

Doctrinal Proceedings.

In the spring of 1873, our district began to address the following topic in its meetings:

“That only through the doctrine of the Lutheran Church is all glory given to God alone, irrefutable proof that its teachings are the only true ones.” First, in our discussions, we sought to strengthen our conviction that only those teachings that give all glory to God alone can be divine and true, and that, on the other hand, any teaching that gives the glory due to God to creatures is undoubtedly ungodly and false. Now that we have already shown in 11 important articles of faith that only the Lutheran Church gives all glory to God in its doctrine, we want to try to recognize this in these days, with God's help, in the doctrine of obedience to humans in matters of faith and conscience.

The theme for our doctrinal discussions this year is therefore:

That only through the doctrine of the Lutheran Church is all honor given to God is also evident, in the twelfth instance, from its doctrine on obedience to men in matters of faith and conscience.

Thesis I.

The Lutheran Church believes, teaches, and confesses according to God's Word that no creature in heaven or on earth, but only God the Lord Himself, has the right and power to rule over the faith and conscience of Christians. James 4:12; 1 Cor. 7:23; Matt. 15:9; Gal. 5:1; John 8:36.

Thesis II.

Not even the whole church. Eph. 5:24; Matt. 23:8, 10; 1 Cor. 7:35. (Cf. v. 8-9.)

Thesis III.

Nor any church government, whether it be called pope, bishop, superintendent, deacon, president, or council, consistory, synod, or anything else. 1 Cor. 3:21–23; Matt. 20:25–27; 15:1–9; Acts 15:28.

Thesis IV.

Nor any individual congregation, much less a majority of its members. 2 Tim. 4:3; Ex. 23:2.

Thesis V.

Nor any governing body of an individual congregation, whether it be called a presbytery, elders, church council, church senate, presbytery, or the like. (1 Tim. 5:17; 4:14; 1 Cor. 12:28.) Acts 21:18–22. (Cf. Thesis III.)

Thesis VI.

Nor any preacher. A. He is not a lord, but a servant of the congregation. (1 Cor. 3:5; 2 Cor. 1:24; 1 Pet. 5:3; Col. 4:17; 3 John 9-10) B. He must have his teaching examined and judged by the congregation. (1 Thess. 5:21; 1 Cor. 10:15; Acts 17:10, 11; John 4:39–42; 7:49; Matt. 7:15; 1 John 4:1; Rom. 16:17-18) C. He may not command anything that Christ has not commanded. (Matt. 20:25–28; 2 Cor. 8:8, 4:5; cf. Luke 10:16; Heb. 13:17; Matt. 23:2-3.) D. He has no power to determine or act arbitrarily in matters that concern the whole congregation. (Matthew 18:17; 1 Corinthians 5:1–5, 13; 2 Corinthians 2:6–10; Acts 6:1 ff.; 1 Corinthians 14:40).

Thesis VII.

Nor any secular authority. It cannot compel its subjects by external force to do what it considers to be the true faith and right worship, nor can it prohibit and punish what it considers to be false faith and false worship, if the teaching of its subjects is not seditious. Matthew 22:21; Acts 4:18, 19; 5:29; Daniel 3:28; 6:10; Exodus 12:45, 48; Matthew 13:24–29; 1 Samuel 22:17.

Thesis VIII.

Nor any domestic rule. Householders and parents have no power to compel their spouses, adult children, or servants to embrace the right or wrong faith. 1 Corinthians 7:13–16; Deuteronomy 33:9; Matthew 10:34–37; 1 Samuel 20:30.

The connection between these theses is easy to see. The first thesis actually contains everything that is said in the following seven; strictly speaking, the latter are not parallel to it, but subordinate to it. But this logical irregularity of the theses is balanced by the advantage of greater clarity that is achieved as a result.

In short, what is the subject matter of these theses? It is freedom of conscience as opposed to domination of conscience or tyranny of conscience. Let us therefore first answer these two questions: What is meant by conscience? What is meant by tyranny of conscience?

Conscience is not, as is commonly believed, the moral law written in the heart of man at his creation, of which a small remnant remains after the Fall. It is more than that. Romans 2:15 says of the heathen that their conscience bears witness to them, as do their thoughts, which accuse or excuse them. According to this, conscience is a secret witness in the heart; it is an inner voice created in man and remaining even after the Fall, which either warns, punishes, "accuses," condemns him when he does something in thought, word, or deed that he knows to be wrong, or "excuses" him, acquits him, when he does what he believes to be right. If conscience were the moral law itself that remained in man, then man could not sin as long as he followed his conscience; then conscience could not err. But in a certain sense, one can quite rightly speak of an erring conscience. The Indian makes it a matter of conscience, considers it a sin to refrain from private blood revenge, which God has forbidden. The Catholic makes it a matter of conscience to refrain from eating meat on Friday, which is not a sin according to God's Law. Both have an erring conscience. But where does this error of conscience come from? It comes from the fact that, after the Fall, conscience lacks the right foundation, namely, the right knowledge of God and His will. The natural man knows well that there is a God who is the Lord, whose servants we are, and to whom we are therefore responsible for all our deeds. But the knowledge of what pleases this God is not only clouded in fallen man, but in many cases completely extinguished; false ideas, reinforced and multiplied by false education and examples, have taken their place. Therefore, Romans 1:18 says that the heathen have "suppressed the truth"—the knowledge of God and His will that was created in them—in unrighteousness, and therefore God has given them over to blindness, so that their conscience no longer condemns them even for the most terrible sins. We see from this that the reason why the conscience often makes a false judgment lies not in the conscience itself, but in the lack of knowledge from which the conscience judges good and evil. And in this respect, one can well say: Conscience cannot err. For it never errs in testifying that one is guilty of doing what one considers right and of refraining from what one considers wrong, and therefore, depending on a person's behavior, it sometimes accuses him and sometimes excuses him.

Hence it follows that a person sins every time he acts against his conscience or does something with a doubtful conscience, thus running the risk that it might be a sin.

What, then, does it mean to rule over the conscience of another? What constitutes the rule of conscience or the tyranny of conscience? It consists in one person 1) either by force compelling another to believe or do what his conscience declares to be false and wrong, and to reject or refrain from doing what he considers to be true and right; or 2) compelling another to do so by virtue of his supposed authority, office, and prestige. The former form of tyranny of conscience was once practiced by the Jews (Saul, Acts 26:11) and the pagans in their persecution of Christians, as well as by the papists in their persecution of the faithful witnesses of the truth. An example of the latter form of tyranny of conscience is given to us by the high council in Jerusalem, which cried out to the apostles: "Have we not commanded you with authority" — we, they want to say, who are appointed to this office and dignity by God — "that you should not teach in this name?" It is most commonly found in the papacy. When Luther once stood before Cardinal Cajetan, the latter did not want to engage in any dispute with him, but only demanded, in the name of the Church, to which Luther must submit, the single word "Revoco," "I recant." And the same thing happened at the Diet of Worms. But Luther did not recant. Why not? Because, he said, among other things, it is "neither safe nor wise to do anything against one's conscience." (XV, 2308; [[StL 15. 1926](#); AE 32:112])

Finally, there is a third type of domination of conscience, which is the most common and dangerous. It consists in making one's reason or carnal desires the master of one's conscience and seeking to dampen and drown out its warnings and admonitions with self-made excuses. For a time, this may succeed. But, as Luther says, the little dog in one's bosom always begins to bark again. And woe to those who do not heed this barking before death! However, we are not concerned here with this last type of domination of conscience, but with the first two.

After these preliminary remarks, it will be understandable what our first thesis means when it states:

Thesis I.

The Lutheran Church believes, teaches, and confesses according to God's Word that no creature in heaven or on earth, but God the Lord Himself alone, has the right and power to rule over the faith and conscience of Christians.

James 4:12. 1 Cor. 7: 23. Matt. 15:9. Gal. 5:1. 1 John 8:36.

Our church believes, teaches, and confesses this “according to God's Word.” For it is written first

James 4:12: “There is one lawgiver who can save and condemn.” A human lawgiver cannot save and condemn, depending on whether his commandments are kept or transgressed. God alone can give commandments whose fulfillment opens heaven to us and whose transgression casts us into hell. Therefore, God declared at the very beginning of His lawgiving: “I, the Lord your God, am a jealous God; you shall have no other gods before me.” Anyone who seeks to bind the consciences of men with laws other than God's commandments therefore encroaches on God's office, practices idolatry himself, and leads others into idolatry.

Furthermore, Paul says to the Corinthians

1 Cor. 7:23: “You were bought at a price; do not become slaves of men.” The latter half of the saying refers specifically and primarily to physical slavery. But most theologians rightly find here, as in other passages dealing with something specific, a general truth expressed, cf. Romans 14:22-23, namely, the truth that a Christian should not allow anyone to become lord over his conscience.

Matthew 15:9: “In vain do they worship me, teaching for doctrines the commandments of men.” A powerful word from our Savior, which declares all self-chosen and man-made works, however difficult they may be, to be in vain, to be a vain mockery of the great God; thus, judgment also falls on those who impose such works on Christians as necessary for salvation.

This also includes all passages that deal with Christian freedom. For example:

Gal. 5:1: “Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage.”

John 8:36: “If the Son shall make you free, ye shall be free indeed.”

Christ paid a high ransom to obtain for us not only freedom from the curse and compulsion of the moral law, but also freedom from the ceremonial law and from all human laws imposed on the conscience. What a sin it is when man wants to enslave again those whom God himself has set free through suffering and death! No creature can or may do this.

This is what the Lutheran Church believes, teaches, and confesses.

Apology of the Augsburg Confession: “The Holy Scriptures and the apostles have gone through it briefly and dismissed it all with a single stroke, stating clearly and plainly that we are free in Christ from all traditions” (i.e., from all “human statutes”). (Art. 15. Of human statutes in the

Church. St. Louis edition, p. 157 a. [[Ap XV\(VIII\) 34-36](#)]) Previously, the Apology had said that pious people, in order to ease their consciences, had sought all kinds of relief from the strict commands of the church and the pope; but that had not been enough; the apostles had done as Alexander had done, who had simply cut the indissoluble Gordian knot with his sword. They had “quit” everything so that no guilt remained. [[Ap XV\(Viii\) 34](#)]

Formula of Concord: "Likewise, it is also to be done concerning the article of Christian liberty, which the Holy Spirit, through the mouth of the holy apostle, has so earnestly commanded his church to maintain, as is now heard. For as soon as it is weakened and human commandments are imposed on the church by force as necessary, as if failure to observe them were wrong and sinful, the way is already prepared for idolatry, whereby human commandments are subsequently multiplied and held not only equal to the commandments of God, but even placed above them." (Thorough Repetition. Art. 10. St. L. A. S. 475. [[FC SD X 15](#)])

Luther: "What God sets free and does not banish, no angel or creature shall bind or forbid, on pain of losing their salvation. And whoever does not abide by such divine freedom and follows those who bind, will go to the devil together with those who bind, as he who has fallen into God's law and government has committed *crimen laesae summae majestatis* (a crime of high treason)." (Letter to Joh. v. Schleinick, 1523, concerning the marriage of a fellow godfather. X, 839 [[StL 10. 708](#)])

The same: "Where there is a doing or leaving undone that God has neither taught, commanded, nor forbidden, one should leave it free. But whoever goes beyond this and commands or forbids, falls into God's own office, burdens consciences, causes sin and misery, and destroys everything that God has given freely and securely, and drives away the Holy Spirit with all his kingdom, work, and word, so that only the devil remains." (Against the Heavenly Prophets. 1525. XX, 128; [[StL 20, 84-85](#) ; [AE 40:129](#)])

The same: "God cannot and will not allow anyone to rule over the soul except himself alone." (On Secular Authority, How Far One Owes Obedience to It. 1523. X, 452 [[StL 10. 395-396](#); AE 45:105])

That our church rejects all domination of people's consciences is also clear from its description of Christian freedom. Cf. the section of the Formula of Concord just quoted.

The Lutheran theologian Brochmand gives the following description of Christian freedom: "Christian freedom is the liberation from spiritual bondage acquired through Christ's blood, through which those who believe in the only begotten Son of God are free from the curse of the law, from the bondage of sin, from the yoke of Mosaic

ceremonies, and from the burden of human statutes before God in conscience.” (*Univers. th. system. Tom. II*, 520.)

However, the Papists define the essence of Christian freedom quite differently.

Ägidius Hunnius says of this: "The Jesuit Tanner says of Gal. 5:1 that this passage refers to the bondage of the Mosaic law, to which the apostle does not want Christians to be subject. The poor man has nothing more to add to this. But it is too narrow a description of Christian freedom if it is described solely as liberation from the yoke of slavery under the Mosaic Law. What kind of liberation from bondage would it be if you freed your serf, but only to hand him over to another master who imposed an even heavier yoke of bondage on him? The observance of so many ceremonies under the Levitical law, so many celebrations, so many ablutions, so many sacrifices, and many other customs was a heavy yoke. But under the papacy, the Christian people are burdened with far more additions, customs, and ceremonies, all of which are presented as matters of conscience, with the opinion of necessity and worship, for observance. ... The nature of the freedom acquired by Christ, which the apostle extols in that passage, does not suffer such tyranny. Nor is anyone authorized, except by the commandments which we read in the New Testament are prescribed, to impose anything else on the conscience in matters of faith and religion." (*Anti-Tannerus c. V. Opp. Tom. II*, fol. 507.)

