

# Confessional Subscription: What Did It Mean?

Scott R. Murray

What did confessional subscription mean during what might be called “the walkout era”?<sup>1</sup> I will describe the views from the walkout era (using only a few representatives) and the ways in which the confessions conceive of themselves as binding on any church that is still called Lutheran, and then I will offer some suggestions about the meaning of confessional subscription today.

## I. What Is Subscription?

The first finite verb in the preface to the Book of Concord is “we have subscribed” (*subscripsimus*).<sup>2</sup> Remarkably, the last sentence in the text of the Book of Concord (except the signatures themselves) includes, again, “we have subscribed.”<sup>3</sup>

What does it mean to affix one’s name to such a document? Lutherans have been subscribing the Book of Concord or its constituent parts for more than four hundred years. However, there is no guarantee that just because a signature is affixed it will be taken seriously. But what does an appropriate seriousness look like?<sup>4</sup> What are subscription’s antecedents and consequences? This may give us some idea of what subscription did, does, or should mean.

Subscription may not be considered as separate from what is being subscribed. Confessional subscription is not the same as endorsing a check or signing a legal contract. The modifier “confessional” makes a demand on us by drawing us back to the source of the confession, the word of God itself, the Holy Scripture. The church always confessed over against all earthly powers, as the Apostle Paul says, “I want you to understand that no one speaking in the Spirit of God ever says ‘Jesus is

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<sup>1</sup> For the purposes of this paper, “the walkout era” refers to the 1940–1980 period.

<sup>2</sup> In *Triglot Concordia: The Symbolical Books of the Ev. Lutheran Church, German-Latin-English*, [ed. and trans. F. Bente and W. H. T. Dau] (St. Louis: Concordia Publishing House, 1921), 6–7 (hereafter cited as *Triglot*).

<sup>3</sup> FC SD XII 40 (*Triglot*, 1102–1103).

<sup>4</sup> This is an abiding question. “While the constitution of the Evangelical Lutheran Church in America binds in terms of doctrine to the Lutheran Confessions and in the right of ordination ELCA pastors commit to ‘preach and teach in accordance with the Holy Scriptures and these creeds and confessions’ one is hard pressed to find resources for precisely how it is that the Lutheran Confession[s] are to serve as true witnesses and faithful expositions of the Holy Scriptures.” Erik T. R. Samuelson, “Roadmaps to Grace: Five Types of Lutheran Confessional Subscription,” *Dialog: A Journal of Theology* 45, no. 2 (Summer 2006): 157.

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accused!’ and no one can say ‘Jesus is Lord’ except in the Holy Spirit” (1 Cor 12:3). And “Since we have the same spirit of faith according to what has been written, ‘I believed, and so I spoke,’ we also believe, and so we also speak” (2 Cor 4:13). These early statements of confession already confront the church with the fundamental characteristics of confession. First, confession is a Spirit-given act. Second, confession is always spoken against unacceptable alternatives; the church could never tolerate the quasi-divine claims of the earthly authorities when it was claimed that *Caesar est dominus et deus* (“Caesar is Lord and God”). Third, those alternatives always face a decisive condemnation; the *damnamus* (“we condemn”) is not far from the surface in the act of confessing. What must be said also demands the identification of what must not be said. The unique lordship of Christ insists that all claims to divinity stand under God’s condemnation, and thus also ours. The confessions of the church not only express positively who Christ is and what He did (the gospel!), but they also function as a norm, a norm joyously accepted by the act of subscribing. Fourth, the confession of the church’s faith is always a communal act, having broad implications for church fellowship. Shared confession leads to shared Supper.<sup>5</sup> Fifth, it is intensely personal: I am committing myself. Sixth, it is martyrological: I am putting my life on the line for the truth.

By subscribing these confessions, we are binding ourselves, our churches, and our posterity to these statements. Such binding, a genuine *religio*,<sup>6</sup> raises the question of the truth. We may not be obligated to confess these statements short of their truth claims. We are a confessional church and thus we must be about confessing. Therefore, confessionalism may not become an artifact like the family Bible that gathers dust in the formal living room, honored but seldom used. “Confessionalism” may not become merely an “-ism” in the same sense in which rationalism is an “-ism.” In that sense, “confessionalism” would not take the confessions or their doctrine seriously.

## II. Hermann Sasse’s Warning to the Missouri Synod

This was the case as the Missouri Synod was sleepwalking into the mid-twentieth century.<sup>7</sup> In 1949, William Arndt delivered an essay at the Oklahoma District

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<sup>5</sup> Here the dictum is appropriate: *Abendmahlsgemeinschaft ist Glaubensgemeinschaft* (“[Lord’s] Supper-fellowship is faith-fellowship”), F. Pieper, *Christian Dogmatics*, vol. 3, trans. W. Albrecht (St. Louis: Concordia Publishing House, 1953), 385, and C. F. W. Walther, “*Die heilige Communion ist ein Act des Bekenntnisses*,” in *Americanisch-Lutherische Pastoraltheologie*, 2nd ed. (St. Louis: Concordia Publishing House, 1875), 145.

<sup>6</sup> The Latin *religio* can mean “scrupulousness in the fulfilment of an oath, the obligation of an oath, pledged faith.” Charlton Thomas Lewis and Charles Short, eds., *A Latin Dictionary* (Oxford: Clarendon, 1962), s.v. “*religio*” II.A.c.

<sup>7</sup> See Charles P. Arand, “The Confessionalism of Missouri in the Early Twentieth Century,” *Concordia Historical Institute Quarterly* 70, no. 4 (Winter 1997): 194–203.

convention in which he said, "Everybody who knows anything about us (LCMS) is aware that our Church must be classified as a confessional one. What does that mean? It means that in our Church we have confessions, or standards, or symbolical books, in which we set forth our faith and by which hence we are guided."<sup>8</sup> This statement presents us with what mid-twentieth-century Missouri Synod Lutheranism understood to be obvious. Confession was an artifact of history, which might have little impact on church life or the act of confessing the faith. It is conferred by the "fathers" of the church and to be honored in their absence, without reference to their actual convictions about the content and use of these confessions. For example, Arndt dismisses Karl Barth and Emil Brunner in a paragraph in which their theology is tidied up with the statement "The dialectical theologians are chiefly Reformed in their theology, and the Reformed errors are referred to in our Confessions and rejected."<sup>9</sup> Further evidence of the inadequacy of these representatives of dialectical theology was unnecessary when the confessional witness was presumed. They are against the confessions and there's an end to it.

This convention essay seems to have been what stirred Hermann Sasse to write to the Missouri Synod in 1951 his essay "Confession (Confessionalism) and Theology in the Missouri Synod."<sup>10</sup> Sasse was of the opinion that our Lutheran Confessions had become just another "-ism." Sasse's letter, when considered by the faculty of Concordia Theological Seminary while in Springfield, was received with something less than appreciation, according to the editors of the letter, Ronald Feuerhahn and Jeffrey Kloha.<sup>11</sup> Sasse had punctured the synod's perfunctory presumption on the symbolical books. No one likes to have their weaknesses pointed out to them. He had called the Missouri Synod to repentance.

Sasse expressed his fraternal concern for the Missouri Synod under several heads. First, Sasse was complimentary to the Missouri Synod in her missionary zeal. (This was a time of swift and vast growth in the Missouri Synod.) "Missouri would be no Lutheran Church if she had not asked herself again and again on what her understanding of the missionary duty of the church is founded."<sup>12</sup> Sasse cites as his examples of Missouri Synod mission work the radio ministry *The Lutheran Hour* and the large percentage of the children in Missouri Synod parochial schools who came from non-Lutheran churches.<sup>13</sup> He was also complimentary to C. F. W. Walther, about whom he said, "Walther became the instrument for an awakening of

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<sup>8</sup> William Arndt, "The Pertinency and Adequacy of the Lutheran Confessions," *Concordia Theological Monthly* 20, no. 9 (September 1949): 674–700.

<sup>9</sup> See Arndt, "Pertinency," 699–700.

<sup>10</sup> Hermann Sasse, "Confession (Confessionalism) and Theology in the Missouri Synod," in *Scripture and the Church: Selected Essays of Hermann Sasse*, eds. Jeffrey J. Kloha and Ronald R. Feuerhahn (St. Louis: Concordia Seminary, 1995), 189–220.

<sup>11</sup> Sasse, "Confession," 190.

<sup>12</sup> Sasse, "Confession," 193.

<sup>13</sup> Sasse, "Confession," 193–194.

Lutheran doctrine, and the spiritual father of a church which wholly consciously desired to be the Church of the pure Lutheran doctrine.”<sup>14</sup> The doctrine is, after all, what confessional subscription should be about.

