

Agreement and Disagreement about Justification: Ten Years after the *Joint Declaration on the Doctrine of Justification*¹

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I. Did Agreement about Justification Exist on October 31, 1999?

The Joint Declaration on the Doctrine of Justification (JDDJ) is the last in a long series of negotiations and agreements on justification between Roman Catholics and Lutherans in Europe and the USA.² Earlier documents were often hailed as progress on the way to visible unity among churches separated since the Reformation, but they were often met with strong criticism from theologians and church authorities on both sides. This is true also for *JDDJ*. Already before the signing of *JDDJ*, 158 German theologians in 1998 and again 243 in 1999 objected to its contents and warned against signing it.³ German church officials reacted with contempt and mockery. A long line of private and public correspondence followed in newspapers and theological journals.

JDDJ was signed by both sides on Reformation Day 1999 in Augsburg but with certain additions and amendments. The first addition was an

¹ The Lutheran World Federation and the Catholic Church, "Joint Declaration on the Doctrine of Justification," http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_31101999_cath-luth-joint-declaration_en.html [Henceforth *JDDJ*].

² The most prominent are mentioned in *JDDJ*, 3. For a collection of these documents see, Harding Meyer, Günther Gassmann, Hrsg., *Rechtfertigung im ökumenischen Dialog. Dokumente und Einführung*, Ökumenische Perspektiven 12 (Frankfurt: Verlag Otto Lembeck, 1987). I was a member of "The Condemnations of the Reformation Era – Do They Still Divide?" from the Ecumenical Working Group of Protestant and Catholic Theologians in Germany (1986). Because of principle divergences, I had to withhold my signature under the final document. The best and most in depth research on the contents and the result of the theological conversations about justification before 1999 is offered in the dissertation of my doctoral student Gottfried Martens, *Die Rechtfertigung des Sünders: Rettungshandeln Gottes oder historisches Interpretament*, FSÖTh 64 (Göttingen: Josef Knecht, 1992).

³ Epd-Dokumentation (Evangelischer Pressdienst Frankfurt / M.) Nr. 7, 1998 and 45, 1999.

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"Annex to the Official Common Statement," containing a series of so-called "elucidations" that took up the remaining differences, but this did not prevent reaching consensus "regarding basic truths of justification." The second was an "Official Common Statement by the Lutheran World Federation and the Catholic Church" in which the main point was: "The understanding of the doctrine of justification set forth in this Declaration shows that a consensus in basic truths of the doctrine of justification exists between Lutherans and Catholics."⁴ On the basis of this consensus, the Lutheran World Federation (LWF) and the Catholic Church declare together: "The teaching of the Lutheran Church presented in the Declaration does not fall under the condemnations from the Council of Trent. The condemnations in the Lutheran Confessions do not apply to the teaching of the Roman Catholic Church presented in the Declaration."⁵ The condemnations were removed not because they were entirely wrong in themselves, but because they no longer applied due to changes and developments in doctrine and practice that had occurred on both sides.

It did not take long for the problems with JDDJ to surface. Unity in doctrine confessed by the theologians did not play out in church practice. For example, the year 2000 was proclaimed, as is done every 50 years, a Holy Year (*Annus Sanctus*) in which one could get special jubilee indulgences in Roman congregations. Shortly thereafter, German Bishop Krause, the LWF president, went on pilgrimage to meet Pope John Paul II in Rome. Upon his return, he noted hesitantly that indulgences might be one problem JDDJ did not address.⁶

Again, in the year 2000 the Congregation for Faith (*Congregatio de Propaganda Fide*), led by the then Cardinal Josef Ratzinger and now Pope Benedict XVI, published the *Declaration Dominus Iesus about the uniqueness and salvation universality of Jesus Christ and the Church*,⁷ which stated that the Church of Rome was the only one true and perfect church: "There is only one Church of Christ which subsists in the catholic church and is led by the

⁴ JDDJ, 40.

⁵ JDDJ, 41.

⁶ Only recently the theme of indulgences was taken up by Bishop Weber from Braunschweig, being the representative of the conference of bishops of the United Lutheran Church in Germany (VELKD) for the dialogue with Roman Catholics—a rather belated insight.

⁷ Congregation for the Doctrine of the Faith, *Declaration 'Dominus Iesus' on the Unicity and Salvific Universality of Jesus Christ and the Church*, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20000806_dominus-iesus_en.html, 17 [Henceforth DJ].

successor of Peter and the bishops being in communion with him."⁸ Churches which retained apostolic succession and therefore a valid Eucharist are "particular churches" even if communion with the Bishop of Rome is missing.⁹ It also states that "ecclesial communions not retaining the valid episcopacy and the original and perfect reality of the Eucharistic mystery are not churches in the full sense."¹⁰ The reason for the deficiency of order is matrimony and lack of submission under the Bishop of Rome. This declaration was explicitly approved by Pope John Paul II in the apostolic authority of his office (*magisterium*).

These two examples remind us that the decisive point is not doctrine in an abstract and theoretical way, leading back to condemnations from former times, but the church in her living practice in our times. Teaching is not just theory contrived by professors of theology, but it is about what the church does in following her Lord and Savior. One of the reasons that agreement in doctrinal practice between Lutherans and Roman Catholics has not blossomed in the past decade since the JDDJ is because Lutherans do not even agree among themselves on justification.

II. The Lack of Agreement among Members of the Lutheran World Federation¹¹

As we look at the attempts to reach an agreement on justification between Lutherans and the Roman Catholic Church, we inevitably have to ask ourselves whether there is agreement among Lutherans and other churches stemming from the Reformation (as the *Leuenberg Concord* of European Churches declared in 1973). This is the main problem in inter-church dialogues. This is not only a question about theological directions and parties, but about the knowledge and the acknowledgment of foundations in Scripture and confession. Today it seems easier to mark theological directions and parties by following the parliamentary system of right and left, of progressive and conservative, and we discern this according to majority and minority of adherents. But how are we to distinguish true and false teaching, true and false church? According to 1 Corinthians 12:10 "the discretion of the spirits" (*dia, krisij pneuma, twn*) is a gift of the Holy Spirit active in the church. Why are we

⁸ DJ, 17.

⁹ DJ, 17.

¹⁰ DJ, 17.

¹¹ Reinhard Slenczka, "Gerecht vor Gott durch den Glauben an Jesus Christus: Das Verständnis der Rechtfertigung in der evangelischen Kirche und die Verständigung über die Rechtfertigung mit der römisch-katholischen Kirche," *Neue Zeitschrift für Systematische Theologie und Religionsphilosophie* 29 (1987): 295-316.

using parliamentary procedures instead of the discretion of the spirits in such doctrinal decisions?

