

THE WAUWATOSA SPRING:
The Flowering of the Historical Disciplines
at Wisconsin Lutheran Seminary
(1900–1920)
Part IV

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Rooting Out the Weeds: The Battle Against Legalism

As far as the Wauwatosa faculty was concerned, there was one fundamental issue in the church and ministry debate that needed addressing, namely: what is meant by the term “divinely-instituted”? In his *History of the Wisconsin Synod*, Koehler states it quite plainly: “The real issue was the definition of the term ‘institution’ as applied to the church and the office of the ministry in their concrete form.”¹

The St. Louis faculty held a legally-inclined position. They argued that Christians are conscience-bound to form and join local congregations because they are the strict, legal command of God, the only divinely-mandated form of the church. Synod membership, on the other hand, is not commanded; they are man-made and therefore not divinely-instituted. In the same way, the office of pastor is the one divinely-mandated form of the public ministry, an imperative to be obeyed. All other forms of the ministry are simply human inventions. In his *Christian Dogmatics* Franz Pieper asserted that “the formation of Christian congregations, and membership in them, is not a human, but a divine mandate [*mandata Dei*].”² The same held true for the office of local pastor. “Here, too,” Pieper argues, “we are dealing with imperatives, therefore with a divine arrangement in the sense of a divine command.”³ The St. Louis faculty was adamant that the local congregation and the local pastorate are both legally-binding, divine institutions of the New Testament. All other forms in the church are human inventions, brought about apart from divine institution. Many within Wisconsin concurred without objection.

Ironically, and contrary to popular opinion, the Wauwatosa faculty *agreed* that the local congregation and local pastorate are divine institutions. However, it was their understanding of the word “institution”

¹Koehler, *The History of the Wisconsin Synod*, 238.

²F. Pieper, *Christian Dogmatics*, III, 421.

³Ibid., III, 446.

that was far different and decidedly more evangelical than the one commonly held by their Missouri counterparts. So different, in fact, was their outlook that it ultimately led to an impasse. More importantly, the faculties' disagreement on the meaning of the word "institution" for New Testament Christians uncovered an even more fundamental difference of opinion on and approach to Article VI of the Formula of Concord, which deals with the so-called "third use of the law" and its application to the Christian life. The St. Louis faculty held a traditional, dogmatic opinion, while the Wauwatosa men would in time be charged with antinomianism⁴ because they did not approach the law's third use in the traditional, Melancthonian way that was typical within Lutheran Orthodoxy after the time of Luther. This would quickly become *the* principal topic of discussion.

Between 1914 and 1916, the Wauwatosa trio set out to enlarge upon their evangelical perspective in a series of *Quartalschrift* articles. In particular, they now dealt extensively with that most beloved of Lutheran subjects, namely, the proper distinction between law and gospel with special attention being given to the third use of the law. These *Quartalschrift* articles, containing vintage Wauwatosa Gospel, had their genesis in the church and ministry debates and would ultimately become the catalyst for the deepest rift yet between St. Louis and Wauwatosa.

The first article in this law-gospel series is perhaps the crown jewel of John Ph. Koehler's *Quartalschrift* contributions, "*Gesetzlich Wesen unter uns*" ("Legalism Among Us"), published in the last number of 1914 and the first two numbers of 1915. As Koehler informs us in his introduction, this article was written as a direct result of "a remark made at a larger mixed [Synodical Conference] conference" which led him and others to believe that the "term legalism was not generally understood."⁵ Koehler now addressed this important issue on the basis of four theses:

1. Legalism among Christians consists in that they take the motives and forms of their actions from the law instead of letting them flow from the gospel. This comes from the flesh, which blends this inclination into every expression of the Christian's life and thereby makes it superficial.

⁴The charge of antinomianism is still made today. For examples, see Erling Teigen, "The Universal Priesthood in the Lutheran Confessions," *LOGIA* 1, no. 1 (Reformation 1992):12; Harold Romoser, "Church and Ministry," *The Faithful Word* 7, nos. 3 & 4 (August-November 1970):43-44; and Neil Hilton, "Church and Ministry," *The Faithful Word* 6, no. 2 (Summer 1969):28-29.

⁵John Ph. Koehler, "Legalism among Us," *The Wauwatosa Theology*, II (Milwaukee: Northwestern Publishing House, 1997), 229.

