

THE TRANSFORMATIVE POWER OF GRACE AND
CONDIGN MERIT AT THE COUNCIL OF TRENT

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A CLEAR UNDERSTANDING of merit, as defined by the Council of Trent in canon 32 of the *Decretum de iustificatione*, will determine the nature and extent to which an ecumenical *rapprochement* can be made on the issue of justification. In the debate over justification at the Council of Trent, the council fathers addressed two questions concerning merit. First, “Is the unjustified able to merit condignly initial justification?”¹ I will not discuss this question, since there was no serious theologian at any point during the Tridentine proceedings who maintained that it was possible to merit condignly initial justification. A second question, however, did agitate the minds of the fathers, which may be stated as, “Once one is transformed by inhering righteousness in the process of justification, is this justified Christian able to merit condignly?”

Prior to the Second Vatican Council, most theologians seem to have held that Trent had actually defined the claim that the justified Christian is able to merit condignly, while in

¹ This article prescinds from any discussion of the more complicated question concerning the role of congruous merit prior to initial justification. This topic has been treated by Heiko Augustinus Oberman, “The Tridentine Decree on Justification in the Light of Late Medieval Theology,” *Journal for Theology and the Church* 3 (1967): 28-54; “Duns Scotus, Nominalism, and the Council of Trent,” in H. A. Oberman, *The Dawn of the Reformation: Essays in Late Medieval and Early Reformation Thought* (Grand Rapids, Mich.: W.B. Eerdmans, 1992), 204-33; Hanns Rückert, “Promereri. Eine Studie zum tridentinischen Recht- fertigungsdekret als Antwort an H. A. Oberman,” *Zeitschrift für Theologie und Kirche* 68 (1971): 162-94.

contemporary ecumenical discussions there has been a tendency to read the Tridentine doctrine on merit purely in terms of a gratuitous gift.² In this article I will attempt to determine whether the fathers of the Council of Trent intended in canon 32 of the *Decretum de iustificatione* to define a doctrine of merit that is notionally equivalent to condign merit. To this end, in the first part of this article I will trace the conciliar debates and various schemata that led to the formulation of canon 32. In the second part I will offer a reflection on the final form of the decree in light of the debates.

² F. X. de Abarzuza, O.F.M.Cap., *Manuale theologiae dogmaticae*, 2d ed. (Madrid: Ediciones Studium, 1956), 3:521; Severino Gonzalez, S.J., “*De gratia*,” in Iosepho A. De Aldama, S.J., Richardo Franco, S.J., Severino Gonzalez, S.J., Francisco A. P. Sola, S.J., and Iosepho F. Sagues, S.J., *Sacrae theologiae summa*, 4th ed. (Madrid: Biblioteca De Autores Cristianos, 1967), 4:694-95; Jean Herrmann, *Institutiones theologiae dogmaticae*, 7th ed. (Lyons: E. Vitte, 1937), 326; J. M. Hervé, *Manuale theologiae dogmaticae*, 16th ed. (Westminster, Md.: The Newman Bookshop, 1943), 3:243; H. Hurter, S.J., *Theologiae dogmaticae compendium*, 12th ed. (Innsbruck: Libreria Academica Wagneriana, 1908), 3:204; Ludovico Lercher, S.J., *Institutiones theologiae dogmaticae*, 3d ed. (Innsbruck: Feliciani Rauch, 1948), 4.1:109; J. Riviere, “*Mérite*,” *Dictionnaire de théologie catholique contenant l'exposé des doctrines de la théologie catholique, leurs preuves et leur histoire*, ed. E. Amann, E. Mangelot, and A. Vacant (Paris: Letouzey et Ané, 1928), 10.1: 757; Ludwig Ott, *Grundriss der katholischen Dogmatik* (Freiburg: Herder, 1959), 320; Christian Pesch, *Praelectiones dogmaticae*, 4th ed. (Freiburg im Breisgau: B. Herder, 1916), 5:247; Joseph Pohle and Arthur Preuss, *Grace, Actual and Habitual: A Dogmatic Treatise*, 6th ed. (St. Louis: B. Herder Book Co, 1929), 407; Adolphe Tanquerey, *Synopsis theologiae dogmaticae*, 27th ed. (Paris: Desclée et Socii, 1953), 3:195-96.

In postconciliar ecumenical work, theologians have tended either to read Trent by avoiding the use of the terms *condign* and *congruous* as well as the concepts thereof, or to read the council as having affirmed merit as a reward to a promise. Carl J. Peter, “The Decree on Justification in the Council of Trent,” in H. George Anderson, T. Austin Murphy, and Joseph A. Burgess, *Justification by Faith* (Minneapolis: Augsburg Publishing House, 1985); Karl Lehmann and Wolfhart Pannenberg, *The Condemnations of the Reformation Era: Do They Still Divide?* (Minneapolis: Fortress Press, 1990), 66-68. Pesch argues that the Catholic Church should “take leave of the *concept* and *word* of ‘merit’” (Otto Hermann Pesch, “The Canons of the Tridentine Decree on Justification: To Whom Did They Apply? To Whom Do They Apply Today?” in *Justification by Faith: Do the Sixteenth-Century Condemnations Still Apply?* ed. Karl Lehmann, trans. Michael Root and William G. Rusch [New York, N.Y.: Continuum, 1997], 191).

I. BACKGROUND TO CANON 32

A) Remote Background

The occasion for canon 32 of the *Decretum de iustificatione* was the denial on the part of Protestant theologians of the doctrine of merit as it had been expressed in the medieval period. In the late Middle Ages, the question of condign merit was frequently discussed, perhaps most notably by St. Thomas Aquinas (1225-74).³ Aquinas treated merit in the *Summa theologiae* within his questions on grace, categorizing it “as an effect of cooperating grace.”⁴ He also distinguished between merit and reward, for “a reward means something bestowed by reason of merit.”⁵ Therefore, merit is a function of justice, and justice depends on the equality between agents. Now man is not God’s equal, so he cannot by his own nature make a claim on God.⁶ For Aquinas the possibility of meriting is a result of divine ordination: in his wisdom God “will bring things to their end in a way appropriate to their natures.”⁷ God is not “our debtor simply but His own, inasmuch as it is right that His will should be carried out.”⁸ In order to accomplish this end, God has made this relationship possible by giving man the grace necessary to accomplish what by the power of his nature alone he could not.

There are two types of merit: condign merit and congruous merit. Condign merit is the right in strict justice to a reward,

³ For Aquinas’s view of merit, see Joseph Wawrykow, *God’s Grace and Human Action: ‘Merit’ in the Theology of Thomas Aquinas* (Notre Dame, Ind.: University of Notre Dame Press, 1995); Bernard J. F. Lonergan, *Grace and Freedom: Operative Grace in the Thought of St. Thomas Aquinas*, ed. J. Patout Burns (London: Darton, Longman & Todd, 1971).

⁴ *STh* I-II, q 114, prooem. References to the *Summa Theologiae* are taken from Thomas Aquinas, *Summa Theologiae* (Lander, Wv.: Aquinas Institute for the Study of Sacred Doctrine, 2012).

⁵ *STh* I-II, q 114, a. 1.

⁶ *Ibid.*

⁷ Michael Root, “Aquinas, Merit, and Reformation Theology after the *Joint Declaration on the Doctrine of Justification*,” *Modern Theology* 20 (2004): 12.

⁸ *STh* I-II, q 114, a. 1, ad 3.

whereas congruous merit is based on what is fitting in a given situation. Aquinas noted that, insofar as a man's meritorious work proceeds from his free will, he can merit only congruously. By grace, however, God makes us participators in the divine nature and adopted "sons of God."⁹ Therefore, insofar as a meritorious work proceeds from the Holy Spirit working in man, man can merit condignly. Aquinas saw this doctrine of merit as grounded in scriptural affirmations such as, "There is laid up for me a crown of justice, which the Lord, the just judge, will render to me in that day" (2 Tim 4:8).

Concerning the object of merit, Aquinas strictly delineated that which can and that which cannot be merited. Man cannot merit initial justification,¹⁰ nor can one who has committed mortal sin merit his own restoration to grace, either condignly or congruously,¹¹ nor can one merit the gift of final perseverance.¹² Once one is an adopted son, he can condignly merit an increase in grace.¹³ One may merit congruously, but never condignly, the first grace for another, and one can also condignly merit eternal life.¹⁴

The main elements of Aquinas's teaching—such as the inability to merit condignly initial justification, the necessity of being in the state of grace, the necessity of grace for meritorious acts, and the necessity of being in Christ—are shared by all orthodox theologians. Nevertheless, among late medieval and early modern theologians there were also a number of important distinctions and emphases concerning condign merit. Some theologians such as Thomas Netter (ca. 1375-1430) thought that the terms *condign* and *congruous* should be avoided altogether and that one should simply speak of merit *ex*

⁹ *STh* I-II, q 114, a. 3.

¹⁰ *STh* I-II, q 114, a. 5.

¹¹ *STh* I-II, q 114, a. 7.

¹² *STh* I-II, q 114, a. 9.

¹³ *STh* I-II, q 114, a. 8.

¹⁴ *STh* I-II, q 114, a. 2.

gratia.¹⁵ John Duns Scotus (1266-1308) held that works of the justified are condignly meritorious by virtue of the divine promise,¹⁶ while Tommaso de Vio, O.P. (1468-1534) and Domingo de Soto, O.P. (1494-1560) taught that works are condignly meritorious by virtue of the works themselves.¹⁷ What marks almost all views of condign merit is that merit is not merely a function of mercy but also a function of justice.

Martin Luther found this language of merit deeply troubling, but he and later Lutheran theologians were perfectly willing to grant the use of the term as long as it was essentially reduced to a form of mercy, removing any notion of justice from its meaning.¹⁸ As early as 1518, Luther appears to have denied

¹⁵ Thomas Netter, *Thomae Waldensis Anglici Carmelitae, theologi praestantissimi, doctrinale antiquitatum fidei Ecclesiae Catholicae* (Venice: Apud Iordanum Zilettum, 1571), 3: fol. 25.

