

The Thiensville Theses: a failed attempt at agreement in church and ministry

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The doctrine of church and ministry has been an area of disagreement between the Missouri Synod and the Wisconsin Synod for almost as long as both synods have existed. And from the perspective of the 21st century, the history of church and ministry discussions between Wisconsin and Missouri is quite relevant. Today's observer notes the disparity in teaching between Wisconsin and Missouri, as well as the tensions and term-defining between Wisconsin and some of her sister synods. And one might well wonder about how such a disparity developed in the two synods' histories. In surveying the history of church and ministry dialogue, the pattern is quite interesting. There has been tension in the area and ministry long before and long after Wisconsin's break with Missouri. Yet during the decades surrounding the actual break, church and ministry was dwarfed in prominence by the doctrines of the Word and of church fellowship. So to focus on a time in history where Wisconsin's and Missouri's differing positions on church and ministry were actively debated takes us back several decades before the break, to the 1930's.

While there is, of course, a great deal of history related to the development of church and ministry dialogue, we will focus on the time leading up to and following the 1930's, centering on 1932. 1932 is the year of the Thiensville Theses, a perhaps little-known set of statements that constituted a preliminary basis of agreement between Missouri and Wisconsin in the area of church and ministry. The Theses are of particular interest to the 21st century church because they provide evidence both of the disparity in teaching between Missouri and Wisconsin AND of the general unclarity that prevented an earlier division between the synods. We will first trace the events and discussions leading up to the Thiensville Theses, and then offer a modest evaluation of the Theses.

The church and ministry controversy in the early decades of the 20th century originated with that well-known disciplinary case in 1899 in Cincinnati, Ohio. A member of Cincinnati's

Trinity congregation had withdrawn his son from the school to pursue a perceived advantage in the public grade school. Officially, Trinity congregation had excommunicated its member for 1) a disregard for regulations on dayschool attendance and 2) a breach of the 8th Commandment in subsequent dealings.¹ However, the member decided to appeal the excommunication, leading to involvement by the synod, district, and seminary faculty.² Fredrich explains the problematic situation the excommunication posed for Missouri: “When the Missouri district and eventually the synod took up the layman’s appeal, they had to disavow the excommunication as unbiblical if the first reason were to count and as improperly conducted if the second reason was the basic issue.”³ In 1903, the district president judged that the congregation’s excommunication was invalid and suspended Trinity and her two pastors, A. and E. von Schlichten. This suspension was confirmed by the district in convention.⁴

Things became more complicated when Trinity and her two pastors resigned from Missouri and applied for membership in the Wisconsin synod.⁵ The Wisconsin Synod Convention of 1904 denied their request out of deference to Missouri, which was still dealing with the matter themselves. A special committee offered the following report in convention:

The committee instructed by the synod to consider the membership application of Trinity Church at Cincinnati, Ohio, as well as those of its Pastors A. and E. von Schlichten, respectfully reports that after careful consideration it has come to the conviction that the membership application in question cannot at this time be given consideration because dealings going on between this congregation and the two pastors on the one side and the honored Missouri Synod on the other side have not yet been concluded.⁶

¹ Edward C. Fredrich, *The Wisconsin Synod Lutherans: a history of the single synod, federation, and merger* (Milwaukee: Northwestern Pub. House, 1992), 108. (*Wisc. Synod Lutherans*)

² Armin W. Schuetze, *The Synodical Conference: Ecumenical Endeavor* (Milwaukee, WI: Northwestern Publishing House, 2000), 235. (Schuetze, *S.C.*)

³ *Wisc. Synod Lutherans*, 108.

⁴ *Ibid*, 108.

⁵ *Ibid*, 107.

⁶ *Ibid*, 107.

Due to division that had developed in Wisconsin over the matter of accepting the suspended congregation and pastors, Wisconsin's 1906 convention, again, did not act in the matter. In the convention of 1907 a special committee was set up to consider the case. The committee members were Ph. von Rohr, C. Gausewitz, Fr. Soll, G.E. Bergemann, E.G. Dornfeld, and J. Klingmann, with the option to consult with the Wauwatosa professors.⁷ The result in 1908 was more inaction, due to the desire of the majority to allow Missouri some leeway in new attempts to resolve the matter. A minority registered protests against the resolution.

The Cincinnati case became more and more of a concern for Wisconsin. Yet by no means were the same attitudes shared unanimously in Wisconsin. Many supported the decision to postpone judgment out of a desire to respect the sister synod's right to settle her own case. Many were of the opinion that the original excommunication was valid and correct, and therefore, that the district suspension was not just and Trinity still rightfully retained membership in Missouri. On the other hand, others in Wisconsin, for a variety of reasons, favored acceptance of Trinity's congregation and workers. Some may have been driven by a spirit of rivalry with Missouri.⁸ Some felt that Trinity's suspension by the district was the binding action, rendering congregation and pastor "free agents" synodically.

