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Observing Two Anniversaries

Carl Ferdinand Wilhelm Walther was born on October 25, 1811, in Langenchursdorf, Saxony, Germany. It is appropriate that this issue honor C.F.W. Walther on this 200th anniversary of his birth because of his significant influence as the first and third president of The Lutheran Church—Missouri Synod (1847–1850 and 1864–1878) and also president and professor at Concordia Seminary, St. Louis (1850–1887). Most of the articles below, which were first presented at the 2011 Symposium on the Lutheran Confessions in Fort Wayne, reflect his influence in many areas of biblical teaching, confessional subscription, and the life of the church in mission. These historical and theological studies are offered here so that Walther may be understood in his context and continue to be a blessed voice in our synod as we face the future.

This issue also recognizes one other anniversary. The venerated King James Version of the Bible, first printed in 1611, is now 400 years old. The article below on the King James Version was originally given as a paper at the 2011 Symposium on Exegetical Theology in honor of this anniversary. The importance of this translation for the English-speaking world is widely acknowledged. Although many may think that its day has passed, this article demonstrates the ongoing influence of the King James Version through other translations.

The Editors

Grabau Versus Walther: The Use of the *Book of Concord* in the American Lutheran Debate on Church and Ministry in the Nineteenth Century

Benjamin T. G. Mayes

This is not a story of good against evil, but of two justified sinners, each filled with anger at the other and often completely misunderstanding the other, due in part to their totally contrary experiences and fears. From the early 1840s until 1866, a dispute raged between Carl Ferdinand Wilhelm Walther and the Missouri Synod, on the one hand, and Johannes Andreas August Grabau and the Buffalo Synod, on the other hand.¹ The debate centered on the doctrines of the church and the ministry. Here we will not describe the history in detail.² Instead, our task is to examine how Grabau used the *Book of Concord*, the authoritative statement of faith for the Lutheran Church, in his dispute with Walther. Since Walther's use of the confessions can be known from the English translations of his works, we will focus here on how Grabau used them. Both Grabau and Walther wanted to teach and conduct their ministries in accordance with the Scriptures and the *Book of Concord*. Yet despite these common authorities, the two men and the synods they led (the Buffalo and Missouri Synods) came to significantly different points of view on how parts of the *Book of Concord* should be understood.

By examining how Grabau used the *Book of Concord* in his dispute with Walther, we will see that, far from being Roman Catholic in teaching,

¹ Grabau's background of resistance to the Prussian Union and Walther's background of resistance to Martin Stephan, while perhaps not the only reasons for the positions they took, did shape the debate that followed. Yet Grabau and Walther agreed on many points of doctrine and practice, and these agreements should not be overlooked. For many points of agreement, see William M. Cwirla, "Grabau and the Saxon Pastors: The Doctrine of the Holy Ministry, 1840-1845," *Concordia Historical Institute Quarterly* 68 no. 2 (1995): 84-99. This journal will be abbreviated hereafter *CHIQ*.

² For that, see Roy A. Suellflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," *CHIQ* 27 (1954): 1-19, 57-73, 97-132; Johann A. Grabau, "Johann Andreas August Grabau: A Biographical Sketch," *CHIQ* 23-25 (1950): 10-17, 66-74, 170-75; 35-39, 74-79, 124-32; 49-71; David A. Gerber, "The Pathos of Exile: Old Lutheran Refugees in the United States and South Australia," *Comparative Studies in Society and History* 26 no. 3 (1984): 498-522.

Grabau and the Buffalo Synod advocated a kind of Lutheranism that was based on the *Book of Concord* and the early Lutheran church orders.³ In many points Grabau has been misunderstood by Missouri. At the same time, we will see places where Grabau and the Buffalo Synod misunderstood Walther and the Missouri Synod.

Much Missouri Synod scholarship on Grabau and the Buffalo Synod has been based on Christian Hochstetter's history of the Missouri Synod.⁴ Hochstetter, a renegade Buffalo Synod pastor who challenged Grabau as leader of the Synod and then led a contingent of congregations from the Buffalo Synod to the Missouri Synod in 1866, characterized Grabau as hierarchical through and through. According to Hochstetter, Grabau's theology of the ministry was Roman Catholic, tyrannical, and utterly contrary to the Lutheran Confessions. However, Hochstetter's history is unreliable. He often gives quotations out of context and without citation, so that it is difficult to know whether he is fair with his sources.⁵ His chapter on the Buffalo Synod reads more like propaganda than careful history. Thus, Hochstetter's work serves better as a reflection of Missouri Synod views toward the Buffalo Synod than as a primary source for understanding the Buffalo Synod and Grabau in and of themselves. The line of Missouri Synod scholarship tracing its lineage to Hochstetter needs to be questioned and should be reassessed through examination of primary sources.

³ For their part, Walther and the Missouri Synod advocated a kind of Lutheranism found in the *Book of Concord*, early Luther, earlier Lutheran Orthodoxy, and Phillip Jacob Spener. For example, the Missouri Saxons said that through Philipp Jacob Spener's book *Das geistliche Priesterthum* ("The Spiritual Priesthood") they knew about the doctrine of the priesthood of all believers and its distinction from the ministry. Gotthold Heinrich Löber, et al., "Unsre Beurtheilung der vorstehenden Widerlegung des Herrn Pastor Grabau ['Reply to Anti-critique,' Jan. 15, 1845]," in *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840*, ed. G. H. Löber (New York: H. Ludwig & Co., 1849), 64–88, here at 67. The Saxons could have known Spener through the 1830 edition: Philipp Jakob Spener, *Das geistliche Priesterthum auß göttlichem Wort kürztlich beschrieben, und mit einstimmden Zeugnißsen gottseliger Lehrer bekräftiget* (Berlin: Ludwig Oehmigke, 1830). See also Cwirla, "Grabau and the Saxon Pastors," 89.

⁴ Christian Hochstetter, *Die Geschichte der Evangelisch-lutherischen Missouri-Synode in Nordamerika, und ihrer Lehrkämpfe von der sächsischen Auswanderung im Jahre 1838 an bis zum Jahre 1884* (Dresden: Naumann, 1885). It appeared in English translation as Christian Hochstetter, *A History of the Evangelical Lutheran Missouri Synod in North America and Her Doctrinal Controversies from the Time of the Saxon Emigration in the Year 1838 Until the Year 1884*, tr. Walter J. Plischke and Fred Kramer (St. Louis: Concordia Historical Institute, 2005).

⁵ For example, the quote of the *Kirchliches Informatorium* on 196–197.

Following some articles of the Augsburg Confession, the controversy between Walther and Grabau will be examined as it touched on the understanding and use of the *Book of Concord*. Our examination will not be able to mention every quotation of the Lutheran symbolical books but must be limited to showing the main contours of how the confessions were used.

I. Augsburg Confession V: Is The Ministry Necessary for Salvation?

That we may obtain this faith, the Ministry of Teaching the Gospel and administering the Sacraments was instituted. For through the Word and Sacraments, as through instruments, the Holy Ghost is given, who works faith; where and when it pleases God, in them that hear the Gospel . . . (AC V, 1-2).⁶

Article V of the Augsburg Confession is an important place in the *Book of Concord* that speaks of God working through the office of the ministry (the *Amt*). There are especially two questions that came up in the 19th century dealing with Augsburg Confession V. First, what is meant by *Amt* (or in Latin, *officium*)? Second, in what sense is it necessary to have the *Amt* doing the functions of the ministry? Both the German and Latin words for "ministry" (*Amt*, *officium*) are notorious for ambiguity. Either they can mean the office or position that is given the responsibility of performing certain functions, or they can mean the functions themselves.⁷ The former understanding has come to be called "ministry in the concrete" and the latter has been called "ministry in the abstract." The terms themselves go back at least to Johann Gerhard.⁸ In the Augsburg Confession, Article V is often seen as dealing with the ministry *abstractly*, whereas Article XIV deals with the ministry *concretely*.⁹

⁶ Quotations of the *Book of Concord* are from Friedrich Bente and William Herman Theodore Dau, eds., *Triglot Concordia: The Symbolical Books of the Ev. Lutheran Church, German-Latin-English* (St. Louis: Concordia Publishing House, 1921); some are my own translations.

⁷ Compare Charlton T. Lewis and Charles Short, *A Latin Dictionary Founded on Andrews' edition of Freund's Latin dictionary* (Oxford: Clarendon Press, 1879), s.v. "officium," definitions II with II.B.2; Jacob Grimm and Wilhelm Grimm, *Deutsches Wörterbuch* (Leipzig: S. Hirzel, 1854), s.v. "Amt" and "Predigtamt."

⁸ Johann Gerhard, *Theological Commonplaces: On the Ecclesiastical Ministry*, tr. Richard J. Dinda, ed. Benjamin T. G. Mayes (St. Louis: Concordia Publishing House, 2011), §§ 5, 13. For Gerhard, the "estate" is described by the abstract terms (§ 7) and the ministers are described by the concrete terms.

⁹ Johann Wilhelm Baier, *Compendium Theologiae Positivae, Adjectis Notis Amplioribus, Quibus Doctrina Orthodoxa Ad Παιδείαν Academicam Explicatur Atque Ex Scriptura S. Eique Immixis Rationibus Theologicis Confirmatur*, ed. C.F.W. Walther, 3 vols. (St. Louis: Ex Officina Synodi Missouriensis Lutheranae, 1879), 3: 685.

The terminology of abstract and concrete came up as the Missouri Saxons reacted to Grabau's definition of the ministry. Grabau's 1840 "Pastoral Letter" (or *Hirtenbrief*), which sparked the controversy, stated that God wants to deal with his people through the office of the ministry (*Amt*), which has been given the duty to preach the word and administer the sacraments.¹⁰ Then, in his 1844 "Anti-critique," Grabau wrote, "Concerning the holy preaching office, Holy Scripture teaches that it is the sort of estate appointed by God on earth, in which *he* appoints [*verordnet*] certain fit persons from among human beings for the purpose that they, with divine authority as ambassadors in His stead, should set forth the Word of their Lord to others, distribute the Sacraments to them, lead them in this way to Christ, and edify them unto eternal life." Grabau also defined the ministry as, among other things, an estate (*Stand*).¹¹ The Missouri Saxons responded that Scripture has two ways of speaking of the "ministry," not only concretely, as Grabau had mentioned, but also abstractly, not as an "estate," but as an "order" or a "service" (*Dienst, ministerium*), a "power" (*Macht, ἐξουσία*), a "call," etc.¹² Grabau, for his part, did not reject this distinction of "concrete" and "abstract" as different ways of considering the same thing. But the problem with the Saxons' objection in his view is that he was discussing Augsburg Confession XIV, not Augsburg Confession V. The concept of "abstract ministry" does not apply to Augsburg Confession XIV. Grabau writes in the Buffalo Synod's "Second Synodical Letter" of 1848:

On page 66 they philosophize and make a preaching office in the concrete and one in the abstract. In the concrete (that is, when certain people carry it out [*führen*]) it can be called an "estate" [*Stand*], but in the abstract (that is, without the people who carry it out) it must be

¹⁰ Johannes Andreas August Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," in *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840*, ed. G. H. Löber (New York: H. Ludwig & Co., 1849), 11–20, here at 15; translated by William Schumacher in *Soli Deo Gloria: Essays on C.F.W. Walther: In Memory of August R. Suelflow*, ed. Thomas Manteufel, and Robert Kolb (s.l., 2000), 141–154, here at 146. The Missouri Saxons were uncomfortable with this statement: Gotthold Heinrich Löber, et al., "Beurtheilung des vorstehenden Hirtenbriefs, wozu der Verfasser desselben uns aufgefordert hatte ['Critique,' July 3, 1843]," in *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840*, 20–36, here at 28; translated by William Schumacher in *Soli Deo Gloria*, 155–76, here at 166; Löber, et al., "Unsere Beurtheilung der vorstehenden Widerlegung ['Reply to Anti-critique,' Jan. 15, 1845]," 82–83.

