

THE LUTHERAN DILEMMA

Paul R. Hinlicky

THE AUTHORITY OF THE GOSPEL

Jaroslav Pelikan has convincingly argued that, so far as Roman Catholics have understood the problem, *authority* is the chief matter in the traditional divergence between Protestantism and Roman Catholicism. From the Roman Catholic side, Pelikan wrote, "the problem of authority [raised by Luther] had disturbed the church more than the doctrine of justification."¹ The Council of Trent can be interpreted as conceding a great deal to the Lutheran notion of justification, reiterating as it does the old Augustinian doctrine of grace.² Contemporary Roman Catho-

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1. Jaroslav Pelikan, *The Christian Tradition: A History of the Development of Doctrine, IV: Reformation of Church and Dogma 1300-1700* (University of Chicago Press, 1984), pp. 262f.

2. The first three canons of the decree on justification demonstrate conclusively the anti-Pelagian intention of the Council of Trent: "Canon 1. If anyone says that man can be justified before God by his own works, whether done by his own natural powers or through the teaching of the law, without divine grace through Jesus Christ, let him be anathema. Canon 2. If any one says that divine grace through Christ Jesus is given for this only, that man may be able more easily to live justly and to merit eternal life, as if by free will without grace he is able

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*The Vatican's response to the Joint Declaration on Justification notes "the different character of the two signatories," questioning the "real authority of [the Lutheran World Federation's] synodical consensus, today and also tomorrow in the life and doctrine of the Lutheran community."³ Roman Catholics today can concede the doctrine of justification by faith as a legitimate possibility derived from Scripture, and even as a critical principle when it is understood as a correlate of the *Christ alone*.⁴ Still, Scripture itself and its christological interpretation are received from the church. The very act of appealing to Scripture from the perspective of faith in Christ somehow presupposes the church. This presupposition too must be acknowledged, articulated and warranted, lest the possibility of a radical use of Scripture, i.e., against the church itself be sanctioned.⁵ That radical act would be logically *parasitical*, i.e., a dishonest, subversive use of the Bible which fails to own its*

to do both, though with hardship and difficulty, let him be anathema. Canon 3. If anyone says that without the predisposing inspiration of the Holy Ghost, and without His help, man can believe, hope, love or be repentant as he ought, so that the grace of justification may be bestowed upon him, let him be anathema" (H. J. Schroeder, O.P., *Canons and Decrees of the Council of Trent* [St. Louis and London: B. Herder Book Co., 1941] p. 42). The reformation era dispute did not chiefly concern the principle of "grace alone." Canon 4 anathematizes those who deny that the "free will, aroused and moved by God, by assenting to God's call and action, in no way cooperates toward disposing and preparing itself to obtain the grace of justification." Here the difference in the respective frameworks becomes visible. The Lutheran contention for "faith alone" does *not* picture the event of a searching person by free will assenting to God's preventent call, which leads him to the decision to convert and be baptized. It pictures rather the event of Christ's *coming* into people's lives, who elicits *trust* in his uniquely promised forgiveness, healing, Spirit, communion with the Father, life in the Kingdom, etc., in an inclusive word, in his righteousness, his existence "for them."

3. For these judgements, see the author's "A Response to the Vatican's *Response* - I: The Persistence of Sin in the Life of the Redeemed," *Lutheran Forum* [Fall, 1996:32/3] pp. 5-7, and "A Response to the Vatican's *Response* - II: Is There a Lutheran Communion?" *Lutheran Forum* [Winter, 1998:32/4], pp. 9-11.

4. Recall the US dialogue's conclusion, "our entire hope of justification and salvation rests on Christ Jesus and the gospel whereby the good news of God's merciful action in Christ is made known; we do not place our ultimate trust in anything other than God's promise and saving work in Christ" (*Lutherans and Catholics in Dialogue VII: Justification by Faith*, ed. H. George Anderson, T. Austin Murphy and Joseph A. Burgess [Minneapolis: Augsburg, 1985]: 157). The next dialogue built on this christological consensus: "We now further assert together that Jesus Christ is the sole mediator in God's plan of salvation (1 Tim. 2:5)." (*Lutherans and Catholics in Dialogue VIII: The One Mediator, The Saints, and Mary*, ed. H. George Anderson, J. Francis Stafford and Joseph A. Burgess [Minneapolis: Augsburg, 1992]: 60). It defined the problem as "how to affirm the unique mediatorship of Christ so that all the 'mediations' in the church not only do not detract from, but communicate and extend, his sole mediatorship" (*Ibid.*, p. 49).

5. Ernst Käsemann, for example, in an early volume treating the Lutheran-Catholic ecumenical relation, made a statement about the supposed stance of the Apostle Paul into a vehicle for his own radical Lutheranism: "The gospel of the unknown God who justifies the ungodly, always them alone, and who deals with us only in this way, then comes into conflict with the Christian religion which is concerned about the piety of the pious. Then the one Lord, with the demand of this exclusive Lordship, shatters those authorities which claim to be his earthly deputies. The church becomes the creation of the word, instead of being the mother of the faithful and the possessor of the truth. Worship in the secularity of the world replaces the Christian cult. Faith in him who is always and exclusively the one who awakens the dead replaces the superstitious belief in history and history of salvation as sources of revelation.

dependence on the ecclesial context in which the scriptural text originated and is transmitted, received, read and used to guide and correct Christian life.

Do not Protestants today have to consider this a telling criticism? Luther was astonishingly candid for his day about the fact that the church determined the biblical canon — so honest, as is well known, that he felt free to criticize and even question the canonicity of books of the Bible which failed to be evangelical enough! The biblical canon is not for Luther an arbitrary list of authoritative writings, whose authority lay, say, in historical proximity to Jesus or in a miracle of inspiration. Therefore he was free to criticize individual books which might not well cohere with the central message of Scripture. Just so, Luther's criticism is better called canonical than historical, since it is not based on a critically reconstructed history which tests the scriptural text, but on a christological-salvation history construal of the biblical narrative as a canonical whole. Since Luther did not read the Bible as a legalistic book of revealed religious law, but as a history of salvation culminating in the gospel, its function is to depict and communicate Jesus Christ as saving Lord to the communion of his people. Thus "the Word continues to carve out a career in the subsequent life of the church" (Bertram).⁶ In his "Preface to the New Testament," Luther thus spoke of,

a good story and report, sounded forth into all the world by the apostles, telling of a true David who strove with sin, death and the devil, and overcame them, and thereby rescued all those who were captive in sin, afflicted with death, and overpowered by the devil. Without any merit of their own he made them righteous, gave them life and saved them, so that they were given peace and brought back to God. For this they sing, and thank and praise God, and are glad forever, if only they believe firmly and remain steadfast in faith.⁷

Here faith is the *knowing* act of entrusting oneself to the Christ rendered by "the good story and report" in the "joyful exchange" of Christ's

The universal priesthood of all believers rises up against the sacramentally guaranteed office, which claims authority on the strength of tradition. The freedom of the Christian man and of the Church of Jesus breaks through the ecclesiastical ethic and uniformity. Mission pushes aside pious self-admiration and self-assertion." (Ernst Kaesemann et al., *Distinctive Protestant and Catholic Themes Reconsidered*, Vol. 3 of *Journal for Theology and the Church*, ed. Robert W. Funk, in association with Gerhard Ebeling [New York: Harper & Row, 1967] p. 26).

6. I am following here the penetrating, but too little known study of Robert W. Bertram, "How Scripture is Traditioned in the Lutheran Confessions," in *The Quadring: Tradition and the Future of Eumenism: Essays in Honor of George H. Tizzard*, ed. Kenneth Hagen (Collegeville, Minnesota: The Liturgical Press, 1994) pp. 76-93. Bertram argues that Scripture and Tradition are properly understood as one sequential "traditioning" of the same gospel Word of God, the promise in distinction from the divine law, which evokes faith alone in Christ alone as the proper response. He pointedly comments that the "distorting of the *solus fide* into an aversion against all *Ausserlichkeit*, aversion even against the publically transmitted Word and sacraments by the anti-Tradition 'Enthusiasts' and 'sects,' was for Luther perhaps the most grievous miscarriage of the Reformation" (p. 90). Bertram concludes therefore by pointing to the agency of the church which the *solus fide* entails, "those fallible human agents who transmit the external Word onward, yes, but only as they themselves are hallowed or hallowed by that Word" (p. 91).

7. In Timothy F. Lull, ed., *Martin Luther's Basic Theological Writings* (Fortress, 1989), p. 27.

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Sola Scriptura Self-Destructs

But Protestant orthodoxy, locked in religious war with Counter-Reformation Catholicism, found Luther's candor and the biblical canon's historical conditionedness embarrassing. Protestants followed Trent, ironically enough,⁸ and quickly set up a doctrine of the miraculous verbal dictation of the

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righteousness and life with the believer's sin and death.⁸ There is nary a sign of the authoritarian idea that one becomes a member of Christ by some act of blind obedience, albeit obedience towards the Bible rather than the papacy. The authority of the Bible in the church is rather grounded in what actually authorizes the "good story and report" to believers, namely, the revealed will and deed of the triune God for their salvation and the salvation of the whole world through Jesus Christ. This is the authority of *the gospel*, the Easter command of the risen Lord to fear not but believe, by which the church lives.

8. Luther's doctrine of justification is to be understood as arising from the "joyful exchange" in which by faith the believer gives to Christ his or her sin and Christ in turn gives the believer his righteousness. Luther consistently explicated his doctrine of justification in the dramatically participatory and communal language of the joyful interchange between faith and Christ, the bride and bridegroom. The Roman Catholic scholar Jared Wicks sees this with real clarity. Commenting on "the exchange with Christ outside myself," Wicks writes: "At the exact center of spiritual existence, according to Luther, the believer is realizing his situation as one of participation and exchange with Christ, of Christ's inhesion and cementing him to himself, and of a transforming exchange between his sin and Christ's righteousness. In 'apprehending faith I lay hold of his victory as the death of my sin and of his consummate righteousness as mine by grace. In passivity under the rapture of grace, I am taken out of my lost state into the sphere of Christ's invincible righteousness'" (Jared Wicks, S.J., *Luther and His Spiritual Legacy* [Michael Glazer, 1984], p. 137). Thus this righteousness is Christ himself, the Son of God who undertook as man to redeem sinners. "But if it is true faith, it is a sure trust and firm acceptance in the heart. It takes hold of Christ in such a way that Christ is the object of faith, or rather not the object but, so to speak, the One who is present in faith itself (*in ipsa fide Christus adest*)," i.e. the Subject of faith, the very One who believes in the believer. David Lotz cites this passage and taking aim at the liberal interpretation of Luther, he exposit: "faith is not mere historical faith, oriented to the distant past, but nothing else than faith formed by Christ (*fides Christo formata*), wherein the living Christ exercises present lordship over the total life of the disciples" (Lotz, David, *Ritschl and Luther* [Abingdon Press, 1974], p. 133, cited from *WA* 4-1, 228, 33. Cf. *LW* 26, 129). In 1519, Luther was already drawing the ecclesiological implications of this Christology of real presence. He writes, "Christ with all his saints, by his love, takes upon himself our form [Phil. 2:7], fights with us against sin, death and all evil. This enkindles in us such love that we take on his form, rely upon his righteousness, life and blessedness. And through this interchange of his blessings and our misfortunes we become one loaf, one bread, one body, one drink, and have all things in common. O this is a great sacrament!" ("The Blessed Sacrament of the Holy and True Body and Blood of Christ, and the Brotherhoods," (1519) in Lull, p. 251). See to recent studies on the ecclesiology of communion from Lutheran perspectives: *Baptism and the Unity of the Church*, ed. Michael Root and Riste Saarinen (Grand Rapids, MI: William B. Eerdmans, 1998) and *The Church as Communion*, ed. Heinrich Heine (Geneva: LWF Documentation No. 42/1997).

