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Table of Contents

Agreement and Disagreement on Justification by Faith Alone Gottfried Martens	195
Successful or Justified? The North American Doctrine of Salvation by Works Robert A. Kelly	224
The Lutheran Confessions: Luther's Role Eugene F. A. Klug	246
An Evangelical Critique of Modern Western Culture: Whole Lotta Shakin' Goin' On Anthony Steinbronn	255
Book Reviews	281
<i>Perspectives on Religion and American Culture.</i> Edited by Peter W. Williams. Lawrence R. Rast Jr.	
<i>Lutheran Catechesis—Catechumen Edition: A Guide to Catechesis for the Lutheran Catechumen and Family.</i> By Peter C. Bender	John T. Pless

The Sacred Gift of Life: Orthodox Christianity and Bioethics. By John Breck. John T. Pless

Micah: A New Translation with Introduction and Commentary. Francis I. Anderson and David Noel Freedman Andrew E. Steinmann

Books Received 286

Agreement and Disagreement on Justification by Faith Alone

Gottfried Martens

In 1999 the *Joint Declaration on the Doctrine of Justification* was signed in the city of Augsburg, Germany by the President of the Lutheran World Federation (Bishop Christian Krause), the President of the Pontifical Council for Promoting Christian Unity (Edward Idris Cardinal Cassidy), and other representatives of the two church bodies.¹ The colorful ceremony, which included a procession from the Roman Catholic Cathedral to the Lutheran Church of Saint Anna, was broadcast on television in Germany and in other countries. It was celebrated by the Lutheran World Federation (LWF) as a milestone on the way to full eucharistic fellowship between the Lutheran and the Roman Catholic Churches.

Indeed this *Joint Declaration on the Doctrine of Justification* marks a certain final point in the ecumenical discussions between the LWF and the Roman Catholic Church on this central teaching, which caused the church to split in the sixteenth century. These discussions had begun during the ecumenical awakening in the Catholic Church after the Second Vatican Council in the 1960s. A joint Roman Catholic and Evangelical-Lutheran Commission was called into existence, whose members had been appointed by the Vatican and by the LWF and who started to deal with the controversial issues of the Reformation period, hoping to agree on common statements on the individual issues.² The results of the following

¹A report on the ceremony is on the Internet at "Colourful Ceremony Marks Signing of 'Joint Declaration': A Moment of Great Joy," [online] *LWF Information*, 31 October 1999, [cited 23 October 2001] available from: <http://www.justification.org/Doc_6.html>.

²A survey of these discussions appears in Gottfried Martens, *Die Rechtfertigung des Sünders: Rettungshandeln Gottes oder historisches Interpretament?: Grundentscheidungen lutherischer Theologie und Kirche bei der Behandlung des Themas "Rechtfertigung" im ökumenischen Kontext*, *Forschungen zur systematischen und ökumenischen Theologie*, Volume 64. (Göttingen: Vandenhoeck & Ruprecht, 1992), 177-178. See also Hans L. Martensen, "Wege und Hindernisse. Nach 21. Jahren lutherisch/römisch-katholischer Dialoge," edited by Günther Gaßmann and Peder Nørgaard-Hojen, in *Einheit der Kirche. Neue Entwicklungen and Perspektiven; Harding Meyer zum 60. Geburtstag in Dankbarkeit and Anerkennung* (Frankfurt am Main,

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two decades were rather encouraging. This commission published very concrete and helpful documents. Besides this international commission, ecumenical commissions were formed on a national level as well, which also worked on these contested questions.

There were, however, two major insights that all these commissions gained in the course of time. First of all, they realized that it was not enough that only those theologians who participated in these discussions and were members of these commissions came to an agreement on the single topics. Rather, it was necessary to deal with the official doctrinal documents of both churches, that is, with the *Book of Concord* on the Lutheran side and with the declarations of the Roman Catholic councils on the other, especially with the doctrinal decisions of the Council of Trent. Otherwise, all ecumenical steps forward would ultimately be in vain.

Second, the members of the commissions realized that it was not enough to deal with tangential theological topics, but with the center of the conflict of the Reformation: the question of the justification of the sinner before God. Thus, the ecumenical commissions in the United States and in Germany dealt with this question of justification extensively and intensively on the basis of the official doctrinal texts of both churches. These commissions published documents in the 1980s, stating a far-reaching convergence in the understanding of justification and declaring that the mutual doctrinal condemnations of the Reformation period do not apply to the present doctrinal position of the other church. As a result the Roman Catholic Church and the LWF felt obliged to publish a joint document on justification on the world level as well, including the results of the documents that already existed and officially declaring a consensus on this matter. This declaration was written by a circle of theologians and was revised several times, on mostly Roman Catholic concerns, before it was finally published in February 1997.³

The Declaration begins with a preamble, in which the authors put the document into a twofold historical nexus.⁴ On one hand they refer to the

Germany: Verlag Otto Lembeck, 1988), 53-67, 53-57.

³One may see a survey on the development of this document in Gottfried Martens, "Ein ökumenischer Fortschritt: Anmerkungen zur 'Gemeinsamen Erklärung zur Rechtfertigungslehre,'" *Lutherische Beiträge* 3 (1998): 164-187 and Martens, *Die Rechtfertigung des Sünders*, 165-166.

⁴The text of the *Joint Declaration* (JD) is on the Internet at: *Joint Declaration on the*

importance of the doctrine of justification in the conflicts between the Roman Catholic and the Lutheran Churches in the sixteenth century. These conflicts find expression in the official doctrinal condemnations on both sides, which are "still valid today and thus have a church-dividing effect," as the document explicitly declares.⁵ On the other hand this *Declaration* is appraised as a certain settlement of the ecumenical dialogue of the last twenty-five years concerning this topic. After the dialogue reports showed a "a high degree of agreement in their approaches and conclusions" according to the authors of the *Declaration*, this *Joint Declaration* set a twofold task for itself.⁶ First, the *Declaration* wanted to report about the results that had been reached, and second it wanted to make possible a binding reception of these results by the churches. The information should take place "with the necessary accuracy and brevity," as the authors express it.⁷ Thus, the *Joint Declaration* is explicitly "not a new, independent presentation," but rather it falls back on the results of former dialogues and summarizes them.⁸ Thus, this *Joint Declaration* could never be a real "breakthrough" in substance or even a theological sensation, as it was appraised by certain theologians.⁹ Only the attempt of an official reception of the dialogue results compiled in the document could be regarded as such a breakthrough, if it were crowned with success. One has to concede, however, that the *Joint Declaration* itself changes its tone of presentation in the course of the document, praising itself after this rather sober introduction at the end as a "decisive step forward on the way to overcoming the division of the church."¹⁰ This bold assertion should encourage us to study the document with special alertness.

It is remarkable that the *Joint Declaration* distinctly defines itself in the preamble as a consensus document. It not only states a relative approximation of two different traditions, a so-called convergence, as in other ecumenical dialogue reports, but it expressly says that the subscribing churches "are now able to articulate a common

Doctrine of Justification. [online] Geneva: Lutheran World Federation, 1997 [cited 23 October 2001]. Available from: http://www.justification.org/joint_eng.htm.

⁵JD § 1.

⁶JD § 4.

⁷JD § 4.

⁸JD § 6.

⁹One may see Martens, *Die Rechtfertigung des Sünders*, 177.

