

THE JOINT DECLARATION ON THE DOCTRINE OF JUSTIFICATION: AN APPRECIATION AND CRITIQUE

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In Augsburg on October 31, Reformation Day, in 1999, Edward Idris Cardinal Cassidy, then President of the Vatican's Pontifical Council for Promoting Christian Unity (PCPCU), and his successor, then Secretary of the Council, Walter Kasper, joined seven leaders of the Lutheran World Federation (LWF) in signing the *Joint Declaration on the Doctrine of Justification (JDDJ)*. This document, according to which the Roman Catholic and Lutheran churches have achieved "a consensus on basic truths of the doctrine of justification" (*JDDJ* par. 5), has given rise to widespread confusion about the position of Rome and the churches of the Reformation on this vitally important subject. In the following, accordingly, we should like to dispel some of this confusion by (a) tracing the historical origins of the *JDDJ*, (b) outlining the contents of this widely misunderstood document, and (c) criticizing two common misunderstandings of the *JDDJ*.

Historical Origins

The *JDDJ* derives ultimately from the calls for ecumenical dialogue and reconciliation issued by the Roman Catholic Church's Second Vatican Council (1962–66), especially in its Decree on Ecumenism (*Unitatis Redintegratio*). The following summons typifies the Council's attitude on these subjects.

We must get to know the outlook of our separated brethren... Most valuable for this purpose are meetings of the two sides—especially for discussion of theological problems where each can treat with the other on an equal footing—provided that those who take part in them are truly competent and have the approval of the bishops. From such dialogue will emerge still more clearly what the situation of the Catholic Church really is. In this way too the outlook of our separated brethren will be better understood, and our own belief more aptly explained. (*UR* par. 9)

In order to foster such conversation, in 1967 the Vatican, in collaboration with the LWF, sanctioned the creation of an ecumenical study group, the Roman Catholic/Lutheran Joint Commission. In a series of reports that culminated in the 1994 statement, *Church and Justification: Understanding the Church in the Light of the Doctrine of Justification*, the theologians who composed this group indicated that they had reached a substantial consensus on certain aspects of the doctrine of justification. Encouraged by these developments, as well as by the 1983 statement, "Justification by Faith," produced by the Lutheran-Roman Catholic Dialogue in the USA; and by the book that grew out of consultations sponsored by the Ecumenical Working Group of Protestant and Catholic Theologians in Germany, *The Condemnations of the Reformation Era: Do They Still Divide?*,¹ the Vatican and the LWF charged a select group of theologians with the task of formulating a document that would "summarize the results of the dialogues on justification" (*JDDJ* par. 4): a document that, in its third draft, would become the *JDDJ*.

¹ Ed. by Karl Lehmann and Wolfhart Pannenberg; transl. by Margaret Kohl (Minneapolis: Fortress, 1990).

After representatives of the churches that compose the LWF unanimously approved the document on June 16, 1998, the PCPCU surprised many observers by issuing a skeptical “Response of the Catholic Church to the Joint Declaration of the Catholic Church and the Lutheran World Federation on the Doctrine of Justification.” By June 11, 1999, however, the LWF and the PCPCU agreed to attach a clarifying “annex” to the statement announcing their mutual agreement to the *JDDJ*, which addressed Catholic concerns and thus paved the way for the final signing of the document on Reformation Day in 1999.

Contents

The *JDDJ* consists in six main parts: a preamble, a brief presentation of the biblical witness concerning justification, an even briefer account of the ecumenical significance of the doctrine, an affirmation of consensus, an explanation of the consensus (the longest and most significant section of the document), and a conclusion stressing the significance and scope of this consensus. We shall take into account other documents relevant to the interpretation of the *JDDJ*, e.g., the appendix of statements from previous documents related to Lutheran/Catholic dialogue attached to the *JDDJ*, the “Response” and “Annex” referred to above, the “Official Common Statement” of agreement to the *JDDJ*, and Cardinal Cassidy’s “Presentation” of the *JDDJ* to the Roman Curia, in the exposition of the *JDDJ* that follows.

