

Loeche, Walther, our Lutheran Confessions, the Doctrine Church, and the Divine Call Revisited

Pastor Roger Fehr
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Any discussion of the Church of Christ mandates that we first of all acknowledge that this is one of the broadest of subjects in the Holy Scriptures. A discussion about the nature of the church necessarily includes not only Christ, His work of salvation, His means of distributing that salvation, as well as the means by which it is received, the outward manifestation of the distribution of Christ's gifts in the world, but finally also, how this work of grace is seen, and found in a world of evil, though it be holy and pure in itself from God. So we begin this discussion with a well known statement from the Lutheran Confessions,

“For the true unity of the church it is enough to agree concerning the teaching of the Gospel and the administration of the sacraments. It is not necessary that human traditions or rites and ceremonies, instituted by men, should be alike everywhere.”¹

This statement is often misinterpreted by gospel reductionists to mean that as long as we agree in John 3:16 we may unite in all of Christ's gifts including the Holy Sacrament of the Altar. The Formula of Concord quotes this statement from the Augsburg Confession however the Formula ends its discussion of the church with the following:

We should forsake wicked teachers because they no longer function in the place of Christ, but are antichrists. Christ says (Matt. 7:15), “Beware of false prophets”; Paul says (Gal 1:9), “If anyone is preaching to you a gospel contrary to that which you received, let him be accursed.”²

We acknowledge the implication in regard to church fellowship, but that is not the subject of this paper. However if one does not recognize how the visible church needs to be distinguished from the invisible church of faith it is impossible to rightly understand these two statements. We must confess that the church is defined in Scripture in two separate, definitive, and distinct ways. There is first the church of Christ, which consists of those who are in Christ, and live by faith in Christ, and are thus called saints of God because they are righteous and holy through faith in the work, merits, and promise of Christ. This is the invisible church of Christ which can be known to no one but God.

There is also that church which is seen in the world. This visible church is the only church which we can with certainty recognize as the church of Christ. We can not perceive this church's exact membership (as we have been falsely accused), but may only recognize where this church is present. Christ's Church never comes into being by any means other than the pure Word of the Gospel, and it is only recognized as present where His Word of forgiveness in Christ is proclaimed.

This visible church then is compared to fish caught in a net, where the net is the Word of God.

1 Tappert, T. G. (Ed.). (1959). *The Book of Concord the confessions of the Evangelical Lutheran Church*. (p. 174, par 30, of AP Art VII&VIII). Philadelphia: Mühlenberg Press.

2 Ibid 1. (p. 177, par 48, of AP Art. VII&VII).

Some of the fish are good and some bad, i.e. some people who regularly hear the Word are believers and some are unbelievers, however where the net of the Word is present, we are assured that there the church of Christ is present. The net of the Word catches some good fish. It will not return unto God void without accomplishing the purpose to which He sent it. The visible church in its outward appearance may appear to have many unbelievers in it, however we do not know its individual members but only that where the gospel is proclaimed there are some good fish, i.e. there are some believers in the promises of Christ. The true visible church is known to be present then, in connection with the Word and Sacraments, and only in connection with the word and sacraments, for it is in connection with these means that God's power unto salvation exists to everyone who believes.

We acknowledge then, that in the scriptures there are two definitions of the church: 1) which describes the church essentially, i.e. its true nature as those who believe the promises of the gospel. This is the promise that proceeds from the Words God spoke to Abraham, "He believed God, and it was accounted to him for righteousness." The second definition is often described by Jesus in the fashion he pictures it in the parables where He says, that the Kingdom of God is like a net, that when it was brought forth, it had in it both good and bad fish. The 'outward association' of people who come to hear the words and promises of God is the net of the Word. This net encloses both those who believe and those who do not believe, i.e. good and bad fish. In the external visible outward church which we see, we have both believers and unbelievers. Our Book of Peace states:

"In accordance with the Scriptures, therefore, we maintain that the church in the proper sense is the assembly of saints who truly believe the Gospel of Christ and who have the Holy Spirit. Nevertheless, we grant that the many hypocrites and evil men who are mingled with them in this life share an association in the outward marks, are members of the church according to this association in the outward marks, and therefore hold office in the church."³

These latter, though they are not members of the true church, and shall not enter into eternal life, are looked upon in this world as Christian. God justifies His people through faith, and in this way are accounted righteous before God. We note the words of the confession, 'hypocrites and evil men, are mingled with them in this life', however we recognize that the confessions of the Lutheran Church, in accord with Holy Scripture, do distinguish between the invisible church of Christ and its external visible presentation. We have the following then: 1) Those who are in Christ through faith and, 2) those who are associated with the promise but do not have faith in Christ. These are both together in the visible church of Christ. However the latter, unless revealed by outward signs of impenitence, must be considered as Christian, though they actually do not have faith, because they appear as no different than a Christian in their outward presentation in this world and are in fact the bad fish that are caught in the same net as the good fish, and though they appear as good fish until the final day, God Himself separates the good from the bad. It is only those of faith in Christ who are actually just in His sight, and are counted as righteous before God. These alone are the true Holy Christian Church.

It is the proposition of this paper that Walther has rightly understood the above doctrine as it pertains to congregations, pastors, and the calling of servants of the Word, and it is Loehe who has misunderstood it. It is also the contention of this paper that the effects of Loehe's different direction are devastating to the church of God. We may agree with Loehe regarding the democratization of the church. The church was never intended to be a democracy, such that by democratic election the word of God should become subject to the people. This is no less an evil than the evil of those pastors who enjoy the Office of the Word, but in that office pervert the Word to the destruction of faith in Christ.

3 Ibid 1. (p. 173, par 28, of AP Art. VII&VII).

Loehe's Disagreement Regarding the Church

When a theologian of the Lutheran Church says that he disagrees with the Lutheran Confessions all ears should be attentive. This is not a slight matter but is rather quite serious and of great importance to the church. Among us a quia subscription to the Lutheran Confessions has been necessary for a pastor or a congregation to enter into a synodical communion fellowship. The Lutheran Confessions do not proclaim themselves equal to be the Scriptures, however they do announce themselves as the true teaching of the word in the matters upon which they speak. We believe they are true then, not in so far as (quatinus) they teach Scriptural content, but because (quia) they teach the content of the Scriptures.