¹⁰JD § 44.

understanding of our justification by God's grace through faith in Christ."¹¹ Accordingly it is stated that the *Joint Declaration* encompasses "a consensus on basic truths on the doctrine of justification."¹² Therefore each part of the explication of the common understanding of justification in the document begins with the words "We confess together."¹³ Thus, the *Joint Declaration* is, according to its own understanding, a confessional document with all the weight resulting from such an assessment.

The preamble concludes with some short, but very significant, remarks about the understanding of history that lies behind the *Joint Declaration*. It claims the history of the church develops from bad to better and "new insights" – whatever might be meant by them – accrue to the churches, enabling them to overcome former differences and divisions.¹⁴

The first main part of the document sets forth the biblical message of justification. Repeatedly, it uses words such as "various" and "diverse" in these paragraphs.¹⁵ Statements and terms, which lie on totally different levels according to our Lutheran understanding, are put side by side in order to form a picture of a great spectrum of the biblical witness, in which both denominations can detect their own doctrinal concerns. A structuring of the numerous biblical quotations does not take place. A more precise analysis of the quotations even shows that certain core statements concerning the topic of justification in the New Testament are not mentioned at all, as this paper will demonstrate.

The second main part states "a consensus on basic truths concerning the doctrine of justification" with reference to the results of the ecumenical dialogue since the Second Vatican Council.¹⁶ The third main part of the document describes this consensus. The word "basic" must be underlined for this consensus in basic truths is placed opposite "differing explications in particular statements," which might show a certain discrepancy, but are nevertheless "compatible" with this consensus in basic truths.¹⁷

¹¹JD § 5.

¹²JD § 5.

¹³One may see JD §§ 19, 22, 25 and so forth

¹⁴JD § 7.

¹⁵One may see especially JD §§ 8, 9.

¹⁶JD § 13.

¹⁷JD § 14.

The document moves on to explicate these basic truths concerning the doctrine of justification in a trinitarian way. Justification is described as the work of the triune God. After that, it adds a consensus formulation, which originates from an ecumenical document about the *Augsburg Confession* published already in 1980.¹⁸ Thus, the core formulation of the *Joint Declaration* is not new at all, but has already been in use for twenty years and was already used before the first ecumenical documents that dealt specifically with the doctrine of justification were published. In this consensus formulation, both sides confess that the first justification takes place by grace alone and complete this confession with a reference to the renewing action of the Holy Spirit.¹⁹ However, the relationship of the effects of this renewing work of the Holy Spirit to the confession of justification by grace alone is not recognizable. The following explication of this consensus formulation does not clarify this relationship either.

In this third main part one finds statements about the function and the ranking of the doctrine of justification within the whole of the biblical witness and Christian doctrine. At first the Lutherans had succeeded in placing this theme into the context of the statements about the common understanding of justification. Thus, this theme received special importance and attention. In the last redaction, however, the text of the *Joint Declaration* was changed once more under pressure from the Roman Catholic side. Now, in this final proposal, justification is no longer declared to be the indispensable criterion, which constantly serves to orient all the teaching and practice of our churches to Christ, as in the earlier proposal, or, to express it in Lutheran terminology, the article by which the church stands or falls.²⁰ Rather it is only called a criterion, as the Roman Catholics "see themselves as bound by several criteria" and are not able to concede this decisive importance to the article of justification.²¹

Whereas the explanation of the common confession of the basic truths of justification turns out to be rather brief, the explication of the common

¹⁸One may see Martens, *Die Rechtfertigung des Sünders*, 178, note 62.

¹⁹One may see JD § 15.

²⁰One may see Eberhard Jüngel, "Um Gottes willen - Klarheit! Kritische Bemerkungen zur Verharmlosung der kriteriologischen Funktion des Rechtfertigungsartikels - aus Anlaß in der ökumenischen Gemeinsamen Erklärung zur Rechtfertigungslehre," *Zeitschrift für Theologie und Kirche* 94 (1997): 394-406, 395.

²¹JD § 18.

understanding of justification in a fourth main part of the *Declaration* is quite detailed. This longest part of the document deals with seven points of controversy. They are: 1) Human powerlessness and sin in relation to justification (the question of man's cooperation in the process of justification); 2) Justification as forgiveness of sins and making righteous (the question of the relationship between the declaration of God's forgiveness and God's renewing work in men's lives); 3) Justification by faith and through grace (the question of the function of faith in justification); 4) The justified as sinner (the question as to whether the justified person remains a sinner after his justification and whether he is therefore righteous and sinner at the same time); 5) Law and gospel (a theme which had unfortunately been left out of consideration in the former dialogue documents, even though it is of central importance in considering justification); 6) Assurance of salvation (the question of whether the Christian can be certain of his salvation in spite of his sinfulness); and 7) The question of the good works of the justified and which function these good works have in preserving the justification that has been received (how far these good works are meritorious, after all).

When one compares the treatment of these seven controversial issues with the treatment of the problems in former ecumenical documents, one has to concede that the treatment in the *Joint Declaration* is more clearly arranged and more systematic than before and that above all the real points of controversy are actually named in these seven points. The method by which the single issues are treated in the document is the same in all seven points. At the beginning, there is a paragraph containing a common confession concerning the theme of the respective issue. Two more paragraphs follow, in which the respective concerns of the Lutherans and the Roman Catholics regarding the question are named and explicated. In doing this the doctrinal differences that become apparent in this explication are automatically declared to be complementary "concerns" of both sides.²² Therefore, because they are just "concerns," they are not able to call the contended basic consensus into question. This procedure is the fundamental ecumenical method that is applied in the treatment of every single issue and which is explicitly described at the beginning of the last main part of the document about the "Significance and Scope of the Consensus Reached."²³ The results of the

²²One may see, for example, JD § 36.

²³JD part 5.

preceding ecumenical documents concerning justification depended on this ecumenical method, too. Thus, it has proved to be very effective.

In the first paragraph of this last main part one also finds the central and oft-repeated statement "that a consensus in basic truths of the doctrine of justification exists between Lutherans and Catholics."²⁴ Notice, however, that this statement refers to the third main part of the document, that is, essentially to the consensus formula of 1980 and that in view of this formulation the differences that are explicated in the fourth main part are regarded to be "acceptable."²⁵ These differences are just various "explications of justification" that "are in their difference open to one another."²⁶

Therefore the *Joint Declaration* finally states that the doctrinal condemnations of the one church do not apply to the respective teaching of the other as it is presented in this document. Thus, the doctrinal condemnations keep their function merely as "salutary warnings."²⁷ Besides, the *Joint Declaration* underlines that this consensus has to have consequences in other areas of the doctrine and the life of the church. It specifies several topics "which need further clarification," so that the aim of the visible unity of the church, which is declared in the document to be Christ's will, might be reached.²⁸

The final paragraph of the document shows the importance the authors ascribe to it. Here they solemnly declare: "We give thanks to the Lord for this decisive step forward on the way to overcoming the division of the church."²⁹ Thus, the result of the document is interpreted as the will and work of God himself. A rejection of this document would, therefore, mean disobedience against God's will and work. The fierce reactions supporting or rejecting this *Joint Declaration* after its publication are more understandable, if one considers this assessment of the document.

As mentioned above, the two church bodies were not content simply with publishing another theological document on the issue of justification. Rather, they wanted this *Declaration* to be officially accepted

²⁴JD § 40.

²⁵JD § 40.

²⁶JD § 40.

²⁷JD § 42.

²⁸JD § 43.

