

“Practical Implications of the Relationship between Theology and Polity in  
the Missouri Synod”

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Fellow redeemed in Christ: thank you for inviting me to speak to you today on practical implications of the relationship between theology and polity within the Lutheran Church—Missouri Synod. What a topic! I must say that whoever came up with that must have worked on a doctoral advisory committee or two. If he didn't, he should have. It sounds like it could be title for a dissertation. Some of the information used for our discussion today is taken from a paper I gave at a “Convocation on Religious Influences on the German Immigrant Community” held at Concordia College, St. Paul, Minnesota, on May 2, 1987.<sup>1</sup> Other parts are from my unpublished doctoral dissertation.<sup>2</sup> I know that everyone wants to get to our real reason for being here today, the Texas barbeque. So I will do my best to stay within the established schedule.

Although it was the position of our Synod's founding fathers that synodical polity or church governance is a matter of adiaphoron or Christian freedom, and I strongly maintain that position as well, still I hope to show that our synodical polity does reflect certain aspects of our theology of the doctrines of church and ministry. I also hope to show that changes in polity can cause a sense of confusion with respect to our theology. The opinions

expressed herein are my own, and do not represent those of anyone else on the Praesidium of the Lutheran Church—Missouri Synod.

### **Historical Background of Theology and Polity in the early Missouri Synod**

During the early nineteenth century, German Lutherans who emigrated to the United States, with its pluralistic and voluntaristic religious culture, faced an ecclesiological dilemma. In the fatherland they were accustomed to the well established and regulated consistorial form of state church polity as set forth in the centuries old *Kirchenordnungen*.<sup>3</sup> The pastor was a representative of both the state and the church. He was placed in a congregation by the collator, a member of the landed aristocracy, or his appointed *consistorium*. Thus, the pastor was responsible first and foremost to the state and not to his appointed congregation. The congregation had little, if any, voice in the call of its pastor or the government of the church at large.<sup>4</sup>

Because of this close association between church and state in Germany, and because the pastor was appointed by representatives of the state, more emphasis was placed on the ministry than the church, with little emphasis being placed on the doctrine of the priesthood of all believers. The call to the pastoral office (*Amt*) did not come through the congregation or even the church at large. It came from God through the governing authorities. This understanding not only combined church and state, but it also linked the doctrine of the church with church polity or government in the minds of many.<sup>5</sup>

C.F.W. Walther's understanding of the doctrines of church and ministry and church polity, which eventually became the position of the Lutheran Church—Missouri Synod, developed out of the experiences of a group of Saxon emigrants who followed a Dresden pastor named Martin Stephan to St. Louis and then the wilderness of Perry County, Missouri.<sup>6</sup> In the fall of 1838 about 700 Lutherans from various parts of Saxony departed Bremerhaven in five small sailing vessels. They were fleeing Germany because they believed that they were being persecuted by the governing authorities and because they felt they could no longer remain true Lutherans and remain in Germany. Prior to their departure, extensive plans had been made and an emigration company, a *Gesellschaft*, was formed. It was determined that the ecclesiastical structure of the colony would be strictly hierarchical. It was on board the sailing ship *Olbers*, on January 14, 1839, that Martin Stephan was officially declared "bishop" through the signing of a document called "Stephan's Investiture." On February 16, 1839, aboard the riverboat *Selma* between New Orleans and St. Louis, the "Pledge of Subjection to Stephan" was endorsed. This document gave the "bishop" control over both the ecclesiastical and temporal affairs of the immigrants. Thus, theology and governance were linked together.

Only a few months after their arrival in Missouri, the Saxon immigrants deposed and excommunicated their "bishop" for apparent immorality. What followed were confessions of guilt, the resignation of some pastorates, including that of C.F.W. Walther, and persistent questions on the part of the people: Had they been wrong in their allegiance to Stephan? Was the

emigration a sinful act on their part? Were they a church? Did their pastors have valid calls? Did their clergy have the authority to function? Were the official acts performed by the clergy valid?

A lawyer and influential layman among the Saxon immigrants, Carl Vehse, came forward with a set of six propositions that offered a solution to the problems which beset the colony. Here Vehse asserted the Lutheran doctrine of the universal priesthood of all believers. He argued that the office of the ministry is only a public service and only when it is committed to an individual by a congregation is it valid. To this assertion the clergy responded by warning the members against those “who would unfairly abuse this declaration in order to discredit our office, maliciously sow the seeds of distrust against us, and bring about dissension and offense in the congregation.” Vehse and two other laymen responded with a formal, detailed protest. This protest maintained a firm juxtaposition of laity and clergy, strenuously asserted the rights of the congregation as opposed to those of the clergy, and assumed the supremacy of the congregation over the clergy. Vehse and his two supporters also came to the conclusion that the emigration was wrong from the start and urged that everyone return to Germany.<sup>7</sup>

Most of the colonists were not prepared to accept the solution offered by Vehse, least of all the clergy. They couldn't afford it! The departure of Vehse on December 16, 1839, marked the end of the first major period of crisis which followed the expulsion of Stephan. However, Vehse's protests were soon replaced by those of Franz Adolph Marbach, Vehse's brother-in-law. There were others who shared Marbach's views as well. On March 3,

1841, Marbach issued a manifesto in which he maintained that the entire foundation on which their church polity had been erected was sinful and that the blessings of God could not be expected until they repented and returned to Germany.<sup>8</sup> Concerning the deteriorating state of the colony, Carl S.

Mundinger writes:

Evidences of accelerated disintegration were piling up on all sides.

At the end of March 1841 the whole colony was fast approaching a state of disintegration. The spirit and influence of the clerics seems to have reached its lowest mark. Something had to be done and that something had to be drastic and dramatic.<sup>9</sup>

A public debate was arranged for April 15 and 21, 1841, in Perry County, MO. The site chosen for the disputation was the log cabin college which had been founded by the Saxons on December 9, 1839, in Altenburg. On the whole, the debate, chiefly between C.F.W. Walther and Franz Adolph Marbach, was a relatively calm theological discussion. Marbach offered basically the same solution he had proposed in his manifesto. He saw the problem as simply a moral issue.

