

J.P. Koehler's *Gesetzlich Wesen Unter Uns*: What Can We Learn From It Today? What Problems Does It Present For Us?

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Disclaimer

As a theological student, a subject to which I devoted myself least of all was church history. Upon graduation from seminary, I was called to serve as a tutor of high schoolers and teach a course in (you guessed it): church history. I took this bit of chastisement to mean that God must love me!

If there was another course of study along the way to which I did not devote myself as thoroughly as I ought, it was German. Five years in the classrooms of outstanding German language teachers, and yet I dare say I developed no fluency or *Sprachgefühl*. Thus I stand before you today having been assigned to review and comment on a series of articles *auf Deutsch* which spanned over 50 pages in four issues of the journal, *Theologische Quartalschrift*, in the second decade of this century.... God must love me very much!

Introduction

John Philipp Koehler, 1859-1951, was a Wisconsin Synod pastor remembered as an early leader of our theological seminary and as the Wisconsin Synod's "premier historian."¹ *Gesetzlich Wesen Unter Uns* is the German title of a series of articles written by Koehler which appeared in the *Quartalschrift*, the seminary's theological journal, between October 1914 and July 1915. It was an examination of "Legalism Among Us," seeing some of "our own arts and practices as an outgrowth of the Law." In 1959, Koehler's words were given a second hearing as a translated version of *Gesetzlich Wesen* was read as the convention essay for the 35th Convention of the Evangelical Lutheran Joint Synod of Wisconsin and Other States.

The purpose of the paper you now hold in your hands is first to delve back into history to see what Koehler said and why he said it when he said it. Then we shall seek to apply the lessons of history and the essence of Koehler's analysis to ourselves in the church today. I believe Koehler himself, for whom maintaining a historical perspective on life was a key issue, would approve.

Koehler, Wauwatosa Theology, and Times of Controversy

We will do well to profile Koehler himself and the events of his times before we begin to examine what he wrote in *Gesetzlich Wesen*. Understanding the man and the circumstances will help us in seeing the application of his words.

John P. Koehler, son of German immigrant pastor Philipp Koehler, was born at Manitowoc, Wisconsin, January 27, 1859. He received his education at Northwestern College (NWC), Watertown, Wisconsin, and then at Concordia Seminary in St. Louis. He served as a parish pastor for eight years at Two Rivers, Wisconsin. In addition to pastoral skills, Koehler also possessed and made use of natural talents in art, music and architecture.

In 1888, Koehler joined the faculty of NWC. In addition to teaching he served as dean of students until 1894, at that time "yielding to the urging of his physician" to resign from "the inspectorship," reducing his duties somewhat for the sake of his health. Considering that "the inspector" watched over not only student life

¹ E. C. Fredrich, *The Wisconsin Synod Lutherans*, p. 115.

and discipline but also the maintenance of buildings and equipment plus the operation of the refectory (dining hall), it's no wonder the man was experiencing "steady insomnia."²

In 1900, Koehler was called to teach church history and New Testament studies at Wisconsin Lutheran Seminary, then located in Wauwatosa, Wisconsin. He, along with August Pieper and John Schaller (and just prior to that, Adolph Hoenecke), served the seminary at a time that "looms in [our] synod annals as a golden age of theological writing and teaching."³ Koehler is recognized as the pioneer of an approach to theology that has been termed "The Wauwatosa Theology" or "The Wauwatosa Gospel" – an approach which could have "shaken American Lutheranism to its very core... [and] catapulted the seminary and the synod into national prominence," except for the fact that the synod and its pastors tended to shun public recognition and were rugged, frontier-type individualists who stayed mostly to themselves.⁴

The Wauwatosa Theology describes what went on at Wauwatosa for a quarter century with Koehler and his colleagues. It grew out of Koehler's aversion for the dogmatic, pre-formulated approach to theological studies that had come to dominate mainstream Lutheranism at that time. The prevailing methodology has been described in the extreme as "an unprincipled rummaging through the Bible to find proof passages for positions already determined ahead of time."⁵ Koehler proposed an alternate way of dealing with spiritual things: to focus on what the Bible says in its historical setting. History and exegesis—drawing truth out from Bible verses within their context—ranked more important in Koehler's mind than the systematic listing of doctrines. He felt the doctrine-drumming way of doing things had left people (and pastors) knowing what the church traditionally has taught but not so well knowing what the Bible itself says. Thus to Koehler, the Scriptures became not primarily a place to go when you needed to verify a church doctrine, but the place you go from the first, seeing "in all its parts... a great preachment of salvation in Jesus Christ."⁶ In fact, Koehler was not afraid to question church doctrine in places where the supposed proof passages did not support it.

In place of the doctrinal self-confidence of much orthodox Lutheranism, he and like-minded pastors under his influence stressed the need for a cautiously critical stance even over against their own synod's theological tradition.⁷

Koehler found it advisable to challenge constantly his own opinions and those of his church.⁸

Not that Koehler was radical in his teachings or wanted to upend traditional beliefs. Rather,

Koehler wanted every generation to reclaim from Scripture the teachings of the fathers, not blind submission to the fathers, because the fathers were applying their skills in interpreting Scripture in the world as they knew it. Finding cut and dried answers in dogmatics was legalism to Koehler.⁹

As an example of the application of this approach, E. C. Fredrich cites the church and ministry debate of the early 1900s. Questions arose as to whether synods of churches have the same ministry authority as do individual congregations, and about what form or forms of ministry are divinely ordained. The accepted doctrinal view of these issues long had been that the local congregation is the only grouping of believers that was instituted and commanded by God, and that the office of the pastor in the congregation is the one divinely instituted form of ministry. The Wauwatosa theologians, Koehler, Pieper and Schaller, "looked beyond the

² J.P. Koehler, *The History of the Wisconsin Synod*, pp. 188-189.

³ Fredrich, *The Wisconsin Synod Lutherans*, p. 116.

⁴ C.E. Werth, "The Wauwatosa Theology," *Church History*, p. 207.

⁵ L.D. Jordahl, "John Philipp Kohler," introduction to *The History of the Wisconsin Synod*, p. xi.

⁶ *Our Church: Its Life and Mission*, p. 60.

⁷ F.W. Meuser, "Business as Usual—Almost," *The Lutherans in North America*, pp. 380-381.

⁸ Werth, p. 207.

⁹ R.F. Westendorf, correspondence, 3/6/95.

current viewpoint and the ready dogmatical explanation and the deposit of an ecclesiastical situation of the past.”¹⁰

Setting aside traditional thinking... for the time being, the three men took a fresh look at what the Scriptures say about church and ministry.... What was said in the Scriptures, they found, was that the Lord had indeed instituted and commanded a gathering of believers and an office of the gospel ministry but that he had never specified a single form or type of either, above all other forms or types.¹¹

The Wauwatosa approach to theology, then, revered Scripture as supreme above any traditions of the church, and urged thorough historical and exegetical study of Scripture as the way for each generation to rediscover for itself the beautiful truths of the gospel and the doctrines of God.

There were other things happening in Koehler’s time that will help us understand his intentions in writing *Gesetzlich Wesen Unter Uns*.

Historical Background of the Essay

Persons with some knowledge of Koehler and synod history at that time will recall events leading up to the Protes’tant Controversy in which he became embroiled. While those events happened some years after the writing of *Gesetzlich Wesen*, nevertheless the tenor of those events gives a clue to the kind of things the essay addresses.

When 27 Northwestern College students were discovered to be involved in stealing (in 1924), prompt discipline was enacted by the faculty, expelling, suspending or placing restrictions on offenders according to the severity of their crimes. But then the school’s board of control overrode the faculty’s action and bitter repercussions were felt. J.P. Koehler’s son, Karl, called the board unchristian in their actions and resigned from NWC’s faculty (as did some others).

After that came a very public dispute between two pietistic teachers and the pastor at Fort Atkinson, Wisconsin. They tossed accusations and regulations at each other on issues ranging from collections for charity, the choir and fellowship, all the way to church bazaars and “bobbed hair.” The teachers ended up suspended (officially in 1926). A group of 17 protested – becoming known as *Protes’tants* who objected to the “officialdom” of synod and its disciplinary practices.

