

CONCORDIA THEOLOGICAL QUARTERLY



Volume 65:4

October 2001

Table of Contents

Raymond F. Surburg (1909-2001)	291
The Theological Symposia of Concordia Theological Seminary	293
Chapel Sermon: September 11, 2001	
Richard S. Radtke	297
C. F. W. Walther's <i>Kirche und Amt</i> and the Church and Office Debate Between the Missouri and Wisconsin Synods in the Early Twentieth Century	
Todd A. Peperkorn	299
Evangelical and Catholic: A Slogan in Search of a Definition	
David P. Scaer	323
Toward an Assessment of <i>Called to Common Mission</i>	
Brian Lesemann and Erik Rottmann	345
Theological Observer	361
A Shot in the Arm for Confessional Studies	

Book Reviews	363
<i>Darwin's Black Box-the Biochemical Challenge to Evolution.</i>	
By Michael J. Behe.	James D. Heiser
<i>Those Terrible Middle Ages! Debunking the Myths.</i> By Régine	
Pernoud. Translated by Anne Englund Nash.	
.....	James G. Kroemer
<i>Discovering the Plain Truth: How the Worldwide Church of</i>	
<i>God Encountered the Gospel of Grace.</i> By Larry	
Nichols and George Mather.	James D. Heiser
<i>Pentecostal Currents in American Protestantism.</i> Edited by	
Edith L. Blumhofer, Russel P. Spittler, and Grant A.	
Wacker.	Grant A. Knepper
<i>Heritage in Motion: Readings in the History of the Lutheran</i>	
<i>Church—Missouri Synod 1962-1995.</i> Edited by	
August R. Suelflow.	Grant A. Knepper
<i>The "I" in the Storm: A Study of Romans 7.</i> By Michael Paul	
Middendorf.	A. Andrew Das
<i>Sin, Death, and the Devil.</i> Edited by Carl E. Braaten and	
Robert W. Jenson.	John T. Pless
<i>The Bible in English: John Wycliffe and William Tyndale.</i> By	
John D. Long.	Cameron A. MacKenzie
<i>Sermons at Court: Politics and Religion in Elizabethan and</i>	
<i>Jacobean Preaching.</i> By Peter E. McCullough.	
.....	Cameron A. MacKenzie
<i>The Journey from Texts to Translations: The Origin and</i>	
<i>Development of the Bible.</i> By Paul D. Wegner.	
.....	Peter J. Scaer
Indices for Volume 64	375
Indices for Volume 65	378
Books Received	382

C. F. W. Walther's *Kirche und Amt* and the Church and Office Debate Between the Missouri and Wisconsin Synods in the Early Twentieth Century

Todd A. Peperkorn

From before the founding of The Lutheran Church–Missouri Synod, the doctrines of church and office (ministry) were a source of controversy. *Die Stimme unserer Kirche in der Frage von Kirche und Amt*, C. F. W. Walther's reply to the Second Synodical Report of the Buffalo Synod, and other writings by Grabau, was originally published in 1852 as a result of a request by the 1851 Synodical Convention.¹ This book was the first of a series of monographs, pamphlets, theses, and other documents to be approved by The Lutheran Church–Missouri Synod either in Synodical Convention or at pastoral conferences. What is the actual status of these documents in the history of the Missouri Synod? Some were directed internally, and others were written primarily as a confession or polemic against positions held by other church bodies or individuals. Still others were intended to become the basis of theological discussions with the goal of union with other church bodies.

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

¹C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt: Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer derselben* (Erlangen: C. A. Ph. Th. Bläsing, 1852). Hereafter referred to as *Kirche und Amt*.

The Rev. Todd A. Peperkorn is Pastor of Messiah Lutheran Church in Kenosha, Wisconsin.

with the Scriptures, with the Lutheran Confessions, with the "private writings" of the Lutheran fathers, or is it a fourth category of authority?

In many ways the most significant time period in Missouri's self-understanding comes in the period after Walther's death, or what has sometimes been called the "Middle Period" in the history of the Missouri Synod. In this period the Missouri Synod had to grapple with a vacuum in leadership with the death of Walther, the vast influx of Germans migrating to the United States, and the transition of Lutheran theology and practice into English. This is also the period when the use of *Kirche und Amt* became an issue within the Missouri Synod.

The thesis of this paper is that there was a shift in the use of *Kirche und Amt* in the first one hundred years of the history of the Missouri Synod. What began as an apologetic document designed to reestablish a relationship with the mother church in Germany became a polemic document that was used for internal theological debate. It was originally an expression of the united position of the pastors and congregations of the Missouri Synod. But by the time of the passing of the Brief Statement in 1932, *Kirche und Amt* was at the center of a major theological controversy between two of the theological giants of the early twentieth century: Francis Pieper (of the LCMS) and August Pieper (of the Wisconsin Evangelical Lutheran Synod [WELS]). It then set the stage for many of the theological differences between the LCMS and the WELS on the important doctrines of church and office.

***Kirche und Amt* From Francis Pieper to the Brief Statement**

In the nineteenth century little distinction was made between any of the works of Walther with regards to their authority. Because Walther himself was physically present at most of the meetings and colloquies, and continued to write on the topics at hand, there was no need to ask the question of the authoritative nature of *Kirche und Amt*. It was the unquestioned position of the Missouri Synod. As the twentieth century progressed, a shift in the use of *Kirche und Amt* occurred toward a specific authoritative source.

Francis Pieper

Upon the death of Walther in 1887, the mantle of leadership of the Missouri Synod fell upon Dr. Francis Pieper (1852-1931). He was known

for his faithfulness to the doctrine and the spirit of Walther.² Francis Pieper became the unquestioned leader of the Missouri Synod for a generation, and in many ways his understanding of Walther on church and office remains formative for the Missouri Synod to this day.³

In 1889, not long after Walther's death, Pieper wrote a series of articles in *Lehre und Wehre* on Walther as a theologian. In his section on church and office, Pieper discussed Walther's mediating position between the "Romanizing Lutherans" and Höfling. He also discussed *Kirche und Amt* at some length. Notably, Pieper claims that Walther never intended the *übertragen* "to become a shibboleth" (as Wohlraabe paraphrases), as long as the doctrine is preserved.⁴

Two editions of *Kirche und Amt* were published during Pieper's lifetime and under his guidance. In 1894 the Saxon Free Church published the fourth edition of *Kirche und Amt*, with Pieper himself writing the forward.⁵ In this text, Pieper noted that because Walther had gone on to the church triumphant, it was left to him to write the new forward to the book. Pieper wrote that although the controversy over church and office was not handled in a scientific fashion, the theses contained in *Kirche und Amt* were timeless. He then provided a brief outline of what he considers

²For biographical information on Francis Pieper see Theodore Graebner, *Dr. Francis Pieper: A Biographical Sketch* (Saint Louis: Concordia Publishing House, 1931); Harold Romoser, *Dr. Francis Pieper, Messenger of Grace* (no place, no date); David P. Scaer, "Francis Pieper," in *Evangelical Theologians*, edited by Walter A. Elwell (Grand Rapids, Michigan: Baker, 1993), 40-53; and David Scaer, "Francis Pieper: His Theology and Legacy Unmatched in Stature," in *The Pieper Lectures: The Office of the Ministry*, edited by Chris Boshoven (Saint Louis: Concordia Historical Institute, 1997), 9-41.

