

Concerning the Doctrine of the Church and of its Ministry, with Special Reference to the Synod and its disciplineⁱ

by August Pieper

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The current discussion concerning the doctrine of the Church and its Ministry has now been going on for twenty-five years. It was occasioned by the so-called Cincinnati case. In one of our sister synods a pastor had been disciplined. He applied for admission into our Synod. Some were willing to receive him immediately. Others opposed this procedure on the grounds that synodical discipline is church discipline and must be respected by all sister synods until it can be shown that it had been in error in one respect or the other. About this same time the writer of this article had made the statement in an essay on human authority in the Church that synodical suspension based on Matthew 18 is essentially the same as excommunication. This statement was challenged.

The discussion resulted, and the opposing views became clear at once. Some said: The Synod is Church, i.e., the communion of saints, and therefore has the power to discipline. Others maintained: God has given all authority in the Church to the Church in the proper sense of the word, i.e., the communion of saints, and therefore to the local congregation, which alone is Church. In particular God has given the right and the command to exclude from the congregation, i.e., to excommunicate, exclusively to the pastors of local congregations in conjunction with these. Only the local congregation with its pastor can excommunicate, but only its own members. The synod is not Church in the strict sense of the word. The local congregation is a divine institution; the synod is a human ordinance. Synodical discipline is not church discipline, but flows out of human authority. Suspension from a synodical body is not excommunication but temporary withholding of synodical membership and is in itself not the suspension of church fellowship.—It is evident that truth and error lay very close together here.

Naturally mutual misunderstandingsⁱⁱ occurred in the early part of this discussion. The question whether the synod is Church in the true sense of the word and therefore has the ministry of the keys had never been in controversy in the Lutheran Church in America. As Luther in his time had emphasized rights of the *people* in the church over against the Pope and the clergy, so Walther had emphasized the autonomy of the individual congregation over against the ecclesiastical authority (of the German territorial churches and the American synods) and the pastoral authority (of Breslau, Grabau, Löhe, and others), without, however, falling into independentism and without denying the essence of the Church and the authority of the Church to the larger church body, even though it be administered by representation (See Walther, *Kirche und Amt*, 1. ed. pp. 430f.; 439; 441f.; 447; 465ff.). The practice followed this theory and placed the exercise of church discipline, not only that which was quite self-evidently a matter for the local congregation, but also that which concerned the synodical affiliation of the one taken into discipline, quite properly as much as possible into the hands of the local congregation. But in the latter case it was not possible to escape entirely from the participation of the synod, since the synodical bond was a confessional fellowship and involved church government (of course, not in the sense of the “territorial churches”—see the *Synodical Handbook*, 3rd ed., chap. I, particularly par. 6; chap. II; chap. V, par. 7ff; chap. VI, A, par. 13; comp. “further provisions” to chap. VI, A, par. 35 and to chap. VI, A, par. 6. In the 5th ed. of the *Synodical Handbook*, 1924, comp. par. 2; 7; 12, 8; 13; addendum to par. 12, D, 2, p. 25, and E, p. 26f; also addendum to par. 13, p. 30), and the circumstances and occurrences, the offenses in doctrine and life in the individual congregations could not leave the synod as such unaffected (I Cor. 12:27).

No matter how the synod was defined, it was impossible to escape the fact that it was a purely ecclesiastical association of churches with an ecclesiastical confession for purely ecclesiastical purposes, which could not exclude church discipline in doctrine and life as such. The synod was called Church without hesitation; but while emphasizing the particular divine institution of the local congregation and while assuming that the synod was a purely human arrangement, no clarity was arrived at in regard to the question, in what sense the synod is Church. It was merely said: in some *other* sense than the local congregation—but it is evident that that is an admission of perplexing embarrassment.

The insistence on the particular divine institution of the local congregation, which, however, could not be proved with any direct and clear Scripture passage, as can be done in the case of public preaching, baptism, and the Lord's Supper, led the discussion necessarily into the doctrine of the ministry, from the divine institution of which the particular divine institution of the local congregation was to be proved. Opinions differed in this way that some said, the ministry of the local congregation or the parish ministry alone is divinely instituted or at least especially instituted by God, whereas others said that no specific direct word of institution can be found for the ministry of the local congregation or the parish ministry in its specific form, but its divine institution is clear as a species of the divinely instituted general office of the public ministry commanded to all Christendom, which includes not only the parish ministry, but also every possible form of it, not only those enumerated in Ephesians 4:11 and I Corinthians 12:28, but also those which have developed among us in the course of time. Thus not only those forms of the ministry which have proceeded essentially from the life of the local congregation and which serve it, but also those which have been created by the synod or the church at large (several local congregations in common), as the office of a missionary, a circuit-rider, a professor, a visitor, a president, or whatever other greater or lesser pastoral offices the church may require for its internal edification or its external extension, their offices involving doctrine, correction, instruction or supervision. For example: as far as divine institution is concerned, there is no difference between the parish ministry in a local congregation and the synodical office of a professor of theology in the church at large—which some affirmed, others contested.

Thus the discussion had circled back to the doctrine of the Church, to the questions of the particular divine institution of the local congregation over against the free human arrangement of a synod, leading once more to a dispute for or against the particular divinity of the parish ministry and the lesser divinity of the synodical offices (ministry) of the Word.

The study of the teachings of Scripture, of the Confessions, of Luther, Walther and others on the specific subject of the local congregation and of the synod, which resulted from this difference of opinion, soon showed that in the beginning of the discussion both sides were not entirely clear on some specific points of doctrine, that both had spoken inaccurately or ambiguously on this or that specific term, which naturally led to false assumptions concerning the views of others and sometimes to the suspicion and the insinuation of false doctrine. Meanwhile Christian consideration had by and large gained the victory thus far. Several exceptions to this can be patiently overlooked. Both sides were perfectly agreed in regard to the essential derivation of the public ministry from the spiritual priesthood of all believers, the so-called doctrine of transference. Both sides maintain the divine institution of the public office of the ministry, with this difference that the one insists on a particular institution of the parish ministry in the local congregation and derives all synodical offices from it and in that respect declares them also divine, while the other believes that the particular institution of the parish ministry cannot be proved and derives it as well as all synodical and general offices of the Word in the Church from the general institution of the public ministry as it is given in Matthew 28:18–20; Mark 16:15, 16; Luke 24:46ff.; Ephesians 4:11ff.; I Corinthians 12; II Corinthians 3 and other passages, as a species from a genus. There is likewise perfect agreement in regard to the doctrine of the Church in this respect, that in the proper sense of the word the Church is nothing else than the communion of saints, and that God gave the command to preach the Gospel and thus the ministry of the keys to this Church and not to some specific external form of the Church. From this common ground it should be possible, if we continue to love one another, also to resolve the remaining unclarity and differences in the doctrine of the essence and the authority of the synod, of its relation

to the individual congregation, of synodical discipline, of suspension, the exclusion from synodical fellowship, and whether and when the latter have the same force and effect as the action of a local congregation.

The dispute has thus far not been able to destroy the unity of the spirit between us. The two parties were not cleanly divided along synodical lines. With the common adoption of certain theses in 1916 the discussions were essentially concluded, even though unanimity was not attained in all points. In the recent disturbances in our synod the position represented by our theological faculty was not attacked in theory, but certain practical cases of synodical suspension were questioned. This necessitated a new discussion of the theory, which brought about on the one hand a very brotherly discussion in official circles, on the other hand, however, also a mass action casting suspicion upon our doctrine and threatening to disturb the peace of the church. Sad to say, this actually came to pass. Therefore it must be reemphasized that only in the spirit of love will we be able to preserve the unity of the Spirit in the bond of peace. Where love does not reign, unity is already destroyed inwardly. Where one wants to become a champion at the expense of the other, unity will also soon be destroyed outwardly.

Where God's Word is concerned, only one principle applies to us poor human beings: "Speak, Lord; for thy servant heareth." The highest and most difficult skill in theology is to set aside one's own thoughts and to deny one's own wisdom; to believe and obey every word of God, even in the face of deeply ingrained and beloved prejudices. And especially those who daily increase in knowledge must daily learn this skill anew.

Finally, it is not superfluous to warn against certain methodical errors that are committed by many, particularly in the doctrine of the Church, without realizing it. These are in part theological, in part exegetical, in part purely logical. In order not to go astray in the doctrine of the Church, one must be clear on this point that the people of God in New Testament times do not have a single shred of purely external ritual or establishment as the ceremonial law required of the Old Testament church, that in the Church everything is grace, a gift of God given in great abundance for the purpose of the edification of the body of Christ, in the administration of which love must reign (Eph. 4:1–16). Whoever introduces a legalistic spirit into the external establishment of the New Testament church has already corrupted and destroyed the doctrine of the Church, and as far as he is concerned, the Church also. Whoever cannot agree with the remark of Luther that for the coarse German people the institution of the office of the parish ministry was better than the Corinthian manner of preaching by prophets will hardly be able to preserve the unity of the Spirit and improve the Church.—Moreover, what the Apostles by the Holy Spirit or in good Christian common sense ordained or instituted locally or temporarily or for the obtaining circumstances must not be made into a universally valid law, unless, indeed, it be founded on the essence of the Church itself or on the law of love; otherwise we shall have to question to many individual congregations in our time the divinely intended form (I am referring here to passages such as Acts 6; I Tim. 3:8ff.; 5:9ff.; I Cor. 12 and 14; Eph. 4:11). The words in I Corinthians 3:21ff.: "all things are yours," and in Galatians 3, 4, and 5 concerning the freedom of Christians in the New Testament are more general, greater, and more significant than all external individual institutions and must govern these. The doctrine of the Church and of its commission (office) is only the reverse of the doctrine of justification, nothing more than the doctrine of the status, the nature, the call of those who have been justified by grace through faith and in Christ are freed from every law. Whoever acknowledges that will not easily err seriously here either.—And finally, as far as purely intellectual and logical errors are concerned: Luther has declared the word "church" as an un-German, i.e., unclear, indefinite word. For all who are initiated the sentence: "Today the church in Corinth had church in its church and elected a churchman," contains nothing wrong. For the uninitiated it is striking and unclear because the word "church" is used four times, each time in a different sense. All lack of clarity would disappear if the sentence were to read: "Today the Christians in Corinth held a worship service in their meetinghouse and called a pastor." The word "church"—not in the Scriptures—but in common language usage has gained such divergent meanings, that it is easily possible to become involved in a confusion of terms and thus to confuse the doctrine of the Church for one's self as well as for others. We must guard ourselves against committing this error. For this reason Luther used the word "church" only about fifteen times in the Old Testament, and then only to designate places or meetings where idolatry was practiced, never as a designation of the Old Testament believers and their gatherings. In the New Testament he uses the term only twice, and always in compound

nouns: “feast of the dedication” (*Kirchweih*), John 10:22; and “robbers of churches” (*Kirchenräuber*), Acts 19:37. Elsehe translates the Greek word for church, *ἐκκλησία*, exclusively with the German word “*Gemeine*” (*Gemeinde*); and if we had continued to use this term strictly, we might have been spared from many an error. We have become accustomed to use the expression “*Gemeinde*” exclusively of the organized local congregation and designate as “church” (*Kirche*)—apart from the application of this term to the house of worship of Christians and their worship services—almost exclusively the larger church body. This further contributes to the confusion. The words “*Gemeinde*” and “*Kirche*” must be used as synonyms if unclarity and error are to be avoided. We treat this subject in six theses.