When Loehe states,

“In the Book of Concord I distinguish between what is said confessionally and what is not so said, - and I distinguish still more. I have no intention of sticking to the letter and letting myself become guilty of symbolotry. As far as I know, I have not given any occasion for such accusations. I have often indicated my simple opinion with regard to the Smalcald Articles.”⁴

He reveals that he does not have a quia subscription to the Lutheran Confessions, and as such would not be allowed into any of the various Confessional Lutheran Synods of our day. He makes it clear throughout his writings that he takes exception to the Lutheran Church fathers on various points saying,

“It would come across as very forced and acting for the sake of an already formed opinion if we would follow the Lutheran Fathers”⁵

Loehe has particular disagreement with the Smalcald Articles, and dislikes Luther's voice on the matter of the church and its polity.

Having said this it is not enough then to simply announce Loehe's disagreement, but we must ask, “With what did he disagree?” “Why did he disagree?” And, since many in Lutheranism are giving Loehe a new look today, we must ask, “Why is it that they are looking to a teacher of the church that makes such a clear statement that he does not have a quia subscription to the Lutheran Confessions?” “What attracts them to Loehe?”

The disagreement between Loehe and Walther, Loehe and Luther, and Loehe and the Lutheran Confessions has entirely, and likely only to do with the doctrine of the church. When one reads Loehe with a discerning eye, it is not hard to notice that he gives short shrift to the ‘Marks of the Church’ and to the essence of the church. Whereas Loehe often makes statements similar to,

“It is the same people who belong to the visible and invisible church; the visible and the invisible church are identical. The distinction which we make with the two terms is not based on a real distinction between two groups within the church. It is rather a confession of our human shortsightedness which prevents us from distinguishing the hypocrites from the righteous or the tares from the wheat and compels us, for fear of

4 Three Books about the Church; Wilhelm Loehe, translated and edited, and with an Introduction by James L. Schaff; Reprinted by permission of Augsburg Press, Concordia Theological Seminary Press; Fort Wayne, In; 1989; Pg. 4.

5 Aphorisms On the New Testament Offices and their Relationship to the Congregation, on the Question of the Church's Polity; Wilhelm Loehe, Lutheran Pastor, Nuremberg, 1849, translated by John R. Stephenson; Repristination Press, Malone, Texas, 2008; Pg. 74.

rooting out the wheat with the tares, to be lenient in our judgment.

Through a strange confusion of thought, men in recent times have often considered the invisible church a mere abstraction of an idea of the visible church and thus given the enemies an occasion for mockery and scorn, for it is admittedly true that an abstraction of the church or an idea of the church is in the final analysis not a church at all. We should much rather regard the invisible and visible church as completely one, just as we recognize that soul and body make one man. As the soul is not an abstraction of the body, so is the invisible church not an abstraction of an idea of the visible church.⁶

When Loehe speaks about some sort of an ‘abstraction of an idea of the visible church’ he has completely set aside the actual essence of the church. As Lutherans we readily cite Luther as saying, “A ‘seven year old child knows what the church is.’” Luther is thinking of the church of God which consists only of those throughout all of the world that have true faith in Christ Jesus. Since this is a church whose members have that unseen gift and quality called ‘Faith’, the membership in this church can only be known by God. These who have true faith in the true God, they alone are one, all, and only members of the church of God.

Loehe is in error for calling this an abstraction. This is not an abstraction, for true faith is not simply an idea, it is an actual thing such that we can say that those who have this thing called ‘faith in Christ’ shall not perish, but live in eternity with God. Faith is not simply an abstract idea or concept, rather it is because Christians have this very thing called faith that God says we are accounted as justified before Him. Loehe mixes everything the church, i.e. he mixes the Administration of the Word and Sacrament with the fruits of love as the sign of where the church is present. This is at the heart of what distinguishes him from the Lutherans of the Lutheran Confessions. This mixing of works and faith as the Mark of the Church, I believe flows from his pietistic roots.

In accord with this then, is also a diminution of the source of faith. Faith does not just exist. Faith comes from the Word of the Gospel only. As Peter preaches, “Repent and be baptized for the forgiveness of sins, and you will receive the gift of the Holy Spirit,” so we acclaim that it is the Gospel which has the power to create the faith which saves. Paul writes again, “I am not ashamed of the gospel, for it is the power of God unto salvation.” In Lutheranism we call the Gospel in its various forms the Marks of the Church.

The Marks of the Church simply mark where the church of Christ exists. They mark first because the church can not exist without the power of the Gospel that creates the church, and second they mark the church at that place because God’s promise is that His Word will not return to Him void. God puts His power to create the church by the Gospel, and God also promises to be active and powerful in that Gospel to create the church of faith. Where the gospel is not present, the church of faith is not present, and where the gospel is present, the church will also be present. In this context we are not speaking of those ad hoc, incidental, irregular proclamations of the Gospel. There are those who will try to mock the Gospel by proclaiming it into the open air with no people present. They do this in disbelief, only to shout out, “See there are no Christians here.” Such foolish arguments were raised previously by those who despised these Marks of the Church. They would maintain that by our definition the church must be present at irregular gatherings of people where God’s Word is read or proclaimed, such as synod meetings, or various sectarian Bible groups. We are speaking here though only of those regular meetings that fit under the definition of God’s institution of a congregation, i.e. those who regularly gather around a minister whom God has set in place for the proclamation of the Word and

6 Ibid 4; Pg. 89.

Administration of the Sacraments.

Loehe's definition of the church includes all that the church says or does, yes the Administration of the Word and Sacrament, but also all of its charitable deeds. We shall see how he places both the deacons office as the prescribed office of helps as a mark of the church along with the office of Word and Sacrament. Both of these exist in the church, however they are different as night and day. One is of human origin and the other of divine. One is the seed that creates living faith, and the other is the fruit that proceeds from such faith. These two need to be recognized but should not be mixed. The church of faith always must be so defined and always known as essentially different than that which we see. The world can mimic good works but God is not deceived. He alone knows the heart of faith and those who are His. God's people will always return to the life giving Word. They feed at the manger of Word and Sacrament. The Word does not mark every individual present as a believer, but only marks the place of the administration of Word and Sacrament as a place where Christ is present with His Bride, the church.

