Ecumenic & Ecumenical Perspectives

The Unsettled German Discussions of Justification: Abiding Differences and Ecumenical Blessings

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Abstract: This essay provides an analysis of The Joint Declaration on the Doctrine of Justification. It argues that the future of ecumenism demands greater attention to doctrinal differences than was evident after 1980 in much of the Roman-Lutheran dialogue on justification, especially as it unfolded in Germany.

Key Terms: Justification by faith, “Joint Declaration on the Doctrine of Justification,” Ecumenism

The two partners in dialogue are committed to continued and deepened study of the biblical foundations of the doctrine of justification. They will also seek further common understanding of the doctrine of justification, also beyond what is dealt with in the Joint Declaration and the annexed substantiating statement. Based on the consensus reached, continued dialogue is required specifically on the issues mentioned especially in the Joint Declaration itself (JD 43) as requiring further clarification in order to reach full church communion, a unity in diversity, in which remaining differences would be “reconciled” and no longer have a divisive force.

These three sentences from the “Official Common Statement” (OCS) of the Joint Declaration on the Doctrine of Justification (JDDJ) signed in Augsburg on 31 October 1999 stand out with remarkable contrast from much of the glare and blare that otherwise surrounded those highly publicized events. These sentences, while not setting the dominant tone, are also not unique; there are several expressions in the JDDJ and the OCS of the still incomplete task of ecumenical discussion.1

Taken at their word, the sentences cited contradict the widespread impression that the two Christian communities were convinced that they had largely completed their centuries-old attempt to investigate and agree upon the kerygmatic sources and theological sense of justification. From a Roman-Catholic perspective a good five years after the JDDJ and nearly forty years after the completion of the

Second Vatican Council, the magisterial documents of the Church, the statements of those presently entrusted with formulating Roman Catholic teaching, and the admittedly more difficult-to-document consensus fidelium (including Catholic theologians) all confirm that ecumenism belongs to the identity and vocation of the Catholic Church for the foreseeable future. The question is not whether, but how best, to configure ecumenical discussion in the years ahead.

Widespread agreement, at least verbal agreement, could also be expected that the perhaps understated call of the JDDJ to explore abiding differences needs to be a significant part of future ecumenical discussion. The goal of this essay is to show that the future of ecumenism demands greater attention to doctrinal differences than was evident after 1980 in much of the Roman-Lutheran dialogue on justification, especially as it unfolded in Germany. This is not the place, nor the author, to deal with the impression given, intentionally or not, by some Lutheran theologians in Germany that German Lutheran theologians would enjoy a more privileged or at least a more authentic voice within the Lutheran communion worldwide than Lutheran theologians elsewhere. But certainly this much is clear: the discussions took somewhat different paths in different regions of the world, and there is a need to share experiences among regions. The author of these reflections, as a very non-official Roman Catholic observer of the German discussions 1980–2000, will draw in what follows chiefly on the ecumenical discussion as it originated, developed and became entangled in the theological discussions in Germany, the ceremonies at Augsburg and their brief reception by popular media notwithstanding.

**The Discussions Prior to the End of 1999**

Beginning on 25 September, continuing on 15 October, and concluding on 11 November of 1999, somewhat more than 250 out of the just over 300 German Lutheran professors of theology signed and published an open letter rejecting the OCS and the JDDJ ratified at the end of October. Eight out of the finally 255 signers expressed in footnotes their own reservations about aspects of the open letter; others certainly had mental reservations. Some names were notably missing, such as that of E. Jüngel, who prior to the OCS had done much to formulate the Lutheran criticism of the text; although it should be noted that, despite the Catholicizing features of the OCS, Jüngel had already mollified much of his earlier criticism in the course of 1999, following the announcement of the proposed text of the OCS. Still, even suspecting that the open letter is marked in part by a sense of frustration with procedural issues, it does document a widespread theological uneasiness in Germany with the JDDJ at the time of its ratification. For this reason, the text can still serve well as an introduction to our discussion even now, over five years later.

**Response of College-Level Theology Teachers to the Planned Signing of the Official Common Statement on the Doctrine of Justification**

Observing their responsibility for theology and church, the undersigned college-level theology teachers announce the following position in response to the signing of the Official Common Statement (OCS) planned for October 31, 1999, by which the Lutheran World Federation and the Roman Catholic Church intend to ratify the Joint Declaration on the Doctrine of Justification (JDDJ).

1. Together with its Annex, the OCS does not answer the critical objections which the college-level theology teachers had raised against the JDDJ and which were also brought up by several synods in their official reactions to the JDDJ. The critique was addressed primarily towards the lack of consensus in the JDDJ regarding the significance of word and faith for justification; regarding the certainty of salvation; the abiding sinfulness of the justified; the significance of good works for salvation; and the criteriological function of the doctrine of justification; as well as the lack of sufficient consensus on...
the relation of law and gospel; and, finally, the insufficient consideration of the Old Testament. None of these points of criticism has been resolved by the OCS.

