

***In Statu Confessionis* (A State of Confessional Protest)**

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Definition

What It Is

The concept of *status confessionis* was first propounded in Article X of the Formula of Concord. *Status confessionis* is the technical term for the state of protest by which an individual, a congregation, or a larger segment of a church organization, a theological faculty or other church agency publicly opposes an intrusion of error into their own church body. Its purpose is to bring those fellow members who have fallen into error back into the obedience of the true Scriptural doctrine. It is a temporary measure to be taken by Scriptural directive until its purpose has been achieved or until the protest proves futile and separation becomes obligatory.

How Carried Out

Status confessionis is carried out

- (1) by not permitting those who are in error within one's own church body to preach in one's pulpit – that is by refraining provisionally from pulpit fellowship with them;
- (2) by not participating in the celebration of Holy Communion with one's erring brethren – that is by provisionally suspending altar fellowship with them;
- (3) by refraining provisionally from participating in activities by which error is promoted or supported – that is by exercising faithful stewardship of abilities, time, and possessions in accordance with sound Scriptural principles.

It is obvious that all these measures are applications within one's own publicly erring church body, of the universally valid Scriptural directives concerning cooperation *in sacris* (in things sacred) between church bodies – that is concerning church fellowship.

What It Does

The Scripturally intended effect of *status confessionis* is:

- (1) to keep the consciences of the confessors free from guilt by preserving them from becoming partakers of the sins of their associates;
- (2) to unite the confessors within the erring church body for mutual preservation and strengthening in the true faith and its practical application;
- (3) to preserve the ties of unity between those members of a church body for whom the time for separation and realignment has come with their faithful brethren who find that they are still able to work for restitution of the truth among their erring associates while preserving confessional integrity and without causing offense;
- (4) to exercise that proper love and patience toward the erring brothers which is enjoined by Holy Scripture;
- (5) to unite such true confessors with other truly confessing and practicing church bodies and with true confessors in other erring church bodies who also maintain a correct *status confessionis*. By this, it cuts across organizational and, given a proper, public testimony of

the doctrinal truths of Scripture, could even cut across denominational lines, which, in fact, exist only *iure humano* (by human authority) to preserve the spirit-wrought unity in the truth of the church which is commanded by its Lord. In the case of non-Lutheran congregations and individuals, agreement on the basis of the Lutheran Confessions is required. This may well prove to be the means by which the true doctrine is preserved in the midst of the deterioration and apostasy evident throughout the church of our day.

These points will be further developed below. See also *Sola Scriptura*, Vol. I, No. 4.

What It Is Not

The *status confessionis* is in no way, as some have mistakenly assumed a practice of selective fellowship. In fact selective fellowship is diametrically opposed to the very principle of *status confessionis*.

- (1) Selective fellowship is practiced among those who assume a “conservative” position, whereas fellowship based upon *status confessionis* is practiced only when there is complete doctrinal agreement.
- (2) Furthermore, selective fellowship usually has as its goal the preservation of an organizational structure, whereas *status confessionis* has as its goal the preservation of sound doctrine.
- (3) It should also be noted that selective fellowship requires of those who practice it no anticipation of a time when separation from an erring church body shall become necessary, whereas *status confessionis* requires of those who practice it a recognition of the fact that organizational ties to their church body cannot be indefinitely continued if the error is not corrected.
- (4) Selective fellowship requires of those who practice it no commitment, whereas *status confessionis* requires of those who practice it a firm commitment to the beliefs and practices of Confessional Lutheranism in public form which immediately affects their altar and pulpit fellowship with the church body against whom they are in *status confessionis*.
- (5) It should further that selective fellowship is contrary to the clear testimony of Scripture, and mounts to a toleration of error, leading to the eventual erosion of the doctrinal foundation of the church, whereas *status confessionis* firmly grounded in God’s Holy Word, clearly and publicly denounces error and the toleration of error, and thereby preserves doctrinal integrity among those who practice it.
- (6) Equally damaging to those who practice selective fellowship is the fact that those who practice it are led to a false sense of security and an appeasement of their consciences by the mistaken belief that they have offered a proper witness against the error of the church body; whereas those who practice *status confessionis* have publicly stated that they are unable to find the security of truth in their present situation, and have made a conscience-bound commitment to sever their relationship with their erring church body unless the doctrinal error is corrected.

***Status Confessionis* and Casuistry**

Neither should the practice of *status confessionis* be confused with casuistry. In the case of *status confessionis*, the purpose is to make a formal, open and public testimony to doctrinal truth. There is no intent to make a public witness in the handling of casuistry. A case of casuistry is, by definition, a special case which is an exception to the rule, to be handled on the basis of extremity and emergency, taking unique circumstances into account. *Status confessionis* is an

established procedure which offers clear, confessional guidelines to the church in maintaining fellowship with Christians who are in full doctrinal agreement, whereas cases of casuistry do not attempt to establish universal guidelines.

Historical Background

Two Saxonies

In order to understand fully the import of F. C. X, we must be informed of the events which brought about its formulation. At the time of the Reformation, Saxony was divided between the Ernestine and Albertine lines. The head of the Ernestine line was one of the seven electors who chose the Emperor. The capital of electoral Saxony was Wittenberg. The Albertine line governed the duchy of Saxony with Leipzig as its capital city.

The Smalcald War

At the time of Luther's death in February 1546, there existed an alliance of the Roman Catholic princes in Germany, whose aim was to destroy Lutheranism by force of arms, and an alliance of the Lutheran princes, called the Smalcald League, to defend their territories. For years the pope had been urging the emperor to undertake this war, but he had hesitated, one of the reasons being the power of the Smalcald League. He knew that while Luther lived the Lutherans would stand united. Immediately after Luther's death, however, not only did doctrinal dissent erupt among the Lutherans, as Luther had foreseen, but also some of the Lutheran princes began to put their own dynastic interests before the cause of the Gospel. So only four months after Luther's death, pope and emperor entered into an agreement to compel the Protestants by force of arms to submit to the decrees of the Council of Trent, which was then in session. Soon after, the pope published a bull calling upon all Christians to assist in this war. In it the Lutherans under Elector Johann Friedrich of Saxony were defeated at Muehlberg in April 1547. The elector and Philip of Hesse were imprisoned. The reasons for the defeat were: (1) that Margrave Joachim of Brandenburg remained neutral and, more important than this, (2) that the young Duke Moritz of Albertine Saxony, who was also the best general, turned traitor, making a secret agreement with the emperor to support him in return for a large part of his uncle's territory, including Wittenberg, and for transfer of the electoral office from Johann Friedrich to himself.