1. Preamble

The preamble to the *JDDJ* includes four central affirmations. First, referring to the mutual denunciations of the Reformation period, the document’s authors announce, “These condemnations are still valid today and thus have a church-dividing effect” (par. 1). Second, the authors describe the principal purpose of their statement: “namely, to show that on the basis of their dialogue the subscribing Lutheran churches and the Roman Catholic Church are now able to articulate a common understanding of our justification by God’s grace through faith in Christ” (par. 5). Although they caution that the document “does not cover all that either church teaches about justification,” its drafters insist that it “does encompass a consensus on the basic truths of the doctrine of justification and shows that the remaining differences in its explication are no longer the occasion for doctrinal condemnations” (par. 5).

Those responsible for the *JDDJ* assert, third, that “our declaration is not a new, independent presentation alongside the dialogue reports and documents to date [referred to in the previous section], let alone a replacement of them” (par. 6). In the *JDDJ*, rather, the parties seek merely “to summarize the results of the dialogues on justification” (par. 4). Fourth and finally, the authors clarify the presuppositions of their statement. “Like the dialogues themselves,” they write:

This Joint Declaration rests on the conviction that in overcoming the earlier controversial questions and doctrinal condemnations, the churches neither take the condemnations lightly nor do they disavow their own past. On the contrary, this Declaration is shaped by the conviction that in their respective histories our churches have come to new insights. Developments have taken place which not only make possible, but also require the churches to examine the divisive questions and condemnations and see them in a new light. (par. 7)

In other words, the authors of the *JDDJ* emphasize that the communions they represent have progressed in some measure from the teachings they affirmed in the sixteenth century and that it is on the basis of “new insights” reached in the interim that they have arrived at their newfound agreement.

2. Biblical testimony

The document’s second section, devoted to the Bible’s witness to the doctrine of justification, consists in a short series of largely unobjectionable, albeit highly ambiguous, summaries of biblical teaching on this subject, divided into segments concerning the Old Testament, the New Testament as a whole, and the Pauline corpus respectively. In par. 5 of his “Presentation” of the *JDDJ*, Cardinal Cassidy draws attention to the statement in par. 3 of the “Official Common Statement” that “the two partners in dialogue are committed to continued and deepened study of the biblical foundations of the doctrine of justification.” Further study in this area is required, Cassidy explains, because the doctrine’s biblical basis “did not seem to have been given sufficient attention in the Joint Declaration.”

3. Ecumenical significance

After completing their cursory survey of the biblical testimony to the doctrine of justification, the document’s authors proceed to amplify their statements in the preamble about the declaration’s ecumenical importance. “By appropriating insights of recent biblical studies and drawing on modern investigations of the history of dogma and theology,” the drafters write:

The post-Vatican II ecumenical dialogue has led to a notable convergence concerning justification, with the result that this Joint Declaration is able to formulate a consensus on basic truths concerning the doctrine of justification. In light of this consensus, the corresponding doctrinal condemnations of the sixteenth century do not apply to today’s partner. (par. 13)

4. Summary of the consensus.

In the succeeding section, entitled “The Common Understanding of Justification,” the authors of *JDDJ* present, in brief compass, what they regard as the teaching of the Lutheran and Catholic churches on the subject of justification. More significant than any sentence within this profoundly ambiguous section, perhaps, is a statement, drawn from the American dialogue report “Justification by Faith,” cited as relevant to this section in the appendix entitled “Resources for the Joint Declaration on the Doctrine of Justification.” The statement reads: “a faith centered and forensically conceived picture of justification is of major importance for Paul and, in a sense, for the Bible as a whole, although it is by no means the only biblical or Pauline way of representing God’s saving work.” Here, it seems, the document’s authors rather severely contravene the teaching of the Council of Trent, according to which infused righteousness is justification’s sole formal cause (DH 1529). Contradictions of traditional Catholic and Lutheran doctrine, however, begin to abound only in the subsequent section in which the authors of the *JDDJ* elaborate their consensus on the subject of justification.