2. The OCS itself acknowledges the fact that further work is required on a number of theological questions, including the doctrine of justification. However, the clarification of basic questions that we hope would come from such future work needs to be gained prior to any responsible signing of a common statement.

3. The OCS uses several Lutheran phrases, e.g. "simul iustus et peccator" or "sola fide", but it interprets them against their reformational significance in a Roman Catholic sense. Only by presupposing this re-interpretation can the OCS' claim be valid that the condemnations of the Council of Trent do not impact the doctrine of the Lutheran churches. Somewhat belatedly, this was confirmed and even stressed in public declarations by both the Papal Council for Promoting Christian Unity and by the Prefect of the Congregation for the Doctrine of the Faith as regards the "simul" and the doctrine of concupiscence. This interpretation, constructed so as to fit the Tridentine condemnations, places in doubt the entire Lutheran doctrine of justification right down to its foundations: the very doctrine that all Lutheran ministers and bishops are obliged by their ordination promises to represent.

4. Any possible claim that, on the contrary, the Roman Catholic Church by its signing of the OCS would have made its own the previously condemned insights of the Reformation is contradicted both by the content of the OCS and by its function; for the OCS had become necessary for one reason and one reason only: in order to remove those contradictions to the condemnations of the Tridentine Council that the Roman Catholic Church in its official response on 25 June 1998 had shown to exist in the text of the JDDJ itself.

5. The OCS intends to ratify the JDDJ “in its entirety”. Doing so, however, would affirm the entire process of recent Roman-Lutheran dialogue mentioned by the JDDJ, including the dominant perspective of its ecumenical goal, which one-sidedly bears the marks of the ecumenical program of the Roman Catholic Church. This assessment is in no way contradicted by the OCS’ use of the phrase, “... a unity in diversity, in which remaining differences would be ‘reconciled’”; for this phrase is related explicitly to the “basis of the consensus reached” in the sense of the Roman-Catholic interpretation and can be valid only within this framework.

6. The signing of the OCS would lead to no kind of improvement in the practical co-existence of Protestant and Catholic Christians in families and communities. That makes all the clearer that the significance of the doctrine of justification never came to be effective in these texts as the center of the Church’s life and doctrine.

7. With the signing of the OCS, the member Churches of the World Lutheran Federation responsible for doctrinal questions would be passed by. None of their synods has ever even taken a position in response to the OCS, much less approved it. Neither the interpretation of the JDDJ and Lutheran doctrine contained in the OCS nor the intention of confirming the JDDJ “in its entirety” can support itself by official votes of the member Churches.

To summarize: Since the OCS

with its substantive claims places in doubt the Lutheran doctrine of justification right down to its foundations;

presupposes an ecumenical goal that is incompatible with the Churches of the Reformation;

never gained the approval of the institutions responsible for doctrinal questions; and

brings about no practical consequences for ecumenical co-existence in local communities;

the undersigned college-level theology teachers see themselves called upon to express their serious reservations against the OCS and to warn against signing it.

For the sake of simplicity, the remarks here will address this four-point summary, taken in reverse order.

A. Listed fourth in the summary, the issue of “practical consequences for ecumenical co-existence in local communities” reaches farther than it sounds, even for the precise topic of justification. The phase of discussion that led to the JDDJ had begun with...
the question that Prof. Dr. Eduard Lohse, in 1980 presiding bishop of the Protestant Church in Germany (EKD), had addressed at that time to Pope John Paul II during the first papal visit to Germany, whether there might not be a way to allow intercommunion to families or civil communities of mixed confession. Initial reflection on the question drew from the Ecumenical Working Circle (Ökumenischer Arbeitskreis Evangelischer und Katholischer Theologen) charged with this project the response that intercommunion would require a theological consensus on justification, sacraments (especially the Eucharist/the Lord’s Supper), and ministry. The study published by this circle in 1986 dealt in fact with all three of these areas and involved on the Protestant side representatives of the Reformed communities who were members of the EKD. Despite its own calls not to play down or ignore historical differences, the study is marked by the predominant use of what three centuries before the irenic ecumenist Leibniz had called *synkatabasis* or *condescendence*: the harmonious or convergent reading of the texts. In what is arguably its most abiding contribution to the discussion, the study articulates the question of justification into seven areas of apparent conflict. And yet, supposedly summing up what had become the common wisdom, the study follows a schematic, even stereotypical pattern for each of these seven areas, with slight reservations for the sacraments and with greater reservation for ministry: While claiming that historical precision demanded that it underline the limits in the 16th century to each side’s knowledge of the full scope of the writings of the other on justification and Eucharist, the study consistently interprets this fact as evidence (1.) that the objections of either side never fully impacted the genuine positions of the other side, (2.) that surely such objections have no more impact today, (3.) at least not to any degree that would need to divide the ecclesial community.

