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The Doctrine of Justification in the Lutheran Dialogue with Other Churches*

LUTHERAN theology and the Lutheran Church seem to have a great advantage in being able to express their understanding of the Christian message by means of a single concept: the *justificatio impii*. This formula is the expression of the whole event of salvation, a kind of resumé of the Gospel and the heart of the proclamation of Christ. It appears in this brief statement of the Augsburg Confession (Art. IV): *Homines gratis justificantur propter Christum per fidem* ('We become righteous towards God by grace, for Christ's sake, and through faith'). Its intention, like that of the doctrine of justification which draws it out, is to 'proclaim the fulness of God's life-creating Word'.¹

In order to express this central role of the doctrine of justification, which determines everything which the Church preaches and teaches, Luther and the Christian confessions of faith declare it to be 'the first and principal article',² the *praecipuus locus doctrinae Christianae*.³ or, metaphorically, the 'leaven' which makes the dough rise,⁴ the *magister et princeps, dominus, rector et judex super omnia genera doctrinarum*.⁵

Admittedly, in the course of the ages which followed the Reformation — orthodoxy, the Enlightenment, and pietism — the doctrine of justification did not maintain this central, determining role at the heart of Lutheran theology. But in the nineteenth century considerable efforts were made to restore its original importance. And the Lutheran theology of our own century has once more fully recognised and taken with total seriousness the central position of the doctrine of justification. This can be seen not only in historical studies (devoted to Luther and the Reformation), in theological works and treatises, but also from the time of the Fourth Assembly of the Lutheran World Federation (Helsinki 1963), and in the notable studies which preceded and followed this event. This point holds good

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1. E. Wolf: 'Die Rechtfertigungslehre als Mitte und Grenze reformatorischer Theologie' in *Peregrinatio* vol. II, 1965, p. 14.42. Smalkald Articles, *Die Bekenntnisschriften der evangelisch-lutherischen Kirche*, 3rd ed., 1956 (referred to hereafter as BKS), p. 415.

3. *Apology*, *id.*, p. 159.

4. *Formula Concordiae, Solida Declaratio*, *id.*; p. 916.

5. *Luther (Martin)-Werke. Kritische Gesamtausgabe*. Weimar. Böhlau, 1883 (referred to hereafter as WA), vol. 39, I, p. 205.

no matter what other judgment may be made about their results. The Assembly showed to what a degree recent work has concentrated on a new interpretation of the Reformation doctrine of justification, both as regards its significance for modern men and women and the way in which they understand themselves, and also in the context of present-day spiritual and socio-political problems. These same preoccupations dominated the work of the Theological Commission of the United Evangelical Lutheran Church of Germany (VELKD), which for three years, 1970-72, devoted itself to the doctrine of justification.⁶ These attempts at a reinterpretation of the doctrine of justification for our own age are in fact only the expression of a struggle to keep this legacy of the Reformation alive and to confirm it for today as the centre and reference point of all theological doctrine and of all the Church's proclamation.

If we accept that this teaching holds a central place in Lutheran thought, we would naturally expect conversations on justification by faith to be central to the ecumenical endeavours of the Lutheran Churches. The Reformers indeed implicitly and explicitly stood up for the conviction that agreement on the doctrine of justification played a decisive role in the problem of Church unity. And this holds true not only as regards relations with the Roman Catholic Church, of which Luther could say that all the problems under debate led up to this particular point:⁷ this question has a fundamental importance for the unity of the Church in general. An agreement on the faithful preaching of the Gospel — an agreement which according to article 7 of the Augsburg Confession would be both necessary and sufficient to create true Church unity — obviously assumes that the conception of the Gospel and the administering of the sacraments harmonise with the message of justification. It therefore seems that — according to the Lutheran way of thinking — the whole ecumenical problem is concentrated on this point. Luther said so *expressis verbis*, and the credal books repeat it: 'For where this single article (that is, the article on justification) exists in pure form, Christianity also remains pure and sound, united and without any sects, because this article and this article alone makes and maintains Christianity . . . But if it goes, it would be impossible to resist any sort of error or the spirit of sectarianism.'⁸

6. *Rechtfertigung im neuzeitlichen Lebenszusammenhang. Studien zur Interpretation der Rechtfertigungslehre*, 1974.

7. Smalkald Articles, BKS, p. 416.

8. Luther (Martin) *Oeuvres*, tome VI, p. 242, Geneva, Labor et Fides, 1964; cf. BKS p. 916. The study document of the theological department of the LWF (Lutheran World Federation) "Mehr als Einheit der Kirchen," 1970, says on this topic: '... when through preaching, baptism and the Eucharist, justification is bestowed on the sinner by grace alone, for the love of Christ . . ., then there is unity and all the conditions for realising ecclesial communion are fulfilled' (from *Lutherische Rundschau*, 1970, no. 26, p. 59).

In how far do the interconfessional dialogues which the Lutheran Churches have undertaken in recent years with other Churches correspond with this conviction? Does the problem of justification hold the dominant place in these dialogues in accordance with what has been said above? It is not easy to answer that question. It is not possible, at any rate, to answer it by any comprehensive and unmodified statement. A brief survey of the topics handled in the most important bilateral conversations of recent years will enable us to take stock of the situation.

(a) The Conversations with the Reformed Churches in North America and at the European level

There was discussion on the doctrine of justification as such in the dialogue which developed in North America from 1963-66. It was simply referred to briefly at the third and penultimate session in which a question arose about the relation between creation and salvation, between law and Gospel, between justification and sanctification. The doctrine of justification figured no more importantly in the agenda of the directly doctrinal conversations which took place in Europe between Reformed and Lutheran Christians at Bad Schauenburg (1964-67).

There are obvious reasons for this: there is not and never has been any opposition between Lutherans and Reformed Christians on this point. This is what came to be declared by the Leuenberg Agreement, which reckoned the doctrine of justification among the elements which had always been shared by both Churches: 'They were at one in bearing witness to God's free and unconditional grace in the life, death and resurrection of Jesus Christ for all those who believe this promise' (No. 4, cf. No. 8). A similar statement was made at the North American conversations: 'We agree in recognising that the doctrine of justification by faith is the fundamental doctrine of both traditions.' The fact that with Lutherans the doctrine of justification 'has played a more decisive role in the formulation of theological statements' was indeed noted, but it was taken to be a particular element, connected with a specific overall situation, and of no significance at the level of theological controversy.⁹

The case was quite different with the Leuenberg Agreement and with the deliberations and conversations which led up to its formulation (1969-73). The joint declarations on the message of justification became the central element of the entire text (Nos. 6-12).

The reason why the question of justification was at the centre of the discussion stems from the fact that the very purpose of the

9. *Auf dem Wege*, Lutherisch-reformierte Kirchengemeinschaft, 1967, p. 116; *Marburg Revisited*, 1966, p. 152.

meeting was different from that of previous exchanges. The first conversations tried to go beyond existing theological controversies. The Leuenberg Agreement had another purpose: basing itself on the results of meetings which had already taken place, its intention was to establish ecclesial communion. It did not remain primarily a collection of theses, a theological consensus, but an inter-ecclesial agreement which aimed to make possible and to act as a basis for ecclesial communion. Now, ecclesial communion is not brought about solely by transcending debated points and by eliminating divisive factors. The foundation of ecclesial communion is that we are conscious of being united in the same faith in the Gospel of Jesus Christ. And at this level the doctrine of justification, of which there was no pressing need to speak at the previous conversations, regained the significance and the function it had always had in the Reformation framework: the foundation of ecclesial communion is provided by a shared understanding of the Gospel as the message of justification, together with a corresponding shared understanding of the sacraments.¹⁰

(b) The Conversation with the Anglican Church

As with the Lutheran-Reformed doctrinal conversations, the problem of justification was not dealt with explicitly in the Anglican-Lutheran conversations of recent years, either in the United States (1969-72) or in the dialogue between the LWF (Lutheran World Federation) and the Anglican Communion (1970-72). Here too the doctrine of justification as such was not under debate between Anglicans and Lutherans. The American report expresses this fact. In its final part there is a reference to the Anglican-Lutheran agreement on five fundamental points of the Church's life and teaching. Four of these points of agreement had been studied or confirmed since the previous exchanges (the primacy and authority of Scripture, the Apostles' Creed and Nicæan Creed, baptism, Eucharist). In contrast, with regard to justification, agreement was taken to be already achieved: there is agreement on the subject of 'justification by grace through faith as affirmed by both the Lutheran Confessions and the Anglican *Book of Common Prayer* and Thirty Nine Articles of Religion.'^{10a}

The problem of justification is therefore not absent from the thoughts of the Anglican and Lutheran Churches, but it is not on the agenda since the conversations wanted to concentrate on settling debated issues. When this dialogue reaches the point of entering on a new stage whose goal will be the realisation of ecclesial unity, will the

10. Cf. the Leuenberg Agreement, no. 29 (English text in *The Ecumenical Review*, vol. XXV, 1973, no. 3, pp. 355ff.; cf. also M. Lienhard, *Lutherisch-reformierte Kirchengemeinschaft Heute*, 2nd ed., 1973, p. 64.