¹⁶ Scotus is sometimes understood as affirming that merit is based solely on the divine acceptance. Andreas Vega, *De iustificatione doctrina universa, libris XV. absolute tradita & contra omnes omnium errores, iuxta germanam sententiam Orthodoxae veritatis, & sacri Concilij Tridentini, praeclare defensa . . . Cum indice triplici, videlicet* (Cologne: Apud Geruinum Calenium & Haeredes Quentelios, 1572 [repr. Ridgewood, N.J., The Gregg Press, 1964]), 789. Richard Cross argues that Scotus acknowledged both condign and congruous merit. For Scotus, merit is not based on mere acceptance since this would be a gross form of voluntarism. Scotus's doctrine of merit includes other aspects. "For example Scotus argues that God loves acts 'according to their goodness' and that God 'accepts them with reference to some good which ought to be justly awarded to it'" (Richard Cross, *Duns Scotus* [New York: Oxford University Press, 1999], 103). On Bonaventure see Constantino Ferraro, *Doctrina de merito apud S. Bonaventuram* (Rome: Pontificium Athenaeum Antonianum, 1956).

¹⁷ Tommaso de Vio, *Prima secundae partis Summae sacrae theologiae sancti Thomas Aquinatis, doctoris angelici* (Antwerp: Apud Viduam & Haeredes Joannis Stelsii, 1576) on q. 114, a. 3. Cajetan's later *De fide operibus adversus Lutheranos* puts a much stronger emphasis on the pact made between God and man. Tommaso de Vio, *Opuscula omnia Thomae De Vio Caietani. . . in tres distincta tomos, variis quaestionibus, cum suis conclusionibus, ac utilissimis annotationibus appositis, recens aucta atque locupletata. Quibus accessere ad obiecta aliqua sanè quàm acutae responsiones, aliàque permulta, quae sequens index indicabit. Item tractatus quidam contra modernos Martini Lutheri sectatores, & eorum praecipuos errores, nunquam antehac impressus* (Lyon: Apud haeredes Iacobi Iuntae, 1562), 290.

¹⁸ See, e.g., Chemnitz, *Examen decretorum concilii tridentini: In quo ex sacrae scripturae norma, collatis etiam orthodoxis uerae & purioris antiquitatis testimonijs*

formally the doctrine of merit.¹⁹ Later, in *The Bondage of the Will*, he argued that the Scholastics were actually worse than the Pelagians, since the Pelagians at least “confess and assert condign merit, simply, candidly, and ingenuously, calling a spade a spade and a fig a fig, and teaching what they really believe.”²⁰ By the time of his *Commentary on Galatians* (1535), Luther’s venom against the doctrine of merit was rather more pronounced, for he called it the “theology of the antichristian kingdom”²¹ and the “tricks of Satan.”²² When Luther stated, “Trying to merit grace is trying to placate God with sins,”²³ he clearly included works both before and after grace.²⁴

There are several reasons why Luther had a fundamental problem with either the justified or the unjustified meriting anything *coram Deo*. First, there is a basic anthropological problem in Luther’s doctrine of concupiscence. “A good work, well done, is a venial sin according to the mercy of God, but a mortal sin according to the judgment of God”²⁵ and therefore

ostenditur, qualia sint illa decreta, & quo artificio sint composita 1 1 (Frankfurt am Main: Feierabend & Hüter, 1566), 933.

¹⁹ Reinhard Schinzer, *Die doppelte Verdienstlehre des Spätmittelalters und Luthers reformatorische Entdeckung*, *Theologische Existenz heute* [n.F.], n. 168 (München: Kaiser, 1971), 53-54.

²⁰ Martin Luther, *The Bondage of the Will*, vol. 33 of *Luther’s Works*, ed. Philip S. Watson and Helmut Lehmann (Philadelphia: Fortress Press, 1972), 268 (hereafter *LW*).

²¹ Martin Luther, *Commentary on the Galatians* (1535) (*LW* 27:124).

²² *Ibid.* (*LW* 27:125).

²³ *Ibid.* (*LW* 27:126). See also E. Disley, “Degrees of Glory: Protestant Doctrine and the Concept of Rewards Hereafter,” *Journal of Theological Studies* 42 (1991): 85-95, 105, which shows how the early Protestants opposed the idea of condign merit especially. On Calvin’s doctrine of merit, see Charles Raith II, “Calvin’s Critique of Merit, and Why Aquinas (Mostly) Agrees,” *Pro Ecclesia* 20 (2011): 135-66; Charles Raith II, “Aquinas and Calvin on Merit, Part II: Condignity and Participation,” *Pro Ecclesia* 21 (2012): 195-210. Calvin’s views on merit, however, were not important at the Council in the debates on justification, where he was mentioned only three times: *Concilium Tridentinum: Diariorum, actorum, epistularum, tractatum nova collection* (Freiburg im Breisgau: Herder, 1911), 5:269.42; 435.27; 487.32 (hereafter *CT*).

²⁴ Luther, *Commentary on the Galatians* (1535) (*LW* 27:127).

²⁵ *Assertio omnium articulorum M. Lutheri per bullam Leonis X [The Assertion of All the Articles of M. Luther by the Bull of Leo X]* (1520) (*Weimarer Ausgabe [Weimar: Hermann Böhlhaus Nachfolger, 1897 (hereafter WA)]* 7:138.25-28, 138.37-139.1);

could never be pleasing to God. Second, Luther argued that merit, understood as a right to a reward, presupposes that man can make a claim on God in justice, but God is not a debtor to any person. Third, Luther introduced into Protestant thought a radical separation of law and gospel which was subsequently advanced as doctrine in the Lutheran confessional documents.²⁶ For Luther law and gospel are not just distinct but also antithetical.²⁷ The gospel does not demand one's works in justice or command one to do anything but invites one simply to receive the offered grace of the forgiveness of sins and eternal salvation.²⁸

Luther was correct that the major schools of late medieval thought, whether Dominican or Franciscan, made merit at least in part a function of justice. In these schools "condign merit" is partly measured by justice, and thus it gives a real claim to a reward. As we will see, to most of the council fathers of Trent Luther's position on merit was inconsistent with the deposit of faith.

B) Proximate Background

After much delay, the Council of Trent finally opened on December 13, 1545, with four cardinals, four archbishops, twenty-one bishops, and five superior generals of mendicant

"Omne opus iusti damnabile est et peccatum mortale, si iudicio Dei iudicetur" (WA 7:138.29-30).

²⁶ *Epitome* 5, 4-6, in *Die Bekenntnisschriften der evangelisch-lutherischen Kirche* (Göttingen: Vandenhoeck and Ruprecht, 1998), 790-91.

²⁷ Luther writes, "lex est negatio Christi" (WA 40-2:18.4-5). "Hic iterum videmus Legem et Evangelium quae inter se longissime distincta et plus quam contradictoria separata sunt, affectu coniunctissima esse" (*In epistolam s. Pauli ad Galatas commentarius* [WA 40-1:520.25-26]). On the issue of law and gospel, see G. Söhngen, "Gesetz und Evangelium," *Catholica* 14 (1960): 81-105; F. Böckle, *Gesetz und Gewissen: Grundfragen theologischer Ethik in ökumenischer Sicht* (Lucerne: Rüber Verlag, 1965); O. Pesch, "Law and Gospel: Luther's Teaching in the Light of the Disintegration of Normative Morality," *The Thomist* 34 (1970): 84-113.

²⁸ WA 36:30-31.

orders present.²⁹ The council was to be presided over by three papal legates, Cardinals Giovanni Maria Ciocchi del Monte, Marcello Cervini, and Reginald Pole, two of whom were later elected pope. Early on it was decided that the council would deal simultaneously with questions of dogma and reform, such that at each session there would be a dogmatic decree affirming the faith of the Church and a reform decree.³⁰ The council also intentionally avoided attempting to resolve those matters that had been debated by the various Catholic schools of thought which were not contrary to the Catholic faith. It also decided not to condemn heretics by name, choosing instead to condemn those errors that were thought to trespass on the teaching of Christ and his Church.³¹

As was customary in councils, one of the first acts was to profess solemnly the Nicene-Constantinopolitan Creed (in the third session). The council wished to take up first the questions of original sin and justification, to which the issue of merit was tied, but on February 7 the legates decided instead to take up the issue of Scripture and Tradition.³² The council debated these issues, eventually approving its decree in the fourth session, on April 8, 1546.³³ It then took up the question of original sin on May 24, 1546 and approved the decree in the fifth session, on June 17, 1546.³⁴

²⁹ John W. O'Malley, *Trent: What Happened at the Council* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2013), 75.

³⁰ Hubert Jedin, *A History of the Council of Trent*, vol. 2, trans. Dom Ernest Graf, O.S.B. (London: Thomas Nelson and Sons Ltd., 1957-61), 52-53. Ludwig von Pastor, *The History of the Popes from the Close of the Middle Ages*, 3d ed. (St. Louis: B. Herder Book Co., 1950), 12:253.

³¹ Hubert Jedin, "Council of Trent and Reunion: Historical Notes," *Heythrop Journal* 3 (1962): 8-9.

³² Jedin, *History of the Council of Trent*, 2:53.

³³ *Ibid.*, 2:90.

³⁴ *Ibid.*, 2:132, 160.

C) The Beginning of the Discussion on Justification

The discussion on the doctrine of justification opened on June 21.³⁵ On June 22, 1546, the legates proposed six questions on justification to the minor theologians (theologians who were not bishops).³⁶ Unfortunately, we do not know by whom or how the questions were formed.³⁷ The questions were as follows:

1. What is meant by justification both as regards the name and the thing?
2. What are the causes of justification? What is God's part in the process and what is man's?
3. How are the faithful to understand the assertion that man is saved by faith?
4. Do works play a role in the process of justification—both before and after—and in what way? What is the role of the sacraments in that process?
5. What is the process of justification—what precedes, accompanies, and follows it?
6. By what proofs from scripture, the Fathers, councils, and the apostolic traditions is the Catholic doctrine supported?³⁸

It is immediately evident that five of the six questions come down to the issue of agency: who is the agent, or who are the agents, in the act of justification? Is it man alone, or is it God alone, or is it a dual agency? This is significant, for any doctrine of merit in the proper sense is dependent on a type of dual agency.

From June 22 until June 28, the discussion of these questions occurred in six congregations of theologians.³⁹ While most of the speeches of the minor theologians have been lost, Marcus Laureus, O.P., wrote a brief summary of their discussions, concluding that the theologians were in agreement that “works done after justification conserve and increase justification and

³⁵ CT 5:257.

³⁶ CT 5:261.26-35. On the role of minor theologians at Trent, see Nelson H. Minnich, “The Voice of Theologians in General Councils from Pisa to Trent,” *Theological Studies* 59 (1998): 420-41.

³⁷ Jedin, *History of the Council of Trent*, 2:176.

