther was the same. In sacramental absolution from sins as well as in the conferral of indulgences, faith is called for. That faith excludes any doubt about Christ's promise to forgive, the sufficiency of his merits, or the power of the keys he has conferred (note the Christological character of this faith). But as a sinner, I may doubt about my disposition in receiving the sacrament of penance. Therefore, to link my forgiveness with my believing that it is actually occurring through the words of absolution is unwarranted. Indeed, to establish such a requirement is to found a new church. To perform works of self-denial after the conferral of indulgences is similarly to doubt not Christ or the Church's keys but one's own disposition. To this Cajetan adds significantly: "This doubt, however, is a holy one."<sup>72</sup>

Perhaps this account of the written positions of Cajetan and Luther on the *thesaurus ecclesiae* may conclude with the following observation. Both thought Christ's promise about binding and loosing was operative in indulgences. Both regarded that promise as calling for faith and as excluding doubt. But Luther accorded a real infallibility to the assurance he thought one should have after receiving an indulgence. Cajetan reserved that infallibility for trust and belief in Christ's word and the power of the keys. No more infallibility was needed or promised: e.g., to cope with doubt as to whether one has the disposition required for gaining an indulgence. Indeed, such doubts, in this broader context of infallibility, Cajetan judged to be "holy."

#### THE ENCOUNTER AT AUGSBURG AND ITS AFTERMATH

When Luther and Cajetan did meet at Augsburg, the *thesaurus ecclesiae* was a major point of disagreement. Cajetan demanded that Luther recognize that there was indeed official papal teaching on this matter.<sup>73</sup> Later in the same year (November 9, 1518) Pope Leo X issued, at Cajetan's urging, the Decree *Cum postquam*, to leave no doubt that the teaching of the Roman Church on indulgences was both definite and binding.<sup>74</sup> This repeated what Clement VI had taught. In the process it stated: ". . . the Roman Pontiff, in granting an indulgence by apostolic authority both for the living and for the dead, dispenses the treasury of merits of Jesus Christ and the saints. . . ."<sup>75</sup> Sin, its punishment, and the

<sup>72</sup> *T.d.I.*, q. 1, 51, v. 1, K.

<sup>73</sup> He held to this even when he no longer pushed his point that Luther was requiring too much in terms of the kind of faith required for sacramental absolution from sin. Cf. Jared Wicks, S.J., "Roman Reactions to Luther: The First Year (1518)," *Catholic Historical Review* 69 (1983) 549-50.

<sup>74</sup> DS 1447-49.

<sup>75</sup> DS 1448.

Church's role in mediating the divine forgiveness won in Jesus Christ—these were the issues chosen for the moment of truth.

On November 7, 1519, the Theology Faculty of the University of Louvain condemned certain propositions taken from the works of Luther. Among these were a number from the *Resolutiones* of 1518: (a) Every good work, however perfectly done, is a venial sin. (b) The saints in every good work do less than they ought; none of the saints lived without sin. (c) Indulgences are a relaxation of penalties imposed by a priest or church law. The Louvain text observes that Luther thinks the saints have no surplus merits that could benefit us. Indeed, the saints themselves in their merits need God's mercy and forgiveness.<sup>76</sup>

One cannot determine from their censure just how negatively the Louvain divines viewed these positions, which were cited along with others Luther had taken. The ensemble was condemned globally "as defamatory with regard to philosophy and the theologians of the previous four centuries . . ." as well as ". . . containing many assertions that are false, scandalous, heretical, and smacking of heresy."<sup>77</sup>

The Theology Faculty of Cologne had reacted earlier still, on August 30, 1519. It offered the following judgment:

. . . he (Luther) makes void the need for any satisfaction due for serious guilt that has been forgiven—his contention being that when God forgives such guilt, the punishment is always remitted as well; with frivolous, irrational grounds and by means of propositions that are impious and blasphemous with regard to the saints and their merits, he wipes out the treasury of indulgences approved by the decrees of the Fathers and holy councils.<sup>78</sup>

Here Luther is accused first of denying any need for indulgences in the forum of divine judgment, and then of saying that even if there were such a need, the saints could not help.

#### THE BULL *EXSURGE DOMINE*

These judgments by his peers at Louvain and Cologne were used in Rome in preparing the document *Exsurge Domine* of June 15, 1518, in which Luther was threatened with excommunication.<sup>79</sup> Cajetan took part in the process of formulation, but the advice he gave was not heeded. He

<sup>76</sup> *Facultatis theologiae Lovaniensis doctrinalis condemnatio doctrinae Martini Lutheri* (WA 6, 176).

<sup>77</sup> *Ibid.*

<sup>78</sup> *Condemnatio facultatis theologiae Coloniensis adversus doctrinam F. Martini Lutheri* (WA 6, 179).

