

# *The Debate Over Justification in Ecumenical Dialogue*

by IRENE DINGEL

N EARLY FIVE HUNDRED YEARS after Martin Luther reformulated the theological definition of salvation for the western church as a doctrine of the justification of the sinner in God's sight, the discussion of his teaching has become a burning issue once again. This is due in part (though not exclusively) to the "Joint Declaration on Justification," which was subscribed on October 31, 1999, by representatives of the Roman Catholic and Lutheran churches in Augsburg. Debates over the biblical teaching on justification accompanied the formation of Protestantism and Roman Catholicism as distinct confessions of the faith in the Reformation and the subsequent period of confessionalization. In the context of these historical discussions the doctrine of justification became a fundamental mark of Protestant<sup>1</sup> identity.

The entire history of the Reformation could in fact be described as a continuing debate about the proper understanding of justification—even if distinct points of emphasis arose at different times in the disputes over it. It is true that these exchanges of the sixteenth century did not take place in the framework of an ecumenical dialogue of the sort that we try to pursue today. They first took place before the hardening of the divisions of western Christianity into churches of different confessions. The current debates are taking place in a context in which the effort to reach or restore doctrinal agreement by convincing opponents of one's own position has been rendered obsolete, in the final analysis, by the recognition that the continuing gulf between the two positions will not disappear.

It is true that justification was being discussed in the sixteenth century in different contexts and with different accents than those of the beginning of the twenty-first century. Nonetheless, we will be able to understand the fundamental significance of the question, the current choice of formulations and arguments by both sides,

as well as the occasional obstinacy and acrimony used in the discussions, only if we review the historical contexts which were decisive for raising the teaching on justification to its status as a mark of Protestant identity. Contemporary statements regarding the doctrine of justification are being read and evaluated in light of the extent to which these declarations preserve, modify, muddle, or even surrender Protestant identity in relationship to the identity of the Roman Catholic partner in the dialogue. In order to sketch the background from which the Joint Declaration on the Doctrine of Justification may be understood, the doctrine will be viewed from the vantage points of at least four specific sixteenth-century events—the controversy over indulgences, the dispute between Luther and Erasmus, the religious colloquies of Worms and Regensburg, and the council of Trent.

### *The Controversy over Indulgences*

Martin Luther experienced a long existential struggle to find a gracious God before his appearance on the public stage with his Ninety-Five Theses of October 31, 1517. This struggle had taken place in the midst of his academic work as a professor of biblical exegesis. Historians of the Reformation have analyzed the several stages of the reformer's theological development as they attempt to answer the question of whether his "Evangelical Breakthrough" can be fixed at a single point or if it proceeded through a process that climaxed in his discovery of God's justification of the human creature by faith alone.<sup>2</sup> However the chronology of this development may be calculated, Luther finally abandoned his attempts to answer the besetting question of how to appease the exacting God who judges sinners according to their own activities or performance. He came to rely instead on the gracious action of God. He found the exegetical basis for this breakthrough, as is well known, in Paul, particularly in Romans 1:17, where Paul speaks of the "righteousness of God." Indeed, Luther had also encountered a tremendous hermeneutical crisis at this point. As a student he had learned from the theology of the time, under the influence

of a philosophical approach framed in Aristotelian categories, that the righteousness of God was to be understood as the formal or active righteousness according to which God is righteous in himself and punishes sinners—the unrighteous. That meant that, even according to what the gospel says, human beings who were already bound as a result of original sin and confronted by God's demands would have to reckon finally with the inexorable wrath of God.<sup>3</sup>

The context of Romans 1:17, however, taught this monk that the righteousness of God is to be understood as a righteousness which God bestows by his own initiative in order to justify human creatures. The gospel reveals this gift of the righteousness of God to human beings. Luther designated this righteousness as "passive righteousness," a definition of its character from the human side. That meant that the righteous God is by definition a merciful God, who does not evaluate human beings according to their performance, and then punish or reward them on that basis. He is a God who gives his own righteousness in Jesus Christ to those who will receive this gift through faith.

Faith itself is not defined in this case, however, as a condition, which is to be met by the human being in order to guarantee justification. It is precisely the opposite: it is a renunciation of every attempt to win justification with one's own performance, a renunciation of the "will to be right" on one's own in God's presence.<sup>4</sup> According to Luther, faith is in the truest sense of the word "casting oneself" upon God, and therefore is in no way any action or performance that the human being has to produce. It is rather a gift to be received from God. This new insight into the righteousness of God, which Luther saw confirmed in his entire exegesis of Holy Scripture, presented God as one whose action is directed toward the welfare of his human creatures in loving and merciful concern; it is not directed against them with the severity of a judge. For Luther the righteousness of God had received a completely new and positive significance as an "alien righteousness" bestowed through faith. This teaching concerning justification became the center of the entire theology of Luther's Reformation; with it the church stands or falls, as he later could comment.<sup>5</sup>

In the middle of developing his teaching on justification Luther composed the Ninety-Five Theses of 1517. At first glance they do not appear to fit his newly developing theology, for they reveal a certain loyalty and obedience toward the papacy and the church of that time with its theology and piety—a different tone from his writings just one year later in 1518.<sup>6</sup> Nevertheless, his thinking about “justification” as something that was not to be acquired by human performance had inevitably led him to become fiercely critical of the dominant practice of indulgences and penance. The full indulgence *a poena et culpa* [from punishment and guilt] which had been issued to support the new construction of St. Peter’s basilica in Rome and proclaimed in the ecclesiastical provinces of Mainz, Magdeburg, and Brandenburg, promised a complete release from punishments—both those imposed by God and those imposed by the church in the sacrament of penance.<sup>7</sup> It also promised release from guilt for sin through the performance of a variety of obligations imposed in penance or through acquisition of a letter of penance.<sup>8</sup>