Given recent trends in historiography, which today is less inclined to suspect harmony than conflict even beneath apparently harmonious surfaces or within a single author, the robustly negative reaction was hardly surprising. Rejecting any contradiction between genuinely pious intention and historical reason, the Protestant faculty at Göttingen, following the lead of their colleague Jörg Baur, issued in 1991 a blunt rejection of LV’s harmonizing interpretation of justification, sacraments and ministry. The anger could take the form of a brash anti-Catholicism, affirming the substance (als “theologisches Sachurteil”) if not the formulation (“ein äußerst scharfes Urteil”) of the pope as the anti-Christ and of the Roman-Catholic Eucharist as accused idolatry (“vermaledeite Abgötterei”). Despite this latter borrowing from the Reformed tradition, the arguments on justification were formulated in a way so genuinely Gnesiolutheran that the Reformed members of the faculty were no longer able to sign the final document. This intra-Protestant controversy remained, however, largely unthematized in the discussion, as did the implicit debate renewed here between the Philippistic and the Gnesiolutheran wings of Lutheranism. The renewal of a genuinely Lutheran sense of justification, which arguably had been obscured both by the tragic entanglements of the 20th century and by the in many ways happy Burgfriede of the Leuenberg Concord, was being identified once again, now against the foil of Roman Catholicism. But “the non-canonical Church Father Flacus” remains even today only one voice in Lutheranism, and the stress on the non-forensic renewal by justification, at best implicitly legitimated in the principal text of the JDDJ itself but predominant in the appendices, could be described as Philippist at best. The protests against the JDDJ sounded in many ways like a protest against the loss of this renewed, if “thick”, sense of Lutheran identity. Even the French-Reformed journalist of the Frankfurter Allgemeine Zeitung, Heike Schmoll, whose merits in bringing this debate to public attention would be acknowledged in 2002 by an honorary doctorate of the Protestant faculty at Tübingen, joined in with unabashed sympathy for this recovery of Lutheran selfhood.

Over and against Bishop Lohse’s initial suggestion, the reduction of the conversation to the bilateral dialogue between Roman Catholics and Lutherans was just one simplification. The other was the loss of the discussion on sacraments and ministry. No later than 1992, when the Pontifical Council for Promoting Christian Unity received the anonymous
and highly harmonistic expertise it had commissioned on LV, the plan had come to the fore to separate off the more complex and practical issues of sacraments and ministry, in order to allow for a declaration of consensus on justification less tied to controversial action-steps. Enunciated by a document that did not find universal approbation in Rome,10 this tactically motivated plan, however, would not only leave unanswered the central question that Lohse had raised, but it meant that those questions of justification that historically arose in connection with issues of sacraments and ministry would also be left unanswered. If justification is the major criterion of what is genuinely Christian, abiding differences on sacraments and ministry indicate abiding differences on justification.

These issues were left by the JDDJ for future discussions. Despite the impression given by the often polemical debates and by often euphoric media, both ecclesial and secular, the text of the JDDJ itself had pointed out this need for future consensus on those issues of justification most closely associated with the practical life of the Church. What is here merely a consensus in (some) basic truths, became elsewhere all too often a consensus in the basic truths,11 minimalizing the arduous and unfinished task enunciated by the document itself:

Our consensus in basic truths of the doctrine of justification must come to influence the life and teachings of our churches. Here it must prove itself. In this respect, there are still questions of varying importance which need further clarification. These include, among other topics, the relationship between the Word of God and church doctrine, as well as ecclesiology, ecclesial authority, church unity, ministry, the sacraments, and the relation between justification and social ethics. We are convinced that the consensus we have reached offers a solid basis for this clarification. The Lutheran churches and the Roman Catholic Church will continue to strive together to deepen this common understanding of justification and to make it bear fruit in the life and teaching of the churches.12

B. The third issue of concern summarized in the Open Letter is that on the Lutheran side the OCS “never gained the approval of the institutions responsible for doctrinal questions”. Insofar as the issue concerns the interplay of regional and international theological opinion, local synods and ecclesial communities, local and international Church leaderships (the status of the Lutheran World Federation), local synodal reservations and Strasbourg’s abstractions from them, or possibly the innovative claim by Lutheran Church leaders to something like a Roman Catholic sense of authoritative magisterium vis-à-vis the Lutheran theological community: these are chiefly internal Lutheran questions beyond the scope of this essay and author. This, too, was the genuine sense of the disclaimer at the end of the “Annex”:

The Response of the Catholic Church does not intend to put in question the authority of Lutheran Synods or of the Lutheran World Federation. The Catholic Church and the Lutheran World Federation began the dialogue and have taken it forward as partners with equal rights (“par cum pari”). Notwithstanding different conceptions of authority in the church, each partner respects the other partner’s ordered process of reaching doctrinal decisions.

