

WITHOUT JUSTIFICATION?

The Catholic-Lutheran Joint Declaration and its Protestant Critics

Iain Taylor

WHAT HAPPENED ON 31 OCTOBER 1999 in Augsburg, Germany, was full of poignant symbolism. The date was significant: Reformation Day. The venue, too, was meaningful: there in 1530 probably the central document of Lutheranism was drafted, the Augsburg Confession. On that day and in that place, official representatives of the Lutheran World Federation and the Roman Catholic Church, the parties who had seemed so opposed 469 years before, signed the Joint Declaration on the Doctrine of Justification.¹ Could it be that the signing of this document represents a genuine resolution to the ecclesiastical divisions that have existed since the Reformation?

This was not the first such document to be produced as the fruit of ecumenical endeavours between the two Churches. Earlier works that presage the Joint Declaration include *The Gospel and the Church* (1972),² *Justification by Faith* (1983),³ the German collection published in English as *The Condemnations of the Reformation Era—Do They Still Divide?* (1986),⁴ and *Church and Justification* (1994),⁵ all of which are

¹ The text of the Joint Declaration can be found in *Joint Declaration on the Doctrine of Justification* (Grand Rapids: Eerdmans, 2000) and at http://www.vatican.va/roman_curia/pontifical_councils/chrstuni.

² Report of the Joint Lutheran–Roman Catholic Study Commission, published in *Growth in Agreement* (New York and Geneva: Paulist and WCC, 1984), 168–189.

³ *Lutherans and Catholics in Dialogue VII* (Minneapolis: Augsburg, 1985).

⁴ Edited by Karl Lehmann and Wolfhart Pannenberg, translated by Margaret Kohl (Minneapolis: Fortress, 1990 [1986]).

⁵ (Geneva: Lutheran World Federation, 1994).



*The Signing of the Joint Declaration, Augsburg 1999,
by Bishop Christian Krause and Cardinal Edward Cassidy*

mentioned in the text of the Joint Declaration (n.5). Yet it deserves to be considered particularly significant, primarily because it has been heralded as one of the most important of all modern ecumenical ventures. On the Protestant side there have been many who have welcomed it with acclamation. And on the Roman Catholic side, the head of the Pontifical Council for Promoting Christian Unity has said that the document represents a great step forward for the whole ecumenical movement, and that it inaugurates a new, qualitatively different phase in the dialogue between the Roman Catholic and Lutheran Churches. Pope John Paul II even went so far as to call it a 'moment of grace'.⁶

Among the more illustrious of the document's advocates are many members of the ELCA (Evangelical Lutheran Church of America), and prominent US theologians such as Robert Jenson, Bruce Marshall

⁶ See J. Jezirowski, 'Ein Augenblick der Gnade. Die Vollversammlung—unauffällig inmitten des Trubels', *Lutherische Monatshefte*, 36 (1997), 7.

and David Yeago. Wolfhart Pannenberg too, who is one of the most distinguished living theologians, has recently offered an extended defence of the Joint Declaration as consistent with certain (but not all) central strands of Lutheran thinking on justification.⁷ Pannenberg wrote this document in an effort to meet some of the criticisms that other Lutherans have raised, especially those of Eberhard Jüngel, whose objections we shall consider below.

What the Declaration Claims

What is it that these thinkers are defending? The purpose of the Joint Declaration is, in its own words, to ‘formulate a consensus on basic truths concerning the doctrine of justification’ (13), and thus to invalidate the condemnations and alleviate the divisions that have beset the Western Church on this issue since the sixteenth century. It does this by first explicating the biblical message of justification, and then dealing with a number of contentious issues. It outlines what Lutherans and Catholics can confess together, and the different ways in which they formulate their understandings—for example, ‘justification as forgiveness of sins and making righteous’ (nn.22-24), ‘justification by faith and through grace’ (nn.25-27), ‘assurance of salvation’ (nn.34-36). It then states in conclusion:

In the light of this consensus the remaining differences of language, theological elaboration, and emphasis in the understanding of justification ... are acceptable. Therefore the Lutheran and Catholic explications of justification are in their difference open to one another and do not destroy the consensus regarding the basic truths. (n.40)

Much ground is covered and many details are contested, but the core points of agreement are fairly clear. There is consensus not just on the centrality of justification to Christian life and doctrine, but also on its nature:

⁷ Pannenberg’s partial defence of the Joint Declaration can be found in his contributions to a volume which he co-edited with the Roman Catholic theologian Bernd Jochen Hilberath: *Zur Zukunft der Ökumene: Die ‘Gemeinsame Erklärung zur Rechtfertigungslehre’* (Regensburg: Pustet, 1999). A related though by no means identical discussion of the issues in English can be found in Pannenberg’s *Systematic Theology*, vol.3, translated by Geoffrey W. Bromiley (Edinburgh: T. and T. Clark, 1998), 211-236.

By grace alone, in faith in Christ's saving work and not because of any merit on our part, we are accepted by God and receive the Holy Spirit, who renews our hearts while equipping and calling us to good works. (n.15)

Anthony Lane's Evangelical Assessment

The main aim of this article is to explain why many Protestant theologians are critical of the Joint Declaration. Inevitably the Joint Declaration itself as well as the debate surrounding it has had a decidedly German flavour, and most of our study will be taken up with the issues arising within German Lutheranism. But we can begin with one significant and relatively accessible book written in Britain: Anthony N. S. Lane's *Justification by Faith in Catholic-Protestant Dialogue: An Evangelical Assessment*.⁸ Lane writes from an avowedly Evangelical perspective, from the tradition of Protestantism arising out of the revival and missionary movements of the eighteenth century. It is a helpful introduction to many of the key documents and issues. It takes Calvin as a representative authority for the traditional Protestant doctrine of justification, and the Council of Trent for the Roman Catholic understanding. There are also chapters taking the reader through some of the key documents leading up to the Joint Declaration, and explaining many of the issues at stake. Lane is often content simply to explain the issues rather than argue about them. Nevertheless, his work can serve as a useful overview of the history and the results of ecumenical dialogue on justification.⁹ Most—though not all—of the judgments he does offer are positive.

Lane clearly states that the Joint Declaration has by no means fully overcome the Reformation divide. In answer to his final question, 'Does the measure of agreement reached mean that the Reformation is over?' Lane replies,

By no means. There remain huge differences in other areas such as mariology and the authority of the pope. The accord reached on the doctrine of justification is an important milestone on the path

⁸ (Edinburgh: T. and T. Clark, 2002).

⁹ It does not, however, supersede Ernstpeter Maurer's study in German, *Rechtfertigung: Konfessionstrennend oder konfessionsverbindend?* (Göttingen: Vandenhoeck und Ruprecht, 1998).

towards full agreement, but there remains a considerable distance still to be covered. (p. 231)

Yet such comments cannot mask Lane's fundamental agreement with the Joint Declaration. In the sixteenth century, the Council of Trent's teaching was incompatible with the Protestant understanding. Yet now at the turn of the millennium, there exists a 'consensus in basic truths of the doctrine of justification'. As Lane goes on to explain:

In my view the consensus that has been achieved has come about mainly through Roman Catholics being willing to move beyond the positions of the sixteenth century. The price paid on the Protestant side has consisted mainly in the willingness to be more tolerant of a range of views and to accept an element of ambiguity. The dialogue documents have not required Protestants to go back on any of their traditional doctrines. (p.226)

For Lane, then, the ground for protesting has been taken away, on the matter of justification at least. With the Joint Declaration, he can thank God 'for this decisive step forward on the way to overcoming the division of the Church'.

Eberhard Jüngel

Lane's positive account of the Joint Declaration is far from being the usual or typical Protestant response. Others are far less convinced by it. They doubt that the Roman Catholic Church really has moved sufficiently close to the Reformation (and, in their view, biblical) understanding of justification for talk of consensus to be justified. They are also sceptical that the Joint Declaration really is a milestone in mutual comprehension of the truth of the gospel.

