

# The Case for Remaining in the Lutheran Church-Missouri Synod in a State of Confessional Protest

[Good Shepherd Lutheran Church, Rock Falls, Illinois, September 1971]

by Curtis A. Peterson

## I. The “in status confessionis” position defined

The state of confessional protest is an attempt to maintain a clear conscience and an effective confessional, Biblical and confessing stand in a deteriorating theological situation. It assumes that two assertions are true:

1. that the church body has become heterodox, and
2. that the possibility still exists, or seems to exist, that this heterodox situation can be reversed.

Obviously, if the heterodox situation is totally irreversible, one would have to leave in order to remain loyal to Christ and His Word. If the church body is not heterodox, a state of confessional protest is not necessary. But, such a stance becomes mandatory if the church is heterodox in order to avoid the sin of unionism as it is defined in the *Brief Statement*, paragraph 28 as “church fellowship with the adherents of false doctrine.”

Briefly then, the confessional state is the position in which one publicly declares the Synod to be heterodox, works to reverse the situation, while preparing himself and his congregation for the time when he must regretfully leave the Synod if the Synod does not return to its orthodox stance. Note, therefore, the interim nature of this position. It cannot be permanent, but must be removed by either leaving the church body at last or by restoration of orthodoxy.

It is my opinion that the Lutheran Church-Missouri Synod is at this moment heterodox by our own definition in the *Brief Statement*, paragraph 29:

“The orthodox character of a church is established not by its mere name nor by its outward acceptance of, and subscription to, an orthodox creed, but by the doctrine which is *actually* taught in its pulpits, in its theological seminaries, and in its publications. On the other hand, a church does not forfeit its orthodox character through the casual intrusion of errors, provided these are combated and eventually removed by means of doctrinal discipline, Acts 20:30; 1 Tim. 1:3.”

I shall not attempt to defend this point since so many others have said this in many ways in many articles. I personally believe, however, that one who stands where our Synod once stood would have to say that the teachings in our publications, in our schools and seminaries, and in our Christian education material (Mission Life) certainly indicates that we have moved into a heterodox state. This does not mean that every member is heterodox, but it certainly does mean that in official actions of the Synod, the Synod is heterodox.

For a further explanation of what is meant by the Status Confessionis position, see Dr. Alvin Wagner’s Lutheran Congress essay “Confessional Declaration”, reprinted in *Evangelica Directions for the Lutheran Church* pages 53ff., and in Dr. W.M. Oesch’s masterful discussions in the January-February 1971, issue of *Sola Scriptura* entitled “Status Confessionis and Selective Fellowship.” I have depended heavily on Oesch’s essay for this paper. Those contemplating this step are urged to carefully study it.

## II. The Lutheran Church-Missouri Synod and the Status Confessionis

It is noteworthy that the LC-MS has recently recognized the legitimacy of this state of protest. The CTCR, in a statement adopted in April, 1970, made this comment concerning “In Statu Confessionis”:

The Commission on Theology and Church Relations is not aware of any synodically approved definition of the term *in statu confessionis* for our time. The commission is of the opinion that the term is quite generally employed in the current usage of our church to declare that an individual or congregation is in a state of protest because it holds that a particular teaching, practice, or action of the church against which the protest is lodged is contrary to the Word of God or endangers the Gospel. Used in this sense, the declaration that one is in statu confessionis is not tantamount to the breaking of fellowship. If, however, the circumstances which called forth the protest are not corrected in due time, the implication is that the protest will lead to the severance of fellowship relations. 1971 LC-MS Conventions Workbook p. 39.

It is noteworthy that the Synod adopted a resolution (5-01, page 153 of the 1971 *Proceedings*) which guaranteed to those in this state all the rights and privileges of membership in the LC-MS. This means, therefore, that one can continue to vote at conventions and hold office even though he had entered in to a state of confessional protest. To those who point out that this resolution also reminds us of our “duties and responsibilities” according to Synodical Bylaw 1:05 (“adequate financial support”), let me reply that if Synod is indeed involved in heterodox activities and publications, to support it financially would actually undermine the Constitution, where, to cite just one example, we are told to renounce “unionism and syncretism of every description” (Article VI.2)!