The Augsburg Interim

The result of this defeat was the imposition of the Augsburg Interim on March 15, 1548. It reintroduced the Roman Catholic ritual into the Lutheran congregations, though celebration of the Sacrament in both kinds and marriage of the ministers was allowed for the time being. However, the supremacy of the pope *iure divino* (by divine authority) was asserted and justification by faith alone denied. This document was called an interim, because it was to be in force temporarily until the Council of Trent had completed its deliberations, at which time the Lutherans were obliged to accept all its decisions. Though the Augsburg Interim was enforced in southern Germany by brutal military action and 400 ministers banished, the churches stood empty. In northern Germany it proved altogether unenforceable. Not only the pastors and members of the congregation, but even the municipal and regional government agencies defied it successfully, for here the emperor had no military forces able to enforce it. The imprisoned Philip of Hesse declared his willingness to adopt it saying that it was better to hear mass than to

play cards. But the Wittenberg faculty with Melanchthon disapproved. Even the new Elector Moritz balked. He still considered himself to be a Lutheran; nor did he want to alienate all his subjects both old and new.

The Leipzig Interim

On May 18, three days after the proclamation of the Interim at Augsburg, Moritz notified the emperor that he was not able to introduce the interim in his provinces at present. Soon after he commissioned the Wittenberg and Leipzig theologians to work out a compromise document more acceptable to his subjects. Melanchthon, who was unwilling to expose himself to the anger of the emperor and whose humanistic philosophy had already for years tended to weaken his stand on justification by grace alone, was the chief author of the resulting Resolution of the Diet of Leipzig, published December 22, 1548. Its opponents called it the Leipzig Interim. Its professed object was to effect a compromise, in order to escape persecution and desolation of the churches, by adhering to the doctrine, notably of justification, but yielding in matters of ceremonies, etc. As stated already in the Augsburg Confession, Article VII, such matters are not among the matters commanded or prohibited in Scripture, but are instituted by men. Such things are spiritually indifferent. Technical, dogmatic language uses the Greek word *adiaphora* to designate them. Accordingly, this doctrinal controversy occasioned by the Leipzig Interim is called the *adiaphoristic controversy*. It was not settled until the publication of Article X of the F. C. thirty years later.

The Adiaphoristic Controversy

In order to understand why this controversy took so long to settle, and what the import for us today of the settlement is, we must again outline the essential facts of its history. First of all, the provisions of the Interim did not agree with the professions of its authors and supporters. It avoids the expression justification by faith alone and presents the entire matter in terms which Romanists could readily interpret in the sense of their infused righteousness, *gratia infusa*. *Gratia infusa*, of course, implies Rome's semi-Pelagian doctrine of free will and original sin, another area where Melanchthon, like all humanists, was weak. Other doctrines were simply passed by in silence. And so it went. As to the ceremonies, extreme unction and the Corpus Christi procession with its public adoration of the consecrated host were among those re-instituted. When representatives of the Saxon cities immediately protested some of the provisions of the Interim, the faculties of Wittenberg and Leipzig declared December 28: "We have learned your request and are satisfied with the articles (of the Interim) delivered, which not we alone, but also several other superintendents and theologians prepared and weighed well; therefore, we are unable to change them. For they can well be received and observed without violence to good conscience. " This attitude was stubbornly maintained by these and other theologians, who, as followers of Philip Melanchthon, were called Philippists. Years after, when, by a surprising turn of political events, the Leipzig Interim was cancelled, in 1557 and 1560 and later, these theologians still defended their action.

The blindness of the compromisers is seen in the boast of Agricola, the prominent theologian in Berlin, that "in Augsburg he had flung the windows wide open for the Gospel; that he had reformed the pope and made the emperor Lutheran"! This was said of the original Augsburg Interim! Concerning the Leipzig Interim, the two guilty faculties claimed, at a late date, that they had agreed to the reintroduction of Corpus Christi the more readily because it set before people's eyes an example of Roman idolatry. This was so obvious a lie that it went far to

undermine their credibility. (We hear comparable claims today from those who “profess” their faithfulness to the Gospel and the Confessions and even to Luther, while embracing the historical-critical method which undermines them all. This is the judgment of God upon the errorists which publicly marks them with the moral sores from the first of the seven bowls of wrath [Revelation 16:2], for the presuppositions of the historical-critical method are from the lying Beast.)

Thus the adiaphoristic controversy raged. The congregations themselves took active part. Where faithful ministers were forced out and compromisers installed, the churches stood empty. Many ministers and theologians found refuge in the free city of Magdeburg, from where they undertook a powerful campaign of propaganda under the leadership of Matthias Flacius; for this reason Magdeburg was called “God’s chancellery.” Not even when Moritz captured it after a thirteen-month siege did the opposition subside. Only in the new Saxony and in Brandenburg did the Interim have defenders.

The surprising event which ended the Interim politically, but not the theological controversy, took place in April 1552. “Moritz was provoked by the arbitrary manner in which the emperor exploited and abused his victory by a repeated breach of his promises and by the treacherous and shameful treatment of Moritz’ father-in-law (Philip of Hesse). Chagrined at all this and fully realizing the utter impossibility of enforcing the Interim, Moritz decided to end the matter by a single stroke, which at the same time would atone for his treachery and turn shame into glory and the vile name of traitor into the noble title of champion of Protestantism. Accordingly, Moritz, easily the match of Charles in duplicity and cunning, suddenly turning his army against the unsuspecting emperor, drove him from Innsbruck, scared the fathers of Trent to their homes, and on April 5, 1552 victoriously entered Augsburg, where he was received with great rejoicing. The fruits of this victory were the treaties of Passau, August 2, 1552 and of Augsburg, 1555, which for the first time granted religious liberty to the Protestants ... according to the rule *cuius regio, eius religio* (the religion of the ruler determines the religion of the subjects). Dissidents had the right to emigration. But “it neither eliminated the false doctrines and unionistic principles and tendencies (also toward the Calvinists) injected by the Interimists, nor did it restore confidence in the doctrinal soundness, loyalty, and sincerity of the vacillating Philippists, who had caused the first breach in the Lutheran Church.” Doctrinal peace was not restored nor Lutheranism reunited on the basis of the truth until the publication of the Formula of Concord (quotations are from F. Bente’s Historical Introduction to the Symbolical Books, *Concordia Triglotta*, whom, in general, we followed).

