



# BEYOND AUGSBURG RECONCILIATION OF THE DIVORCED AND RECONCILIATION OF THE REFORMATION CHURCHES

*Mark Brown*

It is common among Lutherans to say that the Reformation was about justification. But historically the first major split between Luther and the Roman authorities was not over justification but confession, absolution, and the role of the pope, specifically with regard to indulgences.

The Ninety-Five Theses, while not yet a mature expression of Luther's theology, are clear on this point. Thesis 6 states: "The pope cannot remit any guilt, except by declaring and showing that it has been remitted by God."<sup>1</sup> This early expression of Luther's understanding of confession opposed the Roman view that the pope maintained the authority to remit sins even after death and could transfer remittance of punishment through indulgences.

Although my particular tribe of Lutherans has not signed on to the 1998 Joint Declaration on the Doctrine of Justification, the very fact of its existence—and the fact that it did not, in the end, fully resolve the schism between the churches involved—confirms the suspicion that justification may not have been the key issue of the Reformation, or at least not the only one. The office of the keys was and remains a major point of contention.

Pope Francis's recent initiatives regarding marriage, divorce, remarriage, and holy communion are likely well known to readers. I would like to suggest that these efforts are in essence a movement toward a Lutheran understanding of the office of the keys. Should he succeed, the half-millennium-old schism would have to be further called into question!

For a mature Lutheran understanding of confession, it's best to turn from the early Ninety-Five Theses to the Augsburg Confession, articles 11 and 12, which were of course not penned by Luther at all but by Melancthon. Article 11 states: "Concerning confession they teach that private absolution should be retained in the churches,

although an enumeration of all faults in confession is not necessary. For this is impossible according to the psalm [19:12]: 'But who can detect their errors?'"<sup>2</sup> Two items should be noted. First, the inclusion of the article on confession directly after baptism and the Lord's Supper indicates that it was intended to be counted among the sacraments that the church rightly administers. Second, the right administration of this sacrament would consist neither of abolishing it nor turning it into a torture chamber where every last peccadillo must be identified. The purpose of confession is to be granted absolution. The act of confession

itself is an act of faith, and such faith is able to receive the absolution of God, given by means of the words of the pastor.

Article 12 continues in the same vein, turning its attention more specifically to repentance. "Now, properly speaking, repentance consists of two parts: one is contrition or the terrors that strike the conscience when sin is recognized; the other is faith, which is brought to life by the

gospel or absolution. This faith believes that sins are forgiven on account of Christ..."<sup>3</sup> One comes to the confessional because one knows one's sin and comes in contrition. In private confession it is not a general "I am sorry for my general state," which could easily slide into a self-defensive and self-excusing "I am sorry that the world is like this." Rather it is the private listing of the known acts and thoughts that strike terror in me, those things that I have done or failed to do. Such a confession can and should be greeted with the proclamation of the gospel, declaring and confirming that the sin has been remitted.

Article 12 goes on to condemn or reject "Anabaptist" perfectionism, the extreme perfectionism of permitting no repentance after baptism, those that teach that absolution is efficacious on account of the penitent's satisfactions, and those that teach satisfactions will be obtained either here or in purgatory. The last two condemnations form the core

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of the Reformation's dispute: whether penitents can merit absolution and whether ecclesiastical authority can in some way mete out or regulate God's absolution beyond the requirement of repentance. The former pertains to the justification debate, but the latter is the seed of Luther's ultimate accusation against the papacy of being the antichrist.<sup>4</sup>

In the Lutheran understanding, absolution is for real. When God says sin is forgiven, it is forgiven. Our call as ordained ministers is not to sit in judgment but to pronounce absolution over the contrite. Any attempt to stick something between confession and absolution, or to tack on some further requirement, is an affront to the gospel.