²⁹JD § 44.

by both church bodies. Thus, this *Declaration* would be more binding than all the other documents that had been published before. The problem, however, was how the Lutheran side could officially accept such a document as an expression of its own faith. While the Vatican could decide matters very easily, the LWF was forced to ask all its member churches to approve of this document in their synods. Thus, the LWF asked its member churches to do so by May 1, 1998. Up to this deadline only sixty-six of the 122 member churches had given an answer. Moreover, there were several member churches who could not agree to the statements contained in this document "that a consensus in basic truths of the doctrine of justification exists between Lutherans and Catholics" and that the "condemnations in the Lutheran Confessions do not apply to the teaching of the Roman Catholic Church presented in this Declaration."³⁰ In Germany especially there was a passionate discussion between supporters and critics of this *Declaration*.³¹ While the bishops and other church leaders eagerly voted in favor of the *Declaration*, trying to move the synods of the single territorial churches in Germany to accept the statements mentioned above, not least for reasons of church politics, a growing group of theology professors opposed the *Declaration* because of theological concerns. More than 160 of them signed an open letter warning the bishops and synods not to accept the *Declaration*, as this acceptance would mean the sacrifice of the central doctrine of the Lutheran Reformation in favor of the decisions of the Council of Trent. The Independent Evangelical Lutheran Church in Germany (*Selbständige Evangelisch-Lutherische Kirche*), which does not belong to the LWF, published a statement as well, saying that the real differences in the issue of justification had not been solved in the document, but were rather disguised.³² Finally the majority of the synods of the Lutheran territorial churches in Germany passed votes that could be interpreted in various directions, enabling the LWF to count them as votes in favor of the statements of the *Declaration*. Thus, the LWF finally decided in June 1998 that the consensus among the Lutheran churches in favor of the

³⁰JD § 40-41.

³¹One may see a survey on these discussions in Martens, *Die Rechtfertigung des Sünders*, 164-170.

³²One may see *Stellungnahme der Selbständigen Evangelisch-Lutherischen Kirche zur, "Gemeinsamen Erklärung zur Rechtfertigungslehre"* (Römisch-katholische Kirche-Lutherischer Weltbund), *Lutherische Beiträge* 3 (1998): 188-195. Hereafter cited as *SELK-Stellungnahme*.

Declaration was sufficient in order to be able to subscribe to this document and celebrated its own decision as a "historical moment for our two churches."³³

However, the enthusiasm that was expressed by the representatives of the LWF lasted for only a short time. On June 25, 1998, the anniversary date of the *Augsburg Confession*, the Roman Catholic Church published its official response, prepared by common agreement between the Congregation for the Doctrine of the Faith and the Pontifical Council for Promoting Christian Unity.³⁴ It stated that even though the *Joint Declaration* "represents a significant progress in mutual understanding" and "shows that there are many points of convergence" the Roman Catholic side "cannot yet speak of a consensus." The authors of the response then added "a list of points that constitute still an obstacle to agreement between the Catholic Church and the Lutheran World Federation on all the fundamental truths concerning justification."³⁵ The first and most weighty point for the Roman Catholic side was the Lutheran view of the justified as sinner: "from a Catholic point of view the title is already a cause of perplexity," the authors declared. They continued that "it remains difficult to see how, in the current state of the presentation, given in the *Joint Declaration*, we can say that this doctrine on *simul iustus et peccator* is not touched by the anathemas of the Tridentine decree on original sin and justification."³⁶ Other obstacles mentioned in the list were the importance of justification as criterion for the life and practice of the church³⁷ and the challenge of man's cooperation in justification by the Lutheran view that man receives justification merely passively and that good works are not explicitly called "the fruit of man, justified and interiorly transformed."³⁸ The list

³³One may see Gottfried Martens, "Der Rettungsversuch. Zur Unterzeichnung der 'Gemeinsamen Erklärung zur Rechtfertigungslehre' in Augsburg," *Lutherische Beiträge* 4 (1999): 263-275; Martens, *Die Rechtfertigung des Sünders*, 263.

³⁴The official response to the *Joint Declaration* is on the Internet at *Response of the Catholic Church to the Joint Declaration of The Catholic Church and the Lutheran World Federation On the Doctrine of Justification*. [online] Vatican City: Pontifical Council for Promoting Christian Unity, 1998 [cited 12 November 2001]. Available from: <www.justification.org/of_cat_risp.htm>.

³⁵All quotations are taken from the *Declaration* at the beginning of the *Response*.

³⁶"Clarifications," in *Response*, § 1.

³⁷One may see "Clarifications," in *Response*, § 2.

³⁸"Clarifications," in *Response*, § 3.

also refers to the sacrament of penance which is "not . . . sufficiently" treated in the *Joint Declaration*.³⁹ In view of all these points the Roman Catholic side was not able "to affirm that all the differences separating Catholics and Lutherans in the doctrine concerning justification are simply a question of emphasis or language. Some of these differences concern aspects of substance and are therefore not all mutually compatible, as affirmed on the contrary" in the *Joint Declaration*.⁴⁰ The response ended with a reference to the ecclesiological relevance of the document, that is, the way the LWF tried to reach a *magnus consensus* by consulting the single synods of its member churches: "there remains, however, the question of the real authority of such a synodical consensus, today and also tomorrow, in the life and doctrine of the Lutheran community."⁴¹ Here the Roman Catholic Church rather openly expressed what had already been mentioned in a footnote in the document itself that the Roman Catholic side was not able to regard the Lutheran Churches as real churches in the full meaning of this word.⁴² Thus, the authors of the response intentionally avoided calling the Lutheran Church a church and rather spoke of "the Lutheran community."

The dismay of the representatives of the LWF, especially of the German Lutheran bishops who had tried so hard to talk the synods into approving this *Joint Declaration* and who had so harshly criticized the opposition of the theology professors, is easily imaginable. Now the Roman Catholic Church itself was making it clear that these professors had been right in their criticism and this made the bishops aghast. In one of the first reactions, the General Secretary of the LWF tried to underline the positive aspects of Rome's answers, but even he conceded that by this response of the Roman Catholic Church the basis on which it could be commonly declared that the doctrinal condemnations of the Reformation period did not apply anymore had become unclear. Horst Hirschler, the leading bishop of the Lutheran territorial churches in Germany, expressed it even more starkly by saying that, through this response, a grave change had taken place. If the statements in this response could not be straightened

³⁹"Clarifications," in *Response*, § 4.

⁴⁰"Clarifications," in *Response*, § 5.

⁴¹"Clarifications," in *Response*, § 6.

⁴²One may see JD, note 9: "The word 'church' is used in this *Declaration* to reflect the self-understandings of the participating churches, without intending to resolve all the ecclesiological issues related to this term."

out by official interpretations, then the aim of the *Joint Declaration* has not been reached.⁴³

After the first shock, both sides tried to find a way out of this dilemma; this was especially true of the Roman Catholic side. Cardinal Cassidy wrote a letter to Dr. Ishmael Noko, General Secretary of the LWF, interpreting the response as an approval of the *Joint Declaration*, in spite of certain objections. Even though he stated once more that the Roman Catholic Church was not able to declare that the doctrine of the *simul iustus et peccator* does not incur the condemnations of the Council of Trent, he indicated that the Roman Catholic Church was willing to sign the document as an expression of good will.⁴⁴ This was, however, not acceptable for the LWF in view of the theological objections against the Lutheran position mentioned in the Roman Catholic answer. A subscription to the *Declaration* under these circumstances would have meant the death of the document. Thus, the two church bodies agreed to draft an additional document, a so-called *Official Common Statement with an Annex* that sought to clarify the contested questions mentioned in the Roman Catholic answer. This *Common Statement* was finally presented to the public in June 1999. At the same time the date of the subscription ceremony was announced.⁴⁵

The *Official Common Statement* itself is a very short text, consisting of three points. The first and most important point emphasizes the statement of the *Joint Declaration* that the teaching of the Lutheran churches presented in the *Declaration* does not fall under the condemnations of the Council of Trent.⁴⁶ The Roman Catholic response had questioned this statement. The assertion "that the earlier mutual doctrinal condemnations do not apply to the teaching of the dialogue partners as presented in the *Joint Declaration*" is substantiated by an

⁴³One may see Martens, *Die Rechtfertigung des Sünders*, 266.

