

The remarkable friendship between Gerhard O. Forde and Carl J. Peter



Gerhard O. Forde



Carl J. Peter

Gerhard O. Forde: “One of the happy exceptions to the general reluctance to discuss the issue of the criteriological significance of justification by faith alone is the paper by **Carl Peter**. . . .”¹

Carl J. Peter: “My hope is that my remarks, especially when they are critical, will enhance appreciation of what is a first-rate essay, one of the qualities that over the years I have come to expect in **Dr. Forde’s** work.”²

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¹ Gerhard O. Forde, “Justification by Faith Alone. The Article by which the Church Stands or Falls?” *dialog* 27:4 (1988) 263. Reprinted in *In Search of Christian Unity. Basic Consensus/Basic Differences*. Ed. Joseph A. Burgess (Minneapolis: Augsburg, 1991) 69. Bolding added for emphasis here and below.

² Carl J. Peter, “A Roman Catholic Response,” *In Search of Christian Unity*, 77.

Introduction

Gerhard O. Forde (1927-2005) and Carl J. Peter (1932-1991) developed a remarkable friendship over their nearly twenty years together on the U.S. Lutheran-Roman Catholic Dialogue. They genuinely enjoyed each other's company and made progress by clarifying where they agreed and where they came up against fundamental differences.

Both men had been appointed to the Dialogue in 1972 when each team was expanding its membership. Both were professors of systematic theology: Gerhard Forde at Luther Seminary in St. Paul, Minnesota, and Carl Peter at the School of Religious Studies at The Catholic University of America in Washington, D.C. Both men were key leaders in their traditions, including ecclesiastical appointments and speaking engagements in addition to their academic work.

Carl Peter served as a *peritus* (expert) at the meetings of the Synods of Bishops in 1971, 1983, and 1985. At the invitation of Pope John Paul II he served two five-year terms on the prestigious International Theological Commission in Rome. For six years he was advisor to the Committee on Doctrine of the National Conference of Catholic Bishops in the United States. Throughout his career bishops, priests, and laity sought his advice and counsel.

Gerhard Forde was an international leader in the twentieth century Luther Renaissance, a world-wide network of scholars rediscovering the decisive dynamic of Luther's own thought. In recognition of the importance of his leadership, Forde also served as President of the International Congress for Luther Research (1985-1993). He was a widely sought out speaker and advisor to church leaders. He wrote extensively on enduring questions as well as the crises of the day. His book, *Where God Meets Man. Luther's Down-to-Earth Approach to the Gospel*, has been translated into four other languages: German, Norwegian, Japanese, and Slovak.

The US Lutheran-Catholic Dialogue became world renowned and was eminently successful. Nowhere else in the world had top scholars officially come together to take on the tough subjects of the papacy, justification, and Mary.³ Some of the most creative and significant theology of the twentieth century was done in this arena because of the independence these scholars were given by their churches.

The success of the US Lutheran-Catholic Dialogue was also due to the leadership of Carl Peter and Gerhard Forde. They agreed on the importance of the common problem set in front of them, and they worked on it together. Tragically, Carl Peter died suddenly of a heart attack in August 1991 at the age of 59.

³ The German Lutheran-Catholic Dialogue was hampered by the notoriety of Hans Küng, Professor at the University of Tübingen, who publicly questioned papal infallibility. The Vatican responded by revoking his license to teach Roman Catholic seminarians (1979), yet it never took away his priesthood or condemned him. Because he was tenured, an ecumenical institute was created at University of Tübingen, providing a place for Küng to continue to teach until his retirement in 1996. The dialogue between German Lutherans and German Catholics, however, remained stymied by his presence. It was unacceptable to have him on the Dialogue and equally awkward to exclude him. As a result, the US Lutheran-Catholic Dialogue became the arena where scholarly work was done.

Concurrently in the newly formed ELCA, a more bureaucratically controlled ecumenism was taking over. In 1992 ELCA leaders closed down the Lutheran-Catholic Dialogue, terminating the Lutheran team.⁴

In 1994 *The Joint Declaration on the Doctrine of Justification* (JDDJ) was first released.⁵ Despite several revisions, JDDJ generated more controversy than support. Eventually the LWF and second tier Vatican officials adopted an *Annex* to JDDJ in 1999.⁶ Undeterred by dissension from Catholics and Lutherans alike, the LWF elevated JDDJ to having “the highest level of authority.”⁷ Round X of US Lutheran-Catholic Dialogue reported that it “carried out its study of ecclesiology and ministries with a **new basis** in the important results from earlier discussions affirmed in a *Joint Declaration on the Doctrine of Justification*.”⁸ Prior dialogues were discounted. JDDJ was the new starting point.

Both Carl Peter and Gerhard Forde had warned about forcing unity:

- Carl Peter: “**The temptation** in the face of the differences I have described with regard to mediation is to give up or to look for what can only be called **the quick fix**.”⁹
- Gerhard Forde: “**The constant drive for consensus** particularly in this instance deters understanding by attempting to minimize the differences and thus **inhibits discussion** and finally **genuine understanding**. I expect that a more frank and open discussion of the *differences* will lead to progress on these matters.”¹⁰

Carl Peter’s sudden death in 1991 marked an abrupt end of an era. Yet what a creative era it had been. Over their twenty years together, Carl Peter and Gerhard Forde and their respective teams had made important progress clearing away misunderstandings, clarifying where they agreed and disagreed, and identifying what steps could lead to further fellowship.

⁴ From Round IX to Round X, the Catholic team remained practically the same, but the Lutheran team was largely reconstituted. Shortly after Round IX began the ELCA abruptly terminated the dialogue, dismissing Gerhard Forde, Robert Bertram, Joseph Burgess, Karlfried Froehlich, Eric Gritsch, Kenneth Hagan, and Harold Skillrud, while retaining only Winston Persaud and John Reumann. The ELCA added Michael Root, Lowell Almen, Sarah Henrich, Kristen Kvam, Scott Ickert, Randall Lee, Paul Schreck and Charles Maahs. Michael Root, the *de facto* leader of the new Lutheran team for Round X, converted to Roman Catholicism in 2010.

⁵ *The Joint Declaration on the Doctrine of Justification*, The Lutheran World Federation and the Roman Catholic Church (Grand Rapids, Michigan: Eerdmans, 1999). For a summary of the irregular procedures and various drafts of JDDJ, see Mark Menacher, “Ten Years After JDDJ. The Ecumenical Pelagianism Continues,” *Logia* 18 (2009) 27-45.

⁶ See “JDDJ Annex: The Theological Impact of its Doctored Text,” at www.crossalone.us, under Ecumenism.

⁷ LWF officials on JDDJ: “Our *Declaration* [JDDJ] is not a new, independent presentation alongside the dialogue reports and documents to date, let alone a replacement of them” (JDDJ, 11, ¶16). After JDDJ was adopted, however, LWF officials elevated it as having “**the highest level of authority**.” *From Conflict to Communion. Lutheran-Catholic Common Commemoration of the Reformation in 2017. Report of the Lutheran-Roman Catholic Commission on Unity* (Leipzig: Bonifatius, 2013) 41 (¶197). See “*From Conflict to Communion: Going Home to Rome*,” available at www.crossalone.us under Ecumenism.

⁸ *The Church as Koinonia of Salvation. Its Structures and Ministries. Lutherans and Catholics in Dialogue X*. Eds. Randall Lee and Jeffrey Gros (Washington, D.C.: USCCB Publishing, 2005).

⁹ Peter, “A Moment of Truth for Lutheran-Catholic Dialogue,” *Origins* 17:31 (1988) 541.

¹⁰ Forde, “Justification by Faith Alone,” *dialog*, 261; *In Search of Christian Unity*, 66.

Which misunderstandings were cleared away? What questions behind the questions rose to the fore? Below are selected excerpts from the three major phases of debate between Gerhard Forde and Carl Peter showing how they clarified issues and made progress.

I. Phase 1: The Debate Begins (1978-1983).

The context. Carl Peter and Gerhard Forde rose to being the *de facto* quarterbacks of their respective teams during Round VII on Justification. Up until this time George Lindbeck, who had been a LWF observer at Vatican II and also the chairman of the LWF Lutheran-Catholic dialogue, was the natural leader of the Lutheran team. But Lindbeck's cultural-linguistic, post-liberal theology failed to win broad support. In contrast, Forde's post-liberal Lutheranism earned the confidence of fellow Lutherans and the respect of the Roman Catholics. As a result, the *de facto* leadership within the Lutheran team shifted from Lindbeck to Forde.

Round VII lasted five years (1978-1983). Initially Gerhard Forde and Carl Peter did not address each other directly. However, at each of the first three meetings (1978-79), Gerhard Forde presented a short paper on the distinctive Lutheran understanding of law in the law-gospel dialectic.¹¹ These papers were consolidated into the essay, "[Forensic Justification and Law in Lutheran Theology](#),"¹² which is printed in *Justification by Faith. Lutherans and Catholics in Dialogue VII*.

In the fall of 1980 Carl Peter presented a paper, "[Justification and the Catholic Principle](#),"¹³ at the Martin Luther Colloquium hosted by Gettysburg Theological Seminary. This Colloquium included several members of the Lutheran-Catholic Dialogue and some of the faculty from Gettysburg Seminary. The full Dialogue met in Gettysburg immediately after the Colloquium. Several years later Carl Peter revised his essay but it was not finished in time to discuss at a regular dialogue meeting. Rather, the paper was discussed in a conference phone call by the systematic and historical theologians on the Dialogue. The revised text is included in the Dialogue's final report, *Justification by Faith. Lutherans and Catholics in Dialogue VII*, under the title, "[Justification and the Need of Another Critical Principle](#)."¹⁴

In both essays Carl Peter used Paul Tillich's distinction between "Catholic substance" and "Protestant principle" to frame the question.¹⁵ The Lutherans, however, objected to Tillich's framework, as Forde, speaking for the Lutherans, noted: "Tillich's distinction between Catholic substance and Protestant principle is too formal to be of much help to us in this instance." Nevertheless, the Catholic team continued to find Tillich useful, as Carl Peter responded: "However great the differences, there are family resemblances between this criterion and what Paul Tillich called the Protestant principle."¹⁶

¹¹ These papers are listed on page 10 of *Justification by Faith. Lutherans and Catholics in Dialogue VII*. Eds. H. George Anderson, T. Austin Murphy, and Joseph A. Burgess (Minneapolis: Augsburg Publishing, 1985), hereafter identified as L/RC VII.

¹² Forde, "Forensic Justification and the Law in Lutheran Theology," L/RC VII, 278-303, 374-76.

¹³ Peter, "Justification and the Catholic Principle," *Lutheran Theological Seminary Bulletin*, Gettysburg, PA (1981) 16-32.

¹⁴ Peter, "Justification by Faith and the Need of Another Critical Principle," L/RC VII, 304-15, here 314-15.

¹⁵ Paul Tillich was nominally Lutheran, having been German until the age of 47. When he and his family moved to the US, they joined a congregation of the United Church of Christ while Tillich taught at Union Theological Seminary. Tillich's theology was a synthesis of existentialist philosophy and liberal Protestantism. Missing in Tillich's theology are classic Lutheran *loci*, including, but not limited to the *deus absconditus*, election, and the two kingdoms.

¹⁶ Peter, "Justification by Faith and the Need of Another Critical Principle," L/RC VII, 305.

Despite his dogged reliance on Tillich, Carl Peter sincerely endeavored to understand Lutherans as they understood themselves.

Gerhard Forde, "Justification and Law in Lutheran Theology."

"Is justification for Lutheranism to be understood in a purely forensic sense? If so, how can that be related to **Roman Catholic fears of extrinsicism**, a justification that is not effective? If not, how can the traditional Lutheran concerns that found expression in the doctrine of forensic justification be safeguarded and expressed today? I shall pursue this question in the light of historical investigation and subsequent reflection. **My thesis will be** that the traditional insistence on forensic justification (a synthetic, not an analytic judgment) was essentially right and proper but that the persistent difficulty over the question arises because of **certain presuppositions about the place of law in the theological 'systems' involved. The problem**, that is, **is** not with forensic justification per se but **with the understanding of law**, i.e., the system of justice presupposed but usually left unexamined."¹⁷

"Since righteousness comes by imputation only, it is not at all a movement on our part. We can be candidates for such righteousness only if we are **completely sinners**. This means of necessity for Luther that in place of all schemes of movement from sin to righteousness we must put the *simultaneity* of sin and righteousness; imputed righteousness brings with it the *simul iustus et peccator*, where the *iustus* and the *peccator* are **total states**."¹⁸

"The imputation of righteousness by God for the sake of Christ as **a totality** exposes its opposite in all its forms: **the schemes and pretensions of human righteousness** as well as the perfidy of unrighteousness. Sin as a totality is exposed and in that very fact it is likewise attacked. Sin as a **total state** can be fought only by faith in the **total imputed righteousness**. Anything other than that would lead only to hypocrisy or despair."¹⁹

"This passage [FC SD 5:12] is especially interesting because it demonstrates that **not content but function** decides what law or the office of law is. Everything, no matter how or when it is done, that attacks, accuses, and exposes sin is 'Moses' and performs the office of law. Even, indeed especially, **the passion and death of Christ**, which would hardly be accounted as law according to content, nevertheless **functions as law** as long as it proclaims wrath and terrifies. Here it can clearly be seen that 'law' designates a function of the word of God."²⁰

"All of this raises the inevitable question about whether there is not a more 'positive' use of the law in Lutheran theology. Here it should be remembered that Lutherans do speak of the 'civil use' of the law, the so-called first use." But that use, too, it should be noted, was a use restricted to 'this age.' In its civil use the law restrains evil and establishes order for the care of human society. God uses the law in this sense to hold the world in readiness for the gospel and keep it from collapsing into the chaos which threatens it. Under the civil use of the law it is quite possible to speak of the goodness and 'civil righteousness' of human activity even though it does not reach beyond this age. . . . **Precisely the proper distinction between law and gospel limits and humanizes the law.**"²¹

¹⁷ Forde, "Forensic Justification and Law," L/RC VII, 279.

¹⁸ Forde, "Forensic Justification and Law," L/RC VII, 281.

¹⁹ Forde, "Forensic Justification and Law," L/RC VII, 282.

²⁰ Forde, "Forensic Justification and Law," L/RC VII, 295.

²¹ Forde, "Forensic Justification and Law," L/RC VII, 301.

Carl Peter, "Justification and the Catholic Principle," and "Justification and the Need of Another Critical Principle."

"Let me be as clear as I can about the topic at the very beginning. I am going to be referring to a criterion for interpreting and judging events, relationships, performance, ritual, achievement, laws, and institutions. That criterion I shall call the *catholic principle*."²²

"Out of a desire to avoid **confusing the creaturely with the Creator** and to realize that no work of a sinful creature can win God's forgiveness, they [the churches] may regard the sacred as something religiously indifferent or even sinful. To fail to recognize the divine where it is in fact being mediated or embodied because the mediating agency...(is) touched by a sin may well involve both insolence and arrogance with regard to the divine. Christian churches need to **avoid both idolatry and blasphemy** in their attitudes and stances toward the Catholic substance. Justification by faith alone helps as a safeguard against the former; **another critical principle** is needed to assist in avoiding the latter."²³

"*Abusus non tollit usum*. An institution may be open to abuse and even guilty of it. But that means for Roman Catholics that it has to be judged in terms of serving the cause of Jesus Christ. Where it is found wanting, criticize it and reform it to serve better. But in the case of the papacy, do not proceed as if it has always been so open to abuse that it has never been the condition for serving the cause of Jesus Christ and serving that cause well. **Be not so prone to expect sin and abuse that you fail to recognize grace where it is at work.**"²⁴

"Where abuse exists, it should be criticized and corrected. But a function, rite, office, or institution should not be amputated and lost from the Catholic substance simply because of its openness to possible and actual abuse. *Abusus non tollit usum*! Mutilation is the alternative. Have such losses been suffered by the Catholic substance? A responsible reply is ecumenically necessary; this requires **recourse to another principle** in addition to that of justification by faith. Perhaps it might be called **the 'Principle of Respect for the Divine in its Concrete Realizations.'**"²⁵

"For Lutheran scholars, basing their position on that of their Confessions, the unconditionality of the promise does not exclude word and sacraments. Here one might ask whether the importance attributed to word and sacraments would be less likely to be missed if **a more qualified unconditionality were attributed to the divine promise**, to God's love for sinners, to justification. Might another critical principle be in even more need of affirmation if unconditionality is affirmed without the users unpacking its meaning? An affirmative answer seems warranted in both cases.

"God's promise provides for word and sacraments and guarantees their indefectibility in Christ's church for the sake, among other things, of the forgiveness of sins. Their role is unquestionably similar to what in other contexts is that of **conditions.**"²⁶

²² Peter, "Justification by Faith and the Catholic Principle," *Lutheran Theological Seminary Bulletin*, 17.

²³ Peter, "Justification and the Need of Another Critical Principle," L/RC VII, 309.

²⁴ Peter, "Justification by Faith and the Catholic Principle," 22; "Justification and the Need of Another Critical Principle," L/RC VII, 309.

²⁵ Peter, "Justification by Faith and the Need of Another Critical Principle," L/RC VII, 310.

²⁶ Peter, "Justification by Faith and the Need," L/RC VII, 311.

II. Phase 2: Rebuttal and the Question Behind the Question (1984-1987).

The context: In 1987 the Division of Theological Studies of the Lutheran Council in the U.S.A., New York City, New York, and the Institute for Ecumenical Studies in Strasbourg, France, sponsored an ecumenical conference on "Fundamental Consensus and Church Fellowship."²⁷ Lutheran and Catholic presenters addressed the issue of basic consensus/basic difference. Gerhard Forde presented a paper: "[Justification by Faith Alone. The Article by which the Church Stands or Falls?](#)"²⁸ Carl Peter, the official respondent to Forde, answered: "[A Roman Catholic Response.](#)"²⁹ Below are excerpts from their presentations:

Gerhard Forde: "Justification by Faith Alone. The Article by Which the Church Stands or Falls?"