*The Catechism of the Catholic Church* lays out in brief the steps of the sacrament. "The sacrament of Penance is a whole consisting in three actions of the penitent and the priest's absolution. The penitent's acts are repentance, confession or disclosure of the sins to the priest, and the intention to make reparations and do works of reparation."<sup>5</sup> The full restoration or reconciliation requires those acts of reparation or "satisfaction" or "penance."<sup>6</sup>

There is a way of understanding this teaching that could be amenable to the Lutheran understanding. The *Catechism* likens penance to "simple justice" and observes, quite rightly, that "absolution takes away the sin, but it does not remedy all the disorders sin has caused."<sup>7</sup> Lutherans will not wish to argue this point! Even though God has forgiven the sin, both perpetrators of the sin and victims of the sin will likely continue to struggle with its effects for a long time. There is a marked similarity here to Luther's remarks on baptism in the *Small Catechism*: "the old creature in us with all sins and evil desires is to be drowned and die through daily contrition and repentance... and daily a new person is to come forth and rise up to live before God in righteousness and purity forever."<sup>8</sup> Likewise, the Catholic *Cate-*

*chism* encourages seeing satisfaction as a suffering with Christ. We are to mortify the flesh and its passions. We are to be ministers of reconciliation. These things will be the source of suffering, yet they are how we live out God's peace.<sup>9</sup> We might even consider this penance in Lutheran terms as the third use of the law.

Were Catholic teaching to be confined to this, it might be possible to understand the difference between Rome and Wittenberg as a miscommunication, but it is not. The Catholic *Catechism* states that certain sins cannot be absolved by just anybody

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but are reserved for "the Pope, the bishop of the place or priest authorized by them."<sup>10</sup> What is given in one paragraph—that "only God forgives sins"<sup>11</sup>—is taken back in this other paragraph. The pronouncement of the grace of God in absolution is made, in certain cases, conditional on the pope's consent.

It might be argued that these are only "certain particularly grave sins,"<sup>12</sup> but introducing degrees in the matter of absolution sets us down a path we ought not travel. Likewise, the section of the *Catechism* dealing with indulgences can hardly assuage Lutheran anxieties.<sup>13</sup> The case starts out innocuously enough: "The Christian who seeks to purify himself of sin and to become holy... is not alone. 'The life of each of God's children is joined in Christ and through Christ... to the

life of all the other Christian brethren."<sup>14</sup> But from this is extrapolated that "the recourse to the communion of saints lets the contrite sinner be more promptly and efficaciously purified of the punishments for sin."<sup>15</sup> How exactly does one obtain this prompt and efficacious purification—and how is it superior or an alternative to what absolution provides? The *Catechism* is remarkably quiet on this point except to say, "Thus the church does not want to simply come to the aid of these Christians, but also to spur them to works of devotion, penance and charity."<sup>16</sup> Such acts are also available to "the faithful departed... so that the temporal punishments due for their sins may be remitted."<sup>17</sup> A Lutheran may be tempted here to insert a remark about clinking coins.

While the Roman *Catechism's* teaching on confession and the Augsburg Confession's teaching on the same might be reconcilable, it would only be through the excision of the very same arguments that were debated in the sixteenth century. Catholicism requires works of satisfaction as commanded by church law and still applicable after death over and above the absolution of God. Due punishment can be remitted by works of charity and the like. Where in the Lutheran understanding the absolution is the absolution, the Catholic version seems to want to have it both ways. And when you put anything prior to that absolution, you lose the gospel.

It is the very fact of these church laws on satisfaction and penance that causes such trouble with divorced and remarried Catholics. Divorce is a sin. Lutherans and Catholics agree on this much. Marriage is clearly meant by Jesus' teaching in Matthew 19 to be a lifelong, monogamous, one-man-and-one-woman, one-flesh union. Sexual activity outside of this marriage is a sin against the Sixth Commandment whether it is adultery or fornication or other forms of *porneia*. Should one divorce and marry another, one commits adultery.



