

CONCORDIA THEOLOGICAL SEMINARY

FORT WAYNE, INDIANA

THE USE OF C. F. W. WALTHER'S "KIRCHE UND AMT"
IN THE LUTHERAN CHURCH – MISSOURI SYNOD TO 1947

A THESIS SUBMITTED TO
THE FACULTY OF THE DEPARTMENT OF HISTORICAL THEOLOGY
IN PARTIAL FULFILLMENT OF REQUIREMENTS FOR
THE DEGREE OF MASTER OF SACRED THEOLOGY

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MAY 7, 1999

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INTRODUCTION

In 1998 an historic meeting was held in Saint Louis, Missouri, in commemoration of the 150th Anniversary of the Lutheran Church–Missouri Synod.¹ At this meeting, the faculties of Concordia Seminary, Saint Louis and Concordia Theological Seminary, Fort Wayne, as well as the Commission on Theology and Church Relations, the Council of Presidents, and the leaders of the International Lutheran Council (ILC) met to discuss the topic that in many ways has defined the Missouri Synod: Church and Office. The result was a book of essays entitled *Church and Ministry: The Collected Papers of the 150th Anniversary Theological Convocation of the Lutheran Church – Missouri Synod*.²

¹ The original name was “Die Deutsche Evangelische Lutherische Synode von Missouri, Ohio und andern Statten,” *Erster Synodal-Bericht der deutschen Ev.-Luth. Synode von Missouri, Ohio u.a. Staaten vom Jahre 1847* (St. Louis: Druckerei der Synode von Missouri, Ohio und andern Staaten, second edition, 1876), 1. This name was changed again in 1917, and in the current name was adopted in 1947. Although at times anachronistic, throughout this thesis the LCMS will be referred to as either LCMS or Missouri Synod. Throughout this thesis we will refer to synodical proceedings as either *Synodal-Bericht* if they are in German, or *Synodical Proceedings* if they are in English.

² Jerald Joerz and Paul T. McCain, eds., *Church and Ministry: The Collected Papers of the 150th Anniversary Theological Convocation of the Lutheran Church – Missouri Synod* (St. Louis: Office of the President, the Lutheran Church – Missouri Synod, 1998).

Significant to this discussion is the introductory essay by President A. L. Barry.

He writes:

Already at its 1851 convention, our Synod approved a set of theses on Church and Ministry prepared by Walther, together with his elaboration of them, and it instructed that his presentation be published as the Synod's statement and unanimous confession. . . . This remains the position of The Lutheran Church–Missouri Synod, and I submit that all of us within our Synod would do well to take this position to heart even after almost 150 years of history.³

President Barry argues that much of the controversy regarding Church and Ministry in the Missouri Synod stems from the fact that the theological position of the early Missouri Synod as espoused by Walther in *Kirche und Amt* is not the dominant understanding today. *Kirche und Amt* is the position of the Missouri Synod and has a binding character upon the pastors and teachers today. The pastors and teachers, therefore, have an obligation to know and assent to these theses.

From before the founding of the Lutheran Church–Missouri Synod, the doctrines of Church and Office were a source of controversy.⁴ *Die Stimme unserer Kirche in der Frage von Kirche und Amt*, C.F.W. Walther's reply to the Second Synodical Report of

³ A. L. Barry, "Challenges in Church and Ministry in The Lutheran Church – Missouri Synod," in *Church and Ministry: The Collected Papers of the 150th Anniversary Theological Convocation of the Lutheran Church – Missouri Synod*, 2-3. Later in a footnote, Dr. Barry writes (23): "If anything, an understanding of the religious setting in which the early Missourians found themselves invites us to admire their adherence to Scripture as well as to the Lutheran Confessions and Luther. If they really had been importing 'American' elements into their doctrine and practice of Church and Ministry, imagine what the Missouri Synod would have looked like!"

⁴ The translation of the word *Amt* is consistently difficult. In most translations and articles dealing with the doctrines of *Kirche* and *Amt*, the word is translated "Ministry." However, this translation leaves much to be desired, for the word "Ministry" is laden with connotations in English that are not connected to the German *Amt*, and it does not have the connotation in English of a public servant. We will, therefore, normally translate *Amt* as "Office". At times, however, it will be translated "Ministry," usually in connection with a specific English translation.

the Buffalo Synod, and other writings of by Grabau, was originally published in 1852 as a result of a request by the 1851 Synodical Convention.⁵ This book was the first of a series of monographs, pamphlets, theses and other documents to be approved by the Lutheran Church–Missouri Synod either in Synodical Conventions or at pastoral conferences. What is the actual status of these documents in the history of the Missouri Synod? Some were directed internally, and others were written primarily as a confession or polemic against positions held by other church bodies or individuals. Still others were intended to become the basis of theological discussions with the goal of union with other church bodies.

It is clear that the founders of the Missouri Synod did not see some internal conflict between a *quia* subscription to the Book of Concord and voting in Synodical Convention to adopt a particular theological statement in order to (presumably) explicate the Book of Concord. The Missouri Synod, however, has never made acceptance of all the synodical resolutions and doctrinal statements of the Missouri Synod a prerequisite for fellowship with other church bodies, nor has it required particular documents be assented to in the ordination vow of her pastors. The question then remains: Was Walther's *Kirche und Amt* used and understood as a source and authority for doctrine? If so, what sort of authority does it hold? Is it on equal status with the Scriptures, with the Lutheran Confessions, with the "private writings" of the Lutheran Fathers, or is it a fourth category of authority?

⁵ C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt: Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer derselben* (Erlangen: C. A. Ph. Th. Bläsing, 1852). Hereafter referred to as *Kirche und*

So what is the significance that Walther wrote in the preface to the first edition of *Kirche und Amt*, that it was passed “as our united confession (*einmüthiges Bekenntiss*) and in our name”?⁶ Or what was the significance later when the LCMS adopted theses on election, or the various and sundry other theological statements that were passed at Synodical conventions? Are these documents still the confession of the Missouri Synod? What is the difference between documents such as *Kirche und Amt* and casuistry issues that the Missouri Synod has passed judgment on over the years?

Before we outline the purposes of this thesis, it is important to point out what we are *not* attempting to do. This is not an attempt to write a history of the doctrines of Church and Office in the Missouri Synod, or even to write a history of *Kirche und Amt*. Nor is this an attempt to provide a full historical survey of the events leading up to the writing, acceptance and publication of *Kirche und Amt*.

In the first one hundred years of the history of the Missouri Synod, the use of *K&A* shifted. What began as an apologetic document designed to reestablish a relationship with the mother church in Germany became a polemic document that was used for internal theological debate. It was originally an expression of the united position of the pastors and congregations of the Missouri Synod. By the time of the one hundredth anniversary of the Synod in 1947, *K&A* was understood either as one of the legalistic documents which stifled the development of the church, the final position of the

Amt or *K&A*.

⁶ C. F. W. Walther, *Church and Ministry: Witnesses of the Evangelical Lutheran Church on the Question of the Church and the Ministry*, trans. J. T. Mueller (St. Louis: Concordia Publishing House, 1987), 9. Hereafter referred to as *C&M*. For the German, see *K&A*, viii.

Missouri Synod on Church and Office questions, or ignored entirely. We will demonstrate this by the following:

1. Examining the questions revolving around the use of synodical doctrinal statements, using *Kirche und Amt* as an example and the primary starting point for the Lutheran Church–Missouri Synod.
2. Examining how the role of *Kirche und Amt* changed from 1851–1947.
3. Evaluating in what sense *Kirche und Amt* has been understood as binding upon the members of Synod, and whether this principle has been applied consistently in the history of the Missouri Synod.
4. Providing a basic historiography of the use of *Kirche und Amt* as a document Lutheran Church–Missouri Synod to 1947.
5. Relating *Kirche und Amt* to the history of the LCMS, and see its use throughout the history of the Missouri Synod as a reflection or perhaps within the context of the theological questions and issues of the times.

We have attempted in general to limit our work to the use of either “official” or at least “public” documents. Because of the breadth of materials, this study is by nature selective. One could easily have chosen another dozen or more documents or episodes in the history of the Missouri Synod to examine, particularly in connection to the many synodical resolutions on issues related to Church and Office.

The paper itself is divided into five chapters. After the introduction, chapter two is a historiography of the major interpreters of *Kirche und Amt* in Missouri Synod circles today. Chapter three describes the background and publication of *K&A* itself. Chapter four is about the use of *K&A* up to the death of C. F. W. Walther. Chapter five is on the

use of *K&A* from the death of Walther until the publication of the *Brief Statement* in 1932. The final chapter continues the study of the use of *K&A* from 1933 until the centennial of the Missouri Synod in 1947.

CHAPTER TWO

**A BRIEF HISTORIOGRAPHY OF HOW *KIRCHE UND AMT* HAS BEEN
INTERPRETED IN THE LAST THIRTY YEARS**

Before we begin our examination of the history of *Kirche und Amt*, it is important for us to understand how *Kirche und Amt* is being interpreted today, and why such an investigation as ours is necessary or helpful. As we will demonstrate in this chapter, there are five distinctive ways of interpreting the place and purpose of *K&A* that are common within the Missouri Synod today.

In some ways, the Missouri Synod has been characterized by an ahistorical view and understanding of its own history. For a church body over one hundred and fifty years old, it is amazing that there has never been a critical history written of the church body.¹ What this demonstrates is that there is a great desire on the part of the Missouri Synod to have some sort of continuity with her forefathers, but that to look closely into this history is dangerous, because there may be things that we may not wish to learn. It is much safer

¹ Probably the low point in this demise came at the 150th anniversary, where the LCMS produced a series of videos commemorating the history of the Synod, but no book.

to produce books of source documents that are carefully selected in order to maintain the façade that if one is able to look at the actual documents (oftentimes translated and out of context), then one is able to know and understand the history of the Missouri Synod.²

It is not surprising, then, that doctrinal statements often receive the brunt of this approach. It would be simpler if we could simply have documents that are *true*, but in a historical vacuum. Truth, however, is never in a vacuum. Each document or doctrinal statement has its own peculiar history and context, and in order truly to understand the intention and nature of confession, this context must be understood. That is why we have both dogmatics and historical theology taught at our theological institutions. Each is dependent upon the other. Does this relativise or minimize the confession of the Church? By no means! Quite the opposite. For example, we confess the Nicene Creed contra the Arians of yesterday and today. Can this confession be made without knowing Arius and his spiritual descendants? Of course. However, the brilliance and simplicity of this

² The use of source materials is a persistent problem in the study of history. On the one hand, it is helpful and necessary to produce compilations of source documents for use in the classroom and elsewhere. Despite every attempt, however, the compiler always brings his bias into the process of collecting and editing source documents. Three examples in the history of Lutheranism will suffice to demonstrate this, two of which are from within the Missouri Synod itself. The first was edited by Carl S. Meyer, and entitled *Moving Frontiers* (St. Louis: Concordia Publishing House, 1964). Written in one of the most controversial decades in the history of the Missouri Synod, the impression is that this is all objective history, and that Meyer and the other editors were simply recounting the facts and backgrounds to the various documents. The second example is by Richard Wolf, and entitled *Documents of Lutheran Unity in America* (Philadelphia: Fortress Press, 1966). Also written in the 1960s, Wolf uses the source documents to present the picture that there was an inevitable move toward organic unity within Lutheranism in America, and that this unity would be realized in the near future. Even the title itself demonstrates the author's intention. The third, *Heritage in Motion*, was recently published by CPH, and edited by August R. Suelflow (St. Louis: Concordia Publishing House, 1998). It is a continuation and complementary volume to *Moving Frontiers*.

confession of faith is better and more deeply understood within the context of the enemies of Nicea.

In the same way, it is critical for us to understand what and who Walther and the Missouri Synod were writing against, in order for us to understand and appreciate the theological content of *K&A*. Furthermore, in order for us to understand how *K&A* is used today, we have to see how it has traditionally been used both inside and outside of the Missouri Synod. If we do not understand this context and history, we truly do become guilty of setting up a sort of “canon law” within Missouri, where documents are quoted as authoritative, not because we know and understand that answers given by these documents answer the questions of today, but simply because we passed them.

A brief historiographic look at contemporary interpretations of *K&A* gives us a context and framework for understanding the use of doctrinal statements in general, and *K&A* in particular, and will present a portrait of how theologians, pastors and synodical officials use *K&A* authoritatively in the Missouri Synod today. We did not choose these authors arbitrarily, but others could easily have been chosen for almost every interpretation.

We begin with Arthur C. Repp, at onetime a leader of the “moderate” wing of the Missouri Synod during the battles of the 1960s and 1970s. As a major supporter of Concordia Historical Institute and longtime professor at Concordia Seminary, Repp helped to shape a generation of pastors and their understanding of church history.³

³ We also considered using John Tietjen’s book, *Which Way to Lutheran Unity?* (St. Louis: Concordia Publishing House, 1966). Although Tietjen shares with Repp the same basic interpretation of the history of the Missouri Synod (see, for example, Tietjen’s argument (142-143) on change in the Missouri Synod’s position on fellowship), he does not

Next we turn to Hermann Sasse. There is a Sasse renaissance in Lutheranism today, including reprinting of his books and articles, and a symposium in 1995 in celebration of the 100th anniversary of his birth. In some of these recently reprinted articles, he presents his interpretation of the Church and Office controversies of the nineteenth century. As such, it seems appropriate that we examine briefly how Sasse saw the role of *K&A* and the Church/Office debate in the history of the Missouri Synod.

After Sasse is Wilbert J. Sohns. Longtime president of the Wyoming District and frequent speaker at pastors' conferences, Sohns' interpretation of the role *K&A* is often cited as an authority in pastor/congregation conflicts, and in discussions with the Council of Presidents. Sohns also presents his interpretation as the "traditional" Missouri Synod interpretation on the role of doctrinal statements.

Next comes a brief article by Todd Wilken on *K&A* because it is so timely and speaks directly to the topic at hand. In some ways similar to Sohns, Wilken puts forth the idea (reiterated by President Barry above) that the Missouri Synod would be much improved if we would simply go back to our roots, study *K&A*, and puts its theology into practice.

Finally, we move to Norman Nagel. Graduate Professor of Systematic Theology at Concordia Seminary, Saint Louis, Nagel has written several significant works on Walther's theology and is known throughout the Missouri Synod as an authority on the nineteenth century Church and Office debates. Because of his prominent position as one of the chief systematians of the Missouri Synod, his approach also provides us with an insight into how *K&A* has been taught and understood for at least the last fifteen years.

address *K&A* specifically.

Arthur C. Repp

In 1967 Arthur C. Repp, then Academic Dean at Concordia Seminary, Saint Louis, wrote an article entitled, “Changes in the Missouri Synod.”⁴ He argued that one of the reasons for change in the doctrine of the Missouri Synod is a result of conflict. “The Synod was born out of conflict,” he wrote, and continued:

Its leaders left Europe because of the Prussian Union and its disastrous effect. But when they came to the United States, they were faced with a similar spirit of unionism among neighboring Protestants and among large segments of the Lutheran Church which had imbibed the spirit of a hybrid “American Lutheranism.” As a consequence, Missouri’s emphasis on the doctrine of the church was highly individualistic in the midst of life-and-death struggle for purity of doctrine.⁵

Repp continued this line of thinking by comparing the thought of Walther to a less individualistic and broader concept of the church as could be found in F. E. Mayer, Richard R. Caemmerer, Erwin Lueker, and the *Mission Affirmations* of 1965.⁶ He continued:

The doctrine of the church was modified considerably over the years. In his book, *Kirche und Amt* [Erlangen, 1852], pp. 70-72, . . . Walther proposed to furnish Scripture evidence for the Biblical use of the term “church” for situations in which also unbelievers and hypocrites are part of its outward form. This was later developed differently by Francis

⁴ Arthur C. Repp, “Changes in the Missouri Synod,” *Concordia Theological Monthly* 38, no. 7 (July-August 1967): 458-478. A similar line of argument can be found in an earlier article by Repp entitled, “Scripture, Confessions and Doctrinal Statements,” in *A Symposium of Essays and Addresses Given At the Counselors Conference* (Valparaiso. Sept. 7-14, 1960), 100-112. Repp argues in an even more forceful fashion in “The Binding Nature of Synodical Resolutions for a Pastor or Professor of The Lutheran Church – Missouri Synod,” *Concordia Theological Monthly* 42 (March 1971): 153-162.

⁵ Repp, “Changes,” 461.

⁶ F. E. Mayer, “The New Testament Concept of Fellowship,” *Concordia Theological Monthly* 23 (September 1952): 632-44; Richard R. Caemmerer, *Christ Builds His Church* (St. Louis: Concordia Publishing House, 1963); Richard R. Caemmerer and Erwin L. Lueker, *Church and Ministry in Transition* (St. Louis: Concordia Publishing House, 1964); Resolution 1-01 A-F, *Synodical Proceedings* (1965), 81.

Pieper, who spoke of the local church as the *una sancta* there (*Christliche Dogmatik*, III, 483-484, English trans. 419-420). Pieper's one quotation from Walther in reference to this is from *Rechte Gestalt* (St. Louis: August Wiebusch u. Sohn, 1863), p. 1, where he contends that in the local congregation the church is simply the congregation of believers (III, 484). In the same footnote in which he quotes Walther, Pieper interprets the Augsburg Confession, VIII, to be affirming that hypocrites are not a component of the church, but only organs of it to the extent that they administer the Word and the Sacraments. In III, 485, Pieper quotes Matt. 18:17, not as an illustration of hypocrites being part of the church, but as a demand that it is the entire church's duty to exercise discipline upon its members. The chief contrast between Pieper and Walther is the former's development of the concept of the church "in the proper sense of the term" as being the local congregation; to that end Pieper takes seriously, not only the word *ekklesia* but also the term *hagioi* (e.g., 1 Cor. 1:2; Eph. 1:1). A similar change is noted in reference to "church" and "kingdom of God." Walther equated the kingdom of God with "the church in the proper sense" (*Kirche und Amt*, p. 72; English trans., pp. 62-63).⁷

Certainly Repp had a theological agenda in mind when he wrote this, and this is indicative of the common "liberal" or "moderate" interpretation of the history of the Synod. For Repp, the works of each era are historically bound and have only limited purpose in the generations to follow.⁸ Although Repp wrote this over 30 years ago, this view can still be found in the Missouri Synod today.⁹ Because circumstances change and theological questions seem to shift, a sort of historical relativism sets in, where one can

⁷ Repp, "Changes," 462.

⁸ Probably the most scholarly attempt at this interpretation was by Waldemar W. Wehmeier, "Public Doctrine in the Lutheran Church – Missouri Synod" (Th.D. diss., Concordia Seminary, St. Louis, Missouri, 1973). Although Repp was not one of his advisors (his advisors were Robert Bertram, Erwin Lueker and C. S. Meyer), Wehmeier worked with the basic understanding that synodical documents were historically bound and served as an impediment to union efforts. For Wehmeier (14) the Missouri Synod setup a two-tiered standard when it came to doctrinal formulations: one that was on paper, and another that was not.

⁹ Portions of Repp's article were recently included uncritically in *Heritage in Motion* (95-97); other examples of Repp's interpretation today are Marie Meyer, "And The Truth Shall Set You Free," *Lutheran Forum* 31 (Spring 1997): 40-44; Mary Todd, "Thinking About History: The Missouri Compromise," *Lutheran Forum* 31 (Winter 1997): 43-46; and Ralph A. Bohlmann, "Missouri Lutheranism, 1945 and 1995,"

appreciate the “heritage of faith” that has gone before, but at the same time teach contrary to that same history.¹⁰

Hermann Sasse

Hermann Sasse (1895-1976) is one of the most noteworthy Lutheran theologians of the twentieth century and spent a great deal of his time on issues related to Church and Office. As such, it is significant that his understanding of *K&A* was that the document was evidence that the Missouri Synod had been drawn into the ongoing European controversy over Church and Office in which the Reformed, Roman Catholics, Anglicans and Lutherans were all entrenched. It is not our intention to provide an overview of Sasse’s understanding of Church and Office. However, it is helpful for us to see how he understood the book *K&A*, for it gives us an insight into one key outside interpreter to the Missouri Synod’s own history.

In 1949 Sasse wrote an article entitled “Ministry and Congregation,” which was one of his “Letters to Lutheran Pastors” series.¹¹ Sasse in this article attempted to provide a framework for understanding the split between Löhe and Walther, and continued by presenting an alternative to how the Missouri/Iowa split might have been avoided.

Lutheran Forum 30 (February 1996): 12-17.

¹⁰ Prof. Kurt Marquart has called this view the “Rabbit’s Foot” view in relation to the Lutheran Confessions. Kurt E. Marquart, *Anatomy of An Explosion* (Fort Wayne: Concordia Theological Seminary Press, 1977), 72. This author would contend that is precisely how many in the Missouri Synod would like to understand the role of church history itself. Somebody has to do it, and it is helpful to rally the troops, but do not expect to run anywhere with it.

¹¹ Hermann Sasse, “Ministry and Congregation: Letters to Lutheran Pastors, No. 8, July 1949,” trans. and ed. Norman Nagel, in *We Confess the Church, We Confess Series*, vol. 3 (St. Louis: Concordia Publishing House, 1986), 69-83.

Before we look at his analysis of *K&A*, however, it is important to note that Sasse considered “matters of church government” to be adiaphora, and the exact thing referred to in Augsburg Confession VII.¹² For Sasse, the Lutheran understanding of church government is this: the church may govern itself in any way that is helpful, as long as the “means of grace are going on and are not frustrated.”¹³ For Sasse, one of the great dangers of the nineteenth century was the attempt to discover the “true way” of organizing the church according to the Bible. Both Löhe and Walther fell into the trap, therefore, of over-confessing in regards to church polity.

Both Walther and Löhe were guilty of overemphasizing “one aspect of Biblical truths which in the New Testament belong together.”¹⁴ Walther emphasized the priority of the congregation; Löhe the priority of the Office. Office and congregation belong together, and to separate them or pit them off one against the other is to do injustice to both.

For Sasse, then, the intent and purpose of *K&A* is wrongheaded from the start. Sasse believed that Walther placed a priority in the congregation, and that this was drawing distinctions that were not helpful. However, it is important to note that, although Sasse was at times critical of Walther, he still considered him more highly than most.

Just two years after the essay examined above, Sasse wrote:

With all the limitations one finds in him, he [Walther] remains the most Lutheran among the Lutherans of his time. His Lutheranism is limited, not by the theology of Spener, but by that of the Orthodoxy of the late sixteenth and of the seventeenth centuries. Luther seen through the spectacles of Orthodoxy is the Luther of the Missouri Synod. This is

¹² Ibid., 70.

¹³ Ibid., 71.

¹⁴ Ibid., 79.

certainly not a perfect picture of Luther, nevertheless it is better than those which are Pietistically and Romantically colored.¹⁵

Although Sasse did not find the theological approach taken by Walther on Church and Office to be the most helpful, he nonetheless held Walther and the Missouri Synod in high regard. Sasse did not address *K&A* in particular in this essay. It is clear, however, that Sasse saw *K&A* as a peculiarly “Missouri” book, and as such, not a useful approach to contemporary questions about Church and Office.

Wilbert J. Sohns

Dr. Wilbert J. Sohns, longtime president of the Wyoming District, presented a paper to the Council of Presidents on December 7, 1996, entitled, “Current Issues on Church and Ministry.”¹⁶ In his introduction, Dr. Sohns contended that the topics of Church and Ministry are issues in which “. . .members of Synod are still struggling today on this topic which our forefathers clarified with articulate statements (including the Synodical convention at Milwaukee in 1851).” He also charged: “There seems to be a ‘revisionism’ tendency in the midst of current hierarchicalism (Romanizing?), clericalism and congregationalism tendencies.”¹⁷

Next Sohns presented what he considered to be the key to clearing up the confusion within the Missouri Synod:

In commemoration of Synod’s 100th anniversary, a book was produced for wide distribution entitled *Walther and the Church* (by Dallmann, Dau and Engelder, 1938). The membership of the Synod was urged at that time to review and appreciate the “crown jewels” of *The Church and the Ministry*

¹⁵ Hermann Sasse, “Confession (Confessionalism) and Theology in the Missouri Synod (1951),” in *Scripture and the Church: Selected Essays of Hermann Sasse* (St. Louis: Concordia Seminary, 1995), 196.

¹⁶ Wilbert J. Sohns, “Current Issues in Church and Ministry,” presented to the Lutheran Church–Missouri Synod Council of Presidents on December 7, 1996.

¹⁷ *Ibid.*, 2.

together with two other famous and major works of Walther which was included in that anniversary book 50 years ago.¹⁸

He then proceeded to the “historical position” of the Missouri Synod, that is, Walther’s 1851 theses on Church and Ministry. In his argument, Sohns presented the Missouri Synod “doctrinal base” is as follows:

Doctrinal Base

Scripture - As God’s Word, the sole rule and norm for faith and life.

Official confessions - True and unadulterated statement and exposition of scripture. (without reservations or qualifications)

Witnesses of the church in the private writings of its teachers

Doctrinal resolutions and statements of The LCMS (Handbook 1.03; 1.09)

Kirche Und (sic) Amt, 1851

Thirteen Theses, 1881

Brief Statement, 1932, 1949

A Statement On Scriptural And Confessional Principles, 1973¹⁹

Sohns believed, therefore, that there is a four-fold hierarchy of authority for establishing doctrine and practice in the Missouri Synod: 1) Scriptures; 2) Public confessions of the Church; 3) Private writings of the church’s teachers; and 4) Four Missouri Synod doctrinal statements.²⁰

Sohns, still an active speaker today, certainly believes that *K&A* has contemporary relevance for the Missouri Synod. It is curious, however, that he only chose to use the 1938 edition, which is an abridged version. This may indicate an uncritical use of the theses without putting them into context. Sohns did not provide a bibliography as such in his paper, but did list “resources” for identifying selected

¹⁸ Ibid.

¹⁹ Ibid., 5-6.

²⁰ There are several other statements that could easily be included in this list, which Sohns chose not to include. The two most obvious examples are *The Common Confession I & II* and the *1959 Statement on Scripture*. Sohns raises a significant question by his list. Do specific documents passed by Synod have “more” authority than other documents? Who determines the levels of authority granted to these documents?

positions on Church and Ministry (e.g. the Buffalo, Iowa, Missouri, and Wisconsin synods).²¹

Doctrine and Practice: Todd Wilken

Todd Wilken, pastor of Holy Cross Evangelical Lutheran Church in Sugar Loaf Township, Illinois, was one of the founders of *Doctrine and Practice*, “. . . an independent journal of Lutheran Theology providing a forum for a forthright discussion of Christian Doctrine and Practice within the boundaries of the Holy Scriptures and the Confessions of the Evangelical Lutheran Church.”²²

In an article entitled “Listening to ‘the Voice of Our Church,’” Wilken argued that:

. . . *Church and Ministry* was not published as a private writing of Walther, nor was it published as a backlash against Stephanism, nor was it published as an unbalanced answer to the unjust charges of Missouri’s opponents, nor was it published (as some have alleged) by bleary-eyed immigrants suddenly enamored with American democracy. *Church and Ministry* was published by the convention of the Missouri Synod “as our united confession (*einmüthiges Bekenntnis*) and in our name,” as a

Who has the authority to interpret these documents?

²¹ Sohns’ sources include Baepler *A Century of Grace: A History of the Missouri Synod 1847-1947*, (St. Louis: Concordia Publishing House, 1947); C. F. W. Walther, *The Congregation’s Right to Choose Its Pastor* (trans. by Fred Kramer. Fort Wayne: Concordia Theological Seminary, 1987); *The Lutheran Cyclopedia* (St. Louis: Concordia Publishing House, 1954, 1975); William Schmelder, “The Office of the Pastoral Ministry and the Priesthood of All Believers, (n.p., n.d.); an article by Samuel Nafzger presented to the Lutheran Education Association in Fall of 1995 (no other information is given by Sohns), and William Dallmann, W. H. T. Dau, and Theodore Engelder, eds., *Walther and the Church* (St. Louis: Concordia Publishing House, 1938) . Sohns also notes (22): “It is important to interpret or understand the following within the context of “official” writings/articles as well as within the context of the above listed resources.” The Baepler book, as an example, does not mention *K&A* at all. See section below on *A Century of Grace*. For his summary of the WELS/Missouri position, Sohns cites (24) two unpublished theses presented by Eugene Klug to the Concordia Theological Seminary, Fort Wayne, faculty in 1977 and 1982.

²² *Doctrine and Practice* 1 (January 1994): inside cover.

confession of historical Christian orthodoxy, and as “the pure doctrine of [God’s] holy Word.”²³

He continued:

It is for this reason that, at their signing of the Synod’s constitution, pastors of our Synod bind themselves on oath to uphold not only the Holy Scriptures and the confessions of the Evangelical Lutheran Church (Article II), but they also bind themselves on oath to uphold the doctrine of *Church and Ministry* among other doctrinal statements of the Synod.

In short, *Church and Ministry* was viewed by the congregations of our Synod as the voice of *our church*. *Church and Ministry* was intended to be the church’s confession, “*ein Zeugnis ihres Glaubens*,” a witness of its faith.²⁴

In order for the Missouri Synod to truly understand its own history and position, a reading of *Church and Ministry* must happen: “For pastors sworn to uphold its doctrine, a reading, or rereading of *Church and Ministry* is not only helpful, but required. The voice of our church can lead us back into the way of truth and confirm the truth among us.”²⁵

Wilken furthermore argued that the proper mode for dissent, if one were to disagree with any doctrinal statements of Synod, is to speak to the brethren in the circuit, rather than present this in some public fashion (pulpit, Bible class, writings, etc.).²⁶

In some ways similar to Sohns’ position, Wilken argued that this is public doctrine for the Missouri Synod, and that pastors, teachers and other “church professionals” according to Article II of the Constitution of Synod cannot speak publicly against the doctrine taught within its pages. A repristination of the doctrine and practice behind *K&A* will lead the Synod back to orthodoxy.

²³ Todd Wilken, “Listening to the Voice of Our Church,” *Doctrine and Practice* 1 (January 1994): 22.

²⁴ *Ibid.*, 22.

²⁵ *Ibid.*, 26

²⁶ *Ibid.*, 27.

Norman Nagel

Dr. Norman Nagel, professor of Systematic Theology at Concordia Seminary, Saint Louis, has attempted to give another interpretation to Walther. In 1989 he wrote an article entitled, “The Doctrine of the Office of the Holy Ministry in the Confessions and in Walther’s *Kirche und Amt*.”²⁷ He examined Walther according to thesis and proof:

The Walther anniversary year is a fitting way to try out doing things Walther’s way. In *Kirche und Amt* his procedure is to put down a thesis and then the evidence which produces it in order of magnitude: Scripture, Confessions, and then teachers of the church. Only Scripture is adduced as giving proof. After that come the witnesses of Confessions and teachers. These two are distinguished as public and private. *Church and Ministry* translates not “public” but “official,” thus drawing out the *publica doctrina* dimension of the Confessions. *Die Stimme* is *viva vox*, preached, heard or read (FC, SD, II, 50).

. . . This way of doing things confesses the church with the Augsburg Confession (hereafter AC) VII as *perpetuo mansura*, always is and remains truly on earth (ap, VII, 20-21; BKS, p. 238, 44. W&C, p. 54: “old mother church”). We are heirs of all its treasures and what we confess is no novelty but the apostolic and catholic faith once delivered (W&C, p. 55: “teaching not anything new in the church”).²⁸

Nagel then recounted a story of being lectured to by someone who did not care if what they were saying was contrary to Scripture and Confessions. This individual was going to use them as a guise to get in the views of sociologists and “Fullerites.” Nagel criticized this approach to theology because it does not get at the source. He wrote: “It is not that some helpful things were not said, but they were at level 4 or 5, and can only be safely arrived at by way of 1, 2 and 3. Much is confessed, much is at stake in the way Walther proceeded.”²⁹ For Nagel, then, there are several different “levels” of evidence.

²⁷ Norman Nagel, “The Doctrine of the Office of the Holy Ministry in the Confessions and in Walther’s *Kirche und Amt*,” *Concordia Journal* 15 (1989): 423-46.

²⁸ *Ibid.*, 424.

²⁹ *Ibid.*

The first is Scripture, then Confessions, and then the teachers of the church. Presumably levels 4 and 5 are contemporary theologians.

Nagel then revealed his purpose and intent:

The task of this paper comes at the second level. *Zeugnisse der Kirche in ihren öffentlichen Bekenntnissen*, which *Church and Ministry* translates “Witnesses of the Church in its Official Confessions.” First we follow Walther to those places in the Confessions to which he invites us. We may then observe to what places he does not direct us, and this may be helpful in discovering whether there are places to which he does not attend. We may then ask why this might be so, and perhaps even identify a *Tendenz*, or at least get a reading on what he was leaning against, and what it was most important at that time for him to confess. This could then provide a vantage point for assessing what is currently being confessed of the doctrine of the office of the holy ministry. What are today’s threats to this doctrine? What has “carried over” from what Walther confessed, which was in German, and what not?³⁰

Nagel then analyzed Walther’s theses on the Holy Ministry, looking at each through the eyes of the confessions and explicating the German text of Walther’s theses. He did this with each of Walther’s theses, pointing out translation errors in Tappert, Mueller and Engelder along the way.³¹

Nagel then gave an *apologia* for his reading of Walther:

Walther is always intent on speaking in harmony with Scripture and the Confessions. So this is the first way to read him. This frees him from many problems which have been pushed upon him by those who have

³⁰ Ibid., 424.

³¹ An example of how Nagel is critical of Walther is on Thesis VII reads as follows (441-442): “. . . [Walther] goes beyond the Confessions in working priesthood of believers as ground for its committing (*übertragen*) its priestly things to make a man a priest. (LW, vol. 40, p. 35). He is a priest already; what he is made into is a Minister, that is the public servant of the means of grace. As servant of the means of grace he is in the *Predigtamt* (Ap, XIII, 7-9). Loyal to the instrumentality given them (*ius, Recht*, power) the congregation holds him to the exercise of his *Predigtamt*. In this way he may be said to act ‘in their name,’ although this is not said in the Confessions (K&A, p. 319; C&M, p. 272) . . . If we recognize Walther’s failure to understand *principaliter et immediate*, how much of his argument still holds, and how much of what he says is covered by the quotation from the Confessions?”

something else to push, with resulting specious alternatives. This way of reading him also enables us to spot when he is not, as attempted in this study, covered by the Confessions. Here we may find him not pulling against the Confessions, but seeking to draw from them what would serve the needs he was called to serve and doing this in the traditional language of the Lutheran heritage, and also in the language and thought patterns of his day. To begin with these last would be backwards. The direction of this theology is shown by his procedure: Scripture, Confessions, teachers of the church. Any other procedure is perilous indeed, although we might prefer to have the thesis at the end rather than at the beginning. However, in this procedure, the thesis only holds if it is shown to be from Scripture and the Confessions. That is the test invited by his procedure.

Walther is not in our ordination vow, but what we there pledge our lives to the service of, can be more profoundly grasped and rejoiced in with the strong help of this “called and ordained servant of the Word.”³²

For Norman Nagel, therefore, we are not “bound” at our ordination vow to accept the theses of Walther’s *Kirche und Amt*, but we are obliged as pastors of the Missouri Synod to take them seriously, and to do what Walther would have us do, namely, engage the Scriptures, Confessions, and private writings of the Church in the task of understanding God’s gift given in the Holy Ministry.

