

# What Do You Mean: "In Statu Confessionis?"

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On a particular Sunday in the early 70's Dr. John Warwick Montgomery, Ph. D. Th. D. stopped for worship at the large St. Paul's Lutheran Church in North Hollywood, CA. He was invited to speak to the congregation's 200 adult Bible Class attendants on the crisis in the Lutheran Church-Missouri Synod of which he was also a member. He stated there were three different ways to view the situation. The first was to say there was no crisis - that there is the same unity and unanimity of doctrine that there was in the early days of the Synod. But to hold that position was, in his opinion, impossible. The second possibility was to grant that there was no unity of doctrine, but the Synod was the most important value. Even a vast number of conservatives within the LC-MS had taken that position. But as he quickly pointed out: "When a church reaches the point where it is no longer possible to discipline those who deviate from its Confessions, the church is necessarily on the way out and those who remain after this point without protest aid and abet that situation."<sup>i</sup> The third possible way to view the situation is: there is doctrinal diversity in the synod and this doctrinal diversity is dead wrong. A church should stand for one consistent doctrinal position. "Therefore, the people that adopt this third stance are saying that to maintain a good conscience it is necessary for them to enter into Confessional protest against the current problem within the church. To use the Latin expression which is employed in Lutheran theology: it is essential to enter into "status confessionis," i.e. to go into the confessional state of protest over against a problem which is not being cleared up as it ought to be. This St. Paul's Church here in North Hollywood, CA deserves the highest commendation for being willing to move to this point. If this were done consistently across the board by Conservative Lutheran Church-Missouri Synod members I think it would be possible to clean up the Synod. . ."<sup>ii</sup>

*In statu confessionis.* The purpose of this paper then is to examine that term to understand its meaning, its original use in the Confessions, its Scriptural basis, its usage in the middle of this century, and some evaluation of the same. May the Lord bless our study!

## Definition

"In statu confessionis" means that a public protest of the strongest kind is being made. This protest is demonstrated by not exchanging pulpits with those of one's own church body who propagate or support error; thus they refrain provisionally from pulpit fellowship. Furthermore this condition is demonstrated by not participating in the celebration of Holy Communion with errorists since the Lord's Supper is a public acknowledgement of the existing unity of faith and a public acknowledgement of the true doctrine confessed by the communicants. Finally to be "in statu confessionis" means to refrain provisionally from participation in activities by which error is promoted or supported. Such people will exercise faithful stewardship of abilities, time and possessions in accordance with sound Scriptural principles lest they compromise or appear to compromise their testimony to the truth.

Needless to say, this might seem to be an awkward situation, and it is. As Dr. Oesch comments: "This brings about the abnormal condition in which true confessors remain in a heterodox church in a state of affliction and *Anfechtung*. Such a state dare never to be accepted as permanent (church within a church) on pain of wounding consciences, loss of doctrinal

sensitivity, denial of truth and growing hypocrisy. It is also to be noted that the term partial restoration applies only to the members or individuals who can be won back to the truth at a given time, not to the truths to be restored. The goal must be restoration to the total truth. No errors may be left that "can be lived with," as the saying goes (Galatians 5:8)."<sup>iii</sup> Thus this position requires both patience and a definite progression toward the decisive either/or.

Temporarily, then, it is possible to have church fellowship with an orthodox communion in principle, while the practical union is for the time being postponed. This serves a double purpose: "(1) not compromising the orthodox communion and (2) not throwing back into error those within one's own organization who are actually making progress."<sup>iv</sup> But there is a good deal of subjectivity here as Dr. Oesch points: "Where specific steps of progress are not actually made, where evasions are in evidence, appeals to false love are persistently made or where church political maneuverings are resorted to instead of clear doctrinal admonition and discipline, there postponement of realignment becomes denial. Also where one's own position can no longer be maintained without wounding the consciences of members, there the time for action has arrived. The time for realignment may not come for all confessing groups within a church body at the same time; their growth of insight may vary. Pastoral wisdom and the concern for souls may dictate that realignment may take place in different stages for different groups."<sup>v</sup> Later we shall have more to say about the implications of being "in statu confessionis." For now we turn to its:

### **Historical Background**

At the time of Luther's death in 1546 there existed an alliance of the Roman Catholic princes in Germany, whose aim was to destroy Lutheranism by force of arms, and there was an alliance of the Lutheran princes, called the Smalcald League. Only four months after Luther died the pope and the emperor entered into an agreement to compel the Protestants, by force of arms, to submit to the decrees of the Council of Trent, which was then in session. Soon afterwards the pope issued a bull, calling upon all Christians to assist in this war. In it the Lutherans under Elector Johann Friedrich of Saxony were defeated at Muehlberg in April of 1547. The result of this defeat was the imposition of the Augsburg Interim in the following year. This Interim reintroduced the Roman Catholic ritual into the Lutheran congregations, although celebration of the Sacrament in both kinds and marriage of the ministers was allowed for the time being. However the supremacy of the pope was asserted and justification by faith alone was denied. This document was called an interim because it was to be in force temporarily until the Council of Trent had completed its deliberations, at which time the Lutherans were obliged to accept all its decisions.. In southern Germany the Interim was enforced by brutal military action, and with 400 ministers banished, the churches stood empty. In northern Germany it was altogether unenforceable.

On May 18 of 1548 Moritz, the new elector of Saxony, notified the emperor that he was unable to introduce the Interim in his provinces at that time. Shortly after that he commissioned the theologians at Wittenberg and Leipzig to work out a compromise document that would be more acceptable to his subjects. Melancthon, who for years already had weakened his stand on justification by grace alone, was the chief author of the resulting Resolution of the Diet of Liepzig, published on December 22 of 1548. The opponents called it the Leipzig Interim. Its purpose was to effect a compromise, in order to escape persecution and desolation of the churches, by adhering especially to the doctrine of justification, but yielding in matters of ceremonies. These ceremonies are known by the technical term "adiaphora" - they are spiritually

indifferent. Thus this doctrinal controversy occasioned by the Leipzig Interim is called the adiaphoristic controversy. It was not settled until the publication of Article X of the Formula of Concord almost thirty years later.

The Leipzig Interim avoided the expression "Justification by faith alone." It presented the matter of salvation in terms which Romanists could readily interpret in the sense of their *gratia infusa*. Other doctrines were passed by in silence. Regarding the ceremonies, extreme unction and the Corpus Christi procession with its public adoration of the consecrated host were reinstated. In spite of protests, the theological faculties of these two schools stubbornly defended what they had written by saying of the published articles: "They can well be received and observed without violence to good conscience." And so the adiaphoristic controversy raged on.

By a strange twist of political events, the elector Moritz suddenly turned his army against the unsuspecting emperor, drove him from Innsbruck, and victoriously entered Augsburg where he was received with great rejoicing. The results of his victory were the treaties of Passau in August of 1552 and of Augsburg in 1555. For the first time religious liberty was granted to the Protestants according to the principle: *cuius regio, eius religio*. Dissidents had the right to emigrate. The political power which had enforced the Leipzig Interim was broken, but the theological controversies raged on.

These controversies did not subside, for the question was not one of passing judgment on past events, but, as F. Bente points out (in his *Historical Introduction to the Symbolical Books, Concordia Tripartita*): "to eliminate from our Church the spirit of indifferentism and unionism and of direct as well as indirect denial of the Gospel." Surely it is this common purpose which connects all the articles of the Formula of Concord. All the errors that surfaced after Luther's death have their root in the same place: a weakness at the point of the doctrine of justification by faith alone. This leads to distortions in other doctrines as well. It is in this historical context that we view Article X of the Formula of Concord. This great Confession of the Lutheran Church is so conscientious in avoiding even the appearance of compromise that it disallows making concessions under certain defined circumstances even in matters which are not in themselves right or wrong.

The Thorough Declaration of Article X (Tappert edition) begins: "There has been a controversy among some theologians of the Augsburg Confession concerning ceremonies and church rites which are neither commanded nor forbidden in the Word of God but which have been introduced into the church with good intentions for the sake of good order and decorum or else to preserve Christian discipline. The one party held that even in a period of persecution and a case of confession, when enemies of the holy Gospel have not come to an agreement with us in doctrine, one may still with a clear conscience, at the enemies' insistent demand restore once more certain abrogated ceremonies. . .the other part, however, contended that under no circumstances can this be done with a clear conscience and without prejudice to the divine truth, even as far as things indifferent are concerned, in a period of persecution and a case of confession."