9. The decree of the Council of Trent in April of 1546 on the canon of Holy Scripture is, according to Schroeder's note "the first infallible and effectually promulgated declaration on the Canon of the Holy Scriptures" (*op. cit.*, p. 17, n. 4). It is certainly the epistemological foundation of the entire ensuing activity of the Council. It conveys of the gospel as "the source at once of all saving truths and rules of conduct" transmitted from the mouth of Christ or the Apostles in "written books and in the unwritten traditions." The dictation of the Holy Spirit is dogmatized, as is the magisterium "of holy mother church, to whom it belongs to judge of [Scripture's] true sense and interpretation."

bal dictation of the Bible by the Holy Spirit to protect the Bible from its own historicity. The salient difference between the two authoritarianisms that ensued lay in the incoherent Protestant rejection of the role of ecclesiastical tradition in interpretation of the Bible. This denial was required to protect Protestants from the Roman Catholic criticism that the canonical process showed the church to be judge over Scripture. But with these steps one error compounded another. The motto of Protestantism, "Scripture alone," which is based on the idea that Scripture is *ipso facto* self-interpreting, was progressively betrayed by the sectarian multiplication of contradictory interpretations which Protestant history produced. The Protestant churches too turned out to be judges over Scripture — indeed, each one a judge unto itself.

The standard in the old church in any event was not *sola scriptura* but *prima scriptura*; it excluded only what is contrary to Scripture, not everything except what is explicitly written in Scripture. Strictly speaking, *sola scriptura* would eliminate even the Nicene Creed's confession of the essential unity of the Father and the Son, since this concept in the fully developed sense of trinitarian theology is not yet found in Scripture. Then the whole dogmatic struggle of the early church to confess Jesus Christ as true God and true man in one person, and the Trinity of Father, Son and Holy Spirit as the one true God, is thrown into doubt. The ecumenical consensus on the apostolic faith and the christological-salvation history reading of the biblical tradition would be undermined together. Nor would the process of doctrinal erosion stop at the deconstruction of the *homoousios*.

The exclusion of the tradition of the church as the context in which the text of Scripture makes sense as a history of salvation eventually produced the complete secularization of Scripture itself. The impossible variety of contradictory interpretations of the Bible in Protestantism without an ecclesial tradition to guide and decide interpretation created new pressure against all ecclesiastical-theological interpretation. Historical criticism came on the scene in this context to appeal to a secular, scientific knowledge of "what really happened" in history over against the multitude of arbitrary dogmatic claims. Now the text of Scripture had to be treated critically like any other text, a product of immanent social forces in profane history. The inevitable result is that the unity of Scripture, as a narrative of the history of salvation, disappears from view. Historical criticism produces thousands of disconnected pieces of evidence for this or that isolated ancient Hebrew or early Christian perspective. The Bible, which has thus fallen apart, falls silent in the Protestant churches themselves. There is now no way of perceiving the Bible any longer as the written form of the one Word of God, centering in Jesus Christ the saving Lord. All this has actually taken place in the historical criticism of the Bible in modern Protestant-

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*The principle of "Scripture alone" has self-destructed, because it has set aside the relation of Scripture to the Holy Spirit and the church. The radical opposition between the Word of God and human tradition has taken its vengeance on the Scripture itself.*¹⁰

Roman Catholics thus prove to have had a deeper concern. Scripture itself is not able to withstand appeal to Scripture apart from the consensus of faith through the ages.¹¹ The Roman Catholic principle that the Bible belongs to the church and is only rightly interpreted by the church in continuity with the tradition of the church requires that one believe Scripture itself, namely, that the Holy Spirit guides to all truth by recalling the Word of Jesus. One looks to history to see where this has actually taken place. The Holy Spirit in fact has led and leads the universal church in distinguishing the true meaning of Scripture from false renderings. This leading of the Spirit actually exists in history as a visible, knowable succession in teaching from the Apostles. Protestants by contrast are compelled today to acknowledge the erosion of classical Christian faith that the historical-critical hermeneutic has produced in the mainline Protestant churches, along with the sectarianism and fundamentalism which private interpretation of the Bible continue to generate in conservative counter-reactions. The so-called Protestant Scripture principle of *sola scriptura* is indeed discredited today and cannot, indeed should not, be saved.¹²

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The Tradition of the Gospel

But it is questionable whether this reductive and exclusive version of the Scripture principle, which arose by polemical Protestant mimicry

10. I am not polemicalizing against historical method, modestly conceived as a method which tests interpretation of texts in light of what they could have meant to an original audience. I am polemicalizing against a distinctive hermeneutic which originated among the young Hegelians, pre-eminently F.C. Baur. The pertinence of this polemic to our them is made plain in Heinz Liebmg, "Historical-Critical Theology," in Käsemann, *Distinctive Themes*; e.g., historical critical method is critical "in that it inquires back behind the philologically clear text after something which is hidden, hidden in the first place by a dogmatic and traditional view of the whole into which the text is being fitted. The critical analysis uncovers a fiction which obliterates the true, i.e., historically verifiable, state of affairs" (p. 62).

11. "Protestantism is beginning again to discover the inevitability of tradition. Without tradition the Bible hangs as if in mid-air, and thus becomes only an old book among many others...The exclusive insistence of classical Protestantism then on *sola scriptura* today no longer has any chance of surviving. Today this old Protestant stance has come into crisis, and precisely in consequence of scientific exegesis. Scientific exegesis originated and developed in reformed areas. And just this exegesis proves that the gospels are products of the contemporary church and that all scripture is actually tradition. And so much is this so that some protestant specialists turn to the doctrine of the Eastern Orthodox church which emphasizes not *sola scriptura*, but *sola Traditio*." (Jozef Vrablec, *O Otázkach Viery: Prednásky podla Kardinála Ratzingera* [Nitra, 1991] 120, author's translation from the Slovak).

12. See Wolfhart Pannenberg's, "The Crisis of the Scripture Principle" in *Basic Questions in Theology*, 1, trans. George H. Kétn (Fortress, 1970) 1-14. I have treated the Bultmann-Käsemann discussion of canonicity within the framework of my own proposal in "Evangelical Authority," *Lutheran Forum* (November, 1993; Vol. 27, no. 4), pp. 58-62, and "Evangelical Authority, Part Two," *Lutheran Forum* (February, 1994; Vol. 28, no. 1), pp. 58-62.

of the Tridentine doctrine, ever adequately articulated the original Reformation contention for the authority of the living Lord Jesus in his community. Classically, the Word of God is the Incarnate Son, Jesus Christ. He is known from the Scriptures when they are read in the church. He is rendered by Scripture, when Scripture itself is grasped as narrative of salvation. Reformation theology originally presupposed this classical understanding. One can hardly deny that much ensuing Protestantism thinks and has thought about the authority of the Bible over against the church and human tradition in the way that Roman Catholicism rejects. But this later, polemically inspired construction significantly obscures the original contention for the authority of the *gospel* in the life of the church. For the gospel is the good news of the incarnate Son, Jesus Christ. That is what is authoritative. That is what is primary. This is what *authorizes* the life of the new covenant, which is the church united in the eucharist. Here appeal to Scripture is not against the church, tradition, human "additions" and so forth, unless the church is in some concrete danger of losing her way. Appeal to Scripture rather entails and puts into effect a specific understanding of the church as the new covenant communion of Christ over against potential distortions in the concept of the church itself. Thus a stark alternative between Scripture and tradition does not accurately state the Reformation contention, nor does the issue of authority demarcate an insurmountable barrier to a real evangelical and catholic consensus, as is still so often surmised.

Yet we must take care not to pose the issue in a way that merely reiterates a traditional Roman Catholic polemical position and does not yet grasp the genuine implication of the doctrine of justification for the problem of authority: The question still has to be asked, On what grounds did the early church canonize the Bible as it did? This is the deeper theological issue. It is not an adequate answer to this question merely to say that the Holy Spirit so guided the heirs of the Apostles. Surely this is so, but why did the Holy Spirit so guide them? What were the Holy Spirit's good reasons for choosing some books and rejecting others? *Fiat* is no answer to this kind of question, only an evading others? This is the really *dogmatic* question, which the Reformation tradition ought to want to renew and impress upon Roman Catholic partners today, because posing it precludes the possibility of arbitrary authoritarianism in the church's teaching office and expressly locates the church's teaching authority in the saving action of God in Christ. The material answer would go something like this: the Holy Spirit so guided the second century church to receive, acknowledge and transmit the canonical Bible as the work and witness of the Spirit of Jesus and his Father, because these writings uniquely and as a whole communicate *the man* Jesus Christ as saving Lord (against docetism), the

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divine Redeemer of his Father's creation (against gnosticism). In this light it is evident that the Reformation hermeneutic which distinguishes God's Word in Scripture as law and gospel — so that the *gospel* message of the uniquely saving person-and-work of Christ predominates in the life of the church and Christianity remains a message of redemption — is nothing but a further development of what was begun in Irenaeus. This approach to canonical authority on the basis of the primacy of the gospel of Christ's saving lordship provides criteria for using Scripture to guide the church in new situations, for judging doctrine and excluding false developments.¹³

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And this is urgently necessary. The Bible participates in the ambiguity of human history. It is vulnerable to abuse and stands in constant need of faithful interpretation. Misleading doctrines of miraculous dictation obscure the reality that these writings originated with and were transmitted from prophets and apostles, were received and read in the churches, were assembled and acknowledged as the rule of faith in the early catholic church's life and death battle with gnosticism. The Bible originates historically as tradition in the church. Yet it is said to stand over and judge all ensuing tradition, because of the *gospel* whose coming in Jesus Christ it uniquely attests. The Bible attests many other things as well, of course. But the community of the new covenant lives by the *gospel*.

13. The sixth round of the Lutheran-Roman Catholic Dialogue in the USA claimed to have reached an agreement on the primacy of the Gospel. (*Lutherans and Catholics in Dialogue VI: Teaching Authority & Infallibility in the Church*, ed. Paul C. Empie, T. Austin Murphy and Joseph A. Burgess [Minneapolis: Augsburg, 1978] p. 67). "The ultimate trust of Christians is in Christ and the gospel, not in a doctrine of infallibility, whether of Scripture, the Church, or the pope." (*Ibid.*, p. 35). The *Common Statement* opened with a "fresh look" at the problem of doctrinal authority by studying the "biblical and patristic" sources. This led to an appreciation of the dynamic nature of the gospel as the voice of the Lord Jesus "who discloses his gracious sovereignty through the proclamation of the apostolic gospel and the administration of the sacraments" (*Ibid.*, pp. 30-31). From the Roman Catholic side, this convergence entailed significant qualifications of traditionally understood claims stemming from the First Vatican Council about infallibility or irreflexibility, i.e. "irreformability does not preclude further reinterpretation, reconceptualization, or rephrasing" of dogmas defined in the past. Even more sharply: "the doctrine of infallibility itself may need to be reinterpreted and newly expressed, so that its enduring valid theological insight [about the promise of the Holy Spirit to lead the Church to all truth] may better appear" (*Ibid.*, p. 43). Avery Dulles asked critically whether the First Vatican Council assumed "that the Christian Church was fully and adequately present in Roman Catholicism," and whether that is "a position we wish to share in" today (*Ibid.*, p. 94). Roman Catholic theologians even raised the question at the end of this dialogue, "Should not Catholic theology take a new look at the Lutheran Confessions, especially those such as the Augsburg Confession—whose original purpose was irenic?...could these Confessions be recognized as valid expressions of the Church's teaching?" (*Ibid.*, p. 37; emphasis added). From the Lutheran side, this convergence on the primacy of the gospel meant a new appreciation of "how vital it is for the churches to speak, where occasion demands, with one voice in the world;" it required further reconsideration among Lutherans of "how a universal teaching office such as that of the pope could exercise a Ministry of unity which is liberating and empowering rather than restrictive and oppressive" (*Ibid.*, p. 66). Against the doctrinal relativism of much modern Protestantism, the convergence in this dialogue required Lutherans to recall one of their own lost convictions about the importance of doctrine, "that decisions about the truth of the gospel have to be made for the sake of the gospel's life in the world" (*Ibid.*, p. 66). For both parties of this dialogue, the convergence on teaching authority, as subordinate to, yet also required by, the "primacy of the Gospel," entailed calling for concrete, practical steps toward "a worldwide and ecumenically based magisterium." As to the nature of doctrine, Lutherans stressed "a careful distinction between faith as trust in the divine promises and those aspects of the faith of the Church which are responses to the divine promise

