

***Joint Lutheran/Roman Catholic Declaration
on Justification: A Response***
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Historical Introduction

The *Joint Declaration on the Doctrine of Justification* was prepared between 1995 and 1997 by Roman Catholic and Lutheran theologians under the auspices of the Vatican and the Lutheran World Federation (LWF). In 1995 the first version was sent to the participating churches. The Institute for Ecumenical Research in Strasbourg, France prepared a Lutheran response, while the Pontifical Council for Promoting Christian Unity under Cardinal Cassidy acted for the Vatican. A revised text was ready by the summer of 1996 and further changes were suggested by the LWF Council in September. A final version was authorized for distribution by the LWF Executive Committee in February 1997.¹ This text was adopted with near unanimity (958-25) by the Evangelical Lutheran Church in America (ELCA) at its August 1997 assembly in Philadelphia.²

The *Joint Declaration* is not a new, independent effort, but concludes and summarizes various national and international Lutheran/Roman Catholic dialogues. The 1980 papal visit to

¹Following the directive of the LWF Executive Committee, General Secretary Ishmael Noko asked the 124 member churches to answer the following question regarding the approval of the *Joint Declaration on the Doctrine of Justification* (JD) by May 1, 1998: "Does your church accept the conclusions reached in 40 and 41 of the JD and thus join affirming that, because of the agreement of the fundamental meaning and truth of our justification in Christ to which the JD testifies, the condemnations regarding justification in the Lutheran Confessions do not apply to the teaching on justification of the Roman Catholic Church presented in the JD?" *Joint Declaration on the Doctrine of Justification: A Commentary by the Institute of Ecumenical Research* (Hong Kong: Clear-Cut, 1997) was distributed in May 1997. This document is hereafter referred to as *A Commentary*.

²The General Synod of the Church of Norway accepted the *Declaration* on November 14 and urged its pastors to acquaint their people with the decision. In Finland the church delayed final approval until May 1998.

Germany on the occasion of the 450th anniversary of the Augsburg Confession provided the original stimulus. This led to the formation of the Ecumenical Working Group of Evangelical and Catholic Theologians in Germany, who by 1986 produced *The Condemnations of the Reformation Era: Do They Still Divide?*³ This evoked a negative response by the Evangelical [Protestant] theological faculty of Georgia Augusta University, Gottingen, Germany: *Outmoded Condemnations? Antitheses between the Council of Trent and the Reformation on Justifications the Sacrament, and the Ministry- Then and No w.*⁴ A formal lifting of mutual condemnations on justification was planned for 1997 to coincide with the 450th anniversary of the Council of Trent's Decree on justification and the fiftieth anniversary of the Lutheran World Federation in 1997. The issue proved too intractable for this time-table.⁵

Unlike the ELCA-Reformed *Formula of Agreement*, the *Joint Declaration* does not call for full communion, although the doctrine of justification is no longer considered an obstacle to bringing it about: "the mutual 'anathemas' (condemnations) drawn up in the sixteenth century on the teaching of justification no longer apply to these churches." The *Declaration* has a core resemblance to Lutheran accords with the Reformed. As in the *Agreement and Marburg Revisited*, past differences are seen as "complementary." Like *A Common Calling*, which speaks of the "diverse witnesses to the one Gospel that we confess in common," the *joint Declaration* holds that with this current agreement on the "basic truths of the doctrine of justification,"

³Edited by Karl Lehmann and Wolfhart Pannenberg, translated by Margaret Kohl (Minneapolis: Fortress Press, 1990).

⁴Translated and first published by Oliver K Olson with Franz Posset in *Lutheran Quarterly* (Spring, Autumn, and Winter 1991), and later in book form (Ft Wayne, Indiana: Luther Academy, 1992).

⁵Wilbert Rusch remarks that the attempt to articulate sufficient agreement on justification to warrant declaring "inapplicable" the sixteenth century condemnations was undertaken "at an original suggestion from the ELCA" ("The Ecumenical Task of the Evangelical Lutheran Church in America: Some Personal Observations," *Lutheran Forum* 30 [September 1996]: 22). Rusch does not provide details.

the characteristic "concerns" of each communion with their "remaining differences" are now mutually acceptable. Without disowning its past, each church holds that "the understanding of justification set forth in this Declaration shows that a consensus in basic truths of the doctrine of justification exists between Lutherans and Catholics." Positions of each are tolerable within the doctrinal dimensions of the other. "Therefore the Lutheran and the Catholic explications of justification are in their differences open to one another and do not destroy the consensus regarding basic truths."⁶ Many prominent Lutheran theologians of course approve of the *joint Declaration*. Harding Meyer invokes the LWF's ecumenical slogan of "Reconciled Diversity," and Carl Braaten calls it "a step in the right direction."⁷ Others are more reserved, as will be shown.

The Structure of the *Joint Declaration*

The *Declaration* consists of forty-four paragraphs which are subdivided into five sections. Under "A Preamble" are found paragraphs 1-7. The first major section, "1. Biblical Message of Justification," is subdivided into paragraphs 8-12. The entire second major section, "2. The Doctrine of justification as Ecumenical Problem," is contained in paragraph 13. There follows section "3. The Common Understanding of justification" in paragraphs 14-18. This "common understanding" is then unfolded in the longest section, "4. Explicating the Common Understanding of justification" in paragraphs 19-39. Section 4, paragraphs 19-39, is further divided into seven aspects of the doctrine over which the churches were divided. In each of the seven parts, the Lutherans and Roman Catholics first set forth their common agreement before separately presenting particular emphases. The final section, "5. The Significance and Scope of the Consensus Reached," encompasses paragraphs 40-44 and resolves the quandry of section, "2. The Doctrine of Justification

⁶*Declaration* 5.40.