## III. What is involved in the State of Confessional Protest

Here we get to the nub of my article. Some have differed on the exact implications of what “in statu confessionis” implies, but after reading the literature on the subject, I believe that it implies the following:

1. To publicly declare that the Synod is heterodox.
2. To declare that the situation is intolerable and that it must be changed if the person is to continue in membership in the LC-MS. As Biblical Christians loyal to their Lord and believing that His will is expressed clearly and infallible in the Scriptures, we simply cannot just “live with” error! The issue is very simple for me: loyalty to Christ! We must be careful that our conscience is clear and not being weakened by increasing insensitivity to doctrinal error. The story of the frog that was gradually cooked by slowly heating the water up is apropos here! Are those issues which were matters of conscience in 1968 still matters of conscience in 1971? Are we lowering the ante bit by bit from year to year?

We must ask ourselves whether there is any point at which we would leave Synod. Or is our membership in the LC-MS the highest good? Certainly, it can't be! Then we must resolve in our own mind and conscience at which point we would have to leave. If we would not under any foreseeable situation, we must ask: are we placing Synod over Christ and His Word? Is the situation really intolerable? If Christ's Word is being compromised, we must all say YES!

3. We must publicly declare ourselves out of fellowship with those who teach, practice, or tolerate false doctrine. This includes informing District and Synodical officials of our confessional state. This means that we do not exchange pulpits with them, do not commune with them at pastor's conferences and conventions, or engage in joint work with them where doctrine is involved. Ultimately, this would mean that we continue in fellowship only with those who are also in a public state of confessional protest. This will involve us in painful situations at times, but how else are we going to avoid the sin of unionism? How else are we to maintain our own integrity? If we declare ourselves against fellowship with the ALC and LCA on theological and scriptural grounds, what sense does it make if we continue to fellowship with those in fellowship with the ALC and LCA? Doesn't our claim that the signers of "A Call to Openness and Trust" and the "Declaration of Determination" are guilty of false doctrine, become meaningless if we remain in fellowship with them? Perhaps a reader can help me understand how this does not involve unionism!
4. Good men will differ on when the time to leave will come. Some have left already, and, like it or not, others will leave Synod in the months to come. The state of confessional protest provides a way of continuing to be in fellowship with such men and women. They are dedicated Christians, acting only with regret and after working for years—in some cases for decades—to reverse the situation in Synod. They have a right to say to us: "you can be in fellowship with me or with the signers of 'A Call to Openness and Trust', but you can't be in fellowship with both of us!" We also must respect them as they carry on negotiations with the ELS and WELS, as the Federation for Authentic Lutherans is doing. We can maintain their integrity and ours and remain in fellowship with them only by publicly suspending fellowship with errorists in our own church body and with the ALC. But here we have a basis for true, Bible-based, ecumenism!!
5. We must inform our congregations about the real situation in Synod. Many of us must confess that we have been remiss here. Some pastors say that they would like to leave Synod, but their congregations are not ready. Then declare yourself in a state of protest and educate your congregation. It is irresponsible to speak at pastor's meetings and be silent in your own congregation. Do you think you will live forever? What will your successor teach and preach? Pastors, I appeal to you, you have a duty to speak out also in your own congregation!

Imagine this situation, if you will. We fight as hard as we can to reverse the situation up to the New Orleans Convention. What if, in spite of all we do, we lose everything at New Orleans? (And remember: the status quo is a loss for conservatives, since more theological liberals are graduating every year to replace conservatives who die or retire). In despair we go home and for the first time present a resolution to our voter's assembly proposing that the congregation leave Synod! We would deserve to be rebuked if we had not discussed this sad possibility up to that time! God grant that the situation in Synod may be reversed by 1973, but let's do the responsible thing and consider the alternatives before us now! God has promised that the gates of hell would not prevail against His Church, but He has made no such promise about the organization called the Lutheran Church-Missouri Synod!

