

Volume 59: Number 3

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JULY 1995

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# The Divine Call in *Die Rechte Gestalt* of C.F.W. Walther

Norman E. Nagel

On May 15, 1862, Dr. C. F. W. Walther presented to the pastors of the Western District, gathered at Crete in Illinois, what he modestly called "some materials for discussion" (*eine Unterlage für Discussionen*). Its weight is indicated by Dr. Walther when he says in the foreword that it is intended as "the practical application" of his book published ten years earlier, *Die Stimme unserer Kirche in der Frage von Kirche und Amt*, which in translation has been entitled more simply *Church and Ministry*.<sup>1</sup> In Walther's day titles were intended to tell first of all what was, in fact, contained in the book. In this case, therefore, his title read as follows:

Die rechte Gestalt  
einer  
vom Staate unabhängigen  
Evangelisch-Lutherischen Ortsgemeinde.  
Eine  
Sammlung von Zeugnissen aus den Bekenntnisschriften der  
evang.-luth. Kirche und aus den Privatschriften  
rechtgläubiger Lehrer derselben.  
Dargestellt  
und  
auf Beschluß der ev.-luth. Pastoralconferenz zu St. Louis, Mo.,  
der Oeffentlichkeit übergeben  
von  
C. F. W. Walther

The second unaltered edition was printed in St. Louis by August Wiebusch and Son in 1864. A translation by J. T. Mueller was entitled *The Form of a Christian Congregation*.<sup>2</sup> A more ample paraphrase of the title would run as follows: Where there is an Evangelical Lutheran congregation located at some particular place in America, what would be the best arrangements for carrying on as such, now that this congregation is no longer given any answer to this question from the state, as was the case in Saxony; what help is given us by the confessions of the Evangelical Lutheran Church and by the private writings of its orthodox teachers?

At Crete Dr. Walther's way of drawing the pastors into thinking through everything together meant that they did not proceed all the

way through his material. The pastors, however, of the St. Louis Pastoral Conference prevailed on Dr. Walther to publish it all. There was a need to work all the way through the whole question of *Kirche und Amt* to the application of what Dr. Walther had written ten years earlier. He and these pastors were immigrants. Things on which they had relied, which they had taken for granted in the country which they had left behind, were no longer there in this new land in which freedom could mean that anyone, or any group, could largely do "what was right in his own eyes."

Stephan had proven himself something of a Carlstadt. Dr. Luther left the security of the Wartburg to preach the Invocavit Sermons and so save the Reformation for the gospel. He restored communion under one kind; changes were a blessing only as they came as gifts of the gospel and not in the demanding coercive ways of the law. Walther did not seek to restore the Saxon church law (*Kirchenrecht*), nor did he attack it, nor did he doubt his ordination conducted in accordance with it. When he speaks of *Die rechte Gestalt*, if the reference were to *Recht*, we should be expecting law; but, as it is, we may hope to find here a proper distinction. How we translate the title may indicate whether it has told us what is in the book or whether we are insisting on what we want to find in the book or, even worse, we are making it say what we want it to say whether Dr. Walther is saying it or not. The English translation simply excises *rechte* from the title. The generations of pastors schooled by Dr. Walther might be expected at this point to cry out *vestigia terrent*. Also omitted is the critical setting. To abstract Walther from his specific setting is to lose what is best and most profound from him as a doctor of the church. The benefit of such abstraction is that it can give one a Walther more pliable to one's purpose. Walther cannot be much more specific than *Ortsgemeinde* and an Evangelical Lutheran one in particular (he does not say *Ortskirche*). How would things go on in a local congregation so that it would be recognizably Evangelical Lutheran? Such is the idea of *Gestalt*, which is not a term drawn from *Kirchenrecht*, and similarly then *rechte*. *Die rechte Gestalt* was written ten years after *Kirche und Amt* as Walther's exposition of it, and so our reading of *Kirche und Amt* may be tested by Walther's exposition of it in 1862.

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Dr. Walther has thus stated in his title the specific and critical setting, and there he also draws out the resources laid out earlier in *Kirche und Amt*. How should we carry on in a land where the safeguards and sanctions involved in dependence on the state are simply no longer there? Some extraordinary things did happen. What is to stop pastors or some majority of the laity from doing whatever they please? What, if anything, can then be called divine, and on what grounds? For Dr. Walther these were not speculative questions, but concerns which arose when Saxony was left behind. Events put forcefully before him questions regarding the tyranny of the clergy and the tyranny of the laity. Before arrival in New Orleans Stephan had a document signed acknowledging the arrangements that were to serve his tyranny in both ecclesiastical and civil affairs. It was signed by the pastors, the candidates, and elected representative laymen; there was another such signing upon arrival in St. Louis in 1839.<sup>3</sup> The hearers and readers still included people of the first generation, the generation which emigrated, when Dr. Walther wrote *Die rechte Gestalt*.

In 1862 Dr. Walther claimed to be presenting "a church organization . . . in existence here for twenty-four years."<sup>4</sup> If one subtracts twenty-four from 1862, one would reach 1838. If the Altenburg Debates marked the end of Stephanism and the shaping of the church (*Kirchengestaltung*) represented in *Die rechte Gestalt*, the date would be 1841.<sup>5</sup> Pushing back the date three years is a trifle in contrast with the claim that what is presented in *Die rechte Gestalt* is in accordance with the classical dogmaticians, the confessions, and the Scriptures. The Bible is quoted as the primary grounding of what is said, although not mentioned in the title. Then the confessions are quoted and then the orthodox dogmaticians in a clearly descending order of cogency. If the Scriptures do not give us something to go by, do the confessions? If the confessions do not speak to the question, does Luther? If Luther fails us, what help is there from the classical dogmaticians, some of whom are less reliable than others, as when they put forth what has not been given them by the confessions—that is, by the Scriptures—or when they obscure what they have received, the worst way of doing which would be for Dr. Walther a blurring of law and gospel, as he indicates in his *The Proper Distinction between Law and Gospel* of

1878? The classical dogmaticians are cleared of the suspicion of speaking differently of the local congregation because they were not independent of the state.

Dr. Walther undertakes to present how things may be done best in a congregation independent of the state. He does not countenance congregations which might claim to be and remain independent, completely by themselves. The way of congregationalism would lose not only the classical dogmaticians but also the confessions and the Scriptures. We confront the connection between congregation (*Gemeinde*) and church (*Kirche*). In naming the relevant doctrines Dr. Walther follows this sequence: church, office, ecclesiastical government.<sup>6</sup> When the church can carry on its being church without the old dependence on the state, will the absence of the old dependence be filled from the left hand or the right hand? Where there is no dependence on the state, is there a need of ecclesiastical law and, if so, what should it be and could any of it claim to be divine—"according to the gospel (or, as they say, by divine right)"?

Negatively, then, Walther is safeguarding the church against the dangers of independence from the state (Stephanism, Grabauism, congregationalism). Positively he undertakes to confess how far Scripture takes us in what it gives us to confess, presumably as taught by the classical dogmaticians in addition to Luther. He lists forty-five, among them the Reformed theologian Johann Ludwig Hartman, to whom he is indebted for the distinction between abstract and concrete which appeared in Thesis 2 of *The Voice of Our Church*. *Die rechte Gestalt* he intends as the practical application of the doctrine in *Die Stimme unserer Kirche*.<sup>8</sup> What help his practical applications may afford us may emerge as we follow Dr. Walther along through a specific piece of this work.