⁴⁴One may see Martens, *Die Rechtfertigung des Sünders*, 266 and following.

⁴⁵The *Official Common Statement with the Annex* is on the Internet at *Official Common Statement by the Lutheran World Federation and the Catholic Church and Annex*. [online] Geneva: Lutheran World Federation, 1998 [cited 12 November 2001]. Available from <www.justification.org/gof_engl.htm>. Hereafter cited as CS for the *Common Statement* and *Annex* for the *Annex*.

⁴⁶One may see CS § 1.

Annex dealing with the questions especially mentioned in the Roman Catholic response.⁴⁷

The *Annex* consists of four parts. The first part merely repeats what had been said before about the consensus reached in the *Joint Declaration* and announces an elucidation of this consensus.⁴⁸ The second part, which is the real center of the *Annex*, is subdivided into five points, taking up the Roman Catholic concerns mentioned above. The third part deals with the question of the criteriological function of the doctrine of justification. The fourth part addresses to the question of authority in the process of ecclesial decisions, taking up the remarks of the Roman Catholic response concerning the procedure of synodical consultations in the LWF.

Some positive surprises may be found in the explication of the five controversial points in the second part of the *Annex*. It states that "Lutherans and Catholics can together understand the Christian *assimul justus et peccator*;" justification takes place "by faith alone;" and Romans 3:28 is a proof text that "the person is justified 'apart from works.'"⁴⁹ God's final judgment, which rarely appeared in the *Joint Declaration*, is now dealt with, and there are even three new references to the text of the *Formula of Concord*. Thus, at first glance, it seems as if this *Annex* is much more Lutheran than the *Joint Declaration* itself.

Upon closer examination, however, one finds the opposite true. There are not only the same unsolved problems that are in the *Joint Declaration*, but there is a clear shift in favor of the concerns of the Roman Catholic side expressed in its response of June 25, 1998. Thus, the *simul justus et peccator* is interpreted in a good Tridentine way, so that the explication says exactly the opposite of what this formula originally meant, namely, that the Christian is righteous and sinner at the same time, because he is inwardly renewed and endangered by the power of sin.

The same is true of the treatment of the concept of concupiscence, where the Lutherans finally accept the Roman Catholic thinking that concupiscence is a desire which "can become the opening through which sin attacks."⁵⁰ The Lutherans even accept the Roman Catholic understanding of sin as having a "personal character," a statement that

⁴⁷CS § 2.

⁴⁸One may see *Annex* § 1.

⁴⁹*Annex* § 2 A, C.

⁵⁰*Annex* § 2 B.

was qualified as typically Roman Catholic in the *Joint Declaration* itself!⁵¹ Even though the last judgment is mentioned in the *Annex*, the decisive question is left open here as well: who or what will finally rescue man in this final judgment? The quotations from the *Formula of Concord* mentioned in the *Annex* take on a totally different meaning when they are put into the Roman Catholic concept of justification as a process, instead of being interpreted in the context of the dialectic of law and gospel and of an imputative understanding of justification.⁵² Thus, the authors of the *Annex* actually succeed in veiling the fact that the Roman Catholic doctrine of good works preserving the justifying grace is explicitly condemned in the *Formula of Concord* when it says: "Since it is evident from the word of God that faith is the proper and the only means whereby righteousness and salvation are not only received but also preserved by God, we rightly reject the decree of the Council of Trent and anything else that tends toward the same opinion, namely, that our good works preserve salvation, or that our works either entirely or in part sustain and preserve either the righteousness of faith that we have received or even faith itself."⁵³ There is not a hint in either the text of the *Joint Declaration* or of the *Annex* as to why this rejection could not be applied to the doctrine of the Roman Catholic Church today.

The third part of the *Annex* addresses the question of the criteriological function of justification once more. The text of the final proposal of the *Joint Declaration* had been harshly criticized by Lutheran theologians because justification was called merely a criterion among others orienting all the teaching and practice of the churches and not *the* criterion. Now, in the *Annex*, both sides simply dispense with the article altogether. Justification is the "measure and touchstone for the Christian faith."⁵⁴ A bit later, however, the statement of the *Joint Declaration* is repeated that the doctrine of justification is an indispensable criterion.⁵⁵ The last part, finally, deals with the irritations caused by the remarks in the Roman Catholic response concerning the authority of doctrinal decisions in the

⁵¹*Annex* § 2 B. One may see JD § 30.

⁵²One may see Martens, *Die Rechtfertigung des Sünders*, 272.

⁵³The Formula of Concord, in *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, translated and edited by Theodore G. Tappert (Philadelphia: Fortress Press, 1959) 557:35. Hereafter the work is abbreviated Tappert and the paragraph is cited according to standard Lutheran practice (for example, FC SD IV, 35).

⁵⁴*Annex* § 3.

⁵⁵One may see *Annex* § 3.

Lutheran Churches. Of course, the text does not deal with the real challenge of the Roman Catholic side, whether the Lutheran church is a church at all. Instead it notes that in the dialogue itself the two sides have treated each other as partners and respect "the other partner's ordered process of reaching doctrinal decisions."⁵⁶ This respect does not mean an acknowledgment, however, as Lutheran commentators said afterward.⁵⁷ This last paragraph was just an expression of ecclesial politeness.

The public presentation of this *Official Common Statement* with its *Annex* on June 11, 1999 provoked even stronger protests in Germany. More than 240 theology professors protested against it, as did many other pastors and theologians, mainly for two reasons.⁵⁸ First, they criticized the fact that this new document was only approved by the representatives of the LWF in Geneva, but not by the individual member churches, making the LWF seem like a kind of super church, a Lutheran Vatican.⁵⁹ Second, they criticized the fact that in the *Annex* the Lutheran side accepted the teachings of the Council of Trent even more frankly than in the *Joint Declaration* itself. A Roman doctrine of justification was taught in this document by using Lutheran expressions. This became even more apparent when an interview given by Joseph Cardinal Ratzinger was published, in which the chief theologian of the Vatican very frankly described how this new statement came into being and how it was to be understood by the Roman Catholics. He praised this *Common Statement*, because in this document the two sides had made a real progress towards the Roman Catholic position. He clearly explained how the interpretation of the *simul justus et peccator* in the *Annex* was to be understood: "If somebody is not just, then he is not justified." That is, of course, the traditional Roman Catholic position. Ratzinger continued to say: "The truth and the value of the excommunications of Trent remains valid. Only if the Lutheran doctrine of justification is explained in a way that complies with this measure, it is not affected by these excommunications. For he who opposes the doctrine of the Council of Trent, opposes the

⁵⁶ *Annex* § 4.

