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500 YEARS OF PROTESTANT VALUES

Ioan–Gheorghe Rotaru, Editor

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Editorial

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October 31, 2017 marks the 500th anniversary of the debut of the Protestant Reformation (October 31, 1517), a historic event marked by the public display on the doors of the Wittenberg Cathedral of 95 Theses by Martin Luther, at that time an Augustinian monk and professor of Theology at the University of Wittenberg, as well as parish priest of the Wittenberg Church.

Martin Luther is known to be “the father of the Reformation”, and his theses condemning the abuse of the indulgences system at the time were indeed a public challenge to a theological debate on this subject (Durant 2015, 18), even the next day at the university, but no one at that time dared to take on the displayed challenge (White 1992, 82), and some even wondering about a man’s boldness to speak against a whole system. His intention was not to create a new church, as an alternative to the existing Church, but to reform the Universal Church through a true return to the ideal of the Church, seen by Martin Luther, only in the Sacred Scripture.

The translation from Latin into German and the printing of Martin Luther’s theses contributed to the rapid spread of his ideas, especially

in the educated environment of Germany. If by 1520 Luther wrote in Latin, specifically addressing intellectuals, from this year he began to write, as a patriot, in German. Thus, Luther published three papers in 1520, namely: *An open letter to the Christian nobility of the German nation on the reform of the Christian heritage* (*An den christlichen Adel deutscher Nation von der christlichen Standes Besserung*), *Babylonian Captivity of the Church*, *Treaty on Christian Freedom* (*Von der Freiheit eines Christenmenschen*). (Bettenson 1963, 197-199; Cairns 1992, 284-285; Durant 2015, 28-33; Oțetea 1968, 26), which will constitute the program of religious reform. (Durant 2015, 28) In his first paper entitled *Letter to the Christian nobility of the German nation on the reform of the Christian heritage*, Luther addressed the civil hierarchy, the nobility, through which Luther challenged the superiority of the church's spiritual authority over civil authority, claiming that there was no difference between clergy and laypersons, because every Christian through baptism becomes a priest. Secondly, because any Christian becomes a priest by baptism, then it means that he has the right to interpret the Scriptures as his mind takes him. Third, Luther said that the Sacred Scripture should be our supreme authority in terms of teaching (doctrine) and practice. (Durant 2015, 18, 28-29)

It was said that the translation of the Bible into German was the most significant gift that Luther gave to his people, but the significance of this is even greater, is an universal one, because the translation of the Bible into the language of the people, which accompanied everywhere the introduction of the Reform meant the nationalization of prayer, which completed the literary and philological work of the Renaissance, and the popular language gained the same dignity that the classical languages possessed. (Oțetea 1964, 438) In the work *Treaty on Christian Freedom*, Martin Luther also talks about the central role of consciousness, and freedom of consciousness has become the cornerstone of the Reformation,

freedom that is a prerequisite for all other freedoms such as freedom of opinion or freedom of choice. According to Luther, the state was no longer called to legislate for souls, and secular power can neither inspire faith nor stop unbelief. By limiting the action of the state and the church to their own sphere of activity, establishing a clear distinction between civil and religious matters, Protestant ideas have secularized the state, raising it above confessional controversies, thus constituting the autonomy of modern secular civilization. (Oțetea 1968, 267-282).

As an indisputable fact, thanks to his work, Luther broke down the crust of the traditions and the cochlea of authority that had frozen European thought. If we should judge the greatness through its influence, then Luther could be placed among the most powerful personalities of the modern world. Luther marked the moral life and the institutions of the Western world, putting an end to the celibacy of the priests, and turning to secular life the energies that had long been directed towards asceticism, monastic piety or passivity. Luther's influence, albeit late and indirect, is also found in philosophy, affecting Kant's fiddiness, Fichte's nationalism, Schopenhauer's volunteering, and the Hegelian concession of the soul to the state. Luther's work also influenced German language and literature in a way as decisive as the King James Bible on English language and literature. Its influence varied according to the proximity or distance from Germany. It is thought by some that no other thinker or writer has left such a strong impression on German spirit and character, being the most powerful character in German history, and his compatriots do not love him less because he was more German than all the Germans. (Durant 2015, 161,162)

Philosopher Petre Țuțea said of Martin Luther that among the many things he said, one is truly extraordinary, namely that there is no truth except the Bible, and that he (the philosopher) needed a

lifetime to discover it. (Țuțea 1997, 22) Perhaps, however, it should not be a lifetime for someone to discover this great truth...

Sorin Trifa said that with the passing of time, the ideas of Martin Luther's Reform spread across Europe, significantly influencing Zwingli's work in Zurich, Calvin's in Geneva, or John Knox's in Scotland. The Reformation in Germany significantly influenced the Reformation in England, but at the same time the birth of the Anabaptist movements, thus leading to the spread of Christianity in North America, India, South Africa, Australia and New Zealand. This was the impact that, in the providence of God, Martin Luther, the Wittenberg monk, had on Christianity and on humanity in general. The author said, quoting Robert Rothwell, who asserted that Martin Luther's spiritual inheritance continues to live further, finding itself today in the creeds and beliefs of all Protestant Churches around the world. (Trifa 2015, 26 oct.)

The impact of the Protestant Reform initiated by Martin Luther, by publicly displaying the 95 theses, on October 31, 1531, was enormous at the level of all Christianity. Now, however, on the 500th anniversary of the Reformation, perhaps there are Christians who feel the need to discuss and relate only to the five pillars of the Reformation: *Sola Scriptura*, *Sola Fide*, *Sola Gratiae*, *Solus Christus*, *Soli Deo Gloria*.

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The Sixteenth Century Reformation's Context and Content: Highlighting the Pivotal Role of Freedom of Freedom of Conscience

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ABSTRACT: In this article, I want to explore the impact of the Reformation on Christianity taking into account several principles that are intrinsic to the Reformation and which are shared by several traditions, denominations or communions. Also, I want to highlight the role of freedom of conscience which was meant to be the cornerstone of the Reformation. The famous declaration of Martin Luther on the pivotal role of conscience was certainly a critical step in the right direction to celebrating self-determination. Conscience is incontrovertible is defining what it means to be an autonomous and responsible subject. This most intimate freedom is a prerequisite for all other freedoms such as freedom of opinion or freedom of choice.

KEY WORDS: freedom of conscience, Reformation, biblical truth

500-years ago, on October 31, 1517, a Catholic monk, Martin Luther posted at the door of the Castle of Wittenberg, Germany, 95 theses to protest the sale of indulgences.

A Dominican friar and preacher at the service of Pope Leo X, Johann Tetzel, was making a famous claim purposed to capture people's imagination, instigate fear and inspire pity on supposed suffering souls. "As soon as the gold in the casket rings; the rescued soul to heaven springs." [*So wie das Geld im Kasten klingt; die Seele aus dem Fegfeuer springt*] He claimed with fervor that indulgences were a means to attenuate the suffering of those caught in the flames of purgatory. Already, in his days, Catholics distanced themselves for this view. Death was feared and business people, politicizing religion, capitalized on it for profit. The renovation of Saint Peter's Basilica demanded such tour de force.

It was time of religious fervor. To get a pulse of the time, one can mention the famous Girolamo Savonarola who died in 1498, in Florence just about 20 years before the Reformation began. He was a fiery preacher who claimed the gift of prophecy, and wanted to reform the church, calling people to repentance, revival and reformation. The prospect of impending judgment, doom and gloom, and the fear of disaster about to strike anytime created vulnerability and susceptibility to religious abuse against those who were in the grip of fear of judgment. A little over two hundred years earlier, the infamous bubonic plague devastated Europe creating an apocalyptic ambiance nurtured by the belief that the world was about to end and judgment was at the door. Jesus was about to come. Millions of people died throughout Europe. It all started on October 1347. 12 ships arrived in Venice, Italy. On board dying people covered with black sores. No known cure of a plague called *Pestilentia*, a recurrent disease whose latest reappearance was recorded as recently as in the 1990.

Due to the number of fatalities, the mysterious nature of several outbreaks of epidemics paved the way for rampant superstitions. The disease stricken population of the 15th century thought it was because of divine judgment that *Pestilentia* was decimating the population of Europe. The Medieval world experienced several epidemics. In 1515 and 1516, just one year before the Reformation, an outbreak of what

became known as *The English Sweat*, or *English sweating sickness* affected England. No wonder that in such atmosphere, several religious leaders proposed remedies consisting in penance, pilgrimage and payments. Key among those remedies were the indulgences. There were others.

The 95 theses were contesting the indulgences and the claim to deliver souls from purgatory.

The undergirding issue in the dispute was that of one's standing before God and salvation. In popular beliefs, the alternatives for life after death were heaven, hell or purgatory. In a context of judgment, death, and uncertainty as to the future, fear and trembling about one's destiny or one's relatives fate, religion, seen as trade with God, flourished. One could basically purchase salvation. In other words: Salvation was for sale. Martin Luther's reading of the Pauline epistle to the Romans, according to which "the just shall live by faith," changed everything. The Apostle Paul unequivocally stated, "The righteousness of God is revealed from faith to faith," and echoing the Old Testament prophet Habakkuk, he adds "it is written a person shall live by faith." He concluded with the following: "For we maintain that a person is justified by faith apart from the works of the Law." (Romans 3:28)."

How can a person be righteous before God? This question haunted and traumatized Martin Luther. The Reformation was first an answer to this question. It was more, however. An incontrovertible perspective to understand Martin Luther thought is his eschatology, his beliefs and teachings about the last things and the end of the world. "As soon as one delves into the study of Luther's works, especially his sermons and expositions of the Bible, one is rather fascinated by the overwhelming presence of eschatological thought in what the great Protestant Reformer had to say and write. The crux of the matter is not to be found simply in his references to the papacy as the antichrist, nor in his clear warnings against the Turks, nor even in his expressions of a longing for the last day. Rather, it is to be found in the fact that eschaton—the consummation of all things into the coming Kingdom of God—was a central and very compelling force that drove and motivated Luther as a person and as a theologian." (Vogel 1986, 249-264)

His “interpretation of apocalyptic symbols and prophecies agrees to a certain extent with the interpretation of his time.” However, one should keep in mind that “Luther’s theology is thoroughly eschatological in the strict sense of expecting the end of the world. His thoughts about the eschaton are not a conventional appendix but a section of his theology which is rooted in, indispensable to, and a decisive part of the substance of his theology. Luther did not merely repeat the old traditional answers to the central questions of eschatology. In this doctrine, too, he is the Reformer.” (Althaus 1966, 404-405)

To capture the multiface facets of the Reformation and entertain a broader and more comprehensive understanding, it is helpful to identify several principles that are intrinsic to the Reformation and which are shared by several traditions, denominations or communions. Many of these principles were code expressions meant to capture the disputes at stake. They also indicated what was understood as the gospel or good news of the New Covenant.

Five Solas, 7 principles and other insights and changes we adopted with the purpose of restoring what was understood as new covenant ethos.

Core to the issues of the Reformation is that of mediation. Following the argument of the epistle to Hebrews, the Reformers postulated there was no other mediator but Christ. Furthermore, Jesus Christ has introduced a new economy of direct access to God. All are now welcome without going through holy places such the sanctuary/temple, holy objects such as the sacrifices, relics, and holy ritual performances of the priests. Direct access to God made all these means irrelevant for salvation. Salvation is now viewed is reference to grace, faith, Christ and the glory of God. The core tenets of Post reformation Christian beliefs were based on the following:

1. Sola Scriptura (Scripture alone not is the foundation for faith, beliefs and practice. Scripture along with tradition or decision of councils, papal bulls, edicts, or decrees)
2. Sola Gratia (Grace alone, not grace along with merits when it comes to salvation)

3. *Sola Fide* (Faith alone not faith with works to earn salvation)
4. *Solus Christus* (Christ alone, the only mediator between God and humans. This principle presupposes that it takes only God to lead to God. Only God can forgive offenses to God. Only God can save and offer eternal life.)
5. *Soli Deo Gloria* (To God be all the glory, only God is worthy to be worshiped and prayed to, not spirits, angels, Mary, or saints.)
6. *Presbyterii Fidelium* (Priesthood of all believers, the New Covenant is characterized by free access to God. Except for Christ's, the Reformation contests all other mediations.)
7. *Ecclesia Semper Reformanda*. The Church is in a continuous process of Reformation until God makes all things perfect again.
8. From the Reformation on, the 7 sacraments are reduced to 2: Baptism and Communion. Obviously, the latter was and is understood differently by Catholics, Lutherans and Calvinists.
9. Marriage is not a sacrament. It is civil and political covenant. When Luther, the monk, got married to a former nun, Katharine von Bora, there was no turning back regarding the status of priesthood and marriage. Celibacy was no longer considered mandatory for priests.
10. The philosophical and theological choices to privilege medieval scholasticism through adoption of Aquinas and his synthesis of Aristotle with biblical Christian thought shifted back to Augustinism and his integration of Platonic and Neoplatonic worldviews. Luther having been an Augustinian Monk was certainly influenced by Augustin approach to Christian life and spirituality. He did not look favorably to what he considered speculation remote from the faith of the ordinary people.

A deeper understanding of the Reformation further benefits from understanding the world of ideas, the prevailing philosophies and systems of thoughts. At an earlier stage, it was observed, “Augustinian mysticism and emphasis on faith and individual illumination and grace” were the dominant features which showed adoption of the categories of Plato’s thoughts into Christianity. From the 13th century, Thomism was the major scholastic philosophy embraced by the Catholic church.

The enormous influence of Thomas Aquinas brought a new synthesis. “Scholastic philosophy reached its ‘golden age’ in the thirteenth century, which was the peak of papal power. The evolution of the church as an institution of universal aspirations demanded a universal, comprehensive and systematic philosophy. The synthesis of theological doctrine, as elaborated and refined over a thousand years, provided one cornerstone of the new edifice. The rediscovery of Aristotle provided the other.” (Althaus 1966, 212)

Luther was an Augustinian Monk. It has been observed that “Protestantism was a return to the beginnings of Christianity not only because of its stress on the earlier religious sources over the later, but because of its preference of St. Augustine to St. Thomas Aquinas, of Plato to Aristotle.” (Ebenstein 1951, 214)

The adoption of the philosophies of both Plato and Aristotle will bring in understanding of the Christian faith that post reformation Christian traditions would challenge. “Plato’s doctrine of vision as the ultimate form of knowing the Good, his concept of God, his tendency toward mysticism, his contempt of matter and idealization of spirit, his conception of Ideas as the essence of reality, his scheme of an ideal society in which the spiritual element would rule—all these Platonic strands could be easily woven into the texture of Early Christian life and thought.” (Ebenstein 1951, 210) They include the nature of the soul, the immortality or non-immortality of the soul

and other beliefs which are today part of the landscape of historic Christian churches' beliefs.

The Reformation irreversibly changed the world of the Christian faith. These 10 principles, characteristics, and insights into the post-Reformation world gives us perspectives on how the initiatives of Luther and other Reformers changed the world of the Renaissance and ever since.

A new world of differences was born. The acceptance and embrace of the dignity of difference brought a new era in religious thought. A new awareness of the importance of freedom dawn upon the world. In Zurich, it was this conviction that the freedom of the Gospel should take precedence over legislations about fasting or eating meat or fish depending on the day and the time that brought another aspect of the Reformation. Leo Jud, Ulrich Zwingli, and Christoph Scheurl highlighted this aspect of the Reformation. A journey of freedom was launched. Holy places, holy objects, holy performances rites and rituals lost their mandatory aspect.

The idea of a new covenant of direct access challenged to the core the idea of mediations and sacraments. This Reformation thinking was rooted in New covenant thinking. This was the purpose of the writer of the letter to the Hebrews, who argued the sufficiency of Christ over temple, sacrifices, or cultic performances.

On the Reformation and Freedom of Conscience

More profoundly, it was freedom of conscience which directed medieval thinking into a trajectory that would gradually open all the freedoms we claim today. They would not happen overnight as history witnesses. In fact, the fight for freedoms and self-determination will tragically cost millions of lives. Self-sacrifice and advocacy for human dignity through centuries since have helped us

to get to where we are today, though there is still a long way to go to make this world a better place for millions.

According to Emmanuel Kant, Martin Luther is one who elevated the primacy of conscience over doctrine. This conviction may be connected to Kant's famous moral imperative according to which human beings should never be treated as means to an end.