Luther’s call for a disputation on these issues, published in his Ninety-Five Theses, not only intended to call attention to the perversion of late medieval indulgence practice. He primarily sought a discussion of the understanding of repentance and of the idea that God’s grace could be placed at the disposal of the human being as a reward for one’s own activities and those of the church. In this way Luther was cutting to the very heart of both the prevailing teaching and the pious practice of the time since penance was the sacrament with which the individual Christian most often came face to face. With his new definition of repentance, Luther was teaching contrary to the interpretation of the sacrament that made the forgiveness of sins, obtained through remorse, going to confession, and the performance of the satisfactions of the sacrament of penance, an action in itself that achieved a kind of “active righteousness.” Against this definition of penance Luther interpreted Christ’s call to repentance in Matthew 4:17 as something that applies to the entire conduct of human life. The entire life of the believer is to take shape in the continual return to a different

and a new relationship with God that is not determined by human efforts to obtain a righteousness of one's own. This new relationship is rather determined by a true inner feeling of repentance, which lets God take care of the penalties that were believed to accompany repentance. Thus the first of the Ninety-Five Theses states "When our Lord and master Jesus Christ said 'repent' etc., he wants the whole life of his believers on earth to be a continuous life of repentance."<sup>9</sup>

Although these theses still reveal Luther's groping and searching for a proper understanding of justification, the discovery of "passive righteousness" and "justification by grace alone" was already looming on the horizon. This can be seen, for example, when Luther completely transformed the significance of the late medieval doctrine of the *thesaurus ecclesiae* [treasure of the church] as the supererogatory merit of Christ and the saints, which can be brought to bear through intercession to God, when the sinner's own works may perhaps not suffice to blot out guilt and punishment. "The true treasure of the church" as he says in thesis sixty-two, "is the holy gospel of the glory and grace of God."<sup>10</sup> In this perspective, full forgiveness for punishment and guilt, as well as the attainment of righteousness in God's sight, can therefore have nothing to do with merit produced by human effort, or release from it produced by indulgences or letters of indulgence. Instead, it is guaranteed from the very beginning by the gospel of God's grace. The sinner cannot use this treasure of the church to gain favorable consideration in God's sight. In a corresponding way, Luther later differentiated, in his *Sermon on the Two Kinds of Righteousness* of 1518, between the alien righteousness of Christ that was reckoned to the human being already in baptism and continually actualized in repentance, on the one hand, and on the other, the human righteousness that people produce. This active righteousness is to flow from passive righteousness. In the performance of good works, which are a response to this righteousness of Christ, this active righteousness works together with Christ's righteousness, which is credited to the individual believer through faith.<sup>11</sup> Thus, Luther's famous first thesis, which teaches that the believer's

repentance fills all of life, means nothing else than a constant remembering of the alien righteousness, the righteousness of Christ, which the believer is already receiving.

In fact, the debate which Luther wanted to initiate with his Ninety-Five Theses never took place. The doctrine of indulgences was confirmed by a decree of Pope Leo X on November 9, 1518.<sup>12</sup>

### *The Controversy over the Bondage of the Will*

Luther's dispute with Erasmus in 1524–1525 inaugurated a new stage in the discussion of the Evangelical teaching on justification and at the same time accented a decisive cornerstone of the theology of the Wittenberg professor.<sup>13</sup> Luther assumed that human creatures need redemption; the incarnation of God in Christ made that clear to him beyond any shadow of a doubt. If God's revelation in Christ is taken seriously, Luther presupposed, then human creatures cannot stand as righteous in God's sight apart from God's grace, or apart from Christ. This insight lies at the basis of his argumentation throughout the *De servo arbitrio*,<sup>14</sup> and it made the debate about the role and function of the human will fundamentally only a variation on the topic of "passive righteousness." Along with this, two further decisive components of his teaching on justification became important as Luther differentiated his position from Erasmus' picture of what it means to be human: first, the deep entanglement of the human creature in sin and, second, the lack of freedom or bondage of the human will which is inseparable from this entanglement in sin.

In his treatise *De libero arbitrio diatribe sive collatio*,<sup>15</sup> Erasmus, on the other hand, had tried to reconcile the freedom of the human will and God's saving action in order to retain his emphasis on the ethical responsibility of the human being and, at the same time, to keep focused on God's righteousness and grace. Thus, the humanist defined the "*liberum arbitrium*" [freedom of choice] as "a power of the human will . . . through which human beings apply to themselves that which leads to eternal salvation or can turn themselves away from it."<sup>16</sup> Indeed, in his conclusions he made it

clear that, when speaking of salvation, both the first impulses in the human being and the completion of the process of salvation proceed from God's grace. Between the beginning and the completion of this process of justification, however, the human will acts independently—one might say as a "secondary cause,"<sup>17</sup> even if what it produces is minimal. So, according to Erasmus, God in his grace, and the human with its will, coordinate their actions. Behind this position lies a humanistic anthropology (something also very familiar to us at the beginning of the twenty-first century), which holds that individual human beings have the might and right to decide their own fate since they are able to choose either good or evil.

Luther saw the matter quite differently. For him *liberum arbitrium* is a characteristic that only God possesses. First of all, the fact that the human being is a creature makes a qualitative difference between the divine will, that is, God's free and absolute will, and the created, finite, human will. This is the case not simply as a result of the fall into sin;<sup>18</sup> the human being's status as creature means that the will is bound. But the alienation between Creator and creature that the fall into sin produced lies at the root of all further decisions of the human will since it is enslaved by the "root sin" or "original sin." Only God's will operates with total freedom in his creation. Even when freed from its bondage, the human will can only operate in *cooperatio Dei* [cooperation with God]. The only alternative it has is to oppose what God is doing, as a will that is hostile to God. For the human creature there is no middle ground. In this regard the human will is not neutral, able to make decisions above and beyond good and evil. Bound—in bondage!—the will can only be a will that desires the good or a will that desires evil. The decision and direction of the human will, therefore, arises out of its relationship to God. Indeed, human creatures have a freedom of the will to make decisions in temporal matters, but in the spiritual realm God and the devil struggle over the will as their possession.<sup>19</sup> That means that human creatures have only an *aptitudo passiva*, that is a passive ability to be grasped by God's grace.<sup>20</sup> Only when the human will is bound to God's will is it possible to be certain of salvation and to exercise free choice, *arbitrium liberatum*

[a liberated ability to choose] for *cooperatio Dei*, and this is possible even when human creatures continue to be sinners.