The Confessional Basis of *Status Confessionis*

Though the political power which enforced the Leipzig Interim was broken, the theological controversies did not subside, for the question was not one of passing judgment on past events, but “to eliminate from our Church the spirit of indifferentism and unionism and of direct as well as indirect denial of the Gospel” (Bente, loc. cit.). This common purpose connects all the articles of the F. C.; and they are connected as well by a common origin. For all the errors that surfaced after Luther’s death have their root in the same weakness, a weakness at the point of the doctrine of justification by faith alone. This leads to distortions also in other doctrines, including the doctrine of sanctification and the doctrine concerning the Church, with which we are again faced today. It is in this context that F. C. X must be viewed.

Regarding the specific point at issue, F. C. X lays down the following as the true believers’ scripturally grounded conviction:

- (1) That in a period of persecution ceremonies which are basically contrary to the Word of God, even though appearing under the guise of external adiaphora, are in fact not matters of indifference. This is introducing false doctrine under pretense.
- (2) Nor are those ceremonies adiaphora which are designed to give the impression that a believer's religion does not differ greatly from that of his opponents. This speaks to the matter of intent regarding matters that would ordinarily be indifferent.
- (3) Nor are rites, which are intended to create the illusion that two opposing religions have been brought into agreement or will little by little result in agreement, matters of indifference. This is a misrepresentation of the results of doctrinal discussions, etc. Cp. today's parallels.
- (4) Neither are useless and foolish spectacles adiaphora. – These ostentatious things are regarded as harmful rather than edifying.

By the term “religion” is meant what later came to be known in Germany and other European countries as *die Konfessionen*, that is *die katholische Konfession*, *die lutherische Konfession* and *die reformierte Konfession*, not the distinction between the Christian and non-Christian religions, as we use the word today – the way by which modern ecumenists want to unite! We have indeed advanced far in the arts of denial!

Applicability Today

F. C. X generalizes beyond the occasion which, originally called forth its statement by applying it to any situation “*quando confessio edenda est*” (sec. 2), “*eo tempore quo veritatis coelestis confessio requiritur*” (sec. 10); that is, at any such time when a confession of the heavenly truth is required by a threatening or actual intrusion of error. At such a time only is the Scriptural truth to be defended by entering a confessional protest and consistently maintaining it in all respects, but also the practices of the Church in matters that are neither prescribed or prohibited by Holy Scripture are to be examined as to whether they constitute cooperation with the errorists or give the appearance of cooperation or of implied approval, or give the appearance of indifference to the error, as though it were not important; – a conscientious sensitivity found throughout the Confessions, cp. I Thessalonians 5:22: “Abstain from all appearance (εἶδους) of evil.” In this application, the F. C. is not concerned with the past event of the Interim; rather, it takes a lesson from this experience, applying it to the situation within in the Lutheran Church and resulting from it, as pointed out above. It therefore, becomes a guide in comparable situations which might arise in the future. The argument implied is from the lesser to the greater. When even adiaphora may cease to be adiaphora, because of the circumstances under which they are practiced, how much more necessary is it to protest every deviation from the scriptural directives by taking a firm stand on confessional integrity, an integrity which, under the circumstances, can be affected even by adiaphora.

Art. X further generalizes the concept of *status confessionis* by showing that taking a position of confessional protest is an exercise of the Christian liberty which dare not be surrendered under pressure:

“At a time of confession the entire community of God, yes, every individual Christian and especially the ministers of the Word are obliged to confess openly, not only by word but also through their actions. In such a case we should not yield to adversaries even in matters of indifference, nor should we tolerate such imposition by force or chicanery. It is written: ‘For freedom Christ set us free; stand fast therefore, and do not submit again to a yoke of slavery’ (Gal. 5:1). And

again: ‘But because of false brethren secretly brought in, who slipped in to spy out our freedom which we have in Christ Jesus, that they bring us into bondage; to whom we did not yield submission even for a moment, that the truth of the Gospel might be preserved for you’ (Gal. 2:4f). Paul is here speaking of circumcision, which at that time was a matter of indifference and which in his Christian liberty he employed in other instances (Acts 16:3). But when false prophets demanded circumcision and abused it to confirm their false doctrine, Paul said that he would not yield. Paul yielded and gave in to the weak as far as foods, times and days were concerned (Rom. 14:6). But he would not yield to false apostles who wanted to impose such things on consciences as necessary, even in matters that were in themselves indifferent. When Peter and Barnabas in a similar situation yielded to a certain extent, Paul criticized them publicly, because they had not been straightforward about the truth of the Gospel (Gal. 2:14). For here we are no longer dealing with external *adiaphora*. Here we are dealing primarily with the chief article of the Christian faith. Any coercion or commandment (including any pressure from ‘above’!) darkens and perverts this article and suppresses the pure doctrine of Christian liberty (and quenches the Spirit!). As soon as this article is weakened, the commandments of men will be increased and put not only on a par with God’s commandments, but even above them.” (Secs. 10-15, excerpted).

This, then, is the confessional basis of *status confessionis*. It obligates not only the entire community of God, but each single congregation in its character and quality as nothing less than that very community at its particular place, complete with all its powers and offices. It obligates also every individual Christian, as God’s priest whose spirit, being led by the Spirit, is not to be quenched. All are to act in the liberty of obedience to the Word in this faithful exercise of the office of the Keys. For the state of confessional protest is not an isolated thing; it is a specific exercise of the state of confessional witness in which church, every congregation and every believer lives permanently. It is a normal part of the work the Church militant is commissioned and enjoined to do.