The importance of human conscience is inseparably connected to religious freedom, or freedom of religion or belief. Nevertheless, the status of religious freedom was ambiguous since the beginning of the Reformation. Religious freedom was granted to states, not to individuals. *Cujus Regio, Ejus Religio* is a witness to that fact. The religion of the ruler was to dictate the religion of those ruled.

This meant that early on during the Reformation religious freedom was conceived as a matter of prerogative of the state, not individuals. It would take few more centuries for religious freedom to gain the status a universal human right. Even though its universality is still increasingly challenged, obviously by totalitarian political circles but also in academic circles.

Religious Freedom and Claims to Truth

As the history of the Christian church has shown, the claim to truth without religious freedom ends in tragedy.

The early Reformers contributions to the rediscovery of biblical truth is undeniable. However, the early neglect of freedom of conscience led to unnecessary violence and unspeakable suffering. Despite their tremendous contributions to the restoration of biblical truth, blind spots in the history of the Reformation were also present due to the lack of full adoption of freedom of conscience and religious

freedom for all. Intolerance made its way in what supposed to be an experience of freedom.

The famous statement of Martin Luther according to which, "A Christian man is the most free lord of all, and subject to none; a Christian man is the most dutiful servant of all, and subject to everyone." The peasants took this statement literally to brush off the yoke, princes were imposing upon them.

Luther sided with princes, the episode ended tragically with the death of an estimated 100000 peasants. In Zurich, another tragedy occurred when Felix Mann and Conrad Grebel were not allowed to believe according to the dictates of their conscience. They were murdered by drawing because of their belief in baptism by immersion. In Geneva, Calvin let Michel Servet be burned at the stake because of doctrinal differences. The latter did not believe in a triune God. He paid his life for it. The episode clouded the significant contribution of the Reformation. But the main lessons learned is that the claim to truth should always be accompanied by the right of others to believe differently or not to believe at all. To embrace religious freedom is to adopt a personal attitude of tolerance whereby tolerance is an expression of solidarity with every member of the human family. Religious freedom is a commitment not to despise human beings.

It is a certain benevolent attitude towards other human beings. It translates into respect for every human being. This can only be genuine when other peoples' rights are respected.

Whether on the side of Catholic beliefs as synthesized by Aquinas or the Protestant Reformers, there was room for violence against those labelled as heretics because they believe differently. When it comes to the Christian faith the world has come a long way. Though not capturing or being the ideal formulation of people's rights, the concept of tolerance has come to express what human beings owe

to one another. Tolerance does not mean a condescending attitude towards those who believe differently in general and minorities. Tolerance connected to the idea of “bearing with” has a connotation of solidarity.

Concluding Thoughts on the Reformation: Lessons Learned

The context of the Reformation includes several aspects to take into consideration. The apocalyptic ambiance prompted by previous epidemics which decimated the Medieval world reinforced fear. The prevalent belief that the world was going to end, the obsession Luther and others had about one’s standing before God and the fear of divine judgment all contributed to superstitions and vulnerability to exploitation and abuses. The issue of salvation and how to obtain it brought along superstitions and rites and rituals purposed to bring relief to those who suffer in purgatory, and assurance of a better fate in the life to come for those who supported the church through material means.

Luther objected to the sale of the indulgences and captured people’s attention through his 95 theses nailed at the door of the castle church at Wittenberg. The Reformation was needed to further to cause of freedom. Freedom to have access to God as stipulated by the new covenant, from mediators and freedom to relate directly to God the heavenly father Jesus came to reveal.

These truths were salvific; however, other dimensions of the truth of freedom were neglected. One of the great lessons of the Reformation is that claims to truth must be paired with the freedom of others to choose to believe or not to believe. Otherwise privileging one’s beliefs while despising others may lead to despotism, violence and murders. Notorious Reformers tarnished their amazing legacy by

not upholding freedom of religion or belief for all, even for those who differ. Freedom of conscience was meant to be the cornerstone of the Reformation. The famous declaration of Martin Luther on the pivotal role of conscience was certainly a critical step in the right direction to celebrating self-determination. Conscience is incontrovertible in defining what it means to be an autonomous and responsible subject. This most intimate freedom is a prerequisite for all other freedoms such as freedom of opinion or freedom of choice. Generations of believers and non-religious people would be more inspired by Luther's word:

"Unless I am convicted by scripture and plain reason...
my conscience is captive to the Word of God.
I cannot and will not recant anything,
for to go against conscience is neither right nor safe.
Here I stand. I cannot do otherwise. God help me Amen."
(Martin Luther April 1521)

Freedom of conscience undergirds all the principles of the Reformation. Obviously, there are other aspects of the Reformation that should not be forgotten.

1. The accessibility of religious music to the people. With Luther, it was no longer a monopoly of the sacred priests but for all.
2. The availability of the Bible in the idiom people could understand. Luther's translation of the Bible in German is a landmark in the history of the Christian faith. The word of God, the Bible was now found in the language of the people. A new idiom was created for the people. This phenomenon benefited from Guttenberg's invention and provided the Reformation with a formidable means to spread throughout the then Holy Roman Empire.

These and other contributions make the Reformation a well of significant ideas that have helped shape our contemporary world. In spite the violence Christians perpetrated against one another, the Reformation has moved the world to a better place. Today Christians are asking one another for forgiveness for the brutal past of betrayal of the gospel of peace. Jesus never forced his disciples to stay with him. He asked them if they would not also go along with those who were abandoning him. Jesus was free to let people be free to choose him or not. Freedom of conscience was for him pre-condition sine qua non, without which covenant of truth fellowship and love would not be possible.

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Metaphorical Mediation Apparatus: The Case of the Psalms

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ABSTRACT: This study belongs to the communication studies domain and it is focused on the Psalms as a metaphorical mediation apparatus. *The Psalms* are a memory place that transmit through a paradigmatical act of communication the meaning of the mediations which made possible their real existence: the primordial mediation through the creative Word of the world, the mediation through the revelation of the Word which has made the law of the world, the mediation through the memory of the Word creator of the history... These mediations will be, for now, an opportunity to defend the universality of “worlds”, “places” and “meanings” established and communicated through psalms through the universality of the manner of creation – the mediation at the ontological level and, in this case, the metaphorical mediation at discursive level.

KEY WORDS: mediation, communication, metaphorical mediation apparatus

¹This article was first published in PFA Conference proceedings, 2014.

1. Mediation and metaphor

The problem of the mediation in general and of the metaphorical mediation in particular can not be put off the problem of language and thereby outside of the meaning production problem (Bratosin 2007). It is also an evidence that we can not avoid to consider the language in the absence of the consciousness dialogue, which communicate with each other about the world. Moreover, communication understood as a mediation through the language is also a process of self-awareness, of mediation of itself understood as another, in the same manner in which the subject communicate with other subjects in order to share and knowledge of the world, to put it together, in common, available to everyone.

Talking about language, communication and mediation in psalms means, ultimately, to talk about the role of metaphorical language and the role of the metaphor torn off to the exile off the rhetoric for putting it in the registry of foundation, knowledge and eschatology. In this regard, we draw the milestones of a theory of metaphor co-substantial with a mediation theory applied to the psalms texts from a hermeneutic methodological commitment.

Figure represents a vast field of reflection that is under permanent reevaluation by researchers from all areas of social sciences and humanities. During the last century, the cognitive implications of the concept of figure generated widespread debates that defined the status of figure and especially stimulated research on this subject (Tudor&Bratosin 2013, 271). These findings compel us to bend over the figure of the metaphor from the perspective of an archeology and of the concept and from the perspective of a functional hermeneutics. In this context, we defend the definition of the metaphor as a communication apparatus which is 1) the production of implied meanings (Klinkenberg 2000 ; Klinkenberg 2008),

2) the transfer in terms of an interaction among universes or horizons of discourse preserving the general principle of cooperation and placing the receiver under the obligation, on the one hand, not to be satisfied with one or several elements present at the surface of the statement (perceived degree) and, on the other, not to produce a superfluous multitude of interpretations that come to overlap this perceived multitude (conceived degree) (Klinkenberg 2008; Tudor&Bratosin 2013, 272).

By the theoretical demarcation of figure that we propose, we place ourselves beyond the traditional terminology of figure that talks about a transfer through substitution or through comparison. Starting for this “drift” of perspective, we can say that the effect of figure takes place from the dialectical interaction between the perceived degree and the conceived degree and can be equally poetical, hermeneutical or cognitive (Klinkenberg *op. cit.*). The major impact of figure can be ascertained by the fact that it forces collisions/clashes among semantic and experiential fields that are completely different (Tudor 2013; Tudor&Bratosin 2013, 272).

Within this approach there is an explicit intent to look upon figure in a sense that transcends the traditional role of mere ornamentation and to share the recent perspectives of rehabilitation, of awakening from a dogmatic slumber, (Tudor&Bratosin, 2009; Tudor&Bratosin 2013, 173). The metaphor is no longer essentially a linguistic phenomenon, confined to a word, but it is primarily a meaning production process independent of the media used or the communication signs (Ferrari 1997; Tudor 2013). Psalm 22 remains a profound illustration of this thesis:

But I am no longer a human being; I am a worm, despised
and scorned by everyone!
All who see me make fun of me; they stick out their tongues
and shake their heads.

“You relied on the Lord,” they say. “Why doesn’t he save you? If the Lord likes you, why doesn’t he help you?”

It was you who brought me safely through birth, and when I was a baby, you kept me safe.

I have relied on you since the day I was born, and you have always been my God.

Do not stay away from me! Trouble is near, and there is no one to help.

Many enemies surround me like bulls; they are all around me, like fierce bulls from the land of Bashan.

They open their mouths like lions, roaring and tearing at me.

My strength is gone, gone like water spilled on the ground. All my bones are out of joint; my heart is like melted wax.

My throat is as dry as dust, and my tongue sticks to the roof of my mouth. You have left me for dead in the dust.

An evil gang is around me; like a pack of dogs they close in on me; they tear at my hands and feet.

They gamble for my clothes and divide them among themselves.

O Lord, don’t stay away from me! Come quickly to my rescue!

Rescue me from these lions; I am helpless before these wild bulls.

I will tell my people what you have done; I will praise you in their assembly: “Praise him, you servants of the Lord! Honor him, you descendants of Jacob! Worship him, you people of Israel!

He does not neglect the poor or ignore their suffering; he does not turn away from them, but answers when they call for help.”

In the full assembly I will praise you for what you have done; in the presence of those who worship you I will offer the sacrifices I promised.

The poor will eat as much as they want; those who come to the Lord will praise him. May they prosper forever!" (Psalms, Psalm 22, GNT, 606-607).

Apparently a sum of figures of speech, metaphors that abound in building seemingly irreconcilable worlds. In reality, it is a symbolic and figural fabric of successive mediations that establishes and announces new discursive universes, new worlds, and therefore new fields of experience: birth, life, death and resurrection for the salvation of the Mediator who will come back for the salvation of those which will be part of a new people who will be reborn again.

It is true that, following Aristotle, all those who were bent over the metaphor have meant it to a minor destiny. Practically until the nineteenth century, the metaphor could not escape to the second-class conceptual history.

Aristotle guided for almost two millennia the Western thinking. He define the metaphor figure as "a transfer upon something of a name that designates another, a transfer that is either of a species upon a genus, or of a genus upon a species, or according to the analogy of relationship" (Aristotel 1964, 1457b). This terrible conceptual legacy, metaphor as "*epiphora* of a name", had also terrible consequences in interpreting sacred texts, reducing the contribution of metaphorical figures at rhetorical processes that create illusions, sometimes very convincing or having a poetic aesthetic value (Aristotel 1964, 1355 b 15). In his two works, *The Poetics* and *The Rhetoric*, Aristotle does not place any cognitive and comprehensive value on figure, but treats it as a mere persuasive device or a linguistic *topos* that only creates the appearance of truth and embellish the representation.

Fr. Nietzsche, who opened the discussion on figure, does not overcome this limiting vision: "What is truth? A shifting multitude of metaphors, of metonymies, of anthropomorphisms, for short: a multitude of human relations, which rhetorically and poetically have been extolled, transposed and embellished, and which, after

a long usage, canonized and made to be compelling; truths are just metaphors about which we have forgotten what they were, spent metaphors that have lost their sensible force" (Nietzsche 1990, 198).

J. Derrida will take over the reflection upon figure again by means of metaphor. According to him, the metaphor figure is the source of the concept. The death of figure through usage and conceptualization gives the impetus for the emergence of the concept. Derrida assigns to the metaphor figure the role of generating force for the concept of figure through a hermeneutic process keeping the linear conceptualizations of Aristotle (Derrida 1972; Tudor&Bratosin 2013).

The most comprehensive restoration of figure (Tudor 2013) and the transition from semiotic to hermeneutic regarding the understanding of the emergence of the figure metaphor is achieved by Paul Ricoeur in his work *La métaphore vive*. Metaphor is placed by Ricoeur within the privileged *topos* of the nominal verb to be (Ricoeur 1975). It is a mediating figure that has the power and vitality to set up and describe a world, to produce meaning in a world (Tudor 2013; Tudor&Bratosin 2013). Ricoeur's major contribution to the study of metaphor allows for the emergence of a new avenue of reflection, of some heuristic patterns, centrifugal perspectives, and so on, that facilitate finding some answers for the comprehensive and ontological role of the metaphor, especially for the study of sacred texts, our corpus. In this comprehensive framework we consider metaphorical mediations in psalms and we intent to bend over some illustrations in order to begin a reflection for a hermeneutics of mediation in the sacred texts.

2. Metaphorical mediation in Psalms

The psalms give us some types of mediations whose hermeneutical stakes we will summarize thereafter. Depending on the modes of

interpretation and starting from the roles of mediation that different practices and uses gave to objects, expressions, processes and so on, we can identify in the Psalms several mediations types: symbolic, discursive and figural (non exhaustive list).

The Psalm 23 is an example of archetypal symbolic mediation. Mediator elements with a strong referential character that designate processes, meanings, ideas, which culture has already given a mediator value—"The Lord (...) my shepherd" that protects me with the "shepherd's rod and staff"—are mobilized in the psalm in a very explicit manner in order to describe the promises for the eternal life through the dialectic between discursivities and opposite fields of experiences. The operation of description through the symbolic mediation is an interpretative maneuver completed with two others of the same nature: on the one hand, the operation of corresponding to the discursivities and opposite fields of experiences a pair of equivalences ("staff" and "rod" that "protect", "he gives me new strength/ he guides me in the right paths, as he promised. Even if I go through the deepest darkness"), and, on the other hand, the operation of exploring new bridges between the equivalences (I know that your goodness and love will be with me all my life; and your house will be my home as long as I live", ie the "love" with it obvious mediator function). In the same logic of the archetypal mediation we can evoke two iterative metaphors in psalms—the light and the grace: God as light and grace is communicated in a salvific manner *by* light and grace, and the human being as the recipient of light and grace can communicate as well as *by* light and grace (Coman 2011).

The psalm 143 is an example of overcoming of the polarity through another type of mediation, the discursive one. In this psalm, the polarity is put in the statement (on the one hand, "my enemy has hunted me down", "and completely defeated me", "he has put me in a dark prison", and, on the other hand, "rescue me, Lord, as you have

promised; in your goodness save me from my troubles! Because of your love for me, kill my enemies and destroy all my oppressors, for I am your servant”, and the solution for the oppositions is progressive and realizes through the intrigue giving birth of a new interpretation, a new meaning. The opposition between the weak and the strong man created by unjust oppressive enemy is overcome by the fact that the intrigue of the psalm does intervene the justice of God that, by His Spirit transform the weak in “His servant”, victorious against his enemy.

Figural mediation, directly based on metaphor, appears in the Psalm 46. In this case, the mediation and the interpretative effort are instantaneous. The figural approach produces new categorizations of the experience and creates sense as it does the scientific discourse. When the psalmist says: “God is our shelter and strength, always ready to help in times of trouble (...) There is a river (...) The Lord Almighty is with us: The God of Jacob is our refuge”, he bases on the on the assumption of the existence of God and the existence of a non-God in the same time, ie a opposite force against which God is powerful and domineering because defends, rescues... We find, thanks to this original mediation the entire scaffolding and the entire disjunctive structuration underlying any activity and cognitive approach.

When the psalmist says, “God is our refuge and strength / a very present help in trouble (...) is a river (...) is a Tower” is based on the assumption that posits the existence of God at the same time, the existence a ‘non-God’, ie an opposing force against which God is powerful and domineering because defend, escape, guards etc.. We find, thanks to the mediation originating, structuring across the entire scaffolding and disjunctive underlying any activity and cognitive approach.

