

From the *Joint Declaration on the Doctrine of Justification* to a Common Understanding of the Apostolicity of the Church in the Lutheran/Roman Catholic Dialogue

Theodor Dieter

The Joint Declaration on the Doctrine of Justification (JDDJ), solemnly signed by representatives of the Roman Catholic Church and the Lutheran World Federation in 1999, represents a doctrinal agreement in the basic problem of justification. Moreover, Lutherans and Catholics agree that the doctrine of justification is not only a single article of Christian doctrine beside others, rather it is the one that orients “all the teaching and practice of our churches to Christ” (§ 18) safeguarding that all elements of doctrine have a soteriological character and aim. Thus at the end of the JDDJ it is stated: “Our consensus in basic truths of the doctrine of justification must come to influence the life and teaching of our churches. Here it must prove itself. In this respect, there are still questions of varying importance which need further clarification.” (§ 43) Even though the problem of the apostolicity of the church is not explicitly mentioned in this paragraph, it belongs to those topics that are connected with the doctrine of justification. There are two questions: (a) the material question: How does the doctrine of the church and the doctrine of justification belong together? And (b) the methodological question: Can the method of the so-called “differentiated consensus” be applied also in matters of the doctrine of the church? The fourth phase of the International Catholic/Lutheran dialogue dealt with these questions.

While all churches confess the one, holy, catholic and apostolic church, they disagree on the meaning of the attribute “apostolic.” This creates an ecumenical problem; in fact, it creates the basic ecumenical problem. The attribute “apostolic” is different from the church’s three other attributes, namely oneness, holiness and catholicity. Apostolicity places the church in history; it connects the church with God, who became a human being in history and with Jesus Christ’s apostles. When it comes to the problem that one church is asked to recognize another community as a church (and vice versa), the decisive question to be raised is, Is this community an apostolic community? Does it exist in continuity with the apostles, with their mission and message? If the answer is positive, then this community can be called a church. In order to answer this question, two subsequent questions must be raised. First, Does the other community meet the requirements for apostolicity put forward by the respective church that is asked to recognize a certain community as church? And, the other way round, What are the precise criteria for apostolicity? This is an especially complicated question since the various Christian communities have different criteria for apostolicity. Thus one can easily understand that it is not an easy task to come to a mutual acknowledgement of communities that claim to be churches.

In what follows, I shall report on a dialogical investigation of the concept of “apostolicity.” The dialogue partners were Roman Catholic and Lutheran theologians—the members of the Lutheran–Roman Catholic Commission on Unity—who met annually from 1995 through 2006. Both churches—Lutheran and Roman Catholic—have different understandings of apostolicity. Thus, the two churches have so far not mutually acknowledged on another, or, more precisely, the Roman Catholic church does not feel entitled fully to recognize Lutheran churches as churches in the proper sense since they do not meet all of their requirements for apostolicity. Consequently, analyzing both understandings

of apostolicity is a major ecumenical challenge. The findings of the Commission on Unity are contained in the report, *The Apostolicity of the Church*.¹

For both partners in dialogue, the appropriate starting point for developing a concept of apostolicity would be the Bible. Unfortunately, the New Testament only speaks of “apostles” (*apostoloi*) and the ministry of the apostles (*apostole*); the adjective “apostolic” does not refer to the church. Nevertheless, the New Testament has something to say with regard to the concept of the apostolicity of the church, and we have to proceed in a hermeneutical circle. This means beginning with the understandings that have developed over the course of the history of the churches, identify their elements and examine what the New Testament says about them. We are well aware of the fact that to a certain extent our analysis is shaped by our respective points of view, our traditions, experiences, etc. Nonetheless, bearing this in mind we can attempt as much as possible to bring the Bible into the theological discourse. The report therefore begins with a detailed chapter on the New Testament foundations of the apostolicity of the church.²

After having explored the biblical foundations, the report continues with the systematic analysis by referring to the traditional understanding or misunderstanding of the **difference and conflict**. “One often hears that Lutherans see the church legitimated as being in apostolic succession *only by* its preaching and teaching of the gospel, with ministry playing no essential role. Catholics, on their side, are thought to hold that the unbroken line of rightful episcopal succession is *of itself* a guarantee of the apostolicity of the church. But both assertions are misleading” (n. 67). In order to show this, the report points out that “in the two traditions a larger complex of components [is important], in doctrine, worship, and forms of life and service, which together constitute apostolicity as an attribute of the church” (n. 68).