The internal Lutheran disagreements, debated often with loud publicity, were not made any easier by the custom of the quiet discussion of internal Catholic disagreements. The postponement of a frank discussion of the issues raised by that harmonizing expertise of 1992 cited above meant that the first public stance on the text from the Roman Catholic side, the official note signed jointly by the dicasteries for faith and ecumenism and accompanied by an interpretative letter from the ecumenical council alone, would be published in June 1998 only a good week after the Lutheran World Federation had presented its interpretation of the synodal consensus and its “final” acceptance of the draft.13 As the Open Letter complains in the third and fourth of its seven detailed criticisms, the appendices of the OCS that were worked out in the following months ensured that the studiously ambiguous phrases of the JDDJ text itself could be taken in a properly Roman Catholic sense, alleviating some (but not all) of the concerns expressed in the Roman note of the previous June. The new accentuation of the restorative grace of
justification presumably would have made the text even more difficult to move through the synods than it had been the first time; but the OCS was never submitted for synodal consideration. The questions about the interpretation of earlier synodal votes on the main text of the JDDJ itself were rendered moot. An interpretative change of such significance to the Catholic partner could hardly be insignificant to the Lutheran participants. One abiding question for the Catholic partner, however, is whether it might not profit even in its own internal process of reflection by making its intramural debates more public.

C. The second issue summarized in the Open Letter is perhaps the most decisive and most difficult; it is also the least explicit in the texts. The Letter claims that the OCS “...presupposes an ecumenical goal that is incompatible with the Churches of the Reformation.” As important as the Reformation is to the qualified self-understanding of Roman Catholicism, the doctrinal demarcations of the 16th century are far more intimately linked to the identity of the Protestant communities. To declare that the mutual condemnations no longer apply, and (speaking with LV as an official source of the JDDJ) perhaps never did, poses admittedly the greater challenge to the communities of the Reformation. Did the Lutheran Reformation really aim principally at the reaffirmation of a transformative grace enabling human cooperation in the economy of salvation?

But there is a more basic methodological lesson in this second summary objection for the future of ecumenical work. It is the sense of the “ecumenical goal” and of how doctrinal differences would be likely to impede or foster it that governs whether the presentation of doctrinal differences is thought to be exaggerated or understated. The dual questions as to the future of the ecumenism and the older and younger histories of interconfessional (and intraconfessional) disagreement present a classical case of the hermeneutical task described by the leading pioneers of hermeneutical logic in the 1920’s. There is a need to grasp and renegotiate at least in broad strokes the standard interpretation of ecumenism by which any analysis is guided from its start (“indiciting the hermeneutical situation”). Such renegotiation of the preunderstanding of “ecumenical” demands as its beginning an altered view both of the nature of ecumenical progress (an alteration of the initial grasp of the interpretative goal: the new “Vorgriff” of where the discussion is headed) and of the abiding differences that call for it (catching and keeping sight of the pieces of the puzzle necessary for its resolution, especially differences recognized now as more of a friend than a foe to the ecumenical goal). Since the potential contribution of acknowledging abiding confessional differences became more evident after the jubilee celebrations, we will return to this issue below.

D. The first issue summarized by the Open Letter, synthesizing the more detailed presentation in the first three items articulated in the body of the letter, shows a remarkable parallel to the issues raised by the Vatican dicasteries in the official note from June 1998. The differences clarified there included the different understandings of the identical terms, “simul iustus et peccator” and “concupiscence”; the criteriological function of justification (resp. the fundamental criterion of the “regula fidei”), the merit of eternal life, the abiding passivity of the justified (beyond justification as the initial grace of conversion), and the role of good works; the place and purpose of penance in Christian life; the hermeneutic of abiding differences in similarly worded doctrines; and the qualified capacity for binding statements in the two ecclesial communities vis-à-vis the Scriptures and the regula fidei). The OCS had touched directly only on some of these topics and articulated especially their Roman Catholic sense, leading to the perhaps exaggerated sense in the letter of their anti-Lutheran interpretation here. Much was left here for future discussion.

The issue of criteriology had been raised prior to the public Roman note of 1998. Following the portrayal of one of the more informed and critical participants in the discussions, it would seem that unpublished objections by the Roman Catholic side in 1996 and 1997 had already led to the qualification of the doctrine of justification not as the criterion of Christian life and teaching but as a criterion. This shift had led to sharp criticisms, not the least by E. Jüngel. Just as the faculty at
Göttingen had reacted to what it perceived as an ahistorical harmonization of the two interpretations by demanding of the Catholic side the affirmation of a doctrine of justification too “Gnesio-Lutheran” even for its own Reformed members and arguably uncustomary for its more “Philippistic” theologians, so now it would be demanded that the doctrine of justification articulated robustly according to the particulae exclusivae of the solus-formulae was to be affirmed by both sides as the criterion of Christian life and teaching, although—as a point of comparison—the Porvoo Declaration, worked out between 1989 and 1992, had just articulated the meaning of Christian existence common to Anglicans and Lutherans with little reference to the term justification at all, much less to its unique status among necessary criteria of Christian doctrine and practice.