This concise exercise of reading of psalms from the hermeneutic of mediations proves once again that the place of the effectuation of the meaning in any context is paradoxical - both inside and outside. Moreover, he is the re-confirmation that the overcome of polarities within and between universes of discourse or fields of opposite experience (divine-human, good-bad, war and peace, life-death, and so on) is realized by convening a interactive mediator principle which consists of three types of mediations that I have mentioned in the beginning: the primordial mediation through the creative Word of the world, the mediation through the revelation of the Word which has made the law of the world, the mediation through the memory of the Word creator of the history..

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Religion and Religiosity—divine or human? Is there such a thing as a wrong religion?

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ABSTRACT: The era of finding “the real” religious answer by fighting against all other pre-existing religious phenomenon and by ongoing splitage of Christianity—as well as in any other religion—has to become more peaceful and be replaced with the inner search rather than the outer research. This is the main point of not having all religious manifestations compared and dissected in the quest of finding peculiar aspects that might serve as *proofs* against its designation as “the divine commandment” given directly by God specifically for “certain,” elected people. My point in asking if “there is such thing as a wrong religion” is but to underline the human aspect in building any kind of religiosity, anyone can follow or not, regardless idealist target of its proposal and moreover the divine ownership suggested by its leadership. In this regard, the single factor of research over the religious phenomenon should be the inner relief, comfort, and peace, without external fights, accusations, and slander.

KEY WORDS: religiosity, sacredness, anthropological theory, religious pluralism, religious manifestations, human worship

1. Introduction

While writing a book about the religious phenomenon and manifestations I was proposing myself not to try to answer at any of theological questions, usually related to religions, like *Is there a God? Is the cosmos created? Is evil compatible with an all-powerful, all-knowing, all-good creator? Can we experience God? How can we tell whether religious experiences are reliable? Could we survive death? What is the relationship between religions?* In return I do my best to put together clues for a final conclusion on the main question, *Is the religion more human or more divine?* This article is thou a breviary of this upcoming book and a bridge I would like to build over the multisplited sea of Christianity that was partly the outcome of the events whose 500 years we celebrate this year.

2. What is Religion?

Religion is a fundamental element of man's consciousness that marks the history of culture and civilization since their origins, for *homo faber* was also *homo ludens, sapiens and religiosus* (<http://ahd1113.activehost.com/pdf/60553.pdf>). In other words, the religion has appeared along with man because "at the most archaic levels of culture, living as a human being is in itself a religious act"¹ (Mircea Eliade – *La Nostalgie des Origines*).

In the gnoseological understanding, religion is a particular way of perceiving the existence in its relation with divinity, an existential component that is always present in the soul of man. In the "Divinae Institutiones," the Latin writer Lactantius proposes as an etymology for the term *religion*, the verb *religion* (*to bind, to unite*) in the sense of union with God. Although there is a great historical and geographical diversity of religious manifestations, the

common feature is conferred by the sacredness, the aspiration to the perfection of man, a value vector opposed to the profane, which signifies the degradation of the human being (<http://www.scientia.ro/forum/index.php?topic=3314.0>).

To get a viable starting points for any useful anthropological theory of religion it is inevitable to take into account at least four of the contributions of the men who dominate our thought to the point of parochializing it – Durkheim's discussion of the nature of the sacred, Weber's *Verstehenden* methodology, Freud's parallel between personal rituals and collective ones, and Malinowski's exploration of the distinction between religion and common sense (Geertz 2001, 88).

Religion is a characteristic of the human species, stretching from antiquity to the present, from simple societies to the most complex, from the unlearned to the educated, from the weak to the powerful, from the young to the old, from the peripheral to the centers of power. Yet religion is notoriously difficult to define. Some scholars would argue that no definition can be adequate since religion as expressed throughout the world and throughout human history is simply too diverse and complex to be neatly captured in a short definition that identifies a common condition. Indeed, most of the common assumptions about religion fail when we try to apply them to all traditions we normally think of as religious. (Robinson and Rodrigues 2014, 12).

Encompassing all given definitions, „**Religion** is (1) a system of symbols which (2) establish powerful, pervasive, and long-lasting moods and motivations in men by (3) formulating conceptions of a general order of existence and (4) clothing these conceptions with such an aura of factuality that (5) the moods and motivations seem uniquely realistic” (Geertz 2001, 90).

3. Religiosity, a Humanly Manifestation

Certainly, starting from the general features existing in the “classical” phenomena of what we call *religion* and implicitly *religiosity*, these terms have also begun to be used outside the perimeter circumscribed to a certain point only by the religious manifestations that were reported to excel to the creative/pioneering divinity of the world. Later for our times these terms have escaped the narrow, strict area and became the intimate relationship and bonding anyone can have with something or someone, as close as in the religious meaning.

By the moment religiosity (the state of being superficially religious, Latin *religiōsitās*) receives a subsidiary definition in human social use due to its profound attachment and responsible dedication, devotion and marked by an accentuated spirit of sacrifice for the divine, it is impossible to make a new definition, which also circumscribes this new segment of *religiosity*, understood this time as „the exaggerated embodiment of certain aspects of religious activity” (<http://www.gotquestions.org/religiosity.html>). Thus, religiosity is characterized by „excessive involvement in religious or spiritual activities” (Koenig 2012, 8). *Religiosity* usually entails extreme zeal outside of and beyond the norms of one’s faith in something, and this *something* is no longer necessarily a deity or a supreme being. It is sufficient that the object, field, project, etc. to which this secondary meaning now relates, develops a passion large enough to give the impression of addiction to this object. In the event of a situation of this kind in which a person is passionately related to something to devote his entire existence to inexhaustible incursions on the object to which we refer to. So it is sufficient now that there is an excessive involvement in a certain activity so that it can be considered *the religiosity* of the person in question, *the reason for it to be*.

This case is something like saying „my work has become my religion, my defining identity.” We do meet this acceptance of the word *religiosity* to a number of notorious personalities from various fields (e.g. Dan Graham: *Rock My Religion*). The Bolivian painter Cedric Chambers said that „I create Art as an act of spirituality in its’ purest form. The act of painting is a repetitive task which helps me enter a state of mind. It provides me with a greater sense of purpose, a distraction from the mundane tasks of life. It allows me to feel like *I’m devoted to something larger than myself*. Everything I do; can be justified for the act of painting. Everything I say; is for the act of painting. It was never my goal, to do anything but paint. When I feel lost and confused, I can always resort back to painting. Achieving something in painting is like a life journey and endless goal that I’ll never ever reach. I’m a line approaching zero towards infinity. Painting is my Religion” (<http://www.cedricchambers.com/painting-is-my-religion/>). Unhesitatingly one of the most famous associations of religion with the passion for a non-religious activity is that of Albert Einstein who, challenged to declare his “religion”, came up with this argumentation: „My religion consists of a humble admiration of the illimitable superior spirit who reveals himself in the slight details we are able to perceive with our frail and feeble minds. That deeply emotional conviction of the presence of a superior reasoning power, which is revealed in the incomprehensible universe, forms my idea of God” (Calaprice 2011, 325).

The same analogy has been used even for those social systems that have influenced the population in a state of *worship* and unconditional obedience, or those who have succeeded in coagulating the crowd in a state we were accustomed to seeing so far only in connection with religious manifestations. “The strength of the communist system of the East is that it has some of the characters of a religion and inspires the emotions of religion. Unless the force of peace, based on law, gathers behind it the force and zeal of worship, it can hardly

hope to succeed... There must be added power of emotion that is a basic ingredient of religion" (see interview by Swing "Einstein on the Atomic Bomb").

Besides, a shallow analysis of the religious phenomenon drives some thinkers to believe that the contemplation of nature has brought forth the birth of the religious sentiment in the first place and that, back then, *religion* was not marked by dogmas and gods *made* in the image of man. (It is very difficult to elucidate this [cosmic religious] feeling to anyone who is entirely without it... The religious geniuses of all ages have been distinguished by this kind of religious feeling, which knows no dogma and no God conceived in man's image; so that there can be no church whose central teachings are based on it... In my view, it is the most important function of art and science to awaken this feeling and keep it alive in those who are receptive to it. Calaprice 2011, 329). There is certainly such a contemplative stage in the face of the greatness of creation; it is similarly, admiring, to all religions, and it was not only a stage in the history of humanity overcome by the imaginative evolution of man and preceded by animistic, pantheistic or deistic fantasies. Because each religion has a contemplative content (and not only a stage in its formation), the explanation needs to be reconsidered. "Try and penetrate with our limited means the secrets of nature, and you will find that... there remains something subtle, intangible, and inexplicable. Veneration for this force beyond anything that we can comprehend is my religion. To that extent, I am, in point of fact, religious" (Calaprice 2011, 324).

The explanation given by the religion to its contemplative component over nature always relates to the One who stands behind creation. An appropriate reporting to creation makes us recognize the creation as *a way of advancing to God*, the sentiments awakened in this contemplation have no adorable content to nature in itself, but only admiration, respect, joy. Even in the animistic forms of religion,

man was insufficiently satisfied with the relationship he tries forced with parts of nature, and then he felt the need to incorporate the parts of Nature – hitherto disparate worshiped (pantheism) with the whole Nature as an organic system. However, that did not satisfy either the need for interaction and he had to look higher, more globally, going step by step to the One who was behind all those seen, sensitized and perceived until then disparaged. With the discovery of the Motif, of the Logos of Creation, everything has made sense, and the contemplation has got the point.

Surely *gods* must be present in religion, one might think. No, for some religions deny either the existence of gods or their relevance. Surely an afterlife existence must be substantial in religion. No, for some religions either deny an afterlife or do not divide present and future existence in this way. Perhaps a moral code of some kind captures a common element in religion. No, for in some societies morality is primarily dealt with by philosophers rather than priests, by the academy rather than the temple, and among some peoples codes of behavior provide social order and create stable societies without appeal to religious motives or motifs.

4. Is there such a *wrong* religion?

The point of having such a topic in a celebration of 500 years of Reformation aims precisely to this question, *Is there such a wrong religion?* In other words, should we still proceed in fighting against “old, traditional” religions or denying the “new, emerged” ones? In my attempt to building bridges and became the extended voice of my colleagues from Santa Barbara, CA, where I have started reimagining the multicolored landscape of religion, one day I have open the subject to certain colleagues of mine just so, to see the

reaction and cause a brainstorming that maybe, who knows, comes up with a new idea.

So I asked this fellow colleague how he sees the following situation: let's pretend that one day he returns home from the church and tells his family and relatives that God has shown him to make a covenant with Him, and that his humanly part to this covenant would be to dent up his face 100 times after a certain pattern, but not only him, but also all those in the family and all others along. For this gesture, all would receive the blessing of God and never lack anything.

The reaction of my colleague, who did not know where I wanted to get with this, was a very normal one in front of such an issue: astonishment and strong rejection of the idea. In fine, after I even asked him to assume he really would come with such confidence to his acquaintances, he admitted that anyone who would have listened to him would not only have rejected his proposal but also would bend on his mental integrity. To accomplish this task by others would not have been even the issue.

Well, 4,000 years ago (about 2150-2000 BC), a man named Avram did so, telling the people that God proposed to make this incrustation in his flesh as a testimony of the blessing given to him and His descendants for centuries. Same thing went for Noe, Moses, Jesus, Mohammad, Martin Luther, Brigham Young, Joseph Smith and all other religious movements' pioneers at their times and society.

The situation seemed to be „altogether different” for my colleague who understood that *the circumcision* act was to become comparable to any other gesture of self-mutilation and that this gesture, which became ritualistic for two of the greatest world religions, is here speculatively disputed. „We cannot compare the ritual act of circumcision that does not mutilate anyone – and now I have realized that my colleague was not familiar with the medical procedure of circumcision or he was just very religious subjective –

with the face in laying that is unrelated to any religious act.” Then I have corrected these two misunderstandings by informing him about the circumcision procedures *Brit milah* and *Brit Peri’ah*, and also that the incrustation on the face and the abdomen are also religious rituals, „commanded” by God to the Voodoo religion, that Hindu followers are, „Commanded” to pierce body skin with needles and hooks (up to several hundred), that walking through fire and many other forms of religious rituals exist throughout the world, in every religion differently, and that all are viewed in religion as a test of One’s faith.

In these circumstances, after what objective criteria can we say what is the primacy of a certain ritual, or that only one of these is „commanded” by God and the others not? Are they really *commanded* by God, or are they merely human proposals of gratitude or offerings dedicated to divinity? What implications would each of these possible answers given to the question have, and what problems would raise the theology resulting from these answers?

Instead of Conclusions

You know that, when people got disappointed of their Church (or better, of the leadership of their religious community), they usually redraw from religious life for good. I find that very odd because it is like when someone has been waiting and preparing for a long time a desirable meal and just because someone at the table says something wrong or unpleasant, the host restrains himself having that long-awaited-food any longer. It is certainly a human reaction since it occurs so often, but still, it is a huge mistake and, moreover, a huge misled reaction, against a different element of religious life as a whole system. That is why I had to appoint here, from the beginning, which I am not writing this in order to stand against somebody or

some religious movement and start a new desirable one – these ongoing re-starting religious movements are not at my preference. It is a response for those who leave their religious responses [whatever that may be] and behavior just because someone at the table said or did something inappropriate, that he was not expected to. In the representation I gave for religiosity as a humanly factor and manifestation, such desire of renouncing the religious creed is definitely wrong and abnormal and it should be replaced at the most with changing the creed with a new, proper one, not followed by a religious denomination pilgrimage in an attempt of finding the “real deal”, the “only revealed and commanded” religion for it will get disappointed and life-spending endeavor.

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Sola & Tota Scriptura— Intrabiblical Phenomenology

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ABSTRACT: The Sola & Tota Scriptura principles in Protestantism no longer have the meaning, which they had in Reformation, but have now been relativized by modern theology. The following article attempts to point out these principles as genuinely Biblical principles that show a great similarity with the fundamental aspects of Husserl's phenomenology. Comparing Biblical texts and the fundamental methodological steps of phenomenology, the Bible has requested these precise methodological steps in its intrabiblical instruction manual. The biblical statements underline the impression that the whole Bible repeatedly contains different variations of the Reformation principle. In analogy to phenomenology, the biblical references might help us to find "back to the Biblical phenomena".

KEY WORDS: Sola Scriptura, Tota Scriptura, Reformation, Phenomenology, Biblical Phenomenology

1. Introduction

Since the time of Luther's Reformation, Protestantism and its dealings with the Bible have changed considerably in Germany also. Since the Evangelical Church in Germany (Evangelische Kirche Deutschland) has described¹ itself as a "church of freedom" in 2006, there seems to be hardly any common denominator under which evangelical theology and the church can determine themselves; that is why Stengel sees it more appropriate to speak about a "Protestant discourse" instead of "Protestantism".² In the text of the Evangelical Church of Germany: "Justification and Freedom", one now quite frankly confesses a serious change in the way the Bible deals with the Reformation period:

*"Since the seventeenth century the Biblical texts have been historic-critically explored. For this reason, they can no longer be understood as "the Word of God" as this was case in the time of the Reformation. The reformers had basically assumed that the Biblical texts were really given by God himself. Considering the different versions of a text section or the discovery of different text layers, this idea cannot be held any longer."*³

It may be said that the present prevailing theological streams question the Bible to be God's Word in its self-expression and they put their own theological knowledge above the truth content of the Bible. This is, in principle, nothing new; even in the Old and in the New Testament, the scholars of that days had doubted, twisted, and even turned their knowledge to the contrary.⁴ Theological theories, constructions and interpretive paradigms are placed alongside, or even over the testimony of the Bible. It is precisely for this reason that, as in those days, it is always necessary to have the Biblical testimony itself, which by many explicit and implicit statements postulates a Sola & Tota Scriptura principle as an absolute basic condition of a proper dealing with the Word of God.

In scientific terms, this Biblical basic concern would hardly be closer to a method than to the phenomenology of Husserl. In 2012,

I developed a didactic-systematic approach to the phenomenological method of Husserl, which I will refer to in Chapter 4 in comparison with the Biblical textual statements.⁵ How powerful Biblical statements from the point of view of scientific aspects are, becomes clear only when viewed from a phenomenological standpoint.