With his emphasis on the bondage of the will, Luther had made clear that the confidence and certainty which rests upon God's grace and righteousness in God's sight is not dependent upon any active human act of will, and therefore it is freed from the uncertainty which arises from questions and doubts. And so he could, in later contexts, put the primary emphasis on the *promissio*—justification as a promise and assurance from God that creates a reality to which God has bound himself.

### *The Religious Colloquies of Worms and Regensburg, 1540–1541*

As early as 1520 and 1521, when the church excommunicated Luther and he was condemned under imperial law, it was certain that a complete break between the Evangelical movement and the old church had occurred. Nonetheless, both sides tried again and again to enter into dialogue on the new form of teaching and the measures for reform, which had been introduced by Evangelical princes, so that the two parties might reach agreement and restore peace. This was clear at the imperial diet in Augsburg in 1530, where both sides invested a great deal of energy in the search for accord and harmony.<sup>21</sup> Similar attempts continued after the diet: at the imperial level religious colloquies were conducted, among them the dialogue at Worms and Regensburg in 1540 and 1541.<sup>22</sup> The historical conditions in which these colloquies took place and the difficulties involved in organizing them are not of interest for this essay.<sup>23</sup> Decisive for this discussion is that in Worms and Regensburg, as in other instances, precisely this topic of justification was discussed. There, both sides recognized that the most crucial reason for the division besetting them had to do with the issue of justification “by faith alone.” In secret conversations the canon from Cologne (and later cardinal) Johannes Gropper and the mediating Strasbourg reformer Martin Bucer, together with the imperial counselor Gerhard Veltwyk and the Strasbourg pastor



Wolfgang Capito, came to an agreement on the teaching regarding justification. Their formulation is found in its initial form in the so-called "Worms Book," in an article (the fifth), which treated the subject in great detail; it assumed its final form in a thorough but abbreviated revision in the "Regensburg Book."<sup>24</sup> In fact, however, both the Roman Catholics and the Protestants rejected the Regensburg Book with its compromise on the teaching on justification.<sup>25</sup>

This compromise rested upon the term *duplex iustitia* [two-fold righteousness], which designated two levels of righteousness.<sup>26</sup> Indeed Luther himself had employed this term as he developed his distinction between two kinds of righteousness in the early period of his efforts for reform (1518), but the Wittenberg professor defined the term in a different way than did Roman Catholic theologians in the late 1530s and 1540s. In Luther's case the "active righteousness" of the human creature was either a purely civil kind of righteousness in temporal affairs, or designation for human action or performance proceeding from the righteousness of faith, which he called *iustitia passiva*. By that he meant that good works follow necessarily from faith. In the documents from the colloquies the concept of *duplex iustitia* only served to obscure the difference between opposing opinions. For each side could find its own theology in the documents. The Evangelical side could continue to hold to its understanding of justification "by faith alone" and "by grace alone" without any merit of human works coming into consideration. For in the Worms Book it states, "this [justifying righteousness] is not attained through any of our works or from our merit, but is received alone by grace through faith. This is the [righteousness] through which we attain pardon for our sins and the spirit of new birth and adoption as God's children, and in this way those who were godless and enemies of God become his beloved children."<sup>27</sup> In corresponding fashion and in agreement with Martin Luther's insistence on the life of sanctification produced by faith, the Worms Book emphasized in great detail that "being made righteous by works," the *iustificatio operum*, could not be distinguished from what the righteousness of faith effects in the believer

and that this righteousness of works was closely associated with the righteousness of faith in sanctification,<sup>28</sup> for it had its roots in the righteousness of faith.

The Regensburg Book also presented this way of thinking. It emphasized once again that Christ alone stands as the mediator between God and human creatures and that sinners are not justified on the basis of their own merit, but only through faith. At the same time it contained the formulation—as was found at an earlier stage in the Worms Book—stated clearly, without any misunderstanding, that the *fides iustificans*, justifying faith, and *fides efficax*, a faith that is active in the works of love, must be placed side by side. This clearly set forth the Roman position, with its high estimate of the human capability to “work out” its own justification. The Worms Book expressed this in the formulation that Holy Scripture also contains mention of “making righteous” in the sense “that gives credit to our diligence and good works in the proper proportion.”<sup>29</sup> Indeed, a few lines later, in agreement with Evangelical teaching, this is connected with the Christian’s life-long repentance and the continuing mortification of the old sinful human being. Nevertheless, the Book clearly formulated a compromise with Roman belief when it contended that good works promote and complete our salvation.<sup>30</sup> In the revised version of the article on justification in the Regensburg Book, this became even clearer. For here emphasis was placed upon the statement that justifying faith is truly effective only when infused love [*caritas*] accompanies it and bestows upon the human will the ability to fulfill the divine law once again.<sup>31</sup> The Regensburg document tried to reconcile Evangelical and Roman teaching on justification by stating that, although they do not constitute a *meritum* in God’s sight, good works nonetheless can at least be considered as deserving a reward insofar as they proceed from faith and from the Holy Spirit, who works together with the free will. The article on justification in the Regensburg Book astutely combined the key expressions of the two different teachings on justification from each side.

Thus, despite all the admiration which later generations would express for the skill exhibited in the composition of this failed attempt at reconciliation, it remained in fact fundamentally flawed

because it lacked a firm, clear conceptual framework. This can also be seen in the fact that already at Regensburg the rapprochement of the two sides on the teaching on justification had no effect on the questions of ecclesiology and the teaching on the sacraments. Strong criticism from the Evangelical side was directed both against the authority of the pope to interpret the Scripture, to which the other side continued to adhere, as well as against the ecclesiastical hierarchy. In addition, the compromise set forth in the Worms Book in regard to the doctrine of the Lord's Supper was rescinded in the Regensburg Book, under the influence of Cardinal Gasparo Contarini, in favor of the old doctrine of transubstantiation. The cardinal believed that this enabled the Roman Catholics to retain the teaching of the sacrifice of the Mass.<sup>32</sup>