In order to solve the problems of the colony, Walther tried to push personality and morals into the background and attack this issue from the viewpoint of sixteenth-century Lutheran theology. The questions for Walther were not ones of guilt and confession, but of the nature of the church. Walther set forth a series of propositions that have become known as the *Altenburg Theses*. These theses set forth the understanding of the doctrine of the church

that Walther would hold throughout the remainder of his life, and which would be elaborated further in his theses on church and ministry adopted in 1851. In his *Altenburg Theses*, Walther showed that the colonists were indeed members of the true church and that they could function as the church. He based his conclusions on the teaching of Scripture, the Lutheran Confessions, Martin Luther, and other prominent Lutheran theologians. In the notes which Walther prepared for the debate, he acknowledge his indebtedness to Vehse. However, Walther did not adopt the same line of argumentation which Vehse used. Vehse had advocated extreme congregationalism, had combined church polity with his understanding of the church, and had leveled his attack on the members of the clergy. Walther started with the same premise as Vehse, the doctrine of the priesthood of all believers, but his aim was constructive rather than destructive. Walther's doctrine of the church was distinctive in that it separated the understanding of the true nature of the church from church polity. Because of the freedom of religion afforded in the United States, Walther had the liberty to separate doctrine and polity.

The *Altenburg Theses* were not the fullest expression of Walther's understanding of the doctrine of the church. This development would come later through another controversy that was already developing at this time. In 1839, about the same time that the Saxons were settling in Missouri, a group of Prussians under the leadership of Pastor Johann Andreas August Grabau and a group of Silesians under the leadership of Pastor Lebercht Friedrich Ehregott Krause were immigrating to the United States in reaction to the Prussian Union. The Prussians settled in the area around Buffalo, New York;

the Silesians chose the territory of Wisconsin near Milwaukee and Freistadt.<sup>10</sup> While the Silesians were settling in Wisconsin, Krause had to make a sudden return to Germany. With their pastor gone, Heinrich von Rohr, a leading layman who later would become a pastor, wrote Grabau asking permission to elect a layman who would temporarily conduct services and administer the sacraments. Grabau gave a negative response in the form of his so-called *Hirtenbrief* (Pastoral Letter) of December 1, 1840. This letter was also sent to various other German Lutheran immigrants for their inspection and approval, including the Saxons of Missouri.

In his *Hirtenbrief*, Grabau rejected the request of the Silesian immigrants of Wisconsin, defending this position with his own analysis of Article XIV of the Augsburg Confession. Due to his fear of sectarians and vagabond preachers, which were common on the American frontier, Grabau put special emphasis on the word *rite* in the phrase *rite vocatus* (rightly called, although some would maintain ‘ritely’ called using the proper rite). He also maintained that only an Episcopal form of polity was proper for the church according to the old, accepted *Kirchenordnungen* of Germany. Although Grabau’s letter dealt mainly with the doctrine of the ministry, he did assert that the one holy Christian Church, outside of which there is no salvation, is the visible church of the pure Word and Sacrament, the Evangelical Lutheran Church.

Because of the problems that arose after the expulsion of Martin Stephan, the Saxon Lutherans of Missouri did not respond to Grabau’s *Hirtenbrief* until more than two years after it was written. On June 22, 1843,

Pastors C.F.W. Walther, T.C.F. Gruber, G.H. Loeber, O. Fuerbringer, and G.A. Schieferdecker finally met in St. Louis and Loeber drafted a response to Grabau. Here Loeber stated:

Should we give a summary opinion of the contents of the *Hirtenbrief*, it appears to us in the first place that, in view of so much stress on the old church ordinance, the essentials are confused with the non-essentials, and the divine with the human, so that Christian freedom is curtailed. In the second place, more is ascribed to the preaching office (pastoral office) than is proper, so that the spiritual priesthood of the congregation becomes neglected.<sup>11</sup>

Grabau replied to the Saxons of Missouri on July 12, 1844, taking issue with their position. To this the Saxons replied on January 15, 1845, and one of the most heated controversies in the history of American Lutheranism began. Beginning at its founding convention in June 1845, and continuing in subsequent meetings, what became known as the Buffalo Synod condemned the Saxons of Missouri and then the Missouri Synod, which was formed in 1847, calling upon them to retract their congregational constitution, to desist from their “loose” doctrine of the call into the ministry and their disregard for the office of the ministry as a whole, and to repent of various other “errors.”<sup>12</sup>

The first convention of *Die Deutsche Evangelische Lutherische Synode von Missouri, Ohio, un Andern Staaten* was held in Chicago, IL April 25 to May 6, 1847. The Missouri Synod was a union of the Saxons of Missouri

with the *Sendlinge* (sent ones) of Wilhelm Loehe, a pastor in Neuendettelsau, Bavaria, who prepared men for the ministry and sent them to the scattered German Lutherans in the United States. The constitution was ratified on April 26, 1847. Twelve pastors and sixteen congregations became charter members. C.F.W. Walther was elected as the synod's first president. Wilhelm Loehe, who remained in Germany, was not happy with the constitution of the Missouri Synod and wrote against it in his reports on his mission work in North America.

In the face of opposition from both Europe and the United States, the Missouri Synod attempted to deal with the situation at the synodical convention of 1850. The convention decided to have a book written and published which would represent the Missouri Synod's position and serve as a defense against the Buffalo Synod's attacks. C.F.W. Walther was chosen to author the work. By 1851, Walther had prepared an outline for the book, which was then presented to the convention in the form of two sets of theses, one on the church and the other on the ministry. These were adopted by the synodical convention and the synod resolved to have the book published in Germany.<sup>13</sup> Expanding his understanding first set forth in the *Altenburg Theses*, Part One of *Kirche und Amt* on the doctrine of the church avoided any mention of church polity and dealt only with the doctrine of the church. Part Two on the ministry also avoided church polity, again dealing with the doctrine of the ministry. Walther's doctrine of the church was indeed expressed in numerous other writings and in various sermons. What becomes clear from both the *Altenburg Theses* and *Kirche und Amt*, however, is that

Walther's doctrines of church and ministry were distinctly separated from any consideration of church polity.

