

The JDDJ Ten Years Later

By Rolf Preus

Was the Lutheran Reformation a good thing? Or was it a tragedy? Did it serve the salutary purpose of restoring to its purity and clarity the central teaching of the Christian religion? Or did it cause the scandalous division of the Church? The way we answer these questions may determine the way we approach the Joint Declaration on the Doctrine of Justification.

If the article on justification through faith alone is indeed that truth upon which the Church stands or falls this is because there is no other Church but the assembly of saints. When we Lutherans define the Church as the "assembly of saints in which the Gospel is taught purely and the sacraments are administered rightly" (AC VII) we do so not merely to mark the presence of the Church by the Gospel and sacraments but to confess as well that the Church is and consists only of those who are justified through faith alone. The pure Gospel and the rightly administered sacraments are marks of the Church precisely because they are means of grace, that is, means by which the Holy Spirit graciously bestows the forgiveness of sins and in so doing creates the faith that receives this forgiveness and through which the believer is justified.

The Church must be, by definition, the assembly of saints, that is, those who are justified through faith alone. The Church has the holy things. But her holiness consists in more than that. She is not what she has. She is what she is. She is the holy people. Just as surely as we cannot understand or identify the Church without reference to those holy things entrusted to her stewardship through which God grants forgiveness of sins and true righteousness, so we may not define the Church except as the holy people who are holy because God has justified them by Jesus' blood. They are holy because they are justified. They are fully forgiven of all their sins for Christ's sake and this makes them righteous before God. Were they not fully forgiven of all their sins for Christ's sake they would not be the Communion of Saints and the Church would not be holy. We cannot know what the Church is unless we know that it is a communion of saints. We cannot know what the Church is apart from understanding what makes a sinner a saint. We cannot conceive of the Church apart from a clear understanding of justification.

For Lutherans justification informs true ecclesiology. It is not merely “an indispensable criterion, which constantly serves to orient all the teaching and practice of our churches to Christ.” (JDDJ, paragraph 18) It is the indispensable criterion. When the Vatican succeeded in placing the indefinite article – “an” – before the words “indispensable criterion” within “The Common Understanding of Justification” it succeeded in displacing justification as the central article. “An” indispensable criterion cannot be the article on which the Church stands or falls. It cannot be the central article. It can only be one indispensable criterion among several.

Thus the question was answered. The Lutheran Reformation was a tragedy to be overcome. The scandal of the Sixteenth Century was the external division of Western Christendom. All other considerations must be subordinated to the need to do what we can to heal the breach. Since the clarity with which the doctrine of justification was taught and confessed was a chief cause of the breach, healing it would require at least the obscuring of this doctrine. The obfuscation of the confessional Lutheran teaching on justification was the prerequisite for success in the dialogue between Lutherans and Roman Catholics on this doctrine.

Which caused which? Did the strong desire for consensus lead to a watering down of the doctrine that divided? Or did the loss of doctrinal substance facilitate the success of the dialogue and the consensus that it yielded? Each aided the other.

Both the ecumenical spirit and a lack of clarity on justification were evident among Lutherans long before the conversations that culminated in the production of the JDDJ. When the Lutheran World Federation met in Helsinki in the summer of 1963 it was clear that the biblical underpinnings of Christian doctrine had crumbled to an extent as to make clear and binding doctrinal assertions difficult if not impossible.

Doctrinal terms can convey nothing more substantive than what is written in the Holy Scriptures. But the unity of the Scriptures had been lost. Justification had become one image among many in the biblical account of what God has done for us in Christ.

Whereas the Reformers saw the message of the Bible in unitary and almost monolithic terms, we now see much greater variety and diversity among the biblical writers. The Reformers believed

that Justification is the theme that dominates the entire New Testament. We now recognize that Justification is indeed an image present in the earliest Christian tradition, but as one image among the many used to set forth the significance of God's deed in Jesus Christ. (1)

If justification is one image among many it cannot be the central teaching of the Christian faith. It can at best be an image of the central teaching of the Christian faith. An image is a picture. Pictures change. As the LWF noted at Helsinki: "In this earliest stage the term justification is one of many pictures used to set forth the meaning of God's deed in Christ." (2)

Changing pictures cannot convey unchangeable doctrine, especially when the spirit of the time dictates that the world sets the agenda that the Church must follow. If modern man is not asking to be justified but is rather seeking to discover the meaning of life and whether or not God plays a role in such a discovery then it is incumbent upon the Church to find a more compelling picture of the relevance of God than that of justification. No wonder the central article was set off on the periphery. The Lutherans did this to their own doctrine quite ably without any impetus from the larger ecumenical agenda.