In order to cast suspicion on the freedom from human statutes which the Lutheran Church believes, teaches, and professes, the papists portrayed Luther as a man full of carnal desires for freedom, who gained followers only by preaching to unrestrained people: "Do what you will; the Gospel covers everything!" Thus he gathered a following. But as much as Luther insisted on freedom from human statutes, he insisted just as much on freedom from human statutes. unrestrained people through his preaching: "Do what you want; the Gospel covers everything!" However, as much as Luther insisted on freedom from human laws, he insisted just as much on the binding nature of divine law and often enough explained in the clearest terms what kind of freedom he stood for. He says, among other things: "A Christian is bound by no law except the divine law." (Booklet from the Babylonian Prison of the Church. 1520. XIX, 92; [[StL 19. 75](#); [AE 36:76](#)]) "Only for this freedom and conscience do I cry out, and cry out confidently, that no law can be imposed on Christians with any right, neither by men nor by angels, as much as they want. For we are free from all." (Ibid. p. 86 [[StL 19. 70](#); [AE 36:72](#)])

But just as it is a grave sin to want to rule over consciences with human statutes, so it is also false humility to submit to human commandments. What

Luther says applies here: "Dear friend, do not let it be a small thing to forbid what God does not forbid, to break Christian freedom, which cost Christ his blood, to burden consciences with sins where there are none. Whoever does this and is allowed to do it may also do all evil, yes, he thereby denies everything that God is, teaches, and does, together with his Christ... Therefore, listen, my brother, you know that we must stake our lives and bodies on Christian freedom, as on every article of faith, and do everything that is commanded [by men] against it, as St. Paul teaches in Galatians 5... Not that it is necessary for your conscience, but that it is necessary to profess Christian freedom and not to allow the devil to make a commandment, prohibition, sin, or conscience where God does not want any. But if you allow such sin to be made, there is no longer Christ to take it away. For with such a conscience one denies the true Christ, who takes away all sin. Therefore, you see how in these small things there is no small danger if one wants to affect the conscience with them. ... Where people want to make commandments, prohibitions, sins, good works, conscience, and danger, where God wants freedom and commands and prohibits nothing, you must hold fast to such freedom and always do the opposite until you obtain freedom. Thus Paul did not want to let Titus be circumcised, Gal. 2:3, since they insisted and wanted to make it necessary, and yet he circumcised Timothy, Acts 16:3, since they did not insist." (From the Heavenly Prophets. 1525. XX, 278. f. [[StL 20, 206 f.](#); [AE 40:151 ff.](#)])

However, it follows from this doctrine—and we must also point this out—that it by no means implies freedom to disrupt and despise all established orders, as some believe. Christian freedom is often understood in this way, but this is a serious misunderstanding. If, for example, someone were to come to a congregation where he found all kinds of ceremonies and orders that he did not like because he was not accustomed to them, it would be thoroughly unchristian to say: "Your teaching is right and good, but I want nothing to do with your customs and orders. Away with such human commandments! I will not submit to any human being." No, one should only speak this way if the church were to exercise control over people's consciences with its rules and say, for example, "These institutions were created by the church, by holy men; they must not be abandoned under any circumstances." But as long as a church regards its rules as free means and desires that they be observed only for the sake of love and peace, then a Christian should also willingly comply with his brothers in this for the sake of love and peace. Both are equally important, as Luther made the subject of his "Sermon on the Freedom of a Christian" in 1520: "A Christian is a free lord over all things; a Christian is a

servant of all things and subject to everyone." (XIX, 1207 [[StL 19, 988](#); AE 31:344]) He is a "free lord" before God in conscience, a "servant" to his neighbor in life.

Luther therefore writes quite rightly: "So in all other external statutes of things that are free in themselves and not contrary to faith or love, one should make the distinction that one should keep them out of love and freedom, to please others with whom one is, so that one may agree and conform with them. But if they insist that one must and should keep them out of obedience, as necessary for salvation, then one should abandon everything and do the opposite, to prove that nothing is necessary for a Christian except faith and love; everything else should be freely kept and abandoned according to the demands of society. For to keep such things out of love and freedom does no harm, but to keep them out of necessity and obedience is damnable. This should also be understood in ceremonies, singing, prayers, and all other church ordinances, as long as one does such things out of love and freedom; one should only keep them for the service and will of the community that is there, where it is not otherwise a bad thing in itself. But if one insists that it must be so, one should immediately desist and act against it in order to preserve the freedom of faith." (Kirchenpostille, Epistle Part XII, 11, 7. f. St. L. 87.)

This same freedom from every human yoke that we Christians enjoy with regard to freedom from all human laws, is also freedom from all the human teachings. The world often accuses Christians of being pitiful servants of the clergy; they must accept as true all the irrational superstitions that are proclaimed to them by their preachers as divine revelation. They, on the other hand, are free people. But what is the reality? The exact opposite is the case. It is precisely the children of this world who are slaves to their prophets of wisdom. They believe the greatest absurdities, as long as they are uttered by a learned and famous man. Christians, on the other hand, can truly boast that they are the true free men, who do not submit to human opinions and believe only in the infallible words of Christ. And above all, it is our beloved Lutheran Church that rejects all blind superstition with great seriousness, granting no right or power to any angel, let alone any human being, to establish new articles of faith (Gal. 1:8, 1 John 4:1), thus giving God the honor that is due to him alone and denying it to every creature.

And—we may confess to God's praise—our Missouri Synod has remained faithful to the divine Word and the Lutheran Confessions in this regard as well. For a quarter of a century, it has fought publicly for this doctrine and suffered much shame for its sake.

“Freedom for every Christian!” “Freedom for every congregation!” This was written on its banner from the beginning and remains there today. But how? Doesn't the formation of a synod already stand in the way of this? Not at all! Unfortunately, there are many synods whose constitution robs both individual members and the congregations that belong to them of many aspects of their Christian freedom. Our synod, on the other hand, would deny itself, indeed, abandon itself, as soon as it sought in any way to rule over the consciences of its members. For our synod constitution stipulates, among other things, the following for all time:

"The synod is only an advisory body with regard to the self-government of the individual congregations. Therefore, no decision of the former, if it imposes something on the individual congregation as a synodical decision, has binding force for the latter. — Such a synodical decision can only be binding if the individual congregation has voluntarily accepted and confirmed it by a formal congregational resolution. — If a congregation finds that the decision is not in accordance with the Word of God or is unsuitable for its circumstances, it has the right to disregard or reject the decision." (Chap. IV. A. § 9. Synod Handbook p. 7.)

Far from endangering the freedom of conscience of those who join our synod, our synod guarantees this freedom to them in its constitution immediately upon their entry before the whole world, and in the event that our synod should ever knowingly attempt to enforce other principles, it has already called upon all its members, preachers, teachers, and congregations, to leave it as a hypocrite and apostate. The theme of the first speech given in our synod in 1848 was that our synod “has no power other than the power of the Word”; should it ever presume to claim any other, it may retain the name “Missouri Synod,” but it will no longer be the Missouri Synod.

Thesis II.

Therefore, not even the whole church.

Eph. 5:24; Matt. 23:8, 10; 1 Cor. 7:35 (cf. vv. 8-9).

In relation to the first thesis, this second thesis explains that if no creature, then neither the entire church has the right or power to rule over the faith and conscience of Christians. For it is quite natural to think that the whole Christian church, the communion of saints, or at least the apostolic church, must be granted such a right and such power.

However, far from attributing such authority to themselves, the holy apostles did everything in their power to prevent their high position in the church from giving rise to domination over conscience within it. It is a completely wrong conclusion to infer from the Savior's words to his disciples, "He who hears you hears me, and whoever despises you despises me," one wants to prove that the apostles or even "their successors" in the preaching office have been given the power to command something binding on the conscience that God has not already commanded. Certainly, when the holy apostles preached Christ's Word, they were Christ's voice, and when one heard them, it was no less than hearing Christ himself; whoever despised them and rejected their word despised and rejected Christ himself and rejected His Word. But when they established external orders and institutions, when, for example, they organized the office of almsgiving (Acts 6:1-6), when the apostle Paul advised young people not to marry during the time of persecution (1 Cor. 7:25-28), when he ordered that women should appear in worship with their heads covered (1 Cor. 11: 4 ff.), when he called for a collection for the needy congregation in Jerusalem (2 Cor. 8 and 9), when the synod in Jerusalem required the Gentile Christians to abstain from idol sacrifices, blood, and strangled animals (Acts 15:28-29): they always expressly refrained from imposing a burden on anyone's conscience or "throwing a noose around the neck" of Christians (1 Cor. 7:35) or commanding anything (2 Cor. 8:8); they present the reasons why they consider such rules to be good, distinguishing between what is "the Lord's command" and what is only their "opinion" (1 Cor. 7:10-12, 40; 2 Cor. 8:10). It is the Antichrist who says: What the holy Christian church ordains must be obeyed. We say according to God's Word: A church that makes binding rules is not the holy Christian church, for the latter recognizes only Christ as its sole Lord and Master.

God's Word testifies to this clearly and unambiguously in the two passages cited:

Eph. 5:24: "The church" (i.e., the congregation) "is subject unto Christ"; it would never even occur to her to set herself beside Christ and want to make binding laws, equivalent to divine commandments, which God has not given.

Matt. 23:10: "Neither be ye called Masters: for one is your Master, even Christ."

The Papists in particular claim that the church has the right and power to make binding laws. With their so-called traditions, that is, oral traditions of the teachings

and commandments of the church, they engage in the most shameful deception. As soon as something new is to be introduced that contradicts God's Word, it is declared to be part of tradition; hence Luther aptly calls it "the Holy Father's bag of tricks," from which he pulls out whatever he pleases. Therefore, the

Apology of the Augsburg Confession states: "The adversaries also condemn this part of the seventh article, since we have said that it is sufficient for the unity of the church that the same gospel and the same sacraments be administered, and that it is not necessary for human statutes to be uniform everywhere. These passages thus allow that it is not necessary for the unity of the church that *traditiones particulares* (the special, not general statutes) be the same; but that *traditiones universales* (the general ones) be the same is necessary for the true unity of the church. ... The opponents say that for this reason such statutes, especially the universal ceremonies, must be observed, for it is probable that they were handed down to us by the apostles. O how great, holy, excellent, apostolic people! How pious and spiritual they have now become! They want to keep the statutes and ceremonies established by the apostles, as they say, but they do not want to keep the apostles' teaching and clear words! But we say, and know that it is right: One should teach, judge, and speak of all the statutes in this way and no other, for as the apostles themselves taught in their writings; but the apostles fight most strongly and vehemently everywhere, not only against those those who want to exalt human statutes, but also against those who wanted to regard the divine law, the ceremonies of circumcision, etc., as necessary for salvation. The apostles in no way wanted to place such a burden on consciences that such statutes concerning certain days, fasting, food, and the like should be sinful if one did not keep them; and, what is more, Paul clearly calls such teachings devilish teachings." ([Ap VII and VIII 30, 38-40](#))

The same: "The apostles ordained many things for the sake of good discipline in the church, which have changed over time, and did not make statutes that they should be necessary or remain forever." ([Ap XXVIII 16](#))

Formula of Concord: "We believe, teach, and confess that the congregation of God in every place and at every time has the power to change such ceremonies as may be most useful and edifying to the congregation of God." ([FC Ep X 4](#))

Of course, the church can bind Christians even less to new articles of faith than to laws. Our confession rejects such an undertaking in the

Smalcald Articles: "It is not valid to make articles of faith out of the

work or words of the holy fathers... It is said: God's Word shall constitute articles of faith, and no one else, not even an angel.” ([SA II II 15](#))

All true Lutherans therefore also testify wholeheartedly with the

Formula of Concord: “We also confess to the same first Unaltered Augsburg Confession, not because it was formulated by our theologians, but because it is taken from God's Word and is firmly and well founded therein.” ([FC SD, Rule and Norm, 5](#); emphasis Walther's)

Now, in the latest doctrinal dispute, they want to bind our consciences with certain statements and explanations of later Lutheran dogmatists about the doctrine of election by grace, which are not based on God's Word. It is God's grace that has preserved us in the hour of temptation—without in any way diminishing the deserved reputation of those enlightened men of God—from following them even where they deviated from God's Word. And so, through this doctrinal dispute, God has once again cleansed us of the accusation so often made against us in the past that we were blind followers of Hunnius, Gerhard, Quenstedt, and other theologians, because we had often thrown their arguments, which were in accordance with God's Word and the confession, in the faces of the opponents of truth. The Ohio Synod has succumbed to temptation. It has made the pronouncements of the “fathers” its confession and even demands that its parishioners follow them in this, thus leading them to blind faith. For how are they to convince themselves of what the “fathers” wrote in their numerous Latin writings, since the vast majority of them are ignorant of the Latin language? Let them now call us arrogant people who despised the great theologians of the 17th century: we do not want to be subject to the church, let alone individual teachers of the same, but only to Christ, and we want to make others subject to him, and therefore we always ask: “What is written?”