In spite of this bad habit or even laziness in making theological judgment and doctrinal decisions, we have the deplorable but significant event of the fourth Plenary Assembly of the LWF under the main theme "Christ Today" in Helsinki in 1963.¹² It failed to endorse the prepared document "Justification Today" because they could not reach an agreement. Imagine what this means for Lutherans: No consensus about justification! Somehow this is a contradiction in itself, but it is an unquestionable fact and a healthy lesson for Lutheran theologians who think that agreement with Roman Catholic theologians could be reached on a subject upon which even Lutheran theologians could not agree.

After the Helsinki LWF plenary assembly failed to issue the planned declaration, a commission of theologians was appointed to prepare a document for further discussion. But this document was, as the commission said in its foreword, not to serve as an agreement but as an impulse for further discussion. In a way, it was like Adam and Eve after the fall: "Then the eyes of both were opened, and they knew that they were naked; and they sewed fig leaves together and made themselves aprons" (Gen 3:7). Looking back, we may even ask how any dialogue about justification could take place with other churches when Lutherans could not agree among themselves. This document may serve as a teaching example not only for the doctrine of justification but also for theology in general. So let us briefly examine two problems that came to the surface in Helsinki.

The first point of departure is the small word "today": "justification today" or "Christ today." From the outside, the word "today" can be called an axiom or an assertion, because people using this language are convinced that contradiction is not possible. But how do you reach such an assertion—by polls or convincing statistics? As for this ominous "today," we should ponder Hebrews 13:8: "Jesus Christ is the same yesterday and today and forever." Christ is the Lord over space and time as he promises to his disciples: "All authority in heaven and on earth has been given to me. Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you. And remember, I am with you always, to the end of the age" (Matt 28:18-20). Doctrine is not

¹² *Offizieller Bericht der vierten Vollversammlung des Lutherischen Weltbundes Helsinki 30. Juli - 11. August 1963. Berlin - Hamburg 1965.*

about constantly changing opinions or theologies as imaginations of theologians, but it is about Christ himself: the incarnate, crucified, and risen Lord whom we expect to come back in his visible heavenly glory at the end of this world and time. In terms of grammar: Christ is a living person; he is an acting and present subject. Even as he does not change, his teaching is not one thing today and another tomorrow.

Second, the post-Helsinki document¹³ starts by changing the questions: "The witness of the Reformation about justification by faith alone started from the existential question: How do I get a gracious God? In the world we are living in today this question is almost silenced. Instead there is the question: 'How does my life get meaning or sense?'"¹⁴ The document goes on to say: modern man "doesn't recognize that it is God speaking to us. The question whether God is and in what way man is God's creature has become a question."¹⁵ After Helsinki some bluntly said: "Luther asked for the gracious God; modern man asks for the gracious neighbor."

Behind this approach was Paul Tillich's (1886-1965) theology of correlation which asserts that the task of theology is to answer the questions received by philosophy as representing modern thinking. This method is deeply-rooted and widespread in theology and the church. In this concept of theology, there is nothing about truth and conversion, Scripture and confession, but there is assent and convergence with public opinion.

Luther's question should remain central in modern dialogues on justification. Hear what he told his congregation in a sermon about Jesus' baptism (Matt 3:13-17) and his quest for the gracious God:

I was tortured by the question "when will you be really pious and satisfy in order to get a gracious God? This kind of thoughts led me to be a monk and to torture myself by fasting, freezing and all kinds of ascetic life. But that way I did not reach any more than to lose the dear baptism, even to deny it." Therefore let us keep in mind, "that baptism is not our work and deed and keep in mind the big difference between God's and our works."¹⁶

Here you have it quite clearly. The reason for understanding or not

¹³ *Rechtfertigung heute: Studien und Berichte*, Hgg. von der Theologischen Kommission des Lutherischen Weltbundes (Stuttgart: Kreuz Verlag, 1965).

¹⁴ *Rechtfertigung heute*, 7.

¹⁵ *Rechtfertigung heute*, 8.

¹⁶ Martin Luther, *Luthers Werke: Kritische Gesamtausgabe [Schriften]*, 65 vols. (Weimar: H. Böhlau, 1883-1993), 37: 661. 23 ff [Henceforth WA].

understanding justification is not the changing of questions in time or some historic development in doctrine. Instead, it is presenting our aspirations and imaginations to what God himself says and does for us in word and sacrament.

Agreement concerning justification among Lutherans in recent decades was doomed to failure because they started from experiences of the so-called modern man and not from what God accomplished in Jesus Christ and continues to accomplish through word and sacrament. Here is an exchange of subjects as modern man takes the place of Christ. The judgment of modern man is more feared than salvation from God's eternal judgment is believed.

III. Is "Doctrine" Interpretation or God's Action?

In the New Testament—as in also patristic, medieval, and Reformation theology—*didaskalein* means to teach and preach. Christ himself is teacher, preacher, judge, and savior. He is the *didaskalos* ("teacher") and his followers are *mathetai*, ("disciples" or "pupils"). The teacher is not standing at a lecturn in a university auditorium, but his disciples follow him in the way that the whole person is moving and living in communion with the Lord. In the Augsburg Confession, "teaching" and "doctrine" refer to what is taught and preached in the congregations, first of all in worship. The *cathedra*, the chair, of the bishop belongs in the cathedral and teaching originates from the pulpit. It is a misconception in our times that most doctrine is found in the teaching of university professors and their publications rather than the church's worship and daily life.¹⁷

This is the reason why doctrine is understood as a historically ongoing and continuing *interpretation* of teaching especially in the documents on justification, decisions of church officials, and publications of theological professors. In this way the teaching office in the church is separated from worship in the congregation. Since I am a university professor of theology, I must say that in this perspective the authority of professors of theology functions like the papal teaching office. Therefore, in the documents on

¹⁷ An example for this understanding of doctrine and doctrinal development is found in F. D. Schleiermacher, *Kurze Darstellung des theologischen Studiums zum Behuf einleitender Vorlesungen* (Hildesheim, Germany: G. Olms Verlagsbuchhandlung, 1961). In § 195 he defines dogmatic theology as "the knowledge about doctrine as it is at present acknowledged in the evangelical church" (*die zur gegebenen Zeit geltende Lehre*). According to § 196 this means "what is officially affirmed and received without official contradiction." Holy Scripture for Schleiermacher is first of all a historical document from old times, not the active word of God.

justification you will find nothing about worship and soul caring, whereas the Reformation confessed doctrine in this congregational context.

What this means can be seen in the following quotations from JDDJ:

5. The present Joint Declaration has this intention: namely, to show that on the basis of their dialogue the subscribing Lutheran churches and the Roman Catholic Church are *now* able to articulate a *common understanding* of our justification by God's grace through faith in Christ. It does not cover all that either church teaches about justification; it does encompass a *consensus on basic truths of the doctrine of justification* and shows that the remaining *differences in its explication* are no longer the occasion for doctrinal condemnations.

6. Our Declaration is not a new, independent presentation alongside the dialogue reports and documents to date, let alone a replacement of them. Rather, as the appendix of sources shows, it makes repeated reference to them and their arguments.