The Scriptural Basis of *Status Confessionis*

Though, like other dogmatic terms, the formula in *status confessionis* does not occur in Holy Scripture, the matter itself is clearly taught: Thessalonians 3:14f.: If any one does not obey our instructions in this letter, take special note of that man and do not associate with him, so that he may be put to shame. And yet do not regard him as an enemy, but admonish him as a brother.

There could be no more accurate description of the action of *status confessionis* than this Word of Scripture. In the state of confessional protest we do not break off communication with the erring brethren, for we continue to admonish them as their brothers. Nevertheless we do not associate with them *in sacris*. To say at once: “You are heterodox, hence we have nothing more to do with you,” is to violate this directive. That this is the sense in which St. Paul uses the word is seen also from 1 Corinthians 5:11. A similar directive is given us:

2 Timothy 2:24-26: “The Lord’s bondservant must not be quarrelsome, but kind to all, able to teach, patient when wronged, with gentleness correcting those who are in opposition, if perhaps God may grant them repentance leading to the knowledge of the truth; and they may come to their senses and escape from the snare of the devil, having been held captive by him to do his will.”

Again we have an accurate description of the aims and methods of *status confessionis*, as well as of the attitude of those against whose doings we protest. Although they are captive in the snare of the devil, who is a liar, and so are themselves held in a dishonest kind of reasoning, we are still to be patient when wronged, kind, able to teach and continuing to teach them, if perhaps God may lead them to repentance. Obviously this takes time, and no time limit is set by Scripture. Yet what they are doing is a most serious offense in the Church and must not be borne with indefinitely. We are told:

Romans 16:17 “Keep your eye on those who cause dissensions and offenses contrary to the teaching which you have learned, and turn away from them.”

And we are directed:

Titus 3:10: “Reject a man causing divisions (*αἰρετικὸν ἄνθρωπον*) after a first and second warning.”

How serious a sin such falling away from the truth once known really is, is told us:

2 Peter 2:17-20: “They are springs without water and mists driven by a storm ... For speaking arrogant words of vanity they entice ... those who barely escape from the ones who live in error, promising freedom while they themselves are slaves of corruption ... For if after they have escaped the defilements of the world by the knowledge of the Lord and Savior Jesus Christ, they are again entangled in them and overcome, the last state has become worse for them than the first.”

Every error is at least a partial reversion to the world and at the same time a bringing of the world into the Church, which is anti-Christian:

John 2:18: “Children, it is the last hour; and just as you heard that antichrist is coming (2 Thessalonians 2:4), even now many antichrists have arisen.”

God’s Forbearance

In these earnest admonitions to patience, together with the uncompromising condemnations of error with final judgment to follow, we see both the kindness and the severity of God, Romans 11:22. For God’s love is a holy love, which never compromises the truth even the least little bit. But it is real love; therefore it exercises goodness, forbearance, and patient longsuffering, Romans 2:4. For if God, who is holy, can be patient, how much more we, who are also sinners:

Ps. 103:14: “For He Himself knows what we are made of; He is mindful that we are but dust.”

Therefore as His sons and daughters, patterned after our heavenly Father in the new man,

2 Corinthians 6:4 “ – in everything commending ourselves as servants of God, we follow His example, on the one hand in His kindness:”

2 Corinthians 6:6: “In purity, in knowledge, in patience, in the Holy Spirit, in genuine love.” – For:

Galatians 5:22f.: “The fruit of the Spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control.”

The admonition to self-control is particularly important in a situation of doctrinal controversy, such as the *status confessionis* involves; for there the natural pride, combativeness and quarrelsomeness (2 Timothy 2:24) of the old Adam always presses to the fore, pretending to act in the service of the Lord. Him we must subdue. For according to the Scriptures cited the Lord wants all such sinful passions to be excluded, saying:

Colossians 3:12: "Put on therefore ... humbleness of mind (A. V.)." For we, too, are guilty:

Psalm 116:8, 11: "For Thou hast rescued my soul from death ... my feet from stumbling. I said in my alarm: all men are liars."

This is true even of prominent Christian leaders, such as Peter and Barnabas:

Galatians 2:11-14: "When Cephus came to Antioch, I opposed him to his face... For prior to the coming of certain men from James, he used to eat with the Gentiles; but when they came he began to withdraw and hold himself aloof, fearing the party of the circumcision. And the rest of the Jews joined him in hypocrisy, with the result that even Barnabas was carried away by their hypocrisy. But when I saw that they were not straightforward about the truth of the Gospel, I said to Cephus in the presence of all: 'If you, being a Jew, live like the Gentiles and not like the Jews, how is it that you compel the Gentiles to live like Jews?'"

Whereupon Paul clearly laid down the Gospel principle. Here we have a typical case of *status confessionis*, with the result that Peter submitted to the truth, as his later epistles testify, though other judaisers did not. Our point is, that the fact that even such prominent leaders can fall into dishonesty against their own better knowledge, should make us humble. For if God, being holy, can have patience, how much more should we, being sinners and also in need of His daily forbearance, be patient and, speaking the truth in love, Ephesians 4:15, follow His more excellent way:

1 Corinthians 13:1, 4, 7: "If I speak with the tongues of men and of angels, but do not have love, I have become a noisy gong or a clanging cymbal. Love is patient, love is kind and is not jealous; love does not brag and is not arrogant, bears all things, believes all things, hopes all things, endures all things."

Among the things it bears and for the betterment of which it hopes is also the inevitable dishonesty of those who fall into error, be it out of ignorance or against their better knowledge. This is the side of *status confessionis* which corresponds to God's forbearance. It is not to be confused with the impure execution of *status confessionis* that has been observed in some areas (selective fellowship). The fault in such cases is with the doctrinal weakness, the spiritual immaturity of those who execute it. This calls for correction and repentance of the sin of doctrinal neglect, not for abandonment of *status confessionis* by the Church.