³⁸ *Ibid.*

³⁹ CT 5:262-81. Jedin, *History of the Council of Trent*, 2:177-80.

are meritorious of eternal life when they are informed by the grace and merits of Christ.” He also noted that “most of the theologians affirmed that . . . works done after justification are *condignly* meritorious of eternal life.”⁴⁰

We also have preserved the lengthy speech of the papal theologian Alphonsus Salmeron, S.J. (1515-85), delivered on June 23. This speech was primarily concerned with the issue of first justification, but toward the end Salmeron affirmed that good works performed after justification are meritorious.⁴¹ He also identified ten errors that he wanted condemned by the council, the last four of which directly concern the ability of the justified to merit: (1) the justified are incapable of fulfilling the law, and they sin in all their works; (2) the justified cannot increase in justification; (3) the justified are not able to merit eternal life; and (4) the justified are not able to perform works of satisfaction.⁴²

On June 30, 1546, the legates presented to the general congregation a brief document entitled *De iustificatione adulatorum*, which was read to the fathers by Cardinal Del Monte.⁴³ This document had emerged from the discussions of the minor theologians and contained two important elements crucial to subsequent discussions. First and most importantly, the document distinguished three states (*tres status*) in the process of justification. The first state (*primus status*) is that initial justification whereby a person is made a believer out of an unbeliever.⁴⁴ The second state (*secundus status*) finds the justified individual in a state of grace, living a life faithful to

⁴⁰ “Opera vero post iustificationem conservant et augent iustitiam et sunt meritoria vitae aeternae, cum sint informata gratia et meritis Christi. In haec sententia omnes convenerunt, quamvis supradicti quatuor visi sunt extenuasse meritum operum. Et maior pars theologorum dixit, quod opera disponentia ad iustificationem sunt meritoria iustificationis de congruo, opera vero post iustificationem sunt meritoria vitae aeternae de condigno” (CT 5:280.38-44).

⁴¹ CT 5:272.14-15.

⁴² CT 5:272.24-28.

⁴³ Jedin, *History of the Council of Trent*, 2:181.

⁴⁴ CT 5:281-82.

Christ and attempting to obtain the end, heaven, which Christ desires for him. The third state (*tertius status*) is the restoration to justification after the justified has fallen. This tripartite division allowed for conceptual clarity in dealing with the place of works and merit in the Christian life.

Second, the document offered a list of errors, and these twenty-two errors were arranged under the tripartite division. It is useful for identifying what was thought to be at issue at this stage in the debate, particularly as it pertains to the second state of justification (*secundus status iustificationis*). There are two errors that draw our attention:

7. Good works following justice signify only themselves, and they do not justify, that is merit an increase of justice.
8. The works of the just do not merit eternal life.⁴⁵

These errors do not qualify the term *merit* in any way and therefore leave open the possibility that it could be understood as either congruous or condign merit. Nevertheless, we are able to come to a conclusion about the meaning of the term in these errors by looking at another error. Error five condemns the proposition that “the good works of the just are sins and merit hell,”⁴⁶ and this can only refer to a merit based on justice. Hell, as Catholic theologians of the time agreed, can only be said to be merited in justice. At this stage it would appear that the term *merit* in errors seven and eight was used univocally for condign merit. While these errors would “play no role” in subsequent debate,⁴⁷ they are useful for telling us what was in the mind of the council fathers at this point.

From July 15 to July 23, the council fathers discussed the issues dealing with the second and third stages of justification in

⁴⁵ “7. Quod opera bona sequentia iustitiam eam tantum significant, nec iustificant, id est iustitiae augmentum merentur. 8. Quod opera iusti non merentur vitam aeternam” (CT 5:282.20-23).

⁴⁶ “5. Quod omnia opera iustificati sint peccata et infernum mereantur” (CT 5:282.19).

⁴⁷ Jedin, *History of the Council of Trent*, 2:182.

eight general congregations.⁴⁸ As they did, the theological battle over justification and merit became increasingly antagonistic, as illustrated in the infamous behavior of two bishops. Already in late June, Dionisio de Zanettini, known by his nickname Grechetto, the Franciscan bishop of Chironissa, had accused the entire Augustinian Order of being infected by the teachings of Luther.⁴⁹ Then, during a speech to the general congregation of July 17, 1546, Tommaso Sanfelice, the bishop of La Cava, reasserted the theory of double justification and explicitly denied the value of good works.⁵⁰ This only confirmed some of Zanettini's suspicions about the extent of the infection. As the council fathers were preparing to leave, Zanettini insulted Sanfelice to another bishop, muttering under his breath that "he is either a knave or a fool." This sentiment was encouraged by the bishop of Bertinoro, who added that he had often told Sanfelice that he "does not understand these things at all." Sanfelice overheard these remarks and reproached his insulter by asking, "What are you saying?" Zanettini repeated his words: "Yes, you are either a knave or a fool." Sanfelice grabbed Zanettini's beard, shaking him so violently that he was left with a handful of hair. Zanettini, unruffled by the violence done to his person, shouted, "I have said that the Bishop of La Cava is either a knave or a fool, and I shall prove it!"⁵¹ Sanfelice had struck a bishop, a crime punishable by excommunication, and he was immediately imprisoned in a local monastery.

Aside from this excitement, very little was said about merit during the debates on the second and third states of justification. On July 16, a number of fathers raised the question of the value of good works and merit. The view of the archbishop of Armaugh, Robert Wauchope, is important, for he became one of the drafters of the so-called July draft, which was the first form of the decree. The archbishop affirmed that,

⁴⁸ CT 5:340-84.

⁴⁹ CT 10:539.19. Jedin, *History of the Council of Trent*, 2:181.

⁵⁰ CT 5:352-54.

⁵¹ This story is recounted in Jedin, *History of the Council of Trent*, 2:191. See also von Pastor, *History of the Popes*, 12:341.

without the grace of God, man can do nothing on his own. After justification, however, “works increase justice and are the fruits but not the signs of justification.” He continued, “Works after justification merit and a reward is owed to them *de condigno*, insofar as they proceed from the grace of God.” These good works which come from the Holy Spirit also proceed from our free will by the grace of God.⁵²

The issue came up again on July 20, when Juan Fonseca, bishop of Castellamare, outlined the different types of works and their relationship to merit. He divided man’s works into four categories. First, works that proceed merely from man’s will and are not meritorious. Second, works that are aided by prevenient grace and are meritorious *de congruo*. Third, works that proceed from justifying grace and are meritorious *de congruo*. Fourth, works that proceed from the Holy Spirit and are meritorious *de condigno*. Fonseca also specified the two objects of merit as an increase in grace and eternal life. He finally noted that just as evil merits evil, so good merits good. If one’s observance of the commandments is not meritorious, then any transgressions of the commandments could hardly be demeritorious.⁵³

In the general congregation on July 23, the debate over merit continued. Girolamo Seripando (1493-1563), the General of the Hermits of St. Augustine, the order to which Luther had belonged, did not directly take up the issue of double justice but it pervaded his thought. This is most evident when he came to the question of merit. Seripando asked “Whether the works by which we are led to eternal life can be called merits?” He

⁵² “Opera post iustificationem augent iustitiam et sunt fructus, non signa iustificationis. Item sacramenta etiam augent gratiam post iustificationem, quae opera post iustificationem merentur et debetur eis merces, etiam de condigno, quatenus sc. procedunt a gratia Dei” (CT 5:346.8-13). Angelo Massarelli also summarized the opinion of an unnamed council father who held that justice received was increased and that “Opera non sunt signa, sed fructus iustificationis, et tunc meretur et debetur eis merces de condigno” (CT 5:379.11-12). I suspect that this is actually a summary of Robert Wauchope’s view, but it is not certain.

⁵³ CT 5:363.

answered that eternal life is called a reward and a grace; however, while works “*can*” be called merits, they “*must*” be called gifts.⁵⁴ He warned of the pride that is associated with those who speak of their merits; while heaven can be spoken of in terms of wage, this should be understood as a grace.⁵⁵ He therefore logically concluded that if man is crowned, he is crowned on account of mercy and not on account of his merits.⁵⁶

Seripando was followed by the General of the Carmelites, Nicolas Audet, who set forth with perspicuity the Catholic doctrine on the power of grace in the regenerate. Audet’s keen piece began with a consideration of the transformation that takes place in the Christian as a son of God. Through good works the justified is able not only to conserve but also to increase his justification. Audet clearly rejected any suggestion that the works of the righteous are in themselves mortal sin which is not imputed to us on account of the divine mercy. Rather, the good works are not only from God but also from man when moved by the grace of God. This is clear from Christ’s words that a good tree cannot bring forth evil fruit (Matt 7:18). Finally, Audet insisted that merit does not detract from the grace of God or the merits of Christ. It rather exalts the power of God’s grace since it shows how man’s fallen nature has been elevated so that man is an adopted son of God and therefore is able to merit.⁵⁷

The General of the Servites, Agostino Bonucci, spoke last. According to the summary of his speech, it was clearly a response to Audet. He first stated that the justified are conserved in justice principally by the grace of God, a position that his opponents would not deny; but he went on to argue that while good works increase justice, they do not do so “effectively” but from the goodness of God and by the merits of

⁵⁴ CT 5:373.38-41.

⁵⁵ CT 5:373.42-46.

⁵⁶ CT 5:374.1.

⁵⁷ CT 5:377.10-19.

Christ. The good works are meritorious of eternal life in so far as God accepts them and not in so far as they are our own.⁵⁸

D) The July Draft

After these debates, four prelates, Cornelio Musso, Giacomo Giacomelli, Benedetto de'Nobili, and Robert Wauchope, were chosen by secret ballot in order to draw up the first draft of a decree, which became known as the July draft.⁵⁹ The draft was presented to the general congregation on July 24, 1546 and contained an introduction, three chapters, and twenty-one canons.⁶⁰ This draft clearly rejected a number of points that were essential to the views of the Reformers and to the adherents of double justice. First, it rejected any understanding of the justified person as remaining in sin (canon 4).⁶¹ It also anathematized the restriction of justification to remission of sins alone (canon 5) and the denial of justification as also a gift of righteousness (*donationem iustitiae*). Thus the justified has not only put off the old man, but put on the new, that is, not only has he died to sin, but he also lives in justice.⁶² Canon 6 made it clear that this gift of righteousness that makes us just is not the righteousness of Christ but is the habit (*habitus*) of grace.⁶³

This transformative understanding of justification logically entailed a certain doctrine of merit and excluded another. There were two canons that dealt with the merit of the justified Christian: canons 14 and 15. Each of these short canons was followed by a longer explanation of the canon. Canon 14

⁵⁸ CT 5:370.47-54.