The actual case was resolved in 1911, after one of the suspended pastors died and the other was deposed by Trinity congregation. In a special meeting at which the excommunicated layman, as well as district and synodical officials were present, the excommunication was lifted. Before the vote, Missouri's President Pfothenauer made it clear that while this action was necessary since the excommunication would otherwise remain in force, it did not specify whether the original excommunication had been right. J. P. Koehler emphasizes this also as he

⁷ *Wisc. Synod Lutherans*, 109.

records the matter in his *History of the Wisconsin Synod*. He describes his personal involvement in the Wisconsin aftermath. The *Gemeinde-Blatt* had run a notice in the August 1911 issue concerning the conclusion of the Trinity case. As Koehler puts it: “This outcome was reported in the *Gemeinde-Blatt* in August 1911 in the church news column, with the congregation’s resolution correctly reproduced, but otherwise obscuring the matter, as though the Wisconsin Synod commission’s support of the original excommunication had been vindicated.”⁹

Koehler was not only reflecting the desire of the Missouri officials involved, he was also concerned about misconceptions in Wisconsin on the matter of excommunication.

For Koehler, as well as many others in Wisconsin, it was more than just a question of treating the involved parties lovingly and justly. The Cincinnati case and its subsequent proceedings also raised doctrinal questions. What authority does the congregation have in applying the Keys? What authority does the synod have in applying the Keys? Which is the supreme authority? It was discovered also that the discussions of the late 19th century regarding forms of the ministry had not yet been put to rest: which is the divinely instituted form of the ministry?

A great deal of the difficulties that came in the decades following the Cincinnati Case and leading up to the Thiensville Theses stemmed from the fact that there were few conscious answers to the above questions. There were, on the other hand, many assumptions made in the area of church and ministry. Since the days of Grabau’s *Hirtenbrief* and Walther’s Altenburg Theses, many in both Missouri and Wisconsin had assumed that the local congregation is the only divinely instituted form of the church, and that the local pastorate is the only divinely instituted form of the public ministry. As a result of the Cincinnati case proceedings, a lengthy

⁸ J. P. Koehler, *The History of the Wisconsin Synod* (2nd Ed. Sauk Rapids, MN: Sentinel Printing Co., 1981), 234. (Koehler, *History*)

discussion ensued in and between the two synods on the matter of church and ministry, in which this default position was either confirmed or denied. It spanned the years between the conclusion of the Cincinnati case around 1911 and the adoption of the Thiensville Theses in 1952.

The first serious meeting in Wisconsin came in 1911 at a pastoral conference in Manitowoc. The meeting was likely prompted at least in part by A. Pieper's series of *Quartalschrift* articles entitled *die Menschenherrschaft in die Kirche*. Here various issues were debated, such as the distinction between suspension and excommunication, the excommunication of congregations and/or individuals, and basically, which church structure or grouping has divine authority in disciplinary matters. Of course, central to the discussion was the definition of "church," especially as it is used and applied with regard to Mt. 18. During the conference, Koehler presented his understanding of Mt. 18. Koehler explained how the use of the Keys (as in Mt. 18) depends on the specific time and circumstances: "To elucidate: Christ has only one concept of the church, but at Matth. 18 He, of course, speaks of the (in time and space) localized church as a part of the whole, the congregation of those Christians directly concerned in the matter of the brother's sinning. That may mean a synod as well as a so-called '*Ortsgemeinde*' (local-congregation)." ¹⁰

This was in distinct contrast to the views of many also in Wisconsin, who held that Mt. 18 applied only to the local congregation, or parish church (or at least, the action of the parish took precedence in case of conflicting action between congregation and district or synod). Koehler's early work in exegesis stood him in good stead in the debate:

Moreover, the contention regarding the present distinction between the local-congregation (*Ortsgemeinde*) and the synod has no place in the Lord's discourse at Matth. 18. Even though the distinction between *ekklesia* (congregation) and *ekklesia megalae* (large congregation) may be found in the Old Testament, that is

⁹ Koehler, *History*, , 234.

¹⁰ *Ibid*, 236.

not the same distinction as between our local congregation and synod. Nor is the distinction between the “churches” of Matth. 16 and Matth. 18. At Matth. 16, ‘His church’ is the entire communion of saints that inherit the kingdom, at Matth. 18 ‘the church’ is the body of believers here on earth immediately concerned, whether local congregation or synod...

