

The Parting of the Ways

An Evaluation of the Official Publications of the Seminary Faculty During the Protestant Controversy in an Effort To Understand the Differences Between Koehler and Pieper and also Koehler's Dismissal from the Faculty.

Prof. Fredericks  
Church History, Senior A  
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Charles F. Degner

Wisconsin Lutheran Seminary Library  
11831 N. Seminary Drive. 65W  
Mequon, Wisconsin

## The Parting of Ways

In the mind of this writer, it is difficult to imagine how two respected and capable theologians like J. P. Koehler and August Pieper, who had stood shoulder to shoulder in laying out the scriptural doctrine on church and ministry, and whose cooperative efforts were largely responsible for what became known as the "Wauwatosa Gospel," could come to a parting of the ways during the troublesome years in our Synod known as the "Protestant Controversy." Some would say, and with some justification, that the parting of ways had occurred long before these men took to their pens in reaction to the controversial Beitz paper, "God's Message to Us in Galatians: The Just Shall Live By Faith." Be that as it may, it was the writings of these men which served to define their differences and make them known to the rest of the Synod. While Pieper wrote in conjunction with the rest of the faculty, Koehler stood alone amidst a storm of opposition. An evaluation of these documents will illustrate how the split that developed in the faculty of our seminary eventually led to the dismissal of Koehler from the faculty. These documents are: the Gutachten, the Beluechtung, the Antwort, and Witness, Analysis, and Reply.

→ Since these documents concern themselves for the most part with the Beitz paper, it would be unfair to evaluate them without first taking a look at the Beitz paper itself. But first, a brief review of the events which set the tone for this paper is in order. A good over all view of the entire controversy can be had from Dr. E. Kiessling's treatment of the subject in The History of the Western Wisconsin District. The events leading up to the Beitz paper may be summarized as follows:

1. March 24, 1924: A thievery ring among students at Northwestern is exposed. The faculty took disciplinary action without consulting the Board. The Board objected, saying that the faculty had overstepped its authority, and demanded a review of the cases. This led to the suspension of Prof. Karl Koehler and Prof. Herbert Parisius, who strongly objected to the Board's interference.

2. June, 1924: A meeting was held during commencement exercises at NWC for the purpose of informing concerned individuals of the faculty's side of the story. A good deal of "party spirit" was engendered, and people viewed the actions of the board as evidence of an unhealthy "officialdom" creeping into the Synod.

As a result of his leadership in this meeting and of his outspoken criticism in his classroom of the handling of this and subsequent matters, Prof. Ruediger of the Seminary was taken to task. His "confession" and its subsequent "absolution," printed and signed by the Seminary faculty with the exclusion of Prof. Koehler (who could not condone such a written absolution), was unfortunately published throughout the synod. In 1927, Ruediger was relieved of his duties at the Seminary because he no longer enjoyed the confidence of his students.

3. About the same time that the "watertown Case" was being handled, trouble was brewing in the congregation at Fort Atkinson. Two lady teachers were upset with certain "unscriptural practices" in the congregation. While vocally declaring their disapproval, they even accused the pastor of being a false prophet for not speaking out against these practices. While the congregation sought to deal with these teachers, they were called by the congregation at Marshfield before the matter could be settled. Hence, the pastor and congregation at Marshfield were drawn into the fray. The officials of the Western Wisconsin District tried to settle the matter in a series of meetings, but were unsuccessful. As a result, the congregation at Fort Atkinson withdrew from the District. In the confusion, it was felt by many that the District had bypassed the injunctions of Matthew 18.
4. June 16-22, 1926: At the convention of the Western Wisconsin District in Beaver Dam, the two teachers, who had since accepted calls outside of Marshfield, were suspended. A number of men, who were not satisfied with the way in which the whole affair had been handled (many of whom had been present at the meeting in Watertown) signed the "Beaver Dam Protest," which protested the handling of this case of discipline and stated that it was just part of a larger question. At the same convention, the officials of the District were empowered to deal with the signers of the protest (hence, the "Protestants," which the men called themselves, as a translation of the name "Protestler," which Pieper had coined). A number of suspensions followed.
5. Beitz delivered his controversial paper at Schofield in September, 1926, at a pastoral conference. It was read again at a mixed conference at Rusk in October. The paper immediately was distributed beyond the confines of the conference, and became a rallying point for the Protestants, since it dealt with what the Protestants thought were the "höhere Frage." In November, there was a formal meeting of the Protestants. In March, the Beitz paper was read again in Marshfield. Thurow, the District President, refused to comment on it, and submitted the paper to the faculty of the Seminary for a "gutachten," or opinion. While this was a common practice in the LCMS, it had never been done in our Synod.
6. In November, 1927, at a special convention of the Western Wisconsin District, the Beitz paper was rejected and the Gutachten was endorsed. In effect, this raised both documents to the level of confessional writings, which was extremely unfortunate. Neither

It would be extremely unfair to pawn off the above as anything except a cursive summary of the events which led up to the Beitz paper and the documents which reacted to it. Each event, and many others besides, has a history all its own. And instead of questions being answered by these proceedings, more questions were raised. For an example, were the suspensions by the District excommunications, or not? Because there was such a lack of clarity in all the these matters, the suspensions were reviewed (and upheld) in the thirties. They were reviewed again in the sixties, and at that time they were rescinded. If all this has left the reader of this paper confused as to the issues, the facts, etc., it is because these years of our Synod's history were just such confusing times. In fact, many questions remained unanswered yet today. And as often is the case in such confusing and controversial times, opinions and judgments became more rigid and concrete than the actual events and facts could allow. Men were digging their foxholes deep in the heat of the controversy, and more often than not, they were unable to see out of their foxhole and into their neighbor's. As long as the air was clouded with such confusion, and the artillery of accusations was flying back and forth, it was difficult, almost impossible, for the Synod to see its way clearly out of this controversy.

These were some of the immediate causes of the controversy. There were also some remote causes which should also be considered. Before 1917, and the merger of the Wisconsin, Michigan, Minnesota, and Nebraska Synods, there was only one set of officials responsible for dealing with such disciplinary cases, and that on the synodical level. Suddenly, what had been the Wisconsin Synod was broken up into three districts. Four times the number of responsible men were needed to running the affairs of the Synod and its districts. Men with the necessary qualities of spiritual and organizational insight were not always available. Consequently, we do not find the kind of leadership, which we have come to know today among the men who had to deal with the con-

Looking back, one wonders whether or not the German-English language impasse added to the confusion and lack of understanding during the controversy. Also, the Synod as a whole had just seen its way through the doctrines of Church and Ministry under the leadership of Koehler and Pieper. For many, it was a change to look upon the Synod, or district, and not just the local congregation, as a form of "church." Had this doctrine also found its practical application in the minds of the Synod's constituency? Or was the larger organization still looked upon as a "necessary evil" that had to be tolerated? And, finally, it is sad but true that it often takes just such a controversy to teach a newly organized, or re-organized, group to function in the best interests of its members and in accordance with the Bible's directives to the Church.

Such was the confused atmosphere in our Synod. The Beitz paper only added to that confusion. William Beitz, the young pastor at Rice Lake, WI, had only been in the Western Wisconsin District for about two years before he delivered his paper at the pastoral conference in Schofield. He had spent the first several years of his ministry in Arizona. He was a very gifted speaker who could captivate his listeners, as is evident when one reads his paper. He entitled his paper, "God's Message to Us in Galatians: The Just Shall Live By Faith." In that paper, which was more of a sermon than anything else, Beitz issued a call to repentance and a return to a "life by faith," lest the Synod come under the terrible judgment of God.

To avoid repetition in the specific points which came under criticism in the Gutachten, let a few general remarks suffice. Upon first reading the paper, the reader will find himself agreeing and disagreeing with Beitz and with what he says. At one moment one realizes that Beitz has opened our eyes to the legalistic practices that can invade every aspect of our pastoral ministry. He puts into concrete language what Koehler had set forth in his treatise, Gesetzlich Wesen Unter Uns. He shows us how the legalistic spectre of our

← Old Adam creeps into everything that we do, also as pastor\$. For this we may thank him. And yet, there are times when his words force us to ask, "How can he possibly make such sweeping accusations and condemnations?" Take the following as a sampling:

Our preparatory and college courses are usually only a rehashing of the husks of the Catechism course. Our dogmatical stress at our seminaries only serves that same purpose. It is only the advanced Catechism course and bleeds the life of faith in Christ of the the life-giving blood, till we finally have the skeleton, the forms, the dogmas, the doctrines, the shells, the husks left; but the Spirit is departed.<sup>1</sup>

To the greater share of our Lutheran Church members Christianity is summarized in the words: "Be good and you'll be saved."<sup>2</sup>

If we would be honest we must say: Ichabod (the Glory of the Lord is departed) is written over our houses, churches, synods, schools and hearts ....Woe unto you...Wisconsin Synod, which art exalted unto heaven, shalt be brought down to hell. For if the works, which have been done in you, had been done in the Masonic Order it would be God's church this day. But I say unto you, that it shall be more tolerable for the Masonic Order in the Day of Judgment than for you!<sup>3</sup>

These are just a few of the biting remarks, many of which are even more pointed, that are made in the Beitz paper. Granted, because of the decades of striving for orthodoxy in the infant years of our Synod, "orthodoxy" may have engendered a certain amount of "dead orthodoxy" in our midst. Warnings against "Pochen auf reine Lehre," as Koehler was accustomed to say, were certainly in place then, as they are now. But it is the opinion of this writer that the Beitz paper was guilty of drastic overstatement and gross exaggeration. Upon reading his description of our Christianity, one gets the distinct impression that the Christian faith no longer existed in our midst, except in a few rare instances. For instance, he says, "Due to our lack of faith we build up more and more forms. We are no longer living by faith." Such statements left Beitz wide open to the accusation that he was guilty of "judging hearts."