Two Kinds of Tradition

Heiko Oberman argues convincingly in this light that we do not have in the Reformation controversy a conflict between "Scripture and Tradition" but rather "the clash between two concepts of tradition."¹⁴ He identifies an old patristic concept originating in Irenaeus in which Scripture, church, episcopacy, teachers and councils constitute the one stream of apostolic tradition guided by the Holy Spirit, in which to be sure Scripture has primacy. The main features of this old patristic concept are that "both Scripture and Tradition issue from the same source, the Word of God;" their "common basis is the operation of the Holy Spirit;" and thus the whole complex of Holy Tradition is an "explicit denial of extra-scriptural tradition." Scripture and Tradition here are two sides of the same process of the transmitting of the Word of God. Scripture is the codification of the earliest church's tradition; the tradition of the church is the exegetical, hermeneutical and ultimately dogmatic process of interpreting Scripture. Over against this patristic view of tradition, however, Oberman identifies the emergence in the early medieval Latin West of a second conception of tradition defined by the needs of canon law to decide "doctrinal points on which Holy Scripture is silent." The need to dogmatize on such matters required another source of authority, i.e., precedents in church history which can speak to such questions. "Tradition," so understood, comes to designate a parallel body of material which eventually was elevated to equal dignity with Scripture itself as an authoritative source of teaching.

According to Oberman, Luther stands in the first, patristic understanding of tradition, indeed as a renewer of it over against the predominance in his time of the second view of tradition. In the polemical writings of the early Luther "the primary purpose was to contrast the teachings of Holy Scripture with papal decisions...and [to] emphasize the authority of Scripture over against human addition."¹⁵ Even so, Luther

through confession, action, teaching, and doctrinal formulations. These responses are necessary; the gospel (the promise of God) does indeed have a specifiable 'knowledge' content. But the authority of this content, Lutherans believe, is established by its power to convict of sin and convince of grace through the work of the Holy Spirit and is not enhanced by saying that the teaching office or doctrinal formulations are themselves infallible" (*Ibid.*, p. 63). In other words, doctrinal statements are acts of worship, responses to the truth which is properly present in proclamation but not themselves the object of faith. Only Jesus Christ in the word of the gospel is the object of faith and the subject of faith, so that faith alone is the proper response to the gospel encounter with Christ. The primacy of the gospel in the life of the church means the primacy of the risen Jesus Christ's direct, first-person speech, his uniquely personal promise of salvation.

14. Heiko Oberman, Chapter XII, "Quo Vadis, Petre? Tradition from Irenaeus to Humani Generis" in *The Dawn of the Reformation: Essays in Late Medieval and Early Reformation Thought* (Edinburgh: T. & T. Clark, 1986) p. 270, also for what follows. Also Hans von Campenhausen, *The Formation of the Christian Bible*, trans. J.A. Baker (Philadelphia: Fortress, 1972), which stresses the "Pauline solution" to continuity and discontinuity in salvation history as the real theological basis for Irenaeus' eventual anti-Gnostic theology of the canon, just as it was rediscovered in the Reformation hermeneutic.

15. *Ibid.*, pp. 284f, also for what follows.

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Against Luther's assertions of the self-evident clarity of Scripture, indeed in light of Luther's own notable struggle to understand Scripture, one has to observe that his knowledge of Christ as the center of the Bible is evidently not obvious. It does not just fall off the pages of the Bible for anyone to see. What then? It seems much clearer today that Luther's knowledge of Christ as saving Lord "is handed down by the church" rather than simply falling off the pages of the Bible. That is to say, it is handed down by the eucharistic fellowship, where believers meet and come to know Christ as the saving Lord in the New Covenant which he instituted -- long before they read the Bible as such.

Here a problem arises. Against Luther's assertions of the self-evident clarity of Scripture, indeed in light of Luther's own notable struggle to understand Scripture, one has to observe that his knowledge of Christ as the center of the Bible is evidently not obvious. It does not just fall off the pages of the Bible for anyone to see. What then? It seems much clearer today that Luther's knowledge of Christ as saving Lord "is handed down by the church" rather than simply falling off the pages of the Bible. That is to say, it is handed down by the eucharistic fellowship, where believers meet and come to know Christ as the saving Lord in the New Covenant which he instituted -- long before they read the Bible as such.

*In any case, by the time the mature Luther is composing the Large Catechism, he can say: the Christian church "is the Mother that begets and bears every Christian through the Word of God."¹⁶ Taking such texts into consideration, Oberman rightly concludes that Luther's mature version of *the Word alone* (who is Christ, *solus Christus*) in contrast to later Protestantism's *sola scriptura* "does not exclude, but includes a high regard for" tradition in the patristic sense. Oberman cites from Luther's *Concerning Re Baptism*: "We do not act as fanatically as the sectarian spirits. We do not reject everything that is under the dominion of the Pope. For in that event we should also reject the Christian church.... Much Christian good, nay, all Christian good, is to be found in the papacy and from there it is descended to us."¹⁷ That being the case, Oberman stresses, the *real* authority of Scripture "can only *function* when Scripture is opened, that is, when Scripture is seen as the book given to the church, which is gathered and guided by the Holy Spirit. The Holy Spirit is the principle Doctor... primarily and centrally by the preaching of the *kerygma*..."¹⁸ The notion that the gospel Word of God is the Spirit-effected speech of the risen Lord Jesus -- to be sure as uniquely rendered by Scripture -- is the key for overcoming both the false antithesis of later Protestantism between Scripture and tradition and the false synthesis of Scripture with idiosyncratic Roman traditions in later Catholicism.*

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The Possibility of Ecumenical Convergence on Authority

This analysis leads to three conclusions. First, even though there is a great deal of ecumenical theology emerging today which points in the

16. In Ippert, Theodore G., ed., *The Book of Concord* (Fortress, 1959) p. 416. All citations of page and paragraph number from the *Book of Concord* are hereafter made in parentheses in the text.

17. Oberman, *op.cit.*, 285, cited by Oberman from *WA* 26:146f.

18. *Ibid.* 291, emphasis added.

direction of recovering the patristic understanding of the "tradition of the gospel,"¹⁹ the reflexive disparagement of tradition in the name of the Bible alone is a deeply ingrained habit in Protestantism. Indeed it is the key move in the historical-critical hermeneutic. Yet this unthinking, merely anti-Catholic, defense mechanism is ultimately destructive of Reformation theology's most precious concern for the true treasure of the church, which is the gospel of the grace and glory of God. Second, while it is correct to appeal to the ecclesial context and tradition in which the Scripture exists, it is quite another step, rather a leap, from conceding this point to a fulsome claim for the unique, infallible and universal magisterium of the bishop of Rome. One can, with Eastern Orthodoxy, subscribe to the correlation of Scripture and Tradition under the primacy of the gospel without conceding any peculiar Roman claims about the unique and exclusive competence of its teaching authority. Indeed one should rather urge that Roman Catholicism repeatedly undermines its own claim to teaching authority by failing to hear and comprehend, let alone to convince rationally and to guide pastorally dissenting Christian communities. Third, from a classically Lutheran point of view, there is nevertheless great hope in the mere existence of the ecumenical dialogue. This must be stressed today in view of the frustrating experiences thus far of partial, inconclusive, and very fragile convergences in doctrine achieved in the dialogue process. Nevertheless in taking a common approach to old dissensions as an act of faith in the promised unity of the church, the tradition of the gospel becomes operative again among these separated Christians. The Scriptures are opened and the Holy Spirit becomes the doctor. From a Lutheran point of view, persistence in that way even in times of discouragement remains the path to unity, as the Holy Spirit gives us the wisdom to see and the courage to proceed.

But can Lutherans today *do* precisely *that* which their own theology requires of them? Is the renewal of ecumenically-oriented dogmatic theology, as the foregoing suggests, institutionally possible today? I mean the question ecclesiologicaly. Have Lutherans a *church* which is capable of doing what their convictions require of them "today and also tomorrow in the life and doctrine of the Lutheran community?" In the past, so far as Lutheranism survived in the strong sense as a bearer of Reformation theology, it was sustained by confessionalism. Confessionalism filled the place of the teaching office. The historical presuppositions of that arrangement have completely evaporated in the modern world. The critical or uncritical biblicism which fills the void increasingly draws what remains of Lutheranism into the undif-

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19. See Chapter Eight, "Tradition and the Traditions" in Vladimir Lossky, *In the Image and Likeness of God*, ed. John H. Erickson and Thomas E. Bird (Crestwood, New York: St. Vladimir's Seminary Press, 1985), p. 141-68. Also *Lutheran-Orthodox Dialogue: Agreed Statements 1985-1989* (Geneva 1992):15.

ferentiated void of generic Neo-Protestantism, whether that be in liberal or conservative versions. In Neo-Protestantism, Scripture is systematically construed as authoritative, if not as supernatural revelation then as an unaccountably privileged text. Its actual historical origin as a tradition of the history of salvation passed on in the community of faith in this way is overlooked. Liberal Lutherans who insist on historical critical interpretation of Scripture are rarely honest about this tacit privileging of the traditional canonical books which they presuppose. Ironically in this way liberals are every bit as biblicist as conservatives and their theology is ultimately every bit as authoritarian.

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How, then, could the Scriptures be opened and the Spirit once again become the teacher? Robert Jenson observes pointedly in this connection:

Canon, creed and episcopate emerged simultaneously, in joint response to a single crisis in the life of the church, and were in their origin mutually interdependent aspects of one historical structure. If any one of the three is to be regarded as the result of a reversible development, so must the other two.²⁰

Canon, creed and episcopacy will be retrieved together, or not at all. Only then will Lutherans have an "interim" church which enables them to do what their convictions require of them in the ecumenical struggle for the renewed, visible unity of the church. Needless to say, however, this contention for reappropriating classical ecclesial agency among contemporary Lutherans is not a little controversial.

THE *SATIS EST* CONTROVERSY Unity in Proclamation?