⁷Harding Meyer, "Nicht mehr unueberwindlich," *Lutherische Monatshefte* 36 (September 1997): 27; Carl Braaten, "Confessional Integrity in Ecumenical Dialogue," *Lutheran Forum* 30 (September 1996): 25.

as Ecumenical Problem." On the basis of this consensus, the mutual condemnations are lifted (paragraph 41). Paragraph 44 concludes with gratitude for "this decisive step forward" and a prayer to be led "further toward that visible unity which is Christ's will." References to supporting documents are included in an "Appendix."

Some Illuminating Textual History

From a Lutheran perspective, the *Declaration* is not entirely without merit. Paragraph 31 expresses Lutheran-Roman Catholic consensus on the Law and the Gospel: "We confess together that persons are justified by faith in the Gospel 'apart from works prescribed by the Law' (Romans 3:28). Christ has fulfilled the Law and by his death and resurrection has overcome it as a way to salvation. .." This comes closest to an explicit profession of *sofa fide*, which is found in the *Declaration* only in paragraph 26 prepared by the Lutherans.⁸ Paragraph 32

⁸Note must be taken also of two documents: "Evangelicals & Catholics Together: The Christian Mission in the Third Millennium" (*First Things* 43 [May 1994]: 15-22), and "The Gift of Salvation" (*First Things* 78 [January 1998]:20-23), in which Lutherans had no hand. "The Gift of Salvation" is a document agreed to on October 6-7, 1997 by a group of Evangelicals and Roman Catholics, including Harold O. J. Brown, James Packer, Avery Dulles, and Richard Neuhaus. It expressly affirms "agreement *with* what the Reformation traditions have meant by justification by faith alone [*sola fide*]." This document is not the object of our critique, but it has fine points. For example, "In justification God, on the basis of Christ's righteousness alone, declares us to be no longer rebellious enemies, but forgiven friends, and by virtue of his declaration it is so." It also speaks of "justification [as] central to the scriptural account of salvation." Both documents laid down a common agreement on certain issues, but were also forthright in setting down disagreements. Among these are "the meaning of baptismal regeneration, the Eucharist, and sacramental grace; the historic uses of the language of justification as it relates to imputed and transformative righteousness; *the* normative status of justification in relation to all Christian doctrine; the assertion that while justification is by faith alone, the faith that receives salvation is never alone; diverse understandings of merit, reward, purgatory, and indulgences; Marian devotion and the assistance of the saints in the life of salvation; and the possibility of salvation for those who have not been evangelized." This could also be taken into our critique of a *Declaration*. The earlier document, "Evangelicals & Catholics Together" also affirmed a basic agreement in faith. Such concerns are also applicable to the *Declaration*.

is also unmistakably Lutheran. This is contradicted by the next paragraph (33) which is unmistakably Roman Catholic: the statement that "Christ is not a lawgiver in the manner of Moses" allows the traditional Roman evasion that the ceremonial but not the moral law is excluded from justification. The scholastic view that the Gospel is the "New Law" is left in place. To this the Lutheran response has always been Romans 7:7: "I should not have known what it is to covet if the law had not said, 'You shall not covet.'" St. Paul meant to exclude precisely the *moral* law from justification. In the view of six ELCA theologians (from Luther Seminary, Saint Paul), the good Lutheran statements above were likely "a last minute insertion by some of the German Lutheran representatives who were worried about the tilt of the whole document toward individual internal transformation through grace rather than newly righted relationships through God's Word of Law and Gospel."⁹ They point out that since the necessary theological presuppositions are nowhere developed in the document, the good paragraphs 31-32 "connect with nothing."¹⁰

Justification as Criterion?

Even more telling is the history behind the amendment of paragraph 18, regarding justification as "criterion." We rely here on Eberhard Jungel's critique, "Um Gottes willen-Klarheit!" [For God's sake -clarity!]. After intense discussions, the

⁹ "A Call for Discussion" was the product of six professors and not the entire faculty of Luther Seminary, Saint Paul. The faculty, however, passed a resolution May 22, 1997, which said the *Declaration* touched on the central Lutheran doctrine and questioned the legality of the proposed action. A vote on the *Declaration* "would run the risk of signaling that the ELCA is not serious about its own confessional heritage or its relationship to the Roman Catholic Church."

¹⁰The Strasbourg Institute's *A Commentary* notes that, "No Catholic condemnations relate to the law-gospel distinction as such" (41).

"Eberhard Jungel, "Um Gottes willen-Klarheit! Kritische Bemerkungen zur Verharmlosung der kriteriologischen Funktion des Rechtfertigungsartikels-aus Anlass einer okumenischen 'Gemeinsamen Erklarung zur Rechtfertigungslehre, " *Zeitschrift für Theologie und Kirche*

German LWF contingent proposed that the article of justification be recognized "as criterion" which "constantly serves to orientate all the teaching and practice of our churches to Christ" This change was officially accepted into the June 1996 version of the *joint Declaration*, but then vetoed by the Roman Sacred Congregation for Doctrine of the Faith. As Jungel puts it "Cardinal Ratzinger corrected Cardinal Cassidy to the effect that the *Pontifical Council for Promoting Christian Unity* may concede only that ' . . . the doctrine of justification is an indispensable criterion.'" By the addition of the indefinite article "an," justification was demoted from its position of unique, overarching criterion to one among others. Roman Catholics added that they "see themselves as bound by several criteria." This intervention by Ratzinger's Sacred Congregation for the Doctrine of the Faith may signal that the Vatican is actually planning to grant its long-delayed official approval to the final text, though some Lutherans remain unconvinced.