What can be overlooked too easily in the shock at the robust reactions against the attempt to hide contradictory understandings under shared formulations (dismissed contemptuously by the critics in these debates as “Tintenfischökumenen”, “Nebelkerzenökumenen”, and “Schummelökumenen”) is the ecumenical contribution precisely of the disagreement. The reactions prior to the jubilee, though often overstated, were not without a basis for their worry that even agreement can be damaging. Just as arguably that “clarissimum quoddam lumen” that is the “discrimen legis et evangelii” dimmed in 17th century Lutheran and ecumenical theology as an unintended result of the Formula Concordiae from 1577, and just as shortly thereafter the Roman Catholic sense of its own genuine insistence on grace, election, and predestination did not only prosper as a result of its internal concords, so conversely: following the Leuenberg Concord and as witnessed to in the Porvoo Communion, it was hardly self-understood prior to these recent Catholic-Lutheran debates that “…for the Lutheran tradition, the doctrine of justification has retained its special status” (JDDJ 2). That in the ecumenical discussion of the 1980’s Roman-Catholic theology would distance itself from that paradigm of a “supernatural existential” that had dominated Roman Catholic theology for the previous two decades was the fruit of a discussion with those Lutheran views of law and gospel that seemed more distant from Roman Catholic trends of the day. Not comfort at the thought of an already achieved liberation from older condemnations, but the fear of increasing the distance to a Lutheran theology critical of them led the Catholic theologians of the “Ökumenische Arbeitsgruppe” towards what reads like the complete repudiation of an intrinsically effective “supernatural existential”. Regarding the depravity of human nature, the initial and abiding power of sin, the complete passivity of human beings or the issue of merit, the enduringly “extrinsic” character of grace, its “personal und explicitly verbal” sources, the distinction of faith from the universal renewal of human being, and the rejection of any anthropologically based certainty of salvation, the anticipated objections of the other weighed more heavily than their anticipated non-objections or than objections from within the Roman Catholic community itself. Both the Lutheran and the Roman Catholic communities had benefited during these debates from the merely partial character of their affinity. These dynamics suggest the hypothesis that “convergent ecumenism” should be understood as a legitimate but partial method within a more complex ecumenic methodology; in particular, this partial method needs to be complemented by the partial method of “relational ecumenism”, i.e. in relation to what, as far as our vision extends, will remain partially alien to the theological understanding deemed essential in one’s own community. It is the kind of relation that Remi Brague describes as “non-digestive” of the relatum, leaving the source as other. This hypothesis can be tested on the ecumenical developments that followed the events of 31 October 1999.

The Discussions Since the Jubilee

For those who view convergent ecumenism as the sole or at least the chief method of ecumenism, what followed the signing could only seem like an ecumenical disappointment. The television pictures of Anglican (Archbishop Carey) and World Lutheran Federation (Bishop Dr. Christian Krause)
representatives helping the Roman Catholic Pontiff to open the doors of the Roman basilicas and usher in a year of indulgence might well have provided the intended demonstration of far-reaching convergence, but they did little to assuage the Lutheran theologians in Germany, whose critique of their own leaders merely redoubled their desire to put distance between themselves and Roman Catholic theology.

The ecclesiological and praxis-oriented text of September 2000, “Communio Sanctorum”, written in the more harmonistic spirit of the JDDJ by a bilateral group representing the German Bishops’ Conference and the Church Leadership of the United Lutheran Church of Germany (Vereinigten Evangelisch-Lutherischen Kirche Deutschlands, or VELKD), harvested promptly the extensive and energetic critique of the Protestant faculty of Tübingen. The faculty expertise sought to underline the differences between the Lutheran and Roman Catholic theologies relating justification to the church and her practices, structures, sacraments, and sources. The treatment of the confessional divide on the nature of faith and revelation seems to bear the signature of the dean, Eilert Herms, whose voice on these matters had not been missing even prior to the Jubilee. In the same year as the faculty expertise, the EKD issued its reply to “Communio Sanctorum”, in which the dividing issues on ministry and papacy were said to have deepened since Trent: a clear shift away from the harmonistic presuppositions that had guided LV, where confessional differences were portrayed without question or evidence as less serious today than in the 16th century. VELKD, whose leadership had followed up an originally “differentiated reply” to LV from the year 1991 with increasingly univocal advocacy of the JDDJ, issued near the end of 2003 an official paper on “Ecumenism in Lutheran Understanding”, in which the abiding place of the Christian confessions and their doctrinal differences is stressed in an explicit reflection absent from the JDDJ.

Already in September of 2001, the EKD had published the official text, Ecclesial Community in its Protestant Understanding. A Votum on the Ordered Co-Existence of Churches with Divergent Confessions. Authored by a commission under the presidency of Eberhard Jüngel and Dorothea Wendebourg, the document argues for the continued autonomy of confessionally and organisationally distinct churches as the enduring basis of a larger ecclesial identity. The ecclesiological difference of this sense of confessionalism from a Roman Catholic understanding of communio is underlined, but without investigating whether these secondary differences stem from divergent views on justification:

The relationship to the Roman Catholic Church

The understanding of ecclesial community developed here is obviously incompatible with the Roman Catholic idea of the full, visible unity of the churches. Nonetheless, it should also be recognized that both sides see the unity of the Body of Christ and the community of churches anchored in an understanding of that foundation of faith, which in its dynamic goes beyond past and future doctrine. The first task is to clarify how the Protestant and Roman-Catholic conceptions are related to one another as regards the foundation of faith and the self-presentation of the Triune God through the witness of the Church. Only then can we attain conclusive clarity whether their views are compatible with one another concerning the Body of Christ and the community of churches within this body. We must also seek a mutual understanding that no single, historically realized form of ecclesial ministry can be declared the necessary condition for the community of churches; on the contrary, different forms of ministry are possible. In this connection it needs also to be mentioned that the necessity and form of the “Petrine ministry” and thus of papal primacy, the understanding of apostolic succession, the non-admission of women to ordained ministry and last but not least the place of canon law in the Roman Catholic church are all matters that need to be contradicted by the Protestant partner.