...As far as the Holy Spirit is concerned, a local congregation and a synod as well are called into being by the same promptings of fellowship and of the purpose to promote the Kingdom.¹¹

We already see here the problem with terminology. Some used “local congregation” (as Koehler does) to refer to the group of Christians that make up a portion of the visible church that are commonly involved in some matter. Others used the term (as it would come to be used much later exclusively by Missouri) to mean not simply any gathering of Christians, but an actual parish congregation that is formally established. Koehler explains the matter quite clearly:

There is no objection to the use of the term ‘*Ortsgemeinde*’ (local congregation) if it is rightly understood as meaning the congregation of believers at a given time and place concerned with a given matter, and that applies to a synod as well as to the smaller group. To assume that, in keeping with the Jewish synagog [sic] organization, the Lord in Matth. 18 anticipated the founding of local congregations (and that this, in distinction from the synod for instance, was of divine ordinance) is poor exegesis, to say the least.¹²

This was the view that the Wauwatosa men, and later, the Wisconsin synod would adopt as the scriptural one: that the New Testament really did not distinguish various forms of the church (local congregation) or various forms of the public ministry (pastorate) as divinely instituted, but rather teaches the institution of the gospel ministry and the public ministry, while leaving the specific forms free.*

Koehler seems to have led the way with this exegetical approach to the New Testament’s discussions of church and ministry. Pieper was the most vocal in Wisconsin, insisting that

¹¹Koehler, *History*, 236.

¹²*Ibid*, 236.

* See Appendix A at the end of the paper for a diagram of the Wauwatosa (and WI) conception of ministry.

suspension was equivalent to excommunication (even though he took a little time to adopt Koehler's understanding of the free forms of church, as opposed to the old "Missouri" view of divine institution of forms). In addition to his *Quartalschrift* articles, Pieper also wrote a paper for the Manitowoc conference on church discipline. John Schaller also contributed several written publications.

An opposing view was published by August Ernst shortly afterward in the form of a pamphlet. The sixteen theses that made up the work were presented at a conference in Milwaukee not too long after the Manitowoc conference. Since Ernst himself was not present, Pastor Gausewitz defended them.¹³ The main thrust of the theses was to insist that synod is not church, nor divinely instituted, but established by purely human arrangement. Therefore, it has no authority to excommunicate. Ernst went so far as to say in the eighth thesis that "whoever arrogates to himself to excommunicate outside of the congregation or without its authorization or consent, violates the Word of God and becomes guilty of the sin of the sin of popery."¹⁴

There are several things to note in connection with these theses. One is that they express in dogmatic form the aforementioned assumption about the parish and its pastor being the sole divinely instituted authorities. Ernst provides proof-texts (many of which Koehler judges misapplied), as well as support from the Confessions, Luther, Hoenecke, and Walther. Secondly, it is interesting to note in Thesis 11 what could be construed as an early expression of levels of fellowship: "Suspension from synodical fellowship is not excommunication but for the time being discontinuance of synodical fellowship and in not itself discontinuance of church fellowship."¹⁵ Finally, as we already noted in the previous paragraph, Ernst did consider this a

¹³ Koehler, *History*, 237.

¹⁴ *Ibid*, 237.

¹⁵ *Ibid*, 237.

matter of doctrine, the violation of which constituted false doctrine and sin. (We note this here in anticipation of a later discussion of the nature of this controversy: despite views to the contrary, the two sides did at times portray the disagreement in terms of sin and false doctrine.)

The *Quartalschrift* sounded out again with Pieper's response in 1912. Included in his writing for the journal was a review of Walther's treatise on church and ministry, *Die Stimme unserer Kirche in der Frage von Kirche und Amt*. This was an important commentary. Not only was this the formative document for church and ministry in both synods, its relevance was augmented by its republication in 1911. In his review, Pieper offers all-around approval for Walther's teaching. (By this time, Pieper was completely on board with Koehler's exegetical explanations.) However, Pieper is critical of Walther's heavy reliance on the fathers for support. He suspected that the tendency to quote fathers and dogmaticians might lead to misunderstanding.

Of course, there is some truth to that. Since Walther's death, Missouri looked to Walther's writings and legacy in support of their doctrine, perhaps at times to the detriment of scriptural study. As a result, the expressions and emphases that Walther used in his times in relation to the issues of his times found their way into Missouri's dogma in the decades leading up to the Thiensville Theses. For instance, in Theses VII, he writes concerning Matthew 18:17:

It requires no proof that the Lord here speaks of a visible, particular church. But when the Lord immediately after these words continues: "Assuredly, I say to you, whatever you bind on earth will be bound in heaven, and whatever you loose on earth will be loosed in heaven" (v.18), He thereby ascribes the keys of the kingdom of heaven or the church power [*Kirchengewalt*], which in Matt. 16:19 He had given by Peter to His whole holy church, *also to every visible particular church [individual congregation]* [emphasis added].¹⁶

It is just this type of statement by Walther that became for Missouri a systematic formula: the

¹⁶ C. F. W. Walther, *Church and Ministry* (St. Louis: Concordia Publishing House, 1987), 87. (*Church and Ministry*)

power of the Keys is given to the local congregation. Yet it is clear to the honest reader that Walther was not answering the 1900-1930's question concerning congregation and synod, he was addressing himself to other issues. Carl Lawrenz offers a fine comment on the matter:

We note, however, that when Walther both in Thesis VI and Thesis VII unfolds the term "particular churches" he makes direct reference only to congregations. In neither thesis does he exemplify particular churches, and the power of the keys which they possess, by mentioning church bodies or synods. Was he not ready to grant that also a synod, a church body comprised of a great number of congregations, is a church and possesses the power of the keys?