Thesis I

No one can understand even a single word of the biblical doctrine of the Church and its Ministry who does not constantly bear in mind that the word “church” in the New Testament never denotes anything else than the communion of saints or believers.

When we hear the word “congregation,” we immediately think of a Christian congregation, yes, a local Christian congregation. But the word has a very general meaning. It designates formally merely a large number of people considered as a group. But it always denotes people, persons, never things.

What kind of people are thus congregated depends upon the circumstances and the connection. In Germany one still speaks today of the community (*Gemeinde*) of Berlin, of Chemnitz, of Frankfurt, or of Stolp and refers with this expression to a group of people who in the government of the state have a certain portion of civil authority. The word community or congregation in this instance also denotes a unit consisting of a smaller or larger group of German citizens. We find a similar profane use of the term “congregation” in the Scriptures also. In Acts 19:23, 39, 40 the multitude of people gathered together in Ephesus by Demetrius against the Gospel is called *ἐκκλησία*, congregation. Etymologically *ἐκκλησία* (from *ἐκ* and *καλέω*) really means “those who have been called out,” historically those men who have been called out of their houses into a public gathering-place by a herald. As verses 25, 30, 33, and 35 show, the word “congregation” is synonymous with people, multitudes, an assembled group of the residents of the city of Ephesus. In the Old Testament the people of Israel is also often called the congregation of Israel. Even the band of Korah is called in the Hebrew of Numbers 16 the “congregation” of Korah. In the Old Testament the expressions *עֲדָה* and *קְהָל*ⁱⁱⁱ correspond to the term *ἐκκλησία* in the New Testament. They designate, also where they stand alone without a special modifier, the congregation of God, the congregation of the Lord, the chosen people of God as a whole, Israel as a national, political, and religious or spiritual unit. See Exodus 19, especially verse 6. Its real nucleus was the spiritual Israel, the spiritual seed of Abraham, which was of the faith of Abraham (Rom. 4:9; Gal. 3:7). Already in the Psalms we find the expressions “the congregation of the righteous” (Ps. 1:5), “the congregation of the saints” (Ps. 89:5), and “the congregation of saints” (Ps. 149:1).

The first to use this word in the New Testament is the Lord himself. “Upon this rock I will build my church” (Matt. 16:18). And from the context (you who believe and confess that I am the Christ—the gates of hell shall not prevail against it—the keys of the kingdom of heaven), as well as from the words of the Lord such as Luke 12:32 (little flock) and John 10:14ff. (mine, my sheep, my flock, esp. vs. 27f.) It is evident that the Lord means no one else than His believers.

In view of the Old Testament designation of the true children of God as a congregation, the congregation of the Lord (Num. 16:3; 27:17; Deut. 23:1ff.; I Chron. 28:8 from the lips of David; Mic. 2:5), also as the congregation of God (Neh. 13:1) and as the assembly of the people of God (Judg. 20:2), in view of the reference to them in the Psalms as the congregation of the righteous, the congregation of the saints, and the congregation of saints, and in view of their designation by the Lord himself as *His* congregation, the writers of the New Testament use the expression *ἐκκλησία*, congregation, congregation of God, congregation of the Lord,

congregation of Christ, constantly and exclusively as a designation of the believers, the true Christians, the saints, the elect.

It is particularly St. Paul who uses these expressions frequently—even in the form of literal translations of the Old Testament terms—and also transfers the figurative designations of the congregation out of the Old Testament into the New Testament, whether he be speaking of the Church of Christ as a whole or only of a part of it. Whoever will take the pains to compare the Epistle to the Ephesians with Isaiah 40–66 will be surprised to see how the apostle in this epistle sings with the same enthusiasm of the glory of the New Testament church, which is now being accomplished, as the prophet 750 years earlier had rejoiced over it as he contemplated it in faith in the future. Compare especially chapters 40, 42, 49, 51–55, 60–63, 65, and 66. Ephesians 3 is an echo of Isaiah 62.

We have neither the time nor the space to consider in order here all the passages in the New Testament in which the word *ἐκκλησία*, congregation or church, occurs—there are over one hundred of them. The best indication as to what or who is meant with the expression church or churches is found in the addresses of the various Epistles and the greetings of the writers to those to whom they were writing. All Epistles of the New Testament writers addressed to congregations are, of course, addressed not to the church of God as a whole, but to specific local parts of it, to local congregations. Therefore a number of them have an address such as “unto the church...” or “unto the churches...”: I and II Corinthians, Galatians, I and II Thessalonians—five in all. Others have a different address: Romans, Ephesians, Philippians, Colossians, I and II Peter, James, and Jude—eight. The first Epistle of John and Hebrews have no special address. The Book of Revelation is addressed to the seven churches in Asia Minor (1:4) and is directed to their “angels” or bishops, chapters 2 and 3, but in reality to the entire future church. What kind of people they had in mind with “the church” or “the churches” is partly determined by the additions they make to these expressions. In both Epistles to the Thessalonians it is designated by “in God the (our) Father and (in) the Lord Jesus Christ” as the communion of saints or believers: likewise by the following greeting. In the Epistles to the Corinthians the church is immediately called the church of God, which in the first Epistle is explained with “to them that are sanctified in Christ Jesus, called to be saints.” The addition of “with all that in every place call upon the name of Jesus Christ our Lord,” and in the Second Epistle “with all the saints which are in all Achaia” sets “all that ... call upon the name of Jesus Christ” and “the saints” alongside of “the church of God” as synonymous with it. This is confirmed in the following greeting. In the Epistle to the Galatians (as in the other Epistles of Paul) his reference to his apostleship, his designation of the Galatians as “brethren,” and the greeting with its supplement in verse 4 show that with “churches” he means none but the communion of saints. How could he greet the hypocrites in these congregations thus? In the Epistles to the Romans, the Ephesians, the Philippians, and the Colossians he wrote instead of “the church”: “beloved of God, called to be saints,” “the saints which are at Ephesus, and to the faithful in Christ Jesus,” “all the saints in Christ Jesus which are at Philippi,” “the saints ... which are at Colosse” each time adding his apostolic greeting of grace and peace.—That ought to be sufficient proof that the expression “church at—,” local congregation, in Paul’s writings is equivalent to “the saints at—.”

The First Epistle of Peter is addressed to the strangers scattered throughout the dispersion, and the Second to “them that have obtained like precious faith with us.” The First Epistle of John is directed without a special address (cf. 1:3–4) to Christians, believers, as is the Epistle to the Hebrews, and Jude addresses “them that are sanctified by God the Father, and preserved in Jesus Christ, and called.” In the address of the Epistle of James there can be no doubt in view of verses 2 and 3, that in his address to “the twelve tribes which are scattered abroad,” to whom he sends “greeting,” he has in mind “brethren” and believers.

Besides the address and the apostolic and fraternal greeting there is in all Epistles an indication of who it is to whom the Apostle speaks. In all Epistles without exception he is speaking to Christians, believers, saints, never to the wicked. That is evident in most Epistles, but in I Corinthians, Galatians, and also in the Epistle of James it has been questioned by some. They think that in I Corinthians 15:12 with the words, “how say some among you that there is no resurrection of the dead?” St. Paul is speaking to actual heretics who are members of the congregation. Likewise in the Epistle to the Galatians; for in 1:6 St. Paul is speaking to people who are so soon removed from him that called them into the grace of Christ unto another gospel, and in 5:4 he says to them

that Christ is become of no effect unto them because they want to be justified by the law and are fallen from grace. Luther himself is of this opinion in his commentary on Galatians. However, this is an exegetical error—in spite of its apparent correctness. For first of all he speaks to the same people throughout the entire Epistle, and once more right at the end, as to brethren (1:11; 3:15; 4:12; 5:11, 13; 6:1, 18), which would be utterly impossible if he considered them as complete heretics and apostates. In 4:19–20 he calls them “my little children,” of whom he travails in birth again until Christ be formed in them, with whom he desires to be present and to change his voice to the proper modulation because he no longer knows how to approach them. To those who find total apostates in 1:6; 3:1; and 5:4, passages such as 3:26–29; 4:6–9a, 28, 31 could be pointed out with equal justification, in which the same people apparently are declared to be children of God. But this would be just as improper as that. We must keep clearly in mind that St. Paul in his Epistle to the Galatians treats of abstract doctrine—over against false doctrine and theory, and that all such expressions as “we are,” “you are” and the like are intended as consequences of the abstract theory, are relative and conditional, not absolute and unconditional. Also the matter of being children of God in the last passages mentioned is not said of them absolutely, but in as much as they stand steadfast in the faith. Even the “because ye are sons” in 4:6 is the consequence of the preceding verses and is to be taken relatively. That is clear from 4:31, where the filial relationship to God from the freewoman is smoothly introduced with *διό* (AV: so), therefore, consequently, as a purely logical consequence. It is exactly so in 1:6; 3:1; and 5:4, 7, where apparently Christ, grace, and faith are denied to the Galatians. The language is not intended to be absolute and unconditional, but relative and conditional. That is particularly clear in the apparently unfavorable passage 5:4. There the conditional clause in verse 2: “if ye be circumcised” precedes verses 3 and 4. This clause governs both of the following verses.

Besides, in verse 4 in the clauses “whosoever of you are justified by the law” the Greek text has *οἵτινες* for “whosoever,” which means in English “if you are such as, etc.”—The true meaning of Paul is apparent in those passages which represent the apostasy of the Galatians as one that has indeed occurred but is not yet final and irreparable. According to 3:1 they are indeed foolish, but only bewitched. Are they so foolish that they want to perfect by the flesh what they have begun in the Spirit? Could they have suffered so many things in vain? That is not possible, is it?—Verses 3 and 4. If you have received sonship, inheritance, knowledge of God, and recognition by God through faith, how can you return again to the weak and beggarly ordinances of the Law? 3:26–4:9. Then I would have to fear that I have bestowed upon you labor in vain, 4:11. But that is impossible in view of all the love you have accorded me, a sick man, for the sake of the Gospel. You have been misled in a false zeal by false zealots for the Law. How can I straighten you out again? 4:12–20. Ye did run well. He who called you did not mislead you with this leaven of false doctrine, a little of which finally leavens the whole lump.—That is the sense of Paul’s argument. And decisive for the contention that Paul the Apostle does not consider the misguided Galatians as permanently misled and lost are his concluding words: “I have confidence in you through the Lord, that ye will be none otherwise minded,” i.e., not otherwise than I and we are minded according to verses 5 and 6. They will, though momentarily misled, not have lost their faith entirely but will rise again from their fall and will be saved. That is why he still considers them as brethren in Christ Jesus.

The I Corinthians 15:12 passage concerning those who deny the resurrection of the dead is similar. Those were thoughtless Greek-Christians who had been confused by philosophizing Gentiles, repeated some of their ideas, but had not yet been confirmed in their unbelief. Otherwise he could not have spoken to them as he does in verses 33 and 34. They were Christians who were still surrounded by the fog of ignorance of the power of God and spiritually were not yet quite mature. The two passages in the Epistle of James, 4:4–10 and 5:1–6, seem more than any others in the Epistles of the New Testament to be addressed to non-Christians as well as to Christians. But in both instances we have a rhetorical device, which with “ye,” just as Paul with “thou” in Romans 2 and 11 and with “I” in Romans 7, does not speak to those addressed in the Epistle, but “people” of a certain class, as we also do in preaching. Moreover the text in James 4:4 is uncertain, and the adulterers and adulteresses are such spiritually, i.e., apostates. That the rich men mentioned in 5:1–6 are to be sought outside the Christian Church is evident from 2:6f.

