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Vol. XLIII

April



Number 4

ARCHIVES

Of Congregational and Synodical Authority

JOHN CONSTABLE

It is the blessing and the bane of the church in the 20th century that it is both the inheritor and the victim of its own organization. Among people who cry for the "good old days" of simple truths, simple faith, and simple organization there is always the specter of complex reality. Gone are the days, we are told, when a member of The Lutheran Church — Missouri Synod could quote a father of the first, 16th or 19th century to support a proper thesis. Yet all seem to do it to underpin a modern position. Paul, Luther, and Walther are cited in staccato form when it serves one's purpose. On the other side of the coin the same faces appear in diametric contrast. The historical past is used and abused by selectivity of sources.

When one considers the matter of authority within the LCMS, it is no less true that Luther may be quoted in support of a favorite position only to have that view compromised by historical relativity. Walther is judged by some to support a traditional view, while others quote him against it.

What is the solution to this dilemma particularly in relationship to the matter of congregational and synodical authority? Let us face the facts and let them speak for themselves. One of the major difficulties that has faced the LCMS, and probably all Lutherans in the United States, is the inability to express definitively the doctrine of the church. The attendant problems are centered in the relationship between local and synodical structures and the authority each can rightfully exercise.

Germans who came to the United States in the first four decades of the 19th century left Europe for theological reasons, but did not leave behind their concepts of church government. The Saxons of Missouri and other "Old Lutherans" reacted against the strictures of the Prussian Union measures of 1817 and 1830. They wanted to retain faithfulness to the confessions of the church and sought their haven in the Midwest. Theological success seemed secured.

The Saxons opted for the polity of the old world and readily accepted Martin Stephan as their bishop. Church government was secured in an ecclesiastical office. Surely this betrays

a strong tendency towards centralization of power in the hands of the ministry among the future Missourians. They were very ready to approve Martin Stephan's demands for the episcopal form of government.¹

Mundinger also observes that

only persons brought up on German paternalism, surrounded by a Metternich-created, post-Napoleonic world, and blissfully inexperienced in matters of government could have fallen for the pipe dreams promoted by Martin Stephan.²

C. F. W. Walther openly confessed his error in agreeing to the installation of Stephan as bishop:

¹ Carl S. Mundinger, *Government in the Missouri Synod: The Genesis of Decentralized Government in the Missouri Synod* (St. Louis: Concordia, 1947), p. 32.

² *Ibid.*, p. 40.

I allowed myself to be bound by Satan with the bonds of fearing men, trusting in men, and pleasing men. I did not leave the hellish dungeon of sin before God *evicted* me by force through the discovery of the Stephanite abomination.³ (Italics in original)

With Stephan summarily dismissed as bishop by the Saxon clergy, the clergy that were left were distressed and the laymen confused. The laymen had been left out and "by unanimous vote of the clergy, without even a trace of participation on the part of the laymen aside from the conventional 'Ja' vote, Stephan was excommunicated."⁴ The position of the laity was still undetermined, for "if the lay party hoped that the surrender of the episcopacy would mean the immediate introduction of a system of church government in which laymen would participate, they were to be sorely disappointed."⁵

While their church order had said that "the congregation is the highest court in the Church, and the pastor is the servant of the congregation,"⁶ there seemed little inclination on the part of clergymen to put this principle into action.

However, the laymen reacted in a constructive fashion to the dilemma. Dr. Carl

Eduard Marbach and Franz Adolph Marbach asserted their views on the church while the clergy labored over the issue of whether or not they were a church in the Biblical sense and whether the pastors really were truly called pastors.

Dr. Vehse addressed a memorandum to Pastor O. H. Walther on August 5, 1839, in which he endeavored to set forth the Scriptural and confessional doctrine of the ministry . . . he offered this again on September 19, 1839 in "Public Protest Against the False Medieval, Papistic and Sectarian Stephanite System of Ecclesiastical Government."⁷

These laymen gathered their thoughts together in a *Protestationsschrift* opposing clerical control of the church⁸ and affirming instead that "as spiritual priests, laymen have the right to judge all doctrine and to supervise all the activities of the clergy. The final decision in all disputes rests with the congregation."⁹ Munding-er's conclusion is correct:

The principle of decentralized government championed by Vehse and Marbach and adopted by Walther was upheld beyond a doubt in all operations connected with the building of the mother church of the Missouri Synod.¹⁰

Walter A. Baepler assures that Walther agreed with this position:

It was this document, in particular, which gave us a powerful impulse to recognize the remaining corruption more and more, and to endeavor to remove it. Without

³ C. S. Meyer, ed. *Letters of C. F. W. Walther* (Philadelphia: Fortress, 1969), pp. 33 to 34. May 4, 1840, letter to his brother O. H. Walther. Meyer's fn. 14 explains, "The reference is to Stephan's ecclesiology rather than his personal life."

⁴ Munding-er, p. 89.

⁵ *Ibid.*, p. 98.

⁶ Roy A. Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," *Concordia Historical Institute Quarterly*, XXVII (April 1954), 8. Hereafter cited as *CHIQ*.

⁷ Walter A. Baepler, *A Century of Grace* (St. Louis: Concordia, 1947), p. 39.

⁸ Munding-er, p. 97.

⁹ *Ibid.*, p. 99.

¹⁰ *Ibid.*, p. 160.

this document—we might have for a long time pursued our way of error.¹¹

The lay and clerical parties, however, had to face each other before the final resolution of this issue. In the little village of Altenburg in Perry County a debate took place in 1841 between the dissenting groups. In addition to the Theses on the Ministry and Church proposed by Walther and agreed upon at this site, both parties' interests were protected, for

it must not be overlooked that the Missouri Synod, from its weakest beginnings at the Altenburg Debate, stood not only for unqualified acceptance of, and adherence to, the confessions, but . . . it stood for "the protection and the guarding of the rights and duties of pastors and congregations."¹²

After these issues had been resolved to the satisfaction of all concerned,¹³ Walther did not let up in his study of the Word and the Lutheran Confessions concerning the proper understanding of the doctrine of the church.

Walther's role in this controversy shot him to the very zenith of power in the Lutheran Saxon community, for "his prestige rested upon the fact that he emerged from the chaos of two years of controversy with the most lucid presentation of what the majority of the people felt to be a Scriptural solution for their emotional-

doctrinal dilemma and the only plan for a church polity which was workable under the circumstances."¹⁴

The doctrines and confessional positions advocated by Walther were speedily articulated to the American scene through *Der Lutheraner* after 7 Sept. 1844. The articles brought Walther and his views into prominence on the American Lutheran scene and won followers especially among the Loehe emissaries.

The Loehe men, unhappy with the Ohio and Michigan Synods, separated themselves from this fellowship and turned their attention toward St. Louis at the meeting of the *Sendlinge* with Dr. Walther in May 1846 in St. Louis. Wilhelm Sihler, Adam Ernst, and Friedrich Lochner accepted Walther's position as they together developed a constitution for ratification in 1847 at Chicago. Lochner observed, "We . . . were very unclear in points of doctrine, especially regarding the Church and ministry."¹⁵ They accepted Walther's views before the Missouri Synod was formed in 1847.