J.P. Koehler became more directly involved in those controversies in 1926. A pastor named William Beitz delivered a scathing essay to a couple of conferences, titled, “God’s Message to Us in Galatians: The Just Shall Live By Faith.” Beitz declared of the synod,

“Ichabod” is written over the portals of our houses, our churches, our synods, our schools, our hearts – “the glory of the Lord... is departed.”¹²

Beitz’s paper stirred up a storm. The seminary faculty was asked to react. They did, releasing their official opinion (*Gutachten*) in June, 1927 – but without Koehler’s full cooperation or blessing. He wanted to meet privately with Pastor Beitz to try to quell the controversy. But it didn’t work out that way. In the end, the whole series of disciplinary and accusatory turmoil in the synod in the 1920s, and the protest movement against such, led to the demise of Prof. Koehler from his long-time post at the seminary. His call was terminated as of May 21, 1930, and he lived out the remainder of his life exiled from synod ministry.

I realize that these events happened some time after Koehler’s writing of *Gesetzlich Wesen*. However, they are indicative of the types of things that raised his ire in the earlier years as well. Reference, for instance,

¹⁰ Fredrich, *The Wisconsin Synod Lutherans*, p. 117.

¹¹ *Ibid.*, p. 110.

¹² W. P. Beitz, “God’s Message to Us in Galatians: The Just Shall Live By Faith,” p. 6.

“the Cincinnati case.” A member in a Missouri Synod congregation there was excommunicated in 1899, stemming from the withdrawal of his son from the Christian day school into the public school. The synod ended up intervening and two pastors were suspended. The congregation resigned from Missouri and applied for Wisconsin Synod membership, as did the pastors. Wisconsin Synod committees and conventions tried to put off the issue and let Missouri deal with it. But the affair caused tension in Wisconsin nonetheless. J.P. Koehler protested the way the outcome was reported in the September 1, 1911, *Gemeinde-Blatt* (“church paper” for the congregations of the synod), objecting that the wording implied the correctness of the original excommunication. The closing words in his letter to the editors pleaded, “Do help to stem the judgment upon our church that just through the accumulation of such unadjusted matters is in the making.”¹³

As to the immediate historical occasion that prompted *Gesetzlich Wesen Unter Uns*, it is not entirely clear. Koehler began his *Quartalschrift* articles, saying, “The following study grew out of a remark made at a larger mixed conference.”¹⁴ Exactly when and where that was he doesn’t specify. L.H. Lemke suggests it may have been the Synodical Conference meeting during the summer of 1908.¹⁵ In his history, Koehler relates how at that conference he commented on church politics as an underlying and contributing factor to cases of strife and disunity such as the Cincinnati case.

Pastor Toepel of Wisconsin expressed his astonishment that anyone would consider such doings possible among us; so Koehler was asked by resolution to carry out in the afternoon session at greater length what he understood by synodical politics.¹⁶

Ironically, by some political parliamenteering, the lengthy discussion which ensued did not appear in the minutes, which listed the official close of discussion prior to lunch.

Whether or not that was the specific occasion, the general climate of the times was one marked by heated discussion about the amalgamation of the state synods into the Joint Synod (which finally happened in 1917), finger-pointing about too strict or too loose practices in states other than one’s own, legalistic practices in church work (such as church dues, pastors insisting on their way in adiaphora, harshness in cases of discipline, etc). Koehler also feared that true orthodoxy was turning into sectarian orthodoxy due to legalistic application of doctrinal principles, especially in matters of church discipline and fellowship.¹⁷ These are the types of things that sparked Koehler to speak up and then later to write.

A second historical context should be mentioned also. *Gesetzlich Wesen Unter Uns* was brought into the foreground again in 1959 as the synod convention essay. Rev. James P. Schaefer—who tells me that this summer will be the first synod convention he’ll miss, having attended every one since 1955—recalls how Koehler’s essay came to be read at Saginaw in 1959:

Prof. Dudley Rhoda was scheduled to read an essay titled “Binding and Respecting Consciences.” Illness, however, prevented him from delivering the essay. In a hurry to find a substitute, the praesidium chose Koehler’s essay....

The choice was no accident. Both President Naumann and the two vice-presidents were being “harassed” by those who felt strongly that the time was long past that we should have ended our fellowship with the Lutheran Church-Missouri Synod (LCMS). The voices were loud, vocal, and coming from pastors high in the counsels of the church, e.g. President Reim of the seminary. But Naumann and the two vice-presidents, Habeck and Krauss, had seen a glimmer of light: a forthright statement on Scripture, a doctrine which was under fire by the Concordia Seminary, St. Louis, where the historical-critical method had taken root. The statement on

¹³ Fredrich, *The Wisconsin Synod Lutherans*, p. 109.

¹⁴ J.P. Koehler, *Gesetzlich Wesen Unter Uns*, English translation reprint from 1959 convention proceedings, p. 3.

¹⁵ L.H. Lemke “The Historical Background which Prompted Koehler’s Paper, ‘*Gesetzlich Wesen Unter uns*,’” p. 2.

¹⁶ Koehler, *History of the Wisconsin Synod*, p. 219.

¹⁷ Insights supplied by Pastors P. Prange, C. Voss, N. Berg.

Scripture presented to the convention—from a Synodical Conference committee—got everything right. Perhaps, it was thought, this is the dawn of reconciliation of our differences. (Those calling loudly for a break had come to believe the situation was hopeless.)

Indeed, it was a promising moment, and someone came up with the idea of reading the essay of Koehler at the convention as an appropriate word on a tense scene.¹⁸

Schaefer and fellow observer Norm Berg agree that it was I. Habeck, a former student in Koehler's classroom, who made the suggestion which the Conference of Presidents approved. Habeck, a 1927 graduate of the Wauwatosa seminary who'd had Koehler in the classroom, was concerned that we were approaching the fellowship issue and the exegesis of pertinent passages (esp. Romans 16:17) in a legalistic spirit.¹⁹ It was hoped that it would help forestall a judgmental mood and extremist action. Both commentators, Berg and Schaefer, are of the opinion that it was the reading of this essay that prompted the convention to delay the breaking of fellowship with the LCMS.

Koehler's Treatise—Summary and Highlights

It was the desired intention of our essay committee that, at a previous conference, I might have distributed to all of you copies of Koehler's original essay for your reading in advance of today's discussion. That was not done primarily due to the cost of 36 photocopies per essay (35 if you preferred the German) times 40-some pastors. So then I thought I might try to prepare a summation and highlights (sort of a "Davey's Digest Condensed Version") which I could give to you in January. That didn't happen due to my own inability to get at it soon enough. Therefore, I will give you the gist of *Gesetzlich Wesen Unter Uns* right here, and hope that I can read with enough speed to get us out to lunch on time!

Incidentally, Koehler's essay is not easy reading; it is "deep stuff."²⁰ When someone of the stature of Rev. Carl Mischke says, "I have often found it difficult to understand him [Koehler]... I can read and reread certain statements and still not be entirely sure what he is saying,"²¹ you know you are tackling a difficult assignment. Facing a similar assignment to mine 20 years ago, Robert Bitter commented, "Quite obviously, the man is far above me. After rereading certain sentences and paragraphs several times, I am still not certain that I really understand what Prof. Koehler is trying to say."²²

The other difficulty we have is working with a translation, few of us being fluent anymore in German. Waldemar Gieschen read the translation at the 1959 Synod Convention. The printed version was borrowed from the Protes'tant publication *Faith-Life*, as done by Alex Hillmer. For the benefit of the best understanding here, in some cases I've smoothed out the sense of sentences (to the best of my weak ability) where I thought it helpful to do so.

Koehler begins by summarizing remarks he made that sparked this study:

It had been said that in our own circles much legalism held sway, that therein lay the cause for the stasis and decline in all fields of church life, and that, for that reason, genuine repentance by all of us was called for before a change for the better might be expected.²³

Noting confusion regarding his use of the expression "*gesetzlich Wesen*" or a legal substance or essence, Koehler says he meant it as "a description of one aspect of all our acts in thought, word and deed, gained from a careful, all-around observation of life and, especially, from the study of history."

¹⁸ J.P. Schaefer, correspondence.

¹⁹ N.W. Berg, correspondence.

²⁰ J. Radloff, correspondence.

²¹ C.H. Mischke, correspondence.

²² R. Bitter, "Legalism: Its Deceptive and Destructive Power in an Evangelical Church," p. 2.

²³ Koehler, *Gesetzlich Wesen Unter Uns*, p. 3.