Luther therefore writes: “We do obey the apostles and the Church, insofar as they bring that man's sign, since He says to them in Mark 16:15: ‘*Ego mitto vos, ite et praedicate evangelium*’ (I send you, go and preach the gospel’; for this is the sign of that man, Christ), “and above all: ‘*Docete eos, quae mandavi vobis!*’” (Teach them to keep all that I have commanded you, nothing else). “Where they do not bring the sign, we do not listen to them any further, for St. Paul Gal. 2:11. Petrum hōrete” (namely that we punish them as hypocrites); “no amount of shouting will help, we will do no differently.” (On the Private Mass and Ordination of Priests. 1533. XIX, 1504 [[StL 19, 1234-1235](#); [AE 38:161-62](#); emphases Walther's])

Chemnitz expresses himself just as decisively: “If anyone had wanted to attribute to the apostles, while they were still alive in the flesh,

that they had divine authority to give laws of which they had no commandment or testimony from the divine Word, indeed, that they could reestablish what Christ had abolished or abolish what he had instituted: they would undoubtedly have shown with a loud voice and by tearing their clothes that they neither recognized nor approved of it." (*Examen Conc. Trid. De bon. opp.* 179.)

The same: "Paul distinguishes precisely between that which they (the apostles) have an express commandment from God and that which he himself determined according to his apostolic spirit. For he adds: 'Not that I am laying any restraint on you.' 1 Cor. 7:35." (*Examen Conc. Trid.* f. 180.)

Luther: "The Christian church has no power to establish any articles of faith, has never done so, and will never do so. The Christian church has no power to establish any commandments of good works, has never done so, and will never do so... The Christian church has no power to confirm articles of faith or good works or the Gospels and Holy Scripture as a judge or sovereign, has never done so, and will never do so. ... The Christian church has the power to establish customs and practices to be observed in fasting, celebrations, eating, drinking, clothing, waking, and the like; but not over others without their will, but only over itself, has never done otherwise, and will never do otherwise; also that such customs do not strive against the articles or good works, that is, that they are without harm to faith and love; also that they do not confuse or burden consciences; also that they do not remain forever, but may be left behind and mitigated at any time for reasons. " (Article on the Power of the Christian Church. 1530. XIX, 1190—92 [[StL 19, 958 ff.](#);])

Chemnitz refutes the false teaching of the papists as follows: "The 8th canon of the Council of Trent on Baptism reads: 'If anyone says that the baptized are free from all commandments of the holy church, whether written or taught orally, so that one is not obliged to observe them if one does not wish to submit to them voluntarily, let him be anathema!' — This canon has taken the opinion it condemns from Luther's writing 'On the Babylonian Captivity of the Church'. But on this subject, Luther asserts the following. When we are accepted by God as his children through Baptism and are taken into His family and incorporated into it, then we are bound to obey God, but according to his commandments, not according to human statutes and commandments. For after instituting Baptism,

Christ adds in Matthew 28:20: “Teach them to observe all that I have commanded you.” James says in chapter 4:12: “There is one lawgiver who can save and condemn.” And in Matthew 15:9, the Lord says: “They do worship me, teaching for doctrines the commandments of men.” From these scriptural grounds, Luther freely and correctly concludes: Because God, in His great house, which is the Church, reserves alone the right and power to govern the consciences of his servants, indeed, of his children, through His Word, and because we have bound ourselves in Baptism to obedience to this householder, who has also freed and acquitted our consciences from all human statutes, commandments, and teachings, as the scriptures clearly testify: therefore (says Luther) neither the pope nor any human being has the right to impose a single syllable on the conscience of a Christian; but whatever happens otherwise is done out of a tyrannical spirit against the freedom of the church; for nothing can be imposed on the consciences of Christians by any law, whether by men or by angels.” (*Examination of the Council of Trent* [cf. Kramer translation, 2:150-51])

When the papists attribute to the church the right and power to impose binding human laws on Christians, they invoke, among other things, the lofty names that Scripture gives to the church. The Church is called “a pillar and foundation of truth,” the “house and temple of God,” a “light and city on the mountain,” “bride, body of Christ,” and the like. But Ephesians 5:24 already forbids drawing that conclusion: “The Church is subject to Christ, as the wife is to her husband.” And precisely because, and only because, the Church alone accepts and proclaims Christ's commandments, it bears those great names, and therefore denies them as soon as it places itself in Christ's place by demanding obedience to its human laws. Then this must also be considered: if the whole Church had the power to make laws, then those who obeyed would have to be outside the Church, that is, non-Christians. Or only the apostolic Church would have had this power; then only it would have been the Church, but now there would be no Church anymore. Or finally, the Church of one age would always have to leave laws to the Church of the following age; then it would always remain doubtful who the Church was and who were the obedient ones. —

But if we look around the Church of the present, we find even in most communions that call themselves Lutheran not only the papist practice of controlling consciences, but also the papist doctrine of ecclesiastical power. The words “He who hears you hears me” are interpreted by the statutes and doctrines of the church, which is always said to be the bearer of Christ's will. It is taught that obedience is owed to the governing church by virtue of the fourth commandment, provided that it does not command sin. It is therefore an inexpressible grace

of God that such a large number of preachers and congregations among us stand firm in the one sense, allowing their consciences to be bound only by God's Word and being subject to no one other than Christ alone. Only three times since the existence of the Christian Church has there been such a blessed time: at the time of the apostles, at the time of the Reformation, and now. No sooner had the apostles fallen silent than the sad enslavement of Christians began. Even the dear martyr Ignatius († 107) was allowed to write publicly: "As Christ is among the apostles, so is the bishop among the presbyters." The papacy then crowned the tyranny of conscience. Through Luther, the grace of God broke this yoke of bondage and brought Christians to the knowledge and enjoyment of their freedom. And when this treasure was lost again through the sloth of Christians, God allowed apostolically free churches to arise once more. Therefore, without pride, giving all glory to God alone, we call out: "Hold fast what you have, that no one may take your crown!"

Thesis III.

Nor any church government, whether it be called pope, bishop, superintendent, deacon, president, or council, consistory, synod, or anything else.

1 Cor. 3:21–23. Matt. 20:25–27. 15:1–9. Acts 15:28.

It goes without saying that Christians, if they are not subject to the whole church, can be even less subject to a single person or a collegium in the church, whatever its title may be. But even those who reject the former claim the latter. Therefore, we must also address this. God's Word speaks clearly on this matter.

1 Corinthians 3:21–23: "Therefore let no one boast in men. For all things are yours, whether Paul or Apollos or Cephas or the world or life or death or the present or the future—all are yours, and you are Christ's, and Christ is God's." In the Corinthian church, people made evil distinctions among the apostles, and this had given rise to divisions. Therefore, the apostle not only testifies that there is no difference among the apostles in terms of authority, but also adds: "All things are yours," given to you by God for your service and for your good; the special gifts of individual members and officers in the church are the property of the church. We conclude from this that there is no one in the church who can boast of special power and privileges over others. Finally, the

apostle adds: "But you are Christ's"; he means to say: Not Paul's, not Peter's, not Apollos', in short, no man's; Christ alone is your Lord.

Matthew 20:25-27: "You know that the rulers of the Gentiles lord it over them, and their great ones exercise authority over them. It shall not be so among you; but whoever would be great among you must be your servant, and whoever would be first among you must be your slave." Rule and authority belong to the state, not to the church. There are no "princes of the church," no "spiritual authority." Grabau once wanted to evade the passage in 1 Peter 5:3: "Not as those who rule over the people," by claiming that this referred only to tyrannical rule; a certain degree of rule and authority, namely in matters of means, was, however, indeed a right of preachers. But Christ puts this interpretation to shame and says: Every kind of human rule and power belongs to the worldly realm. In the church, only Christ's word may rule. The power of the church servants consists only in serving, namely in serving the Word.

In Matthew 15:1-9, Christ rejects the writings of the Jewish elders, which had ultimately come to be not only equated with God's Word, but even placed above God's Word, and therefore transgressed God's commandment in order to uphold those writings. How close this danger is can be seen from the history of the Church.

Acts 15:28: "It seems good to the Holy Spirit and to us to impose on you no further burden than these necessary things." This passage is often cited as proof that the synod at least has the power to make binding rules in external matters, for whatever the synod decides is also pleasing to the Holy Spirit. However, it does not say: It pleases us and therefore also the Holy Spirit, but rather the opposite: it pleases the Holy Spirit and therefore also us.

If ever a church government had power over the consciences of Christians, it would certainly have been the college of apostles. But we have already seen how faithfully they obeyed their Lord's Word that they should not behave like worldly rulers. That is why the

Smalcald Articles say: "1 Cor. 3:6 Paul makes all church ministers equal and teaches that the church is above its ministers. Therefore, it cannot be said with any truth that Peter had any authority or power over the other apostles, over the church, or over all other church ministers. For he says, 'All things are yours, whether Paul, or Apollos, or Cephas,' that is, neither Peter nor other ministers of the Word may assign any authority or supremacy over the church to them. No one should burden the church with his own statutes, but here it should be said that no authority or prestige is valid except the Word of God." [\[Tr 11\]](#)

This statement does not seem to be relevant at all. For who would think of wanting to raise his prestige above God's Word? But in fact, the preacher who claims a higher power and prestige than others actually places his commandments above God's Word; he says to the others, as it were: You have only the power of the Word, but I have another, higher power. It is an equally futile excuse to claim that the Augsburg Confession only rejects the idea of establishing rules as if they were "necessary for salvation" ([XXVIII 56](#)). Grabau, for example, said: It does not occur to us to want to bind salvation to our church statutes; that would certainly be un-Lutheran. But he did not consider that by wilfully violating one's conscience, even if that conscience is bound by human commandments, one forfeits one's salvation; that therefore, whenever one binds one's conscience to something, one also truly binds one's salvation to it. —

The passage from the Smalcald Articles quoted above continues: "One must not elevate Cephas' authority above that of the other apostles, as they used to say at the time: Cephas holds this view, and he is the most distinguished of the apostles, therefore Paul and the others should also hold this view. No, says Paul, and he strips Peter of this little hat, that his prestige and authority should be higher than that of the other apostles or the church. Christ gives the highest and final judgment to the church, saying, 'Tell the church.'" ([Tr 11](#))

One might ask: But did not the apostles themselves appoint bishops and grant them greater authority than pastors? How, then, can one speak against such a bishopric and a church government endowed with higher authority by God himself?

Let us hear what the Smalcald Articles say about this: "Therefore Jerome also says in Hellenic words that *episcopi* (bishops) and *presbyteri* (elders or pastors) are not distinguished, but that all parish priests are both bishops and priests, and he alleges the text of Paul *ad Tit.* 1, where he writes to Titus: 'I left you in Crete for this reason, that you should appoint priests in every city,' and subsequently calls them bishops: 'A bishop must be the husband of one wife.' Thus Peter and John call themselves *presbyteros* or priests. Jerome Weiler then says: "But that one alone is chosen, the other under him, has happened in order to prevent division, lest one here and another there should draw a church to himself and the communion should thus be torn apart. For in Alexandria (he says), from Mark the Evangelist to Heraclamus and Dionysius, the presbyters have always chosen one of their number and held him in higher esteem, calling him *episcopum* (bishop), just as a military force chooses one of its number as captain; just as the

deacons choose one of their number who is skilled in this office and call him archideacon. For tell me, what more does a bishop do than any presbyter, except that he ordains others to church office, etc. Here Jerome teaches that such a distinction between bishops and parish priests has come about solely from human order, as can also be seen in the work. For the office and command are quite the same, and it is only the ordination that has made the difference between bishops and parish priests; for it has been arranged that a bishop also in other churches ordains people to the preaching office. But since according to divine law there is no difference between bishops and pastors or parish priests, it is beyond doubt that when a parish priest ordains several capable persons to church offices in his church, such *ordinatio* is valid and right according to divine law." ([Tr 62-65](#))

It should therefore be noted that in the early Christian church, bishop and presbyter or elder were names for one and the same office, namely that of all pastors. It was only later that a distinction was made between bishops and presbyters, when one of the presbyters gained more prestige and authority than the others under human law and was therefore called bishop, while the others retained the name presbyter, from which our German word "*Priester*" originated.

The otherwise strictly state church theologian Calov writes: "In the administration of church offices, there are indeed levels with regard to order, but not with regard to jurisdiction; however, there is a difference between the Old and New Testaments in this respect. For there (in the Old Testament) there was a certain ecclesiastical jurisdiction, e.g., Aaron's over the priests, Levites, and doorkeepers; but we do not admit that there is an ecclesiastical jurisdiction in the New Testament which is divine law, except for the general one that everything should be orderly and honest in the church. However, according to a human and positive (first established by humans) law, the lord of the territory exercises jurisdiction, either alone through consistories, or also through superintendents, such as perhaps Titus was in Crete, or in whatever other way may be deemed appropriate, as long as the propriety of order is not violated." (*System. locc. th. Tom. VIII*, 288.) Jurisdiction means the power to command anything by virtue of one's office. No bishop is entitled to this.