Such, then, is something of the context within which we may now pursue what is "the practical application" of the doctrine of the divine call, and so we proceed to Chapter III. B. Part Two (62-97): "Concerning the Exercise of the Duty of a Congregation to See to It That the Word of God Dwells Richly and Prevails in Its Midst."<sup>9</sup> In our concentrating on just this passage we face a danger which is the opposite of those generalizations made by selecting the pieces which make up a desired Walther who is always and everywhere the

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same and without weakness or error. Such a burden hinders the good that he may do as a doctor of the church. By concentrating on this passage we may gather the specific data which Dr. Walther began to put to the Pastoral Conference of the Western District on May 15, 1862. This passage is only a small slice, but it is a small slice of data examined in its setting. In studies of Luther nowadays there is little respect for anything which floats free of *Textarbeit*, which offers a defence against reading him backwards; something of the sort is here attempted for Dr. Walther.

What comes first is often of first importance, especially if it is something that is simply there as a given. In this section, then, before all else (*vor allem*) a congregation sees to it that it has and maintains in its midst the public office of preaching. Titus 1:5 is the first passage quoted as necessitating the existence of "the public office of preaching" (the *Predigtamt* of Augustana 5). Then Ephesians 4 (11 and 14) is cited. Then comes a note that it does not lie within the arbitrary decision (*Willkür*) of a congregation (*Gemeinde*) to have or not to have the *Predigtamt*. Preachers and ministers exist by divine mandate as confessed in the confessions of our church (Apology 13:12), and we cannot speak of the church without preachers of the gospel and servants of the sacraments, as is also confessed in the Wittenberg Reformation Articles of 1545. In the *Hauspostille* Dr. Luther reproaches those who would dispense with parsons and preachers (*Pfarrer und Prediger*),<sup>10</sup> supposing what they do in their houses to suffice. The preacher is called and ordained by God, who makes use of the preacher's mouth for the preaching of His words "for you."<sup>11</sup> The office, then, is public and mandated. It confesses the *externum verbum*, clearly located *extra nos*, and leaves no doubt that the words convey the gifts which they declare. Gifts come from the outside and in the way which the Lord has mandated.

Not only is it clear who calls and ordains the preacher when things are done according to the Lord's mandate, but also why he is put into the office. "There we should find Him and nowhere else," in accord with Augustana 28:10. The office is what matters, and not whether big Paul or little Ananias is the preacher. "The point of this story is that we hold high the *Predigtamt*. Here what stands

unmistakably clear is that Paul, the big doctor, is brought to understanding things by the little doctor, Ananias."

In the light of the foregoing it is clear that the Lord is doing what is done with the *Predigtamt*, irrespective of how we may regard men in the office as big or little. Paragraph 21 next states how the Lord makes use of the congregation in its election and call of a preacher. (The English translation has instead "pastor.") What is done is to be done *ordentlich* (Augustana 14). Here is practical application. Of first importance is God's word: only what is done according to it can be divine. That the doing may be such a doing, God is invoked. The people come together without reservation to receive something from the Lord. They acknowledge that they are not isolated, just to themselves, by inviting one or several who are already in the pastoral office, experienced servants of the church, who serve them with counsel and preside at the deliberations on the call. Titus 1:5 is quoted again, as are Acts 1:15-26, 6:1-6, and 14:23. Every member of the congregation who has the right to vote may propose a candidate. Those proposed are considered in the light of 1 Timothy 3:2-7, Titus 1:6-9, and 2 Timothy 2:15, 24-26. The one who receives all the votes or at least an absolute majority is to be recognized and accepted as called by God through the congregation. Accordingly a document of call is drawn up and read to the congregation by the *Vorstand* (possibly clergy conducting the meeting) or by those elected to do so.<sup>12</sup> Those involved sign the document. (Such delegation, of which there was much where there was dependence on the state, may here point the way to the Board of Assignments, the Board of Missions, or the Board of Regents of a seminary.) The document is then to be sent to the one elected (where the English translation has "the person called"). First Corinthians 16:3 is cited. The document is to commit the man elected to the Scriptures as God's word, to the public confession of the Evangelical Lutheran Church, and to the faithful performance of everything which belongs to the holy office of preaching (*das heilige Predigtamt*). The following passages are cited: Colossians 4:17; Acts 15:23; 26:22; 20:20-21, 26-27; 2 Timothy 1:13-14, 8; 4:2, 5; 1 Peter 5:1-4.

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In the call-document (*die Vocationsurkunde*) the congregation commits itself to acknowledge the man called as its shepherd, teacher, and guardian, to receive from him as God's word the words of divine preaching, to heed him, love him, deal peaceably with him, honor him, and see that provision is made for him. Luke 10:16 (the text most quoted in the confessions regarding the office of the holy ministry) is cited as well as the following: 1 Thessalonians 5:12; 2:13; Hebrews 13:17; 1 Thessalonians 5:13; 1 Timothy 5:17; Luke 10:7; 1 Corinthians 9:13-14; Galatians 6:6.

If the man elected accepts the call, he is to be presented to the orthodox ministers of the church already in the office. They are to examine him if he has not previously been so examined. There follows a public ordination, as apostolically ordered, wherein he is declared to be the one properly called, has the obligations of the office laid on him, and is declared placed in the office ("durch öffentliche Ordination [Sperrdruck] nach apostolischer Ordnung als einen rechtmäßigen Berufenen erklären, verpflichten und bestätigen"). First Timothy 4:14 is cited. Otherwise there is an installation, in accord with Acts 13:2-3.

We have observed installation, ordination, examination, call, calling election, and nomination. Only ordination is emphasized with *Sperrdruck*. Thus, all accords well with the Tractate (13-15), which is next quoted in Note 1. We do things according to Canon 4 of the Council of Nicaea.<sup>13</sup> Here is the defence against congregations acting independently of clergy and church. The anchor is "God's mandate and the usage of the apostles" ("nach Gottes Befehl und der Apostel Gebrauch," Tractatus 14). Walther comments that for the election to be a proper election (*Gültigkeit der Wahl*) such regular involvement of clergy is not absolutely necessary, if it is simply impossible to draw in some who are already in the office.<sup>14</sup> Luther is quoted to the effect that a bishop should place no one in the office without the election, will, and call of the congregation. If there is no bishop, however, then there should be no doubt of the congregation's call; it may not be left to perish without the *Predigtamt*.<sup>15</sup> When the electing congregation already has one or more pastors, these men will necessarily participate in the call; for calling is to be done by the whole congregation, which would not be



the case if the pastors were excluded. Here is defence against any tyranny by laymen. It is because of the pastoral office that the clergy most particularly are to participate. As Luther says, no one may be chosen over the objection of these pastors. Neither of the two parts which make up the congregation, pastors or people, may be put under the tyranny of the other.<sup>16</sup>

Note 2 suggests that problems regarding who had the control of church property led to reductions in the rights of voting members to vote themselves as opposed to delegation. References are made to various situations in Germany. There we may recall that Walther as a candidate was presented for ordination by the patron of Bräunsdorf, the Count Detlev von Einsiedel, an authoritarian Herrnhuter.<sup>17</sup> If a patron is acting representatively for the whole congregation, he does not infringe the principle that the right to elect belongs to the whole congregation and so naturally is to be done by those who represent it. (Perhaps here *Gemeinde* should be translated "parish" since Luther is quoted as denying the right of the people of the parish to claim control of parish property [*Güter der Pfarre*] which falls under the control of the patron.) In America, where the congregation is independent of the state, those representing it could be those who vote. In the old country the participation of a parish might shrink regrettably to the right of refusal, the *votum negativum*, when it could show just grounds for it. "Our German Lutheran Church has always taught that the right to elect is a right of the congregation, and an election without the consent of the congregation has no validity." Walther adduces several examples to the contrary, to be sure—not contrary, however, if there is evidently delegation to representatives to do the electing. One of Walther's Lutheran authorities, Lassenius, tells of some places where there is no delegation to vote in the election, others where only the top people (*die Vornehmsten*) vote,<sup>18</sup> others where only the rulers (*Obrigkeit allein*) vote, and yet others where only the preachers vote; but in all cases the one called acknowledges himself to be called by the whole congregation. Here we may see election and call as distinguishable and yet not disconnected.

