

Position Paper of the Ecumenical Studies Committee on the American Document *Declaration on the Way: Church, Ministry, and Eucharist*,

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1 Introduction to the Text

The document, *Declaration on the Way: Church Ministry, and Eucharist* was presented at the end of 2015 by a working groups of the Evangelical Lutheran Church in America (ELCA) and the U.S. American Roman Catholic bishops' conference. On the basis of international and national dialogue documents, the text formulates thirty-two common statements in the areas of church, ministry,² and Eucharist. These statements of consensus touched on questions such as the role of the church in God's work of salvation, the divine origin of the ministry, ordination, the Trinitarian dimension of the Lord's Supper, or the presence of Christ in the Eucharist. In a second section the text presents fifteen areas in which there are still theological differences between the two confessions, and it sketches how these could be reconciled to one another. Finally, the commission asks that the Lutheran World Federation and the papal council on unity might receive the document and see whether they, too, could accept these thirty-two common statements.

In the intervening time, the Ecumenical Commission of the Roman Catholic Bishops' Conference [in the USA] as well as the church leaders and bishops' conference of the ELCA engaged in a study of the document and in each case unanimously accepted it. Furthermore, in August 2016, the Church-Wide Assembly, the highest legislative body of the ELCA, met in New Orleans and accepted the thirty-two statements of consensus with 99% of the over 900 delegates voting in favor. With this action the Assembly declared that in these points it no longer saw any church-dividing difference existing between the two churches.

These two American churches did not only send the DoW on to the LWF and the Papal Council on Unity. It was also the intention of the American ecumenists that their proposals would also be taken up outside the USA—not least because in the text other, particularly documents from German dialogue were also consulted. Thus, the DoW was also officially sent by the ELCA to the German National Committee of the Lutheran World Federation (DNK/LWF) with the request that they would consider this document. The DNK/LWF in turn asked the Ecumenical Studies Committee to fulfill this request and to present an evaluation of the document.

¹ *Declaration on the Way: Church, Ministry, and Eucharist* (Minneapolis: Fortress, 2015), henceforth DoW.

² The document throughout translates "ministry" as "*Amt*," more often rendered as "office." [--trans.]

In what follows, the theses of the document regarding the subjects “Church,” “Ministry,” and “Eucharist,” will be examined more closely. Then comes a general, critical evaluation of the text and suggestions for further work.

2. Church in the Declaration on the Way

2.1 Discussion of the Convergences Listed in the DoW

Along the lines of the structure of the entire document, the first section outlines the common understanding of the church in twelve theses (pp. 9-11) and explains them on the basis of insights gleaned from the [ecumenical] dialogues (pp. 17-38).

As the basis of the church on earth, the DoW lists its being gathered through the Trinity (Thesis 1), its rootedness in the Christ event (Thesis 2), and the proclamation of the Gospel (Thesis 3). Because they agree in these matters, Lutherans and Catholics mutually acknowledge the apostolicity of their churches (Thesis 4). The church on earth lives from the Word of God, which it encounters in Christ, the gospels and the canonical Scriptures (Thesis 5). Through the proclamation of the gospel and the celebration of “the sacraments, as initiated by Christ” the church participates in the gracious gifts of Christ (Thesis 6).

DoW describes the life of the church in the language of *communio* ecclesiology. As “communion/koinonia” the church on earth participates in the gifts of God in Christ, which lead believers to unity and community (Thesis 7). Through them the church on earth has a visible side, to which “spiritual realities” is [sic! =are] bound that remain withdrawn [DoW = hidden] from empirical perception (Thesis 8). Because the Holy Spirit preserves the church in those characteristics essential for salvation, it is, as the DoW formulates it, “indefectible,” which is translated in German with the word *unvergänglich* (imperishable) or *unfehlbar* (infallible) (Thesis 9). The church is also already united on earth with the communion of saints in glory (Thesis 10). During its pilgrimage on earth, the church on earth represents an anticipatory reality, which will attain its final form with the return of Christ (Thesis 11), but now is called to mission and prayer in the world (Thesis 12).