He then prefaces his study with four statements which he says he will enlarge and clarify:

1. *Gesetzlich Wesen* among Christians consists in their taking the motivations and the forms of their actions from the law instead of letting them flow freely out of the gospel. This proceeds out of our flesh, which injects this trait into every act of the Christian and externalizes it.
2. In the Lutheran churches this characteristic manifests itself first of all and primarily in the noisy, self-satisfied to-do about pure doctrine. Paralleling this is a clamorous insistence on sanctification that exerts itself especially in church-government regulations. As a reaction, a fussy insistence of sanctification develops that, as among the pietists, rebels against all external discipline both in doctrine and in daily life, but nevertheless makes its legalistic presence felt just as energetically by a consciousness of greater piety.
3. When this condition, during the course of the development of the life of the church, assumes control in one new field after the other like a weed pest and becomes the natural state in each field, then the decline sets in, the decline which also shows itself outwardly in our taking over many virus-infected and beggarly elements from the sectarian churches.
4. Only a universal, penitent acknowledgement of this situation can offer us the prospect that the work of the Gospel will not ultimately be resisted (in us). This desired end is brought about by our again becoming absorbed more deeply in and by the Gospel and clinging to it more tenaciously—until it blesses us.²⁴

After stating that the difference between law and gospel must thoroughly be understood before we can define *gesetzlich Wesen*, he then adds three more preliminary summary thoughts:

1. The essential being of a Christian flows out of the gospel.
2. A Christian as such receives the motivation and forms of his actions from the gospel and not the law.
3. These consist and are built up of faith, love and hope. Through these, every manifestation of a Christian's life is determined. On the other hand, the motivations and forms that natural man derives from the law are: suspicion, selfishness, fear. These natural man also injects into every manifestation of his life as a Christian; and in so far as this is the case or expresses itself in the Christian we speak of *gesetzlich Wesen*.²⁵

Koehler's first expanded treatment deals with the question, "What is the difference between law and gospel?" He closes that section stating that the greater import and final emphasis must reside with the gospel, for "it alone makes a Christian what he is, namely, a Christian. And further, out of this fountain alone the right Christian life freely flows."²⁶

Now Koehler gets at what he means by *gesetzlich Wesen*.

There is a tendency in a Christian's being to be motivated in his actions by the law.... The Christian lets the threatenings of the law move him to obedience, so that selfishness in the form of desire for reward remains a driving force in his actions. The Christian lets the curses of the

²⁴ Ibid.

²⁵ Ibid., p. 4.

²⁶ Ibid., p. 6.

law drive him, so that fear lies at the roots of his activities. And this he does not only where he uses the law as the point of departure for his own actions, but also where he tries to force it on others as the source of their obedience.²⁷

Koehler calls this “ugly deformity... not in harmony with the nature of the new life.” He continues:

We see that legalism confounds the natural course of the new life. Thus the actions flowing out of a legalistic attitude clothe themselves in definite general external forms which are born under such confusion. Whereas the activities growing out of faith, love, hope, quelling forth from a real, true and living fountain, are for that reason original, forthright, unbiased, real and true; the doings of legalism on the other hand appear as mechanical, shallow, proceeding from ulterior and mixed motives, opportunistic, makeshift, spurious and untrue.

Legalism ignores the only truly real fountain of Christian life, namely the gospel, and turns to the law which never was intended by God as a fountain of new life. On the one hand it puts the law in the place of the gospel and on the other it confuses both law and gospel so that neither law nor gospel remains. It turns the law into its own opposite, into a means for creating life. The result is that not only the life flowing therefrom does not achieve righteousness before God, but also the intended effect of the law—the beating down and destroying of the old Adam—is not realized.

Likewise, legalism turns the gospel into its opposite. Having ignored the fact that the gospel, like a spring bubbling forth water, is the source of the new life, the legalist takes the technique he has developed in his legalistic relation with the law and transfers this same character to his treatment of the gospel. He seeks to strike a deal with the gospel, pay his dues to it, and succeeds only in making a law out of the gospel, similar to that which he has fashioned for himself out of the law of God. Insomuch he thereby also loses the effect of the saving health of the gospel and contributes to the decline of the new life.²⁸

“Whence this confusion of law and gospel by the Christian?” Koehler asks, and answers: “It flows forth from his sinful flesh. We are still flesh and blood.”

Because in the Christian there is flesh with the Spirit, for that reason an element of sin insinuates itself in every manifestation of life.... The course of Christian life flows along in stumbling, falling, rising again. To the extent that the ardor of the first love dims, the strength of the old Adam rises again, whose nature as opposed to the gospel is always legalistic.²⁹

Koehler conjectures that each Christian’s life routinely falls into this pattern, that the zeal of the gospel fades and an essence of law takes over in which things of faith are done by rote.

Life more and more takes on the forms of the old Adam, legalism.... Faith-life still remains there too, but the arts and practices born of law crowd in and color the acts of faith in such a way that the Christian, because of his lack of vigor, is not always aware of the contradiction.

... What thus transpires in the life of the individual Christian also takes place in the life of the congregation as the sum of the individual lives.... Which brings us closer to our actual subject: the arts and practices as they have grown out of the law in our own midst (*unter uns*).³⁰

²⁷ Ibid., pp. 6-7.

²⁸ Ibid., p. 7.

²⁹ Ibid., p. 8.

³⁰ Ibid.

With that, Koehler ended his introductory installment in the October, 1914 *Quartalschrift*. In the next issues he would go on to describe in more detail the instances he saw of legalism in our midst in the synod at that time.

Praising ourselves for our own rightness is the emphasis of quarterly installment number two. Koehler contends that proper understanding of law and gospel is not limited to Lutherans alone. Intellectually, yes, others' understanding is not quite right. But every person with a heart of faith knows the flow of God's grace is what saves. And legalism, misapplying law and gospel, is not limited to Romanists and Calvinists. Lutherans are prone to do it too, "but in a different way." Permit a lengthy reading from Koehler:

The Lutheran church emphasizes justification and faith.... [Yet] in spite of this "evangelical consciousness," or perhaps by means of it, the legalism of the old Adam grows apace among Lutherans.... Exposition of doctrine takes pre-eminence. We lay greater stress on doctrine, purity of doctrine [than, for instance, the Reformed]. Legalism obtrudes itself here in the form of harping on orthodoxy (*Pochen auf Rechtgläubigkeit*). By this is meant the insistence on the "right faith" where the emphasis has shifted from "faith" to "right."... Such insistence on orthodoxy is primarily intellectual, and in the nature of a challenge calling to account, and with an admixture of satisfaction with one's rectitude. This noisy ado about orthodoxy flourishes on petty parochialism which is opposed to the ecumenical spirit....

It goes without saying that the gospel must be kept pure; for without the truth of the gospel, without a true appreciation of the gospel, one cannot have faith, one cannot come to faith. But to keep the gospel pure is not of immediate interest to the heralding of the gospel; that is of secondary interest. Evangelical proclamation primarily aims for faith. Faith is what it wishes to bring about. Only secondarily then the evangelical proclamation presses for purity of the gospel when the message has been misapprehended. But this still remains lauding and heralding the gospel. And there is no justification whatsoever for a clamorous fuss (*Pochen*). For such an explanatory study can be so couched that the correction continues in the character of a joyous telling of the good news. Indeed, that is the only way—that is, by evangelical proclamation—that the arm of the Lord is revealed and faith is created....

In a doctrinal controversy it will occasionally become necessary to preach the law to the Christian because of his old Adam. Then of course threats and demands have their place. However, it must be clearly kept in mind that this, then, no longer is an explanation for the mutual understanding of doctrine, that now one is not trying to engender new life... in the acceptance of the word of truth; but rather that one is confronted with sin, on which judgment is to be pronounced. The speaking of this truth, too, must be in love and so that the other party will not miss it....

In doctrinal controversy, however,... there shows itself a kind of legalism which not only... expresses itself in threats and condemnations, in dogmatic obstinacy and self-righteous spirit, and in traditionalism, but also penetrates the whole thinking, perceiving and experiencing to such an extent that a disputatious desire to be right and consequent traditionalism become apparent in every speech, discussion and argumentation without the speaker consciously intending it so.³¹

It is Koehler's assertion that intellectualism and lack of ecumenical spirit are the reasons for our "harping on orthodoxy." By intellectualism he means "that in the discussion on the words of life the interests of reason and intellect crowd into the background the interests of the believing heart," a demand for intellectual

³¹ Ibid., pp. 9-10.

assent to the doctrines that ends up overshadowing a proper concern for heartfelt belief in the good news. “To take the marvelous miracle of Scripture with the wonderful works toward us as its content, and make of it a codex of immutable decrees that must be bowed to, that is the doing of a legalist.”³² Over the course of a couple of pages, he expands on this and cites historical examples.