Differently situated than "our German Lutheran Church" were the Lutheran congregations in Holland, which together had both

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consistory and synod. In Saxony the king was Roman Catholic and ecclesiastical affairs were in the care of a consistory; a wise king left them alone, as did the Roman Catholic king of Bavaria, but not the Calvinist king of Prussia. The consistory conducted things according to ecclesiastical law (*Kirchenrecht*), the law that was brought to bear on Stephan. From America Walther warned against synods. Walther quotes Löscher's account of a Lutheran congregation (not a parish as in Saxony) in Amsterdam. There the established church was Reformed; its consistory ruled that the poor were not to be allowed to vote in ecclesiastical elections. In the Lutheran congregation there was no such limitation, and there was an outcry against this ruling. The congregation appealed to the synod, which gave them no help. The Lutheran consistory then appealed to the mayor, who was Reformed. He ruled that only those who paid twenty Dutch gulden every year had the right to vote. The congregation took this decision as a contemptible infringement on its rights, but could do nothing but appeal to fellow-Lutherans (*Glaubensgenossen*). Finally, in 1689, it followed the custom of appealing to a Lutheran theological faculty—actually to three of them, namely, those of Greifswald, Gieszen, and Tübingen. All these supported the stand taken by the congregation and urged that the injustice involved not be allowed to cause a split. When the mayor of Amsterdam heard of the appeal to the theological faculties, he pronounced such an act to be punishable. He reduced the required payment from twenty gulden to ten; but, for the rest, the Lutherans could decide as they pleased. Money is what matters—at least at that time in Holland. In 1691 the congregation published a protest against the tyranny of the civil authorities, even when its own consistory had surrendered to the encroachments of the civil power of another religion. Arminian caeseropapism is no better than the pope's. With its protest the congregation published the opinions of the several theological faculties.

With wise and gentle pastoral care Walther lays before his readers—as firstly before the pastors of the Western District—a whole range of things to think through. This approach could help more than reviewing their own still recent traumatic history. Walther does not ask whether it was because of money or because of women that Stephan was driven from Wittenberg; Stephan is not

charged with false doctrine. Of all the various ways which Lutherans have of electing ministers, Walther does not identify one as divine, but rather seeks what is best now that people are here in America, one that we may call *Die rechte Gestalt*, one in which there is no tyranny of the pastor over the people or of the people over the pastor. Thus he helps his readers recognize that they are part of a larger history, with all its resources, rather than imagining that they are alone, all there is to the church, or the first to face such problems.

So far, then, we have found something confessed as "divine," that is, done by God (in accord with Ephesians 4:11-14) and by God's mandate (Article XIII:12 of the Apology), confessing with the Wittenberg Articles that what is done by this mandate is done by God. What is given and done by God may not be set aside. Reading Scripture at home cannot displace the public ministry into which God has put the preacher, whose mouth He uses to deliver the gifts which His words carry, "to preach and tell it to you." With the words "to you" we confess not only that God does something, but that He does something in the way of the gospel—involving gifts, an *externum verbum*, something *extra nos*—specifically delivered, without doubt, "to you." These evangelical criteria are vital in the assessment of what may be called "divine"; that God does something and that what He says is true does not yet make it the gospel.

The election and calling of pastors are to be done according to God's word and with everyone involved calling upon God. Does this invocation make the election and calling divine? Such a claim can hardly be made of the nominations which any voting member may make. The final outcome is something weightier. The election is finalized with the reading of the call-document, which is not signed by everyone but only by the *Vorstand*. (Gerhard speaks of a *Vorsteher* and the New Testament of *proestōtes* [1 Timothy 5:17]; in Spener and America these are laymen and elders).<sup>19</sup> Is the call-document itself divine? Does it only become divine if this call is accepted? The traditional view in the Missouri Synod saw the call as divine and, therefore, undeclinable, unless there were unassailable factors to the contrary. This view was taken to be Walther's own. For this understanding we have not yet come upon the evidence in

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the document before us. We have, so far, nominations (the list), voting by those who represent the congregation, the calling, and the call. What Walther identifies as divine is the final vote which identifies the man to be "regarded and accepted as the one called by God through the congregation." To refuse such a divine call would, indeed, then be refusing God—saying, in effect, "this divine call is not divine." In the first generations of the Missouri Synod, a candidate who refused his first call did not receive another one. Nowadays such a candidate may count on some uncle or district president to be arranging a more desirable one. Locating divinity in the vote has not held. Was that view misguided, or have we become unfaithful?

Walther does not, in fact, equate election and call, although his translator does, changing what Walther said to fit a view found in the third generation of the Missouri Synod. Walther, representing the first generation, or here at least the first twenty-four years, wrote in this way: "in the case that the one elected accepts the call." Where the German has "nimmt der Erwählte den Beruf an," the English translations have this clause: "If the person called [*sic*] accepts the vocation." "Vocation" is the word ordinarily used in speaking of the doctrine of the calling of every Christian. Tappert, too, can be spotted slipping into "calling" where the confessions are speaking of the holy ministry and the "call" unique to it. This approach leaves ordination hanging loose—with election and call then carrying all the weight. With Luther, by way of contrast, the call and ordination run together—and never the one without the other, except in mortal emergency.<sup>20</sup> The one without the other opens the way to the tyranny of the one or the other.

"In the case that the one elected accepts the call," the laying on of hands follows (Acts 6:6). Before this action, however, there should be an examination, if one has not already been administered. In Acts 6:6 the apostles did two things: prayer and the laying on of hands. What this apostolic public ordination does is, according to Walther, to declare (*erklären*) the one being ordained to have been properly called, using the word *rechtmässig* (according to the *Recht*, the law). (This term is not used in this context in the confessions. Tractate 65 has *rata*, meaning "sure, authorized, put in effect":

"Manifestum est ordinationem a pastore in sua ecclesia factam jure divino ratam esse.") The man who has been properly called is then given that for which he is being ordained, using *verpflichten* (which has sadly become in the English translation talk of the duties of the office). The third and final verb is *bestätigen*. When what needs to be done has been done, the gift given with the laying on of hands has been given, as attested by 1 Timothy 4:14. (The English translation inserts "so Luther.") The full sentence in the English translation runs as follows: "Then shall they [the orthodox pastors] declare [excised is "als einen rechtmäßigen Berufenen"], obligate, and confirm him by public ordination according to apostolic order."

The note which follows this sentence cites from the Tractate (13-15) the quotation of the Council of Nicaea. The English translation states: "We should observe this diligently according to the command of God and the custom [*Gebrauch*] of the apostles." Apostolic *Gebrauch* is weaker than apostolic *Ordnung*, but it is first done "nach dem Befehl Gottes" (according to God's mandate, His command). What is according to God's mandate is beyond doubt divine, as is also an apostolic *Ordnung* in the apostolic church. Such is not so clearly the case with an apostolic *Gebrauch* (usage or custom). For Walther what is done with the hands falls into this third class; there can be an ordination ("einen rechtmäßigen Berufenen erklären, verpflichten und bestätigen") without the laying of the hands on the head. In Scripture and the confessions the laying on of hands is synonymous with ordination, as is also recognized in the passage before us, where 1 Timothy 4:14 is quoted as the basis for what Walther says of ordination. While being in class three (as something we are told the apostles did) does not necessarily make ordination divine, being in class two (as something the apostles charged to be done) clearly does so, and being in class one (as something done according to the Lord's mandate) removes all doubt.