7. Like the dialogues themselves, this Joint Declaration rests on the *conviction* that in overcoming the earlier controversial questions and doctrinal condemnations, the churches neither take the condemnations lightly nor do they disavow their own past. On the contrary, this Declaration is shaped by the *conviction* that *in their respective histories our churches have come to new insights*. *Developments* have taken place which not only make possible, but also require the churches to examine the divisive questions and condemnations and see them in a *new light*.¹⁸

The decisive formulas for argumentation are highlighted. "Now" refers to time and situation. "Basic truths" and "remaining differences" imply the idea of doctrinal partitions, as if justification is composed out of separate bricks. They also speak about a "hierarchy of truths," as if there could be different degrees of truth.¹⁹ The only alternative to truth is error. "Conviction" (used twice) is an expression of subjectivity. "New insights" makes us ask ourselves what we did not see before. "Development" is a biological or technical term. Often it is applied to church history, as in this document where they speak about "histories of the churches." This means that something is growing in an organic way of progress. Interchurch dialogues often speak about growing consensus or convergence. "New light" presupposes darkness or refers to new revelation. All these arguments show a certain way of doing theology. It is not about right and wrong, about true and false doctrine, but rather about an ascending

¹⁸ JDDJ, 5–7 (Emphasis mine).

¹⁹ The plural "truths," in Latin: "*veritates*" comes from the Roman "*censura dogmatica*," an evaluation of teaching after certain sentences in Canon Law.

process from lower to higher steps or degrees, maybe even from separation to unity. This may be our human impression, but it is not how God relates to man through the word of God.

This can be seen also in how the word “doctrine” is used in consensus or convergence documents. Doctrine is understood as interpretations by theologians who follow the historical development of human thinking and social situation. From the Protestant perspective, doctrine is what professors of theology (especially in Germany) are teaching and writing. Consequently, doctrine, just as dogma, confession, and faith, is movable and changing in history. The history of theology or theologians is elevated to the level of the absolute norm of truth in the church within the framework of the history of human spirit (*Geistesgeschichte*) and society or even politics.

From the Roman Catholic perspective, doctrine is what is taught and determined by the *magisterium* of the church, pope, councils, and bishops. In this sense, “dogma” is generally understood as decision of either an ecclesial authority on the Roman side or of academic authorities on the Protestant side, presented for reception and assent by a majority of believers. Consequently, in ecumenical negotiations it is always asked if and how these documents will be received by the churches. In the Roman church, decisions about faith and life must be received by the church, and this then becomes necessary for salvation. Rejection means anathema (i.e., condemnation). This applies not only to the definition of papal infallibility in Vatican I (1870), but also to each canon in the decisions of the Council of Trent, which was about the Reformation controversy.

Usually Protestant participants in these theological conversations are not aware that Catholic definitions of faith are not merely interpretation but are necessary for salvation. Therefore, Protestants underestimate the character of such definitions. So they are surprised when representatives from the Roman church remind them—as they most certainly did—that there is no chance that the Council of Trent could be invalidated or changed. For Roman Catholics, they are not just interpretations, but they define what is necessary for salvation.

Not only in discussions about justification but in all theological conversations with other churches, Protestant theologians are fooling themselves in thinking that interpretation of doctrine will lead to agreement among divided churches. They seldom think about what is necessary for salvation. They only work agreement by majority vote of contemporary opinion, which is viewed as progress and truth. But can majority opinion be equated with the truth, especially in the church?

What, then, according to Scripture and Confession, is agreement? The Greek term for this is *koinwni*, a (Latin *communio*), which is gathering in the name of Christ as members and partakers of the body of Christ in worship (Romans 12; 1 Corinthians 12; Ephesians 4). According to the Augsburg Confession V and VII, word and sacrament are the instruments through which faith is given by the Holy Spirit where and when it pleases God. This, not human traditions and institutions, is the sole basis for unity in the Spirit. Spiritual unity is audible and visible, where and when the gospel is preached purely and the sacraments are administered according to Christ's institution. This takes place in worship.

IV. What is Justification?

In talking about the doctrine of justification (*Rechtfertigungslehre*), the impression is given that it is a uniquely Lutheran teaching or something peculiar to our confessions, connected with the name Luther and the movement of Luther. This perspective led to the LWF fiasco at Helsinki where the Lutherans could not agree. So what does justification mean exactly?

Justification, according to a classical definition in Latin, means: *iustificatio impii sola fide in Christo* ("justification of the sinner by faith alone in Christ"). It implies God's universal judgment over the living and the dead at the end of this world. God's law and commandments are the unchangeable criteria for this judgment. After the Fall, every human being is guilty before and exposed to God's judgment. Death is the empirical manifestation of punishment for the sin in Adam and Eve. Salvation from death and judgment is given only by faith alone in Jesus alone. This means that if we trust upon Jesus through baptism, we become united with what the Son of God has done and suffered for us in his death at the cross and resurrection from the dead.

Faith in Christ is union with Christ "that Christ may dwell in your hearts through faith" (Eph 3:17). In Christ, and that is the communion of his body and by faith in him alone, we receive salvation from sin, the devil, and death, and satisfaction for what we have committed and omitted. In short, man—who is fallen under the power of sin, the devil, and death—is saved because the Son of God was sacrificed and died for us. United with him by faith in baptism, the image of God, that is the original righteousness and communion with God, is restored.

How does this happen? How do we participate in this? Justification—and this is seen from the Latin term—means that a sinner who is under the power of sin and devil and condemned to death is made just. This refers to judgment, to justice, and to the judge who is the Triune God himself.

The same applies to the Greek word *dikaiosis*, *nh* and the Hebrew *hqdc*. The problem, however, is that in church and theology we are afraid to speak of judgment in general and of God as the judge for all humanity. Yet we experience judgment in our consciences and hearts long before the last day. Romans 2 states how conscience or heart is universal in every human being. It is the place where God's unchangeable and universal law is active, and this points to the last judgment. Let us meditate on the whole text:

Therefore you have no excuse, whoever you are, when you judge others; for in passing judgment on another you condemn yourself, because you, the judge, are doing the very same things. You say, "We know that God's judgment on those who do such things is in accordance with truth." Do you imagine, whoever you are, that when you judge those who do such things and yet do them yourself, you will escape the judgment of God? Or do you despise the riches of his kindness and forbearance and patience? Do you not realize that God's kindness is meant to lead you to repentance? But by your hard and impenitent heart you are storing up wrath for yourself on the day of wrath, when God's righteous judgment will be revealed. For he will repay according to each one's deeds: to those who by patiently doing good seek for glory and honor and immortality, he will give eternal life; while for those who are self-seeking and who obey not the truth but wickedness, there will be wrath and fury. There will be anguish and distress for everyone who does evil, the Jew first and also the Greek, but glory and honor and peace for everyone who does good, the Jew first and also the Greek. For God shows no partiality. All who have sinned apart from the law will also perish apart from the law, and all who have sinned under the law will be judged by the law. For it is not the hearers of the law who are righteous in God's sight, but the doers of the law who will be justified. When Gentiles, who do not possess the law, do instinctively what the law requires, these, though not having the law, are a law to themselves. They show that what the law requires is written on their hearts, to which their own conscience also bears witness; and their conflicting thoughts will accuse or perhaps excuse them on the day when, according to my gospel, God, through Jesus Christ, will judge the secret thoughts of all." (Rom 2:1-16)