In defense of the harsh language that Beitz used in his paper, it was often said that Beitz spoke as a prophet would have spoken, with harsh and concrete judgments that were warranted because of the evils of the day.

Beitz himself said in a statement that...

Watertown in 1927: "I am sorry the words of mine are so misunderstood. It should not be so. I find the Bible speaks in just that manner. We must get the spirit of the words, not the dead letter." But such a defence is simply not valid. The prophets had a special call and were inspired by God. They were called to preach their message of repentance at times when the spiritual conditions of God's people were at an all time low. Did such conditions exist in our midst in the 1920's? I don't think that they were that bad. Even so, the prophets also included in their preaching a very positive message for the chosen remnant of God's people. The Beitz paper lacks that positive quality so necessary in evangelical admonition. Paul even addressed and admonished the foolish Galatians as "brothers." Furthermore, Beitz was a newcomer to the District and not a well-known personality. It was argued in the tract, "The Wauwatosa Gospel: Which Is It?" that Pieper used the same harsh language and exaggerated no less in a paper he had delivered in 1919. The insinuation was also made that Beitz had plagiarized his former teacher. But the Synod had grown used to Pieper's forceful style and had learned to understand him. As an elder statesman, he was also in a better position to judge the spiritual conditions of the times. Then, too, 1926 and 1919 were altogether different years. What can be said without offense (although Pieper's language also offended some) in time of peace, may be extremely offensive in time of controversy. It is largely for this last reason that Beitz's language and judgments are to be criticized.

Beitz <sup>might</sup> ~~may~~ have been able to endure the accusation that he had judged hearts in his paper. But he certainly was not prepared to yield to the accusation of teaching false doctrine. Indeed, it is in this respect that the interpretation of his paper becomes most difficult, and for a number of reasons. The chief reason is that he did not clearly set forth the doctrines

that should have served as the basis for his judgments. This is especially true of what he says about repentance, about the use of the Law to bring about repentance, and of his treatment of the relationship between justification and sanctification. One wishes that Beitz had been more specific when he spoke of doctrines and less specific when he analyzed the spiritual conditions of the day. / Such as it is, however, his paper is so unclear in places that it is almost impossible to determine exactly what Beitz was trying to teach.

Not only are the bare words and statements (Wortlaut) of Beitz unclear. The entire construction of the paper vacillates so from one idea to the next that the context of the individual statements is also unclear. Upon reading the paper over several times, one gets the impression that Beitz sat down and wrote his paper without carefully planning what he would say and how he would say it, or that he simply wanted to get something off his chest. Needless to say, a conference paper deserves more care in writing. This is certainly true when that paper takes a word of God as its theme, or "keynote," (namely, "the just shall live by faith"). A classmate of mine made the remark that Beitz would have written essentially the same paper no matter what his text would have been. It is interesting to note that Koehler expressed the same idea in his "Witness" when he stated:

The text from Habakuk is not the theme of the Beitz paper, but a biblical axiom in place of which he could have put: "I knew nothing among you but Christ alone and him crucified," or "Christ is made unto us wisdom, and righteousness, and sanctification, and redemption." Sanctification is his theme, and he examines it against a Word of the Bible, which is given just for that purpose.<sup>4</sup>

Add to this unclarity his tendency for exaggeration, overstatement, flowery language, and novelty of expression, and it is no wonder that his paper was interpreted as a preaching of false doctrine.

Along with these accusations of being a false prophet, Beitz also came under attack for being a fanatic and an enthusiast. Throughout the paper, he



repeatedly tries to show how "forms," as they are propagated in our midst, are responsible for the "life-less" Christianity against which he speaks. He especially harps on our methods of teaching, e. g., our catechetical instruction, dogmatics, and our method of preparing sermons and preaching them. Take, for example, what he says of dogmatics:

(Dogmatics) bleeds the life of faith in Christ of the living blood, till we finally have the skeleton, the forms, the dogmas, the doctrines, the shells, the husks left; but the Spirit is departed.<sup>5</sup>

Beitz had no doubt taken to heart the essence of the "Wauwatosa Gospel" as it had been promoted at our Seminary during the first decades of the twentieth century. There was a conscious effort made in our midsts to get away from the secondary sources of theology and to get back to the Bible itself as our only source of faith, life, and doctrine. But from his paper, it appears that Beitz did not correctly understand the difference between "forms" and "formalism," between "dogmatics" and "dogmatism," between "methods" and "methodism." The Gospel does indeed "create its own forms," as Koehler once stated. But that does not mean that forms are by their very nature contrary to the Gospel. Only when the forms become the end in themselves, and not the means by which the Gospel is expressed, can it be said that "forms" are an evidence of a legalistic, lifeless Christianity. By throwing out the "forms," Beitz was throwing out the baby with the bath water.

In his vendetta against "forms," especially in the area of homiletics, Beitz's statements easily lend themselves to an enthusiastic interpretation. In an effort to encourage a fresh, lively, and sincere approach to preaching, he militates against careful planning and preparation of sermons in favor of being led by the Spirit to witness to the message of the Gospel as it has been appropriated by the preacher. He says:

We can't preach any more of Christ than is in us; we can preach about Christ, but absolutely no more Christ....And thus no life is imparted,

because no Christ is imparted. Only life can beget life. A corpse cannot beget life, no matter how fair it is dressed up. The contention that God works through the Word irrespective and independent of the person uttering it is only a half truth. It is only trying to justify our weakness of faith.<sup>6</sup>

If, by these statements, Beitz wanted to say that our lack of enthusiasm and our tendency to treat the Word of God in a professional manner may put a hindrance before the Word and its effect on our hearers, we could agree with what he says. However, as the statements stand, they seem to deny the objective validity of the means of grace of which Paul spoke in Philippians 1:18. They seem to indicate that the faith of the preacher is responsible, at least in part, for the spiritual edification of his people, and not the Word of God and the Holy Spirit alone. If that were the case, then we would be driven to doubt our faith when our preaching fails to bring an immediate response. Indeed, Beitz came to that very conclusion when he said, "We must have emptied the Gospel of its life-giving power or our appeal would bring more response." To refute that conclusion, we need only look at the response which our Savior, Himself, often received to His preaching and see that an unproductive ministry does not necessarily prove that the preacher is guilty of life-less and faithless preaching.

Such carelessness and unclarity, which Beitz exhibits in this paper, may not be condoned in any minister when he teaches and applies the doctrine<sup>s</sup> of Scripture. Such unclarity certainly should not be found in a conference paper, especially when it applies to a current controversy in the church. But to forcefully accuse such a man of being a false prophet, instead of rebuking him for what he says and how he says it, will rarely lead to a peaceful conclusion of the controversy in question. Whether the Gutachten intended to brand Beitz as a heretic or not, the way in which his paper was refuted and the manner in which the Gutachten was used did precisely that.

The Gutachten and its Role in the Protestant Controversy

When Beitz read his paper for the third time in Marshfield, Wisconsin, the District officials were present but declined to comment on it. The president of the District did not want to pass final judgment on the paper until he had submitted it to the faculty of the Seminary for a "Gutachten," or opinion. This practice was common among the Lutheran church bodies of North America, who even appealed to the faculties of the German universities for such "opinions." It had also been used on occasion in the Missouri Synod. It had never been used in the Wisconsin Synod up to this time, however; nor has it ever been resorted to since. Of all times to introduce such a practice, this may very well have been the worst. The Protestants had been deeply disturbed by the way in which district and synodical officials had conducted themselves in the handling of the Watertown and Fox Atkinson cases. To them, the appearance of the Gutachten and its subsequent publication flew in the face of everything for which they were agitating. With the advantage of 20-20 hindsight vision, it may be said that it would have been better if the Gutachten had never been written or published.

When the faculty of the Seminary decided to respond to Thurow's request, each of the faculty members worked independently in evaluating the Beitz paper. They then sat down together to arrive at a common document. At the outset, Koehler seems to have been opposed to the whole idea, and suggested that Beitz should be called in to give his own interpretation of what he had written. His colleagues, Pieper, Meyer, and Henkel, insisted that the document should be clear enough to speak for itself without the defense of its author. In the end, Koehler condoned its writing. The final work, towards which Koehler did not contribute (because he was busy preparing the plans of the new seminary in Thiensville) was by and large the work of Pieper, who also drew up the final draft. When it was finished, all the members of the faculty, including Koehler,

Why did Koehler sign the document if he had reservations about it in the first place? No doubt, he hoped that he could maintain peace with his colleagues and save the Synod the embarrassment of a split faculty. He had asked his colleagues to keep the document under wraps until he had had a chance to speak with Beitz personally. Perhaps, he thought that he could persuade Beitz to change his paper, which would have made the Gutachten a superfluous document. But by the time he met with Beitz, the Gutachten had been sent to Thurow, who had it published and sent to the men of the District without consulting Beitz first. Imagine Koehler's surprise when Beitz handed him a copy of the Gutachten! This action, more than any other, served to widen the ever-growing gap between Koehler and the rest of the faculty. Furthermore, the manner in which Beitz was treated, together with his meeting with the man, convinced Koehler that he could no longer stand by the rest of his colleagues as a co-signer of the Gutachten. When he returned to Mequon, he withdrew his signature from the Gutachten, and even had a card printed to inform the pastors of the Synod that he could no longer stand behind that document. Koehler was persuaded not to mail this card, however.