If the Bible contains different theologies that reflect preferences for this image over that image it will be difficult to appeal to the biblical text to settle a debate about biblical doctrine. The use of the Historical Critical Method by theologians within Rome and Lutheranism thus helped to break down biblical barriers between the two communions' respective teachings on justification. This was frankly admitted and celebrated in "Justification by Faith: Lutherans and Catholics in Dialogue VIII," produced in America in 1983 and serving as one of the documents from which the JDDJ arose. In recent decades developments in the study of Scripture have brought Catholics and Lutherans to a fuller agreement about the meaning of many passages controverted at least since the sixteenth century. Of special importance has been, within general Roman Catholic biblical emphasis, the encouragement given by church authority to Catholic interpreters in the last fifty years to make use of historical-critical methods, thus sharing in a mode of interpretation employed by Protestants for a longer time. (3)

Historical criticism finds varying theologies within the Scriptures. This corresponds to varying theologies within the branches of Christendom.

Differences that previously constituted a doctrinal divide are now regarded as complementary. No specific "image for the saving action of God in Christ" may be given "exclusive primacy" over other images. (4) Debating doctrinal substance is one thing. Arguing about which metaphor more effectively conveys a deeper concern shared by the other side is another matter altogether. Less is at stake.

Once the biblical divide between Lutherans and Roman Catholics was bridged by "our common way of listening to the Word of God in Scripture" (JDDJ par 8) which includes "appropriating insights of recent biblical studies" (JDDJ par 13) it remained for the participants to deal with Luther and the Lutheran Confessions on the one hand and the Roman Catholic tradition and the Council of Trent on the other.

Luther scholars have long sought to distance him from his most faithful students. This is done by admirers of Luther who bemoan what they view as a loss of Luther's more sanative and less purely forensic understanding of justification by Lutherans from the Formula of Concord and Martin Chemnitz down through the seventeenth century and beyond. Whether Karl Holl (God justifies the sinner in view of what he shall become) or Tuomo Mannermaa (justification as Christ present in faith) on the Lutheran side or Hans Kung, Daniel Olivier, or Georges Tavard on the Roman Catholic side, those who love Luther do not necessarily love the Lutheran Confessions. Despite differences among themselves, they attempt to distinguish between Luther's doctrine of justification and the unambiguously forensic definition of justification presented especially in the Formula of Concord in which the righteousness of faith is the vicarious obedience of Christ (for example, FC SD III paragraphs 9, 14, 15, 30, etc.).

The greatest barrier to the consensus claimed by the JDDJ was the explicit teaching of the Lutheran Confessions and the Council of Trent. Indeed, those devoted either to Trent or to the Lutheran Confessions with anything approaching an unconditional adherence are those who argue that the consensus claimed by the JDDJ is somewhat illusionary. From the traditionalist right within the Roman Catholic Church we find an article titled, "Critical Analysis of the Joint Declaration on the Doctrine of Justification" by the Most Rev. Donald J. Sanborn (5) that excoriates the JDDJ and the "heretic" Martin Luther with equal enthusiasm. From a more mainstream Roman Catholic vantage point Avery Dulles demonstrates his devotion to

Tridentine doctrine and on the basis of that loyalty questions the adoption of the JDDJ while conceding its symbolic benefit. (6) Representatives of the ELCA have generally praised the JDDJ. In a series of opinion pieces published on the ELCA website (7) on the occasion of the Fifth Anniversary of the signing of the JDDJ we find both a celebration of the JDDJ along with expressions of disappointment at how little it has changed the way Lutherans and Roman Catholics in America interact with one another. The faculties of both LCMS seminaries wrote evaluations of the JDDJ (8) that took issue with its claims of consensus. In short, Roman Catholics devoted to Trent and Lutherans devoted to the Lutheran Confessions remain critical of the JDDJ, questioning the consensus that it claims.

