

In Statu Confessionis:
A Response to Questions from the Praesidium of the Synod

Introduction

The first objective listed among the reasons for the formation of The Lutheran Church—Missouri Synod in 1847 is that the Synod, “under Scripture and the Lutheran Confessions,” shall:

Conserve and promote the unity of the true faith (Eph. 4:3-6; 1 Cor. 1:10), work through its official structure toward fellowship with other Christian church bodies, and provide a united defense against schism, sectarianism (Rom. 16:17), and heresy.¹

In recent years congregations and pastors of the Synod, seeking to be faithful to this biblical mandate to uphold right teaching in the Synod, have declared themselves to be “in a state of confession” (*in statu confessionis*) as a way of expressing protest over against actions taken and resolutions adopted by the Synod itself. As a result of discussions of this topic by the Council of Presidents and the Praesidium of the Synod, questions have been directed to the Commission on Theology and Church Relations (CTCR). In response, the CTCR presents the following summary overview of the use of the term *in statu confessionis* down through history and offers some suggestions as to how the members of the Synod² may carry out—in an edifying way—the biblical and confessional mandate to hold fast to the Gospel of Jesus Christ as it is taught in the Scripture and rightly confessed in *The Book of Concord*.³

(1) “*What are the theological confessional and/or historical principles on which such a protest of in statu confessionis may be declared?*”

The phrase “in a state of confession” (*in statu confessionis*) does not have a consistent meaning (much less a common definition) within the Lutheran tradition. It is possible to detect at least three general interpretations and uses of this concept from the time of the Reformation to the present.

First, the Formula of Concord uses *in casu confessionis* (not *in statu confessionis*), by which it means that there are moments or situations when adiaphora cease to be adiaphora (temporarily) and become acts of confession. Such was the case in the wake of the Smalcald War, when the emperor (left hand realm) attempted by force of arms to bring the Evangelicals back under the obedience of the pope through the re-imposition of Roman Catholic rites and ceremonies upon the Evangelical churches (right hand realm). Against this governmental intrusion into the church and the government’s subsequent persecution of Lutheran pastors, Lutherans found it necessary to enter a state of protest against the emperor. A parallel situation can be found in the nineteenth century when the King of Prussia (left hand realm) forcibly merged the Lutherans and Reformed into a Union Church and imposed upon it a common liturgy and common confession that compromised the Lutheran confession. Some of the forbearers of the Missouri Synod found themselves forced to leave for the sake of confession. In both of these situations, the government (left hand realm) sought to impose a practice or policy upon the church that necessitated the church’s protest.

Second, in the late nineteenth and early twentieth centuries the phrase *in statu confessionis* underwent some redefinition and expansion. Now the church issued a protest not against policies imposed by the government upon the church, but against governmental policies within the state. Before and during World War II, for example,

Christians in Germany (Reformed and Lutheran) declared themselves to be *in statu confessionis* with the state as it engaged in practices of ethnic cleansing within society. Since then, church bodies within the Lutheran World Federation have also employed this phrase not as way of protesting the intrusion of the left hand realm into the right hand realm, but as a protest against social, racial, and foreign policies adopted by governments around the world. Perhaps the most notable of these policies was apartheid in South Africa during the 1980s.

Third, the phrase *in statu confessionis* has been used exclusively within the context of the right hand realm. For example, the phrase has occasionally been employed to express a protest over against another church body. In fact, it appears in this sense during the break-up of the Synodical Conference. Another notable example of this usage of the phrase occurred in 1969 when the Evangelical Lutheran Synod of France and Belgium announced a provisional suspension of fellowship with the Missouri Synod. In a similar manner, the Missouri Synod entered into a state of protesting fellowship with the American Lutheran Church in 1977, making use of a definition of *in statu confessionis* given by the CTCR in 1970.⁴ More recently, this phrase has been used by individuals and/or congregations within church bodies as a means of protesting certain positions and actions adopted by their parent church body and which the protestors believe are contrary to the Scriptures.⁵

(2) “*What does it mean for a member congregation of The Lutheran Church—Missouri Synod to declare that it is in statu confessionis or in a state of confessional protest against the synod?*” Again, “*How does the same question pertain to an individual member of the Synod who declares such a state of confessional protest?*”

It is our understanding that certain pastors and congregations are using the phrase *in statu confessionis* at this time to describe their relationship to the Synod in light of their conviction that the Synod has taken actions that are contrary to the Scriptures and the Lutheran Confessions. They thus see themselves in a state of protest over against the Synod. What is new in the history of the use of this phrase is that now a group of pastors and/or congregations within a single church body such as the Missouri Synod enter into a state of protest with the church body of which they themselves are members. This would seem to imply several actions:

First, the announcement of such confessional protest signals an unwillingness or a steadfast refusal to implement or follow those resolutions adopted by the Synod in convention with which they disagree.