³It is not our intention in this section to rehearse Pieper's understanding of church and office. See John C. Wohlraabe Jr., "An Historical Analysis of the Doctrine of the Ministry in the Lutheran Church-Missouri Synod Until 1962" (Th. D. dissertation, Concordia Seminary, 1987), 148-159; and Lawrence R. Rast Jr., "Franz Pieper on the Office of the Holy Ministry," in *The Pieper Lectures: The Office of the Ministry*, 145-179.

⁴Francis Pieper, "Dr. C. F. W. Walther als Theologe" (section dealing with Walther on church and office), *Lehre und Wehre* 35 (July-August 1899): 220-233. See also Wohlraabe, "An Historical Analysis," 148-149.

⁵C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt, Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer derselben*, fourth edition (Zwickau i. Sa.: Verlag des Schriftenvereins der sep. ev.-luth. Gemeinden in Sachsen, 1894.) As will be noted, there was also a 1911 Jubiläums-Ausgabe.

to be the kernel of the work. The two questions that were asked at the time were: 1) What is the church? and 2) Who has the original and immediate ground of all spiritual gifts and rights from Christ? Pieper then answered the questions by providing a brief recounting of Walther's theses, and pointing out that they were grounded in the Scriptures and attested to by the Confessions and private writings of the Lutheran Church.⁶

In the 1890s, Pieper produced two works that touch on the question of church and office. In 1893, the Lutheran Publication Society published *Distinctive Doctrines*, "A brief yet comprehensive statement of the distinctive doctrines and usages of the Church Bodies of the Evangelical Lutheran Church in this country. . . ."⁷ Pieper wrote the section for the Synodical Conference.⁸ Three sections in his work cover topics related to *Kirche und Amt*: Of the Church (119-125), Orthodox and Heterodox Churches (125-130), and Of the Ministerial Office (130-136). Pieper did not cite *Kirche und Amt* or any other authority outside of the Scriptures themselves. In 1897, the year of the Missouri Synod Jubilee, Pieper published "A Brief Statement of the Doctrinal Position of the Missouri Synod."⁹ His purpose was to demonstrate that the doctrinal position of the Missouri Synod was that of the Scriptures and the Lutheran Confessions. Two sections in this work relate to *Kirche und Amt*: Of the Church (18-21), and Of the Ministry (22-23). It was not a carbon copy of the article from 1893, but there was a great deal of similarity in language and thought. There was no citation of *Kirche und Amt* in his theses on

⁶There was a second, unchanged edition that was also published by the Saxons in 1911 as a part of the sixtieth anniversary of the presentation of *Kirche und Amt*: C. F. W. Walther, *Die Stimme unserer Kirche in der Frage von Kirche und Amt, Eine Sammlung von Zeugnissen über diese Frage aus den Bekenntnisschriften der evangelisch-lutherischen Kirche und aus den Privatschriften rechgläubiger Lehrer derselben. Fourth edition. Jubiläums-Ausgabe.* (Zwickau i. Sa.: Verlag des Schriftenvereins der sep. ev.-luth. Gemeinden in Sachsen, 1911).

⁷Lutheran Board of Publication, *Distinctive Doctrines and Usages of the General Bodies of the Evangelical Lutheran Church in the United States* (Philadelphia: Lutheran Publication Society, 1893), iii.

⁸Franz Pieper, "The Synodical Conference," in *Distinctive Doctrines*, 199-266. The book was written in English, but no translator is listed for Pieper's article.

⁹Francis Pieper, *A Brief Statement of the Doctrinal Position of the Missouri Synod*, translated by W. H. T. Dau (Saint Louis: Concordia Publishing House, 1897).

church and office, though clearly Pieper was well in line with the theological argument of *Kirche und Amt*.

In 1913 Pieper presented a paper at the Southern Illinois District convention entitled, "The Layman's Movement in Light of God's Word," a portion of which was later published in *Lehre und Wehre* as "The Divine Ordinance of the Public Preaching Office."¹⁰ John Wohlraabe notes that the timing of this article is significant, in that his brother, August, had been writing against the traditional Missouri Synod understanding for several years.¹¹ The article does not seem polemical in nature, but it does present the traditional Missouri Synod position, and also cites *Kirche und Amt* by name several times, particularly Thesis VII on the *übertragungslehre*.

Pieper uses Walther in the section on the divine institution of the office.¹² He began by explaining the use of the term "public" ministry and cites *Kirche und Amt* Thesis VII on the ministry.¹³ Not long after this, he also quoted Theses I-III on the Office from *Kirche und Amt*. Pieper was careful about whom he cited in this essay. He limited his quotations to the Scriptures, the Confessions, Luther, Chemnitz, Walther, and one reference to Günther's *Symbolik*.¹⁴ He did not limit his citations to *Kirche und Amt*, however. He also quoted Walther's *Pastoraltheologie*, more often than *Kirche und Amt*, and cites *Kirche und Amt* in the same manner.¹⁵ Pieper used other authors sparingly. He cited Luther and the Confessions primarily, and had select citations from Walther's *Kirche und Amt* and the *Pastoraltheologie*. He did not cite them as a specific authority, but neither did he make a point of the authority of the Confessions or Luther.

¹⁰Francis Pieper, "Die göttliche Ordnung des öffentlichen Predigtamts," *Lehre und Wehre* 60 (April 1914): 145-159. A translation may be found in Francis Pieper, *What is Christianity? And Other Essays*, translated by John Theodore Mueller (Saint Louis: Concordia Publishing House, 1933), 100-114. Wohlraabe, "An Historical Analysis," summarizes this article, 150-153.

¹¹Wohlraabe, "An Historical Analysis," 150.

¹²See Rast, "Franz Pieper," 161-169, for a more extended summary of Pieper's argument.

¹³Pieper, *What is Christianity?* 109.

¹⁴Pieper, *What is Christianity?* 107.

¹⁵Pieper, *What is Christianity?* 122, 123, 134-135, 200.