"In our common statement in the U.S. dialogue, we were also able to talk about 'prior and fuller convergence on the doctrine itself' which was then to provide the basis for convergence (not consensus here!) on the *use* of justification by faith as a *criterion*. Even so, the best we were able to do in common was to speak of 'increasing accord' on criteria (plural!) of Christian authenticity and of 'justification' as an [not *the*] *articulus stantis et cadentis ecclesiae* **protective of the *solus Christus*.**"³⁰

"**The constant drive for consensus** particularly in this instance deters understanding by attempting to minimize the differences and thus **inhibits discussion** and finally genuine understanding. I expect that a more frank and open discussion of the *differences* will lead to progress on these matters."³¹

"One of **the happy exceptions** to the general reluctance to discuss the issue of the criteriological significance of justification by faith alone is the paper by **Carl Peter**, "Justification and the Need of Another Critical Principle," in the volume on *Justification by Faith* containing the results of the recently completed US dialogue. Unfortunately that paper was completed in its final form only after the dialogue was over. An earlier form was distributed."³²

"To say that justification by faith alone is the article of the standing or falling church or, with Luther, to say it is the *Richtschnur* by which all teaching is to be measured *is*, therefore, already to say that when used as a criterion of judgment, it functions hermeneutically, or, as has lately been suggested, metalinguistically, to direct and foster the speaking of **the unconditional gospel**. In other words, there is no intention among those who hold it to exclude other salvation words, nor is there, most certainly, any concern to limit preaching to the dimensions of the anxious conscience. If any progress is to be made in the discussion, **we must simply get beyond such simplicities**. There *is*, however, **the overriding concern that what is spoken in the church, at all costs, be the unconditional gospel**. As the article of the standing or falling church, justification by faith alone

²⁷ Joseph A. Burgess, "Introduction," *In Search of Christian Unity*, 4.

²⁸ Forde, "Justification by Faith Alone. The Article by which the Church stands or Falls?" *dialog* 27 (1988) 260-67, and *In Search of Christian Unity*, 64-76, 83-84.

²⁹ Peter, "Justification by Faith Alone. The Article by Which the Church Stands or Falls? A Reply," *dialog* 29 (1990) 55-58; retitled and reprinted, "A Roman Catholic Response," *In Search of Christian Unity*, 77-85.

³⁰ Forde, "Justification by Faith Alone," *dialog*, 261; *In Search of Christian Unity*, 65.

³¹ Forde, "Justification by Faith Alone," *dialog*, 261; *In Search of Christian Unity*, 66.

³² Forde, "Justification by Faith Alone," *dialog*, 263; *In Search of Christian Unity*, 69.

simply says that there is no point in perpetuating the church at all, however united it might be, where that article is not its aim and goal.”³³

“One can certainly agree that many of the elements of **Catholic substance Peter wants to protect** deserve to be protected, and indeed, that too ruthless an application of ‘the Protestant principle’ can produce merely negative and ‘anti-catholic’ results. Wariness is nevertheless evoked by the fact that some of those same elements of ‘Catholic substance’ which **Peter wants to safeguard with this new principle are precisely such elements as justification by faith alone wants to subject to more careful critical examination. Tillich’s distinction** between Catholic substance and Protestant principle **is too formal to be of much help to us** in this instance. What is Catholic substance? Who is to determine that and how? If justification by faith alone is the plumb line, does that not mean precisely that it is supposed to help us in answering such questions?”³⁴

“Is it possible to safeguard those legitimate aspects of **the ‘Catholic substance’ which Peter sees endangered** with a ‘thought structure’ called forth and normed by the *sola fide*?... Does such a view [justification by faith alone] somehow endanger or evoke mistrust in the church? **I should think not.** This position simply seeks to indicate to the church what it must be about if it is to gain and maintain trust.”³⁵

“What is a preacher? A preach is one who knows the difference between law and gospel, one who knows the peculiar kind of speaking called gospel speaking, speaking the unconditional promise. The gift has to be given! Such a preacher knows that it is only on account of Christ that such a word can be spoken. **The *sola fide* depends on the *solus Christus*.** Christ is the end of the law to those of faith. Indeed, Christ is the end of the old, the death of the old being and the beginning of the new. The concrete ministry of the church is indeed necessary, but as a *gospel* ministry it is, so to speak, **self-limiting. It places limits on its own claims.**

“Does such preaching endanger proper regard for creation, human dignity, and freedom? So, apparently, it has always appeared to usual views of ‘Catholic substance.’ The unholy trinity of determinism, antinomianism, and Manicheanism has always dogged the trail of particularly outspoken champions of *justification sola fide*. Is another principle needed to prevent such disasters? **I think not.** For there is a ‘flip side’ to justification by faith alone just in these cases. If we are justified by faith alone, then it would appear that **there is nothing wrong with creation other than the loss of faith.**”³⁶

“It will not be possible to arrive at a happy and satisfying consensus on justification by faith alone as the article by which the church stands or falls until we grapple more directly, frankly, and honestly with these **different ways of conceiving the message and practice of the church.** We have, I think, come a long way in our dialogues, and I do not wish to discount that. After centuries of acrimony and misunderstanding, we have been able to discover and affirm what we do hold in common. But that should also mean that we have, I hope, also arrived at the point where we can discuss the matters which still seem to divide us quite openly and candidly. We have to ask ourselves now whether **the determined pursuit of consensus has not led us to the point where it begins to inhibit rather than promote such genuine dialogue.** The attempt to establish consensus by forcing the

³³ Forde, “Justification by Faith Alone,” *dialog*, 262; *In Search of Christian Unity*, 67.

³⁴ Forde, “Justification by Faith Alone,” *dialog*, 263; *In Search of Christian Unity*, 70.

³⁵ Forde, “Justification by Faith Alone,” *dialog*, 264; *In Search of Christian Unity*, 71.

³⁶ Forde, “Justification by Faith Alone,” *dialog*, 264; *In Search of Christian Unity*, 72.

issue can obscure or cover over differences. That does not bode well for the future. It simply leaves too many unhappy dissenters behind.

"In this light I am convinced that we do need to proceed toward discussing '**basic differences**.'"³⁷

Carl Peter: "A Roman Catholic Response."

"We found at best **convergences** when the gospel we both accepted was *used* to judge preaching and teaching about justification as forensic or transformative, original sin, free choice, justifying faith in relation to hope and love, merit, and predestination. My point is this. It is a mistake to think that the gospel, or what the dialogue called the fundamental affirmation, on which there was agreement was not applied. Precisely because it *was used or applied*, convergences resulted which indicated **lack of consensus** on the individual themes listed above."³⁸

"In his [Forde's] view I postulate the need of that other critical principle so as to safeguard: a) **the trustworthiness of the church** according to the divine promise; b) the preservation of at least **some degree of freedom and goodness in creation** in spite of the fall; and c) **the place of grace-wrought acts of charity**. He in turn maintains that this safeguarding can be accomplished by paying more attention to the 'flip side' of justification by faith alone. What is more, some of those same elements which I propose to safeguard with the new principle are the very ones that the principle of justification by faith alone wishes to subject to more careful critical examination. Therefore in Dr. Forde's view no new principle, call it whatever you like, is needed. The safeguarding can be done without one and **positing one keeps justification by faith alone from doing what it is intended to do**."³⁹

"I admire the way in which Dr. Forde says one ought to go beyond the 'strictly formal' use of justification by faith alone as a criterion of judgment or crucial principle. He suspects that '... constant talk ...' of this critical function of justification by faith alone '... has led us to operate as though ... it has, presupposes, and brings no material considerations into the deliberations.' He goes on, in my opinion brilliantly, to show how **the 'flip side' of justification by faith alone brings with it, for example, the goodness of creation**. This section of his essay is particularly thought-provoking. My response is that however ingenious this use of the 'flip side' of justification by faith is, I wonder why Lutherans would find it necessary to derive the goodness of creation in spite of original sin from justification by faith alone. Why would not the First Article of the Creed Lutherans share with other Christians do that? ...

"As for Dr. Forde's second ground for challenging the need for another critical principle, there may be some misunderstanding here. That second critical principle *in no wise* keeps justification by faith alone from subjecting to a 'more careful critical examination' the same elements that second principle is intended to safeguard. Far from it! Indeed I say: Have at it! Those elements need criticism conducted in the light of justification by faith alone. But do not expect other Christians to play dead theologically which this is going on. Expect some of us to bring to bear another critical principle to prevent justification by faith alone from making one '**... so prone to expect sin and abuse. ... that one '... fails to recognize grace where it is at work.**' Let Lutherans use the 'flip side' of justification by faith alone. Other Christians may still say another critical principle is needed as

³⁷ Forde, "Justification by Faith Alone," *dialog*, 265; *In Search of Christian Unity*, 73-74.

³⁸ Peter, "A Reply," *dialog*, 57; "A Roman Catholic Response," *In Search of Christian Unity*, 80.

³⁹ Peter, "A Reply," *dialog*, 58; "A Roman Catholic Response," *In Search of Christian Unity*, 81.

well. Not to fence off a sacrosanct domain (e.g., papacy, purgatory, indulgences, devotion to Mary and the saints, office of bishop) that may not be touched critically by justification by faith alone! **But rather to provide explicit and effective recognition of promised grace that may go unnoticed or even be rejected** if justification by faith alone functions *in critical exclusivity and isolation*.”⁴⁰

III. Phase 3: Clarifying the Impasse and Sharing Hope for the Future (1988-1991)

The context. In the mid-1980's after the Lutheran-Catholic dialogue had come to its significant convergence on the doctrine of justification, they identified certain test cases for applying this “criterion of authenticity must be applied to issues that divided Lutherans and Roman Catholics during the Reformation: e.g., *indulgences*, papacy, and *purgatory*.”⁴¹ The Lutheran team wondered “whether official teachings on Mary and the cult of the saints, despite protestations to the contrary, do not detract from the principle that Christ alone is to be trusted for salvation because all God’s saving gifts come through him alone.”⁴² Thus mediation was the focus of Round VIII of the Dialogue.

Carl Peter’s papers, “[The Saints and Mary in the Eschatology of the Second Vatican Council](#),” and “[The Communion of Saints in the Final Days of the Council of Trent](#),” are printed in the final report, *The One Mediator, the Saints, and Mary. Lutherans and Catholics in Dialogue VIII*.⁴³ His essay, “[A Moment of Truth for Lutheran-Catholic Dialogue](#),” was an address he gave December 1, 1987, at the Atonement Friars’ Centro Pro Unione in Rome.⁴⁴ Finally, his essay, “[A Role Model in an Ecumenical Winter](#),” was an address given in July 1991 to the Council of the Lutheran World Federation meeting in Chicago. As noted above, he died suddenly in August 1991.⁴⁵

Gerhard Forde’s paper, “[Is the Invocation of Saints an Adiaphoron?](#)” was presented in the Dialogue and is printed in the final report, *The One Mediator, the Saints, and Mary*.⁴⁶ His essay “[The Catholic Impasse: Reflections on Lutheran-Catholic Dialogue Today](#),” is an essay written for the Festschrift of Johannes Cardinal Willebrands, *Promoting Unity: Themes in Lutheran-Catholic Dialogue*.⁴⁷ Below are excerpts from these papers:

Carl Peter: “Mary and the Saints in the Eschatology of the Second Vatican Council.”

“The mystical body of Jesus Christ has bonds linking members on both sides of the pale of death. Mindful of the biblical commendation found in 2 Macc 12:46, **the church on earth offers prayers for the dead**; this practice reveals an important relation that exists between Christ’s disciples.

⁴⁰ Peter, “A Reply,” *dialog*, 58; “A Roman Catholic Response,” *In Search of Christian Unity*, 83.

⁴¹ Peter, “The Communion of Saints in the Final Days of the Council of Trent,” *The One Mediator, the Saints, and Mary. Lutherans and Catholics in Dialogue VIII*. Eds. H. George Anderson, J. Francis Stafford, and Joseph A. Burgess (Minneapolis: Augsburg, 1992) 219. Hereafter L/RC VIII.

⁴² “Justification by Faith: Common Statement,” L/RC VII, 57, ¶119.

⁴³ Peter, “The Saints and Mary in the Eschatology of the Second Vatican Council,” L/RC VIII, 295-304, 389-91; “The Communion of Saints in the Final Days of Trent,” 219-33, 377-79.

⁴⁴ Peter, “A Moment of Truth,” *Origins* 17:31 (1988) 537-41.

⁴⁵ Peter, “A Role Model in an Ecumenical Winter,” *Worship* 66 (1992) 2-10.

⁴⁶ Forde, “Is Invocation of Saints an Adiaphoron?” L/RC VIII, 327-28.

⁴⁷ Forde, “The Catholic Impasse: Reflections on Lutheran-Catholic Dialogue Today,” *Promoting Unity. Themes in Lutheran-Catholic Dialogue*. Eds. H. George Anderson & James R. Crumley (Minneapolis: Augsburg, 1989).

“ . . . On earth union among his disciples is conducive to closer union with the Lord himself. The same is the case when there is **solidarity** between disciples on this side of death and saints in heaven on the other. Christ is the crown of the saints; because of its nature love for them reaches out toward and ends in him. **They are rightly asked for benefits that are needed** and that only God can give (here the Council of Trent is cited on invocation, which is placed in the context of a charity that binds friends together across the pale of death).”⁴⁸

“First to be treated is Mary’s role in the economy of salvation. . . . She has been and is rightly spoken of as cooperating in salvation by her **faith and obedience**. Her union with Christ was manifested: at the visitation; at his birth, which **sanctified and preserved her virginity intact**; at the coming of the shepherds and magi; at the presentation, loss, and finding in the temple; at Cana and the beginning of the miracles; in his declaring blessed those who hear and keep God’s word (Mark 3:35; Luke 11:27-28) as she was faithfully doing (Luke 2:19, 51). During his life she advanced in a pilgrimage of faith and stood at the foot of his cross (John 19:25) where he gave her as mother to his disciple (John 19:26-27). She was with the apostles at the outpouring of the Spirit (Acts 1:14); **taken up body and soul into heavenly glory**; exalted by the Lord as queen of all.

“Figuring thus in the work of salvation effected by Jesus and the Spirit, she is related to the church, which has but one Mediator, whose power is not threatened but rather manifested in her present role. Her association with Christ’s work continues. Therefore **she is invoked in the church by her titles of Advocate, Aid, Helper, Mediatrix**. None of these titles adds or detracts from the dignity or efficacy of Christ. No more than a sharing both by the baptized and by those in the priesthood adds or detracts with regard to the one priesthood of Christ! No more than the goodness of creatures supplements or diminishes the goodness of God! **Christ’s mediation does not exclude but rather gives rise to manifold cooperation. This subordinate role of Mary the church does not hesitate to profess.**”⁴⁹

Carl Peter: “The Communion of Saints in the Final Days of the Council of Trent.”

“On an issue, for example, where Trent was reticent about purgatory, a contemporary scholar has spoken. In a very important book Jacques Le Goff maintains that: (a) at some point **the souls in purgatory came to be thought of as having the power to transfer their merits to the living**; and (b) this reversibility of merits eventually won a place in doctrine. That the souls in purgatory can help the faithful on earth did become a conviction operative in the piety of many Catholics. But that it became a point of doctrine is simply not true. Nothing of the kind appears in the Tridentine decree. And when asked to deal in the seventh chapter of *Lumen Gentium* with aid sought by the living from those in purgatory, **the Doctrinal Commission of the Second Vatican Council decided not to act on the request. The reason they gave was desire to avoid giving the impression of resolving an issue freely disputed among theologians.**”⁵⁰

“Finally, a project discussed by the Second Vatican Council was left for Pope Paul VI to finish. He did this in his apostolic constitution *Indulgentiarum Doctrina*. There he commended the traditional practice of the church as he dealt with **indulgences**. But he added to this significantly when he

⁴⁸ Peter, “The Saints and Mary,” L/RC VIII, 301-302.

⁴⁹ Peter, “The Saints and Mary,” L/RC VIII, 303-304.

⁵⁰ Peter, “The Communion of Saints in the Final Days of the Council of Trent,” L/RC VIII, 232. Behind the issue of purgatory is the larger issue of teaching authority.

wrote: 'Nevertheless the church allows each member to make use of this kind of means of purification and sanctification in the holy and just liberty of God.'

"In the same document he described the treasure (*thesaurus*) on which the church relies in granting indulgences. He interpreted that treasury as being 'Christ himself' but as including in God's eyes the value of **the prayers and good works of Mary and the saints** who followed in Christ's footsteps by his grace. Responses are thus offered to questions left unanswered in Trent's decree."⁵¹

Carl Peter: "A Moment of Truth for Lutheran-Catholic Dialogue."

"The years 1536-37 were a **moment of truth** for Martin Luther. . . . As for the present, it is at least arguable that 1986-87 have been a comparable **moment of truth** for the Lutheran-Roman Catholic dialogue in the United States of America. The process known as reception has reached the point where official bodies in both churches have reacted to the work of the dialogue in such a way that decisions with regard to its future course are all but unavoidable."⁵²

"As Luther saw it, people honored a particular saint in this fashion with the hope and expectation of winning something in return, something that in truth only God could give. A saint's intercession, won by devotion and service, was an activity seeking benefits for clients. **Mediation on the part of saints was replacing that of Christ and thus became for Luther a moment of truth.** His solution was simple enough. If people turn to a saint because they expect a *quid pro quo*, take away their unwarranted hope for any *quid* and the *pro quo* will soon vanish."⁵³

"**Mediation has become a moment of truth** for the Lutheran-Roman Catholic dialogue in the United States in 1986-87 just as it was for Luther in 1536-67. . . . What happens when that criterion [justification by faith alone] is applied to indulgences, purgatory, the cult of the saints, the authority of bishops, the papacy and church teaching or ethics, Mary, celibacy and the ordination of women. Mediating functions and offices are the concern. **Mediation is again the moment of truth.**"⁵⁴

"Lutheran and Roman Catholic bodies have stated politely and without using the term what they nevertheless clearly regard as **non-negotiables**. . . . The Roman Catholic members will maintain with the Second Vatican Council that 'the unique mediation of the redeemer does not exclude but rather gives rise to a **manifold cooperation** on the part of creatures – a **cooperation** derived from this one source.'⁵⁵

"There are, as I see it, genuine differences between Lutheran and Roman Catholic members of the dialogue when it comes to assessing creaturely mediation and **cooperation** in the ways in which Christ's grace reaches human beings. . . . I suspect that we are dealing here with what ecumenists today might call a **fundamental difference**. I doubt that it will ever be completely eliminated. But could such a difference exist in a more united church – could it be a difference within one faith rather than of diverse faiths?