Some contemporary Lutherans have surprisingly enough agreed in principle with Roman Catholics that authority is the primary matter at issue between them. They have accordingly developed a Protestant counterproposal to canon, creed and episcopacy. They argue for the singular "hermeneutical authority" of the doctrine of justification, as the article on which the church stands and falls, and point to root, presumably irreconcilable differences in the "conceptual frameworks" presupposed by either side. Frustrations experienced in the dialogue over Mary and the Saints are said to confirm this diagnosis. Surely in some respect they do.²¹ Yet what this hermeneutical function of the jus-

20. Jenson, Robert W., *Unbaptized God: The Basic Flaw in Ecumenical Theology* (Minneapolis: Fortress, 1992), p. 71.

21. In *Lutherans and Catholics in Dialogue VIII* the traditional Catholic fear was expressed, that "if every form of piety and worship, function, office, every meaning, truth claim, and type of witness are liable to be suspected of being a pretender seeking to displace the Lord unless it has explicit biblical foundations," as could happen "if justification by faith alone were to be made the sole norm for judging all churchly discourse and practice" (*Ibid.*, p. 46), then the danger appears that "Christ's unique mediation will be made sterile and fruitless" because

tification doctrine actually means, and how it ought to work, and on what conceptual basis, have in turn become matters of no little dispute among contemporary Lutherans. One begins to wonder whether contemporary Lutherans share the same "conceptual framework."²²

Surely for the Augsburg Confession itself, as its first three articles unmistakably attest, the Nicene Creed defines the unity of faith which makes the church the church. Tinitarianism provides the Augsburg Confession's "conceptual framework." Historically speaking, that supposition is unassailable.²³ Agreement on that has been the foundation

there will be no church, no priests, no saints — none through whom Christ communicates himself. Catholics hope to avoid this "by stressing the truth of the manifold cooperation to which Christ's mediation gives rise." Recognizing that "where real abuses are found, efforts must be made to direct the piety in question toward Christ the one Mediator," the Roman Catholic theologians nonetheless maintain that "the possibility of abuse does not warrant abolition of a teaching or practice" (*Ibid.*, p. 46). The Lutherans in response held that the "alone" in the critical principle of justification by faith alone locates faith exclusively in Christ, since Christ alone "can provide the assured faith (*certitudo*) that the sinner requires" as opposed to "securities, i.e., a false faith based on any person or thing other than faith alone in the sole Mediator" (*Ibid.*, p. 127). This leads to the serious question, "Does spirituality involving the saints and Mary in any way undermine assured faith?" (*Ibid.*, p. 131). The freedom to pose this question would be essential "in any future fellowship with the Roman Catholic Church... at all levels of the church Lutherans would always [have to] be free to discern whether invoking of the saints and Mary is carried out in such a way that produces assured faith (*certitudo*)" (*Ibid.*, p. 131).

22. As the author has written elsewhere: "Classical Christian faith posited the notion of a universal humanity. This belief in the unity of humanity corresponds to faith in God the Creator and the divine plan of salvation. The horizon of human life on the earth, when it is construed as a meaningful history, is the reign of God. Vice versa, the very notion that human life on the earth coheres in and as meaningful history is an act of faith in the reality of the Reign. It is a truism that secular thought since the Enlightenment has lost this faith, and with it this theological anthropology — a turn of events which dogmatically devastated classical Lutheranism, as Wilhelm Maurer has searchingly described... [Wilhelm Maurer, *Historical Commentary on the Augsburg Confession*, trans. H. George Anderson (Fortress, 1986), pp. 118-19]. In today's context justification by faith easily becomes an abstract declaration of divine permissiveness [for abundant contemporary evidence of Lutheran reasoning in the form, "let us sin that grace may abound," see "A Collection of Responses from ELCA Academicians and Synodical Bishops to *The Church and Human Sexuality: A Lutheran Perspective*, First Draft of an ELCA Social Statement (Chicago, 1994)] which leaves secularized persons to work out their own spiritual ruin with a foolishly happy conscience. It ceases to represent the shattering and transforming event of encounter and communion with the crucified but risen Lord Jesus, a submission to God's holy judgment and a surrender to God's redeeming mercy — in short, a *conversion* to the Reign of God. Justification by faith becomes a declaration of divine favor that hangs in mid-air, without providing any vision of who the human person is and what he or she is to become. In a view in which the encounter with Christ and communion with him by the Spirit is the text, and justification by faith the commentary on it, however, there must be an answer to the question, What is the human person? The classical answer is, in words which are familiar from the Orthodox theological tradition: To be human is to become divine. To miss this calling is to fall short of humanity, as God wills humanity to be. Sin is a radical alienation from the human vocation, whose consequence is the equally radical fate of spiritual death. Apart from some such theological anthropology as this, justification by faith loses its claim to magnify the redemption in Christ and becomes mere anthropology, so reduced. It is in fact in danger of becoming an ideology of secularization with a happy conscience. In order to avoid this ironical fate, Lutheran theology will have to recognize that its relation to Orthodox theology is one of an asymmetrical dependence on the classical tradition of the ancient and undivided church, of which living Orthodoxy claims to be the representative" (Paul R. Hinlicky, "Theological Anthropology: Towards Integrating Theosis and Justification by Faith," *Journal of Ecumenical Studies* Winter 1997: 34/11, pp. 38-73).

23. "Luther's Trinitarian confession is the basis for his theology, including its reforming elements. The trinitarian character of his theology in no way eliminated or set aside its reforming character. The confession of the triune God and the incarnation of the Son presupposes all Reformation principles, including the justification of the sinner. Those who assume the oppo-

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of the thirty years of Lutheran-Roman Catholic dialogue.²⁴ But today that kind of agreement is radically questioned in the name of the hermeneutical function of the justification doctrine. If the gospel is rightly proclaimed, sufficient church unity is therewith given. *Satis est!* Canon, creed and episcopacy are rendered superfluous.

Rudolf Bultmann is indisputably one of the primary sources of the idea that a unity of proclamation can supplant the traditional notion of unity in doctrine.²⁵ Bultmann found in the existential-anthropological interpretation of dogma a means to overcome the reification in mythic or metaphysical forms of the authentic proclamation of the saving meaning of Christ. In the New Testament he found precedents for the program of *Sachkritik* chiefly in the Pauline doctrine of justification by faith

site turn the whole thing upside down and allow it to collapse, since one cannot think coherently while standing on one's head. The foundation and cornerstone of Reformation theology is that every internal and external action of the Trinity is directed toward the salvation of the world" (Maurer, *op.cit.*, p. 240).

24. The very first dialogue between Lutherans and Roman Catholics in the U.S.A. in 1965 was about the Nicene Creed (in *Lutherans and Catholics in Dialogue I-III*, ed. Paul C. Emlie and I. Austin Murphy (Minneapolis: Augsburg). This dialogue established the mutual acknowledgment of the authority of the apostolic faith, the "binding dogmas of faith" of the Nicene Creed as the foundation on which the entire ensuing dialogue was to be built. "We confess in common the Nicene Faith...[which] gathers up and articulates the biblical testimony concerning the Son and His relationship to the Father...as a response to contemporary errors [of the Arians]" (*Ibid.*, p. 31). To this, the theologians added an agreement about the soteriological reason for the confession of the divinity of the Son, "only He who is God can redeem us" (*Ibid.*, p. 32). They noted the liturgical context of the Nicene dogma when they added that the confession of this Nicene faith in the divinity of the Son is an act of worship toward God the Father in the power of the Spirit. Finally, while recognizing that the Nicene Creed is not theologically exhaustive, they agreed that it "possesses a unique status" as "authoritative teaching" which both "repudiates erroneous teaching and asserts the truth" (*Ibid.*, p. 32). This point of departure of the Lutheran-Catholic dialogue in the Nicene Creed effected a definite relativization of the traditional Lutheran-Roman Catholic contradiction in light of the common Christian doctrine of God and Christ.

25. Bultmann famously wrote, "Paul's teaching of justification is, it could be said, his real christology, for 'to know Christ is to know the benefits he confers' (*hoc est Christum cognoscere, beneficia eius cognoscere*; Melancthon). The teaching of justification demonstrates forcibly that christology does not consist in speculation on the nature of Christ; that Christology is the proclamation of the event of Christ's coming, and that an understanding of the event requires not speculation but self-examination, radical consideration of the nature of one's own new existence" (*Faith and Understanding*, ed. Robert W. Funk, trans. Louise Pettibone Smith [Philadelphia: Fortress, 1987], p. 279). In 1962 Carl Braaten pointed out that "Bultmann's program has its roots deep in Lutheran soil," and cited another famous passage from Bultmann: "Our radical attempt to demythologize the New Testament is in fact a perfect parallel to St. Paul's and Luther's doctrine of justification by faith alone apart from the works of the law. Or rather, it carries this doctrine to its logical conclusion in the field of epistemology.... The man who wishes to believe in God as his God must realize that he has nothing in his hand on which to base his faith. He is suspended in mid-air, and cannot demand a proof of the Word which addresses him" (*Kerygma and History: A Symposium on the Theology of Rudolph Bultmann*, trans. and ed. Carl E. Braaten and Roy A. Harrisville [New York and Nashville: Abingdon, 1962], pp. 13-14; the citation is taken from *Kerygma and Myth*, ed. H.W. Bartsch, tr. Reginald H. Fuller, pp. 210-11). It is a serious question whether we witness in this "radical Lutheranism" an odd kind of essentialism that violently wrenches an idea from its context and falsely sets it in opposition to its own life-world. The actual product of such an operation becomes a caricature of the original. Take for example Bultmann's well known "criterion of dissimilarity," which allowed certain knowledge of the historical Jesus only on the basis of material for which no parallels existed either in contemporary Judaism or the post-Easter Church. What this criterion produced might at best be called an essence of Jesus rather than an historical Jesus, i.e., a Jesus systematically de-Judaized and de-Christianized. I want to raise the same kind of question about the so-called hermeneutical use of the doctrine of justification by contemporary "radical" Lutherans.

and the fourth Evangelist's subversion of apocalyptic literalism with the help of gnostic ideas. Bultmann viewed these as liberating precedents for his own program of demythologizing, which he frequently characterized as nothing but the radicalization of the Pauline-Lutheran doctrine of justification by faith. Thus the hermeneutical function of the justification doctrine frees the contemporary church from bondage to old, misleading picture language and from futile attempts to rationalize and systematize them, forcing all Christians into one doctrinal mold. Herein lies its liberating ecumenical relevance, for it can reveal the existence of a genuine unity of proclamation even where superficial contradictions in doctrine remain. In fact for Bultmann there is no authentic "teaching" about Christ or God that is not primarily authentic preaching in the name of God. This critical insight sets aside the divisive and futile doctrinal contradictions of the past. It makes the problem of the unity of the church visible instead as a matter of the unity of proclamation. If the gospel is rightly proclaimed, therefore, *salvis est!*

True Unity and Visible Unity: A Distinction

It is doubtful whether the definite hermeneutical-critical function of the Reformation doctrine can be understood along these lines without serious distortion.²⁶ It is in any case a mistake to conflate the Augsburg Confession's article of the church's "true" unity (communion with Christ in the Spirit) with ancient or modern conceptions of "visible" unity ("canon, creed and episcopacy," say, or "reconciled diversity"). Indeed what suffices for the *doctrinal* unity of the *visible* church really is nothing new, so far as Augsburg Confession VII is proposing in 1530, when it stated that it "is sufficient for the *true* unity of the Christian Church that the Gospel be preached in conformity with a pure understanding of it and that the sacraments be administered in accordance with the divine Word" (32:2, emphasis added). The old standard of the biblical canon and the ecumenical creeds, as articulated in the first three articles, are presupposed. These accounts for the "visible" unity of the common Christian faith — which still existed in 1530! That is not the question under discussion at all in Article VII, which concerns "true" unity. How could we fail to see this? The answer is to be found in our modern perspective. Prior to the rise of pietism and, in our century, existentialism, the church was understood as a community of faith and faith was understood to manifest itself as a "visible," i.e. perceptible, phenomenon in the world. One could *see* whether the icons were of Jesus, the Trinity and their saints or of someone else; one could *hear*

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26. When Luther articulated the doctrine of justification in the highly polemical Smalcald Articles, he expressed himself in the spirit of the Nicene faith of the old church: "The first and chief article is this, that Jesus Christ, our God and Lord, was put to death for our trespasses and raised again for our justification" (Romans 4:25)" (292:1).

whether the preaching was drawn from the biblical canon or elsewhere, and so on. Thus one could *tell* whether one was dealing with the Christian faith or some other. At home in this premodern world, what is really in view in Augsburg Confession VII is not the "visible" unity of the church at all, which is simply taken for granted, but rather the true sense of that visible unity in the Nicene faith.