Next we come to Pieper's *magnum opus*, the *Christliche Dogmatik*.¹⁶ We can divide our examination of the *Christliche Dogmatik* into church and office. Pieper's section on the church contains numerous references to Walther, as would be expected.¹⁷ Pieper used four Walther documents in this section: *Kirche und Amt* (twice), *Pastoraltheologie* (five times), *Die rechte Gestalt* (once), and he made mention of a pamphlet by Walther entitled "Of the Duty of Christians to Join an Orthodox Congregation."¹⁸

There are two notable cases where Pieper used Walther. The first is in reference to the divine institution of the local congregation. Pieper argued that any union of congregations into larger bodies, such as conferences, synods, confederations, and others, was not ordained by God, and therefore not "church" in the proper sense. He uses *Kirche und Amt* and the *Pastorale* as supporting evidence.¹⁹ Of interest here is that this is precisely what Pieper's brother, August, argued to the contrary some years before, and criticized *Kirche und Amt* in the process.²⁰

The second point emerges in the section on "Children of God in Heterodox Churches."²¹ Pieper here argued the corollary to the invisible nature of the church, that is, that there can be Christians in heterodox churches. He argued using the following authorities in order: 1) The Scriptures: John 4:22, Luke 17:16 and following, Luke 10:33; 2) Martin Luther; 3) "Our older Lutheran dogmaticians"; and 4) The Fathers of the Missouri Synod (the footnote cites *Kirche und Amt*, 95-113).

¹⁶Francis Pieper, *Christliche Dogmatik*, volume 3 (Saint Louis: Concordia Publishing House, 1920). The English translation cited below will be used for this section.

¹⁷Francis Pieper, *Christian Dogmatics*, edited by Walther W. F. Albrecht, (Saint Louis: Concordia Publishing House, 1953), 3:397-435.

¹⁸Pieper, *Dogmatics*, 3:421, 424. It is also interesting to note that he does *not* use Walther in the section on the visible/invisible distinction, 408-410. *Dogmatics*, 3:418, 421, 430, 434 (twice). In the last two cases Pieper uses Walther's *Pastorale* to argue that the pastor should be made the chairman of the congregation. *Dogmatics*, 3:420. *Dogmatics*, 3:421.

¹⁹Pieper, *Dogmatics*, 3:421.

²⁰This somewhat evasive approach would later become the norm in synodical theological discussions (for example, the "Statement of the 44"). Rather than address himself to the Wisconsin Synod error on ecclesiology, Pieper here simply stated the truth with no reference to the error that a sister synod was espousing.

²¹Pieper, *Dogmatics*, 3:423-425.

This last section is worth reproducing here:

The Fathers of the Missouri Synod declare it a calumny when the Lutheran Church is accused of identifying the church of God with the Lutheran Church. They taught: If a person sincerely clings to the cardinal doctrine of the Christian faith, if he believes that God is gracious to him because of Christ's *satisfactio vicaria*, he is a member of the Christian church, no matter in which ecclesiastical camp he may be. By denying this truth one would overthrow the cardinal doctrine of the Christian faith, the article of justification. Walther: According to Rom. 3:28 and Acts 4:12 'the . . .'²²

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

Pieper's most complete work on the office may also be found in his *Christliche Dogmatik*.²³ In general, Pieper followed the theological argument of Walther, although he is ambiguous on the nature of the divine call of auxiliary offices.²⁴ He cites two of Walther's works extensively: *Kirche und Amt* (six times),²⁵ and the *Pastoraltheologie* (five times).²⁶ There were also a scattering of citations from *Lehre und Wehre* and *Der Lutheraner* articles by Walther, Ottomar Fuerbringer, and others. It does appear that Pieper was using Walther as an authority, especially since virtually the only other "contemporary" writers that Pieper cited were opponents, such as Höfling on the one hand, and Münchmeyer, Löhe, and Kliefoth on the other.

In an article on the confessionalism of the early twentieth-century Missourians, Charles Arand argued that because the second generation

²²Pieper, *Dogmatics*, 3:424. The quotation continues with an extended citation of *Kirche und Amt*.

²³Pieper, *Dogmatik*, 3:501-527. Pieper, *Dogmatics*, 3:439-462.

²⁴Pieper, *Dogmatics*, 3:462.

²⁵Pieper, *Dogmatics*, 3:444, 449, 453, 457, 458, 462.

²⁶Pieper, *Dogmatics*, 3:450, 451, 454, 455, 459.

of the Missouri Synod (Pieper, A. L. Graebner, and Bente in particular) emphasized the biblical character of the Confessions, they tended to "de-emphasize the historical dimensions of the symbols."²⁷ Arand summarizes their position as follows: "Neither the historical setting of the Confessions nor the historical changes which have taken place in science, history or psychology over the last four centuries must be allowed to restrict, limit, or condition the doctrinal content of the Confessions."²⁸

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

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

The Wauwatosa Theology within the Wisconsin Synod

At the same time that Francis Pieper was active and writing, a controversy was brewing between the Missouri Synod and The Wisconsin Synod, and *Kirche und Amt* was at the center of it. The first twentieth-century issue involving *Kirche und Amt* centered around an Intersynodical disciplinary issue with the Wisconsin Synod, and the

²⁷Charles Arand, "Missouri Synod Confessionalism in the Early 20th Century," *Concordia Historical Institute Quarterly* 70 (Winter 1997): 196.

²⁸Arand, "Missouri Synod Confessionalism," 196.

formation of what would later be known as "The Wauwatosa Theology."²⁹

In 1899, a Mr. Schlueter of Trinity congregation (Missouri Synod) in Cincinnati, Ohio, was excommunicated because he intended to send his son to a public school instead of the parish school. The Central District of the Missouri Synod did not approve of this action, and suspended the congregation, along with its pastors, A. and E. von Schlichten. In 1904, Trinity and its pastors applied for membership in the Wisconsin Synod. The Wisconsin Synod replied that they would not consider the request because of the outstanding controversy over their suspension by the Central District. In the midst of great controversy, Trinity continued to apply for membership to Wisconsin. At the same time, several Wisconsin Synod pastors were engaging in fellowship with this former Missouri parish, in spite of warnings by district officials and the faculty of the Wauwatosa Seminary (Wisconsin Synod). In 1911, Trinity deposed the pastors and the council which supported them, and returned to the Missouri Synod.³⁰

In the years that followed there was some discussion in the Wisconsin Synod concerning the matter, particularly among three members of the Wauwatosa Seminary, J. P. Koehler, August Pieper, and John Schaller. By 1911 the three had worked out their differences, and, as Koehler would later write, ". . . stood shoulder to shoulder."³¹

²⁹What follows is a brief recounting of the formation of the Wauwatosa position on church and office. To see this history within the broader scope of the doctrine of the ministry, see Wohlrabe, "An Historical Analysis," 114-122. For the Wisconsin Synod interpretation of the same see J. P. Koehler, *The History of the Wisconsin Synod*, edited by Leigh D. Jordahl (Saint Cloud, Minnesota: Sentinel Publishing Company, 1970), 230-239. It is also worth noting that this theological controversy has not been well recognized in the history books. For instance, in 1958 David Schmiel wrote an S. T. M. thesis on the relationship between Missouri and Wisconsin up to 1925. Although this controversy was in full swing with the series of articles published by August Pieper (as we shall see in this section), Schmiel made no mention whatsoever that there were theological concerns over the nature of church and office between the Missouri Synod and the Wisconsin Synod. David Schmiel, "The History of the Relationship of the Wisconsin Synod to the Missouri Synod Until 1925," S. T. M. thesis, Concordia Seminary, Saint Louis, 1958.