¹¹ Johannes Andreas August Grabau, "Herrn Pastor Grabau's vermeinte Widerlegung unsrer vorstehenden Beurtheilung ['Anti-Critique,' July 12, 1844]," in *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840*, here at 38.

¹² Löber, et al., "Unsere Beurtheilung der vorstehenden Widerlegung ['Reply to Anti-critique,' Jan. 15, 1845]," 66.

called an "order" or a service, a power, a call, and the like. All of this is babble, unfit for faith. The discussion is about the 14th article of the Augsburg Confession, which by *ordo ecclesiasticus* ["the ecclesiastical order"] or *Kirchenregiment* ["church government"] means the preaching office, which fit, orderly-called persons have and carry out, and *ordo ecclesiasticus* there means a churchly office or estate. See Abraham Calov in his dogmatics, who considers preaching office and estate as one thing, and doesn't bother with such sophistry [*Spitzfindigkeiten*], in that he (vol. 8, p. 309) directly declares that "the holy preaching office (*Ministerium*) is an estate ordered by God," etc. However, that one can and does distinguish the ministerial person and his commissioned work is understood of itself, but doesn't help at all for the 14th article of the Augsburg Confession. Thus, this is unnecessary talk. If the discussion had been about the 5th article of the Augsburg Confession, it might have been fitting.¹³

There are several interesting points here. First, apparently the Missouri Saxons acknowledged that the ministry is an estate (*Stand*), at least whenever the ministry is being discussed concretely.¹⁴ Second, by admitting that the distinction between concrete and abstract might have been fitting if discussing Augsburg Confession V, Grabau shows that he understands and does not object to the Lutheran scholastic distinction of the ministry into "concrete" and "abstract," but rather he objects to the misuse of this distinction and its application to Augsburg Confession XIV. Third, Augsburg Confession XIV was at the heart of the controversy, not Augsburg Confession V.

A year later, in 1849, Grabau and the Buffalo Synod *ministerium* discussed Augsburg Confession V in a way such that they seem to understand *Amt* in Augsburg Confession V as concrete. The pastors of the Buffalo Synod were defending L.F.E. Krause, who had been accused by the 1848 Missouri Synod convention of retaining the Pomeranian Catechism

¹³ Johannes Andreas August Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," in *Zweiter Synodal-Brief von der Synode der aus Preußen ausgewanderten lutherischen Kirche, versammelt zu Buffalo, N.Y., im Juli 1848. Nebst etlichen Nachträgen des Kirchen-Ministerii gedachter Gemeinen, und einer Verantwortung des Pastors Grabau zu Buffalo gegen die missourischen Rottenbeschützer, Löber, Walther &c., als eine Wahrung der Rechte des christlichen Predigtamts und ernstliche Protestation gegen die Aufrichtung demokratischer Grundsätze innerhalb der lutherischen Kirche Nord-Amerika's; Öffentlich ausgegeben für alle lutherische Christen in Nord-Amerika und Deutschland* (Buffalo, N.Y.: Brunck u. Domedion, 1850), 99-158, here at 103.

¹⁴ Cf. Carl Ferdinand Wilhelm Walther, *Church and Ministry* (*Kirche und Amt*): *Witnesses of the Evangelical Lutheran Church on the Question of the Church and the Ministry*, tr. J. T. Mueller (St. Louis: Concordia, 1987), Ministry thesis IV.

because, as they thought, it placed the power of the keys in the office of the holy ministry. After a long historical presentation, the Buffalo ministerium states that all orthodox Lutheran catechisms say the same thing as the Pomeranian Catechism. Then we get a rare statement on Augsburg Confession V. The Buffalo pastors do not use the terms "abstract" and "concrete" in this passage, but it is obvious that they are understanding the word *Amt* concretely as "office" or "estate," not abstractly as the function of preaching, etc. They write:

Here, too, there is the same doctrine as in the Pomeranian Catechism on John 20:22-23, and it is understood exclusively as referring to the preaching office. So it is also in all the other orthodox catechisms. Pastor Krause thus had no need to abolish or retain the Pomeranian Catechism *because* it had words subject to misunderstanding: that Christ instituted this power in the preaching office. The institution of this power in the preaching office is clear enough in John 20:22-23. For the entire Gospel with its divine power and might is set [*gefasst*] into the preaching office.¹⁵

The footnote on this text says: "Therefore in the 5th article of the Augsburg Confession, *preaching office*, *Gospel*, and *Sacrament* are bound together directly. In the 28th article it is confessed that one cannot obtain these heavenly good otherwise than through the *office of preaching* and *distribution of the holy sacraments* [Augsburg Confession XXVIII 9]."¹⁶ It is apparent that the pastors of the Buffalo Synod here understand *Amt* as concrete: that is, "office" or "estate." In these statements, the Buffalo Synod pastors emphasize that salvation is offered through the office, because the office has been given God's Word and Sacraments to distribute.

Grabau's 1840 "Pastoral Letter" had said the same. There, Grabau said the word of God is located in the rightly constituted pastoral office and he denied that the word is effective outside of the office.¹⁷ Grabau had quoted

¹⁵ Ministerium of the Buffalo Synod, "Nachträge des Kirchen-Ministerii (1849)," in *Zweiter Synodal-Brief von der Synode der aus Preußen ausgewanderten lutherischen Kirche* (Buffalo, N.Y.: Brunck u. Domedion, 1850), 75-98, here at 89.

¹⁶ Ministerium, *Zweiter Synodal-Brief*, 89n.; emphasis original. The Buffalo pastors here refer to the *Book of Concord* by page number: 110. They normally refer to the Baumgarten edition of the Lutheran Confessions: Siegmund Jacob Baumgarten, ed., *Christliches Concordienbuch, darin öffentliche Bekenntnisse und symbolische Schriften der evangelischlutherischen Kirche enthalten sind: mit Beifügung der verschiedenen Lesearten voriger Ausgaben sowol der einzeln Bekenntnisse als des gesamten Concordienbuchs* (Halle: Gebauer, 1747); emphasis original.

¹⁷ Cwirla, "Grabau and the Saxon Pastors," 88; see also Chr. Otto Kraushaar, *Verfassungsformen der lutherischen Kirche Amerikas* (Gütersloh: C. Bertelsmann, 1911), 111.

Augsburg Confession V to show that God wants to deal with us through the ministry (*ministerium*). The Missouri Saxons, in their 1845 "Reply to Anti-critique," quote the Smalcald Articles III, VIII 3 to show that, at a more basic level, God wants to deal with us not through the office but through the Word. Yet they agree with Grabau that "ordinarily" God has his word and sacraments administered through his "ordered preaching office."¹⁸ For his part, Grabau would explain that ordinarily the word is not effective outside of the office, but all along he said there are emergency situations and that the word is powerful in and of itself.¹⁹ Grabau also gave examples of such "emergency situations":

Under circumstances such as, for example, the [Napoleonic] war's devastation of 1806 and 1812 was with us, where several pastors had been exiled from their parishes by force and their parishes had been made into enemy headquarters, a few cantors and sacristans in the villages partly recited God's Word, partly expounded to the best of their ability, baptized, absolved, held the Supper [Footnote: Which . . . I, however, do not approve, since it was not necessary like Baptism], married, etc. although they neither had been called nor ordained.²⁰

That is, an emergency situation is one in which there are no pastors, and it is impossible to get to one.

As the debate progressed, Grabau explained that the Office of the Holy Ministry is a "ministerial cause" of faith and salvation. This concept, based on passages such as 1 Tim 4:16 and 1 Cor 3:5, was set forth and expounded by Johann Gerhard.²¹ When pressed by the Missouri Saxons, Grabau often resorted to this terminology as his explanation. We will examine Grabau's use of this terminology later, when we consider Augsburg Confession XIV.

Thus, as we look at the places where Augsburg Confession V surfaces in controversy between Grabau and Walther, we see that Grabau accepted the distinction of abstract and concrete as applying to pastors and their duties, not as different things. Nevertheless, he and the pastors of the Buffalo Synod usually understood "ministry" [*officium, Amt*] in the *Book of*

¹⁸ Löber, et al., "Unsere Beurtheilung der vorstehenden Widerlegung ['Reply to Anti-critique,' Jan. 15, 1845]," 82-83.

¹⁹ Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 15-16.

²⁰ Johannes Andreas August Grabau, "Brief des Hrn. Pastor Grabau an Hrn. Pastor Brohm in New-York ['Ordination Letter,' June 26, 1844]," in *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840*, ed. G. H. Löber (New York: H. Ludwig & Co., 1849), 57-64, here at 58; translated by Benjamin T. G. Mayes, "A Letter by Johannes Grabau on Christian Ordination," *CHIQ* 73: 3 (2000): 179-189, here at 180.

²¹ Gerhard, *Theological Commonplaces: On the Ecclesiastical Ministry*, § 55.

Concord as the office or estate that is charged with preaching and administering sacraments, not just as those functions themselves. The result is that Augsburg Confession V is read as meaning, "That we may obtain this faith, the office or estate of Teaching the Gospel and administering the Sacraments was instituted." Thus, except in emergency situations, God wills to distribute salvation through the work of his called ministers, and not otherwise. Yet, as will be shown later when discussing Augsburg Confession XIV, it is important to remember that Grabau did view the Word as powerful in itself. It is God's revealed will and institution that he stresses when he so often speaks of "ministry" as concrete.

II. Augsburg Confession VII–VIII: The Church as Visible and Invisible

The Church is the congregation of saints, in which the Gospel is rightly taught and the Sacraments are rightly administered (AC VII, 1). The Church properly is the congregation of saints and true believers . . . (AC VIII, 1).

In 1849, the Buffalo Synod pastors defined the visible church as binary, consisting of teachers (i.e., pastors) and hearers. They write, "Church and teachers of the Church are divinely joined together. Where one is, there the other should be; they are correlatives [*Correlativa*]; as there can be no bride without a bridegroom."²² This is obviously a definition of the visible church, around which the thoughts of the Buffalo Synod pastors seemed to turn.

Throughout the "Second Synodical Letter" and other Buffalo Synod literature, the Buffalo writers stress constantly the distinction between the Church and sectarian groups [*Rotten*].²³ This distinction is of great importance to them, and may explain their insistence on strict church discipline and the great offense they took at Missourian attempts to establish rival Lutheran congregations nearby to Buffalo Synod congregations. According to the Buffalo Synod, a member of a sect cannot be saved. Drawing on the classical dogmatic statement that "there is no salvation outside the Church," which Johann Gerhard and others confess as applying not only to the invisible church but also to the visible—since there is no invisible church outside of the visible church—Grabau and the Buffalo Synod took a step beyond Gerhard and asserted that there is no salvation outside of the

²² Ministerium of the Buffalo Synod, "Nachträge des Kirchen-Ministerii (1849)," 97, n. ¶.