One way to bridge the chasm between Trent and the Lutheran Confessions on the doctrine of justification is by finding a way to express their respective teachings while avoiding the sixteenth century condemnations of the same. The condemnations of the sixteenth century of the positions set forth in the sixteenth century cannot be set aside. The JDDJ does not claim that they can be. What is claimed is that, "In light of this consensus, the corresponding doctrinal condemnations of the sixteenth century do not apply to today's partner." (JDDJ par 13) While we cannot revisit history to effect change, we can restate the historic teaching in a new way and thus be able to set aside the mutual condemnations of a previous era.

Thus the doctrinal condemnations of the 16th century, in so far as they relate to the doctrine of justification, appear in a new light: The teaching of the Lutheran churches presented in this Declaration does not fall under the condemnations from the Council of Trent. The condemnations in the Lutheran Confessions do not apply to the teaching of the Roman Catholic Church presented in this Declaration. (JDDJ par 41)

The removal of mutual condemnations does not apply to the teachings of the Roman Catholic Church and the Lutheran Church of the sixteenth century. The removal of mutual condemnations does not apply to the teachings of the Council of Trent and the Lutheran Confessions. The removal of mutual condemnations does not apply to the present teachings of the Roman Catholic Church and the Lutheran Church. The removal of mutual condemnations applies only to the teachings of the Roman Catholic Church and the Lutheran churches that are presented in the JDDJ. Thus the

consensus achieved is far more limited in scope than the celebratory headlines of a decade ago might warrant. The JDDJ is not normative for the teaching of either communion that agreed to it. Its purpose is not to teach or to bind anyone to specific teaching. Its purpose is symbolic more than didactic. The Rev. Dennis A. Andersen, Ecumenical Representative, Northwest Washington Synod of the ELCA put it this way:

The reception of the Declaration has been less oriented to the specific issues of justification than it has been welcomed as one more sign of rapprochement between our faith traditions. It has served as one more indication to the grass roots of the church to move forward in affirming nascent patterns of mutual understanding, communication, and cooperation. (9)

If “rapprochement” between Rome and Lutheranism is the chief purpose of the ecumenical dialogues involving both communions then the JDDJ shines forth as a symbol of their success. But what if the purity and clarity of the central teaching of the Christian faith is objectively more important for the Church than is a visible sign of her unity? What if the scandal of the sixteenth century was not the external division between papists and Lutherans? What if there was and remains to this day a schism more profound than that visible to the world – a division of Christians from their birthright in the pure gospel of the gracious imputation to them of Christ’s righteousness by which God reckons them to be righteous through faith alone? What if the Lutherans were right all along in insisting that union with the pope was too high a price to pay for the sacrifice of the pure gospel by which Christ’s merits are magnified and the conscience burdened by sin is comforted? If so, the JDDJ is a deception of the first order. For the essential doctrinal divide of the sixteenth century remains the same.

If the chief benefit of the JDDJ is that it signifies movement toward the healing of a scandalous schism of Western Christendom, the main harm caused by the JDDJ is that it perpetrates a cover-up of that scandal by which the little ones who belong to Christ are made to stumble and fall. Perhaps cover-up is the wrong word, for the JDDJ is actually quite revealing. A better word might be misdirection. The seriousness of the historic divide is minimized even while it is quite evident within the JDDJ itself.

What is the historic divide? It is more than an academic question. It runs deeper than the official teaching of either the Roman Catholic Church or the Evangelical Lutheran Church. It is an issue of personal faith and pastoral care. It concerns the meaning of words and doctrinal distinctions but the true battle is not over terms. It is over the souls of Christians. The divide – which remains as wide today as it was during the sixteenth century – is over three topics that are intertwined. Each informs and depends on the others. The divide concerns the realities of sin, righteousness, and faith.

The divide remains over the reality of sin.

Concupiscence is the constant inclination toward evil. Rome reasons that since Baptism remits sin and since concupiscence remains in the baptized and since sin in order to be sin must involve a conscious choice to do what is forbidden we must conclude that concupiscence is not really sin. It comes from sin that has been remitted (and so is no more) and it leads to sin but it cannot, by Roman Catholic definition, actually be sin. It can be called sin on account of whence it originally proceeds and on account of its potential to lead into future sin but it cannot actually be sin.