10a. *Lutheran-Episcopal Dialogue. A Progress Report*, 1972, p. 23.

fundamental importance of justification be brought up then, as happened in the Lutheran-Reformed conversations?

The Anglican-Lutheran conversations have indeed not yet reached a stage comparable to the Lutheran-Reformed discussions at Leuenberg. For the present, all that is envisaged and recommended on the basis of the theological agreements so far obtained is 'a greatly increased measure of intercommunion'¹¹ or an intensified *communicatio in sacris*.¹² The idea of total ecclesial unity does not seem to have ripened enough yet, as is acknowledged by the two partners in dialogue. The problem will arise later. This is the sense in which the American report speaks of a 'future unity,'¹³ and the Pullach report of a 'closer unity' or of a future 'organic unity.'¹⁴ For this, as both reports emphasise, 'further developments,' will be necessary.¹⁵

It is then to be expected — and the Lutherans would stress the point—that in the course of some later phase of the dialogue as it works towards the realization of total ecclesial unity, the problem of how the Gospel is understood — which the Reformation doctrine of justification tried to express — will come to be set in the centre of the conversations, not as a debated subject needing clarification, but as the foundation of ecclesial communion, affirmed by all.

Certain signs can be picked out of the reports issued by these two dialogues which give grounds for thinking that such will be the outcome as the conversations which seek full ecclesial communion between Anglicans and Lutherans are continued. The Lutheran president of the dialogue between the Anglican Communion and the LWF has stated in a personal assessment of the situation, with regard to the final report: In the future conversations '... commitment to the Gospel ... needs further exploration. Although the present conversations affirm the importance of justification and forgiveness of sins, future conversations should say more clearly and fully that the Gospel proclaims the unmerited grace whereby God declares men righteous through faith in Jesus Christ.'¹⁶ In the American report, it is also asked that future conversations will continue, in the first place, to concentrate 'on the nature of the Gospel.'¹⁷

In fact, if, as it has been said, 'any future unity of the Church will

11. *Anglican-Lutheran International Conversations* (Pullach Report), SPCK, London, 1973, no. 96.

12. *Lutheran-Episcopal Dialogue*, p. 14; cf. pp. 23-4.

13. *Ibid.* p. 22

14. *Anglican-Lutheran International Conversations*, nos. 100 and 99; cf. no. 91.

15. *Ibid.* no. 100; *Lutheran-Episcopal Dialogue*, p. 24.

16. *Anglican-Lutheran International Conversations*, p. 30.

17. *Lutheran-Episcopal Dialogue*, p. 24.

be a unity of common confession,¹⁸ the shared understanding of the Gospel, which is precisely what the doctrine of justification tries to express, will be at the heart of this confession of faith.

(c) *The Conversation with the Roman Catholic Church*

While the study of the problem of justification seems to and can be effectively carried out on the same model in the dialogues with the Reformed and with the Anglican Churches, it might be supposed that the case is quite otherwise in the conversations with the Catholic Church. The problem of justification was central to the criticisms formulated by the Reformers against the Roman Church, and it was at the source of the separation between the Lutheran and Catholic Churches. One might therefore expect that in the Lutheran-Catholic dialogue the problem of justification would be from the outset the subject of intense discussion.

But this has not been the case. If one examines the conversations which took place ten years ago between Catholics and Lutherans in the United States, one does indeed find a detailed study of different important problems under debate, including the problem of papal primacy and pontifical infallibility, but apart from some scattered allusions the problem of justification as such has not been broached.

Has the dialogue between the LWF and the Roman Catholic Church proceeded differently? At first sight, it seems that it has. From the first session reference was made to the doctrine of justification and the final report, the Malta Report, devotes several paragraphs to this point on which 'the traditional polemical disagreements were especially sharply defined.'¹⁹ However, it should be added that the problem of the doctrine of justification has not really been discussed as such. In reality, in this dialogue interest has been directed, not to the doctrine of justification in itself, but to the problem of its 'theological importance.'

Many people feel that there is a palpable gap in the dialogue at this point. How has it come about?

The way in which the dialogue has developed explains certain things. At the end of the first session, it was expected that the discussions on the doctrine of justification would be pursued and concrete indications of this were given.²⁰ But these discussions were not pursued. At the request of the participants the following session was devoted to the subject 'World and Church under the Gospel.' It was thought that the general theme of the dialogue (The Gospel and the

18. *Ibid.*, p. 22.

19. The English text of the Malta Report can be found in *Lutheran World* vol. XIX, no. 3, 1971, pp. 259ff.

20. *Lutherische Rundschau*, 1969, p. 479.

Church) could not be treated adequately without first asking what were the links between Gospel and Church on the one hand, and 'the world' on the other. The second session was bound to be a sort of parenthesis. But at the close of this session, there was a desire not to revert to the problem of justification. Despite the request expressed by several Lutherans, the majority of participants thought that the conversations ought to be directed along another line and that it was necessary to come to grips with the burning problems of ecclesiology.

There is no need to view this as a simple technical breakdown in the dialogue. The real reason for the halt in the discussion on justification lies elsewhere. The participants were in fact convinced that in view of the theological and ecumenical studies of recent years this question was not, basically, the subject of Lutheran-Catholic controversy. A far-reaching consensus which would render fresh discussion pointless was taken for granted.

What is this consensus? The Malta Report tries to explain it briefly (No. 26). Is this description adequate? This is what I shall go on to consider. For the moment, I will restrict myself to the following assertions:

1. The problem of the doctrine of justification, considered as one of the decisive problems of confessional debate, is taken seriously in the Lutheran-Catholic conversations.

2. However, it has been judged that modern theological study has already worked out on this point a consensus far-reaching enough to enable a more detailed session on the problem of justification to be abandoned in favour of a discussion of other debated problems which had remained in suspense, in particular, problems of ecclesiology. The results of the conversations between Catholics and Lutherans therefore have to be read in the light of this preliminary consensus on the concept of the doctrine of justification, a consensus which has still only been sketched out, even in the results of these conversations.

3. All the participants were fully aware that according to Lutheran thought, the doctrine of justification could not be treated as one isolated point of doctrine, but that it is the centre from which Christian preaching and teaching devolve. By deepening the discussion the dialogue has sought to find out if and in how far the Catholics could also agree on this point.

4. In view of the central position held by the doctrine of justification in Lutheran thought, it was clear from the start that even in the study of ecclesiological questions it would play the role of a permanent criterion, at least for the Lutherans.

II.

The Concept of Justification

What are the shared affirmations about justification in the inter-confessional dialogues? I will limit myself in the first place to the Lutheran-Catholic conversations, that is, to the declarations of the Malta Report. I would like to begin by harmonising these declarations with the Lutheran-Catholic consensus that has emerged in modern theological study, a consensus to which the Malta Report refers: 'Today a far-reaching consensus is developing in the interpretation of justification' (No. 26). Two extremely compact statements in the Malta Report point out this consensus. Catholics and Lutherans are replying to the criticisms each has addressed to the other concerning the problem of justification: To the main Reformation reproach about 'justification by works' and the giving up of 'the gratuitousness of the gift of salvation,' the Catholics reply: 'Catholic theologians also emphasize in reference to justification that God's gift of salvation for the believer is unconditional as far as human accomplishments are concerned' (No. 26).

To the chief reproach formulated by the Catholics, namely that justification was reduced to something purely forensic in the Reformation Churches, with no real renewal of the person, the Lutherans reply in their turn: 'Lutheran theologians emphasize that the event of justification is not limited to individual forgiveness of sins and they do not see in it a purely external declaration of the justification of the sinner. Rather the righteousness of God actualised in the Christ event is conveyed to the sinner through the message of justification as an encompassing reality basic to the new life of the believer' (No. 26).

These declarations are admittedly very brief. But they still allow two statements to be made:

1. The genuine points in the polemic are not avoided. They have been faced, and an attempt has been made to reply to them, while making it clear that this polemic has basically lost its relevance. The two dialogue partners have accepted the positive intentions of the criticisms addressed to them, and these no longer touch them.