Concerning Luther’s understanding of the apostolicity of the church, the report explains that, “Luther called an apostle ‘one who brings God’s word’ and understood the apostolic legacy wholly from the gospel and the commission to make it known. The church lives by the specific word coming to it from the risen Christ, through the apostles and the witnesses who follow. ‘Where the word is, there is the church.’³ The church remains apostolic by proclaiming the good news concerning Christ who ‘has died for our sins and is risen for our righteousness’ (Rom 4:25). Thus, ‘where two or three are assembled, if only they hold to God’s word in the same faith and trust, there you certainly have the authentic, original, and true apostolic church’⁴ (n. 93). “The gospel word displays the power of the risen Christ by gathering and shaping the church as *creatura evangelii* (‘creature made by the gospel’),⁵ in which pastors, preachers, and all the faithful are called to continue the succession of witness to Christ’s saving Lordship. Christ, now at the right hand of God, rules visibly on earth through the preaching of the gospel and celebration of the sacraments in the church. Receiving the apostolic gospel in faith entails as well receiving the practices such as baptism, the Lord’s Supper, the power of the keys, and mutual consolation, through which the message

¹ *The Apostolicity of the Church*. Study Document of the Lutheran-Roman Catholic Commission on Unity (Minneapolis, MN: Lutheran University Press, 2006).

² *Ibid.*, 14–38.

³ “Ubi est verbum, ibi est Ecclesia.” WA 39/II, 176,8f.

⁴ Commentary on Galatians (1519), WA 2542; LW 27, 154. Smalcald Articles, II, 1.

⁵ WA 2, 430, 6–7, from Resolutions Lutherianae super propositionibus suis Lipsiae disputatis (1519). Also, WA 6, 560, 33–35; LWF 36, 107, WA 77, 721, 9–14; and 17/1, 100, 2–3.

of Christ engages human life with divine power.⁶ By the apostolic word and practices, as Luther set forth in the *Large Catechism* (on the Creed, Third Article), the Holy Spirit is distributing, through the ministry of those properly called, the treasure of forgiveness of sin and sanctification acquired by Christ's death and resurrection" (n. 94).

"Luther himself rarely spoke of the 'apostolic church.' But he understood the reality that we designate the church's apostolicity as continuity in proclaiming the same message as the apostles and as continuity in practicing baptism, the Lord's Supper, the office of the keys, the call to ministry, public gathering for worship in praise and confession of faith, and the bearing of the cross as Christ's disciples.⁷ These are the marks of the church by which one can recognize it, since they are the means by which the Holy Spirit creates faith and the church. Among these marks, the gospel message, however, is the decisive criterion of continuity in practice with the apostolic church" (n. 95).

The decisive point in the presentation of Luther's understanding here is the emphasis on the inner connection between the gospel and the practices by which it is communicated through history.

"The aim of the Reformation was to re-establish continuity with the true church of the apostles by a new reception of the apostolic gospel and the practices bound to it. This entailed rejecting the misconceptions of the gospel and deformations of practice by which the church of the day had broken continuity with the apostles" (n. 98). "The Reformation rejected what it found contradicting and obscuring the gospel in the church under the papacy, but its critique was not total, for Luther could say, '... in the Papacy there are the true Holy Scriptures, true baptism, the true sacrament, the true keys for the forgiveness of sins, the true office of proclamation, and the true catechism.'⁸ The Catholic Church possessed and was passing on the elements of the apostolic legacy which the Reformation was now using in correct ways" (n. 99).