²³ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 136, 138, and *passim*.

visible Lutheran church.²⁴ This unfortunate statement may have resulted from the fact that "visible church" has two different meanings in classical Lutheran theology. On the one hand, it can mean a conspicuous, right-teaching church; for example, the territorial church of electoral Saxony at the time of Luther. Or on the other hand, it can mean a real gathering of Christian hearers and a preacher around the Word and sacraments, even if they are so few that the world considers them invisible or non-existent. Johann Gerhard says that for salvation, one must be within the latter.²⁵ The Buffalo Synod seems to say one must be in the former. Neither Grabau nor Gerhard would say only membership in the invisible church is necessary, as though the invisible church could be outside of the visible. And I do not think Walther intended to say this either.²⁶ Yet the Buffalo Synod position that salvation is only within the Lutheran church was rightly criticized by Walther.

As noted earlier, Grabau placed the word and sacraments within the pastoral office, as the office whereby God wants them to be distributed publicly. Yet this should not be understood to mean that, for the Buffalo Synod, the office of the holy ministry *makes* the word of God living and active. Against a brand of pietism that cropped up among Germans near Buffalo in 1846, who taught that "the efficaciousness of the preached Word of God is not only dependent on God's power, order, blessing, will, and good pleasure (Isa. 55:10-11), but also on the personal conversion of the preacher," the Buffalo Synod stated that this is a position "against which our Symbolical Books are earnestly opposed (Augsburg Confession VII-VIII). For the Word of God is living and powerful (Hebrews 4)."²⁷ Grabau and the Buffalo Synod here declare that the efficaciousness of God's word depends not on the personal characteristics of the pastor, but on "God's

²⁴ Buffalo Synod, *Zweiter Synodal-Brief von der Synode der aus Preußen ausgewanderten lutherischen Kirche, versammelt zu Buffalo, N.Y., im Juli 1848. Nebst etlichen Nachträgen des Kirchen-Ministerii gedachter Gemeinen, und einer Verantwortung des Pastors Grabau zu Buffalo gegen die missourischen Rottenbeschützer, Löber, Walther &c., als eine Wahrung der Rechte des christlichen Predigtamts und ernstliche Protestation gegen die Aufrichtung demokratischer Grundsätze innerhalb der lutherischen Kirche Nord-Amerika's; Oeffentlich ausgegeben für alle lutherische Christen in Nord-Amerika und Deutschland* (Buffalo: Brunck u. Domedion, 1850), 24; Suellflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," 65.

²⁵ See Johann Gerhard, *Theological Commonplaces: On the Church*, tr. Richard J. Dinda, ed. Benjamin T. G. Mayes (St. Louis: Concordia Publishing House, 2010), xiii.

²⁶ See Walther, *Church and Ministry* (*Kirche und Amt*), church thesis 6; but cf. thesis 9, which makes the visible and invisible church sound like separate churches.

²⁷ Buffalo Synod, *Zweiter Synodal-Brief von der Synode der aus Preußen ausgewanderten lutherischen Kirche*, 50.

power, order, blessing, will, and good pleasure." Of course, "order" includes the office of the holy ministry in all Buffalo Synod writings. But this quote shows us the Buffalo Synod's view that the word is indeed dependent on God's will and has power of itself, regardless of the personal character of the preacher.

Thus, on Augsburg Confession VII and VIII, we see that the Buffalo Synod especially emphasized the role of the visible church as the means through which God gives salvation. Perhaps because of some misunderstanding of what the Orthodox Lutherans meant by the axiom that "there is no salvation outside of the church," and the two ways that the visible church was defined, the Buffalo Synod came to the unfortunate and untenable position that there is no salvation outside the Lutheran Church. The Buffalo Synod was also careful to reject Donatism, yet they confessed that the office of the holy ministry is part of God's institution and order, and thus must be present for there to be efficacious preaching of the Word (barring emergencies, of course).

III. Augsburg Confession XIV: What Does *rite vocatus* Mean?

Of the ecclesiastical order they teach that no one should publicly teach in the Church or administer the Sacraments unless he be rightly called (AC XIV).

Article XIV of the Augsburg Confession was at the center of the dispute between Grabau and Walther. To Grabau, the fight with Missouri was mainly about "the proper distinction between the spiritual priesthood of all believers and the office of pastors and teachers in the Church."²⁸ Indeed, the purpose of Grabau's 1840 "Pastoral Letter" was to show "that the 14th article of the [Augsburg] Confession is based truly and deeply on Holy Scripture." Grabau admonished his Wisconsin parishioners "not to seize the administration of the holy sacraments without a right and complete ecclesiastical call."²⁹ Part two of the "Pastoral Letter" deals with the "great necessity of the valid [*rechten*] call."

Why is the call necessary before one can perform the ministerial functions of preaching, absolving, and administering sacraments? This necessity comes forth, according to Grabau, from the fact that St. Paul and

²⁸ Grabau, "Brief an Hrn. Pastor Brohm ['Ordination Letter,' June 26, 1844]," 58; *CHIQ* 73:179; Frederick Weber likewise noted that Augsburg Confession XIV was central to the dispute: Frederick A. Weber, "J. A. A. Grabau and the Doctrine of the Pastoral Office" (Master of Sacred Theology thesis, Trinity Lutheran Seminary, Columbus, OH, 1991), 44.

²⁹ Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 12; *Soli Deo Gloria*, 142.

all the apostles refer to "the valid, divine call" at the beginning of their letters. They would not have done this if the call was an unimportant matter and "had contributed nothing to the point." Also, Jesus received His orderly call from the Father and testified that the Father *sent* Him.³⁰ Of course, there may be emergencies when a layman must perform public ministerial functions, such as absolution or Baptism, since no pastor can be found. Grabau, too, allowed for emergencies, but preferred to base his doctrine on the ordinary institution, not on the emergency situations.³¹

The Missouri Saxons, for their part, likewise emphasized the necessity of the call before anyone is permitted to carry out ministerial functions, though they argue strongly for the legitimacy of a call from laypeople without any pastors participating in the call process. The Missourian Saxons' view on the necessity of the call was obvious when they wrote in 1843, "But whenever a congregation, in arrogant despising of the ministerium placed over her [*vorgesetzten*] or otherwise amid recognition of *neighboring* orthodox preachers, nevertheless in personal hate and separatism, itself elects for itself a teacher [i.e., a preacher] out of its midst, and thus builds altar against altar, or even without any testing of the spirits and without invocation of God heaps up for itself teachers, after whom its ears itch, then this must, to be sure, be called ecclesiastical misconduct and an 'arbitrary appointment' of a preacher."³² Thus, the Missouri Saxons, even though arguing on the basis of an emergency situation—an isolated congregation of laypeople without any pastors nearby—still agree that pastors should be involved in the call process and that neither Grabau nor they approved of lay ministry, where someone is "arbitrarily appointed" to perform the ministry without sufficient training and without the involvement of the whole church, including nearby orthodox pastors. As late as 1866, when Christian Hochstetter led a large part of the Buffalo Synod into fellowship with Missouri, all the participants at the Missouri-Buffalo colloquy, including C.F.W. Walther, agreed that lay ministry—that is, preaching and sacraments by an uncalled person—is sinful, on the basis of Heb. 5:4.³³

³⁰ Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 14; *Soli Deo Gloria*, 146.

³¹ Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 15-16; *Soli Deo Gloria*, 147.

³² Löber, et al., "Beurtheilung ['Critique,' July 3, 1843]," 31-32; *Soli Deo Gloria*, 170.

³³ Lutheran Synod of Buffalo and Lutheran Church—Missouri Synod, *Das Buffaloeer Colloquium, abgehalten vom 20. November bis 5. December 1866, das ist, die schließlichen Erklärungen der die Synode von Buffalo und die von Missouri, Ohio u. a. Staaten vertretenden Colloquenten über die bisher zwischen beiden Synoden streitigen und besprochenen Lehren. Revidirt, unterzeichnet und veröffentlicht von den beiderseitigen Colloquenten* (St. Louis: Aug. Wiebusch u. Sohn, 1866), 18-19.

IV. The Elements of a Valid Call

Once this necessity of a valid call was posited, the central question then was, what is a valid call? Article XIV of the Augsburg Confession does not list the elements of a valid call, nor does it line out the call process. In the 1840 "Pastoral Letter," Grabau noted that the Apology of the Augsburg Confession, article XIV, 24, (1),³⁴ confesses the Lutheran preservation of old church usages. From there he went to the old Lutheran church orders, which all the Lutherans associated with him had previously agreed to uphold, and from these church orders he listed seven elements necessary for a right call to the ministry, on the assumption that the old church orders understood and implemented Augsburg Confession XIV correctly.³⁵

But here is where several evaluations of Grabau's theology have failed.³⁶ To understand the real Grabau and Walther, one cannot simply read Grabau's 1840 "Pastoral Letter" (or *Hirtenbrief*) and the first Missouri Saxon "Critique" of it. The Missouri Saxons were concerned that Grabau's seven items requisite for a pastor to be "rightly called" [*rite vocatus*] in the sense of Augsburg Confession XIV mixed divine and human elements.³⁷ But Grabau soon corrected this and reduced the necessary, divinely instituted items to two: call and ordination.³⁸ As a result, the issue drops out of the debate in the later correspondence. What remained controversial

³⁴ Grabau's reference is "fol. 90," referring to the pagination of the 1580 German *Book of Concord*. Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 12; cf. *Soli Deo Gloria*, 143.

³⁵ Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 12-14; *Soli Deo Gloria*, 143-46. See also Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," 6.

³⁶ Several scholars have not noticed that Grabau changed his position as time went on. Frederick Weber did not notice that Grabau reduced the number of requisite elements of a valid call to two. Wilhelm Loehe apparently did not notice this either. Weber, "J. A. A. Grabau and the Doctrine of the Pastoral Office," 45-46, 81, 97; Wilhelm Loehe, "Unsere kirchliche Lage: Zugabe," in *Gesammelte Werke*, ed. Klaus Ganzer, vol. 5/1 (Neuendettelsau: Freimund-Verlag, 1954), 369-492, here at 479; cf. Thomas M. Winger, "The Relationship of Wilhelm Löhe to C. F. W. Walther and the Missouri Synod in the Debate Concerning Church and Office," *Lutheran Theological Review* 7 (1995): 107-32, here at 126.

³⁷ Löber, et al., "Beurtheilung ["Critique," July 3, 1843]," 21-22; *Soli Deo Gloria*, 156.

³⁸ Grabau, "Brief an Hrn. Pastor Brohm (June 26, 1844)," 59-60; *CHIQ* 73:181-82; cf. Winger, "The Relationship of Wilhelm Löhe to C.F.W. Walther," 121-22; Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 39.

was whether ordination is an adiaphoron, or whether it is divinely mandated as part of the call process.³⁹

The first error that the Buffalo Synod's 1848 "Second Synodical Letter" identifies among the Missouri Synod is that "Missouri errs when it says that ordination is only an adiaphoron and of human origin."⁴⁰ It would be impossible to deal with the entire debate on ordination here, but a few things should be said. First, Grabau may have misunderstood Walther's position on ordination. William Cwirla found that the Missouri Saxons did not call ordination an "adiaphoron" in their dispute with Grabau.⁴¹ Second, Walther and Grabau seem to have defined ordination differently, and because of this they came to different conclusions about whether it is part of the divinely instituted way that a man becomes a pastor (the call process). Grabau defined ordination not as the imposition of hands, but as the command of God to a man to perform pastoral functions.⁴² In my 2006 article, I showed that Grabau's view of the ministry is fundamentally different than the Roman Catholic doctrine.⁴³ The same can be said for his view of ordination. It all hinges on the will and command of God, not on a special ministerial grace, nor an indelible character, nor even on the imposition of hands.⁴⁴ Grabau sees Christ's great commission spoken to the apostles at the end of each Gospel as including the essence of ordination: the command from Christ to exercise the ministerial functions of preaching, the keys, and the sacraments. Aside from passages such as 2 Tim 2:2 and Titus 1:5,⁴⁵ Grabau also appeals to Apology XIII 11-13, which reads, in part: "But if ordination be understood as applying to the ministry of the Word, we are not unwilling to call ordination a sacrament. For the ministry of the Word has God's command and glorious promises. . . . If ordination be understood in this way, neither will we refuse to call the imposition of hands

³⁹ Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," 10-12.