2. Even though these declarations are only brief statements which need to be drawn out further, the essential points and the topics under discussion have all been presented. There is the question of *faith*, of the absence of any conditions to be fulfilled for the gift of salvation, that is, of the gratuitousness of justification, and thereby, implicitly, of the problem of the *meritorious* character of human works. There is the question of a "purely external declaration of the justification of the sinner" and of 'the new life of the believer': there is thus the question of the problem of a *forensic concept of justification*, of the *real renewal of the believer*, and, implicitly, of the problem of the man

who even when he has been justified *remains a sinner*. I will now attempt to show how a genuine agreement has been achieved in practice on these debated points.^{20a}

(a) *Grace and Merit*

For a long while Catholics have made the comment that the *sola gratia* of the reformers is 'authentically Christian' and that it is 'in perfect harmony with Catholic tradition, the great conciliar definitions on grace and salvation, and even with Thomism.'²¹ 'If by *sola gratia* one understands that salvation is given exclusively by God's grace, that man is quite simply incapable of finding it without grace, then a Catholic principle is being expressed'.²² So there is no need whatever to repudiate either the declarations of the Council of Trent against the Reformation or its doctrinal decisions on grace and justification. The Council says that the *causa efficiens* of justification is 'the merciful God who freely washes and sanctifies us' (DS 1529).²³ 'We may be said to be justified freely, in the sense that nothing that precedes justification, neither faith nor works, merits the grace of justification, for "if out of grace, then not in virtue of works; otherwise (as the same Apostle says) grace is no longer grace"' (Rom 11:6) (DS 1532). Speaking of the doctrinal decisions of the Council of Trent, Hans Küng states: 'The justification of all through redemption in Christ by God's verdict is exclusively God's work: this is Catholic teaching.'²⁴

Protestants have often shown themselves to be little impressed by such statements. The idea that real *sola gratia* is incompatible with the Catholic concept of infused grace, inherent in the believer (*gratia infusa, gratia inhaerens*) is one of the most frequently recurring objections. For according to this concept grace would be in some way at human disposal: the act of justification would therefore be again a challenge to human resources — touched by grace — and God's sovereignty would again be questioned. In opposition to this concept

20a. With regard to the present state of the Lutheran-Catholic debate on justification, may I make special reference here to H. G. Pöhlmann's profound study: *Rechtfertigung. Die gegenwärtige kontroverstheologische Problematik der Rechtfertigungslehre zwischen der evangelisch-lutherischen und der römisch-katholischen Kirche*, 1971.

21. L. Bouyer, *The Spirit and Forms of Protestantism*, London, 1955, p. 13.

22. H. Fries, 'Die Grundanliegen der Theologie Luthers in der Sicht der katholischen Theologie der Gegenwart' in *Wandlungen des Luthersbildes*, ed. KX. Forster, 1966, p. 1974.

23. The declarations of the Council of Trent are quoted here and throughout the article from Denzinger/Schönmetzer, *Enchiridion Symbolorum*, 33rd ed., 1965 (DS). English translation from *The Church Teaches*, B. Herder Book Co., 1955.

24. Hans Küng, *Justification*, Burns and Oates, London, 1964; p. 251. This book is being reissued later in the year under the title *Justification Today*.

of a habitual grace inherent to the person, Protestants emphasise that grace comes from God's side, that it is the grace of God, his mercy, his favour (*favor Dei*). This divergence between the Catholic and Protestant ways of thinking is not insurmountable. If one looks more closely one can assert that there are very clearcut convergences which bring these viewpoints together.

Catholic theology itself allows the principle by which grace in its original and basic sense means God's goodwill, his benevolence. Anything further which can be said about grace must take this as its starting-point and reference. 'The word "grace" signifies first of all goodness, benevolence; the meaning of a "gift manifesting this benevolence" only comes afterwards.'²⁵

This is to be noted in St. Thomas Aquinas, for example, of whom O. Pesch could say that it seemed evident to him 'that grace itself must be first and foremost "simply the love of God."²⁶ If one thinks of grace as 'the free personal favour of God, as his powerful and sovereign act,' then there cannot be, according to Küng who here too refers to Catholic biblical exegesis, any 'serious difference' between Protestant thinking and Catholic thinking.²⁷

However, Catholic theology constantly emphasises that the grace of God is not limited to his benevolence, but that it simultaneously produces an effect on the human person. Grace is essentially *favor Dei* but it is not solely *favor Dei*, as was said at the Council of Trent (DS 1561). Speaking of the concept of grace in St. Thomas Aquinas,²⁸ Pesch states that: 'the love of God is always and necessarily creative . . . The idea of a grace which is 'favour,' 'love,' 'acceptance' existing *only* on God's side would be . . . an anthropomorphism — because non-creativity is a characteristic of human love.' Such concepts as 'inherent grace,' 'infused grace' etc. are meant to show the creative power of grace whose effects make themselves felt for the sake of and within human nature. 'The expressions *gratia inhaerens*, and *gratia infusa permanens* emphasise only the true, essential, inner transformation of man.'²⁹ In that they refer to the real renewal brought about by grace in the justified man or woman, the ideas of *gratia inhaerens* or *justitia inhaerens* in no way betray the intentions underlying Protestant thinking, which can accept them freely.³⁰

25. Charles Moeller, 'Grace and Justification' in *Lumen Vitae* vol. XIX, 1964 no. 4, pp. 719-30; *Oecuménisme et Formation Religieuse*, II, p. 532.

26. O. H. Pesch, *Die Theologie der Rechtfertigung bei Martin Luther und Thomas von Aquin*, 1967, p. 632.

27. Hans Küng, *Justification*, p. 194.

28. O. H. Pesch, *op. cit.*, p. 632.

29. Hans Küng, *Justification*, p. 197.

30. Cf. P. Brunner, 'Die Rechtfertigungslehre des Konzils von Trient' in *Pro Ecclesia* vol. II, 1966, pp. 151ff and 166ff.

Catholic and Reformed thinking therefore come together at least in what they intend. Luther too could say, like the Council of Trent, while insisting on *sola gratia*: 'not grace alone': 'Christ obtained for us not only grace but also the gift of the Holy Spirit so that we should not receive simply forgiveness of sins but that sin should cease in us.'³¹

The decisive question is thus to find out whether justification can be based on this *gratia inhaerens* and so on the regenerative effect of grace in human nature. This is precisely the idea which the Reformation vehemently repulsed as the negation of *sola gratia*. But isn't this precisely what Catholics affirm when they consider the actions of the renewed human person as 'merits'? (DS 1545).

Catholic writers say no. *Gratia inhaerens* always remains the grace of God, and we can never take it to ourselves to such an extent that we can rely on it before God.³² *Justitia inhaerens* is indeed 'our righteousness,' but not 'our own righteousness,' as if it stemmed from ourselves (DS 1547). The ideas of *cooperatio* and *merit* should therefore not be understood in the sense of a synergism or a 'Pharisaic teaching on merit'³³ which would appeal to the good works consequent on God's action in man as guaranteeing his righteousness. The declarations of the Council of Trent expressly refute this idea: 'A Christian should have no inclination either to rely on himself or to glory in himself instead of in the Lord (1 Cor 1:31), whose goodness towards all men is such that he wants his gifts to be their merits' (DS 1548).

Today it would be asserted on the Catholic side that the intention behind the ideas of merit and co-operation is to insist on the necessary renewal of the justified man or woman. 'As in Scripture, the Council's only concern (in its doctrine of merit) is that man should not remain in a state of indolent passivity, burying his talents, but put them to use. It is a summons not to an idle basking in the sun but to earnest fear of God and active obedience.'³⁴

It is in this sense too that Edward Schillebeeckx and Charles Moeller mean the idea of merit to be understood: '. . . merit indicates

31. WA 50, 599.

32. Charles Moeller notes that scholastic concepts of *habitus* and *gratia creata* were corrected 'from an anti-Pelagian perspective.' 'St. Bonaventure explains that we must admit a created *habitus* in order to stress the radical powerlessness of man and to exclude justice from works. Created grace is in no way then a kind of automatic possession of the human being, which would enable him somehow to do without the permanent influx of God our Saviour; on the contrary, it is ceaselessly produced by God himself present in the soul . . . All this is summed up in one striking formula: "to possess a *habitus* is to be possessed by God, *habere est haberi*" (p. 724f).

33. Hans Küng, *Justification*, p. 258.

34. *ibid.*, p. 258-9.

the historicity of the supremacy of grace within human freedom, and in no sense competes with *sola gratia*. Merit is 'not a thing, allowing us to obtain something else, for it simply is the reality of man, in the depth of his soul, become *worthy of*.' It is the *personal character* that must be stressed here: a man merits because he *is*. It is not an acquisition, but the fruit of the whole man acting under God's motion. Thus we can understand that, in rewarding our merits, God crowns his own gifts.³⁵

Today Protestants too can accept this idea from Catholic theology. This is how P. Brunner, for example, writes in his analysis of the Tridentine doctrine of justification: 'If the concept of merit is interpreted according to the texts of this decree, it also seems to belong to the order of grace. Eternal life is indeed not bestowed without the good works of believers and of justified men and women, but it remains nonetheless a gift of grace, a gift of God's mercy for Christ's sake.'³⁶

It is true that Catholic theologians themselves must ask, with this sort of interpretation, whether the term 'merit' can still be considered as a 'felicitous expression to convey the intended meaning.'³⁷ Schillebeeckx thinks that: 'The word is not important, but the content is.'³⁸ O. H. Pesch puts it even more categorically: the doctrine of merit 'is not a fundamental conviction of faith which may never be given up, but a theological affirmation which can be allowed to drop or which can be replaced by better theological statements and analogies, without weakening the message of salvation in the process.'³⁹

The idea of 'reward' would be not only more biblical but could at the same time make for a reconciliation with reformed theology. The New Testament idea of reward was as we know one retained by the Reformers. They emphasised that the works produced by faith can never earn justification, but nonetheless they have an 'eschatological reference' transcending earthly life.⁴⁰ The good works of a justified

35. Edward Schillebeeckx 'The Tridentine Decree on Justification: a new view' in *Concillium* vol. 5, no. 1, May 1965, pp. 92-3; p. 93; Charles Moeller, p. 724f.