There is no question about the existence of hypocrites, gross sinners, errorists, and heretics in the apostolic congregations, just as they are found today in ours. We need only look into I Corinthians 5 and consider the congregations mentioned in the Book of Revelation. With the church of the Lord, the saints through faith, there will always be associated externally also hypocrites and wicked persons. That is a part of the condition of the church under the cross. But it is as a matter of course most unlikely that the writers of the New Testament, who emphasized the contrast between believers and unbelievers in regard to their class, state, and fate so sharply, who insisted so earnestly on discipline and a clear separation from unbelievers, errorists, and evident sinners (Matt. 7:15; Acts 8:20ff.; Rom. 16:17; I Cor. 5; II Cor. 6:14-18; Gal. 5:12; Eph. 5:7, 11; Phil. 3:2; I Tim. 1:20; 2: 21; Tit. 3:10; II Pet. 2:1ff.; I John 4:1ff.; Rev. 2:3; 22:15), who know that the Church is the body of Christ, the temple of the living God, the bride of the Lord, the heavenly Jerusalem, the city of God, the breadth, and length, and depth, and height of which (Eph. 3:18), just as the love of Christ toward her, surpasses all understanding, who consider themselves unworthy to be her servants (I Cor. 15:9; Eph. 3:8; I Tim. 1:12ff.)—it is, we say, as a matter of course most unlikely, that such people would in any sense reckon unbelievers among believers, wicked among God-fearing people, the congregation of Satan among the congregation of God, the children of darkness among the children of light, the rejected among the elect company of God. Where this seems to be the case, it is rather the bighearted love that bears all things, believes all things, hopes all things, and endures all things, which impels them rather to include even those who are weakest in faith and knowledge and the most imperfect in their Christian life, yes, even those who have gone astray in doctrine and life in the church in order to save them, rather than to consider them as lost and to give them up. Also II Corinthians 12:20-13:6 belongs here.

On the basis of the New Testament writings all Christendom therefore confesses: “I believe one holy Christian Church, the communion of saints.”

Our church likewise confesses in the *Augsburg Confession*, Article 8: “The Church properly is the congregation of saints and true believers.” And in the *Large Catechism*: “Thus the word *Kirche* (church) means really nothing else than a common assembly, and is not German by idiom, but Greek (as is also the word *ecclesia*); for in their own language they call it *kyria*, as in Latin it is called *curia*. Therefore in genuine German, in our mother tongue, it ought to be called a Christian congregation or assembly (*eine christliche Gemeinde oder Sammlung*), or, best of all and most clearly, holy Christendom (*eine heilige Christenheit*). So also the word *communio*, which is added, ought not to be rendered communion (*Gemeinschaft*), but congregation (*Gemeinde*).... But to speak correct German, it ought to be *eine Gemeinde der Heiligen* (a congregation of saints), that is, a congregation made up purely of saints, or, to speak yet more plainly, *eine heilige Gemeinde*, a holy congregation.”

With a sure grasp Luther in his childlike simplicity gave a logically absolutely correct definition of the essence of the Church when in the 12th chapter of the third part of his *Smalcald Articles* he wrote: “Thank God, a child seven years old knows what the Church is, namely, *the holy believers* and lambs who hear the voice of their Shepherd.” It is as though carved by the Holy Ghost. Luther remarks in *Concerning Councils and Churches*: “The holy Christian Church is a people that is Christian and holy, or as one is wont to say, holy Christendom, yes, all Christendom. In the Old Testament it is called God’s people. And if in the children’s creed such words had been used: ‘I believe that there is one Christian holy people,’ all trouble could easily have been avoided that has resulted from the blind, unclear word ‘church.’ For the word Christian holy people would clearly and mightily have brought with it both the understanding and the judgment as to what is or is not Church.”

Quite correctly our dogmatics defines thus: “*Forma* (the essence) *ecclesiae consistit in unione vere credentium et sanctorum cum Christo per fidem veram ac vivam.*” Baier then adds: “*quae (unio) non est externa et localis corporum, sed interna ac spiritualis animorum conjunctio. Quamquam enim fideles etiam locales congressus sacros habeant, illi tamen non sunt de essentia ecclesiae*” (Walther-Baier *Compendium*, p. 628).

Our whole old Lutheran dogmatics teaches thus, and I need not mention particularly that Walther repeated this teaching with great emphasis. His first two theses in *Church and Ministry* treat of this important point. His second thesis excludes all error here: “To the Church in the proper sense of the word belongs no

wicked person, no hypocrite, no unregenerate person, no heretic.” His Scripture proof is Romans 8:9, John 15:6, and I John 2:19. It is only necessary to compare them with Matthew 16:18. For the sake of clarity we shall copy another word of Luther from Walther: “Whoever is not really a believer nor holy and righteous does not belong into the holy Christian Church.... They (the Papists) inveigh against that and say: ‘Although the Pope, the bishops, and they all sin greatly, nevertheless they are not of the devil,... but they are of Christ and of God, members and heads of holy Christendom. Yes, they are members of the Church, just as spittle, snot, matter, sweat, stools, urine, stench, scabs, pox, scrofula, syphilis and all diseases are members of the body: these are also in and on the body; yes, as specks and filth, which the body must bear with great danger, pains, and distaste’ (St. Louis Ed. V, 1355). “They (the hypocrites) are among the number of the Christians; they have the name, the appearance, and the features of the Church; but on that account they are not the Church.... He is in and among the Church as mice-dung lies among pepper and cockles among grain and helps to fill the bushel... So are the heretics, the false teachers, and the wicked in the churches not natural proper members, but impurities that ooze out of the body” (VII, 2345).

Luther writes in *Concerning the Papacy in Rome against Alveld*, after having said a few paragraphs earlier: “Scripture speaks very simply and in only one way of Christendom... that Christendom means a gathering of all believing Christians on earth..., who live in the true faith, love, and hope,” these words of warning to all who concern themselves with the doctrine of the Church: “Therefore he who would not err must hold this fast: that Christendom is a spiritual gathering of souls in one faith, and that no one is considered a Christian because of his own person; so that he may know, the natural, proper, real, and essential Christendom rests on the Spirit and not on any external thing, whatever it may be called.... In this manner the holy Scriptures speak of the holy Christian Church and of Christendom, and it has no other manner of speaking of it” (XVIII, 1017f).—Walther also warns (*Lutheraner* XI, p. 59): “Just from this (I “believe” a holy Christian Church) can be seen how necessary it is in the doctrine of the Church ... to proceed from the concept of the invisible Church (the communion of saints), but also to hold this concept fast in the entire development of this article of doctrine and faith, if one wishes to avoid falling into confusion and self-contradictions, as happened to the writer in the *Lutheran Herald*.” From the invisible Church we necessarily arrive at the visible church, from the communion of saints at the congregation of confessors, from the church in the proper sense at the church in the improper or synecdochical sense. Whoever has not a clear concept of the essence of the Church and holds it fast is immediately in error. From this source arise all the false views concerning the so-called local congregation and the synod. And they are strengthened by our custom of calling the local church congregation, and the larger body church. If we called both congregation or both church, the way would be opened for a correct understanding.

Thesis II

It is the Church in the proper sense, i.e., the communion of saints, to which as such (or as holy people) the Lord has entrusted and commanded the preaching of the Gospel and therewith the keys of the kingdom of heaven, not to the church in the so-called improper or synecdochical sense, i.e., in so far as the term in this sense includes other persons besides believers or implies things together with believing persons.

That the Lord has given the power of the keys in and with the preaching of the Gospel requires no proof among us, since the keys are nothing more than the practical application of the Gospel to the individual Christian, either in the state of repentance or in the state of impenitence—“he that believeth”; “he that believeth not.” For this the congregation has the command and the authority of the Lord (administratively); that is the office entrusted to it, its task on earth.

That the Lord has given this office to His Church on earth, i.e., to all Christians, to each individual believer personally and therefore also to each grouping or little group of Christians, wherever they may be, and in whatever circumstances they may find themselves, is such clear Scripture doctrine and with us Lutherans has become so much a part of our flesh and blood that we need not dwell on this point very long. The principal proofs for this are Matthew 16:15-19; 18:17-20; John 20:21-23; I Corinthians 3:21-23; 5:3-5, 11-13; II

Corinthians 3:6ff.; I Peter 2:9f.—According to Matthew 16:19 the Lord gave Peter the keys of the kingdom of heaven; but not as to a natural man, to whom flesh and blood, i.e., his descent from Jonas, but to whom Christ's Father in heaven has revealed it through the Holy Ghost that Jesus is the Christ, the Son of the living God. But that was no private gift to Peter personally, but it was given to him as to one who knew and believed it. In Peter every single believer on earth has received the keys of the kingdom of heaven from Christ. That the Lord included the other disciples is evident from the fact that Peter had answered the question directed to all of them out of the faith of all of them. In Matthew 18:17ff., the Lord gives the office of the keys to the whole Church; in verse 19 He places its power on the same level with the power of the Church's prayer, and in verse 20 He bases the power of both on His gracious presence in the midst of His own, even though there be but two or three of them. In John 20 the Victor over death and hell, who has risen from the grave and has now obtained the keys of the kingdom of heaven, connects the office of the keys with the gift of the Holy Ghost. Where He is, there is also the power to forgive and to retain sins. According to I Corinthians 3 every spiritual power and gift of Christ belongs to Christians, according to chapter 5 also the authority to deliver evidently wicked persons unto Satan and to put them away from among themselves. In II Corinthians 3 the Apostle boasts of his New Testament office, which ministers righteousness, and ascribes its origin in 5:17-18 to the new creature in Christ, and in I Peter 2:9 the calling of Christians to show forth the praises of God, i.e., above all His grace in Christ, is based on their eternal election to sonship, their royal priesthood, their holiness and spiritual relationship to God on the basis of their conversion from darkness into His marvelous light. We Christians are all, each one personally, and together with others jointly, through faith not only children of God and heirs of God, but also His kings, priests, and prophets, God's ambassadors to the world, to administer Christ's word of grace. This is the doctrine of the spiritual priesthood, which is so well known to all of us, and which Luther has explained so clearly. Next to the doctrine of justification he has written no more and no more thoroughly on any doctrine against the papacy than on its reverse side, the doctrine of the Church and its ministry, particularly on the doctrine of the spiritual priesthood and its power to forgive and to retain sins. We have Walther to thank for bringing it into prominence in the church of our country. In our confessional writings it is treated more fully than any other doctrine. For brevity's sake we shall omit them. Instead we quote a few words of Luther from his treatise addressed to the people of Prague: "The keys belong to the whole congregation of all Christians and to each one who is a member of that congregation, and that not only as to the power, but also as to the use, and that in any manner whatsoever, so that we do no violence to the words of Christ, who straightway and generally says to all: Let him be unto *thee*, etc. Likewise: Whatsoever *ye* shall bind on earth, etc.... Likewise verse 20: Where two or three are gathered together in my name, there am I in the midst of them. In these passages the most absolute right and use is absolutely ascribed and emphasized, that they may bind and loose, *unless indeed we wanted to deny to Christ Himself the right and use of the keys when He dwells in the midst of two*" (St. Louis Ed. X, 1580, 52). Where Christ is in his promises, there is also everything that He has obtained for us of grace and spirit, also the power of the keys. We have Christ through faith, but only through faith. *To faith the power of the keys cannot be lost, nor can it be taken away.* It stands and falls with faith. Where there is no faith, there is no ministry or power of the keys, for there Christ is not. The gathering of all believers in Christ—this alone has the keys, of this you should not be in doubt. And whoever usurps the keys beyond that group is a crafty sacrilegious rogue and churchrobber, be he Pope or whoever he may be" (XIX, 846, 65).