This is the foundation upon which Loehe does not build. However Luther and the Confessors build upon this foundation, recognizing that the local congregation, where the Gospel is proclaimed and the Sacraments are administered is the only place where we may recognize the church's existence. Loehe wants to recognize the church as present, not only where the Gospel is preached, but wherever Christ is confessed, and where good works are done in His name.

If we were speaking about confessing the faith through public preaching, we would agree, but this is not what Loehe means. Loehe means that the church is recognized in all that it says and does. In as much as we might agree with Loehe that a good tree is known by its fruits, and thus that the church is known by its works of love, we also know that Christ says,

“Not everyone who says to Me, ‘Lord, Lord,’ shall enter the kingdom of heaven, but he who does the will of My Father in heaven. Many will say to Me in that day, ‘Lord, Lord, have we not prophesied in Your name, cast out demons in Your name, and done many wonders in Your name?’ And then I will declare to them, ‘I never knew you; depart from Me, you who practice lawlessness!’” Matt 7:21-23 NKJV

Good works can be and are often imitated. People lie and their works deceive. God's Word and Promise however do not fail. God says His Word will catch fish, and that it will not return to Him void. And so all the world may pass away, but the Church of Christ shall stand where the fruit of the church is the preaching of forgiveness of sins in Christ. Works of love are of two kinds, 1) those which proceed from the church as a sacrifice pleasing to God, and 2) the Church's proclamation of the Gospel, which Scripture views as a work in partnership with God, e.g. God's ambassadors (2 Cor. 5:20) and stewards of the mysteries (1 Cor. 4:2).

This distinction then between the visible and invisible church must be maintained for any proper doctrine and practice of the church, its fellowship, and its polity. Loehe fails in this, which has a devastating effect on the calling of Ministers of the Word, their authority, and the authority of synods and their conventions.

Loehe appears intentionally to overlook those Scripture passages which are most obvious, e.g. “Tell it to the church. But if he refuses even to hear the church, let him be to you like ...” (Matt 18:17) and again, “For where two or three are gathered together in my name, I am there in the midst of them.” (Matt 18:20) These passages, and other similar passages, show a clear institution of the local congregation as the place where the Marks of the Church are present. There Christ says he is present, ‘in the midst of them’. It is not just that the regular preaching of the means of grace marks where the invisible church of faith is present. Christ specifically institutes the local congregation. He specifically

says in these passages that He is present there, operating with His keys, opening and closing heaven as the people gather in His name, though they be only two or three in number. In accord with the Word and Promise of Christ, this place where people gather regularly around the Word is a divine institution.

Often those who agree with C. F. W. Walther on these matters are accused of being too congregational. The issue before us is not congregationalism, as if in the church we were demanding some sort of political arrangement of local control. Rather it is faithfulness to Scripture which is demanded, as well as agreement in Scriptural doctrine and practice. The Scriptures certainly speak of us who are in Christ, as the body of Christ, and as those who are joined together, and even built up into one holy temple. (Cor. 9:23) These passages though speak of the invisible church of Christ. No immoral person who does not stand as justified through faith in Christ is actually part of the body of Christ, nor does that person stand as a rock, or brick, “built” as the Apostle says, “into the holy temple of the Lord.”

This then is at the very heart of where Loehe does not agree with the Lutheran Confessions. The Lutheran Confessions clearly distinguish between the visible and invisible church. Loehe does not. He also does not clearly delineate that it is the Marks of the Church which reveal, not where a particular person is a Christian, but that in a congregation, where the Marks of the Church are present, we can be certain the church of Christ exists. And finally He does not agree that the congregation, as an institution is particularly instituted by God.

Numerous passages can be found in Loehe’s writings where he esteems congregational authority, however he does not admit that it is a particular divine institution. He envisions a gradual expanding realm of authority in the church. First a congregation, then perhaps a district, then the whole synod. He writes,

“While the congregational authority is not the final authority, it is nevertheless briskly involved in all things undertaken by presbyters and deacons, even in matter of governance. Its participation ensures that the good will of the “whole company” remains healthy and strong and causes all to register the fact that they are not lorded-over but governed aright.”⁷

Loehe’s ‘whole company’ here is the whole of those gathered at the Jerusalem counsel. It is here that he has placed the final and supreme authority. Loehe says regarding congregations, that when they,

“have the same administration of the sacraments, feel themselves related and attracted to one another. The Word and Sacrament of the Lord join them as members into a single whole, a single body. The Lord wills that as members they cleave together in love.”⁸

Loehe does not distinguish between what is instituted, and what is not. There is a huge difference between the divine institution described above and the later narrative relating that the ‘whole company’ gathered in Jerusalem’. But not seeing the difference between the Lord’s institution and the practical matter of gathering the larger church for discussion, Loehe concludes saying,

“Over individuals and their private judgment stands the fellowship of the presbyter and the other brethren, the synod, the council.”⁹

He again says,

“Nor do we find that the Synod lacked prestige and decisive force, but

7 Ibid 5: Pg. 95.

8 Ibid 5: Pg. 95.

9 Ibid 5: Pg. 96.

read to the contrary in Ac 16:4 that its decisions were delivered by Paul and Timothy to all congregations in Asia Minor”¹⁰

Luther, our Lutheran Fathers, and Our Lutheran Confessions do see a difference in these matters. Walther sees this difference, and in this difference is the very heart of Loehe’s quaternus subscription to the Lutheran Confessions, and his disagreement with the Lutheran Fathers.