To understand the rather harsh tone of the Gutachten, it is necessary to evaluate the purposes for which it was written. The Gutachten states:

We do hope that this publication will be of assistance in making possible the essayist's return from his utterly insufferable heresies in the church, and that others will remain immune to them.<sup>7</sup>

It appears from this that the chief reason for the writing of the Gutachten was to admonish Beitz in a brotherly fashion. In my opinion, Meyer's "Brief Review" would have been far better equipped to fulfill that purpose than the Gutachten was. The latter tends to be far more polemical in its tone than the former. This harsh language and firm stance of the Gutachten against the Beitz paper seems to indicate that perhaps the secondary purpose of the Gutachten influenced the nature of the paper even more than the

first purpose, that of "brotherly admonition." What is the other purpose? Pieper stated in the Antwort:

If the Gutachten hoped to save the author and defenders of the Beitz paper, and to warn the Synod of its seductions, then it had to call black, black, and white, white.<sup>9</sup>

This second purpose, then, was to warn the Synod and its members of what Pieper considered as "seductions" in the Beitz paper. If so, then, the responsibility of publishing the Gutachten cannot rest on Thurow's shoulders alone, but must also rest with the faculty at the Seminary. Yet, the faculty cannot be held responsible for Thurow's publishing of the paper before he had first consulted with Beitz in an effort to win him over. (For, they felt it was the responsibility of the District officials to admonish Beitz.) Certainly, the authors of the Gutachten had that in mind when they said that the paper was to be of "assistance in making possible the essayist's return."

These two purposes of the Gutachten really contradict each other. It is impossible to admonish a brother for his errors and testify against him as if he were not a brother in the same paper. The first purpose is a private affair and the second is a public one. In my opinion, the first purpose, which should have been the primary purpose if not the only one, is far outweighed by the second purpose. The Gutachten gives the impression that the faculty is using the "big stick" policy in an attempt to keep the dissidents in the Synod in line. Add to this the embarrassing way in which it was used, and the results are predictable. Beitz did not fall in line and take back what he had said in his paper. At the convention in 1927, he refused to change a single word. The other Protestants supported him right down the line. They saw in the Gutachten further evidence that "officialdom" and "popery" had infected the Synod, and that the "Wauwatosa Gospel" had departed from her midst.

The particular mind-set of Pieper, who was largely responsible for the Gutachten in its finished form, will also shed some light on its harsh and

even judgmental character. Pieper had been actively involved in the Protestant Controversy from very early on. His voice had been heard loudly and clearly at the Beaver Dam Convention. The fact that Protestants often considered Pieper as one of their chief opponents made the Gutachten all the less palatable to them. As early as October 15, 1925, Beitz had written a rather strong personal letter to Pieper in regard to Karl Koehler's dismissal from Northwestern. The following is an excerpt from that letter.

Do you realize that for personal interest's sake you are setting aside the cause of Christian education, which is the cause of souls, as trivial? For your own personal aggrandizement you are jeopardizing the salvation of souls whom the Lord has entrusted in your care in placing you in your particular position and gracing you with your wonderful gifts - - gifts that should be used to the building and not the wrecking of the church.<sup>11</sup>

I cannot help but think that Pieper viewed the references in the Beitz paper to the deteriorating education at the Seminary level as a personal attack against his own involvement in the controversy. Furthermore, Pieper's remarks in the Antwort show that he did not consider the Beitz paper as an innocent conference paper delivered by a confused and concerned individual, but as a premeditated and insidious attempt to undermine the Synod at its very foundations.

...but the whole thing is a well planned and biased writing, which was carefully considered by him with the advice of others of his partisans, a propagandizing and agitating piece of writing, which was openly called for by Karl Koehler and his adherents in the year 1924 (to whom Beitz also belonged), and which shared and supported the idea that the Wisconsin Synod, because of its inner spiritual and moral decay as made evident in the Watertown Board, lay in the judgment of obduracy.<sup>11</sup>

Pieper further stated that it was Beitz's own refusal to submit to brotherly admonition and his insistence to "stand or fall" (as Beitz had said) by the words which he had written, which set the tone for the writing of the Gutachten. Clearly, then, Pieper considered the Beitz paper as a confessional stance of the Protestants and evaluated it accordingly.

It can be argued as to whether or not the Beitz paper had already achieved confessional status at the time the Gutachten was written. It certainly became that at the special District Convention in Watertown when

the Beitz paper was rejected and the Gutachten accepted. With that action, a "middle of the road" attitude towards the controversy was no longer acceptable. People who had been in the middle, who were not convinced that the Protestants were entirely in the wrong and who felt that perhaps a little soul searching was necessary by every one, were forced to choose sides since the entire controversy was now interpreted as a doctrinal controversy. Koehler found himself in that unfortunate position of being caught in the middle of the road. And because he refused to endorse the Gutachten for reasons which will be discussed later, the vast majority of the Synod, Protestants and non-Protestants alike, felt that he had chosen to side with the cause of the Protestants.

With this background, it will be easier to evaluate the basic content of the Gutachten. Its accusations against Beitz can be summarized as follows:

1. That he twists a justification text into a preaching of sanctification, as a result of which he mixes and intermingles justification and sanctification, Law and Gospel throughout his essay, and perverts the way unto life.
2. That...he condemns the majority of hearers and teachers among us as people living in the dead works of the Law and that he describes the Lutheran church, the Synodical Conference, and especially our Synod as ripe for the judgment of God, because of their legalism.
3. That his teaching of repentance is fanatical and Antinomian, beclouding the way to peace and everlasting life...
4. That he fanatically condemns the teaching methods among us, particularly the Catechism instruction, dogmatics, and homiletics as leading to spiritual death, and recommends a fanatical teaching of his own.
5. Finally, the author of this essay must be given corrective instruction not only concerning his insufferable heresies, but must also be admonished for his horrible judgment of hearts....

You will notice that points 2 and 5 are the same, so that we can effectively deal with four accusations in the order in which they are listed above. Before these points are considered, however, it must be said that for the most part, the Gutachten is a correct evaluation of the Beitz paper if the bare words (Wortlaut) are allowed to speak for themselves. I do not wish to find fault where there is none. My chief objection to the Gutachten is

not the document itself, but the whole manner in which it was used. However, I think it can be shown that the Gutachten did not always seek to understand Beitz words in the best way possible, and that it did not always pronounce its judgments in a charitable and brotherly fashion.

The Gutachten really does not elaborate on its first accusation, that Beitz intermingles justification and sanctification throughout his essay. Rather, it states that by turning a justification text into an exhortation to sanctification, he throws his entire essay into an altogether improper light.

The essayist commits the fundamental error of turning the text into a justification demand, namely this: that we who are justified must now lead a life by faith. The result is that he throws justification and sanctification together into one thing, against which, as the 'keynote struck by the harp of God,' we test our life by faith as to its genuineness.<sup>13</sup>

From the context, it is evident that the passage from Galatians is a justification passage and not a sanctification passage, though more gifted men than Beitz have argued for the opposite. But does Beitz really confuse the two in his paper? One would have to agree that he does misuse this passage, since his reoccurring theme, "Life by Faith," is used throughout a paper which deals almost exclusively with the subject of the Christian's life of sanctification. And yet, even in his use of this passage, Beitz remains unclear. For example, take these two statements from the same paragraph.

The just--the believers, the Christians--shall live--have life by faith in Him that made them just.

Paul, "just" through Jesus, lives by faith. The Just always live by faith. With that as the keynote struck by the harp of God we are to test our harps....<sup>14</sup>

The first statement speaks of having life by faith, the second of living by faith; the first of justification and the second of sanctification. If Beitz intended to throw justification and sanctification together as if they were one in the same thing, without making the logical distinction that justification is a donative act of God and sanctification is a physician-like act of God. then he would indeed be guilty of a useful confusion of the



two and of perverting the way to salvation. But if Beitz intended to show that justification and sanctification are so inseparably united in the Christian that the first is never present without the second, and vice versa, then he is not guilty of confusing the two. And again, if Beitz used the Galatians passage as an exhortation towards a sanctified life, and then also used it to preach a sermon on sanctification, not justification, was he really guilty of confusing justification with sanctification? Or was he guilty of wretched exegesis? It is my opinion that Beitz's use and application of this passage, and also his veiled references to the connection between justification and sanctification, are so unclear that it is impossible to determine exactly what he was, in fact, teaching. For this he must be blamed. He should have, as a minister whose duty it was to present the Word of God clearly, changed his paper or retracted it altogether! The Gutachten, however, should have acknowledged this unclarity and the consequent difficulty to interpret Beitz's words as they stood. If it had, it would have softened its harsh judgments somewhat and better-served its purpose of admonishing a brother. But the judgment remained harsh and sharp:

This (confusion of sanctification and justification) is the essayist's specific point of failure throughout his presentation, ...The mixing of justification and sanctification, of Law and Gospel, is the most pernicious of all heresies, because it annihilates the Gospel with a show of piety.