Citing such Scriptural references as Galatians 2:5 where St. Paul states: "To whom (the Judaizing brethren) we gave place by subjection, no not for an hour; that the truth of the Gospel might continue among you," the formula of Concord in the Epitome, Article X, Antithesis 3 answers: "We reject and condemn as false and contrary to God's Word. . .that in a time of persecution and when public confession is required, one may make concessions to or come to an understanding with the enemies of the Holy Gospel. . .in such indifferent things and

ceremonies." Thus the Epitome states that these restrictions apply "in casu confessionis." The original German of the Thorough Declaration twice uses the term "im Fall des Bekenntnisses", the literal English for both phrases "in case of confession" (Concordia Triglotta, pp. 828 and 1052). From this term the later form "in statu confessionis" is derived. In general, the terms mean: a situation in which clear-cut confession is called for.

When such a confession is called for, not only is the Scriptural truth to be defended by entering a confessional protest and consistently maintaining it in all respects, but also the practices of the Church in matters that are neither prescribed or prohibited by Holy Scripture are to be examined as to whether they constitute cooperation with the errorists or give the appearance of cooperation or of implied approval, or give the appearance of indifference to the error, as though it were not important. This same sensitivity is found in St. Paul when he wrote in I Thim. 5:22: "Abstain from all appearance of evil." This matter can be summarized as follows: "When even adiaphora may cease to be adiaphora, because of the circumstances under which they are practiced, how much more necessary is it to protest every deviation from the Scriptural directives by taking a firm stand on confessional integrity, an integrity which, under the circumstances, can be affected even by adiaphora."<sup>vi</sup>

One application of this principle is that the organizational synodical superstructure is an adiaphoron. The faithful believer is to serve his Lord through that organization until the time comes when that organization is no longer faithful to the Scriptures and to its historic confessions. At this point then, the adiaphoron is no longer an adiaphoron. This is what Article X of the Formula of Concord is all about.

### **Scriptural Basis**

Although the term "in statu confessionis" does not occur in the Scriptures, yet the matter is taught therein, especially in the doctrines of Church Fellowship and Christian love. Paul deals with such an example in his second letter to the Thessalonians. In Thessalonica some of the brethren erred with reference to the nearness of Christ's coming and in the doctrine of the Antichrist. They not only held these false opinions, which they would not drop in spite of Paul's careful instruction, but they also began to act on their false assumptions. Were these minor points of doctrine where a difference of opinion should not be considered as divisive? Paul's words to them were: "And as for you, brothers, never tire of doing what is right. If anyone does not obey our instruction in this letter, take special note of him. Do not associate with him, in order that he may feel ashamed. Yet do not regard him as an enemy, but warn him as a brother." (II Thes. 3:13-15) Paul advises that they treat the man as a brother and not as an enemy. Furthermore he expects the man to feel ashamed at the treatment he receives from the Christians. "Thus he evidently is not hardened in his error, he still wants to be a Christian; else he would not feel ashamed, but would rather ridicule his former brethren in the faith."<sup>vii</sup> The Thessalonians are to take special note of that man, indicated by the present imperative which literally means: mark him for yourselves. This verb form not only indicates the action, but also the duration: they are to continue noting him. The purpose? So they do not associate with him. Obviously Paul is speaking about church life and not business or social affairs. As Prof. Meyer continues: "But regarding church life his instruction is very definite: have nothing to do with him - no pulpit and altar fellowship, no prayer fellowship, nor even an occasional joint prayer. And this in spite of the fact that the break has not been consummated, and they still regard him as a fellow believer. In this way they will show real brotherliness. They will show real brotherly concern. They will show how serious his error is in their estimation . . . by a 'conclusio a minore ad maius' apply

Paul's instruction to a case where a separation because of doctrinal differences has already taken place, and has been perpetuated through opposing church organizations."<sup>viii</sup> Thus those who are in a state of confession are not practicing church fellowship with the larger body, but in Christian love, they are communicating with the erring brethren, admonishing them as brothers.

Paul gives similar words of instruction to Timothy: "And the Lord's servant must not quarrel; instead, he must be kind to everyone, able to teach, not resentful. Those who oppose him he must gently instruct, in the hope that God will grant them repentance leading them to a knowledge of the truth, and that they will come to their senses and escape from the trap of the devil, who has taken them captive to do his will." (II Timothy 2:24-26) This passage likewise describes the aims and methods of status confessionis. Those who are in error are captive in the snare of the devil and thus they themselves are held in a dishonest kind of reasoning. Yet the brethren are to be patient when wronged, kind, able to teach and continuing to teach them, if perhaps God may lead them to repentance. Obviously this takes time, and Scripture does not set time limits. On the other hand, what the erring ones are doing is a most serious offense in the Church and cannot be tolerated indefinitely.