It is easy to see from this why these ideas would be popular with those who promote synodical authority. Loehe believed that this supreme council had jurisdiction over all. He cites, the fact that Paul and Timothy took letters from the Jerusalem council to the outlying churches. The error here is clear from the beginning. Loehe admits that there really never was any difference in the Apostle’s doctrine, but rather that this exercise of the church was only to reveal the unity of doctrine and practice that existed among the Apostles.¹¹ There is no divine mandate for this council, but rather it exists as a practical matter in the furtherance of the work of the Gospel.

A second difference is that Loehe cites an ‘attraction’ among congregations who have the word and sacrament. Of course we would agree that there is and ought be a mutual love of the brethren, especially among those who have a unity of faith centered in Word and Sacrament. There are commands for unity of doctrine, and to cherish the bond of peace in Christ, however there is no divine command to assemble congregations into super congregations, or individual pastors into super councils who are then to reign with supreme authority over individual pastors and individual congregations. We can see again though, why those who cherish Synodical Jurisdiction love what Loehe has to say, though it is neither in agreement with Scripture or our Lutheran Confessions.

The Importance of a Proper Understanding of the Church

It is important to have a proper understanding of the church because Christ acts through the church to plant the seed that causes the church to grow. God throughout all of scripture compares His church to His loving bride, and He is as the bridegroom who cares for her. So the Lutheran forefathers, along with the ancient church teach that Christ, pictured as the husband bestows all things on his Bride, the church, up to and including the keys to His house. Thus our confessors speak about the Bride of Christ saying,

“In addition, it is necessary to acknowledge that the keys do not belong to the person of one particular individual but to the whole church, as is shown by many clear and powerful arguments, for after speaking of the keys in Matt. 18:19, Christ said, “If two or three of you agree on earth,” etc. Therefore, he bestows the keys especially and immediately on the church... .”¹²

And again,

“It is like the example which Augustine relates of two Christians in a ship, one of whom baptized the other (a catechumen), and the latter, after his

10 Ibid 5: Pgs. 83&84.

11 Ibid 5: Pg 83.

12 Church and Ministry, Witness of the Evangelical Lutheran Church on the question of the church and the ministry; by C.F. Walther, translated by J. T. Mueller; The Lutheran Church – Missouri Synod; 1987; Pg. 221. See also Tappert: Ibid 1. (p. 324).

Baptism, absolved the former. ⁶⁸ Here the words of Christ apply which testify that the keys were given to the church and not merely to certain individuals: “Where two or three are gathered in my name, there am I in the midst of them” (Matt. 18:20).¹³

The importance of the above citations from the Smalcald Articles is simple: the Lutheran Confessions identify the invisible church of faith as that body or group of people that has the keys to the kingdom of God in its most original sense. They do this by indicating that the keys are given to the two or three gathered in Christ’s name and even to the individual Christian as he is baptized. It is of primary importance to the Lutheran Confessors that we confess that it is individual believers who have and possess the keys of the kingdom originally, and foundationally. All things then belong to these who believe, both individually, and corporately. What I mean by this is that a Christian may use these keys as Augustine mentions above, but they are held corporately as well, that is in public settings they are not the right of only a particular individual, but remain the joint right of all believers. In public settings then an individual believer may not use, what is his, but not his alone, without the agreement of all. By way of illustration we might give the following example. In my small city of Jefferson, South Dakota there are only about 560 people. We do have a public park with swings, and tables, and grills, etc. However because this does belong to the people of the City of Jefferson, this does not mean that I have the right to take one of the tables home. The table belongs to us all, not to me alone, however I do have the right of use in the manner prescribed by the whole.

In the church then we all have been given baptism, and in time of need, where there is no public official of the Word present, any person can baptize in accord with the Word and Command of God. Baptism does however belong to all believers in Christ, so then if a public official who represents all believers should be present, e.g. a pastor, then the baptism should be done by he who represents all, because baptism belongs to all. Loehe fails to recognize and give proper allegiance to the Word of Christ in regard to that which belongs properly to the invisible church of faith. Paul writes,

“For all things are yours: whether Paul or Apollos or Cephas, or the world or life or death, or things present or things to come—all are yours. And you are Christ’s, and Christ is God’s.” (1 Cor. 3:21-23)

The apostles, pastors, teachers, evangelists, and prophets all belong to the people of God. The Ministry of the Word is a gift to those of faith. Therefore our confessions say, quoting again the Smalcald Articles:

“This right is a gift given exclusively to the church, and no human authority can take it away from the church. It is as Paul testifies to the Ephesians when he says, “When he ascended on high he gave gifts to men” (Eph. 4:8, 11, 12). He enumerates pastors and teachers among the gifts belonging exclusively to the church, ...”¹⁴

Loehe fails to make the connection that the means of grace are given originally to believers, so that all individual believers have the right to open and close heaven, but then since it is to every believer, it is also to all who believe, that is His to the whole church. The church is His bride, and therefore she receives not only the keys to the house, but all that is in the house. The servants of the house, i.e. the Ministers of the Gospel, also belong to the bride of Christ. The bride of Christ then has the right of call, because the ministers of the church belong to the bride as well as does the message that they bring. It is Christ who declares that the two or three gathered in His name have the right to bind and lose. He gave

13 Ibid 12: Pg. 222. See also Tappert: Ibid 1. (Power and Primacy of the Pope; Par 66-67).

14 Ibid. 12; Pg. 221. See also Tappert: Ibid 1 (Smalcald Articles; par 67-70).

them the keys. The bride did not snatch them, or steal them, or buy them, or get them by trickery. Christ, who is the head of the church, the very husband of the church, He who is the bridegroom gave the keys, and all things in the house to His wife.