Sasse, however, harshly condemned the Missouri Synod’s actual use of the Lutheran Confessions in her regular church life. He said, “The Lutheran confessions no longer play the role in the life and in the theological thinking of the Missouri Synod, in fact, of all of American Lutheranism, by far which they played in the 19th century. They are recognized as the self-evident and untouchable foundation of the church.”<sup>15</sup> Sasse was arguing that the Missouri Synod had made the confessions a religious relic to which reference was made in a pinch and only then to forestall further theological discussion. They had become only a boundary, and a fairly dusty one at that. He warned that the Lutheran Confessions no longer played the vital role they had played in the nineteenth century, when the existence of Lutheranism was at stake because of Schmucker’s *Definite Synodical Platform*. Of course, Walther led the way in the nineteenth century, profoundly influencing American Lutheranism, calling American Lutherans back to their confessional heritage as a true touchstone of doctrine and practice. Walther’s essay of 1851 delivered at the Western District convention established the Missouri Synod’s trajectory over the last half of the nineteenth century. Walther’s essay was titled “Why Should Our Pastors, Teachers, and Professors Subscribe Unconditionally to the Symbolical Writings of Our Church?” Walther touted a joyful acceptance of the confessions of the Lutheran Church. How greatly Walther’s view contrasts with mid-twentieth-century approaches to confessional subscription (as we shall see below)! Walther wrote that the confessions “cannot be anything but a heart’s delight to him to confess openly and solemnly with his lips the faith that he cherishes in his heart.”<sup>16</sup> This is not a legal instrument to bludgeon the unwilling, but a delightful opportunity to say back to God what he has so graciously said to us. Who would not be joyously compelled to make these confessions his own? However, the joy of confessional subscription was drained from the life of the Missouri Synod as the twentieth century advanced.

### III. Mid-Twentieth-Century Approaches to Subscription

By the middle of the twentieth century, American Lutheranism had settled into a confessional formalism in which non-Lutheran sermons, teaching, and practice were tolerated in parishes with confessional clauses in their founding documents. If

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<sup>14</sup> Sasse, “Confession,” 196.

<sup>15</sup> Sasse, “Confession,” 205.

<sup>16</sup> C. F. W. Walther, “Confessional Subscription,” in *Essays for the Church*, vol. 1, eds. Ralph Bohlmann et al. (St. Louis: Concordia Publishing House, 1992), 26 = C. F. W. Walther, “Answer to the Question ‘Why Should Our Pastors, Teachers, and Professors Subscribe Unconditionally to the Symbolical Writings of Our Church?’,” in *Church Fellowship*, Walther’s Works (St. Louis: Concordia Publishing House, 2015), 11–28.

the title “Missouri Synod” could be seen on the signboard of the church, everything would be all right—so it was thought. Being Lutheran was simply presumed.

Sasse saw evidence of this attitude to the confessions in the willingness of the Missouri Synod to make use of “A Brief Statement of the Doctrinal Position of the Missouri Synod” as the basis for fellowship talks that arose out of the post–World War II milieu.<sup>17</sup> For Sasse, it was insufficient because the statement was not a confession of the church. Although the “Brief Statement” made no such grandiose claim for itself, Sasse thought that substituting this kind of summary of our doctrinal position and submitting it as a basis for fellowship discussions with others who named themselves Lutheran showed that, in practice, the Lutheran Confessions were receding from practical use.<sup>18</sup> For Sasse, such a move was “the most astonishing turn in the life of American Lutheranism which formerly took its stand so firmly on the Book of Concord and lived in it.”<sup>19</sup> Sasse thought that the Missouri Synod had given up a living confession of the Lutheran symbolical books and their content. About this Sasse was right. This would have baleful outcomes in the future for the Missouri Synod. Ironically, Sasse himself foresaw these disastrous consequences yet to come when he predicted that the Missouri Synod had a great future ahead of her, “even if the contrasts which are visible today should lead to a schism.”<sup>20</sup> Tragically, Sasse’s foresight was correct.

The so-called “Statement of the 44” was a bellwether in the period.<sup>21</sup> Sasse criticized its one-sided focus on the lovelessness of the Missouri Synod, “[t]heir criticism moved wholly on ethical, not on dogmatical grounds.”<sup>22</sup> Perhaps there was room for the call to repentance, and generally the opponents of the forty-four did not doubt that repentance was in order.<sup>23</sup> However, the chief concern of the synod was that the “Statement of the 44” changed the boundaries of church fellowship. Of course, complaining about lovelessness is like shooting fish in a barrel. Who could avoid being struck by such bolts of ethical disapprobation? Unfortunately, the forty-four were themselves never brought to repentance for their loveless rejection of lovelessness.<sup>24</sup> Sasse also pointed out that the statement itself included “no appeal to the

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<sup>17</sup> Lutheran Church—Missouri Synod, “Brief Statement of the Doctrinal Position of the Missouri Synod,” *Concordia Theological Monthly* 2, no. 6 (June 1931): 401–416.

<sup>18</sup> FC SD Rule and Norm (hereafter cited as R&N), 5.

<sup>19</sup> Sasse, “Confession,” 207.

<sup>20</sup> Sasse, “Confession,” 214.

<sup>21</sup> Carl S. Meyer, ed., “A Statement [Statement of the 44],” in *Moving Frontiers: Readings in the History of the Lutheran Church—Missouri Synod* (St. Louis: Concordia Publishing House, 1964), 422–424.

<sup>22</sup> Sasse, “Confession,” 212.

<sup>23</sup> Sasse, “Confession,” 212.

<sup>24</sup> “Confessional ecumenism holds that considerations of truth must take precedence over considerations of love, should these be in conflict, for Christian love is always dependent upon the truth of the gospel. When a choice must be made between external unity and the truth of the gospel, unity must yield to truth.” Ralph A. Bohlmann, “Confessional Ecumenism,” in *Evangelical*

Confessions.”<sup>25</sup> Instead it referred to the “historic Lutheran position,” again as something presumed by the forty-four.

Sasse exceeded reasonable bounds in his criticism of the Missouri Synod when he accused her of succumbing to fundamentalism in her willingness to defend the inerrancy and inspiration of the Bible. Sasse argued that even the Jehovah’s Witnesses teach the inerrancy and inspiration of the Bible and yet deny the deity of the Son and the Holy Spirit. Yet we might say that even a blind hog finds an acorn once in a while. Taking a parallel case, we would not abandon the Lord’s Supper just because the Mass is retained among the churches of the pope. The accusation of fundamentalism was repeated ad nauseam in the following decades.<sup>26</sup>

Sasse also repeated the canard that the Missouri Synod was a captive of dead Orthodoxy,<sup>27</sup> taken over uncritically from the seventeenth-century Lutheran divines.<sup>28</sup> According to Sasse, Missouri Synod theologians had adopted their doctrine of the inspiration of Scripture “without ever asking themselves the question whether this doctrine is Lutheran.”<sup>29</sup> Sasse disdained seventeenth-century theology.<sup>30</sup> Of course, there are points and tendencies in seventeenth-century Orthodoxy that require our unstintingly critical treatment, such as predestination in view of faith (*in tuitu fidei*). However, it might have been worthwhile to ask the question of whether the seventeenth-century Orthodox theologians were properly confessional in their theology.<sup>31</sup> Sasse might be forgiven his dismissal of Orthodoxy if he didn’t also swerve into the ditch on the other side of the road. He not only found Orthodoxy stifling but also recommended the work of Jaroslav Pelikan ordered by existentialism.<sup>32</sup> Sasse sought for the Missouri Synod to be genuinely confessional, but he was

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*Directions for the Lutheran Church*, ed. Erich H. Kiehl and Waldo J. Werning (Chicago: Lutheran Congress, 1970), 89.

<sup>25</sup> Sasse, “Confession,” 213.

<sup>26</sup> See, for example, Richard Neuhaus, “A Modest View of Missouri,” *Lutheran Forum* (June 1969): 15.

<sup>27</sup> See Edgar Krentz, “Historical Criticism and Confessional Commitment,” *Currents in Theology and Mission* 15, no. 1 (February 1988): 130.

<sup>28</sup> He named only Hollaz, Baier, and Quenstedt. The work of Robert Preus and, in our day, Benjamin Mayes has contributed to seeing the best in the seventeenth-century Orthodox divines.

<sup>29</sup> The Lutheran Confessions’ doctrine of the Scripture begins with a certain delivery of the divine will to sinners by a certain word of God. “For it is not in the power of man, especially amid the terrors of sin, to assert, without a sure word of God concerning God’s will, that He ceases to be angry.” Ap IV (III) 141 (*Triglot*, 195; newer enumeration Ap IV 262).

<sup>30</sup> In his wonderfully sarcastic style, Horace Hummel quipped about the rejection of seventeenth-century Orthodoxy, “It is curious how in an age when virtually anything else goes, that is often that than which nothing more horrendous could be conceived.” Horace Hummel, “No Other Gospel! Do American Lutherans Need a Confessing Movement?,” *Lutheran Forum* 3, no. 9 (October 1969): 5.

<sup>31</sup> See Robert D. Preus, *The Theology of Post-Reformation Lutheranism*, 2 vols. (St. Louis: Concordia Publishing House, 1970–1972).

<sup>32</sup> Sasse, “Confession,” 217.

at least unclear, if not misleading, about what that confessional theology might look like.<sup>33</sup>

In the period leading up to the 1974 walkout from Concordia Seminary, many people worried about the confessions as a straitjacket to talented theologians. Any form of orthodoxy, any kind of theological norm was rejected as an inauthentic appeal to stifling authority. A representative, if extreme, case is that of Richard Neuhaus, who wrote in 1969:

A theologian worth his stipend can hardly be constrained, either in methodology or conclusions by statements of theologians in the 16th century. The ecumenical character of contemporary theology has brought the problem of confessionalism to the fore. But it should have been evident before this that any form of authoritarianism, including the way in which confessional subscription is frequently understood, has no place in the theological enterprise.<sup>34</sup>

So much for any kind of standard or norm, let alone the Lutheran Confessions!<sup>35</sup> This is certainly not the view of the confessions themselves about their own purpose. Sasse could not foresee this later outbreak of theological libertinism. However, when you create an intellectual vacuum by dismissing the dusty past, seven demons worse than the first might well take up residence in the theological corpus or corpse.<sup>36</sup> This is precisely what happened at Concordia Seminary from 1945 until the walkout.<sup>37</sup> Sasse touted the work of Pelikan as a breath of fresh air in the Missouri Synod. Pelikan's first book, *From Luther to Kierkegaard: A Study in the History of Theology*, had just been published in 1950.<sup>38</sup> Here was the antidote to the Melanchthonian misreading of Luther caused by Aristotelianism, which gave birth to dreaded Lutheran Orthodoxy. Sasse was willing to trade the philosophical influence of

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<sup>33</sup> See Benjamin T. G. Mayes, "Creation Accommodated to Evolution: Hermann Sasse on Genesis 1–3," *Concordia Theological Quarterly* 87, no. 2 (April 2023): 123–150.