How could Luther say this? He distinguished between the substance of a thing and its use. If someone uses something badly, the whole thing becomes bad for the person who misuses it; nevertheless, as Luther states, the substance of the thing remains. It is therefore not enough to have the elements mentioned before that communicate the gospel, but the use of them must be the right one, too. The document underlines that the existence of certain elements of apostolicity does not suffice, but that one needs the right configuration of these elements so that they shape the apostolicity of the church in a correct way.

The Council of Trent tried to respond to the challenge of the reformation theologians. Where is the apostolic church to be found? The Council's theologians "responded to the immediate needs of controversy by developing an apologetical treatment of apostolicity, that is, a presentation of evidence to prove that the Roman Church is alone the *vera ecclesia* ('true church'), with rightful authority in teaching and a legitimate corps of bishops and presbyters. Later Catholic manuals of ecclesiology were dominated by apologetics, arguing from

⁶ Exposition of Psalm 110 (1535), WA 41 131; LW 13, 272. Smalcald Articles, III, 4 BC, 19.

⁷ See Luther's defenses of the continuity of the Lutheran churches with the ancient church of the apostles in: *On the Councils and the Church* (1539), WA 50, 628–644; LW 41, 148–167, and *Against Hanswurst* (1541), WA 479–487; LW 41, 194–199. .

⁸ *Concerning Rebaptism* (1528), WA 26, 156f, LW 40, 231f. Also, *Commentary on Galatians* (1535), WA 40/1, 69; LW 26,24.

numerous external 'marks' or 'notes' by which to ascertain the true church of Christ, especially through the papal and episcopal succession in office from Peter and the other apostles to the present day" (n. 104). This focus on certain external marks made the different concepts of apostolicity irreconcilable.

Self-critically the Catholic theologians of the Commission state, "Post-Tridentine Catholic theology was narrowed by constraints of argument to give practically no place to the ecclesial endowments of Scripture, creeds, worship, spirituality, and discipline of life, which in fact shaped the lives of Catholics but which were also shared in different ways with Christians of the separated churches. [I add: These were the elements mentioned above in the presentation of Luther's view.] Ecclesiology was dominated by concern with the formal issue of *legitimacy* in holding these and other gifts. Interior gifts appeared less important than the verifiable marks employed by an apologetics drawing on history. In the argument, the aim was to identify the institutional entity in which Christ's truth is normatively taught, his efficacious sacraments administered, and a pastoral governance exercised in a legitimate manner, especially by reason of apostolic succession of Pope and bishops in a church assuredly still sustained by Christ's promised assistance" (n. 104). A long process of regaining a fuller concept of apostolicity on the Catholic side was needed before the Second Vatican Council could make an important step in this respect.

Vatican II not only recognized that there might be certain individuals outside the church who would be saved but also that "elements of sanctification and truth" (n.120) exist also outside the walls of the Catholic church. These elements are not like isolated meteorites that accidentally fall from the sky; rather they have an inner connection with each other and, what is more important, they are embedded and operative in communities of people that are not in full communion with the Catholic church. Nevertheless, these bodies "have been by no means deprived of significance and importance in the mystery of salvation. For the Spirit of Christ has not refrained from using them as means of salvation... (UR [= Unitatis redintegratio] 3 ", (n. 120).

There is an interesting correspondence between the "elements of sanctification and truth" that Vatican II recognizes outside the Catholic church and the marks of the church that Luther mentions. "The church is apostolic by holding to the truth of the gospel that is embedded continually in practices coming from the apostles in which the Holy Spirit continues the communication of Christ's grace." (n. 158)

Both churches agree "that the gospel is central and decisive in the apostolic heritage" (n. 150). They express its content by referring to the creeds of the early church and to the Joint Declaration on the Doctrine of Justification (JDDJ). Furthermore, they agree that the gospel is connected to a number of practices that the Holy Spirit uses to communicate the good news. On this fundamental level, both churches can mutually recognize the other's apostolicity. Nevertheless, this level of apostolicity does not fully comprise the complex reality of apostolicity.