2. Reformation discovers the *Sola & Tota Scriptura* principles

The principle of *Sola Scriptura* states that Holy Scripture is the sole, unfailing and the absolute norm for faith and thus constitutes a special feature of the Reformation theology.⁶

Luther emphasized in 1520 that the Scripture is “by itself the most certain,” moreover it is “most easily accessible,” and also “interprets itself”.⁷ Somewhat later he added, “he is not to be praised as the one who is more educated than others, but I desire that the Scriptures be the only queen (= *solam scripturam regnare*), and that it is not interpreted by my spirit or by the spirit of other people, but understood by itself and its own spirit”.⁸ In 1521, Luther was only willing to revoke his standpoints if he had been given reasons from the Scriptures.⁹ The *Sola Scriptura* principle, however, is not specific for Reformation only.¹⁰ It was applied to the church reforms of the late middle ages, e.g. by the Waldensians or Hussites.¹¹ The origin of the *Sola Scriptura* principle is established in the Bible itself. The Reformation has only rediscovered the *Sola Scriptura* principle under Luther. In the further course of the history of the Reformation, however, the principle of *Sola Scriptura* did not stop. *Sola Scriptura* was expanded in Pietism with *Tota Scriptura* and the reason for that was in the Catechism. Luther and the Lutheran orthodoxy had called the Catechism the “laity Bible” for the common people. Since the daily Bible reading was not required by the ordinary Christians, Spener had expanded the literacy and called

for the extension “Tota Scriptura” through his reform program “Pia Desideria” in the first “suggestion for improvement”¹². The reason was to bring the Word of God more abundantly amongst the Christians, so as to lead them from a Catechism Christianity to a Biblical Christianity.¹³

3. Sola & Tota Scriptura –phenomenology in the Bible?

The two principles: Sola & Tota Scriptura were indeed pointed out during the Reformation period, but they are nothing else than intrabiblical principles, which can be found in many places in the Bible. From a scientific and methodic point of view, these Biblical texts could be interpreted best as phenomenological basic principles which were most clearly described by the German-Austrian philosopher Edmund Husserl and the later phenomenologists.

Now, however, in theological academic literature, one will hardly find summaries of such Biblical principles. I am, at best, aware of some few isolated pastors, who have made up themselves small guidebooks with such Biblical passages for their religious educational work. Even less, though, is known that the intrabiblical texts on the Sola & Tota Scriptura principles are very close to what was described in the phenomenology of Husserl a hundred years ago.

Since I have dealt over the past 25 years with Biblical and sociological fundamental research and often with phenomenological essential structures,¹⁴ moreover, I decided later to publish something about the methodological steps of phenomenology. For the human and social scientists I elaborated a didactic summary of the fundamental phenomenological steps and published it in the Springer Science publishing company in the German language in 2012.¹⁵ The aim of this publication was to structure the extremely valuable but

unfortunately often too complex methodological steps, a didactic systematic way into a logical and simple form for non-philosophers. At the same time, however, this approach should be more deeply rooted in phenomenology than this is the case in the current German language standards on qualitative social research.¹⁶

The similarity of some basic methodological steps of phenomenology and the Biblical methodological *Sola & Tota Scriptura* text passages and how to deal with the Scriptures is more than remarkable. The essential methodological steps of phenomenology can in principle be found in the Scriptures. In the following, some fundamental aspects of the phenomenology of Husserl are systematically shown, in order to make a parallel comparison with intrabiblical texts.

4. Phenomenological fundamental aspects in Biblical texts

To comprehend the phenomenology of Edmund Husserl is not necessarily an easy undertaking,¹⁷ in addition to that his work was apprehended and developed further by different thinkers and directions. In the present essay, only a few basic aspects of the phenomenological methods that are relevant to this Biblical discourse should be addressed.¹⁸

4.1.1. „To the things themselves“

With the expression “to the things themselves” (“zu den Sachen selbst”),¹⁹ Husserl has described his phenomenological program in its core. Klaus Held reveals the fundamental problem of Husserl’s and his phenomenology respectively at the fundamental question of acquiring the truth. Husserl was concerned about an old philosophical idealism, namely with a “radically prejudice-free

knowledge,” only in this way knowledge²⁰ can differ from meaning (Meinung). Meaning points to “according to its sense to situations in which the intended would be disclosed, fulfilled and approved. Such situations bring us immediately near to the point which is given to us only from a distance when connected to the meaning.”²¹ This means it is necessary to get to the factual proximity through experience situations. Thus the opinion is transferred by way of visualization into true knowledge.²² This means that knowledge emerges in the situation in which the human being is confronted with the fact itself (first person perspective).²³

4.1.2. „To the things themselves“ in the Bible

Even in Biblical times, the problem was known that the covenant people were tempted to preserve their religious orientation not directly from the laws of Moses or the latter Biblical writings, but from additional theological traditions and speculations. The prophet Jeremiah writes as early as the seventh century BC that the scholars of that time have twisted the Scriptures into falsehood.²⁴ The phenomenological maxim: “to the things themselves” is to be found in the Bible repeatedly as a maxim of dealing with the Scriptures in the form “to the Bible itself”. Already in the books of Moses, the covenant people were often told that they should listen directly and exclusively to the words of God without adding anything to it: “So now, Israel, give heed to the statutes and ordinances that I am teaching you to observe, so that you may live to enter and occupy the land that the LORD, the God of your ancestors, is giving you. You must neither add anything to what I command you.” (Dt 4:1-2 NRSV)²⁵

Adding to the genuine doctrine of God could falsify his doctrine, and the teacher would stand in front of God as a liar, King Solomon wrote: “Do not add to his words, or else he will rebuke you, and you will be found a liar.” (Prv 30:6 NRSV)

Jesus, on the other hand, made it clear in the Gospel of Matthew that the Pharisees and the Scribes, by their commandments of men, transgress the commandments of God, and this religion makes no sense at all: *“He answered them, ‘And why do you break the commandment of God for the sake of your tradition?’ (Mt 15:3 NRSV) ‘In vain do they worship me, teaching human precepts as doctrines.’ (Mt 15:9 NRSV)*

The Apostle Paul goes a pedagogical step further in the phenomenology and asserts that the maxim “to the Bible itself” can also be learned from a model and if this pattern is obeyed, the disputes could be prevented: *“I have applied all this to Apollos and myself for your benefit, brothers and sisters, so that you may learn through us the meaning of the saying, ‘Nothing beyond what is written,’ so that none of you will be puffed up in favor of one against another.” (1 Cor 4:6 NRSV)*²⁶

At the end of the Apocalypse, John repeats the maxim as a commandment with fatal consequences: *“I warn everyone who hears the words of the prophecy of this book: if anyone adds to them, God will add to that person the plagues described in this book.” (Rv 22:18 NRSV)* The teacher, the apostle or the prophet in the Bible is, therefore, rather a “steward” than an interpreter. *“Think of us in this way, as servants of Christ and stewards of God’s mysteries.” (1 Cor 4:1 NRSV)*

The teacher must not change the word at his own judgement as this was often the case with the scribes of the Old and New Testaments.²⁷ As can be clearly seen from these Biblical examples, the Bible is full of indications that led the faith of the covenant people to the instant Word of God, to the phenomenon of the direct revelation of God, instead of the numerous theological interpretations, commentaries and speculations about the Word of God. The reformatory “Sola

Scriptura” principle is, in this sense, nothing fundamentally new, but the rediscovery of intrabiblical phenomenology.

4.2.1. „First person perspective“ in the phenomenology

For the phenomenologist, first of all, the “first person perspective” is of importance, meaning his/her own perspective, in contrast to the so-called objectivism, which increasingly wanted to banish the human subject from science.²⁸ The phenomenologist takes a different way which initially reveals the prejudice, even that of the natural sciences in the natural consciousness. It is an “incisive discovery” when it is made a subject of discussion and can thus enter the consciousness (Bewusstsein).²⁹ Each person has his or her own awareness about the world. For Husserl, “natural consciousness” is the state of consciousness in which I meet the world. This is a world “before all theory”.³⁰ It is the world in the full richness of natural life.

4.2.2. „First person perspective“ in the Bible

A theologian one day asked Jesus what he had to do to have eternal life. Jesus answered him with the “first person perspective” by telling him: “He said to him, ‘What is written in the law? What do you read there’” (Lk 10:26 NRSV)

In other places of the Gospel, too, it is often said that Jesus did not confuse his opponents with unknown interpretations, but repeatedly confronted them with the “first person perspective” of the Scripture.³¹

Jesus questioned and thus encouraged the “first person perspective” not only with regard to dealing with his word, but also with reference to himself, in addition. When governor Pilatus asked Jesus whether he was a king, Jesus reversed the question and asked Pilatus about

the quality and the kind of his perspective, respectively. *“Then Pilate entered the headquarters again, summoned Jesus, and asked him, ‘Are you the King of the Jews?’ Jesus answered, ‘Do you ask this on your own, or did others tell you about me?’”* (Jn 18:33-34 NRSV)

Obviously, Jesus was interested in the fact that people had their own opinion out of the experience with him (first person perspective) and that they were not formed by the opinion of others who were rather polarizing.³² The “first-person perspective” is so important in the Bible that even in the event the Prophet himself did not understand the prophecy he received, he was not allowed to interpret the word from this “first person perspective” view and thus he was neither allowed to change it. He had to pass the word in this “first person perspective” even though it was not comprehensible to him.

“I heard but could not understand; so I said, My lord, what shall be the outcome of these things?” He said, “Go your way, Daniel, for the words are to remain secret and sealed until the time of the end. Many shall be purified, cleansed, and refined, but the wicked shall continue to act wickedly. None of the wicked shall understand, but those who are wise shall understand.” (Dn 12:8-10 NRSV) Only if this “first person perspective” of the Prophet is conveyed accurately, it will be understood one day by the next generations and fulfill its function, as in the case of the messianic prophecies after the resurrection of Jesus.³³

4.3.1. Intentionality and consciousness in phenomenology

The maxim “to the things themselves” is fully realized by the intentional acts. In order to understand intentionality, it is necessary to classify the terms “correlation” and “phenomenon” in accordance with the teachings of Husserl.

Correlation is the manner in which objects are given to us, which is different from case to case. *“There is a reciprocal relationship*

between the existence of the objects and their subjective situational way of circumstances, a correlation whose specific character depends on the kind of objectivity.”³⁴

Just as tonnes must be heard acoustically and colors must be seen visually, each object has a certain access or correlation regarding the type of the object. Thus, one can read religious writings appropriately or religious texts can be captured as something read out.

Phenomena are the “objects in its How of their appearance”.³⁵ Husserl also expresses it as follows: “Their essential character is to be “consciousness of”, “appearance of being”.³⁶ This appearance, however, cannot happen without human consciousness. Similarly, consciousness cannot exist without the objects. There is no consciousness in itself, without an object of consciousness. “That is the ‘world’ as it is, that is only given by consciousness; And vice versa: consciousness is only in so far as it has content in so far as it is directed towards objects. This aimed-at-something is called intentionality.”³⁷

For Husserl, phenomena are the intentional objects, that is, objects to which consciousness is directed to.³⁸ In this sense, for a believer, the Bible becomes an intentional object to which his consciousness is directed to when reading or hearing the Biblical texts.

The term “Intentio” means, “to focus on”.³⁹ In Husserl’s theory, there is also a connotation to the everyday language, in the sense of “intend”, i.e. “to strive”.⁴⁰ This perception is not, however, a punctual or isolated nature, but it is embedded in a stream. For example, I can never recognize the whole “suitcase” at once (outside, inside, backside), but I only can have a certain view.⁴¹ When I see a person, for example at a bus stop, I first see how she/he is standing there or how she/he stares on the floor or stomps with her/his feet. I can also get closer, looking at her/him from different perspectives, at the front, at the back, laterally etc. Each time, only one side of this

person appears to me. To see her/him in perspective, I have to walk around her/him. However, I can also perceive different aspects of the situation, e.g. the color, the smell, the size etc.

Even though this intentionality of consciousness is viewed by some thinkers as a “trivial fact”,⁴² particularly this precise description of the intentionality is necessary in order to be able to approach the object in greater proximity and to illuminate the correlation relationship.

4.3.2. *Intentionality in the Bible*

Since the correlation is determined by the nature of objectivity, the Bible can only be made accessible in intentional acts of reading and listening as a phenomenon. This should be done in particular in the “first person perspective” as described above, meaning that readers should be in direct contact with the Bible as it was in the reformatory *Sola Scriptura* principle.

Nevertheless, the phenomenological comprehending of Biblical statements and, above all, their effect is not guaranteed. In the Bible there are several indications, which imply that the effect depends on whether you read or hear the text in the consciousness of the faith:

“We also constantly give thanks to God for this, that when you received the word of God that you heard from us, you accepted it not as a human word but as what it really is, God’s word, which is also at work in you believers.” (1 Thes 2:13 NRSV) In doing so, the intentional object is twofold. It is not sufficient to direct consciousness only to the pure content-related statements of Scripture, but this also has to be accompanied by a quality of faith. The word must be perceived as information and at the same time as the true Word of God so that it can achieve its effect.⁴³

4.4.1. *Eidetic variation*

In the free variation (eidetic variation) the intentionality, i.e. this consciousness-object-experience, is deliberately carried forward in its manifold possibilities or correlations, in reality or in imagination. This means the object is intentionally varied in all its possible shading. "Its starting material is its original, present, somehow visualized or freely fantasized experience of an individual, which is addressed as Something of the kind. It is firstly varied according to all the possibilities open to it as an individual of its kind".⁴⁴

The limits of variation are where the object in the variation ceases to be what it was actually seen at first.⁴⁵ This means, the boundaries are wherever the refiguration of the object through the variations exceeds the definition of the object, and in that case, it would lose its identity.

4.4.2. *Eidetic variation in the Bible and Tota Scriptura*

Already in the Biblical jurisdiction of the Old Testament there was the principle that one should never make a final judgment on the basis of a single witness, but should involve different witness variations. Each accusation was valid only if there were two or three witness testimonials.⁴⁶ This principle of at least two or three variations was also extended to other entities in early Christianity.⁴⁷ This means that for truth seeking certain variations (in the case of a court eyewitnesses e.g.) had to be present over a phenomenon in order to get closer to the phenomenon. The same is true with Scripture itself.

In the Bible, there are few aspects or doctrines, which are described with a single sentence point by point and which can thus be finally determined. Mainly, there are content-related phenomena, which must be approached from different perspectives in order to grasp

them better. In order to apprehend Jesus in his earthly life, three synoptic Gospels and the Gospel of John were given. Even after his rise to heaven, at least two books have been given (The Epistle to the Hebrews and the Revelation of John; in addition to that numerous individual statements from other Biblical books as well) in order to make a more differentiated picture of his further work from diverse perspectives.

Jesus himself and his disciples have often applied this principle with regard to the Scripture in their confrontation with the opponents or in their proclamation. In many cases, they have used several text passages (variations) on the same object to describe the object more clearly from different directions by means of different eidetic variations.⁴⁸ One day Jesus made the assertion that everyone who “heard and learned” from the Father (through the Scriptures) comes to him.⁴⁹ To the Sadducees, on the other hand, he dared to say that they did not know the “Scriptures.”⁵⁰ This does not mean that they were not taught in the Scriptures, but that they did not know the real object of faith, the Scriptures, or their God-given objects, without prejudice in their different eidetic variations. Their interpretations of the writings came not from Scripture itself but from their own theories and speculations respectively.⁵¹ They have not generated their ideas about the “Messiah” or “servant of God” out of the numerous eidetic variations of the Scriptures, but out of their theological interpretations. The numerous eidetic variations on the “Messiah” or “servant of God” from the Scriptures were clearly fulfilled in Jesus. Jesus said to them: *“You search the scriptures because you think that in them you have eternal life; and it is they that testify on my behalf. Yet you refuse to come to me to have life.”* (Jn 5:39-40 NRSV)

After his resurrection he deepened this eidetic principle of variation by referring to Moses and all the prophets in all the Scriptures of the Old Testament and thus to himself by using different symbolically coded prophetic-messianic eidetic variations: *“Then he said to them,*

“Oh, how foolish you are, and how slow of heart to believe all that the prophets have declared! Was it not necessary that the Messiah should suffer these things and then enter into his glory?” Then beginning with Moses and all the prophets, he interpreted to them the things about himself in all the scriptures.” (Luke 24:25-27 NRSV)

To his 12 disciples he also demonstrated that the eidetic variations on his death and resurrection from the Old Testament had now been fulfilled. Thus he opened up their understanding of the object of his death and his resurrection: *“Then he said to them, ‘These are my words that I spoke to you while I was still with you- that everything written about me in the law of Moses, the prophets, and the psalms must be fulfilled. Then he opened their minds to understand the scriptures.’” (Luke 24:44-45 NRSV)*

As these examples illustrate, the Bible itself gives us hints that refer not only to the “Sola Scriptura” but also to the “Tota Scriptura” principle in the sense of the manifold variations. The search for eidetic variations referring to Messiah should be extended to the entire Scripture, especially when it comes to the center of the Scripture: Jesus Christ.