In Romans 16:17 the inspired Apostle writes: "I urge you, brothers, to watch out for those who cause divisions and put obstacles in your way that are contrary to the teaching you have learned. Keep away from them." The infinitive used after the main verb is in the present tense, indicating durative rather than snap-shot action. This passage was studied and discussed at great length in the 1950's. A different interpretation of the verse (the time frame of the "marking" and the "avoiding") finally led some out of the WELS to form the Church of the Lutheran Confession. The present infinitive and the other passages which speak of patient dealings with those caught in error certainly lead us to believe that the "marking" may occur many times before the "avoiding" is demanded.

In the above passages we see both God's mercy and His judgment. Some additional passages speaking of God's mercy are Romans 2:4, Psalm 103:13, and II Corinthians 6:4. If God, being holy, has patience, how much more should we, being sinners and in need of His daily forgiveness, be patient and speak the truth in love! In that way at least some who have fallen into error may be led back to the truth of God's Word! On the other side of the coin is an emphatic witness against wrongdoing which may finally bring down God's judgment. We read of such warnings in I Timothy 5:22, II John 9-11, I Corinthians 5:11, and Mark 6:11. If we are to avoid those who deviate from the truth even in adiaphora in any context which might even seem to indicate approval of their wrong attitude, how much more should we avoid being associated with errorists in the same church body! Notice this was the same line of reasoning used in Article X of the Formula of Concord. "The time for and necessity of separation has come, according to the Scriptural directives:

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

(2) The time for and duty of separation has come when further continuance in the same church body with errorists begins to give offense to those entrusted to our spiritual care by creating an appearance of indifference, or if it involves us in actual sin by involving us

in participation in Holy Communion together with some whom we know to be errorists or in other point activity 'in sacris.'"<sup>ix</sup>

Some have described "in statu confessionis" as simply the form which a Christian's permanent confessional witness takes at the times when error intrudes into a church body.

### **Implications**

After seeing the historical and Scriptural background of the term, return our attention to some practical implications of being "in statu confessionis." Although there are some differences of opinion, I believe the following excerpts from a paper written by Pastor Curtis Peterson are to the point. In response to the implications of the term, he writes: "I believe that it implies the following:

1. To publicly declare that the Synod is heterodox.
2. To declare that the situation is intolerable and that it must be changed if the person is to continue in membership in the LC-MS. As Biblical Christians loyal to their Lord and believing that His will is expressed clearly and infallible in the Scriptures, we simply cannot just "live with" error. The issue is very simple for me: loyalty to Christ! We must ask ourselves whether there is any point at which we would leave Synod. Or is our membership in the LC-MS the highest good? Certainly, it can't be. . .
3. We must publicly declare ourselves out of fellowship with those who teach, practice, or tolerate false doctrine. This includes informing District and Synodical officials of our confessional state. This means that we do not exchange pulpits with them, do not commune with them at pastor's conferences and conventions, or engage in joint work with them where doctrine is involved. Ultimately, this would mean that we continue in fellowship only with those who are also in a public state of confessional protest...
4. Good men will differ on when the time to leave will come. Some have left already, and, like it or not, others will leave Synod in the months to come. The state of confessional protest provides a way of continuing to be in fellowship with such men and women. . .
5. We must inform our congregation about the real situation in Synod. Many of us must confess that we have been remiss here. Some pastors say that they would like to leave Synod, but their congregations are not ready. Then declare yourself in a state of protest and educate your congregation. . .
6. The state of confessional protest, since it hopes and prays that the situation in Synod is not irremediable, pledges one to actively fight to restore the Synod to orthodoxy. How we would do this depends on whether we are laymen, pastors, elected officials, or even the President of a District or Synod itself. . . I urge everyone to remain in Synod for now at least; since, after all, some fine resolutions were adopted at Milwaukee, and because we ought to leave as much time as possible for corrections to be made. However, I do not believe we can wait forever. . .
7. Withhold or redirect funds. How much? This will be up to you. Our congregation will probably give a token 'for services directly rendered' contribution, while redirecting the rest of our mission money to orthodox, confessional causes. Failure to do this involves us in at least partial support of false teaching. . ."<sup>x</sup>