Here we see that justification is not just an isolated doctrine, but it encompasses the entire relationship between God and man. This includes God's law as the measure and criterion for his judgment, and man's conscience or heart as the place where law and judgment are active, and finally the gospel, bringing the good news: "The time is fulfilled, and the kingdom of God has come near; repent, and believe in the good news" (*euaggelion*) (Mark 1: 15). The justification of individual sinners is not a doctrine that evolves and develops with time, but it is the spiritual reality of Holy Baptism where God joins sinners to Christ and his

saving work. Justification determines whether a person is or is not a child of God. Through Baptism we are not just children of God according to a theological theory, but a spiritual reality: "That we should be called children of God! And that is what we are!" (1 John 3:1). The audible sign of this childhood is that we address God with "Our Father," as the Son of God taught us, and the Spirit gives the liberty from sin (Matt 6:9; Rom 8:15; Gal 4:5). Prayer in that way is not just an outward form but the manifestation of the Spirit.

To sum up, justification is not simply one doctrine among other individual theological formulations or inventions, but it is the Triune God acting in word and sacrament, bestowing in faith and baptism the communion with Christ which saves us from eternal judgment. Justification is no small matter; it is the basis and reality of the Christian Church and faith.

V. The Reformation Controversy about Indulgences

The Reformation was not, in Schleiermacher's words, "a natural explosion of the spirit of the time."²⁰ Neither was it an achievement of progress in academic theology, nor the step into modern thinking and times (*Neuzeit*). According to the Holy Scriptures, reformation is the divine process of God's grace acting in human minds:

I appeal to you therefore, brothers and sisters, by the mercies of God, to present your bodies as a living sacrifice, holy and acceptable to God, which is your spiritual worship. Do not be conformed [suschmati, zesqe] to this world, but be transformed [metamorfou/sqe] by the renewing of your minds, so that you may discern what is the will of God-- what is good and acceptable and perfect. (Rom 12:1-2)

The opposite of reformation is deformation by accommodation to the world. This is not only some event in past times of merely historical or academic relevance, but it is, or rather should be, the normal life of a Christian and the Christian church. Reformation happens under and through the word in law and gospel preaching, Baptism, Holy Supper, and Confession. The Reformation started from a struggle about *seelsorge* ("caring for the soul") and the practice of confession, penitence, and remission of sins. Most of Luther's first writings, beginning with the 95 Theses and followed by a series of sermons, were about *seelsorge* and the practice of confession. Current Roman Catholic practices regarding

²⁰ F. D. E. Schleiermacher, "Eine natürliche Explosion des Zeitgeistes," *Kleine Schriften II* (Berlin: G. Reimer, 1846), 27.

confession continue to differ from Lutherans and reflect serious disagreement on justification.

In medieval times, church discipline was very strict. Because there was no separation of state from church, the church was in a way the backbone of the state. Sometimes bishops were given high political offices as they were highly esteemed and had the ability for this work. The church as an organization had an admirably effective and centralized organization, which was carried out especially by the different orders whose members traveled around preaching, hearing confessions, and raising funds. The immediate cause for the Reformation was the preaching about indulgences. This was the huge enterprise of collecting funds to pay the debts of some of the hierarchy who had to pay high sums for getting dispensation from the pope for irregular taking over of prebends (*Pfründe*) and the building of the enormous St. Peter's basilica in Rome.

The practice of confession and penitence was organized into details with voluminous books on confession and remission (*Bußbücher*) for all possible kinds of capital and occasional sins. Many priests were not very educated and therefore needed manuals to do this. These books give the impression that they were intended more for lawyers than for pastors caring for souls. Central was the detailed interrogation of consciences leading to continuous self-examination concerning the number of sins to be confessed followed by contrition and satisfaction for sins.²¹

Where did the reformers differ with Rome on confession? There was and is until today full agreement that sins are forgiven in the name of Jesus Christ through the power of the Holy Spirit he committed to his disciples (John 20:22-23; Matt 16:19, 18:18). There also cannot be any controversy about contrition and confession, even though we ought to ask ourselves whether we teach and practice recognition of sin or whether sin for us is just a deficit in an otherwise healthy soul. The central issue of the Reformation controversy that continues even after *JDDJ* is the third point of penitence, that is, satisfaction for sins and the practice of indulgences in connection with penitence.

In opposition to the three steps of penitence for Catholics, Luther and the Augsburg Confession (CA XI and XII) said there are only two parts of

²¹ Before criticizing these procedures we should ask ourselves about confession and penitence in our congregations and personal life. Usually, I'm afraid to say, this is nothing more than some words at the beginning of worship—if only this is done. All other things related to heart and consciences are left for the psychotherapists, and they have a lot to do and are paid for this.

penitence, namely contrition as we recognize and feel sin in our heart or conscience and *fides*, faith that we believe and trust that our sins are forgiven because of Christ's suffering and death for the sin of the world. As for the third step, satisfaction, Luther says, the works are not the condition for making forgiveness effective, but they will be the fruit of the forgiveness of sin. Those works are not punishment imposed by the priest but signs of new life in faith (AC XII).

JDDJ never dealt with basic differences about what was meant by satisfaction, the third part of penitence, because the *doctrine* of justification was discussed apart from the *practice* of indulgences. The word *indulgentia* means, "forbearance, clemency, leniency, pity," (German: *Nachlass, Ablass*). This could be rendered also with terms used in business, "discount" or "sale." This means as a fixed price is lowered, things become cheaper. This makes clear that indulgences are connected with business.

As for the situation at the beginning of Reformation, we start from the first of Luther's 95 theses: "Our Lord and master Jesus Christ, as he says 'repent' . . . he wanted that the whole life of believers should be penitence." In the theses that follow, he points out that this penitence is not only restricted to the sacramental acts of penitence before a priest but comprises the whole life in faith. As a soul-carer, Luther had before him the consequences of the practice of satisfaction and indulgences that hearts and consciences are either hardened and become indifferent about sin or, on the other side, fall into despair and depression. This was Luther's own experience with his question for a propitious God. In the Smalcald Articles, he quotes a prayer of his time commonly used in worship after open confession: "Spare my life, Lord God, until I do penance and improve my life," and he continues: "Here there was no Christ. Nothing was mentioned about faith, but instead people hoped to overcome and blot out sin before God with their own works."²²

What is the state of indulgences today in the Roman church? Canons 992-997 from "*Codex Juris Canonici*," published after Vatican II in 1983, remain. The teaching and practice of indulgences are exactly the same as in the time of the Reformation. We will limit our comments to two canons.