Finnish Additions

Finnish theologians may have been even more influential than the Germans. This is evident from a comparison of the 1995 version of the *Joint Declaration*, the January 30, 1996 submission by the Council for International Relations of the Evangelical Lutheran Church of Finland, and the final version of the *Declaration*. Despite some muddles, *which will* be discussed below, the theologically forceful language of the Finnish response found its way into the final text, including the addition of a whole new paragraph (8) on the rich Old Testament background of section "2. Biblical Message of Justification." Another improvement was the inclusion of explicit Trinitarian Christological language at various points, especially in a completely reworked paragraph 15, which previously was lacking in substance.

**Failures of the *Declaration*:
A Confessional Lutheran Perspective**

1. Justification: Forensic or Transformational?

The foremost defect of the document is that it does not come clean on the most glaring conflict between Augsburg and Trent. For Lutherans justification is essentially forensic, that is, God declares the sinner righteous on account of and in Christ. Roman Catholics define justification as an internal transformation of the believer, a "process," which Lutherans place in the area of sanctification, about which too there are different understandings. Roman Catholics have understood grace as if it were almost a substance, *gratia infusa*, which is poured into the soul initially by Baptism.¹² Lutherans with Paul see justifying grace as the *favor Dei*, God's gracious attitude whereby He accepts sinners. The title of paragraph 4.2, 'justification as Forgiveness of Sins and Making Righteous,' could be understood in a Lutheran way. The famous paragraph 72 of Apology IV makes it clear that faith "being made righteous" in justification means only receiving "the forgiveness of sins."¹³ Clearly this is not what is meant in the *joint Declaration*. However, the Formula of Concord expressly rejects the view that justifying righteousness "consists of two pieces or parts, namely, the gracious forgiveness of sins and, as a second element, renewal or sanctification" (SD, III, 48). We are not alone in our concerns. So also the six ELCA theologians:

The fundamental problem with JDDJ is that it seems to subsume the Lutheran understanding of justification under a Roman Catholic understanding of justification as a process whereby the soul is progressively transformed through "grace". ... *The document presents an understanding of justification in terms of the soul's progressive internal transformation by infused grace and never refers in a vital or critical way to the Lutheran insistence on justification by faith alone (sola fide) in God's Word of promise, no doubt*

¹²See footnote 16.

¹³See also the explanation in FC, SD, 111, 19 and 20.

because such insistence would undermine the entire structure of the doctrine of justification proposed by JDDJ (emphases in original).

This objection does come a bit late! For years the ELCA compromised itself in various ecumenical dialogues. Lutheran acceptance of the Roman Catholic position on justification should come as no surprise. H. George Anderson, now Presiding Bishop of the ELCA, co-chaired the U.S. Lutheran -Roman Catholic dialogue on Justification by Faith, which concluded: "156 (5) ... By justification we are both declared and made righteous... 158... [God's saving work] can be expressed in the imagery of God as judge who pronounces sinners innocent and righteous, and also in a transformist view which emphasizes the change wrought in sinners by infused grace."¹⁴ On this point the Lutherans completely surrendered, but Rome was not required to reform her traditional definition, which was officially restated in the 1994 *Catechism of the Catholic Church*: "Justification includes the remission of sins, sanctification, and the renewal of the inner man" (498). The characteristic Roman Catholic fusion of "forensic" and "transformist" views of justification has been wrongly attributed to Luther by such prominent scholars as Alister McGrath and Tuomo Mannermaa, as will be shown below."

2. *Sola Gratia*: No Real Advance

The present *Declaration* is willing to grant *sola gratia* simply because the Lutheran and Roman parties had different understandings of "grace." If saving grace is God's undeserved favor, as in Romans 4:4 and 11:6, then, in the article of justification, grace and works (Law) are clearly mutually exclusive. Justification is either by grace or by works, but not

¹⁴U.S. Lutheran-Roman Catholic Dialogue, Justification By Faith," *Origins: NC Documentary Service*, 13 (October 6, 1983):298.

¹⁵Alister E. McGrath, *Justitia Dei: A History of the Christian Doctrine of Justification, from 1500 to the Present Day* (Cambridge: Cambridge University Press, 1986, 1993), 10-32, 44-53, 125-130.

both. But if grace now means infused grace, a spiritual power poured into the soul by which we love God and merit salvation, then such infused grace and works in justification are related as "both/ and." Neither the *Joint Declaration* nor the background dialogues have come to terms with these contradictory meanings of "grace."¹⁶ This would have unraveled the illusory "consensus" on justification. Another ELCA critic of the *Declaration*, Louis A. Smith, writes:

Second, and in witness to the confusion produced by the niceness, the document keeps pointing us to a doctrine of justification *by grace*, as if the mere agreement on that terminology was some kind of breakthrough. It isn't! The 16th century had any number of colloquies between Roman Catholics and Lutherans who knew perfectly well that the disagreeing parties used the same language. What they disagreed about was the meaning of the terms. *Grace* was for Lutherans *favor Dei*, the personal good will of God. For Roman Catholics, *grace* referred to a quasi-substantial something, *habitus* or *qualitas* that was infused (poured) into the human soul. Indeed, in the 16th century, even the language of *justification by faith* could have been agreed on, if Lutherans would only have accepted that faith referred to