2. This behavior manifests itself in the Lutheran church chiefly and principally in bravado of orthodoxy. Connected to it is a bravado of *sanctification*, which asserts itself particularly by measures of church government. . . .
3. Where these factors gain the upper hand in every phase of ongoing church life and become a condition to the point of style, the decline sets in, evident externally when we adopt all kinds of unhealthy traits copied from the sectarian churches.
4. Only the repentant recognition throughout the church of these conditions can offer the prospect of halting the outright opposition to the working of the gospel. But this working is brought about when again we search more deeply into the gospel and cling to it all the more incessantly.⁶

One prominent example of legalism in the Lutheran church that Koehler instantly spotted involved the doctrine of church and ministry, particularly Missouri's insistence that the local congregation and the office of the parish pastor are instituted by means of divine law. Koehler wrote: "At issue here are the association of Christians in congregations and synods, the conduct of officials and congregation members, of congregations and synods toward one another . . . We need hardly pause to prove that it is the old Adam that also in this area engenders legalism."⁷ Koehler had in mind the insistence on certain outward ecclesiastical forms where God makes no laws. He conceded that "when Christians assemble to do what flows spontaneously from the gospel, namely, to speak about the great acts of God, then the human circumstances at once produce certain limitations with regard to persons, time, place and actions. . . . The requirement for external regulations is inherent in the organic character of human fellowship, and the regulations take form through human intercourse."⁸ But he also added in opposition to Missouri's legalistic approach:

So far as the gospel is concerned, we would need no modes and regulations at all beyond Word and sacrament. . . . For any other kind of modes and regulations [such as the local congregation and parish pastor] no such [legal] institutions appear [in Scripture]; to try to derive divine ordinances from historical events and examples in the life of the apostolic church is inadvisable; and for all such cases the apostle's word is sufficient, namely that one should not allow external things to be made matters of conscience. . . .

But the flesh intermingles in these matters *that* character and *that* conception which accompanies these matters in all sinful human existence, that is, selfishness. Because it has something to

⁶Ibid., 229-230.

⁷Ibid., 264.

⁸Ibid., 265.

do with *regulations*, the legal character is at once present for the flesh, which emphasizes the mode, the *external* mode, the fact *that* it is regulation. Thereby, the content, the gospel, the primary object in the individual case, recedes.⁹

Professor Joel Fredrich explains Koehler's perspective and the cause for his unease in his 1994 essay, "The Divine Institution of Gospel Ministry."

A large part of Koehler's concern is that when a thing such as the preaching of the gospel has its impetus and authority in the life-creating gospel itself, we should not adopt modes of speech and thought which imply that the gospel is a poor, dead thing. We should not imagine that the ministry of the gospel would somehow lack legitimacy or authority without a separate [legal] institution or command [*mandata Dei*]. We should not suppose that gospel ministry must perish unless we can maintain it by basing it on a divine law.

A similar concern for the supremacy of the gospel led Koehler to emphasize the principle that the gospel creates its own forms as the church pursues its mission in changing circumstances. That is part of our New Testament freedom in Christ. . . . Hence we should not expect God to prescribe arbitrary, external forms for ministry in the New Testament, or expect to find such forms instituted as necessary for the life of the New Testament church. The forms will take care of themselves since the gospel will move God's people to find appropriate ways of letting the good news be heard.¹⁰

John Schaller further elucidated the Wauwatosa concerns and approach with his 1915 article entitled "God's Will and Command." Schaller began by posing this question: "How does the Christian as a child of God stand in relation to the so-called legal will of God?"¹¹ He made the following, typically-Wauwatosan observation about the Synodical Conference:

In spite of all the correct phraseology in use among us, we are still far away from the point where the correct point of view on this matter actually rules in public preaching. . . . It is obviously Jesus' will and command that we celebrate the Lord's Supper, that we baptize, and that we carry on mission work, in which we publicly and specially proclaim his Word or have it proclaimed. . . . [However,] do divine commands of this kind belong in the same category with the commands that, e.g., God has expressed in the Ten Commandments? If not, then where does the difference lie? In the course of this discussion it will confront us ever more clearly how

⁹Ibid., 265, 267. Emphases in this and all future quotations are original.

¹⁰Joel Fredrich, "The Divine Institution of Gospel Ministry," Unpublished essay, 14.

¹¹John Schaller, "God's Will and Command," *The Wauwatosa Theology*, II (Milwaukee: Northwestern Publishing House, 1997), 150.

very much the correct answer to these questions depends upon the correct understanding of the gospel, so that our conclusions will in fact be a contribution to the proper distinction of law and gospel—if these conclusions are scriptural.¹²

Schaller then pointed out a basic distinction we need to make and a basic difficulty we need to confront in discussing this issue.

He who *accurately* examines the commands of God in Scripture, that is, in the light of the knowledge of God which the gospel bestows, will soon notice that human language lacks the capability of distinguishing in the external form of presentation between a command of God *which we are to carry out* and one of his commands *which requires nothing of us, but which as an effectual power produces in and on us what God wills*. In human language we have only one form of expression for both types of God's will, the imperative. . . . Both kinds of imperatives appear linguistically to be completely alike, and yet, as expressions of will, they are of a completely different nature. . . . The one kind simply expresses what ought to happen according to God's will, without guaranteeing that it will happen. The other kind expresses a *creative will* of God and is the effective Word of God itself, which has the inherent power to establish, make, and create what the imperative designates as the will of God.¹³

As an example of God's creative will, Schaller used Jesus' Great Commission to preach the gospel in Word and Sacrament.