The second chapter of the report talks about the gospel and practices through which it is communicated; these are elements of the church's apostolicity. The next step in the dialogical analysis deals with human beings who are involved in these practices of communication. This step is essential since the gospel does not preach itself, and the sacraments do not celebrate themselves. Human beings are involved in the communication of the gospel. This involvement also belongs to apostolicity. Here problems of the common priesthood of all the baptized in relation to the ordained ministry and the inner structure of the ministry are to be discussed.

Lutherans emphasize that by baptism and in faith we are united with Christ and thus participate in his priesthood. Therefore, all Christians belong to the spiritual estate and thus the medieval distinction between two classes of Christians—lay and consecrated—is overcome. We must note one common misunderstanding among Protestants, namely that the medieval distinction was not between priests and lay people but between people who lead a consecrated life and lay people. The former comprises not only priests but also monks and nuns. The fact that through baptism and faith all Christians are called priests does not mean that all Christians are pastors. While there are distinctions among Christians according to the different offices, “[r]egarding their state of grace and in view of salvation, there is no difference between those who are ordained and those who are not ordained” (n. 198). The Lutherans involved in this dialogue defended the view that the Lutheran reformers were of the opinion that the ministry is instituted by Christ. In many passages Luther speaks explicitly of the divine institution of the ordained ministry, such as in *To the Christian Nobility of the German Nation* (1520): “I want to speak only of the ministry which God has instituted, the responsibility of which is to minister word and sacrament to a congregation, among whom they reside.”⁹ The Lutheran confessional writings state unequivocally that “[t]he ministry of the Word has the command of God and has magnificent promises,” and “the church has the mandate to appoint ministers.”¹⁰

Hence the ordination became decisive for Lutheran pastors, as the Lutheran members of the commission emphasized. Ordination started in Wittenberg in 1535. It took place when a man had received a call from a parish and after examination by the faculty. They were carried out by Bugenhagen, the regional Bishop in Wittenberg. The ordination certificates stress the doctrinal agreement between “our church” and the “catholic church of Christ,” i.e., the whole church. Later it is repeatedly emphasized that it is according to apostolic teaching (Tit 1:5 and Eph 4:8.11) that the office of teaching and administration of the sacraments is passed on to the ordinand through public ordination. In several certificates, reference is made to Canon 4 of Nicea, according to which a bishop has to be ordained by neighboring bishops. This means that the pastor’s ordination was modeled on the ancient bishop’s ordination in order to confess and safeguard the apostolicity and catholicity of their ministry.

Even though the Lutheran reformers emphasized the unity of the office of ministry, since both pastors and bishops serve the proclamation of the Word and the administration of the sacraments, there was a difference between local and regional ministries, since the visitations of Electoral Saxony in 1528, where the office of a superintendent—one who has the oversight—was created. Nevertheless, the Lutheran reformers had severe problems with bishops, because “most of the bishops adhering to the traditional faith did not allow evangelical preaching, but instead put obstacles in the way of priests and preachers who turned to the Reformation or even persecuted them, and refused to ordain reform-minded theologians. Melancthon writes in the Apology to the Augsburg Confession, ‘The bishops compel our priests ... to reject and to condemn the kind of doctrine that we have confessed.... This keeps our priests from acknowledging such bishops. ... We have clear consciences on this matter since we know that our confession is true, godly, and catholic. For this reason, we dare not approve the cruelty of those who persecute this doctrine. We know the church exists

⁹ LW 44, 176.

¹⁰ “Apology of the Augsburg Confession—Article XIII: The Number and Use of the Sacraments,” in Robert Kolb and Timothy J. Wengert (eds), *The Book of Concord. The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress, 2000), 220.

among those who rightly teach the word of God and rightly administer the sacraments.’¹¹ As a consequence, a conflict developed for the Reformation between faithfulness to the apostolic tradition, that is, the gospel, or adherence to the traditional forms of transmission of office and of its integration into the hierarchically structured community of the church” (n. 213). This is a serious situation since elements that traditionally belong together in a complex concept of apostolicity, fall apart.