¹⁶"A Call for Discussion" notes that Trent sees "justification as a process of growth in holiness empowered through the gift of grace given in the sacraments. Grace is understood as an infused causal power that transforms the soul." Aristotle's four causes are taken into the Tridentine definition. Predisposing or helping grace [first cause] turns the sinner from sin to "the church's 'instrumental cause' of justification which is baptism [second cause]. In baptism, the cleansing of original sin and the remission of actual sin (up to the time of baptism) are received, together with the infusion of grace which renews the soul and enables the observance of the commandments. This is supplemented by the rite of penance for post baptismal sin [third cause] and by the necessary but always uncertain grace of perseverance in holiness of life until the end [fourth or final cause], when, for those who persevere, God grants eternal life both as a further gift and as reward promised for good works."

the beginning of and a necessary element within a process, which then gave its name to the process as a whole.¹⁷

Perhaps the only genuine departure from the Tridentine scheme is section 4.6, *Assurance of Salvation* ("36. Catholics can share the concern of the Reformers to ground faith in the objective reality of Christ's promise.... No one may doubt God's mercy and Christ's merit.... Recognizing his own failures, however, the believer may yet be certain that God intends his salvation"). The six ELCA theologians see here "a possible ecumenical breakthrough," although in their opinion it is "undeveloped." Unfortunately, they say, this section "appears to have no connection to the rest of the document." The Finnish document commended the stronger language of an earlier version: "Thus it is true to say: faith as assurance of salvation [is] a profound consensus on this question." This formulation required Roman approval and so it is not surprising that the final version toned down the language. Smith is genuinely pessimistic about the overall value of this section and the other "good" one, "Law and Gospel." He notes: ". . . unless it should turn out that sections 4.5 and 4.6 are to be taken as the hermeneutical keys to the entire document, [then] the rest of the document is much fluff, an appropriate target for a white out sale."¹⁸

3. Justification: The Article by Which the Church Stands or Falls, or One Truth Among Others?

Much more is at stake in this discussion for Lutherans than for Roman Catholics, who see justification as one topic among others and give it another definition.¹⁹ For Lutherans

¹⁷Louis A. Smith, "Some Second Thoughts on the *joint Declaration*," *Lutheran Forum* 31 (Fall 1997): 8.

¹⁸Smith, "Second Thoughts," 8.

¹⁹See "Grace and Justification" in the *Catechism of the Catholic Church* ([Mahwah, New Jersey: Paulist Press, 1994], 481-490), which weaves together justification, grace, merit, and Christian holiness in a way consistent with the Council of Trent.

justification is the integrative center of all faith and theology.²⁰ Without justification, Lutherans lose the distinctive characteristic of their theology and the reason for their existence. It is the core of all Christian truth and gives form and shape to all other biblical articles. All articles are at stake in justification and justification is at stake in all articles. It is the very engine which drives not only the Augustana (XX,8) but the entire Concordia (Apology IV, 2; XII, 3, 10; Smalcald Articles II/I; Large Catechism, Creed, 33, 54, 55; Formula of Concord, SD, III, 6; V, 1). The six ELCA theologians are quite right in saying: "Lutherans have always insisted that justification by faith alone is the chief article and *the* criterion, the 'plumb line' by which all doctrine and practice is to be judged."²¹

Paragraph 18 of the *Joint Declaration* tries to accommodate the Lutheran position by saying that the article of justification "is more than just one part of Christian doctrine" and that it "stands in an essential relation to all truths of faith." However, as we have seen, the attempt to have the article of justification defined as overall "criterion" was blocked by the Vatican and the "criterion" reduced to one among others.

Some who may find the protracted discussion on justification too abstract, easily recognize differences in beliefs and practices that the *Declaration* leaves untouched. These "neuralgic points" are concealed under broad dogmatic terminology in paragraph 43 of the *Declaration*. The United States dialogue, however, was more forthright: "some of the consequences of the differing outlooks seem irreconcilable, especially in reference to particular applications of justification by faith as a criterion of all church proclamation and practice" (paragraph 121). To wit: "Catholics and Lutherans, for example, traditionally differ on purgatory, the papacy and the cult of saints" (153). The solution

²⁰In *this* controversy the chief article [*locus*] of Christian doctrine is at stake, which, when it is properly understood, illumines and magnifies *the* honor of Christ and brings to pious consciences the abundant consolation which they need" (Apology IV,2).

²¹"A Call for Discussion," citing a Memo of March 5, 1997 to the ELCA Synod Bishops of Regions 1 and 3.

of "this impasse" (121) is of course for the Lutherans to surrender the Reformation position: "Lutherans, however, do not exclude the possibility that such teachings can be understood and used in ways consistent with justification by faith; if such teachings are preached and practiced in accord with this doctrine, they need not, from this Lutheran perspective, divide the churches even though Lutherans do not accept them" (153)¹² The Augsburg Confession (=I-XXVIII) and the Smalcald Articles (Part II) applied the criterion of justification to practice in the same way they applied it to doctrine. Lutherans of Reformation times held that practices which contravened justification did in fact divide the church. Practice mattered as applied doctrine. The Evangelical-Roman Catholic *Gift of Salvation* paper spells out "diverse understandings of merit, reward, purgatory, and indulgences, Marian devotion and the assistance of the saints in the life of salvation, and the possibility of salvation for those who have not been evangelized." For Lutherans it is nonsense to speak of consensus on justification if these issues remain unsettled. Differences in practices point to fundamental doctrinal discrepancies.