God's Severity

In all the love and patience shown the erring brethren, the essential admonitory character of *status confessionis* as a determined and emphatic witness against wrongdoing must never be obscured. Though love continues through eternity, 1 Corinthians 13:13, patience and forbearance look toward a result to be achieved, a change to be effected, and a decision to be carried out. How long are patience and forbearance to continue? How long is the decision to be held in

abeyance? Holy Scripture does not leave us in doubt about this, but gives us many clear directives.

1 Timothy 5:22: “Do not lay hands upon any one hastily and thus share in the sins of others. Keep yourself pure” (our tr.).

Laying hands upon anyone signifies giving one’s blessing and approval to him and cooperating with him in matters of the Word and doctrine. If we do that with one who errs in some of these matters, we become partakers of his sins. The same is true if we are indifferent and tolerant of error, failing to witness against it. For the Christian lives in a continuous state of confessional witness and, when error arises, of confessional protest. The Lord’s commission to the Church is not only to forgive sins, but also to retain sins, to tell the sinner that his sin is unforgiven if he persists in it, and if this warning of God’s wrath is not heeded, to separate himself from association with him:

2 John 9-11: “Anyone who goes too far and does not abide in the teaching of Christ, does not have God; the one who abides in the teaching, he has both the Father and the Son. If anyone comes to you and does not bring this teaching, do not receive him in your house and do not give him a greeting: for the one who gives him a greeting participates in his evil deed.”

1 Corinthians 5:11: “I wrote to you not to associate with any so-called brother if he should be ... an idolater, or a reviler, or a swindler – not even to eat with such a one.”

Romans 16:17: “Now I urge you, brethren, keep your eye on those who cause dissensions and offenses (*σκάδαλα*) contrary to the teaching which you learned, and turn away from them. “

If we are to avoid those who deviate from the truth even in the adiaphora of common human association in any context which might even seem (I Thessalonians 5:22) to indicate approval of their attitude, how much more should we avoid being associated with errorists in the same church body! Note the same line of argument as in F. C. X. The time for and necessity of separation has come, according to the Scriptural directives:

- (1) When our duty of witnessing has been done and proves fruitless – Matthew 18:15-20 applies here, if not to the point of excommunication, when the vicarious atonement itself is directly denied, at least to the point of separation when it is indirectly attacked by error; for all error in some way affects the doctrine of justification by faith alone. Also:

Mark 6:1 – “Any place that does not receive you or listen to you, as you go out from there, shake off the dust from the soles of your feet for a testimony against them.”

- (2) The time for and duty of separation has come when further continuance in the same church body with errorists begins to give offense to those entrusted to our spiritual care by creating an appearance of indifference, or if it involves us in actual sin by involving us in participation in Holy Communion together with some whom we know to be errorists or in other joint activity. Here again Matthew 18 applies:

Matthew 18:6-10: “Whoever causes one of these little ones who believe in me to stumble, it were better for him that a heavy millstone be hung around his neck,

and that he be drowned in the depths of the sea ... Woe to that man through whom the stumbling block comes! ... And if your hand or your foot causes you to stumble, cut it off and throw it from you; it is better for you that you enter eternal life crippled or lame than having two hands or two feet to be cast into eternal fire, etc.”

This solemn warning applies to the offense given to other faithful witnesses, the offense given by weakening the cause of Christ's truth and the offense given to those in the world whom we are called upon to reach with the Gospel.

Such is the Scriptural basis for *status confessionis*, in which, as the children of our Father in Heaven, we are to exhibit both His kindness and His severity. *Status confessionis* is no exceptional procedure. It is simply the form which a Christian's or a congregation's permanent confessional witness takes at the times when error intrudes into a church body (*ecclesia composita*).

Status Confessionis Today

As was done with F.C. X, so again it appears desirable first to give a brief outline of the recent history of doctrinal protest before evaluating the function of *status confessionis* today. This history covers Californians for Authentic Lutheranism, The Free Association of Authentic Lutherans and the founding of The Federation for Authentic Lutheranism. Two other protesting groups were The State of the Church Conference, which grew out of the publication, *The Confessional Lutheran* and supported the Independent Lutheran Missions, and Active Missouri Stalwarts, centered in Cleveland.

Previous to the Denver convention of the Missouri Synod, 1969, St. Paul's and other Southern California congregations, together with one Northern California and one Arizona congregation were active in doctrinal protests, one of which was eventually signed by well over 1, 000 pastors and congregations throughout the Synod. The group met freely with a minimum of organization, under the name of Californians for Authentic Lutheranism (CAL). At the Denver convention, The Ecumenical Declaration of Faith was distributed, heartening the large minority who opposed the fellowship with the American Lutheran Church.

On the Labor Day weekend after the Denver convention, a meeting of protesting Missouri Synod conservatives was held consisting of representatives from all parts of the Synod. At the behest of the newly elected synodical administration, the presiding leaders of this meeting succeeded in preventing any public action from being taken. This action by the administration severely damaged the powerful grass roots confessional movement that had been building up.

In the spring of 1970 a meeting of some 50 conservative pastors and laymen was held at Brookfield, near Chicago. The significant action decided on, was a public protest against the declaration entitled "Openness and Trust," which was widely publicized by the so-called Moderates in the Missouri Synod. On the last day of the meeting, the administration sent a representative to prevent the publication of this protest. The committee, entrusted with its publication, acceded to this pressure and failed to carry out the instruction of the meeting, which had voted the action nevertheless.

An outgrowth of this Brookfield meeting, was the organization of the Free Association of Authentic Lutherans, whose policy it was to defer to the wishes of the administration in regard to selective fellowship instead of the stringent requirements of *status confessionis*. The FAAL called together a Lutheran Congress, which met at the beginning of September 1970. The CAL

representatives at the congress called for public protest by entering into *status confessionis*. This was vigorously opposed by the representatives of the administration, by the leaders of the congress and by other conservative Missouri leaders. It is this resistance to *status confessionis* which led to the formation of:

The Federation for Authentic Lutheranism was formed early in 1971 as an outgrowth of CAL. Its members felt that even the conservative Missourians, with a very few exceptions, were not willing to preserve a true and faithful *status confessionis*. Thus, it was not possible for them to preserve a good conscience and doctrinal integrity while remaining in the LCMS organization, nor could it be done without giving offense to their own members and other faithful Christians.