Luther: "A bishop, as bishop" (that is, because he is a bishop; for at that time many bishops also had secular principalities in which they could indeed command. But a bishop, as bishop) "has no power to impose any statute or ceremony on his church without the consent of the churches in clear words or by tacit

consent. Because the church is free and a ruler (woman), and the bishops do not rule over the faith of the churches, nor may they burden and harass them against their will. For they are only servants and stewards, but not lords of the churches. But if the church, as one body with the bishops, agrees, they can impose on each other whatever they want, as long as godliness does not suffer; they can also impose such burdens again at will. But the bishops do not seek such power; they want to rule and have everything freely. We must not concede this, nor in any way participate in this injustice or oppression of the churches and the truth. Even if they wanted to use force and compel us, we must not obey or consent, but rather die: to maintain the difference between these two governments, that is, for the will and law of God, against godlessness and church robbery." (Reply to Melanchthon in Augsburg to the questions sent to him about the human statutes, from the year 1530. XVI, 1207—9 [AE 49:384-87ff.])

Walch: "From what has already been said, it is easy to judge what the nature of the government in the apostolic church was like. It was nothing other than the power to establish in external matters what was necessary for the maintenance of good order and for the easier attainment of the purpose of the church: this power was such that it was common to teachers and listeners alike and removed from all dominion. We read in the books of the New Testament that not only the apostles and church ministers, although they had authority over the others, but also the listeners possessed this power, and we see from this that when something had to be considered and decided, the people also cast their votes." (*Hist. eccles.*, p. 431.)

Luther refutes the objections raised against this in his 1523 treatise "On Secular Authority." He writes:

"But if you say: Since there should be no secular sword among Christians, how can they be governed externally? There must always be authority among Christians. Answer: There should and can be no authority among Christians, but each one is at the same time subject to the other, as Paul says in Romans 12:10, 16: 'Each one should regard the other as superior.' And Peter in 1 Peter 1:5: 'Be subject to one another.' This is also what Christ wants in Luke 14:8: "When you are invited to a wedding, sit at the lowest place." There is no superior among Christians, for there is only Christ himself and alone. And what authority can there be, since they are all equal and have the same rights, power, goods, and honor, and none desires to be superior to the other, but each wants to be

subordinate to the other? Could one establish no authority where such people are, even if one wanted to, because their nature and disposition do not allow them to have superiors, since no one wants to be superior nor can be? But where such people are not, there are also no true Christians. — What then are the priests and bishops? Answer: Their rule is not an authority or power, but a service and office; for they are not higher or better than other Christians. Therefore, they should not impose any law or commandment on others without their consent and permission, but their rule is nothing other than to drive God's word, so that they may lead Christians and overcome heresy. For, as has been said, Christians cannot be ruled except by God's word alone. For Christians must be ruled in faith, not by outward works. But faith cannot come through any human word, but only through God's Word; as St. Paul says in Romans 10:17: "Faith comes by hearing, and hearing by the Word of God." Those who do not believe are not Christians and do not belong to Christ's kingdom, but to the worldly kingdom, where they are forced and governed by the sword and external rule. Christians do all good things of their own free will and have enough for themselves in God's word alone." (X, 465 f. [AE 45:117-18 f.])

In the state churches, it is, of course, considered fanciful to claim that in a Christian community no one but Christ has the power to command, indeed, that it is impossible for one Christian to rule over another with justice, since Christians are rather subjects of one another. It is believed that such communities cannot be found on earth. And it is true: in state churches, order can only be maintained through coercion. But this does not prove that this teaching is false, only that there is a lack of true congregations in the state churches. Congregations that make proper use of Christian freedom must be educated to do so through the Gospel. Where this does not happen, and even less so where church discipline, even to the point of exclusion, is practiced, then of course no truly Christian congregations can arise which are governed solely by God's Word; they can only be governed and held together by police coercion.

A clear proof that bishops and presbyters were one and the same in apostolic times is also found in Acts 20:17, compared with verse 28. The apostle then summoned the presbyters or elders of Ephesus to Miletus and gave a long speech to them, in which he testified, among other things, that the Holy Spirit had appointed them as bishops to shepherd the church of God. The same people are thus called presbyters here and then bishops.

It is commonly believed that the Episcopalians are closest to us Lutherans

because they have pretty much the same doctrine of Baptism as the divine Word and, at least, do not speak out so decisively in favor of the Reformed doctrine of the Lord's Supper. The fact that they differ from us in their church constitution is considered incidental. But this is not so. What separates us from them, what once separated our first congregation in St. Louis from them, after the Episcopal Church had gladly allowed them to use its church for a time, concerns the great principle of Christianity, according to which we Lutherans grant Christians their full Christian freedom and do not grant any church minister power alongside the power of the Word as a power bestowed by God.

The Confessions speaks only in passing about the freedom of Christians from the decisions of a council in the preface to the Smalcald Articles, where Luther expresses the fear that a “free Christian council,” in which everything would be discussed and decided according to God's Word, could probably never be hoped for, and therefore he concludes with the request: “Oh, dear Lord Jesus Christ, hold the council yourself and redeem your own through your glorious future. It is lost with the Pope and his followers; they do not want you.” ([SA Preface 15](#))

In his private writings, Luther writes about the power of councils—and we must also think of our [Missouri] Synod here—among other things: “Therefore, I will state my opinion here and answer the main question as follows: That a council has no power to establish new articles of faith, regardless of whether the Holy Spirit is present. For even the Apostle Council in Jerusalem, Acts 15:11, does not establish anything new in the faith, but, as St. Peter concludes, that all their ancestors also believed this article, that one must be saved without law, solely through the grace of Christ. ... Thirdly, a council has no power to command new good works, nor can it do so. For all good works are already commanded in the Holy Scriptures and are superfluous. ... Fifthly, a council has no power to impose new ceremonies on Christians in the case of mortal sin or danger of conscience, such as feast days, holidays, food, drink, and clothing. But where they do so, St. Augustine stands there *ad Januarium* and says: *Hoc genus liberas habet observationes* (the observance of this kind of thing is free), and Christ gave few ceremonies. For because they do not have the power to command, we also have the power to leave it, indeed, it is **forbidden to us** to observe it according to St. Paulus Col. 2:16: “Let no one judge you in regard to eating and drinking, or in regard to a festival or new moon or sabbaths... Ceremonies should be left out of the councils at home in the parishes, yes, even in the schools, so that the schoolmaster would be the truest *ceremoniarum* next to the parish priest. For the pupils learn it all from the others without any essays or

effort. So when and how the pupils sing or pray in church, the crowd learns it after them, and what they sing over the corpse or at the grave, the others also learn; when they kneel down and fold their hands, the schoolmaster taps with his stick while they sing: *Et homo factus est* (And became a man), the crowd follows suit; when they take off their hats or bend their knees whenever the name of Jesus Christ is mentioned, and whatever else they practice in terms of Christian discipline and behavior, the crowd also follows suit without being taught, moved by living examples. After all, all ceremonies, even under the Pope, come from schools and parishes, without the Pope seeking to impose his tyranny with food, fasting, celebrations, etc. But one must also be mindful here that the ceremonies do not ultimately become excessive. First and foremost, however, one must ensure that they are not regarded as necessary for salvation, but serve only for external discipline and order, which may be changed at any time and are not commanded in the churches as eternal laws (as the Pope does) and written into the books with tyrannical threats. For it is a completely external, physical, transitory, changeable thing." (On the Councils and Churches. 1539. XVI, 2753. 2761. 2770; [[StL 16, 2250, 2256, 2263](#); [AE 41:123,130,136 f.](#)])

Let us remember this well. We often see with regret how many beautiful ceremonies are increasingly falling into disuse among us, e.g., bowing our heads or kneeling at the name of Jesus. And yet this is such a wonderful confession of our faith that Christ is the true God born of the Father in eternity. The beautiful ancient Christian custom of making the sign of the cross has now, unfortunately, become so much a mark of Catholics in the eyes of the whole world that we cannot reintroduce it into public use without causing great offense. But all the more reason why we should not tacitly allow good old ceremonies that are still in vogue to gradually disappear, placing us outwardly on the same level as the sects. However—and this is what we learn here—this endeavor must never lead us to insist on such ceremonies “under pain of mortal sin,” i.e., under the threat that anyone who does not participate is sinning against his conscience.

Of course, it is argued that in order to maintain the unity of the church, there must be a court of law with the power to make final decisions in matters of dispute. Luther says quite correctly:

"Perhaps they will also show off before the simple-minded rabble and other uncomprehending people, as they are not yet recognized by the churches as wolves and false teachers, but are considered to be true Christians. Yes, indeed, that is wise and well said. If the sheep did not flee from the wolves before the wolves, through their Christian

council and public judgment, told the sheep to flee, the sheepfold would soon be empty and the shepherd would find neither milk, cheese, butter, wool, meat, nor a hoof in a single day; that would be called shepherding the sheep! What did Christ, our Lord, do when he told us and commanded us to guard ourselves against the wolves without waiting for the wolves' council? Not only does the whole flock of sheep have the right and power to flee from the wolves, but also each sheep for itself, wherever it is able to do so; as it does, c: "My sheep flee from strangers." (Example of ordaining a true Christian bishop. 1542. XVII, 140 f. [[StL 17, 102 f.](#)])

It is further objected: Luther himself recommended the establishment of consistories and visitators to his elector! A glance at history will suffice to answer this objection. In 1523, Luther had drafted and published a church order, but as a private document. However, it was recognized that the congregations needed to be visited and advised as necessary, without anyone being compelled to accept the advice of these visitators. The elector himself took matters into his own hands and assigned a number of theologians to carry out such visitations, and Luther drew up instructions for them in which all papal coercion of conscience was emphatically rejected. His words are as follows: "Although we cannot issue this (the order of visitation) as a strict commandment, lest we raise new papal decrees, but rather as a history or story, and as a testimony and confession of our faith, we nevertheless hope that all pious, peaceful pastors who take the Gospel seriously and desire to hold unanimously and equally with us, as St. Paul teaches in Phil. 2:2, that we should do, will not despise the diligence of our sovereign and most gracious lord, nor our love and good will, with ingratitude or pride, but willingly, without compulsion, in a loving manner, submit to such visitation and live peacefully with us, until God the Holy Spirit brings about something better through them or through us. But if some should wilfully oppose this and, without good reason, want to make something special, as one finds wild heads who, out of sheer malice, cannot bear anything common or equal, but whose hearts and lives are unequal and stubborn, we must let them go from us, like the chaff from the threshing floor, but not abandon our equality for their sake." (Instruction of the Visitors. 1538. X, 1909 f. [[StL 10, 1634 AE 40:272 f.](#); emphases Walther's])

Even though the Elector was at the head, no coercion should be used in the implementation, but only an appeal to love, for the Elector was not acting here as a prince of the

secular authority, but as a Christian. For the sake of love, for the sake of outward unity and to show solidarity in faith, and finally for the sake of great blessing, everyone will now certainly welcome such an order with joy, as we have it in our synod, for example. Let us just think what would have become of the American Lutheran Church without the synodical connection! Seminaries, missions, and all such godly and necessary institutions and works can only in rare cases and under special circumstances be operated appropriately by a single congregation; otherwise, they require the cooperation of an entire association of congregations. Nevertheless, it remains clear that we cannot therefore compel anyone to join the Synod. If anyone refrains from doing so for dishonest reasons, out of stubbornness, out of pride, because he does not want to be supervised, out of indifference to the kingdom of God and the salvation of souls, or out of concern that he will be exposed in a community with supervisory rights, and the like, that is his business. We must leave the judgment of this to the One who alone can examine hearts and minds and who on that day “will bring to light what was hidden in darkness.”

Incidentally, it is a mistake to think that the consistories already had the judicial and legislative power in Luther's time, or even at his behest, which they later received and retained. Löscher gives a chronicle-like history of the Saxon church order in his “Unschuldige Nachrichten” (Innocent News). Under the year 1539, it states: “At that time, the first Saxon consistory was also established in Wittenberg, although it had no jurisdiction.” Under the year 1543, it continues: “A consistory was established in Leipzig, but without jurisdiction, in which, as in Wittenberg, anyone could obtain information.” It is not until 1555, long after Luther's death, that it states: “Elector Augustus established three consistories, in Leipzig, Wittenberg, and Meissen, along with some jurisdiction.” Finally, under 1580, it states: “The consistory in Meissen has been moved to Dresden and made the Oberconsistorio.” (Year 1703, pp. 24, 25, 26.)

It is therefore ignorance or malice when the state churches invoke Luther's precedent in defense of the rule of conscience that the consistories now exercise. Luther would “tear apart” the consistories of our day, as he said shortly before his death, when papal law was occasionally used as the basis for judgments: “We must tear apart the consistory, for we do not want the lawyers and the pope in it.” (W¹ [XXII, 2210](#); [StL 22, 1511](#))

Thesis IV.

Nor any individual congregation, much less a majority of its members.