When Koehler speaks of an ecumenical spirit, he is describing “a heart for the whole household of God, for the other sheep, not a part of the immediate fold.” Such an attitude flows from the gospel.

If it is true that there is one holy Christian Church, the communion of saints, among whom rules the unity of the Spirit, that is, the same mind that was in their Lord, and each with faith in him, the head, who fills all in each one, then it cannot be otherwise than that the faith of one is drawn to the faith of the other.³³

The ecumenical spirit does not exhibit the lack of character that overlooks differences, Koehler adds. “Evangelical sense does not sacrifice truthfulness.”³⁴ Yet at the same time, appreciation is to be nourished for the one true invisible Church, the communion of those who trust in the Lord Jesus.

[The ecumenical spirit] consists in my rejoicing that another, whether from Jerusalem or Samaria, on the road to Damascus or at Athens, has come to faith in the Lord Jesus, who having begun the good work in both, will have each of us grow to the fullness of his stature, set and poised for every task.³⁵

Koehler was glad to have others swinging their axes in the woods with him for the sake of the Lord’s overall work. More on the subject:

If I at any time meet up with someone that believes on the Lord Jesus, then the very fact of his faith and that, through his faith, he has become a child of God, member of the body of Christ, becomes the main thing and warms the very heart. To this I will give expression by emphasizing those things that unite us in faith, and not open up with reproach and criticism on those things that still divide us.

Intellectualism and the lack of ecumenical sense, each conditioning the other, on the other hand express themselves predominantly in judgment and condemnation, thus showing the character of the works of the law.³⁶

Koehler lists a personal example of the contrast in approaches, law vs. gospel.

I was out west some years back and met up with many members of other faith groups. There I chanced upon a pious elderly lady, a Presbyterian. She had fine Christian views and since she could put them across and defend them too, we often ended up in a penetrating theological discussion. Thus we came, too, to speak on election. I marveled to find that she, a Calvinist, held precisely our position, which she expressed in simple trusting confidence. Instead of encouraging this attitude, my immaturity betrayed me into calling forth her opposition, by reminding her of Calvin’s actual stand and how she had just disagreed with it. Now she recalled the way she had been taught, and the harmony was out the window; nor could I thereafter budge her from the Calvinist doctrine of election. My intellectualism had conjured up her traditionalism. To this day

³² Ibid., pp. 10, 12.

³³ Ibid., p. 14.

³⁴ Ibid., p. 15.

³⁵ Ibid., p. 14.

³⁶ Ibid., pp. 14-15.

I could give myself a crack on the mouth because, upon reflection, it is clear... that intellectualism—a mind bound up in the law, and the desire to be in the right and not resting till the other is show up as having been in the wrong—had spoiled my ecumenical sense.³⁷

Koehler the historian notes how the Lutheran Confessions, while staunchly doctrinal and defensive of the truth, came out of the right spirit—to attest to the truth and to win others from error. Over the course of time, however, they at times have been used purely to prove rightness—which is not much different than papists quoting the fathers in answer to the Lutheran confessors. If we demote the Scriptures to second place and make the confessional writings the effective norm, then “Scripture, dressed in its *dicta probantia*, as individual proof texts, must serve in the role of curtain boy, shifting the scenes and dimming the lights for the *norma normata* (the standard which is to be ruled over by Scripture).³⁸

Koehler shows how intellectualism and lack of ecumenical spirit engender traditionalism.

Traditionalism is the way of thinking where tradition, the form of teaching inherited from the fathers, is decisive. This way of thinking obtains not only among Catholics, where tradition often runs counter to Scripture, but also among Lutherans. Saying this is not meant to describe the falsity of the tradition, but the tendency to trust human teachers and their interpretations rather than Scripture immediately and without reservation.³⁹

Closing out the second installment of Koehler’s writing are warnings against legalistic preaching and lack of gospel awareness. “Pride in one’s own rectitude, in this case the rectitude of one’s own faith, finds expression... in sermons.” As examples he cites jubilees or special occasions in which the focus rests on the accomplishments of our church, “and the after-thought, ‘to God alone be honor,’ limps along behind.”⁴⁰ He also points out how the art of Lutheran poets has found true expression of greatness when centered upon the gospel and the works of God, not on us and our synod.

As to gospel awareness, Koehler writes:

The knowledge of the gospel gift of eternal life through the forgiveness of sins leaves much to be desired among us.... The gospel is shortchanged without many of us having the slightest inkling of its happening. Many sermons, granted all properly oriented in dogmatics, have an entirely wrong tone.... for instance,... when the mathematics of the doctrine of the Trinity are presented as an object of faith. True, the tri-unity of our God is a truth revealed by Scripture. But, torn out of its context, it is not an evangelical truth....

Redemption... is the object of our faith and [is to be] in the foreground.⁴¹

“Another way in which the legalistic essence shows itself,” begins Koehler’s next part, “is in the insistence on sanctification.... There is, of course, no question as to the need for the encouragement of sanctification, but this is not to be confused with a clamorous fuss.”⁴² He follows with a study on sanctification, and shows how it is necessary that any encouragement to sanctification must be directed to the spirit of a Christian (the new man) and not to the flesh. Sanctification does not address itself to the flesh. “We are not to reform the flesh but to drown and mortify it.”

³⁷ Ibid., p. 15.

³⁸ Ibid., p. 16.

³⁹ Ibid.

⁴⁰ Ibid., p. 17.

⁴¹ Ibid.

⁴² Ibid., p. 18.

We are not to unfold or evolve the new life out of the powers inherent in natural man, but rather as the Holy Ghost created the first germ of new life, so the additional work on this new life is an on-and-on creating of the Holy Spirit, by the same means as in the beginning. For that reason we cannot speak here of law-preaching that demands, threatens and condemns. The encouragement unto sanctification is to quicken the spirit; it therefore should tend to help and confirm. Only the gospel can do that.⁴³

Koehler calls for gospel encouragement (*evangelische Ermahnung*), which speaks to us of God's will concerning our actions but proceeds out of the gospel, pointing out how the same grace of God which redeemed us by the blood of Christ also "proceeds to create all promised good in us and free us from the filth of sin."⁴⁴

"Something entirely different," says Koehler, "is the pounding (*Pochen*) for sanctification." "Boasting insistence on the form and letter," says the translator.⁴⁵ This may either take the route of insistent orthodoxy or pushy pietism.

Insistence on orthodoxy degrades the gospel of sanctification into a sweatshop of the law, using as its muscle the church's regulatory measures such as discipline and excommunication. The ousting of the sinner becomes the aim to be attained, and Matthew 18 is used as if a prescribed form on how to go about it. Koehler argues against this.

In Matthew 18, the Lord quite evidently sets the salvation of the sinner as the aim to be attained.... Indeed, to assume at all that the Lord, in Matthew 18, has commanded an external form of church discipline offends against the gospel in general and... against the wording of the text as well.⁴⁶

If one approaches the matter of church discipline as a formula to be carried out, gospel sensitivity and concern will be absent from the process and it becomes an art or practice of the law.

Pietism is the reactionary opposite. Turning away from the lovelessness of the doctrinaire, pietists seek more sanctified faith, but make their own brand of legalistic mistakes:

Their impulse is taken from the law instead of the gospel; the individual scruples of conscience are made the common censor; the awareness of one's own rectitude is very keen.⁴⁷

This form of legalism saddles all weight on doing instead of on doctrine. And the particular scruples of certain persons were made the standard of life for all associates. Thus came prohibitions against dances, the theater, card-playing, beer-drinking, and so on. "Naturally we are not advocating excesses," Koehler says, but expresses concern over the wrongful spirit which gives birth to such "sanctified" rules. Whereas the orthodox would emphasize the rightness of their faith, "this [pietistic] insistence on the right life shifted the emphasis from 'life' to 'right.'" This also is self-righteousness, something which Koehler says accompanies all legalism. "To set up one's own conscience as the standard for others takes more than a measure of conceit, even if excessive mouthings of humility occasionally flow in an unending stream."⁴⁸

Having thus looked at how legalism originates in church life, the final article in Koehler's series pinpoints specific areas in which legalistic practices can be seen.