³⁰Wohlrabe, "An Historical Analysis," 114-116.

³¹Koehler, *The History of the Wisconsin Synod*, 234.

It was August Pieper (1857-1947) who began to write concerning church and office in 1911, with a series of articles in *The Wisconsin Synod's Theologische Quartalschrift*.³² Pieper argued that the synod had the right to excommunicate, since any gathering of believers constituted a church. Not long after, at a pastors' conference in Manitowoc, Wisconsin, Prof. Augustus Ernst (1841-1924), President of Northwestern College, rebutted August Pieper's theses.³³ Prof. Ernst argued that the synod is not a church in the proper sense, and therefore cannot excommunicate. He used citations from the Scriptures, Confessions, Luther, Hönecke, and Walther.

In 1912 August Pieper, in conjunction with Koehler and Schaller, wrote an article in the *Quartalschrift* that addressed the heart of the problem.³⁴ In "Zur Verständigung in der gegenwärtigen Diskussion über Kirche und Amt," Pieper offered a critique of Walther's *Kirche und Amt*. Pieper argued that Walther's method of quoting from the Confessions and church fathers led him to misunderstand both church and office. He also claimed that there were times when Walther himself misunderstood the Scriptures, Confessions, and the fathers of the church. What becomes clear from this article is that August Pieper did not see *Kirche und Amt* as the public doctrine of the Missouri Synod, but as the premiere writing of Walther. This is an important distinction because it demonstrates a shift in thought from within the Synodical Conference by none other than Francis Pieper's brother.

³²August Pieper, "Menschenherrschaft in der Kirche," *Theologische Quartalschrift* 8 (January and April 1911): 30-44, 98-123. August Pieper, "Die Suspension noch einmal," *Theologische Quartalschrift* 8 (July 1911): 131-164. Pieper argues (contra the Cincinnati case) that a proper suspension issued by a synod is, in effect, an excommunication. This was against the Wisconsin Synod pastors who had continued to maintain fellowship with Trinity congregation in Cincinnati, even after suspension by the Central District of the Missouri Synod. Pieper here argues that the church referred to in Matthew 18:17 was not simply a local congregation, but any gathering of believers.

³³Augustus Ernst, "Saetze ueber Synods, Kirchenzucht und Synodalzucht, gedruckt auf Beschluss der allgemeinen Pastoralkonferenz der Synode von Wisconsin und den Gliedern derselben vorgelegt von August F. Ernst." The theses are reproduced in Koehler, *The History of the Wisconsin Synod*, 237.

³⁴August Pieper, "Zur Verstaendigung in der gegenwaertigen Diskussion ueber Kirche und Amt," *Theologische Quartalschrift* 9 (July 1912): 182-208.

Thus the position of the Wauwatosa faculty may be summarized as follows: 1) any gathering of Christians (particularly in the form of a synod) constituted the church, and therefore could exercise the Office of the Keys; and 2) that the Scriptures instituted a gospel ministry, but not a particular form (for example, pastor, teacher, seminary professor). The Wauwatosa faculty fully understood that they were breaking new ground with these two doctrines, but they believed them to be scriptural and confessional.³⁵

After the 1914 meeting of the Synodical Conference in Milwaukee, Wisconsin, a special meeting was held between the Wauwatosa men and Professors Francis Pieper, George Metzger, and Ludwig Fuerbringer.³⁶ According to Koehler, this was an informal discussion, no resolution was reached, and the matter was apparently dropped for a time, at least in terms of formal discussions between the faculties. August Pieper and the others continued to publish their views in the *Quartalschrift*. This view would eventually become the established position of the Wisconsin Synod.³⁷

The Saint Louis faculty, under Francis Pieper, attacked the Wauwatosa position, although not in public.³⁸ On December 20 and 21, 1916 there was a joint meeting of the Wauwatosa and Saint Louis seminaries in

³⁵Edward C. Fredrich recounts in his history of the Wisconsin Synod that August Pieper in his classrooms referred to his teaching on the office as *meine Amtslehre* (my teaching of the ministry). The three Wauwatosa men also understood that they were setting aside both "traditional thinking and dogmatic formulations." Edward C. Fredrich, *The Wisconsin Synod Lutherans: A History of the Single Synod, Federation, and Merger* (Milwaukee: Northwestern Publishing House, 1992), 110. It is worth noting that all three of the Wauwatosa men (A. Pieper, Koehler, and Schaller) were students of Walther.

³⁶Koehler, *The History of the Wisconsin Synod*, 238.

³⁷See "Thiensville and the Doctrine of the Church and Ministry," Theodore Graebner Papers, Box 71, Thiensville 1930-1932 File, Concordia Historical Institute.

³⁸Pieper, for instance wrote an article in 1914 entitled, "Die göttliche Ordnung des öffentlichen Predigtamts," *Lehre und Wehre* 60 (April 1914): 145-159. Pieper here makes extensive use and defense of *Kirche und Amt*, but does not mention or attack the position of the Wauwatosa men by name. The Saint Louis faculty also wrote to the Wauwatosa faculty in August of 1916 regarding some of their concerns, and made particular note that the two faculties had "mutually given assent" to Walther's theses. For a translation of this and other related correspondence, see "Basic Documents in the Church and Ministry Discussions," *The Faithful Word* 7 (February 1970): 23-31.

Chicago, and four theses were passed.³⁹ These theses attempted to reach consensus between the Saint Louis and Wauwatosa faculties, even though the Wauwatosa faculty had publicly attacked the theological position of the Missouri Synod, and Walther's *Kirche und Amt* in particular.

Thesis Three of the Saint Louis/Wauwatosa 1916 document is especially significant. A comparison of Thesis Three below in the German with the German of Thesis VII of Walther's *Kirche und Amt* reveals striking differences.