2 Tim. 4:3. Ex. 23:2.

We know what great privileges the whole church, as the holder of the keys, and therefore also every individual or local congregation, has according to God's Word. Within its circle, it is the highest and final court, from which no appeal can be made to any other within it. It is therefore also the church that calls the preacher, examines his teaching, removes him under certain circumstances, admits members, disciplines them, excludes them if necessary, etc. Many, when they hear this teaching of ours, which is clearly founded in God's Word and clearly attested to in the confession of our church, but which, unfortunately, has become increasingly rare, think, especially in Germany, that our pastors are in fact quite pitiful and miserable servants of men; that the Missouri Synod has a pope turned upside down, a pope with as many heads as there are members of the congregation; that it has applied the political-democratic institutions of the American republic to the church. But this is a great mistake. For the time being, the form of the congregations found among us is, as I have said, no other than that prescribed in God's Word itself. Furthermore, we know very well that the great rights of the congregation also have their limits in God's Word. The congregation may well command its preacher to proclaim and apply God's Word purely and sincerely according to the confessions of the church; but it can by no means prescribe the opposite, namely, to preach something that is not revealed in God's Word, or to conceal something that belongs to God's counsel for salvation. A congregation may demand of its preacher that he perform his office faithfully; but it cannot command him to do the opposite, namely, to do what God's Word forbids him to do, or forbid him to do what God requires of him as a servant of Christ. For example, it cannot force a preacher to accept an obvious sinner or heretic into the congregation or to administer Holy Communion to him, because he is well paid or enjoys great prestige. Nor may it forbid the preacher to visit the members in their homes and to admonish and punish them privately, because "that would mean interfering in family affairs." — A preacher must not give in here either. He should prove to the congregation that he is not only a servant of the congregation, but also a servant of Christ, and that his profession has by no means made him a submissive creature of his congregation. It is actually God who appoints preachers to their office. They are not so much appointed by men,

as rather appointed through men by God. Therefore, Paul Gal. 1:1 expressly boasts that he was “not called by men”; indeed, as an apostle directly called by Jesus Christ, he could add that he was “not called through men,” whereas now God no longer calls directly, but indirectly, namely through the congregation. If the congregation therefore does not want to obey the preacher, indeed, even drive him away, when he adheres most closely to Christ's words in his teaching and ministry, it is not merely a poor sinful man that it is disobeying, but Christ himself, the Lord of lords, and it is driving him away from itself. That is why Christ has already given his servants instructions for such a case: they should then shake the dust from their feet, that is, prove by their actions that they want nothing to do with such a congregation, that God's curse is upon it. But the blessing which they have offered in vain to the ungrateful congregation shall not be lost, as the Lord has promised, but shall return to them, the expelled preachers. Matthew 10:12-15.

Secondly, one congregation [*Gemeinde*] must not rule over another congregation. The smallest congregation stands on an equal footing with the largest, the branch congregation with its mother church. We can see where the opposite doctrine can ultimately lead in the Roman Church, which calls itself “mother and teacher of all churches” in the decrees of the Council of Trent. It is therefore also completely contrary to pure doctrine that when members of one congregation move to another, they want everything in the latter to be arranged in the same way as it was in their former, perhaps larger, congregation, even in matters of free indifferent things (*adiaphora*).

Thirdly, however, no individual congregation may rule over the faith and conscience of its own members by, for example, imposing its human regulations on their conscience as necessary in themselves. Of course, every congregation must make regulations; that is clear, for who else can do so but the congregation itself, where God has not prescribed the order in which something is to be done? And every individual member of the congregation must rightly submit to such rules for the sake of peace and love, provided that they are in no way contrary to the word of God. But as soon as these merely ecclesiastical rules are placed on the same level as God's commandments, and indeed, transgressions against the external order are rebuked more severely than sins against God's law, this is tyranny of conscience. Of course, a church must sometimes pass judgment in matters of doctrine and other matters of conscience; but if it demands that each of its members submit to its judgment without having proven its correctness from God's Word, or even without being able to prove it, then this is nothing other than a shameful tyranny of conscience.

A key proof text for this is 2 Timothy 4:3, where the apostle prophesies: "For the time will come when they will not endure sound doctrine, but according to their own desires, they will heap up for themselves teachers, having itching ears." The apostle thus indicates as an obvious sign of the apostasy of a congregation that it does not want to be bound by God's Word and therefore demands that its preacher preach to them "after their own desires," and therefore also wants to force some of its members to agree with its arbitrary decisions in matters of doctrine and other matters of conscience.

According to this, even the largest majority in the congregation cannot bind the conscience of the minority. It is, of course, customary throughout the world that, as a rule, the majority of a body is decisive for a decision. But even apart from the fact that in matters of faith and conscience, a congregational decision always requires the unanimity of the members, even in indifferent matters, that is, in matters that God's Word has not decided but left open, the majority may not demand obedience outright, but only for the sake of love, peace, and good order. If it does the opposite, this also falls under the concept of domination of conscience.

Exodus 23:2 belongs here: "You shall not follow the multitude to do evil." There is, of course, a great temptation to follow the large crowd, that is, the majority, even to do evil. But a decision by the majority, indeed by the whole world, against God's Word is null and void. The right of protest applies here, which the few Lutheran imperial estates once exercised in Speyer in 1529 against the majority of Catholic princes, and from which protest, as is well known, the entire Lutheran Church once received the name "Protestant Church."

Our confession states that no congregation may assume dominion over another, as stated in the Formula of Concord: "We also believe, teach, and confess that no church should condemn another because it has more or less external ceremonies not commanded by God than the other; if otherwise there is unity in doctrine and in all the same articles, as well as in the right use of the holy sacraments, according to the well-known saying: '*Dissonantia jejunii non dissolvit consonantiam fidei*', inequality in fasting should not divide unity in faith." ([FC Ep X 7](#))

Luther, however, testifies: "We know that in Christianity it is done that all churches are equal, and that there is no more than one united church of Christ in the world, as we pray: 'I believe in one holy Christian church. The reason is this: for wherever there is a church in the whole world, it has no other gospel or Holy Scripture, no other Baptism and Sacrament, no other faith and spirit,

no other Christ and God, no other Lord's Prayer and prayer, no other hope and eternal life than we have here in our churches in Wittenberg, and their bishops are equal to our bishops or pastors and preachers, none of them lord or servant of the other, they have the same mind and heart, and everything that belongs to the church is the same." (Against the Papacy in Rome, founded by the Devil. XVII, 1398 [[StL 17, 1115](#); [AE 41:358](#)])

Hülsemann finally writes on this subject: "Dependence on the jurisdiction of another (church) and the obligation to preserve unity in faith and doctrine with all other particular churches of Christ are different from each other. This (obligation) is divine law, 1 Cor. 12:24 ff.; that (dependence) is human law in the relationship of one congregation to another." (*Praelect. ad Breviar. c. 17. 8 2. p. 1217.*)

Every congregation is therefore bound according to God's Word to be one with other orthodox congregations in the doctrine revealed in God's Word; if it does not seek this unity, it is a false church. However, external connection with other congregations, for example through a synod, neither gives nor takes anything away from the congregation; it can be a true church even without it. Whether it acts in accordance with love when it persistently refuses to join an orthodox synod is, of course, another question.

Regarding the fact that a congregation has no right to rule over the conscience of its preacher,

Luther writes to a city council (probably in Arnstadt), which wanted to remove a righteous preacher *) [*] Probably Joachim Mörlin.] because of his punishment, Luther writes with great earnestness, among other things, as follows: "You are not masters over the pastors and the preaching office; you did not establish them, but God's Son alone; you have added nothing to them, and have much less right to them, neither the devil in the kingdom of heaven shall master them nor teach them, nor prevent them from punishing. For it is God's punishment, not man's, who wills it unopposed, but commanded it; wait for your office and let God be satisfied with his reign before he teaches you to do it. None of you can bear it when a stranger dismisses or drives away your servant, whom you cannot do without. Yes, there is no shepherd boy so lowly that he would suffer a harsh word from a stranger; but God's servant must be everyone's fool and suffer everything from everyone, while no one can or will suffer anything from him, not even God's own Word." (1543. X, 1900 [[StL 10, 1627](#)])

Of the rule of a congregation over its members

Joh. Gerhard writes: "The true church does not command people to do or refrain from doing certain things for the sake of its commandments, but only

for the sake of order and propriety, so that order may be maintained and offense avoided; therefore, as long as this is not violated, it leaves consciences free and neither imposes scruples on them nor imposes necessities on them." (*Confess. cathol. f.* 627.)

Therefore, one can certainly do no better service to a congregation that wants to force its members to observe its rules than to resolutely refuse to obey it.

If a congregation finds anything in its rules that contradicts the Word of God, it must not hesitate for a moment to revoke it.

Luther says about this: "The holy church sins and stumbles or errs, as the Lord's Prayer teaches; but it does not defend or excuse itself, but humbly asks for forgiveness and improves itself as best it can: thus it is forgiven, so that its sin is no longer counted as sin. If I am not to recognize or distinguish the true church from the false one by its obedience and stubborn disobedience, then I know nothing more to say about any church." (Letter concerning his book on the Winkelmesse. 1534. XIX, 1579 [[StL 19.1294](#)])

We find a passage in the Wittenberg reports stating that even the majority must not rule over the minority.

Melanchthon writes in a statement requested of him in 1556 by Maximilian II, later Emperor: "So it can often happen that the crowd of false teachers is much larger than the small group of true teachers; yet the small group of true teachers and their churches remain the true church of God and remain pure in understanding without sophistry. From all this it follows that one should judge not according to the majority, nor according to the authority of persons, pope or bishop, but according to God's Word. In worldly courts, it is thus that the high authorities and the majority have the power to make a declaration in doubtful matters, and the declaration is valid ex officio; but in matters of faith, it is not so. For the authority of the person and the majority does not have the power to establish a new or different god, as Nebuchadnezzar wanted to do. God's Word must be the judge; this is certain in itself and not uncertain, as the worldly wise pretend. But if it is said that if the higher authority and the sovereignty of the person do not apply, then everything becomes uncertain and there is no end to divisions, the answer is this: although this objection applies in worldly matters, it cannot apply in matters of faith. For it is public knowledge that no creature has the power to make a new or different God. And if one argues against this, saying that everyone can easily grasp their own particular understanding, this can be countered by saying that God-fearing and

intelligent people recognize what sophistry is." (*Consil. theol. Witebergensia*. Frankfurt a. M. 1664. fol. 75. sq.)

Even in our current doctrinal dispute, many think: "Who knows who is right? Holy Scripture is not so clear that every layman could decide. Where the majority turn, there must be the truth." — But the majority truly do not do so here. Every Christian must base his faith solely on Holy Scripture. When Arianism had once taken over almost all of Christendom, Emperor Constantius, who sided with the Arians, asked Bishop Liberius, who professed his allegiance to Athanasius: "What part of the world are you, that you alone side with the godless man Athanasius and disturb the peace of the whole world?" Liberius replied: "That I stand alone does not detract from the word of faith, for once there were only three who defied the royal command" (Shadrach, Meshach, and Abednego, Dan. 3:1-30).

From everything that has been said about this thesis, it is indisputable that only through the teaching of the Lutheran Church is all glory given to God alone. Neither preachers nor listeners may presume to exercise power that belongs to God. Preachers may not rule over the faith and conscience of their listeners, nor may the latter attempt to make servants of God their slaves or bind each other's consciences to commandments that God has not given. May God's grace preserve us in this as well!

Thesis V.

After the second and third theses have shown that the Lutheran Church does not give the whole Church or any representative of it the right and power to rule over the faith and conscience of Christians, the fourth thesis, which also denies this power to the individual congregation, is followed in the fifth thesis by the proof that the Lutheran Church does not give such power to any representative of the individual congregation either. It states:

Nor does any governing body of an individual congregation, whether it be called a council, elders, church council, presbytery, or the like.

1 Tim. 5:17, 4:14, 1 Cor. 12:28, Acts 21:18–22 (cf. Thesis III).

In 1 Tim. 5:17, we read the following: "The elders who rule well are to be considered worthy of double honor, especially those who labor in preaching and teaching."

From this passage, it is clear that in the early Christian church there were also presbyters or elders who did not labor in the word and doctrine, i.e., who did not hold the office of preaching. The older church teachers call them lay elders (πρεσβύτεροι του λαού, *seniores plebis*). We call them leaders. Grabau did not want to know about two kinds of presbyters or elders and therefore interpreted the words of the apostle as follows: The elders who preside, that is, the pastors, should be held in double honor, especially those who labor in word and doctrine with effort and diligence. It is obvious that this cannot be the opinion of the apostle. For do those who “preside” over the preaching ministry, but who apply neither diligence nor effort to it, “preside well”? Are such people also worthy of double honor? Far be it from that! Rather, the apostle distinguishes between the so-called lay elders and the teaching elders.

We do not find any account of the establishment of the lay presbyterate in the New Testament. And this silence is certain proof that it is not an office in the church specially instituted by God. But just as the office of deacon or alms-giver arose as a branch of the preaching office, so too was the lay elder office soon established and assigned certain duties whose performance was incumbent upon the preachers, but which, in addition to their preaching duties, was no longer possible for them to perform given the rapid growth of the congregations. For we read in

Acts 6:1-4: "In those days, when the number of disciples was increasing, the Greek-speaking believers complained against the Hebrew-speaking believers that their widows were being overlooked in the daily distribution of food. Then the Twelve called the multitude of disciples together and said, 'It is not right that we should neglect the word of God and serve tables. Therefore, brothers, select from among you seven men of good reputation, full of the Holy Spirit and wisdom, whom we may appoint to this task. But we will devote ourselves to prayer and to the ministry of the word.'"

From this we see that even the beloved apostles in the church at Jerusalem initially administered the office of caring for the poor or the office of almsgiving, which was connected with the office of preaching, but that when, due to the growth of the church, they could no longer administer the office of almsgiving without neglecting their main office, they asked the church to relieve them of the office of almsgiving and to entrust it to special persons, so that they might be all the more unhindered in performing the office of the Word. With the emergence of the office of lay elder or church leader, which had to do with matters of church government, order, and discipline, the situation may well have been very similar.