The snipping out of "als einen rechtmäßigen Berufenen" in the English translation in fact undermines what in Walther's situation, in the writing being discussed, was most vital to maintain. The most vital thing for Walther is the integrity of the call connected with the election which precedes it and the ordination which follows it. In

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churches dependent upon the state the presentation and even the election could be done by the patron or a town council. Defense for this procedure could be offered on the grounds that those who were doing the presentation or election were acting representatively for the whole *Gemeinde* (parish or congregation). What they did was not by itself clearly divine. They did not ordain. That was done only by the clergy acting in the name of God and according to His mandate. They did not ordain or install. They put forward the one to be ordained or, if already ordained, to be installed. And they could not put forward one who had not passed through an examination by those churchly authorities entrusted with this duty (mostly theological faculties). Walther insists on this usage. If the one properly called has not yet been through an examination, then the clergy doing the ordination should first administer one.

In a country where, as in the United States, churches were independent, they could be free of the burdens of that dependence. How best to go forward in this situation is the question which Walther addresses in *Die rechte Gestalt einer vom Staate unabhängigen Evangelisch-Lutherischen Ortsgemeinde. Eine Sammlung von Zeugnissen aus den Bekenntnisschriften der evang.-luth. Kirche und aus den Privatschriften rechtgläubigen Lehrer derselben*, which one cannot claim to "translate" with *The Form of a Christian Congregation*. In the passage before us Walther does not deal with what makes a congregation recognizably Christian, or indeed a congregation. He speaks of an *Ortsgemeinde*, which in America is not one arranged within some civil structure (in the absence of *cuius regio, eius religio*). In the United States the place of a congregation makes no civic difference. There are no parishes (*Gemeinden*) as in Saxony, Prussia, or Bavaria, with all the differences thereby entailed in congregational arrangements (*Gestalt*, as variously discussed by Walther, Grabau and Kavel, and Löhe). Walther does not declare churchless anybody in congregations dependent on the state. He does not cast doubt on any pastor presented, elected, called, and ordained in places where congregations were dependent on the state. Those ordained authors whom he quotes as theological authorities were all implicated in some dependence on the state. This involvement did not render doubtful what was divine in their calls and ordinations. Walther does not question the divinity of these.

Dr. Walther was addressing a pastoral conference in St. Louis in 1862, and in Missouri the danger was no longer dependence on the state—something with which orthodox Lutherans had lived for three centuries. What dangers and opportunities arise when there is no longer any dependence on the state? Ecclesiastical authorities, in the setting of dependence on the state in Saxony, had attempted to keep Stephan and Walther in line. Stephan could never have done all the things he did in Perry County, had he remained in his parish in Saxony. Without the safeguards provided indirectly by the dependence of a parish on the state, Walther saw the danger in the United States of democratic notions taking over and ending with rule by some unchurchly majority, party, or mob.

How this danger was faced by Chemnitz, who had trouble enough with dependence on the state, appears in Note 3. He draws on Acts 1 and 6 (dependence on the state not being a factor in apostolic times). The apostles did not take action by themselves, but called the congregation together. They then instructed the people from Scripture as to who was eligible to be elected and how the choice was to be made, with the apostles themselves in charge of the election. This arrangement was a safeguard against the mob, the majority, or the people acting out of order or blindly (not seeing and recognizing what needed to be seen and recognized). After the apostles had laid out the doctrine and the rules, they conducted the election. The man elected was then presented to the apostles, by whose judgment his election was then confirmed as lawful (*rechtmässig*), and the apostles did so by laying their hands upon him with prayer. Sometimes the apostles presented a man and the congregation confirmed their choice, whereupon he was ordained by the clergy. The election was put into effect and confirmed by ordination. Thus, Chemnitz answers his question of how the election and calling may be called divine by saying that God Himself through these instrumentalities elects, calls, and sends workers into His harvest.<sup>21</sup> According to Gerhard, the regular procedure is that the clergy (the *presbyterium*, on the basis of 1 Timothy 4:14) are responsible for the examination, the ordination, and the installation. There may be variability in the way in which the election is conducted; but in any case, as witnessed by Scripture, pastors are chosen with the agreement of the congregation, on which no pastor

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may be imposed against its will. The delegation of its right to call does not mean its loss; this right always remains with the whole church (*der ganzen Kirche*, which the English translation renders "congregation").

Walther is running here with Chemnitz, as is evidenced by the terminology. For Chemnitz there are hands laid on heads with prayer at ordination and also hands raised as in voting (2 Corinthians 8:19). The action taken would not be altered if people voted with pieces of paper, nor would an ordination if the man whom the Lord ordaining—giving to the congregation as its pastor—was unmistakably indicated in some way other than by hands laid on his head. What the Lord does is sure by way of mandate; how the thing is done (laying hands on a man's head) is not stated by way of mandate. Hence Walther speaks of the application of hands as adiaphorous. We have never done otherwise; but if someone were to say that we had to lay hands on a man's head to have an ordination, then such a legalistic demand would have to be rejected, as is done by calling it an adiaphoron. (The use of "adiaphoron" never means that everyone may do as he pleases—something which someone may be more apt to think if he has no dependence on the state. Americanization can but does not have to mean "delutheranization."<sup>22</sup> Walther did not millennialize America as was fashionable among nineteenth-century Romantics and Pietists.) The dangers of individualism and the tyranny of blind majorities have to be guarded against more carefully where there is no dependence on the state. The ultimate defence against tyranny, whether by clergy or by laity, by political machinations lining up votes or by apathy, is given by the Lord, through His words, with prayer which calls on Him to do what He has mandated and promised and which commits us to what He achieves with His mandates and promises. Freedom from doubt is given us with what the Lord has given us—what is, and is called, divine. Such freedom inheres in the gospel. Anything doubtful is not of the gospel.

In the pages of *Die rechte Gestalt* already discussed Walther has laid out the safeguards which protect the church against independentism, congregationalism; and their attendant tyrannies. With Note 4 he moves to the safeguards against clerical tyranny and clerics who



step outside of the pastoral office. Here the chief bulwark of the congregation is the pledging of ministers to the symbolical books of the church (where *Kirche* is used and not *Gemeinde*). "All false teachers claim that they want to teach according to Holy Scripture." (Walther is thereby rejecting the attitude expressed in tags of this kind: "Don't bother me with the confessions; show me from Scripture.") As it has always been, from the time of the ancient orthodox church, no one is to be received as a minister who has not previously promised to teach according to the confession of the church. If there is departure from the examination, then there is departure from the election, call, and ordination, which follow from it. The church deals with the man who departs from these on the basis of the confessions to which he was pledged. He has departed from and broken his pledge (*Treubrühige*) and so is to be disciplined and can be deposed. What was divine in his election, call, and ordination has not become less divine, but he has departed from it and so may make no claim upon it. The warning example is Andrew Osiander, who asserted that binding a minister to the church's confessions is a tyranny over a man's conscience. Melancthon's response was that the pledge to which Osiander was referring was laid down "by the faculty, namely, by Luther, Jonas, and the pastor of this congregation, Dr. Pomeranus." Melancthon pointed to the Council of Nicaea: "Nor was anyone admitted to the gospel-ministry without a preceding examination and express profession in which those called to teach declared that they were dedicated to the unadulterated doctrine of the gospel and promised not to cast it aside." Gerhard, likewise, said that the oath of the clergy to be true to the confessions serves God's honor and the unity of the faith and of the church.