⁵⁷ One may see Martens, *Die Rechtfertigung des Sünders*, 273, note 60.

⁵⁸ One may see "Kritik: Mehr Kritik an Gemeinsamer Erklärung. Ein Brief skandinavischer und amerikanischer Hochschullehrer," *Frankfurter Allgemeine Zeitung* (December 22, 1999): 298.

⁵⁹ One may see Martens, *Die Rechtfertigung des Sünders*, 267 and following, with notes 27 and 28.

doctrine and the faith of the Church."⁶⁰ Even these unmistakable words of the Cardinal and all the protests could not prevent the representatives of the LWF from finally signing this highly disputed document.⁶¹ The quarrel about the document did not cease, however, even after the official ceremony. In a letter to Cardinal Cassidy, a group of Norwegian, Swedish, Danish, and American theology professors harshly criticized the *Joint Declaration* and the *Annex of the Common Statement*, warning the Roman Catholic side not to regard these texts as an adequate expression of the Lutheran faith or even as a binding document for Lutheran churches.⁶² Thus, it is doubtful what significance this *Joint Declaration* will actually have in the future.

The texts themselves will be soon forgotten and, at best, the result of this *Declaration* will be kept in mind that allegedly all major differences in this focal question between Lutherans and Roman Catholics have been overcome. This would be a shame, of course, because the most positive result of this whole discussion, with its very unsatisfactory outcome, has been that the matter of justification itself has been discussed in churches, congregations and, at least superficially, also in the public. It would be very regrettable if this discussion would be over now, if the doctrine of justification would be regarded again as just a historical remnant, and if Joseph Cardinal Ratzinger would be right in stating that the Lutherans themselves are only very insufficiently able to answer the question of what justification is all about and that they would be willing to deal with this topic very tranquilly in the ecumenical discussions.⁶³

Think once more about this very question of what justification is all about. Formulating three theses might help not only to recognize the basic weaknesses of the ecumenical documents concerning this issue, but also to reposition this question as the center of pastoral ministry.

⁶⁰One may see the quotations in Martens, *Die Rechtfertigung des Sünders*, 268, note 28; 270, notes 40 and 42; 271, note 48; 274, notes 63 and 64.

⁶¹One may see also the statement of the Independent Evangelical Lutheran Church in Germany concerning the CS, "Stellungnahme der SELK zur "Gemeinsamen Offiziellen Feststellung des Lutherischen Weltbundes und der römisch-katholischen Kirche" samt 'Anhang' zur 'Gemeinsamen Erklärung zur Rechtfertigungslehre,'" *SELK-Informationen* 27 (October 1999): 237:3-5.

⁶²One may see "Kritik: Mehr Kritik an Gemeinsamer Erklärung," *Frankfurter Allgemeine Zeitung* (December 22, 1999).

⁶³One may see the quotation in Martens, *Die Rechtfertigung des Sünders*, 274, note 63.

1. Justification takes place in the sermon, in the means of grace through God's twofold acting in law and gospel.

Justification is something that takes place. Justification is not a theological theory, but is something that actually happens. It is the basic event in the church.⁶⁴ The living God Himself is the subject of justification. He acts in justification by killing the old Adam through the law and raising him to new life through the gospel. Thus, this real dialectic of God's twofold acting in law and gospel is not a special theme among others in the area of justification; it is the way in which justification actually takes place. It is impossible to speak adequately about justification beyond this framework of law and gospel. In other words, the dialectic of law and gospel is not a Lutheran theory, but a catholic doctrine in the best sense of this word. If Lutherans agree to the view that the dialectic of law and gospel is a Lutheran specialty, then we have already given up the core of our proclamation. This is exactly the basic erroneous decision that was made in the *Joint Declaration*, as well as in other ecumenical documents concerning that topic of justification. In all these documents the authors try to abstract the description of justification from this basic dialectic of law and gospel. The result is always the same: one automatically gets caught in the track of the decisions of the Council of Trent. Without this basic structure of law and gospel, justification can only be described as a process, just as the Council of Trent does. It is a process that is started, of course, by God's grace, in which, however, the human will and human cooperation evermore become a problematic factor so that the first justification, happening in baptism, and the word of forgiveness that is heard by the person who is justified, are by no means identical with his final acceptance in the divine judgment.⁶⁵ Thus, there can be no assurance of salvation for the believer; he can never be sure how he will behave during this process of justification until the end.

It is therefore not only a formal preliminary decision, but a preliminary decision in substance, when in the *Joint Declaration*, too, this Roman view of justification as a process is not only accepted as a legitimate way of looking at and describing justification, but when this description of process is taken as the basis of the document, because it is much more practically handled. Of course, it seems to be near at hand to compare the

⁶⁴One may see Martens, *Die Rechtfertigung des Sünders*, 23 and following.

⁶⁵One may see Martens, *Die Rechtfertigung des Sünders*, 83-86.

single phenomena of this process between the two churches, sin and grace, and faith and good works, and so on. Structural parallels can be found between the Lutheran and the Roman Catholic view; but nevertheless, the whole description and the whole result will remain totally unsatisfactory, because the very basis of an adequate description of what is happening in justification has been left when the dialectic of law and gospel, of this twofold acting of God, has been put away beforehand.

The best proof for this is the treatment of the description of the Christian as *simul justus et peccator* in the *Joint Declaration* and the *Annex* of the *Common Statement*. In the *Joint Declaration* the description of the Lutheran position was not so bad, after all. The Lutherans had stated:

Believers are totally righteous, in that God forgives their sins through word and sacrament and grants the righteousness of Christ which they appropriate in faith. In Christ, they are made just before God. Looking at themselves through the law, however, they recognize that they remain also totally sinners. Sin still lives in them . . . , for they repeatedly turn to false gods and do not love God with that undivided love which God requires as their Creator This contradiction to God is as such truly sin.⁶⁶

This statement, however, would finally not be accepted at all by the Roman Catholic side, which stated

The major difficulties preventing an affirmation of total consensus between the parties on the theme of Justification arise in paragraph 4.4. *The Justified as Sinner* According . . . to the doctrine of the Catholic Church, in baptism everything that is really sin is taken away, and so, in those who are born anew there is nothing that is hateful to God For Catholics, therefore, the formula 'at the same time righteous and sinner,' as it is explained at the beginning of n. 29 is not acceptable. This statement does not, in fact, seem compatible with the renewal and sanctification of the interior man of which the Council of Trent speaks it remains difficult to see how, in the current state of the presentation, given in the *Joint Declaration*, we can say that this doctrine on '*simul justus et peccator*' is not touched by the

⁶⁶JD § 29.

anathemas of the Tridentine decree on original sin and justification.⁶⁷

Here is the classical dilemma: As soon as one ceases to deal with justification on the basis of the dialectic of law and gospel, the doctrine of the *simul justus et peccator* becomes meaningless, and seems even to be heretical. How did the two sides try to solve this dilemma? They avoided dealing with this actual decisive point, but preferred rather to reinterpret the *simul justus et peccator* in a Roman Catholic sense. Thus, the Lutherans could say that the Roman Catholics had accepted their formula, and the Roman Catholics could be content because the Lutherans had accepted their Tridentine interpretation. Thus, in the *Annex* to the *Common Statement*, they write: "We are truly and inwardly renewed by the action of the Holy Spirit, remaining always dependent on his work in us The justified do not remain sinners in this sense."⁶⁸ Thus, in this interpretation of the *simul justus*, justification and interior renewal are equated for the very purpose of making the formula acceptable to the Roman side. The *Annex* continues: "Together we hear the exhortation 'Therefore, do not let sin exercise dominion in your mortal bodies, to make you obey their passions' (Romans 6:12). This recalls to us the persisting danger which comes from the power of sin and its action in Christians. To this extent, Lutherans and Catholics can together understand the Christian as *simul justus et peccator*."⁶⁹ "To this extent" means that Lutherans and Roman Catholics can only agree on sin as being a danger to the Christian, not as an actual qualification of the Christian after his baptism, too. Thus, the real meaning of the *simul justus et peccator* is turned into its opposite, because it is taken from the context of law and gospel. It is unbelievable that Lutheran theologians were actually willing to accept this false solution!