4. Original Sin?

Behind the Lutheran Roman Catholic differences on justification are equally fundamental differences on how original sin is understood. Differences on one doctrine mirror differences in others. Lutherans hold that original sin is really sin and that it remains after Baptism. Roman Catholic doctrine holds that original sin is eradicated by Baptism and that concupiscence is not really sin. Avery Dulles raises the issue in his cautionary piece: "Can unjustified sinners, with the help of grace, freely dispose themselves to receive the grace of justification, as affirmed in Trent's canon 4 on justification? Or are sinners so radically corrupted that they cannot, even with

The Jesuit theologian Avery Dulles is quite precise in recognizing these differences. See "On Lifting *the* Condemnations," *Dialog* 35 (Summer 1996): 220.

the help of actual grace, prepare themselves for justification?"²³ The issue came to a head in Trent's Decree Concerning Original Sin (Fifth Session), which calmly anathematized St. Paul: "This concupiscence, which at times the Apostle calls *sin* [Rom. 6-8; Col. 3:1] the holy Synod declares that the Catholic Church has never understood to be called sin, as truly and properly sin in those born again, but because it is from sin and inclines to sin. But if anyone is of the contrary opinion, let him be anathema."²⁴ Hubert Jedin, the great modern Roman Catholic authority on Trent, acknowledges that problem: "The Council was now brought up against the *very* basis of the Lutheran teaching on justification, and one of the most difficult points of controversy, because Luther's view seemingly found support in St. Paul and St. Augustine.... The teaching of canon 5 on concupiscence laid the foundation of the subsequent decree on justification."²⁵

An earlier version of the *joint Declaration* contained this bald statement. "Properly speaking, [concupiscence] therefore is not sin." This was criticized in some detail, particularly by the Finnish response, which suggested "that the last sentence ('Properly speaking, it therefore is not sin') be eliminated." The final version complies technically, but safeguards the Tridentine substance by having paragraph 30 say that baptismal grace

takes away all that is sin "in the proper sense" and that is "worthy of damnation" (Romans 8:1). There does, however, remain in the person an inclination (concupiscence) which comes from sin and presses toward sin. Since, according to Catholic conviction, human sin always involves a personal element and since this element is lacking in this inclination, Catholics do not see this inclination as sin in an authentic sense.

²³Dulles, "On Lifting," 220.

²⁴*The Canons and Decrees of the Council of Trent*, translated by H. J. Schroeder (St Louis and London: B. Herder, 1941), 23.

²⁵Herbert Jedin, *A History of the Council of Trent* (London: Thomas Nelson, 1961), 2:145,162.

Although this inclination is "objectively in contradiction to God," it "does not merit the punishment of eternal death and does not separate the justified person from God." Here excuses for sin are substituted for forgiveness and justification!²⁶

5. Justification: Christological Core and Center

Defining justification is a delicate task. Even some Reformation-era Lutherans slipped into a Roman-like (scholastic) understanding of it.¹ Justification is also the most central of all articles of faith, *because it gives form and shape to all the other articles as they apply to the believer*. Without relating a particular article to justification, that doctrine is not properly understood. So when justification is misunderstood, the entire body of doctrine is off balance. Justification describes the believer's relationship to God as he is accepted for Christ's sake. So it is not only a matter of how a particular article is biblically demonstrable (*sola scriptura* [AC XX, 11 {Eph 2:8-9}]), but also how it relates to justification as the core article by which the church stands or falls. Justification is a distinct article but belongs to and is never separate from Christology (*solus Christus*). Christology and justification are two sides of one doctrine--what God accomplishes in Christ (atonement), He applies to believers (justification).¹ Rome sees justification as what God accomplishes in the believer (transformist view). The Lutheran *christological* view stands diametrically opposed to the Roman *anthropological* one. Lutherans quarrelled not with Rome's Christology *qua* Christology (that is, the Second Article of the Nicene Creed), but with Rome's doctrine of justification which rendered this Christology ineffective for the believer. So

²⁶A *Commentary* (38-41) forthrightly acknowledges that both sides define sin differently. What is more telling is their claim that modern exegetes do not agree with Luther's interpretation that the sinful "I" of Romans 7:14-24 is St. Paul as believer rather than St. Paul before his conversion. This of course supports the Roman view.

²⁷FC, III and IV, "Justification" and "Good Works." One may also see Franz Pieper, *Christliche Dogmatik*, 3 volumes (Saint Louis: Concordia, 1917-1924), 2:633-635. FC, Ep 111/8 explicitly condemns "that renewal [*renovationem*] and love belong to our righteousness before God."

¹One may see the Smalcald Articles.

it was not simply that such things as Masses for the dead or purgatory lacked biblical support, which of course they did, but more importantly, these were rejected because they detracted from Christ's work and deprived Him of His glory.²⁹

Rome's view of grace as an infused substance, *gratia infusa*, stands at the base of its theology of justification as a process. Lutherans hold that justification is first of all a universal, world embracing act and judgment of God in Christ, which is received by faith alone: "The first and chief article is this, that Jesus Christ, our God and Lord, 'was put to death for our trespasses and raised again for our justification' (Rom. 4:25)" (Smalcald Articles, II/I/1). "Indeed, the entire Gospel that we preach depends on the proper understanding of this article. Upon it all our salvation and blessedness are based, and it is so rich and broad that we can never learn it fully" (Large Catechism, Creed, Second Article, 33). The Formula of Concord (SD, III, 25) lists four "essential and necessary elements" of justification: 1. the grace of God; 2. the merit of Christ; 3. the Gospel; and 4. faith.' The first three constitute what has been called "general" or "universal" justification, which then becomes "personal" or "individual" justification when appropriated by faith (what the Apology calls *fides specialis* [personal faith])."