Summary

The preceding positions demonstrate that there are assumptions being made on all sides about the nature of *K&A*. The gulf within the Missouri Synod on the use of *K&A* is wide. The gambit runs from uncritical use (Sohns), critical use (Wilken and Nagel in different fashions), to unhelpful and parochial (Sasse), all the way to a rejection of *K&A* as having any authority today (Repp). The confusion within the Missouri Synod over the nature of our own doctrinal statements is evident. Although the Commission on Theology and Church Relations (CTCR) also attempted to answer this question, it is clear

³² Ibid., 442.

that there is no consensus within the Missouri Synod as to the use of doctrinal statements in general, or *K&A* in particular.³³

With the possible exception of Nagel, none of the authors cited above actually attempted to analyze the original intention of *K&A*, nor do they examine its use within the Missouri Synod. Sohns in particular appeared to simply accept *K&A* as the truth outside of its original context, and that its principles could be applied to the contemporary situation without a serious engagement of the nineteenth century issues.

So what was the original context for *K&A*? Are these authors operating with different theological presuppositions, are they ignorant of the Missouri Synod's history, or are there other factors involved in the various interpretations of *K&A*? It is difficult, perhaps even impossible, for the Missouri Synod to come to a common consensus on the confessional place and status of *K&A* without making an attempt at understanding its own particular history and background. This also demonstrates the importance of examining *how* the Missouri Synod has used *K&A* throughout its history.

³³ Lutheran Church – Missouri Synod, Commission on Theology and Church Relations, “What is a Doctrine?” (1967).

CHAPTER THREE

DIE STIMME UNSERER KIRCHE: THE FIRST OFFICIAL DOCTRINAL STATEMENT OF THE MISSOURI SYNOD

Before beginning our history of the writing of *Kirche und Amt* in particular, we will present a brief picture of the theological scene of the 1840s and 1850s in the United States.¹ We will do this by providing a synopsis of the Saxon immigration and early controversy with Stephan over Church and Office. Then we will examine the Grabau controversy and its background for the formation of *K&A*. This will also include an outline of Wilhelm Löhe's role in the controversy. Finally, we will provide the specific background to the creation and passing of *Kirche und Amt*, and the versions throughout Walther's lifetime.

¹ The Church and Office controversy in American Lutheranism was actually a continuation of a controversy that had been going on in Europe for some time. Richard Rothe and Julius Stahl were some of the names associated with the controversy in Germany. Wilhelm Löhe and A. F. C. Vilmar were also very much a part of the European debate. For a summary of the European roots to the Church/Office debate, see John Wohlrabe, "An Historical Analysis of the Doctrine of the Ministry in the Lutheran Church – Missouri Synod until 1962" (Th.D. diss., Concordia Seminary, St. Louis, Missouri, 1987), 18-20.

Crisis Number One: The “Stephanite” Immigration to the Altenburg Debate

In November of 1838 a group of almost seven hundred emigrants left Bremerhaven on five ships bound for America.² Under the charismatic leadership of Pastor Martin Stephan (1777-1846), former pastor of Saint John’s Bohemian Lutheran Church in Dresden, this company (*Gesellschaft*) included pastors, theological candidates, professional men, as well as the majority of skilled and unskilled laborers.

The “Stephanites” had chosen to immigrate to the United States for reasons of conscience. While on the voyage, the immigrants sailing on the *Olbers* “invested” Stephan as Bishop of the group and gave him all spiritual and temporal power.³ The other lay and clergy leaders concurred by signing the so-called “Confirmation of Stephan’s Investiture” on February 26, 1839. C. F. W. Walther, along with the other pastors, signed this document.⁴

The company arrived in Saint Louis, via New Orleans, in February of 1839. A portion of the group remained in Saint Louis, but the majority of the company moved to

² It is not this author’s intention to write a history of the Stephanite controversy, the Altenburg Theses of 1841, and the formation of the Missouri Synod. For an outline and varied opinions on this early history of the Synod, see William Schmelder, “Walther at Altenburg,” *Concordia Historical Institute Quarterly* 34 (October 1961): 65-81; Walter O. Forster, *Zion on the Mississippi* (St. Louis: Concordia Publishing House, 1953); John Wohlrabe, “An Historical Analysis,” 20-30; Carl S. Mundinger, *Government in the Missouri Synod* (St. Louis: Concordia Publishing House, 1947); and Walter A. Baepler, *A Century of Grace: A History of the Missouri Synod* (St. Louis: Concordia Publishing House, 1947), 15-52.

³ A summary of the investiture, including related documents and confirmation, can be found in Forster, 228-301. The title “Bishop” is somewhat disingenuous, because what the Saxons established was not actually some sort of episcopal church structure in the Northern European sense. Rather, it was an autocratic structure where all the power was essentially given to one man. Nevertheless, the later fear on the part of Walther and the Missourians toward any kind of authoritarian structure is certainly a result of the Stephan experience.

⁴ *Ibid.*, 300.

Perry County, roughly one hundred miles south of Saint Louis, along the Mississippi River.

Not long after Rogate Sunday 1839, Gotth. Heinrich Löber discovered that Bishop Stephan had been having illicit relations with at least two of the young women in his Saint Louis congregation. After consultation with Pastor C. F. W. Walther, it was decided that Walther would go with a layman down to Perry County unannounced to confront Stephan with his sins.⁵ On May 30, Bishop Stephan was excommunicated and deposed on the basis of immorality, false doctrine and misuse of funds. He was banished from the colony to Illinois.⁶

Not surprisingly, chaos enveloped the colony. The treasury was almost empty, and the winter brought rough days for the colonists. Deeper than this, however, was the theological question: “Are we a church?” Pastors doubted the validity of their calls. Factions began to be formed between the pastors who wanted to maintain a hierarchical form of government and a well-educated anti-clerical lay faction who were demanding a voice in the affairs of the community. The anti-clerical faction based their argument on Luther’s doctrine of the sovereignty of the congregation, and found written form in a *Protestationschrift*, prepared by Carl Eduard Vehse.⁷

⁵ Chr. Hochstetter, *Die Geschichte der Evangelisch-lutherischen Missouri-Synode in Nord-Amerika und ihrer Lehrkämpfe von der sächsischen Auswanderung im Jahre 1838 an bis zum Jahre 1884* (Dresden: Verlag von Heinrich J. Naumann, 1885), 18-20; Chr. Hochstetter, *A History of the Evangelical Lutheran Missouri Synod in North America and Her Doctrinal Controversies from the Time of the Saxon Emigration in the Year 1838 until the Year 1884*, trans. Fred Kramer and Walter J. Plischke (Concordia Historical Institute, 1984), 20-21. The original hereafter referred to as Hochstetter; the translation hereafter referred to as Hochstetter/Kramer.

⁶ Forster, 418.

⁷ Carl Eduard Vehse, *Die Stephan’sche Auswanderung nach Amerika. Mit*

These difficulties would eventually be settled, largely through the efforts of Pastor C. F. W. Walther, one of the young pastors of the Saxons. After Stephan's removal, Walther spent several months in prayer and study of Luther and the other fathers of the church. There is some evidence that Walther found a number of things in Vehse's theses quite helpful.⁸

In 1841 Walther engaged in a debate with lawyer Adolf Marbach on April 15 and 20. Through the use of Luther, Gerhard and other Lutheran theologians, Walther convinced the colonists that although there was error among them, there were also Christians; therefore the Christian Church was in their midst; that they were a part of the *una sancta ecclesia* and therefore had the power and authority to call pastors.⁹ These

Aktenstücken (Dresden, 1840). Pages 45-151 contain the *Protestation*. See also the translation, Carl Eduard Vehse, *The Stephanite Immigration to America*, trans. Rudolph Fiehler (Tuscon: Marion R. Winkler, 1977).

⁸ See J. F. Köstering, *Auswanderung der sächsischen Lutheraner im Jahre 1838, ihre Wiederlassung in Perry-Co., Mo., und damit zusammenhängende interessante Nachrichten, nebit einem wahrheitsgetreuen Bericht von dem in Gemeinden zu Altenburg und Frohna vorgefallenen fog. Chiliasteustreit in den Jahren 1856 und 1857* (St. Louis: Druck und Verlag von W. Wiebusch u. Sohn, 1866), 43. A great deal of work could be done examining how much Vehse actually impacted the Altenburg Theses and later *K&A*. Hochstetter argues (Hochstetter/Kramer, 107) that Walther was influenced by Dr. Andreas Rudelbach (1792-1862), who warned Walther early on against Stephan. This bears further study, as it may indicate whether Walther's *K&A* itself had any documentary roots in the European debates.

⁹ Apparently not long after arriving in Perry county, Walther became ill with some sort of fever, and found himself with several months to study particularly the work of Luther (Hochstetter/Kramer, 53). Hochstetter summarized Walther's revelation as follows (Hochstetter, 44; Hochstetter/Kramer, 53): "He [Walther] saw plainly what made Luther so strong in his battles, by which he not only resisted the pope, but also inflexibly withstood Zwingli, Calvin, and the enthusiasts, was Luther's Biblical faith and his aversion to hierarchic tendencies [*Abscheu vor allem hirarchismus*] in the church."

points, originally in the form of a letter, were set forth in eight paragraphs, which came to be known as the “Altenburg Theses.”¹⁰

The significance of the Altenburg Theses cannot be overestimated. Pastor A. Schieferdecker, who was present at the Altenburg Debate, later called them

. . . as important and meaningful as the Leipzig disputation of 1519 (Luther with Eck) became for the Reformation, so important – I am bold to say it confidently – this disputation which was at that time held here (in Altenburg) became for the entire later formation and shaping of our Lutheran church here in the West (of America). That which was at that time won in hard battle as the gem of truth has proved itself in all subsequent battles which our synod has waged.¹¹

Hochstetter recounts that when Walther was called to the Lutheran congregation in Saint Louis upon the death of his brother, he was faced with persons, particularly a certain Sproede, who went in the opposite extreme of Stephan, namely, Donatism and democratism.¹² Walther at one point was forced to read the Vehse account of the emigration, and then to respond with the divine institution of the holy ministry.¹³

The Altenburg Theses and the Sproede incident provide half of the nucleus for Walther’s later theses on Church and Office of 1851, and in many ways define the church

¹⁰ For the German, see Hochstetter, 37-38. The English of these theses can be found in the *Lutheran Cyclopedia* (St. Louis: Concordia Publishing House, 1954), 21. For another translation, see Hochstetter/Kramer, 43-45.

¹¹ Hochstetter, 38-39; Hochstetter/Kramer, 46.

¹² Hochstetter/Kramer, 76. The term Donatism is often used by Hochstetter to refer to the idea that because the pastor was unworthy, that his office and ministerial acts were invalid. The Donatism phrase was also used by Hochstetter to refer to the idea that the church is to be tied to a particular visible group. Hochstetter/Kramer, 93; Hochstetter, 74.

¹³ Hochstetter does not cite whether Walther ever published this work, and this author has not found any other reference to it. Hochstetter recounts that Walther pitted “nearly a hundred testimonies of orthodox theologians in his response” (77), and so this would fit the later pattern that is evident in *K&A*.

polity of the Missouri Synod to this day. This ecclesiology was foundational for the Missouri Synod, which would be formed in 1847.¹⁴

Crisis Number Two: J. A. A. Grabau Versus C. F. W. Walther, with Löhe in a Mediating Position

The specific origin of *K&A*, however, is as a result of the dispute between C. F. W. Walther and J. A. A. Grabau, which began with the *Hirtenbrief* (“pastoral letter”). In 1839 a group of Prussians under the leadership of Pastor Johann Andreas August Grabau (1804-1879) and a group of Silesians under Pastor Leberecht Friedrich Ehregott Krause immigrated to the United States.¹⁵ The Prussians settled around Buffalo, New York, and the Silesians settled in the area of Milwaukee and Freistadt, Wisconsin.¹⁶ As the Silesians settled in Wisconsin, Krause was forced to make a sudden trip back to Germany.

A leading layman (who would later become a pastor), Heinrich von Rohr, wrote to Grabau concerning whether it would be permissible for a layman to conduct services

¹⁴ A great deal more could be said regarding the formation of the Missouri Synod, the role of the Löhe men in this formation, the church polity established, etc. For further study on this formation of the Synod, see Erich Heintzen, “Wilhelm Loehe and the Missouri Synod, 1841-1853” (Ph.D. diss., The University of Illinois, 1964), 142-154; and James Lewis Schaaf, “Wilhelm Loehe’s Relation to the American Church: A Study in the History of Lutheran Mission” (Inaugural diss., University of Heidelberg, 1961), 96-120.

¹⁵ The historical background to this section is from Roy Suelflow, “The Relations of the Missouri Synod with the Buffalo Synod up to 1866,” *Concordia Historical Institute Quarterly* 27 (April 1954): 1-19; 27 (July 1954): 57-73; 27 (October 1954): 97-132; Alfred H. Ewald, “From a German Jail: Who has Authority in the Church?,” in *Church Roots: Stories of Nine Immigrant Groups That Became the American Lutheran Church*, ed. Charles P. Lutz (Minneapolis: Augsburg Publishing House, 1985), 41-59; and William Cwirla, “Grabau and the Saxon Pastors: The Doctrine of the Holy Ministry,” *Concordia Historical Institute Quarterly* 68 (Summer 1995): 84-99

¹⁶ Roy Suelflow, “The Relations of the Missouri Synod with the Buffalo Synod up to 1866,” *Concordia Historical Institute Quarterly* 27 (April 1954): 2-3.

and celebrate Holy Communion in the absence of a pastor.¹⁷ They asked Grabau if they could choose and ordain a man from their midst as a *Kirchenvorsteher* (elder) who would preach and administer the sacraments, and yet not exactly be a *Prediger* (preacher).¹⁸

Grabau responded on December 1, 1840, with the *Hirtenbrief* (pastoral letter), and sent a copy to the Missourians (and others), with whom he was attempting to establish fellowship.¹⁹ On the basis of AC XIV, Grabau argued that in order for a pastor to be able to perform pastoral functions, he must be called and ordained according to the old German *Kirchenordnungen* (church orders/agendas).²⁰ He then went on to outline seven requirements for a proper call.²¹ This process is that Grabau believed was meant

¹⁷ James Schaaf claims that part of Grabau's concern in the *Hirtenbrief* was the problem of conventicles being held by some members of the congregations. This author has not found any other research that supports this claim. "Loehe and the Missouri Synod," *Concordia Historical Institute Quarterly* 45 (May 1972): 62.

¹⁸ See James Schaaf, "Wilhelm Loehe's Relation to the American Church," 122-24.

¹⁹ The German text may be found in *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840, nebst den zwischen ihm und mehreren lutherischen Pastoren von Missouri gewechselten Schriften, der Öffentlichkeit übergeben als eine Protestation gegen Geltendmachung hierarchischer Grundsätze innerhalb der lutherischen Kirche* (New York: H. Ludwig & Co., 1849), 11-19. This same book contains the Saxon response and other early documents in the dispute. A translation of the *Hirtenbrief* and the first Saxon response may be found in William W. Schumacher, translator and editor, *The Hirtenbrief of J. A. A. Grabau and Its Evaluation by the Saxon Pastors of Missouri* (St. Louis: n.p., 1998), 1-12 for the *Hirtenbrief*, and 13-33 for the Saxon response.

²⁰ Walther, in a letter to J. A. Ernst in 1845, indicated that it was his desire an intention to have the new Synod pledge itself to the Word of God, the Symbols (Book of Concord), and the Saxon Visitation Articles of 1592. Walther then wrote, "However, I shall not insist upon the acceptance and binding nature of the latter." Given the fact that this was one of Grabau's consistent complaints against Walther, this would be a worthy study. August Suelflow, "Walther and Church Polity," *Concordia Theological Monthly* 32 (October 1961): 633-634.

²¹ Grabau's seven requirements can be summarized (Schumacher, 3-5) as follows: 1) Thoroughly studied and learned God's Word under proper instruction regarding the holy sacraments; 2) Has the gifts of the Holy Spirit to rightly use the right knowledge; 3) Be examined and tested by those who are already ministers; 4) If a congregation elects

by *rite vocatus* in Grabau furthermore stressed the sole authority of the pastor to excommunicate, and the need for the synod to approve all calls.

In February of 1841 (just two months before the Altenburg Debate) the Saint Louis congregation took up the *Hirtenbrief*, and it was decided to postpone an answer until their new pastor had assumed office. Over two years later on June 22, 1843, Pastors C. F. W. Walther, T. C. F. Gruber, G. H. Löber, O. Fuerbringer and G. A. Schieferdecker met in Saint Louis to discuss the *Hirtenbrief*. After some discussion, the pastors designated Pastor Löber (1797-1849) of Altenburg to write up a response. This was done on July 3, 1843, and was signed by the other Saxon pastors.²² The resulting *Beurtheilung* (evaluation) was sixteen pages. Löber at the very beginning of the *Beurtheilung* mentioned Walther and his study of Luther by name, and so appeared to be indebted to him in this work.²³ Löber summarized their concerns as follows:

If we were to give a summary evaluation of the content of the *Hirtenbrief*, it seems to us that, in the first place, with regard to the old church orders that you emphasize so much, what is essential gets confused with what is nonessential, divine with human, so that Christian freedom is restricted. Secondly, however, it seems that you attribute more to the office of the ministry than is due, and that thereby the spiritual priesthood of the congregations is diminished.²⁴

such a man, he then *may* be admitted by those whom are already ministers; 5) The congregation must set such a man before the existing clergy for another examination; 6) After the second examination then the existing clergy ordain him; 7) He then may be installed in the congregation he is to serve.

²² The German text may be found in *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840, nebst den zwischen ihm und mehreren lutherischen Pastoren von Missouri gewechselten Schriften, der Öffentlichkeit übergeben als eine Protestation gegen Geltendmachung hierarchischer Grundsätze innerhalb der lutherischen Kirche* (New York: H. Ludwig & Co., 1849), 20-36. An English translation is in Schumacher, 13-33. See also Baepler, *A Century of Grace*, 139; Munding, 123; Wohlrabe, "An Historical Analysis," 33-34.

²³ Schumacher, 13-14.

²⁴ *Ibid.*, 14. We will refer to the pages in this section within the document.

Three further aspects of the Saxons' response are worth noting: 1) The Saxons emphasized the centrality of the Word of God as the active force in the ministry. This is contra ordination "admitting" a man into the Office; 2) The Saxons argued that order was good and necessary, but that the specifics of that order are contingent upon time and place, and that it was not even possible to follow the old church orders/agendas; and 3) The Saxons finally argued that the place of the congregation as the people of God and the spiritual priesthood would be undermined if the Office was held up as Grabau had done.

Thus began a long series of articles and editorials between Walther and Grabau over the next seven years, well into the founding of the Buffalo Synod and the Missouri Synod.²⁵ Later on, Walther would describe Grabau as a "second, unrevised edition of Stephan."²⁶ Grabau and Buffalo would call the Missouri Synod "Ahab's Synod," or the "Synod of Abomination."²⁷ There was also a long series of arguments and controversies between Buffalo and Missouri over individual congregations, whether Missouri was "sheep stealing" or sending in "rabble preachers" to undermine the work of Buffalo, and the like. Buffalo, on the other hand, was accused of arbitrarily excommunicating individuals without cause, and that these people were coming to Missouri for spiritual nourishment. This young Missouri Synod, born out of controversy, and with roots in the

²⁵ The Buffalo Synod was founded in 1845 by Grabau and his group of Prussians. In practical terms, the formation of the Buffalo Synod simply acknowledged how things were already working among the Prussians. Roy Suelflow, 12-14. Heinzen (184-185) outlines the articles which appeared in *Der Lutheraner* related to Grabau's *Hirtenbrief*. See also William Cwirla, "Grabau and the Saxon Pastors: The Doctrine of the Holy Ministry," *Concordia Historical Institute Quarterly* 68 (Summer 1995): 84-99, for a summary and analysis of the argumentation both directions in this early period in Missouri's history.

²⁶ L. Fuerbringer, ed., *Briefe von C. F. W. Walther*, vol. 2 (St. Louis, 1915-16), 88. Letter from Walther to Marbach on January 4, 1854.

Saxons and in Wilhelm Löhe's *Sendlinge*,²⁸ was destined to be the seed-ground for Church and Office debate throughout its history.

In 1847, the Missouri Synod chose to set up its constitution along congregationalist lines, much to the chagrin of both Löhe and Grabau.²⁹ Grabau charged the Synod with being separatist, and Löhe argues that they had “. . . a strong admixture of democratic, independent, and congregational principles.”³⁰ The “fundamental element” (as Schaaf puts it) to the structure of the Missouri Synod was that it was a union of both clergy and laity, unlike the older, Eastern Lutheran tradition of a clergy ministerium. At the same time, however, the synodical president was invested with a great deal of authority.³¹ This element, with C. F. W. Walther at the helm for most of the remainder of his life, would define the nature and the future of the Synod.

In early 1850, Wilhelm Löhe wrote a book on the state of the Lutheran Church in Bavaria entitled, *Unsere kirchliche Lage*. Near the end of this book, he included a *Zugabe* (supplement), wherein he gave his understanding of the Walther/Grabau controversy. In his article on Löhe, Walther, Church and Office, Thomas Winger

²⁷ Hochstetter, 196; Hochstetter/Kramer, 215.

²⁸ In 1847 at the first regular synodical conference, over half of the pastors present (21) were sent to America by Löhe.

²⁹ For a history of the formation of the Synod and an examination of its church polity, see Carl S. Munding, *Government in the Missouri Synod* (St. Louis: Concordia Publishing House, 1947).

³⁰ Wilhelm Löhe, *Kirchliche Mittheilungen aus und über Nordamerika* 6 (September 8, 1847): 44. A translation can be found in Wohlrabe, “An Historical Analysis,” 40-41.

³¹ Schaaf, “Loeche and the Missouri Synod,” 59. The *Präses Amt* was responsible for the theological examination of all candidates for the Office. He also oversaw the doctrinal soundness of pastors serving congregations, and was to visit and examine every congregation during his term of office to ascertain their doctrine and life and spiritual condition.

summarizes Wilhelm Löhe's views in the *Zugabe*.³² Essentially Löhe tried to find a middle road between Grabau and Walther, by finding good and bad in each, and offering a solution and perspective which he believed was faithful to Luther and the Confessions. In general, he found little wrong with Grabau other than attitude and approach and much wrong with Walther and the Saxons. He continually charges the Saxons with imbibing of the "American democratic spirit."³³ Nonetheless, Löhe believed that the differences between Grabau and Walther should not divide the church. For 300 years the Lutheran Church had survived intact without explicating this question; there was no reason to begin now, when the need for confessional unity was so great.³⁴ In practical terms, Löhe's attempt at unity failed completely.

At the 1851 convention of the Missouri Synod, Walther and Wyneken³⁵ were commissioned by Missouri to travel to Neuendettelsau to visit Löhe and attempt to reach some sort of agreement and resolution. They did so in October and November of 1851. Although there was much agreement between them, there was no resolution. Later in 1851, Löhe's wrote his final word on the topic, entitled *Kirche und Amt: Neue Aphorismen*.³⁶ Löhe then argued that his position was to take precedence over either side as the correct one. In 1853 the Buffalo Synod sent Grabau and Heinrich von Rohr to visit

³² Thomas Winger, "The Relationship of Wilhelm Löhe to C. F. W. Walther and the Missouri Synod in the Debate Concerning Church and Office," *Lutheran Theological Review* 7 (Fall/Winter 1994 and Spring/Summer 1995): 107-32.

³³ Wilhelm Löhe, as cited in Winger, *Ibid.*, 125.

³⁴ *Ibid.*, 129.

³⁵ Wyneken was elected president of the Missouri Synod from 1850-1864. A strong leader, Hochstetter said of him: "Prof. Walther brought light into a matter, Wyneken's words were like the thunder which follows the lightning." Hochstetter/Kramer, 132.

³⁶ Schaaf believes that this was written as a result of both Grabau and Walther

Löhe with much the same purpose as Walther and Wyneken. Although Löhe did not appreciate Grabau's "vehemence" in the controversy, he essentially agreed with him.³⁷

Grabau, however, did agree to acknowledge that the exact nature of the ministry was an open question, if Walther would agree to the same.

Walther, however, did not agree that the nature of the ministry was an open question.³⁸ Although Walther continued to hold Löhe in high honor, they could not agree on the nature of the Office.³⁹ Löhe himself later (1859) admitted that the views of the "former Stephanites" on Church and Office were to be found in Luther and the Symbols. Löhe believed that his view, on the contrary, was that of the Scriptures and antiquity and was demonstrated more fully in practice.⁴⁰

The final break with the Missouri Synod occurred in 1853 as a result of a controversy between Pastor Georg Grossmann (a Löhe man sent to be the rector for the seminary adjoining the *Pilgerhaus* in Michigan) and the nearby Missouri Synod congregation and pastor in Saginaw. Wyneken, then president of the Missouri Synod, urged Grossmann either to deed the seminary to the Missouri Synod, move, or close. Löhe was greatly offended by this, and Grossmann moved with the seminary to Dubuque,

rejecting the *Zugabe*. Schaaf, "Wilhelm Loehe's Relation to the American Church," 145.

³⁷ Schaaf "Loeche and the Missouri Synod," 63.

³⁸ Schaaf, *ibid.* *Synodal-Bericht* (1850), 118-121.

³⁹ Walther wrote in 1852 that next to God it was Löhe whom the synod must thank for its growth and increase. *Der Lutheraner* 8 (17 February 1852): 97. Translated in Schaaf "Loeche and the Missouri Synod," 65.

⁴⁰ Löhe's comments may be found in an article in *Kirchliche Nachrichten aus und über Nord-America* (no. 8, 1859), and was quoted in an article by Walther entitled, "Do We Draw the Lines of Fellowship too Narrowly?" *Lehre und Wehre* 6 (January 1860): 1-13. See C. F. W. Walther, *Editorials from "Lehre und Wehre,"* tr. Herbert J. A. Bouman (St. Louis: Concordia Publishing House, 1981), 75-76.

Iowa (later known as Wartburg Seminary). In 1854 the Iowa Synod was formed as a result of the two congregations in and near Dubuque.⁴¹

Although they had never been in fellowship, the final break with Grabau came several years later. In 1859 Grabau utterly renounced the Missouri Synod, and had the Buffalo Synod excommunicate Missouri *in masse*.⁴²

The 1850 Convention in Milwaukee

We can see, then, that the controversy over Church and Office had been going on for a full ten years by the time of the 1850 Synodical Convention in Milwaukee. That the issue was still significant is evidenced by the 1849 printing by Löber of the *Hirtenbrief* and the various responses.⁴³ It is no surprise that this was one of the major topics of the 1850 convention.

In 1850 at the Milwaukee convention, Walther argued that Church and Office were not “open questions” (contra Löhe), but already settled by the Lutheran Confessions.⁴⁴ He specifically criticized Löhe on several points: doctrinal development, sacramentalism, ordination, and the status and authority of the Office. Walther himself

⁴¹ Rich Stuckwisch summarizes this breakup in *Johannes Konrad Wilhelm Löhe: Portrait of a Confessional Lutheran Missiologist* (Fort Wayne: The Student Association of Concordia Theological Seminary, 1993), 29-31. See also Schaaf, “Wilhelm Loehe’s Relation to the American Church,” 169-177.

⁴² Baepler, *A Century of Grace*, 142; Hochstetter/Kramer, 271-272.

⁴³ Gotthold Heinrich Löber. *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840, nebst den zwischen ihm und mehreren lutherischen Pastoren von Missouri gewechselten Schriften, der Öffentlichkeit übergeben als eine Protestation gegen Geltendmachung hierarchischer Grundsätze innerhalb der lutherischen Kirche* (New York: H. Ludwig & Co., 1849).

⁴⁴ *Synodal-Bericht* (1850), 119-21; Hochstetter, 202ff.

argued that their opponents were holding up the office of the holy ministry at the expense of the priesthood of the laity.⁴⁵

The convention resolved to ask Lochner, Buerger and Keyl to write up a detailed report of the Grabau controversy.⁴⁶ This same convention invited Löhe to attend the next convention, but he was unable to do so. They then resolved to have a book published against the Grabau error, particularly the second synodical letter of Grabau, and Walther was chosen to be the author.⁴⁷

The Acceptance Of The Theses At The 1851 Convention

The next year Walther presented a draft of the treatise, *Die Stimme unserer Kirche in der Frage von Kirche und Amt* (“The Voice of Our Church on the Question

⁴⁵ A portion of Walther’s synodical address may be found in Hochstetter, 203 and Hochstetter/Kramer, 222-224. Walther wrote (Hochstetter/Kramer, 223): “In contrast to the disdain of all that is old and to the rejection of all alien authority and of true and tried churchly institutions they are now again trying to bind also consciences to certain human laws and churchly ordinances. In contrast to the degrading of the office of the ministry they oppose the important and just rights of the spiritual priesthood of all Christians as the idle dreams of proud fanatics and deprive the so-called lay people even of their rights to the election of their pastors and the vote at synodical conventions and in church courts. In upholding this contrast they furthermore derive the office of the ministry from the power of ordination by pastors, which they declare to be a divine ordinance; they turn the office and ministry of those who ought only to be stewards of the mysteries of God into a special class, favored above the priesthood of the laity; they grant the preachers of the Gospel authority and rule *de jure divino* (by divine right) also in matters which are neither commanded nor forbidden in the Word of God; thus they turn the Cristocracy of the congregation of saints and of the elect, and of the free woman who is the mother of us all, of the Jerusalem that is above, into the aristocracy of a church-state, and finally they make the efficacy of Word and sacrament dependent on the office which dispenses these means of grace.”

⁴⁶ *Synodal-Bericht* (1850), 144-145. This author is not aware if the report was ever written.

⁴⁷ Hochstetter, 207; Hochstetter/Kramer, 226. It is important to note that *K&A* was not a refutation of the *Hirtenbrief*, written in 1840, but rather against all of the “attacks” (*Angriffe*) of Pastor Grabau, and that the Buffalo Second Synodical Report was the significant document.

Concerning Church and Office”) at the fifth convention in 1851, again in Milwaukee.⁴⁸ The paper was presented, “as a justification for our teaching on Church and Ministry,” and in order to counteract the growing disapproval among the brethren in Germany of their position.⁴⁹

Walther’s intention was that there would be four parts to the work: 1) A Preface; 2) The historical background under which the theses were developed; 3) The theses themselves; and 4) An Epilogue which would show the application of these theses to congregational life.⁵⁰ There were three sources to the theses: 1) The Holy Scriptures; 2) The Symbolical Books; and 3) “The acknowledged most reliable teachers of our and of the early church.”⁵¹

The intention behind the work proper is more apologetic than polemical, and is presented as a “calm examination” (*ruhiger Prüfung*).⁵² The intent behind the presentation (and this met with great approval) was that it be irenic, in order to heal the impending split (with the German *Mutterkirche*) in love. It was not written in order to incite disagreement.

The wording for the theses presentation and acceptance at the convention is as follows (translation from Appendix III):

⁴⁸ *Synodal-Bericht* (1851), 169. For a translation of the pertinent section of this synodical convention, see Appendix III.

⁴⁹ *Ibid.*, translation is from Appendix III.

⁵⁰ *Ibid.*, 169-170.

⁵¹ *Ibid.*, 170. Based on the work which was published the following year, it is likely that Walther here is referring to the Lutheran church fathers and the early church fathers. Walther’s citations include numerous Lutheran fathers, with Luther himself as the head, along with a number of early church fathers.

⁵² *Langenscheidts New College German Dictionary* (New York, Langenscheidt, 1995), 510. *Ruhiger* can be translated as quiet, peaceful, restful or calm.

The honorable author now presented the specific theses to which the Synod gave its agreement. Since, however, the book will be published soon, it would be superfluous to go into the specifics of the theses here. The reading itself, and the discussion that followed on the doctrine and practice of the Church, was held, with very little interruption, in eight sittings. This was unquestionably the part of the proceedings that was proven to be the most fruitful. It filled the hearts of everyone with great rejoicing over the Scripturality, the clearness, and the loveliness of our teaching. It was also experienced that, the peace of the Spirit of God, a sweet, well tasting fruit of the true unity and confidence of faith is.⁵³

Immediately preceding the section on the approval of Walther's theses, this same convention resolved to send a delegation to Germany in order to help heal the impending rift with the *Mutterkirche*.⁵⁴ President Wyneken was particularly forceful in his presentation that a split with the German churches would be detrimental to Missouri. Some of the reasons for this danger included: the shortage of pastors, the need for financial resources, and particularly the need to keep the bond of peace. The Missouri Synod was also, according to Wyneken, in a special circumstance to be able to help the German churches, because the church in America was entirely separate from the control of the state.

Dr. Sihler then read a letter to the convention in which he reiterated the concerns of Wyneken, and furthermore nominated Walther and Wyneken to be the delegates to go over to Germany. Several congregations agreed to underwrite the trip, because the need to keep the bond of peace was so strong. This was taken to be a sign from God that the trip must happen.⁵⁵

Walther expressed the opinion that the points of difference (over the doctrines of *Kirche und Amt*) were of immeasurable importance. If the church and state were to split

⁵³ *Synodal-Bericht* (1851), 170.

⁵⁴ *Ibid.*, 167-169.

in Germany, the danger of the congregations organizing around a hierarchical form of government was very real, and it was also likely that this would come back to America.

This was considered to be the most important reason for the delegation.

It was finally resolved that the delegation be sent, that the congregations underwrite the trip (estimated at \$700-800), that Dr. Sihler fill Wyneken's pulpit in Saint Louis during the trip, and that Walther's students at the seminary in Saint Louis would do independent study work while he was gone. They were to speak to those in positions of authority among the confessional Lutherans, and to speak to pastoral conferences.

Walther and Wyneken were also urged to make the trip as expeditious as possible.

They left on August 27, 1851 in New York, and arrived in Hamburg on the 12th of September.⁵⁶ While they were in Germany disputing with von Harless, Löhe and others, they engaged Andreas Deichert of Erlangen to serve as the printer for the theses. On December 30, their tasks accomplished, the delegates embarked in Calais for the return trip, and arrived in New York on January 16, and finally landed in Saint Louis on February 2, 1852.⁵⁷

⁵⁵ Ibid., 168.

⁵⁶ Hochstetter, 218.

⁵⁷ Hochstetter, 236; Hochstetter/Kramer, 256.

CHAPTER FOUR

KIRCHE UND AMT AS AN AUTHORITY UNTIL WALTHER'S DEATH

The Three Editions

Kirche und Amt underwent three editions during Walther's lifetime. Other than the prefaces that Walther wrote to the three editions, there is little background on publication history, print runs, etc.

The First Edition of 1852

The first edition was printed at the request of the 1851 Synodical Convention in Milwaukee. As was indicated in the last chapter, Walther and Wyneken were instructed by the convention in 1851 to have the theses and supporting evidence printed. Therefore, while Walther and Wyneken were in Germany visiting Löhe later in 1851, they



Figure 1 - *Kirche und Amt*, 1852 Edition

visited Andreas Deichert, a well known printer in Erlangen, and engaged him to print this first edition in 1852.¹

Walther himself provided an overview of the background to the publication of the book in “Vorwort des Redakteurs,” from *Der Lutheraner* in the August 31, 1852, edition.²

Walther argues that there are four reasons why the battle with Grabau is so difficult:

1. Grabau tries to discredit his opponents and distort their teachings.
2. The doctrinal issues of Church and Office required a spiritual discernment which most did not have in his day.
3. The views of Grabau were long-standing in the Lutheran Church, thanks to the European church-system.
4. Grabau’s view appeals to human reason and authority, and because of this people will be swayed by it rather than the scriptural positions.

Walther also made a point in the discussion on the publication of the book proper that it was *not* his private work, but the position of the whole Synod.³ This was also made clear on the title page itself. Strictly speaking, the author of the work was the Missouri Synod, *not* Walther. He is the presenter or compiler of the work. This

¹ C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt: Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer derselben* (Erlangen: C. A. Ph. Th. Bläsing, 1852). Dau, “Church and Ministry – Our Church’s Doctrine,” (*Walther and the Church*, St. Louis: Concordia Publishing House, 1938), 50. A recounting of the travel journeys of Walther and Wyneken may be found in *Der Lutheraner* 8, issues 13-21. The name Andreas Deichert does not, however, appear on the cover page of the first edition.