⁵¹ Peter, "The Communion of Saints" L/RC VIII, 233.

⁵² Peter, "A Moment of Truth," *Origins*, 538.

⁵³ Peter, "A Moment of Truth," 539.

⁵⁴ Peter, "A Moment of Truth," 540.

⁵⁵ Peter, "A Moment of Truth," 540.

“The temptation in the face of the differences I have described with regard to mediation is to give up or to look for what can only be called **the quick fix.**”⁵⁶

Carl Peter: “A Role Model in an Ecumenical Winter.”

“For its part the Catholic bishops’ evaluation moves from its assertion as to where hope and trust are *ultimately* to be placed (Christ and the gospel) to a consideration of *penultimate* hope in the church. The bishops take into account the Dialogue’s reflections on factors accounting for the differences that yet remain with regard to the doctrine of *justification* as it is taught in both churches. But in their view it may well be that when it comes to Lutheran and Catholic concepts of *church*, **the differences ‘are not reconcilable** simply by the mutual recognition of the legitimacy of each other’s religious concerns and thought patterns.’ They make the point that **ultimately hope and trust are in Jesus Christ**, but that he is never separated from his church, in which as a result Catholics place **penultimate trust and hope when, for example, it teaches about papacy, purgatory, and saints** as fostering the life of faith. Consensus on the Christological gospel is not of itself enough for full communion. The nexus between the ultimate (Christ) and penultimate (for example, the church) is too close for that. Here the Bishops’ Evaluation and that of the ELCA Committee differ.”⁵⁷

Gerhard Forde: “Is Invocation of Saints an Adiaphoron?”

“The Confessional concern is that **whatever honor is to be accorded the saints cannot be such as to put them in the position of being more accessible than Christ.** They cannot be considered mediators who compete with the one and only Mediator, Jesus Christ. Such a matter is not an adiaphoron, and the practice could only be rejected.”⁵⁸

“The Roman Catholic argument is that since saints are born and carried by the grace of Christ, their role as intercessors in the hereafter need not, in a properly ordered faith, compete with Christ’s role as sole Mediator of such grace. The practice of venerating the saints may in fact be subject to abuse. But abuse does not abrogate proper use. Properly understood, the saints may be taken as prominent examples of the ‘success’ of Christ’s mediation. If we can ask living saints to intercede for us, there should be no reason why we cannot ask those hereafter who already share Christ’s victory over death to continue to do so. Why should a Lutheran object to this or hold that it is more than an adiaphoron?

“The key issue is the subtle one of mediation itself. For Lutherans the word itself tends to lead astray. Perhaps that is why it has never figured as a prominent category in Lutheran Christology. It suggests the idea of a ‘go-between,’ an arbiter between parties that have fallen out, a medium between two extremes. . . .

“Lutheran difficulties with such a view of mediation stem, as in the previous round of dialogue on justification, from **difficulties with the model itself.** Where justification is by faith alone, creating the situation in which one is simultaneously just and sinner, **what is mediated is not some intermediate thing or power but Christ himself through the word of the cross and the sacraments.**

⁵⁶ Peter, “A Moment of Truth,” 541.

⁵⁷ Peter, “A Role Model in an Ecumenical Winter,” *Worship*, 8-9.

⁵⁸ Forde, “Is Invocation of Saints an Adiaphoron?” L/RC VIII, 332.

"If it is the case—and I expect **I would agree with Carl Peter** here—that we have to do with a **fundamental and thus deeply held difference**, it does not appear that the category of adiaphoron is very useful in working toward a resolution of the problems surrounding the invocation of saints. Lutheran attitudes about the kind of mediation available in the saints should not, I expect, simply be a matter of indifference to Roman Catholics. Likewise, Roman Catholics theology and practice in this regard cannot be a matter of indifference to Lutherans. We face a **fundamental difference in the understanding of mediation**. The question then is, as **Carl Peter put it, whether we can find ways to live with this difference**.

"If there is a way ahead together, perhaps it lies in the fact that both Roman Catholics and Lutherans are concerned about **the concrete and objective nature of the mediation given in Christ**. **Roman Catholics** tend to find this concretion and objectivity in **the church, its priesthood, and the saints**. **Lutherans** find this objectivity in **the preached word**, a word that comes from without and maintains its objectivity precisely by putting the old subject to death and raising up a new one in faith. Perhaps one can say that **only in death and the promise of new life** do we come up against that which is truly and irreducibly from without. **The common concern for the concrete mediation of Christ's gifts**, it is to be hoped, can draw us together even as we seek to understand the differences between us."⁵⁹

Gerhard Forde: "The Catholic Impasse: Reflections on Lutheran-Catholic Dialogue Today."

"If we are to set the impasse of which we speak clearly in focus, there are at least two things to be noted about such claims in behalf of a **post-liberal Lutheranism**. First of all, **it is the right proclamation of the gospel that does the deed**. Proclamation of a quite specific sort is mandated, one that succeeds in being living, present-tense gospel declaration that ends the reign of law and sin.

"Roman Catholics from the beginning seem to have feared that Lutherans were 'subjectivists' proposing an unmediated gospel. But this is clearly not the case, or at least would have been clear had more notice been taken of bitter battles with the 'spiritualists.' If faith comes by hearing, there must be a speaker, indeed a word from without, what Luther called 'the external word.' **The sacraments** punctuate this inescapable externality. Precisely in that sense they **are the gospel**.

"It that is understood, it is apparent that **too much time has been wasted on the question of mediation as such**. There should be **no disagreement over whether or not the gospel is mediated**. Indeed, I should be agreed that it is of the very essences of the catholic faith that it insists on the concrete mediation of God's saving gifts. **That is not where the impasse comes to light**. It appears rather when we begin to ask *what* is mediated and how that *what* affects and shapes the mediation and the 'office' through which the mediation takes place. In a recent reflection on the U.S. Lutheran-Catholic Dialogue, **Carl Peter** put the matter thus:

There are, as I see it, genuine differences between Lutheran and Roman Catholic members of the dialogue when it comes to assessing creaturely mediation and cooperation in the ways in which Christ's grace reaches human beings. Two different approaches are taken—motivated at least in part by the diverse hopes and fears. Lutherans have a fear that the truth of Christ's unique mediation will be compromised and hope to avoid this by criticizing any function, form

⁵⁹ Forde, "Is Invocation of Saints an Adiaphoron?" L/RC VIII, 335-37.

of worship or piety, office or person that looks like a pretender in this context. Roman Catholics fear that Christ's unique mediation will thus be made needlessly fruitless and hope to avoid this by stressing the truth of the manifold cooperation to which that mediation gives rise as his grace is communicated to those in need of it.

I suspect that we are dealing here with what ecumenists today might call a fundamental difference. I doubt that it will ever be completely eliminated. But could such a difference exist in a more united church – could it be a difference within one faith rather than of diverse faiths?

“While **Peter's statement** does accurately reflect differences that surfaced in the dialogue they are stated too formally, I believe, to get at what is at stake. It is not simply the bare uniqueness of Christ's mediatorship versus human cooperation that reveals the ‘fundamental difference,’ but **the question of how what is mediated reflects back on the mediation itself and the offices that carry it.** For the ‘office’ is precisely to proclaim the gospel of Jesus Christ that sets believers free. **The gospel of that freedom is consequently the highest exercise of authority in the church.** To place something above the proclamation of that gospel would be simply to subvert it. The mediation, therefore, though absolutely necessary, is such that **in the very act of mediation it limits itself.** I am tempted to use an image from the television show ‘Mission Impossible’ where the ‘team’ receives its instructions via a tape or record that then announces that it will self-destruct in a number of seconds. **The mediation is such that it seeks to remove itself once it has done the mediation. It seeks to set people free, that is, to get out of the way for the Christ it proclaims.** ‘He must increase, I must decrease.’ Eschatologically speaking, the mediation is such that it limits itself to this age and ends itself precisely by its witness to the new age, the kingdom of God.

“John Henry Cardinal Newman voiced a common Catholic complaint when he called Protestantism a great abstraction divorced from the actual flow of history. Perhaps there is some truth to that if one has in mind a Protestantism that **hides behind the inerrancy of scripture** and seeks only to reprimatinate the past. But the real question is **what constitutes or guarantees true concreteness and ‘objectivity in the church.** Can claims made about the institution do it? **A post-liberal Lutheran** is not likely to find such claims attractive or convincing. What attracts is simply the power of the gospel proclaimed as the word of the cross. The theologian of the cross is aware of a quite different sort of concreteness and objectivity: that of the quite alien and external word that puts the old subject to death to raise up the new. Perhaps one can say that it is only in death and the promise of new life that we come up against that which is truly and irreducibly ‘from without.’ And only so is it truly ‘objective.’”⁶⁰

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Appendix

The US Lutheran-Roman Catholic Dialogue, the first nine rounds, are listed below:

L/RC I: *The Status of the Nicene Creed as Dogma of the Church* (Washington, D.C.: National Catholic Welfare Conference; New York: USA National Committee of the Lutheran World Federation, 1965).

⁶⁰ Forde, “The Catholic Impasse,” *Promoting Unity*, 74-76.

L/RC II: *One Baptism for the Remission of Sins. Lutherans and Catholics in Dialogue II*. Eds. Paul C. Empie and William W. Baum (Washington D.C.: National Catholic Welfare Conference; New York: USA National Committee of the Lutheran World Federation, 1967).

L/RC III: *The Eucharist as Sacrifice. Lutherans and Catholics in Dialogue III*. Eds. Paul C. Empie and T. Austin Murphy (Washington, D.C.: United States Catholic Conference; New York: USA National Committee of the Lutheran World Federation, 1967).

Lutherans and Catholics in Dialogue 1-111. I) The Status of the Nicene Creed as Dogma of the Church; II) One Baptism for the Remission of Sins; III) The Eucharist as Sacrifice. Eds. Paul C. Empie and T. Austin Murphy (Minneapolis: Augsburg Publishing, no date).

L/RC IV: *Eucharist and Ministry. Lutherans and Catholics in Dialogue IV*. Eds. Paul C. Empie and T. Austin Murphy (New York: USA National Committee of the Lutheran World Federation and Washington, D.C.: Bishops' Committee for Ecumenical and Interreligious Affairs, 1970).

Peter in the New Testament. A Collaborative Assessment by Protestant and Roman Catholic Scholars. Eds. Raymond E. Brown, Karl P. Donfried, and John Reumann (Minneapolis: Augsburg Publishing; New York: Paulist Press, 1973).

L/RC V: *Papal Primacy and the Universal Church. Lutherans and Catholics in Dialogue VI*. Eds. Paul C. Empie and T. Austin Murphy (Minneapolis: Augsburg Publishing, 1974).

Mary in the New Testament. A Collaborative Assessment by Protestant and Roman Catholic Scholars. Eds. Raymond E. Brown, Karl P. Donfried, Joseph A. Fitzmyer, and John Reumann (Philadelphia: Fortress Press; New York: Paulist Press, 1978).

L/RC VI: *Teaching Authority and Infallibility. Lutherans and Catholics in Dialogue VI*. Eds. Paul C. Empie, T. Austin Murphy, and Joseph A. Burgess (Minneapolis: Augsburg Publishing, 1978).

L/RC VII: *Justification by Faith. Lutherans and Catholics in Dialogue VII*. Eds. H. George Anderson, T. Austin Murphy, and Joseph A. Burgess (Minneapolis: Augsburg Publishing, 1985).

Righteousness in the New Testament. By John Reumann with responses by Joseph A. Fitzmyer and Jerome D. Quinn (Philadelphia: Fortress Press; New York: Paulist Press, 1982).

L/RC VIII: *The One Mediator, the Saints, and Mary. Lutherans and Catholics in Dialogue VIII*. Eds. H. George Anderson, J. Francis Stafford, and Joseph A. Burgess (Minneapolis: Augsburg, 1992).

L/RC IX: *Scripture and Tradition. Lutherans and Catholics in Dialogue IX*. Eds. Harold C. Skillrud, J. Francis Stafford, and Daniel F. Martensen (Minneapolis: Augsburg Publishing, 1995).

FORENSIC JUSTIFICATION AND LAW IN LUTHERAN THEOLOGY

Gerhard O. Forde

Almost from the beginning forensic justification has been both the blessing and the bane of Lutheran theology. Confessional and Orthodox Lutherans have of course insisted on it as the true sign of genuine Reformation teaching and the standard by which all teaching is to be judged. Roman Catholics, however, have seen it as pure "extrinsicism"; since justification is totally extrinsic to the believer, it effects no real change or transformation and is therefore something of a legal fiction. Justification, if it is purely forensic, is not effective. This has been the basic charge through the years. Even within the Reformation camp forensic justification has not always been accepted with unqualified approval. As early as the controversies over the views of Andreas Osiander, who wanted to understand righteousness in terms of the indwelling of the divine nature in the soul, voices were raised against it. Those early confessional struggles served, however, only to reinforce the insistence on a purely forensic understanding of justification in Lutheranism. Whenever questions or threats arise, the characteristic Lutheran move in this regard has been to insist all the more on justification as a purely forensic act.

The Kantian revival of the latter half of the nineteenth century brought renewed concern for the doctrine of justification in Protestant theological circles, especially those influenced by the work of Albrecht Ritschl. With that came also renewed questioning of a purely forensic justification, often in connection with increasing admiration for the erstwhile "heretic" Osiander.¹ The Ritschlians, following the lead of their master, launched something of a polemic against forensic justification, claiming that justification, particularly for Luther, was to be understood as an analytic judgment rather than a synthetic one. An analytic judgment

was understood to be one based on a view of the outcome of the process of justification, while a synthetic judgment is forensic in the sense that it declares the truth. Karl Holl, the virtual father of modern Lutheran scholarship, brought the argument about forensic justification into contemporary Lutheranism in this form.²

Therefore the question arises for this essay: Is justification for Lutheranism to be understood in a purely forensic sense? If so, how can that be related to Roman Catholic fears of extrinsicism, a justification that is not effective? If not, how can the traditional Lutheran concerns that found expression in the doctrine of forensic justification be safeguarded and expressed today? I shall pursue this question in the light of historical investigation and subsequent reflection. My thesis will be that the traditional insistence on forensic justification (a synthetic, not an analytic judgment) was essentially right and proper but that the persistent difficulty over the question arises because of certain presuppositions about the place of law in the theological "systems" involved. The problem, that is, is not with forensic justification per se but with the understanding of law, i.e., the system of justice presupposed but usually left unexamined.

1. Definitions

Forensic justification is here taken to mean that justification comes to the sinner from without by the judgment of God, by his *imputation*, his *reckoning*. It issues from the divine *forum*, or *tribunal*. As *actus forensis* (a purely legal judgment made solely on the part of God and his reckoning in the light of Christ) it is to be distinguished from an *actus physicus* (a judgment made on the basis of or entailing some physical, moral, psychological, or otherwise empirically verifiable change or endowment in the creature). To my knowledge, Luther himself never used the term *forensic* as such, but of course repeatedly speaks of *imputation* as the divine act through which righteousness comes to the sinner and does on occasion speak of the divine "tribunal."³ It was Melancthon who first gave the term official currency when he spoke of "forensic usage" in the Apology: "In this passage [Rom. 5:1] 'justify' is used in a judicial way [Lat. *forensi consuetudine*] to mean 'to absolve a guilty man and pronounce him righteous,' and to do so on account of someone else's righteousness, namely, Christ's, which is communicated to us through faith."⁴ For the purposes of this essay we can treat "imputed" and "forensic" righteousness as virtually the same.

On the level of content, law means demand and gospel designates promises given in Christ. On the level of function, however, the words law and gospel designate functions: the accusing and comforting character of the living word of God. The task of theology is to learn not merely to define the words, but to use the word in such a way that faith is created. Faith is created out of the encounter with the word which attacks and slays the sinner and raises up the believer. The word, that is, "does" the discontinuity to its hearers as old beings and gives the new continuity by incorporating them into the story of Jesus Christ. The word of God is therefore not mere information to which the subject relates in some fashion out of its own capacity but as living word is creative in accomplishing its eschatological goal. God's word is the same as God's deed.²⁸

The crucial question in this regard is therefore that of what the word does, the question of its function in the living present, or as Luther repeatedly said, its *usus*. On the level of content the word is also, of course, a conveyor of information. But it is that when the moment of living address has past and when it has become congealed in written form and is only a memory. If it were to remain only that, the word becomes something about which we must do something. In other words, it would remain merely demand, law. The distinction between law and gospel is the attempt to recover the present tense, the creative address character of the word, the proper *usus*. The word is to be used not merely to convey information but to do something to us.

This is perhaps the crucial issue in all discussions about the Reformation doctrine of justification, and the one most poorly understood and usually overlooked. The question is whether the theology in question is so constructed or disposed as to foster a proclamation as present, unconditional address which actually *delivers* the new reality and does not undermine its own cause by merely talking, however correctly, *about* it. Merely to exalt grace and exclude all works and Pelagianism in the theological system is not to guarantee a *practice* and a preaching that *actually* does so. The question is not merely one of what the words say but what they actually do to the hearers.

Thus the Lutheran insistence on a functional understanding of law. The Lutheran Confessional writings often speak of law in this sense. "... [T]he law always accuses and terrifies consciences."²⁹ "... [T]he law was given by God first of all to restrain sins. . . . However, the chief function or power of the law is to make original sin manifest and show man to what utter depths his nature has fallen and how corrupt it has become."³⁰ Especially articles 5 and 6 of the Formula of Concord

concern themselves with the functional understanding of law and gospel. Both the Epitome and the Solid Declaration speak of the "office" of the law and define it functionally over against sin.