Personal justification takes place by faith. God's justification of the world in Christ (universal justification) is prior to anyone's faith and constitutes its object and substance. All this is at best peripheral for the *Declaration*. Justification exemplifies the Lutheran understanding of all doctrine: grace means that God acts prior to faith. A parallel is the example of the Lutheran understanding of the Lord's Supper where Christ's bodily presence in the bread and wine is prior to our reception of it and Apology XXIV, 90. The Mass cannot be a sacrifice for sin because it would be on par with Christ's death.

³⁰One may compare Apology N, 53.

³ (The terms "objective" and "subjective," though sometimes used by Lutherans in this context, fit the Calvinist view more closely, which rejects *universal grace* and regards the "subjective" aspect of justification as the "experience" of it in one's soul or conscience.)

is not dependent on our faith. God justifies the world while it is still ungodly.³² Justification is a reality in Christ, and is therefore prior to anyone's reception of it by faith. It possesses an objective reality in God alone. Abraham believed in the God who justified the ungodly, Romans 4:3-5 (*episteusen de; Abraam tw qew/ kai; ejlogisqh autw/ ej- dikaiosunhn . . . pisteuonti de; epi; ton dikaiou ton ajsebhn logizetai hl pisti- autou ej- dikaiosunhn*). God was justifying the ungodly before Abraham believed. The *Declaration* cites 1 Corinthians 1:30, "Christ is our righteousness," but does not unfold its christological content.

The *Declaration* speaks of justification in terms of *what it does, its effects* (the transformist view), and does not touch upon it as a divine accomplishment in Christ, as other commentators also note. Where Roman Catholics see justification as something happening in man (anthropological view), Lutherans see justification as accomplished in Christ (christological view). Atonement and objective justification are coterminous, but the latter is dependent and a result of the former. Justification is not an arbitrary decision of God that is accomplished by sovereign decree, but flows from God's regard for the work of Christ. God justifies and He understands His act of justifying (justification) as His own saving accomplishment in Christ. So also *Outmoded Condemnations?* of the Gottingen faculty: "Corresponding to God's being God, justification occurs through Christ alone (*solo Christo*), by grace alone (*sola gratia*), and in faith alone (*sola fide*)."³⁴ This justification in Christ is as *universally expansive* as is the divine condemnation of the world in Adam. In both the universal condemnation and justification, He is acting according to justice or righteousness. God's justification of the world in Christ must exceed His universal condemnation of the world in Adam. Without this belief, Christ's work becomes inferior to Adam's, a horrific

³²Pieper, *Dogmatik*, 2:631.

³³Theories of a limited atonement, that is, Calvin and the Reformed, operate with precisely this kind of deficiency in seeing atonement and justification as arbitrary acts of a sovereign God. ³⁴*Outmoded Condemnations*, 17 (emphasis added).

doctrine by all standards (Romans 5:15). God's universal acceptance of all of mankind in Christ is essential to the Lutheran doctrine that justification takes place in the blood of Christ, who, on this account, can be called our justification. Romans 5:9: "Since, therefore, we are now justified *by his* blood, much more shall we be saved by him from the wrath of God." Universal justification does not imply the universalism of an *apokatastasis*, which makes personal participation in justification inconsequential. We quote from Hans Kung, "All men are justified in Jesus Christ and only the *faithful* are justified in Jesus Christ.... In the death and resurrection of Jesus Christ, God's gracious saving judgment on sinful mankind is promulgated. . . . Here God pronounces the gracious and life giving judgment which cause the one just man to be sin and in exchange makes all sinners free in Him."

By contrast, justification for Rome is basically a grace-driven process in man. And it is this view that dominates the *joint Declaration*. It is true that the strong Finnish representations succeeded in reshaping a previously bland, "anthropologically" orientated paragraph into an express confession of Trinitarian-Christological substance: "15... The foundation and presupposition of justification is the incarnation, death, and resurrection of Christ. Justification thus means that Christ himself is our righteousness, in which we share through the Holy Spirit in accord with the will of the Father..." Had this been the document's real starting point, rather than a decorative afterthought, the result might have been different. "Justification thus means that Christ himself is our righteousness" is in need of development, but, as mentioned, this does not happen. Given the "transformist" commitments of the document, even noble Trinitarian-Christological language can do little more than remind us of the painful contrast between the confessional "ought" and the ecumenical "is."

Justification (Philadelphia: Westminster, 1981) 223,224.

6. Justification: Beyond "Law and Gospel" and Faith

Our response has taken advantage of critiques including the one offered by six Luther Seminary (ELCA) professors. They rightly point to the incompatibility between the *Declaration's* understanding of justification as an inner process of transformation and the Lutheran view of justification through faith alone (*sola fide*). But their stress on faith as "relational," especially without a clear affirmation of the incarnation and atonement, is itself misleading. Their polemic against "some contemporary Finnish Luther scholars" who "align justification with theosis through the idea that faith 'receives' Christ, and so divine life itself is 'imparted' to the person in justification" is valid, if it targets the mingling of justification and sanctification in that approach. On the other hand we could hardly disagree that God through Christ dwells in believers, especially through the Sacrament. Faith to be sure is "relational" but not as though in justification this faith were more than pure receptivity, the empty hand filled by the Person and Work of the God-Man.