Naturally the latter also applies to those who are only apparently Christians, the hypocrites, the wicked and heretics (those who believe false doctrine and essentially deny the Gospel), who practice an outward fellowship with the Church, i.e., with the believers, in the external groupings in which the saints on earth have locally gathered in order to hear the preaching of the Gospel. This brings us to the doctrine of the synecdochically or improperly so-called church or congregation. And at this point the errors begin, because the warnings of Luther and Walther are forgotten steadfastly to hold fast the concept of the Church in the proper sense of the word as the "communion of saints" in the entire development of the doctrine of the Church. As long as this is held fast, it is hardly possible to err; as soon as this is lost sight of, error is already present; for then the power of the keys will—contrary to Scripture—be ascribed to the church improperly so-called, i.e., to the wicked and hypocrites together with the saints of the Church as an external church organization. That is why

in our first thesis we took such great pains to show that the Church of Christ consists exclusively of believers and that the Apostles too in their Epistles always address only the saints in the local congregations, never including the wicked.

There is no question but what there were in the local congregations to which they wrote also some hypocrites, as in Corinth (I Cor. 5). The congregations mentioned in Revelation 2 and 3 are called churches, *although, in spite of the fact that* those that held the doctrine of Balaam and the Nicolaitanes in Pergamos and Thyatira and perhaps also in Sardis and Laodicea were tolerated in the congregation. Therefore Luther also says in his exposition of Joel 3:17 that the Scripture speaks in a twofold manner of the church; on the one hand it calls the church or the congregation “the elect, i.e., those who embrace and accept the Word of God in true faith and receive the Holy Ghost.... This righteous pure group the Scripture calls the Church, which also deserves the name holy.” Previously he writes: “First of all (the Scripture) designate as church generally all those who publicly confess the same doctrine (the Gospel) and use the same sacraments, *although* many hypocrites and wicked persons are mingled with them.” To him this is the synecdochical use of the word congregation or church. But notice how precisely Luther expresses himself here. Those who “publicly confess the same doctrine” are for him the believers, and they are called the Church, although, i.e., *in spite of the fact that hypocrites*—do not constitute a part of that church, but rather—are *mingled with them*. This careful manner of expression concerning the synecdochically so-called church is used particularly by the *Apology* and accordingly by all our dogmaticians. Also the external church does not consist for them of pious and wicked people, but the latter are mingled with the former externally, *admixti*, and actually do not come into consideration when the calling, the office, the attributes, the gifts, and the authority of the Church are spoken of. They are “in” the Church, or “among” the believers only as chaff among the wheat, as mice-dung among the pepper, as filth on the human body, *which is not actually included* when such things are spoken of, but *whose presence is disregarded*. The synecdoche employed here is therefore not really an inclusion, but rather an exclusion which ignores the presence of foreign elements. Therefore we always find among our writers in the exposition of the doctrine of the church synecdochically so called a strong emphasis on the Church in the proper sense over against that in the improper sense of the word; and they expressly search for terms which will put that sense as far as possible into the background. For then it is the broad, the improper, the inaccurate, the subordinate, the loose, the more general, yes, the figurative sense. They only shrink from calling it an abuse of the term, since the Revelation of John does use it. It is as though in the use of the expression they see the danger of error for those who are not careful, and that not without cause.

It is self-evident that the church in any external form does not have the office of the keys because or inasmuch as wicked persons are mingled with it. As little as the chaff has the qualities of the wheat, the weeds have the nature of the stalk of grain, the mice-dung the quality of pepper, or the filth the life of the body, so little do wicked people enjoy the privileges of the God-fearing among the God-fearing. Before God they are *extra ecclesiam*, spiritual chaff, weeds, filth, sown among the wheat by the devil, to whom they belong. Externally they administer God’s Word and the Sacraments, but unjustly, without and contrary to any divine call (Ps. 50:16ff.). They are the disease and plague, cross, impediment, and shame of the church. This applies to every outward form of the church, be it the local congregation, the conference, the synod, or any other. The local congregation too has the power of the keys not because or inasmuch as wicked people are mingled with it, but because and inasmuch as true Christians are present in it. And these have it *in spite of* the unbelievers found among them.

How then is the claim arrived at that only the local congregation has the power of the keys, but the synod does not? In opposition to our doctrine that the synod as well as the local congregation is church in the synecdochical sense the claim is made that the Church in the “strict” sense of the word according to the Scripture is only the communion of saints and the local congregation, which is called church synecdochically, and the thesis is set up, “Only the pastor together with the local congregation can excommunicate,” because it is instituted by God, but the synod is only a human arrangement. Later the same idea met us from another quarter in this form: Only the local congregation is church in the true sense of the word, the synod is also church, but in some “other” sense. When we asked: in what other sense?—we received no answer.

That seems for the first to be confusing, that here entirely new terms are introduced to designate in which sense the church is called church. Church in the strict sense of the word can, of course, only be the same as Church in the proper sense, that is, the communion of saints. And the contrast to that is and remains the church in the less strict, loose, improper, broader sense, and that would be the local congregation. If the local church is church in the broader, looser, improper sense, then it cannot be at the same time Church in the strict sense. There seems to be a logical error involved here. This is not caused by the designation “church in the true sense” on the part of some, for not only the communion of saints, which consists only of such, but also the church in the synecdochical sense is a true church, since it includes a communion of saints, on account of which it is called church, for which reason Walther says, it is justly called church. The designation Church in the true sense has as its opposite church in the untrue sense, that is, in the false sense, in no sense at all. Thus the error on this side again lies therein, that besides the Church in the proper sense and the church in the synecdochical sense, the synod is to be called the church in some other though indefinable sense.

Apart from that, an entirely different reason is given as to why the local congregation is a church, than that given for the Church in the proper sense. In the case of the latter the reason for its holiness is its faith in Christ, through whom it is holy. In the case of the local congregation it is the same, since at least some are believers there and therefore holy. Suddenly we hear this as a reason why the local congregation is a church that is instituted by God. According to the Holy Scripture the power of the keys was given to the Church in the proper sense, because it is holy, and the local congregation likewise, because saints are included in it and they alone have the keys, not the hypocrites. And now the local congregation is said to have this power because it is instituted by God. Here again something is logically not in order. The error lies in this, that in this latter reason the church is no longer regarded as consisting of holy persons, but as being an institution, a church organization, an arrangement, a body, an external church organization consisting of persons and things. It is said: The parish ministry is ordained by God, as is the preaching in the parish, the worship service in the parish, the care of souls in the parish, the administration of the Sacraments in the parish, and for that reason it has the power of the keys, and for that reason only the parish pastor together with the local congregation can excommunicate, and only for that reason is their excommunication valid and effective. And because the synod, the synodical organization, is not instituted by God, but is a human arrangement, therefore it is not a church and does not have the ministry of the keys.

But here lies another logical error, which now becomes a factual error—namely, that cause and effect, reason and consequence are interchanged with each other. We too say that the office of the ministry, the worship service in the parish, etc., are ordained of God, and that is so because the public *preaching* ministry, the public preaching and administration of the Sacraments and so on and so forth, is God’s institution and establishment; but of course, not only the office of preaching in a local congregation or the parish ministry, but every form of the public preaching ministry which results from the external circumstances of the church, as, e.g., the Christian (and the synodical) office of a theological professor and other forms of it, is God’s institution and establishment.

Now let us consider the real logical relationship between Church, power of the keys, and the external church organization or institution. The Church or the congregation of believers is the first that God has made. The *power* of the keys depends upon faith and upon faith alone. *Because* the Church has faith, therefore it has the power of the keys—in, with, and through faith, *and through nothing else*. And *because* through faith it *has* the power of the keys, therefore it must become an external institution in order to *exercise* its power of the keys. Scripture presents the matter in this logical sequence. First Peter is a believer, to whom the Father in heaven has revealed that Jesus is the Christ, the Son of the living God. Then and for that reason the Lord gives him the power of the keys. And then and for that reason he commands him, “Go and preach, bind and loose with the Gospel.” it is the same in John 20, where He sends the disciples out into the world. First he gives them the Holy Ghost and with Him the power of the keys so that they might exercise it. It is the same in I Peter 2:9. There we read: “Ye *are* a chosen generation, a royal priesthood, etc., that ($\delta\pi\omega\varsigma$ = for this purpose that) ye should show forth, etc.... which (= because you ...) are now the people of God ... now have obtained mercy.” Thus the Christian estate, *being* a believer, *being* a priest really and logically precedes the showing forth, preaching, and

has this as its purpose. One must first personally be a priest before one can function as a priest, be a king before one can administer the office of a king, be a builder before one can build a temple, be a Christian before one can do the works of a Christian. It is not the other way around. Doing the works of a Christian cannot precede being a Christian; the works of faith cannot be done first, and then faith produced through such works. And as it is with the individual Christian, so it is with a Christian congregation and not the other way around. First there must be a congregation of saints with the power to preach the Gospel and to administer the office of the keys, and then it administers this office and power outwardly.

And what else is the entire external church organization, the external church institution—be that a local congregation or a synodical body—than the external arrangement through which and by which the public office of preaching and administering the keys is practiced and administered, with which God has endowed it through the faith of the saints before any exercise of it! The regular office of the ministry (parish ministry) with all its outward institutions is not the means whereby God bestows the power of the keys upon it nor the cause and reason why He gives it, but He bestows this power upon the church, in order that it through the office of the public ministry and external institutions of the church might *exercise* it in an orderly fashion.

How does the founding of an outward church organization or institution take place? This is no human invention, but a divine ordinance and institution—although not an Old Testament legal institution (of this it has not the faintest trait), nevertheless a New Testament evangelical institution, which has its real roots in the grace of Christ and in the faith of the Church. Faith must by its very nature break forth and confess. “I believed, therefore have I spoken,” “We cannot but speak the things which we have seen and heard,” “Ye shall be witnesses unto me,” “And ye also shall bear witness”; and that is our Lord’s ordinance, will, command, and injunction. “Whosoever therefore shall confess me before men, etc.” “Go ye into all the world, and preach the gospel to every creature,” “Ye shall receive power, after that the Holy Ghost is come upon you; and ye shall be witnesses unto me, etc.” And as this is true of each individual believer of and for his own person, so it is true of every group of believers, of every gathering of disciples, even if there were only two or three in any given place. Together they should confess Christ in the world and preach the Gospel to the world. But, as they are *one* body in Christ, they should also mutually edify one another in the faith, as it is written: Let the word of Christ dwell in you richly in all wisdom. And in order that this edification might be rich and thorough, the Lord has given His Church special gifts, which it should place into His service, Ephesians 4, for the perfecting of the saints. These gifts always have a two-fold duty and office: the office of administering the Word and the Sacraments, and the office of ruling in the order of love. Such gifts or servants He gives to the church on a small scale, to the local congregation, and to the church on a large scale, to the synod. Out of this arrangement of God, that the church both on a small scale and on a large scale everywhere and in every outward form should confess Christ, preach the Gospel, and administer the Sacraments in the order of love, arises the necessity for an outward church organization or church institution. It is not the means whereby God has given the Church the Gospel and the power of the keys, but the manner in which the Gospel and the power of the keys should be administered properly. The power of the keys is given to faith. Where there is faith, there is the power of the keys, and there alone.