Everything that preaches about our sin and the wrath of God, no matter how or when it happens, is the proclamation of the law. On the other hand, the Gospel is a proclamation that shows and gives nothing but grace and forgiveness in Christ. At the same time it is true and right that the apostles and the preachers of the Gospel, just as Christ himself did, confirm the proclamation of the law and begin with the law in the case of those who as yet neither know their sins nor are terrified by the wrath of God, as he says in John 16:8, "The Holy Spirit will convince the world of sin because they do not believe in me." In fact, where is there a more earnest and terrible revelation and preaching of God's wrath over sin than the passion and death of Christ, his own Son? But as long as all this proclaims the wrath of God and terrifies man, it is not yet the Gospel nor Christ's own proclamation, but it is Moses and the law pronounced on the unconverted.³¹

This passage is especially interesting because it demonstrates that not content but function decides what law or the office of law is. Everything, no matter how or when it is done, that attacks, accuses, and exposes sin is "Moses" and performs the office of law. Even, indeed especially, the passion and death of Christ, which would hardly be accounted as law according to content, nevertheless functions as law as long as it proclaims wrath and terrifies. Here it can clearly be seen that "law" designates a function of the word of God.

The full-blown Lutheran doctrine speaks of two and sometimes three functions or uses of the law. The first use is the civil use: to restrain evil and maintain order in a fallen world. The law holds the world in readiness for the gospel. This is accomplished for the most part by God's "left hand" work: earthly institutions such as family, economic order, government, and the like. The second is the theological use: to accuse and convict of sin. The third and somewhat disputed use among Lutherans is the use of the law by the reborn as a guide to Christian living. The reason such a third use is disputed is because it proposes a view of law which survives the eschatological break and maintains a kind of continuity.

The roots of this functional understanding of law lie deep in the hermeneutical tradition, the age-old problem of letter and spirit and its checkered history. St. Paul in 2 Cor. 3:6 began the debate with the pronouncement that "the letter [written code, law] kills, but the Spirit give life." In general the tradition, following early interpreters like

Against the background of this hermeneutical discussion it can quite readily be seen how and why law is understood in a functional sense and that this involves a fundamental break in the continuity of the law. Law is not a continuous way offering the possibility of salvation. Law belongs to "this age." Its use is to restrain evil and to expose sin. The gospel, the sheer goodness and favor of God in Christ, grants possibility to human existence. The law was "added because of the trespass." It accuses and kills. It reminds the world it has fallen from its true destiny. But the law is not just "laws," it is "the letter," the more or less empty shell of a world which has lost the Spirit. It is the darkness of a world that can no longer see and must have rules about it. The very existence of law means that what it points to is gone and no amount of "law" preaching will bring it back. Insofar as it brings knowledge, it brings knowledge not of the good but of sin:

... not knowledge of that which should happen, but knowledge of that which has already happened; not knowledge of open, but of excluded and lost possibilities. . . . Whether one is a Jew, or a sinner, or heathen; whether pious or godless; every mode of existence is like others in spite of all differences in that it is existence under the law. Every religion or worldview, even the atheistic, but also a Christianity which has been perverted out of faith into an ideology—has the common structure of law. They are all against faith. For "*lex est negatio Christi*" (law is the negation of Christ).³

The law does not open the future, it closes it. It only reveals what should or might have been when it is too late and the future is sealed, unless there is another possibility. To live under the law is always to be attempting to repair or atone for yesterday; thus yesterday always controls tomorrow. The law kills and brings death, not life, for yesterday is always yesterday. Grace, the gift of God's eschatological kingdom in the promise of the gospel, is humanity's tomorrow. Since that is the case, the law *must* function to cut off every human attempt to create its own tomorrow. The letter, the literal history, must do its work to cut off every form of metaphysical or religious escape. We do not have some transcendent scheme of meaning which somehow protects us from history, rather we are cast *into* history with nothing but faith, to wait and to hope. The dialectic makes us historical beings. "If we have died with him, we shall also live with him" (2 Tim. 2:11).

The law and its office or function is therefore strictly limited to this age. It is an accuser. That is its chief function, its office. As accuser

it stands inviolate, unrelenting, without any "veil," until that to which it points arrives. As long as sin and death remain, the law remains. Unfaith, sin, death, and the law are inseparable partners. Until the ultimate triumph of the eschatological kingdom, the law will sound.

All of this raises the inevitable question about whether there is not a more "positive" use of the law in Lutheran theology. Here it should be remembered that Lutherans do speak of the "civil use" of the law, the so-called first use. But that use, too, it should be noted, was a use restricted to "this age." In its civil use the law restrains evil and establishes order for the care of human society. God uses the law in this sense to hold the world in readiness for the gospel and keep it from collapsing into the chaos which threatens it. Under the civil use of the law it is quite possible to speak of the goodness and "civil righteousness" of human activity even though it does not reach beyond this age. If this use of the law is overextended, however, if one begins to take the law into one's own hands in order to bring in one's own version of the kingdom, tyranny results and resistance must be mounted. Precisely the proper distinction between law and gospel limits and humanizes the law. The purpose of the law in its civil use is to take care of the world and of human beings, not to tyrannize them.

7. The Law and the Christian Life

A more persistent question in the Lutheran and Protestant tradition generally has been that of a more positive role for the law in the life of the Christian. Does the law always accuse even the "reborn" Christian? What about the admonitions one finds in the New Testament? Does not the Christian too need the law? This is the question about the so-called "third use" of the law, the use of the law as a guide to Christian living for the reborn Christian. Most interpreters would agree that Luther himself did not explicitly teach a third use of the law, but many would argue that there is some such use implicitly in his writings, especially in the catechisms. It is in some ways a semantic debate; much depends on what one means by a third use. Without going into the particulars of the intra-Lutheran debate, it can be fairly said that the issue once again is the problem of continuity versus eschatology. A "third" use of the law presupposes that law somehow survives the eschatological break and that the reborn Christian as well has already been translated into the eschatological kingdom where law no longer restrains or threatens but is a rather gentle and quiescent "guide." If such is what a third

Now whatever one or another critic may say to the contrary, I do not come to you from a university with a reputation for being a stronghold of free-thinking and indifference. But of the importance attributed to works by the university community to which I belong, there can be no doubt. When so many of your contemporaries who are opinion-formers mistakenly rank you after the Fighting Irish, you just have to try harder. And in the midst of all this trying, you do not tell yourself that before God the trying and its results do not matter. Alas, look what I have done already: at the very outset of my remarks you have heard a confession of works.

At this point—in an effort to regain some lost ground and lest you think me without concern for the article on which the church stands or falls—let me hasten to assure you that I have it in mind to speak about justification. I mean to keep my promise of May 5th. On that date in this same chapel—during your commemoration of the 450th anniversary of the Augsburg Confession—I issued a warning that if you did not take back your invitation for the fall as a result of my spring performance, I would surely return in October. My purpose would be to propose for your reaction at least the beginning of a way out of the impasse that justification has posed for your tradition and for my own since 1530. I have returned. I am grateful for your forbearance.

Catholic Substance and Protestant Principle

Let me be as clear as I can about the topic at the very beginning. I am going to be referring to a criterion for interpreting and judging events, relationships, performance, ritual, achievement, laws, and institutions. That criterion I shall call the *catholic principle*. I shall try to put in words what I mean by that principle—but without any pretense of doing so adequately in one formula. And of that catholic principle, thus articulated, I shall maintain that it: a) expresses a crucially important understanding of God's healing and forgiveness of sins; and b) must be allowed adequate room to do its thing, to perform its needed function, in any more united church of the future that embraces Lutherans and Roman Catholics.

This catholic principle to which I refer is related to another, with which Lutherans may find themselves more familiar, at least at the outset. I hope that in what I say and in your responses to it we shall be on the same wave-length. That is why I should like to start by telling you what I understand by the principle which I think it is your special role to have preserved and kept in focus at times when it was in danger of being suppressed or forgotten. The authors who called my attention to that principle (to which I wish later to relate the catholic principle) were Paul Tillich and a Lutheran scholar who has taught me ever so much about ever so many things: Jaroslav Pelikan.²

In 1964 the latter published a volume that was particularly helpful to me. I refer to his *Obedient Rebels: Catholic Substance and Protestant Principle in Luther's Reformation*.³ The principle I see Lutherans so responsible for keeping alive and at work for the good of the body Christian for these long

First of all the participants in the dialogue acknowledged their conviction that Christ wills a unity for his church—one that is manifest in the world. Promotion of that unity is the responsibility of all believers but especially those in the ordained ministry of word and sacrament. Responsibility for seeking Christian unity is said to vary directly with the responsibility of the ministerial office one holds. And then—a point many single out as worthy of special note—both groups are able to go on to affirm that a special responsibility for seeking the unity of all Christians may be entrusted to one individual minister, under the gospel.¹³

Let me emphasize the words “under the gospel.” This was a qualification that was of concern to more than the Lutherans. The Roman Catholic members of the consultation were able to endorse those words in complete fidelity to their doctrinal tradition regarding the papacy. Such an admission on their part meant that the Petrine function has to be under the gospel; the papacy as an institutionalization of that function has to be open to criticism in the light of God’s Word. Does that institutionalization in its concrete functioning maximize the saving role of Jesus Christ? If so, it passes the test posed by the promise of forgiveness for the sake of Christ and his sake alone. If the Roman Catholic members were right in admitting the appropriateness and need of that test, then they were giving an affirmative answer to the question Dr. Jenson implicitly asks of Rome. But I contend that their “Yes” was a “Yes-as-long-as” or a “Yes-on-condition-that.” In other words they introduced the catholic principle without calling it that or without perhaps adverting to the fact that they were so doing. But they did do it. In their reflections as Roman Catholics on the Common Statement they had endorsed with their Lutheran colleagues, they said:

“As Catholics we consider that, notwithstanding some human failings, the papacy has been a signal help in protecting the gospel and the church against particularistic distortions. It has served the faith and life of the church in ways too numerous to mention. While we look forward to changes in the style of papal leadership corresponding to the needs and opportunities of our times, we cannot foresee any set of circumstances that would make it desirable, even if it were possible, to abolish the papal office.”¹⁴

Abusus non tollit usum. An institution may be open to abuse and even guilty of it. But that means for Roman Catholics that it has to be judged in terms of serving the cause of Jesus Christ. Where it is found wanting, criticize it and reform it to serve better. But in the case of the papacy, do not proceed as if it has always been so open to abuse that it has never been the condition for serving the cause of Jesus Christ and serving that cause well. Be not so prone to expect abuse that you fail to recognize Christ’s grace as working, as having worked, and as hopefully going to work again through that institution.

In a word, the Roman Catholic members of the consultation admitted that the papacy needs to be criticized by the gospel; that is, by the promise of

treatment of the church was one of the longest in his whole theological system.³⁰ In the prayer life, preaching, witness, and teaching of that church were to be found the embodiment of God's presence, the entire corpus of tradition inherited from the past, and thus the subject matter or substance on which the Protestant principle was to be brought to bear. Without that Catholic substance and with the Protestant principle alone there would be danger of reducing or eliminating the sacramental mediation of God's Spirit.³¹ Indeed, Tillich was at pains to let his readers know that out of fear of demonization he would not so stress the Protestant principle that God's presence became overly intellectualized, moralized, or mysticized.³²

In his interpretation of Luther's Reformation Jaroslav Pelikan too made use of *Catholic substance*. He had it refer to the traditions, worship, authoritative teaching or Confession, and leadership functions as well as offices that the sixteenth century inherited from the early church. These Luther encountered in the Roman Catholic Church in which he had grown up.³³ That substance Luther wished to purify and reform, not abolish.

Not all Lutherans may wish to designate with the term *Catholic substance* their confessional commitments to the church's ancient creeds, the administration of baptism, the regular celebration of the Lord's Supper, the encouragement of the practice of private absolution, and the office of the ministry. But that commitment is real and in no wise diminished in those who make justification by faith a metatheological rule or linguistic stipulation rather than the Protestant principle.

In what follows it will be argued that the health and well-being of the church call for another critical principle in addition to that of justification by faith—another critical principle precisely for the sake of the preservation of the Catholic substance. The principle in question is needed in a special way to unpack—without enfeebling—the language of unconditionality used in the articulation of justification by faith as norm, rule, or linguistic stipulation.

The Need of Another Critical Principle

Tillich was right in asserting that the Protestant principle needs the Catholic substance. Perhaps, however, he did not go quite far enough. It may be that both need something else as well, namely, another critical principle. To argue that this is the case is not to ignore the wisdom contained in the adage known as Ockham's razor. Substances are not

multiplied at all, nor are principles, without sufficient reason. There is in fact a very good reason to assert the need of a critical principle distinct from both the Catholic substance and justification by faith as principle, rule, norm, or stipulation with regard to churchly discourse and practice. The Catholic substance is in need of protection because it is in danger of being mutilated, be it out of fear of demonization or of works-righteousness.

Is there anything so holy that it cannot be ridiculed and made to look tawdry? One has to answer in the negative. But what does this imply? Perhaps it is the following conclusion.

The criterion of justification by faith alone is an imperative to keep the churches from idolatry. But that is not the only temptation the churches face. They need another critical principle to warn them that they may run the risk of blasphemy. Out of a desire to avoid confusing the creaturely with the Creator and to realize that no work of a sinful creature can win God's forgiveness, they may regard the sacred as something religiously indifferent or even sinful. To fail to recognize the divine where it is in fact being mediated or embodied because the mediating agency or embodying symbols are touched by sin may well involve both insolence and arrogance with regard to the divine. Christian churches need to avoid both idolatry and blasphemy in their attitudes and stances toward the Catholic substance. Justification by faith alone helps as a safeguard against the former; another critical principle is needed to assist in avoiding the latter.

An Attempt at Formulation

Be not so prone to expect sin and abuse that you fail to recognize God's grace where it is at work. That is one way in which this other critical principle may be formulated.³⁴ Whether it be liturgy, moral or doctrinal teaching, canon law, programs of evangelization or catechesis, preaching, or witness, all these do need to be tested. Of them it may and must be asked: "Are they or is this or that one of them conducive to leading people to put their *ultimate* trust and hope in the God of Jesus Christ *alone*?" Quite appropriately this question (often by preference formulated without the qualifying adjective *ultimate*) is pressed by Lutherans. A more united church will have to allow for the exercise of the reforming criterion such questions articulate.³⁵

But another question is no less important. It is this: "Do ultimate hope and trust in God alone imply and ground a warranted if penultimate

trust in ecclesial ordinances, rites, and offices?"³⁶ Or to put it in a somewhat different fashion: "Is a desire to trust and hope *ultimately* in God *alone* leading people to refuse to trust or even disdain ecclesial institutions where God has promised through Jesus Christ to be present and operative with His Spirit and grace?" One ought not to call the holy profane; what God has made clean one ought not to regard as unclean.³⁷

Where abuse exists, it should be criticized and corrected. But a function, rite, office, or institution should not be amputated and lost from the Catholic substance simply because of its openness to possible and actual abuse. *Abusus non tollit usum*! Mutilation is the alternative. Have such losses been suffered by the Catholic substance? A responsible reply is ecumenically necessary; this requires recourse to another principle in addition to that of justification by faith. Perhaps it might be called the "Principle of Respect for the Divine in its Concrete Realizations."

In an attempt to be more specific, it may help to raise the neuralgic issue of prayer for the dead. Abuse of the latter can still lead to gross superstition and unwarranted reliance on human works rather than the promise of salvation in Jesus Christ. As a result the practice will continue to need the critique of justification by faith alone. But the fostering of such prayer (rather than its abandonment) is also important for inculcating trust in the power of the risen Christ which is at work in the prayers of his followers on earth for their deceased sisters and brothers.³⁸ Examples such as this might be multiplied to show that the integrity and well-being of the Catholic substance call for another principle in addition to that of justification by faith alone. There is, however, one current usage that does this in a particularly striking fashion.

The Language of Unconditionality and the Need of Another Critical Principle

With very good reason and benefit to other Christians, Lutherans describe God's promise of forgiveness as operative on behalf of the sinner in a fashion akin to that of a last will and testament. At times, it will be recalled, one becomes an heir not by fulfilling certain conditions that merit it but simply by being named one. This kind of will is unconditional; so is God's promise to forgive. The point this comparison is intended to make is clear enough. God forgives because of his promise to do so in Jesus Christ and not because of any natural

attainment or half-goodness (even one brought about by grace) in the sinner on the way to justification.

Let there be any doubt about it, according to official Roman Catholic teaching neither the faith nor the works that precede justification are conditions sufficient to win forgiveness for the sinner. Divine acceptance is not conditioned by the previous attainment of an acceptability that merits it.³⁹ But does the promise of forgiveness exclude all conditions: antecedent, simultaneous, and subsequent?

This much is beyond dispute. For Lutheran scholars, basing their position on that of their Confessions, the unconditionality of the promise does not exclude word and sacraments. Here one might ask whether the importance attributed to word and sacraments would be less likely to be missed if a more qualified unconditionality were attributed to the divine promise, to God's love for sinners, to justification. Might another critical principle be in even more need of affirmation if unconditionality is affirmed without the users unpacking its meaning? An affirmative answer seems warranted in both cases.

God's promise provides for word and sacraments and guarantees their indefectibility in Christ's church for the sake, among other things, of the forgiveness of sins. Their role is unquestionably similar to what in other contexts is that of conditions. Might designating these divine works of salvation as subsequent conditions and results of the divine promise enhance rather than detract from the sovereignty, effectiveness, and faithfulness of the One who promises? Are word and sacraments so liable to be pretenders to divinity and temptations to works-righteousness that they may not be called the conditions through which God justifies sinners because of Jesus Christ alone?

Eschatological concerns too deserve mention. For both Lutherans and Roman Catholics, conversion on earth is not to be identified with the attainment of heaven or final salvation. Moreover, for both the latter is the fulfillment of a divine promise in Jesus Christ as well as a gift dependent on faith. Might ultimate trust in God alone imply and ground a trust that God's grace will preserve one in the faith that is a condition for life everlasting? Again an affirmative answer seems warranted and another critical principle is at work to bring about recognition of what it is that one receives in the gift of faith.

At times the promotion of the right kind of preaching is closely connected with the Lutheran affirmation that God's promises in Christ are unconditional. The gospel is to be proclaimed in such a way that trust and hope in God will be fostered. Good preaching will enable the

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6

Justification by Faith Alone

The Article by Which the Church Stands or Falls?