If these trained theologians had trouble grasping the issue, the members of Walther's congregation had even more difficulty. The troubles over Stephanism were still alive in their recollection, and this shows in their attempt in 1843 to adopt their own congregational constitution.

Past experiences had made the members wary and extremely suspicious in all questions pertaining to forms of church-gov-

¹¹ Baepler, p. 46. See Munding, p. 102.

¹² Rev. D. H. Steffens, "The Doctrine of the Church and Ministry," in *Ebenezer: Reviews of the Work of the Missouri Synod during Three Quarters of a Century*, ed. W. H. T. Dau (St. Louis: Concordia, 1922), pp. 159—60.

¹³ Munding, p. 115, comments: "These theses finally won the day and became the foundation stones for Missouri Synod church polity." "They are the Missouri Synod's polity *in nuce*" (in a nutshell).

¹⁴ Walter O. Forster, *Zion on the Mississippi* (St. Louis: Concordia, 1953), pp. 525 to 526.

¹⁵ H. Ruhland, "Rev. F. Lochner's Report of His First Contacts with the Saxons," *CHIQ*, VII (October 1934), 79.

ernment, lest they be ensnared again by the cunning devices of priestcraft and lose the precious liberties and sacred rights which they had but recently acquired by a long and bitter fight. . . . Every section [of the constitution] was minutely examined in the light of the Word and the confessions of the church before it was adopted.¹⁶

The suspicions of the congregation were so strong in Old Trinity, St. Louis, that the pastor was not permitted to attend portions of the voters' meetings!¹⁷ So jealous of congregational rights were these Saint Louis Saxons that their congregational constitution unqualifiedly affirmed congregational supremacy. "The congregation in its entirety has the highest authority in the administration of the external and internal affairs of the church and the congregation."¹⁸ They were but supporting the position of Walther, for "a close examination of the constitution which under Walther's leadership was worked out and adopted by Trinity . . . will show that it is built up on the principles which Walther presented and successfully defended in that debate [Altenburg]."¹⁹

It was only natural then that Old Trinity would be interested in this issue in 1847 at the organizational meeting of The Evangelical Lutheran Synod of Missouri, Ohio, and Other States.

A number of changes in the constitution were proposed. The most important addi-

¹⁶ Rev. J. A. Friedrich, "Dr. C. F. W. Walther," in *Ebenezer*, pp. 28—29.

¹⁷ Munding, p. 107.

¹⁸ Cited from the minutes in *Moving Frontiers*, ed., C. S. Meyer (St. Louis: Concordia, 1964), p. 168.

¹⁹ Rev. J. A. Friedrich, "Dr. C. F. W. Walther," in *Ebenezer*, p. 27.

tion was submitted by Trinity . . . of Saint Louis, that Synod in its relation to the individual congregation is to be merely an advisory body; resolutions of Synod can have binding force only where the individual congregation has examined them and by formal resolution has voluntarily accepted and ratified them. If a congregation finds a resolution of Synod contrary to the Word of God or inexpedient as far as the condition of the congregation is concerned, it has the right to reject it. This addition was adopted by Synod.²⁰

It took Walther a considerable amount of time to overcome this "stubborn resistance to a synodical union by his own church."²¹ The congregational meetings on this question concluded on 22 Feb. 1847 only a few months before the organizational meeting in Chicago on 26 April 1847.²² In short, the first constitution of the Missouri Synod and, as we shall see, every subsequent revision of it stresses the absolute power of the local congregation. The sainted Dr. Theodore Engelder observes:

The local congregation is not subject to the jurisdiction of any other local congregation or any other ecclesiastical body. . . . Synods and similar organizations cannot exercise judgment by divine right. The church, the local congregation, possessing the keys, has supreme jurisdiction, pos-

²⁰ Baepler, p. 100. See also Carl Mauelshagen, *American Lutheranism Surrenders to Forces of Conservatism* (Athens, Ga.: The University of Georgia, 1936), p. 117; Rev. D. H. Steffens, "The Doctrine of the Church and Ministry," in *Ebenezer*, p. 148; Rev. H. Kowert, "The Organization of the Missouri Synod," *ibid.*, p. 103.

²¹ Mauelshagen, p. 116.

²² Rev. D. H. Steffens in *Ebenezer*, p. 147, argues for 10 congregational meetings at Trinity, St. Louis, while Mauelshagen, p. 116, states that only "eight long sessions" were held.

sesses the plenitude of spiritual, ecclesiastical power.²³

This conception of Synod's ordinary relationship was stoutly defended by Engelder, who wrote:

The polity of the Missouri Synod was something apart from anything then known in America. It was the result of a catastrophic experience in their own midst.

In a certain sense one may call the constitution of the Missouri Synod the result of a seven-year battle for congregational rights.²⁴

WALTHER'S AND LOEHE'S VIEWS

The Loehe men, at the prodding of their European benefactor, were not fully content with the constitutional provisions which gave primary control to the congregations in the new synod. Pastor Adam Ernst of Marysville, Ohio, had some of his problems answered by Walther when the new president wrote that

the synod should not be a court with power and authority to execute laws, but rather a consultative body . . . Every member congregation should have the right to pass judgment on the decisions and resolutions of the Synod.²⁵

Ernst probably reflected the views attributed to Loehe who "confessed to a 'certain horror' of a constitution which recognized congregational representation (such as we have in our own Synod at the present day)."²⁶ Loehe was unquestionably opposed to Walther's view:

²³ *Popular Symbolics*, ed. Theodore Engelder (St. Louis: Concordia, 1934), pp. 116 and 109.

²⁴ Munding, pp. 182—83 and 179.

²⁵ *Walthers Briefe*, I, pp. 15—17, cited by Munding, pp. 172—73.

²⁶ Prof. Th. Graebner, "The Loehe Foundations," in *Ebenezer*, p. 86. Graebner's own comment in the parentheses.

I honor and love the dear brethren (of the Missouri Synod), but must admit that they often seem to emphasize, in a way fraught with danger, the principles of Luther in regard to the rights of the congregations. . . . I was often overcome with sadness by observing how much the influence of the congregations made itself felt. . . . They are infected with the democratic spirit of America in regard to constitutional questions in the Church.²⁷

Dr. Wilhelm Sihler, another of Loehe's disciples, likewise had trouble with Walther's views on the role of the congregation:

According to Sihler a synod should not merely be advisory, but it should be a body, or corporation, which would in the name of the Church, i. e., the whole number of the adult and confirmed members, direct, watch over, and administer the Church. . . . This conception of a synod and its jurisdiction was radically different from that held by Walther in St. Louis.²⁸

WALTHER AND GRABAU

In 1839 another group of confessional Lutherans arrived at Buffalo, N. Y., from where some moved on to the city and into the Milwaukee area. The leader of this group, J. A. A. Grabau, was destined to cause Walther and the Saxons and thus also the Missouri Synod much soul searching again over the doctrine of the church and ministry. Grabau basically supported the position articulated from Neuendertelsau by Loehe when he organized the Buffalo Synod (1845). He circulated his *Hirtenbrief* (Pastoral Letter) in the midst

²⁷ Prof. Theo. Buenger, "The Saxon Immigrants of 1839," in *Ebenezer*, p. 15. He is quoting Loehe directly.