<sup>34</sup> Richard Neuhaus, "The Supreme Court and Confessionalism," *Lutheran Forum* 3, no. 4 (April 1969): 15.

<sup>35</sup> Sasse is, of course, correct in his insight "When the *norma normata* of the Confessions tumbles, of necessity the *norma normans* falls as well." Pfarrer Hoppl and Hermann Sasse, "Quatenus or Quia? An Interchange on the Nature of Confessional Subscription," trans. Matthew C. Harrison, *LOGIA: A Journal of Lutheran Theology* 8, no. 2 (Eastertide 1999): 7.

<sup>36</sup> "According to the organic, unitary nature of Christian doctrine, if one article or member fails, the whole body of doctrine is affected adversely. Luther said 'One article is all the articles, and all the articles are one.'" Robert Preus, ed., general introduction to *Christology*, Confessional Lutheran Dogmatics, vol. 6, by David P. Scaer (Fort Wayne: IFLCR, 1989), x. He refers to Martin Luther, *Galatians* (1531/1535), in *D. Martin Luthers Werke: Kritische Gesamtausgabe [Schriften]*, 73 vols. (Weimar: Böhlau, 1883–2009), 40/2:47.33–34 (= *Luther's Works, American Edition*, vol. 27, ed. Jaroslav Pelikan [St. Louis: Concordia Publishing House, 1964], 38).

<sup>37</sup> See Scott R. Murray, *Law, Life, and the Living God: The Third Use of the Law in Modern American Lutheranism* (St. Louis: Concordia Publishing House, 2002), 46–53.

<sup>38</sup> Jaroslav Pelikan, *From Luther to Kierkegaard: A Study in the History of Theology* (St. Louis: Concordia Publishing House, 1950).

Aristotelianism for the philosophical influence of Kierkegaard and existentialism.<sup>39</sup> The irony here is that he was only substituting one philosophical system for another.<sup>40</sup> Of course, Sasse highlighted Pelikan's willingness to paint Lutherans (and by this he meant the Missouri Synod) as having been "more informed by Fundamentalism than by Lutheran theology."<sup>41</sup> Sasse agreed: "It is quite possible in the Missouri Synod to overcome this un-Lutheran Fundamentalism which today constitutes the great danger for this church."<sup>42</sup> As it turned out, the preference for existentialism and a Kierkegaardian Luther was not sustainable and did much mischief generally in Luther studies and, more importantly, in Lutheran theological circles.<sup>43</sup>

Sasse had correctly diagnosed the confessional formalism of the Missouri Synod. Unfortunately his warning was little heeded and perhaps received with some animosity because he missed the mark in his suggestions for resolving this formalism.

Formalistic confessionalism had no strength to provide appropriate responses to the ecumenical movement, which swept across all denominations after World War II<sup>44</sup> and gained momentum as a result of the ecumenical turn of Roman Catholicism in the Second Vatican Council.<sup>45</sup> As a result of the Lutheran mergers of the twentieth century, the LCMS was forced to consider issues of church fellowship. Although a leader of the discussion of Lutheran theology in nineteenth-century America with its "free conferences," it seemed to be late to the party in the twentieth century because of its isolationistic attitude, which was born in part from the confessional formalism described above.

#### IV. A. C. Piepkorn and Death by a Thousand Cuts

Arthur Carl Piepkorn (1907–1973) of the faculty of Concordia Seminary wrote on confessional subscription a number of times during his admirable career. An

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<sup>39</sup> Sasse, "Confession," 217–218. Cf. Kurt E. Marquart, *Anatomy of an Explosion: Missouri in Lutheran Perspective* (Fort Wayne: Concordia Theological Seminary, 1977), 138: "True, Aristotle, that idol of scholasticism, is generally booed—but mainly because he is out of fashion, evil geniuses like Darwin, Marx, and Freud, now set the tone."

<sup>40</sup> See also Krentz, "Historical Criticism," 135. Hummel wrote, "If a confessional hermeneutic is not operative, some other one inevitably will be, and all kinds of modern philosophical dogmas or subjectivities will be 'proved scientifically' by the exegete's (?) method." Hummel, "No Other Gospel," 9.

<sup>41</sup> Pelikan, *From Luther to Kierkegaard*, 127n93.

<sup>42</sup> Sasse, "Confession," 218.

<sup>43</sup> Murray, *Law, Life, and the Living God*, 52–53.

<sup>44</sup> See Theodore Graebner and Paul E. Kretzmann, *Toward Lutheran Union* (St. Louis: Concordia Publishing House, 1943), vi, and Kenneth Scott Latourette, *A History of Christianity*, vol. 2, *Reformation to the Present* (San Francisco: Harper, 1975), 1367–1380.

<sup>45</sup> Elizabeth A. Livingstone, ed., *The Concise Oxford Dictionary of the Christian Church*, 2nd ed. abridged (Oxford: Oxford Univ. Press, 1977), s.v. "Ecumenical Movement."

article offered for discussion to the faculty presents twenty-nine points that were published under the title “Suggested Principles for a Hermeneutics of the Lutheran Symbols.”<sup>46</sup> The article was remarkable for several reasons. First, Piepkorn repeated similar concerns held by Walther and most famously offered in the Western District convention essay of 1858.<sup>47</sup> However, the article showed different concerns were at the top of Piepkorn’s mind. The first concern is shown by the second and third sentences in the 1958 article: “They [the Symbols] can serve as a legal club, in order to enforce conformity with their teaching . . . But this is certainly an *opus alienum*.”<sup>48</sup> Properly understood, this is true. However, it shows what was already a major concern on the part of many professors at Concordia Seminary and many pastors in the Missouri Synod. They did not want the Lutheran Confessions to be used as a way of creating theological or doctrinal boundaries for their teaching, and they were already concerned that their teaching would attract that use of the Lutheran Confessions as a standard. It is ironic that Piepkorn calls this “legal” use of the confessions an *opus alienum*, when the law, properly speaking, is always an *opus alienum* (Isa 28:21). It is necessary for the sake of the gospel, which was ironically to become the watchword of the faculty later in the next decade. But the law is necessary. Of course, the language “legal club” makes the idea of theological boundaries suspect right off the bat. While we may not be against the law, we would be strictly against its being used as a club. The word “club” rhetorically taints the term “legal.” While Piepkorn himself was a lover of our confessions, the threat of the confessions being used as a legal club ruins his approach to the confessions from the very beginning.<sup>49</sup> He begins with a misunderstanding of the confessions, rather than their wonderful shape, use, and significance for our pastors, parishes, and church schools.

Piepkorn, however, helpfully laid out the confessions’ own view that they were a theological norm. He said:

The Symbols, as the *summarischer Begriff, Grund, Regel und Richtschnur*, the *compendiaria doctrinae forma, fundamentum, norma atque regula*, participate in the normative character of the Sacred Scriptures in that they reproduce the doctrinal content of the latter. In both cases the term “norm” implies more than criterion or standard. It should be understood as a synonym of “form” in its

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<sup>46</sup> Arthur Carl Piepkorn, “Suggested Principles for a Hermeneutics of the Lutheran Symbols,” *Concordia Theological Monthly* 29, no. 1 (January 1958): 1–24.

<sup>47</sup> Walther, “Confessional Subscription,” 19–29.

<sup>48</sup> Piepkorn, “Suggested Principles,” 1.

<sup>49</sup> The cry against “legalism” is often heard in church circles. But clarity about what that word means is demanded. Legalism is not merely any statement of law, but is a statement of law that claims to give salvation and account righteous in the sight of God. Rules for conduct may be binding, but they may not be considered to gain righteousness before God. See AC XXVIII.

philosophical sense; that is, as a norm the symbols are to give form to, to inform, our theology.<sup>50</sup>

The confessions are not less than a standard. However, they are certainly much more. How does that standard function? When the confessions describe themselves as a comprehensive form of doctrine (*compendiaria doctrinae forma*),<sup>51</sup> this description is implying that they are a source from which we could and should model subsequent theology. The *forma* is the way the *materia* (“matter”) is arranged; it is not the substance itself, although *forma* and *materia* may not be separated.<sup>52</sup> It is the shape of our theology. A *forma doctrinae* would function to give order to our preaching of Christ as the sole Savior from sin by faith in his blood.