From this consideration it becomes clear at once, what and whom the Lord means when He says in Matthew 18: “Tell it unto the church.” It is self-evident that a local congregation is meant, not the entire church on earth; but not the outward organization—for it is impossible to tell an outward thing something. There is nothing to say to this institution either, inasmuch as it consists of things and persons (spiritual and unspiritual), but only persons are meant, and not the unspiritual, the wicked, but only the spiritual persons, the believers. For the wicked in the church have nowhere on earth, neither in the small group which we call the local congregation, nor in the larger—be it a synod or any other body—any power of the keys whatsoever. It is to be told to the believers, for these alone can and should take care of the admonishing and the binding and the loosing. These alone are they who stand in any spiritual relation to God, who also can really pray for the conversion of him who is being admonished, and in this process are heard by God. They alone are the ones in whose midst the Lord has promised to be when they are gathered together in His name. Essentially the power and validity of the binding and loosing of the “ye” in verse 18 rests on the promise in verse 20. This is also the

contention of our confessional writings in Melancthon's *Treatise of the Power and Primacy of the Pope* (Trigl. p. 511, §24; p. 523, §68). Thus Luther also often says, e.g., in his last great treatise *Against the Papacy at Rome Established by the Devil* concerning Matthew 18:20: "Here we hear that also two or three gathered together in the name of Christ have all the power that St. Peter and all the Apostles had; for the Lord Himself is there.... Here we have the Lord over all the angels and creatures Himself. He says they all shall have the same power, keys, and office, even two simple Christians alone who are gathered together in His name" (St. Louis Ed. XVII, 1347). From his treatise addressed to the people of Prague in volume X we have already quoted the words above: "In these passages (Matt. 18:19–20) the most comprehensive right and use (of the keys) is absolutely ascribed and emphasized, that they may bind and loose, unless indeed we wanted to deny to Christ Himself the right and use of the keys when He dwells in the midst of two." Walther agrees with all these passages and with the words of Seckendorf: "Thus it is safest to rest on that foundation which Christ Himself has laid when He says: Where two or three (not to mention a larger group) are gathered together in my name, there am I in the midst of them" (Matt. 18:20). Walther also quotes Hesshusius: "A small group of ten or twenty persons who confess Christ correctly have as much power in the kingdom of Christ as a church of many thousand persons." Cf. his *Rechte Gestalt* §4 and 5, the latter also for its independent proof, p.m. p. 25 below, 6, A.—Moreover it should be noted here, that Christ is not speaking in verse 20 of two or three Christians who are members of an existing larger local congregation and are admonishing *on the second step*, but of such a group of two or three as is gathered together by themselves.

For the proper understanding of Matthew 18 in respect to the three steps of admonition and the power of the keys the following should still be said: When the Lord here finally says, "Tell it unto the church, etc.," He does not mean with the word "church" a local congregation as an institution so constituted that it alone has the power of the keys. The term must be defined with reference to the immediate context, and that in this case would be: its relation to the steps of admonition that are to be followed. This is admonition first by one, then by two or three, then by the church. Since the expression "one" and "two or three" (the words "take with thee one or two more" prove that the number is not essential, but that there should be as many as are necessary to establish credible testimony before the congregation) are terms referring to quantity, the expression "church" must here be taken in the same sense. This brings us directly to the term "many," which is used in just such a situation in II Corinthians 2:6: "Sufficient to such a man is this punishment, which was inflicted *of many*." Even if in the term "church" one understands the entire congregation, one does not get beyond the "many." The exact number of members of the congregation includes absolutely each and every one of them, also the women, children, youths, and the aged. The Lord certainly cannot be thinking of the congregation in this sense, for in this manner the congregation is never assembled. The little children cannot and should not admonish and judge. In practice also the local congregation in a case of church discipline is a representative church, which, if it consists of a larger number, represents the entire congregation and in the name of all of them does the admonishing and the judging for all individuals. And when we further read: "Let him be unto thee as an heathen man and a publican," this applies not only to "thee," not only to those who represented the congregation, but also to those members of the congregation represented by them as well as virtually all Christians on earth. Moreover we know from experience that it is not the large number of members that makes church discipline possible. The larger the gathering, the more difficult it is in a given case to apply church discipline. It suffices that the admonition after being given privately and then by several Christians without results, is administered by many in the name of all. Matthew in 18:17 is one of the few passages in which *ἐκκλησία* as in Acts 19:39 and I Corinthians 14:33-35 could be more accurately rendered by gathering (meeting)—here naturally of saints.—The entire gathering of Christians in a given place, to which all Christian men have access, should do the admonishing and execute the exclusion of the impenitent individual, after he has been admonished by one and then by two or three privately.

In this connection we should like to call attention to this, that when in Luther or in our confessional writings we often read that the keys are given to the entire church, "entire" means as much as all Christians, to every Christian and to every part of the church. That is the case everywhere where the "entire" is opposed to the Pope and the bishops as individual persons.

Thesis III

Whether the synod has the power of the keys depends only upon this, whether it is church in the proper sense of the word, i.e., a communion of saints. Whether it is, that is decided by the question, whether it has the marks of the true Church.

The doctrine of the invisibility of the true Church is the common property of all Lutheran pastors. There is no visible communion of saints. That is why we confess: *I believe a holy Christian Church* (cf. Heb. 12:22). Likewise the doctrine of the marks of the true Church is commonly known among us.

But with this doctrine too we must be careful. When we speak of the marks of the Church, we do not mean to say thereby that it is possible to recognize without fail the individual persons belonging to it as Christians. In love we consider everyone who confesses Christ and the holy Gospel in word and deed as a Christian, even though he may still lack much knowledge of God, may still adhere to many an error, and may still be stained with sins. We do not deny the faith of anyone who confesses Christ because of his errors or failings in Christian living or because of his lack of Christian zeal, until he has revealed himself to be a heathen and a publican according to Matthew 18:17. We saw in Thesis I that the New Testament writers call all members of local congregations to which they write saints, believers, and brethren. But the external garment of Christianity is not absolutely reliable; there may be a wolf or a hypocrite hidden under it. It will always remain thus: Man looketh on the outward appearance, but the Lord looketh on the heart. The Lord alone knows His own. When we speak of the recognizability of the Church, we do not mean the recognizability of the holy people, but the ability to locate a church, to detect the presence of saints at a certain place, or to speak more precisely, under certain circumstances and proceedings. Our dogmaticians designate this with the expression: the Church, i.e., the communion of saints is “definitively” recognizable, i.e., its location can be determined. The communion of saints derives its spiritual life wholly and alone from the Word including Baptism and the Lord’s Supper. This Word is a power of God unto salvation (Rom. 1:16; John 6:63; Heb. 4:12). Yes, this Word shall not return unto God void, but it shall accomplish that which He pleases (Isa. 55:11). The Holy Spirit is constantly in the Word and reproves the hearers of sin, of righteousness, and of judgment, glorifies Christ in the believers, and guides them into all truth (John 16:8, 13), and gathers the scattered elect and children of God through the preaching of the Gospel. He who has begun a good work in us will also perform it until the day of Jesus Christ (I Cor. 1:8f.; Phil. 1:6; I Thess. 1:5).

Where God’s Word is in use, there it produces believers, a church. On the other hand, the Word of God cannot be earnestly preached except by Christians, believers. Luther expresses this thus: “Now where you see or hear this Word preached, believed, confessed and obeyed, have no doubt that there certainly must be a true *ecclesia sancta catholica* (holy universal Church) and Christian holy people in that place (I Pet. 2:9), even though there be very few of them. For God’s Word does not return void (Isa. 55:11), but must at least gain a quarter or a part of the field. *And if there were no other sign than this alone*, it would be sufficient to show that there must be a holy Christian people in that place. For God’s Word cannot be without God’s people; again God’s people cannot be without God’s Word. Who would preach it otherwise, or hear it preached, if there were no people of God there? And what could or would God’s people believe, if God’s Word were not there? ... as St. Augustine also says: *Ecclesia verbo Dei generatur, alitur, nutritur, roboratur.*”

Of course, a word such as Isaiah 55:11 must not be measured with the multiplication table or the yardstick. It does not mean to say that every preachment must at least produce one or two Christians. Often a single sermon does produce great and much fruit as that first sermon of Peter, but often it apparently remains fruitless. Think of Greenland and Madagascar. Those are God’s majestic secrets, which do not set aside the general promise concerning the power of the Word. If for no other purpose, the Word is still being preached “as a witness against them.” On the other hand the preaching of the Word as a mark of the presence of the Church dare not be limited in such a way that one says, only the Word preached repeatedly, regularly, and continually in a local congregation by a pastor and connected with the care of souls is a sure sign that the Church is present in that place. That would amount to calling the one-time preaching of Peter and Paul fruitless, though they

brought the jailor and Lydia and multitudes elsewhere to faith. Mark 4:26f. it is written: “So is the kingdom of God, as if a man should cast seed into the ground; and should sleep, and rise night and day, and the seed should spring and grow up, he knoweth not how.” Particularly clear and fitting is what Luther says on this point in his exposition of Genesis 28:16—Jacob’s dream of a ladder reaching to heaven: “...That we learn to believe that the Church of God is there where the Word is taught and heard, be it in the midst of Turkey or in the papacy or in hell. For it is the Word of God that makes the Church; that is more important than all places; at whatever place it is heard, wherever Baptism, the Sacrament of the Altar, and Absolution are offered, there you should certainly believe, conclude, and say: This is none other but the house of God, and this is the gate of heaven. But just as the Word is not bound to any place, so the Church also is not bound to any particular place. It should not be said: the Pope is at Rome, therefore the Church is also there, but where God speaks, where Jacob’s ladder stands, where angels ascend and descend, there is the Church, there the gate of heaven stands open.—Where God dwells, there is the Church and nowhere else.... God’s house and the Church are *one* and the same, as Christ says John 14:23.... But where is this place found? Answer: Here on earth, where the ladder stands that reaches to heaven.... It is a physical location.... Faith says thus: I am going to that place where the Word is taught, where the Sacrament and Baptism are administered. *Hic itur ad astra*, ... as the poet says.... Beware and look for no new and foolish entrance into heaven, but look in faith to that place where the Word and the Sacraments are. Direct your steps to that place where the Word is heard and the Sacraments are administered, and there write this superscription: The Portal of God or of heaven. This may happen either in the church where the congregation gathers, or in the chamber, when we comfort and edify the sick, or when we absolve someone who is sitting at the table with us; there is the portal of heaven, as Christ says Matthew 18:20: Where two or three are gathered together in my name, there am I in the midst of them. Anywhere in the world, wherever the Word and the Sacraments are taught rightly and purely, there is the house of God and the portal of heaven.... And the Church has its location in the temple, in the school, in the home, in the bedchamber. Where two or three are gathered together in the name of Christ, there God dwells (Matt. 18:20); yes, if someone is talking to himself contemplating God’s Word, God is there with the angels and works and speaks in such a manner that the portal of heaven stands open” (St. Louis Ed. Vol. II, p. 429–433).