It is a common Protestant error that faith justifies somehow also because of its own inherent value. Seeing faith as a substantive cause of the believer's justification is hardly different from the characteristic Roman fusion of justification with sanctification. Without Christ, faith is nothing. Listen to Luther in his *Galatians Commentary*:

But where they speak of love, we speak of faith. And while they say that faith is the mere outline [μονόγραμμα] but love is its living colors and completion, we say in opposition that faith takes hold of Christ and that He is the form that adorns and informs faith as color does the wall. Therefore Christian faith is not an idle quality or an empty husk in the heart... But if it is true faith, it is a sure trust and firm acceptance in the heart. It takes hold of Christ in such a way that Christ is the object of faith, or rather not the object but, so to speak, the One who is present in the faith itself [*in ipsa fide Christus adest*].... Therefore faith

justifies because it takes hold of and possesses this treasure, the present Christ.... Therefore the Christ who is grasped by faith and who lives in the heart is the true Christian righteousness, on account of which God counts us righteous and grants us eternal life.³⁶

Whereas the six ELCA theologians do not relate faith and justification to the atonement, Kung and several other Roman Catholic theologians recognize justification as an effect of Christ's universal atonement. For instance Meinertz, "The objective fact of justification is accomplished in the redemptive death of Christ, in connection, of course, with the resurrection. And so Rom. 5.9 can insist that we are justified in His blood, and by way of complement, in Rom. 4.25, that Christ was raised up for our justification."³⁷ Kung himself puts it like this:

On the one hand, the justification accomplished on the cross must not be separated from the process which reaches down to the individual man; this would in one way or another lead to apokatastasis. On the other hand, personal justification must not be separated from the

³⁶ *Luther's Works*, 26:129-130. The response of the six ELCA theologians about "faith as trust in God's eschatological Word of promise" is too bare. Where is the full-blooded Lutheran stress on the life, death, and resurrection of the God-Man as alone-saving *object* of faith? The missing dimension here is that very *vicarious* (substitutionary) *satisfaction* of God's justice in Christ, which is criticized in various ways in *The Law-Gospel Debate: An Interpretation of Its Historical Development* (Minneapolis: Augsburg, 1968) by Gerhard Forde, one of the six St. Paul theologians. Rather than reject outright the Finns' plea for solid Trinitarian-Christological foundations, they ought to have acknowledged the intent, even while correcting the faulty implementation. Faith is "relational," but without express reference to God's concrete, historical act of righteousness in the cross and resurrection of His Son, the language is open to Barthian or Bultmannian interpretations. Eeva Martikainen's significant study of Luther's understanding of doctrine notes the proclivity of modern Luther scholarship for putting pale philosophical fancies, for example, "relational ontology," in the place of Luther's strong incarnational-doctrinal realism (*Doctrina: Studien zu Luthers Begriff der Lehre. Schriften der Luther-Agricola-Gesellschaft*, 26 0357-3087 [Helsinki: Luther-Agricola Gesellschaft, 1992], 15).

³⁷ Kung, *justification*, 226.

general act of justification on the cross; this would in one way or another lead to predestinationism. Rather both must be seen as the two sides of a single truth: *All men are justified in Jesus Christ and only the faithful are justified in Jesus Christ.*³⁸

Kung previously offered: "In reading texts which speak of justification in connection with the death and resurrection of Jesus Christ, it is striking to note that all of them referred emphatically to *faith* as well (for example, Rom. 4.5, 20-25).³⁹ *The Joint Declaration* fails not simply in this or that detail of justification, but in terms of the "big picture."

7. Flawed Ecumenical Methodology

Tuomo Mannermaa traces the *Leuenberg Concord* to a fallacious distinction between a common "ground" or basis and differing modes of "expression." This approach is similar but not identical to G. Ebeling's scheme of distinguishing *fides justificans* from *fides dogmatica*.⁴⁰ Mannermaa sees a similar faulty pattern at work in the Ecumenical Working Group's 1986 *The Condemnations of the Reformation Era: Do They Still Divide?* which is "not the only text, in which the distinction of ground and expression, center and periphery, concern and formulation [*Anliegen and Ausgestaltung*] serves as hermeneutical key to the solution of the ecumenical problem."⁴¹

The *Joint Declaration* follows a similar pattern in distinguishing between the basic "concerns" or "intentions" and the actual doctrinal positions and formulations of Trent

³⁸Kung, *Justification*, 223.

³⁹ Kung, *Justification*, 223.

⁴⁰Tuomo Mannermaa, *Von Preussen nach Leuenberg. Arbeiten zur Geschichte and Theologie des Luthertums. Neue Folge* (Hamburg: Lutherisches Verlagshaus, 1981),1:48,56-63.

⁴¹Tuomo Mannermaa, "Einig in Sachen Rechtfertigung? Eine lutherische and eine katholische Stellungnahme zu Jorg Baur," *TheologischeRundschau* 55 (1990):327.

and the Book of Concord. First, terms like grace, faith, and justification are identified, but precise meanings give way to equivocations. Then the *Declaration* takes these ambiguities as proof of a "consensus on basic truths concerning the doctrine of justification," of which the differing theologies of the two churches are merely complementary and not contradictory expressions."

Setting aside the past condemnations on such grounds amounts simply to wishing them away. Understandably the *Declaration* cannot say that the past condemnations were simply wrong. Paragraph 42 puts it like this: "Nothing is thereby taken away from the seriousness of the condemnations related to the doctrine of justification. Some were not simply pointless. They remain for us 'salutary warnings' to which we must attend in our teaching and practice."