The second accusation which the Gutachten brought against the Beitz paper was that it was guilty of horrible "judgment of hearts" by applying the situation of the Galatians directly to the pastors and lay people of our Synod. In my opinion, which was stated above when the Beitz paper itself was considered, Beitz left himself open to this accusation by virtue of his gross exaggerations and overstatements. By comparing us to the Galatians and to the generation of vipers that came out to hear John, he says essentially that faith no longer exists among us! Furthermore, he doesn't just address our Old Adam, of whom all of which he said is true, but our entire

person. For this reason I would have to agree with the basic accusation of the Gutachten, that Beitz was guilty of judging hearts. A good portion of the Gutachten is spent on this point. The following are a few excerpts:

If it is not a total Christianity-by-the-law and is only an ailment adhering to our life by faith, then it is an insufferable judgment of hearts if anyone for that reason completely denies our life by faith.<sup>15</sup>

Yes, indeed, there is no question that much on which the essayist passes judgment may, here and there, be true of individual teachers and listeners and may be true to a certain degree, of all of us. Insofar as he, ... warns against it as a very acute danger and against a general tendency asserting itself also among us...one should feel obliged to thank him for this....But already in par. 4 and in succeeding ones we encounter unconditional denials of our Christianity.<sup>16</sup>

Everything the essayist says here in regard to our "homes, churches, synods, schools, and hearts" is a horrifying judgment of hearts.<sup>17</sup>

On this point of judging hearts, Beitz needed to be admonished. It was this aspect of his paper which led many to look upon the Protestants as little more than slanderers and defamers and prevented many from considering their cause more seriously. It clouded the air during the controversy when the air needed to be cleared. Unfortunately, this admonition especially needed to be done first in private, and should not have been made a matter of public testimony, as was done when the Gutachten was published. I would also have to fault the Gutachten for a note which it included in this respect.

Although the author says many things in the first person plural, so that he includes himself in the condemnations, in one instance he even explicitly asserts that he wants to be included; nevertheless, the course of his discussions clearly gives evidence that he uses the word "we" (no doubt quite unconsciously) merely to express his external membership in our church corporation while in reality he is excluding himself from his condemning verdicts.<sup>18</sup>

If the Gutachten insisted on interpreting the Beitz paper on the bases of the Wortlaut, then it would also have to say that Beitz had included himself in his judgments. Charity would allow for no other interpretation.

The third accusation that the Gutachten levies against the Beitz paper is that it errs in its teaching of repentance and also in the use of the Law in bringing about repentance (Antinomianism). The line of argument which the Gutachten follows is this:

1. By comparing us to the generation of vipers that went out to hear John preach, Beitz throw us into the camp of the godless.
2. Beitz then proceeds to preach to us (the godless multitude) the fruits of repentance as they should be found in our lives (sanctification)..
3. By doing this, Beitz presents the fruits of faith, and not faith in the objective facts of our salvation, as the way to life.
4. That, in effect, turns the plan of salvation upside down, totally and completely barricading the way to life, and making pious hypocrites.<sup>19</sup>

The major difficulty of what Beitz teaches concerning repentance lies in the fact that he does not clearly distinguish between repentance in the narrow sense (sorrow for our sins) and repentance in the wider sense (godly sorrow and faith in the Savior). Nor does he distinguish between the repentance of the godless and the repentance which is part of the Christian's life of sanctification, namely, the drowning of the Old Adam in daily contrition and repentance. A proper treatment of repentance (and Beitz wanted to teach us what true repentance is!) will of necessity clearly spell out exactly what aspect of repentance is being treated. Beitz simply does not do this and so is guilty of confusing the reader on the whole doctrine of repentance. For this he cannot be excused.

Also accused is Beitz's definition of contrition, and the erroneous emphasis he places on contrition in the life of the Christian.

The normal state of the Christian, his constant objective, is faith, peace of God.... Also in initial repentance, contrition is a transitory state or condition which is to be overcome by faith and is to make room for joy. The presence of contrition...is an indication of the imperfection of faith. Were our faith perfect, contrition would disappear entirely....In contradistinction to what has been said above, the essayist makes contrition, or the consciousness of sin, the distinctive feature of life by faith,<sup>20</sup>

I believe that the Gütachten has correctly evaluated the Beitz paper's inordinate stress on contrition in the life of the Christian. If such feelings of remorse, as Beitz describes as being to the point of entertaining thoughts of suicide, were to be cultivated in the life of the Christian, then Christian faith would not be the happy and joyful state that it is. Faith is confidence

and the essence of hope. Contrition is just the opposite. Luther's advice is far better, namely to flee to Christ in faith as soon as the Law has done its work in us.

While Beitz's unclarity in speaking of repentance and contrition in the life of the Christian makes it extremely difficult to solidly condemn everything that he says in that regard, what he teaches in regard to the Law leaves little room at all for a charitable evaluation! In Romans 3: 25-26, Paul tells us that the sacrifice of Christ on the cross is a demonstration of the retributive righteousness of God. With that in mind, one might be able to understand Beitz correctly (with some imagination!) when he says that love "puts the edge on the Law" or that repentance is to be found at "the foot of the cross." One might have even excused Beitz for his poor exegesis of Romans 2:4. But when the reader is confronted with the following statement, he would have to agree that Beitz was guilty of teaching Antinomianism.

True heartfelt repentance is not obtained from the individual commandments as most of us have learned them in our Catechism or catechetical course. That may bring about a "head" repentance, a formal confession, but it will not stand the test of God.<sup>21</sup>

The conclusion which is drawn by the Gutachten concerning this point in Beitz's paper is correct:

But now full-blown antinomistic fanaticism faces us in the fact that the essayist teaches with great enthusiasm that contrition--the intense consciousness of sin described by him--is brought about by the Gospel of God's love and grace, but not by the Law, knowing full well that he teaches this in the face of the doctrine prevailing among us.<sup>22</sup>

The fourth accusation which the Gutachten levels against the Beitz paper is that he falsely condemns the methods of teaching, preaching, and dogmatics as they <sup>are</sup> used in our midst. This, too, was treated in some detail above when the Beitz paper itself was considered. By failing to distinguish in his paper, if not also in his own mind, the difference between forms and formalism, he condemned the methods of catechetics, homiletics and dogmatics as a form of legalism which should be rooted out. The Gutachten

but only in the way that they may be used. It also shows the proper use of dogmatics, which must be founded on the Word of the Bible alone. However, in its rather lengthy explanation of this particular accusation, it appears that the Gutachten was rather one-sided in its interpretation of the statements that Beitz made. Without taking into consideration the essayist's tendency for exaggeration and overstatement, it allowed for no charitable interpretation which may otherwise <sup>have</sup> been found in what Beitz had said. Particularity offensive in this part of the Gutachten's criticism are the rather down-grading statements that ~~it made~~ of the author himself. For a few examples:

What the essayist says about dogmatics and the catechism respectively is attributable first of all to ignorance, but then also to fanaticism .... But only an ignoramus can talk like that.<sup>23</sup>

Everything the essayist says to dishonor dogmatics and the Catechism is sacrilege born of ignorance.<sup>24</sup>

Besides, every theological pupil who has but a modicum of Scripture knowledge knows that Holy Writ itself, particularly the epistles of Paul are full of logical discussions...<sup>25</sup>

In my opinion, such terminology is hardly conducive to admonishing a brother and convincing him of his errors. Nor is it to be desired in a testimony against a false prophet. It smacks of the polemical name-calling of the age of the Reformation and can hardly be condoned in a paper which should have attempted to pour oil on troubled waters.

As was stated earlier, the evaluations made in the Gutachten are for the most part a correct interpretation of the bare words (Wortlaut) of the Beitz paper. Besides the use which was made of the Gutachten, the chief objections which I see to this paper are the following.

1. It fails to take into consideration the extreme unclarity of the statements made by Beitz, which make the interpretation of the paper so difficult.
2. It takes a hard-nose, decisive stance against everything that Beitz said, which betrays a historical bias on the part of the authors and a lack of objectivity.
3. It does not give Beitz the benefit of the doubt when it could have.

Nor does it allow for any interpretation other than the one which it presents.

4. Its criticism is negative and rarely constructive, which it should not have been if it hoped to serve its purpose of brotherly admonition.
5. At times, it uses language and terminology which are directed against the author, himself, and which could only arouse the author of the Beitz paper to anger and to stiffer resistance to correction. In this, the Gutachten left itself open to the same criticism it made of Beitz, that of "judging hearts."

It was unfortunate that the Beitz paper came to be held in such high esteem by some, and was elevated to the position of a confession writing. It was hardly worth the paper it was printed on. But for the reasons just listed, it was just as unfortunate that the Gutachten was given the same prestige when it was endorsed by the Watertown Convention in 1927. Neither paper deserved that honor. The subsequent papers written by Koehler and by the rest of the Seminary faculty, especially Pieper, are reactions to these two documents. It might well be said that one mistake was followed by another... and another...and another...and another.