5. Elaboration.

The next section, entitled “Explicating the Common Understanding of Justification,” consists in seven parts devoted, respectively, to (1) human freedom, (2) justification’s content, (3) the instrumentality of faith in justification, (4) the Lutheran conception of the Christian as *simul justus et peccator*, (5) the distinction between gospel and law, (6) assurance of salvation, and (7) good works in the life of the Christian.

(1) Human freedom. In the first of these subsections, promisingly entitled “Human Powerlessness and Sin in Relation to Justification,” the authors of the *JDDJ* acknowledge a breach within the current consensus between the LWF and the Catholic Church on the subject of justification. They write in pars. 20 and 21:

When Catholics say that persons “cooperate” in preparing for and accepting justification by consenting to God’s justifying action, they see such personal consent as itself an effect of grace, not as an action arising from innate human abilities.

According to Lutheran teaching, human beings are incapable of cooperating in their salvation, because as sinners they actively oppose God and his saving action. Lutherans do not deny that a person can reject the working of grace. When they emphasize that a person can only receive (*mere passive*) justification, they mean thereby to exclude any possibility of contributing to one’s own justification, but do not deny that believers are fully involved personally in their faith, which is effected by God’s Word.

By these sentences the document’s authors seem to mean that, while the language employed by each side may appear offensive to the other, the intentions of the divided communions’ formulae conflict so mildly that they do not warrant mutual condemnation.

In his “Response” to the *JDDJ* (par. 6), however, Cardinal Cassidy of the PCPCU complains that the document’s framers pay insufficient heed to the Catholic doctrine of the possibility and necessity of human cooperation with justifying grace. In addition to the Lutheran acknowledgment that the sinner can resist grace, the Cardinal asserts, “it must also be affirmed that...there is also a new capacity to adhere to the divine will, a capacity rightly called ‘*cooperatio*.’ This new capacity given in the new creation does not allow us to use in this context the expression ‘*mere passive*.’”

The “Annex” to the *JDDJ* fails unambiguously to resolve this matter, and the document itself admits the presence of “remaining differences of language, theological elaboration, and emphasis in the understanding of justification” maintained by each communion (par. 40). This language and Cardinal Cassidy’s “Response” thus indicate that the LWF and the Catholic Church reach at most an “internally differentiated consensus” in the *JDDJ*. The following subsection, “The Justified as Sinner” (pars. 28–30), in fact, seems more to underline the differentiated character of the two parties’ consensus than to resolve any substantial disagreements.

(2) What is justification? The problematic character of the next section appears from its title: “Justification as Forgiveness of Sins and Making Righteous.” The appendix of

dialogue statements confirms misgivings this title might engender in Protestants by quoting the following affirmation from the U.S. document, "Justification by Faith": "By justification we are both declared and made righteous. Justification, therefore, is not a legal fiction. God, in justifying, effects what he promises; he forgives sin and makes us truly righteous."

By quoting this statement, the authors of the *JDDJ* appear to endorse either (1) a traditional Catholic understanding of justification, according to which the created justice inhering in justified persons expels from their being everything hateful to God and so brings about both their forgiveness and their purification; or (2) a "double justice" theory of justification, according to which God both imputes the alien righteousness of Christ to sinners and transforms them intrinsically so that they become objectively worthy of heaven.

If they advocated the former conception, the document's framers would at least adhere to orthodox Catholic doctrine, according to which forgiveness and interior transformation, the two elements of justification as defined by the Council of Trent, derive from a single formal cause, viz. a justice, distinct from that of Christ, infused into the soul at baptism. In the words of the Council of Trent's "Decree on Justification," chapter 7:

Justification ... is not merely remission of sins, but also the sanctification and the renewal of the interior man ... [and] its only formal cause is the "justice of God, not that by which he himself is just, but by which he makes us just," that, namely, by which, when we are endowed with it by him, we are renewed in the spirit of our mind, and not only are we reputed, but we are truly called and are just. (DH 1528-9)

Although this conception of justification seems patently unbiblical (cf. Rom 3:21, 28; 4:6; 8:8; 2 Cor 5:21, etc.) and contrary to the Lutheran confessions (cf. e.g. Epitome of the Formula of Concord 3.7, 21), the authors of the *JDDJ* could, indeed, remain faithful to one of the two communions' doctrinal standards by advocating it. When the framers of *JDDJ* write that "by justification we are both declared and made righteous," however, they seem, rather, at least to verge on embracing the compromise theory of "double justice": a theory that both the Council of Trent and the Lutheran confessions explicitly reject, albeit for opposite reasons.