In answer we can say that the reason that Thesis VII restricts itself to speaking of particular churches in terms of local congregations undoubtedly lies in the immediate purpose of Walther's book. It was to refute the contentions of Pastor Grabau. Grabau contended that the power of the keys originally belonged to the pastor by virtue of his ordination through an already ordained pastor; and that a congregation on the other hand had the power of the keys only through its ordained pastor. Thus it was the very specific interest of Walther to show on the basis of Scripture and from the testimony of our Lutheran Confessions, of Luther and of the orthodox Lutheran dogmaticians that the power of the keys has been given by Christ originally not to the pastors, but to the believers.¹⁷

When Walther was discussing the power of the keys, he did not mention any form of the church except the congregation. In this, he was misunderstood by Missouri to mean that *only* the congregation has the power of the keys. Likewise, he was misunderstood when he did discuss synods. Again, Lawrenz's insight is very valuable:

Here we gain an understanding for what is meant when it is said that according to Walther the Missouri Synod was constituted to be an advisory body. He did not mean this with respect to the power of the Word which the synod in its nature as a church, as a gathering of believers, shared with its local congregations. When a synod wields the power of the Word, its decisions are therefore as binding upon Christians as are those of the local congregation in exercising the power of the Word.

In respect to those matters not decided by the Word of God, Article IV of the Missouri Synod's 1853 constitution stated: "Synod is in respect to the self-government of the individual congregations only an advisory body." Because of their sad experiences with Stephan and with the consistories of the German

¹⁷ Carl J. Lawrenz, *Wisconsin Lutheran Quarterly*, Volume 79, "An evaluation of Walther's theses on the Church and its ministry." [CD-ROM] (Milwaukee, WI: Northwestern Publishing House) 1998. (Lawrenz, *Evaluation*)

territorial churches Dr. Walther and the other fathers of the Lutheran Church-Missouri Synod were very much concerned about safeguarding the self-government of the congregations in those matters which clearly belonged in their jurisdiction.¹⁸

Far from trying to depict the synod as a man-made form of church organization over against the local congregation, Walther was guarding against a particular error of his day.

Walther's own preface provides several pertinent points concerning his purpose in writing his theses. They lend support to Lawrenz's view that Walther did not espouse the position that Missouri supposed, but was writing to a particular problem. In Walther's defense against Pieper's criticism that the fathers received too much attention, Walther wrote to show that the current Missouri position was not a departure from traditional doctrine: "...hardly anyone, so far as we know, has thought of letting the church of our fathers also express its opinion..."¹⁹ In addition, Walther directed his readers to Chemnitz and Gerhard for a thorough presentation of the doctrine, and said this concerning his own: "It was, of course, not our intention to present the doctrines of the church and the ministry in their completeness...It was our purpose to stress only those points concerning which there prevails a difference and to embody only so much contested material as is demanded by the context."²⁰ Walther's teaching did not support Missouri's later view, but simply reflected Lutheran teaching geared for a specific time, for a specific purpose.

In regard to Walther's assumption that *Predigtamt* was essentially equivalent to *Pfarramt*, Pieper was inclined to be charitable in his *Quartalschrift* review. He wrote: "We could harmonize the theses with the documentation only thus that we recognized that Walther like Luther simply considered the pastorate as the primary species of the ministry of the Word and

¹⁸ Lawrenz, *Evaluation*.

¹⁹ *Church and Ministry*, 8.

²⁰ *Ibid.*, 9.

with the latter as instituted by Christ.”²¹ Thus, Pieper effectively clarified that the Wauwatosa position was not a departure from Lutheran teaching and had no conflict with Walther. On the contrary, it was the position of Ernst (and later the Missouri synod) that had falsely assumed its continuity with Walther and the fathers.

The debate continued in Wisconsin in conferences and publications, as Pieper, Koehler, and Schaller challenged the default views on church and ministry. When Missouri weighed in, it brought about one of the most important factors that complicated whole controversy in general, and the Thiensville Theses in particular: the division and the disagreement were not along synodical lines, but involved substantial “cross-over” between the two synods. Some examples of this follow. In April of 1912, Pastor O. Kaiser presented a paper on the doctrine of excommunication. Kaiser, from the Missouri synod, took his stand with Prof. Ernst of the Wisconsin Synod, and claimed Walther as support.²² Meanwhile, some of Kaiser’s colleagues in Missouri, Boerger and Kaehler, spoke out a mixed conference in support of the Wauwatosa men.²³

Missouri’s involvement grew into a series of meetings between the faculties of St. Louis and Wauwatosa seminaries. Such a meeting took place in 1914 on the grounds of the Wauwatosa seminary, with Missouri’s seminary represented by Profs. F. Pieper, Metzger, and Fuerbringer. Koehler makes the following comment on the meeting: “the upshot, however, was that there was no agreement, both in regard to the formulation of the doctrine and the method, as well, by which it is to be derived from the Scriptures.”²⁴ This point cannot be overemphasized: from the time of

²¹ Schuetze, *S.C.*, 236.