### *The Council of Trent and Martin Chemnitz's Critique*

None of the subsequent religious dialogues or colloquies succeeded in bringing the two churches so close together as did Worms and Regensburg, for the process of consolidating their confessional positions widened and deepened the gulf between them. A significant part of that consolidation took place at the nineteenth ecumenical council, the Council of Trent, between 1545 and 1563. For a quarter century the continuing call for a general council that would solve the religious questions still under dispute and would heal the divisions between the churches had fallen on deaf ears. But in December 1545 legates of Pope Paul III finally opened the council in Trent. Soon thereafter, in 1547, it was transferred to Bologna and was recessed in 1549. Already at the time of the announcement of this council in the mid 1530s the Protestants had rejected it because its subordination to the Roman curia made it appear that the council would not be a free council, and that judgment was correct. When Julius III finally opened the council once again in September of 1551, the situation for the Protestants had been fundamentally changed because they had suffered a decisive defeat in the Smalcald War against Emperor Charles V in 1547. This time they had to send emissaries to the council at the com-

mand of the emperor, but the threat of war cut short its deliberations once again. The Council concluded with one further set of sessions in 1563, having laid the foundation for the consolidation of the confessional position of the modern Roman Catholic church.

The article on justification, composed in the first set of sessions in 1547 (session six), contributed significantly to this consolidation. This article built upon foundations in the scholastic theology that the Reformation had so vehemently called into question. In his writings on behalf of the reform of public teaching, and especially in his exchange with Erasmus, Luther had made clear that human beings are never able to become righteous in God's sight on the basis of their own powers. Circumscribed by their existence as creatures and by their bondage to sin from which there is no way out, their alleged ability to choose freely between good and evil can extend no further than permitted by a framework determined from outside themselves. Only God's love—and it alone—only the imputation of Christ's righteousness, makes a person who is not worthy of love into one whom God loves. Against this teaching, Trent stated that although it is true that human beings indeed stand completely under the power of sin, so that only through Christ is liberation from this enslavement possible, this means in no way that the freedom of the human will is extinguished.<sup>33</sup> On the contrary, presupposing an initial stimulation by Christ's grace, the will is completely able to fulfill God's commands.

The theology of the Reformation emphasized freedom from the compulsion to perform the works of the Law to win or secure salvation. It emphasized the Law's accusing function—in relation to which human creatures, even the justified, recognize time and time again that their actions are “pointed in the wrong direction” and that they remain sinners in this life, completely dependent on God. Against this way of thinking the Council of Trent pronounced a clear prohibition of such ideas: “But no one, however much justified, ought to think that he is exempt from the observance of the commandments, nor should he use that rash statement, forbidden by the fathers under anathema, that the commandments of God are impossible of observance by one who

is justified.”<sup>34</sup> In contrast to the Evangelical position, the merit of human action in God’s sight remained clear in the Tridentine decree even though attaining merit was held to be possible only when human performance was initiated by the prevenient grace of God. But even the initiation of justification was dependent, according to the Council’s teaching, on the free decision of the human creature to accept the prevenient grace of God in Jesus Christ. Freely agreeing and freely cooperating with this grace, the decree on justification explained, human creatures can contribute to their own justification.<sup>35</sup> Indeed, this cooperation must be accompanied by a recognition of the self as sinner but that flows, the decree continues, into fear in the face of God’s righteousness and, as a result, into the hope for divine mercy, hatred toward sin, and the performance of good works. God’s mercy and grace can be effective only insofar as they infuse into human beings an initial righteousness which enables them, with the application of their own powers, to attain what is required for the completion of justification, that is, for the acquisition of righteousness in God’s sight.

Without Christ all this is not possible, to be sure. “For though no one can be just unless the merits of the passion of our Lord Jesus Christ are communicated to him, nevertheless, in the justification of a sinner this in fact takes place when, by the merit of the same most holy passion, the love of God is poured out by the agency of the Holy Spirit in the hearts of those who are being justified and abides in them. Consequently, in the process of justification together with the forgiveness of sins, a person receives through Jesus Christ into whom he is grafted, all these infused at the same time: faith, hope and charity. For faith, unless hope is added to it and charity too, neither unites him perfectly with Christ nor makes him a living member of his body,”<sup>36</sup> and this is a reference to the good works that are directed toward justification in the sense of a conscious improvement of life. It was, however, important to the fathers of the Council to make clear that faith alone was not sufficient. Indeed, even if Paul had said that only faith justifies apart from any merit, he was in fact referring simply to that sort of faith, which is only the beginning and the root of the salvation, the faith that is to be completed in the activities of

love. Trust in justification *sola fide* was branded an “empty and ungodly assurance of the heretics.”<sup>37</sup>

That such an unswerving trust could be the foundation of certainty of salvation was likewise clearly rejected as false teaching. The decree stated “Neither should it be declared that those who are truly justified must determine within themselves beyond the slightest hesitation that they are justified, and that no one is absolved from sin and justified except one who believes with certainty that he has been absolved and justified, and that absolution and justification are effected by this faith alone . . . .”<sup>38</sup> Basically, no one could be really certain of salvation and of God’s grace. Ultimately, this doubt arose from the fact that human beings must continually struggle to win and maintain possession of grace through their own works, which proceed from the *iustitia inhaerens* [infused righteousness].<sup>39</sup> In this way Trent reinforced a theology that had already been formulated in the Late Middle Ages, which contended that the human will, empowered by God’s grace, had to participate in justification.<sup>40</sup> In thirty-three anathemas the Council decisively rejected the Evangelical position with its insistence on the expressions “only by grace” and “only by faith” in the doctrine of justification.