This growing sense of the abiding place and purpose of confessional differences also characterized the Roman Catholic developments after the signing. In June of 2000, the Congregation for the Doctrine
of Faith issued a “Note on the Expression Sister Churches”, which was confirmed and publicized the following August by section four of its otherwise interreligious reflection, *Dominus Jesus*. In footnote 9, the JDDJ had included a caveat that had not gone unnoticed, but that also was not explored for its impact on the issues of justification: “The word church is used in this Declaration to reflect the self-understandings of the participating churches, without intending to resolve all the ecclesiological issues related to this term.” Those issues and their implications for the aspects of the doctrine of justification that lay beneath them were reserved for later discussion.

In his “Prolusio” and three-year report in November 2001, the new head of the PCCPC, Cardinal Walter Kasper, summed up the “Present Situation and Future of the Ecumenical Movement.” In particular, he drew attention to the neglected question of confessional identity: “Thus, ecumenism is often accused of or, better, is misunderstood as abolishing confessional identity and leading to an arbitrary pluralism, to indifference, relativism and syncretism. Ecumenism has often become a negative term.”

While agreeing with the EKD document just cited that the Roman Catholic sense of the ecumenical community is indeed at odds with the dominant Protestant paradigm, and while not yet explicating the differences on justification which are reflected in the ecclesiological dissensus, Kasper seemed also to suggest that in the near future a higher estimation of confessional difference needs to be acknowledged as part of an intermediate ecumenical goal, even if the ultimate refugation of Church unity eludes our present day imagination.

A second element in our situation is the new emphasis on identity. The search for openness and dialogue under a more secular aspect can be seen as a part, an aspect or a form of globalisation. This tendency in the meantime is challenged by a new search for cultural, national, ethnic, confessional and also personal identity. The new question is: Who are we? Who am I? How can we, how can I avoid being absorbed in a faceless, bigger whole? We must make it clear that serious ecumenism is different from confessional indifference and relativism that tends to meet on the lowest common denominator. Ecumenism must be understood as the open and shared Catholic identity, as a genuine expression but also the significance of Catholicity in the profound sense of the term.

At present, however, the approach centred on the local church and local congregation still prevails. The ecumenical goal accepted today by most of the church communities of the Reformation is conciliar fellowship, or communion of churches which remain independent but recognise each other as churches, and agree to have altar and pulpit fellowship as well as mutually accepted ministries and services. This idea in particular is the basis of the Leuenberg Church Fellowship (1973). This concept is also behind the model of “reconciled diversity” favoured by the LWF. So the question arises whether the Reformation model of unity as a network of local congregations, local churches or nowadays of confessional families is compatible with the Catholic ecclesiological approach. Though some progress has been made in formulating the problem, and possible lines of convergence are beginning to appear, a firm ecumenical consensus is still not in sight.

**Revitalizing Roman Catholic & Lutheran Discussions**

Recalling the contribution of the debates (more than their celebrated end) towards rescuing an otherwise faceless Lutheranism (“Luthertum ohne Eigenschaften”) by a renewed sense of the *discrimen legis et evangelii* and towards rescuing Roman Catholicism from what, without the genuinely Lutheran admonitions, can seem like a gravitational pull towards semi-Pelagianism; recalling the frustrations of the Lutheran theologians in Germany with what seemed like a hopeless strategy of double-truth, pitting ecumenical piety against historical reason; and recalling finally the calls by the church leaders of both communities after the signing of the JDDJ to refrain from homogenization of the two traditions, we can anticipate for a preliminary ecumenical goal that something like confessional distinctiveness in doctrine and order will need to
play a larger role than had been programatically thematized prior to the year 2000. There seems to be consensus about this much, even though the precise shape and dynamics of ultimate communio remain an ecumenically divisive issue, a conflict with implications for aspects of the doctrine of justification not yet dealt with thematically in the JDDJ. These lessons drawn from the recent past suggest that ecumenical methodology will need to complement the method of convergent ecumenism dominant throughout the last forty years with a “thicker” use of relational ecumenism; to borrow a more elegant phrase, ecumenism will need to develop a dual programmatic of affirmation and admonition.27