⁴⁰ Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," 101; see also Grabau, "Johann Andreas August Grabau: A Biographical Sketch," 24:129.

⁴¹ Cwirla, "Grabau and the Saxon Pastors," 97. Cwirla's observation seems to be supported by Löber, et al., "Unsere Beurtheilung der vorstehenden Widerlegung ['Reply to Anti-critique,' Jan. 15, 1845]," 75.

⁴² Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 40-41.

⁴³ Benjamin T.G. Mayes, "Reconsidering Grabau on Ministry and Sacraments," *Lutheran Quarterly* 20 no. 2 (2006): 190-212.

⁴⁴ For the classic Roman Catholic view on ordination from the Council of Trent, see Heinrich Denzinger, ed., *The Sources of Catholic Dogma*, tr. Roy J. Deferrari (St. Louis: Herder, 1957), nos. 852 and 964.

⁴⁵ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 130.

a sacrament. For the Church has the command to appoint ministers. . . ." Yet even though the Lutheran Confessions are willing to call ordination a sacrament, depending on how "sacrament" is defined, Grabau does *not* call it a sacrament.⁴⁶ By his use of Apology XIII 11–13, Grabau only intends to underscore that ordination has God's command and promise. Each time Grabau cites Apology XIII, he emphasizes God's command and promise in ordination, not ordination's sacramentality. And in 1844, Grabau said that the imposition of hands is not necessary for ordination, but is a free ceremony.⁴⁷ Also, ordination itself is not "absolutely" necessary for the exercise of the ministry, though it cannot be omitted outside a case of emergency. Indeed, the call of the congregation itself is not "absolutely" necessary in a case of emergency, either.⁴⁸

The other passages Grabau references with regard to ordination are Smalcald Articles III X 3, and Treatise 67, 69, 70, and 72.⁴⁹ Grabau's teaching on ordination can be found in detail in the letter he wrote to Theodore Julius Brohm in 1844.⁵⁰

V. The Terms "Call" and "Ordination"

The terminology of "call" and "ordination" played a role here. Much of the dispute between Grabau and Walther involved the definition of these terms. The Missouri Saxons noted that there are narrow and wide senses of the term "ordination" in classic Lutheran theology. The wide sense refers to the entire process by which a man becomes a pastor, whereas the narrow sense is a wholesome church usage to confirm the call.⁵¹ Grabau, on the other hand, at one point recognizes wide and narrow senses for the term "call," but not for "ordination." He writes,

But we know that Luther and our Symbols by the term "calling" understand in part the election, in part the ordination, as does also the 14th article of the Augsburg Confession. As a result, electing can be named a "calling" and ordaining can also be named a "calling," and

⁴⁶ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 130; Grabau, "Brief an Hrn. Pastor Brohm ['Ordination Letter,' June 26, 1844]," 60.

⁴⁷ Grabau, "Brief an Hrn. Pastor Brohm ['Ordination Letter,' June 26, 1844]," 58.

⁴⁸ Grabau, "Brief an Hrn.," 58.

⁴⁹ Grabau, "Brief an Hrn.," 61.

⁵⁰ Johannes Andreas August Grabau, "A Letter by Johannes Grabau on Christian Ordination," tr. Benjamin T. G. Mayes, *CHIQ* 73 no. 3 (2000): 179–189.

⁵¹ Löber, et al., "Unsere Beurtheilung der vorstehenden Widerlegung ['Reply to Anti-critique,' Jan. 15, 1845]," 70; Cwirla, "Grabau and the Saxon Pastors," 96.

yet it is only *one* call. But in no way does "ordain" mean as much as "call" in *general*.⁵²

That is, "call" in the wide sense can refer to both the selection (the narrow sense of "call") and to ordination, but "ordination" has only the narrow sense. More research is required to see if Grabau is consistent with his use of these terms. As for the Missouri Saxons, when they read the old Lutheran writers mentioning "ordination" as being necessary or bestowing divine gifts, they normally understood "ordination" in the wide sense as referring to the "call process," but not really "ordination" in the narrow sense.⁵³

VI. Office and Efficaciousness of Word and Sacraments

Augsburg Confession XIV speaks of no one being permitted to preach or administer sacraments unless rightly called. Both Grabau and Walther agreed on this. Yet on this point historians of the American Lutheran church and ministry debate have divided Grabau and Walther as much as possible. Usually the story goes that for Walther the word itself is powerful to save and to effect sacraments, but for Grabau the office makes the word powerful, or the means of grace "depend" on the office for their efficaciousness or for the sacraments to be real.⁵⁴ This claim, popularized especially by Christian Hochstetter and Walter Baepler, is unfounded. For Grabau, the efficaciousness of the word and sacraments do not "depend on the office," and certainly not on a ministerial grace or on a characteristic of the minister. Instead, everything depends on the will of God and the order instituted by Christ. It is not that the sacraments depend on the ministry for their efficaciousness, but that it is the will of God that the ministry is to administer the sacraments and absolution, and that the valid call is necessary for this according to God's will.⁵⁵ Let one example suffice to show that for Grabau the sacraments did not depend on the office. In his "Anti-critique" (July 12, 1844) he wrote that:

⁵² Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c." 113.

⁵³ See Loehe, "Unsere kirchliche Lage: Zugabe," in *Gesammelte Werke*, 5/1:483.

⁵⁴ See Karl Edwin Kuenzel, "The Doctrine of the Church and Its Ministry According to the Evangelical Lutheran Synod of the USA" (Th. D. dissertation, University of South Africa, 2006), 20–21, 56; Hochstetter, *Die Geschichte der Evangelisch-lutherischen Missouri-Synode in Nordamerika*, 187, 204; Adolph Späth, "Nordamerika, Vereinigte Staaten: e) Die lutherische Kirche," in *Realencyklopädie für protestantische Theologie und Kirche* (Leipzig: J. C. Hinrichs, 1896–1913), s.v.; Walter A. Baepler, *A Century of Grace: Missouri Synod 1847–1947* (St. Louis: Concordia Publishing House, 1947), 141.

⁵⁵ Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 14–15; *Soli Deo Gloria*, 147; Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 44.

The Word and the sacraments are certainly powerful in themselves, even if they are not exercised through the preaching-office, especially in hard misfortunes and emergencies; but God instituted the preaching-office to serve as the orderly manner, that His Word would become powerful with us and in us through *preaching*.⁵⁶

This is a statement that Grabau could not have made if he thought that there was a power inhering in the office which was necessary to make the word and sacraments valid. In fact, early on in the correspondence, Grabau wrote in his "Pastoral Letter" that in cases of emergency a father of a household could administer the Lord's Supper to a dying person if a pastor was not available.⁵⁷ This is a point where the Missouri Saxons corrected Grabau. Walther, Löber, and the other Missouri Saxons denied that there is any such emergency that would require a lay administration of the Lord's Supper, and Grabau allowed himself to stand corrected on this point.⁵⁸

Since I have set forth the positions of both Grabau and Walther from the *Hirtenbrief* correspondence previously, here I will focus on Grabau's statements in his 1850 response to that book, appended to the Buffalo Synod "Second Synodical Letter." As he had said previously in the *Hirtenbrief* correspondence, Grabau repeats here in the response to Löber's edition of that correspondence that the office of the holy ministry does not effect the presence of Christ's body and blood in the Lord's Supper. He says, "The 'Pastoral Letter' had already explained this."⁵⁹ Grabau complains that the Saxons were twisting what he wrote in the "Pastoral Letter" as if he taught that "the office *causes* and *effects* the presence of the body and blood of Christ; when it actually taught correctly that the office is the *causa ministerialis*, 'serving cause,' which concurs or comes together with the efficient principal cause of all blessing, God Himself, in the power of His Word."⁶⁰ Johann Gerhard, too, had used similar terminology, speaking of the office as the *causa instrumentalis* in effecting salvation, based on 1 Corinthians 3:5 and 1 Timothy 4:16.⁶¹ Yet the term must have been a source of confusion to anyone not familiar with the scholastic context from which

⁵⁶ Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 44.

⁵⁷ Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 15; *Soli Deo Gloria*, 147.

⁵⁸ Löber, et al., "Beurtheilung ['Critique,' July 3, 1843]," 31; *Soli Deo Gloria*, 169; Buffalo Synod, *Zweiter Synodal-Brief von der Synode der aus Preußen ausgewanderten lutherischen Kirche*, 9.

⁵⁹ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c," 123, note ¶.

⁶⁰ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c," 122.

⁶¹ Gerhard, *Theological Commonplaces: On the Ecclesiastical Ministry*, §§ 55, 72.

it came. At the time of Johann Gerhard, a *causa* was not always what we think of as a "cause," something that effects something else. Gerhard and other 17th century Lutherans distinguished *causa* into a "principal cause" on the one hand, and an "instrumental cause" on the other. The "instrumental cause" is what we might call a "tool."⁶² So in putting shingles on a roof, the workman is the principal cause, and the hammer he uses is the instrumental cause. Grabau seems to use his term *causa ministerialis* in the same way. The pastor is but a tool in the hand of God. But the Missourians could easily have misunderstood this as though Grabau meant that the ministry is a cause of salvation in such a way that it would be a principal cause.

In order to show how his Missourian opponents misconstrued his statements and accused him of error, Grabau chooses the issue of whether the real presence of Christ's body and blood in the Lord's Supper depends on the office. Here I will give a longer quote which summarizes the conflict from Grabau's perspective. In it one hears the words "orderly called" as a translation of the German version of Augsburg Confession XIV's *rite vocatus*. Grabau writes:

A sentence in the "Pastoral Letter," page 15: "Of course, Christ does not need the office in order to bestow power on His words of institution, but because He, to give more assurance to us, in grace wills to use the office instituted by Himself to deal with men on earth by the power of His Word," etc.

Missourian conclusion, page 28: The "Pastoral Letter" taught that the words of institution are powerful *because of the office, in such a way that the stewards over God's mysteries through their office effect [bewirken] that bread and wine in the Supper are actually blessed and in them the body and blood of Christ are imparted.*

Refutation of this conclusion in the "Anti-Critique," page 44-46: There is nothing in the "Pastoral Letter" about an *effecting* of the presence of the body and blood of Christ through the office, but only that an officeless man with all of his effort [Fürnehmen] can give neither the absolution nor distribute the body and blood of Christ; that on the other hand the orderly ministerial call of Christ is the *testimony* that

⁶² Johann Micraelius, *Lexicon philosophicum terminorum philosophis usitatorum*, Photomechan. Nachdr. der 2. Aufl. Stettin 1662, ed. Lutz Geldsetzer (Düsseldorf: Stern-Verlag, 1966), s.v. "Causa"; Johann Adam Scherzer, *Vade mecum sive manuale philosophicum*, ed. Stephan Meier-Oeser (Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1996), part 1, s.v. "Causa"; part 2/1, s.v. "Causa"; part 2/2, P VI, 363 (emphasis original).