The most thoroughgoing critique has come from the pen of Eberhard Jüngel,¹⁰ a Lutheran theologian recently retired from the University of Tübingen. His criticisms, as well as his restatement of

¹⁰ Others include Reinhardt Brandt, 'Gemeinsame Erklärung—kritische Fragen. Die "Gemeinsame Erklärung zur Rechtfertigungslehre" und Fragen zu ihrer Rezeption in den deutschen lutherischen Kirchen', *Zeitschrift für Theologie und Kirche*, 95 (1998), 63-102; Joachim Ringleben, 'Der Begriff des Glaubens in der "Gemeinsamen Erklärung zur Rechtfertigungslehre" (1997): Ein theologisches Gutachten', *Zeitschrift für Theologie und Kirche*, 95 (1998), 232-249.

what he considers a true appreciation of the Reformation doctrine of justification, have appeared in several publications, the most significant of which is *Justification: The Heart of the Christian Faith*.¹¹ We shall return to this book presently.

Authors like Lane are irenic: for them, a commitment to ecumenism involves a wariness about narrow confessionalism. Jüngel's tone is far less irenic, and his criticisms of the Joint Declaration are both sharp and forceful. Nor is he enamoured of the so-called 'ecumenical hermeneutic'



Martin Luther,
by Lukas Cranach the elder

that has become popular in certain sections of the theological and ecclesiastical establishment.¹² Yet Jüngel is far from committed to the kind of narrow confessionalism that those who framed the Joint Declaration sought to overcome. He is not opposed in principle to any such rapprochement between the Churches, and his specific criticisms do not by any means amount to a rejection in principle of the Joint Declaration. The criticisms, Jüngel says, spring not from Protestant or Lutheran commitments, nor even from a special attachment to Martin Luther, but from the gospel itself. Thus they are genuinely 'ecumenical' objections, since for Jüngel (as for most Protestant thinkers) to be ecumenical is more about continuity with the biblical gospel than about fidelity to the conclusions of historical Church councils. Indeed, Jüngel declined to sign a famous letter of protest written in 1999 and signed by many theology professors in Germany—a letter which reflected his own views—because it seemed too concerned with preserving past formulations, and not sufficiently involved in the substance of justification, for him to give it his full endorsement.

So, what is Jüngel's problem with the Joint Declaration? He sees the document as surrendering vital Reformation principles:

¹¹ Eberhard Jüngel, *Justification: The Heart of the Christian Faith: A Theological Study with an Ecumenical Purpose*, translated by Jeffrey F. Cayzer (Edinburgh: T. and T. Clark, 2001 [1998]).

¹² Though, of course, he considers his own hermeneutic 'ecumenical' in the very best sense.

... there were no sound theological foundations laid here 'on the way to overcoming the division of the Church'. For here decisive insights of the Reformation were either obscured or surrendered. Certainly there is much in this text that the Protestant Churches and the Roman Catholic Church can say in common. But these are pronouncements which almost without exception move in the area and on the level of the *Decree Concerning Justification* which the Roman Catholic Church had adopted at the Council of Trent in 1547 on the basis of, and more particularly *against*, the Reformers' doctrine of justification.¹³

Far from accommodating or taking account of genuinely Protestant concerns, the Joint Declaration simply ignores or abandons them. Jüngel singles out three points which we will look at in a moment: the function of the doctrine of justification as the criterion for the rest of Christian doctrine; the belief that Christians are righteous and sinners at the same time; and the theological reasoning behind the Reformers' stress on justification by faith alone. Indeed he sees the Joint Declaration as in some respects no less antagonistic in effect towards Protestant concerns than the Council of Trent that heralded the Counter-Reformation.