#### Koehler's Beleuchtung

The history during and after the preparation of the Gutachten leaves a lot of questions unanswered. For example, why was the Gutachten sent to Thurow before Koehler had an opportunity to meet with Beitz? How could Koehler differ so from his colleagues in his interpretation of the Beitz paper when all of them had signed the Gutachten? Why weren't some of these differences worked out before the Gutachten was published? In these and in the following events, there appears to have been a break down in communications between Koehler and the rest of the faculty. The gap that existed between these men continued to widen, especially after the Beleuchtung and the Antwort came out.

After Koehler's first meeting with Beitz in the summer of 1927, Koehler felt that he could no longer support the conclusions of the Gutachten. A subsequent meeting with Beitz convinced him that it was up to him to do something about the situation. From the writings which would come from Koehler

in response to the matter of the Gutachten, it becomes evident that his approach to the interpretation of the Beitz paper differed drastically from that of his colleagues. His approach towards interpreting papers in the midst of controversies had already found expression in his treatise Gesetzlich Wes en Unter Uns. In that document, he says,

In the doctrinal controversy however, because the works of the flesh enter in, there shows itself a kind of legalism which not only now and then 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 disputations desire to be right and consequent traditionalism becomes apparent in every speech, discussion, and argumentation without the speaker consciously intending it so.<sup>26</sup>

On the other hand, the opponents' improper language is rolled into review instead of taking as the point of departure his probable sound intent, or his difficulty in finding the right expression, or that his manner of expression merely is different from mine, so that my limited faculties did not at once understand him. If this then goes to such extremes that the speaker is further held up to disparaging ridicule, then it is clearly demonstrated what spirit's child is holding forth...The above described procedure is a thing of evil not only because, overshooting its mark, it misses its aim completely and is found wanting just in this point of the mastery of logical acumen, and, because of its personal attacks, hinders the friendly advances of the other side and the acceptance of the defended position, thus making the other side obstinate.<sup>27</sup>

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.<sup>28</sup>

I have quoted Koehler here at some length because these statements will help us to understand more clearly the reason why Koehler took such a strong and persistent stance against the Gutachten and the manner in which it was used.. He felt that the spirit of the Gospel had given way to the spirit of legalism in the whole manner in which Beitz and his paper had been dealt with. Against this, he felt constrained to speak out. And speak out he did.

Koehler's Beleuchtung was not the first expression of his opposition to the interpretation of the Beitz paper which the Gutachten had presented. After he had met with Beitz for the second time, Koehler produced the Ertrag, which was a mild rebuke of the Gutachten, showing that it was not the only way in which the Beitz paper could be interpreted. He submitted this document to his colleagues with little response. They insisted that the Beitz paper

should be able to speak for itself. Koehler then presented this paper to the Joint Synodical Committee on October 18, 1927, but again with little response. Over the next one and a half years, Koehler met with the Seminary Board, with his colleagues, and also with committees on numerous occasions. The differences between Koehler and the rest of the faculty were not resolved. Nor did Koehler convince anyone that the fundamental errors which he saw in the Gutachten and in its use should be recognized. Consequently, in August of 1929, Koehler had his Beleuchtung, which was fundamentally the same as his Ertrag, printed and sent to the pastors of the Synod. It is to that document that we will now turn our attention.

From the outset, it must be stated that Koehler did not agree with the Beitz paper. He says in his Beleuchtung that it was not suitable as a doctrinal paper simply because of its unclarity, its poor inter-relation of facts, and its improper exegesis on several occasions. He also says that it could pass as a conference paper because unclear points and other objections could be cleared up during the course of discussions and negotiations. On this latter remark, I would disagree. A conference paper, which is a matter of public testimony and record, should not lend itself to misinterpretation, especially as far as doctrine is concerned. It is the duty of every pastor to speak carefully, so as not to be misunderstood. Furthermore, it had also been a matter of public record in this case, that Beitz had refused to yield to the objections which were raised to his paper. Consequently, the Beitz paper was not acceptable even as a conference paper, according to Koehler's definition.

As far as the Gutachten was concerned, Koehler did not disagree with any of the doctrinal exposition that it contained. In places, as in the Gutachten's exposition of the role that contrition should play in the Christian's life, he even lauds the paper and recommends it to the pastors of the Synod for reading. But in nearly every point in which the Gutachten criticizes the Beitz paper, Koehler felt that it had misinterpreted the meaning that Beitz had intended



Already in the first paragraph, Koehler stated his chief objection to the Gutachten. He felt that the chief question was this:

How ought we conduct ourselves in the controversy which lay before us? It was then and is now my opinion: One may not, on the one hand, blow up every step into false doctrine or a godless alteration; nor, on the other hand, should one lapse into the same mistake which is criticised. But Paul's admonition, Gal. 6:1 and Eph. 4:3, must remain the guiding principle for both sides.<sup>29</sup>

Koehler felt that the Gutachten had failed to deal with Beitz and his paper in the spirit of meekness so as to restore a brother from his error, or in the spirit of unity so as to restore peace to the Church. I feel that Koehler has a point here. It is impossible to exonerate the Synod and its officials of the way in which many of the matters in the Protestant Controversy were handled. At the same time, we must realize that these men were embroiled in a bitter and confusing controversy,<sup>at</sup> a time when it is not always easy to choose the right course of action.

In the second paragraph, Koehler states the hermeneutical principles that he felt should have been used in interpreting the Beitz paper. The first is that you have to consider the near, and also the remote context of any given statement. Furthermore, the mode of presentation, the style, the point of view of the writer, etc., must all be taken into consideration if you hope to determine the meaning of his words. If you press the Wortlaut, you will inject your own ideas into the writer's words and interpret him falsely. (I think that Koehler's method of interpretation injects more into the paper than Pieper's, however.) Secondly, human writings are by their very nature unclear and must be interpreted also in the light of their historical circumstances if you hope to put the best construction on what the author wanted to say. In other words, an evangelical interpretation should not just seek to understand an opponent as his words may or even must be understood, but as he intends them to be understood. It is on these points that Koehler disagreed with the authors of the Gutachten, and especially Pieper, the most. Pieper felt that the Wortlaut, the bare words, should be able to speak for themselves without forcing an understanding of those words

which does not actually exist.

As far as Koehler's view on the specific points is concerned, allow me to summarize how he felt Beitz should have or could have been understood.

1. On Formalism: In spite of Beitz's exaggeration and his abstract way of speaking, which may lead to a misinterpretation of his words, Beitz intended to show that Christ alone is our salvation, and not a legalistic adherence to mere forms in expressing the Gospel or in our lives of sanctification.
2. On Confusion of Law and Gospel: Beitz concerned himself with the subject of sanctification, and in the course of his paper demonstrated that he knew what true faith is. Therefore, he cannot be accused of mingling justification and sanctification, and Law and Gospel.
3. On Judging Hearts: He is not guilty of judging hearts if you take into consideration his exaggerations and his carelessness of expression. We often find ourselves expressing out thoughts much in the same way Beitz did.
4. On Fanaticism and Enthusiasm: Beitz does not promote a fanatical and enthusiastic method of preaching and teaching contrary to what we have learned. Rather, he intended to urge us to consider the preaching of the Gospel as the treasured privilege that it is.
5. On Catechism and Dogmatics: Although in the immediate context of what he says about our use of the catechism and dogmatics Beitz may be interpreted as slandering our catechism and dogmatics per se, yet the wider context of his paper shows that his concern was for the unhealthy dogmatical stress which may force itself on the interpretation and use of Scripture.
6. On the Worth of the Paper: Even though Beitz's words are unclear and can be misinterpreted, yet the paper is profitable to the reader because the Holy Ghost may still work through it.
7. On His Teaching of the Law: Beitz does not have to be understood as being an Antinomian. Rather, by his expression "repentance is to be found at the foot of the cross" and others, he wants to tell us that we must move quickly from the Law to the Gospel in our life of repentance. However, Koehler does admit that perhaps Beitz did not clearly understand the use of the individual commandments in the preaching of repentance.
8. On Repentance: The preaching of repentance is especially difficult when directed to believers. Therefore, what the paper says about repentance should be judged less harshly.

In his interpretation of the Beitz paper, Koehler certainly succeeded in interpreting its words by "putting the best construction on everything." He bent over backwards in trying to understand Beitz in the best possible light. But my reaction to Koehler's interpretation was this: "Did Beitz really say that?" Or even, "Did Beitz really intend to say that?" Granted, Koehler had the advantage

of having sat down with Beitz personally to discuss his paper with him. But in his interpretation, it is impossible to determine what Koehler had gathered from his interviews with Beitz and the interpretation that Koehler himself would have liked to have seen in his words. Consequently, it is my opinion that Koehler gave the Beitz paper more credit than it deserved. By explaining away and excusing every objection that was raised against the Beitz paper, he gives the impression that it can stand on its own two feet and not have to be retracted or refuted. In a public testimony, such as the Beitz paper was, the listeners or readers should not have to say "I can't agree, but neither can I disagree." Such a testimony should be clear enough so that people may do one or the other. If it isn't clear enough to do one or the other, then it should not be allowed to stand. On that basis, Koehler should have rejected the Beitz paper in so many words. But he didn't.

While Koehler was overly forgiving in his criticism of the Beitz paper, he certainly was not that in his criticism of the Gutachten. The points in which he found fault with the Gutachten's interpretation of the Beitz can be summarized as follows.