The confessions are using terms borrowed from the Vulgate. Paul says, “But thanks be to God, that you who were once slaves of sin have become obedient from the heart to the standard of teaching to which you were committed” (Rom 6:17).<sup>53</sup> “Standard of teaching” is *forma doctrinae*. It is an example that should impress itself on our thinking. It may be analogous to the way in which the term *forma* is used by the Vulgate in 2 Thessalonians 3:9, where Paul says that he gave the Thessalonians an “example to imitate.”<sup>54</sup> A faithful confessor does not necessarily say the identical things, but what he says can be perceived as imitating the source. Elsewhere I have described this use of our confessions as a *hypogram*. It is “an outline or a *typus*, not merely a moral example, but a theological one, a patterned pathway.”<sup>55</sup> The confessions give us a pattern through which we consider and order the actual content of Scripture, but they also give us specific terms and patterns of speech from which we would not depart.<sup>56</sup> This functions in the same way as the *analogia fidei*. In teaching, the words we use must arise from the sound pattern of speech. What I say must be a child fathered by the norm. Piepkorn employed the well-worn language of *norma normans* and *norma normata*, which he attributed to Abraham Calov,<sup>57</sup> although Piepkorn preferred the language of *norma primaria* and *norma secundaria*.

<sup>50</sup> Piepkorn, “Suggested Principles,” 8.

<sup>51</sup> FC SD R&N 1 Latin (*Triglot*, 848, cf. 849).

<sup>52</sup> See Preus, *Theology of Post-Reformation Lutheranism*, 1:117.

<sup>53</sup> See also 2 Tim 1:13 (Vulgate).

<sup>54</sup> *Ut nosmetipsos formam daremus vobis ad imitandum nos*. 2 Thess 3:9 (Vulgate).

<sup>55</sup> Scott R. Murray, “Confessional Loyalty or ‘I Let That Subscription Lapse’?,” *Concordia Theological Quarterly* 86, no. 1 (January 2022): 26.

<sup>56</sup> “Therefore we also have determined not to depart even a finger’s breadth either from the subjects themselves, or from the phrases which are found in them, but, the Spirit of the Lord aiding us, to persevere constantly, with the greatest harmony, in this godly agreement, and we intend to examine all controversies according to this true norm and declaration of the pure doctrine.” Preface to *Triglot*, 23.

<sup>57</sup> The closest reference to this I could find is from Calov’s *Syncretismus Calixtinus*: “Aliud est confessio fidei Ecclesiastica, aliud verò est ipsummet DEI verbum: quia verbum Dei est principium fidei, et confessionis Ecclesiasticae, ac norma ejusdem. Quis autem nescit, aliud esse normam, aliud normatum” (“The ecclesiastical confession of the faith is one thing, but the word of God itself is

The hermeneutical center of the confessions is nothing other than Article IV of the Augsburg Confession. Piepkorn specifically references the faith that Christ suffered for us (in Latin, *qui sua morte pro nostris peccatis satisfecit*). He is giving no room for a vapid pseudo-gospel of good feeling but is tying justification to the satisfaction of Christ. Although this is obvious, it should not be overlooked.

The confessions deal with and disclose things that are spiritual and therefore not susceptible to arguments that arise from naked reason. Such a rubric touches the very center of our faith: justification, the incarnation, the real presence, baptismal regeneration, etc. We must ever remain on guard against the *non capax*.<sup>58</sup>

The confessions make an ecumenical, catholic claim. Melancthon contended that the medieval accretions that were injected into the faith and practice of the medieval church were novelties and could not be sustained by the teaching of the Bible.<sup>59</sup> In the Apology of the Augsburg Confession, he argued, “Nor should we be regarded as teaching anything new in this matter, since the Church Fathers have so clearly handed down the doctrine that even in good works we need mercy.”<sup>60</sup>

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another, because the word of God is the principle of faith and of ecclesiastical confession, and the norm of the same. But who does not know that the norm is one thing and what is normed is something else?”), my translation. Abraham Calov, *Syncretismus Calixtinus a modernis Ecclesiae turbatoribus* D. Georgio Calixto (Wittebergae: Wendt, 1653), 318, <http://www.gbv.de/vd/vd17/75:643274H>.

<sup>58</sup> Robert Preus said that Karl Barth “holds that any human formulation of doctrine (as a creed or confession must be) is only a quest, an approximation, and therefore relative.” Robert Preus, “Confessional Subscription,” in Kiehl and Werning, eds., *Evangelical Directions for the Lutheran Church*, 43.

<sup>59</sup> Here we see several things that are essential to the hermeneutics of the confessions. First, Melancthon rejects the charge of novelty by a reference to the church fathers. This is the consistent approach of the Lutheran Confessions. The confessors wanted to make clear that they were not guilty of bringing some new or unheard-of doctrine into the church. Calov says, “Neither the Augsburg Confession nor the Apology tries to sell the writing of the Fathers as the norm and principle of faith, nor of the interpretation of Scripture, even though they refer to them to dissipate the suspicion of novelty. They contrast them to the innovations of the scholastics. The same judgment may be made about the Smalcald Articles” (Calov, *Syncretismus Calixtinus*, 324–325, my translation). Second, notice also that Melancthon was not loath to draw into the discussion about justification how the doctrine of good works related to the chief article. Right from the beginning of the Lutheran theological enterprise, there was a strong tendency to be systematic, that is, to ask how the articles of the faith are tied together into the *corpus doctrinae* (“body of doctrine”). This systematic tendency, however, was not born of stiff scholasticism, which Melancthon excoriates as lazy in part because it is truly ivory-tower stuff cut off from the practical concerns of the faithful and their trials of conscience. Melancthon is concerned for the very practical questions that arise from pastoral practice. While careful distinctions are demanded of high-quality theological thinking, there is also a responsibility placed on the church and her theologians to consider how the body of doctrine interrelates in the very practical questions that arise out of living the faith in the world. Every pastor has had questions from both the inquirer and the faithful that seem to be off the subject being treated in Bible class or adult catechesis, but those concerns arise from practical considerations brought on by troubled consciences. The interplay of the theological subjects can be challenging and also rewarding as the connections between articles are made and the understanding of the theological whole is inculcated.

<sup>60</sup> Ap IV (III) 204 (*Triglot*, 211; newer enumeration Ap IV 325).

Of course, Piepkorn brings up the disputes about the authoritative text of the Book of Concord (Concordia).<sup>61</sup> This question of the texts of the confessions is *theologically* irrelevant. These questions are certainly of interest to professional church historians and, in that context, are important. However, none of the *invariata* editions of the confessions differ theologically from one another. In a theological context, these discussions about the various texts of the Concordia are nit-picking.

Piepkorn discloses what he calls “hermeneutical principles and problems.” He warns us that we may not “posit a priori altogether identical points of view, exegetical principles, systematic theologies, or philosophical presuppositions”<sup>62</sup> from the Lutheran Confessions.<sup>63</sup> Who would claim that we are bound to reproduce and confess the philosophical presuppositions of the confessors? Certainly, everything must be understood within its own intellectual context. But this should never keep us from understanding and reproducing the doctrinal content of the Lutheran Confessions. One should not reject out of hand the content of the confessions because they are offered from the context of a presumably Aristotelian methodology.<sup>64</sup> In my opinion, the mounding up of limiting factors begins to whittle away the authority of these confessional texts.

Since Piepkorn’s *Concordia Theological Monthly* article was a discussion piece for the faculty retreat, it would be interesting to see the minutes of that retreat. What discussion might have been sparked by it? Although similar factors limiting confessional subscription were offered by Walther in the nineteenth century, I believe conclusions different from Walther’s well-known respect for the content of the Lutheran Confessions were the result. Once you have listed twenty-something limiting factors on confessional subscription in the reductionistic days prior to the walkout, you are not left with much. One looks in vain for what the confessions actually believe, teach, and confess among the statement “Confessional subscription is not this, not this, not this, and not this.” Most of these issues should be rated as theologically irrelevant to the actual use of the Lutheran Confessions and subscription to them.

Piepkorn was setting up a framework in which his colleagues could question the quality of the text of the confessions. They were working from down in Lessing’s ditch, in which any statement of history is immediately subject to the judgment that

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<sup>61</sup> Piepkorn, “Suggested Principles,” 8–14.

<sup>62</sup> Piepkorn, “Suggested Principles,” 14.

<sup>63</sup> For specific cases, see Arthur C. Piepkorn, “Do the Lutheran Symbolical Books Speak Where the Sacred Scriptures Are Silent?,” *Concordia Theological Monthly* 43, no. 1 (January 1972): 29–35.

<sup>64</sup> “Some assume that the dogmatic systems of the period of Lutheran orthodoxy are normative for theology today. . . . Common to all is the presupposition that there is only one correct way to formulate the gospel.” John Tietjen, “The Gospel and the Theological Task,” *Concordia Theological Monthly* 40, no. 6–7 (June–August 1969): 435–436. This is a strange contention given the fact that these same orthodox theologians expressed the gospel in ways often very different from each other, and yet they sought to be confessional and are mostly able to be demonstrated to be so.

it is completely uncertain.<sup>65</sup> Gotthold Ephraim Lessing (1729–1781) had liberated Christians “from the tyranny of the letter [of Scripture].”<sup>66</sup> Since the confessions were historical artifacts, they could not deliver certain knowledge.<sup>67</sup> (The same judgment would also apply to Scripture itself!) Any historical data, being only probable, could not deliver certain knowledge. Under this onslaught, the Lutheran Confessions fade into insignificance. The argument was that since they are not able to be infallibly known, they could have no ultimate authority for theology or practice in the church. Demanding a perfect understanding of the Lutheran Confessions means that any point that is found to be questionable in the text, the interpretations, or the historical judgments in them immediately call into question the whole content of the Symbols.<sup>68</sup> Martin Noland helpfully indicated the way out of Lessing’s ditch. He pointed out that the majority of epistemological philosophers today reject Lessing’s ditch as an adequate presupposition to history.<sup>69</sup> They posit that many things can be held to be reasonable without infallibly certain knowledge.<sup>70</sup> Descartes’ philosophy, in which cognition is everything, clashed with the First Commandment. Ironically, those still in Lessing’s ditch will ditch the confessions because the confessions cannot be known by infallible Cartesian certainty.<sup>71</sup> It is a disastrous “all or nothing” approach to working with the Lutheran Confessions. Piepkorn’s colleagues approached the confessions with that wrong set of presuppositions. All the talk of the

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<sup>65</sup> Martin R. Noland, “Walther and the Revival of Confessional Lutheranism,” *Concordia Theological Quarterly* 75, nos. 3–4 (July/October 2011): 203.