It is for this reason that it is important to know where the church is present. This is where Loehe and Walther differ. Walther makes this the very heart of his thesis on the church. Thesis V, VI and VII are as follows:

“THESIS V

Though the true church in the proper sense of the term is essentially [according to its true nature] invisible, its existence can nevertheless be definitely recognized, namely, by the marks of the pure preaching of God's Word and the administration of the sacraments according to Christ's institution.”¹⁵

Thesis VI

In an improper sense Scripture also calls the visible aggregate of all the called, that is, of all who confess and adhere to the proclaimed Word and use the holy sacraments, which consists of good and evil [persons], “church” (the universal [catholic] church); so also it calls its several divisions, that is the congregations that are found here and there, in which the Word of God is preached and the holy sacraments are administered, “churches” (Partikularkirchen [particular of individual churches]). This it does especially because in this visible assembly the invisible, true, and properly so called church of believers, saints, and children of God are hidden; outside this assembly of the called no elect are to be looked for [anywhere].¹⁶

THESIS VII

As visible congregations that still have the Word and the sacraments essentially according to God's Word bear the name “church” because of the true invisible church of sincere believers that is found in them, so also they possess the power [authority] that Christ has given to His whole church, on account of the true invisible church hidden in them, even if there were only two or three [believers].”¹⁷

Neither a synod or its convention have any divine command. District conventions have no divine command, nor is their any necessary regular and ordered preaching in them. Synods, conventions, conferences, and the like can be held or dismissed at the whim of the people. There is therefore no instituted regular preaching of the word in these places. Since these places do not have the regular preaching of the Word the church can not be Marked as present in these places. Christians are commanded to gather regularly to hear God’s Word. Timothy was instructed to ensure the regular reading of the Scriptures, and Jesus commands us to take His Holy Supper often. The Apostle Paul also admonishes the Corinthians to gather to exercise the keys. (1 Cor. 5) The writer to the Hebrews admonishes us, “Do not forsake the assembling of ourselves together.” So Jesus then says, “Tell it to the church,” that is to those who are gathered in a single place regularly. No one imagines that He meant, “Tell it to every Christian in the World. How could this takes place? No, rather it is where even two or three are gathered together in His name, i.e. to hear the word and receive the Sacrament as it

15 Ibid 12; Pg. 20.

16 Ibid 12; Pg. 20.

17 Ibid 12; Pg. 20.

was instituted by Him.

Loeche rails on and on about the evils of democratizing the church. We do have these concerns. This is not what Walther's thesis on the church are really all about. His thesis are about authority, i.e., Divine authority. Who has the authority to call ministers of the Gospel. It is Walther's contention that outside of Christ who possesses this power immediately, it is the church that has this power, and since the church can only be definitively recognized as present in a local congregation, where the Word and Sacrament is regularly preached and administered, this is the only place that we can be certain that Divine calls can be mediated. This is not about democracy, but rather the certainty that those who are called, are called through the very church to whom God has given the Ministry of the Word, and the ministers, who administer it.

Since we are unable to know with absolute certainty if, or whether any individual person is a believer, then we can never be certain that delegates sent to conventions, conferences, or elected to boards and committees are Christians, and possess within themselves the right of call. This makes calls that come from boards and committees uncertain, because no one knows if those who elected and called them actually had this right given them by God. Who knows if those doing the calling are actually Christians at all? And who knows if they actually then had the right of call? They could not have it by transferring from the congregation, for "Nor should that be transferred to the popes which is the prerogative of the true church."¹⁸

It is interesting that Loeche likes to use the term 'transference', even as it applies to Walther's doctrine, when Walther does not actually use this term. Walther uses the term 'convey'. The church conveys God's call. So, it is God who calls then through the church as God's mediator. The term transfer has been popularized especially by those who imagine that the individual Christians in a congregation, or the congregation itself, is transferring what it possess to someone else, such as to a pastor. This however is errant thinking.

To transfer means to take what you have and give it to another, with the idea that now what you have is theirs and you no longer possess it. For example, if I transfer my money to your bank account, it is no longer in my bank, but it is in yours. Now you have the power to use that money and purchase with it whatever it might buy. But in this transfer I no longer have the money. I transferred it somewhere else. By this mechanism some will say that a congregation transferred its right of call to the synod delegates who then transferred this right to a board or committee that they elected, upon which this board or committee may have elected, or called a pastor in the name of all those who transferred their power and right to them. In this way missionaries and teachers called by a Synod board or committee are said to have been called by the various congregations, because all of the congregations transferred their right of call to them.

But how do they get this right of transfer? In fact our confessions wage war against this teaching. Again,

"Nor should that be transferred to the popes which is the prerogative of the true church:"¹⁹

As our confessions deny that the people could transfer the right of call to the pope, how then do so many justify transferring that which still is the prerogative of the church to various boards and committees? The truth is, they have no such prerogative. God has not instituted a right of transfer. For it may be that if a man needs to leave his wife and travel to a far place for a period of time, that he may

18 Ibid 1; SA Par. 46-47.

19 Ibid 1; SA Par. 46-47.

ask a neighboring man to help his wife in various ways, but he can not transfer, or give away his husbandship to another. It is his responsibility to care for her, in all her needs, and to perform his duty toward her in the marriage estate. He can transfer no essential part of what makes his union to his wife to another.

Walther, on the other hand uses the term confer or convey. This term is entirely different in its meaning. A group of people in a meeting can confer the title and responsibility of chairmanship on someone, though none of the people individually has this office. A people can make one of their own king, and confer upon him the crown, though none among the people has this title. In order to confer, you must have the right of conference. A group of people can not confer a judgeship on someone unless they have that right. Only those who have the right of conference may confer the judgeship.

So Paul says, are all Pastors? Are all teachers? Are all apostles? The answer is, “No.” But this does not mean that the title pastor, or teacher, or apostle can not be conferred upon this one or that. Because the church possess the Ministry of the Word, and because the Ministers of the Word are also the possession of the church it is the church that has the right of conference or conveyance. It can bestow the Ministry of the Word upon those who are qualified for this office. This is in accord with the Word and institution of God, such that when it then confers or conveys this office it does so in the name of Christ who gave to them the office.

Loehe’s Approach to the Holy Ministry and the Divine Call

We have all heard the argument as to which came first, the chicken or the egg? Loehe takes this approach and insists that it must be the chicken that came first.²⁰ His argument then is that congregations do not create ministers, but ministers create congregations. Thus he traces the ministry to the Apostles and to Christ, who through them bring into being the Church of Christ. It is upon this general scenario that Loehe rests his entire argument where he insists that congregations can not, and do not in themselves have the right of call, but the divinely mediated call comes initially through the Ministerium. He thus supports, in principle, the procedure that was in place in his day, except without the intervention of the state, which he deplors.