6. The state of confessional protest, since it hopes and prays that the situation in Synod is not irremediable, pledges one to actively fight to restore the Synod to orthodoxy. How we would do this depends on whether we are laymen, pastors, elected officials, or even the President of a District or Synod itself! (I pray that Dr. Jacob Preus himself, would enter this state. Nothing in the Constitution of Synod would forbid him from doing so!) I urge everyone to remain in Synod for now at least; since, after all, some fine resolutions were adopted at Milwaukee, and because we ought to leave as much time as possible for corrections to be made.

However, I do not believe we can wait forever. In a chart that I prepared for reporting on the Milwaukee Convention where I was a delegate and was privileged to serve on Committee #2, I list seven areas which I marked as “Depend on Implementation”. In all of them we ought to have an answer by 1973. Let me briefly review them:

1. ALC fellowship, this along with
2. Membership in LCUSA, was passed along to the 1973 Convention for action.
3. Mission: Life. Resolution 7-20 is weak, but what kind of changes will be made during the next year? Will real corrections be made?
4. The binding nature of doctrinal resolutions. I’m not sure that anyone knows for sure who won on this one! Yet, the issue remains: will doctrinal resolutions be enforced as binding? The Handbook says that they are.
5. Action on the Seminary inquiry. President Preus has been instructed to report next summer. Will error be corrected?
6. Openness and Trust: Synod repudiated it by 6 votes. Now, will those who wrote it and identified with it be disciplined if they do not retract it?
7. The CTCR report on the Historical-Critical Method. Resolution 2-52 is a non-controversial document. I hope I am not speaking out of school to say in retrospect that the resolution that came out of the Committee #2 was much weaker than the original draft. Now that it has been tossed into their laps, will the CTCR demonstrate that this method endangers the very substance of the Gospel or not?

Action must be taken on these issues at New Orleans or before. My own decision on Synodical membership will be made on the basis of how Synod acts on these issues.

7. Withhold and Redirect Funds. How much? This will be up to you. Our congregation will probably give a token “for services directly rendered” contribution, while redirecting the rest of our mission money to orthodox, confessional causes. Failure to do this involves us in at least partial support of false teaching. There are many other ways to directly support the Lord’s work.

In summary then, I believe that the situation in the Synod is intolerable, even if not totally irreversible. Time is against us. The issues cannot be solved politically, but must be solved theologically with repentance and recantation of error by those responsible. In the meantime, we must all take a stand, pastor, teacher, and laymen alike. And we must make this *public*, or else we are not really confessing Christ. I have seen lists of names of conservatives which are headed by the words “Will not allow names to be used publicly”. We must rigidly examine ourselves here! Our Savior said, “Whosoever will confess Me *before men*, I will confess before My Father in heaven, but whosoever denies Me before men, them will I also deny before my Father in heaven.” We must openly, from the rooftops, confess Christ! If we stay away from convention

communion services and don't say why, others will either not miss us or just think we are lazy! If we withhold funds and don't say why, we will just be considered stingy! Confession must be open! Otherwise, we may be partakers of other men's sins. (II John 11, I Tim. 5:22). Considered from still another way, only a public protest is fair to the errorist! It *is* loveless to attack men behind their back. Confronting them publicly can be the most loving way to deal with enemies of the truth!