That is also a categorical imperative, in its outward form no different from the command to love enemies. But here from the very outset it is not the intent of God that this command should work death, the very opposite of the expressed purpose, but through this very Word God wants to create and produce precisely what the Word itself says. When he says, Preach the gospel, God by this command sets in motion [i.e., institutes] the activity of preaching the gospel.

The same holds true in the same way for the commands of God which we designate as the institution of the Sacraments: Baptize—This do! From our youth on it is an established fact that the sacraments are nothing else than a special clothing of the gospel. . . . The added imperative points out the will of God, that these actions are to serve as means of grace for all time, and authorizes the continuing use of both sacraments. But the imperative is not that of the moral law, but here also we have a creative Word of God, through which he wants to effect what he wills.¹⁴

¹²Ibid.

¹³Ibid., 150-151.

¹⁴Ibid., 153-154.

Based on this understanding, Schaller took umbrage at the suggestion that God has legalistically commanded certain outward forms of gospel ministry, particularly the local congregation and the office of the parish pastor, binding his Church to these forms in all places for all time. He finally pointed out that any attempt to foist such commands upon the Church, passing them off as divine law, is pure legalism. In truth, the Holy Spirit works among Christians through the gospel in a very different manner. Yes, God has instituted the local congregation and the local pastorate, but not by means of the law. They have been instituted (i.e., set in place and set in motion)—along with all other forms in the Christian church—by the Holy Spirit through means of the gospel.

[The church] knows of no determined form, no limiting precept. Her one concern, like that of her Lord, is that the Word of grace may sound forth richly; therefore she sets her standards according to the circumstances in complete freedom, influenced only by the will of her Lord. She grants no man, no group of men, no creature whatsoever . . . the right to saddle her with an outward form of gospel-preaching as divinely ordained, because in this matter her Lord has not expressed any particular will. . . .¹⁶

In other words, the *verba institutionis* are lacking even for the office of bishop and presbyter in apostolic times, and certainly also for any additional special forms of congregational ministry. Through the gospel God creates [i.e., institutes] this ministry always and everywhere on earth where he gathers his congregation, and he always leads his church in such a way that it makes use of the persons he gives it, suitable to circumstances at the moment. Here again God's creative will is quite clear, but he has not expressed it in the form of a command.¹⁶

And then, in what is perhaps a direct allusion to the legalistic perspective of the St. Louis faculty, Schaller brings his article to the following pointed conclusion.

God's evangelical will and command has nothing legalistic in it, either according to its nature or according to God's intention. . . . But how far removed from the understanding of the gospel must one be who would conclude this from these things: Because those evangelical commands produce what the law demands, therefore they themselves are legalistic commands! That is the logic of the natural man, who only knows the law. . . . The true logic of the Holy Spirit teaches us, rather, to conclude: If someone has true confidence in God and freely confesses his name, loves the preaching of the gospel, cannot get along without it, and willingly helps to bring its saving use to others; therefore, if someone does these

¹⁶Ibid., 154.

¹⁶Ibid., 166.

greatest and most excellent works a man can possibly do, he is no longer under the law, has not come to those works through the law, but he is under the life-giving gospel, which alone makes a man capable for such works and produces them in him.¹⁷

August Pieper followed up his colleagues' masterful articles with three masterpieces of his own: "The Law Is Not Made for a Righteous Man," "The Difference between the Reformed and the Lutheran Interpretation of the So-Called Third Use of the Law," and "Are There Legal Regulations in the New Testament?" all published in consecutive issues in 1916.

In the first-mentioned article, Pieper stated that he would "treat a question often aired, but never, at any time, treated exhaustively among us. This question concerns the meaning of the law for the Christian."¹⁸ After an extensive exegetical study, particularly of 1 Timothy 1:9, Pieper offered his conclusion.

Absolutely: *There is no such thing as law for the just.* Only he, who knows this and holds fast to it, can use the law, good as it is in itself, rightly and usefully, whether he be teacher or hearer. The Christian teacher, who does not cling to this knowledge, will always corrupt the gospel and confuse and despoil his hearers. . . .

We are free and released from the law *as a doctrine and rule of conduct, because we have all been taught by God through faith.*¹⁹

Here Pieper wrote the "magic words" that were bound to stir up controversy in the Synodical Conference, arguing that the Christian was free from the law in all respects, even as a rule or guide, the so-called "third use of the law." Pieper's words would seem to be a direct attack upon Article VI of the Formula of Concord, which concerned the third use of the law and was written to oppose the antinomians. But Pieper addressed the question he knew would be forthcoming from his critics. His answer is both interesting and important to note.