Can. 992: An indulgence is the remission before God of temporal punishment for sins whose guilt is already forgiven, which a properly disposed member of the Christian faithful gains under certain and defined

²² Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, tr. Charles Arand, et al. (Minneapolis: Fortress Press, 2000), SA 3:13-14.

conditions by the assistance of the Church which as minister of redemption dispenses and applies authoritatively the treasury of the satisfactions of Christ and the saints.²³

The first decisive point is that an indulgence is not forgiveness of sins but remission from temporal punishment in this lifetime and afterwards in purgatory. This punishment results from sin and affects human wellbeing. Second, it is not done without adequate disposition. Third, the origin for indulgence is the "treasure of satisfactions of Christ and the Saints" (*Thesaurus satisfactionum Christi et Sanctorum*). The idea of satisfaction is found in the famous treaty of Anselm of Canterbury (1033-1109), "*Cur Deus Homo?*" – "*Why God became Man?*" Satisfaction, according to Anselm, is the payment to calm God's anger and restore his honor. This is a juridical procedure for recompensation and reparation; it is like a bank-account out of which funds are distributed.

Can. 994: Any member of the faithful can gain partial or plenary indulgences for oneself or apply them to the dead by way of suffrage.²⁴

The question in this canon is what Christians can do not only for themselves but also for their deceased loved one, or at least for the torture loved ones are suffering in purgatory, which is extensively depicted over the entrances of Gothic cathedrals and described in Dante's *Divina Commedia*. This can be an agonizing problem, and plays a significant role in soul-caring and liturgy, as in Masses for the deceased.

The other controversial point from Reformation times until today is: how are we able and allowed to apply salvation from punishment to the deceased? This also is discussed in Luther's 95 theses. He says that this idea was introduced when the bishops were asleep (Thesis 11), and those who are deceased by their death are free from canon law (Thesis 13). Moreover, Luther mentions a common saying: "As soon as the coin drops into the box, the soul will be lifted up from purgatory to heaven" (Thesis 27). Even though in Roman teaching there is a distinction between remission of sins and satisfactions (i.e., indulgences), in practice they appear as one thing. For example, a formula for the application of an indulgence to a dying person states: "... and I, by the power conferred to me by the Holy See, apply to you a plenary indulgence and forgiveness of

²³ Code of Canon Law, Canon 992, http://www.vatican.va/archive/ENG1104/_P31.HTM.

²⁴ Code of Canon Law, Canon 994, http://www.vatican.va/archive/ENG1104/_P31.HTM.

all sins."²⁵

Looking at these facts in church law, we must state quite clearly that indulgences, as they were practiced before the Reformation until today, are simply business and superstition, still sold and bought today. The reformers insisted, taught, and preached, that justification of the sinner and his salvation from God's judgment and punishment is accomplished by faith only (*sola fide*) in what Jesus Christ, the Son of God, has done for us and not by our satisfactions and payments. Here you see what the three "*sola*" of the Reformation are pointing to: *Sola Scriptura* – only what can be proved by Holy Scripture is to be obeyed and retained in church; *Sola fide in Christo* – we trust only Christ and what he has done in his suffering, death and resurrection, not in what we are doing and paying for in order to be relieved from eternal judgment; and *Sola gratia* – it is only by God's grace in his Son Jesus Christ that we will be saved from eternal judgment.

A primary objection to all agreements about justification with the Roman Catholic Church is that the canons and the practice of indulgences never came up for discussion. Indulgences are offered, sold, and bought in many ways, and this is and will remain contrary to word and sacrament. How can there be agreement in the *doctrine* of justification when the *practice* of indulgences denies it? Lutherans should not be so smug. We should ask ourselves if we are aware of God's judgment and punishment in our life for transgressing his commandments, especially when in official decisions and declarations there appears a justification of sin but not of the sinner by the call to repentance and forgiveness (cf. Rom 1:18–32; 1 Cor 6:9–11; Gal 5:16–26).

VI. The Tridentine Decrees Concerning Justification

Another subject not addressed before or after JDDJ is the Council of Trent (1545–1563). Trent was planned as a council for church reform and possibly for church reunion. Without doubt, it was the biggest council in church history, meeting in three periods over almost two decades and issuing 25 decrees, mostly on controversial questions, with corresponding condemnations.

We have to keep in mind that condemnation (Latin *damnamus*, Greek *avna*, *qema*) means to be exposed to God's judgment, losing eternal salvation. This is not just a juridical formula or some theological

²⁵ ". . . et ego, facultate mihi ab Apostolico Sede tribute, indulgentiam plenariam et remissionem omnium peccatorum tibi concede. In nomine Patris, et Filii et Spiritus Sancti". Quoted from "Breviarium Romanum."

interpretation, but it is an act of spiritual authority. We find this in the Pauline letters: "Therefore I tell you that no one who is speaking by the Spirit of God says, 'Jesus be cursed [avna, qema],' and no one can say, 'Jesus is Lord,' except by the Holy Spirit" (1 Cor 12:3, 16:22; Gal 1:8). Paul in speaking about the fate of Israel after the flesh implores with all pastoral love: "For I could wish that I myself were cursed (avna, qema) and cut off from Christ for the sake of my brothers, those of my own race, the people of Israel" (Rom 9:1). This condemnation means to be put outside of salvation. If we think that doing theology is just interpreting historical texts, we will overlook the fact that the controversy addressed by the Reformation was about temporal and eternal judgment and salvation.

This means that the canons and condemnations of Trent are more than mere theological interpretations and changeable opinions. They are decisive for salvation and reprobation. It is a serious error that this aspect was never discussed or even mentioned in the theological dialogues. On the contrary, the Roman Catholic side insists that, because of their infallibility, those decisions can never be changed. For the Protestant theologians, the Council of Trent is merely situation-conditioned interpretation, and so its decision does not apply anymore because modern teaching has changed or developed.

What are the chief condemnations of the Council of Trent? We find them in the following decrees with added canons. The canons contain what is decisive and formulate the condemnations, usually printed with the small abbreviation *an. s.* – (*anathema sit*) which can easily be overlooked and, therefore, neglected by Protestant theologians. We have to look especially at the following decrees:

Decretum de libris sacris et de traditionibus recipiendis [Decree about the Holy Scriptures and about Traditions to be Received] (8.4.1546 – DS 1501-1508)

Decretum de peccato originis [Decree about Original Sin] (17.6.1546 – DS 1510-1516)

Decretum de justificatione [Decree about Justification] (13.1.1547 – DS 1520-1583)

Decretum de ss. Eucharistia [Decree about the Most Holy Eucharist] (11.10.1551 – DS 1635-1661)

Decretum de ss. Missae sacrificio [Decree about the Sacrifice of the Most Holy Mass] (17.9.1562 – DS 1738-1760)

Decretum de indulgentiis [Decree about Indulgences] (4.12.1563 – DS 1835)