<sup>66</sup> Heinrich Heine, “On the History of Religion and Philosophy in Germany,” in *On the History of Religion and Philosophy in Germany and Other Writings*, 2nd ed., ed. Terry Pinkard, Cambridge Texts in the History of Philosophy (Cambridge: Cambridge Univ. Press, 2007), 65.

<sup>67</sup> Marquart pointed out, “One looks in vain for any attempt on their part (in *Studies in Lutheran Hermeneutics*) to justify the historical-critical approach to Scripture, for instance, by means of explicit argumentation from the Lutheran Confessions. Harold H. Ditmanson seems to have noticed this oddity and attributes the infrequency of confessional references in the ALC and LCA essays as distinct from their LCMS counterparts, to ‘a difference in attitude toward the Confessions’” (Kurt Marquart, “The Contemporary Significance of the Formula of Concord,” in *No Other Gospel*, ed. Arnold J. Koelpin [Milwaukee: Northwestern Publishing House, 1980], 28). Just so. However, this had to be papered over by certain politically necessary evasions, such as the historicist take on the content of the Lutheran Confessions. In the late twentieth century, one could not claim the name Lutheran and also clearly reject the Lutheran Confessions; C. F. W. Walther and the reactionary old Missouri Synod had seen to that!

<sup>68</sup> “The certainty of faith does not rest on the insecurity of historical research.” Krentz, “Historical Criticism,” 134.

<sup>69</sup> See Baron Reed, “Certainty,” in *The Stanford Encyclopedia of Philosophy*, Spring 2022, ed. Edward N. Zalta (Metaphysics Research Lab, Stanford University, 2022), <https://plato.stanford.edu/archives/spr2022/entries/certainty/>.

<sup>70</sup> See John Henry Newman, *An Essay in Aid of a Grammar of Assent*, ed. I. T. Ker (Oxford: Oxford Univ. Press, 1985), and for some intriguing applications of arguments from probability, see Stephen C. Meyer, *Return of the God Hypothesis: Three Scientific Discoveries That Reveal the Mind Behind the Universe* (New York: HarperOne, 2020).

<sup>71</sup> See Horace Hummel, “Response to John Reumann’s ‘The Augsburg Confession in the Light of Biblical Interpretation,’” *Concordia Journal* 9, no. 5 (September 1983): 174.

historically conditioned nature of the Lutheran Confessions was delivered from the echo chamber of Lessing's ditch. In any case, there is no point in confessional subscription, no matter how you define it, when it is presumed that truth is not a category of thought that can be delivered to humans by God or that humans could deliver such truth to one another in historically conditioned artifacts.<sup>72</sup> Piepkorn concluded this discussion piece by saying that Walther "knew, used, revered, and was determined to follow the Symbols."<sup>73</sup> Would to God that had been the case for Missouri in the fifteen years that followed the publication of Piepkorn's paper! Instead, there was a headlong career to ignore and belittle the Lutheran Symbols. Confessional subscription was a mere byword.

### V. John Tietjen and Constitutional Formalism

John H. Tietjen (1928–2004) was elected to be president of Concordia Seminary, St. Louis, in 1969. He had already had an extensive career as a church bureaucrat working with the Lutheran Council in the United States of America (LCUSA) and its predecessor, the National Lutheran Council. Tietjen knew very well that the nature of confessional subscription would have a significant impact on the ongoing fellowship discussions within American Lutheranism at the time.<sup>74</sup> He reported:

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<sup>72</sup> The attitude that historical documents cannot communicate timeless truth was so significant that scholars like Warren Quanbeck could blithely reject the church's doctrine of the Trinity and classic Christology, in which the two natures in Christ and the communication of attributes are the standard and historically accepted christological descriptions. For Quanbeck, the classic doctrine of the Trinity and of the person of Christ is the illegitimate child of "the prophetic-apostolic tradition" on the one hand and on the other the "hellenistic philosophical tradition," in which the father is the latter. Warren A. Quanbeck, "The Formula of Concord and Authority in the Church," *Sixteenth Century Journal* 8, no. 4 (1977): 48–60. Thus, one has only the vagaries of a development of doctrine in which everything is subject to development or redevelopment. Let us remember that the goal of 1970s progressive Lutherans was to have all normed by "whatever preached Christ." But then the question must be asked, "which Christ?" or even "which God?" Finally, modernism was not even susceptible to the argument of *reductio ad absurdum* ("reduction to the absurd"). The question could not even be asked how such results in actual teaching could be derived from a legitimate method of interpreting the Scriptures. Both the confession and its source could be dismissed as "historically conditioned" resources subject to our constant criticism and revision, both equally human. At least theologians like Quanbeck were able to be clear about their rejection of the divine truth. Bohlmann was less certainly uncertain when said, "Another question, basic to all we are discussing, is the whole matter of development of doctrine. The doctrine of the Trinity is a good example. To what extent is this a development of the scriptural data or a 'given'?" Ralph A. Bohlmann, "Is Writing Confessions Possible Only Where Scripture Speaks?," in *The Confession-Making Process*, ed. James L. Schaaf and Fred W. Meuser, Lutheran Council in the U.S.A. Division of Theological Studies 10 (n.p.: 1975), 25. In any case, there is no point in confessional subscription, no matter how you define it, when it is presumed that truth cannot be delivered to humans by God or that humans could deliver such truth to one another.

<sup>73</sup> Arthur Carl Piepkorn, "Walther and the Lutheran Symbols," *Concordia Theological Monthly* 32, no. 10 (October 1961): 606–620, here at 620.

<sup>74</sup> John H. Tietjen, *Which Way to Lutheran Unity?* (St. Louis: Concordia Publishing House, 1966), 142.

When the Missouri Synod alternately decided to participate in the proposed agency (LCUSA), it in effect agreed with its representatives that the “consensus on the doctrine of the gospel and the meaning of confessional subscription” was “sufficient” to justify such an organizational relationship. The principle which has made it possible for the Missouri Synod to enter the cooperative agency could have far-reaching consequences for Missouri’s relations not only with Lutheran groups but with other denominations.<sup>75</sup>

His wan hope for those far-reaching consequences was foiled by his own faculty’s overreach in 1974.

But by then the Missouri Synod began to make more reliable statements about the meaning of the confessions and confessional subscription. As Kurt Marquart pointed out in his *Anatomy of an Explosion*, Tietjen and company were interested only in having a confessional paragraph in the constitutions of the various church bodies discussing fellowship. However, they did not take the confessions seriously as a doctrinal standard. This can be shown simply by the fact that Tietjen thought his kind of confessional subscription could lead to fellowship with non-Lutheran denominations. The confessions were certainly given lip service as the well-polished antiques of our heritage, rather than the lively doctrinal center of the Lutheran church. In opposition to this, Ralph Bohlmann touted what he called “confessional ecumenism.” He warned that the confessions must be given more than a place in the constitutions of congregations and church bodies.

Confessional ecumenism recognizes the importance of practice as the application of doctrine to life. Proper formulations on the meaning of the gospel on the basis of the Scriptures, necessary as such formulations are, are no substitute for actually preaching, teaching, and living the gospel and using the sacraments. Practice is a fair indication of fidelity to the gospel. . . . We need to remember that the Augsburg Confession (VII) is talking about a gospel that is actually taught and proclaimed and about sacraments that are actually administered. . . . There can be no ecumenical retreat to the safety of written formulations at the expense of what is actually happening in the churches and parishes as well as its seminaries, colleges, publishing houses, boards and commissions.<sup>76</sup>

Formalism had no place in Bohlmann’s “confessional ecumenism.” The Lutheran Confessions require those who subscribe to teach, preach, and practice in accordance with their content. This should be self evident. Of course, it did not seem so to some.

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<sup>75</sup> Tietjen, *Which Way*, 144.

<sup>76</sup> Bohlmann, “Confessional Ecumenism,” 87. Sasse expressed the same standard.

In a 1969 Concordia Theological Monthly article titled “The Gospel and the Theological Task,” Tietjen, while he was still with the LCUSA, upped the game of attempting to kill the effective use of the confessions by a thousand tiny cuts. At the time, people were aware that the actual doctrine being taught in the Missouri Synod had changed. Some applauded this change, while others deplored it. Tietjen admitted that there had been change. “If ‘theology’ and ‘doctrine’ mean the Missouri Synod’s confessional position as stated in its constitution, of course there has been no change.”<sup>77</sup> Notice here the formalism that says the confessions are safely locked away in our constitution. However, their impact on the teaching of the church was something entirely different. Tietjen rightly pointed out that there are various “ways of expressing or formulating the gospel,”<sup>78</sup> but this did not yet deal with the question of what the boundary to those expressions might be. We might use the language of *modus* or *τρόπος* (“way”) to refer to the various ways in which the same teaching might be expressed.<sup>79</sup> However, this does not yet answer the question of whether that “way” is correct or sufficient. Do these ways of expressing the gospel properly deliver the norm’s content, or do they falsify the content of the norm by leaving out some element essential to its full and complete expression? These ways must conform to the content delivered by our confessions; that is, in fact, what we mean by saying that we have a confessional theology.