Here is how Rome sets forth its opinion in Trent:

This concupiscence, which the Apostle sometimes calls sin, the holy council declares the Catholic Church has never understood to be called sin in the sense that it is truly and properly sin in those born again, but in the sense that it is of sin and inclines to sin.

(10)

The Roman Catholic portion of the JDDJ on this topic remains dutifully within the Tridentine parameters:

There does, however, remain in the person an inclination (concupiscence) which comes from sin and presses toward sin. Since, according to Catholic conviction, human sin always involves a personal element and since this element is lacking in this inclination, Catholics do not see this inclination as sin in an authentic sense. They do not thereby deny that this inclination does not correspond to God's original design for humanity and that it is objectively in contradiction to God and remains one's enemy in lifelong struggle. (JDDJ par 30)

Rome continues to teach, in accordance with the infallible declaration of Trent, that what St. Paul by inspiration of the Holy Spirit called sin is not sin. He only called it sin because it comes from sin and presses toward sin. And while it "does not conform to God's original design" and "is objectively in contradiction to God" it is not really sin.

If it is not sin it does not need to be forgiven. Indeed, if it is not sin it cannot be forgiven. Christians who are caught in the spiritual struggle between the Spirit and the flesh (Romans 6-8) and cry out for deliverance "from this body of death" (Romans 7, 25) cannot find in the gospel the healing power over what is not sin. What is "objectively in contradiction to God and remains one's enemy in lifelong struggle" cannot be forgiven.

If concupiscence is not really sin, a man whose inclinations are to have a sexual relationship with another man is not guilty of sin on account of that inclination even though it is contrary to God's design and goes directly against what God wants. If concupiscence is not sin the forgiveness of sins cannot enter. Thus the treatment of sin devolves into an elaborate analysis of what is and is not sin.

Lutherans confess that concupiscence is sin. Indeed it is the essence of sin. Luther addressed this subject repeatedly. He writes in "Against Latomus":

As yet I do not know whether sin ever refers in Scripture to those works which we call sin, for it seems almost always to refer to the radical ferment which bears fruit in evil deeds and words. It is the law which reveals that what was before unknown and dead (as Romans 5 [:13] says) is properly speaking sin, and that it is very much alive, though hidden under the false works of the hypocrites.

(11)

If concupiscence is not really sin, a penitent who struggles with various sinful desires and bears the consequent guilt these desires impose cannot be absolved of the sin inherent in these desires. He may rest assured that what Scripture identifies as sin and what the Christian conscience informed by God's revealed law feels is sin is not really sin at all because it lacks the necessary element of a personal choice.

But how do we know what is a choice and what simply happens? What is willful and what is not? When does the desire to sin give birth to the sin itself? Such questions arise because Rome chooses to define sin in such a way that that “radical ferment” within is not really and truly sin. Pastoral care under these circumstances cannot rely on the efficacy of the absolution. The efficacy of the absolution is contingent on discerning what cannot be discerned. Repentance remains ever illusive because it must constantly be engaging in undistinguishable distinctions. In response to the Roman Catholic view of sin and repentance Lutherans confess:

This repentance is not fragmentary or paltry – like the kind that does penance for actual sins – nor is it uncertain like that kind. It does not debate over what is a sin or what is not a sin. Instead, it simply lumps everything together and says, “Everything is pure sin with us. What would we want to spend so much time investigating, dissecting, or distinguishing?”(SA Part III, Article III, par 36) (12)

This wholesale dismissal of scholastic distinctions is necessary if the Christian is to find full forgiveness of sins and attain the confidence of justifying faith. Sinners cannot perfectly discern their own sin. We acknowledge our sinful wretchedness not because we can feel it, discern it, or understand it but because God’s word reveals it to us. It is only from the posture of helplessness over the mass of sinful desires, inclinations, feelings, and thoughts that the righteousness by which sinners are justified can be grasped.

The divide remains over the reality of righteousness.

A false articulation of the point of controversy between Lutherans and Rome in the sixteenth century will yield a false conclusion about consensus in our day if the alleged point of controversy appears to have been overcome. The issue has never been whether or not justification is a forensic declaration of God. Both sides affirm this. Nor has the dispute been about whether or not the declaration of God in pronouncing one just is based on a real righteousness, a righteousness that actually corresponds to true obedience to God’s commandments. Both sides affirm this as well.