² C. F. W. Walther, “Vorwort des Redakteurs,” *Der Lutheraner* 9 (August 31, 1852): 1-3.

³ *Ibid.*, 3.

reinforces the fact that this was not published as a book of which Walther considered himself the author.

In the preface to the 1852 edition, Walther specifically repudiated the argument that the doctrines of Church and Office were “open questions.”⁴ He contended that the reason there were differences among Lutherans concerning the issues is that the public confessions of the church and the private writings of the orthodox teachers had been abandoned on these points. The doctrines, according to Walther, did not require development. In fact, one of the benefits of being removed from the halls of theological learning for Walther was that they were forced to simply hold to the teachings of the ancient teachers.⁵

Walther then recounted the specific impetus for the writing of the book. He began by stating that it was because of Pastor Grabau of Buffalo, New York, and in particular the second synodical report of the Buffalo Synod, that the book (*K&A*) had to be written. The paragraph deserves to be reproduced here in its entirety, and afterwards to discuss the translation:

We regarded ourselves as compelled to do this especially since Pastor Grabau of Buffalo, New York, particularly in the second synodical report edited by him, has grievously slandered us before the whole church on account of our doctrines of the church and the ministry and several other teachings closely connected with them, as well as our practice based thereon. Hence, the synodical convention held in St. Louis in the fall of 1850 asked this writer to compose the present book. Its contents were presented to the synodical convention, held the next year at Milwaukee, either literally or substantially, and after they had been examined and respectively revised, it was resolved to publish the manuscript “in our name and as our unanimous confession” [that of the Missouri Synod].⁶

⁴ *K&A*, 1852 edition, v; *C&M*, 7.

⁵ *K&A*, 1852, vi; *C&M*, 8.

⁶ *C&M*, 9.

The second half of the paragraph deserves particular attention. The last two sentences in English are actually one sentence in German as follows:

Daher wir denn in unserer in herbste des J(ahres) 1850 zu St. Louis gehaltenen Synodalversammlung den auf dem Titel als Herausgeber Genannten damit beauftragt haben, die gegenwärtige Schrift zusammenzustellen und, nachdem dieselbe in der im vorigen J(ahre) in Milwaukee gehaltenen Synodalversammlung uns theils wörtlich, theils der Substanz nach mitgeteilt und von uns geprüft und resp. revidiert worden war, als unser einmütiges Bekenntnis in unserem Namen zu veröffentlichen.⁷

The German here brings out several important aspects for understanding Walther's view of the book. First, Walther referred to himself as the *Herausgeber*, or editor. Walther did not consider himself the author of the book. He was the compiler of the witnesses (see the introduction to the preface of the third edition below). Next, the *Substanz*, or substance/core of the book was presented, revised, and then published by the Synod. The entire book was not presented to the synodical convention. Third, Walther mentions that there were revisions made, but there is no mention of these revisions in the synodical minutes.⁸ Fourth, the book is then published *als unser einmütiges Bekenntnis in unserem Namen*, or "in our name and as our unanimous confession."⁹ This phrase, once again, does not appear in the synodical minutes (see above section on Milwaukee Convention in 1851). Was this the intention of the synod in convention? Undoubtedly. However, the J. T. Mueller translation above is misleading, in that by putting this phrase in quotation marks, it sets them off as though they are from an official document.

⁷ Walther, 1852, vi-vii.

⁸ *Synodal-Bericht* (1851), 169-171.

⁹ *C&M*, 9.

One of the accusations of which Walther was acutely aware was the charge that their doctrines of Church and Office were conditioned by their experience with Stephan and by living in America. Walther responded to this in the preface to the first edition:

We are willing to admit that the conditions in which we live here in America decidedly influenced us deeply to appreciate the doctrines of the church and the ministry set forth in this book so that we adhere to them as a precious jewel and confess them before the whole world. Nevertheless, we definitely repudiate the charge made against us that we twisted and patterned them to favor our conditions. Since here we do not live under inherited church conditions but must rather first lay the foundation and lay it unhindered by anything already existing, the circumstances rather compelled us most earnestly to search for the principles on which, according to God's Word and the confessions of our church, the polity of a truly Lutheran church may rest and according to which it may be constituted.¹⁰

For Walther, then, the great challenge of the Lutheran Church in America was that since it was not under "inherited church conditions," they must lay the foundation for the polity of a Lutheran church anew. Walther wanted to ensure that this foundation was none other than the sure Word of God and the confessions of the church. That was the intention of *K&A*.

At its sixth Synodical Convention, the Missouri Synod indicated that if the Buffalo Synod was not convinced of the truthfulness of the Missouri position through *K&A*, it was willing to meet with the Buffalo Synod regarding the controversy, and that Buffalo could set the time and place.¹¹ *K&A* was then affirmed as the Missouri Synod *apologia* to Grabau and the Buffalo Synod.¹² L. W. Habel, secretary of the Missouri Synod, had sent a letter to Grabau along with a copy of *K&A*. Grabau responded by

¹⁰ Ibid., 10. For an analysis of the Americanization process, see John Wohlrabe, "The Americanization of Walther's Doctrine of the Church," *Concordia Theological Quarterly* 52 (January 1988): 1-28.

¹¹ *Synodal-Bericht* (1852), 212.

saying it was futile to meet with him individually, since this was a matter between the Missouri and Buffalo ministeria.¹³ Thus, *K&A* was not used in any formal negotiations with the Buffalo Synod during the 1850s.

The Second Edition of 1865

The second edition was printed in 1865, again in Erlangen, by Andreas Deichert.¹⁴ There is no evidence that this printing was at the request of a Synodical convention, pastoral conference, or any other entity of the Synod. It had the following preface:

This second edition differs from the first by the careful correction of errata found in the former edition, by the deletion of some repetitions found in the former, and by a number of new quotations, as well as an added index of the Christian authors quoted and an alphabetical subject index.

May God for Jesus' sake bless this humble contribution also in its new form toward the spread of truth.¹⁵

The Third Edition of 1875

The third edition was printed in 1875, again by Andreas Deichert.¹⁶ One addition was made to the cover page. On the cover page it reads "Third edition, published by

¹² Ibid.

¹³ Roy Suelflow, "The History of the Relations of the Missouri Synod with the Buffalo Synod up to 1866," *Concordia Historical Institute Quarterly* 27 (October 1954): 122.

¹⁴ C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt: Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer derselben*, 2nd ed. (Erlangen: Andreas Deichert, 1865).

¹⁵ *C&M*, 13. It should be noted that we have not attempted to analyze the errata of which Walther alludes. For instance, William Cwirla, in his article on Grabau and the Saxon pastors (99) mentions in a footnote that some of the terminology (e. g. *in abstracto* and *in concreto* from Thesis 2 on the Amt) changed from the 1852 to 1865 editions.

¹⁶ C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt: Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer*

resolution of the Synod, newly revised and enlarged.”¹⁷ There was no new resolution to reprint the edition, so this must be a reference to the 1851 resolution of the Missouri Synod, cited above. This did give a further sense of authority to the edition. It also had the following preface:

This third edition differs from the second revised and enlarged edition only by the deletion of errata that were overlooked as well as by the addition of some Greek originals in places where in the former editions the patristic quotations could be given only in Latin.

We humbly commend to the continued blessing of the invisible Head of His church also this newly reprinted anthology of witnesses of orthodox teachers concerning two so important teachings of Christian doctrine as the church and the ministry.¹⁸

Walther in this preface calls it an “anthology of testimonies of orthodox teachers” or “*Sammlung von Zeugnissen rechtgläubiger Lehrer.*” This is similar to the phrase on the title page, and does give us some hint of Walther’s understanding of the work. Walther considered the work a compendium of orthodox theologians on the topics of Church and Office. Perhaps a comparison may be made to the Baier-Walther edition which was in use in the dogmatics classes at Concordia Seminary, Saint Louis.¹⁹ The work was an



Figure 2 - *Kirche und Amt*, 1875 Edition

derselben, 3rd ed. (Erlangen: Andreas Deichert, 1875).

¹⁷ *Ibid.* Cover page.

¹⁸ *Ibid.*, xi. The translation is from *C&M*, 15.

¹⁹ Although he does not compare Baier with *K&A*, one such examination of the Baier-Walther compendium is Henry W. Reimann, “C. F. W. Walther’s 1879 Edition of

edition of Baier which Walther edited, but by the end it is difficult to recognize it from the original, for Walther had added so many additional citations from other orthodox theologians through the years.

What is significant to note is that Walther printed both the second and third editions under his own authority and auspices (although the appearance is given in the third edition that it was by resolution of Synod). These changes and additions were not made at the request or by the approval of any convention, or even a pastoral conference. They were Walther's private improvements upon his first edition. At the same time, however, the original title was left intact, which clearly set it off as the work and teaching of the Missouri Synod as a whole. As was noted earlier, the title lists the "author" of the work as the Missouri Synod itself, and Walther is the presenter or compiler of the work. Indeed, although the work was passed by the Missouri Synod in convention, when Walther means "our church," he not only means the Missouri Synod, but the Lutheran Church as a whole.

How did Walther Himself Use Kirche und Amt?

It would be a worthy study indeed to do a thorough study of all of Walther's writings on Church and Office, including articles in *Lehre und Wehre*, *Der Lutheraner*, convention essays and the like.²⁰ Regrettably, time and space does not allow us to do so.

Baier's *Compendium*," *Concordia Historical Institute Quarterly* 34 (October 1961): 68-94.

²⁰ Some examples of how Walther and others used and defended *K&A* within *Lehre und Wehre* include: C. F. W. Walther, "Die Übertragungs Theorie und die Immanuelssynode," *Lehre und Wehre* 19 (December 1874): 363-367; P. E., "Die Missouriische Übertragungslehre," *Lehre und Wehre* 23 (October 1877): 289-303; 23 (November 1877): 321-331; 23 (December 1877): 353-361; C. H. R. Lange, "Zur Lehre von der Übertragung vom Rechten und Pflichten des geistlichen Priesterthums," *Lehre*

What follows are some of the more significant examples of how Walther used *K&A* throughout his life. Of particular significance are the two works, *Die rechte Gestalt*, and *Die Evangelisch-Lutherische Kirche*, which Walther himself considered to be sequels and necessary outgrowths of the theological foundations established in *K&A*. Because of its later significance in connection to the Hochstetter history, we will also briefly examine Walther's 1884 essay on church fathers and doctrine.

The Distinction of Estates in the Church

In two issues at the end of 1856, Walther takes up his pen once again against J. A. A. Grabau.²¹ Grabau argued at the Fifth Convention of the Buffalo Synod (June 1856) that there were three estates established by God: the holy ministry, the household and the civil government. Of particular offense to Walther was that Grabau argued that only pastors, housefathers and civil officials should have any say in the government of the church. After quoting (presumably) the majority of Grabau's speech, Walther proceeded to attack Grabau by using the Scriptures, Luther and an extended article by a certain Dr. A.G. Rudelbach. He did not cite *K&A*.

Die rechte Gestalt einer vom Staat unabhängigen Evangelisch-Lutheranischen Ortsgemeinde

On May 16, 1862, and the days following, Walther presented a series of theses to the Western District of the Missouri Synod, convened in Crete, Will County, Illinois.

und Wehre 8 (April 1862): 97-105; 8 (May 1862):135-138; and one reprint from the *Mecklenburgischen Kirchen – und Zeitblatt*, “Zweiter Theil . Vom heiligen Predigtamt oder Pfarramt,” *Lehre und Wehre* 24 (September 1875): 264-274.

²¹ C. F. W. Walther, “Der Ständeunterschied in der Kirche,” *Lehre und Wehre* (October and December 1856): 289-99, 361-70. See the translation in C.F.W. Walther, *Editorials from “Lehre und Wehre,”* trans. Herbert J. A. Bouman (St. Louis: Concordia Publishing House, 1981), 27-38.

Although they only covered the first sixteen paragraphs of Walther's work, the members of the Saint Louis Pastoral Conference urged Walther to have it published, although he did not consider it to be publication material.²²

In the author's preface, Walther refers to *K&A*, and said that it

. . . set forth the doctrine on which the right form of a particular church independent of the state is based. The present work is to demonstrate the practical application of that doctrine and is to show that the doctrine [concerning church and ministry] will by no means – as it has frequently been said – consistently lead to anarchistic, ochlocratic [mob rule], schismatic, and separatistic factions, but it is the firmest foundation on which a local congregation may be built.²³

The format to *Die rechte Gestalt* is similar to that of *K&A*, although not as well organized. After each thesis, *K&A* had a section on the Scriptures, the Confessions and private writings in turn. In *Die rechte Gestalt*, Walther used a series of notes after each thesis, in which the same three sources were interspersed.

As was indicated in the preface, Walther considered this work to be a sequel to *K&A*, which setup the foundation of congregational polity in the United States. Although the Saint Louis Pastoral Conference urged that this be published, Walther did not consider this book to be the work and confession of the Synod. On the title page, the book is written “von C. F. W. Walther,” whereas *K&A* was written “von” the Synod (see

²² C. F. W. Walther, *Die rechte Gestalt einer vom Staate unabhängigen Evangelisch-Lutherischen Ortsge-meinde: Eine Sammlung von Zeugnissen aus den Bekenntnisschriften der evang.-luth. Kirche und aus den Privatschriften rechgläubiger Lehrer derselben* (St. Louis: A. Wiebusch u. Sohn, 1863). The English translation is *The Form of a Christian Congregation: Presented and Published by Resolution of the Ev. Luth. Pastoral Conference of St. Louis, Mo.*, trans. John Theodore Mueller (St. Louis: Concordia Publishing House, 1963). We will refer to this English translation as *Proper Form* throughout this section.

²³ Walther, *Proper Form*, vii.

section above on the 1852 edition). Outside of the preface, he did not cite *K&A* in the book proper.

Die Evangelish-Lutherische Kirche die wahre sichtbare Kirche Gottes auf Erden

The next significant work of Walther's related to *K&A* was an essay for the Synodical Convention held in Saint Louis, beginning on October 31, 1866. Entitled, *Die Evangelish-Lutherische Kirche die wahre sichtbare Kirche Gottes auf Erden*, the work was originally published in the *Synodal-Bericht* and in *Der Lutheraner*, and finally in book form in 1867.²⁴

Walther provided no preface for this work, so it is difficult to determine how Walther understood this book in relation to *K&A*. The organization of the work is clearer than *Die rechte Gestalt*, but unlike *K&A*, Walther combines his last two sources (Confessions and private writings) into simply "Witnesses" (*Zeugnisse*). Once again, he did not cite *K&A*.

²⁴ C. F. W. Walther, *Die Evangelish-Lutherische Kirche die wahre sichtbare Kirche Gottes auf Erden: Ein Referat für die Verhandlungen der Allgemeinen Evang.-Luth. Synode von Missouri, Ohio u. a. St. bei Gelegenheit der Sitzung, derselben zu St. Louis, Mo., den 31. October 1866 und folgende Tage* (St. Louis: Aug. Wiebusch, 1867). The English translation is *The True Visible Church: An Essay for the Convention of the General Evangelical Lutheran Synod of Missouri, Ohio, and Other States for its Sessions at St. Louis, Mo., October 31, 1866*, trans. J. T. Mueller, (St. Louis: Concordia Publishing House, 1961). It would be an interesting study to determine why of the three major works of Walther on Church and Office, that CPH chose to first print this one, then *Die rechte Gestalt* in 1963, and not to print *K&A* in full form until 1987. Mueller's preface indicates that this was one of the works which the Committee chose to celebrate the Sesquicentennial of Walther's birth. We will use the English edition in this section, and refer to it as *True Visible Church*.

Church Fathers and Doctrine

On August 13-19, 1884, Walther presented an essay to the Synodical Conference on church fathers (*Lehrvätern*) and doctrine.²⁵ The context for this paper was not Church and Office debates, but the Predestinarian Controversy.²⁶ However, this gives us a key to understanding Walther and how he saw the role of the private writings of the church fathers, the Confessions and of later doctrinal statements.

Walther began with a thesis that the writings of the church fathers were treasures for which we cannot thank God enough (68). Walther based this on several Scripture passages, but most significantly on 1 Thess. 5:20-21, “Do not despise prophecy. Test all things and hold fast to what is good.” Walther understood this not to refer to some sort of predictive prophecy, but to the exposition of Scripture. On this basis he argued that the Christian cannot and should not despise preaching and the exposition of the Scriptures, including the writings of the *Lehrväter*. They are, however, to “test all things,” that is, to say, to hear and receive the writings and exposition from human beings, but to test it to see that it is true (68-69). This was particularly true of the writings of Luther. For Walther, next to the Scriptures, the writings of Luther are the most excellent of books. He also cited numerous church fathers, particularly Luther and Gerhard, but also the preface to the Book of Concord and the Catalog of Testimonies as evidence that Lutherans do not despise the fathers of the church, but hold them dear and study them in depth (71-72). Walther began with the preface because he did not want some to believe

²⁵ C. F. W. Walther, “Church Fathers and Doctrine,” trans. Bruce Cameron and Reinhold Stallmann, in *Essays for the Church*, vol. 2 (St. Louis: Concordia Publishing House, 1992), 67-101.

²⁶ For a summary of the Predestinarian Controversy, see Roy Arthur Suelflow, “The History of the Missouri Synod during the Second Twenty-five Years of its

(falsely) that the Synodical Conference despised the fathers of the church, as they were being accused.

Having said this, Walther then came to the theme of essay: “How objectionable it is to try to base matters of faith on the writings of the fathers and bind consciences to their doctrinal decisions” (74). According to Walther, the Ohio Synod and others were arguing that the *intuitu fidei* was the position of the Lutheran fathers of the church, and that anyone who disagreed with this was Calvinized. They furthermore argued that the Formula of Concord and the Scriptures must be understood in light of these later church fathers.

Walther had several objections to this argumentation. First, this causes the members of their synod to base their faith upon the church fathers (75). Walther freely admitted that his opponents did not say this as such. However, this was the actual practice:

All laypeople, who understand no Latin or at least have never read these fathers, should, without testing [the fathers], blindly say, “Yes, we side with the church fathers (*Lehrvätern*) in this point.” Nothing like this has yet occurred in Christianity, except for the papacy, that the dear simple Christians (and no doubt there are, of course, many of them also in the Ohio Synod) are misled to believe what they do not at all know. (75)

It was absurd for Walther that his opponents would bind the consciences of their members upon writings which they have not and indeed cannot read, because they are only in Latin. It is not a valid argument to say that the *Lehrväter* were more learned, and therefore must be correct.

His second objection was that the Ohio Synod confession was “unsteady and unstable” (76). They argued that the *Lehrväter* taught this “by and large,” which is, for

Walther, a wide door, and brought the Ohio Synod into disrepute. Finally, Walther's third objection was that they bind consciences to the same terminology of the old dogmatists, and that anyone who disagrees with them and continues in fellowship is a unionist (76). But which church fathers? Walther continued by arguing that the *intuitu fidei* was *not* what the church fathers always taught, and that it was certainly not taught by Luther, nor by the Formula of Concord.

Walther then proceeded to the proofs for the theses, which were under two points. The first was that the Ohio position was wrong because it undermined the authority of the Scriptures as the "pure source of all knowledge of faith" (*Glaubenserkenntnis*), as the only infallible rule and norm of all teachings and teachers, and that they alone are the only valid judge in all religious controversies (78). The place, therefore, of the *Lehrvätern* was that of witnesses. Walther wrote:

The teachers of the church are therefore nothing else than *witnesses*. Every true Lutheran believes that. Oh, it is terrible when one always directs the poor laypeople only to human books, instead of to Scripture, whereas a teacher of the church should say to them: "First go into Holy Scripture, but then also do not despise prophecy, but there test all things carefully!" One cannot express what heartbreak can yet come to our Lutheran church [here] in America because, only to keep people, some have begun to direct them to human writings and to mislead them [by saying]: "Just look at these men! They are highly enlightened, pious, godly, highly gifted church fathers, whom even our opponents cannot reject, and they teach such and such; we must hold fast to it as solely truly Lutheran." (80)

But was Walther hereby denying the proper role and place of the Lutheran Confessions? Not so! For Walther, one goes to the Scriptures to determine that doctrine is *true*, and to the Confessions to determine that the doctrine is *Lutheran* (82).

Walther, however, did not deny that there is a tendency even among the orthodox to place human authorities higher than the Word of God:

Unfortunately there has constantly been among certain individuals also in the orthodox church a wrong, “parrot” mind-set. One would follow this or that great teacher. Now, as long as this had reference only to what is right, it may indeed not have caused particularly great harm, although, considering its character and nature, it always was and is something extremely dangerous. Furthermore, we do not deny that also among us there have been and perhaps still are people, and in fact good, guileless people, who simply say in their defense, “You see, it says so in the *Proceedings* of the Western District.” Or if one asks that this or that point of doctrine might be proven, one can perhaps also sometimes hear, “You see, it says so in Walther’s *Pastorale*.” This indeed happens as a rule in pure simplicity, without any intent to place human writings next to Scripture or even above Scripture. Yet it is and remains papistic, dangerous, and harmful to faith; therefore we cannot among ourselves oppose this tendency earnestly enough. (83-84)

This is a unique case, where Walther laments the use of his own writings as authoritative, and that there seemed to be some kind of tendency toward simply repeating the proceedings and quasi-official writings of the Synod as “proof” of the veracity of a doctrine.

Is Walther here saying that there is no place for synodical writings, proceedings and doctrinal resolutions? Certainly not. What he is arguing is that the mindless repetition of these, or the use of them as a source of authority is not their intent.²⁷ They are witnesses to the truth found in Scripture.

For the purposes of comparison, the following is the resolution passed by Synod in 1881 at the passing of Walther’s 1881 “Thirteen Theses”:

²⁷ This is precisely what David Scaer has accused the Missouri Synod of doing in a recent article: “LCMS commissions and committees are given the assignment, or so it appears, of providing a united front and generally express themselves in terms that are acceptable to the group that looks for a resurrection of old Missouri. Over diverse streams forming one flood, the officially made LCMS pronouncements are heralded forth. In some way we now have a third layer on top of the Scriptures and Confessions. As valuable as official statements are, they are often cited as if further theological discussion on these issues is inappropriate, but self-citation brings a church to the brink of sectarianism” (“Missouri at the End of the Century,” *Logia* 7 (Epiphany 1998): 51).

We are assembled here by the authority of all our congregations. Every one of our congregations is decidedly represented here (in spite of the delegate system established in 1872) and this includes also each one's confessional position. No one has the right to insist on the contrary unless he can produce uncontroverted facts in his favor. No individual members of the Synod or their persons have rendered a confession, but the Synod itself has rendered its confession. If later on it should appear that the confession of this or that delegate in this or that matter is not the confession of this or that parish which he represented, that still does not alter the circumstances in the least that here the Missouri Synod as such was assembled and rendered a confession. All the congregations of our synodical fellowship knew what the doctrine of Synod on predestination was. If our congregations did not acknowledge this, then, through their properly constituted boards, they would have stepped into the matter and would have expelled those, who, according to their convictions, had publicly been defending false doctrine. Our congregations will neither tolerate nor retain false teachers in their institutions.²⁸

This gives us a key to understanding Walther's procedure in a document like *K&A*. The order of Scriptures, Confessions, and private writings of the church is not arbitrary; it is essential to his line of argument. Using one of Walther's theses without the subsequent citations using *it* as an authority goes completely contrary to the intent of the work as a whole. The theses are intended as signposts or summaries of the Scriptural and Confessional statements which follow.

At the same time, however, clearly Walther believed that the Synod acting as a whole had both the right and the *obligation* to make confession regarding false teaching within her midst. This was true of both *K&A* and the passing of the Thirteen Theses, cited above. Walther did not believe that the mere repetition of the confessional statements was sufficient. When error demands that the Synod respond with a clear confession, it will do so.

²⁸ *Synodal-Bericht* (1881), 43. Translation is from August Suelflow, "Congregational Autonomy," *Concordia Journal* 3 (November 1977): 268. The parenthetical notation is original.

Summary

These last few books and documents have given us some idea of Walther's understanding of the role of *K&A* in the history of the Synod. On the one hand, Walther was not using *K&A* as an authoritative source, or as another level of witnesses, as he did with the private writings of the fathers of the church. Nevertheless, it seems clear that Walther himself did not have a problem with the Synod passing specific doctrinal statements on controverted issues. Far from it. The history of the Synod, particularly in the period during Walther's lifetime, demonstrates that it was regularly passing resolutions of a doctrinal nature, and that these were considered to be the voice of all of the congregations speaking.²⁹ Walther did not see a contradiction between the Missouri Synod in convention stating that *K&A* was "nothing but the voice of the Lutheran Church."³⁰

Next we move to several episodes in the history of the Missouri Synod which have a bearing on Church and Office debate. They were chosen because they would be prime places where one would expect that *K&A* could have been used.

The Free Conferences of the 1850s and 1860s

Walther was the impetus behind the first serious attempt at doctrinal discussions among the "symbolical" Lutherans of the mid-19th century.³¹ In September, 1855 the Wittenberg Synod approved the "American Recension of the Augsburg Confession," also

²⁹ Charles Schultz has cataloged, indexed and summarized all of the Synodical resolutions passed while they were still in German. See "The Doctrinal Record of the Missouri Synod" (Unpublished paper, Concordia Seminary, St. Louis, Missouri, 1997).

³⁰ *Synodal-Bericht* (1852), 212.

³¹ For an overview of Walther's role in the free conferences, see E. L. Lueker, "Walther and the Free Lutheran Conferences of 1856-1859," *Concordia Theological Monthly* 15 (August, 1944): 529-563.

known as the *Definite Platform*.³² Samuel Simon Schmucker, author of the *Definite Platform*, argued that there were five errors in the Augsburg Confession as follows: 1) The approval of the Ceremonies of the Mass; 2) Private Confession and Absolution; 3) Denial of the Divine Obligation of the Christian Sabbath; 4) Baptismal Regeneration; and 5) The Real Presence of the Body and Blood of the Savior in the Eucharist. Walther wrote that with this “repudiation” of the Augsburg Confession it seemed as though a “destructive storm was gathering and threatening to strike the Lutheran Church of our New Fatherland.”³³ Fortunately, only three synods subscribed to the *Platform*, and it was opposed by several publications.³⁴

As a result of this surprising opposition to the *Definite Platform*, Walther published an appeal for a series of Lutheran free conferences to be held by those who subscribed unconditionally to the Unaltered Augsburg Confession (U. A. C.).³⁵ Part of the intent behind this was the desire on the part of the participants to move toward “the final establishment of one single Evangelical Lutheran Church of America.” Others responded with questions, concerns and a possible format for discussion. One of the early suggestions was that a series of theses be drawn up in advance for discussion

³² For an excellent summary of the issues surrounding Samuel Simon Schmucker and the publication of the *Definite Platform*, see Vergilius Ferm, *The Crisis in American Lutheran Theology* (New York: The Century Co., 1927.), 185-344.

³³ *Der Lutheraner* II, 3, as translated in E.L. Lueker, 532.

³⁴ *The Lutheran Standard, The Missionary, and Lutherische Herald* in particular.

³⁵ *Lehre und Wehre* II, 3-6. Cited as translated by E.L. Lueker, “Walther and the Free Conferences,” 533-534. See also the translation found in C.F.W. Walther, *Editorials from “Lehre und Wehre,”* trans. Herbert J. A. Bouman (St. Louis: Concordia Publishing House, 1981), 11-14.

purposes. Walther opposed this, as he also opposed limiting the attendees to those who only subscribed to the entire Book of Concord.³⁶

There were four free conferences held between 1856-1859. The first of these was held at Trinity Lutheran Church in Columbus, Ohio from October 1-7, 1856. The participants included members of the Missouri Synod (Walther, Sihler, Craemer, G. Schaller, O. Fuerbringer and others), and the Ohio, Pennsylvania and New York Synods.³⁷ After electing a chairman, motions were made to discuss 1) doctrine; 2) church worship; 3) church polity. However, because it was a united front around the U.A.C. that had been the impetus behind the conference, it was decided that the members of the free conference would discuss the Augsburg Confession article by article. After each article was discussed, unity in the understanding would be attested by a rising vote.

The first four articles seem to have had little discussion, but AC V sparked some disagreement. According to Lueker, the disagreement centered on whether *Predigtamt* had the same meaning as *Pfarramt*.³⁸ Since AC V was describing the means through which justification (AC IV) was accomplished, i.e. ministry of the Word and Sacraments, some argued that they clearly had a different meaning. After three sessions, it was agreed to postpone further discussion until the discussion on AC XIV. There did seem to be agreement in a general way that *Predigtamt* referred to services within the Church, or the administration of the means of grace.

³⁶ Lueker, *ibid.*, 535. There was also an accusation that Walther was excluding the Buffalo Synod from participating. Walther responded that Buffalo would not participate, because they had already excommunicated the entire Missouri Synod. *Der Lutheraner* XII, 181-182. Lueker, 541.

³⁷ Minutes of the first free conference can be found in *Der Lutheraner* XIII, 49f.

³⁸ Lueker, 547.

AC VII was also a point of some discussion and disagreement. It was agreed upon that there were two ways of looking at the Lutheran Church: first, in light of its historical development, that it was not the “one, holy, Christian Church,” since it was not present from the beginning; and because there were believers in other churches. Secondly, because the Lutheran Church confesses the faith of the one, holy, Christian Church, it can be called the same. There was further discussion about the visible/invisible distinction, and the relationship of these terms to the preaching of the Word and administration of the Sacrament as visible acts. After this first conference, Walther expressed great joy and optimism that the conference had been a success, and that the hearers had, by the grace of God, built a solid foundation on which to continue their discussions.³⁹

The second conference was held October 29 – November 4, 1857 in Pittsburgh, Pennsylvania.⁴⁰ They continued discussions with AC VIII through AC X. Of significance for our purposes is to note that in reference to AC X the conference declared that it did not recognize the Altered Augsburg Confession (*Variata*), because it was the “brain child” (to use Lueker’s phrase) of a private individual and never was authorized in or for the Church.⁴¹

³⁹ *Der Lutheraner* XIII, 33-34. See the translation in Lueker, *ibid.*, 550-552.

⁴⁰ The minutes may be found in *Der Lutheraner* XIV, 81-85.

⁴¹ Lueker, 556. Lueker here includes a footnote where he cites Thesis VIII of the Altenburg Theses as evidence that Walther did not believe the writing of any private individual should be given a binding character on the church.

The third conference was held August 5 – 11, 1858 in Cleveland, Ohio.⁴²

Beginning with AC XI, they proceeded through to AC XIII. Statements were agreed upon with regards to each of these theses.

Walther was unable to attend the fourth conference, held in Fort Wayne, Indiana in 1859.⁴³ This conference discussed AC XIV and agreed that AC V was referring to the ministry *in abstracto* and AC XIV *in concreto*. They then adopted a statement comparing AC V and AC XIV. With regard to AC XIV, what was meant was that “no one should practice the right of the spiritual priesthood in a public office in behalf of the congregation without a regular call.”⁴⁴ There was more discussion on the nature of *rite vocatus*, ordination, and the duties of the ministry. They concluded with a brief discussion of AC XXVIII.

The significance of these free conferences is that many of the thoughts and ideas expressed in *Kirche und Amt* are used, particularly the call through the congregation, the rights of the spiritual priesthood, ordination as a human rite, and Walther’s understanding of the visible and invisible church. From the minutes of the meetings, however, there is no evidence that *Kirche und Amt* was itself used or proposed as a way of properly expressing the Lutheran doctrines of Church and Office.

The Colloquy with the Buffalo Synod in 1866

The colloquy between Buffalo and Missouri met from November 20 to December 5, 1866 in the home of Dr. Wilhelm Sihler in Fort Wayne, Indiana.⁴⁵ At these

⁴² The minutes may be found in *Der Lutheraner* XV, 19-21, 27-29.

⁴³ The minutes may be found in *Der Lutheraner* XVI, 10-12; 19-20; 27-28; 35-37.

⁴⁴ Lueker, 560.

⁴⁵ Hochstetter, iv. Roy Suelflow writes that the colloquy took place in Buffalo.

conferences, Missouri was represented by C.F.W. Walther, H. Schwan and William Sihler, and Buffalo was represented by Heinrich von Rohr, Chr. Hochstetter and P. Brand.⁴⁶ Grabau himself had already withdrawn from the Buffalo Synod.

The use of *K&A* comes from the discussion regarding the holy ministry.⁴⁷ Hochstetter recounted in his history of the Missouri Synod (see section below) that when there was disagreement between von Rohr and Walther concerning the *übertragen*, that Thesis VII on the Office from *K&A* was what the Buffalo men had objected.⁴⁸ They then explained this thesis further, and reached agreement.⁴⁹ They then continued to discuss the *Hirtenbrief* and the Second Synodical Report of the Buffalo Synod. A great deal of time was spent on the ban, as would be expected. In the end, a joint declaration was made by the five remaining Buffalo colloquents regarding the office of the keys.⁵⁰

After eleven days of meeting, the final declarations of both sides of colloquents was printed in book form.⁵¹ The Buffalo Synod at this time was divided into three groups: Hochstetter and the other men who had stayed for the Colloquy, Heinrich von

“The History of the Relations of the Missouri Synod with the Buffalo Synod up to 1866,” *Concordia Historical Institute Quarterly* 27 (October 1954): 128.

⁴⁶ Hochstetter, 256; Hochstetter/Kramer, 278. There were also three lay delegates from each.

⁴⁷ Roy Suelflow writes (128): “Missouri made a few technical concessions in respect to *Kirche und Amt*. For example, the delegates agreed that no sect or unorthodox church could really be classified as belonging to the visible church, but that, in as far as such a sect kept the purity of the Word and the Sacraments, they could be classed as belonging to the church.”

⁴⁸ Hochstetter, 259-260; Hochstetter/Kramer, 281-282.

⁴⁹ Hochstetter, 262; Hochstetter/Kramer 284.

⁵⁰ Heinrich von Rohr left partway through because he objected to the direction the colloquy was taking. Hochstetter, 271-272; Hochstetter/Kramer 293-294.

⁵¹ *Das Buffaloer Colloquium, abgehalten vom 20. November bis 5. Dezember 1866, das ist, die schließlichen Erlärungen der die Synode von Buffalo und die von Missouri, Ohio, u. a. Staaten vertretenden Colloquenten über die bisher zwischen beiden*

Rohr and the three pastors who went with him, and Grabau and his followers. Twelve pastors from the Buffalo Synod eventually joined the Missouri Synod; among them was Hochstetter.

The primary topic of conversation for the Colloquium was *K&A*, and it was understood that the Missouri and Buffalo pastors had to reach agreement on it in order to declare doctrinal unity. This is probably the best example of *K&A* being used as a basis for theological negotiations with another church body. *K&A* was affirmed at the 1852 Synodical Convention as the response of the Missouri Synod to Grabau, so it was only appropriate that it would be the topic of conversation. Although there is some evidence that the Missouri Synod made some “technical concessions” regarding *K&A*, it is clear that agreement on the theological content of *K&A* was prerequisite to any future fellowship.

The Synodical Conference

After the failure of the General Council to win over the Missouri, Ohio and Wisconsin Synods, negotiations among these synods seemed to be moving in a positive direction.⁵² In 1868, the Missouri and Ohio Synods met and the “Articles of Agreement” were drawn up.⁵³ The two synods agreed to recognize each other as orthodox Lutheran church bodies, and made arrangements for proper protocol for pastors accepting calls between synods. Church fellowship was not declared, however, because of some

Synoden streitigen und besprochenen Lehren (St. Louis: Wiebusch u. Sohn, 1866).