Failure to investigate thoroughly all these documents by the commissions which prepared the *JDDJ* is inexcusable negligence. I can say

from my own experiences, commissions striving for agreement react very angrily to any objections against the majority position because agreement is already taken for truth. The commissions were usually not aware of the fact that all these decrees with their condemnations are – and on principle, must be – still valid today as they belong to the infallibility of the Roman church's *magisterium*. The common formula for the consensus wrongly states that these condemnations do not apply any longer, because doctrine has developed or changed. This is strange insofar as change and development of doctrine does not apply to the Roman Church but, as we have seen, to the modern Protestant understanding of theology conditioned by history and society. We will look at these decrees with this question in mind: Can agreement on justification exist when the decrees of Trent are still in effect?²⁶

The Decree about the Reception of the Holy Scriptures and Traditions

This decree says that the truth and discipline of the church's teaching and preaching are "contained in written books and unwritten traditions [*in libris scriptis et sine scripto traditionibus*]." ²⁷ One God is the author of both, coming orally from Christ himself or dictated by the Holy Spirit and preserved in the continuous succession within the Roman Catholic Church. "Both are received and honored with the same affect and reverence of piety [*pari pietatis affectu et reverentia suscipit et veneratur*]." ²⁸ This decree is directed against *sola scriptura*, the teaching that the Holy Scriptures are the only means and norm through which the Holy Spirit is active. For Lutherans, church traditions are of human origin and therefore must be in agreement with the Holy Scriptures. In recent magisterial documents of the Roman Church, *sola scriptura* continues to be explicitly denied and refused.²⁹ For Roman Catholics, church tradition refers to the official and authoritative teaching office (*magisterium*) of the bishop of Rome, and the other bishops. This is the binding norm for all teaching, preaching, and discipline in the Roman Church. Even as we should be concerned about the role of tradition in the Roman church, we should also

²⁶ There are other decrees and condemnations to be added, e.g. ones about penitence, extreme unction (DS 1667-1719) in which the above already mentioned criticism of the reformers against the practice of satisfactions is condemned.

²⁷ DS 1501.

²⁸ DS 1501.

²⁹ Such as the *Constitutio Dogmatica "Dei Verbum"* from Vatican II (§ 6), the *Declaration of the Papal Bible Commission about interpretation of the Bible in the Church* from 23.4.1993 and a declaration from the conference of German bishops. Cf. Reinhard Slenczka, "Geist und Buchstabe," *Neues und Altes: Aufsätze zu dogmatischen Themen* (Neuendettelsau: Freimund, 1999), 1:16-53.

ponder how much the *sola scriptura* is retained and understood in contemporary Protestant theology and church practice.

The Decree about Original Sin

Baptism is, as stated above, the means for receiving justification. The decree from Trent about original sin looks at the consequences of baptism in relation to original sin. It starts from the agreement that the consequences of Adam's sin are the wrath of God and death. It also makes clear that original sin is transmitted not by the way of imitation (*imitatione*), because that would mean the possibility of a freedom of choosing whether to sin or not. Sin is transmitted by propagation or procreation (*propagatione*). This means sin is inevitable for every human being, *the same way* birth and death are not matters of our free will. The decree then underlines the right and necessity of infant baptism against Anabaptists, who deny this under the presupposition that baptism is based upon personal conviction and decision.

Rome differs with the reformers on what happens to original sin in the baptized: Is sin entirely removed or simply not imputed? The reformers followed Augustine's teaching on this point: "not that it no longer exists, but that it is not accounted [as sin]" (*non ut non sit, sed ut non imputetur*).³⁰ The difference lies in the understanding of covetous desire (*evpiquimi*, a or *concupiscentia*). Is this sin or is it a mere inclination to sin that we can resist?

The reformers were not innovators when they taught that this desire or the passions of the flesh are sin as long as we live in the flesh. This is what Paul teaches in Romans 6–8. The reformers, therefore, admonished Christians not to follow the desires of the flesh but to live according to the Spirit received in baptism: *Simul justus et peccator* ("At the same time justified and sinner") and *peccator in re, justus in spe et fide* ("A sinner in fact, justified in hope and faith").

In spite of this, the Council of Trent said this about original sin: "This concupiscence, which the Apostle sometimes calls sin (Rom 7:12; 7:14–20), the holy council declares the Catholic Church has never understood to be called sin in the sense that it is truly and properly sin in those born again, but in the sense that it is of sin and inclines to sin. But if anyone is of the contrary opinion, let him be anathema."³¹ The desires and passions of the flesh are understood as *fomes peccati*, tinder of sin, coals of a glowing fire. If

³⁰ Ap II:36.

³¹ DS 1515.

you blow into it, it will flame up again, but this you must avoid. This means that the baptized is no longer a sinner, but an inclination towards sin remains in him which he must resist. This Roman Catholic view has serious consequences for the understanding of justification in baptism, as will become evident in the decree about justification.

The Decree about Justification

This decree is interesting insofar as justification is understood not as a doctrine about how God deals with us, but as the process that results from baptism. When working on a commission dealing with justification, I tried to show my Protestant and Roman Catholic colleagues that we must start from baptism. The commission was simply not able to understand my point. Therefore, the reference to baptism remained on the periphery, not in the center. This difference is neither seen nor discussed to this day. Is it not true that many Christians forget what they have received in and what they are through baptism?

The nucleus of the problem in this decree is the concept of progression after baptism (*progressus a baptismo*). The aim is to preserve the purity of the baptismal gown (DS 1531) and to grow or make progress in justification (DS 1535). You get grace in baptism as a gift from God, but this obligates you to grow in justification and to make faith a reality through works of love: "for in Christ Jesus neither circumcision nor uncircumcision has any value. The only thing that counts is faith expressing itself through love" (Gal 5:6).

Sola fide ("by faith alone") is mentioned two times with different connotations. It mentions *sola fide* positively insofar as it refers to God's gift in baptism and of sin/absolution (DS 1534). No one may doubt what Christ has done for us. But the decree also mentions *sola fide* negatively: we never can be sure and trust that we are perfect before God's judgment because "no one can know with certitude of faith, in which is no error, that he received God's grace" (DS 1534). "Therefore nobody may deceive himself to think that he by faith alone (*sola fide*) is appointed as heir and gets the heritage even if he doesn't share in Christ's sufferings in order to share also in his glory" (DS 1538). All this is about the certitude of faith (*fiducia, certitudo fidei*). Rather than trusting that faith will demonstrate itself in love, justification and sanctification are confused in an attempt to motivate the Christian to moral living. So the spiritual quality of faith turns over into secular psychology and morality. This is nothing new because today Protestant theology teaches the same thing.

On the other side, the reformers taught a *reditus ad baptismum*—return to baptism. This means that as long as we are living in the flesh of sin we

must return to justification received through the gift of the Holy Spirit dwelling in us (Rom 7:8). This struggle will end only in death. Christian life, therefore, is the continuous dying of the old Adam in the sinful flesh and the raising up of the new man according to God's Spirit. This is what is meant by the formula *simul justus et peccator*. Looking at and relying upon what Christ has done for us and what we are through him and in him, we are justified; but looking at our flesh, sin will continue until our death.