He wants to distribute His body and blood through that orderly called person and thus deal with us. For the presence of the body and blood of Christ is *effected* by Himself as the Head of His Church. The word of institution is the effecting means. The orderly office is the serving means [*Dienstmittel*] for it, *causa ministrans a Deo ordinata* ["Ministering cause ordained by God."] From this everyone sees that Pastor Grabau was right to reject the Missourian conclusion.

Heedless of this, there follows the *persistence of the Missourians in their evil conclusion*: Pastor Grabau's doctrine borders, nevertheless, quite closely on a *sacerdotum missaticum*, that is, a Roman mass-priesthood (page 68). And then, page 83: "Yet it is and remains false, that God has bound this presence, etc., to the office of the called stewards; for God has given the preaching office to the whole Church; how much more also the Keys and the holy Sacraments!" (With these latter words they reveal their unbelief and their own false doctrine.)

Admonition of our synod in 1845. Page 89. No erroneous doctrine is really present, but their fault-finding wants to seek out scruples. We admonished them to cease doing this.

Missouri answer: "On the basis of this we incriminate them yet again, most decisively, of the errors proven to them and not refuted by them." Page 92.

Summary: *Stat pro ratione voluntas* ["the will stands in the place of reason"]. Just because they want Pastor Grabau's doctrine to border on a Roman mass-priesthood, that is how it must be! Or more completely: The erroneous doctrines of Pastor Grabau still remain in the fancy [*Dünken*] of the Missourians, and as long as they remain there, they have not been corrected, refuted, and retracted, but remain erroneous doctrines. In this way our synod, too, has errors in doctrine and confession, from which it must actually wash itself! And where are these errors? In the imagination of the Missourians.⁶³

From this we see that Grabau had still not gotten beyond his scholastic vocabulary of *causa ministrans* or *ministerialis*, which because of the ambiguity of the word *causa* could still be misunderstood as a "principal cause" rather than as a "tool," which is how Grabau probably meant it. But we also see Grabau making a clear distinction between himself and the Roman Catholic doctrine of the priesthood, with its ministerial grace. The presence of Christ's body and blood, according to Grabau, depends on God's order, his institution. And God instituted that it should be the office of the holy

⁶³ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c," 129-130.

ministry that would consecrate and administer the Lord's Supper. The quotation also shows how exasperated the relation between Missouri and Buffalo had become by 1850. Finally, in 1866, Heinrich von Rohr summarized the Buffalo Synod position on the relationship of the ministry to the word and sacraments as follows:

On call and ministry in reference to the power and efficacy of the divine Word, our synod teaches in the "Second Synodical Letter," pp. 11 and 12, according to my view: that the words in the Holy Supper are efficacious neither through the speaking of a layman or preacher, but that our Lord Jesus Christ only then wants to effect the presence of His body and blood when these words are spoken by such a man, to whom [Christ] has commanded it ordinarily [*ordentlicher Weise*] in the call and office, or extraordinarily in a case of emergency, as for example, in Baptism, where every Christian, man or woman, has the command to administer Baptism, which is necessary for salvation.⁶⁴

Here we see the same points that Grabau had emphasized from 1840 through 1850. First, we see the Buffalo Synod position on the impossibility, not just impermissibility, of ordinary lay administration of sacraments. Second, we see that this impossibility is based by them on the will of God, not on a ministerial grace or a characteristic of the minister. Third, the Buffalo Synod distinguished between ordinary and extraordinary situations, and did allow for emergency situations, such as emergency Baptism. Fourth, the Buffalo Synod position was based on the ordinary institution of the office and the sacraments, not on the emergency situations. At the 1866 Missouri-Buffalo colloquy, Heinrich von Rohr, who claimed to uphold the Buffalo Synod's classic doctrine as set forth in the "Second Synodical Letter," stated that lay ministry (specifically lay celebration of the Lord's Supper) is sinful. All the other participants, including Christian Hochstetter and C.F.W. Walther, agreed with von Rohr on this point. But they also disagreed with him by stating that in a case of error or mistaken identity, it would be the real Lord's Supper.⁶⁵ Thus, both Missouri and Buffalo were opposed to lay ministry; the disagreement was not on whether the Lord's Supper consecrated and distributed by a layman was *permissible* (both sides said it was not), but whether it was *possible*.

VII. The Congregation's Right to Call Its Pastor

Another topic connected with Augsburg Confession XIV is the congregation's right to choose its pastor. Perhaps the stereotype is that

⁶⁴ *Das Buffaloer Colloquium, abgehalten vom 20. November bis 5. December 1866*, 18.

⁶⁵ *Das Buffaloer*, 18–19.

Grabau domineered over the local congregations, not allowing them to call the pastors they wanted. One could perhaps understand the 1840 "Pastoral Letter" in this way. But several scholars have recognized Grabau's high view of the congregation's call, that he specifically defended the right of congregations to choose their pastor.⁶⁶ Grabau's views on this topic are clear from his "Anti-Critique" of 1844, from his "Ordination Letter" of 1844, and from his 1850 refutation of Löber's edition of the *Hirtenbrief* correspondence.⁶⁷ For example, in his "Ordination Letter" he writes:

If the emergency comes high, both actions [call and ordination] can be missing. But that does not annul the divine order grounded in the N.T., which must occur again after the emergency has passed. There is no place in the Holy Scriptures where ordinarily the call of the local congregation is declared indispensable and Christian ordination dispensable. Instead they are ordinarily both important and necessary, but in the true misfortune both are dispensable. Nevertheless, in the latter case it is still always better that at least a call of the local congregation takes place, upon which, afterwards, after the misfortune has passed, the ordination can and may follow, if the person is found to be qualified for the office.⁶⁸

In Germany, the church authorities could transfer ministers arbitrarily, without the voice of the congregation. This was one of the reasons many of Buffalo's congregations came to America: to avoid this sort of hierarchical encroachment on the congregation's right to choose its pastor.⁶⁹ Thus, for the Buffalo Synod, as for the Missouri Synod, the congregation's right to call a pastor was important.

⁶⁶ Eugene W. Camann, "1843 Prussian Migration to Wheatfield, N.Y. and Wisconsin," in *Confessional Lutheran Migrations to America: 150th Anniversary* (Eastern District of The Lutheran Church—Missouri Synod, 1988), 30–42; Lowell C. Green, "Grabau and Walther: Theocentric Versus Anthropocentric Understanding of Church and Ministry," *Logia* 5 no. 2 (1996): 25–40, here at 31; Winger, "The Relationship of Wilhelm Löhe to C.F.W. Walther," 119; Löhe, "Unsere kirchliche Lage: Zugabe," in *Gesammelte Werke*, 5/1:462–63. But cf. Winger, "The Relationship of Wilhelm Löhe to C.F.W. Walther," 116. This was a point at which Löhe challenged both Buffalo and Missouri, believing that the ministerium alone has the duty not just to ordain but also to call. Winger, "The Relationship of Wilhelm Löhe to C.F.W. Walther," 119–21.

⁶⁷ Grabau, "Brief an Hrn. Pastor Brohm ['Ordination Letter,' June 26, 1844]," 61–62; *CHIQ* 73:183–84; Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 47–48; Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 125.

⁶⁸ Grabau, "Brief an Hrn. Pastor Brohm ['Ordination Letter,' June 26, 1844]," 58; *CHIQ* 73:180.

⁶⁹ Heinrich von Rohr, "Versuch eines historischen Nachweises der Entwicklung der verschiedenen Richtungen der Synoden von Missouri und von Buffalo," *Kirchliches Informatorium* 3 no. 5 (1853): 33–36, here at 34.

VIII. Transferral Theory

The Missouri Saxons and, later, the Missouri Synod adopted the view that the rights and duties to perform ministerial functions such as preaching, sacraments, and the exercise of the keys (excommunication and absolution) were given by Christ first and foremost to the church, but that in the call, the church transfers these rights and duties to the pastor. This teaching has sometimes been called the "transferral theory" or "transference doctrine" or, in German, *Übertragungslehre*.⁷⁰ Not only did Walther and the Missourians use the terminology and concepts of "transferral" to speak of how a layman becomes a pastor, so did Grabau and the Buffalo Synod. The dispute between Missouri and Buffalo was not over whether the office is "transferred," but *by whom* this happens, and who has the "right" to do it.⁷¹

Grabau's view of the transferral of the office is that *Christ*, not the church or congregation, transfers the office, though Christ does this through the selection and ordination of the church.⁷² Transferral is not the problem. The Buffalo Synod ministerium did not object to the concept of transferral, but rather they objected to a transferral *from laymen*. The Buffalo Synod pastors wrote in 1849: "Therefore we do not glory in man, that we received our office or ministerial right [*Amtsrecht*] *from* men, however holy they may be, but we glory in the transferring Lord, who has considered us faithful and put us into the office *through* men."⁷³ This actually sounds quite close to Walther's position—that the office comes from Christ, but is given through the church.⁷⁴ The difference would be through which people in the church, and what "through" means.

The Buffalo Synod pastors seem to have been comfortable with the idea that the church as a whole, the body of Christ, puts a man into the office. What they rejected was that the office belonged to each individual Christian. They write: "Not a single orthodox catechism nor our Symbolical Books teach anything about the transferral of might and the power of the keys from every individual member to his pastor [*Pfarrherrn*]."⁷⁵ In

⁷⁰ See Craig L. Nessan, "Wilhelm Loehe's Missionary Correspondence 1852-1872," *Lutheran Quarterly* 24 no. 2 (2010): 137-150, here at 137-138.

⁷¹ Even Hochstetter recognized this: *Die Geschichte der Evangelisch-lutherischen Missouri-Synode*, 212n.

⁷² Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 39. Emphasis original.

⁷³ Ministerium of the Buffalo Synod, "Nachträge des Kirchen-Ministerii (1849)," 92.

⁷⁴ Walther, *Church and Ministry (Kirche und Amt)*, 219 and 268, ministry theses VI and VII.

⁷⁵ Ministerium of the Buffalo Synod, "Nachträge des Kirchen-Ministerii (1849)," 92. Emphasis original.

his 1850 refutation of Löber's edition of the *Hirtenbrief* correspondence, Grabau says that laity are involved in the call process, but that it is God who transfers the office, not the laity who do it:

But we know that the church members, as far as they, in divine order, call qualified persons, do not transfer and effect the office, but rather that God, through the order in which they remain, Himself gives and places faithful servants of the church, *transfers and effects the office*. Thus God is and remains—also in the election and ordination—the *causa efficiens* or the only efficient cause of the office, Acts 20:28; Isa. 41:27.⁷⁶

Here it is obvious that for Grabau, the calling (or electing) belongs to the laity according to God's order. Grabau does not reject the concept of "transferral" of office. What he rejects is that the laity transfer the office from *themselves* to the pastors. He explains:

Suffrage [Wahlrecht] and *transferral* are two different things. Nevertheless, if the Missourian fanatics [Schwärmer] did not fight so hard for their false doctrine of the transferral, as if the congregation members had it in their fingers, then we would be satisfied that perhaps they intended to say that God the Lord is actually the *one who transfers*, as some teachers of the church also may speak.⁷⁷

Here Grabau accepts "transferral," as long as God is doing the transferring. Also, the laity are part of this transferring process, though they do not individually possess the office. Grabau's shrill tone is hard to ignore, of course, and this bitter attitude obviously made reconciliation with the Missourians difficult. In all of this, Grabau was worried about Walther's doctrine. If a congregation of laity without any pastors could choose one of their own, thereby making him a pastor, the tragic result would be the arbitrary dismissal of faithful pastors without due process.