The point of controversy has always been whose obedience has wrought the righteousness that God imputes. Rome can call this righteousness "God's righteousness" as do Lutherans. But Rome does not teach that the righteousness that God reckons to faith is the obedience of Christ. Here is now it is stated in the Catechism of the Catholic Church.

Justification is at the same time the acceptance of God's righteousness through faith in Jesus Christ. Righteousness (or "justice") here means the rectitude of divine love. With justification, faith, hope, and charity are poured into our hearts and obedience to the divine will is granted us. . . . [Justification] conforms us to the righteousness of God, who makes us inwardly just by the power of his mercy. (CCC par 1991-1992) (13)

The JDDJ affirms that "Christ himself is our righteousness." It does not affirm that Christ's righteousness is reckoned to us. It says: "Justification thus means that Christ himself is our righteousness, in which we share through the Holy Spirit in accord with the will of the Father." (JDDJ par 15) We share in Christ's righteousness. How so? By God imputing it to us? Or do we share in it through the Holy Spirit who grants to us obedience to the divine will so that we become inwardly just according to the Father's will? To say that Christ himself is our righteousness is not necessarily to say that this righteousness is reckoned to us and by that divine reckoning we are justified. The JDDJ says no such thing.

Even where the Lutheran position is set forth it hedges on the divine reckoning of the righteousness of Christ to faith:

When Lutherans emphasize that the righteousness of Christ is our righteousness, their intention is above all to insist that the sinner is granted righteousness before God in Christ through the declaration of forgiveness and that only in union with Christ is one's life renewed. (JDDJ par 23)

It is true that the declaration of forgiveness and justification are the same thing. But the truth is that when Lutherans emphasize that the righteousness of Christ is our righteousness it is above all to insist that the righteousness that God reckons to us is the vicarious obedience of Christ.

Thus, the righteousness that out of sheer grace is reckoned before God to faith or to the believer consists of the obedience, suffering, and resurrection of Christ because he has satisfied the law for us and paid for our sins. . . . Therefore his obedience consists not only in his suffering and death but also in the fact that he freely put himself in our place under the law and fulfilled the law with this obedience and reckoned it to us as righteousness. (FD, SD, III, par 14, 15)

Who can find fault with Christ? Can anyone point to a sin he committed? Can God in heaven find in Christ a flaw, a failure to do what love required, or refusal to suffer what love must suffer? Let the divine law examine Jesus. Where is there any desire to sin? Where is there an inclination to sin? Where is lust or concupiscence? Where are the venial sins, mortal sins, gross sins, casual sins, willful sins, or accidental sins? There is no sin and there are no sins. There is true righteousness. This is the righteousness that God reckons to us. This is the righteousness by which we are justified. This declaration is not merely forensic as if to say that God says what is not so and we pretend that it is. The declaration of God that we are righteous is grounded in the only true righteousness that has ever been offered up to God by a man. We are genuinely righteous not because we have been internally renewed but because we have, as the gift God grants to faith, a real righteousness with which there is no lack or flaw. This is what justifying faith believes and through such faith receives the righteousness that God gives.

The divide remains over the reality of faith.

How much depends on a preposition! The role of faith in justification is determined by the righteousness that God imputes to us. If the righteousness that God reckons to faith is the righteousness of the active and passive obedience of Christ by which he fulfilled all the demands God's law placed upon us and which he rendered to God vicariously for us then the role of faith in our justification must be a purely passive reception of this righteousness. In order to express the purely receptive role that faith plays in our justification we speak – as do the Holy Scriptures and the Lutheran Confessions – of being justified through faith. On the other hand, if the righteousness that God reckons to faith consists to any extent in the renewal

or renovation of the Christian then we could no longer speak of justification through faith alone. We could, however, speak of justification in faith alone.

To be justified through faith alone requires that the justification be complete prior to its reception through faith. To be justified in faith alone does not require this. The JDDJ consistently replaces the preposition "through" with the preposition "in" throughout the document. Let us consider just two such instances. The first is from "The Common Understanding of Justification" (JDDJ paragraphs 14-18) that forms the heart of the document.