While some have decried "status confessionis" as unnecessary polarization or extremism, yet even its opponents recognize that it is the strongest kind of protest that can be made without actual separation. It is still the desire of those practicing it to bring back their church body to Biblical loyalty. Thus "it does not allow them to close their eyes to developments within their synod be they for better or for worse. It does not permit a lackadaisical dependence on a few administrators who may be known as conservatives. On the contrary it obligates them to watchfulness and prayerfulness. And in case their witness fails to effect definite signs of reform, it requires continued wrestling with the question: How much longer can we and our people remain within this temporizing and deteriorating situation without hurting our consciences and suffering a lose of conviction, without acquiescing to error and growing gradually disloyal to the written Word and its Lord? Must we realign now? If so, with whom and how? It is apparent that only our Lord can answer these agonizing questions, but the Status Confessionis will hold His faithful in grace and good conscience until He gives the answer. . ."<sup>xi</sup> Many and far-reaching are the implications of being "in statu confessionis."

### **How is it different from Selective Fellowship?**

Many in the LC-MS have been used to practicing selective fellowship. At first glance status confessionis may appear to be a practice of selective fellowship. However the two are really opposed to each other in the following areas:

1. Selective fellowship is practiced among those who assume a "conservative" position, whereas fellowship based upon the status confessionis is practiced only when there is complete doctrinal agreement.
2. Selective fellowship usually has as its goal the preservation of an organizational structure, whereas status confessionis has as its goal the preserving of sound doctrine.
3. Those who practice selective fellowship have no anticipation of a time when separation from an erring church body shall become necessary. Those practicing status confessionis clearly recognize the fact that organizational ties to their church body cannot be indefinitely continued if the error is not corrected.
4. Selective fellowship requires no commitment of those who practice it, whereas status confessionis requires a firm commitment to the beliefs and practices of Confessional Lutheranism in public form which immediately affects their altar and pulpit fellowship with the church body against whom they are in statu confessionis.
5. Selective fellowship amounts to a toleration of error, leading to the eventual erosion of the doctrinal foundation of the church. Status confessionis, on the other hand, publicly denounces error and the toleration of error, and thereby preserves doctrinal integrity among those who practice it.
6. Those who practice selective fellowship are led to a false sense of security and an appeasement of their consciences by the mistaken belief that they have offered a proper witness against the error of their church body. Conversely those who practice status confessionis have publicly stated that they are unable to find the security of truth in their present situation and have made a conscience bound commitment to sever their relationship with their erring church body unless the doctrinal error is corrected.<sup>xii</sup>

Thus the concept of selective fellowship is not at all helpful - it detracts in all of the above-mentioned points from the proper understanding of status confessionis.

### **Use of the term in the latter part of this century**

As you may surmise, the term "in statu confessionis" was used extensively both within and outside the LC-MS from the early 1950's to the mid-1970's. I shall strive to give several examples, the first ones being from non-WELS sources.

In November of 1959 Prof. Milton Otto of Bethany Seminary presented a paper to the Special General Pastoral Conference of the ELS. In the paper he pointed to the ELS' 1955 suspension of fellowship with the LC-MS. But in the meantime things had appeared to be changing for the better, and he was therefore defending the patience which the ELS was practicing toward the LC-MS. Even though some voices were demanding a severance of fellowship, he felt they were following the right course. Obviously, this whole question also involved membership in the Synodical Conference. Defending their continued involvement, Otto cited a precedent for this in the Synodical Conference Convention of 1875 which stated:

In this way someone may be a member of such a synod (which tolerates false doctrine) under protest for a while, so long as his testimony is not prohibited and he may still hope that it will bear fruit. . .there is a great difference between entering a unionistic body and being forced to leave it. The first is not permissible under any circumstances; in the latter case it may be necessary for a shorter or longer period of time for the purpose of testifying against error." (Proceedings, 1875, p. 24ff ).