If "some" of the condemnations were "not simply pointless," were many or most of them "simply pointless" then? An earlier version of the *Declaration* had put it like this: "Nothing is thereby taken away from the seriousness of the condemnations related to the doctrine of justification. They did not simply or altogether miss the point. Where the basic consensus is not adhered to they still apply today. In this respect the mutual doctrinal condemnations remain 'important as salutary warnings.'"

The Church of Finland's response asked pointedly: "What does the formulation 'where the basic consensus is not adhered to' mean in concrete terms?" The final form of this point evidently follows the maxim: the less said the better.

Having referred to unresolved issues such as purgatory, indulgences, merit, satisfaction, sacrifice of the mass,

⁴²*A Commentary* (48) concedes as much: "The Catholic and *Lutheran* doctrines of justification do speak partially different languages, sometimes using different concepts, sometimes drawing different distinctions. Nevertheless, that which is common and fundamental is expressed in the JD in a common language." Somehow the second sentence contradicts the first.

invocation of saints, and monastic vows, Avery Dulles asks what it would mean to say that such matters are no longer church-divisive: "Does it imply that Lutherans may today teach and hold the doctrine of Trent and that Catholics are free to teach and hold the positions of the *Book of Concord* on the disputed points? If such freedom does not exist, the issues appear to stand in the way of full communion."⁴³ He then adds this eloquent plea:

In the present atmosphere Christians find it all too easy to declare that the doctrinal disagreements of the past have lost their church-divisive character. Pervasive though the present climate of agnosticism and relativism may be, Lutherans and Catholics must resist it. One of the most precious things we have in common may be our conviction that pure doctrine is crucially important and that ecclesial unity should not be purchased at the expense of truth. I sincerely hope that we can continue to learn from one another, appropriate one another's insights, and correct one another's oversights.⁴⁴

Though some have pointed out that the "mutual condemnations" in the Council of Trent and the Book of Concord are different, these differences must not be exaggerated. Gottfried Martens, in his *Die Rechtfertigung des Sunders-- Rettungshandeln Gottes oder historisches Interpretament*, criticizes the various justification dialogues precisely for reducing everything to historically variable expressions and interpretations. In fact the booklet *Ecumenism -- The Vision of the ELCA: A Guide for Synods and Congregations*, captures the prevailing approach perfectly: "As Lutherans seek to enter into fellowship without insisting on doctrinal or ecclesiastical uniformity, they place an ecumenical emphasis on common formulation and expression

⁴³Dulles, "On Lifting,

⁴⁴ 220. "Dulles, "On Lifting," 220.

of theological consensus on the Gospel."⁴⁵ When Dulles observes that "Trent made no mention whatever of Luther or Lutherans," he is technically correct.⁴⁶ The fact is, however, as Jedin puts it, "The Tridentine decree on justification is the Church's authoritative answer to the teaching of Luther and the Augsburg Confession on grace and justification. The reformed doctrines of Zwingli and Calvin were only lightly touched upon in the course of the debate."⁴⁷

It is also true that the Lutherans specifically refused to include "entire churches" in their condemnations of error (Preface to the Book of Concord). When the ELCA theologians opine, however, "nor are Roman Catholics excluded by Lutherans from Lutheran fellowship, including Holy Communion, even to this day," they are indulging in an unhistorical, woolly ecumenism. The Formula of Concord, for example, understands the Smalcald, Articles as having properly explained the Augsburg Confession, and given ample grounds "for having no communion with the papists, and for neither expecting nor planning to come to an understanding with the pope about these matters."⁴⁸

Despite the official Roman misrepresentations of justification, C. F. W. Walther cited Luther that the church has been preserved under the papacy because Roman Catholics have what Luther calls "Christ's ordinances and gifts": Baptism, the reading of Gospel in the vernacular, Absolution in private and public confession, the Sacrament of the Altar though it was administered at Easter and under one kind, the call or ordination to the pastoral office, and lastly prayer, the Psalms, the Creed, the Ten Commandments, and many fine

⁴⁵ *Ecumenism-The Vision of the ELC4: A Guide for Synods and Congregations* (Chicago: Evangelical Lutheran Church in America), 22-23. A good antidote would be Martikainen, *Doctrina*.

⁴⁶ Dulles, "On Lifting," 307. One could easily illustrate this in great detail, as is demonstrated in *Outmoded Condemnations?*

⁴⁷ Jedin, *Trent*, 2:307.

⁴⁸ FC, SD, Rule and Norm, 7.

hymns.⁴⁹ We can only be encouraged that in our country Roman Catholics are offered and many receive the Lord's Supper every Sunday and in many dioceses under both kinds.

Conclusion

We can do no better than to conclude with the judgment of our late president, colleague, and friend Robert Preus, *whose* timely book, *Justification and Rome*, has just been published by Concordia Publishing House:

The settlement is an amalgam of the old Lutheran and Roman Catholic definitions, or rather, a pasting together of the two disparate sets of definitions-sort of like a treaty. Neither side gives up its set of definitions and meanings. The treaty provides that the Lutheran and the *Roman* Catholic will no longer battle over words, meanings, and definitions, but each will keep his own.⁵⁰

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⁴⁹*The True Visible Church 4* translated by J. T. Mueller (St. Louis: Concordia Publishing House, 1961), 2425.

⁵⁰(St. Louis: Concordia Academic Press, 1997), 103-104