⁵⁹ Jedin, *History of the Council of Trent*, 2:193. There is debate over the authorship of this first draft. The draft was originally thought to be the work of Andres de Vega. See Jedin, *History of the Council of Trent*, 2:193; Alister E. McGrath, *Iustitia Dei: A History of the Christian Doctrine of Justification*, 2d ed. (Cambridge: Cambridge University Press, 1998), 258.

⁶⁰ CT 5:384-91.

⁶¹ CT 5:386.12-17.

⁶² CT 5:386.18-24.

⁶³ CT 5:386.25-33.

anathematized those who deny that good works increase grace *coram Deo*, then asserted that good works of the justified are not only the fruits but also the “cause of justification.”⁶⁴ Canon 15 introduced several themes that would persist throughout subsequent drafts of the decree. First, the canon anathematized anyone who says that “merit is pride” when speaking of the works of the justified.⁶⁵ In the explanatory portion the draft noted that Christians are instructed by the Scriptures “to do good,” “to be rich in good deeds,” and “to lay up treasure for themselves” (1 Tim 6:18-19). It went on to affirm that those who, like Moses, seek a reward do not sin. Second, while the canon did not use the phrase “true merit” (*verum meritum*), it was the first to modify *meritum* with *verum*: “The merit of those works is true.”⁶⁶ To make it clear that this is a true merit and not merely a merit *secundum quid*, the canon specified that this “crown of justice” is given “by the just judge.”⁶⁷ The canon also specified only two objects of this merit: an “increase of grace” and “the glory of eternal life.” The canon was also clear that it is only the justified who are able to merit and that this is on account of being engrafted into Christ.

In the subsequent discussions on the July draft, the comments of the theologians were on the whole positive. All but five of the theologians wanted to see the term *habitus* retained, and nothing significant was said on the canon on merit.⁶⁸ The council fathers began to discuss the July draft on August 13 in a general congregation, and on the whole they seemed content with the doctrine of the decree but did not like its style or structure.⁶⁹ In the general congregation of August 17, many of the fathers admitted to being unprepared to discuss the July draft. Canon 15, however, did not come under scrutiny;

⁶⁴ CT 5:389.15.

⁶⁵ “Si quis dixerit, de bonis operibus iustificati hominis loquens: *Superba vox est meritum*: anathema sit” (CT 5:389.16-17).

⁶⁶ “Verum enim est meritum operum illorum” (CT 5:389.16-21).

⁶⁷ CT 5:389.16-33.

⁶⁸ CT 5:392-93.

⁶⁹ CT 5:402-5.

the reference to merit being true appears to have been sufficient.⁷⁰

E) The September Draft

The legates, however, appear to have decided that the July draft was inadequate on the very day it was set before the council, for on that day Cervini called for Seripando and requested him to draw up a new draft.⁷¹ Seripando drew up a draft known as preliminary draft A (hereafter Draft A) which was submitted to the legates on August 11. He was asked two weeks later to rewrite the document, which was done by August 29 and was known as preliminary draft B (hereafter Draft B).⁷² Although neither was presented to the council, these two drafts are important, for Seripando effectively introduced into subsequent decrees long doctrinal chapters preceding the canons, whereas previous decrees were essentially a list of canons with theological explanations appended to the canons. Draft A used the term *merit*.⁷³ Draft B is noteworthy for two key reasons. First, it introduced the notion of double justice: the eighth chapter was entitled *De duplici iustitia*.⁷⁴ Here Seripando avoided an explicit discussion of imputed or infused righteousness, instead preferring biblical terms. Second, the draft contained a number of points that retreated from some positions of the July draft. Both chapter 15 and canon 8 employed the term *merit* in reference to the justified;⁷⁵ and while Seripando preferred to speak principally in terms of promise and a reward, he also spoke in terms of justice. He explicitly mentioned “the just judge” who will render to every man according to his works. Both Draft A and Draft B are notable in that Seripando appears to have taken the effort to

⁷⁰ CT 5:408-9.

⁷¹ Jedin, *History of the Council of Trent*, 2:239.

⁷² *Ibid.*, 2:240.

⁷³ CT 5:821-28.

⁷⁴ CT 5:829.

⁷⁵ CT 5:831-32.

incorporate the majority views on merit that were clearly inconsistent with his own personal theological views, even introducing the term *merit*.

Cervini found Seripando's Draft B inadequate and had it revised.⁷⁶ After consultation with a large number of theologians and bishops, he presented this draft, now known as the September draft, to the general congregation on September 23, 1546.⁷⁷ The draft was considerably longer than the July draft, with eleven chapters and twenty-one canons.⁷⁸ In Seripando's opinion, Draft B was so "deformed" that he could no longer either recognize or approve it.⁷⁹

For our purposes, there are a couple of key points that must be noted about the September draft. First, the draft was clear that one may not merit initial justification and that all works that precede justification are excluded from initial justification as "merits properly [*proprie*] called."⁸⁰ The use of the term *proprie* as a qualifier of merit is helpful, for it makes clear two things. First, the fathers understood that there is a distinction between merit properly called and a quasi-merit, and they intended to make this distinction in non-Scholastic terms. Second, the draft clearly attempted to delineate a transformative understanding of justification whereby it is not only the forgiveness of sin but also the transformation into God's friend. The draft was equally clear that they "are not two justices which are given to us. . . . There is one justice of God through Jesus Christ by which we are not merely considered to be just but we are named and are truly just."⁸¹ This clearly excludes Luther's view as well as Seripando's. Finally the decree explicitly linked

⁷⁶ Jedin, *History of the Council of Trent*, 2:241; Jean Rivière, "La doctrine du mérite au concile de Trente," *Revue des sciences religieuses* 7 (1927): 274.

⁷⁷ *CT* 5:420-27.

⁷⁸ *CT* 5:426-27.

⁷⁹ *CT* 2:430.3-5.

⁸⁰ *CT* 5:423.16-19.

⁸¹ "Ita non sunt duae iustitiae, quae nobis dantur, Dei et Christi, sed una iustitia Dei per Iesum Christum, (hoc est caritas ipsa vel gratia), qua iustificati non modo reputamur, sed vere iusti nominamur et sumus" (*CT* 5:423.34-36).

its transformationalist understanding with its teaching on works and merits so that those who are justified are called to eternal life, which is both a promise and a reward to good works. God's grace is a fountain leading man to perform works.

The canons presented a clearer understanding of merit. Canon 21 reads:

If anyone says that the justified man, who has become a living member of Jesus Christ, does not merit eternal life by his good works, or that the good works of the just are the gift of God in such a way that through His grace they are not good merits: anathema sit.⁸²

One may note several things about this canon. First, the subject of the canon is the justified. Second, the good works performed are not the result of grace in such a way that they are not also merits. Finally, the use of the word "true" as a modifier of merit is now absent from the text. This is probably due to the influence of Seripando's preliminary drafts, which spoke of merit but dropped the "true" of the July draft.

The September draft was immediately taken up by the minor theologians in three congregations of theologians held September 27-29.⁸³ Unfortunately, their interventions are only summarized, and so it is difficult to understand precisely what they were getting at. There was only a single objection to canon 21 recorded: Jean de Conseil, O.F.M., wanted the term *bona merita* deleted, but no explanation is given.⁸⁴ There is one point in these discussions, however, concerning merit prior to initial justification that helps to clarify how the council understood the term *merit*. The theologians repeatedly discussed the issue of "merit properly [*proprie*] called" with respect to good works prior to initial justification. A number of the theologians argued that all merit is excluded prior to justification, not just merit in

⁸² "Si quis hominem iustificatum et vivum Christi Iesu membrum effectum dixerit non mereri bonis operibus vitam aeternam; aut bona opera iustorum ita esse dona Dei, ut per eius gratiam non sint etiam bona merita: anathema sit" (CT 5:427.47-49).

⁸³ CT 5:432-33 (27th edition); 5:433-34; 436-440 (28th edition).

⁸⁴ CT 5:432.31-32. 439.14-15.

the proper sense.⁸⁵ Thus the qualification of merit by the term *proper* signifies a merit partially grounded in justice.

From October 1 to October 12, fifty-eight fathers of the council discussed the September draft in nine general congregations.⁸⁶ The bishops, like the theologians before them, repeatedly took up the question of *proprie* with respect to good works prior to initial justification. On the whole they expressed disapproval of the phrase and wished to deny all merit prior to justification. For our purposes, what is interesting is that although the expression “merit *proprie*” was non-Scholastic, it was understood as the conceptual equivalent of the Scholastic “condign merit.” The General of the Conventuals, Bonaventura Costacciaro, O.F.M.Conv., for example, was clear that congruous merit, or “improper merit” (*secundum quid*), is distinct from condign merit, which is “proper” or “true” merit.⁸⁷

During the nine days on which the draft was discussed, only one of the council fathers took up the issue of merit in canon 21. Costacciaro explicitly affirmed Aquinas’s discussion of condign merit, concluding that a just man may both “justly” seek a reward and “can *justly* expect a reward before the tribunal of God” for his works.⁸⁸ He not only used the adverb “justly” but immediately noted that the context of the reward is the just tribunal of God. For Costacciaro, man is able to fulfill the law through grace according to the substance of the works and according to the intention of the one who commands, that is, God. Most interesting is that Costacciaro does not appear to have noticed the subtle change that took place between the July and September drafts, and he appears still to have been reading “merit” in the sense of condign merit.⁸⁹

⁸⁵ CT 5:439. 43-44; 441.29-34.

⁸⁶ Jedin, *History of the Council of Trent*, 2:244. There were no general congregations on October 3, 4, and 10 (CT 5:442-97).

⁸⁷ CT 5:480.8-13. See also CT 5:452.34-36.

⁸⁸ CT 5:483.27-37.

⁸⁹ Hubert Jedin, *Papal Legate at the Council of Trent, Cardinal Seripando* (St. Louis: B. Herder Book Co., 1947), 357.