When 1 Cor. 12:28 distinguishes between apostles, teachers (i.e., pastors),

helpers (i.e., deacons or caretakers of the poor), and rulers (*χυβερνηταὶ*), the latter seem to have been those who are called “elders” in 1 Timothy 5:17, who did not work on the word and teaching.

The third place where they are mentioned in Scripture is 1 Tim. 4:14, where Paul admonishes his Timothy: “Do not neglect the gift that is given to you through prophecy with the laying on of hands by the elders,” according to the Greek: “by the presbytery,” that is, the assembly of leaders.

Let us hear what our faithful Lutheran teachers have to say about this.

Chemnitz says: “Because many duties belong to the office of the church, which, when the number of believers is very large, cannot all be performed by one or a few, it was decided, so that everything might be done in an orderly and edifying manner, when the congregation had grown large, to divide the duties of the ministry into certain ranks of church servants, which are called *τάξεις* or *τάξεις*. properly and edifyingly, when the congregation of the church had multiplied, to divide those duties of the ministry into certain ranks of church servants, which were subsequently called *τάξεις* or *τάγματα*, so that each one would have his own specific position in which he would serve the congregation through certain duties of the ministry (of the church office). In 1 Timothy 5:17, Paul mentions two types of presbyters, some of whom worked in the word and in teaching, while others were in charge of church discipline, which Tertullian also mentions. ... But it should be added that: 1) it is not a commandment of God what or how many such ranks or orders there should be; 2) in the time of the apostles, not all congregations had the same and the same number of ranks or orders. ... But those ranks of which we have spoken so far were nothing above and beyond the office of the Word and the sacraments; rather, the true duties of the ministry (the church office) itself were divided into those ranks.” (*Examen Concil. Trid. Ed. Genev f. 574. sq.*)

Joh. Gerhard: “In the apostolic and original church, there were two types of presbyters, which are called seniors in Latin, as can be concluded from 1 Tim. 5:17. For some administered the teaching office, or, as the apostle says there, worked in the word and in teaching, who were called bishops, pastors, etc.; others, however, were only appointed for moral censorship and the maintenance of church discipline, since the still pagan authorities did not support the teachers in the church in this matter.”

This last sentence reflects the view of the state church of later theologians on church government. The reason why church leaders were needed in addition to preachers was probably not because

the authorities did not yet take care of matters of church discipline, but because the congregations were becoming more populous.

Gerhard continues: "These (who were appointed to church discipline) were called rulers and leaders, as can be concluded from 1 Cor. 12:28 and Rom. 12:8. Ambrosius writes at the beginning of 1 Tim. 5: "The synagogue (the Jewish church) and later the (Christian) church also had senior members, without whose advice nothing was done in the church, and I do not know through what negligence this has been lost, whether through the sloth or rather the pride of the teachers, in that they alone want to be considered important." Both types were collectively called overseers, 1 Tim. 5:17, and superiors, Acts 15:22, Heb. 13:7, 17:24. Both together formed that holy college which Paul calls the presbytery, 1 Tim. 4:14: "Do not neglect the gift that is given to you through prophecy with the laying on of hands by the elders" (of the presbytery). (*Loc. de ministerio* § 232.)

We thank God that we have this institution of the apostolic church, or at least one similar to it, in our congregations again. We say: at least an institution similar to the apostolic one, because our leaders are not entrusted with as many official duties as those elders seem to have had. The latter had to devote all their time to their office and were therefore supported by the congregations, while our leaders, as is well known, have a narrower sphere of office in our significantly smaller congregations and retain their earthly professions alongside it.

Now the question is: How can such a presbytery also exercise tyranny of conscience? We see this most clearly among the Presbyterians. Among them, the presbytery rules the congregation so completely that everything they decree is law for the congregation. They elect the preacher, appoint him, dismiss him; they admit members to the congregation and exclude them; they make rules, change, increase, and diminish ceremonies, etc. It is true that they separated from the Episcopalians because of their episcopal constitution; but in their case the presbytery is no better than the bishop in the case of the latter. The Presbyterians cite 1 Peter 2:13 to justify their human rule: "Be subject to every human institution for the Lord's sake." But this does not refer to church institutions at all, but to secular authorities. Moreover, the Greek word which Luther translated as "order" actually means creature or something that God orders. But it is called "human order" because it has been ordained by God among men. Therefore, we say not only of the authorities, but also of marriage, that it is "God's creature and order."

The story in Acts 21:18–22 teaches us that the presbytery or church senate (or whatever the

representative body of the individual congregation may be called) has no power to rule over the congregation. Paul comes to Jerusalem to James and the elders to discuss matters with them. But since a rumor had spread in the congregation in Jerusalem that Paul was teaching all Jews among the Gentiles to completely renounce Moses, the apostles and elders did not consider it sufficient that Paul had justified himself before them, but they considered it necessary that this also be done before the whole congregation. James therefore says, "What then? However, the crowd must come together, for it will be brought before them that you have come." It was therefore apostolic practice that not the presbytery stood above the congregation, but the congregation above the presbytery. Hence our church also confesses in the first appendix to the Schmalkaldic Articles: "Christ gives the highest and final judgment of the churches, since he says (Matthew 18:17), 'Tell it to the churches.

Thesis VI.

But can't the preacher, who is a servant of Christ, rule over Christians in God's stead? The sixth thesis answers this question:

No preacher can —

and gives four reasons for this.

A. He is not a lord, but a servant of the congregation.

This thesis certainly contains much that is humiliating for preachers. But that is precisely why this teaching is so important, because it humbles us; for anyone who is proud and ambitious is not fit to be a preacher. Honor is one of the three idols that the world worships. A preacher who has not yet been converted from worldly service will, even if he is not exactly a false teacher, generally destroy more than he builds. Nor should he think that because he is more educated and knowledgeable than the majority of the congregation, it is shameful for him to be called a servant of the church or congregation. For what is the church? It is the assembly of believers and saints, to whom God himself has appointed angels as servants! (Heb. 1:14.) Whenever one speaks of the congregation, one actually means only the true Christians who are found in the mixed crowd of the visible congregation (Rom. 2:28, 29). The preacher is not actually the servant of the hypocrites.

Admittedly, even the righteous preacher still has the flesh in him, which finds serving bitter, while would much rather be praised and preferred and rule.

But he will immediately fight down such carnal desires when they stir in him. In the example of the Chief Shepherd, Jesus Christ, he has a powerful motive for doing so. He, the King of kings, did not come to rule, but to serve. After forbidding his disciples to rule and exercise power, he adds: "For even the Son of Man did not come to be served, but to serve and to give his life as a ransom for many." Mark 10:45. What are we compared to Him! We should therefore not consider it a disgrace, but rather the highest honor, the most glorious office, to be allowed to be true servants of Christ. And even if some want to despise preachers for this reason, a faithful preacher will always have among his congregation those who love him all the more for his service. (1 Thess. 5:12) This is part of the cross that God sends to preachers for their salvation.

The first of the relevant passages is 1 Cor. 3:5. The apostle had rebuked the Corinthians for clinging to men in carnal zeal, some to Peter, some to Paul, and others to Apollos. Then Paul exclaims: "Who is Paul? Who is Apollos? They are servants through whom you have become believers, as the Lord has given to each one." When Paul speaks of himself and his fellow apostles in this way, what folly it is for us to be indignant about this name! It is true that the office of a preacher is the highest and most exalted of all offices on earth; but nevertheless, it is just an office, that is, as the Greek text of the New Testament says, only a *diakonia*, a service.

In 2 Corinthians 1:24, Paul says: "Not that we lord it over your faith, but we work together for your joy."

If we, the apostle wants to say, made ourselves lords over your faith, we would become helpers of your servile fear. And that should not be a preacher, but a helper of the joy that flows from the Gospel. The apostle does not mean to deny that a preacher can demand faith for what he presents to his listeners from the Holy Scriptures; rather, what he rejects is that a preacher demands that something be believed and held to be right or wrong because he says, commands, or forbids it.

In 1 Peter 5:3, the apostle adds these words to his exhortation, "Shepherd the flock of Christ": "Not as lording it over those entrusted to you, but being examples to the flock." With this contrast, the apostle means to say: By imperiously demanding obedience (to your human laws) in order to lead the flock to Christ and keep them with him, you will scatter the flock rather than feed it. Rather, go forth

as true lights in the Lord; then your office will surely be accompanied by rich blessings.

This was also the practice of the apostolic church. Paul through the church at Colossae exhorts the bishop Archippus to be faithful in his office. (Col. 4:17) John rebukes Bishop Diotrephes for wanting to "be held in high esteem," for striving for dominion, for primacy in the church (*φιλοπρωτεῶν*), and therefore, among other things, for arbitrarily imposing excommunication. (3 John 9:10)

This is also what our church teaches. Through the Lutheran Reformation, we were not saved from the papacy in order to establish another form of rule, namely a new Lutheran priestly rule, but in order to enjoy freedom from all human rule over our conscience.

Thus, the Smalcald Articles state: "In 1 Corinthians 3:6, Paul makes all church ministers equal and teaches that the Church is above the ministers (*ecclesiam esse supra ministros*).... For he says, 'All things are yours, whether Paul, or Apollos, or Cephas,' that is, neither Peter nor any other minister of the Word may attribute to them any power or authority over the Church." (Treatise on the Power and Primacy of the Pope. [Tr 11](#))

Luther: "Therefore, the bishop's consecration is nothing other than when he takes one from the crowd, who all have equal power, and commands him to exercise the same power for the others; just as when ten brothers, the king's children, equal heirs, choose one to rule the inheritance for them; they would all be kings and have equal power, and yet one would be commanded to rule." (To the Christian Nobility of the German Nation. 1530. X, 303 [[StL 10, 271](#); [AE 44:128](#)])

Here we have, in a nutshell, Luther's teaching on the ministry. According to Luther's teaching, which is well founded in God's Word, as soon as a person becomes a believing Christian, he also becomes a spiritual priest who is to bring the light that has dawned on him to others. (1 Pet. 2:9.) At the same time, however, God has established the order that not every Christian, but only certain persons duly called and appointed by the church, should administer the ministry of the Word and the holy sacraments in public. Far from such persons becoming a special kind of priest through their calling and appointment, with rights and powers greater than those of the community of believers who called them, the difference lies rather in the fact that, among the spiritual priests to whom all believers belong, they have the office that is, among the spiritual priests, they are the serving ones. In the Old Testament, there was a special priestly tribe alongside the other tribes, and only those who belonged to that

special priestly tribe had the power to offer sacrifices and perform other priestly duties. Even if a king wanted to offer sacrifices, these were not valid unless he belonged to the special priestly tribe. However, this difference has now ceased to exist in the New Testament Church, because the special priestly tribe of the Old Testament was a model for the entire Christian Church, which is why Peter calls out to them: “You are a royal priesthood.” (1 Pet. 2:9) However, just as in the Old Testament not every priest offered sacrifices, burned incense, and performed similar duties every day, but there was a specific order according to which first one and then another administered the office (as, for example, according to Luke 1:8-9, the priest Zacharias, John the Baptist's father), so now in the New Testament, not all spiritual priests, that is, not all believing Christians, but only those who are called and appointed to do so according to God's order, namely pastors, ministers (*Pfarrer*), preachers, etc., should publicly administer the priestly office, which all believing Christians have. In short, Christians who are not called to public office are indeed priests, but therefore not pastors, etc.; conversely, Christians who are duly called to this office are indeed pastors, etc., but not new priests, but, as already stated, only among the priests who serve in public office.

As proof that this is indeed Luther's teaching, we will highlight only the following from the almost countless similar testimonies found in Luther's writings.

Luther: “None of us is born an apostle, preacher, teacher, or pastor in Baptism, but we are all born mere priests and clerics; thereafter, such born clerics are called or chosen to such offices, which are to be performed on behalf of us all” (that is, in our place). (Writing Against the Private Mass 1533. XIX, 1536 [[StL 19, 1260](#); [AE 38:188](#)])

The same: “What if they were forced to admit that all of us who are baptized are likewise priests? As we truly are, and command them to preach alone, but with our consent, then they would also know at the same time that they have no right or power to command us, except as much as we ourselves allow them of our own free will. It is written in 1 Peter 2:9: “You are a chosen generation, a royal priesthood,” etc. Therefore, we are priests insofar as we are Christians. But those whom we call priests are servants chosen by us, who are to do everything in our name; and the priesthood is nothing other than a service.” (The Babylonian Captivity of the Church, 1520. XIX, 134 f. [[StL 19, 113](#)])

That this teaching does not abolish true obedience to preachers, contrary to Hebrews 13:17, but only false obedience, is beautifully attested to in the following words

of Martin Chemnitz: "Does the ecclesiastical ministry deserve no reverence or authority at all? Yes, of course! But not in such a way that they have dominion **in** the church, whether pure or mixed, but that they have a ministry. Therefore, when they bring the teaching, the voice, and the word of God, we obey not men, but God Himself. But when they present something to our consciences **other than** the Word of God, **beyond** it or **contrary** to it, then baptism reminds us both of our obligation to obey the word of God and of our freedom from the commandments, doctrines, and statutes of men." (*Examen. Conc. Trid. Ed. Genev. f. 239.*)

Let us now listen to a classic passage from our Confessions, which clearly testifies that only the Church, and indeed the whole Church, i.e., all believing Christians, possess the keys directly or originally. The

Smalcald Articles say: "It must always be confessed that the keys do not belong to one man alone, but to the whole Church, and are given to it, as can be sufficiently proven with clear and certain arguments. For just as the promise of the Gospel belongs certainly and without mediation (*immediate*) to the whole Church, so the keys belong without mediation to the whole Church, since the keys are nothing other than the office through which such a promise is communicated to everyone who desires it, as is evident in the work that the Church has the power to ordain ministers. And Christ says in these words: "Whatever you bind, etc.," and indicates to whom he has given the keys, namely to the Church: "Where two or three are gathered in my name, etc." Item, Christ gives the highest and final judgment to the Church, when he says: "Tell the Church." (First Appendix. On the Power and Authority of the Pope. [Tr 24](#))

With regard to the remaining parts of the sixth thesis, the synod was forced by lack of time to limit its discussion to the most essential points.