36. P. Brunner, p. 169. Mention should also be made here of V. Väijä's study 'Sine Meritis. Zur kritischen Funktion der Rechtfertigungslehre' in which he shows among other things that the Reformers' criticism was directed at an idea of merit 'which considered human works as a preparation for receiving grace.' On the other hand, it was not aimed at the Augustinian and Thomistic concept of merit 'founded on the absolute preliminary condition of grace in Jesus Christ' (in *Oecumenica*, 1968, p. 193f).

37. O. Karrer, quoted by Küng, p. 259.

38. Schillebeeckx, p. 93.

39. *Festschrift für M. Schmaus*, vol. 2, 1967, p. 1867f.

40. A. Peters, 'Reformatorsche Rechtfertigungsbotschaft zwischen tridentinischer Rechtfertigungslehre und gegenwärtigem evangelischem Verständnis der Rechtfertigung' in *Lutherjahrbuch* 1964, pp. 119 and 123; cf. p. 92.

man or woman are thus in no sense useless for salvation and eternal life. On them depends 'the differences between the saints in glory,'⁴¹ as the Apology of the Augsburg Confession states, for example. This is the sense in which the Lutheran confessions of faith and Luther himself can state without hesitation 'that good works are meritorious.'⁴²

If this is accepted, it seems quite possible to commit ourselves to the process of reconciliation with regard to the declarations of the Council of Trent — which have always been criticised and rejected by Protestants — which state that the good works of a justified person result in an 'increase of grace' (DS 1582), an 'increase of justice' (DS 1535, cf. 1574), thus giving them a specific importance for eternal life.⁴³ But this reconciliation would be possible only if we adhere strictly to the idea that the 'decisive step' from perdition to salvation, from hostility to God to the state of children of God, can be taken thanks to the merit of Christ alone, to which nothing can be added,⁴⁴ that the passion and death of Jesus Christ are and remain, therefore, the *causa meritoria* which suffices for justification (DS 1529). This is what O. H. Pesch writes in his analysis of the doctrine of merit in St. Thomas Aquinas: 'Merit is "only" the effect of *gratia cooperans*, that is, of grace which, so to speak, brings its justifying work in its train.'⁴⁵

(b) *Forensic justification — sola fide — the renewal of human nature*
In order to express that God's acceptance of man is not tied to any condition to be fulfilled by man, and that the basis of justification is located on God's side, the Reformers, adopting biblical terminology, describe the act of justification most readily in 'forensic' terms:⁴⁶ the sinner is 'declared righteous'⁴⁷ before God's tribunal, on account of Christ; Christ's righteousness is 'imputed' to him; his sins are 'pardoned' or he is 'acquitted.' Corresponding on the human side to this forensic act by which the sinner is declared righteous by God for Christ's sake is faith and, as the Reformers emphasise, faith alone, because no response can be made to a declaration of righteousness founded not on man but purely on Christ except a response of faith — that is, by confidently accepting the judgment which confers righteousness. To appeal simultaneously to one's own works — even if they are produced by grace — would mean one did not accept this judgment but challenged it. Thus the human person can accept God's

41. BKS, p. 227.

42. BKS, p. 198: WA 3011, 670; 32, 543.

43. Cf. P. Brunner, pp. 162-4.

44. P. Brunner, p. 163.

45. O. H. Pesch, *Die Theologie der Rechtfertigung*, p. 785.

46. Cf. for example, BKS, pp. 209, 219, 919.

47. WA 30, II 140.

justifying judgment *only* through faith and so receive justification. The *sola fide* of the Reformers is thus included in their forensic concept of justification.

The polemic directed at what was thought of as the 'purely' forensic concept of justification and the corresponding *sola fide* constituted, at least in the past, the sorest point in Catholic criticism of the Reformation doctrine of justification. It is therefore appropriate to go into this point in more detail.

The decisive reproach formulated by the Catholics with regard to the debate on the subject of grace applies to this point as well. It runs as follows: In the Reformation concept of justification, a concept which bears an essentially forensic stamp, the aspect of the renewal and interior transformation of the person, the actual removal of sins, is cut out or at any rate treated with a dangerous indifference. Justification seems to be a 'simple action meant to cover sins,' a 'simple declaration of justification,' and so something purely external' which does not really take hold of the person to transform him and make him righteous.⁴⁸ This criticism was also formulated by the Council of Trent which condemned the concept according to which 'men are justified either through the imputation of Christ's justice alone, or through the remission of sins alone, excluding grace and charity which is poured forth in their hearts by the Holy Spirit' (DS1561). The Catholic criticism of the Reformation idea of faith and *sola fide* is by and large along this line. It reproaches *sola fide* for neglecting the ethical aspect of the biblical message, the necessity of penitence, of new obedience, of love and its works to the point where the ethical dimension of faith is in practice lost. This is how the Catholic dialogue partners looked at *sola fide* before and during the discussions at Augsburg (1530): a 'wholly bare faith, knowing in practice neither penitence, nor love, nor new obedience, nor good works.'⁴⁹ The Council of Trent at once formulated this reproach in a number of places, for example, when emphasising, with reference to James 2:17 and Gal 5:16, that to become a living member of Christ's Body, hope and love must be added to faith (DS 1531), or when stating, in reference to the ethical texts of Scripture: 'Therefore nobody may rely presumptuously on faith alone (*in sola fide*), believing that he will be made an heir and receive the inheritance by faith alone (*sola fide*), (DS 138). This is the basis for the formulation of the corresponding doctrinal condemnations aimed at *sola fide*.

48. Cf. M. Bogdahn, who provides a mass of evidence drawn from recent Catholic writing: *Die Rechtfertigungslehre Luthers im Urteil der neueren katholischen Theologie* 1971, p. 69ff.

49. V. Pfnur, *Elnig in der Rechtfertigungslehre? Die Rechtfertigungslehre der Confessio Augustana (1530) und die Stellungnahme der katholischen kontrovers-theologie zwischen 1530 und 1535*, 1970, p. 395; cf. pp. 256-64.

particularly canons 9 (DS 1559), 19 (DS 1569) and 20 (DS 1570). The criticism formulated against the reformed concept of faith as *fiducia* (DS 1533, 1534, 1562 and 1564) was therefore very clearly motivated by the fear that the ethical value of the act of justification was being taken as unimportant. This criticism appears again in recent Catholic literature.⁵⁰

How was this controversy ended, so that the Malta Report could speak of 'a far-reaching consensus'? It can be explained by three observations which we can think of as three successive steps leading up to this consensus:

1. The Reformers constantly tried, in the time following the Diet of Augsburg, to show that Catholic criticisms of the forensic doctrine of justification and of *sola fide* were not really dealing with the Reformed concept. This idea was in its essence maintained and referred to later by Protestant theologians. Despite the polemical tone in general use, they did take account of the legitimacy of the concern underlying Catholic criticism. For to the degree that Catholic reproaches were described as a 'deformation' or a 'false interpretation' of the Reformers' original concept, to that degree there was an implicit acknowledgment that there was a pretty broad agreement in this field.

Now that time has passed, Protestants are more willing now than they were in the post-Reformation era to recognise these convergences which have been maintained throughout all the controversy. This has been seen already in the context of the preceding section, but it is true also for the whole debated area of 'forensic justification — *sola fide* — renewal.' This emerges, for example, from a series of recent Protestant reviews and studies on the Council of Trent's decree on justification. They show that Protestants can very well share in the Tridentine rebuttal of a purely forensic concept of justification ('... *sola imputatio iustitiae Christi*,' DS 1561), of a reduction of the act of justification to the forgiveness of sins ('... *sola peccatorum remissio*,' DS 1561) or of a justifying faith without any interior renewal or works of love ('... *inanis fiducia*,' DS 1533).

W. Joest writes: When the Council of Trent 'requires justification to be understood as the gift of an effective grace as well as the forgiveness of sins, a renewal and sanctification of life,' something is being affirmed which Protestant theology can and should make its own.⁵¹ A. Peters expresses himself in similar terms: 'By recognising that our faith exercises itself in works and so increases' it is quite possible to give 'a positive meaning' to certain declarations of the Council of

50. Cf. M. Bogdahn, pp. 75-8.

51. W. Joest, 'Die tridentinische Rechtfertigungslehre' in *Kerygma und Dogma*, 1963, p. 46.

Trent.⁵² P. Brunner's impressive study takes on a special importance with regard to this question. It shows such possibilities of deep agreement on these principal points between Protestant and Tridentine concepts of justification that the differences which still exist appear to have lost the virulence which separated the Churches.⁵³

As has been said already, these declarations constantly refer to what the Reformers were asserting. Whether to respond to Roman Catholic criticisms or to combat certain errors in their own ranks, the Reformers tirelessly emphasised that for them maintaining the forensic concept of justification and *sola fide* in no way meant remaining indifferent to the ethical content of the Christian message. Witnesses on this topic are as numerous as they are vehement. As for discussions within the Reform itself, this was not simply a matter of the theological refutation of the antinomians — a refutation which in many respects provided an explicating commentary on the Reformation doctrine of justification. From an ecumenical point of view, the theological clarifications which were the outcome of the disputes with Osiander and Major can be considered even more illuminating. These were incorporated into chapters III (of the righteousness of faith) and IV (of good works) of the Formula Concordiae. There is a description of and insistence on both the forensic understanding of justification and on the mutuality and good ordering of the declaratory act and the act which effectively justifies, of faith and good works. These texts are an enduring and precious contribution to the attempt to overcome the Catholic-Lutheran controversy on justification.