### **The Doctrines of Church and Ministry in the Missouri Synod**

Certain key elements of the doctrines of church and ministry should be highlighted as they were articulated by C.F.W. Walther and adopted by the Missouri Synod as her own, (please follow along on your handout). Properly speaking, the church is the communion of saints, the totality of all those who have been called by the Holy Spirit through the Gospel, who truly believe in Christ. No godless, unregenerate person, hypocrite, or heretic belongs to this true church. This church, properly speaking, is invisible or hidden. Only God knows who truly belongs to this church. It is to this true church that Christ gave the keys of the kingdom of heaven. This true church possesses and bears the heavenly goods, rights, powers, and offices which Christ established in his church. Although this church is invisible, its presence can be recognized by its marks, which are the pure preaching of God's Word and the administration of his sacraments according to Christ's institution. Thus, it is the marks of the church that identifies a Christian congregation and guarantees that there are members of the true invisible church in its midst. The true invisible church is also found in congregations where enough of God's Word is preached and the sacraments administered for the Holy Spirit to work. Yet, believers are obligated to flee false teachers, to avoid heterodox congregations or sects, and to acknowledge and adhere to orthodox congregations and their orthodox pastors.

Concerning the doctrine of the ministry, the pastoral office is an office distinct from the priestly office which all believers have. This pastoral office is not a human ordinance, but it is an office established by God himself. It is not an arbitrary office, but an office that the church is to establish and maintain until the end of time. This preaching or pastoral office is not a special order like the Levitical priesthood of the Old Testament. It is an office of service involving the preaching of God's Word and the administering of the sacraments, as well as participation in judging doctrine and other spiritual matters. This preaching or pastoral office is conferred by God through the congregation by its call, since the congregation is the holder of all church power or churchly and heavenly goods. Ordination of those called is not a divine institution, but an apostolic ordinance and involves the public confirmation of the call. The office of the holy ministry is the authority conferred by God through the congregation to administer in public the common rights of the spiritual priesthood on behalf of all. This public office of the holy ministry is the highest office in the church, and any other offices the church may establish, derive, or stem from this office. Reverence and unconditional obedience are due to the office of the ministry when the preacher is proclaiming the Word of God. However, the pastor may not dominate over the church and has no right to make new laws, to make final decisions on matters of indifference or on matters of ceremonies, as well as to impose and execute excommunication alone without previously consulting the congregation. Also, according to divine right, the function of passing

judgment on doctrine and other church matters belongs to the office of the ministry. However, lay people have this right as well.

It should be specifically noted that Walther and the Missouri Synod did not place the church, the priesthood of all believers, or the congregation above the office of the ministry. Nor is the office of the ministry placed above the church. Christ is over all. The church, priesthood of all believers and therefore the congregation bear all spiritual, divine, and heavenly blessings, rights, powers, and offices. God confers the public administration of these spiritual, divine, and heavenly blessings, rights, and powers to the holder of the public office of the ministry through the congregation's call. Both church and ministry stand side-by-side in tension and in balance.

### **The Establishment and Understanding of Polity in the Missouri Synod**

The same freedom of religion in America which permitted Walther to establish distinct doctrines of church and ministry apart from church polity permitted Walther to help establish a distinct church polity unique among American denominations. John Drickamer characterized Walther's understanding of polity in this way:

Walther's view on church polity cannot be fitted into any common American version of ecclesiastical organization. He was not an Episcopalian, Presbyterian, or Congregationalist. He strongly favored the synodical form of polity, which was significantly different from the other forms.<sup>14</sup>

Yet, as we look at the polity that took form in the Missouri Synod, we will see that Walther's doctrines of church and ministry were reflected in various parts of this polity.

In the negotiations which led to the organization of the Missouri Synod, Walther expressed his convictions regarding church polity in a letter to Pastor J.A. Ernst, a Loehe *Sendlinge*, dated August 21, 1845:

1. [I desire] that the Synod, in addition to the Word of God, pledge itself to all the Symbols of our church and, where possible, include also the Saxon Visitation Articles. However, I shall not insist upon the acceptance and binding nature of the latter.
2. I desire that all syncretistic actions of synodical members be effectively prohibited and banned by a special paragraph in the constitution.
3. [I desire] that the chief function of the Synod should be the maintenance and furtherance of Lutheran doctrine and the guarding of the unity and purity of the same.
4. [I desire] that the Synod should not be so constructed as to serve as an empowered legislative body, but rather as an advisory body to which a congregation in need of advice may come and take refuge. The Synod ought to steer clear especially of usurping the congregation's prerogative of calling [a pastor].
5. I desire that the lay delegates who are members of Synod receive a seat and vote in the convention precisely as the clergymen.

However, the chairman should be elected from among the clergy (cf. Acts 15:23).

6. Finally, I think that the right of appeal to the decision of Synod ought never to be denied any congregation.<sup>15</sup>

In a letter to another Loehe *Sendlinge*, Wilhelm Sihler, Walther elaborated further on his understanding of polity:

I must confess that I have a kind of horror of a real representative constitution. I do not find it in Holy Scripture. Now, it is true that we Christians may exercise our liberty as regards our constitution, but I cannot rid myself of this opinion: the more freedom a church government in a free state like ours affords, the more efficient it will be, provided that the Word is preached in all its power in the congregations. On the other hand, everything coercive that does not flow immediately from the Word easily causes opposition by refusal to comply and lays the foundation for frequent separations. Hitherto I have not viewed a synodical organization as a concentration of ecclesiastical power. I thought that it was only to exhibit the ecclesiastical union of the separate congregations, unite its resources and forces in a war upon the oncoming ruin in doctrine and life, and for carrying on operations for the common welfare of the church, for preserving and advancing unity in faith and love, for aiming by way of commendation for the greatest uniformity possible... I was not of the opinion that all matters pertaining to the

internal administration of individual congregations should be subject to the disposing and judicial power of the synod.<sup>16</sup>