By the middle of the sixteenth century it had become clear that both the imperial attempts to create a union of the two confessions within the German Empire and the Council of Trent had failed as means by which religious unity could be restored. That was also clear in the reaction of the Protestants. Melancthon’s disciple Martin Chemnitz (1522–1586) published a detailed *Examination of the Council of Trent* in four volumes in the years 1566–1573. In this work he expressed his position on the article of justification (as well as on many other articles of faith). His presentation was also incorporated into the third article of the Formula of Concord, “concerning the righteousness of faith before God”; in addition to its rejections of the positions of the Lutherans Andreas Osiander and Francesco Stancarò, it also condemned the false teaching of Roman Catholic opponents.<sup>41</sup> Throughout his own work, Chemnitz sharpened the focus of Martin Luther’s teaching on justification—and the Formula of Concord followed him in this regard—

in that he emphasized that the good works of the reborn, renewed human creature are to be seen as a result, not a partial cause, of justification.<sup>42</sup> They are and remain fruits of faith. Faith alone justifies. Good works are not to be used to attain righteousness in God's sight, to increase such righteousness, or to secure it. Justification and sanctification are, in this regard, to be distinguished from each other even though they are inseparable. For Chemnitz, as for Luther, God remains the only actor, the only one responsible, in the act of justification. In this regard he strongly emphasized the so-called *particulae exclusivae* [excluding expressions]—*solus Christus*, *sola gratia*, and *sola fide*—in order to express the priority of the loving, gracious, and justifying concern of God in contrast to a righteousness of one's own that rests upon human performance<sup>43</sup>—a righteousness that could only be the cause of continuing doubt.

### *The Joint Declaration on Justification*

The question of the continuing validity of the mutual condemnations of the sixteenth century became a matter of debate for the first time again in the twentieth century. Since the 1980s the Lutheran-Roman Catholic Joint Ecumenical Commission and an Ecumenical Working Group of Protestant and Catholic Theologians in Germany have worked on the question as to what extent the doctrinal condemnations of the sixteenth century can still be applied at all to fellow believers from the other confession, or whether in view of a "fundamental agreement" or a "basic theological consensus" the mutual condemnations are no longer valid.<sup>44</sup> At issue was a new evaluation of the historic rejections of false teaching in light of the theological developments in both churches.

The Joint Declaration on the Doctrine of Justification is to be viewed within the framework of these ecumenical efforts. It was produced under the leadership of the Lutheran World Federation and the Papal Council for the Promotion of Christian Unity. The many-faceted controversy about this document and its appendix "the joint official appendix on the Doctrine of Justification" can-

not be treated in detail here. The complex picture can be brought into focus, however. Those who have sponsored the Joint Declaration emphasize the attainment and formulation of a “consensus in basic truths regarding the teaching on justification”<sup>45</sup> which is said to make possible a unity in the midst of continuing theological differences between the churches.<sup>46</sup> Many recognize in the Joint Declaration a “setting aside of the old burdens of our history”<sup>47</sup> and emphasize its function as a basis for further ecumenical progress. The opponents, among them a large number of professors of theology in Germany, insist that the Joint Declaration remains *de facto* without effect within the Roman Catholic church and that the so-called “basic consensus” in the teaching on justification will not express itself in any concrete manner in the teaching and life of the church. Above all, the professors object that by claiming that this basic consensus already exists, the document obscures the doctrinal and confessional centrality as well as the function of the doctrine of justification as a fundamental criterion for public teaching in Evangelical churches, and therefore it finally obscures, if it does not entirely surrender, Evangelical identity. A review of selected components of the teaching on justification demonstrates this.

The most striking factor is that the Joint Declaration makes it clear that justification takes place for the human creature only on the basis of grace and only through Christ, but at the same time neglects the “*sola fide*” which the Reformation continually placed at the center of its public teaching. The role of faith is actually only mentioned in those contexts that place the reception of justification within the realm of faith in Christ’s work of salvation. Thus—in attempting to formulate a consensus, the document surrenders the central significance of the faith which God effects—its exclusive place in salvation. Above all, in its description of the believer’s realization of a saving relationship with God, it foregoes a clear affirmation that this faith excludes all human efforts. The *sola fide* of justification is at best mentioned as a characteristic of Lutheran teaching.<sup>48</sup> The result is that in its presentation of God’s act of justification the Joint Declaration focuses attention once again on the question of works or of love in action [*caritas*] and the role of human action. This means that the explanation of the Ro-



man Catholic understanding of justification is to a great extent bound to the content of the decree on justification from the Council of Trent, although in this context it does not always repeat Trent's formulations in detail or word for word. But the parallels are easy to recognize.

Similar to Trent, the Joint Declaration holds that through hearing the Word and through the faith, which the Word awakens, human beings are moved toward God and on this basis, through God's grace, they can cooperate by freely giving their own consent to their justification. With the related but explicitly unmentioned question regarding the free or bound will it becomes clear at the beginning of the document that rather than consensus, the dissent that has existed between the two churches since the sixteenth century continues today. Indeed, the Joint Declaration maintains for the Roman Catholic side that the cooperation between believer and God takes place through the former's free consent to salvation. To be sure, this consent is defined not as a human action performed on the basis of one's own powers, but rather it makes the operation of God's grace, which gives the impulse for this consent and the basis of it. In this regard the statement remains in continuity with the doctrinal decisions of Trent.<sup>49</sup>

This is true also in regard to the changes in the disposition and life of human creatures that proceed from justification, which the Lutheran teaching understands as sanctification, that is, a product of the justification event. The good works that are produced by justification are, according to the position of the Reformation, to be understood only and completely as fruits of faith, that is, as the effects of the change in the life and disposition of human beings. As the result of justification, these fruits of faith have no significance for the actual act of justification since it has already taken place *sola fide*. In the Roman Catholic presentation of its church's position in the Joint Declaration good works are viewed, in line with the Tridentine decree on justification, as a human contribution to the preservation of grace, to growth in grace, and to the deepening of fellowship with Christ. That this contribution has its roots in the justification, which has been received in Christ through God's grace, is indeed emphasized in the Joint Declaration as in

the Council of Trent,<sup>50</sup> but the concern not to let human creatures escape from their duties or responsibilities to God is predominant. The result is that the relationship of the believer to God is not clearly seen as a relationship as such which is based, in the first instance, on the love and grace of God. The document strongly suggests that this relationship rests now, as then, on human performance. In no way does that mean that the character of justification as an act of grace in Christ is dismissed,<sup>51</sup> but in the same context the ideas regarding the merit of human works can be retained insofar as they are “according to the Biblical witness promised as a reward in heaven.”<sup>52</sup> This sounds very much like the Regensburg Book of 1541, which had suggested this way of compromise more than four hundred fifty years ago.