But at this point the sacrament of confession comes back into play. In a Lutheran understanding, the divorced person would be expected to confess the sin, in this case of divorce and most likely everything that led to the divorce, and to do so repentantly; to which the absolution of God can and should be offered by the pastor.<sup>18</sup> And the absolution of God is absolute. The sin is forgiven. The appropriate point for the pastor to intervene with the necessary word of the law—"Don't divorce, reconcile, work it out"—would have to come prior to that tragic unwinding. Indeed, when the world is rushing to lawyers for a quick no-fault divorce, pastors should be saying no and defending the one-flesh union! But after it is over, when the full weight of what has been done settles on folks, then it is time for the gospel.

In the Catholic understanding, the penance for separation is to get back together. To make satisfaction for what went wrong in this world is to put the one-flesh union back together, regardless of what the state might say about it. The only other option is to live celibately. If one has compounded the sin of divorce by marrying another, the satisfaction remains the same. Civilly divorce your new spouse, since the marriage is only so in a civil sense and not a sacramental sense. This second "divorce" is not the sin of divorce but the ceasing of the sin of adultery. And then return and reconcile with your original spouse. The only other option is to keep the promises of that second civil marriage while living, as the expression goes, as brother and sister.

One cannot fault the logic or the legal rationale here. It is what Jesus teaches: "whoever divorces his wife, except for sexual immorality, and marries another, commits adultery" (Matthew 19:9). But what it serves to demonstrate is that by inserting the law and demanding satisfaction prior to the full pronouncement of absolution, you end up with terrible rulings. People don't and can't live by them, and in the end they simply defect from the church.

The result of these demands washes over to the Lord's Supper, since a Catholic must be absolved before receiving the eucharist. It is conceivable that the single divorcé(e) could take communion. Even the civilly remarried, if it were believable that they were living as "brother and sister," could commune. But as long as the divorced-and-remarried enjoy all the benefits of being truly married, they are by definition shunning the necessary satisfaction and hence in a state of separation from the church. That state is not so great as to overrule the gospel eternally, but it blocks their reception of the sacrament of the altar and will eventually need to be "worked off" in purgatory.

It is here where Pope Francis's apostolic exhortation *Amoris Laetitia* has introduced what appears to be a true development, indeed change, in Catholic teaching. Sections 296 and 297 are worth quoting at length; the italics are mine and indicate points of special significance.

296. The Synod addressed various situations of weakness or imperfection. Here I would like to reiterate something I sought to make clear to the whole Church, lest we take the wrong path: There are two ways of thinking which recur throughout the church's history: casting off and reinstating. *The church's way, from the time of the Council of Jerusalem, has always been the way of Jesus, the way of mercy and reinstatement...* The way of the Church is not to condemn anyone forever; *it is to pour out the balm of God's mercy on all those who ask for it with a sincere heart... for true charity is always unmerited, unconditional and gratuitous.*

297. It is a matter of reaching out to everyone, of needing to help each person find his or her proper way of participating in the ecclesial community *and thus to experience being touched by an "unmerited, unconditional and*

*gratuitous" mercy. No one can be condemned forever, because that is not the logic of the Gospel!* Here I am not speaking only of the divorced and remarried, but of everyone, in whatever situation they find themselves.<sup>19</sup>

What we have here, in short, is the logic of the Lutheran confessional. The purpose of confession is to hear the absolution and to be restored. As Luther said: "The pope cannot remit any guilt, except by declaring and showing that it has been remitted by God." Ours is the unmerited mercy of God, because it is pronounced to us; the unconditional mercy of God, because it does not depend upon works of satisfaction or penance; and the gratuitous mercy of God, because it does not only pass over what we deserve but it gives us what we do not deserve. That is the very logic of the gospel, expressed in Francis' own words. Luther would have rejoiced to see this day!

Lest we (or unhappy Catholics) dismiss this as an innovation created by Francis, he asserts that this has *always* been the church's way. It was the way the church received from Jesus. It is also the church's according to tradition, stemming back to the Jerusalem Council. The Reformers themselves claimed to be teaching nothing new but simply to be restating what the church had always taught.