Is our church then wrong when she teaches in great detail the third use of the law for Christians, as in the Formula of Concord, Article 6? No, the church is right. The Confession teaches that not only the "third," but all "uses" of the law are still needed by the Christian: the law as mirror, rule, coercion, and punishment. And that also is right. The church teaches the use of the law by the Christian *because of the flesh which still adheres to him* and as applicable to it.²⁰

¹⁷Ibid., 167-168.

¹⁸August Pieper, "The Law Is Not Made for a Righteous Man," *The Wauwatosa Theology*, II (Milwaukee: Northwestern Publishing House, 1997), 73.

¹⁹Ibid., 87-89.

²⁰Ibid., 92-93.

That being said, Pieper also suggested some lack of clarity and preciseness on the part of the Article VI formulators when defining the law, especially as St. Paul presents it, stating that their "definitions ignore the *characteristics* which the law without exception possesses over against the *sinner* in all his activities and accomplishments. For it confronts him as an alien will, coming from without."²¹ Pieper suggested that "it will contribute more to clearness and a more precise understanding of the difference between law and gospel, if one takes the term 'law' in the sense we outlined above, according to which the 'Thou shalt' belongs to the essence of the law."²² In other words, Pieper argued, the law by its very nature pushes, prods, coerces and punishes sinners; it does not and cannot guide the Old Adam (Romans 8:7). On the other hand, the law has nothing at all to say to the Christian insofar as the New Man, even as a guide.

It should be noted at this juncture that the Wauwatosa faculty was of the distinct opinion that the command given to Adam in the Garden was not "law," as that term is normally used and understood in Scripture. August Pieper wrote, "The concept 'law' does not exist *prior to sin*, because that thing did not exist which confronted man with demands *from without*, with threats, and with destruction by God's moral will. Men blithely inject the commandment, not to eat of the tree of knowledge, at this point. . . . But it was no demand, made on unwilling persons, as the law is since sin entered the world. It was a special commandment, given to willing observers."²³ Koehler asserted earlier that "the words about the tree of knowledge in Paradise are also not to be construed as if God wanted to destinate (*bestimmen*) the first man by demanding, threatening, and condemning. Rather, the intention there is to warn against harm. Also for the Christian as such, for him as *πνεῦμα*, the holy will of God persists; but not in the form of demanding, threatening, condemning."²⁴ Schaller declared, "In his state of innocence Adam needed no directions how to serve God and his neighbor properly, and it was not even necessary to remind him of this. His concreated perfection guaranteed that he by nature knew and did everything God wanted."²⁵ In

²¹Ibid., 90. Koehler, too, suggested that it was more precise to reserve the term *law* "for the legalistic conception, for the sake of *distinction*, exactly following Paul's example" ("Legalism," 233; emphasis in original). He also intimated that the formulators had not been careful enough in their definition of the so-called *third use of the law* in FC VI (see "Legalism," 256-258).

²²Ibid., 91.

²³Ibid., 80-81.

²⁴Koehler, "Legalism Among Us," 231.

²⁵Schaller, "Origin and Development of the New Testament Ministry," 77.

other words, the law is not intended or necessary for the New Man in any way. The New Man is instead guided by the Spirit, not the law (Galatians 5:18; Romans 6:14; 1 Timothy 1:9). Pieper boldly stated:

Therefore it is false in every way and contrary to the clear word of Scripture and also of our Confession, to say: The Christian as *Christian*, as a believer, is still under the law, at least in its use as a rule of conduct. We must not form the habit of using this manner of speech, not even if it were found in some explanation of the catechism, in a schoolbook, a synodical report, a volume of dogmatics, or elsewhere. Such talk not only diametrically opposes our chapter but the entire Scripture, creating confusion and wavering in regard to the whole doctrine of grace, the "glorious gospel of the grace of the blessed God." It mixes law and gospel, falsifies the gospel, and again makes it to be law.²⁶

In his next article, "The Difference between the Reformed and the Lutheran Interpretation of the So-Called Third Use of the Law," Pieper would need to address his critics when his previous article elicited one letter "that did not agree and one that expressed hesitation regarding the main point."²⁷ Here he warned anyone who would listen about the dangerous temptation of taking a Reformed view of the law. He summarized the important distinction.

It could not be expressed more definitely than this, namely, that [in Reformed theology] the law applies to the *believer as such*, while Lutherans declare that the believer is free from the coercion (*coactio*) and threat (*comminatio*) of the law in that he as a believer voluntarily (*sua sponte*) does what is God-pleasing [guided by the Spirit, not by the law]. Consequently, he does not need the external prod of a demanding law standing over him. . . . The Reformed, on the other hand, let law apply to the believer *because and in so far as* he is a believer. . . . This insistence that the law applies to the Christian has often given the application of Scripture to morals and life in the Reformed Church a distressing and rigoristic quality. . . . So, just because faith has been kindled, *for that reason* the law is necessary, which urges one on to action. It is precisely the regenerate person who needs the law for his development, his perfection, his positive progress, his manifestations of obedience, and his good works, which should glorify God. . . . This, then, is the basis for the Lutheran charge that *Reformed piety is servile, legalistic and not evangelically free*.²⁸

²⁶A. Pieper, "The Law Is Not Made for a Righteous Man," 93-94.