4.5.1. Eidetic reduction

The actual goal of intentionality or the eidetic variations in phenomenology should not lead to losing oneself in the infinite flow of the intentional acts, but should also reach the essence of the objects.⁵² It is then shown that by this diversity of refiguration a unity passes through that in such free variations of an archetype, e.g. of a thing, in necessity an invariant is preserved as the vital general form without which such a thing, as an example of its kind, would be completely unthinkable.”⁵³

This invariant is that “without which an object of this kind cannot be conceived.”⁵⁴ It is an “active identification of the congruent in all variants as the One and the Same; the Common to all possible modifications, as an “absolutely identical content”⁵⁵ or, as Husserl also calls it, an “identical substrate.”⁵⁶

This can be easily illustrated by an example of a triangle. There are existing probably countless variations of triangles, both in their material quality as well as in their geometrical shape. There are more pointed triangles, less pointed triangles, the equiangular ones or less equiangular triangles. Through all these runs an invariance or constant structure of the triangle, which can be called the essence of a triangle. It is a construction which nonetheless in its numerous variation forms possess the shape with three corners.

4.5.2. Eidetic reduction in the Bible

Besides the numerous eidetic variations of its phenomena, the view towards the essential (essence structures) is constantly focused in the Bible. The Bible begins with such an essential structure: “In the beginning God created heaven and earth.”⁵⁷ This summary which is eidetically reduced to the fundamental/essential, is then continued by different eidetic variations of each individual Creation Day.⁵⁸ At the end of the variations through the individual Creation Days, there is a new retrospective eidetic reduction again: “This is the genesis of heaven and earth when they were created.”⁵⁹

The prophets sometimes offered summaries which, considered from the phenomenological point of view, can be seen as eidetic reductions down to the essential. Prophet Micah reduces the good in three essential structures: “*He has told you, O mortal, what is good; and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God?*” (Mi 6:8 NRSV)

Probably the most famous eidetic reduction can be found with Jesus, who was asked about the first and greatest commandment (mega,lh kai. prw,th evntolh,): *“Teacher, which commandment in the law is the greatest?”* He said to him, *“‘You shall love the Lord your God with all your heart, and with all your soul, and with all your mind.’ This is the greatest and first commandment. And a second is like it: ‘You shall love your neighbor as yourself.’ On these two commandments hang all the law and the prophets.”* (Mt 22:36-40 NRSV)

By using the description “hanging” (kre,mantai) of the whole law and the prophets onto these two commandments, Jesus describes the essential structure without which everything else would become “void”.⁶⁰ With the evaluation in the law Jesus gives an interesting and clarifying eidetic reduction (baru,tera tou/no,mou): *“Woe to you, scribes and Pharisees, hypocrites! For you tithe mint, dill, and cummin, and have neglected the weightier matters of the law: justice and mercy and faith. It is these you ought to have practiced without neglecting the others. You blind guides! You strain out a gnat but swallow a camel!”* (Mt 23:23-24 NRSV)

In this text, Jesus clearly points out that caricatures or absurdities can occur ⁶¹ if the assessments through the eidetic reductions are not taken seriously. In the Bible, there are thousands of variations of faith statements, thus one can achieve fatal results, if all statements are presented as being equal, without an evaluation according to intrabiblical criteria.⁶² There are, however, also inverted approaches from the reductions to the variations. In his Corinthian letter, Paul goes the way by substantiating the essential structure of love in 16 eidetic variations. There are also eidetic reductions related to entire books of the Bible, which help us to focus on the essence of the intention; and thus the readers do not lose themselves in trivialities in the variety of what has been said.⁶³

If in the history of Christianity only these biblically explicit eidetic reductions were paid more attention to and if they were taken more seriously in the form of summaries and evaluations, Christian theology probably would not have developed in so many different directions.⁶⁴

5. Conclusion

The comparison between some methodological steps of phenomenology⁶⁵ and some Biblical self-statements about the demand for dealing with its texts reveals, firstly, that the reformist principles *Sola & Tota Scriptura* is only a rediscovery of a kind of an intrabiblical instruction manual. Already the few above mentioned selected statements underline the impression that the whole Bible repeatedly contains different variations of the Reformation principle.

Secondly, comparing these Biblical texts and the fundamental methodological steps of phenomenology, one can see that the Bible has requested these precise methodological steps in its instruction manual thousands of years ago, though in an application-oriented manner.

Thirdly, it became clear that this Biblical instruction manual was given to make sure that no splitting or content-related expansions and misinterpretations occur in the Christian succession. Hence, the question arises whether it would not be advisable in the Protestant and also in the non-Protestant Christianity to respond more strongly to this intrabiblical demand in order to strengthen the “unity” of Christianity which was such an essential idea of Christ?⁶⁶

Notes

¹ EKD: Church of Freedom, 2006.

² Stengel 2016, 9.

³ EKD: Justification and Freedom 2014.

⁴ Cf. Jer 8:8; Mt 15:1-9; 2 Pt 3:15-16.

⁵ Godina 2012.

⁶ Jochum-Bortfeld / Kessler 2015, 13.

⁷ WA 7, 97, 23f.; s.o. S. 60f. vgl. Stuhlmacher 1986, 99.

⁸ WA 7, 98, 40ff.; s.: Stuhlmacher 1986, 99.

⁹ Ibid. S. 14.

¹⁰ Kasper 2000, 703

¹¹ Cf. *ibid.*

¹² Spener 1846, 55-64.

¹³ Wallmann 2010, 295.

¹⁴ Godina 1990; 2002; 2007; 2011.

¹⁵ Godina 2012.

¹⁶ Mayring 2000; Flick 2000.

¹⁷ This is not easy even for the experts when one considers that the largest part of Husserl's estate is about 40000 pages of manuscripts written in "Gabelsberger" stenography (see Marx 1987, 11). Moreover, Husserl's works are extremely difficult to read.

¹⁸ The following steps and levels of phenomenology are strongly inspired by the didactic-systematic method book which I developed (Godina 2012).

¹⁹ In "Introduction" Logical Investigations: "We want to go back to the 'things themselves'". Cf. also Edmund Husserl: Philosophy as a Strict Science, Logos 1 (1910-11), 305: "Away with the high word analyzes. We have to ask the things themselves".

²⁰ 1998a, 13.

²¹ Ibid.

²² Ibid.

²³ Cf. Zahavi, 2007, 17-20.

²⁴ Jer 8:8.

²⁵ New Revised Standard Version Bible, 1989.

²⁶ Crüsemann even sees in this text a kind of "principle of Paulin hermeneutics (2015, 27-32).

²⁷ Jer 8:8; Mt 15:3.

²⁸ Zahavi 2007, 17-21.

²⁹ Ibid. 21.

³⁰ Husserl 1998a, 136.

³¹ Lk 6:3; Mt. 22:31.

³² Jn 7:40-42.

³³ Cf. Lk 24:25-27; 44-47; Acts 2:25-30; 3:22-24; 4:25; 8:34-36; 13:32-33; 35-41; 18:28; 26:22-23; 28:23.

³⁴ Held, 1998a, 15.

³⁵ Ibid. 16.

³⁶ Husserl 1998a, 198.

³⁷ Danner 1998, 125-126.

³⁸ Ibid. 125.

³⁹ Szilasi 1959, 15.

⁴⁰ Held 1998a, 24.

⁴¹ Zahavi 2007, 18.

⁴² Bernet / Kern / Marbach 1996, 85.

⁴³ Cf. Heb 4:2. Logically, one must first examine and recognize that it is actually God's Word.

⁴⁴ Janssen 1976, 97. *ibid.* the eidetic variations of Husserl with a tone (Husserl, 1998b, 90).

⁴⁵ Cf. Janssen 1979, 97.

⁴⁶ Dt 19:15.

⁴⁷ Mt 18:15-20; 2 Cor 13:1-2.

⁴⁸ Cf. Mt 12:3-5; Acts 2:14-36; 7:1-53; 9:22; 18:28.

⁴⁹ Jn 6:45.

⁵⁰ Mt 22:29-31.

⁵¹ They did not believe e.g. into resurrection (Mt 22:28).

⁵² Held 1998a, 25-26; Mayer 2009, 92f.

⁵³ Husserl 1972, 411.

⁵⁴ Ibid.

⁵⁵ Janssen 1976, 97.

⁵⁶ Husserl 1972, 417.

⁵⁷ Gn 1:1.

⁵⁸ Gn 1:2-2:3.

⁵⁹ Gn 2:4.

⁶⁰ Paul, James, and Solomon also show similar eidetic reductions in the law (Rom 13:9, Jas 2:8) or love (Song 8:6).

⁶² The criteria result, on the one hand from the ever recurring statements which, as in the case of love for God or for fellow human beings, are always normative (eg, 10 commandments, Lv 19:34, Dt 11:1; Gal 5:14) or narrative (Enoch, Abraham, Joseph, Moses, David), or parables (Lk 10:30-36). There are, however, also criteria, which can help the reader to classify the difficulty level of the statements. Regarding the content structure in the Bible, for example, a well-known image of a baby is taken who can only drink milk in the beginning, but later it can consume "solid food" (1 Pt 2:2-3; Heb 5:13-14; Jn 16:12). Both, the criteria and the contents of milk and solid food are precisely formulated (Heb 5:11-6:4; 1 Cor 3:1-5).

⁶³ Ecc. 12:13-14; Heb. 8:1.

⁶⁴ Ecc. 12:13-14; Heb. 8:1.

⁶⁵ For the Epoché of Husserl, too, one can find examples in the Bible. However, this is not necessary for this comparison and would go beyond the scope of this work.

⁶⁶ Jn 17:11; Eph 4:11-16.

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From Liturgical Action to Devotional Act

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ABSTRACT: The Reformation, with his key role in many areas of the human life, had the greatest influence on spirituality. It changed the old fashioned, limited and priest centered medieval religiosity into a free, personal and joyful piety. It uncovered the forgotten, Christ initiates spirituality and prayer mode. This paper presents three major „novatio”s in terms of piety, more exactly in the relationship between God and men: 1. The Reformation abolished every mechanical practice, every „opus operatum” in prayer. 2. The second innovation consists of Luther’s advice to pray freely and personally. He led the people to a conscious supplication and meditation. 3. The third and the most important innovation is the ceasing of the priest’s mediating role. The believer can pray and confess directly to God without the help of any human confessor or priest.

KEY WORDS: Reformation, prayer, spirituality, mediation, clergy, free prayer, Bible-prayer, mechanical, indulgence, liturgical

The Reformation is not a memory of the 16th century.

The Reformation is a cultural and historical heritage.

The Reformation is a thrilling dialog.

The Reformation is the push of innovation. (500 Reformacio 2017)

During our twenty-first-century time of tech and Twitter, does Martin Luther still have anything relevant to say? (Lutheranreformation.org 2017) Does an event that occurred 500 years ago have any message or relevance? Does the influence it had more than half a millennium seem to be fading or getting old?

The huge influence the Reformation had on medieval history is a fact. According to a perspective of history, the Reformation was the beginning of the modern period. In the light of the changes brought by it, the term „Dark” Middle Ages doesn't really seem to be upsetting, especially looking at people's way of thinking and comprehending. To prove this, one only needs to look at the repulsion people had when embracing the Reformation, not only in the religious matters but the civil leadership as well, although its principles were bringing many advantages besides religion, as well as in economics, law, culture. The change was of such proportion, almost as it was in the days of ancient times with the work and teachings of Jesus.

The practice of spirituality after the Reformation has undergone a significant change. There were changes that brought a new perspective on how people could approach God, that's why the topic of this research is to present those medieval catholic prayer types, which were transmitted, changed or ceased into Protestantism. We will analyze the particularities of contemporary catholic prayer, as well as the particularities of approaching God, then we will present the innovations, actually the return to the biblical, Christ-like praying type that the Reformation brought.

If we want to be accurate: we will present the prayer types that the Reformation started spreading, and those that the generation succeeding Luther has developed or should have developed. These modifications have changed not only the personal or collective prayer type and character but have gone so far as to cease the interceding role of the clergy. The line between the priest and the lay member disappeared, in such a way that everyone could approach God personally without requiring the interceding of a priest. Anyone could receive pardon of sins without disbosom to a confessor (confessor priest).

In the medieval church, the following noticeable practice has developed, according to which the Christians could pray, but their prayers were not valid before God. The development of this practice is noted by Várnagy as it follows: in the first three centuries, the personal prayer was customary. While centuries pass by, this undergoes a great transformation, because later on, they would go to the basilica to pray three times a day: apart from this, they would have the morning and evening prayer, the laudes and the vigil. Back then the prayer was still in the spoken language and many were partaking in the prayer. With time the people would be left behind because the psalms were switched to antiphonal psalming (Várnagy 1999, 481). By the 13th century, the prayer had “developed” to the point where the supplication of the people was validated only by the priest. „What others prayed about or did during the mass, was worthless in terms of validation, only the priest could present it, „rite et valide” (Kunzler 2005, 248). The age of the Reformation was so clergy-centered, that the congregation was not partaking at all. Since the 13th century a certain private mass has developed, which had the purpose of blessing the congregation, but interesting enough, it could have been done in the absence of the congregation as well. „Despite every detail that was carefully prescribed the mass had to be the work of the priest, which was done in the form of the private

mass with only one aid" (Kunzler 2005, 255). Those partaking were the choir and the deacons. The people would partake only in the singing (Kunzler 2005, 254). These masses were done even when the congregation, for whom the service was actually conducted, was absent. Its role was to bring „peace and freedom from the powerful demon world" (Kunzler 2005, 247-248).

The prayer meeting of the medieval liturgy was shaped in two directions: the "cathedral" and the "monastic" type. In these two types, the Christian prayer evolved during the ages. In the "cathedral" type the congregation would gather around the bishop and the presbytery. This was a "prayer meeting consisting of psalms, hymns and ritualistic acts" (Kunzler 2005, 427). The following elements were peculiar: "for the morning holy mass the psalms and canticle, Gloria in excelsis, supplication, blessing, forgiveness, and in the evening they would have light ritual and hymns, vespers, adulation, and perhaps more hymns and antiphonals, supplication, blessing and forgiveness" (Kunzler 2005, 427). The "monastic type" was focusing on the idea of continual prayer, in which the „*currente psalterio*" psalming was central.

In the previously presented prayer types we can observe two particularities: temple centered and ritualistic. Obviously, it is not a bad thing to pray in a temple, since there is a need for the congregational prayer as well. But if the prayer only becomes valid there, that means that the possibility for the Christian to meet God disappears. Jesus taught the people in His time to talk personally with God: "*But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.*" (Mat. 6:6). This is the real way for prayer: a personal talk with God, just like with a friend: "Prayer is the opening of the heart to God as to a friend", (White 2000, 93) says E. White. The same thing was advised by Luther, who actually has revived the Reformation of Jesus, once

again. In his letter to John Frederick, the elector of Saxony, Luther was advising the following: „...your Highness should not leave the prayer to the monks and priests, as is customary and unfortunate nowadays to trust and build upon other's prayers and neglect the personal prayer. (Yancey 2006, 61) But your Highness should be free, decided and brave and should not consider the uncertainty, but in his heart or in the inner room should talk to God. You should really use the key, and disturb Him with boldness with his own issues" (Csepregi 2011, 261). Luther's advice proves the fact that until the Reformation the spirituality of men has decayed to the degree to which personal devotion was almost neglected, and was transferred to the priests and monks.

The second particularity of the Reformation's time petition was the ritualized prayer mode. That means that the imprecants would not use their own words for the prayers, rather they had to read, recite prayers from a booklet, and this was only possible right before the Reformation, when they could use personal invocations. Also, the prayers spoken by the clergy on people's behalf were following the prescribed formulae, not their own words, for this purpose they would use the hymnal and the breviary⁴. This type of prayer became so common, that even after the starting of the Reformation people would stick to the ritualistic prayer. According to Kunzler these church practices and teachings caused the displeasure of the Reformation. "The faithful people of the Reformation were driven by the dislikes of the mass, the mass sacrifice, as well as the priesthood and the catholic perception of it" (Kunzler 2005, 249). Despite this, in 1535, two decades after the Reformation, with the support of pope Clement the 7th, the Spanish Franciscan archbishop, Francisco de Quinones has issued a breviary which was advised to be used due to the following three arguments: "why is it mandatory for the priest to say a breviary prayer: he has to pray for and instead of the busy, working people; he has to set an example; and has to learn

every day by reading from the breviary. The breviary has become the church's official prayer in the fullest sense" (Kunzler 2005, 433).