Note 5 erects another safeguard against the clerical tyranny involved in the notion that ordination can stand by itself. The clergy do the ordination; the ordination confirms and puts into effect the foregoing call. The clergy cannot ordain unless there is a foregoing call. Where there is no foregoing call, there can be no ordination. Tractate 70 is quoted:

From of old [*olim*] the people elected the pastors and bishops. Thereupon the bishop, either of that church or of

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a neighboring church, came there and confirmed the one elected with the laying on of hands, and the ordination was not something other [*nec aliud*] than such confirmation [*comprobatio, Bestätigung*].

When both election and ordination take place, and not the one without the other, the goal is accomplished.

All is as it should be, says Luther, when bishop and church each play their part together. What the bishop does when he ordains with the laying on of hands—which bless, confirm, and give testimony—may be compared to a notary or to a parson who blesses the bride and bridegroom and so puts their marriage into effect and confirms what they have previously undertaken. The parson himself may be angel or devil, but his wickedness does not render doubtful what his office does.<sup>23</sup> Balduin is quoted as saying that, while the office of the word has a sure mandate and institution (John 20), the same cannot be said of ordination, which in the orthodox church, he says, has always been numbered among the adiaphora. Friedrich Balduin was a professor of theology in the University of Wittenberg (not in Jena) between 1604 and 1627. Aegidius Hunnius, a professor in Wittenberg and superintendent (dying in 1603), speaks of the potential case in which ordination is impossible because no bishop or presbyter can be found to perform it. In such a case of necessity the one whom the church names and elects is a true pastor of the church with everything that goes with the pastoral office. Such a one Chemnitz would have ordained when ordination becomes possible, so that to him too the gift of God may be given.<sup>24</sup> The laying on of hands is done with prayer which is produced by the mandate and divine promise and which, therefore, cannot be in vain (*irrita*, the antonym of *rata*). Walther adds this comment: "Finally what makes the ordination necessary and useful is, of course, true also of the installation of a minister who is already ordained."

A little earlier, at the beginning of the same section, Chemnitz says regarding ordination itself (*de re ipsa*) that the church has the Lord's institution and mandate to call and constitute ministers. The promise is added that God approbates the ministry of those who are constituted by the Holy Spirit. Chemnitz is running here with

Article 13 (11, 12) of the Apology, whereby the *ordo* or *Predigtamt* as mandated may without objection be called a "sacrament":

The church has the mandate of having to constitute ministers. For this our thanks should overflow, since we know that God puts this ministry in effect and is present in the ministry. [Habet enim ecclesia mandatum de constituendis ministris, quod gratissimum esse nobis debet, quod scimus Deum approbare ministerium illud et adesse in ministerio.]<sup>25</sup>

There is no doubt at all here of what may be called divine. Walther does not quote this sentence from the Apology, nor does he cite Chemnitz as quoting it. He passes over Chemnitz and reaches on instead to Balduin, who undertook to draw the doctrine of the office of the holy ministry from 1 Timothy alone.<sup>26</sup>

Why does Walther select what he does from the *De Sacramento Ordinis* of Chemnitz? The answer, we may suppose, lies in his view of the danger against which the church most needed to be defended at the time of his composition of *Die rechte Gestalt*. He lays out defenses, certainly, against congregational independentism. The old safeguards, which went with dependence on the state, were no longer there. There was, to be sure, a danger of democratic theory taking charge—and so the tyranny of laymen acting by themselves with the clergy excluded. Yet the greater danger in the experience of Walther and his synod was the tyranny of clergy—Stephan and, later on, the smell of Stephan in Grabau. One expression of tyranny by clergymen is to ordain whomever they please without the basis for ordination in election by the congregation (that is, representative laymen and the clergy acting together). The election and call are confirmed and put into effect by ordination. A call is without doubt divine, but it is not divine all by itself. Nor is ordination divine all by itself. There can be no ordination without the preceding call; no call is operative until put into effect by ordination. Thus, Walther erects safeguards against both tyranny of laity and tyranny of clergy. Walther leans more heavily, however, against clerical tyranny—so heavily, indeed, as to speak of ordination in a way which falls short of the confessions. There the unshakable grounding is the divine mandate and institution, with the divine promises ringing in to describe it by way of the gospel and not merely as legitimate

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(*rechtmässig*). Only the Lord can vouch for what is divine; there is nothing different in this regard in the United States than in Saxony.

In the United States the old arrangements (*Gestalt*) for a congregation placed in some dependence on the state were simply no longer there. A congregation could do as it pleased, and clergy could too. Warning examples could be found in Stephan and Grabau, as could also be found in the exclusion of clergy from congregational meetings to make arrangements for the congregation in this new world. Some people went back to Saxony; such freedom can be frightening. Walther's most profound contribution to the church occurs in the *Proper Distinction between Law and Gospel*, and it is in the light of this contribution that what he says in *Die rechte Gestalt* about the divine call can best be evaluated. What is received as a gift from the Lord which He mandates to give is, without doubt, in the realm of the gospel. Anything left in doubt is not of the gospel. One cannot give oneself a gift.

Clearly for Walther no man can make himself a pastor or impose himself as such upon a congregation. A defence against such action is found in the passive voice of the verbs used in connection with the call. The enquiry might be summed up in this way: When are the passive verbs divine passives; when is the Lord the one who does the things denoted and does them by way of the gospel? A man is elected or presented; only one who has been examined may be elected or, if there has been no examination yet, then it is to be conducted, at the latest, by the clergy who do the ordination. Unless there is an examination, there is no ordination. The examination we may hesitate to call divine, as also the presentation, the nomination, and the election. At Pheasant Run in 1992, at a joint meeting of the two theological faculties of the synod and the Council of Presidents, the president of one synodical district was overheard to say to his friend, "I'll see to it that your boy gets a good call." The pastoral call seems to be the nub of the problem—specifically if and when it may be called divine. We were alerted above to something questionable when the English translation of *Die rechte Gestalt* had "called" where Walther had "elected." What was most suspicious—because it was of most concern to Walther—was the translation's omission of "als einen rechtmässigen Berufenen," which

a man is declared to be at his ordination. The apostles acted in this way in Acts 6 as Chemnitz was careful to point out, in accordance with Augustana 14. What Walther joined together his translator has put asunder by equating election and call and by so setting this call apart by itself that ordination is rendered dispensable.