²⁸ Munding, p. 175. The last portion is by W. G. Polack.

of the discussions between Walther and Loehe. His views were similar to those of Loehe, who "emphasized the supremacy of the pastor."²⁹ "In this letter he [Grabau] explained in detail his ideal of the Lutheran Church in America. His plan envisaged power highly concentrated in the clergy. It was not so very different from Stephan's scheme."³⁰ Grabau added "that it is not for the individual Christian to decide what is or is not against the Word of God, but that the Church itself decides that in its Symbols, constitutions and synods."³¹ Any other view in the mind of Grabau was "anabaptistic-democratic folly."³²

Walther reacted quickly, arguing that Grabau "had assigned to the office of the Christian ministry more authority than was its due, thus subordinating the spiritual priesthood of the congregation to the authority of the organized clergy."³³ Walther further explained that "previously we had embraced his [Grabau's] errors, and they had led us to the rim of destruction, for which reason we could not now again agree to those errors intentionally."³⁴ "Grabau promptly accused the 'Missourians' (they owe this their name to him) of 'errors' (*Irrungen*) and a 'lax, unchurchly

spirit' (*einen laxen, unkirchlichen Geist*)." ³⁵ The "Missourians" were convinced that Grabau's view was a "monstrous thing."³⁶ In his second Pastoral Letter "regarding *synods and church government*," Grabau again affirmed: "What is contrary to the Word of God or *not* is not decided by any one single church-member, but by the Church itself in its symbols, church rituals, and synods."³⁷ Grabau's persistent views are expounded in his *Beleuchtung und Widerlegung*, where he condemns as false the Missouri doctrine that "Christ gives the highest and final jurisdiction to the Church; consequently each local congregation, be it large or small, has the highest and final jurisdiction within its parish."³⁸

The first Synodical Report of the Buffalo Synod in 1846 states that "the court of final appeal is not the Synod, composed of clergy and lay delegates, but the ministerium, composed of clergy only."³⁹ The Buffalo group had come to its final conclusions. The congregations were not the supreme authority, nor was the synod, but the clerical ministerium. This was clericalism of the rankest sort.

The theological gymnastics of Grabau were answered in 1852 by Walther in his *Kirche und Amt* or *The Voice of Our Church on the Question of Church and*

²⁹ *Moving Frontiers*, p. 110.

³⁰ Mundinger, p. 123, fn. 16.

³¹ Roy A. Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," *CHIQ*, XXVII (April 1954), 6.

³² Conrad Bergendoff, *The Doctrine of the Church in American Lutheranism* (Philadelphia: Muhlenberg Press, 1956), p. 49. See also Rev. A. Both, "The Missouri Synod and the Buffalo Synod," *Ebenezer*, p. 180.

³³ Martin Guenther, *Dr. C. F. W. Walther: Lebensbild* (St. Louis: Concordia, 1890), p. 162.

³⁴ *Ibid.*, 57.

³⁵ Steffens, *Ebenezer*, p. 149.

³⁶ Prof. Th. Engelder, "Why Missouri Stood Alone," *ibid.*, p. 117.

³⁷ Rev. Arthur Both, "The Missouri Synod and the Buffalo Synod," *ibid.*, p. 138; see also pages 129—30.

³⁸ *Ibid.*, p. 130.

³⁹ Otto F. Hattstaedt, *History of the Southern Wisconsin District of the Missouri Synod* (St. Louis: Concordia, 1928).

Ministry.⁴⁰ Here Missouri's president presented a collection of quotations from the Lutheran Confessions and the writings of the orthodox theologians to support his concept of congregational supremacy to counter the views of Grabau. Of Walther, Wilhelm Sihler remembered, "He was also, above all others, the vitalizing and organizing genius in outlining the principles for an orthodox (i. e. Lutheran) union of congregations or synods."⁴¹

But Walther's work did not settle the issue even within Missouri. In the second meeting of the new synod, in 1848, the issue was again joined. Walther answered his critics:

According to our constitution (of Synod) we have no right to formulate decrees, to pass laws and regulations, and to make a judicial decision, to which our congregations would have to submit to unconditionally in any matter involving the imposition of something upon them. . . . According to our constitution we are not *above* our congregations.⁴²

Not all the fears of the local congregations were allayed either by the constitution or by Walther's interpretation.

Some deplored . . . this fact, that the new synod had no absolute legislative powers. Why should a synod exist at all if it has no strong authority? One cannot expect to build a flourishing church body if this body has only advisory powers toward its constituency! . . . Walther asked, "Why should and can we carry on our work with joy even though we have no power

save that of the Word?" His answer stressed two points: 1. Because Christ has given His servants this power only and even the apostles asserted no other and therefore warned the servants of the Church earnestly against claiming any other power; 2. because we, under our circumstances, may hope for joyful progress in our work by using the authority of the Word alone.⁴³

Walther's position prevailed and was accepted by the Missouri Synod. Loehe advised his people to leave the synod and a few went to Iowa in 1853 to found the new Iowa Synod and to establish a seminary near Dubuque. The Buffalo Synod remained apart from others until, after a colloquy in 1866 with Missouri, it divided into three parts. A large portion came into the Missouri Synod, others went to the Wisconsin Synod, and the remainder stayed out of synodical organizational connections until the formation of the American Lutheran Church in 1930.

Within the Missouri Synod there was a jealous guarding of local congregational power in the early years of its history. The congregational role was carefully protected as the synodical constitution of 1847 had articulated it. In a revision of the constitution in 1854 the assurance is once again given that

the Synod is in respect to the self-government (*Selbstregierung*) of the individual congregations only an advisory body. Therefore no resolution of the former, when it imposes anything upon the individual congregation as a synodical resolution, has binding force for the latter.— Such a synodical resolution has binding

⁴⁰ Erlangen: A. Deichert.

⁴¹ J. L. Neve, *A Brief History of the Lutheran Church in America* (Burlington, Iowa: Lutheran Publishing House, 1916), p. 272.

⁴² Quoted in *Moving Frontiers*, pp. 170 to 171; cf. *Synodal-Bericht*, 1848, pp. 30—38.

⁴³ W. G. Polack, *The Building of a Great Church* (St. Louis: Concordia, 1941), p. 77 to 78.

force only when the individual congregation through a formal congregational resolution has voluntarily adopted and confirmed it. — Should a congregation find a synodical resolution not in conformity with the Word of God or unsuited for its circumstances, it has the right to disregard, that is, to reject it.⁴⁴

When the Synodical Conference came into existence in 1872, it adopted Walther's concept of the relationship of local congregations to the Synod and applied it to the relationships between the conference and the constituent synod:

"The Synodical Conference is only an advisory body with respect to all things concerning which the synods constituting it have not given it authoritative power."⁴⁵

The congregations of the Missouri Synod carefully watched the activities of the synodical administration. In 1881 an attempt was made to give to the president of Synod the power to appoint a committee to act as a superior court in appeals cases. In fact it was even constitutional for a congregation or member of Synod to appeal directly to the president and bypass District procedures.⁴⁶ The 1887 synodical meeting recognized the error of this procedure and resolved

that the appeals court newly created in 1881 be abolished, since it violated not only the letter of the constitution, but also opposed the principles of the Synod.⁴⁷

⁴⁴ Cited in *Moving Frontiers*, p. 151.