<sup>79</sup> Erwin Iserloh, J. Glazik, and H. Jedin, *Reformation and Counter Reformation*, Vol. 5 of *History of the Church* (New York: Seabury, 1980) 72.

sensed the urgency of being theologically precise in a way that academe had not been. He thought that to each text of Luther which was to be cited there should be attached the censure or censures it deserved.<sup>80</sup> Instead, the bull in its final form listed 41 propositions, to which it then added six censures without further precision, namely, "heretical or scandalous or false or offensive to pious ears or seductive of simple minds or at odds with Catholic truth."<sup>81</sup> Even John Eck latter regretted that a theological shotgun had been used rather than a rifle.<sup>82</sup>

Of the 41 propositions in *Exsurge Domine*, six deal with indulgences, and of those six the first listed is: "The Church's treasures, from which the Pope grants indulgences, are not the merits of Christ and the saints."<sup>83</sup> Also condemned were the contentions that (a) indulgences deceive the simple faithful and excuse from good works; they are of the category of things that are lawful but not necessary (1 Cor 6:12); (b) they do not remit temporal punishment in the forum of divine justice; (c) the faithful are misled into thinking indulgences are salutary and useful for the fruit of the Spirit; (d) indulgences are necessary only for public crimes; they are rightly given only to hardened sinners; (e) indulgences are neither necessary nor useful for seven types of people: the dead; the dying; the sick; those who are legitimately impeded (from gaining same); those who have committed no crimes; those who have committed crimes but not ones that were public; and those who are about the doing of better things.<sup>84</sup> Sin, punishment, the way the Church understands and presents its role in mediating the divine forgiveness won by Jesus Christ—these are clearly the issues pointed to by the *thesaurus*.

The history is too well known for any need to chronicle the events immediately subsequent to *Exsurge Domine*. Neither side backed off and Luther was excommunicated on January 3, 1521, with the bull *Decet Romanum Pontificem*.

#### THE CHURCH'S TREASURY AND THE INVOCATION OF THE SAINTS

After presenting this history proceeding from *Disputatio* in 1517 to *Quaestio* in 1518 and finally to *Anathema* in 1521, I should like to do two things: pose a hypothesis and ask a question.

First, the hypothesis. In both the *Disputatio* and the *Resolutiones* Luther contends that the Pope cannot draw indulgences from a treasury of merits of Christ *and* the saints because the saints have no merits to contribute to such a treasury. In 1536 Luther wrote in the *Smalkald*

<sup>80</sup> Wicks, *Cajetan Responds* 30.

<sup>81</sup> DS 1492.

<sup>82</sup> *Reformation and Counter Reformation* 72.

<sup>83</sup> DS 1467.

<sup>84</sup> DS 1468–72.

*Articles* that the invocation of the saints is one of the abuses of the Antichrist. He added: "When spiritual and physical benefits are no longer expected, the saints will cease to be molested in their graves and in heaven, for no one will long remember, esteem, or honor them out of love when there is no expectation of return."<sup>85</sup> The saints have nothing to give or transfer to those who call upon them for assistance. Fifteen years earlier, in the 21st article of the *Apology of the Augsburg Confession*, Melancthon had written: "The theory of invocation, together with the theories our opponents now hold about the *application of merits*, surely has no support among the ancient Fathers."<sup>86</sup>

In view of the above, I would frame my hypothesis in the following fashion: At least for the Lutheran Confessions, invocation of the saints is to be opposed not only because it attributes to creatures the honor due to God and Christ alone, but also because it mistakenly assumes that the saints have a surplus of merits which can be transferred, in the form of favors, to their sisters and brothers on earth. In other words, the same kind of transfer objected to in the case of indulgences is presented as a ground for rejecting the invocation of the saints. That, in turn, makes elements of the prayer life and liturgy of Roman Catholics a potential problem ecumenically; for the Lord's mother is still called upon or invoked as in the second half of the Hail Mary and again—this time with the angels and saints—in the *Confiteor* that figures prominently in one of the official penitential rites with which the Eucharist is celebrated. If my hypothesis is correct, the difficulty lies at least partially in the fact that indulgences and the invocation of the saints suggest a commercial transaction.

Cajetan's response to Luther did not succeed in laying to rest the suspicion that indulgences involve a withdrawal from one account and a crediting to another. At Vatican II Cardinal Döpfner was aware of the fact that this was how indulgences were still viewed by many. Trying to change this situation, he made the term *thesaurus ecclesiae* a promising candidate for revealing who God is and how God relates to sinners in view of Jesus Christ and (in dependence on him) the saints. In his apostolic constitution *Sacrarum indulgentiarum* Pope Paul VI took a very similar approach. He had the term *thesaurus ecclesiae* refer to Christ himself, in whom the satisfaction and merits of redemption exist in full vigor. Those merits and that satisfaction are a treasure; God acknowledges their infinite value for freeing human beings from sin and leading them to life everlasting. In God's sight the merits as well as the satisfaction of Mary and the saints are of a value that, though not infinite, is

<sup>85</sup> *Smalkald Articles*, Part 2, art. 2, 28 (ed. T. G. Tappert [Phila.: Fortress, 1978] 297).

<sup>86</sup> *Apology of the Augsburg Confession* 21, 3 (ed. Tappert 229); italics mine.

nevertheless immense, immeasurable, and ever new; as such, they too belong to the *thesaurus*. When the term "treasure" is understood in this way, it refers to something that is worlds different from accumulated material wealth; it points instead to God and the divine judgment of what is valuable in the lives and deaths of Jesus Christ and his saints.

With this in mind, I pose a question: Does this recent development in the Roman Catholic understanding of *thesaurus ecclesiae* successfully meet the concerns of Lutherans and other Christians with regard to the transfer previously thought to be involved in indulgences and the invocation of the saints? And in answer to my own question, I will say that development deserves serious consideration by those who ask whether old grounds for division need still divide today.