The debates over the September draft reveal that the council fathers were preoccupied with the issues of double justification and the certainty of salvation.⁹⁰ On October 15, therefore, the legates decided to pose two questions to the minor theologians on these two issues.⁹¹ Seripando had originally composed the question on double justification, and in his form the question contained no discussion of merit. The question, to Seripando's chagrin, was revised by Cardinal Del Monte. Del Monte introduced a crucial phrase that would help to bring the issue of merit in the justified to the fore. The new question asked,

Has the justified, who has performed good works in a state of grace and with the help of actual grace—both which stem from the merits of Christ—and who has thus preserved inherent justice, so completely met the claims of divine justice *that when he appears before the judgment seat of Christ he obtains eternal life on account of his own merits?*⁹²

The question now directly related the issue of double justification to the issue of merit.

The theologians discussed these two questions from October 15 to October 26,⁹³ and there were only five supporters of double justice: Aurelius of Rocca Contracta, Marianus of Feltre, Stephen Sestino, Lorenzo Mazochi, and Antonio Solis.⁹⁴ What

⁹⁰ On double justification, see Stephan Ehses, "Johannes Groppers Rechtfertigungslehre auf dem Konzil von Trient," *Römische Quartalschrift für christliche Altertumskunde und für Kirchengeschichte* 20 (1906): 175-88; Jedin, *Papal Legate at the Council of Trent, Cardinal Seripando*, 348-92; J. F. McCue, "Double Justification at the Council of Trent: Piety and Theology in Sixteenth Century Roman Catholicism," in Carter Lindberg and George W. Forell, eds., *Piety, Politics, and Ethics: Reformation Studies in Honor of George Wolfgang Forell* (Kirksville, Mo.: Sixteenth Century Journal Publ., Northeast Missouri State Univ, 1984), 39-56; Paul Pas, "La doctrine de la double justice au Concile de Trente," *Ephemerides theologicae Lovaniensis* 30 (1954): 5-53; E. Yarnold, "Duplex iustitia: The Sixteenth Century and the Twentieth," in Henry Chadwick and G. R. Evans, eds., *Christian Authority: Essays in Honour of Henry Chadwick* (Oxford: Clarendon Press, 1988), 213-22.

⁹¹ Jedin, *History of the Council of Trent*, 2:249.

⁹² *Ibid.*

⁹³ *CT* 5:523-633.

⁹⁴ See Jedin on the three Augustinians. Jedin, *History of the Council of Trent*, 2:254. McGrath, *Iustitia Dei*, 262.

united all five was their belief that the reception of inhering righteousness leaves man radically incomplete so that his works are equally incomplete without a second justice applied.⁹⁵ Merit in the proper sense is simply not possible. Marianus of Feltre, for example, used the theory of the application of the justice of Christ to argue that the good works of the just are not meritorious *de condigno* but are meritorious only “*secundum quid*.”⁹⁶

These five theologians were a distinct minority: by the end of the debate of the theologians on October 26, over twenty-eight theologians had rejected double justification.⁹⁷ Many of these supported a doctrine of merit based in some respect on justice. Ludovicus Vitriarius, O.F.M., for example, stated quite bluntly that eternal life is a matter of justice, since God is bound by his own law to give “according to one’s works.”⁹⁸ Other theologians expressed similar attitudes.

It was the Jesuit theologian Diego Laínez who, on the last day of the discussion of the theologians, gave “the most comprehensive refutation of the doctrine of two-fold justice.”⁹⁹ Laínez was one of the early companions of Ignatius of Loyola and a founding member of the Jesuits. Pope Paul III, impressed with the new order, had asked Ignatius to send some men to serve as the personal theologians of the pope at the council; Ignatius personally chose Laínez, who was already well known to both the pope and the cardinals for his theological expertise.¹⁰⁰

⁹⁵ (Antonio Solis) *CT* 5:576.31-35; (Lorenzo Mazochi) *CT* 5:581-90; (Stephen Sestino) *CT* 5:607-11; (Aurelius of Rocca Contracta) *CT* 5:561-64.

⁹⁶ *CT* 5:599.4-10.

⁹⁷ Pas, “La doctrine de la double justice au Concile de Trente,” 51-52.

⁹⁸ Jedin, *History of the Council of Trent*, 2:256.

⁹⁹ *Ibid.*, 2:257; Jedin, *Seripando*, 373. Laínez’s speech is contained in *CT* 5:612-29, and in Hartmann Grisar, *Jacobi Laínez disputationes tridentinae / ad manuscriptorum fidem edidit et commentariis historicis instruxit Hartmannus Grisar* (Innsbruck: F. Rauch; Neo-Eboraci: Fr. Pustet, 1886).

¹⁰⁰ Juan de Polanco, who became Secretary of the Society of Jesus and an early historian of the order, writes, “Since the learning and piety of Fathers James Laynez and Alphonsus Salmeron were well known to the pontiff and to the principal cardinals of

Laínez began his speech with a simple analogy of a powerful and wealthy king who wants to share his wealth with his subjects. The king has a beloved son who deserved (*promereri*) to inherit all the treasures of the kingdom. The king's son has three servants to whom he offers the reward of a precious jewel, but all three are sick and powerless to fight. To the first servant the son says, "Only believe in me, and I, who merited [*promerui*] the riches of the king's riches, will gratuitously obtain the jewel for you." The second servant is given a large sum of money so that he can redeem himself and be partially healed, buy a horse and weapons, and fight to obtain the jewel. To the third, the son gives freedom, health, and weapons as a gift so that he can fight bravely and merit (*mereri*) the jewel.¹⁰¹ The state of the first servant is that of the Protestant with merely imputed righteousness. The state of the second reflects the theory of double justice, according to which the servant is not completely healed. This stresses the inadequacy of the servant despite the gifts. The state of the last servant is one in which the servant has been completely healed by the gifts so that the corresponding merits are adequate for obtaining the jewel. Immediately, one should notice a rather striking fact: Laínez's assault was not based simply on the nature of inhering righteousness but rather on the relation of inhering righteousness to merit. Laínez then engaged in a lengthy refutation of imputed righteousness, repeatedly returning to the various Catholic doctrines and practices related to merit.

There are, according to Laínez, twelve arguments against the doctrine of double justification, and many of these relate directly to merit. First, it must be recalled that the rejection of merit is based on the imperfection of inhering justice. Laínez took up this issue first, arguing that inhering justice is not absolutely imperfect: the very possibility of merit suggests that it

the Roman Curia, in this current year both were sent as theologians of the Pope" (Joseph Fichter, *James Laynez Jesuit* [St. Louis: B. Herder Book Co., 1944], 57). See C. E. Maxcey, "Double Justice, Diego Laynez, and the Council of Trent," *Church History* 48 (1979): 269-78.

¹⁰¹ CT 5:612.11-14.

is not.¹⁰² He further noted that both Scripture and the doctors of the Church teach that that one can merit eternal life.¹⁰³ Laínez also argued that double justification leads to a denial of the Catholic doctrines of purgatory and satisfaction. In purgatory, the imperfections of those who die in the state of grace are atoned. Yet if one admits of a second imputed justice that supplies for these imperfections, purgatory is rendered superfluous.¹⁰⁴ Moreover, Laínez suggested that double justice undermines the Catholic doctrine of satisfaction. This is of some import, for between merit and satisfaction there is not a formal but only a material distinction based on their respective effects. Satisfaction is the full payment of a debt, that is, it is nothing more than compensation for an injury done to another.¹⁰⁵ It is therefore part of justice and not merely a part of mercy. Lastly, the credal affirmation that Christ will come to judge the living and the dead, for example, would be emptied of any significance if Christ does not render to the just a reward for their works.¹⁰⁶ Laínez rather forcefully asserted that imputed justice “sins against the throne of justice, and makes it into a throne of mercy.”¹⁰⁷

While Laínez’s speech was devastating to the adherents of double justice and their peculiar doctrine of merit, the council fathers had already shown themselves to be utterly unsympathetic to the theory. The Florentine conventual Clemente Tomasini observed, “I know no doctor who taught it, nor did I find it in Scripture,” and Gentian Hervet dismissed the theory of double justice as “newly excogitated.”¹⁰⁸ Subsequently, the

¹⁰² CT 5:614.25-26.

¹⁰³ CT 5:615.15-20.

¹⁰⁴ CT 5:615.45-616.8.

¹⁰⁵ Satisfaction takes on the character of punishment. See *Catechismus romanus seu catechismus ex decreto concilii tridentini ad parochos Pii quinti pont. max. iussu editus*, ed. Petrus Rodríguez et al. (Vatican City: Libreria Editrice Vaticana/Ediciones Univ. de Navarra, 1989), 876.

¹⁰⁶ CT 5:616.16-25.

¹⁰⁷ CT 5:617.32.

¹⁰⁸ Jedin, *History of the Council of Trent*, 2:257.

drafts of the decrees were increasingly altered so that merit was not only affirmed but also specifically based on justice and not simply on mercy.

F) The November Draft

What was now clear to the council fathers was that the notion of double justice could in no way be affirmed, for it entailed in part a rejection of true merit in the justified. Although Seripando's view of double justice was now defeated, he was again entrusted with revising the draft;¹⁰⁹ this was the draft of October 31.¹¹⁰ After ten days of drafting, it was given to Del Monte to modify. The "November draft" was presented to the general congregation on November 5, 1546.¹¹¹ There were a number of important structural and doctrinal modifications introduced into the discussion. This draft now addressed the question of the "causes" of justification first raised on June 22 and delineated these in Aristotelian terms. Trent is sometimes faulted for the insertion of Aristotelian causation into an otherwise biblical presentation; however, the genius of this insertion is that it helps to make clear two central claims: the theocentric/Christocentric orientation of justification and the relationship between God's work and man's. Perhaps most importantly, the draft identified "the formal cause of justification" as "the *one* righteousness of God" (*causa formalis iustitia una Dei*), a phrase that had been in Seripando's October 31 draft. The introduction of this schema of causation eventually led, as we will see, to the exclusion of the theory of double justification.¹¹²

There were, however, also a number of important differences between Seripando's October 31 draft and Del Monte's November 5 draft in the formulation of chapter 16 and canon

¹⁰⁹ Jedin, *Seripando*, 377.

¹¹⁰ *CT* 5:510-17.

¹¹¹ *CT* 5:634-41.

¹¹² *CT* 5:636.36-37; 512.12-20.