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<sup>77</sup> John H. Tietjen, “The Gospel and the Theological Task,” *Concordia Theological Monthly* 40, no. 6–7 (June–August 1969): 434.

<sup>78</sup> Tietjen, “The Gospel and the Theological Task,” 434.

<sup>79</sup> “So little is the unity in the form and method of doctrine the goal of our endeavors that we rather heartily rejoice in the multiplicity of spiritual gifts, which in this respect are given free play for their development.” Carl S. Meyer, “Walther’s Letter from Zurich: A Defense of Missouri’s Unity and Confessionalism,” *Concordia Theological Monthly* 32, no. 10 (October 1961): 653. Mode and method may differ, but for Walther, as for all confessional Lutherans, the issue is whether the content of our theology faithfully reflects the content of the Scriptures and our confessions. This is made clear in the confessions by the way Melancthon refers to the ecumenical creeds. He often assumed a deeper theological meaning in what appear to be simple theological statements. For example, Apology III says, “The Third Article the adversaries approve, in which we confess that there are *in Christ two natures*, namely, a human nature, assumed by the Word into the unity of His person, and that the same Christ suffered and died to reconcile the Father to us; and that He was raised again to reign, and to justify and sanctify believers, etc., according to the Apostles’ Creed and the Nicene Creed” (*Triglot*, 119). While the Nicene Creed makes reference to “our salvation,” this hardly refers directly to reconciliation with the Father or justification narrowly conceived. Does Melancthon consider them all to be implied there? Absolutely. Interestingly, the Confutation’s response to Article III reads, “In the third article there is nothing to offend, since the entire Confession agrees with the Apostles’ Creed and the right rule of faith.” Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000), 120n46 (hereafter cited as K-W). Melancthon offers no objection to the Confutation’s reference to the “right rule of faith,” which might well be a way of describing the content of the Nicene Symbol as it relates to the whole body of doctrine. Melancthon uses the term *regula* (“rule”) this way elsewhere in the Apology, e.g., IV (III) 156 (*Triglot*, 199; newer enumeration, IV 277).

Tietjen, too, was trapped in Lessing's ditch. He argued that the doctrine in the ecumenical creeds could not be understood apart from the creeds' "theology," by which Tietjen appeared to mean the various time-bound presuppositions that gave rise to these texts. He says, "[The creeds] are expressions of specific theologies. They are the products of particular theological systems, formulated in the language and thought forms of a particular age and therefore conditioned by time and subject to human limitations . . . and so for all creeds. Therefore their formulation of the gospel is not absolutely final. Articulating the gospel is an ongoing theological task."<sup>80</sup> There certainly are different ways of formulating the gospel. However, the theological task is to formulate that expression so that it comports with the content and the shape of the confessions.

Historical conditioning looms large here.<sup>81</sup> Tietjen asks the question whether sixteenth-century means for proclaiming the gospel would be effective in his day.<sup>82</sup> He fails to give any examples of this. However, he leans heavily on "situationalism."<sup>83</sup> Every situation is different, and radically unique situations are what raise the questions for which the expression of the gospel must give the answers. What Tietjen misses is that the bad news of the situation into which the gospel must be proclaimed must itself face a normed question. In other words, what is the law question that God himself is delivering into the situation?<sup>84</sup> Is it not true that we may well misperceive our own situation because we are so deeply affected by being turned in upon ourselves because of our fallen nature? The result is that we need an external and objective expression of the law to force us to perceive our situation correctly and bring us to repentance in the presence of God. Indeed, Tietjen's expression of the situation he thought was relevant were external threats, such as "The Bomb" (nuclear warfare), hunger, poverty, and technology. What is missing here is human depravity, which Jesus was addressing when he began his ministry, proclaiming, "repent and believe in the gospel" (Mark 1:15). The confessions are much more

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<sup>80</sup> Tietjen, "The Gospel," 438.

<sup>81</sup> Murray, "Confessional Loyalty," 35.

<sup>82</sup> Tietjen, "The Gospel," 438.

<sup>83</sup> See Joseph F. Fletcher, *Situation Ethics: The New Morality* (Philadelphia: Westminster Press, 1966).

<sup>84</sup> Richard Caemmerer, "The Melanchthonian Blight," *Concordia Theological Monthly* 18, no. 5 (May 1947): 321–338. For Caemmerer the law could never define the problem to be resolved by the gospel, because it would turn the gospel into a handmaiden of the law, rather than vice versa. See Murray, *Law, Life, and the Living God*, 48–49 passim. As Lutherans look at the price of salvation, we ask what could possibly suffice to redeem us from a fall so deep and decisive. Melancthon's argument that works righteousness takes glory from Christ can be turned on its head, so that human depravity also measures the depth of God's love as it works itself out in the death of Christ for the sins of our broken and depraved generation. God has reached into the depth of our depravity by the incarnation of his Son. In this sense, the law's verdict against humanity begins to shape the contours of the gospel's salvation. The law does give the outer contours of the gospel, even if never the gospel's content. The law asks the question. The gospel is the answer to *it* (and not to some other question).

interested in the real trials of a soul tortured by a confrontation with the all-holy God,<sup>85</sup> and word games will never suffice. For example, the confessions say:

When, however, will a terrified conscience, especially in those serious, true, and great terrors which are described in the psalms and the prophets, and which those certainly taste who are truly converted, be able to decide whether it fears God for His own sake [out of love it fears God, as its God], or is fleeing from eternal punishments? [These people (the Summists) may not have experienced much of these anxieties, because they juggle words and make distinctions according to their dreams. But in the heart, when the test is applied, the matter turns out quite differently, and the conscience cannot be set at rest with paltry syllables and words.]<sup>86</sup>

Such terrors of conscience do not rise to the level of concern in the circumstances in which Tietjen thought he found himself.

Tietjen denied that the confessions had the authority to “enforce conformity.” Instead, he thought they served church unity. Their purpose was to bring about unity, even without agreement in doctrine. Of course, the text of the confessions described their use differently: “All teachings should conform to these directives, as outlined above. Whatever is contrary to them should be rejected and condemned as opposed to the unanimous explanation of our faith.”<sup>87</sup> The truth must conform to this standard, and what does not conform must be rejected and condemned. Tietjen had failed to take the confessions seriously within their own situation when he ignored the threat of the condemnation of false teaching that is inherent in their text. Theodore Schmauk and Theodore Benze identified the theological content of the confessions as their proper use when they wrote, “The real question is not what do you subscribe, but what do you believe and publicly teach, and what are you transmitting to those who come after?”<sup>88</sup> All quibbling about the difference between theology and doctrine becomes irrelevant in the face of this question. Subscription to the confessions may not become merely formal. This is precisely what had happened as the confessions were affirmed as part of the constitutional baggage of the American Lutheran churches while the actual appropriation of the faith and pattern of the Lutheran Confessions was shoved into the background. In some cases, “subscription” was reduced to merely “identifying with” the historic confessions of the Lutheran church.<sup>89</sup> LCMS President J. A. O. Preus reported that at Concordia

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<sup>85</sup> Melancthon’s judgment about the opponents also applies here: “no mention is made of faith apprehending the absolution and consoling the conscience.” Ap XII (V) 12 (*Triglot*, 257).

<sup>86</sup> Ap XII (V) 9 (*Triglot*, 255).

<sup>87</sup> FC Ep R&N 6 (K-W, 487).

<sup>88</sup> Theodore E. Schmauk and C. Theodore Benze, *The Confessional Principle and the Confessions of the Lutheran Church* (Philadelphia: General Council Publication Board, 1911), 890.

<sup>89</sup> Introduction to *A Call to Openness and Trust* (St. Louis: Lutherans for Openness and Trust, 1970). See Scott R. Murray, “Confessional Subscription,” in *Rediscovering the Issues Surrounding*

Seminary, “[a]ll professors claim allegiance to the Lutheran Confessions. However, this subscription is limited and circumscribed so that in practice it is something less than full subscription.”<sup>90</sup> This was something of an understatement. It is no wonder Marquart called this use of the confessions the “rabbit’s foot.”<sup>91</sup>

Sasse had been mainly correct in his criticism of the Missouri Synod in 1951. The synod’s formalistic use of the confessions opened the synod to disastrous outcomes when the confessions needed to function as a living confession that still made an impact on the church’s teaching and practice. The conflagration of 1974 was the outcome of this weakness. However, it was not the end of the battle to treat the Lutheran Confessions as they were intended to be used, rather than dismissing them to the oblivion of Lessing’s ditch.