As our ecumenical imagination tries to flesh out this Vorgriff of a future, more genuine communion, it might do well to recall the models of unity once said to comprise the type of the totum heterogeneum (or totum anomoeomerum). The prayer of Christ which we are invited to share, Ut omnes unum sint, demands a theological understanding of the unity sought in this petition. “Mereology”, running from Aristotle and the medieval traditions following him28 all the way down to Edmund Husserl’s Logical Investigations,29 has noted how very different unity can be, with different kinds of parts corresponding to the different kinds of wholes. There are wholes that are given only when all of their very heterogenous parts are assembled (the parts of a car or a house taken together can first make up the totum integrale, which is not yet given with a wall or a roof, a battery or a tire). There are wholes that are given in each and every one of its more or less homogeneous parts, as “sea water” is given at the surface or in the depths, near or far from coastlines; there is no need to wait to assemble all the varied aspects of the ocean before we have sea water (a totum universale). Between these two types of wholes, and more suggestive for the next phase of ecumenical discussion, there is the totum potestativum, made up of heterogenous parts: where the essence of the entity, but not its full power, is given in each part.30

The advantage of such a model to the next phase of ecumenical work is that it suggests, albeit in general terms, the need of the Church for parts with very different emphases. Perhaps the criterion of being Church is answered only with the question: Does the whole require for its genuine life the distinctive features of this part? The analogy with the human being taken as a totum potestativum, a whole made up of heterogenous parts of unequal power, makes it understandable that even the subsistence of the whole in one pronounced part would not free that part from its need to be complemented by other parts as well. And the question necessary for mutual warning and admonition would remain: In which of these parts is the power of the gospel more fully expressed?

Endnotes

1. This includes the dual pattern, “When Lutherans say . . . , When Catholics say . . . “ Even when the purpose of the parallel is to argue against the contradictory nature of the doctrines, or even to suggest a good degree of consensus, there is also at least an implicit admission that a common language has yet to be found.

2. Among his many contributions to the discussion cf. especially E. Jüngel, “Um Gottes willen – Klarheit! Kritische Bemerkungen zur Verharmlosung der kriteriologischen Funktion des Rechtfertigungsartikels – aus Anlaß einer ökumenischen Gemeinsamen Erklärung zur Rechtfertigungsführung”, first in: Zeitschrift für Theologie und Kirche (Vol. 94/1997) 394–406; id., Das Evangelium von der Rechtfertigung des Gottlosen als Zentrum des christlichen Glaubens (Mohr Siebeck 1998), translated into English by Jeffrey F. Cayzer as Justification: The Heart of the Christian Faith: A Theological Study with an Ecumenical Purpose (Edinburgh: T & T Clark, 2001); and the logical extension of the arguments from the monograph into his talk at the Katholikentag in Maine 1988: “Church Unity is Already Happening: The Path Towards Eucharistic Community,” Dialog: A Journal of Theology 44:1 (Spring 2005). Jüngel demonstrates the clear connection among (i) a forensic understanding of justification that does full justice to the intent of the exclusive particle, soluc; (ii) the consequent denial of any essential difference between ordained ministry and the common priesthood of the faithful (because linked to justification, just as much as it is an articulus stantis et cadentis ecclesiae e.g. pg. 213 of the German edition); and (iii) the denial of the Roman Catholic sense of the Eucharist as the Church’s sharing in Christ’s sacrifice-for-others. While denying the intention of promoting conversion, Jüngel argues that intercommunion and intercelebration make sense only on the basis of this uniquely Lutheran theology of justification. On the connection between justification and sacraments cf. also Leo Schefczyk, Rechtfertigung und Eucharistie, in: A. v. Brandenstein-Zeppelin et al. (ed.), Die Rechtfertigungs- und Sakramentenlehre in katholischer und evangelischer Sicht (Weilheim-Biberbronn, 2001) 41–60.


Reformation era: do they still divide? (Minneapolis, Fortress Press, 1990). The text will be cited here as LV according to the German edition.


8. Op. cit. 20, n. 14; 94, l. 20, n. 14; and 125 sq., l. 11, n. 2. Beyond recalling the Heidelberg Catechism on this point, the faculty responded to LV by noting that the reduction of liturgical differences to the adiaphora of custom and style implies an evaluation that logically leads to the question as to ‘whether Protestant Christians could respect the Catholic forms of Eucharistic piety’ (LV 112, 37 sq.): so that Protestant views would no longer be impacted by the corresponding canons of the Tridentine Council (LV 113, 20 sq.). LV raises this question but leaves it unanswerable. It is, however, a question that from the Protestant side can be answered only in the negative. To ‘respect’ such forms of piety would mean to acknowledge them as theologically legitimate. Precisely that is what Protestant theology cannot do”, op. cit., 94.


10. This internal Catholic debate remained even less discussed for its ecumenical significance than the internal Lutheran one: cf. Ulrich Rüh, "Lehrverrichtungen: Positives Votum aus dem Einheitstraktat", in Hertel-Korrespondenz (57) 1993, 175–177; and Schenk, Leibniz, op. cit., 21 f. Despite its detour around the normal Vatican channels, the expertise would be cited as an official source of the JDDJ, yet quoting one of its less irenic passages. The expertise is described in the JDDJ as the “Evaluation of the Pontifical Council for Promoting Christian Unity of the Study Lehrverrichtungen – kirchenbrennend", Vatican, 1992, unpublished document (hereafter: PCPCU)".