²⁷August Pieper, "The Difference between the Reformed and the Lutheran Interpretation of the So-Called Third Use of the Law," *The Wauwatosa Theology*, II (Milwaukee: Northwestern Publishing House, 1997), 101.

²⁸*Ibid.*, 106, 109.

Scripture approaches our Christian lives of sanctification in a much different manner, pointing to and relying on the power of justifying faith in the gospel, worked by the Holy Spirit. Pieper asserted:

. . . in the justified person faith . . . is such a unity of the human substance with the divine that he finds in himself the norm and stimulus for his actions. He no longer needs to receive this from the outside. Because he has been given the Holy Spirit, he is an independent source of a divine manifestation in his life and his activity. The law, therefore, does not stand *over* him anymore as something *foreign* to his will, but it *has passed over into his will* as the impulse of love, inflamed by the Holy Spirit. . . . *Only because of the old man* does the believer also need the law as a taskmaster of the flesh in the interest of the spirit. Thus the law has for him a negative function. All truly Christian, positive action, however, proceeds *from faith itself*, which receives from itself guidance and impulse. . . . the law always serves him only to convict him of sin. That which is positively good is only a work of the freedom of faith in the Spirit.²⁹

In the last of the three articles in this series, "Are There Legal Regulations in the New Testament?" Pieper finally applied these abstract ideas to concrete examples of legalism he perceived in the visible church. In particular he now targeted the Missouri opinion that certain forms of church and ministry have been strictly commanded by divine law. Such a view was incongruent with Christian liberty, Pieper argued. "If no law is meant for a righteous person, then no legal regulations are given to him either. For a legal regulation or arrangement is nothing but a species of the genus law."³⁰

In the end, Pieper returned to the fundamental question that separated the Wauwatosa and St. Louis faculties on the matter of church and ministry, namely, what is meant by the term "divinely-instituted"? Is it a legal concept? As Koehler and Schaller had previously, Pieper now warned against a misunderstanding of "divine imperatives" found in the New Testament, particularly as they relate to the preaching of the gospel and the administration of the sacraments.

One cannot dispute the fact that the preaching of the gospel is in the fullest and most intensive sense an ordinance, arrangement, institution, and establishment; indeed, it is the one great general and permanent commission of the Lord in the New Testament. No command of the Lord addressed to his disciples is as great, as comprehensive, as intensive, as general, as permanent as this one. It is the great kingdom commission of the Lord addressed to every

²⁹Ibid., 108-110.

³⁰August Pieper, "Are There Legal Regulations in the New Testament?" *The Wauwatosa Theology*, II (Milwaukee: Northwestern Publishing House, 1997), 115.

believer, to the entire church, and in effect until his return. This is to such a degree the one great arrangement of the New Testament that the preaching of the gospel has rightly been called the one task of the church. . . . If we have carried out only this command with everything that we think, imagine, speak, and do, we have fulfilled every will of God. . . .

The preaching of the gospel is the one great outward ordinance of the New Testament. Added to it are the sacraments. . . . Thus the gospel, Baptism, and the Lord's Supper are indeed outward ordinances in the New Testament. But the question is not whether they are outward but whether they are legal regulations, ordinances of legal character, having the same nature, the same effect, and the same purpose as the outward regulations of the old covenant. All this is plainly and categorically to be denied.

When the Lord says preach, baptize, do this, then these are in themselves neither moral nor ceremonial, symbolic demands through which obedience toward God is meant to be exercised and faithfulness toward him is to be manifested. . . . [Instead] the New Testament deals with the regenerate and mature (Ga 4:1ff). If the preaching of the gospel, Baptism, and the Lord's Supper were legal ordinances, they would have to lock up and preserve until Christ would appear, and be a custodian until his coming. But the New Testament is the fullness of time, is itself Christ's appearance. It is just through these ordinances that Christ imparts himself to the world. As legal arrangements, the preaching of the gospel, Baptism, and the Lord's Supper would be powerless, impotent ordinances not imparting salvation but killing and damning us; under them we would be frightened and yearn for other, new ordinances which would give us salvation.