In the meantime, under CAL auspices, *Sola Scriptura* had begun publication with the July-August edition of 1970. For FAL's attitude regarding maintenance of the position *in statu confessionis* see "Milwaukee – Decisive For Conservatives," in the May-June issue of 1971. Unfortunately, not to say tragically, the first convention of FAL in November 1971 eliminated the provision for non-voting membership in FAA of faithful Lutherans *in statu confessionis* from its proposed constitution. Therewith, FAL was given an entirely different orientation, away from support of the vitally important struggle in LCMS, important for the continuance of Lutheranism throughout the world, and toward close association with the existing orthodox Lutherans of the Wisconsin Evangelical Lutheran Synod and the Evangelical Lutheran Synod. By this action FAL, while continuing to recognize the validity of *status confessionis* in principle, refused to recognize it in practice. The situation was aggravated by the suspension of *Sola Scriptura* in 1973.

Evaluation

From these recent experiences with *status confessionis*, certain definite conclusions can be drawn which are vital in meeting the situation in the Christian Church today.

1. *Status Confessionis* a Scriptural Must (Confession of Christian)

In the first place, it is obvious that entering into and maintaining one's position in *statu confessionis* meets the intrusion of error on the grass roots level rather than by administrative action. The important question is: Which mode of operation is commanded by Holy Scripture? Obviously, both are required, but it is the action by congregations and their ministry and, failing that, action by individual members that the Scriptures demand. The New Testament Church under the apostles had no organizational superstructure; action was initiated and carried out by the congregations. Even the apostles' convention at Jerusalem was mostly a meeting of representatives of only two congregations: the leading Gentile congregation at Antioch and the Jewish mother church, Paul and the Antiochians acting also in the interest of the newly founded missions. The stand taken by the individual congregation is basic to the whole question. Congregations are normally and permanently in a position of perpetual confessional witness; that is their nature as congregations. Therefore, when error intrudes, they are by the very fact of being Christian congregations in *statu confessionis*, in a state of confessional protest – unless they themselves are already victims of error or too weak doctrinally and spiritually to perform the function for which they are divinely commissioned. No organizational superstructure, no synodical authority has any right, *iure divino* or *iure humano*, to inhibit any congregation in any way from carrying out this commission. No matter what an administration may or may not do, the congregation must maintain its *status confessionis* under all circumstances unless it wants to fall afoul of Holy Scripture and compromise its confessional integrity. This is something it can

never delegate. If it fails in this obligation, then those of its members who wish to remain faithful must enter a state of public protest against their own congregation.

This is also a matter of the Christian liberty with which Christ has made us free. No man, only Christ, is the Lord of the Church. This liberty also involves, of course, an obligation, namely to be his faithful witnesses.

A true understanding of the doctrine of the Church also teaches this very thing. For the congregation is not merely a part of the Church universal; nor is it merely a finger governed by the hand, of a synodical superstructure. It is not even merely representative of the Church. No the congregation *is* the Church; the *Una Sancta* at that particular place, *Christ's* representative, *his* plenipotentiary endowed with all the powers he gives in the Holy Spirit and accountable always to *him* in all matters of their use. This does not mean that weak congregations should not seek brotherly guidance and assistance from stronger congregations or ministers chosen or appointed by them for this purpose. But the principle must always be upheld. The work of mutual assistance and propagation of the truth is indeed commanded, cp. Hebrews 6:10, but the organizational superstructures of various kinds designed to serve this purpose are, strictly speaking, adiaphora, within the limits of the Scriptural concept of the Church.

Evaluating recent experiences with *status confessionis*, it must be said, in the light of the truths just cited, that the suppression of *status confessionis* by the LCMS administration is contrary to Holy Scripture and the Confessions. It must furthermore be said that the weakness which caused conservative pastors and congregations to submit to this stifling of the normal promptings of the Spirit raises serious questions as to the possibility of restoring doctrinal and spiritual health within the LCMS, especially when the motive for this is considered, namely, the avoidance of a division of the organization, thus giving organizational interest and procedure precedence over Scriptural and Confessional requirements. A recent official declaration that seminex professors are still members in good standing of the LCMS is another example of this kind. The reason for this weakness is that ever since the change of language doctrinal preaching has declined so that even in the most faithful congregations there is much hesitation about reintroducing it. There was, of course, even before the change, a pervading complacency which boded no good. Doctrinal preaching and a fruitful *status confessionis* go hand in hand. Without its revival the outlook for continuance of a Lutheran confession and witness in the world is bleak indeed.

Furthermore it is clear from recent experience that a strict and confessionally correct *status confessionis* is a powerful weapon indeed, “sharper than any two-edged sword, piercing as far as the division of soul and spirit, joints and marrow.” It is for this reason that it was so strenuously opposed by the majority of LCMS conservatives who were caught up in a false order of priorities. For they knew full well that carrying through a correct *status confessionis* would split the Synod. But they preferred the conservation of the organization (an adiaphoron) to a clean break. This is clearly the kind of case of which F. C. X speaks when an adiaphoron is no longer an adiaphoron, by having been given priority.