⁵² For a history of the General Council, the role of the Missouri, Ohio and Wisconsin synods in its formation, and the formation of the Synodical Conference, see Roy Suelflow, “The History of the Missouri Synod,” 1-68.

⁵³ See Richard Wolf, *Documents of Lutheran Unity in America* (Philadelphia: Fortress Press, 1966), 183-184.

questions regarding the nature of the Office.⁵⁴ The Missouri Synod wanted Ohio to take some definite stand on the Office of the Ministry.

In 1870 the Ohio Synod accepted eight theses on the ministry, which were similar in nature to the Missouri Synod's position as articulated in *K&A*.⁵⁵ Their phraseology is similar, although some specific points of *K&A* (e.g. the *Übertragungslehre*) are not present in the Ohio Theses.

What is significant for us in this episode is that the Missouri Synod established fellowship with another orthodox Lutheran church body (see next section) by accepting their theses on the Pastoral Office. The Missouri Synod did not require acceptance of *K&A*, although it did not allow an understanding which contradicted *K&A*, either.

In June of 1870, the Eastern District of the Joint Synod of Ohio met in Youngstown, Ohio, and passed a resolution that the Joint Synod of Ohio recognize the Missouri Synod as an orthodox evangelical synod.⁵⁶ This was followed by a similar resolution on the part of the Ohio Synod was passed *in toto* in October of 1870, and instructions were made to seek out synods of the same confession to look to a closer union.⁵⁷ This was done January 11-13, 1871 in the congregation of the Rev. J. P. Beyer in Chicago. After several other meetings, the first convention of the Synodical

⁵⁴ Wohlrabe, "An Historical Analysis," 79.

⁵⁵ For a translation of the "Ohio Theses on the Ministry," see Wolf, 184-185. Roy Suelflow remarked ("The History of the Missouri Synod," 35) regarding these theses: ". . . The Ohio Synod later remedied this barrier by officially accepting the Missouri Synod stand on the doctrine of the ministry."

⁵⁶ *Der Lutheraner* 27 (1870): 11.

⁵⁷ John Theodore Mueller, *A Brief History of the Origin, Development, and Work of the Evangelical Lutheran Synodical Conference of North America, Prepared for Its Diamond Jubilee, 1872-1947* (St. Louis: Concordia Publishing House, 1948), 15.

Conference was held in the church of the Rev. Johannes Bading in Milwaukee, Wisconsin, on July 10-16, 1872.

Article II of the Constitution of the Synodical Conference as it was drafted in 1871 reads as follows:

The Synodical Conference acknowledges the canonical writings of the Old and New Testaments as God's Word, and the confession of the Evangelical Lutheran Church of 1580, called the "Concordia," as her own.⁵⁸

Although there is some evidence that agreement over Church and Office was a prerequisite for fellowship, there was no discussion of including *K&A* or any other contemporary document into Article II.

One final comment on the Synodical Conference is necessary. At the second Synodical Conference, ten theses were presented on church fellowship.⁵⁹ *K&A* was not mentioned in connection with the theses. It is of significance for us, however, that Thesis II was that only the Unaltered Augsburg Confession was the basis for fellowship among Lutherans. The Book of Concord as a whole was not finally required. This followed with Article II of the original constitution.

Hochstetter: The First History of the Missouri Synod

Next we move to the first major history of the Missouri Synod that was written in the nineteenth century.⁶⁰ Christian Hochstetter was one of the pastors who came over to

⁵⁸ Wolf, 196. This may also be found in *Synodal-Bericht* (1872), 26. When it came up for discussion, the only comment was "accepted without discussion" (91). Roy Suelflow ("The History of the Missouri Synod," 16) commented that Missouri apparently did not have any concerns about the doctrinal or confessional integrity of the synods involved, because the only requirement was Article II.

⁵⁹ Hochstetter, 327-328; Hochstetter/Kramer, 349-350.

⁶⁰ There was an earlier history of the Saxon immigration by J. F. Köstering entitled, *Auswanderung der sächsischen Lutheraner im Jahre 1838, ihre Wiederlassung*

the Missouri Synod after the Colloquium with the Buffalo Synod in 1866. He came to the United States around 1856 as a result of a call to Saint John's Lutheran Church in Fort Wayne, Indiana, which was an offshoot from Saint Paul's Lutheran Church in Fort Wayne. This church later joined the Ohio Synod. It did not take him long to realize that he did not fit in the Ohio Synod, and that he desired a "more strong external government . . . to counteract the spiritual ravages that were gaining ground in many places in this country, and the widespread low regard for the ministry . . ." ⁶¹ He then sought out Pastor J. A. A. Grabau, and was called in 1857 to be the deacon at Trinity Church in Buffalo, under Pastor Grabau. He remained there ten years.

In February of 1866 Hochstetter was instrumental in bringing forth grievances to the ministerium of the Buffalo Synod, which resulted in a split, where Grabau and three other pastors separated themselves from the Buffalo Synod (see the section on the Buffalo Colloquium above). Hochstetter was then one of the eleven pastors that joined the Missouri Synod near the end of 1866. He then became pastor of a Missouri Synod congregation in Wolcottsville, New York.

in Perry-Co., Mo., und damit zusammenhängende interessante Nachrichten, nebit einem wahrheitsgetreuen Bericht von dem in Gemeinden zu Altenburg und Frohna vorgefallenen fog. Chiliasteustreit in den Jahren 1856 und 1857 (St. Louis: Druck und Verlag von W. Wiebusch u. Sohn, 1866); *The Emigration of the Saxon Lutherans in the Year 1838 and their Settlement in Perry County, Missouri, by J. F. Koestering, Ev. Luth. Pastor at Altenburg and Frohna*, trans. Walter J. Plischke (Concordia Historical Institute, 1978). Köstering gave a brief recounting of the history of the immigration, and a good portion of the book was on the Chiastic controversy which centered around Schieferdecker in the mid-1850s. He did not mention K&A.

⁶¹ Hochstetter/Kramer, I-II.

In 1882 Hochstetter wrote a series of eighteen articles in the *Lutherisches Volksblatt* of Canada on the doctrinal controversies in the Missouri Synod.⁶² These (according to Hochstetter) were well received, and he was “repeatedly” requested by publisher Heinrich J. Nauman of Dresden (also a leader of the Dresden Society for North America) to write a history of the Missouri Synod. The result was *Die Geschichte der Evangelisch-lutherischen Missouri-Synode in Nord-Amerika und ihrer Lehrkämpfe von der sächsischen Auswanderung im Jahre 1838 an bis zum Jahre 1884*.⁶³

Hochstetter divided the book into thirteen chapters, and intended to present a history on the basis of the doctrinal controversies of the Missouri Synod. In a way, it is not a general history as such, but rather an *apologia* for the Missouri Synod, which upheld the Scriptures and the Confessions in every doctrinal controversy.⁶⁴

Hochstetter certainly referred to *K&A*, although it receives only passing mention until chapter seven. Beginning in the second chapter, he cited *K&A* as evidence that Missouri was not attempting to create some new doctrine, but was rather adhering to the Lutheran doctrine of the church in new circumstances.⁶⁵ Hochstetter throughout his book set up a contrast between the “genuine old Lutherans” (*wirtlichen Alt-Lutheranern*, e.g. the Missouri Synod) and the “neolutheran Romanists” (*neulutherischen Romanisten*),

⁶² Hochstetter, X-XI; Hochstetter/Kramer, X.

⁶³ An in-depth examination into the sources which Hochstetter used in his history would be a worthy effort, as well as an overall analysis of the accuracy of the history. This section is merely a brief look at Hochstetter and his history as it relates to *K&A*

⁶⁴ Hochstetter, 64. Hochstetter wrote as a nineteenth century historian, and was not intending to write a thorough history as we would expect today. Hochstetter freely admitted that he was “800 English miles” from St. Louis during the writing of the book, and so did not have ready access to many of the primary source material which would be helpful in writing a history of the Synod

⁶⁵ Hochstetter, 45. Hochstetter/Kramer, 54.

particularly R. Hoffmann of Germany.⁶⁶ Hochstetter's intention was to prove that Missouri is made up of the true "Old Lutherans," and that it is the Romanizing Lutherans who are inventing new doctrine. Hochstetter also spent a fair amount of time criticizing the Methodists, but does not address their understandings of Church and Office. However, he did refer to the Methodists as also having hierarchical tendencies along with Rome and the Episcopalians.⁶⁷

For our purposes, chapters seven, eight and nine are most significant, for those are the chapters which address the controversy with Grabau, *K&A* proper, and the Buffalo Colloquy. Chapter ten is also of some use, as it discusses the Iowa Colloquy, and chapter eleven the formation of the Synodical Conference.

Hochstetter began in chapter seven by describing the dangers of the hierarchical sects, and the destructive nature of this church polity.⁶⁸ He then went on to describe the formation of the Buffalo Synod, with Grabau as its head. Hochstetter in general presented the Saxons as friendly and helpful toward Grabau, but showed that they did not accept Grabau's hierarchicalist approach to Church and Office. Missouri (for Hochstetter) was patient, loving and kind, and Grabau was unbending, crass and abusive. It is not our intention here to test Hochstetter's claims, we merely note that he used every opportunity to present Grabau in as poor a light as possible.

Hochstetter discussed the proposal and acceptance of *K&A*.⁶⁹ He outlined in ten pages Walther's approach as thesis, basis from the Word of God, testimony of the church

⁶⁶ Hochstetter, 48. Hochstetter/Kramer, 59.

⁶⁷ Hochstetter, 180. Hochstetter/Kramer, 199.

⁶⁸ Hochstetter, 179ff, and Hochstetter/Kramer, 198ff.

⁶⁹ Hochstetter, 207-217.

in her public confession, and testimony of the church from the private writings of her teachers. Hochstetter shows that this order was followed, since it demonstrated that the Missourians were not teaching new doctrine, but rather Reformation faith. This was particularly important because there were those who insisted that their “hyper-Lutheranism” (*hyperlutherische*) was the only true Lutheranism.⁷⁰

Hochstetter did not emphasize the actual passing of the theses. He wrote:

The author of the book “Church and Ministry” presented the individual theses and their proofs to the synod in eight sessions. The synod voices its agreement with each thesis. The hearts of all who attended the synod were filled with great joy over the Scripturalness, clarity, and beauty of this genuinely Evangelical teaching, and the peace of the Spirit of God proved to be the fruit of true assurance of faith.⁷¹

Hochstetter identified the chief pillar of *K&A* as the invisible nature of the Church, and specified that the presence of the church is only recognizable by the pure preaching of the Word and the administration of the holy sacraments.⁷² He then summarized Walther’s work over several pages, including an *apologia* for the *Übertragungslehre* in a footnote.⁷³ Hochstetter also defended *K&A* against contemporary (1880s) attacks on by some it (by W. Rohnert, for example) as simply a reworking of Höfling.⁷⁴ Hochstetter used Walther’s own theses as a defense against this attack.

From the chapter on *K&A* it appears that Hochstetter supported it and believed that it was the position of the Missouri Synod, even in the 1880s. He did not highlight the unanimous acceptance in convention, but certainly made mention of it. Hochstetter

⁷⁰ Hochstetter, 208-209; Hochstetter/Kramer, 227-228.

⁷¹ Hochstetter, 209; Hochstetter/Kramer, 228. This is very close to the actual words from the synodical resolution. See *Synodical-Bericht* (1851), 170. See also Appendix III.

⁷² Hochstetter, 209; Hochstetter/Kramer, 228.

⁷³ Hochstetter, 212; Hochstetter/Kramer, 231.

did not refer to *K&A* in connection to either the Buffalo or Iowa Colloquies.⁷⁵ There are some passing references in the chapter on the formation of the Synodical Conference, but nothing significant.⁷⁶

In the section on the Predestinarian Controversy, Hochstetter emphasized the fact that the pastors and laymen of the Ohio Synod passed a resolution in convention, holding to the teachings of the Lutheran fathers, but that they were not able to know and read for themselves what they were confessing.⁷⁷ The danger here for Hochstetter was that this reduced the confession of faith to a “meaningless game” (*nichtsfagenden Spiel*) so that the words of the Formula become a waxen nose to make mean what anyone saw fit. In a way, it was a new type of popery for Hochstetter, because only the learned theologians were familiar enough with the fathers of the church to interpret the doctrine of election properly.

Hochstetter continued by citing a paper given by Walther at the August 1884 Synodical Conference under the theme, “How Reprehensible It Is to Want to Substantiate Matters of Faith By The Writings of The Fathers and to Bind Consciences By Means of Their Doctrinal Decisions.”⁷⁸ Hochstetter summarized the position of Walther as essentially an *apologia* for the priority of the Word of God in all theology, and not the word of man, even if it be the fathers of the church.

⁷⁴ Hochstetter, 213; Hochstetter/Kramer, 232.

⁷⁵ This in itself is a bit unusual, because we know from the Buffalo Colloquy minutes themselves that *K&A* was a part of the conversation.

⁷⁶ Hochstetter, 323ff.; Hochstetter/Kramer, 345ff.

⁷⁷ Hochstetter, 348; Hochstetter/Kramer, 369.

⁷⁸ Hochstetter, 352; Hochstetter/Kramer, 373. This is the essay on church fathers and doctrine discussed above.

This may give us a key into why Hochstetter does not particularly emphasize *K&A*. In 1885 the Missouri Synod was in the middle of the Predestinarian Controversy, and so that was where Hochstetter focused most of his attention.⁷⁹ Missouri was positioning itself as being on the side of the Scriptures and the public confessions of the church, and the Formula of Concord in particular. Hochstetter used everything in his power to attack the Ohio Synod: He accused them of starting the controversy in order to gain churches; of misreading the Confessions; of ignoring the Scriptures; and of unscrupulous tactics in handling the controversy. *K&A* was a clear attempt on the part of Walther and Missouri to contend that they were in the unbroken line of Lutheran orthodoxy, beginning with Luther and continuing to the orthodox theologians of the late 18th century. If Hochstetter were to hold this up, he would also have to hold up the fact that Missouri did *not* in fact agree with all of the orthodox Lutheran fathers in regards to election. At this time Walther was writing about the priority of the Word and the centrality of the Confessions of the church *contra* the private writings of the fathers. Walther, in connection with the Predestinarian controversy, set up his understanding of how private writings of the church fathers fit in:

The principal means, by which our opponents endeavor to support their doctrine, consists in continually quoting passages from the private writings of the fathers of our Church, published subsequently to the Formula of Concord. But whenever a controversy arises concerning the question of whether a doctrine is *Lutheran*, we must not ask: "What does this or that *'father'* of the Lutheran Church teach in his private writings?" for he also may have fallen into error; on the contrary we must ask: "What does the *public* CONFESSION of the Lutheran Church teach concerning the controverted point?" for in her confession our Church has recorded for all times, what she believes, teachers, and confesses, for the very reason, that

⁷⁹ Approximately one hundred fifty pages of the four hundred eighty pages are on the Predestinarian Controversy.

no controversy may arise concerning the question what our Lutheran Church believes . . .⁸⁰

Was Walther arguing against the private writings of the fathers of the church? By no means! However, he was making an argument about how Lutherans were to establish doctrine. Hochstetter later wrote in a footnote:

Although the students of Dr. Walther (with the exceptions of his opponents, F. A. Schmidt, Stellhorn and Rohr) testify that Walther, when he came in dogmatics to the doctrine of the election of grace, was accustomed to say to his students: “In this topic lay the dogmaticians aside, for they teach on this subject in contradictory fashion; adhere strictly to the Formula of Concord!” . . .⁸¹

Hochstetter, therefore, was attempting to present Walther and the Missouri Synod as those who hold to the Formula of Concord, and were therefore both right and the true Lutherans. He summarized his book as saying that what Missouri brought to the doctrinal controversies and battles was the “divine Word of God, and nothing else.”⁸² Walther, in his Thirteen Theses on Election, included some of the private writings of the church fathers, but this clearly was not a significant part of the argument. Hochstetter agreed with Walther and this approach, and was therefore forced to underplay *K&A* as a result. *K&A* was correct, but the methodology was not one that was helpful in the Predestinarian Controversy.

At the same time, however, we can see from the above section on church fathers and doctrine that Walther was *not* opposed to the inclusion of the church fathers as witnesses to the true doctrine. We can also see in the acceptance of the 1881 theses on election that was not opposed to the Synod in convention passing doctrinal resolutions.

⁸⁰ C. F. W. Walther, *The Controversy Concerning Predestination*, trans. Aug. Crull (St. Louis: Concordia Publishing House, 1881), 5. Emphasis original.

⁸¹ Hochstetter, 367-368; Hochstetter/Kramer, 389.

Quite the opposite. Because the Missouri Synod confessed to be the true visible Church of God on earth, it *must* confess anew when error threatens to undermine the church. Despite the original irenic intent of *K&A*, it certainly was also intended to confess the truth *contra* the errors of the day.

It is possible that Hochstetter did not understand the subtleties of Walther's use of the fathers of the church. It is also possible that he only spent a few (ten) pages on *K&A* because by the mid 1880s the veracity of its content was well-established. The polemical nature of Hochstetter's writing would indicate that he was not attempting to write a thorough and objective history of the Missouri Synod. He was writing a history of doctrine and the doctrinal controversies that shaped the Synod, and how the Missouri Synod was correct at every turn. Therefore, since by and large the doctrine in *K&A* was not in debate in the 1880s, it was not of much significance for Hochstetter's purposes.

While the first interpretation is possible, the second is more likely. At best, we can surmise that Hochstetter did not understand Walther's argument for the use of the church fathers well, and therefore was able to summarize it simply as bringing only the Word of God to the debate, whatever that debate may be.

Summary of the Use of *Kirche und Amt* to the Death of Walther

Kirche und Amt underwent three printings during Walther's lifetime, and Walther himself made corrections and added a new forward to both the second and third editions. The fact that it went through three printings in 23 years demonstrates that it was widely read during this formative period in the history of the Missouri Synod.

⁸² Hochstetter, 468; Hochstetter/Kramer, 486.

After its original use in Germany, the most significant use of *K&A* during Walther's lifetime was with the Buffalo Colloquy in 1866. There the colloquents discussed it thesis by thesis. Walther and other authors also cited and defended it within the pages of *Der Lutheraner* and *Lehre und Wehre*. Despite the 1851 and 1852 resolutions, however, there is no evidence *K&A* accorded confessional or quasi-confessional status.

Since Walther was alive and physically present at most of the significant doctrinal meetings and events until 1887, there was no need to accord *K&A* with any specific authority. It is clear that *K&A* summarized the position of the Missouri Synod, and that this was not in dispute. The question then is this: can one make a distinction between the book *K&A* and the doctrines taught within? Walther himself defended *K&A*, but did not address its authoritative nature. Neither does he use it as a fourth level of authority in his later writings on Church and Office (e.g. *Die rechte Gestalt*, etc.).

For the early Missourians, the distinction between the thought of Walther and the position of the Synod was murky at best. There was plenty of debate going on concerning Church and Office, but with the exception of the Buffalo Colloquy, *K&A* does not appear to have been used as an independent authority. Would Walther, Wyneken and the other leaders of the Missouri Synod doubt the veracity of the content of *K&A*? Not very likely. However, neither is there any evidence of anyone attempting to use the document *per se* as a prerequisite for fellowship. It is not until later in the 20th century that the specific authoritative position of *K&A* would be established.

CHAPTER FIVE

KIRCHE UND AMT FROM 1887 – 1932

We have seen in the 19th century that there was little distinction made between any of the works of Walther. Because Walther himself was physically present at most of the meetings and colloquies, and continued to write on the topics at hand, there was no need to ask the question of the authoritative nature of *K&A*. That it was the position of the Missouri Synod is without question. As the 20th century progressed, we see a shift in the use of *K&A* more toward a specific authoritative source. We begin with A. L. Graebner, who was one of the earliest writers in English, and also provides us with the first translation of *K&A* into English.

August Lawrence Graebner

August Lawrence Graebner (1849-1904) was one of the chief historians of the Missouri Synod in the second generation.¹ Upon graduation from Concordia Seminary,

¹ Material from this brief biography is a compendium of materials from the *Lutheran Cyclopaedia* (St. Louis: Concordia Publishing House, 1954), 430; and Karl Kretzmann, "The Rev. Doctor August Lawrence Graebner," *Concordia Historical Institute Quarterly* 20 (July 1947): 79-93.

Saint Louis, in 1872, Graebner taught at the Lutheran High School in Saint Louis, Northwestern College (Wisconsin Synod), the Wisconsin Synod seminary in Milwaukee,² and finally, he was called to the professorship of Church History in 1887, as successor to Prof. G. Schaller, his father-in-law. As the founder of the *Theological Quarterly*, the author of *Doctrinal Theology* (1898) and *Geschichte der Lutherischen Kirche in Amerika*, Graebner was one of the chief interpreters of the Walther tradition in the fifteen years after Walther's death. Two works of Graebner are significant to us, as they demonstrate how Graebner understood Walther's doctrines of Church and Office.

Half a Century of Sound Lutheranism in America

In 1893 Graebner wrote a little book entitled, *Half a Century of Sound Lutheranism in America*.³ Intended as a brief history in English of the first fifty years of the Missouri Synod, the book is a brief history of the Saxon immigration, the Löhle *Sendlinge* in Indiana and Michigan, and the founding of the Synod in 1847.

Mention of Walther's book occurs in connection with the 1866 colloquium with the Buffalo Synod, the former followers of Grabau. Graebner wrote:

While Grabau had been at the helm, he had thwarted all endeavors in this direction; he had in his "Informatorium" branded Walther and his followers as heretics. Walther had in 1852 published his book on "the Church and the Ministerial Office," which had previously been laid before and approved by the Synod. In this book Walther showed by numerous extracts from the symbols of the Lutheran Church and from the writings of her orthodox teachers what former centuries had voiced forth as the Lutheran doctrines on these subjects.⁴

² At this time he was also an assistant pastor under the Rev. (later Prof.) Adolf Hönecke.

³ A. L. Graebner, *Half a Century of Sound Lutheranism in America* (St. Louis: Concordia Publishing House, 1893).

⁴ Graebner, *Half a Century*, 24.

Graebner did not mention whether or not *K&A* was used as the basis of discussion for the colloquium with the men of the Buffalo Synod.⁵ Neither did he mention it in connection with the earlier controversy over Grabau.

The Church and the Ministerial Office

In 1897 Graebner founded and served as editor of the *Theological Quarterly*, the first English theological journal of the Missouri Synod. In the third issue of this new journal, Graebner translated the theses of *K&A*.⁶ He titled them, “The Church and the Ministerial Office,” and listed C. F. W. Walther as the author. In a footnote on the first page, Graebner indicated that the theses were from a book entitled “Die Stimme unserer Kirche in der Frage von Kirche und Amt,” first published in 1852.⁷ Graebner listed each thesis, and then provided the Scripture citations (without reproducing the verses) from the 1852 edition of *K&A*. He did not mention that the theses were passed in convention, or that the original title of the book indicated that they were the theses of the Missouri Synod, and compiled by Walther.

⁵ We do know from the minutes of the Buffalo Colloquy that *K&A* was used (see section above on the Buffalo Colloquy). Graebner also wrote a book entitled *Outlines of Doctrinal Theology* (St. Louis: Concordia Publishing House, 1898). Essentially Graebner uses a series of *loci* on the various topics of systematic theology. Although his section on the Church and Office do not cite *K&A*, they are clearly in line with the thought of Walther. See 205-221, and notice the use of visible/invisible distinctions, the conferral of the Office through and in the name of the congregation, and ordination. Perhaps one area where a distinction can be made with the perspective of Walther is on “Assistant Functionaries in the Church” (§168, p. 217) as follows: “Though the ministerial office in the Church is but one, yet by the will of the congregations and with the consent of the incumbents of the whole ministerial office certain functions of this office may be delegated to assistant functionaries in the service of the congregations.”

⁶ C. F. W. Walther. “The Church and the Ministerial Office,” trans. August G[raebner], *Theological Quarterly* 1 (July 1897): 271-276. This Graebner translation of the *K&A* theses is reproduced in Appendix II.

⁷ *Ibid.*, 271.

The translation itself (see Appendix II) is wooden and has numerous extended adjectival phrases, as one would expect from a German speaker writing or translating into English. The translation is perhaps the most accurate, but is also difficult to follow.⁸

Summary of Graebner

Graebner wrote other articles on Church and Office, but none of them address *K&A* specifically.⁹ For Graebner, *K&A* was written by Walther, and demonstrated the orthodox Lutheran positions on the doctrines of Church and Office. There is no evidence that Graebner considered *K&A* to be the position of the Missouri Synod *per se*, but rather a summary of the position of the orthodox Lutheran Church. For Graebner, however, this was probably a meaningless distinction.

Francis Pieper

Upon the death of Walther in 1887, the mantle of leadership of the Missouri Synod fell upon Dr. Francis Pieper (1852-1931). He was known for his faithfulness to the doctrine and the spirit of Walther.¹⁰ Francis Pieper became the unquestioned leader

⁸ Several issues later Graebner also translated the theses from *Die rechte Gestalt*. The translation is similar in format, and he does not make a distinction between the relative authority of *K&A* as compared to *Die rechte Gestalt*. C. F. W. Walther, "The Proper Form of a Local Congregation of the Ev. Lutheran Church Independent of the State," trans. A[ugust] G[raebner], *Theological Quarterly* 1 (October 1897): 401-421.

⁹ The most extensive treatment of Church and Office by Graebner was in "The Church and The Ministry," *Theological Quarterly* 6 (January 1902): 1-36.

¹⁰ For biographical information on Francis Pieper see Theodore Graebner, *Dr. Francis Pieper: A Biographical Sketch* (St. Louis: Concordia Publishing House, 1931); Harold Romoser, *Dr. Francis Pieper, Messenger of Grace* (n.p., n.d.); David P. Scaer, "Francis Pieper," in *Evangelical Theologians*, ed. Walter A. Elwell (Grand Rapids, Michigan: Baker, 1993), 40-53; and David Scaer, "Francis Pieper: His Theology and Legacy Unmatched in Stature," in *The Pieper Lectures: The Office of the Ministry*, ed. Chris Boshoven (St. Louis: Concordia Historical Institute, 1997), 9-41.

of the Missouri Synod for a generation, and in many ways his understanding of Walther on Church and Office was formative for the Missouri Synod to this day.¹¹

In 1889, not long after Walther's death, Pieper wrote a series of articles in *Lehre und Wehre* on Walther as a theologian. In his section on Church and Office, Pieper discussed Walther's mediating position between the "Romanizing Lutherans" and Höfling. He also discussed *K&A* at some length. It is interesting to note that Pieper claims Walther never intended the *übertragen* "to become a shibboleth," (as Wohlrabe paraphrases) as long as the doctrine is preserved.¹²

Two editions of *K&A* were published during Pieper's lifetime and under his guidance. In 1894 the Saxon Free Church published the fourth edition of *K&A*, with Pieper himself writing the forward.¹³ In his forward to this edition, Pieper noted that since the author (Walther) had gone on to the church triumphant in 1887, it was left to

¹¹ It is not our intention in this section to rehearse Pieper's understanding of Church and Office. See Wohlrabe, "An Historical Analysis," 148-159; and Lawrence R. Rast, "Franz Pieper on the Office of the Holy Ministry," in *The Pieper Lectures: The Office of the Ministry*, ed. Chris Boshoven (St. Louis: Concordia Historical Institute, 1997), 145-179.

¹² Francis Pieper, "Dr. C. F. W. Walther als Theologe" (section dealing with Walther on Church and Office), *Lehre und Wehre* 35 (July-August 1899): 220-233. See also Wohlrabe, "An Historical Analysis," 148-149.

¹³ C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt, Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer derselben*, 4th ed. (Zwickau i. Sa.: Verlag des Schriftenvereins der sep. ev.-luth. Gemeinden in Sachsen, 1894.) As will be noted, there was also a 1911 Jubiläums-Ausgabe. With regard to the Saxon Free Church, in 1876, at the urging of Walther and other members of the Missouri Synod, a small group of pastors and laymen in and around Saxony broke off from the state church to form organized the Lutheran Free Church of Saxony and Other States. Chief among the pastors of the Free Church was George Stöckhardt, who would later become a professor at Concordia Seminary, St. Louis. This small church provided the nucleus for the S.E.L.K., who have their seminary today in Oberusel, Germany. *Lutheran Cyclopedia* (1954), 946-947.

him to write the new forward to the book.

Pieper wrote that although the controversy over Church and Office was not handled in a scientific fashion, the theses contained in *K&A* were timeless. He then provided a brief (paragraph) outline of what he considers to be the kernel of the work. The two questions that were asked at the time were: 1) What is the Church? and 2) Who has the original and immediate ground of all spiritual gifts and rights from Christ? Pieper then answered the questions by providing a brief recounting of



Figure 3 – *Kirche und Amt*, 1911 Edition

Walther’s theses, and pointing out that these theses were grounded in the Scriptures and attested to by the Confessions and private writings of the Lutheran Church. There was a second, unchanged edition that was also published by the Saxons in 1911 as a part of the sixtieth anniversary of the presentation of *K&A*.¹⁴

In 1893 a book was published which contained, “A brief yet comprehensive statement of the distinctive doctrines and usages of the Church Bodies of the Evangelical Lutheran Church in this country . . .”¹⁵ Pieper wrote the section for the Synodical

¹⁴ C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt, Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechthabiger Lehrer derselben*. Jubiläums-Ausgabe, 4th ed. (Zwickau i. Sa.: Verlag des Schriftenvereins der sep. ev.-luth. Gemeinden in Sachsen, 1911).

¹⁵ Lutheran Board of Publication, *Distinctive Doctrines and Usages of the*

Conference, although each author was listed as being responsible for his own work.¹⁶

Three sections in his work cover topics related to *K&A*: Of the Church (119-125), Orthodox and Heterodox Churches (125-130), and Of the Ministerial Office (130-136). Pieper did not cite *K&A* or any other authority outside of the Scriptures themselves.

In 1897, the year of the Missouri Synod Jubilee, Pieper published “A Brief Statement of the Doctrinal Position of the Missouri Synod.”¹⁷ His purpose was to demonstrate that the doctrinal position of the Missouri Synod was that of the Scriptures and the Lutheran Confessions. Two sections in this work relate to *K&A*: Of the Church (18-21), and Of the Ministry (22-23). It was not a carbon copy of the article from 1893, but there was a great deal of similarity in language and thought. There was no citation of *K&A* in his theses on Church and Office, though clearly Pieper was well in line with the theological argument of *K&A*.¹⁸

In 1913 Pieper presented a paper at the Southern Illinois District convention entitled, “The Layman’s Movement in Light of God’s Word,” a portion of which was later published in *Lehre und Wehre* and entitled, “The Divine Ordinance of the Public Preaching Office.”¹⁹ John Wohlrabe notes that the timing of this article is significant, in

General Bodies of the Evangelical Lutheran Church in the United States (Philadelphia: Lutheran Publication Society, 1893), iii.

¹⁶ Ibid., iii. Pieper’s article is in *ibid.*, 199-166. The book was written in English, but no translator is listed for Pieper’s article.

¹⁷ Francis Pieper, *A Brief Statement of the Doctrinal Position of the Missouri Synod*, trans. W. H. T. Dau (St. Louis: Concordia Publishing House, 1897).

¹⁸ There are two sections which address these topics: “Of the Church” (18-21), and “Of the Ministry” (22-23). We will deal more with the *Brief Statement* in connection with the Intersynodical Theses below.

¹⁹ Francis Pieper, “Die göttliche Ordnung des öffentlichen Predigtamts,” *Lehre und Wehre* 60 (April 1914): 145-159. A translation may be found in Francis Pieper, *What is Christianity? And Other Essays*, trans. John Theodore Mueller (St. Louis:

that his brother, August, had been writing against the traditional Missouri Synod understanding for several years.²⁰ The article does not seem polemical in nature, but it does present the traditional Missouri Synod position, and also cites *Kirche und Amt* by name several times, particularly Thesis VII on the *Übertragungslehre*.

It is not our intention to give a summary of Pieper's argument.²¹ Several points, however, must be made. The section in regards to the divine institution of the Office is where Pieper employed Walther in his argument. He began by explaining the use of the term "public" ministry. In this regard he cited *K&A* Thesis VII on the Ministry.²² He cited it as follows: "Dr. Walther thus employs this expression in his book *The Church and the Ministry*, where he writes . . ." Not long after this, he also quoted Theses I-III on the Office from *K&A*. Pieper was careful in this essay about whom he cited. His quotations were limited to the Scriptures, the Confessions, Luther, Chemnitz, Walther and one reference to Günther's *Symbolik*.²³ He did not limit his citations to *K&A*, however. He also quoted Walther's *Pastoraltheologie* several times, more often than *K&A*, and in the same manner which *K&A* is cited.²⁴ Pieper was sparing about citing other authors. He cited Luther and the Confessions primarily, and had select citations from Walther's *K&A* and the *Pastoraltheologie*. He did not cite them as a specific authority, but neither did he make a point of the authority of the Confessions or Luther.

Concordia Publishing House, 1933), 100-114. John Wohlrabe, "An Historical Analysis," summarizes this article, 150-153.

²⁰ Ibid., 150. Also see the section on The Wauwatosa Theology below.

²¹ See Rast, "Franz Pieper," 161-169.

²² Pieper, *What is Christianity?*, 109.

²³ Ibid., 107.

²⁴ Ibid., 122, 123, 134-135, 200.

Next we come to Pieper's *magnum opus*, the *Christliche Dogmatik*.²⁵ We can divide our examination of the *Christliche Dogmatik* into Church and Office. Pieper's section on the Church contains numerous references to Walther, as would be expected.²⁶ Pieper did not use *K&A* in this section as much as he will on the Office, but the use is of some note. Pieper used four Walther documents in this section: *Kirche und Amt* (twice),²⁷ *Pastoraltheologie* (five times),²⁸ *Die rechte Gestalt* (once),²⁹ and he made mention of a pamphlet by Walther entitled "Of the Duty of Christians to Join an Orthodox Congregation."³⁰

There are two cases where Pieper used Walther that are of some note. The first is in reference to the divine institution of the local congregation. Pieper argued that any union of congregations into larger bodies, such as conferences, synods, confederations, etc., was not ordained by God, and therefore Matthew 18, "tell it to the church," did not apply to a synod as such. He uses *K&A* and the *Pastorale* as supporting evidence.³¹ Of interest here is that this is precisely what Pieper's brother, August Pieper, argued to the contrary some years before, and criticized *K&A* in the process.³²

²⁵ Francis Pieper, *Christliche Dogmatik*, vol. 3 (St. Louis: Concordia Publishing House, 1920). We will be using the English translation cited below for this section.

²⁶ Francis Pieper, *Christian Dogmatics*, ed. Walther W. F. Albrecht, (St. Louis: Concordia Publishing House, 1953), 3:397-435.

²⁷ *Ibid.*, 421, 424. It is also interesting to note that he does *not* use Walther in the section on the visible/invisible distinction, 408-410.

²⁸ *Ibid.*, 418, 421, 430, 434 (twice). In the last two cases Pieper uses Walther's *Pastorale* to argue that the pastor should be made the chairman of the congregation.

²⁹ *Ibid.*, 420.

³⁰ *Ibid.*, 421.

³¹ *Ibid.*, 421.