As regards direct confrontation with Roman Catholic theology, reference must of course be made to the Augsburg Confession and its basic affirmations for Lutheran thought. According to these the Holy Spirit who effects justifying faith is also the *creator spiritus* who renews believers' hearts so that they may perform good works.⁵⁴ We know how the Apology of the Augsburg Confession replies in more detail to Roman Catholic criticisms. However the problems posed by the interpretation of chapter IV (Of justification) are solved, (and they are in part very complex) one thing is clear: justification is presented on the one hand as an act which is carried through without human intervention, a purely divine act which is yet not exterior to the person, and *sola fide*, on the other hand, as excluding confidence in good works, but not good works themselves,⁵⁵ so that justifying grace is never and cannot be without good works.⁵⁶

52. A. Peters, p. 91.

53. P. Brunner, pp. 141-69.

54. BKS p. 80; cf. p. 316.

55. *Ibid.*, p. 175.

56. *Ibid.*, p. 209.

The fact that it has nonetheless never been possible to come to a real mutual understanding either during the Reformation era or later does not mean that the polemics were no more than a dialogue of the deaf. A recently published Catholic study shows how in the years following the Diet of Augsburg (1530-35), despite the remaining differences in terminology an agreement on the actual object of the doctrine of justification had been sketched out by some theologians of the Reformation and some representatives of Catholic theology. Both sides were completely aware of this agreement.⁵⁷ Some years later, the Ratisbon conversations (1541) also led to a not inconsiderable consensus which specifically safeguarded the forensic character of justification and expressed the *sola fide*, while describing justifying faith as *fides viva et efficax* and *efficax per charitatem* in reply to the preoccupations of the Catholics who were afraid of too great an emphasis on and the absolutising of the forensic aspect.⁵⁸ These agreements of the years 1530-40 were however still dominated by a return to the old polemics, and the Ratisbon consensus was not positively welcomed either by Rome or Wittenberg.

The Reformation controversy on justification was thus accompanied by a latent agreement, an agreement concealed beneath the structures of different ways of thinking, an imperfect and fitful agreement which did not succeed in leading on to any lasting consensus.

The agreement which is emerging at present is following, in its main lines, the path already mapped out in the Reformation era. Admittedly, biblical exegesis and recent historical research on Saint Thomas Aquinas, for example, the analysis of the particular situation of the theological and historical fronts which provoked the Reformers' protest, and also studies of the Council of Trent, have provided some important information. But they have not made any fundamental change to the set of problems originally posed. They have simply placed them in a clearer light. They have given us a more precise view of the tangle of mutual misunderstandings produced in particular by the difference in ways of thinking and in concepts. They have also enabled us to recognise and grasp today those possibilities of agreement which were already being traced out in the Reformation era. This leads me to my second observation.

(2) The Reformation doctrine of justification has for some time had an important and increasing number of Catholic advocates. Catholic theologians seem nowadays to have relieved their Protestant colleagues from the worry of having to justify the doctrine of justification and to defend it against the polemical deformations and

57. V. Pfnur, cf. especially pp. 394-9.

58. *Corpus Reformatorum*, vol. IV, col. 198-201.

condemnations to which it has been hitherto a victim. The tenor of Catholic statements and presentations is almost everywhere in the following terms: the traditional condemnation of a purely forensic concept of justification according to which justification would be restricted to a purely external declaration of a person's righteousness, and the condemnation of a concept of a justifying faith which would separate this faith from penitence, love, new obedience and good works, sidestep the Reformation doctrine of justification. Such polemics, it is true, do apply to certain occasional exaggerations of the forensic aspect and *sola fide*, but not to the original Reformation concept.

The work of A. Hasler⁵⁹ is to some extent a veritable programme. His purpose is to expose the stock phrases which misrepresent Luther's teaching on justification and which still predominate in the great majority of dogmatic manuals in this century, and to set them against the results of achieved research on Luther by both Protestants and Catholics. On the Catholic side, many groups have accepted the opinion formulated by M. Schmaus: 'The Reformers . . . effectively teach . . . that God truly pardons sin. If then God declares the sinner justified, he is made wholly just. According to the Reformers, God doesn't just pretend to act as if the person were not a sinner. In their view, the man whom God has declared justified truly is no longer a sinner.'⁶⁰ Catholic specialists on Luther, such as J. Lortz and P. Bläser, who have anyway been reticent in passing judgment on this subject, are now taking up the idea that according to Luther justification works 'a genuine transformation of the old man into a new man in Christ,'⁶¹ an 'interior transformation.'⁶² As Edward Schillebeeckx emphasises, when the Reformers describe justification as 'legal, imputative and declaratory,' these terms are 'by no means identical with "external."⁶³ Speaking of Luther R. Kösters states: 'The fact that the sinner has been declared just does not simply leave room for the interior transformation of the sinner, but brings it about by an interior necessity.' He therefore considers that 'the decisive objection to the Protestant doctrine of justification . . . has no foundation.'⁶⁴

It would be easy to heap up other Catholic statements of this type

59. A. Hasler, *Luther in der katholischen Dogmatik. Darstellung seiner Rechtfertigungslehre in den katholischen Dogmatikerbüchern*, 1968.

60. M. Schmaus, *Katholische Dogmatik*, vol. III/2, 6th ed., 1965, p. 123.

61. J. Lortz, 'Martin Luther' in *Reformata Reformanda*, ed. E. Iserloh and K. Repgen, vol. 1, 1965, p. 244.

62. P. Bläser, 'Gesetz und Evangelium' in *Catholica*, 1960, p. 22.

63. E. Schillebeeckx, *op. cit.* p. 93.

64. R. Kösters, 'Luthers These "Gerecht und Sünder zugleich"' in *Catholica*, 1964, p. 213.

but it would have little point and would not take us much further. What is important is that corresponding to this new appreciation of the forensic character of the Reformation doctrine of justification is a new appreciation of the Reformers' *sola fide*. Today we are hearing the Reformers' replies to their critics from the mouths of Catholics themselves, as they declare themselves to be in agreement with them: 'For Luther, faith is something alive and active . . . Faith cannot exist without love and without good works . . . Justifying faith is effectively and of necessity related to love. And the performing of works is so much part of justifying faith that we cannot speak of faith where these works are absent.'⁶⁵ In his impressive study of Luther's Great Commentary on the Epistle to the Galatians, P. Manns comes to the conclusion: 'Faith justifies but the justified person fulfils, or at least begins to fulfil, the law! Here account is taken of the fact that *fides incarnata* . . . leads to love or is identified with love.'⁶⁶ And E. Iserloh puts it as follows: 'According to Luther, justifying faith "is not something distinct from love"' but is 'in some way impregnated with love.'⁶⁷

It is perhaps in Cardinal Willebrands' allocution at the Fifth General Assembly of the LWF that the clearest account is given of the extent to which this new understanding of the Reformation doctrine of justification has become established in Catholic theology. In this allocution it is noted that common studies undertaken by Catholic and Protestant researchers have shown 'that the term "faith" in the sense in which Luther used it is not meant to exclude works, or love or hope. It can truly be said that Luther's concept of faith, taken in its full sense, signifies nothing other than what the Catholic Church calls love.'⁶⁸

3. But Catholic theologians could hardly make themselves advocates of the Reformation doctrine of justification or defend it against polemical deformations unless they could at the same time assent to the specific intentions of the doctrine. This is the context of the third aspect of the agreement presently emerging. It is not just that there is a declaration on the Catholic side that the 'effective' element is in no way missing from the Reformers' forensic concept of justification, and that their *sola fide* does not exclude love and the works of love. From this 'negative' consensus they go on to a 'positive' one which identifies both the forensic concept of justification and *sola fide* with convictions which, while neither unilateral

65. P. Bläser *Rechtfertigungsglaube bei Luther*, 11953, p. 25.

66. P. Manns, 'Fides Absoluta-Fides Incarnata' in *Reformata Reformanda*, p. 299f.

67. 'Luthers Stellung in der theologischen Tradition' in *Wandlungen des Lutherbildes*, ed. K. Forster, 1966, p. 30.

68. *Erian* 1970. *Fünfte Vollversammlung des Lutherischen Weltbundes* ed. H. W. Hessler, 1970, p. 98-99; *Positions Luthériennes* 18, 1970, p. 329.

nor exaggerated, must also have or come to have a place in Catholic theology.