Although Walther believed that synodical polity was the best form of church government, he maintained that no true Lutheran would insist on one form of church polity as the only valid one.<sup>17</sup> Walther believed that it was the duty of Lutheran preachers to inform their congregations “that the choice of the polity of the church is an inalienable part of their Christian freedom...”<sup>18</sup>

In America, Walther faced a situation in which many German Lutheran immigrants, who had experienced a consistorial form of church polity in their homeland, had a certain fear of joining a synod, as if it were a kind of consistory that would attempt to rule the congregation. Because of the situation that the Saxons of Missouri had faced with Martin Stephan, and because of the fear of consistorial domination, the synod was considered to be only an advisory body. A synodical resolution was binding in the congregation in a congregational matter only when the congregation accepted it. Yet a congregation, by joining the Synod, did accept the provisions of the synodical constitution. Furthermore, doctrine was not a matter that could be accepted or rejected. What was spelled out in God’s Word was not optional for a congregation belonging to the Synod.<sup>19</sup>

As noted above, both Grabau and Loehe disagreed with Walther and the Missouri Synod over both the doctrines of church and ministry as well as church polity. Loehe referred to the Missouri Synod’s constitution as *Amerikanische Poebelherrshaft* (“American mob rule”).<sup>20</sup> However, a major

factor in the misunderstanding was that both Grabau and Loehe did not separate the doctrines of church and ministry from church polity, whereas Walther did. For Walther, the doctrines of church and ministry were non-negotiable, while church polity was a matter of Christian freedom.

Over the past 162 years, little has changed in the constitution of what is now called the Lutheran Church—Missouri Synod (please follow along on your handout).<sup>21</sup> Congregations voluntarily join with one another in the Synod to support one another and to work together in carrying out their commonly adopted objectives. Synod is considered a voluntary human organization with Biblical example, but without Biblical mandate. Thus, Synod is not Church. The top three objectives of the Synod are:

1. Conserve and promote the unity of the true faith (Eph. 4:3-6; 1 Cor. 1:10), work through its official structure toward fellowship with other Christian church bodies, and provide a united defense against schism, sectarianism (Rom. 16:17), and heresy;
2. Strengthen congregations and their members in giving bold witness by word and deed to the love and work of God, the Father, Son, and Holy Spirit, and extend that Gospel witness into all the world;
3. Recruit and train pastors, teachers, and other professional church workers and provide opportunity for their continuing growth; ...<sup>22</sup>

The powers of the Synod are primarily legal, corporate powers, not churchly. It is important to note that congregations join the Synod, not districts or circuits. Synod divides into districts and then circuits for

administrative purposes. Therefore, districts and circuits are representatives of the Synod in specific areas. There are two kinds of members of the Synod: congregations and church workers. At synodical and district conventions, there are two kinds of delegates: voting and advisory. Voting delegates consist of one pastor and one lay delegate from each congregation for district conventions and one pastoral and one lay delegate from each electoral circuit for synodical conventions. Only pastors of congregations can serve as a pastoral delegate. All other church workers, including assistant pastors, missionaries, chaplains, professors, district and synodical officials, parochial school teachers, deaconesses, and directors of Christian education are considered advisory delegates. The relationship of the Synod to its members continues to be only advisory, remembering that this does not include the fact that every member of the Synod accepts without reservation: the Scriptures of the Old and New Testament as the written Word of God and the only rule and norm of faith and practice; all the Symbolical Books of the Evangelical Lutheran Church as a true and unadulterated statement and exposition of the Word of God, as well as accepting the other conditions of membership. These other conditions of membership include:

1. ....
2. Renunciation of unionism and syncretism of every description ...
3. Regular calls of pastors, teachers [and other church workers] ...
4. Exclusive use of doctrinally pure agenda, hymnbooks, and catechisms in church and school.

5. A congregation shall be received into membership only after the Synod has convinced itself that the constitution of the congregation, which must be submitted for examination, contains nothing contrary to the Scriptures or the Confessions.
6. Pastors [and other church workers] or candidates for these offices not coming from recognized orthodox church bodies must submit to a colloquium before being received.<sup>23</sup>

Although Walther considered church polity to be a matter of Christian freedom, the synodical polity that he envisioned and helped shape reflected his doctrines of church and ministry in several ways. First, representation at synodical and district convention was not based upon anything but the marks of the church. It did not matter the size of the congregation or the number of pastors called to serve a congregation. Each established congregation, where God's Word is preached and the Sacraments are administered, was allowed one pastoral and one lay delegate. Since the true church is invisible and only God knows who are the true members of the Holy Christian Church, the communion of saints, therefore a congregation of 100 received the same representation as a congregation of 1,000.

Secondly, by maintaining one pastoral and one lay vote from each congregation or each electoral circuit, the polity of the Synod maintained the balance and tension between church and ministry that Walther set forth in *Kirche und Amt*. Pastors are voting delegates because they represent the full office of the ministry. A lay person from a congregation is a delegate because

that person represents the priesthood of all believers in the congregation. All other ordained or commissioned church workers can be advisory delegates with voice, but no vote. The pastoral office has the divine right to pass judgment on doctrine. But, laymen also have this right as well. Both have a seat in church courts and councils. The pastoral office in a congregation is the highest office in the church, from which all other offices stem or flow. Other offices that the church may create are helping or auxiliary offices. While being ministerial offices or involved in some form of ministry to which they are called, they are not in the full public office of the ministry (preaching the word and administering the sacraments in a congregation). Thus, those in auxiliary offices, although given a voice, have not been allowed to vote as either pastoral or lay delegates. To allow them to do so could throw off the balance and tension between church and ministry.

Thirdly, representatives for district and synodical conventions have been chosen at the congregational or circuit level. Since Synod exists and functions to support her member congregations, representatives have been chosen at the congregational level, or at the level closest to the congregation, namely the circuit.

Fourth, congregations join the Synod, the Synod divides into districts, and districts divide into circuits for administrative purposes. Districts and circuits are simply extensions of the Synod. The unity of the Synod is not to be geographical, but theological. Thus, synodical representation on boards, commissions, and other entities has not been geographically focused to this

point. The primary objective of the Synod is the conserving and promoting of the unity of the true faith throughout the Synod.