31 on the fruit of justification and merit. Although chapter 14 of Seripando's draft used the term *merit*, it seems to be understood in terms of reward.¹¹³ Del Monte's text was quite a bit stronger:

nothing further should be said to be lacking in the justified to prevent them (provided they have acted with that affection of love which is required in this mortal life) from being regarded as having fully satisfied the divine law and as being bedewed by divine grace, having merited [*promeruisse*] eternal life.¹¹⁴

There are two things to note about this passage. First, the descriptor "truly" (*vere*) before merit is absent. Second, Del Monte's text asserts that it is possible to satisfy the law "fully." Seripando wrote in marginalia that "the whole passage seems to be the work of a man who does not know whereof he speaks, or who is fearful of falling into Lutheran errors."¹¹⁵

Canon 30 of the November draft reads:

If anyone says that man having been justified and made a living member of Jesus Christ, by good works, which he performs through the grace of God and the merit of Christ, does not truly merit eternal life, or that those good works are the gifts of God in such a way that they are not also the good merits of a man: let him anathema.¹¹⁶

There are a number of points to make about this canon. First, and most importantly, it significantly intensified the council's position on merit. Canon 31 of Seripando's draft anathematized those who deny that one can "merit [*mereri*] with good works

¹¹³ CT 5:515.12ff.

¹¹⁴ "nihil ipsis iustificatis amplius deesse dicendum est, quominus plene (dummodo eo caritatis affectu, qui in huius vitae mortalis cursu requiritur, operati fuerint) divinae legi satisfacisse ac velut undique divina gratia irrorati, aeternam vitam promeruisse censeantur" (CT 5:639.33-36).

¹¹⁵ Jedin, *Seripando*, 378.

¹¹⁶ "Si quis hominem iustificatum et vivum Christi Iesu membrum effectum, dixerit bonis operibus, quae ab eo per Dei gratiam et Christi meritum proficiscuntur, non vere mereri vitam aeternam, aut ipsa bona opera ita esse dona Dei, ut non sint etiam bona hominis merita: anathema sit" (CT 5:641.40-43).

an increase in grace.”¹¹⁷ Del Monte’s draft, now canon 30, significantly intensified Seripando’s text by the addition of “truly to merit” (*vere mereri*). Second, the subject who performs merit is the justified who merits through the grace of God. Third, man’s merit is not reducible to the merit of Christ. Merit is at least in part also the merit of the agent performing the good works. This is, of course, necessary since man may cooperate with God through grace so that the works he performs are his works.

The majority of bishops were in support of the proposed changes. The November decree underwent extensive debate in fourteen general congregations from November 9 through December 1.¹¹⁸ Decisively, on November 23, the Jesuit Claude Le Jay, who suggested that the “one” in the phrase “the formal cause of justification is the *one* righteousness of God” (*causa formalis iustitia una Dei*) should be moved so that it now read “the *one* formal cause” of justification “is the righteousness of God” (*causa formalis una, iustitia Dei*).¹¹⁹ This was a substantial step toward formally excluding the theory of double justice. These discussions surrounding the draft primarily concerned the issue of double justice, but the issue of merit surfaced repeatedly, and in each case it was based in part on some conception of justice. Thus Balthazar Heredia, O.P., Juan Bernal de Luco, Sebastiano Pighino, Bonaventura Costacciaro, and Tommaso Stella, O.P., all took up the topic in a similar respect.¹²⁰

On November 26 and 27, Seripando delivered a speech that was intended as one last push of a position that was dying a

¹¹⁷ “dixerit non mereri bonis operibus gratiae augmentum” (CT 5:517.18-20).

¹¹⁸ The fourteen General Congregations were held on November 9 (CT 5:643), 10 (CT 5:644), 12 (CT 5:646), 13 (CT 5:648), 18 (CT 5:643), 19 (CT 5:650), 20 (CT 5:652), 22 (CT 5:656), 23 (CT 5:658), 24 (CT 5:659), 26 (CT 5:662), 27 (CT 5:664), 29 (CT 5:676), and December 1 (CT 5:678).

¹¹⁹ CT 5:658.24-26.

¹²⁰ (Balthazar Heredia, O.P.) CT 5:646.21-5; (Juan Bernal de Luco) CT 5:653.22-24; (Sebastiano Pighino) CT 5:651.37-41; (Bonaventura Costacciaro) CT 5:662.42-44; (Tommaso Stella, O.P.) CT 5:678.10-17.

slow death. He had already in his short treatise on good works repeatedly referred to the works of the justified as menstrual cloths (Isa 64:6).¹²¹ In this speech he went on to argue that the only true justice is the justice of Christ, thereby implying the radical insufficiency of any other justice. He then argued that eternal life is a grace which God awards us not in justice but in mercy.¹²² Such a position was hardly compatible with a doctrine of merit. Seripando raised again the question of works and suggested that the justice of our works cannot be considered perfect, giving a series of reasons why this is so.¹²³ He concluded by appealing to the fathers: if the justice of our works is so flawed, what recourse does anyone have other than appealing to mercy?¹²⁴

On the basis of these discussions the legates decided to revise the November draft. The council fathers met in eight general congregations from December 7 through December 17.¹²⁵ It was during this period that the council finally decided to exclude once and for all the doctrine of double justification. On December 11, during the discussion of chapter 8, the “one formal cause” was replaced by “sole formal cause” (*unica formalis causa*) of justification. The draft now affirmed that “the sole formal cause” of justification “is the justice of God, not that by which He Himself is just, but that by which He makes us just in His sight.”¹²⁶ This is important, for not only was double justice excluded, but the phrase also made it impossible to argue that one’s transformation is so radically incomplete that one needs a second application of Christ’s justice. This deprived the adherents of double justice of one of their main arguments

¹²¹ CT 12:632.11-15; 635.36-42.

¹²² CT 12:632.11-15.

¹²³ CT 5:669.23-24.

¹²⁴ CT 5:670.14-16.

¹²⁵ Jedin, *History of the Council of Trent*, 2:293.

¹²⁶ “Demum unica formalis causa est iustitia Dei, non qua ipse iustus est, sed qua nos coram iustos facit” (CT 5:700.25). On the development and importance of the phrase “unica formalis causa,” see Christopher J. Malloy, *Engrafted into Christ: A Critique of the Joint Declaration* (New York: Peter Lang, 2005), 69-78.

against a doctrine of “true merit.” Chapter 16 was discussed on December 14 and canon 32 (formerly canon 30) on December 15 and 16. The fathers’ suggestions for the revision of chapter 16 were relatively minor,¹²⁷ and the fathers had no real objection to canon 32. The few objections mostly suggested that either the identification of an increase in eternal life or the attainment of glory were superfluous as objects of merit in the canon.¹²⁸ In the case of both chapter 16 and canon 32, no one objected to the notion of true merit.

The legates then decided to select only those bishops who were theologians to review the draft again. This was done in eighteen conferences, held from December 17 to December 31, but these conferences only touched on our topic lightly.¹²⁹ Chapter 16 was discussed again in a general congregation on January 2 and 5,¹³⁰ but nothing further of relevance developed; the same is true for canon 32, which was discussed again on January 6,¹³¹ and the final form was presented on January 10.¹³²

II. THE FINAL DECREE

The final decree, the *Decree on Justification*, was unanimously accepted on January 13, 1547 in the sixth session by the fifty-nine bishops present.¹³³ It is a masterpiece of theology. There are a number of points in the *Decree on Justification* not touched upon in the above historical analysis that help to contextualize and lay the foundation for a proper understanding of chapter 16 and canon 32. Among other things, the decree formally repudiates the merely imputed righteousness of Protestant theology and the theory of double justification in favor of inhering righteousness. This entails a corresponding

¹²⁷ CT 5:710-12.

¹²⁸ CT 5:717.19-20; 717.32-33; 719.45; 720.30-31; 723.38-40.

¹²⁹ Jedin, *History of the Council of Trent*, 2:293.

¹³⁰ CT 5:753; 758-59.

¹³¹ CT 5:760-62.

¹³² CT 5:778.7-11.

¹³³ Jedin, *History of the Council of Trent*, 2:304, 307.

affirmation of merit and the exclusion of all views that make merit into something other than merit in the justified. This can be most clearly seen in the language of chapter 16 and canon 32.

In chapter 7, the council explains that initial justification has two aspects: the forgiveness of sins and the sanctification and renewal of the interior man.¹³⁴ In canon 11, the council anathematizes those who claim that initial justification consists in “the remission of sin alone.”¹³⁵ God not only mercifully forgives sins but also transforms the sinner internally, constantly sustaining him so that the justified man is a new creation who is both gifted and who, by living the life that Christ wills for all men, is able to obtain the reward of eternal life. Trent is clear that this transformation in man occurs through the infusion of inhering righteousness or sanctifying grace, which it holds is the “sole formal cause of justification.”¹³⁶

The transformation that takes place in justification has profound implications for the nature of Christian life after initial justification. Trent affirms that after initial justification, one’s justification is not static but is capable of growth: there is an ongoing transformation that takes place in the justified Christian. Thus Trent defines that “through observance of the commandments of God and of the Church, they increase in that very justice received through the grace of Christ, by faith cooperating in good works, and they are even more justified.”¹³⁷ It cannot be stressed enough that this is a growth in justification itself.¹³⁸ This growth, of course, is impossible according to many

¹³⁴ Peter Hünemann, Helmut Hoping, Robert L. Fastiggi, Anne Englund Nash, and Heinrich Denzinger, eds., *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals*, 43rd edition (San Francisco: Ignatius Press, 2012) (hereafter *DH*), 1528.

¹³⁵ *DH* 1561.

¹³⁶ *DH* 1529. Christopher J. Malloy, “The Nature of Justifying Grace: A Lacuna in the Joint Declaration,” *The Thomist* 62 (2001): 93-120.

¹³⁷ *DH* 1535.

¹³⁸ Post-Tridentine Lutheran confessional documents make it clear that one may not increase one’s justification through works. The Lutheran view is stated in the *Solid Declaration*, “It is clear from God’s Word that faith is the only real means through

Protestant theologians, given their understanding of justification as the mere imputation of the righteousness of Christ, which is the same in all Christians.¹³⁹

There are two fundamental elements that make it possible for the justified Christian to fulfill the law. First, the council defines that Christ is a “lawgiver” and anathematizes those who teach that the gospel is “a mere absolute promise of eternal life, without the condition of observing the commandments.”¹⁴⁰ Furthermore, law and gospel are not antithetical, for the gospel contains within itself the law of Christ, which reveals the divine will for man. This law is not impossible for the justified to observe, since he has been engrafted into Christ. Second, the justified man is a new creation, and this new objective condition, accomplished by the infusion of sanctifying grace, leads not only to the possibility but even to the necessity of observing the commandments for salvation. Indeed, in canon 18 Trent anathematizes those who teach that “the commandments

which righteousness and salvation not only are received but also are preserved by God. Therefore, it is proper to reject the decree of the Council of Trent and whatever else is used to support the opinion that our good works preserve salvation or that our works either completely or only in part preserve and maintain the righteousness received by faith or even faith itself” (*Solid Declaration*, 4:35; in Robert Kolb, Timothy J. Wengert, and Charles P. Arand, *The Book of Concord: The Confessions of the Evangelical Lutheran Church* [Minneapolis: Fortress Press, 2000], 580).