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In this light, what is being critically implied is that there can be an orthodoxy which has lost sight of the outreaching, ingathering love of God in Christ for all the world, which is supposed to be attested in preaching and sacraments and articulated for understanding in its dogma. In the crisis of 1530 the Augsburg Confession is urging that the "visible unity" of faith as expressed in common canon and dogma is *insufficient* to clarify this "true," that is "spiritual," nature of the church. The church is supposed to be the community of the Holy Spirit who works through the Word and Sacraments of Christ. The old dogma, as legally binding profession of faith, is true so far as it goes. But it is *not sufficient* to settle the current dispute about the reform of certain abuses, which obscure the true, spiritual nature of the church. The church rightly holds to the old dogmas. Yet responsible speech *about* God is always subject to fresh confirmation by the speech *of* God; otherwise the mere repetition of the church's dogmas, however true, may decline into ecclesiastical ideology which claims exclusively to possess the truth of God and deflects all criticism as disobedience. The Augsburg Confession cannot but help to assert in its *satis est* that this should not be. In other words, the inherited Scripture and dogma of classical Christian faith are themselves in need of a criterion.

Justification as a Critical Principle

The Augsburg Confession is offering its doctrine of justification by faith, asserting that it reveals the true meaning of the catholic doctrine because it opens up human access to salvation in Christ. It brings this "purified understanding" to bear critically upon the beating heart of the church's visible life, the use of the means of grace, where salvation is supposed to be freely offered and lucidly presented. Thus the sole honor of Christ as Redeemer is upheld to the joy and consolation of penitent hearts. In this sense, the Augsburg Confession's doctrine of justification, which in Article IV has made the speech of the risen Lord in sermon and sacraments the creative and authoritative center of the church's existence, remains both an ecumenical proposal and an ecumenical provocation, even stumbling block. Nevertheless its genuine hermeneutical function has nothing to do with discrediting canon, creed and episcopacy. Rather it clarifies how *singular* human beings can validly be included in the history of salvation, that is, belong to the church,

become members of the body of Christ, adjoined to that agency under Christ which is defined by canon, creed and episcopacy. How does God accept *enemies* and make them members of his kingdom? That is the fundamental question!

Answer: Not by an act of obedience to the teaching authority claimed by (any!) church (or bible, or revelation), an act of which those in bondage to enmity against God are in any case incapable, but — only — by personal trust in the gospel promises actualized in Christ's life and death on behalf of sinners, as these are proclaimed and taught by the church that is bound to Christ. Inclusion in the church is given and is certain in no other way than by means of the "good news and report" itself, which includes the estranged who simply receive it, which justifies sinners who merely believe it. For the invitation is valid on account of Christ's work and word, not the believer's work nor the church's word, so if anyone actually does accept this invitation, even that acceptance is a gift of the Holy Spirit who works in the hardened hearts and closed minds of Adamic humanity the one signal of a dawning new creation: the self-trusting faith in Christ which binds one to all believers in Christ through space and time.

This proposal of the Augsburg Confession manifestly does not call into question but rather presupposes the "visible" faith of the church catholic and indeed seeks to actualize it. So in this light it is impossible to view the Reformation's doctrine of justification by faith as a *metadoctrin* in the sense that it becomes separable from the canon and creeds in the manner of affording a systematic Sacktritik of them. The canon constitutes a divine history of salvation from creation to new creation, reaching out and incorporating humanity into the reign of God. This history, narrated in Scripture, parsed in the ecumenical creeds, and actualized in the mission of the church, is bringing all nations to the praise of the God of Israel. *This merciful and transformative outreach of God in the gospel for the world lost in enmity is what the doctrine of justification intends to bring out, make lucid and rationally compelling, so that in relation to it, all the church's teaching and practice are rightly related to God's saving purpose.* Justification as a doctrine, we may say, is about the justice of this reign of God. It answers the question, By what right is anyone included? It answers: By right of Christ's life, death and reign on behalf of those who come to believe that they need his act of salvation. Justification as a hermeneutic, then, demarcates the gospel's embattled front line on the earth, where membership in the reign of God is being decided, just as it originally did in Paul's conflict with Peter in Antioch. It thus insists that the "true unity" of the "visible church" in its common dogma becomes manifest as the *communio* of members of Christ's body, a "spiritual-sacramental *communio* with Christ and his saints..." (Vajta).²⁷

27. Vilmos Vajta has demonstrated that the distinction between the visible and the spiritual Church is not a dualism of two differing realities. He writes that, according to Luther, "the

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The specific doctrinal contradictions stemming from the Reformation period have, in principle, been overcome, if both churches can continue in the trajectory which the convergence on justification as a hermeneutic seeks nothing but the critical theological exposition of this "true" unity of the church as communion of redeemed sinners, enemies reconciled with God through Christ. Whatever critical power justification has as a hermeneutic is derived from its proper constructivist power as a doctrine, namely, to articulate and warrant this unique new covenant fellowship of Christ with believing sinners by which the saving righteousness of the Lord holds sway on the earth in the sphere of the church, till the kingdom dawns in fullness, the antidivine powers of sin and death are forever destroyed and the believer's daily battle with sin passes into victory shouts of eternal praise and joy.²⁸

Some conclusions may now be drawn from the foregoing. The specific doctrinal contradictions stemming from the Reformation period have, in principle, been overcome, *if both churches can continue in the trajectory which the convergence on justification as a correlate of the catholicity of represents.* The problem becomes visible when we ask why it will be so difficult to continue in that trajectory. The reason is the catastrophic intervening history of over 400 years of ecclesiastical civil war. The challenge to Roman Catholicism posed by the true, if halting, reception of justification by faith as a critical principle is whether it will forthrightly draw the conclusion that it too exists as a separated confession, which paradoxically has upheld the evangelical value of the catholicity of the church in the anomalous situation of mutual schism. But the Roman Catholic Church too participates wholly in the defectiveness of the divided church. Concretely, the question is whether Rome will reassess the obstacles to unity which have been erected in the modern Marian and papal dogmas.²⁹ The challenge posed to Lutheranism by the true, if ambiguous, acknowledgement of it as church by Roman Catholicism, is whether it will simply act as such in response, as church, as body of Christ, and whether concretely it will discern penitently in its present incapacity to act the real, theological defectiveness of its common life.

bracketing of the spiritual assembly of Christendom and the one-sided emphasis, indeed the sole determination of Christendom by its outward, physical form, is to be seen as contrary to Scripture...Luther can only accept the physical, outward [we could add: "visible unity" of Christendom provided that this is seen together with the spiritual inward [we could add: "true unity" of Christendom]" (Peter Manns and Harding Meyer, eds., *Luther's Ecumenical Significance: An Interconfessional Consultation* in collaboration with Carter Lindberg and Harry McSorley [Fortress, 1984], p. 116). But in that case, "are faith in Christ and identification with the church-community distinguishable spiritual acts? Or is the Christ who is both the ground and object of faith the *totus Christus*, the embodied person whose body is the church?" (Jenson, *Unbaptized God*, p. 97).

28. Maurer summarizes his discussion of faith and works: "We cannot understand the doctrine of justification in CA 4 simply from the antithetic sense of *gratis*; that is, simply as a contrast to works righteousness. It has a positive sense that spans the whole realm of reality" (*op.cit.*, p. 306).

29. As Lutheran-Catholic Dialogue VIII bluntly acknowledged: "the two [modern] Marian dogmas must be acknowledged as an obstacle to full fellowship between our churches" (*op.cit.*, p. 59).

Both communions then are in a situation of *interim ecclesiology*. Can they acknowledge this mutual defectiveness and in a spirit of mutual penitence continue in the trajectory toward a new unity?³⁰ In the nature of the case, one can only attest the situation to the partner church as one sees it, but within one's own communion, a further responsibility falls upon the theologian to imagine a faithful way forward. How could Lutheranism act? How, under Christ, does it responsibly take up the agency which pertains to the body of the risen Lord? As has become by now evident this is the question at the heart of the *Lutheran dilemma*.

THE DILEMMA

If the foregoing interpretation of the theology of the Augsburg Confession is valid, whatever consensus existed in recent years about Lutheranism's ecumenical posture as a "confessing movement within the church catholic" has been built on shaky foundations. It has become evident that "what constitutes the visible unity of the church is itself a controversial subject."³¹ According to the argument that has been made, the "visible" unity of the church catholic is to be seen in the unity in the apostolic faith as confessed in the Nicene Creed. This argument allows for a distinction between the binding dogma of the church

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How, under Christ,
does it responsibly
take up the agency
which pertains to
the body of the risen
Lord? As has
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evident this is the
question at the
heart of the
Lutheran dilemma.*

³⁰ Perhaps there is yet another hidden factor at play, another negative unity which, in being acknowledged and taken up, could become a source of unification. Lutherans and Roman Catholics share in the schism of 1054, in the separation from Eastern Christianity. Perhaps the rediscovery of trinitarianism which is constantly made whenever real progress occurs between Lutherans and Roman Catholics indicates that the gridlocked bilateral dialogue needs to include Orthodoxy in order to advance, as Wolfgang Bierert suggested in, "Do the Condemnations of the Reformation Era Still Confront the Contemporary Ecumenical Partner?" *Lutheran Quarterly* (VIII /1), pp. 53-70. Bierert's otherwise intelligent essay begs a troubling question: What, in the first place, is the church that it can be either united or divided by doctrine? Taking up that very question is intimidating, because in theology no methodology is ever neutral. The use of a method always entails substantive dogmatic decisions about the nature of the church and the Christian message. There is no perspective outside of the conflicted field of ecclesiology itself from which to get a comprehensive and objective picture of the whole. In the fifth round of the Lutheran-Roman Catholic dialogue, Arthur Carl Piepkorn called attention to this: "When all of Christendom is existing in mutual schism, no one part of the magistrum can confidently speak for all" (*Lutherans and Catholics in Dialogue IV, Papal Primacy and the Universal Church*, ed. Paul C. Empie and T. Austin Murphy [Minneapolis: Augsburg, 1974], p. 126). Only from within the perplexing situation of a doctrinally divided church can we and must we pose the most baffling question at all: What is the church? This pressing question emerges all the more urgently at the end of thirty years of dialogue. Answering it will require of us more than a perfunctory return to the apostolic faith confessed in the Nicene Creed. Michael Plekon has written of the important perspective which Orthodoxy could bring: "The orthodox or 'right worshiping' practices included the maintenance of communal eucharistic liturgy at which all communed, in both kinds, rejection of the imperial papacy and the proper governance of local churches by bishops and councils, and the correct understanding of the eucharist as a sacrifice of praise and thanksgiving." (Michael Plekon, "We Have Seen the True Light: Liturgy and Life in the Orthodox Church," *The Bride of Christ* [XVII/3], p. 14; compare Jaroslav Pelikan's account in *The Spirit of Eastern Christendom (600-1700)*, Vol. II in *The Christian Tradition: A History of the Development of Doctrine* (Chicago, University of Chicago Press, 1974), pp. 281ff.

³¹ Michael Root, "The Unity of the Church and the Reality of the Denominations," *Modern Theology* (9:4, October 1993), pp. 385-401.

and a legitimate variety of contextual theological expositions of it. It also allows a lively distinction between the public doctrine of the church and the often confused, sometimes erring, rarely articulate faith of the people of God. It allows that the church, as a matter of faith in the Holy Spirit, remains open to doctrinal progress (and wary of doctrinal regress). It emphasizes that the true sense or meaning of visible unity in doctrine is that Spiritual-sacramental communion with Christ which Christ himself freely gives to sinners, that is, to faith, faith alone. It essentially points forward to an eschatological fulfillment, which makes one and all humbly aware of the provisionality of what the church militant has so far achieved in her earthly pilgrimage.