⁴⁵ Baepler, *A Century of Grace*, p. 161.

⁴⁶ *Synodal-Bericht*, 1881, p. 69, sets up an *Appellations-Instanz*, or appeals court, of the synodical president and several synodical officials.

⁴⁷ *Ibid.*, 1887, p. 80. "Dasz die im Jahre 1881 geschaffene neue Appellations-Instanz wieder aufgehoben werde, weil dieselbe nicht nur gegen den Buchstaben der Constitution ver-

Synodical power was again limited and encroachments were outlawed.

In the waning years of the 19th century, as the Synod moved toward its golden anniversary in 1897, the sainted Dr. Franz Pieper produced the *first* "Brief Statement."⁴⁸ Dr. Walther's successor supported his mentor in this statement on the church:

We reject all doctrines by which this spiritual power or any part thereof is adjudged as *originally* vested in certain individuals or bodies, such as the Pope, or the bishops, or the order of the ministry, or the secular lords, or councils, or synods, etc. . . . Naturally all Christians have also the right and the duty to judge and decide matters of doctrine not according to their own notions, of course, but according to the Word of God.⁴⁹

THE NEW CENTURY

For nearly two decades into the 20th century there seems to have been little debate or discussion on the matter of authority in the Missouri Synod. It can be assumed that both the Synod and the local congregations understood their established roles.

Article VII of the Missouri Synod constitution has but slight revisions in the new *Handbook* of 1917:

In its relation to its members Synod is not a governing body, exercising legislative or coercive powers. In all matters involving

stöszt, sondern auch den Principien der Synode zuwider ist."

⁴⁸ C. S. Meyer, "The Historical Background of a Brief Statement," *CONCORDIA THEOLOGICAL MONTHLY*, XXXII, 7, 8, and 9 (July—September 1961), has an excellent analysis of this work.

⁴⁹ Quoted in *A Century of Grace*, p. 379.

the Christian congregation's right to self-government, Synod is but an advisory body.⁵⁰

Rev. W. Czamanske, in referring to this article, explains:

Thus it will be seen that the purpose and policy of the Missouri Synod from the time of its organizing seventy-five years ago to the present date has not been . . . to wield "the big stick" over the congregations and its ministers, but to further the work of extending Christ's kingdom by the simple and yet saving Gospel of Jesus.⁵¹

Article VII takes the following form in the 1937 *Handbook*:

In its relation to its members the Synod is not an ecclesiastical government exercising legislative or coercive powers and with respect to the individual congregation's right of self-government it is but an advisory body. Accordingly, no resolution of the Synod imposing anything upon the individual congregation is of binding force if it is not in accordance with the Word of God or if it appears to be inexpedient as far as the condition of a congregation is concerned.⁵²

By 1937 the question of relationship and authority was again being discussed.⁵³

The 1932 convention of Synod "requested the standing Committee on Constitutional Matters to publish an explanatory article concerning the true meaning of Article VII in the official organs of

Synod."⁵⁴ Dr. John H. C. Fritz was chosen to answer this request: "What Do We Mean When We Say that Synod Is an Advisory Body?" Dr. Fritz used extensive quotations from Walther's 1848 address to Synod as noted above.⁵⁵

Synod is an advisory body. This statement of fact has been correctly understood; it has also been misunderstood. Correctly understood, it must stand and is beneficial in its effects; if wrongly understood and wrongly applied, it nullifies the very purpose of a synodical organization.

From its very beginning our Synod declared in its constitution and in its official pronouncements that in its relation to its members and to the individual congregation it is merely an *advisory* body. Thereby our Synod desired to say that *it has no other power than that of the Word of God* and that it would never attempt to *exercise* any other power in its relation to members, individually or collectively.⁵⁶

But not everyone was satisfied either with the *Handbook*, Synod's own interpretation of Article VII, or with Dr. Fritz's analysis. At Fort Wayne in 1941 the Southern California District asked for a "comprehensive determination" of the meaning of this article of the constitution.⁵⁷ A special committee was appointed and asked to report at the next convention of Synod. The report of this committee, along with the floor committee's evaluation of related memorials, appears in the documents at Saginaw in 1944. They recommended this addition to Article VII:

⁵⁰ *Synodical Handbook*, 1917.

⁵¹ *Ebenezer*, "Synodical Conventions and Pastoral Conferences," p. 486.

⁵² *Synodical Handbook*, 1937.

⁵³ A footnote to this revision reads: "For an interpretation of this article see the *Lutheran Witness*, LII, 163 (May 9, 1933), or *Lutheraner*, 89, 9 (May 2, 1933), 146; for resolution cf. *Syn. Pro.*, 35 (1932), 162."

⁵⁴ Missouri Synod *Proceedings*, 1932, pp. 162—64.

⁵⁵ *Supra*, fn. 42.

⁵⁶ *The Lutheran Witness*, LII (May 9, 1933), pp. 163—64.

⁵⁷ *Proceedings*, 1941, pp. 243—46.

Inasmuch as the Synod permits congregations to adopt or reject any synodical resolutions, the congregation shall be the judge of the expediency of the resolution as applied to the local condition. However, in exercising such judgment, a congregation must not act arbitrarily, but in accordance with the principles of Christian love and charity.⁵⁸

Why all the controversy over this article of the Synod's constitution? It has, of course, certain legal overtones concerning church property.⁵⁹ There are, however, more important reasons why it became an issue again in Synod. At the St. Louis convention in 1938 the Synod passed a resolution relative to fellowship with the American Lutheran Church.⁶⁰ In subsequent synodical meetings some argued that congregations were bound to support this resolution. Others marshaled themselves against such an interpretation of this article. They quoted Franz Pieper:

*The right of judging on questions of doctrine does not rest with the Church at large only, nor with Synods only representing the Church of a certain country, nor with the clergy alone, but with all individual Christians, since upon all Christians is laid the duty of distinguishing pure teachers from deceivers, and of departing from error. . . . To take away from Christians the right of judging on questions of doctrine, is an abominable outrage, and the origin of popery.*⁶¹

⁵⁸ *Proceedings*, 1944, p. 205.

⁵⁹ *Supra*, fn. 57.

⁶⁰ *Proceedings*, 1938, pp. 231—34.

⁶¹ F. Pieper, "The Synodical Conference," in *Distinctive Doctrines and Usages of the General Bodies of the Evangelical Lutheran Church in the United States*, 4th ed., rev. and enl. (Philadelphia: The Lutheran Publication Society, 1914), p. 142. (Italics in original.)