Second, those issuing such a protest see the resolutions to which they object as being of such magnitude as to constitute persistent promotion and defense of false doctrine on the part of the Synod and its officials.

Third, notice is thereby given that during this interim period of protest they will refuse Communion to synodical and district officials, pastors, and congregations who support these synodically adopted actions unless and until they repent.

Fourth, it appears on the one hand that the declaration of *in statu confessionis* is intended to serve as a warning that unless the Synod reverses itself and matters are rectified, amended, or rescinded, these protesting pastors and congregations will feel compelled to sever their membership in the Synod. On the other hand, it may be that they do not intend to leave the Synod but to form a church defined by a particular confession within the institutional structure of the Synod (as appears to be happening, for

example, with the church of Sweden and more recently, the Word Alone Network within the ELCA).

- (3) *“What are the implications of such a state of confessional protest, especially with regard to the ongoing membership in the Synod of the protesting congregation or individual member?”*

The issuing of a state of protest calls into question the desire of these pastors or congregations to remain members of the Synod on two counts. First, the agreements for how we operate together as a Synod do not include provisions for issuing a confessional protest as a way of dealing with disagreements about doctrine and practice. Second, the suspension or withholding of Communion to fellow members of the Synod is by definition a severing of church fellowship (theologically speaking), regardless of one's institutional affiliation or membership. If these pastors and congregations are consistent, it should be assumed that they take the same position regarding every member of the Synod that has not joined them in their protest.

- (4) *“What counsel should be offered to a district president of the Synod in response to a congregation or individual member of the Synod entering a state of confessional protest in his district?”*

a. District presidents should note and commend these individuals and/or congregations for their desire to be faithful confessors of God's Word within the church and world. A confessional church is always a confessing church in both word and deed.

b. It should also be recognized that the step of issuing a confessional protest may have arisen out of a deep seated frustration that the concerns and reservations of these individuals and congregations are not being given the serious consideration that they

believe they deserve within the established structures of the Synod. Their protest is something of a final attempt, short of leaving the Synod, to draw attention to their concerns.

c. The district president should strongly urge that the individual member and/or congregation follow the synodical procedures for the expression of dissent that they agreed to follow in becoming members of the Synod as an alternative to—or a stage prior to—taking the more drastic step of declaring themselves to be in a state of confessional protest. The synodical procedures for dissent are intended to preserve and uphold the truth of the Gospel and all its articles on which our fellowship in the Synod is based.⁶

d. Until all avenues for working towards resolving matters between the Synod and the congregation and/or individual member of the Synod have been exhausted, none of the parties involved should refuse Communion to each other. Resolving such issues often takes a great deal of time. A confessional protest should not be entered into hastily.

e. The refusal of certain pastors or congregations to honor their agreements with fellow members of the Synod by following the procedures for dissent, along with their persistent refusal to commune fellow members of the Synod, will lead a district president to work with them until the issue in contention is brought to a God-pleasing resolution so that the unity of the faith may be maintained.

f. It is also important to be consistent in dealing with those who stand on both sides of the line. That is to say, the approach taken in dealing with those who declare themselves *in statu confessionis* with the Synod and refuse to commune district or synodical officials should be the same approach taken in dealing with those who ignore

or oppose the Synod's position on close(d) Communion and thus choose to practice open Communion in violation of their commitment to the Synod.

Conclusion

We submit this response to the Praesidium for sharing with the Council of Presidents in the hope that it will be helpful in dealing with those individuals and/or congregations that have entered into a state of protest. In submitting this response, we are not rendering a judgment on whether or not those who enter into a state of protest are right or wrong with regard to the positions that they hold. Instead, we are encouraging that we work together toward the goal of confessing together the truth of God's Word in the Synod, and that we do so in accordance with our agreed-upon procedures for resolving our disagreements. Where those procedures are not working, we need to find ways of building greater trust in the process of expressing dissent or develop other ways by which members of the Synod can express their objections with the goal of arriving at agreement on the truth of God's Word.

¹ LCMS Constitution, Article III, 1 (2004 *Handbook* of The Lutheran Church—Missouri Synod).

² The term “members” of the Synod is used in this response in a formal and official sense to refer to synodical congregations and ministers of religion (ordained and commissioned), not to individual members of synodical congregations (see LCMS Constitution, Articles V-VI).

³ The questions that appear in this response were formulated by the Praesidium, not by the CTCR.