DoW claims to describe the consensus reached in the dialogues. Thus, it is held that Lutheran and Roman Catholic ecclesiology share a common basis regarding important statements. Central is the orientation to Christ: The church participates in the gracious gifts of God in Christ and lives from the Word of Christ. Fundamental for this is the *communio* ecclesiology. Even if these statements regarding a common understanding of the church can basically be agreed upon, these two questions remain unanswered:

1. First, it is unclear which sacraments the DoW is talking about when it states that through the sacraments the church participates in the gracious gifts of Christ (Thesis 6). Is the DoW connecting this

statement to baptism and the eucharist in line with the churches of the Reformation? Or does it mean all seven Catholic sacraments, in which case it poses the question whether a deeper difference of opinion lurks here?

2. Second, the statement that the church on earth is “indefectible” (Thesis 9) is unclear. If what is meant is the imperishability of the church, this would correspond to the Lutheran conviction that the church cannot fall from the truth. Whether this, nevertheless, can be united with the Catholic teaching of the “infallibility” of the church seems questionable.

2.2 Discussion of the Remaining Differences Addressed in the DoW

On the basis of this consensus, the DoW speaks of the ecclesiological themes still open between Lutherans and Catholics and formulates suggestions for overcoming these divergences (pp. 74-92).

1. The first disagreement mentioned is the customary labeling of the church among Catholics as the “Sacrament of Redemption.” To the Lutheran objection that with this the distinction between Christ and the church would be nullified, the DoW responds with the argument that this is not alien to the idea in Lutheran ecclesiology that describes the church an instrument through which the Holy Spirit works. It is also possible in Lutheran ecclesiology to describe the church as a “sacramental framework” and as an “effective sign.” On the other hand, the designation of the church as community of believers (“*congregatio fidelium*”) is also found in Catholic ecclesiology, where it is used analogously to the concept of sacrament. From a Lutheran perspective, this finding can be agreed to with certain restrictions. God’s action in Word and Sacrament offers a point of contact for an ecclesiological interpretation of the concept of sacrament. Even if the use of a sacramental-theological conceptuality for describing the essence of the church from a Lutheran view remains problematic, nevertheless, in light of the explanations by DoW, this must no longer be seen as church-dividing.
2. The second point of disagreement has to do with the use of the ecclesial attributes of “holy” and “sinful.” The DoW points out that Lutherans and Catholics agree with the ancient church’s confessions of faith that mention holiness as an attribute of the church. Nevertheless, while the Catholics emphasize that the personal sin of believers does not endanger the holiness of the church because of which the church also can never falls away from God and, in the final analysis can never become sinful, Lutherans point to the fact that even ecclesiastical officeholders, like all human beings, are sinners and through their behavior “can obscure the indestructible holiness of

the church.” The Catholics counter this objection with the eschatological reservation, that the full holiness of the church will first become visible at the end of the earthly pilgrimage. On its earthly journey, the church needs constant purification and renewal. From the Lutheran side, with this elucidation the position may be held that the different use of the ecclesial attribute “holy” in both confessional traditions is not church dividing.

3. The way in which church doctrine develops is disputed between Catholics and Lutherans. While Catholics ascribe to the office of bishop “a special responsibility [and authority] for doctrine,” which culminates in the teaching office of the Pope and which is exercised by him in collegiality with the bishops and in agreement with believers, Lutherans stress that the responsibility for doctrine lies not only in the ordained ministry [*ordinationsgebundenes Amt*] but also with synods and theological faculties, to which non-ordained persons also belong. DoW points out that through the LWF Lutherans also possess an instrument for establishing the will of the entire church. The LWF, however, has no direct authority [*Weisungsbefugnis*] over its member churches and is from this perspective not at all comparable to the Roman teaching office. Lutherans also do not share in the Catholic church’s dogmatic position regarding an inerrant teaching authority and stress that every doctrine stands under the primacy of the gospel. Whether and, if it came to this, how this difference could be so interpreted that it no longer has to be held to be church dividing is not foreseeable.
4. This difference also arises in the question of the binding nature of church doctrine. While establishing doctrine in the Lutheran tradition is a many-sided process, in which the ordained and non-ordained, bishops, theologians and pastors as well as members of congregations work together, the responsibility for doctrine in the Catholic tradition rests with the bishops, who, on the basis of the episcopal consecration and apostolic succession and together with the Pope, instruct the congregation in the faith. DoW points out that regarding this theme the confessional differences are particularly deeply engrained and have a church-dividing import. The suggestion that these opposing views may be overcome by thinking through anew the relation of charism and office in the church is not convincing given this background.
5. In concluding this section, the DoW addresses the question of whether the local congregation or the diocese is to be understood as “church” in the fullest sense of the word. While for Lutherans the proclamation of the gospel and the distribution of the sacraments in the congregation exhibit the essential elements of the church’s existence, the Catholics point to the presence of the bishop as the

visible principle of the unity of the church and as the link between the universal church with the bishop of Rome and the local church. The document holds that despite this difference, both positions are open to one another. While the Catholics describe the congregation as the place where the church is experienced, Lutherans recognize the meaning of structures of ecclesial community above the congregation, to which also the duty of *episkopé* belongs. Whether this congruence justifies describing the ecclesial structures of both confessions as similar is nevertheless questionable in view of the continuing differences in the understanding of the office of bishop.