To understand this, look again at the personal experience of Martin Luther. By the preaching and soul-caring of that time, he was deeply frightened in his conscience and driven by the question: "How do I get a gracious God?" In a sermon on Matthew 3:13-17, he tells his congregation how he tried with all kinds of self-torment to obtain the certitude that he would be accepted by God. But with this, he says, "I preached nothing more than to lose dear baptism, even helping to deny it. Therefore that we may not be seduced, let us keep pure this teaching . . . that baptism is not our work and doing and let us make a big and broad distinction between God's and our works."³² In this perspective, baptism is not a kind of initial ignition or impulse, but it is the remaining gift and activity of the Holy Spirit in the baptized. This we find in the first of the 95 *Theses* when he says, "it is the Lord's will that the whole Christian life is repentance."

Through baptism, we are united with Christ and Christ lives in us by faith (Eph 3:17; Rom 8:9-11).³³ Faith is not only cognition (*notitia*) or assent (*assensus*) to truths formulated by church authorities, but it is the spiritual reality of Christian life, the new life received in baptism.³⁴ This does not mean that good works are not necessary, but they grow out of faith. Faith without works is, of course, dead (James 2:17-20). Faith is a gift of the Holy Spirit, given through word and sacrament if and when it pleases God (CA 5). In his explanation of the third article in the Small Catechism, Luther teaches this in the way of a confession: "I believe that I from my own reason and power are not able to believe in Jesus Christ, my Lord or to

³² WA 37:661.25.

³³ "*In ipsa fide Christus adest*" (In faith itself Christ is present). Luther in his lecture on Galatians 2:20: "I have been crucified with Christ and I no longer live, but Christ lives in me. The life I live in the body, I live by faith in the Son of God, who loved me and gave himself for me. I do not set aside the grace of God, for if righteousness could be gained through the law, Christ died for nothing!" WA 40, 1:228.18 f. Cf. Eph 3:17; WA 17, 1:436.1 ff.

³⁴ For more information see Reinhard Slenczka, "Glaube VI. Reformation / Neuzeit. Systematisch-theologisch," *Theologische Realenzyklopädie* vol. XIII (Berlin: Walter de Gruyter, 1984), 318-364.

come to him, but the Holy Ghost has called me through the gospel. . ."

If we look at the canons attached to the decree about justification, we will see that the decisive points of the teaching of the reformers are not only denied but condemned. For example, they condemn the teaching that the free will (*liberum arbitrium*) after the fall is lost and man is no longer able to return to God by his own abilities (Can 5). The *sola fide* is condemned repeatedly in Canons 9, 11, 14, 15. The argument describing the human condition is always a psychological one: not faith alone, but human endeavors also. This shows, however, that faith is not understood as the gift and activity of the Holy Spirit, but as human or intellectual ability for understanding and assent. Here we meet a problem that is present also in Protestant churches and theology, for instance in pastoral psychology and Christian ethics.

The Decree about the Most Holy Eucharist and the Decree about the Most Holy Sacrifice of the Mass

As with the problem of indulgences, the problem of the mass as sacrifice is not addressed—perhaps even avoided—in JDDJ, but it is decisive for the understanding and practice of justification. The main controversy is whether the Eucharist is a sacrifice offered to God or received from God. This is linked with celebrating and buying masses for various needs and necessities (*aliae necessitates*) such as vows, the deceased, saints, intercessions, and the like, as is done still today.³⁵ The decree states that the priest alone celebrates the mass and that the words of institution are spoken not only in Latin but also *submissa voce* (that is, in silence or voiceless), and that the parishioner receive one species, the bread only, and that the sacrament is exposed for adoration in churches and processions. Any objections against these practices are condemned (*anathema sit*). Even arguments from the Scriptures against what is done and taught in the church are condemned and those making such arguments are to be excommunicated.

In this regard, the reformers reformed the worship, refusing and putting aside abuses that came into church life contrary to the will of the Lord who gave his body and blood for neither adoration, nor business but for salvation. In his own words, the Lord is present and acting; therefore, the words of institution must not be in Latin but in the vernacular, not in silence but spoken aloud as proclamation to the congregation. What we receive orally is what he tells us in his words. In the *Smalcald Articles*,

³⁵ This is seen in "Codex Juris Canonici," 1983: Canons 945-951, http://www.vatican.va/archive/ENG1104/_P3D.HTM.

Luther stated quite clearly that the article about the mass is and remains the biggest difference. On this there can be no compromise.³⁶ For Luther, corruption of the mass as in baptism meant a corruption of the doctrine of justification.

The Decree about Indulgences

The Council of Trent admits that there have been abuses in the practice of indulgences which should be removed. They affirm, however, that indulgences are based on and justified by Christ's commission to Peter and the church to loose and to bind, according to Matthew 16:19 and 18:18:

The power to confer indulgences is a concession of Christ for the Church and used since old times. Therefore the most Holy Synod teaches and orders to retain the use of indulgences, as it is very salutary for the Christian people and proved by the authority of holy councils. The Synod therefore condemns those who deny that indulgences are of no use or deny the authority of the church to concede them (DS 1835).

This quotation shows that in traditional Roman Catholic teaching indulgences refer not only to deliverance from temporal punishment, but also to forgiveness of sin. This is clear from the traditional formula (quoted above) for the application of indulgences in case of dying which runs as follows: "Through the faculty which is conferred to me by the Apostolic See, I concede to you plenary indulgence and remission of all sins."³⁷ Because this teaching and practice is fixed in Canon Law and continues to this day, it is simply unreasonable to proclaim an agreement about justification.

VII. Conclusions

The main question is what agreement about justification is, or could be, or even must be. Before us are not only doctrinal controversies as an historical fact of the Reformation period but the present practices of our respective churches. Most interchurch conversations cope with the past in trying to restore lost unity of churches or open the way for church communion, which consists first of all in sacramental communion. But what really is church communion? This is not at all a uniform and universal church organization as we have it in the Roman Church from the times of the old Holy Roman Empire. Church unity is sacramental, based

³⁶ SA II, 2:1.

³⁷ "Et ego, facultate mihi ab Apostolica Sede tributa, indulgentiam plenariam et remissionem omnium peccatorum tibi concedo. In nomine Patris, et Filii, et Spiritus Sancti. Amen. (Formula ad impertiendam Indulgentiam plenariam in articulo mortis). Breviarium Romanum.

on the pure preaching of the gospel and the right administration of sacraments. For this, we do not need a unity or uniformity of rites instituted by men, as it is expressed quite simply and clearly in Article 7 of the Augsburg Confession. We even do not need a unity of organization, the so-called *ecclesia repraesentativa*. If we understand church unity as sacramental, this means that the Triune God is acting by these instruments through his Spirit-giving faith where and when it pleases him (CA 5). In God's word, we do not have the promise of a universal church organization. What we have and see is struggle, temptation, and persecution not only from the outside but also within the church. This is promised by the Lord in what is called little apocalypse (Matthew 24; Mark 13; Luke 12, 19, 25) and in the Book of Revelation.