When the report comes to the Catholic understanding, it states the following concerning the common priesthood of all Christians, “Catholics and Lutherans are in agreement that all the baptized who believe in Christ share in the priesthood of Christ and are thus commissioned to ‘proclaim the mighty acts of him who called you out of darkness into his marvelous light’ (1 Pet 2:9). Hence no member lacks a part to play in the mission of the whole body” (n. 273). But when Lutherans pose questions regarding the Catholic understanding of the Lutheran office of ministry, Vatican II states that there is a lack of the sacrament of ordination or, as some Catholics would say more cautiously, there is a deficit in the Lutheran sacrament of ordination. In order to identify precisely the point of conflict, we have to acknowledge that the problem is “neither the differentiation nor the distinction between a more local and a more regional ministry, nor that ordination belongs to the regional ministry.” We have the ordination with the laying on of hands and the prayer for the Holy Spirit for the ordinand. As the Catholic colleagues say, the difference is to be seen in the “Catholic doctrine that the practice and doctrine of apostolic succession in the episcopate is, together with the threefold ministry, part of the complete structure of the church. This succession is realized in a corporate manner as bishops are taken into the college of Catholic bishops and thereby have the power to ordain. Therefore it is also Catholic doctrine that in Lutheran churches the sacramental sign of ordination is not fully present because those who ordain do not act in communion with the Catholic episcopal college. Therefore the Second Vatican Council speaks of a *defectus sacramenti ordinis* (UR 22) in these churches” (n. 283).

Whereas the first level of the report’s analysis deals with the elements of apostolicity, the second level addresses the persons who perform the communication of the gospel through the practices mentioned before. Both churches take the office of the ministry seriously but Catholics think that it is important for the apostolicity of the church that the ministries are integrated into the college of the bishops who are supposed to be the successors of the apostles under the Pope who is seen as the successor of Peter.

Nevertheless, the Commission on Unity challenges the Catholics arguing as follows. If (1) it is the ministry’s basic task to maintain the church in the apostolic truth of the gospel, and if (2) the Lutheran ministry has managed to maintain the Lutheran churches in this truth, as it is attested in the JDDJ, then we have to conclude that the Lutheran office of ministry is not null and void since it has done a good job throughout the centuries. Thus one of the implications of the JDDJ should be that the Catholic attitude towards the Lutheran ministry should change, and through this their perception of our apostolicity, too (cf. n. 288).

The third and last level of the dialogical analysis of apostolicity deals with what is the measure or touchstone according to which it is to be decided whether the communication of the gospel that is performed by the ministry of certain persons is actually the communication of the apostolic gospel. Thus we have the following sequence: the elements of the communication of the gospel (first level), the ministry of persons administering those elements (second level), and finally the touchstone for their ministry (third level). This

¹¹ *Apology*, Art. VIX, 2–4. BSLK 297, 11–19; BC 222f...

touchstone is, of course, Scripture, but the traditional controversy is (1) Scripture alone or Scripture and tradition? (2) Concerning Scripture itself, there are two questions, (2a) What is the precise content of Scripture? Do the Apocrypha belong to the canon? (2b) Who or what authorizes Scripture? Is it the church that gives authority to Scripture? (3) As we all know, Scripture is interpreted in very different, even contradictory ways. Who has the last word about scriptural interpretation? This is the problem of the Magisterium? All these questions belong essentially to a sufficient concept of apostolicity. I can address these problems only very briefly.

What is the precise content of Scripture? Luther referred to the Hebrew canon of what we call the Old Testament, **his opponents to the Septuagint canon**. Modern exegetes stress that the Bible of the Apostle Paul was the Septuagint, and that one cannot understand the inner coherence of the Bible without taking the Septuagint as the Holy Scripture of Early Christianity. Who or what authorizes Scripture? Luther's opponents argued that it was the church that decided about the books that belong to the canon, therefore it is the competence of the church (i.e., the Magisterium) to decide upon its interpretation. In the report, it is totally clear that also Catholics affirm that the authority of Scripture does not stem from the church, rather the church recognized which books had gained authority in its services, and finally put them together as the canon. Further, Catholics hold "in common with the Reformation that the Spirit-inspired biblical text has its own efficacy in conveying truth that forms minds and hearts, as affirmed in 2 Tim 3:17 and stated by Vatican II" (n. 409).