2. *Status Confessionis* and Fellowship

a. Congregational Fellowship

Since *status confessionis* is indeed fully authorized by Holy Scripture and a necessary part of the Christian confession, therefore all congregations and individuals who are in *statu confessionis* are united, in the fellowship of faith and doctrine prescribed by Holy Scripture and established by the Holy Spirit Himself. This is the corollary to the foregoing. Not to

acknowledge this unity and let it be the principle that guides our relations with these brethren is contrary to Holy Scripture and the Confessions. In the present condition of the Church and the outlook for its future, *status confessionis* may indeed become one of the most powerful means to preserve the testimony for the revealed truth in the coming years. It cuts across organizational lines; and, once orthodox Lutherans learn to publicize their true teachings, as the errorist and enthusiasts do their mistaken concepts, it will cut even across denominational lines, as it does even now in certain emergencies. It may then become the avenue by which once again to gather into one a true people of God, a true visible Church. If orthodox Lutherans continue to fail to give publicity to their doctrines, such as the doctrine of the two realms, the correct understanding of what the Church is and does, also the doctrine of the God-man's person, and the doctrine teaching how the Holy Spirit operates, that is, the truth about the Sacraments and the truth about the means of grace, if we fail to proclaim those not only to our own congregations but also to the general public, then the truths of the Lutheran Reformation are likely to be even less known in the future than they are in our own sad times. *Status confessionis* is the bridge, and a strong bridge, because its foundations are knowledge and practical awareness of the true doctrine, the pillar and ground of truth. The world today, and the Church today, and particularly the fundamentalist evangelicals today stand in dire need of these truths, without which they grope about blindly and hit upon the wrong solutions. We need them as much as they need us. Therefore, let us begin this necessary work, so that many Christians can fulfill their function as the salt of the earth and bring some normalcy into our sadly confused times.

It must be said that the failure of FAL to give practical expression to the Spirit-created unity of faith in *statu confessionis* has all but destroyed its promising potential to be a powerful influence in the struggle within Missouri, which is so vitally important to the cause. By refusing to open this bridge of *status confessionis* to traffic, as was consonant with its particular circumstances, FAL has inhibited its own increase from this, its logical source. It has also harmed those whose fellowship it refused by depriving them of the strong and effective backing of their fellow-confessors who had already come to the point of separation, instead of being, together with them, as a powerful voice for the truth and a corrective force within Missouri. This abandonment of the practical exercise of *status confessionis* has harmed the cause of authentic Lutheranism.

b. Individual Fellowship

Individuals who are in a state of confessional protest within their own erring congregations are in the unity of faith and confession with all who are in *statu confessionis*, provided they maintain this status correctly. This means witnessing and abstaining from Holy Communion within their own congregation as well as endeavoring to use their contributions constructively. Faithful congregations should welcome such faithful witnesses at their communion table. If their witness brings no results, then such witnesses should seek to join a faithful congregation. If this is not feasible, it is better, as Luther advised, not to partake of communion at all than to partake of it under compromising circumstances. Such isolated Christians may be granted communicant membership in a faithful congregation located at a distance. Pastoral wisdom is needed to nurse along weaker individuals who try to be faithful; the weak must not be offended by demands which surpass their strength. So Luther acted in Wittenberg. Such patience requires strength. It is the weak who use legalistic rules.

3. *Status Confessionis* and *Agape* (Christian Love)

All God's works are perfect, particularly also His ordering of the Church. They are perfect in love; and in *statu confessionis* God's children reflect this perfect love of their heavenly Father. They show love to their erring brothers by maintaining the brotherly association within the synod and within this bond admonishing them, bearing all things, hoping all things, believing all things, enduring all things. At the same time, they remain in the perfect obedience of the faith and confessional integrity by renouncing association with them *in sacris*, 2 Thessalonians 3:15 and abstaining from every form or appearance of evil, I Thessalonians 5:22. See how wonderfully the Lord has ordered His Church; for the faithful believer can do this, because the organizational synodical superstructure is an adiaphoron; and he can continue in this action until the time comes as defined above, p. 16-19, when this adiaphoron is no longer an adiaphoron. That is what F. C. X is all about. This is the way of the Holy Spirit, the Spirit of *agape*, who unites and does not divide the Church by the testimony of His Scriptural truth in the bond of love. It is obvious that in such a process no time limit can be set. It all depends upon how the individual congregation's or person's situation develops under the guidance of the Holy Spirit. St. Paul's, North Hollywood, was formally in *statu confessionis* for over two years before the time for separation came and had been at work on the problem for several years previously. A congregation in the East has been in *statu confessionis*, virtual or formal, for five years, carrying on an intense and faithful struggle both internally within the congregation and externally within the synodical district, until the situation was ripe for final decision, which was to separate and join an orthodox synod. These examples serve to call attention to two points: (1) faithful adherence to the principle of *status confessionis* prevents delay in informing the congregation of the state of affairs within the synod, for no congregation can enter this state of protest without previous preparation and knowing what it is doing. In this duty, too, many conservatives were sadly remiss. (2) It is just such struggling and witnessing congregations who need the fellowship of other orthodox congregations most of all. To deny it to them is contrary to everything Holy Scripture tells us about the relations of its members in the Holy Church.

***Status Confessionis*: A Summary**

Recognizing that the study of *Status Confessionis*, which we here present, may be of a depth which is difficult for some of our laity to comprehend in one reading, we herewith offer the following summary and application:

- I. The Practice of *Status Confessionis* is a proper practice of orthodox Lutheran Theology based primarily on the doctrines of:
 - A. Church Fellowship – We understand Article VII of the Augsburg Confession (when it says “And to the true unity of the Church it is enough to agree concerning the doctrine of the Gospel and the administration of the Sacraments.”) to mean that unity and church fellowship can be practiced only when there is complete agreement in the doctrines of our Christian faith. This we defend on the basis of the Word which requires unity in doctrine (Acts 2:42; Matthew 28:20; 1 Corinthians 1:10; 1 Timothy 1:9-11; 4:1-3; 2 Timothy 1:13; Titus 1:9). The practice of church fellowship must be denied to those with whom we do not have doctrinal fellowship, even though we may be one with them on the matter of salvation by faith in Christ and, therefore, regard them as Christian brethren (2 Thessalonians 3:14; Romans 16:17; Matthew 7:15; Titus 3:10).

B. Christian Love – We recognize that Christian love supersedes the man-made rules of church life established for the sake of conducting the work of the church “decently and in order.” While on the one hand we insist upon unity in doctrine before there is the practice of altar and pulpit fellowship, we dare not place man-made church regulations in such a position that they require more than God requires in the practice of church fellowship. We believe that Christian love dictates the practice of or at least the offer of altar and pulpit fellowship once unity in doctrine has been recognized to exist *iure divino* (by divine authority) after a careful study of the Word (Ephesians 4:14-16) and the Lutheran Confessions. We note that the Formula of Concord in Article X of the Epitome, 3, states: “Nevertheless, that herein all frivolity and offense should be avoided, and especial care should be taken to exercise forbearance towards the weak in faith. I Corinthians 8:9; Romans 14:13.” An offense should not be given over matters of adiaphora, neither should it be given to those with whom we are one in doctrine and practice while they are in a valid *status confessionis* even though they may still have organizational ties with an erring or heterodox church body.