Várnagy notes in his catholic liturgy that "in the first centuries the prayers were uttered freely", (Várnagy 1999, 484) only after the 4th century the written types appeared, but then it was not yet mandatory, as later on, to read them literally, rather they were used in a manner where the imprecant would prepare according to the written text and when he would pray he'd speak freely. In time, as we have mentioned before, it became customary to use the prescribed supplication, until the people were totally excluded from it, because the priest would pray instead of them. Another well-known prayer type, the rosary (the holy reading) is another way of putting the free petition to rest (Kunzler 2005, 468). We could say that the practice of piety has become more professional, even though nothing else happened except the distancing of man from God. It is true that there are other ways of connecting with God, still the prayer is the most fundamental and important tool in this matter, through which one can converse with his Creator.

In the first centuries, Christians would pray at home and in the church. *"And they, continuing daily with one accord in the temple, and breaking bread from house to house, did eat their meat with gladness and singleness of heart."* (Acts 2:46) Tertullian (after 220) suggested the third, sixth and ninth hour for personal prayer time. Hippolytus (170-235) presents a whole schedule of worship: personal prayer when waking up, the third, sixth and ninth hour prayer, before going to bed, at midnight and when the rooster sings. Beside these, the Christians in the first centuries would partake in the morning and evening prayers at the temple (Kunzler 2005, 426). It seems that the passing of time, just as in the case of Israel, has brought decay rather than evolution. The direct connection with God from the first centuries was replaced with a substitute, a human mediator. Even though Paul the apostle puts it so clearly: *"For there is one God,*

and one mediator between God and men, the man Christ Jesus;" (1 Tim. 2:5). This astronomical separation from the prescription of the word, the denial of the Bible from the people, the misuse and opulence of the priests were the Reformation's main motives.

Michael Kunzler, a catholic university professor, notes that Luther boldly spoke against this kind of prescribed hymn-like worship, which he has called a "piffle". He spoke against the canonic prayer hours as well. In his opinion, the whole system is a doubtful legalism.⁵ As a result of the Reformation, the hymn-like prayer became divine service, bible study, which served the purpose of reading the Bible and singing psalms. The reading of the Bible was advised not only for church use but after the spreading of the translated Bible, it should be used at home as well. That's how, on Luther's advice the catholic prayer hours have turned to divine services in the church including sermons and songs (Kunzler 2005, 459).

The liturgical aspect of the confession of sins is worthy to be remembered. The biblical form of that is the confessing of sins to the only mediator, Jesus Christ, personally, in a secret prayer, with no bonds, using one's own words, without any prescribed formulae. This was to be always followed by the sincere repentance of sin and the intent of positive change. In the first century, the Christians have practiced this type according to the apostle's pattern. As time passed by regression came in this field. People would confess their sins to a priest not to God within the confession or holy confession, a practice that was sanctified by the 4th Lateran synod in 1215 (Hungarian Catholic Encyclopedia). The fact that the liturgy was solely the priest's activity also brought the idea that the people would come to a priest and not to God with their personal, individual requests in prayer, so that he would ask that from God on behalf of the people. This is how the "private" mass idea was developed, which has its roots in the Celtic spirituality (Várnagy 1999, 494). In what manner happened the "resolution" of sins in the medieval church?

A 1439 papal bull called “Exsultate Deo” notes the following: “The forth holiness is the repentance, its topic is the repenting person’s deeds, in three aspects. The first is the repentance of the heart, which is to be sorry for the committed sin, and decide not to commit it again in the future. The second is the confession of the mouth, which is for the sinner to confess entirely every committed sin that he remembers to the priest. The third is the gratification for the sin, which is censured by the priest: that happens through prayer, fasting and alms” (Denzinger 2004, 345). Truly there is nothing wrong with the construction of repentance, since there is regret over sin and intent of not committing it again. However, this process has two problems: regarding the one to whom confession is addressed, since one should tell God, not human being, and regarding the resolution and erasing of the sin. Prayer and fasting are not the tools of erasing sins, those can only be forgiven by the blood of Christ, and that is totally absent from this holiness. The list of lacking elements doesn’t end here because in the following 100 years this holiness has degraded a lot due to political, economic and others interests, also they gave up on the requirement for penance and intent of change. This is how the promise of forgiveness came around for those who partake in the crusades, those who buy indulgences, or those who do something that is worthy. We will deal with these hereinafter elaborately. Naturally, these abuses have prepared the way of the Reformation.

In the 11-13 century, in the time of the Crusades, through the doctrine of indulgences “the pope promised full remission of sins, past, present, and future, and release from all the pains and penalties incurred, were promised to all who would enlist in the pontiff’s wars to extend his temporal dominion, to punish his enemies, or to exterminate those who dared deny his spiritual supremacy” (White 1911, 59).

Another aspect of this practice is what characterized the 14th century's institution of the orders of mendicant friars. The Reformation's morning star, John Wycliffe has already fought against these. „The pope had bestowed on these monks the power to hear confessions and to grant pardon. This became a source of great evil. Bent on enhancing their gains, the friars were so ready to grant absolution that criminals of all descriptions resorted to them, and, as a result, the worst vices rapidly increased (White 1911, 83). This became doubtful not only to the reformers but to the educated and simple men too.„ Discussion and inquiry were awakening. As the monks traversed the country, vending the pope's pardons, many were led to doubt the possibility of purchasing forgiveness with money, and they questioned whether they should not seek pardon from God rather than from the pontiff of Rome. Not a few were alarmed at the rapacity of the friars, whose greed seemed never to be satisfied” (White 1911, 84).

The papal power has come up with an invention for the forgiveness of sins during the Reformation that was believed even by Luther. „By a recent decretal an indulgence had been promised by the pope to all who should ascend upon their knees “Pilate's staircase,” said to have been descended by our Saviour on leaving the Roman judgment hall and to have been miraculously conveyed from Jerusalem to Rome. Luther was one day devoutly climbing these steps when suddenly a voice like thunder seemed to say to him: “The just shall live by faith.” (Rom 1:17) He sprang to his feet and hastened from the place in shame and horror” (White 1911, 125).

Finally, the last blow that started the Reformation, relating to the forgiveness of sins is described by E. White as it follows: „Under the plea of raising funds for the erection of St. Peter's Church at Rome, indulgences for sin were publicly offered for sale by the authority of the pope. By the price of crime, a temple was to be built up for God's worship—the cornerstone laid with the wages of

iniquity! But the very means adopted for Rome's aggrandizement provoked the deadliest blow to her power and greatness. It was this that aroused the most determined and successful of the enemies of popery, and led to the battle which shook the papal throne and jostled the triple crown upon the pontiff's head." (White 1911, 127). The prominent personality of indulgence commerce was the Dominican monk Johann Tetzel, who was "selling the indulgences just like a market dealer. ... According to information from his time Tetzel was offering confession for the sins of dead people as well. Tetzel's motto was: "*Wenn das Geld im Kasten klingt, die Seele in den Himmel springt*", that is, "when the money falls on the bottom of the box, making a sound, the soul immediately ascends to heaven" (<http://www.luther.hu/anschlag.html>).

The selling of indulgences, which was the replacement for confession, the buying of spiritual salvation, was wronged by Luther. He believed with strong conviction that everyone has to live by trusting God's grace. (<http://www.luther.hu/anschlag.html>) "Luther, though still a papist of the strictest sort, was filled with horror at the blasphemous assumptions of the indulgence mongers. Many of his own congregation had purchased certificates of pardon, and they soon began to come to their pastor, confessing their various sins, and expecting absolution, not because they were penitent and wished to reform, but on the ground of the indulgence. Luther refused them absolution, and warned them that unless they should repent and reform their lives, they must perish in their sins" (White 1911, 128). Finally, the consequence of fighting against indulgences was the famous 95 theses that he pinned on the gate of the Wittenberg church.

In conclusion, let's summarize which are the innovations of the Reformation regarding the personal or collective practice of spirituality:

1. I picked the first innovation from the writings of Csiky Lajos, according to whom the Reformation has **erased every mechanical practice**, every „opus operatum” from this field. It did the same when it comes to prayer (Csiky 1886, 85). Such a change was needed since the prayer of that time has lost every personal and direct characteristic. It was not a communication with God anymore, but rather other people’s formulae, mechanical requests, merit gathering or penitential deeds. The problem is not that someone says a written prayer. In the time of the Old and New Testament, the psalms were prayed, as well as the Lord’s Prayer and other invocations. If one says it as its own prayer there is nothing wrong in that. Luther also translated and explained Bible-prayers: he translated and explained the 7 repentance psalms (Psalm 7, 32, 38, 51, 102, 130, 143), the Magnificat prayer *Mary’s thanksgiving song* (Lk 1:46-55), the Lord’s Prayer and many other prayers from Scripture. (Csepregi, 2011: 25, 206, 555). Since people didn’t know how to pray he advised them, to put aside their old prayer booklets and pray only the psalms and the Lord’s Prayer. (Csepregi 2011, 379). What really reduced the medieval supplications was the penitentiary prescribed prayer. If you have sinned, you should say 10 Lord’s Prayers, 5 Hail Mary. This was not the original purpose. The prayer should not be a punishment, an expiation, nor the propitiation of God. The God of the Bible doesn’t need to be expiated! He is a loving God, who forgives the sins of a sincere soul free of cost, by mercy.
2. The second innovation consists of Luther’s advice to **pray freely and personally**. He led them to a conscious prayer and meditation. He taught them the following: “You have to know also that I don’t want you to always repeat the same prayers word after word. Because in this way you will only babble, and utter meaningless words, as if you’d be reading from a book. ...I am not very fond of these words and expressions, therefore today in one way, tomorrow the other, I will speak as the zeal takes ahold of me. Still, I will adhere to the same thoughts, way of thinking” (Csepregi

2011, 662). Csiky Lajos, living in the 19th century, argues the same way about the free prayer. His argument is the following: " ...there were mandatory prayers and litanies that had to be read, which were the Anglican church and the Lutheran agenda's books, as that were supposed to be read by the liturgist, but looking from another standpoint, we have stronger arguments against those than those protecting them, so we take the free prayer under our protection" (Csiky 1886, 102). Further on, he states that these collective prayers must fulfill the church's needs and have an actual role (Csiky 1886, 102).

If the words of Csiky Lajos, Calvinist theologian, are true, who thinks that the Reformation has erased every machine-like activity on the field of this cult, shouldn't we move forward Luther's Reformation on the topic of prayer as well? Could the church prayer also become formal and mechanical? Is the prayer offered collectively as part of the liturgy in our divine service, true and sincere even if that is Calvin's repentance prayer?

3. The third and most important innovation of the Reformation regarding prayer and repentance is the **ceasing of the priest's mediating role**. Starting from the reforming principle of the universal priesthood the line between the priest and the lay member is no more. One of the "five solas" of the Reformation is the "solus Christus", which thought the baptized universal priesthood, and was later modified by the Lutheran way of thinking and the classical protestant theology to "every believer's clergy", laying aside the "sacerdos" the distinct use of the priest in the clergy (www.reformatus.ro/admin/data/file/20130620/ii-helvet-hitvallas). From this point on, the confession would no longer take place at the priest but directly with God in simple and personal prayer. The believer was not even required to go to church since the "true worshippers shall worship the Father in spirit and in truth" (John 4:23). Regarding the practice of prayer, this meant that instead of the medieval, reading practice the

personal prayer came up front. Based on this, not only the priest prays for the sinner, but the sinner can do it himself, or they can stand together in front of God. This is how the liturgical act became an act of piety. This is one of the most important realignments of the Reformation.

Is it through the genius, the theological research and discovery that Luther accomplished all this? From where did his inspiration come, and how did he have the power to stand against the world ruler of his time, the roman pope? The answer comes from the „ref500.hu” website: „Martin Luther was a passionate praying person. Otherwise, he couldn't have finished the magnificent work of the Reformation. The holy spirit taught him, led him and gave him power” (<http://www.ref500.hu/kiadvanyok/500-nap-imadsag-reformacioert>). The same can be said about Calvin, and the proof of that is the “fine patterned carpet” (Bolyki 1985, 6), that was in front of his bed. Only after his death, they have discovered that „in the middle there were two spots of fraying, ... the marks of the reformer's knees, who prayed on that carpet during his night struggles and his daily silent requests before God.” (Bolyki 1985, 6) Prayer sowed his whole life, but these were not ritualistic, formal prayers, but free and fervent supplications. They were not the only “continually praying people”, but we could prove with the example of the following reformers that the key of the further development of the Reformation was the same tiresome and praying attitude.

„The Reformation is not a memory of the 16th century. The Reformation is a cultural and historical heritage. ... The Reformation is the push of innovation.” Renewal regarding doctrine, renewal regarding spiritual practice, renewal in prayer. This spirit must characterize the following centuries of Protestantism, because in the process of renewal according to the “semper reformandi” there is no stopping. That is why I launch this study with an open question:

If Luther, Calvin, Zwingli would be alive today what would their Reformation subject be?

Notes

¹Breviary: 1. In the Roman Catholic Church a book containing all the daily psalms, hymns, prayers, lessons etc. necessary for reciting the office. (<http://www.dictionary.com/browse/breviary>). 2. (Latin: *breviarium*) is a book in many Western Christian denominations that “contains all the liturgical texts for the Office, whether said in choir or in private.” (Palazzo, E., *A History of Liturgical Books from the Beginning to the Thirteenth Century*, 1998: Liturgical Press, 169).

²Goltzen, H.: *Der tägliche Gottesdienst. Die Geschichte der Tagzeitengebetes, seine Ordnung und seine Erneuerung* in der Geg. Enwart: *Leiturgia III*, Kassel: 1956, 99-294, in Kunzler M., *op. cit.*, 458.

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Quo vadis? A controversial look at the Reformation

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ABSTRACT: The 500th anniversary of the Reformation is a positive event on many aspects of society in which not only the theological but also the social achievements of this powerful movement initiated by Dr. Martin Luther are especially highlighted. This study, however, aims at revising at the historical level the interaction between the positive attitude and one of denigration of the Reformation movement, present from the beginning to the present day. This relationship is mirrored throughout history, especially in the Catholic-Protestant discourse. The current positive dialogue on the Reformation event sometimes creates a mild impression on it. A glance behind the historical backdrops reveals a completely different reality: in the last 500 years, the Reformation movement and Luther as its initiator have suffered from a severe slander which consequences have been felt until now. Even though this tension will not dissolve in the future, however, Christianity still needs precisely this reform spirit to survive.

KEY WORDS: Reformation, Martin Luther, Counter-Reformation, Protestantism, Catholicism, Ecumenism

Doubt unites, beliefs divide. Inspired by this thought, the Reformation movement looks retrospectively on October 31, when it celebrates its 500th anniversary since its inception.

According to the testimony of Philipp Melanchthon, Luther's collaborator, who put the 95 theses on the gate of the Wittenberg church on October 31.¹ Although these were dedicated to theologians only, their news spread rapidly among the people, causing great interest among the simple people and craftsmen, but also among the cultured or erudite people, especially in the humanist circles. So, Albrecht Durer sent Luther a collection of wood engravings and sculptures in gratitude, while the poet Hans Sachs of Nuremberg called him "the Württemberg nightingale". The humanists Willibald Pirckheimer and Konrad Peutinger voiced their appreciation for the reformer's courage, and Erasmus-von Rotterdam—the top of the scholars—said Luther did two unutterable things: he put his hand first on the pope's crown and then on the belly of the monks, after he immediately sent the theses to his colleague Thomas Morus from England.

But the opposing camp did not take much time to form. Luther's direct enemy, the Dominican Johannes Tetzel, urged his conviction and execution: "*The heretic be thrown into the fire in three weeks and leave for the heavens on a pyre.*" A theologian from Eisenach wrote on the beginning of all Luther's theses, the Greek letter Theta, which begins the Greek word Thanatos, and meaning death. The literary opposition against Luther soon became active as well. Johannes Eck, one of the famous theologians of the time, talked of him as a heretic and a Hussite who behaved "uneducated and rebellious." If in the beginning many Reformation followers had enjoyed Erasmus's remark, many now supported the work of Thomas Murner's old belief work, entitled "*About the Great Lutheran Madman*" (1522), as well as the offenses of the ardent humanist Johannes Cochläus, who

named the reformer as being crazy or born of Satan, an alcoholic or a womanizer. (Because he got married even though he was a monk).