## VI. Joyous Subscription in the Confessional Renaissance

In 1974, the year of the walkout from Concordia Seminary, St. Louis, Robert Preus was elected the thirteenth president of Concordia Theological Seminary when it was in Springfield, Illinois (it is now located in Fort Wayne, Indiana). Preus was numbered with the “faculty minority,” which refused to walk out from Concordia Seminary. Preus was a proponent of the Lutheran Confessions’ continued use as a functioning doctrinal standard for the church. I remember with great vividness Preus’ entertaining and substantial lectures when I was a student at Concordia Theological Seminary, Fort Wayne, and his constant encouragement to his students to read the Lutheran Confessions as a devotional text. Preus, along with David Scaer, Kurt Marquart, Harry Huth, and others, labored constantly to defend the Lutheran Confessions and their proper use. Concordia Theological Seminary became the epicenter for the study, doctrinal application, and appreciation of the Lutheran Confessions in North America, if not the world. Scaer, together with Preus, founded the Symposium on the Lutheran Confessions in 1977, for which I was a college-aged registrant. It is hard to conceive that we are approaching the fiftieth anniversary of that event in 2027. Preus, Scaer, Marquart, and others delivered memorable papers over the years, many of which were printed in the pages of *Concordia Theological Quarterly* and were thoroughly confessional in their contents. In 1991, Preus became the founding president of Luther Academy, which provided leadership in confessional Lutheran studies in the pages of *LOGIA*, conferences in North America and abroad, and other confessionally significant endeavors.<sup>92</sup> The most important

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the 1974 *Concordia Seminary Walkout*, ed. Ken Schurb (St. Louis: Concordia Publishing House, 2023), 93.

<sup>90</sup> “Report of the Synodical President,” in Paul A. Zimmerman, *A Seminary in Crisis: The Inside Story of the Preus Fact Finding Committee* (St. Louis: Concordia Publishing House, 2007), 230.

<sup>91</sup> Marquart, *Anatomy*, 66.

<sup>92</sup> Martin R. Noland, “A History of the Luther Academy,” in *Propter Christum: Christ at the Center*, ed. Scott R. Murray et al. (Fort Wayne: Luther Academy, 2013), 1–20.

product of the academy, in my opinion, is the ongoing production of the Confessional Lutheran Dogmatics series, now under the able editorship of Gifford Grobien. These developments are all indicative of a confessional renaissance.

In 1989, Preus reported in the general introduction to the *Christology* volume of Confessional Lutheran Dogmatics, “For some time now those of us in the Lutheran Church who have interested ourselves in the Lutheran Confessions and actually taught them and done research in these great symbolic writings have recognized the need for a dogmatics book based upon the outline and thought patterns of the Lutheran Confessions.”<sup>93</sup> There was a genuine desire for a dogmatics series that took seriously the Lutheran Confessions as the *forma doctrinae* of the Lutheran church.<sup>94</sup> From Preus’ accession to the presidency in 1974 until the present, Concordia Theological Seminary has been known as a supporter of these goals, despite a temporary retreat from these principles in the early 1990s.<sup>95</sup>

Preus (d. 1995), Huth (d. 1979), Marquart (d. 2006), Scaer, and others responded to the assassination of the Lutheran Confessions with a thousand tiny cuts by insisting on subscription to the confessions without ifs and buts. Huth wrote:

Confessional subscription, signifying, as it was intended to, that the subscribers with complete unanimity and without reservation endorse the total theological content of the symbols—signifying, as it was intended to that the subscribers were unwilling to recognize the validity of the theological positions that differed from theirs—clearly precludes theological pluralism as a viable alternative to full agreement on all the articles of faith.<sup>96</sup>

For Huth, who was the consummate master of the text of the confessions, confessional subscription could never be conceived as a way of reaching fellowship with churches that rejected the doctrinal content of the Lutheran Confessions. Huth based this judgment on “what the symbols themselves say about the implications of confessional subscription.”<sup>97</sup>

Preus responded to the declining significance of the confessions in the Missouri Synod in his paper from the Lutheran Congress of 1970. He was motivated by what he had experienced as a professor of dogmatics at Concordia Seminary in the 1960s, so this was no mere academic exercise for Preus. He pointed out that squabbles about what he called “picayunish” discussions such as whether the confessions endorsed the perpetual virginity of Mary “represents only a subterfuge that serves to

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<sup>93</sup> Preus, general introduction to Scaer, *Christology*, viii.

<sup>94</sup> Preus, general introduction to Scaer, *Christology*, ix–x.

<sup>95</sup> William C. Weinrich, “Concordia Theological Seminary 1985–2010: A Story of Decline and Renewal,” *Concordia Theological Quarterly* 85, nos. 3–4 (July/October 2021): 279–296.

<sup>96</sup> Harry A. Huth, “Confessional Subscription and Theological Pluralism,” *The Springfielder* 39, no. 4 (October 1975): 201.

<sup>97</sup> Huth, “Confessional Subscription,” 202.

hide deeper misgivings concerning the theology of the confessions.”<sup>98</sup> We have already seen plenty of this kind of quibbling above. The question for Preus was not, for example, whether the church fathers were correctly identified by the authors of the confessions,<sup>99</sup> whether they offered a proper exegesis of the biblical texts, whether we have the correct text in the quarto or the octavo editions, whether magnets lose their attractive power under the influence of garlic, etc., but “the issue is with the very nature of confessionalism, with the spirit of confessional subscription, with the very possibility of subscription at all.”<sup>100</sup> Preus was most interested in the confessor’s attitude to the doctrinal content of the confessions. Preus, like Piepkorn, repeated much of what was in Walther’s 1858 convention essay. He reviewed the old debates about *quia* and *quatenus* subscription<sup>101</sup> and then the contemporary objections to, or reductions of, confessional subscription. These objections were 1) to relativize the confessions historically, 2) to relativize them reductionistically, as only a witness to the gospel, 3) to ignore the issue of subscription altogether, and 4) to bombastically reject subscription.<sup>102</sup>

However, Preus was at pains to state positively what subscription was and what it entailed. When Preus described confessional subscription, he described something that was intensely personal. It was obvious that he himself took subscription seriously. For him it was a confession for which he would die rather than defect from. This was obviously his conviction about it from the time of his confirmation in the Lutheran faith on the basis of the Small Catechism.<sup>103</sup> Confessional subscription could only be wholehearted.<sup>104</sup> Confessional subscription was also a churchly act. The confessions could never be “mine” as opposed to “yours.” We are obligated to confess because it is the faith of our church, of the biblical faith, which is the bulwark of the church catholic.<sup>105</sup>

Subscription must be made in the same sense in which the confessions themselves intended. Preus quoted a number of passages from the confessions to illustrate the seriousness of the act of pledging ourselves to their content. The most

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<sup>98</sup> Preus, “Confessional Subscription,” 43.

<sup>99</sup> See Donald Veitengruber, Karl Wyneken, and Arthur Carl Piepkorn, “Two New Identifications of Patristic References in the Book of Concord,” *Concordia Theological Monthly* 35, no. 3 (March 1964): 158–160. This kind of research is useful and informative; however, it is not germane to the doctrinal content of the Book of Concord.

<sup>100</sup> Preus, “Confessional Subscription,” 44.

<sup>101</sup> For more, see Murray, “Confessional Loyalty,” 25–42.

<sup>102</sup> Preus, “Confessional Subscription,” 44–45.

<sup>103</sup> See The Commission on Worship of The Lutheran Church—Missouri Synod, *Lutheran Service Book: Agenda* (St. Louis: Concordia Publishing House, 2006), 30. When I had Preus as a professor, he showed deep love for the simple confession of the “Little Catechism,” as he called it.

<sup>104</sup> FC SD R&N 4–7.

<sup>105</sup> Preus, “Confessional Subscription,” 45–46. “But now, since they condemn the manifest truth, it is not right for us to desert a cause which is not our own, but is that of Christ and the Church.” Ap XII (V) 90 (*Triglöt*, 279).

moving of these is from the preface to the Book of Concord: “Therefore we also have determined not to depart even a finger’s breadth either from the subjects themselves, or from the phrases which are found in them, but, the Spirit of the Lord aiding us, to persevere constantly, with the greatest harmony, in this godly agreement, and we intend to examine all controversies according to this true norm and declaration of the pure doctrine.”<sup>106</sup> Notice that the confessors promised not to depart from the subjects or the actual phrases used to express those subjects. It can hardly be argued that these subjects would include only some trimmed-down gospel as the only compelling and binding content of the confessions.

For Preus, confessional subscription was obvious. It needed little defense. “There is, however, nothing obscure or confused or even complex about the concept of confessional subscription. This is the reason why the notion is not discussed at length but only touched upon by our confessions themselves.”<sup>107</sup> This naive acceptance of the Lutheran Confessions characterized Preus’ approach to the confessions. Why else would the confessors speak of the church confessing “with complete unanimity”? The pledge of fidelity to the confessions is made wholeheartedly (*toto pectore*).<sup>108</sup> Confessional subscription was churchly. The confessions are the biblical faith of the church universal just because God has spoken to her in these last days by his Son (Heb 1:1–2). The confessions cannot be understood to be a narrowly denominational construal of Christian doctrine. They are not Luther’s or Melancthon’s, but the church’s. That means we collectively stand under the confessions. This is the public confession of every ordinand on the day of his ordination. Preus thought that those who subscribe to the Lutheran Confessions “must subscribe to them in the spirit and sense in which they were originally intended.”<sup>109</sup> Here is the rub. Every inadequate approach to subscription steps away from the intended meaning of the confessions. Their self-understanding may not be ignored. This is borne out by confessional statements such as the following:

[W]hat has thus far been said concerning the summary of our Christian doctrine is intended to mean only this, that we should have a unanimously accepted, definite, common form of doctrine, which all our evangelical churches together and in common confess, from and according to which, because it has been derived from God’s Word, all other writings should be judged and adjusted as to how far they are to be approved and accepted.<sup>110</sup>

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<sup>106</sup> *Triglot*, 23. This is much more arresting than the insipid text in K-W. The *Triglot* is translating the Latin. Preus, “Confessional Subscription,” 47.