#### **IV. FAL and the State of Confessional Protest**

I am going to affiliate with the Federation for Authentic Lutherans on an advisory (non-member) basis. I urge you to study their constitution for this unique provision. This group, I realize, is unpopular in many quarters, even among conservatives. Certainly, it is not perfect. On the other hand, we have all heard people say "I would leave Synod, but where would I go?" FAL provides an answer. We talk, we bluster, we threaten, but no one else is really doing anything about providing for the contingency if we lose the ball game at New Orleans. I intend to go to the November 1 and 2 meeting at Libertyville, Illinois, on the grounds that we must stay together even if we disagree precisely on when the time to leave may come. Pray that this time will never come. But, if it does, will you be ready? Will your congregation? Let us stay together. A state of confessional protest makes this possible. It insists on real results. Otherwise, we are playing into the hands of the opposition which wishes to change our doctrinal stand forever. They have told us that they don't believe in our Armageddons anymore. Do you?

Jesus said: "He who finds his life shall lose it; he who loses his life for My sake will find it." Only those who are willing to lose Synod for the sake of God's truth can possibly win the battle for the soul of our Synod...and only they will deserve to! We have only one responsibility: to remain true to Christ and His Word! We can't simply wait for conservative professors to lead us; they are least able to lead us out: their jobs are at stake! We can't simply wait for district Presidents to lead us: if Luther had waited for cardinals and bishops to lead, we would all still be in Roman Catholicism! This is the time to confess, to draw the line with His Word! I appeal to you, bear the cross, and *publicly*, declare yourself in a state of protest!

\*\*\*\*\*

For the sake of those who may wish a guideline to follow in writing up a public statement of in statu confessionis, I offer this to whoever may find it helpful. I intend to use this with my voters this month. Use it or adapt it as you wish. In the meantime, let it serve as my own personal public declaration of entering the state of confessional protest.

**A Public Declaration of Entering the State of Confessional Protest  
(in statu confessionis) for members of the LC-MS**

In order to maintain a clear conscience before God, to avoid all forms of unionism, to testify to our loyalty and obedience to God and His infallible Word, and to maintain a fellowship with orthodox Lutherans everywhere, the undersigned herewith declare(s) themselves (him—or herself) to be in the confessional state (in statu confessionis).

The undersigned understand(s) that the confessional state implies the following:

1. That LC-MS is a heterodox and unionistic church body, which both tolerates and teaches false doctrine;
2. that we consider this an intolerable condition which must be changed if we are to continue our membership in the Synod. Since God’s Word alone determines doctrine, we have no right to “live with’ or “adjust to” error, for all error finally endangers the Gospel and is disobedience to God.
3. that we withhold fellowship from those who teach, practice, or tolerate false doctrine within the LC-MS or any other church body. To do otherwise would make us guilty of an unbiblical and unLutheran latitudinarianism and unionism.
4. that we pledge ourselves to informing fellow members of our congregations an our Synod of the intolerable conditions within the Synod for the sake of restoring true doctrine and practice, or, if this fails, for the sake of preparing to leave the Synod.
5. that we pledge ourselves to fight with every open, honest, and clear means (Jude 3, II Cor. 4:2) to testify to the truth and to insist on discipline for unrecanting errorists (Titus 1:9, 3:10) to the end that our church body may be restored to its former orthodox stance.
6. that, although our public renunciation of fellowship with those who tolerate error implies that we ultimately cannot practice altar and pulpit fellowship with those who continue to fellowship with errorists, we invite all confessional Lutherans in the Lutheran Church-Missouri Synod to join us in a state or protest for the sake of restoring orthodoxy to our Synod or to the end of realigning in a new Synod of orthodox Lutherans.
7. that we extend the hand of fellowship to those both inside and outside of our Synod who are in agreement in doctrine with use on the basis of subscription to the Bible as God’s inerrant Word, the Lutheran Confessions as a correct exposition of that Word, and the *Brief Statement* as a modern expression of this Biblical and confessional stance; and
8. that we inform the officers and constituents of the LC-MS of this declaration.

Signature: \_\_\_\_\_ Pastor  
\_\_\_\_\_ Teacher  
\_\_\_\_\_ Congregation

Address: \_\_\_\_\_