

According to orthodoxy, establishing the principle that scripture is the sole *judex controversarium* still leaves the question of how the judicial decision that scripture makes is to be determined and put forward. In the nature of the case, not everyone can engage in determining it with equal prospects of success, for "certain preconditions are necessary thereto, without which holy scripture cannot be understood and interpreted." Besides, the order necessary to the church requires that, at least in the matter of publicly putting forward the judicial decision of holy scripture, an external, ecclesial calling is prerequisite. Therefore, it preeminently belongs to those externally called by the church to represent it as its teachers to announce publicly the decision found in holy scripture on a controverted point, although this does not deny that every member of the church also has a right to test and confirm (or disconfirm) what is thus announced. On the contrary, every believer can and should judge, according to the measure of God's gift—not, indeed, concerning all controversies, but—concerning any controversies about things necessary to salvation, distinguishing between true and false by her or his own discrete judgment. This does not mean, in the least, that everyone is to follow her or his own notions; it means, rather, that each believer should submit her- or himself to the judgment of the Holy Spirit, recorded in scripture, and examine all things according to the tenor of this judgment, leaving to the church's teachers the public discussion of controversies (Schmid: 49, 55).

Two points in this position are of interest to me: First, there is the clear recognition that scripture functions, or can function, as *judex controversarium* only insofar as it is understood and interpreted and that this means that some believers are going to be more qualified than others to determine and put forward scripture's decision on a controverted point. Second, there is the clear insistence that, notwithstanding this difference, every believer simply as such is competent, and therefore has both the right and the responsibility, to determine scripture's decision on all matters necessary to salvation so as thus to test and confirm (or disconfirm) the public decisions of the church's teachers. Because even the magisterium of the church is neither *judex principalis*, which is solely the Holy Spirit, nor *judex instrumentalis*, which is holy scripture, but is merely *judex*

*ministerialis (inferior)*, its decision is nothing other than "the interpretation, declaration, annunciation of a divine, decisive, and definitive decision and its application to certain persons and things" (54). This means that, although believers are indeed able to decide with the judicial decision of an inferior judge, they are able to do so rightly only because or insofar as they pronounce in accordance with the prescriptions of the divine law and show that they in fact do so. Thus it is always possible to appeal from the inferior to the superior, or the supreme, judge, but never the other way around; for "the subordinate judge is not absolute, but limited and bound by the judgments of the supreme voice sounding in scripture" (Quenstedt, 54).

What is to be learned from these two points and their at least apparent contrariety, even if one no longer concurs in the orthodox assumption of the sole primary authority of scripture? I think the following is to be learned.

(1) There is no possibility of any formal norm's functioning as such, except insofar as it is understood and interpreted, so that, next to systematic theology's historical task of determining what is to count as formally normative both in principle and in fact, nothing is more important than its hermeneutical task of determining how what is formally normative is to be correctly understood and interpreted.

(2) Although understanding and interpreting what is formally normative as well as applying it as a formal norm cannot be done equally well by everyone, and by no one without satisfying certain preconditions, the preunderstanding that is necessary thereto does belong to all—not only to all believers, although certainly to all of them, but also to all human beings simply as such. One can be the more confident in inferring this because there is a distinction to be made between controversies, only some of which pertain to things that are necessary to salvation. Therefore, even if not everyone has the preunderstanding required to deal with controversies about the soteriologically unnecessary or indifferent, everyone does and must have the preunderstanding necessary to deal with controversies about what is soteriologically necessary.

(3) Even so, carrying out systematic theology's hermeneutical task of understanding and interpreting what is formally normative and then applying it as a formal norm is possible only by meeting certain conditions beyond the preunderstanding it requires; and not all, but only some, persons are in a position to satisfy these conditions as fully as they need to be satisfied by anyone publicly setting forth the decisions of the formal norm. There is thus a difference, as Bultmann says, between understanding the formal norm existentially and interpreting it scientifically, in appropriate existentialst terms; and the second, in the nature of the case, requires a certain expertise if it is to provide the basis for the public decisions of the church.

(4) On the other hand, even the public decisions of the church's magisterium are subject to the testing and confirming (or disconfirming) judgment of each and every believer, and, as I should wish to add, to the critically validating (or invalidating) judgment of a proper critical theology, which can never be subjected to control by the magisterium except by corrupting both.

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