Gerhard O. Forde

I HAVE BEEN ASKED to reflect on justification by faith alone as the article by which the church stands or falls and then perhaps to conjecture as to what such reflection might mean for questions about consensus and fundamental differences. I prefer to say reflection because I think that is what is needed at this juncture in ecumenical discussion. Historical research is necessary and helpful, but we are not likely to find all the answers to today's questions "back there" somewhere. Reflection, construction, venturing of new interpretations, and further frank and open dialogue along the way is what is necessary now. It is in this spirit that what follows is offered.

I

It is obvious first of all that ecumenical discussion about justification has not issued in unanimity about the nature or degree of consensus arrived at. Reactions to the recently completed round on justification in the Lutheran-Roman Catholic dialogue in the USA demonstrate this rather clearly.¹ One must say at least that there appears to be no consensus even on whether or not we have arrived at a consensus! Why is this? Perhaps the Common Statement is itself somewhat imprecise. Consensus is claimed with reference to the gospel, but only convergence when one comes to justification by faith. Further complication arises from some ambiguity about the difference between justification by faith as a doctrine on the one hand and its use as a critical principle on the other. Thus on the one hand justification by faith as a doctrine will be treated as but one way of stating the gospel and therefore more or less relativized. On the other hand, if used as a critical principle, it functions to help determine what is gospel and what is not. The ambiguity needs further sorting out.

The sticking point continues to be not so much the doctrine of justification by faith itself but its place and function as *the* article by which the church stands or falls. There is a sense, of course, in which all Christians agree on the doctrine of justification by faith. It is a biblical teaching. One could hardly deny it, at least formally, without some consequence. Even Pelagius considered himself a champion of justification by faith. In our common statement in the U.S. dialogue, we were also able to talk about "prior and fuller convergence on the doctrine itself" which was then to provide the basis for convergence (not consensus here!) on the *use* of justification by faith as a *criterion*. Even so, the best we were able to do in common was to speak of "increasing accord" on criteria (plural!) of Christian authenticity and of "justification" as *an* [not *the*] *articulus stantis et cadentis ecclesiae* protective of the *solus Christus*.²

There is many a slip 'twixt the cup and the lip. The move from the doctrine to the *usus* and back again seems to be the locus of the difficulty. Proponents of justification by faith alone seem to have a difficult time convincing others about the nature and necessity of this move. There seems to be considerable haziness in the discussion surrounding particularly the question of what doctrine is for both as to what it signifies and how it is to be used. This in turn prompts the question as to whether there is real consensus or even convergence on the doctrine if agreement on what it is for is not forthcoming. Thus the Lutheran Church in America in its response to the common statement of the U.S. dialogue maintains that "If the consensus on . . . application [of justification as a criterion] cannot be broadened, *then the agreement on the doctrine itself will need to be reconsidered*." Furthermore, it is asserted that "Testing the consensus on the doctrine of justification will reveal the extent to which there is fundamental consensus on the gospel."³ That is a most searching chain of consequences. If the consensus on the use of justification cannot be broadened, then the claimed agreement *on the doctrine itself* is called into question. If that happens, then the claimed consensus on the gospel itself is threatened. This raises a fundamental question: Can there be consensus on the doctrine itself where there is only limited agreement on its use? The issue seems still to be in doubt.

The Lutheran claim that justification by faith alone is *the* article by which the church stands or falls continues to be the storm center, it seems, even after all the dialogue. Further reflection and dialogue is necessary on just this point. Why is it so difficult to arrive at understanding at least, if not consensus, here? Speaking personally, this was the biggest disappointment in the recently concluded discussions in the U.S.

dialogue. I think it is necessary now to be quite frank about that. Not only was it difficult, if not impossible, to arrive at mutual understanding of the issues involved here, but there appeared to be considerable reluctance even to discuss them directly. Why is that? Is it because it is a point so neuralgic it undermines the drive to consensus itself? If so, how can one proceed here? I have come to think that there is no way through this problem other than *through* the differences and a frank discussion of them. The constant drive for consensus particularly in this instance deters understanding by attempting to minimize the differences and thus inhibits discussion and finally genuine understanding. I expect that only a more frank and open discussion of the *differences* will lead to progress on these matters.

Perhaps a modest way to begin is to suggest that part of the answer may lie in differing presuppositions about the nature and particularly the uses of doctrine. Much standard objection to justification by faith alone as *the* article of the standing or falling church seems to arise because it supposedly gives one "doctrine" preeminence over all others and consequently also narrows the understanding of salvation to the experience of guilt and the anxious conscience. Are there not many different biblical metaphors, images, or models, all of which are equally legitimate? Is the anxious conscience normative for all Christian experience? So the question goes. But such an objection presupposes that doctrines are for the most part descriptive words *about* God and his doings, metaphors, images, symbols, etc., culled from the Scriptures under appropriate authorization. Faith will be understood as acceptance of such properly authorized doctrines and as such is not *alone* sufficient to save. The Scriptures are looked upon as the source book for such descriptive words about God. Since each word is likely to be only partial and not exhaustive of the infinite deity, it could even be held advantageous to have as many and various words as the "revelation" affords. One or the other will predominate at the very most only where it answers to a particular context or human predicament, where it seems to describe the God we need. To exalt one such doctrine over all the rest would be arbitrary to say the least (even though almost everyone does it!).

Justification by faith alone, however, both presupposes and imposes a different understanding of the nature and use of doctrine. Faith comes by hearing the word *from* God. This presupposes that in essence Scripture conveys a word *from* God and authorizes the speaking of such a word. Whatever else one may want to say of its containing words *about* God, it is in essence a word *from* God for faith (*was Christum treibet*). Doctrine in this vein is concerned with fostering and guaranteeing the

delivery of this word from God in the living present. "How shall they hear without a preacher?" (Rom 10:14). Doctrine therefore drives to the preaching of the word of God and insists that such preaching, rightly done, *is* the word from God for faith. Faith here, of course, is not simply acceptance of doctrine but the trust engendered by that word from God. It is the purpose of doctrine therefore to see to it that the preaching of the word from God is rightly done. Doctrine, that is, will be more like rules for preaching the word from God, whatever words, metaphors, images, etc., one uses, than compilations of authoritative descriptions of God and his doings.

Justification by faith alone is thus seen as the "article by which the church stands or falls" because it directs and drives toward speaking that word which calls forth faith and to which faith alone is the only possible answer. It insists that where the church no longer speaks this word, it has lost its reason for being. It has been said again and again but apparently still needs to be said yet one more time that justification by faith alone does not function to exclude other metaphors, symbols, images, or what have you, but only to insist that they must be used so as to speak the unconditional gospel which creates faith.

To say that justification by faith alone is the article of the standing or falling church or, with Luther, to say it is the plumb line (*Richtschnur*) by which all teaching is to be measured *is* therefore already to say that when used as a criterion of judgment it functions hermeneutically, or as has lately been suggested, metalinguistically, to direct and foster the speaking of the unconditional gospel. In other words, there is no intention among those who hold it to exclude other salvation words, nor is there most certainly any concern to limit preaching to the dimensions of the anxious conscience. If any progress is to be made in the discussion, we must simply get beyond such simplicities. There *is*, however, the overriding concern that what is spoken in the church, at all costs, be the unconditional gospel. As the article of the standing or falling church it simply says that there is no point in perpetuating the church at all, however united it might be, where that is not its aim and goal.

It was been my experience, again to be frank, that trying to make this point in the U.S. dialogue was most frustrating and difficult. The very mention of "hermeneutics" seemed to drive some up the wall. In the end, references to "the Lutheran hermeneutical understanding of justification" were reduced to a bare minimum as a more or less troublesome point of view which "in some ways heightens the tension with Catholic positions." "Metalinguistic proposal" did not fare any better. It did not even get mentioned! For a time there was some

sent? Article 2 of the Augsburg Confession is followed immediately by Article 5. To obtain justifying faith, *Gott hat das Predigtamt eingesetzt* (CA 5), that is, given the gospel and the sacraments. It is impossible to be justified *sola fide* without a preacher and consequently without the church. Precisely to be unconditional, the gospel promise must be spoken and delivered "to you." But the church and its preachers will then gain and maintain trust simply in that they deliver this unconditional gospel. If, however, the church fails to realize that this is in fact the highest exercise of its authority and source of its trustworthiness and grasps at or claims modes of exercising authority not pursuant to this end, the church fails. If one insists on speaking of the preaching of the gospel as "something similar to conditions," one may, I suppose, do so *as long as* one realizes they are conditions for the communication of the unconditional. Lutherans have preferred rather to speak of them as "means of grace."

What is a preacher? A preacher is one who knows the difference between law and gospel, one who knows the peculiar kind of speaking called gospel speaking, speaking the unconditional promise. The gift has to be given! Such a preacher knows that it is only on account of Christ that such a word can be spoken. The *sola fide* depends on the *solus Christus*. Christ is the end of the law to those of faith. Indeed, Christ is the end of the old, the death of the old being and the beginning of the new. The concrete ministry of the church is indeed necessary, but as a *gospel* ministry it is, so to speak, self-limiting. It places limits on its own claims.

Does such preaching endanger proper regard for creation, human dignity, and freedom? Apparently it has always appeared dangerous to usual views of "catholic substance." The unholy trinity of determinism, antinomianism, and Manicheanism has always dogged the trail of particularly outspoken champions of *justificatio sola fide*. Is another principle needed to prevent such disasters? I think not. For there is a "flip side" to justification by faith alone just in these cases. If we are justified by faith alone, then it would appear that there is nothing wrong with creation other than the loss of faith. This is not to belittle the seriousness of the loss by any means, but it is to indicate that the basic goodness of creation is not questioned but rather protected by the application of the *justificatio sola fide* as the criterion of judgment. To be sure, the goodness of creation is asserted, confessed, and taught by the church. It comes from the Scriptures and the creeds. It is not derived from the article on justification. But the issue here is faith, trust. Where faith and trust is lost, creation is never good enough for us. We are always on the way somewhere else according to some scheme of law

or system of being. One thinks in terms of a quite different structure, a structure of "works." Then creation is always questionable. It is merely the "stuff" out of which salvation by works can be fashioned. Superimpose the fall on such a structure and the place of creation becomes even more problematic. One is constantly fighting to preserve at least a bit of created integrity with which one can still "work." One rejects the consequences of the *sola fide* because it seems to threaten this last bit.

The *sola fide* cannot coexist with a structure based on works. A structure based on works implies therefore a quite different thought structure. What has been lost is faith. This is indeed desperately serious. Having lost faith, we are in bondage. Whatever is not of faith is sin. We are in bondage precisely to our schemes of works and all such. We *cannot* get out, not merely because of its impossibility but because we do not will to. We are afflicted not with the determining or forcing of the will but the *bondage* of the will. Only the unconditional promise which creates faith and grants freedom once again can put an end to this slavery and open up the possibility of the new life. But such new life is really the giving back of creation itself. That the world is *created* is after all an item of *faith*, not of natural theology. Faith in God *the creator* is, as Luther said, the summit and consummation of faith, not a premise from which fallen beings somehow *begin*.¹⁴ The problem in the fallen state is precisely that we do not believe in creation or in our own creaturehood. And thus we are under the sway of "law, sin, and death." The *sola fide* is the plumb line also for measuring our trust *vis à vis* creation. Created life itself is given back to faith as the sheer gift it was intended to be.

Nor does this endanger human integrity and freedom. It does indeed take account of the desperate seriousness of the fallen state: It is a state of bondage from which the self can in no way extricate itself. But the gift of faith is the gift of freedom, the giving back of faith in creation itself. The *sola fide* establishes faith in creation and seeks to deliver creation from its bondage. In such a thought structure one moves from bondage to freedom. Where the scheme of "works" becomes determinative, one is always tempted to think in terms of a move from a supposed remaining bit of freedom to bondage, i.e., to this-worldly authorities, schemes of improvement, transformation, and what not. When such schemes determine and norm the church's message and practice, the church falls.

III

It will not be possible to arrive at a happy and satisfying consensus on justification by faith alone as the article by which the church stands or

falls until we grapple more directly, frankly, and honestly with these different ways of conceiving the message and practice of the church. We have, I think, come a long way in our dialogues, and I do not wish to discount that. After centuries of acrimony and misunderstanding, we have been able to discover and affirm what we do hold in common. But that should also mean that we have, I hope, also arrived at the point where we can discuss the matters which still seem to divide us quite openly and candidly. We have to ask ourselves now whether the determined pursuit of consensus has not led us to the point where it begins to inhibit rather than promote such genuine dialogue. The attempt to establish consensus by forcing the issue can obscure or cover over differences. That does not bode well for the future. It simply leaves too many unhappy dissenters behind.

In this light I am convinced that we do need to proceed toward discussing "basic differences." The something less than satisfactory outcome of the dialogues on justification impels us in that direction. Once again, this is not the place to attempt full discussion of such differences, but it may be appropriate to make some concluding observations along that line for future reference. There are many ways, no doubt, in which one might get at such basic differences. If justification by faith alone does affect every doctrine, then it is likely one will discover some differences in every locus.

One very prominent instance of how basic differences affect thought structure comes to light in what today has come to be called eschatology. The problems here go way back in the history of the church at least to the days of the Marcionite and Gnostic crisis. Confronted with the threat of dualism, determinism, fatalism, and the like, the "great church" rightly moved to protect the unity of God, the Old and New Testaments, the goodness of creation and the freedom of the creature, and so on. But there has been simply too much persistent complaint throughout history to avoid the judgment that the great church overreacted at the expense of eschatology. In its fight for the integrity of what it believed to be the created order, it became something of the enemy of the new order. Words such as the following are too persistent, I believe, to be ignored.

When the universal church excluded Marcion as a heretic, it lost for itself the category of the new. As is always the case with the exclusion of heresies, the church became united, but also poorer. Since then, God's revelation has no longer been proclaimed in terms of the claim of the new and of freedom for the future, but it has been proclaimed by the authority of what is old and always true. No longer is the *incipit vita nova* announced,

but instead a *restitutio in integrum*. The lost paradise, of which even the sinner still has a fragmentary memory, is won back through Christ and the church. . . . The old naturalistic notion of the eternal return of the same. . . . dominates Christian hope. . . . Thus it is no longer "the new" but "the old" that now becomes the warrant for the truth of Christianity.

With Marcion, Paul also was lost for the church. It was only because she retained Marcion's "New Testament" in the canon that the church stored up for herself her own permanent revolution.¹⁵

In other words, the price the church paid for overcoming the threat of metaphysical dualism was simply the loss of the eschatological "dualism" of the New Testament. "Catholic substance" began to look more like a synthesis between the old and new ages. In the face of heretical *doctrina*, which was essentially a philosophy of religion, the church developed its own *doctrina*, an antitype, but still something like a philosophy of religion. The word as the bearer of the eschatologically new was lost. The sacraments remained the only instance in which the new could somehow break in upon us, but within the framework of the restitution of the old suffered severe handicap. They could at best be considered rather strange *interruptions* of the old order, authorized and administered by a church and a priesthood specially endowed with the power to do this. In such a scheme the church appears to borrow as much from the power structures of the old age as from those established in Christ and manifest in the new.

From this perspective one could say that it has been the constant struggle of the church to arrive at an appropriate understanding of Christian eschatology and consequently a proper exercise of the church's power. The Reformation was the major epoch in this quest. Justification by faith alone as the article by which the church stands or falls recalls the church to the realization that its true power is simply the power of the gospel, the unconditional promise of the new eschatological kingdom. The doctrine of the church is intended to foster the delivery of such a promise through the preaching of the word and the giving of the sacraments which end the old and begin the new. Doctrine so conceived will bear an unmistakable eschatological stamp in every locus, signaled by the distinction between law and gospel, God hidden and revealed, theology of the cross vs. theology of glory, revelation *sub contrario* in Christ, the *communicatio idiomatum*, *genus maiestaticum*, Christ as the end of the law, the dialectic of bondage and freedom in anthropology, the "two kingdoms," and so on. The very *structure* of the whole is altered. One might say that the house (the content of the faith) is not derived from the plumb line, but the plumb line does indicate where

My own recollection is that the members of the dialogue discussed at length the *use* of the gospel that we thought ourselves able to affirm in common. We found at best convergences when the gospel we both accepted was *used* to judge preaching and teaching about justification as forensic or transformative, original sin, free choice, justifying faith in relation to hope and love, merit, and predestination.¹¹ My point is this. It is a mistake to think that the gospel, or what the dialogue called the fundamental affirmation, on which there was agreement was not applied. Precisely because it *was used* or *applied*, convergences resulted which indicated lack of consensus on the individual themes listed above. But because of the alleged consensus on the gospel, manifested through acceptance of the fundamental christological affirmation, we asked whether the remaining differences on justification by faith alone, inevitably indicated by the convergences, had of themselves to be church divisive. The gospel or fundamental affirmation was applied! But there was genuine disagreement as to the terms appropriate to describe this critical function of either the gospel or justification by faith alone.

On that disagreement Dr. Forde is surely right. To be more specific, the mere mention of hermeneutics seemed to drive some of our colleagues up a tree. But it was not along confessional lines that those on the ground were distinguished from those in the branches. Personal philosophical bend was more decisive!

Of course the process was flawed. Would any one of us have expected it to be otherwise? Each of the participants would, I suspect, have his or her own candidate for what ought to have been otherwise. I surely do. I urged (to the point of trying my colleagues' patience) that the Lutheran members clarify what they mean when they speak of the *unconditionality* of God's promise of forgiveness in Christ Jesus.¹² Would not, I asked repeatedly, the use of *unconditional* without qualification of any kind undermine for many the importance that Lutherans attribute to preaching, sacraments, church, Bible, and faith? The dialogue's statement would in my judgment have been much improved had I been successful in getting into *its* text what Dr. Forde writes so well:

Precisely to be unconditional the gospel promise must be spoken and delivered "to you." But the church and its preachers will then gain and maintain trust simply in that they deliver this unconditional gospel . . . If one insists on speaking of the preaching of the gospel as "something similar to conditions," one may, I suppose, do so *as long as* one realizes they are conditions for the communication of the unconditional.¹³

Precisely!