The question is now whether the synod, measured by these standards, is the communion of saints or the Church in the proper sense of the word; then it follows self-evidently that it also has the power of the keys. And now we maintain fourthly:

Thesis IV

The Synod is Church in the proper sense of the word.

1. First of all I note that the word “synod” means nothing different from the Greek word *ἐκκλησία*. For *σύνδοξ* means a coming together, a gathering, a meeting, or the multitude that comes together, and is a term that is used almost exclusively of the church. In Latin it is called *concilium*, a word of similar meaning and of the same application to church gatherings and those gathered there. Viewed historically, the latter was used mostly before the Reformation and is still used today in the Roman Church, whereas the Church of the Reformation has gone back to the Greek word “synod” for this type of gathering and body.

The word does not refer to local congregations, but to larger church bodies and gatherings, either of the congregations in a given province, a given country, or a given part of the world, or even associations and gatherings of the entire church on earth (theoretically).

2. The outward form of the synod may differ according to different conditions. This may be true of the elements constituting it. The synod in Acts 15 consisted of several apostles, pastors like James, and many lay members of the congregation at Jerusalem, while that at Antioch consisted only of delegates, representing that congregation. It was not a permanent, but only a temporary assembly, as far as we know, a gathering that met but once. Question: Was that a church or was it not?

With us the elements constituting a synod are essentially local congregations, which with all their members belong to the synod but are represented at synodical conventions by one or more delegates. The pastors and teachers of a congregation are regularly representatives of the congregation, the lay delegates as a rule are chosen for only one synod convention. Besides these all professors called by the synod, all teachers of the Word, visitors, presidents and officials of every sort belong to the elements constituting a synod. The right to vote is controlled in another manner. But that is not important for our purposes. The “advisory” members are also members. Yes, any member who may speak in his own congregation at home may also speak and advise at a synod convention. Our dogmaticians speak of synods as composite churches: *ecclesiae, quae constant ex allis ecclesiis* (Walther-Baler *Compendium*, III, 634).

From the very composition of a synod it is evident that the synod is Church in the same sense as each local congregation. Its members are all members of the local congregations belonging to the synod, gathered into a larger association. But this does not alter their spiritual character. They do not divest themselves of their Christianity, do not lay aside their faith, do not sever their connection with Christ, do not lose their sanctity. As members of the synod they remain exactly what they were as members of the local congregation: Christians, believers.

And *as such* they are in the synod and at the synod convention. The synod is not a bowling club or a life insurance company or a trade union, but an outward association and gathering of Christians for Christian purposes. What are the aims and purposes of a synodical association of local congregations? Answer: Carrying out those assignments which God has given to every Christian and to every local congregation, but which the individual Christian and the single local congregation cannot carry out at all or only to a limited degree. It is written II Timothy 2:2, “The things that thou hast heard of me among many witnesses, the same commit thou to faithful men, who shall be able to teach others also.” That is addressed to every pastor, every local congregation, and finally to every Christian. Can each one do that? No! Can each congregation as such do that? No! And yet God wants it done. He wants pastors and teachers who are faithful and able to teach others, but he does not let them fall like rain from heaven. We, we Christians should train and educate them for this work. How we are to arrange that outwardly? He has not specified. Because we cannot accomplish this as individual Christians and as individual congregations, we unite for this purpose and form an association that we call a synod. Does this association alter our character as Christians? Does it deprive us of our faith, of being the Church of God? Or must we remain in the circle of the local congregation when training our missionaries, in order that it might be a Christian work? Here and there several local congregations celebrate joint mission festivals, reformation festivals, catechism anniversaries and the like. Do such joint worship services with joint preaching, prayer, and song cease to be divine, in accord with God’s will and pleasing to Him? Are they not rather proof of the fact that here Christians are gathered, that the true Church of God, the communion of saints is present here? And when the pastors and delegates and teachers and professors and many members of our congregations gather for a synod convention and there conduct many worship services together with the absolution and the Lord’s Supper and hear and learn God’s Word in special essays and then in a Christian and orderly manner discuss the business of the kingdom of Christ, is that now a sign that horse traders and businessmen and not rather that believers are gathered in the name of Christ according to Matthew 18:20, and that the Lord with all His grace and the power of the keys is in their midst? *For what purpose* do we form synods? Is it not for the purpose of confessing Christ before the world mightily, to recognize one another as Christian brethren, and to practice Christian love? Is it not for the purpose of mutual strengthening in the faith and in the knowledge of Christ, as Paul strove to do through his association with the Christians at Rome (Rom. 1:11f.)? Is it not for the purpose of preserving the Gospel in its purity among us and of excluding the errors of the world of today and of the sectarian churches from our midst, of mutual brotherly supervision and of supporting one another in the proper evangelical exercise of public discipline? Is it not for the purpose of being diligent in obedience to God and of preserving the unity of the spirit in the bond of peace?—

Is all that something human? Is that not all rather divine? Yes, is there a single task undertaken by the synod as such that is not commanded to all Christians and to all local congregations?

But is not the synod a purely human institution? We answer: Too much is made of that also. A synod such as we have is not necessary in the same manner as a local congregation, provided, of course, that each local congregation does for itself all that which is now done as synod jointly with other congregations. But the fact that they do not do all these things and indeed cannot do them as effectively alone as they can jointly has led Christians, and particularly the most enlightened and energetic among them, to the formation of synods in the knowledge that the association of local congregations for common confession and common work does not destroy the essential character of the church of such an association. Certainly it was not human vainglory or greed or a chance idea that impelled our fathers to organize synods, but the love of Christ that dwelled in them, the zeal for the house of God, for the spread of the pure Gospel, for the salvation of souls, in short, the Holy Ghost, who was in them, impelled them under the existing circumstances to organize synods as soon as there was a sufficiently large number of local congregations present.—And why do we join synods today? For human advantages? No, but the Holy Ghost impels us according to Ephesians 4 and I Corinthians 12 to work together at the perfecting of the body of Christ.

An association of local congregations into a synod is human only in its *form*, not in its essence. We do not need this particular *form* of mutual recognition and cooperation in the Gospel. But the recognition and cooperation in themselves are under our circumstances not the work of men, but the work of God.

What is essential and divine in the outward form of the church, both in small and in large gatherings, is the *orderly* execution of the office of the holy ministry as it is conceived in Article V of the *Augsburg Confession*, namely, not only the office of the ministry in a local congregation or the parish ministry, but of the *ministerium docendi evangelii et porrigendi sacramenta* in every form. From Ephesians 4, I Corinthians 12, and other passages it is clear at a glance that the Lord did not give His Church only one type of office and one type of gifts for their execution, but many kinds of offices and many kinds of men to execute them (I Cor. 12:4-11, 28-30). The Lord did not give His Church only apostles, not only prophets, not only teachers, etc., but servants of various gifts for the execution of the various services which are necessary and wholesome for the church, both small and large, according to the obtaining circumstances for the edification and perfection of the body of Christ. For this also “helps and governments” are necessary, under certain circumstances even miracles, gifts of healing, and diversities of tongues. The “apostles” were given to the entire church of that time and of all future times; the “evangelists” such as Timothy, Titus, and others were given to the church at large in apostolic times; the “prophets” seem to have been active sporadically in special places alongside of gifts working continuously or taking their place alongside of gifts working continuously or taking their place in apostolic times; the “pastors” were very likely what our local pastors are today; the “teachers” were very likely not the same as the pastors, but gifted apart from these with a special ability to teach, and appeared either within their own congregation or may have moved about from place to place. Nothing definite is known concerning them. Even concerning the office of the elders of a local congregation we know very little except that there were teaching elders and governing elders. But the one great fact stands firm, that God has given his gifts for the orderly execution of the office of the ministry, the office of the Word and the Sacraments, not only to the local congregation, but also to the church at large. Therefore the argument for the divine establishment of the local congregation drawn from the divine establishment of the office of the local parish ministry as opposed to the supposition that the synod is a purely human institution is not conclusive; for the Lord has given offices and men to serve in these offices also to the synod or the church at large in any other form. And the church, neither in its smaller nor in its larger form, has not been given for the sake of the various offices. That is why there are no patterns determined *a priori* by law for these offices in the New Testament with exclusive concrete functions as was the case in the Old Covenant—neither for the church in its smaller nor in its larger form. Paul was not sent to baptize, but was called to preach the Gospel, yet he baptized (I Cor. 1); Stephen and Philip were deacons charged with the care of the poor, yet they preached publicly and in a special manner (Acts 6, 7, and 8). God gives the Church those gifts which it needs under its outward and inward circumstances. These determine the external form of the offices, while the gift to execute them is of the Holy Ghost. That the local congregation establishes the orderly office of the ministry in its midst is the will of God, that the essence of the Church here receives its particular form in relatively frequent worship services and intensive care of souls, in formal

confession, in the instruction of confirmands and in confirmation, a parish school, youth organizations, ladies' aid societies, burials—all this and more does not result from legal forms of the office which were there *a priori*, but in the general arrangement of the office of the Word and the Sacraments it results from the local and other natural circumstances, to which the execution of the office must adjust itself in form. The Lord supplies the suitable gifts for this office and requires of those endowed with the office faithfulness in their office. Where a scattered group of Christians is widely separated in small groups, the discharge of the office will be quite different outwardly. In a rough camp of gold prospectors there will be preaching and personal counseling, but for the first no celebration of the Lord's Supper; in a local congregation consisting of ten old spinsters, six orphans, and two octogenarians there would hardly be any baptisms or weddings. Thus the various forms of the local church have their basis not in specific legal regulations, but in the outward and inward circumstances.

The same is true of the forms of the office in a larger church body. A synod does not cease to be Church in the proper sense of the word because it does not have a parish ministry for its entire membership, and the synodical offices are no less divine because they are not the office of the local parish ministry and outwardly have a different form. Here, too, they receive their distinctive form from the nature of the synodical association, which in its basic essentials is a church association. Should God deny the offices and gifts which are necessary for the training of pastors and teachers according to II Timothy 2:2 to local congregations who have banded themselves together, just because they are thus associated? The synodical offices of teaching and governing, which as to their outward form have proceeded from the association of congregations, are created by God in the same sense as those of the local congregation, for they all result from the one great command of Christ: Preach the Gospel to every creature, and out of the command of brotherly love and order. Jesus adds the promise: Lo, I am with you always, even unto the end of the world. Yes, where two or three are gathered together in my name, there I myself am in their midst with all my grace and gifts, also with the power of the keys. And this promise never fails.