Walther's Thesis VII on the Ministry from *Kirche und Amt*⁴⁰

Das heilige Predigtamt ist die von Gott durch die Gemeinde als Inhaberin des Priesterthums und aller kirchengewalt übertragene Gewalt, die Rechte des geistlichen Priesterthums in öffentlichen Amte von Gemeinschaftswegen auszuüben.

Thesis III from the Saint Louis/Wauwatosa Theses of 1916⁴¹

Das Pfarramt ist der von der Gemeinde dazu tüchtigen Personen übertragene Dienst, die Rechte des geistlichen Priestertums aller Christen von gemeinschaftswegen auszuüben.

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

³⁹"Theses Adopted by Representatives of Concordia Seminary and Wauwatosa at Chicago, Dec. 20, 21, 1916," Theodore Graebner Papers, Box 71, File 2, Concordia Historical Institute. See Appendix III for the original and a translation of the theses. Another translation of the Saint Louis/Wauwatosa theses may be found in "Basic Documents in the Church and Ministry Discussions," *The Faithful Word* 7 (February 1970): 27-28.

⁴⁰Walther, *Kirche und Amt*, 1852, XV.

⁴¹"Theses Adopted by Representatives of Concordia Seminary and Wauwatosa at Chicago, Dec. 20, 21, 1916."

stated in Thesis IV. It is clear that the authors were familiar with *Kirche und Amt*, and that similar phraseology and terminology was used in the 1916 theses, particularly in theses I and IV. However, the Wauwatosa men were on public record as disagreeing with *Kirche und Amt*, and were under no pretension to attempt to conform to it. This is reflected especially in Thesis IV.

The mystery is how the Saint Louis faculty agreed to these theses in the first place. There did not appear to be any concession on the part of the Wauwatosa men at all. There is no record of who attended this meeting in Chicago, but it is difficult to imagine that such a meeting would have happened without the approval and presence of Francis Pieper. August Pieper would later recount that at the passing of these theses, the discussions were concluded even though unanimity had not been reached.⁴² The apparent agreement, however, did not last long. The next year Prof. J. P. Koehler of the Wauwatosa faculty published his *Lehrbuch der Kirchengeschichte*.⁴³ In connection with the church and office controversy in Germany during the nineteenth century, Koehler wrote: "Only Höfling and a few colleagues held entirely clearly and correctly according to Scripture."⁴⁴ Thus the Saint Louis/Wauwatosa Theses of 1916 were ambiguous enough to allow widely divergent views on church and office.

It is also important to note that this does not mean the Wauwatosa men were critical of Walther at every turn. In 1923 the *Theologische Quartalschrift* contained a series of articles by August Pieper in celebration of the seventy-fifth anniversary of the Missouri Synod and the fiftieth anniversary of the Synodical Conference.⁴⁵ In this series, August Pieper

⁴²August Pieper, "Concerning the Doctrine of the Church and of Its Ministry, With Special Reference to the Synod and Its Discipline," translated by H. J. Vogel, *Wisconsin Lutheran Quarterly* 59 (April 1962): 86. The original is August Pieper, "Zur Lehre von der Kirche und ihrem Amt, mit besonderer Anwendung auf die Synode und ihre Zucht," *Theologische Quartalschrift* 26 (October 1929): 202-249.

⁴³J. P. Koehler, *Lehrbuch der Kirchengeschichte* (Milwaukee: Northwestern Publishing House, 1917).

⁴⁴Koehler, *Lehrbuch der Kirchengeschichte*, 659. The translation is from "Basic Documents in the Church and Ministry Discussions - II," *The Faithful Word* 7 (May 1970): 14.

⁴⁵August Pieper, "Jubiläumsnachgedanken," parts 1-4, *Theologische Quartalschrift* 20 (January 1923): 1-18; (April 1923): 88-112; (July 1923): 161-177; (October 1923): 254-270.

provides his interpretation of the relationship between Missouri and Wisconsin, focusing in particular on Walther and his impact on theological education within Wisconsin. Pieper's perspective could be described as that of a loyal critic. He clearly counted Walther among the theological giants, even going so far as to compare him to Luther.⁴⁶ He also praised Walther's genius for correcting the former Stephanites on the doctrine of the church, and that it was through *Kirche und Amt* and *Die rechte Gestalt* that Walther laid the "broad and solid foundation" for the Missouri Synod and its affiliates.⁴⁷ Walther's weakness, however, was that his almost exclusively dogmatic approach to theology created in Missouri a desire to establish doctrine by citing the older theologians (repristination), rather than going to the ground of the Scriptures.⁴⁸ Pieper also reiterated his earlier criticisms of *Kirche und Amt*, by arguing that Walther's use of *Predigtamt* and *Pfarramt* could easily give the impression that Walther thought only the congregational parish pastor had a divinely instituted call.⁴⁹ He also brought up the argument again that Walther was not attempting to establish that only the local congregation was church. This is significant, because it demonstrates that the 1916 theses had not resolved anything. August Pieper was still publicly critical of Walther and *Kirche und Amt*.

After 1916 the matter seemed to die down in the public (or semi-public) arena until the Intersynodical Committee. No further agreement was

A translation of the portions relevant to our discussion may be found in "Anniversary Reflections," translated by R. E. Wehrwein, *Wisconsin Lutheran Quarterly* 84 (Winter 1987): 12-28; and "Anniversary Reflections II," translated by R. E. Wehrwein, *Wisconsin Lutheran Quarterly* 84 (Spring 1987): 96-119.

⁴⁶A. Pieper, "Anniversary Reflections," 16. Later on in reference to his ability to teach and inspire students, Pieper wrote (27): "Three years in Saint Louis were enough to make one a Waltherian in doctrine and love."

⁴⁷A. Pieper, "Anniversary Reflections," 17. Pieper also pointed out that the doctrines of church and ministry were never central in Walther's thought. His "chief touchstone" of theology was always the doctrine of justification (19). See also "Theological Reflections II," 101.

⁴⁸A. Pieper, "Anniversary Reflections," 20 and following. Pieper is particularly critical of Walther's insistence on teaching dogmatics in Latin. Pieper wrote (20): "It was noticeable that in doing this [teaching in Latin] even Walther was walking on stilts, and most of his students did not fully understand him. For all of them the daily three to five hour "Baier grind," [*Baier oxsen*] as they in typical student fashion called it, spoiled their joy in God's precious Word."