³² See the section below on "The Wauwatosa Theology." This type of evasion would later become the norm in synodical theological discussions (e.g. the "Statement of the 44"). Rather than address himself to the Wisconsin Synod error on ecclesiology,

The second item of interest to us is in the section on “Children of God in Heterodox Churches.”³³ Pieper here argued the corollary to the invisible nature of the Church, that is, that there can be Christians in heterodox churches. He argued using the following authorities in order:

- The Scriptures: John 4:22, Luke 17:16ff., Luke 10:33
- Martin Luther
- “Our older Lutheran dogmaticians” (he cites Baier-Walther, III, 646 ff.)
- The Fathers of the Missouri Synod (the footnote cites *K&A*, 95-113)

This last section is worth reproducing here:

The Fathers of the Missouri Synod declare it a calumny when the Lutheran Church is accused of identifying the Church of God with the Lutheran Church. They taught: If a person sincerely clings to the cardinal doctrine of the Christian faith, if he believes that God is gracious to him because of Christ’s *satisfactio vicaria*, he is a member of the Christian Church, no matter in which ecclesiastical camp he may be. By denying this truth one would overthrow the cardinal doctrine of the Christian faith, the article of justification. Walther: According to Rom. 3:28 and Acts 4:12 ‘the . . .’³⁴

It appears here that Pieper used a four-fold layer of authority. Beginning with the Scriptures, he moved through Luther, the older dogmaticians, and then the “Fathers of the Missouri Synod.” On the one hand, this could be an argument for the authoritative character of *K&A* for Pieper. He was certainly citing it as such. On the other hand, Pieper did *not* quote the Confessions, and he certainly would not be arguing against their status as *norma normata*.

Pieper here simply stated the truth with no reference to the error that was being espoused by a sister synod.

³³ *Ibid.*, 423-425.

³⁴ *Ibid.*, 3: 424. The quotation continues with an extended citation of *K&A*.

To move on to the next section, Pieper's most complete work on the Office may also be found in his *Christliche Dogmatik*.³⁵ In general, Pieper followed the theological argument of Walther, although he is ambiguous on the nature of the divine call of auxiliary offices.³⁶ Two of Walther's works were cited extensively: *Kirche und Amt* (six times),³⁷ and the *Pastoraltheologie* (five times).³⁸ There were also a scattering of citations from *Lehre und Wehre* and *Der Lutheraner* articles by Walther, Ottomar Fuerbringer and others. It does appear that Pieper was using Walther as an authority, especially since virtually the only other "contemporary" writers that Pieper cited were opponents, such as Höfling on the one hand, and Muenchmeyer, Löhe and Kliefoth on the other.

In a article on the confessionalism of the early 20th century Missourians, Charles Arand argued that because the second generation of the Missouri Synod (Pieper, A. L. Graebner and Bente in particular) emphasized the biblical character of the Confessions, they tended to "de-emphasize the historical dimensions of the symbols."³⁹ Arand summarizes their position as follows: "Neither the historical setting of the Confessions nor the historical changes which have taken place in science, history or psychology over the last four centuries must be allowed to restrict, limit, or condition the doctrinal content of the Confessions."⁴⁰

³⁵ Francis Pieper, *Christliche Dogmatik*, 3: 501-527. Pieper, *Christian Dogmatics*, 3: 439-462.

³⁶ Pieper, *Christian Dogmatics*, *ibid.*, 462.

³⁷ Pieper, *Christian Dogmatics*, volume 3: 444, 449, 453, 457, 458, 462.

³⁸ Pieper, *Christian Dogmatics*, volume 3: 450, 451, 454, 455, 459.

³⁹ Charles Arand, "Missouri Synod Confessionalism in the Early 20th Century," *Concordia Historical Institute Quarterly* 70 (Winter 1997): 196.

⁴⁰ *Ibid.*

In a way, this demonstrates Pieper's use of Walther as well. He did not spend any time in his *Dogmatik* dwelling on the unique background of the Saxons, the challenges facing them as they attempted to understand their role as a Church apart from the State, the Grabau/Walther controversy, etc. Rather, Pieper presented the Missouri positions on Church and Office as truth apart from their historical circumstances. The only context in which Pieper placed them was in the context of the nineteenth century German controversies over Church and Office. However, he did not deal with Grabau at all, and Löhe is only referred to in the context of the German situation.

To summarize, Pieper utilized Walther on a regular basis, and as a type of fourth level of authority after Scriptures, Confessions, and the orthodox fathers (particularly Luther). Pieper used Walther's *Pastoraltheologie* every bit as much as he uses *K&A*, as well as several of Walther's other writings, e. g. *Die rechte Gestalt*. It is, therefore, difficult to determine whether Pieper placed any particular authority in *K&A*.

The Wauwatosa Theology within the Wisconsin Synod

At the same time that Francis Pieper was active and writing, a controversy was brewing between the Missouri Synod and the Wisconsin Synod, with *K&A* at the center of it. The first twentieth century issue involving *K&A* was centered around an Intersynodical disciplinary issue with the Wisconsin Synod, and the formation of what would later be known as "The Wauwatosa Theology."⁴¹

⁴¹ What follows is a brief recounting of the formation of the Wauwatosa position on Church and Office. To see this history within the broader scope of the doctrine of the Ministry, see Wohlrabe, "An Historical Analysis," 114-122. For the Wisconsin Synod interpretation of the same see J. P. Koehler, *The History of the Wisconsin Synod*, ed. Leigh D. Jordahl (St. Cloud, MN: Sentinel Publishing Company, 1970), 230-239. It is also worth noting that this theological controversy has not been well recognized in the

In 1899 a Mr. Schlueter of Trinity congregation (Missouri Synod) in Cincinnati, Ohio, was excommunicated because he intended to send his eleven year old son to a public school instead of the parish school, in order to learn English. The Central District and the Saint Louis faculty (Particularly Francis Pieper and W. H. T. Dau), became involved, and did not approve of this action. Eventually the Central District suspended the congregation, along with its pastors, A. and E. von Schlichten. In 1904 Trinity and its pastors applied for membership in the Wisconsin Synod. The Wisconsin Synod replied that they would not consider the request because of the outstanding controversy over their suspension by the Central District. In the midst of great controversy, Trinity continued to apply for membership to Wisconsin. At the same time, several Wisconsin Synod pastors were engaging in fellowship with this former Missouri parish, in spite of warnings by district officials and the faculty of the Wauwatosa Seminary (Wisconsin Synod). The Wisconsin Synod would not allow its congregations to have fellowship with Trinity, on the basis that a suspension by a sister synod was *de facto* an excommunication. In 1911 Trinity deposed pastor E. von Schlichten (his father had died in 1909), and the council which supported them, and returned to the Missouri Synod.⁴²

In the years that followed there was some discussion among the Wisconsin Synod concerning the matter, particularly between three members of the Wauwatosa Seminary,

history books. For instance, in 1958 David Schmiel wrote an STM thesis on the relationship between Missouri and Wisconsin up to 1925. Although this controversy was in full swing with the series of articles published by August Pieper (as we shall see in this section), Schmiel made no mention whatsoever that there were theological concerns over the nature of Church and Office between the Missouri Synod and the Wisconsin Synod. David Schmiel, "The History of the Relationship of the Wisconsin Synod to the Missouri Synod Until 1925" (STM thesis, Concordia Seminary, St. Louis, 1958).

⁴² Wohlrabe, *ibid.*, 114-116.

J. P. Koehler, August Pieper and John Schaller. By 1911 the three had worked out their differences, and, as Koehler would later write, “. . . stood shoulder to shoulder.”⁴³

It was August Pieper (1857-1947) who began to write concerning Church and Office in 1911, with a series of articles in *Theologische Quartalschrift*.⁴⁴ Pieper argued that the synod had the right to excommunicate since any gathering of believers constituted a church. Not long after at a pastors' conference in Manitowoc, Wisconsin, Prof. Augustus Ernst (1841-1924), President of Northwestern College, attempted to set forth a rebuttal to August Pieper's theses.⁴⁵ Prof. Ernst argued that the synod is not a church in the proper sense, and therefore cannot excommunicate. He used citations from the Scriptures, Confessions, Luther, Hönecke and Walther.

In 1912 August Pieper, in conjunction with Koehler and Schaller, wrote an article in the Wisconsin Synod's *Theologische Quartalschrift* which addressed the heart of the problem.⁴⁶ In “Zur Verständigung in der gegenwärtigen Diskussion über Kirche und Amt,” Pieper offered a critique of Walther's *K&A*. Pieper argued that misunderstandings were due to Walther's method of quoting from the Confessions and church fathers. He

⁴³ J. P. Koehler, *The History of the Wisconsin Synod*, 234.

⁴⁴ August Pieper, “Menschenherrschaft in der Kirche,” *Theologische Quartalschrift* 8 (January and April 1911): 30-44, 98-123. August Pieper, “Die Suspension noch einmal,” *Theologische Quartalschrift* 8 (July 1911): 131-164. Pieper argues that a proper suspension issued by a synod is, in effect, an excommunication. This was against the Wisconsin Synod pastors who had continued to maintain fellowship with Trinity congregation in Cincinnati, even after suspension by the Central District of the Missouri Synod. Pieper here argues that the church referred to in Matthew 18:17 was not simply a local congregation, but any gathering of believers.

⁴⁵ Augustus Ernst, “*Sätze ueber Synods, Kirchenzucht und Synodalzucht, gedruckt auf Beschluss der allgemeinen Pastorkonferenz der Synode von Wisconsin und den Gliedern derselben vorgelegt von August F. Ernst.*” The theses are reproduced in Koehler, “The History of the Wisconsin Synod,” 237.

⁴⁶ August Pieper, “Zur Verstaendigung in der gegenwaertigen Diskussion ueber

also claimed that there were times when Walther himself misunderstood the Scriptures, Confessions and the fathers of the church. What becomes clear from this article is that August Pieper did not see *K&A* as the public doctrine of the Missouri Synod, but as the premiere writing of Walther. This is an important distinction because it demonstrates a shift in thought from within the Synodical Conference by none other than Francis Pieper's brother.

Thus the position of the Wauwatosa faculty could be summarized as follows: 1) Any gathering of Christians (particularly in the form of a synod) constituted the Church, and therefore could exercise the Office of the Keys; and 2) That the Scriptures instituted a Gospel ministry, but not a particular form (e.g. pastor, teacher, seminary professor, etc.). The Wauwatosa faculty fully understood that they were breaking new ground with these two doctrines, but they believed them to be Scriptural and Confessional.⁴⁷

After the 1914 meeting of the Synodical Conference in Milwaukee, Wisconsin, a special meeting was held between the Wauwatosa men and Professors Francis Pieper, George Metzger and Ludwig Fuerbringer.⁴⁸ According to Koehler, this was an informal discussion, no resolution was reached, and the matter was apparently dropped for a time,

Kirche und Amt," *Theologische Quartalschrift* 9 (July 1912): 182-208.

⁴⁷ Edward C. Fredrich recounts in his history of the Wisconsin Synod that August Pieper in his classrooms referred to his teaching on the Office as *meine Amtslehre* (my teaching of the ministry). The three Wauwatosa men also understood that they were setting aside both "traditional thinking and dogmatic formulations." Edward C. Fredrich, *The Wisconsin Synod Lutherans: A History of the Single Synod, Federation, and Merger* (Milwaukee: Northwestern Publishing House, 1992), 110. It is also worth reiterating that August Pieper, in "Zur Verstaendigung in der gegenwaertigen Diskussion ueber Kirche und Amt," argued that Walther was incorrect (or at least grossly misunderstood) in his understanding of Church and Office. It is also important to note that all three of the Wauwatosa men (A. Pieper, Koehler and Schaller) were students of Walther.

⁴⁸ Koehler, 238.

at least in terms of formal discussions between the faculties. Pieper and the others continued to publish their views in the *Quartalschrift*. This view would eventually become the established position of the Wisconsin Synod.⁴⁹

The Saint Louis faculty under Dr. Francis Pieper (August's brother) attacked the Wauwatosa position, although not in a public setting.⁵⁰ On December 20 and 21 in 1916 there was a joint meeting of the Wauwatosa and Saint Louis seminaries in Chicago, and four theses were passed.⁵¹ These theses represented an attempt on the part of the Saint Louis seminary faculty to come to an agreement with Wauwatosa, even though the Wauwatosa faculty had publicly attacked the theological position of the Missouri Synod, and Walther's *K&A* in particular.

Although there are worthwhile comments that could be made on all four of the theses, we will examine Thesis Three of the Saint Louis/Wauwatosa 1916 document. Compare Thesis Three below in the German with the German of Thesis VII of Walther's *K&A*:

⁴⁹ See "Thiensville and the Doctrine of the Church and Ministry," Theodore Graebner Papers, Box 71, Thiensville 1930-1932 File, Concordia Historical Institute.

⁵⁰ Pieper, for instance wrote an article in 1914 entitled, "Die göttliche Ordnung des öffentlichen Predigtamts," *Lehre und Wehre* 60 (April 1914): 145-159. Pieper here makes extensive use and defense of *K&A*, but does not mention or attack the position of the Wauwatosa men by name. The St. Louis faculty also wrote to the Wauwatosa faculty in August of 1916 regarding some of their concerns, and made particular note that the two faculties had "mutually given assent" to Walther's theses. For a translation of this and other related correspondence, see "Basic Documents in the Church and Ministry Discussions," *The Faithful Word* 7 (February 1970): 23-31.

⁵¹ "Theses Adopted by Representatives of Concordia Seminary and Wauwatosa at Chicago, Dec. 20, 21, 1916." Theodore Graebner Papers, Box 71, File 2, Concordia Historical Institute. See Appendix III for the original and a translation of the theses. Another translation of the St. Louis/Wauwatosa theses may be found in "Basic Documents in the Church and Ministry Discussions," *The Faithful Word* 7 (February 1970): 27-28.

Walther's Thesis VII on the Ministry from <i>Kirche und Amt</i>⁵²	Thesis III from the Saint Louis/Wauwatosa Theses of 1916⁵³
Das heilige Predigtamt ist die von Gott durch die Gemeinde als Inhaberin des Priesterthums und aller kirchengewalt übertragene Gewalt, die Rechte des geistlichen Priesterthums in öffentlichen Amte von Gemeinschaftswegen auszuüben.	Das Pfarramt ist der von der Gemeinde dazu tüchtigen Personen übertragene Dienst, die Rechte des geistlichen Priestertums aller Christen von gemeinschaftswegen auszuüben.

Notice the similarity of language, but that the language is used quite differently. For example, both theses use *übertragene*. In *K&A*, it is *von Gott*, in the other, it is *von der Gemeinde*. Furthermore, The 1916 theses are ambiguous in defining the divine origin of the *Amt*, because thesis IV is unclear on what is exactly meant by *Amt* (see Appendix IV). In the first sentence, the *Amt* is called a *göttlicher Ordnung* (divine order), but the *äussere Form* (external form) and *Einrichtung* (arrangement) of this *Amt* is left to the discretion of the congregation. At the very best, the 1916 theses leave the concrete nature of the *Amt* in a dubious state. Is there one office, or many? Why use *Amt* in Thesis IV, and not *Predigtamt*? For the Wauwatosa men, the one *Amt* was the Gospel ministry, in the abstract, which can find its concrete form in various ways. This much is virtually stated in Thesis IV.

It is clear that the authors were familiar with *K&A*, and that similar phraseology and terminology was used in the 1916 theses, particularly in theses I and IV. However,

⁵² Walther, *Kirche und Amt*, 1852, XV.

⁵³ "Theses Adopted by Representatives of Concordia Seminary and Wauwatosa at Chicago, Dec. 20, 21, 1916." Theodore Graebner Papers, Box 71, File 2, Concordia Historical Institute.

the Wauwatosa men were on public record as disagreeing with *K&A*, and were under no pretension to attempt to conform to it. This is reflected especially in Thesis IV.

The mystery is how the Saint Louis faculty agreed to these theses in the first place. They did not appear to be any concession on the part of the Wauwatosa men at all. There is no record of who attended this meeting in Chicago, but it is difficult to imagine that such a meeting would have happened without the approval and presence of Francis Pieper. August Pieper would later recount that at the passing of these theses, the discussions were concluded even though unanimity had not been reached.⁵⁴

The apparent agreement, however, did not last long. The next year Prof. J. P. Koehler of the Wauwatosa faculty published his *Lehrbuch der Kirchengeschichte*.⁵⁵ In connection with the Church and Office controversy in Germany during the 19th century, Koehler wrote: “Only Höfling and a few colleagues held entirely clearly and correctly according to Scripture.”⁵⁶ Thus the Saint Louis/Wauwatosa Theses of 1916 were ambiguous enough to allow widely divergent views on Church and Office.

It is also important to note that this does not mean the Wauwatosa men were critical of Walther at every turn. In 1923 the *Theologische Quartalschrift* contained a series of articles by August Pieper in celebration of the 75th anniversary of the Missouri

⁵⁴ August Pieper, “Concerning the Doctrine of the Church and of Its Ministry, With Special Reference to the Synod and Its Discipline,” trans. H. J. Vogel, *Wisconsin Lutheran Quarterly* 59 (April 1962): 86. The original is August Pieper, “Zur Lehre von der Kirche und ihrem Amt, mit besonderer Anwendung auf die Synode und ihre Zucht,” *Theologische Quartalschrift* 26 (October 1929): 202-249.

⁵⁵ J. P. Koehler, *Lehrbuch der Kirchengeschichte* (Milwaukee: Northwestern Publishing House, 1917).

⁵⁶ *Ibid.*, 659. The translation is from “Basic Documents in the Church and Ministry Discussions – II,” *The Faithful Word* 7 (May 1970): 14.

Synod and the 50th Anniversary of the Synodical Conference.⁵⁷ In this series, August Pieper provides his interpretation of the relationship between Missouri and Wisconsin, focusing in particular on Walther and his impact on theological education within Wisconsin. Pieper's perspective could be described as that of a loyal critic. He clearly counted Walther among the theological giants, even going so far as to compare him to Luther.⁵⁸ He also praised Walther's genius for correcting the former Stephanites on the doctrine of the Church, and that it was through *K&A* and *Die rechte Gestalt* that Walther laid the "broad and solid foundation" for the Missouri Synod and its affiliates.⁵⁹ Walther's weakness, however, was that his almost exclusively dogmatic approach to theology created in Missouri a desire to establish doctrine by citing the older theologians (restitution), rather than going to the ground of the Scriptures.⁶⁰ Pieper in this article also reiterated his earlier criticisms of *K&A*, by arguing that Walther's use of *Predigtamt* and *Pfarramt* could easily give the impression that Walther thought only the

⁵⁷ August Pieper, "Jubiläumsnachgedanken," *Theologische Quartalschrift* 20 (January, April, July, October 1923): 1-18, 88-112, 161-177, 254-270. A translation of the portions relevant to our discussion may be found in "Anniversary Reflections," trans. R. E. Wehrwein, *Wisconsin Lutheran Quarterly* 84 (Winter 1987): 12-28; and "Anniversary Reflections II," trans. R. E. Wehrwein, *Wisconsin Lutheran Quarterly* 84 (Spring 1987): 96-119.

⁵⁸ Pieper, "Anniversary Reflections," 16. Later on in reference to his ability to teach and inspire students, Pieper wrote (27): "Three years in St. Louis were enough to make one a Waltherian in doctrine and love."

⁵⁹ *Ibid.*, 17. Pieper also pointed out that the doctrines of Church and Ministry were never central in Walther's thought. His "chief touchstone" of theology was always the doctrine of justification (19). See also "Theological Reflections II," 101.

⁶⁰ *Ibid.*, 20ff. Pieper is particularly critical of Walther's insistence on teaching dogmatics in Latin. Pieper wrote (20): "It was noticeable that in doing this [teaching in Latin] even Walther was walking on stilts, and most of his students did not fully understand him. For all of them the daily three to five hour "Baier grind," [*Baier oxsen*] as they in typical student fashion called it, spoiled their joy in God's precious Word."

congregational parish pastor had a divinely instituted call.⁶¹ He also brought up the argument again that Walther was not attempting to establish that only the local congregation was Church. This is significant, because it demonstrates that the 1916 theses had not resolved anything. Pieper was still publicly critical of Walther and *K&A*.

After 1916 the matter seemed to die down in the public (or semi-public) arena until the Intersynodical Committee (see next section). No further agreement was made until the *Thiensville Theses*, which were signed by both faculties on April 16, 1932.⁶² Both sides believed that the theses supported their position. This, however, was not the end of the controversy. The 1932 convention of the Missouri Synod passed a resolution for the president of the Synod to appoint a Committee on Organic Union. This committee would examine the feasibility of uniting all of the Lutheran synods of the Synodical Conference into one united Synod.⁶³ It was not long after this that August Pieper once again published an article in the July, 1932 issue of the *Theological Quartalschrift*, where he defended his former position on Church and Office, and essentially nullified the *Thiensville Theses*.⁶⁴ After a long series of negotiations, there

⁶¹ Pieper, "Theological Reflections II," *op. cit.*, 108.

⁶² *Proceedings of the Forty-Second Convention of the Ev. Lutheran Synodical Conference Assembled at Concordia College St. Paul, MN, August 12-15, 1932* (St. Louis: Concordia Publishing House, 1953), 142-143. Theodore Graebner reported on the meeting in an article entitled, "Agreement with Thiensville Faculty," *The Lutheran Witness* 51 (June 21, 1932): 224. See also Theodore Graebner Papers, Box 71. Concordia Historical Institute. Wohlrabe, "An Historical Analysis," also addresses these theses in some length, 198-200.

⁶³ *Synodical Proceedings* (1932), 164-166.

⁶⁴ August Pieper, "Unser kirchlicher Tiefstand und seine wahre Heilung," *Theologische Quartalschrift* 29 (July 1932): 161-169. For a summary of the dealings connected with this see Wohlrabe, "An Historical Analysis," 145-151.

was still no evidence that August Pieper or the other Wauwatosa men ever recanted their position or subscribed to the *Thiensville Theses*.⁶⁵

The significance of this episode cannot be overestimated. How is it that August Pieper could make a major attack on Walther's *Kirche und Amt*, and there could never be a public rebuking on the part of the Missouri Synod against the Wisconsin Synod? This issue would come up again in the Intersynodical Theses, but there too, there was never any resolution to the matter. The Missouri Synod never made the Wisconsin Synod's positions on Church and Office a fellowship issue.⁶⁶

The Intersynodical Movement and the Brief Statement

It was at this same time that a movement was underfoot to effect closer relations among the various Midwest church bodies.⁶⁷ In 1917, committees from the Missouri, Wisconsin, Iowa and Ohio Synods were elected or appointed to begin formal doctrinal discussions. In 1924 the Buffalo Synod joined the discussions. The intent behind these discussions was to come to doctrinal agreement so that church unity could be established. Much of the early negotiations (as would be expected) centered around the doctrines of

⁶⁵ In a letter to Rev. Im. F. Albrecht, Theodore Graebner recounts, "In reply we have from him [A. Pieper] a letter which seems to eliminate every hope of an understanding. To me and the other members of our faculty this comes as a shock to which we can adjust ourselves only with difficulty." Graebner then wrote that if they are to present a "Yes or No" question to the Thiensville faculty, he would be afraid of the response. Letter to Im. F. Albrecht from Theodore Graebner dated March 11, 1933. Theodore Graebner Papers, Box 71. Concordia Historical Institute.

⁶⁶ It is also worth noting that During this time period there were at least two serious attempts at a merger between the Wisconsin and Missouri Synods, but for various reasons these came to naught.

⁶⁷ Wohlrabe, "An Historical Analysis," 143-147. For a general history of the Intersynodical (Chicago) Theses see Charles F. Bunzel, "The Missouri Synod and the Chicago Intersynodical Theses," (STM thesis, Concordia Seminary, St. Louis, 1964). As noted later in this section, Bunzel did not include the Missouri/Wisconsin controversy in

conversion and election, so it is not until 1924 that the doctrines of Church and Office come under discussion.

In the summer of 1924 (July 15 in Chicago and July 29-30 in Dubuque), the Intersynodical Committee met and completed the “final copy” of the Intersynodical (Chicago) Theses. Two members of the Missouri committee, Theodore Graebner and William Arndt, were not able to attend the final meeting. Missouri was then represented by one man, Pastor J. G. F. Kleinhans, who signed for the whole committee. When they received their copies, Graebner and Arndt were unable to sign the document because it had been rewritten with the Wisconsin Synod position on Church and Office in mind. The revised edition made no distinction between the office of pastor and other forms which Missouri had traditionally called auxiliary offices (teacher, professor, synodical official).

According to John Wohlrabe, this sparked a series of letters between Graebner and Pfotenhauer how to proceed.⁶⁸ Pfotenhauer instructed Graebner to withdraw his signature until they were satisfied. In the fall of 1924 when the Intersynodical Conference was meeting again in Chicago, the Wisconsin and Missouri members of the Conference met a day ahead of time to discuss their differences.⁶⁹ At this meeting some compromise was reached, but there were still questions.

When the Intersynodical (Chicago) Theses were finished in the spring of 1925, Article VI, “The Pastoral Office,” read as follows:

his history of the Chicago (Intersynodical) Theses.

⁶⁸ Wohlrabe, “An Historical Analysis,” 144.

⁶⁹ “Notice to all Intersynodical Committee members from Secretary A.C. Haase, dated October 13, 1924.” Theodore Graebner papers, Box 113, File 3, Concordia

18. As distinct from the universal priesthood, the pastoral office, as regards its essence and purpose, consists in this, that a person qualified for this office and duly called to the same edifies, teaches, and governs a certain congregation in Christ's stead by means of God's Word, and administers the Sacraments in its midst.

19. This office is of divine institution, and its functions, aforementioned, are precisely defined in God's Word. Accordingly it is the right and duty of every Christian congregation to establish this office, and this is done by means of calling a pastor. Such action is a function of the universal priesthood.

20. The calling of a pastor is a right of that congregation in which the minister is to discharge the duties of the office, and by such calling Christ appoints His ministers for the congregation. Ordination is not a divine, but an ecclesiastical ordinance for the public solemn confirmation of the pastor's call.⁷⁰

The Intersynodical Theses went before the Missouri Synod convention in 1926, and the Examining Committee requested that the following be added to Thesis 18: "and in this manner publicly exercises, in the name of the congregation, the office belonging to it."⁷¹ This same committee then elected Theodore Engelder of the Concordia Theological Seminary, Springfield, Illinois, to the Intersynodical Committee.

The final form was adopted in Saint Paul, Minnesota, on August 2, 1928 by the representatives of the Iowa, Missouri, Ohio, Wisconsin and Buffalo synods, and was

Historical Institute. See also Wohlrabe, "An Historical Analysis," 145.

⁷⁰ Wolf, *Documents of Lutheran Unity in America* (Philadelphia: Fortress Press, 1966), 367.

⁷¹ *Synodical Proceedings* (1926), 139. It is also worthy of note that Theodore Graebner resigned from the Intersynodical Committee right before the 1926 convention because of the attitude of "senior members of the faculty" toward the theses. See "Intersynodical Matter, Memorandum – June 15, 1926," Theodore Graebner papers, Box 111, File 4, Concordia Historical Institute. See also John Wohlrabe, "The Missouri Synod's Unity Attempts During the Pfotenhauer Presidency, 1911 – 1935" (STM thesis, Concordia Seminary, St. Louis, Missouri, 1982), 126.

entitled, “Chicago Theses Concerning Conversion, Predestination, and Other Doctrines.”⁷²

At the 1929 Synodical Convention, the Examining Committee reported that they believed the Intersynodical Theses to be unclear or even in error. Specifically, the Examining Committee objected to the following regarding Church and Office:

- In the article on the Church, there was no clear confession that the Church is invisible.
- There was no confession of the doctrine of conveyance (*Übertragungslehre*).
- There was no confession that every congregation has the sole authority to call a pastor, apart from the clergy of the body to which it belongs.⁷³

The Examining Committee therefore considered it a “hopeless undertaking” to make the theses unobjectionable in terms of their theological content, and that furthermore the synod should discontinue such intersynodical conferences. The Synod then rejected the Intersynodical Theses.⁷⁴

⁷² A. C. Haase, secretary, “Schlussbericht des Intersynodalkomitees,” *Theologische Quartalschrift* 25 (October 1928): 266-288. The English version is in *Theologische Quartalschrift* 26 (October 1929): 250-273. The English version may also be found in *Doctrinal Declarations: A Collection of Official Statements on the Doctrinal Position of Various Lutheran Synods in America* (St. Louis: Concordia Publishing House, 1936), 24-59.

⁷³ *Synodical Proceedings* (1929), 111. All three of these objections could be tied to theses from *K&A*, if not explicitly, certainly implicitly. It would be a worthy study to examine any of the minutes extant from the Intersynodical Conference to determine whether they were examining specific texts in their theological discussions or not. Certainly Graebner and Arndt of the Intersynodical Committee were familiar with Walther’s *K&A*, but it would be difficult to prove that they were actually using it in the discussions. These objections were not from the Intersynodical Committee, but the Examining Committee appointed by the Synod.

⁷⁴ *Synodical Proceedings* (1929), 112-113.

Before we move on to the formation of the committee to write the *Brief Statement*, it is important to note the significance of Synod rejecting the Intersynodical Theses. The Examining Committee did not have an objection to the final wording of the theses on Church and Office, but that was where some of the significant disagreement originated. There is no evidence that there was disagreement between the Missouri Synod and the Iowa and Buffalo Synods on the Chicago Theses, where one would expect that there would be disagreements on Church and Office.⁷⁵ Nor is there evidence, on the surface, of disagreement with the Wisconsin Synod, with which the Missouri Synod was already in fellowship. As we have demonstrated, however, there was disagreement behind the scenes between the Missouri Synod and Wisconsin Synod men. This was the second time that the disagreement over the Wauwatosa Theology on Church and Office had been sidestepped. This is of particular significance, because the Wauwatosa Theology began in earnest with a critique of *K&A*. There were never any public statements written attacking the Wauwatosa Theology, and so it did not become an “issue” on a fellowship level.⁷⁶

⁷⁵ Charles F. Bunzel pointed out in his STM thesis, “The Missouri Synod and the Chicago (Intersynodical) Theses,” (45-47) that by accepting the *Toledo Theses* the Ohio Synod had accepted the Iowa Synod position, which held that the means of grace were a part of the essence of the Church. The Iowa Synod also held that both Christians and clergy necessarily constituted the Church. Because, however, the Iowa Synod held that the doctrines of Church and Ministry were open questions, they were not willing to make them issues of debate. For a summary of the differences between the Missouri, Iowa and Ohio synods on Church and Office, see J. Buenger, *Missouri, Iowa, and Ohio: The Old and the New Differences* (n.p., n.d.), 8-22.

⁷⁶ This entire episode with the Wisconsin Synod is often ignored when discussing the history of the Intersynodical Movement. For example, C. S. Meyer, in his “The Historical Background of ‘A Brief Statement,’” does not even mention the ongoing controversy between the Missouri and Wisconsin synods regarding Church and Office (see particularly pp. 535-538). Neither does Meyer mention it in *Moving Frontiers* (St.

There are several possible interpretations to this event. First, it is possible that there were pastors and professors in the Missouri Synod who were espousing the Wauwatosa theology, and that it would be too painful to address in a forthright manner. Second, that the relationship between August and Francis Pieper made it difficult or impossible for serious charges of false doctrine to be made. Third, that unity was more important than real or perceived theological differences. Finally, it is possible that *K&A* was not understood to be the final viewpoint of the Missouri Synod on the doctrines of Church and Office, and that there was some flexibility in understanding, as long as they were not espousing hierarchical designs on Church or Office.

At this same 1929 convention, The Missouri Synod resolved to elect a committee to present the doctrine of the Scriptures and the Lutheran Confessions in the most succinct matter possible, and to begin with the *status controversiae*.⁷⁷ The President of Synod was also to appoint the committee. This was done, and the 1932 convention proceedings report that the committee consisted of: Dr. Francis Pieper, Prof. W. Wegner, Rev. E. A. Mayer, Rev. L. A. Heerboth, and Dr. Theodore Engelder.⁷⁸ These theses were to serve as the basis for future intersynodical discussions.

This committee drew up a series of theses which came to be known as the “Brief Statement of the Doctrinal Position of the Missouri Synod.” The document was a

Louis: Concordia Publishing House, 1964), 416-418. Neither did Bunzel (*ibid.*) mention any of the controversy between the Missouri and Wisconsin synods on Church and Office.

⁷⁷ *Synodical Proceedings* (1929), 113. This approach was the exact opposite of the Intersynodical Committee, which had attempted to avoid the *status controversiae*.

⁷⁸ *Ibid.*, 154.

revision of several works published by Francis Pieper, beginning as early as 1893.⁷⁹ Published in German in the May 1931 issue of the *Concordia Theological Monthly*, in English in the June 1931 issue, and distributed in pamphlet form throughout the Synod, the *Brief Statement* focused particularly on the *status controversiae* with the other Lutheran church bodies in the United States.⁸⁰ In 1932 the synodical convention, at the recommendation of President Pfoth, adopted them “as a brief Scriptural statement of the doctrinal position of the Missouri Synod.”⁸¹

There are two sections of interest to us in the *Brief Statement*. The first is on the Church.⁸² The section on the Church reflects the view of *K&A* by underscoring the invisible nature of the Church (408), that the Church consists only of believers (408), that the Church exists also in heterodox communions (409), and the Christians are the “Original and True Possessors of All Christian Rights and Privileges” (409).

The paragraphs on the Ministry also reflect the view of *K&A*.⁸³ Three doctrines in particular out of the *Brief Statement* have antecedents in *K&A*: 1) An underscore of

⁷⁹ For a comparative study of the five different editions of the *Brief Statement*, see C. S. Meyer, “A Historical Background of ‘A Brief Statement,’” *Concordia Theological Monthly* 32 (September 1961): 538-542.

⁸⁰ “Thesen zur kurzen Darlegung der Lehrstellung der Missourisynode,” *Concordia Theological Monthly* 2 (May 1931): 321-335; “Brief Statement of the Doctrinal Position of the Missouri Synod,” *Concordia Theological Monthly* 2 (June 1931): 401-416.

⁸¹ *Ibid.*, 154-155.

⁸² “Brief Statement of the Doctrinal Position of the Missouri Synod,” *Concordia Theological Monthly* 2 (June 1931): 408-410.

⁸³ “Brief Statement of the Doctrinal Position of the Missouri Synod,” *Concordia Theological Monthly* 2 (June 1931): 410-411. Because of its brevity, we include the section on the Ministry as follows: 31. By the public ministry we mean the office by which the Word of God is preached and the Sacraments are administered by order and in the name of a Christian congregation. Concerning this office we teach that it is a divine ordinance that is, the Christians of a certain locality must apply the means of grace not

the divine institution of the Office; 2) A rejection of any kind of “hierarchical” understanding of the Office; and 3) Ordination as a “commendable ecclesiastical ordinance.” It is also of note that the pastoral office is not called the highest office in the church, nor is there any specific mention of the *Übertragungslehre*. The lack of the *Übertragungslehre* is particularly unusual, given the fact that this was one of the reasons the Intersynodical Theses were rejected in 1929.⁸⁴

There is also a great deal of emphasis placed upon *who* must make provision that the Word of God is publicly preached and the Sacraments administered according to their institution (Paragraph 31). The local, Christian *congregation* must make this provision. Furthermore, they are to be in a certain locality, not privately, nor within the circle of their families, neither is it to be in their “common intercourse” with fellow-Christians. This is not an emphasis in *K&A*, but it is present. It is possible, however, that the reason for the highlighting of the divine institution of the local congregation was actually

only privately and within the circle of their families nor merely in their common intercourse with fellow-Christians, John 5, 30; Eph. 6, 6; Col. 3, 16, but they are also required, by the divine order, to make provision that the Word of God be publicly preached in their midst, and the Sacraments administered according to the institution of Christ, by persons qualified for such work, whose qualifications and official functions are exactly defined in Scripture, Titus 1, 5; Acts 14, 23; 20, 28; 2 Tim. 2, 2.