On this issue, Walther's book on *Church and Ministry* made clear in 1852 that God does the transferring through the congregation.⁷⁸ And then, in 1866 at the Missouri-Buffalo colloquy, Heinrich von Rohr accepted the Missourian doctrine of transferral, since the Missouri delegates emphasized their rejection of lay ministry. The Missouri delegates explained that the doctrine of transferral was meant to reject an understanding of the office according to Old Testament Levitical principles. However, the public

⁷⁶ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 107. Emphasis original.

⁷⁷ Grabau, "Verantwortung", 119. Emphasis original.

⁷⁸ Walther, *Church and Ministry* (*Kirche und Amt*), 219 and 268, ministry theses VI and VII.

preaching office was not only instituted by God for the sake of good order, according to Walther and the other Missouri delegates.⁷⁹

In summary, both Grabau and Walther held that lay exercise of the public ministerial functions of preaching and administering sacraments is sinful, outside a case of emergency, and that a valid call is necessary before one may carry out these functions. Both Grabau and Walther accepted the call process as the "transferral" of the office, though they disagreed at first on who does the transferring, and especially on whether individual lay-people have the office, or whether the church as a body has it. The call process, according to Grabau, consists of two divinely instituted components: selection by the congregation and ordination by pastors. The call of the congregation is of divine origin. As for ordination, Grabau relied on Apology XIII to demonstrate its divine institution, but he refrained from calling it a "sacrament." Grabau defined ordination as the ceremony by which new pastors are given the command to carry out the functions of the ministry; he did not equate ordination with the imposition of hands. For both Grabau and Walther, lay celebration of the sacraments outside a case of emergency was impermissible, but for Grabau it was also impossible. If a layman attempted to play the pastor at a celebration of the Lord's Supper, the people would receive only bread and wine, according to him. Yet this was not based on a supposed ministerial grace or a characteristic of the minister, but simply on God's will, who instituted the office of the holy ministry to carry out these functions and does not want these functions to be carried out publicly by laymen. This aspect of Grabau's theology has been grossly misunderstood in the secondary literature, yet it is clear in the primary sources.

IX. Augsburg Confession XV: The Use of the Old Lutheran Church Orders in America

Of usages in the Church they teach that those ought to be observed which may be observed without sin, and which are profitable unto tranquillity and good order in the Church . . . (AC XV, 1).

In the early years of 1840-1843, the basic difference between the Missouri Saxons and the congregations associated with Grabau was that the Saxons were making a fresh start and breaking with the old customs of church government, while Grabau and his congregations were not.⁸⁰ The difference between them was not on liturgical grounds. Like Grabau, the

⁷⁹ *Das Buffaloer Colloquium, abgehalten vom 20. November bis 5. December 1866*, 12-14.

⁸⁰ Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," 11.

Missouri Saxons wanted to preserve the old Lutheran liturgical customs.⁸¹ Instead, the difference dealt with the role of the old Lutheran church orders as a form of church government in America. The Missouri Saxons in 1843 were especially concerned that Grabau's "Pastoral Letter" was mixing divine and human elements in the call process as he appealed to the old Lutheran church orders as his authority. This was a point at which Grabau admitted he should have done things differently. He wrote, "Nevertheless, I gladly admit that for the sake of clarity it would have been better not merely to quote from the church orders, but rather to divide human and divine elements strictly right away and to place each under its own rubric."⁸² This quotation demonstrates several things. First, Grabau made corrections to his position as the debate progressed. Second, this is another reason never to limit one's research to Grabau's initial 1840 "Pastoral Letter," if we want to know what Grabau really thought. Third, the notion that Grabau thought the old Lutheran church orders had to be accepted as is, even in America, must be reconsidered.

Grabau and the Buffalo Synod were fundamentally conservative in their church polity and would often cite passages from the *Book of Concord* to undergird this institutional conservatism. The Buffalo Synod itself followed two particular church orders: the Pomeranian and Saxon church orders.⁸³ This attachment to these old Lutheran church orders was so strong that the Buffalo Synod congregations generally did not write congregational constitutions, but instead bound themselves to the old church orders.⁸⁴ Yet Grabau recognized that these church orders had to be modified for the American context, and he states in general what parts did not apply. Responding to an accusation from the Missouri Synod, he writes:

Here they once again misrepresent us and act as if Pr. Grabau is again aiming at that old Lutheran princely episcopate [*Fürstenepiskopat*], consistorial and diocesan arrangement according to territorial com-

⁸¹ Cwirla, "Grabau and the Saxon Pastors," 92.

⁸² Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 48.

⁸³ So far I have been unable to locate the specific church orders that had legal standing in the Buffalo Synod and its predecessor congregations in the early years. Much later, in 1888, an Agenda based on the the Pomeranian and Saxon church orders was published for use by the Buffalo Synod: *Evangelisch Lutherische Agende, auf Grund der alten Pommerschen und Sächsischen Agenden bearbeitet und mit den nöthigen Zusätzen für hiesige Bedürfnisse vermehrt* (Buffalo, N.Y.: Lutherische Synode von Buffalo, 1888). See Chr. Otto Kraushaar, *Verfassungsformen der lutherischen Kirche Amerikas* (Gütersloh: C. Bertelsmann, 1911), 107.

⁸⁴ Kraushaar, *Verfassungsformen*, 106–107. Kraushaar notes that the Buffalo Synod congregations considered it unlutheran to make their own congregational constitutions.

pulsion against independent freedom, and that this is what he wants to preserve! But every honest Christian will understand that what was said and meant was that here [in America] we do not have to let the old polity fall *completely*, that we have enough freedom to preserve it according to its Christian essence.⁸⁵

Grabau did not simply read the passages of the *Book of Concord* which speak about preserving the old Catholic church polity⁸⁶ and apply them directly to the Lutheran church orders before the Enlightenment. Instead, he says that when the *Book of Concord* approves of the old Catholic church polity, what was good of that old church polity was brought forward into the old Lutheran church orders.⁸⁷ Grabau assumed a continuity between the pre-Reformation church polity and the pre-Enlightenment Lutheran church orders, such that the church orders could serve as an interpretation of what a Lutheran practice consistent with the *Book of Concord* would look like.⁸⁸ Yet the problem with the Buffalo Synod's use of these church orders is that they may not have specified what parts of them apply in America and what parts do not. That would require significant interpretation on a case by case basis, likely by Grabau and other pastors. This, too, would provide fodder for conflict.

X. Augsburg Confession XXVIII: Church Government

There has been great controversy concerning the power of bishops . . . it is lawful for bishops or pastors to make ordinances that things be done orderly in the Church. . . . It is proper that the churches should keep such ordinances for the sake of love and tranquillity, so far that one do not offend another, that all things be done in the churches in order, and without confusion . . . (AC XXVIII, 1, 53, 55).

A common misconception is that Grabau, like Martin Stephan, was a bishop or that he wanted to establish an episcopal system of church government.⁸⁹ This is not true. Grabau's title in the Buffalo Synod was *senior ministerii* ["senior of the ministerium"], not "bishop." In fact, Grabau

⁸⁵ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 121-122.

⁸⁶ Such as Ap XIV (VIII) 24 [1]; *Triglott Concordia*, 315.

⁸⁷ Grabau, "Hirtenbrief ['Pastoral Letter,' Dec. 1, 1840]," 12; *Soli Deo Gloria*, 143.

⁸⁸ Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 38; Cwirla, "Grabau and the Saxon Pastors," 91.

⁸⁹ Kuenzel, "The Doctrine of the Church and Its Ministry According to the Evangelical Lutheran Synod of the USA," 21, 43, 61-62, 64; Camann, "1843 Prussian Migration to Wheatfield, N.Y. and Wisconsin," 26; John C. Wohlrabe, "The Americanization of Walther's Doctrine of the Church," *CTQ* 52:1 (1988): 1-28, here at 9; John C. Wohlrabe, *Ministry in Missouri Until 1962* (n.p., 1992), 6-10.

referred to Treatise 61–65 and stated that an episcopal system was not in the New Testament, but developed “according to human order.”⁹⁰ Instead, his goal was to establish the Lutheran Church’s classic church polity here in America.⁹¹ At the same time, Grabau’s goal was not to give pastors the right to make new laws and ceremonies according to their whim. In 1850 he repeated the position he had set forth in his “Anti-Critique” of 1844. He says that the old church orders should not have been abolished among the congregations unnecessarily, because Apology XV, 51–52 (cf. AC XXVIII, 53, 55) says that nothing among churchly customs should be changed if they can be observed without sin, and that they should be kept for the sake of good order and tranquillity.⁹² Grabau was against putting arbitrary power in the hands of the laity as well as in the hands of the pastors.

Grabau’s common complaint against the Missouri Synod was that they had put this arbitrary power into the hands of the laity. He and other Buffalo pastors claimed the Missourians had fallen from one extreme to the other, from the papal authority of the bishop to the papal authority of the local congregation.⁹³ The Missourians, for their part, accused the Buffalo Synod of having hierarchical tendencies.⁹⁴ Yet the Buffalo Synod writers claimed that they opposed “hierarchical encroachments.” Part of the reason that some of the Buffalo Synod congregations came to America was the fact that in Germany the church authorities could transfer ministers arbitrarily, without the voice of the congregation. In America they hoped to avoid these abuses of that hierarchical system.⁹⁵

⁹⁰ Grabau refers to this passage as folio 157 in the original Dresden 1580 *Book of Concord*. Grabau, “Hirtenbrief [‘Pastoral Letter,’ Dec. 1, 1840],” 16–17; *Soli Deo Gloria*, 148–49; Philipp Melancthon, “[Treatise] Of the Power and Primacy of the Pope; Of the Power and Jurisdiction of Bishops,” in *Triglott Concordia*, 521–23.

⁹¹ Suelflow, “The Relations of the Missouri Synod with the Buffalo Synod up to 1866,” 5.

⁹² Grabau, “Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.,” 118; Grabau, “Widerlegung [‘Anti-Critique,’ July 12, 1844],” 41–42.

⁹³ “Die Irrlehre des missourischen Lutheraners und der missourischen Synode,” *Kirchliches Informatorium* 1, no. 3 (1851): 38–40, here at 38; Von Rohr, “Versuch eines historischen Nachweises der Entwicklung der verschiedenen Richtungen der Synoden von Missouri und von Buffalo,” 33–34.

⁹⁴ Cf. the subtitle of Löber’s edition of the *Hirtenbrief* correspondence, “against the validation of hierarchical principles within the Lutheran Church”: G. H. Löber, ed., *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840. Nebst den zwischen ihm und mehreren lutherischen Pastoren von Missouri gewechselten Schriften. Der Oeffentlichkeit übergeben als eine Protestation gegen Geltendmachung hierarchischer Grundsätze innerhalb der lutherischen Kirche* (New York: H. Ludwig & Co, 1849).

⁹⁵ Von Rohr, “Versuch eines historischen Nachweises der Entwicklung der verschiedenen Richtungen der Synoden von Missouri und von Buffalo,” 34.