<sup>107</sup> Preus, “Confessional Subscription,” 46.

<sup>108</sup> FC SD Introduction 4 (*Triglot*, 846); FC SD R&N 3, 7 (*Triglot*, 850, 852); FC SD II 15 (*Triglot*, 886); and FC SD XI 96 (*Triglot*, 1094).

<sup>109</sup> Preus, “Confessional Subscription,” 46.

<sup>110</sup> FC SD R&N 10 (*Triglot*, 855).

The church has joy in making this wholehearted, unconditional confession because it is a witness to the word of God.

## VII. Confessional Exegesis

While this viewpoint, shared by Walther, is true of the doctrinal content of the Lutheran Confessions, yet we are also bound by the exegesis of the confessions according to Preus.<sup>111</sup> The problem here is twofold. 1) What do we mean by exegesis? And 2) with what spirit do we approach the biblical interpretation of the Lutheran Confessions?

What do we mean by exegesis? Let me offer this example. In the Apology, Melancthon used Matthew 11:28 to illustrate the Christian life of repentance and dependence on the gospel. He drew conclusions from the text for the point being made. However, Melancthon could not be construed as offering an exegesis of the passage, especially in the narrow modern understanding of exegesis.

[S]ince the Confutation condemns us for assigning these two parts to repentance, we must show that Scripture makes them the chief parts in repentance or the conversion of the ungodly. For Christ says in Matthew 11[:28], “Come to me, all you that are weary and are carrying heavy burdens, and I will give you rest.” There are two parts here: being weary and carrying heavy burdens refer to contrition, anxieties, and the terrors of sin and death; to come to Christ is to believe that on account of Christ sins are forgiven. When we believe, our hearts are made alive by the Holy Spirit through the Word of Christ. Therefore, these are the two chief parts: contrition and faith.<sup>112</sup>

Jeffrey Gibbs’ superb commentaries on Matthew’s Gospel emphasize different aspects of this passage (Matt 11:28), focusing on what the yoke is and how it could be borne by those who come to Jesus. He does not take the “burden” as the burden of the law’s accusation of the heart, nor “rest” as provided by the promise of the gospel. However, no one reading this commentary would conclude that it contradicts the confessions at this point.<sup>113</sup> We would say that Melancthon’s use of this text is not narrowly exegetical but rather more argumentative. So it is true that we are not bound by the “exegesis” of the confessions, if we mean that we should not consider every application of a biblical text to be an exegesis of that text. And only those bent on discrediting the validity of the Lutheran Confessions would complain about the confessions’ exegetical incompetence.<sup>114</sup> Ironically, it is the imposition of

<sup>111</sup> Preus, “Confessional Subscription,” 47–48.

<sup>112</sup> Ap XII (V) 44–45 (K-W, 193, and *Triglot*, 262).

<sup>113</sup> Jeffrey A. Gibbs, *Matthew 11:2–20:34*, Concordia Commentary (St. Louis: Concordia Publishing House, 2010), 590–591.

<sup>114</sup> See, for example, A. L. Graebner, “Variant Interpretations,” *Theological Quarterly* 6, no. 2 (April 1902): 113 passim.

the modern and discrete category of exegesis, which would not have been known in that sense in the sixteenth century. A properly historical approach to the confessions was ignored when that approach would have vindicated the value of the confessions.

Preus pointed out that we would not be free to reject the confessions' exegesis of the texts that teach the real presence in the Lord's Supper. For to reject the exegesis is tantamount to denying the real presence.<sup>115</sup> While the confessions always start with a specific construal of the texts they use, there may be other valid applications to the doctrinal points at issue. However, application is not yet exegesis. Exegesis is an unpacking of the original meaning of a text, a meaning intended by the original author for the original audience. The theological use or application of a text has the original sense in mind. In the confessions, a text may be applied to a point of doctrine. As long as it does not violate the analogy of the faith, it is a valid use of a text. Biblical texts may be used by the confessions in pastoral, homiletical, and polemical contexts. The use of a text to make a specific point does not rise to the level of exegesis as defined above. Of course, the confessions always sought to see Christ in the entire biblical text, and therefore, the application of the text of the Bible was always under the articles of justification and Christology.

For the confessors, the gospel was not only a limiting factor in theology but also a wide-angle lens through which all the articles of faith are seen to be related to the person and work of Christ. For example, even the most cursory study of the Large Catechism will bear this out. Every article preaches Christ. The gospel is not the factor that places all other articles under critical scrutiny. It does not answer the question "Which articles can I reject because they do not preach Christ?" Instead, it answers the question "How does the preaching of Christ enable us to understand these articles and apply them properly to troubled consciences?" The gospel does not reduce the doctrinal content of the confessions to something lesser but enriches it as all the articles of faith are connected to the center of our faith, like spokes connected to a hub.<sup>116</sup> The gospel is not a mere limiting factor but an enriching one. Let us say that the confessions are for not gospel reductionism but gospel expansionism.<sup>117</sup> Gospel expansionism is very much in keeping with a joyous subscription to and use of the Lutheran Confessions.

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<sup>115</sup> Preus, "Confessional Subscription," 48. Also, "Since the Confessions want to be understood as biblical expositions, we reject the notion that we are not bound by our confessional subscription to the exposition of Scripture contained in the Confessions or to the doctrinal content which the Confessions derive from individual Bible passages." The Lutheran Church—Missouri Synod, *A Statement of Scriptural and Confessional Principles* (St. Louis: The Lutheran Church—Missouri Synod, 1973), 8.

<sup>116</sup> Justification and absolution are related. So there are gospel entanglements across both doctrine and practice. "This entire doctrine concerning these questions which we have reviewed, is, in the writings of the adversaries, full of errors and hypocrisy, and obscures the benefit of Christ, the power of the keys, and the righteousness of faith." Ap XII (V) 10 (*Triglot*, 255).

<sup>117</sup> See Marquart, *Anatomy*, 16–20.

Preus did not take on the issue of confessional exegesis in this way because he was constrained by the needs of the polemical situation in 1970. However, he went on to consider the issue of the spirit of confessional subscription. The person of Christ and the article of justification are inseparable in the confessions. They order the whole, just as is evident in the organization of the Augsburg Confession, Article IV being the pivot for the confession. The student of the confessions will recognize that every article relates to the gospel and was written for the defense of the gospel and the comfort of troubled sinners. Formula of Concord XI was written with this concern in mind. The formulators said that there were no controversies about predestination among the faithful adherents of the Augsburg Confession. However, they thought it was incumbent on them to speak about predestination for the benefit of troubled Christians. One example will suffice:

Such [troubling] thoughts [about predestination] no doubt also arise in godly hearts, even when by God's grace they possess repentance, faith, and good intentions. Especially when they see their own weakness and the examples of those who did not persist in the faith but fell away again, they may think, "If you are not foreknown from eternity to salvation, everything is in vain."

Against such illusions and ideas [about predestination] we must lay the following clear, certain, and unerring foundation. Because "all Scripture is inspired by God," to serve not as a basis for security and impenitence but rather "for reproof, for correction, for improvement" (2 Tim. 3[:16]), and because all that has been written for us in God's Word was written not that it might drive us into despair but rather "that by patience and by the encouragement of Scripture we might have hope" (Rom. 15[:4]).<sup>118</sup>

Not only is this article provided by the formulators to help those whose consciences were troubled and prone to despair, but the formulators also decisively point the reader to the certainty of the divine word, because it is a "clear, certain, and unerring foundation" from which to understand the meaning of predestination. This divine word is salvific, and hence the formulators point the reader back to the pure and clear fountain of Israel. The Bible was to be relied upon because it is the bedrock of certainty.

Finally, for Preus, commitment to the confessions is inextricably bound up with the *sola Scriptura* principle. The degree to which the Lutheran Confessions are merely a historically bound document that begs for us to make it relevant today is the degree to which the Bible comes begging hat in hand for us to make it likewise relevant. Preus quoted Peter Brunner: "All talk of commitment to confession is senseless when the Holy Scriptures have been lost as the concrete judge over all

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<sup>118</sup> FC SD XI 11–12 (K-W, 643). Except for Bible-verse references, bracketed explanations are my own.

proclamation.”<sup>119</sup> This is the same incisive judgment that Sasse delivered against Pfarrer Hoppl in 1938, when he pointed out that Hoppl saw “quite clearly what others do not wish to see, that the *quatenus* over against the Confessions necessarily leads to a *quatenus* over against the Holy Scriptures. . . . It means, finally, the abandonment of all scriptural evidence in dogmatics. And with this it means the end of the Reformation.”<sup>120</sup> Without a binding subscription to these documents, theology simply devolves to self-will.

In conclusion, a wholehearted confessional subscription requires our constant attention to the Lutheran Confessions. Let us use them for our devotions, as a source of preaching and prayer, and as a standard to which we are bound in joyous service to the bride of Christ. Let us love them without nit-picking evasions and modernistic quibbles.

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<sup>119</sup> Peter Brunner, “Commitment to the Lutheran Confession—What Does It Mean Today?,” *The Springfielder* 33, no. 3 (December 1969): 4–5.

<sup>120</sup> Hoppl and Sasse, “*Quatenus* or *Quia*,” 7.