According to the "double justice" theory, as classically expounded by Girolamo Seripando, God both imputes the righteousness of Christ to sinners and endows them with righteousness sufficient to merit, as a matter of strict justice, the blessings of heaven. According to the "double justice" theory, that is to say, the term "justification" signifies not one, but two realities with two radically distinct formal causes: (1) an extrinsic, legal imputation of the divine/human righteousness of Christ whose formal cause is that very divine/human righteousness, and (2) an infusion of merely created righteousness whose formal cause is the merely created righteousness infused. In this section, accordingly, the authors of *JDDJ* come perilously close to denying that justification is either the mere imputation of Christ's righteousness (the Lutheran position) or the mere imputation of created righteousness (the Catholic position) and thus running afoul of the authoritative documents of both traditions.

(3) Faith. The following section, which concerns the relation of faith to justification, seems, likewise, simply to juxtapose the two communions' starkly contrasting positions. Describing the Lutheran viewpoint, the authors write, "In the doctrine of 'justification by faith alone' a distinction but not a separation is made between justification itself and the renewal of one's way of life" (par. 26). The document's framers thus attribute to the LWF a

differentiation of justification from sanctification that contravenes the Catholic insistence on the identity of justification with the inner renewal of the human being.

In representing the Catholic position, the document's framers appear to repeat, albeit in simplified language, Trent's definition of justification quoted above: "The justification of sinners is forgiveness of sins and being made righteous by justifying grace" (par. 27). That these positions do not represent "a common understanding of our justification by God's grace through faith in Christ" (par. 5) is manifest. The "Annex" to the document, accordingly, seems to resolve the contradiction by committing both parties to the view that "justification is forgiveness of sins and being made righteous" (sec. 2.A).

(4) *Simul justus et peccator.* In the following section, entitled "The Justified as Sinner," the authors of the *JDDJ* appear once more to juxtapose two incompatible positions. Lutherans believe that all concupiscence is sin in the proper sense of the term; Catholics do not. It is not without reason, therefore, that Cardinal Cassidy protests in his "Response":

According...to the doctrine of the Catholic Church, in baptism everything that is really sin is taken away, and so, in those who are born anew there is nothing that is hateful to God. For Catholics, therefore, the formula "at the same time righteous and sinner," as it is explained at the beginning of n. 29 ("Believers are totally righteous, in that God forgives their sins through Word and Sacrament.... Looking at themselves... however, they realize that they remain also totally sinners. Sin still lives in them") is not acceptable. (par. 3)

Naturally, the Catholic position as recounted in this section is equally repugnant to traditional Lutherans; the authors of the Epitome specifically reject the view that "depraved concupiscences are not sin" (1.12; cf. Augsburg Confession 1.2; Solid Declaration 1.18).

(5) *Law and gospel.* The main text of the next section, entitled "Law and Gospel," seems largely uncontroversial. An editorial comment inserted by the authors into the appendix of quotations from previous Lutheran/Catholic dialogues, however, seems most exceptionable: "According to Pauline teaching this topic concerns the Jewish law as means of salvation. This law was fulfilled and overcome in Christ. This statement and the consequences from it have to be understood on this basis."

If this is the case, and Paul's references to justification "without the deeds of the law" (Rom 3:28; cf. 3:20–21, 27; 4:1–8, 13–15, etc.), accordingly, do not exclude the possibility of a person's gaining justification at least partially through upright works, then the Lutheran doctrine of justification by faith alone possesses no exegetical basis. Although the authors of *JDDJ* do not explicitly disavow the doctrine of justification by faith alone in this section, therefore, they do implicitly contest the doctrine by denying one of its scriptural premises.