3. Ministry [Amt] in the Declaration on the Way

The study sees a direct connection between the theme of ministry and the understanding of the church. That Lutherans and Catholics in their “communities” mutually attribute to the other “ecclesial character,” is an “essential first step” in the “mutual recognition of the office of ordained ministry.”³ By subscribing the JDDJ both churches implicitly recognized that in both churches there is an office that can define right doctrine. This argument, however, assumes without proof that also in the Lutheran church only the office of ordained ministry is enabled and authorized to decide about right doctrine.

3.1 Discussion of the Commonalities Listed in the DoW

The commonalities are listed in Theses 13-26 (pp. 12-14) and further explained in part III.B (pp. 38-54) on the basis of ecumenical consensus documents.

As “Agreements” the following are named:

1. The office of ordained ministry is an essential element of the apostolicity of the church (Thesis 13). It is “necessary for the being of the church” (Thesis 15).
2. The office of ordained ministry and the “common priesthood of all the baptized who believe in Christ ... enhance” one another mutually but are not derivable from one another (Thesis 14 [trans.: and 15]).
3. The office of ordained ministry is “of divine origin.” It is “instituted by Christ” (Thesis 15).
4. The office of ordained ministry is “subordinated to Christ” (Thesis 16). Thus, authority comes to the ordained person not as an individual possession but in dependence upon Christ.
5. The chief duty of the office of ordained ministry in the proclamation of the gospel (Thesis 17).

³ Throughout the document, the term “office of ordained ministry” the term “*ordinationsgebundenes Amt*,” literally the office bound to [or: requiring] ordination, and is translated “office of ordained ministry.” [--trans.]

6. “The essential and specific function” of the office of ordained ministry is “the gathering and building up of the community”⁴ through proclamation, sacraments, and “presiding over the liturgical, missionary and diaconal life of the community” (Thesis 18).
7. The office of ordained ministry does not only stand within the community but is also “over against” it. Thus, it is “called to exercise authority over the community” (Thesis 20).
8. The office of ordained ministry is handed over [*übertragen*] through “ordination” (which can mean both “ordered calling” and “consecration”)⁵ (Thesis 21). The liturgical form for this is similar in both churches (Thesis 22). Ordination occurs once and for all and is not repeatable (Thesis 23). The controversy over the Catholic concept of the *character indelibilis* (III.B) has to do more with ‘ontological’ language than with the thing signified [by such language], namely the (undisputed) permanence of ordination.
9. There is only a single office of ordained ministry. However, the differentiation into more “local” or more “regional” characteristics of this ministry [*Amt*] and, for the latter, “ministry [*Dienst*] of *episkopé* over priests or pastors, respectively” is due not only to “historical and human developments” or “sociological necessity,” but it is instead an “action of the Holy Spirit.” It arises “of necessity” out of the “task of ministry [*Amt*] to be a ministry [*Amt*] of unity in the faith” (Thesis 25).
10. That ministry also serves the unity of the worldwide church. Both churches “long” for a “more perfect realization of this unity” (Thesis 26).

How are these commonalities to be evaluated? Where is there need for clarity? Is the Lutheran position accurately described?

1. According to Lutheran doctrine, the office of ordained ministry is indeed necessary.⁶ However, the motivation mentioned in DoW for this [necessity], namely, the personhood [*Personalität*] of the communication of the gospel⁷ is nowhere specifically defined in Lutheranism and also does not substantiate the necessity of the office of ordained ministry, since every

⁴ In German, the word “Gemeinde,” translated here and elsewhere as “community” in line with the text of the DoW can also mean “congregation,” which in English is generally a narrower term. [--trans.]

⁵ German: “Ordination/ordnungsgemäße Berufung” and “Weihe.” These words while in quotes do not appear at this place in the DoW. [--trans.]