The proclamation of the gospel, Baptism, and the Lord's Supper are not legal but *evangelical* arrangements. . . . after we have come to know the gospel in faith, preaching, Baptism, and celebrating the Lord's Supper become for us Christians not a duty—for duty is a legal concept—but an inner compulsion. "I believe, therefore I speak," says David. "We cannot help speaking," says Peter. "You will be my witnesses," says the Lord. Yet this is not a legal compulsion, but a compelling force inherent in the Christian's new spiritual nature. . . . Also without the express command of Christ, the church, the assembly of believers, would have preached, baptized, and administered the Sacrament after the Lord had ordained them as means of grace. The preaching of the gospel, like prayer, is, because of the Christian's very nature, the immediate, the most immediate and necessary outpouring of faith. It is so inevitable that the stones would cry out should we keep the gospel hidden. As Christians our hearts would burst if we would not confess our own and the world's Savior and praise his soul-saving grace. That is why we would not need the command to do so if we were wholly spiritual. Only because we are not that as yet, but still have the

shy, worldly-minded, lazy flesh clinging to us, has the Lord expressly given us the command.³¹

However, as the Wauwatosa theologians had repeatedly asserted, unlike the preaching of the gospel and the administration of the sacrament, there are no “words of institution” for specific ministerial forms such as the local congregation and the local pastorate, to which the church was bound by divine law.

The concept *the ministry of the church* embraces absolutely all forms of the administration of Word and sacrament, while the *congregational pastorate* designates only a specific form of the public administration of the means of grace. Not to distinguish these two concepts . . . and imply to identify them with one another means confusing everything and arriving at the ill-boding error that actually only the one form, the congregational pastorate, has been instituted by God, whereas every other form is of human origin. As soon as the two concepts are clearly distinguished as genus and species, and what Scripture says is carefully noted, everything becomes clear and plain. . . . nowhere is it stated as a permanent regulation of the Lord, valid for all times and circumstances: Every local congregation is to have a pastor!³²

On the basis of passages like Romans 12, 1 Corinthians 12 and Ephesians 4, Pieper and his Wauwatosa colleagues emphasized that ministers of the gospel are gifts of Christ to his Church, given not by legal mandate but graciously bestowed upon his people through his ongoing, creative work.³³ These gifts of ministry are divinely-appointed in much the same way that our Lord appoints the different parts of the human body with a variety of gifts and abilities for the benefit of the whole body.

God has not appointed the members of the natural [human] body through precept or command or regulation, but “appointed,” created them through his counsel and almighty creative act. In just the same way he has also “appointed” the various *charismata* in the spiritual body of Christ. Here we have creation through the

³¹Ibid., 121-123, 125-126.

³²Ibid., 126-127.

³³One of J. P. Koehler's most extensive treatments of this entire subject can be found in his commentary on Ephesians 4:11-16 (*Paul's Rhapsody in Christ*, 391-415). Here Koehler emphasizes that teaching gifts are created, appointed and given. They are not instituted (i.e., mandated) in any kind of legalistic way. Consider also Koehler's 1913 *Quartalschrift* review of John Schaller's *Pastorale Praxis* where he qualifies Schaller's use of the word “institute” when describing the God-given work of gospel ministry. “With the word ‘institute’ (*stiften*) we want to indicate that God has *set in motion* the preaching of the gospel on earth through the gift of the gospel, nothing more, nothing less” (“Review of Schaller's *Pastorale Praxis*,” *Theologische Quartalschrift* 10, no. 4 [October 1913], 300-301).

Holy Spirit, not external prescription and regulation for the church. The church merely carries out what the Holy Spirit gives and creates. . . . Today the Lord gives similar or other gifts, in lesser or greater variety. But we can be certain that today and at all times he gives the church those gifts, offices, and forms of office which it in every age and every place needs. . . . As gifts of Christ, appointed by the Holy Spirit, they all carry out the one great ministry of the church, earned by Christ's blood, revealed by the Holy Spirit, and expressly commanded by Christ, the office of the Word and the sacraments.³⁴

And so it is with various assemblies of God's people, gathered around Word and Sacrament.

There are various forms of the church: the house congregation, the local congregation, the institutional congregation (instructors and students), the council or the synod . . . Wherever, therefore, two or three are gathered in Christ's name, there is the visible church; there Christ is in their midst; there is absolutely all power of the church, including also all power to exercise it, whether this church is called local congregation or house congregation, council or synod, conference or institution, whether it is mobile or stationary. The power of the church does not depend on its outward form, nor does the right to exercise it; this lies in the essence of the church. The only concern is that everything be done decently and in order (1 Co 14:40) . . . Moral matters, love, and order (1 Co 16:14) regulate this exercise, as they do among the gifts given to the church and in the filling of the office of the congregation likewise. Also here there is no legal or evangelical regulation. . . . After the Lord gave the church the gospel and the sacraments and his Holy Spirit, he left all outward forms and arrangements, everything of a ceremonial nature, to the free determination of the church governed by the Spirit.³⁵

So then, if there is no divine command for the specific forms of congregational pastorate and local congregation, are all forms of the public ministry simply human arrangements, instituted by men for mere expediency? "Then" as Pieper himself queried, "the church or a congregation could perhaps do away with the present congregational pastorate and introduce a Quaker type of proclaiming the Word?"³⁶ To both these questions Pieper and his colleagues answered unequivocally: Absolutely not! The Wauwatosa men stressed again and again, as Paul had nineteen centuries earlier: Just because Christians are free from the law, it doesn't mean that they will use their freedom for licentiousness, to do as they please (Galatians 5:13; 1 Corinthians

³⁴Ibid., 130-132.