He then went on to say of the ELS: "This is, then, what we today would call being 'in statu confessionis,' the position our Synod has taken in the present situation."<sup>xiii</sup>

At its 1969 Denver Convention the LC-MS declared itself to be in pulpit and altar fellowship with the American Lutheran Church. For conscience's and doctrine's sake many in the LC-MS felt they could not offer the hand of fellowship to the ALC at that time. They pledged to work through the proper channels, but if there were no real progress, they would be forced to have the Fellowship Resolution rescinded at the next Convention. As one of these "conservative" voices stated: "In this ray we declared ourselves 'in statu confessionis.' And we have been heartened by the fact that many others have done likewise. It is generally publicized that only 20 pastors have separated themselves from our Lutheran Church-Missouri Synod pursuant to its Denver action, but it isn't emphasized that we have in our files no less than 246 pastors, 133 teachers and 295 laymen, a total of 655 people who took the time and effort to study the matter and with their own signature declare themselves 'in statu confessionis;' nor does this include many others who are expressing the same position in other ways."<sup>xiv</sup>

A different document denounced the LC-MS administration for suppressing status confessionis because they said it was contrary to Holy Scripture and the Confessions. In the same paragraph it was bemoaned that an official declaration stated that seminex professors were still members in good standing of the LC-MS. The document then goes on to say: "furthermore it is clear from recent experience that a strict and confessionally correct 'status confessionis' is a powerful weapon indeed. . .it is for this reason that it was so strenuously opposed by the majority of LC-MS conservatives who were caught up in a false order of priorities. For they knew full well that carrying through a correct 'status confessionis' would split the Synod. But they preferred the conservation of the organization (an adiaphoron) to a clean break. This is clearly



the kind of case of which F. C. X speaks when an adiaphoron is no longer an adiaphoron, by having been given priority."<sup>xv</sup>

The Evangelical Lutheran Church-Synod of France and Belgium reacted negatively to the 1565 Denver Convention by publishing a Declaration. That document reads in part: "In the meantime we, THE UNDERSIGNED - while waiting necessarily that our congregations and our Synod as a whole may be in a position to act officially for our entire Church – DECLARE OURSELVES herewith personally as being already 'IN STATU CONFSSIONIS' WITH THE LUTHERAN CHURCH-MISSOURI SYNOD. . .By 'STATUS CONFSSIONIS' we mean a provisory suspension of our former fraternal fellowship, including pulpit and alter fellowship, with the LC-MS, that is with all those pastors and members of the LC-MS who accept and condone the present practice of unionistic fellowship with the ALC or otherwise, until with God's help such evil practice has come to a halt. . ." <sup>xvi</sup> This Declaration was adopted in Strasbourg an October 19, 1969, bearing 42 signatures.

After the 1969 Denver Convention some conservative pastors and congregations of the LC-MS sought to organize themselves to protest the outcome of that meeting. But there was resistance to this status confessionis and that led to the formation of the Federation for Authentic Lutheranism, which was formed in 1971 as an outgrowth of the Conference of Authentic Lutherans. I found the following comment to be especially interesting because of its historical significance: 'Unfortunately, not to say tragically, the first convention of FAL in November 1971 eliminated the provision for non-voting membership in FAL of faithful Lutherans 'in statu confessionis' from its proposed constitution. Therewith, FAL was given an entirely different orientation, away from support of the vitally important struggle in LC-MS, important for the continuance of Lutheranism throughout the world, and toward close association with the existing orthodox Lutherans of the Wisconsin Evangelical Lutheran Synod and the Evangelical Lutheran Synod. By this action FAL, while continuing to recognize the validity of 'status confessionis' in principle, refused to recognize it in practice. The situation was aggravated by the suspension of Sola Scriptura in 1973.' <sup>xvii</sup>

We now turn our attention to use of the term in WELS circles. In 1951 the Orthodox Lutheran Conference was formed as a result of the deteriorating doctrine and practice within the LC-MS. Especially did the OLC object to the Common Confession, a document which sought to find common theological ground between the LC-MS and the ALC. It became clear that this new group would seek to affiliate with the Synodical Conference. As Prof. Reim pointed out: "That this creates a rather strange situation will be clear to everyone. . .for while formal recognition of the new group must be held in abeyance for the time being, yet we must recognize even now that the reasons for which this little group has made its grave decision and taken its difficult stand are the very ones on which we have placed ourselves on record at last summer's convention, and by which we must stand unless we fail in the 'statu confessionis' into which we have placed ourselves by our New Ulm resolutions." <sup>xviii</sup> Note the tension years before the separation was finally made.