⁴³ Ibid., p. 19.

⁴⁴ Ibid., p. 20.

⁴⁵ Ibid., p. 21. German edition—*Quartalschrift* vol. 12, p. 103.

⁴⁶ Ibid., p. 23.

⁴⁷ Ibid., p. 23.

⁴⁸ Ibid., pp. 23, 24.

He sees troubles inherent in the organization and “officialdom” that has come to exist in the church. Matters of fellowship and interaction between synods were a keen issue in Koehler’s day. He lamented the imposing of one form over against another as being better, such as in the church and ministry debate. In his essay, he acknowledges that there is a need for external order in any community or group, but wishes the church had not become so rigid in their establishment of orders and forms. He wishes, too, that pastors would conduct themselves in a spirit of humility consistent with the gospel.

Too readily the teacher allows himself to be placed on a pedestal, finds pleasure in this superior position, and finally condescendingly talks down, even then when he patronizingly becomes one of the crowd. Most people not only put up with such things, but even look up to them with respect, which only makes matters worse.⁴⁹

This condescending attitude, he fears, trains people to say, “Bible study is the pastor’s business; that’s what we hired him for,” and not become at home in the Bible themselves.⁵⁰

Returning to the subject of organization and church government, Koehler shows further how we tend to make way for the law.

For one who governs this becomes the main thing, namely that he does the governing, rather than the building of the kingdom of God. Everyone in the whole earth assesses governing higher than teaching, although the apostle Paul turns it about.... [Then], as today too, whoever stood out in administrative affairs and had the bigger income was also accounted the more worthy of honor....

The above-described unsound view of things halfway makes sense in worldly affairs where everything is settled by law. It makes no sense at all in the church where everything is based on the gospel.... And yet there is often very little difference between the visible church and the world. Congregations consider the pastor the one in highest authority. For that reason he is accorded the higher honor in his dealings with the people, above the school teacher, for example. In larger circles too, such as in synod, if one has an office that has to do with administrative functions, and even if it is but handing out the ballot slips, that immediately raises him above his fellow men.⁵¹

In Koehler’s view, this according of higher honor to certain persons in the church presented the danger that they would take advantage of it, promote their own pet plans and programs and use administrative orders, intimidation and wire-pulling to attain their ends... the kind of thing he would refer to as “politics.”

At the same time, Koehler can see politicking and manipulating taking place in local churches: deft use of Robert’s Rules of Order to get one plan passed over another; pastors lording it over or fawning over members in order to gain their cooperation or loyal affection.

People mention it as something praiseworthy in a pastor that “he is a good mixer.” That expression was coined among the sectarians, who wish to come to the help of the gospel with social endeavors. I am well aware that one can understand this expression in a good sense, and further that shyness and reserve not only hinder a preacher’s effectiveness but also may give growing space to the old Adam. But in my opinion “mixing” is guilty of this in a more affirmative way than is reserve.⁵²

⁴⁹ Ibid., p. 27.

⁵⁰ Ibid.

⁵¹ Ibid., pp. 28, 29.

⁵² Ibid., pp. 30, 31.

Actual ruling in the church, he says, consists of the Holy Spirit creating spiritual values through the gospel, which then find living expression in the group life of the Christians.

Additional areas where Koehler cites legalistic practices have to do with the business affairs of the church: the manner in which money is raised through collections and the manner in which this money, as a freewill offering of love, is dispensed; the evaluation or value put on these business matters over against the church's mission to teach. Koehler saw an open door for legalistic attitudes in having the work of gathering offerings (it would seem he means synodical ones) entrusted to someone apart from the pastors in the churches. "Pastors relinquish a goodly part of their high calling" in this way, he maintains, "namely, through the gospel to strengthen this important part of Christian life in steady contact with their folk."⁵³

In the same vein, Koehler cautions against the adopting of business practices and techniques. Of particular concern then were fund-raiser methods. "Amusements, business interests and such were used to make money. The main thing was to make money, and that with no sense of shame." Resorting to such things, in Koehler's assessment, shows that "we do not have full confidence that the gospel is the power of God... that it alone is sufficient to create for the furtherance of the church not only what is needed but also what is at all of value."⁵⁴

Before closing his thoughts, Koehler returns to the subject of fellowship and interrelations in the Synodical Conference:

It goes without saying that, because of the truth of the gospel, we cannot externally cooperate with those who reject vital elements of the doctrine as we are constrained to hold it. But that our cardinal characteristic is the rebuff shows a spirit of legalism, just as in recent times an external importunate pressure for union reveals the same trait. There is an approach which takes not, as it were, the middle road, but operates on a level completely different—that is, to take appreciative note of every manifestation of the gospel's ability of spirit, to acknowledge it, to stand behind it with word and deed openly, to strengthen and encourage its fuller growth, without automatically turning on the icy water of our superior criticism.⁵⁵

Within the final pages, Koehler makes a couple of additional comments that I shall quote before we continue:

It behooves us to examine ourselves whether we are not enmeshed in our own legalistic arts, in parochialism, our craving to be always in the right, and self-righteousness.

... In many ways we have lost the consciousness of and the critical sense for legalistic arts and practices. For that reason we can't stomach being reproached about this....

But how is there help? Let us retreat and recoup our strength in the gospel, study it diligently, again and again, and from the beginning, and thus preach it to our people.... The gospel brings new vigor. It also brings deeper knowledge of sin, it brings greater joy of faith, it then also will give the power to overcome the decay of spirituality of our time.⁵⁶

***Gesetzlich Wesen Unter Uns* — What Can We Learn From It Today?**

Applying J.P. Koehler's words to our present-day situation is a task I have approached with trepidation. As little expertise as I have in church history or German language, I feel even less the expert to vaunt my opinions regarding synodical spiritual health. As a parish pastor with less than ten years experience, I don't rank myself as a know-it-all. (Then again, if I did, that would be *gesetzlich* in character, wouldn't it?)

⁵³ Ibid., p. 32.

⁵⁴ Ibid., p. 34.

⁵⁵ Ibid., p. 34.

⁵⁶ Ibid., pp. 34, 35, 36.

To supply a more well-rounded analysis of how legalism is perceived to rear its head among us presently, I solicited comments from other brothers from around the synod, primarily those in leadership positions or involved in synodical work. Some of what follows is my own appraisal; much of it stems from theirs. I may not reference who said what in every case thereby I can “take the heat” if this generates any.

Forgive me if this section becomes a bit haphazard in its organization. With many of the issues raised, there is a great deal of overlapping. It’s hard to put each issue into a nifty separate package or paragraph. So bear with me if some amount of jumpiness and repetition occur.

First off, just as “the term *gesetzlich Wesen* was not generally understood” when Koehler used it,⁵⁷ so not everyone agrees on just what can be called “legalism.” One brother would narrow the thought primarily to that of work-righteousness:

Legalism does not mean being strict, overly strict, or even overbearing or mean-spirited. Legalism is an attitude of law that feels I can be saved by it.

But others, as Koehler, see legalistic implications being more far-reaching.

We become entangled in legalism when we try to take God’s place in establishing divine laws about what is right and what is wrong.⁵⁸

Placing the Christian for all practical purposes again under the Law—this is legalism.⁵⁹

Letting the Law predominate in our ministry rather than the Gospel... [is] being legalistic instead of evangelical.⁶⁰

Let us simply define legalism as a confusion of Law and Gospel... [in which] the Law is used to accomplish the purposes of the Gospel... or the Gospel is made into a law.⁶¹

The Wester’s dictionary that sits on my desk lists two meanings for legalism. The second one is the special theological one: “The doctrine of salvation by good works.” The first listed meaning is the common one that I believe most of us think of first even in reference to religion: “Strict, often too strict and literal, adherence to law or to a code.” I believe that meaning fits well what most of us mean by legalism most of the time.

Where does this kind of legalism show itself among us? One way, which I’ll try to avoid, is when harsh and sweeping accusations are made against brothers or the synod-at-large. The kind of thing done by Beitz in his infamous essay is not in the spirit of the gospel. “I’ve always found it somewhat ironic that the Protes’tants, who come close to claiming that they alone truly understand the Gospel, show so little of a Gospel spirit in their statements and writings,” says one who over the years had to deal with much of that type of controversy. Another brother puts this issue at the top of a list of concerns he sent me:

Judging brothers in the ministry on the basis of hearsay and on the basis of opinions expressed by others outside of our circles (for example: *Christian News*), rather than finding out from and talking to the person being judged/evaluated/criticized.