1. It fails to give the Beitz paper the "benefit of the doubt" in interpreting especially those sections which were unclear.
2. By accusing Beitz of mingling justification and sanctification throughout his paper on the bases of how he uses the Galatians text, it throws the whole paper into an improper light and fails to interpret it correctly.
3. While correctly rebuking him for his carelessness and exaggeration in speaking, it goes too far in accusing Beitz of judging hearts.
4. In the note attached to the statement on judging hearts, it incorrectly accuses Beitz for using the first person plural when he clearly includes himself in his criticism.
5. By stressing the bare words (Wortlaut), especially in regard to Beitz's remarks on sermon preparation, it misses the whole point of what Beitz wanted to say.
6. The logic of love and not the logic of the critic should have been used in interpreting the paper.
7. Since Beitz was speaking to Christians about repentance, it falsely accuses Beitz of casting us into the camp of the ungodless and then urging on us the fruits of repentance.
8. The Gutachten, not Beitz, falsely accuses the Galatians of being false prophets.
9. While teaching correctly the part which contrition plays in the Christian's life, it falsely accuses Beitz of being a false prophet in his treatment of contrition.

Koehler's criticisms of the Gutachten's treatment of the Beitz paper are basically correct, depending on the point of view (Anschauung) that one takes in regard to the Beitz paper. Koehler looked upon the Beitz paper as an innocent conference paper, while the authors of the Gutachten did not. Koehler saw it as an unclear presentation of the truth, the authors of the Gutachten as a writing which undermined the fundamental truths of Scripture. Koehler felt that the author's intentions needed to be sought out, while the Gutachten maintained that the words of the paper should be the only basis of interpretation. Koehler emphasized that a spirit of love needed to be exercised in interpreting and dealing with the Beitz paper, while Pieper and Meyer (Henkel died not long after the Gutachten came out) felt that a spirit of truth was needed in proving the paper. These are the essential differences in interpretation which lay behind the parting of the ways of Koehler and Pieper, and of the defenders of the Beitz paper and its accusers. These differences were more sharply defined in the answer (Antwort) which Pieper and Meyer gave to Koehler's Beleuchtung.

Before moving on to a consideration of the Antwort, however, a couple of comments in the conclusion of the Beleuchtung deserve attention in order to round out the picture of this often misunderstood man. In summing up the entire controversy, Koehler concluded that "It's a mess!" He felt that the Gutachten had not served to clarify the situation, but only served to entrench both sides in their mistakes. (Unfortunately, the same could probably be said of the Beleuchtung.) Then Koehler said,

There is lacking also unanimity in regard to the practical events and circumstances which cluster themselves about the Gutachten and which spread out into the mass of suspensions. There lacks the clarity, which was absolutely necessary, not only concerning that which happened, but also concerning this, how one must judge the thing.<sup>30</sup>

It is interesting to note that in 1962, the Western Wisconsin District rescinded the suspensions that had been made during the controversy for the very reason that the entire matter had been clouded over with uncertainties.

Koehler also proposed the way in which a peaceful settlement of the controversy could be reached:

Therefore we must come to a halt and examine ourselves: not only individuals, but the entire Synod. Even the whole Synod can go astray and can not do whatever it wants. Therefore, it is my contention that we should abstain from every strife and from every cessation of our work, that we should still do the positive work in all humility, which was commanded us... 31

It is my opinion, that this was sound advice. Had it been given, and accepted, by all concerned in the early days of the controversy, the Synod may well have been saved the lost time and efforts expended to resolve the controversy, and would have been able to do more constructive work. But by the time the Beleuchtung was written in 1929, it had, perhaps, become too late to sweep the differences underneath the rug, even for the sake of the Gospel. I doubt that either side was prepared to forgive and forget. Both sides insisted that they were right and felt that the truth of the Gospel was at stake. This is evident especially in the issues of Faith-Life, the paper that the Protestants had begun to publish the year before, and also in the Antwort, the essay which will be the next object of our attention.

The Antwort

The Antwort, which was Pieper's and Meyer's official answer to the position Koehler had espoused in the Beleuchtung, followed closely on the heels of that document. While the Beleuchtung was released on August 1, the Antwort was released on August 9. The Antwort is really two separate documents, the one written by Pieper and the other by Meyer. However, I suspect that it was Pieper's share of the paper that received the lion's share of the attention. Meyer's remarks really add very little to what Pieper had already said, His remarks illustrate, however, that although he did not express himself as sharply as Pieper did, he did share Pieper's feelings over against Koehler's dealings in the whole affair. Because it is chiefly the aim of this paper to illustrate the fundamental differences between Pieper and Koehler, it will be Pieper's portion of the Antwort that will be scrutinized more closely.

Although the chief purpose of the Antwort was to defend the Gutachten against the accusations made by Koehler in the Beleuchtung, Pieper goes to great lengths in discrediting Koehler himself. Much of what he says against Koehler

said in the year and a half after the Gutachten had been published. Much of what Koehler is quoted as saying is drawn from the meetings of Koehler with the faculty and the Board of the Seminary. It is here that Pieper really blew it. He comes off as if he were carrying out a personal vendetta against Koehler instead of objectively refuting his stance against the position of the Gutachten. In the process, he does more to discredit himself than he does to discredit Koehler. He provided the Protestants with the occasion to accuse him of politicking and using his position as a Seminary professor to get Koehler's position as the head of the Seminary. It was beneath the dignity of a theologian like Pieper to resort to such tactics to defend himself. Argumentum ad hominem is rarely effective anyway. I feel that it is difficult to use any of the material that Pieper draws from the meetings which Koehler attended in an effort to understand Koehler during this controversy. Isolated quotes from what must have been some very difficult confrontations can easily be misunderstood. In Koehler's Witness, Analysis, and Reply, it is evident that Koehler interpreted what had happened in those meetings in a far different light than what Pieper did. But we shall hear Koehler later.

One of the purposes of the Antwort was to repeat the character of the Beitz paper, which set the tone for the Gutachten, and also to defend the position that the Gutachten had taken over against Beitz. As to the character of the Beitz paper, it states:

1. That it was not a harmless conference paper, but had been carefully planned with the assistance of Beitz's partisans, who wanted to prove that the Synod lay under the judgment of obduracy,
2. that its true character was revealed in how the paper was spread throughout the Synod in an attempt to arouse its members,
3. that the Beitz paper sought to condemn and judge the members of Synod under the guise of the language of a prophet.

It becomes evident in these statements that Pieper's Anschauung in respect to the Beitz paper differed radically from Koehler's as set forth in the Beleuchtung. In defense of the harsh criticism and the firm position that the Gutachten had applied to the Beitz paper, Pieper says:

1. that it was the propagandizing use of the paper and Beitz's resistance to correction that set the tone for the Gutachten.

2. that by its firm stance, the Gutachten wanted to correct Beitz and also warn the members of the Synod of its errors.
3. that love of truth must guide our actions (not the logic of love), and that this love of truth may express itself quite harshly, as Paul often did.

I must confess, that this explanation of the Gutachten's position by Pieper made the Gutachten a not-so-difficult pill for me to swallow. For these men, the Protestant controversy was more than just an insidious squabble between the "Synod" and a handful of dissidents. For them, the truth of the Gospel was at stake, no less than it was as far as the Protestants were concerned. This love for the truth also helped me to understand Pieper's remarks about Koehler, though I don't believe that they should be excused. Pieper's love for the truth of Scripture was a passionate love. And Pieper was not a man to subdue his passions in the heat of a battle. In giving free rein to his passions, his remarks about his colleague took on a bitter, almost vindictive nature.

Pieper's remarks about Koehler may be summarized under three categories: his interpretation of Beitz and the Gutachten, his "confessions" and actions before and after the Gutachten, and his unfortunate historical Anschauung. First of all, in regard to Koehler's interpreting Beitz:

1. His fundamental error was to justify Beitz and to condemn the Gutachten on the basis of context over against the clear statements (Wortlaut).
2. He misunderstood the peculiar character of the paper and therefore falsely represented it.
3. By understanding it as a conference paper, and not as a public document, he pressed the details and changed the sense which the words actually have.
4. He applied the principle of Ga 6:1 to the Gutachten but not the Beitz paper.
5. By defending Beitz, he was more responsible for his obstinacy than was the Gutachten.
6. A Christian's Anschauung should be based on Scripture, not history. A historical interpretation of the Beitz paper is no less infallible than a dogmatical interpretation.

In these remarks again, the differences between Koehler and Pieper can be boiled down to two areas especially, Wortlaut versus context, and a particular Anschauung over against the Beitz paper.

During the course of the Antwort, Pieper makes quite a point of showing how Koehler's actions revealed a vacillation in his position towards the Gutachten.

and then, finally, a complete turnabout from the position that he had espoused upon signing the document. The purpose of these remarks, as unfortunate as they are, is to undergird the last point which Pieper makes, namely, that Koehler was guilty of theological relativism because of his historical Anschauung. The following is a fair sampling of the examples that Pieper gives.

1. Koehler had defended remarks about the judgment of obduracy against the Synod in a conference already in 1925.
2. Though the Protes'tants went too far for him, he was not completely dissatisfied with their attitude, so that they sought his help with some right.
3. While the Gutachten was being discussed, Koehler proposed Pieper's copy as the rough draft, even though he himself had not contributed to the writing himself.
4. Koehler agreed to the Gutachten's conclusions, even to the footnote.
5. While Koehler offered to take the Gutachten to Beitz, he hadn't given any indication of disagreement. The rest of the faculty had felt that such dealings should be left up to the District President.
6. His delay was looked upon as a dealing with Thurow, which he didn't.
7. He gave Beitz a "gutachten" that didn't agree with the faculty version.
8. Koehler opposed the Gutachten, and offered his own which found expression in his Beleuchtung.