⁶ In their statement, “Ordnungsgemäß berufen” [called in accord with (proper) order], the People’s Evangelical Lutheran Church, Germany (VELKD) has differentiated between “ordination” and “commission” [*Beauftragung*] as the two forms of “proper call” [*ordnungsgemäßen Berufung*; literally a call done according to proper order], in the sense of CA XIV (*rite vocatus*). When in what follows there is mention of the “office of ordained ministry” (*ordinationengebundenem Amt*), both forms are meant. [Trans.: See above, n. 3.]

⁷ This language is nearly impossible to translate. It would seem to relate to DoW, p. 69, which quotes the 2006 LWF Lund Statement that “commended consideration of its [office of bishop] ‘personal, collegial, and communal dimensions’ (par. 2, 4).” See also p. 104, which also cites this statement. [--trans.]

Christian communicates the gospel “personally,” whereas the frequently used argument of “order” is absent in the DoW.

2. That the office of ordained ministry and the priesthood of all believers [*allgemeines Priestertum*] mutually strengthen each other is correct. However, the DoW concerns itself to a large extent with the office of ordained ministry and has the one-sided interest to highlight a specific authority of the office of ordained ministry over against the priesthood of all believers. (See points 3-7 below.)
3. That the office of ordained ministry is of “divine origin” can also be interpreted in a Lutheran sense as a narrow [*steil*] formulation of the theological necessity of the office of ordained ministry (see above, point 1), even though the expression may not be taken as applying exclusively to the office of ordained ministry. From a Lutheran perspective, however, what is problematic is the statement that the office of ordained ministry symbolizes “the priority of divine initiative and authority.”⁸ DoW accentuates one-sidedly the specific authority of the office of ordained ministry *over against* the congregation. For this reason, too, the “delegation” of the office of ordained ministry through the congregation is wrongly dismissed out of hand. In Luther the ideas of a commission [*Beauftragung*] for exercising the office of ordained ministry through the congregation and of a divine institution of this office side by side. In the history of Lutheranism, at sometimes the former aspect and at other times the latter was and is emphasized. But both have their legitimacy and must be correlated each other.
4. The subordination of the office of ordained ministry to Christ is to be applauded. The DoW, however, uses this connection to Christ primarily to prove the *authority* of the office holder *over against* the congregation. On the contrary, the dependence upon Christ is a sign for every Christian witness.
5. The consensus that the chief duty of the office of ordained ministry is the proclamation of the gospel is gratifying. To be sure, explanation of the relation between proclamation and the administration of the sacraments is still needed, since on the Catholic side the Eucharist is still held to be the primary consummation [*Grundvollzug*] of the church (cf. the encyclical of 2003, *Ecclesia de eucharistia*).
6. The formulation—that “presiding over the liturgical, missionary and diaconal life of the community” belongs to the office of ordained ministry—matches only conditionally the reality in Lutheran churches. What needs further explanation is what “presiding” means especially in relation to the diaconal life.
7. It is unclear what the relationship between the “over-against-ness” [*Gegenüberstand*] of the ordained officeholder to the congregation and his

⁸ This is from DoW, p. 59, quoting *Baptism, Eucharist, and Ministry*, par. 14. [--trans.]

or her *affiliation* with the congregation. When is he or she over against the congregation and when is he or she in it? Is this “over-against-ness” based upon a personal quality in the one ordained conveyed through ordination (then the officeholder would fundamentally always stand over against the congregation) or is it based upon the duty transferred through the ordination (then they would stand over against the congregation only in the execution of this duty).

8. This is connected to the question about the *character indelebilis*. Is it really only a war of words (or forms of thinking)? Or does this show a principle difference between a more functional and a more ontological [*substanziel*] understand of the office [of ministry]?
9. Particularly in need of explanation are the observations regarding the inner differentiation of the one office of ordained ministry. Here, without basis, it is maintained that the development of an episcopal office is an “activity of the Holy Spirit,” and this well means that this development is viewed as theologically appropriate and even necessary. This does not match the historical reality in the Lutheran churches, in which different forms of (to be sure, necessary) *episkopé* have developed, forms that only in part are episcopal and moreover are also not coupled exclusively with the office of ordained ministry.
10. It is hardly correct to list the following as already a matter of consensus, namely, that for Lutherans an office representing a universal unity is not completely ruled out. It is also problematic that the “yearning” for “full realization” of worldwide unity on both sides is discussed exclusively in the direction of a Lutheran recognition of the papacy. Alternatives were not even mentioned at all.