(6) *Assurance.* In the following section, "Assurance of Salvation," the authors of *JDDJ* accurately set forth the Catholic position on this subject: "No one may doubt God's mercy and Christ's merit. Every person, however, may be concerned about his own salvation when he looks upon his own weaknesses and shortcomings." The document's authors neglect to mention, however, that this stance is irreconcilable with the position of the Lutheran confessions. For, the drafters of the Epitome state,

We believe, teach, and confess...that, although those who truly believe in Christ and are born again are subject to many infirmities and stains until death: nevertheless, they ought not to doubt either the justice, that is imputed to them by faith, or of eternal salvation. In fact, they ought, rather, to be firmly convinced that, on account of Christ, in accordance with the promise and the unshaken word of the Gospel, they have God reconciled to them. [3.6]

According to the fourth article of the Augsburg Confession, justifying faith itself is the belief of Christians that “they are received into favour, and their sins are forgiven for Christ’s sake.” The Fathers of the Council of Trent, however, explicitly anathematize anyone who says “that no one is truly justified except the one who believes himself to be justified.” In spite of the apparent consistency of the positions set forth in this section, therefore, it seems impossible for either of the two communions to acknowledge the other’s official position as unobjectionable without departing radically from its doctrinal standards.

(7) Good works. In the final subsection of the document’s explanation of the consensus on justification between the Catholic Church and the LWF, entitled “The Good Works of the Justified,” the authors accurately present the Lutheran position on this subject as irreconcilably opposed to the teachings of the Council of Trent. According to the authors of the *JDDJ*, “Lutherans...emphasize that righteousness as acceptance by God and sharing in the righteousness of Christ is always complete” (par. 39). The Fathers of Trent, however, anathematize anyone who denies that persons may augment the grace of justification in themselves through good works (DH 1574).

Likewise, the document’s authors radically understate the Catholic understanding of the merit of good works performed by Christians. Aside from assurances that Catholics do not intend, when speaking of merit, to denigrate the gracious character of justification and the works themselves that God enables Christians to perform, the authors state merely: “When Catholics affirm the ‘meritorious’ character of good works, they wish to say that, according to the biblical witness, a reward in heaven is promised to these works” (par. 38). With this assertion the Lutheran confessions agree (cf. Apology for the Augsburg Confession 4.194).

The document’s authors omit, however, perhaps the most distinctive element of the Catholic understanding of merit: the absence of which in the *JDDJ* Cardinal Cassidy rightly protests in his “Response” (par. 8; cf. DH 1545–7, 1582).

The Catholic Church maintains...that the good works of the justified are always the fruit of grace. But at the same time, and without in any way diminishing the totally divine initiative, they are also the fruit of man, justified and interiorly transformed. We can therefore say that eternal life is, at one and the same time, grace and the reward given by God for good works and merits.

An account of the Catholic doctrine of merit that omits this aspect, as the *JDDJ* does, must surely qualify as misleading.

6. Significance and Scope

In the final section of the *JDDJ*, entitled “The Significance and Scope of the Consensus Reached,” the document’s authors state (a) that the LWF and the Catholic Church

have achieved consensus about the essential elements of the doctrine of justification, (b) that the teachings of each communion as presented in the document lack the objectionable elements that gave rise to the mutual condemnations of the sixteenth century, and (c) that the churches, nevertheless, take these condemnations seriously and intend to seek reconciliation without forsaking their heritage.

Conclusion

From our presentation of the contents of the *JDDJ*, it should be plain that, *pace* some critics, the document claims neither that the disagreements of the Reformation period resulted from mutual misunderstanding nor that the LWF and Catholics have reached total agreement on the subject of justification. The document claims, rather, that each communion has advanced to a somewhat different doctrine of justification in the intervening centuries and that the communions' present beliefs on this subject, as formulated in the *JDDJ*, do not warrant condemnation.