H. Volk, for example, emphasises that 'in describing the process of justification'⁶⁹ the idea of 'imputation, and thus the forensic dimension, cannot be dropped.' Schillebeeckx expresses the same idea when he says that the Reformation with its forensic doctrine of justification was preoccupied 'with the aspect of "from above:" of 'grace as truly supreme,' thus with something which is also 'part of the Catholic faith.'⁷⁰ H. Fries brings forward analogous arguments: In Luther's forensic concept of justification certain fundamental categories and aspects of Christian faith come to light — in particular the category of personal relationship with God — which Catholic theology cannot dispense with, 'by reason of the structure of revelation and of Catholic thought itself.'⁷¹ Hans Küng insists particularly on the preservation of the forensic character of justification. His arguments are especially of the exegetical order and he shows, by reference to other Catholic exegetes, that the biblical notion of justification is effectively a 'forensic conception.'⁷² This has a 'fundamental importance' for the understanding of justification because it brings out 'the gratuitousness of justification' and more precisely the justification of *unjust* human beings. This forensic conception of justification 'is in no way excluded' from Catholic tradition — nor from the decree of the Council of Trent — 'it is included.'⁷³

In accepting the forensic doctrine of justification, Küng, Fries,⁷⁴ and others proceed directly to a corresponding acceptance of *sola fide*, correctly understood. Küng states: 'Through justification the merciful judge declares men to be justified and the corresponding human attitude is one of abandonment to the sentence of divine grace, sustained by fear and especially by trust, and the acknowledgment of his own unworthiness in the face of God's grace. In short: faith. It is certainly the faith of someone who loves, and thus a loving faith, but it is not love taking the place of faith.'⁷⁵ This is why 'the formula definitely belongs to Catholic tradition,' since 'according to Catholic and Tridentine teaching on justification . . . there is no other recourse for the sinner than to place his whole trust in the Lord.'⁷⁶

⁶⁹ *Lexikon für Theologie und Kirche*, vol. V, 2nd ed., 1960, col. 641.

⁷⁰ E. Schillebeeckx, p. 93.

⁷¹ H. Fries, pp. 168-72.

⁷² 'Rechtfertigung und Heiligung' in *Begegnung der Christen*, ed. M. Roesle and O. Cullmann, 1960, p. 253f; cf. Küng, *Justification*, p. 200.

⁷³ *Ibid.*, p. 255; Küng, p. 208.

⁷⁴ H. Fries, p. 174.

⁷⁵ 'Rechtfertigung und Heiligung' p. 265f.

⁷⁶ Küng, pp. 238 and 249.

It would also be pointless to heap up references on this point to prove that Catholics have legitimised and adopted the *sola fide*.⁷⁷ Let me refer again to Cardinal Willebrands' address to the LWF Assembly, which he intended to be understood in this context: Luther for whom 'the doctrine of justification was the *articulus stantis et cadentis ecclesiae*' is in this 'our common master when he teaches us that God must always remain the Lord and that the most important human response must remain absolute trust in and adoration of God.'⁷⁸

(c) *Man though justified remains a sinner (simul justus et peccator)* However, the whole debate between Catholics and Protestants centres on the Reformation formula of *simul justus et peccator*. It is true that within Protestant theology, the meaning of this formula, even the possibility of maintaining it in face of the New Testament and more specifically of the Pauline witness, has been vigorously discussed and, up to a certain point, contested. But it must nevertheless be acknowledged that taken as a whole the Lutheran doctrine of justification cannot give up this formula nor what it stands for. Its importance seems so central that it can be seen as 'the formula of justification itself',⁷⁹ and it can be said to contain 'the whole of Lutheran theology.'⁸⁰ It was also taken to mark the difference between the Reformation and the Roman Catholic concepts of justification more clearly than any other formula: that it was 'incompatible with the Roman Catholic system.'⁸¹ and that even if this formula could be accepted on the Catholic side it would only be at the cost of an interpretation which deformed its true meaning.⁸²

The Roman Catholic critics of the Reformation doctrine of justification have from the outset been constantly challenged by this formula or by the connected statement that the justified person remains entirely sinful.⁸³ The Catholic rejection of this formula is ultimately of a piece with the rejection of a purely forensic concept of justification, as was dealt with above. Indeed, the differences in the way sin is thought of (the relation between original sin and concupis-

77. This is adequately proved in M. Bogdahn, for instance, p. 147ff.

78. *Evian 1970*, p. 99.

79. W. Link, *Das Ringen Luthers um die Freiheit der Theologie von der Philosophie*, 2nd ed., 1955, p. 77ff.

80. R. Herrmann, *Luthers These "Gerecht und Sünder zugleich"*, 2nd ed., 1960, p. 7.

81. R. Herrmann, in *Die Religion in Geschichte und Gegenwart*, 2nd ed., vol. VI, 1961, p. 844.

82. E. Schlink, 'Gesetz und Evangelium als kontroverstheologisches Problem' in *Der kommende Christus und die kirchlichen Traditionen*, 1961, p. 154.

83. Cf. for example *Luthers Auseinandersetzung mit dem belgischen Theologen J. Latomus, 1521*; WA 8, 43ff.

cence) play an important role in this context, but I will not go into further detail.⁸⁴ The Catholic 'no' has been formulated by Karl Rahner and H. Vorgrimmler in these terms: 'If Catholics protest against this formula it is because they reject the idea that God-given justice . . . is only a forensic 'as if,' a mere 'imputation,' a fiction which leaves man a sinner as before, incapable of good and salutary deeds.'⁸⁵

It is therefore a question on the Catholic side of discovering whether in the light of this formula 'justification does not lose . . . its reality' and this 'the decisive objection against the Protestant doctrine of justification.'⁸⁶

Lutheran insistence on the central, positive position of this formula for the Reformation doctrine of justification, even of all theology, like the Catholic position which concentrates all its criticism of the Protestant doctrine of justification just on this point, gives foundation for the statement made by the Catholic theologian R. Kösters: 'The problem of agreement or disagreement on the doctrine of justification comes down to the question of knowing whether, and in how far, it is possible to reach mutual understanding on Luther's *simul*.'⁸⁷

After the explanations given above it would be pointless to describe once more the Catholic-Protestant rapprochement on the concept of justification, in particular as related to the links and the differences between forensic justification and effective justification. The question of the meaning of the *simul* therefore comes up rather in the form of a two-fold test — an important one, certainly: Does Lutheran theology understand this formula in a way which would *not* make of it a purely forensic concept of justification, which would once more hazard the agreement between Catholics and Lutherans? Can Catholic theology accept the Lutheran formula of the *simul* today, without any deforming misinterpretation, or can it, at least, find in it a positive meaning which would nullify the previous condemnations?

On this point too Lutheran interpretations and Catholic positions have come palpably closer together in recent years, as two observations will demonstrate:

I. On the Protestant side, there has for quite some time been an attempt to bring out the particular *character* of this Reformation statement. By declaring the believer to be *entirely* just and at the same time *entirely* a sinner (*totus homo justus-totus homo peccator*) it is not a matter of giving an objective description of human nature nor

84. Cf. for example R. Kösters in *Catholica*, 1965, p. 136ff.

85. *Concise Theological Dictionary* (English ed. 1965), p. 435; cf. K. Rahner, 'Justified and Sinner at the same time' in *Theological Investigations VI*, 1969.

86. R. Grosche, 'Simul justus et peccator' in *Pilgernde Kirche*, 2nd ed., 1969, p. 153.

87. R. Kösters in *Catholica*, 1964, p. 48.

of pronouncing an 'objective and concrete condition.'⁸⁸ Understood in this way, the formula would be false and bare of meaning. It should rather be seen as an affirmation which has no meaning and is not accurate unless 'man knows himself to be placed before God.'⁸⁹ It must then be understood as a prayer, as a 'confession of commission' and not as an 'ontological, dialectical formula.'⁹⁰ 'This phrase . . . must be understood as a confession, that is, that when the believer comes in prayer before God's face, he expresses through it his concept of the relationship between God and himself. It is a statement which the person at prayer makes about himself . . . All erroneous interpretations stem from the fact that this truth of the encounter between God and man has been transposed into the world of popular and philosophical truth.'⁹¹

If the formula is understood as being pronounced in the presence of God, it takes on its full meaning: man is entirely a sinner 'in the perspective of the severe judgment of God.' He is entirely just 'in the perspective of the great mercy of God.'⁹² Or, what comes to the same thing for Luther: 'In myself, apart from Christ, I am a sinner; in Christ, apart from myself, I am not a sinner.'⁹³

As an affirmation of prayer or of faith, this formula is not only meaningful but indispensable. For 'in the prayer which cancels out all personal merit before God in order to stake everything on God alone.'⁹⁴ the believer must needs acknowledge himself entirely a sinner and implore God's mercy. 'A confession of sins which was no more than a partial and limited self-condemnation would deprive the person's presence before God's face of its seriousness . . . For the spiritual man, such an enfeebling of the confession of sins . . . is impossible.'⁹⁵

Only in prayer or confession does the formula *simul justus et peccator* — in the sense of *totus homo justus, totus homo peccator* — reveal its real meaning and express the basic intention of the Reformation doctrine of justification. It excludes any human action

88. R. Herrmann, p. 289.

89. *ibid.*

90. W. Joest, 'Paulus und das Lutherische *simul justus et peccator*' in *Kerygma und Dogma*, 1955, p. 318 (referred to henceforward as W. Joest, *Simul justus et peccator*); cf. also H. G. Pöhlmann, who gives a powerful and detailed explanation of how *simul justus et peccator* can and should be understood as a 'phrase expressive of practical experience' such as 'an experience of prayer' (book quoted above, p. 362ff see note 20a).