This unwillingness of the Roman Catholic side to accept the description of the Christian as *simul justus et peccator* is, in the last analysis, caused by a different understanding of the reality of justification. According to Roman Catholic thinking, the reality of justification is finally an ethical quantity and one-dimensional.⁷⁰ The Christian is really justified because he is liberated from sin, inwardly renewed, and enabled to do good

⁶⁷"Clarifications," in Response, § 1.

⁶⁸*Annex*, § 2 A.

⁶⁹*Annex*, § 2 A.

⁷⁰One may see Martens, *Die Rechtfertigung des Sünders*, 86.

works. It is impossible that a Christian is a sinner and a righteous, justified person at the same time.

According to the teaching of the Lutheran church, the reality of justification consists solely in the word of forgiveness that is proclaimed to the Christian. He is really just, because God says that he is really just. For God's word is not a mere piece of information, but it is effective, creating a new reality that is not an ethical category, even though it will have its effect in the good works of the justified. These good works do not constitute, however, this reality and cannot call this reality of justification into question. Therefore it is obvious that a Christian can be and actually is *simul justus et peccator*, because the reality of his sin and the reality of his justice cannot be compensated against each other. In the *Joint Declaration* this different understanding of reality, this different theological ontology, is not reflected at all.⁷¹ The consequence of this is that the Roman Catholic understanding of reality is at least silently accepted. What does it mean, for example, when it is said that the baptized person is justified and truly renewed? Or when justification is defined as "forgiveness of sins and making righteous"?⁷² As soon as this Roman Catholic understanding of reality is accepted, an understanding of justification as process appears, with all the consequences mentioned above. If, however, one really accepts the thesis that justification takes place in the sermon, through the proclamation of the gospel, and that this word of the gospel effects what it says, then one cannot accept these presuppositions upon which the Roman Catholic argumentation is based.⁷³

Another point where the consequences of the preliminary decisions that have already been described can be observed is the question of the so-called "personality" of sin and faith. For Roman Catholic thinking, justification is a process in which the empirically describable human being with his free will remains in a continuum. Sin is an act of the free will of man, and faith is an act of the free will of man as well, after it is

⁷¹One may see Gottfried Martens, "Statt einer Erwiderung," *Lutherische Theologie und Kirche* 14 (1990): 85.

⁷²One may see JD § 4.2.

⁷³One may see Gottfried Martens, "'Einig in Sachen Rechtfertigung'—Wo liegt der Haken? Zur Diskussion um das Rechtfertigungskapitel des Dokuments 'Lehrverurteilungen—kirchentrennend,'" *Lutherische Theologie und Kirche* 13 (1989): 166-174, 170 and following.

empowered to perform this act by the gracious help of God. This so-called "personality" of sin and faith is an important concern for Roman Catholic theology, based on its understanding of the relationship of nature and grace. According to Lutheran theology, however, there is no continuity between the old man who is condemned and killed by the law and the new man who is created by the gospel. The law reveals that man is not only a sinner when he willingly does something wrong, but that by the consequences of original sin the very center of his being is corrupted and is placed under God's judgment. The gospel, however, does not only empower this old man to do better in the future; but it rather creates a totally new man who is not simply an improved version of the old one. The quarrel between the old and the new man in us will, however, not cease until death. When, on the other hand, the Lutherans state in the *Joint Declaration* that "believers are fully involved personally in their faith," and when they claim in the *Annex* of the *Common Statement* that sin "has a personal character," then they leave God's twofold acting in law and gospel out of consideration once more, thereby yielding to the Roman Catholic ontology and understanding of justification as a continual process.⁷⁴

Justification takes place in the sermon, in the means of grace through God's twofold acting in law and gospel. We have seen the far-reaching consequences of this statement. The basic presupposition in this statement is that justification is something that actually takes place and is not just a theological theory or the result of a historical development. Only on this basis does it make any sense at all to discuss this central content of Christian proclamation or to express the same in Latin.⁷⁵ This is, of course, another fundamental problem of all these ecumenical documents concerning the doctrine of justification. They are based on this concept of justification as a theological or confessional theory that can be analyzed in its historical emergence and that can, accordingly, be relativized in view of its historical conditionality. On this basis one could also work with the concept that there are two different theological traditions, both of which are developing over time and moving toward the higher aim of Christian unity. This concept is developed very successfully in the *Joint Declaration* as well. It agrees with this basic presupposition of justification as a theological theory. When one

⁷⁴JD § 21; *Annex* § 2 B.

⁷⁵One may see Martens, *Die Rechtfertigung des Sünders*, 23 and following.

proceeds, however, from the insight that justification is an act of God, something that actually takes place in every divine service where the means of grace are distributed, then one understands that justification is not a confessional theory, but a catholic event and that the decisive question is not how this or that theological concept has developed, but rather who or what is preached to the Christian congregation as the only rescue in God's final judgment. This leads us to the second thesis.

2. Justification means the rescue of the sinner in the last judgment

There is obviously a serious difference in the approach concerning justification between the Roman Catholic and the Lutheran sides. But is it not true, nevertheless, that these differences are merely differences of language, theological elaboration, and emphasis in the understanding of justification? Is it not possible that the phenomenological description of justification used by the Roman Catholic side and in the *Joint Declaration*, as well as the description of justification in the framework of the dialectic of law and gospel, come to the same result in the end? The decisive question is: who or what will finally save me in the last judgment?

If one expects to find an answer to this question in the *Joint Declaration* or in the *Annex* to the *Common Statement*, one will be bitterly disappointed. With lots of elegant formulations included, the authors of these papers succeed in avoiding this decisive question. Again and again they rightly emphasize that justification means forgiveness of sin and being declared righteous, that justification and true internal renewal belong inseparably together, just as do faith and love. They do not say, however, the importance this internal renewal and the good works of the believer will finally have in this last judgment, because they do not deal with the last judgment at all in the *Joint Declaration*. In the *Annex* they seem to compensate for this absence in paragraph E: "We face a judgement."⁷⁶ Yet, the task of this judgment is obviously not to decide whether a person is sentenced to eternal death or whether eternal life is granted to him. Rather, the task is to approve or disapprove of certain deeds in our lives, a kind of trial jury.