How a man ends up ordained is what concerns Walther. Things can longer go on just as in the old days in Saxony with dependence of the church on the state. What replaces the old ways—and what is Walther's weightiest contribution in the document before us—is the role of the voting members acting together with their pastors as representatives of the whole congregation. When they elect a man, is this election the same as the call? Walther speaks of election and call as the one leading to the other, with the latter happening only on the basis of the former. The English translation equates the two. After election and the call—when the call has been accepted—comes ordination, where the call is validated, and on that basis the one declared properly called is given to do what the office is there to do; he is confirmed and inaugurated in the action of which such terms as *Bestätigung*, *comprobatio*, *rectum facere*, and *rata* are used. The work is completed. When it is completed according to the Lord's words and mandate, it is beyond doubt divine. When we started at the beginning with the first things being done, which led on to the other things, we were uncertain as to when one of those things could be called divine. When all the things were done which make a pastor, no uncertainty remained. What was done was done by the Lord—clearly so when done according to His words and mandate. If we then move back from the point of completion, that which was the basis for the *comprobatio*, if clearly done according to the Lord's words and mandate, may also be called divine. Hence the divine call is the call that emerges as the final result of the election and is recognized at the ordination. Can the election then be called divine as well? If we refuse to ignore the chicaneries that may be observed going on in some such processes, we may well hesitate to call the election divine. Yet there are those who would maintain that also the voting here of the congregational assembly must be regarded as divine. Some, indeed, regard an election as being as actionable as a civil contract: "We vote him in; we vote him out." In such a case there would be no remaining safeguard against those whom

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Chemnitz calls a crowd and people out of order. The trouble starts when the election, contrary to Walther in *Die rechte Gestalt*, is sliced out of its coherence and as an isolated item is pronounced divine. Such a "divine call" is not something which can be declined without rebelling against God. When such a call is declined, we then hear accusations of "hypocrisy about the divine call": "The fact is his wife would have felt lonely there; so spare us the specious parsonical pieties." There is clerical hypocrisy enough, but we need to diagnose it more clearly so that we may repent of the actual hypocrisy that it is.

When the declining of a "divine call" thus isolated evokes suspicion of hypocrisy, we need to repent not so much the hypocrisy as the isolating of something which then has to bear the whole weight of being called divine—which it cannot, of course, manage. Walther helps us when he speaks of the call within the coherence of those things which are to be done in making a pastor. From the point of all of them having been done, the application of "divine" washes back over the things which were the basis of what followed, until they begin to blur together. The process does not work the other way around. The call recognized at a man's ordination—and because of which the ordination proceeds—may without doubt then be called divine. Doubt enters only if one thinks of separate pieces. Did the call become divine when it was accepted? Was it divine if the man was not ordained? To such isolated questions we have never answered "yes." Even the early Luther can be helpful as Walther quotes him. Dr. Luther compared ordination to marriage. Until the marriage there was to be no connubial activity. Where pastoral activity goes on without ordination, there talk of a "divine call" rings hollow and prompts derision.

Paragraph 22 of the *Die rechte Gestalt* takes up the liturgical life of the congregation "in order that the word of God may dwell richly in a congregation." Sundays and the festivals of the church year are observed, not as sabbaths, but in Christian liberty to receive the great things which God has in store for us ("nicht gesetzliche, aber eifrige Haltung," according to Augustana 28 and 15). Note 3 further commends *Christenlehre*. The plea in the introduction to the Small Catechism is quoted. Those who are parsons or preachers are

heartily to embrace their office (*Amt*) and so teach the catechism. Those who refuse this teaching are not to be admitted to the sacrament, nor act as sponsors, nor have any part in Christian freedom. Paragraph 23 has the preacher baptizing, confirming, absolving, and celebrating the sacrament of the body and blood of Jesus Christ. The pastor first hears the confession of those who come. He marries the betrothed. In sickness, death, and other tribulations and trials the people are to be instructed and comforted by their pastor from God's word, and finally he gives them Christian burial. Note 1 admonishes against delaying baptism. Note 2 quotes Chemnitz on confirmation. Note 3 says that in a truly Christian congregation there is announcement and confession before the sacrament according to Augustana 25 and Apology 15. Note 4 has more on confession,<sup>27</sup> Note 5 on the Lord's holy supper, Note 6 on marriage, Note 7 on pastoral care of the sick and dying, and Note 8 on burials. There is no dearth of practical application.

Paragraph 24 urges schools with teachers faithful to Scripture and the confessions and overseen by the clergy (*Predigtamt*). Lengthy quotations from Luther follow in support of these points. Walther interrupts Luther in his *To the Councilmen of All Cities in Germany That They Establish and Maintain Christian Schools* of 1524 to make this remarkable observation:<sup>28</sup> "Here in America the congregations are, in this regard, in the place of the Lutheran government" ("an der Stelle der lutherischen Obrigkeit"). Note 2 then can say that the office of school-teacher is a churchly office which may not be infringed, just as that of parson and preacher may not be infringed by those who go about as if they were a parson or a preacher. There is a lengthy quotation from Luther's *Infiltrating and Clandestine Preachers* of 1532.<sup>29</sup> No divine call exists with them.

Sometimes Walther gives us more help than we need, and sometimes he does not give us all the help we need. He faced the dangers and opportunities which he recognized in his day. While our situation may differ, we may learn much from him, especially in what our Lord has given us to guide us.<sup>30</sup> For even when Dr. Walther does not give us all the help we may need, he still leaves us pointed to the resources from which solid answers may yet come—in descending order with the lower subject to the higher—

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Scripture, the confessions, and the teachers of the church. As always, so also with the "divine call," we are bound to go astray if we do not begin with the sure facts of what our Lord does according to His words and mandate. What God has joined together, let no man put asunder.

If this essay proves of any use to the church at all, it may at least serve as a lure to others. It is, in any case, the expression of a longing for the critical edition of Walther's works which we so urgently need and which would be a defence against treating him as a waxen nose: "I have a Walther to put an end to your Walther." It is best if we first ponder Dr. Walther's own words, when and where and to whom and against whom and from whom he said them. Then he may be free to be more of a gift and blessing as a doctor of the church and less of a stick. We today, of course, are also struggling with issues relating to the divine call.<sup>31</sup> We all need one another's help—and Dr. Walther's too. And the only thing that is surely better than one straight slice of Walther is another. It is better to start at the beginning.

### Endnotes

1. C. F. W. Walther, *Church and Ministry*, trans. John Theodore Mueller (St. Louis: Concordia Publishing House, 1987 [translating the third edition (of 1875) of *Die Stimme unserer Kirche in der Frage von Kirche und Amt*]).
2. C. F. W. Walther, *The Form of a Christian Congregation*, trans. John Theodore Mueller (St. Louis: Concordia Publishing House, 1963). This translation was reprinted in the *Concordia Heritage Series* and bound with *The True Visible Church* (St. Louis: Concordia Publishing House, 1987) and is hereafter cited as *Form*.
3. W. O. Forster, *Zion on the Mississippi* (St. Louis: Concordia Publishing House, 1953), 288-303. L. S. Munding, *Government in the Missouri Synod: The Genesis of Decentralized Government in the Missouri Synod* (St. Louis: Concordia Publishing House, 1947), 85-86. "Ernst Moritz Buerger and C. F. W. Walther lost their congregations and had to resign." Munding, 94.