Finally, it has been a long-standing practice to recognize overtures to conventions equally from congregations, circuits, or districts. No official distinction or priority has been put forth in the synodical constitution to this point in our Synod's history. The emphasis has always been on Synod existing to support its member congregations.

### **Other Examples of Theology and Polity Interacting in the Synod's History**

Before delving into practical implications of the Blue Ribbon Task Force on Synodical Structure and Governance on theology and polity, I would like to consider a few other incidents of theology and polity interacting during the Synod's history.

Already in 1847, the newly organized Missouri Synod confronted a challenge with respect to missions, growth and its understanding of the doctrine of the ministry. Other Lutheran synods and ministerium of the eastern states had used the practice of licensing theological candidates in an effort to meet the desperate need for clergymen. Yet, both the Saxons and the Loehe men vigorously rejected this practice. The Synod's first constitution rejected the practice of licensing, allowing for only a complete and regular call. Furthermore, because the Synod committed itself to a congregational ecclesiology, some within the Synod held to a rigid application of the doctrine of "transference" [*Uebertragungslehre*], which in turn affected the development of itinerant forms of ministry and mission outreach. Some

maintained that first there must be a congregation, then the office of the ministry. Between 1847 and 1865, several forms of itinerant ministry were used: *Besucher, Colporteur, and Reiseprediger*. At the 1865 Western District Convention, Twenty-Eight Theses Concerning the Call and Position of a *Reiseprediger* were discussed and adopted, including the following:

9. Love is the queen of all laws, more so than all regulations, i.e., in cases of necessity it knows no commandment,

10. There are cases of necessity in which also the regulation of the public office of the ministry cannot and should not be observed. Exodus 4:24-26.

11. A case of necessity occurs when, by legalistic observance of the regulation, souls would be lost instead of saved and love would thereby be violated.<sup>24</sup>

The realization was being expressed that strict adherence to the idea of transference could result in an incongruity where the very goal for which God had established the order (the establishment of the Public Office of the Ministry) would be discarded, namely, the salvation of souls. Another form of itinerant ministry was established about this time as well. In March 1862, Friedrich Wilhelm Richmann, while serving as pastor of a congregation in Schaumburg, IL, received a call to serve as chaplain to the 58<sup>th</sup> Regiment of the Ohio Volunteers of the U.S. Army. C.F.W. Walther announced Richmann's call as a chaplain and offered regular reports of his activities in *Der Lutheraner*.<sup>25</sup>

The practical implications of establishing itinerant ministers or missionaries did not greatly alter either the Synod's understanding of the doctrine of the ministry or its polity. With regards to *Kirche und Amt*, itinerant ministers, whether missionaries or chaplains, could be considered an auxiliary office. Furthermore, although they could be considered to be advisory delegates, they were not voting delegates. The polity of the Synod was still focused on church and ministry in its member congregations. Yet, calls to itinerants were extended, not because the Synod was considered "church," but on the basis of the Law of Love for the salvation of souls.

The interjection of church politics or what may be referred to as a "party spirit" into the polity of the Missouri Synod is an interesting study of the practical implications in the relationship between theology and polity. At its 1917 synodical convention, the Synod changed its name from *Die Deutsche Evangelische Lutherische Synode von Missouri, Ohio und andern Staaten* to the Evangelical Lutheran Synod of Missouri, Ohio and Other States due to anti-German pressure brought on by World War I. Already in 1914, a more progressive group of Missouri Synod members organized the American Lutheran Publicity Bureau (ALPB) in order to promote Lutheranism in a positive way in the face of American anti-Germanism. In January of 1918, the bureau began publishing the *American Lutheran* under the editorial guidance of Pastor Paul Lindemann. This was the first major unofficial publication within the Missouri Synod.<sup>26</sup>

During the Great Depression members of the editorial board for the *American Lutheran* were growing more and more discontented with the way

the Missouri Synod was being run, particularly the linguistic and nationalistic ties to German immigrants. A “plan” was devised to bring about changes within the Missouri Synod. In preparation for the Missouri Synod synodical convention of 1935, those involved in the “plan” engaged in political maneuvering and the incumbent president, Frederick Pfothauer, was unseated by the first American-born synodical president, John Behnken. Then, in 1945, the members of the editorial board for the *American Lutheran* called a meeting of “like-minded individuals,” who then drafted “A Statement” (the so-called Statement of the Forty-Four). This document called into question the Missouri Synod’s traditional position on church fellowship.

In time, other long-held doctrines would be questioned as well, leading eventually to a major disruption at one of the Synod’s seminaries in 1974 and the departure of approximately 75,000 congregational members from the Synod to form a new Lutheran church body in 1976, the Association of Evangelical Lutheran Churches or AELC. The movement to bring party spirit or politics into the polity of the Synod did not change the Synod’s polity ostensibly, nor did it change the practical relations between theology and polity, particularly with respect to church and ministry. It did strongly impact the conservation and promotion of unity within the Synod as other groups then formed, some in order to change long-standing doctrine and practice within the Synod, some to conserve the long-standing doctrine and practice of the Synod.