II. The Practice of *Status Confessionis* is a recognition of the fact that true unity is *established* by the Lord and only *recognized* by the Church.

The establishment of the salient doctrine of our Christian faith, belief in Jesus as the Christ of God, was not brought about by the Church, Jesus tells us, rather by the Lord: “For flesh and blood hath not revealed it unto thee, but My Father which is in heaven” (Matthew 16:17). Reminding us of the working of the Holy Spirit through the Word, St. Paul wrote: “Hold fast the form of sound words, which thou hast heard of me, in faith and love. which is in Christ Jesus. That good thing which was committed unto thee, keep by the Holy Ghost which dwelleth in us” (2 Timothy 1:13-14). It is the task of the Church to proclaim the Word that through this proclamation God might establish the agreement in “sound words” of our faith by a sound confession on our part and a practice compatible with such “sound words.” Once established by our Lord, it is the task of the Church to recognize the oneness of doctrine and its application to the life of the Church on earth. Not only does our Lord require us to “mark” those who err in doctrine, but also recognize those with whom we are one: “For by one Spirit are we all baptized into one body, whether we be Jews or Gentiles, whether we be bond or free; and have been all made to drink into one Spirit” (1 Corinthians 12:13). Note also the testimony of John 10:16; Ephesians 4:3-5 and Romans 12:4-5.

III. The Practice of *Status Confessionis* is a practice consistent with the true, ecumenical character of the Church.

Rather than the false ecumenism with which the Church is greatly afflicted, which can result only in union on a basis of indifference to false doctrine and destroy the true nature of the Church, *Status Confessionis* calls for a true ecumenism which is based upon unity in doctrine. Such a practice allows for the practice of church fellowship which could cross denominational lines because its unity is established by God in the truth of His Word and recognized on the basis of the Lutheran Confessions.... And with joy the Church recognizes this fellowship (Romans 12:12).

IV. The Practice of *Status-Confessionis* can serve as an aid to realignment in these turbulent times.

We all recognize the loneliness which comes to those who confess the truth to erring and indifferent church bodies. We likewise recognize the decline of true, Lutheran orthodoxy. Even among many who confess the fundamentals of the Christian faith and our Lutheran theology do we find that in the frustration of witnessing to their erring church bodies they have adopted fundamentalist and Reformed tenets of doctrine. We believe that we have the obligation as Christian brethren to approach such brethren in their loneliness and frustration and with Christian love recognize the unity where it exists by God's grace; and once recognized, we extend to them the hand of fellowship through which there would be a mutual strengthening as well as a preparation for a God-pleasing realignment.

- V. The Proper Practice of *Status Confessionis* is determined by our obedience and proper application to the principles stated above.

Unfortunately, some who would seek to appease their consciences, because of improper fellowship practices, have followed the practice of selective fellowship and then called this practice *Status Confessionis*. To clear up misunderstanding caused by this abuse, we herewith state what is required of those with whom we, in obedience to the divine command of doctrinal faithfulness, will practice fellowship on the basis of *Status Confessionis*:

A. On The Congregational Level –

1. A public Declaration of Protest (*Status Confessionis*) to the congregation's church body concerning, the error of that church body
2. A refusal to practice altar and pulpit fellowship with congregations in that church body or any other which practices error, unless the congregations are also in a proper *Status Confessionis*
3. A statement recognizing the fact that organizational ties to their church body cannot be indefinitely continued if the error is not corrected

B. On The Individual Level –

Regarding individual members who wish to practice altar fellowship with us, we recognize that as individuals their circumstances are more complex than those of entire congregations who are in *Status Confessionis*. We, therefore, recommend that the following statement (presently in use among our congregations) be used as an aid to the individual who wishes to declare himself in a state of confessional protest:

My Statement of Confessional Protest (Status Confessionis)

- * I hereby declare myself to be one in doctrine with _____ Lutheran Church of _____ on the basis of Holy Scripture and the Lutheran Confessions. This means that I believe in Jesus Christ, true God and true man to be my Savior; that I believe that man is by nature sinful and under the wrath of God and would be lost forever unless delivered by our Lord Jesus Christ; that I believe in the Bible as the inspired, inerrant Word of God; that I believe in the doctrines of the Trinity, the deity of Christ, the Virgin Birth of Christ, the bodily resurrection of Christ, both heaven and hell, the return of Christ in judgment, the resurrection of all flesh and the joyful entrance into heaven of all who believe in Christ.
- * I understand and believe that in the sacrament of Holy Communion I receive in, with and under the bread and wine the very body and blood of Christ in a special, supernatural manner for the forgiveness of sins and for the strengthening of my Christian faith and life.

- * I furthermore join this congregation in protesting against the errors so common to the visible church of our time and especially common to the Lutheran Church in America, the American Lutheran Church and the Lutheran Church-Missouri Synod.
- * I have openly and publicly stated my opposition to error in my synod to my pastor and congregation encouraging my congregation to adopt the position of Confessional Protest against the error in my synod.
- * I do not financially support those agencies of my church body which promote false doctrine or non-Lutheran causes.
- * I do not commune at the altars of those congregations who are indifferent to doctrinal purity or those who teach or tolerate the modern error of our time.
- * I declare _____ Lutheran Church of _____ to be correct in the action which it took in severing its relationship with its former synod for doctrinal reasons.
- * I am prayerfully aware that the time may soon come when I must also separate from my present church body, lest I become a party to unsound doctrine and violate my Christian conscience.

Signed _____ Date _____

VI. In Conclusion – We recognize that our sister synods may not find themselves in the same unique situation which prevails in our case; however, we feel constrained to practice altar and pulpit fellowship on the basis of valid *Status Confessionis* as we consider our obligation to the faithful left behind in our former church body.

Soli Deo Gloria!