Another very important component to keep in mind is that when the teaching on justification is formulated in this manner, the divine act of grace and the human contribution that responds to it are reconciled in a way that permits Roman Catholic conversation partners to share the certainty of salvation only in part. Luther believed that this certainty, grounded as it is upon the Evangelical *sola fide*, was vital for the peace of troubled consciences. For even if the Joint Declaration claims as its own the emphasis on faith as it was formulated in the Second Vatican Council, it also can indeed—again with echoes of the doctrinal decisions at Trent—repeat that the certainty the believer has rests upon God’s will that human creatures truly be saved, but this does not preclude that each individual has to “look with concern regarding his own salvation when he looks at his own weaknesses and failures.”<sup>53</sup> It is precisely to such doubt and self-questioning that the teaching of the Reformation responded, with its deep concern for pastoral care, by saying that the full possession of the righteousness of Christ is bestowed upon human creatures simply “alone through faith,” “merely passively,” that is, not by any consent or movement in God’s direction on our part nor by any choice of the good made by our own powers.<sup>54</sup> The Joint Declaration does make this assertion in a corresponding place for the Evangelical side. Nevertheless, it can at the same time share an image of what it means to be human which no longer preserves the Reformation’s understand-

ing of the deeply continuing, often fateful, bondage in this life which the person who has already been justified experiences in situations apart from God.

A somewhat weakened expression of the Reformation's *simul iustus et peccator* is introduced for the Lutheran side with the statement that "in this life, then, Christians can in part lead a just life"<sup>55</sup> and in this situation the sin in the life of the justified must be viewed as—in the words of the English translation—a "ruled sin."<sup>56</sup> This can—it must be noted critically—be fundamentally true only if there is a much more thorough-going precision in distinguishing between human righteousness in God's sight (*iustitia passiva*) and the righteousness practiced toward other human beings, the *iustitia civilis* as a *iustitia activa* in this life. Only in the *iustitia civilis* or active righteousness may there be talk of "ruled sin" and "partial righteousness." These expressions, according to an Evangelical point of view, can claim no place in the article on justification. In that article the topic is the relationship of the human creature to God; there discussion of the activities Christians practice in relationships with other human beings are not discussed, and keeping the agenda under discussion clear is of vital importance for conveying the biblical message and for pastoral care.

On a number of critical issues regarding the doctrine of justification (the *sola fide*, the free will, the significance of good works, and the lack of clarity in the question of the continuing status of the justified individual as sinner, who remains bound within the structures and obligations of this life) it appears that consensus between the two churches can be attained even at the beginning of the twenty-first century only—as in the case of the religious colloquy at Worms and Regensburg—if formulations are found in which both sides can be content with a minimal definition of their own specific teachings. Extensive passages of the Joint Declaration give careful readers the impression that significant disagreement remains, and this impression does not disappear, even when the Declaration is augmented (and clarified) by the "Appendix to the Joint Declaration on Justification." All this demonstrates how much effort true ecumenical exchange requires and how difficult this exchange is. It forces us to enter into a continuing conversation

with our own historical legacy and helps remind us that genuine ecumenical relationships are created by the courage to admit that our identity as adherents of our confessional and theological positions has developed historically in different ways. These differences reveal themselves in the respective doctrines of justification held by Roman Catholic and Evangelical churches and in the implications this doctrine has for other aspects of Christian teaching, such as ecclesiology. Confronting this fact is nonetheless an invitation to cultivate continuing conversation with our Christian sisters and brothers.

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#### NOTES

1. The terms "Protestantismus" and "evangelisch" have been rendered from the German literally and refer to the Lutheran church(es) in some cases, in others to Lutheran, Reformed, and Union churches.

2. On the "Evangelical Breakthrough," see *Der Durchbruch der reformatorischen Erkenntnis bei Luther*, ed. Bernhard Lohse (Darmstadt: Wissenschaftliche Buchgesellschaft, 1968), and Lohse, *Martin Luther's Theology. Its Historical and Systematic Development*, trans. and ed. Roy A. Harrisville (Minneapolis: Fortress Press, 1999), 85–95. In the biographical retrospective in the preface to the first volume of his Latin writings (1545), Luther himself dated his "Evangelical Breakthrough" in 1518, which was in the middle of the controversy over indulgences, *Luthers Werke*, Kritische Gesamtausgabe, 57 vols., eds. J.F.K. Knaake et al. (Weimar: Böhlau, 1883ff), 54:185, 12–186,24 (hereafter cited as WA); *Luther's Works*. American Edition, 55 vols. Eds. Pelikan and Lehmann (St. Louis and Philadelphia: Concordia and Fortress, 1955ff.) 34:336–338 (hereafter cited as LW).

3. Luther expressed himself in this way in a letter to Staupitz, May 30, 1518, WA 1:525–527; LW 48:64–70.

4. Cf. Lohse, *Luther's Theology*, 261.

5. "Smalcald Articles" in *Die Bekenntnisschriften der evangelisch-lutherischen Kirche*. 11th. ed. (Göttingen: Vandenhoeck & Ruprecht, 1992), 415, M300 (hereafter cited as BSLK); *The Book of Concord, The Confessions of the Evangelical Lutheran Church*, Eds. Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress, 2000) 301, iff. (hereafter cited as BC); *The Book of Concord: The Confession of the Evangelical Lutheran Church*. Ed. Theodore G. Tappert (Philadelphia: Fortress Press, 1959), 292, iff. (hereafter cited as BC-T); Cf. Luther, "In XV Psalmos graduum" 1532/33 [1540], WA 40 III: 351,34–35, 352,1–3, in the context of his interpretation of Psalm 130:4, WA 40 III, 348–352. See also Friedrich

Loofs, "Der articulus stantis et cadentis ecclesiae," *Theologische Studien und Kritiken* 90 (1917): 323–420.