¹³⁹ *Apologia Confessionis Augustanae*, 4:195-96, in *Die Bekenntnisschriften der evangelisch-lutherischen Kirche*, 198.

¹⁴⁰ *DH* 1570 and 1571. The issue of law and gospel has been largely ignored in ecumenical discussions. See Dietz Lange, *Überholte Verurteilungen? Die Gegensätze in der Lehre von Rechtfertigung, Abendmahl und Amt zwischen dem Konzil von Trient und der Reformation, damals und heute* (Göttingen: Vandenhoeck & Ruprecht, 1991), 38. Saint John Paul II was quite emphatic about Christ’s role: “From the very lips of Jesus, the new Moses, man is once again given the commandments of the Decalogue. Jesus himself definitively confirms them and proposes them to us as the way and condition of salvation. The commandments are linked to a promise” (*Veritatis Splendor* 12). In John Paul II’s general audience of October 14, 1987, he stated that Christ “conducted himself as a lawgiver” but not merely with “the authority of a divine envoy or legate as in the case of Moses” (John Paul II, *Jesus, Son, and Savior: A Catechesis on the Creed* [Boston: Pauline Books & Media, 1996], 231-32).

of God are impossible to observe even for the man who is justified.”¹⁴¹

With this in mind, the first thing to notice about chapter 16 is that it is only concerned with the justified. To the justified, life eternal is proposed, both as “a grace mercifully promised to the sons of God” and “as a recompense” which, according to the promise of God, is to be given for their good works and merits. Christ Jesus continually infuses his virtue into the justified, a virtue that always precedes, accompanies, and follows their good works. These works make men “pleasing and meritorious before God,” and the justified are considered to have satisfied the divine law by these works. Because these works are done in God, they have “truly merited” (*vere promeruisse*) eternal life.¹⁴²

Trent rejects any view that simply reduces our justice to the justice of Christ; however, the council is clear that “our justice” is not “considered as coming from us.” Chapter 16 asserts that even the justice one receives in justification not only is “called ours” but is indeed “our own personal justice” since it inheres in us.¹⁴³ This affirmation does not necessarily lead to pride, since we are to glory “in the Lord.” Nevertheless God bestows on the justified his gifts in such a way that these gifts become their own merits.

This background helps to contextualize canon 32. In order to evaluate canon 32 theologically, it will be helpful to break it down into its constituent pieces, which will give us a better sense of what the council intended.¹⁴⁴ The approved canon reads:

¹⁴¹ “Dei praecepta homini iustificato ad observandum esse impossibilia” (*DH* 1536). See also *DH* 1568.

¹⁴² *DH* 1546.

¹⁴³ “propria nostra iustitia” and “iustitia nostra dicitur” (*DH* 1547).

¹⁴⁴ The canons carry significant doctrinal weight. On the relative doctrinal value of canons and chapters, there is a great deal of debate over which is more significant. George Tavard argues that the chapters are more authoritative doctrinally (George Tavard, *Justification: An Ecumenical Study* [New York: Paulist Press, 1983], 128 n. 14). Most theologians are arrayed against him, holding that the canons are more significant

If anyone says that the good works of the justified man are gifts of God in such a way that they are not also the good merits of the justified man himself; or that by the good works he performs through the grace of God and the merits of Jesus Christ (of whom he is a living member), the justified man does not truly merit an increase of grace, eternal life, and (provided he dies in the state of grace) the attainment of this eternal life, as well as an increase of glory, let him be anathema.¹⁴⁵

The subject of the canon is the “justified man” who, by his justification, has become a member of Christ. It is precisely the infusion of sanctifying grace and the engrafting into Christ that makes one able to merit, for as chapter 16 makes clear, Christ’s influence always “precedes, accompanies, and follows” the good actions of a justified man.¹⁴⁶

In addition, the council fathers anathematize those who say that merits are understood merely as the gift of God. The

doctrinally. Edward Schillebeeckx argues, for example, that “these *capita* were, however, not discussed in detail by the Council itself and, unlike the canons, they have no precise dogmatic value. They form, as it were, an explanatory *nota praevia*, although of a more official kind” (E. Schillebeeckx, *The Eucharist*, trans. N. D. Smith (New York: Sheed and Ward, 1968), 40 n. 35). See also E. Iserloh, “Luther and the Council of Trent,” in K. Lehman, ed., *Justification by Faith: Do the Sixteenth-Century Condemnations Still Apply?* (New York: Continuum, 1997), 170; Jedin, *History of the Council of Trent*, 2:309; Jedin, “Council of Trent and Reunion,” 10-12; and Francis A. Sullivan, *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium* (New York: Paulist Press, 1996), 49. There are two reasons that neither side is quite correct. First, it is not universally true that the canons received more attention than the chapters, as is evident from the formulation of certain sections of chapter 16 of the sixth session, for example. Second, the council itself does not seem to privilege the canons over the chapters. Trent is quite clear that adherence to both the canons and the chapters is necessary in order to be justified. Thus Trent states, “No one can be justified unless he faithfully and firmly accepts the Catholic doctrine of justification, to which the holy council has decided to add the following canons, so that all may know, not only what they should hold and follow, but also what they should shun and avoid” (DH 1550).

¹⁴⁵ “Si quis dixerit hominis iustificati bona opera ita esse dona Dei, ut non sint etiam bona ipsius iustificati merita, aut ipsum iustificatum bonis operibus, quae ab eo per Dei gratiam et Iesu Christi meritum (cuius vivum membrum est) fiunt, non vere mereri augmentum gratiae, vitam aeternam et ipsius vitae aeternae (si tamen in gratia decesserit) consecutionem, atque etiam gloriae augmentum: anathema sit” (DH 1582).

¹⁴⁶ DH 1546.

fathers deliberately phrased this canon in Augustinian terms.¹⁴⁷ Both Luther and Seripando had suggested that merits are not properly the merits of the one justified but rather are imputed to him from Christ. Canon 32 is quite clear that each merit is truly and properly “the good merits of him [*ipsius*] who is justified” and thus in part the result of the activity of the agent. This was necessary, since chapter 16 asserts that even the justice one receives in justification is not only “called ours” but is even “our own personal justice” since it inheres in us.

One should also note the use of the phrase “truly merit,” *vere mereri*. As shown above, the fathers of Trent almost without exception were convinced that the merit inherent in good works is a true *meritum* based upon divine justice. They purposely employed the term *vere* to exclude the *quasi*-merit which, in the technical terminology of the Schools, is called *meritum de congruo*. They simply refrained from using the term *meritum de condigno*, because *meritum verum* is “a plain and adequate term,” and they thereby avoided certain theological controversies regarding the nature of *meritum de condigno* and

¹⁴⁷ See *DTC*, s.v. “Mérite.” Augustine on this point is frequently abused on account of a number of statements which are usually taken out of context, particularly from his *Letter 194*. Augustine writes: “When God crowns our merits, He crowns His own gifts” (“cum Deus coronat merita nostra, nihil aliud coronet quam munera sua?” [*Letter 194*, 5.19 (CSEL 57.190)]. Some argue that Augustine is quite clear that merit is reducible to grace, citing the following passage: “For, if eternal life is given in return for good works . . . how is eternal life a grace since grace is not repayment for works. . . . It seems to me, then, that this question can only be resolved if we understand that our good works themselves for which eternal life is our recompense also pertain to the grace of God” (St. Augustine, *Answer to the Pelagians, IV: To the Monks of Hadrumetum and Provence*, trans. Roland J. Teske, S.J., ed. John E. Rotelle, O.S.A., *The Works of Saint Augustine: A Translation for the 21st Century*, I/26 [Hyde Park, N.Y.: New City Press, 1999], 83 [hereafter WSA]). Augustine also writes, “If they understood our merits so that they recognized that they were also gifts of God, this view would not have to be rejected” (*On Grace and Free Choice [De gratia et libero arbitrio]*, 6.15 [WSA I/26:81]). Here Augustine is really describing the dual agency that takes place in merit. By affirming that “our merits” are “also” the gifts of God, he does not say that they are exclusively the “gifts of God.”

its requisites.¹⁴⁸ This phrase is even more significant when one recalls that it was used prior to the Reformation against the Scotists, whose “*mereri* was not *vere mereri*.”¹⁴⁹

Some contemporary scholars, such as Otto Hermann Pesch, have argued that the Tridentine doctrine of merit can be done away with and replaced by the original biblical concept of reward. Merit for Pesch is simply a concept that was introduced into theology in the postbiblical period.¹⁵⁰ The Tridentine concept of merit, however, cannot simply be collapsed into the concept of reward without making the council say something that it certainly did not intend to say. The concepts are not identical but correlative, for, as Bellarmine explained, a reward is that which is rendered to merit.¹⁵¹ Reward and merit cannot

¹⁴⁸ Pohle and Preuss, *Grace, Actual and Habitual: A Dogmatic Treatise*, 407. The various pre-Tridentine theories of condign merit were often quite elaborate and had elements that were distinctive to particular schools of thought. Some emphasized the divine pact and others the good works themselves. Trent sought to avoid resolving questions that were freely debated by the schools. On the various schools prior to Trent see Bellarmine, *De controversiis* 15.2.5.16-22 (*Disputationes Roberti Bellarmini politiani societatis Jesu, de controversiis christianae fidei, adversus huius temporis haereticos*, 4 vols. [Paris: Triadelphorum, 1613], 4:1009-22).

¹⁴⁹ C. Feckes, *Die Rechtfertigungslehre des Gabriel Biel und ihre Stellung innerhalb der nominalistischen Schule* (Münster i.W.: Verlag der Aschendorffschen Verlagsbuchh, 1925), 84 n. 251, cited in Jedin, *Seripando*, 364.

¹⁵⁰ Otto Hermann Pesch, “The Canons of the Tridentine Decree on Justification: To Whom Did They Apply? To Whom Do They Apply Today?” in Lehman, ed., *Justification by Faith*, 190f.; Otto Hermann Pesch, “Die Lehre vom ‘Verdienst’ als Problem für Theologie und Verkündigung,” in *Wahrheit und Verkündigung. Michael Schmaus zum 70. Geburtstag* (München: Schönningh, 1967), 2:1865-1907.