It was Pieper's opinion that his change in position by Koehler served to make the Protes'tants more confident of a victory, since they could now claim a man of no less prestige than the president of the Seminary as their champion. Pieper also revealed some of the things which Koehler said in his meetings with the Board as further "evidence" of his vacillation and his improper behavior in the whole affair.

1. Koehler "confessed" that his actions, especially that of removing his name from the Gutachten, may have served to harden Beitz against any admonition.
2. He confessed that the Gutachten's two chief points, that of false doctrine and the judging of hearts in the Beitz paper, were correct.
3. He recognized that a man must be judged by his speech.
4. He apologized for not dealing with the Western Wisconsin District.
5. He confessed that he could no longer teach at the Seminary if an impasse had grown between himself and his colleagues.
6. When Koehler confessed that he agreed to the main points of the Gutachten, the Board was overjoyed that a peaceful settlement had been reached.
7. Later, however, Koehler said that he had confessed only to the signing of the Gutachten.
8. He then refused to come to any more Board meetings until the Board had recognized the fact that certain false actions had been taken.



9/ Koehler complained that the Board did not understand his historical interpretation.

If there had been any hope for a peaceful resolution of the differences that existed between Pieper and Koehler, these remarks effectively snuffed out any ray of hope. Koehler did not deserve such treatment at the hands of his colleague, especially since the Board had not officially taken any action against him. Nor do these remarks lend the student of history much help in trying to reach an effective evaluation of Koehler's actions during these years, for the remarks are one-sided. They do help us to see, however, the lack of communication which must have existed between these two men in trying to iron out their differences.

In his conclusion, Pieper attempted to evaluate and analyzed Koehler's actions himself.

It is true: the Board, faculty, and many others, who have dealt with Prof. Koehler in this matter, are unable to understand him in his vacillation, on the one hand, and in his inflexibility, on the other hand.<sup>32</sup> It will have to be traced back to his historical way of looking at things.

Pieper felt that Koehler's Anschauung was determined by the simple, historical principle, "As it always has been, so it always will be." Consequently, Koehler had allowed his knowledge of history to be his guide throughout his involvement in the controversy. This historical bias, Pieper felt, resulted in his vacillation because "the historical Anschauung is uncertain and makes for an unstable heart, for it depends on the noisy, abstract thinking of man."<sup>33</sup> On the other hand, such a way of looking at things leads to inflexibility, simply because it is the product of man's thinking and not tempered by a desire to bend to the clear Word of God, which should be the only guide by which a man should gauge his actions and thoughts in judging such a paper as Beitz's. In conclusion, Pieper states:

We recognize only one way to peace: which consists in this, that we bow ourselves all the more<sup>34</sup> deeply beneath the clear Word of God, as has happened up to this time.

What may we conclude from Pieper's evaluation of Koehler? Was Koehler really guilty of "theological relativism," which is what his actions amount to

W Pieper's evaluation? I can't fully agree. Granted, Pieper knew Koehler better than we could ever know him. Yet, in my opinion, Pieper's evaluation is overly simplistic. Perhaps Koehler's love for history did lead him astray somewhat, and make him overly sympathetic with the cause of the Protestants. It is my opinion, however, that the greatest single factor that can account for Koehler's actions throughout the entire issue was his fear of letting a legalistic spirit guide our actions in the Church, and especially in our regard for our fellow man. Koehler did not want to see a "Pochen auf reine Lehre" spirit worm its way into the Synod as a result of the reaction to the Protestants. In his eyes, such a legalistic spirit was a greater evil than the errors that could be found in the Beitz paper. For he did not see the Beitz paper as a threat to the life of the Synod, nor to its doctrinal purity. The spirit of legalism, however, posed a threat to the very heart of its spiritual life. If this evaluation of Koehler's motives is correct, and I think that it is, then I cannot judge his actions too harshly in spite of his defense of a paper that should not have been defended. For it is just such a legalistic spirit in the area of maintaining pure doctrine that has been, and still is, a threat to our Synod.

As far as the immediate results of the Antwort is concerned, they may be summarized briefly. On August 13, four days after it was presented to the Board, the Board suspended Koehler from his position as a teacher at the Seminary largely on the basis of the conclusions that had been reached in the Antwort. And on August 15, Koehler acknowledged the suspension, though he had not yet seen a copy of the Antwort. On <sup>A</sup>My 21, 1930, J.P. Koehler was formally dismissed from his position on the Seminary faculty.

#### Witness, Analysis, and Reply

Koehler's last testimony to the members of the Synod, which was an anguished and embittered reply to the accusations that were made in the Antwort, and to the dealings with his colleagues that led to his dismissal, was refused for publication in the Gemeindeblatt, but was published on the pages of Faith-Life in July of the year 1930. In this rather lengthy paper, which was written in German

and given an English Title, Koehler elaborated on what he considered to be the chief point of departure between him and his colleagues in the interpretation of the Beitz paper in the first two portions. The last portion was a caustic reply to the rather underhanded way in which he had been dealt with, which he felt proved correct the insinuations of the Protestants that the Synod had been guilty of "officialdom" and sinful, unbrotherly actions from the very outset of the controversy.

The first two portions of this document, the "Witness" and the "Analysis," are basically a rehashing of the fundamental differences of interpretation as they had been set forth in the Beleuchtung. But in the course of his explanation, Koehler boils down the differences between himself and the authors of the Gutachten to what he viewed as the chief point of departure, namely, whether or not Beitz had mingled justification with sanctification in his use of the passage from Galatians. In the conclusion to the "Witness," he summarizes his stance on this point as follows: <sup>35</sup>

1. The text from Habakuk is not the theme of the Beitz paper, but a biblical axiom... Sanctification is his theme, and he examines it against a Word of the Bible, which is given just for that purpose.
2. Beitz does not twist the justification passage into a summons of sanctification, but the passage in question is a promise of grace, which is grasped only through faith, and he uses it as a criterion for all things which affect us in heaven and on earth, as that is also the way of Paul.
3. Therefore, it can not follow, that Beitz confuses justification and sanctification.
4. What the Gutachten then, together with the Antwort, says about this paragraph of Beitz is in every sentence incorrect, and is its critical weakness.
5. Consequently, it is clear, that the Gutachten has misled itself and its readers from the outset in the examination of the Beitz paper. And every cloaking of this fact is untrue.

Until this specific issue had been cleared up, Koehler felt that any and all interpretations of the Beitz paper would run amiss. Furthermore, he felt that any action that was taken against Beitz on the basis of an interpretation of his paper which had failed to take this point into account could not be motivated by the love of the Gospel, but was engendered by a legalistic spirit born of popery and officialdom. In the "Analysis" Koehler sought to show, by the comparison of the positions that had

and the Antwort, that the first and last of these three had failed miserably on just this point. His contempt for these two documents, and the consequences that he saw for a Synod that stood behind them, is shown in the conclusion of the "Analysis."

And should this Schreiberei be the confession of the Wisconsin Synod? There lacks yet only that the Gutachten be presented as the Augustana and the Antwort as the Apology, as was already said in connection with a remark about my last historical work, that just then the Wisconsin Synod begins its own peculiar history. That is not said in jest, but from a dogmatical, historical Anschauung. Sapienti sat.<sup>36</sup>

The last portion of Koehler's "last will and testimony," takes us beyond the differences that existed in respect to interpretation of the Beitz paper and gives us insights into the confusing years of 1927-29, and Koehler's associations with the rest of the faculty, the Seminary Board, and others. By and large, his remarks summarize what he felt to be unbrotherly actions by his colleagues against him. From these remarks, however, we are given a clue as to why these dealings failed to bear fruit and bring about a peaceful settlement. In one instance, Koehler says:

The Gutachten was, and is, and must remain the sole issue. You sinned at the very outset when I pleaded with you to call in Beitz and you refused. Then, trusting in your expressed infallibility, you cast my warning of your chief error to the winds before any signatures had been appended to the Gutachten, ~~when, without my knowledge~~ and contrary to our agreement, you proceeded to publish the Gutachten, which in spite of my signature had been contested by me, and thereby disturbed my interview with Beitz. Then you spread the false report that I had apostasized from the Gutachten, when in fact I had challenged<sup>37</sup> its validity from its inception and have continued to do so to the present.

From these words, it is obvious that Koehler's reflections of the events of the summer of 1927 and Pieper's reflections of the same events contradict each other almost completely. Had there been such a lack of communication between these two men that ~~they~~ they could have completely misunderstood each other in their intentions and words? Or did each of them remember the past only as he wanted to remember it? I have a feeling that both are partially true. Koehler states quite frankly later in this paper that the facts had been purposely distorted and that the minutes of the various meetings that had transposed since the Gutachten had been published had been doctored up deliberately so as to discredit

him before the Synod. From our vantage point in history, it is impossible to determine who was correct in his recollections of the "parting of the ways." No doubt the various boards and committees involved were just as confused as to the facts as we are. Consequently, the contents of the Antwort and this last writing of Koehler will give us very little help in trying to determine who was in the wrong and who was in the right. As usually is the case in a disagreement which cannot be settled, both parties must shoulder at least a part of the responsibility.