I don’t mean to censure others by way of this paper, nor will you want to do so, I’m sure, in the discussion of it. We’ve all got plenty of beams in our own eyes. I agree with a comment by Peter Kruschel: “I don’t think the church is well served by brothers tossing accusations and innuendos back and forth in public settings or published papers.”⁶² Our intention here is to foster repentance and a renewed gospel spirit. Let the

⁵⁷ Ibid., p. 3.

⁵⁸ K. Kremer, correspondence.

⁵⁹ A. Schuetze, “A Christian and the Law,” *Wisconsin Lutheran Quarterly*, vol. 61, #4, p. 266.

⁶⁰ J.M. Brenner, “Encouraging Fruits of Repentance Without Legislating Sanctification, p. 10.

⁶¹ R. Bitter, p. 7.

⁶² P. Kruschel, correspondence.

following thought from a brother on the seminary faculty set the tone and be our motto: In answer to the question, “Have you ever had to deal with any cases of legalism?” he replied, “Yes, most often with myself.”

Having said that, let’s begin our look at legalism in our own midst in an area that was a key issue for Koehler as the chief Wauwatosa theologian: a reliance on dogma and tradition. It’s interesting that we’ve had to rerun the whole series of study as to what is ministry, complete with symposiums and compendiums on ministry, because in the half century plus since the Wauwatosa faculty tackled that issue we got sidetracked from Scriptural principles and fell back on the old, established traditions of the church. It was time for us to do our homework again.

In his paper, Koehler gave examples of the types of problems that can arise in the midst of doctrinal controversies, where again the promotion of one dogmatic position over another takes precedence over Scripture. From my own exposure to it, I’d say we’ve had some of that in the current conversations over man and woman roles. There are those trying to press the envelope in their practice by approaching Scripture with a pre-formulated view and trying to make the proof texts say what they want them to say by gymnastic exegesis. They are wrong to do so, but it is an equally law-minded approach that relies on the tradition of what the church has long held and practiced without doing thorough study. Neither approach starts with the gospel plan of God in mind and works forward from there. Both ways start with a law or principle decided upon—either by tradition or by rejection of tradition—and from there try to figure out how the gospel fits with it. If the man/woman controversies have done us any good, they have made us start at the beginning again and do our Bible homework.

Legalism creeping into matters of doctrine “is a particular threat or danger within a church that has battled for the truth.”⁶³ We become protectionists, that is, we feel “we must protect the gospel, as though it is not strong enough to stand by itself.”⁶⁴ It becomes our exclusive aim and goal to “preserve the Word and not necessarily just as vigorously to proclaim the Word.”⁶⁵ Essentially we set up laws around the gospel, maintaining practices that may be no more than our own tradition.

In many areas, we have to “watch out for traditionalism becoming legalism.”⁶⁶ It is my own feeling that some feelings expressed in the wranglings about school amalgamation portrayed traditional ways and places as being the only salutary possibility for the synod, that the power of God was not trusted to see us through something so earthly as a move. I have to wonder how Koehler would have responded 70 years ago had someone said: “J.P., how can you be looking to design and build a new seminary campus north of Milwaukee? It’s the *Wauwatosa* Theology! What’s Mequon? Stand up for tradition, John!” I don’t mean to be facetious. I know the amalgamation and move are things very painful and difficult for many people—including ones very close to me. But I believe it points out how we can become so reliant on tradition that we fear doomsday is coming if we veer from it, rather than placing all trust in the gospel.

Overly zealous traditionalism can give rise also to a judgmental form of legalism. We reject something because it isn’t what we’re used to. We fix guilt to practices that God’s law neither commands nor forbids. We deny women the privilege of serving in areas where God does not forbid such activity. We imply that all “church growth” practices are sinful. Teachers exert unreasonable classroom rules. Pastors insist on practices which Scripture leaves to our Christian freedom. The freedom of the gospel undermined by a less tolerant clergy. Church leaders suggest there is something inherently wrong with an activity even though God’s Word has not spoken in the matter. Loveless criticism of each other. Pressure for conformity to a certain pattern. Rushing to judgment, nitpicking. Calling into question a person’s commitment to the truths of Scripture over issues of casuistry. Condemning every deviation from the usual ways. These are gleanings from comments made from brothers across the synod. From the volume of comments in this area, I sense it to be a real issue.

Let one example in this area suffice.

⁶³ R.J. Voss, correspondence.

⁶⁴ P. Kruschel, correspondence.

⁶⁵ J. Radloff, correspondence.

⁶⁶ J. Huebner, interview.

For four or five years our synod's Board for Parish Services (and consequently Northwestern Publishing House) has been paralyzed by the warning voices of a few with regard to the development of materials that can be used in so-called *small group* settings.... There is a view that... wishes to leave the impression among our people that something about small group activity is inherently wrong. Spiritual leaders, in the name of history (pietism), or circumstances, or common sense, or threat (the Church Growth Movement) have planted the seeds of a legalistic attitude.... They may have the best of intentions. They have not intended to make man's opinion binding as though it came from heaven; but the effect is the same. They have placed a burden of guilt on individuals for practices that God's law does not address, either directly or indirectly.⁶⁷

That the burden of guilt is felt is apparent from anecdotal evidence. In one circuit of the synod, the pastor's wives decided to meet regularly, do some Scripture study together and talk about issues related to life in a parsonage. Yet they speak of their meetings in hushed whispers, concerned about perceptions others might have. Two women of the circuit have chosen not to attend on the grounds that such a group, especially among women without a pastor being present, would offend or compromise their husband's ministries. May I ask, where in the story of the spreading gospel do such restrictions fit in? Certainly not with Lydia at Philippi.

Let us move on to another area, that of "politics" or "officialdom" as Koehler referred to it. We are blessed to have a church body not greatly afflicted by politicking and power-mongering. But, on the other hand, there seems to be a yearning and invitation for something of this, in that pastors and people look to synod officials to set policies for us all simply to follow. I recall our district president lamenting that the request for "an official statement" regarding the roles of man and woman had come before the Conference of Presidents. A conference in another district now has requested a seminary professor to come and present a paper on the application of fellowship principles, seemingly wanting to neatly package some guidelines on how and how not to do fellowship. Numerous brothers have commented on a "code book" mentality that is circulating among us.

Many are looking for the cut and dried answers to every question, and condemning everything that does not neatly fit within the parameters of those answers.

It seems to me there is a growing sentiment/desire on the part of some for something of a canon law on situations and circumstances related to fellowship and the role of man and woman. Perhaps the worst thing to happen among us would be to develop a handbook theology; e.g. this is the way we do it in WELS.... We will thrive only if we continue to dig out scriptural principles, own them personally, and base our practices on them.

Pastors may look for a code book in order to save themselves some homework; that's an understandable (albeit unhelpful) desire.

The more overworked and burdened a pastor becomes... the more tempting it is for him to be legalistic. It's easier to point to laws, rules and policies than to take the time to counsel with the gospel because, as Koehler points out, the law appears to work quickly and decisively.⁶⁸

"It's easy to allow a rule book to control the way we do ministry and relate to each other," says Bob Hartman. "Being guided by the spirit of the gospel is a harder thing."

The same sort of sentiment that would call for a synodical book of laws comes into play on the local scene, "when in congregational life appeals are made to the Constitution and By-laws rather than applying the letter and the spirit of the Word."⁶⁹ In that way, whenever a practical case arises, they can point to Document B,

⁶⁷ K. Kremer, correspondence.

⁶⁸ P. Kruschel, correspondence.

⁶⁹ J. Radloff, correspondence.

Rule 10, thus alleviating the need to sit down and discuss each issue in a truly evangelical manner. District Constitution Committee chairman John Gaertner tells some of what he's seen:

I have noticed the tendency to “protect” all threats to the Word of God with a constitutional/bylaw article.... When you see a constitution where it spells out who can and who can't buy toilet paper, I believe we have gone too far.

Another area where the problem exists is when dealing with fallen away members, etc. The need is seen to have a neat little category on how to deal with each case and fit it in: excommunication, self-excommunication, removal, release, drop from membership, etc. It is not uncommon for a congregation to have seven and up such categories; we have even seen twelve. When you show people that there are cases that don't fit into any of their neat packages, it floors them.