A publication appeared in Synod in 1940 which espoused opposition to the 1938 resolution of Synod, *The Confessional Lutheran*. It held firmly against this resolve of Synod and stressed the advisory nature of synods.⁶² This magazine hammered away at this resolution and stumped for the interpretation of the supremacy of the local congregation as Walther and Pieper had consistently viewed it.

AUTHORITY AND FELLOWSHIP

It is obvious then that into the complex history of this article on constitutional history we must inject the fellowship issue as it affected the Missouri Synod in the early and middle part of the 20th century.

The Synodical Conference at this time included both the Wisconsin Synod and the newly established (1920) Norwegian Lutheran Synod. The former had just gone through an extremely difficult time internally concerning the so-called Wauwatosa theology in which the doctrine of church and ministry had played a major part.⁶³ Against the Protestants who had separated

⁶² June 1941, II, 6, p. 61. The editor, Rev. Paul Burgdorf, quotes the statement from Pieper that we cited above (see fn. 61). His pagination for Pieper is different, for he is using a different edition. The subsequent page holds this action of Synod to be a "blunder," citing the fact that "there were very good reasons why our founding fathers, who had profited by bitter totalitarian experiences even a hundred years ago, made the statement concerning the relation of Synod to its members as found in Article VII a vital part of their synodical constitution. It is one of our most precious heritages." Cf. also July-August, 1942, pp. 87—88, of the same magazine.

⁶³ John Philipp Koehler, *The History of the Wisconsin Synod* (St. Cloud, Minn.: Sentinel Publishing Co., 1970), pp. 207—56. This new

themselves from the Wisconsin Synod, Rev. August F. Ernst argued that, "the officials of the synod supervised the doctrine and practice of the congregations and pastors who belong to it, according to the agreement of the congregations and the purpose of the synod."⁶⁴ This position prevailed in the Wisconsin Synod.

Missouri was disturbed by such statements and in 1932 seminary representatives from both synods accepted the Thiensville Theses as an attempt to resolve the tension. They say in part:

The discipline of a local congregation and the discipline of a synod cannot properly come into conflict with each other because the local congregation expels from the local congregation, not from the synod, and the synod from the synod, not from the local congregation.⁶⁵

Koehler is surely correct when he observes that "that leaves matters unclear and both sides free to put their own construction on them and to pursue the even tenor of their ways."⁶⁶ The subsequent history of the Synodical Conference to 1963 bears out the truth of his observation.

The small Norwegian group (ELS) had opposed the Madison Settlement of 1912, which in 1917 had brought the Norwegian Lutheran Church in America, later named the Evangelical Lutheran Church (ELC), into being. In this settlement many of the Norwegian synods in the United States had accepted a compromise formula for the age-old problem of predestination. A minor-

ity party separated itself from the new ELC. They believed that the synod was forcing them to accept this new position on predestination. At a subsequent meeting of this minority group (ELS), they turned to an 1865 statement by President H. A. Preus of the former Norwegian Synod:

God has instituted the local congregation. He has entrusted to it the Office of the Keys. No individual, or any group of individuals, has the right to exercise authority over the local congregation. God has not instituted the synods as such. We find in the Scriptures no trace of such an organization. Synods have come into existence because the congregations have voluntarily agreed to enter into such mutual relation.⁶⁷

Thus in the late 1930's and early 40's, Missouri found itself in fellowship with the Wisconsin Synod which rejected Walther's position on the church and the Evangelical Lutheran Synod which apparently agreed with Walther's emphasis on the supremacy of the local congregation.

In the middle and late twenties Missouri was also exploring fellowship prospects with some synods which would become parts of the American Lutheran Church in 1930: Iowa, Ohio, and Buffalo. Missouri at one time or another had been in fellowship with, or near fellowship with, all three. The first two had had close relations with Missouri in either the Synod itself or in the Synodical Conference of the 19th century.

The commissioners of these synods along with those of Missouri and Wis-

edition has been edited with an introduction by Leigh D. Jordahl for *Faith-Life*, The Protestant Conference.

⁶⁴ *Ibid.*, p. 237.

⁶⁵ *Ibid.*, p. 239.

⁶⁶ *Ibid.*

⁶⁷ *The Doctrinal Position of the Norwegian Synod*, trans. Rev. Ch. Anderson (Lime Creek, Iowa, 1927), p. 13.

consin, had agreed in 1925 to the Chicago Theses as a basis for fellowship. Wisconsin accepted them, but Missouri refused to do so at its 1929 convention. They said: "By entering into a closer relationship with the adherents of the Norwegian *Opgjoer* (Madison Agreement), the opponents have given evidence that they do not hold our position in the doctrine of conversion and election."⁶⁸

Missouri did not wish to offend the Mankato group (ELS), which they would have done if they had declared fellowship with the synods that eventually constituted the ALC and which in 1930 also established fellowship with the large Norwegian Lutheran Church in America. The minority of the ELS-Mankato group had left the NLCA in 1920.

The Missouri Synod's action in 1938 also failed to establish fellowship with the American Lutheran Church. It was again Missouri's fellowship with members of the Synodical Conference that prevented the fulfillment of the hopes expressed in the St. Louis meeting:

That we raise our grateful hearts and voices to the Triune God, thanking Him for the guidance of the Holy Spirit by which the points of agreement have been reached.⁶⁹

President Behnken was unable to announce to the church the consummation of the fellowship because of the protests of the little Norwegian Synod (ELS) and the Wisconsin Synod.

Thus both from within from the editors of the *Confessional Lutheran* and

⁶⁸ R. C. Wolf, *Documents of Lutheran Unity in America* (Philadelphia: Fortress, 1966), p. 370.

⁶⁹ *Ibid.*, p. 399.

from without from those who were in fellowship, Missouri was pilloried in print and from the podium. Resolutions to rescind the fellowship statement of 1938 swamped subsequent synodical meetings of the Missouri Synod.

Missouri's position on the advisory nature of the Synod does not seem to have been changed by Wisconsin and ELS pressure, although the Synod went out of its way to preserve the Synodical Conference. In 1939 Edward W. A. Koehler could still write of Missouri's position:

Under Christ the local congregation is a sovereign self-governing body. The local congregation is not subject to the jurisdiction of any other congregation, nor to any higher ecclesiastical body, such as a synod, a conference, a super-church, a pope, and the like.⁷⁰

Seminary students continued to be taught the old principle of Walther as articulated by J. H. C. Fritz:

A so-called synod, or synodical organization as such, is not a divine, but a human institution, and therefore a congregation and its pastor are not *for conscience sake* bound to affiliate with such an organization; nor has such an organization any right to interfere with the self-government of a Christian congregation, its relationship to the congregation in this respect being merely that of an advisory body.⁷¹

As Missouri approached its centennial in 1947, there was still no change in the old position of Walther on the church, as Baepler shows:

⁷⁰ Edward W. A. Koehler, *A Summary of Christian Doctrine*, 1939, p. 253. In use for many years in the schools of Synod and reprinted in 1952 without any change in this section.