¹⁵¹ Bellarmine, *De Controversiis*, 15.2.5.2 (Paris ed., 4:970). The *Joint Declaration on the Doctrine of Justification* (1999) must be praised for its preservation of the distinction between merit and reward when it states: “When Catholics affirm the ‘meritorious’ character of good works, they wish to say that, according to the biblical witness, a reward in heaven is promised to these works.” The consensus on the preservation of this distinction is a true ecumenical advancement toward more perfect communion. Dulles notes, however, in his discussion of the *Joint Declaration* that it “softens the opposition by teaching that when Catholics speak of merit they mean that ‘a reward in heaven is promised.’ This is true enough, but it is incomplete because it fails to say that the reward is a just one. Without reference to justice, the true notion of merit would be absent” (Cardinal Avery Dulles, “Justification: the Joint Declaration,”

be read as synonyms in the conciliar text. The council used the term *merit* in four crucial places: twice as a noun and twice as a verb. If we were to conflate the two concepts, then chapter 16 would absurdly read: the justified “can also be regarded as having truly rewarded eternal life.” And canon 32 would read “The justified truly rewards an increase of grace, eternal life,” etc. One can immediately see the absurd and Pelagian reading of Trent into which one would be forced, whereby man now is the agent rewarding some unknown subject.

In order to clarify what Trent was attempting to do, it is useful to compare it to the Council of Nicaea. The use of the term *merit* is analogous to the Council of Nicaea’s use of the nonbiblical term *consubstantial* (*homoousios*) for Christ’s equality to the Father in order to explain precisely the correct meaning of revelation.¹⁵² Similarly, what was at dispute in the controversy over merit was in part the meaning of the term *reward* as used in the Scriptures. All parties in the dispute, whether Protestants, adherents of double justice, or opponents of double justice, used the term *reward* but without any agreement as to the meaning of the substance of the doctrine. So Trent used the extrabiblical term *merit*, not simply because it had come to be used in the schools, but in order to define more precisely what was meant by the biblical concept of reward.

Moreover, the Council of Nicaea felt compelled to add the term *true* in the phrase “true God from true God.” This was deemed necessary in order to ensure that the Arian interpretation of the phrase “God from God” would be rejected. By adding “true” to God, the council ensured that the term “God” was being used not only univocally but in the proper sense. As

Josephinum Journal of Theology 9 (2002): 115). As the *Joint Declaration* acknowledges, it does not “cover all that each church teaches about justification,” and my analysis of the Tridentine decree shows that there is more ecumenical work to be done on the doctrine of merit.

¹⁵² Alois Grillmeier, *Christ in Christian Tradition* trans. John Bowden (London: Mowbrays, 1975), 1:269; Khaled Anatolios, *Retrieving Nicaea: The Development and Meaning of Trinitarian Doctrine* (Grand Rapids, Mich: Baker Academic, 2011), 127, 283.

in the Arian controversy where all parties could happily call Jesus “God” as long as the sense of the term “God” was left ambiguous, so both Protestants and the adherents of double justice could use the term *merit* as long as it was not a merit grounded at least in part in justice.¹⁵³ Like Nicaea, Trent added the term *true* as a modifier of merit in an attempt to ensure that the term *merit* would be understood in the proper sense. This usage of the term is clear from the debates above and is confirmed by the council’s other and frequent usages of *verum*. For example, the council in its decree denies that concupiscence is truly and properly (*vere et proprie*) sin.¹⁵⁴ Man is described as “truly [*vere*] justified” in contradiction to being justified in a merely imputed sense.¹⁵⁵ The seven sacraments are “truly and properly [*vere et proprie*]” sacraments, to distinguish Catholic doctrine from that of many Protestants, who were willing to employ the term “sacraments” in a broad sense.¹⁵⁶ “True” water must be used in baptism against those who thought that John 3 was to be understood metaphorically.¹⁵⁷ In the Eucharist are contained “truly [*vere*], really and substantially” the body and blood together with the soul and divinity of Jesus.¹⁵⁸ In every case, the term “true” is used to delineate the use of a term according to its proper (nonmetaphorical) and strict (nonbroad,

¹⁵³ See note 18.

¹⁵⁴ “If anyone denies that the guilt of original sin is remitted by the grace of our Lord Jesus Christ given in baptism, or asserts that all that is sin in the true and proper sense is not taken away but only brushed over or not imputed, let him be anathema” (DH 1515).

¹⁵⁵ DH 1534.

¹⁵⁶ “If anyone says that the sacraments of the New Law were not all instituted by Jesus Christ our Lord; or that there are more or fewer than seven, that is: baptism, confirmation, the Eucharist, penance, extreme unction, orders, and matrimony; or that any of these seven is not truly and properly a sacrament, let him be anathema” (DH 1601).

¹⁵⁷ “Si quis dixerit, aquam veram et naturalem non esse de necessitate baptismi, atque ideo verba illa Domini nostri Iesu Christi . . . : anathema sit” (DH 1615).

¹⁵⁸ “If anyone denies that in the sacrament of the most Holy Eucharist the body and blood, together with the soul and divinity, of our Lord Jesus Christ, and therefore the whole Christ, is truly, really, and substantially contained, but says that he is in it only as in a sign or figure or by his power: let him be anathema” (DH 1651).

fully determinate) sense—that is, as formally comprehending the intelligible content defining the primary instance of the term which, in the case of “merit,” implies an intrinsic worthiness based on a good work, as opposed to mere fittingness based on suitable agreement.

Certain contemporary scholars have suggested that Trent’s doctrine of merit is an “eschatological statement about grace” rather than a “practical-ethical thought.”¹⁵⁹ This is clearly a false dichotomy. It is true that the reward for merit is beatitude, but this eschatological reality is the end of merit rather than merit as such. This is clear from the fact that merit is not merely an “eschatological statement about grace” since one merits in this life and one of the objects of merit is an increase of grace in this life. Second, merit occurs through the conformity of the justified’s life to the law of Christ, in whom the justified have been engrafted. Merit therefore has a decidedly practical-ethical dimension, since according to the council, heaven is rewarded in part on account of one’s obedience to the commandments. It may also be noted that heaven is lost on account of one’s disobedience. Trent is incredulous in the face of Protestant theology’s insistence that man is ever unable to do that which is desired of him. Instead Trent affirms the possibility of observing the commandments and notes that the basic stance of the Christian is that “those who are sons of God love Christ, and those who love him keep his words.”¹⁶⁰

Of course, this ethical component is grounded in the Tridentine affirmation of the conversion that takes place through the infusion of inhering righteousness and engrafting into Christ. This engrafting leads, as we have seen, to the possibility of man fulfilling the law which Christ as the lawgiver has given. This is why the sixteenth chapter is clear that the justified “can be regarded as having entirely fulfilled the divine law by the works they have done in the sight of God.”¹⁶¹ Such a

¹⁵⁹ Pesch, “Canons of the Tridentine Decree on Justification,” 190.

¹⁶⁰ *DH* 1536.

¹⁶¹ *DH* 1546.

position is impossible to affirm for most Protestant theologians and adherents of double justice.

One may also note that Trent specified the true and proper objects of merit: first, one may merit an increase in grace; second, one may merit eternal life; and finally, one may merit an increase in glory.¹⁶² Here we see the actual eschatological significance of merit, which has as its end not merely a good work but a good work that is ordered to attaining eternal beatitude.

Finally, a clear understanding of merit, as defined by the council in canon 32 of the *Decretum de iustificatione*, will determine the nature and extent to which an ecumenical *rapprochement* can be made on the issue of justification. One must therefore discern the dogmatic value of the Tridentine teaching. Pesch, for example, has argued that Trent's teaching on merit is a "dispensable theologoumenon."¹⁶³ He attempts to preserve the Tridentine teaching by distinguishing between the substance of Trent's teaching, which is binding, and the concept and word, which are not.¹⁶⁴ Certainly Pesch is correct to distinguish between the term *merit*, which one could do away with, and the substance of the doctrine that must remain. For Pesch, however, the substance of the doctrine of merit is reducible to the biblical concepts of fruitfulness or grace.¹⁶⁵ There is absolutely no basis either in Scripture or the council for such an assertion other than theological wishfulness; one must remember that Trent's teaching on this matter is irreformable as such and therefore perpetually binding. While one could do away with the word *merit*, nevertheless, the concept of merit is part of the substance of that teaching. Vatican I defined that the "understanding of its [the Church's] sacred dogmas must be perpetually retained, which Holy Mother Church has once

¹⁶² Pesch, "Canons of the Tridentine Decree on Justification," 190f.

¹⁶³ Pesch, "Die Lehre vom 'Verdienst'," 1905.

¹⁶⁴ *Ibid.*, 1902.

¹⁶⁵ *Ibid.*, 1907.

declared”; thus there can be no retreat from this meaning.¹⁶⁶ Trent affirmed the content of the faith, and the substance of its teaching is that the justified man is able to merit truly an increase in grace and eternal life.

CONCLUSION

Both Protestant theologians and most adherents to *duplex iustitia* were led by their peculiar theories to reduce merit to an absolutely gratuitous reward. The council repudiated both positions and taught that in justification not only are the sins of the faithful forgiven but also the faithful are made innocent, immaculate, pure, guiltless and thereby become friends and adopted sons of God, so that there is nothing whatever to impede their entrance into heaven. It is clear that the council did not employ the Scholastic terms of *condign* or *congruous* merit, instead preferring terms such as *proprie*, *improprie*, *vere*, and *verum* to convey the essential elements of the same teaching. What one sees in the development of the drafts with the addition of the term *true* before merit is that the council wanted to make clear it was not indicating either a merit *secundum quid* or a quasi-merit. Moreover, there is significant intertextual evidence that use of the term *true* by the council was intended to signify merit in its proper sense. The council fathers used terms that have the same logical comprehension as “condign merit,” insofar as it is in part a function of justice. Yet, those theologians who believe the council’s use of “merit” means condign merit as understood by the schools go, I believe, too far. Moreover, some contemporary readings of the Tridentine doctrine of merit seem in fact to be a denial of the teaching which the council took such pains to define.

¹⁶⁶ “Hinc sacrorum quoque dogmatum is sensus perpetuo est retinendus, quem semel declaravit sancta mater Ecclesia, nec umquam ab eo sensu altioris intelligentiae specie et nomine recedendum” (DH 3020).