91. W. Link, p. 77ff.

92. P. Althaus, *Die Theologie Martin Luthers*, 1962, p. 211.

93. WA 38, 205.

94. R. Herrmann, p. 297.

95. W. Joest, *Simul justus et peccator*, p. 305.

which might be set up against God's judgment and places its entire trust in God's merciful justice.

This concept of *simul justus et peccator* is no longer criticised by Catholics. Quite the reverse! 'If justification is expressed in terms of categories of bonds and relationships, if it is articulated as the experience of Christian existence and in prayer, Catholics too can speak of man as simultaneously a sinner and justified.' 'The formula "just and at the same time a sinner" can be accepted today in the perspective of Catholic theology on condition that it is understood existentially and pronounced in prayer and confession'.⁹⁶

This is Karl Rahner's opinion also when he states that the *simul* formula 'is justified if it is understood as the expression of the experience of the individual person;' for 'one of the basic religious experiences is undoubtedly the experience that we are sinners, but that we may also at the same time console ourselves about being justified before God in Christ.'⁹⁷ Here, in the sphere of religious experience and 'in view of the completely uncontrollable grace of God, of tempted justice, uncontrollable justice, we are always sinners. In this sense, it is possible to find an always true and decisively important Catholic sense in the formula 'just and sinner at the same time.'⁹⁸ There is also need 'somehow (to) pass beyond' the 'objectively correct' difference which Catholics make between mortal and venial sins. 'On the one hand, we are in fact sinners who hope always to be allowed to escape again out of their sinfulness into the mercy of God. On the other hand, there is justice, and if it is really in us through God's grace, it is always also threatened and tempted and hidden from us.'⁹⁹

R. Grosche also sees matters in this way when he tries to make a distinction between 'the ontological language of theology and practical and religious language' and when he considers the *simul* formula to be justified in the sphere of a 'practical and religious language.'¹⁰⁰

In this regard most Catholic authors quote the liturgy of the Mass as 'the most impressive example of the Catholic "*simul justus et peccator*".'¹⁰¹ 'The Catholic Christian too can and should acknowledge these two states which are constantly expressed in the liturgy: "I am the chief of sinners" and "I thank you for having saved me."¹⁰²

2. Catholic distrust of the formula cannot however be dissipated

96. H. Fries, p. 177f.

97. K. Rahner, pp. 224-5.

98. *Ibid.* p. 228.

99. *Ibid.* p. 228.

100. R. Grosche, p. 157.

101. H. Küng, p. 225.

102. H. Friest, p. 178.

by seeing the *simul justus et peccator* as an affirmation of prayer or a confession of faith. They do indeed seem to find it necessary and meaningful and they think that they can adhere to it. But the fundamental objection remains. For one thing is certain: whether it is made as a prayer or confession of faith, the *simul justus et peccator*, taken as the characteristic human declaration before God, is wholly bound up with the 'forensic' aspect of the act of justification.

There is obviously no disagreement here that the point at issue is man in relation to God and under God's judgment; to put it in other words, man's 'value' before God. It is true that we have seen that this forensic aspect also belongs to the Catholic concept of justification, but it is insistently emphasised that if the act of justification is to be grasped in its entirety, an 'effective' aspect, that is, the perspective of the real renewing of the person, has to be added to this 'forensic' or 'imputed' aspect.

The result is that the concept of *simul justus et peccator* as I have presented it here can be understood in two ways: either, if it is taken to describe only the 'forensic' but not the 'effective' aspect of the formula, it can be seen as the legitimate but only partially valid expression of justification; or it can be considered as the full and adequate expression of the act of justification, and a 'purely' forensic concept of justification would thereby be accepted. In the latter case, the *simul justus et peccator* would once more provoke rejection from Catholics and prevent any progress on the way to an agreement.

So we need to know whether the Reformers' *simul* has to be understood exclusively as an affirmation of prayer or a confession of faith, that is as the expression of a one-sidedly forensic concept of justification. To put it otherwise, is the *simul* simply about man's value before God or is also about the believer's concrete reality and his *vita christiana*?

Only in the latter case could Lutherans and Catholics continue to find agreement over the *simul justus et peccator*. This is not to say that they would in any case reach such agreement. But it would still be a decisive point of departure and an indispensable basis for an agreement.

Now, Lutheran and Catholic interpretations of the *simul* formula can be said to have moved closer together on this point in recent years.

On the Lutheran side, it has been shown that the *simul justus et peccator* of the Reformers was meant to be understood in a 'double sense.'¹⁰³ It was not just an affirmation describing man in his twofold relationship with God the judge and the God of mercy, thus in some way in his 'vertical' relationship with God, but at the same time an

103. P. Althaus, p. 212.

affirmation which also relates to the 'horizontal dimension of life.'¹⁰⁴ In other words: the *simul* brings us first to the 'sphere of value,' that is, to a sphere where the important thing is man in the light of God's judgment and grace. But it does not stop there and also refers to the 'sphere of earthly reality,' of the *vita christiana*.¹⁰⁵

But how then are we to understand the *simul justus et peccator* in this second sense, that is, in its application to the concrete reality of Christian life?

What Catholics fear and criticise is that this means that even when he is justified by God, man is and remains in his concrete life entirely and without any change the same sinner he was before. Thus everything would be led back all over again to a one-sided forensic concept of justification. Justice would appear solely as an imputed justice which did not become concrete in the reality of human life. If the *simul justus et peccator*, applied to Christian life, did mean this, we would have to contest it, as indeed we have to contest all exclusively forensic concepts of justification.

To be precise, this would be the fundamental question: Does the affirmation that the justified person remains a sinner in his or her concrete life have an all-over character or not? Is the *simul justus et peccator* an ontological, static and a-historical affirmation, in the sense that the act of justification produces no change in the sinful state of the person's acts and life, that therefore nothing falls away or is changed? Or can and should the formula be understood in such a way as to give the *justus/peccator* equation a dynamic, eventful and historical character? Can and should the formula be understood in such a way as to make it clear that the act of justification really does cut into the horizontal dimension of human life? That it involves an event which marks a turning from the *ante Christum* to the *post Christum*, even when we take into account the sinful condition of our personal life?

Recent Catholic positions show a decisive openness. They no longer interpret the *simul justus et peccator* categorically as an ontological and static formula, and so something to be rejected, but judge it possible to conceive of it as a dynamic formula, bound up with salvation history, and acceptable from a Catholic point of view. This is the basic tenor of most Catholic statements on the subject.¹⁰⁶

104. *Ibid.*, p. 213.

105. W. Joest, *Gesetz und Freiheit*, 1956, pp. 68 and 80.

106. 'If Luther's formula "*simul justus et peccator*" has a concrete historical, non-metaphysical meaning, it does not incur the condemnation of the Council of Trent' (M. Schmaus, p. 120). 'Luther's formula . . . can and should be recognised as providing a genuine basis, even if not a wholly satisfactory nor complete one, for the doctrine of justification, as long as it is understood on Luther's terms as having a dynamic and historical import and is not falsely interpreted, contrary to Luther's

since R. Grosche's book appeared in 1935 and opened up new paths.¹⁰⁷ In certain cases, they go as far as to think that the original meaning of the Reformers' formula¹⁰⁸ was actually a dynamic and historical one.

Here then is the point where Protestant and Catholic interpretations of the *simul justus et peccator* can meet. For today Protestants also state that the formula describes 'a stage of time and of salvation history which comes about between God and mankind.'¹⁰⁹ 'The contradiction contained in this term "simultaneously" just and a sinner . . . does not express . . . a static relationship, but a lively struggle. For . . . simultaneously with the faith which receives pardon, Christ enters the heart where he now undertakes the struggle against the old man.' This involves 'the co-existence, full of tensions and struggles, between the just man and the sinner within the person himself,' 'the advancing of the old man towards death and the resurrection of the new man.'¹¹⁰ The formula describes the 'movement involved in being Christian,' the 'real progress' which comes about in the life of a Christian in whom justice becomes a 'real and ever-increasing reality.'¹¹¹ The "'at the same time"' of the formula is a kind of pointer to this path of progress; it refers to the 'struggle and advance within the new life,' a title to the 'Christian life' which consists of 'zeal, pain and struggle.'¹¹²

In short, 'movement,' 'struggle,' 'progress' are the kind of key concepts by which Protestants also describe the meaning of *simul justus et peccator*, in so far as it deals with the concrete reality of Christian life. 'Just' and 'sinner,' then, no longer relate to a 'simultaneous and overall definition' of man, as the *simul* does when it is an affirmation made in a confession of faith or in prayer before God. Henceforward the terms signify simply 'partial aspects.'¹¹³ In his concrete life the Christian is 'partly just' (*partem justus*) and 'partly sinner' (*partem peccator*). There is obviously no question of any measurable and precisely definable 'parts,' but of the 'movement which comes about when they confront each other,'¹¹⁴ and of the 'dynamic progress from

intention, as a dialectical and a-temporal formula' (R. Kösters in *Catholica*, 1965, p. 223). See also Karl Rahner, *Theological Investigations VI*; H. Wulf, *Lexikon für Theologie und Kirche*, 2nd ed., 1964, vol. IX, p. 780; H. Schütte, *Protestantismus*, 1966, p. 429 and others express themselves similarly. Cf. H. G. Pöhlmann, p. 370ff. and M. Bogdahn, p. 192ff.