4. *Gestalt*, iv. *Form*, viii.
5. Forster, 525. Mundinger, 113-123. *Moving Frontiers*, ed. C. S. Meyer (St. Louis: Concordia Publishing House, 1964), 140-141. The school-teacher, J. F. F. Winter, reported that there was doubt regarding "the ministerial call, vocation, and office, and the Lord's Supper" and again "the Scriptural doctrine of the church, the ministerial call and office." One may ask whether these stand as separate items, or only as they cohere together, or as all are made subject to one of them, as to a principle.
6. *Gestalt*, iv: "Kirche, Amt. Kirchenregiment." One may compare AC 14: "Vom Kirchenregiment, De Ordine Ecclesiastico" (BKS, 69, note 1; LW, 39, 233); AC 15: "Von Kirchenordnungen, De Ritibus Ecclesiasticis"; AC 16: "Von Weltlichem Regiment, De Rebus Civilibus," as distinct from AC 14. *Form*, vii: "church," "the ministry," "church government." Walther's sequence would seem to suggest that, if one can be sure of the church, then on that basis one can be sure of a number of other things. That sequence, however, is not the whole story. Can *Kirchenregiment* manage without taking into itself *weltliches Regiment* such as princes in Saxony and democratic principles in Perry County? Walther "feared the consequences of lay rule." Mundinger, 99. One may compare K. E. Marquart, *The Church and Her Fellowship, Ministry, and Governance* (Fort Wayne: IFLCR, 1990), 212. For the connection between ecclesiastical affairs and civil affairs in the Franconian settlements in Michigan, one may see *Moving Frontiers*, 106-115.
7. AC 28:21. The ministry of the word and sacraments is to forgive sins, to reject doctrine which is contrary to the gospel, and to exclude from the fellowship of the church ungodly persons whose wickedness is known, doing all these things without human power, simply by the word. The confessions speak of the clergy *iuxta evangelium*. Apology 28:12. One may compare note 15.
8. *Gestalt*, iv. *Form*, vii.
9. *Form*, 62-97. *Gestalt*, 67-107. "Von der Ausübung der Pflicht einer Gemeinde, Sorge zu tragen, dass das Wort Gottes reichlich unter ihr wohne und im Schwange gehe." What matters is that the words of the Lord are there as mandated by the Lord. The

phrase "im Schwange gehe" confesses the vitality of the words of the Lord—going in full swing, "simply by the word."

10. Not all preachers were parsons. At St. Mary's Church Bugenhagen was *Pfarrer* and Luther a *Prediger*. In America there were no parishes (*Pfarrren*) as in Saxony. While Walther does not separate them, since both are in one office, he prefers the sequence of "preacher" and "parson." *Stimme*, xv: "Vom Heiligen Predigtamt oder Pfarramt." In *Gestalt* he usually speaks of "preachers" alone following the German of AC 5; "parsons" appear only in quotations whose setting has some civic dependence.
11. *Gestalt*, 68. "Oder wo sie es schon daheime lesen, so ist es doch nicht so fruchtbar, noch so kräftig, als kräftig das Wort ist durch die öffentliche Predigt und den Mund des Predigers, den Gott dazu berufen und geordnet hat, dasz er dir's predigen und sagen soll." SL, 13, 2654. "Or if they do read it at home, it is not so fruitful or powerful as the word publicly preached through the mouth of the preacher whom God has called and ordained that he should preach and speak it to you." SC 6, 6. LW, 37, 68: *dir da*. The formula of absolution in the *Agende* of 1856 (64) has "kraft meines Amtes, als ein berufener und verordneter Diener des Worts, verkündige ich euch Allen die Gnade Gottes und vergebe euch an Statt und auf Befehl meines Herrn Jesu Christi alle euere Sünde, in Namen Gottes . . ." SC 5, 28. AC 8:2: "Et sacramenta et verbum propter ordinationem et mandatum Christi sunt efficacia, etiamsi per malos exhibeantur." This assertion cannot be made apart from Christ's *ordinatio et mandatum*. AC 8:2; SD 7:77; LW, 38, 186, 200. *Gestalt*, 101-102; *Form*, 91-92. Walther warns against conventicles and quotes Luther. "It does not help their case [*das sie fürgeben*] to say that all Christians are priests. It is true that all Christians are priests, but not all are pastors [*Pfarrer*]. For to be a pastor one must not only be a Christian and priest but also have an office and a field of work committed to him [*ampt und ein befohlen kirchspiel*]." LW, 13, 65; WA, 31(1), 211, 16-19; SL, 5, 722.
12. *Stimme* (243) speaks of *Kirchendiener Vorsteher*. The English translation (217) has "leaders." Laymen as elders is another story. One may compare Spener.

13. *A New Eusebius*, ed. J. Stevenson and W. Trend (London: SPCK, 1987), 339.
14. This "drawing in" (*zuziehen*) echoes Tractate 72: "adhibitibus suis pastoribus," "by having their pastors do it." This phrase was excised in Tappert's translation. One may compare E. Schlink, *Theology of the Lutheran Confessions* (Philadelphia: Fortress Press, 1975), 249, note 1. It is also missing in the *Concordia Triglotta*, which follows the edition of J. T. Müller, and would not have been in the text which Walther had. In Löhe we find "Zuziehung der Gemeinde," as quoted by Gerhard Müller, "Das neulutherische Amtsverständnis in reformatorischer Sicht," *Kerygma und Dogma*, 17 (1971), 53.
15. LW, 39, 312. In an emergency the congregation may have to act without the bishop, or the bishop without the congregation. An emergency is a matter of life or death. "Since a Christian congregation neither should nor could exist without God's word, it clearly follows from the foregoing that it nevertheless must have teachers and preachers who administer the word." LW, 39, 309. "Das eyn Christliche versamlung odder gemeyne recht und macht habe, alle lere tzu urteylen und lerer zu beruffen, eyn und abzusetzen, Grund und ursach aus der schrift." WA, 11, 408-416. This assertion was made in the extraordinary circumstances of 1523 in Leisnig. One clergyman had the support of the traditional ecclesiastical patron, and the other clergyman had that of the majority of the townspeople. There is no question of ordination. W. Stein, *Das kirchliche Amt bei Luther* (Wiesbaden: Steiner, 1974), 173. The feudal landlord and a representative of the town council went to Luther, whose response we have in this document. The problems of property in Leisnig may be those to which Walther refers in Note 2. Brecht tells us more than Walther could have known in *Martin Luther: Shaping and Defining the Reformation, 1521-1532* (Minneapolis: Fortress Press, 1990), 69-72. Mismanagement of the common chest happened also in Perry County, but Pastor Walther does not drag his people through that story again. LW, 41, 12: "Churches die without shepherd, sermon, and sacrament."
16. Walther quotes from Walch(1), XXI, 449: "Darnach erfordert dein Amt [ET, "your business"] dasz du aufsehest, damit die Gemeine oder Kirche dir wider deinen Willen keinen andern

eindringe. Denn was wäre eben so wol tyrranisch gehandelt, wider den Pfarherrn als so ein Pfarherr einen wollte eindringen wider den Willen der Gemeine und [ET, "or"] Kirche." WA, *Briefwechsel*, IX, 501, 7: "Deinde tui officii est, ut non sine tuo consensu Ecclesia seu plebs tibi invito obtrudant aliquem, curare. Nam hoc est minus tyrranicum in pastorem ipsum quam si invito Ecclesia aliquem obtrudat." Neither *Amt* nor *officium* appear in the English translation. One may compare *Concordia Journal*, 17 (October, 1991), 379-380. We may observe a process of "deamification" signalled already by *Kirche und Amt* not being translated *Church and Office*. The word "office" is more resistant than "ministry" to being pulled away from its institution by God which is confessed in Augustana 5, while "ministry," robbed of its definite article, has suffered abstraction and has been made into something which we define and is, then, no longer the mandated gift and institution of the Lord. The one who carried Luther's letter to Sebastian Steude, Pfarrer in Joachimstal, was Wolfgang Calixtus, who had been wrongfully ousted by the people. Luther invoked the *regula euangelii* (501, 14). The letter is numbered 3659 and dated St. Bartholomew's Day (August 24), 1541. WA, *Revisionsnachtragsband*, XIII, 298. One may compare Brecht, 3, 272-279.