On the one hand, this very cleverly obscures the real difference between the two churches that would emerge, if this question were answered openly. As long as the final judgment does not enter the picture, one can

⁷⁶*Annex* § 2 E.

say many nice things about the unity of faith and love and about the process of justification. If one deals earnestly with the last judgment, however, then one has to say whether a lack of good works can prevent one from entering eternal life, or whether the acquittal in the last judgment is based only on Christ and His work, on God's own word spoken in Holy Absolution, or on something else in the believer. And then one must also deal with the question of whether there can be something like assurance of salvation based on the word of Holy Absolution or not. In the *Joint Declaration*, the Roman Catholic side is not able to affirm this. The believer can only be certain that God desires his salvation; he should not doubt God's mercy and Christ's merit and may be sure of His grace. But he cannot be certain of his salvation, as his human weakness will be a factor in the final judgment as well.⁷⁷ This last statement, however, is covered by a smokescreen again in the *Declaration*. The paper only speaks of salvation in this context, but does not mention the final judgment at all. Thus, the question of assurance of salvation — as a matter of fact the central question of Luther's reformatory breakthrough — is dealt within the document as a subjective concern of the Lutheran side and not as the central issue that tests the soundness of the alleged agreement.

It is not, however, merely a clever move to de-emphasize the question of the last judgment in order to allow the Lutheran side to accept the Roman Catholic way of describing justification. It is also an expression of what is actually preached in the churches today. Rescue in the last judgment is, to a large extent, regarded as an antiquated question of medieval man, which is of no interest for the man of today. Therefore, the judicial forum is changed. Instead of proclaiming the acquittal in the last judgment, preachers today prefer to speak of acceptance and self-acceptance, preaching that one is allowed to accept himself because he is accepted by God or that one need not justify himself for what he has done, because God has already justified him.⁷⁸ This is not totally wrong, to be sure. But if the last judgment is removed as the real point of

⁷⁷One may see JD § 36.

⁷⁸One may see Gottfried Martens, "Glaubensgewißheit oder Daseinsgewißheit? Bemerkungen zu Auftrag und Ziel der Rechtfertigungsverkündigung der Kirche," in Wolfhart Schlichting, editor, *Rechtfertigung and Weltverantwortung. Internationale Konsultation Neuendettelsau 9.-12. September 1991. Berichte and Referate. Herausgegeben im Auftrag der Gesellschaft für Innere and Äußere Mission im Sinne der Lutherischen Kirche* (Neuendettelsau 1993), 171-179.

reference in speaking about justification, the whole proclamation of justification is empty, replacing the rescue from eternal death with a mildly religious version of popular psychological small talk, that is, "I'm okay-you're okay."

This unwillingness to speak of justification in view of the last judgment, this fading out of the eschatological dimension of justification, was already one basic cause for the failure of the LWF 1963 in Helsinki to express what justification actually means. There were, of course, many reasons that finally led to the disaster that the Assembly of the LWF was not able to approve of a common document on justification. That disaster was interpreted by observers from all over the world and by the media as a sign that the Lutherans themselves did not know anymore what justification actually meant and that they no longer agreed about the very core of their own proclamation.

Of course, there were many technical reasons that led to this failure, as well. But the decisive substantial reason for this failure was a conflict that was already apparent in the preparatory work of the Commission on Theology.⁷⁹ In this commission it was Peter Brunner who again and again pointed out that you cannot adequately speak of justification without this eschatological horizon of the last judgment. Brunner was certainly the most active participant in this commission, submitting one paper and draft after another as a basis for the discussion in Helsinki. But the more he stressed the importance of the last judgment as the real point of reference for the proclamation of justification, the less the other members of the commission were willing to follow him. They were rather captivated by the search for the mythical figure of the so-called modern man, applying Paul Tillich's mediating theology with its method of correlation to the description of justification, which finally found expression in the official documents of Helsinki and which became a kind of prototype of explicating and paraphrasing the content of the message of justification up through today. Modern man today does not ask for a gracious God in the last judgment, he is rather searching for meaning in his present life. Therefore the church does not answer man's question if she proclaims his rescue in the last judgment. Rather, she should

⁷⁹One may see Gottfried Martens, "Die Frage nach der Rettung aus dem Gericht. Der Beitrag Peter Brunners zur Behandlung der Rechtfertigungsthematik vor und bei der IV. Vollversammlung des Lutherischen Weltbundes in Helsinki 1963," *Lutherische Theologie und Kirche* 13 (1989): 41-71.

proclaim that man's life is meaningful because he is accepted by God just as he is. This sounds so reasonable yet is complete nonsense for several reasons. First, it is simply wrong that Martin Luther asked the question "How do I get a gracious God" and was finally relieved when he found an answer for this question in the Bible. Rather, Luther himself testifies that his reformational breakthrough took place when God made him realize that this question—What do I have to do in order to get a gracious God?—was wrong.⁸⁰ Thus, the message of justification was not the answer to man's question in the Reformation period either. Second, it is a theological catastrophe to replace the dialectic of law and gospel with the correlation scheme of human question and divine answer.⁸¹ It is simply not the task of the church to answer human questions, but rather it is to proclaim the questions God asks of us. It is not man who is the judge deciding which topics should be touched upon, but it is God who puts the decisive questions on the agenda. He is acting both through law and gospel, and the last judgment does not take place only if people are interested in it. Using the correlation scheme of human question and divine answer, Christian proclamation is finally subject to the laws of a free enterprise economy, to the laws of supply and demand. On this basis, it is obvious that something nice must be said to the hearers so that they will like and accept it. The message of the last judgment certainly does not belong to this kind of proclamation. Finally, it is also substantially wrong to substitute the language of justification with the language of acceptance. Justification implies the death of the old man and the resurrection of the new man. Acceptance, however, suggests a continuity between the old and the new man, as if God simply turns a blind eye to sinful man. The same is true concerning the popular attempt to describe the message of justification as an answer to the various attempts of modern man to justify himself, telling him that he need not try to justify himself anymore, since he is justified by God. This is an adulteration of the message of justification, too. First, it is wrong to create the impression that God simply took over man's job of procuring justification. Man's search for justification is not only superfluous, but sin, as his search is turned in the wrong direction. Second, God's justification is no substitute for man's self-justification, because the forum of these two justifications is totally different. The forum of man's self-justification is his own

⁸⁰One may see Martens, "Glaubensgewißheit," 171 and following.

⁸¹One may see Gottfried Martens, "Helsinki Reconsidered," *Lutheran Forum* 24 (1990): 2:27-30.

conscience or his surrounding. The forum of God's justification, however, is not public opinion, but His final tribunal. Regarding justification simply as acceptance or as an equivalent to man's self-justification totally removes it from the biblical context; sin is reduced to an experience of human lack. It does not make sense anymore to speak of Christ's death on the cross as an atonement either. It is indeed striking to see how little is said about Christ's vicarious death both in the ecumenical documents on justification and in many modern sermons.

The experience of Helsinki has shown that the substance of what is meant by justification is lost as soon as the last judgment is given up as the decisive point of reference for the proclamation of justification by faith alone. That is, however, exactly, what has happened in the *Joint Declaration* and the *Annex*. Only the abandonment of the most important question enabled both sides to speak of a consensus in basic truths concerning the doctrine of justification. Here, too, the very starting point of this agreement must be firmly opposed.

3. God's justifying work is the center of Holy Scripture; therefore justification is the criterion for scriptural proclamation in the church.

The *Joint Declaration's* long first chapter on the biblical message of justification, quoting many scriptural passages, is impressive.⁸² Thus, it seems as if the authors of the *Joint Declaration* have taken the *sola scriptura* concern of the Reformation very seriously, founding the consensus on a common understanding of Holy Scripture. When one looks closer at this chapter, however, one is disappointed, because the way the Bible is treated here differs distinctly from the Reformation approach to Holy Scripture.