Between 1932 and 1962, the status of the parochial school teacher with respect to the doctrine of the ministry was a controverted issue within the

Missouri Synod. In their effort to improve the status of the Lutheran teacher, A.C. Stellingma, A.C. Mueller and others adopted the functional view of the ministry which had first been set forth by August Pieper and John Philip Koehler within the Wisconsin Synod. What has been referred to as the functional view of the doctrine of the ministry included the understanding that God established the public office of the ministry only in an abstract form, the public preaching and teaching of the Word and the administration of the sacraments. Any concrete form of the ministry was a matter of Christian discretion within the church. Although those who held to a functional view of the ministry both privately and in their publications maintained that those who held to the more traditional Missouri Synod understanding with respect to the pastoral office were in error, they did not bring the issue before the Synod in convention. Through their efforts, however, male parochial school teachers were granted Class IV-D status with the Selective Service Commission in 1940, which was the exemption class for “ministers of religion.” Furthermore, in 1950, Lutheran teachers were given “minister of the Gospel” status with the U.S. Internal Revenue Service so that the rental value of a teacherage would not be taxed. Although it was brought up several times, parochial school teachers were not given a vote at district and synodical conventions, although they were considered advisory members with a voice.<sup>27</sup>

Another practical implication of theology and polity can be evidenced in a resolution that was adopted at the 1962 synodical convention, which changed our Synod’s understanding of ordination and possibly the overall

role of the Synod as Synod, or as advisory versus church. Between 1932 and 1962, the Missouri Synod grew from 1,210,206 baptized congregational members and 3,133 pastors to 2,456,856 baptized congregational members and 6,192 pastors, an increase of approximately one hundred percent. During that same period, the number of full-time synodical officials increased from eight to sixty, a growth of approximately six hundred fifty percent. In 1947 the Synod changed its name once more, adopting the title “church”: The Lutheran Church—Missouri Synod. By 1951 the Synod had purchased its first permanent office building for full-time synodical staff. Finally, between 1952 and 1962, the Missouri Synod’s Council of Presidents decided to redefine the Synod’s long-held definition of ordination, adopting the government’s understanding in order to facilitate the placement of military chaplains and because of certain state regulations for performing marriages.

The Missouri Synod had long maintained that ordination was the public ratification of the call into the pastoral ministry in a local congregation. The government viewed ordination as a church body’s certification that an individual was qualified to function as a minister. The Missouri Synod, including Walther, had maintained that the pastoral office was established only within and by a local congregation of believers, not by the Synod at large. The United States government viewed it as something established by a church body as a whole. At its 1962 synodical convention, the Missouri Synod endorsed the change made by the Council of Presidents and, from that point on, one was ordained when he was certified by the Synod through the seminaries or a colloquy committee, no matter where he was called, whether

to a parish pastorate, chaplaincy, teaching position or administrative position within the Synod or one of its districts. Thus, the Synod took on a churchly function that had been reserved for the local congregation since Walther's time. Also, in a sense, the Synod had now become more than an advisory body. This change in nomenclature seemed to bring about further confusion regarding the Synod's theology on the doctrine of the ministry.<sup>28</sup>

Finally, one additional practical implication of theology and polity should be considered. On March 3, 1972, President J.A.O. Preus issued "A Statement of Scriptural and Confessional Principles," which was intended for use as a guideline by the Board of Control of Concordia Seminary, St. Louis in identifying and dealing with theological and doctrinal issues in the hundreds of pages of interview transcripts with the seminary faculty. The Board of Control, however, decided not to use "A Statement" except to receive it and to ask the faculty to respond to it. Thus, the Board at that time did not equate "A Statement" with the official doctrinal position of the Synod and declined to use it as such.<sup>29</sup> At the 1973 synodical convention, delegates were called upon to adopt "A Statement of Scriptural and Confessional Principles" as a clear and concise doctrinal statement in accordance with the Scriptures and the Lutheran Confession and consistent with the doctrinal resolutions and statements adopted in previous synodical conventions. During the discussion, prior to voting, no opposition was expressed to the doctrinal content of "A Statement." Opponents focused their criticism on its constitutionality or on possible misuse. The resulting vote on the document, which the St. Louis faculty majority had described as "having a spirit alien to

Lutheran confessional theology,” was 652 in favor of adopting the document, 455 against. “A Statement of Scriptural and Confessional Principles,” which was then used to show that some of the faculty majority of Concordia Seminary were teaching false doctrine, won by 58 per cent of the overall convention delegate vote.<sup>30</sup>

### **Current Recommendations for Change and Implications for Theology and Polity**

In discussing the current recommendations by the Blue Ribbon Task Force on Synodical Structure and Governance (BRTFSSG), it is important for me to state from the beginning that structure and governance or church polity is a matter of Christian freedom. I believe that the Synod in convention is free to adopt changes or not to do so. However, as with anything, each of us also has the freedom in Christ to express our opinion on such matters and our reasoning for that. You have graciously invited me to discuss the practical implications of the relationship between theology and polity with a special view toward the changes recommended by the BRTFSSG. I will not go through those recommendations point-by-point. Rather, I would like to touch on a few, some of which concern me, some about which I am ambivalent, and some of which I think are great ideas. Yet, let me stress that these are nothing more than my own personal opinions. Also, to date, everything put forth by the BRTFSSG at special meetings of synodical leaders, before the district board of directors, and before the district conventions are nothing more than possible recommendations and not formal proposals.

First, I have concerns if delegates for synodical conventions are elected at the district convention level instead of at the circuit level. Along with that, I have concerns if resolutions passed at district conventions are given priority over resolutions passed and submitted at the congregational or circuit level. Our synodical polity is focused on the congregation. Synod exists to support its member congregations. If district conventions decide or elect delegates to synodical conventions and districts resolutions are given priority at synodical conventions, then districts become even more powerful and important than they already are. They become even more of a key geographical component in our synodical government. In my opinion, this allows for more emphasis to be placed on geographical differences, whereas the first objective of the Synod is to conserve and promote the unity of the true faith. In these specific suggestions for change the focus has been moved away from the congregation; it is therefore a movement away from the grassroots, even though the BRTFSSG has stated that they want to move closer to the grassroots.

Secondly, a supposedly more equitable congregational representation at district conventions is recommended by giving congregations with more than 1,000 confirmed members two additional votes at district conventions. If congregational representation is based on the number of confirmed members, or on some other human category, then the Synod could be putting forth a new and different understanding of what constitutes church. Right now, our polity reflects our understanding of the Synod's doctrine of the church. As previously stated, representation at synodical and district convention was not

based upon anything but the marks of the church, the preaching of God's Word in its truth and purity and the administration of his sacraments rightly. All rights and privileges of any congregation exist solely on the basis of the true invisible church within its midst. Since only God knows how many of those congregational members are true believers, their presence has been based only on the presence of the marks of the church, not on the number of baptized, confirmed or voting members. It did not matter the size of the congregation or the number of pastors called to serve a congregation. Each established congregation, where God's Word is preached and the Sacraments are administered, was allowed one pastoral and one lay delegate. I freely admit that we can change the definition of church for purposes of our polity, just as the Synod earlier changed its definition of ordination. In the case of church, there are several other definitions for the term, including a building, a congregation, a denomination, as well as the true holy Christian Church, the *Una Sancata*. However, as it stands, our polity reflects our doctrinal understanding of the true church identified only by her marks, and I believe it is most appropriate. To depart from that could cause theological confusion.