⁴⁹Pieper, "Theological Reflections II," 108.

made until the *Thiensville Theses*, which were signed by both faculties on April 16, 1932.⁵⁰ Both sides believed that the theses supported their position. This, however, was not the end of the controversy. The 1932 convention of the Missouri Synod passed a resolution for the president of the Synod to appoint a Committee on Organic Union. This committee would examine the feasibility of uniting all of the Lutheran synods of the Synodical Conference into one united synod.⁵¹ It was not long after this that August Pieper once again published an article in the July, 1932 issue of the *Theological Quartalschrift*, where he once again defended his position on church and office, and essentially nullified the *Thiensville Theses*.⁵² After a long series of negotiations, there was still no evidence that August Pieper or the other Wauwatosa men ever recanted their position or subscribed to the *Thiensville Theses*.⁵³

The significance of this episode cannot be overestimated. How is it that August Pieper could make a major attack on Walther's *Kirche und Amt*, and there could never be a public rebuking on the part of the Missouri Synod against the Wisconsin Synod? This issue would come up again in the Intersynodical Theses, but there too, there was never any resolution to the matter. The Missouri Synod never made the Wisconsin Synod's positions on church and office a fellowship issue.⁵⁴

⁵⁰*Proceedings of the Forty-Second Convention of the Ev. Lutheran Synodical Conference Assembled at Concordia College Saint Paul, MN, August 12-15, 1932* (Saint Louis: Concordia Publishing House, 1953), 142-143. Theodore Graebner reported on the meeting in an article entitled, "Agreement with Thiensville Faculty," *The Lutheran Witness* 51 (June 21, 1932): 224. One may also see Theodore Graebner Papers, Box 71, Concordia Historical Institute. Wohlrabe, "An Historical Analysis," also addresses these theses at some length, 198-200.

⁵¹*Proceedings of the Thirty-Fifth Regular Convention of the Ev. Luth. Synod of Missouri, Ohio, and Other States*, (Saint Louis: Concordia Publishing House, 1932), 164-166.

⁵²August Pieper, "Unser kirchlicher Tiefstand und seine wahre Heilung," *Theologische Quartalschrift* 29 (July 1932): 161-169. For a summary of the dealings connected with this see Wohlrabe, "An Historical Analysis," 145-151.

⁵³In a letter to Rev. Im. F. Albrecht, Theodore Graebner recounts, "In reply we have from him [A. Pieper] a letter which seems to eliminate every hope of an understanding. To me and the other members of our faculty this comes as a shock to which we can adjust ourselves only with difficulty." Graebner then wrote that if they are to present a "Yes or No" question to the Thiensville faculty, he would be afraid of the response. Graebner to Im. F. Albrecht, March 11, 1933, Theodore Graebner Papers, Box 71, Concordia Historical Institute.

⁵⁴It is also worth noting that during this time there were at least two serious

The Intersynodical Movement and the Brief Statement

Simultaneously, a movement was underway to affect closer relations among the various Midwest church bodies.⁵⁵ In 1917, committees from the Missouri, Wisconsin, Iowa, and Ohio Synods were elected or appointed to begin formal doctrinal discussions. In 1924 the Buffalo Synod joined the discussions. The intent behind these discussions was to come to doctrinal agreement so that church unity could be established. Many of the early negotiations (as would be expected) centered around the doctrines of conversion and election. Not until 1924 did the doctrines of church and office come under discussion.

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

According to Wohlrabe, this sparked a series of letters between Graebner and Pfothhauer on how to proceed.⁵⁶ Pfothhauer instructed Graebner to withdraw his signature until they were satisfied. In the fall of 1924, when the Intersynodical Conference met again in Chicago, the Wisconsin and Missouri members of the Conference arrived a day ahead of time to discuss their differences.⁵⁷ At this meeting some compromise

attempts at a merger between the Wisconsin and Missouri Synods, but for various reasons these failed.

⁵⁵Wohlrabe, "An Historical Analysis," 143-147. For a general history of the Intersynodical (Chicago) Theses see Charles F. Bunzel, "The Missouri Synod and the Chicago Intersynodical Theses," (S.T.M. thesis, Concordia Seminary, Saint Louis, 1964).

⁵⁶Wohlrabe, "An Historical Analysis," 144.

⁵⁷"Notice to all Intersynodical Committee members from Secretary A. C. Haase," October 13, 1924, Theodore Graebner papers, Box 113, File 3, Concordia Historical Institute. See also Wohlrabe, "An Historical Analysis," 145.

was reached, but there were still questions. When the Intersynodical (Chicago) Theses were finished in the spring of 1925, Article VI, "The Pastoral Office," read as follows:

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

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

20. The calling of a pastor is a right of that congregation in which the minister is to discharge the duties of the office, and by such calling Christ appoints His ministers for the congregation. Ordination is not a divine, but an ecclesiastical ordinance for the public solemn confirmation of the pastor's call.⁵⁸

The Intersynodical Theses went before the Missouri Synod convention in 1926, and the Examining Committee requested that the following be added to Thesis 18: "and in this manner publicly exercises, in the name of the congregation, the office belonging to it."⁵⁹ This same committee then elected Theodore Engelder of the Concordia Theological Seminary, Springfield, Illinois, to the Intersynodical Committee.

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

⁵⁸Wolf, *Documents of Lutheran Unity in America* (Philadelphia: Fortress Press, 1966), 367.

⁵⁹*Proceedings of the Thirty-Third Regular Convention* (1926), 139. It is also worthy of note that Theodore Graebner resigned from the Intersynodical Committee right before the 1926 convention because of the attitude of "senior members of the faculty" toward the theses. See "Intersynodical Matter, Memorandum - June 15, 1926," Theodore Graebner papers, Box 111, File 4, Concordia Historical Institute. See also John Wohlrabe, "The Missouri Synod's Unity Attempts During the Pfotenhauer Presidency, 1911 - 1935" (S.T.M. thesis, Concordia Seminary, Saint Louis, Missouri, 1982), 126.

Buffalo synods, and was entitled, "Chicago Theses Concerning Conversion, Predestination, and Other Doctrines."⁶⁰

At the 1929 Synodical Convention, the Examining Committee reported that they believed the Intersynodical Theses to be unclear or even in error. Specifically, the Examining Committee objected to the following regarding church and office: 1) in the article on the church, there was no clear confession that the church is invisible; 2) there was no confession of the doctrine of conveyance (*Übertragungslehre*); 3) there was no confession that every congregation has the sole authority to call a pastor, apart from the clergy of the body to which it belongs.⁶¹

The Examining Committee therefore considered it a "hopeless undertaking" to make the theses unobjectionable in terms of their theological content, and that furthermore the Synod should discontinue such intersynodical conferences. The Synod then rejected the Intersynodical Theses.⁶²

The significance of Synod rejecting the Intersynodical Theses lies in the disagreement over the Wauwatosa Theology on church and office. There is no evidence that the Missouri Synod disagreed with the Iowa and Buffalo Synods within the Chicago Theses.⁶³ There is, however, evidence

⁶⁰A. C. Haase, secretary, "Schlussbericht des Intersynodalkomitees," *Theologische Quartalschrift* 25 (October 1928): 266-288. The English version is in *Theologische Quartalschrift* 26 (October 1929): 250-273. The English version may also be found in *Doctrinal Declarations: A Collection of Official Statements on the Doctrinal Position of Various Lutheran Synods in America* (Saint Louis: Concordia Publishing House, 1936), 24-59.