The Confessions of our Lutheran Church would not disagree that the Church of Christ sprang from the Word of Christ, which is the very same Word which He gave to the Apostles to preach. However Loehe fails to take proper note that the Apostles were immediately called, and pastors today are mediately called. Who among us would argue that all things were not created and brought into existence by the Word of Christ? It is true that the Apostles were called and made Apostles immediately by, and through Christ and His Word. Because the church sprang into existence originally through the preaching of the Holy Word does not mean that the church later is not the mother of those who will later believe, and also of the pastors who arise within her.

Loehe looks at the various offices in the New Testament and puts the offices into categories of rank, with the highest rank having the most authority. He places the apostles on the top rank, and then evangelists, teachers and last pastors. He sees the terms presbyter and elder as being more or less synonyms for Minister of the Word, with various ranks of authority within them. The term bishop is not seen as a parish pastor (which is common usage in the Lutheran Confessions), but as the presiding pastor over a given territory, where there may be other pastors who are within this territory, but of a lower rank. It appears that Bishop Haiser of ELDoNA has adopted Loehe’s terminology and usage.

20 Ibid 4; Pg. 88.

Those who are familiar with his Divine Call to a higher office, while yet claiming this to be of a human arrangement, will find that there is a great similarity in the views. In fact it is probable that ELDoNA has simply adopted Loehe's viewpoint on this.

Loehe derives much from three references in Scripture where the apostle speaks about setting up the Ministry of the Word for the next generation. First is Acts 14:23 which reads, "So when they (Paul and Barnabas) had appointed elders in every church," second is 2 Tim. 2:1 which reads, "And the things that you have heard from me among many witnesses, commit these to faithful men who will be able to teach others also, and third, Titus 1:5: "For this reason I left you in Crete, that you should set in order the things that are lacking, and appoint elders in every city as I commanded you." Loehe writes,

"Titus did the appointing, authority was given to him not for the ruin but for the well-being of the congregations; he was obliged to use this authority for the well-being. There is admittedly a difference between the apostles ordaining, and the "appointing" authorized in Titus 1:5."²¹

Loehe does not ascertain from these passages simply the command to teach the next generation of pastors and make sure that they are properly installed into office. Loehe sees something different and much more. He believes these passages teach that it is the proper and original right of the presbytery to install and ordain all other presbyters. He would gather from these passages that it is not the right of the congregation to pick, install, or assign particular men to a particular location, but rather that God is asking and commanding that this be done solely by the presbytery.

Loehe would argue that only a member of the presbytery can ordain, and install. He makes it the original right of the presbytery to choose, pick, and put into office another pastor. He would not say that they should do this over and against the will of the people, but he would maintain that it is not the will of the people, but rather the will of the presbytery to determine who is called, and to where they are called. He would further argue that there are various rungs, or ranks in the presbytery, such that evangelists such as Titus or Timothy are of a higher rank than other Ministers of the Gospel. These he would say have a rank that enables them to train, ordain, and install others. In the apostles he sees the right to train, ordain, and install, not only pastors, but also evangelists. He maintains that this is a divinely given 'right and gift' in their given offices. Though Loehe maintains that the two offices of apostle and evangelist no longer exist, he does see in them a divine church hierarchy. First apostle, then evangelist, then pastor. An evangelist then can, in his view, be later equated with a bishop, and an apostle as a presiding officer over all. Who appoints the apostles? The answer would be the bishops. He sees in Acts 13:1 the action of the prophets, evangelists, and teachers of Antioch acting as the college of bishops who now appoint Paul and Barnabas as apostles. I was taught Barnabas was called an apostle by Paul as someone who is a 'sent one', i.e. an apostle.

It is obvious that James (not the apostle), who is apparently a pastor, or elder in the church of Jerusalem is given a certain honor. He is mentioned numerous times in a way that makes him appear to be the head of the church in Jerusalem. (Gal 1:19, 2:9; Act 21:8, Acts 12:7, etc.) In Dr. David Scaer's commentary on the Epistle of James he is portrayed as the brother of the Lord, i.e. his half brother. Loehe and others find in this the church developing various ranks of authority. Though Loehe would call the ranks that develop a human rank, he would also say that taking a position of higher rank required an additional laying on of hands and outpouring of grace from God suitable to the office. Loehe:

"This renders all the more meaningful and important for us the derivation of St. Timothy's grace of office (the charisma) from the laying on of hands

of the presbyterate that included Paul. 1 Timothy 4:14; 2 Tim. 1:6. However highly we might place the rank of an evangelist, Timothy would accordingly have received his office through the presbyterate. We should at all events have to ascribe the same effect to the presbyterate's laying on of hands as to the laying on of hands of the apostle himself. Just as in Ac 13:1ff "prophets and teachers," men of the second rung of offices, received the divine command to separate and ordain apostles, that is men of the first rung, so according to 1 Tim 4:14 a presbyterate ordained and evangelist, who in terms of rank stood above the other presbyters."²²

I have never heard an exceptionally good explanation as to why Paul was sent out from Antioch, when He already had a commission as an Apostle. I do not think Loehe provides a proper explanation here. We know that Paul according to his own words did not have a mediate call to be an apostle. As an apostle he had an immediate Divine Call directly from Jesus Christ. He makes a big point of this that he needed no other. I believe the meeting in Antioch did not change the status in the presbytery of anyone, only the direction of their work. Barnabas was already serving as a full time minister of the Word, likely as an evangelist. Here the Holy Spirit is indicating to them a new particular direction for their work. From what we see elsewhere in the epistles, if this laying on of hands actually increased Paul's rank to that of an apostle, Paul would think of this as lowering his rank. His high rank as an apostle, according to Paul himself, was in that he was called immediately, i.e. directly from God.