3.2 Discussion of the “Remaining Differences” Addressed in the DoW

The DoW claims to have formulated an already realized consensus in all of these questions. As demonstrated, the DoW cannot be agreed to in every respect. The DoW itself addresses “remaining differences” in six points, discusses them and asks in “reconciling considerations,” whether these differences must still count as church dividing.

1. *Recognition of the office of ordained ministry.* The DoW clearly points out the asymmetry that Lutherans recognize the office of ordained ministry in the Roman Catholic Church as a legitimate office, but on the contrary the Catholics do not recognize the Lutheran office of ordained ministry. The famous “*defectus ordinis*” from the second Vatican Council is interpreted in a sympathetic manner not as a “lack” [*Fehlen*] but as an imperfect embodiment (“deficiency” [*Mangel*]). A further consensus is not yet in view. To this one must agree.
2. *The relation of the office of ordained ministry and the priesthood of all believers.* According to the DoW, the second Vatican Council, with

the formula that the ordained [*Weihe*] priesthood is differentiated “in essence not only in rank” from the priesthood of all believers, wanted to prevent a slight higher placement of the ordained priesthood. Priests are not “better than” but “different from” the “laity.” This dismissal of a hierarchization is from a Lutheran perspective to be applauded, but it does not correspond to the actual words of the formula (“not only in rank”). A sharp, categorical (“*wesensmäßige*” [=essential]) distinction of the office of ordained ministry from the priesthood of all believers contradicts in addition the Lutheran understanding of the basic unity of the Christian estate [*Stand*]. In this way, the judgment of the DoW that the differences are no longer church-dividing is in need of review on many levels.

3. *The sacramentality of ordination.* This question must no longer be understood as a *church-dividing* difference, if a broader (Catholic) understanding of sacraments is distinguished from a narrower (Lutheran) one. It ought to be noted, however, that the ecumenical understanding does not *de facto* imply a sacramentalization of the Lutheran understanding of ministry [*Amt*].
4. *The ordination of women.* This is realistically described as a grave difference, in which a consensus is not foreseeable. Thus, the DoW looks only from possibilities how to understand this disagreement as not church dividing. The main argument goes like this. The Lutheran church has not changed its understanding of ministry by doing this but has only opened the way to the office of ordained ministry to a new group of people. This is correct. Nevertheless, one must ask whether through the introduction of women’s ordination an already existing, even more basic disagreement regarding the theology of ministry has become especially and clearly visible. In this respect, the DoW has rightly left open whether the ordination of women presents a church-dividing difference.
5. *The office of bishop.* The DoW itself points out that the second Vatican Council, through its designation of the office of bishop as the full and basic form of the ordained office, has made an ecumenical understanding [agreement] of this question even more difficult. Nevertheless the attempt to prove that in Lutheranism there is also a categorical difference between bishop and (local) pastor is problematic. This argumentation flies in the face of common Lutheran teaching that bishops are nothing more than pastors with responsibilities for regional leadership. Whether continuing to hold to this teaching presents a church-dividing difference would have to be more closely analyzed.
6. *The office of a universal [bishop]/Papacy.* According to the DoW, the question of “a global structure for unity” is also being intensively discussed in Lutheranism, for example in view of the “identity of the

LWF as a communion” (p. 107). Through a vague reference that “In other conversations, [which, however, are not named and whose peripheral position in the inner-Lutheran discussion is not apparent] Lutherans continue to ask themselves about possible recognition of a ministry of unity for the bishop of Rome” (p. 107), a bridge is constructed to this very theme, which then is exclusively adhered to in what follows. It is asked how the papacy could possibly be reformed so that Lutherans, too, could recognize its submission to the Gospel. Completely idiosyncratically, is the reference to a present ‘kairos’ (“cultural moment”) for new reflection on the papacy through “manifest changes in the exercise of papal leadership” (p. 110). Here it appears that the fascination with Pope Francis has directed the writing [literally: led the quill]. Structural insights of the kind that could lead to further [conversation] are, however, not to be expected from this.

4. The Eucharist, or Lord’s Supper, in the Declaration on the Way

4.1 Discussion of the commonalities mentioned in the DoW

As commonalities the following are stressed in theses 27-32 (pp. 14-15).