B. The preacher must have his doctrine examined and judged by the congregation.

This is the second reason why no preacher has the right or power to rule over the faith and conscience of Christians.

If, as we have already heard, the preacher is not a lord but a servant of his congregation, then it follows that the congregation also has the right to examine and judge the doctrine and life of its pastor. But we also have explicit words from God on this subject.

1 Thess. 5:21 says, “Test everything; hold fast to what is good.” Just before this, Paul had written, “Do not despise prophecies” (that is, the gift of interpreting Scripture). With this, the apostle warned against despising the ministry. But in order to dispel the misunderstanding that the preacher has power over the faith of his listeners because of his office, the apostle immediately adds the exhortation that the listeners should test the prophecy or sermon of their preacher. Nowadays, the phrase “test everything” is often misunderstood or rather misused to mean that one must read all books, even those written against pure doctrine; it is therefore even the duty of a preacher to urge his listeners to acquire and study all counter-writings that have been published against his doctrine. But the apostle does not say, Read everything, but rather, “Examine everything!” Although we are therefore far from prohibiting anyone from reading the writings of our opponents, we do not say, “Read them, for you must examine everything!” But if one says, “The apostle says, ‘Examine everything!’ so one must read everything in order to be able to examine everything,” that is just as foolish as if one wanted to interpret the apostle's words, “Everything that is sold in the meat market, eat,” to mean that one must eat all meat sold in the market, whereas the apostle only means to say that one can eat with a clear conscience whatever can be bought in the meat market. Thus, the apostle means to say in 1 Thess. 5:21: Test everything you read or hear. However, the apostle does not say here what one should read and hear. But we know from other passages of Scripture that one should not read bad or suspicious books or listen to such preachers, unless one has a special calling to do so (Acts 19:19, Matthew 7:15).

In 1 Corinthians 10:15, even the enlightened apostle of the Lord exhorts the Corinthians: “Judge what I say!” And the Christians in Berea are not rebuked, but highly praised for “searching the Scriptures daily to see whether these things were so” when Paul preached to them. (Acts 17:10-11.) What is also wonderful in the story of the Samaritan woman is that the inhabitants of the city of Sychar first believed because of the woman's words, because she had proven what she said with good reasons, but afterwards, when Christ himself preached to them, they “believed more because of his word.” (John 4:39-42.)

An example of preachers who sought to dominate the faith of their listeners by denying them the ability to examine it for themselves can be found in the Pharisees, who responded to the confession of their servants with the question: “Does any of the rulers or Pharisees believe in him? But this crowd that knows nothing of the law is accursed.” (John 7:48, 49)

Finally, all the passages in which God's Word warns us against

false prophets show that a Christian must examine the teachings of his preacher and that on the last day, if he stands on the left side, having been led astray by false teachings, he cannot excuse himself by saying that he was misled by his preacher. Christ will then answer him: Did you not have my word? Why did you not examine the teaching of your preacher? Did I not also call out to you: "Beware of false prophets, who come to you in sheep's clothing, but inwardly are ravenous wolves" (Matthew 7:15)? Did not my faithful servants also admonish you: "Beloved, do not believe every spirit, but test the spirits to see whether they are from God" (1 John 4:1)? "I urge you to watch out for those who cause divisions and create obstacles contrary to the teaching you have learned. Avoid them. For such people do not serve the Lord Jesus Christ, but their own belly, and by smooth talk and flattery they deceive the hearts of the innocent" (Rom. 16:17-18).

The present Romanizing Lutherans now admit that "the church" has the power to examine doctrine, but they deny this right to individual Christians. However, the passages cited clearly apply to all Christians without exception, not only to teachers but also to their listeners; it is precisely the latter who are required to guard against blindly accepting what is presented to them, but rather to examine all doctrine.

Our church confesses this in the following passage from the

Treatise on the Power and Primacy of the Pope: "*Quest.* 3. The canon says: 'No one shall judge the highest seat; for neither the emperor nor the priests, neither the king nor the people, judge the judge.' Thus, the pope acts like a tyrant on both sides: (1) he defends such errors with violence and fury, and (2) he will not tolerate any judges. And this latter action does more harm than all his fury; for as soon as the church is deprived of its right judgment and knowledge (judicial office), it is impossible to control false doctrine and unrighteous worship, and therefore many souls must be lost." ... Just as Christians are obliged to punish all other errors of the pope, so they are also obliged to punish the pope himself if he flees or resists the right judgment and true knowledge of the church." (On the Power and Primacy of the Pope. [[Tr 50-51](#), [56](#)])

Grabau once spoke in a manner very similar to that of the Antichrist. He wrote in his so-called "Pastoral Letter": "Beware of this presumption and therefore leave the judgment of doctrine to those who are entitled to it according to Article 28 of the Augsburg Confession. Your teachers are not teachers of a false church, nor are they

teachers of a zeitgeist movement, but teachers of the true church, as is well known. You can therefore expect from them a righteous understanding of church doctrine, and indeed a deeper understanding than you can have, since they have learned to believe, to teach, and to keep you in the true faith, but you have learned to believe, to be kept in the true faith, and to be sanctified. Heb. 13:17-18: "Obey your teachers and follow them" (*Hirtenbrief*, etc., p. 18 ff.). This is quite appalling. All true faith ceases when one must presuppose pure doctrine in a preacher because he is a servant of the true church! Where would the Lutheran Church in America have ended up if this principle had gained general acceptance there? It would have perished. For according to Lutheran doctrine, it is rather by teaching pure doctrine that a preacher must first prove that he is a servant of the true church, and not by being a servant of the true church that he must prove that he teaches pure doctrine. Luther writes about how necessary it is for teachers to examine their listeners.

Luther writes: "Human words and teachings have decreed and ordained that only bishops, scholars, and councils should judge doctrine; whatever they decide, the whole world should consider right and articles of faith; as is sufficiently proven by their daily boasting about the pope's spiritual right. For one hears almost nothing from them but such praise that they have the power and right to judge what is Christian or heretical, and that the common Christian should wait for their judgment and abide by it. Behold, this praise, with which they have driven the whole world, and which is their highest refuge and defiance, how insolently and foolishly it storms against God's law and word! For Christ immediately sets up the opposite, taking away from the bishops, scholars, and councils both the right and the power to judge doctrine, and giving it to everyone and to all Christians in general, when he says in John 10:4: "My sheep know my voice." Item, v. 5: "My sheep do not follow strangers, but flee from them, for they do not know the voice of strangers." Item, v. 8: "Many are coming who are thieves and murderers, but the sheep do not listen to them." Here you see clearly whose right it is to judge doctrine: bishops, the pope, scholars, and everyone has the power to teach, but the sheep shall judge whether they teach the voice of Christ or the voice of strangers. Dear friend, what may the water bubbles that are scratching around say in opposition: Concilia! Concilia!? Well, one must listen to the scholars, the bishops, the crowd; one must observe the old customs and habits!? Do you think that God's word should give way to your old customs, habits, bishops? Never! Therefore, let the bishops and councils conclude and decide what they want; but where we have God's word before us, it shall stand with us

and not with them, whether it be right or wrong, and they shall yield to us and obey our word." (Reason and cause from Scripture that a Christian assembly or congregation has the right and power to judge all teaching and to appoint and dismiss teachers. 1523. X, 1797-1800 [[StL 10. 1540 ff.](#); [AE 39:306f.](#)])

Furthermore,

Luther writes: "So now the papists also say that they believe what the church believes; and as it is said of the Poles that they should say: I believe what my king believes. Why not? How could there be a better faith than this, which requires less effort and worry? So they say that a doctor once asked a charcoal burner on the bridge in Prague, out of pity for a poor layman: Dear man, what do you believe? The charcoal burner replied: What the church believes. The doctor: What does the church believe? The charcoal burner: What I believe. After that, when the doctor was about to die, he was so severely challenged in his faith by the devil that he could not stay anywhere or find peace until he said: I believe what the charcoal burner believes. It is also said of the great Thomas Aquinas that at the end of his life he could not stay with the devil until he said: I believe what is written in this book, and he held the Bible in his arms. But God grant us not much of such faith. For if they had believed nothing else but this, both the doctor and the charcoal burner believed themselves into the abyss of hell." (Warning letter to the people of Frankfurt, from the year 1533. XVII, 2442. f.)

Luther and our entire Lutheran Church therefore want nothing to do with mere *bona fide* belief or blind Köhler belief in the teachings of the Church that is not based on one's own knowledge and examination.

C. The preacher must not command anything that Christ has not commanded.

Proof from God's Word: Matthew 20:25-28. (Compare above in Thesis III.) 2 Corinthians 8:8: "I do not say that I command anything." How anxious the great apostle is here not to command anything that God has not already commanded! For although he had exhorted people to do a work that was undoubtedly pleasing to God, namely to support the poor Christians in Palestine, he nevertheless added these words, because God's Word exhorts us only to charity in general, but does not specify the place to which our gifts should be directed: "I am not saying that I command anything," so that no one would think that an apostle, or he, Paul, claimed the power to command what the Lord had not already commanded.

2 Cor. 4:5: "We do not preach ourselves, but Jesus Christ as Lord, and ourselves as your servants for Jesus' sake." A

preacher should therefore preach not himself, but Christ alone. But when does that happen? When he, as Christ's ambassador (2 Cor. 5:20), not only delivers his message, but also commands in his sermons or otherwise in his administration of office what Christ has not commanded, thus behaving as if he were not a servant but a lord in the church. Preachers do have a certain power, but only insofar as they speak Christ's word. And in this sense Christ says in Luke 10:16: "He who hears you hears me, and he who despises you despises me."

This and the two other passages to be compared here, Hebrews 13:17 and Matthew 23:2-3, which are not only shamefully twisted and misused by the Papists, but are also often misinterpreted by Romanizing Lutherans and used to whitewash their priestly rule, are interpreted by the

Apology as follows: "It is also certain that this word of the Lord Christ, Luke 10:16: 'He who hears you hears me,' does not speak of human statutes, but is directly against them; for the apostles did not receive a *mandatum cum libera*, that is, a completely free, unlimited command, namely, to preach not their own word, but God's word and the gospel. And the Lord Christ wants to strengthen the whole world with the words, 'He who hears you hears me,' just as it was necessary for us to be quite certain that the physical word of God was powerful and that no one should seek or wait for another word from heaven. Therefore, this word, "He who hears you hears me," cannot be understood in terms of statutes. For Christ wants them to teach that through their mouths Christ himself is heard. So they must not preach their own word, but his word, his voice, and his gospel, that Christ may be heard... They also cite this saying to the Hebrews in 13:17: "Obey those who lead you," etc. This passage demands that one should be obedient to the Gospel, for it does not give the bishops their own dominion or authority outside of the Gospel. ... We respond in the same way to the passage in Matthew 23:3: "The scribes sit on Moses' seat, etc. Now whatever they tell you to observe, observe and do." It is certain that this does not command *universaliter*, in general, that we should observe everything they command, even against God's command and word; for in another place Scripture says: "One must obey God rather than men." Therefore, if they teach unchristian and unbiblical things, one should not listen to them. Thus, this saying does not establish any rule outside of the Gospel; therefore, they cannot prove their authority, which they have established outside of the Gospel, through the Gospel; for the Gospel

does not speak of statutes, but of teaching God's Word." ([Ap XXVIII 1-21](#))

Luther therefore testifies: "We have **one** Lord, who is Christ, who rules our souls. The bishops should do nothing but shepherd. Now St. Peter has overturned and condemned with one word all the rule that the pope now exercises, and clearly concludes (1 Pet. 5:3) that they have no power to command a word, but that they alone shall be servants, saying, This your Lord Christ says, **therefore** you shall do this." (IX, 821 [AE 30:137])

The same: "Therefore I say that neither the pope, nor the bishop, nor any man has the power to lay a single syllable upon a Christian, unless it be with his will, and whatever else happens is done out of a tyrannical spirit." (XIX, 83 [[StL 19, 68](#); AE 36:70])

Grabau, on the other hand, says in his pastoral letter: "They (the Missouriians) erroneously deny that the congregation owes obedience to its pastor in all things that are not contrary to God's Word; for it remains indebted to him according to Hebrews 13:17; but whether it can perform and carry out his will in every single case, e.g., a necessary school building, is another matter." (*Hirtenbrief*, etc., p. 55) According to Grabau, however, the congregation remains obligated to obey in all cases, for Hebrews 13:17 says, "Obey your teachers!" and since it does not say in which things one must obey, it follows that obedience to the preachers is commanded in all things!