Barnabas is called an Apostle in two places, first in Acts 14:14: "When the apostles Barnabas and Paul heard this, they tore their clothes," and again in I Cor. 9:5-6 Paul writes, "Do we have no right to take along a believing wife, as do the other apostles, the brothers of the Lord, and Cephas? Or is it only Barnabas and I who have no right to refrain from working?" Other than Loehe, has anyone put Barnabas as an apostle equal with Paul, and the other twelve? In this case I believe that apostle does not have the same significance as when Paul opens his letters describing himself as an Apostle of Jesus Christ. In the case of Barnabas, I believe, and I believe most other Lutheran theologians do as well believe, that the title apostle here has significance only in that they were all sent by Jesus Christ. In this case they were sent to the gentiles in and around the Mediterranean. The twelve plus Paul immediately, all others mediately.

Many have asserted that Timothy was a bishop. Centuries after his death, after the episcopal system had arisen, I believe it is the church that reads into the scriptures something greater than what is actually said. We might think Timothy first to be sort of a deacon, that is he helped Paul with the material things. Perhaps he helped him carry his bags, or make arrangements for a room, or to get on a ship, or arranged for meals. It appears that when Barnabas and Paul first split, and Paul takes with him Timothy, that Timothy is at that point is not ordained into the ministry of the Word. At some point he is however. I believe Paul in his letters to Timothy is simply referring to his ordination, or to another meeting where the Holy Spirit appointed him to a specific work such as evangelist in Asia minor or elsewhere. When I read these passages, especially Paul's letters to Timothy where the laying on of hands is referred to, it appears that he is still in some way associated with Paul and is engaged in the same work Paul is engaged in. It does not appear that Timothy has a localized call, i.e. to a specific city or a very specific region like as in a diocese. To ascribe from the various passages that he has received some special high rank that gives him divine authority over other pastors, due to a specific laying on of hands is more than the passages actually say. It is certain, as mentioned in the passage above, that Timothy was instructed to teach other men, that the church might have men who would be faithful pastors, but the Lutheran Church has ascribed this responsibility originally to all pastors, not just to

those of higher rank.

We agree that the custom of ‘laying on hands’ comes from the days of the apostles. We also agree with our Lutheran Confessions that this practice lacks divine authority and command. So, whereas there is a command to set up elders (pastors) in every city (place), there is no command that they should be set up by means of the laying on of hands. This practice everywhere, from the selection by the Holy Spirit of Matthias, the deacons of Acts 6, Paul and Barnabas at Antioch, and in reference to Timothy is present, but lacks any command from God. This custom of the church announces God’s Call, and thus signifies God’s blessing on those who were entering the work of the ministry, or were entering a new field of work in the Ministry of the Word. Paul writes that the presbyters laid their hands on Timothy with the Words of God. The church has had this custom from the beginning. But it has not always meant entrance into the Public office of the Word. Peter laid his hands upon the heads of certain Samaritans and prayed. They then received the Holy Spirit. This laying on of hands brought a certain blessing, but it did not signify entrance into the Office of the Ministry.

The problem with Loehe’s reasoning is that there is no command for any episcopacy. We are certainly willing to grant the apostles a general rule over the church, as Paul says, that he has “care of all the churches,” however to derive from this that because Timothy and Titus ordained Pastors that they were in an office of a higher rank reads far too much into Scripture. What if they were just doing their job as missionary?? The goal of any pastor working in the mission field is to not only convert the heathen to Christ, but also to see to it that those same people gather into congregations, under a pastor, that they might regularly hear the Word of Christ, and be continually built up in the faith. This is not an extra ordinary work of a pastor, but an ordinary work.

Loehe attempts to assert that in Antioch, when Paul and Barnabas are sent out, that these men are all men of the second rung already, therefore they have the ability to pick someone higher, that is of the top rung, namely an apostle. His reasoning actually falls rather flat because we know that Paul actually already is of the top rung so to speak, and later when he is writing to the Ephesians, he names several kinds of ministers of the Word, including apostles, prophets, evangelists, pastors and teachers. If these are ranks, or rungs on a ladder with the apostles being on the top rank, then pastors and teachers are on the bottom. How can Loehe with credibility make the teachers of Acts 13 into offices of the second rung, just lower than the apostles??

As with the doctrine of the church Loehe sees need for a central head among the Ministers of the Word. He asks, “Can a wheel exist without its radii that lead to a central point?” “Will not the whole thing collapse?” So in this way he sees the necessity of higher offices which he admits are established by human authority, but yet maintains that there are Divine Calls to these offices, such that at the laying on of hands and a prayer that befits the office the grace of office is given. God answers this prayer with the bestowal of the office and the gifts needed to carry it out. He does not see the laying on of hands in the case of Timothy as his entrance into the ministry so much as his elevation to bishop. This is what Loehe envisions happened also at Antioch. Thus in the chief and high councils of the church, the chief and high bishops would also preside. Gifted laymen along with representatives of various churches, and the pastors of the area, could be present, but the presiding bishops have the final say. He takes as his example here the Jerusalem council where Peter and James have the final word.

Once again, in our day, as we look at the church bodies that hold, at least outwardly a quia subscription to the Lutheran Confessions the we see the gradual rise of an episcopal system. We can see why many of those who support this system think highly of Loehe. As in our political realm, everyone wants a strong man, a king if you will, who will enter the office and set all things aright. In such systems it is not really about the Word of God, but rather, “If we get the right man elected, then” And thus from time to time when a better man is elected many become so encouraged that they can not envision themselves separating from the evil that is prevalent everywhere even though it is

commanded by God Himself.

But what do our Lutheran Confessions say??

⁷ 1. First of all, therefore, let us show from the Gospel that the Roman bishop is not by divine right above all other bishops and pastors. In Luke 22:24–27 Christ expressly forbids lordship among the apostles.

⁸ For this was the very question the disciples were disputing when Christ spoke of his passion: Who was to be the leader and, as it were, the vicar of Christ after his departure? Christ reproved the apostles for this error and taught them that no one should have lordship or superiority among them but that the apostles should be sent forth as equals and exercise the ministry of the Gospel in common. Accordingly he said, “The kings of the Gentiles exercise lordship over them. But not so with you; rather let the greatest among you become as one who serves.” The antithesis here shows that lordship is disapproved. The same thing is taught by a parable when, in a similar dispute concerning the kingdom, Christ put a child in the midst of the disciples, signifying thereby that there was to be no primacy among ministers, just as a child neither seeks nor takes pre-eminence for himself.