1. *Trinitarian perspectives* (Thesis 28). The DoW identifies the doctrine of the Trinity as the common framework for understanding the Eucharist, especially as it finds its expression in the Trinitarian formulas for [Eucharistic] prayers.
2. In the view of the Ecumenical Studies Committee this ought to be agreed to. A specific unfolding of the understanding of the doctrine of the Trinity in relation to the Lord’s Supper is nevertheless not included. It also remains open what is meant by “access to the glorified flesh and blood of Christ the Son as our food” (Thesis 28, cf. also Thesis 31) and how this can actually be understood as a commonality in each respective confessional perspective.
3. *Anamnesis and Sacrifice* (Thesis 29). The DoW recognizes a convergence in that during the celebration of the Eucharistic anamnesis the death and resurrection of Jesus is liturgically remembered. This is not only a collective act of the bringing into the present [*Vergegenwärtigung*] of a past event but a “Eucharistic gift of himself,” which is “celebrated again” in the Lord’s Supper (p. 61). In the sense of the participation with Jesus in the prayer of praise and thanksgiving to the Father in the institution of the Last Supper Lutherans, too, could designate the human action in the carrying out the Lord’s Supper as a “sacrifice.” The “traditional contrast ... between the Catholic emphasis on the movement *ad Patrem* (to the Father) and the Lutheran emphasis on the movement *ad populum* (to the people)” (p. 62) must no longer be construed as a church-dividing contradiction.

4. This conclusion can be agreed to, as long as “sacrifice” is understood strictly as a sacrifice of praise and thanksgiving. The explanations presented in the DoW are to be sure not in every aspect theologically precise.
5. *The Presence of Christ* (Thesis 30). The difference between transubstantiation and the Lutheran formula “in, with and under” is noted, but both [expressions] acknowledge that Christ “himself is present: He is present truly, substantially, as a person, and he is present in his entirety, as Son of God and a human being” (p. 65 [cf. p. 15]).
6. This formulation truly expresses essential elements of the Lutheran understanding of the “real presence” of Christ. To be sure, as in the Leuenberg Agreement, a closer theological and ontological definition beyond this about what the “objective reality of Christ’s presence” (p. 67) means is left open. The Ecumenical Studies Committee can agree with the judgment of the DoW, that on this basis the confessional differences need not any longer be held to be church dividing. It holds, however, that a theological deepening of the convergence established here is necessary.
7. *The eschatological dimension of the Eucharist* (Thesis 31). Both traditions stress that the Lord’s Supper opens up a perspective of the hope for the completion of God’s history.
8. *The unity of the Church* (Thesis 32). The Eucharist is a sign of the unity of the church. The decisive point of reference is “the one baptism” that all Christians have received.
9. In the view of the Ecumenical Studies Committee the stress on the ecclesiological meaning of the Eucharist, insofar as it is viewed as an essential sign for the unity of the church, which comes to expression in the (common) celebration, is to be applauded. The concept “common” [*gemeinsam*] is not in the text. Against the claimed “agreement” in the substance of the matter [*Sache*], the divided praxis of the Eucharist profoundly subverts the unity of the church. Talk about the unity of the church and the insistence on a divided Lord’s Supper poses one of the greatest problems of believability for the churches.

4.2 Discussion of the “Remaining Differences” Addressed in the DoW

The following aspects are labeled remaining differences (pp. 111-19).

1. *Sacrifice*. It is noted that Lutherans deny the interpretation of the Eucharist as a sacrifice of Christ. The traditional Catholic understanding of the Mass is identified as a problem. But the DoW points to newer Catholic interpretations, which understand the Mass simply as a making present [*Vergegenwärtigung*] of the sacrifice on the cross and not as its (renewed) carrying out [repetition] (p. 112f.).
2. Under this precondition, the Ecumenical Studies Committee can endorse this judgment that the doctrine of the sacrifice of the Mass does not have to be held to be church dividing. The DoW, however, also rightly points out that this understanding of the sacrifice of the Mass on the Catholic side must be

accentuated even more clearly. Beyond this, the aforementioned character of the Lord's Supper as a sacrifice of praise and thanksgiving must also be considered in this context.