³⁵Ibid., 139-141.

³⁶Ibid., 132.

10:23,24). Instead, through the gospel the Holy Spirit leads Christians to make use of the best and most beneficial forms.

. . . while we have no explicit, simple, legal, or evangelical regulation for any one of them, all possible forms of the office [of the ministry of the gospel] are not purely of human but of divine origin. We human beings do not govern the church; when we do govern it, it regularly becomes ill-governed; but the Lord, the Holy Spirit governs it, and he governs it in a proper and wholesome manner. He wants his church to be edified by Word and sacrament to attain a perfect manly age in Christ. That this may come about, he at all times gives his church just those gifts, types of offices and men to fill them, which it needs at every place and under every course of events and will best serve its edification.³⁷

In other words, all forms of the gospel ministry are divinely-instituted, that is, set in place and set in motion by the Holy Spirit working in the hearts of believers through faith in the gospel. The Spirit leads and guides the Church to make use of the best forms not by means of divine law but by means of the gospel of grace. All forms in the church—indeed, all fruits of faith produced by Christians—are divinely-instituted, brought about by the Holy Spirit through the gospel. They are not our legal duty *per se* but an evangelical compulsion.

Such evangelical pronouncements, however, made others nervous within the Synodical Conference. They thought, perhaps unconsciously, that proclaiming such absolute freedom in the gospel—as the Wauwatosa men were doing—would surely bring about a disorderly mess. Much better to make rules and laws to keep people in line and to keep the church's business running smoothly. Yes, use the law for the maintenance of outward peace and tranquility! Such was the thinking of legalists then, and such is the thinking of legalists today. Such is the thinking of us all by nature, since sinners are by nature legalistic; they respond to the law. Simply put, trusting the gospel to produce proper and God-pleasing fruits of faith in the fullness of time is risky business in this world, especially when dealing with sinful people. It will not always work in just the way or as quickly as we may want or expect. In most cases, the law will certainly get more immediate and more quantifiable results.

But the Wauwatosa men would have us ask ourselves: Is *that* the goal? Immediate, quantifiable, outward, and earthly results? Pieper granted that if we use the law to motivate our lives of "good works"

our zeal . . . would perhaps be greater. But that we would thereby be richer in real good works cannot be proved, for all good works are good only insofar as they proceed from faith itself *freely* and

³⁷Ibid., 130.

not forced by the law. Accordingly, the cure for our lack of works does not consist in this, that we become more legalistic in our Christianity and adopt something of the Reformed spirit, but in this, that we, in a genuinely Lutheran spirit, apply the law in its sharpness as a mirror to our lazy flesh, that we allow ourselves to be judged and condemned by it, that we become alarmed at our lack of energy because of which we neglect God's kingdom and poor souls, and that we flee again to grace and from its fullness and fervor, which surpasses all human thought, acquire for ourselves new, *free*, spiritual willpower.³⁸

The Lovely Flower: The Christian *Weltanschauung* and the Art of Being a Child of God

Since the days of the apostles, few men have been granted the God-given gifts necessary to capture and communicate "the deep truths of the faith" (1 Timothy 3:9) in a natural and unstudied way. Martin Luther serves as one historical exception to that reality.

By virtue of his own faith Luther was enabled to apply a deep insight to all the affairs of life in his age, in the masterful way we note in his works. . . . Hence, for the true understanding of life and of history, he marshaled the Scriptures that have not laid down a set of theses for the mind to appropriate but have set down facts that concern the heart. And in such use of Scripture he opposed all rationalistic deduction, demanding faith in the forgiveness of sins as the source and means of opening our understanding.³⁹

Professors John Ph. Koehler, August Pieper and John Schaller struggled to ascend this mountain of deep, spiritual truths themselves, and they saw a glimpse, perhaps, of what men like Abraham, Jacob, David, Simeon, and the apostles had seen before them. To put those divine truths into human poetry, prose, music, and art is the challenge that mortal men wrestle to overcome, as Paul humbly admits: "Oh, the depths of the riches of the wisdom and knowledge of God! How unsearchable his judgments, and his paths beyond tracing out!" (Romans 11:33)

In many ways, this was the ultimate goal of the efforts that the three Wauwatosa professors undertook in the training of future pastors from 1900-1920: to communicate in their own small way just how small we and our efforts are in the kingdom of God and just how much we rely on him "who is, and who was, and who is to come, the Almighty" (Revelation 1:8). They preached and taught what they did, not in an effort to win the theological argument or to establish some kind of

³⁸August Pieper, "The Difference between the Reformed and the Lutheran Interpretation," 110fn.