²² Koehler, *History*, 238.

²³ *Ibid*, 238.

²⁴ *Ibid*, 238.

this initial meeting with the Wauwatosa faculty onward, Missouri and Wisconsin never reached agreement in this area.

While it would be impossible to outline all the letters and meetings and discussions that took place between the two faculties, we can get a sense for the frequent and fervent attempts made by the two sides by surveying some of the correspondence. One letter is from the St. Louis faculty to Wisconsin Faculty, dated 3 Aug. 1916. In this letter, apparently written in lieu of a meeting (which was not materializing), Profs. Pardieck and Metzger complain that the Wisconsin faculty had not provided a written statement that specified Wisconsin's points disagreement with Missouri.²⁵ They insisted on using Walther's Theses as the basis of discussion, "since we do not really know what is public doctrine in the honorable Wisconsin Synod at this time."²⁶ They claimed that Wisconsin was not presenting a single, clear position, but that the *Quartalschrift* did not appear to mesh with Hoenecke's recently published *Dogmatik*, as well as being inconsistent within itself.

The Missouri professors cited three main issues "on which we believe a remonstrance needs to be spoken. One is that the divine arrangement of the public pastoral office is pushed too much into the background, even openly denied... You indeed also speak of a divine origin of the office, and indeed a preeminent sense over against all other callings... but this only after all manner of detours."²⁷ Reading this from the perspective of the present leads this writer to think that these Missouri professors do not understand the Wauwatosa position, because of the Missourian identification of the ministry with the pastoral ministry. To them, if the special divine institution of the latter is denied, the former is denied. To put it another way, if one insists that

²⁵ "Basic Documents in the Church and Ministry Discussions," *The Faithful Word*, 1970, Vol 7, #1, p. 23. (*The Faithful Word*)

²⁶ *Ibid*, 23.

²⁷ *Ibid*, 24.

the forms of the public ministry are left free by the New Testament, a Missourian hears that the public (read “pastoral”) ministry is optional, or solely a human arrangement. The fears of the Missouri professors are clear from the defense they make of the divine institution of the public ministry. * This statement of theirs summarizes their position:

We differ only in this: While you present the public office as established by Christians in Christian freedom..., we should like to have added that God willed this arrangement among Christians and, indeed, not only that afterwards the action of the Christians was acceptable to Him, but that from the beginning it was His will and arrangement.²⁸

When did the Wauwatosa men ever claim that God did not will and establish the public ministry? Thus, the Missourians argue a point (at some length in the letter) on which there was no contention. This is evidence of another great complicating factor in the whole development up to the Thiensville Theses: a great lack of clear communication and understanding prevailed in the discussions.

The second bone of contention concerned the church, specifically, which form God willed that it should have. The Missouri professors write: “And there [in the New Testament] the local congregation is the divinely-willed outward form of the Church, while you assert many outward forms of the Church: synods, conferences, yes, two or three Christians on trips, etc. The concept of the local congregation is destroyed.”²⁹ Again the same assumption by Missouri: if you deny the special divinely instituted status of the local congregation, you place the local congregation in jeopardy. The Wauwatosa position never undermined the importance or desirability of the local congregation – it simply sought to leave free things free. We note

* One sees similarities between the concerns of the Missourians and the recent concerns of the ELS and the ELFK over doctrinal expressions in the WELS. Both sets of concerns are about maintaining the divine dignity and authority of the pastoral office. However, with Missouri there was genuine disagreement, whereas with WELS’ sisters synods, there are simply varied expressions that needed explanation.

²⁸ *The Faithful Word*, 24.

²⁹ *Ibid*, 26.

especially the phrase used by the Missouri men: “divinely-willed outward form.” The Wauwatosa men would have denied not only the application of that phrase to the specific case of the local congregation, they would have denied the very possibility of such a ceremonial law in the New Testament. This issue will come up again in direct connection with the Thiensville Theses.

The discussion continued for several decades between the two synods, represented by the two seminary faculties. Several other conflicts arose having to do with practical applications in the area of church and ministry. Several attempts were made to reach agreement; one was in Wauwatosa in 1916, and the other was in Chicago in 1931. Each meeting yielded a set of theses. Meanwhile, little progress was made as each side stated their positions and responded to the objections and positions of the other.