Unresolved Ambiguities

During the period when drafts of what became the Joint Declaration were being drawn up, Jüngel sounded various warning cries. One of the most significant of these was an article entitled 'For God's Sake—Clarity! Critical Remarks on the Subjugation of the Function of the Justification Article as Criterion—On the Occasion of an Ecumenical "Joint Declaration on the Doctrine of Justification"'.¹⁴ Here Jüngel notes changes in language introduced in the later stages of the drafting process. At a meeting of the Lutheran World Federation in Hong Kong in 1995, the assembly asked that the final version present the doctrine of justification as 'the criterion' that 'orients all the doctrine and practice of our Churches constantly on Christ'. This was, Jüngel believes, the agreed position already outlined in the collection edited

¹³ Jüngel, *Justification*, xxxiv.

¹⁴ 'Um Gottes willen—Klarheit! Kritische Bemerkungen zur Verharmlosung der kriteriologischen Funktion des Rechtfertigungsartikels—aus Anlass einer ökumenischen "Gemeinsamen Erklärung zur Rechtfertigungslehre"', *Zeitschrift für Theologie und Kirche*, 94 (1997), 394-406.

by Pannenberg and Lehmann in 1986, and it had been carried through to the draft formulated as late as June 1996, when Cardinal Cassidy had begun to lead the Roman Catholic side.¹⁵ Yet this phrasing was changed as the result of initiatives from Cardinal Ratzinger and the Pontifical Commission for Promoting Christian Unity. As a result the final version states only that justification is ‘*an* indispensable criterion’ (n.18), rather than *the* criterion. And the Joint Declaration adds that Catholics ‘remind themselves of several criteria’, although they do ‘not want to deny the special function of message of justification’. And it was such alterations to the text that led to protests in Lutheran circles, both academic and ecclesiastical.

‘For God’s Sake—Clarity!’ also highlights an increasing ambiguity in official Roman Catholic statements—an ambiguity that for Jüngel only creates confusion. In particular Jüngel, both in that article and in his subsequent writings, has concentrated on one of the ablest theological minds in Roman Catholicism, namely Walter Kasper.

Jüngel is especially disappointed because Kasper knows Lutheran theology well, and understands the indispensable centrality for Lutherans of the doctrine of justification. But Kasper simply misrepresents the doctrine of justification as *criterion*. This expression indicates that justification for Lutherans is not just one doctrine among others, but rather the criterion for all doctrine, the doctrine against which all other doctrines can be tested and their truth value established.¹⁶ Some of Kasper’s earlier remarks show his sensitivity to this Lutheran concern, and his awareness of justification having absolute, not relative, centrality in Lutheran theology.¹⁷ More recently, however, as Kasper has been defending the Joint Declaration, this sensitivity has been less in evidence. For Kasper, the document represents,

**Justification
is not one
doctrine among
others**

... the inclusion of the central Reformation concern, justification by faith alone, into the mainstream of the ... catholic tradition of

¹⁵ 1996 draft, n. 18.

¹⁶ More technical writing speaks of the ‘criteriological significance’ of the doctrine of justification.

¹⁷ Jüngel, ‘Um Gottes willen—Klarheit!’ 402.

the ancient Church, which is itself enriched by the accentuating of the doctrine of justification.¹⁸

This later position of Kasper's does not tally either with Jüngel's understanding of the Reformation, or—and this troubles Jüngel even more—with earlier ecumenical documents. For in some of the preliminary studies involving both Roman Catholics and Lutherans, notably in the German collection entitled in English *The Condemnations of the Reformation Era—Do They Still Divide?* (1986), agreement had been reached on a definition of the doctrine of justification that Jüngel considered both more clear and more acceptable. 'According to it', he writes, 'the doctrine of justification has the function of *identifying* what in truth deserves to be called *Christian*. It is the *identifying criterion of what is Christian*.'¹⁹

The suspicion is that there has been a failure to take account of the concerns that led to the Reformers' protest in the first place. Moreover, Jüngel thinks the ambiguity surrounding the criteriological significance of the doctrine of justification leaves other contentious matters just as far from resolution as they were before. For, he asks, how far can an ecumenical 'consensus about fundamental truths of the doctrine of justification' really be maintained when on the Roman Catholic side there is still a papal announcement of a Jubilee indulgence for the year 2000 and the continued refusal to have fellowship at the eucharistic table?²⁰