Only the papists themselves have gone further. Grabau added, at least in words, "In all things that are not contrary to God's Word." But listen and be horrified by the antichristian blasphemy that we find in

Canonical Law, where it says, among other things, as follows: "If the Pope, oblivious to his own and his brothers' salvation, is found to be negligent, useless, and sluggish in his works, and moreover leads countless people unnoticed away from goodness (which, although more to his own detriment, but nevertheless harms everyone), as the first child of hell, who will suffer great torment with him for all eternity: in such a case, no one among mortals may presume to reproach him for his sins, because he who is to judge all may not be judged by anyone." (*C. Si papa, Dist. 40.*) To this is added the

Constitution of the Jesuits, in which, among other things, the following is to be read: "No constitutions, declarations, or any order can entail the obligation to commit a mortal sin or venial sin, **unless the superior commands it in the name of our Lord Jesus Christ or by virtue of obedience.**"

(*Institutum. Tom. I. fol. 415. Prague Edition.*) In the register, this passage is indicated with the following words: “Superiors can make it obligatory to sin by virtue of obedience, if this brings many benefits.” (See register under the title: *Obedientia*.)

Similarly, the Jesuit Bellarmin says in one of his private writings: “The Catholic faith teaches that all virtue is good and all vice is evil; but if the Pope erred in commanding vice or forbidding virtue, the Church would be obliged to believe that vice is good and virtue is evil, if it did not want to sin against its conscience.” (*De Rom. Pontif. l. 4. c. 5.*)

It is clear that Luther had the highest reason to publicly burn the papal bull of excommunication together with papal canon law, in accordance with Isaiah 7:25, with the words: “Because you have grieved the Holy One of God, may eternal fire grieve and consume you!” (See Luther's Works by [Walch¹ XXIV. 452](#)) But as far as the constitution of the Jesuit Order is concerned, there is no question that if the devil himself wanted to found an order from hell, this evil spirit rising above God could not give his order a worse constitution than that of the Jesuits, these satellites of the Antichrist.

D. A preacher has no power to determine or act arbitrarily on matters that concern the entire congregation.

Every preacher has his specific circle of rights, which must be granted to him so that he can perform the office entrusted to him by God through the congregation. However, there is much else to be done in a congregation that does not belong exclusively to the rights of the preacher, but to the entire congregation, which is why this is usually referred to as collegial rights. These include, above all, the power of excommunication or exclusion from the congregation, according to Matthew 18:17 and 1 Corinthians 5:1-5, 13, as well as the power to admit and readmit those who have been excluded from the congregation (2 Corinthians 2:6-10) and that of ecclesiastical matters.

As regards excommunication or expulsion, the Apostle (1 Corinthians 5) rebukes not so much the bishop as the entire congregation of Corinth for not taking action against the adulterer; and even he, the apostle, does not himself impose excommunication on this obvious and unrepentant sinner, but, as he says, “in spirit present,” only gives his voice in favor of the same being excluded from the congregation “in the name of our Lord Jesus Christ, in your assembly.” Therefore, in verse 13, he also admonishes the congregation: “Put away from among yourselves the wicked person.” And

he writes similarly when he exhorts the congregation to take the same man back after he has repented, namely that the congregation, just as it had previously “punished” him, should now “forgive and comfort him all the more,” that is, publicly absolve and accept him back, adding at the same time: “Whomsoever ye forgive, I forgive.” A preacher therefore has neither the right to impose excommunication nor to release anyone from it without the congregation. If he does so, he exercises control over people's consciences, for considering a person to be excommunicated is a matter of conscience. (Only in one case must an exception be made here with regard to the lifting of excommunication. Namely, if an excommunicated person repents on his deathbed, and the congregation would have exempted him if it had been possible, then the preacher can and should absolve him even without a prior decision by the congregation, provided that he must subsequently give an account of this to his congregation.) This includes the fact that the Apostle John, as already mentioned above (under Thesis VI. A.), rebukes Bishop Diotrephes for arbitrarily expelling members of his congregation. (3 John 10)

This teaching is also found in our confession. For example, we read in the

Treatise: “It is certain that all pastors should have the common *judisdictio* (jurisdiction) to banish those who are guilty of public vices, and that the bishops have tyrannically drawn this power to themselves and shamefully abused it for their own enjoyment. For the officials have committed intolerable acts of malice with it and have tormented the people either out of greed or other malice and excommunicated them without any prior legal inquiry (*sine ullo ordine judiciorum*). ... Because such an accusation is very serious and grave, no one should be condemned in this case without legal and proper judgment (*sine ordine judiciali*). Because the bishops have usurped such jurisdiction as tyrants and shamefully abused it, there are otherwise good reasons not to obey them, it is right that this usurped jurisdiction should be taken away from them and given to the parish priests, to whom it belongs by Christ's command, and that it should be used properly (*legitimately*) for the betterment of people's lives and the increase of God's glory.” (Second Appendix. On the Power and Jurisdiction of Bishops. [Tr 74-76, emphasis Walther's]) Here it is testified that the right of excommunication, which the papal bishops have usurped, must be taken away from them and restored to the parish priests; however, this does not in any way take away the power of excommunication from those bishops, but rather gives it to the parish priests. The contrast at issue here is not so much between bishops and preachers, but rather this: because the bishops, who are absent from the congregations, have not only been unable to use excommunication properly, but

have also shamefully abused it, either out of greed or wanton malice, "without any prior knowledge," that is, without any prior judicial investigation in the parish concerned, nor on the basis of a judicial judgment passed by the same on the sinner according to God's Word, through their officiates (their representatives in court matters), then the execution of excommunication must be handed back to the parish priests and transferred back to the parishes, so that it may be practiced "properly," namely as just stated, by the entire congregation. Therefore,

Luther also says: "You hear here (Matthew 18) that there must be certain public sins, of certain known persons, where one brother sees another sinning, and such sins that have been punished fraternally beforehand and finally convicted publicly before the congregation, therefore the bulls and letters of excommunication, in which it is written: *Excommunicamus ipso facto, lata sententia, trina tamen monitione praemissa. Item, de plenitudine potestatis*. In German, this means an execrable ban; I call it the devil's ban and not God's ban, since people are banned for wicked deeds before they are publicly convicted before the congregation, contrary to Christ's order. Likewise, all excommunications are used by the officials and ecclesiastical courts to deceive, since they excommunicate people 10, 20, 30 miles away, banish people with a piece of paper before a community, even though they have never been punished, accused, or convicted in that community and before the parish priest, but come from a bat, from an official's corner, without witnesses and without God's command. You must not fear such bullshit excommunications. If a bishop or official wants to excommunicate someone, let him go or send him to the parish and before the parish priest, where the same is to be excommunicated, and do to him as is right, according to these words of Christ. And I say all this because: For the congregation that is to keep such a person excommunicated should know and be certain how he deserves excommunication and how he came to it, as Christ's text gives here; otherwise it might be deceived and accept a false excommunication and thereby do wrong to its neighbor. That would be blasphemy against the keys and a desecration of God and a violation of love for one's neighbor, which a Christian community cannot tolerate, for it also belongs to it when someone is to be excommunicated, says Christ here, and it is not guilty of believing the official's note or the bishop's letter; indeed, it is guilty of not believing here, for one should not believe men in matters of God. Thus, a Christian community is not the official's servant, nor the bishop's executioner, that he may say to it: there is Greta, there is Hans, keep this one or that one in excommunication. Oh yes, you are welcome, dear official. In worldly authority, such a thing might have some meaning, but here, since it concerns the

souls, the congregation should also be with the judge and his wife. St. Paul was an apostle, yet he did not want to excommunicate the man who had taken his stepmother; he wanted the congregation to be there too. 1 Cor. 5:1, 5." (Writing on the Keys. 1530. XIX, 1181. F. [[StL 19. 950](#); [AE 40:370 ff.](#)]) A preacher must therefore not instruct his congregation to excommunicate a man as soon as he says that he belongs in excommunication. This is what Grabau did. He also gathered the congregation and presented the case to them, but woe betide anyone who would have protested against his pastoral decision! However, the congregation should not only be present, but, as Luther expressly says, "also with judge and wife," i.e., *domina* = mistress of the house; the pastor only has to carry out the excommunication publicly in the name of the congregation. That this remained the teaching of our church even at the time of the worst state church violence against the congregations is attested to, among other things, by the following words of

V. E. Löscher: "In our church, no one has ever said that excommunication and discipline are the sole prerogative of the clergy, but that they are commanded by Christ to the church; the church recognizes and decrees, and Christ's servants, as the mouthpiece of the church, announce this to sinners and, according to Christ's order, have the exercise or execution of the binding key." (Unschuld. Nachrr. Year 1724. p. 476.) Therefore, the answer to the question, "What is the office of the keys?" in our

Small Catechism: "The office of the keys is the special power of the church, which Christ has given to his church on earth, to forgive the sins of repentant sinners, but to retain the sins of the unrepentant as long as they do not repent."

Finally, as regards the power concerning ecclesiastical matters, it follows from the fact that the preacher is not a lord but a servant of the congregation and that he cannot command anything that Christ has not commanded, that the preacher cannot have authority over ecclesiastical matters of means, but that this authority rather belongs to the collegial rights of the entire congregation (both the listeners and the teachers). We find proof of this in God's Word, Acts 6:1 ff. For here we are told: When the holy apostles came to the conclusion that the establishment of an office of almsgiving was necessary for the prosperity of the congregation, they did not simply establish this order on their own authority, but presented the matter to the congregation and advised it to establish this office, and only offered, once this had been done, to "appoint" those chosen by the church for "this necessity." From this we can also see how it is to be understood when, for example, the apostle writes to the Corinthians: "The other things I will

arrange when I come" (1 Cor. 11:34), or when the same apostle writes to Titus: "For this reason I left you in Crete, that you should set in order the things left unfinished and appoint elders in every city." (Titus 1:5). The involvement of the apostle and Titus in these matters apparently consisted only in advising and instructing the congregations and carrying out what they decided.

Admittedly, the Augsburg Confession states "that bishops or pastors may establish order," [XXVIII 53] which is what Romanizing Lutherans usually refer to; but by this the Augsburg Confession only means that we Lutherans did not want to forcibly wrest this power, which the bishops had at that time by human right, from them, provided they used it rightly and, of course, established all orders with the consent of the congregations. For when the Augsburg Confession speaks of the power that bishops or pastors have by divine right, it omits the power to establish order. For we read in the

Augsburg Confession: "Therefore, the episcopal office according to divine rights is to preach the Gospel, forgive sins, judge doctrine, and reject doctrine contrary to the Gospel, and to exclude the ungodly, whose ungodly nature is evident, from the Christian communion, without human authority, but solely through God's Word. And in this case, the clergy and churches are obliged to obey the bishops. ... But the fact that the bishops otherwise have power and judicial authority (jurisdiction) in certain matters, namely marriage matters or tithes, they have by virtue of human rights." (AC XXVIII 21-22, 29) Therefore,

Joh. Benedikt Carpzov adds the following to the words of the Augsburg Confession in his introduction to the symbolic books of our church: "The bishops or pastors may establish order," etc. (Art. 28): "It should be noted that when the Augsburg Confession grants bishops the right to regulate ceremonies at this point, this should be done: 1. in accordance with the nature of that time, when this was also granted to them by human law, as mentioned in the section beginning with the words: 'But that the bishops otherwise' (in addition to what is also due to them by divine right) 'have power and judicial authority,' etc., had mentioned; 2. that thereby nothing is taken away from the rights of the whole church, as the Augsburg Confession indicates quite clearly." Earlier, Carpzov had already added to those words of the Augsburg Confession: "All this, however, does not exclude the consent of the church, but rather includes it, so that

here the bishops always have the agreement of the church with them, and such orders may not be made without the consent or against the will of the church." (*Isagog. in libb. symbol.* p. 750. 745.)

Johann Gerhard therefore rightly writes: "Some count among the powers of the preaching office ... also the constitutive power, which is the power of the church, in external matters and means, to establish rules and regulations that serve order and propriety, as well as certain customs, and to promote the unity of the members of the church in external worship, or to abolish them, as the needs or benefits of the church require; but these powers belong to the whole church and are not peculiar to the ecclesiastical office." (*Loc. de minister. ecclesiast.* § 193.)

"Let all things be done decently and in order" (1 Cor. 14:40) is the only thing a preacher can conscientiously insist on in external matters of the congregation, for that is God's clear command. But how this exhortation is to be followed, namely, which of the various good orders and ceremonies are to be chosen, the preacher cannot determine in the slightest without the consent of the congregation. Otherwise, he presumes to rule over consciences, an honor that belongs to God alone. —

Up to this point, the synod had proceeded with its doctrinal deliberations and had confessed individually to each thesis and what had been said about it. However, because of the importance of the subject, it was decided to ask the speaker, Dr. Walther, to present the paper on the remaining two theses to the synod in an appropriate manner.