32. Although the office of the ministry is a divine ordinance, it possesses no other power than the power of the Word of God, 1 Pet. 4, 11; that is to say it is the duty of Christians to yield unconditional obedience to the office of the ministry whenever, and as long as, the minister proclaims to them the Word of God, Heb. 13, 17; Luke 10, 16. If, however, the minister, in his teachings, and injunctions, were to go beyond the Word of God, it would be the duty of Christians, not to obey, but to disobey him, so as to remain faithful to Christ, Matt. 23, 8. Accordingly, we reject the false doctrine ascribing to the office of the ministry the right to demand obedience and submission in matters which Christ has not commanded.

33. Regarding ordination we teach that it is not a divine, but a commendable ecclesiastical ordinance.

⁸⁴ *Synodical Proceedings* (1929), 111.

because of the ongoing dispute with the Wisconsin Synod over the nature of the Church.⁸⁵

There are several elements of the *Brief Statement*, however, which could very well be described as specifically written *contra* the Wisconsin Synod position. Because of the emphasis on a “certain locality,” Paragraph 31 in particular would be difficult for the Wisconsin Synod to accept.⁸⁶ There is some evidence that the Wisconsin Synod later acknowledged the *Brief Statement*, but they never formally accepted it as a confession of faith.⁸⁷

John Wohlrabe points out in his doctoral dissertation, “An Historical Analysis of the Doctrine of the Ministry in the Lutheran Church – Missouri Synod until 1962,” that the *Brief Statement* does not attempt to present an “exhaustive treatment of any one doctrine.” It did not contradict *K&A*, but it was an attempt to reflect the position of the Missouri Synod which had been established in 1851.⁸⁸

⁸⁵ For example, Paragraph 27 from the *Brief Statement* (409), highlights that the Scriptures speak of two meanings for *ekklesia*: the believers of all times and places, and the local congregation. This is, however, very similar to the argument which Pieper made in the 1893 version (*Distinctive Doctrines*, 124-125).

⁸⁶ “Brief Statement of the Doctrinal Position of the Missouri Synod,” 410.

⁸⁷ Later during the controversy regarding the *Common Confession*, the Wisconsin Synod’s Standing Committee on Church Union urged that “. . . The Synodical Conference in convention assembled to request the Missouri Synod to repeal the *Common Confession* and to return to the clarity and decisiveness in setting forth the Scriptural and historical doctrinal position of the Synodical Conference for which the *Brief Statement* sets an excellent precedent,” *Proceedings of the Forty-Second Convention of the Ev. Lutheran Synodical Conference Assembled at Concordia College St. Paul, MN, August 12-15, 1952* (St. Louis: Concordia Publishing House, 1953), 157.

⁸⁸ Wohlrabe, “An Historical Analysis,” 158-159.

Ebenezer

To back up a bit, while all of these events are happening with the Wisconsin Synod, the Lutheran Church – Missouri Synod celebrated its seventy-fifth anniversary in 1922. This prompted a history of the Missouri Synod to be written.

Ebenezer, the 75th anniversary collection of essays on this history of the Lutheran Church – Missouri Synod, gives us the first real picture of the history of the Missouri Synod in English.⁸⁹ A series of essays totaling over five-hundred pages, *Ebenezer* is of great benefit to us, because it represents the thought and views of dozens of different pastors and professors all over the Missouri Synod in the early 1920s. In this section we will examine various authors in *Ebenezer* and their understanding of the authoritative use of *K&A*.

The Saxon Immigrants of 1839

Theodore Buenger, president of Concordia College, Saint Paul, begins the work with a history of the Saxon immigration. During his recounting of the early controversy regarding Church and Ministry, he gave his opinion of Walther's *Kirche und Amt*:

They [Walther's doctrines of Church and Ministry first developed at Altenburg] are the same principles we know from his later books, *Kirche und Amt* and *Rechte Gestalt*, the principles in accordance in which the Missouri Synod was organized a few years later, and thousands of congregations were founded, –the principles that have put into practise the truths of the Bible as never before. Next to the preaching of the pure Gospel of Jesus Christ, these very teachings are one of the greatest benefits bestowed by this group of immigrants upon our country; they are the key to the understanding of the Missouri Synod's growth. The religious liberty of this country was the necessary prerequisite of an undisturbed development of the Church along these lines.⁹⁰

⁸⁹ W. H. T. Dau, ed., *Ebenezer: Reviews of the Work of the Missouri Synod during Three Quarters of a Century* (St. Louis: Concordia Publishing House, 1922).

⁹⁰ Theodore Buenger, "The Saxon Immigrants of 1839," in *Ebenezer* (St. Louis:

Several items are of note for us in this section. First is that for Buenger there was a continuity within Walther which begins with the Altenburg Theses, includes *K&A* and goes all the way through to *Die rechte Gestalt*. Although written as a historical essay, Buenger did not see any of these documents within their historical context.

Second, the “principles,” as Buenger called them, are the same in all of these documents, and they are the principles which were put into practice “as never before.” Buenger, then, claimed that with the founding of the Missouri Synod, something unique happened. This was the contribution of the Missouri Synod to the United States, and the key to the Missouri Synod’s growth.

Finally, according to Buenger, the Waltherian principles of church government could only have “developed” within the context of the religious liberty afforded in the United States. This was the claim of the Missouri Synod from the start (see previous section on 1851 Synodical Convention). However, there is a difference between the early Missouri understanding and the Buenger understanding. At the 1851 Synodical Convention, the synod claimed that the freedom from the state had allowed it to release the true Lutheran understanding of church polity that had always been present. For Buenger, this religious liberty had allowed the Church to develop and grow in new directions that it could not have done in Germany.

To summarize, Buenger did not place any particular authority upon *K&A*. He saw *K&A* as one example of the Missouri Synod principles of church government. These principles caused the Missouri Synod to grow into thousands of congregations.

Dr. C. F. W. Walther

Rev. Julius A. Friedrich, pastor in Saint Charles, Missouri, wrote a brief biography of Walther for *Ebenezer*. The only mention we have in Friedrich's biography of *Kirche und Amt* is in connection with the Altenburg debate of 1841. Friedrich wrote that:

. . . the principles laid down in these theses [Walther's Altenburg Debate theses] were later elaborated by Walther in his epoch-making books, *The Voice of Our Church on the Question of Church and Office*, *The Correct Form of a Local Congregation Independent of the State*, and *The Evangelical Lutheran Church the True Visible Church on Earth*.⁹¹

There is no mention of the 1851 Synodical Convention, or of the 1852 printing of *Kirche und Amt*. Once again we see no distinction between any of the works of Walther as being "official" or "unofficial." For Friedrich there seems to have been little distinction between the two, for he believed that ". . . To write the life of Walther is to write the history of the Missouri Synod."⁹²

The Missouri Synod and the Buffalo Synod

Probably the most significant essay for our purposes was written by the Rev. Arthur Both, and entitled "The Missouri Synod and the Buffalo Synod."⁹³ In this essay Both attempts to demonstrate the theological issues which divided Missouri and Buffalo. He did this on the following basis: "In giving a review of this controversy, let us quote the doctrines of the Buffalo Synod from its own official writings, and place over against

⁹¹ Julius A. Friedrich, "Dr. C. F. W. Walther," in *Ebenezer* (St. Louis: Concordia Publishing House, 1922), 27.

⁹² *Ibid.*, 22.

⁹³ Arthur Both, "The Missouri Synod and the Buffalo Synod," in *Ebenezer* (St. Louis: Concordia Publishing House, 1922), 124-139.

them the official doctrines of the Missouri Synod, and then let the Word of God decide which is correct.”⁹⁴

It is significant, therefore, to see what Both cites as the official writings of the two synods. The following chart shows the documents cited from each synod, and how many times they were cited in order of frequency:

Buffalo Synod	#	Missouri Synod	#
<i>Second Pastoral Letter</i>	9	<i>Kirche und Amt</i>	9
<i>Beleuchtung und Widerlegung</i>	5	<i>Die rechte Gestalt</i>	5
<i>Third Pastoral Letter</i>	5	<i>Twelfth Synodical Report, Eastern District, Missouri Synod</i>	3
<i>Informatorium</i>	4	<i>Synodical Report of General Meeting of Missouri Synod, 1866</i>	1
<i>Hirtenbrief</i>	3	<i>Der Lutheraner, 9, 129</i>	1
<i>Fifth Pastoral Letter</i>	1		
<i>Antikritik</i>	1		

Rev. Both never defined the term “official writings,” but on the basis of his citations, it appears that he was referring to documents that either have been passed in Synodical conventions, published under the auspices of the Synod, or written by an official of the Synod (Walther or Grabau). As would be expected in a comparison between Missouri and Buffalo, *Kirche und Amt* was used most frequently to demonstrate the Missouri Synod position. It was used in support of : 1) The invisible Church; 2) That the ministry is conveyed by God issued through the congregation; 3) That the ministry is not a higher rank, like the Levitical priesthood; 4) That obedience in all things is not required of the ministry; 5) That the laity have the right to judge doctrine; and 6) That ordination is a human rite. There was, however, no distinction made between any public

⁹⁴ Both, 126.

documents. Rev. Both also cited *Die rechte Gestalt*, the *Der Lutheraner* articles, etc., as the “official” position of the Missouri Synod.

The Doctrine of the Church and the Ministry

Dr. D. H. Steffens of West Henrietta, New York, and a biographer of Walther,⁹⁵ wrote in this volume an essay on the doctrines of Church and Ministry.⁹⁶ In this essay Steffens presents the argument that Walther and the Saxons were given the wonderful opportunity to start over, theologically speaking. The Lutherans of Germany and Scandinavia had too much tradition to encumber them. Steffens wrote:

They [the German and Scandanavian Lutherans, ed.], to quote Walther, lived in “inherited ecclesiastical conditions” (*in vererbten kirchlichen Verhaeltnissen*) – a fact, by the way, with which Luther himself was compelled to reckon. They were in the position of a congregation in possession by inheritance of a magnificent cathedral, built and arranged for the gorgeous ceremonial of Rome, but which it must use for Lutheran worship, the center of which is the preaching of the Word. But the Lutherans in America were under no necessity of reckoning with “inherited ecclesiastical conditions.” None such existed other than those established by denominations which in doctrine, spirit, and genius differed from the Lutheran Church. The ground was unencumbered. There was very little rubbish to clear away. Why not lay strong foundations and build plumb and true? There was nothing to prevent this. How came it that this was not done?⁹⁷

We find here an honesty about the enterprise that Walther and the Saxons were attempting. They were about to undertake something new, something that swept away 300+ years of poorly organized and incompatible church polity and structure. Here, in America, Luther’s desire on church polity would finally be given its true genius, C.F.W. Walther. Two books would be the seeds for this, *Kirche und Amt* and *Die rechte*

⁹⁵ R. H. Steffens, *Doctor Carl Ferdinand Wilhelm Walther* (Philadelphia: The Lutheran Publication Society, 1917).

⁹⁶ R. H. Steffens, “The Doctrine of Church and Ministry,” in *Ebenezer* (St. Louis: Concordia Publishing House, 1922), 140-160.

Gestalt.⁹⁸ Thus *K&A* for Steffens was the position and a summary of the “principles” of the Missouri Synod, as was *Die rechte Gestalt*.

A Summary of *Ebenezer*

Ebenezer represented the first serious attempt on the part of the Missouri Synod to put its history into print. The quality varies from essay to essay, but one perspective becomes clear: there was no distinction made between any of the early essays, writings, articles and doctrinal formulations of the early period of the Synod in terms of their relative authority. That simply was a question that the various authors of *Ebenezer* were not asking. The perspective that also becomes clear in *Ebenezer* is that there was no doctrinal variation in the Missouri Synod up to the time of the death of Walther. The writings of Walther were considered the authoritative position of the Missouri Synod, whether it was *Kirche und Amt*, *Die rechte Gestalt*, essays before conventions, articles in *Der Lutheraner* or *Lehre und Wehre*, or wherever else they may be found. This same perspective continued and gained prominence into the 1930s, as we shall see in the next chapter.

⁹⁷ *Ibid.*, 142.

⁹⁸ *Ibid.*

CHAPTER SIX

KIRCHE UND AMT FROM 1933 – 1947

With the publication of the *Brief Statement* in 1932, the transition of the Missouri Synod from German into English was almost complete. How did the Missouri Synod translate its history, theology and tradition into English? We saw attempts in the last chapter (particularly by A. L. Graebner and in *Ebenezer*) to provide the Missouri Synod with the essentials of Walther in the new language. The period covered in this chapter was the period where Walther's works were translated into English, but also ignored or reinterpreted. We begin with the new president of the Missouri Synod, John H. Behnken.

John H. Behnken: The Pastor and Synod

John H. Behnken, not long after being elected president of the Missouri Synod, wrote an article entitled, "The Pastor and Synod."¹ In this article Behnken outlined what he considered to be the relationship between the Missouri Synod and her pastors. He began with a description of the voluntary character of a synod, spoke about the blessings

¹ John H. Behnken, "The Pastor and Synod," *Concordia Theological Monthly* 8 (October 1937): 729-736.

of a synod through print-media (hymnals, catechism, etc.), the need for faithful pastors, and the blessings a large group of congregations can accomplish instead of a small number scattered all around the country. He also wrote about how so many believed that the democratic character of the synodical polity would collapse, but it had, in fact, prospered over the years.² Finally, he spoke of the loyalty that a pastor owed to his Synod. If a pastor is not loyal to his Synod, how can he expect his members to be loyal to his congregation?³

Behnken then specified the duties of a pastor toward the Synod:

Having voluntarily become a member of Synod, a pastor should be thoroughly informed about the organization which he joined. Above all should he be thoroughly acquainted with, and whole-heartedly subscribe to, the doctrines of his Synod, and this should be based upon the firm conviction that these fully agree with the Word of God. He should possess more than a passing knowledge of the doctrinal controversies through which his Synod was compelled to pass and gratefully rejoice that God graciously kept it with the truths of the Bible. He must know something of the history of his Synod, its beginnings, its struggles, its growth. He should be well acquainted with its Constitution and By-laws, its form of government, its customs and practices. He should give serious and constructive thought to the problems and difficulties confronting it. He should be vitally interested in its activities and undertakings, its program of elementary and higher education, its missions at home and in foreign fields, the support it is giving to the Veterans of the Cross, etc.⁴

What Behnken included under support of the Synod was far more than doctrinal support, although we will that address below. Behnken also required monetary support, educational support, that the pastor would publicly defend the Synod at all times, and that one of the duties of a pastor in the Missouri Synod was to “arouse interest” in the Synod

² Ibid., 733.

³ Ibid.

⁴ Ibid., 734.

in his congregation.⁵ In short, the pastor was to support the work of the Synod in every way, and in all of its endeavors.⁶ If he disagreed with any of these items, he had a sacred responsibility to bring his grievance before the Synod through the proper channels.

Behnken did *not* mention any specific doctrinal statements, but what he said was that the pastor was to “. . . be thoroughly acquainted with, and whole-heartedly subscribe to, the doctrines of his Synod, and this should be based upon the firm conviction that these fully agree with the Word of God.” On the one hand, one could argue that these “doctrines of his Synod” were obviously to be found in such documents as *Kirche und Amt*, the thirteen theses on election, the *Brief Statement*, etc. However, as of 1937, only the theses of *Kirche und Amt* had been translated into English, and the Synod was well on its way toward becoming an English-speaking Synod.⁷ In 1938 Concordia Publishing House printed a summary of *Kirche und Amt*, but a full edition was not published in English until 1987.⁸ Clearly, Behnken did not consider this a priority in his presidency.

Perhaps what Behnken’s article indicates is the idea that everyone *knew* (or thought they knew) what the *doctrine* of Synod had always been. What was needed was more support of the *institution* of Synod, and the proliferation of its organizations, schools and policies. This could also be a reflection of the 1930s depression mindset,

⁵ *Ibid.*, 734-35.

⁶ This view is also expressed in an article by J. H. C. Fritz just a few years before entitled, “What Do We Mean when We Say that Synod is an Advisory Body?” *Lutheran Witness* (9 May, 1933): 163.

⁷ See section on A. L. Graebner’s translation of the theses of *K&A* above.

⁸ William Schmelder in his article on Walther at Altenburg (“Walther at Altenburg,” *Concordia Historical Institute Quarterly* 39 (October, 1961): 79) mentions in a footnote that “a complete translation of this work is being prepared at the time of this writing [1961].” This (presumably) is the J. T. Mueller translation, which was not published until 1987.

which was hitting the Synod hard financially. Doctrine was not the problem, but stewardship and commitment to the institution (LCMS) were. As the transition into English gained momentum in the 1930s, the need for the doctrine of Synod to be taught became clear. *K&A* would move into English.

Walther and The Church: Kirche und Amt in English

In 1938 a book was published which marked an emphasis on the Walther tradition to the new, mostly English speaking Missouri Synod. Entitled *Walther and the Church*, this little book was a translation and abridgement of three of Walther's most famous books: *The Voice of Our Church Concerning the Question of the Church and Ministry*, *The Proper Form of an Evangelical Lutheran Congregation Independent of the State*, and *The Evangelical Lutheran Church the True Visible Church of God on Earth*.⁹ It was written and compiled for the 100th anniversary of the Saxon immigration to America. Accompanied by three introductory essays, this book marked one of the first serious attempts on the part of the Missouri Synod to translate its chief theologian into the English language.¹⁰ It is also significant that the book was 129 pages, and 47 pages of this book was devoted to three introductory essays, and 13 more pages on specific introductions to each book. Thus, of the 129 pages of Walther, 60 are introductory remarks on the part of the editors. It also included a foreword by the past president of the Missouri Synod, Friedrich Pfotenhauer. This indicates that the editors considered it

⁹ Wm. Dallmann, W. H. T. Dau, and Th. Engelder, eds., *Walther and the Church* (St. Louis: Concordia Publishing House, 1938).

¹⁰ Walther's *Law and Gospel* had been translated before, as well as various essays and sermons in the annals of *The Lutheran Witness*, *Theological Quarterly* and *Concordia Theological Monthly*.

important to get the writings of Walther to the English speaking Missouri Synod. It was, however, almost as important that it be their interpretation of Walther's writings.

The authors of these essays were arguably the chief theologians in the Missouri Synod to attempt to translate the German theological character of the Walther tradition into English. William Dallmann, W. H. T. Dau and Theodore Engelder were in the last graduating class that Walther oversaw at Concordia Seminary, Saint Louis, in 1886. Dallmann and Dau were leaders in the fledgling English Synod from the beginning, and Engelder was the chief systematician at Concordia Seminary, Saint Louis, after the death of Francis Pieper.

Friedrich Pfothauer

Pfothauer presented the Walther tradition with clarity in his foreword. He argued that the doctrines and principles from *Church and Ministry* and *The Proper Form* were “still quite generally in active force in our circles; but it is to be feared that here and there they prevail as fixed traditions without real appreciation of their innate glory.”¹¹ Pfothauer feared that the Missouri Synod was losing her roots, and although he did not mention it, this was particularly due to the transition into English.¹²

Pfothauer called *Kirche und Amt* “unquestionably the most important of the three classics offered the reader,” and “. . . an expansion of the so-called Altenburg

¹¹ Pfothauer, in the forward to *Walther and the Church*, v.

¹² For a background on the Missouri Synod's transition into English see Roy A. Suelflow, “The History of the Missouri Synod During the Second Twenty-Five Years of Its Existence, 1872-1897,” (Th.D. diss., Concordia Seminary, St. Louis, 1946): 348-419; H. B. Hemmeter, “Early English Mission Efforts in the Missouri Synod,” *Concordia Historical Institute Quarterly* 11 (October 1938): 67-74; and Cameron MacKenzie, “The Missouri Synod Accepts English” (Unpublished paper, 1985).

Theses.”¹³ He then gave a brief overview of the Stephanite controversy, and claimed that “He, too, [Walther] had been strongly influenced by Stephan but had never subscribed to Stephan’s hierarchical designs.”¹⁴ Continuing with the Grabau episode, Pfothenhauer concluded his section on *Kirche und Amt* by pointing out the “providential guidance” that God offered in them settling in America.¹⁵ This forced them to pay attention to the doctrines of Church and Ministry, “a teaching which had long been obscured but now again, through Walther, found clear expression, conformable both to Scripture and the Lutheran Confessions.”¹⁶ Pfothenhauer concluded:

It must be granted that the separation of Church and State in America favored the creation of a sound congregational policy, but it must not be forgotten that in spite of this constitutional provision the majority of American church-bodies are established on hierarchical principles. This was also true of the Lutheran bodies antedating the arrival of Walther.¹⁷

We find in Pfothenhauer, then, the argument that *Kirche und Amt* was the most important of the Walther writings dealing with Church and Office, that they were an expansion of the Altenburg Theses, and that the American context provided the impetus for these doctrines to come to light.

W. H. T. Dau

Dau in his essay, “Carl Ferdinand Wilhelm Walther, D. D., An Appraisal,” gives a brief biography of the life of Walther. In this biography, Dau presented a picture of Walther as the “determining influence” of confessional Lutheranism in America, and that

¹³ Pfothenhauer, v.

¹⁴ Ibid. This claim seems difficult to justify, since Walther himself signed the confirmation of Stephan’s Investiture.

¹⁵ Ibid., vii.

¹⁶ Ibid.

¹⁷ Ibid.

his influence spread as his students from Concordia Seminary scattered all over the West (Midwest).¹⁸

With regards to the theological stature of Walther in his day, Dau recounted:

It hurt Walther when during a public discussion a speaker remarked: “When Walther has spoken, there is no use of any one else’s speaking.” Perhaps there was a barb in that remark, but in itself it was true. Walther traveled somewhat along on his high plane. He had many devoted followers, many sincere admirers, but he had no equal. In the whole sierra of Lutheran confessors he stands out like a Mount Whitney or Mount Shasta.¹⁹

From Dau we have the picture of a man whose words defined the Missouri Synod for the first fifty years of its existence.

In his introduction to the theses and proofs of *Kirche und Amt*, Dau gave an overview of the Grabau/Walther controversy up until the writing of *Kirche und Amt*.

Kirche und Amt, however, was not the private writing of Walther. It was truly the voice of the Missouri Synod:

However, when the book came off the press, it made its bow to the readers not as an erudite elaboration of the learned Walther but “a testimony of the faith of the German Evangelical Lutheran Synod of Missouri, Ohio, and Other States.” The author has completely effaced himself in his treatise, except on the title-page. He does not even sign his name to the very illuminating “Introductory Remarks.” The treatise is evidently regarded by him no longer as his own, to promulgate his private opinions, but it is an official manifesto of the Missouri Synod, which here offers to its Christian brethren everywhere and forever its humble witness to the truth which it has joyously embraced on these great basic questions: What is the Church? and, What is the Ministry of the Church? Let Walther’s

¹⁸ Dau stated (4): “The determining influence for pure, unalloyed Lutheranism was definitely placed in the West and the Lutheran center of gravity lies today somewhere near a line running from St. Louis to Milwaukee and to the Twin cities.” Apparently the fact that the majority of pastors in the first two generations of the Missouri Synod came not from Concordia Seminary, St. Louis, but Concordia Theological Seminary (in Fort Wayne, St. Louis and Springfield) had no significant impact on the “Lutheran center of gravity.”

¹⁹ Ibid., 6-7.

synodical posterity take notice of this fact: In Walther's *Kirche und Amt* spoke – and still speaks! – not a single, deservedly revered individual but the entire God-blest Missouri Synod, whom this treatise of Walther helped to make into a sound, staunch, faithful herald of genuine Lutheranism.²⁰

This is the first instance where *Kirche und Amt* is specifically and emphatically placed on a different level than the other writings of Walther.²¹ It is not his work; it is the work and official “manifesto” of the Missouri Synod.

One comment is necessary on Dau's interpretation of Walther's method. For Dau, *Kirche und Amt* is a polemical essay.²² For Dau, however, it is important to note that Walther did not cite or use Grabau or anyone else as a target. Dau believed that the best polemical argument is the “plain truth itself.”²³ The use and place of personalities in polemics cannot always be avoided, but it should be attempted. The goal is that “a sublime objectiveness, a heavenly disregard of what is merely human also in a Christian combatant, is the true glory of Christian warfare. In this feature the treatise on Church and Ministry notably excels.”²⁴ For Dau, it was deliberate on Walther's part that he did not cite Grabau, Löhe or other contemporary opponents. His goal was to address the truth, not specific humans and their positions.

This position as espoused by Dau is quite different from the intention and position of the Synod in convention in 1851 (see previous section on the 1851 convention). They were specific that *K&A* was *not* to be a polemical essay, but an *apologia*, which would by calm examination win over those to the truth. Dau's comments reveal more of his

²⁰ Ibid., 50-51.

²¹ This, of course, is excluding the title-page and preface of the first edition, which clearly intend to set it apart as the official position of the entire Missouri Synod.

²² Ibid., 51.

²³ Ibid.

²⁴ Ibid., 51-52.

personality and theological method than they do about Walther himself. For Dau, the ideal polemical essay was actually a polemic against an *error*, not against a *person*. Thus *K&A* was the ideal polemical treatise for Dau, because Walther never mentioned his opponents by name in the body of the book.

Theodore Engelder

Theodore Engelder's essay, "Walther a Christian Theologian," is the most extensive of the three introductory essays presented in the volume.²⁵ For Engelder, there were two tenets that drove Walther: he was a "Bible theologian," and he was a "Gospel theologian." Thus, Engelder argued, the genius of Walther was that he upheld the Scriptures as the pure, inspired Word of God (*sola Scriptura*), and that he upheld the centrality of the Gospel in Christian theology (*sola gratia*).

In a way Engelder presents the paradox of the Missouri Synod. On the one hand Walther (and Engelder) rejoiced in the claim of being a "repristinating theologian."²⁶ On the other hand, Engelder would also rejoice with Pieper using language like, "He [Walther, ed.] insisted that never an exegesis but always the *naked* text, without exegesis, must be the determinative factor in the heart and conscience of the theologian."²⁷ There was no distinction in Engelder. One can be a theologian steeped in the Scriptures *and* in the fathers of the Church. Walther was the chief of these theologians. The Scriptures

²⁵ This essay appeared in *Concordia Theological Monthly* 7 (October and November 1936): 731-743, 801-815. We will cite from the edition in the book. Theodore Engelder (1865-1949) was a professor at Concordia Theological Seminary, Springfield, and Concordia Seminary, St. Louis. He was an 1886 graduate of Concordia Seminary, St. Louis, and a prolific writer in both German and English. Primarily a systematician, he was also known for his exegetical work.

²⁶ *Ibid.*, 16.

²⁷ *Ibid.*, 17.

were always the ground and root of his theology, but the fathers of the church were used as a secondary or further proof as to the veracity of Walther's theses.

As Engelder put it in the beginning of his essay, "we have been living on his [Walther's] theology."²⁸ *Sola Scriptura* and *sola gratia* were the "two great Reformation propositions," and the heirs and pupils of Walther would do well to hold up these two standards in the battle against Satan.²⁹ This was Engelder's purpose and intention: to be as faithful as possible to the theology of Walther, which was the theology of the Missouri Synod.³⁰

In his introduction to the translation of *Die rechte Gestalt*, Engelder mentioned in a footnote that the theses and supporting citation were presented to a session of the Western District in 1862, and were published in 1863.³¹ He did not discuss the authoritative character of *Die rechte Gestalt*.

William Dallmann

William Dallmann's essay, "Walther's Respect for the Congregation," is probably the essay that speaks most specifically to the issues in Walther's three books.³² However, he never specifically deals with or cites any of Walther's works. Dallmann weaves together citations from numerous figures in church history to paint a picture of Walther as the theologian who held up the role of the laity in the church. He demonstrates Walther's

²⁸ Ibid., 10.

²⁹ Ibid., 41.

³⁰ In a way the Engelder essay is out of place in this book. It does not specifically address any questions related to the translated books of Walther.

³¹ Ibid., 86.

³² For a summary of the life and work of William Dallmann, see Todd A. Peperkorn, "The Missouri Learns English: The Life and Theology of William Dallmann" (M.Div. research paper, Concordia Theological Seminary, Fort Wayne, Indiana, 1996);

respect for the congregation by citing Walther's love for the Scriptures, his desire to be prepared in sermon writing, his love for the youth, his writing for the laity, the constitution he wrote for Trinity, Saint Louis, and for congregational autonomy. One paragraph is worth note, however: "Owing to circumstances beyond his control, Luther could not fully carry out his ideal of complete separation of Church and State; it was carried out by Walther, carried out in principle and also in practise. Here, too, the disciple did greater work than his master."³³ In establishing a congregational church polity, Walther did what Luther was unable to accomplish in his lifetime.

In his introduction to "The Lutheran Church the True Visible Church," Dallmann wrote that this last work was "heard and published by resolution of the Synod at Saint Louis in 1866."³⁴ By this Dallmann indicated that he considered the work to be the official position of the Missouri Synod. He did not, however, compare it to *K&A*.

A Summary of Walther and the Church

This little book of essays and translations of Walther's three prime works represent the first serious attempt on the part of the Missouri Synod to make Walther "speak English" on Church and Office. After the 100th anniversary of the Saxon immigration, there could be any number of reasons why it was deemed important to provide these translations at that time. Two reasons seem most likely: the growing ecumenical movement and push for union with other Lutheran bodies, and the *Wauwatosa Theology* (A. Pieper, Koehler, Schaller) on Church and Office.

and William Dallmann, *My Life* (St. Louis: Concordia Publishing House, 1945).

³³ William Dallmann, "Walther's Respect for the Congregation," in *Walther and the Church* (St. Louis: Concordia Publishing House, 1938), 47.

³⁴ Dallmann, introduction to "The Lutheran Church the True Visible Church,"

All three of the works translated are cited as authoritative, insofar as they were presented and passed at either the main synodical convention, or a district convention. However, it is clear that *Kirche und Amt* was given a special status as the official teaching of the Missouri Synod on the doctrines at hand. This was especially clear from Dau's introduction to the work. What is unclear is *why K&A* was singled out as having a particular authority above the other works. Is it because it was so early in the history of the Synod? Is it because of the language in the resolution (see previous section)? Little space was given on the second two books as to their authoritative position. Presumably because they were written by Walther and acknowledged by Synod in a public forum, the translators also considered them *publica doctrina*.

One question about *Walther and the Church* remains. Walther himself, in the preface to the third edition of *Kirche und Amt*, called the work an “anthology of witnesses of orthodox teachers.”³⁵ Walther saw the kernel and core of the work to demonstrate from the Scriptures and the fathers of the church that what they were teaching and practicing was indeed Lutheran. If this in fact is how Walther understood the book, is it faithful to his intent to simply print the theses and selections of the citations?³⁶ At the very best we have an abbreviated version of Walther that does not allow the reader to follow his biblical and confessional argument.

With the publication of *Walther and the Church* the Missouri Synod (or at least those in control) presented a picture of the theological position of the Missouri Synod as

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³⁵ Walther, *K&A* (1875), xii.

³⁶ The same question must be asked about the similarly abridged version published in 1981. C. F. W. Walther, *Walther on the Church*, trans. John Drickamer (St.

well established. For Dau, Dallmann and Engelder, to return to the theology of Walther was to turn toward Lutheran orthodoxy. In the next section, another interpretation of the history of the Missouri Synod will be examined, where this Waltherian tradition was held up for another purpose: to demonstrate flexibility and a hatred for isolationism.

The Statement of the 44

On September 6-7, 1945, a group of men assembled at the Stevens Hotel in Chicago. The group included five seminary professors, at least one district president, circuit counselors, and numerous prominent pastors of the Lutheran Church - Missouri Synod. The meeting included such notables as: Theodore Graebner, William F. Arndt, O. A. Geiseman, Richard R. Caemmerer, Oswald Hoffmann, O. P. Kretzmann, and many others. Former Colorado District President E.J. Friedrichs called the meeting. Their stated purpose was:

[To study a] pernicious spirit characterized by barren, negative attitudes, unevangelical techniques in dealing with the problems of the individual and the Church, unsympathetic legalistic practices, a self-complacent and separatistic narrowness, and an utter disregard for the fundamental law of Christian love.³⁷

Furthermore, the meeting was intended to be “sane and soundly Lutheran, evangelical, positive, and constructive.” The result of this meeting was a document commonly known as the “Statement of the Forty-Four,” (named after the original signers) or the “Chicago Statement.”³⁸ In the months that followed, the number of signers went up to over two hundred and fifty. The “Statement” consisted of twelve theses, with some

Louis: Concordia Publishing House, 1981).

³⁷ Richard R. Caemmerer, “Recollections of ‘A Statement,’” *Concordia Historical Institute Quarterly* 42 (November 1970): 156.

³⁸ In this thesis, as noted before, when referring to the “Statement of the Forty-For” we will call it the *Statement*; in referring to the “Brief Statement” of 1932, we will

corresponding rejections. The doctrine of the church was the central issue of the *Statement*. Not long after the publication of the *Statement*, a book of supporting essays was published entitled *Speaking the Truth in Love*.³⁹ This provided the primary interpretation of the intention of the authors of the *Statement*.

It is not our intention to provide a history of the *Statement*. However, there are several theses which demonstrate a different tradition than one will commonly find in the Centennial materials (see section on *The Abiding Word*). Note the contrasting of the “heritage” with “synodical resolutions” in the following theses:

THESIS ONE

We affirm our unswerving loyalty to the great evangelical heritage of historic Lutheranism. We believe in its message and mission for this crucial hour in the time of man.

We therefore deplore any and every tendency which would limit the power of our heritage, reduce it to narrow legalism, and confine it by man-made traditions.

THESIS TWO

We affirm our faith in the great Lutheran principle of the inerrancy, certainty, and all-sufficiency of Holy Writ.

We therefore deplore a tendency in our Synod to substitute human judgments, synodical resolutions, or other sources of authority for the supreme authority of Scripture.⁴⁰

The signers of the *Statement* were particularly concerned with the concept of “traditionalism.” On the one hand, they wished to affirm the great heritage of Lutheranism and the Missouri Synod. On the other hand, though, the signers were leery of synodical resolutions becoming binding and authoritative.

call it the *Brief Statement*.

³⁹ *Speaking the Truth in Love: Essays Related to A Statement* (Chicago: Willow Press, 1945).

⁴⁰ *Ibid.*, 7.

Theodore Graebner, probably the most prominent signer of the *Statement*, wrote about this traditionalism in an article entitled, “The Cloak of the Cleric”:

[Traditionalism is] . . . placing human authority above that of the Word of God; made fellowship depend on acceptance of every terminological detail in ecclesiastical dogma; treated the New Testament body of saving doctrine as a code of laws; (and) paid lip service to the Sola Scriptura but actually (was) operating with synodical resolutions.⁴¹

Thus there was a concern on the part of the Statementarians that the Missouri Synod was trying to establish its synodical resolutions, and the *Brief Statement* in particular, as a kind of new canon law.⁴²

What did this mean for the authority of *K&A*? On the one hand, *K&A* was neither the subject of the *Statement*, nor was it mentioned in *Speaking the Truth in Love*. One could make the argument that this section, therefore, should not exist in a paper on *K&A*.

One matter, however, demands that the *Statement* must be addressed. First of all, the Statementarians were explicitly denying that *any* synodical resolution has authority or was in some way binding upon the pastors and congregations of the Missouri Synod. Clearly this has an impact on one’s understanding of *K&A*, the first doctrinal statement of the Missouri Synod.

⁴¹ Theodore Graebner, “The Cloak of the Cleric,” *Concordia Historical Institute Quarterly* 44 (February 1971): 5. Another significant article for understanding Graebner’s *angst* over this so-called traditionalism is entitled, “The Burden of Infallibility,” *Concordia Historical Institute Quarterly* 38 (July 1965): 88-94. It was originally written and privately distributed in November of 1948.