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Nevertheless, even if granted historically, the present contention for the original, Reformation stance on unity in "the doctrine of the gospel" is controversial today. Minimally, the very idea that the "visible unity" of the church catholic is to be seen in the unity of faith confessed at the ecumenical councils represents a corrective statement against a prevalent, "feel good" ecumenism, at the expense of concern for truth. On the other hand, the dialogue with Roman Catholicism has made it clear that Lutheranism itself *must decide* between anthropologically and christologically grounded versions of its chief doctrine. As we entertain organic communion between our previously separated churches, such questions have to come out. We are at a crossroads.

False Resolutions to the Dilemma

A confirmation of the fact that we are at a crossroads may be found in the program for world Christianity which Konrad Raiser has enunciated in his *Ecumenism in Transition: A Paradigm Shift in the Ecumenical Movement*.³² "The decisive criticism of the former paradigm is that christocentric universalism is unhistorical and dogmatic in nature,"³³ Raiser intones. The 19th century slogan revives: "Doctrine divides, action unites!" Opposition to this naive thesis does not necessarily arise out of resistance to that social-ethical agenda, which Raiser wishes to substitute for the classical doctrinal agenda in ecumenism (though it

32. Konrad Raiser, *Ecumenism in Transition: A Paradigm Shift in the Ecumenical Movement?* (Geneva: WCC Publications, 1991). The main point of Raiser's book is to reject as outdated the attempt to ground the unity of the divided churches in a christological consensus. In place of this, he wants to restore to centrality the biblical category of the Kingdom of God. This supposedly universal horizon serves to relativize the previously central significance ascribed to Jesus Christ and his church, so that the truly universal imperative emerges of saving the world from political, economic, and ecological destruction by the instrumentality of Spirit-evoked movements such as eco-feminism. The eschatological sense of the biblical category of the kingdom disappears. This allows Raiser to speak about the church's mission of building the Kingdom of God on earth in the sense of utopian political interventions. The ballyhooed paradigm shift thus amounts to little more than a revival of nineteenth century liberal Protestant theology with a sharply anti-Catholic accent and *de rigueur* radicalism.

33. Raiser, 78.

may indeed indicate resistance to amateurism and utopianism in the name of ethics). Indeed morality, personal and social, belongs to the field of Christian doctrine, as Roman Catholics insist, and it would very good to put moral theology on the docket of the ecumenical dialogues. Precisely so, however, the place from which churchly action on an ethical agenda in the world proceeds is the deliberations of those who are united in faith. Raiser's proposal has no place as the substitution of a "secular ecumenism" of good works for the churchly task of overcoming the scandal of Christian schism and achieving a real ecclesial agency under Christ, in the world. In response to Raiser's "easily misunderstood talk" which can "do considerable damage," a statement of the Ecumenical Research Institute at Strasbourg has rightly insisted that "action for others" is "the fruit of the Holy Spirit (Gal. 5:22) who is received by faith (Gal. 3:14). This ordering of Christian faith and Christian life is irreversible. Faith is the basis of Christian life and out of it grows life for others."³⁴ Raiser's book makes it unmistakably clear that real dispute today is one surrounding the core of the Christian faith.³⁵

We may well wonder, however, whether Raiser is right that some kind of "paradigm shift" is overturning all of our inherited certainties. Perhaps the most important objection to the proposal I am making will come from Lutherans who have concluded that the Lutheran dilemma (that it is incapable of the agency requisite to its claim to be church, or even a churchly movement) is unresolvable. Is Lutheranism bankrupt -- Raiser's theology nominally Lutheran, 'being yet another confirmation of that judgement? "What shall we—congregations, distressed individual believers, pastors and teachers—do, upon whose heads God is pulling down the old temple?"³⁶ Robert Jenson asked this question several years ago in response to the contention that "the Lutheran understanding of the gospel has acquired a life of its own as a theological idea independent of the church's liturgy, creeds, moral codes and apostolic ministry, as though the gospel exists apart from the church." In "light of the gospel," of course, liturgy is not supposed to be a performance before spectators, but a communion of the Lord Christ with his people. Creeds are not to be taken as a list of supernaturally authorized dogmas to be accepted implicitly (or rejected on that caricatured basis as dogmatism), but as the self-involving recital of the history of salvation. The moral code is not given for the sake of eliciting an individualistic quest for "a righteousness of one's own," but in order to

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34. *Crisis and Challenge of the Ecumenical Movement: Integrity and Indivisibility*. A Statement of the Institute for Ecumenical Research, Strasbourg (Geneva: WCC Publications, 1994), p. 33.

35. Carl E. Braaten, "How New is the New Ecumenical Paradigm?" *Pro Ecclesia* (II/2, Spring 1993), pp. 139-43. The incompatibility between Raiser's program and the kind of ecumenism which I am arguing for in this study shows that familiar conflicts within American Lutheranism are only a microcosm of a decisive fork in the road facing world Protestantism.

36. Robert W. Jenson, "Robert Wilken," *Pro Ecclesia*, (III/4, Fall 1994), pp. 405-6, also for what follows.

direct us to the needs of neighbors in society, thereby revealing ever new our need of God's uniquely saving justice in Jesus Christ. Apostolic ministry is the ministry which not only lays a legal claim to stand in the succession of the apostles, but which actually serves the same Word of God as did the Apostles, "Jesus Christ, the same yesterday, today and forever" (Hebrews 13:9).

But what if the Lutheran idea of the gospel detaches itself from the foregoing elements, that is, the very activities which the gospel itself mandates, so that it may be communicated and actualized?

One might concur in the foregoing sketch of how the Lutheran idea of the gospel is *supposed* to "purify" the tradition of false developments and re-ground the agency of the church in the saving purpose of the Lord. But what if the Lutheran idea of the gospel detaches itself from the foregoing elements, that is, the very activities which the gospel itself mandates, so that it may be communicated and actualized? What if a radicalized Lutheranism isolated and absolutized a notion of God's unconditional grace which replaced even the need for personal encounter with the living Jesus Christ? What if a program for reform and renewal along these lines would entail applying this lofty criterion of a radicalized idea of God's undifferentiated acceptance of all to the church itself? In that case, the true church would be the church that constantly negates itself — like Tillich's Jesus who is the Christ in that he sacrifices his being as Jesus to his being as the Christ. Such mediation would provide a kind of Wittgensteinian ladder which one employs to climb to the rooftop of unconditional grace — but then kicks away. Has such radical thinking as this has taken place in contemporary American Lutheranism?

What are we to do if real, existing Lutheranism is in the process of disintegration, rejecting its traditional vocation, disowning its own agency under Christ?

Is Lutheranism a lost cause? Has it no way to reclaim its agency under Christ? If it is a lost cause, one may fear that the permanent division of Christianity into equally debilitated Protestant and Catholic camps is inevitable. "Lutheranism" as an historical tradition means nothing in substance but the rejection of the impoverished choice between these two, irreconcilable ways of being Christian.³⁷ That is what would be given up in giving up on Lutheranism. But what are we to do if real, existing Lutheranism is in the process of disintegration, rejecting its traditional vocation, disowning its own agency under Christ? That, as sharply as can be expressed, is the dilemma before us.

Divisive Ecumenism

There is an ambiguity in the foregoing which we may immediately clear away. We use the word "church" to denote both the assembly which is called by the gospel, and the calling of the gospel which oc-

37. For this claim, see Werner Eiert, "Die Bedeutung der Augsburgischen Konfession im theologischen Denken und in der geistesgeschichtlichen Entwicklung," *Ein Lehrer der Kirche: Kirchlich-theologische Aufsätze und Vorträge von Werner Eiert*, ed. Max Keller-Huschmeinger (Berlin/Hamburg: Lutherisches Verlagshaus, 1967), pp. 97-127.

curs through the liturgy, creed, lives of new obedience and apostolic ministry which that same assembly actively and responsibly supports. In the concrete life of the church, *both* the sounding *and* the hearing of the gospel constitute one complex event of communion with Christ through the Holy Spirit to the glory of God the Father. There is, to be sure, a very definite and unalterable order in this event — a hierarchy, *if you will* — which will mean that only the listening church can become the speaking church, only the believing church can become the confessing and serving and worshipping church; only the forgiven church undertakes the ministry of reconciliation. The Spirit follows the Word and is bound to it. Only those first served by the Lord Christ can, in the power of the Spirit whom he sends, go on to serve in his cause. The only evangelical agency of the church is that which proceeds from Christ, the head of the body.

Yet not least of the service of Christ to his people is that he enlists them in new lives of obedience and gives his Spirit so that believers accomplish his Father's will, which is above all to bring the gospel concerning the Son to all peoples and to make disciples of them, uniting them to his body. In this organic relation of head to body, the church constitutes an inalienable whole with Christ such that without the subordinate agency of the church, Christ himself would be speechless in time and space. But if the gospel is at all true, that inference is impossible.

Thus it is one thing to insist upon the subordination of the church to Christ the crucified Lord. The church is that community which must hear and follow Christ alone (John 10), or sheerly cease to exist as church (or come to exist fraudulently). Such ecclesiology was the basis of Luther's justified protest against the papacy of his day, though not of his apocalyptic speculations and condemnation of the papacy as Antichrist.³⁸ It is quite another matter, however, to demand in the name of Christ's Lordship and radical Lutheranism the demolition of the church, rejecting any necessary and doctrinally defined relationship between liturgy, creed, moral code and ministry. In that case, one makes the concrete interaction between Christ and his people uncertain and inaccessible, and thus in a Protestant fashion one commits the very error of obscuring or burying Christ against which the Lutheran Reformation originally protested.

38. Scott H. Hendrix in *Luther and the Papacy: Stages in a Reformation Conflict* (Fortress, 1981) brings out Luther's underlying criterion of judgment in all stages of his life: the papacy is by divine right a pastoral office "of nourishing people in the church with the Word of God" (*Ibid.*, p. xi). This pastoral function is for Luther and for Lutherans "the criterion for claiming legitimate authority in the church" (*Lutherans and Catholics in Dialogue V*, 21). True pastors are "servants of the present Christ and not vicars of an absent Christ" (*Luther's Works: The American Edition*, 48:342). Luther's repudiation of the papacy which he knew was based on this criterion (Hendrix, p. 70), his outrage directed "at the perversion of the pastoral office" (*Ibid.*, p. 136). Note that Hendrix in this way corrects the predominant Neo-Protestant misinterpretation of Luther as a forerunner of the Enlightenment. In fact Luther "was protesting against the usurpation of the church by an unfaithful hierarchy on behalf of the faithful people, not against the church on behalf of the individual" (*Ibid.*, p. 134).