Jüngel's misgivings concerning the Joint Declaration in draft stage were not assuaged on the publication and ratification of the final version. A clear statement of the doctrine of justification and its centrality for Christian faith, he felt, was needed, one that would make clear the classic Reformation teaching and show its (in)compatibility with some key statements of the Joint Declaration. This he seeks to provide in his book, *Justification: The Heart of the Christian Faith*. Not only does this book state the understanding of the doctrine of justification as found both in Scripture, especially in Paul, and in the theological tradition, especially in Luther. It also highlights points that Jüngel believes have become obscured in the midst of the ecumenical

¹⁸ Jüngel, 'Um Gottes willen—Klarheit!' 403.

¹⁹ Jüngel, 'Um Gottes willen—Klarheit!' 397. Emphases original.

²⁰ Jüngel, *Justification*, xxvii-xxviii.

endeavours of recent years. These include the ones we have already noted: the undermining of justification as a criterion for all other doctrine, and the misrepresentation of key Lutheran concerns by Roman Catholic officials. But there are other points too: the continuing disagreement about Luther's formula *simul iustus et peccator* (righteous and sinners at the same time), and the omission of the formula *sola fide*, 'by faith alone'.

Simul iustus et Peccator (Righteous and Sinners at the Same Time)

What is the formula *simul iustus et peccator*, and why does Jüngel consider it so important? Coined by Luther to explain his understanding of justification by faith, the phrase expresses the fact that one is justified already by our clinging to Christ in faith, and that this is *not* the *result* of Christian acts of love and obedience. When the delegates at the Council of Trent rejected the idea that 'a just person sins',²¹ they were—however poorly they understood it—obviously referring to this slogan.

Jüngel believes that this formula must still be upheld. It expresses the simultaneity of sin and righteousness within the Christian, as well as the conflict within this simultaneity. The simultaneity is, Jüngel believes, attested both by Christian experience and by Holy Scripture. On the one hand there is the undeniable everyday experience that even a justified person remains in some ways a being of the flesh, and constantly suffers from a bad conscience. On the other the Bible states both that those who have been born of God do not sin (1 John 3:9) and that we deceive ourselves if we say we have no sin (1 John 1:8). As Luther expressed the matter, 'I am a sinner in and by myself apart from Christ. Apart from myself and in Christ I am not a sinner.'²²

***The conflict
between sin and
righteousness***

This simultaneity leads to a struggle. The old humanity of sin and the new humanity of righteousness within the Christian are not in peaceful coexistence. It would be wrong to see the struggle as eternally unresolved, and the two protagonists are not equal. The outcome of this struggle is not in doubt, since Christ has power over sin. Yet we

²¹ *Decree on Justification*, canon 25.

²² Quotation from *The Private Mass and the Consecration of Priests*, cited in Jüngel, *Justification*, 220.

never escape from the war in this life—release and complete victory are granted us only in the life to come. Again Jüngel cites Luther:

We are not now what we shall be, but we are on the way. The process is not yet finished, but it is actively going on. This is not the goal but it is the right road. At present, everything does not gleam and sparkle, but everything is being cleansed.²³

To one convinced of the necessity of such a formula, the Joint Declaration will inevitably arouse suspicion. For, whatever *rapprochement* there may have been on other matters, Jüngel goes on:

The fact remains, that the formula *simul iustus et peccator* is still unacceptable to the Roman Catholic Church today. In its statement on *The Joint Declaration on the Doctrine of Justification*, the Catholic Church again pronounced Luther's formula (which is interpreted positively in the Joint Declaration) to be unacceptable to Catholics. It expressly disavowed the facts which this formula expresses. It even located the major difficulty 'preventing an affirmation of total consensus between the parties on the theme of Justification'. This is without any doubt to be found in 'the formula "at the same time righteous and sinner", which is "for Catholics ... not acceptable".' (p.215)

Sola Fide (By Faith Alone)

The final misgiving we shall mention here concerns the omission of any mention of the traditional Lutheran exclusive formula 'by faith alone'. Defenders of the Joint Declaration have justified this omission by citing the example of the Lutheran Augsburg Confession of 1530, whose drafter, Philip Melanchthon, left it out in Article 4 on justification. This text simply says:

... we cannot be justified before God by our own strength, merits or works, but are freely justified for Christ's sake, through faith.