⁴ See Part II.A.C (“American Lutheran Church”) of the CTCR's report to the 1977 convention on pages 43-45 of the 1977 *Convention Workbook*. The CTCR's statement on “*In Statu Confessionis*: A Theologico-Historical Definition” is printed on page 39 of the 1971 *Convention Workbook*. The full text of this statement is as follows:

The phrase *in statu confessionis* probably can be traced back to the Adiaphoristic Controversy and the Tenth Article of the Formula of Concord. While the phrase itself is not found in the Formula, the comparable phrase *in casu confessionis* does appear. This phrase was used to describe a case or situation where public confession concerning the Gospel had become a God-given and

inescapable duty. The Formula indicates that this duty devolves on Christians when the matter “has to do with the truth of the Gospel, Christian liberty...[and] preventing offense to the weak in faith.” The Formula describes those who by deed and word deny the truth of the Gospel, destroy Christian liberty, and offend the weak as “enemies of the Gospel.” At a later date in the history of the Lutheran Church *in statu confessionis* came to be used to describe the conviction and action of Christians who protested, at the risk of life and limb, words and deeds in opposition to the Gospel and its articles as they understood them. Used in the sense of the Formula of Concord, the phrase *in statu confessionis* would describe the conviction and action of Christian individuals and groups who have reached the conclusion that the truth of the Gospel and its articles is being perverted within their church body by those who have become “enemies of the Gospel.”

The Commission on Theology and Church Relations is not aware of any synodically approved definition of the term *in statu confessionis* for our time. The commission is of the opinion that the term is quite generally employed in the current usage of our church to declare that an individual or congregation is in a state of protest because it holds that a particular teaching, practice, or action of the church against which the protest is lodged is contrary to the Word of God or endangers the Gospel. Used in this sense, the declaration that one is *in statu confessionis* is not tantamount to the breaking of fellowship. If, however, the circumstances which called forth the protest are not corrected in due time, the implication is that the protest will lead to the severance of fellowship relations. (*Adopted by the CTCR, April 1970*)

It is significant to note that formal procedures for expressing dissent did not exist in the Synod at the time that the CTCR prepared its statement on “*In Statu Confessionis*.” The first official bylaw provision for expressing dissent appeared in the 1973 edition of the synodical handbook (Bylaw 1.09e). This bylaw was revised in 1981 (Bylaw 1.19e) and again in 1986 (Bylaw 2.39c), and now exists as Bylaw 1.8 in the 2004 *Handbook* of the Synod. Prior to 1973, therefore, members of the Synod had no official recourse, through officially established procedures for expressing dissent, for protesting the actions or decisions of the Synod in convention.

⁵ For a helpful historical overview of the use of the term *in statu confessionis*, see Albert Collver, “*In Statu Confessionis*: Origins and Development,” *Logia* XIV, 2 (Eastertide 2005), 29-38. According to *Logia*, “This paper was originally presented at the Chicago Free Conference sponsored by *Consensus*, at Apostles Lutheran Church, Melrose Park, Illinois, 22 October 2004” (29). The first paragraph of Collver’s conclusion (page 35) reads as follows:

The issues surrounding *in statu confessionis* are not as simple or easy as one might first think. When research for this paper began, it was thought that it would be relatively easy to establish the Lutheran origins of *status confessionis* with concrete historical examples and discussions on the topic by prominent Lutheran theologians. Once the historical origins were discovered, it was assumed that the paper would focus on time-honored ways to implement *status confessionis*, should the need arise. What we found instead was four hundred years of silence. Much of what was assumed about *status confessionis* either could not be supported by the data or was entirely lacking in data. The term itself is ambiguous and open to bending and redefinition as the speaker and hearer see fit. The term is no longer associated (if it ever was) with the Lutheran Confessions, but, thanks to Karl Barth and others, has become common property with the Reformed and, as such, does not have a precise usage. This causes one to wonder if the term is helpful to the Lutheran Confession.

“In light of the foregoing,” Collver goes on to conclude, “a *status confessionis* protest against a church body does not seem to be a tenable option to those who take the Lutheran Confessions seriously” (35).

⁶ See the CTCR reports “Guiding Principles for the Use of *A Statement of Scriptural and Confessional Principles* with Special Reference to the Expression of Dissent” (November 1973) and “Report on Dissent from *A Statement of Scriptural and Confessional Principles*” and Other Doctrinal Resolutions of The Lutheran Church—Missouri Synod” (September 1974), which can be found on line at www.lcms.org/ctcr. See also 1971 Res. 2-21 “To Uphold Synodical Doctrinal Resolutions” (1971 *Convention Proceedings*, 117).

Adopted April 15, 2005