It is interesting to see that it is precisely the efficacy which we Lutherans stress so much that leads Catholics to emphasizing tradition. They say, "But Catholics hold that this efficacy has been operative in the church over time, not only in individual believers but as well in the ecclesial tradition, both in high-level doctrinal expressions such as the rule of faith, creeds, and conciliar teaching, and in the principal structures of public worship."¹² The saving truth of Scripture has come to expression in formulations which are both comprehensive of Scripture's witness to God's saving work and at times quite pointed on critical points of dogmatic clarification. Scripture has made itself present *in the tradition*, which is therefore able to play an essential hermeneutical role. Vatican II does not say that the tradition gives rise to new truths beyond Scripture, but that it conveys *certainty* about revelation attested by Scripture" (n. 410). This is what Lutherans would claim, too, with reference to their confessional writings. Thus there is a high degree of convergence in this matter, especially since Catholics say that Scripture is materially sufficient for Christian doctrine.

The remaining problem is the Magisterium. It is far from being solved. The report offers only a preliminary description of the task. In the Catholic Church, the Magisterium consists of the college of bishops under the Pope. Theology offers important services to the work of the Magisterium but the decisive body is the bishops' college under the Pope. Only a few remarks can be made here. The Catholics argue that since there are innumerable understandings of Scripture and the content of the apostolic gospel, there must be a final voice as otherwise the church would continue to be in uncertainty regarding what the apostolic gospel actually means. I think this is a strong argument. But there is also a strong counterargument. Who guarantees that the Magisterium's and especially the Pope's voice is actually the voice of Scripture and of Christ? It could be the highest point of subjectivity

¹² Catholics find central biblical contents conveyed in a vital manner by the yearly cycles of liturgical seasons and feasts, as well as by the binding structure of prayer "to the Father, through Christ, and in the Holy Spirit."

despite pretending merely to overcome the subjectivity of individual Christians. Catholics need a huge amount of confidence in the Holy Spirit that he inspires and guides the Magisterium in order to be Christ's voice. I do not have so much confidence. But, and this "but" needs to be taken very seriously indeed, Lutherans need at least as much confidence in the Holy Spirit as the Catholics, that through the often very unclear and unstructured processes of discussing doctrinal questions in the Lutheran churches they will finally remain in the truth of the gospel. The last part of the report is entitled, "Church Teaching that Remains in the Truth." Only history or maybe only Judgment Day will reveal which way of teaching and remaining in the truth of the apostolic gospel is the appropriate or at least the better and more effective way. We Lutherans should not be too confident that it is ours. Sometimes, the cacophony of Lutheran voices in doctrinal matters brings me close to depression and desperation. What does our claim to be a church that is apostolic mean if we do not find agreement on the content of the gospel, its implications and consequences? One often hears, Catholics have the Magisterium, we Lutherans have Scripture. To put the problem thus is extremely naïve. We do not simply have "the" Scripture but we have our interpretations of Scripture, and the Catholic Magisterium also offers an interpretation of Scripture. **If we say, We have the Scripture, we have always won the battle, because nobody would like to oppose Scripture.** But if we see that we have our own understandings of Scripture then we have to struggle with other interpretations of Scripture, and it is not clear from the beginning who will have the more appropriate interpretation at the end. Thus the unresolved ecumenical problem of the Magisterium is an enormous challenge for Lutherans. If they take this challenge seriously by reflecting on their ways of finding doctrinal agreement and making decisions, they can hope to establish a convincing alternative to the Catholic Magisterium. This would, then, be a very important contribution to the apostolicity of the Lutheran churches while at the same time being an important contribution to the unity of the church. As mentioned at the beginning, separated churches have different understandings of apostolicity. Thus the way to visible unity leads through a joint reflection on a common understanding of the apostolicity of the church.