This brings us to the Thiensville Theses themselves. They were formed and adopted by a joint meeting of the two faculties on the Thiensville campus on April 16, 1932. The Wisconsin seminary’s faculty and a committee representing the St. Louis faculty agreed on four statements on church and ministry. The theses are as follows:

1. It is God’s will and order, as we understand from Holy Scripture, that Christians living in the same locality also enter into outward union with one another, in order jointly to exercise the duties of their spiritual priesthood.
2. As we understand from Scripture, it is furthermore God’s will and order that such local congregations of Christians have shepherds and teachers who in the name and on behalf of the congregation carry out the ministry of the Word in their midst.
3. As we understand from Holy Scripture, it is also God’s will and order that local congregations of Christians give expression to their unity of faith with other congregations and carry on the work of the Kingdom of God jointly with them outside of their own circle also, as for example this is done among us in the free form of a synod.

4. Since every Christian possesses the keys of the kingdom of heaven, a judgment pronounced in agreement with the Word of God by a single Christian or by a number of Christians in any kind of combination has validity also in heaven. But, as we understand from Holy Scripture, it is God's will and order that an action against a sinning brother shall not be regarded as having been concluded until his local-cong. has acted. The disciplinary action of a local congregation and synodical discipline, if matters are handled correctly, cannot come into conflict with each other, because the local congregation excludes from the local congregation and not from the synod, and the synod excludes from the synod and not from the local congregation.

Note: The exclusion executed by the local congregation we call excommunication, in agreement with ecclesiastical usage.³⁰

After the committee from St. Louis' faculty adopted the theses, the whole faculty adopted them also after the fact. Thus, both faculties agreed to them.

The efforts made between the two synods to find agreement in the matter of church and ministry really ended with the Thiensville Theses. That is not the same, however, as saying that the Theses successfully settled the matter. They were intended to be the first of many such statements, as a preliminary step to further meetings. The Theses did not accomplish what they were intended to accomplish; indeed, they really made little or no progress toward settlement. No more meetings took place. No further statements of agreement were reached. No clear public statements were made clarifying the outstanding points of disagreement. The Thiensville Theses were a basis for agreement that really did not exist.

The fate of the Theses in the Synodical Conference is indicative of their legacy. In 1946 (fourteen years after their adoption by the faculties!) they were addressed by the Synodical Conference. And even then, they were not adopted; instead, a special Interim Committee was established to study the issues surrounding the Theses and the ongoing disagreement over church and ministry doctrine and applications. Two years later, the committee issued a majority and a

³⁰ "Basic Documents in Church and Ministry Discussion", *The Faithful Word*, 1970, Vol 7, #2, 12. (*The Faithful Word*, #2)

minority report, since no agreement could be reached. In its final report in 1952, the committee recommended that the Theses be adopted. The Synodical Conference finally passed a resolution to that effect.³¹ Even then, with the understanding that the agreement based on the Theses was not complete, the convention asked for reporting from the seminary faculties on further agreement or problems in application. No report was issued in 1954. Around this time, discussions between Missouri and Wisconsin were growing increasingly tense because of a number of doctrinal disagreements. Thus, these more prominent issues (such as church fellowship and the doctrine of the Word) made the Thiensville Theses and their issue almost an aside, and for practical purposes, moot.

As we offer a modest appraisal of the Theses, let us consider the evaluation that others have made. On the one hand, there were those who judged that the Thiensville Theses were a compromise document. This is due to the fact that “an agreement on four theses has been achieved by substituting for the real bone of contention – the *divine institution* of special forms of church and ministry, namely the local congregation and its pastor – the more general phrasing of God’s *will and order*.”³²

Koehler is one such critic. Although he was only involved in the discussions prior to the Theses, his viewpoint is not therefore invalid. He felt that “the Theses are evidently just an intersynodical *modus vivendi*, a compromise, whether intended to be so or not, that leaves matters unclear and both sides free to put their own construction on them and to pursue the even tenor of their ways.”³³ Not surprisingly (and not without basis), Koehler smelled a touch in legalism in the Theses: “They are externalistic, couched in the terms of law, in that they are concerned about jurisdictions, when, of all things, the doctrine of the Church, the Ministry, and

³¹ Schuetze, *S.C.*, 237.