⁹ 2. According to John 20:21 Christ sent his disciples out as equals, without discrimination, when he said, “As the Father has sent me, even so I send you.” He sent out each one individually, he said, in the same way in which he had himself been sent. Wherefore he granted to none a prerogative or lordship over the rest.²³

The Confessions of our church show from scripture that there is no divine right of rule of one pastor over another, but rather that all were sent out as equals. There is no such thing as a human office that has a Divine Rank and thereby can by Divine Right rule over other pastors and churches. There is rule by human right. We, as pastors and congregations, may willingly elect others, to serve us all in leadership positions. In this way we may willingly place ourselves under others for the sake of good order. Under these circumstances though we may also remove ourselves from such authority without sin. We do accede to what is known as first among equals, that is having a higher office by human right.

For the most part, those who claim the standard of the Lutheran Confessions completely ignore the confessions on this matter of doctrine which is specifically outlined in the Lutheran Confessions, thus many office holders are not only not called by congregations, and so their calls become uncertain because it is unknown whether these calls were actually mediated by the Bride of Christ, or the calls are made to high offices which claim in their calls to have the Divine right of rule over other pastors. Is it any wonder that those who fill these offices are looking for support from men like Loehe?? They can not find support for this in the Lutheran Confessions which they subscribe to, so they find it in those who do not have such a subscription to the Lutheran Confessions.

The now sainted Professor Mark Harstad of Bethany Lutheran College and Seminary once said to me, “Roger, What difference does it make, whether you follow the WELS paradigm or the LCMS paradigm? They both end up in the same place?” This is true. But the way the LCMS currently practices church polity is far from Walther, and it is more and more inclined to defend Loehe, and not speak about the Lutheran Confessions. If they would follow Walther and the Lutheran Confessions it would make a difference. After all if the call came from the parish, would it not it then be the parish that would be responsible for discipline in the event of error? And are not they actually responsible

23 Ibid 1. Pg 320 (Power and Primacy of the Pope).

anyway? For how do so many churches allow their members to teach in the various schools false doctrine and yet still come to the communion rail? But the churches are not disciplined for having false teachers in their midst.

We come back to this thought: Most think of the church as ‘The Whole’, i.e. the whole LCMS, or the whole WELS, etc. They see it as a single organism, as in the body of Christ operating as one unit together. External organizations are not the body of Christ however. The body of Christ is one thing, that is extent throughout the world and present in any congregation where the Word and Sacraments are present. Yes, even in the church of the Antichrist. God knows how His body functions in the world as a single unit, but we do not. We must function as congregations where the Word and Sacraments are taught in their purity. We join in fellowship and operate together as congregations, and pastors who have the one same doctrine and faith. This larger fellowship is not to be one large church, but rather a fellowship of the several churches and their like minded pastors.

Many in the various synods think of this ‘whole’ as church, for that is where Christ is confessed and works of love are done in His name. This is the doctrine of Loehe. It is not the doctrine of our Lutheran Confessions. It is not the doctrine of Luther or Walther.

Loehe however also recognized the office of Deacon as a Divine office, though this office also is not commanded in Scripture. We have the example of the appointment of deacons, and a guideline for qualifications, but no command. He sees this office, at least correctly in that he sees it as an office of love. He grants according to Acts 6 that the congregation would elect the deacons, or deaconesses. These were not to participate in the office of the word, but only handle external matters of love. They, he thought, would handle the money, care for the poor, and help the sick. These were also an expression of the church, both visible and invisible, for to Loehe there is no difference. Is it any wonder today when many are pushing toward the doctrine of Loehe that church presidents rival the pastor in authority? And is it any wonder that the synod’s work is seen as much in terms of its helping the poor, educating parents, and instruction in parochial schools, as it is in the training of teachers of the Gospel, and proclaiming the Gospel in Word and Sacrament?? The doctrine of Loehe mixes the primary work of the church, which is in the Administration of Word and Sacrament, with the fruit of the Church, which is the sacrifice of love.

A Word on Democratization of the Church

Loehe argues against Luther and Chemnitz who maintain that the command Titus was given to ‘appoint’ elders in every city, was that of ‘raising the hand’. And so here too he disagrees with our Lutheran Fathers. Luther and Chemnitz both saw in the term ‘appoint’ the meaning of ‘to appoint by the raising of the hand’. This is its derivation in the Greek language. Does this mean that democracy is to rule over doctrine and practice? By no means!! The Lutheran doctrine was always that all were to be of one mind in the bond of peace. In other words that the raising of the hand was to be done after discussion until all were unanimous in the direction the Holy Spirit was leading. The Holy Spirit is not divided, but always teaches the same in every place. In every place is the same word, by the same Spirit, which leads to the same understanding everywhere. Whether one is Electing or Calling to the Public Office of the Word, or in searching the Scriptures for right and proper understanding by the Spirit of God, the raising of the hand was never meant to be determinative, as in we vote three against five to call this person or that, or to believe and teach this doctrine as opposed to that doctrine, but rather the vote was only to give evidence of unity or disunity until unity availed.

Regarding the Ministerium in the Calling Process

Neither Walther nor the Lutheran Confessions seek to keep the Ministry out of the calling process, but rather it is the ministry that already exists, who represent by Divine Right both the Bridegroom and the Bride, that affirm by the laying on of hands that an individual is rightly called by a congregation. Walther as well as the Lutheran Confessions stipulate that the Congregation should not separate itself from other churches of the same fellowship, but have those pastors nearby come, and lay their hands on the candidate, that they may affirm to all that those who rightly proclaim the Word, attest that this man as well, is properly set into office and is apt to rightly teach and Administer the Word and Sacrament. The Ministers of the church certainly must guide the church for all Ministers are Ministers which belong to the whole church, but are called each individually to their particular work.

Soli Deo Gloria