In September of 1552 there appeared in THE NORTHWESTERN LUTHERAN a report by the Wisconsin Synod Committee on Church Union. In part that report stated: "the confessional basis on which the synods of the Synodical Conference have jointly stood so far has been seriously impaired by the Common Confession, we continue to uphold our protest and to declare that the Missouri Synod by retaining the Common confession and using it for further steps toward union with the ALC is disrupting the Synodical Conference. . .hence we find ourselves in a STATE OF CONFSSION (theologically expressed, IN STATU

CONFESSIONIS). We hope and pray that the truth may prevail and that God in His grace may avert the threatening disruption of the Synodical Conference."<sup>xix</sup>

On the very same page in that issue of THE NORTHWESTERN LUTHERAN appeared an editorial by Prof. Reim entitled: "As We See It." He spoke of the recent convention of the Synodical Conference, and of the opposition at that meeting toward the WELS position. At the close of the meeting President Brenner called for a meeting of the Wisconsin delegation. It was not a "walkout," but rather an attempt to formulate "a quiet, carefully considered statement on the part of those present, to the effect that they now declare themselves to be 'in statu confessionis' - in a state of confession - over against our sister synod of Missouri."<sup>xx</sup> The next paragraph of that article contains only four sentences in which Reim defines the meaning of the term. The only new thought which has not been discussed previously in this paper is that this delegation did not want to make a decision that must be reserved for the Synod alone. Reim concludes the article with a beautiful statement on what the term implies. He writes: "Lest our continued membership in the Synodical Conference be construed as a surrender of our convictions, it is necessary that no one be left in doubt. Such a procedure will, of course, defeat its own purpose as soon as it becomes weak and indecisive. We dare not overlook the fact that this term (which has real meaning and good standing in the Church) can present a serious temptation if it is made to serve as an excuse for adapting oneself to an unpleasant situation and learning to live with it, so to speak. We must recognize what deception would be involved against ourselves and others if we were anything but completely sincere in our protest. But if we accept these implications fully and meet them honestly, recognizing that this state of things can never become a long-term arrangement, then our declaration that we are in a state of confession - 'in statu confessionis' - will not be a mere sham, not merely a clever explanation of how one can continue in a fellowship which is no longer based on full unity of doctrine and practice, but it will be a last effort to bring our Synodical Conference back to what it once was - a living fellowship of true brethren. This, and this alone, is our purpose."<sup>xxi</sup> Can't you hear the power, conviction and emotion behind those words?

A recessed session of the 33rd Convention of our Synod met in 1956. The Floor Committee on Church Union gave its report. In the second part of that report the first "whereas" denounced the Common Confession, the second "whereas" deplored Missouri's stand on Scouting, the military chaplaincy, prayer fellowship and other issues. The immediate RESOLVED read: "That our fellowship with the Lutheran Church-Missouri Synod be one of vigorously protesting fellowship to be practiced, where necessary, in the light of 11 Thes. 3:14 and 15. . . "<sup>xxii</sup> One wonders what the little phrase "where necessary" means. Perhaps a partial answer is found in President Naumann's pastoral letter dated September 25, 1956. He stated his view that "We intend, therefore, without declaring a severance of fellowship, to continue in fellowship, but in 'a vigorously protesting fellowship.' That means that we certainly cannot ignore the flagrant offenses that have been given by Missouri men in certain areas of our Synod." (This letter was quoted by Pastor E. Schaller in his essay entitled: "The 'Status Controversiae' Within the Synodical Conference.")

From the two statements above it appears that the state of confession may have been practiced rather selectively and even regionally. If indeed that is the case, then the Report of the Synodical Protest Committee to the 1957 Synod Convention is justified in its criticism:

A number of later protests were possibly encouraged, and further warrant and justification may have been given to the earlier ones by the fact that in many instances all

evidence of a 'vigorously protesting fellowship,' which our Synod resolved to practice, seems to have been lacking, and fellowship relations with the Missouri Synod seem to be carried on as though there were nothing at all between us. Members of the Synod may need to ask themselves whether through possible neglect in earnestly observing this resolution of the Synod they have not augmented the problem which exists for some of our brethren. (Proceedings 1957, p. 197, 4. )

As a church body we did indeed use the term "in statu confessionis" during the 1950's.