⁷¹ J. H. C. Fritz, *Pastoral Theology* (St. Louis: Concordia, 1945), p. 322.

that the synod exists not so much as a powerful court, but rather as an advisory body, to which a congregation may take recourse Finally, I think that in no matter decided by the Synod should any individual be deprived of the right to appeal⁷²

The interpretation of certain Bible passages and the question of selective fellowship continued to affect Missouri's understanding of the relationship between the Synod and member congregations.

The Synod had always refused to accept official interpretations of passages. Dr. Walther argued that Lutherans did not attempt official exegesis.⁷³

When an attempt was made in 1938 to declare *an* official interpretation of Hosea 2:16-17, Synod affirmed:

Since it has always been the policy of our Church to concede the possibility of variant interpretations of one passage as long as they do not conflict with the analogy of faith; and since both of these expositions of Hosea 2:16,17 meet this requirement, we recommend that this request be denied.⁷⁴

The passage that came into most controversy was Rom. 16:17-18. It had been used in the early part of this century by many as the basis for the refusal of prayer

fellowship with non-Synodical Conference Christians. Adolph Brux, a graduate of Concordia Seminary, St. Louis, 1917, and a holder of a doctorate in oriental studies, was called as a missionary to the Moslems in India. There by action and in print he challenged the current interpretation of this passage.⁷⁵ This bizarre case served to alert many to the growing desire of some in Synod toward official exegesis. Synodical resolutions had not as yet given official interpretations of specific passages, but many felt that their inclusion in synodically adopted statements as proof texts amounted to a semi-official interpretation. This was especially true of the Romans passage as found in the *Brief Statement* of 1932. It loomed as an important test because the passage could be used against any type of fellowship outside of the Synodical Conference.

On 7 Sept. 1945 a group of clergymen and professors meeting in Chicago formulated "A Statement" in which these 44 men cautioned the Missouri Synod about such a direction. One of the 12 theses states:

We . . . deplore the fact that Romans 16:17,18 has been applied to all Christians who differ from us in certain points of doctrine. It is our conviction, based on sound exegetical and hermeneutical principles, that this text does not apply to the present situation in the Lutheran Church of America.⁷⁶

⁷⁵ F. Dean Lueking, *Mission in the Making* (St. Louis, Concordia, 1964), pp. 270—76, has the details of this case. See also Adolph A. Brux, *Christian Prayer-fellowship and Unionism* (no printer, 1935) and two other of his works, *An Appeal to Synod* (Racine, Wis., 1934) and *Re-appeal to Synod* (Chicago, 1938).

⁷⁶ *Speaking the Truth in Love—Essays related to a Statement*. Chicago, Nineteen Forty-

⁷² *A Century of Grace*, p. 86. Here he quotes Walther.

⁷³ *Western District Report*, 1858 (St. Louis; August Wiebusch und Sohn, 1858), pp. 7—25, "Warum sind die symbolischen Bücher von denen, welche Diener derselben werden wollen, nicht bedingt, sondern unbedingt zu schreiben?" This appeared in abbreviated form by Alex. Wm. C. Guebert, "Why Should Our Pastors, Teachers and Professors Subscribe Unconditionally to the Symbolical Writings of Our Church," *CONCORDIA THEOLOGICAL MONTHLY*, XVIII (April 1947), 241—53.

⁷⁴ *Proceedings*, 1938, p. 239.

Reactions to the "Statement of the Forty-Four" were almost instantaneous. The negative reactions were led primarily by the editors of *The Confessional Lutheran*. The hue and cry relative to this passage has not ceased to the present time.⁷⁷ This uproar brought a growing demand for official synodical exegesis as the *Reports and Memorials* and the *Proceedings* of the Missouri Synod conventions since that time indicate. The bulk of these synodical documents since 1947 is a witness to the importance of this issue for many within the Missouri camp.

The matter of selective fellowship has also been a bone of contention in this period of Missouri's history. Some support it by arguing that the congregation is supreme and can establish fellowship as it pleases.

The issue is complicated and can be treated only briefly.

The Synod in general discouraged or forbade selective fellowship in 1925 and again after the rejection of the Chicago Theses in 1938. It is also obvious from the history of the Synodical Conference that some within the synodical groupings never did or rarely did practice fellowship with each other for many years. In the latter years of the conference there was almost no intercourse between synods.

In 1941, the Missouri Synod in convention refused to repeal the 1938 resolutions concerning fellowship, but also cautioned against selective fellowship:

It [is to] be understood that no pulpit-

Five (Chicago: Willow Press, n. d.), pp. 7—9. See also *Moving Frontiers*, pp. 422—24.

⁷⁷ Synodical *Proceedings* of 1938 contain only 370 pages, but in 1947 they had grown to 798 pages of text.

altar-, or prayer-fellowship has been established between us and the American Lutheran Church; and until such fellowship has been officially declared by the synods concerned, no action is to be taken by any of our pastors or congregations which ignores the fact that we are not yet united.⁷⁸

At Saginaw, Mich., in 1944 the Synod did approve a selective prayer fellowship:

Joint prayer at intersynodical conferences asking God for His guidance and blessing upon the deliberations and discussions of His Word, does not militate against the resolution of the Fort Wayne Convention (1941), provided such prayer does not imply denial of truth or support of error. Local conditions will determine the advisability of such prayer.⁷⁹

The first official request to endorse selective fellowship came at the centennial convention at Chicago.⁸⁰ In its answer the Synod reaffirmed the propriety of prayer fellowship under certain limited conditions. In its statement at Chicago the Synod again cites Rom. 16:17 and stresses the importance of *joint* efforts by all:

On this principle that every member of Synod has foregone the right to establish fellowship with another church body independently is based Synod's repeated warning given at St. Louis and again at Fort Wayne, that no action be taken by any of our pastors or congregations which would overlook the fact that we are not yet united. . . . Since adoption of the principle of selective fellowship by any pastor, teacher, or congregation of our Synod must therefore be regarded . . . "as hindering

⁷⁸ *Proceedings*, 1941, p. 303. The 1938 resolutions were set aside in synodical *Proceedings*, 1947, p. 520.

⁷⁹ *Ibid.*, 1944, pp. 251—52.

⁸⁰ *Reports and Memorials*, 1947, Memorial 615, pp. 399—400.

the earnest, patient, and God-pleasing endeavor of Synod to establish fellowship" with any other synod . . .⁸¹

By the synodical convention of 1950 a slight change had taken place relative to selective fellowship. In answering a host of resolutions condemning the signers of "A Statement" and the St. Louis Faculty Opinion of May-June 1946 opposing a legalistic view of Rom. 16:17 and calling for an investigation of the seminary, the delegates said:

There are also many situations, especially in the area of joint church work, which can be judged only on the basis of an accurate knowledge of conditions present. We therefore hold that the principle of the denial of church fellowship is not to be applied mechanically or legalistically, nor is it to be weakened or made relatively meaningless by a failure properly to apply it. The procedure must be both charitable and definite. It must not be forgotten that charity extends toward all the brethren that are in the church fellowship with us.⁸²

Biblical interpretation is also dealt with by these representatives of the Synod who held that "Synod recognizes that there may be legitimate differences of opinion in purely exegetical matters (cf. paragraph 48 of the *Brief Statement*), but that this liberty does not extend farther and that no interpretation may be held which is contrary to the analogy of faith."⁸³ Any

⁸¹ *Ibid.*, 1947, p. 520.