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There is a further irony in the radicalizing of Lutheranism. In this way, the quest for the "visible unity" of the church in canon, creed and episcopacy is abandoned for sake of some alternative, ineffable, spiritual unity. Protestants typically seek a fellowship of the regenerate, i.e., those who share a similar inner, spiritual experience. Or at length they become embarrassed by the sectarian triumphalism of this ecclesiology and come to regard all claims to be Christian on this basis as equally valid and, in any case, non-adjudicable. Then comes the call to tolerate all possible theological expressions, to include all possible spiritualities. One never goes back to reflect on the root error of thinking that the church is nothing but an assembly of like minded individuals. Many Lutherans today misunderstand "ecumenism" in some such fashion. Ecumenism for them is not a matter of overcoming the historical scandal of the Christian schisms of the sixteenth and eleventh centuries with a more comprehensive grasp of the "church in the gospel,"³⁹ but of relaxing the doctrinal, sacramental and moral barriers which inhibit other courses of action, ranging from suburban church-shopping to ideologically-driven activism. Michael Root has commented:

Is an ecumenism that seeks only friendly cooperation between the churches in fact far more in tune with some of the essential social and cultural dynamics of contemporary American (and perhaps Western) religion than the sort represented by *Baptism, Eucharist and Ministry* or the most prominent of the bilateral dialogues involving the Catholic church, all of which seek some sort of organizationally visible unity?⁴⁰

Indeed, it may strike some contemporaries as paradoxical, even offensive, to hear a substantial claim for real ecumenism, i.e., which contends for the true, visible unity of the church in faith and thus begins with the interim demand for the re-confessionalizing and re-churching of Lutheranism. Such strong ecumenism seems to them to be a divisive and impossible enterprise. But that is the paradox which attends our present situation whenever the goal of visible unity in a basic consensus of faith in the gospel is articulated.

Is this then the painful pass to which we have come, the unsettling paradox of divisive ecumenism? Every person is worthy of respect, but not every claim to be Christian is equally valid.

Is this then the painful pass to which we have come, the unsettling paradox of *divisive ecumenism*? Every person is worthy of respect, but not every claim to be Christian is equally valid. The basis of Christian existence according to the Reformation is not individualistic faith experience, but the doctrine and practice of the gospel. The method (not hermeneutic!) of historical-critical understanding of traditional doctrinal disputes works to relativize (not abolish) old polemical antitheses in doctrine only because it presupposes a substantial basic agreement in the apostolic faith which can be positively articulated and jointly

39. See Bruce Marshall's seminal essay, "The Gospel in the Church," *Pro Ecclesia*, (1/1, Fall 1992), p. 27-41.

40. Root, "Unity," p. 393.

asserted on the basis of the Nicene Creed. It follows from this that real ecumenism has the subsidiary responsibility also to exclude false understandings of the Christian faith, and thus of the unity in faith, no less than primarily to discover and articulate anew in a mutually binding way that faith in Christ which really does unite. The success of the true struggle for the visible unity of the church depends on our ability to adjudicate such conflicting claims in the light of a fresh and mutually compelling determination of the faith. Justification by faith, when grasped christologically, has the potential to show this kind of constructive power. Shouldn't the ministerium, charged by ordination vows, be capable of this action, that is, of upholding the honor of Christ as saving Lord in our liturgy, teaching, moral code and ministry? That would, it seems, be divisive of the church, at least as it is presently ordered.

The Weightiest Objection

So this very consideration brings us to the most weighty objection of all: Lutheranism today lacks the structure to undertake such decisions. It lacks the evangelical episcopacy envisioned in the climactic Article XXVIII of the Augsburg Confession. It is not Roman Catholic triumphalism but the Augsburg Confession which finds the ecclesial state of today's Lutheranism deficient. The thought is sobering. Without episcopacy, can the ministerium reassert itself, or has the ministerium itself been transformed by the loss of the episcopacy into something essentially incapable of action? How then could we possibly proceed?

There are sound arguments, developed already thirty five years ago by Jaroslav Pelikan in *The Riddle of Roman Catholicism*, against the path of individual conversion as a resolution of the ecumenical question. "Conversion," Pelikan wrote, "is an individualistic solution to a church problem... the road to solution... is through mutual understanding, study and witness."⁴¹ Against this, however, there may be unanticipated objections. What if something that Pelikan never dreamed of thirty five years ago has since transpired? What if the Lutheran Church has ceased to understand itself as church, allowing such sub-evangelical license to prevail in liturgy, creed and morals that apostolic ministry has become structurally impossible? Then it follows that no ecclesial community exists among Lutherans, and so there is no church there to be recon-

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41. I am following Carl Braaten's discussion of Richard John Neuhaus' ecclesiastical transition of several years earlier in Braaten, Carl E., *Justification: The Article by Which the Church Stands or Falls* (Minneapolis: Fortress, 1990), pp. 31ff. which also points to the continuing validity of the analysis in Jaroslav Pelikan, *The Riddle of Roman Catholicism* (New York/Nashville: Abingdon, 1959). The analysis of the Lutheran-Roman Catholic relation holds true even in light of Pelikan's recent conversion to Orthodoxy, though his conversion surely also signals critical distancing from the direction in which American Lutheranism has been heading since 1988.

ciled with the Church of Rome. Only individual conversion or private accommodations would then remain.

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I admit the plausibility of this objection in the present situation. Even if we grant that today's Lutheranism is self-destructing, however, we would still have to ask a corresponding question about Roman Catholicism, which is also in a similar state of turmoil. Moreover, it is not possible to pass over the profound problems of conscience which still attend conversion to Roman Catholicism, precisely when we take the demand for unity in the doctrine of the gospel seriously. Pelikan's words have a pre-Vatican II sharpness to them, yet the "convincing case against conversion" he presented at that time still serves to impress upon us the intractability of our dilemma. One who converts "is saying that the tragic necessity of the Reformation has passed, and that only the tragedy remains. Whatever the Reformation can do for Rome, it has already done; whatever it has not yet done, we may well relinquish."⁴² In Pelikan's view, in 1959 when he wrote these words, such a conclusion was unjustifiable. Conversion would "actually cheat Rome of what it deserves to hear from Protestant thought.... Rome has never really listened to the witness of the Reformation."⁴³ Is that still the case today, after Vatican II and thirty years of intensive Lutheran-Roman Catholic dialogue? The experience of theologians on dialogue teams of relative success in mutual understanding cannot be prematurely projected upon the churches, where reception understandably lags behind. Ecumenical dogmatic convergence is a long term project. The sense of disillusionment some experience today, however, serves to uncover the true state of affairs. Dialogue between teams of academic theologians is not tantamount to dialogue between churches. It is at best but a preparation for that.

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A POSSIBLE SOLUTION

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If, and in so far as, the Lutheran Church still exists as an "ecclesial community," the Church of Rome will be able really to listen "to the witness of the Reformation" when, and only when, it acts to correct the rush to judgement that occurred in 1530, recognizes the Augsburg Confession as a catholic confession of the one Christian faith and accordingly re-issues the invitation repeatedly expressed in the Council of Trent that *the adherents* of the Augsburg Confession join in the (renewed) deliberation of such old and new points in controversy. Today that renewal of deliberation would take place under vastly changed condi-

42. Pelikan, *Riddle*, p. 211.

43. *Ibid.*, p. 212. It takes only a glance at the doctrinal justification for ordaining women in light of the critical principle of justification, over against the present Pontiff's statement that he is not authorized to overturn the tradition this way, to see indication of continuing, apparently church-dividing disagreement.

tions which would allow for a real meeting of the minds in view of the primacy of the gospel in the life of the church.⁴⁴

I realize that this claim will seem to some contemporary ecumenists to be an impossibly tall order. I certainly would not want this "tall order" to erect any kind of obstacle to whatever incremental ecumenical progress a merciful God may grant. On the contrary, I conceive of the dialogue process as clearing the way for just such real engagement between the divided communities. By "real" engagement, I mean one that must be understood finally to lead to *organic* union based upon

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⁴⁴ On Roman Catholic recognition of the Augsburg Confession see Harding Meyer, Heinz Behrre, and Jans-Joachim Mund, "Katholische Anerkennung des Augsburgischen Bekenntnisses?: Ein Vorstoß zur Einheit zwischen katholischer und lutherischer Kirche," *Christliche Perspektiven*, Nr. 9 (Frankfurt am Main: Otto Lembeck and Josef Knecht, 1977). This volume was translated into English with the less provocative title, *The Role of the Augsburg Confession: Catholic and Lutheran Views* (Joseph A. Burgess, ed., Philadelphia: Fortress, 1980). It differed from the German version because of the notable omission of Peter Brunner's strongly worded, non-existentialist salvation-history interpretation of the Augsburg Confession. To some extent that loss was rectified by the addition of Robert Jenson's important critique of Wolhart Pannenberg's leading German contribution. Pannenberg argued that historical-critical study had sufficiently relativized the apparent contradictions between the Augsburg Confession and Tridentine dogma, so that the Augsburg Confession's intention not to depart from catholic truth sufficed for its present day Catholic recognition. Jenson sharply dissented from the implication that the material dispute about justification could be so easily overcome — by either side! Recognition of the Augsburg Confession "is not fundamentally," he maintained, "a question of Roman Catholic recognition of the Lutheran denomination" (Burgess, *Role*, 163). On the contrary, it could only mean that the polemic which the Augsburg Confession contains has a "legitimate object" also on the Roman Catholic "side of the denominational line." Recognition would mean Roman Catholic acceptance of the Reformation critique. That would also imply the critique of today's Lutheranism by Reformation theology: "Roman Catholic recognition of the Augsburg Confession might even recall official Lutherans to the Augsburg Confession's actual meaning" (*Ibid.*, p. 163). In Jenson's words: "...the object of Roman Catholic consideration and of Lutheran advocacy must be the Augsburg Confession and not the theology of Luther as such. If both sides of ecumenical discussions could keep this rigorously in mind, much would be gained. But just so, it is vital to remember with equal rigor how radical a document the Augsburg Confession is. It was an ecumenical statement and claim, but that does not mean that it was or is a list of existing agreements. It is a proposal to subject all churchly teaching and practice to the critique formulated by the proposition that we are justified by faith alone. Recognition of the Augsburg Confession — by whomever — is recognition of the need and biblical-traditional legitimacy of this critical enterprise" (*Ibid.*, p. 166). As we have seen, however, important questions arise just here, about what sort of relation the proposition that we are justified by faith alone bears to salvation history and ecumenical dogma, and whether the Augsburg Confession's "actual meaning" as a "critical enterprise" can be expressed apart from these. In the untranslated article, Peter Brunner held that the Augsburg Confession's Article IV on justification was wholly grounded in Article II's restatement of classical christology and the canonical salvation history ("An Art. III verdeutlicht sich die Anerkennung der oekumenischen Bedeutung, die der CA zukommt. Vielleicht darf man folgende These wagen und sagen: Wer Art. III mit seinen Implikationen im Glauben wirklich anerkennt, der kann eigentlich weder zu Art. I und II noch zu Art. IV bis IV Nein sagen." [Meyer, Schutte & Mund], p. 125). The radicality of the Augsburg Confession and the critical enterprise that it defends, in that case, cannot be comprehended other than as a fresh appropriation of the ancient church's trinitarian and christological dogmas. As Maurer puts it, "We are not dealing with a formal repristination but with a theological renewal arising from an inclusive understanding of Reformation theology and, in turn, affecting that theology. The return to the confession of the ancient church did not occur under organic pressure or because of state-church legal requirements" (Maurer, p. 239). Yet in today's Lutheranism, precisely such—free, joyful, willing—return to the apostolic sources cannot be taken for granted. (See, for example, the refreshing candor of John Reumann in "The Augsburg Confession in the Light of Biblical Interpretation," *LWF Report* 9, 1980, pp. 3-34; *Infessio Augustana 1530-1980: Commemoration and Self-Examination*, ed. Vilmos Váta), Norman Cack has made the same point in his intriguing study *The Doctrine of Faith: A Study of the Augsburg Confession and Contemporary Ecumenical Documents* [Concordia, 1987], p. 158).

Barring the very specifically determined "re-confessionalization" and "re-churching" of Lutheranism which I am advocating, however, one has to be skeptical even about incremental progress.