3. *Real Presence/Transubstantiation*. This concerns not the "that" but the "how" of the notion of the real presence of Christ in the Eucharist. Nevertheless, this must not be understood and divisive, as long as one confesses the reality of the presence and is thus clear that it has to do with a mystery. The "how" is thus not decisive (p. 113f.).
4. On the basis of the formula of convergence in Thesis 30, this can be agreed to.
5. *Handling the elements*. The different practices regarding the handling of the elements after the celebration is explained historically. Luther directed that the elements be completely consumed in the celebration so that the problem of mixing consecrated and non-consecrated elements does not even come up. In any case, this aspect is not church dividing (pp. 115-17).
6. In this question, the differences are more serious and more substantive than the DoW lets on. The DoW does not reflect the fact that the divergent practices arose out of a different understanding of the (changed) elements. For Luther it was completely clear that the elements in the Lord's Supper, outside of their ritual use in the celebration of the Lord's Supper no longer represented Christ's body and blood. In this matter, his pastoral advice aimed at possible misunderstandings quoted in the DoW change nothing. From a Lutheran perspective, the strict connection of the real presence to the framework of the act of worship determines the handling of the elements of the Lord's Supper not consumed. This the DoW does not make clear enough. As long as the strongly varying Catholic practice can make this connection explicit, it must not be any longer held to be church dividing from a Lutheran perspective.
7. *Eucharistic fellowship*. While Lutherans invite all the baptized, only members of the Catholic church are invited to the Catholic Eucharist. Although there is only one baptism that unites the church, this [Eucharistic] practice divides Christians and does not conform to the demand to manifest and witness to the unity in Christ before the world. The DoW does not yet see any solution to this problem but encourages reflecting more strongly on intermediate steps, how a case-by-case Eucharistic hospitality even now already can be facilitated (pp. 117-19).
8. The DoW establishes in understanding the Eucharist, or Lord's Supper, a wide-ranging consensus, based upon existing dialogue documents. The Ecumenical Studies Committee can essentially align itself with this consensus. But this does not lead even a single step further toward the vision of a common practice of the Lord's Supper, since the decisive differences lie in understanding the ministry. Without a doubt, the divided practice of the Eucharist fundamentally runs contrary to the New Testament's paranses regarding the Eucharist. But in this matter the DoW does not develop any far-reaching perspectives.

5. Critical Evaluation of the Entire Text

For a suitable evaluation of the DoW, it is necessary to bring to mind an ecumenical discussion of recent years that makes the main thrust of the document understandable. In recent years the insight has developed in the Lutheran/Roman Catholic dialogue that what has already been achieved in the dialogue should be summed up by using so-called “*in via* declarations,” especially for the coming generations. In this connection the contributions of Harding Meyer and Cardinal Walter Kasper are worth mentioning.⁹ This striking a balance [*Bilanzziehen*] is bound by some ecumenists with the wish to make further progress in the official reception of the results of ecumenical dialogues. The hope is that the balance could be the basis and beginning point for drawing up a new “Joint Declaration” between Catholics and Lutherans. Thus, Cardinal Kurt Koch has suggested the idea that after the *Joint Declaration on the Doctrine of Justification* both churches could come to a further “Joint Declaration on Church, Ministry and Eucharist.”¹⁰

The DoW is to be understood on the backdrop of this ecumenical discussion. It desires to make a contribution to the striking of a balance. Nevertheless, according to its own self-understanding, the text goes still a step further and would like to introduce an official process of reception for this ecumenical balance. In this the DoW remains unclear about the question whether it already understands itself as making a concrete proposal of a text for a “Joint Declaration on Church, Ministry and Eucharist.” Even though this concept itself is not explicitly taken upon in the entire document, the referral at the end of the document to the LWF and the Pontifical Council on Unity touch upon this: “We, therefore, recommend that The Lutheran World Federation and the Pontifical Council for Promoting Christian Unity together receive, affirm, and create a process to implement consequences of the 32 ‘Statements of Agreement on Church, Ministry, and Eucharist’ in section 2 of *Declaration on the Way: Church, Ministry, and Eucharist*” (p. 121). If one were to understand the 32 statements of agreement in the DoW (pp. 17-72) as already a proposed text for a “Joint Declaration,” it would not be fully clarified what meaning and significance the remaining 15 theological differences (pp. 73-119) ought to have for the cooperation of the churches in the future. These remaining differences have ramifications for the common statements. They must therefore be correlated with the 32 statements of consensus in the sense of a differentiated consensus, and it must be made clear why they no longer have a church-dividing character. If one looks at the 32 theses in isolation, they would revert to the method of differentiated consensus, which the JDDJ upheld. Besides, in the opinion of the Ecumenical Studies Committee, the claim that a sufficient consensus has

⁹ See Harding Meyer, “Stillstand oder neuer Kairos: Zur Zukunft des evangelisch-katholischen Dialogs,” *Stimmen der Zeit*, (October, 2007), 687-96, and Walter Kasper, *Die Früchte ernten: Grundlagen christlichen Glaubens im ökumenschen Dialog* (Paderborn, 2011).