500 Years of Polemic: Luther between Slander, Debate and Interpretation

Catholic historian Adolf Herte tried to prove in a three-volume work (*Das katholische Lutherbild im Bann der Lutherkommentare des Cochläus*, 1943) that Luther's image until the modern era was marked by the discrediting of Cochläus. It soon turned out that the 95 theses were just a reason for discussion while the basic motivation was about salvation: How does a man become righteous before God? the teaching of salvation only through faith in the center discussion. For the Protestant side, the rediscovery of Paulinic teaching through Luther is the "Sanctuary of Reformation" (W. Dantine). The Catholic side, however, regarded it for almost half of millennium as a "Scandal" (J.B. Bossuet), "a transformation of Christ's salvation in madness" (J.A. Möhler), a "confusion of moral elemental terms" (M.J. Scheeben) and "a philosophy of nature" (H. Denifle). The man who spread such heresies in the world could not be other - from the perspective of the Jesuits - than an "Epicure's pig" and "the most disastrous monster on earth" (Beyna 1969, 13).

Still up to the 20th century, the reformer was considered in the Catholic circle as a "normal person" (H. Denifle) with an "abnormal character" (H. Grisar). Even there, where there was calmer and less aggressiveness - as in the world of art and philosophy - there were unilateral images that blurred the look of Luther and his Reformation, which is still the case today. The romantic-idealistic image of the Christian European Union of the Middle Ages (*republica christiana*) cannot accept until today that this so-called "unity" was destroyed by the Reformation movement because of a heroic loyalty to the truth. On the contrary, it is considered that

this rupture has brought about modern issues such as nationalism and racism, and then in a direct line - according to the poet Thomas Mann - from Luther to Hitler. (Loewenich 1970, 310).

The consideration for Luther outside confessional borders

At the inter-confessional level, there is a consensus that Luther's work involves, on the one hand, a unique, epochal event, and on the other hand, requires a critical perception. It is to be emphasized that Luther's reformation not only marked German thinking, culture and history but also the thinking of many other nations. So it cannot be denied that Luther marks a "crucial point of universal history" (G. Schramm). A modern and diverse Europe as today would not have been possible without Luther's Reformation. Heinz Schilling said: *"It was to some extent the tragic destiny of Luther, to initiate the intellectual, cultural and political differentiation of Europe and thus to open up a modern pluralist and liberal way ... So the religious link of the Christianity unity was Luther's life mission."* (Heinz 2013, 94).

Today, however, the religious piety, as well as Luther's intention for biblical reform, is appreciated even by the Roman Catholic Church when it is claimed that he was a religious man "homo religious" (J. Lortz) or even a "homo propheticus" (J. Hessen). The Reformer is regarded as "Father of Faith" (P. Manns), while his teaching of righteousness by faith is regarded as a "return to the gospel" (H. Küng) that claims to regain membership of "the birth right" (H.O. Pesch) inside the Catholic Church. Even though Luther's excommunication from Rome in 1521 was not canceled, in 1970 Cardinal Willenbrands - then the head of the Christian unity secretariat - spoke of Luther as a "common teacher of righteousness through faith." And Pope John Paul II emphasized—in the visit of

the Scandinavian countries in 1989—the profound religiosity of the reformer.

In the neo-protestant cults, however, he enjoys a broad appreciation. Through the Reformation, “the history of the evangelical family” was born, from which came a lot of extra movements, partly competitive but also contradictory, which - from their own perspective - rely more or less on the heritage of the Reformation. (It must be borne in mind that the Reformation later produced until now more than 30,000 confessions and denominations). This history of the evangelical family has already begun before Luther, Zwingli, Calvin, or Wycliffe. Because the reforming spark and the predecessors of the Reformation have their origins in the Waldenses in the 14th century Italy, the Lolarzs in the 15th century England and J. Hus in the Bohemian Reformation. The road of this history was subjected to both intolerance and persecution, but in turn it responded in the same manner. In this context, it must be mentioned Luther’s attitude towards baptism seekers or the evangelical church’s reaction to modern neo-protestant churches or the missionary movements of the 20th century, which intends to continue and complete the Reformation inheritance. (Fleischmann-Bisten 2014,188-190).

And within the Adventist Church, Luther’s reformation was viewed and highlighted from the beginning as the work of God. Such as from the Adventist point of view of the understanding of history, the Reformation work was not only regarded as a historical event but as a divine intervention through Luther in order to bring Christianity back to the essence of Gospel and Bible teaching, to the Word of God and not to tradition. As the (neo) Protestant Church, the Adventist Church fully supports the reform creed: *Sola scriptura* (only the Holy Scriptures as the source of faith), *Solo Cristo* (only Jesus Christ as the Savior), *Sola Gratia* (only grace as a means of salvation), and *Sola Fide* (only faith as a means of receiving grace). Thus Ellen G. White — as the founder of the Seventh-day Adventist

Church - mentioned Luther at least 400 times, more than any other Reformation leader. Adventist theologians and historians have often indicated the importance of Luther's work as the foundation of the restoration movement of biblical truth. Thus for Ludwig R. Conradi the teachings of the book of Daniel and Revelation were "a loud testimony" against the decadence of the papal church. LeRoy E. Froom describes Luther in the four volumes entitled *The Prophetic Faith of Our Father* (1954) as a "genius of the Reformation."

The discovery of the Reformation - of forgiveness and righteousness only through Christ, and only by faith via-a-vis the recognition of the deformation of the medieval church - is to Froom a climax in church history, impossible to separate from Luther's person. The contribution of historian Daniel Walther, who has been particularly concerned with the theological relationship between Luther and the Seventh-day Adventist Church, must be highlighted. (Walther 1991, 9-11). He concludes that the following theological concepts continue and mark the reforming mandate of this church: the universal priesthood, the Bible as the norm of faith, righteousness by faith, the expectation of the return of Christ, and partly the teaching about the state of man in death as well as about the Antichrist.

Walter Eberhardt recalls Luther's work in "*Reformation and Counterreformation*" (1973) that it was not his work, but "*behind the great awakening of the Reformation days was a strong person.*" (Eberhardt 1973, 39). This statement summarizes how the Seventh-day Adventist Church thinks about Luther and his work. At the same time, it is emphasized that Luther's movement does not entirely represent Reformation. Because neither the meaning of Zwingli's or Calvin's work should be neglected. On the other hand, Zwingli's sacramental critique or Calvin's teaching about the Law and the Holy Supper left as many traces in the Adventist thinking.

Reformation from an ecumenical perspective

The renunciation of polemic and slander between confessions began with the advent of the ecumenical movement. The moment of a positive appreciation of the Reformation by the Roman Catholic Church followed after the Second World War through the work of Joseph Lortz "Reformation in Germany" (Bd. 1, 1939/40). He proposed a new perspective of inter-confessional approach, in which there is no emphasis on the religious divide, but on the positive reforming character. From a historic point of view, the author renounced the intentional evil denigration and appreciated Luther as "homo religious." At the same time, he admitted that the reformer's criticism of the church at that time was indeed justified. However, since the 16th century Catholicism only represented a denatured image of it, the reformer fought an image of the church that was not actually Catholic. (Lortz 1939/40, 176). Through these statements, modern Christianity has distanced itself from the lack of understanding and Catholic will from previous centuries and has adopted a change in Catholic research of the Reformation - as Evangelical historian Heinrich Bornkamm notes.

Joseph Lortz's contemporary Johannes Hessen took one step further, making his first attempt to integrate the image of the reformer into Catholic thinking. In his book "Luther From a Catholic Perspective" (1947), he not only designated Luther as a "homo religious", but also "homo propheticus". From this perspective, Luther built further on the basis and according to Christian Catholic values. (Jedin 1966, 79–101). By the Second Council of the Vatican (1962-1965), whereby the Catholic Church joined the ecumenical movement, this positive trend developed further. Even though the Council did not make any statements about the reformers themselves, members of the reforming churches were approached as "separated brothers", (Beinert 2010, the term is already found

with Augustinus (354-430) who through it appointed the Donatist schismatics) who in turn also seek God in the Holy Scriptures. The Vatican Council used the term “Reformation” (Ebd.) and regretted —without condemnation—the religious separations that emerged as a consequence. In the period that followed the Catholic researchers of the Reformation surprised by amazing positions and findings. For Luther was not only appreciated as a “Catholic opportunity” (H.O. Pesch) but also as a “Catholic necessity” within the Reformation (A. Brandenburg). In the Second Vatican Council, Luther received a chance and was going to receive further an appropriate place in the Catholic Church, for he is no longer a “heretic” but a “father of faith” (P. Manns). (Heinz 1988, 253–265)

In light of this positive opening, the conservative Catholic reactions did not remain silent. After the council came various publications that called Luther a “subjectivist” and a “destroyer of the church.” (Kötting 1982, 30–35). Such initiatives, which led to a regression after Joseph Lortz’s interpretation, have often found the approval of distinguished church figures such as Cardinals Hans Urs von Balthasar and Joseph Ratzinger. So it is no surprise that the reformer remained in the tradition of Pius brothers further disqualified as a false prophet (Materialdienst der Evangelischen Zentralstelle für Weltanschauungsfragen 1995, 84).

Luther and the Reformation: Official Perspective of the Roman Catholic Church

Despite many positive reactions to the Reformation and reformers coming from Catholic theologians and historians, the final question remains: what is the official position of the Vatican regarding this debate? And here - a look at the historical backstage is very helpful. Already the Edict of Worms (1521)—released by the papal legate

Aleander—reproached the reformer that he is possessed by an “evil spirit” and embodies the “evil enemy” in human form. The Council of Trient (1545-1563) has intentionally not mentioned the names of the reformers for them to have the sentence of forgetfulness (*Damnatio memoriae*). But by the phrase: “*Heretics, who in tumultuous times preached in the struggle against the Catholic Church*” (Denzinger and Hünemann 1991, §1533) the Council referred to the reformers consciously giving up on them.

During the Counter-Reformation period, Pope Urban VIII condemned the Hussites in 1627, Wycliffe’s descendants, Lutherans and Calvinists, as well as pirates or thieves. And in 1910 Pope Pius X in the encyclical *Editae Sapeden* has admonished Protestantism as the first step towards atheism and the destruction of religion. In 1925, the German counter-reformer, the Jesuit Petrus Canisius, was declared a saint. He was especially appreciated as the one who dared to face the “monster Luther”, as well as the one who saved the German culture. A lot of other canons of counter-reforming personalities - such as Roberto Bellarmin by Pope Pius XI, Anthony von Padua by Pope Pius XII or Laurentius von Brindisi by Pope John XXIII - at the dawn of the 2nd The Vatican Council surprised quite a few ecumenists from the church.

But what disturbs the Curia of Rome most about Luther is his refusal to receive salvation through the Catholic Church, implicitly the refusal of papal authority. In 1960 Bishop Pietro Parente presented this refusal as “the distortion of the work of salvation through Luther.” This conflict still continues. In 2011, the Bishop of Regensburg, the current prefect of the congregation, Gerhard Ludwig Müller, categorically called for the distancing of the Protestant world from Luther’s anti-Christ’s statements, which would have no place in the context of an ecumenical dialogue. The Vatican is willing today—as Pope John Paul II already said in 1980 during a visit to Germany—to see in Luther if not a “discoverer of

salvation” at least one “seeker of salvation.” Through this formulation, the reformer would fit his teaching about the salvation through faith of both Protestants and Catholics. By means of the joint statement on the teaching of salvation through faith in 1999 of the Lutheran Federation and the Catholic Council to promote Christian unity, where consensus has been established on the basis of biblical truths—Willenbrands’ vision seems to have come true. But is Luther really rehabilitated by this, and the chasm created by the reformation within Christianity is totally outdated?

For Pope Benedict XVI, this consensus means an important step towards the path of Christian unity: Protestants are getting closer to Catholic teaching. For others, like, for example, the Protestant Reinhard Frieling, this statement is, on the contrary, an obstacle to ecumenism. Indeed, Luther is not only a peripheral reminder, but the basic content of the salvation theory is formulated in the same way by the two churches, however, it is differently understood.

The Reformation goes on

Will the 500th anniversary of the Reformation of 2017 really lead to a turning point near the two great Christian confessions? At the moment, only assumptions can be made. Even though the modern era has determined the Protestant Church, even the Catholic Church to tolerance, fundamental points still remain under discussion, such as the official church or community of believers, sacramental baptism of newborns or mature baptism?

Heinrich Bedford-Strohm, president of the German Evangelical Church Council, wants the Reformation anniversary to become a “great celebration of Christ” to “spread an ecumenical spirit.” But the direction of the ecumenical vision is not clear. Cardinal Walter Kasper summarizes: “We have agreed that we want unity, but we

do not have a consensus on what unity should be, and in what direction the ecumenical path must lead.” (Kasper, 2016, 54f) One thing can certainly be said about Luther: The Catholic Church under the leadership of the Vatican will certainly not be able to confirm and fully support the basic theme of the Reformation of salvation through faith, of the direct relationship between man and God, and thus the denial of the need for church intercession in the process of salvation. The claim of the reform remains further on: *Causa Reformationis non est causa finita!* According to Luther’s understanding, the path of faith goes further in faithfulness to the gospel and to the living expectation of the return of Christ.

The same view is shared by the evangelical theologian Karl Barth who, in the final volume of “Church Dogmatics,” presents very clearly the relationship between Luther and the Reformed / Protestant official church. Christianity now has only one chance in regaining credibility and missionary power: only if it returns to personal Christianity. Because Martin Luther’s work is not over. The present world needs not Christians registered in the church registers, but convinced Christians who have the courage to testify for what they believe in and live their faith in practical life.

Notes

¹ The authenticity of the display of Luther’s theses at the gate of the church is questionable. A copy came undoubtedly to Archbishop Albrecht de Mainz, who at the same time was Archbishop of Magdeburg, thus responsible for Wittenberg. Other copies came to other religious personalities and one of them - as a reaction to the widespread ideas - to the indulgents seller, Johann Tetzel, who did not give Luther any answer. But without his consent a public discussion would have been perceived as a massive challenge. It is unlikely that Luther would have intended this or would not have been aware of it. The display of theses is first mentioned by the secretary of Luther Georg Rörer, who remembers in 1544 in a New Testament note about the presentation of the theses at the gate of several churches in

Wittenberg: "On the evening before the Feast of All Saints in the year 1517 Dr. Martin Luther pinned the theories about indulgences on the gates of the Wittenberg churches." (The original Latin text: "Anno Domini 1517 in profesto omnium Sanctorum. Witemberge in values templorum propositae sunt propositiones de Indulgentiis a Doctore Martino Luthero"). This little document found in 2006 reveals that the theses were presented to several churches in Wittenberg at the same time. However, its confirmatory value is controversial. (W. Marchewka, M. Schwibbe, A. Stephanski: *Zeitreise, 800 Jahre Leben in Wittenberg/Luther, 500 Jahre Reformation*, Edition Zeit Reise, Göttingen 2008, S. 39.) On the other hand, Rörer is unlikely to have witnessed the display of the theses. (Martin Treu: *An den Türen der Wittenberger Kirchen — Neues zur Debatte um den Thesenanschlag*).

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The Real Payment Offer and the Consignation, in the Old and New Romanian Civil Code

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ABSTRACT: The real payment offer and the consignation are legal forms of voluntary payment, which can be defined as the manifestation of will of the payment obligation's debtor by means of which he executes, on his own initiative and in kind the pecuniary obligation undertaken, regardless of whether the obligational legal relation is national or has an extraneity element. In other words, the payment defines that operation by means of which an obligation to issue a certain amount of money to the creditor is voluntarily executed by the debtor, in view of terminating the obligational legal relation, with or without extraneity element. Still, the debtor must resort to the institution of the real payment offer and consignation only if he is faced with the creditor's reticence in receiving the payment or he is in a fortuitous impossibility to accept it. The reason why the lawmaker made such an institution available to the debtor is given by the fact that the creditor's refusal to accept payment may be due to his intention to charge penalties on the debtor for his late payment. Even in the situation when the creditor would be in a fortuitous impossibility to receive the payment, this

fact cannot create an advantageous situation for him, in relation to the debtor of the payment obligation, person from whom he can ask penalties for the delayed making of the payment.