So what kind of a church government did the Buffalo Synod establish? At the congregational level, Buffalo Synod congregations were governed by the pastor and a small church council as a collegium, as well as by a board of trustees.⁹⁶ At the synodical level, both Grabau and Walther described the Buffalo Synod as having not an episcopal church government, but a "representative" church government. This had been the traditional Lutheran church polity used in Germany.⁹⁷ Walther rejected such a "representative" church polity for the Missouri Synod, whereas Grabau wanted to keep it for the Buffalo Synod.⁹⁸ This "representative" polity might better be called a "synodical" polity, where the representative synod makes decisions for the whole church, which the individual congregations must then obey.⁹⁹ This representative church polity is actually quite similar to the way the United States is governed. We send representatives to make laws, and then those laws are binding on everyone. Grabau was against congregational autonomy, which he saw as resulting in disunity of faith and practice. Following this old Lutheran "representative" polity, the Buffalo Synod's conventions functioned like a consistory or a board of adjudications to judge doubtful cases or disputes. The Buffalo Synod saw the synod as church, and the decisions of the synodical assembly as the church's decisions. They appealed to Treatise 56 as a basis for this view of synodical governance, where Melancthon writes, "the decisions of Synods," that is, councils, "are the decisions of the Church."¹⁰⁰ Unlike the Missouri Synod, they did not make the local congregation the highest court of appeals. The synodical convention was supposed to play that role. Grabau contrasts this polity with Roman Catholic polity:

⁹⁶ See Kraushaar, *Verfassungsformen*, 106–14. However, Kraushaar (p. 113) says that this congregational constitution does not go back to the beginning of the congregation or of the Buffalo Synod. Therefore no firm conclusions can be drawn from this constitution to the Buffalo polity before 1866.

⁹⁷ See, for example, Johannes Hülsemann, *Extensio Breviarii Theologici, Exhibentis Praecipuas Et Recentiores Christianae Fidei Controversias: Addita Paraphrasi & Vindicatione Testimoniorum Sacrae Scripturae. Quae Pro Adstruenda Veritate Et Destruenda Falsitate Afferuntur*, 3rd ed. (Lipsiae: Ritzschius, 1655), ch. 18 "De Ecclesia Repraesentativa In Conciliis Et Doctoribus," pp. 318–65.

⁹⁸ W.H.T. Dau, "Waltheriana," *Theological Monthly* 2, no. 5 (1922): 129–40, here at 129; Löber, et al., "Beurtheilung ['Critique,' July 3, 1843]," 25–26; cf. *Soli Deo Gloria*, 162; Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 43; Löber, et al., "Unsere Beurtheilung der vorstehenden Widerlegung ['Reply to Anti-critique,' Jan. 15, 1845]," 82; Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 121.

⁹⁹ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 142.

¹⁰⁰ Ministerium of the Buffalo Synod, "Nachträge des Kirchen-Ministerii (1849)," 79–80; Melancthon, "[Treatise] Of the Power and Primacy of the Pope; Of the Power and Jurisdiction of Bishops," para. 56, in *Triglot Concordia*, p. 521.

The essence of the papacy is also not this: that the holy teaching and preaching office gives judgment from God's Word in synodical assembly [*synodalisch*] on difficult cases, and in so doing refutes the erring, strengthens the weak, confirms the strong, etc.¹⁰¹

Thus, Grabau is not arguing for the power of pastors to judge doubtful cases on their own, but rather together in the synodical assembly.¹⁰²

So what was the Missouri Synod's polity at the time? The Missouri Synod's polity has been described not as "congregational" but as "synodical."¹⁰³ However, since the Missouri Synod in convention had only advisory power over the congregations, I cannot see how it could be described as anything but congregational in its polity, yet with a heightened sense of fellowship with the other congregations of the synod. The question is whether you could appeal from the congregation's action to a higher churchly authority. In the Buffalo Synod one could appeal to the pastoral conference (*Ministerium*) or to the synodical convention (*Synode*). In the Missouri Synod it is at least unclear whether this was possible.

In his vice-presidential address at the 1849 Missouri Synod convention, Wilhelm Sihler portrayed the Missouri Synod as following a middle path between episcopal tyranny and democratic tyranny. Grabau summarized Sihler's presentation, saying:

They supposedly have found the right way, where the congregations govern themselves and yet the divine privilege of the holy preaching office remains uninjured, for the servants of the Lord, ambassadors in the stead of Christ, and fellow workers of the Holy Spirit are not slaves of men, hired and fired arbitrarily.¹⁰⁴

But Grabau could never approve of anything said or done by the Missouri Synod, it seems, even when the Missouri Synod was bolstering pastoral authority. Grabau responds,

Oh the great hypocrisy! On one hand the congregations among them govern themselves and can depose and chase away their preachers; on the other hand the preachers are the servants of the Lord, who are supposed to have the power of the Word. Thus it is still the same

¹⁰¹ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c.," 141.

¹⁰² Grabau, "Verantwortung," 142.

¹⁰³ Wohlrahe, "The Americanization of Walther's Doctrine of the Church," 13.

¹⁰⁴ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber&c," 143 (emphasis original).

democratic mess [*Wirtschaft*] that stands in their new church order and was practiced in Watertown, Freystatt, Milwaukee, and Eden.¹⁰⁵

Thus despite the Missouri Synod's attempts to support pastoral authority and prevent tyrannical attitudes of congregations toward their pastors, Grabau could see only hypocrisy.

Of course, the Missouri Synod did not want its democracy to go so far that anyone—layman or pastor—would have power to vote against Scriptural doctrine. But Grabau pointed out that, practically speaking, the Missouri Synod had no way of appealing nonscriptural decisions of congregations. If a congregational decision against Scripture is *de facto* null and void, what orderly, constituted way could this decision be overturned? Grabau points out that in the Missouri Synod there was none, since the congregation was the highest authority. Grabau explains:

They cannot be serious about this since they have accepted the decision of our sectarians over their pastors every time as the highest court in the church, which must not be null and void. Indeed, they confirm it when they say, p. 101, 'The participating layman has the right (in contrast to his preacher) to appeal to the whole congregation as to the highest court in the church!' A frightful democracy!¹⁰⁶

Thus, no matter what the Missouri Synod said in convention, at the local level he saw the evidence of democratic tyranny.

The Missouri Synod polemics, according to Grabau, always assumed an adversarial relationship between pastor and laity in the local congregation, and thus saw Grabau's teaching as exalting the pastoral office over the priesthood of all believers. This adversarial posture, born from the bitter experience with Martin Stephan, led the Missouri Synod to subordinate pastors to the local congregations, which (according to Grabau) crippled pastors' ability to carry out their ministry, especially with regard to preaching the law and exercising church discipline.¹⁰⁷ Yet what is ironic is that despite Grabau's rejection of Missouri's congregational polity due to the constant strife and disputes it would engender, the Buffalo Synod, too, was constantly afflicted by congregational strife. If one reads enough Buffalo Synod literature, one realizes that Grabau's manner of dealing with those opposed to him was predominantly adversarial. Despite his attempt to avoid the adversarial relation of pastors and people, that is precisely what happened. And under those conditions, the classic Lutheran

¹⁰⁵ Grabau, "Verantwortung wider die Rotten-Beschützer, Löber, Walther &c," 143.

¹⁰⁶ Grabau, "Verantwortung," 142-143.

¹⁰⁷ Grabau, "Verantwortung," 142.

"representative" polity that Grabau hoped to retain could not be seen by others as anything but tyrannical.

We have seen that the Buffalo Synod understood its church governance as "representative." So what role did laymen play in this governance? Grabau explains:

However, that it is *permitted* to the church members of all estates in Christian order to take part in the discussions and questions from God's Word, to listen, to ask questions, and to let them be answered through God's Word, and accordingly to serve as fellow deliberating witnesses concerning the honesty of the preaching office in conference and synod—and with it to regard something as good, due to Christian conviction; all of this is certain from Acts 15:1–21.¹⁰⁸

Thus, the laymen seem to have had voice but no vote, at least on doctrinal resolutions. Grabau supported such an approach to synodical governance from the Smalcald Articles II IV 9, where Luther says,

Therefore the Church can never be better governed and preserved than if we all live under one head, Christ, and all the bishops, equal in office (although they be unequal in gifts), be diligently joined in unity of doctrine, faith, Sacraments, prayer, and works of love, etc., as St. Jerome writes that the priests at Alexandria together and in common governed the churches, as did also the apostles, and afterwards all bishops throughout all Christendom. . . .¹⁰⁹

Yet at the same time, the reports of the Buffalo Synod in convention are distinguished from the reports of the pastoral conference, and eighteen lay delegates, together with four pastors, were in attendance at the founding meetings of the Buffalo Synod.¹¹⁰ Also, outside of the synodical conventions, the Buffalo Synod made it clear that judging doctrine is the duty of all Christians. They write: "This testing applies to all Christians. Whoever is too weak, let him turn to his pastor or other orthodox Christians, or compare it with Luther's *House and Church Postil*, and the sermon books of Johann Arndt, Valerius Herberger, and other right teachers."¹¹¹

Thus, looking back at the use of Augsburg Confession XXVIII, we find that Grabau's ideal was not that individual pastors would have the right to

¹⁰⁸ Grabau, "Verantwortung," 141–142.

¹⁰⁹ See Grabau, "Widerlegung ['Anti-Critique,' July 12, 1844]," 43–44.

¹¹⁰ Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," 60.

¹¹¹ Buffalo Synod, *Zweiter Synodal-Brief von der Synode der aus Preußen ausgewanderten lutherischen Kirche*, 52.

make rules within the congregation, but that pastors and laypeople would uphold the old Lutheran church polity, in which a small council under the pastor's leadership governed the congregation, and the synodical convention governed the congregations. The Buffalo Synod was not episcopal; Grabau was not a bishop. Instead, they had a "representative" church government. Yet despite lay involvement, it seems that laymen were not given suffrage in synodical conventions. In the eyes of the Missouri Synod writers, this looked a lot like clerical domineering.

XI. Conclusions

Our goal in this essay has been to set forth the ways in which selected parts of the Augsburg Confession and other parts of the *Book of Concord* were used by Grabau in his correspondence and polemics against Walther and the Missouri Synod. This has not been an exhaustive treatment, yet by going beyond Grabau's 1840 "Pastoral Letter" and the first few rounds of correspondence between the two sides, we have found that Grabau's doctrine is based on the *Book of Concord* to a much greater extent than is often portrayed in the secondary literature, especially on the issues of church government, the call process, and the question of whether valid sacraments "depend on" the office of the holy ministry.

Regarding church government, the Buffalo Synod was not episcopal; Grabau was not a bishop. Instead, they had a "representative" church government. David A. Gerber says that Grabau's ideal church was the Prussian Lutheran state church before the Prussian Union.¹¹² Grabau's underlying motivation was a fundamental institutional conservatism, similar in attitude to that which is confessed in the Augsburg Confession and its Apology.¹¹³ This led him to preserve the old Lutheran church government in America as much as possible. Yet despite lay involvement, especially at the congregational level, it seems that laymen were not given suffrage in synodical conventions, at least on doctrinal resolutions.

Regarding the call process, both Walther and Grabau held that the call of the congregation is of divine institution. Contrary to much literature on Grabau, he quickly moved past his seven items of the call process and narrowed it to two: call and ordination. The issue of whether ordination is a divinely instituted part of the call process remained contentious between

¹¹² Gerber, "The Pathos of Exile," 509; in connection with this, Grabau's congregation in Buffalo was incorporated under the name "Old Lutheran Church," a name reminiscent of the Breslau Synod *Alt-lutheraner* in Prussia who resisted the Union: Kraushaar, *Verfassungsformen*, 107.