³² *Wisc. Synod Lutherans*, 184.

the Keys cry for a presentation from the Gospel point of view.”³⁴ Finally, Koehler objected to the inconsistencies in the Theses: “If the first and the third sentence of the fourth thesis really are to stand, then the remark about ‘conclusive’ action, in the second sentence, and the ‘properly’ in the next, simply dodge the real issue in both doctrine and practice, and the effect in heaven would virtually be contingent on the Christians’ action here on earth.”³⁵

Others are inclined to be more charitable in their estimation of things. These, including E. C. Fredrich, do not lay the charge of compromise at the doorstep of the Theses. They explain that there were a fair number of historical factors that caused the situation surrounding the Thiensville Theses to turn out as it did. These factors include the synodical “crossover” we have mentioned previously, as well as the distinction between disagreement over doctrine and disagreement about practical applications. Fredrich makes this comment:

The difference transcended synodical boundaries with Missourians, often parochial school teachers, siding with Wisconsin and Wisconsinites, notably President Ernst as a notable example, never agreeing with the Wisconsin position. The difference often seemed more practical than doctrinal because the well oiled synodical machinery of Missouri could be viewed as an exhibit for the Wisconsin position. Contrariwise, the overabundance of “rugged individualism” in the Wisconsin parishes and pastorates seemed to endorse Missouri views. It is not surprising, therefore, that issues did not come to a head at Thiensville in 1932.³⁶

Schuetze makes a similar assessment in his history of the Synodical Conference:

In retrospect one may wonder how it was that the church/ministry differences and discussions could continue so long without leading to a crisis within the Synodical Conference. The fact is that the practice within the synods was not all that different. The Missouri Synod in many ways functioned as a church, even though the Communion service at its convention was conducted under the auspices of a “divinely ordained” local congregation. The Wisconsin Synod did not become a super church, which some feared would happen if it were recognized as church in the same way as a local congregation...The differences

³³ Koehler, *History*, 239.

³⁴ *Ibid*, 239.

³⁵ *Ibid*, 239.

³⁶ *Ibid*, 184.

often seemed more theoretical than practical. There was also the view that the differences were not doctrinal but in application.³⁷

This type of view is commendable, not only for its brotherly charity in hindsight, but also for its balanced view of historical factors.

However, one might in all fairness maintain some reservations about the wisdom of adopting the Theses. It seems that the Wauwatosa position is compromised by the Theses. To be sure, one is hesitant to fault the Wauwatosa men. However, even considering that the Theses were intended to be an expression of *preliminary* agreement, one would expect a higher standard of clarity and honesty about the real differences from a statement that was to serve as a foundation. When one considers the reaction of Pieper, for instance, in the aftermath of the Theses, one is compelled to wonder why the Wauwatosa men signed the Theses in the first place. The St. Louis faculty committee certainly noticed the inconsistency that the Wauwatosa men displayed, as this letter from May, 1933 shows:

As you know, we have entered correspondence with Professor A. Pieper, your president, because of certain propositions he published in the *Quartalschrift*. In his last letter to us he refers also to the Theses jointly adopted by you and us, and indeed in a fashion which fills us with concern. He writes: "We shall not be surprised that they (the Theses) do not satisfy in any quarter. Already during the sessions of your general synod last year they were described to me by a number of its important members – even by a president – as a compromise. Later, some of our pastors also, even a conference and to me personally, protested against the mode of expression of the Theses. –With reason! for especially the fourth thesis has a so-artfully-contrived sound that both your and our view can be covered by it. It is unclear."³⁸

Precisely what Koehler said. Yet the two (Koehler and Pieper) cannot be compared, since, as stated, Koehler was by 1932 uninvolved, while Pieper apparently gave his approval of the Theses at the meeting in Thiensville.

³⁷ Schuetze, *S. C.* 238-239.

³⁸ *The Faithful Word*, #2, 12.

How strange it is, that Pieper should have agreed to the Thiensville Theses, in view of his opinion of them. It is even more perplexing when one considers his own statements in the area of controversy. In the July 1917 issue of the *Quartalschrift*, Pieper had written out six points as a summary of Luther's teaching. We present here only the first, second, and sixth:

1. There is one office in the church, the office of the spiritual priesthood. The public ministry is only another phase of this same priesthood.

2. This office, the command and authority to preach the gospel, is not an official rank which from the very beginning has been established by Christ for public dispensation, but rather it is the common possession of all Christians, who are reborn and ordained priests by God, yes, even so far as the use of practice is concerned.

6. Not only one species, the local pastorate, but the public ministry of the Word in general is a divine institution. It takes its specific forms according to circumstances.³⁹

What a clear understanding and expression of the Lutheran doctrine, already in 1917, a full *fifteen years* before the Thiensville Theses! Incidentally, J. P. Meyer also offered similarly lucid statements both early in 1932, before the Theses, and well after the Theses, yet apparently adopted the Theses also. One has trouble reconciling the clear, scripturally sound, exegetically-based views and expressions of the Wauwatosa men before and after the Theses with the fact that they offered their agreement and approval to the Theses in the Thiensville meeting in 1932.