6. Cf., e.g., "Sermon on Indulgences and Grace" (1518), WA 1:243–264, "Heidelberg Disputation" (1518), *Martin Luther Studienausgabe*, ed. Hans-Ulrich Delius 1 (Berlin: Evangelische Verlagsanstalt, 1979), 186–218 (a better edition than WA 1:350–374), the lectures on the Epistle to the Hebrews, WA 57:3–238; and the "Sermon on Two Kinds of Righteousness," WA 2:145–152, LW 31:297–306.

7. On the historical conditions and background for the proclamation of the indulgence in the German Empire, see *Dokumente zur Causa Lutheri (1517–1521)*, ed. Peter Fabisch and Erwin Iserloh 1 (*Corpus Catholicorum* 41; Münster: Aschendorff, 1988), 202–211.

8. See the "Instructio summaria" of Archbishop Albrecht of Mainz, *Dokumente zur Causa Lutheri* 1:258–293. On the origin of the indulgence and the medieval practice connected with it, see Bernhard Poschmann, *Der Ablass im Licht der Bußgeschichte* (Theophaneia 4; Bonn: Hanstein, 1948); Gustav Adolf Benrath, "Ablass," *Theologische Realenzyklopädie* 1 (Berlin: de Gruyter, 1977): 347–364; and Irene Dingel, "Theorie und Praxis des Ablasswesens im Mittelalter und am Vorabend der Reformation," *Der Evangelische Erzieher. Zeitschrift für Pädagogik und Theologie* 48 (1996): 361–372.

9. "The Ninety-Five Theses," (1517), WA 1:233, LW 31:25.

10. WA 1:236; LW 31:31.

11. See WA 2, esp. pp. 145–147.

12. The standard formulation of the doctrine of indulgences was composed by Cajetan in his engagement with Luther's protest of 1517–1518. See Bernhard Alfred R. Felmberg, *Die Ablasstheorie Kardinal Cajetans (1469–1534)*, vol. 66 of *Studies in Medieval and Reformation Thought* (Leiden, Boston, Cologne: Brill, 1998).

13. See WA 18:614,3–6, and 786,25–35; LW 33:35, 294. Here only those aspects of this debate, which are directly related to the doctrine of justification such as the bondage or freedom of the will, are considered. On other key points in their exchange, see Lohse, *Luther's Theology*, 160–168.

14. This work is among the most important of Luther's publications, WA 18:600–787, LW 33:3–295.

15. *Erasmus von Rotterdam, Ausgewählte Schriften*, ed. Werner Welzig, 4 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1969): 1–195; "Erasmus: On the Freedom of the Will," in *Luther and Erasmus: Free Will and Salvation*, trans. E. Gordon Rupp (*Library of Christian Classics XVII*; London: SCM, 1969), 35–97.

16. "De libero arbitrio" Ib10, *Ausgewählte Schriften*, 4:36/37; "Erasmus: On the Freedom of the Will," 47.

17. The designation of Lohse, *Luther's Theology*, 161.

18. At this point Luther went beyond Augustine, *ibid.*, 167.

19. See Luther's address to Erasmus, WA 18:750,5–15, LW 33:237: "You, who imagine the human will as something standing on neutral ground and left to its own devices, find it easy to imagine also that there can be an endeavor of the will in either direction because you think of both God and the devil as a long way off, and as if they were only observers of that mutable free will; for you do not believe that they are the movers and inciters of a servile will, and engaged in most bitter conflict with one another. Let only this be believed, and our thesis stands secure, while free choice is laid low, as we have

shown above. For either the kingdom of Satan in man means nothing, and then Christ must be a liar, or else, if his kingdom is as Christ describes it, free choice must be nothing but a captive beast of burden for Satan, which can only be set free if the devil is first cast out by the finger of God [Luke 11:20]."

20. Cf. WA 18:636,16–22; LW 33:67.

21. On the negotiations for reconciliation during the Diet of Augsburg in 1530, see Herbert Immenkötter, *Um die Einheit im Glauben. Die Unionsverhandlungen des Augsburger Reichstags im August und September 1530* vol. 33, 2<sup>nd</sup> edition of *Katholisches Leben und Kirchenreform* (Münster: Aschendorff, 1974); and Gerhard Müller, "Zwischen Konflikt und Verständigung. Bemerkungen zu den Sonderverhandlungen während des Augsburger Reichstages 1530," in *Die Religionsgespräche der Reformationszeit*, ed. Gerhard Müller (Schriften des Vereins für Reformationsgeschichte 191; Gütersloh: Mohn, 1980), 21–33; and *Vermittlungsversuche auf dem Augsburger Reichstag 1530. Melancthon—Brenz—Vehus*, ed. Rolf Decot (Veröffentlichungen des Instituts für Europäische Geschichte Mainz, Abt. Religionsgeschichte 26; Stuttgart: Steiner, 1989).

22. See the opening address of the imperial chancellor Nicolas Perrenot de Granvelle (Granvella) at this colloquy, *Corpus Reformatorum, Philippi Melanthonis Opera quae supersunt omnia*, ed. C. G. Bretschneider and H. E. Bindseil (Halle and Braunschweig: Schwetschke, 1834–1860), 3:1163–1168; §2060. The purpose of this meeting was, as he said in Worms, to lead to a peaceful reconciliation between the parties. He did make the Protestant estates responsible for all the evils that had led to that point.

23. On these religious colloquies, see Irene Dingel, "Religionsgespräche IV. Altgläubig-protestantisch und innerprotestantisch," *Theologische Realenzyklopädie* 28 (Berlin: de Gruyter, 1997): 654–681. See also Athina Lexutt, *Rechtfertigung im Gespräch: das Rechtfertigungsverständnis in der Religionsgespräche von Hagenau, Worms und Regensburg*, vol. 64 of *Forschungen zur Kirchen- und Dogmengeschichte* (Göttingen: Vandenhoeck & Ruprecht, 1996).