¹¹³ E.g., AC XV, 1; AC XXVIII, 76-78; Ap XIV, 24 [1].

Grabau and Walther, but both Buffalo and Missouri Synods continued to practice it. The Missouri Synod did not omit ordination in protest against Buffalo.

Regarding the question of whether valid sacraments “depend on” the office of the holy ministry, Grabau did view the word as powerful in itself and he did allow for emergency situations when pastors could not be had. Both Grabau and Walther held that lay exercise of the public ministerial functions of preaching and administering sacraments outside a case of emergency is sinful, and that a valid call is necessary before one may carry out these functions. Thus, in the *Hirtenbrief* correspondence, there is no practical difference between the Missouri Saxons and Grabau on the question of whether a layman may administer the Lord’s Supper. For both, the answer is “no.” When it comes to theory and doctrine, there is also no difference between them on whether the words of institution and absolution depend on, or draw power from, the office of the holy ministry. For both, the answer is “no.” There was also agreement between the two groups on the fact that the office of the holy ministry was instituted by God and that it was given the responsibility of bringing the word and sacraments to God’s people. Yet disagreements remained on whether, according to God’s will, a layman *could* administer the Lord’s Supper. The Saxons said “yes,” since the preaching office was given directly to the whole church, by which they meant every believer individually. Grabau said “no,” because the specific pastoral office is part of God’s institution. Both sides seemed to be grappling with how to coordinate the inherent power of God’s word with the divine institution of the office of the holy ministry. These two facts, held in faith to be true by confessional Lutherans, have caused many to ask questions such as these: If the word is powerful by itself, what need is there for the office of the holy ministry? If God instituted the office to preach the word and administer the sacraments, are the word and sacraments administered by someone outside this office, and thus contrary to the order willed by God, able somehow still to do God’s will by forgiving sins through the word and sacrament? These questions show the tension between the two poles of divinely-instituted office, and word and sacraments efficacious in themselves. The natural human tendency is to abolish one or the other. Both Grabau and the Missouri Saxons avoided this temptation, though they came up with differing answers of how to deal with the tension.

Within the confines of this essay it has not been possible to deal with several issues at length, namely, ordination, the priesthood of all believers, and the keys. Especially the issue of the keys needs further research, since

so much of the conflict between the Buffalo and Missouri Synods arose from cases of church discipline.¹¹⁴ Here the Buffalo Synod's problematic claim that there is no salvation outside the Lutheran church exasperated conflicts.

Sometimes the theological positions of Walther, Löhe, and Grabau are set up as though the three are a straight line, with Walther on one side, Grabau on the other, and Löhe in between.¹¹⁵ Sometimes this comparison of the three men implies that Walther was too American or democratic in his doctrine of the ministry, while Grabau was too Episcopalian or Roman Catholic in his; Löhe, then, would be the golden mean. Our study of Grabau's use of the Lutheran Confessions calls this assumption into question. While this characterization may hold true for certain parts of the doctrine of the church and ministry, when the entire doctrine of church and ministry is taken as a whole, the Walther-Löhe-Grabau spectrum with Grabau on the fringe and Löhe in the middle cannot hold. With regard to the sacramentality of ordination or the congregation's participation in the call process, for example, Grabau actually belongs in the middle between Walther and Löhe!¹¹⁶

Grabau's doctrine of the ministry was not Roman Catholic, but it was authoritarian and rigoristic. This is what gave Grabau and the Buffalo Synod so many problems. Grabau's main practical problem seemed to be a lack of tact and an adversarial attitude, combined with little patience. His rigorism can be seen not just in the polemical writings against Missouri, but also throughout his newspaper, the *Kirchliches Informatorium*. Moreover, as one reads the *Hirtenbrief* correspondence, the "Second Synodical Letter," and articles in the *Kirchliches Informatorium*, one is struck by how the Buffalo Synod pastors held grudges.¹¹⁷ An adversarial attitude, of course, can also be seen in the writings of Walther and the Missouri Saxons against Grabau. Yet much of Walther's writing is characterized by warmth, piety, earnest preaching of the law, and the joy of the gospel. These facts may explain a lot about the success of the Missouri Synod and the failure of the Buffalo Synod.

¹¹⁴ On the Buffalo Synod's interpretation of Tr. 24, that Christ gave the keys principally and immediately, see Ministerium of the Buffalo Synod, "Nachträge des Kirchen-Ministerii (1849)," 95-98.

¹¹⁵ Nesson, "Wilhelm Loehe's Missionary Correspondence 1852-1872," 138.

¹¹⁶ For Löhe's views, see his *Aphorisms on the New Testament Offices and their Relationship to the Congregation* [1849], tr. John R. Stephenson (Malone, TX: Repristination, 2008); and Winger, "The Relationship of Wilhelm Löhe to C.F.W. Walther."

¹¹⁷ See Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," 103-105.

Grabau's attitudes eventually led to a rift within the Buffalo Synod. While the Prussian immigrants were becoming more Americanized in their social outlook, Grabau was becoming critical of his new home. Grabau's politics led to arsonists destroying his parsonage in January of 1864. His increasingly authoritarian conduct and his view of the American Civil War, which he saw as proof that America's democracy had failed, contributed to the unrest which in 1866 led a significant portion of the Buffalo Synod toward fellowship with the Missouri Synod.¹¹⁸

Grabau and Walther: both sides in this 19th-century debate focused on "rights." This made the whole issue a power struggle and put pastors and people at odds with each other from the start. The best situation is when pastors teach their people aright, and the people have "ears to hear"; and when not just the pastor, and not just the voters' assembly, but rather only the theologically catechized Lutherans—pastors and people together—are making decisions for the good of the church. But churches and congregations also need good ways to deal with conflict, and Grabau's Buffalo Synod did not seem to have these. Thus, the Buffalo Synod dwindled and fractured, while the Missouri Synod grew. The 19th-century American Lutheran debate on church and ministry still has many lessons to teach us today. May God grant us the charity, patience, and wisdom to learn those lessons.

¹¹⁸ Gerber, "The Pathos of Exile," 510–514; Helen Mueller Ulrich, "Lutherans at First Trinity Congregation in Buffalo," in *Confessional Lutheran Migrations to America: 150th Anniversary* (Eastern District of The Lutheran Church—Missouri Synod, 1988), 67–75., here at 71.

Appendix: Timeline of Primary Sources

- 1840 (12-01) Grabau writes *Pastoral Letter* (Löber 1849,¹¹⁹ document no. 1) to Lutherans in Wisconsin who had requested his opinion on lay ministry (Suelflow 1954, 4;¹²⁰ Löber 1849, 20).
- 1841? Mo. Saxons send Grabau *Die Missourischen Grundsätze und die Parochialordnung von 1839 und 1840* (Suelflow 1954, 8).
- 1843 (07-03) Löber and Walther (Löber 1849, 21) write Saxon *Critique* (Löber 1849, document no. 2) of Grabau's *Pastoral Letter* (Suelflow 1954, 9; Löber 1849, 36).
- 1844 Mo. Saxons begins to publish journal *Der Lutheraner*.
- 1844 (06-26) Grabau writes *Ordination Letter* (Löber 1849, document no. [4]) to Th. Brohm (Löber 1849, 57).
- 1844 (07-12) Grabau writes *Anti-critique* (Löber 1849, document no. 3) (Suelflow 1954, 12; Löber 1849, 37).
- 1845 (01-15) Saxons write *Reply to Anti-critique* (Löber 1849, document no. 5); Grabau refuses to respond, due to activities of Bürger, Geyer, and Klügel (Suelflow 1954, 13, 98; Löber 1849, 88). (Grabau finally responds in 1850, appendix to *Second Synodical Letter* of the Buffalo Synod.)
- 1845 (06-25) Organization of Buffalo Synod in Freistadt and Milwaukee; *First Synodical Letter* (Löber 1849, document no. 6) (Suelflow 1954, 1, 60; Löber 1849, 88).
- 1845 (08-02) Saxons write *Reply to First Synodical Letter* (Löber 1849, document no. 7) (Löber 1849, 91).
- 1849 *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840 Nebst den zwischen ihm und mehreren lutherischen Pastoren von Missouri gewechselten Schriften* (New York: H. Ludwig & Co., 1849) is published.
- 1850 *Second Synodical Letter* sets forth mature Buff. Syn. doctrine and lists thirteen Mo. Synod errors (Suelflow 1954, 65, 101-102).

¹¹⁹ G. H. Löber, ed. *Der Hirtenbrief des Herrn Pastors Grabau zu Buffalo vom Jahre 1840. Nebst den zwischen ihm und mehreren lutherischen Pastoren von Missouri gewechselten Schriften. Der Oeffentlichkeit übergeben als eine Protestation gegen Geltendmachung hierarchischer Grundsätze innerhalb der lutherischen Kirche* (New York: H. Ludwig & Co, 1849).

¹²⁰ Roy A. Suelflow, "The Relations of the Missouri Synod with the Buffalo Synod up to 1866," *CHIQ* 27 (1954): 1-19, 57-73, 97-132.

- 105). The fourth part is Grabau's response to the publication of the *Hirtenbrief* correspondence.¹²¹
- 1850 Mo. Synod convention resolves to have Walther write *Church and Ministry* against Buffalo Synod's attacks (Suelflow 1954, 105).
- 1850 Löhe gives his opinion on the Missouri-Buffalo controversies in *Unsere kirchliche Lage* (cf. Suelflow 1954, 110).
- 1851 Mo. Synod convention approves Walther's theses on *Church and Ministry* (Suelflow 1954, 105).
- 1851 (07-15) Grabau begins publishing journal *Kirchliches Informatorium* (Suelflow 1954, 100).
- 1852 Carl Ferdinand Wilhelm Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt: Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den privatschriften rechtgläubiger Lehrer derselben. Von der Deutschen Evang.-Luth. Synode von Missouri, Ohio und Anderen Staaten als ein Zeugniß ihres glaubens* (Erlangen: C.A.Ph.Th. Bläsing, 1852).
- 1853 Buff. Synod publishes *Sag's der Kirche!*, a pamphlet presenting their grievances toward Mo. Synod to church in Germany (Suelflow 1954, 114).
- 1855 Mo. Synod begins to publish journal *Lehre und Wehre* (Suelflow 1954, 108).
- 1857 (04) Friedrich Lochner begins to publish journal *Nothwehr-Blatt* against Buff. Synod (Suelflow 1954, 107-108).
- 1866 Mo.-Buff. colloquy held in Buffalo from Nov. 20 to Dec. 5. Missouri is represented by Walther, Sihler, Schwan, and three lay delegates; Buffalo is represented by Von Rohr, Hochstetter, Brand (not Grabau!), and three lay delegates. Buff. Synod delegates except Von Rohr come to agreement with Mo. Synod on all points. Von Rohr stands with Buff. Synod's *Second Synodical Letter*. Three-way split in Buff. Synod (Suelflow 1954, 127-131).

¹²¹ Buffalo Synod, *Zweiter Synodal-Brief von der Synode der aus Preußen ausgewanderten lutherischen Kirche, versammelt zu Buffalo, N.Y., im Juli 1848* (Buffalo, N.Y.: Brunck u. Domedion, 1850).