Having expressed this recollection of past processes, I am delighted to have the opportunity to say I hope the dialogue will take up Dr. Forde's agenda as well as those implied in the reactions of the Lutheran Church in America and the Inter-Church Relations Committee of the American Lutheran Church. I cannot say what the outcome might be. But with regard to the concerns expressed in the reactions of the two churches, I should like at this point to make an initial observation. Neither church endorses the dialogue's claim to have reached a consensus with regard to the gospel. Both wish to see the claim tested, hence the agenda of which I spoke. But this, I confess, perplexes me not a little. It looks to me as if both churches in their reactions are saying that the gospel of *unconditional forgiveness* can be acknowledged as being preached and celebrated only if certain *conditions* are seen to be fulfilled.¹⁴ That in turn appears to be at least enigmatic if not inconsistent. And thus you see I have my own reason for wishing that the dialogue would make such matters part of its future agenda.

Ad tertium. In addition to holding that the *use* of justification by faith alone needed more discussion than it received in the dialogue, Dr. Forde contends that there is no need for another critical principle to be used along with it. He states that I have maintained the contrary.¹⁵ In his view I postulate the need of that other critical principle so as to safeguard: a) the trustworthiness of the church according to the divine promise; b) the preservation of at least some degree of freedom and goodness in creation in spite of the fall; and c) the place of grace-wrought acts of charity.¹⁶ He in turn maintains that this safeguarding can be accomplished by paying more attention to the "flip side" of justification by faith alone. What is more, some of those same elements which I propose to safeguard with the new principle are the very ones that the principle of justification by faith alone wishes to subject to more careful critical examination.¹⁷ Therefore in Dr. Forde's view no new principle, call it whatever you like, is needed. The safeguarding can be done without one and positing one keeps justification by faith alone from doing what it is intended to do.

Let me preface my reply to both contentions by thanking Dr. Forde for the care with which he presented my position. He is right; I do regard the use of justification by faith alone as a needed safeguard against abuse and idolatry. Nevertheless, he says no additional principle is needed because the one he celebrates does what I want the other one to do and without the problems the other one causes or occasions. What about this?

Let me repeat it. I admire the way in which Dr. Forde says one ought to go beyond the "strictly formal" use of justification by faith alone as a criterion of judgment or critical principle. He suspects that "... constant talk..." of this critical function of justification by faith alone "... has led us to operate as though... it has, presupposes, and brings no material considerations into the deliberations."¹⁸ He goes on, in my opinion brilliantly, to show how the "flip side" of justification by faith alone brings with it, for example, the goodness of creation.¹⁹ This section of his essay is particularly thought-provoking. My response is that however ingenious this use of the "flip side" of justification by faith alone is, I wonder why Lutherans would find it necessary to derive the goodness of creation in spite of original sin from justification by faith alone. Why would not the First Article of the Creed Lutherans share with other Christians do that? On the other hand, if Lutherans choose to regard the goodness of creation as a material consideration brought along by justification by faith alone, why would other Christians have to do so? The latter might regard the First Article of the Creed as sufficient. Or they might think that a second critical principle does the job more effectively.

As for Dr. Forde's second ground for challenging the need for another critical principle, there may be some misunderstanding here. That second critical principle in *no wise* keeps justification by faith alone from subjecting to a "more careful critical examination" the same elements that second principle is intended to safeguard. Far from it! Indeed I say:

Have at it. Those elements need criticism conducted in the light of justification by faith alone. But do not expect other Christians to play dead theologically while this is going on. Expect some of us to bring to bear another critical principle to prevent justification by faith alone from making one "... so prone to expect sin and abuse..." that one "... fails to recognize grace where it is at work." Let Lutherans use the "flip side" of justification by faith alone. Other Christians may still say another critical principle is needed as well. Not to fence off a sacrosanct domain (e.g., papacy, purgatory, indulgences, devotion to Mary and the saints, office of bishop) that may not be touched critically by justification by faith alone! But rather to provide explicit and effective recognition of promised grace that may go unnoticed or even be rejected if justification by faith alone functions in critical exclusivity and isolation.

In short, Dr. Forde has advanced the discussion notably. But for the reasons given I think another critical principle is needed as well. That principle in my judgment is both catholic and ecumenical. It too commends ultimate hope and trust in God alone as it urges:

Seek in faith to recognize God's grace in Jesus Christ and through the Holy Spirit, grace that because of the divine promise has been at work, is working yet, and will work in the future in individuals and institutions despite sin and abuse.

Notes

GERHARD O. FORDE

1. The official responses of the American Lutheran Church ("A Statement of Response of the Inter-Church Relations Committee of the American Lutheran Church to the Lutheran-Roman Catholic Dialogue on Justification," *The American Lutheran Church Thirteenth General Convention: Reports and Actions: Supplement* [Minneapolis: Office of the General Secretary of the American Lutheran Church, 1986] 827-31), the Lutheran Church in America (adopted by the Lutheran Church in America, 1986 Convention, Milwaukee, Wisconsin. *A Response to Justification by Faith* [New York: Dept. for Ecumenical Relations of the Lutheran Church in America, 1986] 8 pages), unpublished responses from various Lutheran theological faculties, and editorials in *dialog* by Robert Jensen, 23 [1984] 84-85 and Carl Braaten, 23 [1984] 245-46), raise serious questions about the extent of the consensus claimed in the U.S. Lutheran-Roman Catholic dialogue.

2. L-RC 7, 70, #155. The formulation is itself significant. Justification by faith alone has to be "justified" in the light of the *solus Christus*.

3. The LCA Convention's *A Response to Justification by Faith* (n. 1 above); it occurs at the end of section II on "Evaluation." Emphasis added.

4. Eric W. Gritsch and Robert Jensen, *Lutheranism: The Theological Movement and Its Confessional Writings* (Philadelphia: Fortress Press, 1976) 42-43.

5. L-RC 7, 70, #154.

6. Ibid., 72, #157.

7. Ibid., 70, #155.

8. Ibid., 70, #154.

9. Cf. the ALC and LCA Official Responses. The ALC response questions whether the *articulus stantis et cadentis ecclesiae* has been adequately stated and held to. The LCA statement says there appears to be more agreement on the *sola gratia* than on the *sola fide*.

10. Carl J. Peter, "Justification by Faith and the Need of Another Critical Principle," L-RC 7, 304-15.

11. Ibid., 309.

12. Ibid., 311.

13. Ibid., 311-13.

14. "Preface to Sermons on Genesis," (1527); WA 24:18, 26-33. "Denn das ist one zweiffel der hoechste article des glaubens, darynne wir sprechen: Ich glaube an Gott Vater almechtigen schoepffer des hymels und der erden, Und wilcher das rechtschaffen gleubt, dem is schoen geholffen und is widder zu recht bracht und dahyn komen, da Adam von gefallen ist. Aber wenig sind yhr, die so weit komen, das sie voeliglich glauben, das er der Gott sey, der all ding schafft und macht, Denn ein solch mensch mus all dingen gestorben seyn, dem guten und boesen, dem tod und leben, der hell und dem hymel und von hertzen and bekennen des er aus eygnen krefften nichts vernag."

Christ's and the Spirit is in all of them. They form one church and are united one to the other (Eph 4:16). Far from being broken, the union of Christ's disciples is strengthened by death—in an exchange of spiritual gifts. In fact, because the saints in heaven are present to the Lord (2 Cor 5:8) and more closely united with Christ (than they were before dying), they make a great and positive contribution to the holiness of the church and to the worship it offers God in time and space. Their solidarity with Christ's disciples on earth has its effect in the church's upbuilding (1 Cor 12:12-27). Through, with, and in Christ the saints in heaven do not cease to make intercession with the Father on behalf of the living. They are also role models in the accomplishments (merits) they achieved on earth through the one Mediator, Christ Jesus (1 Tim 2:5). While yet in the flesh, they filled up what was lacking in Christ's sufferings for the church (Col 1:24). By their care and concern they are of great assistance to brothers and sisters who need to be strengthened.

The mystical body of Jesus Christ has bonds linking members on both sides of the pale of death. Mindful of the biblical commendation found in 2 Macc 12:46, the church on earth offers prayers for the dead; this practice reveals an important relation that exists between Christ's disciples.²¹

But this relation of the living to the deceased is not the only one worth noting. The faithful on earth have devotion toward and seek to imitate the saints, whose closeness to Christ was shown in: (a) a testimony of faith and charity even at times to the shedding of blood, (b) conformity to his poverty and virginity, and (c) the practice of other Christian virtues as well as charisms given by God.

The church's members look to the saints for a good example in seeking the city which is to come (Heb 13:14; 11:10) and in finding a concrete path to holiness. More yet, a holy life is a sign of God's kingdom and exerts a powerful influence because of the faith that it involves. Finally, in an observation that deserves more attention than it has received, another benefit is said to come from remembering what the saints did and endured; their lives offer those on earth a confirmation of the truth of the gospel.

But cherishing the memory of the saints serves another purpose as well. That is the strengthening of the whole church in the Spirit through the practice of charity (Eph 4:1-6). On earth union among his disciples is conducive to closer union with the Lord himself. The same is the case when there is solidarity between disciples on this side of death and saints in heaven on the other. Christ is the crown of the saints; because of its nature love for them reaches out

toward and ends in him. They are rightly asked for benefits that are needed and that only God can give (here the Council of Trent is cited on invocation, which is placed in the context of a charity that binds friends together across the pale of death).²² The church venerates the memory of Mary and the saints in the liturgy of the Eucharist. It is in this worship of God that the saints in heaven as well as their brothers and sisters on earth are united *par excellence*.

The final section of chapter 7 shows the Second Vatican Council concerned about precedents in the past and proper instruction in the present. Attention is directed to the Second Council of Nicaea, the Council of Florence, and the Council of Trent. But what is significant is this; Vatican II has its own point to make. It does not say it wishes to repeat verbatim or even equivalently what II Nicaea taught about the veneration of images, Florence about the present state of the dead, and Trent about purgatory. To be sure, it does not deny or show any hesitation about the three. But that is not its direct concern. It rather wishes to associate itself with the faith of these three Synods regarding the solidarity of the church on earth with brothers and sisters in glory or in purgatory. That solidarity, effected by Jesus Christ and the Holy Spirit, is the theme of the whole chapter; Vatican II is confident it is not the first Council to teach of this. The resurrection of Jesus is of a power sufficient to hold together in unity his followers, whoever and wherever they may be.

But when the living and dead are thought to be in relation to one another, abuses may occur. These are to be prevented or corrected. So section 51 continues. Proper instruction must be provided, especially regarding devotion to the saints. The latter are honored not so much by the number and frequency of certain practices as by love of God and neighbor. Such solidarity between the living and dead strengthens rather than weakens the worship given to the Trinity. For in their mutual charity and in their joint praise of God, Christ's disciples on earth and the saints in heaven anticipate the liturgy that will be celebrated forever after the appearance of the Lord and the resurrection of the dead.

THE BLESSED VIRGIN MARY, MOTHER OF GOD, IN THE MYSTERY OF CHRIST AND THE CHURCH

The final chapter of *Lumen Gentium* was the only one that was given subdivisions with headings to help distinguish and relate its various

themes. The text begins with a Preface that traces the origin of the church back to God's "supreme goodness and wisdom." In that church, the mystery of salvation is revealed—it is there that the faithful are united with Christ and all the saints. It is there as well that they venerate the memory "above all of the glorious and perpetual Virgin Mary, Mother of our God and Lord Jesus Christ." Singled out for special mention at the outset are Mary's reception of the word in heart and body, her sublime redemption through her son's merits, her union with Christ, and her divine maternity. It is by reason of this grace of God that she surpasses all other creatures.²³ At the same time as an offering of Adam she stands in solidarity with all others in their need for salvation.²⁴ Her union with those others is in fact unique; by charity she cooperated so that in the church they might come to the birth of faith.²⁵ For this reason she is an utterly unique member of the church, whose model she is in faith and charity.

The Catholic Church looks to her as to a mother most dear.²⁶ For this reason the Council wishes to express its mind about her role in the mystery both of the Word Incarnate and of the Mystical Body. At the same time something will be said about the way in which others ought to relate to Mary.²⁷

First to be treated is Mary's role in the economy of salvation.²⁸ The sources relied on are both the Old and the New Testaments as well as tradition (*veneranda traditio*). As the following passages are read in the church and understood in the light of further and full revelation, they already point to her: the promised victory of Adam and Eve after their sin (Gen 3:15); the virgin who is to conceive and bear Emmanuel (Isa 7:14; Mic 5:23; Matt 1:22-23).²⁹ Greeted as "full of grace" (Luke 1:28), Mary replies: "Behold the handmaid of the Lord; be it done to me according to thy word" (Luke 1:38). In this she was impeded by no sin; in fact, she was entirely holy and free from all stain of sin from the first instant of her conception.³⁰ She has been and is rightly spoken of as cooperating in salvation by her faith and obedience. Her union with Christ was manifested: at the visitation; at his birth, which sanctified and preserved her virginity intact; at the coming of shepherds and magi; at the presentation, loss, and finding in the temple; at Cana and the beginning of the miracles; in his declaring blessed those who hear and keep God's word (Mark 3:35; Luke 11:27-28) as she was faithfully doing (Luke 2:19, 51). During his life she advanced in a pilgrimage of faith and stood at the foot of his cross

(John 19:25) where he gave her as mother to his disciple (John 19:26-27). She was with the apostles at the outpouring of the Spirit (Acts 1:14); taken up body and soul into heavenly glory; exalted by the Lord as queen of all.³¹

Figuring thus in the work of salvation effected by Jesus and the Spirit, she is related to the church, which has but one Mediator, whose power is not threatened but rather manifested in her present role. Her association with Christ's work continues. Therefore she is invoked in the church by the titles of Advocate, Aid, Helper, Mediatrix.³² None of these titles adds or detracts from the dignity or efficacy of Christ. No more than a sharing both by the baptized and by those in the priesthood adds or detracts with regard to the one priesthood of Christ! No more than the goodness of creatures supplements or diminishes the goodness of God! Christ's mediation does not exclude but rather gives rise to manifold cooperation. This subordinate role of Mary the church does not hesitate to profess.

The church too is mother: imitating Mary's charity, fulfilling the Father's will, accepting God's word in faith.³³ In Mary the church has reached the perfection that is without spot or wrinkle.³⁴

The penultimate division of chapter 8 deals with devotion to Mary, whose words in the Magnificat are described as prophetic: "All generations shall call me blessed; because he who is mighty has done great things for me" (Luke 1:48). Devotion to her at one and the same time differs essentially from and contributes to worship of the triune God. All of this means fostering Marian devotion without exaggeration or narrow-mindedness. "True" devotion proceeds from true faith.³⁵

Already glorified in body and soul in heaven, the Mother of Jesus is the image and beginning of the church that will be completed only in the age to come. But until the day of the Lord arrives she is for God's pilgrim people on earth a sign of sure hope and consolation.³⁶

Thus the Council's teaching about Mary ends where all good Christian eschatology should both begin and end—with hope. And on that same note *Lumen Gentium* also reaches its conclusion.

findings at the first meeting of the synod for the province to which the diocese belongs. When the opinions of the other bishops at that synod have been heard, the abuses are to be brought to the attention of the pope. He in turn is to decide in prudence and with his authority—as the good of the universal church requires—what is to be done so as to insure that indulgences are dispensed to all the faithful with godliness, holiness, and without corruption.⁴⁴

The Council read past practice and teaching regarding indulgences with a hermeneutic occasioned by pragmatic concerns, but combining trust in the church with suspicion mandating reform. That there were many theological issues which remained both unmentioned and unresolved resulted from a conscious and deliberate choice.

AND THEN WHAT? SOME LATER DEVELOPMENTS

Texts have a future as well as a present and past; sometimes that future involves efforts to interpret those texts. Both are true of the Tridentine decrees with which this essay has been concerned.

On an issue, for example, where Trent was reticent about purgatory, a contemporary scholar has spoken. In a very important book Jacques Le Goff maintains that: (a) at some point the souls in purgatory came to be thought of as having the power to transfer their merits to the living; and (b) this reversibility of merits eventually won a place in doctrine.⁴⁵ That the souls in purgatory can help the faithful on earth did become a conviction operative in the piety of many Catholics. But that it became a point of doctrine is simply not true. Nothing of the kind appears in the Tridentine decree. And when asked to deal in the seventh chapter of *Lumen Gentium* with aid sought by the living from those in purgatory, the Doctrinal Commission of the Second Vatican Council decided not to act on the request. The reason they gave was desire to avoid giving the impression of resolving an issue freely disputed among theologians.⁴⁶

As to the Tridentine decree on the saints and their images, the Second Vatican Council put it into a broader historical context and thereby interpreted it. In *Lumen Gentium* the Council sought precedents as it expressed its faith regarding the vital union which because of Jesus Christ exists between his living and deceased disciples. In so doing it proposed again the decrees of the Second Council of Nicaea, Florence, and Trent⁴⁷ and thus once more the communion of saints.

Finally, a project discussed by the Second Vatican Council was left for Pope Paul VI to finish. He did this in his apostolic constitution *Indulgentiarum Doctrina*. There he commended the traditional practice of the church as he dealt with indulgences. But he added to this significantly when he wrote: "Nevertheless the church allows each member to make use of this kind of means of purification and sanctification in the holy and just liberty of God's children."⁴⁸

In the same document he described the treasury (*thesaurus*) on which the church relies in granting indulgences. He interpreted that treasury as being "Christ himself" but as including in God's eyes the value of the prayers and good works of Mary and the saints who followed in Christ's footsteps by his grace.⁴⁹ Responses are thus offered to questions left unanswered in Trent's decree.

In this ecumenical age it is up to the sons and daughters of the Reformation to decide whether these developments, which presuppose but are not reducible to the three Tridentine decrees dealt within this essay, help, hurt, or leave matters unchanged. In this process a background essay on the communion of saints in the teaching of the Council of Trent may be of some assistance.

through redemption, which is in the blood of Jesus Christ, does justification come to human beings who have all sinned. This is to be believed. It does not result from human works, from law or from merit; such faith alone justifies.¹¹

And as if he expected that someone was bound to ask how steadfastly this conviction should be professed, Luther gave his answer:

"On this article nothing can be given up or compromised even if heaven, earth and things temporal should be destroyed."¹²

His testament and confession could not be clearer. Human beings are alienated and trapped by sin; they are utterly helpless without God's compassion in Jesus Christ. To live or to teach as if things were otherwise would be to head straight for disaster. No compromise may be struck with regard to the faith that presents God as ready to accept undeserving human beings despite their unworthiness — this because of the life, death and resurrection of Jesus Christ and on no other grounds.