107. R. Grosche, cf. note 86.

108. This concept is defended by, for example, R. Kösters: see note 105.

109. R. Herrmann, p. 21.

110. P. Althaus, p. 212f.

111. W. Joest, *Gesetz und Freiheit*, pp. 65, 70 and 68.

112. R. Hermann, pp. 261, 234 and 10.

113. P. Althaus, p. 212; W. Joest, *Gesetz und Freiheit*, p. 65ff.

114. P. Althaus, p. 212f.

the old element which is still present but more and more disappearing, to the new element which has still to be fully realised but is more and more coming into view.¹¹⁵

New light thus falls on the fact that a justified person remains a sinner. The sin which co-exists with justice in the Christian is not to be identified simply with the sin of an unjustified person. 'In any event, the sin referred to in the *simul* formula is not an uncontested reality which reigns as lord. It is a sin attacked and combatted. Thus, with the believer sin has . . . a fundamentally different status from that which it has outside faith.'¹¹⁶ Sin is not just covered over by the forgiveness of sins, but it is definitively touched and altered. 'Something has happened to sin. It has received a mortal wound.' 'its vital artery has been cut;' it is 'the beginning of its end.'¹¹⁷ In the case of a believing and justified person sin is now no more than 'a power trampled underfoot, no longer a triumphant power.'¹¹⁸

Recent Protestant interpretations of the *simul justus et peccator* often recall and stress¹¹⁹ the difference which Luther made in his writings against Latomus between *peccatum regnans* and *peccatum regnatum*.¹²⁰ That sin, in the believer, becomes *peccatum non regnans* or *peccatum regnatum* means primarily that 'its power to precipitate man into damnation has been taken from it because of the judgment of justification which is opposed to this condemnation to death'; moreover, 'its power over the unfolding of life has been broken.'¹²¹ Sin shows itself chiefly as *peccatum regnatum* in the sense that the believer refuses it his 'consent,' as Luther says, following St. Augustine, and fights against it.¹²² In the case of the believer, a combative and active will sets itself against sin. This opposition is so much a part of the very essence of faith that without this active opposition faith would not be a real and justifying faith, as Luther and the Lutheran confessions of faith constantly stress.

Now we have reached the end of our study and we can say that it shows, even as regards the Reformation formula *simul justus et*

115. W. Joest. *Gesetz und Freiheit*, p. 79.

116. W. Joest. *Simul justus et peccator*, p. 298.

117. R. Herrmann, pp. 28 and 53.

118. A. Peters, p. 88.

119. R. Herrmann, p. 67; W. Joest, *Simul justus et peccator*, p. 299; A. Peters, p. 88. *Rechtfertigung heute. Studien und Berichte* ed. by the LWF's Theological Commission and Department, 1965, p. 32.

120. WA 8, 96.

121. W. Joest. *Simul justus et peccator*, p. 299.

122. Cf. for example, R. Herrmanns, p. 155ff; W. Joest, *Simul justus et peccator* p. 299f; cf. also R. Kösters in *Catholica* 1965, p. 136ff who considers the distinction which Luther makes between *peccatum regnans* and *peccatum regnatum* and his concept of *nun consentire peccato* to be 'extremely important from the point of view of polemical theology (Kontroverstheologie)', p. 136.

peccator, and hence the idea that the sinful condition endures in the justified person, that controversy between Catholics and Protestants over the doctrine of justification can be considered as overcome, in its main points. No point still needs elucidation which is capable of making the agreements achieved on other aspects and dimensions of the problem of justification once more the subject of debate. The affirmation of the Malta Report that 'today a far-reaching consensus is developing in the interpretation of justification' (No. 26) is therefore proved to be an exact assessment, also in the aspect dealt with above, based on the results of recent theological research.

III

What are the consequences of this consensus on the doctrine of justification?

A concluding remark

The aim of this study is to show how such an extensive agreement between Catholics and Lutherans on the problem of justification has been achieved that this problem can no longer be considered as one which separates the Churches. The Malta Report has the merit of having expressed this in such a fashion that it could not be overlooked.

I would like to be able to think that my study is concluded, but I am well aware that a new and very extensive problem is directly bound up with it: the implications or consequences which an agreement on the doctrine of justification would have, and should have, on all the other aspects and problems, of the Lutheran-Catholic dialogue.

Throughout my study I have shown why this question comes up at once and inevitably after agreement is reached on the doctrine of justification. Just as, from the Reform perspective, the doctrine of justification is not just one element among others of Lutheran doctrine but the central element from which all teaching and preaching flow, so a consensus on the doctrine cannot be taken in isolation as if it were a partial agreement among other similar agreements. All the partial controversies of the Reformation come back to the problem of justification, so that it has been debated in all these partial controversies, whether on sacramental doctrine or on ecclesiology, on mariology or on problems relating to devotional practice. This is exactly what Luther meant when he wrote: 'On this article (of justification) rests everything which we teach and everything which we live in opposition to the pope, the devil and the world.'¹²³ This is

also what he meant when he declared that if agreement were reached on the doctrine of justification the whole problem of Church unity would be resolved and he would be ready 'to kiss the pope's feet.'¹²⁴

The Malta Report and the dialogue which preceded it took careful account of this aspect of the problem, and even gave it special attention. It reads: 'Although a far-reaching agreement in the understanding of the doctrine of justification appears possible, other questions arise here. What is the theological importance of this doctrine? Do both sides similarly evaluate its implications for the life and teaching of the Church?' (No. 28).

This phrase could give the impression that the problem of the theological importance of the doctrine of justification is still wide open, and so a subject of controversy. But that would be inexact, because the preceding paragraph of the Malta Report clearly shows that there has been a great deal of consensus on this problem as well. Justification, it states, '... can be understood as expressing the totality of the event of salvation, ... As the message of justification is the foundation of Christian freedom in opposition to legalistic conditions for the reception of salvation, it must be articulated ever anew 'as an important interpretation of the centre of the Gospel. But it was also pointed out that the event of salvation to which the Gospel testifies can also be expressed comprehensively in other representations derived from the New Testament, such as reconciliation, freedom, redemption, new life, and new creation' (No. 27). Catholics too therefore can think of justification as 'expressing the totality,' as the central though not the exclusive expression 'of the event of salvation.' It is certainly not the only one but it is 'an important interpretation of the centre of the Gospel' which the Church may never set aside.

This is why it is characteristic of the Malta Report that the consensus on the doctrine of justification is not limited to that theme. As the text shows, the consensus leads directly to ecclesiology (Nos. 29.30). This becomes even clearer as it continues and the question of the ministry arises. It says: 'It is here (the question of ministries in the Church) that the question of the position of the Gospel in and over the Church becomes concrete. What, in other words, are the consequences of the doctrine of justification for the understanding of the ministerial office?' (No. 47). In every passage which emphasises the subordination of the Church and the ministry to the Gospel (Nos. 48. 50. 60 and 62), it states in how far it has taken account of the intentions of the doctrine of justification and how far it has been guided by them as regards agreement on ecclesiological problems. The question of papal primacy has also been considered by the

Lutherans from this angle (No. 66). The same integration of the problem of justification into the discussion of other debated points can be observed in the American-Lutheran dialogue on the subject of the sacrificial character of the Eucharist or of the papal ministry.

However, we must be careful not to set all the debated problems too one-sidedly in terms of the question of justification. Quite apart from the danger of reaching only a sterile schematism, even some sort of theological game, it should not be forgotten that we are talking about a specifically Lutheran perspective on the problem, and that this should not be imposed on the Catholic partner — not simply out of esteem and friendship for this partner, but in the last analysis because of the New Testament witness and the Christian message, which we do not treat fairly if we always and everywhere try to interpret and proclaim them as the witness and message of justification.

Even if the preaching and doctrine of justification can be considered as an 'important interpretation of the centre of the Gospel' and which therefore touches all the spheres of the doctrine of the Church and of Christian faith, this does not rule out other important interpretations of the salvation event which can express certain essential aspects of the divine action, of the Gospel message, of the ecclesiological reality and of Christian responsibility more adequately and contribute more effectively to their safekeeping than can an interpretation of the Gospel directed solely towards justification.

If the interconfessional dialogue allows Lutheran and the Lutheran Church to be more aware of this, it will have achieved a pretty notable result. It has emerged in the course of history that concentration on the message of the justification of the sinner, and on this alone, has not been purely a power in Lutheran theology and preaching but also a source or occasion of excessive simplifications and onesided ideas. Even if it could be proved that this was a result of 'false interpretations' of the Reformers' original concept of justification, we would still have to ask, with some unease, if such simplifications and onesided ideas might not continue to be produced if we seek a foundation for 'all that we teach and all that we live in opposition to the pope, the devil and the world' in the single article of justification.¹²⁵

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125. As regards the discussion within Lutheranism over the theological importance of justification, see H. G. Pöhlmann, pp. 23-39.