⁴² Thomas Coates, one of the younger signers of the *Statement* and later professor at Concordia Senior College, wrote twenty-five years later (1970) that he believed “Synodical Resolutions were being elevated almost to the status of canon law. The Missouri Synod was virtually being equated with the *Una Sancta*.” Thomas Coates, “‘A Statement’ – Some Reminiscences,” *Concordia Historical Institute Quarterly* 42 (November 1970): 159-160.

Perhaps, therefore, it is significant that *K&A* was not mentioned in *Speaking the Truth in Love*. The Statementarians themselves saw the doctrine of the church as the central question. It is difficult to understand how the defining document for the Missouri Synod on the Church would not be addressed in a serious and scholarly fashion. An abridged version had been published in English seven years before (see above section on *Walther and the Church*), and so it was readily available. Why was it not a topic of discussion?

As was indicated above, it would be a worthy study to discover why *Walther and the Church* was published in 1938 with the *imprimatur* of Dr. Friedrich Pfotenhauer.⁴³ Pfotenhauer had been opposed by the editors and leaders of the *American Lutheran* at the 1935 Synodical Convention, when Dr. John Behnken was elected President of the Missouri Synod.⁴⁴ The editors of the *American Lutheran* and the *American Lutheran Publicity Bureau* were the same individuals who were the impetus behind the *Statement*.⁴⁵

Perhaps the most that can finally be said is that it was unusual that *K&A* was not addressed by the Statementarians. If the Statementarians were intending to uphold the priority of the local congregation (*Statement*, Thesis Six), they could have made an

⁴³ Dau, Dallmann and Engelder were all supporters of the English Synod/District, and so would be expected to be a part of the *American Lutheran Publicity Bureau*. However, such does not seem to be the case. Engelder in particular was not at all friendly toward the goals of the ALPB. His son-in-law, the Rev. Harold Romoser, would later be on President John Behnken's "Committee of Ten" to deal with the Statementarians. He was also one of the pastors who memorialized the Synod to discipline the Statementarians. Romoser later left the Missouri Synod to help establish the Lutheran Churches of the Reformation (LCR).

⁴⁴ See John Wohlrabe, "Missouri Synod Unity Attempts," 166-174.

⁴⁵ The date for the September 6-7, 1945 conference was set because the ALPB

argument from *K&A* and would then be able to establish that *they* were the holders of the true Missouri tradition.⁴⁶ Perhaps they were not able to make this argument, or were compelled not to make the argument because they would then be appealing to an authority outside of Scripture and the Confessions, which they claimed to be their only authority.

The Statementarians did *not* believe that they were creating new doctrine, or presenting a document out of step with the history and tradition of the Missouri Synod. In a letter to the Central Regional Pastoral Conference of the Northern Illinois District, the five Saint Louis faculty members who signed the statement wrote:

Hence nothing could be farther from our minds than to espouse doctrines at variance with Scripture or subversive of the Scriptural position of our Synod. Our subscription to “A Statement” cannot in fairness be regarded as an exception to our solemn pledge and purpose, but rather a means of making our ministry and testimony more effective and fruitful. The principles of “A Statement” have always been our conviction. We believe them to be in accordance with the doctrine of Holy Scripture and with the historic position of our fathers and founders of our Synod.⁴⁷

Theodore Graebner put it even stronger in a personal letter to the same group dated the same day, “By withdrawing my signature from this ‘Statement’ I would become

board of directors meeting was being held September 4-5 in Chicago.

⁴⁶ Thesis Six reads as follows (*Speaking the Truth in Love*, 8):

We affirm the historic Lutheran position concerning the central importance of the una sancta and the local congregation. We believe that there should be a re-emphasis of the privileges and responsibilities of the local congregation also in the matter of determining questions of fellowship. (italics in original)

We therefore deplore the new and improper emphasis on the synodical organization as basic in our consideration of the problems of the Church. We believe that no organizational loyalty can take the place of loyalty to Christ and His Church.

⁴⁷ Letter from Arndt, Bretscher, Caemmerer, Graebner and Polack to the Members of the Central Regional Pastoral Conference of the Northern Illinois District of the Missouri Synod, November 1, 1945. Concordia Theological Seminary Archives.

untrue to convictions I have received from my teachers and which I have defended in speech and print for nearly half a century.”⁴⁸

The Statementarians clearly did *not* believe they were espousing some new doctrine or position that was out of step with the history of the Missouri Synod. Just the opposite. They believed those who espoused “traditionalism” were out of step with the evangelical history of the Synod.

In February of 1946 the Presidium and District Presidents met with the Statementarians in order to hear the twelve supporting essays presented on behalf of the signers, later published as *Speaking the Truth in Love*.⁴⁹ They then agreed to set up two committees (the “Ten and Ten”) to discuss the document with an effort toward reconciliation.⁵⁰ Dr. Behnken made it clear to his committee that he believed there was false doctrine in the *Statement*.⁵¹ The two committees met in joint session for a total of eleven days.

Before all of the issues could be brought to light, however, the meetings were cut short. Dr. Behnken reached an agreement with the Statementarians that they would “withdraw the Statement as a basis for discussion.” This was not in any way a retraction. The President's committee protested at some length to Dr. Behnken, with no success.

⁴⁸ Theodore Graebner, Letter to the Members of the Central Regional Pastoral Conference of the Northern Illinois District of the Missouri Synod, November 1, 1945. Concordia Theological Seminary Archives.

⁴⁹ *Speaking the Truth in Love: Essays Related to A Statement* (Chicago: Willow Press, n.d.).

⁵⁰ The Rev. Harold Romoser, nephew of Dr. Theodore Engelder, was appointed chairman of President Behnken's committee. See A. T. Kretzmann, “The Statement of the 44: 1945-1979,” *Concordia Historical Institute Quarterly* 55 (Summer 1982): 72.

⁵¹ Glenn E. Reichwald, “The Committee of Ten and Ten: An Interview with A. T. Kretzmann,” *Lutheran Synod Quarterly* 19 (December 1979): 7. A. T. Kretzmann was

Ten of the thirteen members of the President's Ten (there were three alternates) submitted a memorial to the 1947 convention, protesting this withdrawal and submitting five declarations which could have been used as a basis for dealing with false doctrine.⁵² The memorial was by-passed because the Statement had been withdrawn as a basis for discussion, thus effectively ignoring the entire purpose of the memorial in the first place. Several of the President's committee objected so strenuously to the Statement and related issues that they later left the Missouri Synod. The Springfield Seminary issued a condemnation of the Statement. It was also one of the last issues in Dr. P. E. Kretzmann's long controversy with the Missouri Synod.⁵³

As for Missouri, Dr. Behnken consistently held that there was false doctrine in the *Statement*, but the Statementarians were neither reprimanded nor commended. Officially, it was as if it never happened. Rather than deal with the *Statement* through normal synodical channels, from the very start it was handled in an extraordinary manner. Both committees agreed that the lack of honesty and forthrightness on the part of the synod set a bad precedent. Reconciliation took precedence over truth. The doctrine and practice of the synod was changing, but the outward appearance was that the synod was still the monolithic bastion of Lutheran orthodoxy it had always claimed as its birthright.

the secretary of the President's Committee of Ten, and a nephew of Dr. P. E. Kretzmann.
⁵² *Reports and Memorials of the Synodical Centennial Convention* (1947), 400-402.

⁵³ See Todd A. Peperkorn, "The Events and People Which Led to the Formation of the Orthodox Lutheran Conference of 1951: A Thesis," (B.A. thesis, Concordia Teachers College, Seward, Nebraska, 1992).

Three publications came out at this same time which attempted to maintain the perception that the Missouri Synod was of one mind theologically. We will deal with these publications in the next two sections.

A Century of Grace

In 1946, the Centennial Committee of the Missouri Synod asked Walter Baepler, professor of church history at Concordia Theological Seminary in Springfield, Illinois, to write the first full-length history of the Synod in English. *A Century of Grace* was the result.⁵⁴

Baepler spent eleven pages of his history of the Missouri Synod on the controversy with Grabau and Löhe, and the subsequent Buffalo and Iowa Synods. He briefly, but adequately outlined the controversy, including citations from Grabau's *Hirtenbrief*, Löhe's newspaper ("Kirchliche Mitteilungen aus und über Nordamerika"), and demonstrated a significant command of the original sources for the early history of the Missouri Synod.

Baepler never mentioned Walther's *Kirche und Amt*.⁵⁵ There are four possible explanations for this: 1) Baepler was incompetent as a historian, or did not have the time and resources to adequately present the material; 2) He had some theological axe to grind with either Walther or *Kirche und Amt*; 3) In his estimation, *Kirche und Amt* was not that

⁵⁴ Walter A. Baepler, *A Century of Grace: A History of the Missouri Synod 1847-1947* (St. Louis: Concordia Publishing House, 1947).

⁵⁵ Six years earlier W. G. Polack (one of the Statementarians) wrote a history of Lutheranism entitled, *The Building of a Great Church: A Brief History of the Lutheran Church in America, With Special References to the Evangelical Lutheran Synod of Missouri, Ohio, and Other States* (St. Louis: Concordia Publishing House, 1941). A revision of his 1926 history book for school-children, Polack spent five pages (101-106) on the Missouri Synod's early relations with the Buffalo and Iowa Synods. He did not

significant in the early history of the Missouri Synod; or 4) He assumed its position. Given *K&A*'s recent (1938) publication and accessibility, the first option does not seem likely. The second option seems unlikely, given the general hagiographic nature of Baepler's history. The third option is possible, but Baepler would be going against the previous history of the Missouri Synod (*Ebenezer*) with this position. The fourth option seems the only option left, but neither is it a viable option. If Baepler assumed *K&A*'s position, surely he would have at least mentioned it in passing. This, however, is the only option remaining.

What makes this even more interesting is the fact that *A Century of Grace* was published in conjunction with the centennial of the Missouri Synod. The Centennial Committee was made up of men with widely divergent theological opinions, by Missouri Synod standards. Two individuals stand out. H. B. Hemmeter, past president of Concordia Theological Seminary, Springfield, was one of the "Statementarians," and notorious in the Synod for being a part of the "Americanizing" party interested in furthering ecumenical talks with the ALC. The second is Harold Romoser, pastor of Trinity Lutheran Church in Oak Park, Illinois, and a member of Pres. Behnken's committee of 10 to investigate the *Statement*. Romoser was also one of the founding pastors of the "Chicago Study Club," a group of pastors in the Chicago area dedicated to exposing the liberal tendencies among certain factions within the Synod. These two men oversaw the publication of *A Century of Grace*. It is difficult to determine whether they had any editorial control, but if there was something clearly amiss to either side, they would have asked questions.

mention *K&A*.

This same Centennial Committee oversaw our next two publications, which indicate a wide variety of opinion within the Missouri Synod regarding Church and Office. We will also see a return to the Wauwatosa and Wisconsin Synod questions.

The Abiding Word

In connection with the celebration of the centennial of the Synod, a special series of essays were commissioned. Entitled *The Abiding Word*, the first volume of essays were presented at the District Conventions in 1945, and published in 1946. The essays were to be “based on the writings of our fathers,” and as such were to represent the classic Missouri tradition on the topics at hand. The second volume was a series of essays read at District Conventions in 1946, and published in 1947.⁵⁶

In the essays below, topics related to Church and Office are discussed. We have attempted to examine how the authors used *Kirche und Amt*, or if it was used at all.

The Holy Christian Church: Lewis W. Spitz

Lewis W. Spitz, professor of Church History at Concordia Seminary, Saint Louis, was the author of two of the essays addressing Church and Office in *The Abiding Word*. Presented originally to the Southern Illinois District in 1945, the essay was entitled, “The Holy Christian Church.”⁵⁷

Spitz attempted to give an overview of the doctrine of the Church from the Scriptures. Without providing an overview of the entire article, Spitz demonstrates a familiarity with the categories of *Kirche und Amt*. His essay included sections on the

⁵⁶ There is a third volume which was published in 1960, but since this is functionally from a different era, we will not be addressing the issues in that volume.

⁵⁷ L. W. Spitz, “The Holy Christian Church,” in *The Abiding Word*, vol. 1 (St. Louis: Concordia Publishing House, 1946), 267-289.

invisible and visible natures of the church, the sovereignty of the church, the local congregation and the distinction between orthodox and heterodox churches. However, he did not cite *Kirche und Amt* in the article. Neither is it listed in the bibliography.⁵⁸

The Universal Priesthood of Believers: Lewis W. Spitz

In the article “The Universal Priesthood of Believers,” Spitz begins with the Old Testament, the High Priesthood of Christ, through the New Testament and on to the duties of the royal priesthood.⁵⁹ Key to the New Testament understanding is 1 Peter chapter two. Spitz’ argument is that the New Testament believers are a continuation of the Old Testament priesthood, contra the Roman Catholic argument that in the New Testament a special priesthood was established.⁶⁰

After outlining the rights and privileges of the priesthood, Spitz listed the responsibilities. First among these responsibilities was that “as a *local church*, or congregation, the believers exercise their priestly powers by calling preachers and teachers.”⁶¹ This was the case because one of the responsibilities of the Old Testament priesthood, indeed, of all believers in the Old Testament, was to preach the Gospel. Examples cited are Noah and Abraham. This carries into the New Testament when Christ gave the New Testament believers the command in Matt. 28:19, 20, Mark 16:15

⁵⁸ Ibid., 585.

⁵⁹ L. W. Spitz, “The Universal Priesthood of Believers,” in *The Abiding Word*, vol. 1 (St. Louis: Concordia Publishing House, 1946), 321-341. Presented to the Western District in 1945.

⁶⁰ Ibid., 330-331.

⁶¹ Ibid., 331.

and John 20:22, 23. These words were addressed to “all believers.”⁶² Christ’s command to preach, and to forgive and retain sins, therefore, was given to all believers.

The work of preaching and administering the Sacraments cannot be carried out by each individual. God, therefore, “has established the holy ministry for the public administration of the priestly rites belonging properly to all believers.”⁶³ The holy ministry is a divine institution, and the word “public” is used in the sense of “notary public,” that is, one person acting on the authority of the public. Spitz wrote, “Through him [the pastor] the congregation and every individual represented by him preaches, teaches, baptizes, administers the Sacrament.”⁶⁴ The only citation Spitz used outside of the Scriptures themselves was from Matthias Loy’s commentary on The Augsburg Confession.⁶⁵

There are elements of Spitz’ essay that could have their genesis in Walther.⁶⁶ However, Spitz did not proceed in the same style that Walther does. He made no attempt to demonstrate his position on the basis of the Confessions of the Church or the witnesses of the writings of the fathers of the Church. He did, however, provide a bibliography which includes an essay from 1862, Pardieck in 1898, Stoeckhardt in 1883 and R. Schroth in 1919.⁶⁷

⁶² Ibid., 332.

⁶³ Ibid., 332.

⁶⁴ Ibid., 333.

⁶⁵ Ibid., 333-334.

⁶⁶ Of particular interest for the Spitz article is Thesis IV on the Church and Theses I, II, IV, VI, and VII on the Ministry.

⁶⁷ Ibid., 585.

The Office of the Keys: Curtis C. Stephan

In his article, “The Office of the Keys,” Stephan listed three reasons for the importance of the Office of the Keys: 1) it is clearly revealed in the Bible; 2) it gives every Christian the power to forgive sins and receive comfort of the same; and 3) it establishes and preserves the equality and liberty of all believers.⁶⁸ It is a distinctly Lutheran doctrine, and has suffered abuse by both the Roman and Reformed communions.

This power of the Keys is given by Christ Himself through the “medium of His Word.”⁶⁹ Stephan then proceeds to outline the nature of this power, its benefits, and whether this is a real power or merely the ability to announce the forgiveness. The pastor gives real forgiveness.⁷⁰ This forgiveness can be given publicly or privately by the pastor, or by an individual, or a person may, in effect, absolve himself by reading the promise of the Gospel.⁷¹ Christ gave this power of the Keys to the Apostles and indeed to all believers, as is demonstrated in John 23:23. Stephan does mention that Christ gave these Keys specifically to women, but that their public exercise are limited by Scripture.⁷²

The ministers of Christ exercise the keys publicly, “to whom the church delegates and transfers the rights, powers, duties, and privileges of the spiritual priesthood by

⁶⁸ Curtis C. Stephan, “The Office of the Keys,” in *The Abiding Word*, vol. 1 (St. Louis: Concordia Publishing House, 1946), 342-365. Presented originally to the Central District in 1945.

⁶⁹ *Ibid.*, 344.

⁷⁰ *Ibid.*, 351.

⁷¹ *Ibid.*, 353.

⁷² *Ibid.*, 358.

means of a divine call.”⁷³ Stephan then went on to outline the responsibilities that go along with administering these keys.

Stephan included numerous synodical essays and resolutions by F. Lindemann, J. Herzer, F. Pieper, J. A. Friedrich and F. Kuegele.⁷⁴ He did not cite *K&A*.

The Call into the Holy Ministry: P.F. Koehneke

P. F. Koehneke in his article, “The Call into the Holy Ministry,” presents six theses on the doctrine of the Call.⁷⁵ The first thesis states that the call is an act of God, and He chooses men “to perform the work necessary for the proper functioning of the ministry of the New Testament either in its pastoral or in its missionary function.”⁷⁶ This call differs from the call of the “spiritual priests.” He then cites Dr. Walther as follows: “Dr. Walther in the second part of his book *On the Church and the Ministry* points out the difference between the priestly office and the holy ministry. See Walther and the Church, pp. 71, 72.”⁷⁷

Koehneke then used *Kirche und Amt* twice more in his argument, as well as extensive citations from the Confessions, Pieper, and other early Missouri Synod theologians. Koehneke argued in Theses III as follows: “The missionary activity of the church and the proper preparation of men for the work of the church require the services of many workers. The right to call such workers is vested in the group or body to whom

⁷³ Ibid., 358.

⁷⁴ Ibid., 585

⁷⁵ P. F. Koehneke, “The Call into the Holy Ministry,” in *The Abiding Word*, vol. 1 (St. Louis: Concordia Publishing House, 1946), 366-388. This essay was originally presented to the North Wisconsin District in 1945.

⁷⁶ Ibid., 366.

⁷⁷ Ibid., 367-68.

such power is delegated by the congregations.”⁷⁸ Koehneke here was arguing for the proper right of the Synod or entities therein to call professors and missionaries. This is the only thesis where Koehneke did not provide citations from the Confessions, Walther or other Missouri Synod fathers, except for one quotation from the Smalcald Articles on the Church’s right to elect and ordain ministers.⁷⁹

Koehneke here used the theses of Walther to demonstrate that he was a part of the Walther tradition. However, where Walther will not support him he went to Scriptures and the Confessions themselves.⁸⁰ It is also possible that Koehneke was espousing a modified form of the Wisconsin Synod position on the divine institution of the Office.

Authority in the Church With Special Reference to the Call: H. Studtmann

H. Studtmann in his article, “Authority in the Church With Special Reference to the Call,”⁸¹ argued A) That the authority of the Church was established by God Himself to be exercised by the Church as such or conferred by the Church on its individual members (Thesis 1). B) This authority must never undermine the authority of the Word of God (Thesis 2). He then argued: “Authority in the Church must be in perfect accord

⁷⁸ Ibid., 377.

⁷⁹ Koehneke, “The Call,” 379.

⁸⁰ For example, thesis three reads (377): “The missionary activity of the Church and the proper preparation of men for the work of the Church require the services of many workers. The right to call such workers is vested in the group or body to whom such power is delegated by the congregations.” Koehneke here is arguing for the right of a synod to call missionaries. Walther in *K&A* never speaks of the right of a group of congregations to delegate their right to call workers into another group. Thus, Koehneke, cited the Smalcald Articles, Beyer and Francis Pieper. The Smalcald reference (379) was on the right of the Church to elect and ordain ministers, and did not speak to the topic at hand.

⁸¹ H. Studtmann, “Authority in the Church: With Special Reference to the Call,” in *The Abiding Word*, vol. 1 (St. Louis: Concordia Publishing House, 1946), 410-441. It was presented to the Texas District in 1945.

with, can never be subversive of, or conflict with, that Christian liberty which is ours through the redemption in Christ Jesus.”⁸²

This has a number of consequences for Studtmann. First of all, he contended that this freedom (per FC X) included ceremonies and church rites, such as “The liturgy, the clerical garb, stole, surplice and gown, crucifix, candles, paintings, altar, statues, etc.”⁸³

He continued that “*No pastor, church council, or synod* has the authority to impose upon a Christian congregation any legislation on which the congregation has had no vote or to which it has not consented.”⁸⁴ Adoption should not be manipulated or forced, but rather can only be done when it is “reasonably sure” that everyone understands the resolutions at hand. He goes on to cite the “advisory body” paragraph of the constitution, then says:

Accordingly, resolutions passed by Synod, at its triennial sessions are not to be considered as automatically binding on the congregations of Synod and do not become law until a majority (in constitutional matters, two thirds) of the congregations, either by actual vote or acquiescence, have endorsed such resolutions. However, if this is not to be a dead letter and if our congregations would retain their priestly rights and their Christian liberty, it behooves them, not negligently and carelessly to ignore or forget about the Synod’s resolutions or let others attend to them, but to discuss them in their meetings and communicate the result of their deliberations to their proper authorities.⁸⁵

For Studtmann, the passing of Synodical resolutions becomes law when two-thirds of the congregations pass them. This was set off against the fact that synods are advisory bodies:

D) Since in the last analysis all authority in the Church reverts back to the spiritual priesthood of all believers, of which, in fact, it is an emanation,

⁸² Ibid., 420.

⁸³ Ibid., 423.

⁸⁴ Ibid., 425.

⁸⁵ Ibid., 425-426.

those who have been given authority cannot lord it over the Christian congregation. They are stewards rather than masters, servants rather than lords, and accountable to their God and to their respective congregations.⁸⁶

He then goes on to argue that this *authority* of the spiritual priesthood is conferred to various individuals in the congregation, e.g. pastors, teachers, elders, trustees, treasurer, Sunday School teachers, etc. Therefore, the Church is intended to be “the most complete democracy.”⁸⁷ He did not cite Walther.

The Office of the Public Ministry: E. E. Foelber

With the beginning of the second volume of essays we see only one essay which directly deals with issues related to Church and Office.⁸⁸ E. E. Foelber presented “The Office of the Public Ministry” to the South Dakota District in 1946.⁸⁹ Through the use of four theses, Foelber demonstrates his familiarity with the literature of the Missouri Synod on the Office. Foelber uses *K&A* in Thesis IV: “The Office of the Public Ministry is, strictly speaking, the only divinely instituted office in the Church.”⁹⁰

Foelber used Walther’s Thesis VIII on the Ministry to argue that Walther did not intend that there would be any ranking in clergy, or various offices, some higher, some lower, in the church. The pastorate of a congregation is the “center of the Office of the Public Ministry.”⁹¹ Synods are only advisory, but congregations should be encouraged to join them.

⁸⁶ *Ibid.*, 427.

⁸⁷ *Ibid.*, 430.

⁸⁸ One of the interesting differences between volumes one and two of *The Abiding Word* is that volume two has essays by two of the “Statementarians,” William Arndt and Richard Caemmerer, and one by Arthur Repp.

⁸⁹ E. E. Foelber, “The Office of the Public Ministry,” in *The Abiding Word*, vol. 2 (St. Louis: Concordia Publishing House, 1947), 474-492.

⁹⁰ *Ibid.*, 490.

⁹¹ *Ibid.*, 491.

The thrust behind this article seemed to be against the Wauwatosa theology, which argues that Christ instituted one office that can take several concrete forms.⁹² He is trying to demonstrate that the true inheritors of Walther's theology would follow more along the lines of the pastoral office and auxiliary offices. This article would also seem to argue against Studtmann's article on authority in the Church.

Summary of *The Abiding Word*

What we find in *The Abiding Word* is a desire on the part of the authors to demonstrate that they are a part of the Walther tradition. This desire is not universal, however, because several of the essayists do not cite Walther at all, even when it would have been consistent with their argument to do so.

The quality and the approach of the essays demonstrate that there was no set format on how to argue their respective cases. Their goal as a part of the Centennial celebration was to show continuity with the earlier tradition of the Missouri Synod. However, the essays themselves demonstrate the internal conflict evident within Missouri. This can be seen best in comparing the Studtmann and Foelber articles. Studtmann did not attempt to cite Walther for justification of his position; Foelber did. Apparently there was no contradiction in the eyes of the editors of *The Abiding Word*, or the contradiction was not one they were willing to address.

⁹² See the section above on The Wauwatosa Theology regarding this controversy. Further evidence that Foelber has this in mind is that in his bibliography (*The Abiding Word*, vol. 2, 774) he includes an article by J. Schaller on the Wisconsin Synod position regarding the various offices of the church.

CONCLUSION

How do pastors, theologians, synodical conventions and others use *K&A* today? Have we, intentionally or unintentionally, set up a third category of confessional subscription? Was this the intent of the 1851 Synodical Convention? The issues raised in this thesis get at the very core of the nature of confessional identity. Are we a church body defined by a list of documents that make up the public doctrine of the Missouri Synod, or do we identify ourselves as a church body that adheres to the Book of Concord but is deliciously ambiguous when it addresses contemporary theological thought and practice? Are these the only two options before us?

Laurie Hayes has argued that because of the Missouri Synod's dependence on controversy, it has never seriously engaged the actual opponents. She writes:

The synod has tantalized its opponents by dogmatically denouncing their error, but then has done little else except to engage in confessing and upholding its own position. In not destroying, suppressing, or converting its opponents, the synod has allowed its opponents to retaliate.

Furthermore, in seemingly being bothered more by heresy than by heretics, the synod has encouraged its opposition not only to retaliate, but to escalate. The synod's concern for orthodoxy has been an intellectual, abstract, and impersonal concern. There is little indication that the synod's members have been interested in empathizing with the momentary

human circumstances or needs of its opponents. Individuals have been responded to only insofar as they are personifications of error.¹

It is easy to see why Hayes could interpret the history of the Missouri Synod in this fashion. If one reads the actual doctrinal statements of the Missouri Synod (e.g. *K&A*, the *Thirteen Theses on Predestination*, the *Brief Statement*, et al), one will find almost no references to individuals, only doctrines.

Hayes furthermore argues that with regard to controversy, ultimately the Missouri Synod has always been its own audience.² If the Hayes thesis is true, then the role of doctrinal treatises and statements has always been internal, not apologetic or a *confession* to the world and the church catholic (e.g. the *Augustana*).

The problem then becomes a matter of redefinition. Hayes continues:

For to the extent that the synod is a completely rhetorical world – to the extent that beyond the level of the congregation the synod’s members are linked not by geography or collective action but by a series of documents held in common – every time a “new” statement is generated, the synod is identified by new (albeit additional) words. Even the most carefully prepared translations from German to English are changes. This “neo-orthodoxy” carries a divisive potential not merely because increased precision can dislodge those adherents who disagree with the elaboration or those who would prefer that the “alteration” inherent in the elaboration not take place, but it is also divisive because even though the “new” statement might be a statement of consensus, it is also a statement that contains new meanings, new emotions, and new motives, each of which might also be subject to differing interpretations at a future date. In effect the synod has the potential for littering its rhetorical world with undetonated mines. This thesis has demonstrated that the Lutheran Church – Missouri Synod has historically understood extra confessional

¹ Laurie Ann Schultz Hayes, “The Rhetoric of Controversy in the Lutheran Church – Missouri Synod with Particular Emphasis on the Years 1969-1976,” (Ph.D. diss., The University of Wisconsin–Madison, 1980), 195. Hayes cites an example of this in W.H.T. Dau’s preface to Walther’s *Church and Ministry* treatise. Dau states that “a sublime objectiveness, a heavenly disregard of what is merely human also in a Christian combatant, is the true glory of Christian warfare” (Dau, in Dallmann, et al., *Walther and the Church*, 51-52).

² Hayes, *ibid.*, 200.

documents passed in convention by the Synod to have *some* binding character upon the clergy and congregations of Synod. What exactly this binding character would entail is not so easy to determine.³

In the first seventy-five years of the history of the Missouri Synod, there was little distinction made between any of the writings of Walther as to their authority. *Kirche und Amt* was understood as authoritative because it contained the doctrines which the Missouri Synod stood by and for. It was an anthology of what the Lutheran Church has always taught, and not a new confession as such. This was also true of *Die rechte Gestalt*, the *Pastoraltheologie*, and many other writings of Walther. Walther and the early Missouri Synod were not asking the question of whether or not they were creating a new confession.

Beginning with the controversy over Church and Office with the Wisconsin Synod in the beginning of the twentieth century, the use of *K&A* began to change. We do not find Francis Pieper citing *K&A* as an authority to the exclusion of other Walther writings, but it did gain some prominence in Pieper's writings. With the move into English, this shift continued, particularly with the publication of *Ebenezer* in 1922. At this point, *Kirche und Amt* began to adopt a quasi-confessional characteristic, which was not how *K&A* was commonly used in the first seventy-five years of the history of the Missouri Synod. Even at this point, however, the distinction between *Kirche und Amt* and the other writings of Walther was that of first among equals. This position was solidified by the publication of *Walther and the Church* in 1938. By 1938, it was a polemical document, and with *K&A* spoke the "the entire God-blest Missouri Synod."⁴

³ Ibid., 208-09.

⁴ Dau, "Church and Ministry – Our Church's Defence," 51.

With the transition into English almost complete, in the 1940s the Missouri Synod was at the beginning of its identity crisis. The *Statement of the 44* and the various publications surrounding the centennial of the Synod presented at least two different interpretations of the history of the Missouri Synod. On the one hand there was a desire not to be “bound” by synodical resolutions and doctrinal statements, and on the other hand there is a move toward using the writings of the synodical fathers (particularly Walther) to establish orthodoxy and a place in the Missouri Synod tradition.

We can also see in this history a shift on the part of the Missouri Synod to move toward attacking opponents by citing an extremism. Walther is specific in *K&A* on the title page that the book is written against the attacks of Grabau. However, Walther’s original intention was not polemical but apologetic and irenic. By the time *Walther and the Church* is published in 1938, it is assumed and understood as a polemical writing.

With the advent of the Wauwatosa Theology and the controversy between the Pieper brothers, however, it became *passé* to speak out publicly against one another. August Pieper attacks *K&A* and Walther (who was long dead), but his brother Francis Pieper did not attack August in public. Behind the scenes attempts were made on the part of the Saint Louis faculty to come to a resolution with Wauwatosa, but it came to naught. In Francis Pieper’s writings at this time he attacked the position of the Wauwatosa faculty, but did not do so by name. This desire for keeping the unity within the Synodical Conference would drive the controversy over Church and Office underground. Perhaps this controversy with the Wisconsin Synod forced *K&A* to be used in a polemical fashion which Walther never intended.

By the time of the *Statement of the 44*, it was becoming increasingly difficult for the Missouri Synod to address theological issues in a public setting. The *Statement* was withdrawn as a basis for discussion, but it was never addressed theologically. The Wisconsin Synod was both defended and derided in *The Abiding Word*, but never by name. *K&A* was used by those who would uphold the divine institution of the local congregation, but there was no public question of the consequences of this confession over-against the Wisconsin Synod.

This study in many ways has raised more questions than answers. There are several areas which require further study on the matter of *Kirche und Amt* in the history of the Synod. Some of these include:

- 1) A critical edition of Walther's *Kirche und Amt*. If *Kirche und Amt* has any binding character at all on the pastors and congregations of the Synod, then it is intolerable that there is no critical edition, with historical notes and supplementary materials.
- 2) A comparison of the three German editions which were published by Walther. This author examined the theses to determine that there were no changes, but attempted no evaluation of the changes within the book proper.
- 3) A thorough examination of all of the doctrinal resolutions of Synod up to the present day with regard to *K&A*.
- 4) A thorough examination of *Lehre und Wehre* and *Der Lutheraner* and how *K&A* was used in theological argument. Did the apologetic intent remain intact?

- 5) A closer look into the free conferences of the 1850s, the Buffalo Colloquy of 1866, the Iowa Colloquy of 1867, and the formation of the Synodical Conference in 1872. The work done on these periods in our Synod is woefully lacking.
- 6) A publication of the translation of Chr. Hochstetter's history of the Missouri Synod.
- 7) A close examination of the Wauwatosa Theology and the Missouri Synod reaction (or lack thereof). Even a cursory examination of this issue demonstrates that it demands serious work.
- 8) The use of *Kirche und Amt* in the period from 1947-Present. A part of this study may very well be to examine why *K&A* was *not* used during the Missouri Synod Civil War.

As the Missouri Synod continues to struggle with the relationship between pastor and congregation, and the relationship between congregations and Synods, the issues addressed in *Kirche und Amt* will remain in the forefront: Are we a Church? Who holds the keys? Where is the ground of authority in the Church? We are still grappling with the issues faced by Walther, Löhe and Grabau over one hundred and fifty years ago.

Soli Deo Gloria

APPENDIX I

The theses of *Die Stimme unserer Kirche in der Frage von Kirche und Amt*, 1852.