Skepticism notwithstanding, the conviction that a provisional kind of re-confessionalization and re-churching of Lutheranism is necessary for the sake of healing the breach of the sixteenth century is justified just because the antimony of Protestant and Catholic is a disease which mutually afflicts each, though naturally in distinctive ways.⁴⁵ Jenson has argued that Protestant and Catholic aberrations are antithetical expressions of a common flaw in Western Christology. That flaw is to shy from acknowledging in that voice sounded through the liturgy the authority of the risen Christ himself. "If I hear the gospel promise of grace and am by that promise directed elsewhere as to the actual place of that grace, there is a move I now have to make upon which my sanctification depends."⁴⁶ Then one is thrown back upon one's own will to avail oneself of grace, rather than at once being awarded faith and the Spirit, incorporated into the Lord's earthly body in the very event of hearing the gospel. That would be the authority of the gospel, authorizing life in the new covenant. Otherwise it is the believer's will, not Christ's, that has the authoritative word.

Perhaps that is why Jenson stressed the mutuality of the Lutheran-Roman Catholic dilemma. He has noted that "a not wholly dissimilar indictment" to the one brought against Lutheranism "could be brought against large segments of the Roman Catholic Church." Jenson draws from this a mutually implicating conclusion: "If the post-Reformation confessional ordering of Western Christendom ever served the faith, it plainly does not now. We live indeed in a collapsing churchly structure."⁴⁷ So what are we to do, if the route of individual conversion is not open to us, yet the immediate prospects both within Lutheranism and between Lutheranism and Roman Catholicism seem so limited? How can we possibly proceed? The only answer is the gospel itself.

45. This is of course the central thesis of Robert Jenson's *Unbaptized God* on which I have so heavily leaned in this study.

46. In Burgess, p. 53.

47. Jenson, "Wilken."

Only by repentance and risks of faith. Concretely, what does or could that entail? What action(s) might that authorize?

CONCLUSION

Lutheranism should abandon the civil-national principle which has **radically determined** its intervening history from the time of the Augsburg Interim, when ecclesiastical government was supplanted by an unholy **dependence on state or political power**. The loss of the historic episcopacy **at the time of the Reformation in Germany is not grasped in its tragic depths or true dimensions**, if one only focuses on the corrupted system which early Lutherans had to repudiate (ironically enough, just because of its entanglement with political power).⁴⁸ In fact, in a lethal irony, the old arrangement which fused temporal and spiritual power in the person of the bishop was simply transposed into new terms in the Reformation churches where secular princes became the "lay" bishops in reformed territories. Politics, not theology, filled the vacuum of the loss of the episcopacy. The vision in Augsburg Confession XXVIII of an evangelical episcopacy was never fully or consequently realized, and the loss of it became the source of defensive confessional polemics. But the loss of that principle of ecclesiastical authority destined Lutheranism to cultural captivity and obsequious paralysis before the political powers. The confessional church became the civil church, Reformation theology survived in the often reactionary form of confessionalism.

Everything turns today on the question whether Lutheranism can **dis-cover itself** as church, and that means, finally, in the communion of its bishops who are the persons concretely charged by ordination with the task of shepherding the regional churches and one another with the gospel. A recent statement of the Swedish bishops nicely expounds the evangelical vision of a reformed episcopacy: "It is the continuity of the apostolic faith and the universal church that is decisive, not an unbroken chain of ordinations. This continuity belongs to the church as a whole. The succession of ordinations is not a guarantee but a sign of such a continuity."⁴⁹ Since "first and foremost among the special tasks within the ministry of the bishop is responsibility for doctrine ... the bishop is to ensure that the apostolic doctrine and faith are communi-

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⁴⁸ Maurer is right to underscore the "revolutionary effects" that had to be "generated" by Augsburg Confession Article 28's "doctrine of the two kingdoms and of God as the ultimate cause of all ecclesiastical and political events" (p. 227). For in that light, everything turns on the proper differentiation of God's law and God's gospel, with the result that "the centuries-long unity which existed between the princely and episcopal offices would dissolve if a bishop were to conduct his office in an evangelical manner" (*Ibid.*, p. 227). This dissolution of genuinely ecclesial governance is a fact of history, though not chiefly for the theological reason Maurer theoretically posits.

⁴⁹ Bishops' Letter of 1990, *Bishop, Priest and Deacon in the Church of Sweden*, p. 24.

cated in their purity and through proclamation and teaching and that they are confessed in word and deed."⁵⁰ From this understanding of the nature and task of the episcopacy, the essential evangelical reform intended in Augsburg Confession XXVIII is made explicit: "An important precondition to enabling the bishop to fulfill the duties with boldness and integrity is that he/she be completely free from political obligations in the social power structure. The bishop is the spokesman of the church with the word of God as the only determining power."⁵¹ Just so "the bishop does not stand alone in his call but is together with his colleagues in the ministry of the bishop and shares fellowship in the ministry with the priests and deacons of the diocese."⁵² So understood, "our church considers the preservation of the historic episcopate as a gift from God to her through the Holy Spirit to be maintained in her own life as well as ecumenically."⁵³ Thus the proposal so to order ministry and reassert the proper agency of the church under Christ is laid on the table from within the world confessional family of Lutheranism.

It is abundantly clear that the so-called historic episcopacy does not refer in the first place to denominational polity but to the rite of episcopal consecration by the laying of hands as a sign, not a guarantee, of continuity with the teaching of the Apostles. To repudiate this sign is in principle to repudiate the idea that the teaching office in the church is intended to teach in historical continuity with the apostolic gospel.

In this light, it is abundantly clear that the so-called historic episcopacy does not refer in the first place to denominational polity but to the rite of episcopal consecration by the laying of hands as a sign, not a guarantee, of continuity with the teaching of the Apostles. *To repudiate this sign is in principle to repudiate the idea that the teaching office in the church is intended to teach in historical continuity with the apostolic gospel. That would be perverse, and in this light the protest by some Lutherans against receiving the historic episcopate anew, as if somehow contrary to the gospel, borders on the hysterical. Realizing that, today many American Lutherans have seen in the proposed, now revised and adopted Concordat⁵⁴ with the Episcopal Church in the USA the opportunity to recover the historic episcopacy.⁵⁵ I do not oppose that.⁵⁶ Very helpfully the American Lutheran-Episcopal dialogue document spelled out a pointedly evangelical understanding of the nature of authority in the church which in principle precludes the historic abuse of episcopacy which is so near to the surface of Lutheran historical consciousness.*

The authority of the gospel's promise is grounded in the eschatological life, death, and resurrection of Jesus. It is thus shaped by the history of

50. *Ibid.*, p. 43.

51. *Ibid.*, p. 24.

52. *Ibid.*, p. 42.

53. *Ibid.*, p. 24.

54. "Towards Full Communion" and "Concordat of Agreement," *Lutheran-Episcopal Dialogue, Series III* ed. William A. Norgren and William G. Rusch (Augsburg, 1991).

55. Marshall, Bruce D., "The Lutheran-Episcopal Concordat: What Does It Say and Why Does It Matter?" *PRO ECCLESIA* (III/4, Fall 1994), pp. 419-435.

56. See the author's "Lutheran Conscience and Ecumenical Hope," *Lutheran Forum* (Summer 1997: 31/2) 17-20 and "Debate and Hope: Philadelphia 1997," *dialog* (Spring 1998: 37/2), pp. 145-48.

Jesus which reveals both the way and the destiny of the church. Faith in the gospel involves the church in risks when it acts on the basis of Jesus' promise. For its authority to worship and to witness is the authority of what will finally be when the Kingdom of God is consummated. It is the authority which comes from anticipating the future because Jesus alone has the power to determine the destiny of the world and of all of humanity. It is this authority of promise which gives authority to the Bible, the catholic creeds, and the confessional and liturgical books of the church, as wells as to all structures and offices of ministry in the church... This authority is able to reform and renew the church as well as to give life to the dead and to call into existence that which does not exist (e.g., Romans 4:13-25).⁵⁷

From the classical Lutheran perspective, that is the *heart* of the matter of authority in the church—the primacy of the gospel.

At least of equally pressing concern today is the contemporary, spatial dimension of communion, which can only occur in the physical, face to face deliberations of those who bear episcopal responsibility and thus come to exercise a mutual care for one another. Assuming the kind of strong commitments to Scripture and the Ecumenical Creeds in the light of the gospel which I have argued for in this study, it is in the assembly, deliberation and common teaching of all bishops who are united in faith that the civil-national captivity of local Lutheran churches can and should be overcome. This minimum of episcopal order is of course Luther's own, confessionally authoritative, stance.⁵⁸ Apart from this, given the sickly nature of the two denominations involved, the *Concor-dat* by itself could even retrench the American captivity of Protestant Christianity.⁵⁹ What is needed today is a global church — not a global bureaucracy, but such a communion of churches that the internal life of each is determined by its relation to others. One thing which the Evangelical Lutheran Church in America has done well since its inception is the partner synod program which has sought to cultivate just such relations between regional churches. Building on that foundation, reasserting the episcopacy in the way that I am proposing (perhaps in union with the worldwide Anglican communion's Lambeth conference), Lutheranism could learn to *act* and thus become a church which is capable of *agency* in kind with others on the way to a new unity of the all churches, in the interim posture of witness with, and still sometimes against, the Church of Rome (for example, in ordaining women).

⁵⁷ Norgren, p. 78.

⁵⁸ "Consequently the church cannot be better governed and maintained than by having all of us live under one head, Christ, and by having all the bishops equal in office (however they may differ in gifts) and diligently joined together in unity of doctrine, faith, sacraments, prayer, works of love, etc." in Tapert, 300:9.

⁵⁹ Phillip Turner amply documents the basis of this anxiety in "Episcopal Oversight and Ecclesiastical Discipline: On the Decline of a Practice," *Pro Ecclesia* III:4 (Fall, 1994), pp. 436-

⁵⁴ Or consider the devastating judgements of R. Reno, "Desperately Seeking Communion," *Pro Ecclesia* VI:4 (Fall, 1997), pp. 392-96. The author's opinion regarding the ELCA's theological and structural state is notoriously well known.

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To be sure, such action is strictly subject to the confessional norm articulated in Article XXVIII. It is to be evangelical action, action of the gospel not the law, primarily the teaching action of a "nonauthoritarian authority" (Lindbeck)⁶⁰ which is appropriate to the church as the bearer of the message of the world's salvation in Christ: "to preach the gospel, forgive sins, judge doctrine and condemn doctrine which is contrary to the gospel, and exclude from the Christian community the ungodly whose wicked conduct is manifest."⁶¹ The Lutheran World Federation once risked something of this nature in its action at Dar Es Salaam against the invasion of apartheid ideology into the life of the churches. If this witness indicates the kind of action of which a church ought to be capable, it is for that reason all the more urgent that with the help of the confessional norm and episcopal ministry the danger of a politicizing of the faith in service of an alien ideology be acknowledged and rejected, as Article XXVIII also teaches,⁶² and that the pastoral nature of discipline be underscored. There is no better remedy of this than the actual, physical communion of the bishops, by which they become overseers of one another in faith and love. Inasmuch as the Lutheran World Federation already understands itself as an instrument and expression of the communion of its member churches, it is in position to facilitate just such an episcopal assembly which should assume exactly the duties of spiritual leadership, "by the power of God's Word alone,"⁶³ of a transnational church. That is one possible resolution of the Lutheran dilemma on the way to the visible unity of all who confess Christ's name. □

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60. "What is now needed is a *non-authoritarian authority*, an authority with which one can disagree and debate, but which nevertheless must be listened to and taken seriously. It is this requirement to listen to and take seriously what a central authority says which generates a community of discourse; and discourse, when it involves genuine communication, is the fundamental unifying activity" (*Lutheran-Catholic Dialogue V*: 115).

61. Tappert, 84:21.

62. *Ibid.*, 83:12-18.

63. *Ibid.*, 84:21.