KEY WORDS: payment, payment operations, payment offer, consignment, notice of default, creditor's, debtor

General aspects

From the legal perspective, the payment operation covers a much wider area of performance of the debtor, such as the transmission or establishment of a right, the execution of a work, the provision of a service, the turning over of a good, of documents, the assignment of a liability of a tangible asset etc. Therefore, it can be stated that the termination of an obligational legal relation can also be done through other manners than through pecuniary payment, on condition of accepting such a modality of achieving the liability by the creditor.

Given that payment represents the main means of termination of the obligational legal relation, through the expression *legal form of payment* are indicated all legal operations comprising a performance from the debtor of the payment and have as effect the termination of the obligational legal relations regarding which the payment has been made. Still, hereinafter, we shall restrict ourselves to the analysis of the legal operations having as object the making of a pecuniary payment, whose consequence is the termination of the original obligational legal relation. In this sense, we claim that the operations taking the legal form of payment, with the consequence of terminating the obligational legal relation, are *payment by subrogation, imputation of payment, the payment offer and consignment and the liability assignment*. (In what concerns the *assignment*, we mention that also under the old regulation, respectively, the Civil Code of 1865, even if the *debt assignment* was not expressly established, in practice, it was performed, reason for which the new Civil Code of 2011 distinctly regulated it.)

The real payment offer and consignation in the light of the Romanian Civil Code of 1865

We mention that at present the institution is no longer regulated in the new Civil Code with this name, but, by virtue of the Principles of European Contract Law, from where it was taken, it was called “*Creditor’s formal notice of default*”. In the daily activity, there is a possibility that a person entitled to receive a payment either refuses it, or is in impossibility to receive it, reason for which the lawmaker made available to the payment debtor a legal means by which he can be released from his debt without having to incur penalties as a consequence of the fact that he exceeded, without his fault, the date on which he should have made the payment afferent to an obligational legal relation, with or without extraneity element. Such means had in the previous regulation the name of *real payment offer followed by consignation* (Ciobanu 1996, 506-509; Terre and Lequette 1999, 1251-1253).

Hence, in the situation when the creditor would have refused the receipt of payment for different reasons, such as the fact that its value would not have been at the level actually owed, or would have invoked other more or less plausible reasons for preventing the debtor to make payment within the deadline, for the purpose of charging delay penalties or other advantages, as a consequence of the fact that the debtor did not perform the payment obligation on the deadline stipulated, the debtor could use the real payment offer followed by consignation.

In such situations, the debtor of the payment has the interest to clear the payment before the deadline stipulated, either in order to not have to incur penalties, or to not be obligated to make expenses with the preservation of the asset, or in order to not be placed in a position where he must incur all losses related to the depreciation of

the assets not delivered within the term stipulated in the contract, in the situation of an obligation to deliver goods.

In order to avoid such inconveniences, the payment debtor has and has the right to discharge himself through payment and on the deadline, by means of his real payment offer followed by consignment.

The conditions in which the debtor could make use of such a legal means were regulated in Title III called “On contracts and agreements”, chapter VIII – “On the termination of obligations”, section IV called “On payment offers and on consignations”, art. 1114-1121 of the Civil Code (1865), and the procedure to follow was regulated in Book VI, called “Special procedures”, Chapter III called “On payment offers and on consignations”, art. 585-590 Civil Procedure Code (1865).

Thus, according to art. 1114 of the Civil Code (1865), “*when the creditor of an amount of money refuses to receive the payment, the debtor can make a real offer and, if the creditor refuses to receive it, he can consign the amount*”. Article 586 of the Civil Procedure Code has a similar wording to that of art. 1114 of the Civil Code, and from the analysis of the text it is derived that the payment offer that the debtor made the creditor had to be real.

The term *real* used by the lawmaker considered the fact that the offer had to be made in writing and not verbally because this last variant did not fulfill the reality condition. At the same time, the amount offered as payment to the creditor had to be consigned at a bank, in his name.

Thus, in order for the real payment offer to have been valid, it had to fulfill the conditions established by law. Thus, art. 1115 of the Civil Code established that such an offer had to be made a) to the creditor or to the person entitled to receive the payment for the creditor, or b) by a person who had the capacity to make a payment, or c) for

the entire payable amount, for the interest owed, the liquid expenses, as well as for an amount afferent to the non-liquid expenses, which could be revisited after the liquidation of the respective expenses, or d) for a due liability, if it had a term stipulated in favor of the creditor, or e) for a liability whose condition was fulfilled, in the situation when the obligation undertaken would have been under suspensive condition, or f) in the place set for payment, and in the contrary case, at the creditor's domicile or at the domicile chosen for the contract execution or g) through a court officer.

Regarding the validity of consigning the amount to be deposited at the creditor's disposal, according to art. 1116 of the Civil Code (1865), it was not necessary to have been authorized by the court. However, for the validity of the operation, the debtor had to notify the creditor, and the notification had to contain the date, time and place where the amount was to be deposited, together with all the accessories until the day of consignment.

Thus, from those exposed above, it is derived that the procedure of the real payment offer followed by consignment comprised three stages, as follows:

a) A first step was represented by the *payment request* sent in written form to the creditor, at his place of establishment or at the one chosen for the performance of the contract, through a court officer, in which the amount offered or the asset owed was to be mentioned, together with the day, time and place when the creditor was summoned to appear for the remission of the amount or of the asset.

In the situation when the creditor appears in the day, place and at the time indicated and he either accepted the payment or refused it or did not want to sign, the court officer would draft a minute comprising the factual situation, which had to be signed also by the creditor or, in case of the creditor's refusal to sign, the court officer had to record this aspect in the minute.

In the first situation, respectively the one where the creditor accepted the payment, the minute drafted by the court officer proved the termination of the obligation through payment. In the other situations, the minute drafted by the court officer gave the debtor the right to proceed to the other stages of the real payment offer, in view of terminating the liability. Thus, in the case of express refusal to receive the payment by the creditor or in the event he did not appear on the day and in the place indicated in the request, the procedure established by law would be followed.

b) In such a situation, step two would be followed, which consisted of the actual fact of *consigning the amount or the asset to a bank unit*, on account and at the disposal of the creditor, and the consignment receipt was handed over to the court officer. Before consigning the amount, for the procedure validity, it was necessary to send a new notification/request to the creditor, mentioning the day, time and place where the amount was going to be consigned.

c) The thirteenth stage was represented by the *validation of the amount consignment by the court of law*, through final decision. Thus, after consigning the amount with the bank unit, the debtor could go to court in order to validate it. Regarding this aspect, it must be mentioned that until the validation of the amount the debtor could dispose of it as he pleased, being even able to withdraw it. After the court validated the consignment, the debtor, in principle, was no longer able to perform disposal acts regarding the consigned amount, even if it was not collected by the creditor and even if the creditor would have given his consent in this sense (Art. 1119 of the Civil Code 1865).

Still, if the creditor expressly accepted the amount withdrawal by the debtor, after the consignment validation by the court, the creditor would lose his right over the privileges or mortgages accompanying the liability (Art. 1120 of the Civil Code 1865). If the debtor's debt

was represented by a certain asset which had to be turned over in the place where it was and the creditor did not come to collect it after being notified, and the debtor needed the respective space, he could ask the court of law to allow that he moves the asset to a different location. In his turn, the creditor was entitled to ask the court to cancel the payment offer and the consignment, on condition that the conditions established by law had not been observed.

In conclusion, we mention that the real offer followed by consignment discharged the debtor and proved the payment, with the mention that all expenses incurred due to this procedure, validly performed, were on the creditor's account, as a consequence of the fact that he was the one who generated them by refusing to receive the payment from the debtor (Art. 1117 of the Civil Code 1865).

The creditor's formal notice of default in the regulation of the New Romanian Civil Code

As previously mentioned, the institution of the creditor's formal notice of default was not regulated, under this name, in the old Civil Code, the reason for which we can say it has a novelty character only in what concerns the name.

The institution of the *creditor's formal notice of default* is of European inspiration, being seen in the Project of the Principles of the European Contract Law of 1995, modified in 2003, and it establishes the debtor's possibility to notify the creditor to receive the execution of the obligation, as it is established in the obligational legal relation, if he refuses the receipt of the assets or of the amount with the title of payment. (The regulation comprised by the Project of the principles of European contract law was taken, with small changes, in the Draft Common Frame of Reference in the USA)

Thus, in the current meaning, the obligational legal relation is a complex legal mechanism and the payment, in order to lead to its termination, must be made strictly according to the contractual provisions, according to art. 1510 para. 1 and art. 1492 para. 1 of the New Civil Code. As a consequence, the acceptance of the execution of the payment obligation by the creditor is also necessary, followed by the take-over of the respective obligation.

In practice, there are situations when the payment execution by the debtor is conditioned by the creditor's involvement, who refuses to perform the preliminary acts of the execution, a case when the legal provisions regarding the creditor's formal notice of default come into play. In other words, when the debtor makes a payment execution offer according to the provisions of the obligational legal relation and the creditor refuses to accept and, implicitly refuses to take the payment from the debtor, the latter has the right to proceed to the formal notice of default of the creditor, requesting that he accepts payment and if the debtor's actions still remain without effect, he is entitled to proceed either to the consignment of the asset to the disposal of the creditor, or to the payment offer followed by consignment or to the public sale. Basically, by means of this procedure, the tendency is, mainly, to give efficiency to the termination effect of the payment and in a subsidiary, to prove the payment, as well. At the same time, the lawmaker also conferred upon this mechanism an additional effect afferent to transferring the non-execution risk to the creditor's patrimony, after the moment of formally notifying him of default. (Where we are concerned, we believe that the effects under the previous institution, called *real payment offer followed by consignment* were the same).

The procedure to follow in what concerns the creditor's notice of default, it is regulated in the New Civil Procedure Code, art. 1005-1012. Thus, similar to the previous regulations, the conditions for the creditor's formal notice of default are regulated by art. 1510-

1515 of the New Civil Procedure Code, and the procedure to follow, by art. 1005-1012 of the New Civil Procedure Code.

We mention that in the New Civil Procedure Code, the institution is regulated in Book VI, called "Special procedures", Title VIII under the name "*The procedure of the payment offer and of consignment*", art. 1005-1012. Thus, the editors of the New Civil Procedure Code were consistent and maintained the name of the institution from the previous civil procedure, in the conditions when there are no differences of legal effects between the previous and the current institutions. As an irony of fate, art. 1012 of the New Civil Procedure Code, whose marginal name is "*The incidence of the dispositions of the Civil Code*", stipulated that "*The dispositions of this title (VIII o.n.) are completed by the provisions of the Civil Code regarding the payment, as well as by those regarding the payment offers and consignments*", fact which proves the similarity of legal effects between the institution regulated by the Old Civil Code and that in the current Civil Code. The inconsistency of the editors of the New Civil Procedure Code does not stop at the name of the section reserved for this institution but continues with the mentions in the art. 1513 regarding the procedure, where they mentioned clearly and without equivoque that "*The procedure of the payment offer and consignment is established by the Procedure Civil Code*". Coming back to the analysis of the institution, we show that in what concerns the conditions imposed by art. 1510 of the New Civil Procedure Code, in order to be able to invoke the *creditor's notice of default*, two cumulative conditions must be fulfilled, respectively:

- a) there must be a payment offer from the debtor, according to the stipulation in the obligational legal relation;
- b) the creditor must refuse without justification to accept the payment offered by the debtor or he must refuse to make the preliminary acts without which the debtor cannot execute his obligation.

In what concerns the unjustified refusal of execution, from our point of view, we claim that it can be due, as in the previous regulation, either to a fortuitous execution impossibility, or to the situation when the non-compliance of the payment offer is claimed, invoking the exception of contract non-execution. Regarding the preliminary acts afferent to the payment execution, which the creditor must perform, in our opinion, they represent all those acts or facts which allow the take-over of the obligation execution by the creditor, such as making available to the debtor the means of transport for loading, when the creditor undertook he would do so; making available to the debtor of the warehouses or storage facilities for the unloading of the merchandise from the means of transport etc.

In what concerns the creditor's notice of default, it is performed according to the provisions of art. 1005 and 1006 of the New Civil Procedure Code. Considering that the procedure is similar to that regulated by the old Civil Procedure Code, which we referred to above, we no longer insist on it. It goes without saying that in the situation of accepting the payment offer, the procedure will follow according to art. 1007 of the New Civil Procedure Code, namely similar to the previous provision. If the notice of default remained without effect, the debtor is entitled to proceed according to the provisions of art. 1512-1514 of the New Civil Code and with the procedure established by art. 1008 of the New Civil Procedure Code, respectively *to consign the certain asset on account and at the disposal of the creditor* in a warehouse, thus performing the take-over of the execution offered by the debtor. With respect to the take-over of the execution offered by the debtor, in the specialty literature, it was stated that the storage of the goods in a place arranged for this purpose must have as effect an actual de-notification of the debtor with respect to that good (Pop and Vidu op. cit., 537). At the same time, when the creditor refuses payment or does not come in the day and at the time indicated in the notification, the debtor is entitled

to make a *real offer followed by consignment*, whenever the execution of the obligation consists of the payment of an amount of money or of the turnover of assets. The procedure of the real offer followed by consignment comprises, as in the previous regulation, also three stages, respectively a notification sent to the creditor, where the day, time and place where the amount will be consigned or the asset will be submitted will be mentioned, followed by the consignment of the amount to a bank unit, the receipt going to be sent to the court officer and, finally, the consignment validation through the closing drafted by the court officer, which has as effect the debtor's discharge as a consequence of establishing the payment as having been made.

The novelty character introduced by the of the New Civil Procedure Code consists in the fact that such a procedure of the real offer followed by assignment can also be performed before the court in an ongoing trial, situation when the court will validate the consignment by closing which can be challenged together with the base matter, according to the procedure established by art. 1010 of the New Civil Procedure Code. In the same order of ideas, we show that the closing of the court officer, which validates the consignment of the amount of money or of the asset on account and at the disposal of the creditor is communicated to him within five days from drafting and can be challenged before the court of law according to the provisions of art. 1009 of the New Civil Procedure Code.

Another possibility of capitalizing on the assets, established by the procedure of the creditor's formal notice of default, when he refuses payment without justification, refers to the *public sale*, according to art. 1514 of the New Civil Procedure Code, an operation which has a novelty character, is not regulated by the previous Civil Code. This gives the debtor to publicly sell the asset owed to the creditor and then to consign the price obtained on the account and at the disposal of the creditor. In order to the sale of the asset owed to the creditor to be allowed, it is necessary that the asset, through its nature, makes

consignment impossible, or it is perishable or the expenses with its storage of maintenance to be considerable in relation to its market value. In the situation when one of these conditions is fulfilled, the debtor is entitled to notify the creditor and to request the sale approval by the court of law. By exception, when the asset is listed on the stock exchange or on a regulated market or its price is too low for the expenses of a public sale, the court of law may approve the sale of the asset without the notification of the creditor (Art. 1514).

The effects of the creditor's formal notice of default

In what concerns the effects of the creditor's formal notice of default, they increase gradually, depending on the stage of the ongoing procedure. Thus, the first consequence of the creditor's notice of default with an execution offer is that the debtor is ready to precisely execute his undertaken obligation, at the same time showing the proof of his execution offer. Secondly, following the notice, the risk of fortuitous execution impossibility is transferred to the creditor, and the debtor has no obligation to return the fruit produced by the asset owed and collected after this date. Then, the creditor has the obligation to remedy the damage caused to the debtor as a consequence of the delay in the execution of his obligation to take over the execution and to incur the expenses with the preservation of the asset.

Finally, if the creditor appears on the date, at the time and in the place established in the notification and receives the payment of the amount or takes over the asset or assets owed by the debtor, the obligation is terminated, the procedure thus having an extinctive effect on the obligation executed. Also, an extinctive effect has the procedure of the real offer followed by consignment, if it was validated by the court or if the creditor failed from the challenged term. Until the moment when the court validates the consignment

or the acceptance of the asset by the creditor, the extinctive effect is temporary and the debtor can withdraw the asset, case in which the liability is re-established, with all guarantees and accessories, from the moment of withdrawing the asset (Art. 1515)

Conclusions

From those exposed above, it is derived that the lawmaker offered equality of legal treatment to the parties of the legal relation with or without extraneity element, making available to the debtor a procedure by means of which he can discharge himself on the deadline of the payment obligation undertaken through a civil or commercial contract, thus avoiding the payment of delay penalties in executing his obligation.

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