This struggle between the true and the false church is taking place not only between separated churches but within every church as it does within every Christian, between the old man in the sin of the flesh and the new man reborn by the Spirit in Baptism (Romans 6–8). It is a grievous fault that ecumenical conversations are exclusively about agreement, excluding and avoiding any statement of disagreement. At the beginning of the modern ecumenical movement, Dietrich Bonhoeffer (1906–1945) insisted that without the term "heresy," ecumenical conversations will inevitably lose their confessional substance.³⁸ It is a general pitfall in church and theology that we generally think about doctrine in terms of historical development, interpretation, and change, not in terms of true and false doctrine under the perspective that the church remains in the truth, given and preserved by the Holy Spirit (John 14:15; 15:26; 16:5–9). As the apostle Paul says, there must be schisms and they appear first at the communion table: "In the first place, I hear that when you come together as a church, there are divisions (*sci, smata*) among you, and to some extent I believe it. No doubt there have to be differences (*ai`re, seij*) among you to show which of you have God's approval" (1 Cor 11:18–19).

In this look back at the JDDJ, I emphasize the doctrine of justification cannot be isolated from the practices of the churches stemming from the Reformation. To put it quite bluntly, the consensus of the JDDJ was reached only because the still prevailing differences in Roman Catholic Church teaching and practice, such as indulgences and the sacrifice of the mass, were divorced from justification and ignored. Therefore, it cannot be

³⁸ Dietrich Bonhoeffer, *Gesammelte Schriften* 1, 180 (München: C. Kaiser, 1958), vgl. 126. Cf.: Reinhard Slenczka, "Dogma und Kircheneinheit," in: Carl Andresen, A. M. Ritter (Hg.), *Handbuch der Dogmen- und Theologieggeschichte* (Göttingen: Vandenhoeck & Ruprecht, 1998), 3:461.

a surprise that on August 6, 2000, the Roman Congregation on Doctrine under its then prefect, Joseph Cardinal Ratzinger, now Pope Benedict XVI, issued the *Declaration Dominus Jesus* with explicit papal approbation reminding and underlining the *Uniqueness and Universality for Salvation of Jesus Christ and the Church*. Additionally the then Cardinal Ratzinger also stressed, because of the church's infallibility, that the Canons of the Council of Trent never can be changed or omitted.

On the other side, we have seen that there is no agreement about justification among the member LWF churches as it was seen at its Plenary Assembly of Helsinki in 1963. In my judgment the main error is that justification is understood as an interpretation of certain historically conditioned doctrines determined by the questions raised by modern man.³⁹ Justification is not seen as the activity of the Triune God in word and sacrament, especially baptism, and in contrition, confession, and forgiveness of sin. This means that the main presuppositions and aims of church reform were neglected by historical relativism or perhaps simply ignored and put aside. In fact, recent years have seen the growth of issues that divide the church, such as ordination of women to lead congregations, blessing of same sex partnerships, feminist translations of the Bible and corresponding changes in liturgies with the invention of new names for God, male and female, following so-called political correctness.⁴⁰

The convergence or consensus about the doctrine of justification very simply is an illusion in saying that the differences and even the condemnations of the Reformation no longer apply in modern times and to the teaching in the respective churches. But the reality in church practice on both sides is neglected, and serious questions must be addressed by both sides to the other. For future conversations, I would like to highlight four central subjects:

First, do we acknowledge that Holy Scriptures are the word of the Triune God in which he reveals himself in what he is, what he does and what he demands? The Holy Scriptures are often understood only as texts from ancient times. This implies that sacraments also are understood not as

³⁹ See discussion in Part II and notes 14–15 above.

⁴⁰ In a recent interview the now president of the Pontifical Council for Promoting Christian Unity, Walter Cardinal Kasper, mentioned the following differences: Birth control, abortion, embryonic research, same sex partnerships. In *Frankfurter Allgemeine Zeitung*, September 16, 2008. With good reason he asks, whether the *sola scriptura* is still valid in protestant churches

instituted by the Lord acting in his word, but by the post Easter church.⁴¹

Second, the very nucleus and spiritual center of the church is worship. Church communion (fellowship) in practice is admission to Baptism and to the Holy Supper, and this always is linked with the confession that Jesus is the Son of God. The proclamation of the word is open for the whole world. There are also limits of church fellowship, since Baptism and Holy Supper are the visible signs and elements of the spiritual unity within the body of Christ, and the common confession as given through the Holy Spirit is the visible and audible sign of this unity. Admission to the sacraments always is spiritual and a matter of pastoral decision in the sense of *dia, krisij pneuma, twn*—*discretion of spirits* (1 Cor 12:10). Therefore, church communion can never be just a formal agreement between theologians of different churches. This could be a framework. But the reality of church communion lies always in the responsibility of the local congregation and the pastor who is responsible for his flock before God with admission or reprobation.

Third, another point is the understanding of faith. Most of the documents for agreement in doctrine give the impression that faith is understood as knowledge (*notitia*) and assent (*assensus*) to certain formulas issued by church authorities or theological commissions. That is why commissions expect or even demand that these results must be received the same way as they were received in the commissions: by majority vote. But if we see and keep in mind that faith is the gift of the Holy Spirit, there must be the discernment of spirits between what is true and what is false.

Fourth, justification is not a special, peculiar, or unique new doctrine of the Reformation. The central issue of church reform was soul-caring and the criticism against a kind of soul-caring either by psychological or even juridical pressure and money. With this observation, I am not only looking back or at the Roman church but also at ourselves and the use—even predominance—of psychological methods and means in church and theology.⁴² It rather is about the decision whether a church is a church or just a church with a name only, as the Lord says to the congregation in Sardes: "To the angel of the church in Sardis write: These are the words of him who holds the seven spirits of God and the seven stars. I know your deeds; you have a name of being alive, but you are dead" (Rev 3:1). This is

⁴¹ See the Lima Documents on "Baptism, Eucharist, and Ministry" by the Commission on Faith and order, 1983.

⁴² For further information see: Reinhard Slenczka, *Ziel und Ende. Einweisung in die christliche Endzeiterwartung: 'Der Herr ist nahe'* (Neuendettelsau: Freimund, 2008), 201-216.

not some judgment about others, but should be a reason for self examination in light of God's word and activity.

Has *JDDJ* resulted in agreement on the doctrine of justification? Serious differences on the subject existed among Lutherans before 1999 that continue today. Even more so, the signing of this doctrinal document has not resulted in a more unified doctrinal practice among Roman Catholics and Lutherans. No matter what is confessed in *JDDJ*, we must also look at what is confessed by actual church practices. Disagreements on justification that have their roots in the Reformation remain.