First of all, one will notice that in this section—following the method that was already applied in the American document *Justification by Faith* of 1983—many different scriptural passages are just placed side by side without considering context and without trying to weigh them and relate them to each other.⁸³ Scriptural quotations are given equal weight and create the impression that there is a great variety of concepts of justification in the Bible, in which each church can recognize her own

⁸²One may see JD §§ 8-12.

⁸³One may see Martens, *Die Rechtfertigung des Sünders*, 245-248.

concerns. Thus, Holy Scripture is not used at all as "the only rule and norm according to which all doctrines and teachers alike must be appraised and judged," as the Formula of Concord puts it.⁸⁴ Rather, the impression is created that it is the task of the churches and the theologians to arrange their specific theology from the quarry of Holy Scripture. Second, one notices in the *Joint Declaration* that certain basic terms like "justification," "sin," and "grace" are not precisely or even at all defined. Thus, certain equivocations are possible or perhaps even desired. Thus, Holy Scripture cannot exercise its critical function either, as long as these clarifications are avoided. Third, one notices that certain basic scriptural passages concerning justification are simply missing, for example Romans 5:6-11, where Christ is described as dying for the ungodly; Romans 4:17, where God's saving act is described as a new creation of those who were dead; or Philippians 3, where Saint Paul expressly excludes all of his own righteousness. That the gospel proclaims our salvation from God's wrath is not recognizable in the document at all.⁸⁵ Fourth, one notices that there is a certain interpretive way that these scriptural passages are quoted. The biblical wording is often left in favor of a certain understanding of these texts, keeping or tearing asunder God's acting and man's answer, introducing certain Roman Catholic presuppositions in the interpretation of these texts. Several exegetes have very convincingly demonstrated this by means of the text of the *Joint Declaration*; their analyses are revealing, helping to resist the thesis of Holy Scripture as a medley of different incoherent concepts of justification, used as the basis for the ecumenical method of describing a basic consensus with certain different concerns remaining.⁸⁶

It is especially striking to see how the word of God, the gospel, and the message of justification are interpreted in the *Joint Declaration* in a certain Roman Catholic way as information about something, rather than something that has a performative and effective character. The message of justification merely "directs us in a special way towards the heart of

⁸⁴FC Epitome § 1, Tappert, 464.

⁸⁵SELK-Stellungnahme § 1, 189.

⁸⁶One may see Volker Stolle, "'Gemeinsame Erklärung zur Rechtfertigungslehre' mit fragwürdiger biblischer Begründung," *Lutherische Theologie und Kirche* 23 (1999):190-202; one may see also Volker Stolle, "Rechtfertigung und Schriftauslegung. Zum Schriftgebrauch im Rechtfertigungskapitel der ökumenischen Studie 'Lehrverurteilungen kirchentrennend,'" *Lutherische Theologie und Kirche* 14 (1990):1-18.

the New Testament witness to God's saving action in Christ.⁸⁷ That God's saving action actually takes place through this message of justification, however, is widely disregarded.

When the gospel as God's power to save those who believe is domesticated in such a way, it is obvious that the message of justification simultaneously loses its criteriological function. It is not by chance that the Roman Catholic side so vehemently opposed the Lutheran concern of justification as the criterion for the proclamation of the church. There are many areas in the life and the doctrine of the Roman Catholic Church that are not compatible with this message of justification. One only needs to mention the whole problem of indulgences, which has again come to the fore because of the Holy Year in Rome; the problem of penance and satisfactions,⁸⁸ and not least the teaching of the Second Vatican Council concerning non-Christian religions. The statement of the Council that those "who, through no fault of their own, do not know the gospel of Christ or his Church, but who nevertheless seek God with a sincere heart, and, moved by grace, try in their actions to do his will as they know it through the dictates of their conscience—those too may achieve eternal salvation" can certainly be upheld only if the message of justification has no criteriological function and is rather just one truth among many others in the hierarchy of truths spoken of by the Second Vatican Council.⁸⁹

The examples that have just been mentioned focus attention on the actual life and proclamation of the church. That is where the real decisions concerning justification are taken. Once more: Justification is not a concept or a theory, either in the New Testament or in the Lutheran Confessions. Therefore it does not develop, rather it takes place. This is the basic weakness of all the former ecumenical documents on justification and of the *Joint Declaration* as well. They claim to have succeeded in coming to a convergence or a consensus in basic truths of the doctrine of justification. What this means, however, for the actual preaching in the church, for the pastoral care and counseling, for the way confession and Holy Absolution are administered, is not said. Is it equally legitimate to proclaim that a Christian may have assurance of salvation and to proclaim that he may not have it? Is it equally legitimate to proclaim that our good works make no difference in God's last judgment

⁸⁷JD § 17.

⁸⁸One may see *SELK-Stellungnahme* § 1, 193.

⁸⁹*Lumen Gentium* II,16.

and to proclaim that they are meritorious? Is it equally legitimate to proclaim that the Christian remains a real sinner as a justified person as well and to proclaim that he is only a potential sinner after baptism and only becomes a sinner when he voluntarily separates himself from God? Is it equally legitimate to invite Christians to Rome in order to receive indulgences for passing Holy Doors in certain churches and to proclaim that there is not a surplus treasure of good works of the saints that can be distributed by the church and that such a teaching fundamentally contradicts the proclamation of justification? Joseph Cardinal Ratzinger has frankly said that the decisions of the Council of Trent will in the future remain the measure of all things in his church. Are we willing to accept a proclamation which is based on these decisions as a true proclamation of the message of justification?

A little is gained, but much is lost, by actually subscribing to the *Joint Declaration* and the *Common Statement*. The illusion of a consensus is gained. Lost, however, is the clarity of the message of justification that we are obliged to preach on the basis of our Lutheran Confessions.

This rejection of the *Joint Declaration* presupposes, however, that we know what we have to preach, that we preach the message of our justification by faith alone in all its clarity and purity. Thus, we have to ask ourselves, are our sermons characterized by the clear distinction of law and gospel? Do we ourselves trust in the efficacy of God's word that we preach, or do we think that it is our task to impart faith to our hearers and that we have to do what is in fact the Holy Spirit's task? Can the hearers of our sermons be assured of their salvation, or do we call this assurance into question by placing conditions on the gospel? Do we ourselves realize that faith is a work of God and not a human answer to God's word and also not the human contribution to our salvation? Do we avoid moralizing on sin, as if sin were just certain deeds that are done by us voluntarily? Is the last judgment a decisive point of reference in our preaching? Do we preach justification as our rescue from and in this last judgment, or do we confine ourselves to preaching a light version of the gospel, speaking of acceptance and mere niceties? Are we aware of this last judgment in our pastoral work as well, or are we more afraid of certain human judgments on what we do and say? And how do we finally deal with the word of Holy Scripture? Are we open and willing to be judged by this word ourselves, do we expect to be called to repentance ourselves by this word and to be corrected and to be encouraged by it?

Or do we quietly think that we can judge the word of Holy Scripture? Do we think that it is our task to bring life to these old documents?

When we think about these questions, we will then realize once more what it means that we ourselves live on God's justifying grace alone, on his word of forgiveness, which takes away all our human failure. When we start to think anew about these decisive questions, then we can be grateful for the whole discussion that was initiated by the *Joint Declaration*. For then we are led back to the very center of our proclamation and of the life of our churches. We are led to the basic event in the whole church catholic that will continue to take place even though it might be veiled in certain ecumenical documents. May the *Joint Declaration* help us to this realization!