

A Minority Opinion
on
In Statu Confessionis: A Response to Questions from the Praesidium of the Synod

The majority document lamentably confuses divine and human obligations, resulting in the false “even-handedness” of Question 4, point f.: “ the approach taken in dealing with those who declare themselves *in statu confessionis* with the Synod and refuse to commune district or synodical officials should be the same approach taken in dealing with those who ignore or oppose the Synod’s position on close(d) Communion and thus choose to practice open Communion in violation of their commitment to the Synod.” In other words, those who do their solemn duty to the evangelical truth, by refusing church fellowship to public errorists, must be “punished” in the same way as those who violate the truth by “open communion”! By contrast, we need an approach which will recognize the absolute priority of God’s truth over all human regulations or so-called “covenants of love.”

The expression “state of confession” is based on the Tenth Article of the Formula of Concord, which, however, speaks not of a “state” but of a “case” (FC SD X, 2) or a “time” (par. 10) of confession. The basic issue is the absolute primacy of the divine, evangelical truth in the church, as the following excerpts from Article X of the Formula show:

[No compromise even in adiaphora (indifferent things) may be accepted] “in a period of persecution and a case of confession, especially when the adversaries are attempting either by force and coercion or by surreptitious methods to suppress the pure doctrine and gradually to insinuate their false doctrines into our churches again” (par. 3, Tappert, 611).

We believe, teach, and confess that at a time of confession, as when enemies of the Word of God desire to suppress the pure doctrine of the holy Gospel, the entire community of God, yes, every individual Christian and especially the ministers of the Word as the leaders of the community of God, are obligated to confess openly, not only by words but also through their deeds and actions, the true doctrine and all that pertains to it, according to the Word of God (par. 10; Tappert, 612).

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) . . . Here [in the matter of Christian liberty] we are dealing primarily with the chief article of our Christian faith, so that, as the apostle testifies, the truth of the Gospel might be preserved (Gal.2:5) (par. 13-14; Tappert, 613).

In the Treatise on the Power and Primacy of the Pope . . . we find the following statement: “No one should assume lordship or authority over the church, nor burden the church with traditions, nor let anybody’s authority count for more than the Word of God” (par. 21; Tappert, 614).

In the recent history of the Missouri Synod this issue arose in connection with church fellowship between the LCMS and The American Lutheran Church, entered into

in 1969. By 1977 great differences in doctrine had become evident between the two synods. The CTCR suggested: “*Option III: Declare that the LCMS is now in a state of protesting fellowship with the ALC.* Such a state of protest, as the CTCR stated in a 1970 document, ‘is not tantamount to the breaking of fellowship. If, however, the circumstances which called forth the protest are not corrected in due time, the implication is that the protest will lead to the severance of fellowship relations’” (1977 *Convention Workbook*, 44). Note also this: A state of protesting fellowship “would allow pastors and congregations of the Synod to practice fellowship with the pastors and congregations of the ALC whom they have found to be in agreement in doctrine and practice with the position of the LCMS, wherever this can be done without giving offense” (1977 *Workbook*, 44). The convention accepted this suggestion, re-affirmed it in 1979, and formally broke fellowship with the ALC in 1981.

It is basically “protesting fellowship” that people have in mind today when they enter into a formal “state of confession.” The basic idea is to refuse church fellowship to stubborn persistent defenders of the error or errors specified, while avoiding a hasty or premature breaking of fellowship with the Synod as a whole. First all reasonable steps must be taken to correct the perceived error(s). Our German sister church’s (SELK) leading dogmatician, the late Dr. Wilhelm Oesch, wrote that a state of confession involves “not exchanging pulpits with those of one’s own church body who propagate or support error . . . not participating in the celebration of Holy Communion with errorists” (Cited in Albert Collver, “In Statu Confessionis: Origins and Development,” *Logia XIV* [Eastertide 2005], 34).

The proper response to a “state of confession” is a conscientious examination of the issue or issues of truth raised in each case. If the protest is wrong (for example, if someone objects to the Synod’s biblical stand against women pastors), every effort must be made to convince the person or persons from Holy Scripture, and if that fails, then such person or persons must be excluded from the Synod. If, on the other hand, the protest is well-founded in God’s Word, then the district and synodical leaders must make every effort to correct the wrongs. If that cannot be done, conscientious Lutherans will have to leave the Synod. Bureaucratic evasions of the top priority of the evangelical truth will produce the tragedy deplored in Article XXIV of the Augsburg Confession: “The bishops were not ignorant of these abuses. If they had corrected them in time, there would now have been less dissension” (par. 14 [Latin]; Tappert, 57).

Even Karl Barth saw the radical conflict between truth and church politics:

And thus, in the classical manner, they cry peace where no peace is, nor can be, nor may be. Thus they recommend subjection to a “Church order” which consists of the declaration of the permanence of all Church disorder. Thus they want to administer a narcotic to the pastors with their talk of Christ crucified, just when the last of them should wake from his sleep and rise up at the memory of Good Friday and Easter (Karl Barth, *The German Church Conflict*, in *Ecumenical Studies in History*, No. 1, A.M. Allchin, Martin E. Marty, T.H.L. Parker, eds. [London: Lutterworth Press, 1965], 34).

To conclude with a splendid observation by our Synod's chief dogmatician, Francis Pieper: "All government of the Church which does not bind the consciences of Christians to Christ's Word, but to the word of men, is pseudo-government" (*Christian Dogmatics*, 2: 394).

Respectfully submitted,

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