As we conclude, we make three observations for ourselves concerning the theses. First, it seems that Koehler's charge of legalism in the whole approach of the Theses is not without some basis. We find in Missourian correspondence a certain nervousness voiced concerning "freedom of forms" that the Wauwatosa men taught. They felt that without clear definitions of spheres of authority, without determining (supposedly from Scripture) "who's in charge" and "which

³⁹ Mark Braun, *Tale of two synods: changes within the Evangelical Lutheran Synodical Conference of North America that led to the exit of the Wisconsin Evangelical Lutheran Synod* (Milwaukee, WI: Northwestern Publishing House, 2000.), 68-69.

structure has the most authority,” things would become chaotic. St. Louis’ President Pfothenauer wrote to Professor Engelder in a letter in March, 1932, only a few months before the meeting in Thiensville: “How can congregations and synods function in sound fashion when one does not know what ^{is} congregation and what is synod? And what confusion will be introduced if only this passage shall have force: Let everything be done decently and in order.”⁴⁰ The Anabaptists and enthusiasts thought to base everything on this passage.⁴⁰ One might paraphrase that sentiment in this way: How will we keep order without clear rules and definitions? In answer, we agree that wisdom suggests adopting rules and systems of arrangement for orderly administration of the church, even as Walther advised concerning synods. However, these are *human* decisions made in freedom, not divine institutions.

The second observation is that Missouri seems to have just as clear an idea of the issue as the Wauwatosa men had. This excerpt from the same letter of Pres. Pfothenauer reveals the *status controversiae* from their perspective, again, shortly before the Theses were written:

1. St. Louis: The local congregation is of divine arrangement, the synod by human ordinance.
Thiensville: Local congregation and synod lie on the same plane.
 2. St. Louis: The pastoral office in the congregation is of divine arrangement.
Synodical offices are of human ordinance.
Thiensville: Both offices lie on the same plane.
 3. St. Louis: The exercise of church discipline which our Savior describes in Matt. 18 may only be carried through in a local congregation.
Thiensville: The exercise of church discipline which our Savior describes in Matt. 18 may be carried through by any group of Christians which is assembled in Jesus’ name.
- The differences are not to be deemed insignificant.⁴¹

Thus, Missouri seemed to have a much clearer concept both of its own teaching, as well as that of Wisconsin, than the Thiensville Theses express. It seems that going into the

⁴⁰ *The Faithful Word*, 31.

⁴¹ *The Faithful Word*, 31-32.

Thiensville meeting, the misunderstandings were no longer present; there had simply been no progress toward agreement, and both sides recognized it.

The third observation is that it seems that Missouri conceded very little in the Theses, but maintained their assumptions of special divine institution. This is especially noticeable in the “Note” which was appended to the Theses, already given above: “The exclusion executed by the local congregation we call excommunication, in agreement with ecclesiastical usage.” It spells out, though not as aggressively as it could have, that Mt. 18’s “church” discipline refers to the local congregation alone. That is the very point that both Pieper and Koehler contested at the very outset of the discussions in 1911 and following!

Again, we find it difficult to imagine why the men of the Thiensville faculty agreed to the Thiensville Theses. Perhaps, if one is to be charitable, one would credit these honorable Lutheran theologians with such a passionate desire for unity and resolution in a rather drawn-out disagreement with the sister synod that they conceded approval to the set of theses out of brotherly love, and not necessarily on its merits. Doubtless there are other historical influences and factors that we have not explored here.

One thing is certain: our object is not to find fault. It is to learn the lesson of history that precision in teaching goes hand in hand with precise confession. While we, from the viewpoint of hindsight, perhaps find the Thiensville Theses regrettable and unfortunate, we also see that the men involved were dedicated to unity and patience. And perhaps, if nothing else, we see (and not without grim sobriety) that the roots of division between Missouri and Wisconsin did not spring up overnight, but gradually increased until that heart-rending period decades later. It is with humility that we offer this commentary on the Thiensville Theses, with the prayer that God

preserves among our present day Lutheran synods not only his true doctrine of church and ministry, but also true Christian unity.

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Appendix

What is it?

1 Priesthood
(aka Ministry of the Gospel)
(aka task of gospel preaching)
(task expressed in Great Commission)

Who Does it?

Universal Priesthood
aka all Christians, believers
aka all of Jesus' disciples
(audience of Great Commission)
aka Invisible Church

Public Priesthood
Public/representative ministers
capable individuals called by God
through the U.P., Church

How is it arranged? What are its forms?

Wisconsin: Forms are free

One or more public ministers may preach and teach
One or more public ministers may instruct the young
One or more public ministers may preside at the Lord's supper
One or more public ministers may baptize
One or more public ministers may visit the sick
One or more public ministers may oversee the church's affairs
One or more public ministers may organize at a synodical level
-etc.

WI says that the divinely established relationship is defined as the box above (public to universal). The divine establishment of the relationship between these public ministers to the universal priests they serve is derived from the box above, not from its own specific divine institution.

Missouri: forms have two levels

Divinely established:

-Local pastorate (**only this relationship is ordained by God**)

Humanly established

-all other (auxiliary) forms

-i.e., teachers, synodical officers, etc