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. (JDDJ, par 15)

What does this mean to say that we are justified in faith? It could mean that we are justified in connection with faith or within the context of faith or by that which proceeds from faith or from an experience that is associated with faith or any number of other possibilities. It is even possible that it could mean that we are justified through faith. And, of course, this is why the preposition "in" was used. It accommodates a variety of conflicting points of view. Both Catholics and Lutherans can speak of being justified "in" faith.

What is particularly troublesome is that this replacement of "through" with "in" is also done in those portions of the document in which the Lutherans are speaking for themselves and not together with their Catholic partners in dialogue. We read: "According to Lutheran understanding, God justifies sinners in faith alone (*sola fide*)." (JDDJ, par 26) *Sola fide* has never referred to God justifying sinners in faith alone. That is not what the term means. Why does it mean that now?

The replacement of justification through faith with justification in faith was a critical concession by the Lutherans. This prepositional change represents Lutheran acquiescence to the Roman Catholic insistence that the divine imputation by which we are justified is not the reckoning to us of the obedience of Christ. But if it is not then we are not truly righteous. Only Christ's righteousness is genuine. If what God achieves within us becomes of the essence of that righteousness that God reckons to us then Christ is no

longer our righteousness. Faith is no longer the purely receptive organ by which justification becomes our own. The Lutheran doctrine is overthrown.

Sinners need a real righteousness that exists outside of them and is perfect apart from their experience or faith. Sinners sin. That is what they do. They do what is in their nature to do. To deny that the inclination to sin is indeed sin is to ignore the sinner's deepest need. We need forgiveness at the very core of our being. Without it we will either fall into despair or con ourselves into thinking that what God calls sin is not really sin. It is precisely the desire or inclination to evil that needs to be forgiven. And the forgiveness may not be partial. If it is it is useless. Only the divine reckoning of the obedience-wrought righteousness of Jesus is sufficient. And it is sufficient for faith. It is the foundation of faith. It defines faith as pure receptivity. What else could faith be when Jesus Christ, the Righteous, has already done and suffered all that God required of us? Only such a purely receptive faith can flower into genuinely good deeds. Their true virtue and value are seen only in the divine reckoning. This reckoning graciously replaces our disobedience with Christ's obedience.

How important is this? It is the most important thing in the world. It is the truth in light of which all of God's revealed truth must be understood. This is the truth of our reconciliation with our Creator. Knowing this truth is to know that we are indeed righteous before the God who made us. It is to know that we Christians are indeed a Communion of Saints whose holiness cannot be ruined by human failure and sin. Knowing this article of justification in its purity is to know that in which the true unity of Christ's Church consists. To compromise on the central article of Christian doctrine for the sake of peace with Rome is a bad trade. It is not worth it.

(1) "On Justification" Document No. 3 Fourth Assembly of the Lutheran World Federation July 30 – August 11, 1963 Helsinki, Finland. Reprinted by Concordia Theological Seminary Press, Fort Wayne, Indiana. Pages 6-7.

(2) Ibid. Page 27.

(3) "Justification by Faith: Lutherans and Catholics in Dialogue VII" Edited by H. George Anderson, T. Austin Murphy, and Joseph A. Burgess, Augsburg Publishing House, 1985. Page 58.

(4) Ibid. Page 47.

(5) From www.traditionalmass.org

(6) “Two Languages of Salvation: The Lutheran-Catholic Joint Declaration” First Things, December, 1999.

(7) http://archive.elca.org/ecumenical/ecumenicaldialogue/romancatholic/jddj/Ecclesial_Reflections.html

(8) Published by the CTCR of the LCMS in 1999.

(9)

<http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Ecumenical-and-Inter-Religious-Relations/Bilateral-Conversations/Lutheran-Roman-Catholic/Joint-Declaration/Ecclesial-Reflections.aspx>

(10) Canons and Decrees of the Council of Trent, Translated by H. J. Schroeder, B. Herder Book Company, 1941, St. Louis and London. Page 23.

(11) Martin Luther “Against Latomus” Luther’s Works, American Edition, Volume 32, page 224.

(12) Citations from the Lutheran Confessions are taken from Kolb – Wengert The Book of Concord: the Confessions of the Evangelical Lutheran Church, Augsburg Fortress, 2000.

(13) Catechism of the Catholic Church, Paulist Press, 1994, page 482.