⁶¹*Proceedings of the Thirty-Fourth Regular Convention* (1929), 111. All three of these objections could be tied to theses from *Kirche und Amt*, if not explicitly, certainly implicitly. It would be a worthy study to examine any of the minutes extant from the Intersynodical Conference to determine whether they were examining specific texts in their theological discussions or not. Certainly Graebner and Arndt of the Intersynodical Committee were familiar with Walther's *Kirche und Amt*, but it would be difficult to prove that they were actually using it in the discussions. These objections were not from the Intersynodical Committee, but the Examining Committee appointed by the Synod.

⁶²*Proceedings of the Thirty-Fourth Regular Convention* (1929), 112-113.

⁶³Charles F. Bunzel pointed out in his S.T.M. thesis, "The Missouri Synod and the Chicago (Intersynodical) Theses," (45-47) that by accepting the *Toledo Theses* the Ohio Synod had accepted the Iowa Synod position, which held that the means of grace were a part of the essence of the church. The Iowa Synod also held that both

of disagreement with the Wisconsin Synod, with which the Missouri Synod was already in fellowship. This was the second time that the disagreement over the Wauwatosa Theology on church and office had been sidestepped. This is of particular significance, because the Wauwatosa Theology began in earnest with a critique of *Kirche und Amt*. There were never any public statements written attacking the Wauwatosa Theology, and so it did not become an "issue" on a fellowship level.⁶⁴

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

At this same 1929 convention, the Missouri Synod resolved to elect a committee to present the doctrine of the Scriptures and the Lutheran Confessions in the most succinct matter possible, and to begin with the *status controversiae*.⁶⁵ The President of Synod was also to appoint the committee. This was done, and the 1932 convention proceedings report that the committee consisted of: Dr. Francis Pieper, Prof. W. Wegner, Rev.

Christians and clergy necessarily constituted the church. Because, however, the Iowa Synod held that the doctrines of Church and Ministry were open questions, they were not willing to make them issues of debate.

⁶⁴This entire episode with the Wisconsin Synod is often ignored when discussing the history of the Intersynodical Movement. For example, C. S. Meyer, in his "The Historical Background of 'A Brief Statement'" (*Concordia Theological Monthly* 32 [September 1961]) does not even mention the ongoing controversy between the Missouri and Wisconsin synods regarding church and office (see particularly pages 535-538). Neither does Meyer mention it in *Moving Frontiers* (Saint Louis: Concordia Publishing House, 1964), 416-418. Neither did Bunzel, in his thesis, mention any of the controversy between the Missouri and Wisconsin synods on church and office.

⁶⁵*Proceedings of the Thirty-Fourth Regular Convention (1929)*, 113. This approach was the exact opposite of the Intersynodical Committee, which had attempted to avoid the *status controversiae*.

E. A. Mayer, Rev. L. A. Heerboth, and Dr. Theodore Engelder.⁶⁶ These theses were to serve as the basis for future intersynodical discussions.

This committee drew up a series of theses, which came to be known as the Brief Statement of the Doctrinal Position of the Missouri Synod. The document was a revision of several works published by Francis Pieper, beginning as early as 1893.⁶⁷ Published in German in the May 1931 issue of the *Concordia Theological Monthly*, in English in the June 1931 issue, and distributed in pamphlet form throughout the Synod, the Brief Statement focused particularly on the *status controversiae* with the other Lutheran church bodies in the United States.⁶⁸ In 1932, the synodical convention, at the recommendation of President Pfothenauer, adopted them "as a brief Scriptural statement of the doctrinal position of the Missouri Synod."⁶⁹

The Brief Statement shows the influence of *Kirche und Amt*. The section on the church reflects the view of *Kirche und Amt* by underscoring the invisible nature of the church, that the church consists only of believers, that the church exists also in heterodox communions, and the Christians are the "Original and True Possessors of All Christian Rights and Privileges."⁷⁰

The paragraphs on the ministry also reflect the view of *Kirche und Amt*. Three points in particular have antecedents in *Kirche und Amt*: 1) an underscore of the divine institution of the office; 2) a rejection of any kind of "hierarchical" understanding of the office; and 3) ordination as a "commendable ecclesiastical ordinance." It is also of note that the pastoral office is not called the highest office in the church, nor is their any specific mention of the *Übertragungslehre*.⁷¹ The lack of the

⁶⁶*Proceedings of the Thirty-Fifth Regular Convention* (1932), 154.

⁶⁷For a comparative study of the five different editions of the Brief Statement, see Meyer, "A Historical Background," 538-542.

⁶⁸"Thesen zur kurzen Darlegung der Lehrstellung der Missourisynode," *Concordia Theological Monthly* 2 (May 1931): 321-335; "Brief Statement of the Doctrinal Position of the Missouri Synod," *Concordia Theological Monthly* 2 (June 1931): 401-416.

⁶⁹*Proceedings of the Thirty-Fifth Regular Convention* (1932), 154-155.

⁷⁰"Brief Statement," 408-410.

⁷¹"Brief Statement," 410-411.

Übertragungslehre is particularly unusual, given the fact that this was one of the reasons the Intersynodical Theses were rejected in 1929.⁷²

There is also a great deal of emphasis placed upon who must make provision that the word of God is publicly preached and the sacraments administered according to their institution (Paragraph 31). The local, Christian congregation must make this provision. Furthermore, a congregation is local or public in nature, not private, nor within the circle of the family, neither is it in "common intercourse" with fellow Christians. While this is not an emphasis in *Kirche und Amt*, it is present. It is possible, however, that the reason for the highlighting of the divine institution of the local congregation actually stemmed from the ongoing dispute with the Wisconsin Synod over the nature of the church.⁷³

There are several elements of the Brief Statement, however, that could very well be described as specifically written *contra* the Wisconsin Synod position. Because of the emphasis on a "certain locality," Paragraph 31 would be difficult for the Wisconsin Synod to accept.⁷⁴ There is some evidence that the Wisconsin Synod later acknowledged the Brief Statement, but it never formally accepted it as a confession of faith.⁷⁵

In summary, John Wohlrabe is correct when he argues that the Brief Statement does not attempt to present an "exhaustive treatment of any one doctrine." It did not contradict *Kirche und Amt*, but it was an attempt to reflect the position of the Missouri Synod that had been established in 1851.⁷⁶

⁷²*Proceedings of the Thirty-Fourth Regular Convention* (1929), 111.