### **Reflections**

During the 1950's I was beginning my educational career in grade school. I was personally unaware of the conflicts between the WELS and the LC-MS and the tensions within the Synodical Conference. Therefore I approached this subject with no personal experience nor with any emotional ties toward the Missouri Synod. But one question keeps haunting me: Was there a hesitancy in the WELS to practice "in statu confessionis," and if so, why? Of all the material I read there was only one WELS source that explained the term, and that was Reim's less-than-one-page editorial in a 1951 issue of THE NORTHWESTERN LUTHERAN. That's an argument from silence, and it may be a dangerous one. Let me offer some thoughts in the form of questions on this matter:

- 1) Were the terms "in statu confessionis" and "vigorously protesting fellowship" used interchangeably within the WELS?
- 2) Does one term have a different connotation than the other?
- 3) Was it assumed that everyone understood what this term from the late 1500's meant?
- 4) Was there confusion about the term whether it was applicable to an individual, a congregation, or only to a church body?
- 5) Were some geographic parts of the Synod more inclined to attempt to practice "in statu confessionis" than others?
- 6) Was there a hesitancy to make that declaration for fear of the either/or decision that would have to be made later?
- 7) Did family and emotional ties between the two bodies make such a declaration difficult?
- 8) Were there not necessary delays caused by the amount of time needed to call meetings and even conventions?

### **Conclusion**

Understanding what has happened in the LC-MS over the years, we in the WELS need to be cautious and concerned about our own church body. If the need arose, would we be willing to stand "in statu confessionis" over against the WELS? Let's pray that we never have to answer that question. But if we do, we can perhaps answer no more clearly than did C.F.W. Walther who said at the origin of the Missouri Synod:

Never allow the Synod to become your highest value. If the Synod ever deviates from Christian truth and you can't clean it up, let the Synod go. The important thing is God's Word!"

To that, we can only say: Amen!

## Endnotes

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- <sup>i</sup> "Three Stances Toward Missouri's Crisis," Sola Scriptura, March-April, 1971, p.3.
- <sup>ii</sup> Sola Scriptura, op. cit., pp. 3,4.
- <sup>iii</sup> "Status Confessionis and Selective Fellowship," Sola Scriptura, January-February, 1971, p.22
- <sup>iv</sup> Sola Scriptura, January-February, 1971, op. cit., p. 22.
- <sup>v</sup> Ibid., p. 22.
- <sup>vi</sup> "In Statu Confessionis," Adopted by the Conference of Authentic Lutherans, January 19, 1975, p. 6.
- <sup>vii</sup> Joh. P. Meyer, "Prayer Fellowship," Wisconsin Lutheran Quarterly, Vol. 47, April, 1950, p. 134.
- <sup>viii</sup> Meyer, op. cit., p. 135.
- <sup>ix</sup> "In Statu Confessionis," op. cit., p. 10.
- <sup>x</sup> Curtis A. Peterson, "The Case for Remaining in the Lutheran Church – Missouri Synod in a State of Confessional Protest," Sept., 1971, pp. 3-6
- <sup>xi</sup> "Creative Realignment: The Hope of Authentic Lutheranism," Sola Scriptura, November-December, 1970, p. 6.
- <sup>xii</sup> "In Statu Confessionis," op. cit., p. 2.
- <sup>xiii</sup> Milton H. Otto, "When is the Charge of Unionism to be Applied to Brethren?" November, 1959, p. 4.
- <sup>xiv</sup> Alvin E. Wagner, "Confessional Declaration," Evangelical Directives for the Church, p. 55.
- <sup>xv</sup> "In Statu Confessionis," op. cit., p. 13.
- <sup>xvi</sup> "Reactions to Denver," Wisconsin Lutheran Quarterly, Vol. 67, 1970, p. 66.
- <sup>xvii</sup> "In Statu Confessionis," op. cit., p. 11.
- <sup>xviii</sup> E. Reim, "The Orthodox Lutheran Conference," Wisconsin Lutheran Quarterly, Vol. 49, 1952, p. 59.
- <sup>xix</sup> "Wisconsin Synod Committee on Church Union," The Northwestern Lutheran, September 7, 1952, p. 282.
- <sup>xx</sup> E. Reim, "As We See It," The Northwestern Lutheran, September 7, 1952, p. 282.
- <sup>xxi</sup> Reim, op. cit., pp. 282,283.
- <sup>xxii</sup> Proceedings, 33<sup>rd</sup> WELS Convention, Recessed Session (1956). Published in the Proceedings of the 20<sup>th</sup> Convention of the Southeastern Wisconsin District, 1956.