Theses	1852 German Edition ¹
Kirche – 1	Die Kirche in eigenlichen Sinne des Wortes ist die Gemeinde der heiligen, d. i. Die Gesammtheit aller derjenigen, welche, durch das Evangelium aus dem verlorenen, verdamnten Menschengeschlecht vom h. Geiste herausgerufen, an Christum wahrhaftig glauben und durch diesen Glauben gehilicht und Christ einverleibt sind.
Kirche – 2	Zu der Kirche im eigentlichen Sinne des Wortes gehört kein Gottloser, kein Heuchler, kein Unwiedergeborener, kein Keber.
Kirche – 3	Die Kirche im eigentlichen Sinne des Wortes ist unsichtbar.
Kirche – 4	Diese wahre Kirche der Gläubigen und Heiligen ist es, welcher Christus die Schlüssel des Himmelreichs gegeben hat, und sie ist daher die eigentliche und alleinige Inhaberin und Trägerin der geistlichen, göttlichen und himmlischen Güter, Rechte, Gewalten, Ämter &c., welche Christus erworben hat, und die es in seiner Kirche gibt.
Kirche – 5	Abwohl die wahre Kirche im eigentlichen Sinne des Wortes ihrem Wesen nach unsichtbar is, so ist doch ihr Vorhandensein (definitio) erfennbar, und swar sind ihre Kennzeichen die reine Predigt des Wortes Gottes und die der Einsekung Christi gemässe Verwaltung der heiligen Sacramente.
Kirche – 6	Zu einem uneigentlichen Sinne wird nach der heiligen Schrift auch die sichtbare Gesamtheit aller Berufenen, d. h. aller, die sich zu dem gepredigten Worte Gottes bekennen und halten und die heiligen Sacramente gebrauchen, welche aus Guten und Bösen besteht, Kirche (die allgemeine [catholische] Kirche), und die einzelnen Abteilungen derselben, d. .h. die hin und wieder sich findenden Gemeinden, in denen Gottes Word gepredigt und die heiligen Sacramente verwaltet werden, Kirchen (Particularkirchen) gennant; darum nämlich, weil in diesen sichtbaren Hausen die unsichtbare, wahre, eigentlich sogenannte Kirche der Gläubigen, Heiligen und kinder Gottes verborgen liegt und ausser dem Hausen der Berufenen seine Auswählten zu suchen sind.
Kirche – 7	Wie die sichtbaren Gemeinschaften, in denen Word un Sacrament noch wesentlich ist, wegen der in denselben sich befindenden wahren unsichtbaren Kirche wahrhaft Gläubiger nach Gottes Word den Namen Kirche tragen: so haben dieselben auch um der in ihnen verborgen ligenden wahren unsichtbaren Kirche willen, wenn dies auch nur zwei oder

¹ C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt: Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer derselben* (Erlangen: C. A. Ph. Th. Bläsing, 1852), xiii-xvi. The A, B and C sections of Thesis VIII are taken from within the book proper.

	drei wären, die Gewalt , welche Christus seiner ganzen Kirche gegeben hat.
Kirche – 8	<p>Obgleich Gott sich da, wo Gottes Wort nicht ganz rein gepredigt wird und die heiligen Sacramente nicht völlig der Einfassung Fefu Christi gemäss verwaltet werden, eine heilige Kirche der Auserwählten sammelt, wenn da Gottes Wort und Sacrament nich gar verleugnet wird, sondern beides wesentlich bleibt; so ist doch ein jeder bei seiner Seligkeit verbunden, alle falschen Lehrer zu fliehen und alle irgläubigen Gemeinden oder Secten zu meiden und sich hingegen zu den rechtgläubigen Gemeinden und ihren rechtgläubigen Predigen zu besennen und resp. zu halten, wo er solche findet.</p> <p>A. Auch in irrgläubigen, fessereischen Gemeinden giebt es Kinder Gottes, auch da wird die wahre Kirche an dem darin noch übrig geliebenen reinen Word und Sacrament offenbar.</p> <p>B. Ein jeder ist bei seiner Seligkeit verbunden, alle falschen Propheten zu fliehen und die Gemeinschaft mit irrgläubigen Gemeinden oder Sesten zu meiden.</p> <p>C. Ein jeder Christ ist bei seiner Seligkeit verbunden, sich zu den rechtgläubigen Gemeinden und ihren rechgläubigen Predigern zu bessennen und resp. zu halten, wo er folsche findet.</p>
Kirche – 9	Zur Erlangung der Seligkeit unbedingt notwendig ist nur die Gemeinschaft mit der unsichtbaren Kirche, welcher ursprünglich allein alle jene herrlichen die Kirche betreffenden Verheissungen gegeben sind.
Amt – 1	Das heilige Predigtamt oder Pfarramt ist ein von dem Priesteramt, welches alle Gläubigen haben, verschiedenes Amt.
Amt – 2	Das Predigtamt oder Pfarramt ist keine menschliche Ordnung, sondern ein von Got selbst gestistetes Amt.
Amt – 3	Das Predigtamt ist sein willfürliches Amt, sondern ein solches Amt, dessen Aufrichtung der Kirche geboten und an das die Kirche bis an das Ende der Lage ordentlicherweise gebunden ist.
Amt – 4	Das Predigtamt ist sein besonderer, dem gemeinen Christenstand gegenüberstehender heiligerer Stand, wie das levitische Priestertum, sondern ein Amt des Dienstes.
Amt – 5	As Predigtamt had die Gewalt das Evangelium zu predigen und die heiligen Sacramente zu verwalten und die Gewalt eines geistlichen Gerichts.
Amt – 6	Das Predigtamt wird von Gott durche die Gemeinde, als Inhaberin aller Kirchengewalt oder der Schlüssel, und durch deren von Gott vorgeschriebenen Beruf übertragen. Die Ordination der Berufenen mit Handauflegung ist nicht göttlicher Einseugung, sondern eine apostolische kirchliche Ordnung, und nur eine öffentliche seierliche Bestätigung jenes Berufes.
Amt – 7	Das heilige Predigtamt ist die von Gott durch die Gemeinde als Inhaberin des Priesterthums und aller kirchengewalt übertragene Gewalt, die Rechte des geistlichen Priesterthums in öffentlichen Amte von Gemeinschaftswegen auszuüben.
Amt – 8	Das Predigtamt ist das höchste Amt in der Kirche, aus welchem alle

	anderen Kirchenämter fließen.
Amt – 9	Das Predigtamt gebührt Ehrfurcht und unbedingter Gehorsam, wenn der Prediger Gottes Wort führt, doch hat der Prediger seine Herrschaft in der Kirche; er hat daher sein Recht, neue Gesesse zu machen, die Mitteldinge und Ceremonien in der Kirche willfürlich einzurichten und den Bann allein ohne vorhergehendes Erkenntniss der ganzen Gemeinde zu verhängen und auszuüben.
Amt – 10	Zu dem Predigtamt gehört zwar nach göttlichem Rechte auch das Amt, Lehre zu urteilen, doch haben das Recht hierzu auch die Laien; daher dieselben auch in den Kirchengerichten und Konzilien mit den Predigern Siss und Stimme haben.

APPENDIX II

The various English Translations of the theses of *Kirche und Amt*.

	1897 Graebner Translation ²	1938 Dau Translation ³	1962 Mueller Translation ⁴	1972 Tappert Translation ⁵	1981 Drickamer Translation ⁶
K-1	The church in the proper sense of the word is the communion of saints, i. e., the community of all those who, having been through the Gospel called from out of the lost and condemned human race by the Holy Ghost, truly believe in Christ and are by such faith sanctified and embodied in Christ.	The church, in the proper sense of the term, is the communion of saints, that is, the sum total of all those who have been called by the Holy Spirit through the Gospel from out of the lost and condemned human race, who truly believe in Christ, and who have been sanctified by this faith and incorporated into Christ.	The church in the proper sense of the term is the congregation [<i>Gemeinde</i>] of saints, that is, the aggregate of all those who, called out of the lost and condemned human race by the Holy Spirit through the Word, truly believe in Christ and by faith are sanctified and incorporated in Christ.	The church, in the proper sense of the word, is the communion of saints, that is, the sum total of all those who through the gospel have been called by the Holy Spirit out of the lost and condemned human race, who truly believe in Christ, and who have been sanctified by this faith and incorporated into Christ.	The church in the proper sense of the term is the congregation (<i>Gemeinde</i>) of saints, that is, the totality of all those who have been called by the Holy Spirit through the Gospel out of the lost and condemned human race, truly believe in Christ, and are sanctified and incorporated into Christ through this faith.
K-2	No one who is godless, a hypocrite, irregenerate, or a heretic, is a member of the church in the proper sense of the word.	To this Church in the proper sense of the term belongs no godless person, no hypocrite, no one who has not been regenerated, no heretic.	To the church in the proper sense of the term belongs no wicked person, no hypocrite, no unregenerate, no heretic.	To the church, in the proper sense of the word, belongs no godless person, no hypocrite, no unregenerate person, no heretic.	No godless person, no hypocrite, no unregenerate person, and no heretic belongs to the church in the proper sense of the term.

² C. F. W. Walther, "The Church and the Ministerial Office," trans. A[ugust] G[raebner], *Theological Quarterly* 1 (July 1897): 271-276.

³ C. F. W. Walther, "Church and Ministry – Our Church's Doctrine," trans. W. H. T. Dau. In *Walther and the Church* (St. Louis: Concordia Publishing House, 1938), 56-86. The original all of the theses are in italics.

⁴ C. F. W. Walther, *Church and Ministry*, trans. J. T. Mueller (St. Louis: Concordia Publishing House, 1962), 19-23

⁵ C. F. W. Walther, "Theses on the Church and the Ministry," in *Lutheran Confessional Theology in America, 1840-1880*, ed. Theodore G. Tappert (New York: Oxford University Press, 1972), 229-234.

⁶ C. F. W. Walther, "The Voice of Our Church on the Questions of Church and Ministry," in *Walther on the Church*, trans. John Drickamer (St. Louis: Concordia Publishing House, 1981), 17-105. The original all of the theses are in italics.

K-3	The church in the proper sense of the word is invisible.	The Church, in the proper sense of the term, is invisible.	The church in the proper sense of the word is invisible.	The church, in the proper sense of the word, is invisible.	The church in the proper sense of the word is invisible.
K-4	This true church of believers and saints it is to which Christ has given the keys of the kingdom of heaven, and which is, therefore, the real and only possessor and bearer of the spiritual, divine and heavenly blessings, rights, powers, offices, etc., which Christ has procured and which are to be found in His church.	This true Church of believers and saints it is to which Christ has given the keys of the kingdom of heaven. Therefore this Church is the real and sole holder and bearer of the spiritual, divine, and heavenly blessings, rights, powers, offices, etc., which Christ has gained and which are available in His Church.	It is to this true church of believers and saints that Christ gave the keys of the kingdom of heaven, and it is the proper and only possessor and bearer of the spiritual, divine, and heavenly gifts, rights, powers, offices, and the like that Christ has procured and are found in His church.	It is to this true church of believers and saints that Christ has given the keys of the kingdom of heaven. This church is consequently the real and only possessor and bearer of the spiritual, divine, and heavenly blessings, rights, powers, functions, etc., that Christ has secured and that are available in his church.	It is this true church of believers and saints to which Christ gave the keys of the kingdom of heaven. And it is therefore the proper and only possessor and bearer of the spiritual, divine, and heavenly goods, rights, powers, offices, etc., which Christ has procured and which are found in His church.
K-5	Although the true church in the proper sense of the word is, as to its essence, invisible, yet its presence is perceivable, its marks being the pure preaching of the word of God and the administration of the holy sacraments according to Christ's institution.	Although the true Church, in the proper sense of the term, is invisible as to its essence, yet its presence is perceivable, its marks being the pure teaching of the Word of God and the administration of the holy Sacraments in accordance with their institution by Christ.	Though the true church in the proper sense of the term is essentially [according to its true nature] invisible, its existence can nevertheless be definitely recognized, namely, by the marks of the pure preaching of God's Word and the administration of the sacraments according to Christ's institution.	Although the true church, in the proper sense of the word, is invisible as to its essence, yet its presence is (definitively) discernible, its marks being the pure preaching of the Word of God and the administration of the holy sacraments in accordance with their institution by Christ.	Although the true church in the proper sense of the term is essentially invisible, its presence can nevertheless be definitely recognized, and its marks are indeed the pure preaching of God's Word and administration of the sacraments according to Christ's institution.
K-6	In an improper sense, the visible community of all that have been called, i. e., of all who attend the preaching of the word, professing adherence thereto, and partake of the sacraments, a community consisting of good and evil men, is also, in accordance with holy Scripture, called the (universal catholic) church, and the several divisions	In an improper sense the term "Church," according to Holy Scripture, is applied also to the visible sum total of all who have been called, that is, to all who profess allegiance to the Word of God that is preached and make use of the holy Sacraments. This Church (the universal [catholic] Church) is made up of good and evil persons. Particular	In an improper sense Scripture also calls the visible aggregate of all the called, that is, of all who confess and adhere to the proclaimed Word and use the holy sacraments, which consists of good and evil [persons], "church" (the universal [catholic] church); so also it calls its several divisions, that is, the congregations that are found here and there, in which	In an improper sense, the word "church" is also applied by the Holy Scriptures to the visible sum total of all who have been called, that is, all who profess and adhere to the Word of God as it is preached and who make use of the holy sacraments. This church (the universal, Catholic church) consists of both good and evil persons. The several divisions of	In an improper sense Holy Scripture calls "church" (the universal [catholic] church) also the visible totality of all the called, that is, of all who confess and adhere to the proclaimed Word and use the holy sacraments, which consists of good and evil persons; so also it calls "churches" (particular churches) its several divisions,

	thereof, i. e., the congregation here and there existing, in which the word of God is preached and the sacraments are administered, are called (particular) churches, and that, because in these visible gatherings the invisible, true, properly so called, church of believers, saints, and children of God is concealed, and since without the aggregate of the called no elect must be sought.	divisions of it, namely, the congregations found here and there, in which the Word of God is preached and the holy Sacraments are administered, are called churches (particular churches), for the reason, namely, that in these visible groups the invisible, true Church of the believers, saints, and children of God is concealed, and because no elect persons are to be look for outside of the group of those who have been called.	the Word of God is preached and the holy sacraments are administered, “churches” (<i>Particularkirchen</i> [particular or individual churches]). This it does especially because in this visible assembly the invisible, true, and properly so-called church of believers, saints, and children of God is hidden; outside this assembly of the called no elect are to be looked for [anywhere].	it—that is, the communities scattered here and there in which the Word of God is preached and the holy sacraments are administered are called churches (particular churches) because in these visible groups the invisible, true, properly so-called church of believers, saints, and children of God is hidden and because no elect persons are to be looked for outside the number of those who have been called.	that is, the congregations that are found here and there, in which the Word of God is preached and the holy sacraments are administered. It does so because in these visible assemblies the invisible, true, and properly so called church of believers, saints, and children of God lies hidden, and outside this assembly of the called no elect are to be looked for.
K-7	Even as the visible communities in which the essentials of the word and sacraments remain do, because of the invisible church of true believers in them contained, according to the word of God bear the name of <i>churches</i> : so likewise they, because of the true invisible church contained in them, though there be but two or three, have and hold the <i>power</i> which Christ has given to the entire church.	Even as the visible communions in which the Word and the Sacraments still exist in their essence bear, according to God’s Word, the name of CHURCHES because of the true invisible Church of the true believers contained in them, so likewise they, though there be but two or three, possess the <i>POWER</i> which Christ has given to His entire Church.	As visible congregations that still have the Word and the sacraments essentially according to God’s Word bear the name “church” because of the true invisible church of sincere believers that is found in them, so also they possess the power [authority] that Christ has given to His whole church, on account of the true invisible church hidden in them, even if there were only two or three [believers].	On account of the true, invisible church of true believers found in them, the name “church” is applied by the Word of God to the visible communities in which the Word and the sacraments still exist in their essence. Even on account of the true, invisible church hidden in them, though it may be composed of only two or three, these communities have the power which Christ has given to his whole church.	As visible congregations which still essentially have the Word and the sacraments bear the name “church” according to God’s Word because of the true invisible church of true believers which is found in them, so also they possess the authority which Christ has given to His whole church, on account of the true invisible church which is hidden in them, even if there were only two or three [believers].
K-8	Although, wherever God’s word and sacraments are not wholly denied, but essentially remain, though the word of God be not there preached in all its purity, nor the sacraments administered in full conformity with	While God gathers for Himself a holy Church of the elect in places where the Word of God is not preached in entire purity and the holy Sacraments are not administered altogether in accordance with their institution by	Although God gathers for Himself a holy church of elect also where His Word is not taught in its perfect purity and the sacraments are not administered altogether according to the institution of Jesus	Although God gathers a holy church of the elect even where his Word is not preached in all its purity and the holy sacraments are not administered altogether according to their institution by	Although God gathers for Himself a holy church of elect persons also there where His Word is not taught in complete purity and the sacraments are not administered totally according to the institution of Jesus

	<p>Christ's ordinance, God still gathers unto himself a holy church of his elect: yet every man is, for his salvation's sake, bound to flee from all false teachers and to turn away from all heterodox churches or sects, and by word and deed to adhere to the orthodox church and its orthodox preachers, wherever he may find them.</p>	<p>Jesus Christ, provided the Word of God and the Sacraments are not utterly denied but essentially remain in those places, still every one is obliged, for the sake of his salvation, to flee from all false teachers and to avoid all heterodox churches, or sects and, on the other hand, to profess allegiance, and adhere, to orthodox congregations and their orthodox preachers wherever he finds such.</p> <p>A. Also in erring, heretical congregations there are children of God; also in them the true Church becomes manifest by means of the remnants of the pure Word of God and the Sacraments that still remain in them.</p> <p>B. Every one is obliged, for the sake of his salvation, to flee all false prophets and to avoid fellowship with heterodox churches, or sects.</p> <p>C. Every Christian is obliged, for the sake of his salvation, to profess allegiance, and adhere, to orthodox congregations and their orthodox preachers wherever he finds such.</p>	<p>Christ, if only God's Word and the sacraments are not denied entirely but both remain in their essential parts, nevertheless, every believer must, at the peril of losing his salvation, flee all false teachers, avoid all heterodox congregations or sects, and acknowledge and adhere to orthodox congregations and their orthodox pastors wherever such may be found.</p> <p>A. Also in heterodox and heretical churches there are children of God, and also there the true church is made manifest by the pure Word and the sacraments that still remain.</p> <p>B. Every believer for the sake of his salvation must flee all false teachers and avoid all heterodox congregations or sects.</p> <p>C. Every Christian for the sake of his salvation is duty bound to acknowledge and adhere to orthodox congregations and orthodox pastors, wherever he can find such.</p>	<p>Christ (provided God's Word and sacraments are not utterly denied but both are essentially preserved), yet everybody is obliged, as he values his salvation, to flee from all false teachers, to avoid all heterodox associations or sects, and to profess allegiance and adhere to orthodox congregations and their orthodox preachers wherever he finds such. (a) There are children of God even in erring, heterodox congregations, and the true church will be manifest in the remnants of the pure Word and sacraments that are there. (b) Everybody is obliged, as he values his salvation, to flee from all false prophets and avoid fellowship with heterodox associations or sects. (c) Every Christian is obliged, as he values his salvation, to profess allegiance and adhere to orthodox congregations and their orthodox preachers wherever he finds such.</p>	<p>Christ, if God's Word and the sacraments are not denied entirely, but both essentially remain; nevertheless, everyone is obliged by his salvation to flee all false teachers, to avoid all heterodox congregations or sects, and to acknowledge and adhere to orthodox congregations and their orthodox pastors, wherever he finds such.</p> <p>A. Also in heterodox and heretical churches there are children of God, and also there the true church is made manifest by the pure Word and sacraments which still remain there.</p> <p>B. Everyone is obliged by his salvation to flee all false teachers and avoid fellowship with heterodox congregations or sects.</p> <p>C. Every Christian is obliged by his salvation to acknowledge and adhere to orthodox congregations and their orthodox pastors, wherever he finds such.</p>
<p>K-9</p>	<p>Fellowship with the invisible church only, to which alone all those precious promises pertaining to the</p>	<p>The only indispensable requisite for obtaining salvation is fellowship with the invisible</p>	<p>To obtain salvation, only fellowship in the invisible church, to which alone all the glorious promises</p>	<p>The only thing that is absolutely necessary for the attainment of salvation is communion with</p>	<p>Absolutely necessary for the obtaining of salvation is only the fellowship in the invisible</p>

	church have been given, is unconditionally necessary in order to obtain salvation.	Church, to which all those glorious promises that concern the Church were originally given.	regarding the church were originally given, is absolutely necessary.	the invisible church, to which alone all the glorious promises pertaining to the church were originally given.	church, to which alone originally and all the glorious premises regarding the church have been given.
A-1	The holy ministry, or the pastoral office, is an office distinct from the priesthood possessed by all believers.	The holy ministry, or the pastoral office, is an office distinct from the priestly office, which belongs to all believers.	The holy ministry or pastoral office is an office distinct from the priesthood of all believers.	The holy office of the ministry, or the pastoral office, is distinct from the priesthood that all believers possess.	The holy ministry of the Word or pastoral office is an office distinct from the priestly office which all believers have.
A-2	The ministerial or pastoral office is not a human ordinance, but an office instituted by God himself.	The ministry, or the pastoral office, is not a human ordinance, but an office established by God Himself.	The ministry of the Word or the pastoral office is not a human institution but an office that God Himself has established.	The office of the ministry or the pastoral office is not a human ordinance but an office instituted by God himself.	The ministry of the Word or pastoral office is not a human institution, but an office which God Himself has established.
A-3	The ministry is not an arbitrary office, but an office which the church is enjoined to establish and to which the church to the end of time is ordinarily obligated.	The ministry of preaching is not an arbitrary office, but its character is such that the church has been commanded to establish it and is ordinarily bound to it till the end of days.	The ministry is not an arbitrary office but one whose establishment has been commanded to the church and to which the church is ordinarily bound till the end of time.	The office of the ministry is not an optional office but one which the church was commanded to establish and to which the church is ordinarily bound to the end of time.	The ministry of the Word is not an optional office, but one whose establishment has been commanded to the church and to which the church is ordinarily bound till the end of time.
A-4	The ministry is not a special order of superior holiness, contradistinct from the common order of Christians, as the Levitical priesthood was, but an office of service.	The ministry of preaching is not a peculiar order, set up over and against the common estate of Christians, and holier than the latter, like the priesthood of the Levites, but it is an office of service.	The ministry is not a special or, in opposition to that of ordinary Christians, a more holy state, as was the Levitical priesthood, but it is a ministry of service.	Unlike the Levitical priesthood, the office of the ministry is not a peculiar order of superior holiness set up over against the common estate of Christians, but is an office of service.	The ministry is not a special and holier estate apart from that of ordinary Christians, as was the Levitical priesthood, but it is an office of service.
A-5	The ministerial office has the power of preaching the gospel and administering the sacraments, and the power of a spiritual judicatory.	The ministry of preaching has the authority to preach the Gospel and to administer the Sacraments and the authority of a spiritual tribunal.	The public ministry [<i>Predigtamt</i>] has the power to preach the Gospel and administer the holy sacraments as well as the power of spiritual judgment.	The office of the ministry has the authority to preach the gospel and administer the sacraments and has the power of a spiritual tribunal.	The ministry of the Word has the power to preach the Gospel and administer the sacraments and the authority of a spiritual court.
A-6	The ministerial office is conferred by God through the congregation, the possessor of all church power, or the keys, by the divinely prescribed call of such congregation. The	The ministry of preaching is conferred by God through the congregation, as holder of all church power, or of the keys, and by its call, as prescribed by God. The	A. The ministry of the Word [<i>Predigtamt</i>] is conferred by God through the congregations as the possessor of all ecclesiastical power, or the power of the keys,	The office of the ministry is transferred by God through a congregation, as the possessor of all church power or the keys, and through its call, which is prescribed	The ministry of the Word is conferred by God through the congregation as the possessor of all ecclesiastical power, or the power of the keys, by means of its call which God Himself

	Ordination of the persons called, with laying on of hands, is not of divine institution, but an apostolico-ecclesiastical ordinance, and only a public and solemn confirmation of that call.	ordination of those called, with the laying on of hands, is not by divine institution but is an apostolic church ordinance and merely a public, solemn confirmation of the call.	by means of its call, which God Himself has prescribed. B. The ordination of the called [persons] with the laying on of hands is not a divine institution but merely an ecclesiastical rite [<i>Ordnung</i>] established by the apostles; it is no more than a solemn public confirmation of the call.	by God. Ordination with the imposition of hands on those who have been called is not of divine appointment but is an apostolic church ordinance and merely a public and solemn confirmation of the call.	has prescribed. The ordination of those called, with the laying on of hands, is not of divine institution but is an apostolic ecclesiastical arrangement and only a solemn public confirmation of the call.
A-7	The holy ministry is the power conferred by God through the congregation as possessing the priesthood and all church power, to exercise the rights of the spiritual priesthood in public office and in the name of the congregation.	The holy ministry is the authority conferred by God through the congregation, as holder of the priesthood and of all church power, to administer in public office the common rights of the spiritual priesthood in behalf of all.	The holy ministry [<i>Predigtamt</i>] is the power, conferred by God through the congregation as the possessor of the priesthood and all church power, to exercise the rights of the spiritual priesthood in public office in the name of the congregation.	The holy office of the ministry is the authority to exercise the rights of the spiritual priesthood in a public office in behalf of all, which authority is transferred by God through a congregation as the possessor of the priesthood and of all church power.	The holy ministry of the Word is the authority conferred by God through the congregation, as the possessor of the priesthood and all church authority, to exercise the rights of the spiritual priesthood in public office on behalf of the congregation.
A-8	The ministerial office is the highest office in the church, the office whence all other ecclesiastical offices flow.	The ministry is the highest office in the Church, from which, as its stem, all other offices of the Church issue.	The pastoral ministry [<i>Predigtamt</i>] is the highest office in the church, and from it stem all other offices in the church.	The office of preacher is the highest office in the church, and all other offices in the church are derived from it.	The ministry of the Word is the highest office in the church, and from it all other offices in the church flow.
A-9	To the ministerial office reverence is due and unconditional obedience, when the preacher comes with the word of God; but the preacher has no dominion in the church; he has not, therefore, the right of making new laws, of arbitrarily regulating adiaphora and ceremonies, and of imposing and executing excommunication alone, without the	Reverence and unconditional obedience is due to the ministry of preaching when the preacher is ministering the Word of God. However, the preacher may not dominate over the Church; he has, accordingly, no right to make new laws, to arrange indifferent matters and ceremonies arbitrarily, and to impose and execute excommunication ALONE, without a	A. To the ministry there is due respect as well as unconditional obedience when the pastor uses God's Word. B. The minister must not tyrannize the church. He has no authority to introduce new laws or arbitrarily to establish adiaphora or ceremonies. C. The minister has no right to inflict and carry out excommunication without his have first informed the	The office of the ministry is entitled to respect and unconditional obedience when the preacher is proclaiming the Word of God, but he does not possess lordship in the church and therefore has no right to make new laws, arbitrarily to introduce ceremonies and matters of indifference in the church, or impose and carry out excommunication	Respect and also unconditional obedience are due to the ministry of the Word if the preacher presents God's Word. But the preacher has no lordship over the church. Therefore he has no right to introduce new laws, arbitrarily to establish adiaphora or ceremonies, and to impose and carry out excommunication alone, without the preceding acknowledgment of

	previous judgment of the entire congregation.	previous verdict of the entire congregation.	whole congregation.	by himself without the previous knowledge of the entire congregation.	the whole congregation.
A-10	The ministerial office by divine right comprises also the office of judging doctrine; but hereto the laymen also are entitled, who, therefore, also sit and vote together with the ministers in ecclesiastical courts and councils.	According to divine right the function of passing judgment on doctrine belongs indeed to the ministry of preaching. However, also the laymen have this right, and for this reason they also have a seat and vote with the preachers in church courts and councils.	To the ministry of the Word, according to divine right, belongs also the duty [<i>Amt</i>] to judge doctrine, but laymen also possess this right. Therefore, in ecclesiastical courts (consistories) and councils they are accorded both a seat and a vote together with the clergy.	By divine right the function of judging doctrine belongs to the office of the ministry. However, laymen also have this right, and for this reason they have seats and votes with the ministers in ecclesiastical courts and councils.	The duty to judge doctrine indeed belongs by divine right to the ministry of the Word. But also the laymen possess the right to do so. Therefore in ecclesiastical courts and councils they have both seat and vote together with the preachers.

APPENDIX III

*Kirche and Amt at the 1851 Synodical Convention.*⁷

Professor Walther's Draft of a Paper on Church and Ministry (Preaching Office)

When, at the last Synodical convention, Grabau's second Synodical letter, that included false accusations and charges, was discussed, it was thought best to publish a paper as a justification for our teaching on Church and Ministry. We were not only accused, on these parts, of false teaching by Pastor Grabau, but also among our brothers in Germany, with whom we are in faith fellowship, there is a growing disapproval. Prof. Walther had taken over the preparation of the paper on behalf of the Synod, and now he presented the draft of the paper to the present convention for examination. According to his presented plan the paper is divided into three parts: a preface, historical presentation of the conditions under which the paper arose; a number of theses that present our teaching on the Church as well as the Preaching Office in a short and precise fashion; it ends with an epilogue that focuses on the application of the theses on the present doctrinal differences. As proof for the theses the author cites from a) Scripture, b) the Symbolical Books, c) the acknowledged most reliable teachers of our and of the early church, in order to, in the strongest sense, dispel the appearance of an innovation in the teaching; to show the agreement between the whole Church from the beginning and our church, and to put this agreement, with a systematic compilation of many witnesses, in the clearest light. The character of the whole paper should be more apologetic than polemic in order to invite a more relaxed examination and to heal the impending split in love. The Synod declared itself in full agreement with this plan, and approved the apologetic way of teaching of the author in so far as that through it the necessary proof of the untenability of the opposing errors are given.

The honorable author now presented the specific theses to which the Synod gave its agreement. Since, however, the book will be published soon, it would be superfluous to go into the specifics of the theses here. The reading itself, and the discussion that followed on the doctrine and practice of the Church, was held, with very little interruption, in eight sittings. This was unquestionably the part of the proceedings that was proven to be the most fruitful. It filled the hearts of everyone with great rejoicing over the Scripturality, the clearness, and the loveliness of our teaching. It was also experienced that, the peace of the Spirit of God, a sweet, well tasting fruit of the true unity and confidence of faith is.

But if the reader wishes to experience, at least a little bit, of these blessed proceedings, then this author bows his head in shame because, on the one hand, he should not muddle the impression of the book that is about to appear, which presents the doctrine of Church and Ministry in its full context in a clear light, with unclear fragments, on the other hand, he does not want to deprive the dear readers, who were not present at the Convention. It is, therefore, permissible to share at least a little bit of the proceedings.

⁷ *Synodal-Bericht* (1851), 169-171. Literal translation by Gerald Paul.

The foundation on which the honorable author built the building of his book is the eternally strong truth: the Church is, according to its being, invisible, the communion (community) of true believers and saints, to which no unregenerate, hypocrite, and godless person belongs; but whose existence is recognizable, according to Article V of the Augsburg Confession, through the pure preaching of the Word and the Scriptural administration of the Sacraments. And this invisible Church is the true possessor (owner) and bearer of all the heavenly possessions, rights, offices, and powers (authorities), that Christ gave to His Church.

Here the issue was raised how Article V of the Augsburg Confession was often incorrectly interpreted in this way: that one can find in it, simultaneously, a description of the invisible, and the visible Church. As if the whole house of listeners, to whom the Word of God is purely and clearly proclaimed, is to be seen as the true, holy Church of Jesus. Since the Confession does not say more than that, one is to recognize the pure Word and Sacrament as the true Marks, that the true, holy Church of Jesus is hidden among the totality of listeners, because the Word of God has the infallible promise that it will always find hearts in whom it comes to power and to life. And only these are those who belong to Christ and to the true Church, which no one knows except God. *Mow, per synecdochen*, i.e. way of speech, where the part is taken for the whole; one can also call the whole congregation, where the Word of God is purely preached, a true believing Church. However, it stays an incomplete way of speech. But if one did not call her that, one would deny the true communion of saints, which is hidden among her.

But where the Word of God is darkened with errors and is falsified, there one cannot call the visible community the true believing Church. One can, however, not deny that the true Church can be hidden among the “rotten” and sects, even among the Roman Antichrist, in so far as there is at least the text of Scripture and holy baptism among them from which true children of God can be born. Only among those who substantially deny, blaspheme, and persecute Word and Sacrament is the Church of God no longer hidden.

Therefore, one is not allowed biasly to search for the Church, i.e. the true believers and sanctified children of God, in a particular church, but in the totality of the called. Although we describe our Lutheran Church, with full right, to be the church of the pure Word and Sacrament, and although we have to show everyone the necessity of their salvation, to find and keep their fellowship with her; we are, however, not allowed to claim that we would exclusively find the Church in her. Yes, we have to punish it as a heresy, if someone keeps to the Lutheran Church for this reason, because he believes that the communion of true saints is only to be found in her. Those who perceive the Lutheran Church as such, who have constituted for themselves a special church, because they see no other church apart from her, in fact make her into a sect. As little as it came to Luther’s mind to separate himself from the true Church hidden under the papacy, so little is it allowed to come to the mind of a true Lutheran, that, through joining the Lutheran Church, to separate himself from those who are enlightened by the true light of faith, no matter under which churchly fellowship they might find themselves or find themselves captive. Our Fathers, the Confessors of Concordia, in their preface, not only highly condemn those modern particularistic Lutherans who think themselves special, but also the opponents who accuse those of exclusiveness who demand the conclusiveness and firmness of the Confession, as if their condemnations are aimed at those who err in ignorance and do not blaspheme the truth of the Word of God, even less whole churches,

but they only condemn false and seductive teachings and their obstinate teachers and blasphemers. Their example can teach us how unlutheran the condemnation addiction (mania) is.

This led to the expression of the concept: heretic. Only he can be seen as a heretic, who has condemned (judged) himself, Tit 3:10, i.e. whose conscience is transferred and convicted through the clear reproach of the truth, that he has to say to himself: You are not honest and do not want to either hear not suffer the truth; who also, simultaneously, wants to spread his heresy, and create a following. It is, therefore, far from us to brand every erring teacher as a heretic.

At the occasion of the fourth thesis, which expresses that the communion of believers and saints is the true possessor (owner) and keeper of the heavenly possessions (goods), rights, offices, and powers (authorities), this eased into a lively discussion over the ownership and exercise of the Spiritual powers (authorities)

There needs to be made a strong distinction between the ownership and exercise of the Spiritual powers. There is a difference between him who owns the power (authority) and him who exercises it. The person who exercises any Spiritual power in the Church is therefore not the actual and only possessor of them. The true and actual possessor of all Spiritual rights and powers is the congregation alone, to whom the Keys were immediately given. But their administration and exercise is transferred, by the nature (constitution) of the necessary gifts, to the individuals. So for e.g. is the right to call, the right of the congregation, but the exercise of the right has particular activities, which are appropriately distributed among the members of the congregation. To the lay people is given the election, to the preachers, as those with the most experience, the examination and ordination; to the government (where she is a member of the church) the confirmation. Not as if this distribution of activities has its foundation in an exclusive right of this or that class (position)-for the right is indivisible for the whole Church—but is done in a God-pleasing manner and according to the nature of the situation.

The question came up in connection with ordination: if the preacher could still exercise the functions of the Office, in the same way as if he were still in the Holy Office, when he is no longer in the Office. The answer to this was that a distinction needs to be made. If the preacher is driven out of his Office against his will, because of God and the truth, then in this case he is still the lawful bishop of the congregation that has driven him out. If he has laid down his Office voluntarily, then in that case he lost all the authority of the Office. If the Call of the congregation has ended, to which he was called, then his Office authority ends, because there is no universal Call for the whole Church; only the Apostles had this Call.

On the question if the ordination needs to be repeated, if the preacher returns to the Office, the answer was that one has as little reason to hold to the necessity to repeat the ordination, as it is to think that ordination is pointless because it is not commanded. Meanwhile, the instillation into the Office is no different from ordination, i.e. the churchly confirmation (acknowledgement) of the vocation.

A discussion on baptism follows.

APPENDIX IV

Theses Adopted by Representatives of Concordia Seminary and Wauwatosa at Chicago⁸
December 20, 21, 1916

<p>1. Die Kirche im eigentlichem Sinn ist die Gesamtheit aller derer, die durch das Evangelium zum Glauben an Christum gekommen sind.</p>	<p>The Church in the proper sense is the totality of all those who through the Gospel come to the faith in Christ.</p>
<p>2. Ortsgemeinden sind Verbindungen von Christen, die sich dem Willen Gottes gemäss, nach Ort und Umständen zur öffentlichen Handhabung der Gnadenmittel und zu gemeinsamer Arbeit am Reiche Gottes zusammengeschlossen haben. Sie sind von Gott gewollte Verbindungen. Gelegentliches und zufälligen Beisammen sein von Christen, auch im Namen Jesu, ist keine Ortsgemeinde in diesem Sinne.</p>	<p>Local congregations are associations of Christians, who according to the will of God, have joined together, pending on place and circumstances, for the public administration of the means of grace and for the common work of the kingdom of God. They are associations desired by God. An occasional and chance gathering of Christians, even in the name of Jesus, is not a local congregation in this sense.</p>
<p>3. Das Pfarramt ist der von der Gemeinde dazu tüchtigen Personen übertragene Dienst, die Rechte des geistlichen Priestertums aller Christen von gemeinschaftswegen auszuüben.</p>	<p>The pastoral Office is the service, committed by the congregation on capable persons, to exercise the rights of the spiritual priesthood of all Christians in behalf of the congregation.</p>
<p>4. Dies Amt ist göttlicher Ordnung, und seine Funktionen sind in Gottes Wort genau bestimmt. Die Aufrichtung dieses Amtes steht daher nicht in dem Belieben der Christen. Die äussere Form und Einrichtung dieses Amtes hat Gott der Weisheit und Freiheit der Christen unter der Leitung seines Geistes überlassen.</p>	<p>This Office is a divine order, and its functions are precisely defined by God's Word. Therefore, the establishment of this Office does not reside in the desires of the Christians. The external form and arrangement of this Office God has left to the wisdom and freedom of the Christians under the guidance of His Spirit.</p>

⁸ "Theses Adopted by Representatives of Concordia Seminary and Wauwatosa at Chicago, Dec. 20, 21, 1916." Theodore Graebner Papers, Box 71, File 2, Concordia Historical Institute. The English translation is by the author.

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