Thirdly, it is recommended that voting delegates for congregations at both district and national conventions shall be a pastor and a non-ordained person. By non-ordained person, it is meant either a commissioned minister or a lay person. If commissioned ministers are chosen as voting delegates at either district or synodical conventions, then there is no longer a balance between the lay people and the clergy at our conventions. Commissioned ministers, whether they are parochial school teachers, directors of Christian

education, or deaconesses are strictly speaking not lay people according to our theology on the doctrine of the ministry. Certainly they do not hold the full public office of the ministry or the pastoral office. However, they do serve in auxiliary offices, just as missionaries, chaplains, professors, synodical and district officials serve in auxiliary offices. Also, according to the recommendations for change, all those serving in auxiliary offices in the Synod would lose their advisory status. Thus, although some parochial school teachers, directors of Christian education and deaconesses may gain a vote, all holders of auxiliary offices would lose a voice at district and synodical conventions.

Fourth, it is recommended that doctrinal resolutions “of special significance” and doctrinal statements require a two-thirds vote to pass. As noted earlier, consider what would have happened in 1973 if a two-thirds vote would have been required to pass “A Statement of Scriptural and Confessional Principles.” If that was the case, it would not have passed in 1973. If “A Statement” would not have passed, then it would have been much more difficult for the Concordia Seminary Board of Control to identify specific faculty members who were teaching contrary to Scripture and the Lutheran Confessions. Who knows where the Synod would be today if there had not been a Walkout at Concordia Seminary in 1974 and the formation of the Association of Evangelical Lutheran Churches in 1976. We may have been part of the merger with the ELCA in 1988, and we could now have practicing homosexual clergy in committed monogamous relationships in Missouri Synod congregations. I believe that a majority is all that should be

required for doctrinal resolutions of “special significance” and doctrinal statements.

Fifth, I am concerned about the recommended dissolution of various synodical boards and commissions, realigning them into two advisory councils, and making their executive directors responsible to the synodical president and not the boards. Although there is great expense in flying elected board and commission members to St. Louis for meetings, the majority of members on synodical boards and commissions are elected at synodical conventions and are responsible to the convention. The executive directors of these boards and commissions are responsible to the boards and commissions themselves. Although this is not the most efficient system, it provides checks and balances in our government since we do not have a legislative branch beyond the synodical convention.

Finally, I have some concerns about the recommendations for certifying pastoral candidates. Our founding fathers, both the Saxons of Missouri and the Loehe *Sendlinge* had grave concerns about anything that seemed like a temporary call or the licensing of candidates. They believed that this interfered with the divinity of the call. It is not clear how the responsibility for certification of pastoral candidates could be expanded to include congregations, district presidents, and circuit counselors without establishing some form of licensing of candidates or a temporary call.

Under the category of ambivalent, I would place the recommendations for establishing regions, the election of synodical Board of Directors according to regions, and the election of synodical vice presidents according

to regions. This would certainly make for a more balanced geographical representation within the Board of Directors and the Praesidium. On the other hand, the unity of the true faith should not be geographically conditioned, and there is already geographical representation on the Council of Presidents. Another recommendation that I am not sure about is the updating of the constitutional language to clarify the Synod's reasons for existence and mission. I don't really know what that means or what shape that will take. I think that Article III of the Constitution, the Objectives, have spelled out our Synod's reasons for existence in the order that I believe it should be:

1. Conserve and promote the unity of the true faith ( Eph. F:3-6; 1 Cor. 1:10), work through its official structure toward fellowship with other Christian church bodies, and provide a united defense against schism, sectarianism (Rom. 16:17), and heresy;
2. Strengthen congregations and their members in giving bold witness by word and deed to the love and work of God, the Father, Son, and Holy Spirit, and extend that Gospel witness into all the world;
3. Recruit and train pastors, teachers, and other professional church workers and provide opportunity for their continuing growth; ...<sup>31</sup>

It is recommended that visitation circuits be arranged on the basis of geography, missions or demographic criteria. I am not sure that this isn't being allowed right now, and if it is already being permitted in our districts, do we need to change anything in our constitution or bylaws? Also, the recommendation to prioritize our governing documents may be unnecessary.

It should already be understood that a bylaw cannot contradict the constitution. Finally, I think that a name change would be a good thing, but I am afraid of what name might be chosen next. I don't like the word "church" in our synodical name. If we want to maintain LCMS, that leaves few possibilities beyond Lutheran Congregations in Mission and Service. Ideally, I wish we could return to the name adopted in 1917: the Evangelical Lutheran Synod of Missouri, Ohio, and Other States. ELSMOOS makes for a long acronym, but "Elsmoos" has a nice ring to it! Don't you think? Or perhaps Evangelical Lutheran Synod of Missouri, Indiana, Texas, and Other States – ELSMITOS!

Under the great idea category, I would put the recommendation on changing the frequency of national and district conventions from a three-year to a four-year cycle, along with the terms of officers being unified and extended to match the four-year cycle. I agree with the rationale that this would save money and allow more time for the officers, boards and commissions of the Synod to follow through on decisions made by the conventions. Another exceptional idea is having the synodical president and first vice president elected through each congregation or at each district convention. This would take away a lot of the politics that currently surround our synodical conventions. It would also allow each congregation of the Synod a voice in these important elections. Finally, although it was decided not to approach district reconfiguration at the 2010 synodical convention, this is long overdue. Hopefully, the Council of Presidents will come up with a cogent plan for making this happen.