¹⁰ See, for example, the lecture of Koch at the General Synod [Assembly] of the VELKD [People’s Evangelical Lutheran Church of Germany] in 2012 in: *Lutherische Generalsynode 2012: Berichte über die 5. Tagung der 11. Generalsynode der VELKD vom 1. bis 3. November 2012 in Timmendorfer Strand*, 141.

already been reached in all 32 theses cannot be agreed to unconditionally, as has been demonstrated.

In the opinion of the Ecumenical Studies Committee, therefore, the text does not already constitute the concrete proposal for the text of a “Joint Declaration” but rather much more an “*In via* declaration”—as is implied in the title of the document itself—in the sense of a preparatory work toward the preparation of a “Joint Declaration.” In this sense the text makes a positive and important contribution toward the envisioned goal.

The metaphor of “way” in the “*in via* declarations,” offers the methodological advantage of securing what has been achieved and at the same time making clear that we have ecumenically speaking not yet reached the goal. On the other hand, a false impression can arise that both ecumenical partners had already determined a clear goal and that this goal could now be followed in a straight line. So understood, the picture of a “way” would imply an unreflected faith in progress rather than opening up space for ecumenical possibilities.

6. Suggestions for Further Work

The deepening of ecumenical communion [*Gemeinschaft*] is possible in various ways. According to a Lutheran understanding, it is nevertheless also central that for a declaration of church communion or for steps along the way it must be determined whether and to what degree a *consensus de doctrina evangelii* [a consensus in the doctrine of the gospel] between both churches has been reached. Thus, it is appropriate to determine ecumenical progress in the form of joint declarations. The Ecumenical Studies Committee therefore encourages the LWF and the Pontifical Council for Unity to explore jointly the chances and difficulties for a binding reception of the ecumenical insights on the themes “Church,” “Ministry,” and “Eucharist/Lord’s Supper” and to determine whether in the meantime a “Joint Declaration on Church, Ministry and the Lord’s Supper or Eucharist” can be developed. Because of the inner connection between among these three themes, it is clear from the outset that they may not be handled in isolation from one another.

Should the LWF and the Pontifical Council for Unity decide to set in motion such an ecumenical project, in the opinion of the Ecumenical Studies Committee that follow points among others need to be considered.

1. With the DoW an important impulse for such a plan already is on the table. The insights of the DoW should therefore be understood as important groundwork for a future “Joint Declaration on Church, Ministry, and Lord’s Supper/Eucharist.”
2. A “Joint Declaration on Church, Ministry and Lord’s Supper/Eucharist” will only prove itself as sensible and transmissible in the churches if it also leads to official, common, practical consequences, which will make the theological agreements achieved also tangible on the

- congregational level. This especially touches upon the invitation to the Lord's Supper or Eucharist.
3. It is noticeable that biblical aspects hardly play any role in the DoW. Precisely because the biblical witness functions to criticize tradition, it should from a Lutheran perspective be emphasized. This could break up hardened, dogmatic positions on both sides in the still remaining controversies and point new ways to differentiated consensus.
 4. It would be a desiderata and a necessity that in the process of preparing such a "Joint Declaration" not only common statements from the previous official documents of the dialogues be lifted up and retained but also that the (in part) very critical ecclesial and theological reactions to the statements in the dialogue documents be taken up and considered.
 5. Moreover, it could also prove helpful, beyond the Lutheran/Roman Catholic dialogue, not to lose from view the broader ecumenical conversations and to factor into the considerations the results and insights from dialogues with other ecumenical partners.
 6. Finally, it seems important that such a project not be fed exclusively by the theological insights of the global North. It would also be important that all regions of the Lutheran world communion be integrated into the preparatory work and the process of such an ecumenical project.

In the view of the Ecumenical Studies Committee, the assembly of the German National Committee of the LWF should promise its support for such a project. In case it is requested by the LWF, the Ecumenical Studies Committee would be prepared for further theological preliminary work and for backing the project from the perspective of the German-member churches of the LWF. It also thinks it is useful that this be done in common with a Catholic partner.

(Translated by Timothy J. Wengert)