³⁹Koehler, *The History of the Wisconsin Synod*, 6.

earthly Zion for the Wisconsin Synod or the Lutheran Church, but to instill with the Spirit's help a Christian *Weltanschauung* (worldview) in the hearts and minds of their disciples, the future pastors of the Wisconsin Synod whom the Lord Jesus would call to be his witnesses to all the world in his overarching purpose to gather the elect.

How necessary it was and is for fishers of men to undertake their divine calling with their hearts and minds set "on things above, not on earthly things" (Colossians 3:1,2)! Yes, they are to be about their earthly calling to gospel ministry with earnestness and faithfulness, all the while keeping in mind that "this world in its present form is passing away" (1 Corinthians 7:31). The Christian's *Weltanschauung* matches that of our faithful father Abraham who "made his home in the promised land like a stranger in a foreign country; he lived in tents," all the while "looking forward to the city with foundations, whose architect and builder is God" (Hebrews 11:9,10). This was the ultimate intent of the Wauwatosa Spring and its emphasis upon the historical disciplines, that the flower of a Christian *Weltanschauung* might blossom and flourish.

So it is not outward visible attainments that the Christian's hope is engaged with, but the inward life kindled by the Gospel; it is not temporal blessings that we look forward to but the eternal rest of the saints with and in God, after all earthly and temporal things have been finally consumed in the Judgment and we in our glorified bodies have been received into the heavenly mansions. And furthermore, these ideas are not a logical system that appeals to our reason and challenges us to become busybodies in this world and promote great undertakings for its betterment, but they are the sum and substance of God's revelation by which historical facts have been communicated to us. These facts of history we receive by faith, and again, they fill us with faith that we are saved and may look forward to our final redemption and can render no greater service than to spread this message, in order that the children of the Kingdom may be gathered. For winning men for Christ, we are sure, is the one and only means to accomplish betterment in earthly and temporal matters too. That is the Christian *Weltanschauung*.⁴⁰

And how is this Christian worldview gained? Not by our great learning, ingenious thought, and hard labor. No, we can only gain a proper, Christian worldview through godly repentance, by heeding Jesus' call to "change and become like little children" (Matthew 18:3). To revel in a truth that only an inspired Apostle could first utter: "How great is the love the Father has lavished on us, that we should be called children of God! And that is what we are!" (1 John 3:1). To

⁴⁰Koehler, *The History of the Wisconsin Synod*, 2-3.

understand that we are God's children, not by virtue of who we are or what we do, but by virtue of who he is and what he has done from all eternity. To trust and treasure these truths in the artful and unscientific way that only a child can.

Children are true artists . . . , and all great artists have kept the childlike mind. The young student who has a smattering of diversified knowledge but is still green in the experience of life is a dogmatist. Most men do not get beyond that stage because they are busy with the small things of life. Real men, also from a Christian point of view, are those who become as little children. 'Whosoever does not receive the kingdom of God as a little child shall in no wise enter therein' (Luke 18:17). That was Christ's idea. Paul's is in keeping with it when he says that the teachers are given by God unto us 'for the perfecting of the saints, for the work of the ministry, for the edifying of the body of Christ, till we all come in the unity of the faith and of the knowledge of the Son of God unto a perfect man, unto the measure of the stature of the fullness of Christ' that we get the free command of our individual gifts, which is in love (Eph. 4:11-16). . . .

Whatever does not thus spring into life, even tho its form be captivating, its means sumptuous and splendid, and its success rich in financial reward and in the clamorous applause of the many—and whether you find it with those that walk in high places or those that grovel—it is not art but artificiality and has no business to claim the attention of people.⁴¹

Simply put, the art of being a child of God is a gift from above, undeserved, unforced, and unsought. And so it is that the children of God are born in a miraculous, Spirit-wrought way, "not of natural descent, nor of human decision or a husband's will, but born of God" (John 1:13). Through this new birth they enter upon an eternal relationship with a heavenly Father that yields the lovely flower of faith and graciously prompts a Christian to have "the unsophisticated nature of a child."⁴²

I praise you, Father, Lord of heaven and earth, because you have hidden these things from the wise and learned, and revealed them to little children. Yes, Father, for this was your good pleasure.

—Matthew 11:25,26

⁴¹Koehler, "The Art of Making Books," 15.

⁴²John Ph. Koehler, "Sanctification Is Not Hurrah," *The Wauwatosa Theology, Vol. II* (Milwaukee: Northwestern Publishing House, 1997), 402.