## **Concluding Thoughts**

Hopefully, this discussion of some of the practical implications of the relationship between theology and polity within the Missouri Synod has been helpful. Although church governance falls within the realm of Christian freedom, it can and does reflect our theology indirectly. May God continue to bless our congregations and pastors as God's Word is preached in its truth and purity and His Sacraments are administered rightly. May God also bless the delegates to the 2010 synodical convention, as they consider many important issues, including the recommendations on synodical structure and governance.

- <sup>1</sup> Published as John C. Wohlrabe, Jr., “The Americanization of Walther’s Doctrine of the Church,” *Concordia Theological Quarterly* 52 (January 1988): 1-27
- <sup>2</sup> John C. Wohlrabe, Jr., “An Historical Analysis of the Doctrine of the Ministry in the Lutheran Church—Missouri Synod until 1962,” unpublished Th.D. dissertation, Concordia Seminary, St. Louis.
- <sup>3</sup> Karl Wyneken, “Selected Aspects of C.F.W. Walther’s Doctrine of the Ministry,” *Studies in Church and Ministry* (ed., Erwin L. Lueker), vol. 3 (St. Louis: Concordia Seminary, 1967), p. 18.
- <sup>4</sup> Carl S. Munding, *Government in the Missouri Synod* (St. Louis: Concordia Publishing House, 1947), pp. 26, 29-31.
- <sup>5</sup> James H. Pragmann, *Traditions of Ministry: A History of the Doctrine of the Ministry in Lutheran Theology* (St. Louis: Concordia Publishing House, 1983), pp. 129-132.
- <sup>6</sup> A detailed analysis of the Stephanite Emigration from Saxony to the United States is set forth in Walter O. Forster, *Zion on the Mississippi: The Settlement of the Saxon Lutherans in Missouri, 1839-1841* (St. Louis: Concordia Publishing House, 1953).
- <sup>7</sup> Carl E. Vehse, *Die Stephan’sche Auswanderung nach Amerika. Mit Actenstuecken* (Dresden: P.H. Sillig, 1840), pp. 54-141. Munding, pp. 95-111.
- <sup>8</sup> Munding, 110-111.
- <sup>9</sup> *Ibid.*
- <sup>10</sup> Roy Suelflow, “The Relations of the Missouri Synod with the Buffalo Synod up to 1866,” *Concordia Historical Institute Quarterly* 27 (April 1954): 2-3.
- <sup>11</sup> Roy Suelflow, pp. 21-22.
- <sup>12</sup> Roy Suelflow, *CHIQ* 27 (July 1954): 61-62.
- <sup>13</sup> LCMS 1851 Proceedings, second edition, pp. 169-173. This book was published as *Die Stimme unser Kirche in der Frage von Kirche und Amt* (Erlangen: Verlag von Andreas Deichert, 1852). Translations may be found in *Walther on the Church*, translated by John M. Drickamer, in *Selected Writings of C.F.W. Walther*, 6 volumes, ed. August R. Suelflow (St. Louis: Concordia Publishing House, 1981); and C.F.W. Walther, *Walther and the Church*, ed. Wm. Dallmann, W.H.T. Dau, and Th. Engelder (St. Louis: Concordia Publishing House, 1938).
- <sup>14</sup> John Drickamer, “The Doctrine of the Church in the Writings of Dr. C.F.W. Walther,” unpublished Th.D. dissertation, Concordia Seminary, St. Louis, MO, 1978, p. 386.
- <sup>15</sup> C.F.W. Walther, *Walthers Briefe*, ed., L. Fuerbringer, vol. 1 (St. Louis: Concordia Publishing House, 1915), p. 16. Cf. August R. Suelflow, “Walther and Church Polity,” *Concordia Theological Monthly* 32 (October 1961): 633-634.
- <sup>16</sup> Quoted from *Theological Monthly* 2 (May 1922): 129. August Suelflow, “Walther and Church Polity,” pp. 634-635.
- <sup>17</sup> C.F.W. Walther, “Freikirche,” *Lehre und Wehre* 22 (September 1876): 285.
- <sup>18</sup> C.F.W. Walther, *Lutherische Brosamen* (St. Louis: M.C. Barthel, 1976), p. 525.
- <sup>19</sup> Drickamer, “The Doctrine of the Church in the Writing of Dr. C.F.W. Walther,” pp. 347-348. August Suelflow, “Walther and Church Polity,” pp. 636-641.
- <sup>20</sup> Munding, p. 200.

<sup>21</sup> “Our First Synodical Constitution,” translated by Roy Suelflow, *CHIQ* 16 (April 1943): 1-18. *2007 Handbook of The Lutheran Church—Missouri Synod* (St. Louis: The Lutheran Church—Missouri Synod, 2007). 11-20.

<sup>22</sup> *Handbook of The Lutheran Church—Missouri Synod*, p. 11.

<sup>23</sup> *Ibid.*, p. 13.

<sup>24</sup> LCMS, 1863 Proceedings, pp. 56-58. Karl Wyneken, “Missouri Molds a Ministry for Mission,” *CHIQ* 45 (May 1972): 69-88.

<sup>25</sup> Karl Kretzmann, “A Lutheran Army Chaplain in the Civil War,” *CHIQ* 17 (January 1945): 97-102.

<sup>26</sup> John C. Wohlrabe, Jr., “The Missouri Synod’s Unity Attempts During the Pfotenhauer Presidency, 1911-1935,” unpublished S.T.M. Theses, Concordia Seminary, St. Louis, MO, 1982, pp. 56-57, 92-93- 157-158.

<sup>27</sup> John C. Wohlrabe, Jr., “An Historical Analysis of the Doctrine of the Ministry in the Lutheran Church—Missouri Synod until 1962,” pp. 222-283.

<sup>28</sup> *Ibid.*, 339-378.

<sup>29</sup> Board of Control, Concordia Seminary, St. Louis, MO, *Exodus from Concordia* (Board of Control, Concordia Seminary, 1977), p. 30.

<sup>30</sup> *Ibid.*, pp. 52-53.

<sup>31</sup> *Handbook of The Lutheran Church—Missouri Synod*, p. 11.