What he called the first and chief article of Christian teaching makes clear the importance Luther attributed to justification by faith alone. It is not just another doctrine or even the first among all the doctrines. On it the church stands and falls.

Mediation as the Moment of Truth

But for Luther consequences followed from making the work of Christ in justifying sinners by faith alone the principal non-negotiable. No sooner did he lift up the first article than he applied it. Unwilling to let its forceful statement suffice, he immediately went on to use it as a criterion for criticizing practices, forms of piety and worship, institutions and beliefs that he encountered in the church of his day.

To be more specific, he relied on the first article to come to judgments with regard to the Mass, purgatory, indulgences, relics, the invocation of saints, the taking of vows to observe the evangelical counsels and the papacy.¹³ Each was assessed in terms of its alleged pretensions. Of each he sought to determine whether it displaced Jesus Christ, who saves sinful human beings through grace by faith alone. Each was thought to be a way in which the benefits of Christ's death and resurrection reached human beings, living and deceased. Each was regarded as mediating Christ's grace to those in need of it. But what was their individual and collective role in the lives of the baptized? This had to be weighed carefully. Were they Christ's rivals, mediators making him at best only partially necessary for salvation? On these grounds Luther found all to be wanting. Confidence was being placed in their efficacy and importance, confidence that

was unwarranted and that should be reserved for God's promises in Jesus Christ.

An example may help. In this section of the *Articles* one finds a consideration of the honor that is given to saints and especially of the practice of calling on them for help as well as doing all sorts of things to win their intercession.

As Luther saw it, people honored a particular saint in this fashion with the hope and expectation of winning something in return, something that in truth only God could give. A saint's intercession, won by devotion and service, was an activity seeking benefits for clients. Mediation on the part of saints was replacing that of Christ and thus became for Luther a moment of truth. His solution was simple enough. If people turn to a saint because they expect a *quid pro quo*, take away their unwarranted hope for any *quid* and the *pro quo* will soon vanish. Instead God will be turned to in time of need.¹⁴

"Lutherans have a fear that the truth of Christ's unique mediation will be compromised and hope to avoid this by criticizing any function, form of worship or piety, office or person that looks like a pretender in this context. Roman Catholics fear that Christ's unique mediation will thus be made needlessly fruitless and hope to avoid this by stressing the truth of the manifold cooperation to which that mediation gives rise as his grace is communicated to those in need of it."

Nor was it only invocation of the saints that called forth his censure. Other works too — like the Mass, prayer for the dead, living a life of vows and the pretentious ways of the papacy — were rejected because they were candidates vying in Luther's view to mediate God's mercy. His judgments were strong and even harsh. But this must not be forgotten. The practices and offices that drew such criticism were those he viewed as laying claim to mediate Christ's grace without divine promises guaranteeing their role and commanding their usage.

In short the *Smalcald Articles* were Luther's response to a challenge that confronted him in a moment of truth. His response was to confess his

faith in the saving efficacy of Christ's redemptive work and to challenge what he regarded as unworthy pretenders for that role in the church of his day. Practices, forms of piety and offices that he regarded as claiming to bring grace but that lacked grounds in God's promise and command were found to be at odds with the first and chief article. He made that article what would later be called a criteriological principle for judging the church's discourse and its practice. The mediating functions of both had become for him the moment of truth par excellence in 1536-37.

Mediation as the Moment of Truth Today

That was 450 years ago. Is mediation still a moment of truth today? At least as far as a number of official reactions to the work of the U.S. dialogue between Lutherans and Roman Catholics are concerned, the evidence at the moment points in favor of an affirmative answer.

If one begins with Roman Catholic reception, then the following facts are relevant. In 1984 the Committee on Doctrine of the National Conference of Catholic Bishops issued a critique of the seven joint statements approved up to that date by the national dialogue between Lutherans and Roman Catholics.¹⁵ This critique was the result of a study that had been requested by the Bishops' Committee for Ecumenical and Interreligious Affairs.

With no pretense of mentioning more than a few of the issues raised by the Committee on Doctrine in its critique, these at least seem worthy of special mention. Attention was called to the fact that the dialogue itself acknowledged it had failed to reach full agreement with regard to the eucharist as a propitiatory sacrifice.¹⁶ What is more, the committee said it considered itself obliged to encourage further discussion on ordained ministry within the context of Catholic teaching on apostolic succession in office.¹⁷ Further study of that same topic might also bring greater clarity to the question of papal primacy as being *de jure divino*.¹⁸ Unresolved doctrinal difficulties about Lutheran ministry and sacramental ordination figured in the committee's assessment of the dialogue's work on teaching authority and infallibility in the church.¹⁹ At the same time the committee stressed the importance of the dogmas of the immaculate conception, assumption and papal infallibility "for the way in which people relate to the church."²⁰ As a result the committee said it did not see how a statement made in the dialogue's assessment of the fact that these three dogmas are not accepted by some Catholics was compatible with Catholic teaching. In an obvious effort to be fair it suggested that further clarification of some of the terminology

used in that assessment might be in order.²¹ Finally the critique addressed itself briefly to the dialogue's consensus statement on justification by faith. A question asked in this context was how "the episcopal college which has the *ultimate* responsibility for judging what is or what is not in accord with the Gospel" relates to justification by faith functioning "as the *ultimate* criterion for judging the life and teaching of the church"²² (italics mine).

The Mass as propitiatory sacrifice, ordained ministry, apostolic succession in office, papal primacy and infallibility, the church's teaching authority and its responsibility for determining what is and what is not in accord with the Gospel — these were the concerns of the Committee on Doctrine. In each what was at issue was a way in which the benefits of Christ's death and resurrection reach human beings. In all mediation of Christ's grace figured prominently.

The recipient of the critique was the body that had originally requested it — the BCEIA (Bishops Committee for Ecumenical and Interreligious Affairs). The text was also made available to the Catholic members of the dialogue, who in turn offered their observations on it to the BCEIA. Those observations are a matter of public record and need not detain us here.²³ In possession of both the critique and the observations on the latter from the Catholic members of the dialogue, the BCEIA offered its own evaluation of the dialogue's work. It proposed the relation of Scripture and tradition as needing further dialogue.²⁴ Later it added that "the link between Scripture and tradition, and between the authority of Scripture and the authority of the church, may provide us with a key to the fuller doctrinal accord that we seek, particularly in regard to the relation between apostolicity and episcopal succession in orders."²⁵

The link between Scripture and tradition, the link between the authority of Scripture and that of the church, the relation between apostolicity and episcopal succession in orders — these were themes indicated as calling for further study by the dialogue. So the BCEIA judged in its assessment of the latter's work. And each of these specified themes is intimately connected in Catholic teaching with the way in which Christ's grace is mediated to human beings in need of it. Mediation has therefore become a moment of truth for the Lutheran-Roman Catholic dialogue in the United States in 1986-87 just as it was for Luther in 1536-37. And this has not happened solely as a result of official reactions to the dialogue's work on the part of Roman Catholic bodies.

If the BCEIA saw value in further evaluation of the dialogue's report "Justification by Faith,"²⁶ Lutheran

Church bodies had already set themselves to the same task.

In its 13th biennial convention the Lutheran Church in America asserted that the "fundamental consensus on the Gospel" asserted by the dialogue needs to be tested further, applied and verified in the life, teaching, practices and structures of the church.²⁷ It went on to say that the doctrine of justification as a criterion for testing authenticity needs more attention. Differences over the application of that criterion involved issues that divided Lutherans and Roman Catholics during the Reformation — e.g., indulgences, papacy and purgatory. As for today, if the consensus on this application cannot be broadened, then the agreement on the doctrine itself will need to be reconsidered.²⁸

At about the same time in 1986 the Interchurch Relations Committee of the American Lutheran Church issued its report on "Justification by Faith." That report reaches the conclusion that "sufficient clarity concerning the Gospel is not present to affirm that there is consensus in the Gospel."²⁹ It asks what happens when justification by faith is applied to purgatory, the papacy and the cult of the saints; when it is the criterion of teaching on Mary as well as of the church's teaching authority in ethics, celibacy, ordaining women and the authority of bishops.³⁰

Recall that the dialogue in its report "Justification by Faith" had claimed to have reached not just convergence but consensus on the Gospel.³¹ It acknowledged that the agreement it had reached was not the full equivalent of the Reformation teaching on justification by faith alone.³² But it raised the question as to whether in view of that agreement the remaining unresolved differences about the doctrine of justification had to be church-divisive.³³

Two official reactions from Lutheran Church bodies have not been that sanguine. They have asked for the application of justification by faith alone as a criterion for testing the authenticity of church teaching and practice. What happens when that criterion is applied to indulgences, purgatory, the cult of the saints, the authority of bishops, the papacy and church teaching or ethics, Mary, celibacy and the ordination of women? Mediating functions and offices are the concern. Mediation is again the moment of truth.

After the Moment of Truth

The question naturally arises, What now? Will the moment of truth result in a breakthrough? Pope John Paul II has explicitly commended the dialogue's efforts and in the process has singled out its statement "Justification by Faith."³⁴ In Germany an ecumenical working group of Evangelical and

Roman Catholic theologians was set up and charged with studying the mutual condemnations of the 16th century. The report of this group refers to a condition that will lead to the leveling of the barricades. That condition is said to involve holding fast to the christological ground which the Lutheran-Roman Catholic Dialogue in the United States has formulated in reference to justification by faith.³⁵ Are these signs, I ask again, pointing to a possible or likely breakthrough? Or will the moment of truth lead to an impasse? In 1986 as distinguished an ecumenist as Dr. Albert C. Outler of Perkins School of Theology at Southern Methodist University said that for the time being official ecumenism seemed dead in the water.³⁶ At the risk of mixing metaphors let me suggest that facing up to the moment of truth might yet put wind in the sails. What is more, memories of past endeavors can offer hope for a better future precisely by showing what should be avoided in the process.

After Luther's moment of truth in 1536-37, negotiations were given another try at what history calls the Colloquy of Regensburg. In 1541 six collocutors met and reached agreement on an issue as divisive as justification. That agreement did not win acceptance in either Rome or Wittenberg. Neither thought the text communicated the faith to which it was committed. Language had been used that seemed to cover up as much disagreement as it expressed consensus. From this there is a lesson to be learned in the present. Lutheran and Roman Catholic church bodies have stated politely and without using the term what they nevertheless clearly regard as non-negotiables. Let the dialogue now proceed to deal with the issues raised.

If it does, I suspect that will involve at least this. The Roman Catholic members will maintain with the Second Vatican Council that "the unique mediation of the redeemer does not exclude but rather gives rise to a manifold cooperation on the part of creatures — a cooperation derived from this one source."³⁷

Stressing that God's grace of forgiveness comes to sinners who in no way deserve it, the Lutheran members will continue to find in such cooperation, however derived and participated, a probable rival and threat to Christ's unique mediation.

You will note that I have now spoken of creaturely cooperation instead of mediation. I think the substitution is warranted though this is not the time or place to argue the point at length. At very least I have suggested that if the dialogue takes the path that official reactions have urged upon it, both sides will likely stand behind their non-negotiables.

But are those non-negotiables in

irresolvable opposition and contradiction to each other? Let me conclude briefly with an answer to this question.

There are, as I see it, genuine differences between Lutheran and Roman Catholic members of the dialogue when it comes to assessing creaturely mediation and cooperation in the ways in which Christ's grace reaches human beings. Two different approaches are taken — motivated at least in part by diverse hopes and fears. Lutherans have a fear that the truth of Christ's unique mediation will be compromised and hope to avoid this by criticizing any function, form of worship or piety, office or person that looks like a pretender in this context. Roman Catholics fear that Christ's unique mediation will thus be made needlessly fruitless and hope to avoid this by stressing the truth of the manifold cooperation to which that mediation gives rise as his grace is communicated to those in need of it.

I suspect that we are dealing here with what ecumenists today might call a fundamental difference.²⁸ I doubt that it will ever be completely eliminated. But could such a difference exist in a more united church — could it be a difference within one faith rather than of diverse faiths? The possibility deserves study; the respective hopes and fears, concerned as they are with truth, may not be mutually exclusive. They may express different but non-incompatible reactions to the mystery of the coexistence of God and responsible human agents.

Whether this is in fact the case or whether such ideas come from wishful thinking on my part is something the churches must determine. In the process they might be helped by a role model. A promising candidate appears in the 10th chapter of the Gospel according to Mark, who introduces Bartimaeus and has him call out: "Jesus, Son of David, have pity on me."²⁹ The annoyance of the crowd outside Jericho does not deter

him. He cries out again to the same purpose. Jesus asks: "What would you have me do for you?" Bartimaeus replies: "Good Master, that I may see."

To see what is really possible ecumenically is crucially important at present if we are to avoid the frustration of the blind alley and that of stagnation. The temptation in the face of the differences I have described with regard to mediation is to give up or to look for what can only be called the quick fix. Faith can open eyes to see that neither is the way. The example of the blind beggar outside Jericho can help Lutherans and Roman Catholics not only on the dialogue but elsewhere as well. It can encourage them to pray: "Good Master, that we may see." Only so will they be able with Bartimaeus to follow Jesus on his way.³⁰

Footnotes

²⁸ For further development of this theme see "Polarization, Ecumenism and Memories" in *Worship* 61 (1987) 425-29.

²⁹ *Ibid.*

³⁰ For a helpful treatment see Jaroslav Pelikan, *The Spirit of Eastern Christendom (1600-1700)*, (Chicago: University of Chicago Press, 1974) and esp. "Images of the Invisible," 91-145.

³¹ John Paul II, "Redemptoris Mater," *Origins*, Vol. 16, No. 43, April 9, 1987, 745, 747-66 and esp. No. 3, p. 747.

³² J.M. Kittelson, *Luther the Reformer* (Minneapolis: Augsburg, 1986) 271-73.

³³ *Smalcald Articles*, "Preface," in *Book of Concord* (ed. T.G. Tappert: Philadelphia: Fortress 1978, 12th printing) 289. Henceforth S.A. followed by page reference in Tappert.

³⁴ S.A. I; 291-92.

³⁵ *Ibid.*, III, 1-15; 302-16.

³⁶ *Ibid.*, 302.

³⁷ *Ibid.*, II, 1; 292.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, II, 2; 297.

⁴² "Lutheran-Roman Catholic Dialogues: Critique by the Committee on Doctrine of the National

Conference of Catholic Bishops" in *Lutheran Quarterly*, Vol. 1, No. 2, summer 1987, 125-36.

⁴³ *Ibid.*, 128.

⁴⁴ *Ibid.*, 130.

⁴⁵ *Ibid.*, 131.

⁴⁶ *Ibid.*, 132.

⁴⁷ *Ibid.*, 133.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*, 134.

⁵⁰ "Observations on the Critique Submitted by the Committee on Doctrine of the National Conference of Catholic Bishops" in *Lutheran Quarterly*, Vol. 1, No. 2, summer 1987) 137-58.

⁵¹ "Evaluation of the U.S. Lutheran-Roman Catholic Dialogue" in *Lutheran Quarterly*, Vol. 1, No. 2, summer 1987, p. 167.

⁵² *Ibid.*, 168.

⁵³ *Ibid.*, 164. That study is currently under way. Professor Jared Wicks, SJ, of the Gregorian University in Rome has been a theological consultant for the project.

⁵⁴ *A Response to Justification by Faith* (New York: Dept. for Ecumenical Relations of The Lutheran Church in America, 1986), p. 6.

⁵⁵ *Ibid.*

⁵⁶ *General Officers, Church Council and Districts: 1986 Reports and Actions of the General Convention of The American Lutheran Church* (Minneapolis: Office of the General Secretary of the American Lutheran Church, 1986), p. 831.

⁵⁷ *Ibid.*

⁵⁸ "Justification by Faith," in *Lutherans and Catholics in Dialogue VII* (ed. by H.G. Anderson, T.A. Murphy and J.A. Burgess: Minneapolis: Augsburg, 1985) No. 164, p. 74.

⁵⁹ *Ibid.*, No. 157, p. 72.

⁶⁰ *Ibid.*, No. 4, p. 16.

⁶¹ *Origins*, Vol. 15, No. 18, Oct. 17, 1985, p. 301.

⁶² *Lehrverurteilungen — kirchentrennend? 1, Rechtfertigung, Sacramente und Amt im Zeitalter der Reformation und Heute* (ed. by K. Lehmann and W. Pannenberg: Freiburg: Herder, 1986) p. 43.

⁶³ A.C. Outler, "Protestant Observer at Vatican II Surveys Ecumenism," *Origins*, Vol. 16, No. 14, Sept. 18, 1986, p. 256.

⁶⁴ *Lumen Gentium*, 62.

⁶⁵ See Harding Meyer, "Fundamental Difference — Fundamental Consensus," in *Mid-Stream* 25 (1986) 247-59.

⁶⁶ Mk. 10:46-52.

Texas Bishops' Statement on Sexuality

"Sexuality is a beautiful and magnificent gift from God," say the bishops of Texas in a statement released Jan. 4. But "the abuse of human sexuality is an enemy of love," they comment in the statement titled "An Invitation to Love." The statement was signed by all 16 bishops of the state. "The virtue of chastity does not deny the goodness of genital sex or seek to suppress one's sexuality. It assists us in lovingly and intelligently moderating our sexual behavior and frees us to live joyfully as the masters, not slaves, of

our natural inclinations and desires," say the bishops. The bishops discuss a number of forms of the abuse of sexuality. They urge public advocacy by concerned citizens to "protect the traditional code of morality acknowledged by the vast majority of citizens rather than support those who assert the 'right' to broad sexual license." Expressing "compassion and love" for those "who find difficulty in living a chaste life," the bishops "plead with those who are troubled by the conflict of values in their lives to rediscover Jesus, the one person

worthy of all our love." The text of the statement follows.