24. Additional topics treated include ecclesiology, the doctrine of the sacraments, ecclesiastical customs, and church discipline. A writing by Gropper, probably his *Enchiridion*, served as the basis of the Worms Book, according to Robert Stupperich, "Der Ursprung des 'Regensburger Buches' von 1541 und seine Rechtfertigungslehre," *Archiv für Reformationsgeschichte* 36 (1939): 88–116, and Joachim Mehlhausen, "Die Abendmahlsformel des Regensburger Buches," *Studien zur Geschichte und Theologie der Reformation. Festschrift für Ernst Bizer*, ed. Luise Abramowski and J. F. Gerhard Goeters (Neukirchen: Neukirchener Verlag, 1969), 189–211. This opinion is not shared by Cornelis Augustijn, in *Martin Bucers Deutsche Schriften* (hereafter cited as BDS), *Bd. 9, 1: Religionsgespräche (1539–1541)* (Gütersloh: Gütersloher Verlagshaus, 1995): 330. On the relationship between Bucer and Gropper, see Georg Kuhaupt, *Veröffentlichte Kirchenpolitik. Kirche im publizistischen Streit zur Zeit der Religionsgespräche (1538–1541)* vol. 69 of *Forschungen zur Kirchen- und Dogmengeschichte* (Göttingen: Vandenhoeck & Ruprecht, 1998).

25. On the entire development, see BDS 9,1:323–330, esp. p. 327.

26. Cf. Worms Book, BDS 9,1:355,12.

27. BDS 9,1:354,11–15.

28. Cf. *Ibid.*, 9,1:354/355.

29. *Ibid.*, 9,1:388,6f.

30. Cf. *Ibid.* 9,1:392,14f.

31. Cf. the article of the Regensburg Book, *Ibid.* 9,1:399,2–14.

32. On Contarini, see Elisabeth G. Gleason, *Gasparo Contarini. Venice, Rome, and Reform* (Berkeley, Los Angeles, Oxford: University of California Press, 1993).

33. Cf. Decree on justification (sixth session, January 13, 1547), cf. 1 and 2; *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum* . . . , ed. Heinrich Denzinger; rev. ed., Peter Hünermann (37. ed.; Freiburg/Br.: Herder, 1991), 502–503, §1521 and 1522; *Decrees of the Ecumenical Councils, Volume Two, Trent to Vatican II*, ed. Norman P. Tanner, S.J. (London: Sheed and Ward, and Washington: Georgetown University Press, 1990), 671.

34. Decree on justification, ch. 11, Denzinger, 510, §1536; Tanner, 675.

35. Cf. *Ibid.*, ch. 5, 504–505, §1525; *Ibid.*, 672.

36. *Ibid.*, ch. 7, 507, §1530; *Ibid.*, 673.

37. *Ibid.*, ch. 9, 508–509, §1534; *Ibid.*, 674.

38. *Ibid.*, ch. 9, 508–509, §1534; *Ibid.*, 674.

39. *Ibid.*, ch. 9, 509; §1534; *Ibid.*, 674. Here is stated, “For, just as no devout person ought to doubt the mercy of God, the merit of Christ and the power and efficacy of the sacraments, so it is possible for anyone, while he regards himself and his own weakness and lack of dispositions, to be anxious and fearful about his own state of grace since no one can know, by that assurance of faith which excludes all falsehood, that he has obtained the grace of God.”

40. On the language chosen to express the role of human merit in winning salvation, see Heiko A. Oberman, “Duns Scotus, Nominalism, and the Council of Trent,” in: *The Dawn of the Reformation, Essays in Late Medieval and Early Reformation Thought* (Edinburgh: T. & T. Clark, 1992), 217–218.

41. See Formula of Concord, SD III, 44–51 BSLK 930–952; BC 570–571; BC-T 548–549; Cf., in the order of the Formula of Concord, the corresponding passages in Martin Chemnitz, *Examen Concilii Tridentini*, ed. Eduard Preuss (Berlin, 1861, reprint Darmstadt: Wissenschaftliche Buchgesellschaft, 1972), 212–216, 178–182, 165–166, 187–188, 179–182, 168–169, 171–173; *Examination of the Council of Trent, Part I*, trans. Fred Kramer (Saint Louis: Concordia, 1971), 653–663, 553–564, 514–519, 579–582, 556–564, 523–527, 531–537.

42. FC SD III, 32–33, BSLK 924–925; BC 567–568; BC-T 544–545; cf. Chemnitz, *Examen*, 149–150, 173–174, *Examination*, 470–472, 538–542.

43. FC SD III, 6–7, BSLK 916–917; BC 563; BC-T 540; cf. Chemnitz, *Examen*, 153, 158–159, 169, 188–189, *Examination*, 481–482, 494–497, 525–527, 581–585.

44. Ökumenischer Arbeitskreis evangelischer und katholischer Theologen, *Lehrverurteilungen—kirchentrennend? I*, ed. Karl Lehmann and Wolfhart Pannenberg (Freiburg/Br.: Herder, and Göttingen: Vandenhoeck & Ruprecht, 1988), 9–17.

45. As is stated in the preamble of Joint Declaration, §5; The Lutheran World Federation and the Roman Catholic Church, *Joint Declaration on the Doctrine of Justification* (Grand Rapids: Eerdmans, 2000), 11.

46. See, for example, Reinhard Frieling, “Ökumenischer Grundkonsens in der Rechtfertigungslehre,” *Materialdienst des Konfessionskundlichen Instituts Bensheim* 48 (2/1997): 28–32.

47. According to the Schweizerische Evangelische Kirchenbund in its reaction to the “Joint Declaration on the Doctrine of Justification,” *epd-Dokumentation* #7/98 (February 9, 1998): 25.

48. *Joint Declaration*, 19, §26.
49. Cf. Decree on justification, ch. 5 and 6, Denzinger, 504–505, §1525 and 1526; Tanner, 672–673, with *Joint Declaration*, 17 and 20, §20 and §27.
50. Cf. Decree on justification, ch. 10, Denzinger, 509, §1535; Tanner, 675, and *Joint Declaration*, 25, §38.
51. Cf. *Joint Declaration*, 25, §38.
52. *Ibid.*
53. Cf. Decree on justification, ch. 9, Denzinger, 508–509, §1534; Tanner, 674 (n. 38 above for the text), and *Joint Declaration*, 24, §36.
54. See *Joint Declaration*, 17, §21, where there is at least an allusion to this concept.
55. *Ibid.*, 21, § 29.
56. Cf. *ibid.*