In both cases, Francis's and Luther's, it is the gospel of grace that we can only receive in the love of the one Who gives it. It is the same gospel on offer for everyone: "not only the divorced and remarried, but of everyone, in whatever situation they find themselves." The gospel actually works. God actually forgives sins. That is the very purpose of the church: to pronounce forgiveness to people. Pope Francis has echoed God's proclamation from long ago, "I have set before you today life and good, death and evil... choose life, that you and your offspring may live" (Deuteronomy 30:15, 19). There are two paths, so



don't take the wrong one. And that wrong one is the path that casts off those whom God has called. And God has called sinners. Not to celebrate their sins or remain in them, but to celebrate the greatness of a God Who justifies even sinners who hear the word of forgiveness and believe.

The Catholic *Catechism* still upholds the role of the papacy to interpose between confession and absolution the requirement of satisfaction and the option of indulgences. Due to the crisis of modernity caused by the disaster of the sexual revolution, the Catholic church has been forced to reconsider where the divorced are concerned. In Francis's reconsideration, the gospel returns as the path of life. Papal demands of satisfaction are moved to their correct place, not between the sinner's confession and the gracious absolution, but as encouragements to live in the love that God has given us in Christ. This is a very Lutheran understanding, and may even prove to be a reversal of the first cause of the Reformation.

I am not so foolish as to think Pope Francis's words are final. Nor do I think my simple reading of his intent would survive the meat grinder of Catholic theologians convinced otherwise. For that matter, my own tribe would not be content with anything less than "repent and submit to the Book of Concord!" If my understanding of Catholic factions is correct, at least one faction would reject Francis's proposal because it still calls out divorce as sin and nothing less than mainline Protestantism's renunciation of the Sixth Commandment is to be expected. Another faction would reject Francis's proposal because it does appear to modify Trent and to cede too much to Luther.

But for me, Pope Francis's words are destabilizing. As a conservative Lutheran, I find myself supporting a Roman pope cheered on by mainline

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Protestants! But more importantly, I find myself asking honestly, for the first time, what if this stuck? What if the sexual revolution caused a reevaluation of Trent? Not such that it erased the law, but that it restored the right relationship among repentance, confession, and absolution. What if the pope himself were to say "who am I to judge?" and declare that the gospel, the absolution of God, was not a tool but an end we were blessed to pronounce?

I'm not swimming the Tiber anytime soon, probably not in my lifetime, but I could imagine such grace opening up all kinds of wonderful possibilities in my children's future. It smacks of the biblical God to bring about a good outcome from the mess

of the sexual revolution and prompt the repairing of the rupture between long-divided churches, all on account of the unmerited, unconditional, and gratuitous mercy of God. *LF*

MARK BROWN is Pastor at St. Mark's Lutheran Church in West Henrietta, New York.

#### Notes

1. *Luther's Works*, American Edition, 82 vols., eds. J. Pelikan and H. Lehmann (St. Louis and Philadelphia: Concordia and Fortress, 1955ff.), 31:26.

2. *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, eds. Robert Kolb and Timothy J. Wengert (Minneapolis: Fortress, 2000) [hereafter cited as BC], 45, Latin text.

3. BC 45, Latin text.

4. As echoed in the Confessions; see, for example, Apology xv.18, BC 225.

5. *The Catechism of the Catholic Church*, §1491, <[www.vatican.va/archive/ENG0015/\\_P4I.HTM](http://www.vatican.va/archive/ENG0015/_P4I.HTM)> (this and subsequent website accessed October 15, 2018).

6. Ibid., §1494.

7. Ibid., §1459.

8. BC 360.

9. *The Catechism of the Catholic Church*, §1460.

10. Ibid., §1463.

11. Ibid., §1441.

12. Ibid., §1463.

13. Ibid., §1471-1479.

14. Ibid., 1474.

15. Ibid., §1475.

16. Ibid., §1478.

17. Ibid., §1479.

18. Let it be said that this is a very general version of divorce in which both parties are responsible. Obviously, cases where there is disproportionate blame on one spouse, say in the form of physical abuse or adultery, require other pastoral approaches beyond the scope of this article.

19. *Amoris Laetitia*, <[w2.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20160319\\_amoris-laetitia.html](http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia.html)>.