It is quite in order to emphasize that the local congregation is the primary grouping as compared with the synod as the secondary grouping. The preaching of the Gospel is by its very nature local and creates first of all local congregations. And because these originated first, the Apostles ordained elders in them first (Acts 14:23). For this reason also the local congregation must do the primary work in the kingdom of Christ: the frequent public preaching and the intensive personal care of souls together with brotherly admonition and public discipline. Furthermore, the local congregation is in its own sphere under the Word of God and brotherly love the supreme authority. In matters of faith and life it is subject to no human or ecclesiastical authority. No other church body, no other local congregation, and no synod can dictate anything to the local congregation. Just as the congregation itself has no shadow of authority over the least of its members, so it is subject to no one except to its Lord alone. We Christians as individuals or as groups have only one law: the law of brotherly love, and that is at the same time a law and a duty, because each Christian with all others and each congregation with all others are members of the body of Christ.

There is no absolute autonomy and independence of the local congregation from the other parts of the Church. The congregation in Corinth is only a part of the body of Christ (I Cor. 12:27. See original Greek!) and is connected with the others in all joints (Eph. 4:16) to the head, even Christ, and cooperates with the others, so that the entire body increases in edification. Thus the individual local congregations acted toward the others in physical and spiritual matters, and thus the first synodical convention came about between the local congregations in Jerusalem and Antioch (Acts 15), which in the name of the Holy Ghost jointly decided a question of faith and life and thus gave evidence of being Church in the proper sense of the word. Naturally, as compared with the local congregation, this is a secondary grouping—here merely a temporary one—and its activity is, compared with that of the local congregations (daily fundamental preaching and care of souls) a very secondary one; and yet this entire gathering, though prompted by false doctrine and by no divine command, but convened by the free action of Christians, in spite of the fact that pharisaically inclined Christians were sinfully mingled with them, was moved and guided by the Holy Ghost and was of decisive importance for the preservation of the pure Gospel in the entire church of apostolic times and post-apostolic times. Furthermore, also the joint consultation and activity of individual local congregations for the furtherance of the kingdom of

Christ—the form of the outward association, as long as it is not in conflict with God’s Word, is immaterial—is God’s gracious and holy will and characterizes the synod as Church in the proper sense of the word. The talk that the synod, as compared with the divinely instituted local congregation, is merely a human institution, and therefore is not Church in the strict sense of the word, and does not have the power of the keys, that synodical discipline is not church discipline, but mere human admonition, that specifically suspension and exclusion from the synod because of impenitence and false doctrine have not the same validity and divinity as similar actions on the part of the local congregation, ought to cease among us. It is essentially wrong and has only wrought havoc.

Thesis V

If the synod is Church in the proper sense of the word, then it not only has the power of the keys, but must also use it on its members who sin or err in doctrine.

The Church has received the power of the keys as well as the Gospel not as an idle possession, but for practical use, for exercising it, for binding and loosing. Its application is throughout a work of love, a work of love of Christ the Good Shepherd, which seeks the erring and lost in order to win them again, as the context of Matthew 18:15ff. shows, a work of brotherly love on the part of those entrusted with the keys for the salvation of the brother who is in danger of being lost eternally.

In the Old Testament God had appointed kings, priests, and prophets as shepherds of His people. But the kings and priests neglected their office more and more, and the prophets in part became deceivers and wolves rather than shepherds and saviors. No one stood up as a wall against the ever rising flood of sin and apostasy. Thus Israel became corrupt and finally hardened its heart against every word of God, and the result was rejection. That is why we hear the Lord saying in the Prophet Ezekiel, especially in chapter 34: “Behold, I, even I, will both search my sheep, and seek them out ... I will seek that which was lost, and bring again that which was driven away ... I will save my flock, and they shall no more be a prey; and I will judge between cattle and cattle.” But also in the New Covenant the Lord wants to accomplish that through the Church, through the brethren, and through the Shepherd of the sheep. The brotherly admonition that is bound on our hearts in Matthew 18 is throughout a part of the brotherly love, the exercise of which dare not be omitted if the Church is not to suffer harm and finally perish. It is entirely in order to warn against the legalistic application of the brotherly admonition and of suspension and excommunication. But thereby no license is given to omit it, or to let evident sin and error go on in the Church. There is no room for that, particularly under the evangelical economy of the New Testament. The grace that has saved us, the common membership in the body of Christ, brotherly love, love for the Church, which must be protected against all offenses, must impel us to carry out the directives given to us by the Lord for this purpose most faithfully. Unpunished sins and tolerated errors are constant offenses which tend to lead those who sin and those who teach error and all others astray. A little leaven leaveneth the whole lump. The word of an errorist eats like a cancer. Here toleration amounts to approval and makes the individual a partaker and thus responsible for the damage (Lev. 19:17). The neglect of church discipline has always tended to devastate the Church in its history.

If then the synod is Church in the proper sense of the word, it dare not tolerate false doctrine and offensive living in its midst unpunished any more than the local congregation may do so. It will have to punish its sinning and erroristic brethren and expel those who refuse to be corrected (I Cor. 5:13; Rom. 16:17f.; Tit. 3:10).

This we have also done frequently in the past, whether we have spoken thus or otherwise about the synod being Church. In the controversy concerning the doctrine of election we have expelled a number of pastors and congregations from the synod after long and futile discussions and not only suspended the “human synodical fellowship” with them, but with it at the same time the fellowship of confession, altar and pulpit fellowship, church fellowship, and the brotherly fellowship which had been included in the synodical fellowship. I need further only refer to our similar action in handling the matter of the lodge. Our only concern

needs to be that synodical discipline be practiced in accord with God's Word; particularly that in doing so we do not interfere with the office of the local congregations.

Thesis VI

In the exercise of the power of the keys the synod dare not meddle in other men's matters, and here that means interfering in the office of the local congregations affiliated with it (I Pet. 4:15).

We are no longer concerned with the question whether the synod *possesses* the power of the keys; this question we have affirmed and disposed of. The synod has the power of the keys because it is Church in the proper sense of the word. Much less are we concerned with the question concerning the force and validity of synodical discipline before God. This depends on its Scripturalness (Matt. 18; I Cor. 5; Rom. 16:17f.; Tit. 3:10). If the person concerned is a brother, if he sins and is admonished in vain by a single brother, then by two or three, and finally by an entire gathering of Christians, then obedience to the Word of God requires: "Let him be unto thee as an heathen man and a publican," and the promise of the Lord, "Whatsoever ye shall bind on earth, etc." will be fulfilled. Likewise: if the heresy of an erstwhile brother becomes persistent after a first and second admonition, then every Christian must avoid him as one who has condemned himself. In a similar manner we suspend confessional fellowship with every pastor and with every church that denies any clear doctrine of the Gospel or persists in sinful practice; in the latter case we do not dispute their faith, but their orthodoxy.

Now we are concerned only with the question whether the synod as such apart from the local congregations composing it is capable of administering discipline and is called to do so, or whether it should use, exercise, and apply the power which it possesses, or not; indeed, whether it may use it, whether by the exercise of this power it would not be interfering with the office of the local congregations, since the members of the synod are all at the same time also members of some local congregation. The question can be raised thus: Must the synod not simply leave the practice of discipline of its members to the local congregations to which they belong?—And we still believe today, what we have said repeatedly in former years, that the question ought to be phrased thus in order to express the opinion of those who felt themselves constrained to contest the power of the keys on the part of the synod. In the exercise of synodical discipline they saw an interference with the rights of the local congregations and feared that thereby they would in practice be deprived of their rights much in the same manner as it happened in the consistorial constitution of the German territorial churches, whose arrangement Luther himself had not condemned in principle.

That ought to be the only question among us. If the synod is Church in the proper sense of the word, then it also has the power of the keys. Then only this question remains, *whether* it should exercise this power, and if so, *how* it should exercise it in the relationship which has been brought about by the formation of a synod between the individual congregation and the synodical body.

The "whether" of this question needs no further discussion. The synod can exist just as little as the local congregation without discipline in doctrine and practice. Lack of discipline within the synod would inevitably bring with it lack of discipline in the local congregation. If the synod were to tolerate a pastor who teaches error or lives offensively in its midst, its bad example could only have an offensive effect on the congregation in question and on other congregations. Thus all the words of Scripture concerning brotherly admonition and the exclusion of the wicked and of false teachers are valid for the church in every form, for the synod as well as for the local congregation.

Of course, that tells us nothing about the outward manner in which church discipline should be practiced in a brotherly association of several individual congregations. The delegates of the congregation in Antioch and a number of the members of the congregation in Jerusalem together with their pastor and several apostles decided the doctrinal question concerning the necessity of circumcising heathen converts to Christianity and several points concerning their Christian life jointly—as a synod. Walther had introduced the custom in the three or four oldest congregations in St. Louis, whose joint pastor he was, that the excommunication from a single congregation was jointly considered and acted upon by all the congregations. This could also be done in a larger synod, that in a conference or district discipline within the individual congregations of this district would

be carried out by the delegate conferences which have become customary among us. In that event the congregation in question and a part of the synod would be represented at the same time. Or, since the local congregations as members of the synod are represented by their pastor and a lay delegate, the synod could leave the discipline that is to be practiced on these representatives to the congregations in question themselves. In this event, however, the synod would first have to report the congregational representatives who in their synodical activity have become evident sinners or false teachers to their respective congregation, and insist that the congregation do its duty toward them. For only in cases that occur in synodical activity can the synod act directly at all. Cases of sin and false teaching which occur only in a local congregation are as yet no concern of the synod. The synod will seek to urge the congregation in a brotherly manner through its visitor not to neglect the practice of discipline, in case the congregation is slow or negligent; it will call attention to the fact that, since the offense is a public one, the synod will have to practice discipline on those concerned as members of the synod, if the congregation fails to do so, yes, that the latter action will finally lead to a separation of the congregation from the synod, if the congregation should refuse to practice discipline on such people. But there could be no thought of the synod taking the matter of practicing discipline in hand directly and ignoring the congregation. That would be interference with the office of the congregation. Only after the congregation has refused to practice discipline, could the synod act at all, and then only with the congregation itself.

But such cases, which arise only in the circle of the local congregation, do not concern us here. We are speaking of such cases of sin and false doctrine as occur in the synodical activity of the representatives of the local congregations, where a pastor, teacher, or lay delegate becomes evident as a gross sinner or false teacher either at the convention of the synod or of a conference or in the circle of synodical pastors or teachers. What must be done in *such* cases? Here God's Word steps in: "If thy brother shall trespass *against thee*, go and tell him his fault, etc." The admonishing is to be done by him, by that *brother* against whom and in whose presence the *brother* has offended. If these are not brethren in a local congregation, but brethren in a synod, the Lord's words certainly do not mean that the admonition is to be omitted and that the sinner is merely to be referred with testimony of his sin to his local congregation for discipline, but we, in whose presence the sin or the false doctrine has become apparent, are called by God to do the admonishing. Yes, love requires that we, where the nature and the circumstances of the offense make it possible, keep the matter to ourselves and for the time being withhold the matter from the local congregation of the man in question, so that his honor be preserved. The right and the duty to admonish lies in the brotherhood and in nothing else. The question can only be, who is the neighbor of him who has offended or taught false doctrine (Luke 10:36f.).