⁷³For example, Paragraph 27 from the "Brief Statement" (409), highlights that the Scriptures speak of two meanings for *ekklesia*: the believers of all times and places, and the local congregation. This is, however, very similar to the argument which Pieper made in the 1893 version (*Distinctive Doctrines*, 124-125).

⁷⁴"Brief Statement," 410.

⁷⁵Later during the controversy regarding the *Common Confession*, the Wisconsin Synod's Standing Committee on Church Union urged that ". . . the Synodical Conference in convention assembled to request the Missouri Synod to repeal the *Common Confession* and to return to the clarity and decisiveness in setting forth the Scriptural and historical doctrinal position of the Synodical Conference for which the *Brief Statement* sets an excellent precedent." *Proceedings of the Forty-Second Regular Convention of the Lutheran Church—Missouri Synod* (1953), 157.

⁷⁶Wohlrabe, "An Historical Analysis," 158-159.

Conclusion

How do pastors, theologians, synodical conventions, and others use *Kirche und Amt* today? Have we, intentionally or unintentionally, set up a third category of confessional subscription? Was this the intent of the 1851 Synodical Convention? The issues raised in this article get at the very core of the nature of confessional identity. Are we a church body defined by a list of documents that make up the public doctrine of the Missouri Synod, or do we identify ourselves as a church body that adheres to the Book of Concord, but is ambiguous when it addresses contemporary theological thought and practice? Are these the only two options before us? Laurie Hayes has argued that because of the Missouri Synod's dependence on controversy, it has never seriously engaged the actual opponents. She writes:

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

Furthermore, in seemingly being bothered more by heresy than by heretics, the synod has encouraged its opposition not only to retaliate, but to escalate. The synod's concern for orthodoxy has been an intellectual, abstract, and impersonal concern. There is little indication that the synod's members have been interested in empathizing with the momentary human circumstances or needs of its opponents. Individuals have been responded to only insofar as they are personifications of error.⁷⁷

It is easy to see why Hayes could interpret the history of the Missouri Synod in this fashion. If one reads the actual doctrinal statements of the Missouri Synod (for example, *Kirche und Amt*, the *Thirteen Theses on*

⁷⁷Laurie Ann Schultz Hayes, "The Rhetoric of Controversy in the Lutheran Church – Missouri Synod with Particular Emphasis on the Years 1969-1976," (Ph. D. dissertation, The University of Wisconsin-Madison, 1980), 195. Hayes cites an example of this in W. H. T. Dau's preface to Walther's church and ministry treatise. Dau states that "a sublime objectiveness, a heavenly disregard of what is merely human also in a Christian combatant, is the true glory of Christian warfare" (Dau, in Dallmann, and others, *Walther and the Church* [1938; reprint, Fort Wayne, Indiana: Concordia Theological Seminary Press, 1980] 51-52).

Predestination, the Brief Statement, and others), one will find almost no references to individuals, only doctrines.

Hayes furthermore argues that with regard to controversy, ultimately the Missouri Synod has always been its own audience.⁷⁸ If the Hayes thesis is true, then the role of doctrinal treatises and statements has always been internal, not apologetic or a *confession* to the world and the church catholic (for example, the *Augustana*). The problem then becomes a matter of redefinition. Hayes continues:

For to the extent that the synod is a completely rhetorical world – to the extent that beyond the level of the congregation the synod's members are linked not by geography or collective action but by a series of documents held in common – every time a “new” statement is generated, the synod is identified by new (albeit additional) words. Even the most carefully prepared translations from German to English are changes. This “neo-orthodoxy” carries a divisive potential not merely because increased precision can dislodge those adherents who disagree with the elaboration or those who would prefer that the “alteration” inherent in the elaboration not take place, but it is also divisive because even though the “new” statement might be a statement of consensus, it is also a statement that contains new meanings, new emotions, and new motives, each of which might also be subject to differing interpretations at a future date. In effect the synod has the potential for littering its rhetorical world with undetonated mines. This thesis has demonstrated that the Lutheran Church – Missouri Synod has historically understood extra confessional documents passed in convention by the Synod to have *some* binding character upon the clergy and congregations of Synod. What exactly this binding character would entail is not so easy to determine.⁷⁹

Beginning with the controversy over church and office with the Wisconsin Synod in the beginning of the twentieth century, *Kirche und Amt* began to be used in new ways. We do not find Francis Pieper citing *Kirche und Amt* as an authority to the exclusion of other Walther writings, but it did gain some prominence in Pieper's writings. At this point,

⁷⁸ Hayes, “The Rhetoric of Controversy,” 200.

⁷⁹ Hayes, “The Rhetoric of Controversy,” 208-209.

Kirche und Amt began to adopt a quasi-confessional characteristic, which was not how *Kirche und Amt* was commonly used in the first seventy-five years of the history of the Missouri Synod. Even at this point, however, the distinction between *Kirche und Amt* and the other writings of Walther was that of first among equals. This position was solidified by the publication of *Walther and the Church* in 1938. By 1938, it was a polemical document, and with *Kirche und Amt* spoke the "the entire God-blest Missouri Synod."⁸⁰

One can also see in this history a shift on the part of the Missouri Synod to move toward attacking opponents by citing an extremism. Walther is specific in *Kirche und Amt* on the title page that the book is written against the attacks of Grabau. However, Walther's original intention was not polemical but apologetic and irenic. With the advent of the Wauwatosa Theology and the controversy between the Pieper brothers, however, it became *passé* to speak out publicly against one another. August Pieper attacks *Kirche und Amt* and Walther (who was long dead), but his brother Francis Pieper did not attack August in public. Behind-the-scenes attempts were made on the part of the Saint Louis faculty to come to a resolution with Wauwatosa, but was unsuccessful. Francis Pieper attacked the position of the Wauwatosa faculty, but did not do so by name. This desire for keeping the unity within the Synodical Conference drove the controversy over church and office underground. Perhaps this controversy with the Wisconsin Synod forced *Kirche und Amt* to be used in a polemical fashion that Walther never intended.

As we struggle with our own confessional identity today, it is critical to understand that documents such as *Kirche und Amt* did not emerge in a vacuum, and that the history of the documents themselves are often more complex than the original formulation of the documents. Without the Wauwatosa Theology and the behind-the-scenes debate between Francis and August Pieper, *Kirche und Amt* would not have the prominence in our synodical history and polity that it enjoys today.

⁸⁰Dau, "Church and Ministry – Our Church's Defence," in Dallmann, and others, *Walther and the Church*, 51.