Koehler had also stated, in the section quoted above, that the Gutachten should have been the sole issue in his dealings with the Board, and especially its chief error of accusing Beitz of mingling justification and sanctification. This, Koehler insists, was not the case. Instead, the Board was concerned with his stance over against the entire paper and the controversy as well, ~~with~~ his historical Anschauung, his possible false teaching, his instability and obstinacy, etc. It was this refusal by the Board to acknowledge and negotiate this chief point in the controversy that led Koehler to refuse to have anything to do with any more meetings. Koehler insisted, that since they had missed the chief point in question, further meetings could only lead to more strife and hard feelings. The result was that the Board's dealings with Koehler had reached a stalemate. All that remained was for Koehler to be dismissed from his post.

In the end, Koehler sided with the Protestants, though there was probably little else that he could do since he was not prepared to back down from his position ~~over~~ ~~against~~ the Beitz paper and the Gutachten. His reaction to the Synod's refusal to print his side of the story in the Gemeindeblatt, written by him so that the members of Synod could decide the issue for themselves, says as much.

Which shows that you actually do not trust the truth but imagine you can help Synod with your contrivances. Such behavior engenders officialdom and spawns a freemasonic system. This ~~not~~ turns out to be your final chess move. I just can't hold you responsible for anything more. This mode of operation, tenaciously practiced by you throughout the last five years, has now proved typical of all your actions since the Watertown case. In the last analysis, this means that you seek to silence those men who are about you

about to tell you the truth, and in so doing turn your backs on the truth itself.

I myself cannot blame anyone for not printing this article by Koehler in the Gemeindeblatt. Too much had been said already. The parting of the ways had run its course. Any further comments by either side would only have served to divide the Synod more than it had already been divided.

#### Concluding Remarks

In an attempt to evaluate the parting of the ways between Koehler and Pieper, too much stress has often been placed on the personalities of these two men as a fundamental cause of their differences. Certainly, their personalities differed greatly. And no doubt, these differences did not help the two to overcome their real differences during the course of the controversy. However, they had labored in fruitful cooperation for over two decades before they became embroiled in this heated battle. Together, they had led the Synod in a return to the historical-grammatical approach to the study of Scripture. They put dogmatics in its proper place in relation to Scripture, and made the Word of God alone the source of faith, life, and doctrine. In these efforts they had stood "shoulder to shoulder."

From the very beginning that their differences began to be manifested, however, a "historical Anschauung" versus a "dogmatical Anschauung" comes to the fore as one of the primary differences between Koehler and Pieper. I don't believe that their respective "way of looking at things" applied to their interpretation of Scripture itself, nor even to their ideas concerning the importance of dogmatics as a theological discipline. During the heat of the controversy over the Beitz paper, however, many of the participants, and perhaps even Koehler and Pieper at times, looked upon one or the other's position and actions as evidence that the hermeneutical principles of interpreting Scripture was the <sup>real</sup> issue. In short, each side felt that the "Wauwatosa Gospel" was at stake.

The real issue and point of divergence, however, was not a particular Anschauung towards Scripture, but a particular Anschauung towards the Beitz paper.

-50-

It was as if the two were looking at opposite sides of the same coin. The one came up heads, and the other came up tails. Pieper stressed the Wortlaut as the only measure of interpreting what Beitz had to say. He looked upon it as an insidious effort to pervert the fundamental doctrines of Scripture. Any efforts to defend such a paper could only lead to a confusing of the truth or a compromise at the expense of the doctrines of Scripture. In short, Pieper viewed the Beitz paper largely from a dogmatical Anschauung, and came to the conclusion that Beitz had been guilty of false doctrine and slander in his paper. Koehler, on the other hand, interpreted the Beitz paper on the basis of a historical Anschauung. He insisted that the Wortlaut had to be interpreted not only in the context of the paper itself, but in the context of all the circumstances that surrounded the writing of the paper as well. Furthermore, the paper had to be interpreted according to what the author intended to say, and therefore could not be interpreted without first consulting with Beitz on the matter. He also insisted that it should be looked upon as an innocent conference paper that was subject to revision, and not a confessional stance by the author or anyone else. His conclusion was that, though Beitz had been unclear and prone to exaggeration, he could not be accused of false doctrine or slanderous judging. Who was correct? In my opinion, neither hit the nail on the head. I feel that Pieper was wrong to condemn the paper as harshly as he did and for failing to set the tone for brotherly admonition in order to get Beitz to see his errors. On the other hand, Koehler, by defending this unclear paper which literally begged to be misinterpreted, and which was perhaps guilty of some of the charges brought against it, lent Beitz and the rest of the Protestants the support that they needed in their resistance to correction.

But that provides only a partial answer to the question, "Why did Pieper and Koehler come to a parting of the ways?" This is evident in the fact that, during the course of expressing themselves in their writings, the question was not just, "What does the Beitz paper say?" <sup>But</sup> Rather, "What is the proper way of dealing with such a paper or any similar case of discipline?" It is my opinion that in his dealings throughout the controversy, Pieper was guided by a passion-

an evangelical spirit that would not use pure doctrine as an excuse to deal with one's brothers in a legalistic fashion. Certainly, both these qualities are to be desired in the Christian theologian. But neither one should be cultivated at the expense of the other.

Pieper's emphasis on the truth of Scripture, and Koehler's emphasis on an evangelical spirit can best account for each man's actions during the entire controversy. Pieper's love for the truth involved him in the controversy from its outset and caused him to be as outspoken as he was. It led him to take a hardline stance against the Beitz paper and to admit of no other possible interpretation, lest the truth of the Gospel be compromised in the process. It accounts for his harsh and outspoken criticism of Koehler, whom he felt had compromised the truth by defending the Beitz paper. On the other hand, Koehler's desire to be guided by an evangelical spirit made him sympathetic with the cause of the Protestants, who had been dissatisfied with the actions of the officials in the Watertown and Fort Atkinson cases. It allowed him to find an interpretation in the Beitz paper which was not immediately evident, and to give the man the benefit of the doubt in even the most difficult to interpret passages, and to defend a paper which he did not entirely agree with. It led him to be dissatisfied with the manner in which the Gutachten had read Beitz off as a heretic, and also the manner in which it had been used. It can also account for the firm and stubborn position he took against the rest of his colleagues, in spite of what must have been an enormous load of pressure that came to play on him.

There is a lesson to be learned in this controversy. In the midst of a controversy, and especially in one as bitter as the Protestant controversy, not even a "Pieper" or a "Koehler" will necessarily be a guiding light that one may follow without question. The only certain light that one may follow is the light of Scripture. Only from the Bible will one receive the spirit of love and truth which will steer us through the controversy without offense and without compromise. Consequently, if I were to be asked if I were a "Koehler" man or a "Pieper" man. I would have to answer "Neither." I would have to say that



the mistakes in judgment that either man made in their response to the Beitz paper and the Protes'tant controversy as a whole.

END NOTES

- 1 William F. Beitz, "God's Message to Us in Galatians: The Just Shall Live by Faith," (Faith-Life, Vol 33, No 5, May, 1960), par 6.
- 2 Beitz, ibid., par.7.
- 3 Beitz, ibid., par. 10
- 4 John P. Koehler, "Witness, Analysis, and Reply", (Faith-Life, Vol 3, No.13-14, July, 1930), p.2.
- 5 Beitz, op.cit., par 6.
- 6 Beitz, op.cit., par 35.
- 7 Otto Grundemann, trans., Gutachten, (Faith-Life vol 33, no 7-8, July, 1960) par 58.
- 8 John Meyer, "Brief Review," (WLQ, April, 1928), p 160.
- 9 John Meyer and August Pieper, Antwort auf Prof. Koehler's Beleuchtung der Beitschen Schrft und des Gutachten, Aug, 9, 1929.
- 10 Wm. F. Beitz, "Letter to Pieper", (Faith-Life, vol 33, no 7-8, July 1960), p 19.
- 11 Antwort, par 7.
- 12 Gutachten, par 59-63.
- 13 Gutachten, par 1.
- 14 Beitz, op.cit., par 1.
- 15 Gutachten, par 5.
- 16 " " , par. 6.
- 17 " " , par 20.
- 18 " " , par. 7a.
- 19 " " , par. 44.
- 20 " " , par. 48-49.
- 21 Beitz, op.cit., par 24.
- 22 Gutachten, par 50.
- 23 " " ., par 21a.
- 24 " " , par 21 e.
- 25 " " , par 21 c.
- 26 J. P. Koehler, "Gesetzlich Wesen Unter Uns" (Proceedings of the 35th Convention of the Evangelical Lutheran Joint Synod of Wisconsin and Other States, Aug 5, 1959) pp 9-10;
- 27 Koehler, ibid., p. 12.
- 28 Koehler, ibid., p: 20.
- 29 John P. Koehler, Beleuchtung, 1929., p 1.
- 30 Beleuchtung, p 12.
- 31 Beleuchtung , p 13.
- 32 Antwort, par 28.
- 33 Antwort, par 29.
- 34 Antwort, par 32.
- 35 Witness, Analysis, and Reply, p.2
- 36 Witness, Analysis, and Reply, p6.
- 37 " " " , p6.
- 38 " " " , p 8.

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