17. Forster, 56-57.
18. One may compare the *potiores* in Bohemia to whom reference is made in *Concerning Ministers of the Church Having to Be Instituted*. LW, 40, 40.
19. "Über das Vorsteheramt," in *Quellen zur Entstehung und Entwicklung selbständiger evangelisch-lutherischer Kirchen in Deutschland* (Frankfurt: Lang, 1987), 89. On elders at Old Trinity Church, one may see Mundinger, 126-128. One may also see P. Harris, "Angels Unaware," *Logia*, 3 (Epiphany 1994), 38-39. Not clear enough here is the fact that "power" and *Gewalt* are from *potestas*, which is from *exousia*, which is an evangelical word in the words of institution of the office of the holy ministry in Matthew 28:16-20. One may see Walther's *Church and Ministry*, 177; *Kirche und Amt*, 193. Tractate 31; AC 28:21, 5. In paragraph 27 Walther speaks of "solche Aeltesten oder Vorsteher unter sich aufzurichten, die nicht im Wort und in der Lehre arbeiten." *Gestalt*, 111; *Form*, 101.

20. Stein, 204. Stein knows the indispensable languages and has no partisan Lutheran interest. "Ordination musz als Beauftragung verstanden werden . . . Um dies zu verdeutlichen, beschreibt Luther die Ordination als ritus vocandi oder ritus eligendi. [AC 14.] Berufen, Befehlen, Erwählen, Einsetzen sind nicht synonyme Termini technici für Ordinieren, sondern Beschreibungen, die das rechte Ordinationsverständnis—nach der Autorität der Schrift und dem Beispiel der Apostel . . . einprägen sollen," 175. One term may stand synecdochically for the whole, or they may run together, each with its *proprium* and without one robbing from another. Also helpful is W. Elert, *The Structure of Lutheranism* (St. Louis: Concordia Publishing House, 1962), 339-351. Elert has *recte* (353); AC 14 has *rite*. AC 28:8: "darnach der Beruf ist, iuxta vocationem." Here "call" does what was done by the *missio canonica*, which designated what aspect of the ministry, into which a man was placed, was to be his specific task: "to many or one on one," to preach not to baptize (1 Corinthians 1:17). Here "call" applies to the ordained (those who have been given the *potestas ordinis* and the *potestas jurisdictionis* of Apology 28:13) and cannot be synecdoche, as is the *rite vocatus* of AC 14. One may see Tractate 67. Tappert muddles things with his "calling." *Martin Luther, Studienausgabe*, 2, 350, note 440.
21. "Ita Titus in Creta praefectus fuit gubernandae et moderandae electioni presbyterorum, ut rite illa fieret, utque ordinatione approbaret et confirmaret electionem rite factam." One may compare AC 14. *Approbare* was also used of a testament, for which reason we speak of a will being in probate. Only after ordination's approbation and confirmation were the election and call in effect. "Er [Titus] die richtig geschehene Wahl durch Ordination bekräftigte und bestätigte." *Examen Concilii Tridentini*, ed. E. Preuss (Berlin: Schlawitz, 1861), 485b; *Examination of the Council of Trent*, trans. F. Kramer (St. Louis: Concordia Publishing House, 1978), 2, 708. *Gestalt*, 77. *Form*, 70: "the election properly accomplished might be confirmed and ratified by ordination." Here Titus has disappeared as the doer of the ordination. On *bestätigen* one may see the *Luther-Bibel* on Genesis 23:17 and Deuteronomy 25:6. WAB, 8, 99, and 637; also SL, 17, 114; and the Synodical Constitution of 1854,

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- Chapter IV. A.9, *Moving Frontiers*, 151. Grimm has "als lehen übergeben."
22. J. C. Wohlrabe, "The Americanization of Walther's Doctrine of the Church," *Concordia Theological Quarterly*, 52 (January 1988), 1-27. Of special significance is note 89.
  23. SL, 17, 114. The devil does not do anything, but the office; he has merely managed to have himself ordained: "wenn's der Teufel gethan hätte im Amt."
  24. Second Timothy 1:6. Preuss, 479. Kramer, 2, 693.
  25. Apology 13:12. Preuss, 478b. Kramer, 2, 691. God approbates and so also does Titus when he ordains.
  26. *Brevis Institutio Ministrorum Verbi Divini* (Wittenberg, 1623). Elert, 353, note 5.
  27. Confession is simply assumed to be in use. *Amerikanisch-Lutherische Pastoraltheologie* (St. Louis: Druckerei der Synode, 1872), 155. One may see W. Polack, "Our First Synodical Constitution," *Concordia Historical Institute Quarterly*, 16 (1943), 1-18; *Erster Synodal-Bericht der deutschen Evangelischen Lutherischen Synode von Missouri, Ohio, und andern Staaten vom Jahre 1847*, Zweite Auflage (St. Louis: Druckerei der Synode von Missouri, Ohio und andern Staaten, 1876), 7; *Zweiter Synodal-Bericht* (1848), 43-44; and *Vierter Synodal-Bericht* (1850), 141-142. Here Heinrich Müller's *Geistliche Erquickungstunden* is recommended; also Pietistic is his *Der Himmlische Liebeskuss*. *Lutheran Cyclopedia*, ed. E. Lueker (St. Louis: Concordia Publishing House, 1975), 560. Elert, 46. This Müller is listed among the forty-five Lutheran authors quoted by Walther. One may see G. Krispin's enormously insightful doctoral dissertation of 1992, "*Propter Absolutionem: Holy Absolution in the Theology of Martin Luther and Philipp Jacob Spener: A Comparative Study*." One may see also the following: *Synodal-Handbuch* (1873), 92. "Absolution: A Sermon on John 20:19-31 [Quasimodogeniti] Preached by the Rev. Prof. C. F. W. Walther and Translated for the *Lutheran Standard* by A. C." (Philadelphia: The Lutheran Bookstore, 1874). E. Kinder, "Beichte und Absolution nach der Lutherischen Bekenntnisschriften," *Theologische Literaturzeitung*, 77 (1952), 549. P. H. D. Lang, "Private Confession and Absolution in the

- Lutheran Church: A Doctrinal, Historical, and Critical Study," *Concordia Theological Quarterly*, 56 (1992), 241-262. As it goes with holy absolution, so it goes with the doctrine of the office of the holy ministry, so it goes with the divine call, and so it goes with where and to whom the Lord is surely giving out His forgiveness. SC 5, 27. "Do you also believe that my forgiveness is God's forgiveness?" BKS, 519, 16. Tappert snips out "my," 351. Walther and other pastors in his generation had a *Beichtvater*; Pastor Bünger was Walther's.
28. LW, 45, 339-378.
29. LW, 40, 383-392.
30. Walther was not beset by corporation-mindedness, marketing principles, and management-theory. Dependence on the state still persists, as appears from the strange things which have been done and said for the sake of the Internal Revenue Service. One may see J. Conroe, "A Historical Survey of the Office of the Keys as Confessed in the Missouri Synod's 'Explanation of the Fifth Chief Part of Luther's Small Catechism' from 1912 to 1986," *Concordia Student Journal*, 16 (1993), 27-29. When Dr. Walther was discussing schools, he spoke of the congregation as the Lutheran government. This approach left us with such questions as these: When is a congregation government, and when is it church? Can it be church without being government? These questions arise when the safeguards and sanctions involved in dependence on the state have been left behind in Saxony. Walther's answer in 1862 was *Die rechte Gestalt*, and the way in which it is translated shows whether it has been read. The best answer may be recognized by means of *The Proper Distinction between Law and Gospel*.
31. *Convention Proceedings*, 1992 (Pittsburgh), 115-116. Nowadays we go in for emanations and perceptions; they are more adjustable.