I see congregations using their constitution/by-laws to motivate officers to do their work, when the Gospel alone serves this purpose in the Christian life.⁷⁰

Regarding constitutions and the practice of discipline, an example was cited at the School of Outreach of a congregation that had it as written policy that inactive members would be sent a series of four letters, according to a specific timetable. If the member did not respond and become active accordingly, after the fourth letter excommunication was automatic. Thankfully, this sort of practice was noted to be a “bizarre occurrence” among our congregations.

Nevertheless, church discipline overall should be mentioned as a danger zone for legalistic tendencies. This is true both in the local congregation and in discipline of congregations and pastors as exercised by the synod. What is our mood, our spirit? Is it “throw the rascals out” and “get rid of the dead wood”... or “snatch others from the fire” (Jude 23)? When discipline issues are being carried out in other districts, do we patiently trust those elected leaders to function in a firm and evangelical way, or do we assume a certain schedule by when action should be taken, though we are not privy to all the facts? Remember what turmoil disciplinary cases caused for our synod in the days of Koehler, leading up to the Protes'tant affair. May we do everything we can to ensure that love stemming from the gospel characterizes all our actions and no unnecessary offense is caused. (There will be offense if someone has indeed turned away from faith, but God forbid we somehow are the ones planting the stumbling blocks out there!)

The next major area where legalism takes hold is in regard to sanctification, a subject to which Koehler's *Gesetzlich Wesen* devotes considerable attention. He characterizes proper encouragement toward sanctification this way:

No demanding (Do this!); no threatening (Do that or else!); no condemning (Now see what you did!) – rather, a coaxing, a refreshing of the spirit, a picturing and unfolding of the good yet to come, and always all bound up in the gospel.⁷¹

Which way do we approach it? If I look at myself as an example, I know that frequently I fall into a legalistic tone when talking sanctification. “The ‘law-man’ inside each of us, uncomfortable with the power of the gospel, tries to force compliance not realizing how compelling the gospel is.”⁷²

There are two ways of causing a person to do what you want him to do. One is to make him do it. The other is to make him want to do it....

There is an apt term for the first. It is called legalism. Its basis is law. Its motivating force is fear—fear of punishment, fear of reprisal, fear of loss, fear of shame.

⁷⁰ J. Gaertner, correspondence.

⁷¹ Koehler, *Gesetzlich Wesen Unter Uns*, p. 20.

⁷² K.R. Gurgel, correspondence.

Legalistic methods can be effective in producing external results in the church. They can increase contributions, boost church attendance, improve Communion participation, establish outward conformity in doctrine and practice. Divide up the budget on a per communicant basis, threaten expulsion, publish a list of delinquents, incorporate some brow-beating in the sermons. Tactics like these will sometimes go far in causing malingerers to shape up....

But while legalism can twist arms, it cannot change hearts.... God's grace changes the heart. It makes us want to do what he wants us to do. It is the motivating factor in the life of the Christian.⁷³

I regret to say that "brow-beating in the sermons" is something of which I became guilty for a phase of late. I regret to say also that members still complimented me on those sermons, seeming to say, "We needed a good scolding!" But those methods had no chance to help our congregation's sanctification in the least.

Not one iota of the Law contributes anything by way of strength or renewing power so that a Christian will desire to or actually do anything according to the Law.... The Formula of Concord (S.D. VI, 11) says: "But the Holy Ghost, who is given and received not through the Law, but through the preaching of the Gospel, Galatians 3:14, renews the heart."⁷⁴

J.P. Koehler provided good commentary on this subject in another of his writings:

It is so very necessary that all admonition to love and good works proceed out of the Gospel.... that, not by artificial means all sorts of imitations of love be produced, but that love itself, which is the life of the Holy Spirit, be produced by the correct preaching of the Gospel. All artificial means which seek to keep the Christian's life alive from sources outside of the Gospel can only harm this life if it still exists. And it does not help to give the Gospel second place. For a time, of course, it will have some results. But because the whole treatment is based on the Law anyhow, and because in Christians, too, there are still strings which vibrate in harmony with the Law, these tones of the Law become more powerful than the voice of the Gospel. Finally, under the screeching noises of the artificial, so-called Christian busy-ness the voice of the Gospel can no longer be heard, and nothing is left but a confused and noisy affair in which no clear tone, no true harmony is to be found.⁷⁵

Many of us serve in mission settings. A fruit of faith we desire to see in those settings especially (as well as in established congregations) is member activity in evangelism. But a danger lurks in the spirit from which evangelism work is born or in the motive behind it.

What I'm talking about here is the emphasis on increasing church membership as though that were the great motivation behind evangelism work.⁷⁶

When a missionary lays before his congregation the ultimatum, "BECOME MISSION MINDED NOW, OR ELSE!!!" (as in, "or else this mission may be closed), will this in fact produce the desired result of spiritual people reaching out with the gospel for spiritual reasons?

Similarly, we are producing law-minded motivation if we urge people toward good deeds because of the rewarding outcome, the blessings that follow from obeying. Furthermore, it is a habit of the law to check and tally a person's performance in matters of Christian living.

⁷³ Immanuel Frey, "The Motive is the Things," *The Northwestern Lutheran*, volume 63, page 67 (March 7, 1976).

⁷⁴ A. Schuetze, "A Christian and the Law," *Wisconsin Lutheran Quarterly*, vol. 61, #4 (October 1964), p. 291.

⁷⁵ J.P. Koehler, *The Epistle of Paul to the Galatians*, p. 145.

⁷⁶ R. Bitter, p. 19.

We need to guard against the Reformed idea of “accountability,” championed today by Serendipity, which attempts to turn each congregation into a supervised Geneva.... You see a reflection of this legalism creeping into our youth publications when they demand specific fruits and signed accountability “covenants” for the youth, supervised either by the group or by the leader.⁷⁷

Encouragement toward sanctification has a lot to do with our preaching, and preaching is another area where we must take great care to avoid legalism. “I have heard WELS pastors preach sermons and otherwise present messages of ‘comfort’ devoid of any gospel,” says one synod observer. Even we are capable of wrongly mingling law and gospel. “We ought not, for example, to say that God will forgive us if we are sorry, as though our contrition were the price we pay for God’s forgiveness.”⁷⁸

There must be none of this “God-will-love-you-if-you-are-good” business, or “God will forgive you, if you repent, if you are sorry, if you believe”.... No, God loves [people] with all their sins and all their faults. He has already long ago forgiven all their sins. You are to be a messenger of God to bring them this good news. You are to tell them without conditions and without reservations, “God loves you. God has forgiven you all your sins.”⁷⁹

Prof. John Jeske, who conducted a homiletics workshop with us in this conference two years ago, believes we are prone to be legalistic when we preach sanctification.

When WELS preachers preach justification, I think we’ve got the relationship between law and gospel correct. In my view our trouble arises, however, when we move to sanctification. Let’s say the sermon text points out a certain area in which growth in sanctification is called for. Preachers apply the law in its third use (so far, so good), but then conclude: “God has shown you what he wants you to do. Now do it!” “Jesus did a lot for you, now he wants you to show your love in this particular way!” And that is thinly veiled legalism.

... A lot of sanctification sermons I’ve heard and read direct the hearer to his own resources of faith and love for his life of sanctification, instead of to the power provided by Christ’s resurrection and by the Spirit’s indwelling. To make the third use of God’s law motivational is legalistic sanctification preaching.⁸⁰

Jeske adds another area in which he sees our preaching as weak, taking off on Koehler’s comment that “knowledge of the gospel gift of eternal life through the forgiveness of sins leaves much to be desired among us.... The gospel is shortchanged without many of us having the slightest inkling of its happening.”⁸¹ As examples of unintentional gospel omissions in our preaching, Jeske says:

I’ve heard and read an awful lot of *formulaic gospel preaching*. The preacher has developed one or two ways of articulating the gospel, and he never ventures beyond the security and comfortableness they provide. But the formula is too familiar to the hearer (whose response is: “Oh, that again. I wonder why he bothers to tell me.”).

Related to the preaching of sanctification without the gospel as the source of live and motive, also there is the matter of reliance on strategies and programs for church success without the gospel in them.

⁷⁷ Paul Prange, “The Effects of the Age of Pietism on the Lutheran Church,” p. 8, endnotes p. 6.

⁷⁸ S.W. Becker, “Observing the Proper Distinction Between Law and Gospel in the Preaching and Teaching Ministry,” p. 15.

⁷⁹ S.W. Becker, “The Use of Law and Gospel in Motivation for Christian Living,” p. 9.