As soon as we go beyond this point we are in the area of casuistry, and it is difficult to write casuistry. Different circumstances will require different outward procedures in order to do justice to the injunction to admonish and to avoid interference in the office of the local congregation. A lay delegate who grossly offends at a synod convention must be dealt with differently than a pastor who appears at a conference with a false doctrine. The Western Wisconsin District of our Synod refused a seat, the vote, and brotherhood to a delegate from a congregation who openly admitted that he was a member of a lodge. In the early days of our Synod a delegate was sent home to his congregation because he came to a session of the convention drunk. Both were cases of discipline; but the synod referred the attempt at conversion of these people to their home congregations because they were much better suited for that work than the assembled synod, but for the time being they refused the individuals involved the bond of brotherhood. Pastor A from Z, who at a conference at C denied the true presence of the body and blood of Christ in the Lord's Supper, was disciplined by the conference, which spent three sessions with him, but then denied him altar fellowship and finally brought the matter to the attention of his congregation, which, however, refused to discipline its pastor, and in the end took the side of their pastor. When the congregation also refused the further offer of the visitor and of synodical officials to deal in the matter, the latter suspended the pastor and his congregation from the confessional fellowship of the synod and denied them the right to vote and the privilege of the floor. That was no interference with the office and the call of the congregation. It was entirely proper thus. Brotherly love required such action. It was not excommunication in the proper sense of the word, but a separation of brethren in the faith from a heretical brother in the ministry and from his heretical congregation. If a pastor of the synod at a conference falls into a

gross sin against the eighth commandment, then not the members of his congregation who have not heard his sin, but his brethren in the conference, in whose presence and against whom he has sinned, should do the admonishing, should, as long as the admonition has not yet been carried out in the open meeting of the synodical convention, exclude him from their private brotherly associations (have nothing to do with him), privately admonish him to repent, until he has shown in the meeting that he is unapproachable and has revealed himself as an “enemy” (II Thess. 3). Then Matthew 18:17 has been properly applied. Then excommunication has actually been carried out. The offender has had the benefit of private admonition to repentance through word and deed, he has been admonished in a public gathering “by many” (II Cor. 2:6), he has not heard the gathering. Thus the “let him be unto thee as a heathen man and a publican” must obtain. It does obtain as far as God is concerned according to Matthew 18:18. To make the excommunication binding before God nothing more needs to be done. It is an entirely different question, whether the matter is closed as far as the congregation whose pastor he is concerned, and as far as the synod of which he is a member is concerned.

Here the principle applies, that every church body, be it a local congregation, a conference, a synod, or any other can administer a valid excommunication before God, but has not the right or the power to make it binding upon other church bodies or gatherings, unless it proves the correctness of its procedure. As a matter of principle, as far as validity is concerned, each church body can only discipline, exclude, and excommunicate for itself, for its own church body. No local congregation either can simply exclude or excommunicate effectively for other congregations. It can indeed count on the confidence of such congregations in the correctness of its action, and may expect of them that they do not simply ignore its action, but respect it until it can be proved to have been wrong, but it cannot dictate to other congregations or church bodies that they must respect its actions without any further ado or without any further examination. That would be papacy. No church body is an authority of and by itself. It always remains a brotherly relationship. The group practicing discipline owes it to the other brethren to prove the godliness of its disciplinary action, if it expects it to be recognized by them. To become concrete: That conference can expect neither from the congregation of the excommunicated pastor, nor from the synod or its officials, that they will respect the disciplinary action taken by it until it has convinced it or these of the correctness and validity of its action from the Word of God.

That is one thing. The other is this, that the conference exercising the discipline itself respect the brotherly or sisterly relationship to the congregation of the pastor who has been vainly admonished. And this involves that it does not conclude its procedure without drawing in the congregation, or at least making the earnest attempt to draw in the congregation. The conference had the right and the duty of brethren over against the offender, the congregation had more, not only the right of brethren, but also the right of a flock over against its shepherd. To leave that out of consideration would be equivalent to ignoring a special relationship which God himself has ordained and to meddle in the affairs of the congregation, which is closest to the matter. Therefore no public synodical suspension or synodical excommunication may result in such a case, if the utmost attempt has not previously been made to induce the congregation to participate in the procedure of excommunicating its pastor. The objective validity of the action of the conference or the synod, of course, does not depend upon the approval of the congregation, if it was done in accordance with the Word of God at all; but that is not the point at issue here, rather it is written that “none of you suffer ... as a busybody in other men’s matters” (I Pet. 4:15). This must be observed first of all. If the congregation involved absolutely will not hear the conference or the synod, we do not, of course, excommunicate it together with its unrepentant pastor, because there are children and many others in the congregation who are not to be held responsible for the action; but we separate ourselves from them as a church, in order not to become partakers of their sins, while we must consider the unrepentant individual, and all those who knowingly make themselves partakers of his sin, as heathen men and publicans.

As little as the discipline of the synod is of itself binding for the local congregation involved, so little is the discipline of a local congregation of itself binding on the synod. As the synod practices discipline on the member of a local congregation only because and inasmuch as he is a member of the synod, and not inasmuch as he is a member of the congregation, so the local congregation can only practice discipline on a member of the synod, because and inasmuch as he is a member of the congregation. The confidence which the synod has in the

congregation permits the state of affairs to stand as it is. If it is challenged, an investigation and a proof of the correctness of the procedure must be made. This is required by the brotherly relationship between the congregation and the synod.

As far as the synodical suspension specifically is concerned, two principles must be maintained. First, that as a public action of the synod it can be exercised only on the basis of persistent and public impenitence and adherence to false doctrine. It always involves a moral reproach and would become public slander if it were imposed on the grounds of mere violation of purely human agreements. If it is not intended to call into question the orthodoxy or the Christian life of the person suspended and merely establishes the separation from the synodical body, that ought to be expressly stated. If, however, it is exercised because of false doctrine or immoral conduct, it is excommunication in the proper sense of the word and must conform to the Scriptural regulations. In no case may it be exercised before every possible means of admonition are exhausted and the attempt to draw in the local congregation involved has been made in vain. It is an emergency measure of an orthodox synod, because it cannot meet monthly or oftener, whereas offenses in doctrine and life occur daily and eat as does a cancer and destroy the church. Therefore they usually require immediate action on the part of the synod.

The other principle involved in synodical suspension is the question of the validity and propriety of a disciplinary action performed by a merely representative body, as the college of presidents with the visitor would be, to which the synod might entrust a suspension. Among somewhat intelligent Christians there can be no doubt concerning this, as long as the suspension or the excommunication by representatives is an arrangement approved by all. The representative body, however, must not consist of *one* person, but of a number of reliable Christians, who can, if necessary, give the entire body valid testimony, and the revision of their action by the entire body must always be theoretically and practically possible. Many activities of the church, even the functions of the ministry, are representative actions because they have been delegated by the congregation. All resolutions of the congregation are representative in their own way, since they are adopted by the voting male members for the women and children, often by a relatively small number of them. The public admonition and excommunication also are in practice often carried out by a representative church. That cannot render an action which is essentially correct invalid. For finally “tell it unto the church” and “if he neglect to hear the church” does not mean “tell each individual member” and “if he neglect to hear the entire membership of the congregation,” but it means tell the public gathering of those who have been called together and who have come together. The act of public admonition and of possible excommunication is usually not facilitated by the large number of those participating in it, but more often is rendered more difficult or entirely impossible. Finally suspensions by the college of presidents and difficult cases of discipline will always have to be turned over to a committee for final disposition. Until quite recently we had a congregation in which by resolution of the congregation all applications for membership and all discipline cases were turned over to the church council and the pastor for action. The synod too is entirely a representative church. This deprives it of the true character of the Church just as little as the meeting of the congregation loses it because it represents the members of the congregation who are not present.

For that reason our Confessions not only recognize the representation of the entire church by synods and calls their decisions the decisions of the Church (*Smal. Art. Tract. § 56, Trigl. p. 521*), but our church in Europe has always placed congregational discipline in the hands of representatives of the entire church, of consistories, of *ministeria*, and of synods. That could result in tyranny, and it did; but in principle it was not contrary to God’s Word, as long as it was done with the consent of the congregations, and the discipline was administered in accordance with the Word of God. But as far as our synodical discipline is concerned, it is in principle and in practice something entirely different from the arrangement in the territorial churches. Synodical discipline together with synodical suspension does not take the place among us of the discipline of local congregations, but is in and by itself purely synodical discipline, valid only for the synodical body, and requires the ratification of the congregations in order to become binding upon them—thus every violation of the rights of the local congregations is excluded from the very beginning.

That is no new, but a very old, doctrine of the Lutheran church, which, as we have already pointed out, Walther selfevidently and expressly teaches also. Thus he says in his treatise on the *Church and Ministry*, Thesis 9 on the *Ministry*, p. m. 430: “It is hardly necessary to mention that what at the time of the Apostles the ‘congregation’ did man for man (II Cor. 2:6; I Tim. 5:20), namely to apply the ban of excommunication, can, of course, also, where the governing congregation is *represented* by a presbytery or consistory, be validly and properly applied by the presbytery or the consistory alone, as long as this is done with the knowledge and consent of the people.” Compare once more pages 441f.; 447; 465f.

We summarize:

1. In the New Testament Scriptures the Church is never anything else but the Communion of Saints;
2. To this Church, as to holy people, the Lord has given the keys, not to an ecclesiastical institution as such;
3. The Church can be recognized with certainty by its preaching of the Gospel;
4. The synod has the essential marks of the Church;
 - A. The name “synod” already indicates this,
 - B. Its constituting elements are the local congregations, represented first of all by Christians,
 - C. It preaches the Gospel for its God-given purposes,
 - D. It originated not from human counsel, but through the work of the Holy Ghost.
5. If the synod is Church in the true sense of the word, then it not only has the keys, but should and must also use them on its members;
6. In its exercise of the power of the keys the synod dare not and need not interfere with the office of the local congregations belonging to it. Synodical suspension, if exercised in accordance with the Word of God, is not invalid as the practice of discipline because of the representative character of the synod, but is binding before God; the orthodox Lutheran church testifies to this.

A word in conclusion.—If the synod is Church in the true sense of the word, then it has the call, the power, and the command of God for its work and all the promises which God gave His Church. If the synod is not Church, Psalm 50:16f. applies to it. Compare Luther *Against Auricular Confession*, St. Louis Ed., XIX § 65, p. 845f.^{iv}

Endnotes

ⁱ This article by Prof. August Pieper appeared in *Theologische Quartalschrift* in October, 1929. The English translation is by Prof. H. J. Vogel.—Ed.

ⁱⁱ These were corrected in *Theol. Quartalschrift*, Vol. 18, No. 2, p. 96f.

ⁱⁱⁱ The former, from the verb אָדָּה, to determine, to stipulate, to meet, to gather, means a coming together, a congregation. קָהָל seems to have the same general root as the Greek καλεῖν; it is also found in the Assyrian-Babylonian and other Semitic dialects in the sense of saying, hailing, calling, crying. Compare the Hebrew קוֹל, קָל, וּלְקָ (voice, noise, sound) and קוֹהֵל, caller, speaker, preacher, Therefore the substantive just as ἐκκλησία no doubt means “those called together” and thus arrives at the meaning of gathering, a gathered multitude, congregation. In the Pentateuch we usually find אִידָּה, in the later books mostly קָהָל. In the former the etymological emphasis is rather on the idea of being gathered, in the latter on the concrete multitude. In language usage there is no longer any difference between the two terms. לְהַקְהִיל and צָרְהָא are very rare.

^{iv} Since in recent years requests have been made for articles which clearly set forth our position on Church and Ministry, we here have offered a translation of Prof. Pieper's last conference paper on this subject.—Ed.