⁸² *Ibid.*, 1950, p. 657. It is interesting to note that the investigation of the seminary is called for because they have questioned the interpretation of a Bible passage never officially accepted by Synod.

⁸³ *Ibid.*, p. 657—58. Footnote: "farther" means "purely exegetical matters, such as grammar, meanings of words, etc."

further directives concerning prayer fellowship were held off until a promised treatise on the subject had been published.

At the Houston convention in 1953 attention was drawn to the Common Confession and selective fellowship was superseded by the attention given to American Lutheran Church fellowship. At the insistent cry of the brethren in the Synodical Conference, Missouri again refused to consummate this proposed fellowship. Typical of the feelings of other members of the conference is the statement of the Convention Committee on Doctrinal Matters (1954) of the ELS:

We will get nowhere if we ignore the facts. And the facts are that the Missouri Synod *has* broken its bonds of fellowship with us by its adherence to a course which we have with all justice condemned, and by its growing tolerance of unionistic activities and unionistic "brethren."⁸⁴

Sentiments such as these caused Missouri to withdraw from its attempts at fellowship with the ALC. By 1956 both the ELS and Wisconsin had suspended fellowship with Missouri.

In 1956 selective fellowship was narrowed down by the directive "that only such as are in fellowship with us be listed on our rosters in the pages of *The Lutheran Annual*."⁸⁵ A joint faculty statement is requested on the matter.⁸⁶ This statement, known as *The Theology of Fellowship*, appeared and is received in 1962 by the Synod and is recommended for further study. Subsequent days show that there is little agreement on the document

⁸⁴ *Proceedings*, Norwegian Synod of the American Ev. Lutheran Church, 1954, p. 15.

⁸⁵ Missouri Synod *Proceedings*, 1956, p. 523.

⁸⁶ *Ibid.*, p. 550.

and many openly practice selective fellowship with other churches with which the LCMS is not in fellowship. It appears that synodical authority is beginning to be challenged at the parish level.

SYNODICAL AUTHORITY IN RECENT TIMES

By the time the new revision of the *Synodical Handbook* appeared in 1947 interest is directed to Section 1.09 of the By-Laws. There is also a growing interest in Article II of the constitution of the Synod, the confessional paragraph.

At the San Francisco convention in 1959 one of the most controversial memorials in the history of the LCMS was adopted. It is known as "Resolution 9," and it held in part

that Synod further clarify its position by reaffirming that every doctrinal statement of a confessional nature adopted by Synod as a true exposition of the Holy Scriptures is to be regarded as public doctrine (*publica doctrina*) in Synod.⁸⁷

After much intense discussion in the ensuing triennium, this resolution was declared unconstitutional at the 1962 Cleveland convention "on the ground that said resolution has the effect of amending the confessional basis of the Constitution of Synod."⁸⁸

The Detroit convention in 1965 in Resolution 2-08 introduced a phraseology that encouraged members to "honor and uphold" the doctrinal content of synodically adopted statements. In the minds of many this seemed again to refer to the *Brief Statement*. At New York in 1967

Resolution 2-04 adopted a document from the Synod's Commission on Theology and Church Relations "as correctly expressing the Synod's understanding of the status and use of synodically adopted statements."⁸⁹

The issue of the role of such doctrinal statements (which is a part of the question of local congregational and synodical authority) was again discussed at Denver in 1969. In Resolution 2-27 the delegates resolved that "the Synod continue to urge its members to honor and uphold the synodically adopted statements as valid interpretations of Christian doctrine and not to give them more or less status than they deserve."⁹⁰

In order to understand the actions taken at the Milwaukee synod of 1971, it is necessary to bring together a number of loose ends.

The LCMS since 1932 had been moving toward greater centralization. In the theological realm the *Brief Statement* was beginning to develop an aura about it that few other documents in the history of the Synod have ever attained.

Some, arguing the supremacy of the local congregation in the spirit of Walther, urged the Synod against a policy of growing hierarchical control and against establishing definite exegetical positions. Others were demanding more and more detailed explications of the theological position of the Synod.

Because of growing fellowship interest on the part of the majority within the Synod, the delegates were receiving much pressure both from within and without the

⁸⁷ *Ibid.*, 1959, p. 191.

⁸⁸ *Ibid.*, 1962, p. 123.

⁸⁹ *Ibid.*, p. 89.

⁹⁰ *Ibid.*, 1969, p. 91.

Synod. After the ELS and the Wisconsin Synod had severed fellowship with the LCMS, the Synod again approached other Lutherans. Ninety-five percent of all the Lutherans in the United States in 1967 formed the Lutheran Council in the United States. Missouri not only joined LCUSA but also voted fellowship with The American Lutheran Church in 1969.

Two opposing forces that had been agitating the members of the Synod since 1928 seemed to be on a collision course. Rising centralization of power within the synodical structure and the nailing down of Biblical interpretation was going along side by side with an openness toward other Lutherans.

A romantic view of the LCMS developed in the period before World War II about the comprehensive nature of doctrinal unity and uniformity in the Synod. The rapid movement of people in wartime brought about new experiences and relationships on the part of both clergy and laity. New congregations were being formed at the rate of "one new church every three days in the United States."

This movement produced changes in the history of the Synod. Contact with other churches, particularly on the urban scene, further contacts on the mission fields, and the desire to restudy and assess both Biblical witness and Lutheran confessions caused the LCMS some of its difficulties, considerable soul-searching, and some *aggornamento* among many members of the Synod. The growing importance of mass media also brought about many changes. The Synod grew from a church which in 1935 could keep its records in the desks of its officials in their

homes to a church which had to buy and operate a major building at 210 N. Broadway in St. Louis. The church was becoming a big business and was organizing for action in the same way as any corporation.

Many, in an apparent alarm over the changes that were taking place that they could not fully understand, desired to return to the past which they described romantically. The desire of some to nail down everything produced calls to establish official exegesis, the demand that Synod not change at all, increasing criticisms of the St. Louis seminary, and so forth.

In the area of Biblical interpretation the changes were most notable. Although Walther and others had warned against official and specific exegetical positions and had refused to go that way, many insisted on "official interpretation." In addition to demands for a clear exegesis of Rom. 16:17, every subsequent synod after 1947 witnessed efforts on the part of some delegates to determine Scripture. At Milwaukee in 1950 the Intersynodical and Doctrinal Matters section of the *Proceedings* is filled with such attempts.⁹¹ In the next three years up to the Houston convention many wanted to set clear and definite positions, as is evidenced from the reports of that 1953 meeting.⁹²

The St. Paul meeting in 1956 continued the discussion of the *Common Confession*, which had been the subject of much debate for the past three synodical meetings. Woven into this attempt for fellowship with the ALC was the inevitable issue of Biblical interpretation.⁹³

⁹¹ Pp. 563—692 passim.

⁹² Pp. 494—576 passim.

⁹³ *Ibid.*, 1956, pp. 491—579 passim.