⁸⁰ J. Jeske, correspondence.

⁸¹ Koehler, *Gesetzlich Wesen Unter Uns*, p. 17.

In all sincerity, we struggle for ways to be about the work of the gospel more effectively. We write manuals and workbooks, conduct workshops and mail out newsletters with the latest tips. We consult the latest revelations of the religious minded social scientists for the newest methods and techniques. And we strive to do it all to the glory of God and the salvation of souls.

But in the midst of it all... I'm afraid something can easily be forgotten. We can forget that we cannot make the gospel more effective.... We can easily begin to think that all our learning and wisdom indeed enables us to make the gospel more effective.... It's ego boosting to believe that some technique or method we are pioneering is bringing in the harvest of souls.⁸²

It is foolishness and law-thinking to suppose that a specific form of ministry or this or that type of program is "what will save our church today." The gospel is the power of God unto salvation, not the programs or forms in which it may be wrapped. That said, it should also be clear that one form or method ought not be insisted upon over against others. Condemning the use of all forms and programs is legalistic in nature too. The Protestants have veered toward this, even to the point of a pastor believing it wrong to prepare any kind of a structured outline for his sermons, wanting instead simply to have the spirit of the gospel flow through him. (It would be interesting to hear his sermons!)

In the realm of "strategies for success," an appeal to law-oriented, reward-seeking type thinking can be seen when we try to "draw people into our churches by the theology of works and glory rather than by the theology of the cross and grace alone."

Here are some glorious things that we like to tell people to bring them in: "Our preacher is very friendly and really smart." "We are more faithful to the Bible than any other church." "We have an exciting program for the whole church family." "We are really a friendly church." "We are a small, comfortable church." "We are a growing, successful church."

We need to beware of thinking we can do more for God by drawing men to the church through these glorious works rather than through specifically talking about: 1) man's lostness and 2) our Savior's cross. God wants... his grace, not our works, shared. Therefore, let there be no spiritual pride drumming home our rightness. Let Christ's righteousness sound out.⁸³

As mentioned earlier, trying to measure the quantity of sanctified outcomes has a ring of legalism to it, too. "Numbers (not the Biblical book) have seemingly achieved an unhealthy status in our circles."⁸⁴ Did Beitz in part have a point when he accused, "We measure a man's success in the ministry by the number of people he has been able to drum together"?⁸⁵ We protest that his protest is unfair, but I fear many missionaries feel judged or judge themselves that way (I know I did, and have counseled others who do). "Regulations regarding the length of time a home mission may have to become self-supporting," "quotas and statistical benchmarks for measuring outreach 'success,'" are items mentioned by respected men in our midst as dangers to the true gospel spirit. Koehler once wrote, "Faith is invisible. External works, however, appear pious."⁸⁶ Do we focus on external work in our tabulations of numbers as an assessment of a mission field's merit? What of the intangible factor of the faith of the people there? And when we look for new mission fields, what do we seek? A place evidencing an urgent need for our ministry of the gospel, or a place where there is an opportunity for ministry and relative probability that we can expect a growing congregation which in a few years time will be able to support itself?

The emphasis on numerical results is something we seem to have adopted from the world of business, where production is paramount. A synod administrator self-critically comments, "The way we do things today,

⁸² R. Gurgel, "Love and Zeal for the Truth," p. 8.

⁸³ T. Schmidt, District Evangelism Report, 1/24/1991.

⁸⁴ K.F. Koepf, "Reflections, Concerns and Questions," p. 3.

⁸⁵ Beitz, p. 13.

⁸⁶ Koehler, *Galatians*, p. 128.

it seems to me, is influenced a great deal by the world. Corporate techniques and ideologies are the models we follow.” And these, of course, do not stem from the gospel. From fund-raising methods to decision-package budgeting, we adopt ideas that work in the workplace world and attempt to make them work in the church. And they don’t always serve us well. “We’re planning ourselves into frustration,” a member of our district council lamented last October, feeling that the heavy focus given now to planning, with business-style forms and methodology, is distracting us from our mission.

It would be legalistic to claim that no practice which originated outside the church can ever be used in the church. But we must ask if the gospel remains the priority in the methods we adopt. In many cases, we try to inject the gospel into them, as with planned giving counselors, but there is a taint of law sticking to them because the original aim of the program was not purely gospel, but something supplemental (in this instance, to fund the budget, to bring in money).

One more issue I’d like to raise, where there can be an essence of legalism among us. It is one which Koehler gave extended treatment in *Gesetzlich Wesen* – that is, the “ecumenical spirit” in reference to our views on fellowship.

Koehler stressed that we should deal with fellowship in a positive way. If I may again borrow and apply a thought from his commentary on Galatians, remarking on Galatians 2:19 (“For through the law I died to the law so that I might live for God”), Koehler says:

Formerly, sin was the element of my life when I tried to keep the Law. Now, in the place of sin, God and his will are the goal and the guiding principle of my life.⁸⁷

The contrast is between living life to avoid sin (as under the law) versus living life to enjoy the blessings of God, basking in the joy of the gospel. Applying that thought to the issue of fellowship, do we practice closeness (in communion and elsewhere) primarily because we want to keep the unworthy and the unorthodox away, or is our practice of fellowship a positive, joyful expression of appreciation for the unity in Christ that we share?

Instead of rejoicing in the inclusivity of our fellowship doctrine, we point (proudly or embarrassingly, as the case may be) to the exclusivity of our fellowship doctrine. As Koehler notes, that is self-righteousness and does not serve the spread of the gospel.⁸⁸

Taken to the extreme, we may act as though even to breathe in the direction of those outside our denomination is sinful, and adopt a separatistic attitude which goes beyond our fellowship principles, forbidding all contact with those who are not of our church. Is it not true that Jesus said, “Whoever is not against us is for us” (Mark 9:40)?

We must be like Koehler in his message wants us to be: evangelical, with a heart for the communion of saints, wherever it is found. He calls it somewhere an “ecumenical spirit.” Not to condone heresy, but to rejoice when a person who loves his or her Savior comes within your cognizance; to rejoice there is another axe in the forest merrily chopping away; and patience in pointing out errors in others.⁸⁹

I had personal experience of this this winter. A retired Baptist couple asked if they could attend the weekday morning Bible study at our church. Of course! It was a joy to meet them and see their faith. Opportunities presented themselves to talk about doctrinal differences, and I hope I did so in a loving way. They

⁸⁷ Koehler, *Galatians*, p. 65.

⁸⁸ P. Kruschel, correspondence.

⁸⁹ J.P. Schaefer, correspondence.

have no plans to be joining our church, and I'll confess that doesn't bother me. The opportunity to greet others in the Lord and share with them the spiritual truths of the gospel that bring me joy and blessing is a privilege in itself. At least they learned that Lutherans are not enemies of the gospel... and some of our members discovered that Baptists can be believers too.

Conclusion

The second subtitle for this essay as assigned, is: What problems does *Gesetzlich Wesen Unter Uns* present for us? I reckon I'll hear some in your responses to what I've just presented. Pressed to an extreme, as did the Protes'tants who took off and ran (too far) with what Koehler said, a concentrated aversion to legalism can lead to a rejection of all forms, strategies, planning, programs, outlines. This is unnecessary, and really is just as legalistic as its opposite.

In examining this topic, with each issue that cropped up as a potential legalistic trouble spot, I noticed how there can be legalizing on each extreme. ("We must move the campus! / We cannot move the campus!"... "Only heretics look at Church Growth materials!" / "You really must try this method; it works!") It's easy to toss the charge of legalism against any brothers who don't agree with us, but in the process we become legalists ourselves.

As men called to proclaim the gospel, we must work to keep the gospel central and paramount in all our thinking, saying and doing... and be patient and evangelical with each other when differences occur.

Overall, I would not say that ours is a legalistic church. How can we be when we are proclaiming the gospel of life in Christ alone, through the grace of God? But the *opinio legis* will keep trying to rear up and take control of us in one direction or another, in our individual Christian lives, in our parishes, in our synod. To maintain an awareness of how and where the law seeks to reclaim us is vital to our ongoing spiritual health. Any form of religious life not motivated by the gospel is an outgrowth of the law. That is the message Koehler directed to us in *Gesetzlich Wesen Unter Uns*. May God be with us so that more and more, all our arts and practices are readily apparent as products purely of the gospel.

Resources Utilized in Preparing This Essay

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