To Jüngel, such argumentation on the part of Lutheran ecumenists is unacceptable. Firstly, it ignores the explicit inclusion of the formula in Article 6 on 'The New Obedience', which says that we have

²³Quotation from *Defence and Explanation of All the Articles*, cited in Jüngel, *Justification*, 221.

'forgiveness of sins ... through faith alone', as well as ignoring the claim in Article 20 on 'Faith and Good Works', which says that our reconciliation with God 'happens only through faith'.

Second, when Melancthon wrote that the *Augsburg Confession* was 'not contrary or opposed to ... [even that] of the Roman Church', this does not mean, as some Lutherans have understood it, that ecumenical agreement permits and requires removal of the exclusive formula. Rather,

... since, as Melancthon thought, the ... articles are also acceptable to the Roman Catholic Church, we ought to be able to say from the Lutheran perspective that the *sola fide* formula is acceptable ecumenically. (p.236)

Third, if the previous points are correct, then it is the later Council of Trent's *Decree on Justification* that is ecumenically in error, since it opposes the very articles that Melancthon claims ought to find theological consensus on all sides. Jüngel sees a great irony in the position of Lutheran advocates of the Joint Declaration. They are taking a step back from a position of evangelical unity stated within one of their own confessional documents; instead, they are showing a loyalty to the more restrictive position of Trent.

Jüngel's challenge, then, to those who see the Joint Declaration as a major ecumenical breakthrough is stark. As he puts it in one of his most pointed judgments:

The Joint Declaration reiterates basically the only part of the Catholic doctrine of justification that was condemned by the Lutheran Confessions, saying that it is still Catholic teaching. And it goes on to assert that the condemnation in the Lutheran Confessions no longer applies to the Roman Catholic doctrine of justification as expounded in the Joint Declaration. This is one of the scandals in the history of theology of which that *Declaration* will go on to serve as an example. To accept this amounts to a sacrifice of the intellect on the part of any theologian. (p.207)

Far from dealing with the points of contention of the Reformation era, the Joint Declaration proceeds as if they do not exist.

We have seen, then, that work still remains to be done, on the Protestant side at least, if there is to be a widespread acceptance of the Joint Declaration. There do exist those, and they are many—even on the Lutheran side—who are quite happy not only to endorse the intentions underlying the Joint Declaration, but also to believe that it represents a genuine ecumenical success. They believe that the Declaration signals not just a coming together of Europe's divided theological parties, but also the fulfilment of the concerns of the Reformation, and the advent of true catholicity. If they are indeed correct in this judgement, may they succeed in arguing their case among the Churches!

There exist those such as Lane, who are more guarded about the merits of the Joint Declaration, but whose belief in real change within the Roman Catholic position leads them to see a partial but significant *rapprochement*.

There also exist, inevitably, those whose material objections are tinged with parochiality—a parochiality which threatens to undermine not only ecumenical ventures such as the Joint Declaration, but also the true concerns, both catholic and evangelical, that did genuinely inspire the Reformers and their doctrine of justification by faith alone. May such narrow confessionalism, wherever it comes from, open its eyes to the moments of grace and truth not just in the other party, but also in their own side!

Finally, there is the more interesting and theologically impressive example of Eberhard Jüngel. There seems no reason to doubt his desire for a united Church, nor his disavowal of the confessionalism that remains intransigently suspicious of anything that looks like a watering down of doctrine. For ecumenical ecclesiastical *rapprochement* is not to be at the expense of ecumenical theology—a theology that is both Evangelical and Catholic when these terms are correctly understood. And for such Evangelical and Catholic theology that will clarify not only the doctrine of justification but also the other matters that divide the Churches let us hope and pray.

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