Many felt that Resolution 9 of San Francisco in 1959 had solved the problem of interpretation and authority for it apparently established as official the Biblical exegesis that is contained in the *Brief Statement*. In opposition to this, the Cleveland Synod tried for the abatement of controversy over exegesis by establishing the Commission on Theology and Church Relations.

While the CTCR was trying to deal with the welter of Synod's theological problems, the delegates to the Detroit convention resolved "to reaffirm the historicity of the Jonah account."⁹⁴ At the same meeting they also adopted Resolution 2-30 in which the CTCR had reaffirmed the 1950 statement "that there may be legitimate differences of opinion in purely exegetical matters."⁹⁵

The CTCR divided its work into two general areas, that of doctrinal or theological matters and of church relations. The former committee presented and had adopted a resolution at New York in 1967, "To Reaffirm Our Position on Creation, Fall, and Related Subjects."⁹⁶ It is interesting to note both here and at Detroit in 1965 the use of the word "reaffirm." The assumption of resolutions of this sort is that an official position had been stated in the past. None of the resolutions give evidence for such official synodical interpretations. It is obvious that changes have taken place in the Synod's attitude, for at Houston in 1953 the delegates in answer to the question, "Is unani-

mous agreement in the Word of God still required for final disposition of all matters of doctrine and conscience within the Missouri Synod?" said:

It is obvious that at all times we should strive for unanimous agreement to the Word of God. However, due to the fact that not only matters of doctrine, but also of conscience are involved, the application of the principle to any given situation or resolution before the convention is subject to the circumstances surrounding the case.⁹⁷

At the close of the next biennium the Synod at Denver in 1969 "reaffirmed" positions taken at the previous conventions of 1965 and 1967 as noted above.

THE MILWAUKEE SYNOD OF 1971

The most recent meeting of the LCMS began with a call on the part of the president for a resolution of the many perplexing issues that had beset the church for nearly 40 years. Dr. Preus reflected an accurate knowledge of synodical history as he remarked that "it can be pointed out that doctrinal controversy is the sign of a living and concerned church. It can also be said that no church is ever totally free of doctrinal controversy."⁹⁸ He also maintained the traditional position when he argued that "no church or synod creates or establishes doctrine. Only the Word of God does this."⁹⁹ In support of this he quoted the Walther presidential address, as we have done in this paper.

When considering the question of the role of synodical statements, he announced

⁹⁴ Ibid., 1965, p. 100. See also page 103 for "Authorship of the Pentateuch and Book of Isaiah" for an interesting view by contrast.

⁹⁵ Ibid., p. 102.

⁹⁶ Ibid., 1967, p. 95.

⁹⁷ Ibid., 1953, p. 490.

⁹⁸ Ibid., 1971, p. 51.

⁹⁹ Ibid.

the fact that the Word of God rules in our church; that the church can confess its faith on the basis of the Word of God; that the church of today, as in the days when the great creeds and the Lutheran Confessions were formulated, can interpret the Scriptures and expect its members to hold to a particular interpretation of the Scriptures.¹⁰⁰

The assumption here is that synodical statements are binding upon the church because the Synod has adopted them. This question consumed enormous amounts of time at the convention. In answer to this proposal, the convention voted down the floor committee's resolution and instead substituted a statement by the Council of Presidents of the LCMS of 27 Feb. 1970¹⁰¹ in which they stated again the established position of the Synod for many years that its members be "urged to honor and uphold the synodically adopted statements as valid interpretations of Christian doctrine and not to give them more or less status than they deserve."¹⁰² Such a position, as we have seen in this paper, has a rich and strong tradition.

In a subsequent session the Synod again urged all members to "honor and uphold the synodically adopted statements as valid interpretations of Christian doctrine."¹⁰³

Controversy has continued over the meaning of these two actions of the Synod since they are capable of diverse interpretation. In essence it is again the question of which position one holds—that of

local congregation authority or synodical authority.

In Summary

Thus it has been possible to show that for the first 50 years of the existence of the Synod the question of the meaning of Article VII of the constitution was often of minimal interest after the Grabau-Loeche issues of 1847—1853 were settled. Dr. Pieper illustrates this well. The *Brief Statement* of 1897, which he drafted, contains almost no reference to the matter of the relationship between Synod and the congregations. He was satisfied with the supremacy of the local congregation as Walther had articulated it. Walther's position leaves no room for doubt when in 1881 in answer to the issue of binding resolutions he said, "No resolution is binding on any congregation (those who disagreed are still members in the good sense). If we ever made resolutions binding, we would be nothing but the German consistorium."¹⁰⁴

We have shown that the anniversary volume *Ebenezer*, in commemoration of the 75th anniversary of the LCMS, devoted major sections of its materials to a discussion of the issue, all of it supporting Walther's position. The centennial volume, *A Century of Grace*, supports the position of Walther also, but the volume of material is not so great. It is clear that among the fathers of the Synod there was unanimous agreement supporting the freedom of the congregational system and a condemnation of the Stephan-Grabau-Loeche hierarchical system.

During the first century of its history

¹⁰⁰ *Ibid.*, p. 52.

¹⁰¹ *Ibid.*, pp. 117—20. Vote was 485 to 425.

¹⁰² *Ibid.*, p. 119.

¹⁰³ Missouri Synod *Proceedings*, 1971, p. 165, Resolution 5-24.

¹⁰⁴ *Der Lutheraner*, XXXVII (June 15, 1881), 90.

the LCMS experienced its growth and rise to prominence on the American scene, while stressing the autonomy of the local congregation. It was only when the Synod began to deal with specific interpretations of Biblical material that the change on the matter of synodical and local authority began to rear its divisive head.

Other voices have been raised in the magazine *Sola Scriptura*, the organ of the newly formed schismatic Federation for Authentic Lutherans:

Is A Synod Only A Human Institution? When one says that ONLY the local congregation is divinely instituted, then it is also logical to conclude that a synod, or any other such arrangement is ONLY a human disposition.¹⁰⁵

The argument here is that the church has only used logic to come to its doctrine of the church. The witness that Walther drew both from the Scriptures and the Confessions against Grabau and Loehle is ignored.

¹⁰⁵ "Interpretation: Toward Agreement Among Authentic Lutherans on the Doctrine of the Church and Ministry," *Sola Scriptura* (Nov.-Dec. 1971).

The position of these dissidents is capsuled in their argument that "it is NOT true that synodical resolutions are ONLY *advisory*, but they MUST be obeyed, *jure divino*."¹⁰⁶

The evidence makes it clear that the Synod has swung back and forth between a paternalistic interpretation and a democratic, congregation-oriented interpretation of synodical authority. Paternalism was decisively rejected, at least in the extreme forms represented by Stephan and Grabau. But the spirit of paternalism did not die. It showed itself in repeated requests by members of the Synod for official statements on exegetical issues and in other ways. In general, the more democratic interpretation has prevailed. In times of crisis, paternalism has appealed to many, only to be challenged in turn by those who wanted Synod to be only an advisory body. The problem will undoubtedly be with us as long as the Synod exists.

St. Louis, Mo.

¹⁰⁶ *Ibid.*