11. Contrast the safer phrase “consensus in basic truths” in JDDJ 5, 13, 40, and 43 with the more ambitious phrase “consensus in the basic truths” in JDDJ 14 and, again, 40. The OCS (1) and the Annex to it (1) use the phrase only without the definite article. When quoting JDDJ 40, the OCS mentions only the phrase there that is without the definite article.

12. JDDJ 43.


14. On the changes between the second (“Würzburg I”; June 1996) and third (“Würzburg II”; January 1997) drafts cf. Dorothea Wendeborg, "Kampf ums Kriterium – wie die Rechtfertigungsfindung zustande kam”, first in: Evangelische Kommentare (December 1997), then in edp-Dokumentation 3/98 45–49. The first draft of the JDDJ had been completed in Geneva in March 1994 and modified in Rome the following September. The final text of the JDDJ would say of the doctrine of justification: “It is an indispensable criterion which constantly serves to orient all the teaching and practice of our churches to Christ. When Lutherans emphasize the unique significance of this criterion, they do not deny the interrelation and significance of all truths of faith. When Catholics see themselves as bound by several criteria, they do not deny the special function of the message of justification.” (18).

15. Cf. E. Jüngel, “Um Gottes willen – Klarheit! Kritische Bemerkungen zur Verharmlosung der kriteriologischen Funktion des Rechtfertigungsartikels”, op. cit. The Annex to the OCS would ultimately read under chiffe 3: “The doctrine of justification is measure or touchstone for the Christian faith. No teaching may contradict this criterion. In this sense, the doctrine of justification is an ‘indispensable criterion which constantly serves to orient all the teaching and practice of our churches to Christ’” (JDDJ 18). As such, it has its truth and specific meaning within the overall context of the Church’s fundamental Trinitarian confession of faith. We ‘share the overall goal of confessing Christ in all things, who is to be trusted above all things as the one Mediator’ (1 Tim 2:5–6) through whom God in the Holy Spirit gives himself and pours out his renewing gifts” (JDDJ 18).


22. “Stellungnahme der VELKD und des Deutschen Nationalkomitees des LWB zum Dokument LV”, in: VELKD et al. (ed.), Lehrverrichtungen im Gespräch. Die ersten offiziellen Stellungnahmen aus den evangelischen Kirchen in Deutschland (Göttingen, Vandenhoeck & Ruprecht 1993) 57–160, here 156, l. 31 sq. The document would become an official source of the JDDJ, illustrated by typical cases of its conditional argumentation: If the Catholic Church can accept the new interpretation, then the Protestant condemnations no longer apply. The question begins when the if/then conditions demand as the price of non-condemnation the Catholic rejection of what historical reason usually sees as genuinely Tridentine confessions; if the demanded acquiescence is not forthcoming, does the document still speak in favor of the JDDJ? These issues must be added to those left by JDDJ for future discussion.


24. EKD-Texte 69 (Hannover 2001).

25. The brief arguments in Dominus Jesus refer immediately to differences on Eucharist and ministry, without yet tracing them back to differences about justification.

26. Cf. D. Wendeborg, “Kampf ums Kriterium”, op. cit. In an essay of 2003, W. Kasper refers again to this unresolved issue of ecclesial character, although without asking as to its significance for the doctrine of justification: “The actual ‘inner core’ which remains and was hidden in a footnote of the Joint Declaration is the question of the Church and its inherent question of the ministry. It is now on the agenda. In the process of the Reformation – with or without the intention of the Reformers – a new type of church has in fact come into being (“Current Problems in Ecumenical Theology”).


30. Cf. Francisco P. Muniz, _The Work of Theology_ (Washington, D.C., 1958), 2 sq. "Between these two types (of wholes, universal and integral) stands the _totum potestativum_ or potential whole, which enters into its individual parts with its complete nature – wherein it agrees with the universal whole – but not with its total power – wherein it resembles the integral whole. An example of this sort of whole (the classic example . . . ) is the human soul with respect to its vegetative, sensitive, and intellectual functions. It is the same human soul and the whole human soul which vegetates, which senses, and which enjoys intellectual knowledge. Thus the whole human soul is active in each of its functions. But its complete power is not active in each function, for, in the function of vegetating, the sense and intellectual powers play no part; and in the function of sensing, the vegetative and intellectual powers remain inactive; and so on. The complete essence of the soul is found in each and every one of the vital functions taken individually, but the soul’s full power is not active except when all the functions are taken together. It is clear from this illustration that a potential whole, from the part of essence, bears a strong and necessary similarity to the universal whole, but on the part of the power, it approaches the terms of the integral whole. Therefore, it is properly designated . . . as a mean between the other two. All the parts composing a _totum potestativum_ . . . are rooted in one and the same nature, e.g., the soul, from which they spring. They all share in the power and perfection of the whole, not equally, but more or less, according to various degrees.”