The changes in sexual mores over the past 20 years have had a tremendous impact on sexual behavior, lifestyles and attitudes about sexual morality. Society's growing acceptance of sexual freedom and peer pressure to reject sexual restraint have contributed

tion rests on Christ Jesus and the Gospel. . . ." This is the same text that both the Dialogue itself and the reaction of the ELCA Committee recognize as manifesting a fundamental consensus on the gospel. Of that "fundamental conviction" the Catholic bishops say: "A Catholic can and should affirm this fundamental conviction unreservedly."¹⁹ In other words the claim of the Dialogue to have reached a christological consensus seems to be eliciting significant confirmation as it is in the process of being received in both churches. Bartimaeus is relevant here.

In his need he called out: "Jesus, Son of David, have compassion on me." The reaction of the ELCA Committee translates his prayer of petition into theology when it recognizes a consensus on the gospel in the christological affirmation of the Dialogue. The Catholic bishops do much the same. Both churches are not afraid to turn their prayer: "Jesus, Son of David, have compassion" into teaching about Jesus Christ and the gospel as that on which our hope of justification and salvation ultimately rests. Despite annoyance by a crowd which tried to quiet him the blind Bartimaeus called out all the more: "Jesus, Son of David, have compassion." The Lutheran Church and the Roman Catholic Church throughout the world should not be ashamed to confess together the gospel encompassing Bartimaeus' petition. Nor should they be deterred by others who regard that gospel as unenlightened or worse.

But there are still differences with regard to the doctrine of justification. The reaction of the ELCA Committee suggests that fruitful dialogue on these matters should take place between churches in "full communion" with one another.²⁰ For its part the Catholic bishops' evaluation moves from its assertion as to where hope and trust are ultimately to be placed (Christ and the gospel) to a consideration of penultimate hope in the church.²¹ The bishops take into account the Dialogue's reflections on factors accounting for the differences that yet remain with regard to the doctrine of justification as it is taught in both churches. But in their view it may well be that when it comes to Lutheran and Catholic con-

¹⁹ "An Evaluation of the Lutheran-Catholic Statement *Justification by Faith*," *Lutheran Quarterly* 5 (1991) 60.

²⁰ "Response to Justification by Faith," III, b, p. 10. This would involve mutual recognition of ordained ministries and sharing of the sacraments.

²¹ "An Evaluation 2:4, p. 60.

cepts of *church*, the differences "are not reconcilable simply by the mutual recognition of the legitimacy of each other's religious concerns and thought patterns."²² They make the point that ultimately hope and trust are in Jesus Christ, but that he is never separated from his church, in which as a result Catholics place penultimate trust and hope when, for example, it teaches about papacy, purgatory, and saints as fostering the life of faith.²³ Consensus on the christological gospel is not of itself enough for full communion. The nexus between the ultimate (Christ) and penultimate (for example, the church) is too close for that. Here the Bishops' Evaluation and that of the ELCA Committee differ.

What to do? His faith was enough for Bartimaeus to answer candidly when Jesus asked: "What would you have me do for you?" The blind beggar answered: "Good Master that I may see."

As for the present I personally do not see a way of resolving easily or in the near future the differences about the conditions for "full communion" as envisioned in the Catholic Bishops' response to "Justification by Faith" on the one hand and the response of the ELCA Standing Committee for Ecumenical Affairs on the other. But clearly both churches are in a position to pray together: "Jesus, Son of David, have compassion!" And that faith in Jesus Christ should move them to go further and ask as beggars in faith: "Good Master, that we may see."

See what? Years in the Lutheran-Roman Catholic dialogue make me bold enough to suggest part of the answer. See what? See that neither paralysis with the accompanying cessation of efforts such as the North Carolina Covenant nor the quick fix is the solution. See that not everything which looks impossible now will be so in fact; see that what is impossible for humans is not necessarily so for God. See too that pushing ahead rapidly to a solution which others of good faith, intelligence and common sense and as concerned for Christian unity as we are will not accept may lead to even more churches where there are already more than enough. See that patience is not a cop out and enters into God's own stance in the reconciliation of sinners (2 Pt 3:9). Neither paralysis of efforts nor the quick fix — as I see it — will help.

²² Ibid., 2:2, p. 67

²³ Ibid., 2:4, p. 70

are your neighbors, the naked, the hungry, the thirsty, the poor people who have wives and children and suffer shame. Direct your help toward them, begin your work here, use your tongue in order to protect them, your coat in order to cover them and to give them honor.²⁰

In fact, the life of the departed is hidden from us. Death represents a barrier we cannot penetrate. Thus we should turn our attention to the service of the living.

Let the dear saints rest where they are and take care of those whom we have with us; for we have enough to take care of with ourselves if we are to live as Christians should. Therefore let them be, and let God take care of them. We can neither know nor understand how they live in the world beyond. That world is quite different from this one.²¹

Departed saints who are remembered for their faithful service thus play a role in the communion of saints as encouraging examples of faith and obedience. Their significance does not lie in their moral achievements, however, nor can their "merits" be summed up or exchanged. They are examples of how faith perseveres in suffering and trial and thus strengthen and encourage believers after the model of Hebrews 11. They serve the body in that manner. Their works cannot be substituted for those of the living in any way. That could mean that the merits of the saints might be used to avoid rather than foster service to the living. Saints are respected and properly venerated when their example in the life of faith is followed, not when their works are substituted for the shortcomings of the living.

Given this understanding of what makes a saint, the practice of invoking departed saints is highly questionable. Rejection of the idea of the merits of the saints carries with it negative consequences for the practice of invocation as well. If there are no saints who have merited higher status or who could be said to have enjoyed the beatific vision, to whom should one direct the invocations? One may, of course, ask living saints to intercede for oneself and others, but there is no indication or promise that the departed can or will hear us. While the Reformers were willing to grant that Mary and the saints in heaven perhaps pray for us, they saw no reason to promote or encourage the practice of invocation by saints on earth. Since Christ is the giver of all righteousness, holiness, and every gift, the Reformers found it difficult to understand why one should

turn elsewhere. The presuppositions on which the practice of invocation depended had been removed. Thus Luther never thought it necessary to polemicize directly against the practice of invocation, but believed that under the effect of evangelical preaching it would simply die out.²² And so it did in Lutheran churches.

MEDIATION AND SAINTHOOD

It seems obvious that this discussion about what a saint is depends on our second question about mediation. A saint is made by the "mediation" of Christ. If his mediation is such that his saints are inspired to turn solely to him and give all glory to him—in such a way that the invocation of saints seems to detract from the honor due him—then we must inquire more closely about this mediation before we bring this essay to a close.

What sort of "mediation" is this and is it such that the invocation of saints would necessarily pose a threat serious enough to render such invocation more than an adiaphoron? The Roman Catholic argument is that since saints are born and carried by the grace of Christ, their role as intercessors in the hereafter need not, in a properly ordered faith, compete with Christ's role as sole Mediator of such grace. The practice of venerating the saints may in fact be subject to abuse. But abuse does not abrogate proper use. Properly understood, the saints may be taken as prominent examples of the "success" of Christ's mediation. If we can ask living saints to intercede for us, there should be no reason why we cannot ask those hereafter who already share Christ's victory over death to continue to do so. Why should a Lutheran object to this or hold that it is more than an adiaphoron?

The key issue is the subtle one of mediation itself. For Lutherans the word itself tends to lead astray. Perhaps that is why it has never figured as a prominent category in Lutheran Christology. It suggests the idea of a "go-between," an arbiter between parties that have fallen out, a medium between two extremes. Christologically this suggests that Christ is a go-between, one who perhaps conveys divine favors to humans or human requests to God. The tendency then is to think of mediation as the act of interceding for and delivering divine grace to those who otherwise would have no access to it.

Judgment as to the theological appropriateness of such a view will depend, no doubt, on one's view of what salvation means and

how it is granted. In what we called in the previous round of dialogue a "transformationist" model, one could think of Christ as mediating transforming grace and saints as the evidence of the effectiveness of such mediation. It could then be held that asking such saints to intercede in the hereafter is simply an indication of one's faith and confidence in the grace of Christ.

Lutheran and Catholic Views of Mediation

Lutheran difficulties with such a view of mediation stem, as in the previous round of dialogue on justification, from difficulties with the model itself. Where justification is by faith alone, creating the situation in which one is simultaneously just and sinner, what is mediated is not some intermediate thing or power but Christ himself through the word of the cross and the sacraments. The only mediation that occurs happens in the event itself and the proclamation of it. Christ becomes sin for us and bears the curse even until death. If there is no resurrection and consequently no proclamation, there is no mediation. Since he is raised, he is now our life. The mediation, if one is to use the word, occurs through what Luther called "the happy exchange and struggle." Christ takes our sin and gives us the righteousness that emerges from his struggle with that sin and death. Thus he alone is the "Mediator." As such, he is not a go-between, he is God for us. Subsequent mediation takes place through the word of this victory in which he gives himself to us. The "real presence" of Christ is mediated through word and sacrament. What takes place for the sinner is not, therefore, a transformation as such, but a death and a resurrection in Christ. In this life we are simultaneously just and sinner, dead and alive, in faith, until the end.

Given this view, Lutherans find it difficult to understand why it is necessary or advantageous to appeal to someone other than Christ to intercede for us or to grant favor of any sort. The idea that someone other than Christ may, due to the merit gained by cooperation with grace, be so placed as to be such an intercessor is simply foreign if not inimical to a piety nourished on justification by faith alone. Such piety is grasped and shaped by what is revealed rather than what is hidden and thus not open to speculation. Moreover, speculation about saints in the hereafter can create problems for the conscience if it suggests that to become a "real" saint one must somehow attain such status—even if with the aid of grace.

Perhaps it is the case here that we come up against a fundamental difference in understanding the mediation and its effects. As Carl Peter has put it:

There are, as I see it, genuine differences between Lutheran and Roman Catholic members of the dialogue when it comes to assessing creaturely mediation and cooperation in the ways in which Christ's grace reaches human beings. Two different approaches are taken—motivated at least in part by diverse hopes and fears. Lutherans have a fear that the truth of Christ's unique mediation will be compromised and hope to avoid this by criticizing any function, form of worship or piety, office or person that looks like a pretender in this context. Roman Catholics fear that Christ's unique mediation will thus be made needlessly fruitless and hope to avoid this by stressing the truth of the manifold cooperation to which that mediation gives rise as his grace is communicated to those in need of it.

I suspect that we are dealing here with what ecumenists today might call a fundamental difference. I doubt that it will ever be completely eliminated. But could such a difference exist in a more united church—could it be a difference within one faith rather than of diverse faiths?²³

If it is the case—and I expect I would agree with Carl Peter here—that we have to do with a fundamental and thus deeply held difference, it does not appear that the category of adiaphoron is very useful in working toward a resolution of the problems surrounding the invocation of saints. Lutheran attitudes about the kind of mediation available in the saints should not, I expect, simply be a matter of indifference to Roman Catholics. Likewise, Roman Catholic theology and practice in this regard cannot be a matter of indifference to Lutherans. We face a fundamental difference in the understanding of mediation. The question then is, as Carl Peter put it, whether we can find ways to live with this difference.

If there is a way ahead together, perhaps it lies in the fact that both Roman Catholics and Lutherans are concerned about the concrete and objective nature of the mediation given in Christ. Roman Catholics tend to find this concretion and objectivity in the church, its priesthood, and the saints. Lutherans find this objectivity in the preached word, a word that comes from without and maintains its objectivity precisely by putting the old subject to death and raising

up a new one in faith. Perhaps one can say that only in death and the promise of new life do we come up against that which is truly and irreducibly from without. The common concern for the concrete mediation of Christ's gifts, it is to be hoped, can draw us together even as we seek to understand the differences between us.

detects a proposal for a different way of being a theologian and doing theology. It is the recognition that the proclamation of the gospel is an absolute end to the old and its ways and a new beginning, a putting to death of the old and a calling of the new into being in faith.

If we are to set the impasse of which we speak clearly in focus, there are at least two things to be noted about such claims in behalf of a post-liberal Lutheranism. First of all, it is the *right proclamation* of the gospel that does the deed. Proclamation of a quite specific sort is mandated, one that succeeds in being living, present-tense gospel declaration that ends the reign of law and sin. That is, not Bible reading, not teaching, not meditation, not some supposed direct or immediate mystical experience or encounter with "the spirit," however valuable such things may be, but concrete person-to-person address is the only vehicle for a communication that could be called gospel. Paradigmatically it finds its most direct expression in its liturgical forms: "I absolve you," "I baptize you," etc., and in that finds its roots in the catholic faith. And if one follows the "theo-logic" of such pronouncements one realizes they can only be made in the name of the triune God.

Second, it is crucial, particularly for Roman Catholics, to see that in the Lutheran view such proclamation absolutely requires a proclaimer. This, if anything, has become more clear for the post-liberal than it was even for the Reformation age or certainly for subsequent Protestant optimism about the possibility of "finding God" somewhere. The post-liberal recognizes that all the other options seeking to ground faith in religious experience, mediated via either "enlightenment" or via immediate experience of whatever sort, are used up because there is no gospel there. If there is to be anything called gospel it must be proclaimed and therefore a proclaimer. Or, as the *Augsburg Confession* puts it, by the very fact of providing the gospel and the sacraments, "God has instituted the office of preaching" (Art. V). Roman Catholics from the beginning seem to have feared that Lutherans were "subjectivists" proposing an unmediated gospel. But this is clearly not the case, or at least would have been clear had more notice been taken of bitter battles with the "spiritualists." If faith comes by hearing, there must be a speaker, indeed, a word from without, what Luther called "the external word." The sacraments punctuate this inescapable externality. Precisely in that sense they are the gospel.

If that is understood, it is apparent that too much time has been

wasted on the question of mediation as such. There should be no disagreement over whether or not the gospel is mediated. Indeed, I should think it could be agreed that it is of the very essence of the catholic faith that it insists on the concrete mediation of God's saving gifts. That is not where the impasse comes to light. It appears rather when we begin to ask *what* in fact is mediated and how that *what* affects and shapes the mediation and the "office" through which the mediation takes place. In a recent reflection on the U.S. Lutheran-Catholic Dialogue, Karl Peter put the matter thus:

There are, as I see it, genuine differences between Lutheran and Roman Catholic members of the dialogue when it comes to assessing creaturely mediation and cooperation in the ways in which Christ's grace reaches human beings. Two different approaches are taken—motivated at least in part by diverse hopes and fears. Lutherans have a fear that the truth of Christ's unique mediation will be compromised and hope to avoid this by criticizing any function, form of worship or piety, office or person that looks like a pretender in this context. Roman Catholics fear that Christ's unique mediation will thus be made needlessly fruitless and hope to avoid this by stressing the truth of the manifold cooperation to which that mediation gives rise as his grace is communicated to those in need of it.

I suspect that we are dealing here with what ecumenists today might call a fundamental difference. I doubt that it will ever be completely eliminated. But could such a difference exist in a more united church—could it be a difference within one faith rather than of diverse faiths?²⁴

While Peter's statement does accurately reflect differences that surfaced in the dialogue they are stated too formally, I believe, to get at what is at stake. It is not simply the bare uniqueness of Christ's mediatorship versus human cooperation that reveals the "fundamental difference," but the question of how what is mediated reflects back on the mediation itself and the offices that carry it. For the "office" is precisely to proclaim the gospel of Jesus Christ that sets believers free. What is to be mediated is the freedom in Christ that comes through the death of the old and the rebirth of the new. The gospel of that freedom is consequently the highest exercise of authority in the church. To place something above the proclamation of that gospel would be simply to subvert it. The mediation, therefore, though absolutely necessary, is such that in the very act of mediation it limits itself. I am tempted to use an image from the television show "Mission Impossible" where the "team" receives its instructions via a tape or record that then announces that it will self-destruct in a number of

seconds. The mediation is such that it seeks to remove itself once it has done the mediation. It seeks to set people free, that is, to get out of the way for the Christ it proclaims. "He must increase, I must decrease." Eschatologically speaking, the mediation is such that it limits itself to this age and ends itself precisely by its witness to the new age, the kingdom of God. The office does not seek to call attention to itself and impress its "subjects" with its institutional grandeur and perpetuity, but to commend all to the Christ who is the sole head of the church. It does not seek to subjugate people to itself, but to place them securely in Christ, who shall be all in all, and so to work itself out of a job. The peculiarity of this office, therefore, consists precisely in the recognition of its penultimate character and so in its announcement of the end of all offices. Where it claims more than that it betrays itself into the hands of law. It may be claimed with some justice that this office is the "highest," but that is so only because, so to speak, it is the last office to close!

Now perhaps we are in a position to speak more directly about "the catholic impasse." One way to put the matter is in terms of the old question about the concreteness and objectivity of the church's message. John Henry Cardinal Newman voiced a common Catholic complaint when he called Protestantism a great abstraction divorced from the actual flow of history. Perhaps there is some truth to that if one has in mind a Protestantism that hides behind the inerrancy of scripture and seeks only to repristinate the past. But the real question is what constitutes or guarantees true concreteness and "objectivity" in the church. Can claims made about the institution do it? A post-liberal Lutheran is not likely to find such claims attractive or convincing. What attracts, however, is simply the power of the gospel proclaimed as the word of the cross. The theologian of the cross is aware of a quite different sort of concreteness and objectivity: that of the quite alien and external word that puts the old subject to death to raise up the new. Perhaps one can say that it is only in death and the promise of new life that we come up against that which is truly and irreducibly "from without." And only so is it truly "objective." In this light, institutional claims to objectivity fall short of the mark. At best they preserve a kind of continuity under the law, and if not limited, put the gospel in jeopardy.

So we have to ask, in conclusion, whether we do not arrive at what appears to be a real impasse over the grounding of the catholic faith. What attracts and holds a contemporary post-liberal Lutheran to the

catholic faith is the very things that a Catholic is likely to reject—or at least has done so to date. Is this a real impasse? Is it permanent? Or if so, can we live with it together in the same church? Whatever our personal answers may be, only time and the will of God will tell. However, it is to be hoped that precisely in attempts such as this to probe what seem to be real differences, equally real and deep commonalities hitherto unnoticed will come to light. Certainly in this essay the insistence upon the mediation of God's saving gifts in Christ Jesus our Lord and the necessity for the mediation of those gifts objectively and concretely in the living present reveals a bond in the catholic faith that, it is to be hoped, unites us more deeply the more we understand the difference. If that is the case, the essay will have reached its goal.